



City of Killeen

Agenda

City Council Workshop

Tuesday, October 5, 2021

5:00 PM

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

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. A majority vote of the City Council is required for any other time extensions.

Discussion Item

1. [DS-21-126](#) City Manager Updates
· COVID 19 Update

Discuss Items for Regular City Council Meeting

Minutes

2. [MN-21-023](#) Consider Minutes of Regular City Council Meeting of September 14, 2021.

Attachments: [Minutes](#)

Resolutions

3. [RS-21-127](#) Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for fiscal year 2022.

Attachments: [Staff Report](#)
[Grant Allocation Worksheet](#)
[Presentation](#)
4. [RS-21-128](#) Consider a memorandum/resolution awarding Request for Proposal 21-04, Copier Lease Services, to Kirbo's for a 60-month term in the amount of \$405,896.

Attachments: [Staff Report](#)
[Evaluation Matrix](#)
[Agreement](#)
[Certificate of Interested Parties](#)

[Presentation](#)

5. [RS-21-129](#) Consider a memorandum/resolution authorizing a Memorandum of Agreement with the Department of State Health Services and Capital Area of Texas Regional Advisory Council (DSHS/CATRAC) to join the Emergency Medical Task Force.
- Attachments: [Staff Report](#)
 [Memorandum of Agreement](#)
 [Presentation](#)

Items for Discussion at Workshop

7. [DS-21-127](#) Receive KEDC Update
- Attachments: [Presentation](#)
8. [DS-21-128](#) Receive Redistricting Update
9. [DS-21-129](#) Discuss Charter Articles III - IV Amendments
- Attachments: [Presentation](#)
10. [DS-21-130](#) Discuss Employment of Presiding Municipal Court Judge

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 October 1, 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.

- *National Night Out, October 5, 2021, Killeen*
- *TML Annual Conference, October 6-8, 2021, Houston, Texas*
- *AUSA Annual Meeting, October 9-13, 2021, Washington, DC*

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City of Killeen

Legislation Details

File #: DS-21-126 **Version:** 1 **Name:** City Manager Updates
Type: Discussion Items **Status:** Discussion Items
File created: 9/14/2021 **In control:** City Council Workshop
On agenda: 10/5/2021 **Final action:**
Title: City Manager Updates
· COVID 19 Update
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: MN-21-023 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of September 14, 2021

Type: Minutes **Status:** Minutes

File created: 9/1/2021 **In control:** City Council Workshop

On agenda: 10/5/2021 **Final action:**

Title: Consider Minutes of Regular City Council Meeting of September 14, 2021.

Sponsors: City Secretary

Indexes:

Code sections:

Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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City of Killeen
Regular City Council Meeting
Killeen City Hall
September 14, 2021 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Debbie Nash-King Councilmembers Jessica Gonzalez, Nina Cobb, Michael Boyd, 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 Ache.

Mayor Pro Tem Nash-King gave the invocation; and Mayor Segarra led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Citizen Comments

Ms. Anca Neagu - spoke on agenda item OR-21-017 (amendment to Chapter 30)

Consent Agenda

MN-21-021 Consider Minutes of Regular City Council Meeting of August 24, 2021.

RS-21-120 Consider a memorandum/resolution awarding RFP 20-34 to United HealthCare for an excess risk policy (stop loss insurance) for medical and pharmacy claims under the City health insurance plan, effective October 1, 2021 in the amount of \$614,755.

RS-21-121 Consider a memorandum/resolution authorizing the purchase of irrigation control panels for the golf course from Professional Turf Products, L.P. in an amount not to exceed \$85,891.20.

RS-21-122 Consider a memorandum/resolution authorizing the creation of the Central Texas Regional 9-1-1 Emergency Communications District.

Motion was made by Councilmember Boyd to approve consent agenda items. Motion was seconded by Mayor Pro Tem Nash-King. The motion carried unanimously.

Budget

PH-21-049 **HOLD** a public hearing on the proposed tax rate for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

Staff Comments: Jon Locke, Executive Director of Finance

Mr. Locke reviewed the different property tax rate descriptions and identified the amount of each rate as follows: the no-new revenue rate, or the tax rate that will

generate the same amount of tax revenue as the previous fiscal year on properties taxed in both fiscal years (FY2022 - \$0.6713); the budgeted rate, or the tax rate used to prepare the FY2022 proposed budget (FY2022 - \$0.7056); the proposed rate, or the tax rate proposed by motion of direction on September 7, 2021 (FY2022 - \$0.7004); a rate with a \$24 million bond issue, or the tax rate to include debt service for a street maintenance bond issue supported by property tax (FY2022 - \$0.7169, this was set as the preliminary tax rate ceiling); the current rate, or the tax rate levied for the current fiscal year (FY2021 - \$0.7330); and the voter-approval rate, or the tax rate that is calculated by increasing the maintenance and operation component of the no-new-revenue rate by 3.5% plus any unused increment rate (FY2022 - \$0.8357). City staff recommends City Council hold a public hearing on the proposed tax rate of \$0.7004 for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

Mayor Segarra opened the public hearing.

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

PH-21-052 HOLD a public hearing on the proposed Fiscal Year 2022 Annual Budget.

Staff Comments: Jon Locke, Executive Director of Finance

Mr. Locke reviewed the projected beginning fund balances, revenues, expenditures and the ending fund balances for fiscal year 2022 in all of the city's funds. City staff recommends City Council hold a public hearing on the proposed fiscal year 2022 annual budget.

Mayor Segarra opened the public hearing.

Ms. Holly Teel spoke on a variety of ways to use funds such as: gang violence department, fixing older city parks, and funding police patrols in older city parks.

Mr. Michael Fornino spoke on adding more police officers to the police force, adding more code enforcement officers, concentrating on retention and recruitment, and addressing ways attract businesses to the city.

Mr. John Miller spoke on using funds to attract more businesses to the city and to fix smaller (overlooked) roads that need repair.

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

OR-21-013 Consider an ordinance adopting the Annual Budget for the City of Killeen for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

The City Secretary read the caption of the ordinance.

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND

PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff Comments: Jon Locke, Executive Director of Finance

The proposed fiscal year 2022 budget was submitted to City Council July 6, 2021. On July 21st, the city manager at the direction of City Council held a public budget forum. On July 27th, the city held the first budget public hearing. A second budget public hearing was held September 7th and a third and final public hearing was held this evening (PH-21-052). With a majority vote being required by the City Council to adopt the budget, city staff's recommendation is to adopt the budget ordinance as presented.

Motion was made by Mayor Pro Tem Nash King to approve OR-21-013. Motion was seconded by Councilmember Williams. Councilmember Brown made a motion to amend the motion to approve the budget with a reduction in the water and sewer revenue of \$1.5 million that would be brought in by the increased rates and a reduction of \$560,000 in revenue in the solid waste fund that would be brought in by the increased rates and to use the CIP fund balance to cover the costs of the CIPs that those funds would have covered. Without a second, the motion to amend died.

The City Secretary called for a record vote of the original motion:

*Mayor Pro Tem Nash-King - Aye
Councilmember Gonzalez - Aye
Councilmember Cobb - Aye
Councilmember Boyd - Aye
Councilmember Wilkerson - Aye
Councilmember Williams - Aye
Councilmember Brown - No*

Motion carried 6 to 1 with Councilmember Brown in opposition.

OR-21-014 Consider a memorandum/resolution ratifying the property tax revenue increase reflected in the Annual Budget for the fiscal year October 1, 2021 through September 30, 2022.

Staff Comments: Jon Locke, Executive Director of Finance

Per Local Government Code 102.007(c), adoption of a budget that receives more property tax revenue than in the previous year requires a separate vote to ratify the property tax revenue increase. The total tax revenue increase is \$3,616,687. This action is required even though the tax rate is decreasing. City staff's recommendation is to ratify the property tax revenue increase reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2021, through September 30, 2022.

Motion was made by Mayor Pro Tem Nash-King to approve OR-20-014. Motion was seconded by Councilmember Williams. Motion carried unanimously.

OR-21-015 Consider an ordinance setting a tax rate of \$0.7004 per \$100 valuation, comprised of \$0.5119 for maintenance and operations and \$0.1885 for debt service, for fiscal year 2022 (tax year 2021).

The City Secretary read the caption of the ordinance.

AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS OF THE CITY OF KILLEEN, TEXAS, FOR THE 2021 TAX YEAR AND FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance.

On August 3, 2021, at a City Council meeting, the Killeen City Council set the preliminary tax rate at the rate of \$0.7169 per \$100 valuation. This was done to allow the option of issuing bonds for street reconstruction and repay the bonds with property tax. City Council later decided to use the Street Maintenance Fee to repay the bonds for street reconstruction. The preliminary tax rate represents the maximum rate that can be adopted for the FY 2022 Budget. The no-new-revenue tax rate for FY 2022 (2021 tax year) is \$0.6713. The voter-approval tax rate for FY 2022 (2021 tax year) is \$0.8357. On September 7, 2021, City Council provided a motion of direction to remove \$374,279 in property tax revenue from the FY 2022 Budget and lower the proposed tax rate from \$0.7056 to \$0.7004. City staff recommends City Council approve the ordinance setting a tax rate of \$0.7004 per \$100 valuation, comprised of \$0.5119 for maintenance and operations and \$0.1885 for debt service, for fiscal year 2022 (tax year 2021).

Councilmember Wilkerson made a motion stating "I move that the property tax rate be increased by the adoption of a tax rate of \$0.7004, which is effectively a 4.33 percent increase in the tax rate." Motion was seconded by Councilmember Boyd.

The City Secretary called for a record vote:

*Mayor Pro Tem Nash-King - Aye
Councilmember Gonzalez - Aye
Councilmember Cobb - Aye
Councilmember Boyd - Aye
Councilmember Wilkerson - Aye
Councilmember Williams - Aye
Councilmember Brown - Aye*

Motion carried unanimously.

- OR-21-016** Consider a memorandum/resolution to adopt the Five-Year Capital Improvement Plan for Fiscal Year 2022 - 2026.

Staff comments: Jon Locke, Executive Director of Finance

The Fiscal Year 2022 - 2026 Capital Improvement Plan (CIP) for the City of Killeen is a comprehensive document that provides a five-year outlook for capital projects. This document serves as a guide for the preparation of the capital budget. Only those projects scheduled for fiscal year 2022 will be incorporated into the annual budget. The Five-Year Capital Improvement Plan is updated on an annual basis. Projects shown in later years are for planning purposes only, as funding and priorities may change during the life of the program. City staff recommends City Council adopt the Five-Year Capital Improvement Plan for fiscal years 2022-2026.

Motion was made by Councilmember Boyd to approve OR-21-016. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown in opposition.

- OR-21-017** Consider an ordinance amending the Code of Ordinances Chapter 30, Water, Sewers, and Sewage Disposal, to amend water and sewer rates.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 30 WATER, SEWERS, AND SEWAGE DISPOSAL, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING WATER AND SEWER RATES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance

On July 7, 2020, City Council received the results of the 2020 Water & Sewer Rate Study which presented that water rates are not sufficient. City Council deferred rate adjustments in 2020 due to the pandemic. Rate adjustments included in the proposed FY 2022 Budget need to be updated in the ordinance. City staff recommends City Council approve the ordinance amending water and sewer rates approved in the FY 2022 Annual Budget.

Motion was made by Councilmember Wilkerson to approve OR-21-017. Motion was seconded by Councilmember Williams. Motion carried 6 to 1 with Councilmember Brown in opposition.

- OR-21-018** Consider an ordinance amending the Code of Ordinances Chapter 24, Solid Waste, to amend solid waste rates.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 24, SOLID WASTE, DIVISION 6, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING SOLID WASTE RATES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance

On July 17, 2021, City Council received the results of the solid waste rate study. The study found that the City's commercial revenues were insufficient to fully fund the projected expenses over the next three years. It also found that residential revenues could sufficiently fund the projected expenses over the next three years. Solid waste rates have not been adjusted since 2015. To offset the projected shortfall in the Solid Waste Fund, a commercial rate increase is recommended in the proposed FY 2022 Budget. City staff recommends City Council approve the ordinance amending water and sewer rates approved in the FY 2022 Annual Budget.

Motion was made by Mayor Pro Tem Nash-King to approve OR-21-018. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown in opposition.

OR-21-019 Consider an ordinance amending the Code of Ordinances Chapter 25, Streets, Sidewalks, and Miscellaneous Public Places, to amend street maintenance fees.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE VII, STREET MAINTENANCE FEE, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance

City Council adopted an ordinance in December 2018 for the collection of street maintenance fees. The ordinance established the street maintenance fee at \$1.70 per single-family equivalent. A street condition assessment was initiated in 2019. The assessment found that there are an estimated \$120 million in streets that are past the point of maintenance and require reconstruction. That number increased significantly following Winter Storm Uri. The winter storm added an estimated \$40 million of streets that require reconstruction. City Council received a briefing on July 17, 2021, that included different funding options to address street reconstruction and street maintenance. After several meetings and further discussion, City Council decided to move forward with a \$10 monthly single-family equivalent fee. The \$10 monthly single-family equivalent fee is expected to generate \$9.6 million annually. City staff recommends City Council approve the ordinance amending the street maintenance fee.

Motion was made by Councilmember Wilkerson to approve OR-21-019. Motion was seconded by Councilmember Williams. Councilmember Boyd made a motion to amend the motion changing the language in the definition of annual street maintenance costs to, "adjustments to existing sidewalks" as opposed to "sidewalk adjustments." The amended motion was seconded by Councilmember Wilkerson. The motion to amend carried 6 to 1 with Councilmember Brown in opposition. The original motion as amended carried 6 to 1 with Councilmember Brown in opposition.

Ordinances

- OR-21-020** Consider an ordinance amending the Code of Ordinances Chapter 28, Traffic, to establish school speed zones for the Pat Carney Elementary School.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN CODE OF ORDINANCES TO AMEND THE SCHEDULE OF SCHOOL SPEED ZONES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Staff comments: Andrew Zagars, City Planner

Mr. Zagars was available to provide additional information and answer questions.

Motion was made by Councilmember Wilkerson to approve OR-21-020. Motion was seconded by Mayor Pro Tem Nash-King. Motion carried unanimously.

Public Hearings

- PH-21-043** HOLD a public hearing and consider an ordinance granting easements to Atmos Energy for approximately 0.221 acre consisting of a surface site easement, temporary workspace easement and access easement to be located at the terminus of Persimmon Drive, adjacent to 3008 Persimmon Drive, Killeen TX. (3rd of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING EASEMENTS TO ATMOS ENERGY CORPORATION FOR APPROXIMATELY .221 ACRE CONSISTING OF A SURFACE SITE EASEMENT, TEMPORARY WORKSPACE EASEMENT, AND ACCESS EASEMENT LOCATED AT THE TERMINUS OF PERSIMMON DRIVE, ADJACENT TO 3008 PERSIMMON DRIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier, Director of Planning

Ms. Meshier was available to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Pro Tem Nash-King to approve PH-20-043. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 0 with Councilmember Cobb not in attendance during the vote.

- PH-21-050** **HOLD** a public hearing and consider an ordinance requested by Dysha Hodge on behalf of Shellene Johnson (Case #FLUM21-06) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General

Commercial' (GC) designation for approximately 2.643 acres, being out of the T Robinett Survey, Abstract No. 686, located at 4413 West Stan Schlueter Loop, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 2.643 ACRES, BEING OUT OF THE T ROBINETT SURVEY, ABSTRACT NO. 686, FROM A 'RURAL' (R) DESIGNATION TO A 'GENERAL COMMERCIAL (GC) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier, Director of Planning

Ms. Meshier was available to provide additional information and answer questions.

Mayor Segarra invited the applicant to speak.

The applicant, Dysha Hodge appeared before City Council to provide additional information and answer questions.

Mayor Segarra opened the public hearing.

Mr. Amr Abdelazeem spoke in support of the request

Mr. Donald Engel spoke in support of the request.

Ms. Araceli Cook spoke in opposition of the request.

Ms. Anca Neagu spoke in support of the request.

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

Motion was made by Mayor Pro Tem Nash-King to disapprove PH-21-050. Motion was seconded by Councilmember Boyd. Motion carried 6 to 1 with Councilmember Gonzalez in opposition.

PH-21-051 HOLD a public hearing and consider an ordinance requested by Dysha Hodge on behalf of Shellene Johnson (**Case #Z21-26**) to rezone approximately 2.643 acres from "B-3" (Local Business District) to "B-4" (Business District), being out of the T Robinett Survey, Abstract No. 686, located at 4413 West Stan Schlueter Loop, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 2.643 ACRES, BEING OUT OF THE T ROBINETT SURVEY, ABSTRACT NO. 686, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO "B-4" (BUSINESS DISTRICT); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier, Director of Planning
Ms. Meshier was available to provide additional information and answer questions.

Mayor Segarra asked the applicant, Dysah Hodge if she was in favor of the City Council moving forward with considering her request to rezone the property.

The applicant, Dysha Hodge, withdrew the rezone request.

Adjournment

With no further business, upon motion being made by Councilmember Brown, seconded by Councilmember Wilkerson, and unanimously approved, the meeting was adjourned at 7:43 p.m.



City of Killeen

Legislation Details

File #:	RS-21-127	Version:	1	Name:	KAC FY 2022 Recommendations CCMR
Type:	Resolution	Status:		Status:	Resolutions
File created:	9/2/2021	In control:		In control:	City Council Workshop
On agenda:	10/5/2021	Final action:		Final action:	
Title:	Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for fiscal year 2022.				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Grant Allocation Worksheet Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: October 5, 2021
TO: Kent Cagle, City Manager
FROM: Jonathan Locke, Executive Director of Finance
SUBJECT: Killeen Arts Commission FY 2022 Grant Recommendations

BACKGROUND AND FINDINGS:

One of the primary responsibilities of the Arts Commission is to make recommendations to City Council regarding the allocation of the Hotel Occupancy Tax funds that are designated for grants to the arts. Texas Tax Code Chapter 351 governs the use of municipal hotel occupancy taxes. Section 351.101 requires two criteria be met to expend municipal hotel occupancy tax revenue: 1) expenditures must promote tourism and the convention and hotel industry; and 2) expenditures must meet one of nine statutorily provided categories. The encouragement, promotion, improvement, and application of the arts is one of the nine categories. Section 351.103(c) limits the amount of hotel occupancy tax revenue used for the arts to 15% of total hotel occupancy tax revenue collected.

At a June 11, 2021 meeting, the Arts Commission received seven presentations from prospective grant applicants. The events proposed by the grant applicants were evaluated by the Arts Commission. City Council adopted the fiscal year 2022 operating budget on September 14, 2021, which includes \$290,090 for grants to the arts; \$37,167 is funded by hotel occupancy tax revenue and \$252,923 is funded by the American Rescue Plan Act (ARPA).

During the budget process, City Council authorized ARPA funding to be used for grants to the arts. Over the past couple of years, grants to the arts have been impacted due to the pandemic. ARPA funds were approved for (1) grantees whose event(s) were cancelled during fiscal year 2020 due to the pandemic - \$100,283, (2) to increase the fiscal year 2021 grants to the arts allocation that was lower due to the pandemic - \$102,167, and (3) to increase the fiscal year 2022 grants to the arts allocation to 15% of budgeted hotel taxes - \$192,455.

The chart below shows how much of each ARPA allocation has been used or budgeted to date:

	FY 2021	FY 2022	Remaining	Total
FY20 Canceled Events	\$30,537	\$-	\$ 69,746	\$100,283
FY21 allocation	\$-	\$ 60,468	\$ 41,699	\$102,167
FY22 allocation	\$-	\$192,455	\$-	\$192,455
	\$30,537	\$252,923	\$111,445	\$394,905

Using the Arts Commission Grant Allocation Policy adopted on April 14, 2020, the Arts Commission recommended funding allocations for the seven grant applicants and administrative costs as follows:

\$ 72,618	Armed Forces Natural Hair and Health
\$ 69,240	Vive Les Arts Society
\$ 50,434	IMPAC Outreach
\$ 35,520	Vive Les Arts Children's Theatre
\$ 28,928	Songhai Bamboo Roots Association
\$ 21,375	Killeen Sister Cities, Osan, Korea
\$ 9,975	The Crossroads to Texas Quilt Guild Inc
\$ 2,000	Killeen Arts Commission
<hr/>	
\$ 290,090	Total

Upon Council's approval of the recommended grant allocations, contracts with the grant recipients will be prepared and executed for events that will occur between October 2021 and September 2022.

THE ALTERNATIVES CONSIDERED:

1. Do not approve the Arts Commission's grant recommendations.
2. Amend the Arts Commission's grant recommendations.
3. Approve the Arts Commission's grant recommendations.

Which alternative is recommended? Why?

Alternative 3 is recommended. The art grant recommendations were determined using the Arts Commission Grant Allocation Policy.

CONFORMITY TO CITY POLICY:

In compliance with Texas Tax Code Section 351 and the Arts Commission Grant Allocation Policy.

FINANCIAL IMPACT:

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

\$290,090 for FY 2022

Is this a one-time or recurring expenditure?

One-time

Is this expenditure budgeted?

The grant allocation is included in the FY 2022 Budget approved by City Council in account 214-2020-415.55-43.

If not, where will the money come from?

N/A

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

Yes

RECOMMENDATION:

City Council approve the Killeen Arts Commission's grant recommendations for fiscal year 2022.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Grant Allocation Worksheet

Proposed budget for FY 22 Arts Commission **\$ 290,090** (\$192,455 ARPA03 + \$37,167 Hotel Motel fund + \$60,468 ARPA02)

Arts Commission administrative expense budget **\$ 2,000**

Proposed budget for FY 22 art grant allocation **\$ 288,090**

Organization	Event	Grant Requested	Adjusted Grant Requested	Average % Score	Grant Request Adjusted by Avg % Score	Percentage of Overall Grant Requests	Proposed Grant Recommendation	Proposed Total by Organization
Songhai Bamboo Roots Association	Kwanzaa	\$ 5,000	\$ 5,000	98.33%	\$ 4,917	1.71%	\$ 4,917	\$ 28,928
	Jazz Extravanza	\$ 9,444	\$ 9,444	97.00%	\$ 9,161	3.18%	\$ 9,161	
	Caribbean AFRAM Festival	\$ 15,000	\$ 15,000	99.00%	\$ 14,850	5.15%	\$ 14,850	
Killeen Sister Cities, Osan, Korea, Committee	International Festival	\$ 7,500	\$ 7,500	95.00%	\$ 7,125	2.47%	\$ 7,125	\$ 21,375
	Cultural Exchange	\$ 15,000	\$ 15,000	95.00%	\$ 14,250	4.95%	\$ 14,250	
IMPAC Outreach	African American Art and History Showcase	\$ 19,293	\$ 19,293	98.50%	\$ 19,004	6.60%	\$ 19,004	\$ 50,434
	Poetry Slam	\$ 10,647	\$ 10,647	97.00%	\$ 10,328	3.58%	\$ 10,328	
	Taste of Africa	\$ 21,643	\$ 21,643	97.50%	\$ 21,102	7.32%	\$ 21,102	
Armed Forces Natural Hair and Health	8 Bucks Movie	\$ 18,000	\$ 18,000	85.67%	\$ 15,420	5.35%	\$ 15,420	\$ 72,618
	Armed Forces natural Hair and Health Expo	\$ 20,000	\$ 20,000	99.00%	\$ 19,800	6.87%	\$ 19,798	
	Veggie and Art Fest	\$ 20,000	\$ 20,000	90.33%	\$ 18,067	6.27%	\$ 18,067	
	Killeen's Black Art and Film Festival	\$ 20,000	\$ 20,000	96.67%	\$ 19,333	6.71%	\$ 19,333	
The Crossroads to Texas Quilt Guild Inc	Star Over Texas Quilt Show	\$ 10,000	\$ 10,000	99.75%	\$ 9,975	3.46%	\$ 9,975	\$ 9,975
Vive Les Arts Societe	The Play That Goes Wrong	\$ 12,000	\$ 12,000	96.75%	\$ 11,610	4.03%	\$ 11,610	\$ 69,240
	A Gentleman's Guide to Love and Murder	\$ 12,000	\$ 12,000	96.75%	\$ 11,610	4.03%	\$ 11,610	
	Singin in the Rain	\$ 12,000	\$ 12,000	98.00%	\$ 11,760	4.08%	\$ 11,760	
	SpongeBob SquarePants: The Musical	\$ 12,000	\$ 12,000	99.00%	\$ 11,880	4.12%	\$ 11,880	
	The 39 Steps	\$ 12,000	\$ 12,000	93.25%	\$ 11,190	3.88%	\$ 11,190	
	Newsies	\$ 12,000	\$ 12,000	93.25%	\$ 11,190	3.88%	\$ 11,190	
Vive Les Arts Children's Theatre	The Best Christmas Pageant Ever	\$ 12,000	\$ 12,000	97.50%	\$ 11,700	4.06%	\$ 11,700	\$ 35,520
	Lion King, Jr.	\$ 12,000	\$ 12,000	99.25%	\$ 11,910	4.13%	\$ 11,910	
	Aladdin, Jr.	\$ 12,000	\$ 12,000	99.25%	\$ 11,910	4.13%	\$ 11,910	
TOTALS		\$ 299,527	\$ 299,527		\$ 288,090	100%	\$ 288,090	\$ 288,090



KILLEEN ARTS COMMISSION FY 2022 GRANT AWARDS

RS-21-127

October 5, 2021

Background

2

- Texas Tax Code 351.101 - Hotel Occupancy Tax (HOT)
 - ▣ Requires hotel occupancy tax revenues to be spent in a manner that directly enhances and promotes tourism, the convention industry, and the hotel industry
 - ▣ Authorizes municipalities to allocate up to 15% of hotel occupancy tax collections for the arts
 - ▣ Total FY 2022 grants to the arts allocation is \$290,090
 - American Rescue Plan Act (ARPA) \$252,923
 - HOT Fund \$37,167

Arts Commission Funding

3

- Recent art grant funding:
 - ▣ FY 2019 – \$187,167
 - ▣ FY 2020 – \$248,339
 - ▣ FY 2021 – \$85,000
 - ▣ FY 2022 – \$290,090
- ARPA grants to arts for FY20 cancelled events – \$100,283
 - ▣ Used in FY21 – \$30,537/Remaining – \$69,746
- ARPA grants to arts for FY21 – \$102,167
 - ▣ Allocated in FY22 – \$60,468/Remaining – \$41,699
- ARPA grants to arts for FY22 – \$192,455

Grant Award Process

4

- March 7-14 – published notice of mandatory workshop
- March 26 – grant application workshop
- April 23 – grant application due
- June 11 – Arts Commission evaluated grant applications
- August 13 – Arts Commission approved grant recommendations following the grant allocation policy

Grant Award Recommendations

5

Grantee	Amount
Armed Forces Natural Hair and Health	\$72,618
Vive Les Arts Societe	69,240
IMPAC Outreach	50,434
Vive Les Arts Children's Theatre	35,520
Songhai Bamboo Roots Association	28,928
Killeen Sister Cities, Osan, Korea, Committee	21,375
The Crossroads to Texas Quilt Guild Inc.	9,975
Killeen Arts Commission	<u>2,000</u>
Total	\$290,090

Alternatives

6

- ❑ Do not approve the Arts Commission's grant recommendations
- ❑ Amend the Arts Commission's grant recommendations
- ❑ Approve the Arts Commission's grant recommendations

Recommendation

7

City Council approve the Arts Commission's grant recommendations



City of Killeen

Legislation Details

File #:	RS-21-128	Version:	1	Name:	Copier Lease Service
Type:	Resolution	Status:		Status:	Resolutions
File created:	9/10/2021	In control:		In control:	City Council Workshop
On agenda:	10/5/2021	Final action:		Final action:	
Title:	Consider a memorandum/resolution awarding Request for Proposal 21-04, Copier Lease Services, to Kirbo's for a 60-month term in the amount of \$405,896.				
Sponsors:	Finance Department, Information Technology Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Evaluation Matrix Agreement Certificate of Interested Parties Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: October 5, 2021

TO: Kent Cagle, City Manager

FROM: Jonathan Locke, Executive Director of Finance

SUBJECT: Copier Lease Services

BACKGROUND AND FINDINGS:

There are currently 55 copiers used Citywide. The City's process for copier leases has been to obtain quotes whenever an individual copier lease ended. This process has led to the City maintaining 55 copiers on individual leases across five different vendors. Information Technology and Finance have been working together on an approach to move all copiers under a master lease agreement with one vendor. Moving all copiers under a master lease will streamline accounting and billing processes, provide standardization for copier set up and repair, and reduce copier costs.

A request for proposal (RFP) was issued seeking proposals for a 60-month lease, including copier supplies and maintenance services. The vendor's proposal was to provide an approach on moving the City's copiers under a master lease. The City's current copier lease agreements expire at different times over the next five years. The vendor's proposals needed to demonstrate their recommended approach to transitioning the copier leases under one agreement over the next five years.

On May 4, 2021, six proposals were received. The table below shows the total combined cost over the next five years per vendor.

The proposals were evaluated based on the criteria stated in the RFP, which were experience & qualifications, references, approach to master lease, and cost of services. All but two of the responses provided a coterminous plan which will allow for all new copier leases added to the master lease to have the same end date regardless of when the lease is initiated. Cannon Solutions America offered a buy-out plan which proposed lower lease rates; however, the vendor charged for black and white copies which increased the overall contract amount. Ricoh USA, Inc. proposed entering into a sixty-month master lease for all 55 copiers with a rebate amount of \$42,800. However, the rebate offered would not be enough to pay off the current leases leaving the City to still owe \$77,192.

The four top-rated companies were Cannon Solutions America, CTWP, Benchmark Solutions, and Kirbo's. City staff conducted interviews with all four vendors. After the interviews were conducted, the four firms were then re-evaluated based on the information gained throughout the interview process.

Kirbo's is the top-rated company based on the final evaluation matrix. The vendor proposed the best overall cost and service response. Kirbo's is offering a coterminous approach with black and white copies included. Kirbo's has a dispatch and support office in Harker Heights with three other offices located within two - three hours of Killeen. Kirbo's also provides similar copier services locally that include Copperas Cove ISD with 127 machines, Temple College with 80 machines, and Central Texas Veterans HealthCare System with 300 machines.

The table below illustrates how the coterminous approach will work. As individual copiers reach the end of their lease term, a new copier lease will be initiated under the master lease with Kirbo's. All leases initiated under Kirbo's will have the same end date, regardless of the start date. At the end of the five-year period, all 55 leases will be under one master lease. The chart below also compares the cost of current lease rates with multiple vendors to the cost of transitioning copiers under a master lease with Kirbo's over the next five years. The annual copier lease cost declines as more copiers move under the master lease with Kirbo's.

THE ALTERNATIVES CONSIDERED:

1. Do not award the RFP to a vendor and continue under current process without a master lease
2. Award the RFP to another vendor other than Kirbo's
3. Award the RFP to Kirbo's

Which alternative is recommended? Why?

Alternative number three is recommended because Kirbo's can meet the specifications outlined in the RFP by providing a coterminous approach to a master lease with the best overall pricing and response time to customer service calls and repairs.

CONFORMITY TO CITY POLICY:

Yes, conforms to the City Financial Management Policy and Texas Local Government Code 252.021.

FINANCIAL IMPACT:

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

This contract will begin in fiscal year 22. Below shows the master lease cost over the next five years.

Is this a one-time or recurring expenditure?

Recurring

Is this expenditure budgeted?

Yes, the lease payments for the copiers are included in the fiscal year 2022 budget in the account numbers ending 71-12 (Principal) and 72-13 (Interest). Due to changes in accounting for leases, a budget amendment will be needed to increase revenues and expenditures in the

amount equal to the value of the copiers in the year new copier leases are initiated. This will not have an overall impact on the budget.

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 award RFP 21-04 for copier lease services to Kirbo's for a 60-month term in the amount of \$405,896 and authorize the City Manager or designee to execute change orders in accordance with state and local law.

DEPARTMENTAL CLEARANCES:

Information Technology
Finance

ATTACHED SUPPORTING DOCUMENTS:

Evaluation Matrix
Agreement
Certificate of Interested Parties

Evaluation Matrix - FINAL							
RFP 21-04 Copier Lease Services							
Directions: Score each category, per vendor. Possible points is the max amount the vendor can receive per catagory. Total possible points equals 100.							
Vendors:		Benchmark Business Solutions	Cannon Solutions America	CTWP	Kirbo's	Konica Minolta	Ricoh USA, Inc
Category	Possible Points						
Evaluator 1	100	88	100	95	90	96	87
Evaluator 2	100	75	100	85	75	65	80
Evaluator 3	100	75	95	75	65	70	50
Evaluator 4	100	96	96	94	96	92	96
Evaluator 5	100	70	95	68	70	60	75
Total Score:	500	404	486	417	396	383	388
Average:		80.8	97.2	83.4	79.2	76.6	77.6

Evaluation Matrix - Interview Phase - Final

RFP 21-04 Copier Lease Services

Directions: Score each category, per vendor. Possible points is the max amount the vendor can receive per category. Total possible points equals 100.

Vendors:		Benchmark Business Solutions	Cannon Solutions America	CTWP	Kirbo's
Category	Possible Points				
Evaluator 1	30	95	95	95	100
Evaluator 2	10	85	95	80	100
Evaluator 3	30	85	98	85	100
Total Score:	70	265	288	260	300



City of Killeen
802 North 2nd Street, Building E, 2nd Floor
Killeen, Texas 76541

Master Rental Agreement – This agreement and all terms and conditions as outlined in RFP #21-04, Copier Lease Services and Addenda (if applicable), which are incorporated herein by reference and made a part hereof and which have been prepared by the City of Killeen shall be in affect from _____, 2021 through _____, 2026. This turnkey solution is for 55 systems installed at various city locations. All systems will be Canon brand to provide likeness, consistency, and operator friendliness. This is a city- wide rental agreement and has the flexibility to change or add equipment to meet the future needs of the city. All equipment, service, parts, staples, and toner will be provided by Kirbo's Office Systems for this agreement. This agreement does not include paper. There will be no charges for taxes on this contract. After the 60-month term, this contract may be extended for an additional 60- month term if agreed upon in writing 120 days prior to the end of the initial term. Kirbo's Office Systems will provide machines for special events at no additional charge to the city. The City of Killeen will be responsible for replacement charges for all damages to equipment due to fire, flood, theft, and vandalism beyond Kirbo's Office Systems control.

Delivery- There will be no delivery or set up charges with this equipment. There will also be no removal charges that apply to this contract. Delivery of equipment and Training will be performed in a timely manner at no additional charge to the City and will be coordinated with the City staff.

Service- Kirbo's Office Systems guarantees an average on- site two- hour response time for all service issues. Kirbo's will carry a full stock of parts and supplies to support this contract. There will never be an additional charge to re-locate or remove a copier on contract. All data will be removed from the hard drives at contract end.

Changes- This agreement allows flexibility for changes that might occur. With Kirbo's turnkey solution agreement, the contract is not tied to any specific piece of equipment as Kirbo's Office Systems has ownership of the equipment. Equipment beyond the 55 systems can be added to contract as needed, and will incur additional charges depending on the placement. All equipment is guaranteed to operate per manufacturer's specifications.

Charges- The monthly rental fee for the copiers will be billed monthly. Quarterly and annual billing will also be available as an option. The invoice will increase annually as upgrades are added as existing contracts expire. Please see attached "Evolving Equipment Schedule". The annual total number of Black copies is unlimited. All Color copies will be billed at \$0.040 per copy. All invoices will be promptly emailed to City of Killeen accounts payable and payment will be expected net 30 from date of invoice.

Department Usage- At the end of each month all meters will be collected by Kirbo's staff and a detailed report will follow showing copy usage for each location.

All terms and conditions are acceptable and agreeable:

KIRBO'S OFFICE SYSTEMS, LLC

City of Killeen

RONNIE STRAWN
BRANCH MANAGER

Date: _____

TITLE: _____
Date: _____

Since 1972

www.kirbos.com

Canon
Authorized Dealer

Brownwood
3005 Hwy. 377 S.
325-643-3383

San Angelo
1202 W. Beauregard
325-658-2679

Harker Heights
617 E. Veterans Memorial Blvd.
254-526-682

Stephenville
234 N. Belknap
254-968-4221



Contract Verification

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

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

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

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

Darryl Kirbo
Signature

DARRYL KIRBO
Printed Name

21 Sept 2021
Date

Kirbo's Jc Systems
Company Name

owner / partner
Title

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

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

Kirbo's Office Systems, LLC
Brownwood, TX United States

Certificate Number:
2021-804468

Date Filed:
09/21/2021

Date Acknowledged:

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

City of Killeen

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

RFP 21-04
copier sales & service

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

5 Check only if there is NO Interested Party.



6 UNSWORN DECLARATION

My name is Darryl Kirbo, and my date of birth is 12-31-42

My address is 3005 Hwy 377 South (street), Brownwood (city), TX (state), 76801 (zip code), Reagan (country)

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

Executed in Brown County, State of Texas, on the 21st day of Sept, 2021.
(month) (year)

Darryl Kirbo
Signature of authorized agent of contracting business entity
(Declarant)



COPIER LEASE SERVICES
REQUEST FOR PROPOSAL (RFP) 21-04

RS-21-128

October 5, 2021

Background

2

- ❑ The City has 55 copier leases with 5 different vendors
- ❑ RFP was issued to move all copier leases under one master lease
- ❑ On May 4, 2021, 6 proposals were received and evaluated
- ❑ The top 4 rated companies were chosen for interviews

Proposals and Cost Over 5 Years

3

Vendors	Master Lease Proposed Cost	Current Lease Cost	Total Combined Cost
Kirbo's	\$405,896	\$119,992	\$525,888
Cannon Solutions America	\$565,999	\$0	\$565,999
Ricoh USA, Inc.	\$490,585	\$77,192	\$567,777
Benchmark Business Solutions	\$497,500	\$119,992	\$617,492
CTWP	\$507,341	\$119,992	\$627,333
Current Process	\$0	\$636,140	\$636,140
Konica Minolta	\$557,078	\$119,992	\$677,070

Master Lease Transition & Cost Comparison

4

Fiscal Year	Master Lease Copiers	Current Lease Copiers	Total Copiers	Master Lease Cost	Current Lease Cost	Total Lease Cost	Current Process Cost	Estimated Annual (Savings)
2022	29	26	55	\$ 50,562	\$ 64,566	\$ 115,128	\$ 127,228	\$ (12,100)
2023	35	20	55	67,947	41,513	109,460	127,228	(17,768)
2024	50	5	55	89,726	11,939	101,665	127,228	(25,563)
2025	54	1	55	98,537	1,974	100,511	127,228	(26,717)
2026	55	0	55	99,124	-	99,124	127,228	(28,104)
TOTAL				\$ 405,896	\$ 119,992	\$ 525,888	\$ 636,140	\$ (110,252)

Alternatives

5

- ❑ Do not award the RFP and continue under the current process without a master lease
- ❑ Award the RFP to a vendor other than Kirbo's
- ❑ Award the RFP to Kirbo's

Recommendation

6

City Council award RFP 21-04 for copier lease services to Kirbo's for a 60-month term in the amount of \$405,896 and authorize the City Manager or designee to execute change orders in accordance with state and local law



City of Killeen

Legislation Details

File #:	RS-21-129	Version:	1	Name:	Emergency Medical Task Force Agreement
Type:	Resolution	Status:		Status:	Resolutions
File created:	9/10/2021	In control:		In control:	City Council Workshop
On agenda:	10/5/2021	Final action:		Final action:	
Title:	Consider a memorandum/resolution authorizing a Memorandum of Agreement with the Department of State Health Services and Capital Area of Texas Regional Advisory Council (DSHS/CATRAC) to join the Emergency Medical Task Force.				
Sponsors:	Fire Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Memorandum of Agreement Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: October 5, 2021

TO: Kent Cagle, City Manager

FROM: James Kubinski, Fire Chief

SUBJECT: Memorandum of Agreement with Texas Department of State and Health Services and Capital Area of Texas Regional Advisory Council (DSHS/CATRAC) to join the Emergency Medical Task Force

BACKGROUND AND FINDINGS:

The Texas Emergency Medical Task Force (EMTF) is comprised of eight regional teams, strategically located throughout the State of Texas. These regional teams leverage existing relationships with EMS Providers, Fire Departments, Hospitals and Health Care Organizations to provide medical personnel and essential resources available to respond within its specific region or throughout the State when needed.

State level activations will include a mechanism for reimbursement through a State Mission Assignment (SMA). Additionally, an incident that exceeds twelve (12) hours in duration will include a mechanism for reimbursement per Chapter 418 of the Texas Government code. The Emergency Medical Task Force may be activated by the State of Texas to respond outside the State, if requested by other States or through the Federal Emergency Management Agency.

As part of a deployment to other regions, where devastating disasters have occurred, EMTF members save lives. Along with this important mission, there is a very important intrinsic value to Killeen's citizens. By training the Killeen Fire Department personnel in these technical skills, the citizens of Killeen have highly skilled health care professionals locally and ready to intervene in a local emergency.

THE ALTERNATIVES CONSIDERED:

1. Not to enter the Memorandum of Agreement with DSHS/CATRAC
2. Enter into Memorandum of Agreement with DSHS/CATRAC

Which alternative is recommended? Why?

A Memorandum of Agreement with DSHS/CATRAC increases local, state, and federal emergency response capabilities.

CONFORMITY TO CITY POLICY:

This Memorandum of Agreement is considered an interlocal agreement and conforms to city policy.

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

Expenditures associated with state level activations and incidents exceeding twelve (12) hours will be reimbursed. The amount of expenditure and corresponding reimbursement is variable depending on the length and number of deployments this year and future years.

Is this a one-time or recurring expenditure?

Recurring and may happen at any time of year depending on the emergency activation.

Is this expenditure budgeted?

The expenditure and reimbursement will be budgeted in the fiscal year of deployment.

If not, where will the money come from?

The expenditure is reimbursed.

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

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the Memorandum of Agreement with DSHS/CATRAC and authorize the City Manager, or his designee, to execute the agreement.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Memorandum of Agreement



MEMORANDUM OF AGREEMENT
between
LEAD REGIONAL ADVISORY COUNCIL
and
SPONSORING ENTITY
for
EMERGENCY MEDICAL TASK FORCE

1. PARTIES

The Parties to this Memorandum of Agreement ("Agreement") are a Department of State Health Services designated Lead Regional Advisory Council ("Lead RAC") **Capital Area of Texas Regional Advisory Council (CATRAC)**, properly authorized to do business in the State of Texas, and **Killeen Fire Department**, as a Sponsoring Entity, hereafter referred to as "Sponsoring Entity" that wishes to participate as a member of the Emergency Medical Task Force ("EMTF").

Entities eligible to participate in the Emergency Medical Task Force Program include:

a. Pre-hospital Emergency Medical Services Providers

- i) Must be a DSHS Licensed Emergency Medical Services Provider or First Responder Organization (FRO).
- ii) Must meet Texas Department of State Health Services (DSHS) requirements for minimum, lawful staffing per applicable DSHS licensure.
- iii) Must have at least twelve (12) months of experience providing emergency medical services in the State of Texas.
- iv) Must maintain a business office within the boundaries of the State of Texas.
- v) Must adhere and abide by all federal, state and local laws and rules and must adhere and abide by the Texas Health & Safety Code, Chapter 773, Emergency Medical Services and the Texas Administrative Code, Title 25: Health Services, Chapter 157: Emergency Medical Care during the time of its deployment to provide mutual aid in a pending or actual disaster.

b. Healthcare Facility Clinical Personnel

- i) Must operate a Department of State Health Services licensed General Hospital.
- ii) Must maintain a business office within the boundaries of the State of Texas.
- iii) Must adhere and abide by all federal, state and local laws and must adhere and abide by the Texas Health & Safety Code, Chapter 241, Hospitals and the Texas Administrative Code, Title 25: Health Services, Chapter 133: Hospital Licensing.

c. Physician and Professional Clinical Groups

- i) Must be a business doing business in the State of Texas, providing board certified Emergency Medicine Physicians, Physician Assistants and Nurse Practitioners.
- ii) Must maintain a business office within the boundaries of the State of Texas.

2. EXECUTIVE SUMMARY

The Texas Emergency Medical Task Force is comprised of eight regional teams, strategically located throughout the State of Texas, aligned with the DSHS Public Health Regions. These regional teams leverage existing relationships with EMS Providers, Fire Departments, Hospitals and Healthcare Organizations to provide personnel and essential resources available to respond within its specific region or throughout the State when needed. In general, regional deployments are shorter than 12 hours in duration and are initiated at the request of a local partner or jurisdiction. This type of activation constitutes regional mutual aid; therefore, reimbursement may not be available. Activations originating at the state level will include a mechanism for reimbursement through a State Mission Assignment ("SMA"). Additionally, an incident that exceeds twelve (12) hours in duration will include a mechanism for reimbursement per Chapter 418 of the Texas Government code. It is important to note that an incident which warrants a State Mission Assignment can occur anywhere within the State of Texas and that Parties to this memorandum may be activated on a regional mutual aid request and transitioned to a State Mission Assignment when the incident exceeds the State threshold based on complexity, duration or cost. Additionally, the Emergency Medical Task Force may be activated by the State of Texas to respond outside the State, if requested by other States or through the Federal Emergency Management Agency, the Federal Health and Human Service Department or another duly authorized federal agency.

The Emergency Medical Task Force Program consists of seven components: Task Force Leadership, Ambulance Strike Teams, Ambulance Buses, Mobile Medical Units, Registered Nurse Strike Teams, Medical Incident Support Teams and Ambulance Staging Management Teams. These components provide maximum flexibility for the activation, deployment and utilization of specialized teams and resources needed for unique situations and missions resulting from tragedies, such as hurricanes, tornadoes, earthquakes, wildfire, flooding, terrorism and any other natural or manmade disaster.

The Emergency Medical Task Force relies on active participation from partners and stakeholders within each region and across the State of Texas to provide this valuable response capability to the citizens of Texas.

3. PREEMPTION

- a. This Agreement is not intended to replace any mutual aid agreement or compact that a Sponsoring Entity legally has in place in its community.
- b. Any business or contractual relationship that exists outside the scope of this Agreement between the Lead RAC and the Sponsoring Entity shall remain in full effect, and where provisions are applicable to multiple agreements, the Parties agree to comply with the higher standard.

- c. Parties agree that the Sponsoring Entity has the right to accept or decline an activation request during the process.
- d. The Lead RAC has final authority to assign Resources to positions within the team for a specific activation.

4. LIABILITY

- a. Sponsoring Entity shall have no right, and does by this Agreement waive its right, to file a claim(s) against DSHS, the State of Texas, and the Lead RAC for any personal or property injuries, damages or requests for State subrogation for any tort that they may incur during activation or arising therefrom, or any other claims filed against them as a result of their activities during activation. DSHS, the State of Texas, and the Lead RAC do not waive any immunity from suit or liability that they may have under state/federal laws and the Texas constitution notwithstanding the above. To the extent that Resource is a local governmental entity, unit of State government, or a Texas political subdivision, the waivers provided herein are further subject to state law and the Texas constitution which may make them unenforceable in whole or in part.
- b. Sponsoring Entity shall assume responsibility for liability claims, malpractice claims, disability claims, workers' compensation claims, attorneys' fees, and other incurred costs to the extent required by Texas law for its personnel and equipment.
- c. The Sponsoring Entity shall continue to assume legal and financial responsibility of the personnel and equipment for the duration of activation or deployment.

5. RESOURCE CREDENTIALING

- a. Sponsoring Entity shall ensure that all personnel meet all licensing, training and certification requirements related to his/her particular profession and/or mission.
- b. Sponsoring Entity shall ensure that all personnel are actively employed and engaged in the clinical specialty which they are assigned within the team.

6. REIMBURSEMENT

- a. Summary
 - i) The Emergency Medical Task Force Program, in conjunction with the Department of State Health Services, committed to timely reimbursement of Sponsoring Entities that provide resources and personnel in times of disaster.
 - ii) Sponsoring Entities are encouraged to file their reimbursement packets through their Lead RAC as quickly as possible to ensure timely reimbursement from DSHS but no later than 6 (six) months after the demobilization.
 - iii) Reimbursement for costs associated with EMTF activities will be process and paid

within 45 days. The 45-day reimbursement timeline will begin only after a completed reimbursement packet is accepted by the Department of State Health Services.

7. TERM

- a. The term of this Agreement is ongoing until cancelled by either part with 30 day written notice to the other. This Agreement will be governed by and construed in accordance with the laws of the State of Texas without regard to its conflicts of law rules.

8. MODIFICATION

- a. This Agreement constitutes the complete agreement between the Parties relating to the matters specified in this Agreement, and supersedes all prior representations or agreements, whether written or oral, with respects to such matters.
- b. This Agreement may only be modified through a written amendment signed by the Parties and thus no oral modifications hereof shall be permitted. The Parties agree to take such action as is necessary to amend this Agreement periodically as may be required by federal or State law.
- c. Operational plans and administrative procedures pertaining to the participation of the Sponsoring Entity within the program will be facilitated through the Sponsoring Entity Point of Contact, listed below. Changes to the individual identified as the Sponsoring Entity Point of Contact shall be submitted in writing by the authority signed below.

Sponsoring Entity Point of Contact:

Name: James Chambers

Title: Deputy Chief of EMS

Phone: 254-501-7672

Email: Jschambers@killeentexas.gov


- d. Any notice required under this Agreement to be given to either the Lead RAC or the Sponsoring Entity shall be made in writing to:

Lead RAC: CATRAC
Attn: Douglas Havron
Address: 4100 Ed Bluestein
Blvd., Suite 200
Austin, TX 78721

Entity: Killeen Fire Department
Attn: James Chambers
Address: 201 N. 28th St.
Killeen, TX 76541

IN WITNESS WHEREOF and acknowledging acceptance of the foregoing, the Parties affix their signatures hereto

CATRAC




Signature
Printed Name: Douglas Havron
Title: Executive Director



Date

City of Killeen



Signature:
Printed Name: Kent Cagle
Title: City Manager

Date



CONSIDER MEMORANDUM OF AGREEMENT WITH DSHS & CATRAC TO JOIN THE EMERGENCY MEDICAL TASK FORCE

RS-21-129

October 5, 2021

BACKGROUND

- ❑ The Texas Emergency Task Force (EMTF) is comprised of eight regional teams, strategically located throughout the State of Texas.
- ❑ These teams leverage existing relationships with EMS Providers, Fire Departments, Hospitals and Healthcare Organizations to respond medical personnel and resources throughout the State when needed.
- ❑ State level activations will include a mechanism for reimbursement through a State Mission Assignment (SMA) and any incident longer than twelve (12) hours will be reimbursed per Chapter 418 of the Texas Government Code.
- ❑ Killeen Fire Department personnel will gain valuable experience and highly technical skills during training and activations.

FINANCIAL IMPACT

3

□ Financial Impact:

- Temporary usage of expense funding required until reimbursement.
- Temporary funding may occur at any time of the year.
- Budgeted expense - no additional funding required due to reimbursement

ALTERNATIVES

4

- Not enter into the MOA with DSHS/CATRAC to join the EMTF
- Enter into the MOA with DSHS/CATRAC to join the EMTF

RECOMMENDATION

5

- Staff recommends that the City Council approve the Memorandum of Agreement with DSHS/CATRAC and authorize the City Manager, or his designee, to execute the agreement.



City of Killeen

Legislation Details

File #: DS-21-127 **Version:** 1 **Name:** Receive KEDC Update
Type: Discussion Items **Status:** Discussion Items
File created: 9/14/2021 **In control:** City Council Workshop
On agenda: 10/5/2021 **Final action:**
Title: Receive KEDC Update
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments: [Presentation](#)

Date	Ver.	Action By	Action	Result
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Killeen Economic Development



KEDC Mission: to promote the development of commercial, industrial and manufacturing enterprises to promote and encourage employment and the public welfare.



*Investing in the Place
Where Freedom Grows*

**City Council Presentation
October 5, 2021**



Annual Report



362-acre park has less than 80 available acres

**2021
ANNUAL
REPORT**

TAKE A LOOK AT WHAT'S
INSIDE:

- Significant Recent Activities
- Z Modular
- Growth Trends

Z Modular



Headquartered in Killeen, TX

Jobs for military SPOUSES and FAMILY MEMBERS



Triple Impact

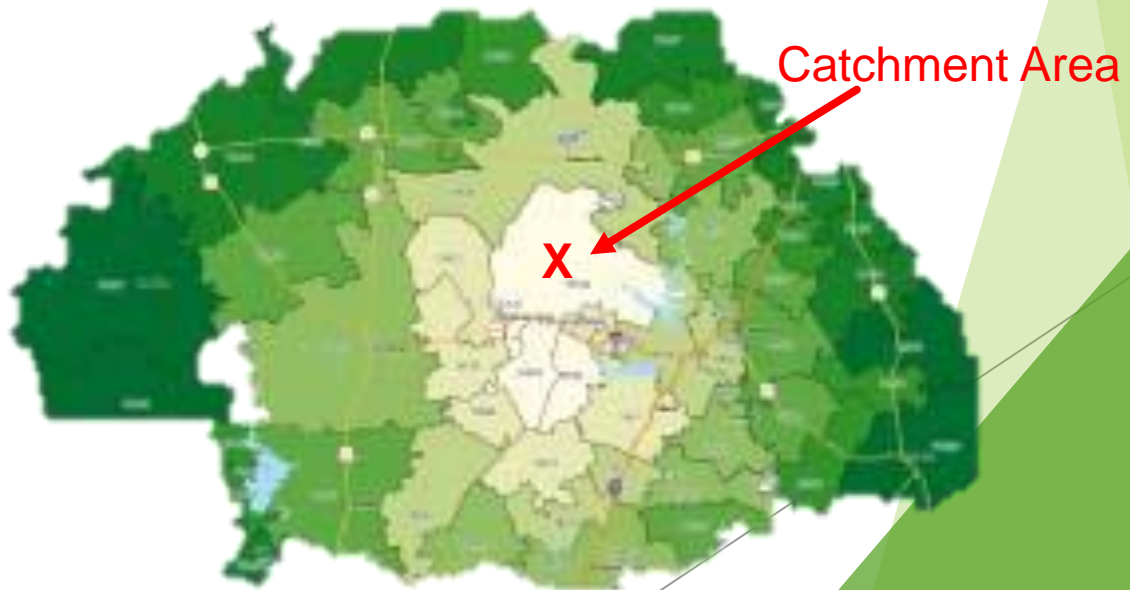
 **KEDC**
Killeen Economic Development Corporation

Example design of a monopole that will be installed



Vertical Bridge

KFHR Grant



Office of Local Defense Community Cooperation (OLDCC) Grant



Research Park Summit



Other Updates



Thank you for your support!



City of Killeen

Legislation Details

File #: DS-21-128 **Version:** 1 **Name:** Received Redistricting Update
Type: Discussion Items **Status:** Discussion Items
File created: 9/14/2021 **In control:** City Council Workshop
On agenda: 10/5/2021 **Final action:**
Title: Receive Redistricting Update
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: DS-21-129 **Version:** 1 **Name:** Discuss Charter Amendments
Type: Discussion Items **Status:** Discussion Items
File created: 9/14/2021 **In control:** City Council Workshop
On agenda: 10/5/2021 **Final action:**
Title: Discuss Charter Articles III - IV Amendments
Sponsors: City Council, City Attorney Department
Indexes:
Code sections:
Attachments: [Presentation](#)

Date	Ver.	Action By	Action	Result
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CHARTER REVIEW

DS-21-129

October 5, 2021

Charter Review Timeline

2

- ✓ September 20, 2021: Review Articles I – II and XII
- ✓ September 21, 2021: Direction re: Articles I – II and XII
- October 5, 2021: Review Articles III - IV
- October 19, 2021: Direction re: Articles III – IV
- November 2, 2021: Review Articles V – VIII
- November 9, 2021: Direction re: Articles V – VIII
- November 30, 2021: Review Articles IX - XI
- December 7, 2021: Direction re: Articles IX- XI

Charter Review Timeline (cont'd)

3

- ❑ January 11, 2022: Hold a Public Hearing on Proposed Charter Amendments and Ballot Language
- ❑ January 25, 2022: Hold a Public Hearing on proposed Charter Amendments and Ballot Language
- ❑ February 8, 2022: Consider an ordinance calling a Charter Amendment Election
- ❑ April 9, 2022: Publish first newspaper notice
- ❑ April 16, 2022: Publish second newspaper notice
- ❑ April 25, 2022: Early voting begins
- ❑ May 7, 2022: Election

ARTICLE III. – THE COUNCIL

□ **NUMBER, SELECTION, TERM MAYOR AND THE COUNCIL**

- Section 22. The members of the City Council of the City of Killeen shall be composed of a mayor and seven councilmembers. Four (4) of the councilmembers shall represent "single member districts," such districts being numbered and designated 1, 2, 3, and 4, and defined in this charter or by ordinance hereafter passed. The mayor and three (3) of the councilmembers shall represent the city at large. Such council shall be elected in the following manner:
- At an election held on a uniform election date in even-numbered years, a mayor and three councilmembers shall be elected by a plurality vote of the city at large for a term of two (2) years. At an election held on a uniform election date in odd-numbered years, there shall be elected one councilmember from each of the single member districts 1, 2, 3, and 4, by a plurality vote of the registered voters residing within each district, to serve a term of two (2) years. All elections are to be held in a manner provided in Article IX of this charter and in accordance with state law.
- The members of the City Council shall serve not more than three (3) terms in succession, in whole or in part, whether appointed (to fill an unexpired portion of a term) or elected, and until their successors shall have been elected and qualified and they shall be ineligible to succeed themselves or another councilmember for an additional successive term; except if any member of the City Council holding office desires to run for a different office than that which the member holds, at the next election, the member must resign and vacate their present office at least forty (40) days prior to such election and his resignation shall be effective on the date of such resignation. For the purposes of this provision there shall be only two offices: the office of the mayor and the office of the councilmember. (Amend. of 5-3-97; Amend. of 5-7-05; Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***QUALIFICATIONS***

□ Section 23. Candidates for mayor and councilmember shall meet the qualifications for elective office as established in the Texas Elections Code. In addition to the foregoing, candidates for the four district councilmembers herein above provided shall be bona fide residents of the district from which they seek election. A member of the council ceasing to possess any of the qualifications specified in this section or any other section of this charter, failing to attend three (3) consecutive regular meetings of the council without being excused by the council, or convicted of a felony while in office shall immediately forfeit his office. (Amend. of 5-4-91; Amend. of 5-11-13)



COMPENSATION OF MEMBERS

□ Section 24. The compensation for the councilmembers shall not exceed \$100.00 per month and compensation for the mayor shall not exceed \$200.00 per month. Said compensation shall be fixed by the city council. (Amend. of 5-5-01; Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***PRESIDING OFFICER: MAYOR***

□ Section 25. The mayor shall preside at the meetings of the council and shall be recognized as head of the City of Killeen government for all ceremonial purposes, and by the governor for purposes of military Law; but he shall have no regular administrative duties. The mayor shall only be entitled to vote upon matters considered by the council in the event there is a tie vote resulting from absence of a member or members or failure or refusal of a member to vote. However the mayor shall have no veto power. The council shall elect a mayor protem from their number, who shall act as mayor during the absence or disability of the mayor, and, if a vacancy should occur, shall become mayor until the next regular election.

ARTICLE III. – THE COUNCIL

□ **VACANCIES**

□ Section 26. A vacancy in the council of the City of Killeen, except the office of Mayor, shall be filled by a majority vote of the remaining members of the council, by the selecting of a person possessing all the qualifications prescribed by Section 23 of this Article, and who shall be a bona fide resident of the district in which the vacancy occurs; unless the vacancy in office is that of a councilmember at large, in which case the person selected to fill the vacancy shall be a bona fide resident of the City of Killeen without regard to the district in which he resides. However, if the vacancy occurs within 90 days before a regular municipal election, the vacancy is not required to be filled. Where more than one vacancy shall develop at any one time, then a special election shall be called on the first authorized uniform election date prescribed by the Election Code that allows sufficient time to comply with the other requirements of law, and that occurs on or after the 30th day after the date the ordinance calling the election is adopted, and any vacancy shall be filled in the same manner as herein provided for general election. If the Mayor protem succeeds to the office of Mayor under the provisions of Section 25 of this Article, then his office of councilmember shall be considered vacant within the meaning of this Section. (Amend. of 5-4-91; Amend. of 5-7-05; Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***POWERS***

□ Section 27. All powers of the City of Killeen and the determination of all matters of policy shall be vested in the City council. Except where in conflict with and otherwise expressly provided by this charter the city council shall have all powers authorized to be exercised by the city council by Chapter 4 of Title 28, Vernon's Annotated Civil Statutes, and acts amendatory thereof and supplementary thereto, now or hereafter enacted. Without limitation of the foregoing and among the other powers that may be exercised by the council, the following are hereby enumerated for greater certainty:

- (1) Appoint and remove the city manager.
- (2) Establish other administrative departments and distribute the work of divisions.
- (3) Adopt the budget of the city.
- (4) Authorize the issuance of bonds by a bond ordinance.
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs.

ARTICLE III. – THE COUNCIL

□ ***POWERS (cont'd)***

- (6) Provide for a planning commission, a zoning commission and a zoning board of adjustment, and appoint the members of all such commissions and boards, and as well the members of the hospital board, if a hospital is established. The planning [and] zoning commissions may be combined. Such boards and commissions shall have all powers and duties now and hereafter conferred and created by this charter, by city ordinance or by law.
- (7) Adopt plats.
- (8) Adopt and modify the official map of the city.
- (9) Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas.
- (10) Adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement, and redevelopment of neighborhoods and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

ARTICLE III. – THE COUNCIL

□ ***POWERS (cont'd)***

- (11) Regulate, license and fix the charges or fares made by any person owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.
- (12) Provide for the establishment and designation of fire limits and to prescribe the kind and character of buildings or structures or improvements to be erected therein, and to provide for the erection of fireproof buildings within certain limits, and to provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (13) Provide for creation of the following departments: Finance, Police, Fire, and Public Works, and such other departments as may be established by the council as hereinafter provided. The council may create, change, and abolish offices, departments and agencies other than those established by this charter.

ARTICLE III. – THE COUNCIL

□ ***APPOINTMENT AND REMOVAL OF CITY MANAGER***

- Section 28. The Council shall appoint a City Manager who shall have the powers and perform the duties in this charter provided. No councilmember shall receive such appointment during the term for which he shall have been elected, nor within one year after he leaves office.
- The salary of the City Manager shall be fixed by the City Council, and he shall hold office at its will; but if removed at any time after six months from his appointment, he may demand written charges and a public hearing thereon before the City Council prior to the date on which his final removal shall take effect, but during such hearing the Council may suspend him from office. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform the duties of the office; except in case of his temporary absence or disability. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***COUNCIL NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS***

□ Section 29. Neither the council nor any of its members shall direct the appointment of any person to, or his removal from office, by the city manager or by any of his subordinates; provided, however, that the appointment of assistant city managers, department heads and the city secretary shall be subject to the approval of the council. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately. (Amend. of 5-11-13)

□ ***RIGHTS OF THE CITY MANAGER AND OTHER OFFICERS IN COUNCIL***

□ Section 30. The City manager, and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council, and other officers shall be entitled to take part in all discussions of the council relating to their respective offices, departments or agencies.

ARTICLE III. – THE COUNCIL

□ ***CITY SECRETARY***

- Section 31. There shall be a city secretary who shall be the city clerk. He shall give notices of council meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full in a book kept and indexed for the purpose all ordinances and resolutions, and shall perform such other duties assigned to him, and those elsewhere provided for in this Charter, by city ordinance or in state law. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***MUNICIPAL JUDGE***

- Section 32. There shall be a Municipal Court of Record for Killeen. The City Council shall appoint a magistrate as a presiding judge for the court, and associates judges, as deemed necessary for the benefit and conduct of the court. Each judge shall be a competent and duly-licensed attorney. The initial appointments of the presiding judge and associate judges shall be by resolution of the City Council at their first regular meeting in June, following the May 3, 1997 election and their initial terms shall be staggered, not to exceed 4 years, as may be decided by the City Council. Thereafter, all judges shall serve terms of 4 years and may serve successive terms, but may be removed by the city council at any time for incompetency, misconduct, malfeasance, or disability. Judges shall receive such salary as may be fixed by the council.
- When the municipal judge and the associate judge(s) are absent at the same time, the Mayor shall appoint a temporary municipal judge. All costs and fines imposed by the Municipal Court, or by any court in cases appealed from judgments of the Municipal Court, shall be paid into the City treasury for the use and benefit of the city. (Amend. of 5-3-97; Amend. of 5-7-05)

ARTICLE III. – THE COUNCIL

□ ***LEGAL DEPARTMENT***

□ Section 33. There shall be Legal Department, the head of which shall be the City Attorney. The City Attorney shall be a competent and duly-licensed attorney and shall represent the city in all litigation. He shall be the legal advisor of and attorney and counsel for the city and all offices and departments thereof. There shall be such deputy or assistant city attorneys as may be authorized by the council and appointed by the City Attorney, who shall be authorized to act for and on behalf of the City Attorney. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***INDUCTION INTO OFFICE: MEETINGS***

□ Section 34. On the next regular meeting following each regular municipal election held under this Charter, or any special election for the purpose of filling vacancies in the council, or as soon thereafter as practicable, the council shall meet at the usual time and place for holding meetings, and the newly elected members shall qualify and assume the duties of office. Thereafter, the council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. All meetings shall be open to the public, in accordance with the Texas Government Code; special meetings shall be called by the city clerk upon request of the mayor, or a majority of the members of the council. (Amend. of 1-15-94)

ARTICLE III. – THE COUNCIL

17

□ ***COUNCIL TO BE JUDGE OF QUALIFICATIONS OF ITS MEMBERS***

- Section 35. Deleted from the Charter. (Amend. of 5-11-13)

□

RULES OF PROCEDURE: JOURNAL

- Section 36. The council shall determine its own rules and order of business. It shall keep an indexed journal of its proceedings and the journal shall be open to the public inspection.

ARTICLE III. – THE COUNCIL

□ ***ORDINANCES***

□ Section 37. In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance. The enacting clause of the ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN."

ARTICLE III. – THE COUNCIL

□ ***PROCEDURE FOR PASSAGE OF ORDINANCES***

□ Section 38. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten days from the date of its passage; subject to the provisions of Article X of this charter. The city clerk shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance to be published in accordance with state law. He shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided that the provisions of this correction, amendment, revision and codification of the ordinances of the city for publication in book or pamphlet form. Except as otherwise provided by Article XI of this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the mayor and city clerk and shall be systematically recorded and indexed in an ordinance book in a manner approved by the council. It shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The city council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***INVESTIGATION BY COUNCIL***

□ Section 39. The council shall have power to inquire into the conduct of any office, department, agency, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed the maximum amount allowed by law. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ **AUDITORS**

- Section 40. Prior to the end of each fiscal year the council shall designate qualified Certified Public Accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the council. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government. They shall not maintain any accounts or record of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.
- The city council may appoint a city auditor. The city auditor shall carry out the internal audit functions, shall perform such other duties as the city council shall assign to him and shall be a Certified Public Accountant. (Amend. of 5-11-13)

ARTICLE III. – THE COUNCIL

□ ***PUBLIC LIBRARY***

□ Section 41. The City Council shall have the authority to establish and maintain a free public library within the City and to cooperate with any person, firm, association or corporation under such terms as the City Council may prescribe for the establishment or maintenance of such public library. For the budget purposes, the library shall be considered as a division of the City and the appropriations therefor shall comply with all the budgetary requirements as outlined in this charter and as may be prescribed from time to time by the City Council. (Amend. of 5-11-13)

□ ***HOUSING AUTHORITY***

□ Section 42. The City Council may create a housing authority of such number and terms of members as the Council may determine and may delegate to the housing authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations as the Council may determine. (Amend. of 5-11-13)



DISABLED EMPLOYEES' PENSIONS AND INSURANCE

□ Section 43. Deleted from the Charter. (Amend. of 5-11-13)

ARTICLE IV. – THE CITY MANAGER

□ ***QUALIFICATIONS***

□ Section 44. The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.

ARTICLE IV. – THE CITY MANAGER

□ ***POWERS AND DUTIES***

- Section 45. The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the city and to that end he shall have power and shall be required to:
 - (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the city except as otherwise provided by this charter and except as he may authorize the head of a department to appoint and remove subordinates in such department.
 - (2) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption.
 - (3) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
 - (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable.
 - (5) Perform such other duties as may be prescribed by this charter or required of him by the council, not inconsistent with this charter.

ARTICLE IV. – THE CITY MANAGER

□ ***ABSENCE OF CITY MANAGER***

- Section 46. To perform his duties during his temporary absence or disability, the manager may designate by letter filed with the city clerk a qualified administrative officer of the city.

□ ***DIRECTORS OF DEPARTMENTS***

- Section 47. At the head of each administrative department there shall be a director, who shall be an officer of the city and shall have supervision and control of the department subject to the city manager.
- Two or more departments may be headed by the same individual, the manager or assistant city manager may head one or more departments, and directors of departments may also serve as chiefs of divisions. (Amend. of 5-11-13)

ARTICLE IV. – THE CITY MANAGER

□ ***DEPARTMENTAL DIVISIONS***

□ Section 48. The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the manager among specific divisions thereof, the manager may establish temporary divisions.

Next Step

27

- Council input on Articles III – IV
 - ▣ Provide direction on amendments at Council workshop on October 19, 2021



City of Killeen

Legislation Details

File #: DS-21-130 **Version:** 1 **Name:** Discuss Employment of Presiding Municipal Court Judge

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

File created: 9/22/2021 **In control:** City Council Workshop

On agenda: 10/5/2021 **Final action:**

Title: Discuss Employment of Presiding Municipal Court Judge

Sponsors: City Manager Department

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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