City of Killeen

Agenda

City Council Workshop

Tuesday, March 21, 2017 | **5:00 PM** | **Utility Collections Conference Room 210 West Avenue C Killeen, Texas 76541**

Items for Discussion at Workshop

1. DS-17-042 Discuss Agenda Items for the Regular City Council Meeting of March 28, 2017

2. DS-17-043 Briefing - Parks Master Plan

3. DS-17-044 Receive Quarterly Financial Report

4. DS-17-045 Discuss Adhoc Committees and Appointments

Attachments: Adhoc Committee Applicants
Downtown Development Committee
Transportation Committee
Water Sewer Drainage Committee

5. DS-17-046 Discuss Draft Policy for Citizen Appointments to Boards, Commissions, and Committees

Attachments: Presentation

6. DS-17-047 Discuss City Council Rules of Procedure Regarding Committee Membership (Councilmember Request)

Attachments: Okray Memorandum

7. DS-17-048 Discuss Audit Visioning Session

8. DS-17-049 Discuss City Council Protocol

Items for Regular City Council Meeting of March 28, 2017

Minutes

9. MN-17-007 Consider Minutes of Regular City Council Meeting of March 14, 2017.

Attachments: Minutes

Resolutions

10. RS-17-030 Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2016.

Attachments: Council Memorandum

11. RS-17-031 Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2016.

Attachments: Council Memorandum

Quarterly Investment Report

12. RS-17-032 Consider a memorandum/resolution for Ambiance Limousine and Transportation, LLC., Ground Transportation application.

Attachments: Council Memorandum

Ambiance Limousine Application

13. RS-17-033A Consider a memorandum/resolution authorizing the City Manager to execute an interlocal agreement with the City of Frisco, Texas, for the purchase of self-contained breathing apparatus (SCBA) equipment for the Fire Department.

Attachments: Council Memorandum

Interlocal Agreement

14. RS-17-033B Consider a memorandum/resolution authorizing the purchase of self-contained breathing apparatus (SCBA) equipment from Hoyt Breathing Air Products for the Fire Department.

Attachments: Council Memorandum

Quote

Certificate of Interested Parties

15. RS-17-034 Consider a memorandum/resolution to revise the Killeen Arts Commission Rules and Regulations.

Attachments: Council Memorandum

Revised Rules & Regulations

16. RS-17-035 Consider a memorandum/resolution authorizing the sale of real property located at the corner of Buckley Avenue and Camilla Road.

Attachments: Council Memorandum

Bid Packet

17. RS-17-036 Consider a memorandum/resolution authorizing the procurement of a street sweeper necessary to meet MS4 permit requirements.

Attachments: Council Memorandum

Quote

Street Sweeper

Certificate of Interested Parties

18. RS-17-037 Consider a memorandum/resolution appointing Presiding and Alternate

Election Judges for the May 6, 2017 general election.

Attachments: Council Memorandum

Public Hearings

19. PH-17-013A Consider a memorandum/resolution for projected expenditure from the state seizure account for the Killeen Police Department.

Attachments: Council Memorandum
Safety Equipment Quote
Air Respirator Quotes
DVR Examiner Quote
Night Vision Instruments Quote
Trauma Kit Quotes
Cellebrite Recovery Data Quote
Sole Source Letter - Cellebrite Inc
Cargo Box Quote
Sole Source Letter - The Armored Group

20. PH-17-013B HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase Special Revenue expenditure accounts to provide funding for the purchase of equipment for the Police Department.

Attachments: Council Memorandum
Ordinance

21. PH-17-014 HOLD a public hearing and consider an ordinance requested by Victor Craig Mashburn and Denna Connel O'Connor (Case #Z17-01) to rezone approximately 1.39 acres out of the G.W. Farris Survey, Abstract No. 306, Killeen, Texas, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is locally known as 708 E. Elms Road, Killeen, Texas.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations

22. PH-17-015 HOLD a public hearing and consider an ordinance requested by Darvin and Shelre Holden (Case #Z17-02) to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1"

(Professional Business District).

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations

23. PH-17-016A HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z17-03) for Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension. The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application

24. PH-17-016B HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode (Case #Z17-03) to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Responses

25. PH-17-017 HOLD a public hearing and consider an ordinance requested by Waterville Property Management of Texas, L.L.C. (Case #Z17-04) to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5"

(Business District) to “B-C-1” (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine, and mixed beverages in conjunction with a pool hall.

Attachments: Council Memorandum
Attachment to CCMO
Considerations
Minutes
Ordinance
Application
Location Map
Buffer Map

26. PH-17-018A HOLD a public hearing and consider an ordinance requested by Franklin Harris L.L.C. to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Suburban Residential’ and ‘General Commercial’ designated area to a ‘Multi-Family Residential’ designated area (FLUM# Z17-05) for 8.5 acres of land located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, Killeen, Texas.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application

27. PH-17-018B HOLD a public hearing and consider an ordinance requested by Payton Senior L.L.C. on behalf of Franklin Harris, L.L.C. (Case #Z17-05) to rezone approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from “R-1” (Single-Family Residential District), “R-3” (Multifamily Residential District) and “B-5” (Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District).

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Concept Plan

28. PH-17-019 HOLD a public hearing and consider an ordinance requested by Gary

W. Purser Sr. 1999 Trust and RSBP Developers, Inc. (Case #Z17-06) to rezone approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) uses to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Concept Plan

29. PH-17-020 HOLD a public hearing and consider an ordinance requested by WBW Land Investments, L.P. (Case #Z17-07) to rezone approximately 62.31 acres, being part of the Azra Webb Survey, Abstract No. 857, from "AR-1" (Agricultural Single-Family Residential District) and "SR-1" (Suburban Residential Single Family District) to Planned Unit Development (PUD) with "SR-2" (Suburban Residential Single-Family District), "SR-1" (Suburban Residential Single Family District), "R-1" (Single-Family Residential District) and "SF-2" (Single Family Residential District) to allow for various lot sizes and setbacks and associated standards. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

Attachments: Council Memorandum
Attachment to CCMO
Minutes
Ordinance
Application
Location Map
Buffer Map
Considerations
Concept Plan
Concept Plan with signatures
PUD Requirements
Responses

30. PH-17-021 HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase expense accounts for a professional services agreement providing auditing services.

Attachments: Council Memorandum

Ordinance

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on March 17, 2017.

_____

Dianna Barker, City Secretary

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

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

Notice of Meetings

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

- *GKCC State of the City & County, March 28, 2017, 11:30 a.m., Grace Christian Center*
- *I-14 Signing & Great American Defense Community Designation Ceremony, April 22, 2017, 9:00 a.m., Central Texas College Anderson Center*

Dedicated Service -- Every Day, for Everyone!

City of Killeen

Legislation Details

File #:	DS-17-042	**Version:**	1	**Name:**	Discuss Agenda Items
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/8/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss Agenda Items for the Regular City Council Meeting of March 28, 2017				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-17-043	**Version:**	1	**Name:**	Parks Master Plan
Type:	Discussion Items			**Status:**	Discussion Items
File created:	1/6/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Briefing - Parks Master Plan				
Sponsors:	Community Services Department, Killeen Parks & Recreation				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-17-044	**Version:**	1	**Name:**	Receive Quarterly Financial Report
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/14/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Receive Quarterly Financial Report				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-17-045	**Version:**	1	**Name:**	Discuss Adhoc Committees and Appointments
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/10/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss Adhoc Committees and Appointments				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:	Adhoc Committee Applicants Downtown Development Committee Transportation Committee Water Sewer Drainage Committee				

Date	Ver.	Action By	Action	Result

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ADHOC COMMITTEE APPLICANTS

District 1

Last Name	First Name		Downtown Development		Transportation		Water/Sewer/Drainage
Blair	Bob				X		
Corbin	Dan						X
Diaz Jr.	Miguel A.				X		
Steine	Joel R.				X		X

District 2

Last Name	First Name		Downtown Development		Transportation		Water/Sewer/Drainage
Appleby	Sage		X		X		X
Melton	Morris		X				
Miller	Michael		X				
Mitchell	Regina Lynn		X		X		X
Price	Tyler		X				
Sanders	Tristian		X				
Wasson	Norm				X		

District 3

Last Name	First Name		Downtown Development		Transportation		Water/Sewer/Drainage
Caviness	Gwendolyn		X				
Evans	Otis						X
Fischer	Katherine				X		
Hancock	Timothy L.		X		X		
Price	Kris		X				
Rushing	Ursula				X		
Santana	Eleonara						X

District 4

Last Name	First Name		Downtown Development		Transportation		Water/Sewer/Drainage
Carrillo-Tapia	Analuisa		X				
Driver Sr.	John L.		X		X		
Ralston	James 'Jack'						X
Williams	Rickey K.		X				X
Wilson	Anita		X				

Applicants Residing Outside City Limits in ETJ

Last Name	First Name		Downtown Development		Transportation		Water/Sewer/Drainage
Bark	Vivian		X				
Beauchamp	James		X				
Browner	Anthony Dewayne		X		X		X

Council Members Appointed to Adhoc Committees

Downtown Development Committee

Juan Rivera - Chair
Gregory Johnson
Brockley Moore

Transportation Committee

Jim Kilpatrick - Chair
Juan Rivera
Jonathan Okray

Water/Sewer/Drainage Committee

Dick Young - Chair
Shirley Fleming
Jim Kilpatrick

Downtown Development Committee

Structure: The Downtown Development Committee is comprised of three councilmembers and four citizens. The City Manager will appoint staff who will provide support to the Committee. One councilmember will serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member.

Mission: The Downtown Development Committee's mission is to preview major issues regarding Downtown Development being recommended by city staff to the City Council. They will provide feedback to staff in advance of the item being presented to City Council

Members: Councilmember Juan Rivera (Chair)
Councilmember Gregory Johnson
Councilmember Brockley Moore
Citizen
Citizen
Citizen
Citizen (Alternate)

Regular Meetings: First Tuesday of each month (additional meetings may be called when appropriate). Coordination of meetings will be made through the Director of Planning and Development office.

Location: Main Conference Room located at 101 N. College Street, Killeen, TX.

Transportation Committee

Structure: The Transportation Committee is comprised of three councilmembers and four citizens. The City Manager will appoint staff who will provide support to the Committee. One councilmember will serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member.

Mission: The Transportation Committee's mission is to preview major issues regarding transportation which are being recommended by city staff to the City Council. They provide feedback to staff in advance of the item being presented to City Council.

Members: Councilmember Jim Kilpatrick (Chair)
Councilmember Jonathan Okray
Councilmember Juan Rivera
Citizen
Citizen
Citizen
Citizen (Alternate)

Regular Meetings: Second Tuesday of each month (additional meetings may be called when appropriate). Coordination of meetings will be made through the Director of Public Works office.

Location: Main Conference Room located at 101 N. College Street, Killeen, TX.

Water/Sewer/Drainage Committee

Structure: The Water/Sewer/Drainage Committee is comprised of three councilmembers and four citizens. The City Manager will appoint staff who will provide support to the Committee. One councilmember will serve as the Chair of the committee, and one of the four citizens appointed to the committee will serve as an alternate member.

Mission: The Water/Sewer/Drainage Committee's mission is to preview major issues regarding water, sewer, and drainage, which are being recommended by city staff to the City Council. They will provide feedback to staff in advance of the item being presented to City Council.

Members: Councilmember Dick Young (Chair)
Councilmember Jim Kilpatrick
Councilmember Shirley Fleming
Citizen
Citizen
Citizen
Citizen (Alternate)

Regular Meetings: Third Tuesday of each month (additional meetings may be called when appropriate). Coordination of meetings will be made through the Director of Public Works office.

Location: Main Conference Room located at 101 N. College Street, Killeen, TX.

City of Killeen

Legislation Details

File #:	DS-17-046	**Version:**	1	**Name:**	Discuss Draft Policy for Citizen Appointments to Boards, Commissions, and Committees
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/10/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss Draft Policy for Citizen Appointments to Boards, Commissions, and Committees				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:	Presentation				

Date	Ver.	Action By	Action	Result

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DRAFT POLICY: APPOINTING CITIZENS TO COMMITTEES

DS-17-046

March 21, 2017

CITIZEN APPOINTMENTS

- PURPOSE
  - Establish procedure for appointment/reappointment of citizens to boards, commissions and committees
- TIME OF APPOINTMENT
  - By October 1, annually
- REVIEW OF APPLICATIONS
  - Staff compiles applications, emails prior to workshop, provides copies at workshop

CITIZEN APPOINTMENTS

- APPOINTMENT SUBCOMMITTEES
  - Teams of two councilmembers
  - Responsible for reviewing and discussing applications in advance, reaching consensus regarding most qualified applicant(s) prior to workshop
  - BOA-Construction, BOA-Fire Prevention, BOA-Zoning, KVI, Senior Citizens Advisory, Bell County Health District

CITIZEN APPOINTMENTS

- FULL COUNCIL APPOINTMENTS
  - Entire council reviews applications, discusses applicants during workshop
  - Workshop consensus regarding most qualified candidate to fill a vacancy
    - If necessary, nomination process used
  - Animal Advisory Committee, Arts Commission, CDAC, Heritage Preservation Board, KEDC, Killeen Sister Cities, P&Z, TIRZ #2 Board, KTMPO

CITIZEN APPOINTMENTS

- TERM LIMITS
  - No more than six consecutive years, excluding unexpired terms
  - Exceptions:
    - Specialized knowledge, license or certifications AND no other qualified and interested person available;
    - Other good cause found by council

CITIZEN APPOINTMENTS

- CRITERIA FOR APPOINTMENTS
  - Application date?
  - Primary residence?
  - Service on other boards?
  - Specialized knowledge, licenses or certifications?
  - Term limits?
- RESPONSIBILITY AND AUTHORITY
  - Council will review annually

City of Killeen

Legislation Details

File #:	DS-17-047	**Version:**	1	**Name:**	Discuss City Council Rules of Procedure Regarding Committee Membership
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/14/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss City Council Rules of Procedure Regarding Committee Membership (Councilmember Request)				
Sponsors:	Jonathan Okray				
Indexes:					
Code sections:					
Attachments:	Okray Memorandum				

Date	Ver.	Action By	Action	Result

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TO: Mayor and Council

THRU: Ron Olson, City Manager

FROM: Jonathan Okray, Council Member At-Large

SUBJECT: City Council Rules of Procedure and Protocol, Section 10.3 Committee Membership and Type

DATE: 3/10/2017

Honorable Mayor and City Council,

In part, the Statement of Mission and Purpose of the Rules of Protocol provides for the proper discharge of duties and for the improvement of democratic local government. In accordance with Section 10.3 of the Rules of Procedure, persons appointed to committees shall be designated as either Regular Members, Ex Officio Members, or Honorary Members. An Ex Officio Member is appointed to a committee because of a position he or she currently holds. Regular Members and Ex Officio Members count towards a quorum and have voting privileges.

Council members are appointed and serve the Ex Officio capacity for various boards and commissions. As Ex Officio members of various the boards and commissions, council members count toward quorum and have voting privileges. Essential to proper discharge of duties and for the improvement of democratic local government council members should regularly attend the meetings of the various boards and commissions that they are appointed to, in order effectively affect the ends of Section 10.3 Rules of Procedure and to provide oversight of the boards and commissions, as appropriate.

Council members should be subject to and are subject to adherence to Article IV-Boards and Commissions, Section 2-118, Subparagraphs (a)(b) and (c): the requirement is plainly elucidated in the Article. Further, regular attendance is critical to council member's tasks regarding board and commissions application review and selection process. Attendance of council members to the various or appointed boards and commissions regular meetings is prudent and expected by the residences and ratepayers of our city. I request consideration be given to amend the appropriate procedures and code of ordinances.

Thank you,

Jonathan L. Okray

Jonathan L. Okray

Councilmember At-Large

City of Killeen

Legislation Details

File #:	DS-17-048	**Version:**	1	**Name:**	Discuss Audit Visioning Session
Type:	Discussion Items			**Status:**	Discussion Items
File created:	2/28/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss Audit Visioning Session				
Sponsors:	City Auditor, City Attorney Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-17-049	**Version:**	1	**Name:**	Discuss City Council Protocol
Type:	Discussion Items			**Status:**	Discussion Items
File created:	2/9/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Discuss City Council Protocol				
Sponsors:	Jose Segarra				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	MN-17-007	**Version:**	1	**Name:**	Minutes of Regular City Council Meeting of March 14, 2017.
Type:	Minutes			**Status:**	Minutes
File created:	3/14/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider Minutes of Regular City Council Meeting of March 14, 2017.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Minutes				

Date	Ver.	Action By	Action	Result

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City of Killeen
Regular City Council Meeting
Killeen City Hall
March 14, 2017 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

Also attending were City Manager Ronald L. Olson, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gilman.

Councilmember Young gave the invocation, and Councilmember Okray led everyone in the Pledge of Allegiance.

Approval of Agenda

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

Citizens Petitions

CP-17-004 Shannon Cafagna (2305 Sunny Lane) - STEP Grant Enforcement
Mrs. Cafagna apologized for the harshness of her email. Mrs. Cafagna was opposed to the way patrol officers were bunched up on 190 and suggested officer be spaced out better. Mrs. Cafagna also stated that she was upset about the way she and her daughter were treated by officers during a recent call for assistance.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the February 28th Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

RS-17-022 Consider a memorandum/resolution approving an Interlocal agreement with the Texas Department of Information Resources (DIR) for long distance telephone services.
Staff comments: Colen Wilson
The IT Services Department is seeking approval to use the Texas DIR contract with CenturyLink for long distance services. The current Sprint contract reflects a cost of 4.6 cents per minute. The new CenturyLink contract through the DIR is for 2.4 cents per minute. City staff recommends the City Council approve the interlocal agreement and authorize the City Manager to sign the agreement with the Texas DIR for long distance services with CenturyLink.

Motion was made by Mayor Pro-Tem Moore to approve RS-17-022. Motion was seconded by Councilmember Kilpatrick. Motion carried unanimously.

RS-17-023 Consider a memorandum/resolution updating authorized representatives for TexPool.
Staff comments: Jon Locke

Add	Remove	Remain
Ronald L. Olson, City Manager	Dennis M. Baldwin	Jonathan Locke
Judith Tangalin, Staff Accountant	Althea Davis	Karen Evans
		Latashia Cherry

Motion was made by Councilmember Rivera to approve RS-17-023. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-17-024 Consider a memorandum/resolution appointing a replacement to the Technical Advisory Committee for the Killeen Temple Metropolitan Planning Organization.
Staff comments: David Olson
In 2013, a Technical Advisory Committee was formed by KTMPO to review technical issues and develop preferred technical alternatives for Policy Board action. The City Manager was appointed to serve as a voting member on the Committee. It is recommended that the City Council appoint Ronald L. Olson to replace Dennis Baldwin.

Motion was made by Councilmember Rivera to approve RS-17-024. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-17-025 Consider a memorandum/resolution appointing members to various boards and commissions.
Staff comments: Kathy Davis
In order to make appointments and reappointments, City Council action is required. The chart below represents recent vacancies for terms beginning October 1, 2016.

Arts Commission

Current Member	Status	New Member	Comments
Mike Bartoszek	Declared vacant	Sean Payton	Music/Radio/TV

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

Current Member	Status	New Member	Comments
Alejandro Jimenez	Graduated	Olivia Winder	YAC Rep
Elizabeth Roberts	Resigned	Elizabeth Blackstone	Citizen Rep
TaNeika Driver-Moultrie	Resigned	Ralph Cossey	Citizen Rep

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

Motion was made by Councilmember Kilpatrick to approve RS-17-025. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

RS-17-026 Consider a memorandum/resolution to hold a Joint General Election with Killeen Independent School District.
Staff comments: Kathy Davis
The "Contract for Election Services - Early Voting" and "Contract for Election Services - Election Day" provides for voting conducted by the City Secretary on behalf of both

entities. KISD will reimburse the City for its one-half (1/2) share of the personnel & equipment costs associated with conducting the voting. Staff recommends that the City Manager be authorized to execute the attached Contracts for Election Services, one for Early Voting and one for Election Day on behalf of the City of Killeen, Texas.

Motion was made by Councilmember Fleming to approve RS-17-026. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-17-027 Consider a memorandum/resolution directing staff to halt the process of implementing impact fees for water, wastewater, and roadway facilities.

Staff comments: David Olson

On February 21, 2017, staff briefed the City Council on the status of the process, provided a proposed timeline for the adoption and effective date of an impact fee, and sought guidance regarding the creation of the statutorily-mandated Capital Improvements Advisory Committee. At the conclusion of the briefing, Council's consensus was not to proceed with the implementation of impact fees. The recommendation is that the City Council formalize its February 21, 2017 consensus to direct staff to halt the implementation process for Impact Fees.

Motion was made by Councilmember Young to disapprove RS-17-027 and instruct staff to proceed with the impact fee study. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3 to proceed with the impact fee study with Councilmember Johnson, Councilmember Kilpatrick, and Councilmember Rivera opposing.

RS-17-028 Consider a memorandum/resolution approving a professional services agreement with McConnell & Jones, LLP for audit services.

Staff comments: Matthew Grady

On November 4, 2016, the City received and opened responses from eleven firms. A committee evaluated all eleven responses and presented its findings to the City Council on November 15, 2016. On November 22, 2016, the Council interviewed representatives from the three top selected firms, identified McConnell & Jones, LLP as the most qualified audit firm, and instructed the Audit Advisory Committee and staff to enter into negotiations with that firm. It is recommended that the City Council approve the Professional Services Agreement for Audit Services with McConnell Jones in the amount of $394,456, and authorize the City Manager to execute such agreement, along with any and all change orders within the amount established by state and local law.

Motion was made by Councilmember Kilpatrick to disapprove RS-17-028. Motion was seconded by Councilmember Rivera.

Councilmember Okray made a statement for the record. See attached.

Councilmember Fleming stated for the record that she believes the citizens want a forensic audit.

Councilmember Kilpatrick stated for the record that he takes offense to Councilmember Okray's public attack on him by asking for his financial credentials that he bases his statements on.

Motion to disapprove failed 2 to 5 with Councilmember Okray, Councilmember Fleming, Mayor Pro-Tem Moore, Councilmember Johnson, and Councilmember Young opposing.

Motion was made by Councilmember Okray to approve RS-17-028. Motion was seconded by Councilmember Fleming. Motion carried 5 to 2 with Councilmember Rivera and Councilmember Kilpatrick opposing.

RS-17-029 Consider a memorandum/resolution to delay effective date of Ordinance Number 16-064 until May 31, 2017

Staff comments: David Olson

During the March 7, 2017 workshop, concerns were raised regarding the application of the new policy and fee structure to lots that were already under development at the time the ordinance goes into effect. The City Council reached a consensus to delay the effective date of the ordinance to give the City Manager the opportunity to fully study the issue. If City Council wishes to delay the effective date of Ordinance 16-064 until May 31, 2017, staff recommends that City Council direct staff to review the ordinance with the development stakeholder committee, take all of their concerns into consideration, and bring back a recommendation prior to May 31, 2017.

Motion was made by Councilmember Rivera to approve RS-17-029. Motion was seconded by Councilmember Okray. Motion carried unanimously.

Public Hearings

PH-17-011A Consider a memorandum/resolution authorizing a competitive bid process for the purchase and installation of directional panel partitions (air walls) and a digital signage system for the Killeen Civic and Conference Center.

Staff comments: Leslie Hinkle

Over the past fifteen years, the mechanisms and tracking system on the air walls have failed, causing the air walls in the main ballroom to remain in positions that will not accommodate needs. Also, there is no indoor signage or wayfinding to identify events per room. Having a digital signage system would greatly enhance the appearance and functionality of the center. The air walls at Killeen Civic and Conference Center will cost approximately $260,000, and the cost of the digital signage system is $13,137. A budget amendment will be needed to provide funding for the total estimated cost. Staff recommends the City Council authorize competitive bidding for the purchase and installation of air walls for the Killeen Civic and Conference Center and also authorize the purchase of the digital signage system for facility use.

Motion was made by Councilmember Kilpatrick to approve PH-17-011A. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

PH-17-011B HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase special revenue expenditure accounts to provide funding for air walls and a digital signage system at the Killeen Civic and Conference Center.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO INCREASE SPECIAL REVENUE EXPENDITURE ACCOUNTS TO PROVIDE FUNDING FOR AIR WALLS AND A DIGITAL SIGNAGE SYSTEM AT THE KILLEEN CIVIC AND CONFERENCE CENTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke
A budget amendment is needed for the purchase of the air walls and digital signage. The Killeen Civic and Conference Center expenditures are budgeted in the Hotel /Motel Occupancy Tax Fund. The budget amendment will increase expenditure accounts by $273,137. The Hotel/Motel Occupancy Tax Fund has a FY 2017 projected ending fund balance of $314,532. After this amendment, the projected ending fund balance will be $41,395. Staff recommends City Council approve this ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services to provide funding for air walls and digital signage at the Killeen Civic and Conference Center.

Mayor Segarra opened the public hearing.
Ralph Cossey, Jr., 3811 Barbwire Dr. - requested that this item be adjusted so that all funding doesn't come out of this years' HOT funds so that Arts Commission grants are not affected.
With no one appearing the public hearing was closed.

Motion was made by Councilmember Rivera to approve PH-17-011B. Motion was seconded by Mayor Pro-Tem Moore. Motion carried unanimously.

PH-17-012A Consider a memorandum/resolution authorizing the City Manager to enter into a professional services agreement with SCS Engineers, Inc., to prepare and evaluate a request for proposal (RFP) for solid waste services for the City of Killeen.
Staff comments: David Olson
This agreement provides the scope and fees necessary to gather the pertinent information from City Staff and City Council to develop an RFP, prepare a baseline cost for City services in accordance with the RFP, evaluate the proposals received in accordance with the RFP, and provide a recommendation to City Council for action regarding the RFP.
City staff recommends that the City Council authorize the City Manager to enter into an agreement with SCS Engineers, Inc. for a professional engineering services agreement to prepare an RFP for Solid Waste Services for the City of Killeen, Texas, in the amount of $89,900, and that the City Manager be authorized to execute any and all change orders within the amount established by state and local law.

Motion was made by Councilmember Young to postpone this item and PH-17-012B until the first workshop in September so the City Manager has a chance to look over the issue. Motion was seconded by Councilmember Rivera.
Councilmember Okray made a statement for the record. See attached.
Motion carried 5 to 2 with Councilmember Johnson and Councilmember Okray opposing.

POSTPONED
PH-17-012B HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase Solid Waste expense accounts to provide funding for a professional services agreement.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 6:22 p.m.

City of Killeen

Legislation Details

File #:	RS-17-030	**Version:**	1	**Name:**	Annual Audit Report for the fiscal year ended September 30, 2016.
Type:	Resolution			**Status:**	Resolutions
File created:	2/16/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2016.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Council Memorandum				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Acceptance of the annual audit report for the fiscal year ended September 30, 2016.**

ORIGINATING DEPARTMENT **Finance**

BACKGROUND INFORMATION

The City Council previously approved the engagement of Weaver, LLP to perform the independent audit of the City's financial records for the fiscal year ended September 30, 2016.

DISCUSSION/CONCLUSION

Weaver, LLP has completed its audit, and a copy of the Comprehensive Annual Financial Report will be provided to the City Council at the March 21, 2017, meeting. Representatives of Weaver, LLP will also be at the City Council Workshop to present the results of the audit to the City Council. The goal of the audit was to provide reasonable assurance that the financial statements of the City of Killeen for fiscal year ended September 30, 2016, are free of material misstatement. The audit report has been compiled to meet all required provisions of the Governmental Accounting Standards Board.

FISCAL IMPACT

The total cost of the contract of the annual audit was $106,000.00. Funding for the audit was included in the Professional Services accounts of major funds.

RECOMMENDATION

Staff recommends that the City Council approve the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2016.

City of Killeen

Legislation Details

File #:	RS-17-031	**Version:**	1	**Name:**	Quarterly Investment Report for the quarter ended December 31, 2016
Type:	Resolution			**Status:**	Resolutions
File created:	3/2/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2016.				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Quarterly Investment Report				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Quarterly Investment Report, December 31, 2016**

ORIGINATING DEPARTMENT **Finance**

BACKGROUND INFORMATION

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

DISCUSSION/CONCLUSION

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

	Jul - Sep 2016	Oct - Dec 2016	Change
Interest Income	$101,069	$118,903	17.65%
Investment Balance	$71,805,732	$97,704,490	36.07%
Average Yield	0.57%	0.66%	0.09%

FISCAL IMPACT

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

RECOMMENDATION

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

City of Killeen

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

December 31, 2016

Prepared by

Valley View Consulting, L.L.C.

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

Executive Director of Finance

Assistant Director of Finance

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

Summary

Quarter End Results by Investment Category:

Asset Type	Ave. Yield	December 31, 2016 Book Value	December 31, 2016 Market Value	September 30, 2016 Book Value	September 30, 2016 Market Value
Demand Accounts	0.35%	$ 10,072,588	$ 10,072,588	$ 14,627,808	$ 14,627,808
Pools/MMA	0.57%	53,225,841	53,225,841	30,049,679	30,049,679
Securities/CDs	0.89%	34,406,061	34,406,061	27,128,245	27,128,245
Totals		**$ 97,704,490**	**$ 97,704,490**	**$ 71,805,732**	**$ 71,805,732**

Current Quarter Average Yield (1)	
Total Portfolio	0.66%
Rolling Three Mo. Treas. Yield	0.43%
Rolling Six Mo. Treas. Yield	0.50%

Fiscal Year-to-Date Average Yield (2)	
Total Portfolio	0.66%
Rolling Three Mo. Treas. Yield	0.43%
Rolling Six Mo. Treas. Yield	0.46%
Quarterly TexPool Yield	0.46%

	Interest Income	Bank Fees Offset
Quarterly	$ 118,903	$ 10,726
Year-to-date	$ 118,903	$ 10,726

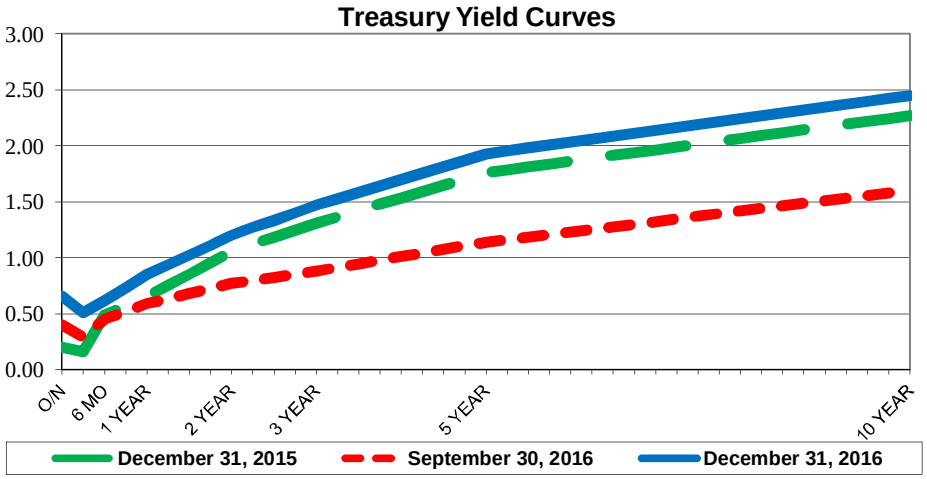
(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

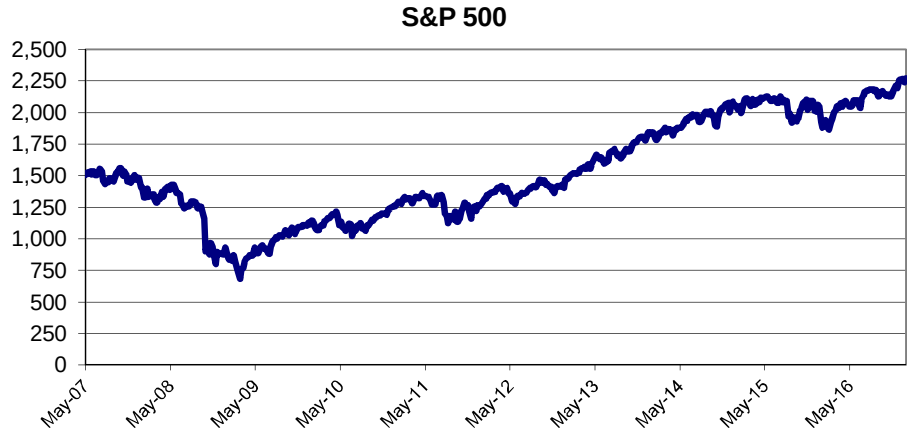
(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

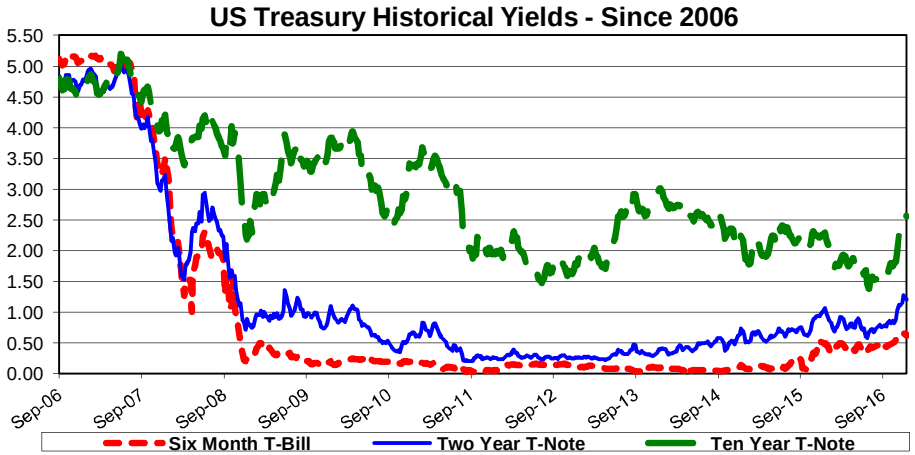
Economic Overview

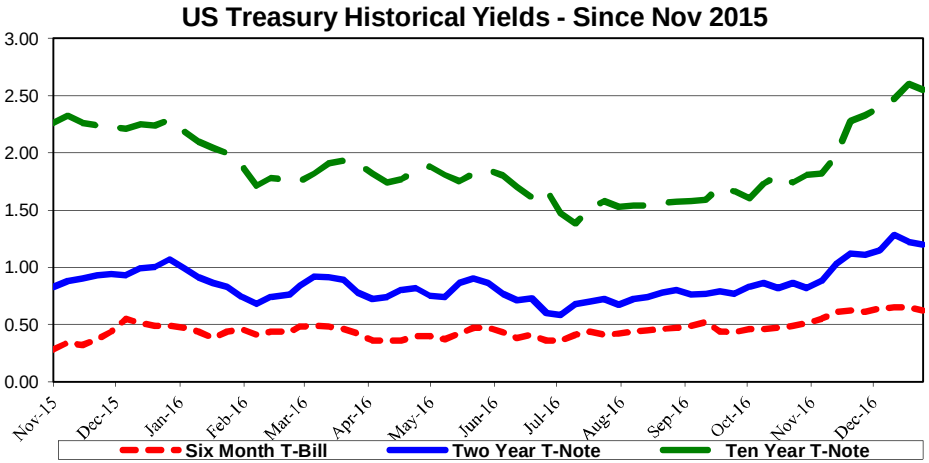
12/31/2016

The Federal Open Market Committee (FOMC) raised the Fed Funds target range to 0.50% - 0.75% (actual Fed Funds currently trading +/-65 bps). The FOMC also projected the possibility of three additional increases during 2017. Third Quarter US GDP revised up to 3.5%. Other economic data recorded mixed results. December Non Farm Payroll Employment provided 156.000 new jobs. The US Stock markets recorded record highs. Treasury yields peaked and settled slightly lower. When available, CD and Taxable Municipal yields generally exceed government securities. The banks' reactions to recent market movements will determine if MMAs and CDs continue to be attractive.









Investment Holdings
December 31, 2016

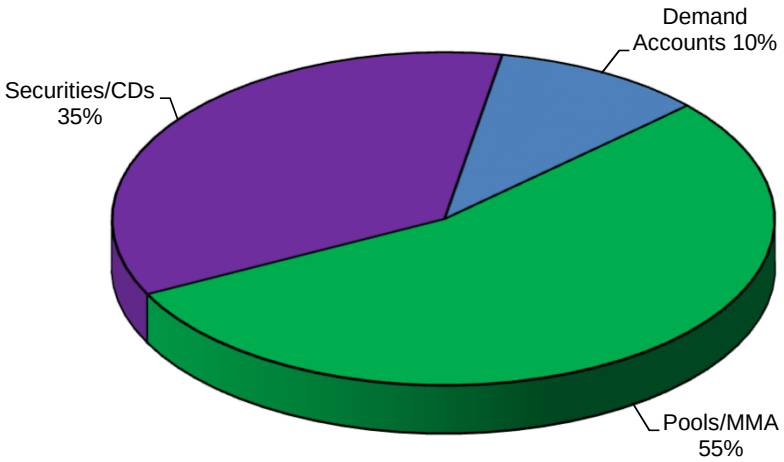
Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
BBVA Demand Account (3)		0.35%	01/01/17	12/31/16	$ 10,050,293	$ 10,050,293	1.00	$ 10,050,293	1	0.35%
Cash on Hand		0.00%	01/01/17	12/31/16	11,180	11,180	1.00	11,180	1	0.00%
Union State Bank		0.15%	01/01/17	12/31/16	11,116	11,116	1.00	11,116	1	0.15%
FILA (IDP)		0.47%	01/01/17	12/31/16	6,087,092	6,087,092	1.00	6,087,092	1	0.47%
Southside Bank MMA		0.60%	01/01/17	12/31/16	4,615,506	4,615,506	1.00	4,615,506	1	0.60%
LegacyTexas MMA		0.40%	01/01/17	12/31/16	2,658,164	2,658,164	1.00	2,658,164	1	0.40%
Green Bank MMA		0.66%	01/01/17	12/31/16	9,037,524	9,037,524	1.00	9,037,524	1	0.66%
NexBank MMA		0.82%	01/01/17	12/31/16	10,006,679	10,006,679	1.00	10,006,679	1	0.82%
TexasDAILY	AAAm	0.50%	01/01/17	12/31/16	2,799	2,799	1.00	2,799	1	0.50%
TexPool	AAAm	0.46%	01/01/17	12/31/16	20,814,741	20,814,741	1.00	20,814,741	1	0.46%
TexSTAR	AAAm	0.48%	01/01/17	12/31/16	3,335	3,335	1.00	3,335	1	0.48%
Central National Bank CD		0.71%	01/03/17	03/07/16	1,000,000	1,000,000	100.00	1,000,000	3	0.71%
Central National Bank CD		0.80%	01/03/17	02/01/16	1,006,018	1,006,018	100.00	1,006,018	3	0.80%
Central National Bank CD		0.85%	02/01/17	02/01/16	1,006,394	1,006,394	100.00	1,006,394	32	0.85%
Comerica Bank CD		0.80%	03/02/17	03/02/15	2,028,287	2,028,287	100.00	2,028,287	61	0.80%
Central National Bank CD		1.01%	03/09/17	09/09/15	3,030,537	3,030,537	100.00	3,030,537	68	1.01%
Central National Bank CD		0.95%	04/26/17	04/26/15	2,050,101	2,050,101	100.00	2,050,101	116	0.95%
LegacyTexas Bank CD		0.75%	05/01/17	05/06/16	1,004,406	1,004,406	100.00	1,004,406	121	0.75%
LegacyTexas Bank CD		0.86%	05/01/17	06/21/16	1,004,320	1,004,320	100.00	1,004,320	121	0.86%
LegacyTexas Bank CD		0.75%	05/01/17	08/09/16	2,005,018	2,005,018	100.00	2,005,018	121	0.75%
LegacyTexas Bank CD		0.77%	06/01/17	05/06/16	1,004,523	1,004,523	100.00	1,004,523	152	0.77%
LegacyTexas Bank CD		0.90%	06/01/17	06/21/16	1,004,521	1,004,521	100.00	1,004,521	152	0.90%
LegacyTexas Bank CD		0.79%	07/03/17	05/06/16	1,004,641	1,004,641	100.00	1,004,641	184	0.79%
Central National Bank CD		0.82%	08/01/17	09/30/16	1,000,000	1,000,000	100.00	1,000,000	213	0.82%
LegacyTexas Bank CD		0.80%	08/01/17	08/09/16	2,005,353	2,005,353	100.00	2,005,353	213	0.80%
LegacyTexas Bank CD		0.75%	08/01/17	10/03/16	1,001,254	1,001,254	100.00	1,001,254	213	0.75%
LegacyTexas Bank CD		0.85%	09/01/17	08/09/16	2,005,688	2,005,688	100.00	2,005,688	244	0.85%
Green Bank CD		0.80%	09/01/17	11/01/16	4,000,000	4,000,000	100.00	4,000,000	244	0.80%
Origin Bank CD		1.25%	01/02/18	12/02/16	245,000	245,000	100.00	245,000	367	1.25%
Southside Bank CD		0.97%	01/03/18	12/02/16	4,000,000	4,000,000	100.00	4,000,000	368	0.97%
LegacyTexas Bank CD		1.20%	06/01/18	12/29/16	3,000,000	3,000,000	100.00	3,000,000	517	1.20%
					$ 97,704,490	**$ 97,704,490**		**$ 97,704,490**	**72**	**0.66%**
									(1)	**(2)**

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

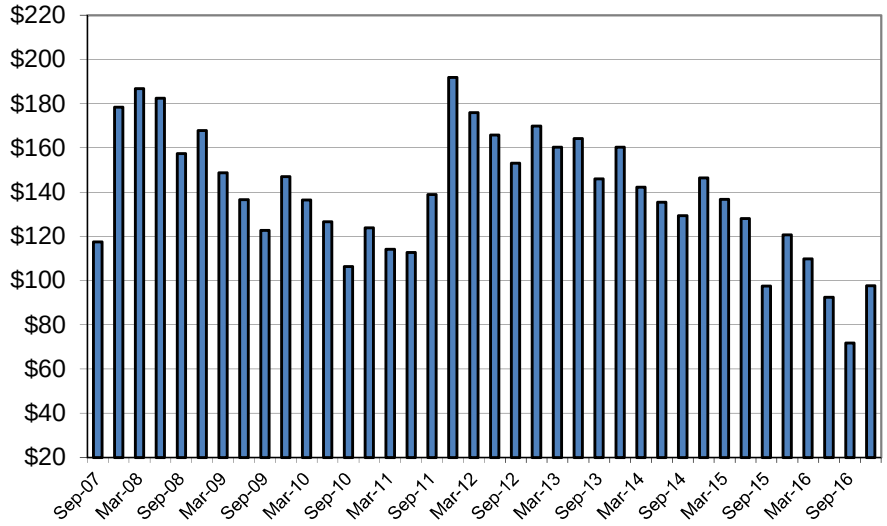
(2) Weighted average yield to maturity - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for cash equivalent investments.

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

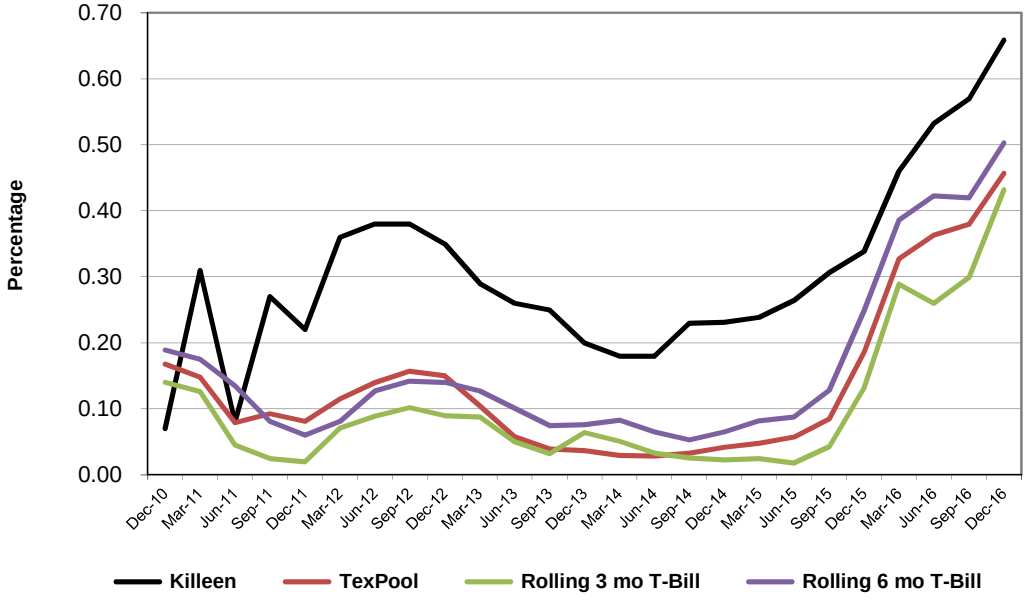
Portfolio Composition



Total Portfolio (Millions)



Total Poortfolio Performance



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2016 Par Value	September 30, 2016 Book Value	Purchases/ Adjustments	Sales/Adjust/ Maturities	December 31, 2016 Par Value	December 31, 2016 Book Value
BBVA Demand Account	0.35%	01/01/17	$ 14,605,417	$ 14,605,417	$ –	$ (4,555,124)	$ 10,050,293	$ 10,050,293
Cash on Hand	0.00%	01/01/17	11,280	11,280		(100)	11,180	11,180
Union State Bank	0.15%	01/01/17	11,112	11,112	4		11,116	11,116
FILA (IDP)	0.47%	01/01/17	6,079,906	6,079,906	7,186		6,087,092	6,087,092
Southside Bank MMA	0.60%	01/01/17	4,609,014	4,609,014	6,492		4,615,506	4,615,506
LegacyTexas MMA	0.40%	01/01/17	2,655,493	2,655,493	2,671		2,658,164	2,658,164
Green Bank MMA	0.66%	01/01/17	9,024,439	9,024,439	13,086		9,037,524	9,037,524
NexBank MMA	0.82%	01/01/17	–	–	10,006,679		10,006,679	10,006,679
TexasDAILY	0.50%	01/01/17	2,796	2,796	3		2,799	2,799
TexPool	0.46%	01/01/17	7,674,700	7,674,700	13,140,042		20,814,741	20,814,741
TexSTAR	0.48%	01/01/17	3,331	3,331	4		3,335	3,335
LegacyTexas Bank CD	0.65%	10/03/16	1,004,299	1,004,299		(1,004,299)	–	–
Central National Bank CD	0.61%	10/31/16	2,000,000	2,000,000		(2,000,000)	–	–
Wallis State Bank CD	0.70%	11/01/16	1,003,493	1,003,493		(1,003,493)	–	–
Wallis State Bank CD	0.71%	12/01/16	1,003,543	1,003,543		(1,003,543)	–	–
Central National Bank CD	0.71%	01/03/17	1,000,000	1,000,000			1,000,000	1,000,000
Central National Bank CD	0.80%	01/03/17	1,003,993	1,003,993	2,024		1,006,018	1,006,018
Central National Bank CD	0.85%	02/01/17	1,004,243	1,004,243	2,152		1,006,394	1,006,394
Comerica Bank CD	0.80%	03/02/17	2,024,247	2,024,247	4,040		2,028,287	2,028,287
Central National Bank CD	1.01%	03/09/17	3,022,915	3,022,915	7,621		3,030,537	3,030,537
Central National Bank CD	0.95%	04/26/17	2,045,203	2,045,203	4,897		2,050,101	2,050,101
LegacyTexas Bank CD	0.75%	05/01/17	1,002,530	1,002,530	1,876		1,004,406	1,004,406
LegacyTexas Bank CD	0.86%	05/01/17	1,002,169	1,002,169	2,150		1,004,320	1,004,320
LegacyTexas Bank CD	0.75%	05/01/17	2,001,274	2,001,274	3,744		2,005,018	2,005,018
LegacyTexas Bank CD	0.77%	06/01/17	1,002,597	1,002,597	1,926		1,004,523	1,004,523
LegacyTexas Bank CD	0.90%	06/01/17	1,002,270	1,002,270	2,251		1,004,521	1,004,521
LegacyTexas Bank CD	0.79%	07/03/17	1,002,665	1,002,665	1,976		1,004,641	1,004,641
Central National Bank CD	0.82%	08/01/17	1,000,000	1,000,000			1,000,000	1,000,000
LegacyTexas Bank CD	0.80%	08/01/17	2,001,359	2,001,359	3,994		2,005,353	2,005,353
LegacyTexas Bank CD	0.75%	08/01/17	–	–	1,001,254		1,001,254	1,001,254
LegacyTexas Bank CD	0.85%	09/01/17	2,001,444	2,001,444	4,244		2,005,688	2,005,688
Green Bank CD	0.80%	09/01/17	–	–	4,000,000		4,000,000	4,000,000
Origin Bank CD	1.25%	01/02/18	–	–	245,000		245,000	245,000
Southside Bank CD	0.97%	01/03/18	–	–	4,000,000		4,000,000	4,000,000
LegacyTexas Bank CD	1.20%	06/01/18	–	–	3,000,000		3,000,000	3,000,000
TOTAL			**$ 71,805,732**	**$ 71,805,732**	**$ 35,465,317**	**$ (9,566,559)**	**$ 97,704,490**	**$ 97,704,490**

Market Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2016 Par Value	September 30, 2016 Market Value	Qtr to Qtr Change	December 31, 2016 Par Value	December 31, 2016 Market Value
BBVA Demand Account	0.35%	01/01/17	$ 14,605,417	$ 14,605,417	$ (4,555,124)	$ 10,050,293	$ 10,050,293
Cash on Hand	0.00%	01/01/17	11,280	11,280	(100)	11,180	11,180
Union State Bank	0.15%	01/01/17	11,112	11,112	4	11,116	11,116
FILA (IDP)	0.47%	01/01/17	6,079,906	6,079,906	7,186	6,087,092	6,087,092
Southside Bank MMA	0.60%	01/01/17	4,609,014	4,609,014	6,492	4,615,506	4,615,506
LegacyTexas MMA	0.40%	01/01/17	2,655,493	2,655,493	2,671	2,658,164	2,658,164
Green Bank MMA	0.66%	01/01/17	9,024,439	9,024,439	13,086	9,037,524	9,037,524
NexBank MMA	0.82%	01/01/17	–	–	10,006,679	10,006,679	10,006,679
TexasDAILY	0.50%	01/01/17	2,796	2,796	3	2,799	2,799
TexPool	0.46%	01/01/17	7,674,700	7,674,700	13,140,042	20,814,741	20,814,741
TexSTAR	0.48%	01/01/17	3,331	3,331	4	3,335	3,335
LegacyTexas Bank CD	0.65%	10/03/16	1,004,299	1,004,299	(1,004,299)	–	–
Central National Bank CD	0.61%	10/31/16	2,000,000	2,000,000	(2,000,000)	–	–
Wallis State Bank CD	0.70%	11/01/16	1,003,493	1,003,493	(1,003,493)	–	–
Wallis State Bank CD	0.71%	12/01/16	1,003,543	1,003,543	(1,003,543)	–	–
Central National Bank CD	0.71%	01/03/17	1,000,000	1,000,000		1,000,000	1,000,000
Central National Bank CD	0.80%	01/03/17	1,003,993	1,003,993	2,024	1,006,018	1,006,018
Central National Bank CD	0.85%	02/01/17	1,004,243	1,004,243	2,152	1,006,394	1,006,394
Comerica Bank CD	0.80%	03/02/17	2,024,247	2,024,247	4,040	2,028,287	2,028,287
Central National Bank CD	1.01%	03/09/17	3,022,915	3,022,915	7,621	3,030,537	3,030,537
Central National Bank CD	0.95%	04/26/17	2,045,203	2,045,203	4,897	2,050,101	2,050,101
LegacyTexas Bank CD	0.75%	05/01/17	1,002,530	1,002,530	1,876	1,004,406	1,004,406
LegacyTexas Bank CD	0.86%	05/01/17	1,002,169	1,002,169	2,150	1,004,320	1,004,320
LegacyTexas Bank CD	0.75%	05/01/17	2,001,274	2,001,274	3,744	2,005,018	2,005,018
LegacyTexas Bank CD	0.77%	06/01/17	1,002,597	1,002,597	1,926	1,004,523	1,004,523
LegacyTexas Bank CD	0.90%	06/01/17	1,002,270	1,002,270	2,251	1,004,521	1,004,521
LegacyTexas Bank CD	0.79%	07/03/17	1,002,665	1,002,665	1,976	1,004,641	1,004,641
Central National Bank CD	0.82%	08/01/17	1,000,000	1,000,000		1,000,000	1,000,000
LegacyTexas Bank CD	0.80%	08/01/17	2,001,359	2,001,359	3,994	2,005,353	2,005,353
LegacyTexas Bank CD	0.75%	08/01/17	–	–	1,001,254	1,001,254	1,001,254
LegacyTexas Bank CD	0.85%	09/01/17	2,001,444	2,001,444	4,244	2,005,688	2,005,688
Green Bank CD	0.80%	09/01/17	–	–	4,000,000	4,000,000	4,000,000
Origin Bank CD	1.25%	01/02/18	–	–	245,000	245,000	245,000
Southside Bank CD	0.97%	01/03/18	–	–	4,000,000	4,000,000	4,000,000
LegacyTexas Bank CD	1.20%	06/01/18	–	–	3,000,000	3,000,000	3,000,000
TOTAL			**$ 71,805,732**	**$ 71,805,732**	**$ 25,898,758**	**$ 97,704,490**	**$ 97,704,490**

Allocation **December 31, 2016**

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Capital Projects	Employee Benefit Trust
BBVA Demand Account	01/01/17	$ 10,050,293	$ 8,757,662	$ –	$ 442,995	$ 211,547	$ 558,682	$ 79,406
Cash on Hand	01/01/17	11,180		5,080	2,000	4,100		
Union State Bank	01/01/17	11,116					11,116	
FILA (IDP)	01/01/17	6,087,092	6,087,092					
Southside Bank MMA	01/01/17	4,615,506	4,615,506					
LegacyTexas MMA	01/01/17	2,658,164	2,658,164					
Green Bank MMA	01/01/17	9,037,524	9,037,524					
NexBank MMA	01/01/17	10,006,679	10,006,679					
TexasDAILY	01/01/17	2,799	2,799					
TexPool	01/01/17	20,814,741	20,814,741					
TexSTAR	01/01/17	3,335	3,335					
Central National Bank CD	01/03/17	1,000,000	1,000,000					
Central National Bank CD	01/03/17	1,006,018		1,006,018				
Central National Bank CD	02/01/17	1,006,394		1,006,394				
Comerica Bank CD	03/02/17	2,028,287		2,028,287				
Central National Bank CD	03/09/17	3,030,537					3,030,537	
Central National Bank CD	04/26/17	2,050,101					2,050,101	
LegacyTexas Bank CD	05/01/17	1,004,406	1,004,406					
LegacyTexas Bank CD	05/01/17	1,004,320	1,004,320					
LegacyTexas Bank CD	05/01/17	2,005,018	2,005,018					
LegacyTexas Bank CD	06/01/17	1,004,523	1,004,523					
LegacyTexas Bank CD	06/01/17	1,004,521	1,004,521					
LegacyTexas Bank CD	07/03/17	1,004,641	1,004,641					
Central National Bank CD	08/01/17	1,000,000	1,000,000					
LegacyTexas Bank CD	08/01/17	2,005,353	2,005,353					
LegacyTexas Bank CD	08/01/17	1,001,254	1,001,254					
LegacyTexas Bank CD	09/01/17	2,005,688	2,005,688					
Green Bank CD	09/01/17	4,000,000	4,000,000					
Origin Bank CD	01/02/18	245,000	245,000					
Southside Bank CD	01/03/18	4,000,000	4,000,000					
LegacyTexas Bank CD	06/01/18	3,000,000	3,000,000					
Totals		**$ 97,704,490**	**$ 87,268,228**	**$ 4,045,779**	**$ 444,995**	**$ 215,647**	**$ 5,650,435**	**$ 79,406**

Allocation

September 30, 2016

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Capital Projects	Employee Benefit Trust
BBVA Demand Account	10/01/16	$ 14,605,417	$ 13,551,777	$ –	$ 65,388	$ 402	$ 439,553	$ 548,296
Cash on Hand	10/01/16	11,280		5,080	2,000	4,200		
Union State Bank	10/01/16	11,112					11,112	
FILA (IDP)	10/01/16	6,079,906	6,079,906					
Southside Bank MMA	10/01/16	4,609,014	4,609,014					
LegacyTexas MMA	10/01/16	2,655,493	2,655,493					
Green Bank MMA	10/01/16	9,024,439	9,024,439					
TexasDAILY	10/01/16	2,796	2,796					
TexPool	10/01/16	7,674,700	7,674,700					
TexSTAR	10/01/16	3,331	3,331					
LegacyTexas Bank CD	10/03/16	1,004,299		1,004,299				
Central National Bank CD	10/31/16	2,000,000	2,000,000					
Wallis State Bank CD	11/01/16	1,003,493		1,003,493				
Wallis State Bank CD	12/01/16	1,003,543		1,003,543				
Central National Bank CD	01/03/17	1,000,000	1,000,000					
Central National Bank CD	01/03/17	1,003,993		1,003,993				
Central National Bank CD	02/01/17	1,004,243		1,004,243				
Comerica Bank CD	03/02/17	2,024,247		2,024,247				
Central National Bank CD	03/09/17	3,022,915					3,022,915	
Central National Bank CD	04/26/17	2,045,203					2,045,203	
LegacyTexas Bank CD	05/01/17	1,002,530	1,002,530					
LegacyTexas Bank CD	05/01/17	1,002,169	1,002,169					
LegacyTexas Bank CD	05/01/17	2,001,274	2,001,274					
LegacyTexas Bank CD	06/01/17	1,002,597	1,002,597					
LegacyTexas Bank CD	06/01/17	1,002,270	1,002,270					
LegacyTexas Bank CD	07/03/17	1,002,665	1,002,665					
Central National Bank CD	08/01/17	1,000,000	1,000,000					
LegacyTexas Bank CD	08/01/17	2,001,359	2,001,359					
LegacyTexas Bank CD	09/01/17	2,001,444	2,001,444					
Totals		**$ 71,805,732**	**$ 58,617,764**	**$ 7,048,899**	**$ 67,388**	**$ 4,602**	**$ 5,518,783**	**$ 548,296**

City of Killeen

Legislation Details

File #:	RS-17-032	**Version:**	1	**Name:**	Ambiance Limousine Ground Transportation application
Type:	Resolution			**Status:**	Resolutions
File created:	3/3/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution for Ambiance Limousine and Transportation, LLC., Ground Transportation application.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Ambiance Limousine Application				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Ground Transportation Application**

ORIGINATING DEPARTMENT **City Secretary / City Attorney**

BACKGROUND INFORMATION

Chapter 29, City of Killeen Code of Ordinances, provides the manner by which an operating authority permit is granted. An operating authority is for ground transportation services other than taxicabs. An applicant must file an application, fee, and supporting documentation. The application has been reviewed by the City Manager and Killeen Police Department.

DISCUSSION/CONCLUSION

Ambiance Limousine has been granted a ground transportation permit in the recent past and has operated in Killeen without incident. Due to the company's late submission of last year's annual renewal, per the City's ordinance, Ambiance Limousine had to re-apply for a permit. The application is complete and provides for a limousine service and airport shuttle from any established pick-up point in Killeen. As indicated on the application, the company will operate three vehicles, a 2014 Chrysler Stretch Limousine with a seating capacity of 10, and two 2011 Ford E350 Vans with a seating capacity of 14 each. Operating authority permits expire on December 31st of each year. In order to renew the authority, the holder must submit a written request for renewal.

FISCAL IMPACT

There is no fiscal impact to the City budget.

RECOMMENDATION

Staff recommends that the City Council vote to permit a ground transportation authority to Ambiance Limousine and Transportation, LLC.

CITY OF KILLEEN

TO: Ronald L. Olson, City Manager

VIA: Kathy Davis, City Attorney KAD
Scott Dickson, KPD (see attached)

FROM: Dianna Barker, City Secretary DB

DATE: February 28, 2017

OPERATING AUTHORITY PERMIT APPLICATION

Ambiance Limousine has applied for a Ground Transportation permit to operate a car service/charter/shuttle service in the City of Killeen. The application meets the requirements for Ground Transportation as described in Chapter 29, Art II, of the Code of Ordinances.

The Chief of Police or his designee has reviewed the application and has no reason to object to granting the request; therefore, the City Secretary recommends the application be approved and submitted to the City Council.

Approved / **Denied** this 2 day of March 2017.

Ronald L. Olson, City Manager

CITY OF KILLEEN

RECEIVED 2-22-17

APPLICATION FOR
GROUND TRANSPORTATION SERVICE OPERATING AUTHORITY

Chapter 29, Article 2 of the City of Killeen Code of Ordinances

1. Service Name: Ambiance Limousine & Transportation, LLC Telephone #: 254-833-1833 or 910-920-6568

   Business Address: P.O. BOX 940 KILLEEN, TX 76544 Fax #: 254-833-5107

   E-mail: reservations@ambiancelimo.com

2. Please check the type(s) of Operating Authority requested:

   ☒ Limousine Service ☒ Airport Shuttle Service ☐ Other _____

   ☐ Shuttle Service ☐ Charter Service

3. The following information must be provided for the applicant, each officer, director, partner, and any other person who will participate in the business decisions of or who has the authority to enter contracts on behalf of the ground transportation service. This information is to be provided on a separate page and attached to the application.

   Name: TERWAN D. CRAWLEY Texas Drivers License #: 38201475

   Address: 51768-2 COMANCHE CIR, FORT HOOD, TX 76544 Telephone #: 910-920-6568

   Number of years of Texas residency: 3 years

   Provide a description of all criminal convictions and attach a criminal history certified by the Texas Department of Public Safety. If Texas residency has been less than three (3) years, the criminal history information must be provided and certified by the corresponding governmental authority in the former state(s) of residence. The certification of the criminal history information must have occurred within 30 days preceding the submission of the application.

4. Number of permits requested for each service:

   Limousine 1 Airport Shuttle 1 Shuttle _____

   Charter _____ Other 2 (VANS)

5. Provide the following information for each vehicle to be used to provide the service (if additional space is needed include on a separate page):

	Yr.	Make	Model	Body Style	Seating Capacity*	Service Type**	License Number	Vehicle Identification No.
1)	2011	FORD	E350	VAN	14	Ø	DXD0731	1FDSS3BL9BDA10254
2)	2011	FORD	E350	VAN	14	O	BB71349	1FBSSBL5BDA58893
3)	2014	CHRSYLER	STRETCH 300	LIMO	10	L	DBGØ831	2C3CCAAGØEH135914
4)								
5)								
6)								
7)								
8)								
9)								
10)								

* Manufacturer's rated seating capacity
** (L) Limousine (A) Airport Shuttle (S) Shuttle (C) Charter (O) Other

6. Name of Insurance Co.: SOUTHERN COUNTY MUTUAL
Agent Name: VAUGHT INSURANCE SERVICES
Agent Phone #: 281-647-9100 Agent Insurance License #: WPØØ28Ø1

7. The applicant must provide the following information and attach as part of the application:

✓ a. Copies of the appropriate following documents to verify that each vehicle proposed to be operated by the applicant is owned, leased, or under contract by the applicant:

1. Certificate of Title.
2. Lease/rental contract, or
3. Other contract as appropriate.

✓ b. Certified copies of any documents required by state law to be filed for the business entity to legally exist, and a statement from the Texas Secretary of State certifying that the business is in good standing if state law requires the entity to file documents with the Texas Secretary of State.

✓ c. A description of the applicant's ground transportation service experience.

✓ d. A detailed description of the proposed service.

✓ e. The proposed rate of fare.

✓ f. A certificate of insurance as proof of insurance coverage, listing the City of Killeen as additional insured.

✓ g. An affidavit certifying that there are no outstanding judgments related to ground transportation service against a person described in Item #3 of this application.

✓ h. Any service that utilizes vehicles with a passenger capacity of 16 or more, including the driver, and desire the drivers to be exempt from the Driver's Permit requirement must submit the driver's license number and a photocopy of each driver's license of the drivers that possess a valid Class "B" or "C" commercial driver's license with a passenger endorsement issued by the State of Texas and a certificate stating that the driver is physically qualified to drive a commercial motor vehicle issued by a qualified medical examiner.

(Paid cash)

i. Shuttle and non-motorized service applicants must submit proposed routes, stops, and schedules for approval.

A $300.00 non-refundable operating authority application fee must be submitted with this application.

✓8. Attach a statement that the applicant(s) are not in default or arrears in any amount or way with or to the City of Killeen or any activity associated with the City of Killeen.

I, TERWAN DYRAL CRAWLEY, applicant, do swear or affirm that all of the information included within this application is accurate, and I understand that any omitted information or information found to be inaccurate will result in the denial of this application for operating authority or the revocation of an operating authority that is granted based on the information provided in this application. I also swear or affirm that I have read and understand Chapter 29 of the Killeen City Code relating to Transportation and agree to comply with the terms as written and as may be amended.

Terwan Dyral Crawley	OWNER	21 FEB 17
Signature of Applicant	Title	Date

THE STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned authority, on this day appeared Terwan Dyral Crawley, known to me to be the person whose name is signed to the foregoing application and duly sworn by me states under oath that he/she has read the said application and that all of the facts therein set forth are true and correct.

Sworn to before me, this, 21st day of February, 2017.

Notary Public in and for Bell County, TX

Ivan D. Thompson

Thompson, Ivan D.

Military Notary

TITLE APPLICATION RECEIPT

Van

a.

Texas Department of Motor Vehicles

REGISTRATION RENEWAL RECEIPT

TAC NAME: JUSTIN K. CAROTHERS
DATE: 07/29/2016
TIME: 03:17PM
EMPLOYEE ID: CYNTHIA

EFFECTIVE DATE: 09/01/2016
EXPIRATION DATE: 8/2017
TRANSACTION ID: 05020142578151759

COUNTY: CORYELL

PLATE NO: DXD0731
DOCUMENT NO: 01430342310090713

Do Not Destroy

OWNER NAME AND ADDRESS
TROY MAURICE SHIRRIEL
51768-2 COMANCHE CIR
FT HOOD, TX 76544

REGISTRATION CLASS: PASSENGER-MORETHAN 6000
PLATE TYPE: PASSENGER-TRUCK PLT
ORGANIZATION:
STICKER TYPE: WS

PREVIOUS PLATE NO: DXD0731
VEHICLE IDENTIFICATION NO: 1FDSS3BL9BDA10254
YR/MAKE: 2011/FORD MODEL: BODY STYLE: VN UNIT NO:
EMPTY WT: 6400 CARRYING CAPACITY: 0 GROSS WT: 6400
BODY VEHICLE IDENTIFICATION NO:

VEHICLE CLASSIFICATION: PASS-TRK
TRAVEL TRLR LENGTH: 0

INVENTORY ITEM(S)	YR
WINDSHIELD STICKER	2017

FEES ASSESSED		
WINDSHIELD STICKER	$	54.00
REG FEE-DPS	$	1.00
CNTY ROAD BRIDGE ADD-ON FEE	$	10.00
AUTOMATION FEE	$	1.00
INSPECTION FEE-1YR	$	7.50
TOTAL	$	73.50

VEHICLE RECORD NOTATIONS
ACTUAL MILEAGE
PAPER TITLE
MAJOR COLOR: WHITE

METHOD OF PAYMENT AND PAYMENT AMOUNT:
CHARGE $ 73.50

TOTAL AMOUNT PAID $ 73.50

exas Department of Motor Vehicles

STRATION RENEWAL RECEIPT

COUNTY: CORYELL

PLATE NO: FZL6543
DOCUMENT NO: 01432242177161031

TAC NAME: JUSTIN K. CAROTHERS
DATE: 06/01/2016
TIME: 08:02AM
EMPLOYEE ID: NATALIE

EFFECTIVE DATE: 06/01/2016
EXPIRATION DATE: 5/2017
TRANSACTION ID: 05000142520080217

OWNER NAME AND ADDRESS
TROY SHIRRIEL
TERWAN CRAWLEY
51786 COMANCHE CIRCLE UNIT 2
FORT HOOD, TX 76544

REGISTRATION CLASS: TRUCK-LESS/EQL. 1 TON
PLATE TYPE: PASSENGER-TRUCK PLT
ORGANIZATION:
STICKER TYPE: WS

PREVIOUS PLATE NO: BB71349
VEHICLE IDENTIFICATION NO: 1FBSS3BL5BDA58892
YR/MAKE: 2011/FORD MODEL: BODY STYLE: VN
EMPTY WT: 6300 CARRYING CAPACITY: 1500 GROSS WT: 7800
BODY VEHICLE IDENTIFICATION NO:

VEHICLE CLASSIFICATION: TRK<=1
UNIT NO:
TRAVEL TRLR LENGTH: 0

?

INVENTORY ITEM(S)	YR
WINDSHIELD STICKER	2017

FEES ASSESSED		
WINDSHIELD STICKER	$	54.00
REG FEE-DPS	$	1.00
CNTY ROAD BRIDGE ADD-ON FEE	$	10.00
AUTOMATION FEE	$	1.00
INSPECTION FEE-1YR	$	7.50
TOTAL	$	73.50

VEHICLE RECORD NOTATIONS
ACTUAL MILEAGE
PAPER TITLE
MAJOR COLOR: WHITE

METHOD OF PAYMENT AND PAYMENT AMOUNT:
CHARGE $ 73.50

TOTAL AMOUNT PAID $ 73.50

Do Not Destroy

IMPORTANT DOCUMENT: Please retain for your records.
THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.
Purchased registration remains with this vehicle and
will not be refunded if the vehicle is sold.

Texas Department of Motor Vehicles

a.

REGISTRATION RENEWAL RECEIPT

COUNTY: CORYELL

PLATE NO: DBG0831
DOCUMENT NO: 05000141765101749

TAC NAME: JUSTIN K. CAROTHERS
DATE: 05/04/2016
TIME: 08:29AM
EMPLOYEE ID: NATALIE

EFFECTIVE DATE: 05/04/2016
EXPIRATION DATE: 4/2017
TRANSACTION ID: 05000142492082913

OWNER NAME AND ADDRESS
TROY MAURICE SHIRRIEL
TERWAN DYRAL CRAWLEY
51768 UNIT 2 COMANCHE CIRCLE
FORT HOOD, TX 76544

REGISTRATION CLASS: PASSENGER-LESS/EQL 6000
PLATE TYPE: PASSENGER-TRUCK PLT
ORGANIZATION:
STICKER TYPE: WS

PREVIOUS PLATE NO: DBG0831
VEHICLE IDENTIFICATION NO: 2C3CCAAG0EH135914
YR/MAKE: 2014/CHRY MODEL: C30 BODY STYLE: 4D
EMPTY WT: 3882 CARRYING CAPACITY: 0
BODY VEHICLE IDENTIFICATION NO:

VEHICLE CLASSIFICATION: PASS
UNIT NO:
GROSS WT: 3882
TRAVEL TRLR LENGTH: 0

INVENTORY ITEM(S)	YR
WINDSHIELD STICKER	2017

FEES ASSESSED		
WINDSHIELD STICKER	$	50.75
REG FEE-DPS	$	1.00
CNTY ROAD BRIDGE ADD-ON FEE	$	10.00
AUTOMATION FEE	$	1.00
INSPECTION FEE-1YR	$	7.50
TOTAL	$	70.25

METHOD OF PAYMENT AND PAYMENT AMOUNT:
CHARGE $ 70.25

VEHICLE RECORD NOTATIONS
ACTUAL MILEAGE
PAPER TITLE
MAJOR COLOR: WHITE

TOTAL AMOUNT PAID $ 70.25

Do Not Destroy

IMPORTANT DOCUMENT: Please retain for your records.
THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.
Purchased registration remains with this vehicle and
will not be refunded if the vehicle is sold.

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697

Nandita Berry
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING
OF

Ambiance Limousine and Transportation LLC
File Number: 801929507

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 02/07/2014

Effective: 02/07/2014

Nandita Berry

Nandita Berry
Secretary of State

Form 403
(Revised 05/11)

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: $15

This space reserved for office use.

Certificate of Correction

FILED
In the Office of the
Secretary of State of Texas
FEB 11 2014
Corporations Section

Entity Information

1. The name of the filing entity is:

Ambiance Limosine and Transportation LLC

State the name of the entity as currently shown in the records of the secretary of state. If the certificate of correction corrects the name of the entity, state the present name and not the name as it will be corrected.

The file number issued to the filing entity by the secretary of state is: 801929507

Filing Instrument to be Corrected

2. The filing instrument to be corrected is : Certificate of Formation Limited Liability Company

The date the filing instrument was filed with the secretary of state: 02/07/2014
mm/dd/yyyy

Identification of Errors and Corrections

(Indicate the errors that have been made by checking the appropriate box or boxes; then provide the corrected text.)

☐ The entity name is inaccurate or erroneously stated. The corrected entity name is:

☒ The registered agent name is inaccurate or erroneously stated. The corrected registered agent name is:

Corrected Registered Agent
(Complete either A or B, but not both.)

A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

Terwan		Crawley	
First	*Middle*	*Last Name*	*Suffix*

The person executing this certificate of correction affirms that the registered agent, whose name is being corrected by this certificate, consented to serve as registered agent at the time the filing instrument being corrected took effect.

☐ The registered office address is inaccurate or erroneously stated. The corrected registered office address is:

Corrected Registered Office Address

		TX	
Street Address (No P.O. Box)	*City*	*State*	*Zip Code*

☐ The purpose of the entity is inaccurate or erroneously stated. The purpose is corrected to read as follows:

☐ The period of duration of the entity is inaccurate or erroneously stated.
The period of duration is corrected to read as follows:

Identification of Other Errors and Corrections

(Indicate the other errors and corrections that have been made by checking and completing the appropriate box or boxes.)

☐ **Other errors and corrections.** The following inaccuracies and errors in the filing instrument are corrected as follows:

☐ **Add** Each of the following provisions was omitted and should be added to the filing instrument. The identification or reference of each added provision and the full text of the provision is set forth below.

☐ **Alter** The following identified provisions of the filing instrument contain inaccuracies or errors to be corrected. The full text of each corrected provision is set forth below:

☐ **Delete** Each of the provisions identified below was included in error and should be deleted.

☐ **Defective Execution** The filing instrument was defectively or erroneously signed, sealed, acknowledged or verified. Attached is a correctly signed, sealed, acknowledged or verified instrument.

Statement Regarding Correction

The filing instrument identified in this certificate was an inaccurate record of the event or transaction evidenced in the instrument, contained an inaccurate or erroneous statement, or was defectively or erroneously signed, sealed, acknowledged or verified. This certificate of correction is submitted for the purpose of correcting the filing instrument.

Correction to Merger, Conversion or Exchange

The filing instrument identified in this certificate of correction is a merger, conversion or other instrument involving multiple entities. The name and file number of each entity that was a party to the transaction is set forth below. (If the space provided is not sufficient, include information as an attachment to this form.)

Entity name *SOS file number*

Entity name *SOS file number*

Effectiveness of Filing

After the secretary of state files the certificate of correction, the filing instrument is considered to have been corrected on the date the filing instrument was originally filed except as to persons adversely affected. As to persons adversely affected by the correction, the filing instrument is considered to have been corrected on the date the certificate of correction is filed by the secretary of state.

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 2/11/2014

By:

Signature of authorized person

Troy Shirriel

Printed or typed name of authorized person (see instructions)

Form 403
(Revised 05/11)

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: $15

This space reserved for office use.

Certificate of Correction

Entity Information

1. The name of the filing entity is:

Ambiance Limosine and Transportation LLC

State the name of the entity as currently shown in the records of the secretary of state. If the certificate of correction corrects the name of the entity, state the present name and not the name as it will be corrected.

The file number issued to the filing entity by the secretary of state is: 801929507

Filing Instrument to be Corrected

2. The filing instrument to be corrected is : Certificate of Formation Limited Liability Company

The date the filing instrument was filed with the secretary of state: 02/07/2014
mm/dd/yyyy

Identification of Errors and Corrections

(Indicate the errors that have been made by checking the appropriate box or boxes; then provide the corrected text.)

☐ The entity name is inaccurate or erroneously stated. The corrected entity name is:

☒ The registered agent name is inaccurate or erroneously stated. The corrected registered agent name is:

Corrected Registered Agent
(Complete either A or B, but not both.)

A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

Terwan		Crawley	
First	*Middle*	*Last Name*	*Suffix*

The person executing this certificate of correction affirms that the registered agent, whose name is being corrected by this certificate, consented to serve as registered agent at the time the filing instrument being corrected took effect.

☐ The registered office address is inaccurate or erroneously stated. The corrected registered office address is:

Corrected Registered Office Address

TX

Street Address (No P.O. Box) *City* *State* *Zip Code*

☐ The purpose of the entity is inaccurate or erroneously stated. The purpose is corrected to read as follows:

☐ The period of duration of the entity is inaccurate or erroneously stated.

The period of duration is corrected to read as follows:

Identification of Other Errors and Corrections

(Indicate the other errors and corrections that have been made by checking and completing the appropriate box or boxes.)

☐ **Other errors and corrections**. The following inaccuracies and errors in the filing instrument are corrected as follows:

☐ **Add** Each of the following provisions was omitted and should be added to the filing instrument. The identification or reference of each added provision and the full text of the provision is set forth below.

☐ **Alter** The following identified provisions of the filing instrument contain inaccuracies or errors to be corrected. The full text of each corrected provision is set forth below:

☐ **Delete** Each of the provisions identified below was included in error and should be deleted.

☐ **Defective Execution** The filing instrument was defectively or erroneously signed, sealed, acknowledged or verified. Attached is a correctly signed, sealed, acknowledged or verified instrument.

Statement Regarding Correction

The filing instrument identified in this certificate was an inaccurate record of the event or transaction evidenced in the instrument, contained an inaccurate or erroneous statement, or was defectively or erroneously signed, sealed, acknowledged or verified. This certificate of correction is submitted for the purpose of correcting the filing instrument.

Correction to Merger, Conversion or Exchange

The filing instrument identified in this certificate of correction is a merger, conversion or other instrument involving multiple entities. The name and file number of each entity that was a party to the transaction is set forth below. (If the space provided is not sufficient, include information as an attachment to this form.)

Entity name *SOS file number*

Entity name *SOS file number*

Effectiveness of Filing

After the secretary of state files the certificate of correction, the filing instrument is considered to have been corrected on the date the filing instrument was originally filed except as to persons adversely affected. As to persons adversely affected by the correction, the filing instrument is considered to have been corrected on the date the certificate of correction is filed by the secretary of state.

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 2/11/2014

By:

Signature of authorized person

Troy Shirriel

Printed or typed name of authorized person (see instructions)

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697

Nandita Berry
Secretary of State

Office of the Secretary of State

February 10, 2014

Attn: Troy Maurice Shirriel

Troy Maurice Shirriel
51768 Comanche Cir #2
Fort Hood, TX 76544 USA

RE: Ambiance Limousine and Transportation LLC
File Number: 801929507

It has been our pleasure to file the certificate of formation and issue the enclosed certificate of filing evidencing the existence of the newly created domestic limited liability company (llc).

Unless exempted, the entity formed is subject to state tax laws, including franchise tax laws. Shortly, the Comptroller of Public Accounts will be contacting the entity at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the entity. Information about franchise tax, and contact information for the Comptroller's office, is available on their web site at http://window.state.tx.us/taxinfo/franchise/index.html.

The entity formed does not file annual reports with the Secretary of State. Documents will be filed with the Secretary of State if the entity needs to amend one of the provisions in its certificate of formation. It is important for the entity to continuously maintain a registered agent and office in Texas. Failure to maintain an agent or office or file a change to the information in Texas may result in the involuntary termination of the entity.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555

Enclosure

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: $300

Certificate of Formation
Limited Liability Company

Filed in the Office of the Secretary of State of Texas
Filing #: 801929507 02/07/2014
Document #: 528474470003
Image Generated Electronically for Web Filing

Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

Ambiance Limousine and Transportation LLC

Article 2 – Registered Agent and Registered Office

☐ A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

☑ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:
Drawley Terwan

C. The business address of the registered agent and the registered office address is:

Street Address:
51768 Comanche Cir #2 Fort Hood TX 76544

Consent of Registered Agent

☐ A. A copy of the consent of registered agent is attached.

OR

☑ B. The consent of the registered agent is maintained by the entity.

Article 3 - Governing Authority

☑ A. The limited liability company is to be managed by managers.

OR

☐ B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Manager 1: **Terwan Crawley** Title: **Manager**

Address: **51768 Comanche Cir #2 Fort Hood TX, USA 76544**

Manager 2: **Troy Shirriel** Title: **Manager**

Address: **51768 Comanche Cir #2 Fort Hood TX, USA 76544**

Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Organizer

The name and address of the organizer are set forth below.

Terwan Crawley **51768 Comanche Cir #2 Fort Hood, TX 76544**

Effectiveness of Filing

☑ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Terwan Crawley

Signature of Organizer

FILING OFFICE COPY

C.

February 21, 2017

To the Mayor and Council Members of The City of Killeen:

Re: Ground transportation experience

I, Terwan D Crawley, have been operating various military vehicles over a span of 29 years. Those vehicles range from 1 ¼ ton to 10 ton vehicles with attached trailers. Over the course of the 29 year span, I have logged in over 20,000 miles.

Terwan D Crawley

Terwan D Crawley

February 21, 2017

To the Mayor and Council Members of The City of Killeen:

Re: Description of proposed services

I, Terwan D Crawley, will provide limousine and transportation services for the City of Killen, to include weddings, proms, tours, special events, business meetings, et cetera.

Terwan D Crawley

e.

February 21, 2017

To the Mayor and Council Members of The City of Killeen:

Re: Proposed rates

I, Terwan D Crawley, propose rates of service as follows: Hourly rates starting at $85 per hour dependent upon the circumstances of requested services as well as the day of the week.

Terwan D Crawley

Terwan D Crawley

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 02/23/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Vaught Insurance Services
PO Box 218870
Houston, Texas 77218-8870

CONTACT NAME:
PHONE (A/C, No, Ext): 281-647-9100 FAX (A/C, No): 281-647-6633
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A :	
INSURER B : Southern County Mutual	27863
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Ambiance Limousine & Transportation
PO Box 940
Killeen, TX 76540

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	CLAIMS-MADE / OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC						GENERAL AGGREGATE	$
	OTHER:						PRODUCTS - COMP/OP AGG	$
								$
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 500,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / ✓ SCHEDULED AUTOS	X		WP002801	05/01/16	05/01/17	BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

See Vehicle Schedule

Certificate Holder is listed as Additional Insured with a 30-Day Notice of Cancellation

CERTIFICATE HOLDER

Fax: 254-634-8399 ATTN: Diana Barker

City of Killeen
PO Box 1324
Killeen, Texas 76540-1329

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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The ACORD name and logo are registered marks of ACORD

TEXAS AUTOMOBILE INSURANCE IDENTIFICATION CARD

Name/Address of Insured
Nombre y direccion del Asegurado
Ambiance Limousine & Transportation
PO Box 940
Killeen, TX 76540

Agency Issuing Card
Agente
Vaught Insurance Services
PO Box 218870
Houston, Texas 77218-8870
281-647-9100

Policy Number - Numero de Poliza
WP002801

Insurance Company - Compania de Sequro
Southern County Mutual
Phone: **(800) 328-5972**

Effective Date Fecha Efectiva	Expiration Date Fecha de	Yr Ano	Make/Model Marca/Model	VIN
5/1/2016	5/1/2017	**2014**	**Chrsyler 300 Stretch**	**2C3CCAAG0EH135914**

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicle and named insureds may provide coverage for other persons and other vehicles as provided by the insurance policy.

Esta poliza provee por lo menos la cantidad minima de seguro de responsabilidad requerida por ley (Texas Motor Vehicle Safety responsibility Act) para el vehiculo especificado y para los asegurados nombrados, y puede proveer cobertura para otras personas y otros vehiculos segun provisto en la poliza de seguro.

----------FOLD HERE----------

TEXAS LIABILITY INSURANCE CARD

Keep this card *

IMPORTANT: This card or a copy of your insurance policy must be shown when you apply for or renew your:

* Motor vehicle registration
* Driver's license
* Motor vehicle safety inspection sticker

You may also be asked to show this card or your policy if you have an accident or if a peace officer asks to see it.

All drivers in Texas must carry liability insurance on their vehicles or otherwise meet legal requirements for financial responsibility. Failure to do so could result in fines up to $1,000, suspension of your driver's license and motor vehicle registration, and impoundment of your vehicle for up to 180 days (at a cost of $15 per day).

Tarajeta de Seguro de Responsabilidad de Texas. Guarde esta tarjeta.

IMPORTANTE: Esta tarjeta o una copia de su poliza de seguro debe ser mostrada cuando usted solicite o renueve su:

* registro de vehiculo de motor
* licencia para conducir
* etiqueta de inspeccion de seguridad para su vehiculo

Puede que usted tenga tambien que mostrar esta tarjeta o su poliza de seguro si tiene un accedente o si un oficial de la paz se la pide. Todos los conductores en Texas deben de tener seguro de responsibilidad para sus vehiculos, o de otra maners llener los requistos legales de responsibilidad civil. Fallo en llenar este requisto pudiera resultar en multas de hasta $1,000, suspension de su licencia para conducir y su registro de vehiculo de motor, y la retencion de su vehiculo por un periodo de hasta 180 dias (a un costo de $15 por dia).

TEXAS AUTOMOBILE INSURANCE IDENTIFICATION CARD

Name/Address of Insured
Nombre y direccion del Asegurado
Ambiance Limousine & Transportation
PO Box 940
Killeen, TX 76540

Agency Issuing Card
Agente
Vaught Insurance Services
PO Box 218870
Houston, Texas 77218-8870
281-647-9100

Policy Number - Numero de Poliza
WP002801

Insurance Company - Compania de Sequro
Southern County Mutual
Phone: **(800) 328-5972**

Effective Date Fecha Efectiva	Expiration Date Fecha de	Yr Ano	Make/Model Marca/Model	VIN
5/1/2016	5/1/2017	**2011**	**Ford E-350 Van**	**1FDSS3BL9BDA10254**

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicle and named insureds may provide coverage for other persons and other vehicles as provided by the insurance policy.

Esta poliza provee por lo menos la cantidad minima de seguro de responsabilidad requerida por ley (Texas Motor Vehicle Safety responsibility Act) para el vehiculo especificado y para los asegurados nombrados, y puede proveer cobertura para otras personas y otros vehiculos segun provisto en la poliza de seguro.

----------FOLD HERE----------

TEXAS LIABILITY INSURANCE CARD
Keep this card *

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* Motor vehicle registration
* Driver's license
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All drivers in Texas must carry liability insurance on their vehicles or otherwise meet legal requirements for financial responsibility. Failure to do so could result in fines up to $1,000, suspension of your driver's license and motor vehicle registration, and impoundment of your vehicle for up to 180 days (at a cost of $15 per day).

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* registro de vehiculo de motor
* licencia para conducir
* etiqueta de inspeccion de seguridad para su vehiculo

Puede que usted tenga tambien que mostrar esta tarjeta o su poliza de seguro si tiene un accedente o si un oficial de la paz se la pide. Todos los conductores en Texas deben de tener seguro de responsibilidad para sus vehiculos, o de otra maners llener los requistos legales de responsibilidad civil. Fallo en llenar este requisto pudiera resultar en multas de hasta $1,000, suspension de su licencia para conducir y su registro de vehiculo de motor, y la retencion de su vehiculo por un periodo de hasta 180 dias (a un costo de $15 por dia).

TEXAS AUTOMOBILE INSURANCE IDENTIFICATION CARD

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Nombre y direccion del Asegurado
Ambiance Limousine & Transportation
PO Box 940
Killeen, TX 76540

Agency Issuing Card
Agente
Vaught Insurance Services
PO Box 218870
Houston, Texas 77218-8870
281-647-9100

Policy Number - Numero de Poliza
WP002801

Insurance Company - Compania de Sequro
Southern County Mutual
Phone: **(800) 328-5972**

Effective Date Fecha Efectiva	Expiration Date Fecha de	Yr Ano	Make/Model Marca/Model	VIN
5/1/2016	5/1/2017	**2011**	**Ford Econoline**	**1FBSS3BL58DA58892**

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicle and named insureds may provide coverage for other persons and other vehicles as provided by the insurance policy.

Esta poliza provee por lo menos la cantidad minima de seguro de responsabilidad requerida por ley (Texas Motor Vehicle Safety responsibility Act) para el vehiculo especificado y para los asegurados nombrados, y puede proveer cobertura para otras personas y otros vehiculos segun provisto en la poliza de seguro.

----------FOLD HERE ----------

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Keep this card *

IMPORTANT: This card or a copy of your insurance policy must be shown when you apply for or renew your:

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* Driver's license
* Motor vehicle safety inspection sticker

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* registro de vehiculo de motor
* licencia para conducir
* etiqueta de inspeccion de seguridad para su vehiculo

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February 21, 2017

To the Mayor and Council Members of The City of Killeen:

This affidavit is to certify that I, Terwan D. Crawley, have no outstanding judgments related to ground transportation service.

Terwan D. Crawley

Terwan D. Crawley

February 21, 2017

To the Mayor and Council Members of The City of Killeen:

I, Terwan D Crawley, states that I am currently not in default or arrears in any amount or way to the City of Killeen or any activity associated with the City of Killeen.

Terwan D Crawley

Terwan D Crawley

Dianna Barker

From: Scott Dickson
Sent: Friday, February 24, 2017 7:50 AM
To: Dianna Barker; Margaret Young; Jonathan Locke
Cc: Kathy Davis
Subject: RE: Ambiance Limousine

Dianna,

I have reviewed the application. The Department holds no information that would lead me to believe we should deny the applicant(s) a permit for the activity described.

Scott D

Mr. Scott Dickson
Intelligence Manager
Killeen, Texas Police Department
sdickson@killeentexas.gov

From: Dianna Barker
Sent: Thursday, February 23, 2017 4:46 PM
To: Scott Dickson; Margaret Young; Jonathan Locke
Cc: Kathy Davis
Subject: Ambiance Limousine

Good afternoon,
Ground Transportation permits expire each year December 31st. Ambiance Limousine renewal was not submitted in a timely manner; therefore, it was denied, as per the ordinance.
Ambiance Limousine has submitted a new application that will need to go before City Council for approval.
Please review the attached documents and let me know if you see any problem with issuing Ambiance Limousine a Ground Transportation permit.
Thanks,

Dianna Barker
City Secretary/Deputy Court Clerk
City of Killeen
PO Box 1329
Killeen, TX. 76540
254/501-7717

City of Killeen

Legislation Details

File #:	RS-17-033A	**Version:**	1	**Name:**	Interlocal agreement with Frisco to purchase SCBA's
Type:	Resolution			**Status:**	Resolutions
File created:	3/3/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution authorizing the City Manager to execute an interlocal agreement with the City of Frisco, Texas, for the purchase of self-contained breathing apparatus (SCBA) equipment for the Fire Department.				
Sponsors:	Fire Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Interlocal Agreement				

Date	Ver.	Action By	Action	Result

powered by Legistar™

CITY COUNCIL MEMORANDUM

AGENDA ITEM	**Authorize entering into an interlocal agreement with Frisco for purchasing of SCBAs**
ORIGINATING DEPARTMENT	**Fire Department**

BACKGROUND INFORMATION

Frisco, Texas, and Killeen, Texas, are governmental entities engaging in the purchase of goods and services that are commonly utilized by both parties. The City of Killeen annually purchases equipment and supplies to provide quality services to the citizens of Killeen. Chapter 791 of the Texas Government Code authorizes local governments to enter into Iterlocal Cooperation Contracts, increasing each entity's efficiency and effectiveness by allowing them to contract with each other. There are realized savings to taxpayers through the mutual benefit of an interlocal agreement between Frisco and Killeen. Killeen and Frisco will adhere to the Interlocal Cooperation Act pursuant to Chapter 791 of the Texas Government Code and will follow all requirements for purchasing under the Texas Local Government Code Chapter 252.

DISCUSSION/CONCLUSION

The Killeen Fire Department (KFD) has been approved for the Assistance to Firefighter Grant (AFG) (to be completed by the performance period June 29, 2017) for Self-Contained Breathing Apparatus (SCBA). The best price point quotation that KFD received is to piggyback on a competitive sealed bid submitted to Frisco, Texas, (bid NO. 1411-015) from Hoyt Breathing Apparatus for Scott brand SCBAs. The interlocal agreement allows the City to purchase the SCBAs at the same price as the winning bid submitted to the City of Frisco and satisfies the City's bidding requirement pursuant to Texas Government Code 791.

Approval by the Killeen City Council authorizing the City of Killeen to enter into an interlocal agreement with Frisco, Texas, will allow the Killeen Fire Department to complete the purchase of Scott brand SCBA's for AFG EMW-2015-FO-05713 within the performance period defined by FEMA.

FISCAL IMPACT

There is no cost to enter into this interlocal agreement.

RECOMMENDATION

City staff recommends that the City Manager be authorized to enter into this interlocal agreement with Frisco, Texas.

INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this ____ day of _____, 2017, by and between the CITY OF FRISCO, Texas (hereinafter called "FRISCO"), and the CITY OF KILLEEN, Texas (hereinafter called "KILLEEN"), each acting by and through its duly authorized officials:

WHEREAS, FRISCO and KILLEEN are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, FRISCO and KILLEEN wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which FRISCO and KILLEEN may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of FRISCO and KILLEEN through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, FRISCO and KILLEEN have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; FRISCO and KILLEEN agree as follows:

1. FRISCO and KILLEEN may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.

2. FRISCO and KILLEEN shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. FRISCO and KILLEEN shall each make their respective payments from current revenues available to the paying party.

3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party.

4. The undersigned officer and/or agents of the parties hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall commence on the effective date and terminatie on January 1, 2018 and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other that those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

14. It is expressly understood and agreed that each party will follow all requiremets for purchasing required under Texas Local Government Code Chapter 252.

EXECUTED hereto on the day and year first above written.

CITY OF FRISCO

George Purefoy
City Manager

CITY OF KILLEEN

Ronald L. Olson
City Manager

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 15th day of February, 2017, by George Purefoy, City Manager of the **CITY OF FRISCO, TEXAS,** a home-rule municipal corporation, on behalf of such corporation.

SHARON L PERRY
NOTARY PUBLIC-STATE OF TEXAS
COMM. EXP. 03-22-2018
NOTARY ID 128215849

Notary Public in and for the
State of Texas

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2017, by _____ of the **CITY OF KILLEEN, TEXAS,** a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the
State of Texas

City of Killeen

Legislation Details

File #:	RS-17-033B	**Version:**	1	**Name:**	Approval of purchase for SCBA's
Type:	Resolution			**Status:**	Resolutions
File created:	3/3/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution authorizing the purchase of self-contained breathing apparatus (SCBA) equipment from Hoyt Breathing Air Products for the Fire Department.				
Sponsors:	Fire Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Quote Certificate of Interested Parties				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Approval of purchase for Scott Brand SCBAs**

ORIGINATING DEPARTMENT **Fire Department**

BACKGROUND INFORMATION

The Killeen Fire Department (KFD) applied and was approved for the 2015 Assistance to Firefighting Grant (AFG) to purchase self-contained breathing apparatus (SCBAs). This program is administered by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA)/Grant Programs Directorate (GPD), and is a competitive grant program that was created to provide funding directly to fire departments for critically needed resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. Eligible applicants for AFG include Fire Departments, Nonaffiliated EMS organizations, and State Fire Training Academies operating in any of the 56 states/territories. A total of $306 million has been appropriated for the 2015 AFG program with a projected number of awards to be 2,500.

The primary goal of the AFG is to meet the firefighting and emergency response needs of fire departments. The City of Killeen Fire Department's SCBAs that were older than ten years qualified for the grant criteria. They do not meet current National Fire Protection Association (NFPA) Standards and will be replaced.

The performance period of the AFG EMW-2015-FO-05713 is 5:00 p.m. eastern daylight time on June 29, 2017. This Grant provides a Federal Share of $572,449, which leaves the remaining amount of $57,005.01 as the City of Killeen's share.

DISCUSSION/CONCLUSION

This purchase will be completed through an interlocal agreement between Frisco, Texas, and Killeen, Texas, to collaborate on a competitive sealed bid submitted to Frisco, Texas, (bid NO. 1411-015) from Hoyt Breathing Apparatus for Scott brand SCBA's.

Shown below is the breakdown of cost for the purchase of 88 SCBAs, 176 Cylinders, 231 Masks, and 67 Voice Amplifiers.

Item Description	**Quantity**	**Unit Cost**	**Total Cost**
SCBA's	88	$4905.77	$431,707.76
Cylinders	176	$572.49	$100,758.24
Masks	231	$267.67	$61,831.77
Voice Amplifiers	67	$524.72	$35,156.24
Total			**$629,454.01**

FISCAL IMPACT

Funding for the purchase of the equipment is available in the Fire Department's Capital Outlay Machinery & Equipment Account #010-7070-442-61.35 that has an available budget of $656,607. The total cost of the equipment is $629,454.01, of which the AFG will cover $572,449, leaving the remaining $57,005.01 as the City's match.

RECOMMENDATION

City staff recommends that the City Manager be authorized to execute the purchase of 88 SCBAs, 176 Cylinders, 231 Masks, and 67 Voice Amplifiers from Hoyt Breathing Air Products and he is further authorized to execute any and all change orders allowed by state and local law.

HOYT

BREATHING AIR PRODUCTS

Proposal

PO Box 653
Quinlan, Texas 75474
Website: www.hoytair.com
Phone: 800-447-3385 Fax: 903-447-3409
Prepared by: Melissa Hayden-Thomas
E-mail: hbap2melissa@aol.com

Date:	3/6/2017
Inquiry :	12974
Valid Until:	4/5/2017

AUTHORIZED SERVICE CENTER SCOTT SAFETY

CUSTOMER

Killeen Fire Department
Jason Wuest/Brian Brank
E-mail: jwuest@killeentexas.gov/bbrank@killeentexas.gov
Phone: 254-718-5516/254-466-5500

Terms:	Net 30
Shipping:	
Estimate Delivery ARO:	28-42 days
Contract:	Frisco

	Item	Description	Price/each	Extended Quantities
88	X3314022200402	Scott **4500 psi** Air Pak 2013 edition, X3, CGA Valve Connection, with standard harness and standard belt, regulator with Quick connect hose, with Dual EBSS, Integrated PASS, Pak Tracker, SEMS II, Less Case	$4,905.77	$431,707.76
81	201215-	Scott AV3000 HT Face Mask **(4 point)** with Left side voice amp bracket Size:	$267.67	$21,681.27
	-34	Small		
	-35	Medium		
	-36	Large		
150	201215-	Scott AV3000 HT Face Mask **(4 point)** with Left side voice amp bracket Size:	$267.67	$40,150.50
	-34	Small		
	-35	Medium		
	-36	Large		
67	201276-01	EPIC 3 RI Voice Amplifier	$524.72	$35,156.24
60	804722-01	45 Min 4500 psi Carbon Cylinder	$572.49	$34,349.40
116	804722-01	45 Min 4500 psi Carbon Cylinder	$572.49	$66,408.84
1	Fit Testing 2016	In-Service Fit Testing (81) @ $18 per person; $85 Service Call per day (does not include down time or wait time) **see Attachment	$1,713.00	N/C
1	Flow Testing 2017	year 2017 Flow Testing (81) @ $30 per Pak $85 Service Call per day (does not include down time or wait time) ** see Attachment	$2,770.00	N/C
1	Training	Scott Field Level 2 hour SCBA Maintenance Class for up to 8 attendees: Training for Mask rebuild & Maintenance, Regulator Maintenance, Harness Maintenance. Certificates of completion to be mailed upon class completion.	$500.00	N/C
1	Training	Factory Trained Instructor for Air Pak NFPA 2013/SEMS II in-service	$0.00	N/C
1	Trade In	USED Air Pak trade In Credit-Credit based upon condition of equipment DEDUCT	$0.00	$0.00

This offer supersedes any and all previous offers. This offer is contingent upon the purchase of all items and quantities listed above.

Please fax or e-mail the signed price quote to the address above

Customer Acceptance (sign below):

x

Print Name: PO #

Subtotal	**$629,454.01**
Shipping	**included**
TOTAL Due:	**$629,454.01**

If you have any questions about this price quote, please contact
Melissa Hayden-Thomas @ 800-447-3385 or hbap2melissa@aol.com

We appreciate the opportunity to quote you on these items for your department and look forward to your earliest reply!

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

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:
2017-174516

Date Filed:
03/03/2017

Date Acknowledged:

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

Hoyt Breathing Air Products
West Tawakoni, TX United States

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

City of Killeen

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

CSB #1411-015
Self Contained Breathing Apparatus

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. [X]

6 AFFIDAVIT

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

MELISSA HAYDEN
Notary Public, State of Texas
Comm. Expires 01-04-2021
Notary ID 126603549

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Pete Hoyt, this the 3rd day of March, 20 17, to certify which, witness my hand and seal of office.

Signature of officer administering oath | Printed name of officer administering oath: Pete L. Hoyt | Title of officer administering oath: Vice President

City of Killeen

Legislation Details

File #:	RS-17-034	**Version:**	1	**Name:**	Revise the Killeen Arts Commission Rules and Regualtions
Type:	Resolution			**Status:**	Resolutions
File created:	3/3/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution to revise the Killeen Arts Commission Rules and Regulations.				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Revised Rules & Regulations				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**Revision of Killeen Arts Commission Rules and Regulations**
ORIGINATING DEPARTMENT	**Finance**

BACKGROUND INFORMATION

Mr. Ralph Cossey, Jr., Chairperson of the Killeen Arts Commission, appointed a sub-committee to review the current Killeen Arts Commission Rules and Regulations. The sub-committee members included John Doranski, John Miller, Darlene Golden, and Ralph Cossey, Jr. Their work focused on clarifying required grant conditions.

DISCUSSION/CONCLUSION

Significant changes were made with respect to grant requirements requiring grantees to: provide the name of a host hotel on application, submit proof of hotel/motel rooms occupied due to event, display an Arts Commission banner at event, provide a booth for the Arts Commission at event, and acknowledge Arts Commission funding in all media types. These rules will apply to grants that begin on or after October 1, 2017.

FISCAL IMPACT

There is no fiscal impact as a result of approval of this item.

RECOMMENDATION

City staff recommends that the City Council approve the attached Killeen Arts Commission Rules and Regulations, as revised.

City of Killeen
arts commission

~~2015 - 2016~~

Rules and Regulations

Effective ~~January 27, 2015~~March 28, 2017

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KILLEEN ARTS COMMISSION RULES AND REGULATIONS

I. Organization and Officers

101. Organization

The Arts Commission of the City of Killeen shall consist of eleven (11) regular members appointed by the City Council and shall be organized and shall exercise such powers and responsibilities as prescribed by all City Council Ordinances relating to the Killeen Arts Commission.

102. Officers

A Chairperson and Vice Chairperson shall be elected annually from among the Commission's membership at the first meeting in October and at such times as these offices become vacant. In the absence of both the Chairperson and the Vice Chairperson, the Commission shall elect an Acting Chairperson. A secretary shall be appointed from staff personnel assigned by the City's chief executive officer.

103. Duties and Powers

A. The Commission shall solicit applications for arts events, review and hear requests for funding, schedule interviews, adopt guidelines and criteria for applicants requesting funding. The Commission will advise the City Council on the expenditure of the hotel/motel tax allocation for the arts. The Arts Commission Chairman, or an alternate representative as designated by the chairman, must attend all City Council workshops and meetings at which Arts Commission issues are agendized.

The Commission may also seek and administer funding by state, federal, and private grants, gifts, and admission fees as provided herein. They may also decline acceptance of any state, federal, private grant, donation or gift which is subject to terms or conditions which are not acceptable to or performable by the Commission.

The Commission may itself produce and promote a cultural/arts event or projects in addition to and apart from its role as a funding source for Arts Commission Grants to other groups and individuals. Events or projects may also include a public permanent art component.

B. The Chairperson shall preside at all meetings. The Chairperson shall decide on all points of order or procedure in accordance with these rules and regulations and the Scott, Foresman Roberts Rules of Order, the most current edition. All letters of transmittal from the Commission to the City Council shall be over the signature of the Chairperson.

C. The secretary shall be the custodian of the minutes and other official records, shall attend to the correspondence of the Commission, and shall cause such notices to be given as are required and in the manner prescribed by law.

D. In accordance with the Killeen City Code, *Section 2-133. "Community encouragement of the arts and producing of activities," Section b* the Killeen Arts Commission will submit their Annual Advisory Report along with a presentation to the City Council **prior to Council's budget consideration,** of the following calendar year.

E. The Arts Commission will keep the City Council informed of all activities throughout the year.

104. Mission Statement

The Mission of the Arts Commission of the City of Killeen shall be:

A. To develop a community multi-cultural arts program that will enhance tourism and hotel/motel use, through the arts;

B. To encourage an increase in quality arts programs available to the citizens of the City of Killeen;

C. To stimulate an interest in the local arts of all cultures and minority groups especially ensuring access for seniors and disabled citizens;

D. To encourage exposure to the arts for school-age citizens;

E. To preserve and develop the arts and to maximize the quality of the arts and their contributions to our City's culture; and

F. To recommend the equitable distribution of resources from the public and private sectors necessary to accomplish the mission.

G. To produce and promote activities which accomplish this mission.

105. Rules of Order

The most current edition of The Scott, Foresman Roberts Rules of Order, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these rules and regulations and all City Council Ordinances relating to the Killeen Arts Commission Rules and Regulations.

II. Meetings

201. Quorum

A quorum shall consist of a majority of members then in office eligible to vote on any given matter.

202. Simple Majority

Simple majority is the majority vote of those Commissioners present.

203. Agenda

1. In order for an item to be placed on the Arts Commission agenda, a request must be sent via email to the Arts Commission Secretary no later than 12:00 p.m. two (2) Mondays prior to the scheduled meeting. The item will then be placed on the agenda to be approved by the City Staff Executive Sponsor and by the Arts Commission Chairperson.

2. An agenda shall be prepared by the secretary for the meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by the Commission. A copy of the agenda shall be publicly posted on the information bulletin board at the Police Department (24 hour entrance), the information bulletin board at City Hall, and on the City's website (as required by law for a period of seventy-two (72) hours before the meeting).

a. Old Business

b. New Business

Discussion of agenda items shall be in compliance with the Open Meetings Law of the State of Texas. Each item must be specifically described in the agenda.

204. Regular Meetings/Recording of Votes

Regular meetings shall be held on the second Friday of the month unless otherwise determined by the Commission. The regular meetings will occur in the City Hall Council Chambers at 12:15 p.m. or a time and location determined by a simple majority of the Commissioners present at any previous meeting.

All members of the Arts Commission, including the chairperson, may vote.

205. Special/Workshop Meetings

Special/workshop meetings for any purpose may be held: (1) on the call of the Chairperson, or (2) on request of three or more commissioners and by giving written

notice to all commissioners deposited in the mail at least seventy-two hours before the meeting, or (3) as may be scheduled by a simple majority of the Commission at any previous meeting.

The place of the special meeting will be the City Hall conference room, the City Council room, or a location determined by a simple majority vote of the Commissioners present.

206. Public Meetings/Workshop

All meetings shall be held in full compliance with the provision of state law; Texas Open Meetings Act, V.T.C.A., Government Code, §551.001 *et. seq.*; Ordinances of the City of Killeen; and these rules and regulations.

At meetings/workshops where applications are being considered for specific ethnic groups, the City will attempt to provide a bilingual representative fluent in English and the language of the ethnic group provided the request for a translator is received 72 hours prior to the meeting.

207. Commission Member Attendance

Commission Members' attendance is subject to the attendance policy and procedure adopted by the City Council (Section 2-118, Killeen City Code).

208. Conflict of Interest

A member of the Arts Commission shall refrain from voting on any matter before the Commission for which that member, or the member's relative, has a direct or indirect financial interest. For purposes of this section a "relative" is a person related to the member in the first degree by consanguinity or affinity as determined under Chapter 573 of the Texas Government Code.

A member of the Commission shall not discuss or vote on the funding request and evaluation reports of any applicant or recipient of which the Commission member is an officer or director.

A member of the Commission may not answer questions regarding the funding request and evaluation reports of an organization for which the Commission member is an officer or director.

III. Official Records

301. Definition - Official Records

The official records shall be these rules and regulations, the written transcribed minutes, and the voice recordings obtained at the meeting, the agenda and attachments, all applications, findings, and decisions of the Commission.

302. File - Retention

All matters coming before the Commission shall be filed in the City's records. Original grant applications and evaluations shall be retained in accordance with the City's record retention policy.

303. Public Record

The official records shall be open to public inspection as prescribed by the Texas Public Information Act, V.T.C.A., Government Code, §552.001 *et. seq.*

IV. Tax and Grant Revenue Allocations

401. Arts Commission Grants

The Hotel/Motel Tax Revenue Allocations and any other funding acquired through federal, state, and private grants will hereafter be referred to as Arts Commission Grants. These do not include Cultural/Arts Events provided for in section VII.

402. Classification of Arts Commission Grants

There will be four classifications of Arts Commission grants: Start-Up Grant, Minor Grant, Major Grant, and Public Permanent Art Grant.

1. A Start-up Grant will be in an amount up to three thousand dollars (≤$3,000) and requires a ten percent (10%) match.

   A start-up grant can only be awarded the first year applying for a Killeen Arts Commission grant.

2. A Minor Grant will be in an amount up to five thousand dollars (≤ $5,000) and requires a twenty-five percent (25%) matching amount.

3. A Major Grant will be in an amount over five thousand dollars (> $5,000) and requires a fifty percent (50%) matching amount.

4. Public Permanent Art Grant:

   a. A Public Permanent Art Minor grant will be in an amount up to five thousand dollars (≤ $5,000) and requires a twenty-five percent (25%) match.
   b. A Public Permanent Art Major Grant will be in an amount over five thousand dollars (> $5,000) and requires a fifty percent (50%) match.

A Public Permanent Art Grant cannot include an advertising component and must be easily accessible to the public.

In-kind funding cannot be used towards the grant match.

403. Allocation of Arts Commission Grants

The total Tax and Grant Revenue Allocations for the arts will be divided among the four classifications of Arts Commission Grants.

V. Guidelines and Criteria for Arts Commission Grants

501. Use of Funding

A. Arts Commission Grants will be distributed in the following manner to events and public permanent art that have as their primary purpose

1. The promotion of the Arts and cultural enhancement of the city and:

2. Promote tourism and the convention and hotel/motel industry in the City of Killeen by developing the arts in this community through the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design, and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

B. Guidelines for Arts Commission Grant Applicants:

1. A copy of the organization's most recently filed Form 990 must be submitted with their application.

2. Grant recipients will be required to demonstrate how the grant funding will accomplish the purposes stated above. The City of Killeen shall monitor the use of funds by the recipient. Failure of a recipient to use funds for the stated purpose may cause forfeiture of the grant and/or rejection of future grant applications and/or legal action.

3. The event(s) or public permanent art must have the majority of its involvement in the arts inside the city limits of Killeen.

4. The grantee is required to obtain liability insurance for all events held on City property. The City of Killeen must be named as an additional insured, and proof of insurance must be submitted to the City of Killeen Finance Department a minimum of 10 business days prior to the event.

5. Applicant must estimate what percentage of the audience or participants will come from outside the City of Killeen. Applicant must show effective marketing efforts to draw audiences and participants from outside the City of Killeen. The applicant will document, when possible, those who attend.

6. The proposed event or public permanent art must be of artistic quality and a majority must be of artistic merit as determined by the Commission.

7. Grant recipients will be required to inform the Arts Commission of any changes in the scheduled activities that were approved in the original contract. Any such change in the location or schedule will be conveyed at least 45 days prior to the event or public permanent art change to the City Finance Director via the Event Change Notification form and/or be given in person during the Citizens Petitions or Information portion of the Killeen Arts Commission agenda. Failure to provide this information will result in forfeiture of that portion of the grant allocated to that event or public permanent art and/or rejection of future grant applications and/or legal action.

8. A Budget Adjustment Request must be submitted if the organization needs to modify the approved Grant Budget by more than 10% of the total. If a Budget Adjustment Request is not submitted, the maximum of the amounts identified per budget category on the Grant Budget will be reimbursable. An informed representative must be present at the Arts Commission meeting at which the Arts Commission will vote on the Budget Adjustment Request, or the Budget Adjustment Request will not be considered.

9. A minimum of six (6) tickets to the event (performance/event) or unveiling of the public permanent art must be provided to the Finance staff for Commission use ten days in advance of the event or unveiling.

10. The proposed event(s) or public permanent art must be completed within the City's Fiscal Year (October 1 through September 30) for which funding is provided.

11. Public permanent art must be accessible to the public. Publicly accessible art means produced works of art installed, presented or performed in a location that is accessible to the public.

12. The grant recipient may not make cash payments.

C. Ineligible Activities for Arts Commission Grants.

The Commission will not fund the following:

1. Social functions, parties and receptions; the primary purpose of the event should be artistic in nature and not a secondary factor of the event.

2. Events involving high school, college, or university credit that will ultimately be used toward a degree, diploma or certificate;

3. Events at public and private schools, colleges, and universities that primarily relate to curriculum and that have minimal or no community involvement;

4. Operating expenses for privately owned for-profit corporations;

5. Operating expenses for Federal-, State- or County-owned facilities;

6. Travel expenses other than those for the performers;

7. Capital improvements, bricks and mortar, and permanent equipment; capital improvements are assets of a long-term character which are intended to continue to be held or used over a life span of several years. Examples include land, buildings, major machinery and equipment purchases and other types of permanent equipment, with the exception of Public Permanent Art Grants.

8. Retroactive funding;

9. Any related party transactions. A related party is an entity that can control or significantly influence the management or operating policies of another entity to the extent one of the entities may be prevented from pursuing its own interests. A related party may be any party the entity deals with that can exercise that control. Each applicant shall disclose to the Commission in their grant application, any related party relationship or common control relationship even if no related party transactions have occurred, if the relationship could significantly affect the entity's financial position or results of operation.

10. An event or public permanent art that does not have as its primary purpose the promotion of the Arts and cultural enhancement of the city.

11. A public permanent art grant that includes advertising and/or is not publicly accessible.

12. Public permanent art that does not have permission from the land/property owner or other concerned parties.

D. Organization Eligibility

To be eligible for an Arts Commission grant, an organization must:

1. Be a tax-exempt, nonprofit corporation incorporated under the laws of the State of Texas. In addition, the organization must be a 501 (C) tax-exempt organization under the rules and regulation of the Internal Revenue Service, if required by the Tax Code. All corporations applying for a grant must have a valid nonprofit organization charter on file with the Texas Secretary of State. A Certificate of Fact, dated in the current year, from the Texas Secretary of State must be submitted with the application. If the organization is a 501 (C) tax-exempt organization under the rules and regulation of the Internal Revenue Service, the organization must also submit with their application a letter of exemption, dated in the current year, from the Internal Revenue Service. Failure to submit these necessary documents will result in the organization being ineligible for funding.

   Organizations which are not incorporated may apply under the umbrella of a nonprofit organization. The umbrella organization is the official applicant and is responsible for compliance with the Arts Commission's Rules and Regulations and the reporting requirements and financial commitments of the funded applicants. An entity of government may also apply directly for an Arts Commission grant for an eligible event or program.

   Individuals applying for Public Permanent Art Grants must apply under the umbrella of a nonprofit organization.

2. Demonstrate sound artistic direction.

3. Promote tourism and the convention and hotel/motel industry.

4. Not have any outstanding financial obligations with the City of Killeen.

5. Not have any outstanding financial obligations related to previous arts grant funded events or public permanent art.

502. Types of Events or Public Permanent Art

There will be four types of events/public permanent art funded by Arts Commission Grants.

a. Single event – Only one event.
b. Multiple events (other than year-long) – More than one event, but not occurring throughout the course of twelve months.

c. Year-long events - Events occurring over the course of twelve months.
d. Public Permanent Art Projects

The applicant may only have one active application per year, if eligible. The application may cover more than one event or public permanent art. If the applicant is disapproved for funding, the applicant may reapply during the next funding period, if eligible. The total amount of funding requested for all events or public permanent art listed on the grant application shall determine if the grant request is for a major grant or a minor grant.

503. Guidelines for Document Submissions

Please follow the guidelines below when submitting any documentation to City staff.

a. Please provide two copies of all forms and supporting documentation on the correct color paper. (Blue for start-up grants, green for minor grants, and white for major grants.)
b. All documents that are not 8 ½ x 11 inch need to be taped down to an 8 ½ x 11 inch piece of paper (including, but not limited to, newspaper ads, clippings, fliers, etc.). This includes cutting out any necessary items larger than 8 ½ x 11 inches (i.e. newspaper clippings) and taping down as well.
c. All submissions must be given to the Finance Department's Executive Assistant for recording purposes.
d. All documents submitted must be one sided.
e. If City staff identifies any necessary corrections or adjustments, they must be made by the grantee.
f. The grantee is ultimately responsible for providing complete and accurate documentation for all required submissions. If City staff identifies any necessary corrections, adjustments, or missing documentation, the grantee is the responsible party to make the adjustments and provide additional documents in order to be considered complete and timely.
g. Any requests made by City staff must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the submission will be processed as is, if sufficient enough to do so. If it is determined insufficient for processing as is, the submission will be considered incomplete and deemed not received by the required deadline. This could result in the grantee forfeiting a portion or all of unpaid grant funds.

VI. Applications and Administration for Arts Commission Grants

601. Application Packet

An application form, approved by the simple majority vote of the Commission, shall be completed by all applicants. The applicants will, upon request, receive a packet containing the application, instructions, and these rules and regulations. Applicants must submit their request on the "City of Killeen Arts Commission Grant

Application" form provided by the Killeen Arts Commission. Application information will be limited to the provided "City of Killeen Arts Commission Grant Application" form.

The application shall require the grantee to provide the name of at least one (1) host hotel or motel for an event. If the host hotel or motel changes after the application and before an event takes place, the grantee shall notify city staff within fourteen (14) days of the change. This requirement shall not apply to applicants requesting less than $5,000 or applicants for public permanent art.

602. Administrative and Fiscal Responsibility

All applicants applying for an Arts Commission grant must demonstrate efficient and effective organization. Applicants who have previously been funded by the Arts Commission must have a history of submitting all financial reports with the Arts Commission accurately, completely, and in a timely manner.

603. Calendar

The grant year shall be October 1 through September 30.

a. The Arts Commission will solicit applications during the month of January.

b. The Arts Commission will review requests and conduct interviews at the Grant Review Workshop.

c. The Arts Commission will submit recommendations to the City Council after the Grant Recommendations Workshop.

d. Grants awards will be approved by the City Council, at a regular City Council meeting, subject to later adoption of the City's annual budget.

e. Contracts shall be executed after October 1.

604. Required Grant Conditions, Contract and Payment of Arts Commission Grants

After grant awards are announced, the City of Killeen will execute a contract with the recipient specifying the amount and the conditions under which the grant is given.

A. Required Grant Conditions

1. For each $5,000 granted by the Arts Commission, the grantee shall submit proof that at least two (2) hotel or motel rooms within the City of Killeen were utilized by patrons or vendors. A statement from a hotel or motel showing paid stays shall be required. Charges for rooms to be counted toward~~s~~ this requirement shall not be allowable expenses of a grant. This provision shall only apply to grants in excess of $5,000 and shall not apply to public permanent art grants.

2. All printed materials must include the name of a host hotel or motel. This provision shall not apply to grants under $5,000 or public permanent art grants.

3. The grantee will display an Arts Commission banner at the site of an event unless the grantee can show that such display would interfere with the artistic value of the event or otherwise hinder the event. An Arts Commission member shall be responsible for delivering and retrieving the banner. The grantee shall be excused from displaying the banner if it is unavailable or if no Arts Commission member is available to deliver it. This requirement shall not apply to year-long events or public permanent art grants

4. The grantee shall provide a booth to the Arts Commission if requested by the Arts Commission. One or more Arts Commission member(s) shall be appointed to represent the Arts Commission at the booth for the duration of the event. The grantee may be excused from this requirement if the grantee can show that a booth would interfere with the artistic value of the event or otherwise hinder the event. This requirement shall not apply to year-long events or public permanent art grants.

~~A~~B. Single Event - Only one event or public permanent art

No sooner than 45 days prior to completion of the event the grantee may request an initial payment (not to exceed 50% of the grant amount) by submitting Exhibit A-DDR (Drawdown Request), the corresponding Exhibit B's (Expense Summary), and supporting documentation (see section 605 for definition of supporting documentation). City staff will review the request before payment is disbursed. If City staff has any questions or requests additional documentation, the request must be fulfilled by the grantee within

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10 business days. After the 10 day window expires, the Drawdown Request will be processed as is, if sufficient enough to do so. If it is determined insufficient for processing as is, the Drawdown Request will be denied.

No later than 45 days after the completion of the event the grantee may request the remaining grant funds by submitting Exhibit A-Final (Final Evaluation Report), corresponding Exhibit B's (Expense Summary) and supporting documentation (see section 605 for definition of supporting documentation) for the entire grant year. If City staff has any questions or requests additional documentation, the request must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Final Evaluation Report will be processed as is if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Final Evaluation will be considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Final Evaluation, and all other contract conditions have been met. If your Final Evaluation is not received in the Finance Department by close of business on the 45th day (as identified per the grantee's signed contract or Budget Adjustment Request form) after the completion of the final event you will not receive your final funding. Your Final Evaluation must include Exhibit A-Final, all relevant Exhibit B's, and supporting documentation (see definition of supporting documentation in section 605). Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department as soon as received.

~~B~~C. Multiple Events (other than year-long) –More than one event, but not occurring throughout the course of twelve months.

No sooner than 45 days prior to completion of each specific event the grantee may request an initial payment (not to exceed 50% of the grant amount for the specific event) by submitting to city staff Exhibit A-DDR (Drawdown Request), the corresponding Exhibit B's (Expense Summary), and supporting documentation (see section 605 for definition of supporting documentation). City staff will review the request before payment is disbursed. If City staff has any questions or requests additional documentation, the requests must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Drawdown Request will be processed as is, if sufficient enough to do so. If it is determined insufficient for processing as is, the Drawdown Request will be denied.

No later than 45 days after the completion of each specific event, other than the final event, the grantee may request the remaining grant funds for the specific event by submitting to city staff Exhibit A-Event (Event Evaluation Report), corresponding Exhibit B's (Expense Summary), and supporting documentation (see section 605 for definition of supporting documentation). City staff will review the request before payment is disbursed. If City staff has any questions or requests additional documentation, the requests must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Event Evaluation Report will be processed as is if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Event Evaluation will be considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

If this is the last event then the grantee must submit to city staff, no later than 45 days after the completion of the last event, Exhibit A-Event (Event Evaluation Report), the corresponding Exhibit B's (Expense Summary) and supporting documentation (see section 605 for definition of supporting documentation). City staff will review and hold until the Final Evaluation Report (Exhibit A-Final) is submitted for all events combined.

After the completion of all events the grantee may request any remaining grant funds by submitting to city staff Exhibit A-Final (Final Evaluation Report), the corresponding Exhibit B's (Expense Summary) for the entire grant year, including all events combined, with supporting documentation. This report may be submitted to City staff as soon as practicable after the completion of the final event, but no later than September 30 of the current grant year, or within 45 days after completion of the final event, whichever is later. If City staff has any questions or requests additional documentation, the request must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Final Evaluation Report will be processed as is, if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Final Evaluation will be considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Final Evaluation, and all other contract conditions have been met. If your Final Evaluation is not received in the Finance Department by close of business on September 30 of the current grant year, or by close of business on the 45th day after the completion of the final event, whichever is later, you will not receive your final funding. Your

Final Evaluation must include Exhibit A-Final, all relevant Exhibit B's and their supporting documentation. Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department staff as soon as received.

~~C~~D. Year-long Event – Events occurring over the course of twelve months.

To receive quarterly payments grantees should submit Exhibit A-DDR (Drawdown Request) with the corresponding Exhibit B's (Expense Summary) and supporting documentation (see section 605 for definition of supporting documentation) for quarters one (January), two (April) and three (July). For the fourth quarter payment grantee must submit Exhibit A-Final (Final Evaluation Report) with the corresponding Exhibit B's (Expense Summary) for the entire grant year no later than September 30 of the current grant year, or within 45 days after the completion of the final event, whichever is later. If City staff has any questions or requests additional documentation, the requests must be fulfilled by the grantee within 10 business days. After the 10 day window expires, the Final Evaluation Report will be processed as is if sufficient enough to do so. City staff will recommend to the Arts Commission that the grantee be denied the portion of grant funds related to the requests that were not fulfilled. If it is determined insufficient for processing as is, the Final Evaluation will be considered incomplete and deemed not received by the required deadline. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

Final payment will be disbursed no later than 30 days after the Arts Commission has voted to approve the required Final Evaluation, and all other contract conditions have been met. If your Final Evaluation is not received in the Finance Department by close of business on September 30 of the current grant year, or by close of business on the 45th day after the completion of the final event, whichever is later, you will not receive your final funding. Your Final Evaluation must include Exhibit A-Final, all relevant Exhibit B's and their supporting documentation. Any cancelled checks not yet received from your bank at time of submission must be forwarded to the Finance Department staff as soon as received.

605. Record Keeping and Supporting Documentation

A. All recipients of Arts Commission Grants will be required to establish records detailing the use of the funds under the program. These records are subject to examination and audit by the City of Killeen and by the State of Texas.

B. Supporting documentation, as referenced in this document, is defined as third-party invoices/receipts and copies of cancelled checks for all expenses. Supporting documentation should include (at a minimum) vendor name, date

payment was received/is due, grantee's name, and dollar amount. Supporting documentation is required for all expenses identified on any and all grant documents submitted.

606. Acknowledgement of City Funding for Arts Commission Grants

The recipient shall acknowledge the City of Killeen's participation in the funding of the event or public permanent art in all ~~printed programs and~~ promotional materials using the context below. This shall include and not be limited to printed programs, posters, mailers, advertisements, social media, audio, video and internet promotions.

Printed Items: "This event/program/performance/exhibition/public permanent art is supported, in part, by funds from the City of Killeen, Texas, Municipal Hotel Occupancy Tax Revenues and other funding sources as stated in the contract." The font used in print materials shall be proportional to the advertisement style.

Printed materials also ~~must~~shall use the official logo of the Killeen Arts Commission or the following statement: "Sponsored in part by the City of Killeen, Texas, Arts Commission." The font used for the logo must be sized the same as sponsors that have contributed amounts similar to the grant from the Arts Commission.

Radio/Audio ONLY: "Sponsored in part by a grant from the City of Killeen, Municipal Hotel Occupancy Tax Revenues."

607. Application Workshop

All grant applicants must have informed representation at the Killeen Arts Commission Application Workshop. A makeup session may be provided by City Staff within 30 days of the original workshop. If the applicant does not have informed representation at the Application Workshop or the makeup session the application will be disqualified for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. Failure to do so will cause the organization to be ineligible for consideration of funding.

608. Grant Review Workshop

All grant applicants will be required to have informed representation at the Killeen Arts Commission Grant Review Workshop. Failure to attend this workshop will disqualify the application for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the grant application to answer any questions about it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for consideration of funding.

609. Application Review for Approval

All grant applicants will be required to have informed representation when their application is being reviewed for approval by the Killeen Arts Commission. Failure to attend this review will disqualify the application for funding. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the grant application to answer any questions about it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for consideration of funding.

If it is determined that an applicant submitted false information on their application, the application will be denied for the current grant cycle and the grantee will be ineligible to apply for the two (2) subsequent grant cycles.

610. Final Evaluation Report Review

All grant recipients are required to have informed representation when their Final Evaluation Report is being reviewed for approval by the Killeen Arts Commission. Failure to attend this review will result in the evaluation being placed on a future agenda. Informed representation must be someone other than an arts commissioner and must be a member of the organization applying for funding. The informed representative must be familiar enough with the Final Evaluation Report to answer any questions about it and the organization, both definitively and with authority. Failure to do so will cause the organization to be ineligible for funding consideration. A 1-2 minute visual presentation compatible with city equipment must be submitted with the completed evaluation form.

611. Non-compliance with Program

Any grant applicant or grant recipient that does not timely and fully comply with the Killeen Arts Commission Rules and Regulations, Recipient Contract and all local, state and federal laws will be ineligible for funding for the current grant cycle and the grantee will be ineligible to apply for the two (2) subsequent grant cycles. City staff will recommend to the Arts Commission that the grantee be denied any unpaid grant funds.

VII. Arts Commission Sponsored Cultural/Arts Activities

The Arts Commission may choose to produce a Cultural/Arts event itself, rather than merely being a grant source for others.

701 Criteria

A Cultural/Arts Event must meet the criteria of section v.501.A and have the majority of its involvement within the City limits of Killeen. Moreover, the event must be of artistic quality as determined by the Commission and be responsive to the arts/cultural needs of the City.

702 Funding

A. Allocations budgeted for Arts Grants, through other state, federal or private grants may be used, as well as private gifts, donations, and admission fees charged for the event. The Commission shall comply with the terms and conditions attached to any grant, gift or donation upon acceptance.

B Nothing herein prevents the use of funds, raised under this Section VII, as Arts Commission Grants provided for in Section V.

C. The Purpose of a Cultural/Arts event shall be the same mission as stated in Section 351.101(4) of the Tax Code. The purpose of such Cultural/Arts event shall not be manifestly to create profit but to cover cost of the event.

VIII. Motions

A motion may be made by any Commissioner other than the presiding officer. A motion to approve any matter before the Commission or to recommend approval or disapproval shall require a simple majority approval vote.

IX. Certification and Amendments

901. Certified Copy

A certified copy of these rules and regulations and any amendments shall be filed in the office of the City Secretary within ten (10) business days of their adoption.

902. Amendments

Amendments to these rules and regulations may be adopted at any time at a public meeting, upon the affirmative vote of the simple majority of the commissioners, provided the amendment is proposed at a previous meeting and stated in the minutes of such meeting.

The amendment will not become effective until the next regular meeting. Amendments regarding guidelines and criteria for applicants requesting funding shall be approved by the City Council.

City of Killeen

Legislation Details

File #:	RS-17-035	**Version:**	1	**Name:**	Sale of Camilla Rd Real Property
Type:	Resolution			**Status:**	Resolutions
File created:	3/6/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution authorizing the sale of real property located at the corner of Buckley Avenue and Camilla Road.				
Sponsors:	Public Works Department, City Attorney Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Bid Packet				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**AUTHORIZE THE SALE OF REAL PROPERTY LOCATED AT THE CORNER OF BUCKLEY AVE. AND CAMILLA RD.**
ORIGINATING DEPARTMENT	**CITY ATTORNEY AND PUBLIC WORKS**

BACKGROUND INFORMATION

On July 1, 1968, the City acquired the real property located at the corner of Buckley Ave. and Camilla Rd. The property is a 0.505 acre tract of land. A chain link security fence surrounds the site and a possible underground water pipe that may have been abandoned in place. The land is generally level topographically and is near square in shape. The subject property is bounded on the south by residential homes fronting along Farhills Dr. and bounded on the north and west by residential property, as well.

The owners of 1101 Farhills Dr. contacted the City expressing interest in purchasing the property with the intent of expanding their current yard. The City explained that a competitive process would be necessary.

As authorized by LGC § 272.001(a), a City may sell land following general public notification offering the land for sale and receipt of sealed bids. However, the City is not obligated to accept any bid or offer or to complete the sale or exchange (LGC § 272.001(d)).

The City currently mows the property and has no future use for the site. If sold, the tract would be placed back on the tax roll and the City would be relieved of its duty and cost to maintain the site. Currently, the Bell County Tax Appraisal District has assessed the property at $1,810.00.

DISCUSSION/CONCLUSION

On January 17, 2017, the City Council came to a consensus to proceed with advertising the property for competitive sealed bids. City staff published notice of the proposed sale (Bid No. 17-09) on February 19, 2017, and February 26, 2017, with a minimum bid requirement of $5,000.00. One bid was received by the City, and the bid was opened and read aloud on March 2, 2017. The bid in the amount of $9,000.00, a copy of which is attached, was received from Michael Walsh and Nikki Chambers Walsh, who are the owners of 1101 Farhills Dr. immediately adjacent to the south of the subject property. The stated proposed use for the property is "extension of property. Build a pad for the small RV. Construct a garden area. Plant trees, shrubbery, and flowers; in addition, landscape as we have done to our own property."

As required by Section 145 of the City Charter, if authorized, the sale shall not be effective until thirty (30) days have elapsed from the date of this resolution.

FISCAL IMPACT

If accepted, the highest bid received will result in a positive fiscal impact of $9,000.00. The City will also avoid maintenance costs for the tract and will return the property to the tax roll.

RECOMMENDATION

Staff recommends that the City Council approve the sale of the above-described subject property to the highest bidder and that the City Manager be authorized and empowered to act in the name and on behalf of the City of Killeen in all lawful ways to execute and deliver all contracts, notes, deeds of trust, deeds, bills of sale, assignments, consents, notices, filings, certificates, acknowledgements, closing statements, affidavits, and other documents, and to do and perform every other act as he may deem necessary and appropriate to carry out the sale of the above-described tract in accordance with this resolution.

Invitation for Bid

City of Killeen, Texas
Sealed Bids will be received for:

Sale of Camilla Rd
Real Property
Bid No. 17-09

Sealed Bids will be received
until 2:00 p.m. on
Thursday, March 2, 2017

Return Bids to:

City of Killeen
Attn: Purchasing Department
207A W. Avenue D
Killeen, Texas 76541

INVITATION TO BID - BID FORM

Bidders:

This is your notice that **sealed bids** for the **Sale of Camilla Rd. Real Property**, will be received at the Purchasing Office, 207A W. Avenue D, Killeen, TX, 76541, until the hour of **2:00 p.m., March 2, 2017,** and will subsequently be opened and read aloud at 2:15 in the Main Conference Room located at City Hall, 101 N. College St., Killeen, Texas, on the second floor. In the case of inclement weather or any other unforeseen event causing the City to close for business or delay opening, bids will be received and opened the following business day at the designated time stated herein.

Two (2) signed copies of the City's General Terms and Conditions for Real Property Bids, must accompany the signed Bid Form. The bidder must also enclose a receipt of all addenda, an executed and completed conflict of interest questionnaire, and an original bid bond within their sealed bid response.

Any questions or requests for clarification must be submitted to the Purchasing Office, in writing, no later than 5:00 p.m., February 28, 2017. Questions may be faxed to 254-501-6308 or emailed to rjimenez@killeentexas.gov with the bid number and title in the subject line. There will be no exceptions. Any interpretations, corrections or changes to this Invitation to Bid and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the City of Killeen Purchasing Department. Addenda will be sent to all who are known to have received a copy of this Invitation to Bid. Any addenda will also be posted at:

- City of Killeen website: http://www.killeentexas.gov/index.php?section=107
- Demand Star: http://www.demandstar.com
- Electronic State Business Daily: http://esbd.cpa.state.tx.us/
- Ion Wave: https://killeentx.ionwave.net

Bids must be plainly marked on the outside of the envelope as follows: **"Bid No. 17-09, Sale of Camilla Rd. Real Property", Due by 2:00 p.m., March 2, 2017.** The City of Killeen reserves the right to reject any or all bids. The bids shall be valid for a period of thirty (90) days after the bid opening.

The real property is offered "**AS IS, WHERE IS, WITH ALL FAULTS**" and in its present condition.

Property ID and location: 20895, corner of Buckley Ave. and Camilla Rd., Killeen, TX

Site Description:

There is security fencing around the site and a possible water pipe underground that was abandoned in place on the subject property. It is primarily vacant land . The land is generally level topographically and is near square in shape with the northwest corner cut by the Buckley Ave. and Camilla Rd. right-of-way encompassing approximately .505 acres. A chain link fence surrounds the property. The subject property is bounded on the south by residential homes fronting along Farhills Dr and bounded on the north and west by residential property as well.

Legal Description:

The property is legally described as being 0.505 acre tract of land, out of the Thomas Robinett Survey, Abstract 686, Bell County, Texas, being that same tract of land conveyed to the City of Killeen as recorded in Volume 1025, Page 769, said county deed records, less and except that portion dedicated as right-of-way on the plat of Sugar Loaf Estates Addition, 3rd Extension as recorded in Cabinet A, Slide 341-C, said county plat records.

Zoning:

The subject property is located within the City of Killeen and is subject to all applicable zoning and development codes. The property is currently located in an R-1 (Single-Family Residential District) zoning designation.

Minimum Bid: $5000.00.

Bidder's Initials

TOTAL AMOUNT BID FOR SUBJECT PROPERTY: (In words)

NINE THOUSAND DOLLARS & no cents; (in numbers) $ 9000.00, plus any applicable closing costs associated with the sale, which shall be at my sole expense.

PROPOSED USE OF PROPERTY AND TIME SCHEDULE CONTEMPLATED TO COMMENCE ACTIONS TO DEVELOP PROPERTY FOR SAID USE AND ENJOYMENT:

Extension of property. Build a pad for the small RV. Construct a garden area. Plant trees, shrubbery, and Flowers; in addition, landscape as we have done to our own property.

Removing brush and trimming trees will be the first to begin. Landscaping, adding trees, scrubs, and garden will be a work in progress.

NAME: MICHAEL WALSH & NIKKI CHAMBERS WALSH

ADDRESS: 1101 Farhills Drive, Killeen TX 76549

SIGNATURE: _____ DATE: 24 Feb 17

PRINT: Michael Walsh PHONE: 254-289-8645 cell

TITLE: Both Retired US Army, Retired Army Contractors FAX: _____

Payment must be made within thirty (30) days of notice of acceptance of bid.

Bid documents must be complete when received by the Purchasing Office. Name, address and telephone number, must be provided.

Bidder's Initials

EXHIBIT A

CITY CHARTER SECTION 145

SALE OR LEASE OF PROPERTY OTHER THAN PUBLIC UTILITIES OR ACQUIRED BY TAX SALE

Section 145. Any real property owned by the City of Killeen may be sold or leased by the City Council when in its judgment such sale or lease will be for the best interests of the city; provided, however, a sale or a lease for more than five (5) years shall never become effective until thirty (30) days after passage of the ordinance of [or] resolution affecting same. If, during such thirty day period, a referendum petition is presented to the City Clerk which in all respects conforms to the referendum provisions of Article X of this charter, and same is found sufficient, then the clerk shall certify the sufficiency of same to the City Council, and an election shall be called submitting the question of whether or not the sale or lease shall be consummated. Provided, further, however, the provisions of this section shall not apply to public utilities, nor to property purchased by the city at tax sales.

REAL PROPERTY SALE - BID GENERAL TERMS AND CONDITIONS CITY OF KILLEEN

1. General Conditions

Bids submitted shall be subject to complete compliance with the following express conditions:

(a) These Bid General Terms and Conditions set forth certain instructions, terms, and conditions that apply to the sale of surplus City land conducted pursuant to Section 145 of the City of Killeen's City Charter. A copy of Section 145 is reproduced in full and is attached hereto as ***Exhibit A.*** Such sales are also governed generally by the provisions of the Texas Local Government Code, Chapter 272. Although the instructions, terms, and conditions contained herein do not constitute an ordinance, resolution, or motion binding upon the City, a Bidder submitting a Bid on a sale conducted pursuant to Section 145 certifies by signing the Bid form that the Bidder has read the provisions contained herein and that the Bidder agrees that the provisions will be strictly enforced in all respects and will be binding upon the Bidder for all purposes.

(b) Bidders shall make all investigations necessary to thoroughly inform themselves regarding the condition of the subject real property and the requirements of the Bid package. No plea of ignorance by the Bidder of conditions that exist or that may hereafter exist as a result of failure or omission on the part of the Bidder to make the necessary examinations and investigations, or failure to fulfill in every detail the requirements of these terms and conditions or accompanying bid package, will be accepted as a basis for varying the requirements of the City or the acceptability of a Bidders Bid.

(c) Inspection. The property may be inspected for suitability and feasibility commencing on the day following the date of the first publication of the notice of the Bid and ending on the day immediately preceding the required Bid submission date by driving by the subject location. Bidders that conduct an inspection shall be responsible for any damages caused thereby. BIDDERS SHALL INDEMNIFY, DEFEND AND HOLD CITY, ITS OFFICERS, EMPLOYEES, HEIRS AND ASSIGNS HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES OR DAMAGES TO THE PROPERTY, ADJACENT PROPERTIES OR PERSONAL PROPERTY, OR IN ANY WAY BROUGHT AGAINST THE CITY CAUSED BY THE BIDDER'S AND/OR BIDDER'S AUTHORIZED AGENTS, REPRESENTATIVE OR EMPLOYEE'S ACTIONS DURING THE INSPECTION PERIOD OR AS A RESULT OF ANY INSPECTION OF THE PROPERTY BY SUCH PARTIES. **BIDDER SHALL NOTIFY THE CITY'S PURCHASING OFFICE AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO ANY SUCH INSPECTION.**

(c) **Property Sold "AS IS":** The Property and any improvements thereon, if any, are sold "AS IS, WHERE IS, WITH ALL FAULTS". The successful bidder represents that as of the closing date of the Bid process, the successful bidder has fully inspected the Property and shall have made all investigations it deems necessary or appropriate and will be relying solely upon its inspection and investigation of the Property for all purposes whatsoever, including but not limited to the determination of the condition of the structures, improvements, soils, subsurface, drainage, surface and ground water quality, and all other physical characteristics, availability, and adequacy of utilities, compliance with the governmental laws and regulations, access, encroachments, acreage, and other survey matters and the character and suitability of the property. The successful bidder also acknowledges and agrees that the Property is being purchased and conveyed "AS IS, WHERE IS" with all faults and defects whether patent or latent as of the closing. The successful bidder acknowledges that there have been no representations, warranties, guarantees, statements or information expressed or implied pertaining to the Property, its condition or any matters whatsoever, made to or furnished to the successful bidder by City or any employee or agent of City, except as specifically set forth in the Bid package.

(d) In accordance with the City of Killeen's City Charter, a sale of real property shall not be deemed effective until thirty (30) days have elapsed after passage of an official resolution approving the same.

(e) The Property. The property is generally and legally described in the accompanying Invitation to Bid - Bid Form. The property is also more specifically described in ***Exhibit B***, which is attached hereto for all purposes.

2. Preparation of Bid

Bids shall be prepared in accordance with the following:

(a) All information required by the Bid package shall be included within the sealed Bid and shall include, without limitation, the Bid proposal, bid bond, and conflict of interest form. The Bidder shall print or type his/her name and manually sign the Bid and each continuation sheet upon which an entry is made.

(b) Amount of Bid. Under all circumstances, in the spaces provided on the bid form for entering the bid amount, the bid must be expressed in dollars and cents. **This sale is a cash sale. There will be no financing offered by the City, and the City will not accept property in exchange.**

(c) Alternate Bids will not be considered unless authorized by the City.

(d) Bid Deposit. **Each bid must be accompanied by a deposit of at least ten-percent (10%) of the total dollar amount of the bid.** The bid deposit must be in the form of a cashier's check, certified check, or money order payable to the City of Killeen, or a bond with a corporate surety authorized to do business in the State of Texas. A sample of a bidder's bond is attached hereto as ***Exhibit C.*** Any other bond form will be subject to rejection if, in the opinion of the City Attorney, it fails to secure the City in the performance of the specified terms and conditions of the sale. The opinion of the City Attorney shall be final.

3. Pre-Bid Site Visit

Pre-Bid Site Visit. The City of Killeen will, if requested by any Bidder, host one pre-bid submission deadline site visit and information session for all interested Bidders. The date and time of this site visit will be scheduled following a request and shall be disseminated to all known Bid package holders via addendum. All persons wishing to attend must contact the City of Killeen's Purchasing office at 254-501-7723 to confirm. Any information given at the Pre-Bid Site Visit shall be considered provisional and shall only be relied upon following formal issuance of an addendum addressing the same.

4. Submission of Bid

By submitting your Bid, you acknowledge that the City of Killeen will not accept any Bid, or execute any contract submitted in conjunction with a Bid that requires the City to agree to any of the following:

- Governing law other than the law of the State of Texas
- Venue other than Bell County
- Mandatory arbitration
- Artificial limitation of liability
- Artificial statute of limitation
- Waiver of trial by jury

(a) Bid and changes thereto shall be enclosed in a sealed envelope addressed to the Purchasing Office, City of Killeen. The names and address of Bidder, the date and hour of the Bid opening and the Bid number shall be placed on the outside of the envelope.

(b) Bids must be submitted on the forms furnished. Telegraphic, faxed or emailed Bids will not be considered. However, Bids may be modified by written notice provided such notice is received prior to the time and date set for the Bid opening and conforms to the submission requirements detailed herein.

(c) All Bid documents shall be sealed and submitted no later than the specified date and hour of the Bid opening to:

Delivery Address:	Mailing Address:
City of Killeen	City of Killeen
Purchasing Office	Purchasing Office
207A W. Avenue D	207A W. AVE D
Killeen, TX 76541	Killeen, TX 76541

5. Rejection of Bid

Generally. The City Council of the City of Killeen reserves the right to reject any or all bids at any time prior to the elapsing of thirty (30) days following the approval and award of the sale to a specific Bidder as evidenced by a formal resolution voted on by the City Council authorizing the City Manager, or his designee, to effectuate the conveyance. In addition, the following shall apply to the rejection of any or all bids submitted.

Specifically. The City may reject a Bid if:

(a) The Bidder misstates or conceals any material fact in the Bid;

(b) The Bid does not strictly conform to applicable law or the requirements of the Bid package;

(c) The Bid is not accompanied by an acceptable Bid Deposit described in Section 2, above;

(d) The Bid is not submitted prior to the time and date specified in the City's Invitation to Bid - Bid Form;

(e) The Bid is not accompanied by a completed and executed Conflict of Interest Questionnaire (Form CIQ) even if the form is not applicable at the time of Bid submission, which is attached hereto as ***Exhibit D***; or

(f) For any other legitimate reason, as determined by the City, in its sole and absolute discretion.

6. Withdrawal of Bid

All Bids shall be considered irrevocable once submitted for a period of ninety (90) days following the date and time set for the Bid opening.

7. Late Bid or Modifications

Bid and modifications received after the time set for the Bid opening will not be open or considered.

8. Clarification or Objection to Bid Specifications

If any person contemplating submitting a Bid is in doubt as to the true meaning of the specifications, or other Bid documents, or any part thereof, he/she may submit to the Purchasing Office, a request for clarification by the deadline established in the Bid. All such requests for information shall be made in writing and the person submitting the request will be responsible for its prompt delivery. Any interpretation of the Bid, if made, will be made only by an addendum duly issued. A copy of such addendum will be

distributed to each person receiving a Bid package. The City will not be responsible for any other explanation or interpretation of the proposed Bid made or given prior to any Bid award.

9. Award of Bid (Acceptance of Offer to Purchase)/Protest

(a) The award of Bid (Acceptance of Offer to Purchase) will be awarded to the highest responsible Bidder or the responsible Bidder who submits the most advantageous Bid to the City, said advantage being based upon, but not necessarily limited to, the following factors:

* Total Bid offered
* The planned use of the property (taxable preferred)
* The extent to which the offer meets the City's needs
* Any other relevant criteria detailed in the Bid package
* Bidder's past relationship with City
* The proposed timeline for development
* The financial condition of the Bidder

(b) Final Award or Rejection of Bids. All Bid Deposits will be held in escrow by the City pending award of a Bid, or rejection of all bids, by the Killeen City Council. In order for a Bid to be awarded, City Council will adopt a resolution officially awarding the Bid and authorizing the City Manager, or his designee, to execute any and all conveyance documents necessary to consummate the sale of the property. After award of a Bid, the transaction shall be binding, subject only to applicable local and state laws identified in Section 1(a) of these Terms and Conditions and the preparation and execution of the documents necessary to consummate the transaction. The Bidder submitting the awarded Bid will be referred to hereafter as the "Buyer" and the Buyer's bid deposit shall be nonrefundable.

(c) Bid Protest. Any Bidder wishing to file a protest concerning alleged improprieties with this Bid solicitation must submit a formal protest in writing to the Purchasing Office within five (5) business days following the specified time of the Bid opening. The protest must identify the name, address and contact information of the Bidder contesting the Bid solicitation, the Bid name and number, and the specific legal grounds justifying the protest with all supporting documentation attached. A response to the protest will be prepared by the Purchasing Office within ten (10) business days of receipt of the protest. All determinations made by the Purchasing Office shall be deemed final.

(d) City's Rights upon Failure of Successful Bidder to Close the Transaction. In the event that the Killeen City Council accepts a Bid, the successful Bidder will be notified as provided below regarding closing the transaction. If for any reason the successful Bidder shall fail to render full payment of the consideration at such time, such failure shall be construed as a refusal to pay the consideration due the City under the terms of the Bid and as a refusal to accept the City's deed. Should the successful Bidder for any reason fail or refuse to close the transaction as required, the City shall have the right, at its option, to retain the Bidder's deposit or, if a Bidder's bond was furnished as the deposit, to be paid the amount of the bond by the bonding company, the amount of the deposit or bond being agreed upon as liquidated damages because of the difficulty of ascertaining the actual damages and the uncertainty thereof, and not as a penalty. In addition to the foregoing, it is understood and agreed that the City shall have the right, at its option, to pursue any and all other remedies available to it at law or in equity, including, but not limited to, the right to demand specific performance on the part of the successful Bidder. If the City is successful in enforcing the right to specific performance, it is understood and agreed that upon the City's demand, the successful Bidder shall also pay to the City all costs and reasonable attorney's fees incident thereto.

10. Closing/Respective Duties and Responsibilities

(a) Execution of Documents. After the authorized City representative has executed the conveyance documents and the same are available for delivery to the Buyer, the City shall notify the Buyer in writing of the location and the time the closing of the transaction will occur (the "Closing Date").

The transaction will settle on such date, at which time the Buyer will pay the full balance due under these Terms and Conditions. The Buyer's duty to proceed with the transaction shall not be subject to Buyer's acceptance, actual, constructive or otherwise, of the conveyance documents.

(b) Payment. The Buyer will be required at the Closing Date to pay the difference between the full amount of the Bid and the amount of the Bid deposit. If a Bidder's bond was furnished as the Bid deposit, the full amount of the Bid will be due and payable at the Closing Date. Payment of any cash consideration must be made in the form of a cashier's check, certified check, or money order payable to the City of Killeen.

(c) Settlement and Other Expenses. The City will be responsible for any expenses associated with the preparation of the conveyance documents; however, the Buyer shall be responsible for any other fees associated with this transaction including, without limitation, appraisal costs incurred by the Buyer, property inspection fees, tax certificate fees, brokerage fees, title commitment and insurance costs, closing services costs and any additional legal fees incurred by the Buyer to consummate the transaction.

(d) Buyer's Duty to Inquire as to Quality of Title. The Buyer shall be solely responsible to inquire as to the quality of the title of each parcel offered for sale by the City.

(e) Rights of Person in Possession. If the property offered by the City for sale, whether improved or unimproved, is, or appears to be, in the possession of any person whomsoever, each Buyer, before submitting a Bid on the property, shall satisfy himself as to the rights, if any, of the person in possession. A Buyer shall not be entitled to refuse to close the transaction because of the rights of any person in possession on the date the Buyer's Bid was submitted.

(f) Ad Valorem Taxes. Should there be any tax payments due, it is specifically understood and agreed that the Buyer will be purchasing the property subject to such tax liabilities and will be responsible for payment thereof. By acceptance of a deed from the City of Killeen, the Buyer is put on notice that the land conveyed to him will thereafter be subject to assessment for all taxes pro-rated from the date of sale.

(g) Conveyance Documents. The deed conveying land offered by the City for sale will be based on the description of the land prepared and/or approved by the City. The deed shall be executed and acknowledged on behalf of the City by the City Manager or his designee. The name of the grantee in the deed shall be the same as the name on the Bid form of the person, corporation, or other business firm submitting the Bid. The deed shall be in the form commonly referred to as a *"Special Warranty Deed"* under which the City will warrant title ". . . by, through, or under itself, but not otherwise . . . ," and the conveyance shall be subject to all easements, public utilities, whether of record or not, and all restrictions, covenants, conditions of record, and any other special restrictions or reservations specified in the Bid package or deed.

(h) **Indemnification.** The conveyance documents shall further provide that the BUYER SHALL WAIVE, RELEASE AND FOREVER DISCHARGE THE CITY OF KILLEEN, TEXAS, its officers, employees and agents and its respective successors, and assigns, collectively referred to as the "Released parties" of and from any and all suits, legal or administrative proceedings, claims or demands, actual damages, punitive damages, losses, liabilities, interest, attorney's fees, expenses of whatever kind or nature, in law or in equity, known or unknown (collectively referred to as "liabilities"), that the Buyer ever had, now has, or in the future may have, against any of the Released Parties based upon, or arising indirectly or directly out of: (i) the condition, status, quality or nature of the property; and/or (ii) the existence, presence or conditions of asbestos or any toxic or hazardous material in or under the Property identified under local, state or federal law. The Buyer also agrees to indemnify and save harmless the Released Parties from and against any and all liabilities that any of the Released parties may incur or become responsible for, as a result of any claims by any persons or entities whatsoever, including, but not limited to, any governmental authorities, based upon or arising directly or indirectly out of, the matters described

in clauses (i) and (ii) above.

11. Assurance of Compliance

For Equal Employment or Housing Opportunity and Small and/or Minority Business Enterprise Requirements, Bidder agrees that if this Bid is accepted, he/she will not engage in employment or housing practices which have the effect of discriminating against any person because of race, color, religion, national origin, sex, age, handicap, or political belief or affiliation.

12. Conflict of Interest Disclosure Questionnaire

The Bidder agrees that if a member of the City Council a Council member's close relative or any officer or employee of the City has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the City, or be financially interested, directly or indirectly, in the sale to or from the City any land, materials, supplies or services except on behalf of the City, as an officer or employee, the official and Bidder shall file before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and said official shall abstain from further participation in the matter if:

(a) in the case of a substantial interest in a business entity the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(b) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

Chapter 176 of the Texas Local Government Code mandates the public disclosure of certain information concerning persons doing business or seeking to do business with the City of Killeen, including affiliations and business and financial relationships such persons may have with the City of Killeen.

13. Venue for Legal Action

This agreement shall be governed and construed according to the laws of the State of Texas. Venue for purposes of any and all lawsuits, causes of actions, claims or disputes shall be in Bell County, Texas.

14. Conflicts in Bid General Terms and Conditions

If any conflicts exist between these Bid General Terms and Conditions and any agreement entered into between the City and Bidder as a result of the bidding process, these Bid General Terms and Conditions shall prevail.

15. Acknowledgement

The Bidder, by their signature, represents that they have read the "Bid General Terms and Conditions," and will comply with and be bound by these terms and conditions.

SIGNATURE: _____ DATE: 24 Feb 17

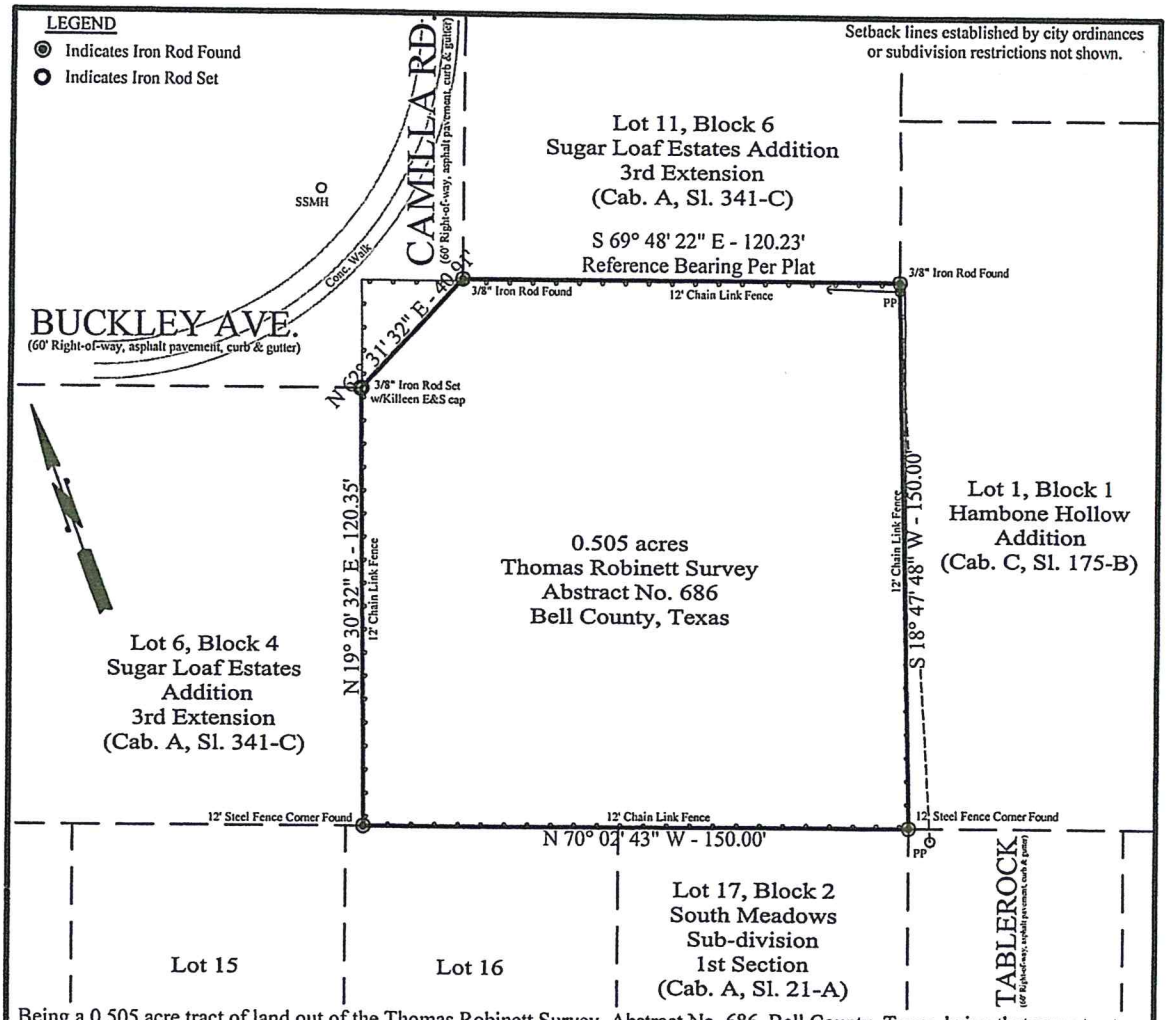
PRINT NAME: Michael WALSH

COMPANY NAME: Michael & NIKKI WALSH

ADDRESS: 1101 Farhills Dr CITY/STATE/ZIP: Killeen, TX 76549

CONTACT INFORMATION: 254 298 8645 MDWalsh70@Hotmail.com (Telephone/Fax/Email)

EXHIBIT B
PROPERTY DESCIRIPTION



Being a 0.505 acre tract of land out of the Thomas Robinett Survey, Abstract No. 686, Bell County, Texas, being that same tract conveyed to the City of Killeen as recorded in Volume 1025, Page 769, said county deed records, less and except that portion dedicated as right-of-way on the plat of Sugar Loaf Estates Addition, 3rd Extension as recorded in Cabinet A, Slide 341-C, said county plat records; said 0.505 acre tract being more particularly described as follows:

Beginning at a 3/8" iron rod set with Killeen E&S cap in the South margin of Buckley Avenue, said rod being the Northeast corner of Lot 6, Block 4, Sugar Loaf Estates Addition 3rd Extension as recorded in Cabinet A, Slide 341-C, said county plat records, and being the Northwest corner of said City of Killeen tract for the Northwest corner of the herein described tract;

THENCE N 62° 31' 32" E, 40.91 feet (N 64° 53' 17" E, 42.20 feet - plat) with the South margin of Buckley Avenue, the North line of said City of Killeen tract and the North line of the herein described tract to a 3/8" iron rod found in the East margin of Camilla Road, said rod being the Southwest corner of Lot 11, Block 6 of said Sugar Loaf Estates 3rd Extension, and being a corner in the North line of said City of Killeen tract for a corner in the North line of the herein described tract;

THENCE S 69° 48' 22" E, 120.23 feet (Reference bearing per plat, 120.08 feet - plat) with the South line of said Lot 11, the North line of said City of Killeen tract and the North line of the herein described tract to a 3/8" iron rod found in the West line of Hambone Hollow Addition as recorded in Cabinet C, Slide 175-B, said plat records, being the Southeast corner of said Lot 11 and the Northeast corner of said City of Killeen tract for the Northeast corner of the herein described tract;

THENCE S 18° 47' 48" W, 150.00 feet (S 19° 30' W, 150 feet - deed) with the West line of said Hambone Hollow Addition, the East line of said City of Killeen tract and the East line of the herein described tract to a 12' steel fence post found in the Northwest margin of Tablerock and the Northeast corner of Lot 17, Block 2, South Meadows Sub-division 1st Section as recorded in Cabinet A, Slide 21-A, said plat records, said post being the Southeast corner of said City of Killeen tract for the Southeast corner of the herein described tract;

THENCE N 70° 02' 43" W, 150.00 feet (N 69° 51' W, 150 feet - deed) with the North line of said Lot 17 and the North line of Lot 16, Block 2 of said South Meadows Sub-division 1st Section, the South line of said City of Killeen tract and the South line of the herein described tract to a 12' steel fence post found, said post being in the North line of said Lot 16, being the Southeast corner of the above mentioned Lot 6, and being the Southwest corner of said City of Killeen tract for the Southwest corner of the herein described tract;

THENCE N 19° 30' 32" E, 120.35 feet (N 19° 34' 56" E, 120.35 feet - plat), with the East line of said Lot 6, the West line of said City of Killeen tract and the West line of the herein described tract to the POINT OF BEGINNING.

STATE OF TEXAS
REGISTERED
MICHELLE E. LEE
5772
PROFESSIONAL
LAND SURVEYOR

4-7-16

KILLEEN ENGINEERING
& SURVEYING, LTD
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 526-3981 FAX (254) 526-4351
TBPLS REGISTRATION NO. 100144-00

PROJECT NO: 2016-008
DATE: April 7, 2016
SCALE: 1" = 40'

EXHIBIT C

BID BOND

Bidders must submit a 10% bid bond or cashier's check, certified check or money order payable to the City of Killeen with their bid. Bidders are encouraged to use the City's attached bid bond form for this purpose if a bond is obtained. The City may reject bids that include bid bonds submitted on something other than the City's form if it determines, in its sole discretion, that the bid bond does not provide the same level of protection as the City's bid bond form provides.

N/A Money ORDER ATTACHED

BID BOND

THE STATE OF TEXAS §
COUNTY OF BELL §

SURETY'S No. _____

KNOW ALL MEN BY THESE PRESENTS, THAT _____

_____

_____

(Hereinafter called the Principal), as Principal, and _____

_____

(hereinafter called the Surety), as Surety, a legal entity duly authorized to transact surety business in the State of Texas, are held and firmly bound unto the City of Killeen, Texas, a home rule municipal corporation of Bell County, Texas (hereinafter called the Obligee) in the amount of

_____DOLLARS ($_____),

for the payment whereof said Principal and Surety bind themselves, and their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid to enter into a certain written Contract with the Obligee generally identified as:

[Project Name/ Bid No.]_____

_____

_____

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Obligee awards the Contract to the Principal and the Principal shall enter into such written Contract in accordance with the terms of such bid, then this obligation and bond shall be deemed void. IT IS EXPRESSLY UNDERSTOOD AND AGREED that if the Principal should withdraw its Bid anytime after such bid is opened and before official rejection of such bid or, if successful in securing the award thereof, said Principal should fail to enter into the written Contract in accordance with the terms of such Bid including, without limitation, furnishing satisfactory Performance and Payment Bonds and required insurance certificates, this Bid Bond shall become the property of the Obligee, without recourse of the Principal and/or Surety, not as a penalty, but as liquidated damages.

PROVIDED, further that if any claim, controversy or other legal action should arise under this Bid Bond, venue shall lie in Bell County, Texas.

IN WITNESS WHEREOF, the said Principal and Surety do sign and seal this instrument, this _____ day of _____, 20_____.

_____	_____
Principal/Contractor	Surety
By_____	By_____
Authorized Agent	Attorney-in-Fact
Address _____	Address_____
_____	_____

NOTE: Attach Power of Attorney (Surety) for Attorney-in-Fact

EXHIBIT D
FORM CIQ CONFLICT OF INTEREST QUESTIONAIRE

NIKKI & Michael WALSH

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

None

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

None

Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☒ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

None

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

24 Feb 17

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:
(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
(B) a transaction conducted at a price and subject to terms available to the public; or
(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):
(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:
***
(2) the vendor:
(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that
(i) a contract between the local governmental entity and vendor has been executed;
or
(ii) the local governmental entity is considering entering into a contract with the vendor;
(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:
(i) a contract between the local governmental entity and vendor has been executed; or
(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)
(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:
(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
(3) has a family relationship with a local government officer of that local governmental entity.
(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:
(1) the date that the vendor:
(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
(2) the date the vendor becomes aware:
(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
(B) that the vendor has given one or more gifts described by Subsection (a); or
(C) of a family relationship with a local government officer.

City of Killeen, TX
Sale of Camilla Rd Real Property
Bid No. # 17-09

To Whom it may concern:

Michael & Nikki Walsh have received the 'Invitation to Bid' document, including Addendums A, B, C, and D. _____
Bidders Initials

We have completed the forms to the best of our knowledge and understanding in 2 complete sets of the 'Invitation to Bid' packet provided.

In addition, we have enclosed a money order made out to City of Killeen for the amount of $900.00 for a bidding / purchaser's deposit.

24Feb17

Michael & Nikki Walsh
1101 Farhills Drive
Killeen, TX 76549
254-289-8645
Mdwalsh7@hotmail.com

City of Killeen

Legislation Details

File #:	RS-17-036	**Version:**	1	**Name:**	Procurement of Street Sweeper
Type:	Resolution			**Status:**	Resolutions
File created:	3/6/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution authorizing the procurement of a street sweeper necessary to meet MS4 permit requirements.				
Sponsors:	Environmental Services, Fleet Services, Public Works Department, Streets				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Quote Street Sweeper Certificate of Interested Parties				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**Authorize the procurement of a street sweeper necessary to meet MS4 permit requirements.**
ORIGINATING DEPARTMENT	**Public Works/Environmental Services/Drainage Maintenance/Streets**

BACKGROUND INFORMATION

In 2012, the City Council adopted the City's Storm Water Management Program (SWMP) to meet the TCEQ's mandated Phase II permit requirements. The Phase II permit (MS4 permit), requires the city to reduce the amount of sediment entering the City's storm sewers and watercourses. Street sweeping is one of the primary ways of accomplishing this task. The City has been unable to meet the required minimum number of lane miles swept annually with our current staff levels and equipment. The City must add a street sweeper this year to prevent water quality violations and decrease the impact to the macrobenthic community in the City's creeks. The City's MS4 permit mandates that the City purchase and have in service one (1) additional Regenerative Air Sweeper by September 30, 2017, staffed prior to December 13, 2018.

DISCUSSION/CONCLUSION

The City of Killeen is a member of several purchasing cooperatives that are in compliance with the Texas Local Government Code section 271.102. Purchases made through a cooperative satisfy competitive bid requirements. The needed equipment would be provided by TYMCO Inc. utilizing the HGAC Purchasing Cooperative per pricing below.

Item	HGAC Vendor	Quote
Model 600 Regenerative Air Street Sweeper	TYMCO Inc.	$225,335.00

FISCAL IMPACT

Funding for this equipment is available in the amount of $225,335.00 through account number 575-3448-434.61-10 of the 2017 Drainage Maintenance Motor Vehicles account. The current available budget in the account is $300,000.

RECOMMENDATION

Staff recommends approval to purchase the Model 600 Regenerative Air Street Sweeper from TYMCO Inc. utilizing the HGAC Purchasing Cooperative for the total cost of $225,335.00 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.

HGACBuy	CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only	Contract No.:	SW04-16	Date Prepared:	2/28/2017

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Killeen, TX	**Contractor:**	**TYMCO, Inc. (ISSUE P.O. TO TYMCO, Inc.-email below)**
Contact Person:	Joe Stuart	**Prepared By:**	Kaye Morgan
Phone:	254-501-8895	**Phone:**	254-799-5546
Fax:		**Fax:**	254-799-2722
Email:	jstuart@killeentexas.gov	**Email:**	kaye.morgan@tymco.com

Product Code:	**BI06**	**Description:**	**TYMCO Model 600 Regenerative Air Sweeper**

A. Product Item Base Unit Price Per Contractor's H-GAC Contract: $ 116,300.00

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.

Description	Cost	Description	Cost
Hi/Low Pressure Washdown System 600005	$ 1,500.00	Hopper Drain 600020	$ 565.00
Auxiliary Hand Hose - 8" 600035	$ 1,225.00	Gutter Broom Tilt Adjuster - Right 600022	$ 650.00
Abrasion Protection Package 600036	$ 1,275.00	Sweeper Deluge 600013	$ 1,050.00
Auxiliary Hydraulic System 600053	$ 1,130.00	High Output Water 600045	$ 850.00
Pick-Up Head Curtain Lifter 600087	$ 1,605.00	Broom Assist Pick-Up Head 600064	$ 4,350.00
Reverse Pick-Up Head System 600082	$ 410.00	Variable Speed Gutter Brooms 600070	$ 775.00
COMDEX Package 600021	$ 4,900.00	AWTI Camera/Monitor System - 2 cameras 600008-B	$ 2,600.00
		2016 International 4300-DT Chassis 600710	$ 77,750.00
High Capacity Dust Separator is standard on HGAC			
contract		**Subtotal From Additional Sheet(s):**	
		Subtotal B:	$ 100,635.00

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.

Description	Cost	Description	Cost
Dump Switch in Cab	$ 200.00	Hopper Chip Seal/Milling Screen (Exchange)	$ 600.00
Hopper Load Indicators	$ 400.00	Auto Sweep Interrupt w/Overspeed Interrupt	$ 1,000.00
Hopper Suction Throat Inlet Liner w/Wear Flange	$ 1,500.00	Additional Nozzle w/Separate Switch - Hopper	$ 400.00
2017 International 4300-DT Chassis UPGRADE	$ 2,000.00	Pick-Up Head Inlet Water Injection System	$ 1,800.00
		Subtotal From Additional Sheet(s):	
		Subtotal C:	$ 7,900.00

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	**For this transaction the percentage is:**	4%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C) $ 224,835.00

Quantity Ordered:	1	X **Subtotal of A + B + C:**	$ 224,835.00	=	**Subtotal D:**	$ 224,835.00

F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation

Description	Cost	Description	Cost
Freight/PDI/Inservice	$ 500.00		
		Subtotal F:	$ 500.00

Delivery Date:	**60-90 Days**	**G. Total Purchase Price (D+E+F):**	$ 225,335.00

TYMCO
600
COMDEX

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

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:
2017-172913

Date Filed:
02/28/2017

Date Acknowledged:

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

TYMCO, Inc
Waco, TX United States

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

City of Killeen, TX

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.

SW04-16
TYMCO Model 600 Regenerative Air Sweeper

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. [X]

6 AFFIDAVIT

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

G KAYE MORGAN
Notary Public
STATE OF TEXAS
ID#694645-1
My Comm. Exp. Dec. 31, 2020

Kenneth J Young
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Kenneth J. Young, this the 1st day of March, 20 17, to certify which, witness my hand and seal of office.

G. Kaye Morgan	G. Kaye Morgan	Notary
Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath

City of Killeen

Legislation Details

File #:	RS-17-037	**Version:**	1	**Name:**	Appoint Election Judges and Alternate Judges
Type:	Resolution			**Status:**	Resolutions
File created:	3/9/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	Consider a memorandum/resolution appointing Presiding and Alternate Election Judges for the May 6, 2017 general election.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Council Memorandum				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**Consider appointment of Presiding and Alternate Election Judges**
ORIGINATING DEPARTMENT	**City Secretary/City Attorney**

BACKGROUND INFORMATION

Section 32.001 of the Election Code requires the City Council to appoint presiding and alternate judges for each of the polling locations used on Election Day.

DISCUSSION/CONCLUSION

The following Persons are hereby named as presiding election judges and alternate presiding judges for said election at said precinct polling places and as the Early Voting Ballot Board to process the early voting results.

PRECINCT #106:	**Yolanda Diaz - Presiding Judge** Judy Rucker - Alternate Judge
PRECINCT #109:	**Rose Mary Campbell - Presiding Judge** Dorothy Dendy - Alternate Judge
PRECINCT #201/204:	**Patricia Cummings - Presiding Judge** Rosalind Floyd - Alternate Judge
PRECINCT #205:	**Klaus Adam - Presiding Judge** Terry Mustapher - Alternate Judge
PRECINCT #206/402/409:	**Sue Hallmark - Presiding Judge** Roxanne Burns - Alternate Judge
PRECINCT #207:	**Paul Eishen - Presiding Judge** Laura Zuna - Alternate Judge
PRECINCT #203/208/210:	**LeeAnna George - Presiding Judge** Richard Hoxworth - Alternate Judge

PRECINCT #404:	**Phyllis Jones - Presiding Judge** Calvin Loc k - Alternate Judge
PRECINCT #405:	**John Driver - Presiding Judge** Johnnie James Williams, Sr. - Alternate Judge
PRECINCT #406:	**Lucille Ward - Presiding Judge** Laura Guyton - Alternate Judge
PRECINCT #401/412/413:	**Daryl Peters - Presiding Judge** Diane Smith - Alternate Judge
PRECINCT #408:	**Kriskeya Price - Presiding Judge** Maria Guzman - Alternate Judge
PRECINCT #410:	**Dorothy Kinsinger - Presiding Judge** Judy Killgo - Alternate Judge

EARLY VOTING BALLOT BOARD AND CENTRAL COUNTING STATION:
Barbara Garrett - Presiding Judge
Juanita Smith - Alternate Judge

EARLY VOTING

Locations:

Killeen Community Center -	Dorothy Kinsinger Judy Killgo
Lions Club Senior Center -	Rose Mary Campbell Dorothy Dendy
City Hall -	Laura Zuna Kriskeya Price

FISCAL IMPACT

The average cost to conduct an election is $58,000.00 and $58,000.00 has been budgeted in Account No. 010-1010-416.50-45. The joint election agreement between the City and KISD provides that KISD will pay half of the election costs.

RECOMMENDATION

Staff recommends the above individuals be named to serve as election officials for the election on May 6, 2017.

City of Killeen

Legislation Details

File #:	PH-17-013A	**Version:** 1	**Name:**	Seizure Fund Expediture	
Type:	Resolution/Public Hearing		**Status:**	Public Hearings	
File created:	2/22/2017		**In control:**	City Council Workshop	
On agenda:	3/21/2017		**Final action:**		
Title:	Consider a memorandum/resolution for projected expenditure from the state seizure account for the Killeen Police Department.				
Sponsors:	Police Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Safety Equipment Quote Air Respirator Quotes DVR Examiner Quote Night Vision Instruments Quote Trauma Kit Quotes Cellebrite Recovery Data Quote Sole Source Letter - Cellebrite Inc Cargo Box Quote Sole Source Letter - The Armored Group				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Projected Expenditure from the State Seizure Account**

ORIGINATING DEPARTMENT **Police Department**

BACKGROUND INFORMATION

State Law, under Chapter 59 of the Code of Criminal Procedure, authorizes the state to share forfeited property and cash seized during criminal investigations with the participating law enforcement agency. Shared funds are kept in separate accounts that are monitored, regulated, and controlled by the Chief Law Enforcement Officer. Shared funds allow local law enforcement to fund programs that expand crime fighting resources and enhance the enforcement abilities of the department above what is routinely accessible though the normal budget process. The governing body is required to be notified of budgeted expenditures from these accounts, and the municipality may not use expenditures to offset or decrease salaries, expenses, or allowances already budgeted as the result of the availability of these funds.

Typically, seizure funds are utilized to acquire equipment that enhances the policing operation of a department, increasing the ability to safely conduct investigations and ensure convictions. Expenditures are normally one-time procurements of equipment or temporary support of new, unbudgeted police operations. We have utilized these funds for programs such as police canines, specialized training, purchase of surveillance equipment, crime scene equipment, and advanced computer technology, and to pay off third-party liens on vehicles acquired through the seizure process.

DISCUSSION/CONCLUSION

The Police Department's Tactical Response Unit is in need of tactical helmets and hearing protection with integrated microphones. Over the past year the team completed an extensive review of entry procedures and techniques. That review resulted in changes in the techniques used by the entry team when serving search and arrest warrants. The change requires new headsets with hearing protection. In order to accommodate the headset and hearing protection, new tactical helmets need to be purchased. The items are safety equipment to protect hearing of Tactical Response Unit Officers when making tactical entries. The total cost for the tactical entry helmets is $9,000. The total cost for the microphones, hearing protection, and accessories is $40,223.

The Tactical Response Unit needs a cargo box to be secured to the top of the rescue vehicle. The cargo box allows for storage of TRU equipment. The cargo box is designed specifically for the rescue vehicle. The total cost of the item is $3,700.

The Tactical Response Unit must be prepared for a biological and or chemical attack. This necessitates the purchase of air purifying respirators which will allow the team to operate in a high threat environment. The cost of 25 masks is $27,720.

The Special Investigations Division detectives are not able to recover, in a forensically sound environment, many surveillance videos from local businesses and residences. This is primarily because of an incompatibility in recovery systems and many business employees or residents do not know how to download the videos. A Digital Video Recovery Examiner allows the detective to capture the video evidence in a forensically sound environment, without having to disable the business or homeowner's surveillance system. The cost of the DVR Examiner is $2,700**.**

The Patrol Division has two night vision optical instruments that have exceeded the recommended manufacturer life expectancy; one is no longer repairable. The units are 15 years old and are no longer supported by manufactured warranty. The Department deploys these devices in night patrol tactics to apprehend criminal elements. The Department will replace one of the devices at a cost of $5,230.

Patrol Officers are the first responders in all traumatic incidents. The officers have limited capability when assisting emergency medical needs of citizens and fellow officers while waiting for emergency medical technicians to arrive. The Department needs to purchase emergency medical trauma kits to provide to all patrol officers. The total cost for kits is $21,000.

The Police Department's Organized Crime unit needs to upgrade the equipment that is used to recover data from cellular phones and devices that use micro memory cards. The cost of this system is $25,500.

In compliance with Chapter 59.06, this memorandum is to provide notice to the governing body of the projected expenditure of funds from the police department's State Seizure account in the amount of $135,073.

FISCAL IMPACT

Funding for the purchase of the equipment will be available in the Police State Seizure Fund after approval of a budgetment amendment in the following accounts:

208-0000-495-46-35 - $104,343
208-0000-495-61-35 - $30,730
Combined Total - $135,073

RECOMMENDATION

It is recommended that this memorandum be passed by the City Council acknowledging the expenditure of funds from the State Seizure account for the above qualified purchases.

Quote	QTE0086440
Date	2/13/2017
Page:	1

GT Distributors - Austin
P.O. Box 16080
Austin TX 78761
(512) 451-8298 Ext. 0000

Bill To:

Killeen City of (TX)
P O Box 1329
Attn: Accounts Payable
Killeen TX 76540-1329

Ship To:

Killeen PD
3304 Community Blvd
Attn: Jason S Petty
Killeen TX 76541

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
KPD PTA-TCI	000131	BF	FACTORY DIRECT	NET 15	0/0/0000	1,319,462

Quantity	Item Number	Description	UOM	Unit Price	Ext. Price
25	TCI-CTB2-D-P53/LBKAI	TCI LIB II Left Mic For P7300 with ARC Rail Ac	Each	$929.17	$23,229.25
5	TCI-CTB3-U-P532-BSC/	TCI LIB III BLK LH Mic for P7300 W/ ARC Rail	Each	$1,716.67	$8,583.35
30	PTA-1192659*	Protech Delta 4 HC w/ R2S Liner - SM/MD	EA	$300.00	$9,000.00
30	PTA-RAIL-SET*	Protech Rail Set (Spec Color)	Each	$87.06	$2,611.80
30	PTA-RAIL-SET-BUNGE	Protech Rail Set w/ NVG Bungee's	Each	$110.59	$3,317.70
30	PTA-VAS-SHROUD-TRI	PROTECH NVG SHROUD FOR DELTA 4	EA	$70.00	$2,100.00
30	PTA-VAS-SHROUD-DR	Protech VAS Shroud Drilling & Mounting Fee	Each	$6.00	$180.00
1	NOTES	Notes:	EA	$0.00	$0.00
		Quotation reflects Buyboard Contract 432-13 Contract period 04/01/14-03/31/17.			

All returns must be authorized by GT Distributors. Interest charges on past due invoices at the maximum rate allowed by law.

Your salesman was Brad.
Thank-you for your business.

Subtotal	$49,022.10
Misc	$0.00
Tax	$0.00
Freight	$0.00
Total	$49,022.10

Quote

Avon Protection Systems
503 Eighth Street
Cadillac, MI 49601
United States of America
Tel: +1 (231) 779-6200
Fax: +1 (231) 779-6206

Invoice To:
Killeen PD Patrol
3304 Community Blvd
Killeen, TX 76542
United States of America

Deliver To:
Killeen PD Patrol
3304 Community Blvd
Killeen, TX 76542
United States of America

Customer: 3007647	**Quote No:** SQHC050170000094	**Reference:** Killeen PD
Sales Rep: KHORNE	**Date:** 15-Feb-17	**Validity Date:** 1-Apr-17
EU tax no.:	**Delivery Terms:**	**Payment Terms:** US Cash In Advance

Product		Quantity	Gross Pri Tax excl	Disc %	Surch %	Net price tax excl	Net amount tax excl
65-021100 72601-229	FM53 Twinpt Special Ops Kit ME	25 EA	1,414.00	0.00	0.00	1,414.00	35,350.00

Estimated Lead Time: 20 days after receipt of order
Freight costs quoted are valid for 30 days only

Products and Services	**35,350.00**	**USD**
Subtotal	**35,350.00**	
Sales Tax/VAT	**0.00**	
Total	**35,350.00**	**USD**

Except where stated otherwise, this quote shall remain valid for 30 days. All quotes issued by Avon Protection Systems shall be subject to its standard terms and conditions of sale, which can be accessed at docs.avon-rubber.com/aps. These terms and conditions shall prevail and be effective notwithstanding any inconsistent or additional terms contained in any purchase order or other document submitted by the customer. This quote does not constitute an offer and Avon Protection Systems reserves the right to withdraw or revise any quotation prior to the time of its written acceptance of customer's order for the Goods. The sale contract shall be formed at the time when receipt of the customer's purchase order is acknowledged in writing by Avon Protection Systems.

QUOTATION

4403 Forbes Blvd.
Lanham, MD 20706-4328
USA
301-683-1234
www.safewareinc.com

Order Number	
1493089	
Order Date	Page
2/14/2017 15:38:05	1 of 1

Quote Expires On 2/28/2017

Bill To: **Customer ID:** 78711

Killeen Police Department
3304 Community Blvd
Killeen, TX 70541

Ship To:

Killeen Police Department
3304 Community Blvd
Killeen, TX 70541

254-432-1511

Requested By: Mr. Nathan McCown

PO Number	*Taker*	*Email*
Avon FM53 Twin Port - 25 each	Heather Campbell	hcampbell@safewareinc.com
Freight Terms	***Phone***	***Fax***
Freight Paid		

Quantities					*Item ID* / *Item Description*	*Pricing UOM*		*Unit Price*	*Extended Price*
Ordered	*Allocated*	*Remaining*	*UOM*	*Unit Size* / *Disp.*			*Unit Size*		
25.00	0.00	25.00	EA	1.0	AVO 72601-229 FM53 Twinport Spec Responder Kit MD Kit includes: Twin Port FM53 APR, Clear Outsert Assembly, BlueBlocker Outsert Assembly, CBRN Canister, CTCF50 Riot Agent Canister, Universal Carrier & Storage Faceform, does not include battery ***Order Line Notes:*** Sizes will need to be provided at time of order.	EA	1.0	1,108.80	27,720.00
1.00	0.00	1.00	EA	1.0	US COM US Communities Contract Information Contract number: 4400001839 Standard freight charges for shipments within the continental US are paid. Any Hazardous material charges or expedited freight will be billed. *Agency must be registered with US Communities at www.uscommunities.org	EA	1.0	0.00	0.00

Total Lines: 2

SUB-TOTAL:	27,720.00
TAX:	0.00
AMOUNT DUE:	**27,720.00**

Actual freight added per freight terms

Quote

TACTICAL ARMOR

TACTICAL ARMOR GROUP
6407 BARDSTOWN ROAD #178
LOUISVILLE, KY 40291
ARMOROPS.COM
502-751-0778

DATE February 16, 2017
CUSTOMER ID KIPD

TO Killeen PD
Sgt. Nathan McCown
3304 Community Blvd
Killeen, TX 76542

SALESPERSON	JOB	COLOR	
CHRIS BRANDS			

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
25.00	# 72601-229 FM53 Twinport Specialist Responder Kit	$1,343.30	$33,582.50

CHRIS G BRANDS
502-751-0778
CHRIS@ARMOROPS.COM

SUBTOTAL	$33,582.50
SALES TAX	
TOTAL	**$33,582.50**

THANK YOU FOR YOUR BUSINESS!

DME Forensics Incorporated
17301 W. Colfax Ave.
Suite 400
Golden, CO 80401
(800) 413-0363
sales@dmeforensics.com
http://dmeforensics.com

Quote 1397

Account

Killeen Police Department
Rick martinez
rmartinez@killeentexas.gov

DATE	TOTAL	EXPIRATION DATE
02/21/2017	$2,695.00	03/21/2017

ITEM	QTY	RATE	AMOUNT
DVR Examiner - One Year Subscription	1	$2,995.00	$2,995.00
Law Enforcement Discount	1	($300.00)	($300.00)
		TOTAL	$2,695.00

THANK YOU.

Interested in training? Add the DVR Examiner User Certification Course for just $500 visit http://dmeforensics.com/training for our full course offerings.

FEIN: 46-1490287. We accept Check, Wire and Credit Card payments. For information on how to pay or a copy of our W-9 please visit http://dmeforensics.com/payments

205 Westwood Ave | Long Branch, NJ 07740 | 877-571-7901 | 732-222-7077 | 732-222-7088 (fax)

TEquipment.NET USA
An Interworld Highway, LLC Company

QUOTATION
Quote #: 1566127
Date: 2/9/2017

CITY OF KILLEEN
KILLEEN POLICE HQ - A/P
GAnderson@killeentexas.gov
3304 Community Blvd
Killeen, TX 76542
United States
(254) 5018830

Ship To:
Killeen Police Department
Greg Anderson
ganderson@killeentexas.gov
3304 Community Blvd
Killeen, TX 76542
United States
2545018910

Quote Provided By:
Cedric Villena
Sales
877-571-7901
Email:
salesteam@tequipment.net

Hi Greg,

Thank you for emailing us. As per your request, please see the price and delivery for your item below.

If you spend $200.00 or more on any qualifying Flir products between now and 3/31/17 - you will be eligible for the current promotion!

You can view the current Flir promotion redemption form here: http://www.tequipment.net/flir-free-gift-promotion/

We have also quoted you an optional item that we strongly recommend.

If you need anything else to furnish your facilities please know we offer a variety of products from bench meters, function generators, power supplies, spectrum analyzers, and much more!

Shop with confidence! We offer the lowest price guaranteed. See our price guarantee details here.

How to place your order

- Fax or email us your purchase order: 732-222-7088 or orders@Tequipment.NET
- Or call us at 877-571-7901 | 732-222-7077
- Or use the link below to order online using a credit card or PayPal.

Item	Unit Price	Qty	Total
FLIR HS-324 COMMAND HS-324 COMMAND, 19mm lens, NTSC 30 Hz video **Notes:** Lead Time: to follow Product Info: http://www.tequipment.net/FLIR/HS-324-COMMAND/Law-Enforcement/Thermal-Imagers/	~~$6,299.00~~ $5,196.40	1	$5,196.40

Subtotal: $5,196.40
Shipping (Ground): $33.55
Grand Total: $5,229.95

Terms: Net 30

* If you do not already have Terms with us, please fax your standard bank and trade references to 1-732-222-7088 or fill out our form found here: https://www.tequipment.net/credit-application/

CLICK TO PLACE ORDER

Check Options to Add

Optional Items:

Item	Unit Price	Qty	Optional

	FLIR 4115972 RCA Video Output Cable, HS And TS Series **Notes:** In Stock	~~$10.00~~ $8.80	1	
Product Info: http://www.tequipment.net/Flir4115972.html				

To place your order on a purchase order, please email or fax your PO to either orders@tequipment.NET or 732-222-7088, whichever is more convenient.

Thank you for choosing www.Tequipment.NET

Cedric Villena
Product Specialist

Buy From People, Not the Internet

Quote Valid for 60 Days subject to availability and our Terms & Conditions:

http://www.tequipment.net/service/terms/

Tequipment.NET | Tax ID: 20-2111443 | Cage Code: 3GLB3 (Small Business) | DUNS: 129876007
205 Westwood Ave | Long Branch, NJ 07740 | 877-571-7901 | 732-222-7077 | 732-222-7088 (fax)

These commodities, technology or software cannot be exported from the United States in violation of any U.S. export administration regulations. Diversion contrary to U.S. law is prohibited.

OpticsPlanet.com,
A Division of OpticsPlanet, Inc.
3150 Commercial Ave
Northbrook, IL 60062
Phone: (800) 504-5897
Fax: (847) 919-9409
Email: Sales@OpticsPlanet.com

Quotation

QUOTATION #	DATE	CUSTOMER ID	REFERENCE #
74374	2/9/2017	4020336	0

SELL TO	SHIP TO
Greg Anderson Killeen Police Department 3304 Community Blvd Killeen TX 76549 United States	Greg Anderson Killeen Police Department 3304 Community Blvd Killeen TX 76549 United States

Shipping Method:	Value Shipping	Payment Method:		Last 4 digits:	
Freight Terms:	FOB Destination	Payment Terms:		PO Number:	
Delivery Information:	3-4 weeks for delivery	Offer Valid for:	30 days		
Sales Person:	Rafael Maldonado	All prices are in US dollars.			

SKU	DESCRIPTION	QUANTIT	TOTAL WEIGHT	UNIT PRICE	TOTAL
FR-HS-COMMAND19MM-431-0003-11-00	New, FLIR HS-324 Command 19mm Thermal Camera NTSC 30 Hz video	1	8	$5,557.65	$5,557.65

SUBTOTAL	$5,557.65
SHIPPING	$0.00
SALES TAX	$0.00
TOTAL	$5,557.65

If you have any questions concerning this quotation, contact our Sales Team via e-mail to Sales@OpticsPlanet.com or via phone (800) 504-5897, 7AM-8PM CST Mon-Fri, 9AM-5PM CST Sat-Sun.

Please see http://www.opticsplanet.net/our-policy.html for our Return & Exchange Policy.

Important Export Restrictions: Commodities, products, technologies, and services listed herein are subject to one or more of the U.S. export control laws and regulations enforced by the U.S. Department of State, the U.S. Department of Commerce, or the U.S. Department of the Treasury. It is unlawful and strictly prohibited to engage in conduct requiring a license or other approval from the proper U.S. Department without such license or approval. Such conduct includes, but is not limited to, the export, or attempt to export or otherwise transfer or sell any commodity, product or technical data, or furnishing any service to any foreign party, whether abroad or in the United States. Furthermore, U.S. law prohibits the sale, transfer, or export of items to Embargoed Countries and entities on the Department of State's List of Debarred Parties, the Department of Commerce's Denied Persons List, and the Department of the Treasury's Specially Designated Nationals and Blocked Persons List. It is the Buyer's responsibility to be aware of the Lists of Embargoed Countries, Debarred Parties, Denied Persons, and Specially Designated Nationals and Blocked Persons. These Lists can be found at the applicable U.S. Government agency website.

Having lawfully received the above commodities from OpticsPlanet, Inc., the Buyer and Entity and/or Person(s) listed in "Ship To" (1) assumes all responsibility to further comply with the requirements imposed by all applicable laws, regulations and administrative policies and (2) certifies that it will so comply. Diversion contrary to U.S. law is prohibited.

The export control laws and regulations are complex; therefore any summary of such laws and regulations provided by OpticsPlanet, Inc. herein is not comprehensive and is not to be taken as legal advice or counseling.

All Exports: These commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Diversion contrary to United States law is prohibited.

QUOTE

Order #	67562-00
Date	02/13/17
Customer #	61231
P.O. #	
Taken By	CYC
Sales Rep	web2
Ship Point	GLOBAL TEST SUPPLY
Ship Via	FED GROUND
Method	PREPAID & CHARGE
Instructions	
Req. Date	02/13/17
Terms	NET 1 DAY Applies to approved accounts

Bill To	www.shopFLIR.com WEB
Attn: Ship To	GREG ANDERSON CITY OF KILLEEN TX WEB Tel:

Correspondence To: *Cassie Afonso*
GLOBAL TEST SUPPLY
3310 KITTY HAWK RD
SUITE 100
WILMINGTON, NC 28405
Tel:(910)442-2164

Line	Product/ Description	Qty Order	Qty Ship/ Qty BO	Price Amount/ Unit	Discount %	Net Price	Amount (Net)
	DELIVERY, 2-3 WEEKS						
2	HS-324 COMMAND NTS 30HZ	1.00	0.00	6299.00	0.00	6299.00	6299.00
	HS-324 COMMAND NTSC 30HZ		1.00	Ea			
1	Lines Total Qty Shipped Total		0			Total	6299.00
						Freight Out	16.90
						Net Amount	6315.90

Prices remain firm for a period of thirty days
For pick ups, please contact your local branch for availablility

Quote

Custom Medical Solutions for the Harshest Environments on Earth

54 Girard St, Suite A
Durango, Colorado 81303 USA
Phone: 970-375-1241 Fax: 970-375-6343
sales@chinookmed.com
www.chinookmed.com

Order Number: 0060442
Date: 2/8/2017
Customer Number: 0031390

Salesperson: TC
Prepared By: TC
Quote Valid Until: 5/9/2017

Bill To:
Killeen Police Department
3304 Community Blvd.
Killeen, TX 76541

Ship To:
Killeen Police Department
3304 Community Blvd.
Killeen, TX 76541

Confirm To: Jonathan R. Rinehart

Customer P.O.	Ship VIA	F.O.B.	Terms
	UPS GROUND	ORIGIN PREPAID	Prepaid - CC

Ordered	Unit		NSN		Item Number	Price	Amount
280.00	KIT	Killeen IFAK	COTS	000	02528	120.0000	33,600.00

Net Order:		33,600.00
Less Discount:		0.00
Freight:		0.00
Sales Tax:		0.00
Order Total:	USD	33,600.00

Please visit our website for information about returns and restocking fees.
GSA Orders are eligible for 1% Net 20 Terms. Items on our GSA Schedule are designated with "GSA"
Items not on our Schedule are designated with "COTS" (Commercial Off The Shelf/Open Market).

GSA Schedule GS-07F-5989R

Chinook Medical Gear is a Veteran-Owned Small Business

CAGE 04JV2
DUNS 62-190-4622
TAX ID 84-1146493

NORTH AMERICAN RESCUE
www.NARescue.com 888.689.6277

35 Tedwall Court Greer SC 29650
Phone: (864) 675-9800
Fax: (864) 675-9880

QUOTE

QUOTE
Q27658

Quote Date: 02/07/2017

BILL TO: PROSPECT

KILLEEN POLICE DEPARTMENT
PROSPECT

SHIP TO: **PO #:** RINEHART

KILLEEN POLICE DEPARTMENT
JONATHON RINEHART
3304 Community Blvd
Killeen, TX 76542

Entered By: Jennifer McCallion *jmccallion@narescue.com* *Date/Time Printed: 02/13/17 13:07*

Contact Name	Contact Phone	Shipping Method	FOB Type	Payment Terms	Master #	Exp. Date
JONATHON RINEHART	254-462-6332	970-BESTWAY	ORIGIN	NET 30	230,759	03/09/2017

Quantity	UOM	Item Number	Item Description	Item Weight	Ext. Weight	Unit Price	Extended Price
222	EA	85-1238	KIT, EAGLE - BLK	0.00	0.00	$89.98	$19,975.56
		80-0264W	Bag, Eagle - Blk			ea	1.0
		30-0001	Tourniquet, CAT			ea	1.0
		10-0042	Dressing, Hyfin Vent Twin Compact			ea	1.0
		30-0093	Dressing, NAR 4" Flat ETD			ea	1.0
		30-0109	Gauze, Combat LE			ea	1.0
		ZZ-0034	Kit, 28 Fr NPA			ea	1.0
		ZZ-0282	Kit, Bear Claw Glove			ea	1.0
		ZZ-0063	Shears, NAR Trauma			ea	1.0

THANK YOU FOR INQUIRY!

NAR TAX ID: 27-1024029
NAR DUNS: 832426782
CAGE CODE: 06ST7

Subtotal	$19,975.56
Discount	$0.00
Freight	$350.00
Tax	$0.00
Total	**$20,325.56**

Please visit us at www.narescue.com

OFFICER SURVIVAL INITIATIVE

PO Box 542
Kingston
Washington
UNITED STATES 98346

Quote

Quote Date : 02/08/2017
All quotes valid for 30 days
Quote Number : 2017765Z

BILL TO:	SHIP TO:
Killeen Police Department Attn: Jonathan R. Rinehart 3304 Community Blvd. Killeen TX USA 76542	**Killeen Police Department** Attn: Jonathan R. Rinehart 3304 Community Blvd. Killeen TX USA 76542

Account Name:	**Killeen Police Department**	Quote Stage:	**Delivered**
Quote Prepared By:	**Daniel Sobole**	Contact No.:	**206.799.4717**

S.No.	Product Details	Qty	List Price	Total
1.	**Killeen Police Department IFAK** Custom IFAK to be build in Molle pouch: 1- Condor EMT Pouch molle type (black) 1- CAT tourniquet Blk 1- Hyfin vent twin pack chest seals 1- Israeli bandage 6” 1- Compressed Gauze 1- Truama Sheers 5.5” black handled 1- Quick Clot EMS Roll	280	$89.67	$25,107.60
2.	**Shipping, 10-15lbs**	8	$12.35	$98.80
			Sub Total	**$25,206.40**
			Tax	$0.00
			Adjustment	$0.00
			Grand Total	**$25,206.40**

Terms and Conditions

Notes

Cellebrite Inc.
7 Campus Drive
Suite 210
Parsippany, NJ 07054
USA
Tel. +1 201 848 8552
Fax. +1 201 848 9982
Tax ID#: 22-3770059

cellebrite
delivering mobile expertise

Quote

Quote #:
CB-66647
Quote Date:
Feb 21, 2017

Bill To: Killeen Police Department
3304 Comunity Blvd
Killeen, Texas, 76542
United States

Ship To: Killeen Police Department
3304 Comunity Blvd
Killeen, TX, 76542
United States

Contact:
Phone #:

Contact:
Phone #:

Customer ID	Good Thru	Payment Terms	Sales Rep
SF-00045324	Mar 23, 2017	Net 30	John Keenan

Item Code	Description	Quantity	Price
Cloud Solution Set	Cloud Solution Set	1	$7,999

Item Code	Description	Quantity	Net Price
A-UFED-01-016	UFED 4PC Ultimate UFED Data Port Cleaning Brush Phone Power Up Cable Memory Card Reader UFED MICRO SIM ID Cloning Cards USB Flash Drive Cable & Power Tips Organizer Universal Forensic Extraction Device (UFED) for PC UFED Multi SIM Adapter Physical USB Dongle	1	$9,000
F-UFD-04-011	UFED Analytics Desktop UAD	1	$6,900

Subtotal:	$23,899
Shipping & Handling:	$ 85
Sales Tax (6.25%*):	$1,499
Total:	**$25,483**

Comments:

*__SALES TAX DISCLAIMER:__ Cellebrite, Inc. is required to collect Sales and Use Tax for purchases made from the following certain U.S. States. Orders are accepted with the understanding that such taxes and charges shall be added, as required by law. Where applicable, Cellebrite Inc. will charge sales tax unless you have a valid sales tax exemption certificate on file with Cellebrite Inc. Cellebrite Inc. will not refund tax amounts collected in the event a valid sales tax certificate is not provided. If you are exempt from sales tax, you must provide us with your sales tax exempt number and fax a copy of your sales tax exempt certificate to Cellebrite Inc.

Please include the following information on your PO for Cellebrite UFED purchase:
- Please include the ORGINAL QUOTE NUMBER (For example - M777) on your PO
- CONTACT NAME & NUMBER of individual purchasing and bill to address
- E-MAIL ADDRESS of END USER for monthly software update as this is critical for future functionality

Terms and conditions:
Cellebrite has three different terms of sale.
Any purchase of unlocking services are governed by http://legal.cellebrite.com/CB-us-us/index.html.
Any purchase of UFED Premium are governed by http://legal.cellebrite.com/us/Cellebrite-Unlocking-Services-Terms-and-Conditions.pdf.
Any other purchases of products or services, including without limitation training services, are governed by http://legal.cellebrite.com/us/index.html.
In addition to these terms, software is licensed by Cellebrite in accordance with an end user license agreement available at http://legal.cellebrite.com/us/Cellebrite-EULA.pdf.
In the event of any dispute as to which terms apply, Cellebrite shall have the right to reasonably determine which terms apply to a given purchase order.

February 3, 2017

TO WHOM IT MAY CONCERN

This letter identifies Cellebrite as the sole developer and manufacturer of the Universal Forensic Extraction Device (UFED) Mobile Forensics solution. Cellebrite Inc., established in 1999 and based in Parsippany, NJ, is incorporated in the state of Delaware. Cellebrite Inc. supports customers and users in the US, Canada and Mexico.

The UFED is a mobile forensics extraction, decoding, and analysis tool that extracts logical, file system, and physical data from mobile devices (i.e., smartphones, cell phones, tablets, GPS units, SIM cards, memory cards, and USB devices), including live and deleted data, contacts, phone numbers, call logs, text messages, SMS messages, app data (social network and other), location data, pictures, videos, and voice messages.

UFED technology provides digital forensic lab examiners, investigators, field personnel, and first responders with the capability to collect, protect and act decisively on mobile device data with the speed and accuracy a situation demands. Our competitive advantages include:

- **Large, Established User Community.** Since 2007, Cellebrite has deployed more than 40,000 UFEDs in 100+ countries to support law enforcement, intelligence services, border patrols, military forces, public safety agencies and commercial organizations.
- **Industry's Broadest Device & App Support.** Cellebrite has established collaborative business relationships with original equipment manufacturers (OEMs) and wireless carriers worldwide. These global partners send us more than 100 new handsets per month - most prior to actual consumer market release. This allows Cellebrite Mobile Forensics to develop mobile forensics support for new devices prior to our competition. We retain more than 8,000 mobile phones at our company headquarters for ongoing innovation and support.
- **Forensically Sound Evidence Every Time.** Unlike competitors' "black box" third-party boot loaders, UFED uses custom-designed, read-only boot loaders, which ensure forensically sound file system and physical extractions
- **Technology and Research and Development (R&D) Leadership.** Cellebrite provides the mobile forensic industry's most comprehensive Android, Apple iOS, Blackberry, and Windows Mobile support. Cellebrite has a staff of 250+ engineers—the most of any mobile forensics solution provider. We are committed to investing in the ongoing R&D to innovate around customer and market needs.
- **Best-in Class Training Ensures a Repeatable, Reproducible Mobile Forensics Process.** Open to all user levels, from beginners to advanced, Cellebrite certification training provides hands-on experience with Cellebrite products and applications, delivering the tools and knowledge required for evidence collection data analysis, searching, and reporting.
- **Physical Extraction Using Bootloader Method with Lock Bypass.** Cellebrite supports physical extraction while bypassing passwords, passcodes, and pattern locks from more than 3,800 different device types, including Android (800+ devices from HTC, Huawei, LG, Motorola, and Samsung); Apple iOS; and Windows Phone (Nokia and Lumia).

UFED technology includes capabilities that are exclusive to Cellebrite and not available from any other company.

<u>Exclusive Android Capabilities</u>

- Decrypted physical extraction of data from Samsung Galaxy S6, Galaxy Note 5 and some Galaxy S7 devices
- Partial file system extraction while bypassing screen lock for 105 Android Samsung devices, including devices running on Android 6 OS
- Physical extraction while bypassing screen lock for 12 Samsung Galaxy S6, S6 Edge and Note 5, running on Android 6 OS

- Physical extraction capability using bootloader method with lock bypass for Samsung Android devices, including Galaxy Note 4, Note Edge, S3, S4, and S5
- Built-in Android temporary root (granting extra permissions) for hundreds of Android devices
- Physical extraction while bypassing user lock on 140 LG devices, including the G3 and G4
- Bypass user screen lock for 137 Samsung devices, including the Galaxy S5, Tab, and Mini; and Galaxy Note 2, 3, and 4
- Bypass user screen lock for 17 LG devices, including the G5
- Physical extraction and decoding from 26 popular Motorola Android devices
- Bootloader-based physical extraction from 17 MTK Android devices
- UFED User Lock Recovery Tool (Android)

Exclusive Apple (iOS) capabilities

- Decrypted physical extraction of data from Apple iPhones 4S, 5, 5c
- iOS unlocking support for Apple devices running iOS 8.x (8.0-8.4.1), with no risk of a device wipe
- iOS unlocking support for iPhone 4s/5/5c running iOS 9.x (9.0-9.3.2), with no risk of a device wipe
- UFED User Lock Recovery Tool (iOS)

Exclusive Blackberry Capabilities

- BlackBerry 10 file system extraction, backup acquisition & decryption
- Physical extraction for unlocked BlackBerry 7xxx/8xxx/9xxx devices (including NAND and NOR memory)

Other Exclusive Capabilities

- Physical extraction with password bypass for Nokia Lumia Windows Phone 8 devices, including the Lumia 520, 820, 822, 920, 928, and 1020
- Physical extraction while bypassing user lock and decoding support for 3 Nokia 105 devices: RM-1133, RM-1134 and RM-1135
- Physical extraction while bypassing user lock and decoding support for 37 Huawei devices (Hisilicon)
- Physical extraction and decoding support for the latest TomTom devices, including the Go 1000 Point Trading and 4CQ01 Go 2505 Mm
- Wickr app decryption (Android)
- TigerText app decryption (iOS)
- Provide support matrix – what is supported using username and password / application token.
- Provide traces and changes document that describe what traces the extraction process might leave.
- Supports extracting a token from the subject device in addition to the user name and password option for several of data sources including; Facebook, WhatsApp, Twitter, Gmail, Google(Location History, My Activity, Photos, Chrome, Calendar, Contacts, Drive, Bookmarks, Tasks), Mail (IMAP), Dropbox, iCloud(App, Calendar, Contacts, Drive, Photos, OneDrive, Notes, Reminder, Location), Instagram, VK, Telegram

Please feel free to contact Cellebrite with any questions.

Sincerely,

Gregg Weinberger
Director, Sales Operations

Cellebrite Inc., 7 Campus Drive, Suite 210, Parsippany, NJ 07054
Tel: (201) 848-8552 • Fax: (201) 848-9982 • www.cellebrite.com

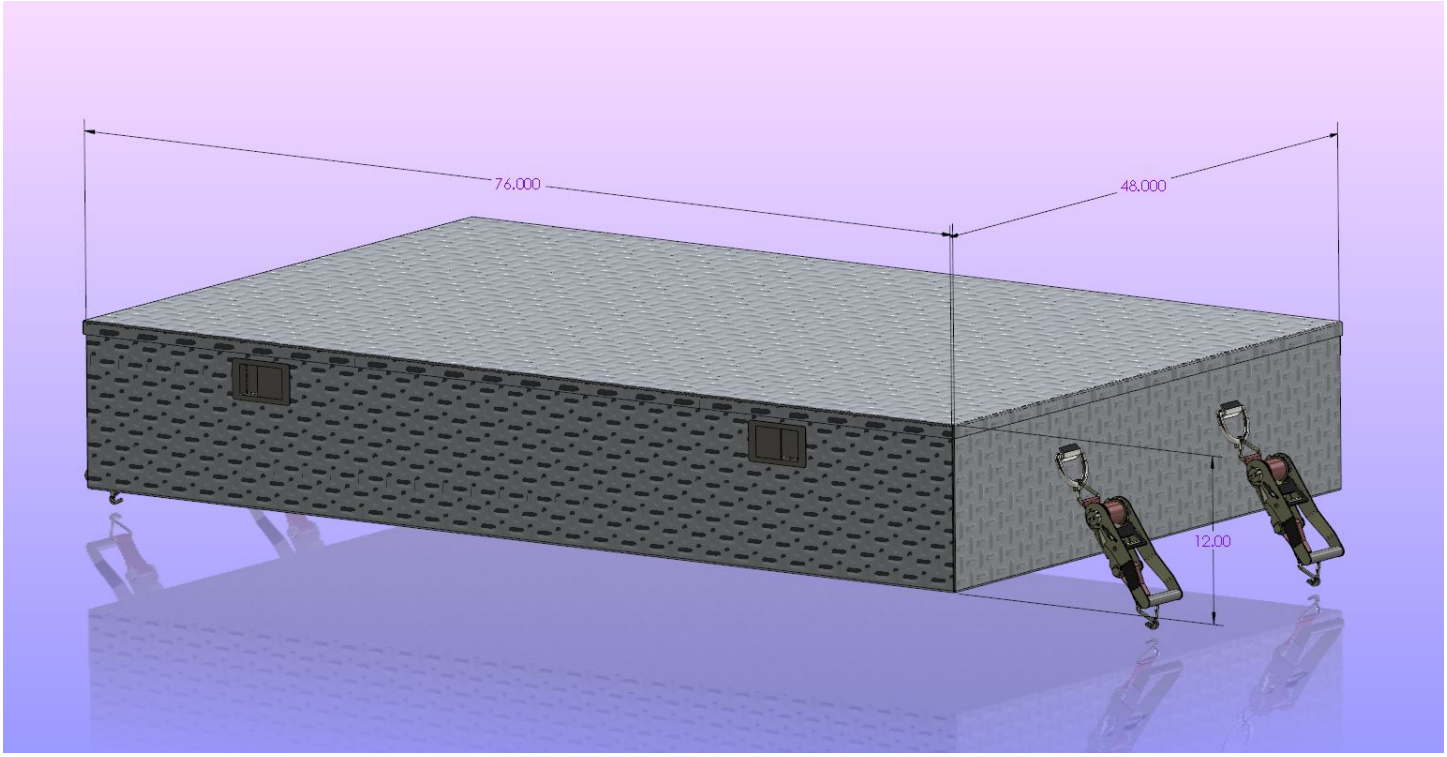
Tax ID: 22-3770059 • DUNS: 033095568 • CAGE: 4C9Q7 • ORCA Registration Complete

B.A.T.T.® Roof Cargo Box

The Armored Group, LLC

2727 Beech Daly Rd
Dearborn Heights, MI 48125
www.armoredcars.com
CONTACT: Jeremy Johnson Email: jeremy@armoredcars.com Phone: 817-291-4956

CUSTOMER: Detective David Daniels
Killeen Police Department
Phone: 254-535-2555
Email: ddaniels@killeentexas.gov



(Picture Above Shown As Example)

CUSTOMER: Detective David Daniels
Killeen Police Department
Phone: 254-535-2555
Email: ddaniels@killeentexas.go

B.A.T.T.® Roof Cargo Box

PRICING

B.A.T.T.® Roof Cargo Box: $3,700

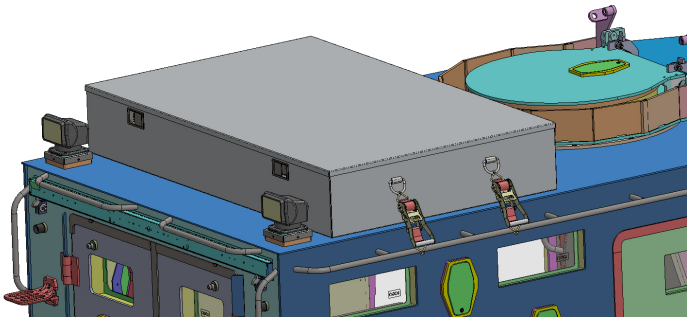
PRICE IS DELIVERED TO: Deliver and offload to FOB Killeen TX

***Price based on specifications above; Changes to specification can cause price adjustments**

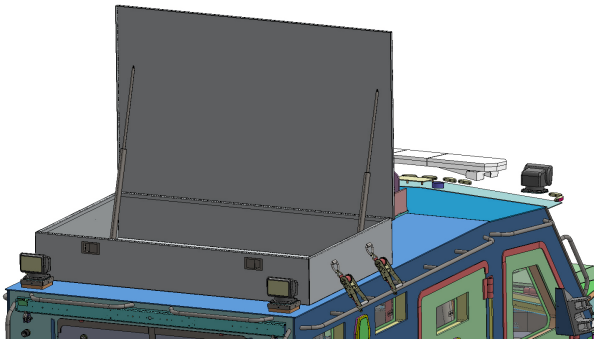
February 9, 2017

Jeremy Johnson
Sales Manager
Tactical Vehicle Specialist
817-332-4646 Office
817-394-2499 Fax
817-291-4956 Mobile
jeremy@armoredcars.com

_____ February ____, 2017
Authorized Signature
Killeen Police Department



Example Pictures



February 22, 2017

Detective David Daniels
Killeen Police Department
3304 Community Blvd
Killeen, TX 76542

Dear Detective Daniels:

The Armored Group, LLC is the sole source provider of the B.A.T.T.® armored rescue vehicles, along with the parts and accessories designed to fit the unit. The B.A.T.T.® storage box is a piece specifically made by us to fit our vehicles. We are the only manufacturer of this product.

Sincerely,

Jeremy Johnson
Sales Manager
The Armored Group, LLC

City of Killeen

Legislation Details

File #:	PH-17-013B **Version:** 1	**Name:**	Equipment Purchase for PD
Type:	Ordinance/Public Hearing	**Status:**	Public Hearings
File created:	2/27/2017	**In control:**	City Council Workshop
On agenda:	3/21/2017	**Final action:**	
Title:	HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase Special Revenue expenditure accounts to provide funding for the purchase of equipment for the Police Department.		
Sponsors:	Finance Department		
Indexes:	Budget Amendments		
Code sections:			
Attachments:	Council Memorandum Ordinance		

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Budget Amendment for the purchase of equipment for the Police Department**

ORIGINATING DEPARTMENT **Finance**

BACKGROUND INFORMATION

State Law, through Chapter 59 of the Code of Criminal Procedure, authorizes the state to share forfeited property and cash seized during criminal investigations with the participating law enforcement agency. Shared funds are kept in separate accounts that are monitored, regulated, and controlled by the Chief Law Enforcement Officer. Shared funds allow local law enforcement to fund programs that expand crime fighting resources and enhance the enforcement abilities of the department above what is routinely accessible through the normal budget process. The governing body is required to be notified of budgeted expenditures from these accounts, but the municipality may not use expenditures to offset or decrease salaries, expenses, or allowances already budgeted as the result of the availability of these funds.

Typically, seizure funds are utilized to acquire equipment that enhances the policing operation of a department, increasing their ability to safely conduct investigations and ensure convictions. Expenditures are normally for a one-time procurement of equipment or temporary support of new, unbudgeted police operations. The Police Department has utilized these funds for programs such as police canines and specialized training, the purchase of surveillance equipment, crime scene equipment, advanced computer technology, and to pay off third-party liens on vehicles acquired through the seizure process.

DISCUSSION/CONCLUSION

The Police Department is in need of equipment totaling $135,073. A summary of the equipment and cost by division is as follows:

Tactical Response Unit: tactical helmets/hearing protection with integrated microphones - $49,223;

Tactical Response Unit: cargo box to be secured to the top of the rescue vehicle - $3,700;

Tactical Response Unit: biological/chemical masks - $27,720;

Special Investigations Division: digital video recovery examiner - $2,700**;**

Patrol Division: night vision optical instruments - $5,230;

Patrol Division: emergency medical trauma kits - $21,000; and

Organized Crime: equipment to recover data from cellular phones - $25,500.

FISCAL IMPACT

The FY 2017 Adopted Budget did not include an expenditure budget for the Police State Seizure Fund. This amendment will increase the expenditure budget by $135,073.

The current fund balance for the Police State Seizure Fund is $179,540. After this amendment, there will be a projected fund balance of $44,467.

RECOMMENDATION

Staff recommends that the City Council approve this ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services to provide funding for the purchase of equipment for the Police Department.

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO INCREASE SPECIAL REVENUE EXPENDITURE ACCOUNTS TO PROVIDE FUNDING FOR THE PURCHASE OF EQUIPMENT FOR THE POLICE DEPARTMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

WHEREAS, it is the desire of the Killeen City Council to increase Special Revenue expenditure accounts for the purchase of equipment for the Police Department;

WHEREAS, budget amendments require approval from City Council;

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

SECTION I. That Ordinance 16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

Account Number	*Description*	*Original Budget*	*Budget Increase*	*Amended Budget*
208-0000-495-46-35	Equipment and Machinery	$0	$104,343	$104,343
208-0000-495-61-35	Machinery and Equipment	$0	$30,730	$30,730
Total		**$0**	**$135,073**	**$135,073**

SECTION II. That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

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

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

SECTION V. That this ordinance shall be effective after its passage and publication according to the law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____28_____ day of __March___ 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, 551.001 *et seq.*

APPROVED

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

_____
Kathryn H. Davis, CITY ATTORNEY

City of Killeen

Legislation Details

File #:	PH-17-014	**Version:**	1	**Name:**	Zoning 17-01
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	3/1/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	HOLD a public hearing and consider an ordinance requested by Victor Craig Mashburn and Denna Connel O'Connor (Case #Z17-01) to rezone approximately 1.39 acres out of the G.W. Farris Survey, Abstract No. 306, Killeen, Texas, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is locally known as 708 E. Elms Road, Killeen, Texas.				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Attachment to CCMO Minutes Ordinance Application Location Map Buffer Map Considerations				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-01 "B-3" (LOCAL BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

Victor Craig Mashburn and Denna Connel O'Connor submit this request to rezone approximately 1.39 acres, being locally known as 708 E. Elms Road, Killeen, Texas, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District) to allow for zoning consistency for the existing single-family residential house. The property is located along the south right-of-way of E. Elms Road, approximately 875' west of Trimmier Road.

A building or premise in a district "R-1" single-family residential district shall be used only for the following purposes:

(1) One-family dwellings
(2) Churches or other places of worship
(3) Colleges, universities, or other institutions of higher learning
(4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement
(5) Farms, nurseries, or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line
(6) Parks, playgrounds, community buildings, and other public recreational facilities, owned and/or operated by the municipality or other public agency
(7) Public buildings, including libraries, museums, and police and fire stations
(8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations
(9) Schools, public elementary or high
(10) Schools, private with curriculum equivalent to that of a public elementary or high school
(11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work
(12) Water supply reservoirs, pumping plants, and towers
(13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building
(14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision
(15) Cemetery

<u>Property Specifics</u>

Applicant / Property Owner: Victor Craig Mashburn and Denna Connel O'Connor

Property Location: The property is located along the south right-of-way of E. Elms Road, approximately 875' west of Trimmier Road and is locally known as 708 E. Elms Road, Killeen, Texas.

Legal Description: G.W. Farris Survey, Abstract No. 306

Zoning / Plat Case History:

- Ms. Doris Mashburn requested a rezone of the property from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) in 1988. The City Council approved the "B-3" request on August 9, 1988, per Ordinance #88-78. The intent of the "B-3" zoning was to allow for an office building. The property has maintained the "B-3" zoning over the last 28 years, with no change to the existing land use.

- This property has not been platted.

<u>Character of the Area</u>

Existing Land Use(s) on the Property: There is an existing single-family home on this property. The property abuts another "R-1" zoned single-family residential home on its east boundary and "R-1" zoned churches on its western and southern boundaries.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

<u>Infrastructure and Community Facilities</u>

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Yes
Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property. The property owners and their agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:
Existing conditions: E. Elms Road is classified a 90' minor arterial on the City's adopted Thoroughfare Plan
Proposed Improvements: There are no proposed improvements
Projected Traffic Generation: No change

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This site does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). Currently sheet flow runoff exits the property along the south property line and flows east for approximately 900 feet into Trimmier Road. From there, it flows approximately 0.3 miles into Old Florence Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 1.66 miles. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned shall be platted prior to any new development on this parcel. As a result, the current DDM and IDDSM standards will apply for new development.

Land Use Analysis

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

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

Consistency: The "R-1" zoning request is not consistent with regard the current FLUM designation of this property. However, the zoning request is consistent with the existing land use on the property and matches the zoning of all abutting property. Therefore, staff recommends no change to the FLUM for this request.

Public Notification

The staff notified six (6) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's request for "R-1" zoning by a vote of 7 to 0. While the zoning request is not compatible with the FLUM, it is entirely consistent with the existing land use on the property. In the future, if there is interest in converting the property to a commercial zoning use, it will not be necessary to amend the FLUM.

Figure 1. Zoning map

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-01
B-3 to R-1

HOLD a public hearing and consider a request submitted by Victor Craig Mashburn and Denna Connel O'Connor to rezone approximately 1.39 acres out of the G. W. Farris Survey, Abstract No. 306, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located along the south right-of-way of E. Elms Road, approximately 875' west of Trimmier Road. The property is locally known as 708 E. Elms Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this property was rezoned from residential to commercial in 1988. The property owners wish to rezone it back to residential to be consistent with the existing single-family residential house. Staff supports the request.

The staff notified six (6) surrounding property owners within a 200' notification boundary regarding this request.

Mr. Victor Mashburn, 4735 Saddlebrook Drive, Fort Worth, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to approve the request. Commissioner Latham seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "B-3" (LOCAL BUSINESS 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, Victor Craig Mashburn and Denna Connel O'Connor have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 1.39 acres out of the G.W. Farris Survey, Abstract No. 306, which are more specifically known as 708 E. Elms Road, Killeen, Texas, from "B-3" (Local Business District) to "R-1" (Single-family Residential District), said request having been duly presented and recommended for approval of "R-1" (Single-family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 a majority that the recommendation of "R-1" zoning should be approved;

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

Section I. That the zoning classification of the following described tract be changed from "B-3" (Local Business District) to "R-1" (Single-family Residential District) for approximately 1.39 acres out of the G.W. Farris Survey, Abstract No. 306, which are more

specifically known as 708 E. Elms 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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq*.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Case #17-01
Ord. # 17-

Date Paid:	1-25-17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 1104
Receipt #:	487

CASE #: 217-01

City of Killeen
Zoning Change Application

[✓] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: VILTOR CRAIG MASHBURN DENNA CONNEL O'CONNOR

Current Address: 4735 SADDLEBROOK DRIVE

City: FORT WORTH State: TX Zip: 76116 -

Home Phone: (817) 244-2995 Business Phone: (8) Cell Phone: (817) 360-4153

Email: mashburn@charter.net

Name of Applicant: _____
(If different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

Address/Location of property to be rezoned: 708 E. ELMS ROAD, KILLEEN, TX. 76541

Legal Description: 1.39 A., PART OF A. WEBB SURVEY, ABSTRACT 857

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: ✓ Sole Ownership ____ Partnership ____ Corporation ____ Other

Present Zoning: B-3 Present Use: RESIDENTIAL

Proposed Zoning: R-1 Proposed Use: RESIDENTIAL

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated FEB. 28, 1992 and recorded in Volume 2812, Page 653, Instrument Number 005398 of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ - _____

Home Phone: (__) _____ Business Phone: (___) _____ Email: _____

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

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

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

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner Victor Craig Mashburn Title 1/23/17

Printed/Typed Name of Property Owner Victor Craig Mashburn Date _____

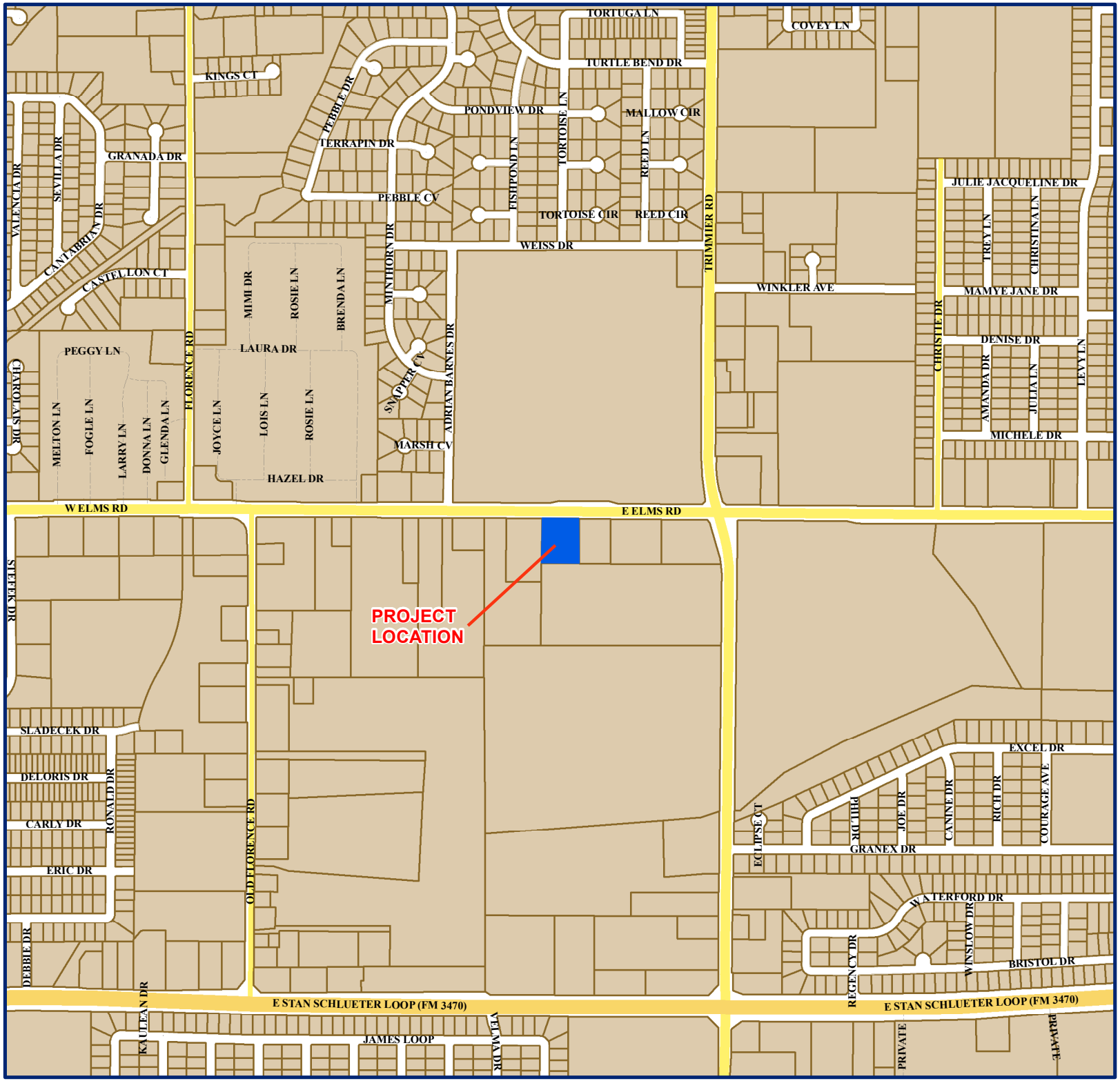
Signature of Property Owner Denna Connell O'Connor Title _____

Printed/Typed Name of Property Owner Denna Connell O'Connor Date 1-17-17

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-01

ZONING FROM:

B-3 To R-1

APPLICANT:

VICTOR CRAIG MASHBURN
AND
DENNA CONNEL O'CONNER

PROPERTY OWNER:

VICTOR CRAIG MASHBURN
AND
DENNA CONNEL O'CONNER

LEGAL DESCRIPTION:

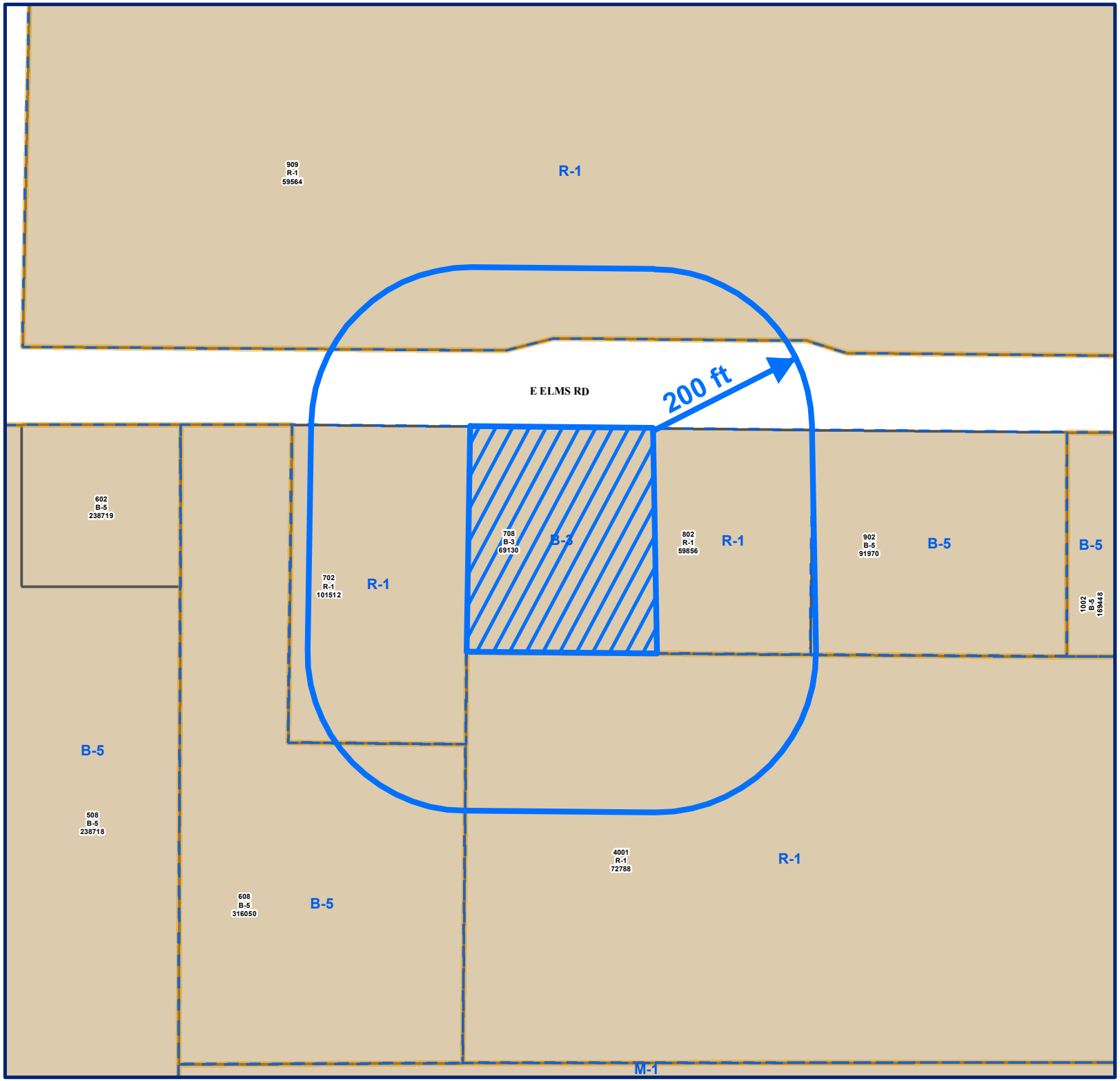
A0306BC G W FARRIS, 12, ACRES 1.39

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 2/13/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-01

ZONING FROM:

B-3 To R-1

APPLICANT:

VICTOR CRAIG MASHBURN
AND
DENNA CONNEL O'CONNER

PROPERTY OWNER:

VICTOR CRAIG MASHBURN
AND
DENNA CONNEL O'CONNER

LEGAL DESCRIPTION:

A0306BC G W FARRIS, 12,
ACRES 1.39

LEGEND

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

N E S W

Date: 2/13/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

City of Killeen

Legislation Details

File #:	PH-17-015	**Version:**	1	**Name:**	Zoning 17-02
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	3/1/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	HOLD a public hearing and consider an ordinance requested by Darvin and Shelre Holden (Case #Z17-02) to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from “R-1” (Single-Family Residential District) to “B-1” (Professional Business District).				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Attachment to CCMO Minutes Ordinance Application Location Map Buffer Map Considerations				

Date	Ver.	Action By	Action	Result

powered by Legistar™

CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-02 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

Darvin and Shelre Holden submit this request to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The purpose of the rezone is to (1) allow an office use for Nedloh Properties and Repairs and (2) mitigate the non-conforming required yard setbacks for the Knowledge is Power Ministries' church. The properties are located along the west right-of-way of Florence Road, approximately 130' north of W. Bryce Avenue.

A building or premises in the district "B-1" professional business district shall be used only for the following purposes:

(1) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in subsection 31-276(2)
a. Physical therapy clinic
b. Chemical or X-ray laboratory
c. Dispensing optician
d. Dispensing apothecary
e. Dental laboratory
(2) Buildings may be used for one (1) or more of the uses prescribed in subsection 31-276(1) only under the following conditions:
a. The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
b. The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
c. Public access to such incidental uses shall be from the interior of the building.
d. No parking space shall occupy any part of the required front yard, except as provided in subsection 31-287(a)(1)b.
e. Sign standards for this district shall apply to both primary and incidental uses.
f. No building in this district shall be constructed or altered to produce a storefront, show window, or display window, and there shall be no merchandise visible from the exterior of the building.
g. No outside storage shall be permitted in this district.
(3) Office, general business
(4) An on-premises residential use or living quarters may be included in one (1) structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.
(5) All uses allowed in section 31-186, with the exception of one-family dwellings
(6) Studio for photography or interior decoration

Property Specifics

Applicant / Property Owner: Darvin and Shelre Holden

Property Location: 815 and 817 Florence Road, Killeen, Texas

Legal Description: Lots 19 and 20, Block 3, Highview Addition

Zoning / Plat Case History:

- There is no recent zoning affecting this property.
- This property was initially laid out (lots and blocks) by Bell & Clayton Engineers on June 11, 1954. The properties were platted as Lots 19 and 20, Block 3, Highview Addition, which was officially filed for record on April 22, 1964, in Plat Book 707, Page 337, Plat Records of Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: The former single-family homes on these properties were converted to a church and related youth center. The properties are located within a "R-1" residentially zoned neighborhood; however, numerous former single-family homes have transitioned to commercial enterprises along this corridor of Florence Road. The scope of redevelopment activity that has occurred to the structures and land area of these two lots make them unlikely candidates for a transition back to a residential character. It is feasible at this time to encourage continued investment into the properties as non-residential/ commercial enterprises, while providing for increased screening and landscaping standards.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Yes
Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property. The property owners and their agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:
Existing conditions: Florence Road is classified a 70' collector on the City's adopted Thoroughfare Plan.
Proposed Improvements: There are no proposed improvements.
Projected Traffic Generation: No change

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This site does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The site ranges in elevation from 856' to 858' above sea level. Currently sheet flow runoff exits these parcels and flows northward on private property without a drainage easement for approximately 420 feet into Evergreen Drive. From there the combined runoff flows northeast within the Florence Road ROW for approximately 0.3 miles into South Nolan Creek. The distance from this site and the confluence with impaired section of South Nolan Creek is approximately 1.9 miles. South Nolan Creek downstream of Liberty Ditch is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned was platted in 1964. As a result, the 1993 drainage design criteria and the current DDM standards do not apply for new development unless the parcel is re-platted.

Land Use Analysis

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

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

Consistency: The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

Public Notification

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's request for "B-1" zoning by a vote of 7 to 0. The subject properties have not been used for residential purposes for several years, nor have the properties retained a residential character or appearance during this time. Staff is of the determination that the applicant's zoning request is consistent with other properties that have transitioned to commercial or non-residential uses. Additionally, the existing Knowledge is Power Ministries' church does not meet the required yard setbacks of 25' as required by Killeen Code of Ordinances Section 31-188 (2). At a minimum, the "B-1" zoning will allow the church to mitigate the side yard setback down from 25' to 10'. Furthermore, the "B-1" zoning district will limit the scope of allowable commercial uses on these parcels.

Figure 1. Zoning map

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-02
R-1 to B-1

HOLD a public hearing and consider a request submitted by Darvin and Shelre Holden to rezone Lots 19 and 20, Block 3, Highview Addition, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The properties are located along the west right-of-way of Florence Road, approximately 130' north of W. Bryce Avenue. The properties are locally known as 815 and 817 Florence Road, Killeen, Texas.

City Planner Tony McIlwain stated that Darvin and Shelre Holden plan to transition their property to commercial for an office use and to mitigate the non-conforming required yard setbacks for the Knowledge is Power Ministries' church. The subject properties have not been used for residential purposes for several years; nor have the properties retained a residential character or appearance during this time. Staff is of the determination that the applicant's zoning request is consistent with other properties that have transitioned to commercial or non-residential uses. Additionally, the existing Knowledge is Power Ministries' church does not meet the required yard setbacks of 25' as required by Killeen Code of Ordinances Section 31-188 (2). At a minimum, the "B-1" zoning will allow the church to mitigate the side yard setback down from 25' to 10'. Furthermore, the "B-1" zoning district will limit the scope of allowable commercial uses along this block. Staff recommends approval of the applicant's request for "B-1" zoning.

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request.

Mr. Darvin Holden, 4302 Esta Lee Avenue, Killeen, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to approve the request. Commissioner Cooper seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Darvin and Shelre Holden have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of Lots 19 and 20, Block 3, Highview Addition, which are more specifically known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-family Residential District) to "B-1" (Professional Business District), said request having been duly presented and recommended for approval of "B-1" (Professional Business District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 a majority that the recommendation of "B-1" zoning should be approved;

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

Section I. That the zoning classification of the following described tract be changed from "R-1" (Single-family Residential District) to "B-1" (Professional Business District) for Lots 19 and 20, Block 3, Highview Addition, which are more specifically known as 815 and 817 Florence 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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq*.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Case #17-02
Ord. # 17-

Date Paid:	2-1-17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 3092
Receipt #:	490

CASE #: Z17-02

City of Killeen
Zoning Change Application

[✓] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: Darvin & Shelre Holden

Current Address: 4302 Estra Lee Ave

City: Killeen State: TX Zip: 76549 -

Home Phone: (254) 245 2075 Business Phone: ( ) Cell Phone: ( )

Email: darvin@hot.rr.com

Name of Applicant:
(If different than Property Owner)

Address:

City: State: Zip:

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

Email:

Address/Location of property to be rezoned: 815 AND 817 Florence Rd

Legal Description: Lot 20 Block Three Highview addition

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
<u>If NO, a FLUM amendment application must be submitted.</u>

Type of Ownership: ✓ Sole Ownership ____Partnership ___Corporation _____Other

Present Zoning: R1 Present Use: Youth Center (Church)

Proposed Zoning: B1 Proposed Use: Nedloh Properties & repairs

Conditional Use Permit for:

This property was conveyed to owner by deed dated _____ and recorded in Volume_____, Page_____, Instrument Number _____ of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ - _____

Home Phone: (__) _____ Business Phone: (___)_____ Email: _____

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

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

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

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner _____ Title Owner

Printed/Typed Name of Property Owner Darvin Holden Date 1 Feb 17

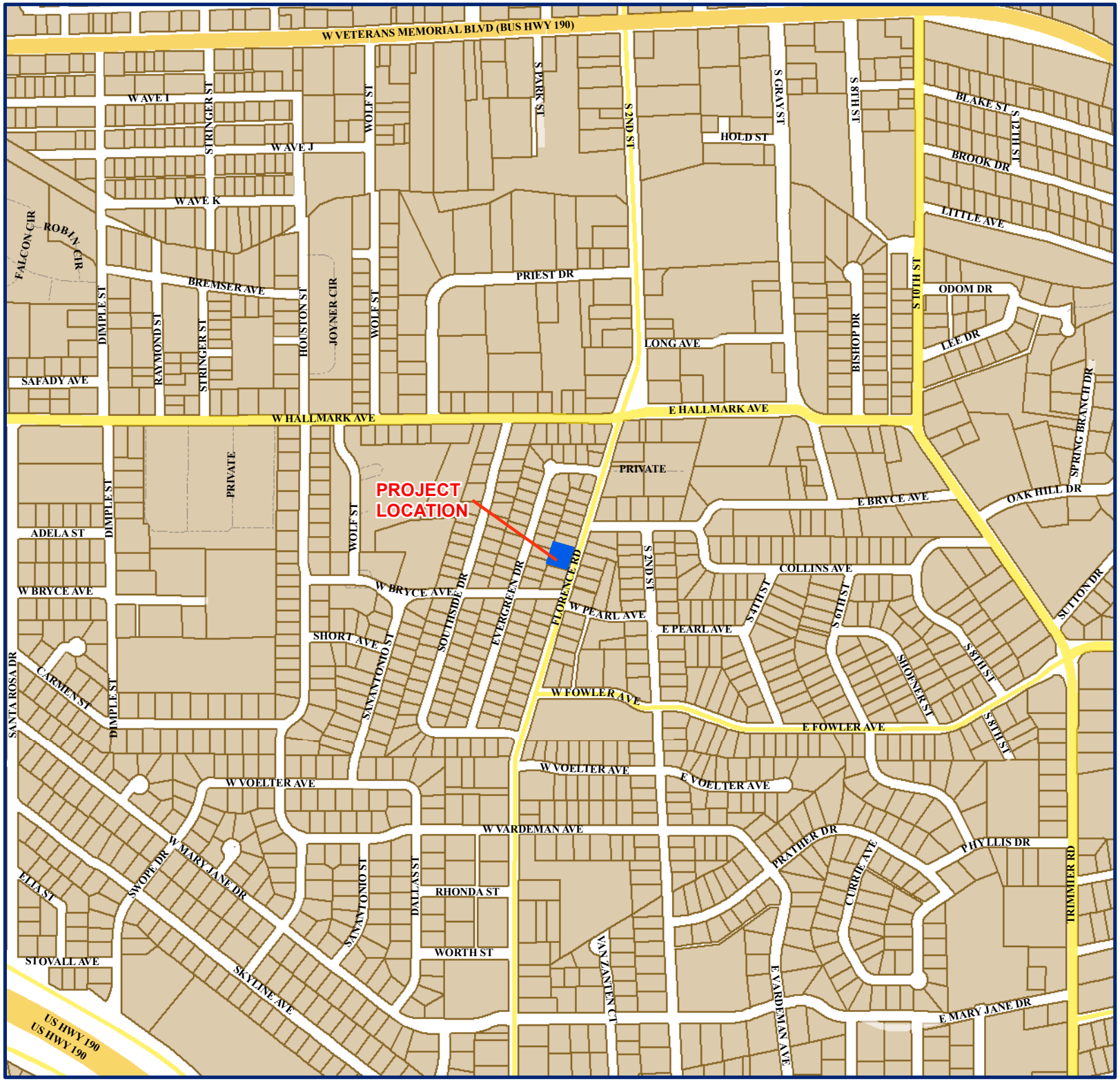
Signature of Property Owner _____ Title Owner

Printed/Typed Name of Property Owner SHELRE A. HOLDEN Date 1 Feb 2017

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-02

ZONING FROM:

R-1 To B-1

APPLICANT:

DARVIN AND SHELRE HOLDEN

PROPERTY OWNER:

DARVIN AND SHELRE HOLDEN

LEGAL DESCRIPTION:

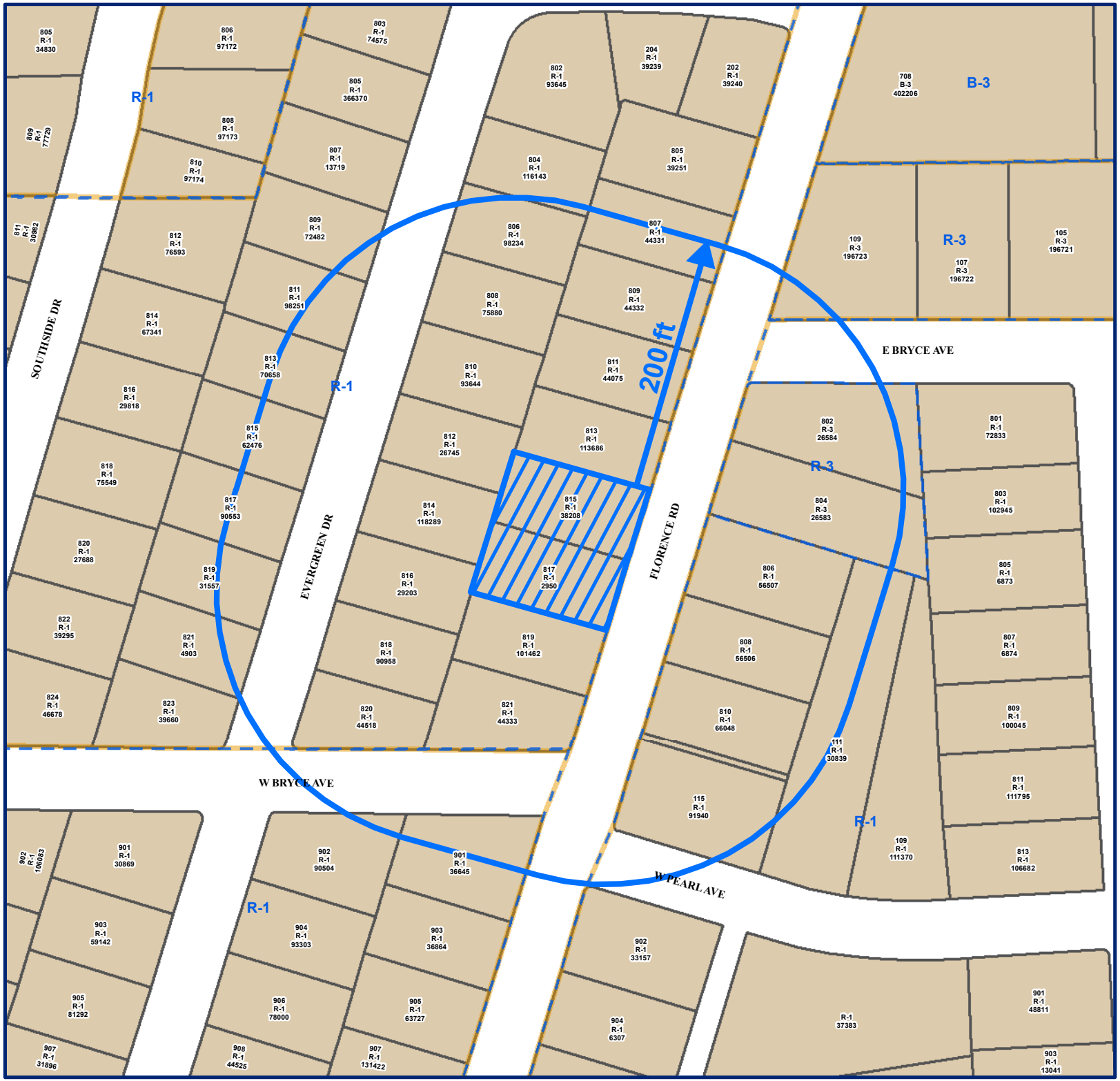
HIGHVIEW, BLOCK 003, LOTS 0019 & 0020

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 2/17/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z17-02

ZONING FROM:
R-1 To B-1

APPLICANT:
DARVIN AND SHELRE HOLDEN

PROPERTY OWNER:
DARVIN AND SHELRE HOLDEN

LEGAL DESCRIPTION:
HIGHVIEW, BLOCK 003, LOTS 0019 & 0020

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

N E S W

Date: 2/17/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

City of Killeen

Legislation Details

File #:	PH-17-016A **Version:** 1	**Name:**	FLUM 17-03
Type:	Ordinance/Public Hearing	**Status:**	Public Hearings
File created:	3/1/2017	**In control:**	City Council Workshop
On agenda:	3/21/2017	**Final action:**	
Title:	HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'General Commercial' (FLUM# Z17-03) for Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension. The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.		
Sponsors:	Planning & Development Dept		
Indexes:			
Code sections:			
Attachments:	Council Memorandum Attachment to CCMO Minutes Ordinance Application		

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) AMENDMENT: 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL'**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

Nature of the Request

This is a request to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'General Residential' designated area to a 'General Commercial' designated area. The properties are platted as *Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor 2nd Extension.* The properties are locally known as 1624 Richard Drive, 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

The applicant has submitted a concurrent request to rezone the subject property from "R-1" (Single-Family Residential District) and "B-1" (Professional Business District) to "B-3" (Local Business District).

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

The 'General Residential' designation encourages the following land uses and has the following characteristics:

- Detached residential dwellings
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, and 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 space.
- Predominantly "R-1" zoning district with less openness and separation between dwellings compared to Suburban Residential areas
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs
- Neighborhood-scale commercial emerging over time for well-suited areas

If approved, the proposed revision to the property would result in a 'General Commercial' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation calls for a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Figure 1. Future Land Use Map (FLUM)

See attachment.

The items below should be reviewed and addressed when a Future Land Use & Character map adjustment is proposed:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? *This is a small-scale amendment consisting of Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor 2nd Extension.*

- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? *The subject properties are vacant and are ideal for in-fill commercial development opportunities along this arterial road. Commercial interest is driving a transition of historically residentially zoned properties with frontage along W.S. Young Drive. Additionally, two of the lots are already zoned for commercial use.*

- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? *There are no other City plans that materially affect this property. The proposed FLUM amendment is not incompatible with any public works planning efforts.*

- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? *The proposed FLUM amendment request will not negatively affect public utility capacity or traffic.*

- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action; therefore, staff has not sought, nor received, any stakeholder input. *With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action; staff did not receive any stakeholder input during the Planning and Zoning Commission meeting.*

Recommendation

The Planning and Zoning Commission recommended approval of 'General Commercial' (GC) for the subject properties by a vote of 6 to 0, with Commissioner Purser abstaining.

Figure 1. Future Land Use Map (FLUM)

Note: Subject area has been identified as 'General Residential'

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE FLUM #Z17-03
GENERAL RESIDENTIAL TO GENERAL COMMERCIAL

A. HOLD a public hearing and consider a request submitted by Paula Lohse and John Goode, to amend the Future Land Use Map (FLUM) of the Comprehensive Plan, to change Lots 6 and 7, Block 36, and Lot 7, Block 35, Crescent Manor 2nd Extension, from a 'General Residential' designation to a 'General Commercial' designation for properties locally known as 1621 and 1623 Richard Drive and 1605 W.S. Young Drive, Killeen, Texas.

Commissioner Purser stepped away from the dais due to a potential conflict of interest for PH-3A and PH-3B.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that the property owners are looking to develop the property into an afterhours veterinary clinic. Staff was made aware that two (2) of the lots are already zoned commercial. Staff recommends approval of amending the Future Land Use Map from 'General Residential' to 'General Commercial' for the subject properties. This designation will facilitate commercial reinvestment along this corridor and allow a planned transition from residential to commercial use along this heavily trafficked corridor.

The applicant has submitted a concurrent request to rezone the subject property from "R-1" (Single-Family Residential District) to "B-3" (Local Business District).

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

Vice Chair Dorroh motioned to recommend approval of the designation of the properties from 'General Residential' to 'General Commercial'. Commissioner Latham seconded the motion. The motion passed.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE_____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR LOTS 6 AND 7, BLOCK 36, CRESCENT MANOR SECOND EXTENSION AND LOT 7, BLOCK 35, CRESCENT MANOR SECOND EXTENSION, BEING LOCALLY KNOWN AS 1621 AND 1623 RICHARD DRIVE AND 1605 S. W.S. YOUNG DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission has received a request from Paula L. Lohse and John P. Goode for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension, from 'General Residential' to 'General Commercial'; said revision having been duly presented and recommended for approval of 'General Commercial' by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of March 2017, 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 land use designation of Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension, be amended from 'General Residential' to 'General Commercial', for the lots being locally known as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, 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 28th day of March 2017, 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:

_____

Diana Barker
CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis
CITY ATTORNEY
Case #: FLUM #Z17-03
Ord#:17-___

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

CASE #:_____

City of Killeen

Future Land Use Map (FLUM) Amendment Application

[X] FLUM Amendment Request $100.00

Name(s) of Property Owner: Paula L. Lohse and John P. Goode

Current Address: PO Box 633

City: Killeen State: TX Zip: 76540 - _____

Home Phone: ( ) _____ Business Phone: ( ) _____ Cell Phone: (254) 681-4000

Email: jgoode@hgtsbank.com

Name of Applicant: _____

(If different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

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

Email: _____

Address/Location of property proposed for FLUM amendment: 1621 Richard, 1623 Richard, 1605 S WS Young

Legal Description: Lots 6&7, Block 36 and Lot 7, Block 35, Crescent Manor 2nd Extension

Metes & Bounds or Lot(s) Block Subdivision

Type of Ownership: ✓ Sole Ownership ____ Partnership ____ Corporation ____ Other

Present FLUM Designation: GR Present Use: Vacant

Proposed FLUM Designation: GC Proposed Use: Commercial

This property was conveyed to owner by deed dated _____ and recorded in Volume _____, Page _____, Instrument Number _____ of the Bell County Deed Records. (Attached) Vol. 1461, Pg. 525 / Vol. 1816, Pg. 840 / Probate No. 19810

Dated: 10-05-2015

APPOINTMENT OF AGENT

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

Name of Agent: Killeen Engineering & Surveying, Ltd.

Mailing Address: 2901 E. Stan Schlueter Loop

City: Killeen State: Texas Zip: 76542 -

Home Phone: (__) _____ Business Phone: (__) 526-3981 Email: mlee@kesltd.com

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

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

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

Signature of Agent Michelle E. Lee Title KES - Office Manager

Printed/Typed Name of Agent Michelle E. Lee Date 1-12-17

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner Paula L. Lohse Title Property Owner

Printed/Typed Name of Property Owner Paula L. Lohse Date 1-12-17

Signature of Property Owner _____ Title Property Owner

Printed/Typed Name of Property Owner John P. Goode Date 1-12-17

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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

Dated: 10-05-2015

City of Killeen

Legislation Details

File #:	PH-17-016B **Version:** 1	**Name:**	Zoning 17-03
Type:	Ordinance/Public Hearing	**Status:**	Public Hearings
File created:	3/1/2017	**In control:**	City Council Workshop
On agenda:	3/21/2017	**Final action:**	
Title:	HOLD a public hearing and consider an ordinance requested by Paula L. Lohse and John P. Goode (Case #Z17-03) to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from “B-1” (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.		
Sponsors:	Planning & Development Dept		
Indexes:			
Code sections:			
Attachments:	Council Memorandum Attachment to CCMO Minutes Ordinance Application Location Map Buffer Map Considerations Responses		

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-03 "B-1" (PROFESSIONAL BUSINESS DISTRICT) AND "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

This request is submitted by Paula L. Lohse and John P. Goode to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

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

(1) Any use permitted in the "B-2" district
(2) Bakery or confectionery, wholesale
(3) Day camp
(4) Hospital, home, or center for the acute or chronic ill
(5) Mortuary or funeral chapel excluding cremation services
(6) Appliance (household) sales and repair service
(7) Bakery or confectionery: engaged in preparation, baking, cooking, and selling of products at retail on the premises, with six (6) or less employees
(8) Boat and accessory sales, rental and service
(9) Bowling alleys
(10) Cleaning or laundry (self-service)
(11) Cleaning, pressing, and dyeing, with six (6) or less employees
(12) Florist, garden shop, greenhouse, or nursery office (retail): no growing of plants, shrubs, or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater
(13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales, or health food sales
(14) Cafeteria or catering service
(15) Marine supplies, sales, and service
(16) Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space
(17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window
(18) Tennis or swim club

(19) Small animal clinic, pet grooming shop, and/or inside kennel and boarding. No cremation or outside kennels
(20) Hotel or motel
(21) Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods
(22) Gasoline service station, auto laundry, or car wash
(23) Auto parts sales, new, at retail
(24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district
(25) Theaters of general release
(26) Mini/self-storage facilities: a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units, shall be permitted on-premises
(27) Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet

Property Specifics

Applicant/Property Owner: Paula L. Lohse and John P. Goode

Property Location: The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

Legal Description: Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor Second Extension

Zoning/ Plat Case History:

- Lots 6 and 7, Block 36, were rezoned from “R-1” to “B-1” on March 10, 1969, per Ordinance No. 69-12. The zoning of Lot 7, Block 35, occurred prior to 1969.

- The property is platted as Crescent Manor Second Extension which was filed for record on May 27, 1964, in Plat Book 898, Page 166, Deed Records of Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: The properties are currently undeveloped. The W. S. Young Drive corridor (between Terrace Drive and E. Central Texas Expressway) is a mix of long-standing residential communities and some commercial and institutional uses. The area to the west of these properties is a residential community. There are commercial properties located south of these properties along the S. W.S. Young Drive frontage. The Cloud Real Estate building abuts 1623 Richard Drive and the Hill Country Church is located across the street from 1605 S. W. S. Young Drive at 1604 S. W. S. Young Drive.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Yes
Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are readily accessible to the subject property located within the City of Killeen municipal utility service area. Adequate potable water capacity is available to the tract. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:
Existing conditions: S. W.S. Young Drive and Richard Drive are classified (respectively) as a 110' principal arterial and a 60' local residential street on the City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.
Proposed Improvements: None proposed
Projected Traffic Generation: If approved, a marginal increase of traffic will be expected as a result of this zoning request.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). Currently sheet flow runoff exits 1605 S. W.S. Young Drive along the south property line into Richard Drive and flows east for approximately 50 feet into S. W.S. Young Drive. Currently sheet flow runoff exits 1621 Richard Drive and 1623 Richard Drive along the south property line and then flows east for approximately 1600 feet into S. WS Young Drive. From there, the combined runoff flows southeast within public R-O-W and drainage easements for approximately 0.76 mile into Trimmier Road Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 0.9 mile. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned was platted in 1964. As a result, the 1993 drainage design criteria and the current DDM standards do not apply for new development unless the parcel is re-platted.

Land Use Analysis

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

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

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

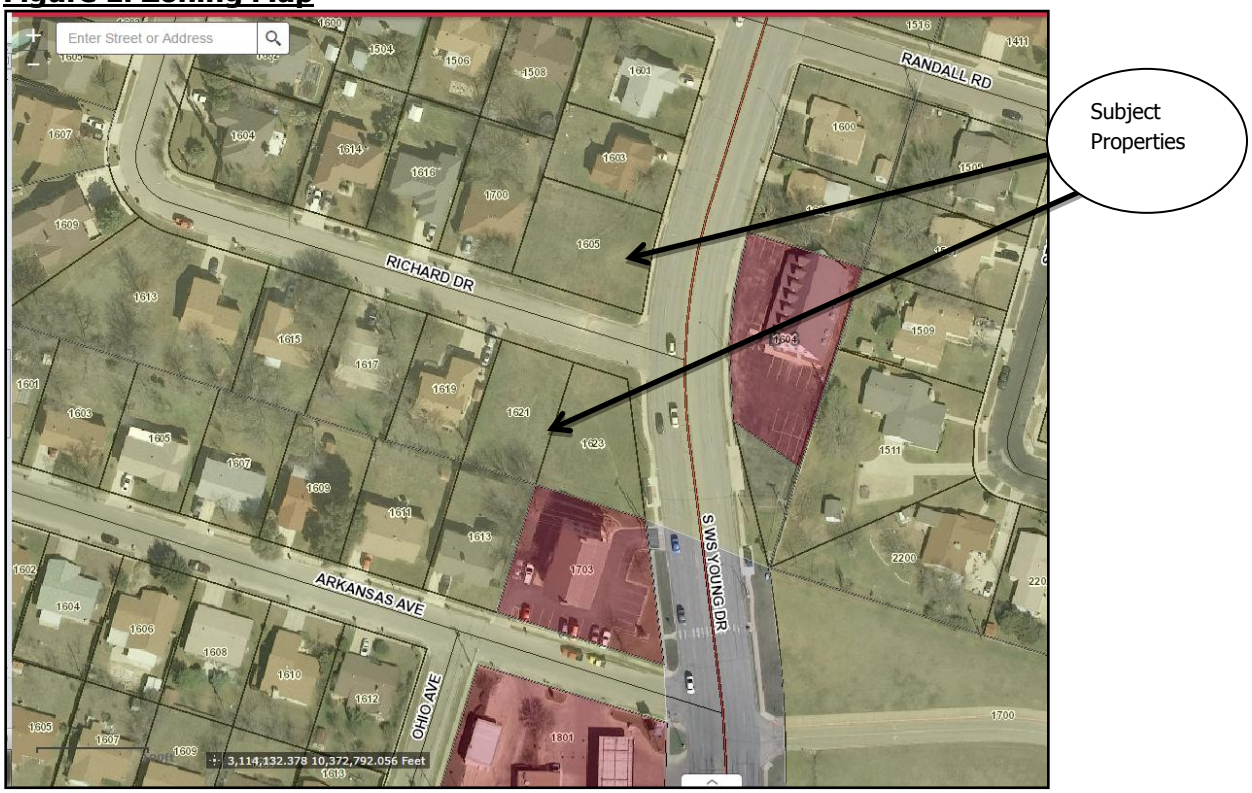
Public Notification

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received protests from Mary Gonzales of 1504 Randall Road and Patricia Warren of 1617 Richard Drive.

Recommendation

The Planning and Zoning Commission recommended approval of the applicants' request for "B-3" zoning for Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor Second Extension by a vote of 6 to 0 (with Commissioner Purser abstaining).

Figure 1. Zoning Map



MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-03
R-1 AND B-1 to B-3

B. HOLD a public hearing and consider a request submitted by Paula Lohse and John Goode to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are locally known as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that in 1969 Lots 6 and 7, Block 36, Crescent Manor Second Extension were rezoned to "B-1". Lot 7, Block 35, Crescent Manor Second Extension, is zoned "R-1" (Single-Family Residential District) and all 3 lots are under consideration to be rezoned to "B-3" (Local Business District). Staff recommends approval of "B-3" (Local Business District) zoning for Lots 6 and 7, Block 36, Crescent Manor Second Extension and Lot 7, Block 35, Crescent Manor Second Extension.

The staff notified twenty-seven (27) surrounding property owners regarding this request. Staff received 2 oppositions from Ms. Mary Gonzalez, the owner of 1504 Randall Road and from Ms. Patricia Warren, the owner of 1617 Richard Drive.

Ms. Michelle Lee, Killeen Engineering & Surveying, Ltd., 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to recommend approval of "B-3" (Local Business District). Commissioner Cooper seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

Commissioner Purser returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "B-1" (PROFESSIONAL BUSINESS DISTRICT) AND "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Paula L. Lohse and John P. Goode have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District), said request having been duly presented and recommended for approval of "B-3" (Local Business District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 a majority that the recommendation of "B-3" zoning should be approved;

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

Section I. That the zoning classification of the following described tract be changed from "B-1" (Professional Business District) for Lots 6 and 7, Block 36, Crescent Manor Second

Extension and "R-1" (Single-Family Residential District) for Lot 7, Block 35, Crescent Manor Second Extension, to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, 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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq*.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Case #17-03
Ord. # 17-

Date Paid:	1-19-17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 1715
Receipt #:	4810

CASE #: Z17-03

City of Killeen
Zoning Change Application

[X] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: Paula L. Lohse and John P. Goode

Current Address: PO Box 633

City: Killeen State: TX Zip: 76540 -

Home Phone: (254) Business Phone: (254) Cell Phone: (254) 681-4000

Email: jgoode@hgtsbank.com

Name of Applicant:
(If different than Property Owner)

Address:

City: State: Zip:

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

Email:

Address/Location of property to be rezoned: 1621 Richard Drive, 1623 Richard Drive, 1605 S WS Young Drive

Legal Description: Lots 6&7, Block 36 and Lot 7, Block 35, Crescent Manor 2nd Extension

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: ✓ Sole Ownership ___ Partnership ___ Corporation ___ Other

Present Zoning: R1 Present Use: Vacant

Proposed Zoning: B3 Proposed Use: Commercial

Conditional Use Permit for:

This property was conveyed to owner by deed dated _____ and recorded in Volume _____, Page _____, Instrument Number _____ of the Bell County Deed Records. (Attached) Vol. 1461, Pg. 525 / Vol. 1816, Pg. 840 / Probate No. 19810

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

APPOINTMENT OF AGENT

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

Name of Agent: Killeen Engineering & Surveying, Ltd.

Mailing Address: 2901 E. Stan Schlueter Loop

City: Killeen State: Texas Zip: 76542 -

Home Phone: (__) _____ Business Phone: (__) 526-3981 Email: mlee@kesltd.com

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

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

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

Signature of Agent Michelle E. Lee Title KES - Office Manager

Printed/Typed Name of Agent Michelle E. Lee Date 1-12-17

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner Paula L. Lohse Title Property Owner

Printed/Typed Name of Property Owner Paula L. Lohse Date 1/12/17

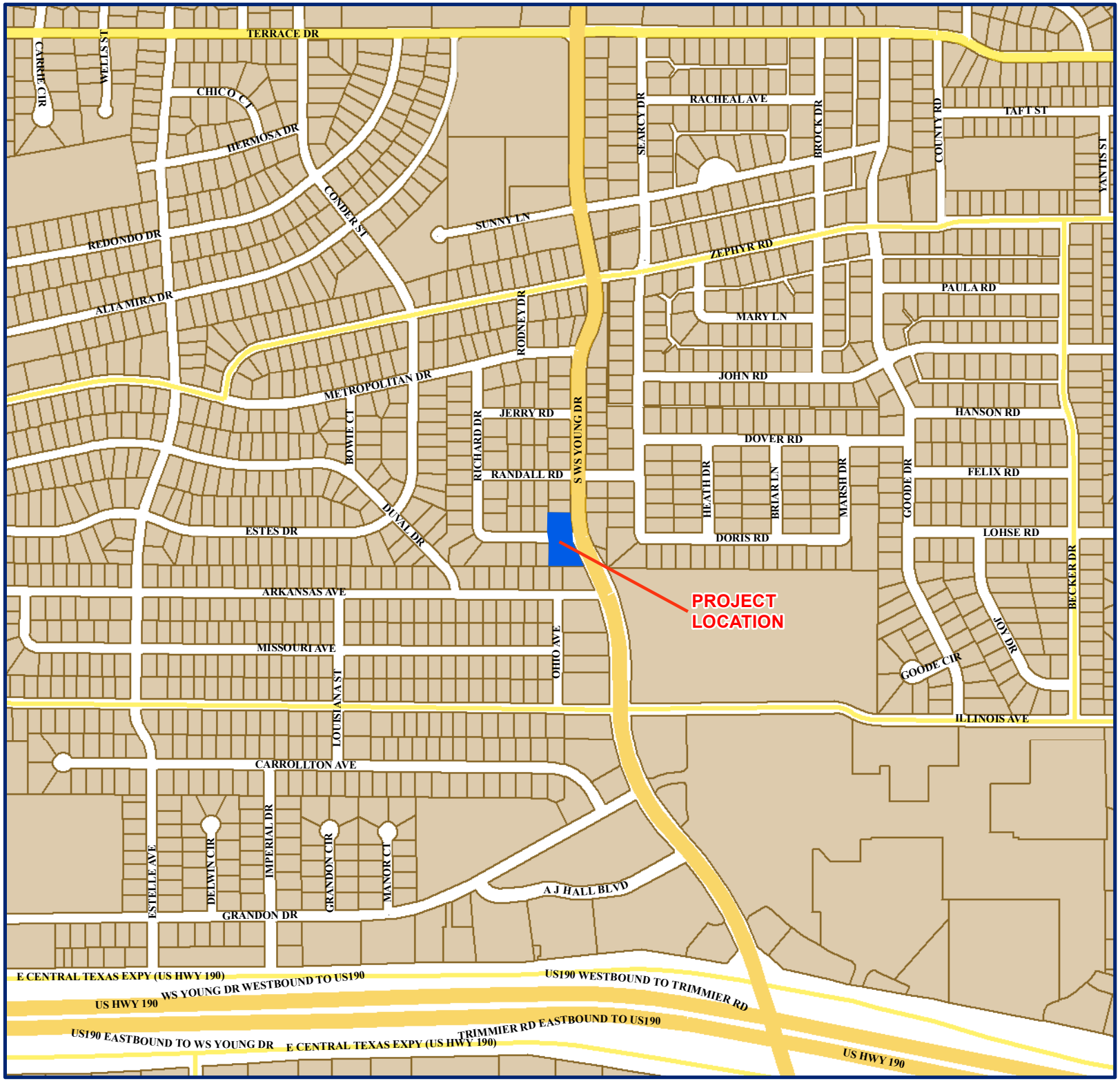
Signature of Property Owner [illegible] Title Property Owner

Printed/Typed Name of Property Owner John P. Goode Date 1-12-17

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-03

ZONING FROM:

R-1 and B-1 To B-3

APPLICANT:

PAULA L LOHSE AND JOHN P GOODE

PROPERTY OWNER:

PAULA L LOHSE AND JOHN P GOODE

LEGAL DESCRIPTION:

CRESCENT MANOR 2ND EXT, BLOCK 036, LOT 6 & 7, AND CRESCENT MANOR 2ND EXT, BLOCK 035, LOT 0007

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 3/6/2017

PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-03

ZONING FROM:

R-1 and B-1 To B-3

APPLICANT:

PAULA L LOHSE AND JOHN P GOODE

PROPERTY OWNER:

PAULA L LOHSE AND JOHN P GOODE

LEGAL DESCRIPTION:

CRESCENT MANOR 2ND EXT, BLOCK 036, LOT 6 & 7, AND CRESCENT MANOR 2ND EXT, BLOCK 035, LOT 0007

LEGEND

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

N E S W

Date: 3/6/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

Whether the use 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: PATRICIA WARREN PHONE NUMBER: 210-490-2700

CURRENT ADDRESS: 19111 E. BIRDSONG SAN ANTONIO, TX 78258

ADDRESS OF PROPERTY OWNED: 1617 RICHARD DR.

COMMENTS:

R-1 TO B-3

I FEEL IT WOULD HAVE AN ADVERSE AFFECT ON MY PROPERTY VALUE. I OPPOSE THE REZONING

RECEIVED
MAR 06 2017
PLANNING

SIGNATURE: Patricia Warren SPO #Z17-03/ 10

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX

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

YOUR NAME: Mary Gonzales PHONE NUMBER:

CURRENT ADDRESS: 1504 Randall Rd

ADDRESS OF PROPERTY OWNED: Killeen, TX 76541

COMMENTS:

R-1 TO B-3

NO

RECEIVED
MAR 01 2017
PLANNING

SIGNATURE: Mary Gonzales SPO #Z17-03/ 05

2-27-17

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

City of Killeen

Legislation Details

File #:	PH-17-017	**Version:** 1	**Name:**	Zoning 17-04	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	3/1/2017		**In control:**	City Council Workshop	
On agenda:	3/21/2017		**Final action:**		
Title:	HOLD a public hearing and consider an ordinance requested by Waterville Property Management of Texas, L.L.C. (Case #Z17-04) to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine, and mixed beverages in conjunction with a pool hall.				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Attachment to CCMO Considerations Minutes Ordinance Application Location Map Buffer Map				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-04 "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

This request is submitted by Waterville Property Management of Texas, L.L.C. to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine, and mixed beverages in conjunction with a pool hall.

District Description:

A building or premises in the "B-C-1" General Business and Alcohol Sales District shall be used only for the following purposes:

(1) Business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes

(2) Any uses permitted in a "B-5" district, excluding the sale of beer, wine, and/or any other alcoholic beverages for off-premises consumption

(3) Business establishments dispensing alcoholic beverages may not be within three hundred (300) feet of a church, public or private school, or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school, or public or private hospital shall be as prescribed by the Texas Alcoholic Beverage Code §109.33, as amended. New applications for a "B-C-1" General Business and Alcohol Sales District zoning shall require the notification of all property owners within two hundred (200) feet in all directions of the area for which the "B-C-1" zoning is requested, so long as those properties are within the corporate limits of the City of Killeen

<u>Property Specifics</u>

Applicant/Property Owner: Waterville Property Management of Texas, L.L.C.

Property Location: The property is located at 202 E. Veterans Memorial Boulevard, Killeen, Texas.

Legal Description: The property is platted as Lot 1, Block 1, Kim Addition, which was filed for record on February 16, 1994, in Cabinet B, Slide 322-B, Plat Records of Bell County, Texas.

Zoning Case History: There is no recent zoning activity for this property

Character of the Area

Existing Land Use(s) on the Property There is an existing commercial plaza on the property.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Yes
Feasibility Study or Service Commitment: Municipal utilities are present and readily available to the subject property. It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:
Existing Conditions: E. Veterans Memorial Boulevard is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan.
Proposed Improvements: None
Projected Traffic Generation: Minimal impact to level of service

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This property does not lie within a FEMA regulatory Special Flood Hazard Area. However, a 2010 drainage study completed by the City of Killeen shows that the parking lot on this parcel does in fact lie within the flood hazard area for Valley Ditch. According to that study the current structure on this parcel is above the base flood elevation for Valley Ditch. Currently sheet flow runoff exits these parcels and flows westward directly into Valley Ditch. From there the combined runoff flows south for approximately 600 feet into South Nolan Creek. The distance from this site and the confluence with impaired section of South Nolan Creek is approximately 1.9 miles. South Nolan Creek downstream of Liberty Ditch is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned was platted in 1994. As a result, the 1993 drainage design criteria apply to this development until the parcel is re-platted.

Land Use Analysis

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Consistency: This zoning request is consistent with the Comprehensive Plan.

Public Notification

The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the rezone request from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) limited to Suites A through D of the existing building by a vote of 7 to 0. There are no existing churches, public/private school, or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

Figure 1. Zoning Map

465’

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

Whether the use 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.

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-04
B-5 to B-C-1

HOLD a public hearing and consider a request submitted by Waterville Property Management of Texas, L.L.C. to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for on-premises sales of beer, wine and mixed beverages in conjunction with a pool hall.

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated this request is submitted by Waterville Property Management of Texas, L.L.C. to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine and mixed beverages in conjunction with a pool hall. Currently Papa John's Pizza is the only tenant. There are no existing churches, public/private school or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33. The staff recommends approval of the rezone request from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) limited to Suites A through D of the existing building.

The staff notified seven (7) surrounding properties within 200 feet of the subject site regarding this request.

Ms. Jennifer Kang, 2505 Traverse Drive, Killeen, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to recommend approval of "B-C-1" (General Business and Alcohol Sales District) limited to Suites A through D of the existing building. Commissioner Latham seconded the motion. Commissioner Harkin had concerns with the egress and ingress of the location. Ms. Kristina Ramirez, P.E., CFM, Director of Environmental Services, stated that this will need to be discussed with TxDOT. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Waterville Property Management of Texas, L.L.C. have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 "B-C-1" zoning request should be approved;

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

SECTION I. That the zoning classification of part of Lot 1, Block 1, Kim Addition, being locally addressed as 202 E. Veterans Memorial Boulevard, Suites A-D,

Killeen, Texas, be changed from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District).

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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Case #17-04
Ord. #17-___

Date Paid:	1/30/17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 137
Receipt #:	488

CASE #: 217-04

City of Killeen
Zoning Change Application

[✓] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: Wakeville Property Management of Texas LLC

Current Address: 18 ELKTON DR.

City: Pinehurst State: NC Zip: 28374

Home Phone: (910) 692-5430 Business Phone: (910) 508-5520 Cell Phone: ( )

Email: LMelley@FreedomFE.com

Name of Applicant: Jennifer Kang
(If different than Property Owner)

Address: 2505 Traverse Dr.

City: Killeen State: TX Zip: 76543

Home Phone: ( ) Business Phone: ( ) Cell Phone: 254 338-8468

Email: JlynnKang@gmail

Address/Location of property to be rezoned: 202 E. Veterans Memorial Blvd. Suite A Killeen, TX 76541

Legal Description: A-D

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: Sole Ownership Partnership ✓ Corporation Other

Present Zoning: B5 Present Use: Vacant

Proposed Zoning: BC1 Proposed Use: Pool Hall

Conditional Use Permit for:

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

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

APPOINTMENT OF AGENT

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

Name of Agent: DAVID BARR

Mailing Address: 300 TRimmick RD.

City: Killeen State: TX Zip: 76542 -

Home Phone: (__) _____ Business Phone: 254 526-2277 Email: DAVID.BARR@DAVIDBARRPROPERTIES.COM

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

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

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

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title OWNER

Printed/Typed Name of Applicant Jennifer Rang Date 1-23-17

Signature of Property Owner _____ Title Managing Member

Printed/Typed Name of Property Owner Waterville Property Mgmt. of Texas Date 1/23/2017

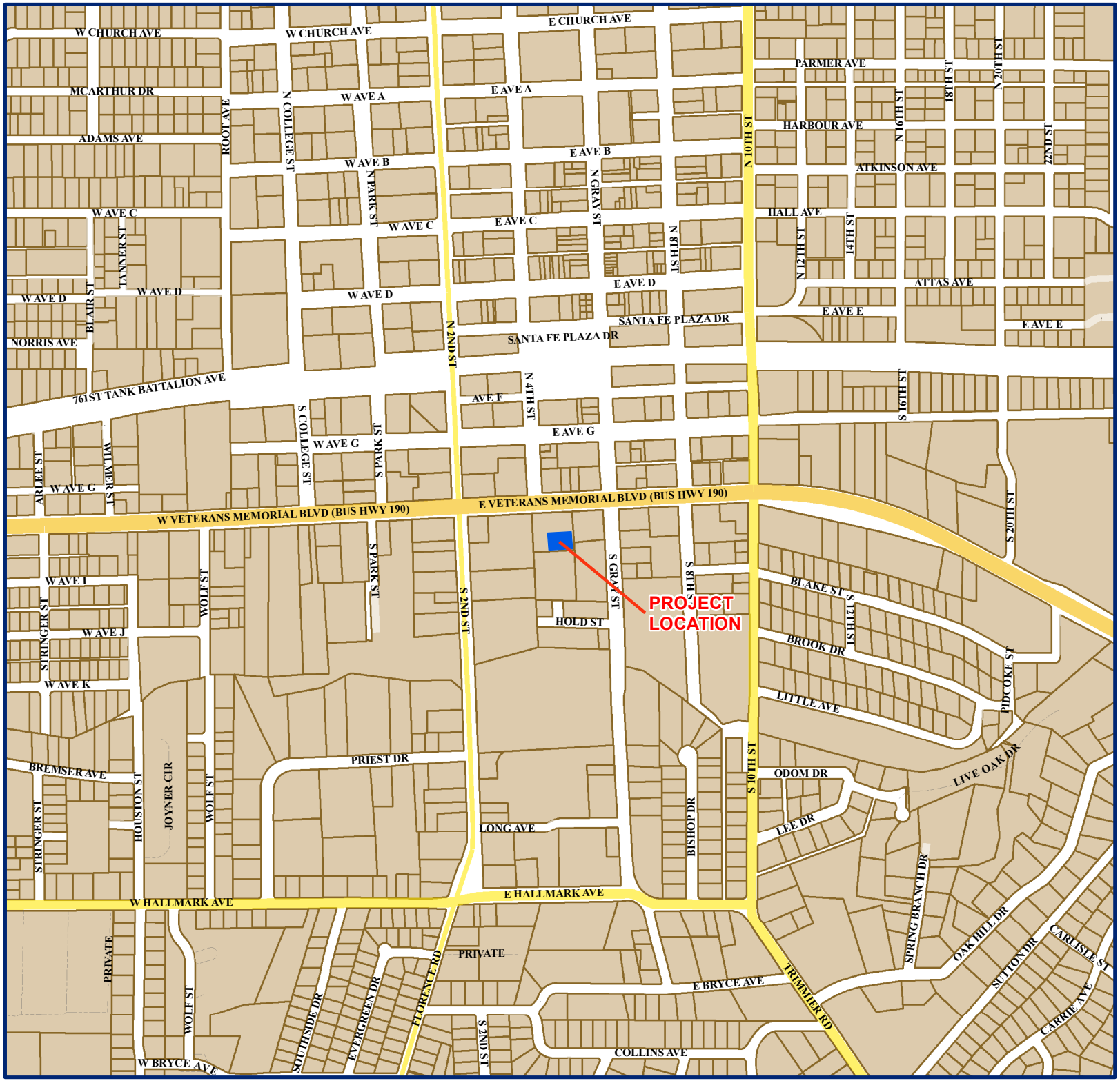
Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-04

ZONING FROM:

B-5 To B-C-1

APPLICANT:

JENNIFER KANG

PROPERTY OWNER:

WATERVILLE PROPERTY MANAGEMENT OF TEXAS, LLC

LEGAL DESCRIPTION:

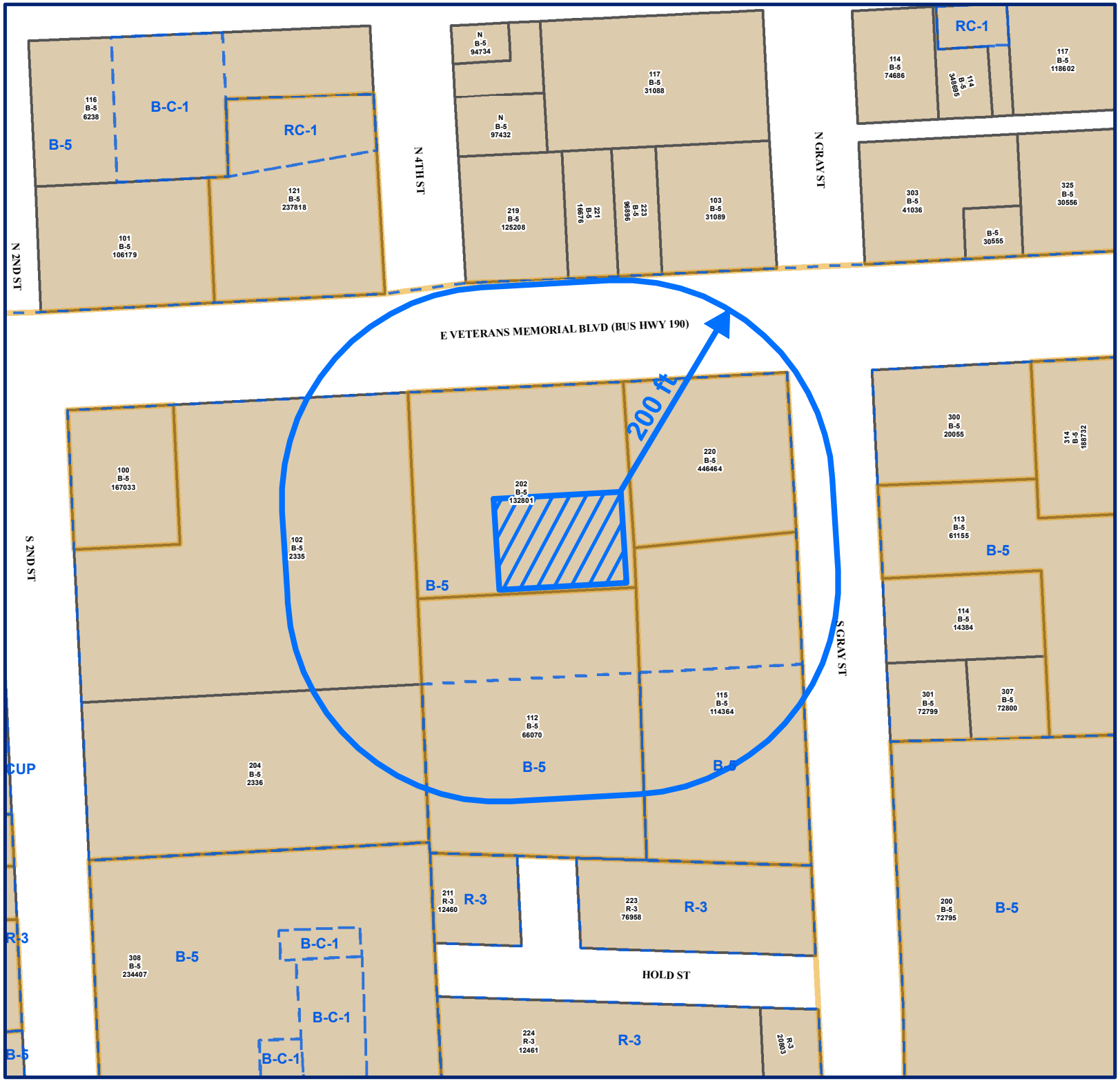
KIM ADDITION, BLOCK 001, LOT 0001

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 2/13/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z17-04

ZONING FROM:
B-5 To B-C-1

APPLICANT:
JENNIFER KANG

PROPERTY OWNER:
WATERVILLE PROPERTY MANAGEMENT OF TEXAS, LLC

LEGAL DESCRIPTION:
KIM ADDITION, BLOCK 001, LOT 0001

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

N E S W

Date: 2/13/2017

City of Killeen

Legislation Details

File #:	PH-17-018A	**Version:**	1	**Name:**	FLUM 17-05 FLUM 17-05
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	3/1/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	

Title: HOLD a public hearing and consider an ordinance requested by Franklin Harris L.L.C. to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' and 'General Commercial' designated area to a 'Multi-Family Residential' designated area (FLUM# Z17-05) for 8.5 acres of land located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Council Memorandum
- Attachment to CCMO
- Minutes
- Ordinance
- Application

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) AMENDMENT: 'SUBURBAN RESIDENTIAL' AND 'GENERAL COMMERCIAL' TO 'MULTI-FAMILY RESIDENTIAL'**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

Nature of the Request

This is a request to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change 'Suburban Residential' and 'General Commercial' designated areas to a 'Multi-Family Residential' designated area. The 8.5 acres property is located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, Killeen, Texas. The applicant has submitted a concurrent request to rezone the subject property from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District).

Land Use Plan: The property is designated as 'Suburban Residential' and 'General Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

The characteristics of the 'General Commercial' designation include:

- A wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

If approved, the proposed revision to the property would result in a 'Multi-Family Residential' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation calls for multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums).

Figure 1. Future Land Use Map (FLUM)

See attachment.

The items below should be reviewed and addressed when a Future Land Use & Character map adjustment is proposed:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? *The amendment is for an area of 8.5 acres and should be considered small scale.*

- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure, or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? *The construction of Cunningham Road has attracted interest in the development of the acreage around this right-of-way. There are existing multi-family developments in this area and it seems logical to facilitate more of the same. This designation type provides a transition between the observed commercial development along E. Central Texas Expressway ('General Commercial') and the single-family residential neighborhoods ('General Residential') to the south.*

- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? *Other than the Thoroughfare Plan, there are no other plans affecting this property. The proposed FLUM amendment is not incompatible with other public works planning efforts.*

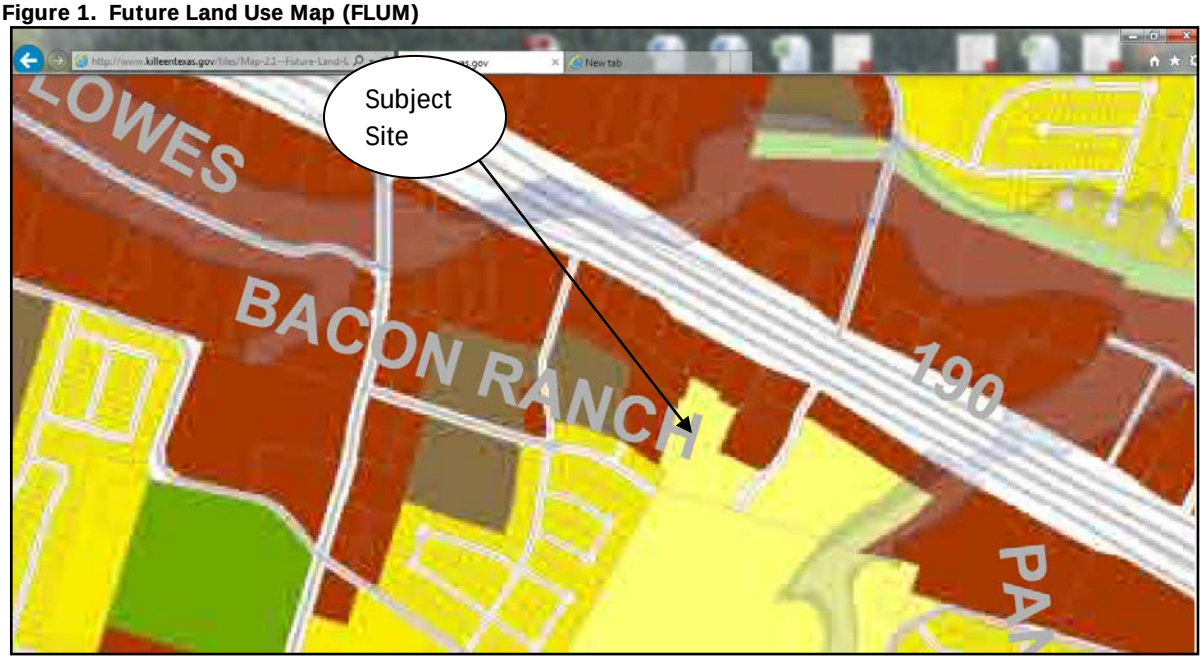
- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? *The proposed FLUM amendment request will not negatively affect public utility capacity or traffic.*

- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action, therefore, staff has not sought, nor received any stakeholder input. *With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action; staff did not received any stakeholder input during the Planning and Zoning Commission meeting.*

Recommendation

The Planning and Zoning Commission recommended approval of the amendment to the Future Land Use Map from 'Suburban Residential' and 'General Commercial' to 'Multi-Family Residential' by a vote of 7 to 0. This designation is consistent with the existing, abutting multi-family residential designation and is a softer transition than the illustrated 'General Commercial' designated area immediately north of the Copper Mountain neighborhood.

Figure 1. Future Land Use Map (FLUM)



Note: Subject area has been identified as 'Suburban Residential and 'General Commercial'

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE FLUM #Z17-05
SUBURBAN RESIDENTIAL AND GENERAL COMMERCIAL TO MULTI-FAMILY RESIDENTIAL

A. HOLD a public hearing and consider a request submitted by Franklin Harris, L.L.C., to amend the Future Land Use Map (FLUM) of the Comprehensive Plan, to change approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from a 'Suburban Residential' and 'General Commercial' designation to a 'Multi-Family Residential' designation for property located between O.W. Curry Road and Cunningham Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated this is the first part of a two part request. Mr. Harris has been working with a developer, Peyton Senior, L.L.C. This designation is consistent with the existing, abutting multi-family residential designation and is a softer transition than the illustrated 'General Commercial' designated area immediately north of the Copper Mountain neighborhood. Staff recommends approval of the amendment to the Future Land Use Map from 'Suburban Residential' and 'General Commercial' to 'Multi-Family Residential'.

Ms. Megan Lasch, 421 W. 3rd Street, Austin, Texas, was present to represent this request.

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

Commissioner DeHart motioned to recommend approval of the designation of the properties from 'Suburban Residential' and 'General Commercial' designated areas to a 'Multi-Family Residential' designated area. Commissioner Cooper seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE_____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' AND 'GENERAL COMMERCIAL' TO 'MULTI-FAMILY RESIDENTIAL' FOR APPROXIMATELY 8.5 ACRES OF LAND LOCATED BEWTWEEN O.W. CURRY DRIVE AND CUNNINGHAM ROAD, SOUTH OF E. CENTRAL TEXAS EXPRESSWAY, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission has received a request from Franklin Harris, L.L.C. for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change approximately 8.5 acres of land located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, from 'Suburban Residential' and 'General Commercial' to 'Multi-Family Residential'; said revision having been duly presented and recommended for approval of 'Multi-Family Residential' by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of March 2017, 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 land use designation of approximately 8.5 acres of land located between O.W. Curry Drive and Cunningham Road, south of E. Central Texas Expressway, be amended from 'Suburban Residential' and 'General Commercial' to 'Multi-Family Residential'.

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 28th day of March 2017, 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:

_____

Diana Barker
CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis
CITY ATTORNEY
Case #: FLUM #Z17-05
Ord#:17-___

Date Paid:	
Amount Paid:	$ 100.00
Cash/MO #/Check #:	#
Receipt #:	

CASE #: FLUM 217-05

City of Killeen
FLUM Amendment Application

Name(s) of Property Owner: Franklin Harris, LLC

Current Address: P.O. Box 794055

City: Dallas State: TX Zip: 75379 - 4055

Home Phone: ( ) Business Phone: (972) 896-0032 Cell Phone: ( )

Email: hytken@sbcgloabl.net

Name of Applicant: Payton Senior, LLC
(If different than Property Owner)

Address: 421 W 3rd Street, Suite 504

City: Austin State: TX Zip: 78701

Home Phone: ( ) Business Phone: (830) 330-0762 Cell Phone ( )

Email: megan@pinrocllc.com

Address/Location of property proposed for FLUM amendment: Located between O.W. Curry Road and Cunningham Road

Legal Description: 8.5 Acres out of the W.H. Cole Survey, Abstract 150 in Bell County, Texas

Metes & Bounds or Lot(s) Block Subdivision

Type of Ownership: Sole Ownership Partnership Corporation limited liability co. Other

Present FLUM Designation: R1, R3, B3 Present Use: Vacant

Proposed FLUM Designation: ~~PUD R3-A~~ MFR Proposed Use: Senior Housing

This property was conveyed to owner by deed dated July 31, 2014 and recorded in Volume , Page , Instrument Number 2014-00028264 of the Bell County Deed Records. (Attached)

Dated: 10-05-2015

APPOINTMENT OF AGENT

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

Name of Agent: Consort, Inc.

Mailing Address: 3600 Bee Caves Road, Suite 100

City: West Lake Hills State: TX Zip: 78746 -

Home Phone: ( ) Business Phone: (512) 469-0500 Email: bturner@consortinc.com

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

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

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

Signature of Agent _____ Title President

Printed/Typed Name of Agent Ben Turner Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant MDLasch Digitally signed by Megan Lasch DN: cn=Megan Lasch, o=ecl, email=megan@phn.ut-housing.com, c=US Date: 2017.02.08 14:49:14 -06'00' Title Project Manager

Printed/Typed Name of Applicant Megan Lasch Date _____

Signature of Property Owner _____ Title Managing Member

Printed/Typed Name of Property Owner Franklin Harris, LLC Date Jan. 1, 2017

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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

Dated: 10-05-2015

City of Killeen

Legislation Details

File #:	PH-17-018B **Version:** 1	**Name:**	Zoning 17-05
Type:	Ordinance/Public Hearing	**Status:**	Public Hearings
File created:	3/1/2017	**In control:**	City Council Workshop
On agenda:	3/21/2017	**Final action:**	
Title:	HOLD a public hearing and consider an ordinance requested by Payton Senior L.L.C. on behalf of Franklin Harris, L.L.C. (Case #Z17-05) to rezone approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from “R-1” (Single-Family Residential District), “R-3” (Multifamily Residential District) and “B-5” (Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District).		
Sponsors:	Planning & Development Dept		
Indexes:			
Code sections:			
Attachments:	Council Memorandum Attachment to CCMO Minutes Ordinance Application Location Map Buffer Map Considerations Concept Plan		

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-05 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) AND "B-5" (BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "R-3A" (MULTIFAMILY APRTMENT RESIDENTIAL DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

Payton Senior L.L.C. submits this request on behalf of Franklin Harris, L.L.C. to rezone approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses for a project named *Payton Senior Housing*. The project site is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive, and west of Cunningham Road. The developer is proposing to construct a 92 dwelling unit project with three (3) apartment buildings, one common building, a pool and 161 parking spaces. The proposed building heights are as follows:

Building 1: 20'
Building 2: 32' 6"
Building 3: 13' 2"
Building 4: 32' 6"

It shall be noted that the applicant's plan is to construct Building 3 as a one story building since it will be located adjacent to an existing single-family neighborhood.

District Description:

A building or premises in an "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:

(a) Uses. A building or premises in an "R-3A" multifamily apartment residential district shall be used only for the following purposes:
(1) Any use permitted in the "R-1" or "R-2" districts
(2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures
(3) Boarding and lodging houses
(4) Fraternity or sorority houses
(5) Licensed group or community homes housing six (6) or more persons
(6) Dormitories for educational or employment purposes as a primary use
(7) Any group housing activity not otherwise identified in another multifamily or business district

(8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business

(b) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable

A planned unit development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed and public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

(a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
(b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
(c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
(d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

Property Specifics

Applicant/Property Owner: Franklin Harris, L.L.C.

Property Location: The property is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive and west of Cunningham Road.

Legal Description: 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, Killeen, Texas.

Zoning / Plat Case History:

- There is no recent zoning activity for the property.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: The project area is undeveloped. The surrounding land uses are single-family (south); the Arbors of Killeen apartment complex is located to the west and various commercial uses to the north. Additionally, there is a dense multifamily residential apartment complex (Bridgemoor at Killeen Apartments) across the Cunningham Road right-of-way.

Historic Properties: None

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Yes
Feasibility Study or Service Commitment: The applicant shall extend water and sewer service to the property. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of, all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Various scenarios are available for retail potable water supply to a multifamily development:
- a master meter (with backflow/crossflow isolation) set at a tap on a public water main, with a multi-service-unit-equivalent yard line with or without (owner-side) sub-metering
- a looped dedicated public water main (the means of water distribution required per the City's adopted Infrastructure Development & Design Standards Manual) internal to the complex with one or more service connections
- individual service connections from an abutting public water main to individual buildings, and in some cases individual units

Please note that transmission of potable water to individual "customers" through a private potable water transmission system that does not conform with 30 TAC 290 and Killeen Code of Ordinances Chapter 30 rules would result in regulation of the supplier as a retail water purveyor by the TCEQ. Public sanitary sewer utility service is immediately available to the property. An existing 12-inch diameter gravity sanitary sewer interceptor that serves the entire contributing wastewater drainage basin crosses the full extent of the eastern portion of the subject tract. Upon approval of a future development permit application, the developer would be required to extend a public sanitary sewer main to provide adequate collection capacity in accordance with City of Killeen Code of Ordinances and other applicable development criteria.

According to section 31-804 of the Killeen Code of Ordinances, the PUD concept plan shall be accompanied with the topography (2-foot contours), existing and proposed drainage patterns, and existing and proposed drainage areas. The submitted PUD application does not contain any of these items. Based on the existing contours illustrated on the City's website, this existing site appears to drain in two locations. The first is onto the remainder tract to the southeast of the proposed PUD area. The second point is directly onto Cunningham Road to the east. From both of these discharge points, the runoff will flow east into Little Nolan Creek via drainage easements, private infrastructure, and existing concentration areas. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are listed on the TCEQ's current 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Transportation:
Existing Conditions: Ingress/egress to and from Cunningham Road and O.W. Curry Drive will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed. Cunningham Road and O.W. Curry Drive are classified (respectively) as a 70' collector street and 60' local street on the City's adopted Thoroughfare Plan.
Proposed Improvements: No proposed improvements to either right-of-way are contemplated as part of this zoning request.
Projected Traffic Generation: Significant upon build out

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The property ranges in elevation from 834' to 858' above sea level. This parcel is not located within a FEMA regulatory Special Flood Hazard Area (SFHA). The Little Nolan Creek Watershed is located east of the subject area, but does not encroach onto the property.

Land Use Analysis

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

Plan Recommendation: The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

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

Consistency: The zoning request is not consistent with the intent of the Comprehensive Plan; therefore, the applicant has submitted a FLUM amendment request to 'Multi-Family Residential' (MFR) to align this project with the existing adjacent area that is already designated as MFR.

Public Notification

The staff notified twenty-nine (29) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's PUD request by a vote of 7 to 0. The approval is subject to adherence to the submitted site plan and a maximum impervious area calculation of no more than 47%. The 92 units are less than the 148 units allowed under the City's current "R-3A" density ratio and the PUD concept plan provides ample open space. These factors combined with the City's architectural design, landscaping, and screening requirements will yield an attractive development.

Figure 1. Aerial Map

MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-05
R-1, R-3 AND B-5 TO PUD W/R-3A

B. HOLD a public hearing and consider a request submitted by Franklin Harris, L.L.C. to rezone 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District). The property is located south of E. Central Texas Expressway, east of O.W. Curry Drive and west of Cunningham Road.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this request is for a project named *Payton Senior Housing*. The project site is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive and west of Cunningham Road. The developer for the project is proposing to construct a 92 dwelling unit project with three (3) apartment buildings, one common building, a pool and 161 parking spaces. The proposed building heights are as follows:

Building 1: 20'
Building 2: 32' 6"
Building 3: 13' 2"
Building 4: 32' 6"

It shall be noted that the applicant's plan is to construct Building 3 as a one story building since it is located adjacent to an existing single-family neighborhood.

The staff notified twenty-nine (29) surrounding property owners regarding this request. Staff has received no responses.

Staff recommends approval of the applicant's PUD request subject to adherence with the submitted site plan and a maximum impervious area calculation of no more than 47%. This development is not dense site as the acreage allows a total of 148 units under the City's density ratio and the PUD concept plan is sensitive to the surrounding single-family residential neighborhood. These factors combined with the City's architectural design, landscaping and screening requirements will yield an attractive development. If approved, the applicant shall meet all applicable city requirements for drainage.

Ms. Megan Lasch, 421 W. 3rd Street, Austin, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to recommend approval of the request. Commissioner Harkin seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) AND "B-5" (BUSINESS DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Payton Senior L.L.C. on behalf of Franklin Harris, L.L.C. 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 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 PUD for "R-3A" zoning request should be approved;

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

SECTION I. That the zoning classification of part of approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District). The project site is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive and west of Cunningham Road.

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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Dianna Barker, CITY SECRETARY
APPROVED AS TO FORM

_____
Kathryn H. Davis, City Attorney

Case #17-05
Ord. #17-___

Date Paid:	5/3/17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 31006
Receipt #:	491

CASE #: Z17-05

City of Killeen
Zoning Change Application

[X] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: Franklin Harris, LLC

Current Address: P.O. Box 794055

City: Dallas State: TX Zip: 75379 - 4055

Home Phone: ( ) Business Phone: (972) 896-0032 Cell Phone: ( )

Email: hytken@sbcglobal.net

Name of Applicant: Payton Senior, LLC
(If different than Property Owner)

Address: 421 West 3rd Street – Suite 1504

City: Austin State: TX Zip: 78701

Home Phone: ( ) Business Phone: (832) 330-0762 Cell Phone ( )

Email: megan@pinroclic.com

Address/Location of property to be rezoned: Located between O.W. Curry Road and Cunningham Road

Legal Description: 8.5 Acres out of the W.H. Cole Survey, Abstract 150 in Bell County, Texas

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO ☐X
If NO, a FLUM amendment application must be submitted.

Type of Ownership: Sole Ownership ___ Partnership ___ Corporation X limited liability co. Other

Present Zoning: R1, R3, ~~B3~~ B5 Present Use: Vacant

Proposed Zoning: PUD R3-A Proposed Use: Senior Housing

Conditional Use Permit for: ___

This property was conveyed to owner by deed dated July 31, 2014 and recorded in Volume ___, Page ___, Instrument Number 2014-00028264 of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: Consort, Inc.

Mailing Address: 3600 Bee Caves Road, Suite 100

City: West Lake Hills State: Texas Zip: 78746 -

Home Phone: (__) _____ Business Phone: (512) 469-0500 Email: bturner@consortinc.com

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

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

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

Signature of Agent _____ Title President

Printed/Typed Name of Agent Ben Turner Date _____

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title Project Manager

Printed/Typed Name of Applicant Megan Lasch Date _____

Signature of Property Owner _____ Title Managing Member

Printed/Typed Name of Property Owner Franklin Harris, LLC Date Jan. 1, 2017

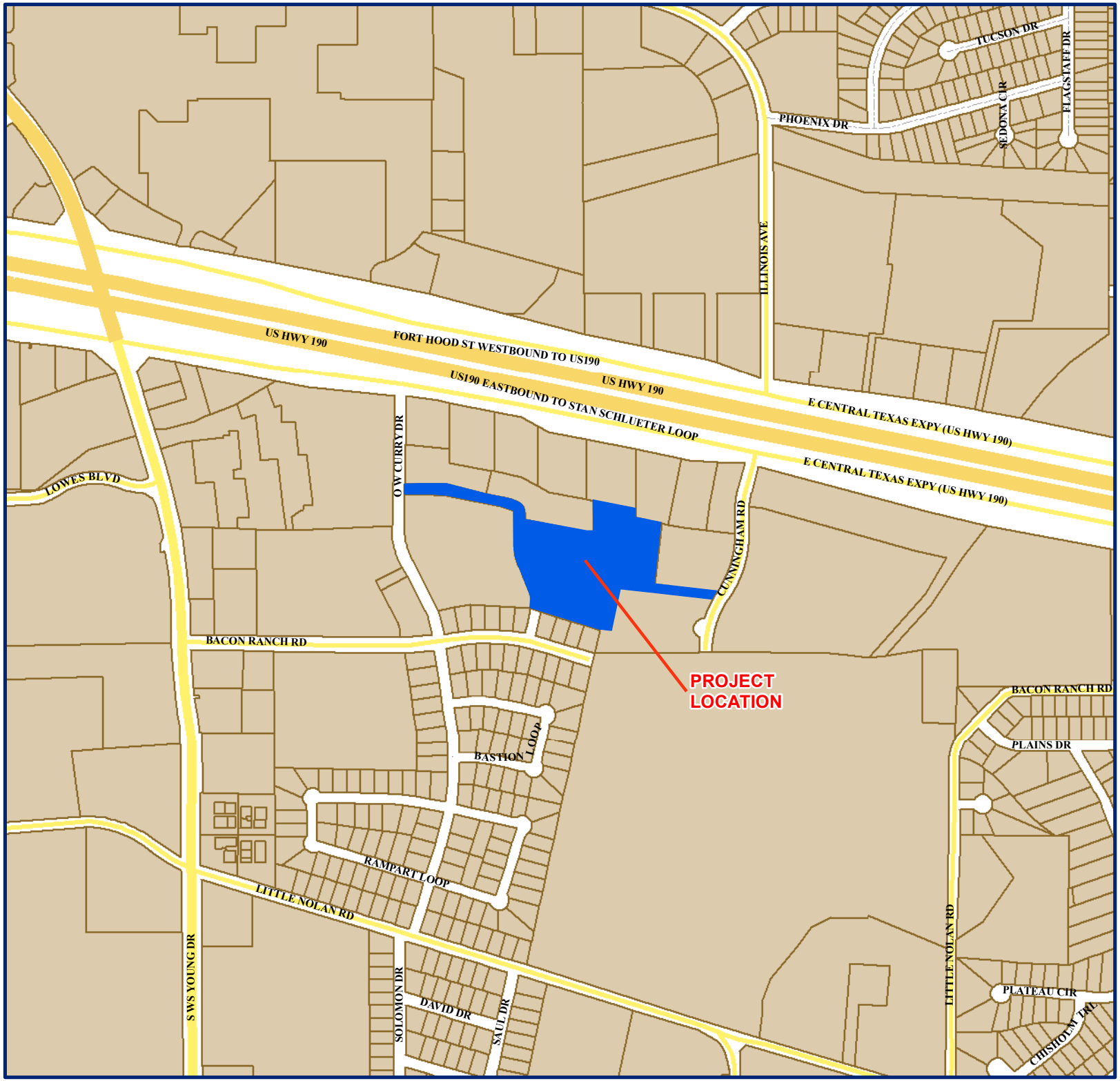
Signature of Property Owner _____ Title Managing Member

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-05

ZONING FROM:

R-1, R-3 AND B-5 To PUD w/R3-A

APPLICANT:

PAYTON SENIOR, LLC

PROPERTY OWNER:

FRANKLIN HARRIS, LLC

LEGAL DESCRIPTION:

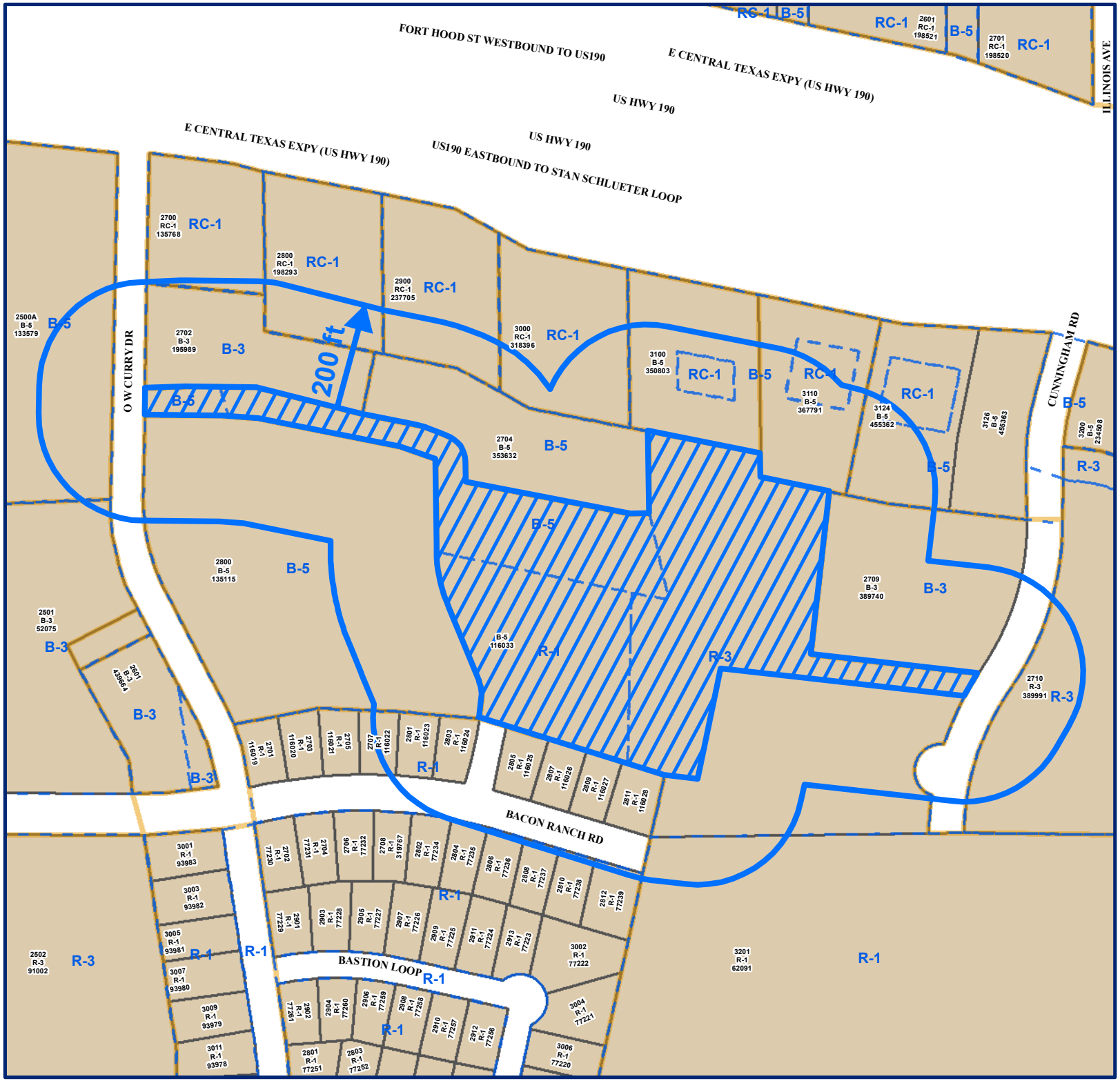
A0150BC W H COLE, ACRES 11.382

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 2/17/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-05

ZONING FROM:

R-1, R-3 and B-5 To PUD w/ R-3A

APPLICANT:

PAYTON SENIOR, LLC

PROPERTY OWNER:

FRANKLIN HARRIS, LLC

LEGAL DESCRIPTION:

A0150BC W H COLE, ACRES 11.382

LEGEND

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

N E S W

Date: 2/17/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

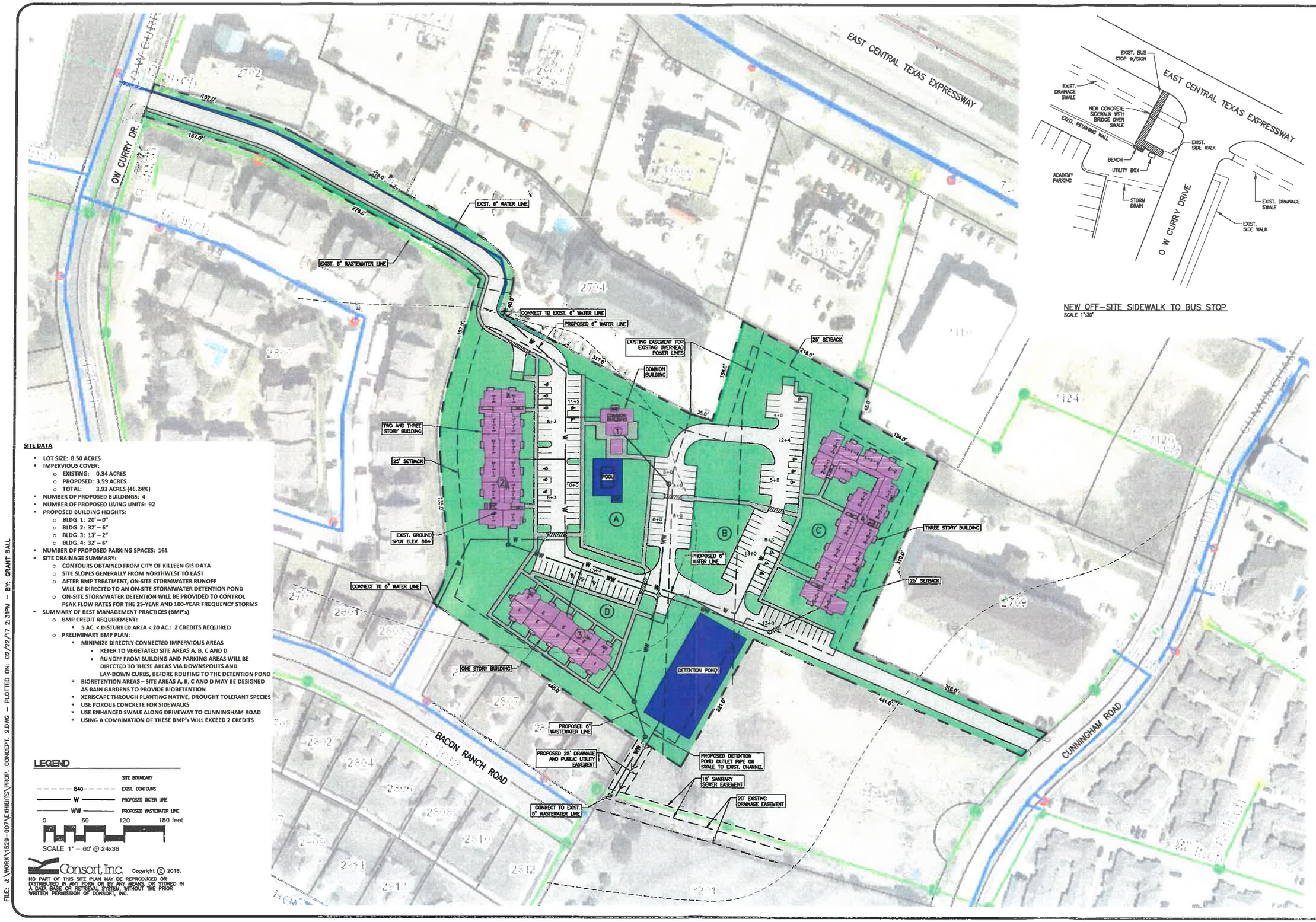
Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use 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.



NEW OFF-SITE SIDEWALK TO BUS STOP
SCALE 1"=30'

SITE DATA

- LOT SIZE: 8.50 ACRES
- IMPERVIOUS COVER:
  - EXISTING: 0.34 ACRES
  - PROPOSED: 3.59 ACRES
  - TOTAL: 3.93 ACRES (46.24%)
- NUMBER OF PROPOSED BUILDINGS: 4
- NUMBER OF PROPOSED LIVING UNITS: 92
- PROPOSED BUILDING HEIGHTS:
  - BLDG. 1: 20' – 0"
  - BLDG. 2: 32' – 6"
  - BLDG. 3: 13' – 2"
  - BLDG. 4: 32' – 6"
- NUMBER OF PROPOSED PARKING SPACES: 161
- SITE DRAINAGE SUMMARY:
  - CONTOURS OBTAINED FROM CITY OF KILLEEN GIS DATA
  - SITE SLOPES GENERALLY FROM NORTHWEST TO EAST
  - AFTER BMP TREATMENT, ON-SITE STORMWATER RUNOFF WILL BE DIRECTED TO AN ON-SITE STORMWATER DETENTION POND
  - ON-SITE STORMWATER DETENTION WILL BE PROVIDED TO CONTROL PEAK FLOW RATES FOR THE 25-YEAR AND 100-YEAR FREQUENCY STORMS
- SUMMARY OF BEST MANAGEMENT PRACTICES (BMP's)
  - BMP CREDIT REQUIREMENT:
    - 5 AC. < DISTURBED AREA < 20 AC.: 2 CREDITS REQUIRED
  - PRELIMINARY BMP PLAN:
    - MINIMIZE DIRECTLY CONNECTED IMPERVIOUS AREAS
      - REFER TO VEGETATED SITE AREAS A, B, C AND D
      - RUNOFF FROM BUILDING AND PARKING AREAS WILL BE DIRECTED TO THESE AREAS VIA DOWNSPOUTS AND LAY-DOWN CURBS, BEFORE ROUTING TO THE DETENTION POND
    - BIORETENTION AREAS – SITE AREAS A, B, C AND D MAY BE DESIGNED AS RAIN GARDENS TO PROVIDE BIORETENTION
    - XERISCAPE THROUGH PLANTING NATIVE, DROUGHT TOLERANT SPECIES
    - USE POROUS CONCRETE FOR SIDEWALKS
    - USE ENHANCED SWALE ALONG DRIVEWAY TO CUNNINGHAM ROAD
    - USING A COMBINATION OF THESE BMP's WILL EXCEED 2 CREDITS

LEGEND

	SITE BOUNDARY
840	EXIST. CONTOURS
W	PROPOSED WATER LINE
WW	PROPOSED WASTEWATER LINE

0 60 120 180 feet

SCALE 1" = 60' @ 24x36

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NO PART OF THIS SITE PLAN MAY BE REPRODUCED OR DISTRIBUTED IN ANY FORM OR BY ANY MEANS, OR STORED IN A DATA BASE OR RETRIEVAL SYSTEM, WITHOUT THE PRIOR WRITTEN PERMISSION OF CONSORT, INC.

FILE: J:\WORK\1529-007\EXHIBITS\PROP. CONCEPT. 2.DWG – PLOTTED ON: 02/22/17 2:31PM – BY: GRANT BALL

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF MARK T. ROSS, TEXAS P.E. 86534 ON February 22, 2017. IT IS NOT TO BE USED FOR CONSTRUCTION OR BIDDING PURPOSES.

PAYTON SENIOR LLC
421 W. 3RD STREET
AUSTIN, TX 78701

PAYTON SENIOR HOUSING
CITY OF KILLEEN, BELL COUNTY, TEXAS
CONCEPTUAL LAND, DRAINAGE AND UTILITY PLAN

Consort, Inc
900 N. Fort Hood St. / Killeen, TX 76541
T.B.P.E. Firm Registration No. F-8658

NORTH

JCB NO.:	1529-007
DRAWN BY:	GNB
SCALE:	1"=80'
DATE:	02/22/17
FILE:	PROP. CONCEPT. 2
XREF:	
REV./CORR:	

SHEET 1 of 1

City of Killeen

Legislation Details

File #:	PH-17-019 **Version:** 1	**Name:**	Zoning 17-06
Type:	Ordinance/Public Hearing	**Status:**	Public Hearings
File created:	3/1/2017	**In control:**	City Council Workshop
On agenda:	3/21/2017	**Final action:**	

Title: HOLD a public hearing and consider an ordinance requested by Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. (Case #Z17-06) to rezone approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-1” (Single-Family Residential District) uses to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Council Memorandum
- Attachment to CCMO
- Minutes
- Ordinance
- Application
- Location Map
- Buffer Map
- Considerations
- Concept Plan

Date	Ver.	Action By	Action	Result

powered by Legistar™

CITY COUNCIL MEMORANDUM

AGENDA ITEM **ZONING CASE #Z17-06 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)**

ORIGINATING DEPARTMENT **PLANNING & DEVELOPMENT SERVICES**

The Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. submit this request to rezone to approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

The applicant is proposing the following lot sizes within the Planned Unit Development:

Table. 1

Phase/ Lots	Dimensions	Area	Front setback	Side setback	Rear setback
Two/ 211 lots	60'x125'	7,500 sq. ft.	25'	5'	20'
Four/ 160 lots	55'x120'	6,600 sq. ft.	25'	5'	20'
Five/ 50 lots	60'x115'	6,900 sq. ft.	25'	5'	20'

District Description:

Purpose

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed and public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

(a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
(b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and pedestrian circulation;
(c) Allow developers greater freedom to be innovative in selecting means to provide access, light, open space, and amenities; and
(d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

Property Specifics

Applicant / Property Owner: Gary W. Purser Sr. 1999 Trust & RSBP Developers, Inc.

Property Location: The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights border.

Legal Description: 113.77 acres of the A. H. Wood Survey, Abstract No. 886, the W.E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas

Zoning / Plat Case History:

- The property was rezoned from “A” (Agricultural District) and “A-R1” (Agricultural Single-Family Residential District) to “R-1” (Single-Family Residential District) on November 14, 2006, per Ordinance No. 06-120.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: The project area is undeveloped. The surrounding land uses are single-family in nature.

Historic Properties: None

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: The existing potable water main serving the property is a looped 16-in diameter transmission main running along the Chaparral Road frontage. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of, all required testing of the public water mains to confirm adequate flow and pressure exists to support any code-mandated fire protection measures. Additionally, City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit.

According to section 31-804 of the Killeen Code of Ordinances, the PUD concept plan shall be accompanied with existing drainage patterns, existing drainage areas,, and special flood hazard areas. The submitted PUD application does not contain these items. The illustrated creek buffer zone, riparian buffer, and green space areas are approximations and will be verified during the plat and construction plan permitting processes. In addition, a FEMA compliant drainage study for the altered point discharges in to Trimmier Creek will be required during the plat and construction plan permitting processes.

Transportation:
Existing Conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the purpose of a development permit. Chaparral Road is a rural section with a bar ditch profile. It is not at the desired level of service (LOS) for a minor arterial street classification.
Proposed Improvements: Development of additional streets will occur during the subdivision process.
Projected Traffic Generation: Significant upon build out

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The property is undulating, with significant elevation changes. The site contains a substantial mesh of Oak and other tree species. Trimmier Creek runs along the northern portion of the subject site. The proposed PUD area directly discharges into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 303(d) water quality list for concerns for near-nonattainment of the Water Quality Standards for the macrobenthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macrobenthic community in this basin.

Land Use Analysis

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

Plan Recommendation: The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

Consistency: Overall, the PUD's residential density (3.72 residential lots per **gross** acre) is greater than what is prescribed in the "SR-1" zoning district, which is 4 residential lots per **net** acre. However, staff is not recommending a change to the FLUM designation of this property since the PUD concept is essentially a carryover from the previously-approved Heritage Oaks development. Staff will support the negotiated PUD standards and current FLUM designation.

Public Notification

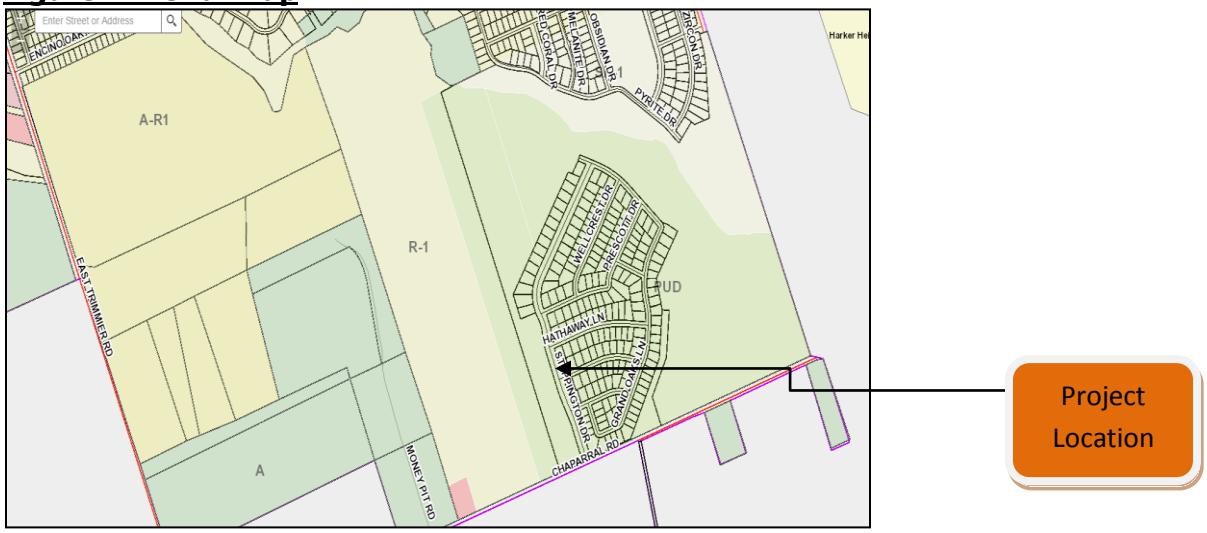
The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's PUD request by a vote of 4 to 2, with Commissioners Harkin and Dehart in opposition. Their opposition was based on the applicant's plan for a 5' side yard; Commissioner Purser abstained from voting on this case. The Commission's recommendation for approval is based on the applicant's adherence to the submitted site plan and submitted typical lot layout of 20' front and rear building lines and a 5' side building line, along with the following conditions:

- Residential density shall not exceed 3.72 dwelling units per gross acre;
- Residential development shall not exceed 421 lots;
- Perpetual continuation of the proposed 22 acres of green space/ riparian buffer as well as continuation of the hike and bike trail through these areas; and
- Inclusion of the current "SR-1" architectural and landscaping regulations.
  Note: these regulations require that single family detached homes must have a minimum of 75% brick, stucco, or stone for front exterior walls and 50% brick, stucco, or stone veneer for side exterior walls, excluding doors, windows and gables. The minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard and eight (8) 3-gallon shrubs in the front yard.

Figure 1. Aerial Map



MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-06
R-1 TO PUD W/R-1

HOLD a public hearing and consider a request submitted by Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. to rezone approximately 113.77 acres out of the W. E. Hall Survey, Abstract No. 1116 and the J.B. Harris Survey, Abstract No. 452 from "R-1" (Single-family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-family Residential District). The property is located north of Chaparral Road, east of Money Pit Road, Killeen, Texas.

Commissioner Purser stepped away from the dais due to a potential conflict of interest.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that this request represents Phases 2, 4 and 5 of the continuation of Heritage Oaks. The PUD for Phase 1 and 3 was approved in 2013. The proposal consists of varying lot sizes and 22 acres of green space and riparian buffer.
The applicant is proposing the following lot sizes within the Planned Unit Development:

Table. 1

Phase/ Lots	Dimensions	Area	Front setback	Side setback	Rear setback
Two-211 lots	60'x125'	7,500 sq. ft.	25'	5'	20'
Four-160	55'x120'	6,600 sq. ft.	25'	5'	20'
Five-50	60'x115'	6,900 sq. ft.	25'	5'	20'

Staff recommends approval of the applicant's PUD request subject to adherence with the submitted site plan and impervious area calculations. This recommendation takes into account the applicant's submitted typical lot layout of 25' front, 20' rear building lines and a 5' side building line, along with the following conditions:

- Residential density shall not exceed 3.72 dwelling units per gross acre;
- Residential development shall not exceed 421 lots;
- Perpetual continuation of the proposed 22 acres of green space/ riparian buffer as well as continuation of the hike and bike trail through these areas; and
- Inclusion of the current "SR-1" architectural and landscaping regulations.

Note: these regulations require that single family detached homes must have a minimum of 75% brick, stucco or stone for front exterior walls and 50% brick, stucco or stone veneer for side exterior walls, excluding doors, windows and gables. The minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.

The staff notified 7 (seven) surrounding property owners regarding this request. No responses have been received.

Ms. Michelle Lee, Killeen Engineering & Surveying, Ltd., 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

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

Vice Chair Dorroh motioned to recommend approval of Planned Unit Development (PUD) with "R-1" (Single-family Residential District) with the conditions. Commissioner Peters seconded the motion. The motion passed 4-2. Commissioner Harkin was in opposition, she stated she had a concern that the 5' sideyard setback was not enough and it is not attractive for off street parking. Commissioner DeHart was also in opposition, he stated that he did not agree with the 5' sideyard setback.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

Commissioner Purser returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 113 acres out of the W. E. Hall Survey, Abstract No. 116 and the J. B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) of varying lot sizes and 22 acres of green space and riparian buffer, with the following requirements:

Table. 1

Phase/ Lots	Dimensions	Area	Front setback	Side setback	Rear setback
Two-211 lots	60'x125'	7,500 sq. ft.	25'	5'	20'
Four-160	55'x120'	6,600 sq. ft.	25'	5'	20'
Five-50	60'x115'	6,900 sq. ft.	25'	5'	20'

said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 PUD for "R-1" zoning request should be approved;

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

SECTION I. That the zoning classification of part of approximately 113 acres out of the W. E. Hall Survey, Abstract No. 116 and the J. B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) of varying lot sizes and 22 acres of green space. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____
Kathryn H. Davis, City Attorney

Case #17-06
Ord. #17-___

Date Paid:	2/03/17
Amount Paid:	$ 300.00
Cash/MO #/Check #:	# 1203
Receipt #:	492

CASE #: Z16-06

City of Killeen
Zoning Change Application

[✓] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: Gary W. Purser Sr. 1999 Trust & RSBP Developers, Inc.

Current Address: 2901 E. Stan Schlueter Loop

City: Killeen State: TX Zip: 76542 -

Home Phone: (254)____ Business Phone: (254) 634-5567 Cell Phone: (254)

Email: cpurser@purserco.com

Name of Applicant: RSBP Developers, Inc.

(If different than Property Owner)

Address: 2901 E. Stan Schlueter Loop

City: Killeen State: TX Zip: 76542

Home Phone: (__) ____ Business Phone: (__) 634-5567 Cell Phone (__)

Email: ____

Address/Location of property to be rezoned: Chaparral Road, 330' East of Money Pit Road

Legal Description: 113.77 ac out of the W.E. Hall Survey A-116, and the J.B. Harris Survey, A-452

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: ____ Sole Ownership ____ Partnership ✓ Corporation ✓ Other

Present Zoning: R1 Present Use: Ag

Proposed Zoning: PUD Proposed Use: Residential

Conditional Use Permit for: ____

This property was conveyed to owner by deed dated 2-2-08 + 8-19-16 and recorded in Volume ____, Page ____, Instrument Number 2008-00040763 2016-00038762 of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: Killeen Engineering & Surveying, Ltd.

Mailing Address: 2901 E. Stan Schlueter Loop

City: Killeen State: Texas Zip: 76542 -

Home Phone: (___) _____ Business Phone: (___) 526-3981 Email: _____

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

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

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

Signature of Agent _____ Title PROJECT MANAGER

Printed/Typed Name of Agent BRANDON CLEMENT Date 1-30-17

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title PRESIDENT - RSBP

Printed/Typed Name of Applicant GARY PURSER JR Date 1-30-17

Signature of Property Owner _____ Trustee Title TRUSTEE - 1999 TRUST GARY W. PURSER SR

Printed/Typed Name of Property Owner RONALD E. STEPP Date 1-30-17

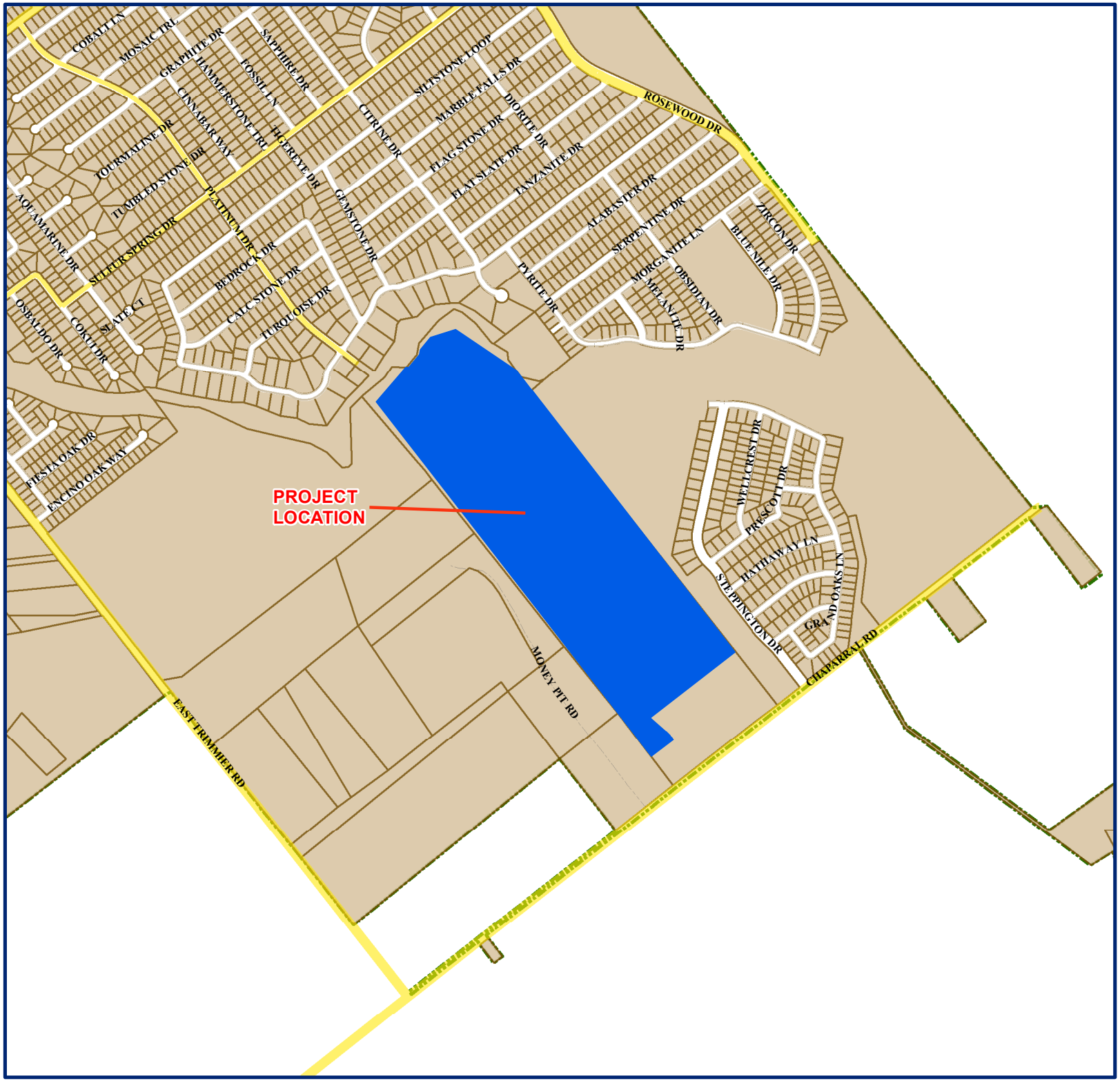
Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-06

ZONING FROM:

R-1 To PUD w/ R-1

APPLICANT:

RSBP DEVELOPERS, INC.

PROPERTY OWNER:

GARY W PURSER SR
1999 TRUST AND
RSBP DEVELOPERS, INC.

LEGAL DESCRIPTION:

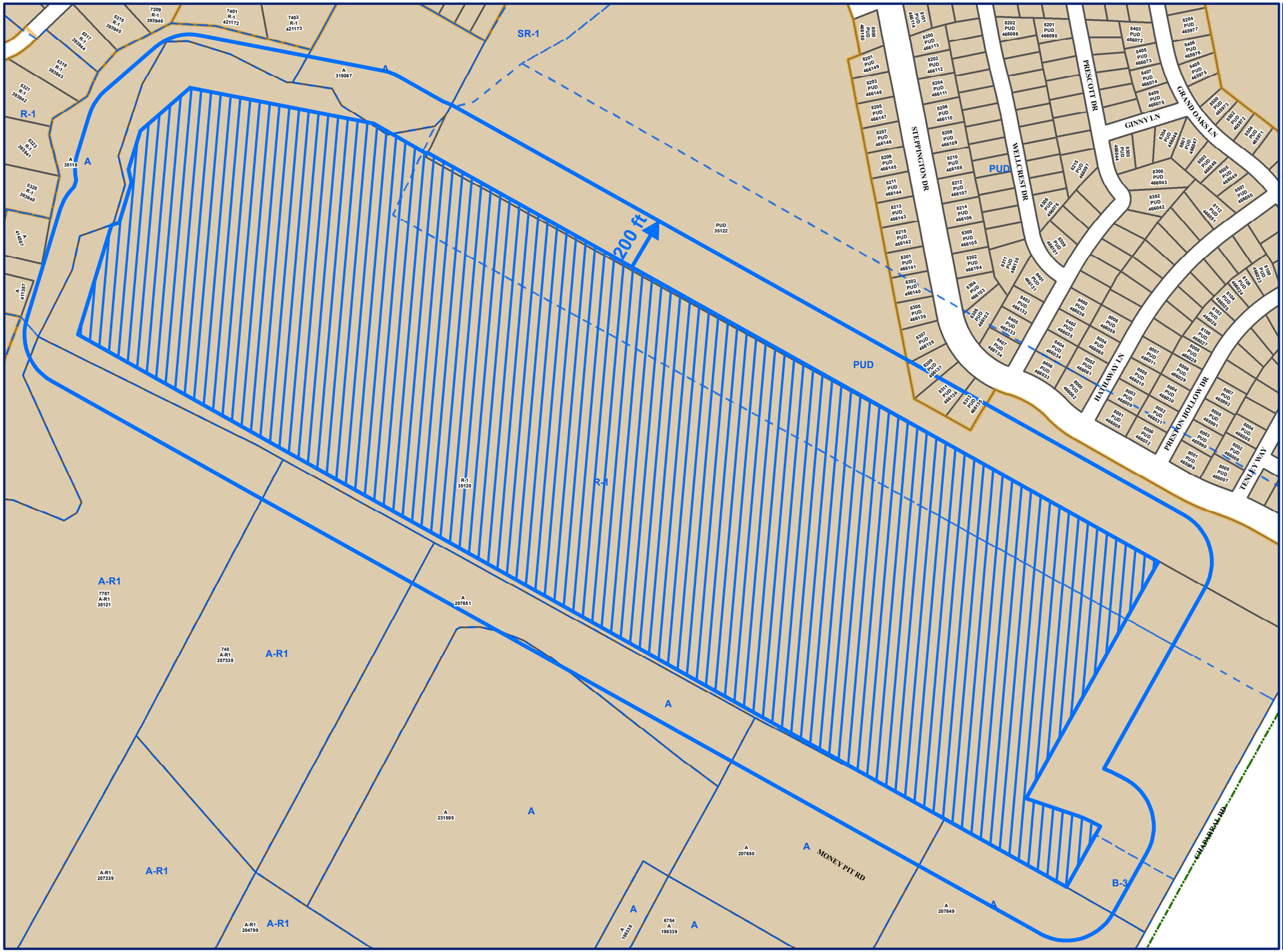
A0452BC J B HARRIS, 1,
& A-1116 W E WALL, (PT
REMAINDER OF 133.645AC TR),
ACRES 73.989

Legend

- Zoning Case
- Parcel
- City Limits

N
W E
S

Date: 2/13/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z17-06

ZONING FROM:
R-1 To PUD w/ R-1

APPLICANT:
RSBP DEVELOPERS, INC.

PROPERTY OWNER:
GARY W PURSER SR
1999 TRUST AND
RSBP DEVELOPERS, INC.

LEGAL DESCRIPTION:
A0452BC J B HARRIS, 1,
& A-1116 W E WALL, (PT
REMAINDER OF 133.645AC TR),
ACRES 73.989

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

Date: 2/13/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

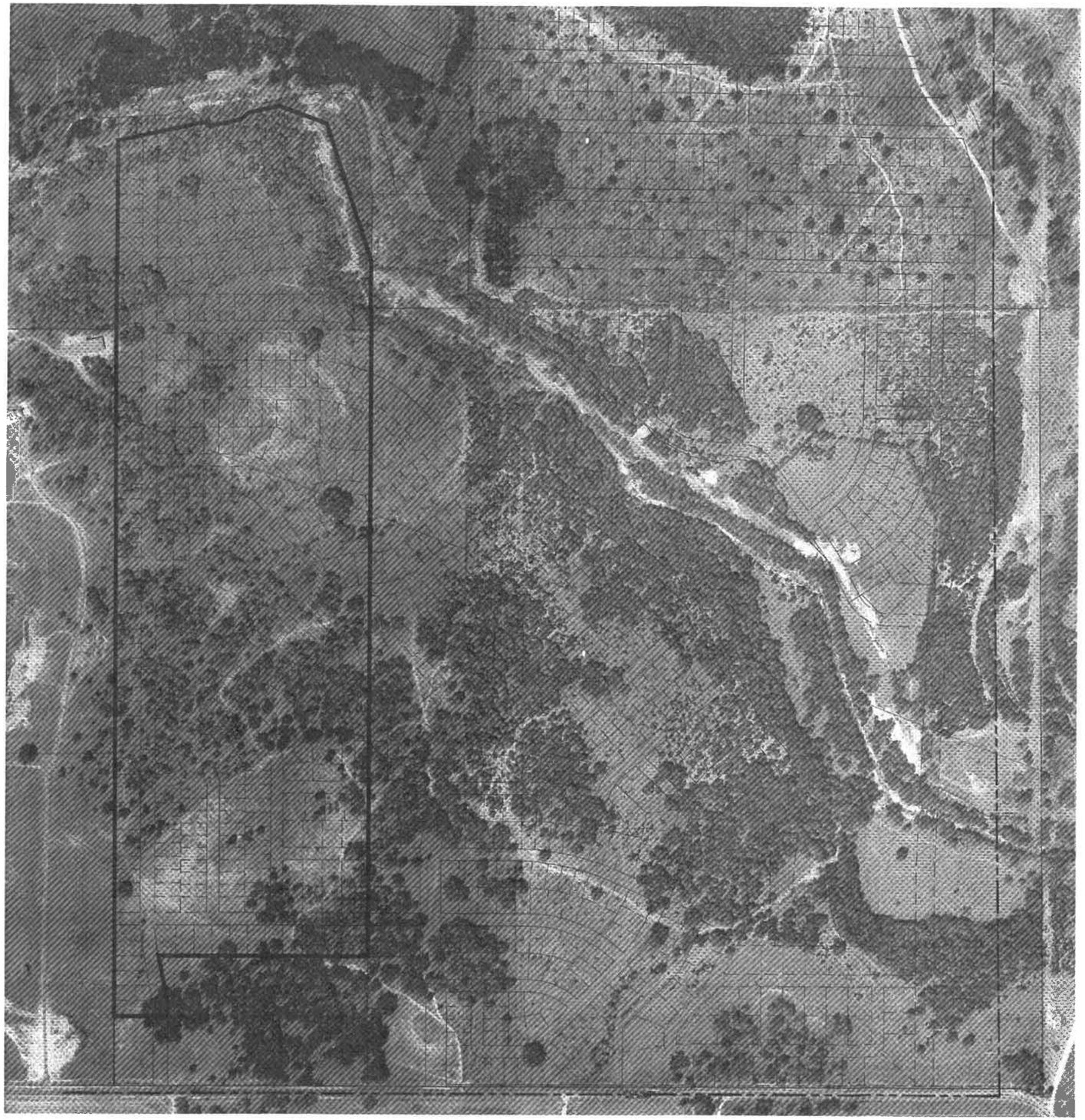
Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use 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.

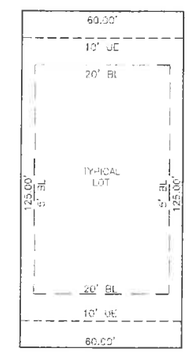


Heritage Oaks is a 113.77-acre mixed-use project comprised of hike and bike trail area situated on Trimmier Creek and 101.1 acres of residential development. This property lies within the outskirts of Killeen where rolling terrain and creek areas similiar to that of the Austin, Texas area are located. This land has remained undeveloped and has been part of the Fergus family for generations while Killeen, "The City Without Limits" continued to grow towards it. The property was successfully purchased in 2004 and zoned in 2006. The property has since been added to the Heritage Oaks development plan. The purpose of this "Planned Unit Development" (PUD) is to minimize building line confusion for the city staff, builders and future home owners. The properties' rolling hills and natural lows have been taken into account with the proposed residential layout, creating roadways that cross into two different zoning classifications causing said confusion.

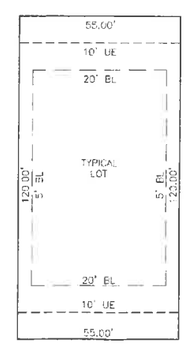
The table below shows the current zoning requirements and proposed PUD requirements:

Category	Unit	R1	PUD
Lot Areas	SF	6000 (min)	6000(min)
Lot Widths	FT	60 (min)	55(min)
Lot Depth	FT	100 (min)	115(min)
Building Setbacks			
Side	FT	7	5
Front	FT	25	20
Back	FT	25	20
Building Heights	Story	2 1/2 (max)	2 1/2 (max)

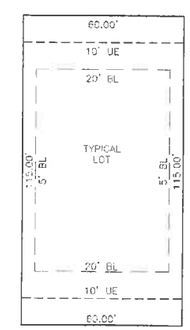
Category	Unit	Quantity
Public Access	Description	Roads fronting creek
Landscaping	Description	As required by R1 zoning
Screening	Description	None
Signage	Description	At Primary Entrance
Lighting	Description	Street Lights at corners and Intersections
Green Space	AC	6.3
Riparian Buffer & CBZ	AC	15.7
Amenities	Description	Continuation of Hike and Bike trail through green space and flood plain areas



TYPICAL LOT LAYOUT
PHASE TWO
N.T.S.



TYPICAL LOT LAYOUT
PHASE FOUR
N.T.S.



TYPICAL LOT LAYOUT
PHASE FIVE
N.T.S.

KILLEEN ENGINEERING
& SURVEYING, LTD
2901 E. Stan Schlueter Loop
Killeen, Texas 76542
OFFICE: (254) 526-3981 FAX: (254) 526-4351
TBPE REGISTRATION NO. F-4200
TBPLS REGISTRATION NO. 10014400

OVERALL MAP & SUMMARY
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS

Project No.:	2017-004
Acres:	---
No. of Lots:	---
Scale:	1" = 250'
Date:	2/2/2017
Design By:	MEL / BCC
Sheet No.:	1.0

City of Killeen

Legislation Details

File #:	PH-17-020	**Version:** 1	**Name:**	Zoning 17-07	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	3/1/2017		**In control:**	City Council Workshop	
On agenda:	3/21/2017		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by WBW Land Investments, L.P. (Case #Z17-07) to rezone approximately 62.31 acres, being part of the Azra Webb Survey, Abstract No. 857, from “AR-1” (Agricultural Single-Family Residential District) and “SR-1” (Suburban Residential Single Family District) to Planned Unit Development (PUD) with “SR-2” (Suburban Residential Single-Family District), “SR-1” (Suburban Residential Single Family District), “R-1” (Single-Family Residential District) and “SF-2” (Single Family Residential District) to allow for various lot sizes and setbacks and associated standards. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Council Memorandum
- Attachment to CCMO
- Minutes
- Ordinance
- Application
- Location Map
- Buffer Map
- Considerations
- Concept Plan
- Concept Plan with signatures
- PUD Requirements
- Responses

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM	**ZONING CASE #Z17-07 "AR-1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "SR-1" (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "SR-2" (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT), "SR-1" (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT), "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "SF-2" (SINGLE FAMILY RESIDENTIAL DISTRICT)**
ORIGINATING DEPARTMENT	**PLANNING & DEVELOPMENT SERVICES**

WBW Land Investments, L.P. has submitted this request to rezone approximately 62 acres, being part of the Azra Webb Survey, Abstract No. 857, from "A-R1" (Agricultural Single-Family Residential District) and "SR-1" (Suburban Residential Single Family District) to a Planned Unit Development (PUD) with "SR-2" (Suburban Residential Single Family District), "SR-1" (Suburban Residential Single Family District), "R-1" (Single-Family Residential District) and "SF-2" (Single-Family Residential District) to allow for single family residential housing. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

The applicant's Planned Unit Development concept proposes the following minimum lots sizes and yard setbacks:

Table 1. Lot Requirements

Type / # Lots	**Lot Area**	**Front B.L.**	**Side B.L.**	**Rear B.L.**
"SR-2" (12)	15,000 sq. ft.	35'	10'	35'
"SR-1" (48)	8,400 sq. ft.	25'	10'	25'
"R-1"	6,000 sq. ft.	25'	7'	25'
"SF-2"	Avg. 6,000 sq. ft.	25'	5'	25'

The applicant has also provided a PUD narrative detailing additional standards and requirements (See attachment: *PUD Requirements.*).

District Description:

Purpose

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

(a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
(b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and pedestrian circulation;
(c) Allow developers greater freedom to be innovative in selecting means to provide access, light, open space, and amenities; and
(d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

<u>Property Specifics</u>

Applicant/Property Owner: WBW Land Investments, L.P.

Property Location: The property is located on the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, Killeen, Texas.

Legal Description: Part of the Azra Webb Survey, Abstract No. 857, Killeen, Texas

Zoning/ Plat Case History:

- The property was zoned “A-R1” (Agricultural Single-Family Residential District) on April 26, 2005, per Ordinance #05-31; approximately 9.892 acres of land was rezoned from “A-R1” to “SR-1” in 2014.

- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: None. The Wagon Wheel and Stagecoach Road subdivisions (immediately to the east) are comprised of single-family residential homes and contain lots that are larger than the 6,000 square feet "R-1" minimum lot size. Additionally, there are "R1-A" zoned garden homes constructed on smaller lots (<6,000 sq. ft.) north of this area within the Trimmier Estates Phase Three subdivision.

Historic Properties: None

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:
Provider: City of Killeen
Within Service Area: Water and sanitary sewer are available to the property. The property owner will need to extend water, sewer, and drainage infrastructure during the subdivision process. The current DDM and IDDSM requirements will be required for this PUD upon platting. Currently, runoff on this development flows west and south over adjacent parcels until it reaches North Reece Creek Tributary 3; flow then travels south into North Reece Creek before entering the Lampasas River prior to leaving the City. North Reece Creek Tributary 3, North Reece Creek, and the Lampasas River are not currently listed on the TCEQ's current 303(d) water quality list for impairment in this area.

Transportation:
Existing Conditions: Stagecoach Road is classified a 90' minor arterial on the City's adopted Thoroughfare Plan.
Proposed Improvements: The development will construct local streets to facilitate traffic within the subdivision during the construction process.
Projected Traffic Generation: The development will generate a moderate traffic impact to the level of service (L-O-S) standard for Stagecoach Road

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The site ranges in elevation from 916' to 942' above sea level. The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

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

Plan Recommendation: The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

Consistency: Overall, the PUD's residential density (3.75 residential lots per gross acre) is greater than what is prescribed in the "SR-1" zoning district, which is 4 residential lots per net acre. However, staff is not recommending a change to the FLUM designation of this property since the PUD concept was developed based on the FLUM's current designation and negotiated with input from three citizen representatives from the adjacent Wagon Wheel subdivision. Staff supports the PUD standards and current FLUM designation.

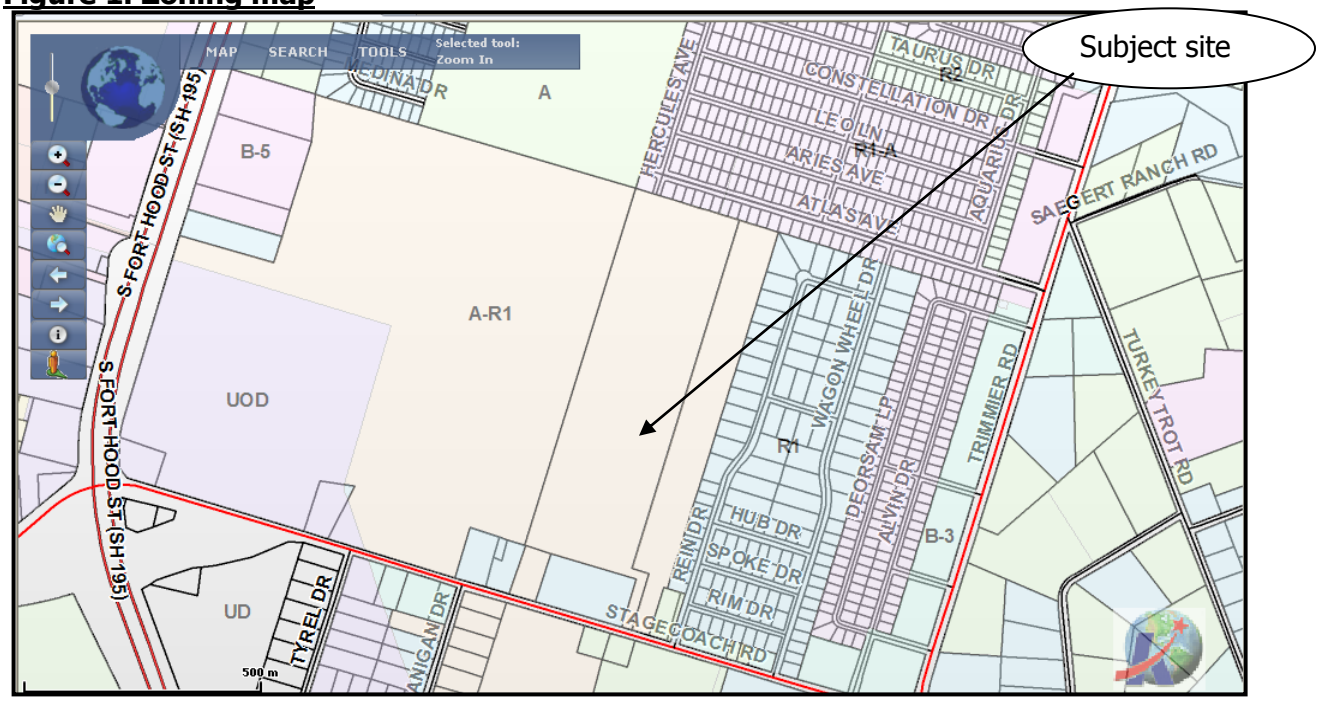
Public Notification

The staff notified sixty-five (65) surrounding property owners within a 200' notification boundary regarding this request. Three surrounding property owners negotiated the PUD standards with the applicant and signed the draft concept plan; these individuals are: Glenn Bauer, Lynn Dowling and Kathy Harkin. As of Monday, March 6, staff has received protests from Linda Knotts, the owner of 6701 Rein Drive, Sandra Santiago-Green, the owner of 602 Hub Drive and Bob and La Nae Gordon, the owner of 1150 Stagecoach Road. Staff also received a response from Connie Havens, the owner of 6905 Rein Drive.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's PUD of "SR-2", "SR-1", "R-1"and "SF-2" zoning districts by a vote of 6 to 0, with Commissioner Harkin abstaining from voting on the case. The PUD is a good example of providing for a mixture of varying lot sizes, while maintaining a uniform standard of façade requirements, landscaping and height compatibility.

Figure 1. Zoning map



MINUTES
PLANNING AND ZONING COMMISSION MEETING
MARCH 6, 2017

CASE #Z17-07
AR-1 AND SR-1 TO PUD W/SR-2, SR-1, R-1 AND SF-2

HOLD a public hearing and consider a request submitted by WBW Land Investments, LP, to rezone approximately 62.31 acres, being out of the Azra Webb Survey, Abstract No. 857, from "A-R1" (Agricultural Single-Family Residential District) and "SR-1" (Suburban Residential Single-Family District) to Planned Unit Development (PUD) with "SR-2" (Suburban Residential Single-Family District), "SR-1" (Suburban Residential Single-Family District), "R-1" (Single-Family Residential District) and "SF-2" (Single-Family Residential District) to allow for single family residential housing. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive, Killeen, Texas.

Commissioner Harkin stepped away from the dais due to a possible conflict of interest.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that a request for this property has been previously presented to the Planning and Zoning Commission, the developer has met with surrounding property owners and they have worked together to come up with a proposed concept plan that will work them.

The applicant's Planned Unit Development concept proposes the following minimum lot sizes and yard setbacks:

Table 1. Lot Requirements

Type/# Lots	Lot Area	Front B.L.	Side B.L.	Rear B.L.
"SR-2" (12)	15,000 sq. ft.	35'	10'	35'
"SR-1" (48)	8,400 sq. ft.	25'	10'	25'
"R-1"	6,000 sq. ft.	25'	7'	25'
"SF-2"	Avg. 6,000 sq. ft.	25'	5'	25'

The applicant has also provided a PUD narrative detailing additional standards and requirements (see attachment: *PUD Requirements*).

Staff recommends approval of the applicant's PUD multiple zoning concept of "SR-2", "SR-1", "R-1"and "SF-2" zoning districts. The PUD is a good example of providing for a mixture of varying lot sizes, while maintaining a uniform standard of façade requirements, landscaping and height compatibility.

The staff notified sixty-five (65) surrounding property owners within a 200' notification boundary regarding this request. Staff has received protests from Linda Knotts, the owner of

6701 Rein Drive, Sandra Santiago-Green, the owner of 602 Hub Drive, Connie Havens, owner of 6905 Rein Drive and Bob and La Nae Gordon, owners of 1150 Stagecoach Road.

Mr. Josh Welch, 3000 Illinois Avenue, Suite 100, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing.

Ms. Lynn Dowling, 601 Rein Drive and Ms. Kathy Harkin spoke in support.

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

Vice Chair Dorroh motioned to recommend approval of Planned Unit Development (PUD) with “SR-2”, “SR-1”, “R-1”and “SF-2” zoning districts. Commissioner Purser seconded the motion. The motion passed unanimously.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.

Commissioner Harkin returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM "AR-1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "SR-1" (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH "SR-2" (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT), "SR-1" (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT), "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, WBW Land Investments, L.P. 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 62 acres out of the Azra Webb Survey, Abstract No. 857, from "AR-1" (Agricultural Single-Family Residential District) and "SR-1" (Suburban Residential Single Family District) to a Planned Unit Development (PUD) with "SR-2" (Suburban Residential Single Family District), "SR-1" (Suburban Residential Single Family District), "R-1" (Single-Family Residential District) and "SF-2" (Single-Family Residential District) to allow for single family residential housing of varying lot sizes and setbacks and other articulated standards detailed in the attached PUD requirements and concept plan, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 2017, 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 28th day of March 2017, 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 PUD zoning request should be approved;

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

SECTION I. That the zoning classification of part of approximately 62 acres out of the Azra Webb Survey, Abstract No. 857, be changed from "AR-1" (Agricultural Single-Family Residential District) and "SR-1" (Suburban Residential Single Family District) to a Planned Unit Development (PUD) with "SR-2" (Suburban Residential Single Family District), "SR-1" (Suburban Residential Single Family District), "R-1" (Single-Family Residential District) and "SF-2" (Single-Family Residential District) uses of varying lot sizes and setbacks. The property is located along the north right-of-way of Stagecoach Road, west of Rein Drive and the Wagon Wheel and Stagecoach Road Subdivisions, 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 28th day of March 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

_____
Kathryn H. Davis, City Attorney

Case #17-07
Ord. #17-___

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

CASE #: Z17-07

City of Killeen
Zoning Change Application

[ ] General Zoning Change $300.00 [ ] Conditional Use Permit $500.00

Name(s) of Property Owner: WBW Land Investments LP

Current Address: 3000 Illinois Ave ste 100

City: Killeen State: TX Zip: 76543 -

Home Phone: ( ) Business Phone: (254) 953 5353 Cell Phone: (254) 368 9649

Email: jwelch@wbdevelopment.com

Name of Applicant:
(If different than Property Owner)

Address:

City: State: Zip:

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

Email:

Address/Location of property to be rezoned: North of Stagecoach west of Rein Dr.

Legal Description: Ac857BC A Webb, 11-1, (PT 62.310 Ac Tract, Acres 53.973

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: Sole Ownership ✓ Partnership Corporation Other

Present Zoning: Ag Present Use: Vacant

Proposed Zoning: PUD Proposed Use: single family residential

Conditional Use Permit for: single family residential with SR restrictions

This property was conveyed to owner by deed dated 12-21-12 and recorded in Volume, Page, Instrument Number 2012-00053225 of the Bell County Deed Records. (Attached)

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

APPOINTMENT OF AGENT

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

Name of Agent: Josh Welch

Mailing Address: 3000 Illinois Ave Ste 100

City: Killeen TX State: TX Zip: 76543 -

Home Phone: (__) _____ Business Phone: (254) 953 5353 Email: jwelch@abdevelopment.com

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

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

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

Signature of Agent _____ Title Development Manager

Printed/Typed Name of Agent Josh Welch Date 1-12-17

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant Bruce Whitis Date _____

Signature of Property Owner _____ Title President / Owner

Printed/Typed Name of Property Owner Bruce Whitis Date 1-12-17

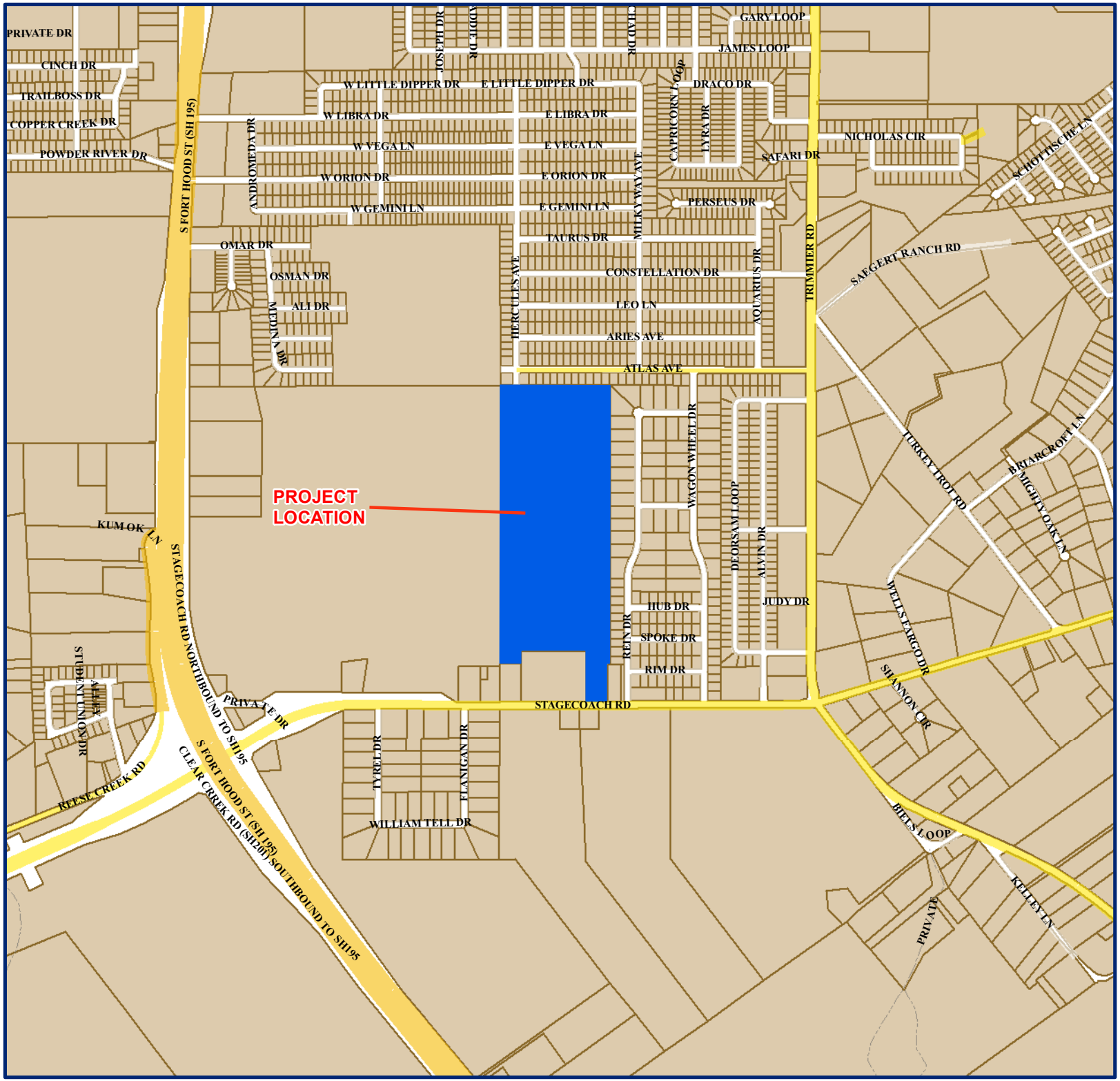
Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:

Z17-07

ZONING FROM:

A-R1 and SR-1 To PUD w/ SR-1, SR-2, R-1 and SF-2

APPLICANT:

WBW LAND INVESTMENTS LP

PROPERTY OWNER:

WBW LAND INVESTMENTS LP

LEGAL DESCRIPTION:

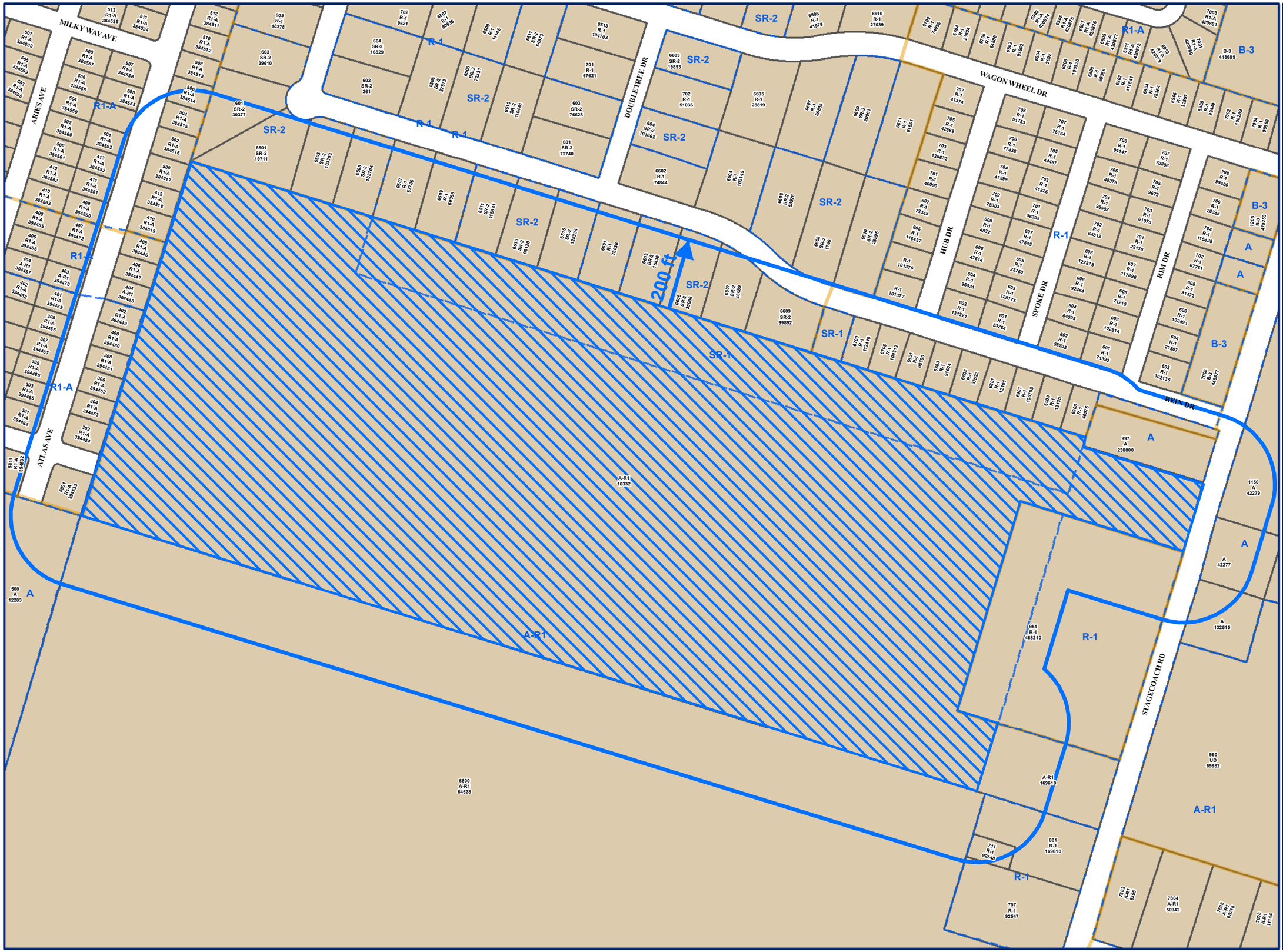
A0857BC A WEBB, 11-1, (PT 62.310AC TRACT), ACRES 53.973

Legend

- Zoning Case
- Parcel
- City Limits

N E S W

Date: 2/17/2017



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z17-07

ZONING FROM:
A-R1 and SR-1 To PUD w/ SR-1, SR-2, R-1 and SF-2

APPLICANT:
WBW LAND INVESTMENTS LP

PROPERTY OWNER:
WBW LAND INVESTMENTS LP

LEGAL DESCRIPTION:
A0857BC A WEBB, 11-1, (PT 62.310AC TRACT), ACRES 53.973

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

N E S W

Date: 2/17/2017

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

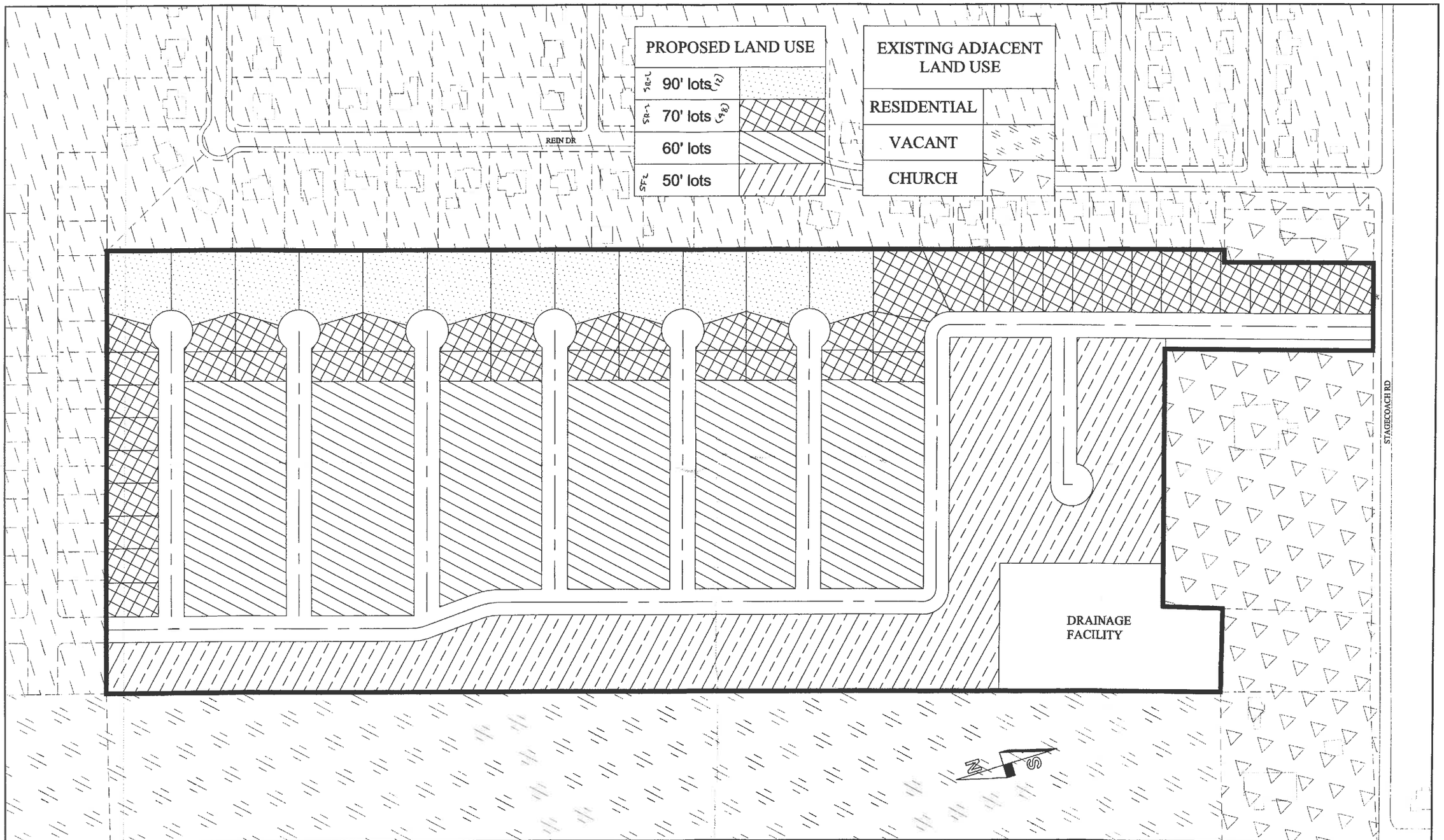
Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use 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.



REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	1/12/2017	TJK

PROJECT NUMBER: BING
APPROVED BY: JAT
AUTHORIZED BY: WB DEVELOPMENT

CLIENT NAME: WBW LAND INVESTMENTS, LP
CLIENT LOCATION: KILLEEN, TX

GRAPHIC SCALE
0 100' 200' 300'
0 1" 2" 3"
IN FEET

BINGLE CONCEPT PLAN
CITY OF KILLEEN, BELL COUNTY, TEXAS

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-5057
Texas Registered Engineering Firm F-10264
Texas Registered Surveying Firm 10194095

SHEET 1 OF 1

PRINTED ON January 12, 2017

REIN DR

STAGHCOACH RD

940

930

920

SR-2

Min. 70' wide lots + 10' side yards

SR-1

SR-1

60' lots 7' side yards

R1-A Garden zoning 50' Lots with 5' side yards west of Hercules

In Support:

Josh Welch x

Kathy Hardin x

Glenn Bauer x

Lynn Dowling x

- SR-1 restictions (Landscaping + Architectura) across subdivision
- Landscaped entry with sign on stagecoach
- Addition tree in rear yards (2" caliper) on lots on north and east perimeter
- Metal poles on privacy fencing on perimeter to north and east
- North and east perimeter lots - 1 story homes

- rear yard setback on east perimeter lots to be 35' where back up to home

- Owner will ded restrict property to not change zoning for 20 years if zoning is approved

REV.	DESCRIPTION	DATE	BY

PRELIMINARY LAYOUT 1
BINGLE
CITY OF KILLEEN,
BELL COUNTY, TEXAS

Yalgo, LLC
3000 Illinois Ave., Suite 100
Killeen, TX 76543
PH (254) 953-5353
FX (254) 953-5057
Texas Registered Engineering Firm F-10264
Texas Registered Surveying Firm 10194095

SHEET 1 OF 1

PRINTED ON January 9, 2017

PUD Requirements

- SR-1 Architecture, Landscaping, Ground cover, and Height regulations to apply across entire subdivision

- Landscaping and subdivision sign visible along Stagecoach
- Additional 2" caliper tree to SR-1 standards in the rear yards of homes on north and east perimeter of subdivision
- Metal poles to be used in privacy fencing on north and east perimeter of subdivision
- North and east perimeter lots to be limited to 1 story homes
- Rear yard setback on east perimeter lots to be increased to 35' where these lots back up to existing residences
- Applicant will deed restrict property so that zoning will not be changed within 20 years if zoning application as presented is approved
- Overall density not to exceed 3.75 dwelling units per acre. (less dense than SR-1 requirement of no more than 4 dwelling units per acre)

90' SR-2 Lot Dimensions:

- Front yard setback minimum of 35 feet
- Side yard setback minimum of 10 feet
- Rear yard setback minimum of 35 feet
- Lot width minimum of 90 feet at the front building line
- Lot area minimum of 15,000 square feet

70' SR-1 Lot Dimensions:

- Front yard setback minimum of 25 feet
- Side yard setback minimum of 10 feet
- Rear yard setback minimum of 25 feet

- Lot width minimum of 70 feet at the front building line
- Lot area minimum of 8,400 square feet
- Lot depth shall not average less than 100 feet

60' Suburban Residential Lots

- Front yard setback minimum of 25 feet
- Side yard setback minimum of 7 feet
- Rear yard setback minimum of 25 feet
- Lot width minimum of 60 feet at the front building line
- Lot area minimum of 6,000 square feet
- Lot depth shall not average less than 100 feet

50' Suburban Residential Lots

- Front yard setback minimum of 25 feet
- Side yard setback minimum of 5 feet
- Rear yard setback minimum of 25 feet
- Lot width minimum of 50 feet at the front building line
- Lot area [redacted] of 6,000 square feet
- Lot depth shall not average less than 120 feet

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

YOUR NAME: Linda Knotts **PHONE NUMBER:** 254-458-0663

CURRENT ADDRESS: 3212 carpet Lane Killeen

ADDRESS OF PROPERTY OWNED: 6701 Rein DR. Killeen

COMMENTS: A-R1 and SR-1 to PUD w/SR-2, SR-1, R-1 and SF-2

This is Really getting old!!! all of it Needs to Be SR1 PERIOD. all one storey homes.

RECEIVED
FEB 27 2017
PLANNING

SIGNATURE: Linda Knotts **SPO #Z17-07/** 20

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

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

YOUR NAME: Sandra Santiago-Green **PHONE NUMBER:** 254- [redacted] 290-5029

CURRENT ADDRESS: 602 Hub Drive

ADDRESS OF PROPERTY OWNED: 602 Hub Drive

COMMENTS: A-R1 and SR-1 to PUD w/SR-2, SR-1, R-1 and SF-2

I am opposed to non development in the area unless it is non housing similar to ours, no duplexes or apartments.
We bought a house out here to get away from the congestion of other neighborhoods.

RECEIVED
FEB 27 2017
PLANNING

SIGNATURE: [signature] **SPO #Z17-07/** 69

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

YOUR NAME: Connie Havens PHONE NUMBER: 254-526-6936

CURRENT ADDRESS: 6105 Rein Drive, Killeen, TX 76542

ADDRESS OF PROPERTY OWNED: same

COMMENTS:

A-R1 and SR-1 to PUD w/SR-2, SR-1, R-1 and SF-2

Agree. Just don't want duplexes or apartments.

City/Mr Whitis: Please come check out the ditch by my house which empties on to your property. When some of the houses were connected to the sewer system after we were annexed, it's possible the septic tanks weren't emptied and now they leak thru their french drains. Then we get a heavy rain, poo comes out forever

SIGNATURE: Connie L Havens

RECEIVED MAR 06 2017 PLANNING

SPO #Z17-07/ 11

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

CUT HERE

YOUR NAME: Bob & LaNae Gordon PHONE NUMBER: 634-4878

CURRENT ADDRESS: 1150 Stagecoach Road, Killeen

ADDRESS OF PROPERTY OWNED: Same as above

COMMENTS:

A-R1 and SR-1 to PUD w/SR-2, SR-1, R-1 and SF-2

No: would cause to much traffic. Only outlet Stagecoach Rd

RECEIVED MAR 06 2017 PLANNING

SIGNATURE: Bob F. Gordon

SPO #Z17-07/ 09

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

CUT HERE

YOUR NAME: Bob F. Gordon LaNae Gordon PHONE NUMBER:

CURRENT ADDRESS: 1150 Stagecoach Rd

ADDRESS OF PROPERTY OWNED: Same as above

COMMENTS:

A-R1 and SR-1 to PUD w/SR-2, SR-1, R-1 and SF-2

No: Cause to much Traffic. Only one outlet to Stagecoach Rd

RECEIVED MAR 06 2017 PLANNING

SIGNATURE: Bob F. Gordon

SPO #Z17-07/ 08

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

City of Killeen

Legislation Details

File #:	PH-17-021	**Version:**	1	**Name:**	FY 2017 Budget Amendment for Auditing Services
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	3/16/2017			**In control:**	City Council Workshop
On agenda:	3/21/2017			**Final action:**	
Title:	HOLD a public hearing and consider an ordinance amending the FY 2017 Annual Budget and Plan of Municipal Services of the City of Killeen to increase expense accounts for a professional services agreement providing auditing services.				
Sponsors:	Finance Department				
Indexes:					
Code sections:					
Attachments:	Council Memorandum Ordinance				

Date	Ver.	Action By	Action	Result

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CITY COUNCIL MEMORANDUM

AGENDA ITEM **Budget Amendment for Auditing Services**

ORIGINATING DEPARTMENT **City Auditor/City Attorney**

BACKGROUND INFORMATION

On October 9, 2016, the City began advertising a Request for Qualifications ("RFQ") in which responses were sought from qualified firms of certified public accountants interested in examining the City's administrative and internal controls for the fiscal years 2006 to 2015. On November 4, 2016, the City received and opened responses from eleven firms. A committee consisting of Councilmembers Kilpatrick, Fleming, and Young, Dr. Jim Anderson, Richard Banta, David Cole, Kathy Harkin, Gregory Hughes, and Butch Menking evaluated all eleven responses and presented its findings to the City Council on November 15, 2016. At that meeting, the City Council selected the top three most highly qualified firms to interview. On November 22, 2016, the Council interviewed representatives from the three selected firms, identified McConnell & Jones, LLP as the most qualified audit firm, and instructed the Audit Advisory Committee (Councilmembers Kilpatrick, Fleming, and Young) and staff to enter into negotiations with that firm.

In early December, the Audit Advisory Committee began working to finalize the scope of the audit work and briefed the City Council on its progress on December 6, 2016. At that meeting, the Committee requested that each councilmember provide the committee with three significant issues that should be investigated by the audit firm. Through a series of six meetings, the Committee continued to work with staff and the audit firm on refining the scope of the audit, taking into account each of the council and citizen-identified significant issues. During that same time frame, the City Council discussed the issues and gave guidance to the Committee and staff in three separate workshop meetings.

DISCUSSION/CONCLUSION

On March 14, 2017, the City Council approved an agreement with McConnell & Jones, LLP that specifies the scope and fee schedule for the audit. The categories of analysis are as follows:

1. Capital Outlays (FY 2006 through FY 2016)
2. Use of Bond Money (FY 2002 through FY 2017)
3. Inter-Fund Transfers (FY 2010-2016)
4. Pay Increases (FY 2014-2017)
5. City/Owner Agreements (FY 2002-2016)
6. Private Roadway Ownership (FY 2002-2016)
7. Spending During Post-Recall Period (November 2011 through May 2012)

FISCAL IMPACT

A budget amendment is needed to provide funding for the audit services. The total fee associated with the audit engagement is $394,456. The scope of the audit spans primarily across the General Fund, Water & Sewer Fund, and Solid Waste Fund. The fee will be allocated across the three funds in a manner similar to the City's annual audit. The General Fund will pay 70% or $276,119; $59,432 was included in the budget. As a result, the amendment for the General Fund will be $216,687; Water & Sewer 20% or $78,891; and Solid Waste 10% or $39,446.

The budget amendment will amend the accounts as follows:

Expenses				
Account Number	Description	Budget	Change	Amended
010-9501-491.47-30	Accounting Services	$59,432	$216,687	$276,119
540-9595-439.47-30	Accounting Services	$9,085	$39,446	$48,531
550-9595-492.47-30	Accounting Services	$27,704	$78,891	$106,595
Total Expenses		$96,221	$335,024	$431,245

RECOMMENDATION

Staff recommends that City Council approve the ordinance amending the FY 2017 Budget to provide funding for auditing services.

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2017 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO INCREASE EXPENSE ACCOUNTS FOR A PROFESSIONAL SERVICES AGREEMENT PROVIDING AUDITING SERVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, has been adopted by City Council in accordance with the City Charter; and

WHEREAS, it is the desire of the Killeen City Council to increase expense accounts for a professional services agreement providing auditing services;

WHEREAS, budget amendments require approval from City Council;

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

SECTION I. That Ordinance 16-044 adopting a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2016, to September 30, 2017, be amended as to the portion of said budget as follows:

Expenditures:

Account Number	*Description*	*Original Budget*	*Budget Increase*	*Amended Budget*
010-9501-491-47-30	Accounting Services	$59,432	$216,687	$276,119
540-9595-439-47-30	Accounting Services	$9,085	$39,446	$48,531
550-9595-492-47-30	Accounting Services	$27,704	$78,891	$106,595
Total		$96,221	$335,024	$431,245

SECTION II. That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

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

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

SECTION V. That this ordinance shall be effective after its passage and publication according to the law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____28_____ day of __March___ 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, 551.001 *et seq.*

APPROVED

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM:

_____
Kathryn H. Davis, CITY ATTORNEY