



# City of Killeen

## Agenda City Council

Tuesday, June 13, 2023

5:00 PM

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

### Call to Order and Roll Call

- |  |   |
|--|---|
| <input type="checkbox"/> Debbie Nash-King, Mayor | <input type="checkbox"/> Jessica Gonzalez |
| <input type="checkbox"/> Ramon Alvarez           | <input type="checkbox"/> Jose Segarra     |
| <input type="checkbox"/> Michael Boyd            | <input type="checkbox"/> Joseph Solomon   |
| <input type="checkbox"/> Nina Cobb               |   |

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Citizen 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.*

### Resolutions

1. [RS-23-093](#) Consider a memorandum/resolution appointing a Councilmember to fill the unexpired term for the Councilmember at-large vacancy.

### Presentations

2. [PR-23-014](#) Citizen Survey Report Presented by Ester Campbell
3. [PR-23-015](#) Rodeo Killeen Committee Request for Funds Presentation  
*Attachments:* [Presentation](#)

### Citizens Petitions

4. [CP-23-015](#) Mellisa Brown: Killeen Homelessness Situation

**Discussion Items**

5. [DS-23-063](#) Discuss and consider a Letter of Appeal regarding the denial of a parade permit for Songhai Bamboo Roots Association.  
*Attachments:* [Letter of Appeal](#)

**Consent Agenda**

6. [MN-23-011](#) Consider Minutes of Regular City Council Meeting of May 9, 2023.
7. [MN-23-012](#) Consider Minutes of Special City Council Meeting of May 16, 2023 at 4:00 p.m.
8. [MN-23-013](#) Consider Minutes of Special City Council Meeting of May 16, 2023 at 5:00 p.m.
9. [RS-23-091](#) Consider a memorandum/resolution authorizing the procurement of fleet parts from Heil of Texas in an amount not to exceed \$132,000.  
*Attachments:* [Contract](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)
10. [RS-23-092](#) Consider a memorandum/resolution authorizing the procurement of fifty-six (56) computers (Mobile Data Terminals) for police vehicles fully equipped with emergency equipment through the Texas Department of Information Resources and the Texas Buy Board for a total cost in the amount of \$217,390.33.  
*Attachments:* [Quotes](#)  
[Presentation](#)

**Resolutions**

11. [RS-23-080](#) Consider a memorandum/resolution appointing members to the Bond Advisory Committee.

**Public Hearings**

12. [PH-23-036](#) HOLD a public hearing and consider an ordinance requested by J-BREZ LLC - SERIES B (FLUM# 23-02) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Neighborhood Commercial' place type designation to an 'Industrial' place type designation for approximately 10.56 acres, being part of the Killeen Area Investment Corp Industrial Tract, Lot Pt. Tr. D and part of the J. J. Roberts Survey, Abstract No. 731. The property is locally addressed as 5200 East Veterans Memorial Boulevard, Killeen, Texas.  
*Attachments:* [Maps](#)  
[Site Photos](#)

[Minutes](#)

[Ordinance](#)

[Presentation](#)

13. [PH-23-037](#) HOLD a public hearing and consider an ordinance requested by Franklin Land Associates, LLC on behalf of Whitis Investments, LTD (Case# Z23-02) to rezone approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137 from “R-1” (Single-Family Residential District) to “B-3” (Local Business District). The property is located on the east right-of-way of East Trimmier Road and north of Andalucía Lane, Killeen, Texas.

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

[Site Photos](#)

[Site Plan Exhibit](#)

[Responses](#)

[Minutes](#)

[Ordinance](#)

[Considerations](#)

[Presentation](#)

## Adjournment

*I certify that the above notice of meeting was posted on the Internet and on the bulletin board at Killeen City Hall on or before 5:00 p.m. on June 9, 2023.*

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Laura J. Calcote, 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 254-501-7717, City Secretary'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.*

- *Kahnetic Images Grand Opening, June 10, 2023, 11:00 a.m., Khanetic Images*
- *No Host Farewell Social for Command Sergeant Major Arthur Burgoyne, Jr. (outgoing Command Sergeant Major, III Armored Corps and Fort Cavazos), June 13, 2023, 6:00 p.m., Monty's Steaks, Brew, and BBQ*
- *Killeen Community Center Groundbreaking, June 13, 2023, 11:00 a.m., Rosa Hereford Community Center*
- *Change of Responsibility Ceremony for Command Sergeant Major Arthur Burgoyne, Jr. (outgoing) and Command Sergeant Major John P. McDwyer (incoming), June 15, 2023, 9:00 a.m., Van Fleet Hall (Flagpole) III Armored Corps Headquarters*
- *Central Texas Council of Governments Newly Elected Officials Class, June 27, 2023, 9:00 a.m., Central Texas Council of Governments*
- *Retirement Ceremony, June 30, 2023, 11:00 a.m., Lone Star Conference Center*
- *Killeen Chamber Luncheon with General Rainey from Army Futures Command, July 19, 2023, 11:30 a.m., Location TBD*

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



# City of Killeen

## Staff Report

File Number: RS-23-093

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Consider a memorandum/resolution appointing a Councilmember to fill the unexpired term for the Councilmember at-large vacancy.

**DATE:** June 13, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Holli Clements, City Attorney

**SUBJECT:** Appoint a Councilmember to fill the unexpired term for the Councilmember at-large vacancy.

### **BACKGROUND AND FINDINGS:**

A Councilmember at-large seat became vacant following the City Council's acceptance of Councilmember Ken Wilkerson's resignation. Section 26 of the City Charter provides that a vacancy on the Council shall be filled by a majority vote of the remaining members of the Council. The person selected must meet all the qualifications of Section 23 of the Charter. The person selected will fulfill the unexpired term, which will be from the date of appointment to the election in May 2024.

### **THE ALTERNATIVES CONSIDERED:**

Section 26 of the City Charter requires a vacancy to be filled under these circumstances.

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

N/A

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

This action complies with the City Charter and state law.

### **FINANCIAL IMPACT:**

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

Councilmembers are compensated at \$250 per month.

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

Recurring.

**Is this expenditure budgeted?**

Yes, funds are available in the General Fund City Council accounts 010-0101-412.40-10 through 010-0101-412.40-89.

**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:**

Recommend that the City Council approve the appointment of \_\_\_\_\_ to the City Council to complete the remaining term for the Councilmember at-large vacancy.

**DEPARTMENTAL CLEARANCES:**

Finance

**ATTACHED SUPPORTING DOCUMENTS:**

N/A



# City of Killeen

## Staff Report

File Number: PR-23-014

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Citizen Survey Report Presented by Ester Campbell



# City of Killeen

## Staff Report

File Number: PR-23-015

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Rodeo Killeen Committee Request for Funds Presentation





# 76TH ANNUAL PRCA RODEO AFTER ACTION

PR-23-015

May 18-20, 2023



- ❑ The Annual PRCA Rodeo was held May 18-20, 2023
- ❑ Nyle Maxwell of Killeen was the title sponsor
- ❑ New events – Mutton Busting and Women’s Professional Breakaway Roping
- ❑ Estimated attendance: 14,200 patrons during the three (3) nights. (an increase of 2,000 over 2022)
- ❑ Estimated economic impact: \$1,065,000 (average \$75 per person x three nights (an increase of \$165,000 over 2022)
- ❑ Out-of-town contestants and support staff: 383 people (many of which spent dollars on food, gas, and lodging. An increase of 183 over 2022)
- ❑ Fed approximately 1,400 active-duty military soldiers and family members on Thursday for Military Appreciation Night
- ❑ City of Killeen employees had free entry on Friday night
- ❑ Educator Night included KISD, CTC, and TAMUCT employees with free entry
- ❑ Canned food collected for donation to the Killeen Food Care Center: 6,500 pounds valued at \$48,750 (500 lb. increase over 2022)

- A total of 76 sponsors contributed in funds and/or services in kind to support the event.
  
- Media coverage included: (\$39,250 Media Value)
  - ▣ TV commercials: 275
  - ▣ Radio commercials: 150
  - ▣ Killeen Daily Herald: 12 stories (8 print/4 video)
  - ▣ Outdoor Video Billboard: 30
  - ▣ Live Videos: 9 (KWTX, KCEN, KXXV, KWKT)
  
- ATM dispensed \$18,820 with 290 transactions.
- Beer sales: Total \$21,050.24      (\$8,868.01 for 2022)
  - ▣ Thursday, May 19      \$8,497.14      (\$3,042.39)
  - ▣ Friday, May 20      \$5,794.11      (\$3,409.63)
  - ▣ Saturday, May 21      \$6,758.99      (\$2,415.99)

# 2024 Rodeo Killeen Funds Request



- **Requirement:** Rodeo Killeen Requests \$30,000 for the 2024 Rodeo scheduled for May 16-18, 2024.
- **Purpose:** These funds will be used to add to the purse for the eight (8) rodeo events we host. The intent of the added purse is to attract top tier professional rodeo athletes to compete at Rodeo Killeen.

# 2024 Rodeo Killeen Funds Request



- Currently, Rodeo Killeen tries to compete with other regional rodeos to attract top tier athletes. A unique aspect of Rodeo Killeen is we try to make the rodeo free and more affordable, by offering free admittance to our three main forces: **Military, City Employees, and Educators.**
  - ▣ Additionally, we annually waive on average of \$35-\$45K in additional income to fill the Killeen Food Bank with canned food items. Most other rodeos do not offer this community-wide service.
- **Expected Outcome:** We anticipate a significant increase in spectator attendance, particularly with out-of-town spectators. This, in turn, will increase the amount of dollars spent on lodging, fuel, and dining for Killeen businesses.



# City of Killeen

## Staff Report

File Number: CP-23-015

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Mellisa Brown: Killeen Homelessness Situation



# City of Killeen

## Staff Report

File Number: DS-23-063

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Discuss and consider a Letter of Appeal regarding the denial of a parade permit for Songhai Bamboo Roots Association.

RECEIVED

JUN 05 2023 @ 10:01am

**SONGHAI BAMBOO ROOTS ASSOCIATION**

711 ALEXANDER STREET

KILLEEN, TX, 76541

[darlene.golden@sbrca.org](mailto:darlene.golden@sbrca.org)

City of Killeen

By: Laura J. Calcote *LJC*

City Secretary

LETTER OF APPEAL

City of Killeen

Attention: Mayor Debbie King

Nash & City Council Members

101 N. College Street

Killeen, Tx 76541

City of Killeen

Attn : Mr. Kent Cagle

Office of City Manager

101 N. College Street

Killeen, Tx 76541

Songhai Bamboo Roots Association was called to meet with the Parade committee to address a few concerns concerning the proposed route. The question proposed to me was (1) did I know how many horses would be in the parade.(2) Could I provide a detailed list of walkers, vehicles, etc. I informed the committee that Individuals were still inquiring , and I did have a football team that showed interest. (Walker's) (3) Do the horses have colligans? Plus why did I think I needed only 2 police officers. I informed the committee that prior to submitting the application for the grant I gained assistance from Kathy who used to work at the Convention Center. I was informed I would only need 2 police officers as well as gain permission to utilize the rodeo grounds,even though it belonged to the city, another group maintained the grounds. Once I gained the permission I proceeded to submit the grant for the trail ride. I was provided every excuse such as I would need at least a minimum of 15 OFFICERS. The roads had to be blocked and it was not the designated parade route. Suggestions were made such as join the group that was doing something downtown IE; space would be allowed for the vendors as well as we could join the group doing the parade Saturday. Another option would be to utilize one of the trails and horses could ride along the grass and individuals could still walk. I asked what about the trailers that would have the youth playing steel pans as well as the Rough Riders Party wagon. I informed the team that I also have an artist coming from North Carolina partaking in this. I also informed them that this was an approved event. The response I received was the Convention center would give back the money once this permit is not approved. The meeting was held 5/24/2023 @11:00

On Wednesday 31, May 2023 @16:28 pm I received the denial permit along with a detailed explanation.

According to the email message received from Mr. Cagle on June 2, 2023 , time of delivery 16:23 “ the request to change the event or add a parade on W S Young was denied. The event may proceed as originally planned..”



To clear up any and all confusion the event was scheduled for 17 June 2023. We requested to break the event down into 2 days . The trail ride location never changed . It was always starting at the rodeo grounds staging area and the trail ride route was always WS Young moving down Elms towards Trimmer coming down Bacon Ranch back up behind the Rodeo Ground. Attached is the event change notification which shows only a date change for the event. Nothing more.

Therefore, the approval to break the event down into 2 days thus allowing a day for the trail ride only was what we proposed. According to him the event may proceed as originally planned. In the organization defense then we should be having the trail ride and Southern Soul both on Saturday. That was our original plan.

"In accordance with the Killeen Code of Ordinance, Section 28-158(2), this is my official written request for an appeal of the denial of the parade permit request. As per Section 28-158(2.c), I am requesting this appeal be heard by the Killeen City Council at their next regular meeting on June 13, 2023."

Thank you for allowing us to voice our Concerns

Respectfully Submitted



Darlene Golden

Director

Songhai Bamboo Roots Association

[www.sbrca.org](http://www.sbrca.org)

(254) 681-8861



CITY OF KILLEEN  
CITY MANAGER'S OFFICE

**TO:** Songhai Bamboo Associations

**CC:** Holli Clements, City Attorney

**FROM:** Kent Cagle, City Manager *KC*

**DATE:** May 30, 2023

**SUBJECT:** Parade Permit

Your application requesting a Parade Permit on Friday, June 16, 2023, from 2:00 p.m. to 3:30 p.m. at the Killeen Special Event Center on the route indicated on the map attached has been denied. The permit was denied in accordance with the City of Killeen Code of Ordinances, Chapter 25, Article V. Parades and Assemblies, Division 2. Permit, Section 159. Standards for issuance, for the following reasons:

- The conduct of a proposed parade, or the location of a proposed assembly, will substantially interrupt either the safe and orderly movement of other vehicular and pedestrian traffic, in and through the city, or adversely affect the safety and health of the individuals participating, or those normally situated immediately adjacent to the site of a parade or an assembly;
- The conduct of the proposed parade or assembly will require the use of a greater number of police officers of the city, to properly police the assembly event, than are regularly scheduled to be on duty at the proposed time, and will substantially curtail necessary police protection of other areas of the city;
- The conduct of a parade or assembly will require the diversion of so great a number of the ambulances available in the city as to substantially curtail and interfere with necessary ambulance services to all individuals within any portion of the city;
- The concentration of individuals, animals, or vehicles at the proposed staging points of a proposed parade, in the parade, or at the proposed assembly, will substantially interfere with the ability to provide necessary fire and police protection or ambulance service to and for the remainder of the individuals and portions of the city;
- The conduct of a parade or assembly will substantially and unreasonably interfere with and curtail necessary garbage collection or street cleaning services;
- The conduct of a parade or assembly will substantially interfere with and curtail necessary movement of firefighting equipment en route to fires, or with the necessary movement of ambulances en route to emergencies;
- A permit for another parade or assembly has previously been issued, scheduling and lawfully permitting another parade or assembly, for the date sought by the applicant.

Department approval received:

PD NO  
**See notes**

FD NO  
**See notes**

KCCC OK  
See notes

Streets NO  
**See notes**

CAO \_\_\_\_\_  
See notes

## PARADE PERMIT

**Songhai Bamboo Roots Association** is hereby GRANTED/NOT GRANTED permission to parade on Saturday, June 16, 2023, from 2:00 p.m. to 3:30 p.m. at the Killeen Special Event Center on the route indicated on the attached map.

Approve

Disapprove

**Kent Cagle** Digitally signed by Kent Cagle  
Date: 2023.05.30 12:24:56  
-05'00'  
\_\_\_\_\_  
Kent Cagle, City Manager

The above denial, refusal to consider or conditions was appealed to the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2023. In accordance with applicable ordinance provisions, a majority of the City Council present and voting determines that the permit is:

\_\_\_\_\_ Approved \_\_\_\_\_ Denied

\_\_\_\_\_ Approved subject to these conditions: \_\_\_\_\_

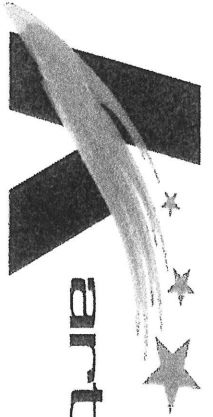
\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Secretary

cc: Fire Department  
Police Department

***If you have requested streets to be blocked off, please contact the City of Killeen Street Department at 616-3152 between 8:00am and 2:00pm, Monday - Friday prior to needing them.***



# City of Killeen arts commission

## EVENT CHANGE NOTIFICATION FORM

\*NOTE: Exhibit I of the Municipal Hotel Occupancy Tax Revenues Recipient Contract must be completed and attached.

### A. CONTACT INFORMATION

Name of Organization SONGHAI BAMBOO ROOTS ASSN

Contact Name/Title DARLENE GOLDEN- DIRECTOR

Contact Email Address darlene.golden@sbrca.org

Contact Telephone # 254-681-8861

### B. PREVIOUSLY APPROVED EVENT INFORMATION

*Input information from your approved grant application.*

Event Title	Performance Dates	Event Location
Jazz Festival	7 May 2023	KCCC
Trail Ride/Southern Soul	17 June 2023	Ex Hall & Rodeo Ground

**C. PROPOSED CHANGES TO EVENT INFORMATION**

*Input only information from your approved grant application that you are proposing to change.*

Event Title	Performance Dates	Event Location
Trail Ride/Southern Soul	16, June 2023	Parade route/ Ex Hall Rodeo Gd
Trail Ride/Southern Soul	17 June 2023	Parade route, Ex Hall Rodeo Gd
Jazz Festival	cancel	Cancel

Signature of Applicant *Darlene Golden*

Printed or Typed Name *Darlene Golden Director*

Printed or Typed Title *Director*

Date *1/24/2023*



# City of Killeen

## Staff Report

File Number: MN-23-011

1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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Consider Minutes of Regular City Council Meeting of May 9, 2023.

**City of Killeen**  
City Council Meeting  
Killeen City Hall  
May 9, 2023 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

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

Absent: Councilmember Riakos Adams

Also attending were City Manager Kent Cagle, City Attorney Holli Clements, City Secretary Laura Calcote, and Sergeant-at-Arms Officer Smith

Don Smith gave the invocation. Councilmember Boyd 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 Boyd. The motion carried unanimously (6-0).*

### Presentations

**PR-23-009** Presentations by Indigov Products and Rep'd, Inc. on solutions to improve engagement with constituents.

Indigov Products Representative, Nav Ramineni, provided an overview of the company, and the services it provides for governmental entities.  
Rep'd Inc. Representative, Mark Friese, provided an overview of the company, and the services it provides for communities.

**PR-23-008** Fort Hood Redesignation Presentation

Mayor Nash-King presented a proclamation recognizing the redesignation of Fort Hood to Fort Cavazos and proclaiming May 9 as Fort Cavazos Day.

Fort Cavazos Garrison Commander, Colonel Chad R. Foster, Fort Cavazos Deputy to the Garrison Commander, Greta Buccellato, and Fort Cavazos Garrison Command Sergeant Major, Major Calvin Hall were present to accept the proclamation.

### Citizens Petitions

**CP-23-011** Marcella Cook: Adopting Use of Parking Mobility App

### Citizen Comments

Mellisa Brown spoke regarding RS-23-078 and RS-23-080.

Sean Price spoke regarding PR-23-009, RS-23-076, RS-23-077, RS-23-078, DS-23-049, and OR-23-010.

### Consent Agenda

**RS-23-075** Consider a memorandum/resolution authorizing a Letter of Agreement for the Transfer Station Tipping Floor Fire Repair with American Restore, Inc. in an amount not to exceed \$80,412.

**RS-23-076** Consider a memorandum/resolution awarding Bid No. 23-27, Killeen Community Center and Senior Center Expansion & Renovation, to HCS Inc., in the amount of \$7,416,835.00.

**RS-23-077** Consider a memorandum/resolution authorizing a professional services agreement for the engineering construction observation services of the Killeen community Center and Senior Center Renovation and Addition Project with MRB Group, P.C., in the amount of \$121,500.00.

**RS-23-078** Consider a memorandum/resolution approving the appointment of a Chief of Police.

*Motion was made by Mayor Protem Wilkerson to approve the Consent Agenda, as presented.*

*Motion was seconded by Councilmember Boyd. The motion carried unanimously (6-0).*

### Resolutions

**RS-23-080** Consider a memorandum/resolution appointing members to the Bond Advisory Committee.

Staff Comments: Kent Cagle, City Manager

Following a motion of direction made by City Council on March 30, 2023 to establish a Bond Advisory Committee, Mr. Cagle presented a resolution for City Council to appoint nine individuals to a Bond Advisory Committee.

Mayor Nash-King recommended Jimmy Towers, Mayor Protem Wilkerson recommended Tyrone McLaren, Councilmember Gonzalez recommended Gregory Moore, Councilmember Boyd recommended Brockley Moore, and Councilmember Alvarez recommended Matt Yowell.

*Motion of direction was made by Councilmember Cobb for Councilmembers to provide additional recommendations via email to be considered in the future. Motion was seconded by Councilmember Wilkerson. The motion of direction carried unanimously (6-0).*

### Public Hearings

**PH-23-029** HOLD a public hearing and consider an ordinance readopting the youth curfew. (Second of Two Public Hearings)

The City Secretary read the caption of the ordinance:

AN ORDINANCE READOPTING A CURFEW FOR PERSONS UNDER SEVENTEEN YEARS OF AGE TO PROHIBIT THEIR BEING IN ANY PUBLIC PLACE FROM 11:00PM ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00AM THE FOLLOWING DAY, AND FROM 12:01 AM UNTIL 6:00AM ON ANY FRIDAY OR SATURDAY OR ON ANY DAY FROM JUNE 1 THROUGH AUGUST 15; PROVIDING DEFINITIONS; PROVIDING ENFORCEMENT PROCEDURES; PROVIDING PENALTIES CONSISTING OF A FINE FOR MINORS NOT TO EXCEED \$500.00, AND FOR PARENTS OF MINORS CONSISTING OF A FINE OF NOT LESS THAN \$50.00, BUT NOT TO EXCEED \$500.00; ADOPTING CERTAIN DEFENSES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Alex Gearhart, Assistant Chief of Police and Charles Kimble, Interim Chief of Police

This item was first presented to City Council during their April 18, 2023 Workshop meeting with the first of two public hearings being held on April 25, 2023. The item was again presented to City Council during their May 2, 2023 Workshop meeting. Assistant Chief Gearhart and Chief Kimble were available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Michael Fornino spoke in favor of the ordinance.  
Mellisa Brown spoke in favor of the ordinance.

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

*Motion was made by Councilmember Segarra to approve PH-23-029. Motion was seconded by Mayor Protem Wilkerson. The motion carried unanimously (5-0), with Councilmember Boyd not voting.*

**PH-23-032** HOLD a public hearing and consider an ordinance requested by Westwood Professional Services, on behalf of McClean Commercial, LTD (Case #Z23-11) to rezone approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200 from "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use. This property is



locally addressed as 8390 Featherline Road, Killeen, Texas.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF THE PROPERTY BEING APPROXIMATELY 21.16 ACRES OUT OF THE WILLIAM H. COLE SURVEY, ABSTRACT NO. 200, FROM "A" (AGRICULTURAL DISTRICT) TO "B-2" (LOCAL RETAIL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A BATTERY STORAGE SITE AS A PERMITTED USE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their May 2, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

Trandra Marzett spoke in opposition of the ordinance.

Mellisa Brown spoke in opposition of the ordinance.

Sean Price spoke in opposition of the ordinance.

Michael Fornino spoke in opposition of the ordinance.

Leo Gukeisen spoke in opposition of the ordinance.

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

*Motion was made by Mayor Protem Wilkerson to approve PH-23-032. Motion was seconded by Councilmember Boyd. The motion carried 5-1, with Councilmember Cobb in opposition.*

**PH-23-033** HOLD a public hearing and consider a request submitted by Quintero Engineering, LLC, on behalf of Curtis Emmons (Case #Z23-12), to rezone approximately 1.6 acres out of the Moses T. Martin Survey, Abstract No. 963 from "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The subject property is generally located on the west right-of-way of Trimmier Road and east right of way of Kelley Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance:

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF THE PROPERTY BEING APPROXIMATELY 1.6 ACRES OUT OF THE MOSES T. MARTIN SURVEY, ABSTRACT NO. 963 FROM "A" (AGRICULTURAL DISTRICT) AND "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their May 2, 2023 Workshop meeting. Mr. Revell was available to provide additional information and to answer questions.

The applicant, George Mesa with Quintero Engineering, was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Segarra to approve the PH-23-033. Motion was seconded by Councilmember Alvarez. The motion carried unanimously (5-0), with Mayor Protem Wilkerson not voting.*

**PH-23-034** HOLD a public hearing and consider an ordinance on the Substantial Amendment to Annual Action Plans for Program Years 2018, 2020, 2021, and 2022 to provide CDBG funding for construction and related costs for the senior center and improvements at the Rosa Hereford Community Center.

The City Secretary read the caption of the ordinance:

AN ORDINANCE ADOPTING A SUBSTANTIAL AMENDMENT TO COMMUNITY DEVELOPMENT ANNUAL ACTION PLANS FOR PY/FY 2018/2019, 2020/2021, 2021/2022 AND 2022/2023 FOR THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR CONSTRUCTION AND RELATED COSTS FOR THE SENIOR AND COMMUNITY CENTER SPACE IMPROVEMENTS AT THE ROSA HEREFORD COMMUNITY CENTER; PROVIDING A SERVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff Comments: Cinda Hayward, Community Development Grant Manager  
This item was presented to City Council during their May 2, 2023 Workshop meeting. Ms. Hayward was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Mayor Protem Wilkerson to approve the PH-23-034. Motion was seconded by Councilmember Gonzalez. The motion carried unanimously (5-0), with Councilmember Alvarez not voting.*

### Discussion Items

**DS-23-048** Discuss ARPA and PFC Grant Funding for Non-Profits and Businesses

Staff Comments: Danielle Singh, Assistant City Manager and Kate Kizito, Director of Downtown Revitalization

*Motion of direction was made by Councilmember Boyd to reserve 20% of \$70,000 to go towards a grocery store downtown. The motion of direction was seconded by Councilmember Cobb.*

*Motion of direction was made by Councilmember Gonzalez to allocate remaining balance of \$90,328*

for grocery store projects. Councilmember Boyd withdrew the original motion and seconded the motion presented by Councilmember Gonzalez.

Councilmember Wilkerson made an amendment to the to the motion for a deadline of two weeks, if the current allocations are not claimed by the recipients. Motion was seconded by Councilmember Boyd.

Councilmember Alvarez made a motion to call for the vote. Motion was seconded by Councilmember Wilkerson. The motion passed unanimously (6-0).

The amendment to the motion passed unanimously (6-0).

The original motion with the amendment passed 4-2, with Mayor Protem Wilkerson and Councilmember Cobb in opposition.

Councilmember Segarra left the meeting at 7:23 p.m.

**DS-23-049** Discuss and consider adding the National Day of Prayer to the Governing Standards and Expectations - Assistance to Community Organizations for Special Events.

*Motion of direction was made by Mayor Protem Wilkerson to support adding the National Day of Prayer to the Governing Standards and Expectations - Assistance to Community Organizations for Special Events. Motion was seconded by Councilmember Boyd. The motion passed unanimously (5-0).*

### Ordinances

**OR-23-010** Consider an ordinance establishing the Municipal Court as a Department of the City and establishing the supervisory authority and responsibilities of the Presiding Municipal Judge.

The City Secretary read the caption of the ordinance:

AN ORDINANCE ESTABLISHING THE MUNICIPAL COURT AS A DEPARTMENT OF THE CITY AND ESTABLISHING THE SUPERVISORY AUTHORITY AND RESPONSIBILITIES OF THE PRESIDING MUNICIPAL JUDGE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

*Motion was made by Mayor Protem Wilkerson to approve OR-23-010. Motion was seconded by Councilmember Cobb. The motion carried unanimously (5-0).*

### Adjournment

With no further business, upon motion being made by Councilmember Boyd seconded by Mayor Protem Wilkerson and unanimously approved, the meeting was adjourned at 7:34 p.m.



# City of Killeen

## Staff Report

File Number: MN-23-012

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1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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Consider Minutes of Special City Council Meeting of May 16, 2023 at 4:00 p.m.

**City of Killeen**  
Special City Council Meeting  
Killeen City Hall  
May 16, 2023 at 4:00 p.m.

Attending: Mayor Debbie Nash-King and Councilmember Nina Cobb

Also attending were City Secretary Laura Calcote and Deputy City Secretary Beatrice Canseco

### **Announcement of Quorum**

Mayor Nash-King read aloud the following announcement: For the purposes of canvassing the election results, two members of the canvassing authority (i.e. City Council) constitute a quorum pursuant to Texas Election Code § 67.004(a).

### **Canvass May 6, 2023 General Election Returns**

Mayor Nash-King and Councilmember Cobb canvassed the returns of the May 6, 2023 General Election.

### **Adjournment**

With no further business Mayor Nash-King adjourned the meeting at 4:39 p.m.



# City of Killeen

## Staff Report

File Number: MN-23-013

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1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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Consider Minutes of Special City Council Meeting of May 16, 2023 at 5:00 p.m.

**City of Killeen**  
 Special City Council Meeting  
 Killeen City Hall  
 May 16, 2023 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Jessica Gonzalez, Joseph Solomon, Michael Boyd, and Nina Cobb

Absent: Mayor Protem Wilkerson, Councilmembers Jose Segarra and Ramon Alvarez

Also attending were City Manager Kent Cagle, Assistant City Manager Danielle Singh, City Attorney Holli Clements, City Secretary Laura Calcote, and Deputy City Secretary Beatrice Canseco

### Citizen Comments

### Oath of Office and Certificate of Election

Municipal Court Judge, Kris Krishna, administered the Oaths of Office and Certificates of Election to Jessica Gonzalez, Joseph Solomon, Nina Cobb, and Michael Boyd.

### Standards of Conduct

City Manager, Kent Cagle, read the City Council Standards of Conduct 2023. City Council signed the Standards of Conduct accordingly.

### Seating Assignments

Mayor Nash-King conducted the tradition for filling the vacant seats on the dais. In the May 6th General Election, District 4 Councilmember Boyd, ran unopposed, so he was seated first, followed by District 2 Councilmember Solomon, District 3 Councilmember Cobb, and District 1 Councilmember Gonzalez, who were seated according to the number of votes they received in each of their races.

### Ordinances

**OR-23-011** Consider an ordinance canvassing the returns and declaring results of the May 6, 2023 General Election.

The City Secretary read the caption of the ordinance:  
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS,  
CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION  
HELD MAY 6, 2023 FOR THE ELECTION OF A DISTRICT COUNCILMEMBER FOR  
DISTRICT 1, DISTRICT 2, AND DISTRICT 3.

Prior to the Special City Council Meeting Mayor Nash-King and Councilmember Cobb canvassed the results of the May 6, 2023 General Election by reviewing the results provided by the City Secretary's Office. Mayor Nash-King read the ordinance that certified the 2023 General Election results, stating the number of votes each candidate received, and that Jessica Gonzalez was elected as Councilmember for District 1, Joseph Solomon was elected as Councilmember for District 2, and Nina Cobb was elected as Councilmember for District 3. Michael Boyd ran unopposed and was declared elected as Councilmember for District 4 by a previous ordinance passed in March 2023.

*Motion was made by Councilmember Boyd to approve OR-23-011. Motion was seconded by Councilmember Cobb. The motion carried unanimously (4-0).*

### **Resolutions**

**RS-23-083** Consider a memorandum/resolution electing a Mayor Protem.

*Motion was made by Councilmember Solomon to appoint Councilmember Cobb as Mayor Protem and to approve the RS-23-083. Motion was seconded by Councilmember Gonzalez. The motion carried 3-1, with Councilmember Boyd in opposition.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Boyd seconded by Councilmember Gonzalez and unanimously approved, the meeting was adjourned at 5:33 p.m.



# City of Killeen

## Staff Report

File Number: RS-23-091

1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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Consider a memorandum/resolution authorizing the procurement of fleet parts from Heil of Texas in an amount not to exceed \$132,000.

**DATE:** June 6, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Judith Tangalin, Executive Director of Finance

**SUBJECT:** Procurement of Fleet Parts from Heil of Texas

**BACKGROUND AND FINDINGS:**

The City of Killeen Fleet Services Division provides the maintenance and repair required to keep the City's Solid Waste fleet of 98 units functioning properly. To accomplish this feat, there are numerous parts procured daily. The costs of those items are then charged back to the department as they are used. The regularly used parts are stocked at Fleet Services to facilitate timely repairs. The items not stocked within the 2,922 distinct parts at Fleet Services are purchased as needed and normally delivered to Fleet Services by the vendor.

Fleet Services purchases refuse body parts primarily from four vendors that offer cooperative pricing. These vendors haven't exceeded the \$50,000 annual threshold in the past. Due to several reasons, one of these vendors, Heil of Texas, has begun to exceed that threshold and now therefore requires City Council approval.

Over the past three years, the average spent with Heil has been \$38,360.00 per year. Based upon the previous six months of this fiscal year, the total estimated amount could approach \$132,000.00 in FY 2023.

The primary reason contributing to this increase in costs is the delay in receiving the new replacement vehicles which is a result of the COVID epidemic. The delay causes the aged equipment to remain in front-line service longer than it should, instead of being disposed of or used in a reserve capacity. Four of the units that would have normally been replaced by now have already incurred \$45,000 of this fiscal year's parts cost with Heil. Of the 16 Solid Waste units ordered since October 2021, only four have arrived. The remaining 12 are scheduled to be delivered between July 2023 and August 2024.

Heil of Texas offers significant savings to the City through their TASB BuyBoard cooperative

contract which provides pricing pursuant to contract #686-22, effective through November 30, 2025, with savings of 2% to 15% off list price.

**THE ALTERNATIVES CONSIDERED:**

- 1.) Disapprove the purchase of parts through Heil of Texas.
- 2.) Approve the purchase of parts through Heil of Texas.

**Which alternative is recommended? Why?**

The second alternative is recommended. It provides the most efficient use of City resources and ensures the best value for purchasing the quantity and variety of parts required by the City.

**CONFORMITY TO CITY POLICY:**

Fleet Services is seeking approval to purchase parts from Heil of Texas through their cooperative contract. 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 the goods or services.

**FINANCIAL IMPACT:**

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

The estimated amount to be spent in FY 2023 for fleet parts with Heil of Texas is \$132,000.

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

Recurring

**Is this expenditure budgeted?**

Yes, funds are available in the department and division's 42-51 (on-road) and/or 42-33 (off-road) repairs and maintenance accounts.

**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 authorize the procurement of fleet parts from Heil of Texas in an amount not to exceed \$132,000.

**DEPARTMENTAL CLEARANCES:**

Purchasing  
Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Contract  
Certificate of Interested Parties  
Presentation



## Vendor Contract Information Summary

Vendor	Heil of Texas
Contact	Cody Garefalos
Phone	832-245-8222
Email	codyg@heiloftexas.com
Vendor Website	www.Heiloftexas.com
TIN	76-0681266
Address Line 1	5900 Wheeler St.
Vendor City	Houston
Vendor Zip	77023
Vendor State	TX
Vendor Country	USA
Delivery Days	10
Freight Terms	FOB Destination
Payment Terms	Net 30
Shipping Terms	Freight prepaid by vendor and added to invoice
Ship Via	Best Way
Designated Dealer	No
EDGAR Received	Yes
Service-disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
National	Yes
No Foreign Terrorist Orgs	Yes
No Israel Boycott	Yes
MWBE	No
ESCs	All Texas Regions
States	All States
Contract Name	Refuse and Recycle Bodies, Containers and Other Transport Bodies
Contract No.	686-22
Effective	12/01/2022
Expiration	11/30/2025
Accepts RFQs	Yes
Service Fee Note	Vehicle purchase orders are subject to a \$400 service fee
Quote Reference Number	686-22

**Section V: Repair Parts and Supplies**

Discount (%) off catalog/pricelist for **Repair Parts and Supplies for all Refuse/Recycle Bodies and Equipment,**

**Containers, Dump Bodies, and Mixers. Catalog/Pricelist MUST be included or proposal will not be considered.**

Total:

**Item Notes: PROPOSAL NOTE 1:** Vendors shall submit catalog(s)/pricelist(s) with their Proposal response or the Proposal will not be

considered. Vendors shall submit catalog(s)/pricelist(s) with the Proposal in a readily available and readable electronic format,

with Excel or searchable PDF preferred. No paper catalogs or manufacturer/vendor websites will be accepted.

Vendors proposing multiple manufacturer product lines and/or catalog/pricelist per line item must submit the information as follows or proposal may not be considered:

- Select **"Add Alternate"** for each additional manufacturer product line and/or catalog/pricelist proposed
- Vendor's must list one specific percentage discount for each manufacturer and/or catalog/pricelist listed

**PROPOSAL NOTE 2:** Vendors proposing must be approved by the manufacturer to sell, install, and service the brand of

equipment submitted. Proposers responding to this Proposal Invitation shall submit an approval letter from each

manufacturer. Manufacturer authorization letters must include the regions in which equipment may be sold.

**PROPOSAL NOTE 3:** The majority of the optional equipment and upgrade options will be selected at time of Cooperative

member order. A DETAILED AND COMPLETE LIST OF ALL OPTIONAL EQUIPMENT AND UPGRADE OPTIONS MUST BE

SUBMITTED WITH PROPOSAL FOR PROPOSAL TO BE CONSIDERED.

**Item Attributes**

**1. State Name of Catalog/Pricelist Proposed with Discount Percentage**

**NOTE:** Do not include SKU, Reference Numbers, Websites, and/or "See Attached/Enclosed".



May 11, 2023

Subject: Authorized Heil Dealer

To whom it may concern:

This letter confirms that Heil of Texas is the only Heil OEM Bodies, parts, warranty, certified Heil rebuild parts, and full-service dealer for the state of Texas and New Mexico. Heil of Texas, with facilities in San Antonio, El Paso, Dallas, and Houston, has the solely protected distributorship for Heil parts and services in Texas. In addition, authorized distributors for Heil parts and services to customers located in the State of Texas. Using Non-OEM or aftermarket parts may void any warranties on Heil Refuse Bodies.

Heil of Texas – Corporate Office  
5900 Wheeler St  
Houston, TX 77023

Heil of Texas is responsible for promoting, serving, supporting, supplying replacement parts, and offering technical assistance for Heil Refuse Bodies.

Don't hesitate to contact the regional sales manager representing Texas with any questions or concerns.

Sincerely,

John Osterkamp  
Regional Sales Manager  
Heil Environmental  
423-785-6414  
josterkamp@doveresg.com



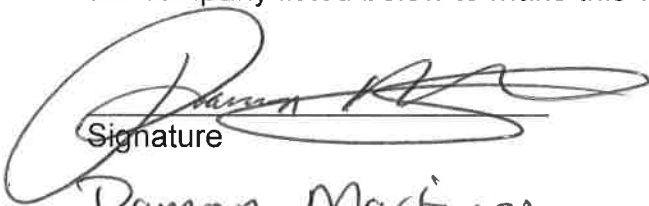
### Contract Verification

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.

  
 Signature  
Ramon Martinez  
 Printed Name  
5-10-23  
 Date

Heil of Texas  
 Company Name  
Parts Manager  
 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:  
 2023-1018679

Date Filed:  
 05/10/2023

Date Acknowledged:

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

HEIL OF TEXAS  
 IRVING, 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.

Buyboard 686-22  
 Refuse Body Parts

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.

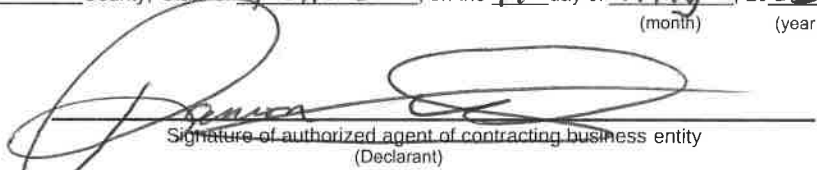
6 UNSWORN DECLARATION

My name is Ramon Martinez, and my date of birth is 4-8-79.

My address is 1440 S. Loop 12 (street), IRVING (city), TX (state), 75060 (zip code), USA (country).

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

Executed in Dallas County, State of Texas, on the 11 day of May, 2023.  
(month) (year)

  
 Signature of authorized agent of contracting business entity  
 (Declarant)



# PROCUREMENT OF FLEET REFUSE PARTS

RS-23-091

June 6, 2023

# Background

2

- Fleet Services maintains & repairs Solid Waste's fleet of 98 units
  - ▣ Requires the purchase of refuse parts
  - ▣ Cost of parts are charged to the department when used
- Parts are purchased primarily from four vendors
- Purchases from these vendors have not exceeded the \$50,000 per vendor threshold in the past
- Heil of Texas has begun to exceed that threshold
  - ▣ Past three years averaged \$38,360 per year with Heil
  - ▣ Estimated FY 2023 cost with Heil could approach \$132,000



# Background, continued

3

- Reasons contributing to increased costs:
  - ▣ Delay in receiving new replacement vehicles causes aged equipment to remain in front-line service longer than it should
  - ▣ Older/worn equipment requires more repair
  - ▣ Actual increase in parts pricing
  - ▣ Four units that would have normally been replaced by now have incurred \$45,000 of this fiscal year's parts cost with Heil
  - ▣ Only four of 16 units ordered since October 2021 have arrived
- Heil of Texas parts discount through TASB BuyBoard cooperative is 2% to 15% off list price

# Alternatives

4

- Disapprove the purchase of parts through Heil of Texas
- Approve the purchase of parts through Heil of Texas

# Recommendation

5

City Council authorize the procurement of refuse parts from Heil of Texas in an amount not to exceed \$132,000.



# City of Killeen

## Staff Report

File Number: RS-23-092

1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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Consider a memorandum/resolution authorizing the procurement of fifty-six (56) computers (Mobile Data Terminals) for police vehicles fully equipped with emergency equipment through the Texas Department of Information Resources and the Texas Buy Board for a total cost in the amount of \$217,390.33.

**DATE:** June 6, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Antonia McDaniel, Police Captain

**SUBJECT:** Computers and equipment for Police Vehicles

### **BACKGROUND AND FINDINGS:**

The Killeen Police Department is in need of acquiring fifty-six (56) mobile data terminals (MDT) for fifty-four fully equipped police pursuit sport utility vehicles and two (2) fully equipped police pick-ups to be utilized within the Killeen Police Department to respond to calls for service throughout the city. In addition to the MDTs, the equipment inside of the vehicles needed some modifications due safety concerns with the lack of visibility out of the rear windshield.

### **THE ALTERNATIVES CONSIDERED:**

Do not approve the purchase of the MDTs and equipment.

Approve the purchase of the MDTs and equipment.

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

Purchase of the MDTs and equipment. The MDTs are needed to operate the equipment inside Police vehicles such as the COBAN recording equipment.

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

The Killeen Police Department is seeking approval to purchase the MDTs from GTS Technology Solutions through the Texas Department of Information Resources contract (DIR-TSO-3763-R). 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.

Purchase of the additional modifications to equipment will be purchased through Dana Safety Supply through the Texas Buy Board.

**FINANCIAL IMPACT:**

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

The cost of the MDTs with the retrofit kits is \$163,490.53 and the cost of the brackets is \$53,899.80 for a total expenditure of \$217,390.33.

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

This is one-time expenditure.

**Is this expenditure budgeted?**

Yes, funds are available in the General Fund Police Department account 010-6050-441.61.10.

**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 the procurement of fifty-six (56) computers (Mobile Data Terminals) for police vehicles fully equipped with emergency equipment through the Texas Department of Information Resources and the Texas Buy Board for a total cost in the amount of \$217,390.33 and that the City Manager, or designee, is expressly authorized to execute any and all change orders within the amounts set by state and local law.

**DEPARTMENTAL CLEARANCES:**

IT  
Purchasing  
Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Quotes  
Presentation





GTS Technology Solutions, Inc.  
 9211 Waterford Centre Blvd  
 Suite 275  
 Austin, TX, 78758  
 Phone: (512) 452-0651

# Quote

**Quote #:** QT0099390  
**Date:** 5/18/2023  
**Delivery Date:**  
**Expire Date:** 6/17/2023  
**Customer ID:** TXKLLN13004  
**Sales Contact:** Jairus Mika

QUOTE FOR:	SHIP TO:
City of Killeen	City of Killeen

CUSTOMER P.O. NO.	TERMS	SALES REP
	Net 30 Days	Callie Dunn
SHIPPING TERMS		SHIP VIA

NO.	ITEM	CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE
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1	210-BCFW: Dell Latitude 5430 Rugged	DIR-TSO-3763-R	56.00	EACH	\$2,866.30	\$160,512.80
NOTE: Dell Latitude 5430 Rugged Intel Core Processor i5-1135G7, (QC, 2.4 to 3.8 GHz, 28W, non-vPro) Windows 11 Pro, English, French, Spanish No Microsoft Office License Included Intel® Core™ non-vPro i5-1135G7 with Iris Xe Graphics ME Lockout MOD - Manageability 16GB, 2x8GB, 3200 MHz DDR4 Non-ECC 512GB M.2 PCIe NVMe Class 35 Solid State Drive 14" Touch 1100 nits WVA FHD (1920 x 1080) 100% sRGB Anti-Glare, Outdoor Viewable English US RGB Backlit Sealed Internal keyboard Intel AX210 WLAN Driver Intel AX210 Wireless Card with Bluetooth 4G CAT16 - Qualcomm® Snapdragon™ X20 LTE (DW5821e), w/o eSIM, Verizon, NMEA GPS port Hot surface warning label Primary 3 Cell 53.5 Whr ExpressCharge Capable Battery 90W 461G Type-C EPEAT Adapter No Fingerprint, no Smartcard reader Power Cord 1M US Setup and Features Guide Hot surface warning label Additional 3 Cell 53.5 Whr ExpressCharge Capable Battery ENERGY STAR Qualified Custom Configuration Dell Applications for Windows 11 Mix Ship, Notebook, 5430 Rugged Microphone +RGB HD camera; Touch; WLAN/WWAN antennae; Pogo vehicle docking and RF passthrough EPEAT 2018 Registered (Silver) No Option Included Additional USB-A rear port Additional TBT/Type-C port Rigid handle ProSupport Plus: Next Business Day Onsite, 2 Years Extended ProSupport Plus: Next Business Day Onsite, 3 Years Dell Limited Hardware Warranty Initial Year						

Continued...



GTS Technology Solutions, Inc.  
 9211 Waterford Centre Blvd  
 Suite 275  
 Austin, TX, 78758  
 Phone: (512) 452-0651

# Quote

**Quote #:** QT0099390  
**Date:** 5/18/2023  
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**Expire Date:** 6/17/2023  
**Customer ID:** TXKLLN13004  
**Sales Contact:** Jairus Mika

QUOTE FOR:	SHIP TO:
City of Killeen	City of Killeen

CUSTOMER P.O. NO.	TERMS	SALES REP
	Net 30 Days	Callie Dunn
SHIPPING TERMS		SHIP VIA

NO.	ITEM	CONTRACT	QTY.	UOM	PRICE	EXTENDED PRICE
	ProSupport Plus: Accidental Damage Service, 5 Years ProSupport Plus: Keep Your Hard Drive, 5 Years ProSupport Plus: 7X24 Technical Support, 5 Years Dell Limited Hardware Warranty Extended Year(s) Thank you for choosing Dell ProSupport Plus. For tech support, visit <a href="http://www.dell.com/contactdell">www.dell.com/contactdell</a> or call 1-866-516-3115  MSRP \$5034.00					
2	DS-DA-113: Retrofit Kit for use with Havis DS-DELL-4X0 Series Docking Stations	DIR-CPO-4751	49.00	EACH	\$60.77	\$2,977.73

	<b>Total Weight (EACH):</b>	0	<b>Sales Total:</b>	\$163,490.53
	<b>Total Volume (EACH):</b>	0	<b>Freight &amp; Misc.:</b>	\$0.00
<i>Prices do NOT include taxes, insurance, shipping, delivery, setup fees, or any cables or cabling services or material unless specifically listed above. If a customer requests expedited or special delivery, causes carrier delays or requests redelivery, customer will be responsible for any additional charges for these services directly billed by the carrier. All prices are subject to change without notice. Supply subject to availability.</i>			<b>Tax Total:</b>	\$0.00
			<b>Total (USD):</b>	\$163,490.53



# Sales Order

DANA SAFETY SUPPLY, INC  
 4809 KOGER BLVD  
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Order No.	481006-B
Customer No.	KILLEENPD

Bill To
KILLEEN POLICE DEPARTMENT 3304 COMMUNITY BLVD KILLEEN, TX 76542 US

Ship To
DANA SAFETY SUPPLY ROUND ROCK, TX US

Contact: STEPHANIE CAMERON  
 Telephone: 254-501-8830  
 E-mail: SCameron@killeentexas.gov

Contact: SCOTT BEAL  
 Telephone:  
 E-mail:

Order Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
05/04/23	GROUND SHIPMENT	QUOTED FREIGHT	EMAIL APPROVAL	NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Scott Beal		SCOTT BEAL ROUND ROCK			
Order Quantity	Open Quantity	Tax	Item Number / Description	Unit Price	Extended Price
54	54	N	INFO TIPS USA CONTRACT #210102 Warehouse: RROC Vin #:	0.0000	0.00
54	54	Y	CCTL5 WEC 5-Position Progressive Light/Siren Control Warehouse: RROC Vin #:	323.2800	17,457.12
54	54	Y	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: RROC Vin #:	142.5000	7,695.00
54	54	Y	SC-1901 SC ALUMINUM BUTT PLATE Warehouse: RROC Vin #:	39.9800	2,158.92
54	54	Y	SC-9230 SC 30" UNIVERSAL RAIL Warehouse: RROC Vin #:	44.5800	2,407.32
54	54	Y	SC-9302 SC MOUNTING HINGE Warehouse: RROC Vin #:	38.9800	2,104.92
54	54	Y	SC-9903 SC L BRACKET, SQUARE BUTT PLATE BRACKET Warehouse: RROC Vin #:	36.5800	1,975.32

Print Date	05/04/23
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Page No.	1

Printed By: Scott Beal

Continued on Next Page

# Sales Order

**DANA SAFETY SUPPLY, INC**  
**4809 KOGER BLVD**  
**GREENSBORO, NC 27407**

**Telephone:** 800-845-0405

<b>Sales Order No.</b>	481006-B
<b>Customer No.</b>	KILLEENPD

Bill To
KILLEEN POLICE DEPARTMENT 3304 COMMUNITY BLVD KILLEEN, TX 76542 US

Ship To
DANA SAFETY SUPPLY ROUND ROCK, TX US

**Contact:** STEPHANIE CAMERON  
**Telephone:** 254-501-8830  
**E-mail:** SCameron@killentexas.gov

**Contact:** SCOTT BEAL  
**Telephone:**  
**E-mail:**

Order Date	Ship Via	F.O.B.	Customer PO Number	Payment Method
05/04/23	GROUND SHIPMENT	QUOTED FREIGHT	EMAIL APPROVAL	NET30
Entered By		Salesperson	Ordered By	Resale Number
Scott Beal		SCOTT BEAL ROUND ROCK		

Order Quantity	Open Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	ARGES1 WEC ARGES 5 DEG REMOTE SPOTLIGHT Warehouse: RROC Vin #:	599.2000	1,198.40
2	2	Y	ARGCH1 WEC ARGES BAIL MT CONTROL HEAD Warehouse: RROC Vin #:	267.2000	534.40
2	2	Y	ARG47CD WEC DRVR FENDER MT 2021 FORD F-150 Warehouse: RROC Vin #:	87.2000	174.40
2	2	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: RROC Vin #: LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	50.0000	100.00
2	2	Y	INSTALL DSS INSTALLATION OF ARGES Warehouse: RROC Vin #:	350.0000	700.00
54	54	Y	C-TTP-INUT-4 Delivery Info: 627861 HAV 2020 Ford Police Interceptor Utility Premium Fold- Warehouse: RROC Vin #: 2020 Ford Police Interceptor Utility Premium Fold-Up Equipment Tray	286.0000	15,444.00

<b>Print Date</b>	05/04/23
<b>Print Time</b>	05:01:28 PM
<b>Page No.</b>	2

<b>Amount Shipped</b>	0.00
<b>Open Order</b>	51,949.80

<b>Subtotal</b>	51,949.80
<b>Freight</b>	1,950.00
<b>Order Total</b>	53,899.80

Printed By: Scott Beal



# MOBILE DATA TERMINALS

RS-23-092

June 6, 2023

# Background

2

- The Killeen Police Department is in need of acquiring fifty-six (56) mobile data terminals (MDT) for our new marked police vehicles.
- In addition to the MDTs, the equipment inside of the vehicles required mounting modifications due safety concerns with the lack of visibility out of the rear windshield.

# Discussion

3

- A Mobile Data Terminal (MDT) is computerized device that is used to communicate with a centralized control system. Killeen PD Officers use MDTs to communicate with the Bell County Communications Center (BCC) and other Killeen PD officers and supervisors.
- MDTs are also used to control the in-car video systems, access crime information databases and enter data.

# Financial

4

- Cost of 56 Mobile Data Terminals: \$ 163,490.53
  - ▣ Purchased through the Texas Department of Information Resources (DIR) purchasing Cooperative.
  
- Cost of additional mounting brackets: \$53,899.80
  - ▣ Purchased through the Texas BuyBoard purchasing Cooperative
  
- The department has budgeted funds identified for this expense.

# Alternatives

5

- Do not approve the purchase of the MDTs and equipment.
- Approve the purchase of the MDTs and equipment.

# Recommendation

6

- Staff recommends the procurement of fifty-six (56) MDTs acquired through DIR purchasing cooperative for \$163,490.53, in conjunction with new mounting brackets procurement for \$53,899.80 through the Texas Buy Board, with a total cost of \$217,390.33 and that the City Manager, or designee, is expressly 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-23-080

---

1	City Council	05/09/2023	Tabled	City Council Workshop	06/06/2023	Pass
1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023	

Consider a memorandum/resolution appointing members to the Bond Advisory Committee.

**DATE:** May 9, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Danielle Singh, Assistant City Manager

**SUBJECT:** Appoint Members to the Bond Advisory Committee

**BACKGROUND AND FINDINGS:**

The City Council directed staff to create the Bond Advisory Committee on March 30, 2023. The committee’s purpose will be to promote bond topics for a possible November election. The City council approved the creation of a nine (9) member committee consisting of eight (8) representatives - one selected by each councilmember and one (1) representative selected collectively by City Council.

**THE ALTERNATIVES CONSIDERED:**

1. Do not appoint any members at this time.
2. Appoint members to the Bond Advisory Committee.

**Which alternative is recommended? Why?**

Staff recommends City Council make the appointments of the nine (9) member Bond Advisory Committee. This action conforms to the direction previously provided by the City Council.

**CONFORMITY TO CITY POLICY:**

Making these appointments conforms to city policy.

**FINANCIAL IMPACT:**

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

There are no current or future expenditures associated with these appointments.

**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:**

Staff recommends City Council make the appointments of the nine (9) member Bond Advisory Committee.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**



# City of Killeen

## Staff Report

File Number: PH-23-036

1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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**HOLD** a public hearing and consider an ordinance requested by J-BREZ LLC - SERIES B (**FLUM# 23-02**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Neighborhood Commercial' place type designation to an 'Industrial' place type designation for approximately 10.56 acres, being part of the Killeen Area Investment Corp Industrial Tract, Lot Pt. Tr. D and part of the J. J. Roberts Survey, Abstract No. 731. The property is locally addressed as 5200 East Veterans Memorial Boulevard, Killeen, Texas.

**DATE:** June 6, 2023

**TO:** Kent Cagle, City Manager.

**FROM:** Edwin Revell, Executive Director of Development

**SUBJECT:** FLUM #23-02: 'Neighborhood Commercial' to 'Industrial'

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** J-BREZ LLC - SERIES B  
**Current FLUM Place Type:** 'Neighborhood Commercial' (NC)  
**Requested FLUM Place Type:** 'Industrial' (I)  
**Current Zoning:** "R-1" (Single-Family Residential District) & "M-1" (Manufacturing District)

**Summary of Request:**

J-BREZ LLC - SERIES B has submitted a request to amend approximately 10.56 acres on the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Neighborhood Commercial' place type designation to an 'Industrial' place type designation. If approved, the applicant intends to rezone the portion of the property currently zoned "R-1" (Single-Family Residential District) to "M-1" (Manufacturing District) to be consistent with the property surrounding it.

**Zoning/Plat Case History:**

The subject property is currently zoned "R-1" (Single-Family Residential District) and "M-1" (Manufacturing District). The property was originally zoned "R-1" in September 1962. The remainder of the "R-1" (Single-Family Residential District) was rezoned to "M-1" (Manufacturing District) on March 9, 1970, via Ordinance No. 70-7. The subject property was platted as Lot Pt Tr

D, Killeen Area Investment Corp Industrial Tract.

**Character of the Area:**

	<b>Current Land Use</b>	<b>Zoning District*</b>	<b>FLUM Place Type**</b>
<b>North</b>	Existing commercial businesses	B-5, B-C-1, & M-1	RC
<b>East</b>	Existing commercial businesses & religious institution		M-1 UV
<b>South</b>	Vacant lot	M-1 UV	
<b>West</b>	Existing commercial business & mobile home park		RMH & M-1 RM & RC

\* "RMH" (Mobile Home District), "B-5" (Business District), "B-C-1" (General Business and Alcohol Sales District), "M-1" (Manufacturing District)

\*\* Regional Commercial (RC), Residential Mix (RM), Urban Village (UV)

**Future Land Use Map Analysis:**

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Neighborhood Commercial' (NC) place type on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' growth sector includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment of these properties with accessory dwelling units, smallplexes, and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The current 'Neighborhood Commercial' place type is a predominantly commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does.

If approved, the 'Industrial' place type includes industrial uses that vary from technology industry to manufacturing uses. Designated locations for heavier industrial uses are intended to provide distance away from residential categories and lighter industrial uses are integrated with other commercial uses. Industrial place types are typically located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking should be encouraged to be placed behind structures and when uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

**Consistency with the Comprehensive Plan:**

In accordance with Killeen Code of Ordinances Sec. 31-39(j), the following factors shall be considered when considering whether to approve a request to amend the city's Future Land Use Map (FLUM):

- 1) Is the proposed amendment consistent with the principles and policies set forth in the comprehensive plan?

The request supports or furthers the following recommendations of the 2022 Comprehensive

Plan:

- LU3 - Encourage incremental evolution of neighborhoods
- LU4 - Prioritize infill and revitalization in north Killeen

- 2) Is the proposed amendment compatible with the character of the surrounding area?

Staff finds that the requested FLUM amendment is compatible with the character of the surrounding area. The property along Rio Blvd. and Dogwood Blvd. is predominantly light industrial in character.

Further, the intent of this requested FLUM amendment is simply to have the ability to rezone the one acre of property that is currently zoned "R-1" to "M-1" to make it consistent with the surrounding M-1 zoning. Staff is of the determination that this amendment is necessary in order to allow the existing "R-1" area to be changed to match the property that surrounds it.

- 3) What is the impact of the proposed amendment on infrastructure provision including water, wastewater, drainage, and the transportation network?

There are existing water, wastewater and drainage utility service available to the subject property and the property is located within the City's service area. The subject property is bounded by two existing local streets to the east and west (Rio Blvd & Dogwood Blvd) and a Principal Arterial to the north (E. Veterans Memorial Blvd). Staff finds that the request will have no impact to the transportation network.

- 4) What is the impact of the proposed amendment on the city's ability to provide, fund, and maintain services?

Staff finds that approval of the request would have no impact on the city's ability to provide, fund, and maintain services in this area.

- 5) What is the impact of the proposed amendment on environmentally sensitive and natural areas?

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a known wetland on the lot that is classified as a Riverine (R4SBC) as identified on the National Wetlands Inventory. Since there is riverine habitat that crosses the subject property, staff notes that proposed new development will be required to comply with Sec. 32-56, to show the limits of the Creek Buffer Zone during the plat process, if applicable. Creek Buffer Zone is a setback established for all property located on or adjacent to a natural, vegetated, earthen or grass lined watercourse as shown on United States Geological Survey (U.S.G.S.) maps or FEMA maps in which land disturbance is proposed.

- 6) What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date?

More than 90% the subject property (approximately 9.56 acres out of the 10.56 acres) is currently zoned "M-1". The property owner's intent is to develop the site in accordance with the

existing "M-1" zoning. Without approval of the requested FLUM amendment, the applicant cannot submit a request to rezone the one acre "R-1" portion of the property to "M-1". If not approved, the one acre "R-1" parcel will remain zoned for single-family use, which is not compatible with the surrounding "M-1" zoning.

Further, staff is of the determination that the 'Industrial' place type designation is appropriate for this property given the existing character of the surrounding property. Staff supports the applicant's intent to rezone the one acre "R-1" portion to make it consistent with the surrounding zoning. However, the current 'Neighborhood Commercial' designation does not allow for any industrial uses; hence the need for the FLUM amendment to change the designation of the property to 'Industrial'.

- 7) Do city staff, the planning and zoning commission, and/or the city council have sufficient information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)?

Information regarding available utility service, traffic impact, etc. has been included in this staff report. Staff has not received any written responses regarding this request.

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is 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 to the property is from E. Veterans Memorial Blvd., which is classified as a 110-foot wide Principal Arterial, and Rio and Dogwood Blvds., which are classified as a 60-foot wide Local Street on the City of Killeen Thoroughfare Plan.

**Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a known wetland on the lot that is classified as a Riverine (R4SBC) as identified on the National Wetlands Inventory..

**Public Notification:**

Staff notified twenty (20) surrounding property owners regarding this request. Of those property owners notified, eleven (11) reside outside of Killeen.

**Staff Findings:**

Please see the Future Land Use Map Analysis.

**THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the FLUM amendment request; or
- Approve the FLUM amendment request.

**Which alternative is recommended? Why?**

Staff recommends approval of the request to amend the FLUM designation from a 'Neighborhood Commercial' place type to an 'Industrial' place type.

**CONFORMITY TO CITY POLICY:**

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

**FINANCIAL IMPACT:**

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

The proposed FLUM amendment 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 May 1, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.

**DEPARTMENTAL CLEARANCES:**

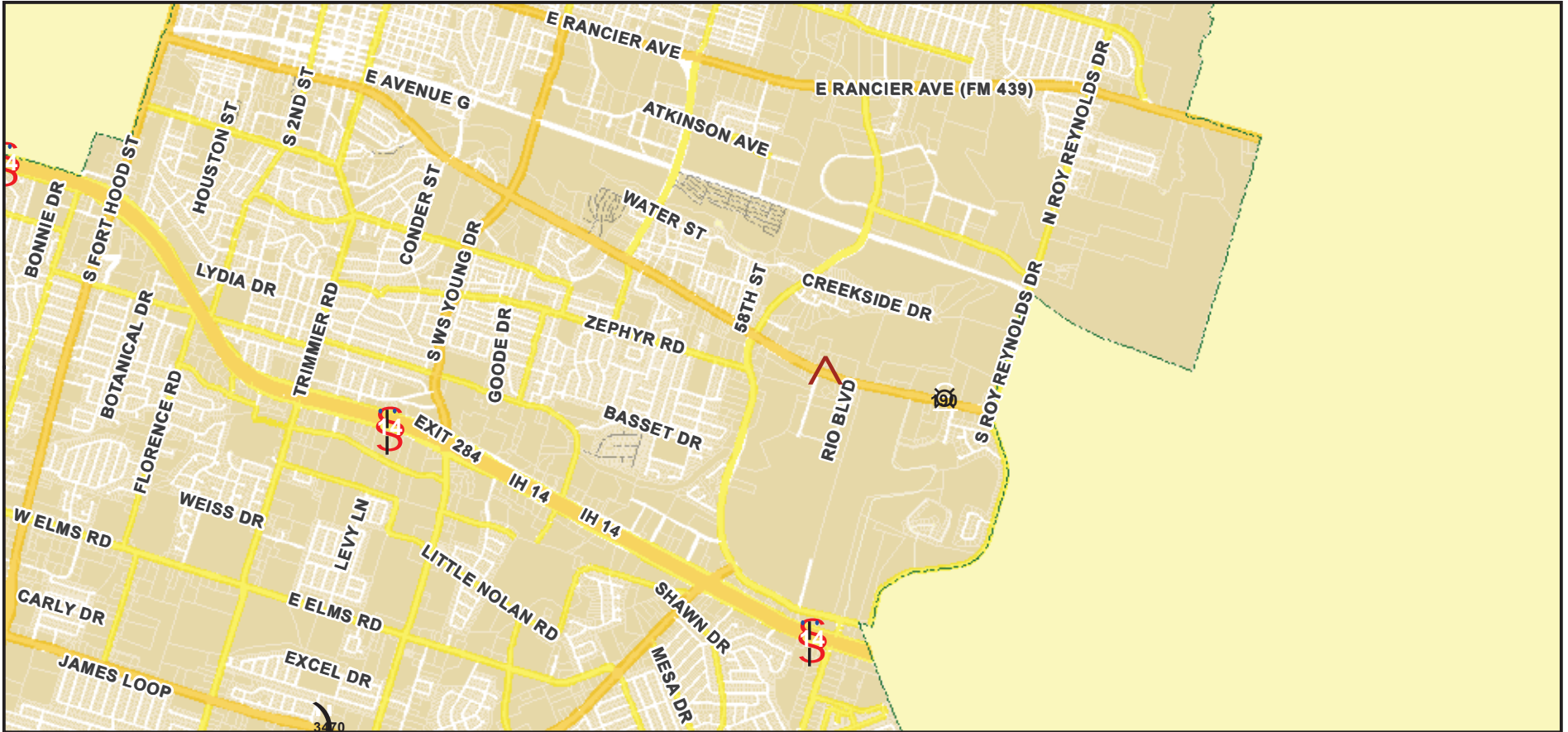
This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

- Maps
- Site Photos

Minutes  
Ordinance  
Presentation





**LOCATION MAP**

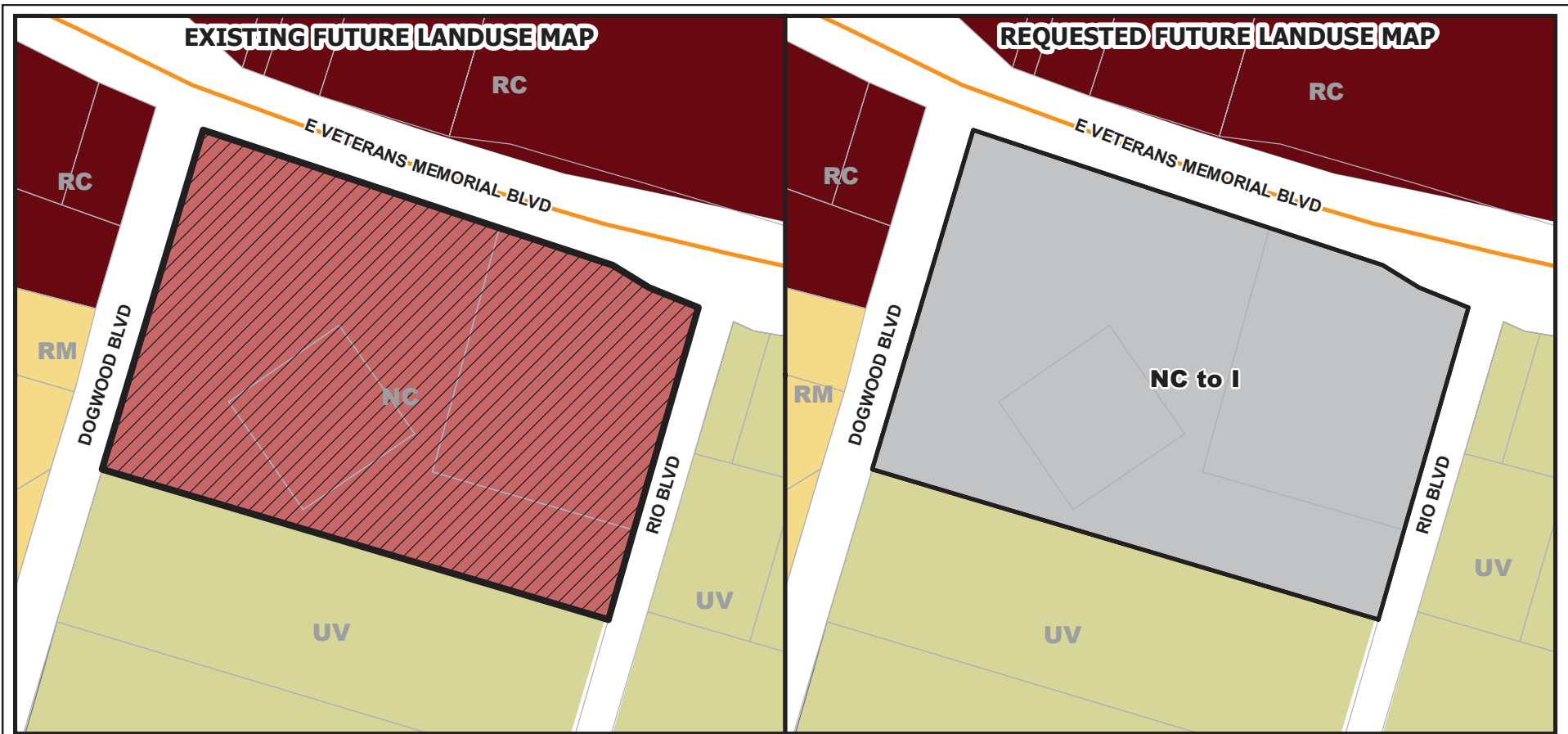
**Case: FLUM AMENDMENT 2023-02**

Council District: 1  
FROM NC TO I

Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56;  
KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0



1 inch = 4,167 feet  
Date: 4/17/2023



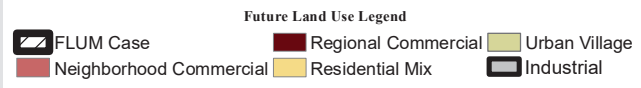
**FUTURE LAND USE MAP**

**Case: FLUM AMENDMENT 2023-02**

Council District: 1

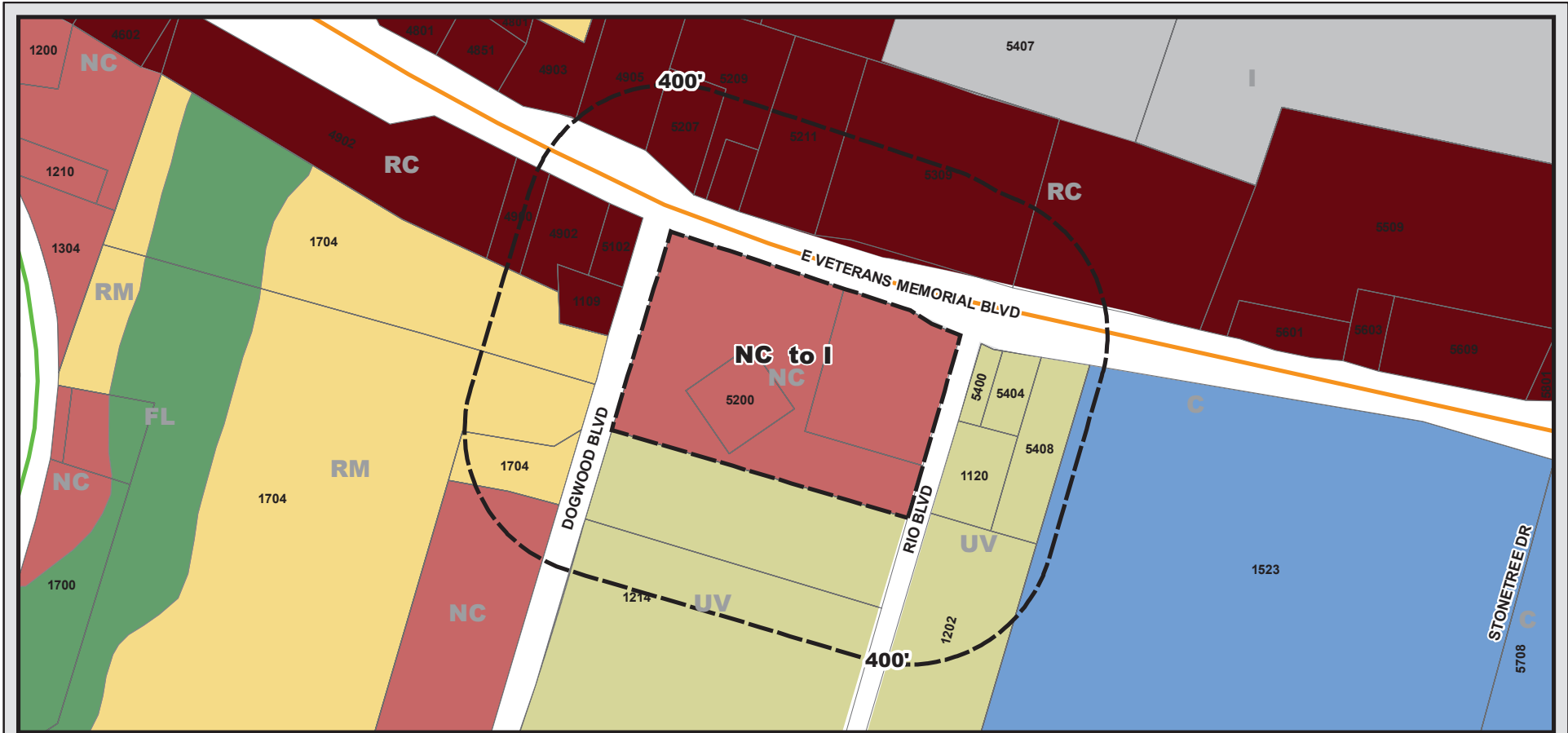
FROM NC TO I

Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0



1 inch = 250 feet

Date: 4/17/2023



**NOTIFICATION MAP**

**Case: FLUM AMENDMENT 2023-02**

Council District: 1

FROM NC TO I

Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0

**Legend**

- Killéen City Limits
- Principal Arterial, Existing
- Industrial
- Residential Mix
- Bell County Area
- Campus
- Neighborhood Commercial
- Urban Village
- Minor Arterial, Existing
- Floodplain
- Regional Commercial

Date: 4/17/2023

# SITE PHOTOS

Case #FLUM23-02: 'NC' TO 'I'



View of the subject property looking south:



View of the surrounding property looking west:



# SITE PHOTOS

Case #FLUM23-02: 'NC' TO 'I'



View of the surrounding property to the north:



View of the surrounding property looking east:



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MAY 1, 2023**  
**FLUM 23-02**  
**“NC” to “I”**

**HOLD** a public hearing and consider a request submitted by J-BREZ LLC – SERIES B (FLUM# 23-02) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Neighborhood Commercial’ designation to an ‘Industrial’ designation for approximately 10.56 acres, being part of the Killeen Area Investment Corp Industrial Tract, Lot Pt. Tr. D and part of the J. J. Roberts Survey, Abstract No. 731. The property is locally addressed as 5200 East Veterans Memorial Boulevard, Killeen, Texas.

Mr. Hermosillo presented the staff report for this item. He stated that, if approved, the applicant intends to rezone the portion of the property currently zoned “R-1” (Single-Family Residential District) to “M-1” (Manufacturing District) to be consistent with the property surrounding it.

Mr. Hermosillo also noted that the subject property is zoned “R-1” (Single-Family Residential District) and “M-1” (Manufacturing District). The property was originally zoned “R-1” and the remainder of the property was rezoned to “M-1.”

Mr. Hermosillo stated that staff finds that the requested FLUM amendment is compatible with the character of the surrounding area. The intent of the requested FLUM is to allow one acre of the property to be rezoned from “R-1” to “M-1” to make it consistent with the surrounding “M-1” zoning. Mr. Hermosillo stated that staff’s recommendation is for approval of the request as presented.

Mr. Tad Dorroh was present to represent the request.

Chairman Minor opened the public hearing at 5:42 p.m.

With no one wishing to speak, the public hearing was closed at 5:42 p.m.

Commissioner Wilson made a motion to approve the request as presented by staff. Commissioner Rowe seconded; motion passed by a vote of 5 to 0.

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 10.56 ACRES, BEING 1.00 ACRE OUT OF THE J. J. ROBERTS SURVEY, ABSTRACT NO. 73 AND 9.56 ACRES OUT OF THE KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, TRACT D, FROM A ‘NEIGHBORHOOD COMMERCIAL’ DESIGNATION TO AN ‘INDUSTRIAL’ DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that section 213.003 of the Local Government Code enables municipalities to amend comprehensive plans in the interest of coordinating long-range development of the municipality;

**WHEREAS**, pursuant to section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the Comprehensive Plan, including the Future Land Use Map (FLUM), following a recommendation by the Planning and Zoning Commission and a public hearing;

**WHEREAS**, J-BREZ, LLC – SERIES B presented to the City of Killeen, a request for an amendment to the Comprehensive Plan’s FLUM by changing the classification of approximately 10.56 acres, being 1.00 acre out of the J. J. Roberts Survey, Abstract No. 73 and 9.56 acres out of the Killeen Area Investment Corp Industrial Tract, Tract D from a ‘Neighborhood Commercial’ designation to an ‘Industrial’ designation;

**WHEREAS**, the Planning and Zoning Commission of the City of Killeen, following a public hearing on May 1, 2023, duly recommended approval of the application for amendment;

**WHEREAS**, 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 June 13, 2023, at the City Hall, City of Killeen; and

**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, TEXAS:**

**SECTION I:** That the future land use designation of approximately 10.56 acres, being 1.00 acre out of the J. J. Roberts Survey, Abstract No. 73 and 9.56 acres out of the Killeen Area Investment Corp Industrial Tract, Tract D, from a 'Neighborhood Commercial' designation to an 'Industrial' designation, said request being duly recommended for approval of the 'Industrial' designation, for the property locally addressed as 5200 East Veterans Memorial Boulevard, 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 13<sup>th</sup> day of June 2023, 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:**


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

**ATTEST:**

\_\_\_\_\_  
**Laura J. Calcote, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Holli C. Clements, CITY ATTORNEY**  
Case #: FLUM 23-02  
Ord#: 23-\_\_\_\_



**CASE #FLUM23-02:  
'NEIGHBORHOOD COMMERCIAL'  
TO 'INDUSTRIAL'**

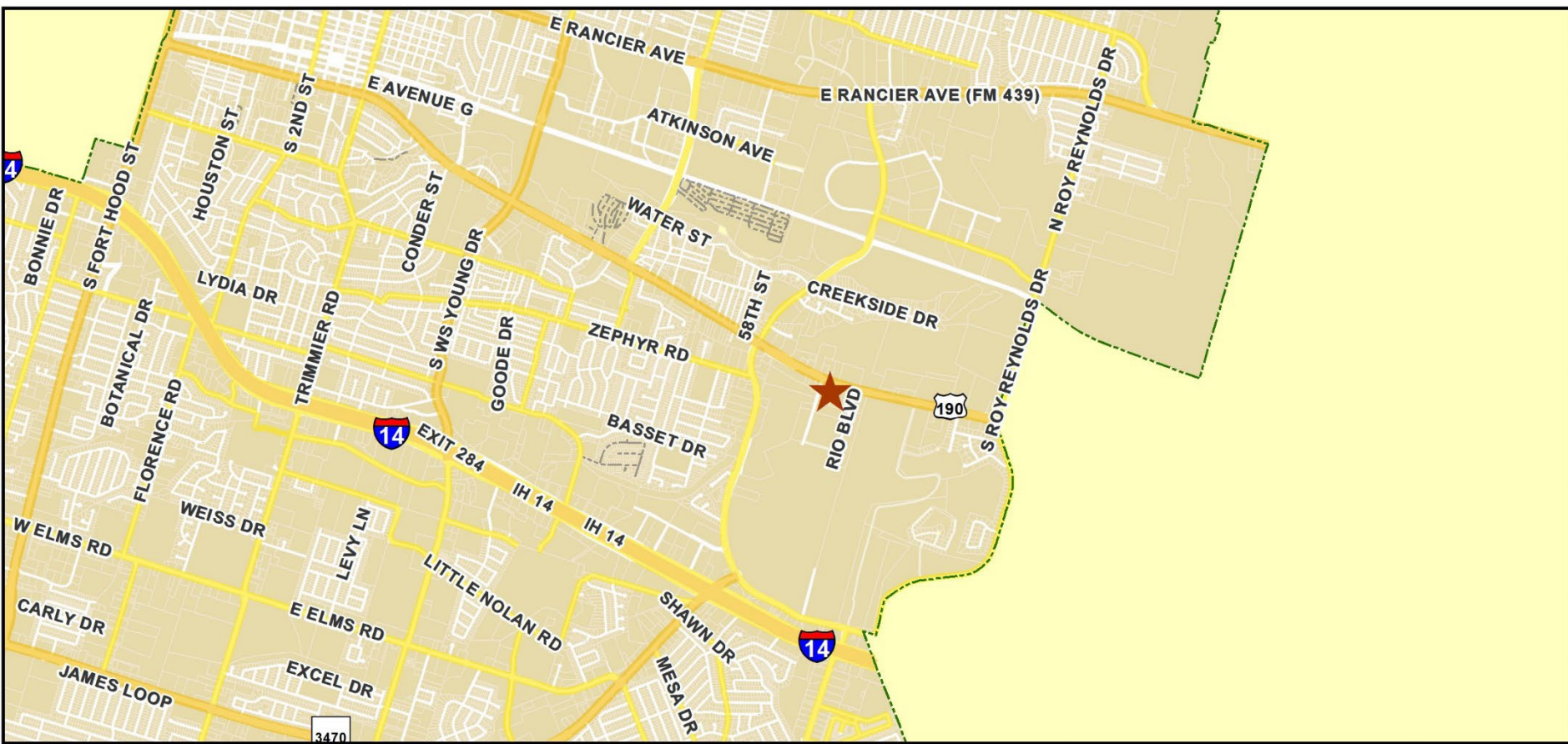
PH-23-036

June 6, 2023

# Case #FLUM23-02: 'NC' to 'I'

2

- ❑ **HOLD** a public hearing and consider a request submitted by J-BREZ LLC – SERIES B (**FLUM# 23-02**) to amend the Future Land Use Map (FLUM) designation for approximately 10.56 acres, being 1.00 acre out of the J. J. Roberts Survey, Abstract No. 73 and 9.56 acres out of the Killeen Area Investment Corp Industrial Tract, Tract D, from a 'Neighborhood Commercial' designation to an 'Industrial' designation.
- ❑ The property is locally addressed as 5200 East Veterans Memorial Boulevard, Killeen, Texas.



**LOCATION MAP**

**Case: FLUM AMENDMENT 2023-02**

Council District: 1  
FROM NC TO I

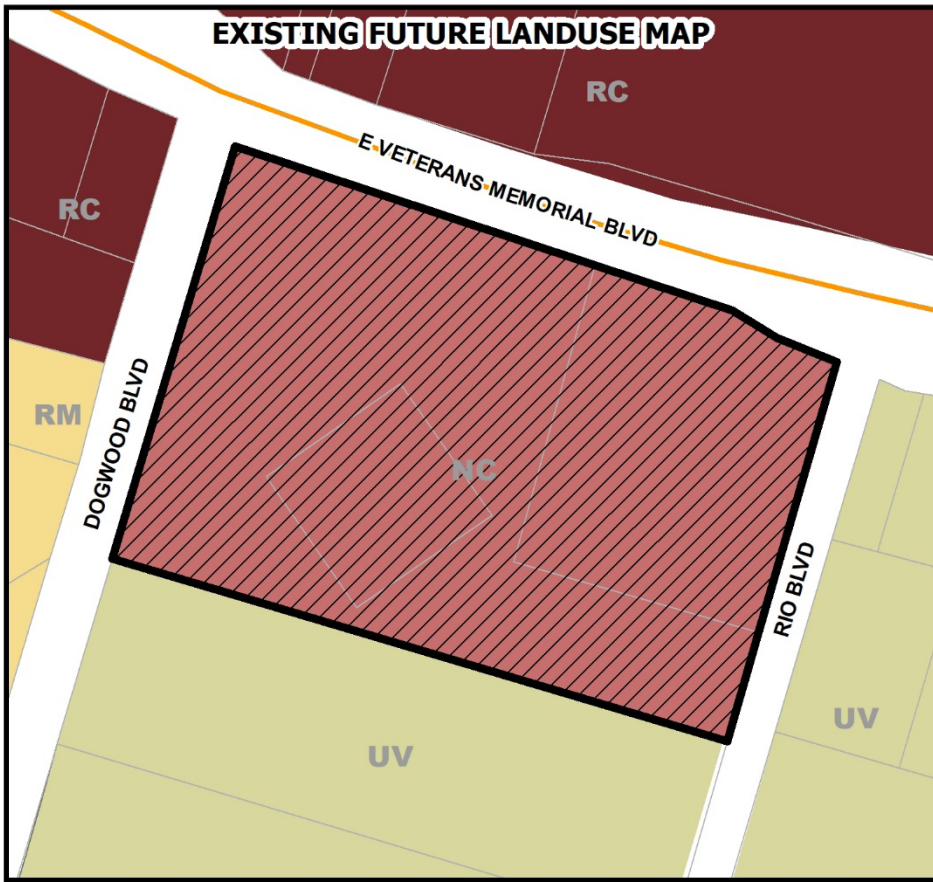
Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56;  
KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0



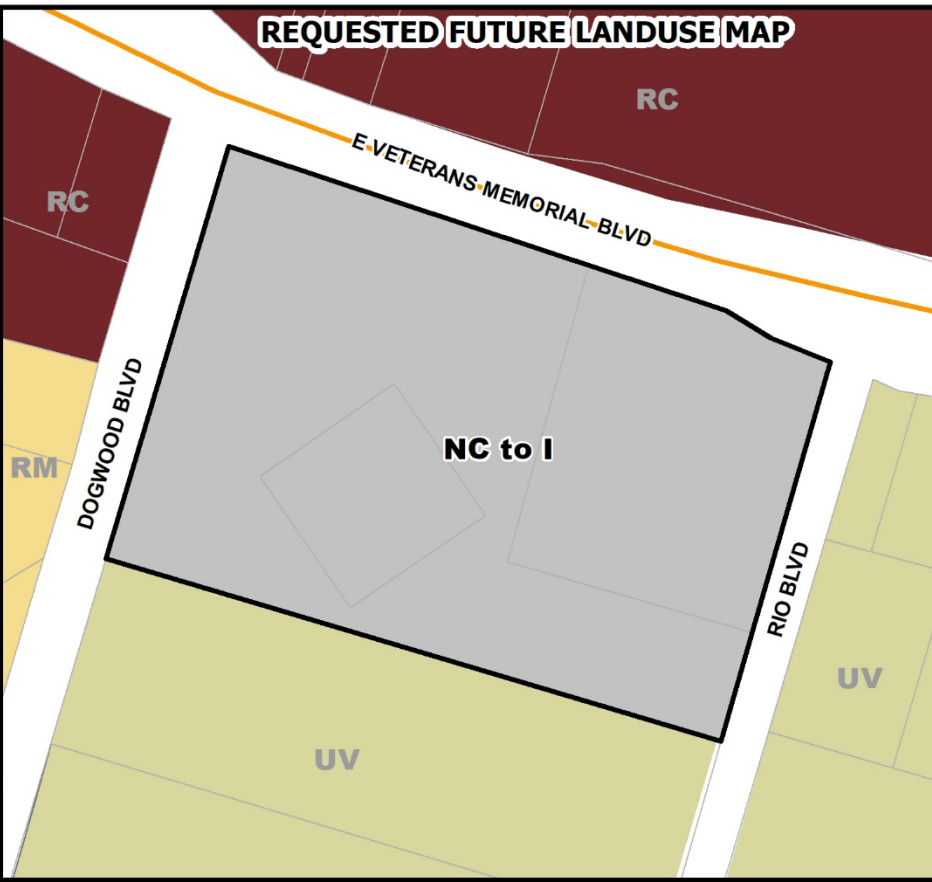
1 inch = 4,167 feet  
Date: 4/17/2023



### EXISTING FUTURE LANDUSE MAP



### REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP

### Case: FLUM AMENDMENT 2023-02

Council District: 1  
FROM NC TO I

Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56;  
KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0

FLUM Case	Regional Commercial	Urban Village
Neighborhood Commercial	Residential Mix	Industrial

1 inch = 250 feet  
Date: 4/17/2023



# Case #FLUM23-02: 'NC' to 'I'

5

- The property is currently designated '**Neighborhood Commercial**' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.
- The 'Neighborhood Commercial' Place type is intended as a commercial extension of a traditional neighborhood. This place type provides for neighborhood scale retail and office uses.

# Case #FLUM23-02: 'NC' to 'I'

6

- If approved, the '**Industrial**' place type provides for industrial uses, including manufacturing and warehouse space.
- The intent of the requested FLUM amendment is to allow the applicant to rezone a one-acre portion of the property from "R-1" to "M-1" to make it consistent with the surrounding zoning.

# Case #FLUM23-02: 'NC' to 'I'

7





# Comprehensive Plan Analysis

8

- The request supports or furthers the implementation of the following Comprehensive Plan recommendations:
  - ▣ **LU3** – Encourage incremental evolution of neighborhoods
  - ▣ **LU4** – Prioritize infill and revitalization in north Killeen

# Case #FLUM23-02: 'NC' to 'I'

9

View of the subject property looking south:



# Case #FLUM23-02: 'NC' to 'I'

10

View of the neighboring property to the north:



# Case #FLUM23-02: 'NC' to 'I'

11

View of the neighboring property to the west:



# Case #FLUM23-02: 'NC' to 'I'

12

View of the neighboring property to the east:



# Case #FLUM23-02: 'NC' to 'I'

13

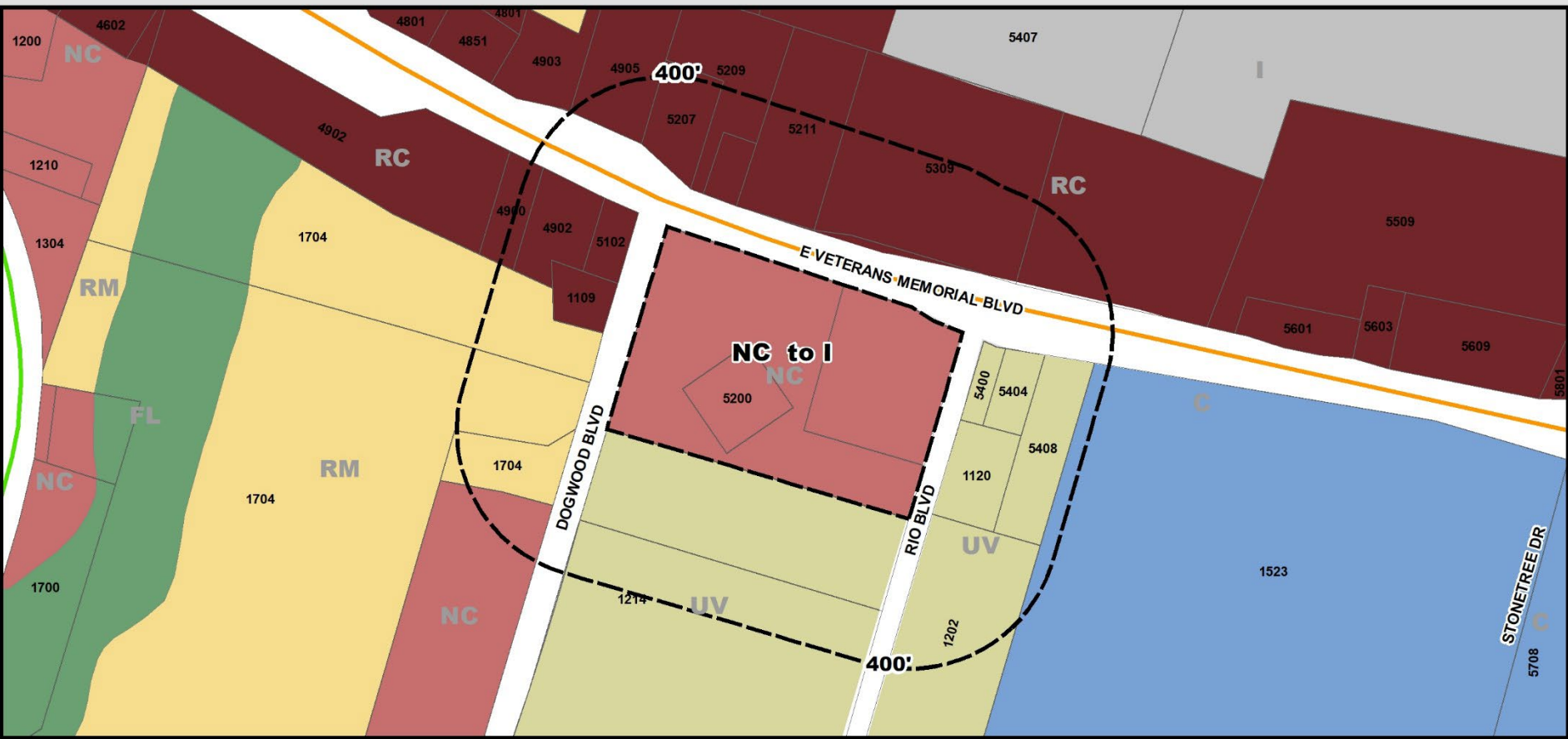
View of the neighboring property to the south:



# Public Notification

14

- Staff notified twenty (20) surrounding property owners regarding this request.
- Of those notified, eleven (11) property owners reside outside of Killeen.
- To date, staff has received no written responses regarding this request.



**NOTIFICATION MAP**  
**Case: FLUM AMENDMENT 2023-02**

Council District: 1  
 FROM NC TO I  
 Subject Property Legal Description: A0731BC J J ROBERTS, 1, 753-2, ACRES 1; KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 6.56;  
 KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR D, ACRES 3.0

Legend			
	Killeen City Limits		Principal Arterial, Existing
	Bell County Area		Campus
	Minor Arterial, Existing		Floodplain
	Industrial		Neighborhood Commercial
	Residential Mix		Urban Village
			Regional Commercial

Date: 4/17/2023





# Alternatives

16

- ❑ The City Council has two (2) alternatives:
  - ❑ Disapprove the applicant's FLUM amendment; or
  - ❑ Approve the applicant's FLUM amendment request.

# Staff Findings

17

- Staff finds that the applicant's request is consistent with the recommendations outlined in the 2022 Comprehensive plan.
- Approval of the requested FLUM amendment is necessary to allow the applicant to request rezoning of the one-acre "R-1" portion of the property. The applicant's intent is to rezone this portion to make it consistent with the surrounding "M-1" zoning.

# Staff Recommendation

18

- Therefore, staff recommends approval of the applicant's request to amend the FLUM designation from 'Neighborhood Commercial' to 'Industrial'.

# Commission Recommendation

- At their regular meeting on May 1<sup>st</sup>, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.



# City of Killeen

## Staff Report

File Number: PH-23-037

1	City Council Workshop	06/06/2023	Reviewed and Referred	City Council	06/13/2023
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**HOLD** a public hearing and consider an ordinance requested by Franklin Land Associates, LLC on behalf of Whitis Investments, LTD (**Case# Z23-02**) to rezone approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137 from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located on the east right-of-way of East Trimmier Road and north of Andalucía Lane, Killeen, Texas.

**DATE:** June 6, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** Zoning Case #23-02: "R-1" (Single-Family Residential District) to "B-3" (Local Business District)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Whitis Investments, LTD  
**Agent:** Franklin Land Associates, LLC  
**Current Zoning:** "R-1" (Single-Family Residential District)  
**Proposed Zoning:** "B-3" (Local Business District)  
**Current FLUM Designation:** 'Residential-Mix'

**Summary of Request:**

Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD, has submitted a request to rezone approximately 3.727 acres, out of the C T Bourland Survey, Abstract No. 137, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop a 10,640 square foot general retail store on the property.

**Killeen Code of Ordinances Chapter 31 Compliance:**

The subject property is currently zoned "R-1" (Single-Family Residential District). In accordance with Killeen Code of Ordinances Sec. 31-276, retail uses are not permitted by-right in the "R-1" district.

**Zoning/Plat Case History:**

On April 30, 2004, pursuant to Ordinance No. 04-12, the City annexed 5,144 acres of land encompassing the existing Spanish Oaks Subdivision (filed for record October 3, 2007) and surrounding area, which included the subject property.

The applicant purchased the property on September 9, 2005, and the property has remained under the same ownership and undeveloped since 2005. There is currently City water, sewer, and trash available to the property.

The western portion of the property was rezoned from "A" (Agricultural District) to "B-3" (Local Business District) on April 26, 2005, via Ordinance No. 05-31. The eastern portion of the property was rezoned from "R-1" (Single-Family Residential District), "A-R1" (Agricultural Single-Family Residential District), and "B-3" (Local Business District) to "R-1" (Single-Family Residential District) and "B-5" (Business District) on July 25, 2006, via Ordinance No. 06-82.

The subject property is a remainder of the original 142.71-acre tract seen on the plat for Spanish Oaks Subdivision recorded October 3, 2007, with a total of 439 single-family residential lots. The subject property is currently unplatted. However, the applicant has submitted a plat application (Plat Case #23-009P Killeen East Trimmer DTP Addition) which was validated and presented to the Planning and Zoning Commission as a Consent Agenda item on May 1, 2023.

The FLUM designation of the subject property was changed from 'Public Space' to 'Residential Mix' on April 25, 2023, via Ordinance No. 23-034.

**Character of the Area:**

**North:** Floodplain zoned "R-1" & "B-3"

**South:** Existing single-family homes & floodplain "R-1" & "B-3"

**West:** Fire Station 8 and vacant residential lots "PUD" & "R-1"

**East:** Existing single-family homes & floodplain "R-1" & "B-3"

**Future Land Use Map Analysis:**

The property is designated 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan. The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Commercial uses need to be context sensitive. Neighborhood-scale commercial should be allowed along avenues and higher intensity roadways. A key indicator of a successful Residential Mix area is if every property has access to some neighborhood scale commercial within walking distance.

The request is consistent with the following recommendations of the 2022 Comprehensive Plan:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for "complete" neighborhoods which may include large lot rural estate development that provides more "move-up" opportunities for those who can afford this option.

**Neighborhood Analysis:**

- This property is located within Killeen Development Zone #7.
- Current land use mix within this area comprises approximately:
  - 1% non-residential
  - 99% residential

**Zoning district breakdown in Development Zone 7:**

- 03% agricultural,
- 06% non-residential zoning districts
- 91% residential zoning districts.

\*These numbers exclude a breakdown of special districts such as conditional or special use permits and planned unit developments.

The '**Residential Mix**' land use designation promotes:

**Use Mix:** up to 25% non-residential, 95% residential uses

**Primary Uses:** Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

**Secondary Uses:** Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is 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 East Trimmier Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Comprehensive Plan. Staff estimates that there will be 673 trips per day and has determined that a Traffic Impact Analysis is not required for the proposed land use.

**Environmental Assessment:**

The property is within FEMA regulatory Special Flood Hazard Area (SFHA) Zone AE and Zone X for Trimmier Creek. There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified forty-two (42) surrounding property owners regarding this request. Of those property owners notified, twenty-seven (27) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and three (3) reside outside of Killeen. As of date of this staff report, staff has received three (3) written responses

regarding the request.

**Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant’s “B-3” request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant’s “B-3” request as presented

**Which alternative is recommended? Why?**

Staff recommends approval of the request to rezone the property from “R-1’ (Single-Family Residential District) to “B-3” (Local Business District).

Staff finds the request is consistent with the policies and principles of the 2022 Comprehensive Plan as indicated in the Comprehensive Plan Analysis.

**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 May 1, 2023, the Planning and Zoning Commission recommended approval of the request, as recommended by staff, by a vote of 3 to 2 with Vice Chair Gukeisen and Commissioner Wilson in opposition.

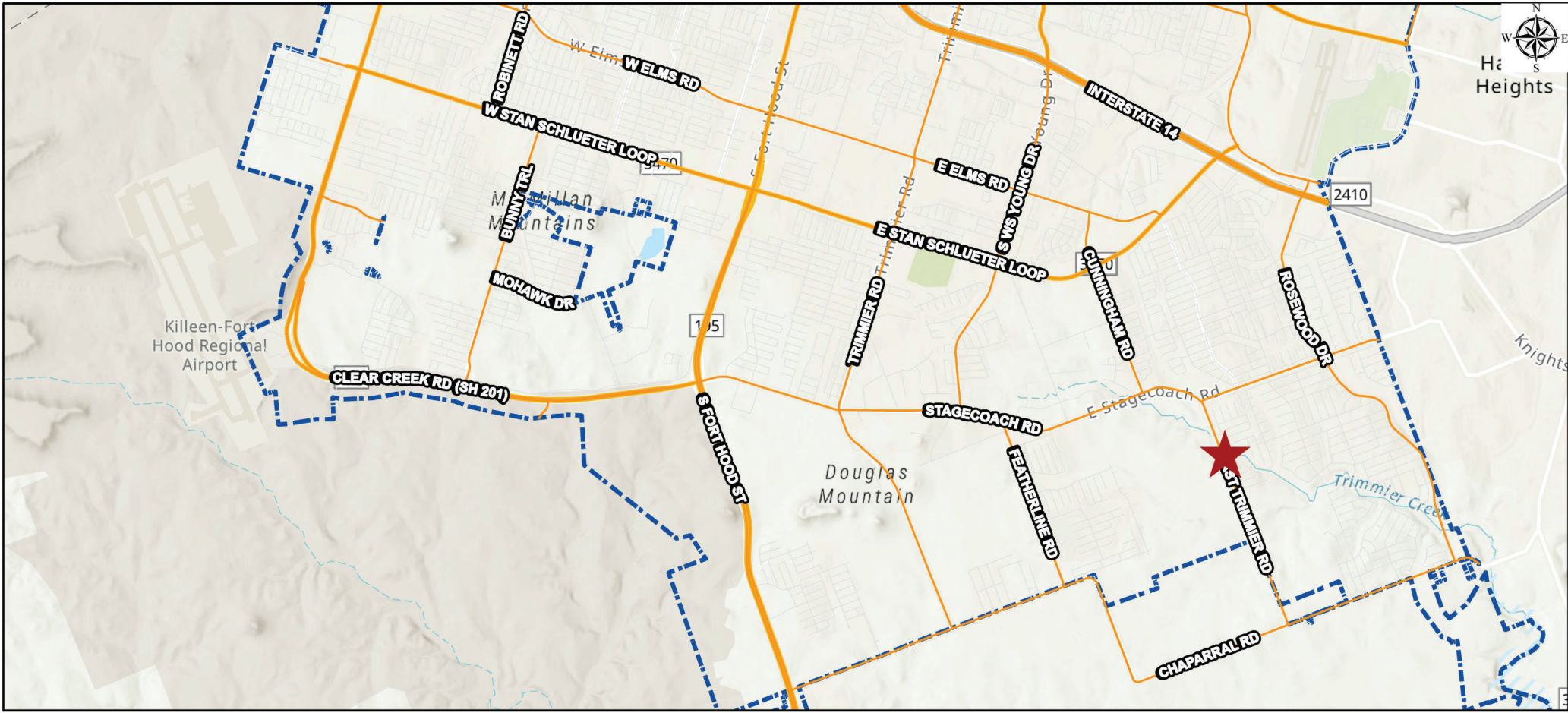
Those Commissioners in opposition to the motion noted concerns regarding the loss of greenspace and the proximity of the proposed development to the floodplain.

**DEPARTMENTAL CLEARANCES:**

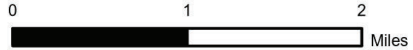
This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Site Plan Exhibit  
Responses  
Minutes  
Ordinance  
Considerations  
Presentation



LOCATION MAP  
Council District: 2



Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1

## Zoning Case 2023-02

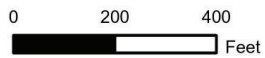
### R-1 TO B-3

- Legend
- Major Roads
  - City Limits
  - ★ Zoning Case Location



**AERIAL MAP**

Council District: 2



Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1

# Zoning Case 2023-02

## R-1 TO B-3

**Legend**

- Citylimits
- Zoning Case



**NOTIFICATION MAP**

Council District: 2



**Zoning Case 2023-02**

R-1 TO B-3

Legend

CurrentZoning	A-R1	PUD
A	B-3	R-1

Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1

# SITE PHOTOS

Case #Z23-02: "R-1" to "B-3"



View of the subject property looking east:



View of the surrounding property to the south:



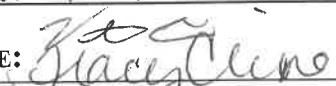


YOUR NAME: Vincent & Tracy Clive PHONE NUMBER: 512 577 6660

CURRENT ADDRESS: 7006 Andalucia Ln Killeen TX 76542

ADDRESS OF PROPERTY OWNED: 7006 Andalucia Ln Killeen TX 76542

COMMENTS: This zoning change is something we strongly oppose. This would allow for a business to block access to Public Space from East Trimmer. It would block access to our back yard for any item that would need to go through a double gate. Part of the reason we purchased this home in this location was the proximity to this public space. This impacts our access, reduces the attractiveness of our view, reduces our property value, blocks access to our back yard from the public space, and removes play area that our 3 boys enjoy.

SIGNATURE:  REQUEST: "R-1" to "B-3" SPO #Z3-02/ 27

RECEIVED  
MAY 02 2023  
PLANNING


P.O. Box 1329 Killeen, Texas 76541 254.501-7648 Fax 254.501.7628  
www.KilleenTexas.gov

YOUR NAME: Chris Money PHONE NUMBER: 978-886-9270

CURRENT ADDRESS: 7002 Andalucia, Killeen

ADDRESS OF PROPERTY OWNED: 7002 Andalucia, Killeen

COMMENTS: I oppose Rezoning the property

SIGNATURE:  REQUEST: "R-1" to "B-3" SPO #Z3-02/ 29

RECEIVED  
MAY 02 2023  
PLANNING

P.O. Box 1329 Killeen, Texas 76541 254.501-7648 Fax 254.501.7628  
www.KilleenTexas.gov

**YOUR NAME:** Kathryn A. Kittle and Robert E Roberts Jr.

**PHONE NUMBER:** 480-861-891

**CURRENT ADDRESS:** 7007 Almond Drive, Killeen, TX 76542

**ADDRESS OF PROPERTY OWNED:** 7007 Almond Drive, Killeen, TX 76542

**COMMENTS:** We are STRONGLY OPPOSED the request for Case#Z23-02, rezoning from R-1 to B-3. There is no need for any business structure, including a Dollar General to be placed at this location. There are currently four Dollar Generals less than three miles from the location in question. There are also several convenience and Walmart stores. Adding any additional businesses in this location would increase unwanted traffic to the already UNSAFE congested area, thus hindering the safety of all the current residences. We have owned our property for almost 13 years. We have seen firsthand what the continuing to overdevelop this area has been doing to our already strained resources including but not limited to water and electricity.

**SIGNATURE:** 

**REQUEST:** "R-1" to "B-3" SPO #Z3-02/ 18

RECEIVED

MAY 01 2023

P.O. Box 1329 Killeen, Texas 76541 254.501-7648 Fax 254.501.7628

[www.KilleenTexas.gov](http://www.KilleenTexas.gov)

PLANNING



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**MAY 1, 2023**  
**Z23-02**  
**“R-1” to “B-3”**

**HOLD** a public hearing and consider a request submitted by Franklin Land Associates, LLC on behalf of Whitis Investments, LTD (**Case# Z23-02**) to rezone approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137 from “R-1” (Single-Family Residential District) to “B-3” (Local Business District). The property is located on the east right-of-way of East Trimmier Road and north of Andalucía Lane, Killeen, Texas.

Mr. Hermosillo presented the staff report for this item. He stated that, if approved, the applicant intends to develop a 10,640 square foot general retail store on the property.

The FLUM designation of the subject property was changed from ‘Public Space’ to ‘Residential Mix’ on April 25, 2023 via Ordinance No. 23-034.

Mr. Hermosillo stated that the subject property is within FEMA regulatory Special Flood Hazard Area (SFHA) Zone AE and Zone X for Trimmier Creek, but the proposed use will be developed outside of the FEMA Special Flood Hazard Area.

Staff notified forty-two (42) surrounding property owners regarding this request. Of those property owners notified, twenty-seven (27) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by council; and three (3) reside outside of Killeen. To date, staff has received one (1) written response in opposition to the request as presented.

Mr. Hermosillo stated that staff finds the request is consistent with the recommendations of the 2022 Comprehensive Plan. Therefore, staff recommends approval of the request as presented.

Mr. Joe Johnston was present to represent the request. He stated that future development on the subject property will not be in the floodplain.

Chairman Minor opened the public hearing at 5:09 p.m.

Mr. Vincent Kline spoke in opposition to the request. He stated that they purchased their residence because of the greenbelt area located on the subject property and the development would prevent use of the property by residents in the adjacent neighborhood. He also noted concerns regarding the impact of the proposed commercial development on their property value.

Ms. Melissa Brown spoke in opposition to the request. She noted concerns regarding the environmental impact of the proposed development adjacent to Trimmier Creek. Ms. Brown also noted that there are already nine (9) other Dollar General stores nearby.

With no one else wishing to speak, the public hearing was closed at 5:15 p.m.

Chairman Minor asked if the FLUM amendment request for the subject property had

been approved by City Council. Ms. Meshier confirmed that it had been approved.

Vice Chair Gukeisen moved to recommend disapproval of the request. Commissioner Wilson seconded, and the motion failed by a vote of 2 to 3 with Commissioners Rowe, Jones, and O'Brien voting in opposition to the motion.

Chairman Minor reminded the commission that the FLUM amendment for the subject property had been approved by City Council, and the Commission recommended approval at their previous meeting.

Commissioner Rowe moved to approve the request as presented. Commissioner Jones seconded, and the motion passed by a vote of 3 to 2 with Commissioners Gukeisen and Wilson in opposition.

Those Commissioners in opposition to the motion noted concerns regarding the loss of greenspace and the proximity of the proposed development to the floodplain.

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

**AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 1.098 ACRES OUT OF THE C. T. BOURLAND SURVEY, ABSTRACT NO. 137, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

**WHEREAS**, Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District);

**WHEREAS**, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the 1<sup>st</sup> day of May 2023, duly recommended approval of the application for amendment;

**WHEREAS**, 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 13<sup>th</sup> day of June 2023, at the City Hall, City of Killeen; and

**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 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District), said request being duly recommended for approval of “B-3” (Local Business District), for the property generally located on the east right-of-way of East Trimmier Road and north of Andalucía Lane, 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 13<sup>th</sup> day of June 2023, 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 J. Calcote, CITY SECRETARY

**APPROVED AS TO FORM**

Holli C. Clements, CITY ATTORNEY

Case #Z23-02

Ord. #23-\_\_\_

# 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.

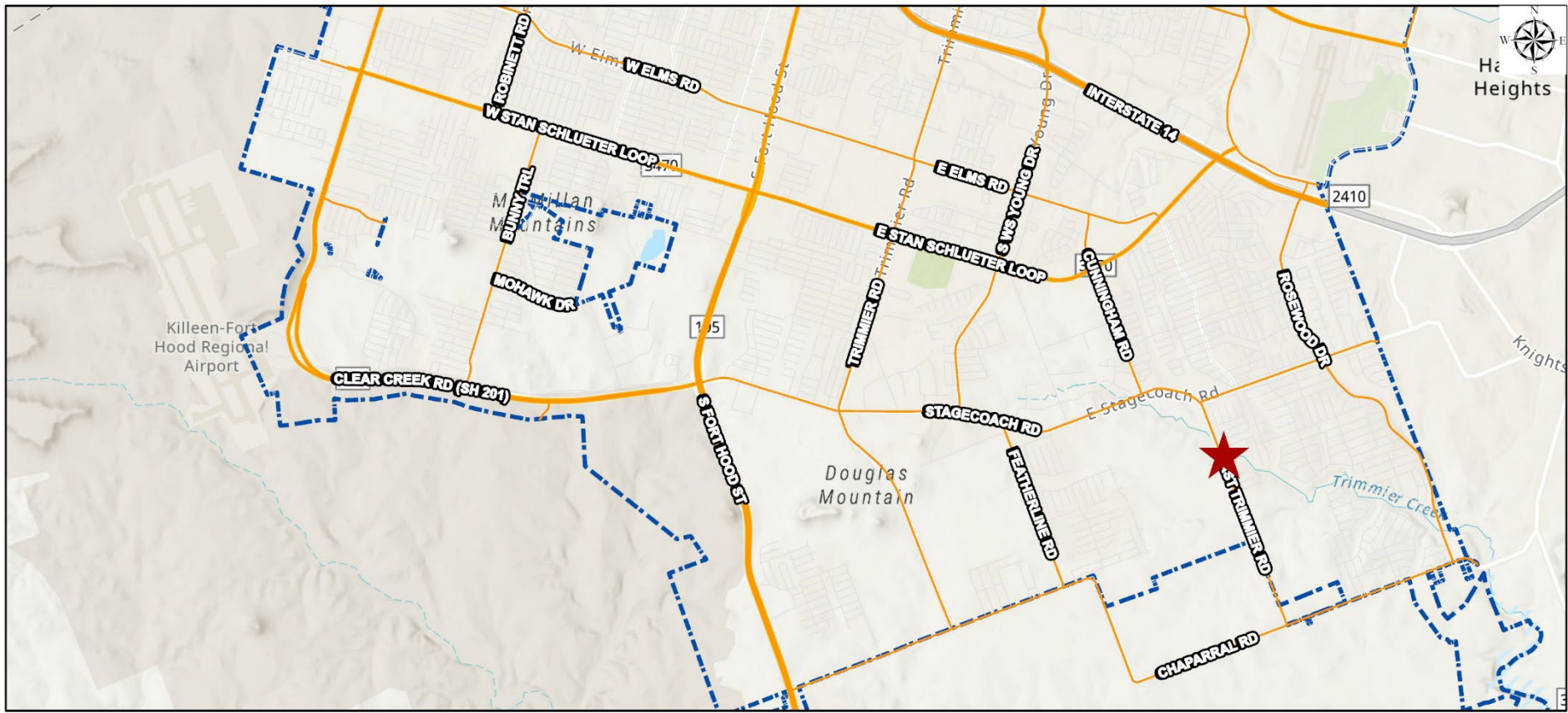


CASE #Z23-02:  
“R-1” TO “B-3”

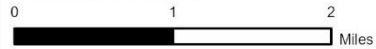
# Case #Z23-02: “R-1” to “B-3”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Franklin Land Associates, LLC on behalf of Whitis Investments, LTD (**Case #Z23-02**) to rezone approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137 from “R-1” (Single-Family Residential District) to “B-3” (Local Business District).
- ❑ The property is generally located on the east side of East Trimmier Road, north of Andalucía Lane, Killeen, Texas.





LOCATION MAP  
 Council District: 2

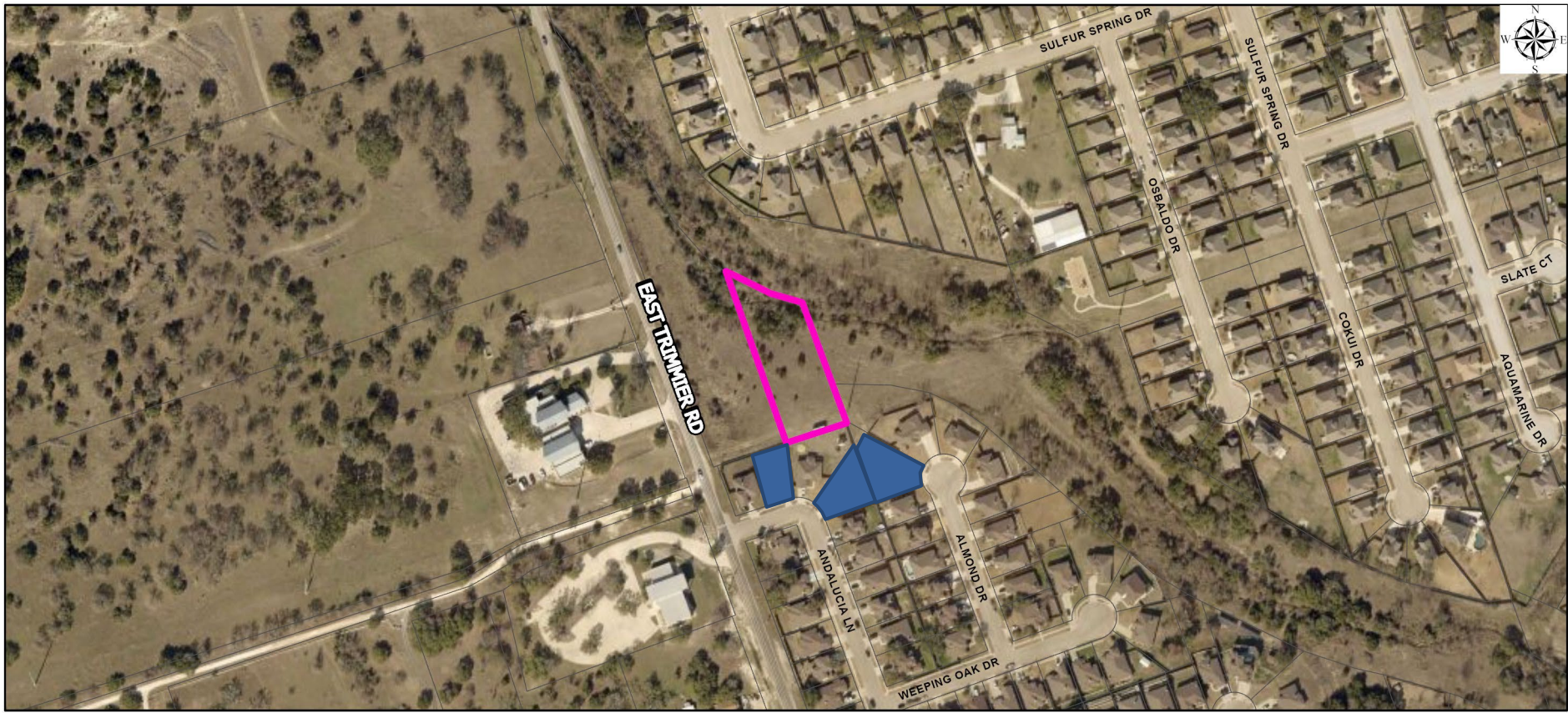


Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1

## Zoning Case 2023-02

### R-1 TO B-3

- Legend
- Major Roads
  - City Limits
  - ★ Zoning Case Location



AERIAL MAP  
 Council District: 2  
 0 200 400  
 Feet

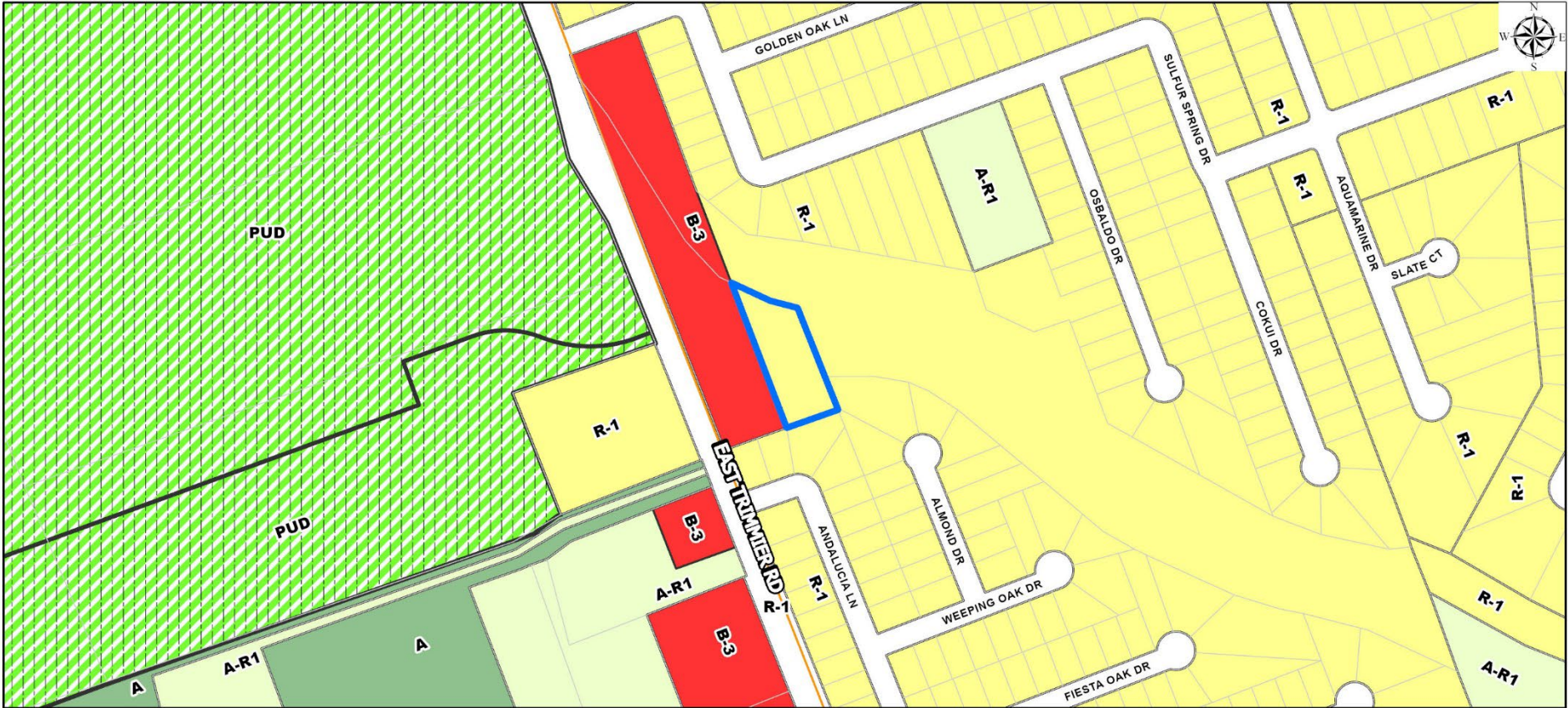
# Zoning Case 2023-02

## R-1 TO B-3

Opposed 

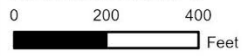
Legend  
 Citylimits  
 Zoning Case

Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1



ZONING MAP

Council District: 2



# Zoning Case 2023-02

R-1 TO B-3

Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1

# Case #Z23-02: “R-1” to “B-3”

- ❑ The frontage of the property along East Trimmier Road (approx. 170 ft. of depth) is already zoned “B-3”. The applicant’s intent is to rezone the rear portion of the property to be consistent with the frontage.
- ❑ If approved, the applicant intends to develop a 10,640 sq. ft. general retail store on the property.

# Comprehensive Plan Analysis

7

- The subject property is designated '**Residential Mix**' on the FLUM.
- The 'Residential Mix' place type promotes a mix of up to 25% non-residential and 95% residential uses.



# Comprehensive Plan Analysis

8

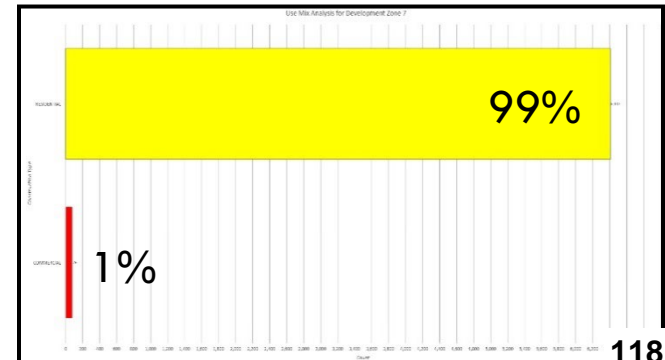
Located within Development Zone #7

Approximate current land use mix:

- 3% agricultural
- 6% non-residential zoning districts
- 91% residential zoning districts

Zoning districts (excluding special districts):

- 99% residential zoning districts
- 1% non-residential zoning districts



# Comprehensive Plan Analysis

9

- This request supports or furthers the implementation of the following Comprehensive Plan recommendations:
  - ▣ **LU1** – Use place types and complete neighborhoods as building blocks.
  - ▣ **LU3** – Encourage incremental evolution of neighborhoods.
  - ▣ **NH4** – Build complete neighborhoods.

LEGEND:

ACREAGE IN ZONE AE = 1.60 ACRES  
ACREAGE IN ZONE X = 1.552 ACRES  
ACREAGE IN ONDOOR EASEMENT = 0.923 ACRES  
TOTAL SITE ACREAGE = 3.075 ACRES



Area to be rezoned



GreshamSmith.com

222 Second Avenue South  
Suite 1400  
Nashville, TN 37201  
615.770.8100

GRESHAM SMITH  
TEXAS REGISTERED  
ENGINEERING FIRM  
E-3839



**KILLEN (ETR)  
DTP, LLC**

**9010 Overlook Boulevard  
Brentwood, TN 37027  
615-370-0670  
STORE #24788**

LOCATED 936 FEET SOUTH EAST OF  
SULPHUR SPRING DRIVE ON THE NORTH  
EAST SIDE OF EAST TRIMMER ROAD,  
HILLEN, TEXAS



Revision		
No.	Date	Description

ZONING EXHIBIT

Gresham Smith Project Number  
44117.99  
08/03/2022





# Greenway Trail Required

- The Parks & Open Space Master Plan identifies a future Greenway Trail in the floodplain along the northern edge of the property.
- Per Sec. 26-147(c)(4) of the Parkland Dedication and Development Ordinance, the developer is responsible for dedicating property to the City for the trail.
- Therefore, the applicant is proposing to dedicate 1.295 acres within the floodplain to the City.

# Greenway Trail Required

- The intent is for the future Greenway Trail to tie into the existing Purser Heritage Hike & Bike Trail, which is located on the north (opposite) side of Trimmier Creek.
- Therefore, the applicant will not be required to construct the Greenway Trail on the subject property.
- The 1.295 acres to be dedicated to the City will serve as a buffer between the future trail and the proposed commercial development.

# Case #Z23-02: “R-1” to “B-3”

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View of the subject property looking east:



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# Case #Z23-02: “R-1” to “B-3”

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View of the adjacent property to the south:



# Case #Z23-02: “R-1” to “B-3”

15

View of the adjacent property to the west:



# Case #Z23-02: “R-1” to “B-3”

16

View of the neighboring property to the northeast:



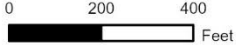
# Public Notification

- Staff notified forty-two (42) surrounding property owners regarding this request.
- Of those notified, twenty-seven (27) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and three (3) property owners reside outside of Killeen.
- To date, staff has received three (3) written response in opposition to this request.



**NOTIFICATION MAP**

Council District: 2



**Zoning Case 2023-02**  
R-1 TO B-3

Legend	
Current Zoning	A-R1
A	PUD
B-3	R-1

Subject Property Legal Description: 1.098 ACRES OF A0137BC C T BOURLAND, A-0719 L RIDDLE, 1, A-1096 J WASHINGTON, 1, A-01116, W E WALL, 1



# Staff Recommendation

- ❑ Staff finds that the applicant's request is consistent with the 'Residential Mix' designation on the FLUM, and with the recommendations outlined in the 2022 Comprehensive Plan.
- ❑ Therefore, staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "B-3" as requested.

# Commission Recommendation

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- ❑ The City Council has three (3) alternatives:
  - ❑ Disapprove the applicant's request to rezone the property to "B-3";
  - ❑ Approve a more restrictive zoning district than requested; or
  - ❑ Approve the applicant's request as presented.

# Commission Recommendation

- ❑ At their regular meeting on May 1<sup>st</sup>, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 2 with Commissioners Gukeisen and Wilson in opposition.
- ❑ Those Commissioners in opposition to the motion noted concerns regarding the loss of greenspace and the proximity of the proposed development to the floodplain.