



City of Killeen

Agenda

City Council

Tuesday, May 25, 2021

5:00 PM

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

Call to Order and Roll Call

___ Jose Segarra, Mayor	___ Jessica Gonzalez
___ Debbie Nash-King	___ Steve Harris
___ Mellisa Brown	___ Ken Wilkerson
___ Nina Cobb	___ Rick Williams

Invocation

Pledge of Allegiance

Approval of Agenda

Presentations

1. [PR-21-004](#) Killeen Star Award Presentation

Citizen Comments

This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to three (3) minutes. The Presiding Officer may allow a one (1) minute extension, if requested at the end of the original three (3) minute period. No other extensions will be allowed.

Consent Agenda

2. [MN-21-012](#) Consider Minutes of Regular City Council Meeting of May 11, 2021.

Attachments: [Minutes](#)
3. [RS-21-065](#) Consider a memorandum/resolution approving a Memorandum of Agreement for the Committee for Crime Solutions.

Attachments: [Staff Report](#)
[Memorandum of Agreement](#)
[Presentation](#)
4. [RS-21-066](#) Consider a memorandum/resolution to deny a request by Oncor Electric

Delivery Company LLC to amend its Distribution Cost Recovery Factor, and to authorize the City's participation with the Oncor Cities Steering Committee.

Attachments: [Staff Report](#)

[Resolution](#)

[Presentation](#)

5. [RS-21-067](#) Consider a memorandum/resolution approving the investment advisory services agreement with Valley View Consulting, LLC in an amount not to exceed \$50,000.

Attachments: [Staff Report](#)

[Agreement](#)

[Certificate of Interested Parties](#)

[Presentation](#)

6. [RS-21-068](#) Consider a memorandum/resolution amending the Financial Governance Policy to revise the utility bill contributions policy related to summer youth programs.

Attachments: [Staff Report](#)

[Draft Application](#)

[Policy](#)

[Presentation](#)

7. [RS-21-069](#) Consider a memorandum/resolution appointing City of Killeen representatives to the Hill Country Transit Technical Advisory Committee.

Attachments: [Staff Report](#)

Resolutions

8. [RS-21-070](#) Consider a memorandum/resolution to fly the Juneteenth Day flag at City Hall.

Attachments: [Staff Report](#)

9. [RS-21-071](#) Consider a memorandum/resolution appointing presiding and alternate judges for the June 12, 2021 second election.

Attachments: [Staff Report](#)

[Presentation](#)

Public Hearings

10. [PH-21-021](#) HOLD a public hearing and consider an ordinance requested by Jennifer Iglesias on behalf of The Uresti Group LTD Co. (Case #Z21-07) to rezone approximately 2.569 acres out of the William H. Cole Survey, Abstract No. 200, from "A" (Agriculture District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located along the east

right-of-way of Trimmier Road and is approximately .75 miles north of Chaparral Road.

Attachments: [Staff Report](#)
[Maps](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Presentation](#)

11. [PH-21-022](#) HOLD a public hearing and consider an ordinance requested by True Fountain LLC (Case #FLUM 21-01) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 0.55 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Attachments: [Staff Report](#)
[Maps](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Presentation](#)

12. [PH-21-023](#) HOLD a public hearing and consider an ordinance requested by True Fountain LLC (Case #Z21-08) to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Attachments: [Staff Report](#)
[Maps](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Presentation](#)

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 May 20, 2021.

Lucy C. Aldrich, City Secretary

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

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

Notice of Meetings

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

- *Parks Master Plan Public Meeting, June 25, 2021, 6:30 p.m., Killeen Amphitheater*
- *Love Your Park Day, July 10, 2021, 8:00 a.m., Stewart Park*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: PR-21-004 **Version:** 1 **Name:** Killeen Star Award Presentation
Type: Presentations **Status:** Presentations
File created: 5/5/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Killeen Star Award Presentation
Sponsors: City Council
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: MN-21-012 **Version:** 1 **Name:** Minutes of Regular City Council of May 11, 2021
Type: Minutes **Status:** Minutes
File created: 5/3/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of May 11, 2021.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		

City of Killeen
City Council Meeting
Killeen City Hall
May 11, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Shirley Fleming, Councilmembers Debbie Nash-King, Terry Clark, Steve Harris, Ken Wilkerson, Rick Williams, and Mellisa Brown.

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Father Chris gave the invocation. Mayor Segarra led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Pro Tem Fleming to approve the agenda removing RS-21-061 and RS-21-063 from the Consent Agenda for separate consideration. Motion was seconded by Councilmember Brown. The motion carried unanimously.

Citizen Comments

Mr. Anthony Kendrick spoke on Agenda Item RS-21-057 (Memorandum of Understanding between the City and Killeen Independent School District).

Consent Agenda

MN-21-011 Consider Minutes of Regular City Council Meeting of April 27, 2021.

RS-21-056 Consider a memorandum/resolution approving a structure lease agreement with New Cingular Wireless PCS, LLC (AT&T) for placement of communications facilities at 2905 Lake Road.

RS-21-057 Consider a memorandum/resolution authorizing a Memorandum of Agreement between the City of Killeen and Killeen Independent School District for the shared usage of facilities.

RS-21-058 Consider a memorandum/resolution accepting a Federal Aviation Administration Airport Improvement Program Grant for the Installation of Perimeter Fencing at Killeen-Fort Hood Regional Airport.

RS-21-059 Consider a memorandum/resolution awarding Bid No. 21-22, Installation of Perimeter Fencing at Killeen-Fort Hood Regional Airport, to Swift Corporation in the amount of \$136,000.

RS-21-060 Consider a memorandum/resolution accepting a Federal Aviation Administration Airport Improvement Program Grant for Runway Pavement Maintenance at Killeen-Fort Hood Regional Airport.

- RS-21-062** Consider a memorandum/resolution authorizing the procurement of replacement mobile data terminals (MDT) and COBAN Edge in-car video systems from GTS Technology Solutions, Inc. in the amount of \$375,345.

Motion was made by Mayor Pro Tem Fleming to approve the consent agenda. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

- RS-21-061** Consider a memorandum/resolution awarding Bid No. 21-25, Asphalt Overlay & Milling Services, to Lone Star Paving.

Staff Comments: Jeff Reynolds, Executive Director of Public Works. Mr. Reynolds was available to provide additional information and answer questions.

Motion was made by Councilmember Brown to approve RS-21-061. Motion was seconded by Councilmember Harris. Motion carried unanimously.

- RS-21-063** Consider a memorandum/resolution authorizing the procurement of cameras and access control hardware at the Police Headquarters from Stanley Convergent Security Solutions in the amount of \$223,987.

Staff Comments: Willie Resto, Executive Director of Information Technology. Mr. Resto was available to provide additional information and answer questions.

Motion was made by Councilmember Brown to approve RS-21-063. Motion was seconded by Councilmember Harris. Motion carried unanimously.

Public Hearings

- PH-21-020** **HOLD** a public hearing and consider an ordinance amending the FY 2021 Annual Budget of the City of Killeen to increase revenue and expense accounts in the Aviation fund.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2021 ANNUAL BUDGET OF THE CITY OF KILLEEN TO INCREASE REVENUE AND EXPENSE ACCOUNTS IN THE AVIATION FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance.

The Aviation Department has been offered a grant from the Federal Aviation Administration supporting the installation of perimeter fencing, and runway rehabilitation and pavement maintenance at the Killeen-Fort Hood Regional Airport. The budget amendment will increase revenues for receipt of funds from the Airport Improvement Program Grant and will increase expenses for both mentioned projects in the Aviation Fund. City staff recommends City Council

approve the ordinance amending the FY 2021 Annual Budget.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Nash-King to approve PH-21-020. Motion was seconded by Councilmember Clark. Motion carried unanimously.

Ordinances

OR-21-007 Consider an ordinance canvassing the returns and declaring results of the May 1, 2021 General Election and a recount held on May 11, 2021 for District 4.

Note - The petition requesting a recount scheduled to be held on May 11, 2021 for District 4 that was submitted by Councilmember Harris was withdrawn by Councilmember Harris on May 10, 2021.

The City Secretary read the caption of the ordinance.

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD MAY 1, 2021 FOR THE ELECTION OF A DISTRICT COUNCILMEMBER FOR DISTRICT 1, DISTRICT 2, DISTRICT 3 AND DISTRICT 4.

Councilmember Williams read the ordinance that certified the election results, stating the number of votes each candidate received, and that Jessica A. Gonzalez was elected as Councilmember for District 1, Debbie Nash-King was elected as Councilmember for District 2, and Nina Cobb was elected as Councilmember for District 3. With the District 4 race ending in a tie, current Councilmember Steve Harris will remain seated in a holdover status until the tie can be resolved.

Motion was made by Mayor Pro Tem Fleming to approve OR-21-007, declaring Jessica A. Gonzalez the elected for District 1, Debbie Nash-King the elected for District 2, and Nina Cobb, the elected for District 3. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown recorded as a vote in opposition by abstaining from the vote.

Special Recognitions

Mayor Segarra presented Mayor Pro Tem Fleming and Councilmember Clark with a plaque and thanked them for their service to the City of Killeen.

Oath of Office & Certificate of Election

Judge Mark Kimball administered the Oath of Office to Jessica Gonzalez, Debbie Nash-King, and Nina Cobb. Mayor Segarra presented the Certificates of Election to Councilmember Gonzalez, Councilmember Nash-King, and Councilmember Cobb.

Standards of Conduct

City Manager, Kent Cagle, read the Standards of Conduct while all the councilmembers signed the Standards of Conduct.

Call to Order and Roll Call

The new council was seated at the Dias. Mayor Segarra called the meeting to order at 5:48 p.m. and took roll call, noting that all councilmembers were present.

Resolutions

RS-21-064 Consider a memorandum/resolution to elect a Mayor Pro Tem. Councilmember Brown nominated Councilmember Harris to serve as Mayor Pro Tem. Councilmember Wilkerson nominated Councilmember Nash-King to serve as Mayor Pro Tem. With no additional nominations, Mayor Segarra called for a vote the nominations. The vote was recorded as 2 for Councilmember Harris (Councilmember Brown and Councilmember Harris) and 5 for Councilmember Nash-King (Councilmember Gonzalez, Councilmember Cobb, Councilmember Nash-King, Councilmember Wilkerson, and Councilmember Williams). Mayor Segarra recognized Councilmember Nash-King as being elected to serve as Mayor Pro Tem.

Adjournment

With no further business, upon motion being made by Councilmember Wilkerson, seconded by Councilmember Brown, and unanimously approved, the meeting was adjourned at 5:51 p.m.



City of Killeen

Legislation Details

File #: RS-21-065 **Version:** 1 **Name:** MOA for Crime Committee
Type: Resolution **Status:** Resolutions
File created: 4/6/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Consider a memorandum/resolution approving a Memorandum of Agreement for the Committee for Crime Solutions.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Memorandum of Agreement](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Memorandum of Agreement for the Committee for Crime Solutions

BACKGROUND AND FINDINGS:

On March 23, 2021, the City Council approved Resolution 21-037, which created the Committee for Crime Solutions. The Committee's purpose, as initially presented by Councilmember Ken Wilkerson, will be to study crime, recommend solutions to decrease crime and coordinate and execute efforts.

In addition to the City of Killeen, the Committee will have members from the City of Harker Heights, Bell County, the Killeen Independent School District and Fort Hood. Staff has prepared the attached Memorandum of Agreement to establish the understanding of all parties in terms of participation with the Committee. The agreement will be provided to all entities for signature.

THE ALTERNATIVES CONSIDERED:

The City Council may:

1. disapprove the Memorandum of Agreement;
2. recommend changes to the Memorandum of Agreement; or
3. approve the Memorandum of Agreement.

Which alternative is recommended? Why?

Staff recommends approving the Memorandum of Agreement so that the Committee and the participating entities agree on responsibilities and the Committee's purpose.

CONFORMITY TO CITY POLICY:

This item conforms to city policy.

FINANCIAL IMPACT:

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

No fiscal impact is anticipated with this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the attached Memorandum of Agreement for the Committee on Crime Solutions.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Memorandum of Agreement

MEMORANDUM OF AGREEMENT (MOA)

BETWEEN

THE CITY OF KILLEEN, THE CITY OF HARKER HEIGHTS, THE KILLEEN INDEPENDENT SCHOOL DISTRICT, BELL COUNTY AND THE UNITED STATES ARMY GARRISON – FORT HOOD

FOR

THE COMMITTEE FOR CRIME SOLUTIONS

PURPOSE

To establish the Committee for Crime Solutions (the “Committee”) with representatives of Killeen, Harker Heights, the Killeen Independent School District, Bell County and the United States Army Garrison – Fort Hood (each an “entity”) to study crime in the area, recommend solutions to decrease crime, and coordinate as well as execute efforts to that end.

GOAL

To decrease crime in the area, with a focus on safety and quality of life.

AREAS FOR CONSIDERATION

To develop and implement the Committee, the entities intend to actively cooperate in the following areas:

1. Appoint members who will regularly and meaningfully participate as well as contribute to the purpose and goal of the Committee, including conference calls and meetings (face-to-face or virtual);
2. Develop a work plan for the Committee;
3. Identify potential funding requirements for Committee projects and activities;
4. Develop a mechanism for evaluating and measuring Committee progress; and
5. Provide staff time to support Committee projects and activities.

GOVERNANCE

The Committee will act as the decision-making body. The Committee will seek cooperation with appropriate public agencies, non-governmental organizations and commercial entities on Committee projects and activities.

As determined by the Committee, other participants may join in an advisory role or as needed to implement projects or initiatives. Such participants may include but not be limited to

community members, youth advocate organizations, faith-based organizations, or civic-based organizations.

DECISION MAKING

Any member who, for any reason, cannot support a Committee project or initiative may abstain or withdraw from participation in that project or initiative without repercussion.

LIMITATIONS

1. Nothing in this MOA obligates an entity to expend appropriations; enter into any contract, assistance agreement, or interagency agreement; or incur other financial obligations.
2. Each entity paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.
3. This MOA does not exempt any entity from its policies regarding competition for financial assistance and contracts. Any endeavor involving Committee funding will be handled in accordance with applicable laws, regulations, policies and procedures, and will be subject to a separate written agreement.
4. This MOA does not create any substantive or procedural right or benefit enforceable by law or equity against any entity, its officers or employees, or against any other person.
5. No one entity claims exclusive rights to the “Committee for Crime Solutions” name, and other entities may join the Committee at any time by signing an MOA addendum.
6. Nothing in this MOA will be construed as a waiver or relinquishment of any entity’s right to claim exemptions, privileges or immunities as may be provided by law.

REVIEW OF AGREEMENT

This MOA will be reviewed annually on or around the anniversary of the effective date for financial impacts.

MODIFICATION

This MOA may only be modified by the written agreement of the entities and as signed by an authorized representative of each entity.

TERM

Unless otherwise agreed by the entities, this MOA will expire on December 31, 2024. Any entity may terminate its participation in this MOA at any time by notifying the Committee with a written notice signed by an authorized representative of the entity.

EFFECTIVE DATE

This MOA takes effect on the day after the final party has signed.

AGREED:

City of Killeen

Date

City of Harker Heights

Date

Killeen Independent
School District

Date

United States
Army Garrison (Fort Hood)

Date

Bell County

Date



MEMORANDUM OF AGREEMENT FOR COMMITTEE FOR CRIME SOLUTIONS

RS-21-065

May 18, 2021

Background

2

- ❑ On March 23, 2021, the City Council approved a resolution creating the Committee for Crime Solutions.
- ❑ The purpose of the Committee, as presented by Councilmember Wilkerson, will be to:
 - ▣ Study crime
 - ▣ Recommend solutions to decrease crime
 - ▣ Coordinate and execute efforts
- ❑ 13 members from participating entities, including: Killeen, Harker Heights, Bell County, KISD and Fort Hood

Memorandum of Agreement

3

- ❑ Goal: to decrease crime in the area, with a focus on safety and quality of life.
- ❑ Entities agree to develop a work plan for the committee, identify funding requirements, evaluate and measure progress and provide staff support.
- ❑ Committee may add community participants.
- ❑ No obligation to expend any funds.
- ❑ Expires 12/31/24 and can be renewed.

Coordination

4

- Agreement has been sent to other entities for review:
 - ▣ Bell County would like a presentation before the Commissioners Court
 - ▣ KISD requested changes and they have been incorporated
 - ▣ Harker Heights

Alternatives

5

- The City Council may:
 - ▣ Disapprove the Memorandum of Agreement
 - ▣ Recommend changes to the Memorandum of Agreement
 - ▣ Approve the Memorandum of Agreement

Recommendation

6

- Staff recommends approving the Memorandum of Agreement for the Committee on Crime Solutions.



City of Killeen

Legislation Details

File #: RS-21-066 **Version:** 1 **Name:** Deny Oncor DCRF application
Type: Resolution **Status:** Resolutions
File created: 4/26/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Consider a memorandum/resolution to deny a request by Oncor Electric Delivery Company LLC to amend its Distribution Cost Recovery Factor, and to authorize the City's participation with the Oncor Cities Steering Committee.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Resolution](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Denying Oncor Cost Distribution Cost Recovery Factor and authorizing participation in the Oncor Cities Steering Committee

BACKGROUND AND FINDINGS:

Pursuant to state law, the city has regulatory authority over the rates and charges of electric utilities. The city participates as a member of the Oncor Cities Steering Committee (OCSC), a coalition of cities served by Oncor Electric Delivery Company LLC (Oncor) that works in an efficient and cost-effective manner to review and respond to electric issues affecting rates charged by Oncor before the Public Utility Commission (PUC) and in the courts.

On April 8, 2021, Oncor filed an Application for Approval to Amend its Distribution Cost Recovery Factor (DCRF) to increase distribution rates within each of the cities in its service area. In the filing, Oncor asserts that it is seeking a system-wide increase in total distribution revenue requirement by approximately \$97,826,277.

PUC rules allow cities sixty (60) days to act once an application is filed. After a preliminary review of the application, OCSC attorneys recommend that the city deny the application and join with OCSC to further evaluate the filing, determine whether the filing complies with the law, and if lawful, determine the appropriate strategy to pursue, including a possible settlement. If denied, the current rates will not change while the application remains pending before the PUC.

THE ALTERNATIVES CONSIDERED:

The city's options are:

- 1) do nothing, and the rates as to the city would be appealed directly to the PUC;
- 2) approve Oncor's application, which would result in increased rates for citizens served through Oncor's distribution system; or
- 3) deny Oncor's application, as recommended by OCSC attorneys, and pursue a reasonable settlement directly with Oncor or through administrative proceedings before the PUC.

Which alternative is recommended? Why?

Staff and the OCSC attorneys recommend denying the amendment to Oncor's DCRF. Doing so will allow the OCSC attorneys and accountants to fully review the application and to engage in negotiations for a more reasonable adjustment, possibly without the necessity of a full hearing before the PUC.

CONFORMITY TO CITY POLICY:

This item complies with all applicable state laws.

FINANCIAL IMPACT:

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

There is no fiscal impact related to action on this item. Fees associated with the OCSC attorneys and consultants are covered by membership dues paid annually.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff and the OCSC recommend that the City Council deny Oncor's application to amend its Distribution Cost Recovery Factor and authorize the city's participation with OCSC.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY OF KILLEEN, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Killeen, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company") with an interest in the rates and charges of Oncor; and

WHEREAS, the Steering Committee of Cities Served by Oncor ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 8, 2021, Oncor filed with the Commission an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 51996, seeking to increase its total distribution revenue requirement by approximately \$97,826,277; and

WHEREAS, the City of Killeen will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if Oncor's Application is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members who have retained original jurisdiction over electric utility rates deny Oncor's DCRF.

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 51996.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Killeen hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits should be denied.

SECTION 4. That the Company should continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution, and within 30 days of presenting monthly bills to Oncor thereafter.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to J. Michael Sherburne, Vice President – Regulatory, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202; to Tab R. Urbantke, Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 7520; and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

PASSED, APPROVED AND ADOPTED on this 25 day of May, 2021.

Jose L. Segarra
Mayor

ATTEST:

Lucy C. Aldrich
City Secretary

APPROVED AS TO FORM:

Traci S. Briggs
Attorney



DENY ONCOR DCRF APPLICATION

RS-21-066

May 18, 2021

Background

2

- State law provides that cities have regulatory authority over the rates and charges of electric utilities.
- The city participates as a member of the Oncor Cities Steering Committee (OCSC), a coalition of cities served by Oncor Electric Delivery Company.
 - ▣ OCSC reviews and responds to electric issues affecting rates before the Public Utility Commission (PUC) and in the courts.

DCRF

3

- ❑ On April 8, 2021, Oncor filed an Application for Approval to Amend its Distribution Cost Recovery Factor (DCRF).
 - ▣ Would increase distribution rates within the service area, including the City of Killeen.
 - ▣ System-wide increase of \$97,826,277.

DCRF Review

4

- ❑ PUC rules allow cities 60 days to act on an application.
- ❑ After preliminary review, OCSC attorneys recommend denying the application.
- ❑ Additional time will allow OCSC to further evaluate, determine the application's compliance with law, and decide on the appropriate resolution, to include possible settlement.

Alternatives

5

- ❑ Do nothing
- ❑ Approve the application
- ❑ Deny the application
 - ▣ If denied, rates will not change while the application remains pending.

Recommendation

6

- Staff and the OCSC recommend that the City Council deny Oncor's application to amend its Distribution Cost Recovery Factor and authorize the city's participation with OCSC.



City of Killeen

Legislation Details

File #: RS-21-067 **Version:** 1 **Name:** Investment Advisory Services
Type: Resolution **Status:** Resolutions
File created: 4/20/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Consider a memorandum/resolution approving the investment advisory services agreement with Valley View Consulting, LLC in an amount not to exceed \$50,000.
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Agreement](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Jonathan Locke, Executive Director of Finance

SUBJECT: Investment Advisory Services Agreement

BACKGROUND AND FINDINGS:

On May 18, 2017, the City initiated a Request for Qualifications (RFQ) seeking responses from qualified firms to provide investment advisory services. Two proposals were received and evaluated by a committee consisting of Finance personnel. The committee selected Valley View Consulting as the most qualified respondent.

On July 25, 2017, City Council approved the investment advisory services agreement with Valley View Consulting. The initial agreement was effective for a two-year term that ended June 30, 2019. The agreement allowed for one or two-year period extensions. On June 25, 2019, City Council approved a two-year extension that ends June 30, 2021. Staff is requesting a one-year extension to the agreement and plans to initiate an RFQ for investment advisory services prior to the end of the extension period. The new agreement will be effective from July 1, 2021 through June 30, 2022.

Valley View Consulting has extensive investment advisory experience and is registered with the Securities and Exchange Commission (SEC) to provide investment advisory services. The scope of the agreement includes the firm assisting with cash flow projections, providing advice on market conditions, analyzing risk/return relationships between investment alternatives, assisting staff in keeping the City's investment policy in compliance with the Public Funds Investment Act, assisting in the purchase and sale of investment securities, and assisting staff with the Request for Application (RFA) process for the City's primary depository bank.

THE ALTERNATIVES CONSIDERED:

- (1) Do not approve the investment advisory services agreement.
- (2) Issue an RFQ for investment advisory services.
- (3) Approve the investment advisory services agreement with Valley View.

Which alternative is recommended? Why?

Alternative 3 is recommended. Valley View has extensive experience providing the requested services and staff is extremely satisfied with the services provided by the firm.

CONFORMITY TO CITY POLICY:

Texas Government Code, Chapter 2256, cited as the Public Funds Investment Act (PFIA), authorizes the governing body of an investing entity to contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under this subsection is limited to a term of no longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

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

Valley View's fee for services varies based on the City's average quarterly investment portfolio balance. The firm receives three (3) basis points (0.03%) of the City's average quarterly total portfolio book value less the demand deposit account balance with the City's primary depository bank. The total amount paid for services in FY 2020 was \$29,813 and the estimated amount for FY 2021 is \$42,370. Based on an average portfolio balance of \$133 million, the estimated annual cost for services will be \$39,900 in FY 2022.

Is this a one-time or recurring expenditure?

The firm's fee is a recurring expenditure paid quarterly.

Is this expenditure budgeted?

Yes

If not, where will the money come from?

N/A

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

Yes

RECOMMENDATION:

City Council to approve the investment advisory services agreement with Valley View Consulting, LLC in an amount not to exceed \$50,000.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Agreement

Certificate of Interested Parties

**AGREEMENT
BY AND BETWEEN
CITY OF KILLEEN, TEXAS
AND
VALLEY VIEW CONSULTING, L.L.C.**

It is understood and agreed that the City of Killeen, Texas (the *Investor*) will have money available for investment (the *Investable Funds*) and Valley View Consulting, L.L.C. (the *Advisor*) has been requested to provide professional services to the Investor with respect to the Investable Funds. This agreement (the *Agreement*) constitutes the understanding of the parties with regard to the subject matter hereof.

1. This Agreement shall apply to any and all Investable Funds of the Investor from time to time during the period in which this Agreement shall be effective.
2. The Advisor agrees to provide its professional services to direct and coordinate all programs of investing as may be considered and authorized by the Investor.
3. The Advisor agrees to perform the following duties, as requested:
 - a. Assist the Investor in developing cash flow projections,
 - b. Suggest appropriate investment strategies to achieve the Investor's objectives,
 - c. Advise the Investor on market conditions, general information and economic data,
 - d. Analyze risk/return relationships between various investment alternatives,
 - e. Attend periodic meetings as requested by the Investor,
 - f. Assist in the selection, purchase and sale of investments. The Advisor shall not have discretionary investment authority over the Investable Funds and the Investor shall make all decisions regarding purchase and sale of investments. Eligible investments are listed in the Investor's Investment Policy,
 - g. Advise on the investment of bond funds as to provide the best possible rate of return to the Investor in a manner which is consistent with the proceedings of the Investor authorizing the investment of the bond funds or applicable federal rules and regulations,
 - h. Assist the Investor in creating investment reports in compliance with State legislation and the Investor's Investment Policy, and
 - i. Assist the Investor with the primary bank depository service RFA process.

4. The Investor agrees to:
 - a. Compensate the Advisor for any and all services rendered and expenses incurred as set forth in Appendix A attached hereto,
 - b. Provide the Advisor with the schedule of estimated cash flow requirements related to the Investable Funds, and will promptly notify the Advisor as to any changes in such estimated cash flow projections,
 - c. Allow the Advisor to rely upon all information regarding schedules, investment policies and strategies, restrictions, or other information regarding the Investable Funds as provided to it by the Investor and that the Advisor shall have no responsibility to verify, through audit or investigation, the accuracy or completeness of such information,
 - d. Recognize that there is no assurance that recommended investments will be available or that such will be able to be purchased or sold at the price recommended by the Advisor, and
 - e. Not require the Advisor to place any order on behalf of the Investor that is inconsistent with any recommendation given by the Advisor or the policies and regulations pertaining to the Investor.
5. In providing the investment services in this Agreement, it is agreed that the Advisor shall have no liability or responsibility for any loss or penalty resulting from any investment made or not made in accordance with the provisions of this Agreement, except that the Advisor shall be liable for its own gross negligence or willful misconduct; nor shall the Advisor be responsible for any loss incurred by reason of any act or omission of any broker, selected with reasonable care by the Advisor and approved by the Investor, or of the Investor's custodian. Furthermore, the Advisor shall not be liable for any investment made which causes the interest on the Investor's obligations to become included in the gross income of the owners thereof.
6. The fee due to the Advisor in providing services pursuant to this Agreement shall be calculated in accordance with Appendix A attached hereto, and shall become due and payable as specified. Any and all expenses for which the Advisor is entitled to reimbursement in accordance with Appendix A attached hereto shall become due and payable at the end of each contract quarter in which such expenses are incurred.
7. This Agreement shall remain in effect until June 30, 2022. Provided, however, the Investor or Advisor may terminate this Agreement upon thirty (30) days written notice to the other party. In the event of such termination, it is understood and agreed that only the amounts due to the Advisor for services provided and expenses incurred to and including the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement. In the event this Agreement is terminated, all investments and/or funds held by the Advisor shall be returned to the Investor as soon as practicable. In addition, the parties hereto agree that upon termination of this Agreement the Advisor shall have no continuing obligation to the Investor regarding the investment of funds or performing any other services contemplated herein.

8. The Advisor reserves the right to offer and perform these and other services for various other clients. The Investor agrees that the Advisor may give advice and take action with respect to any of its other clients, which may differ from advice given to the Investor. The Investor agrees to coordinate with and avoid undue demands upon the Advisor to prevent conflicts with the performance of the Advisor towards its other clients.
9. The Advisor shall not assign this Agreement without the express written consent of the Investor.
10. By marking the appropriate line, the Investor acknowledges that:
 - 1) _____ The Investor was provided a written copy of Form ADV Part 2 not less than 48 hours prior to entering into this written contract, or
 - 2) _____ The Investor received a written copy of Form ADV Part 2 at the time of entering into this contract and has the right to terminate this contract without penalty within five business days after entering into this contract.
 - 3) X The Investor is renewing an expiring contract and has received in the past and offered annually, a written copy of Form ADV Part 2.
11. This Agreement will be governed by Texas law, and jurisdiction shall lie in Bell County, Texas.

When accepted by the Investor, this Agreement, together with Appendix A attached hereto, will constitute the entire Agreement between the Investor and Advisor for the purposes and the consideration herein specified. Acceptance will be indicated on one executed copy sent to the Advisor.

Respectfully submitted,



Richard G. Long, Jr.
Manager, Valley View Consulting, L.L.C.

This agreement is hereby agreed to and executed on behalf of the Killeen, Texas.

By: _____

Killeen, Texas

Date: _____

APPENDIX A

FEE SCHEDULE AND EXPENSE ITEMS

In consideration for the services rendered by the Advisor in connection with the investment of the Investable Funds designated by the Investor, it is understood and agreed that the fee will be an annual fee equal to 0.03% (3 basis points) of the average quarterly total portfolio book value less DDA balances with the primary depository bank. Said fee shall be calculated and billed at the end of each Investor fiscal quarter.

In the event a flexible repurchase agreement or other similar investment option is utilized, the Advisor shall receive a normal and customary fee within the guidelines of the Internal Revenue Service, **in lieu of the Agreement Fee.**

Said fee includes all costs of services related to this Agreement, and all travel and business expense related to periodic meeting attendance. Only with pre-trip Investor approval, the Advisor may also request reimbursement for special meeting or event travel and business expense. The obligation of the Advisor to pay expenses shall not include any costs incident to litigation, mandamus action, test case or other similar legal actions.

Although none are anticipated, any other fees retained by the Advisor shall be disclosed to the Investor.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

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

Valley View Consulting, L.L.C.
Huddleston, VA United States

Certificate Number:
2021-744577

Date Filed:
04/28/2021

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

City of Killeen

Date Acknowledged:

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

Investment Advisory Services
Cash and Investment Management

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Long, Jr., Richard	Huddleston, VA United States	X	

5 Check only if there is NO Interested Party. ☐

6 UNSWORN DECLARATION

My name is Julie S. Gerhardt, and my date of birth is 7-16-70.

My address is 2205 Woodcrest Drive, Lynchburg, VA, 24503, USA.
(street) (city) (state) (zip code) (country)

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

Executed in Lynchburg city, State of Virginia, on the 28 day of April, 2021.
(month) (year)

Julie S. Gerhardt
Signature of authorized agent of contracting business entity
(Declarant)



INVESTMENT ADVISORY SERVICES

RS-21-067

May 18, 2021

Background

2

- ❑ Texas Government Code requires the governing body to approve investment management firm agreements
- ❑ Request for Qualifications (RFQ) initiated in May 2017 for investment advisory services
- ❑ City Council approved an agreement with Valley View Consulting
 - ▣ Initial term July 2017 - June 2019
 - ▣ Renewed term July 2019 - June 2021

Agreement Terms

3

- Agreement effective July 2021 - June 2022
- Compensation
 - ▣ 3 basis points (0.03%) of average quarterly portfolio
 - ▣ 2020 amount paid for services - \$29,813
 - ▣ 2021 estimated amount paid for services - \$42,370
 - ▣ 2022 estimated amount paid for services - \$39,900
- Scope - purchase and sale of securities, assist with cash flow projections, and provide advice on market conditions

Alternatives

4

- ❑ Do not approve the investment advisory services agreement
- ❑ Issue RFQ for investment advisory services
- ❑ Approve the investment advisory services agreement

Recommendation

5

City Council approve the investment advisory services agreement with Valley View Consulting, LLC in an amount not to exceed \$50,000



City of Killeen

Legislation Details

File #:	RS-21-068	Version:	1	Name:	Amend Utility Bill Contributions Policy - Summer Youth Program
Type:	Resolution	Status:		Status:	Resolutions
File created:	3/26/2021	In control:		In control:	City Council
On agenda:	5/25/2021	Final action:		Final action:	
Title:	Consider a memorandum/resolution amending the Financial Governance Policy to revise the utility bill contributions policy related to summer youth programs.				
Sponsors:	Recreation Services Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Draft Application Policy Presentation				

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Joe Brown, Executive Director of Recreation Services

SUBJECT: Amending the utility bill contributions policy related to the summer youth program

BACKGROUND AND FINDINGS:

The City has accepted contributions through utility bills for the Senior Citizen Utility Bill Assistance Program since 2003. In May 2018, the City of Killeen approved a memorandum/resolution to amend the Financial Governance Policy and approve the programs citizens may contribute to through their City utility bill. There had been interest by City Council and staff to expand the acceptance of utility bill contributions to provide additional resources for other programs. During the April 17, 2018 City Council workshop, staff proposed adding Summer Youth Programs and Animal Services Unit. The City Council reached a consensus to bring the proposed item back for formal consideration, which was approved on May 22, 2018. With the addition of these two programs, citizens have had the option of contributing to the following:

- Senior Citizen Utility Bill Assistance Program - provides financial assistance for senior citizens on their utility bill. Eligible senior citizens must be at least 60 years of age and may remain on the program for six months.
- Summer Youth Program - provides financial assistance for children unable to attend City fee-based summer programs. Eligible families must be at or below 80% of the area's median household income, and children must live in the city of Killeen and be between the ages of 4 and 17.
- Animal Services Unit - provides additional resources for animals in the care of the Animal Services Unit. Contributions will be used primarily to provide spay and neuter services for animals in the care of the Animal Services Unit, but may be reallocated based upon need, as determined by the City Manager or designee.

Recreation Services (RS) never took action to create an operational practice from this resolution, thus never establishing a Summer Youth Program based on financial assistance for children unable to attend City fee-based summer programs. RS is proposing the following amendment to the relevant portion of the Financial Governance Policy:

Recreation Services Scholarship Program provides financial assistance for children unable to attend City Recreation Services fee-based programs. Scholarships are available for the following: City-Based Programs, Events, Camps, Clinics, Activities, Lessons, Facility Memberships and Summer Pool Passes. Each child and/or applicant may receive up to \$100 with a maximum of

\$200 per family per calendar year. Eligible families must provide proof they live in the City of Killeen; children are between the ages of 4 - 17; and show that the applicant receives state or school assistance. Scholarships ARE NOT available for single admissions to facilities or programs co-sponsored by other organizations. Funds will be disseminated on a first come, first served basis of eligibility until depleted and are intended to provide a fee reduction regarding the registration cost of youth programs.

RS will accept and award these applications as long as there is funding available through these contributions. Currently there have been \$5,733 in donations received for the disadvantaged youth program.

THE ALTERNATIVES CONSIDERED:

There are three alternatives for consideration:

- 1) Not accept the amendments to this policy
- 2) Accept the amendments to this policy but make edits to what is proposed
- 3) Accept the amendments to the summer youth program financial assistance policy

Which alternative is recommended? Why?

Alternative 3 is recommended. RS is trying to establish the back end of this policy, but at the same time expand this program. These amendments will add clarity and purpose to the initial intent of this program. RS staff will manage and track these applications through the year to include working to make this application fillable on-line.

CONFORMITY TO CITY POLICY:

The City does not currently have a policy that governs contributions received through utility bills. Staff is proposing the following amendment to the Financial Governance Policies, Section VIII. Revenues (C) Supplementary Funding.

FINANCIAL IMPACT:

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

Since the program began, there have been \$5,733 in donations. On average the program receives 60 donations per month totaling \$155.97 monthly with an average donation of \$2.60.

Is this a one-time or recurring expenditure?

Recurring expenditure

Is this expenditure budgeted?

Yes

If not, where will the money come from?

N/A

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

The amount of expenditure will not exceed the contributions received for a respective program, meaning we will only award in scholarships what we have in available funding for this program.

RECOMMENDATION:

Staff recommends that City Council approve the amendment to the Financial Governance Policy related to the Utility Bill Contribution Program and the Recreation Services Scholarship Program.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Draft Application
Policy



Killeen Recreation Services Scholarship Program

KRS Youth Scholarship is for Killeen youth to attend City fee-based programs.

Funds will be disseminated on a first come, first served basis of eligibility until depleted and are intended to provide a fee reduction regarding the registration cost of youth programs.

The following limits apply to all scholarship applications:

- Applicants:
 - Must be a resident of Killeen, Texas
 - Must be 4-17 years old
- Scholarships Are Available for:
 - City-Based Programs, Events, Camps, Clinics, Activities, Lessons, Facility Memberships and Summer Pool Passes
- Scholarships ARE NOT Available for:
 - Single admissions to facilities
 - Programs co-sponsored by other organizations
- Each child may receive up to \$100 with a maximum of \$200 per family per summer.
- Proof that applicant receives state or school assistance
 - Food stamps, WIC, Free or reduced school meals
 - Proof of Killeen, Texas Residence
 - *Examples – Utility bill, housing lease, etc.*



Killeen Recreation Services Scholarship Application

Return Applications

Family Recreation Center, 1700 E. Stan Schlueter Loop

KPR@killeentexas.gov • 254-501-6390

PARENT / GUARDIAN			
Name		Date of Birth	
Street Address			
City, State, Zip			
Home Phone		Cell Phone	
Email Address			
CHILD #1			
Name		Date of Birth	
Program Name		Amount you can pay	
Program Date(s)		Amount you are applying for	
Program Location		Program fee	
CHILD #2			
Name		Date of Birth	
Program Name		Amount you can pay	
Program Date(s)		Amount you are applying for	
Program Location		Program fee	
Please explain any special circumstances you want to be considered with your application			
<hr/> <hr/> <hr/>			
By signing below, I verify that the information provided is true and accurate, and I understand and agree that I am responsible to pay the fees I am able to as listed above. (CAN PROBABLY ADD MORE HERE)			
Parent/Guardian Signature		Date	

----- OFFICE USE ONLY -----

(INSERT MANAGER): Approval: ____ Disapproval: ____ Date: _____

Executive Director of Recreation Services: Approved: ____ Disapproved: ____ Date: _____

Applicant notified by: _____ Date: _____

I. MANAGEMENT OF MONETARY DONATIONS

A. PURPOSE

The purpose of this policy is to establish a process for the City of Killeen to accept monetary donations through utility bills and a procedure for distribution of those funds, as well as to establish eligibility for citizens to receive disbursements in limited circumstances.

B. DONATION PROCESSES

Except as provided in this policy, the City will accept monetary donations only. The City may provide an option on utility bills that allows utility customers to make voluntary contributions to the programs listed in this policy when paying their city utility bills. Donations may also be accepted in person by the Finance Department or by the respective departments as provided below. Donations will be collected throughout the year.

Offers of donations other than money or goods and services for Animal Services Unit (ASU) shall be forwarded by the Department Head to the Assistant City Manager to determine whether the City will benefit from the donation.

Programs or departments that accept donations other than those listed in this policy shall deposit donated money into the appropriate account established by the Finance Department. Any offers of non-monetary donations shall be forwarded by the Department Head to the Assistant City Manager to determine whether the City will benefit from the donation.

C. SENIOR CITIZEN UTILITY BILL ASSISTANCE PROGRAM

1. PURPOSE

The purpose of this policy is to establish a process for the city to accept monetary donations and a procedure for distribution of those funds, as well as to establish eligibility criteria for senior citizens to receive financial assistance on their City of Killeen utility bills.

2. APPLICATION AND ELIGIBILITY

In order for a senior citizen to be considered, a written application must be submitted to the Executive Director of Finance or designee.

Eligible senior citizens must receive a utility bill from the City of Killeen and be 60 years of age at the time of application. An eligible applicant may remain on the program for a period of six months, and may reapply after being off of the program for six months.

3. PUBLIC PURPOSE

The public purpose served by this program is to reduce the impact on community resources by providing assistance to senior citizens who are unable to pay their utility bills.

D. SUMMER YOUTH PROGRAMS

1. PURPOSE

The purpose of this policy is to establish a process for the City of Killeen to accept monetary donations and a procedure for distribution of those funds through scholarships for children unable, or in need of assistance to attend/participate in City Recreation Services fee-based programs, as well as to establish eligibility criteria for youth and their families.

2. DONATION ACCEPTANCE

Acceptance of monetary donations and management of the account will be by the Executive Director of Recreation Services or designee.

3. APPLICATION AND ELIGIBILITY

In order for a child to be considered, a parent or guardian must submit a written application to the Executive Director of Recreation Services or designee. Applications will be available year-round. Factors considered for eligibility will include proof that the applicant receives state or school assistance.

Eligible children must live in the City of Killeen and be ages 4 to 17. Assistance will only be provided for the following: City-Based Programs, Events, Camps, Clinics, Activities, Lessons, Facility Memberships and Summer Pool Passes. Scholarships ARE NOT available for single admissions to facilities or programs co-sponsored by other organizations.

After a determination of eligibility, City staff will contact the parent/guardian to coordinate enrollment in Recreation Services programs. Each child may receive up to \$100 with a maximum of \$200 per family per calendar year. Funds will be disseminated on a first come, first served basis of eligibility until depleted, and are intended to provide a fee reduction regarding the registration cost of youth programs. Recreation Services will accept and award these applications as long as there is funding available through these contributions, no funds will be given directly to participants.

4. PUBLIC PURPOSE

The public purpose served by this program is to provide financial assistance to children who are unable to attend City Recreation Services fee-based programs: Events, Camps, Clinics, Activities, Lessons, Facility Memberships and Summer Pool Passes.

E. ANIMAL SERVICES UNIT (ASU)

1. PURPOSE

The purpose of this policy is to establish a process for the City of Killeen to accept monetary donations and a procedure for distribution of those funds.

2. DONATION ACCEPTANCE

Management of the account will be by the Executive Director of Recreation or designee. Monetary donations will be accepted in person by the ASU Manager or designee. ASU may also accept donations of goods or services for the care of the animals in its care. Donations may include but are not limited to: food, blankets, towels and detergent.

3. USE OF FUNDS

Funds will be used primarily to provide spay and neuter services for animals in the care of ASU, but may be reallocated based upon need, as determined by the City Manager or designee. The funds in the ASU donation account are to be used exclusively for the benefit of the animals in ASU care.

4. PUBLIC PURPOSE

The public purpose served by this policy is to reduce the impact on community resources by providing spay and neuter services for animals in the care of ASU.

F. DISBURSEMENT OF FUNDS

Availability of funds for the programs in Sections C-E will be based upon contributions to each donation account, unless otherwise funded through the annual budget.



AMENDING THE UTILITY BILL CONTRIBUTIONS POLICY
RELATED TO THE SUMMER YOUTH PROGRAM

RS-21-068

May 18, 2021

Background

2

- ❑ 2003 - Contributions through utility bills for the Senior Citizen Utility Bill Assistance Program
- ❑ April 17, 2018 – City staff proposed adding Summer Youth Programs and the Animal Services Unit to the Program
- ❑ Recreation Services (RS) never took action to create an operational practice from this resolution and a Summer Youth Program based on financial assistance for children was not established

Proposed change

3

- ❑ RS Scholarship Program provides financial assistance for children unable to attend City Recreation Services fee-based programs
- ❑ Scholarships are available for the following:
 - ❑ City Based Programs
 - ❑ Events
 - ❑ Camps
 - ❑ Clinics
 - ❑ Activities
 - ❑ Lessons
 - ❑ Facility Memberships
 - ❑ Summer Pool Passes

Proposed Change Eligibility

4

□ Eligibility:

- ▣ Each child and/or applicant may receive up to \$100 with a maximum of \$200 per family per calendar year
- ▣ Provide proof they live in the City of Killeen
- ▣ Between the ages of 4 – 16
- ▣ Show that the applicant receives state or school assistance
- ▣ RS Staff will manage and track these applications through the year to include working to make this application fillable online

Alternatives

5

- Option 1 – Not accept the amendments to this policy
- Option 2 – Accept the amendments to this policy but make edits to what is proposed
- Option 3 – Accept the amendments to the summer youth program financial assistance policy

Recommendations

6

- Staff recommends that City Council approve the amendment to the financial governance policy related to the Utility Bill Contribution Program and the Recreation Services Scholarship Program.



City of Killeen

Legislation Details

File #: RS-21-069 **Version:** 1 **Name:** Appointment to Hill Country Transit Technical Advisory Committee

Type: Resolution **Status:** Resolutions

File created: 5/13/2021 **In control:** City Council

On agenda: 5/25/2021 **Final action:**

Title: Consider a memorandum/resolution appointing City of Killeen representatives to the Hill Country Transit Technical Advisory Committee.

Sponsors: City Manager Department

Indexes:

Code sections:

Attachments: [Staff Report](#)

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Judy Paradise, Administrative Assistant

SUBJECT: Approval of Appointments to the Hill Country Transit Technical Advisory Committee

BACKGROUND AND FINDINGS:

The City of Killeen entered into an interlocal agreement with the Hill Country Transit District on November 10, 1998 to establish an urban transit district. The agreement provided for a Board of Directors as set forth in the Hill Country Transit District By-Laws.

At the May 12, 2021 meeting of the Board of Directors, the Hill Country Transit created a new technical advisory committee. Each city was asked to appoint a member and alternate to the technical advisory committee.

THE ALTERNATIVES CONSIDERED:

1. Participate on the Hill Country Transit Technical Advisory Committee.
2. Do not appoint City of Killeen representatives to sit on the Hill Country Transit Technical Advisory Committee.

Which alternative is recommended? Why?

Staff recommends that the City appoint representatives to participate on the newly created Hill Country Transit Technical Advisory Committee, in order to ensure the interests of the citizens of Killeen are best served.

CONFORMITY TO CITY POLICY:

N/A

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

It is recommended the City Council appoint Kent Cagle, City Manager, to serve as the City of Killeen representative to the Hill Country Transit Technical Advisory Committee and Leslie Hinkle, Executive Director of Community Development, as the alternate.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A



City of Killeen

Legislation Details

File #: RS-21-070 **Version:** 1 **Name:** Juneteenth Flag
Type: Resolution **Status:** Resolutions
File created: 5/19/2021 **In control:** City Council
On agenda: 5/25/2021 **Final action:**
Title: Consider a memorandum/resolution to fly the Juneteenth Day flag at City Hall.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: May 25, 2021
TO: Kent Cagle, City Manager
FROM: Traci Briggs, City Attorney
SUBJECT: Flying the Juneteenth Flag at City Hall

BACKGROUND AND FINDINGS:

At its May 18, 2021 workshop, the City Council discussed flying the Juneteenth Flag at city hall to honor the historical importance of Juneteenth. A motion of direction was approved for the item to come back to the City Council for official action. If approved, the Innovation Black Chamber will provide the flag to city staff and it will fly at city hall June 18-20, 2021.

THE ALTERNATIVES CONSIDERED:

The alternatives are to approve or disapprove the flying of the Juneteenth Flag at city hall June 18-20, 2021.

Which alternative is recommended? Why?

Staff has no recommendation.

CONFORMITY TO CITY POLICY:

This resolution conforms to city policy.

FINANCIAL IMPACT:

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

There are no expenditures anticipated with this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

It is recommended that the City Council approve flying the Juneteenth Flag at city hall on June 18-20, 2021, to honor the historical importance of Juneteenth.

DEPARTMENTAL CLEARANCES:

ATTACHED SUPPORTING DOCUMENTS:

N/A



City of Killeen

Legislation Details

File #:	RS-21-071	Version:	1	Name:	Appointment of Election Judges and Alternate Judges for Second Election
Type:	Resolution	Status:			Resolutions
File created:	5/20/2021	In control:			City Council Workshop
On agenda:	5/25/2021	Final action:			
Title:	Consider a memorandum/resolution appointing presiding and alternate judges for the June 12, 2021 second election.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Staff Report Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: May 25, 2021
TO: Kent Cagle, City Manager
FROM: Traci Briggs, City Attorney
SUBJECT: Appointment of Presiding and Alternate Judges for June 12, 2021
Second Election

BACKGROUND AND FINDINGS:

Section 32.001 of the election code requires that a presiding election judge and an alternate presiding judge shall be appointed. Section 32.005 of the election code states that the governing body of a political subdivision shall appoint the judges.

The following persons are hereby named as presiding election judges and alternate judges for said election at said precinct polling places and as the early voting ballot board to process the early voting results.

Election Day:

Precinct #404

Teresa Griffin, Presiding Judge

Marta Rivera, Alternate Judge

Precinct #405

Anthony Kendrick, Presiding Judge

Maceia Roscoe, Alternate Judge

Precinct #401/402/412/413

Phyllis Narin, Presiding Judge

Anastazia Lozada, Alternate Judge

Early Voting:

City Hall

Teresa Griffin, Presiding Judge

Marta Rivera, Alternate Judge

Lions Club Senior Center

Anthony Kendrick, Presiding Judge

Maceia Roscoe, Alternate Judge

Early Voting Ballot Board, Central Counting Station and Signature Verification Committee:

Leo Gukeisen, Presiding Judge

Terry Mustapher, Alternate Judge

THE ALTERNATIVES CONSIDERED:

State law mandates city council appoint election judges and alternate judges.

Which alternative is recommended? Why?

Appoint the above listed judges and alternate judges.

CONFORMITY TO CITY POLICY:

Yes, Article IX, Section 98 of the City Charter states that all city elections shall be governed by the laws of the State of Texas governing general and municipal elections. Appointing judges and alternate judges is required by Texas Election Code.

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

The estimated amount of the expenditure for polling location workers to include judges and alternate judges is \$6,920. Funds are budgeted in account 010-1010-416.50-45, Election Expense.

Is this a one-time or recurring expenditure?

This is a one-time expenditure.

Is this expenditure budgeted?

Yes, this expenditure is budgeted.

If not, where will the money come from?

N/A

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

Yes, there are sufficient funds budgeted in the line-item for the expenditure.

RECOMMENDATION:


City staff recommends city council presiding and alternate judges for the June 12, 2021 second election.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

N/A

A stylized graphic in the background featuring a grey five-pointed star at the top right. A curved line, resembling a comet's tail or a path, starts from the bottom left and points towards the star. The line is composed of several overlapping, semi-transparent grey segments.

APPOINT PRESIDING AND ALTERNATE JUDGES FOR JUNE 12, 2021 SECOND ELECTION

RS-21-071

May 25, 2021

Background/Discussion

2

- City Council is required to appoint presiding and alternate judges for city elections.
- Staff has identified qualified and experienced individuals to work as election officials for the City second election on June 12, 2021.

Presiding Election Judges/Alternate Judges

3

- Early Voting Ballot Board
 - ▣ Leo Gukeisen, Judge
 - ▣ Terry Mustapher, Alternate Judge
- Early Voting – City Hall
 - ▣ Teresa Griffin, Judge
 - ▣ Marta Rivera, Alternate Judge
- Early Voting – Lions Club Park
 - ▣ Anthony Kendrick, Judge
 - ▣ Maceia Roscoe, Alternate Judge

Presiding Election Judges/Alternate Judges

4

- ❑ Precinct #404
 - ▣ Teresa Griffin, Judge
 - ▣ Marta Rivera, Alternate Judge
- ❑ Precinct #405
 - ▣ Anthony Kendrick, Judge
 - ▣ Maceia Roscoe, Alternate Judge
- ❑ Precinct #401 / 402 / 412 / 413
 - ▣ Phyllis Nairn, Judge
 - ▣ Anastazia Lozada, Alternate Judge

Fiscal Impact

5

- ❑ Judges, alternate judges, and clerks are paid \$10.00/hour to work at polling locations.
- ❑ Total estimated cost to pay workers to operate 2 polling locations during early voting and 3 polling locations on election day is \$6,920.

Recommendation

6

- Staff recommends the identified individuals be appointed to serve as election officials for the City of Killeen second election on June 12, 2021.



City of Killeen

Legislation Details

File #:	PH-21-021	Version:	1	Name:	Zoning 21-07
Type:	Ordinance/Public Hearing		Status:	Public Hearings	
File created:	4/5/2021		In control:	City Council	
On agenda:	5/25/2021		Final action:		
Title:	HOLD a public hearing and consider an ordinance requested by Jennifer Iglesias on behalf of The Uresti Group LTD Co. (Case #Z21-07) to rezone approximately 2.569 acres out of the William H. Cole Survey, Abstract No. 200, from "A" (Agriculture District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located along the east right-of-way of Trimmier Road and is approximately .75 miles north of Chaparral Road.				
Sponsors:	Development Services				
Indexes:					
Code sections:					
Attachments:	Staff Report Maps Minutes Ordinance Considerations Presentation				

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Exec. Dir. of Planning and Development Services

SUBJECT: ZONING CASE #Z21-07 "A" (Agriculture District) to "SR-1" (Suburban Residential Single-Family Residential District).

BACKGROUND AND FINDINGS:

This request is submitted by Jennifer Iglesias on behalf of The Uresti Group LTD Co. to rezone approximately 2.569 acres out of the William H. Cole Survey, Abstract No. 200, from "A" (Agriculture District) to "SR-1" (Suburban Residential Single-Family District). Should the request be approved, the applicant intends to subdivide the property into several single-family home sites.

The "SR-1" suburban residential district is created to provide for single family detached residences and other uses at densities that are compatible with the Comprehensive Plan's goals for larger baseline minimum lot size and increased setbacks. The "SR-1" district may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture.

"SR-1" (Suburban Residential Single-Family Residential District) Description:

A building or premises in the district "SR-1" suburban residential single-family district shall be used only for the following purposes:

- (1) Single-family detached dwellings.
- (2) Any use permitted in section 31-186 (1-13(b)).

Zoning / Plat Case History:

- The subject property (Property ID 363132) was annexed on March 16, 2004, via ordinance no. 04-12.
- The property was initially zoned to "A" (Agricultural District) on April 26, 2005, via ordinance no. 05-31.
- The property is currently unplatted and undeveloped.

Character of the Area:

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North and East: Undeveloped portions of the KISD satellite transportation facility zoned "SR-1" (Suburban Residential Single-Family Residential District)
- West (opposite side of Trimmier Road): Undeveloped property zoned "B-3" (Local Business District)
- South: Developed large lot single-family residential zoned "A" (Agriculture District)

Future Land Use Map Analysis:

This property is designated as 'Suburban Residential' (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Suburban Residential' (SR) character forms a balance between buildings and other site improvements relative to degree of open space maintained on the site (compared to predominance of site coverage over undeveloped space in auto-oriented areas).

The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings;
- Planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting;
- Public/institutional uses; and
- Parks and public spaces.

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

Water, Sewer and Drainage Services

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. 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 and Thoroughfare Plan:

Currently, ingress and egress to the property is from Trimmier Road, which is classified as 110' wide minor arterial collector on the City of Killeen adopted Thoroughfare Plan. The existing right-of-way width in this area is approximately 80 feet.

Public Notification:

Staff notified four (4) surrounding property owners regarding this zoning request. Staff has received no responses in opposition to the request.

Staff Findings:

Staff finds that the applicant's request to rezone the property from "A" (Agriculture District) to "SR-1" (Suburban Residential Single-Family Residential District) is consistent with the surrounding land use and is compatible with the prevailing community character. Further, the applicant's zoning request is consistent with the Future Land Use Map (FLUM).

The subject property is located near the terminus of Rock Creek. However, the subject property is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request for "SR-1" (Suburban Residential Single-Family Residential District);
- Approve a more restrictive zoning designation; or
- Approve the applicant's request for "SR-1" (Suburban Residential Single-Family Residential District) as presented.

Which alternative is recommended? Staff recommends approval of the applicant's request as presented.

Why? The applicant's request is consistent with the Future Land Use Map (FLUM) and the adjacent zoning to the east.

CONFORMITY TO CITY POLICY:

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

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

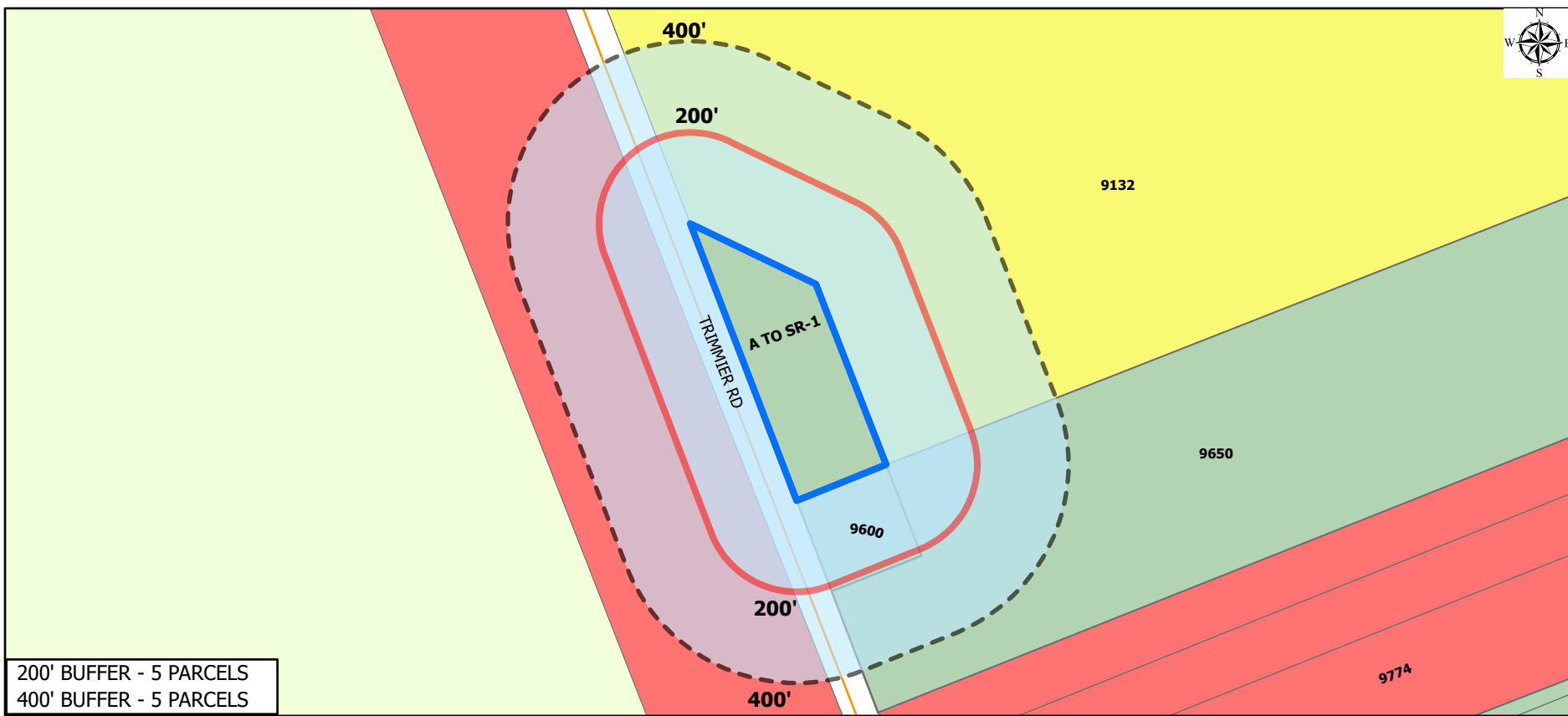
At their meeting on May 3, 2021, the Planning & Zoning Commission recommended approval of the applicants request to rezone the property to "SR-1" (Suburban Residential Single-Family Residential District) by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



200' BUFFER - 5 PARCELS
400' BUFFER - 5 PARCELS

Attachment #2
Council District: 3
1 inch = 352 feet
Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.569

Zoning Map
Zoning Case 2021-07

CurrentZoning

Legend

- A
- A-R1
- B-3
- SR-1



Attachment #3

Council District: 3

1 inch = 182 feet


Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.569

Zoning Map

Zoning Case 2021-07

Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021
selection

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 03, 2021**

**CASE #Z21-07
“A” to “SR-1”**

HOLD a public hearing and consider a request submitted by Jennifer Iglesias on behalf of The Uresti Group LTD Co. (**Case #Z21-07**) to rezone approximately 2.569 acres out of the William H. Cole Survey, Abstract No. 200, from “A” (Agriculture District) to “SR-1” (Suburban Residential Single-Family Residential District).

Mr. Jerry Millard briefed the Commission on the applicant’s request. Mr. Millard stated that if approved the development has the potential to accommodate up to 6-7 residential lots. Staff recommended approval.

Chairman Latham opened the public hearing. With no one wishing to speak, the public hearing was closed.

Commissioner Ploeckelmann made a motion to approve request. Commissioner Boyd seconded, and the motion passed by a vote of 6 to 0.

Vice Chairman Minor stated that the request will be forwarded to City Council with a recommendation for approval.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 2.569 ACRES OUT OF THE WILLIAM H. COLE SURVEY, ABSTRACT NO. 200; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jennifer Iglesias on behalf of The Uresti Group LTD Co., 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 2.569 acres out of the William H. Cole Survey, Abstract No. 200, from “A” (Agriculture District) to “SR-1” (Suburban Residential Single-Family District), said request having been duly recommended for approval of “SR-1” (Suburban Residential Single-Family District), by the Planning and Zoning Commission of the City of Killeen on the 3rd day of May 2021, 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 25th day of May 2021, at the City Hall, City of Killeen;

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

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

SECTION I. That the zoning classification of approximately 2.569 acres out of the William H. Cole Survey, Abstract No. 200, be changed from “A” (Agriculture District) to “SR-1” (Suburban Residential Single-Family District), said request having been duly recommended for approval of “SR-1” (Suburban Residential Single-Family District), for the property

generally located along the east right-of-way of Trimmier Road, approximately .75 miles north of Chapparral Road, 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 25th day of May 2021, 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:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Traci S. Briggs, City Attorney

Case #21-07

Ord. #21-____

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.



CASE #Z21-07: “A” TO “SR-1”

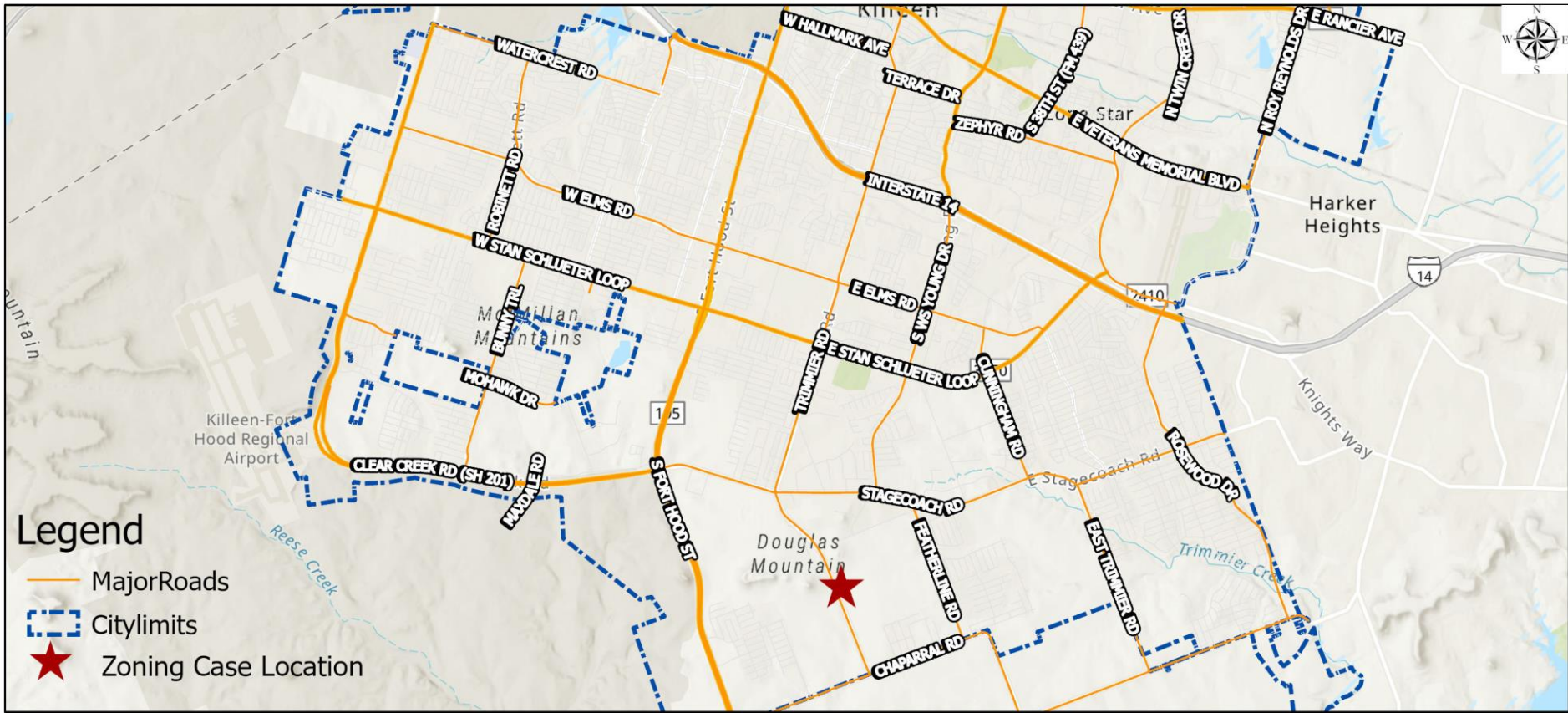
PH-21-021

May 18, 2021

Case #Z21-07: “A” to “SR-1”

2

- ❑ This request, submitted by Jennifer Iglesias on behalf of The Uresti Group LTD Co., is to rezone approximately 2.569 acres from “A” (Agricultural District) to “SR-1” (Suburban Residential Single-Family District).
- ❑ The property is located on the east side of Trimmier Road, approximately 0.75 miles north of Chapparal Road.



Attachment #1

Council District: 3

1 inch = 7,674 feet

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.569

Zoning Map

Zoning Case 2021-07



Attachment #3

Council District: 3

1 inch = 182 feet


Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.569

Zoning Map

Zoning Case 2021-07

Legend

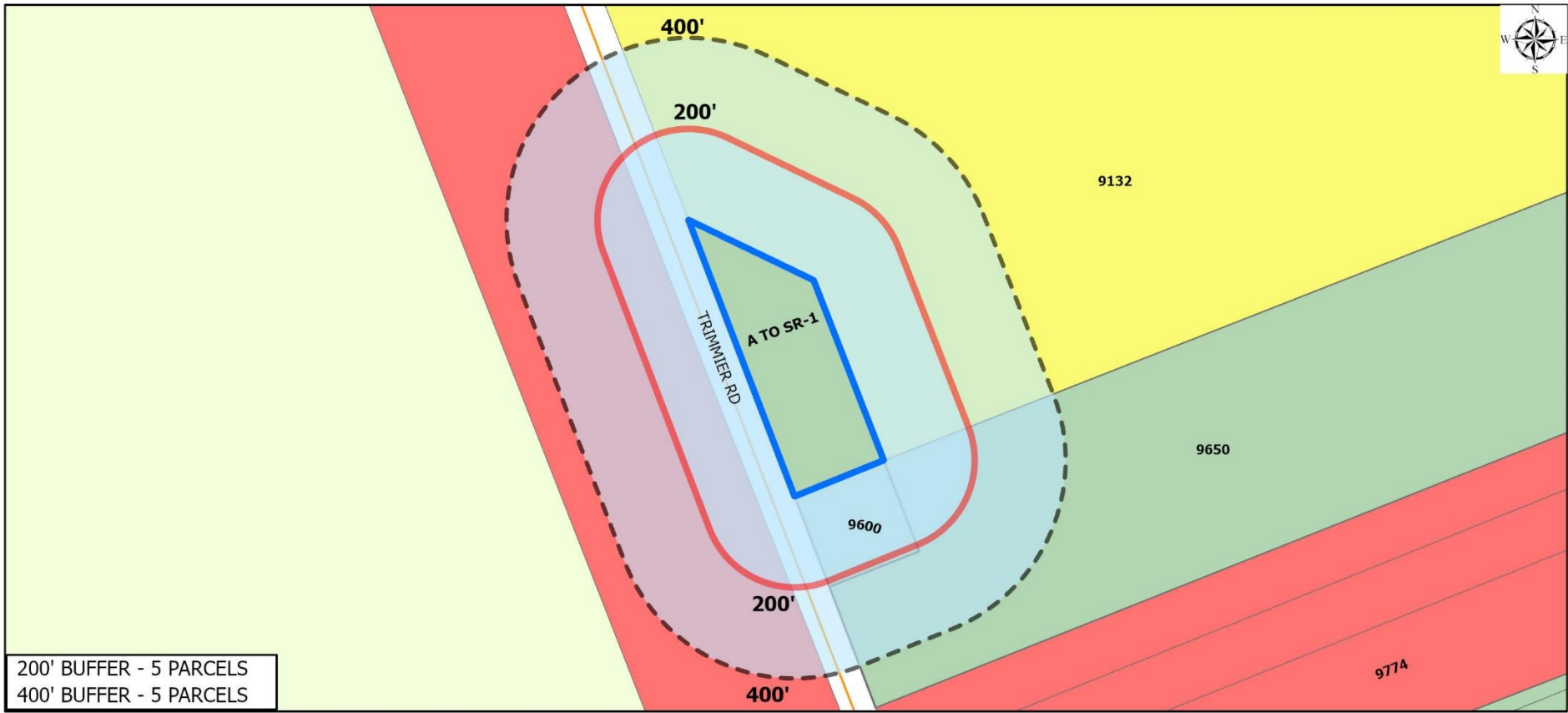
 Citylimits

 Production.GISADMIN.ZoningCases2021 selection

Case #Z21-07: “A” to “SR-1”

5

- ❑ The subject property is designated as ‘Suburban Residential (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- ❑ The ‘Suburban Residential’ (SR) character encourages detached residential dwellings as the primary focus.
- ❑ If approved, the applicant intends to subdivide the property into several single-family homesites.
- ❑ The applicant’s request is consistent with the Future Land Use Map (FLUM).



Attachment #2

Council District: 3

1 inch = 352 feet

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.569

Zoning Map

Zoning Case 2021-07

Legend

- A
- A-R1
- B-3
- SR-1

Case #Z21-07: “A” to “SR-1”

7

- ❑ Staff notified four (4) surrounding property owners within 400 feet of the subject property regarding this request.
- ❑ To date, staff has received no responses in opposition to this request.

Alternatives

8

- ❑ The City Council has three (3) alternatives. The Council may:
 - ❑ Disapprove the applicant's zoning request;
 - ❑ Approve a more restrictive zoning district than requested by the applicant; or
 - ❑ Approve the applicant's zoning request.

Recommendations

9

- Staff recommends approval of the applicant's zoning request.
- At their meeting on May 3, 2021, the Planning & Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.



City of Killeen

Legislation Details

File #:	PH-21-022	Version:	1	Name:	FLUM 21-01
Type:	Ordinance/Public Hearing		Status:	Public Hearings	
File created:	4/22/2021		In control:	City Council	
On agenda:	5/25/2021		Final action:		
Title:	HOLD a public hearing and consider an ordinance requested by True Fountain LLC (Case #FLUM 21-01) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 0.55 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.				
Sponsors:	Development Services				
Indexes:					
Code sections:					
Attachments:	Staff Report Maps Minutes Ordinance Considerations Presentation				

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Exec. Dir. of Development Services

SUBJECT: FLUM CASE #21-01: 'General Residential' (GR) to 'General Commercial' (GC)

BACKGROUND AND FINDINGS:

This request is submitted by Suk Baldwin on behalf of True Fountain LLC to amend approximately 0.55 acres on the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' (GR) to 'General Commercial' (GC). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Zoning / Plat Case History:

On August 19, 2019, the applicant requested to rezone 19.566 acres from "A-R1" (Agricultural Single-Family Residential) to "R-2" (Two-Family Residential District). At that time, several adjacent property owners spoke in opposition to the request. The Commission recommended approval of a mix of "R-1" (Single-Family Residential District) and "R-2" (Two-Family Residential District). However, the City Council ultimately approved "R-1" (Single-Family Residential District) zoning for the entire 19.566 acres on September 10, 2019 via Ordinance No. 19-41.

Concurrent with the rezoning request on August 19, 2019 a Future Land Use Map amendment request to change the subject property from 'Suburban Residential' ('SR') to 'General Residential' ('GR') was submitted. The FLUM amendment was approved by City Council on August 27, 2019 via Ordinance No. 19-038.

A preliminary plat was approved by the Planning & Zoning Commission on January 6, 2020 for sixty-four (64) "R-1" single-family residential lots.

On October 5, 2020, the applicant requested to change 9.66 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District), as shown on the attached Exhibit B. The Commission recommended approval of the request and the City Council ultimately disapproved the applicant's request by a vote of seven (7) to zero on October 27, 2020.

Character of the Area:

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "R-1" (Single-Family Residential District) properties and undeveloped "A-R1" (Agricultural Single-Family Residential) directly abutting this parcel.
- South: Existing "R-1" (Single-Family Residential District) and "R-MP" (Mobile Home and Travel Trailer Park) directly abutting this parcel.
- East: Existing "R-2" (Two-Family Residential District) across Bunny Trail.
- West: Existing "R-2" (Two-Family Residential District) with an "R-1" (Single-Family Residential District) use directly abutting this parcel.

Future Land Use Map Analysis:

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

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

- Detached residential dwellings as a primary focus;
- Attached housing types subject to compatibility and open space standards;
- Planned developments;
- Public/ institutional uses; and
- Parks and public spaces.

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office;
- Public/ institutional; and
- Parks and public spaces.

Public Notification:

Staff mailed courtesy notices to twenty-seven (27) surrounding property owners (within 400' of the property) regarding this request.

Staff Findings:

Staff finds that the subject property is suitable for a mix of non-residential and residential uses of varying density, similar to the proposal submitted by the applicant. Further, staff is of the determination that general commercial uses are appropriate on the frontage of Bunny Trail.

There are no known environmental constraints for these lots. The lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request;
- Approve a more restrictive FLUM designation than requested by the applicant; or

- Approve the applicant's FLUM amendment request.

Which alternative is recommended? Staff recommends approval of the applicant's request.

Why? The amendment request would affect approximately 0.55 acres and is considered a small-scale amendment. Staff finds that the request to amend the FLUM from 'General Residential' (GR) to 'General Commercial' (GC) is appropriate in this location.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

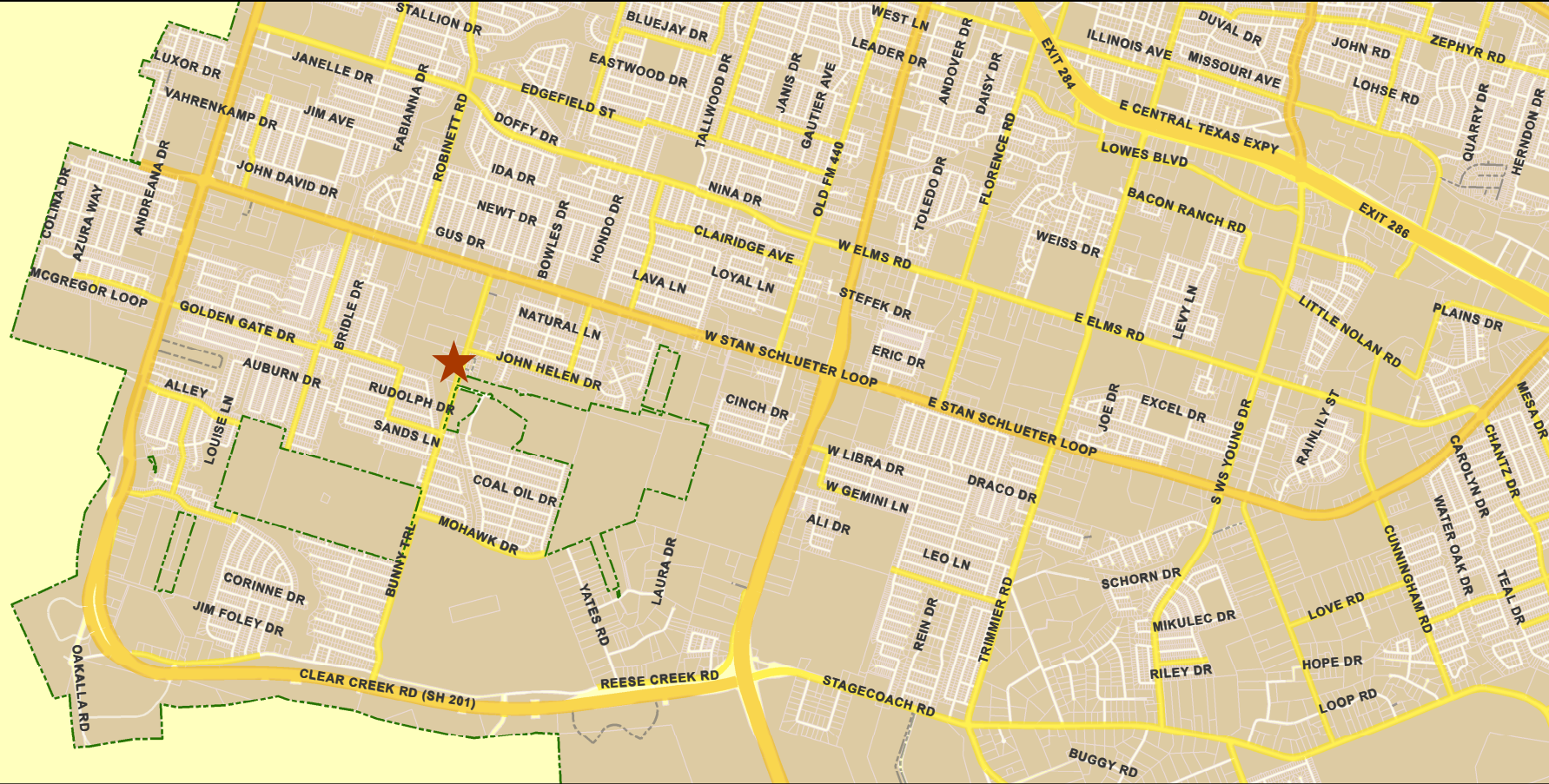
The Planning & Zoning Commission, by a vote of 5 to 1, recommended approval of the applicant's request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation with Commissioner Minor in opposition.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



FLUM LOCATION MAP

Case: FLUM AMENDMENT 2021-01

Council District: 4

FROM: GR TO GC

Subject Property Legal Description: A0600BC J E MADDERA, 3, ACRES 19.566

FUTURE LANDUSE LOCATION MAP



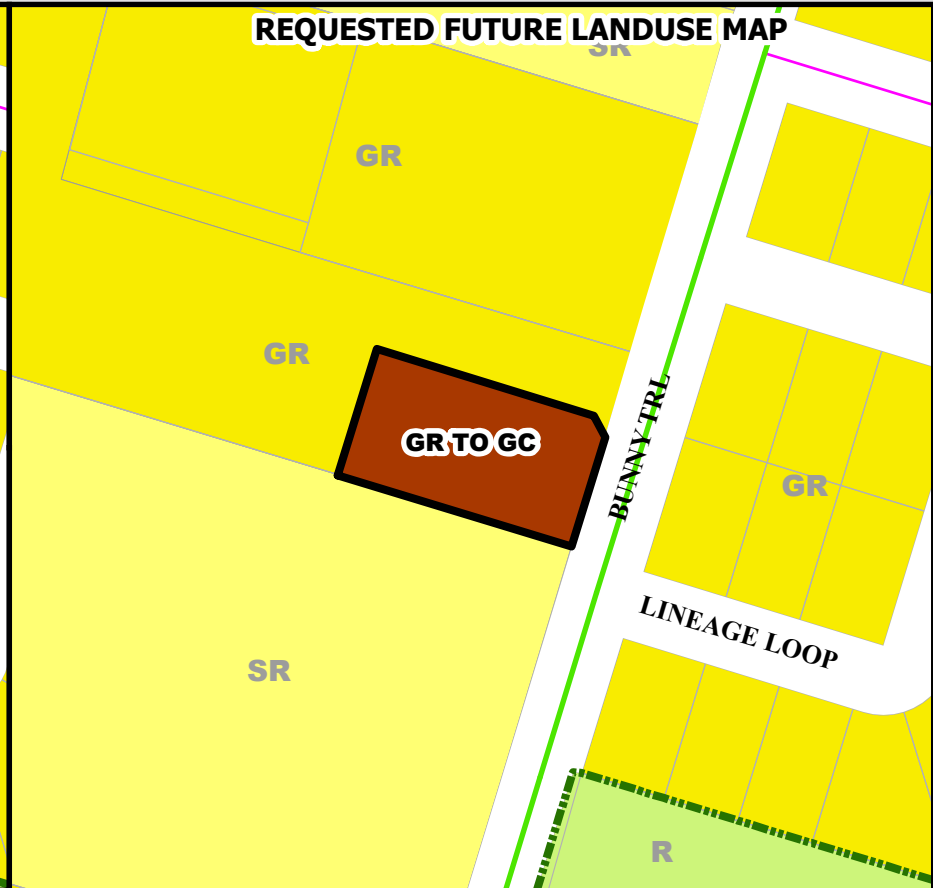
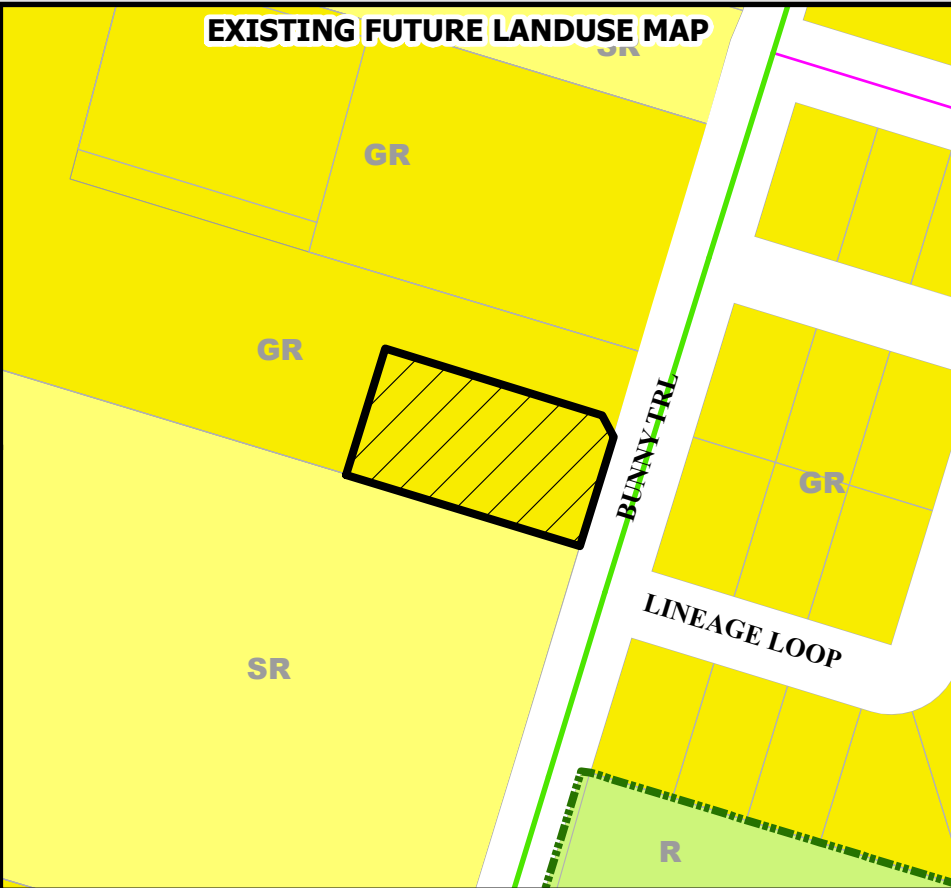
FLUM LOCATION



1 inch = 4,167 feet

EXISTING FUTURE LANDUSE MAP

REQUESTED FUTURE LANDUSE MAP



FLUM Plan

Case: FLUM AMENDMENT 2021-01




Council District: 4

FROM GR TO GC




1 inch = 167 feet

Subject Property Legal Description: A0600BC J E MADDERA, 3, ACRES 19.566

Legend

-  Zoning Case 2021
-  Killeen City Limits
-  Bell County Area
-  Collector, Existing
-  Minor Arterial, Existing

Existing Future Land Use Legend

-  General Residential (GR)
-  Suburban Residential (SR)
-  Rural (R)



Date: 4/20/2021

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 03, 2021**

CASE #FLUM 21-01

HOLD a public hearing and consider a request submitted by True Fountain LLC (**Case #FLUM 21-01**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' ('GR') designation to a 'General Commercial' ('GC') designation for approximately .55 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Mr. Jerry Millard briefed the Commission on the applicant's request. Staff recommended approval.

Chairman Latham opened the public hearing. With no one wishing to speak, the public hearing was closed.

Commissioner Gukeisen made a motion to approve the request. Commissioner Boyd seconded, Vice Chairman Minor opposed, and the motion passed by a vote of 5 to 1.

ORDINANCE _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY .55 ACRES, BEING OUT OF THE J.E. MADDERA SURVEY, ABSTRACT NO. 600 FROM A 'GENERAL RESIDENTIAL' DESIGNATION TO A 'GENERAL COMMERCIAL' DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

WHEREAS, the Planning and Zoning Commission has received a request from Suk Baldwin on behalf of True Fountain LLC, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change the 'General Residential' designation to a 'General Commercial' designation, said property being legally described as approximately .55 acres, being out of the J.E. Maddera Survey, Abstract No. 600; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 3rd day of May 2021, and due notice of the filing of said revision 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 25th day of May 2021, at the City Hall, City of Killeen;

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

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

SECTION I: That the future land use designation of approximately .55 acres, being out of the J.E. Maddera Survey, Abstract No. 600, be amended from an ‘General Residential’ designation to a ‘General Commercial’ designation.

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 25th day of May 2021, 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:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Traci S. Briggs, City Attorney

Case #: FLUM 21-01

Ord#: 21-____

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.



CASE #FLUM21-01: 'GR' TO 'GC'

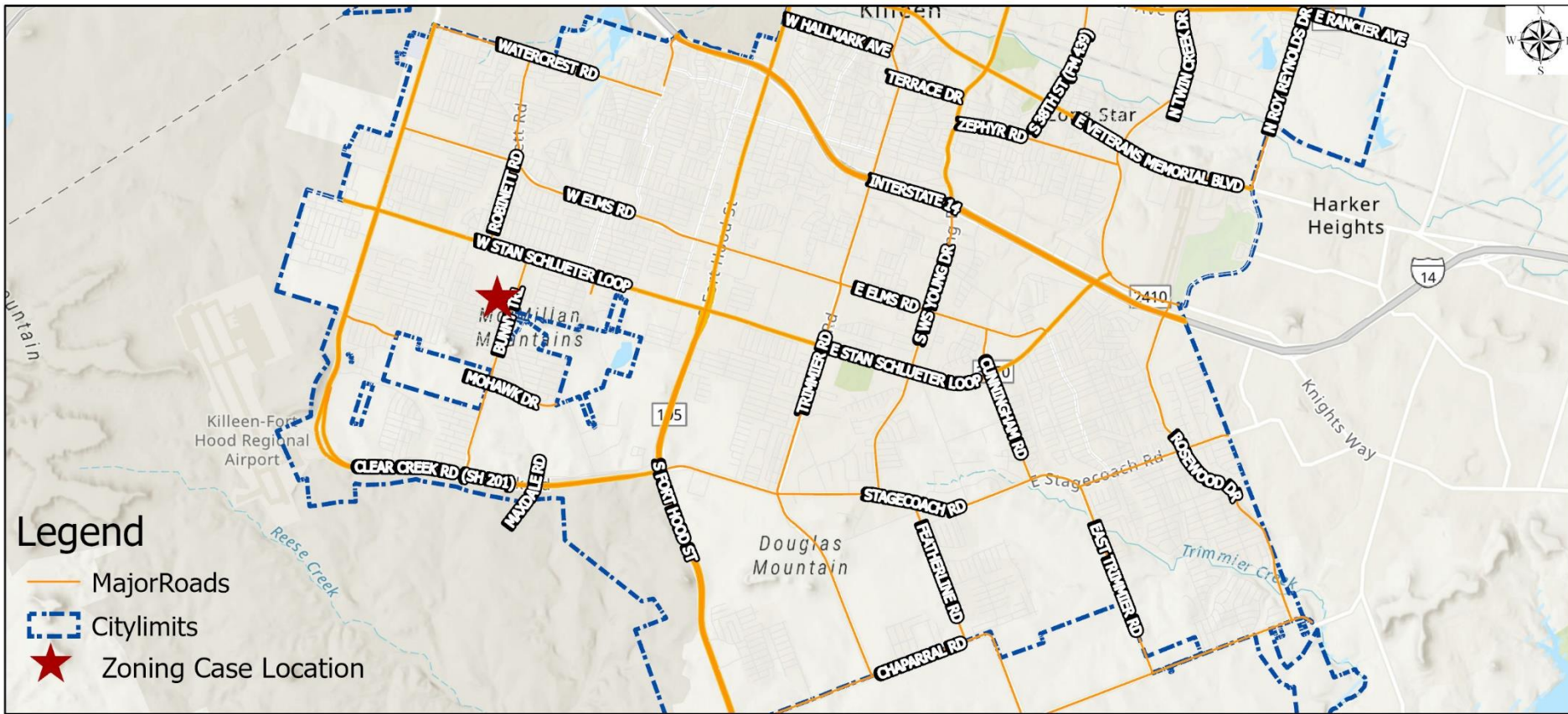
PH-21-022

May 18, 2021

Case #FLUM21-01: 'GR' to 'GC'

2

- ❑ Suk Baldwin submits this request on behalf of True Fountain LLC to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' ('GR') designation to a 'General Commercial' ('GC') designation for approximately 0.55 acres out of the J.E. Maddera Survey, Abstract No. 600.
- ❑ The property is addressed as 5603 Bunny Trail, Killeen, Texas.



Zoning Map

Zoning Case 2021-08

Case #FLUM21-01: 'GR' to 'GC'

4

- ❑ Currently, the 'General Residential' designation encourages the following development types:
 - ❑ Detached residential dwellings as a primary focus;
 - ❑ Attached housing types subject to compatibility and open space standards;
 - ❑ Planned Developments;
 - ❑ Public/ institutional; and
 - ❑ Parks and public spaces.

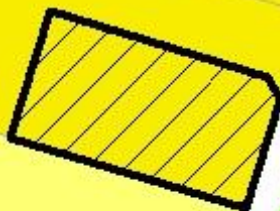
Case #FLUM21-01: 'GR' to 'GC'

5

- ❑ If approved, the 'General Commercial' (GC) designation encourages the following development types:
 - ❑ Wide range of commercial retail and service uses, at varying scales and intensities depending on the site;
 - ❑ Office;
 - ❑ Public/ institutional; and
 - ❑ Parks and public spaces.

EXISTING FUTURE LANDUSE MAP

REQUESTED FUTURE LANDUSE MAP



FLUM Plan Case: FLUM AMENDMENT 2021-01

Council District: 4

FROM GR TO GC

1 inch = 367 feet

Subject Property Legal Description: A0600BCJ E MADDERA, 3, ACRES 19.566



Zoning Case 2021

Killeen City Limits

Bell County Area

Legend

Collector, Existing

Minor Arterial, Existing

Existing Future Land Use Legend

General Residential (GR)

Suburban Residential (SR)

Rural (R)



Date: 4/20/2021

Alternatives

7

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

Recommendations

8

- Staff recommends approval of the applicant's FLUM amendment request.
- At their meeting on May 3, 2021, the Planning & Zoning Commission recommended approval of the applicant's request by a vote of 5 to 1, with Commissioner Minor in opposition.



City of Killeen

Legislation Details

File #:	PH-21-023	Version:	1	Name:	Zoning 21-08
Type:	Ordinance/Public Hearing		Status:	Public Hearings	
File created:	4/22/2021		In control:	City Council	
On agenda:	5/25/2021		Final action:		
Title:	HOLD a public hearing and consider an ordinance requested by True Fountain LLC (Case #Z21-08) to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) and “B-3” (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.				
Sponsors:	Development Services				
Indexes:					
Code sections:					
Attachments:	Staff Report Maps Minutes Ordinance Considerations Presentation				

Date	Ver.	Action By	Action	Result
5/18/2021	1	City Council Workshop		



STAFF REPORT

DATE: May 18, 2021

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Exec. Dir. of Development Services

SUBJECT: ZONING CASE #Z21-08 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District)

BACKGROUND AND FINDINGS:

Summary of Request:

This request is submitted by Suk Baldwin on behalf of True Fountain LLC to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas. The applicant is requesting 4.60 acres to be changed to "R-2" (Two-Family Residential District) and 0.55 acres to be changed to "B-3" (Local Business District).

Zoning / Plat Case History:

On August 19, 2019, the applicant requested to rezone 19.566 acres from "A-R1" (Agricultural Single-Family Residential) to "R-2" (Two-Family Residential District). At that time, several adjacent property owners spoke in opposition to the request. The Commission recommended approval of a mix of "R-1" (Single-Family Residential District) and "R-2" (Two-Family Residential District). However, the City Council ultimately approved "R-1" (Single-Family Residential District) zoning for the entire 19.566 acres on September 10, 2019 via Ordinance No. 19-41.

Concurrent with the rezoning request on August 19, 2019, a Future Land Use Map amendment request to change the subject property from 'Suburban Residential' (SR) to 'General Residential' (GR) was submitted. The FLUM amendment was approved by City Council on August 27, 2019 via Ordinance No. 19-038.

A preliminary plat was approved by the Planning & Zoning Commission on January 6, 2020 for sixty-four (64) "R-1" single-family residential lots.

On October 5, 2020, the applicant requested to change 9.66 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District), which was ultimately disapproved by the City Council by a vote of 7 to 0 on October 27, 2020.

Character of the Area:

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "R-1" (Single-Family Residential District) properties and undeveloped "A-R1" (Agricultural Single-Family Residential) directly abutting this parcel.
- South: Existing "R-1" (Single-Family Residential District) and "R-MP" (Mobile Home and Travel Trailer Park) directly abutting this parcel.
- East: Existing "R-2" (Two-Family Residential District) across Bunny Trail.
- West: Existing "R-2" (Two-Family Residential District) with an "R-1" (Single-Family Residential District) use directly abutting this parcel.

Future Land Use Map Analysis:

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

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

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

This request for "R-2" (Two-Family Residential District) is consistent with the Future Land Use Map (FLUM). However, the request for "B-3" (Local Business District) is not consistent with the FLUM. The applicant has submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'General Residential' (GR) to 'General Commercial' (GC).

Water, Sewer and Drainage Services

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. The property owner and its 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 its 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 and Thoroughfare Plan:

Ingress and egress to the property will be from Bunny Trail, which is classified as 110' wide minor arterial on the City of Killeen's adopted Thoroughfare Plan. Internal traffic will be via Abraham Drive, a proposed 60' wide local street, once the preliminary platted development is complete. If developed to its full potential, this site could generate 170 additional vehicle trips per day for the "R-2" (Two-Family Residential District). The potential increase in vehicle traffic for the "B-3" (Local Business District) portion cannot be determined until the proposed type of commercial use is determined.

Public Notification:

Staff notified twenty-seven (27) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received in opposition to the request. Of those property owners notified, twelve (12) reside outside of the State required 200-foot notification boundary, but within the 400-foot notification boundary required by Council; ten (10) of the property owners reside outside of Killeen.

Staff Findings:

Staff finds that the request is compatible with the existing character of the area. Further, staff finds that the applicant's request will become consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan should the concurrent FLUM amendment request to change the subject property from 'General Residential' (GR) to 'General Commercial' (GC) be approved by Council.

There are no known environmental constraints for this lot. The lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning designation than requested by the applicant; or
- Approve the applicant's request as submitted.

Which alternative is recommended? Staff recommends approval of the applicant's request as submitted.

Why? The proposed change in use, having frontage on Bunny Trail, is compatible with the existing character of the area.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

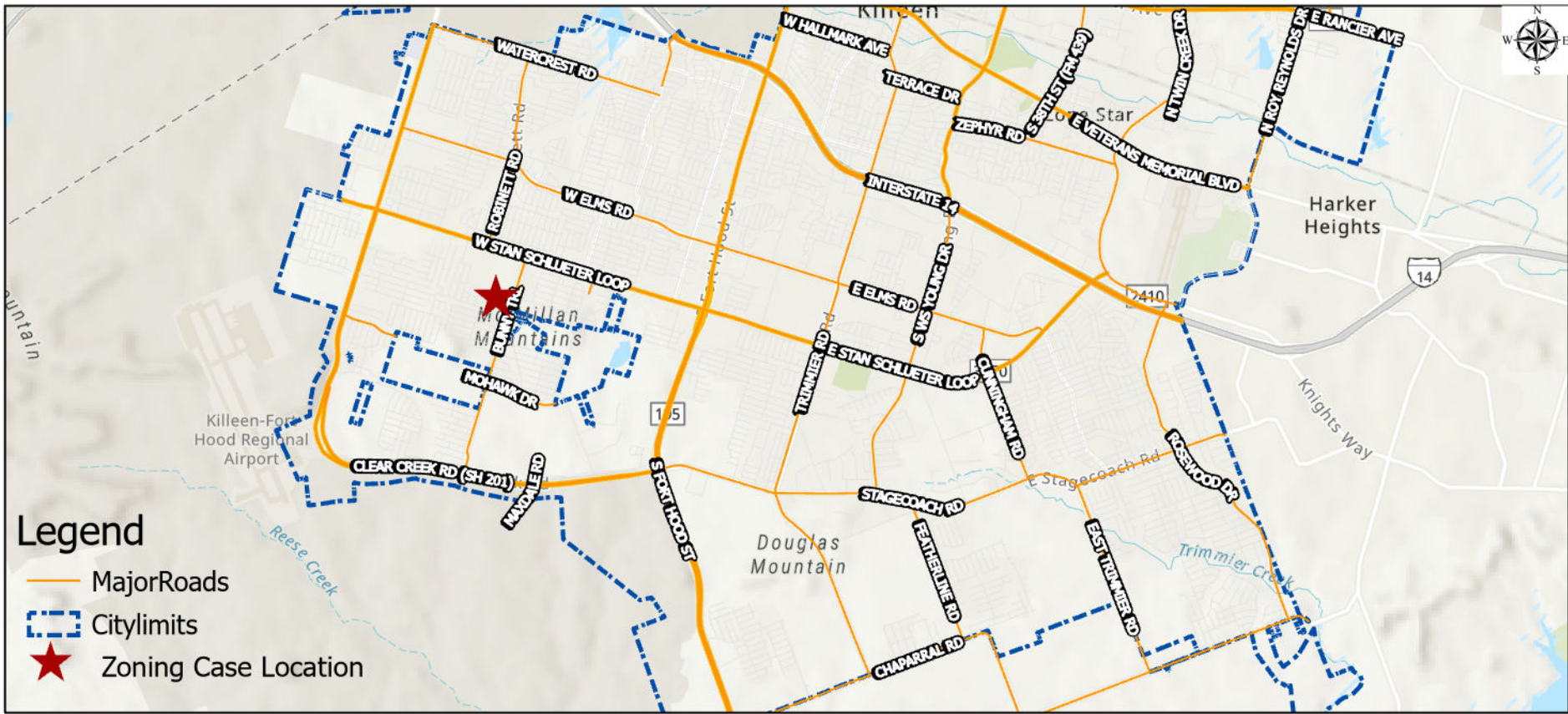
The Planning & Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2, with Commissioners Minor and Boyd in opposition.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Attachment #1

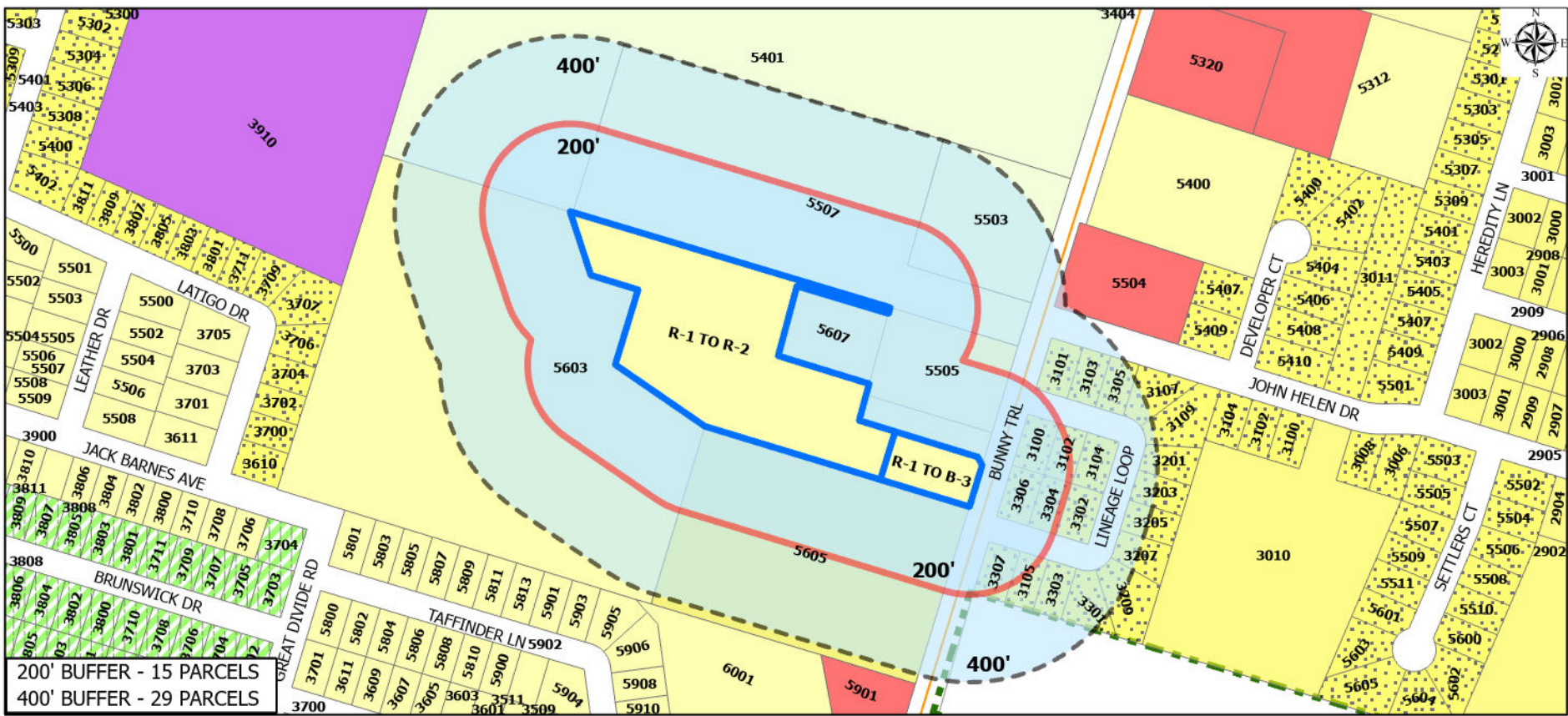
Council District: 4

1 inch = 7,674 feet

Subject Property Legal Description: 5603 BUNNY TRL.

Zoning Map

Zoning Case 2021-08



Zoning Map Zoning Case 2021-08



Subject Property Legal Description: 5603 BUNNY TRL.

Zoning Map

Zoning Case 2021-08

Legend

 Zoning Case 2021

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
MAY 03, 2021**

**CASE #Z21-08
“R-1” to “R-2” & “B-3”**

HOLD a public hearing and consider a request submitted by True Fountain LLC (**Case #Z21-08**) to rezone approximately 5.15 acres out of the J. E. Maddera survey, A-600, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) & “B-3” (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Mr. Jerry Millard briefed the Commission on the applicant’s request and the history of previous requests. Staff recommended approval.

Chairman Latham opened the public hearing. With no one wishing to speak, the public hearing was closed.

Commissioner Hodges made a motion to approve the request. Commissioner Gukeisen seconded, Vice Chairman Minor and Boyd opposed, and the motion passed by a vote of 4 to 2.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 5.15 ACRES OUT OF THE J. E. MADDERA SURVEY, ABSTRACT NO. 600; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Suk Baldwin on behalf of True Fountain LLC, has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 5.15 acres out of the J. E. Maddera survey, Abstract No. 600, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) & “B-3” (Local Business District), said request having been duly recommended for approval of “R-2” (Two-Family Residential District) & “B-3” (Local Business District), by the Planning and Zoning Commission of the City of Killeen on the 3rd day of May 2021, 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 25th day of May 2021, at the City Hall, City of Killeen;

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

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

SECTION I. That the zoning classification of approximately 5.15 acres out of the J. E. Maddera survey, Abstract No. 600, be changed from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) & “B-3” (Local Business District), said request

having been duly recommended for approval of “R-2” (Two-Family Residential District) & “B-3” (Local Business District), for the property addressed as 5603 Bunny Trail, 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 25th day of May 2021, 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:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Traci S. Briggs, City Attorney

Case #21-08

Ord. #21-____

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.



CASE #Z21-08: “R-1” TO “R-2” & “B-3”

PH-21-023

May 18, 2021

Case #Z21-08: “R-1” to “R-2” & “B-3”

2

- ❑ Suk Baldwin, on behalf of True Fountain LLC, is looking to rezone 4.60 acres from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) and approximately 0.55 acres from “R-1” (Single-Family Residential District) to “B-3” (Local Business District) for property located at 5603 Bunny Trail, Killeen, Texas.
- ❑ If approved, the applicant intends to develop two-family homes on the interior part of the subject property and a small retail commercial development on the frontage along Bunny Trail.



Attachment #3

Council District: 4

1 inch = 197 feet

Subject Property Legal Description: 5603 BUNNY TRL.

Zoning Map

Zoning Case 2021-08

Legend

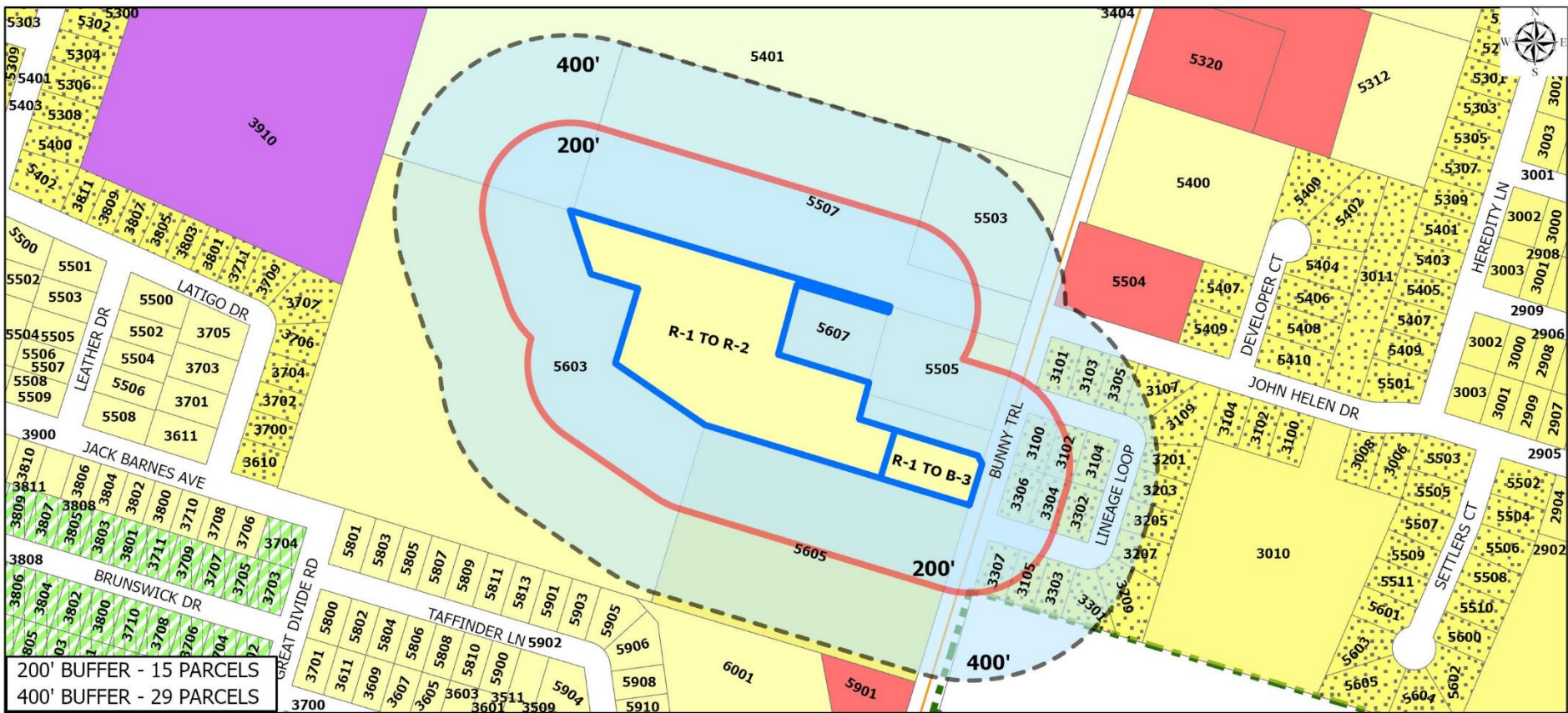
 Citylimits

 Zoning Case 2021

Case #Z21-08: “R-1” to “R-2” & “B-3”

5

- This area is designated as ‘General Residential’ (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The applicant’s request for “R-2” (Two-Family Residential District) is consistent with the Future Land Use Map (FLUM).
- The applicant has submitted a concurrent request to amend 0.55 acres on the Future Land Use Map (FLUM) from ‘General Residential’ (GR) to ‘General Commercial’ (GC).



Attachment #2

Council District: 4

1 inch = 365 feet

Subject Property Legal Description: 5603 BUNNY TRL.

Zoning Map

Zoning Case 2021-08

Legend	CurrentZoning		PUD
	A-R1	B-3	M-1
	R-1	R-2	R-MP
			R1-A

Case #Z21-08: “R-1” to “R-2” & “B-3”

7

- ❑ Staff notified twenty-seven (27) surrounding property owners within 400 feet of the subject property regarding this request.
- ❑ To date, staff has received no response in opposition or support of the request.

Alternatives

8

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

Recommendations

9

- Staff recommends approval of the applicant's zoning request.
- At their meeting on May 3, 2021, the Planning & Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2, with Commissioners Minor and Boyd in opposition.