



# City of Killeen

## Agenda

### City Council Workshop

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Tuesday, June 7, 2016

1:00 PM

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#### **City Council Workshop 1:00 p.m.**

*City Hall  
3rd Floor Conference Room  
101 N. College Street  
Killeen, Texas 76541*

#### **Items for Discussion at Workshop**

[DS-16-056](#) Conduct and Discuss Interviews for District 2 Applicants

#### **City Council Workshop - Following 1:00 p.m Workshop (Approximate Time: 5:00 p.m.)**

*Utility Collections  
Conference Room  
210 W. Avenue C  
Killeen, Texas 76541*

#### **Citizens Petitions and Information**

[CP-16-002](#) Kevin Grimme (610 Odom Drive) - UBER

#### **Items for Discussion at Workshop**

[DS-16-057](#) Discuss Agenda Items and Land Use Cases

[DS-16-058](#) Discuss K.I.S.D.'s Request for Exception to Requirement that Fire Hydrants be Installed Prior to Construction Above the Foundation of New Middle School -- Extension of Deadline

**Attachments:** [KISD Request](#)

[DS-16-059](#) Receive Quarterly Financial Report

[DS-16-060](#) Receive a Briefing on RFQ for Workers Comp and Liability Insurance

[DS-16-061](#) Receive a Briefing on Cost of Health Insurance for Employees and Retirees

[DS-16-062](#) Discuss Texas Public Information Act and Freedom of Information Act

[DS-16-063](#) Receive a Briefing on Status of Executive Search for City Manager

[DS-16-064](#) Discuss the Employment, Evaluation and Duties of the Interim City Manager, Lillian Ann Farris

## Items for Regular City Council Meeting of June 14, 2016

### Minutes

[MN-16-013](#) Consider Minutes of Regular City Council Meeting of May 24, 2016.

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

### Resolutions

[RS-16-058](#) Consider a memorandum/resolution authorizing the use of a Request for Proposal (RFP) for purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

**Attachments:** [Council Memorandum](#)

[RS-16-059](#) Consider a memorandum/resolution authorizing cumulative expenditures exceeding \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

**Attachments:** [Council Memorandum](#)  
[Certificate of Interested Parties](#)

[RS-16-060](#) Consider a memorandum/resolution authorizing Change Order No. 2 to Flanigan Construction, Inc. for the Bermuda/Ronstan Major CIP Phase 1.

**Attachments:** [Council Memorandum](#)  
[Change Order](#)  
[Certificate of Interested Parties](#)

[RS-16-061](#) Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2016.

**Attachments:** [Council Memorandum](#)  
[Quarterly Investment Report](#)

[RS-16-062](#) Consider a memorandum/resolution to enter into an agreement with Municipal Services Bureau (MSB) - Gila LLC for collection services on delinquent accounts for Emergency Medical Services (EMS) Billing and Utility Collections.

**Attachments:** [Council Memorandum](#)  
[Agreement](#)  
[Certificate of Interested Parties](#)

[RS-16-063](#) Consider a memorandum/resolution authorizing the purchase of Personal Protective Equipment for the Fire Department.

**Attachments:** [Council Memorandum](#)

[Casco Quote](#)

[RS-16-064](#) Consider a memorandum/resolution authorizing the procurement of nine (9) fully-equipped police vehicles.

**Attachments:** [Council Memorandum](#)

[Explorer Quote](#)

[K9 Quote](#)

[Graphics Quote](#)

[Certificate of Interested Parties](#)

[RS-16-065](#) Consider a memorandum/resolution authorizing the procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget.

**Attachments:** [Council Memorandum](#)

[Bid 16-16 Replacements](#)

[Certificate of Interested Parties](#)

[RS-16-066](#) Consider a memorandum/resolution appointing councilmembers to various Boards and Commissions.

**Attachments:** [Council Memorandum](#)

## Ordinances

[OR-16-008](#) Consider an ordinance amending fees for room rental rates at the Killeen Community Center.

**Attachments:** [Council Memorandum](#)

[Ordinance](#)

[Community Center Fee Schedule](#)

[OR-16-009](#) Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (1st of 3 readings)

**Attachments:** [Council Memorandum](#)

[Ordinance](#)

## Public Hearings

[PH-16-019](#) HOLD a public hearing and consider an ordinance requested by CPB Investments (Case #Z16-07) to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-2" (Local Retail District) for a Texas Department of Public Safety customer service office.

**Attachments:** [Council Memorandum](#)  
[Attachment to CCMO](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location Map](#)  
[Buffer Map](#)  
[Texas Department of Public Safety - Plan](#)  
[Considerations](#)

[PH-16-020](#)

HOLD a public hearing and consider an ordinance adopting the 2016-2017 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (First of Two Public Hearings)

**Attachments:** [Council Memorandum](#)  
[CDAC Recommendations](#)  
[Minutes](#)

## Adjournment

*I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on June 3, 2016.*

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*Dianna Barker, City Secretary*

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

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

## Notice of Meetings

*The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of*

*the Texas Attorney General's Office. No official action will be taken by Council.*

- *Army Birthday Celebration, June 10, 2016, 5:30 p.m., Downtown Killeen*
- *Homecoming for Heroes Benefit, June 11, 2016, 6:00 p.m., SC River Ranch*
- *Korean War Veterans Association Annual Banquet, July 23, 2016, 6:00 p.m., Club Hood*

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



# City of Killeen

## Legislation Details

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**File #:** DS-16-056    **Version:** 1    **Name:** Conduct and Discuss Interviews for District 2 Applicants  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/24/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Conduct and Discuss Interviews for District 2 Applicants  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** CP-16-002    **Version:** 1    **Name:** Kevin Grimme (610 Odom Drive) - UBER  
**Type:** Citizen Petition    **Status:** Citizens Petitions  
**File created:** 5/23/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Kevin Grimme (610 Odom Drive) - UBER  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-057    **Version:** 1    **Name:** Discuss Agenda Items and Land Use Cases  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/6/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Discuss Agenda Items and Land Use Cases  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-058    **Version:** 1    **Name:** Discuss K.I.S.D.'s Request for Exception  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/24/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Discuss K.I.S.D.'s Request for Exception to Requirement that Fire Hydrants be Installed Prior to Construction Above the Foundation of New Middle School -- Extension of Deadline  
**Sponsors:** Fire Department, City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [KISD Request](#)

Date	Ver.	Action By	Action	Result
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# KILLEEN INDEPENDENT SCHOOL DISTRICT

200 North W.S. Young Drive, Killeen, Texas 76543  
P.O. Box 967, Killeen, Texas 76540-0967  
(254) 336-0000

John Craft, Ed.D.  
Superintendent

June 2, 2016

Dr. Ann Farris and Killeen City Council Members:

As we continue to work with our architect and contractor team, it has become apparent over the last several weeks the Roy J. Smith Middle School Project (Middle School #13) is potentially in jeopardy of having a forced delayed opening preventing students and staff to begin the 2017-2018 school year. Our target opening date remains July of 2017 to open the facility. While we remain optimistic, we are also requesting assistance and consideration regarding the attainment of critical milestones at this time.

Specifically, Cloud Construction Co., Inc. respectfully requests relief from active fire hydrants being located on site as required in Chapters 11-113 and 26-84 of City of Killeen Ordinances as well as an exception to appeal the process of the Fire Marshal's ruling to the Fire Board.

The following reasons for the delay of the construction project include:

- The project has encountered an extreme amount of groundwater requiring additional unforeseen earthwork.
- The project site has received over 45 days of rain since the mid-January mobilization.
- In an effort to meet the targeted completion date, the project began construction concurrent with the platting process causing logistical delays.

The aforementioned delays have created an abnormal construction sequencing and scheduling as a result. Thus, a temporary relief until August 1, 2016 is being submitted for consideration pertaining to the following items:

- Section 26-84 Paragraph (b)(1) City Utilities installation
- Section 26-84 Paragraph (b)(2) Fire Hydrants providing protection and operational

If the relief is granted, work with the following materials will likely commence and the project stands a good chance to attain substantial completion on time.

- Insulated Concrete Forms (ICF) consisting of Expanded-Polystyrene Foam-Plastic Panels (EPS)
  - UL Listed stay in place formwork for structural concrete walls
  - EPS has Flame Spread rating of 25 or less

- EPS has Smoke-Developed Index of 450 or less
- Noncombustible concrete and reinforcing steel
- Most of this will be exterior building walls
- Noncombustible interior masonry walls (toilet rooms)
- Noncombustible structural steel for roofing and second floor

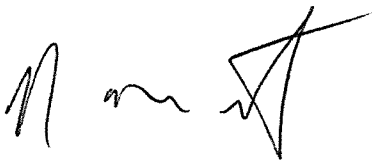
Upon consideration for granting the aforementioned relief, the following assurances will be provided by Cloud Construction Co., Inc.:

- Cloud Construction Co., Inc. will release City of Killeen from liability for fire protection during temporary relief.
- The site will have all weather access road meeting requirements of Sec. 11-114 – Fire lanes-Location.
- The project will not commence within confined spaces nor include overhead deck/roof construction.
- Cloud Construction Co., Inc. does not see any additional safety issues for construction workers.
- Cloud Construction Co., Inc. will have portable fire extinguishers when work is occurring.
- The building is 405' from nearest residential property.
- There are active existing fire hydrants north of the property, approximately 500' to nearest exterior wall of building and approximately 1,100' for farthest part of building.

The current construction schedule outlined below provides an overview of select benchmarks to better provide perspective of the project timeline.

- |  |               |
|--|---------------|
| ● All weather access road                      | June 7, 2016  |
| ● Begin exterior ICF                           | June 14, 2016 |
| ● Begin interior masonry                       | June 14, 2016 |
| ● Begin steel erection                         | July 5, 2016  |
| ● Utilities complete/Fire hydrants operational | July 24, 2016 |

The request for relief through August 1, 2016 should allow for any additional rain delays. Again, your consideration of this matter is greatly appreciated. Please let us know if you have any questions.



John M. Craft, Ed.D.  
 Superintendent of Schools  
 Killeen Independent School District



# City of Killeen

## Legislation Details

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**File #:** DS-16-059    **Version:** 1    **Name:** Receive Quarterly Financial Report  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/23/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Receive Quarterly Financial Report  
**Sponsors:** City Manager Department, Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-060    **Version:** 1    **Name:** Receive a Briefing on RFQ for Workers Comp and Liability Insurance  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/24/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Receive a Briefing on RFQ for Workers Comp and Liability Insurance  
**Sponsors:** Human Resources Department, Assistant City Manager Internal Services  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-061    **Version:** 1    **Name:** Receive a Briefing on Cost for Healthcare  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/24/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Receive a Briefing on Cost of Health Insurance for Employees and Retirees  
**Sponsors:** Human Resources Department, Assistant City Manager Internal Services  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-062    **Version:** 1    **Name:** Discuss Texas Public Information and Freedom of Information Act  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/27/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Discuss Texas Public Information Act and Freedom of Information Act  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-063    **Version:** 1    **Name:** Receive a Briefing on Executive Search for City Manager  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 5/24/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Receive a Briefing on Status of Executive Search for City Manager  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-16-064    **Version:** 1    **Name:** Discuss the Employment, Evaluation and Duties of the Interim City Manager, Lillian Ann Farris

**Type:** Discussion Items    **Status:** Discussion Items

**File created:** 5/24/2016    **In control:** City Council Workshop

**On agenda:** 6/7/2016    **Final action:**

**Title:** Discuss the Employment, Evaluation and Duties of the Interim City Manager, Lillian Ann Farris

**Sponsors:** City Manager Department

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** MN-16-013    **Version:** 1    **Name:** Minutes of Regular City Council Meeting of May 24, 2016  
**Type:** Minutes    **Status:** Minutes  
**File created:** 5/6/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider Minutes of Regular City Council Meeting of May 24, 2016.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 24, 2016 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Shirley Fleming, Gregory Johnson, and Jonathan Okray

Absent: Juan Rivera

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Garland Hennig.

Jose Purgos gave the invocation, and Councilmember Johnson led everyone in the pledge of allegiance.

**Approval of Agenda**

*Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Kilpatrick. The motion carried 5 to 0.*

**Minutes**

*Motion was made by Councilmember Kilpatrick to approve the minutes of the May 10th Regular City Council meeting. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 0.*

*Motion was made by Councilmember Okray to approve the minutes of the May 17<sup>th</sup> Special Called City Council meeting. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.*

**Resolutions**

**RS-16-054** Consider a memorandum/resolution for a mutual aid agreement with Department of the Army for Fort Hood, Texas, for emergency medical services with Carl R. Darnall Medical Center.

**Staff comments:** Kenneth Hawthorne

Mutual aid agreements supply the fire departments and EMS services with additional resources when a single incident or multiple incidents deplete all resources from any one entity. Staff recommends that the City Council give their approval for the City Manager to sign the Fire and EMS Mutual Aid Agreement with The Department of the Army for Ft. Hood, Texas. This is an update to the current agreement.

*Motion was made by Councilmember Johnson to approve RS-16-054. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.*

**RS-16-055** Consider a memorandum/resolution authorizing the procurement of pistol and rifle ammunition for the Police Department.

**Staff comments:** Chief Baldwin

The Staff recommends concurrence by Council with the acquisition of 298 cases of police pistol and rifle ammunition acquired from GT Distributors, through Texas State Contract and State Buy Board for \$90,271.

*Motion was made by Councilmember Fleming to approve RS-16-055. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 5 to 0.*

**RS-16-056** Consider a memorandum/resolution approving a professional services contract with Garver, LLC, for the design, bidding, and construction support of a Runway End Identifier Light (REIL) system at Skylark Field.

**Staff comments:** Matt Van Valkenburgh

Staff has negotiated a professional services contract with Garver, LLC to perform the professional services associated with the design, bidding, and construction support for the REIL system. Staff recommends City Council authorize the City Manager to execute a professional services contract with Garver, LLC, in the amount of \$36,904.00 and that it expressly authorize the City Manager to execute any and all change orders or supplemental agreements within the amounts set by state and local law.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-056. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.*

**RS-16-057** Consider a memorandum/resolution for the Texas Water Development Board Grant Application for the Nolan Creek Regional Flood Protection Master Plan project.

**Staff comments:** Kristina Ramirez

Staff recommends the Council approve the submission of a TWDB Flood Protection Planning Grant application for the Nolan Creek Regional Flood Protection Master Plan project and authorize the City Manager to execute all documents and agreements associated with the grant application.

*Motion was made by Mayor Pro-Tem Moore to approve RS-16-057. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.*

### **Ordinances**

**OR-16-007** Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy, Corp., Mid-Tex Division, regarding the 2016 Rate Review Mechanism Filing and adopting new rate tariffs.

The City Secretary read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED**

**IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

**Staff comments:** Traci Briggs

The monthly increase for each category of customers is \$1.26 for residential and \$3.81 for commercial. Staff and the ACSC Executive Committee recommend approving the attached ordinance authorizing the settlement and new rate tariffs.

*Motion was made by Councilmember Kilpatrick to approve OR-16-007. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.*

**Public Hearings**

**PH-16-014** HOLD a public hearing and consider an ordinance by Abdul Khan to rezone Lot 1, Block 1, Wassay Addition Section I, from "CD" (Cemetery District) with a Conditional Use Permit (CUP) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for a Dollar General retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas. (Requires a three-fourths (3/4) majority vote.)

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 CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments:** Tony McIlwain

The staff notified three (3) surrounding property owners within a 200' notification boundary. Staff has received one response in opposition from Whitis Land Investments. This opposition amounts to 38% of the area within the 200 feet notification boundary. As such, approval of the applicant's zoning request will require a favorable vote of three-fourths (3/4) of all the members of the City Council.

The Planning and Zoning Commission recommended approval of the applicant's Conditional Use Permit (CUP) by a vote of 4 to 2 to allow for a 9,100 square feet Dollar General retail store with the following conditions:

- The building's exterior design shall be consistent with the submitted architectural elevation;
- There shall be a 100% limestone façade on the north elevation of the building to include the northwest main entrance, with 100% brick façade for the remaining three elevations; the brick shall match the limestone in color;
- The applicant shall plant 25 trees, half of which shall be of a large canopy species, with the majority of the tree placement occurring along the S.H. 195 and Splawn Road frontage; and
- The applicant shall plant 96 shrubs on the site.

Mayor Segarra opened the public hearing.

Bob Gage with DBT Realty - Mr. Gage feels he has gone above and beyond to comply with the city's requests and that the Veterans Land Board is agreeable with the plan.  
With no one else appearing the public hearing was closed.

*Motion was made by Councilmember Johnson to approve PH-16-014. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Kilpatrick, and unanimously approved, the meeting was adjourned at 5:39 p.m.



# City of Killeen

## Legislation Details

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**File #:** RS-16-058    **Version:** 1    **Name:** Request Authorization-RFP-Wildlife Hazard Reduction Equipment

**Type:** Resolution    **Status:** Resolutions

**File created:** 5/9/2016    **In control:** City Council Workshop

**On agenda:** 6/7/2016    **Final action:**

**Title:** Consider a memorandum/resolution authorizing the use of a Request for Proposal (RFP) for purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

**Sponsors:** Aviation Department

**Indexes:**

**Code sections:**

**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**REQUEST AUTHORIZATION TO UTILIZE A REQUEST FOR PROPOSAL (RFP) FOR PURCHASE AND INSTALLATION OF WILDLIFE HAZARD REDUCTION EQUIPMENT AT THE KILLEEN-FORT HOOD REGIONAL AIRPORT (KFHRA)/ROBERT GRAY ARMY AIRFIELD**

### ORIGINATING DEPARTMENT

**Aviation**

### BACKGROUND INFORMATION

On September 22, 2015, the City Council accepted an Airport Improvement Program (AIP) grant from the Federal Aviation Administration (FAA) for three separate projects. One of the projects was for the purchase and installation of wildlife hazard reduction equipment. On February 9, 2016, City Council approved the submission of a Passenger Facility Charge (PFC) Application that included a Wildlife Hazard Reduction Project. FAA approved that application on April 13, 2016.

### DISCUSSION/CONCLUSION

Over the past several years, the airport and the airfield have been experiencing increased bird activity, especially on and adjacent to the runway. This increase in activity has directly led to an escalating upward trend of bird strikes, with the vast majority involving the commercial air carriers using the airfield. Staff from the Robert Gray Army Airfield (RGAAF) and KFHRA have worked together to employ a variety of deterrent methods, many of which have been ineffective. Thus, the airfield continues to have a significant bird problem which represents a major safety hazard, especially during the migratory season. After consultation with several subject matter experts from Fort Hood Environmental and the USDA and recommendations from RGAAF and KFHRA staff, it has been determined that the best course of action is to purchase a wildlife deterrent system for the airfield.

The Texas Local Government Code provides that the governing body of a municipality that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the municipality. Because City Council has not delegated its authority to make this determination to a designated representative, City Council must make the determination. In determining the best value for the City, the City may consider the purchase price, the reputation of the bidder and of the bidder's goods or services, the quality of the bidder's good or services, the extent to which the goods or services meet the municipality's needs, the bidder's past relationship with the municipality, the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities, the total long-term cost to the municipality to acquire the bidder's



goods or services, and any relevant criteria specifically listed in the request for bids or proposals.

Staff recommends using a Request for Proposal (RFP) for the procurement of the system rather than competitive sealed bidding. It is the opinion of staff that using a quantitative, evaluative process such as the RFP will provide the City with the greatest opportunity to receive the best value in a wildlife hazard reduction system that will incorporate the latest in technology and encompass techniques that will significantly mitigate the wildlife issues plaguing Robert Gray Army Airfield. The RFP will garner information from interested parties and permit a team to review and evaluate the requested information. This evaluation will examine the content of each proposal and compare each system proposal to the specifications of the RFP, as well as evaluate the proposer's level of experience at various airports, references of the proposer, adaptability of the system for future added capabilities, and serviceability/maintainability of the proposed system. A standard bid process only guarantees the lowest cost, but not necessarily the best value of a proposal. Although cost will be a component of the evaluation, it does not necessarily represent the best overall value to the City. The RFP process will provide the best value system for the airport and the City.

### **FISCAL IMPACT**

There is no fiscal impact associated with the use of an RFP for this procurement versus a bid method. The overall project is 90%-funded by an FAA grant in the Wildlife Hazard Reduction project account number 525-0515-521.98-26 and 10%-funded through the Passenger Facility Charge (PFC) Projects account number 529-0510-521.65-41.

### **RECOMMENDATION**

That the City Council find that a request for proposals method will provide the best value for the City and, further, authorize staff to utilize the RFP procurement method to identify and select the best value system from a qualified vendor for the Wildlife Hazard Reduction Equipment at the Killeen-Fort Hood Regional Airport.



# City of Killeen

## Legislation Details

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**File #:** RS-16-059    **Version:** 1    **Name:** Leachate Disposal  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/12/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing cumulative expenditures exceeding \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.  
**Sponsors:** Solid Waste, Transfer Station  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Authorize Cumulative Expenditures Exceeding \$50,000 for the Disposal of Leachate at the City's MSW Transfer Station**

### ORIGINATING DEPARTMENT

**Public Works/Solid Waste - Transfer Station**

### BACKGROUND INFORMATION

The City of Killeen Transfer Station Standard Operating Procedure and Texas Administrative Code (TAC) 330.243 require the collection and proper disposal of water that comes into contact with municipal solid waste or as the result of housekeeping, from required weekly wash down of the Transfer Station tipping floor. The City uses Magna-Flow Environmental, Inc. as its leachate (wastewater) collection provider.

TAC 330.243 provides the following regulations:

- (a) At processing facilities, all working surfaces that come in contact with wastes shall be washed down on a weekly basis at the completion of processing. Processing facilities that operate on a continuous basis shall be swept daily and washed down at least two times per week.
- (b) Wash waters shall not be allowed to accumulate on site without proper treatment to prevent the creation of odors or an attraction to vectors.
- (c) All wash waters shall be collected and disposed of in an authorized manner.

As noted, Transfer Station personnel are required by Texas Commission on Environmental Quality (TCEQ) to wash down the tipping floor and tunnel area on a weekly basis. The wash down water is then collected from the tipping floor and tunnel area by a pipe system and pumped into the holding tank. Once the tank is full, it is emptied, and the contaminated water is hauled off by a TCEQ-licensed company and disposed of at a TCEQ-licensed facility.

### DISCUSSION/CONCLUSION

The Solid Waste Division budgeted \$50,000 for hauling and disposing of wastewater generated at the City's Transfer Station for FY 15/16. Estimated funding for FY 15/16 was based upon disposal of a maximum of 99,543 tons of municipal solid waste (MSW). Current year-end projections for tonnage are 101,549. This increased tonnage is the direct result of increased rainfall, which is absorbed into MSW prior to unloading at the transfer station, growth of the City, and a healthy local economy. As a result, the originally estimated amount for leachate disposal will be insufficient. Specifically, thus far this fiscal year Magna-Flow Environmental has removed and disposed of 191,700 gallons of contaminated water at a cost of \$47,925. From October 2015 to current, the Killeen area has had over 26" of rainfall as measured by the National Weather Service. With this amount of rainfall in the area, commercial dumpsters and residential containers are subject to collecting rainfall, then being dumped onto the tipping floor

when vehicles unload. This water is considered contaminated and is collected in the pipe system and stored in the holding tank.

Texas Local Government Code Section 252.022 exempts solid waste operations from standard bidding requirements as proper disposal of MSW, and its byproducts (leachate) are necessary to preserve and protect public health and safety. Therefore, this procurement satisfies local and state procurement law.

### **FISCAL IMPACT**

The fiscal impact of this action will increase the authorized expenditure by \$20,000 to cover the cost of leachate disposal for the remainder of this fiscal year. Funds are available in account 540-3475-439-50.40.

### **RECOMMENDATION**

Recommend that City Council authorize expenditures in excess of \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

# 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:  
2016-63037

Date Filed:  
05/27/2016

Date Acknowledged:

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

Magna Flow Environmental  
Humble, 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.**

10142014  
Leachate Hauling

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Magna Flow Environmental	Humble, TX United States	X	

5 Check only if there is NO Interested Party.

**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



*[Handwritten Signature]*  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Jerry McCurtain, this the 27 day of May, 2016, to certify which, witness my hand and seal of office.

*[Handwritten Signature]*  
Signature of officer administering oath

Angie Russell  
Printed name of officer administering oath

Office Manager  
Title of officer administering oath



# City of Killeen

## Legislation Details

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**File #:** RS-16-060    **Version:** 1    **Name:** Bermuda/Ronstan Phase 1 CIP Change Order #2  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/12/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing Change Order No. 2 to Flanigan Construction, Inc. for the Bermuda/Ronstan Major CIP Phase 1.  
**Sponsors:** Environmental Services, Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Change Order](#)  
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
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## **CITY COUNCIL MEMORANDUM**

### **AGENDA ITEM**

**AUTHORIZE THE EXECUTION OF CHANGE ORDER NO. 2 TO FLANIGAN CONSTRUCTION, INC, FOR THE BERMUDA/RONSTAN MAJOR CIP PHASE 1.**

### **ORIGINATING DEPARTMENT**

### **PUBLIC WORKS - ENVIRONMENTAL SERVICES DIVISION**

### **BACKGROUND INFORMATION**

The City's adopted 2005 Drainage Master Plan and current Drainage Bond Fund identifies a Major Drainage CIP project along the Bermuda and Ronstan ditches. The Drainage Master Plan identifies the following drainage problems within Bermuda and Ronstan ditches that are to be addressed through the City's Major Capital Improvement Project program:

- Structural Failure
- Flood Prone Location/Street Flooding
- Undersized Structure
- Erosion

In June of 2015, the City awarded the base bid for the Bermuda/Ronstan Phase I Major Drainage Capital Improvement Project (CCMR 15-075R) to Bruce Flanigan Construction, Inc. to perform hydrologic and hydraulic modeling to delineate the drainage basin and to construct drainage improvements that address flooding along Bermuda and Ronstan Ditches.

### **DISCUSSION/CONCLUSION**

Change Order No. 2 is the result of an unforeseen conflict with relocating underground utility lines, increasing paving quantities, change in design standards, and inclement weather at Willow Springs/Hemlock and Linda/Kimberly. Project progress was delayed as a cause of weather conditions. In addition, Change Order No. 2 will add 166 additional days to the contract. Contracting directly with the Bruce Flanigan Construction will negate the delay and additional expenses that would result in contracting directly with ONCOR to relocate their infrastructure that is located in the public easement. This negotiated change order allows for continual service to the residents in this neighborhood.

### **FISCAL IMPACT**

Change Order No. 2 will increase the expenditure for the Bermuda/Ronstan Major CIP Phase 1 in Project account, 576-9591-495.63-19. The total cost of the change is a net increase in the amount of \$137,259.40 resulting in a total contract price of \$897,827.40 or a cumulative 24.23% increase to the original contract.

## **RECOMMENDATION**

City staff recommends the City Council authorize the City Manager to execute Change Order No. 2 with Flanigan Construction, Inc., increasing the cost of the contract by \$137,259.40.



# CHANGE ORDER

No. TWO

DATE OF ISSUANCE 05/05/2016

EFFECTIVE DATE 05/09/2016

OWNER City of Killeen

CONTRACTOR Bruce Flanigan Construction, Inc.

Contract: Bruce Flanigan

Project: Bermuda/Ronstan Drainage CIP

OWNER's Contract No. 712-004

ENGINEER's Contract No. KIL12475

ENGINEER Freese & Nichols

You are directed to make the following changes in the Contract Documents:

Description:

Balance quantities and paving issues on Willow Springs/Hemlock, Dry utility relocations and channel reconstruction on Linda/Kimberly

Reason for Change Order:

Willow Springs/Hemlock—Actual Quantities Changed, Raise Flume Walls and Paving Issues changed due to existing conditions.

Linda/Kimberly-Oncor Power, Time Warner Cable, and Century Link cables are in conflict with proposed drainage structures and channel reconstruction

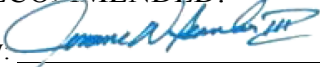
Time-Rain and Delays from Oncor inactivity

Attachments: (List documents supporting change) Rain Log, Outline of Activities on L&K Dry Utilities, Unit Price Spread Sheet.

CHANGE IN CONTRACT PRICE:
Original Contract Price <u>\$722,722.00</u>
Net Increase (Decrease) from previous Change Orders No. <u>One</u> to <u>One</u> : <u>\$ 37,846.00</u>
Contract Price prior to this Change Order: <u>\$ 760,568.00</u>
Net increase (decrease) of this Change Order: <u>\$ 137,259.40</u>
Contract Price with all approved Change Orders: <u>\$ 897,827.40</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>150</u> Ready for final payment: <u>180</u> (days or dates)
Net change from previous Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>269</u> Ready for final payment: <u>297</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>269</u> Ready for final payment: <u>269</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>166</u> Ready for final payment: <u>166</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>435</u> Ready for final payment: <u>463</u> (days or dates)

RECOMMENDED:

By:   
ENGINEER (Authorized Signature)

Date: 5/16/2016

APPROVED:

By: \_\_\_\_\_  
OWNER (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By:   
CONTRACTOR (Authorized Signature)

Date: 05/09/2016

# 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:  
2016-58195

Date Filed:  
05/19/2016

Date Acknowledged:

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
Bruce Flanigan Construction Inc.  
Belton, TX United States

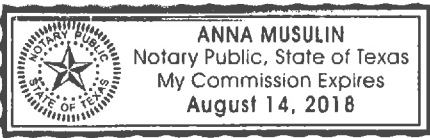
**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**  
City Of Killeen

**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.**  
712-004  
Bermuda/Ronstan Drainage CIP

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 AFFIDAVIT** I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

*Bruce Flanigan*  
Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Bruce Flanigan, this the 19<sup>th</sup> day of May, 2016, to certify which, witness my hand and seal of office.

*Anna Musulin* Anna Musulin Notary Public  
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



# City of Killeen

## Legislation Details

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**File #:** RS-16-061    **Version:** 1    **Name:** Quarterly Investment Report - March 31, 2016  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/13/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2016.  
**Sponsors:** City Manager Department, Finance Department  
**Indexes:** Investment Reports  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Quarterly Investment Report](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

Quarterly Investment Report, March 31, 2016

**ORIGINATING DEPARTMENT**

Finance

**BACKGROUND INFORMATION**

The City of Killeen's investment policy requires that a quarterly report of investment activity be submitted to the City Council within a reasonable time after the end of each quarter. The quarterly report shall include a detailed description of the investment position of the City, summarize the investment activity in each pooled fund group, state the total rate of return on the investment portfolio, and contain information regarding the market value and book values of each separately invested asset. The report also states the compliance of the investment portfolio of the City as it relates to the investment strategy expressed in the City's policy and the relevant provisions of the Public Funds Investment Act.

**DISCUSSION/CONCLUSION**

The attached investment report summarizes all investment activity for the quarter that ended March 31, 2016. The highlights of the report are as follows:

	Oct - Dec 2015	Jan - Mar 2016	Change
Interest Income	\$77,447	\$105,174	35.80%
Investment Balance	\$120,680,930	\$109,776,060	-9.04%
Average Yield	0.34%	0.46%	.12%

**FISCAL IMPACT**

Our investment portfolio directly impacts our interest earnings and aligns with current budgeted amounts.

**RECOMMENDATION**

Staff recommends that the City Council approve the attached investment report for the quarter that ended March 31, 2016.



# City of Killeen

## QUARTERLY INVESTMENT REPORT

For the Quarter Ended

March 31, 2016

Prepared by

Valley View Consulting, L.L.C.

The investment portfolio of the City of Killeen is in compliance with the Public Funds Investment Act and the Investment Policy and Strategies.



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Executive Director of Finance



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Assistant Director of Finance

**Disclaimer:** These reports were compiled using information provided by the City. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment advisor fees.

## Summary

### Quarter End Results by Investment Category:

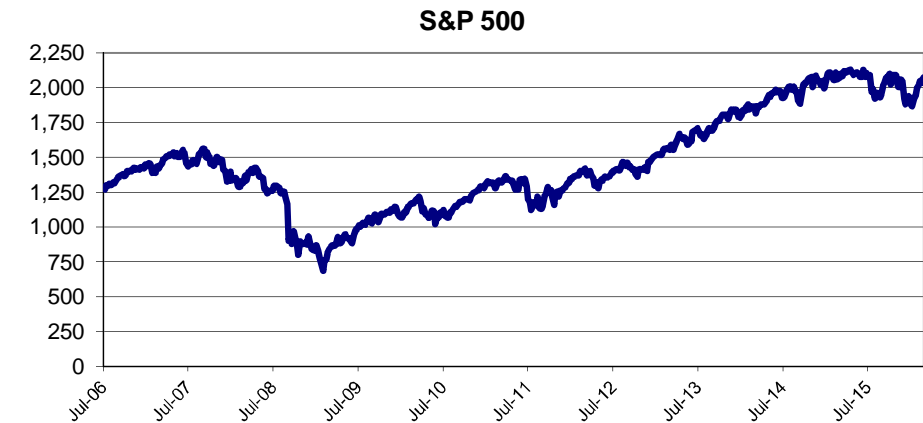
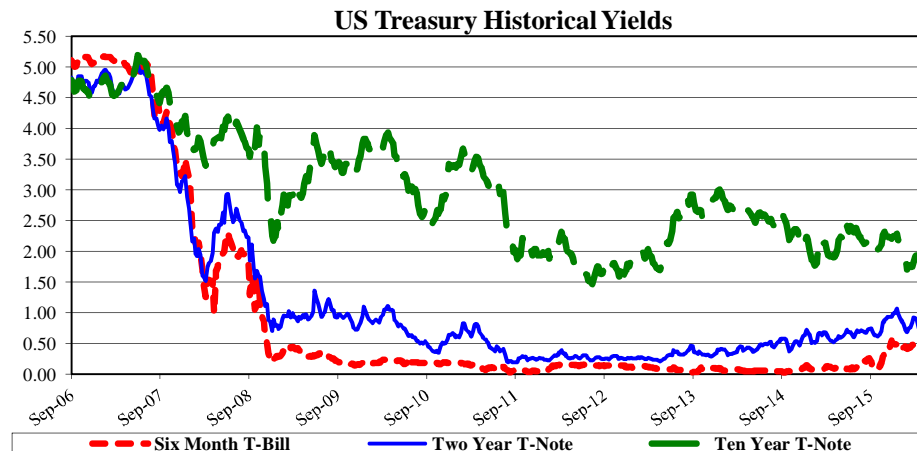
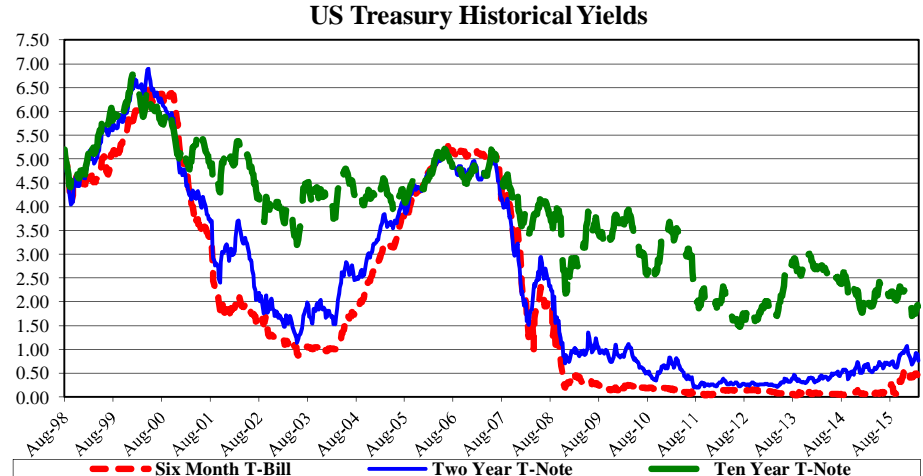
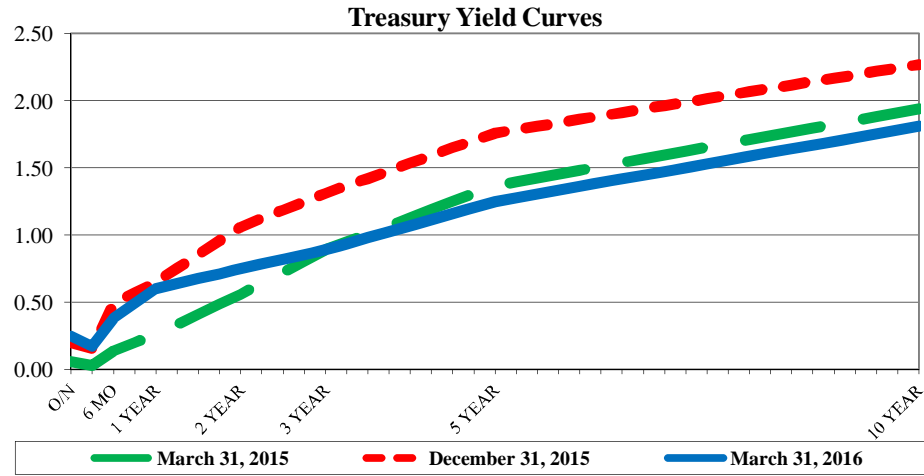
Asset Type	Ave. Yield	March 31, 2016		December 31, 2015	
		Book Value	Market Value	Book Value	Market Value
Demand Accounts	0.38%	\$ 11,166,518	\$ 11,166,518	\$ 10,695,331	\$ 10,695,331
Pools/MMA	0.35%	64,984,932	64,984,932	88,868,637	88,868,637
Securities/CDs	0.70%	33,624,610	33,624,610	21,116,962	21,116,962
<b>Totals</b>		<b>\$ 109,776,060</b>	<b>\$ 109,776,060</b>	<b>\$ 120,680,930</b>	<b>\$ 120,680,930</b>

Average Yield (1)		Fiscal Year-to-Date Average Yield (2)	
Total Portfolio	0.46%	Total Portfolio	0.40%
Rolling Three Mo. Treas. Yield	0.29%	Rolling Three Mo. Treas. Yield	0.21%
Rolling Six Mo. Treas. Yield	0.39%	Rolling Six Mo. Treas. Yield	0.32%
		Quarterly TexPool Yield	0.26%
	Interest Income	Bank Fees Offset	
	Quarterly \$ 105,174	\$ 10,646	
	Year-to-date \$ 182,621	\$ 21,321	

(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range of 0.25% - 0.50% (actual Fed Funds are trading +/-37 bps). The March FOMC Meeting Statement (and subsequent releases) indicated concerns about economic growth prospects and reported lower projections than previously set. The futures market anticipates limited probability of additional rate increases prior to December. International concerns dominate the uncertainty. US data reflects continuing, modest US growth. The Yield Curve flattened due to the longer-term, lackluster worldwide expansion outlook. Taxable municipal bonds or CDs offer the best interest earnings opportunity, if available.



## Investment Holdings

March 31, 2016

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
BBVA Demand Account (3)		0.38%	04/01/16	03/31/16	\$ 11,144,135	\$ 11,144,135	1.00	\$ 11,144,135	1	0.38%
Cash on Hand		0.00%	04/01/16	03/31/16	11,280	11,280	1.00	11,280	1	0.00%
Union State Bank		0.15%	04/01/16	03/31/16	11,103	11,103	1.00	11,103	1	0.15%
FILA (IDP)		0.30%	04/01/16	03/31/16	17,064,535	17,064,535	1.00	17,064,535	1	0.30%
Southside Bank MMA		0.48%	04/01/16	03/31/16	4,597,277	4,597,277	1.00	4,597,277	1	0.48%
LegacyTexas Bank MMA		0.40%	04/01/16	03/31/16	12,636,644	12,636,644	1.00	12,636,644	1	0.40%
TexasTerm	AAAm	0.40%	04/01/16	03/31/16	5,370,852	5,370,852	1.00	5,370,852	1	0.40%
TexPool	AAAm	0.33%	04/01/16	03/31/16	24,882,995	24,882,995	1.00	24,882,995	1	0.33%
TexSTAR	AAAm	0.35%	04/01/16	03/31/16	432,629	432,629	1.00	432,629	1	0.35%
Central National Bank CD		0.55%	05/06/16	05/06/15	2,510,412	2,510,412	100.00	2,510,412	36	0.55%
Independent Bank CD		0.55%	06/04/16	03/04/15	2,513,816	2,513,816	100.00	2,513,816	65	0.55%
LegacyTexas Bank CD		0.60%	06/21/16	12/21/15	1,502,192	1,502,192	100.00	1,502,192	82	0.60%
LegacyTexas Bank CD		0.60%	08/01/16	01/29/16	4,003,810	4,003,810	100.00	4,003,810	123	0.60%
LegacyTexas Bank CD		0.60%	08/01/16	01/29/16	1,000,952	1,000,952	100.00	1,000,952	123	0.60%
LegacyTexas Bank CD		0.60%	08/01/16	01/29/16	1,000,952	1,000,952	100.00	1,000,952	123	0.60%
LegacyTexas Bank CD		0.63%	09/01/16	02/02/16	1,000,000	1,000,000	100.00	1,000,000	154	0.63%
LegacyTexas Bank CD		0.63%	09/01/16	02/02/16	1,000,000	1,000,000	100.00	1,000,000	154	0.63%
Southside Bank CD		0.70%	09/08/16	09/08/14	1,010,536	1,010,536	100.00	1,010,536	161	0.70%
Comerica Bank CD		0.72%	09/08/16	09/08/14	2,021,691	2,021,691	100.00	2,021,691	161	0.72%
Central National Bank CD		0.56%	09/30/16	03/07/16	1,000,000	1,000,000	100.00	1,000,000	183	0.56%
LegacyTexas Bank CD		0.65%	10/03/16	01/29/16	1,001,032	1,001,032	100.00	1,001,032	186	0.65%
Central National Bank CD		0.61%	10/31/16	03/07/16	2,000,000	2,000,000	100.00	2,000,000	214	0.61%
Wallis State Bank CD		0.70%	11/01/16	02/02/16	1,000,000	1,000,000	100.00	1,000,000	215	0.70%
Wallis State Bank CD		0.71%	12/01/16	02/02/16	1,000,000	1,000,000	100.00	1,000,000	245	0.71%
Central National Bank CD		0.71%	12/29/16	03/07/16	1,000,000	1,000,000	100.00	1,000,000	273	0.71%
Central National Bank CD		0.80%	01/03/17	02/01/16	1,000,000	1,000,000	100.00	1,000,000	278	0.80%
Central National Bank CD		0.85%	02/01/17	02/01/16	1,000,000	1,000,000	100.00	1,000,000	307	0.85%
Comerica Bank CD		0.80%	03/02/17	03/02/15	2,016,103	2,016,103	100.00	2,016,103	336	0.80%
Central National Bank CD		1.01%	03/09/17	09/09/15	3,007,564	3,007,564	100.00	3,007,564	343	1.01%
Central National Bank CD		0.95%	04/26/17	04/26/15	2,035,550	2,035,550	100.00	2,035,550	391	0.95%
					<b>\$109,776,060</b>	<b>\$109,776,060</b>		<b>\$109,776,060</b>	<b>60</b>	<b>0.46%</b>
									<b>(1)</b>	<b>(2)</b>

(1) **Weighted average life** - For purposes of calculating weighted average life, cash equivalent investments are assumed to have a one day maturity.

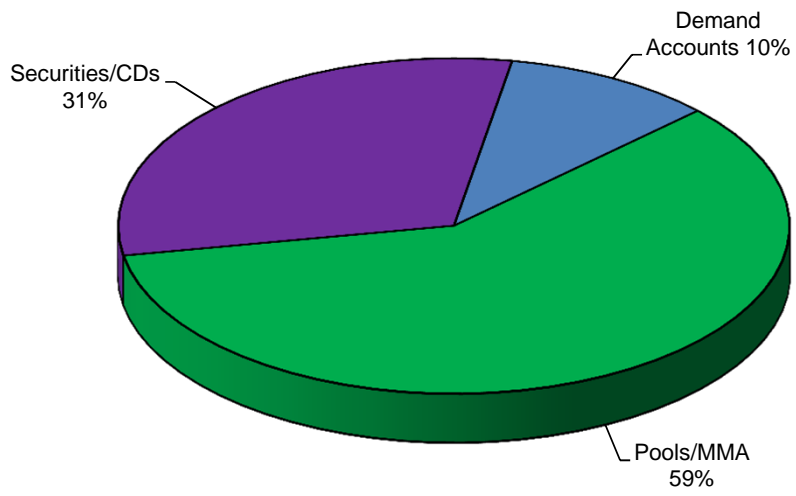
(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for cash equivalent investments.

(3) **Bank Fees Offset Equivalent Yield** - Compensating balance in bank operating account yielded a blended equivalent investment yield as a result of Bank fees offset.

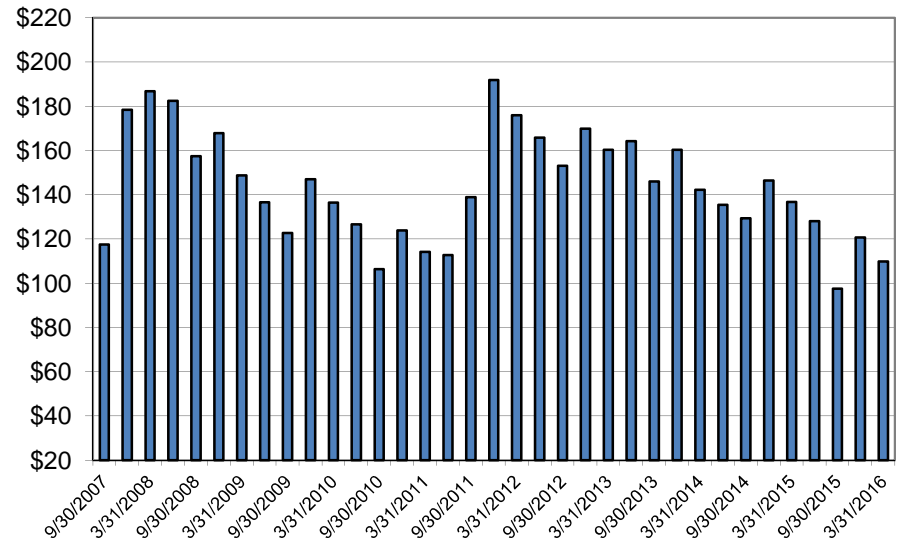
Valley View Consulting, L.L.C.



**Portfolio Composition**



**Total Portfolio (Millions)**



## Book Value Comparison

Description	Coupon/ Discount	Maturity Date	December 31, 2015		Purchases/ Adjustments	Sales/Adjust/ Maturities	March 31, 2016	
			Par Value	Book Value			Par Value	Book Value
BBVA Demand Account	0.38%	04/01/16	\$ 10,684,232	\$ 10,684,232	\$ 459,903	\$ —	\$ 11,144,135	\$ 11,144,135
Cash on Hand	0.00%	04/01/16	—	—	11,280		11,280	11,280
Union State Bank	0.15%	04/01/16	11,099	11,099	4		11,103	11,103
FILA (IDP)	0.30%	04/01/16	17,051,778	17,051,778	12,757		17,064,535	17,064,535
Comerica MMA	0.00%	04/01/16	354,323	354,323		(354,323)	—	—
Southside Bank MMA	0.48%	04/01/16	7,591,075	7,591,075		(2,993,798)	4,597,277	4,597,277
LegacyTexas Bank MMA	0.40%	04/01/16	12,624,085	12,624,085	12,559		12,636,644	12,636,644
TexasTerm	0.40%	04/01/16	394,509	394,509	4,976,343		5,370,852	5,370,852
TexPool	0.33%	04/01/16	47,205,141	47,205,141		(22,322,147)	24,882,995	24,882,995
TexSTAR	0.35%	04/01/16	3,647,727	3,647,727		(3,215,098)	432,629	432,629
Independent Bank CD	0.35%	03/04/16	1,503,959	1,503,959		(1,503,959)	—	—
Central National Bank CD	0.74%	03/05/16	2,018,558	2,018,558		(2,018,558)	—	—
Southside Bank CD	0.60%	03/08/16	1,007,518	1,007,518		(1,007,518)	—	—
Central National Bank CD	0.55%	05/06/16	2,506,936	2,506,936	3,475		2,510,412	2,510,412
Independent Bank CD	0.55%	06/04/16	2,510,374	2,510,374	3,442		2,513,816	2,513,816
LegacyTexas Bank CD	0.60%	06/21/16	1,500,000	1,500,000	2,192		1,502,192	1,502,192
LegacyTexas Bank CD	0.60%	08/01/16	—	—	4,003,810		4,003,810	4,003,810
LegacyTexas Bank CD	0.60%	08/01/16	—	—	1,000,952		1,000,952	1,000,952
LegacyTexas Bank CD	0.60%	08/01/16	—	—	1,000,952		1,000,952	1,000,952
LegacyTexas Bank CD	0.63%	09/01/16	—	—	1,000,000		1,000,000	1,000,000
LegacyTexas Bank CD	0.63%	09/01/16	—	—	1,000,000		1,000,000	1,000,000
Southside Bank CD	0.70%	09/08/16	1,008,776	1,008,776	1,761		1,010,536	1,010,536
Comerica Bank CD	0.72%	09/08/16	2,018,066	2,018,066	3,625		2,021,691	2,021,691
Central National Bank CD	0.56%	09/30/16	—	—	1,000,000		1,000,000	1,000,000
LegacyTexas Bank CD	0.65%	10/03/16	—	—	1,001,032		1,001,032	1,001,032
Central National Bank CD	0.61%	10/31/16	—	—	2,000,000		2,000,000	2,000,000
Wallis State Bank CD	0.70%	11/01/16	—	—	1,000,000		1,000,000	1,000,000
Wallis State Bank CD	0.71%	12/01/16	—	—	1,000,000		1,000,000	1,000,000
Central National Bank CD	0.71%	12/29/16	—	—	1,000,000		1,000,000	1,000,000
Central National Bank CD	0.80%	01/03/17	—	—	1,000,000		1,000,000	1,000,000
Central National Bank CD	0.85%	02/01/17	—	—	1,000,000		1,000,000	1,000,000
Comerica Bank CD	0.80%	03/02/17	2,012,087	2,012,087	4,016		2,016,103	2,016,103
Central National Bank CD	1.01%	03/09/17	3,000,000	3,000,000	7,564		3,007,564	3,007,564
Central National Bank CD	0.95%	04/26/17	2,030,688	2,030,688	4,863		2,035,550	2,035,550
<b>TOTAL</b>			<b>\$ 120,680,930</b>	<b>\$ 120,680,930</b>	<b>\$ 22,510,530</b>	<b>\$ (33,415,400)</b>	<b>\$ 109,776,060</b>	<b>\$ 109,776,060</b>

## Market Value Comparison

Description	Coupon/ Discount	Maturity Date	December 31, 2015		Qtr to Qtr Change	March 31, 2016	
			Par Value	Market Value		Par Value	Market Value
BBVA Demand Account	0.38%	04/01/16	\$ 10,684,232	\$ 10,684,232	\$ 459,903	\$ 11,144,135	\$ 11,144,135
Cash on Hand	0.00%	04/01/16	–	–	11,280	11,280	11,280
Union State Bank	0.15%	04/01/16	11,099	11,099	4	11,103	11,103
FILA (IDP)	0.30%	04/01/16	17,051,778	17,051,778	12,757	17,064,535	17,064,535
Comerica MMA	0.00%	04/01/16	354,323	354,323	(354,323)	–	–
Southside Bank MMA	0.48%	04/01/16	7,591,075	7,591,075	(2,993,798)	4,597,277	4,597,277
LegacyTexas Bank MMA	0.40%	04/01/16	12,624,085	12,624,085	12,559	12,636,644	12,636,644
TexasTerm	0.40%	04/01/16	394,509	394,509	4,976,343	5,370,852	5,370,852
TexPool	0.33%	04/01/16	47,205,141	47,205,141	(22,322,147)	24,882,995	24,882,995
TexSTAR	0.35%	04/01/16	3,647,727	3,647,727	(3,215,098)	432,629	432,629
Independent Bank CD	0.35%	03/04/16	1,503,959	1,503,959	(1,503,959)	–	–
Central National Bank CD	0.74%	03/05/16	2,018,558	2,018,558	(2,018,558)	–	–
Southside Bank CD	0.60%	03/08/16	1,007,518	1,007,518	(1,007,518)	–	–
Central National Bank CD	0.55%	05/06/16	2,506,936	2,506,936	3,475	2,510,412	2,510,412
Independent Bank CD	0.55%	06/04/16	2,510,374	2,510,374	3,442	2,513,816	2,513,816
LegacyTexas Bank CD	0.60%	06/21/16	1,500,000	1,500,000	2,192	1,502,192	1,502,192
LegacyTexas Bank CD	0.60%	08/01/16	–	–	4,003,810	4,003,810	4,003,810
LegacyTexas Bank CD	0.60%	08/01/16	–	–	1,000,952	1,000,952	1,000,952
LegacyTexas Bank CD	0.60%	08/01/16	–	–	1,000,952	1,000,952	1,000,952
LegacyTexas Bank CD	0.63%	09/01/16	–	–	1,000,000	1,000,000	1,000,000
LegacyTexas Bank CD	0.63%	09/01/16	–	–	1,000,000	1,000,000	1,000,000
Southside Bank CD	0.70%	09/08/16	1,008,776	1,008,776	1,761	1,010,536	1,010,536
Comerica Bank CD	0.72%	09/08/16	2,018,066	2,018,066	3,625	2,021,691	2,021,691
Central National Bank CD	0.56%	09/30/16	–	–	1,000,000	1,000,000	1,000,000
LegacyTexas Bank CD	0.65%	10/03/16	–	–	1,001,032	1,001,032	1,001,032
Central National Bank CD	0.61%	10/31/16	–	–	2,000,000	2,000,000	2,000,000
Wallis State Bank CD	0.70%	11/01/16	–	–	1,000,000	1,000,000	1,000,000
Wallis State Bank CD	0.71%	12/01/16	–	–	1,000,000	1,000,000	1,000,000
Central National Bank CD	0.71%	12/29/16	–	–	1,000,000	1,000,000	1,000,000
Central National Bank CD	0.80%	01/03/17	–	–	1,000,000	1,000,000	1,000,000
Central National Bank CD	0.85%	02/01/17	–	–	1,000,000	1,000,000	1,000,000
Comerica Bank CD	0.80%	03/02/17	2,012,087	2,012,087	4,016	2,016,103	2,016,103
Central National Bank CD	1.01%	03/09/17	3,000,000	3,000,000	7,564	3,007,564	3,007,564
Central National Bank CD	0.95%	04/26/17	2,030,688	2,030,688	4,863	2,035,550	2,035,550
<b>TOTAL</b>			<b>\$ 120,680,930</b>	<b>\$ 120,680,930</b>	<b>\$ (10,904,871)</b>	<b>\$ 109,776,060</b>	<b>\$ 109,776,060</b>

**Allocation**

**March 31, 2016**

<b>Book &amp; Market Value</b>	<b>Maturity Date</b>	<b>Total</b>	<b>Pooled Investments</b>	<b>General Fund</b>	<b>Special Revenue</b>	<b>Interest &amp; Sinking</b>	<b>Enterprise Funds</b>	<b>Capital Projects</b>	<b>KEDC</b>	<b>Employee Benefit Trust</b>
BBVA Demand Account	04/01/16	\$ 11,144,135	\$ 10,380,271	\$ -	\$ 439,240	\$ -	\$ 116,383	\$ 122,159	\$ -	\$ 86,082
Cash on Hand	04/01/16	11,280		5,080	2,000		4,200			
Union State Bank	04/01/16	11,103						11,103		
FILA (IDP)	04/01/16	17,064,535	17,064,535							
Southside Bank MMA	04/01/16	4,597,277	4,597,277							
LegacyTexas MMA	04/01/16	12,636,644	12,636,644							
TexasTerm	04/01/16	5,370,852	5,370,852							
TexPool	04/01/16	24,882,995	20,404,887						4,478,107	
TexSTAR	04/01/16	432,629	432,629							
Central National Bank CD	05/06/16	2,510,412						2,510,412		
Independent Bank CD	06/04/16	2,513,816						2,513,816		
LegacyTexas Bank CD	06/21/16	1,502,192						1,502,192		
LegacyTexas Bank CD	08/01/16	4,003,810				4,003,810				
LegacyTexas Bank CD	08/01/16	1,000,952		1,000,952						
LegacyTexas Bank CD	08/01/16	1,000,952					1,000,952			
LegacyTexas Bank CD	09/01/16	1,000,000		1,000,000						
LegacyTexas Bank CD	09/01/16	1,000,000					1,000,000			
Southside Bank CD	09/08/16	1,010,536					1,010,536			
Comerica Bank CD	09/08/16	2,021,691					2,021,691			
Central National Bank CD	09/30/16	1,000,000	1,000,000							
LegacyTexas Bank CD	10/03/16	1,001,032		1,001,032						
Central National Bank CD	10/31/16	2,000,000	2,000,000							
Wallis State Bank CD	11/01/16	1,000,000		1,000,000						
Wallis State Bank CD	12/01/16	1,000,000		1,000,000						
Central National Bank CD	12/29/16	1,000,000	1,000,000							
Central National Bank CD	01/03/17	1,000,000		1,000,000						
Central National Bank CD	02/01/17	1,000,000		1,000,000						
Comerica Bank CD	03/02/17	2,016,103		2,016,103						
Central National Bank CD	03/09/17	3,007,564						3,007,564		
Central National Bank CD	04/26/17	2,035,550						2,035,550		
<b>Totals</b>		<b>\$ 109,776,060</b>	<b>\$ 74,887,095</b>	<b>\$ 9,023,167</b>	<b>\$ 441,240</b>	<b>\$ 4,003,810</b>	<b>\$ 5,153,762</b>	<b>\$ 11,702,796</b>	<b>\$ 4,478,107</b>	<b>\$ 86,082</b>

<b>Allocation</b>		<b>December 31, 2015</b>						
<b>Book &amp; Market Value</b>	<b>Maturity Date</b>	<b>Total</b>	<b>General Operating</b>	<b>Special Revenue</b>	<b>Interest &amp; Sinking</b>	<b>Enterprise Funds</b>	<b>Capital Projects</b>	<b>KEDC</b>
BBVA Demand Account	01/01/16	\$ 10,684,232	\$ 5,554,528	\$ 2,760,025	\$ 491,097	\$ 2,402,996	\$ (524,415)	\$ -
Union State Bank	01/01/16	11,099					11,099	
FILA (IDP)	01/01/16	17,051,778	1,004,065			8,025,225	8,022,487	
Comerica MMA	01/01/16	354,323	220,860				133,463	
Southside Bank MMA	01/01/16	7,591,075					7,591,075	
LegacyTexas MMA	01/01/16	12,624,085	6,587,175			1,507,727	4,529,183	
TexasTerm	01/01/16	394,509	52,441			52,398	289,670	
TexPool	01/01/16	47,205,141	10,967,983	697,625	12,644,780	7,140,938	11,279,039	4,474,776
TexSTAR	01/01/16	3,647,727	2,431,818			1,215,909		
Independent Bank CD	03/04/16	1,503,959				1,503,959		
Central National Bank CD	03/05/16	2,018,558					2,018,558	
Southside Bank CD	03/08/16	1,007,518				1,007,518		
Central National Bank CD	05/06/16	2,506,936					2,506,936	
Independent Bank CD	06/04/16	2,510,374					2,510,374	
LegacyTexaS Bank CD	06/21/16	1,500,000					1,500,000	
Southside Bank CD	09/08/16	1,008,776				1,008,776		
Comerica Bank CD	09/08/16	2,018,066				2,018,066		
Comerica Bank CD	03/02/17	2,012,087	2,012,087					
Central National Bank CD	03/09/17	3,000,000					3,000,000	
Central National Bank CD	04/26/17	2,030,688					2,030,688	
<b>Totals</b>		<b>\$ 120,680,930</b>	<b>\$ 28,830,956</b>	<b>\$ 3,457,650</b>	<b>\$ 13,135,877</b>	<b>\$ 25,883,512</b>	<b>\$ 44,898,159</b>	<b>\$ 4,474,776</b>



# City of Killeen

## Legislation Details

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**File #:** RS-16-062    **Version:** 1    **Name:** Delinquent Account Collection Services  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/17/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution to enter into an agreement with Municipal Services Bureau (MSB) - Gila LLC for collection services on delinquent accounts for Emergency Medical Services (EMS) Billing and Utility Collections.  
**Sponsors:** Finance Department, Utility Collections  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum Agreement](#)  
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
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## **RECOMMENDATION**

Staff recommends that the City Council approve entering into the attached agreement with Municipal Services Bureau - Gila LLC to provide collection services of delinquent accounts and that the City Manager be expressly authorized to execute any and all changes to this contract within the amounts set by state and local law.



## COLLECTION SERVICES AGREEMENT

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date"), by and between Gila LLC d/b/a Municipal Services Bureau, a Texas limited liability company (hereinafter, "MSB") with its principal place of business at 8325 Tuscany Way, Bldg. 4, Austin, Texas 78754, and City of Killeen, Texas (hereinafter, the "City"), who agree as follows:

### I. DUTIES AND RESPONSIBILITIES.

A. Debtor Contact. MSB will mail notices, telephone and/or otherwise contact those individuals or entities (as referred to herein, the "Debtors") who the City has identified to MSB as having outstanding and unpaid fees, obligations, fines or similar items payable to the City in connection with debts due and owing to the City. MSB's contacts with Debtors will be to attempt to notify Debtors of their obligation(s) to the City. The purpose of the contact is to offer Debtors the opportunity to resolve their obligation(s) voluntarily before the City contemplates further action, if any. With respect to each account referred to MSB by the City, the City will provide to MSB the name and last known address of the Debtor, all information regarding the date(s) of the alleged obligation(s), the date judgment, if any, was entered against the Debtor, and the amount of any such obligation(s) for which the City is owed monies by the Debtor. The City, to the extent available, will also supply MSB with any other information about each Debtor such as driver's license number, social security number and/or telephone number. When appropriate and at its sole discretion, MSB may attempt to locate Debtors when the last known address or other information provided by the City is invalid. The information supplied to MSB by the City must be in a format acceptable to MSB and shall be provided not less frequently than once every month.

B. Correct Information. MSB will rely completely on the City to provide correct information about each Debtor's existing case(s) and, specifically, about any dollar amount in question. The City will immediately update and correct any information it has provided to MSB. In particular, the City will immediately notify MSB of any payment or other satisfaction of indebtedness made directly to the City or any other action affecting the amount or timing of monies owed by any Debtor to the City, including the receipt or notification of any Debtor's retention of counsel or the filing or suggestion of bankruptcy by any Debtor.

C. Accounts Returned. The City will allow MSB a minimum of 365 days to contact a Debtor about his/her/its account. This time period will begin with the first day of the following month in which the account was referred to MSB. During this 365 day period, the City agrees not to contact Debtors or otherwise attempt to collect monies for those Debtors whose accounts have been referred to MSB, though nothing contained herein shall limit or otherwise restrict the City's ability to accept monies forwarded or otherwise directly paid by any Debtor to the City. Upon written request by the City, MSB will cease contacting a Debtor whose account remains outstanding at the time of the written request. Upon written request by the City, MSB will return any Debtor's account to the City.

D. Debtors Referred to the City. In the event MSB receives a request from a Debtor to resolve their obligation in a method other than by payment (i.e., a notification of bankruptcy or other extenuating circumstances), MSB will refer those Debtors who wish to resolve their obligation with the City other than by payment to the person designated by the City to respond to the Debtor's request.

E. Valid Debts. The City agrees that Debtor accounts placed with MSB for collection will be valid and legally enforceable debts and not disputed or subject to any bankruptcy proceeding unless otherwise disclosed in writing to MSB by the City.

## II. COMMISSIONS ON MONIES COLLECTED.

A. Basic Commission Rate. The City will pay to MSB a commission rate of twenty-three (23.00%) on all amounts of monies collected and/or received for accounts after the date the account is referred to MSB by the City, regardless of whether payment is accepted directly by the City or accepted by MSB on the City's behalf.

By way of example, after a Debtor's account is referred to MSB, if \$100.00 is paid on that account, MSB's commission will be \$23.00, regardless of whether payment is accepted directly by the City or accepted by MSB on the City's behalf. In this example, after deduction of MSB's commission, the amount due to the City will be \$77.00.

B. Notification of Collections. MSB will notify, in a mutually agreed-to format, the City daily of any monies it receives towards payments of obligations due and owing to the City. By the fifteenth of each month, MSB will provide detailed reporting to the City to identify all accounts known to be resolved during the prior month and will remit all monies collected on the City's behalf. MSB makes no warranties or representations, expressed or implied, about the amount of funds that will be collected and MSB shall have no liability for any amounts uncollected. .

C. For funds collected directly by the City on accounts referred to MSB, the City will notify MSB as soon as possible, but not less than weekly, and MSB will invoice the City on a monthly basis for the commission due to MSB. The City agrees to review the invoice and forward payment to MSB within 30 days of receipt of the invoice.

## III. TERM AND TERMINATION.

This Agreement will commence on its Effective Date and will remain in full force and effect for a period of three (3) years (the "Initial Term") from the Effective Date. Unless otherwise terminated pursuant to the terms of this paragraph, the Agreement will automatically renew for two (2) consecutive annual periods. After the Initial Term, either party may terminate this Agreement, with sixty (60) days prior written notice, at the address set forth herein. If the Agreement is terminated, any City accounts then held by MSB will be returned to the City 90 days from date of termination.

## IV. OTHER PROVISIONS.

A. Indemnification.

(1) Indemnification by MSB. To the extent permitted by applicable law, MSB will indemnify and hold harmless the City from and against any and all loss, damages, liability, claims or injury resulting from actions performed by MSB or its agents on MSB's behalf in connection with this Agreement. This indemnity will survive the expiration or termination of this Agreement.

(2) Indemnification by the City. To the extent permitted by applicable law, the City will defend, indemnify and hold harmless MSB and MSB's directors, shareholders, officers, agents, employees, insurers and contractors (the "MSB Indemnified Parties") from and against any and all claims, demands, penalties, suits, actions, proceedings, losses, liabilities, damages, costs and expenses of any kind (including reasonable attorneys' fees) resulting from claims by third parties and based upon or arising out of the City's conduct in connection with this Agreement. This indemnity will survive the expiration or termination of this Agreement.

B. Applicable Law. This Agreement will be construed in accordance with the laws of the State of Texas. MSB shall comply with all applicable laws, rules, regulations, restrictions, and standards regarding the security of the City's data. MSB shall comply with all laws, rules, regulations, standards, or restrictions concerning information technology security, network or data security, and patient privacy at MSB's sole cost and expense.

C. Force Majeure. No party shall be liable for any failure to perform its obligations in connection with any action described in this Agreement, if such failure results from any act of God, riot, war, civil unrest, flood, earthquake, or other cause beyond such party's reasonable control (including any mechanical, electronic, or communications failure, but excluding failure caused by a party's financial condition or negligence).

D. Notices required or otherwise arising from this Agreement shall be sent the following:

Notices to MSB:	Municipal Services Bureau 8325 Tuscany Way, Bldg. 4 Austin, Texas 78754 Attention: Bruce Cummings
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Notices to the City:

City of Killeen  
PO Box 1329  
Killeen, TX 76540-1329  
Attention: Tanya Strickland  
(254) 501-7732 Telephone  
(254) 501-8984 Facsimile

IN WITNESS WHEREOF, the parties to this Agreement have signed and delivered this Agreement as of the Effective Date written above.

**GILA LLC D/B/A MUNICIPAL SERVICES BUREAU:**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF KILLEEN, TEXAS:**

\_\_\_\_\_

By: Lillian Ann Farris  
Its Interim City Manager and representative duly authorized to execute this Agreement

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

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

Gila LLC  
Austin, TX United States

Certificate Number:  
2016-54433

Date Filed:  
05/12/2016

Date Acknowledged:  
5/17/2016

**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

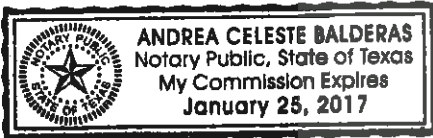
**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

TXMAS-13-520010  
Delinquent Account Collection

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 AFFIDAVIT I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



*[Signature]*  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Barbara Fugler, this the 17<sup>th</sup> day of May, 2016, to certify which, witness my hand and seal of office.

*[Signature]* Andrea Celeste Balderas Notary  
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



# City of Killeen

## Legislation Details

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**File #:** RS-16-063    **Version:** 1    **Name:** Personal Protective Equipment  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/20/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the purchase of Personal Protective Equipment for the Fire Department.  
**Sponsors:** Fire Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Casco Quote](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

Purchase of Personal Protective Equipment

### ORIGINATING DEPARTMENT

Fire Department

### BACKGROUND INFORMATION

The Fire Department works towards replacing personal protective equipment every five years in order to stay in compliance with NFPA 1851 (National Fire Protection Association) and keep costs to a minimum. With the addition of thirty-seven (37) new civil service employees this fiscal year 2015-2016, the Fire Department is not only working towards replacing out of date or worn out personal protective equipment but outfitting new employees who will be on shift before the next fiscal year, therefore making the annual cost with Casco Industries, Inc. over \$50,000.

### DISCUSSION/CONCLUSION

The Fire Department is requesting authority to purchase personal protective equipment from Casco Industries, Inc. in an amount exceeding the \$50,000 threshold for which Council approval is required. Casco Industries, Inc. is a member of the Texas Association of School Boards (TASB) Buyboard, therefore making this purchase exempted from state and local legal bidding requirements as found in The Texas Local Government Code 252.022. Casco Industries, Inc.'s Buyboard contract, #432-13, is effective through March 31, 2017.

### FISCAL IMPACT

This request is for the purchase of 33 bunker coats, bunker pants, and bunker belts and 224 letters for marking the bunker coats. The total cost for this purchase is \$74,658.00. Funding for personal protective equipment is budgeted in account 010-7070-442.41-20, for the fiscal year 2015-2016.

### RECOMMENDATION

The Fire Department staff recommends that the City Council authorize the purchase of personal protective equipment from Casco Industries, Inc. through the remainder of their Buyboard Cooperative Contract expiring March 31, 2017.







# City of Killeen

## Legislation Details

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<b>File #:</b>	RS-16-064	<b>Version:</b>	1	<b>Name:</b>	Procurement of nine (9) fully equipped police pursuit vehicles
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	5/24/2016	<b>In control:</b>		<b>In control:</b>	City Council Workshop
<b>On agenda:</b>	6/7/2016	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution authorizing the procurement of nine (9) fully-equipped police vehicles.				
<b>Sponsors:</b>	Police Department, Fleet Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Council Memorandum</a> <a href="#">Explorer Quote</a> <a href="#">K9 Quote</a> <a href="#">Graphics Quote</a> <a href="#">Certificate of Interested Parties</a>				

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**Procurement of nine (9) fully-equipped police vehicles**

**ORIGINATING DEPARTMENT**

**Police Department/Fleet Services**

**BACKGROUND INFORMATION**

The City of Killeen Police Department is in need of replacing nine (9) of its vehicles that have exceeded their useful life, are incurring increased repair costs and are overdue for replacement. The replacement units would be fully-equipped Ford Explorer Police Interceptor models. The units are included in the FY16 Fleet Replacement Program budget.

**DISCUSSION/CONCLUSION**

The City of Killeen is a member of several purchasing cooperatives that are in compliance with the Texas Local Government Code Section 271.102. Purchases made through a cooperative satisfy competitive bid requirements. The eight (8) fully-equipped police pursuit vehicles and one (1) K-9 configured unit would be purchased through Silsbee Ford of Silsbee, Texas, utilizing BuyBoard Cooperative pricing. Graphics would be purchased from Advanced Graphix.

**Financial Detail of Equipment Meeting Killeen PD Specifications**

<b>Vendor</b>	<b>Description</b>	<b>Cost Each</b>	<b>Total</b>
Silsbee Ford	8 - 2017 Ford Interceptors	\$59,507.00	\$476,056.00
Silsbee Ford	2017 Ford Interceptor - K9	\$61,756.00	\$61,756.00
Advanced Graphix	9 - Graphics	\$313.33	\$2,820.00
			\$540,632.00

**FISCAL IMPACT**

Funds in the amount of \$540,632.00 for the purchase of the police pursuit vehicles are available in the Fleet Funding Program Fund account 601-6000-441.61-10.

**RECOMMENDATION**

Staff recommends approval to procure the nine (9) fully-equipped Ford Explorer Police Vehicles from Silsbee Ford through the BuyBoard Cooperative for the cost of \$537,812.00, plus graphics for \$2,820.00, for a total cost of \$540,632.00 and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

**PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13**

Vehicles and Heavy Duty Trucks  
 VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KILLEEN  
 Contact: ERICH MORSBACH 254.462.6656  
 Email: EMORSBACH@KILLEENTEXAS.GOV  
 Product Description: 2017 FORD INTERCEPTOR UTILITY

Prepared by: RICHARD HYDER/JARROD RUNNELS  
 Phone: (409) 300-1385  
 Email: rhyder.cowboyfleet@gmail.com  
 Date: May 23, 2016

A. Bid Series: 102 A. Base Price: \$ **24,158.00**

**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
K8A	INTERCEPTOR UTILITY AWD	\$ 945.00	TRE	TREMCO ANTI THEFT	\$ 115.00
51S	DUAL LED SPOTLIGHTS	\$ 583.00	WF	WILDFIRE UTILITY CABINET	\$ 1,599.00
86P	POLICE HEADLAMP HOUSING	\$ 118.00	DR	D&R POWER DISTRIBUTION UNIT	\$ 210.00
17A	AUX AIR CONDITIONING	\$ -	AX	LED DOME LAMP	\$ 41.00
102B	EQUIPMENT SERVICES 38 HOURS	\$ 2,100.00	STK	STALKER DUAL SL KA RADAR	\$ 2,295.00
S30	STOCK STICK 9' RED	\$ 565.00	FE	5# FIRE EXTINGUISHER	\$ 65.00
59G	KEYED ALIKE 0151X	\$ 47.00	PH	POWERHEART AED PKG	\$ 1,495.00
86T	POLICE TAIL LAMP HOUSING	\$ 57.00	MVD	MOBILE VISION CAMERA PKG	\$ 5,944.00
43D	DARK CAR	\$ 19.00	LCV	V-ONE R2 8/32 COMPUTER/KEYBOA	\$ 3,576.00
99T	3.5L V6 ECOBOOST	\$ 3,098.00	FIT	FIT RW BW, VERTEX RW BW CORN	\$ 440.00
PG	MOLDED SEAT ORGANIZER	\$ 55.00	DW	HARRIS M7300 RADIO	\$ 3,935.00
<b>Total of B. Published Options:</b>					<b>\$ 27,302.00</b>

**C. Unpublished Options [Itemize each below, not to exceed 25%]** \$= 15.0 %

Options	Bid Price	Options	Bid Price
WHELEN LEGACY LIGHTBAR PKG WITH SECOND SPEAKER	\$ 2,795.00	AVENGER TRIO RED/WHITE/BLUE X2 SIDES	\$ 330.00
REAR PILLAR LEDS	\$ 675.00	MICRON STUD 1 RED 1 BLUE GRILL	\$ 200.00
IONS 1 RED 1 BLUE INNER HATCH	\$ 190.00	PROGARD PRIS PKG W/ SEAT/WINDOWS	\$ 1,695.00
ION TRIO R/B WHITE OVERRIDE X2 REAR DEC	\$ 270.00	DUAL T-RAIL GUN RACK	\$ 325.00
LINZ V 1 RED 1 BLUE MIRRORS	\$ 290.00	HAVIS CONSOLE W/ ARM REST, CUPHOLDER	\$ 415.00
		COMPUTER MOUNT PER SPEC	\$ 525.00
<b>Total of C. Unpublished Options:</b>			<b>\$ 7,710.00</b>

D. Pre-delivery Inspection:	\$ -
E. Texas State Inspection:	\$ -
F. Manufacturer Destination/Delivery:	\$ -
G. Floor Plan Interest (for in-stock and/or equipped vehicles):	\$ 241.00
H. Lot Insurance (for in-stock and/or equipped vehicles):	\$ 96.00
I. Contract Price Adjustment:	
J. Additional Delivery Charge: <u>0</u> miles CUSTOMER TO PICK UP	\$ -
K. Subtotal:	\$ 59,507.00
L. Quantity Ordered <u>8</u> x K =	\$ 476,056.00
M. Trade in:	
N. BUYBOARD Administrative Fee (\$400 per purchase order)	\$ -
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE	\$ 476,056.00

**PRODUCT PRICING SUMMARY BUYBOARD CONTRACT #430-13**

Vehicles and Heavy Duty Trucks  
 VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF KILLEEN

Prepared by: RICHARD HYDER/JARROD RUNNELS

Contact: ERICH MORSBACH 254.462.6656

Phone: (409) 300-1385

Email: EMORSBACH@KILLEENTEXAS.GOV

Email: rhyder.cowboyfleet@gmail.com

Product Description: 2017 FORD INTERCEPTOR UTILITY

Date: May 23, 2016

A. Bid Series: 102

A. Base Price: \$ **24,158.00**

**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
K8A	INTERCEPTOR UTILITY AWD	\$ 945.00	TRE	TREMCO ANTI THEFT	\$ 115.00
51S	DUAL LED SPOTLIGHTS	\$ 583.00	WF	WILDFIRE UTILITY CABINET	\$ 1,599.00
86P	POLICE HEADLAMP HOUSING	\$ 118.00	DR	D&R POWER DISTRIBUTION UNIT	\$ 210.00
17A	AUX AIR CONDITIONING	\$ -	AX	LED DOME LAMP	\$ 41.00
102B	EQUIPMENT SERVICES 45 HOURS	\$ 2,660.00	STK	STALKER DUAL SL KA RADAR	\$ 2,295.00
S30	STOP STICK 9' RED	\$ 565.00	FE	5# FIRE EXTINGUISHER	\$ 65.00
59G	KEYED ALIKE 0151X	\$ 47.00	PH	POWERHEART AED PKG	\$ 1,495.00
86T	POLICE TAIL LAMP HOUSING	\$ 57.00	MVD	MOBILE VISION CAMERA PKG	\$ 5,944.00
43D	DARK CAR	\$ 19.00	LCV	V-ONE R2 8/32 COMPUTER/KEYBOA	\$ 3,576.00
99T	3.5L V6 ECOBOOST	\$ 3,098.00	FIT	FIT RW BW, VERTEX RW BW CORN	\$ 440.00
PG	MOLDED SEAT ORGANIZER	\$ 55.00	DW	HARRIS M7300 RADIO	\$ 3,935.00
<b>Total of B. Published Options:</b>					<b>\$ 27,862.00</b>

**C. Unpublished Options [Itemize each below, not to exceed 25%]**

\$= 17.3 %

Options	Bid Price	Options	Bid Price
WHELEN LEGACY LIGHTBAR PKG WITH SECOND SPEAKER	\$ 2,795.00	AVENGER TRIO RED/WHITE/BLUE X2 SIDES	\$ 330.00
REAR PILLAR LEDS	\$ 675.00	MICRON STUD 1 RED 1 BLUE GRILL	\$ 200.00
IONS 1 RED 1 BLUE INNER HATCH	\$ 190.00	RAY ALLEN K9 PKG W/ DEPLOYMENT	\$ 2,984.00
ION TRIO R/B WHITE OVERRIDE X2	\$ 270.00	DUAL T-RAIL GUN RACK	\$ 325.00
LINZ V 1 RED 1 BLUE MIRRORS	\$ 290.00	HAVIS CONSOLE W/ ARM REST, CUPHOLDER	\$ 415.00
		COMPUTER MOUNT PER SPEC	\$ 525.00
<b>Total of C. Unpublished Options:</b>			<b>\$ 8,999.00</b>

D. Pre-delivery Inspection:		\$ -
E. Texas State Inspection:		\$ -
F. Manufacturer Destination/Delivery:		\$ -
G. Floor Plan Interest (for in-stock and/or equipped vehicles):		\$ 241.00
H. Lot Insurance (for in-stock and/or equipped vehicles):		\$ 96.00
I. Contract Price Adjustment:		
J. Additional Delivery Charge:	<u>0</u> miles CUSTOMER TO PICK UP	\$ -
K. Subtotal:		\$ 61,356.00
L. Quantity Ordered <u>1</u> x K =		\$ 61,356.00
M. Trade in:		
N. BUYBOARD Administrative Fee (\$400 per purchase order)		\$ 400.00
O. TOTAL PURCHASE PRICE INCLUDING BUYBOARD FEE		\$ 61,756.00

# Advanced Graphix, Inc.

# Quote

3600 Labore Rd. Ste.3  
 Vadnais Heights, MN 55110  
 888-388-3221  
[www.advancedgraphix.com](http://www.advancedgraphix.com)



QUOTE NUMBER: 1000003242016  
 DATE: March 24, 2016  
 COMPANY: KILLEEN POLICE DEPT  
 ATTN TO: Frank Tydlacka  
 ADDRESS: 2203 Little Nolan Rd.  
 CITY/ STATE: KILLEEN TX  
 ZIP CODE: 76542  
 PHONE: 254-501-7789  
 FAX: \_\_\_\_\_  
 EMAIL: [ftydlacka@killeentexas.gov](mailto:ftydlacka@killeentexas.gov)

QUANTITY	ITEM / DESCRIPTION	UNIT PRICE	AMOUNT
9	2016 FORD INTERCEPTOR EXPLORERS VEHICLE GRAPHICS-KIT AG-2073-COMPLETE REFLECTIVE	\$299.00	\$2,691.00
1	SET OF K-9 GRAPHICS  Advanced Graphix, Inc. is the Sole Proprietor for the Killeen Police Department. This Graphic Design was made specifically for Killeen Police Dept by Advanced Graphix, Inc. and cannot be reproduced by another graphic company without Advanced Graphix, Inc. permission.	\$75.00	\$75.00
<b>Comments:</b>		SUBTOTAL	\$2,766.00
		TAX	
		SHIPPING	\$54.00
			\$2,820.00
		<b>GRAND TOTAL</b>	

Your AGI Sales Rep. : **Sally Knoche** Email: [sally@advancedgraphix.com](mailto:sally@advancedgraphix.com)

\*To accept this Quote, please sign below and fax back to **651-490-3193** or Email Sally

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU FOR YOUR BUSINESS!**

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

**OFFICE USE ONLY  
 CERTIFICATION OF FILING**

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
 Silsbee Ford Inc.  
 Silsbee, TX United States

Certificate Number:  
 2016-61073

Date Filed:  
 05/24/2016

Date Acknowledged:

**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 430-13  
 Supplying Nine (9) Ford Explorer Police Interceptors

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Donalson, Drew	Silsbee, TX United States	X	

5 Check only if there is NO Interested Party.

**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



AFFIX NOTARY STAMP / SEAL ABOVE

*[Signature]*  
 \_\_\_\_\_  
 Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Richard Hyler, this the 24<sup>th</sup> day of May, 2016, to certify which, witness my hand and seal of office.

*[Signature]* \_\_\_\_\_  
 Signature of officer administering oath

Shirley Payne \_\_\_\_\_  
 Printed name of officer administering oath

\_\_\_\_\_  
 Title of officer administering oath



# City of Killeen

## Legislation Details

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**File #:** RS-16-065    **Version:** 1    **Name:** Procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget

**Type:** Resolution    **Status:** Resolutions

**File created:** 5/26/2016    **In control:** City Council Workshop

**On agenda:** 6/7/2016    **Final action:**

**Title:** Consider a memorandum/resolution authorizing the procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget.

**Sponsors:** Police Department, Environmental Services, Killeen Parks & Recreation, Animal Services, Solid Waste, Code Enforcement, Building Inspections, Fleet Services

**Indexes:**

**Code sections:**

**Attachments:** [Council Memorandum](#)  
[Bid 16-16 Replacements](#)  
[Certificate of Interested Parties](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget**

### ORIGINATING DEPARTMENT

**Fleet Services**

### BACKGROUND INFORMATION

As part of the FY16 Fleet Replacement Plan budget, seventy (70) vehicles were designated for replacement. These vehicles have exceeded their useful life, are incurring increased repair costs, and are overdue for replacement. Of these seventy (70) vehicles, forty-two (42) were identified as those that could be successfully bid out. The remaining twenty-eight (28) vehicles required purchasing through co-ops due to the amount of customized equipment and specifications that were associated with them. Bid No. 16-16, "2016 or Newer Model Vehicles and Light Trucks," was posted beginning April 3, 2016. In addition to posting the bid, thirty-two (32) area dealers were contacted. On May 2, 2016, seven (7) bid packets had been received and were then reviewed. Of those received, two (2) dealers had order deadline dates that could not be achieved and two (2) other dealers submitted incomplete bid packets. The resultant three (3) dealers and associated equipment were then evaluated as to which offered the best value for the City; the results are listed below.

### DISCUSSION/CONCLUSION

As per Texas Local Government Code Sec. 252.021, and the City's purchasing policy, an invitation for bids to procure these vehicles was advertised. Based on these bids, the following acquisitions are requested for procurement consideration and are needed at this time.

#### 1. PURCHASE OF EIGHT (8) COMPACT SEDANS (for Police Department)

Low bid was received from Silsbee Ford and will comply with the City of Killeen's list of specifications.

<b>Silsbee Ford</b>	<b>Focus SE</b>	<b>\$16,692 ea.</b>	<b>\$133,536</b>
Caldwell Country Ford	Focus	\$16,817 ea.	\$134,536
Caldwell Country Chevrolet	Cruze	\$16,979 ea.	\$135,832

#### 2. PURCHASE OF THREE (3) FULL SIZE SUVs (for Police Department)

Although the Ford engine displacement size did not meet the requested minimum specification, it offers more horsepower and torque than the competition; therefore, the bid providing the best value for the City of Killeen was received from Silsbee Ford.

<b>Silsbee Ford</b>	<b>Expedition XL</b>	<b>\$31,427 ea.</b>	<b>\$94,281</b>
Caldwell Country Chevrolet	Tahoe - 6,800 GVW	\$34,335 ea.	\$103,005
Caldwell Country Chevrolet	Tahoe - 7,100 GVW	\$36,885 ea.	\$110,655



3. PURCHASE OF TWELVE (12) COMPACT SUVs (10 for Police Department, 1 for Mowing Division, 1 for Parks and Recreation Division)

Low bid complying with the City of Killeen's list of specifications was received from Silsbee Ford.

<b>Silsbee Ford</b>	<b>Escape</b>	<b>\$19,089 ea.</b>	<b>\$229,068</b>
Caldwell Country Chevrolet	Equinox LS	\$19,990 ea.	\$239,880
Caldwell Country Ford	Escape	\$20,153 ea.	\$241,836

4. PURCHASE OF ONE (1) SMALL CARGO VAN (for Police Department)

Low bid was received from Caldwell Country Chevrolet and will comply with the City of Killeen's list of specifications.

<b>Caldwell Country Chevrolet</b>	<b>City Express</b>	<b>\$20,775 ea.</b>	<b>\$20,775</b>
Silsbee Ford	Transit Connect	\$22,689 ea.	\$22,689

5. PURCHASE OF THREE (3) ½ TON, CREW CAB, LWB, V8 PICK-UP TRUCKS (1 for Police Department, 2 for Mowing Division)

Low bid was received from Caldwell Country Chevrolet and will comply with the City of Killeen's list of specifications.

<b>Caldwell Country Chevrolet</b>	<b>C1500</b>	<b>\$26,940 ea.</b>	<b>\$80,820</b>
Silsbee Ford	F150	\$27,629 ea.	\$82,887
Caldwell Country Ford	F150	\$28,209 ea.	\$84,627

6. PURCHASE OF THREE (3) ½ TON, CREW CAB, SWB, V6 PICK-UP TRUCKS (1 for Police Department, 2 for Animal Services Division) and FOUR (4) ½ TON, CREW CAB, SWB, V6 PICK-UP TRUCKS to be used in a mid-size application (for Police Department)

Bids complying with the City of Killeen's list of specifications for the two applications were received from Caldwell Country Chevrolet and Silsbee Ford.

<b>Caldwell Country Chevrolet</b>	<b>C1500</b>	<b>\$25,585 ea.</b>	<b>\$76,755</b>
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<b>Silsbee Ford</b>	<b>F150</b>	<b>\$25,147 ea.</b>	<b>\$100,588</b>
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7. PURCHASE OF TWO (2) ½ TON, REG CAB, LWB, V8 PICK-UP TRUCKS (1 for SW Commercial Division, 1 for SW Residential Division)

Taking into consideration that these trucks often tow a loaded trailer quite and that the Ford offers more hp and torque, the bid providing the best value for the City of Killeen was received from Silsbee Ford.

Caldwell Country Chevrolet	C1500	\$22,360 ea.	\$44,720
<b>Silsbee Ford</b>	<b>F150</b>	<b>\$23,618 ea.</b>	<b>\$47,236</b>
Caldwell Country Ford	F150	\$23,986 ea.	\$47,972

8. PURCHASE OF TWO (2) ½ TON, EXT CAB, SWB, V6 PICK-UP TRUCKS (1 for Code Enforcement Division, 1 for Building Inspection Division)

Low bid was received from Caldwell Country Chevrolet and will comply with the City of Killeen's list of specifications.

<b>Caldwell Country Chevrolet</b>	<b>C1500</b>	<b>\$21,978 ea.</b>	<b>\$43,956</b>
Silsbee Ford	F150	\$23,318 ea.	\$46,636
Caldwell Country Ford	F150	\$23,781 ea.	\$47,562

9. PURCHASE OF ONE (1) 1 TON, CREW CAB, LWB, SRW, V8 PICK-UP TRUCK (for Parks and Recreation Division)

Bid meeting the minimum wheelbase specification was received from Caldwell Country Ford.

<b>Caldwell Country Ford</b>	<b>F350</b>	<b>\$31,510 ea.</b>	<b>\$31,510</b>
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10. PURCHASE OF ONE (1) ½ TON, EXT CAB, LWB, V8 PICK-UP TRUCKS (for Police Department)

Low bid was received from Silsbee Ford and will comply with the City of Killeen's list of specifications.

<b>Silsbee Ford</b>	<b>F150</b>	<b>\$24,962 ea.</b>	<b>\$24,962</b>
Caldwell Country Ford	F150	\$25,438 ea.	\$25,438
Caldwell Country Chevrolet	C2500	\$26,915 ea.	\$26,915

11. PURCHASE OF ONE (1) 3/4 TON, REG CAB, LWB, V8 PICK-UP TRUCK (for SW Residential Division)

Taking into consideration that this truck often tows a loaded trailer and that the Ford offers more hp and torque, the bid providing the best value for the City of Killeen was received from Caldwell Country Ford.

Caldwell Country Chevrolet	2500HD	\$24,820 ea.	\$24,820
<b>Caldwell Country Ford</b>	<b>F250</b>	<b>\$25,535 ea.</b>	<b>\$25,535</b>

12. PURCHASE OF ONE (1) FULL SIZE PASSENGER VAN (for Police Department)

Taking into consideration that the Chevrolet offers more hp, torque, and a longer drive train warranty, the bid providing the best value for the City of Killeen was received from Caldwell Country Chevrolet.

Silsbee Ford	Transit	\$25,719 ea.	\$25,719
<b>Caldwell Country Chevrolet</b>	<b>2500 Express</b>	<b>\$25,845 ea.</b>	<b>\$25,845</b>

## FISCAL IMPACT

Funds in the amount of \$934,867.00 for the purchase of the stated vehicles are available in the following Fleet Funding Program Fund accounts:

Police Department (30)	601-6000-441.61-10	\$643,402.00
Mowing Division (3)	601-3478-439.61-10	\$72,969.00
Parks and Rec. Division (2)	601-3025-425.61-10	\$50,599.00
Animal Services Division (2)	601-6070-441.61-10	\$51,170.00
SW Commercial (1)	601-3465-439.61-10	\$23,618.00
SW Residential (2)	601-3460-439.61-10	\$49,153.00
Code Enforcement Division (1)	601-4053-450.61-10	\$21,978.00
Building Inspection Division (1)	601-4052-450.61-10	\$21,978.00
<b>TOTAL (42)</b>		<b>\$934,867.00</b>

The three vendor totals are as follows:

Silsbee Ford (30)	\$629,671.00
Caldwell Country Chevrolet (10)	\$248,151.00
Caldwell Country Ford (2)	\$57,045
<b>TOTAL (42)</b>	<b>\$934,867.00</b>

## RECOMMENDATION

Staff recommends approval to procure the forty-two (42) vehicles as listed above from the three (3) stated vendors for the total cost of \$934,867.00 and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

## FY16 FRP Bid 16-16 Replacements

Unit #	Existing Unit Description	Division	Dept	New Unit Description
126	1993 Chevy Suburban	Police	KPD	Expedition XL
134	1994 Ford F350 4X4	Police	KPD	Expedition XL
180	1995 Crown Vic	Police	KPD	Focus SE
993	1995 Chevy S-1500	Police	KPD	F150, 1/2T, XC, LWB, V8
131	1995 Chevy Suburban	Police	KPD	Expedition XL
933	1996 Ford Taurus	Police	KPD	Focus SE
934	1996 Ford Taurus	Police	KPD	Escape
990	1996 Crown Vic	Police	KPD	Escape
977	1996 Crown Vic	Police	KPD	Focus SE
153	1997 Crown Vic	Police	KPD	Escape
160	1997 Crown Vic	Police	KPD	City Express Cargo Van
151	1998 Crown Vic	Police	KPD	Escape
179	1997 Ford F150	Police	KPD	Focus SE
107	1997 Toyota Tacoma	Police	KPD	Escape
111	1998 Buick Park Ave.	Police	KPD	F150, 1/2T, CC, SWB, V6
955	1999 Chevy Tahoe	Police	KPD	C2500 Express Van
136	1999 Dodge Durango	Police	KPD	C1500, 1/2T, CC, SWB, V6
904	2000 Chevy Suburban	Police	KPD	Escape
959	2000 Crown Vic	Police	KPD	Focus SE
110	2000 Ford F150	Police	KPD	F150, 1/2T, CC, SWB, V6
941	2000 Dodge 1500	Police	KPD	Escape
115	2001 Ford F150	Police	KPD	Focus SE
3079	2001 Dodge 1500	Police	KPD	C1500, 1/2T, CC, LWB, V8
101	2001 Chevy Astro	Police	KPD	Focus SE
100	1993 Chevy Astro	Police	KPD	Escape
120	2002 Dodge Intrepid	Police	KPD	Escape
911	2002 Chevy 1500	Police	KPD	Escape
114	2001 Chevy Malibu	Police	KPD	Focus SE
3002	2003 Crown Vic	Police	KPD	F150, 1/2T, CC, SWB, V6
161	2003 Ford F250	Police	KPD	F150, 1/2T, CC, SWB, V6
175	1994 Ford Aerostar	Animal Serv	KPD	C1500, 1/2T, CC, SWB, V6
147	2001 Crown Vic	Animal Serv	KPD	C1500, 1/2T, CC, SWB, V6
972	1996 Crown Vic	Parks and Rec	CS	Escape
633	1997 Ford F250	Parks and Rec	CS	F350, 1T, CC, LWB, SRW, V8
28	2002 Dodge 1500	Code Enforce	P&D	C1500, 1/2T, XC, SWB, V6
26	1999 Chevy Tahoe	Perm & Insp	P&D	C1500, 1/2T, XC, SWB, V6
477	1994 Ford F150	Mowing	PW	C1500, 1/2T, CC, LWB, V8
429	1995 GMC G10 Van	Mowing	PW	Escape
437	1998 Dodge 1500	Mowing	PW	C1500, 1/2T, CC, LWB, V8
422	2001 Dodge 1500	SW Com	PW	F150, 1/2T, RC, LWB, V8
435	2004 Dodge 1500	SW Res	PW	F150, 1/2T, RC, LWB, V8
425	2003 Ford F250	SW Res	PW	F250, 3/4 T, RC, LWB

# 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:  
2016-62234

Date Filed:  
05/26/2016

Date Acknowledged:

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

Silsbee Ford  
Silsbee, 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.

16-16  
NEW VEHICLES

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	DONALSON, DREW	Silsbee, TX United States	X	

5 Check only if there is NO Interested Party.

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



*[Handwritten Signature]*  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Rick Brown, this the 26 day of May, 2016, to certify which, witness my hand and seal of office.

*[Handwritten Signature]*  
Signature of officer administering oath

Shirley Payne  
Printed name of officer administering oath

Title of officer administering oath

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
Caldwell Country Chevrolet  
Caldwell, TX United States

Certificate Number:  
2016-62269

Date Filed:  
05/26/2016

Date Acknowledged:

**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

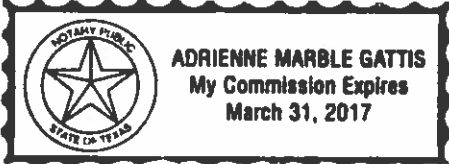
**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
Bid 16-16  
Vehicles

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Knapp, Averyt	Caldwell, TX United States		X
	Hildebrand, Jon	Caldwell, TX United States		X
	Way, Stephen	Caldwell, TX United States	X	

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

**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



*[Handwritten Signature]*  
\_\_\_\_\_  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said AVERYT KNAPP, this the 26 day of MAY, 2016, to certify which, witness my hand and seal of office.

*[Handwritten Signature]* Adrienne Marble Gattis Notary  
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**  
Caldwell Country Ford  
Caldwell, TX United States

Certificate Number:  
2016-62280

**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

Date Filed:  
05/26/2016

Date Acknowledged:

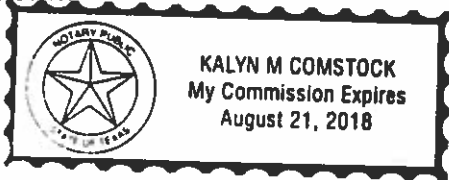
**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**  
Bid 16-16  
Vehicles

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Way, Stephen	Caldwell, TX United States	X	
	Hildebrand, Jon	Caldwell, TX United States		X
	Knapp, Averyt	Caldwell, TX United States		X

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

**6 AFFIDAVIT**

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.



Michael Wiloy  
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Michael Wiloy this the 26 day of May, 2016, to certify which, witness my hand and seal of office.

Kalyn M. Comstock      Kalyn Comstock      notary  
Signature of officer administering oath      Printed name of officer administering oath      Title of officer administering oath



# City of Killeen

## Legislation Details

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**File #:** RS-16-066    **Version:** 1    **Name:** Appoint Councilmembers to Boards and Committees  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/27/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider a memorandum/resolution appointing councilmembers to various Boards and Commissions.  
**Sponsors:** City Manager Department, City Attorney Department, City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

**AGENDA ITEM**

**Boards and Committees Appointments**

**ORIGINATING DEPARTMENT**

**City Attorney/City Secretary**

### **BACKGROUND INFORMATION**

The City of Killeen has various boards, commissions, and commission sub-committees. All of these groups serve in advisory capacities and are appointed by the Mayor and City Council.

### **DISCUSSION/CONCLUSION**

The Mayor and Council make annual appointments to the City's boards, commissions, and commission sub-committees as well as throughout the year as vacancies occur. The Mayor and Council are voting members of many of these; in some instances, they represent the Council on the board as ex-officio members.

Several vacancies now exist due to the recent election and resignations in advance of the election. This memorandum/resolution is necessary to confirm and/or establish the membership of the Mayor/Council on the below-discussed committees. The appointments to consider are as follows:

### **COUNCIL MEMBER BOARDS/COMMISSIONS:**

#### *Joint Land Use Study Policy Board*

<b>Current Member</b>	<b>Status</b>	<b>New Member</b>	<b>Special Requirements</b>
Scott Cospier	Term Expired	Jose Segarra	Mayor or Designee

#### *K-T MPO Transportation Planning Committee*

<b>Current Member</b>	<b>Status</b>	<b>New Member</b>	<b>Special Requirements</b>
Elizabeth Blackstone	Resigned		City Council Representative
Jose Segarra	Resigned	Jose Segarra	Mayor or Designee

### **RECOMMENDATION**

It is recommended that the City Council appoint individuals to fill vacancies.



# City of Killeen

## Legislation Details

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**File #:** OR-16-008    **Version:** 1    **Name:** Community Center Fee Amendments  
**Type:** Ordinance    **Status:** Ordinances  
**File created:** 5/11/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider an ordinance amending fees for room rental rates at the Killeen Community Center.  
**Sponsors:** Community Services Department  
**Indexes:** Killeen Community Center  
**Code sections:** Sec. 2-150. - Fees  
**Attachments:** [Council Memorandum](#)  
[Ordinance](#)  
[Community Center Fee Schedule](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**Ordinance to amend room rental rates at the Killeen Community Center**

### ORIGINATING DEPARTMENT

**Community Services**

### BACKGROUND INFORMATION

The Killeen Community Center has served the community as a meeting location, and more, for over forty years. City Council authorized renovations to the facility in the amount of \$2,169,200 in September of 2015. Upon completion, the facility will have experienced significant improvements including HVAC replacement, remodeled restrooms, flooring replacement, paint (exterior and interior), entry canopy replacement, gym floor replacement, and the addition of three more meeting rooms. Additionally, the facility now complies with current ADA requirements.

### DISCUSSION/CONCLUSION

The facility's former fee structure addressed usage of meeting space for an entire day and required no deposit. The majority of the meetings conducted at the facility range from 60-120 minutes in duration.

Staff is recommending a new fee structure categorizes usage according to nature of the group: non-profits, residents and non-residents. The proposed fee structure (attached) addresses meetings scheduled for either up to 120 minutes in length and for all day; it also includes deposit fees. Special note: two meetings rooms have been designated as "community rooms" and may be reserved by Killeen residents on a first-come, first-serve basis, at no cost.

The purpose of the revised fee structure is to address the various types of groups and meetings that may be hosted at the facility and to ensure structure that the Community Center remains a viable meeting facility for many years. It also establishes a system of accountability.

### FISCAL IMPACT

Based on fifty percent occupancy of all the rooms over the course of a fiscal year, estimated revenue for facility rentals will approximately \$18,000 per year. More aggressive calculations at seventy-five percent occupancy reflect a revenue stream of \$27,000 per year.

### RECOMMENDATION

Staff recommends City Council approve an ordinance amending Chapter 2, Article VI, of the City of Killeen Code of Ordinances, by amending Section 2-150 (j) Parks, as it relates to rental rates for the Killeen Community Center.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING SECTION 2-150 (j) PARKS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, certain fees charged by Parks are proposed to be changed;

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

SECTION I. That Chapter 2, Article VI, Section 2-150 (j) of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

CHAPTER 2 ADMINISTRATION

ARTICLE VI. FEES

\* \* \*

Sec. 2-150. Fees.

The following fees are hereby established for the departments listed:

\* \* \*

(j) Parks

\* \* \*

(4) Community center rental

Resident Rates

- a. ~~Room 150 and gym - \$150.00/day~~ Multi-Purpose Rooms - \$30 / 2 hours, \$150 / day
- b. Community Rooms (G500 and G600) - \$0 / 2 hours, \$150 / day
- c. ~~Meeting rooms - \$60.00/day~~ Room 150 - \$75 / 2 hours, \$265 / day
- d. ~~Attendant - \$25.00/hour~~ Gym - \$35 / 1.5 hours, \$1,200 / day
- e. Deposit - Multi-Purpose Rooms - \$50, Room 150 - \$100, Gym - \$50 / 1.5 hours and \$500 / day, Community Rooms - \$50

Non-Resident Rate

a. Multi-Purpose Rooms - \$70 / 2 hours, \$205 / day

b. Community Rooms (G500 and G600) - \$70 / 2 hours, \$205 / day

c. Room 150 - \$100 / 2 hours, \$295 / day

d. Gym - \$45 / 1.5 hours, \$1,400 / day

e. Deposit - Multi-Purpose Rooms - \$50, Room 150 - \$100, Gym - \$50 / 1.5 hours and \$500 / day, Community Rooms - \$50

Non-Profit Rate

a. Multi-Purpose Rooms - \$20 / 2 hours, \$100 / day

b. Community Rooms (G500 and G600) - \$20 / 2 hours, \$100 / day

c. Room 150 - \$60 / 2 hours, \$250 / day

d. Gym - \$25 / 1.5 hours, \$1,200 / day

e. Deposit - Multi-Purpose Rooms - \$50, Room 150 - \$100, Gym - \$50 / 1.5 hours and \$500 / day, Community Rooms - \$50

Attendant Fee - \$25 per hour for all reservations outside of normal operating hours.

\* \* \*

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

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

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective upon publication.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, Section 551.001, *et seq.*

**APPROVED**

\_\_\_\_\_  
Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Dianna Barker, CITY SECRETARY

\_\_\_\_\_  
Kathryn H. Davis, CITY ATTORNEY

## Killeen Community Center Fee Schedule

	Current Fee Schedule		Proposed Fee Schedule			
	Mon - Sun	Deposit	Mon - Sun	Deposit	All Day	Deposit
<b>Non-Profit Rate</b>						
Multi-Purpose Rooms (Qty. 4)	\$60 / day	\$50	\$20 / 2 hours	\$50	\$100 / day	\$50
Community Rooms (Qty. 2)			\$20 / 2 hours	\$50	\$100 / day	\$50
Room 150	\$150 / day	\$100	\$60 / 2 hours	\$100	\$250 / day	\$100
Gym	\$150 / day		\$25 / 1.5 hours	\$50	\$1200 / day	\$500
<b>Resident Rate</b>						
Multi-Purpose Rooms (Qty. 4)	\$60 / day	\$50	\$30 / 2 hours	\$50	\$150 / day	\$50
Community Rooms (Qty. 2)			no charge	\$50	\$150 / day	\$50
Room 150	\$150 / day	\$100	\$75 / 2 hours	\$100	\$265 / day	\$100
Gym	\$150 / day		\$35 / 1.5 hours	\$50	\$1200 / day	\$500
<b>Non-Resident Rate</b>						
Multi-Purpose Rooms (Qty. 6)	\$60 / day	\$50	\$70 / 2 hours	\$50	\$205 / day	\$50
Community Rooms (Qty. 2)			\$70 / 2 hours	\$50	\$205 / day	\$50
Room 150	\$150 / day	\$100	\$100 / 2 hours	\$100	\$295 / day	\$100
Gym	\$150 / day		\$45 / 1.5 hours	\$50	\$1400 / day	\$500

\*Attendant Fee - \$25 per hour for all reservations outside of normal operating hours.



# City of Killeen

## Legislation Details

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**File #:** OR-16-009    **Version:** 1    **Name:** Atmos Franchise  
**Type:** Ordinance    **Status:** Ordinances  
**File created:** 5/23/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (1st of 3 readings)  
**Sponsors:** City Attorney Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**An ordinance granting a gas franchise to Atmos Energy Corporation**

### ORIGINATING DEPARTMENT

**City Attorney**

### BACKGROUND INFORMATION

The City Charter states that the City has ownership and right of control and use of streets, highways, alleys, parks, public places, and all other real property. It further provides that the City Council may grant a right of use of City property to others for the purpose of furnishing to the public any general public service through a franchise.

In 1996, the City granted a twenty-year gas franchise to Lone Star Gas. Lone Star's successor, Atmos Energy Corporation, seeks to establish a new franchise upon the expiration of the current franchise later this year.

### DISCUSSION/CONCLUSION

City staff has worked with Atmos representatives to prepare the proposed franchise. The fee received by the City will continue to be five percent (5%) of the gross revenues received by Atmos for the sale of gas within the city limits, with payments made quarterly. Atmos has requested to remove two categories of revenue from the current definition of revenue. The first is revenues billed but not collected, or uncollectable debt. Based on information provided by Atmos for the past four years, removal of that category would reduce the City's revenue from Atmos by approximately \$4,000 per year. The second is contributions in aid of construction. These are reimbursements Atmos receives for costs they expend to move or extend infrastructure, either from a governmental entity or a private developer. The reimbursements have varied over the past several years, ranging from less than \$100 to \$1,444 annually.

The franchise term is proposed to be fifteen (15) years, with an automatic five-year (5) renewal unless notice to terminate or renegotiate is given by either party 120 days before expiration.

Staff has reviewed franchises granted to Atmos by other cities in recent years, and the terms and conditions of the proposed franchise are substantially the same. The franchise also contains what is commonly called a most favored nations provision. If Atmos were to grant a franchise to another city that results in a higher franchise fee, the City would also have that fee available upon acceptance of all terms granted to the other city.

The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be June 14, July 12, and July 26. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective October 1, 2016.

## **FISCAL IMPACT**

Atmos has paid the following revenue to the City over the past five years:

FY 2016 - \$ 74,402.11 (reflects one quarterly payment)

FY 2015 - \$390,254.01

FY 2014 - \$364,594.62

FY 2013 - \$270,101.37

FY 2012 - \$256,786.27

## **RECOMMENDATION**

Recommend the City Council approve the proposed franchise ordinance.

ORDINANCE NO: \_\_\_\_\_

**AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION 1. GRANT OF AUTHORITY: The City of Killeen, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2031, provided that at the end of the expiration of the initial term, the term shall be automatically renewed for one (1) additional five-year period on the same terms and conditions as set forth herein, unless written notice is given by either party 120 days before the expiration of the initial term setting forth the desire to renegotiate or terminate the franchise.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb, in accordance with applicable city ordinances and regulations. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the

proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

- B. If City, in constructing, reconstructing or improving its sewers, drainage, water lines, streets, or utilities, or in constructing, reconstructing, improving, widening or straightening its Public Rights-of-Way, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy, after consulting with the City, to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy

submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. In the event that the City does not provide sufficient written notice to Atmos Energy as set forth in this paragraph, the City shall be responsible for fifty percent (50%) of the cost of the removal or relocation of Atmos Energy's facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
  
- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE: In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 30<sup>th</sup> day of November, 2016 and the last days of February, May, and August, 2017, and on or before the same days of each succeeding year during the life of this franchise the last payment of the initial term being made on the 30<sup>th</sup> day of November, 2031, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar quarter.

B. "Gross Revenues" shall mean:

- (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
- (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);

- (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
- (4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
- (5) "Gross Revenues" shall not include:
- (a) revenues billed but not ultimately collected or received by Atmos Energy;
  - (b) contributions in aid of construction;
  - (c) the revenue of any affiliate or subsidiary of Atmos Energy;
  - (d) sales tax paid to the City;
  - (e) interest or investment income earned by Atmos Energy; and
  - (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment made under this franchise for the rights and privileges herein provided shall be on November 30, 2016, and shall be for the period October 1 through December 31, 2016, and each succeeding payment shall be for the calendar quarter in which the payment is made, as follows:

<u>Payment Due Date</u>	<u>Quarter Upon Which Payment is Based</u>	<u>Quarter for Which Payment is Made</u>
February 28 <sup>th</sup>	October 1 – December 31	January 1 – March 31
May 31 <sup>st</sup>	January 1 – March 31	April 1 – June 30
August 31 <sup>st</sup>	April 1 – June 30	July 1 - September 30
November 30 <sup>th</sup>	July 1 - September 30	October 1 – December 31

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.



- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of

this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of October 1, 2016.

PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Dianna Barker, City Secretary

\_\_\_\_\_  
Jose L. Segarra, Mayor  
City of Killeen, Texas

\_\_\_\_\_  
Kathryn H. Davis, City Attorney





# City of Killeen

## Legislation Details

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**File #:** PH-16-019    **Version:** 1    **Name:** Zoning 16-07  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 5/9/2016    **In control:** City Council Workshop  
**On agenda:** 6/7/2016    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance requested by CPB Investments (Case #Z16-07) to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-2" (Local Retail District) for a Texas Department of Public Safety customer service office.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Council Memorandum](#)  
[Attachment to CCMO](#)  
[Minutes](#)  
[Ordinance](#)  
[Application](#)  
[Location Map](#)  
[Buffer Map](#)  
[Texas Department of Public Safety - Plan](#)  
[Considerations](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z16-07 "A-R1"  
(AGRICULTURAL SINGLE-FAMILY  
RESIDENTIAL DISTRICT) TO "B-2" (LOCAL  
RETAIL DISTRICT)**

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

This request is submitted by CPB Investments to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-2" (Local Retail District) for a Texas Department of Public Safety customer service office. The property is located between W. Elms Road and Janelle Drive, east of Clear Creek Road (S.H. 201), Killeen, Texas.

#### **District Descriptions:**

A building or premises in the district "B-2" Local Retail District shall be used only for the following purposes:

- (1) Any use permitted in the "B-1" or "B-DC" district.
- (2) Appliance (household) sales.
- (3) Bakery shop (retail sales only).
- (4) Barbershop, beauty shop, to include permanent cosmetics (licensed per V.T.C.A., Health and Safety Code ch. 146, as amended).
- (5) Construction field office and yard: on the job site; for duration of construction only.
- (6) Cleaning or laundry (pick-up station).
- (7) Cleaning or laundry (self-service) using fully automatic equipment, as follows:
  - a. Washers, capacity of not more than sixty (40) pounds.
  - b. Dryers or extractors, capacity of not more than forty (40) pounds.
  - c. Dry cleaning machines
- (8) Custom personal service shops, such as a health studio (to include massage establishments as defined in V.T.C.A., Occupations Code ch.455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
- (9) Drugstore or pharmacy
- (10) Electric utility substation
- (11) Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
- (12) Grocery store (drive-in).
- (13) Bank, savings and loan or other financial institution.
- (14) Registered public surveyor
- (15) Restaurant, coffee shop or café (no drive-in service).
- (16) Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
- (17) Fine arts instruction, or sale of art objects.
- (18) Lodges and fraternal organizations with less than five thousand (5,000) square feet of leasable space.

(19) Drop-in care centers.

### **Property Specifics**

**Applicant/Property Owner:** CPB Investments

**Property Location:** The property is located between W. Elms Road and Janelle Drive, east of Clear Creek Road (S. H. 201), Killeen, Texas.

**Legal Description:** 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686.

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

The subject site was disapproved for B-3 (Local Business District) zoning on April 26, 2016.

The property is not platted.

### **Character of the Area**

**Existing Land Use(s) on the Property:** The property is currently undeveloped. Shoemaker High School is located due north of the subject site. There are numerous restaurant and business uses located west of the site.

### **Figure 1. Zoning Map**

See Attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Water, sanitary sewer, and drainage utility services are located within the City of Killeen municipal utility service area and readily accessible to the subject property. Adequate potable water and sanitary sewer capacity are available to the tract. The property will be platted for a future Texas Department of Public Safety customer service center. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water run-off will be required if inadequate capacity remains within existing drainage infrastructure. It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

**Transportation:**

Existing conditions: Ingress/egress to the property would be limited to the single point of existing ingress/egress to West Elms Road, which is classified as a 90' minor arterial street of the City's approved Thoroughfare Plan. Access onto Janelle Drive will be disciplined through AASHTO guidelines. No proposed right-of-way taking affects the property.

**Environmental Assessment**

**Topography/Regulated Floodplain/Floodway/Creek:** The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA).

**Land Use Analysis**

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

**Plan Recommendation:** The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

**Consistency:** The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places. The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses." This request is consistent with the Comprehensive Plan.

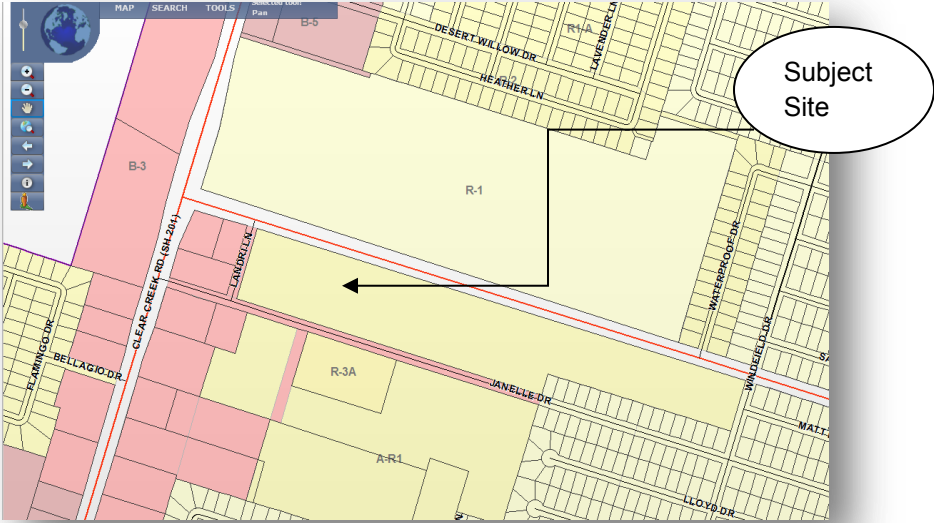
**Public Notification**

The staff notified three (3) surrounding property owners regarding this request. Staff has received no responses.

**Recommendation**

The Planning & Zoning Commission recommended approval of "B-2" zoning by a vote of 5 to 0, with Commissioner Johnson abstaining from voting on the applicant's request.

**Figure 1. Zoning Map**





**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 16, 2016**

**CASE #Z16-07  
A-R1 TO B-2**

**HOLD a public hearing and consider a request by CPB Investments, Inc. to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from A-R1 (Agricultural Single-family Residential District) to B-2 (Local Retail District) for a future Texas Department of Public Safety (DPS) office. The property is located along the south-right-of-way of W. Elms Road, approximately 1,100 feet east of Clear Creek Road (S. H. 201), Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that a request for this property was considered previously and it was disapproved by City Council. Killeen is the next city in the state to receive a Texas Department of Public Safety (DPS) office. The property is located along W. Elms Road.

Staff notified three (3) surrounding property owners regarding this request. No responses have been received.

Staff recommended approval of “B-2” (Local Business District) zoning for the site.

Mr. David Wardlaw, Development 2000, Inc., 510 W 15<sup>th</sup> Street, Austin, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Dillard motioned to recommend approval of the requested zoning. Commissioner Beronio seconded the motion. The motion passed 5-0. Commissioner Johnson abstained.

Chairman Frederick stated that this will be forwarded to City Council on June 14, 2016, with a recommendation to approve.

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-2 (LOCAL RETAIL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, CPB Investments have presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from “A-R1” (Agricultural Single-Family Residential District) to “B-2” (Local Retail District) for a Texas Department of Public Safety customer service office, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 16th day of May 2016, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 14th day of June 2016, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council that the request should be approved;

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

**Section I.** That the zoning classification of the following described tract be changed from “A-R1” (Agricultural Single-Family Residential District) to “B-2” (Local Retail District) for approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686.

**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 14th day of June 2016, 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

---

**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis, City Attorney**

Case #16-07

Ord #



Date Paid:	_____
Amount Paid:	\$_____
Cash/MO #/Check #:	#_____
Receipt #:	_____

CASE #: 216-07

## City of Killeen Zoning Change Application

General Zoning Change    Conditional Use Permit

Name(s) of Property Owner: CPB Investments

Current Address: 15485 FM 439

City: Killeen State: TX Zip: 76543

Home Phone: ( ) \_\_\_\_\_ Business Phone: (254) 773-1299 Cell Phone: ( ) \_\_\_\_\_

Email: bill@accentres.com

Name of Applicant: DPS Killeen 2000, LLC  
(If different than Property Owner)

Address: 510 W. 15th Street

City: Austin State: TX Zip: 78701

Home Phone: ( ) \_\_\_\_\_ Business Phone: <sup>512</sup> ( ) 623-3354 Cell Phone: (512) 668-2293

Email: dwardlaw@development2000.com

Address/Location of property to be rezoned: \_\_\_\_\_

Legal Description: 3.0831 Acres out of the A0688BC J. Robinett Survey  
and greater average of 14.456  
Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO

Type of Ownership: \_\_\_\_\_ Sole Ownership \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation LLC Other

Present Zoning: Ag-R1 Present Use: Vacant Land

Proposed Zoning: B2 Proposed Use: Office - Department of Public Safety

Conditional Use Permit for: \_\_\_\_\_

This property was conveyed to owner by deed dated 5-4-2005 and recorded in Volume 5692,  
Page 241, Instrument Number \_\_\_\_\_ of the Bell County Deed Records.  
(Attached)

Is this the first rezoning application on a unilaterally annexed tract?  
Yes \_\_\_\_\_ (Fee not required) No  (Submit required fee)

**APPOINTMENT OF AGENT**

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: BILL JONES  
Mailing Address: 2400 So. 57th  
City: Temple State: Tx Zip: 76504  
Home Phone: 254 7109600 Business Phone: 254 7130900 Email: bill@peccentres.com

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.**

**I understand that the City will deal only with a fully authorized agent.** At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent [Signature] Title Propser  
Printed/Typed Name of Agent BILL JONES Date 3-10-16  
Signature of Agent \_\_\_\_\_ Title \_\_\_\_\_  
Printed/Typed Name of Agent \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Applicant \_\_\_\_\_ Title \_\_\_\_\_  
Printed/Typed Name of Applicant \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_  
Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_  
Signature of Property Owner [Signature] Title OWNER  
Printed/Typed Name of Property Owner CHARLES MITCHELL Date 3-10-16  
C.P.B.I.N.O.

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

Z16-07

**ZONING FROM:**

A-R1 To B-2

**APPLICANT:**

BILL JONES




**PROPERTY OWNER:**

CPB INVESTMENTS

**LEGAL DESCRIPTION:**

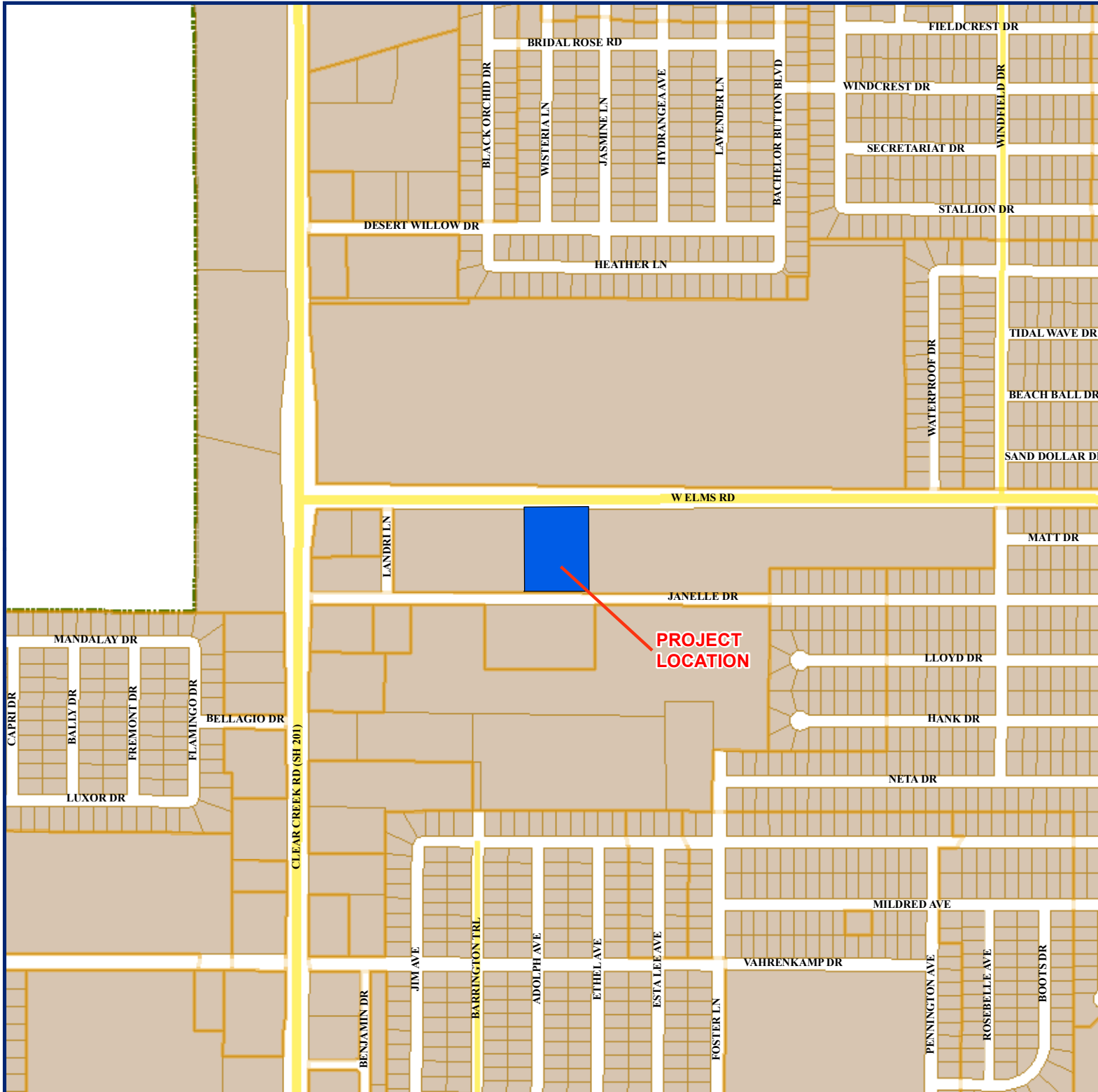
3.0831 ACRES OUT OF  
A0686BC T ROBINETT, 53-1,  
ACRES 25.864

**LEGEND**

-  Zoning Case
-  Parcel
-  City Limits



Date: 4/27/2016





**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

Z16-07

**ZONING FROM:**

A-R1 To B-2

**APPLICANT:**

BILL JONES







**PROPERTY OWNER:**

CPB INVESTMENTS

**LEGAL DESCRIPTION:**

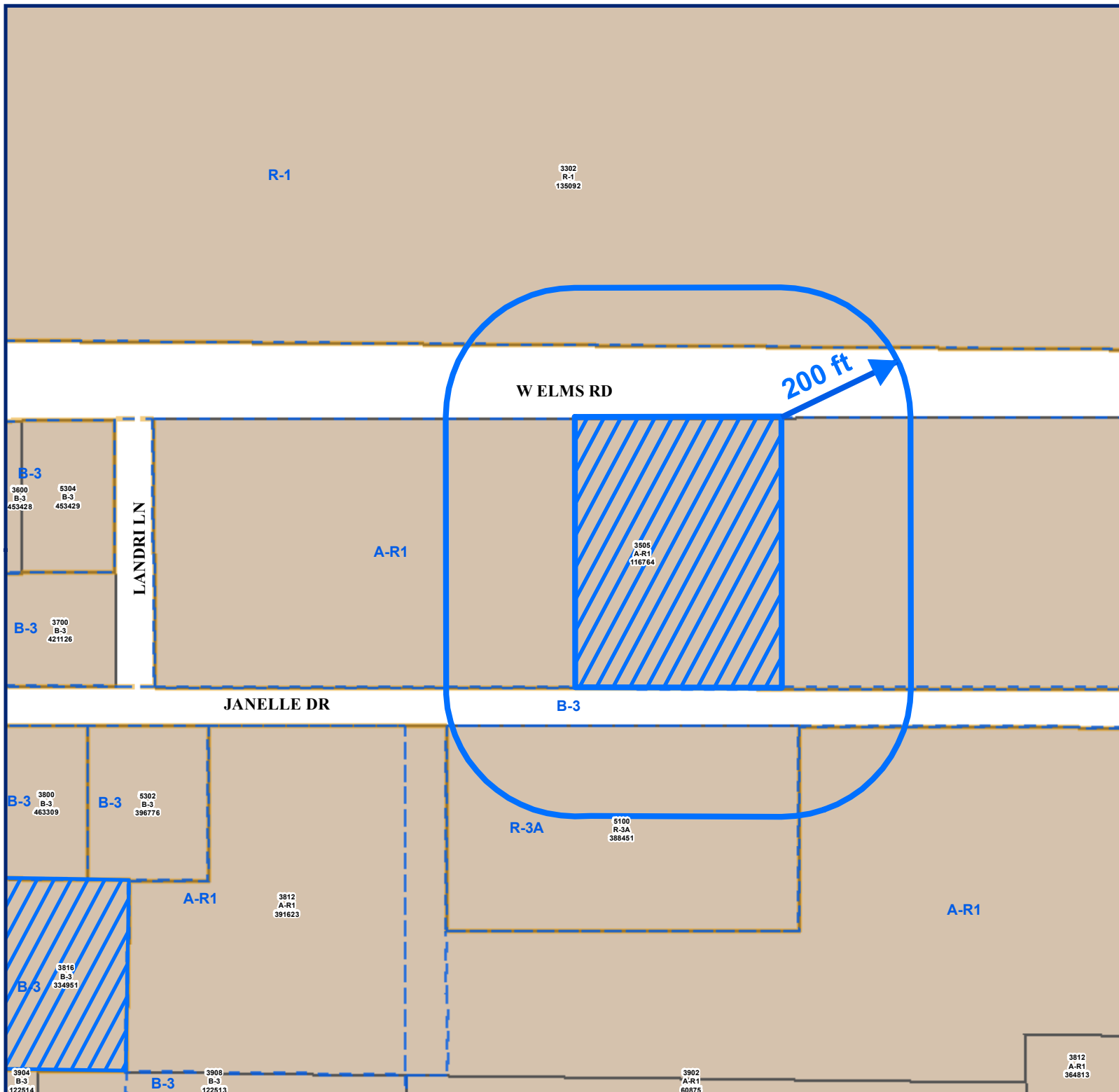
3.0831 ACRES OUT OF  
A0686BC T ROBINETT, 53-1,  
ACRES 25.864

**LEGEND**

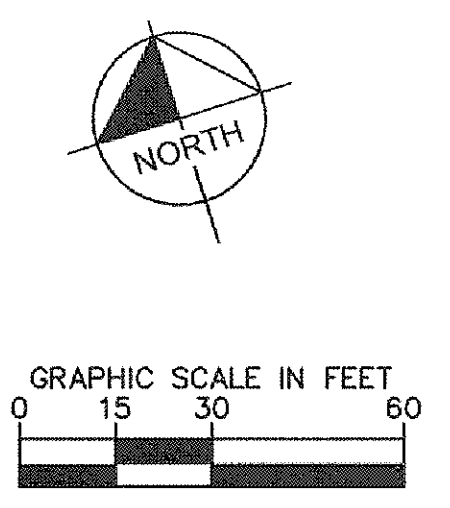
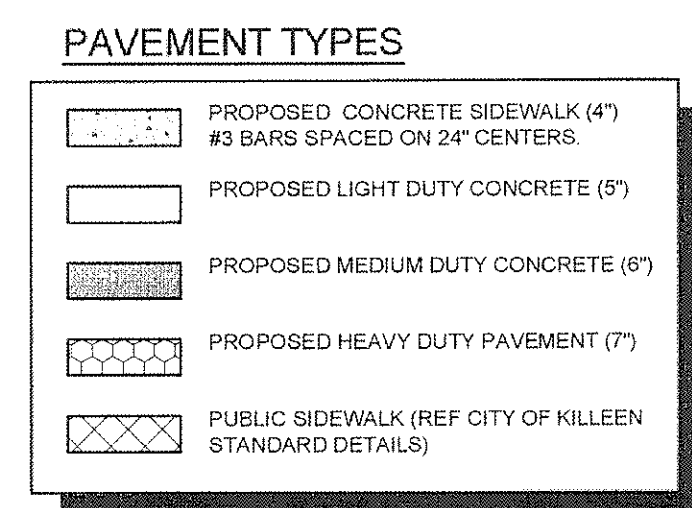
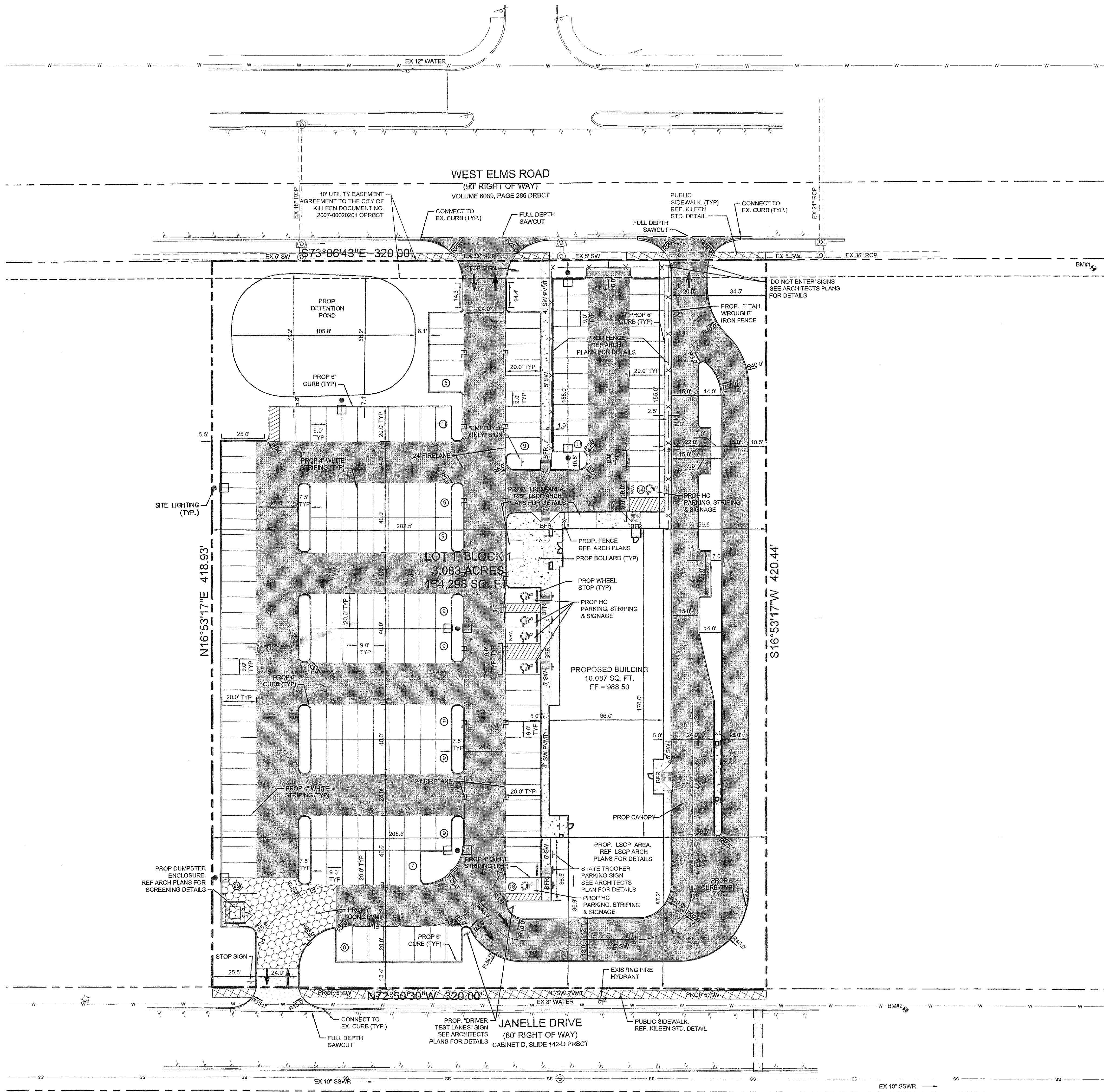
-  200' Buffer
-  Zoning Case
-  Current Zoning
-  Subdivision
-  Parcel
-  City Limits



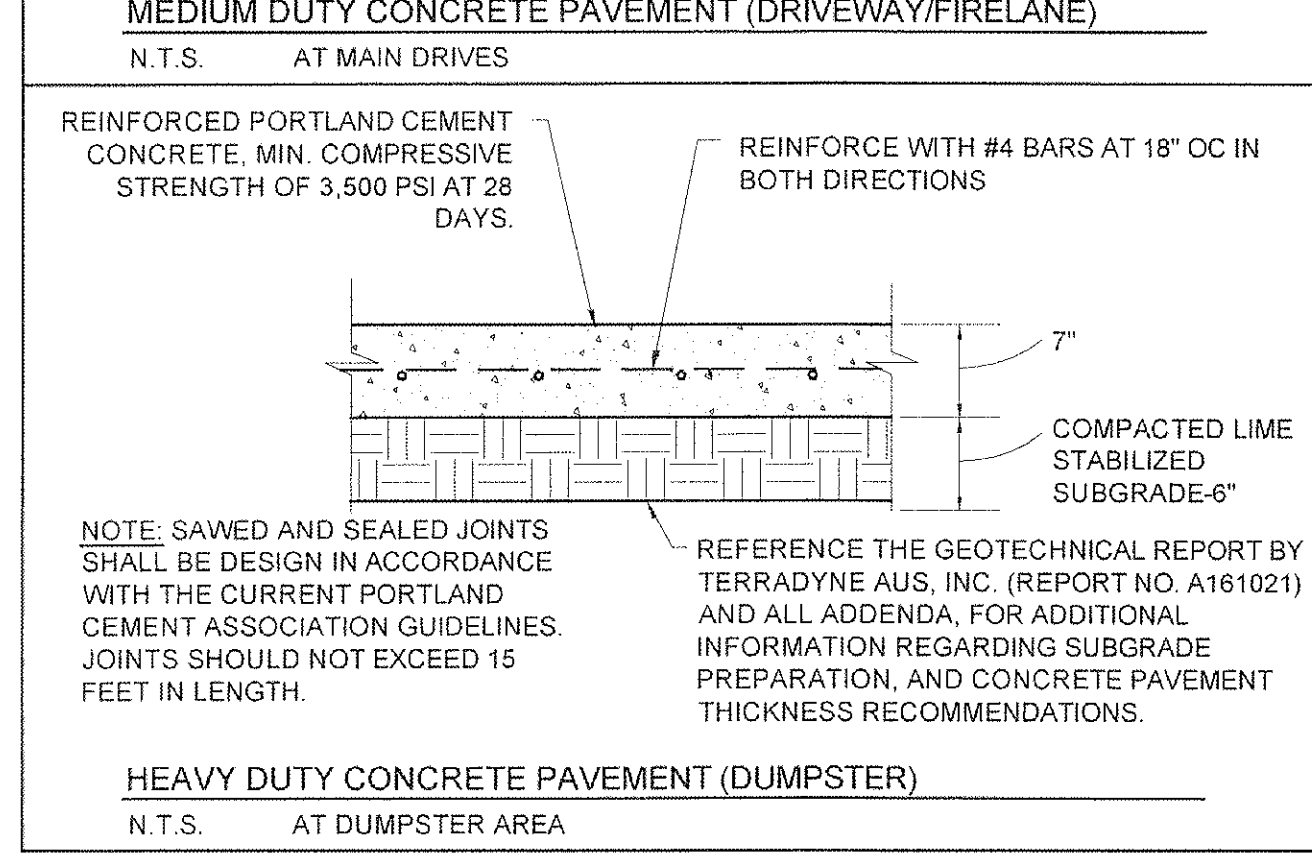
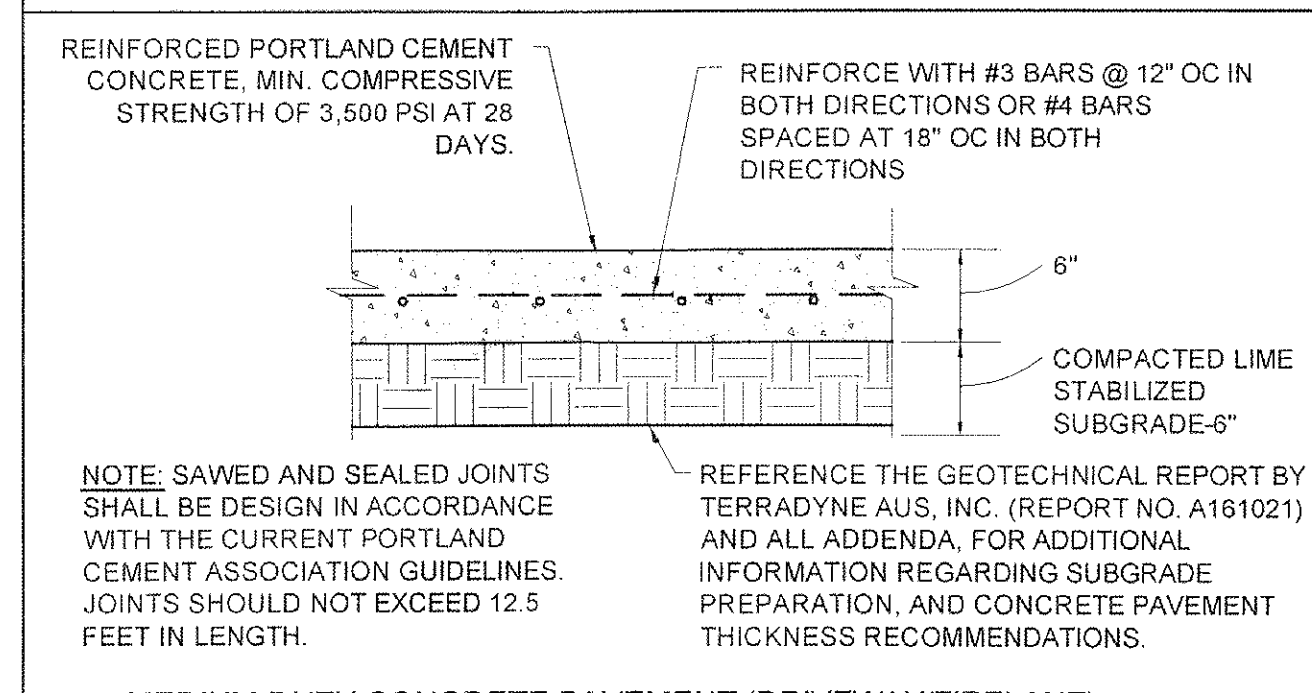
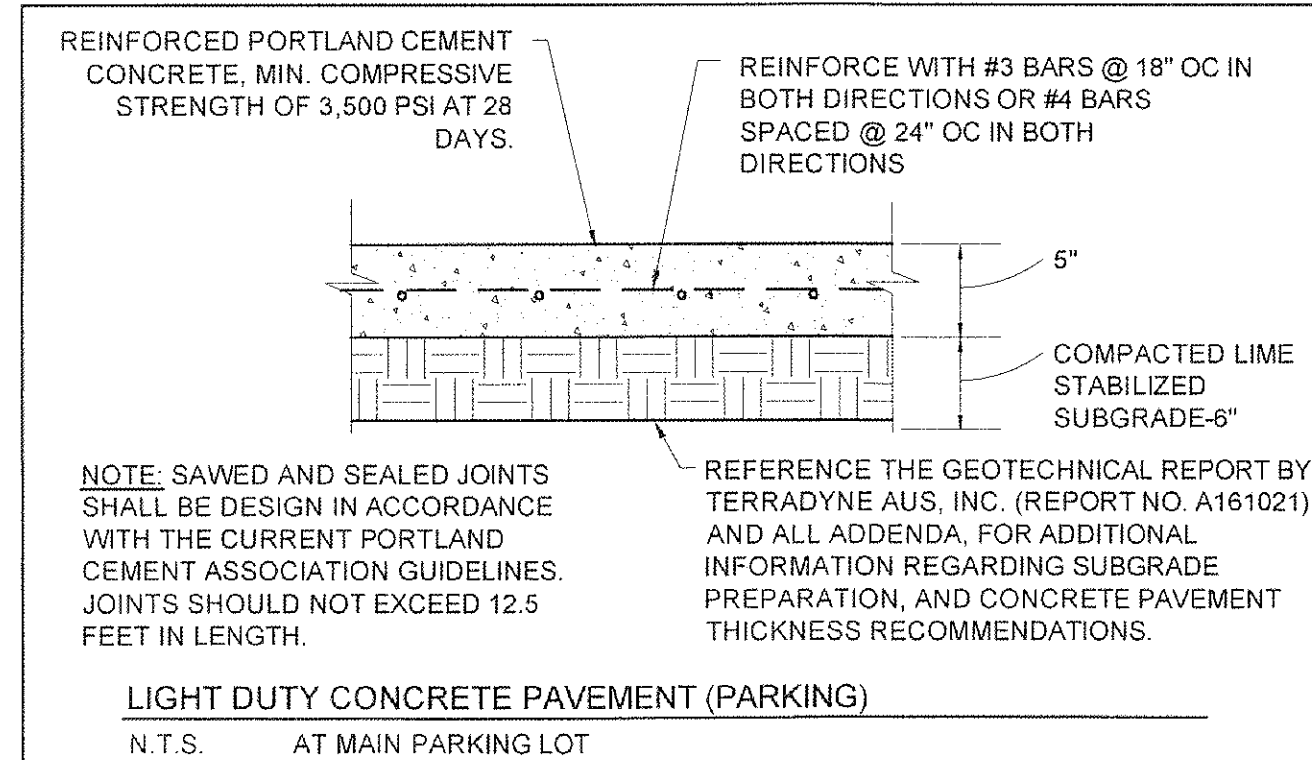
Date: 4/27/2016



This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Review of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



- NOTES:**
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
  - DIMENSIONS SHOWN FOR BUILDING CORNERS ARE APPROXIMATE OUTER BUILDING ENVELOPE FOR THE PURPOSES OF GRADING. CONTRACTOR SHALL USE ARCHITECT'S STRUCTURAL SLAB PLANS FOR FORM BOARD STAKING AND CONTRACTOR SHALL PROVIDE A FORM BOARD SURVEY, FOR APPROVAL BY THE OWNER, PRIOR TO POURING BUILDING SLABS.
  - REFERENCE GEOTECHNICAL REPORT NO. A161021 BY TERRADYNE AUS, INC., FOR DETAILED PAVING AND SUBGRADE RECOMMENDATIONS.
  - DRIVEWAYS CONNECTIONS TO BE CONSTRUCTED PER CITY OF KILLEEN STANDARD INFRASTRUCTURE DETAILS.
  - DRIVE APPROACH & SIDEWALKS TO BE CONSTRUCTED PER CITY OF KILLEEN STANDARD INFRASTRUCTURE DETAILS.
  - THE CONTRACTOR FOR THE PROJECT SHALL NOT PLACE ANY PERMANENT PAVEMENT UNTIL ALL SLEEVING FOR ELECTRIC, GAS, TELEPHONE, CABLE, TV, SITE IRRIGATION OR ANY OTHER UNDERGROUND UTILITY HAS BEEN INSTALLED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM THAT ALL SLEEVING IS IN PLACE PRIOR TO PLACEMENT OF PERMANENT PAVEMENT.
  - REFERENCE GENERAL NOTES.



- BENCHMARKS**
- BM#1 TEMPORARY BENCHMARK CAPPED 1/2" IRS "Y" ASSOCIATES COMCONTROL POINT ELEV = 986.20
  - BM #2 TEMPORARY BENCHMARK MARK "X" ON CONCRETE ELEV = 988.23



**BENCHMARK NOTE**

ELEVATIONS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF THE NORTH AMERICAN DATUM OF 1983 (2011) EPOCH 2010, CENTRAL ZONE 4203 (US SURVEY FEET) FROM GPS OBSERVATIONS USING THE RTK COOPERATIVE NETWORK.



**Kimley»Horn**  
801 CHERRY STREET, UNIT 11, SUITE 950, FORT WORTH, TX 76102  
PHONE: 817-355-6511  
WWW.KIMLEY-HORN.COM TX F-528

KHA PROJECT 061283803  
DATE APRIL 2016  
SCALE AS SHOWN  
DESIGNED BY KJA  
DRAWN BY JAH  
CHECKED BY BDM

TEXAS DEPARTMENT OF PUBLIC SAFETY DRIVERS LICENSE OFFICE  
WEST ELMS ROAD  
KILLEEN, TEXAS

DIMENSION CONTROL & PAVING PLAN

SHEET NUMBER C-04

NO.	REVISIONS	DATE	BY



# CONSIDERATIONS

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

## A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## B. Conditional Use Permit (if applicable)

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

## C. Conditions to Consider

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



# City of Killeen

## Legislation Details

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**File #:** PH-16-020    **Version:** 1    **Name:** 2016-2017 Annual Action Plan CDBG and HOME programs

**Type:** Ordinance/Public Hearing    **Status:** Public Hearings

**File created:** 5/17/2016    **In control:** City Council Workshop

**On agenda:** 6/7/2016    **Final action:**

**Title:** HOLD a public hearing and consider an ordinance adopting the 2016-2017 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (First of Two Public Hearings)

**Sponsors:** Community Development

**Indexes:**

**Code sections:**

**Attachments:** [Council Memorandum](#)  
[CDAC Recommendations](#)  
[Minutes](#)

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**FY 2016-2017 Community Development Block Grant (CDBG) and Home Investments Partnerships (HOME) Program**

### ORIGINATING DEPARTMENT

**Community Development**

### BACKGROUND INFORMATION

The City of Killeen will receive \$907,931.00 from the U.S. Department of Housing and Urban Development (HUD) for FY 2016-2017 CDBG program activities. \$29,419.53 in funds from canceled or completed CDBG projects, and prior year program income is also available for use providing a total of \$937,350.53 available for FY 2016-17 CDBG activities. The City will also receive \$311,289.00 from HUD for FY 2016-2017 Home Investment Partnerships (HOME) Program activities. \$215,965.39 in reprogrammable prior year program income to the HOME program is also available for use providing a total of \$527,254.39 for FY 2016-17 HOME activities.

Applications for funding for both the CDBG and HOME programs were submitted by the deadline date of March 28, 2016 and are detailed in the attached Community Development Advisory Committee (CDAC) meeting minutes.

### DISCUSSION/CONCLUSION

The CDAC met on May 4 and May 5, 2016 to review and make recommendations for proposed use of 2016-2017 CDBG and HOME Program funds on the basis of eligibility, need and priority. Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan and Annual Action Plan to meet affordable housing and community development needs.

### FISCAL IMPACT

HUD regulations allow for 20% of CDBG and 10% of HOME funds to be expended on administration/planning of CDBG and HOME activities. All project costs under the CDBG and HOME Program will be reimbursed to the City by the U.S. Department of Housing and Urban Development.

### RECOMMENDATION

Following the first public hearing on June 14, 2016, recommend approval of the proposed 2016-2017 Annual Action Plan and the publishing of the proposed Plan to solicit citizen comments and participation. Recommend approval of the final Plan with revisions as appropriate, based on citizen comments to be reviewed during the previously held 30 day comment period and the second public hearing on July 26, 2016.

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
FY 2016-2017/B-16-MC-48-0020  
PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>				
	<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>1</b>	Tama Shaw, Executive Director <b>HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC.</b> P.O. Box 846 San Saba, Texas 76877 325.372.5167 tshaw@hccaa.com	<b>2016 Killeen Elderly Meals Program – 167-</b> will provide for salary and fringe benefits for one part time center aide/meal delivery driver to assist in meal preparation and delivery of meals to low-income elderly Killeen residents.	<b>\$ 19,961.34</b>	<b>\$ 7,500.00</b>
<b>2</b>	Michael Christ, Executive Director <b>HERITAGE HOUSE OF CENTRAL TEXAS</b> 1103 N Gray Street, PO Box 1588 Killeen, Texas 76540 254. 681.1759 mikchrist@yahoo.com	<b>Empowerment Program - 120</b> - partial payment of salary for the client adviser who is responsible for developing and managing the homeless client's action plan for becoming and remaining self-reliant.	<b>\$15,000.00</b>	<b>\$ 10,000.00</b>
<b>3</b>	Marlene DiLillo, Executive Director <b>GREATER KILLEEN FREE CLINIC</b> 718 N. 2ND Street, Suite A Killeen, Texas 76541 254. 618.4211 mdilillo@gkfclinic.org	<b>2016 Clinical salary Support - 1940</b> - the program will provide funds for payment of salary and fringe for the Nursing Supervisor/Educator in the treatment of low income Killeen patients with chronic diseases, disease management and health promotion.	<b>\$ 25,000.00</b>	<b>\$ 23,594.82</b>
<b>4</b>	William K. Hall, Operations Director <b>FAMILIES IN CRISIS, INC.</b> P.O. Box 25 Killeen, Texas 76540-0025 254.634.1184 ficinc@earthlink.net	<b>2016 Client Transportation Project - 600</b> - the project will provide clients with transportation to safe shelter from designated locations and to necessary medical, legal, law enforcement, and social service appointments by taxi or bus when other means of transportation are unavailable.	<b>\$ 10,000.00</b>	<b>\$ 7,500.00</b>

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
 FY 2016-2017/B-16-MC-48-0020  
 PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>				
	<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>5</b>	Michael Dewees, Executive Director <b>COMMUNITIES IN SCHOOLS OF GREATER CENTRAL TEXAS, INC.</b> 4520 E. Central Texas Expressway, Suite 106 Killeen, Texas 76543 254.554.2132 mdewees@hotmail.com	<b>Connections Program-Eastward Elementary – 180</b> - partial payment of salary and fringe for the CIS Connections Program case worker who will serve economically disadvantaged families from pre-K to 5th grade students with educational enhancement, tutoring, parent involvement activities, career awareness and food pantry	<b>\$22,000.00</b>	<b>\$ 20,594.83</b>
<b>6</b>	William K. Hall, Operations Director <b>FAMILIES IN CRISIS, INC.</b> P.O. Box 25 Killeen, Texas 76540-0025 254.634.1184 ficinc@earthlink.net	<b>Homeless Shelter Case Manager - 600</b> - payment of salary and fringe benefits for one case manager to provide case management services for persons who are homeless and those at-risk of homelessness.	<b>\$ 27,416.25</b>	<b>\$ 17,000.00</b>
<b>7</b>	Maureen Jouett, Executive Director <b>BRING EVERYONE IN THE ZONE, INC.</b> 718 N. 2nd Street, Suite B Killeen, Texas 76541 254.681.9112 mojo53@hotmail.com	<b>Military Support Program - 600</b> - partial payment of salary for a full-time Resource Manager to work with low-income Veterans and their families to access community resources, VA and Social Security claims moving them from dependence to self-sufficiency and independence.	<b>\$ 15,600.00</b>	<b>\$ 10,000.00</b>

**CITY OF KILLEEN COMMUNITY DEVELOPMENT BLOCK GRANT  
 FY 2016-2017/B-16-MC-48-0020  
 PUBLIC SERVICE REQUESTS and CDBG ADMINISTRATION**

<b>CDBG -PUBLIC SERVICE REQUESTS</b>			
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>8</b> Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN</b> ATTN: Celeste Sierra 802 N 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov csierra@killeentexas.gov	<b>Elderly Transportation Program – 125</b> -costs associated with transportation services for low income Killeen elderly, age 62 and older, with free or discounted transportation via taxi rides, private shuttle rides, public transit fixed route rides, public transit special service rides or other approved mode of transportation.	<b>\$ 50,000.00</b>	<b>\$ 40,000.00</b>
<b>TOTAL FUNDING REQUESTS</b>		\$ 184,977.59	<b>\$ 136,189.65</b>
<b>Total Available (max 15%)</b>		<b>\$136,189.65</b>	

<b>CDBG ADMINISTRATION</b>			
<b>9</b> Leslie K. Hinkle, Director of Community Development Department <b>CITY OF KILLEEN</b> 802 N 2nd Street, Bldg. E Killeen, Texas 76541 254.501.7843 lhinkle@killeentexas.gov	<b>CDBG Administration 2016 - maximum 20% of annual grant amount - costs for salary, administration and delivery of the CDBG program.</b>	<b>\$ 181,586.20</b>	<b>\$ 181,586.20</b>
<b>TOTAL CDBG ADMINISTRATION REQUEST</b>		\$ 181,586.20	<b>\$ 181,586.20</b>
<b>Total Available (max 20%)</b>		<b>\$181,586.20</b>	

**CITY OF KILLEEN  
COMMUNITY DEVELOPMENT BLOCK GRANT  
FY2016-2017/B-16-MC-48-0020  
PUBLIC FACILITIES/IMPROVEMENTS, HOUSING REQUESTS**

**CDBG -PUBLIC FACILITIES/IMPROVEMENTS, HISTORIC PRESERVATION, HOUSING REHABILITATION, CODE ENFORCEMENT, CLEARANCE/DEMOLITION REQUESTS**

AGENCY	PROJECT DESCRIPTION & PROPOSED UNITS	REQUESTED AMOUNT	CDAC RECOMMENDATION
<b>1</b> Marianne DeLeon, Executive Director <b>GIRL SCOUTS OF CENTRAL TEXAS, INC.</b> 2909 Lake Road Killeen, Texas 76543 512.490.2345 marianned@gscts.org	<b>Killeen Service Center Rehabilitation Project</b> - 1 unit -funds will be used for improvements and modifications to bathrooms and kitchen for ADA accessibility and asbestos abatement, expand parking lot, upgrade electrical, HVAC, attic insulation, upgrade gutters, windows, ceiling and doors, roof; and backyard landscaping, and security lighting for Killeen Girl Scouts	\$ 209,248.00	\$ 209,248.00
<b>2</b> Kristina Ramirez, Director of Environmental Services <b>CITY OF KILLEEN Environmental Services</b> 200 E Avenue D, 2nd floor PO Box 1329 Killeen, Texas 76540 254. 501.7629 kramirez@killeentexas.gov	<b>Stewart Neighborhood Project - Phase 3</b> - 2 units - funds are for costs of trail material, benches, pet waste stations, native vegetation, educational signage, irrigation, security lighting and sidewalk improvements connecting to the final stage of the project Overall, the project includes installation of a native walking path, installation of security lighting along the walking path and improved sidewalks for neighborhood residents, linking the Stewart Neighborhood Phase 1 and Phase 2 projects.	\$ 148,130.00	\$ 148,130.00
<b>4</b> Leslie K. Hinkle, Director of Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> P.O. Box 1329 Killeen, Texas 76540 254.501-7847 lhinkle@killeentexas.gov	<b>Housing Rehabilitation Program</b> - - 12 units - funds will be used to address urgent and minor repairs, accessibility modifications/ accommodations to owner occupied single-family residential housing units throughout the jurisdiction. More extensive rehabilitation measures will be considered and executed on a case-by-case basis; program delivery costs associated with delivery of the program [staff and supply related] and direct actions [cost of rehabilitation and/or architectural barrier removal, lead based paint hazard removal] to the structure.	\$ 262,196.68	\$ 262,196.68
<b>TOTAL PROGRAM FUNDING REQUESTS:</b>		\$ 619,574.68	\$ 619,574.68

**Total Available**

**\$619,574.68**

**CITY OF KILLEEN  
HOME INVESTMENT PARTNERSHIPS PROGRAM  
FY2016-2017/M-16-MC-48-0228**

<b>HOME PROGRAM REQUESTS</b>			
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>
<b>OTHER ELIGIBLE PROJECTS</b>			
<b>1</b>	<b>FAMILIES IN CRISIS, INC.</b> William Hall , Director of Operations P.O. Box 25 Killeen, Texas 76540 254.634.1184 ficinc@earthlink.net	<b>FIC TBRA – 39</b> -the program will provide Tenant Based Rental Assistance (rental subsidies) to extremely low- and very low-income households who are currently on the Housing Choice Voucher (Section 8) Program waiting list. The program aims to to transition individuals and families, who are homeless or at-risk of homelessness, into self-sufficiency; the target populations to be served are veterans and family violence survivors. Program provides first month rent, security deposit, and rental subsidy in proportion to income until such time that housing assistance through the HCV (Section 8) program becomes available.	\$ 185,037.92      \$ <b>185,624.37</b>
<b>2</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY            DEVELOPMENT</b> 802 n. 2ND Street, Bldg. E P.O. Box 1329 Killeen, Texas 76540 254.501.7847 mbarraza@killeentexas.gov	<b>Homebuyer Assistance Program (HAP) with Repairs - 14</b> - funds will be used to assist first time buyers with down payment and closing costs not to exceed \$7,500; repairs will be made to ensure the unit meets local, state, and federal building code. Buyers must have a minimum income equal to 60%-80% of the Area Median Income and qualify for a mortgage loan; unit must be single family conventional construction within the corporate city limits.	\$ 263,221.33      \$ <b>263,807.77</b>
<b>TOTAL PROGRAM FUNDING REQUESTS :</b>		\$ 448,259.25	\$ <b>449,432.14</b>

Total Available \$ **449,432.14**



**CITY OF KILLEEN  
HOME INVESTMENT PARTNERSHIPS PROGRAM  
FY2016-2017/M-16-MC-48-0228**

<b>HOME PROGRAM REQUESTS</b>				
<b>AGENCY</b>	<b>PROJECT DESCRIPTION &amp; PROPOSED UNITS</b>	<b>REQUESTED AMOUNT</b>	<b>CDAC RECOMMENDATION</b>	
<b>CHDO SET ASIDE</b>				
<b>3</b>	<b>NO APPLICATION REQUEST RECEIVED</b>	<b>2016 Minimum CHDO Set Aside Requirement-</b> Minimum 15% of annual HOME allocation for eligible Community Housing Development Organization (CHDO) activity.  No applications were received, the City must set aside the funds as required by regulation.	\$ 46,693.35	\$ <b>46,693.35</b>
<b>TOTAL MINIMUM CHDO SET ASIDE:</b> Total Available = minimum 15%			\$ 46,693.35	\$ <b>46,693.35</b>

<b>HOME ADMINISTRATION</b>				
<b>4</b>	Leslie K. Hinkle, Executive Director - Community Development Department <b>CITY OF KILLEEN COMMUNITY DEVELOPMENT</b> 802 N. 2nd Street, Bldg. E P.O. Box 1329 Killeen, Texas 76540 254.501.7847 lhinkle@killeentexas.gov	<b>HOME Program Administration -</b> Maximum 10% of annual grant amount - costs for salary, operations and delivery of the HOME Program.	\$ 31,128.90	\$ <b>31,128.90</b>
<b>TOTAL HOME ADMINISTRATION REQUEST :</b> Total Available = max 10%			\$ 31,128.90	\$ <b>31,128.90</b>

**MINUTES**  
**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**  
**MAY 4, 2016**  
**Community Development Training Room #E105**  
**Killeen Arts and Activities Center**  
**802 N. 2<sup>nd</sup> Street, Building E, Killeen TX 76541**  
**12:30 PM**

1. **PRESIDING:** Mr. Ralph Cossey, Committee Chairman presided over meeting.
2. **PRESENT:** Committee members present: Ramon Alvarez, Richard Banta, Kim Barr, Angela Batie, Alvin Dillard, Ph.D., TaNeika Driver-Moultrie(arrived 1:07 PM) and Ashley Whitworth. Committee member absent: Eric McConaughey. City Staff present: Leslie Hinkle, Cinda Hayward, Traci Briggs, and Celeste Sierra.
3. **APPROVAL OF AGENDA:** Mr. Barr moved, seconded by Dr. Dillard to approve meeting agenda. Motion carried unanimously.
4. **APPROVAL OF MINUTES:** Mr. Barr moved, seconded by Dr. Dillard to approved minutes of January 21, 2016. Motion carried unanimously.
5. **AGENDA ITEMS**
  - A. **Receive briefing on revised Conflict of Interest disclosure forms and forms submittal:** Ms. Hayward provided the Committee with the Conflict of Interest Policy and the revised forms that need to be submitted to city staff by committee members prior to voting on any funding. Forms will comply with federal regulations and city ordinances as it relates to CDBG or HOME funded activities.
  - B. **Receive briefing regarding absences for persons appointed to city boards, commissions or committees:** Ms. Briggs briefed committee on attendance policy based on city ordinances and advised that a member missing three consecutive meetings or more than 25% of meetings in a 12 month period would be subject to the removal from the board or committee. Removing a member for non-attendance would start with the committee or board chair notifying the City Manager and the City Manager notifying the City Council.
  - C. **Receive briefing on 2<sup>nd</sup> quarter status of CDBG and HOME projects:** Ms. Hinkle provided committee members with reports and provided details on ongoing projects. She advised projects are all going forward and are on time. Completion dates are based on contract agreements with contractors or vendors.
  - D. **Discuss and consider reprogramming of CDBG and HOME funds to eligible FY 2016-17 activities:** Ms. Hinkle reviewed funds available for reprogramming based on completed or cancelled projects. Ms. Whitworth moved, seconded by Mr. Banta to reprogram funds available to eligible FY 2016-17. Motion carried unanimously.
  - E. **Discuss and consider approval of applications submitted for FY 2016-17 proposed program of activities for recommendation to City Council:** The following organizations submitted an application for funding and provided a presentation to the committee; **Hill Country Community Action Association, Inc.**: Tama Shaw and Kimbra Hobbs from Hill Country Community Action Association, Inc. on the aging services food delivery program to seniors and persons with disabilities with center meals and also meals for homebound elderly or

disabled persons. They will deliver within a 2 mile radius from the center, there is a small waiting list, and the program has funding only for home delivers Mon-Fri, there are churches and other organizations that provide service during the weekend. **Heritage House of Central TX:** Michael Christ, Executive Director and Jocelyn Holberg, Case Manager from Heritage Housing of Central Texas advised their organization provides assistance to homeless persons through their empowerment program intake and case management services. The organization routinely receives persons who have stayed at the FIC Homeless shelter. HHCTX board and FIC board met to prevent duplication of services and HHCTX decided to continue working with persons at-risk of becoming homeless and also doing outreach, but will work with homeless if they come in for assistance. **Greater Killeen Free Clinic:** Ms. Driver-Moultrie and Mr. Barr recused themselves from discussion and voting on the following application. Marlene DiLillo, Executive Director, gave a presentation on the work the clinic does and also presented a video by AmeriCares showing the outlook of a local patient enrolled in the chronic disease management care program who receives medical care, medications, medication management and chronic disease education. The video also featured the nurse who manages the program and provides these services. CDBG funding will pay for approximately 33% of the salary for the Clinical Supervisor. GKFC only see uninsured, although the clinic started a psychiatry residency rotation that sees people coming out of the Bell County jail that may be on Medicaid, also they see MHMR patients who may take longer to see a psychiatrist, but need medications, and also from Indigent Health Care and the clinic's uninsured patients. This is an unadvertised and closed program since it is only by referral. GKFC will be unable to place any staff at the homeless shelter since the clinic's current Medical Director just retired and a new one must be appointed because all higher and midlevel volunteer medical staff must work under the direction of a medical director. When one is appointed, GKFC will look at placing staff at the homeless shelter. The clinic is still seeing patients from the homeless shelter since the shelter is not very far away, most of the patients walk over. **Families in Crisis, Inc.:** William Hall, Director of Operations, funding request is for transportation assistance to clients of the FIC to medical, law enforcement, and other appointments when other transportation is not available. Cove Taxi provides the taxi services and charges \$5.00 for local rides, \$20.00 to Metroplex, HH area is \$32.00 Scott and White is \$65.00. Currently medical services for sexual assault are provided only by Scott and White hospital and the Mclane's Children's Hospital in Temple. Metroplex, Darnell nor Seaton have the certification to do that medical work. **Communities in Schools:** Michael Dewees, Executive Director and Cinnamon Clay advised the organization provides assistance to Eastward Elementary at risk students who are struggling with school by way of academic, social services and behavioral assistance through the Connections Program. The grant will assist with a portion of Ms. Clay's salary. The Connections Program works as a team with schools staff and works with children who are enrolled in the Connections Program but also with students that are not. Ms. Clay assists the children throughout the day either inside the school or at the separate CIS building on campus which has a food pantry, a clothing closet and also an area to wash and dry clothes. The program works with the children and with the families as well. **Families in Crisis, Inc.:** William Hall, Director of Operations, advised they opened the homeless shelter in December of 2015 and is a much needed shelter for this area, as there was none before this one. There were a lot of donors that assisted with building the shelter. The shelter has provided assistance in the last four months to 396 different individuals, 6499 bed nights of those clients with 121 being females. Averaging about 55 clients per night and staying at capacity. The agency is requesting assistance for salary for a case management person who will assist with referrals to food stamps, Medicaid, housing, social services to help them get beyond being homeless. The shelter currently partners with MHMR, drug and alcohol services, HIV testing staff and a VA rep. The Greater Killeen Free Clinic with begin services next month. Most of the organizations that are partnering with the shelter provide case management only on their programs, i.e., alcohol and substance abuse, MHMR, HIV testing, and the VA. The shelter refers clients to the Food Stamp offices, the GKFC,

etc. The shelter has not partnered with an agency for case management because the shelter is open between 3pm and 10pm and most agencies are open between 8am-5pm. The shelter has sent some clients to Heritage House, but Heritage House has called back asking why they were sent there. Some clients have gone to HHCTX on their own as well. Clients are allowed to remain at the shelter between the hours of 3pm – 7am and from 7am to 3pm shelter staff restocks, cleans, disinfects, washes dishes, cooks and prepares for the evening clients. The shelter does let sick persons stay and mothers with children. The shelter has a security person at the shelter every night during operating hours, seven days a week. The police department stops by every other day, the police department is very supportive and they show up very quickly if they are called. Mr. Hall doesn't think there has been an increase in the homeless population since they opened. The shelter gets persons from Temple, also Vets from Temple, but the agency provides housing assistance to Veterans, so that is why the VA sends. There are some that come every night and some that are gone for a while and then return and there are some that do not want to come to the shelter at all. Sometimes they come in for the night and leave the city the next day. FIC follows up with clients that are assisted with housing and other services for six months. The homeless shelter outreaches through KISD through Communities in Schools, KISD homeless liaisons, when arranging for transportation services to schools, with Child Protective Services and other organizations. KISD defines homeless children differently than HUD. They include children who are staying with relatives and not with their parents. **Bring Everyone in the Zone:** Maureen Jouett, Executive Director, through the resource manager, assists low income service members, veterans, their families and their care givers with clients physical needs prior to being assisted with the psychological needs. The agency partners and collaborates with about 300 agencies and is looking at assisting 600 persons. If they receive homeless clients, the organization tries to assist them as well. **Elderly Transportation Program:** Mr. Alvarez and Ms. Driver-Moultrie recused themselves from discussion and voting on this application. Celeste Sierra, COK, advised Community Development Department administers the program providing six free taxi rides per month to elderly, low income citizens of Killeen. The elderly has used the program to go to medical appointments, grocery shopping, worship, senior centers and other social services or recreational activities. Cove Taxi charges a maximum of 16.00 per ride even if the ride charges more. Depending on the money allocated for the program, the rides may be less or the persons assisted may be less. Rides can be taken to Harker Heights only for medical appointments and to Ft. Hood to Darnall Hospital or to the Commissary or PX. **CDBG Administration:** Mr. Alvarez and Ms. Driver-Moultrie recused themselves from the presentation and voting of this application. Ms. Hinkle advised that 20% of the grant can be utilized for the administration costs of the program which pays for salaries, benefits, supplies, etc. The City of Killeen typically provides assistance for the remaining administration cost that the grant cannot cover.

Mr. Cossey suggested that the Committee adjourn for the day and reconvene for tomorrow for additional discussions and additional presentations.

- F. **ADJOURNMENT:** Ms. Driver-Moultrie moved, seconded by Dr. Dillard to adjourn meeting until May 5, 12:30 PM. Motion passed unanimously.

May 4 and May 5, 2016  
Community Development Advisory Committee Meeting

Mr. Cossey, Chairman of the Community Development Advisory Committee, reconvened May 4, 2016 meeting on May 5, 2016 at 12:32PM. The following Committee members were present: Mr. Alvarez, Mr. Banta, Mr. Barr, Ms. Batie, Dr. Dillard, Ms. Driver-Moultrie and Ms. Whitworth. Eric McConaughy was absent. City Staff present included Ms. Hinkle, Ms. Briggs, Ms. Hayward and Ms. Sierra.

Committee continued with Item E. on the agenda and received presentations from the following applicants: **Girl Scouts of Central Texas, Inc.**: Lynelle McKay, CEO; Melissa Dietzman, Killeen Sister Cities Service Unit Director; Maryanne DeLeon, Resource Development Director; and Timothy Swank, Director of Facilities provided the presentation. Ms. McKay provided a quick overview of the Girl Scout program and the overall function and initiatives of the Girl Scout program. Ms. Dietzman provided information on the different troops that are active in Killeen, Ft. Hood, Harker Heights, Copperas Cove, and Nolanville and the community services that the girls have been involved in. Ms. DeLeon provided history on the current building and what improvements have been made to date. She also explained why the organization has decided to keep the building where it is currently located and the plans for improving the building's serviceability so it can be more accessible and remain close to the girls from the neighborhood. Mr. Swank provided information on the project detail which includes improvements and modifications to the building bathrooms and kitchen for ADA accessibility, asbestos abatement, expansion of the parking lot, HVAC, attic insulation, electrical upgrade, upgrade gutters, windows, ceilings and doors, roof replace and backyard landscaping and security lighting and sustainable gardening. The project is expected to be complete by 1<sup>st</sup> Quarter of 2018. Preliminary asbestos inspections and estimates have been requested. Building size is approximately 4500 sq. ft. **Environmental Services, City of Killeen**: Mr. Alvarez and Ms. Driver-Moultrie recused themselves from the discussion and voting of the following applicant. Kristina Ramirez, Director of Environmental Services and John Koester, Director of Street Services provided a presentation. The project entails the costs of trail materials, benches, pet waste stations, native vegetation, educational signage, irrigation, security lighting and sidewalk improvements connecting to the final staff of the overall Stewart Street project. Ms. Ramirez advised that this phase of the project focuses on accessibility and an educational component which will educate park users on native plants and vegetation and wildlife that exist in the park. The work will be completed by city staff and CDBG funds will be used for purchase of materials. Once funded, they will proceed with construction, beginning with the city's utilities department for the water component and moving on to fencing and the walking path. The project includes the installation of fencing and lighting on the south part of the area that aligns with the Families in Crisis, Inc. boundary which will include a gate to provide access to the park and then going forward with the installation of signage. The continuation of the sidewalk replacement in the same residential project area to allow better access to the park and is also included in this project. Sidewalk replacement will be completed by a contractor. Majority of park work will be done by COK and majority of sidewalk will be done by contractor. **City of Killeen Community Development Department**: Mr. Alvarez and Ms. Driver-Moultrie recused themselves from discussion and voting on this application. Edward Radeke, Housing Specialist presented the application for the Housing Rehabilitation Program. He advised the program assists low-income homeowners with repair or replacement of vital components of the home, lead paint testing and remediation is done on units constructed prior to 1978, accessibility for disabled persons, weatherization and energy efficiency. He provided before and after details on some recent homes that were rehabilitated and some homes that are currently being look at for the program. Application is reviewed for eligibility, an inspection is completed to see what is needed, a work write-up on the project is completed and requests for estimates are sent out to responsible contractors. Mr. Radeke remains with the project until completion. He advised homeowners remain in the home while the rehabilitation is going on and if they need to, they usually move to another room within the home.

**Families in Crisis, Inc.:** Tenant Based Rental Assistance Program. William Hall, Director of Operations presented the application. The agency runs a domestic violence shelter, a homeless shelter and assists veterans and elderly with housing. This TBRA application will provide assistance to an estimated 36 families working towards self- sufficiency and to avoid homelessness. This program assists persons with at least 24 months of housing who will eventually move into public housing or Section 8 housing. Even with the Section 8 program being closed FIC has a good working relationship with public housing and can usually place clients in public housing. The elderly clients are usually harder to place because they move slower under the Section 8 program and have a smaller, fixed income so they tend to stay under TBRA assistance longer than 24 months.

**City of Killeen First Time Homebuyer Program:** Mr. Alvarez and Ms. Driver-Moultrie recused themselves from discussion and voting on this application. Maria Barraza, HOME Program Coordinator made the presentation. The First Time Homebuyer Assistance Program provides assistance with closing costs and down payment assistance and repairs for income eligible first time homebuyers. The repairs made to a home meet the requirements for the uniform property condition standards. The down payment and closing cost assistance is made as a forgivable loan to homebuyers, they do need to remain in the home for five (5) years, and repairs are made as a grant to the homeowners. Ms. Barraza provided a presentation showing the homes that have been purchased recently. The repairs made are minor repairs that can be done quickly within ten days after closing. The program does not over subsidize and provides only what is needed for down payment or closing costs and works with sellers on negotiated repairs. Homebuyers must qualify for a mortgage loan on their own and may use whatever type of loan is most affordable for them. The debt to income ratio is 30% for house payment and 43% for overall debt. Homeowner education is provided free of charge and also a free post purchase class is provided. The **Community Housing Development Organization** 15% set-aside is a required set-aside. Ms. Hinkle provided information on the CHDO set aside and also the HOME Program administration. The Program provides for 10% of administrative costs and the City of Killeen contributes the remaining costs that the grant does not cover.

Ms. Briggs advised that there will have to be split votes by Committee members on applications that have Committee members abstaining. No votes for those with conflict. After committee discussion on all CDBG applications the committee voted to fund the following entities in the following manner and forward recommendations for funding to City Council. **Public Services:** Dr. Dillard moved, seconded by Ms. Whitworth to fund all public service applications, except Greater Killeen Free Clinic and Elderly Transportation Program. Motion passed with 7 votes and with Ms. Driver-Moultrie in opposition. Dr. Dillard moved, seconded by Mr. Banta, with Mr. Barr and Ms. Driver abstaining, to approve funding for Greater Killeen Free Clinic. Motion passed with 6 votes. Dr. Dillard moved, seconded by Ms. Batie, with Mr. Alvarez and Ms. Driver-Moultrie abstaining, to fund the Elderly Transportation Program. Motion passed with 6 votes and with Mr. Banta in opposition. Mr. Barr moved, seconded by Ms. Batie, with Mr. Alvarez and Ms. Driver-Moultrie abstaining, to fund **CDBG Administration** application. Motion passed with 6 votes. Dr. Dillard moved, seconded by Mr. Banta, with Mr. Alvarez and Ms. Driver-Moultrie abstaining, to fund **Public Facilities/Improvements and Housing**. Motion passed with 4 votes and with Mr. Banta and Ms. Batie in opposition.

PUBLIC SERVICES	ACTIVITY	CDAC Recommendation
Hill Country Community Action Association, Inc.	Killeen Elderly Meals Program	\$ 7,500.00
Heritage House of Central Texas	Empowerment Program	\$ 10,000.00
Greater Killeen Free Clinic	Clinical Salary Support	\$ 23,594.82
Families in Crisis, Inc.	Client Transportation Project	\$ 7,500.00
Communities in Schools of Greater Central Texas, Inc.	Connections Program, Eastward Elementary	\$ 20,594.83
Families in Crisis, Inc.	Homeless Shelter Case Manager	\$ 17,000.00
Bring Everyone in the Zone, Inc.	Military Support Program	\$ 10,000.00

City of Killeen, Community Development Department	Elderly Transportation Program	\$ 40,000.00
City of Killeen, Community Development Department	Planning/Admin of CDBG Activities	\$ 181,586.20

<b>CDBG PUBLIC FACILITIES/IMPROVEMENTS HOUSING REBAILITATION</b>	<b>ACTIVITY</b>	<b>CDAC Recommendation</b>
Girl Scouts of Central Texas, Inc.	Service Center Rehabilitation Project	\$ 209,248.00
City of Killeen, Environmental Services	Stewart Neighborhood Project – Phase 3	\$ 148,130.00
City of Killeen, Community Development Department	Housing Rehabilitation Program	\$ 262,196.68
<b>TOTAL CDBG RECOMMENDED FUNDING</b>		<b>\$937,350.53</b>

After committee discussion on all HOME applications, the committee voted to fund the following entities in the following manner and forward recommendations for funding to City Council. Mr. Barr moved, seconded by Ms. Whitworth, with Mr. Alvarez and Ms. Driver-Moultrie abstaining, to fund Families in Crisis, Inc. TBRA and the City of Killeen First Time Homebuyer Program. Motion passed with 6 votes. Mr. Barr moved seconded by Mr. Banta to fund the CHDO set aside. Motion passed unanimously. Ms. Whitworth moved, seconded by Dr. Dillard, with Mr. Alvarez and Ms. Driver-Moultrie abstaining, to fund the HOME Program planning and administration. Motion passed with 6 votes.

<b>HOME TBRA, CHDO and ADMIN</b>	<b>ACTIVITY</b>	<b>CDAC Recommendation</b>
Families in Crisis, Inc.	Tenant Based Rental Assistance Program	\$ 185,525.37
City of Killeen, Community Development Department	First Time Homebuyer Program w Repairs	\$ 263,708.77
Community Housing Development Organization CHDO	Required set-aside	\$ 46,653.75
City of Killeen, Community Development Department	Planning/Admin of HOME Program	\$ 31,102.50
<b>TOTAL HOME RECOMMENDED FUNDING</b>		<b>\$ 526,990.39</b>

**ADJOURNMENT:** Mr. Barr moved, seconded by Ms. Driver-Moultrie to adjourn meeting. Meeting adjourned at 2:49 PM.

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Celestina Sierra, CD Specialist