



City of Killeen

Agenda City Council

Tuesday, September 13, 2016

5:00 PM

Killeen City Hall
City Council Chambers
101 North College Street
Killeen, Texas 76541

Call to Order and Roll Call

___ Jose Segarra, Mayor	___ Brockley Moore
___ Shirley Fleming	___ Jonathan Okray
___ Gregory Johnson	___ Juan Rivera
___ Jim Kilpatrick	___ Dick Young

Invocation

Pledge of Allegiance

Approval of Agenda

Minutes

[MN-16-022](#) Consider Minutes of Regular City Council Meeting of August 23, 2016.

Attachments: [Minutes](#)

[MN-16-023](#) Consider Minutes of Special City Council Meeting of August 30, 2016.

Attachments: [Minutes](#)

[MN-16-024](#) Consider Minutes of Special City Council Meeting of September 6, 2016.

Attachments: [Minutes](#)

Resolutions

[RS-16-083](#) Consider a memorandum/resolution appointing citizens/members to various boards, commissions, and commissions sub-committees.

Attachments: [Council Memorandum](#)

[RS-16-102](#) Consider a memorandum/resolution approving a termination agreement with Subway Real Estate, LLC for leased premises at Killeen-Fort Hood Regional Airport.

Attachments: [Council Memorandum](#)

[Subway Termination Agreement](#)

- [RS-16-103](#) Consider a memorandum/resolution authorizing Change Order No. 61 with James Construction Group, LLC to the US 190/FM 2410/Rosewood Drive project.
Attachments: [Council Memorandum](#)
[Change Order](#)
[Change Order Worksheet](#)
[Change Order History](#)
- [RS-16-104](#) Consider a memorandum/resolution approving an agreement with the Killeen Economic Development Corporation to provide economic development services.
Attachments: [Council Memorandum](#)
[KEDC Agreement](#)
- [RS-16-105](#) Consider a memorandum/resolution approving an agreement with the Greater Killeen Chamber of Commerce to provide economic development services.
Attachments: [Council Memorandum](#)
[GKCC Agreement](#)
- [RS-16-106](#) Consider a memorandum/resolution amending rates and fees for the Killeen Civic and Conference Center complex.
Attachments: [Council Memorandum](#)
[Rental Rates - Proposed](#)
- [RS-16-107](#) Consider a memorandum/resolution accepting ratification of an Airport Improvement Program (AIP) Grant.
Attachments: [Council Memorandum](#)
[Grant Offer](#)

Public Hearings

- [PH-16-032](#) HOLD a public hearing and consider an ordinance requested by Kay Hedden (Case #Z16-15) to rezone 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

Attachments: [Council Memorandum](#)
[Attachment to CCMO](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location map](#)
[Buffer map](#)
[Considerations](#)
[Opposition](#)

[PH-16-033](#) HOLD a public hearing on the FY 2017 Proposed Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017, and proposed changes to such budget. (2nd of 2 Public Hearings)

Attachments: [Council Memorandum](#)

Ordinances

[OR-16-012](#) Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds.

Attachments: [Council Memorandum](#)
[FY 17 Arts Commission Grant Recommendations](#)
[Ordinance](#)

[OR-16-013](#) Consider an ordinance amending Chapter 2 (Fees) and Chapter 30 (Water, Sewers and Sewage Disposal) of the City of Killeen Code of Ordinances by adjusting Community Service Fees and implementing a Water Rate Design Change.

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

[OR-16-014](#) Consider an ordinance repealing the discount for early payment of ad valorem taxes, installment payment plan and penalties for delinquent payment of ad valorem taxes.

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

[OR-16-015](#) Consider an ordinance adopting a budget for operating the municipal government of Killeen for the fiscal year October 1, 2016, through September 30, 2017.

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

[OR-16-016](#) Consider a memorandum/resolution ratifying the property tax increase

reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017.

Attachments: [Council Memorandum](#)

[OR-16-018A](#) Consider a memorandum/resolution approving the interest and sinking tax rate for FY 2017.

Attachments: [Council Memorandum](#)

[OR-16-018B](#) Consider a memorandum/resolution approving the Maintenance and Operations Tax Rate for FY 2017.

Attachments: [Council Memorandum](#)

[OR-16-017](#) Consider an ordinance setting the Tax Rate for Fiscal Year 2017.

Attachments: [Council Memorandum](#)

[Ordinance](#)

[OR-16-019](#) Consider an ordinance adding additional citizen members to the Animal Advisory Committee.

Attachments: [Council Memorandum](#)

[Ordinance](#)

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 September 9, 2016.

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.

- *GKCC Annual Banquet, September 22, 2016, 6:00 p.m., Killeen Civic and Conference Center*
- *Hispanic American Chamber Banquet, September 24, 2016, 6:00 p.m., Courtyard Marriott*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: MN-16-022 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of August 23, 2016
Type: Minutes **Status:** Minutes
File created: 8/19/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of August 23, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

City of Killeen
Regular City Council Meeting
Killeen City Hall
August 23, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Mr. Jones gave the invocation, and Councilmember Fleming 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 Fleming. The motion carried unanimously.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the August 9th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Motion was made by Councilmember Kilpatrick to approve the minutes of the August 16th Special City Council Meeting. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

Resolutions

RS-16-097 Consider a memorandum/resolution authorizing the rejection of Bid No. 16-21 for the F.M. 3470 and Bunny Trail Drainage Improvement project.

Staff comments: Scott Osburn

One (1) bid was received from TTG Utilities, LP. The bid was evaluated and a discrepancy in the base bid was found. City staff recommends that the City Council reject the bid submission from TTG Utilities, LP, for Bid 16-21 for the F.M. 3470 and Bunny Trail Drainage Improvement project due to cost.

Motion was made by Councilmember Okray to approve RS-16-097. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-16-098 Consider a memorandum/resolution approving a proposal for the purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

Staff comments: Matthew Van Valkenburgh

Staff has negotiated a contract with Reed-Joseph International for the purchase and installation of the Wildlife Hazard Reduction Equipment at KFHRA/RGAFF, for the

amount of \$147,135.00. Staff recommends the City Council award a contract to Reed-Joseph International in the amount of \$147,135.00 for the Wildlife Hazard Reduction Equipment and authorize the City Manager to execute all necessary contract documents and any and all change orders within the amounts set by state and local laws.

Motion was made by Councilmember Johnson to approve RS-16-098. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-16-099 Consider a memorandum/resolution authorizing the execution of Change Order No. 10 to McLean Construction, Inc. for the Trimmier Road Widening Project.

Staff comments: David Olson

Change Order No. 10 modifies plan quantities for items of work to the City's Trimmier Road Widening project. The additional quantities are needed to ensure connectivity of the new intersections to the City's existing signalization system and Traffic Management Center and to meet new accessibility standards. City staff recommends the City Council authorize the City Manager to execute Change Order No. 10 with McLean Construction, Inc., increasing the cost of the contract by \$128,861.10.

Motion was made by Councilmember Okray to approve RS-16-099. Motion was seconded by Councilmember Rivera. Motion failed 3 to 4 with Councilmember Johnson, Councilmember Young, Councilmember Kilpatrick, and Councilmember Fleming opposing.

RS-16-100 Consider a memorandum/resolution authorizing a lease agreement amendment with Bell County Human Services for space at the Killeen Arts & Activities Center.

Staff comments: Kathy Davis

The county would like to propose a one-year term with two (2) additional one (1) year terms. Staff recommends that council approve this lease amendment with Bell County and authorize the interim city manager to execute the lease agreement - Amendment No.1 with Bell County for the space at the Killeen Arts & Activities Center occupied by Bell County Human Services.

Motion was made by Councilmember Fleming to approve RS-16-100. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

RS-16-101 Consider a memorandum/resolution authorizing completing the process to establish a Transportation Utility and implement a Transportation Utility Fee.

Staff comments: Scott Osburn

A Transportation Utility Fee (TUF) or Transportation User Fee (TUF) is a monthly fee based on use of the transportation system. The fees are calculated proportionately to road demand usage based on vehicle miles traveled per land use. The establishment of a TUF to fund road maintenance lessens the reliance on general funds for roadway maintenance and improvements and provides a sustainable source of funding for street maintenance. City staff recommends that City Council formally authorize the completion of the TUF establishment and TUF fee implementation processes, to include authorizing the City Manager to move forward with the process as detailed above.

Dr. Farris spoke on the 'why' the city needs a TUF and explained what the TUF funds would be used for.

Councilmember Young stated for the record that he is in favor of TUF as a solution to long term street problems.

Motion was made by Councilmember Rivera to disapprove RS-16-101. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 1 with Councilmember Young opposing.

Ordinances

OR-16-011 Consider an ordinance repealing Chapter 24, Article II, Division 4, Section 24-87 of the Killeen Code of Ordinances dissolving residential curbside recycling service and amending Chapter 24, Article II, Division 6, Recycling rates.

The City Secretary read the caption of the ordinance.

AN ORDINANCE REPEALING CHAPTER 24, ARTICLE II, DIVISION 4, SECTION 24-87 RESIDENTIAL CURBSIDE RECYCLING SERVICE AND AMENDING CHAPTER 24, ARTICLE II, DIVISION 6, SECTION 24-117 RECYCLING RATES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, OF THE SOLID WASTE SYSTEM; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Scott Osburn

The City's adopted Solid Waste Master Plan recommends dissolving residential curbside collection of recyclable materials because it is not cost effective. City staff recommends that City Council approve the attached ordinance repealing the residential curbside recycling program and amending related fees, effective October 1, 2016, and authorize the City's Solid Waste Division to effectuate the cessation of the program to include, without limitation, notifying customers, ceasing to accept new recycling customers, and ceasing to replace bins of existing customers when lost, damaged or destroyed, and liquidating assets in accordance with City policies.

Motion was made by Councilmember Okray to approve OR-16-011. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Public Hearings

PH-16-028 HOLD a public hearing and consider an ordinance requested by 439 Lakeview Development Ltd. (Case #Z16-14) to rezone approximately 8.12 acres, being Lots 1-13, Block 11, Lots 1-4, Block 12 and Lots 1-4, Block 13, Lakeview Park Subdivision, from "R-3" (Multifamily Residential District) and "B-3" (Local Business District) to a Planned Unit Development (PUD) for "SF-2" (Single-Family Residential District) uses. The properties are locally known as 1500 through 1506, 1508, 1510, 1512, 1601, 1603, 1605, 1606, 1608 through 1613 and 1701 Justin Lane, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-3 (MULTIFAMILY RESIDENTIAL DISTRICT) AND B-3 (LOCAL BUSINESS DISTRICT) TO A PLANNED UNIT

DEVELOPMENT (PUD) WITH SF-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received a response of support from Dale Hennig, the owner of 1700 and 1702 Cedarview Circle. The Planning and Zoning Commission recommended approval of the applicant's PUD request, excluding Lots 1 through 3 and the remainder tract, which are located at the northwest corner of the concept plan. The purpose of excluding this portion of the property from the concept plan is to reduce the total number of lots from thirty-three (33) to thirty (30), thus removing the need for two access points.

Mayor Segarra opened the public hearing.

Ben Purser, 3306 Lineage Loop - spoke in favor of request.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Fleming to approve PH-16-028. Motion was seconded by Councilmember Okay. Motion carried unanimously.

Mayor Segarra announced that the City Council will adopt the FY 2017 Annual Budget and Tax Rate at the regular city council meeting on Tuesday, September 13th, 5:00p.m. at City Hall Council Chambers.

Adjournment

With no further business, upon motion being made by Mayor Pro-tem Moore, seconded by Councilmember Kilpatrick, and unanimously approved, the meeting was adjourned at 6:15 p.m.



City of Killeen

Legislation Details

File #: MN-16-023 **Version:** 1 **Name:** Minutes of Special City Council Meeting of August 30, 2016
Type: Minutes **Status:** Minutes
File created: 8/19/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider Minutes of Special City Council Meeting of August 30, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

City of Killeen
Special City Council Meeting
Killeen City Hall
August 30, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Fleming. The motion carried unanimously.

Public Hearings

PH-16-029 HOLD a public hearing on the tax rate for the fiscal year October 1, 2016 through September 30, 2017 and setting the date of September 13, 2016 to adopt the tax rate. (1st of 2 Public Hearings)

Staff comments: Johnathan Locke

On August 16, 2016 City Council set the preliminary tax rate for the FY 2017 Proposed Annual Budget and Plan of Municipal Services at the current adopted rate of .7498. The effective rate for FY 2017 is .7368. August 30, 2016, is the first of two public hearings. The second public hearing will be held at a City Council meeting on September 6, 2016.

Mayor Segarra opened the public hearing.

Larry Smith, 4306 Teal Drive - spoke against a tax rate increase.

Darrel Peters, 3513 Bamboo Lane - spoke against a tax rate increase.

George Arnold, 3400 Toledo Drive - spoke against a tax rate increase.

Renate Reams, 6705 Alvin Drive - spoke against a tax rate increase.

Sandra Johnson, 4702 Jim Ave - spoke against a tax rate increase.

Wendy Cahill, 3400 Hereford Lane - spoke against a tax rate increase.

Arturo Cortez, 406 Alexander Street - spoke against a tax rate increase.

Araceli Cook, 2803 Derby Drive - does not have problem with proposed tax rate.

Daniel Chavez, 4913 Parkwood Drive - spoke against a tax rate increase.

Brigitte Roman, 1302 Loyal Lane - spoke against a tax rate increase.

Steve Suralie, 3905 Edgefield Street - spoke against a tax rate increase.

Mark Clifford, 1006 San Antonio Street -not against or for a tax rate increase.

Maxine Hancock, 1505 Nicholas Circle - spoke against a tax rate increase.

Kathy Harkin, 6607 Rein Drive - not for or against a tax rate increase.

Eddie Malbroue, 1406 Pine Drive - spoke against a tax rate increase.

Harold Butchart, 309 S. 2nd Street - spoke against a tax rate increase.

Milsa Nazario, 1212 Wales Drive - spoke against a tax rate increase.

Raul Villaronga, 602 Trout Cove - opposes a raise in the tax rate and understands that the city council is not proposing to raise the tax rate.

With no one else appearing, Mayor Segarra closed the public hearing.

Next public hearing will be Tuesday, September 6, 2016.

Mayor Segarra announced that the City Council will vote on the FY2017 Tax Rate and Budget with any proposed changes on Tuesday, September 13th at 5:00p.m., City Hall Council Chambers.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Moore, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 5:35 p.m.



City of Killeen

Legislation Details

File #: MN-16-024 **Version:** 1 **Name:** Minutes of Special City Council Meeting of September 6, 2016
Type: Minutes **Status:** Minutes
File created: 9/7/2016 **In control:** City Council Workshop
On agenda: 9/13/2016 **Final action:**
Title: Consider Minutes of Special City Council Meeting of September 6, 2016.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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City of Killeen
Special City Council Meeting
Killeen City Hall
September 6, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

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

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Fleming. The motion carried unanimously.

Public Hearings

PH-16-030 HOLD a public hearing on the tax rate for the fiscal year October 1, 2016, through September 30, 2017, and set the date of September 13, 2016, to adopt the tax rate. (2nd of 2 Public Hearings)

Staff comments: Jonathan Locke

City Council set the preliminary tax rate for the FY 2017 Proposed Annual Budget and Plan of Municipal Services at the current adopted rate of 0.7498. The effective rate for FY 2017 is 0.7368. The first of two public hearings was held on August 30, 2016.

Mayor Segarra opened the public hearing.

Bryan Thym, 3902 Salt Fork Dr. - urged council members to look at budget closely and gave three options council could consider to help reduce deficit; vehicle expenditures, wage freezes, and sales tax.

Chalitta Moore, 2212 Silverhill Dr. - opposed tax rate increase and suggested city have a check and balance system that regulates all money in the budget.

Milsa Hazarn, 1212 Wales Dr. - opposed tax rate increase and suggested discontinuing some items such as travel expenses and city cars for employees.

With no one else appearing, Mayor Segarra closed the public hearing.

PH-16-031 HOLD a public hearing on the FY 2017 Proposed Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017.

Staff comments: Jonathan Locke

Local Government Code requires that one public hearing be held prior to the adoption of the final budget. The budget adoption is scheduled for September 13, 2016.

Mayor Segarra opened the public hearing.

Dan Corbin, 6009 Stillwood Cr. - requested an extra minute to speak. Submitted for the record and read a written document of his comments. See attached.

Claudia Brown, 2502 Waterfall Dr. - requested an extra minute to speak. Spoke on behalf of Thundercreek Community Association. Ms. Brown thanked council members for their work and asked the council to not spend what the city doesn't have.

Daryl Peters, 3513 Bamboo Ln. - requested an extra minute to speak. Mr. Peters asked council to make sure a check and balance system is done with expenditures and budget.

Brigitte Roman, 1302-A Loyal Ln. - requested an extra minute to speak. Ms. Roman suggested the city's accounting methods are not working correctly, departmental reports should be consolidated and that this financial problem has been going on for a while, not just a recent development; wants more transparency.

Renata Reams, 6705 Alvin Dr. - feels council should collect back taxes owed by citizens, wants more transparency, and suggested the city concentrate more on code enforcement.

Mellisa Brown, 6105 Melanie Dr. - requested extra minute to speak. Ms. Brown is concerned about budget, threats of loss of jobs for first responders, clarity of financial documents presented monthly, and suggested looking at outsourcing.

Sandra Johnson, 4702 Jim Ave - requested extra minute to speak. Ms. Johnson wants an audit done and suggested looking at combining jobs within city employees.

Bob Kelly, 504 Elan - requested extra minute to speak. Mr. Kelly suggested austerity measures should be used to fix lost money and asked why certain expenditures could not be put on hold for a year.

Nance Travis, 408 Southbrook Dr. - Asked the council to cut back every place the city possibly can, have an audit done by outside firm, and thanked the council for their work.

At this point, Mayor Segarra gave everyone 4 minutes.

Larry Smith, 4306 Teal Dr. - believes city staff is stonewalling the council and suggested the council implement measure to balance the budget without hurting tax payers.

Arturo Cortez, 406 Alexander - believes council has failed the citizens and believes the council is controlled by staff.

James Ralston, 408 Yates Rd. - discussed previous year's income and expenditures and feels the council requests some citizens to make sacrifices but not others.

Araceli Cook, 2803 Derby Dr. - wants council to have an outside audit conducted and feels there's no communication between council members.

Chalitta Moore, 2212 Silverhill Dr. - wants to know exactly where the deficit money has gone and would like to see two committees formed, Regulatory committee to review expenditures and Enforcement committee to make sure what the city is paying for is received. Also suggested if investments do not generate revenue, stop investing in it.

Bob Blair, 1307 Ruiz Dr. - request the city look into an outside municipal budget service company, doesn't feel the council has the skills to navigate budget issues and is concerned about loss of confidence in staff.

Ty Birdsong, 1600 Jeffries - doesn't blame the council for the current budget problems but requests the council trim the budget.

Hal Butchart, 309 S. 2nd Street - concerned about unfunded money for retirees, employees that make 6-figure salaries, and suggested consolidating staff responsibilities and cut salaries.

Steven Suralie, 3905 Edgefield Street - feels council should be accountable for money it's going to spend, show justification for the item the money is spent on, and suggested selling city property the city doesn't really need to help with deficit, i.e. golf course & skylark.

Bill Paquette, 515 Ray - asked council to first determine if expenditures are a need or a want before spending money.

Frank Plowick, 6303 Flat Slate Dr. - concerned about budget cuts having an adverse effect on citizens and suggested council strongly consider any budget cuts.

With no one else appearing, Mayor Segarra closed the public hearing.

Mayor Segarra announced that the city council will vote on the FY 2017 tax rate and budget with any proposed changes at its regular city council meeting on Tuesday, September 13th at 5:00pm, City Hall Council Chambers.

Adjournment

With no further business, upon motion being made by Councilmember Young, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:36 p.m.



City of Killeen

Legislation Details

File #: RS-16-083 **Version:** 1 **Name:** Appoint Members to Boards, Commissions, and Sub-Committees
Type: Resolution **Status:** Resolutions
File created: 7/13/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution appointing citizens/members to various boards, commissions, and commissions sub-committees.
Sponsors: City Manager Department, City Secretary
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		
7/19/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Boards, Commissions, and Committee
Appointments - Citizen Engagement**

ORIGINATING DEPARTMENT

City Attorney/City Secretary

BACKGROUND INFORMATION

The City of Killeen has various boards, commissions, and committees that serve in an advisory capacity.

DISCUSSION/CONCLUSION

In order to make appointments and reappointments, City Council action is required. The following listing represents opportunities for both.

Animal Advisory Committee (City Manager)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Petra Cannon	Term Expired	Petra Cannon	Citizen Rep	N	Y
Katherine Fischer	Term Expired	Katherine Fischer	Citizen Rep	N	Y
George Fox	Term Expired	Linda Knotts	Humane Society Rep	Y(12)	Y
Lynette Broughton	Term Expired	Lynette Broughton	Citizen Rep	N	Y
New Position		Peter Stanonik	Citizen Rep		
New Position		Natalie Pittman	Citizen Rep		
New Position		Melinda Harkin-Hensley	Citizen Rep		
New Position		Michael George	Citizen Rep		
New Position		George Fox	Ex Officio		
New Position		Linda Marzi	Ex Officio		

Arts Commission (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
John Doranski	Term Expired	John Doranski	Member-at-Large	N	Y
Mike Bartoszek	Term Expired	Mike Bartoszek	Music/Radio/TV	N	Y
Fatima Fortenberry	Resigned	Darlene Golden	Dance/Drama/Writing		
Anthony Cooper	Resigned	Morris Melton	Member-at-Large	N	Y
Ralph Cossey	Term Expired	Ralph Cossey	Member-at-Large	N	Y
Nina Cobb	Term Expired	Nina Cobb	Member-at-Large	N	Y

Board of Adjustment - Construction (Sub-Comm: J. Okray, B. Moore)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Eugene Kim	Term Expired	Jim Scaff	Alt General Contractor	N	N
Lee Mitchell	Term Expired	Lee Mitchell	General Contractor	Y(10)	Y

Board of Adjustment - Fire Prevention Code (Sub-Comm: J. Kilpatrick, Jonathan Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Michael Neujahr	Term Expired	Michael Neujahr		N	Y
Charles Guidry	Resigned	Sean Payton			
Tommy Litton	Term Expired	Tommy Litton	Alternate	N	Y
Clifford Pinkerton	Term Expired	Clifford Pinkerton		N	Y

Board of Adjustment - Airport Hazard Zoning (Sub-Comm: S. Fleming, B. Moore)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Phil Haggerty	Term Expired	Phil Haggerty		Y(12)	Y
George Loffert	Resigned	Charlie Watts			
Barbara Taylor	Term Expired	Barbara Taylor		N	Y
Former HH Rep		Glenn Birmingham	Aviation Experience	N	
Former Bell Co Rep		Robert Harmon		N	

Board of Adjustment - Zoning (Sub-Comm: J. Kilpatrick, J. Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Millie Cotto	Term Expired	Millie Cotto		Y(6)	Y
Sandra Johnson	Term Expired	Sandra Johnson		N	Y
Joel Steine	Term Expired	Joel Steine		N	Y
Ursula Rushing	Term Expired	Claudia Bentley	Alternate	N	N
Tad Dorroh	Term Expired	Tad Dorroh	P&Z Rep	N	Y

Civil Service Commission (City Manager)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Dirk Davis	Term Expired	Dirk Davis		N	Y

Community Development Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Richard Banta	Term Expired	Richard Banta		N	Y
Kim Barr	Term Expired	Kim Barr		Y(7)	Y
Angelia Batie	Term Expired	Angelia Batie		N	Y
Alvin Dillard	Term Expired	Nick Guajardo		N	N
Vacant	Resigned	Riakos Adams			
Eric McConaughy	Term Expired			N	No Response

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Chian Chi	Term Expired		Member-at-Large	N	N
Michelle Lee	Term Expired			Y(8)	No Response

Killeen Housing Authority (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Erma Taylor	Term Expired	Erma Taylor	Resident Member	N	Y
Fredrick Bee	Term Expired	Fredrick Bee		N	Y
VACANT (G. Johnson)	Term Expired	Daryl Peters			
Minerva Trujillo	Term Expired	Minerva Trujillo		Y(6)	Y

Killeen Sister Cities (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
VACANT		Angel Rivera	San Juan Committee Rep		
Aimee Nazarilo-Ovalle		Jeremiah Belser	YAC Rep		

Killeen Volunteers, Inc. (Sub-Comm: J. Kilpatrick, B.Moore)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Elizabeth McDaniel	Term Expired	Elizabeth McDaniel	Citizen Rep	N	Y
AnaLuisa Carrillo-Tapia	Term Expired	AnaLuisa Carrillo-Tapia	Citizen Rep	N	Y
Debbie Nash-King	Term Expired	Debbie Nash-King	Citizen Rep	N	Y
Raquel Watkins	Term Expired	Raquel Watkins	Citizen Rep	N	Y
Brian Sunshine	Term Expired	Brian Sunshine	CTC Rep	N	Y

Planning & Zoning Commission (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Ramon Alvarez	Term Expired	Kirk Latham		N	Y
Anthony Cooper	Term Expired	Anthony Cooper		N	Y
Alvin Dillard	Term Expired	Tyrone McLaurin		N	N
VACANT (G. Johnson)	Unexpired Term (2017)	Daryl Peters			
Peter Beronio	Resigned	Ben Purser		N	N

Senior Citizen Advisory Board (Sub-Comm: S. Fleming, J. Okray)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Pat Adam	Resigned	Kim Harris			
Marjorie Banta	Term Expired	Marjorie Banta		N	Y
Sean Payton	Term Expired	Sean Payton		N	Y
Klaus Adam	Term Expired	Lisa Kerschner		Y(6)	Y
Larry Egly	Term Expired	Larry Egly		N	Y

Tax Increment Reinvestment Zone #2 (All Council)

Current Member	Status	New Member	Comments	Termed Out?	Reappoint?
Patton Kaufman	Term Expired	Patton Kaufman	City Rep	Y(8)	Y
John Fisher	Term Expired	John Fisher	Bell County Rep	Y(8)	Y
Rex Weaver	Term Expired	Rex Weaver	CTC Rep	Y(6)	Y

RECOMMENDATION

It is recommended that the City Council appoint the above New Member individuals to fill vacancies and expired terms.



City of Killeen

Legislation Details

File #: RS-16-102 **Version:** 1 **Name:** Subway Termination Agreement
Type: Resolution **Status:** Resolutions
File created: 8/11/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution approving a termination agreement with Subway Real Estate, LLC for leased premises at Killeen-Fort Hood Regional Airport.
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Subway Termination Agreement](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Termination of Lease Agreement with Subway Real Estate, LLC at Killeen-Fort Hood Regional Airport

ORIGINATING DEPARTMENT

Aviation

BACKGROUND INFORMATION

On March 1, 2004, Subway Real Estate Corp. was selected as a result of RFP 04-06 to operate a food service business at Killeen-Fort Hood Regional Airport. A lease agreement with Subway Real Estate Corp. was negotiated and was approved by Council on April 27, 2004. The lease had an initial term of three years and two months and included several extension options. Lease extensions were approved by Council on August 30, 2007, and September 17, 2010. Subway Real Estate Corp. assigned the lease to Subway Real Estate, LLC effective September 12, 2011. On July 14, 2015, Council approved the most recent extension with a term that expires on September 30, 2020.

DISCUSSION/CONCLUSION

On June 2, 2016, Subway Real Estate, LLC, formally notified the City of its intent to cease operation or about June 30, 2016, and requested formal termination of the lease agreement. The reason for the request and subsequent cessation of operations was due to underperformance of the operations. This Subway location was not meeting minimum performance standards and was losing money on its operation, a trend that had been occurring for the past seven months.

Staff has negotiated an Agreement of Termination and Mutual Release of Lease with Subway Real Estate, LLC. A rider to the original lease agreement states that the Tenant's liability upon default shall not exceed \$15,000.00. Pursuant to this clause, the Agreement of Termination provides for a one-time payment of \$15,000.00 to the City in exchange for a release of all obligations from the lease agreement. Subway has removed all of its company-owned property and surrendered the premises to the airport in satisfactory condition.

FISCAL IMPACT

This lease agreement had provided annual revenues of approximately \$14,500 into the Airport Enterprise fund. The termination agreement provides a one-time payment of \$15,000 that will be deposited into account number 525-0000-324.05-00 AIRPORT RENT & CONCESSION.

RECOMMENDATION

City Council approve the attached Agreement of Termination and Mutual Release of Lease with Subway Estate, LLC and authorize the City Manager to execute same.

AGREEMENT OF TERMINATION AND MUTUAL RELEASE OF LEASE

City of Killeen (the "Landlord") and Subway Real Estate, LLC, successor-in-interest to Subway Real Estate Corp. (the "Tenant") having its offices at 325 Sub Way, Milford, Connecticut enter this Agreement this _____ day of _____, 2016. The parties mutually agree as follows:

1. Introduction

a) Pursuant to a lease dated **June 11, 2004** (the "Lease") and subsequent Addendum Nos. 1, 2, and 3, Landlord leased to Tenant certain premises described as **Killeen Fort Hood Airport, 8101 South Clear Creek Road, Killeen, TX, Room B207** (the "Premises").

b) Landlord and Tenant desire to terminate the Lease and enter into an Agreement evidencing the termination and releasing each other from all liability arising out of the leasehold.

2. Termination

The Lease between Landlord and Tenant covering the Premises, including any and all of Tenant's right, interest and estate in the premises shall terminate effective as of the last date of execution of this Agreement. Tenant, for itself and its respective successors, assigns and sublessees shall not have or exercise any rights in the premises upon the effective date of this Agreement. Notwithstanding anything to the contrary, Tenant shall retain all records associated with transactions at the Killeen-Fort Hood Regional Airport within the Leased Premises for two (2) years after the Lease is terminated.

3. Release

FOR VALUABLE CONSIDERATION, including the payment of **Fifteen Thousand Dollars and 00/100 Cents (\$15,000.00)** by Tenant to Landlord, receipt of which is hereby acknowledged, Landlord and Tenant, each for themselves and their respective successors and assigns, do hereby release and forever discharge the other from any and all debts, claims, obligations, liabilities, demands, damages, actions, causes of action, and penalties of every kind and description whatsoever from the beginning of the world to the date of this Agreement (the "Claims"). This Release shall include but shall not be limited to those Claims as have arisen or may hereafter arise, whether now known or disclosed or hereafter discovered and disclosed, out of the execution and delivery of the Lease between Landlord and Tenant, and any and all instruments and documents by whomever executed and delivered in connection with the Lease, and the termination and cancellation by Tenant. Landlord and Tenant understand and acknowledge that Tenant shall not be liable for any rents, costs, expenses, or charges of any kind, or required to do or perform any acts of any kind in connection with said termination and cancellation. Landlord acknowledges that any Guarantees relating to the above-referenced Lease are terminated as of the execution of this Agreement.

4. Surrender of Premises

Landlord acknowledges that the Premises have been surrendered by Tenant and Landlord has accepted the Premises in "as is" condition.

5. Successors and Assigns

This Agreement shall be binding upon and inure to the benefit of Landlord and Tenant and their respective successors and assigns.

6. Counterparts and Electronic Signatures

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same Agreement. The counterparts of this Agreement may be executed and delivered by facsimile or other electronic signature by any of the parties to any other party and the receiving party may rely on the receipt of such document so executed and delivered by facsimile or other electronic means as if the original had been received.

7. Merger

Except as specifically set forth herein, this Agreement constitutes the entire Agreement between the parties. If any provision herein is deemed invalid under any applicable law, such provision shall be deemed omitted but the remaining provisions herein shall be applicable.

8. Texas Law

This Agreement shall be subject to and governed by the laws of the State of Texas. The Parties agree that for venue purposes, any and all lawsuits, disputes, or causes of action shall be in Bell County, Texas.

IN WITNESS WHEREOF, the parties have accepted this Agreement of Termination and Release of Lease as of the date first above written.

TENANT: **Subway Real Estate, LLC, successor-in-interest to Subway Real Estate Corp.**

BY: _____
Duly Authorized

Duly sworn by me on this 21st day of July, 2016

Christopher E. Ball
Christopher E. Ball, Esq.
Commissioner of the Superior Court
CT Juris #427856

CHRISTOPHER E. BALL, ESQ.
COMM. OF THE SUPERIOR COURT
MY COMMISSION IS PERMANENT

LANDLORD: **City of Killeen**

BY: _____

Interim City Manager Lillian Ann Farris

Attested on this _____ day of _____, 2016

City Secretary Dianna Barker



City of Killeen

Legislation Details

File #: RS-16-103 **Version:** 1 **Name:** US 190-FM 2410-ROSEWOOD DR CO#61
Type: Resolution **Status:** Resolutions
File created: 8/1/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution authorizing Change Order No. 61 with James Construction Group, LLC to the US 190/FM 2410/Rosewood Drive project.
Sponsors: Public Works Department, Transportation Division
Indexes: US190-Rosewood-FM2410
Code sections:
Attachments: [Council Memorandum](#)
[Change Order](#)
[Change Order Worksheet](#)
[Change Order History](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

AUTHORIZE CHANGE ORDER NO. 61 TO THE US 190/FM 2410/ROSEWOOD DRIVE PASS-THROUGH FINANCING CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC.

ORIGINATING DEPARTMENT

PUBLIC WORKS - TRANSPORTATION DIVISION

BACKGROUND INFORMATION

On January 8, 2013 (CCM/R 13-001R), the City Council awarded a construction contract to James Construction Group, LLC for the Pass Through Financing (PTF) Project, US 190/FM 2410/Rosewood Drive. This project included the construction of an overpass at the intersection of US 190 and Rosewood Drive, the widening of FM 2410, and the construction of Rosewood Drive from US 190 to Fawn Drive.

DISCUSSION/CONCLUSION

Change Order No. 61 is necessary to reconcile or balance line item quantities, overruns and underruns. These are items that are typically paid as measured in place. The item amount listed in the plan set is an estimated quantity. Final payment is based upon the field measured quantity for any particular line item. Items that measure greater than the estimated plan quantity are referred to as overruns, and items that measure less than the estimated plan quantity are referred to as underruns. This will reconcile the majority of the items on this project, except for those still under negotiation with the contractor and TxDOT. Approval of this action is necessary as one of the remaining requirements to close out the project and comply with the terms of the associated contract. Approval of this action reconciles actual quantities utilized in the construction of the project throughout the course of its more than three-year construction time period. Failure to approve this action will most likely lead to contractual claims under the terms of the associated contract between the City and James Construction.

Following approval of this action, City staff contemplates one final change order being presented to City Council before final close out can be achieved. The scope of this change order is currently being negotiated with TxDOT and should be determined in the near future.

FISCAL IMPACT

Change Order No. 61 will increase the expenditure for the Project in the Pass-Thru Finance US 190/FM 2410/Rosewood Drive, General Obligation Bonds, US 190/FM 2410/Rosewood Drive Account #341-3490-800.58-23.

The total cost of the project before this change order request was \$22,682,512.76. The cost of this change is a net increase of \$260,109.67 for an updated total contract price of \$22,942,622.43, or a cumulative 4.51% increase to the contract.

The remaining balance in the Rosewood PTF Account for FY16 is \$243,409.55 after the deduction of this Change Order #61. FY17 has allocated \$239,557 for the closeout of this project, which includes necessary improvements to Skylark Field as previously discussed, and totals the remaining amount available for the Rosewood PTF project.

RECOMMENDATION

City staff recommends that the City Council authorize Change Order No. 61 with James Construction Group, LLC, increasing the cost of the contract by \$260,109.67 and request that the Interim City Manager be expressly authorized to execute the same.

CHANGE ORDER

No. 61

DATE OF ISSUANCE 08/22/2016

EFFECTIVE DATE _____

OWNER: City Of Killeen
 CONTRACTOR: James Construction Group, LLC.
 Contract: Bid No. 13-06
 TxDOT Project: PTF 1102 (054) ~ US 190 @ Rosewood Drive
 TxDOT Control No.: 0231-03-129
 ENGINEER's Contract No. _____
 ENGINEER: _____

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

Description: Reconcile overruns and underruns

Reason for Change Order: The change order is necessary to balance line items.

Attachments: Change Order Worksheet.

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>21,952,775.21</u>
Net Increase (Decrease) from previous Change Orders No. <u>1</u> to <u>60</u> : \$ <u>729,737.55</u>
Contract Price prior to this Change Order: \$ <u>22,682,512.76</u>
Net increase (decrease) of this Change Order: \$ <u>260,109.67</u>
Contract Price with all approved Change Orders: \$ <u>22,942,622.43</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times prior to this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: _____ Ready for final payment: _____ (days)
Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: _____ (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

Date: _____

Date: _____

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute

CHANGE ORDER(S) FOR US 190-FM 2410-Rosewood Drive PTF Project

Department/Division:	Public Works/ Transportation	Bid No.:	13-06	NOTE 1. If individual Change Order request is ≥ \$50,000, please attach CCMR in front of Change Order request for Council approval 2. If, cumulatively, Change Orders are ≥ 25% of awarded contract amount please attach CCMR in front of Change Order request for Council approval
Vendor Name:	James Construction Group, LLC	CCMR No.:	13-001R	
Original Contract Amount:	\$21,952,775.21			
Date CCMR Approved:	01/08/13			

HISTORY OF CHANGE ORDERS

CO#	Proposed or Approved	Date CCMR Approved	CCMR#	Amount	Account Number (xxx-xxxx-xxx-xxx)	BRIEF Reason for Change Order Request (must fit in allotted space)	Updated Contract Amount	% Change in Contract
1	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/24/13		\$1,590.99	341-3490-800.58-23	Relocate TxDOT ground box, conductor and conduit.	\$21,954,366.20	0.01%
2	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/03/13		\$33,496.00	341-3490-800.58-23	Eliminate existing rumble strip.	\$21,987,862.20	0.16%
3	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/26/13	13-141R	\$72,687.60	341-3490-800.58-23	Change in temporary special shoring.	\$22,060,549.80	0.49%
4	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/04/13		\$26,847.12	341-3490-800.58-23	Redesign of 90 degree connection of 18" RCP laterals.	\$22,087,396.92	0.61%
5	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	01/28/14		\$8,383.00	341-3490-800.58-23	Flex base trench backfill for Rosewood Drive laterals.	\$22,095,779.92	0.65%
6	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	01/28/14		\$10,141.05	341-3490-800.58-23	Additional TY C Hotmix Asphalt pavement for detour.	\$22,105,920.97	0.70%
7	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	01/28/14		\$42,158.84	341-3490-800.58-23	Additional inlet and RCP lateral on Ph 3 detour.	\$22,148,079.81	0.89%
8	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	01/14/14	14-002R	\$90,694.94	341-3490-800.58-23	Connect drainage flume at Sta 92+00 at West side of Rosewood Drive to 5x3 concrete box culvert and earthen channel.	\$22,238,774.75	1.30%
9	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Approved	05/13/14	14-053R	\$83,537.30	341-3490-800.58-23	Add temporary special shoring for the barrier wall and the Vista wire wall at the 8x6 reinforced concrete box.	\$22,322,312.05	1.68%
10	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	01/28/14		\$8,610.95	341-3490-800.58-23	Add traffic control modifications and corrugated metal pipe size increase.	\$22,330,923.00	1.72%
11	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$23,649.27	341-3490-800.58-23	Cut, plug and relocate existing 8" waterline on EB frontage road.	\$22,354,572.27	1.83%
12	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$29,158.70	341-3490-800.58-23	Repairing a pothole on the WB US 190 Main Lanes Detour	\$22,383,730.97	1.96%
13	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$2,184.36	341-3490-800.58-23	Installed Temporary Traffic Control Low Profile CTB's on the WB Frontage Rd for RWW4	\$22,385,915.33	1.97%
14	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$35,520.38	341-3490-800.58-23	Removal and replacement of the TRF on the WB Main Lanes	\$22,421,435.71	2.13%
15	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$27,716.17	341-3490-800.58-23	Relocating a existing 8" water line in conflict with the Rosewood Drainage System	\$22,449,151.88	2.26%
16	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$34,141.81	341-3490-800.58-23	Out-of-Phase installation of storm drainage	\$22,483,293.69	2.42%

17	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$3,446.65	341-3490-800.58-23	Lowering Type 2 Curb Inlets on FM 2410	\$22,486,740.34	2.43%
18	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	07/11/14		\$1,250.00	341-3490-800.58-23	Move and reset Crash Cushion Attenuators	\$22,487,990.34	2.44%
19	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/06/14		\$3,014.91	341-3490-800.58-23	Decorative Transition Strips between curb and sidewalk	\$22,491,005.25	2.45%
20	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/06/14		\$13,666.25	341-3490-800.58-23	Type H Inlet and 18" HDPE Drianage Pipe Installed on Rosewood Dr.	\$22,504,671.50	2.51%
21	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/06/14		-\$22,239.31	341-3490-800.58-23	Asphalt and Aggregate type for One-Course Surface Treatment	\$22,482,432.19	2.41%
22	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/18/14		\$1,800.00	341-3490-800.58-23	Concrete Median Barrier - Extend Quantities - Phase 4 Stage 1	\$22,484,232.19	2.42%
23	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	08/18/14		\$10,342.00	341-3490-800.58-23	Illumination Conduit Bore For Existing Circuit	\$22,494,574.19	2.47%
24	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/18/14		\$3,118.62	341-3490-800.58-23	Additional Drainage installed at the end of RWW1	\$22,497,692.81	2.48%
25	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/26/14		\$28,772.76	341-3490-800.58-23	Concrete Sidewalk Bridges on Rosewood Dr	\$22,526,465.57	2.61%
26	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/26/14		\$10,080.67	341-3490-800.58-23	Raising US 190 TY-H Inlet and re-grading	\$22,536,546.24	2.66%
27	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	12/09/14	14-156R	-\$376,886.37	341-3490-800.58-23	Plan and Overlay, Striping and Signage Changes	\$22,159,659.87	0.94%
28	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	03/30/15		\$13,318.96	341-3490-800.58-23	Roy Reynolds Right Hand Turn Lane - Mill, Overlay, and Stripe	\$22,172,978.83	1.00%
29	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	04/28/15	15-043R	\$56,578.33	341-3490-800.58-23	Mainlane Detour Repairs	\$22,229,557.16	1.26%
30	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/08/15		\$3,335.06	341-3490-800.58-23	Bridge Rail Conduit & Traffic Counter Poles	\$22,232,892.22	1.28%
31	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$1,565.87	341-3490-800.58-23	Install temporary Icy Road Signs	\$22,234,458.09	1.28%
32	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$28,569.18	341-3490-800.58-23	Out of Phase Storm Crossing EBFR & Relocation of D-3 Inlet	\$22,263,027.27	1.41%
33	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$1,451.70	341-3490-800.58-23	Removing an underground obstruction at EB Bent #3	\$22,264,478.97	1.42%
34	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$35,462.77	341-3490-800.58-23	FM 2410 Driveway Modifications	\$22,299,941.74	1.58%
35	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$42,475.15	341-3490-800.58-23	Concrete Driveway Removal	\$22,342,416.89	1.77%
36	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	05/06/15		\$6,253.11	341-3490-800.58-23	FM 2410 Pipe Crossing	\$22,348,670.00	1.80%
37	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/10/15	15-055R	\$81,923.78	341-3490-800.58-23	EBML Detour reconstruction	\$22,430,593.78	2.18%

38	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/10/15	15-056R	-\$107,342.92	341-3490-800.58-23	SMA-F SAC A PG 76-22 Surface Course	\$22,323,250.86	1.69%
39	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/02/15		\$3,973.06	341-3490-800.58-23	WBML Pavement Repairs	\$22,327,223.92	1.71%
40	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/04/15		\$7,507.23	341-3490-800.58-23	Killeen Self storage driveway drainage	\$22,334,731.15	1.74%
41	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/04/15		\$2,042.67	341-3490-800.58-23	FM 2410 Riprap between driveways	\$22,336,773.82	1.75%
42	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/04/15		-\$1,369.50	341-3490-800.58-23	Stone riprap substitution	\$22,335,404.32	1.74%
43	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/04/15		\$27,950.03	341-3490-800.58-23	Milling roadway repairs	\$22,363,354.35	1.87%
44	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	09/04/15		\$16,492.78	341-3490-800.58-23	Inlets, Remove CO7, Raise 410+00 & 442+00	\$22,379,847.13	1.95%
45	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/09/15		\$20,710.06	341-3490-800.58-23	FM 2410 Mill & Fill Existing pavement	\$22,400,557.19	2.04%
46	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/09/15		\$1,780.69	341-3490-800.58-23	Cut & Restore Roy Reynolds & Stonetree	\$22,402,337.88	2.05%
47	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/09/15		\$5,742.75	341-3490-800.58-23	Obstruction Lighting Conduit	\$22,408,080.63	2.07%
48	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/09/15		\$3,582.00	341-3490-800.58-23	Extra depth curb & gutter - EBML Off ramp	\$22,411,662.63	2.09%
49	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	11/09/15		\$23,787.23	341-3490-800.58-23	Handrail	\$22,435,449.86	2.20%
50	<input type="checkbox"/> Proposed <input type="checkbox"/> Approved	N/A		\$0.00	341-3490-800.58-23	Railing - VOID (TxDOT disapproved plan change)	\$22,435,449.86	2.20%
51	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	03/02/16		\$32,820.48	341-3490-800.58-23	Driveway Overruns	\$22,468,270.34	2.35%
52	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	03/02/16		\$9,594.71	341-3490-800.58-23	Additional VIVDS Detection Cameras	\$22,477,865.05	2.39%
53	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	03/23/16	16-29R	\$90,948.56	341-3490-800.58-23	Eastbound main lane roadway repairs	\$22,568,813.61	2.81%
54	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	03/29/16		\$35,568.89	341-3490-800.58-23	Law Enforcement to aid traffic control	\$22,604,382.50	2.97%
55	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	04/29/16		\$42,200.85	341-3490-800.58-23	Overruns for barricades, const exts, msg boards and inlets	\$22,646,583.35	3.16%
56	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/15/16		\$15,989.65	341-3490-800.58-23	WBFR driveway remove and replace	\$22,662,573.00	3.23%
57	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/15/16		\$2,893.64	341-3490-800.58-23	Remove concrete curb and ramp and replace curb and gutter	\$22,665,466.64	3.25%
58	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/15/16		\$2,135.75	341-3490-800.58-23	Rebar Cages	\$22,667,602.39	3.26%
59	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/15/16		\$582.00	341-3490-800.58-23	Block sod	\$22,668,184.39	3.26%
60	<input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Approved	06/15/16		\$14,328.37	341-3490-800.58-23	Overruns for T-401 Rail Foundation and Driveway on Rosewood	\$22,682,512.76	3.32%
61	<input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Approved			\$260,109.67	341-3490-800.58-23	Overruns/Underruns Clean-up	\$22,942,622.43	4.51%



City of Killeen

Legislation Details

File #: RS-16-104 **Version:** 1 **Name:** Agreement with Killeen Economic Development Corporation
Type: Resolution **Status:** Resolutions
File created: 8/26/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution approving an agreement with the Killeen Economic Development Corporation to provide economic development services.
Sponsors: City Council, City Manager Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[KEDC Agreement](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Agreement with Killeen Economic
Development Corporation**

ORIGINATING DEPARTMENT

City Manager

BACKGROUND INFORMATION

On November 30, 1990, the City of Killeen entered into an agreement with the Killeen Economic Development Corporation (KEDC) providing for economic development services. Since 1990, the City of Killeen has continued this collaboration which includes an annual appropriation to the KEDC.

DISCUSSION/CONCLUSION

The City Council has authorized an allocation in the past of no less than the equivalent to two cents (2¢) of the net ad valorem tax collections each fiscal year.

Funding for this agreement has been included in the proposed budget in an amount up to \$772,708. A consensus among City Council members was reached at the September 6, 2016 workshop to reduce the FY 2017 KEDC allocation by 50% which equates to \$386,354. The City will determine each year's allocation in consultation with the KEDC. The attached agreement describes the responsibilities of the City and the KEDC and includes provisions for the use of funds and financial reporting requirements.

RECOMMENDATION

That the City Council authorize the Interim City Manager to execute the attached agreement on behalf of the City and set the FY 2017 allocation for KEDC at \$386,354.

THE STATE OF TEXAS §
§
COUNTY OF BELL §

AGREEMENT

This Agreement is between the City of Killeen, Texas, a municipal corporation (City), acting herein by and through its duly authorized Interim City Manager, Lillian A. Farris, and the Killeen Economic Development Corporation (KEDC), a non-profit corporation, acting herein by and through its duly authorized President of the Board of Directors, Elizabeth Blackstone.

WHEREAS, the City of Killeen wishes to promote the economic development of the City of Killeen by attracting new businesses and expanding existing businesses within the City; and

WHEREAS, by Ordinance No. 90-65, passed and approved on August 14, 1990, the City Council authorized and approved the creation of KEDC; and

WHEREAS, on October 9, 1990, the KEDC Bylaws were given final approval by the City Council and are hereby incorporated by reference as if fully stated herein; and

WHEREAS, the City of Killeen levies ad valorem taxes upon property within the City as authorized by law and the City dedicated a specific amount for the purpose of economic development of the City; and

WHEREAS, KEDC has expressed its specific intent to use all funds which come into its control to promote and encourage the economic development of the City;

NOW THEREFORE, in consideration of the promises and covenants herein contained, the City and KEDC agree as follows:

1. Formation. City does hereby employ, engage, and hire KEDC to promote the economic development of the City and to render the services herein contained, and KEDC does hereby agree to accept such hiring, engagement, and employment and to discharge such duties in accordance with the terms and conditions herein set forth.

2. Independent Contractor. KEDC is hired and engaged as an independent contractor and is not an officer, agent or employee of the City in regard to the operations and actions of the KEDC. The KEDC shall select and employ such persons as it may deem necessary to fulfill its obligations and responsibilities under this agreement.

3. Indemnification. KEDC agrees to indemnify, save harmless and defend the City of Killeen from any and all claims, causes of action and damages of every kind arising from the operations of KEDC, its officers, agents and employees, carried out in furtherance of this agreement. KEDC shall carry or cause to be carried public liability, bodily injury insurance on all automobiles used in the operations embraced by this agreement in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each person and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage liability insurance in the amount of One Hundred Thousand and No/100 Dollars (\$100,000) for each occurrence, or a combined single limit of Six Hundred Thousand and No/100 Dollars (\$600,000), the cost of said insurance policies to be an expense of KEDC for which funding shall be provided by the City pursuant to paragraph 6 below. Said policies of insurance must be approved by the City and must be written by companies acceptable to the City. Said insurance policies shall name the City of Killeen as an additional insured. Said policies, or duplicate originals thereof, must be filed with the City Secretary or her designated representative, before any operations contemplated by this agreement are begun.

4. Operation. KEDC shall encourage and further the economic development of the City of Killeen. KEDC shall perform, among others, the following functions:

- a. Encourage and promote the economic development of the City of Killeen;
- b. Recommend to the City projects and programs to encourage and further the economic development of the City of Killeen; and
- c. Appoint annually a Board of Directors whose members and composition shall be determined by KEDC.

5. Revenue. City agrees to pay to KEDC the estimated revenue determined by the City each year in consultation with KEDC for operation of KEDC to manage or supervise programs and activities funded in accordance with the terms of this agreement. Payments to KEDC shall be made quarterly.

6. Permitted Use of Funds. It is expressly understood and agreed by the City and KEDC that all funds received from the City that are paid to KEDC shall be used solely for the purposes of encouraging and promoting the economic development of the City of Killeen, by way of performing those acts and conducting those activities authorized by Chapter 501 of the Texas Local Government Code as that statute provides at the time of execution of this agreement and as said statute or any amendment or successor statute thereto shall hereafter provide.

Notwithstanding the provision above, it is specifically understood between the parties hereto that KEDC shall have authority to commit and spend funds received from the City for the following types of projects, without the necessity of securing the prior approval of the City Council, providing that expenditures contribute directly to the creation of new jobs or retention of existing jobs in the City of Killeen:

- a. Improvement of infrastructure, such as streets, roads, drainage structures, utility and sewer lines and connections, bridges, and other construction projects.
- b. Extensions of existing roads.
- c. Water and sewer treatment and improvement projects.
- d. Business, industrial or commercial expansion grants.
- e. Any amounts of money required to be committed for securing State or Federal matching grant funds for economic development.
- f. Construction of buildings and structures to attract business, commerce and industry.
- g. Purchase or acquisition of other interests in land for present or future business, commercial or industrial expansion.
- h. Professional services, such as architectural, engineering, economic or other studies, whether contracted for by KEDC itself or on behalf of businesses or industries which are potential employers in the City of Killeen, and legal services necessitated by any of the items or activities listed in this Paragraph 6.
- i. Professional services and/or expenses associated with the creation and/or retention of military and/or civilian jobs.

j. Insurance to secure KEDC's interest in any such projects, as well as liability insurance for the officers, directors, and executive director of KEDC against claims of damage based on the actions of said persons in furtherance of their positions and duties regarding KEDC as authorized under Section 8.01(K) of the KEDC Bylaws.

k. Any and all requirements, whether by law or contract, for the posting of any bond.

7. Prohibited Use of Funds. It is further understood that no funds transferred by the City to KEDC shall be used by KEDC to pay or supplement the salary or compensation of any person, nor shall any of said funds be used to pay or reimburse any expense incurred by any officer, director, executive director, employee or independent contractor of KEDC for any travel, meals, or entertainment of any person or organization; except such funds may be used to pay expenses lawfully incurred by persons, associations or corporations with whom KEDC may contract to provide goods or services as authorized in Paragraph 6 above or Paragraph 8 below. In accordance with state law, no funds received from the City of Killeen may be used for any political activity or political advertising, including, but not limited to any activity or advertising to further the election or defeat of any candidate for public office or any activity undertaken to advocate passage or defeat of a measure.

8. City Council Approval Required. As to acts or activities not specifically listed in Paragraph 6 above, any such acts or activities that KEDC may undertake that are consistent with its Articles of Incorporation, Bylaws and applicable statutes that call or require the expenditure or commitment of funds transferred by the City to KEDC must be approved by the City Council prior to any such expenditure or commitment.

9. Financial Records. KEDC shall maintain complete and accurate financial records of each expenditure made by KEDC and on request of the City Council, the City Manager, or other person, shall make the records available for inspection and review to the City Council or other person. The City Council may, upon reasonable notice, audit all books and records of KEDC pertaining to the funding.

10. Reporting. KEDC shall report quarterly to the City Council on the amount and nature of expenditures or commitments made of funds received from the City and KEDC's progress and plans in promoting the economic development of the City of Killeen.

11. Confidentiality. It is specifically agreed and understood between the parties that in KEDC's negotiations and discussions with potential employers in the City of Killeen that require confidentiality in the identity of the potential employer and the nature of the matters under negotiation. It is agreed and understood between the parties that, to the extent consistent with the Texas Open Meetings Act and the Texas Open Records Act (V.T.C.A., Government Code, Chapters 551 and 552, respectively), and any other applicable statute or regulation, KEDC may freely conduct such confidential discussions or negotiations without prior or subsequent notice to the City Council, unless and until some public action by KEDC or the City is required, or unless and until the release of such information to the City Council is approved by the potential employer.

12. Term. The term of this contract shall be for two (2) years from October 1, 2016 to September 30, 2018 unless sooner terminated or extended in writing by City on an annual basis during City's budget process.

13. Funding. It is expressly understood between the parties that the City Council has committed itself to funding the activities of KEDC from City of Killeen tax revenues for the fiscal year 2016/2017 only. The determination of whether to continue City funding beyond that time will depend directly on the effectiveness of KEDC's management of City-transferred funds during fiscal year 2016/2017, within the guidelines expressed in this agreement.

14. Termination. It is understood and agreed that either party may terminate this Contract by giving to the other party notice in writing at least thirty (30) days in advance of the first day of a calendar quarterly period, and such termination shall become effective at the end of the calendar quarterly period following such notice.

Upon termination of this agreement, the KEDC shall deliver to the City any and all remaining City funds appropriated for the KEDC that it may have and all removable property that may have been purchased with said funds.

DATED this ____ day of _____, 2016.

CITY OF KILLEEN

Lillian A. Farris, INTERIM CITY
MANAGER

ATTEST:

Dianna Barker, CITY SECRETARY

KILLEEN ECONOMIC DEVELOPMENT
CORPORATION

Elizabeth Blackstone, PRESIDENT

ATTEST:

John Crutchfield III, SECRETARY



City of Killeen

Legislation Details

File #: RS-16-105 **Version:** 1 **Name:** Agreement with Greater Killeen Chamber of Commerce
Type: Resolution **Status:** Resolutions
File created: 8/26/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution approving an agreement with the Greater Killeen Chamber of Commerce to provide economic development services.
Sponsors: City Council, City Manager Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[GKCC Agreement](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Agreement with Greater Killeen Chamber of Commerce

ORIGINATING DEPARTMENT

City Manager

BACKGROUND INFORMATION

On September 29, 1987, the City of Killeen entered into an agreement with the Greater Killeen Chamber of Commerce (GKCC) providing for economic development services and appropriating funds accordingly; the agreement has continued to be in place since that time. The agreement sets forth the means by which funds will be paid and the projects for which the City's funds may be spent.

DISCUSSION/CONCLUSION

For many years the City Council has identified economic development as one of the highest priorities for the City. The agreements with the GKCC and the Killeen Economic Development Corporation have demonstrated the City's continuing commitment to economic development. The proposed agreement is for a two-year term, and funding in an amount up to \$677,400 is included in the proposed budget. A consensus among City Council members was reached at the September 6, 2016 workshop to reduce the FY 2017 GKCC allocation by 50% which equates to \$338,700. The City determines each year's allocation in consultation with the Chamber and sets out the responsibilities of the City and the GKCC, including provisions for the use of funds and financial reporting requirements.

RECOMMENDATION

That the City Council authorize the Interim City Manager to execute the attached agreement on behalf of the City and set the FY 2017 allocation for GKCC at \$338,700.

THE STATE OF TEXAS §
§ AGREEMENT
COUNTY OF BELL §

This Agreement is between the City of Killeen, Texas, a municipal corporation (City), acting herein by and through its duly authorized Interim City Manager, Lillian A. Farris, and the Greater Killeen Chamber of Commerce (Chamber), a non-profit corporation, acting herein by and through its duly authorized President, John Crutchfield.

WHEREAS, economic development in the City of Killeen is a high priority objective; and

WHEREAS, the present and prospective right to gainful employment and general welfare of the people of the City of Killeen require as a public purpose the promotion and development of new and expanded business enterprises; and

WHEREAS, the existence, development, and expansion of business, commerce, and industry are essential to the economic growth of the City and to the full employment, welfare, and prosperity of its citizens; and

WHEREAS, the actions authorized in this agreement will further that objective and ensure aggressive and positive economic development activity in the City; and

NOW THEREFORE, in consideration of the premises and covenants herein contained, the City and the Chamber agree as follows:

1. Formation. City does hereby employ, engage, and hire Chamber to provide programs and services for the economic, commercial, and industrial development herein contained, and the Chamber does hereby agree to accept such hiring, engagement, and employment and to discharge such duties in accordance with the terms and conditions herein set forth.

2. Independent Contractor. The Chamber is hired and engaged as an independent contractor and is not an officer, agent or employee of the City in regard to the operations and actions of the Chamber. The Chamber shall select and employ such persons as it may deem necessary to fulfill its obligations and responsibilities under this agreement. Said persons shall be at all times employees of the Chamber and shall not be officers, agents or employees of the City. The power to hire, manage, supervise, direct and discharge such employees shall be vested solely and exclusively with the Chamber. The City shall not manage, direct, supervise or discharge said persons or direct them in the performance of their duties for the Chamber under this agreement.

3. Indemnification. The Chamber agrees to indemnify, save harmless and defend the City of Killeen from any and all claims, causes of action and damages of every kind arising from the operations of the Chamber, its officers, agents and employees, carried out in furtherance of this agreement. The Chamber shall carry or cause to be carried public liability, bodily injury insurance on all automobiles used in the operations embraced by this agreement in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each person and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage liability insurance in the amount of One Hundred Thousand and No/100 Dollars (\$100,000) for each occurrence, or a combined single limit of Six Hundred Thousand and No/100 Dollars (\$600,000) the cost of said insurance policies to be an expense of the Chamber for which funding shall be provided by the City pursuant to paragraph 7 below. Said policies of insurance must be approved by the City and must be written by companies acceptable to the City. Said insurance policies shall name the City of Killeen as an additional insured. Said policies, or duplicate originals thereof, must be filed with the City Secretary or her designated representative, before any operations contemplated by this agreement are begun.

4. Operation. The Chamber shall encourage and promote the development of new and expanded business enterprises in the Killeen and shall solicit the location of business, commerce and industry in the City. The Chamber shall perform, among others, the following functions:

- a. Plan, organize and direct the economic development program;
- b. Coordinate the activities of various groups involved in economic development, including the City of Killeen, Greater Killeen Chamber of Commerce, Killeen Industrial Foundation, and the Killeen Economic Development Corporation;
- c. Maintain liaison with the Governor's Office of Economic Development and other allies;
- d. Prepare and administer a budget and work program for economic development;
- e. Maintain an economic development website and update as necessary;
- f. Initiate and maintain contact with business, commercial and industrial prospects to promote their location in Killeen;

- g. Develop and present programs to business, commercial, and industrial prospects regarding opportunities in Killeen, including travel as necessary;
- h. Conduct public information program about business, commercial, and industrial development activities to the extent deemed necessary; and
- i. Obtain insurance to secure the Chamber's interest in any such projects, as well as liability insurance for the officers and directors of the Chamber against claims of damage based on the actions of said persons in furtherance of their positions and duties in promoting economic development for the City.
- j. Such additional activities as may be necessary and proper to the performance of the above duties and responsibilities.

5. Budget. The Chamber shall submit to the City Manager an annual operating budget for the Economic Development Program for the next city fiscal year based upon the estimated revenue to be paid the Chamber by City as determined by the City each year in consultation with the Chamber. Said budget shall reflect the proposed expenditures based upon estimated revenue, to be made by the Chamber during said fiscal year and the purposes for which said expenditures are to be made. Expenditures shall be made only in accordance with the approved City Council budget. Budgets shall be prepared by the Chamber, approved by the Chamber Board, and submitted to the City Manager for submission to the City Council. The budget is hereby incorporated by reference as if fully stated herein and shall be made an attachment of the agreement.

6. Revenue. City agrees to pay to the Chamber the estimated revenue determined by the City each year in consultation with the Chamber annually for Economic Development to be performed by the Chamber in accordance with the terms of this agreement. The City will advance to the Chamber an amount equal to one-fourth (1/4) of the approved City appropriation at the beginning of each quarter.

The Chamber shall maintain a separate accounting for all revenue provided by City under the terms of this contract for the purpose of fulfilling this contract. The Chamber may include the revenue provided by the City in a pooled account of the Chamber as long as the other funds of the pooled account always have a positive balance such that the revenue from the City included in the pooled account does not offset a negative balance of all other funds.

7. Use of Funds. It is expressly understood and agreed by the City and the Chamber that all funds received from the City that are paid to the Chamber shall be used solely for the purposes of encouraging and promoting economic development of the City of Killeen. The funds may be spent for day-to-day operations, supplies, salaries, office rental, travel expenses and other administrative costs only if said administrative costs are incurred directly in the promotion of economic development for the City. However, funds may not be spent for travel for a person to attend an event

or conduct an activity the primary purpose of which is not directly related to the promotion of economic development or to the performance of the person's job in an efficient and professional manner. In accordance with state law, no funds received from the City of Killeen may be used for any political activity or political advertising, including, but not limited to any activity to further the election or defeat of any candidate for public office or any activity undertaken to advocate passage or defeat of a measure.

No expenditure may be made for economic development under the terms of this agreement unless such expenditure is first approved by the President of the Chamber or his designee.

8. Financial Records. The Chamber shall maintain complete and accurate financial records of each expenditure of the funds made by Chamber and on request of the City Council, the City Manager, or other person, shall make the records available for inspection and review to the City Council or other person. The City Council may, upon reasonable notice, audit all books and records of the Chamber pertaining to the funds. All expenditures shall be made in accordance with the annual budget adopted by the City Council and any amendments thereto.

9. Reporting. The Chamber shall report monthly to the City Council on the Chamber's activities and expenditures and the general progress of the Chamber in promoting economic development for the City of Killeen. The monthly reports shall consist of: (1) a monthly Chamber Board Report and (2) a monthly consolidated economic development report. In addition, a report shall be in a format that tracks the performance measures, financial accounting responsibilities, and action plan set forth under this agreement. The report shall be provided in written format and deliverable at Council workshops.

10. Standards of Performance. The standards for measuring the Chamber's fulfillment of its obligations and responsibilities under this agreement shall be as follows:

- a. Location of new business enterprises, commerce, and industries in Killeen;
- b. Accurate and timely flow of information to the City Council;
- c. Operating the economic, business, commercial and industrial development function within the scope of the budget, work program and standards of performance;
- d. Coordination of various community groups involved with economic, business, commercial and industrial development effort;
- e. Citizen satisfaction with the economic, business, commercial and industrial development effort;
- f. Stable relations with the City Council, citizen groups, economic development allies and business, commercial and industrial prospects;
- g. Development of economic development goals, objectives, and an action plan as

adopted at the annual economic development planning retreat.

- h. Such other standards as may from time to time be established by mutual agreement of the parties to this agreement.

11. Term. The term of this contract shall be for two (2) years from October 1, 2016, to September 30, 2018 unless sooner terminated or extended in writing by City on an annual basis during City's budget process.

12. Termination. It is understood and agreed that either party may terminate this Contract by giving to the other party notice in writing at least thirty (30) days in advance of the first day of a calendar quarterly period, and such termination shall become effective at the end of the calendar quarterly period following such notice.

Upon termination of this agreement, the Chamber shall deliver to the City any and all remaining City funds appropriated that it may have and all removable property that may have been purchased with said funds.

DATED this _____ day of _____, 2016.

CITY OF KILLEEN

Lillian A. Farris, INTERIM CITY
MANAGER

ATTEST:

Dianna Barker, CITY SECRETARY

GREATER KILLEEN CHAMBER OF
COMMERCE

John Crutchfield III, PRESIDENT

ATTEST:

Sonja Havens, CHAIRMAN



City of Killeen

Legislation Details

File #: RS-16-106 **Version:** 1 **Name:** Rates and Fees for Civic & Conference Center Complex
Type: Resolution **Status:** Resolutions
File created: 8/31/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution amending rates and fees for the Killeen Civic and Conference Center complex.
Sponsors: Community Development, Killeen Civic and Conference Center
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Rental Rates - Proposed](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Authorize amending the fees and rates for the Killeen Civic and Conference Center Complex

ORIGINATING DEPARTMENT

COMMUNITY DEVELOPMENT/KILLEEN CIVIC & CONFERENCE CENTER

BACKGROUND INFORMATION

On September 10, 2013, the City Council adopted various rates for the Killeen Civic and Conference Center. These rates were developed after conducting a market study of similar facilities in the surrounding area. The proposed rates reflect a new rate for a ½ day rental for the board room and meeting rooms, a reduced fee for military functions, and the listing of the fees for the special event center parking lot and the rodeo arena and its grounds.

DISCUSSION/CONCLUSION

The amendment provides for an effective date of October 1, 2016, to coincide with the new fiscal year. In addition, the following language is being added for consideration: "Council grants the city manager the authority to temporarily change rates from time to time for promotional purposes."

FISCAL IMPACT

The increases in rates and fees should generate approximately \$4,000 in additional revenue in account 214-0000-363.99-10 per year. Rooms and events are often booked a year in advance; increases will apply to new bookings in fiscal year FY 16-17.

RECOMMENDATION

Staff recommends the City Council approve the increase in rates and fees at the Killeen Civic and Conference Center Complex and the city manager or designee be authorized to temporarily change rates for promotional purposes.

Killeen Civic & Conference Center Complex

Rental Rates

The following Room Rental Rates is a guideline for the Director to use in determining event rates. The Director may include, but is not limited to, considering the following factors to determine whether discounts may be given for the room rates: the event's overall economic impact on the community, the hotel/motel room usage, and the availability of the room. Room rental rates include tables, chairs, room, set up and take down of furniture. Additional fees assessed include but are not limited to audio visual, stages, dance floors and labor.

Building Area:	63,000 square feet Standard rate: \$3,960.00 / \$1,980.00 deposit Non-profit & military rate : \$3,560.00 / \$1,780.00 deposit
Ballroom A, B, C:	23,400 square feet - 1,000 banquet style; 2,000 theater style Standard rate: \$1,850.00 day / \$925.00 deposit Non-profit & military rate : \$1,650.00 day / \$825.00 deposit
Ballroom A & B:	7,800 square feet - 200 banquet style; 400 theater style Standard rate: \$725.00 day / \$362.50 deposit Non-profit & military rate : \$650.00 day / \$325.00 deposit
Ballroom A:	3,900 square feet - 100 banquet style; 200 theater style Standard rate: \$400.00 day / \$200.00 deposit Non-profit & military rate : \$350.00 day / \$175.00 deposit
Ballroom B	3,900 square feet - 100 banquet style; 200 theater style Standard rate: \$400.00 day / \$200.00 deposit Non-profit & military rate : \$350.00 day / \$175.00 deposit
Ballroom C	15,600 square feet - 750 banquet style; 1,400 theater style Standard rate: \$1,120.00 day / \$560.00 deposit Non-profit & military rate : \$1,000.00 day / \$500.00 deposit
Special Events Room:	3,500 square feet - 125 banquet style; 250 theater style Standard rate: \$600.00 day / \$300.00 deposit Non-profit & military rate : \$540.00 day / \$270.00 deposit
Board Room:	650 square feet - 20 Executive Style Standard Rate: \$100.00 day / \$50.00 deposit ½ day rate \$ 55.00 Mon-Thur 8am-12noon or 12noon – 4pm
Meeting Room 1,2,3,4,5,6: Separate Rooms	720 square feet - 40 banquet style; 40 theater style Standard rate: \$120.00 day / \$60.00 deposit ½ day rate \$65.00 Mon-Thur 8am-12noon or 12noon – 4pm
Meeting Rooms 1&2, 3&4, 5&6: Combined Rooms	1,440 square feet - 75 banquet style; 75 theater style Standard rate: \$210.00 day / \$105.00 deposit ½ day rate \$115.00 Mon-Thur 8am-12noon or 12 noon-4pm
Special Events Center:	53,000 square feet Standard rate: \$1,050.00 day / \$525.00 deposit Non-profit & military rate : \$950.00 day / \$475.00 deposit
Parking lot at SEC	\$250.00

Rodeo Arena & Grounds

8,000 square feet - 7000 bleacher style seating
Standard Rate: \$500.00 day/\$250.00 deposit

* An additional fee of \$75 per ½ hour shall be charged for the rental of the facility between the hours of midnight and 7:00 a.m. In addition, room rentals are for a 12-hour period.

Non-profit rates receive a 10% discount and applies to events ~~Sunday~~ **Monday – Thursday only.



City of Killeen

Legislation Details

File #: RS-16-107 **Version:** 1 **Name:** FAA AIP Grant Offer
Type: Resolution **Status:** Resolutions
File created: 8/30/2016 **In control:** City Council Workshop
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution accepting ratification of an Airport Improvement Program (AIP) Grant.
Sponsors: Aviation Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Grant Offer](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

FAA GRANT OFFER - K-FHRA

ORIGINATING DEPARTMENT

Aviation

BACKGROUND INFORMATION

The Federal Aviation Administration (FAA) has offered the City of Killeen a Federal Airport Improvement Program (AIP) Grant to provide FY 2016 federal funding for eligible capital improvement projects at Killeen-Fort Hood Regional Airport and Robert Gray Army Airfield.

DISCUSSION/CONCLUSION

The City has been offered an AIP grant in the amount of \$540,000.00 to be used for improvements of the terminal building at the Killeen-Fort Hood Regional Airport and Robert Gray Army Airfield. This grant will fund 90% of the cost of this project. Acceptance of this grant requires the City to make assurances related to the continued availability of the facility to the public and compliance with a number of Federal Regulations and standards.

The grant offer was released by the FAA with a requirement for formal acceptance by the City on or before September 9, a date prior to the next regularly scheduled City Council meeting. Therefore, the City Manager signed the acceptance documents on behalf of the City, pending ratification by the Council at the next regular City Council meeting.

FISCAL IMPACT

Acceptance of this grant will provide revenue of up to \$540,000.00 in account number 525-000-382.05-02. PFC funds are available and will be programmed to satisfy the 10% matching requirement.

RECOMMENDATION

City Council ratify the City Managers' acceptance of Federal Aviation Administration Grant 3-48-0361-026-2016 in the amount of \$540,000.00; ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements incorporated into this grant agreement; and authorize the City Manager to execute all necessary grant documents and any and all amendments within the amounts set by state and local law.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports Division
Southwest Region
Texas Airports District Office

 ORIGINAL

FAA ASW-650
10101 Hillwood Pkwy
Fort Worth, TX 76177

AUG 29 2016

Mr. Matthew Van Valkenburgh
Airport Director
Killeen/Fort Hood Regional
8101 Clear Creek Road
Killeen, TX 76549

Dear Mr. Van Valkenburgh:

We are enclosing the original and one copy of the Grant Offer for Airport Improvement Program (AIP) Project No. 3-48-0361-026-2016 at Robert Gray AAF in Fort Hood/Killeen, Texas. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant, followed by the attorney's certification, no later than September 9, 2016, in order for the grant to be valid. The date of the attorney's signature must be on or after the date of the sponsor's authorized representative's signature.
- c. You may not make any modification to the text, terms or conditions of the grant offer.
- d. After you properly execute the grant agreement:
 - Return the executed Grant Agreement marked "Original" to our office via US mail or commercial courier.
 - Retain the copy marked "Sponsor or Copy" for your records.
- e. Because time is now critical for entering the executed grant into the FAA system, we request you send a copy of the signed agreement to our office by email (pdf document) prior to sending the hardcopy document through U.S. mail or commercial courier.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Please note Grant Condition No. 4 requires you to complete the project without undue delay. We will be paying close attention to your progress to ensure proper stewardship of these Federal funds. **You are expected to submit payment requests for reimbursement of allowable incurred project expenses in**

accordance with project progress. Should you fail to make draws on a regular basis, your grant may be placed in “inactive” status which will impact future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the final closeout report documentation as required by your Region/Airports District Office.

Steven Cooks, (817) 222-5608, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Ben Guttery
Manager
Texas Airports
District Office



U.S. Department
of Transportation
Federal Aviation
Administration

ORIGINAL

GRANT AGREEMENT

PART I – OFFER

Date of Offer	<u>August 29, 2016</u>
Airport/Planning Area	<u>Robert Gray AAF</u>
AIP Grant Number	<u>3-48-0361-026-2016</u>
DUNS Number	<u>614829344</u>
TO:	<u>City of Killeen</u>
	(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated , for a grant of Federal funds for a project at or associated with the Robert Gray AAF Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Robert Gray AAF Airport (herein called the "Project") consisting of the following:

Improve Terminal Building

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$540,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$540,000 for airport development

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the project period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application and as accepted by the FAA to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 9, 2016, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by

settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. United States Not Liable for Damage or Injury. The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

11. System for Award Management (SAM) Registration And Universal Identifier.

A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality

standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
17. **Maximum Obligation Increase For Primary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
 - A. May not be increased for a planning project;
 - B. May be increased by not more than 15 percent for development projects;
 - C. May be increased by not more than 15 percent for land project.
18. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
19. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
 - A. Verify the non-federal entity is eligible to participate in this Federal program by:
 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if non-federal entity is excluded or disqualified; or
 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
 - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
 - C. Immediately disclose to the FAA whenever the Sponsor: (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.
20. **Ban on Texting While Driving.**
 - A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

- a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. Trafficking in Persons.

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity). Prohibitions include:
- 1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 - 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 - 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
- 1. Is determined to have violated the Prohibitions; or
 - 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
 - a. Associated with performance under this agreement; or
 - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR part 1200.

22. AIP Funded Work Included in a PFC Application:

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

- 23. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated 12/1/2011, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

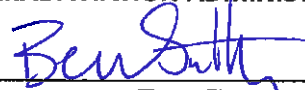
- 24. Plans and Specifications Prior to Bidding.** The Sponsor agrees that it will submit plans and specifications for FAA review and approval prior to advertising for bids.

- 25. Design Grant.** This grant agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided federal funding to complete the design for the project, and the Sponsor has not completed the design within four (4) years

from the execution of this grant agreement, the FAA may suspend or terminate grants related to the design.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



Ben Guttery

**Manager, Texas Airports
District Office**

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____,

City of Killeen

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: Lillian Ann Farris

(Typed Name of Sponsor's Authorized Official)

Title: Interim City Manager

(Title of Sponsor's Authorized Official)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Texas. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Killeen (location) this _____ day of _____.

By: _____

(Signature of Sponsor's Attorney)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act – 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft

rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied).

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
- 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
- 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **city of Killeen**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated December 31, 2015 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 12/31/2015

View the most current versions of these ACs and any associated changes at:
<http://www.faa.gov/airports/resources/advisorycirculars>

NUMBER	TITLE
70/7460-1L	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28E	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C Change 1	Airport Winter Safety And Operations
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVS) Ground Vehicle Operations on Airports
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16D	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Change 1	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements of Changes
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18C	Survey and Data Standards for Submission of Aeronautical Data Using Airports GIS
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation

NUMBER	TITLE
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30H	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43G	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures

NUMBER	TITLE
150/5345-46D	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49C	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 12/31/2015

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 6	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness



Killeen - Fort Hood Regional Airport

APPLICATION FOR FEDERAL ASSISTANCE

PROPOSED GRANT NO. AIP 3-48-0361-026-2016

**Improve Terminal Building – Boarding
Bridges
Phase 1/2**

June 28, 2016

**Killeen Fort Hood Regional Airport
Killeen, Texas**

Application for Federal Assistance SF-424		
1. Type of Submission		* 2. Type of Application
<input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		<input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision
		* If Revision, select appropriate letter(s): * Other (Specify)
* 3. Date Received:		4. Application Identifier:
5a. Federal Entity Identifier:		* 5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Killeen		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 74 - 6001504		*c. Organizational DUNS: 614829344
d. Address:		
* Street1: 8101 South Clear Creek Rd Street 2: Box C * City: Killeen County: Bell * State: Texas Province: Country: *Zip/ Postal Code: 76549		
e. Organizational Unit:		
Department Name: Killeen Fort Hood Regional Airport		Division Name:
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr. Middle Name: * Last Name: Van Valkenburgh Suffix: A.A.E.		First Name: Matthew
Title: Executive Director of Aviation		
Organizational Affiliation:		
* Telephone Number: 254.501.8700		Fax Number: 254.501.8744
* Email: mvanvalkenburgh@killeentexas.gov		

Application for Federal Assistance SF-424

Type of Applicant 1: Select Applicant Type: C. City or Township Government

Type of Applicant 2: Select Applicant Type: - Select One -

Type of Applicant 3: Select Applicant Type: - Select One -

* Other (specify):

* 10. Name of Federal Agency:
Federal Aviation Administration, Southwest Region, Texas Airports Division Office

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

12. Funding Opportunity Number:

Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Cities: Killeen, Fort Hood, Belton, Copperas Cove, Harker Heights, Lampasas, Temple

Counties: Bell, Burnet, Coryell, Lampasas, Williamson

* 15. Descriptive Title of Applicant's Project:

Final design, bidding, procurement, construction administration, construction management for improvements to the terminal building, boarding bridges - phase 1

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Congressional Districts Of:

* a. Applicant Texas - 31st

* b. Program/Project: Texas - 31st

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date: September 2016

* b. End Date: November 2017

18. Estimated Funding (\$):

*a. Federal	\$540,000.00
*b. Applicant	\$60,000.00
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	\$600,000.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

Yes No

.. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001).

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Matthew

Middle Name:

*Last Name: Van Valkenburgh

Suffix: A.A.E.

*Title: Executive Director of Aviation

*Telephone Number: 254.501.8700

Fax Number: 254.501.8744

*Email: mvanvalkenburgh@killeentexas.gov

*Signature of Authorized Representative:

Date Signed: 06.24.16



Application for Federal Assistance (Development Projects)

PART II – PROJECT APPROVAL INFORMATION

SECTION A	
<p>Item 1. Does this assistance request require State, local, regional, or other priority rating?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Governing Body:</p> <p>Priority:</p>
<p>Item 2. Does this assistance request require State, or local advisory, educational or health clearances?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Agency or Board:</p> <p>(Attach Documentation)</p>
<p>Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(Attach Comments)</p>
<p>Item 4. Does this assistance request require State, local, regional, or other planning approval?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Approving Agency:</p> <p>Date:</p>
<p>Item 5. Is the proposal project covered by an approved comprehensive plan?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Check one: State <input type="checkbox"/> Local <input checked="" type="checkbox"/> Regional <input type="checkbox"/></p> <p>Location of Plan: Airport Office</p>
<p>Item 6. Will the assistance requested serve a Federal installation?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Name of Federal Installation: Fort Hood, Texas Federal Population benefiting from Project: 70,000</p>
<p>Item 7. Will the assistance requested be on Federal land or installation?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Name of Federal Installation: Fort Hood, Texas Location of Federal Land: Killeen, Texas Percent of Project: 100 %</p>
<p>Item 8. Will the assistance requested have an impact or effect on the environment?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(See instructions for additional information to be provided.)</p>
<p>Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Number of: Individuals: Families: Businesses: Farms:</p>
<p>Item 10. Is there other related Federal assistance on this project previous, pending, or anticipated?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(See instructions for additional information to be provided.)</p>

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

All property 1800 feet east of the runway, two miles west of the runway, and five miles beyond the ends of the runway are part of the Fort Hood military reservation. The City of Killeen has annexed the terminal site and lands within 500 feet of Clear Creek Drive to preclude non-compatible land use near the airport

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. Consistency with Local Plans – The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

Yes

6. Consultation with Users – In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport which project is proposed.

Yes

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

N/A

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

N/A

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

10. Land – (a) The sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

The City of Killeen has a fifty-year property lease with the U.S. Army for the property upon which the Airport facilities lie. A fifty-year Joint-Use Agreement between the City of Killeen and the U.S. Army provides the City access to the runway and east parallel taxiway system

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A"

None

*State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL			
1. Federal Domestic Assistance Catalog Number:		21.106	
2. Functional or Other Breakout:		AIP	
SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			250,000.00
5. Other Architectural engineering fees			350,000.00
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			600,000.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			600,000.00
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			600,000.00
20. Federal Share requested of Line 19			540,000.00
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			540,000.00
23. Grantee share			60,000.00
24. Other shares			
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$ 600,000.00

SECTION C – EXCLUSIONS		
Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE		
27. Grantee Share		
a. Securities		\$
b. Mortgages		
c. Appropriations (By Applicant)		
d. Bonds		
e. Tax Levies		
f. Non Cash		
g. Other (Explain)		60,000.00
h. TOTAL - Grantee share		60,000.00
28. Other Shares		
a. State		
b. Other		
c. Total Other Shares		
29. TOTAL		\$ 60,000.00

SECTION E – REMARKS	
Grantee share will be financed with PFC funds	

PART IV – PROGRAM NARRATIVE (Attach – See Instructions)

PART IV
PROGRAM NARRATIVE
(Suggested Format)

PROJECT : Improve Terminal Building - Boarding Bridges – Phase 1

AIRPORT : Killeen Fort Hood Regional Airport (KFHRA)

1. Objective:

The KFHRA was opened for commercial service in August 2004 with four (4) operational gates with respective passenger boarding bridges (PBB). The PBBs chosen to provide service to the customers were radial bridges manufactured by Dew Company. These bridges have served the Airport, the airlines, and the customer well in the eleven years hence; however, those bridges are now experiencing mechanical and maintenance issues despite the rigorous preventative maintenance programs applied by the Airport. Dew Company no longer manufactures these bridges, nor provide support for the bridges; in fact, the company has gone out of business. The objective of this project is to complete the design and procure engineering and construction management services for the procurement and construction phase of the project

2. Benefits Anticipated:

By replacing the original four (4) Dew PBBs, KFHRA anticipates increased operational efficiency and effectiveness, decreased bridge down time, and decreased annual maintenance costs. New bridges will have fewer maintenance and repair requirements, thus allowing both time and financial commitments to be utilized on other aspects of our facility. After installation of the new bridges, any minor maintenance commitments are anticipated to be supported by the manufacturer. The availability of OEM parts and experienced technicians is expected to reduce the cost of parts and labor. Increased availability is expected to reduce gate down time thereby increasing operational efficiency and capability, and reducing the opportunity for airline conflicts and schedule delays

3. Approach: (See approved Scope of Work in Final Application)

The approach is anticipated to be subdivided into two (2) phases including a design phase and a procurement / construction phase. The design phase will include all engineering, architecture design, and construction management associated with the project. The procurement / construction phase will purchase and install the replacement bridges in such a manner as to minimize the impact on airport operations

4. Geographic Location:

The project will replace existing bridges 2, 3, 4, and 5 at the KFHRA terminal, located east of Runway 33 end.

5. If Applicable, Provide Additional Information:

6. Sponsor's Representative: (include address & telephone number)

Mike Wilson, Operations Manager
Killeen Fort Hood Regional Airport
8101 South Clear Creek Road
Killeen, Texas 76549
251.501.8700



City of Killeen

Legislation Details

File #: PH-16-032 **Version:** 1 **Name:** Zoning 16-15
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 8/15/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Kay Hedden (Case #Z16-15) to rezone 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Attachment to CCMO](#)
[Minutes](#)
[Ordinance](#)
[Application](#)
[Location map](#)
[Buffer map](#)
[Considerations](#)
[Opposition](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-15 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "B-3" (LOCAL BUSINESS DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is submitted by Kay Hedden to rezone approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas. If approved, it will enlarge the "B-3" zoning of this property by .279 acre.

District Descriptions:

A building or premises in the district "B-3" Local Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district
- (2) Bank, savings and loan or other financial institution
- (3) Day camp
- (4) Hospital, home or center for the acute or chronic ill
- (5) Mortuary or funeral chapel
- (6) Appliance (household) sales and repair service
- (7) Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees
- (8) Boat and accessory sales, rental and service
- (9) Bowling alleys
- (10) Cleaning or laundry (self-service)
- (11) Cleaning, pressing and dyeing: with six (6) or less employees
- (12) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales
- (14) Cafeteria or catering service
- (15) Marine supplies, sales and service
- (16) Office, general business
- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window
- (18) Tennis or swim club
- (19) Small animal clinic or pet grooming shop
- (20) Hotel or motel

- (21) Job printing. Not more than seventeen (17) inches by twenty-five (25) inches page size.
- (22) Gasoline service station, auto laundry or car wash
- (23) Auto parts sales, new, at retail
- (24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district
- (25) Theaters of general release
- (26) Mini/self-storage facilities - a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units shall be permitted on premises

Property Specifics

Applicant/Property Owner: Kay Hedden

Property Location: The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

Legal Description: Lot 2, Block 1, Kay H. Addition

Zoning/ Plat Case History:

- 1.412 acres of this property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 14, 2014, per Ordinance no. 14-003.
- Kay H. Addition was recorded in Volume 9758, Page 752, Bell County Plat Records.

Character of the Area

Existing Land Use(s) on the Property: The property is currently undeveloped. It is a level site with little tree cover. The subject property is located between the Q Cleaners and Shoe repair business and a Family Dollar store. This portion of the corridor is predominantly commercial uses with observed single family residential dwellings to the north and south.

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. However, in accordance with the City of Killeen Code of Ordinances, the developer is required to extend public utilities to the property in accordance with the plan of service validated the Kay H. Addition plat. 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 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 W. Stan Schlueter Loop (FM 3470), which is classified as a 110' principal arterial road on the City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.

Proposed improvements: The developer shall construct an access point that will be shared through an existing passage easement with the Family Dollar store.

Projected traffic generation: undetermined

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a current Creek Buffer Zone on the headwaters of Old Florence Ditch immediately adjacent to the area in this zoning case. Currently sheet flow runoff exits the property and flows north for approximately 130 feet into a tributary of Old Florence Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 1.8 miles. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2014 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

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

Plan Recommendation: The 'General Commercial' character encourages a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Consistency: This request is consistent with the Comprehensive Plan.

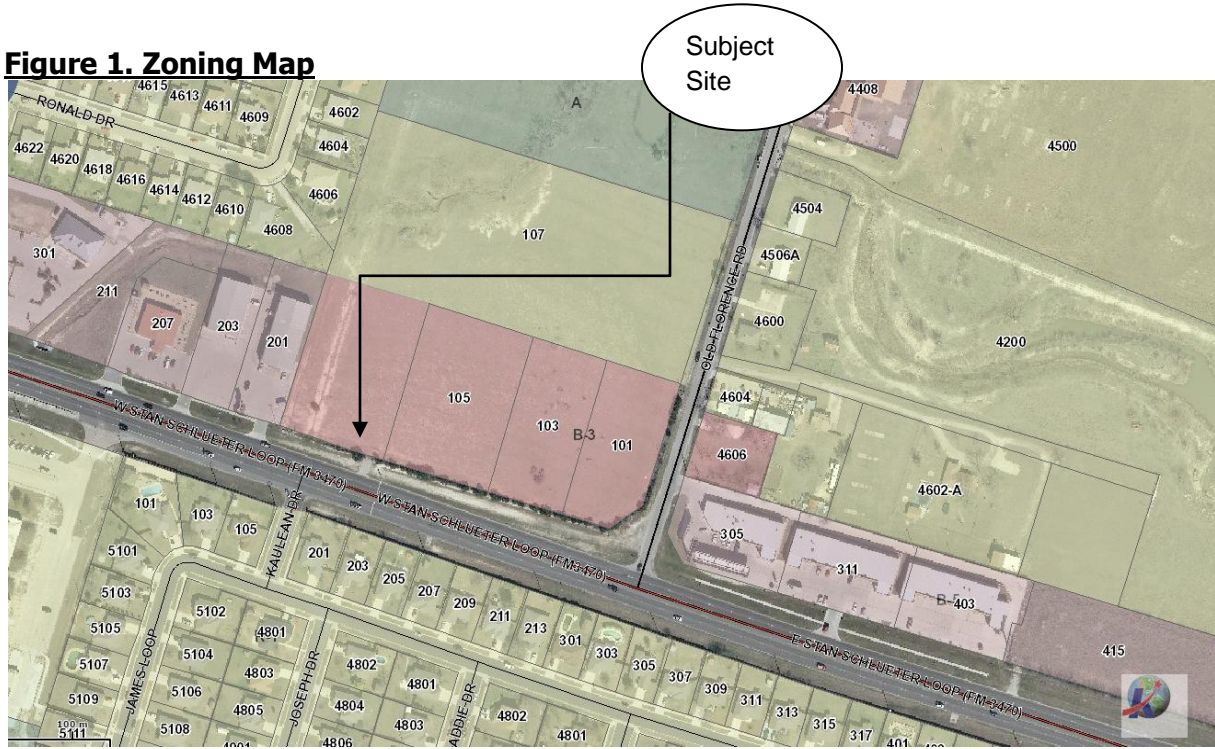
Public Notification

The staff notified seventeen (17) surrounding property owners regarding this request. Staff received one opposition from Elisa Mojica, the owner of 201 James Loop on Tuesday, August 16th; this has been included for the Council's consideration.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's request for "B-3" zoning by a vote of 7 to 0. As written earlier in this report, the additional area of new "B-3" zoning would amount to approximately .279 acre.

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
AUGUST 15, 2016**

**CASE #Z16-15
R-1 and B-3 to B-3**

HOLD a public hearing and consider a request submitted by Kay Hedden to rezone approximately 1.691 acres, being part of Lot 1, Block 1, Sandefur Addition, from R-1 (Single-Family Residential District) and B-3 (Local Business District) to B-3 (Local Business District). The property is located along the north right-of-way of W. Stan Schlueter Loop (FM 3470), west of Old Florence Road, Killeen, Texas. The property is locally known as 107 W. Stan Schlueter Loop, Killeen, Texas.

Chairman Frederick asked for staff comments

City Planner Tony McIlwain stated that this is the zoning component of the Kay H. Addition plat that was approved. The request is to rezone approximately 1.691 acres, being part of Lot 1, Block 1, Sandefur Addition, from “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District). If approved, it will enlarge the “B-3” zoning of this property by .279 acre. 1.412 acres of this property was rezoned from “R-1” (Single-Family Residential District) to “B-3” (Local Business District) on January 14, 2014 per Ordinance no. 14-003.

The staff notified seventeen (17) surrounding property owners regarding this request. Staff has received no responses.

Staff recommends approval of “B-3” (Local Business District) zoning for the site.

Mr. Bob Mitchell, Mitchell & Associates, 102 N. College was present to represent this request.

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

Vice Chair Dorroh motioned to recommend approval of the request. Commissioner Beronio seconded the motion. The motion passed 7-0.

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 “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “B-3” (LOCAL BUSINESS DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kay Hedden has presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 15th day of August 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 13th day of September 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 “R-1” (Single-Family Residential District) and “B-3” (Local Business District) to “B-3” (Local Business District) for approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, Killeen,

Texas.

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 13th day of September 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:

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #16-15

Ord. #



Date Paid:	<u>7/15/16</u>
Amount Paid:	<u>\$ 200.00</u>
Cash/MO #/Check #:	<u># 3115</u>
Receipt #:	<u>426</u>

CASE #: Z16-15

City of Killeen Zoning Change Application

General Zoning Change Conditional Use Permit

Name(s) of Property Owner: Kay Hedden

Current Address: 4304 Wade Dr.

City: Killeen State: TX Zip: 76549

Home Phone: () _____ Business Phone: () _____ Cell Phone: () _____

Email: _____

Name of Applicant: N/A
(If different than Property Owner)

Address: N/A

City: N/A State: N/A Zip: N/A

Home Phone: () N/A Business Phone: () N/A Cell Phone () _____

Email: N/A

Address/Location of property to be rezoned: 107 W. Stan Schlueter Lp.

Legal Description: 6.488 Acres, Part of the G. W. Farris Survey, Abst. No. 306

Metes & Bounds or Lot(s) Block Subdivision

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

Type of Ownership: X Sole Ownership Partnership Corporation Other

Present Zoning: R-1, B-3 Present Use: Undeveloped

Proposed Zoning: B-3 Proposed Use: Commercial

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated May 3, 2016 and recorded in Volume _____, Page _____, Instrument Number 2016-17711 of the Bell County Deed Records. (Attached)

Is this the first rezoning application on a unilaterally annexed tract?
Yes _____ (Fee not required) No x _____ (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: Mitchell & Associates, Inc.

Mailing Address: P.O. Box 1088

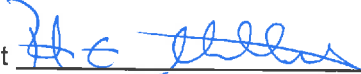
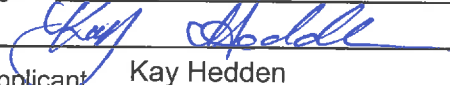
City: Killeen State: X Zip: 76540 - _____

Home Phone: (____) _____ Business Phone: (254) 634-5541 Email: bmitchell@mitchellinc.net

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 ace, 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 may 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  Title _____
Printed/Typed Name of Agent Mitchell & Associates, Inc. Date _____
Signature of Applicant  Title _____
Printed/Typed Name of Applicant Kay Hedden Date _____
Signature of Property Owner _____ Title _____
Printed/Typed Name of Property Owner _____ Date _____
Signature of Property Owner _____ Title _____
Printed/Typed Name of Property Owner _____ Date _____
Signature of Property Owner _____ Title _____
Printed/Typed Name of Property Owner _____ Date _____

*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:

Z16-15

ZONING FROM:

R-1 and B-3 To B-3

APPLICANT:

KAY HEDDEN

PROPERTY OWNER:

KAY HEDDEN

LEGAL DESCRIPTION:

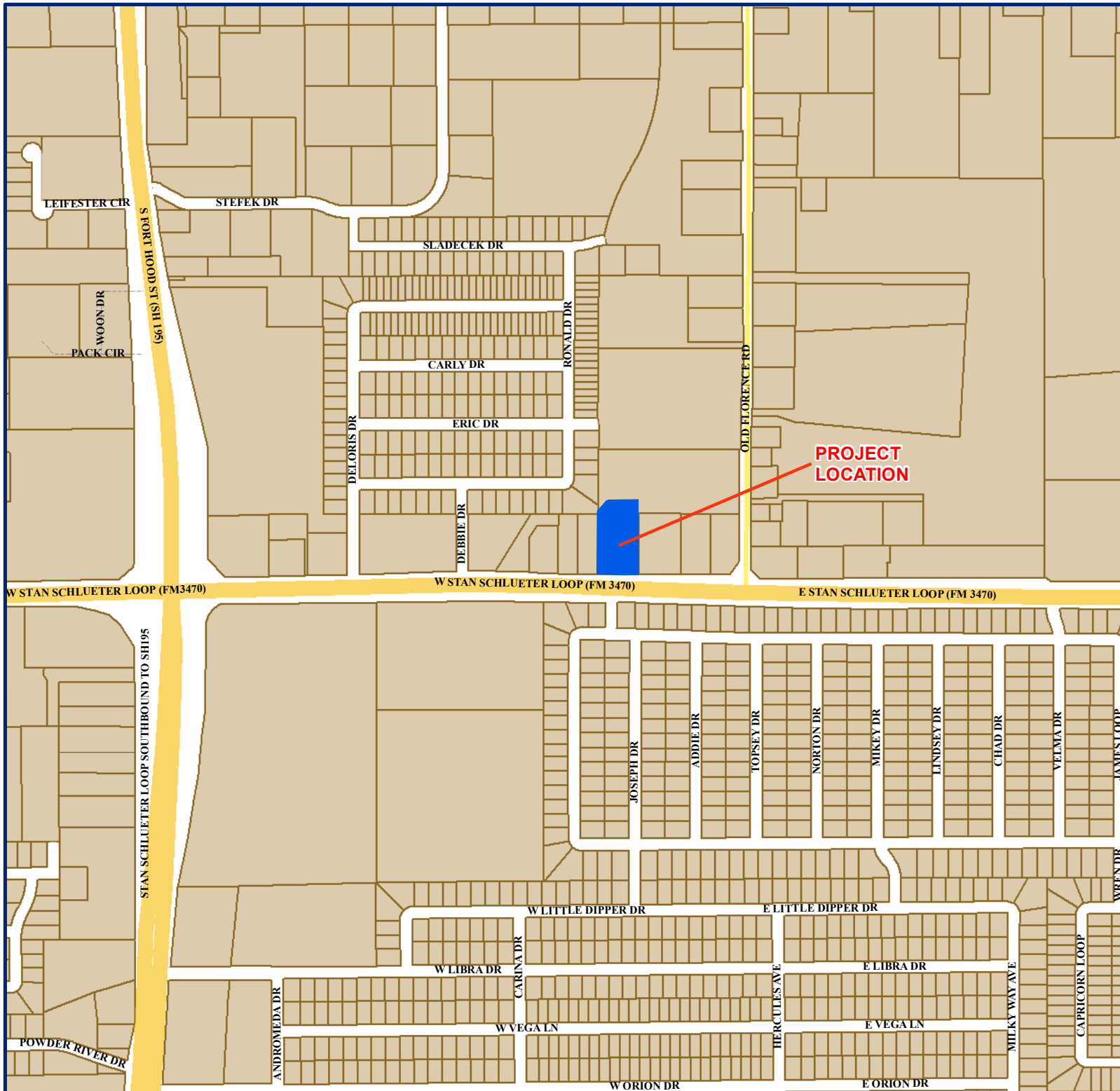
KAY H. ADDITION,
BLOCK 1, LOT 2,
1.691AC

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 8/18/2016





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-15

ZONING FROM:

R-1 and B-3 To B-3

APPLICANT:

KAY HEDDEN







PROPERTY OWNER:

KAY HEDDEN

LEGAL DESCRIPTION:

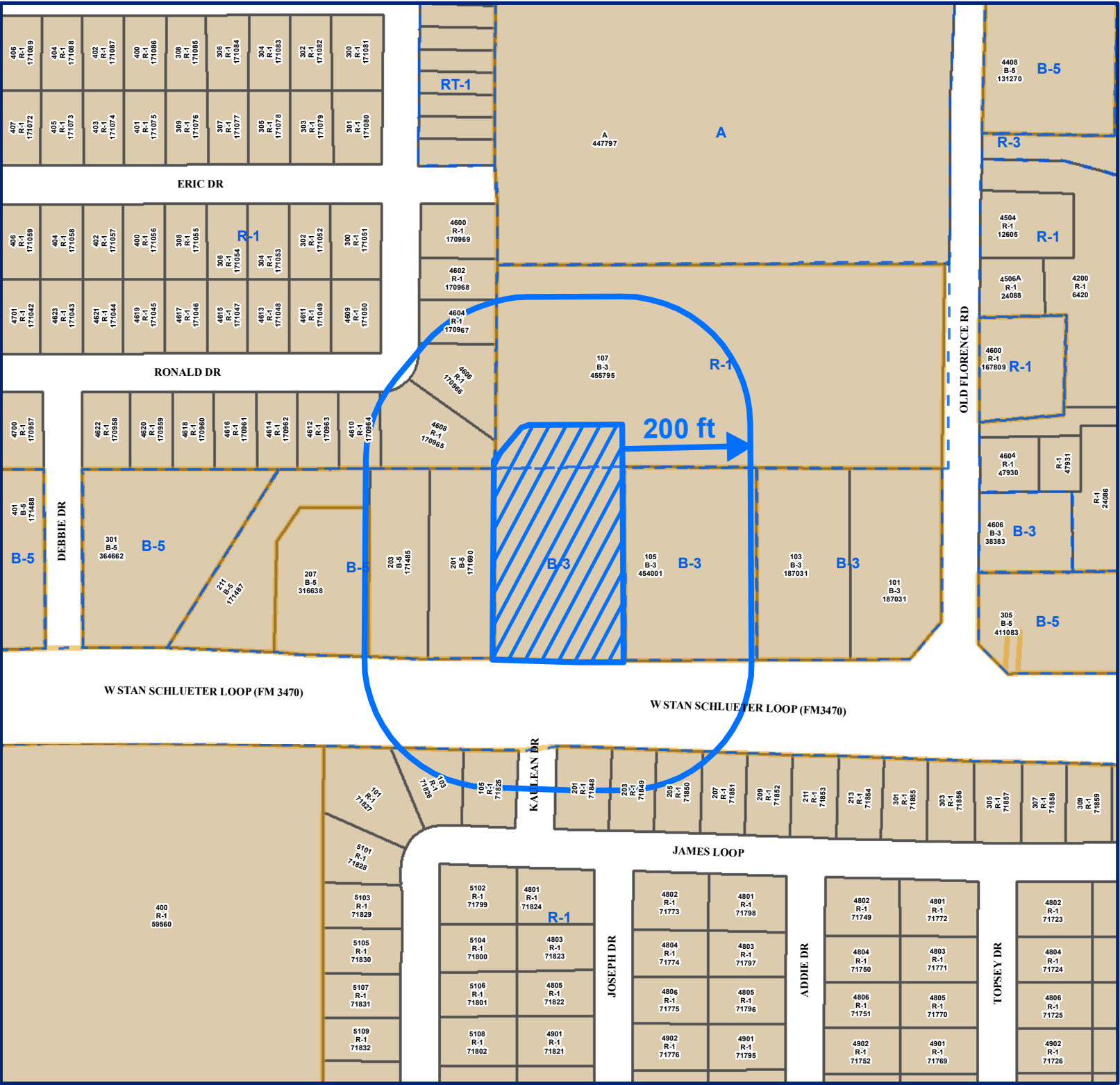
KAY H. ADDITION,
BLOCK 1, LOT 2,
1.691AC

LEGEND

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



Date: 8/18/2016



CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 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.

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

YOUR NAME: Elioa Mojica PHONE NUMBER: (281) 458-

CURRENT ADDRESS: 201 James Loop, Killeen, TX 76917

ADDRESS OF PROPERTY OWNED: 201 James Loop, Killeen, TX

COMMENTS: R-1 and B-3 to B-3

I object rezoning of this property because that will be a big / damaged in my ~~property~~ ^{good / best} ~~property~~. This rezoning is only for ~~his~~ ^{other} ~~debts~~ but not me. Businesses around the area, they keep ~~their~~ ^{their} own land. Why bother me?

SIGNATURE: *Elioa*

SPO #Z16-15/ **PLANNING**

RECEIVED

AUG 16 2016



City of Killeen

Legislation Details

File #: PH-16-033 **Version:** 1 **Name:** Hold a Public Hearing for Proposed Budget Changes
Type: Public Hearing **Status:** Public Hearings
File created: 9/1/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: HOLD a public hearing on the FY 2017 Proposed Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017, and proposed changes to such budget. (2nd of 2 Public Hearings)
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Public Hearing on Budget Changes

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

The City of Killeen holds several public hearings throughout the budget process. The public is encouraged to be present and participate in the public hearings. Local Government Code requires one public hearing be held prior to the adoption of the final budget. September 13, 2016 is the second of two public hearings on the budget. Public hearings were conducted on September 6, 2016 and September 13, 2016.

DISCUSSION/CONCLUSION

During the September 6, 2016 workshop, City Council gave consensus to move forward with the recommended changes to the proposed budget. The public has been notified of the changes.

FISCAL IMPACT

Proposed changes to the City Manager's proposed budget fiscal year 2017:

Fund	Revenues	Appropriations
Aviation PFC		
Projects	(672,000)	
Certificate of Obligation 2014		
Projects	(990,000)	
Debt Services		
Property Taxes	394,717	
Drainage		
Non-Operating Expenses		(418)
Operating Expenses		(77,368)
Salaries & Benefits		(14,699)
Projects		300,000
General Fund		
Closure of 1 Library		(481,007)
Economic Development		(362,527)
Fleet Replacement Program		(1,236,100)
Intergovernmental Revenue	673,179	

Non-Operating Expenses		(35,439)
Operating Expenses		(915,702)
Property Taxes	392,454	
Public Services		(60,000)
Salaries & Benefits		(1,874,702)
Sales & Occupancy Tax	161,739	
Hotel Occupancy Tax		
Operating Expenses		(34,461)
Salaries & Benefits		(57,170)
Internal Service Fund (FRP)		
Fleet Replacement Program	(1,236,100)	
Operating Expenses		(56,370)
Salaries & Benefits		(60,052)
KFHRA		
Non-Operating Expenses		(10,209)
Operating Expenses		(62,748)
Salaries & Benefits		(10,116)
Projects		715,349
Photo Red Light		
Salaries & Benefits		(106,471)
Rosewood Extension		
Projects	990,000	990,000
Skylark Field		
Operating Expenses		(6,403)
Salaries & Benefits		(641)
Solid Waste		
Curbside Recycling Elimination	(102,235)	(381,280)
Fleet Replacement Program		(2,200,000)
Salaries & Benefits		(177,377)
Water & Sewer		
Economic Development		(362,527)
Non-Operating Expenses		(3,264)
Operating Expenses		(151,790)
Salaries & Benefits		(171,607)

DISCUSSION/CONCLUSION

Council has been considering changes to the FY 17 Proposed Annual Budget and Plan of Municipal Services over the last several weeks. A public hearing is being held to discuss these changes. The public will be notified of the changes made to the proposed budget.



City of Killeen

Legislation Details

File #: OR-16-012 **Version:** 1 **Name:** Killeen Arts Commission grant allocations of FY17 Hotel Occupancy Tax Funds

Type: Ordinance **Status:** Ordinances

File created: 7/7/2016 **In control:** City Council

On agenda: 9/13/2016 **Final action:**

Title: Consider an ordinance approving Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds.

Sponsors: Finance Department

Indexes:

Code sections:

Attachments: [Council Memorandum](#)
[FY 17 Arts Commission Grant Recommendations Ordinance](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Killeen Arts Commission recommendations for grant allocations of FY17 Hotel Occupancy Tax funds

ORIGINATING DEPARTMENT

Finance

BACKGROUND INFORMATION

The City Council may allocate up to one-seventh of the Hotel Occupancy Tax collections for grants to the arts under section 351.101 of the Texas Tax Code for Municipal Hotel Occupancy Tax. The primary responsibility of the Arts Commission is to make recommendations to the City Council regarding the allocation of Hotel Occupancy Tax funds that are designated for grants to the arts. The FY17 proposed maximum funding for the arts is \$187,167.

DISCUSSION/CONCLUSION

The Killeen Arts Commission held a meeting on May 20, 2016. During this meeting, ten (10) applicants presented their grant applications to the Arts Commission regarding funding requests. At the June 10, 2016, meeting of the Arts Commission, the Commission recommended allocation of funding for all ten (10) applicants and administrative costs for the Commission as described in the attached worksheet, totaling \$187,167.

Upon the City Council's approval of the recommended grant allocations, contracts will be prepared by the Finance Department and reviewed by the City Attorney's Office for the City Manager's signature to be effective October 1, 2016.

FISCAL IMPACT

Adequate funding is available for FY17 and will be budgeted as follows: \$185,167 in account 214-2010-415.55-43 for grants to the arts, and \$2,000 in account 214-2010-415.55-99 for the Arts Commission's administrative expenses.

RECOMMENDATION

City Staff recommends that City Council review, discuss, and approve the Killeen Arts Commission's proposed recommendations.



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Armed Forces Natural Hair and Health	<u>Event:</u> Natural Hair and Health Expo <u>Date:</u> October 1, 2016 <u>Description:</u> This event consists of 12-15 workshops on natural hair, healthy eating, fitness and self help. There is entertainment throughout the day and guest speakers on the main stage. There will also be vendors on site selling there goods.			10,000	3,000
	<u>Event:</u> Natural Hair Day <u>Date:</u> Monthly Event from Nov. 2016 - Sep. 2017 <u>Description:</u> This event is a monthly gathering to discuss natural hair and healthy eating. It is catered and participants are taught how to make a natural product.			3,000	1,000
Artesania y Cultura Hispana	<u>Event:</u> Fiesta of Art & Culture <u>Date:</u> September 24, 2017 <u>Description:</u> This event will include musicians and dancers from Latin America living in Texas. It will begin with a parade of flags from countries where we have members, and members will wear traditional attire from their respective countries. There will be live, traditional music from Puerto Rico, a performance by the Puerto Rican Kids, and a choreographed performance combining traditional and modern dances illustrating the history of the Puerto Rican Culture.	5,000	5,000	5,000	5,000
Central Texas College Foundation	<u>Event:</u> CTC Geekfest <u>Date:</u> August 11-13, 2017 <u>Description:</u> This event is a fundraising event for student scholarships modeled after the hugely successful "comic con" concept. This event will feature activities targeting adults and youth interested in science fiction, fantasy, super heroes, video games, and technology-related fields. Pop art elements will included anime, graphic novels, literature (including book to film adaptations), makeup artistry, films, costume design, and costume theater.	3,000	3,000	5,000	5,000



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Cultura Filipiniana Arts Inc.	<u>Event:</u> 14th Annual Barrio Fiesta in Killeen "Parol Festival" Giving Light to the Future <u>Date:</u> February 25, 2017 <u>Description:</u> This event is a lavish preparation of music, songs, dances, foods, and parades. The Cultura Filipiniana Dance Troupe will feature Philippines with its diversified ethnic groups.	8,000	8,000	8,000	8,000
Killeen Sister Cities, Osan Korea	<u>Event:</u> International Festival <u>Date:</u> October 1, 2016 <u>Description:</u> This event will recognize and showcase diverse cultural groups, emphasize song, dance, and food from various ethnic groups, and provide vendors the opportunity to offer food and merchandise that represents their cultures.	30,000	30,000	7,500	7,500
Killeen Volunteers, Inc. (Celebrate Killeen Committee)	<u>Event:</u> Holiday Under the Stars <u>Date:</u> December 2-3, 2016 <u>Description:</u> This is an annual event that features outdoor lighting displays, musicians, soloists, dancers and holiday arts and crafts.	15,000	15,000	15,000	15,000
	<u>Event:</u> Celebrate Killeen Festival <u>Date:</u> April 27-29, 2017 <u>Description:</u> This is an annual event that features cultural entrainment and arts and crafts for children, youth, and adults. this event will feature a performing artist, a variety of multicultural performances, children's arts and crafts, a STEP performance, and a movie in the park.			15,000	15,000



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
IMPAC Outreach	<u>Event:</u> Black Cultural History and Film Festival <u>Date:</u> February 25-26, 2017 <u>Description:</u> This event will increase awareness and interest in the little known events and historic facts which helped to shape our great city. The event will include: historic memorabilia, artifacts, and film. The festival will include a celebration of local filmmakers to include their works, as a Black History Knowledge Bowl, and engage youth in a formal debate. There will be two days of cultural displays, exhibitions, workshops and a host of presentations.			12,000	12,000
Songhai Bamboo Roots Cultural Assoc.	<u>Event:</u> 8th Annual Caribbean Afr'am Festival <u>Date:</u> August 4-5, 2017 <u>Description:</u> This event will showcase different aspects of the African Caribbean, Central American African, Afro Americans and Africans as a whole. The festival will feature a live concert, including local and international artists, as well as activities such as dance, music, drumming, arts and crafts, and a marketplace.	15,000	15,000	15,000	15,000
Vive Les Arts Children's Theatre	<u>Event:</u> <i>Peter Pan</i> <u>Date:</u> October 7-9, 2016 & October 14-16, 2016 <u>Event:</u> Cyrano de Burger Shack <u>Date:</u> May 5-6, 2017 & May 12-14, 2017 <u>Event:</u> Hayley's Workshop <u>Date:</u> June 5-17, 2017 <u>Event:</u> <i>Missoula Children's Theatre</i> <u>Date:</u> August 7-12, 2017	30,000	30,000	38,000	33,667



FY17 Grant Applications & Recommendations

Grant Applicant	Event Descriptions	FY16 Requested	FY16 Awarded	FY17 Requested	FY17 Recommendation
Vive Les Arts Societe	<u>Event:</u> <i>25th Annual Putnam County Spelling Bee</i> <u>Date:</u> November 18-19, 2016 & December 2-4, 2016				
	<u>Event:</u> <i>Aida</i> <u>Date:</u> February 10-11, 2017 & February 17-19, 2017				
	<u>Event:</u> <i>Oscar and Felix (The Odd Couple)</i> <u>Date:</u> March 31 - April 1, 2017 & April 7-9, 2017				
	<u>Event:</u> <i>Little Mermaid</i> <u>Date:</u> July 21-23, 2017 & July 28-30, 2017	60,000	60,000	78,000	65,000
Arts Commission Administrative Costs				2,000	2,000
Total Grant Recommendations					187,167
Unallocated Funding					-
Total Funding Designated for the Arts					\$ 187,167

ORDINANCE _____

AN ORDINANCE PROVIDING FOR THE SPECIFIC DISBURSEMENT OF THE PROCEEDS OF THE MUNICIPAL HOTEL OCCUPANCY TAX REVENUES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I. That the following sum be disbursed in support of arts activities in the City of Killeen during Fiscal Year 2017:

The sum of \$187,167 being part of the proceeds of the Municipal Hotel Occupancy Tax revenues collected by the City of Killeen and allocated for the following purpose:

In accordance with Section 351.101 (a)(4), Tax Code, to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution and exhibitions of these major arts forms, a sum in the amount of One Hundred Eighty-Seven Thousand One Hundred Sixty-Seven Dollars (\$187,167), which amount is not greater than 1/7 of the total hotel occupancy tax revenues collected, as required by law. In addition, grants awarded will reflect the diverse multi-cultural community of Killeen.

SECTION II. That said sums, totaling \$187,167, be specifically disbursed in the following manner:

Armed Forces Natural Hair and Health	\$4,000.00
• <i>Armed Forces Natural Hair and Health Expo (\$3,000)</i>	
• <i>Natural Hair Day (\$1,000)</i>	
Artesania y Cultura Hispana	\$5,000.00
Central Texas College Foundation	\$5,000.00
Cultura Filipiniana Arts, Inc.	\$8,000.00
IMPAC Outreach	\$12,000.00
Killeen Sister Cities, Osan, Korea	\$7,500.00
Killeen Volunteer, Inc. – Celebrate Killeen Committee	\$30,000.00
• <i>Holiday Under the Stars (\$15,000)</i>	
• <i>Celebrate Killeen Festival (\$15,000)</i>	
Songhai Bamboo Roots Cultural Association	\$15,000.00
Vive Les Arts Children’s Theatre	\$33,667.00
Vive Les Arts Societe	\$65,000.00
Commission Administrative Expenses	\$2,000.00

SECTION III. That disbursement of funds authorized in Section II is contingent upon the recipient's initial and continued eligibility and compliance under the provision of Section 351.101 (a) (4), Tax Code. In addition, grants awarded under Section II will reflect the diverse multi-cultural community of Killeen.

SECTION IV. That such disbursements authorized under Section II shall lapse at the end of the fiscal year (September 30, 2017) to the extent that they shall not have been expended or lawfully encumbered. Any organization that shall receive funds provided for herein shall from time to time, as requested by the City Council of the City of Killeen, report on its activities and the use of the funds herein designated, reporting as specifically stated in the individual contracts executed by each recipient.

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

SECTION VI. That this ordinance shall be effective immediately upon its passage according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of August, 2016, at which meeting a quorum was present, held in accordance with provisions of V.T.C.A., Government Code, § 551.001 *et. seq.*

APPROVED:

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker
CITY SECRETARY

APPROVED AS TO FORM:

Kathryn H. Davis
CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-013 **Version:** 1 **Name:** FY2017 Proposed Rates and Fees Amendment
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider an ordinance amending Chapter 2 (Fees) and Chapter 30 (Water, Sewers and Sewage Disposal) of the City of Killeen Code of Ordinances by adjusting Community Service Fees and implementing a Water Rate Design Change.
Sponsors: Finance Department, Public Works Department, Water & Sewer, Community Services Department, Cemetery, Golf Course
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ORDINANCE AMENDING CHAPTERS 2 AND 30 ADJUSTING COMMUNITY SERVICE FEES AND IMPLEMENTING A WATER RATE DESIGN CHANGE

ORIGINATING DEPARTMENTS

COMMUNITY SERVICES/PUBLIC WORKS

BACKGROUND INFORMATION

Community Services staff briefed City Council regarding additional revenue opportunities available via fee increases in the areas of the cemetery, golf course, aquatic center and parks. At the August 23, 2016 City Council Workshop, Community Services staff received a consensus from City Council to draft an ordinance amending fees specifically related to the following:

- Adult cemetery plot fees;
- Golf course fees related to carts, trail fees, range balls, green fees, annual passes and user fees;
- Family Aquatic Center private reservation fees; and
- Parks and Recreation fees related to swim lessons.

In relation to the proposed changes to Chapter 30 of the Code of Ordinance, during the 2013-2015 time periods, City Council directed City Management to enter into professional services agreements with professional consultants to develop rate models for the Solid Waste, Water and Sewer and Drainage Utility Funds. A rate study is conducted by combining a comprehensive review of operational expenditures with additional economic assumptions to include, without limitation, a CPI (Consumer Price Index) inflation factor and population growth rates. The rate study analysis culminates into the development of a rate model. The rate models are used to identify rate recommendations necessary to support the Public Works enterprise funds as necessary to plan for future growth, capital outlay, personnel projections, and the best possible service to the citizens of Killeen, as well as to ensure the fiscal soundness of the utilities by adjusting rate structures/designs or fees as necessary for the utilities to remain solvent. A thorough analysis and annual reevaluation of a City's rate models is imperative to determine future courses of action and their effects on the health of the respective enterprise funds.

DISCUSSION/CONCLUSION

The proposed amendments to Chapter 2 of the City's Code of ordinances that establish, among others, Community Services fees that are outlined above and reflected on the attached ordinance represent an opportunity for increasing revenue as necessary to support the provision of services currently provided. The proposal also positions these particular service areas to be at or near the forefront of the surrounding markets that provide similar services.

Similarly, in relation to the proposed changes to Chapter 30, contemporaneously with the development of the FY17 budget, Public Works assisted by the Finance Department, revisited

the rate models utilizing the model development expert consultants, NewGen Strategies and Solutions (NewGen) and SCS Engineers, in order to determine the financial sustainability of the Solid Waste, Water & Sewer, and Drainage funds and to make projections and recommend rate adjustments to ensure the continuous financial soundness of these funds. The results of the modeling efforts were presented to City Council on July 25, 2016, in a Special City Council Workshop meeting.

At that meeting, the findings presented to City Council included projections and recommendations for the next three fiscal years based on the best available data as provided by City staff. In essence, the recommendations for Fiscal Year (FY) 17 were that no adjustments were needed for Solid Waste and Drainage; however, NewGen did recommend the implementation of a residential water rate design change to add an additional tier to the residential water rate design for the purpose of encouraging conservation of this most precious resource. This recommendation was based on a previous study completed by the City in 2013 and is further based on industry best practices. Implementing the recommendation requires an ordinance revision that adds another tier (10,000 - 25,000 gallons) to the current volumetric charge increments and establish costs associated with the new tier and the final tier (25,000 +). The attached ordinance effectuates this change.

FISCAL IMPACT

The fiscal impacts associated with this action are twofold: 1) based on FY16 year-to-date figures, an estimated additional \$189,000 in General Fund revenue for FY17; and 2) an estimated increase of approximately \$548,205 in Water and Sewer Fund revenue that will be reflected in the Water & Sewer Fund sale of water revenue account: 550-0000-322.05-00 for FY17.

RECOMMENDATION

City staff recommends that City Council adopt the attached ordinance amending Community Services Fees and implementing the residential water rate design change.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING SECTION 2-150 (c) CEMETERY, (g) GOLF COURSE, (j) PARKS AND (o) SWIMMING POOLS AND CHAPTER 30, ARTICLE IV, OF THE CITY OF KILLEEN CODE OF ORDINANCES, BY AMENDING DIVISION 2, SUBDIVISION B, WATER RATES, SECTION 30-136 (a); PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council for the City of Killeen finds it necessary and warranted from time to time to adjust certain service-based fees and rate design structures to address changing circumstances and current needs; and,

WHEREAS, the City Council has also determine that it is necessary to adjust service-based fees collected by the City's Community Services Department for services provided and rendered to the Citizens of Killeen,

WHEREAS, the City Council has determined that it is in the best interest of the City of Killeen to adjust the water rate design structure to encourage conservation of this most precious resource; and,

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

SECTION I. That Chapter 2, Article VI, Section 2-150 (c), (g), (j) and (o) 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:

* * *

(c) Cemetery

(1) Burial spaces - resident

- a. Adult - ~~\$700.00~~ \$1,000.00 per space
- b. Infant - \$120.00 per space

- (2) Burial spaces - nonresident
 - a. Adult - ~~\$1,335.00~~ \$1,635.00 per space
 - b. Infant - \$240.00 per space
- (3) Cremation
 - a. Opening/closing (no setup) - \$75.00
 - b. Opening/closing with a chair/carpet setup under pavilion or at gravesite - \$100.00
- (4) Infant opening/closing
 - a. No setup - \$75.00
 - b. Opening/closing with a chair/carpet setup under pavilion or at gravesite - \$100.00
- (5) VA marker installations
 - a. Bronze VA marker installation (with cemetery concrete base) - \$75.00
 - b. Bronze VA marker installation (with supplied granite base) - \$50.00
 - c. Flat VA marker installation - \$50.00
 - d. Upright VA marker installation - \$100.00
- (6) Other fees
 - a. Pavilion or gravesite chair/carpet setup for memorial services - \$25.00
 - b. Infant disinterment - \$75.00

* * *

(g) Golf Course

- (1) Green fees - ~~daily~~/weekday
 - a. Regular - ~~\$20.00~~ \$22.00 - \$3.00 of these fees will be used for capital improvements
 - b. Senior - ~~\$14.00~~ \$16.00 (60+) - \$2.00 of these fees will be used for capital improvements
 - c. Junior - ~~\$11.00~~ \$14.00 (high school student or younger) - \$2.00 of these fees will be used for capital improvements
 - d. Twilight - ~~\$11.00~~ \$14.00 - \$2.00 of these fees will be used for capital improvements
- (2) Green fees - ~~daily~~ weekend and holidays
 - a. Regular and seniors - \$27.00 - \$3.00 of these fees will be used for capital improvements
 - b. Junior - \$15.00; after 2:00 p.m. \$8.00 - \$2.00 of these fees will be used for capital improvements
 - c. Twilight - \$16.00 - \$2.00 of these fees will be used for capital improvements
- (3) Handicap fee - ~~\$20.00~~ \$25.00/year

- (4) Cart shed rental (per year including trail fees) - \$900.00
- (5) Annual discount pass (quarterly payment plan is no longer offered)
- a. Individual twelve (12) month - ~~\$900.00~~ \$800.00 (Killeen resident), \$900.00 (non-resident). \$3.00 user fee assessed per round played Monday-Friday. \$7.00 user fee assessed per round played Saturday-Sunday and all holidays. (~~Killeen residents receive a \$100.00 discount~~) and Individual six (6) month — ~~\$600.00~~ (Killeen residents receive a ~~\$100.00~~ discount)
 - b. ~~First~~ Each additional family member - ~~\$250.00~~ \$350.00
 - e. ~~Extra additional family members~~ — ~~\$150.00~~
 - d.c. Senior rate twelve (12) month - ~~\$625.00~~ \$600.00 (Killeen residents), \$625.00 (non-resident). \$3.00 user fee assessed per round played Monday-Friday. \$7.00 user fee assessed per round played Saturday-Sunday and all holidays.(~~Killeen residents receive a \$25.00 discount~~) and senior rate six (6) month — ~~\$350.00~~ (Killeen residents receive a ~~\$25.00~~ discount)
 - e. ~~Senior rate (week day only) twelve (12) month~~ — ~~\$525.00~~ (Killeen residents receive a ~~\$25.00~~ discount) and senior rate (week day only) six (6) month — ~~\$300.00~~ (Killeen residents receive a ~~\$25.00~~ discount)
 - f. ~~Second additional family member Senior rate (week day only)~~ — ~~\$200.00~~
 - gd.. Junior summer - \$130.00
 - he.. Junior annual (high school or younger) twelve (12) month \$400.00 and Junior annual (high school or younger) six (6) month - \$250.00
- (6) Corporate annual dues - no longer available)
- (7) ~~Power carts (two people)~~
- a. ~~18 holes~~ — ~~\$13.00 (includes tax) per person~~
 - b. ~~9 holes~~ — ~~\$9.25 (includes tax) per person~~
- (8) Power carts (one person)
- a. 18 holes - ~~\$15.00~~ \$16.00 (includes tax) per person
 - b. 9 holes - \$11.00 (includes tax) per person
- (9) Pull carts
- a. 18 holes - \$6.00 + tax
 - b. 9 holes - \$2.50 + tax
- (10) Club rental (18 holes)
- a. Regular - no longer available
 - b. Premium - \$15.00 + tax
- (11) Driving range
- a. Discounted driving range pass - \$350.00

b. Bucket of 35 balls - ~~\$4.00~~; 70 balls - ~~\$7.00~~ \$5.00

(~~12~~11) Trail fees

a. Daily - \$15.00 + tax

b. Annual - ~~\$475.00~~ \$425.00 (Killeen resident), \$500.00 (non-resident)~~(Killeen residents receive a \$75.00 discount)~~

* * *

(j) Parks

* * *

(14) Lions Club Park Family Aquatic Center miscellaneous fees ~~—additional family member fee—\$20.00 (charged for each family member in excess of the number allotted as part of the family season pass)~~

a. Additional family member fee - \$20.00 (charged for each family member in excess of the number allotted as part of the family season pass).

b. After hours reservation - \$625.00

* * *

(o) Swimming Pools

(1) Pool reservations - \$100.00/day

(2) Lifeguard (minimum of two) - \$20.00/hour

(3) Pool admittance

a. Adult - \$3.00

b. Youth (12 and under) and senior - \$2.00

(4) Swimming lessons - ~~\$40.00~~\$45.00/two-week session

(5) Pool passes

a. Youth or senior citizen - \$35.00

b. Adult - \$60.00

c. Family (up to six members) - \$120.00

d. Additional family member - \$10.00

* * *

SECTION II. That Chapter 30, Article IV, Division 2, Subdivision B, Section 30-136 (a)

of the Code of Ordinances of the City of Killeen is hereby amended to read as follows:

CHAPTER 30

WATER, SEWERS AND SEWAGE DISPOSAL*

ARTICLE IV. RATES AND CHARGES

* * *

DIVISION 2. RATES

* * *

Subdivision B. Water Rates

Sec. 30-136. Assessed.

(a) The following water charges shall apply to all residential users for the consumption of water inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$12.70

1"\$14.06

1-1/2"\$17.47

2"\$21.55

3"\$31.09

4"\$44.74

6"\$79.83

8"\$119.68

10"\$167.40

Applicable to all meter sizes:

2,001 to ~~25,000~~10,000 gallons, per 1,000 gallons\$3.17

10,001 to 25,000 gallons, per 1,000 gallons\$3.96

Over 25,000 gallons, per 1,000 gallons~~\$3.78~~\$4.95

* * *

(c) The following water charges shall apply to all apartment, small apartment, and mobile home park users for the consumption of water inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$12.70

1"\$14.06

1-1/2"\$17.47

2"\$21.55

3"\$31.09

4"\$44.74

6"\$79.83

8"\$119.68

10"\$167.40

Applicable to all meter sizes:

~~All over 2,000~~1 to 10,000 gallons, per 1,000 gallons\$3.17

10,001 to 25,000 gallons, per 1,000 gallons\$3.96

Over 25,000 gallons, per 1,000 gallons\$4.95

(d) The water rates for all residential users outside the city limits shall be double the water rates for residential users inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"\$25.40

1"\$28.12

1-1/2"\$34.94

2"\$43.10

3"\$62.18

4"\$89.48

6"\$159.66

8"\$239.36

10"\$334.80

Applicable to all meter sizes:

~~2,001 to 25,000~~ 10,000 gallons, per 1,000 gallons\$6.34

10,001 to 25,000 gallons, per 1,000 gallons\$7.92

Over 25,000 gallons, per 1,000 gallons~~\$7.56~~ \$9.90

* * *

- (f) The water rates for all apartment, small apartment, and mobile home park users outside the city limits shall be double the water rates for apartment, small apartment and mobile home park users inside the city limits:

0 to 2,000 gallons - Meter size:

5/8" and 3/4"

1"

1-1/2"

2"

3"

4"

6"

8"

10"

Applicable to all meter sizes:

~~All over 2,000 gallons, per 1,000 gallons~~\$6.34

2,001 to 10,000 gallons, per 1,000 gallons\$6.34

10,001 to 25,000 gallons, per 1,000 gallons\$7.92

Over 25,000 gallons, per 1,000 gallons\$9.90

* * *

SECTION III. 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 IV. 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 V. 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 VI. 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 September 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



City of Killeen

Legislation Details

File #: OR-16-014 **Version:** 1 **Name:** Ordinance Repealing Ad Valorem Discount
Type: Ordinance **Status:** Ordinances
File created: 9/1/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider an ordinance repealing the discount for early payment of ad valorem taxes, installment payment plan and penalties for delinquent payment of ad valorem taxes.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

REPEAL ORDINANCE 56-O; AD VALOREM TAXES

ORIGINATING DEPARTMENT

FINANCE

BACKGROUND INFORMATION

In 1956, the City Council adopted Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan option, and penalties for delinquent payment of ad valorem taxes. The discount has been given since that date. Installment payment plans are still offered and penalties for delinquent payments assessed, but the specifics of the two programs have been superseded by state law.

DISCUSSION/CONCLUSION

The City Council reached a consensus to discontinue the discount for early payment of ad valorem taxes. This ordinance repeals Ordinance 56-O, thereby discontinuing the early payment discount, as well as the installment payment plan and penalties for delinquent payments. Installment plans and delinquent penalty amounts are now determined by state law rather than by ordinance.

FINANCIAL IMPACT

Repeal of the early payment discount will result in the collection of approximately \$983,729 in additional ad valorem taxes for Fiscal Year 2017.

RECOMMENDATION

That Council adopt the attached resolution repealing Ordinance 56-O, discontinuing the discount for early payment of ad valorem taxes, as well as the installment plan option and penalties for delinquent payment of ad valorem taxes, which are now determined by state law.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, REPEALING ORDINANCE 56-O THAT PROVIDED FOR DISCOUNTS FOR EARLY PAYMENT OF CITY OF KILLEEN AD VALOREM TAXES, ESTABLISHED AN INSTALLMENT PAYMENT PLAN AND PENALTIES FOR DELINQUENT PAYMENT OF AD VALOREM TAXES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, on October 23, 1956, the Killeen City Council adopted Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan option, and penalties for delinquent payment of ad valorem taxes;

WHEREAS, installment payment plan options and penalty amounts on delinquent payments are now determined by state law rather than city ordinance;

WHEREAS, the City Council reached a consensus to discontinue the discount for early payment of ad valorem taxes;

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

SECTION I. That Ordinance 56-O, which established a discount for early payment of ad valorem taxes, an installment payment plan, and penalties for delinquent payments, is hereby repealed in its entirety.

SECTION II. That all ordinances or resolution 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, paragraph or clause 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 VII: That this ordinance shall be effective for the 2016 Tax Year, after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas this 13th day of September 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

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis, CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-015 **Version:** 1 **Name:** Adopting the FY 17 Budget
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider an ordinance adopting a budget for operating the municipal government of Killeen for the fiscal year October 1, 2016, through September 30, 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**Ordinance adopting budget for Fiscal Year
2017**

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Article V, the Budget, of the Charter of the City of Killeen requires the City Manager to submit to the City Council a proposed budget which shall provide a complete financial plan for the upcoming fiscal year. The City Council calls a public hearing to elicit citizen comment on the proposed budget. After due deliberation, the Council may make such changes as deemed necessary. By majority vote, the Council shall adopt the budget on or before the 20th day of the last month of the fiscal year.

DISCUSSION/CONCLUSION

The City Manager has presented the FY 2017 Annual Budget and Plan of Municipal Services to the City Council. One Public Forum, several budget workshops, and multiple public hearings were held so that the City Council, citizens, and staff could discuss the proposed budget. A record vote is required for adoption of the FY 2017 budget.

RECOMMENDATION

It is recommended that the attached ordinance be approved and the budget for Fiscal Year 2017 be adopted.

ORDINANCE _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of the City of Killeen for the fiscal year October 1st, 2016 to September 30th, 2017 has been prepared by Lillian A. Farris, City Manager, as Budget Officer for the City of Killeen, Texas; and

WHEREAS, said budget has been submitted to the City Council by the City Manager along with his budget message, in accordance with the City Charter; and

WHEREAS, public notice of a public hearing upon this budget has been duly and legally made as required by City Charter and law; and

WHEREAS, a separate record vote of the City Council is required to adopt a budget that will raise more revenue from property taxes than the previous year; and

WHEREAS, the public hearing has been had upon said budget and, after full and final consideration of proposed expenditures, revenues, financial condition, and comparative expenditures as presented, it is the consensus of opinion that the budget as considered and amended at said hearing should be approved and adopted;

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

SECTION I. That the City Council of the City of Killeen ratifies, approves and adopts the budget as finally considered for the fiscal year of October 1st, 2016 to September 30th, 2017, a copy of which shall be filed with the office of the City Secretary and with the Bell County Clerk and which is incorporated herein for all intents and purposes.

SECTION II. That the appropriations for 2017 fiscal year for the different administrative units and purposes of the City of Killeen, Texas, be fixed and determined for said fiscal year in accordance with the expenditures shown in said budget, and that the distribution and division of said appropriations be made in accordance with said budget including such amounts shown for providing for sinking funds for the payment of the principal and interest and the retirement of the bonded debt of the City of Killeen.

SECTION III. That pursuant to Section 76 of the City Charter, approval in this budget of items costing up to and including \$50,000 shall constitute the prior approval of said expenditures by City Council, and the City Manager or the Acting City Manager is authorized to advertise for bids for all contracts or purchases involving more than \$50,000 as provided by said Section without further authorization by the City Council.

SECTION IV. That should any part, portion, or section of this ordinance be declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion, or judgment shall in no way affect the remaining portions, parts, or sections or parts of a section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

SECTION V. That all ordinances and appropriations for which provision has heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

SECTION VI. That this ordinance shall take effect and be in full force and effect from and after its passage and approval according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas this 13th day of September 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

Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis, CITY ATTORNEY

CITY SECRETARY DISTRIBUTION:
Executive Director of Finance



City of Killeen

Legislation Details

File #: OR-16-016 **Version:** 1 **Name:** Ratifying the Tax Rate for FY 2017
Type: Resolution **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution ratifying the property tax increase reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2016, through September 30, 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ratifying the Property Tax Increase

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Local Government Code section 102.007(c) states that the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.

DISCUSSION/CONCLUSION

The FY 2017 budget will raise more revenues from property taxes than last year's budget by an amount of \$1,653,368, or 4.3%, and of that amount \$1,103,025 is tax revenue to be raised from new property added to the tax roll this year.

RECOMMENDATION

It is recommended that the property tax increase reflected within the budget for Fiscal Year 2017 be ratified.



City of Killeen

Legislation Details

File #: OR-16-018A **Version:** 1 **Name:** Approving the Interest and Sinking Tax Rate for FY 2017
Type: Resolution **Status:** Ordinances
File created: 9/2/2016 **In control:** City Council Workshop
On agenda: 9/13/2016 **Final action:**
Title: Consider a memorandum/resolution approving the interest and sinking tax rate for FY 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Memorandum approving the interest and sinking tax rate for FY 2017

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Section 26.05(a) of the Tax Code requires taxing units to comply with truth-in-taxation laws in adopting their tax rates. The City's proposed tax rate consists of two components, each of which must be approved separately.

DISCUSSION/CONCLUSION

The proposed tax rate is 0.7498 and the interest and sinking component is 0.3031.

FISCAL IMPACT

The interest and sinking component will generate \$15,853,159 at the City's estimated collection rate of 98%.

RECOMMENDATION

City Council approve the proposed interest and sinking rate of 0.3031.



City of Killeen

Legislation Details

File #: OR-16-018B **Version:** 1 **Name:** Approving the maintenance and operations tax rate for FY 2017

Type: Resolution **Status:** Ordinances

File created: 9/2/2016 **In control:** City Council Workshop

On agenda: 9/13/2016 **Final action:**

Title: Consider a memorandum/resolution approving the Maintenance and Operations Tax Rate for FY 2017.

Sponsors: Finance Department

Indexes:

Code sections:

Attachments: [Council Memorandum](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Memorandum approving the Maintenance and Operations Tax Rate for FY 2017

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Section 26.05(a) of the Tax Code requires taxing units to comply with truth-in-taxation laws in adopting their tax rates. The City's proposed tax rate consists of two components, each of which must be approved separately.

DISCUSSION/CONCLUSION

The proposed tax rate is 0.7498 and the maintenance and operations component is 0.4467.

FISCAL IMPACT

The maintenance and operations component of the tax rate will generate \$23,363,926 at the City's estimated collection rate of 98%.

RECOMMENDATION

City Council approve the proposed maintenance and operations rate of 0.4467.



City of Killeen

Legislation Details

File #: OR-16-017 **Version:** 1 **Name:** Set the Tax Rate for Fiscal Year 2017
Type: Ordinance **Status:** Ordinances
File created: 8/31/2016 **In control:** City Council
On agenda: 9/13/2016 **Final action:**
Title: Consider an ordinance setting the Tax Rate for Fiscal Year 2017.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
9/6/2016	1	City Council Workshop		

CITY COUNCIL MEMORANDUM

AGENDA ITEM

Ordinance Setting the Tax Rate for Fiscal Year 2017

ORIGINATING DEPARTMENT

City Manager/Finance

BACKGROUND INFORMATION

Chapter 26 of the Property Tax Code requires taxing units to comply with truth-in-taxation laws when adopting their tax rates. A taxing unit must calculate and publish its effective and rollback rates before adopting an actual tax rate. The Tax Appraisal District of Bell County published these rates in the Killeen Daily Herald on August 5, 2016. The City has complied with all provisions of the truth-in-taxation laws regarding adopting a tax rate.

DISCUSSION/CONCLUSION

On August 16, 2016, at a regular city council meeting, the Killeen City Council set the preliminary tax rate at the current rate of 74.98¢ per \$100 valuation. The rollback rate for the 2016 tax year is 84.25¢. The preliminary rate represents the maximum rate that can be adopted for the FY 2017 Budget. It is now necessary that the City Council adopt a final tax rate to support the Fiscal Year 2017 Annual Budget and Plan of Municipal Services.

FISCAL IMPACT

Adopting the current tax rate of 74.98¢ per \$100 valuation will generate ad valorem tax revenues in the amount of \$39,217,085, at the City's expected collection ratio of 98%. A total of \$15,853,159 of the ad valorem revenues collected will be allocated to the interest and sinking fund for the retirement of debt.

RECOMMENDATION

It is recommended that the attached ordinance be approved and that the tax rate for the City of Killeen for FY 2017 be set at 74.98¢ per \$100 of taxable valuation on non-exempt real and personal property.

ORDINANCE _____

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS OF THE CITY OF KILLEEN, TEXAS, FOR THE 2016 TAX YEAR AND FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Chief Appraiser of the Bell County Tax Appraisal District has prepared and certified the appraisal roll for the City of Killeen, Texas, said roll being that portion of the approved appraisal roll of the Bell County Tax Appraisal District which lists property taxable by the City of Killeen, Texas; and

WHEREAS, the Chief Appraiser of the Bell County Tax Appraisal District has performed the statutory calculations required by Section 26.04 of the Texas Property Tax Code, and has published the effective rate, the rollback tax rate, and an explanation of how they were calculated and has fulfilled all other requirements for publication as contained in Section 26.04(e) of the Texas Property Tax Code, in a manner designated to come to the attention of all residents of said City and has submitted rates to the City Council of said City prior to the City Council meeting of August 16, 2016; and,

WHEREAS, the City Council has complied with all applicable requirements of the Texas Property Tax Code prior to the setting of the tax rate for said City for 2016;

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

SECTION I. That the tax rate of the City of Killeen, Texas for the tax year 2016 be, and is hereby, set at 74.98 ¢ on each \$100 of the taxable value of real and personal property not exempt from taxation by the constitution and laws of this state within the corporate limits of said City.

SECTION II. That there is hereby levied for the tax year 2016 upon all real and personal property not exempt from taxation by the constitution and laws of this state situated within the corporate limits of said City, and there shall be collected for the use and support of the municipal government of the City of Killeen, Texas, to provide a sinking fund for the retirement of the bonded debt of said City and to provide for permanent improvements in said City, said tax; and said tax, so levied and collected, shall be apportioned to

the specific purposes hereinafter set forth; to wit:

- A. For the payment of current expenses and to be deposited in the general fund (for the purposes of maintenance and operations) 44.67¢ on each \$100 of the taxable value; and,
- B. To provide for sinking funds for the payment of the principal and interest and the retirement of bonded debt, 30.31¢ on each \$100 of the taxable value of such property.

SECTION III. That the Chief Appraiser is hereby authorized to assess and collect the taxes of said City employing the above tax rate.

SECTION IV. That the Director of Finance of said City shall keep accurate and complete records of all monies collected under this Ordinance and of the purposes for which same are expended.

SECTION V. That monies collected pursuant to this Ordinance shall be expended as set forth in the City of Killeen FY 2017 Annual Budget and Plan of Municipal Services.

SECTION VI. That all monies collected which are not specifically appropriated shall be deposited in the general fund.

SECTION VII. That this ordinance shall take effect and be in full force and effect from and after its passage and approval according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas this 13th day of September, 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:

Dianna Barker
CITY SECRETARY

APPROVED AS TO FORM:

Kathy H. Davis
CITY ATTORNEY



City of Killeen

Legislation Details

File #: OR-16-019 **Version:** 1 **Name:** Animal Advisory Committee
Type: Ordinance **Status:** Ordinances
File created: 9/7/2016 **In control:** City Council Workshop
On agenda: 9/13/2016 **Final action:**
Title: Consider an ordinance adding additional citizen members to the Animal Advisory Committee.
Sponsors: Animal Services
Indexes:
Code sections:
Attachments: [Council Memorandum Ordinance](#)

Date	Ver.	Action By	Action	Result
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CITY COUNCIL MEMORANDUM

AGENDA ITEM

Add additional citizen members to the Animal Advisory Committee

ORIGINATING DEPARTMENT

City Attorney

BACKGROUND INFORMATION

According to Texas Health and Safety Code, sec. 823.005, a city in which an animal shelter is located shall appoint an advisory committee to assist in complying with the state regulations regarding the animal shelter operations. The committee must be composed of at least one licensed veterinarian, one municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

DISCUSSION/CONCLUSION

Since its initial implementation, the City Council has added two council members and three citizen representatives. At its workshop of September 6, 2016, Council reached a consensus to add four additional citizen representatives, as well as two ex-officio voting members.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the City Council adopt the amendment, as attached.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 6 “ANIMALS,” ARTICLE II “ANIMAL SERVICES,” SECTION 6-34 “ANIMAL ADVISORY COMMITTEE”; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council has expressed a desire to increase the citizen representation on the Animal Advisory Committee;

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

SECTION I. That Chapter 6, Article II, Division 1, be amended as follows:

CHAPTER 6. ANIMALS

* * * * *

ARTICLE II. ANIMAL SERVICES

* * * * *

DIVISION 1. GENERALLY

* * * * *

Sec. 6-34. - Animal advisory committee.

An animal advisory committee shall be appointed by the city manager and shall be composed of at least one (1) licensed veterinarian, one (1) city official, one (1) person whose duties include the daily operation of an animal shelter, one (1) representative from an animal welfare organization or humane society, two (2) city councilmembers, ~~and seven three (73)~~ and two (2) ex-officio voting members. The animal advisory committee shall advise and make recommendations to the city council pertaining to animals and this chapter.

SECTION II. That all ordinances or resolution 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, paragraph or clause 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 after its passage and publication according to law.