



# City of Killeen

## Agenda City Council

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Tuesday, November 9, 2021

5:00 PM

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

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### Call to Order and Roll Call

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

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Citizen Comments

*This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to four (4) minutes. 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.*

### Resolutions

1. [RS-21-140](#) Consider a memorandum/resolution appointing commissioners to the Youth Advisory Commission.  
**Attachments:** [Staff Report](#)  
[Presentation](#)

### Consent Agenda

2. [MN-21-025](#) Consider Minutes of Regular City Council Meeting of October 19, 2021.  
**Attachments:** [Minutes](#)
3. [RS-21-137](#) Consider a memorandum/resolution authorizing the purchase of residential solid waste containers from Toter, LLC through the OMNIA cooperative and commercial containers from Wastequip, LLC through the BuyBoard cooperative in an amount not to exceed \$222,000.

**Attachments:** [Staff Report](#)

[Contracts](#)

[Certificate of Interested Parties](#)

[Presentation](#)

4. [RS-21-138](#) Consider a memorandum/resolution authorizing the award of a construction contract for the Sewer Line Rehabilitation Phase 5 project to Insituform Technologies, LLC through the Texas BuyBoard Cooperative in the amount of \$229,450.

**Attachments:** [Staff Report](#)

[Proposal](#)

[Certificate of Interested Parties](#)

[Presentation](#)

5. [RS-21-139](#) Consider a memorandum/resolution awarding RFP 21-35 for contracted veterinary services to Texas Humane Heroes in an amount not to exceed \$97,500.

**Attachments:** [Staff Report](#)

[Evaluation Matrix](#)

[Agreement](#)

[Certificate of Interested Parties](#)

[Presentation](#)

6. [RS-21-141](#) Consider a memorandum/resolution authorizing the purchase of consumable medical supplies from Bound Tree Medical and Henry Schein through the BuyBoard cooperative in an amount not to exceed \$273,705.

**Attachments:** [Staff Report](#)

[Contracts](#)

[Certificates of Interested Parties](#)

[Presentation](#)

7. [RS-21-142](#) Consider a memorandum/resolution authorizing participation in the Global Opioid Settlement and adopting the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

**Attachments:** [Staff Report](#)

[Resolution](#)

[Texas Term Sheet](#)

[Distributor Participation Form](#)

[Settlement Participation Form](#)

[Presentation](#)

## Public Hearings

8. [PH-21-056](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering on behalf of Tara Campbell (Case #FLUM21-03) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155, generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Maps](#)

[Minutes](#)

[Ordinance](#)

[Presentation](#)

9. [PH-21-057](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Tara Campbell, (Case #Z21-14) to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Maps](#)

[Minutes](#)

[Ordinance](#)

[Considerations](#)

[Presentation](#)

10. [PH-21-058](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (Case #FLUM21-07) 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 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199, located at 4302 Cunningham Road, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Maps](#)

[Minutes](#)

[Ordinance](#)

[Presentation](#)

11. [PH-21-059](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC, (Case #Z21-29) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District). The

property is located at 4302 Cunningham Road, Killeen, Texas.

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

12. [PH-21-060](#) HOLD a public hearing and consider an ordinance requested by Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #FLUM21-08) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536, located at 7700 Clear Creek Road, Killeen, Texas.

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

13. [PH-21-061](#) HOLD a public hearing and consider an ordinance requested by Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #Z21-30) to rezone approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District). The property is located at 7700 Clear Creek Road, Killeen, Texas. (Requires 3/4 Majority Vote)

**Attachments:** [Staff Report](#)  
[Maps](#)  
[Minutes](#)  
[Ordinance](#)  
[RV Park Exhibits](#)  
[Considerations](#)  
[Responses](#)  
[Presentation](#)

14. [PH-21-062](#) HOLD a public hearing and consider an ordinance requested by Kendra Crawford (Case #Z21-31) to rezone approximately 0.2 acres being Lot 3, Block 1, out of the Wanda Park Survey, from "B-5" (Business District) to "R-2" (Two Family Residential District). The property is located at 1902 Wood Avenue, Killeen, Texas.

**Attachments:** [Staff Report](#)



[Maps](#)[Minutes](#)[Ordinance](#)[Considerations](#)[Responses](#)[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 November 3, 2021.*

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*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.*

- *Military Relations Luncheon, November 17, 2021, 11:30 a.m., Killeen Courtyard by Marriott*
- *Holiday Under the Stars, December 3-5, 2021, Downtown Killeen*
- *Military Relations Luncheon, December 9, 2021, 11:30 a.m., Location to be Determined*
- *Christmas Parade, December 11, 2021, 1:00 p.m., Downtown Killeen*

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





# City of Killeen

## Legislation Details

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**File #:** RS-21-140    **Version:** 1    **Name:** YAC Appointments  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 10/8/2021    **In control:** City Council  
**On agenda:** 11/9/2021    **Final action:**  
**Title:** Consider a memorandum/resolution appointing commissioners to the Youth Advisory Commission.  
**Sponsors:** Recreation Services Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Joseph Brown, Executive Director, Recreation Services

**SUBJECT:** Appointment of commissioners to the Youth Advisory Commission

### **BACKGROUND AND FINDINGS:**

The Youth Advisory Commission (YAC) is comprised of (37) commissioners and an unlimited number of resource committee members, all of whom shall be students in the eighth through twelfth grade levels of the Killeen Independent School District service area. Prospective applicants were interviewed by the Mayor, two City Council members, and one Youth Commissioner. The interview process was completed on September 4th and 18th.

### **THE ALTERNATIVES CONSIDERED:**

Option 1: Not appoint the recommended nominations as commissioners. This option will result in YAC not having a functional board to serve as a liaison to City Council.

Option 2: Choose to appoint the recommended nominations as Youth Advisory Commissioners for the 2021-2022 year.

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

Commissioners are subject to the attendance policy and procedure adopted by the City Council, (Section 2-118, Killeen City Code). Below are the proposed commissioners for the FY21-22 year.

<b>RECREATION SERVICES-YOUTH ADVISORY COMMISSION</b>		
<i>Sub-Committee: All Council</i>		
Current Commissioners (FY21)	New Commissioners (FY22)	Special Qualifications
Aalaynah Harris	Aalaynah Harris	Student Representative
Ahlysha Hicks	Aaliyah Harris	Student Representative
Amaka Maria Okeke	Aleeza Nica	Student Representative
Anthony Okeke	Breeze Ma	Student Representative
Christian Matta	Caleb Mungul	Student Representative
Christina Wade	Chance Ma	Student Representative
Dae'Tian Nanton	Christian Matta	Student Representative
Harley Bouchillon	Christina Wade	Student Representative
Jalen Cookson	Dae'Tian Nanton	Student Representative
Kama Rangel	Elisabeth Metcalf	Student Representative
Karla Hernandez	Gabriella Gonzalez	Student Representative
Matthew Jenkins	Isabel Castro-Cortez	Student Representative

Michel Boutin	Jalen Cookson	Student Representative
Nathan Hernandez	Jerry Wilson	Student Representative
Nicholas Trevino	Lya Bailey	Student Representative
Osmond Amoako	Michel Boutin	Student Representative
Otis Connolly	Otis Connolly	Student Representative
Rodolfo Alvarez	Shayla Lovett	Student Representative
	Xavier Hines	Student Representative

**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:**

Staff recommends that the City Council appoint the nominated individuals as YAC commissioners for the 2021-2022 year.

**DEPARTMENTAL CLEARANCES:**

Recreation Services

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

N/A



## APPOINTMENT OF COMMISSIONERS TO THE YOUTH ADVISORY COMMISSION

RS-21-140

November 2, 2021

# Background

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- ❑ Youth Advisory Commission (YAC) was created in 1993 to serve as a liaison to the Killeen City Council
- ❑ YAC exists to assist in minimizing community problems relating to youth, while encouraging positive growth and development
- ❑ Mission Statement: To provide the youth of our community opportunities through volunteerism and service, by taking initiatives that are directed towards effective change

# Background

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- ❑ Commissioners participate in social, cultural and recreational activities that are meant to empower them in a drug and alcohol-free environment
- ❑ Annual Youth Conference, President's Volunteer Service Award, Special Needs Dances, and Park clean ups are a few of our Notable Projects
- ❑ YAC is comprised of 37 commissioners & unlimited Resource and Junior members



# Background

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- ❑ City Council makes appointments to the Youth Advisory Commission as vacancies occur
- ❑ September 4, 2021 and September 18, 2021, interviews were conducted by Mayor Jose Segarra, Councilmember Mellisa Brown, Councilmember Jessica Gonzalez, Councilmember Rick Williams, and our Recreation Coordinator
- ❑ Nineteen (19) students were recommended to serve as commissioners based on their leadership ability and community involvement

# Overview of Recommended Commissioners

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<b>2021-2022 Members</b>	<b>Special Qualifications</b>
<b>Aalaynah Harris</b>	<b>Student Representative</b>
<b>Aaliyah Harris</b>	<b>Student Representative</b>
<b>Aleeza Nica</b>	<b>Student Representative</b>
<b>Breeze Ma</b>	<b>Student Representative</b>
<b>Caleb Mungul</b>	<b>Student Representative</b>
<b>Chance Ma</b>	<b>Student Representative</b>
<b>Christian Matta</b>	<b>Student Representative</b>
<b>Christina Wade</b>	<b>Student Representative</b>
<b>Dae'Tian Nanton</b>	<b>Student Representative</b>

# Overview of Recommended Commissioners

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<b>2021-2022 Member</b>	<b>Special Qualifications</b>
<b>Elisabeth Metcalf</b>	<b>Student Representative</b>
<b>Gabriella Gonzalez</b>	<b>Student Representative</b>
<b>Isabel Castro-Cortez</b>	<b>Student Representative</b>
<b>Jalen Cookson</b>	<b>Student Representative</b>
<b>Jerry Wilson</b>	<b>Student Representative</b>
<b>Lya Bailey</b>	<b>Student Representative</b>
<b>Michel Boutin</b>	<b>Student Representative</b>
<b>Otis Connolly</b>	<b>Student Representative</b>
<b>Shayla Lovett</b>	<b>Student Representative</b>
<b>Xavier Hines</b>	<b>Student Representative</b>

# Recommendation

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- Staff recommends appointing the nominated individuals to serve as commissioners in 2021 - 2022



# City of Killeen

## Legislation Details

**File #:** MN-21-025    **Version:** 1    **Name:** Minutes of Regular City Council Meeting of October 19, 2021  
**Type:** Minutes    **Status:** Minutes  
**File created:** 10/11/2021    **In control:** City Council  
**On agenda:** 11/9/2021    **Final action:**  
**Title:** Consider Minutes of Regular City Council Meeting of October 19, 2021.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		

**City of Killeen**  
City Council Meeting  
Killeen City Hall  
October 19, 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 Cole.

Councilmember Brown gave the invocation. Councilmember Boyd 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**

No one signed up to speak.

**Consent Agenda**

**MN-21-023** Consider Minutes of Regular City Council Meeting of September 14, 2021.

**RS-21-127** Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for fiscal year 2022.

**RS-21-128** Consider a memorandum/resolution awarding Request for Proposal 21-04 for copier lease services to Kirbo's for a 60-month term in the amount of \$405,896.  
**(AGENDA ITEM REMOVED FROM CONSENT AGENDA)**

**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.

*Motion was made by Mayor Pro Tem Nash-King to approve the consent agenda removing RS-21-128 for separate consideration. Motion was seconded by Councilmember Brown. Motion carried unanimously.*

**RS-21-128** Consider a memorandum/resolution awarding Request for Proposal 21-04 for copier lease services to Kirbo's for a 60-month term in the amount of \$405,896. Mr. Jon Locke, Executive Director of Finance was available to answer questions and to provide additional information.

*Motion was made by Councilmember Brown to approve RS-21-128. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Mayor Pro Tem Nash-King, seconded by Councilmember Brown, and unanimously approved, the meeting was adjourned at 5:09 p.m.



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-21-137	<b>Version:</b>	1	<b>Name:</b>	Solid Waste Containers
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	9/20/2021	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/9/2021	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution authorizing the purchase of residential solid waste containers from Toter, LLC through the OMNIA cooperative and commercial containers from Wastequip, LLC through the BuyBoard cooperative in an amount not to exceed \$222,000.				
<b>Sponsors:</b>	Solid Waste, Public Works Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Contracts</a> <a href="#">Certificate of Interested Parties</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		





## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Jeffery Reynolds, Executive Director of Public Works

**SUBJECT:** Solid Waste Container Purchase

### **BACKGROUND AND FINDINGS:**

The City of Killeen's municipal solid waste systems, both residential and commercial, are container dependent. Citizens are issued a rollout container(s) that best fits the disposal needs of the household. Citizens have the choice of a 32, 64, or 96-gallon container, or a combination of these sizes, and pay a monthly disposal fee based on the size/volume and quantity of the containers selected. Commercial businesses are issued containers of various sizes depending on their need, and pay fees established by Division 6, Chapter 24 of the City of Killeen Code of Ordinances.

Solid Waste is required to have an inventory of containers in stock to accommodate the normal growth of the city and replace lost or damaged containers.

Residential containers are available for purchase through cooperatives such as Buyboard and OMNIA. The supplier for all residential containers in the City's inventory has historically been the manufacturer Toter, LLC. Residential containers are quoted and purchased through Toter, LLC OMNIA contract No. 171717. The continued purchase of containers from Toter, LLC for resupply of the inventory has four distinct advantages:

- The purchase of rollout containers that are compatible with the City's current rate structure is necessary as the rate structure is based on the size/volume of container (96, 64, and 32 gallons);
- The continued standardization of the City's container and parts inventory decreases administration costs and funds required for replacement parts, such as lids, wheels, and mounting hardware;
- A delivery time of 6-8 weeks after placing the order provides for just-in-time inventory; and
- Additionally, there are no additional setup costs for the City logo, serial numbers, and hot stamped instructions for the user.

Purchases for commercial containers, such as metal dumpsters and roll-offs, are historically completed through the Buyboard cooperative utilizing Wastequip, LLC Buyboard contract no. 599-19. Purchases are made in truckload quantities, which provide the best unit price. Prices are subject to change due to fluctuating costs for steel and fuel.

### **THE ALTERNATIVES CONSIDERED:**

1. Do nothing, which would cause a shortage in replacement carts and dumpsters.

2. Authorize purchase of residential and commercial containers, allowing Solid Waste to stock the containers needed to provide service to customers.

**Which alternative is recommended? Why?**

Alternative two is recommended to meet the department's mission and allow Solid Waste to continue providing the containers necessary to serve our customers.

**CONFORMITY TO CITY POLICY:**

Purchases for containers, metal dumpsters and roll-out containers are historically completed through a purchasing cooperative. Purchases made through a cooperative contract are exempt from the competitive bidding process as stated in Texas Local Government Code (TLGC) section 271.102, subchapter F; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

**FINANCIAL IMPACT:**

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

Funds are allocated in the FY22 solid waste annual budget in the amount of \$222,000 for the purchase of residential containers and commercial containers.

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

Recurring

**Is this expenditure budgeted?**

Yes, funds are available in the following Solid Waste Fund accounts:

540-3460-439.46-73	Replacement Carts/Dumpsters	\$73,000
540-3460-439.46-74	New Carts/Dumpsters	\$47,000
540-3465-439.46-73	Replacement Carts/Dumpsters	\$60,000
540-3465-439.46-74	New Carts/Dumpsters	\$42,000

**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:**

Authorize the City Manager or his designee to procure residential solid waste containers from Toter LLC, through OMNIA cooperative contract no. 171717 and commercial containers from Wastequip, LLC, through BuyBoard cooperative contract no. 599-19, in an amount not to exceed \$222,000.

**DEPARTMENTAL CLEARANCES:**

Public Works  
Finance  
City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

Contracts  
Certificates of Interested Parties



## Vendor Contract Information Summary

Vendor Name	Wastequip Mfg. Co. LLC
Contact	Mayra Jenkins
Phone Number	8004240422
Email	mjenkins@wastequip.com
Website	www.wastequip.com
Federal ID	22-3191624
Accepts RFQs	Yes
Address Line 1	841 Meacham Road
Vendor City	Statesville
Vendor Zip	28677
Vendor State	NC
Vendor Country	USA
Delivery Days	30
Freight Terms	FOB Destination
Payment Terms	Net 30 days
Shipping Terms	Pre-paid and added to invoice
Ship Via	Common Carrier
Is Designated Dealer	No
EDGAR Forms Received	Yes
Service-Disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
Is National	Yes
No Excluded Foreign Terrorist Orgs	Yes
No Israel Boycott Certificate	Yes
Is MWBE	No
Regions Served	All Texas Regions
States Served	All States
Contract Name	Refuse Bodies, Trailers, and Other Bodies
Contract #	599-19
Effective Date	12/01/2019
Expiration Date	11/30/2022
Service Fee Note	Vehicle purchase orders are subject to a \$400 service fee
Quote Reference Number	599-19
Additional Info	null



## 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.

DocuSigned by:  
Larry Harvey  
Signature

Larry Harvey  
Printed Name

10-11-2021  
Date

Wastequip Manufacturing Company LLC  
Company Name

VP-Finance Operations  
Title



EXPERIENCED \* FOCUSED \* TRUSTED

Refuse and Recycling Container Solutions and Related Products, Equipment and Services  
Executive Summary

**Lead Agency:** City of Tucson, AZ

**Solicitation:** #171717

**RFP Issued:** June 23, 2017

**Pre-Proposal Date:** July 6, 2017

**Response Due Date:** July 24, 2017

**Proposals Received:** 2

**Awarded to:** Toter, LLC

The City of Tucson, AZ Department of Procurement issued RFP #171717 on June 23, 2017, to establish a national cooperative contract for Refuse and Recycling Container Solutions and Related Products, Equipment and Services.

The solicitation included cooperative purchasing language in the Introduction and Special Terms and Conditions sections of the RFP.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- City of Tucson, AZ website
- National IPA website
- USA Today, nationwide
- Arizona Business Gazette, AZ
- San Bernardino Sun, CA
- Honolulu Star-Advertiser, HI
- The Herald News, IL
- The Advocate – New Orleans, LA
- New Jersey Herald, NJ
- Times Union, NY
- Daily Journal of Commerce, OR
- The State, SC
- Houston Community Newspapers, Cy Creek Mirror, TX
- Deseret News, UT
- Richmond Times, VA
- Seattle Daily Journal of Commerce, WA
- Helena Independent Record, MT

On July 24, 2017 proposals were received from the following offerors:



- Toter, LLC
- IPL Inc.

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee elected to enter into negotiations with Toter, LLC and proceeding with contract award upon successful completion of negotiations.

The City of Tucson, AZ, National IPA and Toter, LLC successfully negotiated a contract and the City of Tucson executed the agreement with a contract effective date of October 31, 2017.

Contract includes:

Term:

Initial one year agreement from February 1, 2018 through January 31, 2019 with the option to renew for four (4) additional one-year periods through January 31, 2023.

Pricing/Discount:

- The City of Tucson, AZ award includes a broad menu of options so that each participating agency may customize their carts for the particular needs of their community. Therefore, each project MUST be priced individually. A Toter representative will work with each individual agency to identify the requirements and review the options available to meet those requirements.
- For additional information, please contact your local Toter representative or contact Toter Municipal Sales Division Customer Service at 800-424-0422.

National IPA Web Landing Pages:

<http://www.nationalipa.org/Pages/Contracts-search.aspx?k=toter>

# CONTRACT AMENDMENT

CITY OF TUCSON BUSINESS SERVICES DEPARTMENT  
255 W. ALAMEDA, 6<sup>th</sup> FLOOR, TUCSON, AZ 85701  
P.O. BOX 27210, TUCSON, AZ 85726-7210  
PHONE: (520) 837-4134 / FAX: (520) 791-4735  
[Cynthia.Thompson@tucsonaz.gov](mailto:Cynthia.Thompson@tucsonaz.gov)  
ISSUE DATE: October 20, 2020

**CONTRACT NO: 171717-01**  
CONTRACT AMENDMENT NO.: FOURTEEN (14)  
PAGE 1 of 1  
CT  
SENIOR CONTRACT OFFICER: CYNTHIA THOMPSON, CPPB

## REFUSE & RECYCLING CONTAINER SOLUTIONS AND RELATED PRODUCTS, EQUIPMENT, AND SERVICES

THIS CONTRACT IS AMENDED AS FOLLOWS:

### ITEM ONE (1): RENEWAL

Pursuant to Paragraph 7 (Term and Renewal) of the Special Terms and conditions section, the City is hereby exercising its option to renew the contract for the period of **February 1, 2021 through January 31, 2022.**

### ITEM TWO (2): PRICE ADJUSTMENT

Pursuant to Paragraph 3 (Price Adjustment) of the Special Terms and Conditions section, as revised by Amendment Five (5), Groups I, II, and III are hereby adjusted per the attached Toter Price List, with an effective date of **November 1, 2020 through January 31, 2021.**

**ALL OTHER PROVISIONS OF THE CONTRACT SHALL REMAIN IN THEIR ENTIRETY.**

**CONTRACTOR: TOTER, LLC**

CONTRACTOR HEREBY ACKNOWLEDGES RECEIPT OF  
AND UNDERSTANDING OF THE ABOVE AMENDMENT

 October 27, 2020  
Signature of person authorized to sign Date

Laura P. Hubbard, Director of Municipal Services  
Name and Title (typed or printed legibly)

Toter, LLC  
Company Name

841 Meacham Road  
Address

lhubbard@wastequip.com  
Email Address

Statesville, NC 28677  
City State Zip

\_\_\_\_\_  
Contact information for Sales/Account Representative  
for daily business operations:

Kellie K. Clark, Sr. Manger of Bids and Contracts  
Name and Title (typed or printed legibly)

800-424-0422, Ext 09584  
Phone Number

kclark@toter.com  
Email Address

**CITY OF TUCSON:**

THE ABOVE REFERENCED CONTRACT AMENDMENT  
IS HEREBY EXECUTED THIS 27th DAY  
OF October, 2020, AT TUCSON, ARIZONA.  
Dan Longanecker for  
as Director of Business Services and not personally



# CONTRACT AMENDMENT

CITY OF TUCSON BUSINESS SERVICES DEPARTMENT  
255 W. ALAMEDA, 6<sup>th</sup> FLOOR, TUCSON, AZ 85701  
P.O. BOX 27210, TUCSON, AZ 85726-7210  
PHONE: (520) 837-4134 / FAX: (520) 791-4735  
[Cynthia.Thompson@tucsonaz.gov](mailto:Cynthia.Thompson@tucsonaz.gov)  
ISSUE DATE: July 30, 2021

**CONTRACT NO: 171717-01**  
CONTRACT AMENDMENT NO.: SEVENTEEN (17)  
PAGE 1 of 1  
CT  
CONTRACT OFFICER: CYNTHIA THOMPSON, NIGP-CPP, CPPB

## REFUSE & RECYCLING CONTAINER SOLUTIONS AND RELATED PRODUCTS, EQUIPMENT, AND SERVICES

THIS CONTRACT IS AMENDED AS FOLLOWS:

### ITEM ONE (1): PRICE ADJUSTMENT

Pursuant to Paragraph 3 (Price Adjustment) of the Special Terms and Conditions section, as revised by Amendment Five (5), Groups I, II, and III are hereby adjusted per the attached Toter Price List, with an effective date of **August 1, 2021 through October 31, 2021**.

**ALL OTHER PROVISIONS OF THE CONTRACT SHALL REMAIN IN THEIR ENTIRETY.**

**CONTRACTOR: TOTER, LLC**

CONTRACTOR HEREBY ACKNOWLEDGES RECEIPT OF  
AND UNDERSTANDING OF THE ABOVE AMENDMENT

 7/30/2021  
Signature of person authorized to sign Date

Laura P. Hubbard, Director of Municipal Sales  
Name and Title (typed or printed legibly)

Toter, LLC  
Company Name

841 Meacham Road  
Address

lhubbard@wastequip.com  
Email Address

Statesville North Carolina 28677  
City State Zip


Contact information for Sales/Account Representative  
for daily business operations:

Kellie K. Clark, Sr. Manager, Bids and Contracts  
Name and Title (typed or printed legibly)

704-768-2584  
Phone Number

kclark@toter.com  
Email Address

**CITY OF TUCSON:**

THE ABOVE REFERENCED CONTRACT AMENDMENT  
IS HEREBY EXECUTED THIS 30th DAY  
OF July, 2021, AT TUCSON, ARIZONA.  
 for  
as Director of Business Services and not personally



## 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.

Laura Hubbard  
Signature

Laura P. Hubbard  
Printed Name

October 6, 2021  
Date

Toter, LLC  
Company Name

Director of Municipal Sales  
Title

**CERTIFICATE OF INTERESTED PARTIES****FORM 1295**

1 of 1

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

**OFFICE USE ONLY  
CERTIFICATION OF FILING**

**Certificate Number:**  
 2020-669661

**Date Filed:**  
 09/21/2020

**Date Acknowledged:**

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

Wastequip Manufacturing Co LLC  
 Charlotte, NC United States

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

City of Killeen, Texas

**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.**

Buy Board Contract No.599-19  
 Furnish waste handling equipment with related parts and accessories.

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**

May 20, 1982

My name is William Houser, and my date of birth is \_\_\_\_\_.

My address is 6525 Morrison Blvd, Ste 300, Charlotte, NC, 28211, USA.  
 (street) (city) (state) (zip code) (country)

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

Executed in Mecklenburg County, State of NC, on the 21 day of September, 2020.  
 (month) (year)

DocuSigned by:

*Bill Houser*

Signature of authorized agent of contracting business entity  
 (Declarant)





# FY 2022 SOLID WASTE CONTAINER PURCHASE

TMP-21-137

November 2, 2021

# Background

2

- ❑ Solid Waste customers are charged a monthly fee based on the size and number of containers utilized
- ❑ Solid Waste Container Shop maintains an inventory of containers and parts needed to accommodate normal growth and to replace lost or damaged containers
- ❑ Quotes obtained through the state of Texas Buyboard and Omnia cooperative purchase agreements
  - ❑ Wastequip
  - ❑ Toter

# Background cont.

3

- Funds are allocated in the current fiscal year budget in the amount of \$222,000



## 4

### Residential Containers 32G, 64G, and 96G

- Average of 1,750 new accounts each year
- Approximately 3,150 residential containers are purchased each fiscal year from Toter, Inc.





5

## 8 CY Dumpster Before and After Refurbishment

- Dumpsters have a lifespan of 4-6 years; can be refurbished once, doubling the lifespan to 8-12 years
- Wastequip is selected for commercial containers

# Alternatives

6

- ❑ Do nothing; this would cause a shortage in replacement containers and dumpsters
- ❑ Authorize the purchase of residential and commercial containers from Toter, Inc. and Wastequip

# Recommendation

7

- Authorize the City Manager, or designee, to procure residential solid waste containers from Toter, Inc. and commercial containers from Wastequip in an amount not to exceed \$222,000



# City of Killeen

## Legislation Details

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**File #:** RS-21-138      **Version:** 1      **Name:** Sewer Line Rehab Phase 5  
**Type:** Resolution      **Status:** Resolutions  
**File created:** 9/23/2021      **In control:** City Council  
**On agenda:** 11/9/2021      **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the award of a construction contract for the Sewer Line Rehabilitation Phase 5 project to Insituform Technologies, LLC through the Texas BuyBoard Cooperative in the amount of \$229,450.  
**Sponsors:** Public Works Department, Water & Sewer  
**Indexes:** Sewer Line Rehabilitation Phase 5 Project  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Proposal](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Jeffrey Reynolds, Executive Director of Public Works

**SUBJECT:** Authorize the Award of a Construction Contract to Insituform Technologies, LLC to Construct the Sewer Line Rehabilitation Phase 5 Project

### **BACKGROUND AND FINDINGS:**

In November 2011, the City of Killeen voluntarily entered a ten-year Sanitary Sewer Overflow (SSO) Initiative Agreement with the Texas Commission on Environmental Quality (TCEQ). The agreement with the TCEQ requires the City to follow an SSO Initiative Action Plan in which the City's entire sanitary sewer collection system is evaluated and defects are rehabilitated over a 10-year period. The action plan includes five (5) phases of Sanitary Sewer Evaluation Survey (SSES) in which 595 miles of sewer main and 8,142 manholes are evaluated. In Phases 1-4 of the SSO Initiative Action Plan, 1,410 manholes and 44,742-feet of sewer main were rehabilitated. Phase 5 of the SSO Initiative Action Plan, which will complete the City's SSOI Agreement with the TCEQ, consists of the rehabilitation of 28 manholes and 607-feet of sewer main.

City staff petitioned Insituform Technologies and Vortex Lining Systems for a BuyBoard proposal to rehabilitate twenty-eight (28) manholes on a large sewer line that extends between Featherline Road and East Trimmier Road. Both companies are approved by the State of Texas BuyBoard for the geopolymer manhole coating technique required for the extreme corrosion in these manholes. On September 10, 2021 these companies submitted the following BuyBoard proposals:

COMPANY	PROPOSAL
Insituform Technologies	\$229,450.00
Vortex Lining Systems	\$236,114.38

The success of the City's ten-year SSO Initiative Action Plan has been outstanding with a reduction in sanitary sewer overflows from seventy-eight (78) in 2011 to eight (8) in 2020. It has also cost \$8 million less than the original \$19.7 million estimate.

### **THE ALTERNATIVES CONSIDERED:**

- (1) Delay the construction of this project; this may result in a catastrophic failure of a large sewer main.
- (2) Reject both proposals and use a different procurement process for this project.
- (3) Authorize the award of a construction contract to Insituform Technologies in the amount of \$229,450 through Buyboard Cooperative Contract #635-21.

**Which alternative is recommended? Why?**

Alternative three (3) is recommended because:

- (1) Insituform Technologies has extensive experience with the rehabilitation of manholes, especially using geopolymer coating.
- (2) Insituform Technologies has done very good work in the construction of four (4) other City sewer line rehabilitation projects.

**CONFORMITY TO CITY POLICY:**

Purchases made through a cooperative contract are exempt from the competitive bidding process as stated in Texas Local Government Code (TLGC) section 271.102, subchapter F; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

**FINANCIAL IMPACT:**

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

Funds are allocated in the FY22 budget in the amount of \$229,450.

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

One-time

**Is this expenditure budgeted?**

Yes, funds are available in Water & Sewer CIP Fund, account 387-8934-493.69-03.

**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:**

Authorize the City Manager or designee to enter into a construction contract with Insituform Technologies, LLC, through Buyboard Cooperative Contract #635-21, for the construction of the Sewer Line Rehabilitation Phase 5 Project in the amount of \$229,450, and that the City Manager, or designee, is expressly authorized to execute any and all change orders within the amounts set by State and Local law.

**DEPARTMENTAL CLEARANCES:**

Public Works  
Finance

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Proposal

Certificate of Interested Parties



17988 Edison Ave.  
Chesterfield, Mo  
63005

Tel: (713) 845-3002  
Fax: (713) 980-0782  
www.insituform.com

September 10, 2021

AAJA-ZN4D89

## **Buyboard Proposal**

**Mr. Steve Kana, P.E.**  
**Director of Water & Sewer Utilities**  
City of Killeen (Owner)  
805 W. Jasper  
Killeen, Tx 76542

**Project Name: City of Killeen, Tx – Sewer Manhole Rehabilitation 2021  
Preparation and Installation of GeoSpray Geopolymer**

**Insituform Technologies, LLC.** (Insituform) herein proposes to furnish all labor, materials, equipment, and services for accomplishing the referenced task (as described in the project location maps presented by the Owner) utilizing The Local Government Purchasing Cooperative Contract #635-21 administered through the BuyBoard.

### **Assumptions and Qualifications**

Water shall be provided at no cost to Insituform for all construction phases of this project. Insituform will follow all required deposit, backflow prevention, and metering procedures. This proposal provides for the removal of debris from the manholes during wall preparation, a container and for the disposal of debris.

Insituform has provided a pay item herein for the Payment and Performance Bond. An appropriate Certificate of Insurance shall be provided following acceptance of this proposal.

The pricing in this proposal assumes that all Technical Specifications set forth by the BuyBoard will be strictly adhered to. Any changes to these specifications must be noted and agreed upon by both parties prior to finalizing the proposal pricing.

### **Proposal Terms and Conditions**

Terms and Conditions from The Local Government Purchasing Cooperative Contract are available upon request from the BuyBoard. Any changes to these conditions must be noted and agreed upon by both parties.

### **Proposal Pricing**

	Killeen, Tx - Manhole Rehabilitation 2021				
Item	Description	Unit	Quan.	Unit Price	Extended
1	Mobilization	EA	1	\$ 7,350.00	\$ 7,350.00
2	Manhole Rehabilitation - modified polymer (per 1" thickness Geopolymer)	SF	9,100	\$ 23.55	\$ 214,305.00
3	Manhole Bench Rebuild	EA	4	\$ 580.00	\$ 2,320.00
4	Injection grouting in MH	Gal	5	\$ 315.00	\$ 1,575.00
5	Traffic Control	Day	3	\$ 800.00	\$ 2,400.00
6	P & P Bond	LS	1	\$ 1,500.00	\$ 1,500.00
					\$ 229,450.00



**Offered By:**

**Accepted By:**

**INSITUFORM TECHNOLOGIES, LLC.**

**CITY OF KILLEEN, TX**



**TIM NAYLOR**  
**512-677-8732**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**NAME**

\_\_\_\_\_  
**TITLE**

This accepted proposal constitutes a formal agreement. If you initiate a purchase order or other contract document, it shall not be acknowledged without this accepted proposal as an attachment.



### Contract Verification

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

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

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

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

Signature

Gina Gurrieri  
Printed Name

09/16/2021  
Date

Insituform Technologies, LLC  
Company Name

Contracting & Attesting Officer  
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.

Insituform Technologies, LLC  
Chesterfield, MO United States

Certificate Number:  
2021-802420

Date Filed:  
09/15/2021

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.

635-21  
Sewer Manhole Rehabilitation 2021

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Morris, David	Chesterfield, MO United States	X	
	Tullman, Robert	Chesterfield, MO United States	X	

5 Check only if there is NO Interested Party.

☐

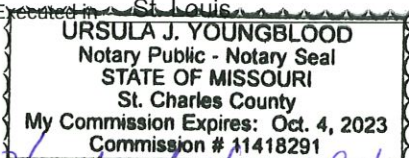
### 6 UNSWORN DECLARATION

My name is Gina Gurrieri, and my date of birth is NA.

My address is 17988 Edison Avenue, Chesterfield, MO, 63005, USA.  
(street) (city) (state) (zip code) (country)

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

Executed in St. Louis County, State of Missouri, on the 15 day of September 2021.  
(month) (year)



*Gina Gurrieri*

Signature of authorized agent of contracting business entity  
(Declarant)



## AWARD CONSTRUCTION CONTRACT FOR THE SEWER LINE REHABILITATION PHASE 5 PROJECT

TMP-21-138

November 2, 2021

# Background and Findings

- In November 2011, the City voluntarily entered a ten-year Sanitary Sewer Overflow Initiative (SSOI) Agreement with the Texas Commission on Environmental Quality (TCEQ), which was comprised of a five (5) phase action plan.
- The City's SSOI Action Plan included an evaluation of the entire sewer collection system to identify any defects and recommendations for rehabilitation with an original estimated cost of \$19.7 million.
- To date; 44,742 feet of sewer main and 1,410 manholes have been rehabilitated at a cost of \$12 million; a cost savings of \$8 million from the original estimate.

# Background and Findings

3

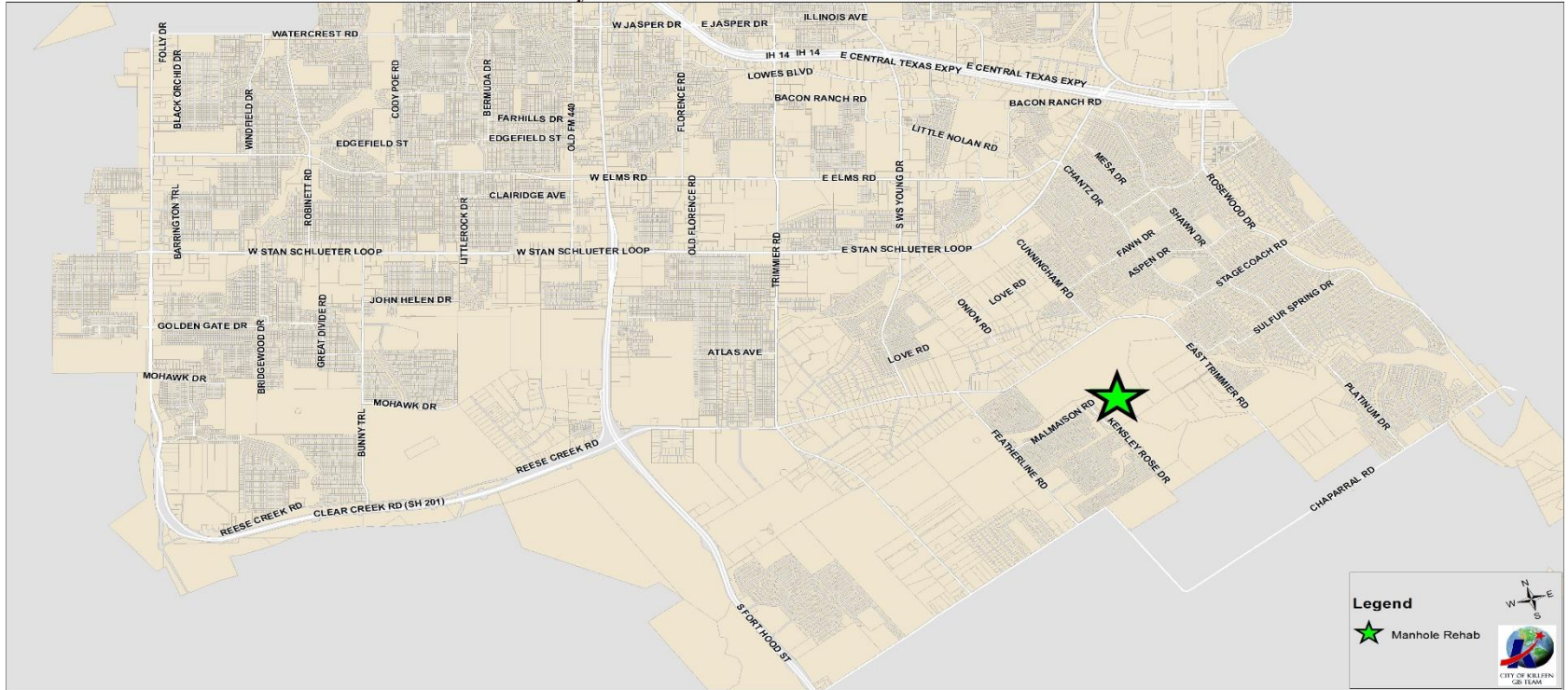
- ❑ The success of this program has been outstanding, with a reduction in sanitary sewer overflows from 78 in 2011 to 8 in 2020.
- ❑ City Staff petitioned two companies approved by the State of Texas BuyBoard to submit a proposal for this project.
- ❑ On September 10, 2021, the following proposals were received:
  - Insituform Technologies      \$229,450
  - Vortex Lining Systems      \$236,114



# Rehabilitation Phase 5 Location

4

City Of Killeen - Manhole Rehab Location



## 5

## City Of Killeen - Wastewater Collection System Manhole Rehab





# Alternatives

6

- ❑ Delay this project, which could result in a catastrophic failure of a large sewer main.
- ❑ Reject both proposals and use a different procurement process for this project.
- ❑ Authorize the award of a construction contract to Insituform Technologies in an amount not to exceed \$229,450.

# Recommendation

7

- Authorize the City Manager, or designee, to enter into a construction contract with Insituform Technologies for the construction of the Sewer Line Rehabilitation Phase 5 Project in the amount of \$229,450 and execute all change orders within the amounts set by State and Local law.



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-21-139	<b>Version:</b>	1	<b>Name:</b>	Vet Services RFP
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	10/8/2021	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/9/2021	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution awarding RFP 21-35 for contracted veterinary services to Texas Humane Heroes in an amount not to exceed \$97,500.				
<b>Sponsors:</b>	Animal Services, Recreation Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Evaluation Matrix</a> <a href="#">Agreement</a> <a href="#">Certificate of Interested Parties</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Joseph W. Brown, Executive Director of Recreation Services

**SUBJECT:** Awarding RFP 21-35 for Veterinary Services

### **BACKGROUND AND FINDINGS:**

The City of Killeen created RFP 21-35 seeking proposals from qualified veterinarians to provide veterinary services that include spay and neuter surgery. Recreation Services (RS) advertised RFP 21-35 for contracted veterinary services for the Killeen Animal Services (KAS) department. KAS intakes on a 5-year average, roughly 3,661 animals annually. On average, 1,928 of these animals are adopted and need sterilization (Our paramount goal here is to make these sterilizations prior to adoption). In FY 20-21 KAS was able to spay and neuter 762 animals before adoption. With this agreement, KAS will be able to sterilize nearly 1,300 animals. It is the goal of KAS to increase this number each year based on the adopted budget, coupled with our ability to apply for and receive the Petco grant. KAS received \$300,000 in Petco monies that will be distributed over 3 years at increments of \$100,000. The initial term of the agreement will be a one (1) year term with up to four (4) one-year renewals. Any price increases when renewing the agreement must be submitted to RS one hundred and twenty (120) days prior to renewal.

RS advertised RFP 21-35 (Veterinary Services) on July 11<sup>th</sup> and July 18<sup>th</sup>, 2021. We received responses from Texas Humane Heroes and El Centro Pet Medical Center.

The rating scale was as follows:

- ☐ Cost of Services - Maximum 30 points
- ☐ Capacity to Deliver Services - Maximum 30 points
- ☐ Experience & Qualifications - Maximum 30 points
- ☐ References - Maximum 10 points
- ☐ TOTAL - 100 points

A panel of four (4) staff members rated each proposal for a possible overall total of 400 points. Texas Humane Heroes rated a 358 and El Centro Pet Medical Center rated a 226.

### **THE ALTERNATIVES CONSIDERED:**

Option 1 - Not accept either of the responses and continue to seek qualified veterinarians

Option 2 - Approve the bid from Texas Humane Heroes and enter into an agreement

**Which alternative is recommended? Why?**

Recreation Services staff recommends City Council approve the contract bid from Texas Humane Heroes and enter into the initial agreement. The approval of this contracted agreement will allow KAS and the City of Killeen to acquire the lowest responsible price for veterinary services.

**CONFORMITY TO CITY POLICY:**

This RFP and the selection of the veterinarian services satisfies the competitive bid requirements and conforms to City Policy and all applicable state and local laws.

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

The fiscal impact for FY21-22 would not exceed \$97,500 for the cost of contracted services. The fiscal impact of future years will continue to not exceed \$97,500 per year, dependent upon the approved/adopted budget, price increases, and the demand.

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

This will be a recurring expenditure, dependent upon approved adopted budget.

**Is this expenditure budgeted?**

Yes, funds are available in the Animal Services Donations Fund, Veterinary Services account 247-3070-428.47-04.

**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:**

Recreation Services staff recommends City Council award RFP 21-35 for contracted veterinary services to Texas Humane Heroes in an amount not to exceed \$97,500 in FY 22 and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law.

**DEPARTMENTAL CLEARANCES:**

Legal  
Purchasing  
Finance

**ATTACHED SUPPORTING DOCUMENTS:**

Evaluation Matrix

Agreement

Certificate of Interested Parties

Final Evaluation Matrix			
RFP 21-35 Veterinary Services			
<b>Directions:</b> Score each category, per vendor. Possible points is the max amount the vendor can receive per category. Total possible points equals 100 per evaluator.			
Vendors:		El Centro Pet Medical Center	Texas Humane Heros
Category	Possible Points		
Evaluator 1	100	52	95
Evaluator 2	100	51	90
Evaluator 3	100	63	90
Evaluator 4	100	60	83
Total Score:	400	226	358

Evaluator Name Printed: \_\_\_\_\_

Evaluator Name Signature: \_\_\_\_\_

Department/Division: \_\_\_\_\_

**CITY OF**  
**KILLEEN**

**STANDARD PROFESSIONAL SERVICES AGREEMENT**

**THE STATE OF TEXAS   §**  
  §  
**BELL COUNTY           §**

This Professional Services Agreement ("Agreement") is made and entered by and between the City of Killeen, Texas, (the "City") a Texas municipality, and Texas Humane Heroes, Killeen & Leander, Texas ("Professional").

**Section 1. TERM AND DURATION.**

This Agreement shall become effective MONTH DATE, YEAR and shall remain in effect for one year, ending in MONTH DATE, YEAR, unless terminated as provided for in this Agreement. If Professional is not in default of the terms hereunder, the Agreement shall automatically extend for one (1) more year unless either Party to the Agreement gives the other Party ninety (90) days written notice prior to the expiration of the initial term or corresponding successive term, as applicable. Additionally, Professional shall provide the City, in writing, any price increases at least one hundred and twenty (120) days prior to a potential renewal of this Agreement.

**Section 2. RESPONSIBILITIES OF THE PARTIES.**

**2.1 Professional Shall:**

2.1.1. Perform canine and feline spay and neuter services (collectively referred to herein as "Services") as described in Exhibit "A" which is attached and incorporated into this Agreement.

2.1.2. Maintain a consistent schedule for the days and times listed below, when the City will bring the animals to Professional for Services:

Monday	9:00 AM to 3:00 PM
Tuesday	9:00 AM to 3:00 PM
Wednesday	9:00 AM to 3:00 PM
Thursday	9:00 AM to 3:00 PM
Friday	9:00 AM to 3:00 PM

2.1.3. Implant animal with a microchip provided by the City, at no cost to the City, so long as microchipping is completed in conjunction with another Service.

2.1.4. Use a pre-sterilization roaster to approve the quantity of animals at least seven (7) days in advance of animal receiving Services.

2.1.5. Perform the Services with the professional skill and care ordinarily provided by competent Professionals practicing in the same or similar locality and under the same or similar circumstances and professional license, and as expeditiously as is prudent considering the ordinary professional skill and care of a competent Professional holding the same professional license.



2.1.6. The Professional shall perform its Services in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.

## **2.2. The City Shall:**

2.2.1. Ensure that all canines and felines that require Services are brought to Professional's place of business, located at 5501 South Clear Creek Road, Killeen, TX 76549 and at the times and days listed below:

Monday	9:00 AM to 3:00 PM
Tuesday	9:00 AM to 3:00 PM
Wednesday	9:00 AM to 3:00 PM
Thursday	9:00 AM to 3:00 PM
Friday	9:00 AM to 3:00 PM

2.2.2. Ensure that all animals scheduled for Services are fasted, meaning no food or water, after 10:00 PM the night prior to the Service being performed.

2.2.3. Use a pre-sterilization roaster to approve the quantity of animals at least seven (7) days in advance of animal receiving Services.

## **Section 3. COMPENSATION.**

3.1.1. The Professional shall be paid for each animal receiving services according to the amounts set forth in Exhibit "A" and as provided herein.

3.1.2. *Billing Period:* The Professional may submit monthly, or less frequently, an invoice to the Executive Director of recreational Services for payment. Subject to Chapter 2251, Texas Government Code (the "Prompt Payment Act"), payment is due within thirty (30) days of the City's receipt of the Professional's invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act.

## **Section 4. ADDITIONAL WORK.**

4.1.1. Additional Work is work that, in the Professional's opinion, is beyond that which is contemplated by the provisions in Exhibit "A". If Additional Work is necessary, the Professional shall promptly notify the City, in writing. If the City agrees that such work does constitute Additional Work, then the City and the Professional shall execute a supplement agreement for the Additional Work and the City shall compensate the Professional for the Additional Work. The City retains the right to make changes to Exhibit "A" at any time by a written amendment. Work that is clearly not within the provisions of Exhibit "A" and does not otherwise constitute as miscellaneous fees in Exhibit "A," must be approved in writing by the City by supplemental agreement before the Additional Work is undertaken by the Professional. Any Additional Work provided by Professional that was not previously approved as Additional Work shall be at the risk

of the Professional.

## **Section 5. TIME OF COMPLETION.**

5.1.1. The prompt completion of Services listed in Exhibit “A” is critical to the efficient operation of this Agreement between the Parties. Unnecessary delays in providing Services under this Agreement shall constitute a breach of contract and shall be grounds for termination of this Agreement without any further liability to the City, other than a prorated payment for necessary, timely, and conforming work done by Professional prior to the time of termination.

## **Section 6. INSURANCE.**

6.1.1. Professional shall keep insurance in full force and effect, during the terms of this Agreement, in the following types and minimum amounts and shall furnish to City a copy of the same:

<u>TYPE</u>	<u>MINIMUM AMOUNTS</u>
Workers Compensation	Statutory
General Liability,	\$1,000,000 per occurrence
Fire insurance	\$1,000,000 per occurrence
Premises and Operations	\$1,000,000 aggregate
Personal bodily Injury	\$1,000,000 per person per occurrence
Property Damage	\$100,000 per occurrence
Automobile	\$1,000,000 per person per occurrence

## **Section 7. MISCELLANEOUS PROVISIONS.**

7.1.1. *Subletting.* The Professional shall not sublet or transfer any portion of the Services to which Professional is contracted to perform under this Agreement or which is listed in Exhibit “A”, unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work.

7.1.2. *Compliance with Laws.* The Professional shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Professional shall furnish the City with satisfactory proof of compliance.

7.1.3. *Independent Contractor.* Professional acknowledges that Professional is an independent contractor of the City and is not an employee, agent, official or representative of the City. Professional shall not represent, either expressly or through implication, that Professional is an employee, agent, official or representative of the City. Income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Professional.

7.1.4. *Non-Collusion.* Professional represents and warrants that Professional has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Agreement. Professional further agrees that Professional shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City pursuant to this Agreement) for any of the services performed by Professional under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Professional, Professional shall immediately report that fact to the City and at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Professional under or pursuant to this Agreement.

7.1.5. *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [including but not limited to severe rain storms below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities, including pandemics shut downs), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing force majeure events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to notify the other party of the occurrence of a force majeure event causing such delay and the other party shall not otherwise be aware of such force majeure event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.

7.1.6. *Conflicts.* In the case of any conflicts between the terms of this Agreement and wording contained within Exhibit “A”, this Agreement shall govern. Exhibit “A” is intended to detail the Professional’s operation schedule, the Party’s fee schedule, and details pertaining to the animals that are receiving Services.

## **Section 8. TERMINATION.**

8.1.1. This Agreement may be terminated:

8.1.2(a). By the mutual agreement and consent of both Professional and City;

8.1.2(b). By either party, upon the failure of the other party to fulfill its obligations as set forth in this Agreement;

8.1.2(c). By the City, immediately upon notice in writing to the Professional, as consequence of the failure of Professional to perform the Services under this Agreement in a timely or satisfactory manner;

8.1.2(d). By the City, at will and without cause, upon not less than thirty (30) days written notice to the Professional.

8.1.2. If the City terminates this Agreement pursuant to Section 5 or subsection 8(A)(2) or (3), above, the Professional shall only be entitled to the fees due for Services already performed at the time of termination

## **Section 9. INDEMNIFICATION.**

Professional shall indemnify, defend and hold harmless the City of Killeen, Texas and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of Services contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a sub- contractor or supplier committed by Professional or Professional's agent, consultant under contract, or another entity over which Professional exercises control (whether active or passive) of Professional or its employees, agents or sub-contractors (collectively referred to as "Professional") (ii) the failure of Professional to comply with any of the paragraphs herein or the failure of Professional to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Professional expressly agrees to indemnify and hold harmless the Indemnitees, or any one of them, from and against all liabilities which may be asserted by an employee or former employee of Professional, or any of its sub- contractors, as provided above, for which Professional's liability to such employee or former employee would otherwise be limited to payments under State Workers' Compensation or similar laws. Nothing herein shall require Professional to indemnify, defend, or hold harmless any Indemnatee for the Indemnatee's own negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement but thereafter so long as any liability could be asserted in regard to any acts or omissions of Professional in performing Services under this Agreement.

For Professional Liability Claims, Professional shall be liable for reasonable defense costs incurred by Indemnitees but only after final adjudication and to the extent and percent that Professional or Professional's agents are found negligent or otherwise at fault. As used in this Agreement, final adjudication includes any negotiated settlement and release of claims, without limitation as to when a negotiated settlement and release of claims occurs.

## **Section 10. NOTICES.**

10.1.1. Any notice required or desired to be given by either Party to this Agreement shall be in writing and shall be deemed to have been served and received only if: (i) delivered in person to the address set forth below; (ii) sent by certified mail, return receipt requested, and addressed to such Party at the address hereinafter specified; or (iii) delivered to such party by courier receipt requested. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's

address for notice.

**Section 11. NO ASSIGNMENT.**

11.1.1. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

**Section 12. SEVERABILITY.**

12.1.1. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

**Section 13. WAIVER.**

13.1.1. Either City or the Professional shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

**Section 14. GOVERNING LAW; VENUE.**

14.1.1. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Bell County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Bell County, Texas.

**Section 15. PARAGRAPH HEADINGS; CONSTRUCTION.**

15.1.1. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both Parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either Party.

**Section 16. BINDING EFFECT.**

16.1.1. Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

**Section 17. COUNTERPARTS.**

17.1.1. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

**Section 18. EXHIBITS.**

18.1.1. All exhibits to this Agreement, and as amended, are incorporated herein by reference for all purposes wherever reference is made to the same.

**Section 19. ENTIRE AGREEMENT.**

19.1.1. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

**Section 20. RELATIONSHIP OF PARTIES.**

20.1.1. Nothing contained in this Agreement shall be deemed or construed by the Parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the Parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the Parties hereto shall be deemed to create any relationship between the Parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

**Section 21. RIGHT TO AUDIT.**

21.1.1. City shall have the right to examine and audit the books and records of Professional with regards to the Services provided by Professional under this Agreement and which are outlined in Exhibit "A", and any subsequent changes to Exhibit "A", at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: (1) the substantiation and accuracy of any payments required to be made under this Agreement; and (2) compliance with the provisions of this Agreement.

**Section 22. DISPUTE RESOLUTION.**



22.1.1. In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the Parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this Agreement, the Parties will first attempt to resolve the dispute by taking the following steps in the order listed below:

22.1.2 (a). A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied Party to the other Party, which notice shall request a written response to be delivered to the dissatisfied Party not less than five (5) days after receipt of the notice of dispute.

22.1.2 (b). If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied Party, the dissatisfied Party shall give notice to that effect to the other Party whereupon each Party shall appoint a person having authority over the activities of the respective Parties who shall promptly meet, in person, in an effort to resolve the dispute.

22.1.2 (c). If those persons cannot or do not resolve the dispute, then the Parties shall each appoint a person from the highest tier of managerial responsibility within each respective Party, who shall then promptly meet, in person, in an effort to resolve the dispute.

**Section 23. DISCLOSURE OF BUSINESS RELATIONSHIPS/AFFILIATIONS; CONFLICT OF INTEREST QUESTIONNAIRE.**

23.1.1. Professional represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

**Section 24. CERTIFICATE OF INTERESTED PARTIES (TEC FORM 1295).**

24.1.1. For contracts needing City Council approval, or any subsequent changes thereto requiring City Council approval, the City may not accept or enter into a contract until it has received from the Professional a completed, signed, and notarized TEC Form 1295 complete with a certificate number assigned by the Texas Ethics Commission ("TEC"), pursuant to Texas Government Code § 2252.908 and the rules promulgated thereunder by the TEC. The Professional understands that failure to provide said form complete with a certificate number assigned by the TEC may prohibit the City from entering into this Agreement. Pursuant to the rules prescribed by the TEC, the TEC Form 1295 must be completed online through the TEC's website, assigned a certificate number, printed, signed and notarized, and provided to the City. The TEC Form 1295 must be provided to the City prior to the award of the contract. The City does not have the ability to verify the information included in a TEC Form 1295 and does not have an obligation or undertake responsibility for advising Professional with respect to the proper completion of the TEC Form 1295.

**Section 25. MANDATORY PROVISIONS : NON-DISCRIMINATION COVENANTS.**

25.1.1. The City of Killeen may not enter into a contract with a company for over one-hundred thousand dollars (\$100,000.00), or a contract which reasonably will be over one-hundred thousand dollars (\$100,000.00), to which public funds are used to wholly or partially pay for goods and services unless the contract contains written verifications from the company that it; (i) does not boycott Israel and will not boycott Israel during the term of the Agreement (Texas Government Code, Chapter 2271); (ii) it does not Boycott energy companies and will not boycott energy companies during the term of the Agreement (Texas Government Code, Chapter 2274) and (iii) it does not have a practice, policy, guidance or directive that discriminates against firearm entities or firearm trade associations and will not

discriminate during the term of the Agreement (Texas Government Code, Chapter 2274). By entering into this Agreement, the Professional hereby verifies that it does not boycott Israel, it does not boycott energy companies, and it does not have a practice, policy, guidance or directive to discriminate against firearm entities or firearm trade associations and Professional agrees that, during the terms of this Agreement, Professional will not boycott Israel, will not boycott energy companies, and will not discriminate against firearm entities or firearm trade associations as those terms are defined in the Texas Government Code, Sections 808, 809 and 2274 respectively and, as amended. Further, the Professional hereby certifies that it is not a company identified under Texas Government Code, Section 2252.152 as a company engaged in business with Iran, Sudan, or Foreign Terrorist Organization.

**EXECUTED** on this the \_\_\_\_\_ day of October 2021.

**CITY:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PROFESSIONAL:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ADDRESS FOR NOTICE:**

**CITY**

City of Killeen, Recreation Services  
1700 E. Stan Schlueter Loop  
Killeen, TX 76542

**PROFESSIONAL**

Texas Humane Heroes  
10930 E. Crystal Falls Pkwy  
Leander, TX 76841

with a copy to:

City Attorney's Office  
101 N. College Street  
Killeen, TX 7654



**Exhibit A**  
**Schedule and Fees**

**I. Professional's Schedule for Services:**

Professional Hours of Operations	
Sunday	Closed
Monday	9:00 AM to 3:00 PM
Tuesday	9:00 AM to 3:00 PM
Wednesday	9:00 AM to 3:00 PM
Thursday	9:00 AM to 3:00 PM
Friday	9:00 AM to 3:00 PM
Saturday	Closed

**II. Animal Description and Associated Fees:**

**A. Spay Surgery**

Canine 0-24 lbs.	\$75.00
Canine 0-24 lbs. with pregnancy/heat	\$75.00
Canine 25-40 lbs.	\$75.00
Canine 25-40 lbs. with pregnancy/heat	\$75.00
Canine 41 – 60 lbs.	\$75.00
Canine 41 – 60 lbs. with pregnancy/heat	\$75.00
Canine 61 lbs. & up	\$75.00
Canine 61 lbs. & up pregnancy/heat	\$75.00
Feline	\$70.00
Feline with pregnancy/heat	\$70.00

**B. Neuter Surgery**

Canine 0-24 lbs.	\$75.00
Canine 0-24 lbs. with cryptorchid	\$75.00
Canine 25-40 lbs.	\$75.00
Canine 25-40 lbs. with cryptorchid	\$75.00
Canine 41 – 60 lbs.	\$75.00
Canine 41 – 60 lbs. with cryptorchid	\$75.00
Canine 61 lbs. & up	\$75.00
Canine 61 lbs. & up cryptorchid	\$75.00
Feline	\$70.00

Feline with cryptorchid	\$70.00
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**III. Miscellaneous Post-Operation Fees:**

E. Collar	\$5.00
24 Hour Pain Meds	Not provided with spay/neuter
3-day pain meds	\$15.00
7-day pain meds	Not provided with spay/neuter




### No Israel Boycott Certification

Texas Government Code, Chapter 2270, provides that a governmental entity – including a city – may not enter into certain contracts with a company for goods or services unless the contract contains a written verification that the company does not boycott Israel and will not boycott Israel during the term of the contract. The verification is specifically required when a governmental entity 1) enters into a contract with a company with ten (10) or more full-time employees, and 2) the contract is valued at \$100,000 or more to be paid wholly or partly from public funds.

“Boycott Israel” is defined in Texas Government Code 808.001 to mean refusing to deal with, terminating business activities with, or taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

By signing below, I verify that the company listed below does not boycott Israel and will not boycott Israel during the term of the contracted entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

  
\_\_\_\_\_  
Signature

Jeff Struchtemeyer  
Printed Name

10.1.2021  
Date

Texas Humane Heroes  
Company Name

CEO  
Title



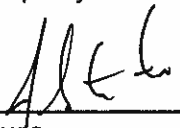
### Contract Verification

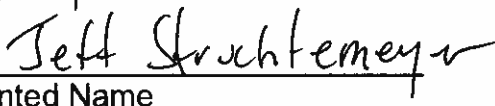
Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company's business dealings.

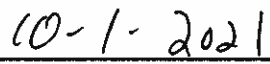
- Texas Government Code, Chapter 2271 – the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. *Boycott Israel is defined in Government Code Chapter 808.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not boycott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

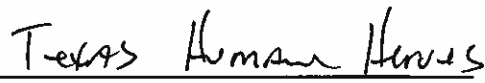
Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, and 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

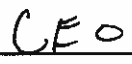
By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify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

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Printed Name

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Company Name

  
\_\_\_\_\_  
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.

Texas Humane Heroes  
LEANDER, TX United States

Certificate Number:  
2021-812974

Date Filed:  
10/14/2021

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.

Vet Services for Killeen Anima  
Provide Vet services for Killeen Animal Services, spay/neuter, wellness, vaccines and other treatments

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 Jett Stauch Lemay, and my date of birth is 8.19.68

My address is 10930 E Crystal Falls Leander TX 78641 US  
(street) (city) (state) (zip code) (country)

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

Executed in Williamson County, State of Texas, on the 19 day of October, 2021.  
(month) (year)

[Signature] CEO  
Signature of authorized agent of contracting business entity  
(Declarant)



APPROVE AN AGREEMENT FOR VETERINARY  
SERVICES THROUGH RFP NO. 21-35

RS-21-139

November 2, 2021

# Background

2

- ❑ KAS (Killeen Animal Services) intakes on 5-year average, 3,661 animals annually. On average, 1,928 of these animals are adopted and need spay/neuter services
- ❑ In FY21 KAS sterilized 762 animals before adoption
- ❑ With this agreement, KAS will be able to sterilize nearly 1,300 animals before adoption

# Background

3

- ❑ The contract will include providing the following services:
  - ▣ Spay surgery
  - ▣ Neuter surgery
- ❑ The initial term of the agreement will be a one (1) year term with up to four (4) one-year renewals
- ❑ Any price increases when renewing the agreement must be submitted to RS department one hundred and twenty (120) days prior to renewal



# Timeline

4

- City of Killeen Recreation Services (RS) advertised RFP 21-35 for Veterinary Services on July 11<sup>th</sup> and July 18<sup>th</sup>, 2021
- RFP was due to Purchasing: August 20<sup>th</sup>, 2021
- Recommendation to City Council/Award: November 2<sup>nd</sup>, 2021
- Contract Start Date: November 22<sup>nd</sup>, 2021

# Grading Scale

5

- The grading scale was as follows:
  - ▣ Cost of Services – Max 30 points
  - ▣ Capacity to Deliver Services – Max 30 points
  - ▣ Experience & Qualifications – Max 30 points
  - ▣ References – Max 10 points

# Bids

6

- ❑ There were 2 proposals submitted
  - ▣ El Centro Pet Medical Center
  - ▣ Texas Humane Heroes
- ❑ RS selected Texas Humane Heroes as the vendor based on the grading criteria listed

Category	Possible Points	El Centro Pet Medical Center	Texas Humane Heroes
Evaluator 1	100	52	95
Evaluator 2	100	51	90
Evaluator 3	100	63	90
Evaluator 4	100	60	83
Total Score	400	226	358

# Alternatives

7

- ❑ Option 1 – Not accept either of the responses and continue to seek qualified veterinarians
- ❑ Option 2 – Approve the bid from Texas Humane Heroes

# Recommendations

8

- Staff recommends that City Council award RFP 21-35 for contracted veterinary services to Texas Humane Heroes in an amount not to exceed \$97,500 in FY22, and that the City Manager or designee be authorized to execute any change orders as permitted by state and local law.



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-21-141	<b>Version:</b>	1	<b>Name:</b>	FD Medical Supplies
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	10/8/2021	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/9/2021	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution authorizing the purchase of consumable medical supplies from Bound Tree Medical and Henry Schein through the BuyBoard cooperative in an amount not to exceed \$273,705.				
<b>Sponsors:</b>	Fire Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Contracts</a> <a href="#">Certificates of Interested Parties</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** James Kubinski, Fire Chief

**SUBJECT:** Purchase of Consumable Medical Supplies

### **BACKGROUND AND FINDINGS:**

The Fire Department purchases medical supplies in excess of \$250,000 for the emergency medical services division. Each year the Fire Department does a cost comparison between several vendors on cooperative contracts with the exception of the vendor, Teleflex, where 3 quotes are obtained. EMS Captains order the necessary items for the EMS crews from the vendors listed below through their respective cooperative contract.

Bound Tree Medical	Buyboard Contract # 610-20
Henry Schein	Buyboard Contract # 610-20

### **THE ALTERNATIVES CONSIDERED:**

1. Do not approve the purchase of medical supplies from the vendors listed above.
2. Approve the purchase of medical supplies from the vendors listed above through their respective cooperative contract.

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

The second alternative is recommended, which will allow the Fire Department to procure medical supplies through various vendors utilizing the Buyboard cooperative contract.

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

This CCMR conforms to City policies and law. Purchases made through a cooperative contract are exempt from the competitive bidding process as stated in Texas Local Government Code (TLGC) section 271.102, subchapter F ; a local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

**FINANCIAL IMPACT:**

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

The FY 2022 expenditure is budgeted at \$273,705. Future years will depend upon the approved budget.

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

Recurring

**Is this expenditure budgeted?**

Yes, funding is available in the General Fund Fire Department medical and chemical account, 010-7070-442.41-75.

**If not, where will the money come from?**

N/A

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

Yes

**RECOMMENDATION:**

City Council authorize the purchase of medical supplies from Bound Tree Medical and Henry Schein through their respective Buyboard cooperative contracts in an amount not to exceed \$273,705 for fiscal year 2022.

**DEPARTMENTAL CLEARANCES:**

Legal, Purchasing, Finance

**ATTACHED SUPPORTING DOCUMENTS:**

Contracts  
Certificate of Interested Parties





April 26, 2021

**Sent via email to: [submitbids@boundtree.com](mailto:submitbids@boundtree.com)**

Chris Fyffe  
Bound Tree Medical  
5000 Tuttle Crossing Blvd  
Dublin OH 43016

Re: First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment  
BuyBoard Contract 610-20

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment, Contract 610-20 effective June 1, 2020 through May 31, 2021, with two possible one-year renewals. At this time, the BuyBoard is renewing your contract through May 31, 2022.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org) prior to the start of the renewal term.

**Reminder:** Once a BuyBoard contract is awarded, vendors must generate a minimum of \$15,000 annually or they may not be offered a contract renewal.

If you have questions or comments concerning this renewal, please contact me as soon as possible at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org). We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Lisa Maraden  
Contract Administrator

1<sup>st</sup> renewal v.02.13.2020



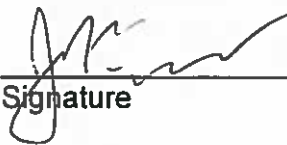
### Contract Verification

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

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

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

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

  
\_\_\_\_\_  
Signature

Jon McGrew  
\_\_\_\_\_  
Printed Name

10/19/21  
\_\_\_\_\_  
Date

Bound Tree Medical, LLC  
\_\_\_\_\_  
Company Name

Associate Vice President, Pricing  
\_\_\_\_\_  
Title



April 26, 2021

**Sent via email to: [biddept@henryschein.com](mailto:biddept@henryschein.com)**

Joanne Viggiano  
Henry Schein, Inc.  
135 Duryea Road  
Mellville NY 11747

Re: First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment  
BuyBoard Contract 610-20

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment, Contract 610-20 effective June 1, 2020 through May 31, 2021, with two possible one-year renewals. At this time, the BuyBoard is renewing your contract through May 31, 2022.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org) prior to the start of the renewal term.

**Reminder:** Once a BuyBoard contract is awarded, vendors must generate a minimum of \$15,000 annually or they may not be offered a contract renewal.

If you have questions or comments concerning this renewal, please contact me as soon as possible at [lisa.maraden@tasb.org](mailto:lisa.maraden@tasb.org). We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Lisa Maraden  
Contract Administrator

1<sup>st</sup> renewal v.02.13.2020



## 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.

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

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

Signature  
Joe Jefferies

Printed Name  
10-19-21

Date

Henry Schein Medical

Company Name  
Field Sales Consultant

Title

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2021-811948

Date Filed:  
10/12/2021

Date Acknowledged:

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

Bound Tree Medical, LLC  
Dublin, OH United States

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

Killeen Fire Department

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.

610-20  
Medical Supplies

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 Jon McGrew, and my date of birth is 9/25/1979.

My address is 5000 Tuttle Crossing Blvd, Dublin, Ohio, 43016, USA.  
(street) (city) (state) (zip code) (country)

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

Executed in Franklin County, State of Ohio, on the 12th day of October, 20 21.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)

# 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.**

Henry Schein Medical  
Friendswood, TX United States

Certificate Number:  
2021-810837

Date Filed:  
10/08/2021

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 FD

**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.**

610-20  
Medical supplies and equipment

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Bell, Kim	Killeen, TX United States		X

5 Check only if there is NO Interested Party.

☐

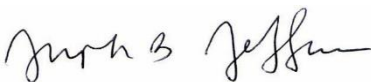
### 6 UNSWORN DECLARATION

My name is Joe Jefferies, and my date of birth is 4-17-65.

My address is 2907 Palmer Drive Friendswood Texas 77546, (street) (city) (state) (zip code) (country).

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

Executed in Galveston County, State of Texas, on the 19 day of, 2021.  
(month) (year)



\_\_\_\_\_  
Signature of authorized agent of contracting business entity  
(Declarant)



# PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

RS-21-141

November 02, 2021

# PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

2

- The Killeen Fire Department purchases consumable medical supplies for use in the delivery of Emergency Medical Services
- To conform with City policy, consumable medical supplies are purchased through a cooperative contract
- The Fire Department currently utilizes the following vendors:
  - Bound Tree Medical Buyboard # 610-20
  - Henry Schein Buyboard # 610-20



# PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

3

## □ Financial Impact

- These funds are included in the FY21-22 budget in the amount of \$273,705

## □ Alternatives:

- Do not approve the purchase of medical supplies from the vendors listed
- Approve the purchase of medical supplies from the vendors listed through their respective cooperative contract

# PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

4

- Staff recommends the City Council authorize the purchase of medical supplies from Bound Tree Medical and Henry Schein through their respective Buyboard cooperative contracts not to exceed \$273,705 for FY21-22



# City of Killeen

## Legislation Details

---

**File #:** RS-21-142    **Version:** 1    **Name:** Approving Opioid Settlement  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 10/11/2021    **In control:** City Council  
**On agenda:** 11/9/2021    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing participation in the Global Opioid Settlement and adopting the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.  
**Sponsors:** City Attorney Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Resolution](#)  
[Texas Term Sheet](#)  
[Distributor Participation Form](#)  
[Settlement Participation Form](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Traci Briggs, City Attorney

**SUBJECT:** Authorizing participation in the Global Opioid Settlement and adopting the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet

### **BACKGROUND AND FINDINGS:**

On July 23, 2021, Texas Attorney General Paxton announced that Texas, along with a broad coalition of states and subdivisions, had reached final agreements with four companies to resolve legal claims for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson & Johnson. The other is with three (3) major pharmaceutical distributors: AmerisourceBergen, Cardinal Health and McKesson.

Both settlements are a combined \$26 billion, with payments over 18 years. Funding will be distributed to states according to the allocation agreement reached among the various Attorneys General. Texas could receive as much as \$1.5 billion, being \$1.17 billion from distributors and \$268 million from Johnson & Johnson. Distribution within Texas will be handled through the Texas Term Sheet, an intrastate agreement between the state and litigating subdivisions.

Both agreements also contain industry-changing injunctive terms. The distributors will be subject to more oversight and accountability, including an independent monitor to prevent deliveries of opioids to pharmacies where diversion and misuse occur. They will be required to establish and fund an independent clearinghouse to track opioid distribution nationwide and flag suspicious orders. Johnson & Johnson will be prohibited from selling or promoting opioids.

To participate, the City of Killeen must adopt the attached Texas Term Sheet, sign the subdivision settlement participation forms (one each for distributors and Johnson & Johnson), and return the documents to the Attorney General's office by January 2, 2022. The Attorney General's office estimates the fund allocation to the City of Killeen to be a maximum total of \$653,826, comprising \$531,631 from distributors and \$122,195 from Johnson & Johnson. Please note that this amount is different than shown in the Texas Term Sheet. The Attorney General's Office states that the amount in Exhibit B was based on a hypothetical settlement of \$1 billion. The actual resulting amounts are higher. The funding must be used to support a wide variety of strategies to fight the opioid crisis.

In addition, Region 8, which consists of Bell, Blanco, Burnet, Lampasas, Llano, Milam, San Saba and Williamson Counties, will receive approximately \$29,862,721 to be used for treatment programs in the region.

**THE ALTERNATIVES CONSIDERED:**

Do not authorize participating in the Global Opioid Settlement and adopting the Texas Term Sheet or authorize participating in the Global Opioid Settlement and adopting the Texas Term Sheet.

**Which alternative is recommended? Why?**

Staff recommends authorizing participation in the Global Opioid Settlement and adopting the Texas Term Sheet. The citizens of Killeen will benefit from the funds allocated to the City. In addition, participation assists all Texans because Texas receives more money when more subdivisions join.

**CONFORMITY TO CITY POLICY:**

The item 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 related to this item. By participating in the Global Opioid Settlement, the City could receive a maximum of \$653,826.

**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 authorize participation in the Global Opioid Settlement and adopt the Texas Abatement Fund Council and Settlement Allocation Sheet.

**DEPARTMENTAL CLEARANCES:****ATTACHED SUPPORTING DOCUMENTS:**

Resolution

Texas Term Sheet

Distributor Participation Form

Settlement Participation Form

## **RESOLUTION**

STATE OF TEXAS

CITY OF KILLEEN, TEXAS

BE IT REMEMBERED, at a regular meeting of the City Council of the City of Killeen, held on the 9<sup>th</sup> day of November, 2021, the following Resolution was adopted:

**WHEREAS**, the City of Killeen obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

**WHEREAS**, these actions, conduct and misconduct have resulted in significant financial costs to the City; and

**WHEREAS**, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Texas Term Sheet is attached hereto as Exhibit “A”; and

**WHEREAS**, Special Counsel and the State of Texas have recommended that the City Council of the City of Killeen support the adoption and approval the Texas Term Sheet in its entirety.

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Killeen:**

1. Supports the adoption and approval the Texas Term Sheet in its entirety; and

2. Finds as follows:

a. There is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Killeen; and

b. The City Council supports in its entirety and hereby adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto as Exhibit A. The City Council of the City of Killeen understands that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. The City Council also understands that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this City and throughout Texas.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 9<sup>th</sup> day of November, 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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lucy C. Aldrich, CITY SECRETARY

\_\_\_\_\_  
Traci S. Briggs, CITY ATTORNEY

## **TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET**

**WHEREAS**, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

**WHEREAS**, the State of Texas, though its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

**WHEREAS**, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

**THEREFORE**, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

### **A. Definitions**

As used in this Texas Term Sheet:



1. “The State” shall mean the State of Texas acting through its Attorney General.
2. “Political Subdivision(s)” shall mean any Texas municipality and county.
3. “The Parties” shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs’ Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. “Litigating Political Subdivision” means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. “National Fund” shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. “Negotiating Committee” shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas’

Political Subdivisions (collectively, “Members”). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas’ Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O’Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. “Approved Purpose(s)” shall mean those uses identified in Exhibit A hereto.
9. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.

10. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. “Texas Opioid Council” shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

## **B. Allocation of Settlement Proceeds**

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions (“Subdivision Share”), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas (“State Share”). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

### **C. Payment of Counsel and Litigation Expenses**

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.



7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

#### **D. The Texas Opioid Council and Texas Abatement Fund**

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

#### **E. Settlement Negotiations**

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw

from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

#### **F. Amendments**

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

#### **Acknowledgment of Agreement**

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:

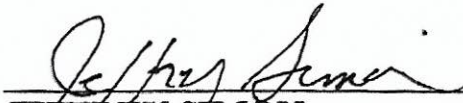


KENNETH PAXTON, JR.  
ATTORNEY GENERAL

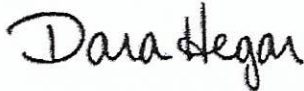
FOR THE SUBDIVISIONS  
AND TEXAS MDL PSC:



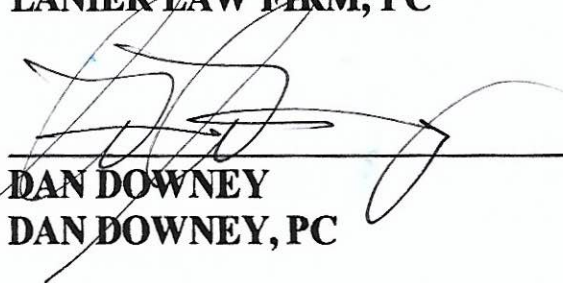
MIKAL WATTS  
WATTS GUERRA LLP



JEFFREY SIMON  
SIMON GREENSTONE PANATIER, PC



DARA HEGAR  
LANIER LAW FIRM, PC



DAN DOWNEY  
DAN DOWNEY, PC

:sas

# EXHIBIT A

## **Opioid Abatement Fund (Texas) Settlement**

### **Opioid Council**

As part of the settlement agreement and upon its execution, the parties will form the Texas Opioid Council (Council) to establish the framework that ensures the funds recovered by Texas (through the joint actions of the Attorney General and the state's political subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

#### **I. Structure**

The Council will be responsible for the processes and procedures governing the spending of the funds held in the Texas Abatement Fund, which will be approximately 70% of all funds obtained through settlement and/or litigation of the claims asserted by the State and its subdivisions in the investigations and litigation related to the manufacturing, marketing, distribution, and sale of opioids and related pharmaceuticals.

Money paid into the abatement fund will be held by an independent administrator, who shall be responsible for the ministerial task of releasing funds solely as authorized below by the Council, and accounting for all payments to and from the fund.

The Council will be formed when a court of competent jurisdiction enters an order settling the matter, including any order of a bankruptcy court. The Council's members must be appointed within sixty (60) days of the date the order is entered.

##### **A. Membership**

The Council shall be comprised of the following thirteen (13) members:

##### **1. *Statewide Members.***

Six members appointed by the Governor and Attorney General to represent the State's interest in opioid abatement. The statewide members are appointed as follows:

- a. The Governor shall appoint three (3) members who are licensed health professionals with significant experience in opioid interventions;
- b. The Attorney General shall appoint three (3) members who are licensed professionals with significant experience in opioid incidences; and
- c. The Governor will appoint the Chair of the Council as a non-voting member. The Chair may only cast a vote in the event there is a tie of the membership.

##### **2. *Regional Members.***

Six (6) members appointed by the State's political subdivisions to represent their designated Texas Health and Human Services Commission "HHSC" Regional Healthcare

Partnership (Regions) to ensure dedicated regional, urban, and rural representation on the Council. The regional appointees must be from either academia or the medical profession with significant experience in opioid interventions. The regional members are appointed as follows:

- a. One member representing Regions 9 and 10 (Dallas Ft-Worth);
- b. One member representing Region 3 (Houston);
- c. One member representing Regions 11, 12, 13, 14, 15, 19 (West Texas);
- d. One member representing Regions 6, 7, 8, 16 (Austin-San Antonio);
- e. One member representing Regions 1, 2, 17, 18 (East Texas); and
- f. One member representing Regions 4, 5, 20 (South Texas).

## B. Terms

All members of the Council are appointed to serve staggered two-year terms, with the terms of members expiring February 1 of each year. A member may serve no more than two consecutive terms, for a total of four consecutive years. For the first term, four (4) members (two (2) statewide and two (2) for the subdivisions) will serve a three-year term. A vacancy on the Council shall be filled for the unexpired term in the same manner as the original appointment. The Governor will appoint the Chair of the Council who will not vote on Council business unless there is a tie vote, and the subdivisions will appoint a Vice-Chair voting member from one of the regional members.

## C. Governance

### *1. Administration*

The Council is attached administratively to the Comptroller. The Council is an independent, quasi-governmental agency because it is responsible for the statewide distribution of the abatement settlement funds. The Council is exempt from the following statutes:

- a. Chapter 316 of the Government Code (Appropriations);
- b. Chapter 322 of the Government Code (Legislative Budget Board);
- c. Chapter 325 of the Government Code (Sunset);
- d. Chapter 783 of the Government Code (Uniform Grants and Contract Management);
- e. Chapter 2001 of the Government Code (Administrative Procedure);
- f. Chapter 2052 of the Government Code (State Agency Reports and Publications);
- g. Chapter 2261 of the Government Code (State Contracting Standards and Oversight);
- h. Chapter 2262 of the Government Code (Statewide Contract Management);



- i. Chapter 262 of the Local Government Code (Purchasing and Contracting Authority of Counties); and
- j. Chapter 271 of the Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments).

## 2. *Transparency*

The Council will abide by state laws relating to open meetings and public information, including Chapters 551 and 552 of the Texas Government Code.

- i. The Council shall hold at least four regular meetings each year. The Council may hold additional meetings on the request of the Chair or on the written request of three members of the council. All meetings shall be open to the public, and public notice of meetings shall be given as required by state law.
- ii. The Council may convene in a closed, non-public meeting:
  - a. If the Commission must discuss:
    - 1. Negotiation of contract awards; and
    - 2. Matters specifically exempted from disclosure by federal and state statutes.
  - b. All minutes and documents of a closed meeting shall remain under seal, subject to release only order of a court of competent jurisdiction.

## 3. *Authority*

The Council does not have rulemaking authority. The terms of each Judgment, Master Settlement Agreement, or any Bankruptcy Settlement for Texas control the authority of the Council and the Council may not stray outside the bounds of the authority and power vested by such settlements. Should the Council require legal assistance in determining their authority, the Council may direct the executive director to seek legal advice from the Attorney General to clarify the issue.

## D. Operation and Expenses

The independent administrator will set aside up to one (1) percent of the settlement funds for the administration of the Council for reasonable costs and expenses of operating the foregoing duties, including educational activities.

### 1. *Executive Director*

The Comptroller will employ the executive director of the Council and other personnel as necessary to administer the duties of the Council and carry out the functions of the Council. The executive director must have at least 10 years of experience in government or public administration and is classified as a Director V/B30 under the State Auditor's State Classification. The Comptroller will pay the salaries of the Council employees from the

one (1) percent of the settlement funds set aside for the administration of the Council. The Comptroller will request funds from the Texas Abatement Fund Point of Contact.

## *2. Travel Reimbursement*

A person appointed to the Council is entitled to reimbursement for the travel expenses incurred in attending Council duties. A member of the Council may be reimbursed for actual expenses for meals, lodging, transportation, and incidental expenses in accordance with travel rates set by the federal General Services Administration.

## **II. Duties/Roles**

It is the duty of the Council to determine and approve the opioid abatement strategies and funding awards.

### **A. Approved Abatement Strategies**

The Council will develop the approved Texas list of abatement strategies based on but not limited to the existing national list of opioid abatement strategies (see attached Appendix A) for implementing the Texas Abatement Fund.

1. The Council shall only approve strategies which are evidence-informed strategies.
2. The Texas list of abatement strategies must be approved by majority vote. The majority vote must include a majority from both sides of the statewide members and regional members in order to be approved, e.g., at least four (4) of six (6) members on each side.

### **B. Texas Abatement Fund Point of Contact**

The Council will determine a single point of contact called the Abatement Fund Point of Contact (POC) to be established as the sole entity authorized to receive requests for funds and approve expenditures in Texas and order the release of funds from the Texas Abatement Fund by the independent administrator. The POC may be an independent third party selected by the Council with expertise in banking or financial management. The POC will manage the Opioid Council Bank Account (Account). Upon a vote, the Council will direct the POC to contact the independent administrator to release funds to the Account. The Account is outside the State Treasury and not managed by any state or local officials. The POC is responsible for payments to the qualified entities selected by the Council for abatement fund awards. The POC will submit a monthly financial statement on the Account to the Council.

### **C. Auditor**

An independent auditor appointed by the Council will perform an audit on the Account on an annual basis and report its findings, if any, to the Council.

### **D. Funding Allocation**

The Council is the sole decision-maker on the funding allocation process of the abatement funds. The Council will develop the application and award process based on the parameters outlined below. An entity seeking funds from the Council must apply for funds; no funds will be awarded without an application. The executive director and personnel may assist the Council in gathering and compiling the applications for consideration; however, the Council members are the sole decision-makers of awards and funding determination. The Council will use the following processes to award funds:

1. *Statewide Funds.* The Council will consider, adopt and approve the allocation methodology attached as Exhibit C, based upon population health data and prevalence of opioid incidences, at the Council's initial meeting. Adoption of such methodology will allow each Region to customize the approved abatement strategies to fit its communities' needs. The statewide regional funds will account for seventy-five (75) percent of the total overall funds, less the one (1) percent administrative expense described herein.
2. *Targeted Funds.* Each Region shall reserve twenty-five (25) percent of the overall funds, for targeted interventions in the specific Region as identified by opioid incidence data. The Council must approve on an annual basis the uses for the targeted abatement strategies and applications available to every Region, including education and outreach programs. Each Region without approved uses for the targeted funds from the Council, based upon a greater percentage of opioid incidents compared to its population, is subject to transfer of all or a portion of the targeted funds for that Region for uses based upon all Regions' targeted funding needs as approved by the Council on an annual basis.
3. *Annual Allocation.* Statewide regional funds and targeted funds will be allocated on an annual basis. If a Region lapses its funds, the funds will be reallocated based on all Regions' funding needs.

#### E. Appeal Process

The Council will establish an appeal process to permit the applicants for funding (state or subdivisions) to challenge decisions by the Council-designated point of contact on requests for funds or expenditures.

1. To challenge a decision by the designated point of contact, the State or a subdivision must file an appeal with the Council within thirty (30) days of the decision. The Council then has thirty (30) days to consider and rule on the appeal.
2. If the Council denies the appeal, the party may file an appeal with the state district court of record where the final opioid judgment or Master Settlement Agreement is filed. The Texas Rules of Civil Procedure and Rules of Evidence will govern these proceedings. The Council may request representation from the Attorney General in these proceedings.

In making its determination, the state district court shall apply the same clear error standards contained herein that the Council must follow when rendering its decision.

3. The state district court will make the final decision and the decision is not appealable.
4. Challenges will be limited and subject to penalty if abused.
5. Attorneys' fees and costs are not recoverable in these appeals.

#### F. Education

The Council may determine that a percentage of the funds in the Abatement Fund from the targeted funds be used to develop an education and outreach program to provide materials on the consequences of opioid drug use, prevention and interventions. Any material developed will include online resources and toolkits for communities.

# EXHIBIT B

Exhibit B: Municipal Area Allocations: 15% of Total (\$150 million)

(County numbers refer to distribution to the county governments after payment to cities within county borders has been made. Minimum distribution to each county is \$1000.)

Municipal Area	Allocation	Municipal Area	Allocation
Abbott	\$688	Lakeport	\$463
Abernathy	\$110	Lakeside	\$4,474
Abilene	\$563,818	Lakeside City	\$222
Ackerly	\$21	Lakeview	\$427
Addison	\$58,094	Lakeway	\$31,657
Adrian	\$181	Lakewood Village	\$557
Agua Dulce	\$43	Lamar County	\$141,598
Alamo	\$22,121	Lamb County	\$50,681
Alamo Heights	\$28,198	Lamesa	\$29,656
Alba	\$3,196	Lampasas	\$28,211
Albany	\$180	Lampasas County	\$42,818
Aledo	\$331	Lancaster	\$90,653
Alice	\$71,291	Laredo	\$763,174
Allen	\$315,081	Latexo	\$124
Alma	\$1,107	Lavaca County	\$45,973
Alpine	\$29,686	Lavon	\$7,435
Alto	\$3,767	Lawn	\$58
Alton	\$11,540	League City	\$302,418
Alvarado	\$29,029	Leakey	\$256
Alvin	\$113,962	Leander	\$88,641
Alvord	\$358	Leary	\$797
Amarillo	\$987,661	Lee County	\$30,457
Ames	\$5,571	Lefors	\$159
Amherst	\$22	Leon County	\$67,393
Anahuac	\$542	Leon Valley	\$23,258
Anderson	\$19	Leona	\$883
Anderson County	\$268,763	Leonard	\$8,505
Andrews	\$18,983	Leroy	\$176
Andrews County	\$37,606	Levelland	\$46,848
Angelina County	\$229,956	Lewisville	\$382,094
Angleton	\$62,791	Lexington	\$2,318
Angus	\$331	Liberty	\$72,343
Anna	\$9,075	Liberty County	\$531,212
Annetta	\$5,956	Liberty Hill	\$2,780
Annetta North	\$34	Limestone County	\$135,684

(Table continues on multiple pages below)

Annetta South	\$602	Lincoln Park	\$677
Annona	\$738	Lindale	\$24,202
Anson	\$5,134	Linden	\$3,661
Anthony	\$4,514	Lindsay	\$1,228
Anton	\$444	Lipan	\$44
Appleby	\$1,551	Lipscomb County	\$10,132
Aquilla	\$208	Little Elm	\$69,326
Aransas County	\$266,512	Little River-Academy	\$798
Aransas Pass	\$57,813	Littlefield	\$7,678
Archer City	\$10,554	Live Oak	\$32,740
Archer County	\$45,534	Live Oak County	\$39,716
Arcola	\$7,290	Liverpool	\$1,435
Argyle	\$11,406	Livingston	\$73,165
Arlington	\$735,803	Llano	\$23,121
Armstrong County	\$974	Llano County	\$115,647
Arp	\$2,009	Lockhart	\$49,050
Asherton	\$112	Lockney	\$3,301
Aspermont	\$9	Log Cabin	\$1,960
Atascosa County	\$176,903	Lometa	\$1,176
Athens	\$105,942	Lone Oak	\$1,705
Atlanta	\$30,995	Lone Star	\$8,283
Aubrey	\$15,141	Longview	\$482,254
Aurora	\$1,849	Loraine	\$188
Austin County	\$76,030	Lorena	\$3,390
Austin	\$4,877,716	Lorenzo	\$11,358
Austwell	\$109	Los Fresnos	\$11,185
Avery	\$138	Los Indios	\$159
Avinger	\$1,115	Los Ybanez	\$0
Azle	\$32,213	Lott	\$1,516
Bailey	\$950	Lovelady	\$249
Bailey County	\$15,377	Loving County	\$1,000
Bailey's Prairie	\$5,604	Lowry Crossing	\$783
Baird	\$2,802	Lubbock	\$319,867
Balch Springs	\$27,358	Lubbock County	\$1,379,719
Balcones Heights	\$23,811	Lucas	\$5,266
Ballinger	\$9,172	Lueders	\$508
Balmorhea	\$63	Lufkin	\$281,592
Bandera	\$2,893	Luling	\$29,421
Bandera County	\$86,815	Lumberton	\$36,609
Bangs	\$3,050	Lyford	\$3,071

Bardwell	\$362	Lynn County	\$6,275
Barry	\$200	Lytle	\$7,223
Barstow	\$61	Mabank	\$19,443
Bartlett	\$3,374	Madison County	\$49,492
Bartonville	\$8,887	Madisonville	\$11,458
Bastrop	\$46,320	Magnolia	\$26,031
Bastrop County	\$343,960	Malakoff	\$12,614
Bay City	\$57,912	Malone	\$439
Baylor County	\$29,832	Manor	\$12,499
Bayou Vista	\$6,240	Mansfield	\$150,788
Bayside	\$242	Manvel	\$12,305
Baytown	\$216,066	Marble Falls	\$37,039
Bayview	\$41	Marfa	\$65
Beach City	\$12,505	Marietta	\$338
Bear Creek	\$906	Marion	\$275
Beasley	\$130	Marion County	\$54,728
Beaumont	\$683,010	Marlin	\$21,634
Beckville	\$1,247	Marquez	\$1,322
Bedford	\$94,314	Marshall	\$108,371
Bedias	\$3,475	Mart	\$928
Bee Cave	\$12,863	Martin County	\$10,862
Bee County	\$97,844	Martindale	\$2,437
Beeville	\$24,027	Mason	\$777
Bell County	\$650,748	Mason County	\$3,134
Bellaire	\$41,264	Matador	\$1,203
Bellevue	\$56	Matagorda County	\$135,239
Bellmead	\$14,487	Mathis	\$15,720
Bells	\$1,891	Maud	\$423
Bellville	\$7,488	Maverick County	\$115,919
Belton	\$72,680	Maypearl	\$986
Benavides	\$152	McAllen	\$364,424
Benbrook	\$43,919	McCamey	\$542
Benjamin	\$951	McGregor	\$9,155
Berryville	\$14,379	McKinney	\$450,383
Bertram	\$182	McLean	\$14
Beverly Hills	\$4,336	McLendon-Chisholm	\$411
Bevil Oaks	\$549	Mcculloch County	\$20,021
Bexar County	\$7,007,152	Mclennan County	\$529,641
Big Lake	\$547	Mcmullen County	\$1,000
Big Sandy	\$4,579	Meadow	\$1,121



Big Spring	\$189,928	Meadowlakes	\$905
Big Wells	\$236	Meadows Place	\$18,148
Bishop	\$8,213	Medina County	\$48,355
Bishop Hills	\$323	Megargel	\$611
Blackwell	\$31	Melissa	\$15,381
Blanco	\$6,191	Melvin	\$345
Blanco County	\$49,223	Memphis	\$7,203
Blanket	\$147	Menard	\$991
Bloomburg	\$1,010	Menard County	\$14,717
Blooming Grove	\$352	Mercedes	\$21,441
Blossom	\$198	Meridian	\$3,546
Blue Mound	\$2,888	Merkel	\$10,117
Blue Ridge	\$1,345	Mertens	\$239
Blum	\$1,622	Mertzon	\$29
Boerne	\$45,576	Mesquite	\$310,709
Bogata	\$3,649	Mexia	\$21,096
Bonham	\$100,909	Miami	\$455
Bonney	\$2,510	Midland County	\$279,927
Booker	\$1,036	Midland	\$521,849
Borden County	\$1,000	Midlothian	\$95,799
Borger	\$69,680	Midway	\$78
Bosque County	\$71,073	Milam County	\$97,386
Bovina	\$173	Milano	\$904
Bowie	\$83,620	Mildred	\$286
Bowie County	\$233,190	Miles	\$93
Boyd	\$6,953	Milford	\$6,177
Brackettville	\$8	Miller's Cove	\$97
Brady	\$27,480	Millican	\$417
Brazoria	\$11,537	Mills County	\$19,931
Brazoria County	\$1,021,090	Millsap	\$34
Brazos Bend	\$462	Mineola	\$48,719
Brazos Country	\$902	Mineral Wells	\$92,061
Brazos County	\$342,087	Mingus	\$189
Breckenridge	\$23,976	Mission	\$124,768
Bremond	\$5,554	Missouri City	\$209,633
Brenham	\$54,750	Mitchell County	\$20,850
Brewster County	\$60,087	Mobeetie	\$52
Briarcliff	\$572	Mobile City	\$2,034
Briaroaks	\$57	Monahans	\$5,849
Bridge City	\$80,756	Mont Belvieu	\$19,669

Bridgeport	\$33,301	Montague County	\$94,796
Briscoe County	\$977	Montgomery	\$1,884
Broadus	\$31	Montgomery County	\$2,700,911
Bronte	\$99	Moody	\$828
Brooks County	\$20,710	Moore County	\$40,627
Brookshire	\$6,406	Moore Station	\$772
Brookside Village	\$1,110	Moran	\$50
Brown County	\$193,417	Morgan	\$605
Browndell	\$152	Morgan's Point	\$3,105
Brownfield	\$14,452	Morgan's Point Resort	\$8,024
Brownsboro	\$3,176	Morris County	\$53,328
Brownsville	\$425,057	Morton	\$167
Brownwood	\$166,572	Motley County	\$3,344
Bruceville-Eddy	\$1,692	Moulton	\$999
Bryan	\$246,897	Mount Calm	\$605
Bryson	\$1,228	Mount Enterprise	\$1,832
Buckholts	\$1,113	Mount Pleasant	\$65,684
Buda	\$10,784	Mount Vernon	\$6,049
Buffalo	\$11,866	Mountain City	\$1,548
Buffalo Gap	\$88	Muenster	\$4,656
Buffalo Springs	\$188	Muleshoe	\$4,910
Bullard	\$7,487	Mullin	\$384
Bulverde	\$14,436	Munday	\$2,047
Bunker Hill Village	\$472	Murchison	\$2,302
Burkburnett	\$37,844	Murphy	\$51,893
Burke	\$1,114	Mustang	\$7
Burleson County	\$70,244	Mustang Ridge	\$2,462
Burleson	\$151,779	Nacogdoches	\$205,992
Burnet	\$33,345	Nacogdoches County	\$198,583
Burnet County	\$189,829	Naples	\$4,224
Burton	\$937	Nash	\$7,999
Byers	\$77	Nassau Bay	\$11,247
Bynum	\$380	Natalia	\$625
Cactus	\$4,779	Navarro	\$334
Caddo Mills	\$43	Navarro County	\$103,513
Caldwell	\$18,245	Navasota	\$37,676
Caldwell County	\$86,413	Nazareth	\$124
Calhoun County	\$127,926	Nederland	\$44,585
Callahan County	\$12,894	Needville	\$10,341
Callisburg	\$101	Nevada	\$237

Calvert	\$772	New Berlin	\$4
Cameron	\$11,091	New Boston	\$6,953
Cameron County	\$537,026	New Braunfels	\$307,313
Camp County	\$28,851	New Chapel Hill	\$288
Camp Wood	\$422	New Deal	\$338
Campbell	\$1,116	New Fairview	\$2,334
Canadian	\$1,090	New Home	\$9
Caney City	\$2,005	New Hope	\$1,024
Canton	\$56,734	New London	\$4,129
Canyon	\$26,251	New Summerfield	\$442
Carbon	\$620	New Waverly	\$2,562
Carl's Corner	\$48	Newark	\$520
Carmine	\$385	Newcastle	\$914
Carrizo Springs	\$1,671	Newton	\$6,102
Carrollton	\$310,255	Newton County	\$158,006
Carson County	\$29,493	Neylandville	\$163
Carthage	\$18,927	Niederwald	\$16
Cashion Community	\$322	Nixon	\$2,283
Cass County	\$93,155	Nocona	\$16,536
Castle Hills	\$12,780	Nolan County	\$50,262
Castro County	\$4,420	Nolanville	\$4,247
Castroville	\$4,525	Nome	\$391
Cedar Hill	\$70,127	Noonday	\$226
Cedar Park	\$185,567	Nordheim	\$697
Celeste	\$1,280	Normangee	\$6,192
Celina	\$18,283	North Cleveland	\$105
Center	\$58,838	North Richland Hills	\$146,419
Centerville	\$385	Northlake	\$8,905
Chambers County	\$153,188	Novice	\$76
Chandler	\$17,364	Nueces County	\$1,367,932
Channing	\$2	O'Brien	\$76
Charlotte	\$4,257	O'Donnell	\$27
Cherokee County	\$156,612	Oak Grove	\$2,769
Chester	\$1,174	Oak Leaf	\$612
Chico	\$2,928	Oak Point	\$9,011
Childress	\$37,916	Oak Ridge	\$358
Childress County	\$50,582	Oak Ridge North	\$33,512
Chillicothe	\$172	Oak Valley	\$7
China	\$522	Oakwood	\$148
China Grove	\$598	Ochiltree County	\$15,476

Chireno	\$1,568	Odem	\$7,420
Christine	\$354	Odessa	\$559,163
Cibolo	\$13,690	Oglesby	\$29
Cisco	\$7,218	Old River-Winfree	\$21,653
Clarendon	\$114	Oldham County	\$10,318
Clarksville	\$20,891	Olmos Park	\$9,801
Clarksville City	\$54	Olney	\$6,088
Claude	\$26	Olton	\$1,197
Clay County	\$72,050	Omaha	\$4,185
Clear Lake Shores	\$6,682	Onalaska	\$31,654
Cleburne	\$228,184	Opdyke West	\$479
Cleveland	\$96,897	Orange	\$311,339
Clifton	\$9,939	Orange County	\$689,818
Clint	\$375	Orange Grove	\$1,677
Clute	\$51,350	Orchard	\$867
Clyde	\$17,287	Ore City	\$6,806
Coahoma	\$2,291	Overton	\$7,900
Cochran County	\$3,389	Ovilla	\$13,391
Cockrell Hill	\$512	Oyster Creek	\$9,633
Coffee City	\$1,087	Paducah	\$125
Coke County	\$5,522	Paint Rock	\$141
Coldspring	\$447	Palacios	\$14,036
Coleman	\$5,442	Palestine	\$178,009
Coleman County	\$4,164	Palisades	\$240
College Station	\$258,147	Palm Valley	\$1,918
Colleyville	\$46,049	Palmer	\$12,666
Collin County	\$1,266,721	Palmhurst	\$4,660
Collingsworth County	\$19,234	Palmview	\$7,577
Collinsville	\$1,831	Palo Pinto County	\$124,621
Colmesneil	\$2,211	Pampa	\$67,227
Colorado City	\$8,405	Panhandle	\$9,536
Colorado County	\$49,084	Panola County	\$80,699
Columbus	\$6,867	Panorama Village	\$1,292
Comal County	\$396,142	Pantego	\$12,898
Comanche	\$16,503	Paradise	\$52
Comanche County	\$50,964	Paris	\$201,180
Combes	\$1,710	Parker	\$10,307
Combine	\$1,892	Parker County	\$476,254
Commerce	\$33,869	Parmer County	\$15,866
Como	\$415	Pasadena	\$356,536

Concho County	\$3,859	Pattison	\$1,148
Conroe	\$466,671	Patton Village	\$9,268
Converse	\$27,693	Payne Springs	\$1,770
Cooke County	\$200,451	Pearland	\$333,752
Cool	\$731	Pearsall	\$11,570
Coolidge	\$243	Pecan Gap	\$719
Cooper	\$362	Pecan Hill	\$229
Coppell	\$86,593	Pecos	\$7,622
Copper Canyon	\$489	Pecos County	\$46,997
Copperas Cove	\$133,492	Pelican Bay	\$1,199
Corinth	\$75,298	Penelope	\$415
Corpus Christi	\$1,812,707	Penitas	\$312
Corral City	\$143	Perryton	\$23,364
Corrigan	\$21,318	Petersburg	\$1,691
Corsicana	\$87,310	Petrolia	\$17
Coryell County	\$123,659	Petronila	\$5
Cottle County	\$875	Pflugerville	\$86,408
Cottonwood	\$289	Pharr	\$144,721
Cottonwood Shores	\$1,203	Pilot Point	\$11,613
Cotulla	\$1,251	Pine Forest	\$3,894
Coupland	\$266	Pine Island	\$3,141
Cove	\$387	Pinehurst	\$32,671
Covington	\$519	Pineland	\$4,138
Coyote Flats	\$1,472	Piney Point Village	\$15,738
Crandall	\$12,094	Pittsburg	\$20,526
Crane	\$10,599	Plains	\$129
Crane County	\$26,146	Plainview	\$60,298
Cranfills Gap	\$128	Plano	\$1,151,608
Crawford	\$383	Pleak	\$270
Creedmoor	\$16	Pleasant Valley	\$308
Cresson	\$1,086	Pleasanton	\$29,011
Crockett	\$23,403	Plum Grove	\$258
Crockett County	\$18,210	Point	\$1,519
Crosby County	\$18,388	Point Blank	\$355
Crosbyton	\$1,498	Point Comfort	\$447
Cross Plains	\$4,877	Point Venture	\$588
Cross Roads	\$244	Polk County	\$370,831
Cross Timber	\$542	Ponder	\$1,282
Crowell	\$6,335	Port Aransas	\$31,022
Crowley	\$22,345	Port Arthur	\$367,945

Crystal City	\$19,412	Port Isabel	\$9,802
Cuero	\$24,689	Port Lavaca	\$11,752
Culberson County	\$789	Port Neches	\$38,849
Cumby	\$5,320	Portland	\$76,517
Cuney	\$606	Post	\$2,332
Cushing	\$1,120	Post Oak Bend City	\$1,034
Cut and Shoot	\$2,141	Poteet	\$6,767
DISH	\$19	Poth	\$3,974
Daingerfield	\$12,476	Potter County	\$371,701
Daisetta	\$5,370	Pottsboro	\$12,302
Dalhart	\$11,609	Powell	\$110
Dallam County	\$21,686	Poynor	\$1,180
Dallas County	\$8,538,291	Prairie View	\$7,600
Dallas	\$2,999,902	Premont	\$3,321
Dalworthington Gardens	\$6,060	Presidio	\$148
Danbury	\$4,231	Presidio County	\$787
Darrouzett	\$101	Primera	\$2,958
Dawson	\$600	Princeton	\$19,245
Dawson County	\$46,911	Progreso	\$8,072
Dayton	\$47,122	Progreso Lakes	\$39
Dayton Lakes	\$38	Prosper	\$22,770
De Kalb	\$1,035	Providence Village	\$508
De Leon	\$8,218	Putnam	\$14
De Witt County	\$68,895	Pyote	\$22
DeCordova	\$13,778	Quanah	\$207
DeSoto	\$72,400	Queen City	\$4,837
Deaf Smith County	\$34,532	Quinlan	\$7,304
Dean	\$141	Quintana	\$492
Decatur	\$56,669	Quitaque	\$8
Deer Park	\$49,388	Quitman	\$15,619
Del Rio	\$59,056	Rains County	\$53,190
Dell City	\$15	Ralls	\$3,967
Delta County	\$30,584	Rancho Viejo	\$3,836
Denison	\$210,426	Randall County	\$278,126
Denton	\$458,334	Ranger	\$12,186
Denton County	\$1,132,298	Rankin	\$1,613
Denver City	\$2,104	Ransom Canyon	\$930
Deport	\$42	Ravenna	\$685
Detroit	\$965	Raymondville	\$7,466
Devers	\$191	Reagan County	\$25,215

Devine	\$4,354	Real County	\$5,073
Diboll	\$25,533	Red Lick	\$23
Dickens	\$71	Red Oak	\$26,843
Dickens County	\$1,873	Red River County	\$29,306
Dickinson	\$83,683	Redwater	\$1,058
Dilley	\$2,633	Reeves County	\$103,350
Dimmit County	\$33,294	Refugio	\$8,839
Dimmitt	\$1,012	Refugio County	\$46,216
Dodd City	\$1,211	Reklaw	\$1,136
Dodson	\$447	Reno	\$3,791
Domino	\$196	Reno	\$11,164
Donley County	\$22,370	Retreat	\$52
Donna	\$13,798	Rhome	\$12,285
Dorchester	\$231	Rice	\$1,972
Double Oak	\$4,765	Richardson	\$260,315
Douglassville	\$574	Richland	\$210
Dripping Springs	\$811	Richland Hills	\$24,438
Driscoll	\$39	Richland Springs	\$2,234
Dublin	\$14,478	Richmond	\$77,606
Dumas	\$26,229	Richwood	\$12,112
Duncanville	\$58,328	Riesel	\$1,118
Duval County	\$49,109	Rio Bravo	\$8,548
Eagle Lake	\$4,882	Rio Grande City	\$25,947
Eagle Pass	\$56,005	Rio Hondo	\$3,550
Early	\$14,838	Rio Vista	\$4,419
Earth	\$242	Rising Star	\$1,933
East Bernard	\$5,554	River Oaks	\$11,917
East Mountain	\$2,494	Riverside	\$858
East Tawakoni	\$2,723	Roanoke	\$275
Eastland	\$15,896	Roaring Springs	\$461
Eastland County	\$52,275	Robert Lee	\$85
Easton	\$329	Roberts County	\$547
Ector	\$1,108	Robertson County	\$44,642
Ector County	\$480,000	Robinson	\$18,002
Edcouch	\$4,101	Robstown	\$40,154
Eden	\$497	Roby	\$428
Edgecliff Village	\$2,232	Rochester	\$674
Edgewood	\$13,154	Rockdale	\$20,973
Edinburg	\$120,884	Rockport	\$54,253
Edmonson	\$136	Rocksprings	\$25

Edna	\$18,194	Rockwall	\$114,308
Edom	\$2,149	Rockwall County	\$168,820
Edwards County	\$975	Rocky Mound	\$280
El Campo	\$31,700	Rogers	\$3,818
El Cenizo	\$621	Rollingwood	\$4,754
El Lago	\$5,604	Roma	\$16,629
El Paso	\$1,224,371	Roman Forest	\$8,610
El Paso County	\$2,592,121	Ropesville	\$2,122
Eldorado	\$50	Roscoe	\$778
Electra	\$15,716	Rose City	\$4,012
Elgin	\$26,284	Rose Hill Acres	\$2,311
Elkhart	\$301	Rosebud	\$1,489
Ellis County	\$315,372	Rosenberg	\$126,593
Elmendorf	\$746	Ross	\$147
Elsa	\$7,720	Rosser	\$549
Emhouse	\$83	Rotan	\$1,493
Emory	\$3,878	Round Mountain	\$454
Enchanted Oaks	\$1,299	Round Rock	\$475,992
Encinal	\$1,515	Round Top	\$140
Ennis	\$81,839	Rowlett	\$99,963
Erath County	\$102,616	Roxton	\$47
Escobares	\$40	Royse City	\$23,494
Estelline	\$909	Rule	\$800
Eules	\$92,824	Runaway Bay	\$6,931
Eureka	\$334	Runge	\$255
Eustace	\$2,089	Runnels County	\$33,831
Evant	\$2,068	Rusk	\$17,991
Everman	\$7,692	Rusk County	\$151,390
Fair Oaks Ranch	\$8,077	Sabinal	\$1,811
Fairchilds	\$81	Sabine County	\$46,479
Fairfield	\$1,245	Sachse	\$23,400
Fairview	\$32,245	Sadler	\$925
Falfurrias	\$2,221	Saginaw	\$31,973
Falls City	\$41	Salado	\$3,210
Falls County	\$34,522	San Angelo	\$536,509
Fannin County	\$131,653	San Antonio	\$4,365,416
Farmers Branch	\$94,532	San Augustine	\$25,182
Farmersville	\$10,532	San Augustine County	\$37,854
Farwell	\$343	San Benito	\$40,015
Fate	\$3,473	San Diego	\$11,771



Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,845
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,949	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$4,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,049	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,764	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$4,411	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$274	Santa Rosa	\$2,138
Fredericksburg	\$56,486	Savoy	\$2,349
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,495	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$148
Frio County	\$19,954	Scottsville	\$708
Friona	\$2,848	Scurry	\$1,110
Frisco	\$405,309	Scurry County	\$73,116
Fritch	\$4,548	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,344	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$54,347	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$488,187	Seven Points	\$7,452
Galveston County	\$1,124,093	Seymour	\$14,218

Ganado	\$5,510	Shackelford County	\$1,288
Garden Ridge	\$11,351	Shady Shores	\$594
Garland	\$420,244	Shallowater	\$1,907
Garrett	\$2,510	Shamrock	\$4,328
Garrison	\$3,555	Shavano Park	\$3,178
Gary City	\$450	Shelby County	\$109,925
Garza County	\$8,944	Shenandoah	\$47,122
Gatesville	\$26,994	Shepherd	\$147
George West	\$6,207	Sherman	\$330,585
Georgetown	\$225,896	Sherman County	\$7,930
Gholson	\$1,505	Shiner	\$4,042
Giddings	\$12,674	Shoreacres	\$958
Gillespie County	\$63,191	Silsbee	\$66,442
Gilmer	\$33,951	Silverton	\$14
Gladewater	\$24,638	Simonton	\$1,906
Glasscock County	\$1,000	Sinton	\$23,658
Glen Rose	\$540	Skellytown	\$400
Glenn Heights	\$16,593	Slaton	\$154
Godley	\$3,115	Smiley	\$655
Goldsmith	\$677	Smith County	\$758,961
Goldthwaite	\$1,225	Smithville	\$17,009
Goliad	\$3,563	Smyer	\$300
Goliad County	\$34,660	Snook	\$1,422
Golinda	\$100	Snyder	\$9,018
Gonzales	\$14,882	Socorro	\$11,125
Gonzales County	\$33,230	Somerset	\$1,527
Goodlow	\$221	Somervell County	\$57,076
Goodrich	\$9,643	Somerville	\$3,806
Gordon	\$365	Sonora	\$7,337
Goree	\$749	Sour Lake	\$17,856
Gorman	\$3,107	South Houston	\$25,620
Graford	\$23	South Mountain	\$154
Graham	\$235,428	South Padre Island	\$30,629
Granbury	\$71,735	Southlake	\$70,846
Grand Prairie	\$445,439	Southmayd	\$7,096
Grand Saline	\$36,413	Southside Place	\$885
Grandfalls	\$65	Spearman	\$14,000
Grandview	\$6,600	Splendora	\$7,756
Granger	\$2,741	Spofford	\$7
Granite Shoals	\$11,834	Spring Valley Village	\$16,404

Granjeno	\$43	Springlake	\$3
Grapeland	\$7,287	Springtown	\$14,244
Grapevine	\$129,195	Spur	\$427
Gray County	\$65,884	St. Hedwig	\$111
Grays Prairie	\$17	St. Jo	\$7,360
Grayson County	\$539,083	St. Paul	\$21
Greenville	\$203,112	Stafford	\$75,145
Gregg County	\$243,744	Stagecoach	\$3,036
Gregory	\$4,697	Stamford	\$398
Grey Forest	\$474	Stanton	\$3,838
Grimes County	\$94,878	Staples	\$19
Groesbeck	\$5,745	Star Harbor	\$151
Groom	\$965	Starr County	\$99,896
Groves	\$40,752	Stephens County	\$35,244
Groveton	\$8,827	Stephenville	\$83,472
Gruver	\$1,166	Sterling City	\$62
Guadalupe County	\$146,824	Sterling County	\$939
Gun Barrel City	\$36,302	Stinnett	\$4,097
Gunter	\$4,609	Stockdale	\$741
Gustine	\$34	Stonewall County	\$1,822
Hackberry	\$94	Stratford	\$8,378
Hale Center	\$6,042	Strawn	\$987
Hale County	\$79,150	Streetman	\$5
Hall County	\$8,933	Sudan	\$32
Hallettsville	\$6,895	Sugar Land	\$321,561
Hallsburg	\$272	Sullivan City	\$6,121
Hallsville	\$10,239	Sulphur Springs	\$124,603
Haltom City	\$71,800	Sun Valley	\$4
Hamilton	\$3,581	Sundown	\$2,592
Hamilton County	\$66,357	Sunnyvale	\$3,248
Hamlin	\$4,656	Sunray	\$2,571
Hansford County	\$16,416	Sunrise Beach Village	\$2,083
Happy	\$327	Sunset Valley	\$9,425
Hardeman County	\$15,219	Surfside Beach	\$6,530
Hardin	\$100	Sutton County	\$6,541
Hardin County	\$379,800	Sweeny	\$4,503
Harker Heights	\$113,681	Sweetwater	\$68,248
Harlingen	\$165,429	Swisher County	\$7,251
Harris County	\$14,966,202	Taft	\$5,861
Harrison County	\$185,910	Tahoka	\$430

Hart	\$86	Talco	\$372
Hartley County	\$786	Talty	\$9,124
Haskell	\$10,829	Tarrant County	\$6,171,159
Haskell County	\$22,011	Tatum	\$972
Haslet	\$1,908	Taylor	\$57,945
Hawk Cove	\$674	Taylor County	\$351,078
Hawkins	\$7,932	Taylor Lake Village	\$412
Hawley	\$931	Taylor Landing	\$153
Hays	\$506	Teague	\$1,714
Hays County	\$529,489	Tehuacana	\$12
Hearne	\$16,824	Temple	\$280,747
Heath	\$28,751	Tenaha	\$4,718
Hebron	\$687	Terrell	\$148,706
Hedley	\$70	Terrell County	\$5,737
Hedwig Village	\$13,067	Terrell Hills	\$9,858
Helotes	\$15,790	Terry County	\$25,423
Hemphill	\$8,035	Texarkana	\$192,094
Hemphill County	\$14,394	Texas City	\$298,702
Hempstead	\$21,240	Texhoma	\$156
Henderson	\$59,966	Texline	\$865
Henderson County	\$327,965	The Colony	\$114,297
Henrietta	\$2,720	The Hills	\$1,004
Hereford	\$20,423	Thompsons	\$1,897
Hewitt	\$19,776	Thorndale	\$1,595
Hickory Creek	\$16,510	Thornton	\$270
Hico	\$5,534	Thorntonville	\$87
Hidalgo	\$26,621	Thrall	\$825
Hidalgo County	\$1,253,103	Three Rivers	\$4,669
Hideaway	\$922	Throckmorton	\$29
Higgins	\$43	Throckmorton County	\$5,695
Highland Haven	\$320	Tiki Island	\$2,178
Highland Park	\$43,383	Timbercreek Canyon	\$369
Highland Village	\$50,315	Timpson	\$12,642
Hill Country Village	\$6,485	Tioga	\$2,390
Hill County	\$127,477	Tira	\$185
Hillcrest	\$5,345	Titus County	\$70,611
Hillsboro	\$46,609	Toco	\$4
Hilshire Village	\$859	Todd Mission	\$1,680
Hitchcock	\$28,796	Tolar	\$2,369
Hockley County	\$46,407	Tom Bean	\$2,293

Holiday Lakes	\$1,795	Tom Green County	\$282,427
Holland	\$77	Tomball	\$34,620
Holliday	\$5,910	Tool	\$14,787
Hollywood Park	\$9,424	Toyah	\$40
Hondo	\$115,288	Travis County	\$4,703,473
Honey Grove	\$7,196	Trent	\$63
Hood County	\$292,105	Trenton	\$3,089
Hooks	\$2,702	Trinidad	\$5,859
Hopkins County	\$149,518	Trinity	\$23,652
Horizon City	\$7,520	Trinity County	\$105,766
Horseshoe Bay	\$48,173	Trophy Club	\$29,370
Houston County	\$78,648	Troup	\$7,918
Houston	\$7,021,793	Troy	\$5,320
Howard County	\$89,330	Tulia	\$8,911
Howardwick	\$84	Turkey	\$737
Howe	\$9,177	Tuscola	\$138
Hubbard	\$3,635	Tye	\$1,766
Hudson	\$6,840	Tyler	\$723,829
Hudson Oaks	\$15,637	Tyler County	\$131,743
Hudspeth County	\$985	Uhland	\$1,545
Hughes Springs	\$4,442	Uncertain	\$185
Humble	\$73,952	Union Grove	\$994
Hunt County	\$309,851	Union Valley	\$666
Hunters Creek Village	\$14,708	Universal City	\$28,428
Huntington	\$8,792	University Park	\$50,833
Huntsville	\$80,373	Upshur County	\$128,300
Hurst	\$99,187	Upton County	\$8,499
Hutchins	\$9,551	Uvalde	\$18,439
Hutchinson County	\$74,630	Uvalde County	\$36,244
Hutto	\$38,346	Val Verde County	\$117,815
Huxley	\$738	Valentine	\$207
Idalou	\$1,999	Valley Mills	\$2,228
Impact	\$8	Valley View	\$1,824
Indian Lake	\$473	Van	\$6,206
Industry	\$604	Van Alstyne	\$43,749
Ingleside on the Bay	\$142	Van Horn	\$211
Ingleside	\$40,487	Van Zandt County	\$248,747
Ingram	\$5,243	Vega	\$974
Iola	\$3,164	Venus	\$9,792
Iowa Colony	\$4,090	Vernon	\$81,337

Iowa Park	\$23,487	Victoria	\$84,598
Iraan	\$56	Victoria County	\$520,886
Iredell	\$216	Vidor	\$95,620
Irion County	\$9,105	Vinton	\$622
Irving	\$427,818	Volente	\$333
Italy	\$5,349	Von Ormy	\$513
Itasca	\$8,694	Waco	\$512,007
Ivanhoe	\$26	Waelder	\$3,427
Jacinto City	\$14,141	Wake Village	\$174
Jack County	\$14,799	Walker County	\$184,624
Jacksboro	\$23,254	Waller County	\$126,206
Jackson County	\$37,984	Waller	\$11,295
Jacksonville	\$80,179	Wallis	\$2,698
Jamaica Beach	\$4,913	Walnut Springs	\$183
Jarrell	\$2,423	Ward County	\$67,920
Jasper	\$78,422	Warren City	\$66
Jasper County	\$248,855	Washington County	\$83,727
Jayton	\$63	Waskom	\$5,346
Jeff Davis County	\$8,500	Watauga	\$33,216
Jefferson	\$11,194	Waxahachie	\$152,094
Jefferson County	\$756,614	Weatherford	\$207,872
Jersey Village	\$36,347	Webb County	\$505,304
Jewett	\$9,338	Webberville	\$1,280
Jim Hogg County	\$12,718	Webster	\$53,202
Jim Wells County	\$166,539	Weimar	\$5,830
Joaquin	\$810	Weinert	\$234
Johnson City	\$3,581	Weir	\$443
Johnson County	\$408,692	Wellington	\$9,111
Jolly	\$26	Wellman	\$383
Jones County	\$22,001	Wells	\$1,357
Jones Creek	\$5,078	Weslaco	\$73,949
Jonestown	\$6,419	West	\$3,522
Josephine	\$881	West Columbia	\$17,958
Joshua	\$20,619	West Lake Hills	\$17,056
Jourdanton	\$9,600	West Orange	\$42,452
Junction	\$4,825	West Tawakoni	\$6,995
Justin	\$8,575	West University Place	\$34,672
Karnes City	\$11,632	Westbrook	\$43
Karnes County	\$35,249	Westlake	\$41,540
Katy	\$52,467	Weston	\$266

Kaufman	\$27,607	Weston Lakes	\$189
Kaufman County	\$353,047	Westover Hills	\$4,509
Keene	\$38,296	Westworth Village	\$7,842
Keller	\$79,189	Wharton	\$31,700
Kemah	\$28,325	Wharton County	\$72,887
Kemp	\$6,419	Wheeler	\$447
Kempner	\$330	Wheeler County	\$26,273
Kendall County	\$100,643	White Deer	\$1,273
Kendleton	\$13	White Oak	\$15,305
Kenedy	\$676	White Settlement	\$23,304
Kenedy County	\$1,000	Whiteface	\$155
Kenefick	\$416	Whitehouse	\$29,017
Kennard	\$132	Whitesboro	\$18,932
Kennedale	\$21,024	Whitewright	\$7,098
Kent County	\$939	Whitney	\$73
Kerens	\$1,924	Wichita County	\$552,371
Kermit	\$5,652	Wichita Falls	\$832,574
Kerr County	\$218,452	Wickett	\$87
Kerrville	\$190,357	Wilbarger County	\$55,124
Kilgore	\$105,583	Willacy County	\$24,581
Killeen	\$535,650	Williamson County	\$1,195,987
Kimble County	\$20,480	Willis	\$24,384
King County	\$1,000	Willow Park	\$26,737
Kingsville	\$20,083	Wills Point	\$43,765
Kinney County	\$2,142	Wilmer	\$426
Kirby	\$8,752	Wilson	\$12
Kirbyville	\$10,690	Wilson County	\$121,034
Kirvin	\$2	Wimberley	\$724
Kleberg County	\$124,109	Windcrest	\$12,908
Knollwood	\$1,160	Windom	\$1,087
Knox City	\$1,962	Windthorst	\$3,385
Knox County	\$11,730	Winfield	\$290
Kosse	\$2,468	Wink	\$120
Kountze	\$19,716	Winkler County	\$61,163
Kress	\$186	Winnnsboro	\$28,791
Krugerville	\$1,508	Winona	\$319
Krum	\$9,661	Winters	\$6,229
Kurten	\$686	Wise County	\$289,074
Kyle	\$51,835	Wixon Valley	\$441
La Feria	\$10,381	Wolfe City	\$5,466

La Grange	\$9,623	Wolfforth	\$4,022
La Grulla	\$1,708	Wood County	\$267,048
La Joya	\$8,457	Woodbranch	\$9,617
La Marque	\$98,930	Woodcreek	\$358
La Porte	\$91,532	Woodloch	\$1,012
La Salle County	\$14,975	Woodsboro	\$1,130
La Vernia	\$3,217	Woodson	\$122
La Villa	\$572	Woodville	\$20,340
La Ward	\$321	Woodway	\$25,713
LaCoste	\$159	Wortham	\$376
Lacy-Lakeview	\$11,599	Wylie	\$114,708
Ladonia	\$2,011	Yantis	\$2,072
Lago Vista	\$13,768	Yoakum County	\$34,924
Laguna Vista	\$3,689	Yoakum	\$20,210
Lake Bridgeport	\$232	Yorktown	\$5,447
Lake City	\$2,918	Young County	\$44,120
Lake Dallas	\$25,314	Zapata County	\$56,480
Lake Jackson	\$75,781	Zavala County	\$38,147
Lake Tanglewood	\$613	Zavalla	\$1,088
Lake Worth	\$20,051		



# EXHIBIT C

Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs  
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$54,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,047,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kinney, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,047
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$24,220,521
9	Dallas, Kaufman	\$66,492,094
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,124,354
15	El Paso, Hudspeth	\$17,994,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burleson, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

\* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.

## **EXHIBIT K**

### **Subdivision Settlement Participation Form**

Governmental Entity:	City of Killeen	State:	Texas
Authorized Official:	Kent Cagle, City Manager		
Address 1:	P.O. Box 1329		
Address 2:			
City, State, Zip:	Killeen, TX 76540-1329		
Phone:	254-501-7700		
Email:	kcagle@killeentexas.gov		

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“*Distributor Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Participation Form have the meanings defined therein, and agrees that by signing this Participation Form, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, secure the dismissal with prejudice of any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including, but not limited to, all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.
10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Participation Form is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

I have all necessary power and authorization to execute this Participation Form on behalf of the Governmental Entity.

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

Name: \_\_\_\_\_ Kent Cagle

Title: \_\_\_\_\_ City Manager

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

## **EXHIBIT K**

### **Settlement Participation Form**

Governmental Entity:	City of Killeen	State:	Texas
Authorized Official:	Kent Cagle, City Manager		
Address 1:	P.O. Box 1329		
Address 2:			
City, State, Zip:	Killeen, TX 76540--1329		
Phone:	254-501-7700		
Email:	kcagle@killeentexas.gov		

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of

Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

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

Name: Kent Cagle

Title: City Manager

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





# PARTICIPATION IN THE GLOBAL OPIOID SETTLEMENT

RS-21-142

November 2, 2021

# Background

2

- ❑ In 2020, drug overdose deaths rose nearly 30% in the United States to a record high of 93,000
- ❑ Opioid overdose deaths hit a record 69,000 in the United States
- ❑ In Texas, drug overdose deaths also increased by 31.9%, driven primarily by opioid overdose deaths
- ❑ The opioid overdose death increase was driven by fentanyl and other synthetic opioids

Sources: "Provisional Drug Overdose Death Counts." Centers for Disease Control: National Center for Health Statistics (last accessed July 23, 2021)

"U.S. Drug-Overdose Deaths Soared Nearly 30% in 2020, Driven by Synthetic Opioids." Betsy McKay, Wall Street Journal (July 14, 2021),

# Texas Attorney General

3

- On July 23, 2021, Texas Attorney General Paxton announced that Texas and other states had reached final agreements with 4 companies to resolve legal claims for their role in the opioid crisis
  - ▣ 3 distributors – AmerisourceBergen, Cardinal Health and McKesson
  - ▣ 1 manufacturer – Johnson & Johnson

# Settlement Details

4

- ❑ \$26 billion paid out over 18 years
- ❑ Funding is distributed to states according to an allocation agreement
- ❑ Texas
  - ▣ \$1.5 billion
    - \$1.17 billion from distributors
    - \$268 million from Johnson & Johnson
    - Texas' share of the settlement is dependent on how many entities join.

# Settlement Details (continued)

5

## □ Injunctive terms

### ▣ Distributors

- Subject to oversight and accountability
- Required to establish and fund an independent clearinghouse to track opioid distribution and flag suspicious orders

### ▣ Johnson & Johnson prohibited from selling or promoting opioids

# Local Allocations

6

- Killeen allocation:
  - ▣ \$653,826
    - \$531,631 from distributors, \$122,195 from J&J
  - ▣ Funds to be used to support a variety of strategies to fight the opioid crisis
- Region 8 will also receive \$29,862,721
  - ▣ Bell, Blanco, Burnet, Lampasas, Milam, San Saba, and Williamson Counties

# Participation

7

- ❑ Adopt the Texas Term Sheet
- ❑ Sign the subdivision settlement participation forms, one each for distributors and J&J
- ❑ Return the documents to the Attorney General by January 2, 2022

# Alternatives

8

- ❑ Do not authorize participation in the Global Opioid Settlement
- ❑ Authorize participation in the Global Opioid Settlement



# Recommendation

9

- Based on the recommendation of the Texas Attorney General's office, staff recommends that the City Council authorize participation in the Global Opioid Settlement and adopt the Texas Abatement and Fund Council and Settlement Allocation Term Sheet.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-056	<b>Version:</b>	1	<b>Name:</b>	FLUM 21-03
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	6/23/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Quintero Engineering on behalf of Tara Campbell (Case #FLUM21-03) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155, generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** FLUM CASE #21-03: 'Rural' (R) to 'General Residential' (GR)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of Tara Campbell, has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155. If approved, the applicant intends to develop single-family residential homes on the property, which would tie into the residential development to the east.

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

The subject property was annexed on August 24, 2021 via Ordinance No. 20-050. The property was zoned "A" (Agriculture) with the adoption of the annexation ordinance in accordance with Killeen Code of Ordinances Sec. 31-124(a). The property is currently unplatted.

#### **Character of the Area:**

The surrounding area is predominantly residential. Adjacent land uses are as follows:

- North: Proposed roadway for the residential property to the east zoned "R-1" (Single-Family Residential District)
- South: Existing residential property in the ETJ
- East: Existing residential property zoned "R-1" (Single-Family Residential District), currently under development
- West: Undeveloped property in the ETJ

#### **Future Land Use Map Analysis:**

This property is designated as 'Rural' (R) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Rural' (R) designation encourages rural character with wide open landscapes, large parcels, and scattered residential development on relatively large acreages and encourages the following development types:

- Residential homesteads;
- Planned development to accommodate conservation and cluster residential designs;

- Agricultural uses;
- Agriculture-focused commercial retail;
- Public/institutional;
- Parks and public spaces; and
- Natural and protected floodplain areas.

If approved, 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

The applicant has submitted a concurrent request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District).

### **Staff Findings:**

The current zoning of the subject property is "A" (Agricultural District). The surrounding land uses are primarily residential in nature. The area to the north is a proposed roadway for the residential property to the east of the subject property, which is currently under development and zoned "R-1" (Single-Family Residential District). To the west is undeveloped property in the ETJ and to the south is an existing residential property in the ETJ and outside of the city limits.

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

### **Public Notification:**

Staff mailed courtesy notices to thirty-six (36) surrounding property owners regarding this request. Of those property owners notified, ten (10) reside outside of Killeen.

### **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; or
- Approve the applicant's FLUM amendment request.

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

**Why?** Staff finds the requested FLUM amendment is compatible with the adjacent residential land uses.

**CONFORMITY TO CITY POLICY:**

This 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?**

The proposed FLUM amendment does not involve the expenditure of City funds.

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

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

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

This is not applicable.

**RECOMMENDATION:**

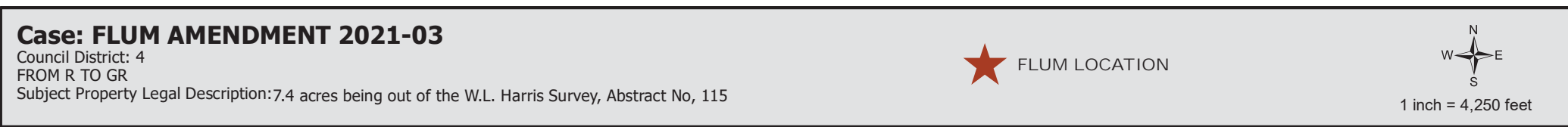
At their regular meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

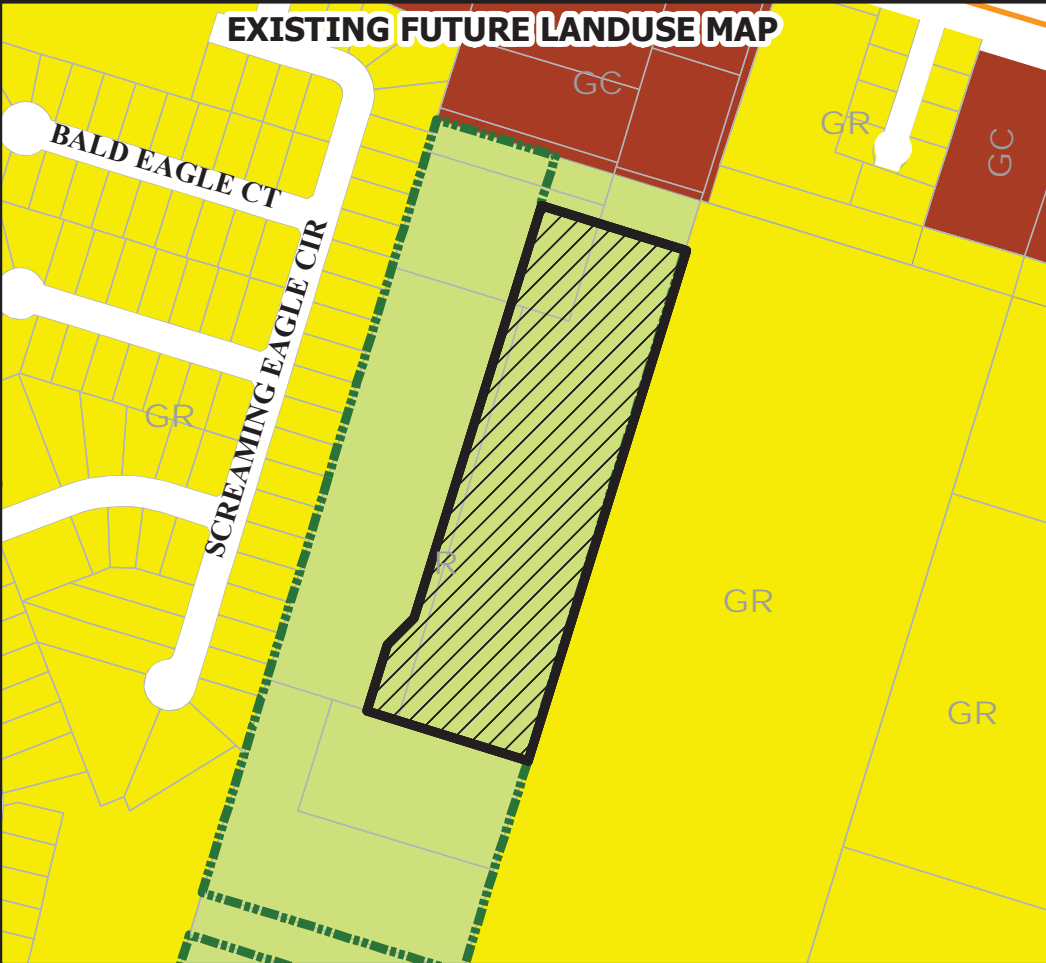
**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance

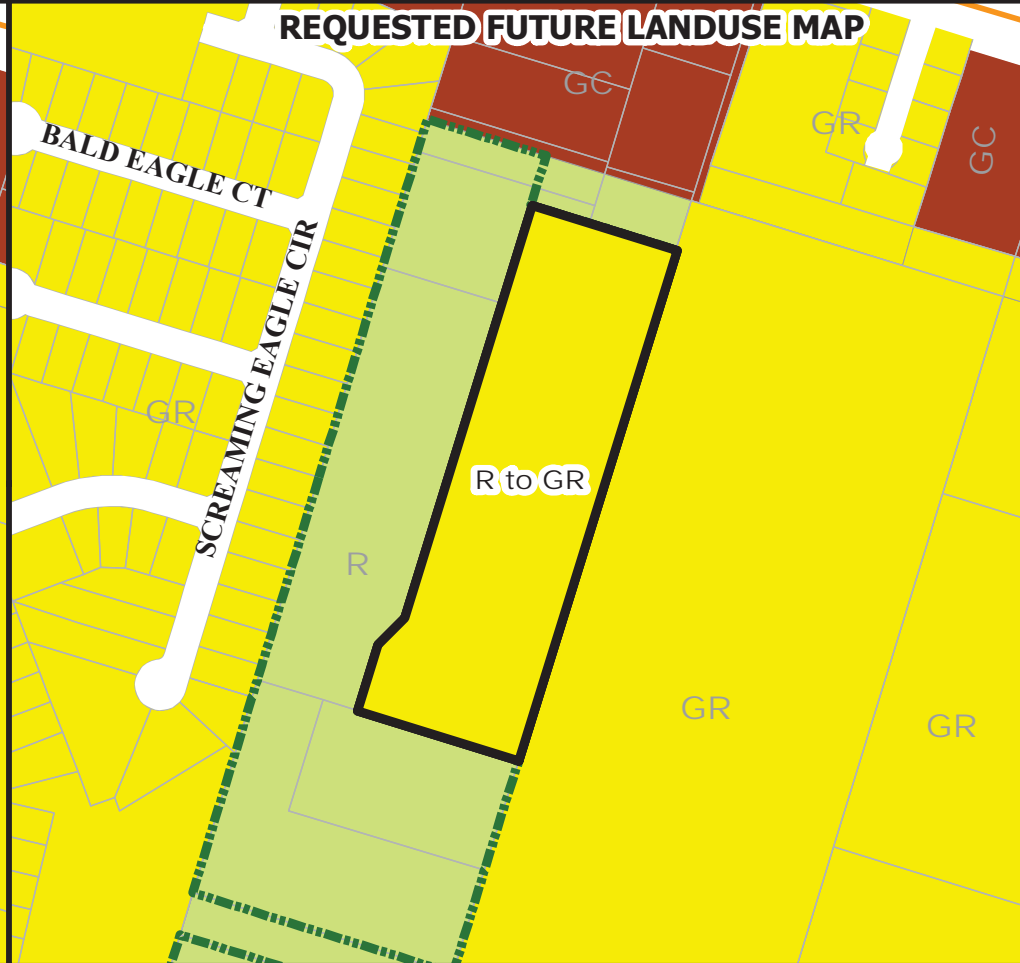




## EXISTING FUTURE LANDUSE MAP



## REQUESTED FUTURE LANDUSE MAP



### FLUM Plan






### Case: FLUM AMENDMENT 2021-03

Council District: 4

FROM R TO GR

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 115

### Future Land Use Legend

-  FLUM 21-03
-  Killeen City Limits
-  General Residential (GR)
-  General Commercial (GC)
-  Rural (R)



1 inch = 417 feet

Date: 5/25/2021

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 4, 2021**

**CASE #FLUM 21-03**

**HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Ms. Tara Campbell (**Case #FLUM21-03**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155. The property is generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant's request. She stated that staff recommended approval of the request as presented, as it is consistent with the Future Land Use Map and the character of the area.

The agent, Mr. Pedro Quintero of Quintero Engineering, was present to represent the case. Mr. Quintero spoke in support of the amendment, stating that it would be consistent with the character of the neighborhood.

Chairman Latham opened the public hearing.

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

Commissioner Alvarez made a motion to approve the request as presented. Commissioner Adams seconded, and the motion passed by a vote of 6 to 0.



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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 7.4 ACRES, BEING OUT OF THE W. L. HARRIS SURVEY, ABSTRACT NO. 1155, FROM A 'RURAL' (R) DESIGNATION TO A 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that 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 Quintero Engineering, LLC on behalf of Tara Campbell for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'Rural' (R) designation to a 'General Residential' (GR) designation, said property being legally described approximately 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 7.4 acres, being out of the W. L. Harris Survey, Abstract No. 1155, be amended from a ‘Rural’ (R) designation to a ‘General Residential’ (GR) 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 9<sup>th</sup> day of November 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 21-03

Ord#: 21-\_\_\_\_



CASE #FLUM21-03: 'R' TO 'GR'

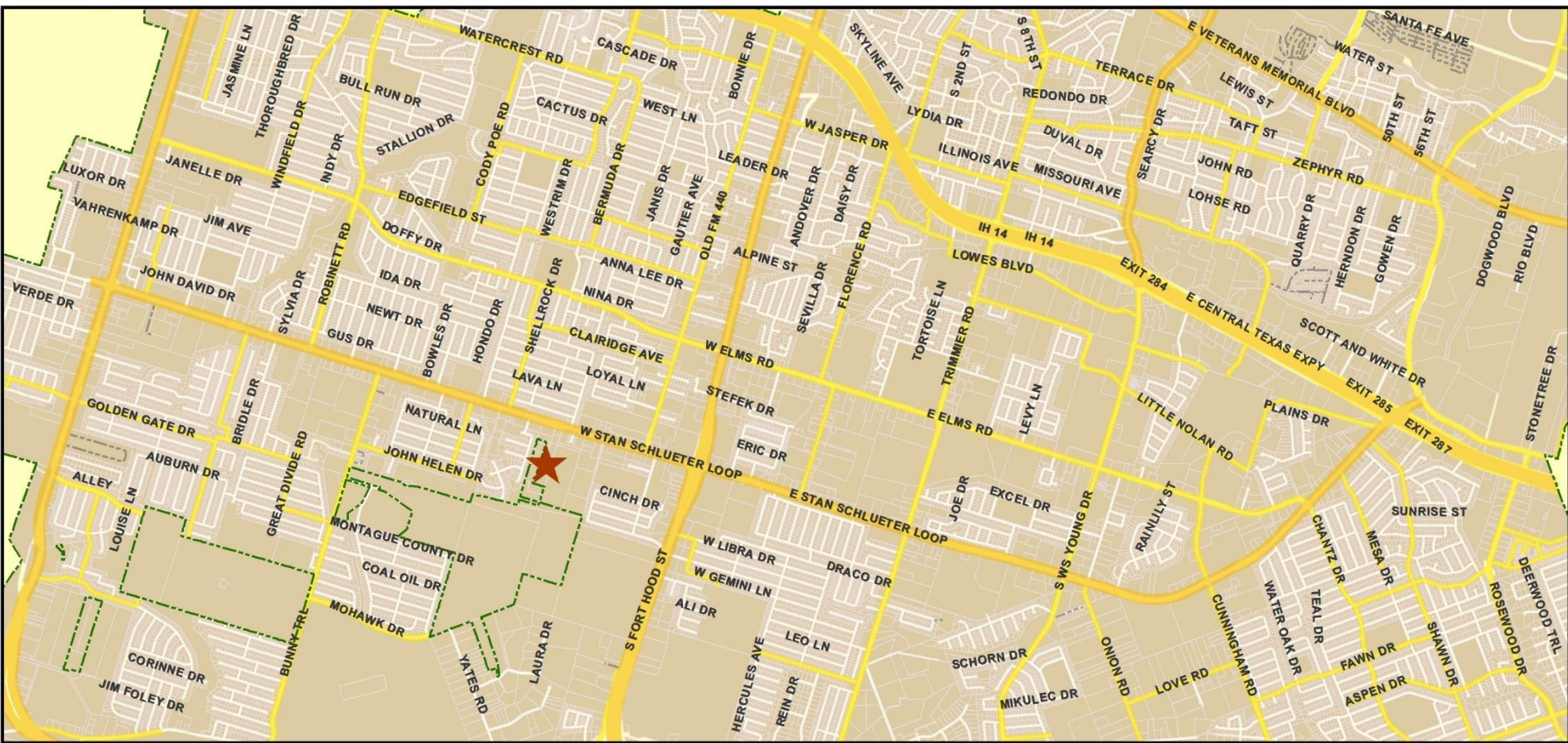
PH-21-056

November 2, 2021

# Case #FLUM21-03: 'R' to 'GR'

2

- ❑ **HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Ms. Tara Campbell (**Case #FLUM21-03**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155.
- ❑ The property is generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.



**Case: FLUM AMENDMENT 2021-03**

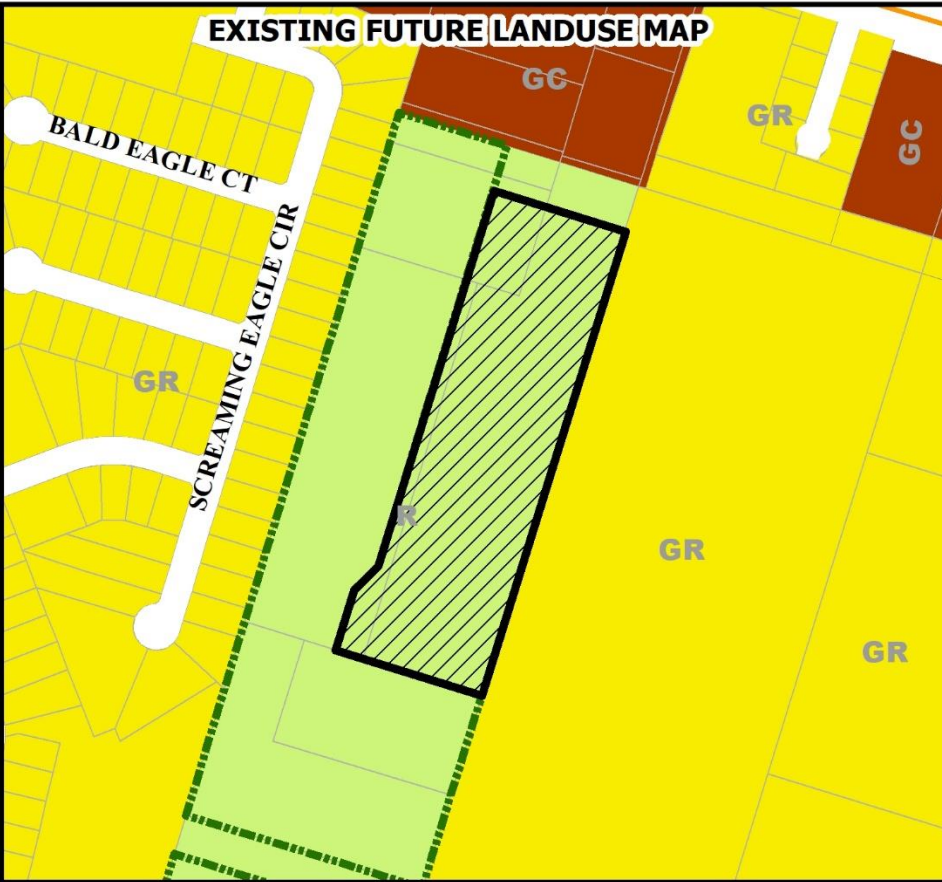
Council District: 4  
FROM R TO GR  
Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No. 115



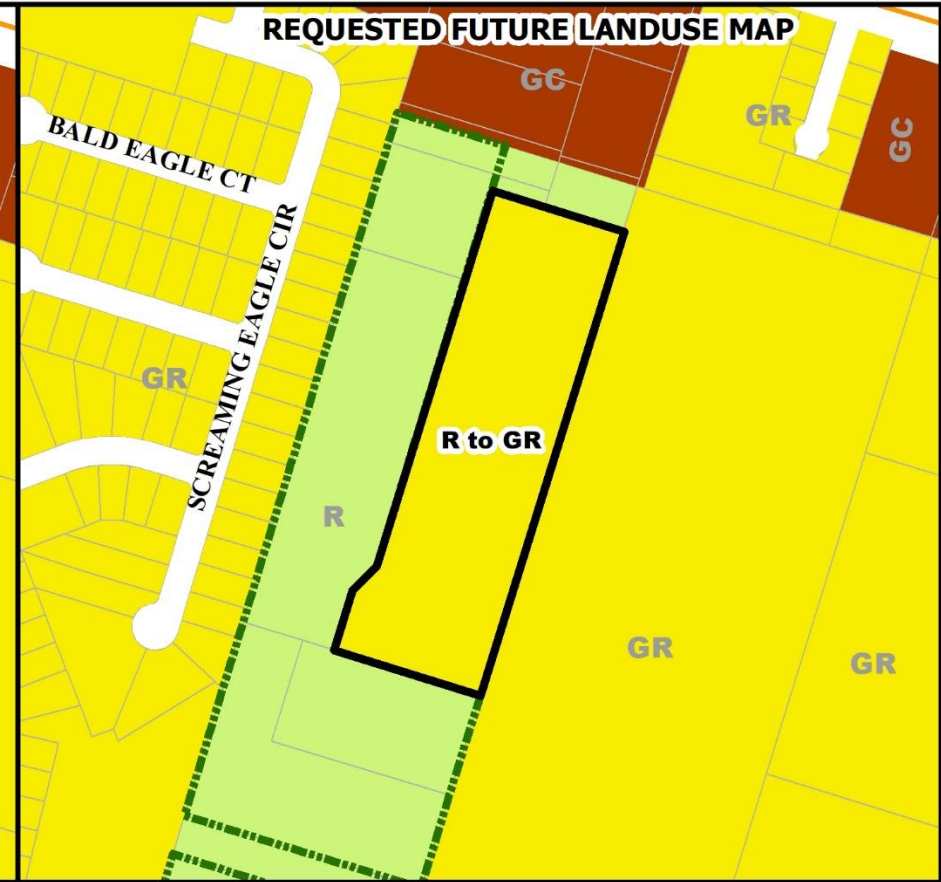
1 inch = 4,250 feet



# EXISTING FUTURE LANDUSE MAP



# REQUESTED FUTURE LANDUSE MAP



## FLUM Plan






### Case: FLUM AMENDMENT 2021-03

Council District: 4

FROM R TO GR

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 115

## Future Land Use Legend

-  FLUM 21-03
-  Killeen City Limits
-  General Residential (GR)
-  General Commercial (GC)
-  Rural (R)



1 inch = 417 feet

Date: 10/8/2021

# Case #FLUM21-03: 'R' to 'GR'

5

- This property is currently designated as 'Rural' (R) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The 'Rural' (R) designation encourages the following development types:
  - ▣ Residential homesteads;
  - ▣ Planned development to accommodate conservation and cluster residential designs;
  - ▣ Agricultural uses;
  - ▣ Agriculture-focused commercial retail;
  - ▣ Public/institutional;
  - ▣ Parks and public spaces; and
  - ▣ Natural and protected floodplain areas.

# Case #FLUM21-03: 'R' to 'GR'

6

- If approved, 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; and
  - ▣ Parks and public spaces.
- The applicant submitted a concurrent request to rezone the property from 'A' (Agricultural District) to 'R-1' (Single-Family Residential).



# Staff Findings

7

- If approved, the applicant intends to develop single-family residential homes on the property, which would tie into the residential development to the east.
- There are no known environmental constraints for this property. The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

# Staff Findings

8

- ❑ The property was annexed on August 24, 2021 via Ordinance No. 20-050 and zoned “A” (Agricultural District) in accordance with Killeen Code of Ordinances Sec. 31-124(a) – Newly Annexed Areas.
- ❑ The surrounding land uses are primarily residential in nature.
- ❑ To the north is a roadway leading to the residential development to the east, both zoned “R-1” (Single-Family Residential District).
- ❑ To the west is undeveloped property, and to the south is an existing residential property, both outside the city limits and in the ETJ.

# Case #FLUM21-03: 'R' to 'GR'

9

View of subject property looking west:



# Case #FLUM21-03: 'R' to 'GR'

10

Surrounding property to the South (residential property outside of the city limits):



# Case #FLUM21-03: 'R' to 'GR'

11

Subject property to the east (Mesa Verde currently under development):



# Case #FLUM21-03: 'R' to 'GR'

12

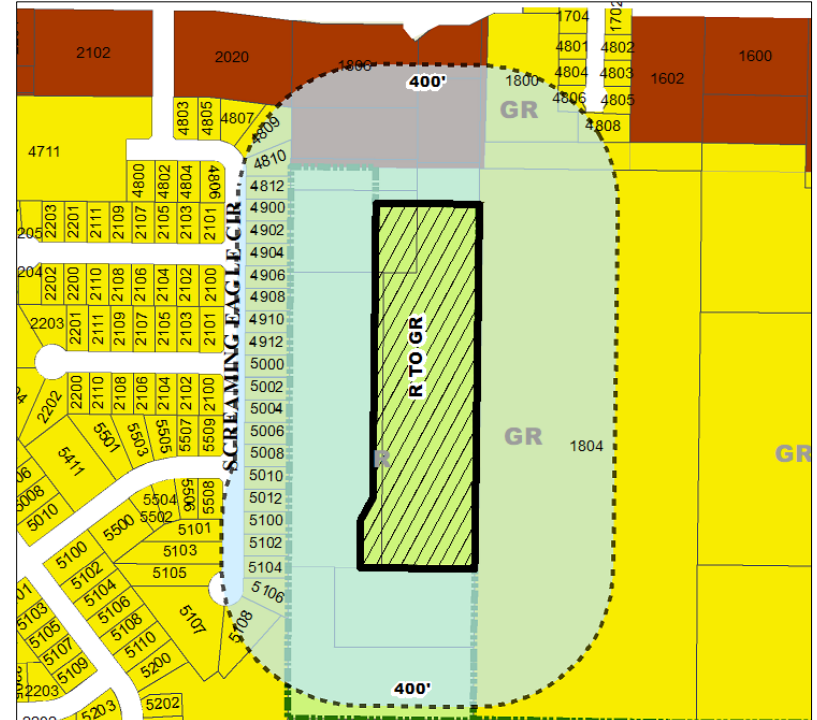
Subject property to the east (Mesa Verde currently under development):



# Public Notification

13

- Staff mailed courtesy notices to thirty-six (36) surrounding property owners within 400 feet regarding this request.
- Of those property owners notified, ten (10) reside outside of Killeen.





# Alternatives

14

- ❑ The City Council has three (3) alternatives:
  - ▣ Disapprove the applicant's request to amend the FLUM;
  - ▣ Approve a more restrictive FLUM designation; or
  - ▣ Approve the applicant's request to amend the FLUM.



# Staff Recommendation

15

- ❑ Staff recommends approval of the applicant's request to amend the Future Land Use Map (FLUM).
- ❑ Staff finds that the applicant's request is compatible with the adjacent residential land uses.

# Commission Recommendation

16

- ❑ At their regular meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-057	<b>Version:</b>	1	<b>Name:</b>	Zoning 21-14
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	6/23/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Tara Campbell, (Case #Z21-14) to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Considerations</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-14 "A" (Agricultural District) to "R-1" (Single-Family Residential District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of Tara Campbell, has submitted a request to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). If approved, the applicant intends to develop single-family residential homes on the property, which would tie into the residential development to the east.

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

The subject property was annexed on August 24, 2021 via ordinance 20-050. The property was zoned "A" (Agriculture) with the adoption of the annexation ordinance in accordance with Killeen Code of Ordinances Sec. 31-124(a). The property is currently unplatted.

#### **Character of the Area:**

The surrounding area is predominantly residential. Adjacent land uses are as follows:

- North: Proposed roadway for the residential property to the east zoned "R-1" (Single-Family Residential District)
- South: Existing residential property in the ETJ
- East: Existing residential property zoned "R-1" (Single-Family Residential District), currently under development
- West: Undeveloped property in the ETJ

#### **Future Land Use Map Analysis:**

This property is designated as 'Rural' (R) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Rural' (R) designation encourages rural character with wide open landscapes, large parcels, and scattered residential development on relatively large acreages and encourages the following development types:

- Residential homesteads;
- Planned development to accommodate conservation and cluster residential designs;
- Agricultural uses;
- Agriculture-focused commercial retail;
- Public/institutional;
- Parks and public spaces; and
- Natural and protected floodplain areas.

Staff finds that the request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District) is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, a concurrent request to amend the Future Land Use Map (FLUM) from "R" (Rural) to "GR" (General Residential) has been submitted.

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Upon completion of the Mesa Verde Estates subdivision to the east, access will be available from Stan Schlueter Loop via Mesa Verde Drive and Lyla Drive.

### **Public Notification:**

Staff notified thirty-six (36) surrounding property owners regarding this request. Of those property owners notified, thirty-two (32) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and ten (10) reside outside the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

### **Staff Findings:**

Staff finds that the applicant's request is consistent with the adjacent residential land uses and is compatible with the prevailing community character.

There are no known environmental constraints for this tract. The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA). 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 district than requested by applicant; or
- Approve the applicant's request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request to rezone the property from "A" (Agriculture) to "R-1" (Single-Family Residential District).

**Why?** The applicant's request is consistent with the adjacent residential land uses and is compatible with the prevailing community character.

**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 regular meeting on October 4, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

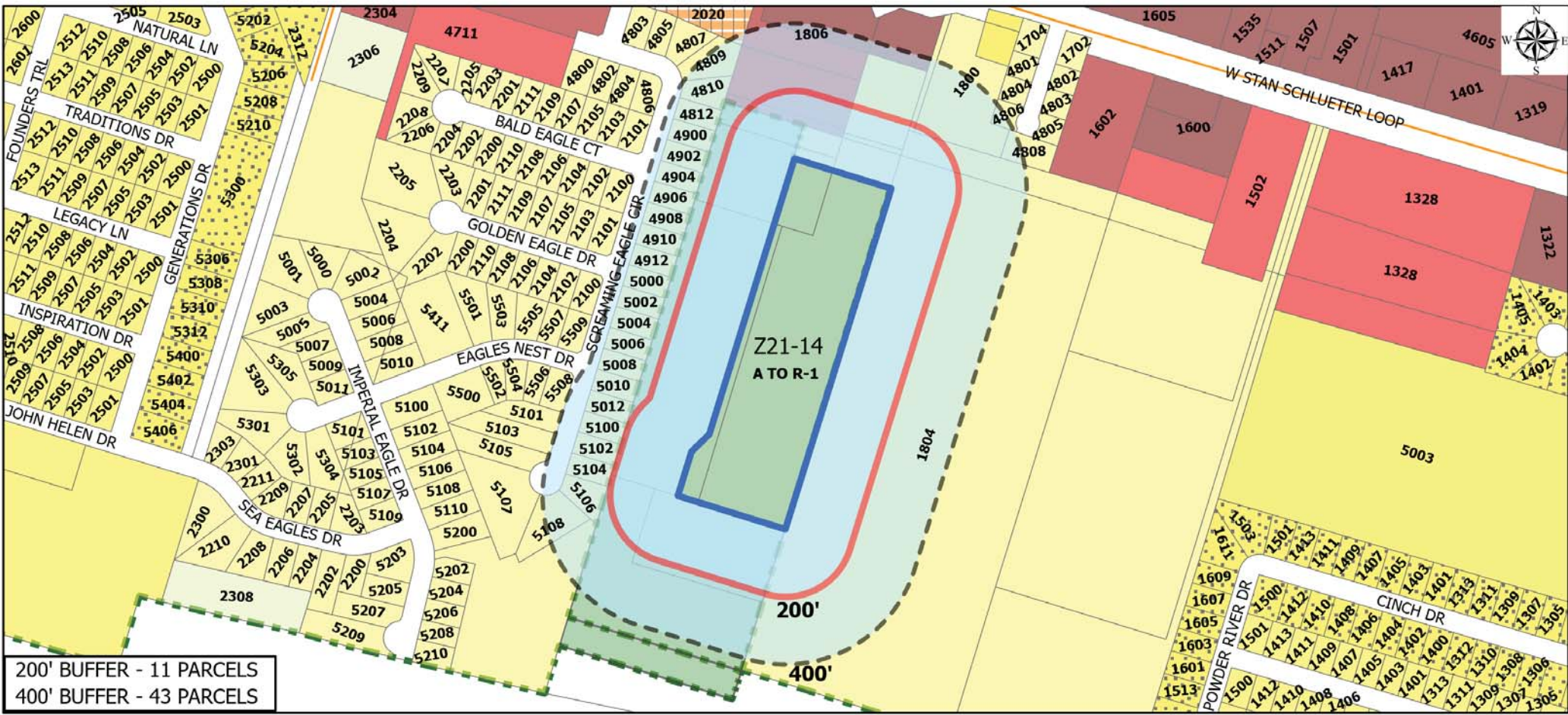
**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes

Ordinance  
Considerations







Attachment #1

Council District: 4

1 inch = 475 feet

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 1155

# Zoning Map Zoning Case 2021-14

Current Zoning	
<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen;"></span> A	<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> R-3
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> A-R1	<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> R-MP
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> B-3	<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> R1-A
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> B-4	<span style="display:inline-block; width:10px; height:10px; border:1px dashed green;"></span> Killeen City Limits
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> B-5	
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> B-C-1	
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> R-1	
<span style="display:inline-block; width:10px; height:10px; background-color:lightyellow;"></span> R-2	





Attachment #3

Zoning Map

Council District: 4

1 inch = 471 feet

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 1155

## Zoning Case 2021-14

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 4, 2021**

**CASE #Z21-14**  
**“A” to “R-1”**

**HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Ms. Tara Campbell (**Case #Z21-14**) to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155 from “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request as presented, as it is consistent with the character of the area.

The agent, Mr. Pedro Quintero of Quintero Engineering, was present to represent the case.

Chairman Latham opened the public hearing.

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

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

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 7.4 ACRES OUT OF THE W. L. HARRIS SURVEY, ABSTRACT NO. 1155 FROM “A” (AGRICULTURAL DISTRICT) TO “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Quintero Engineering, LLC on behalf of Tara Campbell, 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 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155 from “A” (Agricultural District) to “R-1” (Single-Family Residential District), said request having been duly recommended for approval of “R-1” (Single-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155 from “A” (Agricultural District) to “R-1” (Single-Family Residential District), said request having been duly recommended for approval of “R-1” (Single-Family Residential District), for the property located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, 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 9<sup>th</sup> day of November 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:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Traci S. Briggs, City Attorney**

Case #21-14

Ord. #21-\_\_\_\_

# CONSIDERATIONS

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

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

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

## **C. Conditions to Consider**

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



CASE #Z21-14: “A” TO “R-1”

PH-21-057

November 2, 2021

# Case #Z21-14: “A” to “R-1”

2

- ❑ **HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Tara Campbell (**Case #Z21-14**) to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No, 1155 from “A” (Agricultural District) to “R-1” (Single-Family Residential District).
- ❑ The property is generally located south of West Stan Schlueter Loop and east of the Eagle Valley Subdivision, Killeen, Texas.





Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 1155

# Zoning Case 2021-14

 Zoning Case Location





Attachment #3

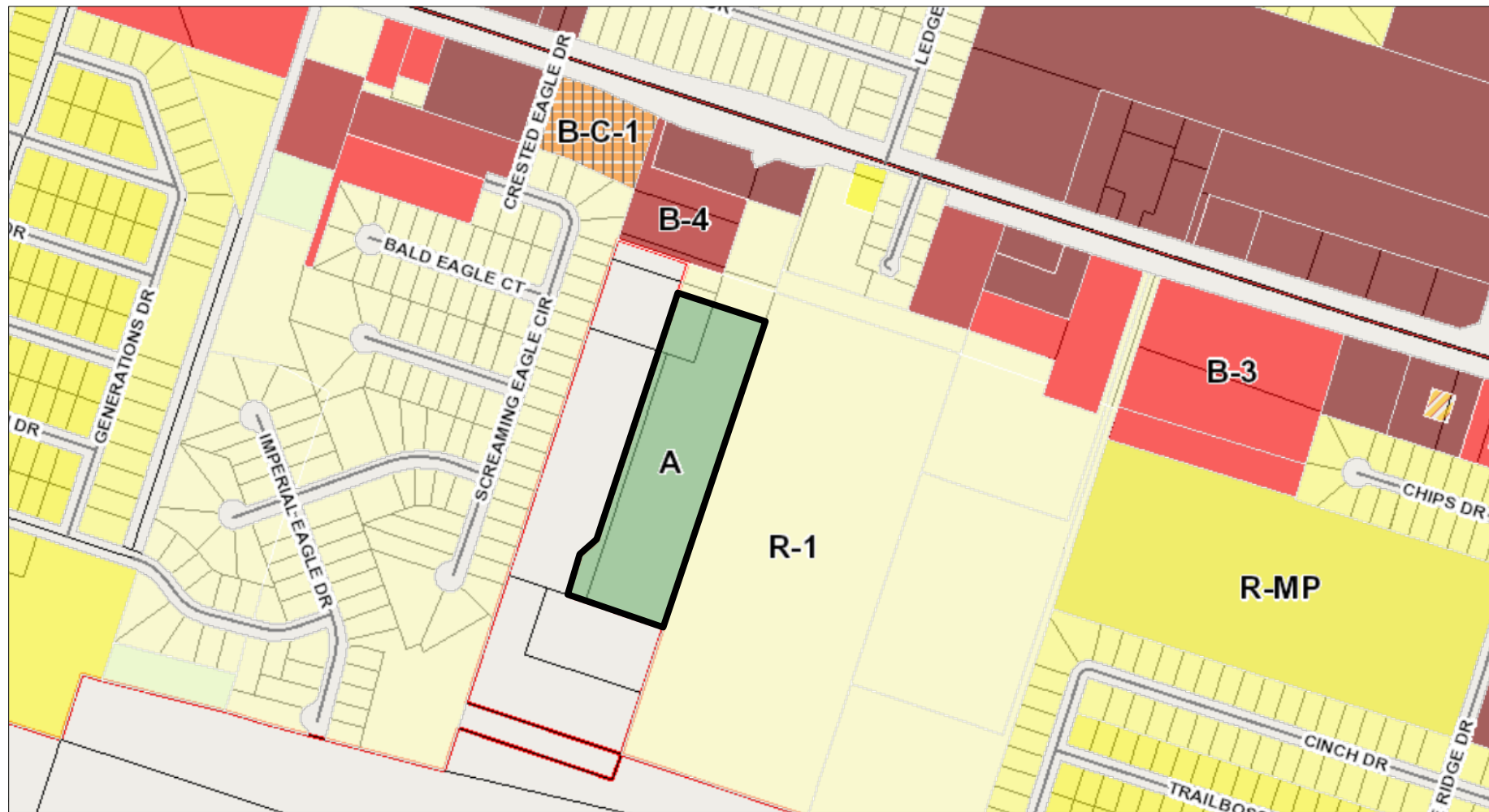
Council District: 4

1 inch = 471 feet

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 1155

Zoning Map

## Zoning Case 2021-14



# Case #Z21-14: “A” to “R-1”

6

- The ‘Rural’ (R) Future Land Use designation encourages the following development types:
  - ▣ Residential homesteads;
  - ▣ Planned development to accommodate conservation and cluster residential designs;
  - ▣ Agricultural uses;
  - ▣ Agriculture-focused commercial retail;
  - ▣ Public/institutional;
  - ▣ Parks and public spaces; and
  - ▣ Natural and protected floodplain areas.

# Case #Z21-14: “A” to “R-1”

7

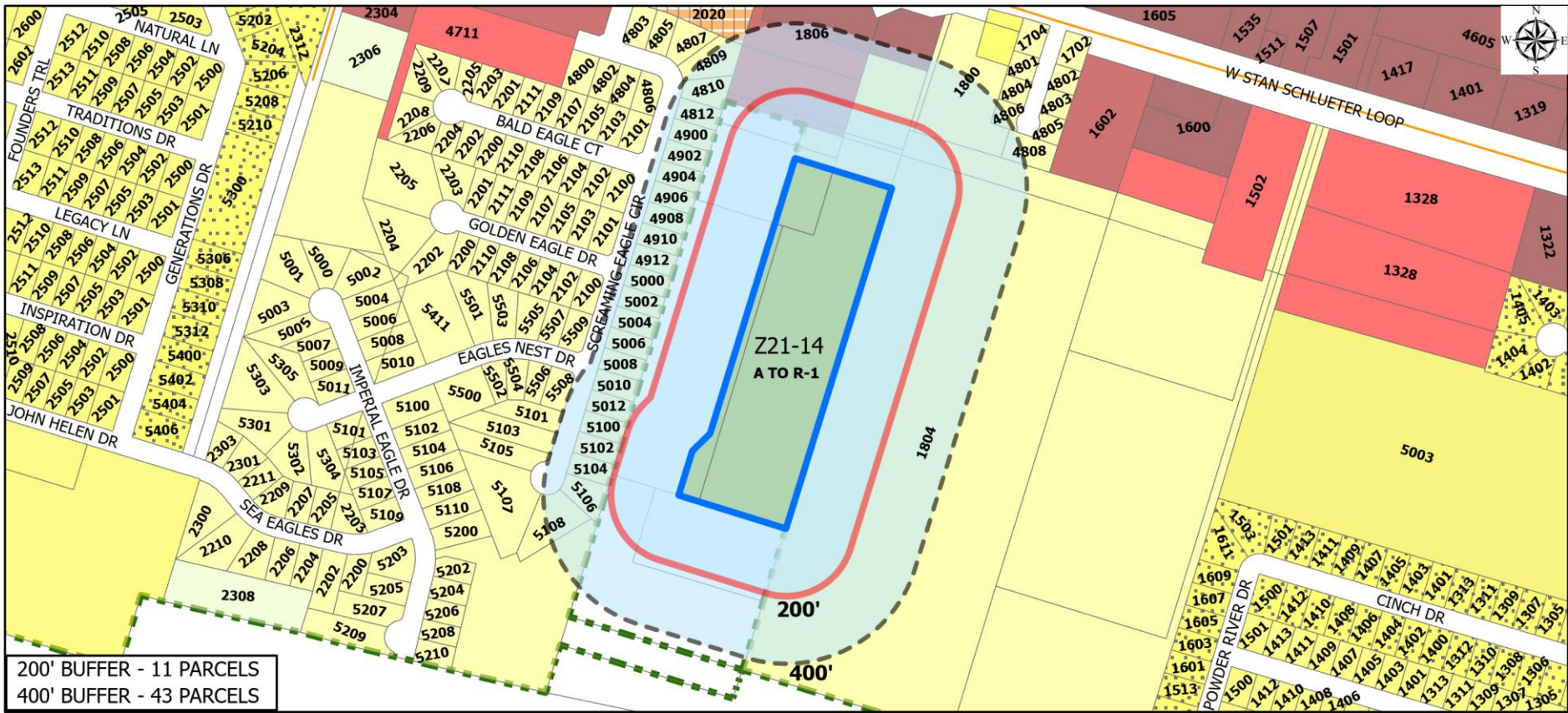
- Staff finds that the request is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.
- However, a concurrent FLUM amendment request to change the designation from ‘Rural’ (R) to ‘General Residential’ (GR) has been submitted by the applicant.

# Case #Z21-14: “A” to “R-1”

8

- ❑ Staff notified thirty-six (36) surrounding property owners regarding this request.
- ❑ Of those property owners notified, thirty-two (32) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and ten (10) reside outside of Killeen.
- ❑ To date, staff has received no written responses regarding this request.





Attachment #1

Council District: 4

1 inch = 475 feet

Subject Property Legal Description: 7.4 acres being out of the W.L. Harris Survey, Abstract No, 1155

Zoning Map

## Zoning Case 2021-14

Legend	Current Zoning	
	A	B-4
	A-R1	B-5
	B-3	B-C-1
	R-2	R-3
	R-1	R-MP
	R-1-A	R-1-A
	Killeen City Limits	

# Alternatives

10

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



# Staff Recommendation

11

- ❑ Staff recommends approval of the applicant's request to rezone the property from "A" (Agriculture) to "R-1" (Single-Family Residential District) as presented.
- ❑ Staff finds that the applicant's request is consistent with the adjacent residential land uses and is compatible with the prevailing community character.

# Commission Recommendation

12

- ❑ At their meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-058	<b>Version:</b>	1	<b>Name:</b>	FLUM 21-07
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	9/7/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (Case #FLUM21-07) 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 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199, located at 4302 Cunningham Road, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** FLUM CASE #21-07: 'General Residential' (GR) to 'General Commercial (GC)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of Rachiii Brothers, LLC, has submitted a request 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 10.56 acres out the Robert Cunningham Survey, Abstract No. 199. If approved, the applicant's request will provide additional commercial frontage along the north side of East Stan Schlueter Loop.

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

The subject property was annexed into the City limits on December 23, 1986 via Ordinance No. 86-87 and was assigned temporary "R-1" (Single-Family Residential) zoning at that time. The property is currently unplatted.

#### **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: Undeveloped property zoned "R-1" (Single-Family Residential District);
- East: Existing commercial development (Wal-Mart shopping center) zoned "B-5" (Business District);
- South: Undeveloped property on the south side of E. Stan Schlueter Loop zoned "R-1" (Single-Family Residential District);
- West: Undeveloped commercial property on the west side of Cunningham Road zoned "B-5" (Business District).

#### **Future Land Use Map Analysis:**

The subject 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; 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;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The applicant has submitted a concurrent request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District).

### **Staff Findings:**

The Future Land Use Map (FLUM) identifies the subject property as intended for 'General Residential' (GR). 'General Residential' (GR) characteristics encompasses most existing residential areas within Killeen. The 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas. 'General Residential' (GR) are typically auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding land uses include a mix of commercial and residential. To the north is a single-family home on approximately 6.93 acres of land zoned "R-1" (Single-Family Residential District). To the east is a commercial property zoned "B-5" (Business District). To the south is undeveloped property zoned "R-1" (Single-Family Residential District). To the west is undeveloped property zoned "B-5" (Business District). Staff finds the proposed amendment compatible with the current surrounding land uses.

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

### **Public Notification:**

Staff mailed courtesy notices to twenty-one (21) surrounding property owners regarding this request. Of those property owners notified, eleven (11) reside outside of Killeen.

### **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; or
- Approve the applicant's FLUM amendment request.

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

**Why?** Staff finds that the request is consistent with the subject property's location on the frontage of East Stan Schlueter Loop.

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

This 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?**

The proposed FLUM amendment does not involve the expenditure of City funds.

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

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

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

This is not applicable.

### **RECOMMENDATION:**

At their regular meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

### **DEPARTMENTAL CLEARANCES:**

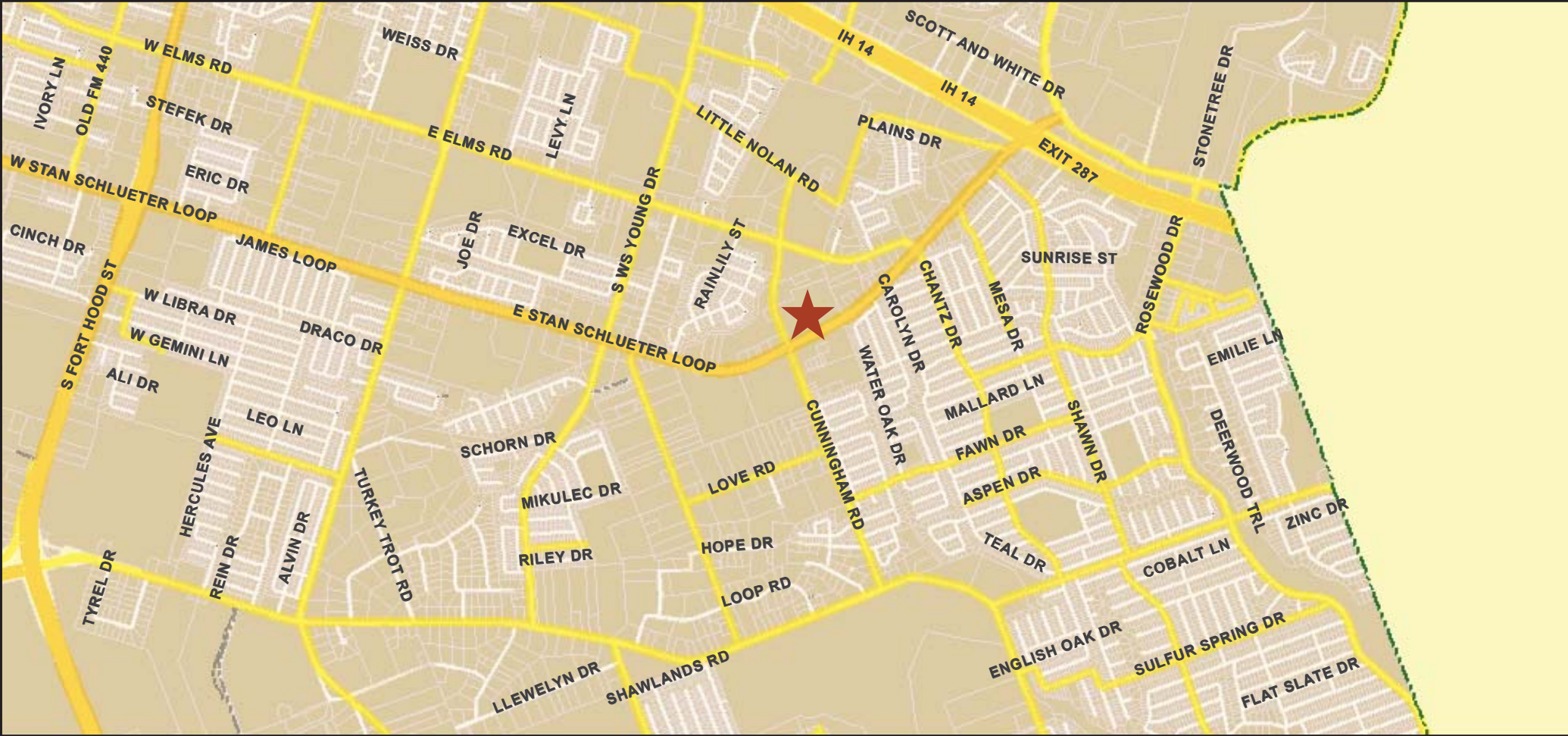
This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps

Minutes

Ordinance



**Case: FLUM AMENDMENT 2021-07**

Council District: 2  
FROM GR TO GC  
Subject Property Legal Description: 4302 CUNNINGHAM RD

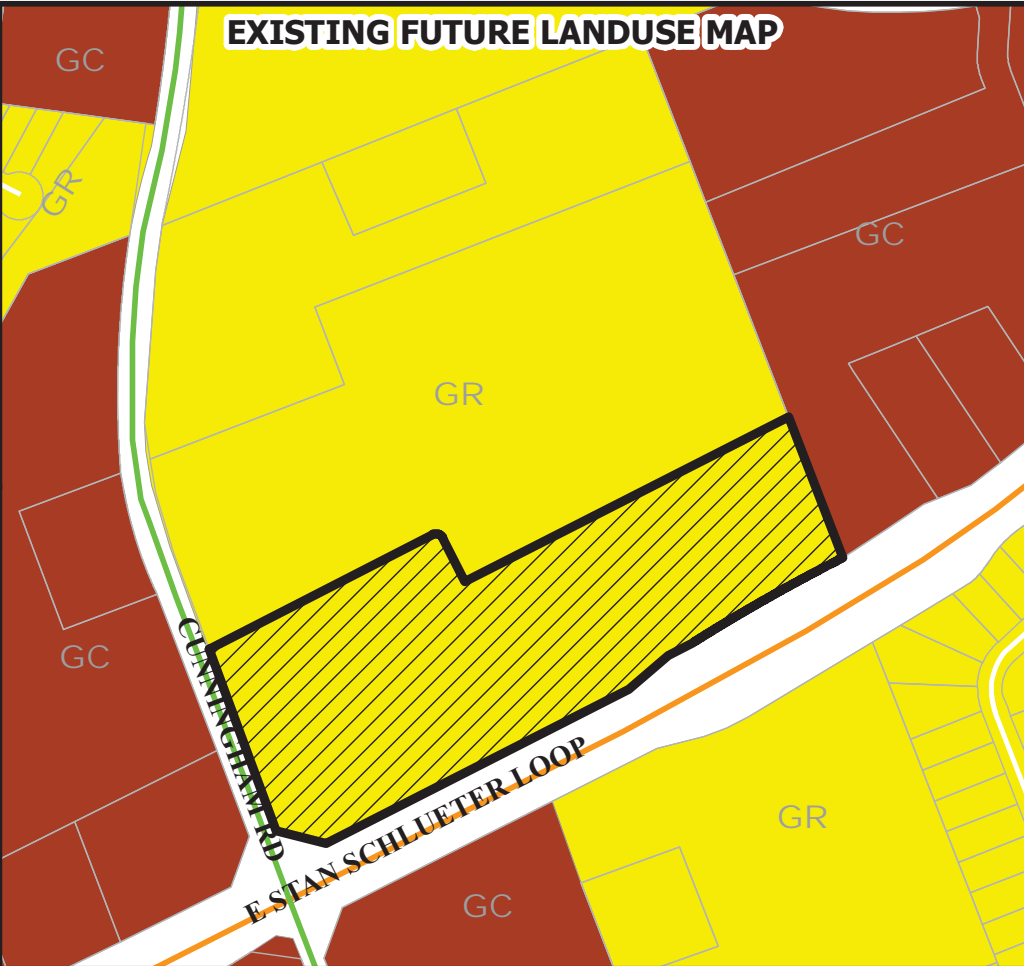
 FLUM LOCATION



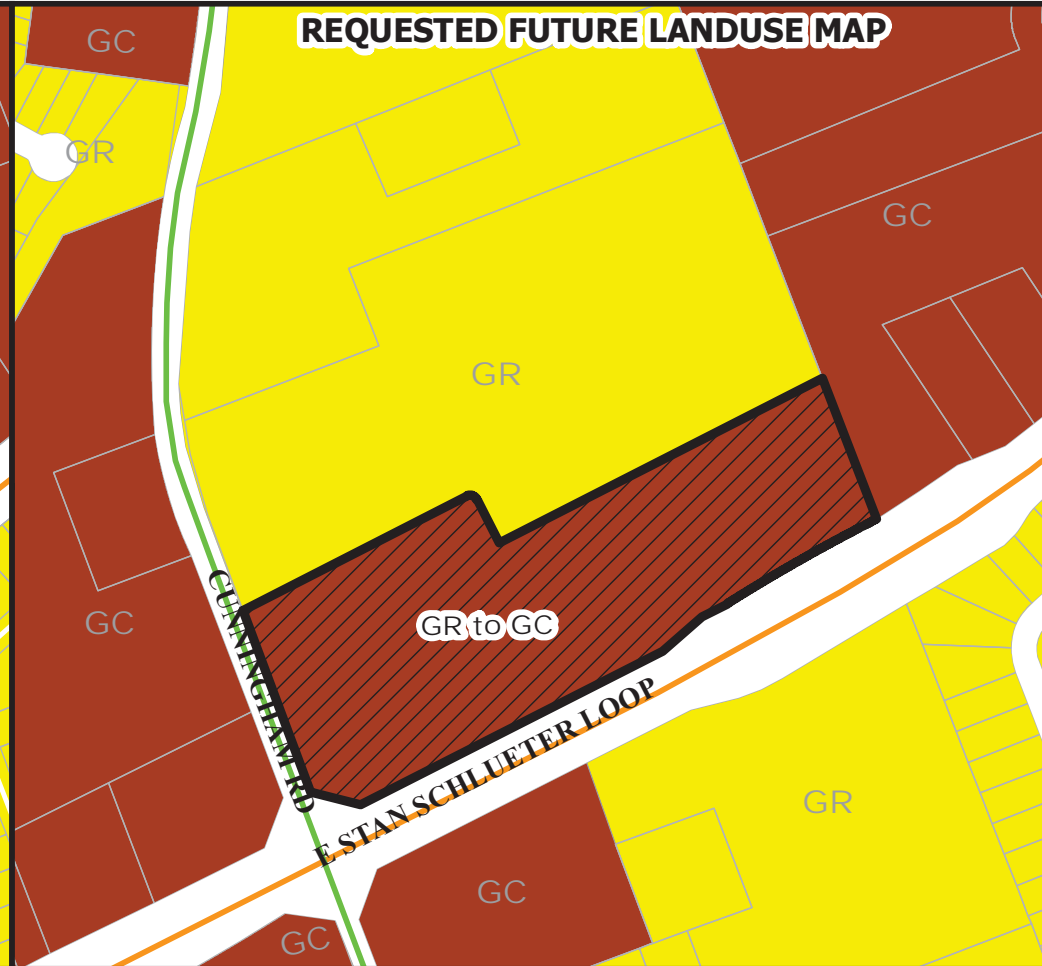
1 inch = 3,333 feet



## EXISTING FUTURE LANDUSE MAP



## REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP

#### Case: FLUM AMENDMENT 2021-07

Council District: 2




FROM GR TO GC

Subject Property Legal Description: 4302 CUNNINGHAM RD

#### Legend

-  Killeen City Limits
-  Bell County Area
-  Minor Arterial, Existing
-  Principal Arterial, Existing

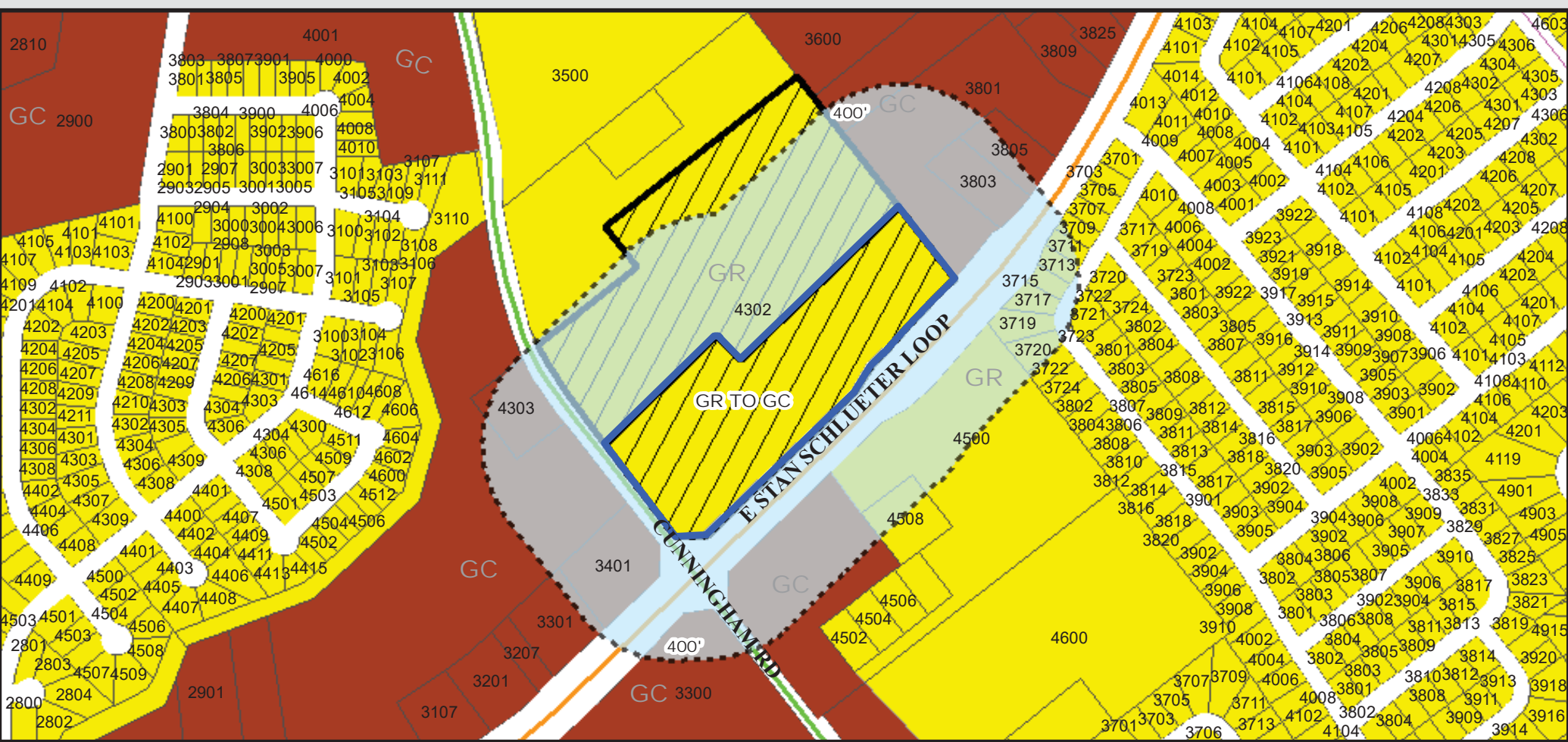
#### Future Land Use Legend

-  FLUM 21-07
-  General Residential (GR)
-  General Commercial (GC)



1 inch = 417 feet

Date: 9/13/202



**FLUM Notification**

**Case: FLUM AMENDMENT 2021-07**

Council District: 2

FROM GR TO GC

1 inch = 522 feet

Subject Property Legal Description: 4302 CUNNINGHAM RD



Killeen City Limits



Bell County Area



Collector, Existing



Minor Arterial, Existing

**Legend**

Principal Arterial, Existing

General Residential (GR)

General Commercial (GC)



Date: 9/13/2021

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 4, 2021**

**CASE #FLUM 21-07**

**HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (**Case #FLUM21-07**) 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 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199. The property is located at 4302 Cunningham Road, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant's request. She stated that staff recommended approval of the request as presented, as it is consistent with the Future Land Use Map and the character of the area.

The agent, Mr. Pedro Quintero of Quintero Engineering, was present to represent the case.

Chairman Latham opened the public hearing.

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

Commissioner Alvarez made a motion to approve the request as presented. Commissioner Adams seconded, and the motion passed by a vote of 6 to 0.

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 10.56 ACRES, BEING OUT OF THE ROBERT CUNNINGHAM SURVEY, ABSTRACT NO. 199, FROM A 'GENERAL RESIDENTIAL' (GR) 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.**

**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 Quintero Engineering on behalf of Rachiii Brothers, LLC for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'General Residential' (GR) designation to a 'General Commercial' (GC) designation, said property being legally described as being approximately 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199, be amended from a ‘General Residential’ (GR) designation to a ‘General Commercial’ (GC) 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 9<sup>th</sup> day of November 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**

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**Traci S. Briggs, City Attorney**

Case #: FLUM 21-07

Ord#: 21-\_\_\_\_



CASE #FLUM21-07: 'GR' TO 'GC'

PH-21-058

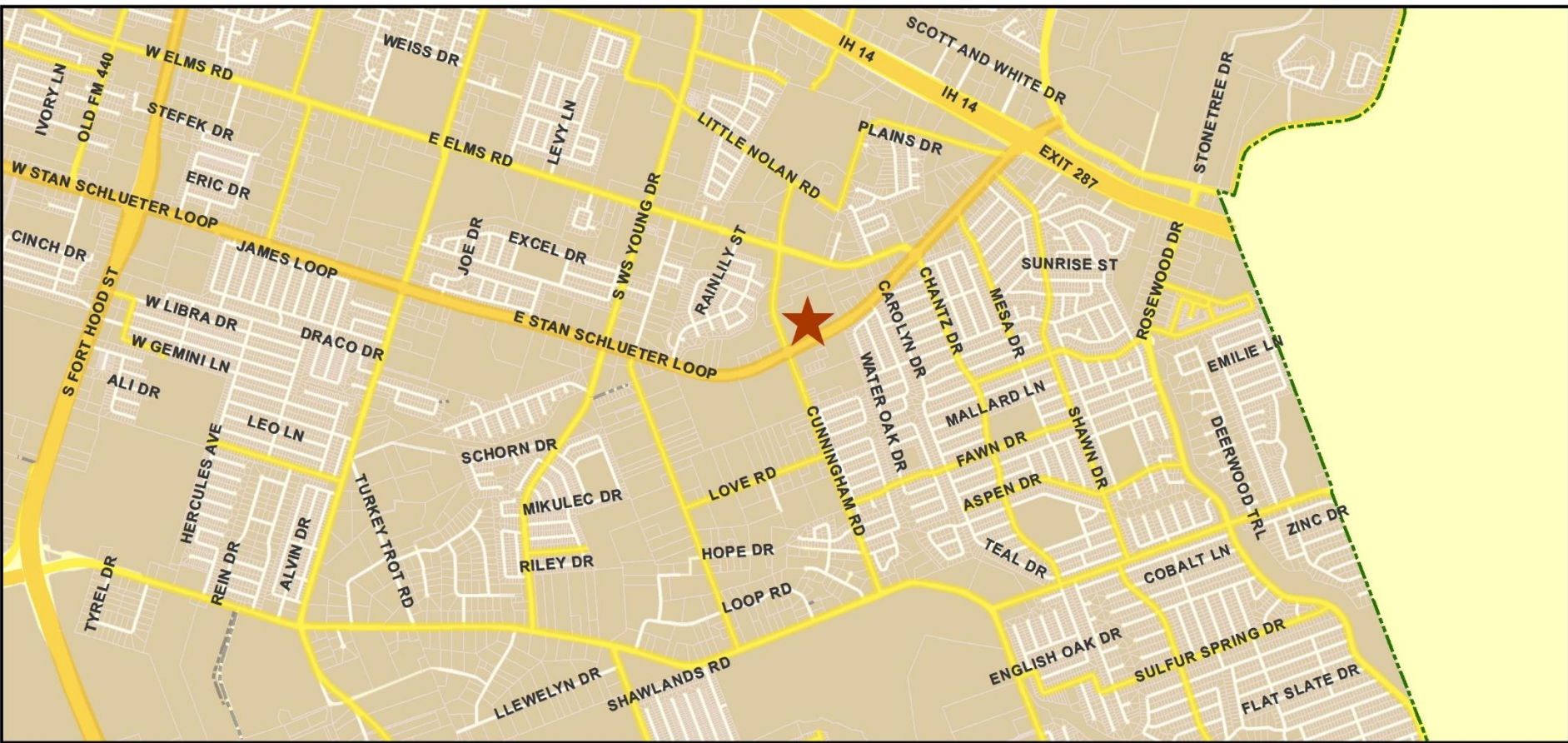
November 2, 2021

# Case #FLUM21-07: 'GR' to 'GC'

2

- ❑ **HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (**Case #FLUM21-07**) 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 10.56 acres out of the Robert Cunningham Survey, Abstract No. 199.
- ❑ The property is located at 4302 Cunningham Road, Killeen, Texas.





**Case: FLUM AMENDMENT 2021-07**

Council District: 2  
FROM GR TO GC  
Subject Property Legal Description: 4302 CUNNINGHAM RD

 **FLUM LOCATION**

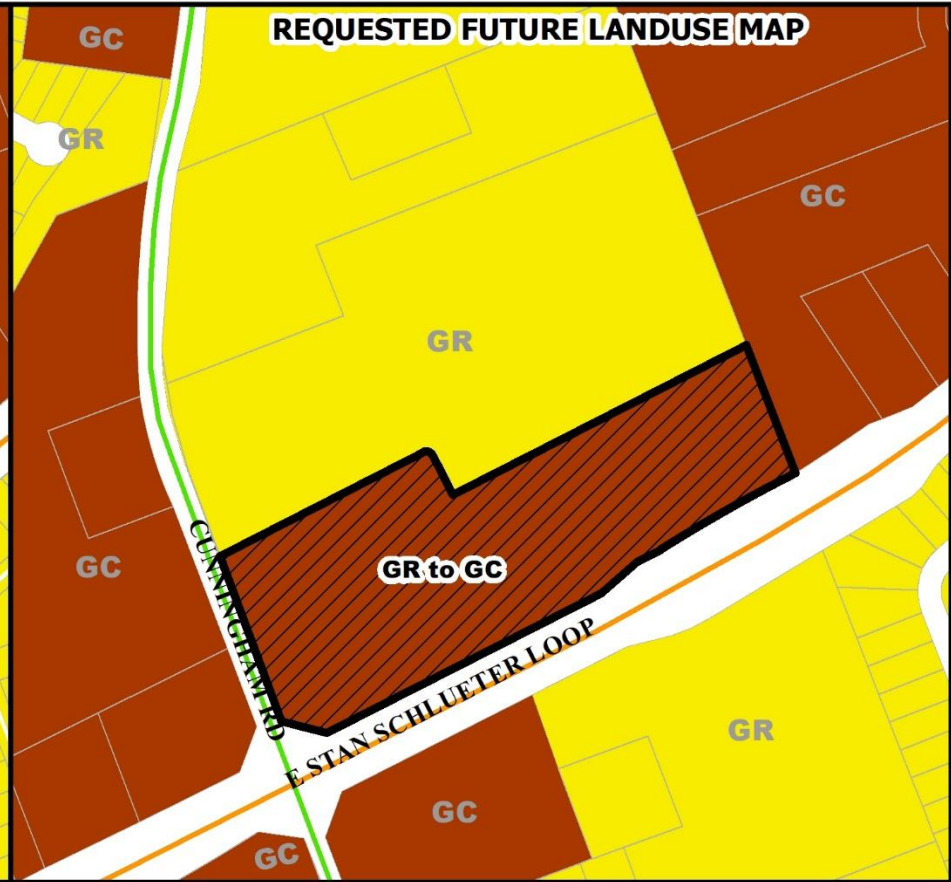
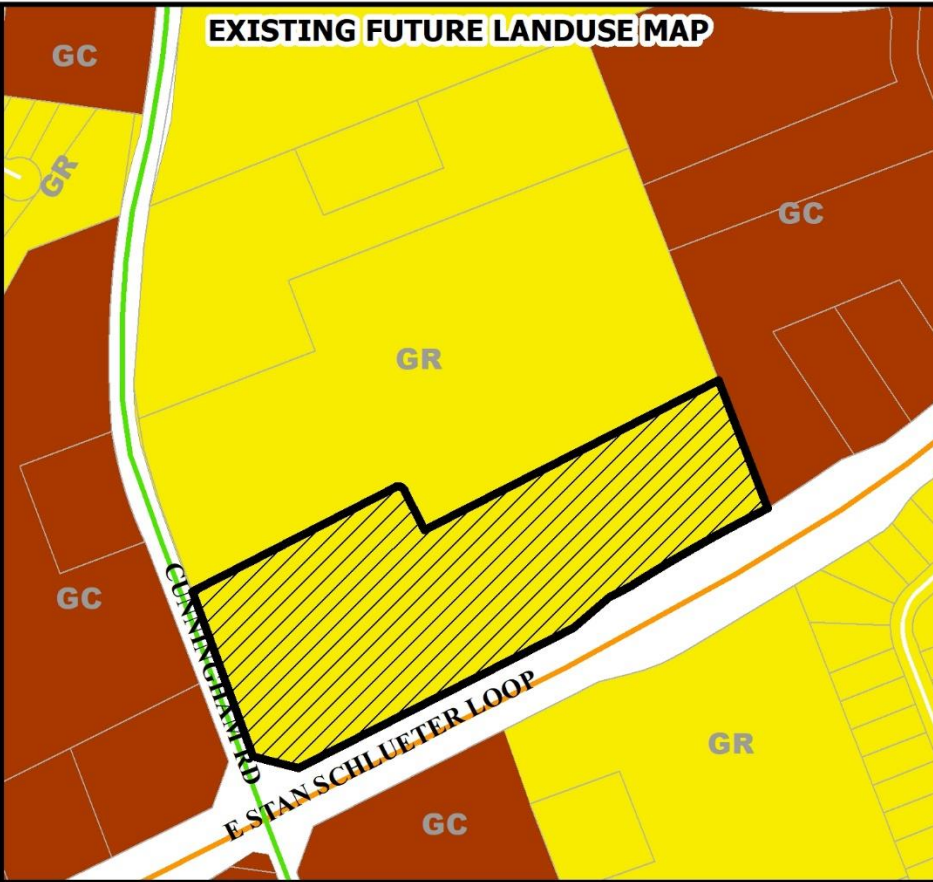


1 inch = 3,333 feet



# EXISTING FUTURE LANDUSE MAP

# REQUESTED FUTURE LANDUSE MAP



## FUTURE LAND USE MAP

### Case: FLUM AMENDMENT 2021-07

Council District: 2

FROM GR TO GC

Subject Property Legal Description: 4302 CUNNINGHAM RD

## Legend

- Killen City Limits
- Bell County Area
- Minor Arterial, Existing
- Principal Arterial, Existing

## Future Land Use Legend

- FLUM 21-07
- General Residential (GR)
- General Commercial (GC)



1 inch = 417 feet

Date: 10/8/202

# Case #FLUM21-07: 'GR' to 'GC'

5

- 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:
  - ▣ 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; and
  - ▣ Parks and public spaces.

# Case #FLUM21-07: 'GR' to 'GC'

6

- 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;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses);
  - ▣ Public/ institutional; and
  - ▣ Parks and public spaces.
- The applicant has submitted a concurrent request to rezone the property from "R-1" (Single-Family Residential District) to "B-5" (Business District).

# Case #FLUM21-07: 'GR' to 'GC'

7

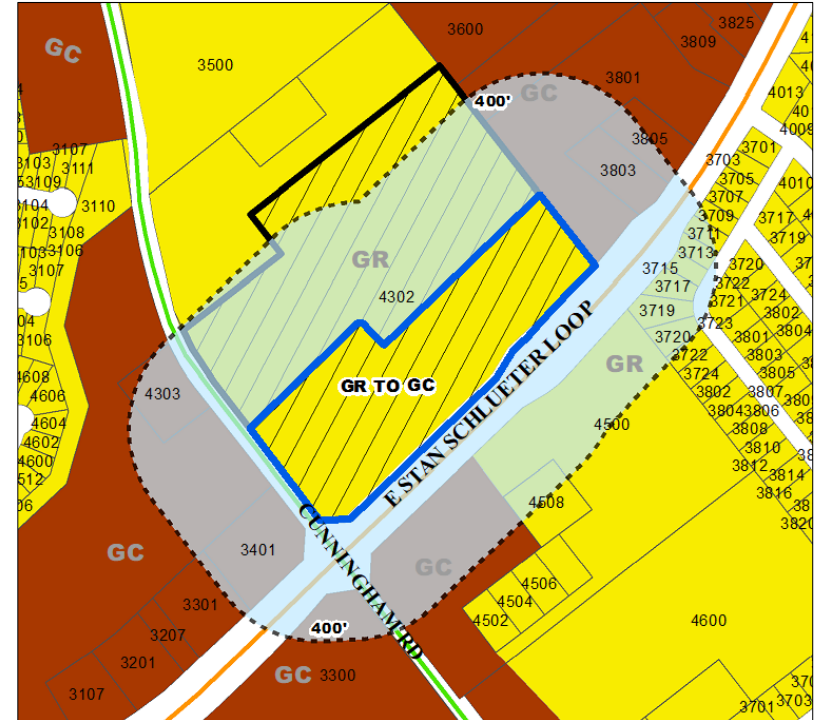
View of subject property facing north (from E. Stan Schlueter Loop):



# Public Notification

8

- Staff mailed courtesy notices to twenty-one (21) surrounding property owners within 400 feet regarding this request.
- Of those property owners notified, eleven (11) reside outside of Killeen.



# Alternatives

9

- ❑ The City Council has three (3) alternatives:
  - ▣ Disapprove the applicant's request to amend the FLUM;
  - ▣ Approve a more restrictive FLUM designation; or
  - ▣ Approve the applicant's request to amend the FLUM.

# Staff Recommendation

10

- ❑ Staff recommends approval of the applicant's request to amend the Future Land Use Map (FLUM).
- ❑ Staff finds that the request is consistent with the subject property's location on the frontage of E. Stan Schlueter Loop.

# Commission Recommendation

11

- ❑ At their meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0 .





# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-059	<b>Version:</b>	1	<b>Name:</b>	Zoning 21-29
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	9/7/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC, (Case #Z21-29) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District). The property is located at 4302 Cunningham Road, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Exhibit</a> <a href="#">Considerations</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-29 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of Rachiii Brothers, LLC, has submitted a request to rezone approximately 14.05 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and approximately 10.56 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) out of a 24.61 acres tract out of the Robert Cunningham Survey, Abstract No. 199. If approved, the applicant's request will provide additional commercial frontage on northeast area of the intersection of E Stan Schlueter Loop and Cunningham Road and provide transitional zoning from commercial to residential.

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

The subject property was annexed into the City limits on December 23, 1986 via Ordinance No. 86-87 and was assigned temporary "R-1" (Single-Family Residential) zoning at that time. The property is currently unplatted.

#### **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: Undeveloped property zoned "R-1" (Single-Family Residential District)
- East: Existing commercial development (Wal-Mart shopping center) zoned "B-5" (Business District)
- South: Undeveloped property on the south side of E. Stan Schlueter Loop zoned "R-1" (Single-Family Residential District)
- West: Undeveloped commercial property on the west side of Cunningham Road zoned "B-5" (Business District)

#### **Future Land Use Map Analysis:**

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

'General Residential' (GR) characteristics encompasses most existing residential areas within Killeen. The 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas. 'General Residential' (GR) are typically auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

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; and
- Parks and public spaces.

This request is partially consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend 10.56 acres on the Future Land Use Map from 'General Residential' (GR) to 'General Commercial (GC).

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from East Stan Schlueter Loop, which is classified as a 120' wide Principal Arterial, and Cunningham Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified twenty-five (25) surrounding property owners regarding this request. Of those property owners notified, thirteen (13) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) reside outside the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

**Staff Findings:**

Staff finds that the applicant's request is consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character.

There are no known environmental constraints for this tract. The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA). 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 district than requested by applicant; or
- Approve the applicant's request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District).

**Why?** The applicant's request is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character.

**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:**

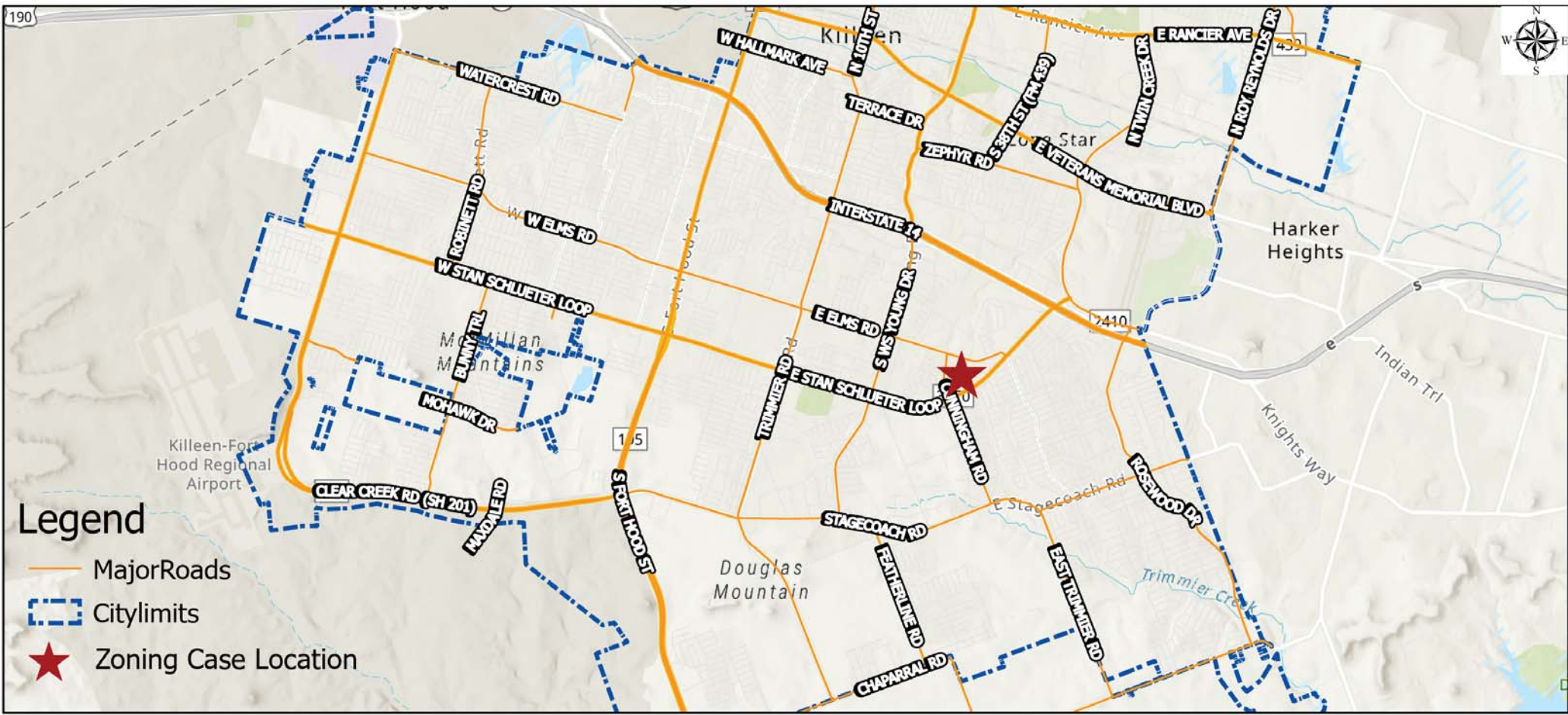
At their regular meeting on October 4, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two Family Residential District) and "B-5" (Business District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations  
Exhibit



Attachment #1

Council District: 2

1 inch = 7,674 feet

Subject Property Legal Description: 4302 CUNNINGHAM RD

Zoning Map

**Zoning Case 2021-29**





Attachment #3

Council District: 2

1 inch = 407 feet


Subject Property Legal Description: 4302 CUNNINGHAM RD

Zoning Map

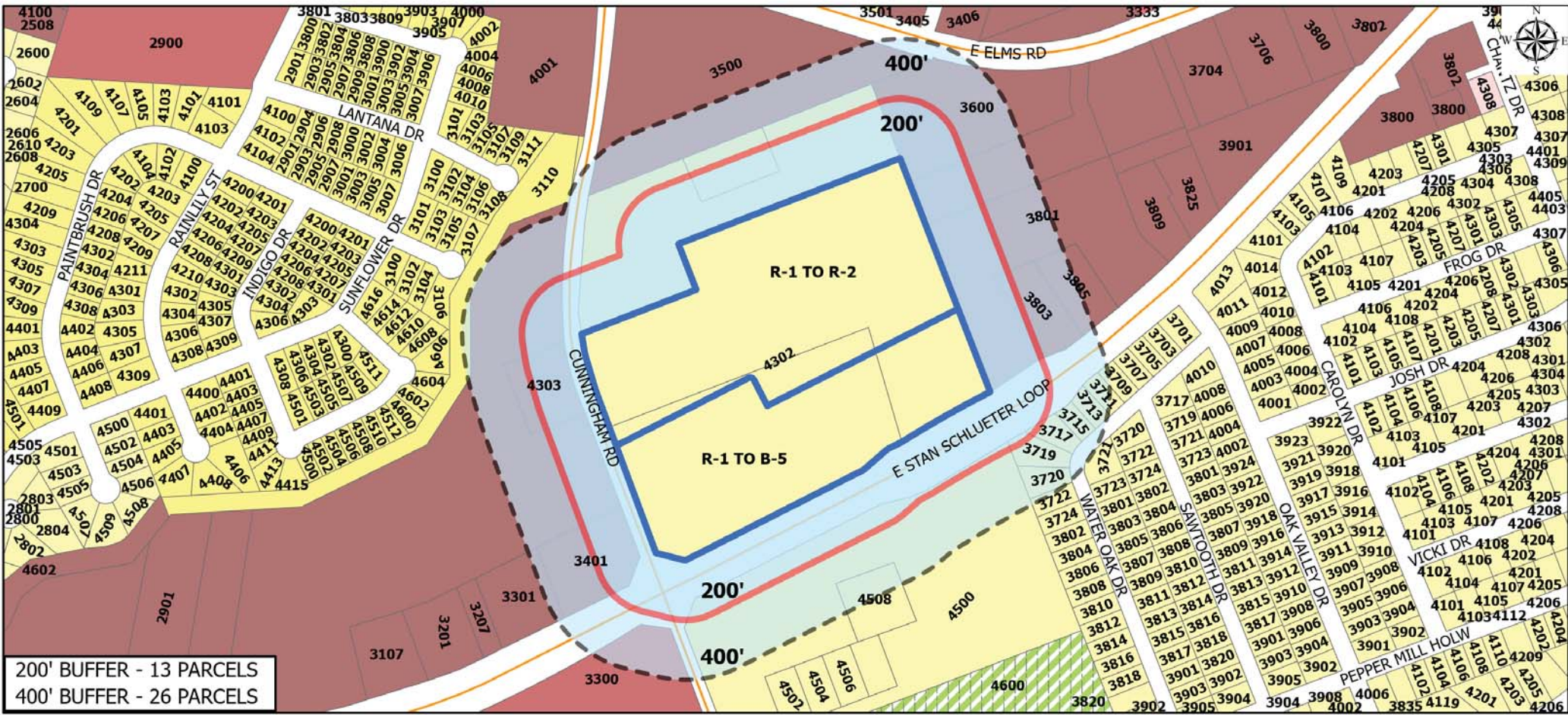
## Zoning Case 2021-29

### Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021 selection





Attachment #1

Council District: 2

1 inch = 537 feet

Subject Property Legal Description: 4302 CUNNINGHAM RD

Zoning Map

## Zoning Case 2021-29

Legend

CurrentZoning

B-1

B-3

B-4

B-5

PUD

R-1

R1-A



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 4, 2021**

**CASE #Z21-29**  
**“R-1” to “R-2” & “B-5”**

**HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (**Case #Z21-29**) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from “R-1” (Single-Family Residential District) to “R-2” (Two Family residential District) and “B-5” (Business District). The property is located at 4302 Cunningham Road, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request as presented, as it is consistent with the character of the area.

The agent, Mr. Pedro Quintero of Quintero Engineering, was present to represent the case. Mr. Quintero spoke in support of the zoning request.

Commissioner Minor asked if the applicant intended to build out the residential and commercial portions concurrently or separately. Mr. Pedro Quintero stated that the build-out would depend on the outcome of the City Council meetings, but the intent would be to build concurrently.

Chairman Latham opened the public hearing.

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

Commissioner Alvarez made a motion to approve the request as presented. Commissioner Adams seconded, and the motion passed by a vote of 6 to 0.

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 24.61 ACRES OUT OF THE ROBERT CUNNINGHAM SURVEY, ABSTRACT NO. 199 FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT) AND “B-5” (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Quintero Engineering, LLC on behalf of Rachiii Brothers, 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 14.05 acres from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) and approximately 10.56 acres from “R-1” (Single-Family Residential District) to “B-5” (Business District) out of a 24.61 acre tract out of the Robert Cunningham Survey, Abstract No. 199, said request having been duly recommended for approval of “R-2” (Two-Family Residential District) and “B-5” (Business District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 14.05 acres from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) and

approximately 10.56 acres from “R-1” (Single-Family Residential District) to “B-5” (Business District) out of a 24.61 acre tract out of the Robert Cunningham Survey, Abstract No. 199, said request having been duly recommended for approval of “R-2” (Two-Family Residential District) and “B-5” (Business District), for the property locally addressed as 4302 Cunningham 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 9<sup>th</sup> day of November 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

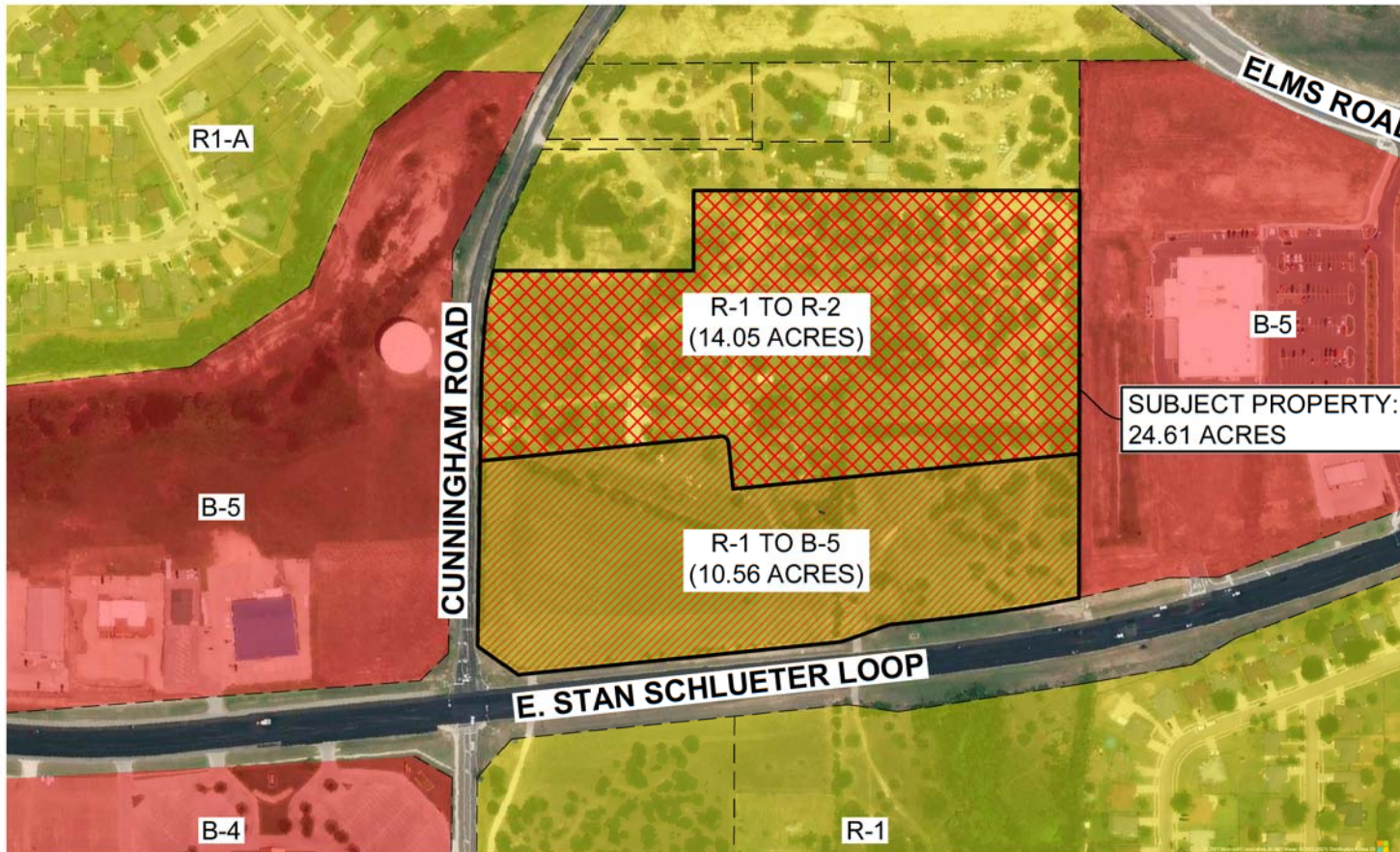
**APPROVED AS TO FORM**

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**Traci S. Briggs, City Attorney**

Case #21-29

Ord. #21-\_\_\_\_



SCALE: 1" = 300'

#### LEGEND

-  R-1 TO B-5
-  R-1 TO R-2
-  RESIDENTIAL
-  COMMERCIAL



## QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT  
 1501 W. STAN SCHLUETER LP., KILLEEN, TEXAS (254) 493-9962  
 T.B.P.E. FIRM REGISTRATION NO. 14709  
 T.B.P.L.S. REGISTRATION NO. 10194110

ZONING EXHIBIT

# CONSIDERATIONS

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

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

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

## **C. Conditions to Consider**

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



CASE #Z21-29: “R-1” TO “R-2” & “B-5”

PH-21-059

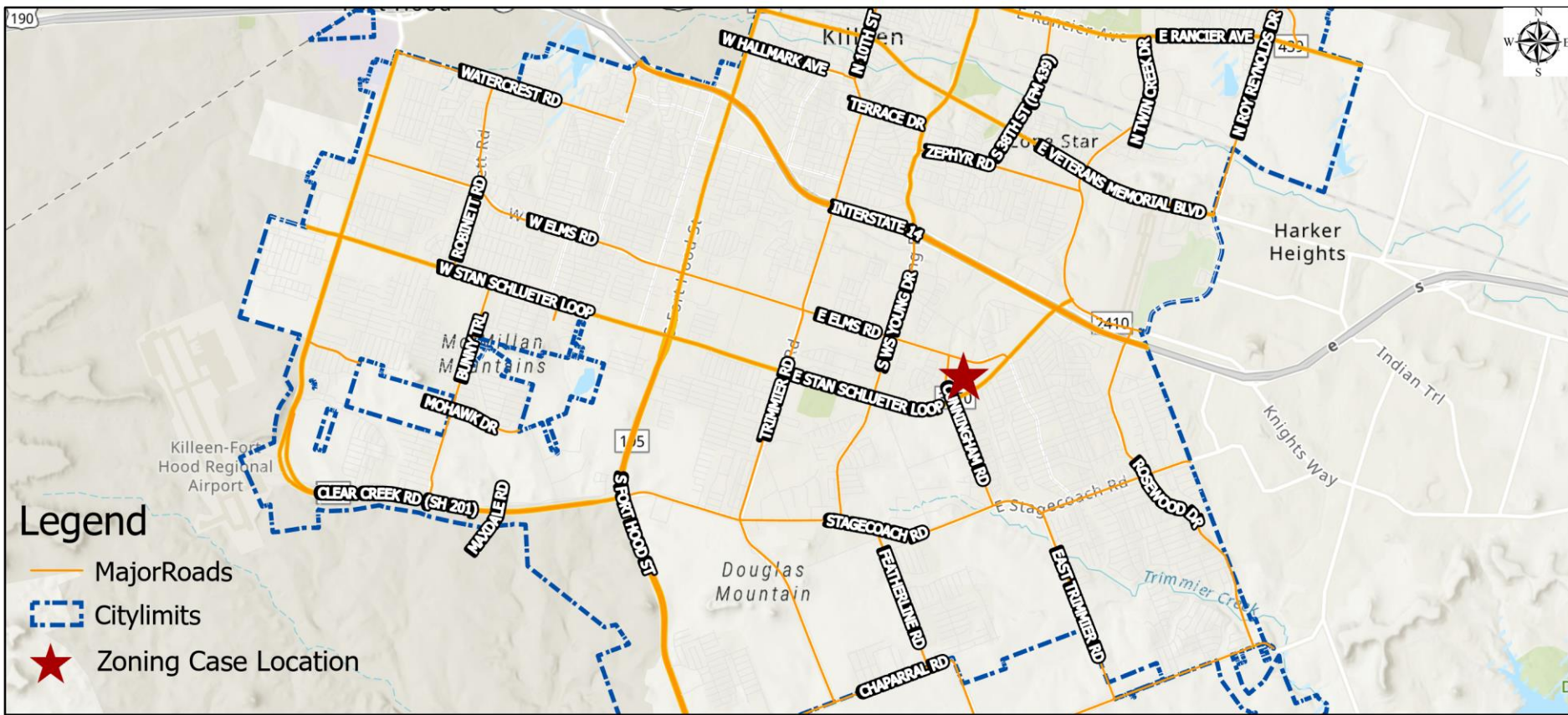
November 2, 2021

# Case #Z21-29: “R-1” to “R-2” & “B-5”

2

- ❑ **HOLD** a public hearing and consider a request submitted by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC (**Case #Z21-29**) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) and “B-5” (Business District).
- ❑ The property is located at 4302 Cunningham Road, Killeen, Texas.





## Legend

- Major Roads
- City Limits
- Zoning Case Location

Attachment #1  
Council District: 2  
1 inch = 7,674 feet  
Subject Property Legal Description: 4302 CUNNINGHAM RD

## Zoning Map Zoning Case 2021-29





Attachment #3

Council District: 2

1 inch = 407 feet


Subject Property Legal Description: 4302 CUNNINGHAM RD

Zoning Map

## Zoning Case 2021-29

### Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021 selection

# Case #Z21-29: “R-1” to “R-2” & “B-5”

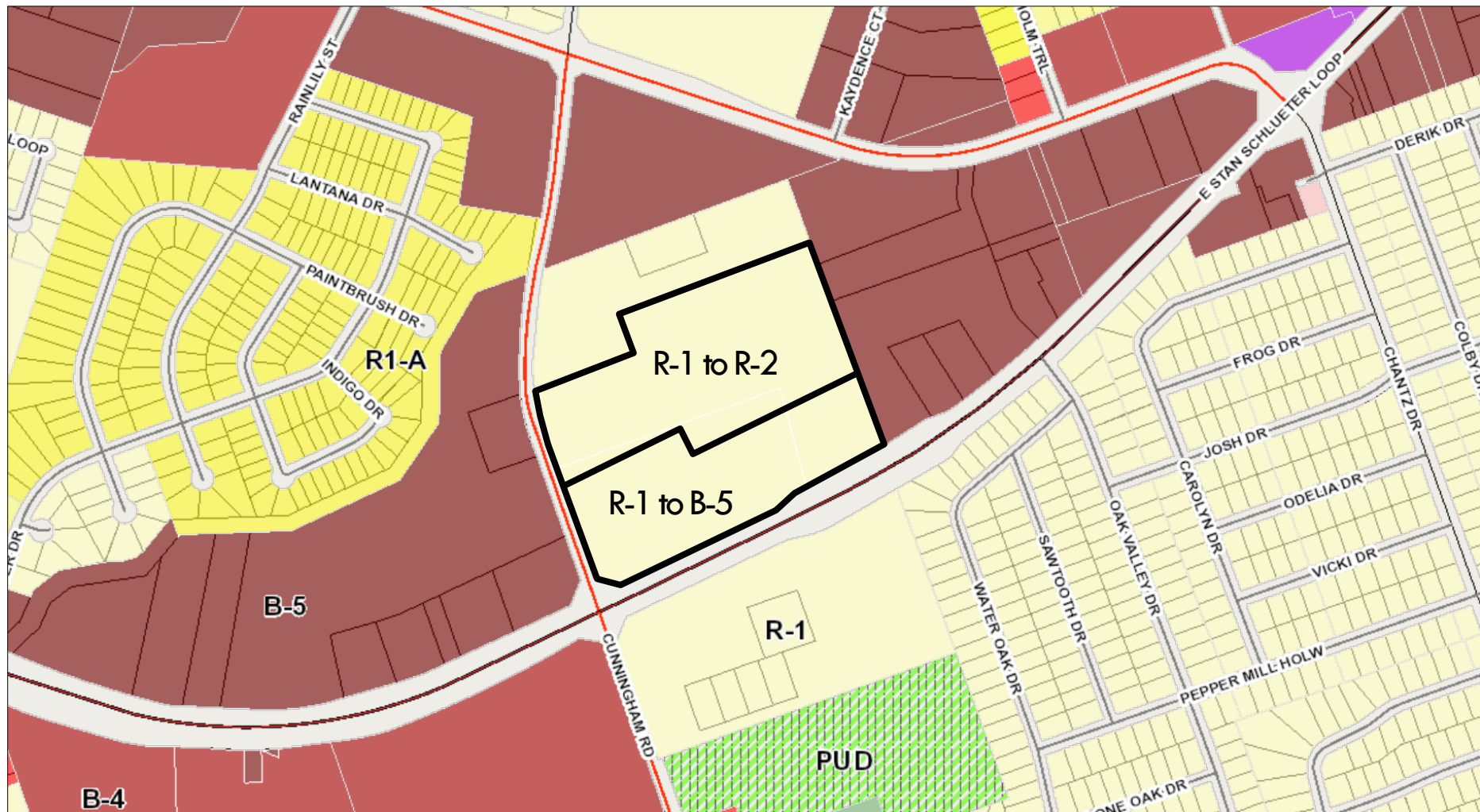
5

- 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; and
  - ▣ Parks and public spaces.

# Case #Z21-29: “R-1” to “R-2” & “B-5”

6

- Staff finds that the request for “R-2” (Two-Family Residential) is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The request for “B-5” (Business District) is not consistent with the FLUM. However, the applicant has submitted a concurrent request to amend 10.56 acres on the Future Land Use Map from ‘General Residential’ (GR) to ‘General Commercial (GC).





# Case #Z21-29: “R-1” to “R-2” & “B-5”

8

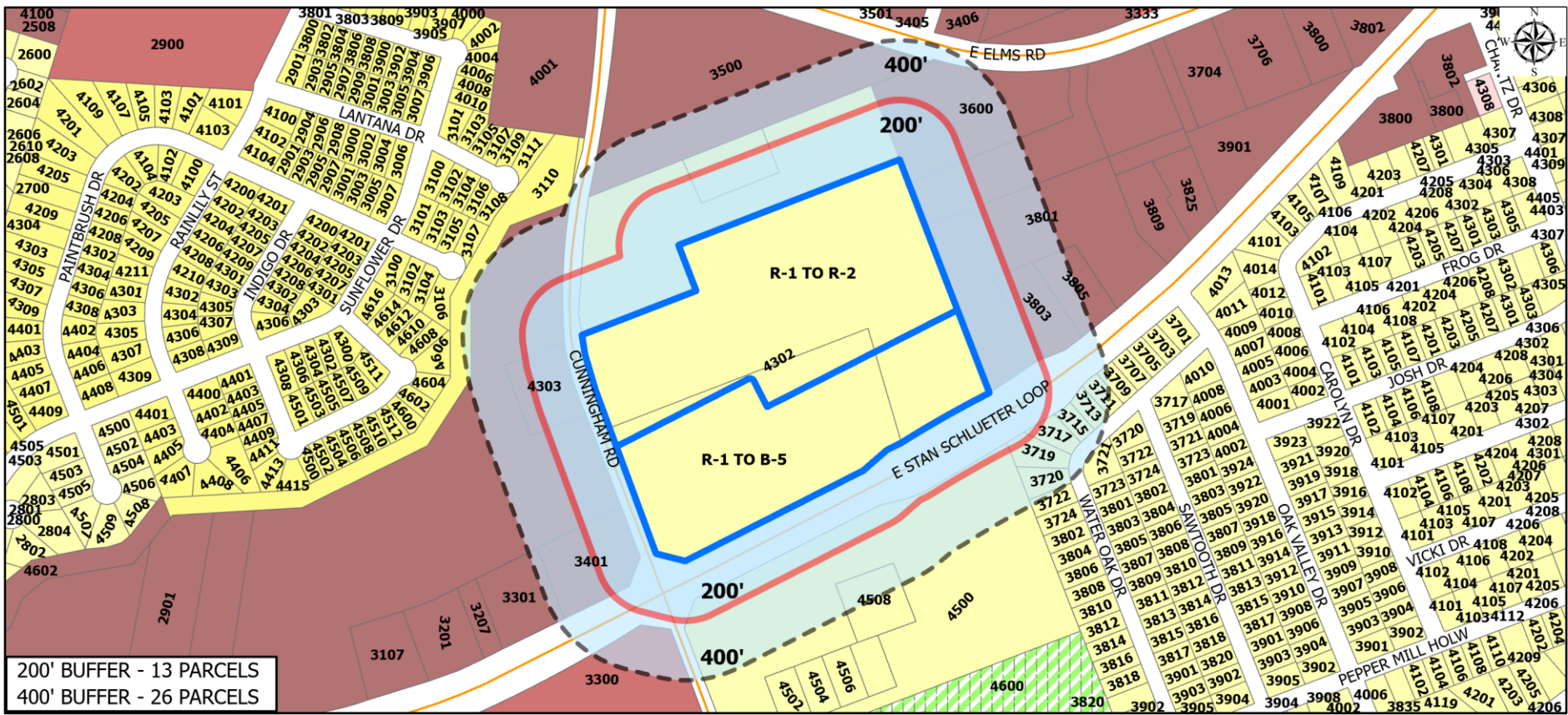
View of subject property facing north (from E Stan Schlueter Loop):



# Case #Z21-29: “R-1” to “R-2” & “B-5”

9

- Staff notified twenty-five (25) surrounding property owners regarding this request.
- Of those property owners notified, thirteen (13) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) reside outside of Killeen.
- To date, staff has received no written responses regarding this request.



## Zoning Map Zoning Case 2021-29

Legend	Current Zoning	
	Color	Code
		B-1
		B-3
		B-4
		B-5
		PUD
		R-1
		R1-A

# Alternatives

11

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



# Staff Recommendation

12

- ❑ Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District).
- ❑ Staff finds that the subject property's location along the frontage of E. Stan Schlueter Loop is suitable for "B-5" (Business District) zoning. Staff also finds that, based on the adjacent uses, the interior of the site is suitable for "R-2" (Two-Family Residential) development.

# Commission Recommendation

13

- ❑ At their meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-060	<b>Version:</b>	1	<b>Name:</b>	FLUM 21-08
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	9/7/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #FLUM21-08) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536, located at 7700 Clear Creek Road, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** FLUM CASE #21-08: 'Suburban Commercial' (SC) to 'General Residential' (GR)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Andrea Thompson, on behalf of The Estate of Dallas L. Adams Jr., has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536. If approved, the applicant intends to develop an RV park to provide additional housing options within the city.

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

The subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "R-1" (Single-Family Residential District) on January 25, 2000 via Ordinance No. 00-5. The property is currently unplatted.

#### **Character of the Area:**

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

- North: Undeveloped property zoned "R-1" (Single-Family Residential District), "A" (Agricultural District), and "B-4" (Business District);
- East: Undeveloped property zoned "A" (Agricultural District);
- South: Undeveloped property zoned "R-1" (Single-Family Residential District);
- West: The Killeen-Fort Hood Regional Airport on the west side of Clear Creek Road, zoned "A" (Agricultural District).

#### **Future Land Use Map Analysis:**

The property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
- Public/institutional
- Parks and public spaces

If approved, 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

The applicant submitted a concurrent zoning application to rezone the property from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District).

### **Staff Findings:**

The Future Land Use Map (FLUM) identifies the subject property as intended for 'Suburban Commercial' (SC). This designation enhances suburban character primarily from reduced site coverage relative to most commercial development. 'Suburban Commercial' (SC) designations should be utilized at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. 'Suburban Commercial' (SC) character may exclude some auto-oriented uses that, by their very nature, cannot achieve a Suburban character. Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibility (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards).

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding land uses include a mix of residential and institutional. To the north is approximately 0.847 acres undeveloped residential property zoned "R-1" (Single-Family Residential District) and "A" (Agricultural District) and an existing single-family residential property approximately 19.56 acres zoned "A" (Agricultural District). To the east is approximately 43.388 acres existing residential property zoned "A" (Agricultural District). To the south is undeveloped property zoned "R-1" (Single-Family Residential District). To the west is an existing institutional property (Killeen-Fort Hood Regional Airport) across Clear Creek Road (SH 201) zoned "A" (Agricultural District).

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

**Public Notification:**

Staff mailed courtesy notices to twelve (12) surrounding property owners regarding this request. Of those property owners notified, eight (8) reside outside of Killeen.

**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; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended?** Staff recommends disapproval of the applicant's FLUM amendment request.

**Why?** Staff is of the determination that the applicant's request to amend the Future Land Use Map designation from 'Suburban Commercial' (SC) to 'General Residential' (GR) is not appropriate for the subject property. Staff finds that the current Future Land Use Map designation of 'Suburban Commercial' (SC) is appropriate for this location. The 'Suburban Commercial' (SC) designation promotes a range of neighborhood commercial uses, which are better suited to the Clear Creek Road corridor.

**CONFORMITY TO CITY POLICY:**

This 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?**

The proposed FLUM amendment does not involve the expenditure of City funds.

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

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

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

This is not applicable.

**RECOMMENDATION:**

At their regular meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2 with Commissioners Minor and Adams in opposition. Those Commissioners in opposition to the motion noted concerns regarding the appropriateness of an RV park in the proposed location.

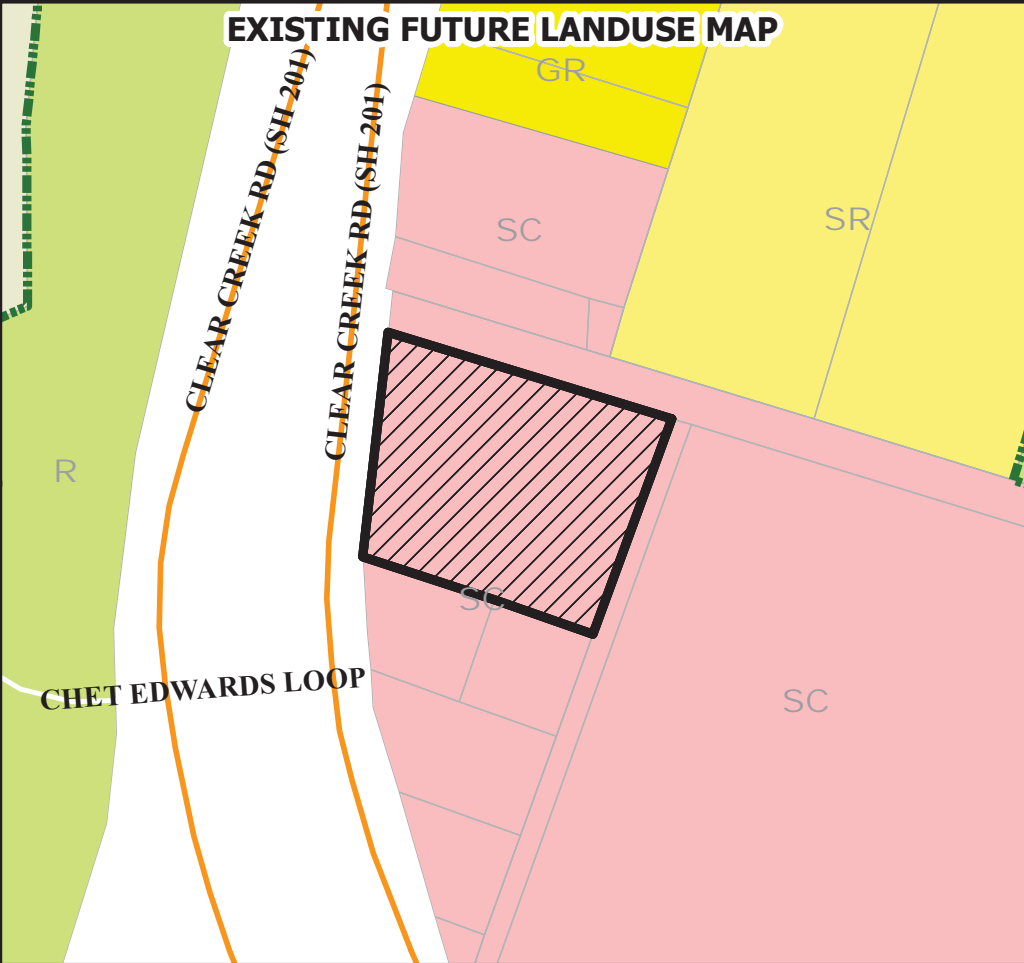
**DEPARTMENTAL CLEARANCES:**

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

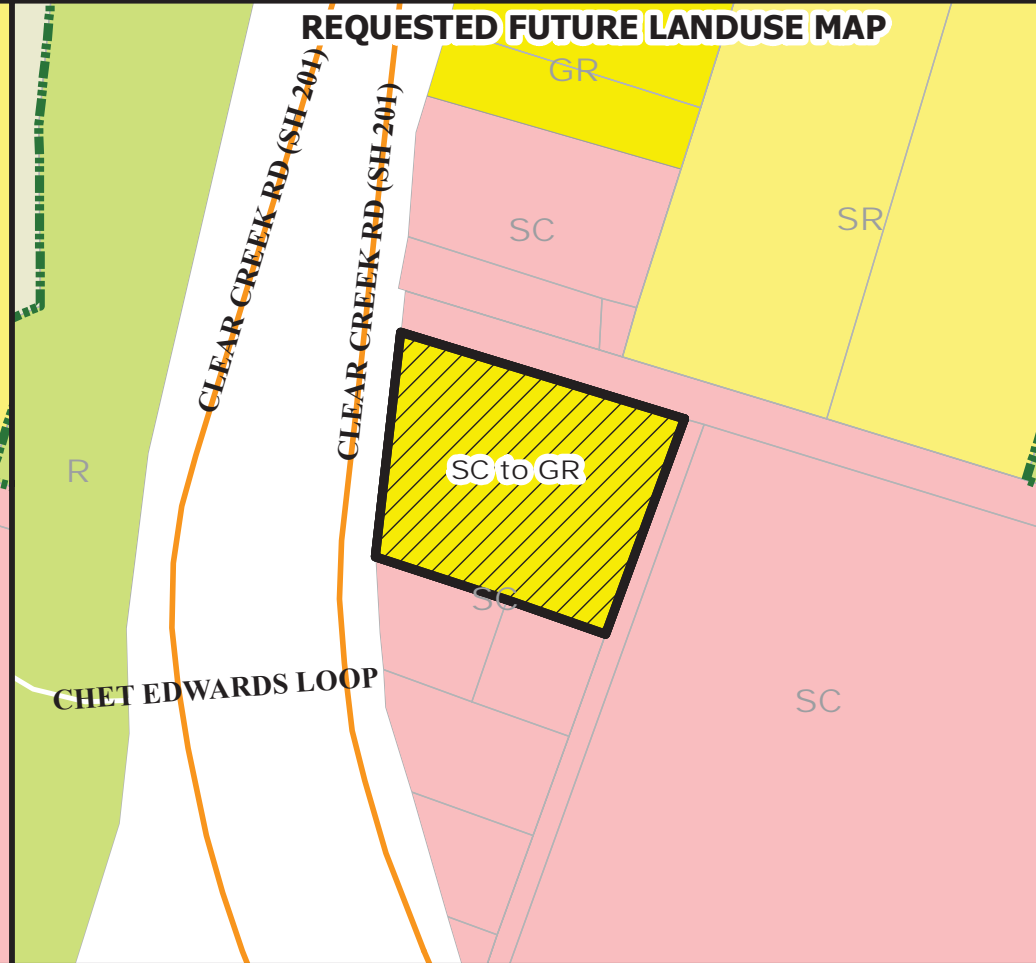
**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance

### EXISTING FUTURE LANDUSE MAP



### REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP

#### Case: FLUM AMENDMENT 2021-08

Council District: 4  
FROM SC TO GR  
Subject Property Legal Description: 7700 CLEAR CREEK RD

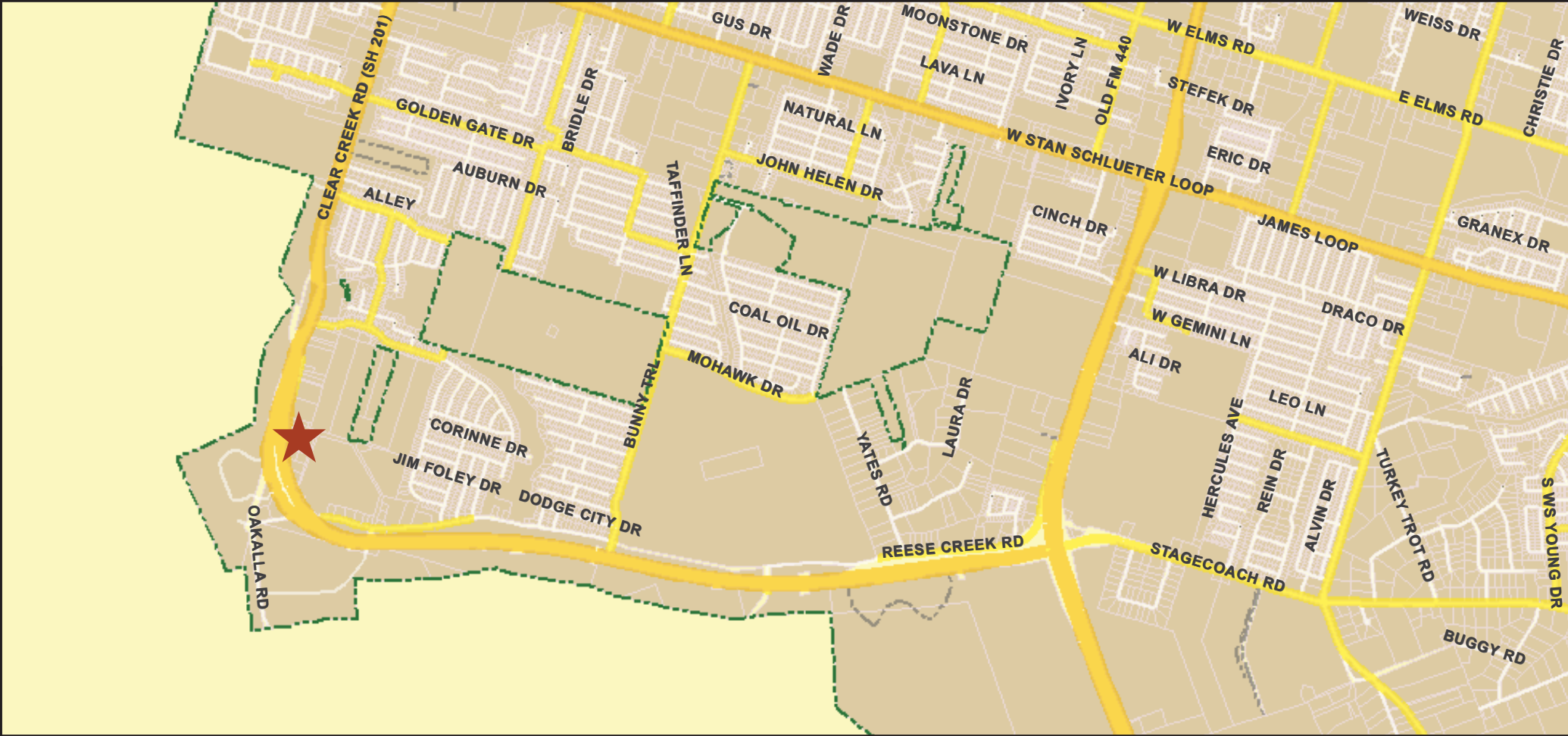
- Legend**
- Killeen City Limits
  - Bell County Area
  - Principal Arterial, Existing

- Future Land Use Legend**
- FLUM 21-08
  - General Residential (GR)
  - Suburban Residential (SR)
  - Suburban Commercial (SC)
  - Rural (R)



1 inch = 417 feet  
Date: 9/8/2021





**Case: FLUM AMENDMENT 2021-08**

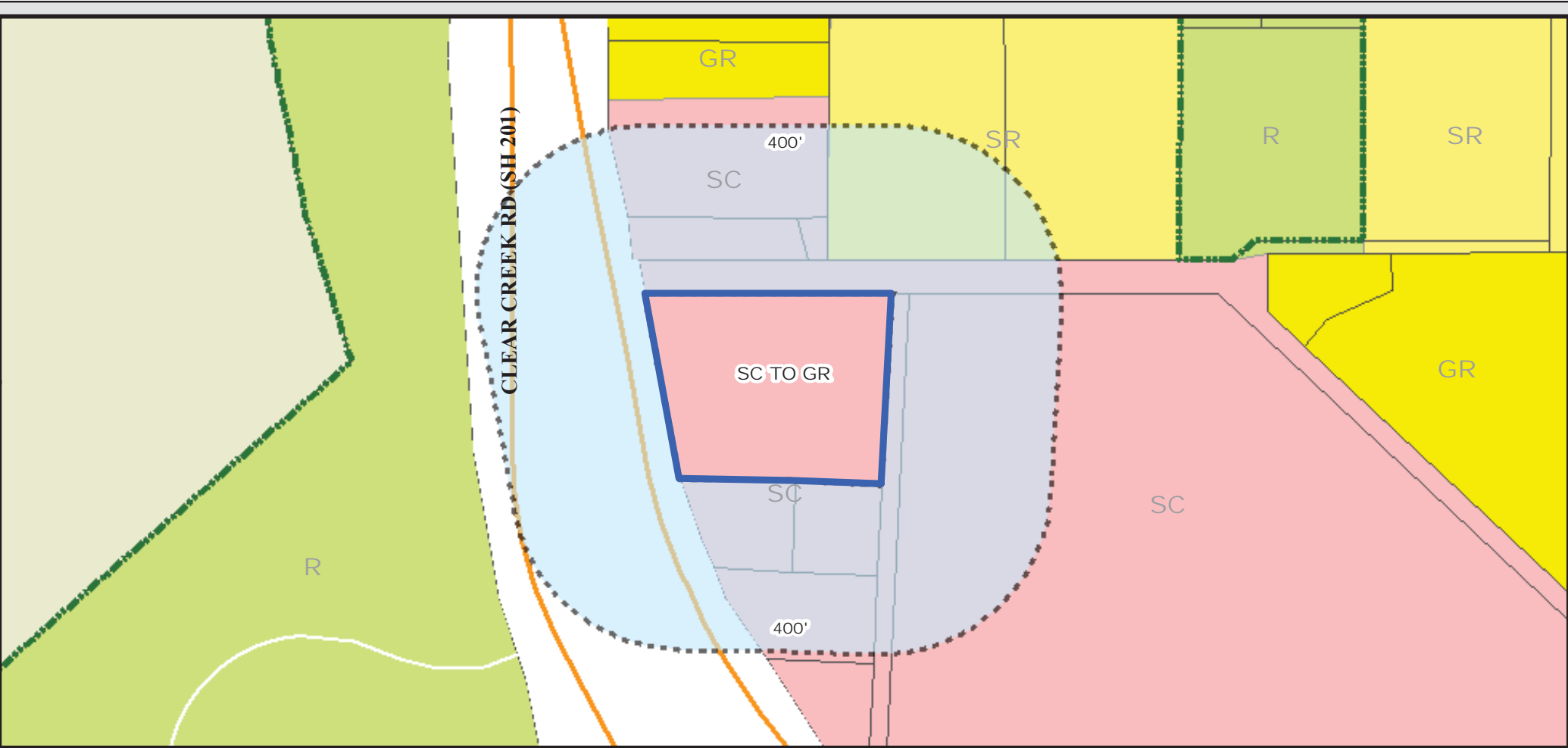
Council District: 4  
FROM SC TO GR  
Subject Property Legal Description: 7700 CLEAR CREEK RD



FLUM LOCATION



1 inch = 3,333 feet



**FLUM Notification**





**Case: FLUM AMENDMENT 2021-08**

Council District: 4


FROM SC TO GR

1 inch = 379 feet

Subject Property Legal Description: 7700 CLEAR CREEK RD

-  FLUM Case Location selection
-  F21\_08\_400
-  Killeen City Limits
-  Bell County Area

**Legend**

-  Principal Arterial, Existing
-  General Residential (GR)
-  Suburban Residential (SR)
-  Suburban Commercial (SC)
-  Rural (R)



Date: 9/8/2021

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
October 4, 2021**

**CASE #FLUM 21-08**

**HOLD** a public hearing and consider a request submitted by Ms. Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (**Case #FLUM21-08**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536. The property is located at 7700 Clear Creek Road, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant's request. She stated that staff recommended disapproval of the request as presented, as it is inconsistent with the

Future Land Use Map and the character of the area.

The agent, Ms. Andrea Thompson, was present to represent the case. Ms. Thompson stated that there is a need for this type of housing in the area. She stated that the proposed RV park would provide green space and an outdoor area. She also presented a draft of the proposed RV park guidelines and regulations for the Commission's review.

Chairman Latham opened the public hearing.

Mr. Jack Thompson, owner of Jokers Icehouse, was present to speak in support of the request. Mr. Thompson stated that the proposed RV park would be a welcomed addition to the area.

With no one else wishing to speak the public hearing was closed.

Commissioner Minor made a motion to disapprove the request. The motion died for lack of a second.

Commissioner Gukeisen made a motion to approve the request as presented. The motion died for lack of a second.

Commissioner Adams made a motion to table the request. With no second, discussion continued.

Commissioner Minor made another motion to disapprove the request, which died for lack of a second.

Commissioner Gukeisen made a motion to approve the applicant's request. Commissioner Ploeckelmann seconded, and the motion passed by a vote of 4 to 2 with Commissioners Minor and Adams in opposition. Those Commissioners in opposition expressed concerns regarding the appropriateness of an RV park in this area.

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 5.346 ACRES, BEING OUT OF THE J. H. LEWIS SURVEY, ABSTRACT NO. 536, FROM A 'SUBURBAN COMMERCIAL' (SC) DESIGNATION TO A 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that 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 Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation, said property being legally described as being approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536, be amended from a ‘Suburban Commercial’ (SC) designation to a ‘General Residential’ (GR) 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 9<sup>th</sup> day of November 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 21-08

Ord#: 21-\_\_\_\_



CASE #FLUM21-08: 'SC' TO 'GR'

PH-21-060

November 2, 2021

# Case #FLUM21-08: 'SC' to 'GR'

2

- ❑ **HOLD** a public hearing and consider a request submitted by Ms. Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (**Case #FLUM21-08**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536.
- ❑ The property is located at 7700 Clear Creek Road, Killeen, Texas.





## Case: FLUM AMENDMENT 2021-08

Council District: 4

FROM SC TO GR

Subject Property Legal Description: 7700 CLEAR CREEK RD



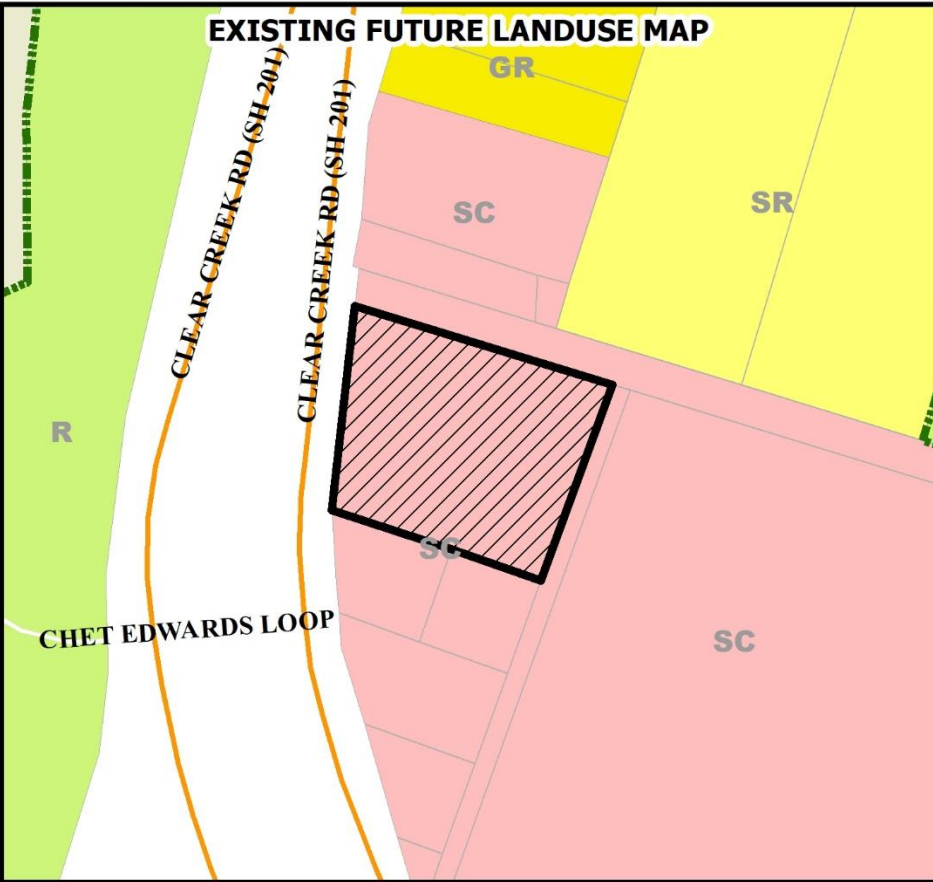
**FLUM LOCATION**



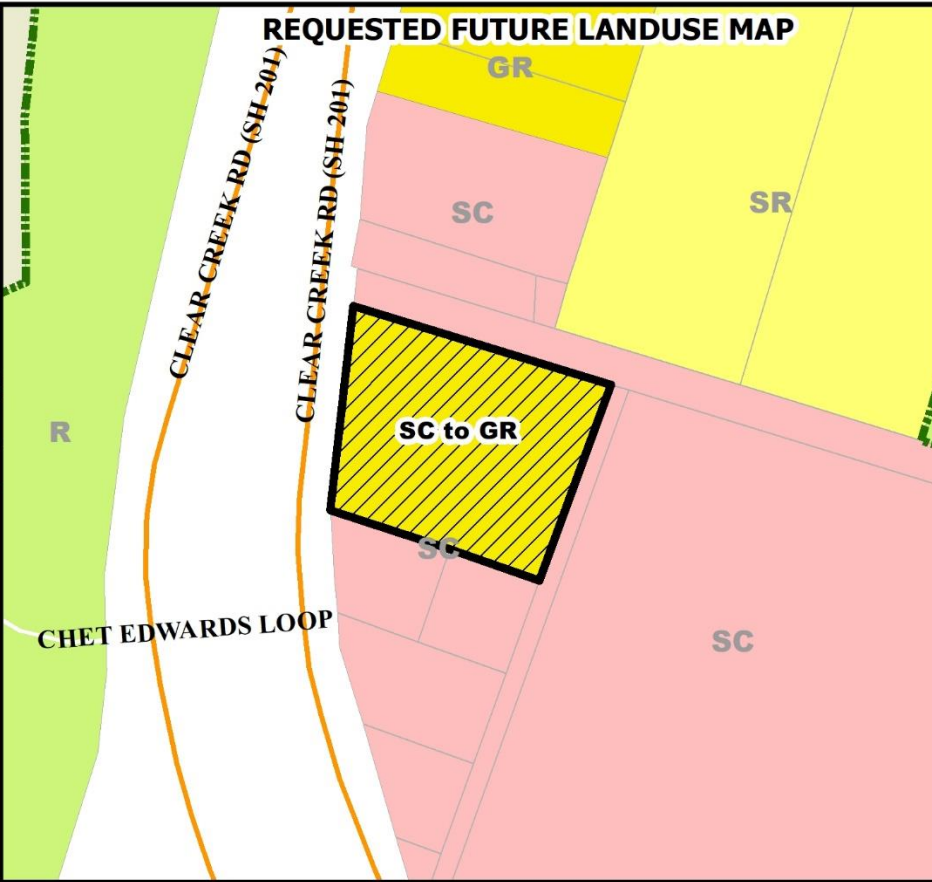
1 inch = 3,333 feet



## EXISTING FUTURE LANDUSE MAP



## REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP

#### Case: FLUM AMENDMENT 2021-08

Council District: 4  
FROM SC TO GR  
Subject Property Legal Description: 7700 CLEAR CREEK RD

#### Legend

- Killeen City Limits
- Bell County Area
- Principal Arterial, Existing

#### Future Land Use Legend

- FLUM 21-08
- General Residential (GR)
- Suburban Residential (SR)
- Suburban Commercial (SC)
- Rural (R)



1 inch = 417 feet

Date: 10/8/202

# Case #FLUM21-08: 'SC' to 'GR'

5

- The property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM). The 'SC' designation encourages:
  - ▣ Range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - ▣ Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
  - ▣ Public/institutional; and
  - ▣ Parks and public spaces.

# Case #FLUM21-08: 'SC' to 'GR'

6

- If approved, 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; and
  - ▣ Parks and public spaces.

# Staff Findings

7

- The applicant has submitted a concurrent request to rezone the property from 'R-1' (Single-Family Residential) to 'R-MP' (Mobile Home and Travel Trailer Park District).
- If approved, the applicant intends to develop an RV park to provide additional housing options within the city.

# Case #FLUM21-08: 'SC' to 'GR'

8

View of subject property from Clear Creek Road (facing east):



# Case #FLUM21-08: 'SC' to 'GR'

9

View of adjacent property to the west (Killeen-Fort Hood Regional Airport):





# Case #FLUM21-08: 'SC' to 'GR'

10

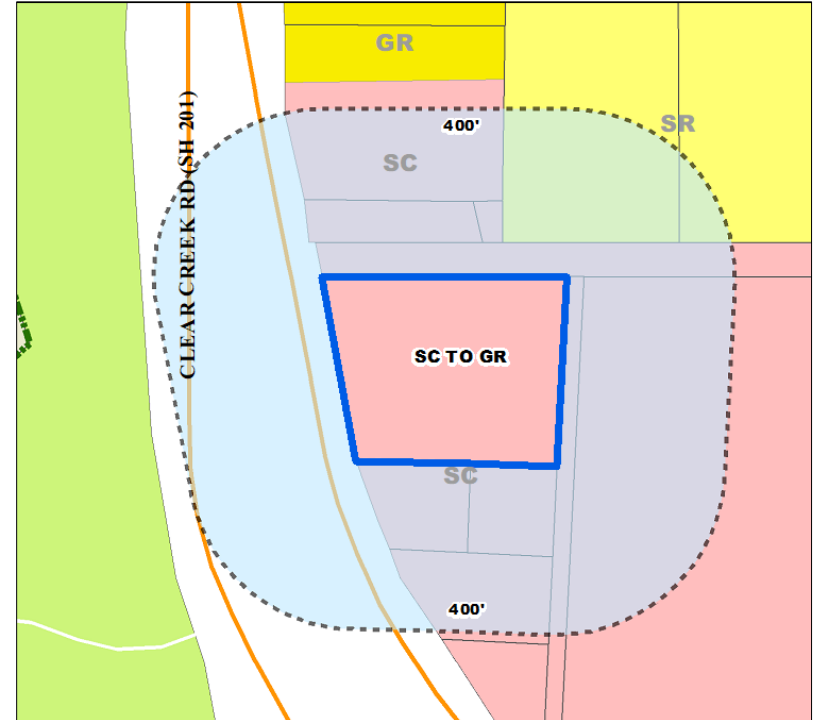
View of adjacent property to the north:



# Public Notification

11

- ❑ Staff mailed courtesy notices to twelve (12) surrounding property owners within 400 feet regarding this request.
- ❑ Of those property owners notified, eight (8) reside outside of Killeen.





# Alternatives

12

- ❑ The City Council has three (3) alternatives:
  - ▣ Disapprove the applicant's request to amend the FLUM;
  - ▣ Approve a more restrictive FLUM designation; or
  - ▣ Approve the applicant's request to amend the FLUM.

# Staff Recommendation

13

- ❑ Staff recommends disapproval of the applicant's request to amend the Future Land Use Map (FLUM).
- ❑ Staff is of the determination that the applicant's request to amend the Future Land Use Map designation from 'Suburban Commercial' (SC) to 'General Residential' (GR) is not appropriate for the subject property. Staff finds that the current Future Land Use Map designation of 'Suburban Commercial' (SC) is appropriate for this location. The 'Suburban Commercial' (SC) designation promotes a range of neighborhood commercial uses, which are better suited to the Clear Creek Road corridor.

# Commission Recommendation

14

- ❑ At their regular meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2 with Commissioners Minor and Adams in opposition. The Commissioners in opposition stating that the request is not appropriate for the area.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-061	<b>Version:</b>	1	<b>Name:</b>	Zoning 21-30
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	9/7/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #Z21-30) to rezone approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District). The property is located at 7700 Clear Creek Road, Killeen, Texas. (Requires 3/4 Majority Vote)				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">RV Park Exhibits</a> <a href="#">Considerations</a> <a href="#">Responses</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-30 "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Ms. Andrea Thompson, on behalf of The Estate of Dallas L. Adams Jr., has submitted a request to rezone approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District). If approved, the applicant intends to develop an RV park to provide additional housing options within Killeen.

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

The subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "R-1" (Single-Family Residential District) on January 25, 2000 via Ordinance No. 00-5. The property is currently unplatted.

#### **Character of the Area:**

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

- North: Undeveloped property zoned "R-1" (Single-Family Residential District), "A" (Agricultural District), and "B-4" (Business District)
- East: Undeveloped property zoned "A" (Agricultural District)
- South: Undeveloped property zoned "R-1" (Single-Family Residential District)
- West: The Killeen-Fort Hood Regional Airport on the west side of Clear Creek Road, zoned "A" (Agricultural District)

#### **Future Land Use Map Analysis:**

The property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation enhances suburban character primarily from reduced site coverage relative to most commercial development. 'Suburban Commercial' (SC) designations should be utilized at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-

oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. 'Suburban Commercial' (SC) character may exclude some auto-oriented uses that, by their very nature, cannot achieve a Suburban character. Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibility (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards).

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
- Public/institutional
- Parks and public spaces

This request is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the Future Land Use Map from 'Suburban Commercial' (SC) to 'General Residential' (GR).

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Clear Creek Road, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified twelve (12) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside the city limits of Killeen.

As of the date of this staff report, staff has received one (1) written response in support of the request, and two (2) written responses in opposition. The property owners in opposition to the request comprise approximately 30.8% of the area within the 200-foot notification boundary. Therefore, in accordance with Sec. 211.006(d) of the Texas Local Government Code, approval of this request will require the affirmative vote of three-fourths of the City Council.

### **Staff Findings:**

Staff is of the determination that the applicant's request is incompatible with the Future Land Use Map and with the surrounding land uses. Staff is of the determination that the Future Land Use Map designation of 'Suburban Commercial' (SC) is appropriate for this location.

There are no known environmental constraints for this property. The property 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 district than requested by applicant; or
- Approve the applicant's request by a three-fourths affirmative vote.

**Which alternative is recommended?** Staff recommends disapproval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District).

**Why?** Staff finds that the applicant's request is incompatible with the Future Land Use Map and with the surrounding land uses. Staff is of the determination that the Future Land Use Map designation of 'Suburban Commercial' (SC) is appropriate for 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 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 regular meeting on October 4, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential) to "R-MP" (Mobile Home and Travel Trailer Park District) by a vote of 5 to 1. Commissioner Minor voted in opposition, stating that the proposed RV park is not appropriate in the proposed location.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
RV Park Exhibit  
Considerations  
Responses





Attachment #3

Council District: 4

1 inch = 180 feet


Subject Property Legal Description: 7700 CLEAR CREEK RD

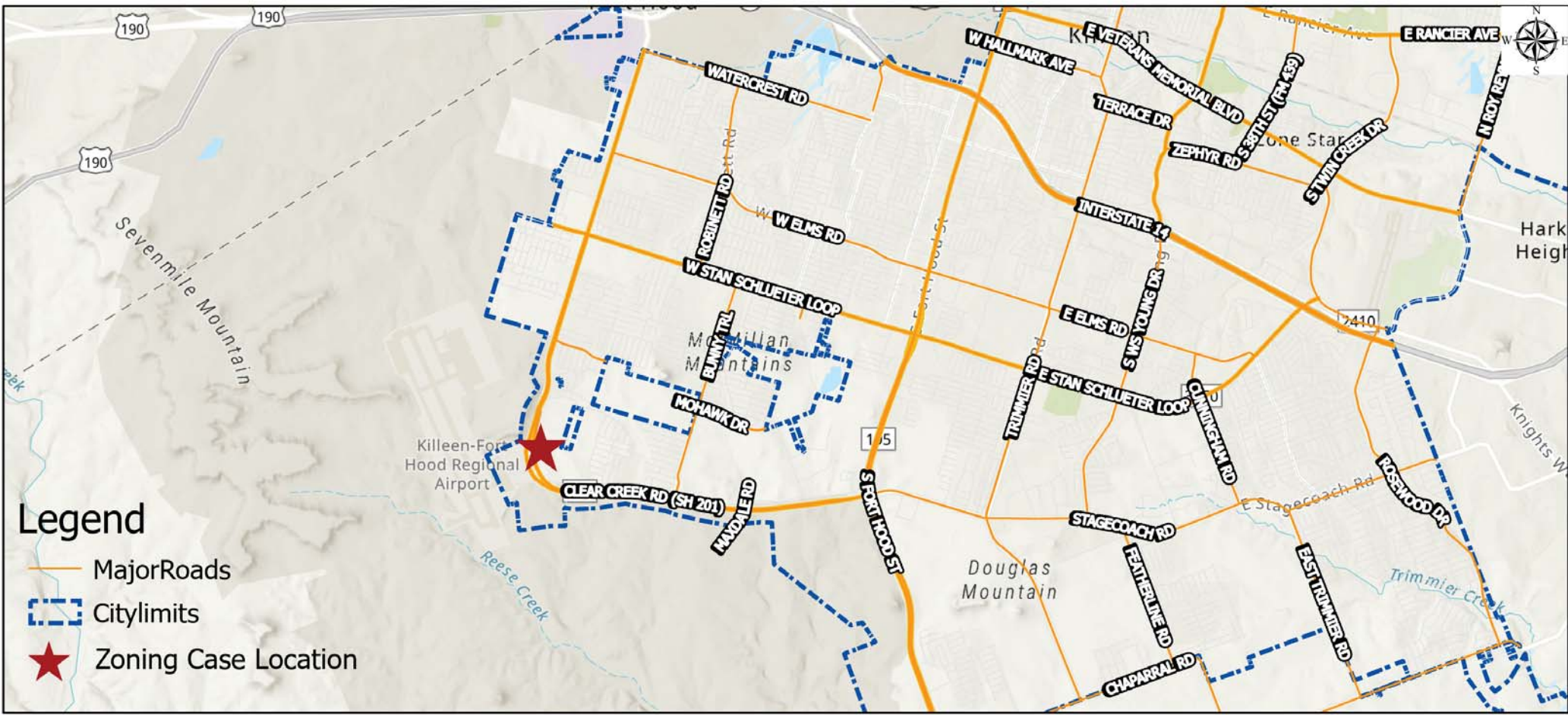
Zoning Map

## Zoning Case 2021-30

### Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021  
selection



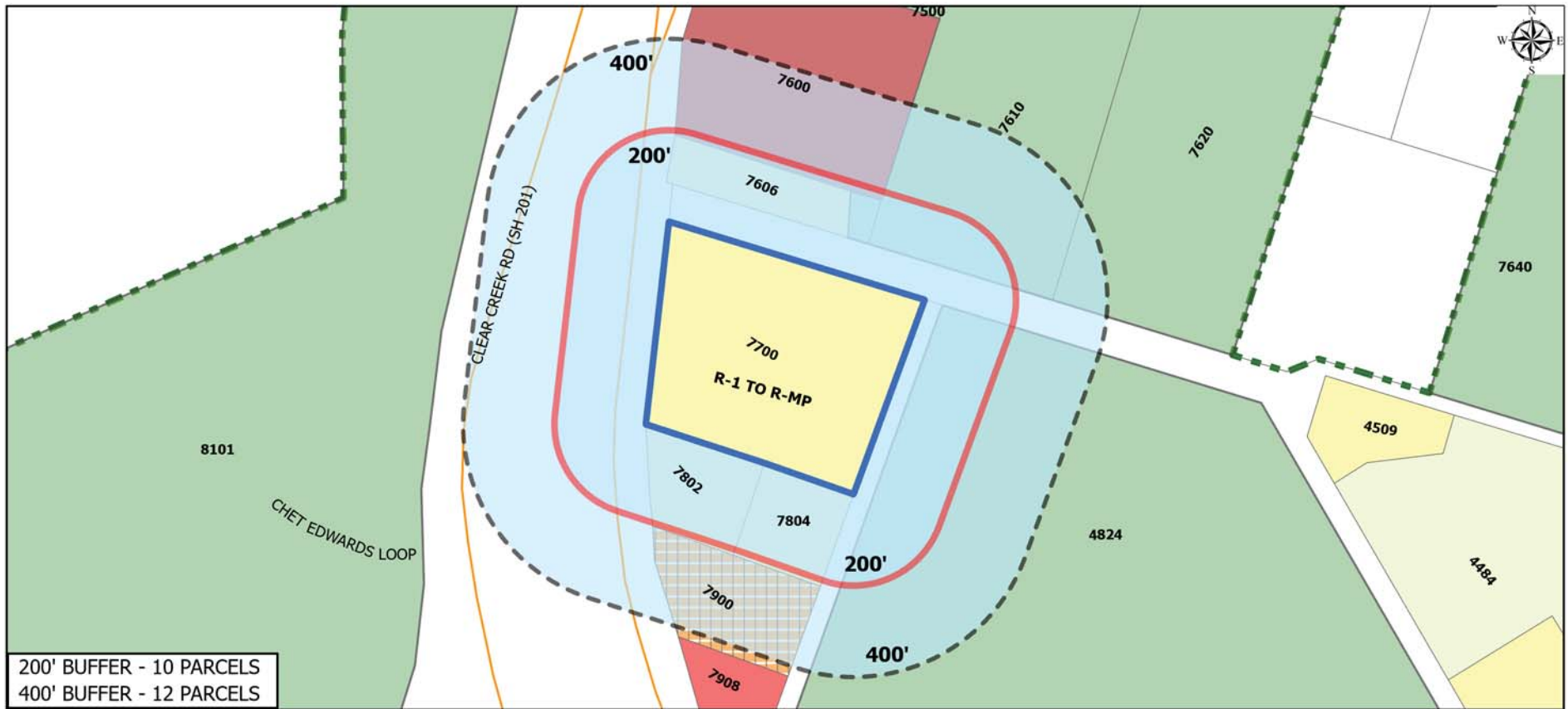
**Legend**

- Major Roads
- City Limits
- Zoning Case Location

Attachment #1  
Council District: 4  
1 inch = 7,674 feet  
Subject Property Legal Description: 7700 CLEAR CREEK RD

Zoning Map  
**Zoning Case 2021-30**





Attachment #1

Council District: 4

1 inch = 349 feet

Subject Property Legal Description: 7700 CLEAR CREEK RD

## Zoning Map Zoning Case 2021-30

Legend

CurrentZoning

A  
A-R1

B-3  
B-4  
B-C-1  
R-1

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 4, 2021**

**CASE #Z21-30**  
**“R-1” to “R-MP”**

**HOLD** a public hearing and consider a request submitted by Ms. Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (**Case #Z21-30**) to rezone approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from “R-1” (Single-Family Residential District) to “R-MP” (Mobile Home and Travel Trailer Park District). The property is located at 7700 Clear Creek Road, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant’s request. She stated that staff has received two (2) written responses in opposition to the request, constituting approximately 30.8% of the area within the 200-foot notification boundary. Therefore, in accordance with Sec. 21.006(d) of the Texas Local Government Code, approval of the request will require the affirmative vote of three-fourths of the City Council.

Ms. Larsen stated that staff recommends disapproval of the request as presented, as it is inconsistent with the Future Land Use Map and with the character of the area.

The agent, Ms. Andrea Thompson, was present to represent the case.

Chairman Latham opened the public hearing.

Mr. Pedro Quintero spoke in support of the applicant’s zoning request.

With no one else wishing to speak, the public hearing was closed.

Commissioner Minor made a motion to approve “B-5” (Business District) zoning for the subject property. Commissioner Minor was advised that the Commission can approve a more restrictive zoning district than the one requested by the applicant, but not a less restrictive district.

Commissioner Minor then made a motion to disapprove the request. The motion died for lack of a second.

Commissioner Ploeckelmann made a motion to approve the request as presented. Commissioner Gukeisen seconded, and the motion passed by a vote of 5 to 1 with Commissioner Minor in opposition. Commissioner Minor stated that the request is not consistent with the area.

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 5.346 ACRES OUT OF THE J. H. LEWIS SURVEY, ABSTRACT NO. 536 FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-MP” (MOBILE HOME AND TRAVEL TRAILER PARK DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr., 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 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from “R-1” (Single-Family Residential District) to “R-MP” (Mobile Home and Travel Trailer Park District), said request having been duly recommended for approval of “R-MP” (Mobile Home and Travel Trailer Park District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 three-fourths 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 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from “R-1” (Single-Family Residential District) to “R-MP” (Mobile Home and Travel Trailer Park District), said request having been duly recommended

for approval of “R-MP” (Mobile Home and Travel Trailer Park District), for the property locally addressed as 7700 Clear Creek 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 9<sup>th</sup> day of November 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

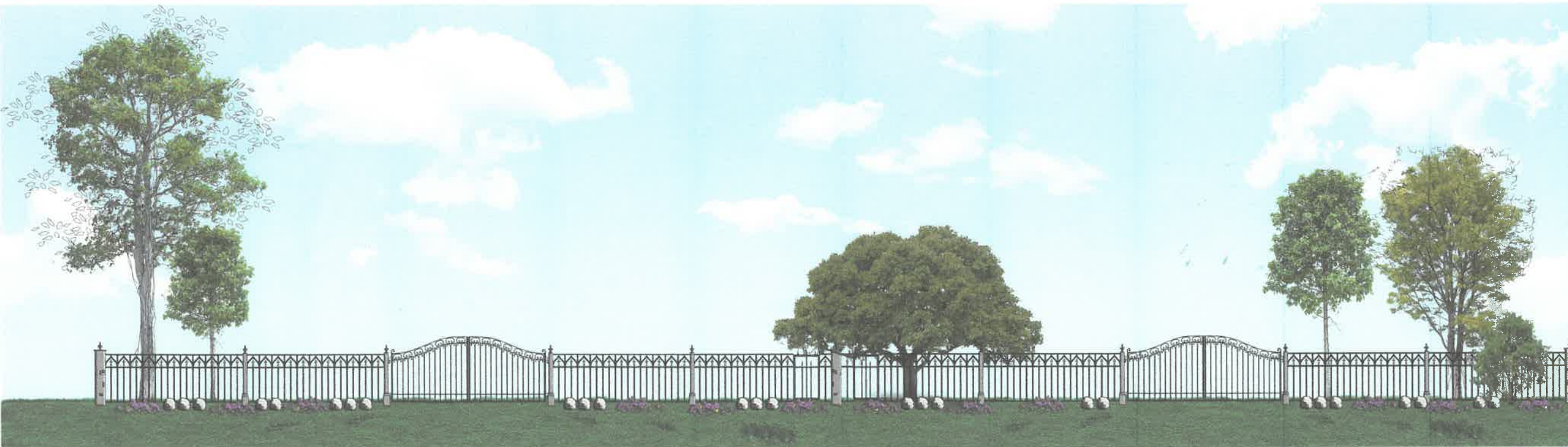
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**Traci S. Briggs, City Attorney**

Case #21-30

Ord. #21-\_\_\_\_









## **RV and Site Standards & Guidelines**

**Your satisfaction is very important to us. We appreciate that you have chosen to spend your time with us and want to make sure you and all our guests enjoy their stay. With this in mind, we have outlined some basic RV standards and site standards to ensure that we maintain a standard of quality in our campgrounds.**

**Please note, that these guidelines not intended to address all possible situations that may arise at the property. If you have any questions or concerns, please feel free to stop by the management office at your convenience.**

**Most importantly, we hope you enjoy your stay with us!**

### **RV Standards**

The quality of RVs in a resort or campground can contribute to or detract from the overall experience of all the campers. For this reason, we enforce some standards of appearance on RVs, like those in place at many other RV resorts and campgrounds.

Our property rules state that “all vehicles must be operable and in good condition.” We think it may be helpful to outline a few examples of what is meant by “good condition.”

### **Age Limit**

Please note that “good condition” does not mean “new,” and we do not typically have an age limit for RVs.

### **RV Certification**

RVs should have RVIA certification. RVIA certification states the rig complies with certain fire codes, which are important. Occasionally, exceptions can be

granted by Resort Managers and/or Regional Managers on a case-by-case basis for non-RVIA rigs which seem to conform to safety requirements and are of a design and style compatible with the park. A park model RV, also known as a recreational park trailer, should be certified by the manufacturer, and are built in accordance with the ANSI code.

## Appearance Guidelines

Overall, the RV should look and function as it was originally designed. While we can't provide a list including every possible scenario, following are a few examples that should be helpful:

- Doors, shrouds, panels, windows, and coverings, etc. should be intact and not unsightly.
- Exterior should be not unsightly, and should be free of obvious, poorly repaired damages.
- Tarps cannot be used for weatherproofing and awnings should be in good condition.
- Air conditioning units should not be added through the walls or windows unless previously approved.
- All hoses, wires, etc. should route through ports as originally designed.
- Exterior should be free of duct tape, repair tape, excessive caulk, etc.

Isolated minor issues are generally acceptable, provided multiple issues aren't combined to substantially deteriorate the appearance of an RV:

- Minor body damage which has been properly repaired but is still visible.
- Fading of decals and/or paint.
- Minor window cracking, although replacements should be scheduled.
- Damage from traveling that has just happened, especially if you have a repair plan.

## Site Standards

We all need to be good neighbors to our fellow campers! No one likes to camp next to a messy site, and a messy campsite can be an open invitation to unwanted wildlife.

Following are some guidelines to help everyone be a good neighbor in the campground:

## Recreational vs. Residence

For our seasonal or annual campers, we need to remember that your campsite is a recreational site and not a residence.

- Customers shall use their RV and site for recreational purposes only and shall not use their RV and site as a permanent residence. Length of stay requirements are based on legal requirements and property established guidelines.

## Safety Guidelines

- Campsites should be clean and neat, free of fire hazards and clutter.
- Customers shall not make any alteration to the electric, water or sewer connections provided by the campground.
- Customers should adhere to specific legal requirements when connecting to sewer, water, and electric services at the campground.
- Customers should be able to move your rig very quickly in case of emergency.
- No extra air conditioners, wires, hoses, or cords running except through the OEM port.

## Tarps, Tents, Shade Structures, Other Structures

- Tents and “easy-up”-type structures are for temporary use only, limited to seven days.
- Manager can approve more substantial, semi-permanent shade structures, in accordance with the individual property guidelines.
- Only form-fitting bike/car covers are allowed. Carports are prohibited.
- Please do not use a tarp to cover any part of your RV or campsite.
- Exterior furnishings should be appropriate for outdoor/camping use. Indoor furnishings including but not limited to, sofas, chairs, refrigerators, freezers and kitchen tables are not allowed on your campsite.
- Fencing is limited to 24” in height and may be utilized only in the area under the rig awning.
- The following flags are allowed to be displayed at your site and throughout the campground/resort, American, Canadian, Military, including Air Force, Army, Marine Corps, Navy, Coast Guard, POW, MIA, and veterans, sports and decorative flags such as holiday, seasonal or garden.

## Pets

- Guests may bring usual household pets such as dogs and cats to a campground and resort. No other animals, livestock, poultry, reptiles, insects, or exotic pets are permitted.
- All pets must be registered with the office and vaccination records must be available upon request, and all pets must wear a collar identifying the owner and phone number.
- Pets must be always kept on a leash when outside the RV and under the control of their owner.
- Pets must not be left tied or otherwise unattended at any time.
- For the protection of, and in consideration to other persons, noisy, aggressive, vicious, unruly, or poisonous pets are not allowed at a campground. Persons who are unable to control their pets must remove them from the campground, or the animal may be taken to/by local animal control authorities.
- The owner of any pet is responsible for any injuries or damages caused by their pets. In addition, the owner of any pet that causes injury or damages to another is expected to resolve the issue directly with the injured party. We are not responsible for any injuries or damages caused by pets.
- Guests are responsible for their pets and should “clean up” after them. All pet droppings must be properly disposed of in a trash receptacle. If we incur expenses more than any “pet fee” paid by the guest, the guest will be required to reimburse us for those expenses.
- Pets are not permitted in the public buildings or amenity areas, including but not limited to the bathrooms, clubhouse, and washroom areas.
- Service animals may accompany a disabled person without any proof of disability or certification for the service animal and without payment of any pet fee or other surcharge. Service animals are permitted in buildings, swimming areas, rental units and other locations where pets are prohibited.
- Pet policies may vary by campground and resort and are subject to change without notice. To learn about specific pet policies, please contact the campground and resort directly.

## Noxious Activities

- No illegal, noxious or offensive activities shall be conducted at any site, nor shall anything be done within the campground which is or could become an unreasonable annoyance or nuisance to neighboring sites.
- We will not tolerate abusive or disruptive behavior whether directed at management, staff or other persons.

- Smoking is not permitted in any of our buildings. Smoking material must be extinguished in an appropriate fire container.
- The open consumption of alcoholic beverages is discouraged in the family areas of the campground. Where permitted, alcoholic beverages must be kept in a concealed container. Under no circumstances will minors, as determined by state and local law, be served, or allowed to consume alcoholic beverages at the campground.

## Disorderly Persons

- The following are grounds for reservation termination and removal from the property: loud noise, whether mechanical, musical, or vocal, use of foul or indecent language, causing damage to property of the campground or another person, drunken disorderly conduct, failing to follow rules, failing to follow directions of the property staff, threatening or abusive behavior or any other conduct that is not the type of behavior that is expected at a family campground.

## Damage

- Customers are responsible for all damage or destruction of property, and any injury to persons, caused by the guest or his or her family, visitor, or pets. We reserve the right to charge guests accordingly for any damage they cause to the grounds and/or campground/resort facilities, including but not limited to broken waterlines, damaged/missing sewer connections, cable lines, landscaping, and excessive debris (bottle caps, zip ties, cigarette butts, etc.).

## General Policies

- Check-in: 12 noon
- Check-out: 12 noon
- Upon check-in you may be asked to provide a valid ID, and a certificate of insurance and registration for your camper.
- Minimum Check-in age is 21 years old
- The rates displayed do not include any applicable service fees or charges for optional incidentals.

# CONSIDERATIONS

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

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

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

## **C. Conditions to Consider**

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

CUT HERE	
YOUR NAME: <i>Eva Mitchell Perry</i>	PHONE NUMBER: <i>254-630-1660</i>
CURRENT ADDRESS: <i>303 Red Oak Dr., Harker Heights, TX. 76548</i>	
ADDRESS OF PROPERTY OWNED: <i>Reese Creek Rd. Killeen, TX.</i>	
COMMENTS:	
<i>I opposed property rezoned</i>	
SIGNATURE: <i>Eva Perry</i>	REQUEST: "R-1" to "R-MP" SPO #Z21-30/11

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628  
WWW.KILLEENTEXAS.GOV

CUT HERE	
YOUR NAME: <i>Tres Donkeys, LLC</i>	PHONE NUMBER: <i>254-449-0948</i>
CURRENT ADDRESS: <i>7900 S. Clear Creek Rd.</i>	
ADDRESS OF PROPERTY OWNED: <i>7900 S. Clear Creek Rd.</i>	
COMMENTS:	
<i>Support — We believe a well-done</i>	
<i>RV Park would be a nice addition to the</i>	
<i>area. Also</i>	
SIGNATURE: <i>Jim</i>	REQUEST: "R-1" to "R-MP" SPO #Z21-30/09

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628  
WWW.KILLEENTEXAS.GOV



**CITY OF KILLEEN**  
PLANNING & DEVELOPMENT SERVICES

September 22, 2021

**RE: Case# Z21-30**

**HOLD a public hearing and consider a request submitted by Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #Z21-30) to rezone approximately 5.346 acres out of the J H Lewis Survey, Abstract No. 536, from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District). The property is located at 7700 Clear Creek Road, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by diagonal lines, and the circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **October 04, 2021, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., October 04, 2021.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **November 09, 2021, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE

YOUR NAME:	HEIDE JANSHON	PHONE NUMBER:	727-481-5315
CURRENT ADDRESS:	3205 CHARA DR, NEW PORT RICHEY, FL 34655		
ADDRESS OF PROPERTY OWNED:	4824 REESE CREEK RD, KILLEEN 76549		
COMMENTS:	(SIEGRID MARVIN ESTATE) HEIDEJANSHON@GMAIL.COM		
I PROTEST THIS PROPOSED REZONING TO MOBILE HOME & TRAVEL TRAILER PARK DISTRICT AS THESE ARE KNOWN TO NEGATIVELY AFFECT NEIGHBORING PROPERTY VALUES. THANK YOU!			
SIGNATURE:	Heide Janshon 9/25/2021		
		REQUEST: "R-1" to "R-MP"	SPO #Z21-30/07





CASE #Z21-30: “R-1” TO “R-MP”

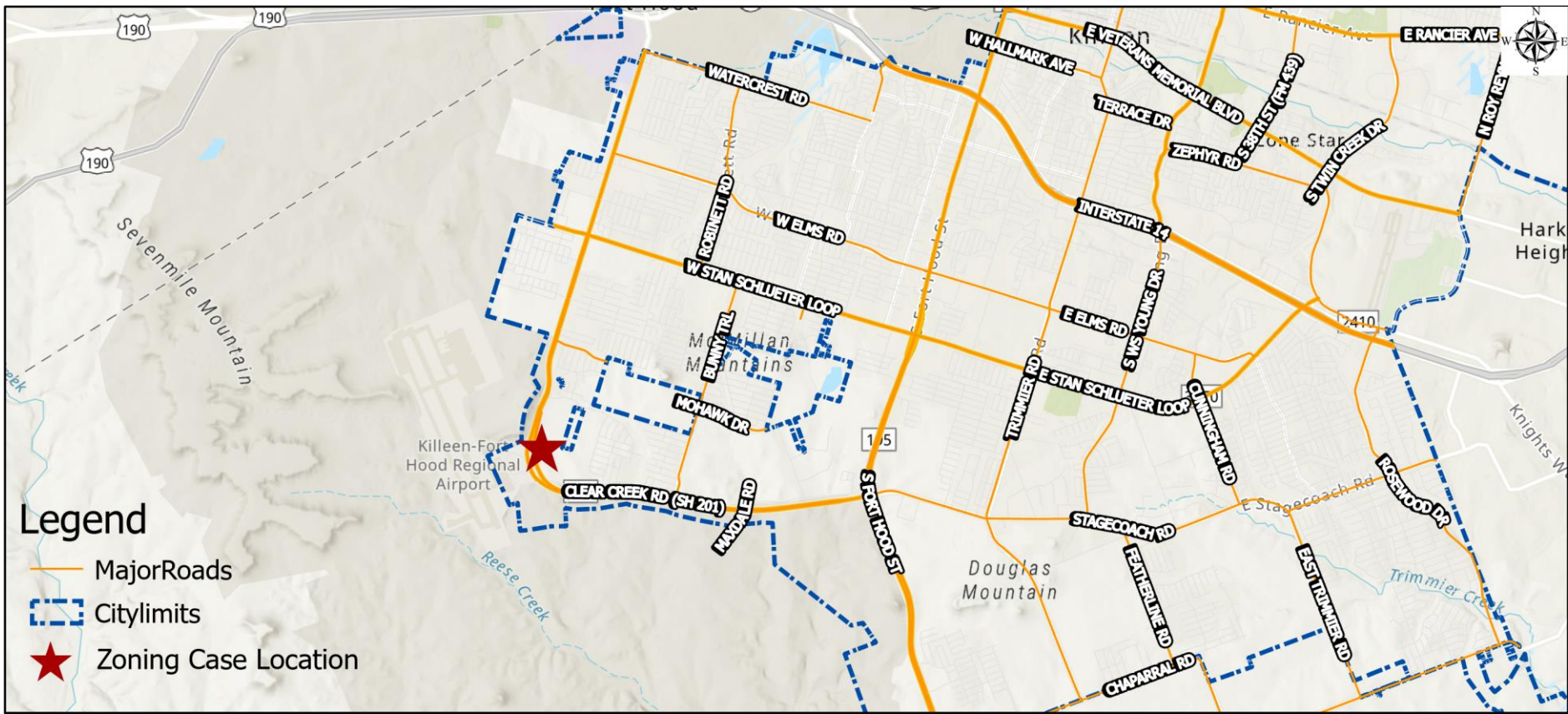
PH-21-061

November 2, 2021

# Case #Z21-30: “R-1” to “R-MP”

2

- ❑ **HOLD** a public hearing and consider a request submitted by Ms. Andrea Thompson on behalf of The Estate of Dallas L. Adams Jr. (Case #Z21-30) to rezone approximately 5.346 acres out of the J. H. Lewis Survey, Abstract No. 536 from “R-1” (Single-Family Residential District) to “R-MP” (Mobile Home and Travel Trailer Park District).
- ❑ The property is located at 7700 Clear Creek Road, Killeen, Texas.



Attachment #1

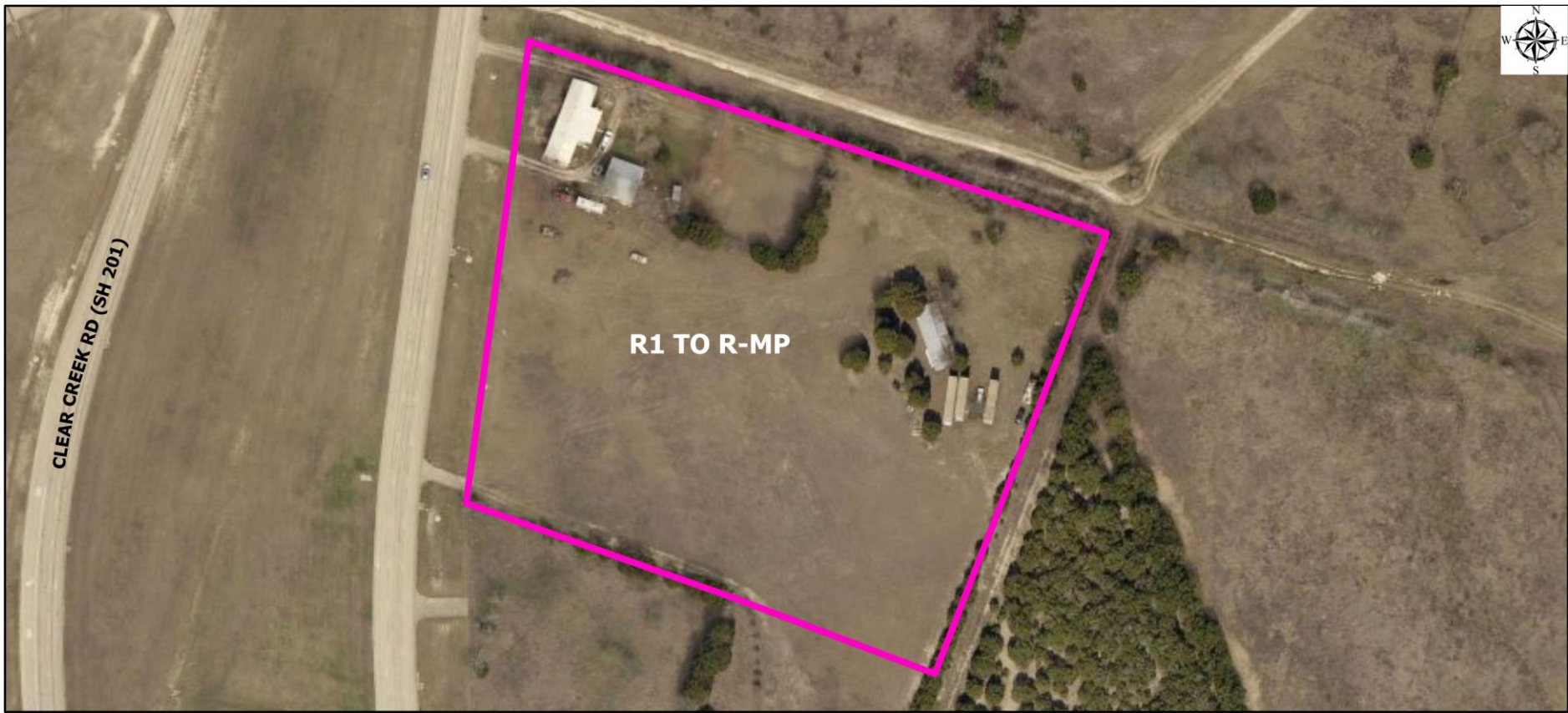
Council District: 4

1 inch = 7,674 feet

Subject Property Legal Description: 7700 CLEAR CREEK RD

Zoning Map

## Zoning Case 2021-30



Attachment #3

Council District: 4

1 inch = 180 feet


Subject Property Legal Description: 7700 CLEAR CREEK RD

Zoning Map

## Zoning Case 2021-30

### Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021  
selection

# Case #Z21-30: “R-1” to “R-MP”

5

- If approved, the applicant intends to develop an RV park to provide additional housing options within the city.

# Case #Z21-30: “R-1” to “R-MP”

6

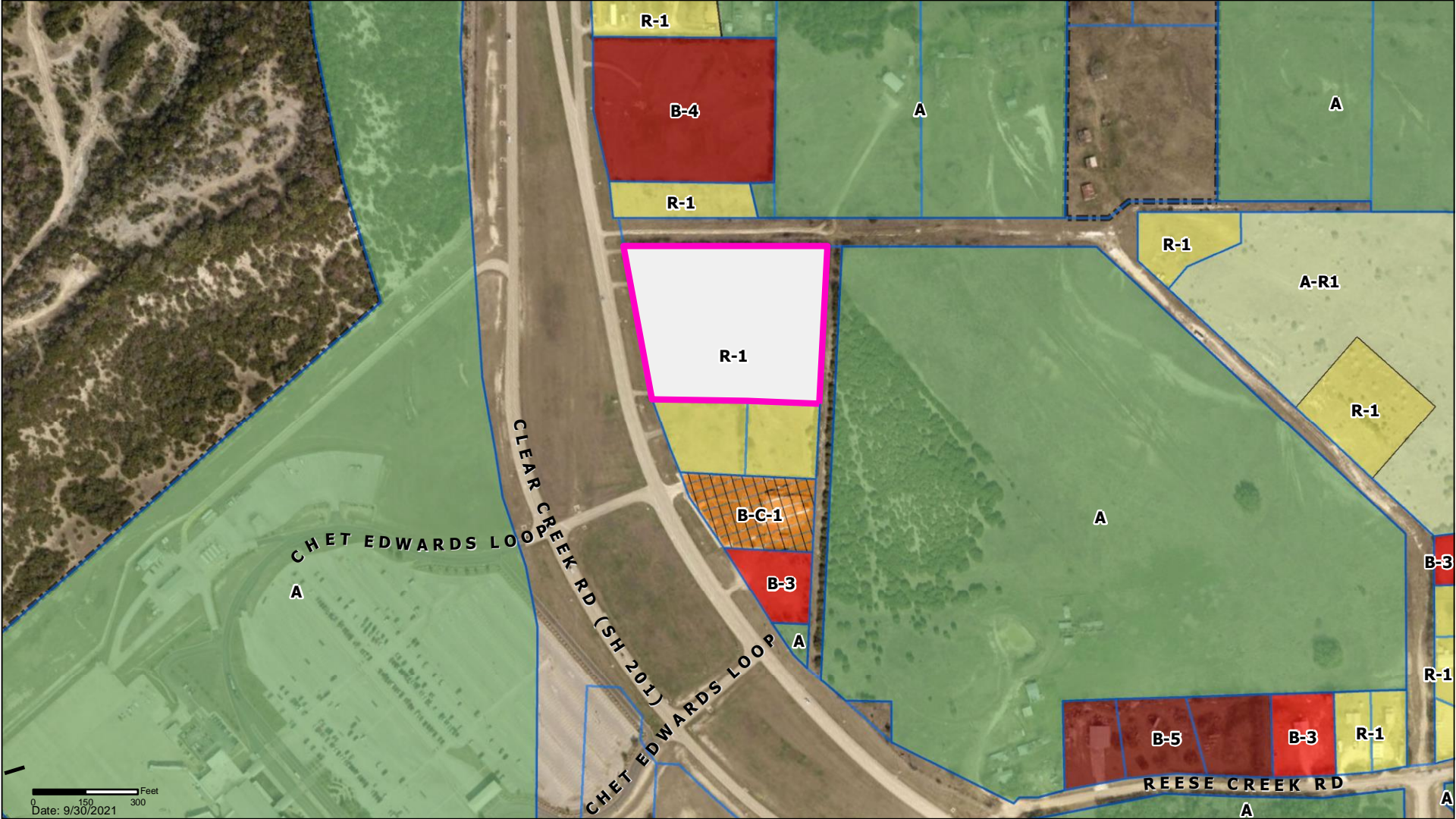
- Staff finds that the request is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant submitted a concurrent FLUM amendment request to change the designation from ‘Suburban Commercial’ (SC) to ‘General Residential’ (GR).

# Case #Z21-30: “R-1” to “R-MP”

7

- The property is designated as ‘Suburban Commercial’ (SC) on the FLUM. The ‘SC’ designation encourages the following development types:
  - ▣ Range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - ▣ Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
  - ▣ Public/institutional; and
  - ▣ Parks and public spaces.





R-1

B-4

A

A

R-1

R-1

R-1

A-R1

R-1

B-C-1

B-3

A

B-3

R-1

B-5

B-3

R-1

REESE CREEK RD

A

A

CLEAR CREEK RD (SH 201)

CHET EDWARDS LOOP

A

0 150 300 Feet  
Date: 9/30/2021



# Case #Z21-30: “R-1” to “R-MP”

9

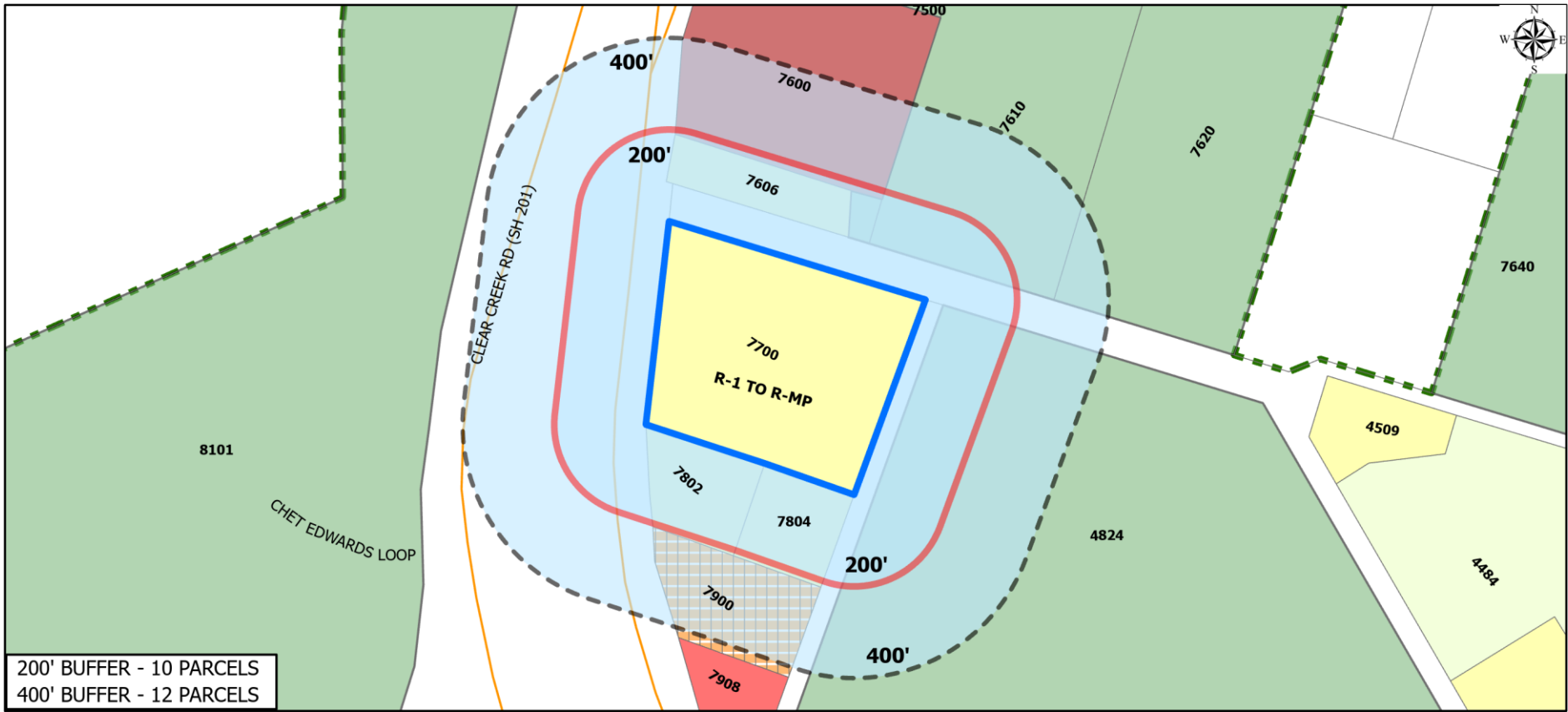
View of subject property from Clear Creek Road (facing east):



# Case #Z21-30: “R-1” to “R-MP”

10

- ❑ Staff notified twelve (12) surrounding property owners regarding this request.
- ❑ Of those property owners notified, two (2) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside of Killeen.
- ❑ To date, staff has received one (1) written response in support, and two (2) written responses in opposition to this request.



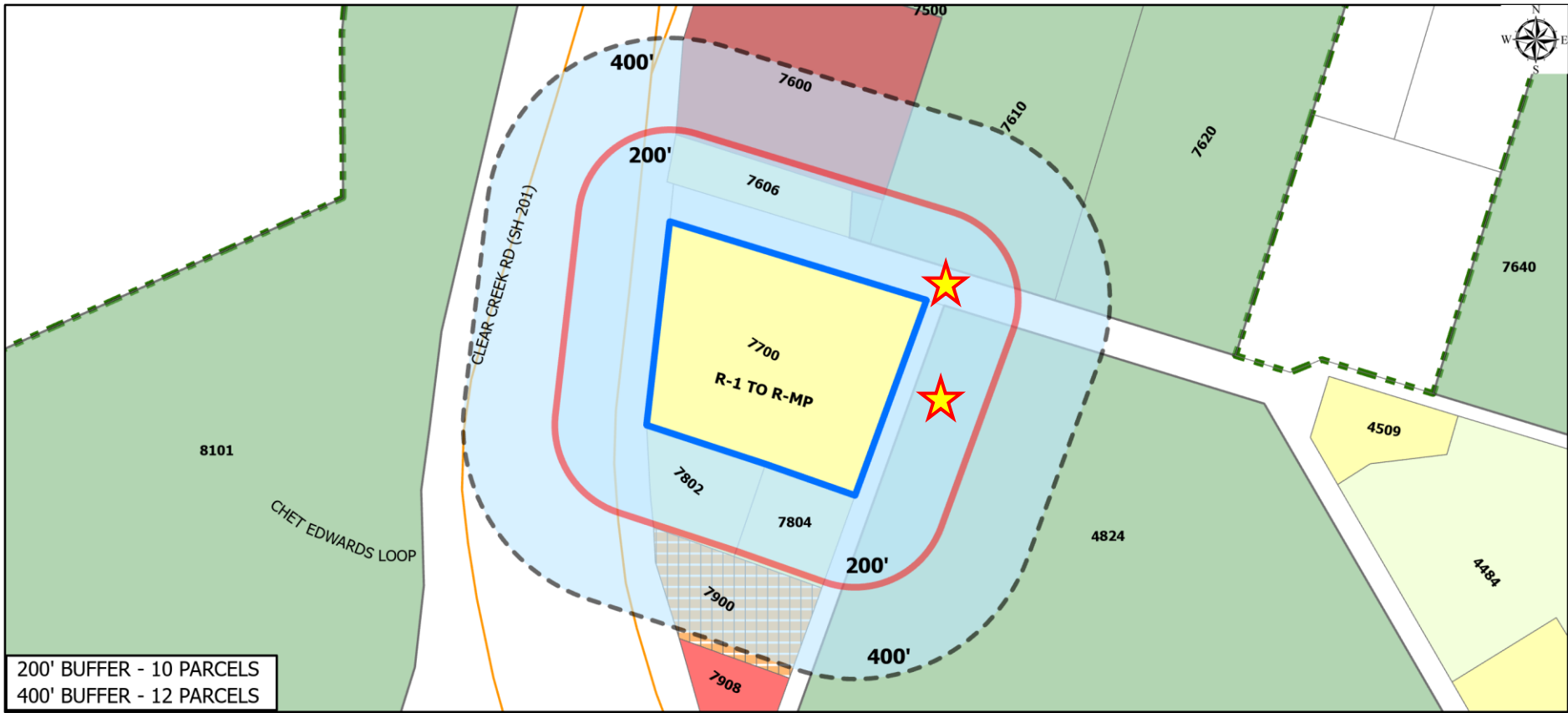
# Case #Z21-30: “R-1” to “R-MP”

12

## **Texas Local Government Code Sec. 211.006(d):**

If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

- 1) the area of the lots or land covered by the proposed change; or
- 2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.



# Zoning Map Zoning Case 2021-30



In opposition = 30.8%

Legend

CurrentZoning		B-3
A		B-4
A-R1		B-C-1
		R-1

# Alternatives

14

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

# Staff Recommendation

15

- ❑ Staff recommends disapproval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Travel Trailer Park District).
- ❑ Staff is of the determination that the applicant's request is incompatible with the Future Land Use Map and with the surrounding land uses. Staff is of the determination that the Future Land Use Map designation of 'Suburban Commercial' (SC) is appropriate for this location.

# Commission Recommendation

- ❑ At their regular meeting on October 4, 2021, the Planning & Zoning Commission, recommended approval of the applicant's request to rezone the property from "R-1" to "R-MP" (Mobile Home and Travel Trailer Park District) by a vote of 5 to 1. Commissioner Minor voted in opposition, stating that the request is not appropriate for the area.
- ❑ In accordance with LGC Sec. 211.006(d) and Killeen Code of Ordinances Sec. 31-39(d), approval of the request requires the affirmative vote of three-fourths (3/4) of all members of the City Council.





# City of Killeen

## Legislation Details

<b>File #:</b>	PH-21-062	<b>Version:</b>	1	<b>Name:</b>	Zoning 21-31
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	9/7/2021		<b>In control:</b>	City Council	
<b>On agenda:</b>	11/9/2021		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Kendra Crawford (Case #Z21-31) to rezone approximately 0.2 acres being Lot 3, Block 1, out of the Wanda Park Survey, from “B-5” (Business District) to “R-2” (Two Family Residential District). The property is located at 1902 Wood Avenue, Killeen, Texas.				
<b>Sponsors:</b>	Development Services				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a>				
	<a href="#">Maps</a>				
	<a href="#">Minutes</a>				
	<a href="#">Ordinance</a>				
	<a href="#">Considerations</a>				
	<a href="#">Responses</a>				
	<a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
11/2/2021	1	City Council Workshop		



## STAFF REPORT

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-31 "B-5" (Business District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Kendra Crawford submitted a request to rezone approximately 0.2 acres being Lot 3, Block 1, out of the Wanda Park Survey, from "B-5" (Business District) to "R-2" (Two Family Residential District). If approved, the applicant intends to build a residential duplex.

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

The property was platted as Lot 1, Block 3, Wanda Park Addition on August 16, 1951.

#### **Character of the Area:**

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

- North: Existing two-family residential property on the north side of Wood Avenue; zoned "R-2" (Two-Family Residential District)
- East: Legal non-conforming two-family residential property zoned "B-5" (Business District)
- South: Undeveloped commercial property zoned "B-5" (Business District)
- West: Legal non-conforming two-family residential property zoned "B-5" (Business District)

#### **Future Land Use Map Analysis:**

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

'General Residential' (GR) characteristics encompass most existing residential areas within Killeen. The 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas. 'General Residential' (GR) are typically auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-

monotony” architectural standards, landscaping, and limitations on “cookie cutter” subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

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

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is via Wood Avenue, which is classified as a 60’ wide Local Street on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified fifty-five (55) surrounding property owners regarding this request. Of those notified, thirty-two (32) properties were located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-two (22) reside outside of Killeen. As of the date of this staff report, one (1) response in support of the request has been received.

### **Staff Findings:**

Staff finds the applicant’s request consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character.

There are no known environmental constraints for this property. The property 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 district than requested by applicant; or
- Approve the applicant's request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "R-2" (Two Family Residential District).

**Why?** The applicant's request is consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character.

**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 regular meeting on October 4, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "B-5" (Business District) to "R-2" (Two-Family Residential District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps

Minutes

Ordinance

Considerations

Responses

# Zoning Case 2021-31





**B-5 TO R-2**

21-31Z

WOOD AVE

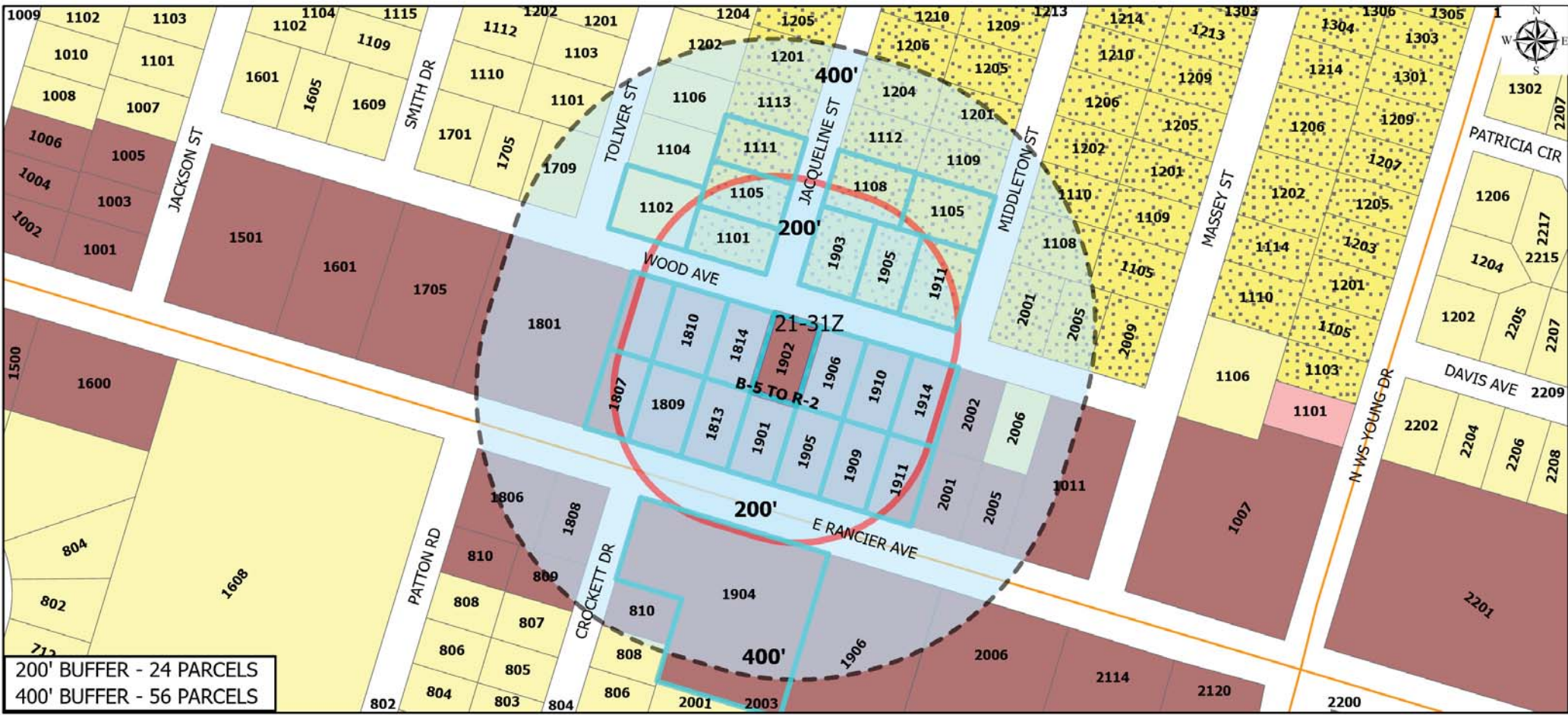
Attachment #3  
Council District: 1  
1 inch = 40 feet  
Subject Property Legal Description: 1902 WOOD AVE

Zoning Map  
**Zoning Case 2021-31**

**Legend**

-  Citylimits
-  Production.GISADMIN.ZoningCases2021 selection







**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
October 4, 2021**

**CASE #Z21-31  
“B-5” to “R-2”**

**HOLD** a public hearing and consider a request submitted by Kendra Crawford (**Case #Z21-31**) to rezone approximately 0.2 acre being Lot 3, Block 1, out of the Wanda Park Survey from “B-5” (Business District) to “R-2” (Two Family Residential District). The property is located at 1902 Wood Street, Killeen, Texas.

Ms. Wynstan Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request as presented, as it is consistent with the character of the area.

The applicant was not present to represent the case.

Chairman Latham opened the public hearing.

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

Commissioner Adams made a motion to approve the request as presented. Commissioner Alvarez seconded, and the motion passed by a vote of 6 to 0.

## ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.2 ACRE BEING LOT 3, BLOCK 1, OUT OF THE WANDA PARK SURVEY, FROM “B-5” (BUSINESS DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Kendra Crawford, 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 0.2 acre being Lot 3, Block 1, out of the Wanda Park Survey, from “B-5” (Business District) to “R-2” (Two Family Residential District), said request having been duly recommended for approval of “R-2” (Two-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of October 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 9<sup>th</sup> day of November 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 0.2 acres being Lot 3, Block 1, out of the Wanda Park Survey, from “B-5” (Business District) to “R-2” (Two Family Residential District), said request having been duly recommended for approval of “R-2” (Two-Family Residential District), for the property locally addressed as 1902 Wood Avenue, 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 9<sup>th</sup> day of November 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Traci S. Briggs, City Attorney**

Case #21-31

Ord. #21-\_\_\_\_



**CITY OF KILLEEN**  
PLANNING & DEVELOPMENT SERVICES

September 22, 2021

**RE: Case# Z21-31**

**HOLD a public hearing and consider a request submitted by Kendra Crawford (Case #Z21-31) to rezone approximately 0.2 acres being Lot 3, Block 1, out of the Wanda Park Survey, from "B-5" (Business District) to "R-2" (Two Family Residential District). The property is located at 1902 Wood Street, Killeen, Texas.**

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by diagonal lines, and the circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **October 04, 2021, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., October 04, 2021.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **November 09, 2021, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE	
YOUR NAME: <b>JJ GOODFELLAS</b>	PHONE NUMBER:
CURRENT ADDRESS: <b>P.O. BOX 1329</b>	
ADDRESS OF PROPERTY OWNED: <b>1813 EAST RIVER RANCHER AVE</b>	
COMMENTS: <b>KILLEEN TX</b>	
<b>I HAVE "NO" PROBLEM WITH THE REZONE REQUEST</b>	
<b>THANKS SO MUCH</b>	
<b>SIGNATURE: [Signature]</b>	
REQUEST: "B-5" to "R-2" SPO #Z21-31/41	
<b>JJ GOODFELLAS, LLC</b>	

# CONSIDERATIONS

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

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

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

## **C. Conditions to Consider**

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



CASE #Z21-31: “B-5” TO “R-2”

PH-21-062

November 2, 2021

## Case #Z21-31: “B-5” to “R-2”

- ❑ **HOLD** a public hearing and consider a request submitted by Kendra Crawford (**Case #Z21-31**) to rezone approximately 0.2 acre being Lot 3, Block 1, out of the Wanda Park Survey from “B-5” (Business District) to “R-2” (Two Family Residential District).
- ❑ The property is located at 1902 Wood Avenue, Killeen, Texas.







Attachment #3

Council District: 1

1 inch = 40 feet

Subject Property Legal Description: 1902 WOOD AVE

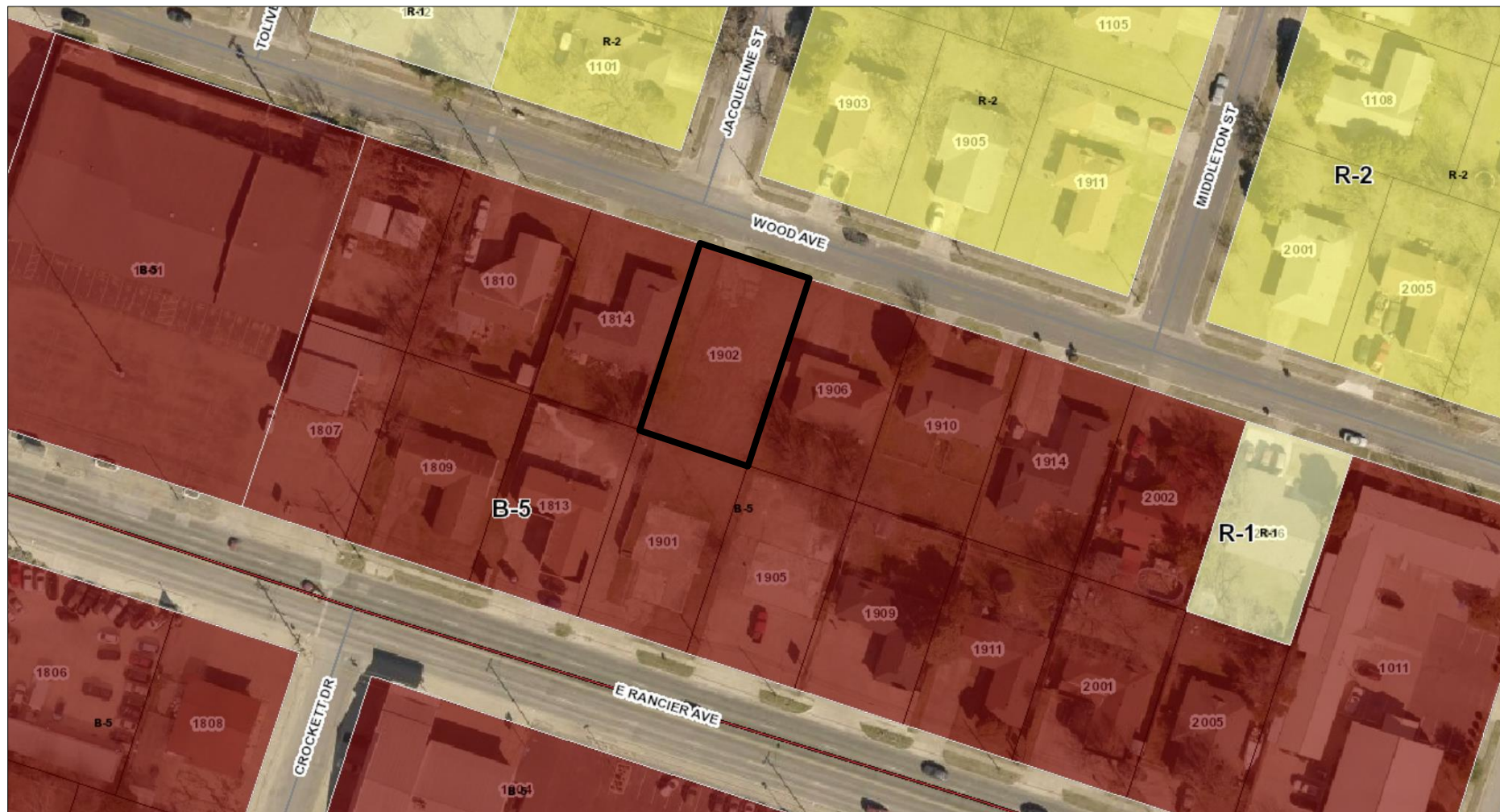
Zoning Map

## Zoning Case 2021-31

### Legend

 Citylimits

 Production.GISADMIN.ZoningCases2021  
selection



## Case #Z21-31: “B-5” to “R-2”

6

- If approved, the applicant intends to build a residential duplex on the property.
- There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

# Case #Z21-31: “B-5” to “R-2”

7

- This property is designated as ‘General Residential (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- Staff finds that the request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.



# Case #Z21-31: “B-5” to “R-2”

8

View of the subject property facing south (from Wood Avenue):



# Case #Z21-31: “B-5” to “R-2”

9

Adjacent property to the north:



# Case #Z21-31: “B-5” to “R-2”

10

Adjacent property to the west:





# Case #Z21-31: “B-5” to “R-2”

11

Adjacent property to the east:

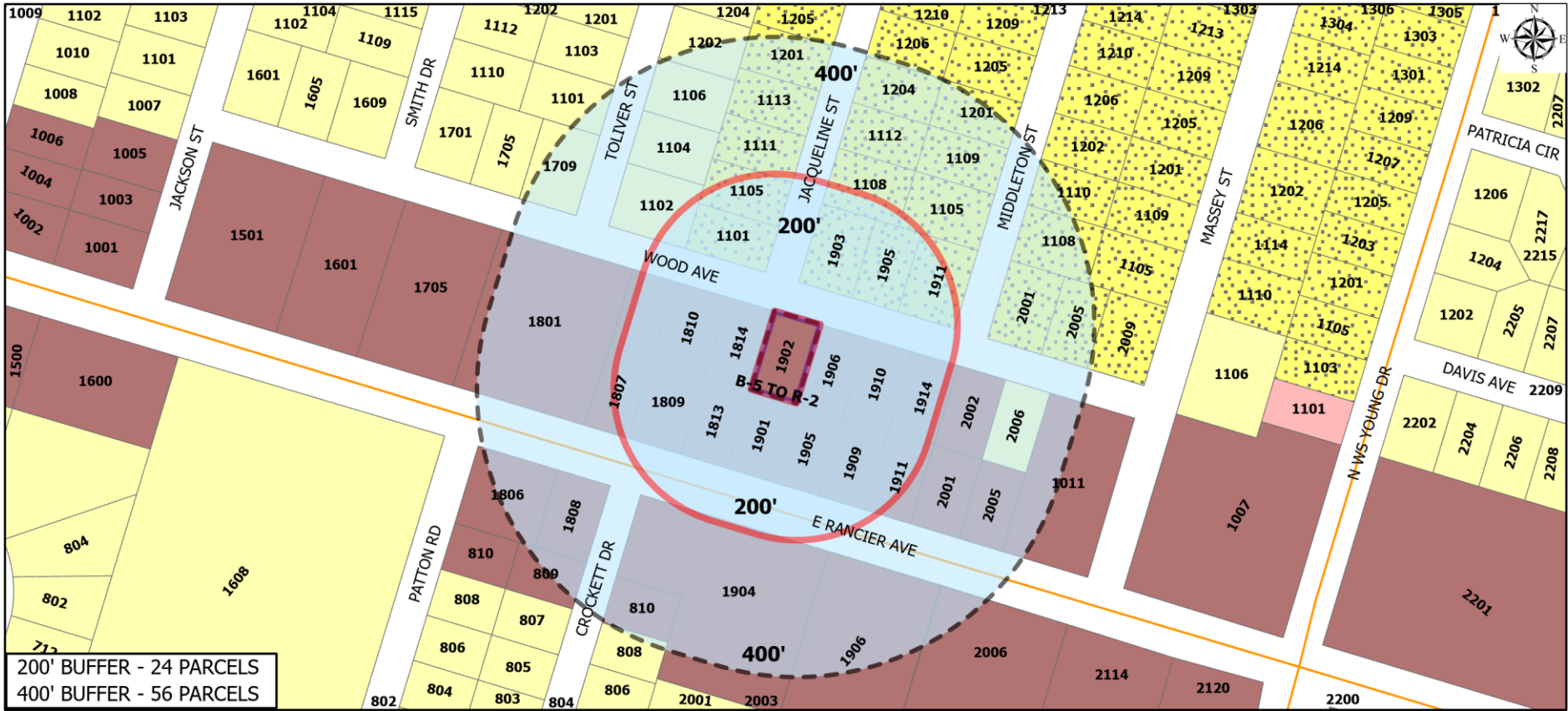




# Public Notification

12

- ❑ Staff notified fifty-five (55) surrounding property owners regarding this request.
- ❑ Of those notified, thirty-two (32) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-two (22) property owners reside outside of Killeen.
- ❑ To date, staff received one (1) written response in support of this request.



Attachment #1

Council District: 1

1 inch = 234 feet

Subject Property Legal Description: 1902 WOOD AVE

Zoning Map

## Zoning Case 2021-31

Legend

Current Zoning

B-2

B-5

R-1

R-2

# Alternatives

14

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

# Staff Recommendation

15

- Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "R-2" (Two Family Residential District).
- Staff finds the applicant's request consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character.

# Commission Recommendation

16

- At their meeting on October 4, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0 .