



# City of Killeen

## Agenda

### City Council Workshop

---

Tuesday, July 19, 2022

5:00 PM

City Hall  
Council Chambers  
101 N. College Street  
Killeen, Texas 76541

---

#### Citizen Petitions

1. [CP-22-012](#) Holly Teel: Mental Health Solutions that Start with the City
2. [CP-22-013](#) Edmond Jones: Unity among Mayor and Councilmembers

#### Citizens Comments

*This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to four (4) minutes. A majority of the City Council is required for any time extensions. The Mayor and Councilmembers shall have one (1) minute to respond to citizen comments with a statement or explanation without engaging in dialogue.*

#### Discuss Items for Regular City Council Meeting

##### Minutes

3. [MN-22-018](#) Consider Minutes of Regular City Council Meeting of June 28, 2022.
4. [MN-22-019](#) Consider Minutes of Special City Council Meeting of July 5, 2022.

##### Resolutions

5. [RS-22-098](#) Consider a memorandum/resolution approving fee increases for the Stonetree Golf Club.  
**Attachments:** [Presentation](#)
6. [RS-22-099](#) Consider a memorandum/resolution authorizing the procurement of audio-video equipment upgrades at the Killeen Conference Center through RushWorks and AVI Systems in the amount of \$194,484.44.  
**Attachments:** [Quote](#)  
[Agreement](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

7. [RS-22-100](#) Consider a memorandum/resolution authorizing the procurement of a data storage device from Waypoint in the amount of \$199,999.  
**Attachments:** [Quote](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)
8. [RS-22-101](#) Consider a memorandum/resolution to approve revisions to the City of Killeen's Investment Policy.  
**Attachments:** [Investment Policy Revisions](#)  
[Presentation](#)
9. [RS-22-102](#) Consider a memorandum/resolution to approve the interlocal agreement with Hill Country Transit District for increased service routes.  
**Attachments:** [Agreement](#)  
[Presentation](#)
10. [RS-22-103](#) Consider a memorandum/resolution authorizing an amended Interlocal Agreement with Bell County for the relocation of the Bell County Killeen Annex.  
**Attachments:** [Interlocal Agreement - Amended](#)  
[Presentation](#)

### Ordinances

11. [OR-22-010](#) Consider an ordinance amending the 2020-2024 Community Development Department Consolidated Strategic Plan associated with Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds.  
**Attachments:** [Executive Summary](#)  
[Ordinance](#)  
[Presentation](#)

### Public Hearings

12. [PH-22-046](#) HOLD a public hearing and consider an ordinance authorizing the 2022-2023 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (2nd of 2 Public Hearings)  
**Attachments:** [Requests and Recommendations](#)  
[Minutes](#)  
[Ordinance](#)  
[Presentation](#)
13. [PH-22-056](#) HOLD a public hearing and consider an ordinance requested by All Texas

Permits on behalf of First Cavalry Plaza, LLC (Case #Z22-30) to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 4310 Clear Creek Road, Suite 130, Killeen, Texas.

**Attachments:** [Maps](#)

[Site Photos](#)

[Minutes](#)

[Ordinance](#)

[Considerations](#)

[Presentation](#)

14. [PH-22-057](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of A & T Construction, LLC (Case #Z22-31) to rezone approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W. Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

**Attachments:** [Maps](#)

[Site Photos](#)

[Minutes](#)

[Ordinance](#)

[Considerations](#)

[Responses](#)

[Presentation](#)

### Items for Discussion at Workshop

15. [DS-22-091](#) Receive Arts Commission Annual Report
- Attachments:** [Annual Report](#)
16. [DS-22-092](#) FY23 Proposed Budget Public Form
17. [DS-22-093](#) Discuss Initiative Ordinance Petition and Process
18. [DS-22-094](#) Discuss Business Incentives and Economic Development Negotiations for Potential Business Prospects
19. [DS-22-095](#) City Manager Quarterly Review

### Adjournment

*I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m.*

on July 13, 2022.

---

Lucy C. Aldrich, City Secretary

*The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.*

*This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.*

## Notice of Meetings

*The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.*

- *Korean War Veterans Association Annual Banquet, July 30, 2022, 6:00 p.m., VFW 9192*
- *Chaparral High School Dedication Ceremony, August 4, 2022, 6:00 p.m., Chaparral High School*
- *Police Academy Graduation Ceremony, August 12, 2022, 10:00 a.m., Anderson Campus Center*
- *Chaparral High School First Day of School, August 15, 2022, 8:45 a.m., Chaparral High School*

**Dedicated Service -- Every Day, for Everyone!**



# City of Killeen

## Staff Report

**File Number: CP-22-012**

---

1	City Council Workshop	07/05/2022	Read/Heard	City Council Workshop	07/19/2022
---	-----------------------	------------	------------	--------------------------	------------



# City of Killeen

## Staff Report

**File Number: CP-22-013**

---

1	City Council Workshop	07/05/2022	Read/Heard	City Council Workshop	07/19/2022
---	-----------------------	------------	------------	--------------------------	------------



# City of Killeen

## Staff Report

File Number: MN-22-018

---

### City of Killeen

City Council Meeting

Killeen City Hall

June 28, 2022 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Ken Wilkerson, Councilmembers Jessica Gonzalez, Riakos Adams, Nina Cobb, Michael Boyd, Jose Segarra, and Ramon Alvarez

Also attending were City Manager Kent Cagle, Interim City Attorney Holli Clements, City Secretary Lucy Aldrich, and Sergeant-at-Arms Officer Burleson

Councilmember Adams gave the invocation. Councilmember Cobb led everyone in the Pledge of Allegiance.

### Approval of Agenda

*Motion was made by Mayor Protem Wilkerson to approve the agenda. Motion was seconded by Councilmember Adams. The motion carried unanimously.*

### Citizen Comments

No one signed up to speak.

### Consent Agenda

**RS-22-078** Consider a memorandum/resolution approving the investment reports for the quarter ended December 31, 2021 and March 31, 2022.

**RS-22-079** Consider a memorandum/resolution authorizing the procurement of ten police patrol vehicles from Silsbee Ford in the amount of \$756,817.

**RS-22-080** Consider a memorandum/resolution to award RFP #22-14, Emergency Medical Services Billing and Fire Service Fee Recovery, to LifeQuest Services in the amount of 4.0% of net revenues collected.

**RS-22-081** Consider a memorandum/resolution authorizing maintenance and repair of HVAC equipment by The Brandt Companies, LLC in an amount not to exceed \$92,005 in Fiscal Year 2022.

- RS-22-082** Consider a memorandum/resolution authorizing a Professional Services Agreement with Kimley-Horn for the design of the 12-inch Sewer Main in Trimmier Creek Basin Project in the amount of \$334,883.
- RS-22-083** Consider a memorandum/resolution authorizing Addendum No. 7 to the Amended and Restated Water Supply Contract with WCID for the Lake Belton Water Plant Power Resilience Project.
- RS-22-084** Consider a memorandum/resolution awarding RFP# 22-12, Landscape Services, to Heart of Texas Landscape & Irrigation Co., Inc. in the amount of \$210,000.
- RS-22-085** Consider a memorandum/resolution authorizing the purchase of a replacement playscape at Stewart Park from Heartland Play in the amount of \$292,670.
- RS-22-086** Consider a memorandum/resolution authorizing the purchase of replacement equipment for the Junior Service League Splash Pad in Long Branch Park from Heartland Play in the amount of \$143,738.75.
- RS-22-087** Consider a memorandum/resolution authorizing the procurement of audio-video equipment upgrades at the Utility Collections building from Rushworks in the amount of \$165,298.50.
- RS-22-088** Consider a memorandum/resolution authorizing the procurement of a data center firewall and network switches from Netsync in the amount of \$259,306.30.
- RS-22-089** Consider a memorandum/resolution declaring a public purpose and approving Nonprofit Youth Organization Grant allocations.
- RS-22-090** Consider a memorandum/resolution rejecting all bids for Bid No. 22-16, Fire Station #5 Bay Remodel.
- RS-22-091** Consider a memorandum/resolution appointing a Court Administrator.
- RS-22-092** Consider a memorandum/resolution renewing Group Employee Medical and Pharmaceutical Benefits with United Healthcare and employee dental insurance with MetLife, effective October 1, 2022.

*Motion was made by Mayor Protem Wilkerson to approve the consent agenda. Motion was seconded by Councilmember Segarra. The motion carried unanimously.*

### **Resolutions**

- RS-22-094** Consider a memorandum/resolution readopting the Governing Standards and Expectations as amended.

**Staff Comments:** Holli Clements, Interim City Attorney, reviewed the recommended amendments to the Governing Standards and Expectations discussed during the June



14, 2022 City Council Workshop Meeting.

*A motion of direction was made by Mayor Protem Wilkerson to clarify in Section 3-10 (f) that appointments to vacancies to assure continuity on the committees will be made in the same manner beginning with the next Councilmember in tenure order. Motion of direction was seconded by Councilmember Boyd. Motion of direction carried 4 to 3 with Councilmember Cobb, Councilmember Segarra and Councilmember Alvarez in opposition.*

*A motion of direction was made by Mayor Protem Wilkerson to amend Sections 1-50 and 1-80 allowing four (4) minutes for citizens petitions, citizen comments, and public hearings, rather than three (3) minutes plus an additional one (1) minute upon request and to provide for a timer to be placed so that the speaker and citizens can see it. Motion of direction was seconded by Councilmember Boyd. Motion of direction carried 5 to 2 with Councilmember Cobb and Councilmember Segarra in opposition.*

*A motion of direction was made by Councilmember Gonzalez for City Council to hold an annual workshop or townhall specifically designed to explain the mission, vision, direction, and special projects for the City to be held annually around October and moderated by the City Manager or Assistant City Manager, three (3) to five (5) minute presentations by each Councilmember, question and answer session with citizens related to topics on the agenda and closing remarks. Motion of direction was seconded by Mayor Protem Wilkerson. During discussions, a call for the vote was made by Mayor Protem Wilkerson seconded by Councilmember Segarra resulting in a unanimous vote. The motion of direction made by Councilmember Gonzalez, seconded by Mayor Protem Wilkerson carried 6 to 1 with Councilmember Segarra in opposition.*

*A motion of direction was made by Councilmember Adams to add to Section 1-70 (i) 5 that discussion can only be had on the motion. Motion of direction was seconded by Councilmember Alvarez. During discussions, Councilmember Alvarez rescinded his second and Councilmember Adams rescinded his motion of direction.*

*A motion of direction was made by Mayor Protem Wilkerson to require a super majority vote for amendments to future Governing Standards and Expectations adoption. Motion was seconded by Councilmember Boyd. Motion of direction carried 6 to 1 with Councilmember Cobb in opposition.*

*A motion of direction was made by Councilmember Cobb to vote on each of the recommended amendments individually instead of one action on the amendments in entirety. Motion of direction was seconded by Councilmember Alvarez. Motion of direction carried 4 to 3 with Mayor Protem Wilkerson, Councilmember Gonzalez and Councilmember Boyd in opposition.*

*A motion of direction was made by Councilmember Segarra to table further discussions and consideration of votes for agenda items RS-22-094, RS-22-068 and RS-22-093 until after public hearing agenda item PH-22-050. Motion of direction was seconded by Councilmember Cobb. Motion of direction carried unanimously.*

**RS-22-068** Consider a memorandum/resolution appointing councilmembers to various boards and commissions.

**TABLED TO FOLLOW PUBLIC HEARING AGENDA ITEM PH-22-050**

- RS-22-093** Consider a memorandum/resolution declaring vacancies on various citizen boards and commissions and appointing members to fill the unexpired terms.  
**TABLED TO FOLLOW PUBLIC HEARING AGENDA ITEM PH-22-050**

**Public Hearings**

- PH-22-046** HOLD a public hearing and consider an ordinance authorizing the 2022-2023 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (1st of 2 Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2022-2023 PROGRAM YEAR(PY) ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$1,163,980.00 IN PY 2022-23/FISCAL YEAR 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR RE-PROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$1,500,656.65 OF CDBG FUNDS; AND THE APPLICATION OF \$589,175.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS, THE USE OF PRIOR YEARS REPROGRAMMABLE FUNDS AND PY 2021-22 PROGRAM INCOME FOR A TOTAL EXPENDITURE OF \$1,020,448.82 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Staff Comments:** Leslie Hinkle, Executive Director of Community Services

Annually, the City receives funding from the U.S. Department of Housing and Urban Development (HUD) from two of four formula grant programs, Community Development Block Grant (CDBG) and Home Investment Partnerships Act (HOME). The city must seek input from the community by holding public hearings and submitting an action plan to HUD. CDBG grant funding for FY 2023 is in the amount of \$1,500,656.65. HOME grant funding for FY 2023 is in the amount of \$1,050,448.82. Mr. Johnny Frederick, Chairman of Community Development Advisory Committee reviewed the proposed allocations of funding for both programs. City staff recommends that the first of two public hearings be held in compliance with the grant programs.

Mayor Nash-King opened the public hearing.

Mr. Keith Rowe did not speak for or against the proposed ordinance. He requested a better understanding of the process of applying for grants and programs.

With no one else appearing, the public hearing was closed.

*Mayor Nash-King announced that the second public hearing will be held on July 26, 2022.*

- PH-22-047** HOLD a public hearing and consider an ordinance requested by Republic Engineering & Development Services on behalf of the Sheryl Yowell Anderson 1998 Trust Et Al. (Case #FLUM 22-18) to amend the Comprehensive Plan's Future Land Use Map

(FLUM) from an 'Estate' (E) designation to a 'Planned Development' (PD) designation for approximately 390.72 acres out of the M. J. Pleasant Survey, Abstract No. 652 and the S. D. Carothers Survey, Abstract No. 177. The property is locally addressed as 4244 Stagecoach Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 390.72 ACRES OUT OF THE M. J. PLEASANT SURVEY, ABSTRACT NO. 652 AND THE S. D. CAROTHERS SURVEY, ABSTRACT NO. 177, FROM AN 'ESTATE' (E) DESIGNATION TO A 'PLANNED DEVELOPMENT' (PD) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 21, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant, Mr. Chris Doose, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Mellisa Brown spoke in opposition of the requested ordinance.

Mr. Steve Overby spoke against the requested ordinance.

Mr. Donald Smith spoke in favor of the requested ordinance but did express concerns of neighbors who reside next to the project.

Mr. Russell Coburn spoke against the requested ordinance.

Ms. Heather McNeely spoke against the requested ordinance.

With no one else appearing, the public hearing was closed.

*Motion of direction was made by Councilmember Gonzalez to add to the City website a special project tab that provides for a phase-by-phase update on the project. Motion of direction was seconded by Mayor Protem Wilkerson. Motion of direction carried unanimously.*

*Motion was made by Councilmember Segarra to approve PH-22-047. Motion was seconded by Councilmember Adams. Motion carried unanimously.*

**PH-22-049** HOLD a public hearing and consider an ordinance amending the Code of Ordinances, Chapter 31 Zoning to amend the boundaries of the Historic Overlay District (HOD) by removing 507 N. Gray Street from the HOD.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING THE BOUNDARIES OF THE HISTORIC OVERLAY DISTRICT; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS;

PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE;  
PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 21, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Mellisa Brown had signed up to speak but withdrew her request as being called to the podium.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Adams to approve PH-22-049. Motion was seconded by Councilmember Alvarez. Motion carried unanimously.*

**PH-22-050** HOLD a public hearing and consider an ordinance amending the Code of Ordinances Chapter 31 Zoning to provide for a special exception process to the architectural and site design standards.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR A SPECIAL EXCEPTION PROCESS FOR ARCHITECTURAL AND SITE DESIGN STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 21, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Adams to approve PH-22-050. Motion was seconded by Mayor Protem Wilkerson. Motion carried unanimously.*

Mayor Nash-King called for a meeting recess at 7:35 p.m.

Mayor Nash-King reconvened the meeting at 7:44 p.m.

### Resolutions Continued

**RS-22-094** Consider a memorandum/resolution readopting the Governing Standards and Expectations as amended.  
As per City Council's motion of direction each amendment to the Governing Standards was presented and voted on as follows:

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 1-50 (a) 8. Motion was seconded by Councilmember Boyd. Motion carried unanimously.*

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 1-80 (b). Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 2-60 amendment No. 1. Motion was seconded by Councilmember Boyd. Motion carried 5 to 2 with Councilmember Cobb and Councilmember Segarra in opposition.*

*Motion was made by Councilmember Boyd to approve amendments to Section 2-60 amendment No. 2. Motion was seconded by Mayor Protem Wilkerson. Motion carried 6 to 1 with Councilmember Segarra in opposition.*

*Motion was made by Councilmember Gonzalez to approve amendments to Section 2-60 amendment No. 3. Motion was seconded by Councilmember Boyd. Motion carried 6 to 1 with Councilmember Segarra in opposition.*

*Motion was made by Councilmember Segarra to approve amendments to Section 2-70. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Motion was made by Councilmember Adams to approve amendments to Section 2-80. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 3-10 (f). Motion was seconded by Councilmember Boyd. Motion carried 4 to 3 with Councilmember Cobb, Councilmember Segarra and Councilmember Alvarez in opposition.*

*Motion was made by Councilmember Gonzalez to approve amendments to Section 3-20 (f). Motion was seconded by Councilmember Boyd. Motion carried 6 to 1 with Councilmember Adams in opposition.*

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 1-50 and other sections relating to changing citizen comments, citizen petitions and public hearings from 3 minutes to 4 minutes. Motion was seconded by Councilmember Adams. Motion carried 6 to 1 with Councilmember Segarra in opposition.*

*Motion was made by Councilmember Gonzalez to approve an amendment allowing for annual special workshop/townhall meeting. Motion was seconded by Mayor Protem Wilkerson. Motion carried 6 to 1 with Councilmember Segarra in opposition.*

*Motion was made by Mayor Protem Wilkerson to approve amendments to Section 7-20 calling for a super majority vote needed for adoption of future amended Governing Standards and Expectations.*

*Motion was seconded by Councilmember Adams. Motion carried unanimously.*

**RS-22-068** Consider a memorandum/resolution appointing councilmembers to various boards and commissions.

**Staff Comments:** Holli Clements, Interim City Attorney, was available to capture and record the Mayor and City Councilmember's appointments to the standing boards, commissions, and sub-committees. City Council used the board selection method adopted in agenda item RS-22-094. Mayor Nash-King selected three (3) boards to serve on in addition serving on a fourth (4) board that requires the mayor to be a sitting/voting member. Following Mayor Nash-King's selections, each councilmember had their choice of boards going in the following order (tenure first, councilmembers with the same tenure were then put in how many votes received with the top number of votes going first): Mayor Protem Wilkerson, Councilmember Cobb, Councilmember Gonzalez, Councilmember Boyd, Councilmember Adams, Councilmember Segarra, and Councilmember Alvarez (this round with councilmembers continued until all of the boards positions were filled. The round ended with Councilmember Alvarez making the final selection.

*Motion was made by Mayor Protem Wilkerson to approve RS-22-068. Motion was seconded by Councilmember Adams. The motion carried 6 to 0. Councilmember Cobb was absent from the dais when the vote was taken.*

**RS-22-093** Consider a memorandum/resolution declaring vacancies on various citizen boards and commissions and appointing members to fill the unexpired terms.

**Staff Comments:** Holli Clements, Interim City Attorney.  
This agenda item was tabled at the June 21, 2022 City Council Workshop meeting directing staff to bring back to this meeting. Staff recommends City Council declare vacancies and appoint citizen members to serve on various boards and commissions.

*Motion was made by Mayor Protem Wilkerson to appoint Kirk Latham to serve as the Planning and Zoning representative on the Zoning Board of Adjustment. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Motion was made by Councilmember Boyd to appoint Johnny Frederick to serve on the Capital Improvement Advisory Committee (CIAC). Motion was seconded by Councilmember Adams. Motion carried unanimously.*

*Motion was made by Councilmember Boyd to appoint Teresa Cossey to serve on the Community Development Advisory Committee (CDAC). Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Motion was made by Councilmember Adams to appoint Cyndi Rowe to serve as the Planning and Zoning representative on the Heritage Preservation Board. Motion was seconded by Councilmember Alvarez. Motion carried unanimously.*

*Motion was made by Councilmember Segarra to appoint Jose Guzman to serve as the Killeen*

*Industrial Foundation representative on the Killeen Economic Development Corporation (KEDC).*

*Motion was seconded by Councilmember Boyd. Motion carried unanimously.*

*Motion was made by Councilmember Boyd to appoint Omar Marquez to serve on the Planning and Zoning Commission. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Segarra, seconded by Mayor Protem Wilkerson, and unanimously approved, the meeting was adjourned at 8:30 p.m.



# City of Killeen

## Staff Report

File Number: MN-22-019

---

### City of Killeen

City Council Special Meeting

Killeen City Hall

July 5, 2022 at 9:33 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Ken Wilkerson (via video conference), Councilmembers Jessica Gonzalez, Riakos Adams, Nina Cobb, Michael Boyd, Jose Segarra, and Ramon Alvarez

Also attending were City Manager Kent Cagle, Interim City Attorney Holli Clements, City Secretary Lucy Aldrich, and Sergeant-at-Arms Officer Moody

### Approval of Agenda

*Motion was made by Councilmember Adams to approve the agenda. Motion was seconded by Councilmember Segarra. The motion carried 5 to 0, Councilmember Cobb and Councilmember Alvarez were not at the dais when the vote was taken.*

### Citizen Comments

No one signed up to speak.

### Resolutions

- RS-22-096**
- A. Receive Fiscal Year 2023 Proposed Annual Budget and Overview Provided by the City Manager.
  - B. Set the Date of July 26, 2022, to Hold a Public Hearing on the Fiscal Year 2023 Annual Budget.
  - C. Receive Fiscal Year 2023 Proposed Capital Improvement Plan Overview.

**Staff Comments:** Kent Cagle, City Manager

Mr. Cagle presented the City Council with the FY 2023 proposed budget giving a brief overview, identifying strategic issues and highlighting identified priorities. In addition to the proposed budget, Mr. Cagle also presented the proposed capital improvement plan.

*Motion of direction was made by Councilmember Boyd to have a special city council workshop to continue discussions on the budget Saturday, July 16, 2022 beginning at 9:00 a.m. in the Main*



*Conference Room. Motion of direction was seconded by Mayor Protem Wilkerson. During discussions, Mayor Protem rescinded his second followed by Councilmember Boyd rescinding his motion.*

*Motion of direction was made by Councilmember Adams to have a special city council workshop to continue discussions on the budget Monday, July 18, 2022 beginning at 5:00 p.m. Motion of direction was seconded by Councilmember Boyd. An amendment to the motion of direction was made by Councilmember Alvarez for proposed meeting to have an ending time set at 8:00 p.m. The amendment to the motion of direction was seconded by Councilmember Gonzalez. The amendment to the motion of direction carried 4 to 3 with Mayor Protem Wilkerson, Councilmember Adams, and Councilmember Boyd in opposition. The amended motion carried 6 to 1 with Councilmember Cobb in opposition.*

*Motion was made by Mayor Protem Wilkerson to set the date of July 26, 2022 to hold a public hearing on the fiscal year 2023 proposed annual budget. Motion was seconded by Councilmember Adams. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Adams, seconded by Councilmember Boyd, and unanimously approved, the meeting was adjourned at 11:03 p.m.



# City of Killeen

## Staff Report

File Number: RS-22-098

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Joseph Brown, Executive Director of Recreation Services

**SUBJECT:** Stonetree Rate Structure Increase

### **BACKGROUND AND FINDINGS:**

During the past three (3) years managing Stonetree Golf Club, Indigo Sports has seen steady and substantial increases in expenses related to maintaining the golf course. These changes have led to the proposed rate structure increases for FY23. The most recent rate increase was less than four percent which was solely related to green fees in FY20. Every year the golf course management company submits the annual operating budget. The City shall have final approval and final decision-making authority over the Annual Budget. The contract states that all fees may not be raised without prior approval of the City and such approval will not be unreasonably withheld. The RFP that the City advertised in regard to the current golf course management fee states the following in regard to fees:

#### Daily Golf Fees

- a. Fees and Charges
  - i. Proposer shall keep a current and comprehensive list of fees for golf play and cart rentals. Standard fees shall be displayed and posted on the website.
  
- b. Establishing of Fees
  - i. Proposer shall conduct an annual, comprehensive survey of green fee and rental rates at comparable golf courses within the market area and submit recommendations for fee changes to the City Manager or his designee. Current fees shall be included in the proposer's proposal and may be negotiated.
  
  - ii. City Council must approve all green fees and cart shed rental rate changes that would exceed 5% in any 12-month period.

Being that the proposed fees are greater than a 5% increase, this proposal requires City Council approval.

The proposed fee increases are related to course standards and course playability. Increases are related to course operating expenses, which are increasing and includes

- Operating expenses, both fixed and variable are increasing i.e., Herbicide, fertilizer, sand, irrigation and labor
- Operating expenses are proposed to increase 12% in FY23
- Revenue is proposed to increase 14% for FY23 with proposed fee structure being approved

The proposed increases will also allow the golf course to realistically target identified CIP

The City created and set aside a governmental CIP fund for golf improvements. Excess revenue funds this account

- Tee renovation
- Bunker renovations
- Green covers
- Range Servant
- Ball picker
- Gang unit
- Ball washer

Staff researched our current fees and proposed fee increases, while looking at benchmark cities and other courses that fall in line with our current and desired course standards. Below is the list of Cities reviewed:

Passholder	Stonetree	Hills of Cove	Sammons	Mill Creek	
Current	Proposed				
Adult Membership	\$1,200.00	\$1,400.00	\$625.00	\$925.00	\$3,300.00
Additional Family	\$ 540.00	\$ 640.00	\$225.00	\$350.00	N/A
Senior	\$ 950.00	\$475.00	\$725.00	N/A	
Junior	\$ 400.00	\$ 400.00	\$325.00	N/A	
Golf Cart Storage Fee		\$ 500.00	\$ 600.00	\$625.00	N/A \$1,800.00
Trail Fee	\$ 600.00	\$ 700.00	\$300.00	\$ 11.50 Per	\$ 960.00
Active Duty Military	\$ 950.00	\$1,100.00	\$476.00	N/A	N/A
Range Membership	\$350/\$450	\$400/\$525	N/A	\$325.00	\$ 300.00

Passholder	Clear Creek	Delaware Springs	Cottonwood*	Forest Creek	Crystal Falls
Adult Membership	\$900.00	\$1,085.00	\$800.00	\$2,350.00	\$2,000.00
Additional Family	\$350.00	\$ 541.00	\$300.00	\$1,300.00	\$1,500.00
Senior	N/A	N/A	\$ 700.00	\$2,350.00	
Junior	N/A	\$ 361.00	\$361.00	\$1,000.00	N/A
Golf Cart Storage Fee	\$700.00	\$1,050.00	N/A	N/A	\$ 750.00
Trail Fee	\$650.00	\$ 578.00	N/A	\$2,200. Per	\$ 965.00
Active Duty Military	\$600.00	N/A	N/A	N/A	N/A
Range Membership	N/A	N/A	N/A	\$725.00	N/A

\*Cottonwood charges \$21.00 each round with cart and \$11.00 without a cart.

Public Rates with Cart	Stonetree	Hills of Cove	Sammons	Mill Creek
------------------------	-----------	---------------	---------	------------

<b>Weekday</b>	Current	Proposed			
9 Holes	\$23.00	\$26.00	\$22.00	\$21.75	N/A
18 Holes	\$39.50	\$44.00	\$34.00	\$35.00	\$50.00
Senior	\$33.50	\$37.00	\$31.00	\$30.00	N/A
Junior	\$15.00	\$15.00	\$13.00	\$5.00	N/A
AD Military	5.00 Off	5.00 Off	N/A	\$30.00	N/A
Twilight	\$26.00	\$30.00	\$27.00	\$24.00	\$25.00
Super Twilight	\$23.00	\$26.00	\$25.00	N/A	N/A

<b>Weekend</b>					
9 Holes	\$31.00	\$35.00	\$22.00	N/A	N/A
18 Holes	\$47.50	\$54.00	\$39.00	\$40.00	\$60.00
Senior	\$47.50	\$49.00	\$36.00	\$40.00	N/A
Junior	\$18.00	\$18.00	\$13.00	\$ 5.00	N/A
AD Military	\$ 5.00 Off	\$ 5.00 Off	N/A	N/A	N/A
Twilight	\$33.00	\$36.00	\$32.00	N/A	\$30.00
Super Twilight	\$28.00	\$31.00	\$30.00	N/A	N/A

Public Rates w/Cart      Clear Creek      Delaware Springs      Cottonwood      Forrest Creek      Crystal Falls

<b>Weekday</b>					
9 Holes	\$26.00	\$28.00	\$38.00	\$33.00	\$32.00
18 Holes	\$41.00	\$43.00	\$47.00	\$53.00	\$47.00
Senior	\$31.00	\$2.00 Off	\$37.00	\$39.00	\$42.00
Junior	\$13.00	\$2.00 Off	\$20.00	50% Off	\$18.00
AD Military	\$31.00	\$2.00 Off	N/A	\$39.00	\$42.00
Twilight	\$31.00	\$25.00	\$38.00	\$39.00	\$38.00
Super Twilight	N/A	N/A	\$28.00	\$29.00	N/A

<b>Weekend</b>					
9 Holes	\$31.00	\$36.00	\$43.00	\$53.00	\$35.00
18 Holes	\$46.00	\$53.00	\$55.00	\$73.00	\$60.00
Senior	\$46.00	\$ 2.00 Off	\$55.00	\$63.00	\$50.00
Junior	\$15.00	\$ 2.00 Off	\$20.00	50% Off	\$18.00
AD Military	\$41.00	\$ 2.00 Off	N/A	\$63.00	\$50.00
Twilight	\$36.00	\$30.00	\$38.00	\$49.00	\$45.00
Super Twilight	N/A	N/A	\$28.00	\$35.00	N/A

Stonetree Golf Club Improvements going back to June of 2019 include:

- Significant reduction of weeds throughout the course
- Began tree replacement process adding roughly (60) trees throughout the course
  - Removed approx. (40) trees on the property
- Replaced the irrigation control panels
- Added driving range lighting
- Turf management best practices created/established
- New tee markers, wood bridge on hole #2, adding sand to bunkers, tree work
- Clearing out all creek and lake beds of overgrowth
- Conversion of greens to a better putting surface
- Increased tee box surface area with a more wear tolerant grass
- Converted eight fairways from common Bermuda grass to a new hybrid Bermuda grass that

is much denser for a better playing surface

- ACE the Guest Experience (ACE) training for customer service provided to all staff
- Inventory management with Demo Days to focus on custom orders for guests
- Junior tees and scorecards established
- Junior golf programs have been created and are on-going
- Individual golf instruction with certified instructors
- Renovations to the pro-shop to create a bar and the opportunity to eat pre or post your round
- Created a player’s lounge area, which allows players to hang out and watch games, tournaments on TV, play games, shoot pool pre and post their round
- Created indoor teaching facility and club repair shop

<b>Stonetree Passholder</b>	<b>Current</b>	<b>Proposed</b>	<b>% Increase</b>
Adult Membership	\$1,200.00	\$1,400.00	17%
Additional Family Member	\$ 540.00	\$ 640.00	19%
Senior \$ 950.00	\$1,100.00	16%	
Junior \$ 400.00	\$ 450.00	13%	
Golf Cart Storage Fee	\$ 500.00	\$ 600.00	20%
Trail Fee	\$ 600.00	\$ 700.00	17%
Active Duty Military	\$ 950.00	\$1,100.00	16%
Range Member	\$ 350.00	\$ 400.00	14%
Range Public	\$ 450.00	\$ 525.00	17%
Golf Cart Fees 9 Holes	\$ 11.00	\$ 12.00	9%
Golf Cart Fees 18 Holes	\$ 16.00	\$ 18.00	13%

<b>Weekday</b>	<b>Current</b>	<b>Proposed</b>	<b>% Increase</b>
9 Holes	\$23.00	\$26.00	13%
18 Holes	\$39.50	\$44.00	11%
Senior	\$33.50	\$37.00	10%
Junior	\$15.00	\$15.00	0%
AD Military	\$ 5.00 Off	\$ 5.00 Off	Flat
Twilight	\$26.00	\$30.00	15%
Super Twilight	\$23.00	\$26.00	13%

<b>Weekend</b>	<b>Current</b>	<b>Proposed</b>	<b>% Increase</b>
9 Holes	\$31.00	\$35.00	13%
18 Holes	\$47.50	\$54.00	14%
Senior	\$47.50	\$49.00	3%
Junior	\$18.00	\$18.00	0%
AD Military	\$ 5.00 Off	\$ 5.00 Off	Flat
Twilight	\$33.00	\$36.00	9%
Super Twilight	\$28.00	\$31.00	11%



# STONETREE RATE STRUCTURE INCREASE FOR FY23

RS-22-098

July 19, 2022

# Background

2

- During the past three (3) years managing Stonetree Golf Club, Indigo Sports has seen steady and substantial increases in expenses related to maintaining the golf course
  - These Changes have led to the proposed rate structure increases for FY23
  - The most recent rate increase was less than 4%, which was solely related to green fees in FY20

# Background

3

- Every year management submits the annual operating budget
- The City shall have final approval and final decision-making authority over the Annual Budget. The contract states that all fees may not be raised without prior approval of the City and such approval will not be unreasonably withheld.
- City Council must approve all green fees and cart shed rental rate changes that would exceed 5% in any 12-month period
- Staff researched the current fees and proposed fee increases while looking at benchmark Cities and other courses that fall in line with our current and desired course standards



# Background

4

- The proposed fee increases are related to course standards and course playability. Increases are related to course operating expenses, which are increasing
  - ▣ Operating expenses, both fixed and variable are increasing i.e., Herbicide, fertilizer, sand, irrigation and labor
  - ▣ Operating expenses are proposed to increase 12% in FY23
  - ▣ Revenue is proposed to increase 14% for FY23 with proposed fee structure being approved
- The proposed increases will also allow the golf course to realistically target identified CIP
- The City created and set aside a governmental CIP fund for golf improvements. Excess revenue funds this account
  - Tee renovation
  - Bunker renovations
  - Green covers
  - Range Servant
  - Ball picker
  - Gang unit
  - Ball washer

# Cities reviewed

Annual Passes	Stonetree		Hills of Cove	Sammons	Mill Creek	Clear Creek	Delaware Springs	Cottonwood	Forrest Creek	Crystal Falls
	Current	Proposed								
<b>Adult Membership</b>	\$1,200.00	\$1,400.00	\$625.00	\$925.00	\$3,300.00	\$900.00	\$1,085.00	\$800.00	\$2,350.00	\$2,000.00
<b>Additional Family Member</b>	\$ 540.00	\$ 640.00	\$225.00	\$350.00	N/A	\$350.00	\$ 541.00	\$300.00	\$1,300.00	\$1,500.00
<b>Senior 65+</b>	\$ 950.00	\$1,100.00	\$475.00	\$725.00	N/A	N/A	N/A	N/A	\$700.00	\$2,350.00
<b>Junior 18U</b>	\$ 400.00	\$ 400.00	\$325.00	\$325.00	N/A	N/A	\$ 361.00	\$ 361.00	\$1,000.00	N/A
<b>GolfCart Storage Fee</b>	\$ 500.00	\$ 600.00	\$625.00	N/A	\$1,800.00	\$700.00	\$1,050.00	N/A	N/A	\$ 750.00
<b>Trail Fee</b>	\$ 600.00	\$ 600.00	\$300.00	\$11.50 per	\$ 960.00	\$650.00	\$ 578.00	N/A	\$2,200.00 per	\$ 965.00
<b>ActiveDuty Military</b>	\$ 950.00	\$1,100.00	\$476.00	N/A	N/A	\$600.00	N/A	N/A	N/A	N/A
<b>Range Membership</b>	\$350/\$450	\$400/\$525	N/A	\$325.00	\$ 300.00	N/A	N/A	N/A	\$725.00	N/A

# Cities reviewed

6

Public Rates with Cart	Stonetree		Hills of Cove	Sammons	Mill Creek	Clear Creek	Delaware Springs	Cottonwood	Forrest Creek	Crystal Falls
	Current	Proposed								
<b>Weekday</b>										
<b>9 Holes</b>	\$23.00	\$26.50	\$22.00	\$21.75	N/A	\$26.00	\$28.00	\$38.00	\$33.00	\$32.00
<b>18 Holes</b>	\$39.50	\$44.00	\$34.00	\$35.00	\$50.00	\$41.00	\$43.00	\$47.00	\$53.00	\$47.00
<b>Senior 65+</b>	\$33.50	\$37.00	\$31.00	\$30.00	N/A	\$31.00	\$2.00 Off	\$37.00	\$39.00	\$42.00
<b>Junior 18U</b>	\$15.00	\$15.00	\$13.00	\$5.00	N/A	\$13.00	\$2.00 Off	\$20.00	50% Off	\$18.00
<b>AD Military</b>	5.00 Off	5.00 Off	N/A	\$30.00	N/A	\$31.00	\$2.00 Off	N/A	\$39.00	\$42.00
<b>Twilight</b>	\$26.00	\$30.00	\$27.00	\$24.00	\$25.00	\$31.00	\$25.00	\$38.00	\$39.00	\$38.00
<b>Super Twilight</b>	\$23.00	\$26.00	\$25.00	N/A	N/A	N/A	N/A	\$28.00	\$29.00	N/A
<b>Weekend</b>										
<b>9 Holes</b>	\$31.00	\$35.00	\$22.00	N/A	N/A	\$31.00	\$36.00	\$43.00	\$53.00	\$35.00
<b>18 Holes</b>	\$47.50	\$54.00	\$39.00	\$40.00	\$60.00	\$46.00	\$53.00	\$55.00	\$73.00	\$60.00
<b>Senior 65+</b>	\$47.50	\$49.00	\$36.00	\$40.00	N/A	\$46.00	\$ 2.00 Off	\$55.00	\$63.00	\$50.00
<b>Junior 18U</b>	\$18.00	\$18.00	\$13.00	\$ 5.00	N/A	\$15.00	\$ 2.00 Off	\$20.00	50% Off	\$18.00
<b>AD Military</b>	\$ 5.00 Off	\$ 5.00 Off	N/A	N/A	N/A	\$41.00	\$ 2.00 Off	N/A	\$63.00	\$50.00
<b>Twilight</b>	\$33.00	\$36.00	\$32.00	N/A	\$30.00	\$36.00	\$30.00	\$38.00	\$49.00	\$45.00
<b>Super Twilight</b>	\$28.00	\$31.00	\$30.00	N/A	N/A	N/A	N/A	\$28.00	\$35.00	N/A

# Stonetree Improvements

7

- Stonetree Golf Club Improvements going back to June 2019
- Significant reduction of weeds throughout the course
- Began tree replacement process adding roughly (60) trees throughout the course
  - Removed approx. (40) trees on the property
- Replaced the irrigation control panels
- Added driving range lighting
- (Turf management best practices created/established)
- New tee markers, wood bridge on hole #2, adding sand to bunkers, tree work
- Clearing out all creek and lake beds from overgrowth

# Stonetree Improvements

8

- ❑ Conversion of greens to a better putting surface
- ❑ Increased tee box surface area with a more wear tolerant grass
- ❑ Converted eight fairways from common Bermuda grass to a new hybrid Bermuda grass that is denser for a better playing surface
- ❑ ACE the Guest Experience (ACE) training for customer service
- ❑ Inventory management with Demo Days to focus on custom
- ❑ Junior tees and scorecards established
- ❑ Junior golf programs have been created and are on-going
- ❑ Individual golf instruction with certified instructors
- ❑ Renovations to the pro-shop to create a bar and the opportunity to eat pre or post your round
- ❑ Created a player's lounge area
- ❑ Created indoor teaching facility and club repair shop

# Proposed Increase-Passholder

9

<b>Stonetree Annual Passes</b>	<b>Current</b>	<b>Proposed</b>	<b>% Increase</b>
<b>Adult Membership</b>	\$1,200.00	\$1,400.00	17%
<b>Additional Family Member</b>	\$ 540.00	\$ 640.00	18%
<b>Senior 65+</b>	\$ 950.00	\$1,100.00	14%
<b>Junior 18 &amp; Under</b>	\$ 400.00	\$ 400.00	0%
<b>Golf Cart Storage Fee</b>	\$ 500.00	\$ 500.00	0%
<b>Trail Fee</b>	\$ 600.00	\$ 600.00	0%
<b>Active-Duty Military</b>	\$ 950.00	\$1,100.00	16%
<b>Range Member</b>	\$ 350.00	\$ 400.00	14%
<b>Range Public</b>	\$ 450.00	\$ 525.00	17%

\*\*12 and under play for FREE when playing with a paying adult. Includes passholders

# Proposed Increase-Weekday/Weekend

10

Weekday	Current	Proposed	% Increase
9 Holes	\$23.00	\$26.50	14%
18 Holes	\$39.50	\$44.00	11%
Senior	\$33.50	\$37.00	10%
Junior	\$15.00	\$15.00	0%
AD Military	\$ 5.00 Off	\$ 5.00 Off	Flat
Twilight	\$26.00	\$30.00	15%
Super Twilight	\$23.00	\$26.00	13%
Weekend	Current	Proposed	% Increase
9 Holes	\$31.00	\$35.00	13%
18 Holes	\$47.50	\$54.00	14%
Senior	\$47.50	\$49.00	3%
Junior	\$18.00	\$18.00	0%
AD Military	\$ 5.00 Off	\$ 5.00 Off	Flat
Twilight	\$33.00	\$36.00	9%
Super Twilight	\$28.00	\$31.00	11%
Golf Cart 9 holes	\$11.00	\$11.00	0%
Golf Cart 18 holes	\$16.00	\$16.00	0%

# Profit/Loss

11

	FY16	FY17	FY18	FY19**	FY20	FY21	FY22 Forecast	FY23 Proposed
Total Revenue	\$1,070,403	\$1,043,385	\$1,075,040	\$939,400	\$1,163,397	\$1,300,369	\$1,386,307	\$1,600,625
Expenses	\$1,444,371	\$1,451,161	\$1,404,241	\$1,183,134	\$1,318,284	\$1,352,728	\$1,298,317	\$1,411,211
Net Income	(\$373,968)	(\$407,776)	(\$329,201)	(\$243,734)	(\$154,887)	(\$ 52,359)	\$1,965	\$70,355

**\*\* Indigo Golf managed the property for half of this year**



# Alternatives

12

- Option 1: Do not approve the increase in fees at Stonetree Golf Course
- Option 2: Approve the proposed increase in fees at Stonetree Golf Course

# Recommendation

13

- Staff recommends the increase in fees for the golf course. The course conditions and facility improvements align Stonetree appropriately in the competitive market while still providing an affordable option to the Killeen Community



# City of Killeen

## Staff Report

File Number: RS-22-099

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Willie Resto, Executive Director of Information Technology

**SUBJECT:** Procurement of Audio-Video Equipment Upgrades at the Killeen Conference Center

### **BACKGROUND AND FINDINGS:**

In fiscal year 2021, City Council approved the expansion of the audio-video (AV) system to support local cable channel broadcasting to include microphones replacements/expansion, session recording and teleconferencing features at the Killeen Conference Center.

The Conference Center is utilized for large meetings, joint workshops, and various community related meetings.

The Conference Center is not equipped with appropriate AV equipment to broadcast on the city cable channel; it lacks a proper audio and camera system. The system needs to be updated to a modern configuration that has the ability to support all City meetings.

This new system will provide:

- improvements to the quality of meeting broadcasts
- improved presentation of media to the viewing audience (in room and broadcast)
- on-screen pointing and labels
- a more user-friendly configuration for presentations controlled directly at the podium
- improved audio system with automatic volume level control with feedback monitoring
- elimination digital video recording and playback
- alternate location for City Council workshops and meetings

RUSHWORKS is the sole source of the A-LIST BROADCAST system. A-LIST and VDESK broadcast automation and streaming systems effectively integrate a traditional "broadcast server" with a bulletin board system, thus creating a distinctive point of difference with this two-in-one "hybrid" solution.

Due to the building structure, installation will require special equipment. AVI Systems will install the equipment upgrades using the TIPS/TAPS cooperative contract 200904.

The cost of the equipment upgrades from Rushworks is \$71,603.27. The equipment and installation from AVI Systems is \$122,881.17. The combined total for equipment from RushWorks and AVI Systems including installation is \$194,484.44.

**THE ALTERNATIVES CONSIDERED:**

1. Do not authorize the purchase of AV equipment upgrades at the Conference Center.
2. Authorize the purchase of AV equipment upgrades from RushWorks and AVI Systems in the amount of \$194,484.44.

**Which alternative is recommended? Why?**

Staff recommends authorizing the purchase of AV equipment upgrades at the Conference Center. The existing equipment is intermittently failing and the upgrade will allow for an alternate location for City Council workshops, meetings and other events.

**CONFORMITY TO CITY POLICY:**

This purchase conforms to the City Policy and Local Government Code, Section 252.022 that items available from only one source because of patents, copyrights, secret processes or natural monopolies are exempt from being competitively solicited. A-LIST BROADCAST hardware/software solutions is only available from the manufacturer RushWorks. The equipment and installation from AVI Systems will be procured through the TIPS/TAPS cooperative contract 200904. Purchases made through a cooperative contract are exempt from the competitive bidding process as stated in Texas Local Government Code (TLGC) section 271.102, subchapter F; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods or services.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

The AV equipment upgrades are projected to be \$194,484.44.

**Is this a one-time or recurring expenditure?**

This equipment upgrade is a one-time expenditure.

**Is this expenditure budgeted?**

Yes, funds are available in the Public/Education/Government funds account 220-0405-414.61-40.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends that City Council approve the procurement of audio-video equipment upgrades at the Killeen Conference Center through RushWorks and AVI Systems in the amount of \$194,484.44 and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law.

**DEPARTMENTAL CLEARANCES:**

Finance

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Quote

Agreement

Certificate of Interested Parties

## Killeen Conference Center Portable CapEx 05-2022

SYSTEMS	Qty	Price
30X NDI/SDI/PoE Camera/w stand	4	8,780.00
VDESK LTD - Studio	1	8,899.00
<i>Sub Total By Area</i>		<b>17,679.00</b>
ROLLING CART		
Custom Rolling Cart(s) - Contains all gear	1	
HDMI to SDI scaler for presentation	1	
1:4 HDMI DA	1	
Rack shelf for 2 x MegaTools (DA/Brain)	1	
30-port/300W (24x1G-PoE, 2x1GCu, 4xSFP)	1	
Control System Brain (4ea:232,IR,I/O,Relay)	1	
16 channel digital mixer (remote controllable)	1	
DANTE input for digital mixer	1	
4 in/4 out DANTE DSP (PoE+)	1	
Rackshelf for up to 2 4x4 DSP	1	
Dual Wireless Beltpack kit with receiver	1	
Miniature Lavalier microphone	2	
Dual Wireless handheld kit with receiver	1	
DANTE microphone base	12	
18" Gooseneck mic (XLR)	12	
5-port PoE Passthrough switch	5	
10" Two-Way Powered Loudspeaker	2	
Kit of two speaker stands	1	
Headphones	1	
Assistive Listening Dante/WiFi - 4 kits	1	
Audio to SDI embedder (Cam 1)	1	
SD Card Recorder	1	
Rack shelf for recorders	1	
25-slot SD Card recorder/duplicator	1	
IP Video Streaming Encoder/Recorder	1	
1500VA UPS for rack	1	
Rack Hardware - Drawers, Blanks, Slides	1	
12-Outlet 1RU PDU	1	
<i>Sub Total By Area</i>		<b>47,907.70</b>
<b>PROJECT SUBTOTAL</b>		<b>65,586.70</b>
INBOUND / OUTBOUND SHIPPING	1	850.00
PROJECT DESIGN	1	2,000.00
MISC PARTS - CABLES, CONNECTORS	1	1,114.97
		<b>3,964.97</b>
<b>SITE COSTS:</b>		
Installation & Training	2	1,600.00
Travel	2	0.00
Hotel	1	125.00
Per Diem	2	126.00
Transport/Misc	1	200.60
		<b>2,051.60</b>
<b>TOTAL PROJECT COST</b>		<b>71,603.27</b>
<b>ASAP Support: FOUR (4) years</b>		<b>13,117.34</b>
This includes 24/7 Customer Support via phone, email, and unlimited software downloads.		
<b>TOTAL CAPEX WITH 5 YEAR SUPPORT</b>		<b>84,720.61</b>



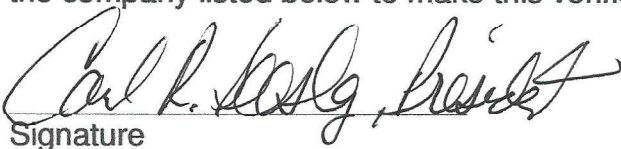
### Contract Verification

Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company's business dealings.

- o Texas Government Code, Chapter 2271 – the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. *Boycott Israel is defined in Government Code Chapter 808.*
- o Texas Government Code, Chapter 2274 – the company must verify that it does not boycott energy companies and will not boycott energy companies during the term of the contract. *Boycott energy company is defined in Government Code Chapter 809.*
- o Texas Government Code, Chapter 2274 – the company must verify that it does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. Verification is not required from a sole source provider. *Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.*

Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, and 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

  
Signature

CARL R. BEESLEY  
Printed Name

05/24/2022  
Date

Media Rushworks, LLC dba RUSHWORKS  
Company Name

President  
Title

# Retail Sales Agreement



AVI Systems Inc., 2301 Double Creek Dr Ste 180 Round Rock, TX, 78664 | Phone: (512)482-8467, Fax: (512)532-6227

Proposal Number: 1115672  
Prepared For: Killeen Civic and Conference Center  
Attn: Kathie Mulheron

Proposal Date: May 26, 2022

## Killeen Civic and Conference Center - KCCC Upgrades

Prepared By: Shelly Cox  
Phone:  
Email: shelly.cox@avisystems.com

### BILL TO

Attn: Kathie Mulheron  
Killeen Civic and Conference Center  
3601 South W. S. Young Drive  
Killeen, TX, 76542  
Phone: (254) 501-3888  
Email: kmulheron@killeentexas.gov  
Customer Number: KCA0010

### SITE

Attn: Kathie Mulheron  
Killeen Civic and Conference Center - Killeen, TX Site  
3601 South W. S. Young Drive  
Killeen, TX, 76542  
Phone:  
Email: kmulheron@killeentexas.gov

### PRODUCTS AND SERVICES SUMMARY

Equipment	\$97,799.32
Integration	\$18,747.18
PRO Support	\$0.00
Shipping & Handling	\$6,334.67
Tax	\$0.00
<b>Grand Total</b>	<b>\$122,881.17</b>

### TIPS / TAPS Contract Number: 200904

Contract Expiration Date: 11/30/2023

Unless otherwise specified. The prices quoted reflect a discount for a cash payment (i.e., check, wire transfer) made by Customer in full within the time stated for payment on each invoice. Discount only applies to new items included on the invoice, and only applies if the balance on the invoice is paid in full.

All returned equipment is subject to a restocking charge. The prices are valid until August 1, 2022 and may be locked in by signing this Retail Sales Agreement.

Overdue balances are subject to a finance charge of 1.5% per month, or interest at the highest rate permitted by applicable law. In the event AVI must pursue collection of unpaid invoices, Customer agrees to pay all of AVI's costs of collection, including its attorneys' fees. **If Customer and AVI disagree on an invoiced amount, the prevailing party shall be entitled to receive its costs of dispute, including reasonable attorneys' fees.**



## INVOICING AND PAYMENT TERMS

---

Customer and AVI have agreed on the payment method of CASH. Payment must be remitted by stated method. To the extent Customer seeks to use of any payment methods other than stated, and that payment method results in an increased transaction cost to AVI, the new payment must be approved in writing, and the Customer shall be responsible for paying the increased transaction cost to AVI associated with the change in payment method. Payments shall be made 30 days from invoice date. So long as the invoice has been sent and the Customer's payment is made within the terms work will continue.

AVI uses progress billing, and invoices for equipment and services allocated to the contract on a monthly basis. Unless otherwise specified, all items quoted (goods and services) as well as applicable out of pocket expenses (permits, licenses, shipping, etc.) are invoiced in summary (including applicable sales taxes due for each category of invoiced items).

Customer is to make payments to the following "Remit to" address:

AVI Systems  
NW8393 PO Box 1450  
Minneapolis, MN 55485-8393

**If Payment Method is ACH:** Customer must make all payments in the form of bank wire transfers or electronic funds transfers through an automated clearinghouse with electronic remittance detail, in accordance with the payment instructions AVI Systems provides on its invoice to Customer.

A monthly summary of detailed equipment received is available upon request. Equipment received may be different than equipment billed based on agreed billing method.

## TAXES AND DELIVERY

---

Unless stated otherwise in the "Products and Services Summary" above, AVI will add and include all applicable taxes, permit fees, license fees, and delivery charges to the amount of each invoice. Taxes will be calculated according to the state law(s) in which the product(s) and/or service(s) are provided. Unless Customer provides a valid tax exemption certificate for any tax exemption(s) claimed, AVI shall invoice for and collect all applicable taxes in accordance with state law(s), and Customer will be responsible for seeking a tax credit/refund from the applicable taxing authority.

## AGREEMENT TO QUOTE AND DOCUMENTS CONSTITUTING YOUR CONTRACT WITH AVI

---

Customer hereby accepts the above quote for goods and/or services from AVI. When duly executed and returned to AVI, AVI's Credit Department will check Customer's credit and approve the terms. After approval by AVI's Credit Department and signature by AVI, this Retail Sales Agreement will, together with the [AVI General Terms & Conditions](http://www.avisystems.com/TermsOfSale) (which can be found at <http://www.avisystems.com/TermsOfSale>) form a binding agreement between Customer and AVI. (This Retail Sales Agreement and the AVI General Terms & Conditions of Sale (the "T&Cs") are referred to collectively as the "Agreement"). If not defined in this Agreement, all capitalized terms shall have the meaning given to them in the T&Cs. Should AVI's Credit Department determine at any point prior to AVI commencing work that Customer's credit is not adequate, or should it otherwise disapprove of the commercial terms, AVI reserves the right to terminate the Agreement without cause and without penalty to AVI.

## AGREED AND ACCEPTED BY

---

\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**AVI Systems, Inc.**  
\_\_\_\_\_  
Company

\_\_\_\_\_  
Signature

**Robby Turner**  
\_\_\_\_\_  
Printed Name

**05/26/2022**  
\_\_\_\_\_  
Date

## CONFIDENTIAL INFORMATION

---

The company listed in the "Prepared For" line has requested this confidential price quotation, and shall be deemed "Confidential Information" as that term is defined in the T&Cs. This information and document is confidential and is intended solely for the private use of the customer identified above. Customer agrees it will not disseminate copies of this quote to any third party without the prior written consent of AVI. Sharing a copy of this quote, or any portion of the Agreement with any competitor of AVI is a violation of this confidentiality provision. If you are not the intended recipient of this quote (i.e., the customer), you are not properly in possession of this document and you should immediately destroy all copies of it.

## SERVICES TO BE PROVIDED

---

### Event Space:

- Replace existing 3 projectors w/ new 10,000 lumen laser driven projectors
- Replace existing 3 recessed electric screens with new 135"x 216" HD screens

### Ballroom:

- Replace existing projector w/ new 6,000 lumen laser driven projector
- Replace existing recessed electric screen with new 65"x 116" HD screen
- Install (1) HDMI wall plate for laptop connectivity (exact location TBD on site)
- Install wireless presentation device at the projector for wireless laptop connectivity

### Notes:

- This quote includes the cost (1) manlift rental with the assumption/agreement that AVI Systems will have access and the use of an additional manlift provided/owned by Killeen Convention Center
- Owner shall be responsible for the cost and scheduling of an electrician to disconnect and re-connect the power to all recessed electrical projection screens
- All travel expenses are also included

**PRODUCTS AND SERVICES DETAIL**

**PRODUCTS:**

<u>Model #</u>	<u>Mfg</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Extended</u>
PT-MZ10KLWU	PANASONIC	10,000LM, WUXGA RESOLUTION LCD LASER PROJECTOR, NO LENS, WHITE	3	\$10,876.25	\$32,628.75
ET-EMS600	PANASONIC	1.35 2.11:1 ZOOM LENS FOR ACCS PT-MZ16K/MZ13K/MZ10K LCD LASER PROJ	3	\$2,412.94	\$7,238.82
CMA110	CHIEF	CMA-110 FLAT CEILING PLATE	3	\$61.50	\$184.50
VCMUW	CHIEF	HEAVY DUTY PROJECTOR MOUNT	3	\$447.83	\$1,343.49
14111L	DA-LITE	ADVANTAGE TNSD 255D HD.9	3	\$12,986.67	\$38,960.01
LIFT RENTAL		Rental of Lift or Rigging Equipment LIFT RENTAL (40' LIFT MAX CAP 500-550 LBS - INCLUDES DELIVERY A	1	\$1,250.00	\$1,250.00
84402LS	DA-LITE	ADVANTAGE TNSD 133D DM	1	\$4,044.00	\$4,044.00
PT-VMZ60U	PANASONIC	6,000LM, WUXGA, LCD LASER COLOR WHITE	1	\$3,168.67	\$3,168.67
RPMUW	CHIEF	UNIVERSAL RPMA	1	\$234.84	\$234.84
CMS440	CHIEF	8" CEILING PLATE WITH ONE SLOT	1	\$120.08	\$120.08
AVI-TBD-MATERIAL	OAV	Threaded Pipe/Misc. Hardware	1	\$43.02	\$43.02
AM-3200-WF	CRESTRON	AirMedia® Series 3 Receiver 200 with Wi-Fi® Network Connectivity	1	\$1,151.16	\$1,151.16
AVI-TBD-MATERIAL	AVI SYSTEMS	HDMI Wall Plate	1	\$31.98	\$31.98
AVI-TBD-MATERIAL	AVI SYSTEMS	Ceiling Repair work for screen locations	1	\$5,000.00	\$5,000.00
		Integration Cables & Connectors			\$2,057.18
AVI-TBD-MATERIAL	AVI SYSTEMS	TIPS-TAPS	1	\$2,400.00	\$2,400.00
		Travel			\$3,490.00
		Programming			\$3,150.00
		On Site Integration			\$6,400.00
		Project Management			\$950.00
		Testing & Acceptance			\$400.00
		Training			\$200.00
		Engineering & Drawings			\$2,100.00

**Sub-Total: \$116,546.50**

**Total: \$116,546.50**

## AVI Systems General Terms and Conditions of Sale

The following General Terms & Conditions of Sale (the "T&Cs") in combination with either (a) a signed Retail Sales Agreement or (b) Quote under which AVI Systems, Inc ("AVI") agrees to supply goods or services constitute a binding contract (the "Agreement") between AVI and the entity identified on page one of the Retail Sales Agreement or Quote (the "Customer"). In the absence of a separately negotiated "Master Services Agreement" between AVI and Customer signed in "wet ink" by the Chief Executive Officer or Chief Financial Officer of AVI, these T&C's shall apply. Any terms and conditions set forth in any correspondence, purchase order or Internet based form from Customer to AVI which purport to constitute terms and conditions which are in addition to those set forth in this Agreement or which attempt to establish conflicting terms and conditions to those set forth in this Agreement are expressly rejected by AVI unless the same has been manually countersigned in wet ink by an Officer of AVI.

1. **Changes In The Scope of Work** – Where a Scope of Work is included with this Agreement, costs resulting from changes in the scope of this project by the Customer, including any additional requirements or restrictions placed on AVI by the Customer or its representatives, will be added to the contract price. When AVI becomes aware of the nature and impact of the change, a contract Change Order will be submitted for review and approval by the Customer before work continues. AVI has the right to suspend the work on the project pending Customer's written approval of the Change Order.
2. **Ownership and Use of Documents and Electronic Data** – Where applicable, drawings, specifications, other documents, and electronic data furnished by AVI for the associated project under this Agreement are instruments of the services provided. These items are "Confidential Information" as defined in this Agreement and AVI shall retain all common law, statutory and other reserved rights, including any copyright in these instruments. These instruments of service are furnished for use solely with respect to the associated project under this Agreement. The Customer shall be permitted to retain copies of any drawings, specifications, other documents, and electronic data furnished by AVI for information and reference in connection with the associated project and for no other purpose.
3. **Proprietary Protection of Programs** – Where applicable this Agreement does not cause any transfer of title, or intellectual rights, in control systems programs, or any materials produced in connection therewith, including any source code. Any applications or programs supplied by AVI are provided, and are authorized for installation, execution, and use only in machine-readable object code form. This Agreement is expressly limited to the use of the programs by the Customer for the equipment in connection with the associated project. Customer agrees that it will not seek to reverse-engineer any program to obtain source codes, and that it will not disclose the programs source codes or configuration files to any third party, without the written consent of AVI. The programs, source codes and configuration files, together with AVI's know-how and integration and configuration techniques, furnished hereunder are proprietary to AVI, and were developed at its private expense. If Customer is a branch of the United States government, for purposes of this Agreement any software furnished by AVI hereunder shall be deemed "restricted computer software", and any data, including installation and systems configuration information, shall be deemed "limited rights data", as those terms are defined in FAR 52.227-14 of the Code of Federal regulations.
4. **Shipping and Handling and Taxes** – The prices shown are F.O.B. manufacturer's plant or AVI's office depending on where items are located when direction is issued to ship to the point of integration. The Customer, in accordance with AVI's current shipping and billing practices, will pay all destination charges. In addition to the prices on this Agreement, the Customer agrees to pay amounts equal to any sales tax invoiced by AVI, or (where applicable) any use or personal property taxes resulting from this Agreement or any activities hereunder.
5. **Title** – Where applicable, title to the Equipment passes to the Customer on the earlier of: (a) the date of shipment from AVI to Customer, or (b) the date on which AVI transmits its invoice to Customer.
6. **Security Interest** – In addition to any mechanics' lien rights, the Customer, for value received, hereby grants to AVI a security interest under the Minnesota commercial code together with the a security interest under the law(s) of the state(s) in which work is performed or equipment is delivered. This security interest shall extend to all Equipment, plus any additions and replacements of such Equipment, and all accessories, parts and connecting Equipment now or hereafter affixed thereto. This security interest will be satisfied by payment in full unless otherwise provided for in an installment payment agreement. The security interest shall be security for all sums owed by Customer under this Agreement. A copy of this Agreement may be filed as a financing statement with the appropriate authority at any time after signature of the Customer. Such filing does not constitute acceptance of this Agreement by AVI
7. **Risk of Loss or Damage** – Notwithstanding Customer's payment of the purchase price for Equipment, all risk of loss or damage shall transfer from AVI to Customer upon transfer of Title to Customer. Customer shall be responsible for securing insurance on Equipment from this point forward.
8. **Receiving/Integration** – Unless the Agreement expressly includes integration services by AVI, the Customer agrees to furnish all services required for receiving, unpacking and placing Equipment in the desired location along with integration. Packaging materials shall be the property of the Customer.
9. **Equipment Warranties** – To the extent AVI receives any warranties from a manufacturer on Equipment; it will pass them through to Customer to the full extent permitted by the terms of each warranty. Factory warranties vary by manufacturer, and no additional warranties are expressed or implied.
10. **General Warranties** – Each Party represents and warrants to the other that: (i) it has full right, power and authority to enter into and fully perform its obligations under this Agreement, including without limitation the right to bind any party it purports to bind to this Agreement; (ii) the execution, delivery and performance of this Agreement by that Party does not conflict with any other agreement to which it is a Party or by which it is bound, and (iii) it will comply with all applicable laws in its discharge of its obligations under this Agreement. AVI warrants, for a period of 90 days from Substantial Completion, the systems integration to be free from defects in workmanship. CUSTOMER WARRANTS THAT IT HAS NOT RELIED ON ANY

INFORMATION OR REPRESENTATION PROVIDED BY OR ON BEHALF OF AVI WHICH IS NOT EXPRESSLY INCLUDED IN THESE GENERAL TERMS AND CONDITIONS OR THE RETAIL SALES AGREEMENT. EXCEPT AS EXPRESSLY SET FORTH HEREIN. AVI DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH REGARD TO THE EQUIPMENT, MATERIALS AND SERVICES PROVIDED BY AVI, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NON INFRINGEMENT AND TITLE.

**11. Indemnification** – AVI shall indemnify and hold harmless Customer against all damages, claims, liabilities, losses and other expenses, including without limitation reasonable attorneys' fees and costs, (whether or not a lawsuit or other proceeding is commenced), to the extent that the same is finally determined to be the result of (a) any grossly negligence or willful misconduct of AVI, its agents, or subcontractors, (b) AVI's failure to fully conform to any material law, ordinance, rule or regulation which affects the Agreement, or (c) AVI's uncured material breach of this Agreement.

**12. Remedies** – Upon default as provided herein, AVI shall have all the rights and remedies of a secured party under the Minnesota commercial code and under any other applicable laws. Any requirements of reasonable notice by AVI to Customer, or to any guarantors or sureties of Customer shall be met if such notice is mailed, postage prepaid, to the address of the party to be notified shown on the first page of this Agreement (or to such other mailing address as that party later furnishes in writing to AVI) at least ten calendar days before the time of the event or contemplated action by AVI set forth in said notice. The rights and remedies herein conferred upon AVI, shall be cumulative and not alternative and shall be in addition to and not in substitution of or in derogation of rights and remedies conferred by the Minnesota commercial code and other applicable laws.

**13. Limitation of Remedies for Equipment** – To the fullest extent permitted by law, AVI's entire liability and the Customer's sole and exclusive remedy in all situations involving performance or nonperformance of Equipment furnished under this Agreement, shall be the adjustment or repair of the Equipment or replacement of its parts by AVI, or, at AVI option, replacement of the Equipment.

**14. Limitation of Liability** - TO THE FULLEST EXTENT PERMITTED BY LAW, EXCEPT IN CIRCUMSTANCES INVOLVING ITS GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, THE TOTAL LIABILITY OF A AVI UNDER THIS AGREEMENT FOR ANY CAUSE SHALL NOT EXCEED (EITHER FOR ANY SINGLE LOSS OR ALL LOSSES IN THE AGGREGATE) THE NET AMOUNT ACTUALLY PAID BY CUSTOMER TO AVI UNDER THIS AGREEMENT DURING THE TWELVE (12) MONTH PERIOD PRIOR TO THE DATE ON WHICH AVI'S LIABILITY FOR THE FIRST SUCH LOSS FIRST AROSE.

**15. No Consequential Damages** – AVI SHALL NOT HAVE ANY LIABILITY TO CUSTOMER OR TO ANY OTHER PERSON OR ORGANIZATION FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, PUNITIVE OR SPECIAL DAMAGES OF ANY DESCRIPTION (INCLUDING WITHOUT LIMITATION LOST PROFITS OR LOSS OR INTERRUPTION OF BUSINESS), WHETHER BASED ON CONTRACT, NEGLIGENCE, TORT, OR ANY OTHER LEGAL THEORY, REGARDLESS OF WHETHER ADVISED OF THE POSSIBILITY OF SUCH DAMAGES AND IRRESPECTIVE OF THE NUMBER OR NATURE OF CLAIMS.

**16. Acceleration of Obligations and Default** – Payment in full for all "Equipment," which is defined as all goods identified in the section of the Agreement with the same title, as well for any and all other amounts due to AVI shall be due within the terms of the Agreement. Upon the occurrence of any event of default by Customer, AVI may, at its option, with or without notice, declare the whole unpaid balance of any obligation secured by this Agreement immediately due and payable and may declare Customer to be in default under this Agreement.

**17. Choice of Law, Venue and Attorney's Fees** – This Agreement shall be governed by the laws of the State of Texas in the United States of America without reference to or use of any conflicts of laws provisions therein. For the purpose of resolving conflicts related to or arising out of this Agreement, the Parties expressly agree that venue shall be in the State of Texas in the United States of America only, and, in addition, the Parties hereby consent to the exclusive jurisdiction of the federal and state courts located in Texas in the United States of America and waive any right to assert in any such proceeding that Customer is not subject to the jurisdiction of such court or that the venue of such proceeding is improper or an inconvenient forum. The Parties specifically disclaim application (i) of the United Nations Convention on the International Sale of Goods, 1980, and (ii) of Article 2 of the Uniform Commercial Code as codified. In the event AVI must take action to enforce its rights under the Agreement, the court shall award AVI the attorney's fees it incurred to enforce its rights under this Agreement.

**18. General** – Headings are for reference purposes only and shall not affect the meaning or interpretation of this Agreement. The Parties acknowledge and agree that the Agreement has been negotiated by the Parties and that each had the opportunity to consult with its respective counsel, and shall be interpreted fairly in accordance with its terms and without any strict construction in favor of or against either Party based on draftsmanship of the Agreement. This Agreement is not assignable by Customer without the prior written consent of AVI. Any attempt by Customer to assign any of the rights, duties, or obligations of this Agreement without such consent is void. AVI reserves the right to assign this Agreement to other parties in order to fulfill all warranties and obligations expressed herein, or upon the sale of all or substantially all of AVI's assets or business. This Agreement can only be modified by a written agreement duly signed by persons authorized to sign agreements on behalf of the Customer and of AVI, and variance from the terms and conditions of the Agreement in any order or other written notification from the Customer will be of no effect. If any provision or provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. AVI is not responsible for any delay in, or failure to, fulfill its obligations under this Agreement due to causes such as natural disaster, war, emergency conditions, labor strike, acts of terrorism, the substantial inoperability of the Internet, the inability to obtain supplies, or any other reason or any other cause or condition beyond AVI's reasonable control. Except as otherwise stated in the Agreement, AVI is not obliged to provide any services hereunder for Equipment located outside the United States or Puerto Rico. Scheduled completion dates are subject to change based on material shortages caused by shortages in cable and materials that are industry wide.

**19. Confidentiality.** The term “Confidential Information” shall mean the inventions, trade secrets, computer software in both object and source code, algorithms, documentation, know how, technology, ideas, and all other business, customer, technical, and financial information owned by AVI or the Customer, which is designated as confidential, or communicated in such a manner or under such circumstances as would reasonably enable a person or organization to ascertain its confidential nature. All the Confidential Information of a party to this Agreement shall be maintained in confidence by the other party, and neither party shall, during the term of this Agreement or for a period of three (3) years subsequent to the termination of this Agreement, divulge to any person or organization, or use in any manner whatsoever, directly or indirectly, for any reason whatsoever, any of the Confidential Information of the other party without receiving the prior written consent of the other party. AVI and the Customer shall take such actions as may be reasonably necessary to ensure that its employees and agents are bound by the provisions of this Section, which actions shall, as may be reasonably requested by either party, include the execution of written confidentiality agreements with the employees and agents of the other party. The provisions of this Section shall not have application to any information that (i) becomes lawfully available to the public; (ii) is received without restriction from another person or organization lawfully in possession of such information; (iii) was rightfully in the possession of a party without restriction prior to its disclosure; or (iv) is independently developed by a party or its employees or agents without access to the other party’s similar information.

**20. Nonsolicitation -** To the extent permitted by applicable law, during the term of this Agreement and for a period of one (1) year after the termination this Agreement, each Party agrees that it shall not knowingly solicit or attempt to solicit any of the other Party’s executive employees or employees who are key to such Party’s performance of its obligations under this Agreement (“Covered Employees”). Notwithstanding the foregoing, nothing herein shall prevent either Party from hiring as an employee any person who responds to an advertisement for employment placed in the ordinary course of business by that Party and/or who initiates contact with that party without any direct solicitation of that person by that Party or its agents.

**21. Price Quotations and Time to Install** – AVI often installs systems at the end of a construction project. The price quoted contemplates that AVI shall have access to the location for the time shown for AVI to complete its work after the work of all other contractors is substantially complete which means, generally, all other trades are no longer generating dust in the location, and final carpeting/flooring is installed (the “Prepared Area”) Failure to give AVI access to the Prepared Area for the amount of time shown for the installation may result in increased installation costs, typically in a manner proportionate to the reduction of time given to AVI to complete its work compared to the original schedule.

**22. Price Quotations** – Unless otherwise specified, all prices quoted reflect a discount for a cash payment (i.e., check, wire transfer) made by Customer in full within the terms of each invoice. Payment in other forms, including credit card, p-card, or other non-cash payments shall be subject to a convenience above the cash price. Please speak to your AVI representative if you have any questions in this regard.



### Contract Verification

Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company’s business dealings.

- Texas Government Code, Chapter 2271 – the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. *Boycott Israel is defined in Government Code Chapter 808.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not boycott energy companies and will not boycott energy companies during the term of the contract. *Boycott energy company is defined in Government Code Chapter 809.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. Verification is not required from a sole source provider. *Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.*

Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, and 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

Rt W. Turner  
Signature

Robby Turner

Printed Name

05/26/2022  
Date

AVI Systems  
Company Name

RVP - Texas

Title

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY  
CERTIFICATION OF FILING**

Certificate Number:  
2022-891743

Date Filed:  
05/26/2022

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
AVI Systems  
Round Rock, TX United States

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**  
City of Killeen

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
1115672  
AV design, integration and support services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Stoebner, Joe	Minneapolis, MN United States	X	
	Stoebner, Jeff	Minneapolis, MN United States	X	
	Patrick, Roger	Dallas, TX United States	X	

**5 Check only if there is NO Interested Party.**

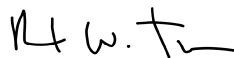
**6 UNSWORN DECLARATION**

My name is Robby Turner, and my date of birth is 07/06/1970.

My address is 2301 Double Creek Dr, Suite 180, Round Rock, TX, 78664.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Williamson County, State of Texas, on the 26 day of May, 2022.  
(month) (year)



Signature of authorized agent of contracting business entity  
(Declarant)



# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Media Rushworks, LLC  
Flower Mound, TX United States

Certificate Number:  
2022-890212

Date Filed:  
05/24/2022

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

City of Killeen, Texas

Date Acknowledged:

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

05-2022 Conf Cntr- Aux Chamber  
Components for the Remote Production Conference Center and Auxiliary Council Chamber

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.

**6 UNSWORN DECLARATION**

My name is Linda Beesley, and my date of birth is 10/14/1949.

My address is 2970 Hillside Drive, Highland Village, TX, 75077, USA.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Denton County, State of TX, on the 24th day of May, 2022.  
(month) (year)

Linda Beesley  
Signature of authorized agent of contracting business entity  
(Declarant)



# PURCHASE OF AUDIO-VIDEO EQUIPMENT

RS-22-099

July 19, 2022

# Background

2

- The Conference Center is utilized for Comprehensive Plan Meetings, joint workshops, and various community related meetings
- The Conference Center is not equipped with appropriate AV equipment to broadcast on the city cable channel and lacks proper audio and camera system
- The system needs to be updated to a modern configuration that has the ability to support all city meetings

# Background continued

3

- This new system will provide:
  - ▣ Improvement to the quality of meeting broadcasts
  - ▣ Better presentation of media to the viewing audience (in room and broadcast) including on-screen pointing and labels
  - ▣ A more user-friendly configuration for presentations controlled directly at the podium
  - ▣ An improved audio system with automatic volume level control with feedback monitoring and elimination
  - ▣ Digital video recording and playback

# Background continued

4

- Staff intends to purchase
  - ▣ Equipment from RushWorks, a sole source provider of A-LIST BROADCAST in an amount not to exceed \$71,603.27
  - ▣ Equipment and installation from AVI Systems utilizing the TIPS/TAPS cooperative contract 200904 in an amount not to exceed \$122,881.17
  - ▣ The combined total for equipment and installation is \$194,484.44

# Alternatives

5

- Do not authorize the upgrade of the AV System
- Authorize the purchase of the AV System from RushWorks and AVI Systems with the anticipated expenses not to exceed \$194,484.44 utilizing PEG (Public/Education/Govt) funds

# Recommendation

6

- Staff recommends that the City Manager or his designee be authorized to execute the purchase of AV equipment from RushWorks and AVI Systems with the anticipated expenses not to exceed \$194,484.44 utilizing PEG (Public/Education/Govt) funds



# City of Killeen

## Staff Report

File Number: RS-22-100

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Willie Resto, Executive Director of Information Technology

**SUBJECT:** Procurement of a Data Storage Device

### **BACKGROUND AND FINDINGS:**

As the City continues to "go green" and digitize documents across the enterprise, the data storage requirements continue to increase which requires additional storage capacity.

The City of Killeen currently uses a combination of Dell and Overland Tandberg equipment to host the City's storage area network (SAN) and server environment. This is to provide general purpose computer network storage services for all City departments. The SAN environment is currently made up of two systems located at the Information Technology facility. One system is dedicated specifically to Laserfiche while the other system supports network storage for all departments. The SAN's provide integrated services that are critical to network operation and hosting critical systems for City operations. The Laserfiche Overland Tandberg storage hardware has reached its end-of-life and the Dell storage device is nearing capacity.

Multiple storage platforms were reviewed to identify the solution that will resolve the end-of-life issue and provide relief to the current Dell server that is near capacity. The Dell Power Scale 380TB solution will resolve both issues in addition to serving as long-term storage. It has between 120TB to 960TB per chassis and scales to 60PB in a single cluster. The A300 includes inline compression and deduplications capabilities.

### **THE ALTERNATIVES CONSIDERED:**

1. Do not purchase the storage device and risk storage failure.
2. Purchase the data storage device from Waypoint using the Texas Department of Information Resources (DIR) contract TSO-4299 in the amount of \$199,999.

### **Which alternative is recommended? Why?**

Staff recommends alternative #2, the purchase of the data storage device from Waypoint using the Texas DIR contract TSO-4299 to relieve the current data storage issues.



**CONFORMITY TO CITY POLICY:**

The Information Technology Department is seeking approval to purchase a data storage device from Waypoint through the Texas DIR TSO-4299 purchasing cooperative contract. Purchases made through a cooperative contract are exempt from the competitive bidding process as stated in the Texas Local Government Code (TLGC) section 271.102, subchapter F; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of goods or services.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

The data storage is projected to cost \$199,999.

**Is this a one-time or recurring expenditure?**

This is a one-time expense.

**Is this expenditure budgeted?**

Yes, funds are available in the Information Technology Internal Service Fund account 627-2705-419.61-40.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends that the City Council approve the procurement of the data storage device from Waypoint in the amount of \$199,999 and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law.

**DEPARTMENTAL CLEARANCES:**

Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Quote  
Certificate of Interested Parties



118 Vintage Park Blvd, W414, Houston, TX 77070  
Phone: 832-479-8540

# QUOTE

**Number** AAAQ13660

**Date** Jun 29, 2022

### Bill To

City Of Killeen  
Willie Resto  
101 West College St  
Killeen, TX 76541

Phone 252-501-7600  
Email wresto@killeentexas.gov

### Ship To

City Of Killeen  
Willie Resto  
101 West College St  
Killeen, TX 76541

Phone 252-501-7600  
Email wresto@killeentexas.gov

### Account Manager



Becky Reinis  
469-964-6283  
breinis@waypointsolutions.com

### Contract

DIR-Dell EMC  
DIR-TSO-4299

### Notes:

Quote is valid for 30 days.

Line	Qty	Description	Unit Price	Ext. Price
1	1	PowerScale A300	\$180,656.58	\$180,656.58
2		(4) A300 - 120TB (15x8TB)/3.2TB SSD		
3		(4) 2x25GbE (SFP28) Back-end W/O OPTICS		
4		(4) 2x25GbE (SFP28) W/O OPTICS		
5		(4) Transceivers/Optic/SFP+/SR/10GbE/2 GEN6		
6		(4) OneFS Base License A3 2-8TB Tier 3=ID		
7		(480) OneFS Capacity A3 Tier 3=CB		
8		(4) SyncIQ Base License A3 Tier 3 =ID		
9		(4) SmartConnect Base License A3 Tier 3 =ID		
10		(4) SmartPools Base License A3 Tier 3 =ID		
11		(4) SnapShotIQ Base License A3 Tier 3 =ID		
12		(4) SmartQuotas Base License A3 Tier 3 =ID		
13		(4) Enterprise Advanced Bundle A3 Tier 3 =ID		
14		(480) SnapShotIQ Capacity License A3 Tier 3=CB		
15		(480) SmartPools Capacity License A3 Tier 3=CB		

Line	Qty	Description	Unit Price	Ext. Price
16		(480) SyncIQ Capacity License A3 Tier 3=CB		
17		(480) SmartQuotas Capacity License A3 Tier 3=CB		
18		(480) SmartConnect Capacity License A3 Tier 3=CB		
19		(480) Enterprise Advanced Bundle Capacity A3 Tier 3 =CB		
20		(4) HDFS for OneFS (\$0.00)		
21		(4) ISG Product (info)		
22		(4) Dell Hardware Limited Warranty		
23		(4) ProSupport Mission Critical 4-Hour 7x24 Onsite Service with Emergency Dispatch 3 Years		
24		(4) ProSupport Mission Critical 7x24 Technical Support and Assistance 3 Years		
25		(4) 3 Years ProSupport Mission Critical OneFS Base 2-8TB Software Support-Maint		
26		(480) 3 Years ProSupport Mission Critical OneFS Capacity Software Support-Maint		
27		(4) 3 Years ProSupport Mission Critical Enterprise Advanced Bundle Base Software Support-Maint		
28		(480) 3 Years ProSupport Mission Critical Enterprise Advanced Bundle Capacity Software Support-Maint		
29		(4) 3 Years ProSupport Mission Critical HDFS for OneFS Software Support-Maint		
30		(480) ProSupport Mission Critical 4-Hour 7x24 Onsite Capacity Addon 3 Years		
31		(4) Certified Deployment Partner T2		
32		Base Chassis - Normal A-Series		
33		Dell Hardware Limited Warranty		
34		ProSupport Mission Critical 4-Hour 7x24 Onsite Service with Emergency Dispatch 3 Years		
35		ProSupport Mission Critical 7x24 Technical Support and Assistance 3 Years		
36		ISG Product (info)		
37		Accessories Label BASE		
38		(2) PWCRD KIT for Normal Chassis		
39		(2) 100G to 25G Breakout (4)SFP28 to (1)Q28 DAC 1M		
40		US Order		
41	1	Switches	\$12,382.42	\$12,382.42
42		(2) S4112F Dell Networking Switch		
43		(2) S4112 Series User Guide		
44		(2) S4112F Install Kit		
45		(2) DELL Switch, Dual Tray Kit for S4112F, 1U		

Line	Qty	Description	Unit Price	Ext. Price
46		(2) EMC GEN3 Switch Rail 22-31in Offset Kit, S4112F		
47		(2) OS10 Enterprise Software, S4112F		
48		(2) Dell Hardware Limited Warranty		
49		(2) ProSupport Mission Critical 4-Hour 7x24 On-Site Service with Emergency Dispatch 3 Years		
50		(2) ProSupport Mission Critical 7x24 HW-SW Tech Support and Assistance 3 Years		
51	1	Waypoint Installation Services	\$6,960.00	\$6,960.00

<b>SubTotal</b>	\$199,999.00
<b>Tax</b>	\$0.00
<b>Shipping</b>	\$0.00
<b>Total</b>	<b>\$199,999.00</b>

Please contact me if I can be of further assistance.



### Contract Verification

Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company’s business dealings.

- Texas Government Code, Chapter 2271 – the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. *Boycott Israel is defined in Government Code Chapter 808.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not boycott energy companies and will not boycott energy companies during the term of the contract. *Boycott energy company is defined in Government Code Chapter 809.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. Verification is not required from a sole source provider. *Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.*

Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, and 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

Travis Pulliam  
Signature

Waypoint Business Solutions, LLC  
Company Name

Travis Pulliam  
Printed Name

CFO  
Title

06/21/2022  
Date

# CERTIFICATE OF INTERESTED PARTIES

FORM **1295**

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY  
CERTIFICATION OF FILING**

Certificate Number:  
2022-901782

Date Filed:  
06/21/2022

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
Waypoint Business Solutions, LLC  
Houston, TX United States

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**  
City of Killeen

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
DIR-TSO-4299  
It Hardware/Software and Consulting Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

**5 Check only if there is NO Interested Party.**

**6 UNSWORN DECLARATION**

My name is Travis Pulliam, and my date of birth is 08/08/1975.

My address is 332 West 18th St., Houston, TX, 77008, USA.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of TX, on the 21 day of June, 2022.  
(month) (year)

*Travis Pulliam*

Signature of authorized agent of contracting business entity  
(Declarant)



# PURCHASE OF A DATA STORAGE DEVICE

RS-22-100

July 19, 2022

# Background

2

- As the City continues to "go green" and digitize documents across the enterprise, the data storage requirements continue to increase which requires additional storage capacity
- The City of Killeen currently uses a combination of Dell and Overland Tandberg equipment to host the City's storage area network (SAN) and server environment providing general purpose computer network storage services for all City departments
- The Laserfiche Overland Tandberg storage hardware has reached end-of-life and the Dell storage device is nearing capacity (134TB used/total capacity 194TB)



# Background

3

- The Information Technology department reviewed the capabilities of multiple storage platforms to identify the solution that will achieve the goals of low cost, long term, and on-premise storage
- The proposed Power Scale 380 TB solution provides long term storage, access of files, Laserfiche and department data
- Dell Power Scale storage device (A300) provides between 120 TB to 960 TB per chassis and scales to 60 PB in a single cluster. The A300 includes inline compression and deduplication capabilities

# Alternatives

4

- Do not purchase the storage device and risk storage failure
- Purchase the Dell PowerScale A300 storage device from Waypoint Solutions not to exceed \$199,999 using the DIR-TSO-4299 contract

# Recommendation

5

- Staff recommends the City Council approve the procurement of a Dell PowerScale A300 storage device from Waypoint Solutions not to exceed \$199,999 using the DIR-TSO-4299 contract, and that the City Manager, or designee be authorized to execute any and all change orders within the amounts set by state and local law.



# City of Killeen

## Staff Report

File Number: RS-22-101

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Jonathan Locke, Executive Director of Finance

**SUBJECT:** Revisions to the City of Killeen's Investment Policy

### **BACKGROUND AND FINDINGS:**

Texas Government Code, Chapter 2256, commonly referred to as the Public Funds Investment Act, governs the investment of public funds. The act requires the governing body to adopt an investment policy. The City's Investment Policy is incorporated into the Financial Governance Policy that is reviewed and readopted annually. The most recent version of the Financial Governance Policy was approved by City Council on February 22, 2022.

The Assistant Director of Finance position was added to the Finance Department during Fiscal Year 2021. The position acts on behalf of the Executive Director of Finance in his or her absence and is involved in the daily operations of the department. The Finance Department recommends incorporating the Assistant Director of Finance into the City's investment program.

The Investment Committee met on June 21, 2022, and approved revisions to the City's Investment Policy. There were three approved changes that incorporates the Assistant Director of Finance into the City's investment program. The changes include the following:

- 1) Section C. Investment Committee, 1. Members: The Investment Policy establishes the members of the Investment Committee as the Mayor, or designee, the City Manager, or designee, the Executive Director of Finance, the Controller, and a member designated by the Executive Director of Finance. The recommended revision is to remove a member designated by the Executive Director of Finance and replace with the Assistant Director of Finance.
- 2) Section D. Responsibility and Control, 1. Delegation: The Investment Policy identifies the positions that are investment officers. Only investment officers are authorized to deposit, withdraw, invest, and execute documentation for City investments. The current policy establishes the Executive Director of Finance and Controller as investment officers. The recommended revision is to add the Assistant Director of Finance.
- 3) Section D. Responsibility and Control, 2. Management and Internal Controls: The Investment Policy requires dual control of all investment activities and lists the Executive Director of

Finance and Controller as the two positions that maintain dual control. The recommended revision is to add the Assistant Director of Finance.

**THE ALTERNATIVES CONSIDERED:**

1. Do not approve the revisions to the City of Killeen’s Investment Policy.
2. Approve the revisions to the City of Killeen’s Investment Policy.

**Which alternative is recommended? Why?**

Alternative 2 is recommended to ensure the continuity of the investment program in the absence of the Executive Director of Finance or Controller.

**CONFORMITY TO CITY POLICY:**

Yes, The City of Killeen Investment Policy states that the Investment Policy will be reviewed and adopted by resolution of the City Council at least annually. The Investment Committee reviews and if necessary, recommends revisions to the Investment Policy each year to ensure compliance with the Public Funds Investment Act.

Texas Government Code 2256.005(e) states that the governing body of an investing entity shall review its investment policy not less often than annually. The statute requires the governing body to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and that the written instrument so adopted record any changes made to the investment policy.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

N/A

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

City Council approve the revisions to the City of Killeen's Investment Policy.

**DEPARTMENTAL CLEARANCES:**

Finance

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Investment Policy Revisions

the City has funds that will not be needed to meet current-year obligations, maturity restraints will be imposed based upon the investment strategy for each fund.

---

3. PUBLIC TRUST

Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

---

4. YIELD

It will be the objective of the City to earn the optimum rate of return allowed on its investments within the constraints imposed by its safety and liquidity objectives, investment strategies for each fund, and state and federal law governing investment of public funds.

---

C. INVESTMENT COMMITTEE

---

1. MEMBERS

The members of the City's Investment Committee shall be the Mayor of the City (or his/her designee), the City Manager (or his/her designee), the Executive Director of Finance, the Assistant Director of Finance, and the Controller ~~and a member designated by the Executive Director of Finance~~. The Investment Committee shall receive quarterly reports, as outlined in this Policy, and monitor the results and performance of the investment portfolio.

---

2. SCOPE

The Investment Committee shall include in its deliberations such topics as: investment strategy, return on investments, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, independent training sources, and authorized broker/dealers.

---

3. PROCEDURES

The Investment Committee shall provide minutes of its meetings. Any member may request a special meeting, and three members shall constitute a quorum. The Investment Committee shall establish its own rules of procedure.

## D. RESPONSIBILITY AND CONTROL

### 1. DELEGATION

Management responsibility for the investment program is hereby delegated to the Executive Director of Finance, who is responsible for all investment decisions and activities. The Executive Director of Finance, Assistant Director of Finance, and Controller shall be the City's Investment Officers. Investment Officers are authorized to deposit, withdraw, invest, transfer, execute documentation, and otherwise manage City funds according to this Policy. The Executive Director of Finance may designate specific City personnel to assist with various investment-related activities. The Executive Director of Finance shall be responsible for all transactions and compliance with the internal controls to ensure that the safekeeping, custodial, and collateral duties are consistent with this Investment Policy.

### 2. MANAGEMENT AND INTERNAL CONTROLS

The Executive Director of Finance shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed by the Investment Committee and with the independent auditor. The controls shall be designed to reasonably prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the City. Dual control of all investment activities will consistently be maintained by two of the following positions, the Executive Director of Finance, the Assistant Director of Finance, ~~and~~ or the ~~City~~ Controller.

### 3. INVESTMENT MANAGEMENT FIRM

The City Council may contract with an investment management firm, registered under the Investment Advisor's Act of 1940 (15 U.S.C. Section 80b-1 et seq.) to provide for the investment and management of the funds of the City. The contract will be for a term no longer than two (2) years. Renewal or extension of the contract must be in compliance with the Act.

### 4. TRANSACTION AUTHORITY

Certain signatory responsibilities are required to transact investments. Positions authorized as depository signatories shall be the City Manager and





# INVESTMENT POLICY REVISIONS

RS-22-101

July 19, 2022

# Background

2

- Texas Government Code Chapter 2256
  - ▣ Governs the investment of government funds in Texas
  - ▣ Requires the adoption of an investment policy
  - ▣ Requires the governing body to review annually and approve any changes
- June 21, 2022 - Investment Committee approved changes to the Investment Policy that incorporated the Assistant Director of Finance into the City's investment program

# Proposed Policy Changes

<b>Policy Change Location</b>	<b>Why Change is Requested</b>	<b>Policy Change</b>
<b>Section C. Investment Committee 1. Members</b>  <b>Page 64</b>	Add the Assistant Director of Finance position as a member of the Investment Committee	Removed the member designated by the Director of Finance and added the Assistant Director of Finance

# Proposed Policy Changes

4

<b>Policy Change Location</b>	<b>Why Change is Requested</b>	<b>Policy Change</b>
<b>Section D. Responsibility and Control 1. Delegation  Page 65</b>	Name the Assistant Director of Finance an Investment Officer	Added Assistant Director of Finance to the Director of Finance and Controller

# Proposed Policy Changes

<b>Policy Change Location</b>	<b>Why Change is Requested</b>	<b>Policy Change</b>
<b>Section D. Responsibility and Control 2. Management and Control</b>  <b>Page 65</b>	Add the Assistant Director of Finance to the positions required for dual control over investments	Changed language to read two of the following positions, and added the Assistant Director of Finance to the Director of Finance and Controller

# Alternatives

6

- Do not approve the revisions to the Investment Policy
- Approve the revisions to the Investment Policy

# Recommendation

7

City Council approve the revisions to the City of Killeen's Investment Policy



# City of Killeen

## Staff Report

File Number: RS-22-102

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Jonathan Locke, Executive Director of Finance

**SUBJECT:** Hill Country Transit District (HOP) Interlocal Agreement

### **BACKGROUND AND FINDINGS:**

Texas Government Code, Chapter 791, authorizes local governments to contract for governmental functions and services to increase efficiency and effectiveness. Hill Country Transit District is a political subdivision of the State of Texas that operates the HOP. The City contracts with Hill Country Transit District to provide transit services to residents. In recent years, the number of routes provided by the HOP have been reduced due to budget constraints.

During the FY 2022 Budget process, City Council provided direction on the allocation of the \$29.1 million received from the American Rescue Plan Act (ARPA). City Council authorized \$1.1 million in funding for transit services with the HOP to provide transportation services for some of the City's most vulnerable residents impacted by the COVID-19 pandemic. The purpose of this agreement is to add two routes, including the Route 550 Silver Flex Route and the Fixed Route 5, which also has complimentary American with Disabilities Act services.

Route 550 Silver Flex Route will run four hours a day, Monday through Friday, from 8:10 a.m. to 10:10 a.m. and 1:55 p.m. to 3:55 p.m. The loop route will run from Lions Club Park to Lowes BLVD. at Walmart, to the Killeen Community Center, and back to Lions Club Park.

Fixed Route 5 runs twelve hours a day, Monday through Friday, from 6:00 a.m. to 6:00 p.m. The Inbound Route will run from Stan Schlueter Loop at HEB to Jasper Drive at Workforce Solutions, to the Killeen Transfer Station. The Outbound Route will run from the Killeen Transfer Station to the intersection of Elms Road and Round Rock Drive, to Stan Schlueter Loop at HEB. The route also provides complementary paratransit service within a  $\frac{3}{4}$  mile radius from Route 5. Paratransit services is by request and does not have designated time stops.

### **THE ALTERNATIVES CONSIDERED:**

1. Do not approve the interlocal agreement with HCTD for increased service routes.
2. Approve the interlocal agreement with HCTD for increased service routes.



**Which alternative is recommended? Why?**

Alternative 2 is recommended, to provide transportation services for the City's most vulnerable population impacted by the COVID-19 pandemic.

**CONFORMITY TO CITY POLICY:**

Texas Government Code 791, authorizes local governments to contract for governmental functions and services to increase efficiency and effectiveness.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

FY 2022 - \$500,000	FY 2024 - \$600,000
FY 2023 - \$600,000	FY 2025 - \$600,000

**Is this a one-time or recurring expenditure?**

Recurring

**Is this expenditure budgeted?**

Yes, funds are available in the General Fund Non-Departmental account 010-9501-491.50-64.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

City Council approve the interlocal agreement with Hill Country Transit District for increased service routes and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law.

**DEPARTMENTAL CLEARANCES:**

Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

HOP Interlocal Agreement

**INTERLOCAL AGREEMENT**

**BETWEEN  
Hill Country Transit District  
AND  
City of Killeen, Texas  
FOR  
Additional Transit Services**

This interlocal agreement is entered into by and between Hill Country Transit District (HCTD), and The City of Killeen, Texas (City). HCTD and the City may be referred to in this Agreement individually as a "Party" and collectively as the "Parties."

**WITNESSETH**

**WHEREAS**, The City seeks to have additional transit services; and

**WHEREAS**, the City desires to provide services to the citizens of Killeen in the most efficient and effective manner; and

**WHEREAS**, HCTD is the public transit system, providing affordable transportation for the City of Killeen; and

**WHEREAS**, Texas Government Code, Chapter 791, authorizes local governments to contract for governmental functions and services to increase efficiency and effectiveness; and

**WHEREAS**, both parties have authority to enter into this Agreement, and have done so by the action of its governing body;

**NOW, THEREFORE**, the parties hereby agree as follows:

**ARTICLE I. PURPOSE**

The purpose of this agreement is to continue and increase the services HCTD provides to the City including Route 550 Silver Flex Route and Fixed Route 5, and associated complimentary ADA services.

**ARTICLE II. TERM AND FUNDING AMOUNT**

The term of this Agreement will begin on the 3rd of January, 2022 and shall continue until terminated by one of the parties. Either party may terminate this Agreement by giving sixty (60) days written notice to the other party.

The total amount to be paid by the City to HCTD for Route 550 Silver Flex Route is the sum of \$100.00 per hour for each hour of service provided as set forth in Exhibit A. The total amount to be paid by the City to HCTD for Route 5 and complementary paratransit service is the sum of \$200.00 per hour for each hour of service provided as set forth in Exhibit B. Cost per service hour will be calculated each October based on the previous year 12-month average cost per service hour.

The parties will make payment for any services performed under this Agreement from current revenue available to the paying party.

**ARTICLE III. DESCRIPTION OF SERVICES**

The HCTD agrees to provide ongoing oversight of these additional services. Oversight responsibilities include being the point of contact for TxDOT and assuring compliance on all terms of the master grant agreement, all reporting requirements and applicable state and federal regulations and requirements.

All expenses beyond the service hour charge shall be documented and invoiced monthly.

**ARTICLE IV. PERSONNEL MANAGEMENT**

HCTD will provide the personnel for and manage the personnel needed to provide these services.

**ARTICLE V. OPERATIONS**

HCTD will manage this service through its Urban division.

**ARTICLE VI. INDEMNIFICATION**

A. HCTD shall, to the extent authorized under the Constitution and laws of the State of Texas, defend, indemnify and hold the City and its affiliates, subsidiaries, directors, officers, agents, representatives and employees harmless from any and all claims, losses and liabilities (including attorneys fees) or all liability, costs and expenses arising from or resulting from: (1) any action by HCTD, (2) HCTD’s failure to fulfill or perform any covenant or agreement of HCTD in this Agreement or (3) the inaccuracy of any representation or warranty of HCTD made in this Agreement.

B. The City shall, to the extent authorized under the Constitution and laws of the State of Texas, defend, indemnify and hold HCTD and its affiliates, subsidiaries, directors, officers, agents, representatives and employees harmless from any and all claims, losses and liabilities (including attorneys fees) or all liability, costs and expenses arising from or resulting from: (1) any action by the City, (2) the City’s failure to fulfill or perform any covenant or agreement of the City in this Agreement or (3) the inaccuracy of any representation or warranty of the City made in this Agreement.

**ARTICLE VII. CONTACTS**

Contact for HCTD: Steven R. Beck Interim General Manager 4515 W. US 190 Belton, TX 76513 254-933-3700  
[sbeck@takethehop.com](mailto:sbeck@takethehop.com)

Contact for City of Killeen: Kent Cagle City Manager 101 N College Street Killeen, TX 76541 254-501-7700  
[kcagle@killeentexas.gov](mailto:kcagle@killeentexas.gov)

**ARTICLE VIII. GOVERNING LAW**

The laws of the State of Texas shall govern this Agreement. All obligations hereunder of the Parties are performable in Bell County, Texas. Venue for any legal proceeding is Bell County, Texas.

**ARTICLE IX. SEVERABILITY**

Should any provision of this Agreement for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

**ARTICLE X. ENTIRETY OF AGREEMENT**

This is the entire agreement between the parties and no modification of this Agreement shall be of any force or effect, unless it is in writing signed by both parties.

IN WITNESS HEREOF, the City and HCTD have each caused this Agreement to be signed and delivered by its duly authorized representative.

Hill Country Transit District

City of Killeen

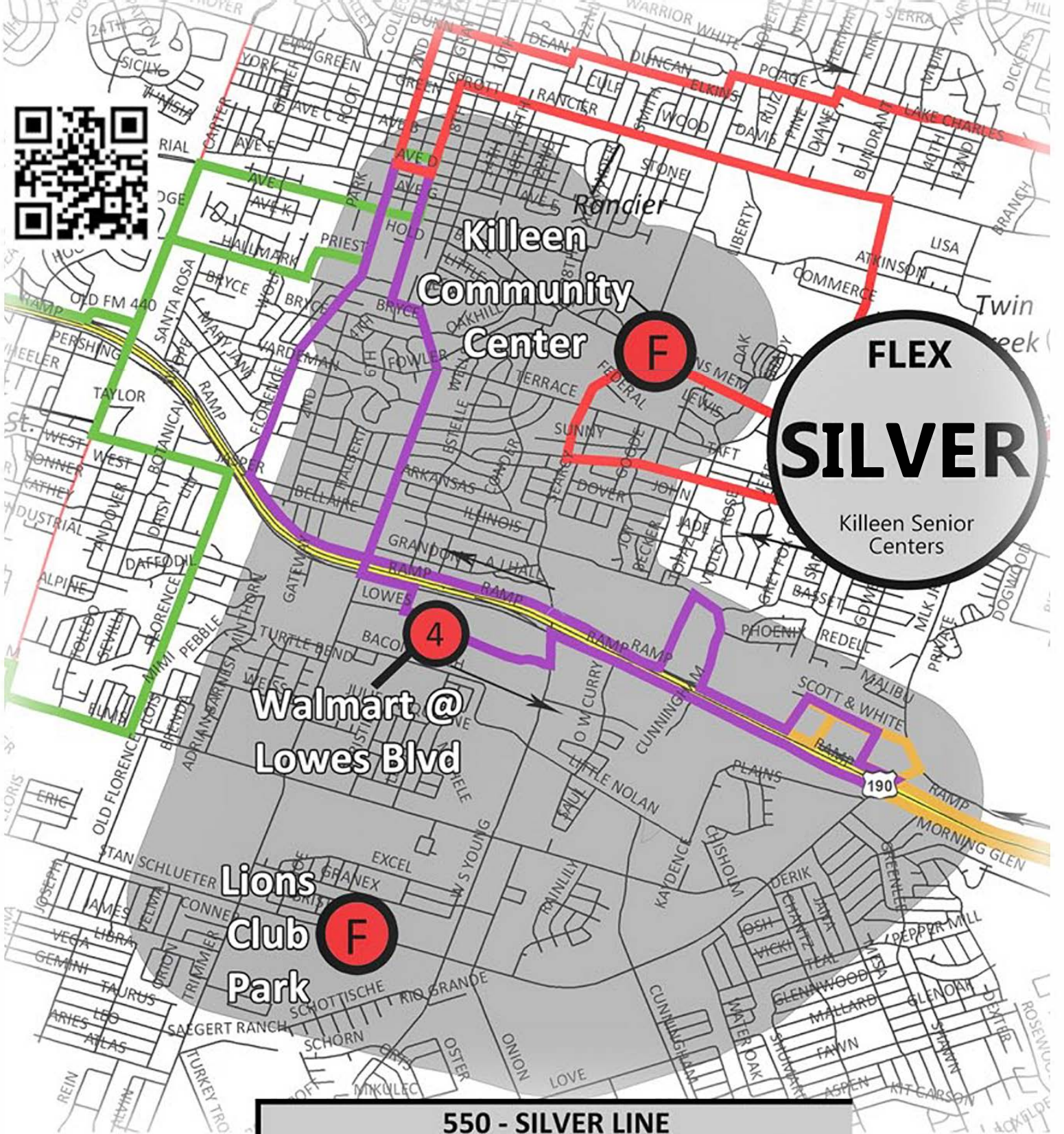
\_\_\_\_\_  
Steven R. Beck Interim General Manager  
Date \_\_\_\_\_

\_\_\_\_\_  
Kent Cagle, City Manager  
Date \_\_\_\_\_

**Exhibit A**

A detailed description of the services HCTD is to provide under this Agreement is set forth below:

Route 550 Silver Flex Route operates 4 hours a day, Monday through Friday. From 8:10am to 10:10am and from 1:55pm to 3:55pm. Major holidays excluded. See following map and table for times and stops.



550 - SILVER LINE			
LOOP			
LIONS CLUB PARK	LOWES BLVD @ WALMART	KILLEEN COMMUNITY CENTER	LIONS CLUB PARK
	8:10	8:25	8:55
8:55	9:10	9:25	9:55
9:55	10:10		
13:55	14:10	14:25	14:55
14:55	15:10	15:25	15:55



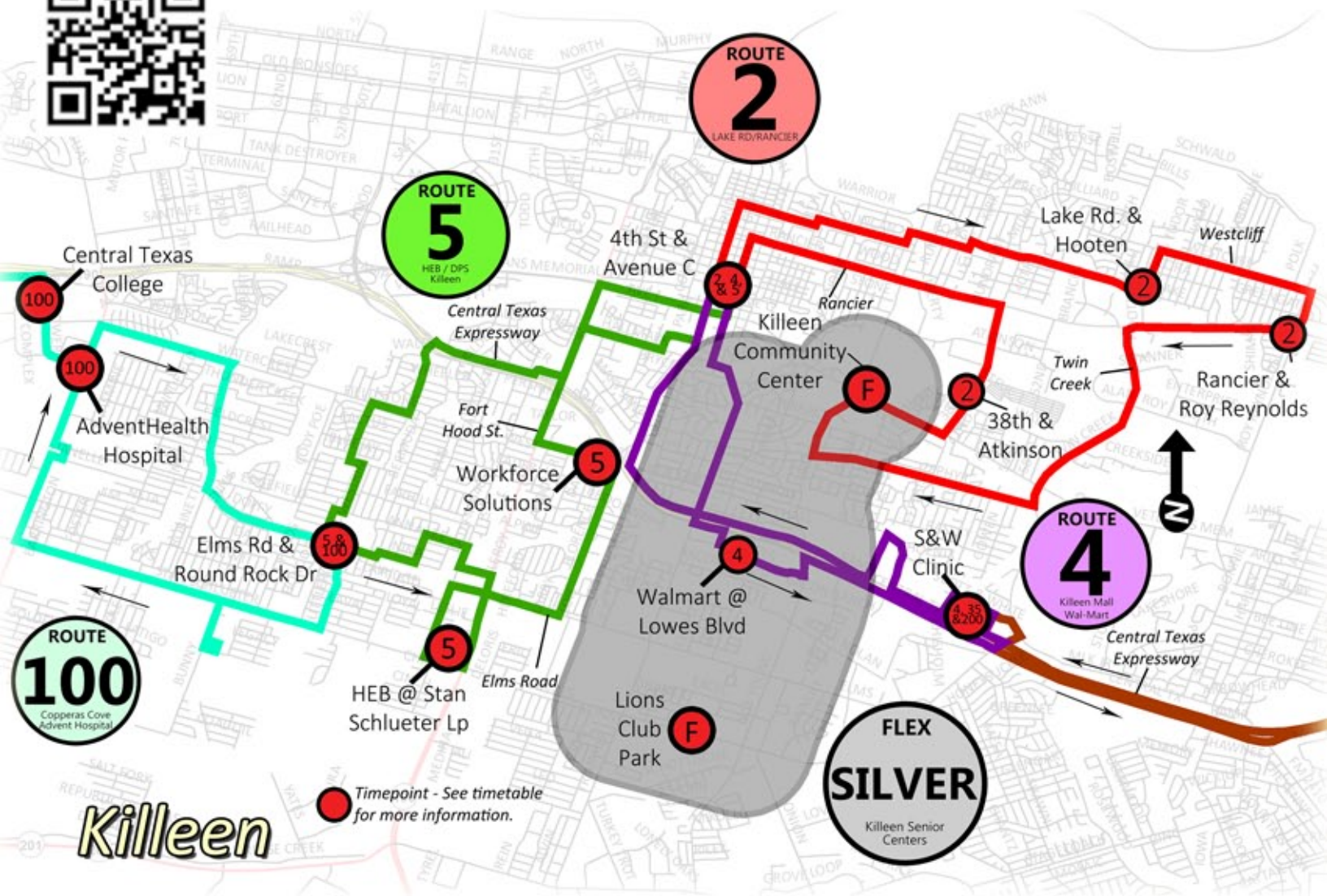
[www.takethehop.com](http://www.takethehop.com)  
 (254) 933-3700

## **Exhibit B**

A detailed description of the services HCTD is to provide under this Agreement is set forth below:

RT-5 operates hourly service from 6:00am to 6:00pm daily for twelve hours per day, Monday through Friday. Major holidays excluded. See following map and table for times and stops.

Complementary paratransit service operates within a  $\frac{3}{4}$  mile radius from route 5. This service operates from 6:00am to 6:00pm, Monday through Friday. Major holidays excluded. This service is by request and does not have designated time stops.



**5 - HEB/DPS-KILLEEN**

INBOUND			OUTBOUND		
STAN SCHLUETER LOOP @ HEB	JASPER @ WORKFORCE SOLUTIONS	KILLEEN TRANSFER STATION	KILLEEN TRANSFER STATION	ELMS RD & ROUND ROCK DR	STAN SCHLUETER LOOP @ HEB
-	-	-	6:00	6:20	6:30
6:30	6:40	7:00	7:00	7:20	7:30
<b>7:30</b>	<b>7:40</b>	<b>8:00</b>	<b>8:00</b>	<b>8:20</b>	<b>8:30</b>
8:30	8:40	9:00	9:00	9:20	9:30
<b>9:30</b>	<b>9:40</b>	<b>10:00</b>	<b>10:00</b>	<b>10:20</b>	<b>10:30</b>
10:30	10:40	11:00	11:00	11:20	11:30
<b>11:30</b>	<b>11:40</b>	<b>12:00</b>	<b>12:00</b>	<b>12:20</b>	<b>12:30</b>
12:30	12:40	1:00	1:00	1:20	1:30
<b>1:30</b>	<b>1:40</b>	<b>2:00</b>	<b>2:00</b>	<b>2:20</b>	<b>2:30</b>
2:30	2:40	3:00	3:00	3:20	3:30
<b>3:30</b>	<b>3:40</b>	<b>4:00</b>	<b>4:00</b>	<b>4:20</b>	<b>4:30</b>
4:30	4:40	5:00	5:00	5:20	5:30
<b>5:30</b>	<b>5:40</b>	<b>6:00</b>	-	-	-



[www.takethehop.com](http://www.takethehop.com)  
**(254) 933-3700**





## HILL COUNTRY TRANSIT DISTRICT (The HOP) INCREASED SERVICE ROUTES

# Background – HOP routes

2

- Texas Government Code, Chapter 791 – allows the City to contract for services to increase efficiency and effectiveness
- City contracts with the Hill Country Transit District (HCTD) operator of the HOP for transit services
  - ▣ Routes have been reduced due to budget constraints
- City Council approved \$1.1 million in ARPA funds to increase transit services for residents

# HOP Agreement

3

- Agreement will add two routes:
  - ▣ Route 550 Silver Flex at a cost of \$100 per hour
  - ▣ Fixed Route 5 (includes ADA services) at a cost of \$200 per hour
- Services will be billed monthly
- Agreement will be effective retroactive to January 2022

# HOP – Silver Flex Route #550

4



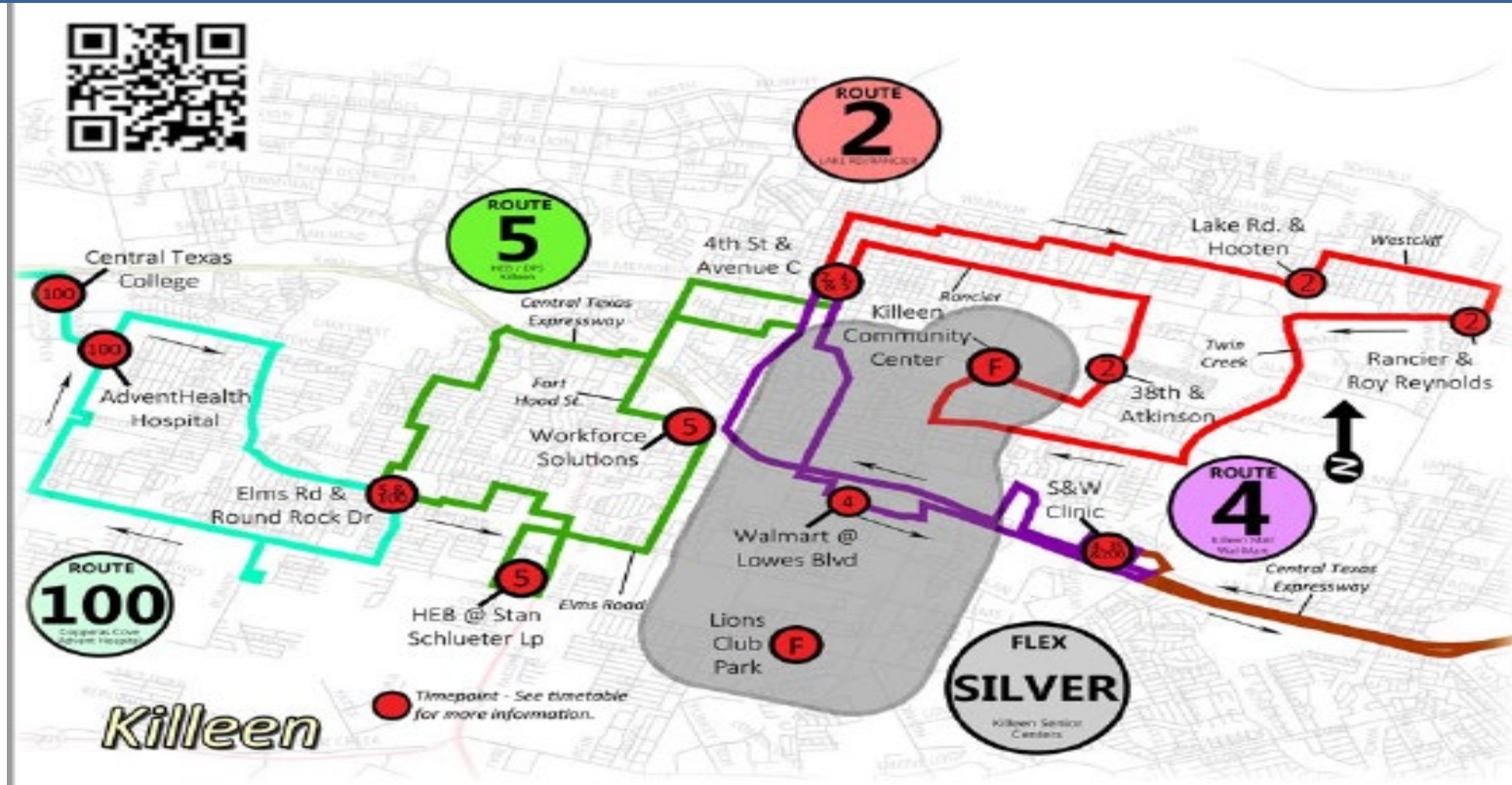
# HOP – Silver Flex Route #550 Schedule

5

550 - SILVER LINE			
LOOP			
LIONS CLUB PARK	LOWES BLVD @ WALMART	KILLEEN COMMUNITY CENTER	LIONS CLUB PARK
	<b>8:10</b>	<b>8:25</b>	<b>8:55</b>
8:55	9:10	9:25	9:55
<b>9:55</b>	<b>10:10</b>		
13:55	14:10	14:25	14:55
<b>14:55</b>	<b>15:10</b>	<b>15:25</b>	<b>15:55</b>

# HOP – Fixed Route 5

6



# HOP – Fixed Route 5 Schedule

5 - HEB/DPS-KILLEEN					
INBOUND			OUTBOUND		
STAN SCHLUETER LOOP @ HEB	JASPER @ WORKFORCE SOLUTIONS	KILLEEN TRANSFER STATION	KILLEEN TRANSFER STATION	ELMS RD & ROUND ROCK DR	STAN SCHLUETER LOOP @ HEB
-	-	-	<b>6:00</b>	<b>6:20</b>	<b>6:30</b>
6:30	6:40	7:00	7:00	7:20	7:30
<b>7:30</b>	<b>7:40</b>	<b>8:00</b>	<b>8:00</b>	<b>8:20</b>	<b>8:30</b>
8:30	8:40	9:00	9:00	9:20	9:30
<b>9:30</b>	<b>9:40</b>	<b>10:00</b>	<b>10:00</b>	<b>10:20</b>	<b>10:30</b>
10:30	10:40	11:00	11:00	11:20	11:30
<b>11:30</b>	<b>11:40</b>	<b>12:00</b>	<b>12:00</b>	<b>12:20</b>	<b>12:30</b>
12:30	12:40	1:00	1:00	1:20	1:30
<b>1:30</b>	<b>1:40</b>	<b>2:00</b>	<b>2:00</b>	<b>2:20</b>	<b>2:30</b>
2:30	2:40	3:00	3:00	3:20	3:30
<b>3:30</b>	<b>3:40</b>	<b>4:00</b>	<b>4:00</b>	<b>4:20</b>	<b>4:30</b>
4:30	4:40	5:00	5:00	5:20	5:30
<b>5:30</b>	<b>5:40</b>	<b>6:00</b>	-	-	-

# Alternatives – HOP routes

8

- Do not approve the interlocal agreement with Hill Country Transit District for increased service routes
- Approve the interlocal agreement with Hill Country Transit District for increased service routes



# Recommendation – HOP routes

9

City Council approve the interlocal agreement with Hill Country Transit District for increased service routes and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law



# City of Killeen

## Staff Report

File Number: RS-22-103

---

**DATE:** July 19, 2022

**TO:** Mayor and City Council

**FROM:** Kent Cagle, City Manager

**SUBJECT:** Second Amendment to Interlocal Agreement - Relocation of Bell County Killeen Annex

### **BACKGROUND AND FINDINGS:**

The City Council and Bell County Commissioners Court have been discussing opportunities to relocate County offices to Downtown Killeen. On March 8, 2022 City Council approved an Interlocal Agreement to provide funding for the demolition of the First National Bank downtown building.

On June 14, City Council approved Bell County's amendment request to the Interlocal Agreement requesting the City acquire the First National Bank downtown building, demolish the structure, and convey the property to the County at no cost within twelve months of the signed agreement. The amendment included the County's agreement to construct a new building with at least thirty thousand (30,000) square feet within thirty-six months of receipt of the property.

This second amendment requests the City demolish the building and convey the property to the County on or before December 31, 2022.

### **THE ALTERNATIVES CONSIDERED:**

1. City Council can accept Bell County's Interlocal Agreement amendment.
2. City Council can reject Bell County's request to amend the existing Interlocal Agreement.

### **Which alternative is recommended? Why?**

Click or tap here to enter text.

### **CONFORMITY TO CITY POLICY:**

The Interlocal agreement conforms to City policy.

### **FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

The total cost of demolition will be borne by the City. The estimated demolition cost is \$300,000.

**Is this a one-time or recurring expenditure?**

One-time expenditure.

**Is this expenditure budgeted?**

Yes, funds are available in Governmental CIP Fund account 349-8934-493.69-03.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends approval of the second amendment to the agreement with Bell County.

**DEPARTMENTAL CLEARANCES:**

Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Interlocal Agreement - Amended

State of Texas §

County of Bell §

### **Interlocal Agreement**

This Interlocal Agreement is made and entered into by and among the City of Killeen ('City') and Bell County ('County'), collectively, 'the Parties'.

#### **Recitals**

WHEREAS, the Texas Government Code, Title 7, Chapter 791 provides for interlocal cooperation Contracts, or interlocal agreements, among political subdivisions of the State of Texas; and

WHEREAS, the Texas Government Code, Title 7, Chapter 791, states that its purpose is to increase the efficiency and effectiveness of local governments by authorizing them to contract with each other; and

WHEREAS, the Texas Government Code, Title 7, Chapter 791 further allows for interlocal agreements for 'governmental functions', as defined by Chapter 791, Texas Government Code; and

WHEREAS, the Texas Government Code, Title 7, Chapter 791 allows counties, municipalities and other political subdivisions of the State of Texas to enter into interlocal agreements under the terms and conditions set forth in Texas Government Code, Title 7, Chapter 791; and

WHEREAS, City is a home rule city under the laws of the State of Texas and, accordingly, has authority to enter into an interlocal agreement; and

WHEREAS, the County is a political subdivision of the State of Texas and, accordingly, has authority to enter into an interlocal agreement; and

WHEREAS, the County has indicated a need to relocate the Bell County Killeen Annex, currently located on Priest Drive in Killeen; and

WHEREAS, First National Bank of Texas has indicated it is amenable to transfer ownership of the property and all buildings ('Property') located at 507 North Gray, Killeen, Texas, to the County for the purposes of locating the Bell County Killeen Annex; and

WHEREAS, the City is supportive of this location for the Bell County Killeen Annex and has an interest in revitalizing its downtown area and seeks to keep and attract entities to locate in that area; and

**NOW, THEREFORE**, in consideration of the mutual promises, obligations, and benefits to derived by the Parties pursuant to this interlocal agreement, the Parties hereby agree that:

1. The City agrees, subject to paragraph 4.c, to acquire the Property, demolish the structures and clear the Property and to convey the Property as 'shovel ready' at no cost to the County. City further agrees that such actions shall occur on or before December 31, 2022.

2. The County agrees to:
  - a. Subject to paragraph 1 and paragraph 4.d, construct a new building(s) on the Property with square footage of at least thirty thousand (30,000) square feet, with the new building(s) substantially complete within thirty-six (36) months of receipt of the Property.
  
3. Each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.
  
4. Each party acknowledges that:
  - a. The County has allocated \$10,000,000 for the design and construction of the new Killeen Annex.
  - b. The City has allocated \$300,000 for the demolition of the existing structures on the site.
  - c. The City has the right to terminate this agreement at any time prior to performing the commitments set forth in the agreement.
  - d. The County has the right to terminate this agreement prior to the City's performance under this agreement. However, once the City has performed, the County shall commit to constructing or investing the lesser of : 1) the construction of at least 30,000 square feet of building(s) or 2) investing \$10,000,000 for a building(s) on the Property.
  
5. This interlocal agreement becomes effective on the date the last signature is affixed and remains in effect the obligations of the Parties are complete, unless terminated earlier by mutual written consent of the parties.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed, effective on this the \_\_\_\_\_, day of \_\_\_\_\_, 2022.

City of Killeen

Bell County

\_\_\_\_\_  
Kent Cagle

\_\_\_\_\_  
David A. Blackburn

City Manager

County Judge



# Bell County Interlocal Agreement – Second Amendment

RS-22-103

July 19, 2022

102

# Requested Amendments

2

- City acquires First National Bank downtown building
- City demolishes building and conveys property to County at no cost no later than December 31, 2022
- County agrees to construct new building with at least 30,000 sq ft within 36 months of receipt of property



# City of Killeen

## Staff Report

File Number: OR-22-010

---

**DATE:** July 19, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Leslie Hinkle, Executive Director of Community Development

**SUBJECT:** Amendment to the Community Development PY 2020-2024 Consolidated Strategic Plan associated with the Community Development Block Grant (CDBG) and Home Investments Partnerships (HOME) Program

### **BACKGROUND AND FINDINGS:**

The Consolidated Strategic Plan is a multi-year document required from jurisdictions participating in U.S. Department of Housing and Urban Development (HUD) grant programs by stating the City's plan to develop successful urban communities through goals established to expand access to affordable housing, foster suitable living environments, and expand economic opportunities, principally for low and moderate-income residents. Each associated Annual Action Plan describes how funding will be utilized during a particular program year to address priorities established in the Consolidated Strategic Plan. Amendments to the Consolidated Strategic Plan occur when community needs change throughout the five-year period. This amendment reflects the needs of life saving emergency equipment to be used primarily in north Killeen and the addition of a new priority - Development of Affordable Housing Rental and Owner located in the identified local areas known as the North Killeen Revitalization Area, as established by City Council (NKRA) and in the Local Target Area Large (LTAG), as identified in the Community Development Consolidated Strategic Plan 2020-2024. The amendment will add the two items to the goals and objectives established in the 5-year Consolidated Strategic Plan (PY 20-24) and allow for incorporation into the PY 2022-23 Annual Action Plan to meet affordable housing and community development needs.

This amendment to the Community Development Consolidated Strategic Plan requires public comment for a period not less than 30-days which begins June 27th, ending July 26, 2022. Written comments will be accepted and considered for this amendment.

### **THE ALTERNATIVES CONSIDERED:**

1. In accordance with the required 30-day comment period, hold the public hearing on July 26, 2022, and adopt the 2020-24 Consolidated Strategic Plan, as amended.
2. Do not accept the proposed amendment to the Community Development 2020-2024 Consolidated Strategic Plan.



**Which alternative is recommended? Why?**

Recommend approval of the 2020-2024 Consolidated Strategic Plan, as amended following the solicitation of citizen participation and comment on the amendment to the five-year Plan; hold the public hearing on July 26, 2022, include revisions, as appropriate, based on citizen comments received during the previously held 30-day comment period and public hearing. Adopting the amendment to the 2022-2024 Consolidated Strategic Plan will expand established goals and increase access to affordable housing for low and moderate-income residents.

**CONFORMITY TO CITY POLICY:**

Yes, as described in the Citizen Participation Plan approved by Killeen City Council.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

\$0 in the current fiscal year; \$0 in future years.

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

Following the public hearing on July 26, 2022, recommend approval of the proposed amendment to the 2020-2024 Consolidated Strategic Plan incorporating appropriate citizen comment received during the 30-day comment period.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Executive Summary  
Ordinance

## Executive Summary

### ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

The Killeen community is encouraged to participate at every opportunity in identifying new or changing community needs and reporting them to the Community Development Advisory Committee (CDAC), during public hearings and comment periods, and during annual Community Planning Meetings for proposed use and expenditure of the City's HUD funding. Additional funding from various public, private, or other federal sources will be combined with the CDBG and/or HOME funding to achieve established, added, or updated goals for each of the remaining years of the Community Development 2020-2024 Consolidated Strategic Plan. Performance will be measured at the end of each fiscal cycle noting accomplishments as well as discrepancies due to unforeseen causes.

This is the first amendment to the jurisdiction's adopted consolidated strategy for the years October 1, 2020, through September 30, 2025. The proposed amendment will affect years 3 through year 5 – October 1, 2022 through September 30, 2025 unless amended in the future. The amendment will add to an existing priority goal description and add a new priority goal to the category of Housing.

#### 2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The City of Killeen and its public and private partners will continue to utilize Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) Program funds in conjunction with other public and private funding sources to achieve outcomes in meeting the identified needs of its community and in serving the needs of the various income levels of persons and households. This amendment will continue the primary objectives and outcomes initially identified in the original 2020-2024 Consolidated Strategic Plan however an additional information will be added to an existing goal description and an additional goal will be added to the Housing category to include the objective of New Construction of Affordable Rental units in local target areas increasing housing opportunities for low-income individuals and households.

##### ADD TO DESCRIPTION: PUBLIC INFRASTRUCTURE & IMPROVEMENTS – CITY OWNED

Description: Funding for publicly (City of Killeen) owned facilities and infrastructure improvements to include rehabilitation, reconstruction, and new construction with appropriate justification to: streets, curb/gutters, sidewalks, sanitary sewer, water, public libraries, solid waste disposal, parks and green spaces, lighting, benches, street and landscaping, architectural barrier removal-accessibility improvements installing ramps, railing, signage, etc., police substation, lifesaving emergency equipment, flood/drainage improvements, and sustaining aging infrastructure and facilities in the target areas of the city. HIGH priority - other low-income Census Tracts/Block Groups (CDBG LI Target Areas) LOW priority – other areas in the corporate City limits of Killeen.

**ADD PRIORITY: AFFORDABLE HOUSING DEVELOPMENT – RENTAL UNITS (New Construction)**

Priority Level-High; Population- Low-income, Elderly, Large Families, Families with Children, Small Families; Geographic Areas Affected- Local Target Area Small (LTASM) North Killeen Revitalization Area (NKRA) and Local Target Area Large (LTALG); Associated Goals-Rental Housing Development, DH1; Description: Funding for development of affordable rental housing units; Maximum gross annual household income equal to or less than 80% of the AMI (area median income) applies to rental housing development. 50% of HOME-assisted rental units must be occupied by tenants with gross annual household income equal to or less than 60% of the AMI; Housing Counseling of assisted households, by a HUD Certified Housing Counseling Agency/Counselor with goals incorporating comprehensive training and education that will assist the household in improving their housing conditions in meeting the responsibilities of homeownership or tenancy, are required; services to persons with limited English proficiency (LEP), and minimum time duration and curriculum content requirements apply; the household may not be charged for materials or for participating in the required housing counseling session(s). Housing counseling requirements are waived for persons who are elderly (over age 62 years). A 20-year minimum Housing Affordability Period applies to rental housing new construction. Basis for Relative Priority- Community Planning Meetings, and American Community Survey 2011-2015 5-year estimates (2018 ACS updates) as mandated by HUD, Housing Problems data, Cost burdened data.

The jurisdiction estimates the following accomplishments to be undertaken during the remaining three years of the 2020-2024 Consolidated Strategic Plan (October 1, 2022 through September 30, 2025) from this proposed amendment:

- **Housing – Affordable Housing Development- Rental Units - 10 units**
- **Public Infrastructure & Improvements-City Owned – 35,460 persons assisted**

### **3. Evaluation of past performance**

Although this amendment does not yet have performance data or results, the jurisdiction will report performance results at the end of the applicable program year in which activities are funded under the added goal and/or existing goal with the updated description.

### **4. Summary of citizen participation process and consultation process**

The City of Killeen followed requirements associated with the Killeen Citizen Participation Plan (CPP) to encourage citizen participation and comment on changing conditions within the community directly effecting low- and moderate-income individuals and households. The jurisdiction notified the public of the proposed amendment to the Killeen Community Development 2020-2024 5-yr Consolidated Strategic Plan (2020-2024 CSP) through two public hearings. The public hearing was advertised in the Killeen Daily Herald on June 27, 2022, with opening a 30-day comment period the following day. The comment period will be available through July 26, 2022 whereby the comment period will conclude at a public hearing conducted by the Killeen City Council.

Any written and oral comment received during the comment period, applicable to the proposed amendment to the Killeen Community Development Consolidated Strategic Plan, will be considered and added to the amended plan document.

**5. Summary of public comments**

The jurisdiction will complete this section once both public hearings are concluded incorporating any/all comments received applicable to the consolidated strategic plan amendment.

**6. Summary of comments or views not accepted and the reasons for not accepting them**

The jurisdiction will complete this section once both public hearings are concluded identifying any/all comments or views not accepted and the reason for not accepting them.

**7. Summary**

The jurisdiction will complete this section once both public hearings are concluded summarizing the amendment process and results of the City Council Ordinance.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT 2020-2024 CONSOLIDATED STRATEGIC PLAN FOR FUTURE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND HOME INVESTMENT PARTERSHIPS ACT (HOME) PROGRAM FUNDING; PROVIDING- A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the Community Development Division is proposing an amendment to the five-year strategy of community and affordable housing needs by incorporating additional community priorities and adding to the overall goals of 2020-2024 Consolidated Strategic Plan; and

**WHEREAS** the proposed amendment to the five-year strategy of community and affordable housing needs will add a priority of Affordable Housing Development – Rental Units thereby incorporating new construction of affordable rental units in identified local target areas; and

**WHEREAS** the proposed amendment to the five-year strategy of community and affordable housing needs will increase the description in the existing priority of Public Infrastructure & Improvements-City Owned, incorporating the need for life saving equipment to for primary use in identified local target and low-income concentrated areas; and

**WHEREAS** two public hearings were conducted and held by the City Council to seek citizen participation and comment on the amendment to the 2020-2024 Consolidated Strategic Plan; and

**WHEREAS**, the City Council of the City of Killeen has invited and received citizen comment on the amendment to the Community Development Division program year 2020-2024 Consolidated Strategic Plan; and

**WHEREAS**, after due consideration of community needs within the City as provided by the Citizen Participation Plan associated with funding from the U.S. Department of Housing and Urban Development, the City Council of the City of Killeen has agreed on the amendment to the five-year strategy;

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the City Council of the City of Killeen held a public hearing in accordance with HUD regulations to hear and accept citizen comments on the

Amendment to the Community Development Division's 2020-2024 Consolidated Strategic Plan, for the required 30 day comment period beginning June 27, ending July 26, 2022, describing the proposed amendments.

**SECTION II.** That the City Council of the City of Killeen hereby authorizes the City Manager to submit the Amendment to the 2020-2024 Consolidated Strategic Plan relative to future projects to be undertaken with CDBG and HOME program funds and approves the Amendment as follows:

**ADD TO DESCRIPTION: PUBLIC INFRASTRUCTURE & IMPROVEMENTS – CITY OWNED**

Description: Funding for publicly (City of Killeen) owned facilities and infrastructure improvements to include rehabilitation, reconstruction, and new construction with appropriate justification to: streets, curb/gutters, sidewalks, sanitary sewer, water, public libraries, solid waste disposal, parks and green spaces, lighting, benches, street and landscaping, architectural barrier removal-accessibility improvements installing ramps, railing, signage, etc., police substation, **fire fighting/lifesaving emergency equipment**, flood/drainage improvements, and sustaining aging infrastructure and facilities in the target areas of the city. HIGH priority - other low-income Census Tracts/Block Groups (CDBG LI Target Areas) LOW priority – other areas in the corporate City limits of Killeen

**ADD PRIORITY: AFFORDABLE HOUSING DEVELOPMENT – RENTAL UNITS (New Construction)**

Priority Level-High; Population- Low-income, Elderly, Large Families, Families with Children, Small Families; Geographic Areas Affected- Local Target Area Small (LTASM) North Killeen Revitalization Area (NKRA) and Local Target Area Large (LTALG); Associated Goals-Rental Housing Development, DH1;

Description: Funding for development of affordable rental housing units; Maximum gross annual household income equal to or less than 80% of the AMI (area median income) applies to rental housing development. 50% of HOME-assisted rental units must be occupied by tenants with gross annual household income equal to or less than 60% of the AMI; Housing Counseling of assisted households, by a HUD Certified Housing Counseling Agency/Counselor with goals incorporating comprehensive training and education that will assist the household in improving their housing conditions in meeting the responsibilities of homeownership or tenancy, are required; services to persons with limited English proficiency (LEP), and minimum time duration and curriculum content requirements apply; the household may not be charged for materials or for participating in the required housing counseling session(s). Housing counseling requirements are waived for persons who are elderly (over age 62 years). A 20-year minimum Housing Affordability Period applies to rental housing new construction.

Basis for Relative Priority- Community Planning Meetings, and American Community Survey 2011-2015 5-year estimates (2018 ACS updates) as mandated by HUD, Housing Problems data, Cost burdened data.

**SECTION III.** That if any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or

paragraph of this ordinance.

**SECTION IV.** That this ordinance shall be effective after its passage and approval to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 26th day of July 2022 at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code § 551.001 *et seq.*

**APPROVED**

\_\_\_\_\_  
Debbie Nash-King, MAYOR

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, Interim CITY SECRETARY

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Holli C. Clements, Interim CITY ATTORNEY

**DISTRIBUTION:** Community Development Department





AMENDMENT - 2020-2024 COMMUNITY  
DEVELOPMENT CONSOLIDATED STRATEGIC  
PLAN

# Background & Information

2

- A consolidated strategy is a requirement of U.S. Department of Housing and Urban Development (HUD) federal grant funding
  - ▣ A 3- or 5-year document; Consolidated Strategic Plan (CSP)
- CSP objective is to address priority community needs with goals and outcomes utilizing CDBG and HOME funding
- CSP outlines reasonable expectations of expenditures and accomplishments with the CDBG & HOME program funds
  - ▣ States priorities, goals, delivery structure and expected outcomes achievements
- Each Annual Action Plan (AAP) and Comprehensive Annual Evaluation Report (CAPER) details how the City and community partners utilize the CDBG & HOME funding through activities addressing community need, tying back to achieve the CSP goals

# Consolidated Strategic Plan Objectives

3

- Providing Decent Housing – covers a wide range of housing activities where the purpose is to meet housing needs
- Creating Suitable Living Environments – activities that are designed to benefit communities, families or individuals by addressing issues in their living environment
- Creating Economic Opportunities – applies only to activities related to economic development, commercial revitalization or job creation.

# Consolidated Strategic Plan Outcomes

4

- Availability/Accessibility – applies to activities that make services, shelter and basics of daily living available and accessible to low-and moderate-income people where they live
- Affordability – applies to activities that provide affordability in a variety of ways to low-and moderate-income people
- Sustainability – applies only to activities focused on improving communities or neighborhoods, helping to make them more livable or viable

# Community Surveys & Community Input

5

- Community surveys, community engagement meetings, and community planning meetings are held annually to gather citizen input and updates on changing community needs
- Results are posted to the city website annually
- Most recent results indicate a change in need for affordable rental housing, and an update to the description of Public Facilities & Improvements that are defined in the current CSP

# Amending the 2020-2024 Consolidated Strategic Plan

6

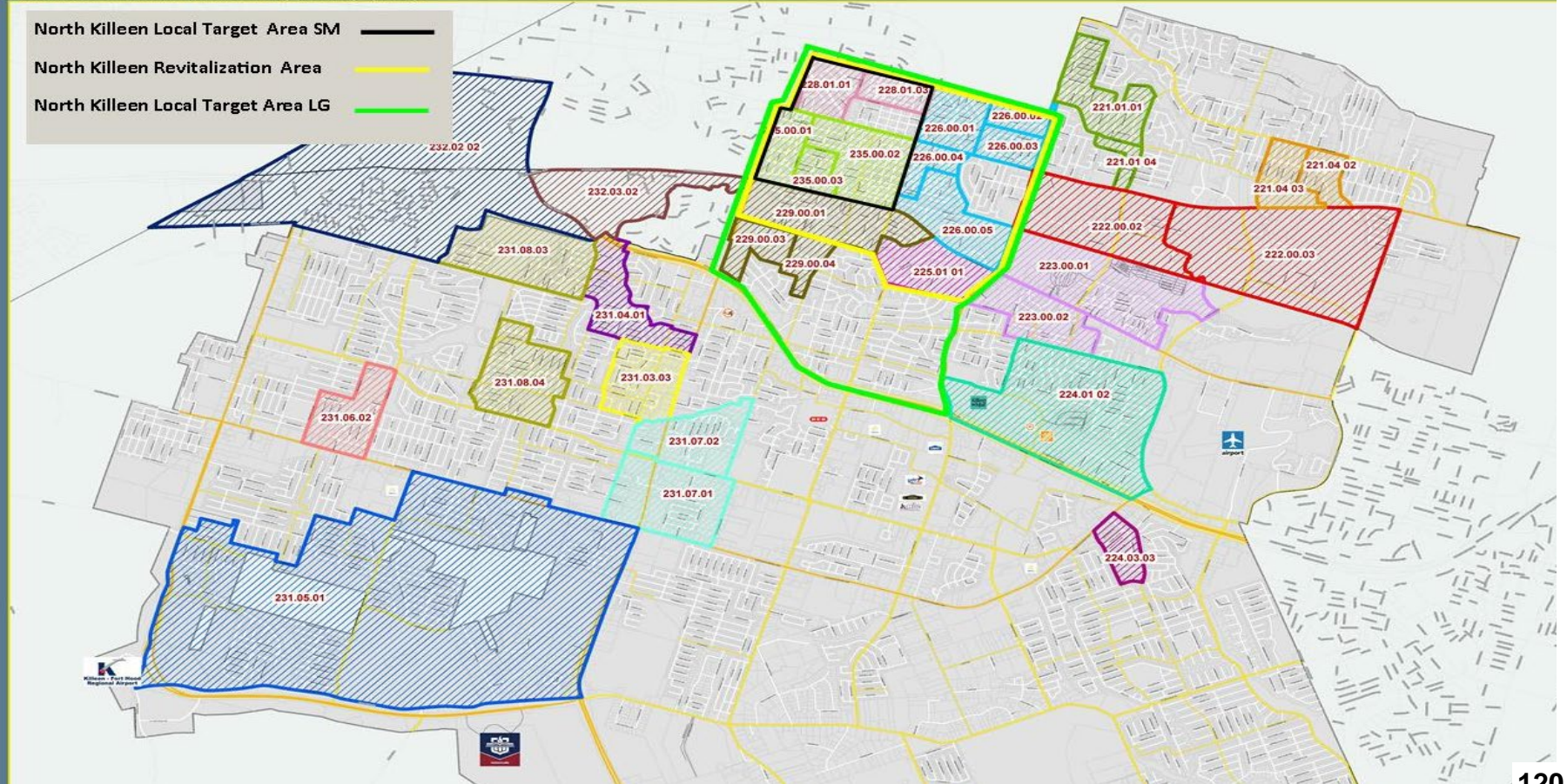
- At such time there is a significant change to community priority needs, the City must amend the affected Annual Action Plan and as applicable the Consolidated Strategic Plan in accordance with the adopted Citizen's Participation Plan

# 2020-2024 Consolidated Strategic Plan Amendment

7

- The proposed amendment will impact lower income areas in northern Killeen with the addition of the priority for affordable rental housing development and updating the description of Public Facilities & Improvements in the adopted five-year CSP:
  - ▣ Affordable Housing Development – Rental
  - ▣ Fire/Rescue Life Saving Devices for Public Facilities – Fire Departments
- These activities are proposed in locally designated target areas:
  - ▣ Local Target Area -small
  - ▣ North Killeen Revitalization Area
  - ▣ Local Target Area - large
- Increased activities in the local target areas will improve/increase affordable housing, provide public infrastructure and improvements, and public services

- North Killeen Local Target Area SM ———
- North Killeen Revitalization Area ———
- North Killeen Local Target Area LG ———





# Summary

9

- A CSP Amendment requires a 30-day comment period
  - ▣ June 27 – July 26, 2022
- Approval of Ordinance at public hearing on July 26th
- Submittal of the CSP Amendment to HUD
- Approval in time for new fiscal year – Oct 1, 2022



# City of Killeen

## Staff Report

File Number: PH-22-046

---

1	City Council Workshop	06/21/2022	Reviewed and Referred	City Council	06/28/2022
1	City Council	06/28/2022	Approved on First Reading	City Council Workshop	07/19/2022

**DATE:** June 21, 20222

**TO:** Kent Cagle, City Manager

**FROM:** Leslie Hinkle, Executive Director of Community Development

**SUBJECT:** PY 2022-23/Fiscal Year 2023 Community Development Block Grant (CDBG) and Home Investments Partnerships (HOME) Program Annual Action Plan

**BACKGROUND AND FINDINGS:**

The City of Killeen will receive \$1,163,980.00 from the U.S. Department of Housing and Urban Development (HUD) for Program Year (PY) 2022-2023 CDBG program activities. In addition, \$336,676.65 in funding is available from cancelled or completed CDBG projects. This reprogramming will provide a total of \$1,500,656.65 available for PY 2022-23 CDBG activities. The City will also receive \$589,175.00 from HUD for PY 2022-2023 Home Investment Partnerships (HOME) Program activities. In addition, \$176,418.82 in reprogrammable funds and \$254,855.00, in PY2022-23 program income, are also available for use providing a total of \$1,020,448.82 for PY 2022-23 HOME activities.

One-on-One and project feasibility/eligibility meetings took place between February 7-28; PY 2022-23 Pre-Applications were made available to interested organizations beginning March 1, 2022, with Annual Funding Applications distributed to [pre-application approval] eligible entities for both the CDBG and HOME programs. Attendance was required at Pre-Application and Annual Funding Application workshops via Zoom or personal attendance. The deadline was April 8, 2022, with a total of 16 Annual Funding Applications submitted by the deadline.

Projects undertaken with CDBG and HOME Program funds must address goals and objectives established in the 5-year Consolidated Strategic Plan (PY 2020-2024) and Annual Action Plan (PY 2022-2023) to meet affordable housing and community development needs. Applications considered and recommended for funding are to align with identified priority community needs, affordable housing needs, goals and objectives for specific priority categories and, as applicable, be amended to meet changing community development and housing needs. To ensure priority community development and affordable housing needs are addressed, the CDAC used scoring criteria developed from the CDBG & HOME Grant Programs Governance & Allocation Policy which places major emphasis on project significance, project feasibility, ability to comply with applicable HUD

requirements (statutory and regulatory) and, in light of the limited amount of CDBG and HOME funds available to the City of Killeen, leveraging of funds from other federal, state, and private resources to be directed to the most pressing community development and affordable housing needs. Detailed scoring criteria components reviewed are as follows:

1. The proposed project/activity meets identified Consolidated Plan Priority & Community Need.
2. The proposed project/activity readiness - demonstrates the ability for timely completion and expenditure of CDBG/HOME funds.
3. The proposed project/activity results - stated results identified in the application are feasible and expected to be achieved.
4. The proposed project/activity objectives address: high priority need, specific priority population, low-income area, or local target area.
5. The applicant has relative experience - documented experience, management, and capacity associated with proposed project/activity.
6. The proposed project/activity beneficiaries - number of beneficiaries is new, not previously assisted, or increased by 5% if previously assisted (funded by CDBG/HOME) in the last year.
7. The proposed project/activity leverages additional resources - sufficient additional resources leveraged to combine with City's funding from HUD so CDBG/HOME does not endure the absolute expense of program.
8. The proposed project/activity sustainability - demonstrates adequate fiscal support and viability of the proposed project/activity.
9. The proposed project/activity budget - adequate detail project budget with accurate costs and committed resource funding for project completion.
10. The proposed project/activity plan approach - applicant presented a relevant business plan approach to the project, no unresolved matters or concerns with past performance.

The CDAC met on May 4 and 5, 2022 to review and make initial recommendations for proposed use of PY2022-23/FY2023 CDBG and HOME Program funds. The CDAC met once again, after the City received notice from HUD of increased funding for both the CDBG and HOME grants; final results are detailed in the attached Community Development Advisory Committee (CDAC) meeting minutes of May 25, 2022.

For the program year 2022-2023 / Fiscal Year 2023 HUD regulation allows for 20% of CDBG and 10% of HOME funds to be expended on administration/planning of CDBG and HOME activities. All project costs under the CDBG and HOME Program will be reimbursed to the City by the U.S. Department of Housing and Urban Development.

**THE ALTERNATIVES CONSIDERED:**

1. Hold the first public hearing on June 28, 2022, hold the final public hearing on July 26, 2022, and authorize the PY 22-23 Annual Action Plan after the 30-day comment period is complete incorporating any public comments received as appropriate.
2. Do not accept the CDBG & HOME grant funds and return funding to HUD.

**Which alternative is recommended? Why?**

The first alternative is recommended in order to comply with HUD regulations.

**CONFORMITY TO CITY POLICY:**

Yes, as described in the Citizen Participation Plan, approved by city council.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

\$0 in the current fiscal year and \$1,500,656.65 in CDBG and \$1,020,448.82 in HOME grant funds in fiscal year 2023.

**Is this a one-time or recurring expenditure?**

This is a one-time expenditure.

**Is this expenditure budgeted?**

Yes, the allocations will be included in the FY 2023 Proposed Budget presented to City Council in July 2022.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Following the 30-day comment period and final public hearing on July 26, 2022, staff recommends authorizing the allocation of funds under the proposed 2022-2023 Annual Action Plan with revisions as appropriate based on citizen comments received.

**DEPARTMENTAL CLEARANCES:**

Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Requests and Recommendations  
Minutes  
Ordinance

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
FY 2022-23/B-22-MC-48-0020  
PUBLIC SERVICES REQUESTS**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>						
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>Previous Funding / Total Assisted YTD</b>	<b>REQUESTED AMOUNT</b>	<b>May 4 CDAC RECOMMENDATION</b>	<b>CDAC Recommendation</b>	
<b>1</b>	Tasha Martin, Executive Director <b>UNITY VISITATION CENTER, INC.</b> 1519 Florence Rd Killeen, TX 76541 254.415.0704	<b>*Unity Visitation Center (operations)</b> <b>#Units/Cost per Unit: 100 / \$340.78</b> <b>Proposed Used:</b> CDBG funds to be used for operations including Contractual Services, Equip. Maint/Repair, Insurance, Offices Supplies, Rent/Lease and Utilities.	\$0.00	<b>\$ 34,078.00</b>	<b>\$ 5,000.00</b>	<b>\$ 5,000.00</b>
<b>2</b>	Raquel Watkins, Pastor <b>NEW JERUSALEM HOLY CHRISTIAN CHURCH OUTREACH MINISTRIES</b> 1519 Florence Rd, Suite 20, Killeen, TX 76541 254.397.6764	<b>Community Advocacy Resource Education Support Center (CARES)(subsidy payments)</b> <b>#Units/Cost per Unit: 600 / \$60.00</b> <b>Proposed Used:</b> CDBG funds will be used for subsistence payments (rent, utilities, food) for families in need.	\$0.00	<b>\$ 36,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>3</b>	Kristin Wright, Executive Director <b>KILLEEN CREATORS</b> 4509A Bowles Drive Killeen, Texas 76549 254.661.2923 info@killeencreators.com	<b>Killeen Creator's Community Garden Expansion &amp; Operations (partial salary / operations)</b> <b>#Units/Cost per Unit: 7,470 / \$2.98</b> <b>Proposed Use:</b> Partial salary assistance for a Volunteer Coordinator/Operations Director and Operations (equipment-irrigation system for 2 gardens, and utilities (water) for the 2 gardens.	\$0.00	<b>\$ 22,263.00</b>	<b>\$ 22,263.00</b>	<b>\$ 22,263.00</b>
<b>4</b>	Leslie K. Hinkle, Executive Director -Community Development Department <b>CITY OF KILLEEN</b> ATTN: Celeste Sierra 802 N 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov csierra@killeentexas.gov	<b>Elderly Transportation Program (direct assistance to beneficiaries)</b> <b>#Units/Cost per Unit: 180 / \$371.00</b> <b>Proposed Use:</b> Payment of transportation in the form of multi-ride cards to access the local public transit system (The HOP) either through its fixed-route system or its Special Transit Services or with very limited taxi rides through a responsible vendor.	2021- \$65,000/177 2020- \$70,000/172 2019- \$50,000/205	<b>\$ 65,000.00</b>	<b>\$ 65,000.00</b>	<b>\$ 65,000.00</b>

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
FY 2022-23/B-22-MC-48-0020  
PUBLIC SERVICES REQUESTS**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>						
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>Previous Funding / Total Assisted YTD</b>	<b>REQUESTED AMOUNT</b>	<b>May 4 CDAC RECOMMENDATION</b>	<b>CDAC Recommendation</b>	
<b>5</b>	<p>Angela Mathews, Sergeant Killeen Police Department <b>CITY OF KILLEEN</b> ATTN: Community Engagement Unit 801 N. 4th Street Killeen, Texas 76541 amathews@killeentexas.gov 254.501.8917</p>	<p><b>Community Engagement Unit (CEU) (operations)</b> <b>#Units/Cost per Unit: 9,730 / \$2.06</b> <b>Proposed Use:</b> CDBG funds will be used for operations of the CEU for printing, event handouts, portable table, popup cover, and door prizes.</p>	\$0.00	\$ 20,000.00	\$ 14,033.80	\$ 17,722.90
<b>6</b>	<p>Kimbra Hobbs, Director Senior Nutrition <b>HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC.</b> P.O. Box 846 San Saba, Texas 76877 325.372.5167 khobbs@hccaa.com</p>	<p><b>Killeen Senior Meals Program (salary)</b> <b>#Units/Cost per Unit: 373 / \$59.09</b> <b>Proposed Use:</b> Partial payment of salary and fringe benefits for one Meal Service Coordinator providing client intake and preparation and delivery of meals to elderly Killeen residents, age 62 and older.</p>	<p>2021- \$10,500/251 2020 - \$9,942/403 2019 - \$9,700/286</p>	\$ 16,530.00	\$ 16,530.00	\$ 16,530.00
<b>7</b>	<p>TaNeika Driver-Moultrie, Executive Director <b>GREATER KILLEEN FREE CLINIC</b> 718 N. 2ND Street, Suite A Killeen, Texas 76541 254. 618.4211 tdmoultrie@gkfclinic.org</p>	<p><b>2022 Salary Assistance for Office Manager (salary)</b> <b>#Units/Cost per Unit: 1,325 / \$18.87</b> <b>Proposed Use:</b> CDBG funds will supplement salary of the Clinic Office Manager who is responsible for overall clinic operations and manages the programs covered under the CDBG grant request.</p>	<p>2021-\$18,750/360 2020-25,000/1516 2019- \$23,000/1192</p>	\$ 25,000.00	\$ 18,750.00	\$ 22,439.10
<b>8</b>	<p>Maureen Jouett, Executive Director <b>BRING EVERYONE IN THE ZONE, INC.</b> 204 Priest Drive PO Box 763 Killeen, Texas 76541 254.423.7632 mail@bringeveryoneinthezone.org</p>	<p><b>Resource Manager Partial Salary and Fringe (salary)</b> <b>#Units/Cost per Unit: 395 / \$18.87</b> <b>Proposed Use:</b> CDBG funds will be used for partial payment of salary and fringe for the full-time Resource Manager who works with veterans and their families in budgeting, credit counseling, life skills, problem solving, access to benefits SS &amp; VA, and referrals and resource development and collaboration necessary to aid the households.</p>	<p>2021-\$5,450/330 2020-\$10,860.13/369 2019-\$12,862.70/455</p>	\$ 6,642.00	\$ 6,642.00	\$ 6,642.00

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
FY 2022-23/B-22-MC-48-0020  
PUBLIC SERVICES REQUESTS**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>					
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>Previous Funding / Total Assisted YTD</b>	<b>REQUESTED AMOUNT</b>	<b>May 4 CDAC RECOMMENDATION</b>	<b>CDAC Recommendation</b>
<b>9</b> Michael Dewees, Executive Director <b>COMMUNITIES IN SCHOOLS OF GREATER CENTRAL TEXAS, INC.</b> 4520 E. Central Texas Expressway, Suite 106 Killeen, Texas 76543 254.554.2132 michael.dewees@cis-tx.org	<b>CIS Case Worker- CIS Connections Program-Killeen Elementary School (salary)</b> <b>#Units/Cost per Unit: 241 / \$78.84</b> <b>Proposed Use:</b> CDBG funds will be used for partial payment of salary for the CIS Connections Program case worker who will provide services to low- moderate income, at-risk youth and their families. Services include guidance and counseling, academic support, tutoring, parent engagement activities, enrichment, health and human services.	2021- \$19,000/189 2020- \$16,500/209 2019- \$21,000/218	<b>\$ 19,000.00</b>	<b>\$ 19,000.00</b>	<b>\$ 19,000.00</b>
<b>10</b> William K. Hall, Operations Director <b>FAMILIES IN CRISIS, INC.</b> 1305 E Rancier Ave P.O. Box 25 Killeen, Texas 76540-0025 254.634.1184 ficinc@familiesin crisis.net	<b>Homeless Shelter Case Management (salary)</b> <b>#Units/Cost per Unit: 425/ \$109.91</b> <b>Proposed Use:</b> CDBG funds will be used for partial payment of salary and fringe for one case manager to provide case management services for homeless individuals and families residing at the Friends In Crisis Homeless Shelter.	2021- \$10,918.80/127 2020- \$20,000/388 2019- \$20,000/334	<b>\$ 30,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL FUNDING REQUESTS</b>			<b>\$ 274,513.00</b>	<b>\$ 167,218.80</b>	<b>\$ 174,597.00</b>
<b>Total Available</b>			<b>\$ 174,597.00</b>		
(maximum 15% of Annual CDBG grant)					

**\* Recommendation is for Rent assistance only; in the event no grant agreement is executed by Dec 31, 2022, funding will be divided equally among Greater Killeen Free Clinic and Killeen Police Department projects - \$2,500.00 ea.**

**CITY OF KILLEEN  
COMMUNITY DEVELOPMENT BLOCK GRANT  
FY2022-230/B-22-MC-48-0020  
CDBG HOUSING, CODE ENFORCEMENT, PUBLIC FACILITIES/IMPROVEMENTS-CITY OWNED REQUESTS**

<b>CDBG HOUSING REHABILITATION, CODE ENFORCEMENT, PUBLIC FACILITIES/IMPROVEMENTS- CITY OWNED</b>					
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>May 4 CDAC Recommendation</b>	<b>CDAC Recommendation</b>	
<b>11</b>	<p>Leslie K. Hinkle, Executive Director of Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E Killeen, Texas 76541 254.501-7847 lhinkle@killeentexas.gov</p>	<p><b>Housing Rehabilitation Program - -8 units</b> - CDBG funds will address urgent and minor repairs as well as costs for moderate to substantial rehabilitation of the housing unit to prevent further decay and make the house safer and extend the economic life of the structure. Costs include; lead based paint testing and hazard removal, unit rehabilitation, and cost for architectural barrier removal and delivery of the program [staff related].</p>	\$ 382,000.00	\$ 396,765.18	<b>\$ 396,765.18</b>
<b>12</b>	<p>Kevin Watkins, Director Code Enforcement <b>CITY OF KILLEEN DEVELOPMENT SERVICES</b> 100 E Avenue C Killeen, Texas 76541 254-501-7611 kwatkins@killeentexas.gov</p>	<p><b>*Code Enforcement Salary/Operations - 1 unit</b> - CDBG funds to be used for costs associated with salary and operations for one Code Enforcement Officer and Operations for code enforcement in the designated north Killeen area - local target area small (LTA-SM) and the North Killeen Revitalization Area in designated census tracts /block groups identified. A 3-year allocation will secure the salary for a potential employee to fill the position as well as create a greater rapport with the residents in the designated areas.</p>	\$ 175,395.00	\$ 58,465.00	<b>\$ 58,465.00</b>



**CITY OF KILLEEN  
COMMUNITY DEVELOPMENT BLOCK GRANT  
FY2022-230/B-22-MC-48-0020  
CDBG HOUSING, CODE ENFORCEMENT, PUBLIC FACILITIES/IMPROVEMENTS-CITY OWNED REQUESTS**

<b>CDBG HOUSING REHABILITATION, CODE ENFORCEMENT, PUBLIC FACILITIES/IMPROVEMENTS- CITY OWNED</b>						
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>May 4 CDAC Recommendation</b>	<b>CDAC Recommendation</b>		
<b>13</b>	James Chambers, Chief <b>CITY OF KILLEEN FIRE DEPARTMENT</b> 201 N. 28th Street Killeen, Texas 76541 254-501-7672 jschambersr@killeentexas.gov	<b>Killeen FD01 - Emergency Life Saving Equipment (Cardiac Monitors) -4 units</b> - CDBG funds to be used for costs associated with the purchase of 4 Cardiac Monitors that will be used by first responders to increase capabilities of providing advanced life support to the citizens within the predominately low income areas of Killeen.	\$ 233,992.00	\$ 117,000.00	<b>\$ 157,972.20</b>	
<b>14</b>	Heather Buller, Assistant Director <b>CITY OF KILLEEN RECREATION SERVICES</b> 1700 E Stan Schlueter Loop Killeen, Texas 76543 254-501-8841 hbuller@killeentexas.gov	<b>Stewart Splash Pad - 1 unit</b> - CDBG funds will be used for costs associated procurement of the splash pad materials and construction/installation of the splash pad, water, drain, and electric lines, in Stewart Neighborhood Park located in the local target area-Large (LTALG) Census Tract 226.00 Block Groups 01 and 02. the Stewart Splash Pad and Park Remodel (ARPA funds) will serve the children and families in the 226 Census Tract which has an average of 74.26% low income/4,990 persons.	\$ 400,000.00	\$ 400,000.00	<b>\$ 400,000.00</b>	
<b>TOTAL PROGRAM FUNDING REQUESTS:</b>			\$ 1,191,387.00	\$ 972,230.18	<b>\$ 1,013,202.38</b>	

**Total Available \$ 1,013,202.38**

(includes all reprogrammed funds and remaining 65% of available Annual CDBG grant)

**\* Includes forward commitment of \$58,465.00 of CDBG funding from each year - FY2023-24 and FY2024-25**

**CITY OF KILLEEN  
HOME INVESTMENT PARTNERSHIPS PROGRAM  
FY2020-23/M-22-MC-48-0228**

<b>HOME PROGRAM REQUESTS</b>					
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED FUNDS</b>	<b>May 4 CDAC Recommendation</b>	<b>CDAC Recommendation</b>	
<b>15</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7847 lhinkle@killeentexas.gov chayward@killeentexas.gov	<b>Affordable Housing Development-Rental- 8 units-</b> HOME funds will be used for construction costs associated with 8 affordable rental housing units within the federally assisted housing tax credit development - Avanti Legacy Parkview. HOME units will have 30% AMI rent structure for very low-income households age 55 yrs and older. A total of 4 one bedroom units and 4 two bedroom units = 8 units at a max cost of \$183,132/1 br and \$222,694/2br per regulation.	\$ 1,623,304.00	\$ 769,222.65	<b>\$ 842,687.40</b>
<b>16</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7847 chayward@killeentexas.gov	<b>North Killeen Housing Redevelopment Program (12 units)</b> - HOME funds will be used for construction related costs associated with reconstruction of affordable housing units targeting deteriorating units located within the boundaries of the City's designated North Killeen Revitalization Program area. The program will redevelop existing, deteriorating single family owner occupied and single family rental housing units and develop new housing units on vacant properties.	\$ 1,196,500.00	\$0.00	<b>\$ -</b>
<b>TOTAL PROGRAM FUNDING REQUESTS :</b>			\$ 2,819,804.00	\$ 769,222.65	<b>\$ 842,687.40</b>
		Total Available	<b>\$ 842,687.40</b>		

**CITY OF KILLEEN**  
**CDBG /HOME ADMINISTRATION CHDO**  
**FY2022-23/M-22-MC-48-0228**  
**FY2022-23/B-22-MC-48-0220**

**ADMINISTRATION & CHDO**

<b>CDBG ADMINISTRATION</b>		
Leslie K. Hinkle, Director of Community Development Department <b>CITY OF KILLEEN</b> 802 N 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov	<b>CDBG Administration 2022-23 - maximum 20% of annual grant amount - costs for salary, administration and delivery of the CDBG program.</b>	<b>\$ 232,796.00</b>

**TOTAL CDBG ADMINISTRATION REQUEST \$ 232,796.00**

**Total Available \$ 232,796.00**  
 (maximum 20% of Annual CDBG grant)

<b>HOME ADMINISTRATION</b>		
Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E P.O. Box 1329 Killeen, Texas 76540 254.501.7847 lhinkle@killeentexas.gov	<b>HOME Program Administration 2022 - Maximum 10% of annual grant amount - costs for salary, operations and delivery of the HOME Program. \$58,917.50</b>  <b>Add in 10% of available program income = <u>\$30,467.67</u></b>	<b>\$ 89,385.17</b>

**TOTAL HOME ADMINISTRATION REQUEST \$ 89,385.17**

10% of Annual grant plus 10% of program income **\$ 89,385.17**

**CITY OF KILLEEN**  
**CDBG /HOME ADMINISTRATION CHDO**  
**FY2022-23/M-22-MC-48-0228**  
**FY2022-23/B-22-MC-48-0220**

**ADMINISTRATION & CHDO**

<b>HOME Program CHDO Requirement</b>		
<b>NO APPLICATION REQUEST</b>	<p><b>2022 Minimum CHDO Set Aside Requirement-</b> Minimum 15% of annual HOME allocation for eligible Community Housing Development Organization (CHDO) activity.</p> <p>No applications were received, the City must set aside the funds as required by regulation.</p>	<b>\$ 88,376.25</b>
<b>TOTAL FUNDING CHDO SET ASIDE:</b>		<b>\$ 88,376.25</b>
(minimum 15% of Annual HOME grant)		

MINUTES  
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE  
May 4, 2022  
Killeen Community Development Training Room  
802 N. 2<sup>nd</sup> Street, Building E  
Killeen, TX 76541  
11:00 AM

1. CALL TO ORDER: Mr. Frederick called the meeting to order at 11:10.
2. ROLL CALL: Members present: LaDonna Barbee, Patsy Bracey, Jonathan Hildner, Luvina Sabree, Angela Ann Santos, Chet Southworth, and Mary Taylor. Tracy Hillman-Benoit was present but left the meeting at 11:19 am due to an emergency and did not return. City Staff: Leslie Hinkle, Holli Clements, Cinda Hayward, and Celeste Sierra.
3. APPROVAL OF AGENDA: Ms. Bracy moved seconded by Ms. Sabree to approve the agenda; motion carried.
4. APPROVAL OF MINUTES February 23, 2022: Mr. Hildner moved, seconded by Ms. Santos to approve February 23, 2022 as written; motion carried.
5. AGENDA ITEMS
  - A. Receive a briefing on open CDBG and HOME programs activities. (attachment- YTD Report): Ms. Hayward advised the report provides status of current activities funded with CDBG and HOME funds. Ms. Sabree asked about the two balances on the Housing Rehab Program and Ms. Hayward advised that the smaller figure was for program administration the larger figure was available for rehab activities. Mr. Frederick asked if the additional funding added to the Conder Park project by the City affected the CDBG funding. Ms. Hayward advised that CDBG project funds were not affected.
  - B. Discuss and consider reprogramming funds for availability in PY2022-2023 (City FY2023) CDBG/HOME programs and projects (attachment – Funds to Reprogram PY2022-23): Mr. Frederick asked Ms. Hayward to explain the reprogramming process. Ms. Hayward advised projects that were completed and still had a balance remaining would be reprogrammed as well as cancelled projects. She went over the items to be considered for reprogramming and Mr. Frederick asked which funds were available for public services. Ms. Hayward advised that all funds would have to be allocated to projects other than public services. She went over amounts available for reprogramming under the HOME program and Mr. Frederick asked where these HOME funds could be reprogrammed to and Ms. Hayward replied that to any eligible housing project. Mr. Frederick asked for a motion to reprogram \$327,676.65 of CDBG funds and \$431,273.82 in HOME funds. Mr. Southworth moved, seconded by Mr. Hildner to reprogram funds as indicated. Motion carried.
  - C. Receive a briefing on submittals for the PY22-23 Pre-Applications; Applications for Funding (AFFs) submitted; use of the AFF evaluation sheets; and Previous Forward Commitment of CDBG funding: Ms. Hayward advised that to assure that all entities interested in applying for CDBG and HOME funds are eligible they must go through the pre-application process where applicants submit all necessary proof that they are eligible entities. Ms. Hayward was available to conduct meetings prior to the pre application process to discuss project eligibility and then conducted workshops on how to complete the pre-application process. Once applicants complete the process, they were provided an application for funding and these final applications are brought to the Committee to determine recommendations for funding. She advised all applications submitted and evaluation sheets for each project are included in their packets and she reminded committee that there was a forward commitment for Bob Gilmore Senior Center in the amount of \$80,061.27. Ms. Hayward also advised that HUD has not forwarded the allocations yet for CDBG and HOME for FY 22-23. Ms. Hinkle then advised that funding recommendations may be based on the current allocation and depending on whether CDBG is more or less, more than likely less, the final allocations can be based on the difference in percentage between the current allocation and the final allocation when released by HUD. HOME program allocation will likely be higher, and the same procedure

can used for HOME. Mr. Frederick asked for a consensus for basing recommendations on the current CDBG and HOME allocations. Committee agreed. Ms. Santos left the meeting at 11:46 and Mr. Frederick recessed the meeting for lunch at 11:48 am. Mr. Frederick called the meeting back to order at 12:50 pm after returning from recess and Ms. Santos joined the meeting at 1:29 pm.

D. Discuss and consider recommendations for approval of CDBG and HOME Program Year 2022-2023 Applications for Funding of proposed activities to City Council\*. (attachment - Annual AFF Book PY2022)

\*In the event a recess is necessary, the meeting will resume on May 5, 2022, at 1:00 pm at the same location:

Ms. Hayward advised applicant presentations were on the schedule next and she would be running the on-screen presentations from the applicants that had submitted one. Ms. Hayward asked Mr. Frederick if he required any special procedure and Mr. Frederick advised he would only ask for introductions from the applicants before the presentations. The Committee listened to presentations for funding of public service programs from the following applicants:

1. 12:51 pm - Tasha Martin, Executive Director of Unity Visitation Center, Inc. for Rent/Lease assistance.
2. 1:24 pm – Raquel Watkins, Pastor, New Jerusalem Holy Christian Church Outreach Ministries for Community Advocacy Resource Education Support Center subsidy payments for clients
3. 1:46 pm – Nayda Ramos and James McWilliams, Program Director of Killeen Creators for volunteer coordinator salary assistance, irrigation system equipment and water utility for community gardens
4. 2:10 pm – Celeste Sierra, CD Specialist, City of Killeen for Elderly Transportation Program services
5. 2:23 pm – Sgt. Angela Matthews and Officer Kyle Moore, City of Killeen Police Dept. for operations assistance for the Community Engagement Unit
6. 2:55 – Kimbra Hobbs, Director of Senior Nutrition for salary assistance for Meal Service Coordinator for delivery of meals to homebound seniors
7. 3:07 pm – TaNeika Driver-Moultrie, Executive Director of Greater Killeen Free Clinic for office manager salary assistance
8. 3:28 pm – Maureen Jouett, Executive Director, Bring Everyone in the Zone, Inc. for resource manager salary assistance
9. 3:34 pm, Michael Dewees, Executive Director, Communities in Schools of Greater Central Texas, Inc., David Woodbury and Jaquan Jackson for CIS case worker salary assistance in the Connections Program, Killeen Elementary School
10. 3:52 pm, William K. Hall, Operations Director for Families in Crisis, Inc. case manager salary assistance at the Friends in Crisis Homeless Shelter.

Mr. Frederick excused himself from the Greater Killeen Free Clinic presentation at 3:06 pm. Ms. Santos and Ms. Sabree left the meeting at 3:22 pm. All public service presentations ended at 4:02 pm. Mr. Southworth left the meeting at 4:05 PM. Mr. Frederick asked members if they wanted to take their score sheets to review projects based on today's presentations. Mr. Hildner suggested committee discuss presentations and individual program merits without discussing funding until the following meeting when all members were present again. Committee went on to discuss presentations with Mr. Frederick recusing himself before committee the discussion on Greater Killeen Free Clinic presentation. After completing discussions, Mr. Frederick entertained a motion to adjourn and meet again on May 5, 2022 at 1:00 pm to continue meeting.

6. **ADJOURNMENT:** Mr. Hildner moved, seconded by Ms. Sabree to adjourn. Motion carried and meeting adjourned at 4:46 pm.

**Community Development Advisory Committee**  
**May 5, 2022**  
**1:00 PM**

1. **CALL TO ORDER:** Mr. Frederick called the meeting to order at 1:03 pm.

2. ROLL CALL: Members present: Patsy Bracey, Johnny Frederick, Jonathan Hildner, Luvina Sabree, Angela Ann Santos (2:00 pm), Chet Southworth and Mary Taylor. Absent: LaDonna Barbee and Tracy Hillman-Benoit. City Staff: Leslie Hinkle, Holli Clements, Cinda Hayward, and Celeste Sierra.

5. AGENDA ITEMS

- D. Discuss and consider recommendations for approval of CDBG and HOME Program Year 2022-2023 Applications for Funding of proposed activities to City Council\*. (attachment - Annual AFF Book PY2022):

Mr. Frederick advised the meeting was to continue discussion and consider recommendations for funding for CDBG and HOME FY 22-23 activities. The Committee listened to presentations for funding for the following CDBG Housing, Code Enforcement, and Public Facilities and Improvements application requests:

1. 1:04 pm - Ed Radeke, CD Housing and Facility Manager, City of Killeen for the Housing Rehabilitation Program
2. 1:12 pm – Kevin Watkins, Director of Code Enforcement, City of Killeen for CDBG Code Enforcement officer salary and operations
3. 1:30 pm – James Chambers, Deputy Chief, EMS Operations, City of Killeen for emergency life saving equipment
4. 2:00 pm – Joe Brown, Executive Director of Recreation Services, City of Killeen for Stewart Neighborhood Park splash pad

Ms. Santos joined the meeting at 2:00 pm and committee heard presentations from HOME Program applicants.

Ms. Hayward, CD Programs Manager, City of Killeen submitted the following applications for HOME:

1. Affordable Housing Development for 8 affordable rental housing units withing the federally assisted housing tax credit development – Avanti Legacy Parkview.
2. North Killeen Housing Redevelopment Program for reconstruction of 12 single family owner occupied and single-family rental housing units and development of new housing units on vacant properties.

Committee took a five-minute break and returned to discuss funding for the public service applications submitted. Mr. Frederick advised the amount available for public service program recommendation is \$167,218.80 based on the current CDBG allocation and adjustments to programs funded can be reduced or increased by percentage when the final allocation amount comes in. After discussing the applications (Mr. Frederick recused himself from Greater Killeen Free Clinic discussions) in detail Mr. Southworth moved, seconded by Mr. Hildner to recommend the following public service funding amounts to City Council, motion carried:

1. Unity Visitation Center, Inc. for rental assistance with the stipulation that if a grant agreement is not signed between Oct 1 – Dec 31, 2022, funding is forfeited and \$2500.00 will be allocated to Greater Killeen Free Clinic and \$2500.00 allocated to the Killeen Police Department Community Engagement Unit.: \$ 5,000.00
2. New Jerusalem Holy Christian Church Outreach Ministries for CARES subsidy payments: \$ 00.00
3. Killeen Creators for salary assistance for volunteer coordinator and irrigation systems and water utility assistance for two gardens: \$ 22,263.00
4. City of Killeen Elderly Transportation Program for direct transportation assistance to eligible Killeen elderly persons: \$ 65,000.00
5. City of Killeen Police Department for the Community Engagement

Unit operations:	\$ 14,033.80
6. <u>Hill Country Community Action Association, Inc.</u> for salary assistance for senior meals service coordinator:	\$ 16,530.00
7. <u>Greater Killeen Free Clinic</u> for office manager salary assistance:	\$ 18,750.00
8. <u>Bring Everyone in the Zone</u> for salary assistance for resource manager:	\$ 6,642.00
9. <u>Communities in Schools of Greater Central Texas, Inc.</u> for salary assistance for Connections Program caseworker at Killeen Elementary School:	\$ 19,000.00
10. <u>Families in Crisis, Inc.</u> for homeless shelter case manager:	\$ 00.00
<b>TOTAL:</b>	<b>\$167,218.80</b>

Committee went on to discuss in detail the CDBG Housing Rehabilitation, Code Enforcement, Public Facilities/Improvements – City Owned applications for funding. After discussions, Mr. Hildner moved, seconded by Ms. Santos to recommend the following funding amounts to City Council, motion carried:

1. <u>City of Killeen Community Development Housing Rehabilitation Program</u> for program administration and rehabilitation of 8 units:	\$396,765.18
2. <u>City of Killeen Code Enforcement</u> for salary and operations for a CDBG Code Enforcement officer, with an additional amount of \$58,465.00 each in forward commitments for FY 23-24 and 24-25:	\$ 58,465.00
3. <u>City of Killeen Fire Department</u> for purchase of two cardiac monitors (emergency lifesaving equipment):	\$117,000.00
4. <u>City of Killeen Recreation Services</u> for construction of a Splash pad in Stewart Neighborhood Park:	\$400,000.00
<b>TOTAL:</b>	<b>\$972,320.18</b>

After discussing the HOME Program applications submitted for funding, Mr. Hildner moved seconded by Ms. Santos to make a recommendation for the Affordable Housing Development Project in the amount of \$769,222.65 and to add any additional funding that comes in with the FY 22-23 HOME Program allocation to the project up to \$1,623,304.00 and, furthermore, a recommendation of \$00.00 is made for the North Killeen Housing Redevelopment Program. Motion carried.

After review and discussion on the CDBG and Home Administration and Planning of activities and the Community Housing Development Organization required set aside the Committee made the following recommendations:

Ms. Santos moved, seconded by Mr. Southworth to fund the CDBG Program Administration and Planning in the amount of 20% of the CDBG Program FY 22-23 allocation.

Ms. Sabree moved, seconded by Mr. Hildner to fund the HOME Program Administration and Planning in the amount of 10% of the HOME Program FY 22-23 allocation and to add 10% of the HOME program income amount received during FY 21-22 for additional administrative funds for HOME.

After discussion on the Community Housing Development Organization required set aside, Ms. Sabree moved, seconded by Mr. Hildner to set aside the required 15% of the FY 22-23 HOME Program allocation. Motion carried.

Mr. Frederick reminded the committee to complete, sign, date and turn in their score sheets. He advised that recommendations will be made to City Council after a public hearing and one month later after another public hearing where City Council will decide to accept, modify, or reject recommendations. The next CDAC meeting will be sometime in December 2022 and Ms. Hayward will email members when the final allocations for FY 22-23 come in. She will provide the revised numbers and will also provide the Committee with the City Council meeting dates. Committee members may attend meetings but will have to check dates to avoid a quorum as that will constitute a meeting. Applicants may also be at the City



Council meetings.

Mr. Frederick entertained a motion to adjourn, and Mr. Southworth moved, seconded by Ms. Taylor to adjourn. Motion carried and meeting adjourned at 4:40 PM.

---

Celeste Sierra  
CD Specialist  
Community Development

MINUTES  
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE  
May 25, 2022  
Killeen Community Development Training Room  
802 N. 2<sup>nd</sup> Street, Building E  
Killeen, TX 76541  
3:00 PM

1. CALL TO ORDER: Mr. Frederick called the meeting to order at 3:00 PM.
2. ROLL CALL: Members present: LaDonna Barbee, Patsy Bracey, Tracy Hillman-Benoit, Luvina Sabree (in at 3:15), Chet Southworth, and Mary Taylor. Absent: Angela A. Santos and Jonathan Hildner. City staff present: Leslie Hinkle, Holli Clements, Cinda Hayward (on TEAMS platform), and Celeste Sierra
3. APPROVAL OF AGENDA: Ms. Bracey moved, seconded by Ms. Hillman-Benoit to approve the agenda. Motion carried unanimously.
4. APPROVAL OF MINUTES: Ms. Hillman-Benoit moved, seconded by Mr. Southworth to approve the May 4, 2022 minutes as written. Motion carried unanimously.
5. AGENDA ITEMS
  - A. Discuss and consider reprogramming of CDBG PY2021 funds for availability in PY2022-2023 (City FY2023) for projects (attachment -Email from Central Texas 4C): Ms. Hinkle advised that Central Texas 4C would not be able to spend the \$9,000 allocated for the Head Start Centers garden boxes FY 21-22 and has chosen to return the funds. She advised the \$9,000 are available for the committee to consider reprogramming to another activity. Mr. Southworth asked where the funds would be able to get allocated to? Ms. Hinkle advised the funds would have to be allocated to any of the facilities projects as public services already has a 15% allocation cap. Mr. Southworth moved, seconded by Ms. Bracey to reprogram the \$9,000 from Central Texas 4C to eligible activities. Motion carried unanimously.
  - B. Discuss and consider recommendations, for approval of CDBG and HOME Program Year 2022-2023 funding of proposed activities with FY2023 HUD amounts, to City Council. (attachment – HUD Allocation FY2022-23 MS Excel Sheet, Project Tables): Ms. Hinkle advised the final 22-23 Entitlement allocation for CDBG increased instead of decreasing. The final entitlement is \$1,163,980 and this increases the amount available for public service programs by \$7,378.20 and it also increases the amount available for facilities by \$31,972.20. By also adding the \$9,000 the committee had just approved for reprogramming, the total available for funding facilities is \$40,972.20. Mr. Frederick asked the committee how they wanted to proceed in allocating the additional public service funds as they could allocate to one program or they could split equally between all programs or allocate to the programs that were under-funded. Mr. Southworth moved, seconded to Ms. Bracey to allocate half of the funds in the amount of \$3,689.10 to the Police Department Community Engagement Unit for a total allocation of \$17,722.90 and \$3,689.10 to the Greater Killeen Free Clinic for a total allocation of \$22,439.10. Motion carried unanimously. After brief discussion on current funding for the Housing Rehabilitation Program, the CDBG Code Enforcement Officer and the Fire Department cost per unit of the life-saving equipment, Ms. Hillman-Benoit moved, seconded by Ms. Sabree to allocate the remaining funds in the amount of \$40,972.20 under facilities to the Fire Department for purchase of life-saving equipment, bringing the total recommendation for funding to \$157,972.20. Motion carried unanimously. New funding recommendations public services and facilities will be forward to City Council for consideration. Ms. Hinkle advised that the HOME program Entitlement allocation for FY 22-23 was \$589,175 but that there were no changes to recommendations made during the May 4, 2022 meeting since the committee had recommended that any additional funds received under the HOME Program would be allocated to the Affordable Housing Development project.
6. ADJOURNMENT: Meeting was adjourned by Mr. Frederick at 3:20 PM.

---

Celestina Sierra,  
CD Specialist

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2022-2023 PROGRAM YEAR(PY) ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$1,163,980.00 IN PY 2022-23/FISCAL YEAR 2023 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR RE-PROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$1,500,656.65 OF CDBG FUNDS; AND THE APPLICATION OF \$589,175.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS, THE USE OF PRIOR YEARS REPROGRAMMABLE FUNDS AND PY 2021-22 PROGRAM INCOME FOR A TOTAL EXPENDITURE OF \$1,020,448.82 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2022-23 Action Plan describing CDBG and HOME activities is consistent with the goals and objectives described in the Consolidated Strategic Plan; and

**WHEREAS**, two public hearings were conducted and held by the City Council to seek citizen participation and comment on the Program Year 2022-23 Action Plan describing the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program funds; and

**WHEREAS**, the Community Development Advisory Committee (CDAC) has reported its recommendation on the use of CDBG and HOME Program funds for PY 2022-23; and

**WHEREAS**, the City Council of the City of Killeen has invited and received further citizen comment on the allocation of \$1,163,980.00 in PY 2022-23 CDBG funds and the reprogramming of \$336,676.65 of CDBG funds from cancelled or completed projects, and the allocation of \$589,175.00 in PY 2022-23 HOME funds, the reprogramming of \$176,418.82 of HOME funds from prior year cancelled or completed projects and Program Year 2021-22 program income in the amount of \$254,855.00; and

**WHEREAS**, after due consideration of the community's needs within the City as required by the U.S. Department of Housing and Urban Development, the City Council of the City of Killeen has determined to apply for and has agreed on the allocation of said funds;

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the City Council of the City of Killeen held public hearings, on June 28, 2022 and July 26, 2022 in accordance with HUD regulations to hear and accept citizen comments, on the 2022-2023 Annual Action Plan for the required 30-day comment period, with the comment period beginning June 27, 2022 and ending July 26, 2022, describing proposed CDBG and HOME activities.

**SECTION II.** That the City Council of the City of Killeen hereby authorizes the City Manager to submit the 2022-2023 Annual Action Plan and execute an application for \$1,163,980.00 in CDBG funds and \$589,175.00 in HOME funds for Program Year 2022-23/ City Fiscal Year 2023 and approves reprogramming of \$336,676.65 in prior year CDBG funds and \$176,418.82 in prior year HOME funds and \$254,855.00 in program income and approves CDBG and HOME Program expenditures during the Fiscal Year 2023 in the following manner:

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

**Public Services**

Unity Visitation Center, Inc. for rent assistance	\$ 5,000.00
Killeen Creators salary for volunteer coordinator, irrigation system and water utilities for two community gardens	\$ 22,263.00
City of Killeen Elderly Transportation Program for senior transportation	\$ 65,000.00
City of Killeen Police Dept. for Community Engagement Unit	\$ 17,722.90
Hill Country Community Action, Inc. salary for coordinator- senior meal delivery	\$ 16,530.00
Greater Killeen Free Clinic salary for office manager	\$ 22,439.10
Bring Everyone in the Zone salary for resource manager	\$ 6,642.00
Communities in Schools of Greater Central Texas, Inc. salary for Connections Program case worker at Killeen Elementary School	\$ 19,000.00

**Housing, Code Enforcement, City-Owned Public Facilities/Improvements**

City of Killeen Housing Rehabilitation Program and program administration	\$ 396,765.18
City of Killeen Code Enforcement Officer salary and benefits plus a forward commitment of \$58,465 each for FY 23-24 and FY 24-25	\$ 58,465.00
City of Killeen Fire Dept. for fire equipment/ life-saving equipment	\$ 157,972.20
City of Killeen Recreation Services for splash pad in Stewart Neighborhood Park	\$ 400,000.00
City of Killeen Recreation Services for Bob Gilmore Senior Center forward commitment in FY 22-23	\$ 80,061.27

Community Development (CDBG) Administration and Planning of Activities	<u>\$ 232,796.00</u>
<b>TOTAL Community Development Block Grant</b>	<b>\$1,500,656.65</b>

**HOME INVESTMENT PARTERSHIPS ACT (HOME) PROGRAM**

Affordable Housing Development -Rental-8 units	\$ 842,687.40
Community Housing Development Organization required set aside	\$ 88,376.25
HOME Program Administration and Planning of Activities	\$ 58,917.50
10% program income eligible expense for Admin/Planning	<u>\$ 30,467.67</u>
<b>TOTAL HOME Program Grant</b>	<b>\$1,020,448.82</b>

Further, all funds remaining in any project account at the completion of the project shall be transferred forward to like accounts to be available for subsequent reprogramming to other eligible projects.

**SECTION III.** That if any section or part of any section or paragraph of this

ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That this ordinance shall be effective after its passage and approval to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 26th day of July 2022 at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code § 551.001 *et seq.*

**APPROVED**

**ATTEST:**

\_\_\_\_\_  
Debbie Nash-King, MAYOR

\_\_\_\_\_  
Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Traci S. Briggs, CITY ATTORNEY

**DISTRIBUTION:** Community Development Department, Finance Department



## FY23 CDBG & HOME GRANT REQUESTS – 2ND PUBLIC HEARING

PH-22-046

July 19, 2022

143

# Background & Information

2

- Annually the city receives funding from the U.S. Department of Housing and Urban Development (HUD) from two of the four formula grant programs
  - ▣ Community Development Block Grant (CDBG)
  - ▣ Home Investment Partnerships Act (HOME)
- The city must seek input from the community; hold public hearings; and submit an action plan to HUD for approval



# Community Input & Community Survey

3

- Community Development Division conducts community planning meetings to gather citizen input on community needs.
  - ▣ Input meetings held in February 2022
- Results are posted on City website
- Results guide the CDAC committee's recommendations for proposed activities for the coming year

# HUD Grant Programs

4

- ❑ **CDBG activities must meet a national objectives**
  - ▣ Benefit low- and moderate-income persons
  - ▣ Eliminate slum and blight – area or spot basis
  - ▣ Respond to natural disasters
- ❑ **HOME activities must address housing**
  - ▣ Development and redevelopment of affordable units for tenants and owners, and rental assistance

# Public Hearings & Citizen Comment

5

- Public hearings scheduled
  - ▣ June 28<sup>th</sup> and July 26<sup>th</sup>
- Citizen comment for 30 days
  - ▣ June 27 – July 26
  - ▣ Oral, written comment –applicable to CDBG and HOME funding

# Community Development Grant Programs (CDBG& HOME) Funding FY 23

6

□ CDBG grant	\$1,163,980.00
□ Reprogrammed funds (completed or cancelled projects)	\$ 336,676.65
□ Total funding available	<b>\$1,500,656.65</b>
□ HOME grant	\$ 589,175.00
□ Reprogrammed funds & program income	\$ 431,273.82
□ Total funding available	<b>\$ 1,020,448.82</b>

# Community Development Advisory Committee

7

- Met May 4<sup>th</sup>, 5<sup>th</sup>, and May 25<sup>th</sup> to review applications for funding
- Used scoring criteria with emphasis on four areas:
  - Significance – extent to which project meets a national objective & identified need in 2020-2024 5-year Consolidated Plan Strategy
  - Feasibility – an applicant’s financial or organizational capacity to carry out the proposed activity/project
  - Compliance – the applicant’s ability to comply with federal rules and regulations in implementing their activity/project
  - Leveraging of Funds – does project have other possible resources directed to carry out their activity/project

# CDBG Funding Categories

8

- Public Services
  - ▣ Limited to 15% of annual grant
- Housing, Public Facilities & Improvements, Code Enforcement and other eligible CDBG projects
  - ▣ 65% + reprogrammed funds
- Administration
  - ▣ Limited to 20% of annual grant

# Community Development Block Grant – Public Service Funding Requests

9

Agency	Project Description	Amount Requested	CDAC Recommendation
UNITY VISITATION CENTER	UVC - Operations	\$34,078.00	\$ 5,000.00
NEW JERUSALEM HOLY CHRISTIAN CHURCH	Outreach C.A.R.E.S. -assistance payments	\$36,000.00	\$ 0.00
KILLEEN CREATORS	Community Gardens – salary and operations	\$22,263.00	\$ 22,263.00
KILLEEN POLICE DEPARTMENT	Community Engagement Unit-Operations	\$ 20,000.00	\$ 17,722.90

# Community Development Block Grant – Public Service Funding Requests

10

Agency	Project Description	Amount Requested	CDAC Recommendation
HILL COUNTRY COMMUNITY ACTION AGENCY	Killeen Elderly Meals Program- salary assistance	\$16,530.00	\$ 16,530.00
FAMILIES IN CRISIS	Homeless Shelter Case Manager – salary assistance	\$ 30,000.00	\$ 0.00
COMMUNITIES IN SCHOOLS OF CENTRAL TEXAS	Connections Program (Killeen Elementary) – salary assistance	\$19,000.00	\$ 19,000.00
GREATER KILLEEN COMMUNITY CLINIC	Clinic Office Manager – salary assistance	\$25,000.00	\$ 22,439.10



# Community Development Block Grant – Public Service Funding Requests

11

Agency	Project Description	Amount Requested	CDAC Recommendation
BRING EVERYONE IN THE ZONE	Resource Program - salary assistance	\$6,642.00	\$ 6,642.00
CITY OF KILLEEN	Elderly Transportation Program -Direct Assistance to Beneficiaries - elderly transportation services	\$ 65,000.00	\$ 65,000.00
<b>Public Services -15% - \$174,597.00</b>		<b>\$274,513.00</b>	<b>\$174,597.00</b>

# Community Development Block Grant – Public Facilities & Improvements, Housing, Code Enforcement

12

Agency	Project Description	Amount Requested	CDAC Record
CITY OF KILLEEN RECREATION SERVICES	Bob Gilmore Senior Center – forward commitment from FY2022	\$ 80,061.27	\$ 80,061.27
CITY OF KILLEEN DEVELOPMENT SERVICES	Code Enforcement -Salary & Overhead – 1 (one) code enforcement officer for North Killeen; with \$58,465.00 forward commitment each year for FY24 and FY25	\$ 175,395.00	\$ 58,465.00
CITY OF KILLEEN FIRE DEPARTMENT	Fire/Rescue Life Saving Devices – 3 (three) LifePAK15 units for North Killeen Fire Stations	\$ 233,992.00	\$ 157,792.00

# Community Development Block Grant – Public Facilities & Improvements, Housing, Code Enforcement

13

Agency	Project Description	Amount Requested	CDAC Recommendation
CITY OF KILLEEN COMMUNITY DEVELOPMENT	Killeen Housing Rehabilitation Program – Owner housing rehabilitation, lead abatement and program delivery costs	\$382,000.00	\$ 396,765.18
CITY OF KILLEEN RECREATION SERVICES	Stewart Neighborhood Park – Splash Pad	\$400,000.00	\$ 400,000.00
<b>Total remaining available funding amount \$1,013,202.38</b>		<b>\$1,191,387.00</b>	<b>\$1,013,202.38</b>

# Community Development Block Grant Administration – maximum 20% of annual grant

14

Agency	Project Description	Amount Requested	CDAC Recommendation
CITY OF KILLEEN COMMUNITY DEVELOPMENT	CDBG administration	\$232,796.00	\$232,796.00
<b>Total 20% of grant amount allowed</b>		\$232,796.00	<b>\$232,796.00</b>

# HOME Program - Housing Funding Requests

15

Agency	Project Description	Amount Requested	CDAC Recommendation
CITY OF KILLEEN COMMUNITY DEVELOPMENT	<b>Affordable Housing Development-Rental-</b> 8 units- construction costs associated with 8 new affordable rental housing units	\$1,623,204.00	\$842,687.00
CITY OF KILLEEN COMMUNITY DEVELOPMENT	North Killeen Housing Redevelopment Program (12 units)	\$1,196,500.00	\$ 0.00

# HOME Grant Administration & Community Housing Development Organizations

16

Agency	Project Description	Amount Requested	CDAC Recommendation
CITY OF KILLEEN COMMUNITY DEVELOPMENT	HOME Grant Administration – maximum 10% of annal grant; plus 10% of Program Income	\$89,385.17	\$89,385.17
COMMUNITY DEVELOPMENT HOUSING ORG.(CHDO)	Required Set-aside Minimum - 15% of annual grant	\$ 0.00	<b>\$88,376.25</b>
<b>HOME Program Requests</b>		<b>\$2,997,565.30</b>	<b>\$1,020,448.82</b>

# Summary

17

- Required comment period begins June 27<sup>th</sup> and ends July 26, 2022.
- Approval of Ordinance at 2<sup>nd</sup> public hearing
- Submittal of PY2022-23 Annual Action Plan to HUD
- Release of funding – after October 1, 2022



# City of Killeen

## Staff Report

File Number: PH-22-056

---

**DATE:** July 19, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Edwin Revell, Executive Director of Development Services  
**SUBJECT:** ZONING CASE #Z22-030: "B-5" to "B-C-1"

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** First Cavalry Plaza, LLC  
**Agent:** All Texas Permits  
**Current Zoning:** "B-5" (Business District)  
**Proposed Zoning:** "B-C-1" (General Business and Alcohol Sales District)  
**Current FLUM Designation:** 'General Commercial' (GC)

#### **Summary of Request:**

All Texas Permits, on behalf of First Cavalry Plaza, LLC, has submitted a request to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to use the property as a nail salon which serves alcohol beverages. In accordance with Killeen Code of Ordinances Sec. 31-351(1), "business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code" require "B-C-1" (General Business and Alcohol Sales District) zoning.

#### **Zoning/Plat Case History:**

The subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "B-5" (Business District) on January 25, 2000 via Ordinance No. 00-5. The property is currently platted as First Cavalry Plaza, Block 1, Lot 1.

#### **Character of the Area:**

#### **Surrounding Land Use and Zoning:**

**North:** Developed commercial property (First Cavalry Plaza) zoned "B-5" (Business District)  
**East:** Undeveloped commercial property zoned "B-5" (Business District)  
**South:** Existing commercial property (Taco Bell) zoned "B-5" (Business District)



**West:** Existing commercial property (HTeaO) zoned "B-5" (Business District)

**Future Land Use Map Analysis:**

This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Brandon Drive, which is classified as a 60-foot Local Street on the City of Killeen Thoroughfare Plan. The property has frontage on Clear Creek Road, which is classified as a 120-foot Principal Arterial on the City of Killeen Thoroughfare Plan. However, Clear Creek Road is S.H. 201, and TxDOT will not allow access to it. Staff has determined that a Traffic Impact Analysis is not required for the proposed land use.

**Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified twenty-three (23) surrounding property owners regarding this request. Of those property owners notified, twenty (20) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

**Staff Findings:**

The 'General Commercial' (GC) character is typically auto-oriented, which can be offset by enhanced

building design, landscaping, reduced site coverage, well-designed signage, etc. The current zoning of the subject property is "B-5" (Business District). The surrounding area includes predominantly commercial uses.

**THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's zoning request; or
- Approve the applicant's zoning request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). Staff finds that the applicant's request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area being predominantly commercial uses. Staff finds that the requested zoning will have no negative impact on the surrounding properties.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of City funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

At their regular meeting on June 22, 2022, the Planning and Zoning Commission recommended

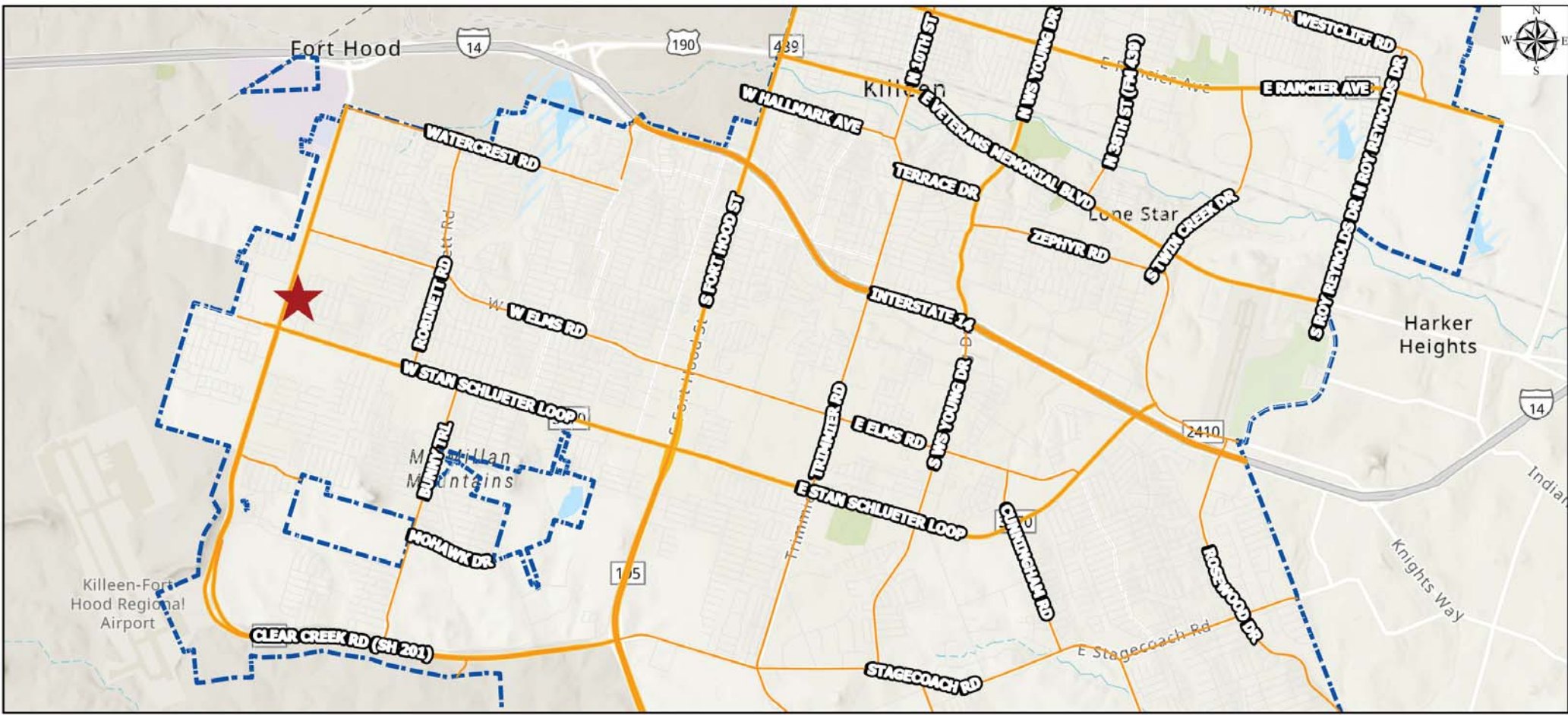
approval of the applicant's request by a vote of 4 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen expressed concern that, if the property is rezoned to "B-C-1", another business could move in later that may not be compatible with the area.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Considerations



**LOCATION MAP**

Council District: 4



Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

**Zoning Case 2022-30**  
B-5 TO B-C-1

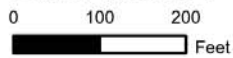
**Legend**

-  Major Roads
-  City Limits
-  Zoning Case Location



**AERIAL MAP**

Council District: 4



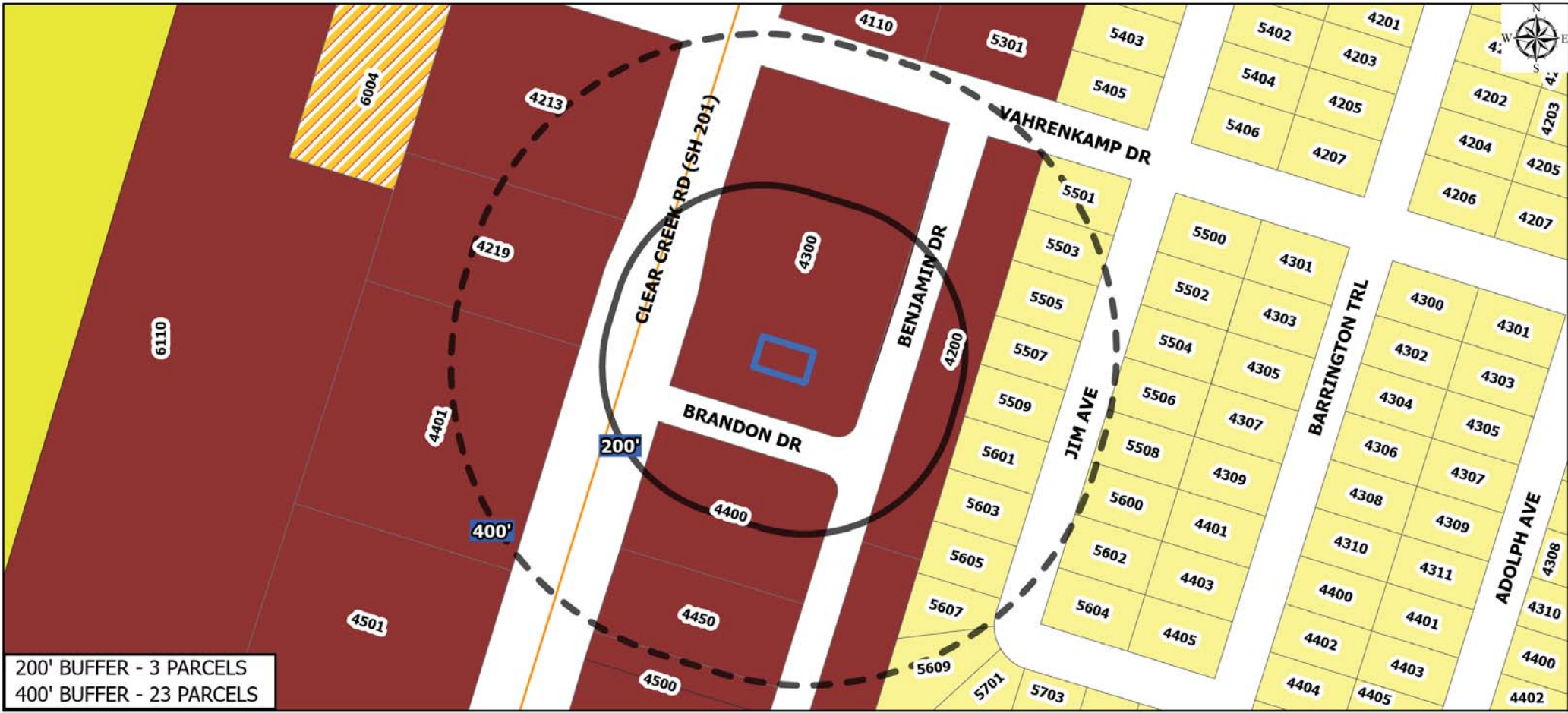
Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

# Zoning Case 2022-30

## B-5 TO B-C-1

**Legend**

-  Citylimits
-  Zoning Case



200' BUFFER - 3 PARCELS  
 400' BUFFER - 23 PARCELS

**NOTIFICATION MAP**  
 Council District: 4  
 0 100 200 Feet  
 Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

## Zoning Case 2022-30

B-5 TO B-C-1

**Legend**

Current Zoning	R-1
B-5	R-3A
RC-1	

# SITE PHOTOS

Case #Z22-30: "B-5" to "B-C-1"



View of the subject property looking east:



# SITE PHOTOS

Case #Z22-30: "B-5" to "B-C-1"



View of the surrounding property to the south (across Brandon Dr):



View of the surrounding property to the west (across Clear Creek Rd):





**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**June 22, 2022**

**CASE #Z22-30**  
**“B-5” to “B-C-1”**

**HOLD** a public hearing and consider a request submitted by All Texas Permits on behalf of First Cavalry Plaza, LLC (**Case #Z22-30**) to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District). The property is locally addressed as 4310 Clear Creek Road, Suite 130, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it compatible with the surrounding land uses and consistent with the prevailing community character.

Chairman Latham opened the public hearing at 5:14 p.m.

The applicant’s agent, Mr. Marcus Clay of 4310 Clear Creek suite 130, was present to represent the case.

With no one else wishing to speak, the public hearing was closed.

Commissioner Minor made a motion to approve the request as presented. Commissioner Ploeckelmann seconded, and the motion passed by a vote of 4 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen expressed concern that if the property is rezoned to “B-C-1”, another business could move in later that may not be compatible with the area.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 1.313 ACRES OUT OF THE FIRST CAVALRY PLAZA, BLOCK 1, LOT 1, FROM “B-5” (BUSINESS DISTRICT) TO “B-C-1” (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, All Texas Permits, on behalf of First Cavalry Plaza, LLC, has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District), said request having been duly recommended for approval of the “B-C-1” (General Business and Alcohol Sales District) by the Planning and Zoning Commission of the City of Killeen on the 22<sup>th</sup> day of June 2022, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 26<sup>th</sup> day of July 2022, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the zoning classification of a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, be changed from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District), said request having been duly recommended for approval of the “B-C-1” (General Business and Alcohol District), for the property locally addressed as 4310 Clear Creek Road, Suite 130, Killeen Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 26<sup>th</sup> day of July 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED:**

\_\_\_\_\_  
**Debbie Nash-King, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Holli C. Clements, INTERIM CITY ATTORNEY**

Case #22-30

Ord. #22-\_\_\_\_

# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

## A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

## B. Conditional Use Permit (if applicable)

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

## C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



CASE #Z22-30: “B-5” TO “B-C-1”

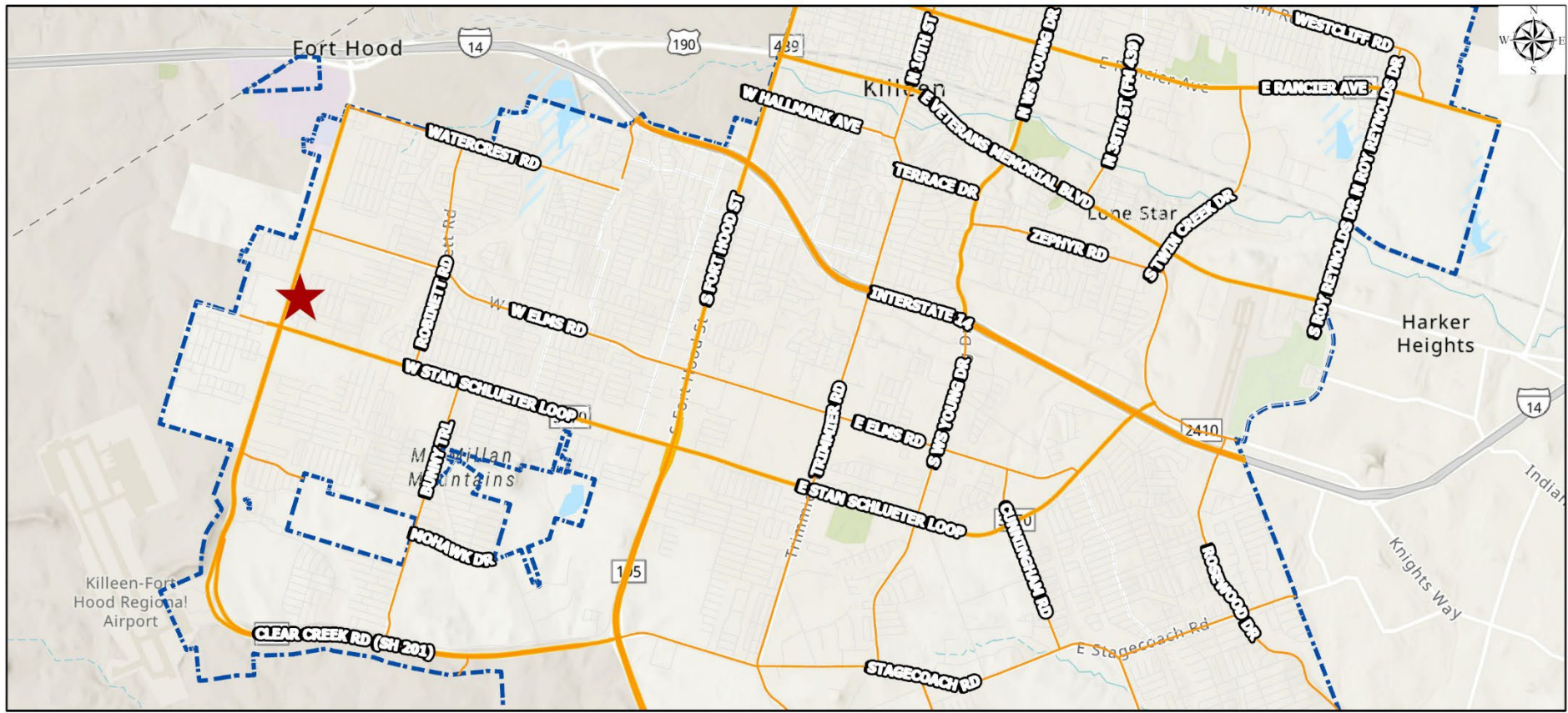
PH-22-056

July 19, 2022

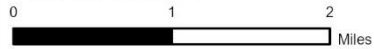
173

## Case #Z22-30: “B-5” to “B-C-1”

- ❑ **HOLD** a public hearing and an ordinance requested by All Texas Permits on behalf of First Cavalry Plaza, LLC (**Case #Z22-30**) to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District).
- ❑ The property is locally addressed as 4310 Clear Creek Road, Suite 130, Killeen, Texas.



LOCATION MAP  
 Council District: 4



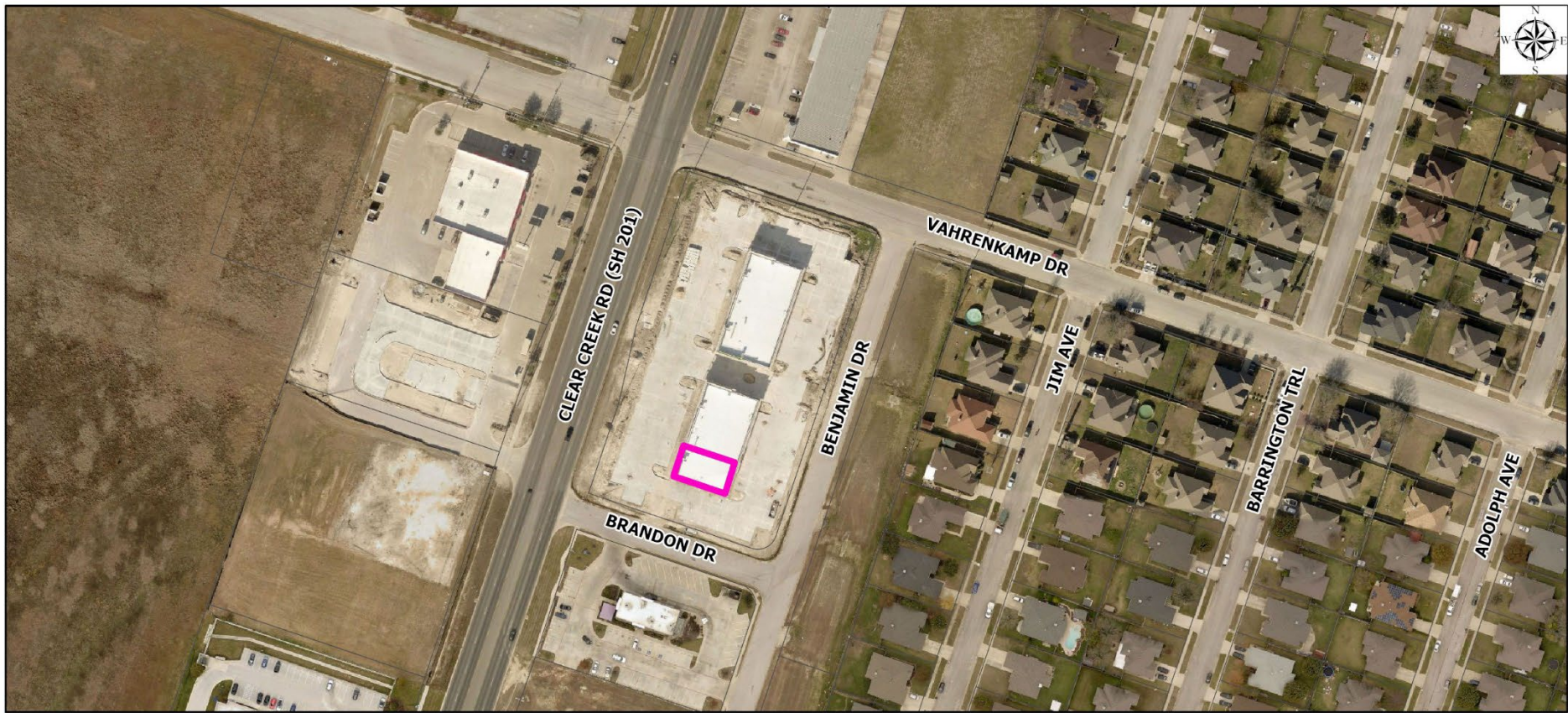
Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

## Zoning Case 2022-30

B-5 TO B-C-1

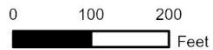
Legend

-  Major Roads
-  City Limits
-  Zoning Case Location



AERIAL MAP

Council District: 4



Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

# Zoning Case 2022-30

B-5 TO B-C-1

Legend

 Citylimits

 Zoning Case



# Case #Z22-30: “B-5” to “B-C-1”

5

- If approved, the applicant intends to use the property as a nail salon which serves alcohol beverages.
- In accordance with Killeen Code of Ordinances Sec. 31-351(1), “business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code” require “B-C-1” (General Business and Alcohol Sales District) zoning.
- The property is designated as ‘General Commercial’ (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

# Case #Z22-30: “B-5” to “B-C-1”

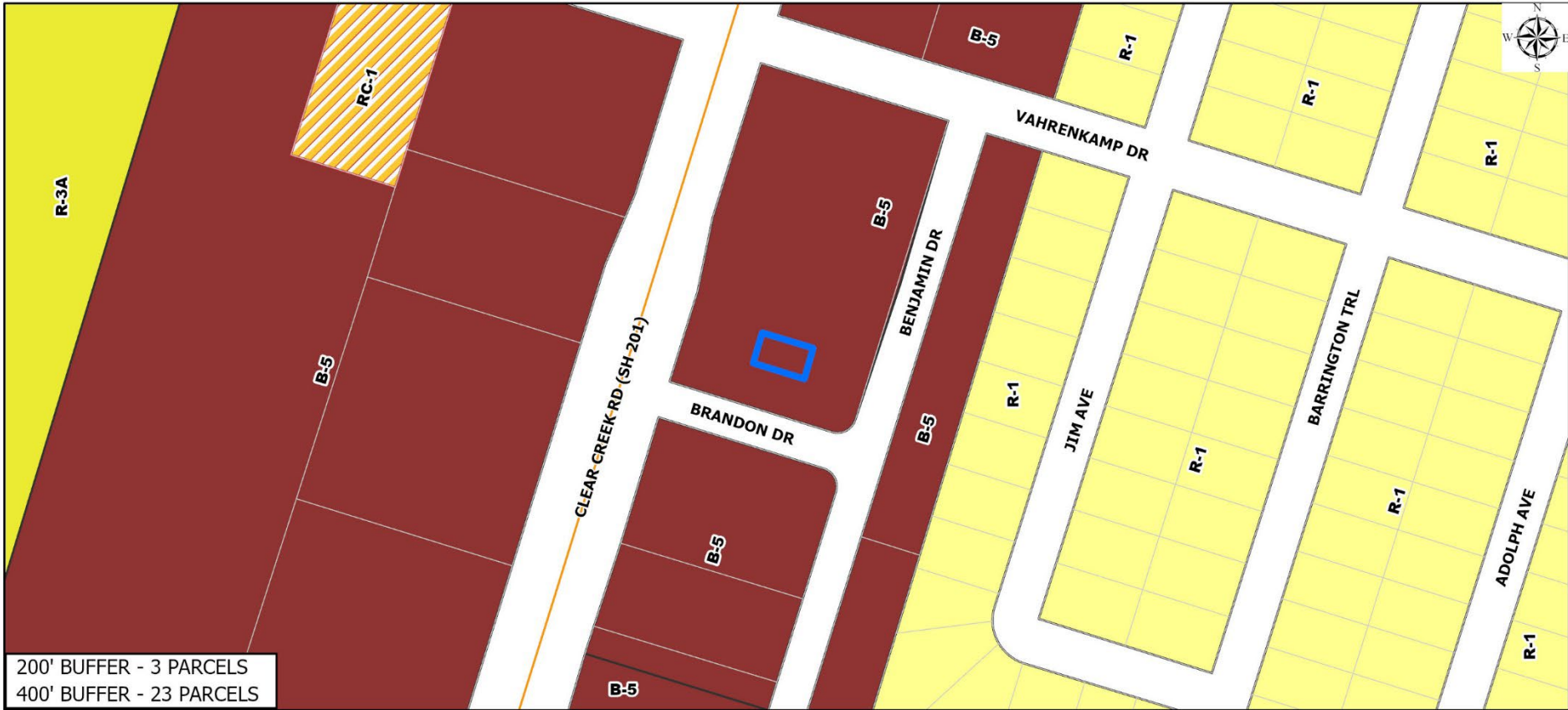
6

- The ‘General Commercial’ (GC) designation encourages the following development types:
  - ▣ Wide range of commercial retail and service uses, at varying scales and intensities;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses);
  - ▣ Public/ institutional; and
  - ▣ Parks and public spaces.

## Case #Z22-30: “B-5” to “B-C-1”

7

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.



200' BUFFER - 3 PARCELS  
 400' BUFFER - 23 PARCELS

ZONING MAP  
 Council District: 4  
 0 100 200  
 Feet

## Zoning Case 2022-30

### B-5 TO B-C-1

Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

# Case #Z22-30: “B-5” to “B-C-1”

View of the subject property looking east:



# Case #Z22-30: “B-5” to “B-C-1”

10

View of the surrounding property to the south (across Brandon Drive):



# Case #Z22-30: “B-5” to “B-C-1”

11

View of the surrounding property to the west (across Clear Creek Drive):



# Public Notification

- Staff notified twenty-three (23) surrounding property owners regarding this request.
- Of those notified, twenty (20) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and eight (8) property owners reside outside of Killeen.
- To date, staff has received no written responses regarding this request.





200' BUFFER - 3 PARCELS  
 400' BUFFER - 23 PARCELS

NOTIFICATION MAP  
 Council District: 4  
 0 100 200  
 Feet

Subject Property Legal Description: 4310 CLEAR CREEK RD STE 130

## Zoning Case 2022-30

B-5 TO B-C-1

- Legend
- Current Zoning
  - B-5
  - B-3A
  - RC-1
  - R-1
  - R-3A

# Alternatives

14

- ❑ The City Council has two (2) alternatives. The Council may:
  - ❑ Disapprove the applicant's zoning request; or
  - ❑ Approve the applicant's zoning request as presented.

# Staff Recommendation

- Staff finds that the applicant's request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area is predominantly commercial. Staff finds that the requested zoning will have no negative impact on the surrounding properties.
- Therefore, staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) as presented.

# Commission Recommendation

- At their Special Called meeting on June 22, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 1 with Commissioner Gukeisen in opposition.
- Commissioner Gukeisen stated that if the property is rezoned to "B-C-1", another business could move in later that may not be compatible with the area.



# City of Killeen

## Staff Report

File Number: PH-22-057

---

**DATE:** July 19, 2022  
**TO:** Kent Cagle, City Manager.  
**FROM:** Edwin Revell, Executive Director of Development Services.  
**SUBJECT:** ZONING CASE #Z22-31: "R-1" to "R-2"

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** A & T Construction, LLC  
**Agent:** Quintero Engineering, LLC  
**Current Zoning:** "R-1" (Single-Family Residential District)  
**Proposed Zoning:** "R-2" (Two-Family Residential District)  
**Current FLUM Designation:** 'General Residential' (GR)

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of A & T Construction, LLC, has submitted a request to rezone approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop two-family residential homes on the property.

#### **Zoning/Plat Case History:**

The subject property was annexed into the City limits on August 24, 2021 via Ordinance No. 20-050. The property was subsequently zoned to "R-1" (Single-Family Residential District) on November 9, 2021 via Ordinance No. 21-063. The property is currently unplatted.

#### **Character of the Area:**

#### **Surrounding Land Use and Zoning:**

**North:** Proposed roadway for the residential property to the east zoned "R-1" (Single-Family Residential District)

**South:** Existing residential property in the ETJ

**East:** Existing residential properties zoned "R-1" (Single-Family Residential District), currently under development

**West:** Undeveloped property in the ETJ

**Future Land Use Map Analysis:**

This property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus;
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
- Public/ institutional; and
- Parks and public spaces.

The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Mesa Verde Drive and Lyla Drive, which are classified as a 60' wide Local Streets on the City of Killeen Thoroughfare Plan. Staff has determined that a Traffic Impact Analysis is not required for the proposed land use.

**Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory..

**Public Notification:**

Staff notified one hundred and six (106) surrounding property owners regarding this request. Of those property owners notified, sixty (60) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twelve (12) reside outside of Killeen.

To date, staff has received twelve (12) written responses in opposition to this request, including:

- Zero (0) within the 200-foot notification boundary;
- Eight (8) outside the 200-foot, but within the 400-foot notification boundary; and
- Three (3) outside both the 200-foot and 400-foot notification boundaries, but within City

limits; and

- One (1) outside both the 200-foot and 400-foot notification boundaries, and outside City limits.

**Staff Findings:**

The 'General Residential' (GR) land use category is characterized by auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding area includes predominantly residential and commercial uses.

**THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's zoning request; or
- Approve the applicant's zoning request as presented.

**Which alternative is recommended? Why?**

Staff recommends disapproval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). Staff finds that the applicant's request is not consistent with the single-family land uses to the east and west of the subject property.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

At their regular meeting on June 22, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 2 with Commissioners Ploeckelmann and Minor in opposition. Commissioners Minor and Ploeckelmann stated they were in favor of the area remaining zoned "R-1" (Single-Family Residential District).

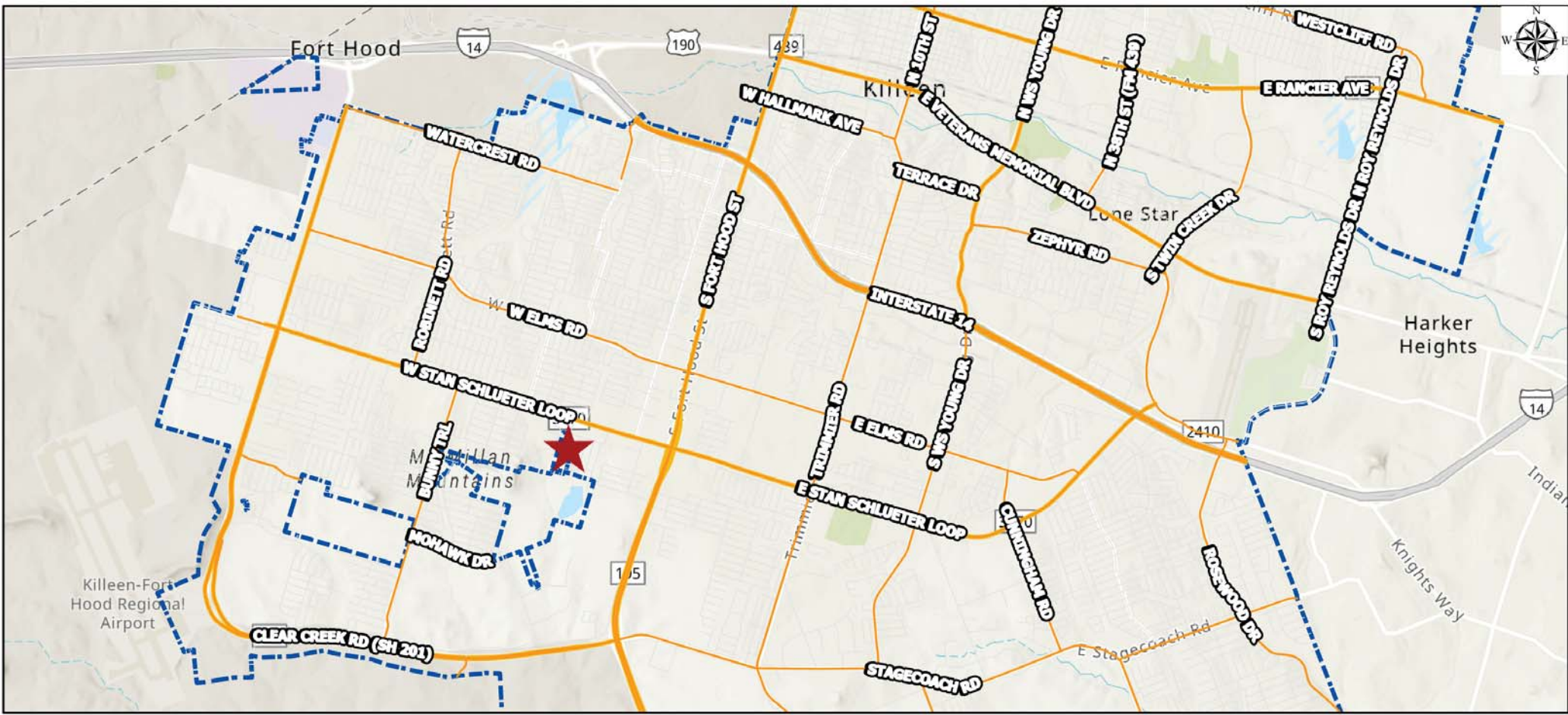
**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Pharr vs. Tippitt considerations  
Responses





**LOCATION MAP**  
 Council District: 4

**Zoning Case 2022-31**  
 R-1 TO R-2

**Legend**

- Major Roads
- Citylimits
- ★ Zoning Case Location

0 1 2 Miles

Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313



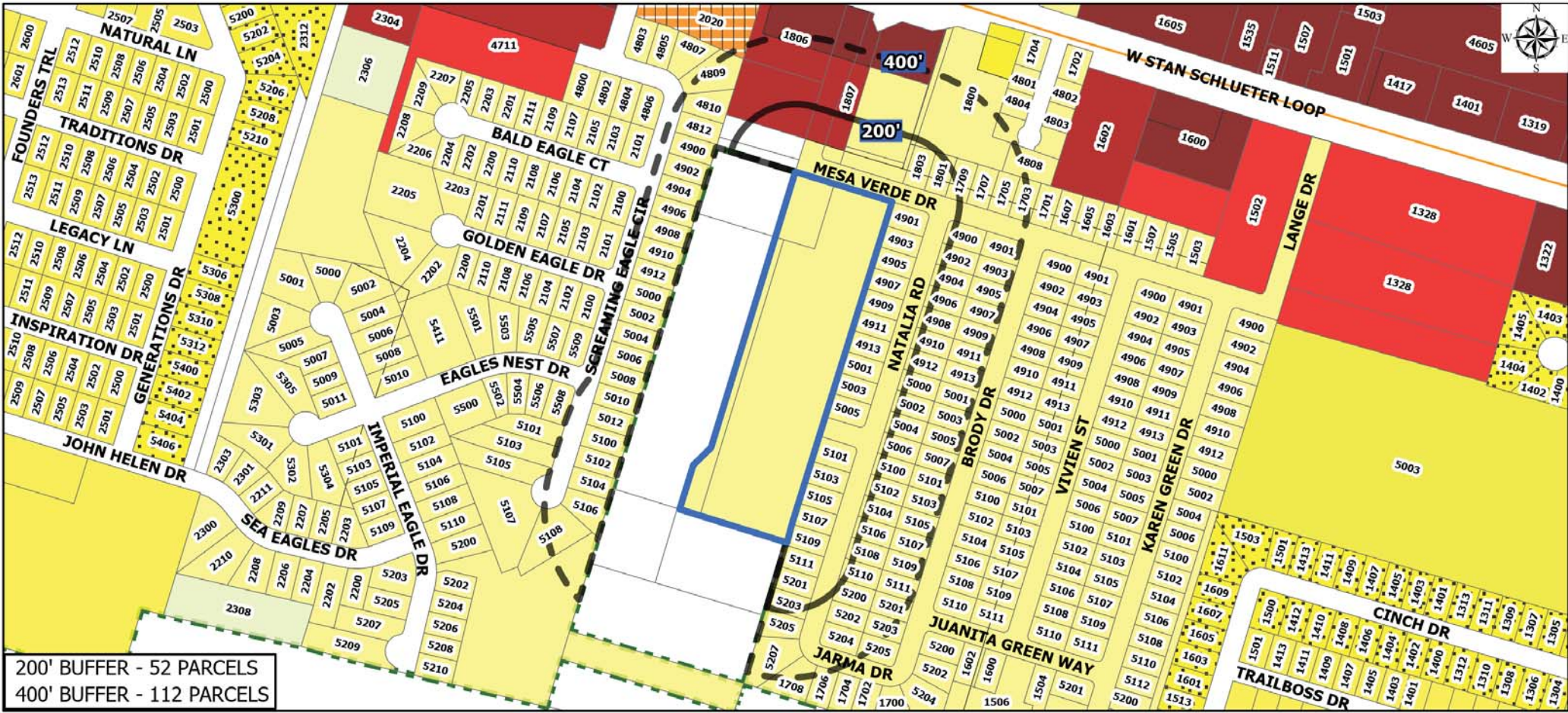
AERIAL MAP  
 Council District: 4  
 0 200 400  
 Feet

## Zoning Case 2022-31

### R-1 TO R-2

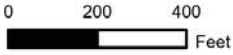
Legend  
 Citylimits  
 Zoning Case

Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313



**NOTIFICATION MAP**

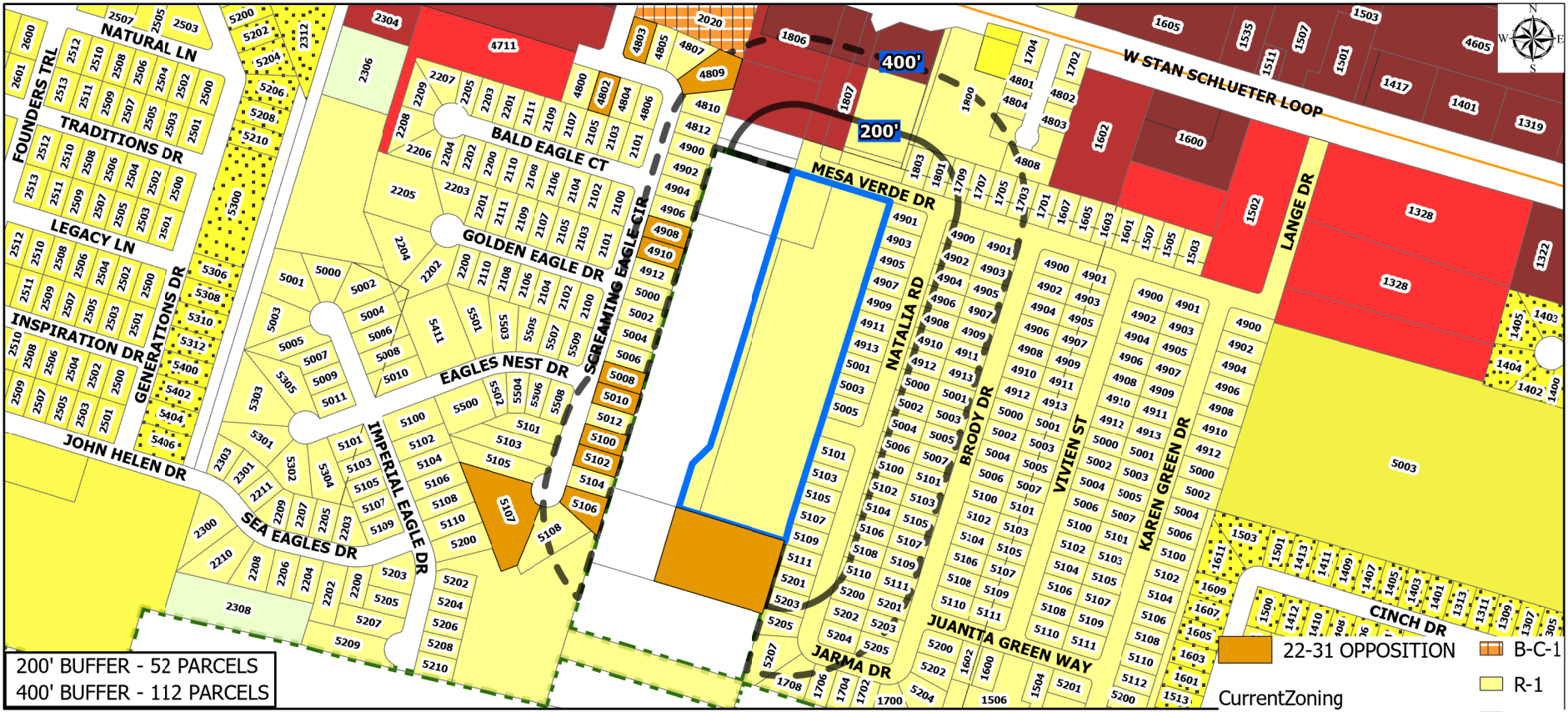
Council District: 4



Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

**Zoning Case 2022-31**  
R-1 TO R-2

Legend	
Current Zoning	
A-R1	B-5
B-3	B-C-1
B-4	R-1
	R-2
	R-3
	R-MP
	R1-A



NOTIFICATION MAP  
Council District: 4  
0 200 400  
Feet

## Zoning Case 2022-31

### R-1 TO R-2

Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

Legend

22-31 OPPOSITION	B-C-1
A-R1	R-1
B-3	R-2
B-4	R-3
B-5	R-MP
	R1-A

# SITE PHOTOS

Case #Z22-31: "R-1" to "R-2"



View of the subject property looking south:



View of the surrounding property looking west:



# SITE PHOTOS

Case #Z22-31: "R-1" to "R-2"



View of the surrounding property to the east:



View of the surrounding property to the north (across Mesa Dr):



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**June 22, 2022**

**CASE #Z22-31**  
**“R-1” to “R-2”**

**HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of A & T Construction, LLC (**Case #Z22-31**) to rezone approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155 from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District). The property is located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends disapproval of the request, as is not consistent with the single-family land uses to the east and west of the subject property.

Chairman Latham opened the public hearing at 5:27 p.m.

The applicant’s agent, Mr. Pedro Quintero of Quintero Engineering, was present to represent the case.

Mr. Bob Ferguson of 2002 West Stan Schlueter loop spoke in opposition to the request. Mr. Ferguson expressed concern that the proposed duplexes would devalue the surrounding single-family homes, increase traffic, and negatively affect the overall aesthetic of the area.

With no one else wishing to speak, the public hearing was closed.

Commissioner Gukeisen made a motion to approve the request as presented. Commissioner Rowe seconded, and the motion passed by a vote of 3 to 2 with Commissioners Ploeckelmann and Minor in opposition. Commissioners Minor and Ploeckelmann stated they were in favor of the area remaining zoned “R-1” (Single-Family Residential District).

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 7.40 ACRES OUT OF THE W. L. HARRIS SURVEY, ABSTRACT NO. 1155, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Quintero Engineering, LLC, on behalf of A & T Construction, LLC, has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155 from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District), said request having been duly recommended for approval of the “R-2” (Two-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 22<sup>th</sup> day of June 2022, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 26<sup>th</sup> day of July 2022, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the zoning classification of approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155, be changed from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District), said request having been duly recommended for approval of the “R-2” (Two-Family Residential District), for the property



generally located south of W Stan Schlueter Loop and e east of the Eagle Valley Subdivision, Killeen Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 26<sup>th</sup> day of July 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED:**

\_\_\_\_\_  
**Debbie Nash-King, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Laura Calcote, Interim CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Holli C. Clements, INTERIM CITY ATTORNEY**  
Case #22-31  
Ord. #22-\_\_\_\_

# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

## A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

## B. Conditional Use Permit (if applicable)

Whether the use is in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

## C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



**CITY OF KILLEEN**  
**DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING & ECONOMIC DEVELOPMENT DIVISION**

June 10, 2022

**RE: Case# Z22-31**

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

-----CUT HERE-----

<b>YOUR NAME:</b> <i>Robin Suttor</i>	<b>PHONE NUMBER:</b> <i>678-751-6014</i>
<b>CURRENT ADDRESS:</b> <i>5100 Screaming Eagle Cir Killeen, TX 76549</i>	
<b>ADDRESS OF PROPERTY OWNED:</b> <i>5100 Screaming Eagle Cir Killeen, TX 76549</i>	
<b>COMMENTS:</b> <i>I oppose the rezoning!!!!</i>	
<b>SIGNATURE:</b> <i>RS</i>	<b>REQUEST: "R-1" to "R-2" SPO #Z22-31/</b> <i>31, 35</i>



**CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION**

June 10, 2022

**RE: Case# Z22-31**

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

-----CUT HERE-----

<b>YOUR NAME:</b> Phyllis Ferguson	<b>PHONE NUMBER:</b> 254-681-6354
<b>CURRENT ADDRESS:</b> 2002 W. STAN SCHLUETER LA	
<b>ADDRESS OF PROPERTY OWNED:</b> Same as Above	
<b>COMMENTS:</b> We are opposed. We were told this land would be used for soccer fields. We sold this land to TARA CAMPBELL in a Warranty Deed w/ Vendor's Lien. That note has not been paid off. We just discovered she has conveyed this land to A+T Construction then to the City of Killeen without giving us notice or obtaining our consent, either written or verbal. We are filing a foreclosure on this property. I suggest delaying this rezoning until this has been resolved.	
<b>SIGNATURE:</b> Phyllis Ferguson	<b>REQUEST: "R-1" to "R-2" SPO #Z22-31/ 31, 35</b>



**CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION**

June 10, 2022

**RE: Case# Z22-31**

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**

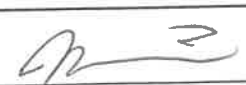
Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

-----CUT HERE-----

<b>YOUR NAME:</b>	KARIM AHMEDGAGH	<b>PHONE NUMBER:</b>	512 985-6260
<b>CURRENT ADDRESS:</b>	4809 Screaming Eagle Cir		
<b>ADDRESS OF PROPERTY OWNED:</b>			
<b>COMMENTS:</b>	I oppose rezoning		
<b>SIGNATURE:</b>		06-19-2022	<b>REQUEST: "R-1" to "R-2" SPO #Z22-31/ 31, 35</b>



**CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION**

June 10, 2022

**RE: Case# Z22-31**

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**


Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

-----CUT HERE-----

<b>YOUR NAME:</b> RICHARD JOHNSON	<b>PHONE NUMBER:</b> 731-378-0803
<b>CURRENT ADDRESS:</b> 4908 SCREAMING EAGLE CIR KILLEEN TX 76549	
<b>ADDRESS OF PROPERTY OWNED:</b> 4908 SCREAMING EAGLE CIR KILLEEN TX 76549	
<b>COMMENTS:</b>	
I DO NOT WANT THIS PROPERTY ZONED TO	
R2 FROM R1	
<b>SIGNATURE:</b> 	<b>REQUEST: "R-1" to "R-2" SPO #Z22-31/ 31, 35</b>



**CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION**

June 10, 2022

**RE: Case# Z22-31**

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.


The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

-----CUT HERE-----

<b>YOUR NAME:</b> <u>Kassandra Herring</u>	<b>PHONE NUMBER:</b> <u>254 338 3757</u>
<b>CURRENT ADDRESS:</b> <u>5008 screaming eagle circle Killeen, TX 76549</u>	
<b>ADDRESS OF PROPERTY OWNED:</b> <u>same</u>	
<b>COMMENTS:</b>	
<u>I <del>am</del> oppose to the rezoning.</u>	
<b>SIGNATURE:</b> <u>Kass Herring</u>	<b>REQUEST: "R-1" to "R-2" SPO #Z22-31/ <u>31, 35</u></b>

CUT HERE

YOUR NAME:	WILLIAM: MARIANN LAUDERDALE	PHONE NUMBER:	832-563-9866
CURRENT ADDRESS:	5010 SCREAMING FAALIE CIR.		
ADDRESS OF PROPERTY OWNED:	SAME		
COMMENTS:	"NO" TO REZONING FROM R1 TO R2		
SIGNATURE:		REQUEST: "R-1" to "R-2"	SPO #Z22-31/14

---

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628  
WWW.KILLEENTEXAS.GOV





Recieved but not within the notification boundary, given to by one of the property owners

CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION

June 10, 2022

RE: Case# Z22-31

HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE

YOUR NAME:	<i>William Rojas-Soto</i>	PHONE NUMBER:	<i>254-787-0686</i>
CURRENT ADDRESS:	<i>483 Screaming Eagle Cr.</i>		
ADDRESS OF PROPERTY OWNED:	<i>Killeen, TX 76549</i>		
COMMENTS:	<i>I oppose to rezoning R-2</i>		
SIGNATURE:	<i>[Signature]</i>		
REQUEST: "R-1" to "R-2" SPO #Z22-31/			<i>31, 35</i>

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628  
WWW.KILLEENTEXAS.GOV

Recieved but not within the notification boundary, given to by one of the property owners



CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION

June 10, 2022

RE: Case# Z22-31

HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE

YOUR NAME:	NORMAN SMITH JR	PHONE NUMBER:	254-350-8368
CURRENT ADDRESS:	5107 Screaming Eagle Cir Killeen, TX		
ADDRESS OF PROPERTY OWNED:			
COMMENTS:	I don't agree with the rezoning I am against rezone NO Rezoning		
SIGNATURE:		REQUEST: "R-1" to "R-2"	SPO #Z22-31/31, 35

Received but not within the notification boundary, given to by one of the property owners



CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION

June 10, 2022

RE: Case# Z22-31

**HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of A & T Construction, LLC (Case #Z22-31), to rezone approximately 7.400 acres out of the WL Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located south of W Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 22, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.



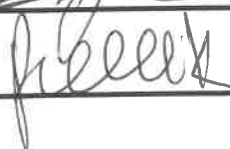
You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: *City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.* To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 22, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 26, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE

YOUR NAME:	<i>Amber J. Brown</i>	PHONE NUMBER:	<i>210 797 1338</i>
CURRENT ADDRESS:	<i>4802 Screaming Eagle Cir</i>		
ADDRESS OF PROPERTY OWNED:			
COMMENTS:	<i>1 aphase Rezoning 2R2</i>		
SIGNATURE:	<i>Amber J. Brown</i>	REQUEST: "R-1" to "R-2"	SPO #Z22-31/ <i>31, 35</i>

**PETITION TO STOP REZONING CASE #Z22-31**

Historically, duplexes (two family residences) increase traffic, crime, and devalue the surrounding market prices of the area. If you do not want this area to change in zoning from R-1 (Single-Family) to R-2 (Two-Family Residential District, please sign on the line with your address:

<b>Screaming Eagle Cir.</b>	<b>NAME</b>	<b>SIGNATURE</b>	<b>PHONE</b>
4809	MARIM AZAVAGAGH		512 965 6260
4810			
4812			
4900			
4902			
4904			
4906			
4908	RICHARD JOHNSON		931-378-0963
4910	HALLIS, Kimberly		254 2788147
4912			
5000			
5002			
5004			
5006			
5008	Kassandra Herring	Kass' Hey	254 338 3757 281-451-7203
5010	Mariann Lauderdale	Mariann Lauderdale	
5012	Amber L. Brown	Amber L. Brown	210 7971338

**Screaming Eagle Cir. NAME SIGNATURE PHONE**

**5100** Robin Sutter T.S. 678-751-6014

**5102** Megan Hower Megan Hower 610 509 8563

**\*5104**

**5106** Debbi Bruno Debbi Bruno (626) 234-762

**5108**

**2002 Stan Schlueter Lp.**

5107 Norman Smith ~~Norman Smith~~ 254-350-8368



## CASE #Z22-31: “R-1” TO “R-2”

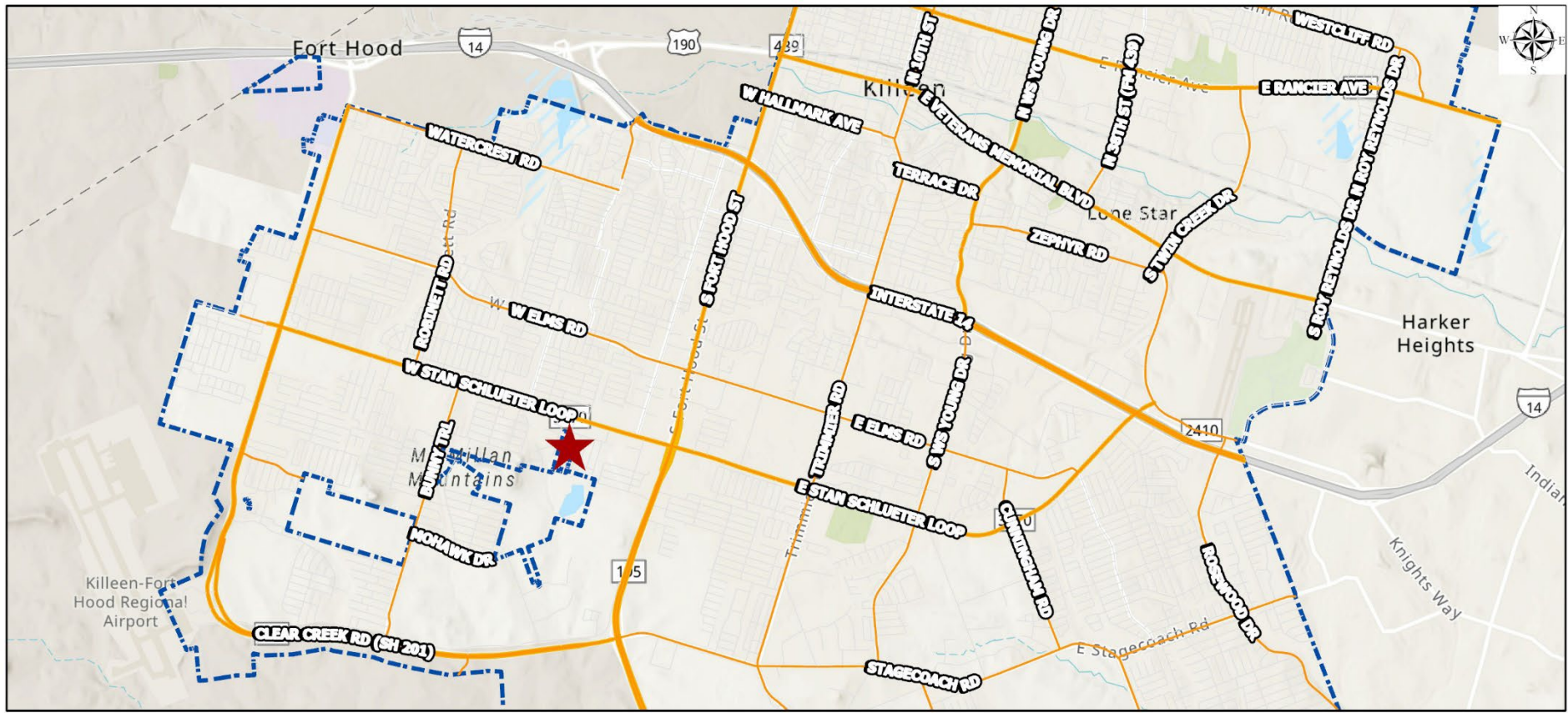
RS-22-057

July 19, 2022

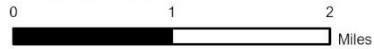
214

## Case #Z22-31: “R-1” to “R-2”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of A & T Construction, LLC (**Case #Z22-31**) to rezone approximately 7.40 acres out of the W. L. Harris Survey, Abstract No. 1155 from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District).
- ❑ The property is located south of W. Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.



LOCATION MAP  
 Council District: 4



Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

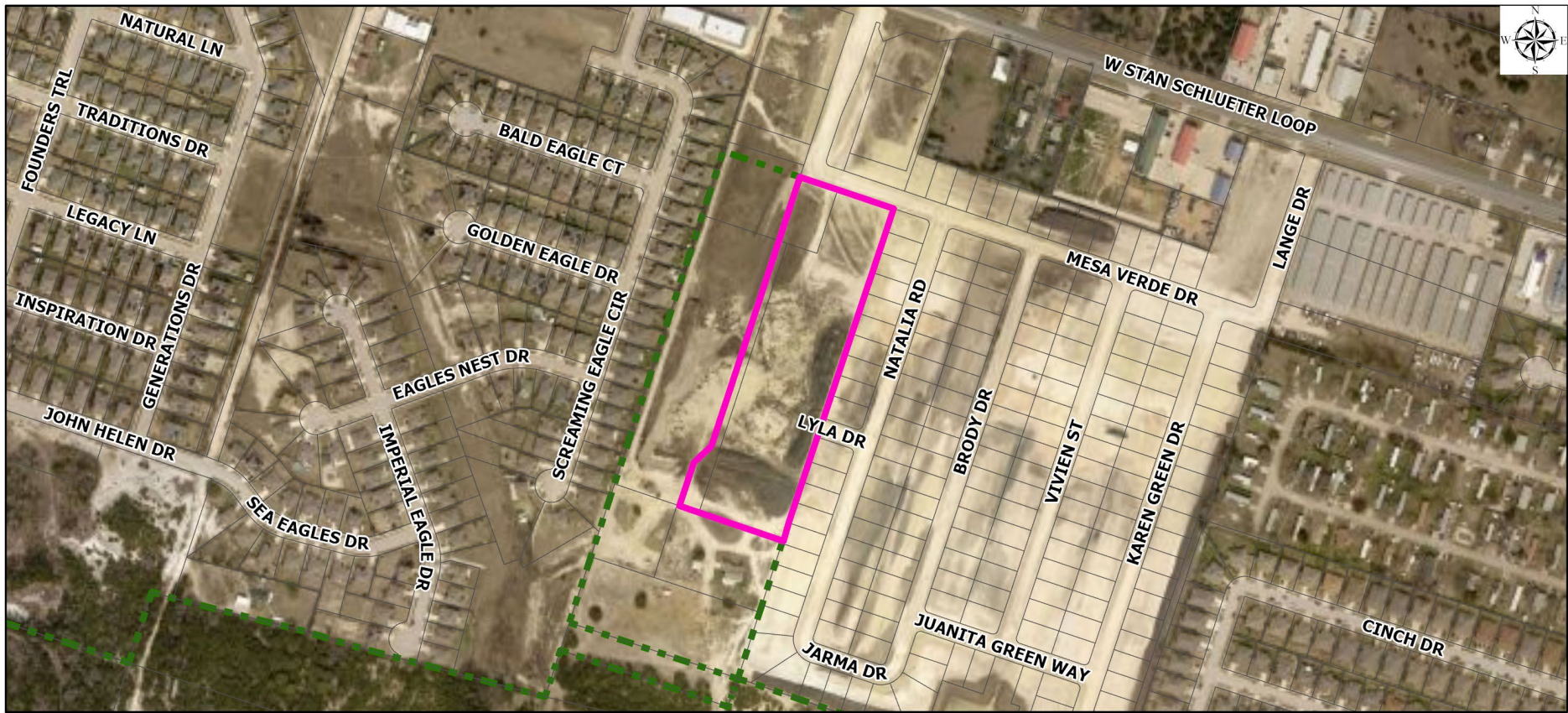
## Zoning Case 2022-31

### R-1 TO R-2

Legend

-  Major Roads
-  City Limits
-  Zoning Case Location





**AERIAL MAP**

Council District: 4



Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

# Zoning Case 2022-31

## R-1 TO R-2

**Legend**

 Citylimits

 Zoning Case

## Case #Z22-31: “R-1” to “R-2”

5

- If approved, the applicant intends to develop two-family residential homes on the property.
- The property is designated as ‘General Residential’ (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

# Case #Z22-31: “R-1” to “R-2”

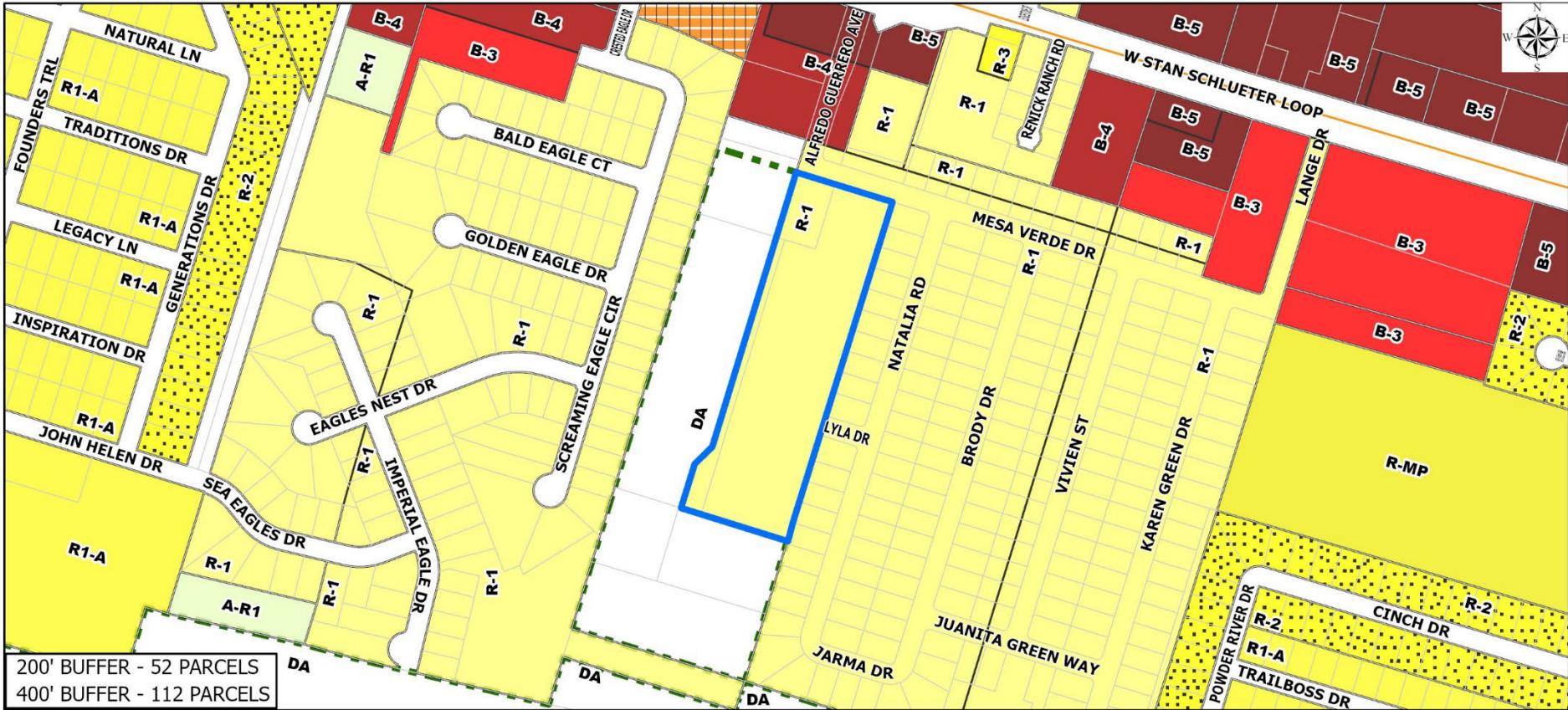
6

- The ‘General Residential’ (GR) designation encourages the following development types:
  - ▣ Detached residential dwellings as a primary focus;
  - ▣ Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
  - ▣ Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
  - ▣ Public/institutional; or
  - ▣ Parks and public spaces.

## Case #Z22-31: “R-1” to “R-2”

7

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.



200' BUFFER - 52 PARCELS  
 400' BUFFER - 112 PARCELS

ZONING MAP  
 Council District: 4  
 0 200 400  
 Feet

## Zoning Case 2022-31

### R-1 TO R-2

Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

# Case #Z22-31: “R-1” to “R-2”

9

View of the subject property looking south:



# Case #Z22-31: “R-1” to “R-2”

10

View of the surrounding property looking west:



# Case #Z22-31: “R-1” to “R-2”

11

View of the surrounding property to the east:





# Case #Z22-31: “R-1” to “R-2”

12

View of the surrounding property to the north (across Mesa Verde Dr):

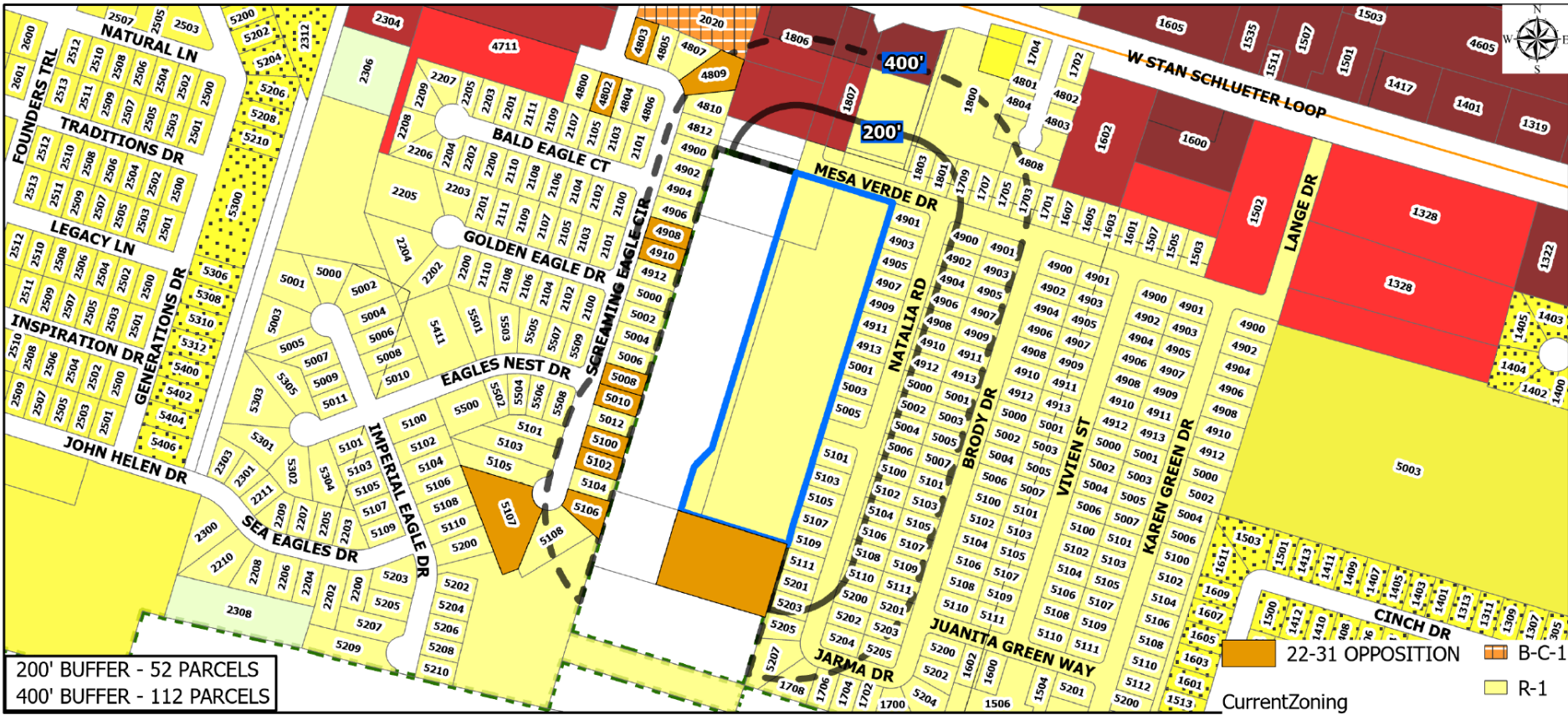


# Public Notification

- Staff notified one hundred and six (106) surrounding property owners regarding this request.
- Of those notified, sixty (60) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and twelve (12) property owners reside outside of Killeen.

# Public Notification

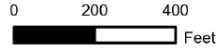
- To date, staff has received twelve (12) written responses in opposition to this request, including:
  - ▣ Zero (0) within the 200-foot notification boundary;
  - ▣ Eight (8) outside the 200-foot, but within the 400-foot notification boundary; and
  - ▣ Three (3) outside both the 200-foot and 400-foot notification boundaries, but within City limits; and
  - ▣ One (1) outside both the 200-foot and 400-foot notification boundaries, and outside City limits.



200' BUFFER - 52 PARCELS  
 400' BUFFER - 112 PARCELS

**NOTIFICATION MAP**

Council District: 4



Subject Property Legal Description: A1155BC W L HARRIS, (PT 6.601AC TR), ACRES 6.076 AND PART OF A1155BC W L HARRIS, ACRES 4.491 AND PART OF A1155BC W L HARRIS, (PT 2AC TR), ACRES 1.313

**Zoning Case 2022-31**  
 R-1 TO R-2

- 22-31 OPPOSITION
- B-C-1
- R-1
- R-2
- R-3
- R-MP
- 228**
- A-R1
- B-3
- B-4
- B-5

Legend

# Alternatives

16

- ❑ The City Council has two (2) alternatives. The Council may:
  - ❑ Disapprove the applicant's zoning request; or
  - ❑ Approve the applicant's zoning request as presented.

# Staff Recommendation

- Staff finds that the applicant's request is not consistent with the single-family land uses to the east and west of the subject property.
- Therefore, staff recommends disapproval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District).

# Commission Recommendation

- At their Special Called meeting on June 22, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 2 with Commissioners Ploeckelmann and Minor in opposition.
- Commissioners Minor and Ploeckelmann stated they were in favor of the area remaining zoned "R-1" (Single-Family Residential District).



# City of Killeen

## Staff Report

File Number: DS-22-091


---





# Arts Commission City of Killeen Annual Report

Fiscal Year 2021



# Arts Commission Annual Report FY 2021 Introduction

In March 1990, through ordinance the Killeen City Council established the Arts Commission as a seven-member board appointed by City Council with representatives in the following:

1. Instrumental and vocal music/radio/television/tape and sound recording
2. Dance/drama/motion pictures/creative writing
3. folk art/ painting sculpture/ photography/graphic craft arts/architecture/design and allied fields
4. Education with a background in the Arts
5. Three members of the public-at-large

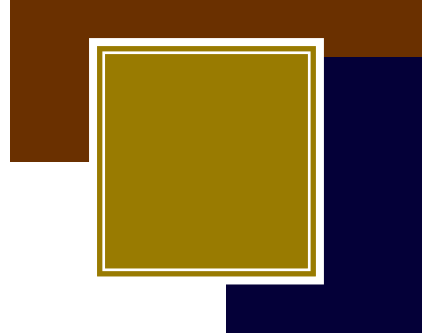
The board membership was amended in 2018 to nine members, including an additional two members of the public-at-large.

The ordinance requires the commission to submit to City Council the following:

- The recommendations for the allocation funding for the Arts
- An annual advisory report prior to budget consideration, recommending actions to be taken by the community and the City Council to advance art and culture within the City of Killeen
- Recommendations on long range goals for the development of tourism and the convention and hotel industry through its use of funding for the arts

Further, the ordinance charges the Arts Commission to explore and encourage development of community resources for the support of the arts and cultural enrichment in Killeen.

# Arts Commission Annual Report FY 2021 Introduction



## Current Members of the Commission

Chairperson:

Darlene Golden, Dance/Drama/Writing

Vice-Chairperson:

Luvina Sabree, At-Large


## Commission Members

John Miller, Folk Art/Painting/Sculpture  
Erin Hughley, Educator/Arts  
Van Fraley, Music/Radio/TV/Tape/Sound  
Angela Galbreth, At-Large

Monique Brand, At-Large  
Christopher Brown, At-Large  
Regina Mitchell, At-Large

## Arts Commission Mission

- To develop a community multi-cultural arts program that will enhance tourism and hotel/motel use, through the arts
- To encourage an increase in quality arts programs available to the citizens of the City of Killeen
- To stimulate an interest in the local arts of all cultures and minority groups especially ensuring access for seniors and disabled citizens
- To encourage exposure to the arts for school-age citizens
- To preserve and develop the arts and to maximize the quality of the arts and their contributions to our City's culture
- To recommend the equitable distribution of resources from the public and private sectors necessary to accomplish the mission
- To produce and promote activities which accomplish this mission



## Arts Commission Annual Report FY 2021 Year at a Glance

Due to the Covid-19 pandemic fiscal year 2020-2021 continued to be challenging for the Arts Commission Grant program. City Council approved funding in the amount of \$85,000 for Arts Commission sponsored events, which was significantly less than the prior year. However, on September 14, 2021, City Council approved use of funding from the American Rescue Plan for the Arts Commission. Funding in the amount of \$102,167 was to be used to restore funding that was cut due to the financial impacts of Covid-19.

City Council approved 19 grants across 7 organizations and 14 events across 5 organizations were held.

These events covered a vast array of artistic expression in the areas of film, theatre, music, food, and cultural representation.

Year-long projects included the forty-second theatre season of Vive Les Arts Societe and Children's Theatre. Vive Les Arts Societe productions included A Christmas Carol, Almost, Maine, Once On This Island, The Importance of Being Earnest, Bring It On and Chicago while the Children's Theatre productions included Annie, Jr., Moana, Jr. and Marvel Summer Camp.

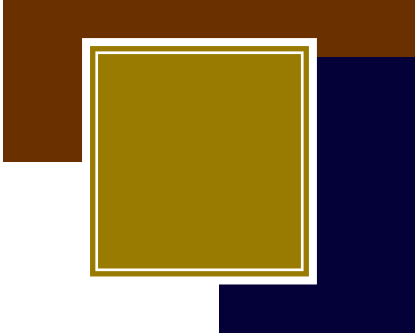
The single events held in fiscal year 2021 include:

Killeen's Black Art and Film Festival which was hosted by Armed Forces Natural Hair and Health

Taste of Africa and Killeen Poetry Slam/Rhythm & Vibes which were hosted by IMPAC Outreach

Kwanzaa and the 12th Annual Caribbean AFRAM Festival which were hosted by Songhai Bamboo Roots

Arts Commission Annual Report  
 FY 2021  
 Year at a Glance, Contd.



Awarded Events

Organization	Event	Grant Amount*	Amount Paid
Armed Forces Natural Hair and Health*	Black Art and Film Festival	\$18,279	\$18,279
IMPAC Outreach*	Taste of Africa	16,303	16,303
IMPAC Outreach*	Killeen Poetry Slam/Rhythm & Vibes	7,139	7,139
Songhai Bamboo Roots	Kwanzaa	1,551	1,505
Songhai Bamboo Roots*	Caribbean AFRAM Festival	14,882	14,882
Vive Les Arts Children's Theatre	Multiple	14,343	9,570
Vive Les Arts Societe	Multiple	22,815	22,815
	<b>Total:</b>	<b>\$95,312</b>	<b>\$90,493</b>

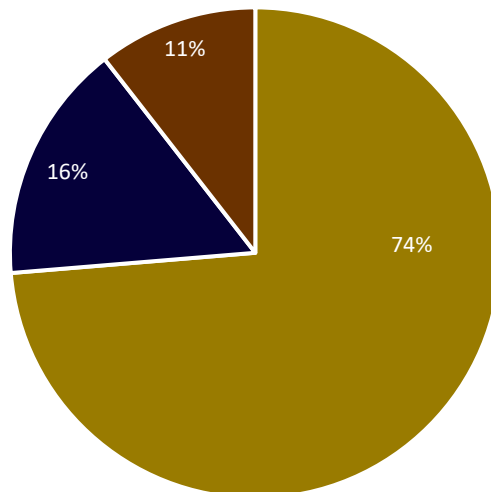
\* The grant amount includes ARPA funding

Cancelled Events


The following events were cancelled during the fiscal year 2021 grant cycle:

- Armed Forces Natural Hair and Health – AFNHH Expo and Veggie and Art Fest
- Artesania y Cultura Hispana – Fiesta of Art and Culture
- Central Texas College Foundation – Epically Geeky Expo
- IMPAC Outreach – African Arts and History Showcase

Arts Commission Event Chart



■ Completed   ■ Event cancelled due to Covid-19   ■ Withdrawn for other reasons



# Arts Commission Annual Report FY 2021 Annual Advisory Report

The Commission began fiscal year 2021 by sponsoring a marketing event “A Night with the Arts Commissioners” to promote the grant program and showcase local artists. The evening recognized the importance of the Arts Commission, Hotel/Motel tax, along with the many grantees, participants and home town talents and why funding the many organizations is so fundamental to this community.

It is the goal of the Arts Commission to continue to host “A Night with the Arts Commissioners” and to have the grantees participate in the evening.

## Fiscal Year 2023 Recommended Actions

### Funding

Chapter 351.103(c) of the Texas Local Tax Code states:

Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality, other than a municipality having a population of more than 1.6 million, or the amount of tax received by the municipality at the rate of one percent of the cost of a room, whichever is greater, may be used for the purposes provided by Section 351.101(a)(4)

The Arts Commission recommends funding in the amount of \$312,858

### Grant funding for prior and current fiscal years

Fiscal Year	City Funding	ARPA Funding	Total Annual Funding
2019	187,167	N/A	187,167
2020	248,339*	100,283*	348,622
2021	85,000	102,167	187,167
2022	37,167	192,455	229,622

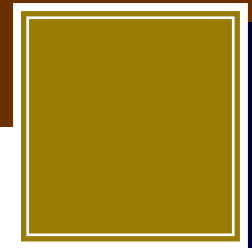
\*Includes additional one-time funding of \$61,172

\*FY2020 ARPA funding was for events cancelled during FY2020. The funding was not available during FY2020

# Arts Commission Annual Report

## FY 2021

### Long-Term Goals



In support of the Arts Commission mission, the commissioners were asked to develop long term goals for the upcoming grant year. These goals were aimed at furthering the primary mission of promoting tourism and the convention and hotel industry through the arts.

The Arts Commission Members were asked to complete a survey to identify long-term goals the Arts Commission should work to achieve. These long-term goals are listed below.

#### Long-Term Goals:

- Marketing
  - ◇ City of Killeen Social media
  - ◇ Partnerships with local hotels and motels
  - ◇ Commercially advertise with community partners (Chamber of Commerce)
- Develop an annual cultural arts program/competition showcasing local and national artists and organizations
  - ◇ A multiple day showcase or competition that would take place at an indoor/outdoor venue
  - ◇ A meeting or booth space for musicians, artists, filmmakers, dancers, writers, chefs, national or regional body artists, poets, murals, or street art.
- Revamping the grant application workshop and processes
  - ◇ Adding a second date for the grant application workshop

The Commission will formulate a plan to achieve these goals during the FY 2022 grant cycle.

The City of Killeen is a community made up of many ethnicities whose gifts of art, culture and customs are treasures to be shared with the world. The arts are essential to remaining a vibrant city.

“Whether you succeed or not is irrelevant, there is no such thing. Making your unknown known is the important thing.”

– Georgia O’Keeffe



# City of Killeen

## Staff Report

File Number: DS-22-092

---





# City of Killeen

## Staff Report

File Number: DS-22-093

---



# City of Killeen

## Staff Report

File Number: DS-22-094

---



# City of Killeen

## Staff Report

File Number: DS-22-095

---