



City of Killeen

Agenda

City Council Workshop

Tuesday, December 5, 2017

5:00 PM

Utility Collections
Conference Room
210 West Avenue C
Killeen, Texas 76541

Items for Discussion at Workshop

1. [DS-17-117](#) Discuss Agenda Items for the Regular City Council Meeting of December 12, 2017
2. [DS-17-118](#) Briefing - Senior Advisory Board Annual Report
Attachments: [Presentation](#)
3. [DS-17-119](#) Planning Session
· Discuss City Council Protocol Process

Items for Regular City Council Meeting of December 12, 2017

Minutes

4. [MN-17-028](#) Consider Minutes of Regular City Council Meeting of November 28, 2017.
Attachments: [Minutes](#)

Resolutions

5. [RS-17-118](#) Consider a memorandum/resolution authorizing the procurement of ammunition for training and duty use for the Police Department.
Attachments: [Staff Report](#)
[Memorandum - GT Distributors](#)
[Certificate of Interested Parties](#)
[Presentation](#)
6. [RS-17-119](#) Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.
Attachments: [Staff Report](#)
[STEP Grant Application](#)
[Presentation](#)
7. [RS-17-120](#) Consider a memorandum/resolution authorizing the City Manager to

accept grant funding from the Petco Foundation for the Police Department's Animal Services Unit adoption preparation program.

Attachments: [Staff Report](#)

[Grant Award Email](#)

[Presentation](#)

8. [RS-17-121](#) Consider a memorandum/resolution authorizing the purchase of uniforms for the Fire Department.

Attachments: [Staff Report](#)

[Miller BuyBoard Contract](#)

[Certificate of Interested Parties](#)

[Presentation](#)

9. [RS-17-122](#) Consider a memorandum/resolution authorizing the purchase of consumable medical supplies for the Fire Department.

Attachments: [Staff Report](#)

[Bound Tree BuyBoard Contract](#)

[Certificate of Interested Parties](#)

[Presentation](#)

10. [RS-17-123](#) Consider a memorandum/resolution approving use of a Request for Proposal (RFP) for the selection of a vendor to redevelop the City's primary website and to develop a companion mobile app.

Attachments: [Staff Report](#)

[Presentation](#)

11. [RS-17-124](#) Consider a memorandum/resolution authorizing the City Manager to execute an amendment to a previously approved advance funding agreement (AFA) amendment with the Texas Department of Transportation (TxDOT) to design and construct an extension to Rosewood Drive and Heritage Oaks Hike and Bike Trail, Segment 3.

Attachments: [Staff Report](#)

[Advanced Funding Agreement Amendment](#)

[Presentation](#)

Public Hearings

12. [PH-17-050A](#) Consider a memorandum/resolution authorizing the acceptance of the Rifle-Resistant Body Armor Grant through state funding for the Police Department to purchase rifle-resistant body armor.

Attachments: [Staff Report](#)

[Grant Program](#)

[Grant Application](#)

[Quote](#)

[Certificate of Interested Parties](#)[Presentation](#)

13. [PH-17-050B](#) HOLD a public hearing and consider an ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.

Attachments: [Staff Report](#)

[Ordinance](#)

[Presentation](#)

14. [PH-17-051](#) HOLD a public hearing and consider an ordinance requested by Furman Moore, on behalf of Andrew Straughn, (Case #Z17-25) to rezone approximately 0.270 acre, being Lot 15A, Block 1, of the De Ann Subdivision Replat, from "B-5" (Business District) to "R-3F" (Multifamily Residential District). The property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive, and is locally known as 3103 Courtney Lane, Killeen, Texas.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Location and Notification Map](#)

[Presentation](#)

15. [PH-17-052](#) HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., (Case #Z17-29) to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686 from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Location and Notification Map](#)

[Presentation](#)

16. [PH-17-053](#) HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc. (Case #Z17-28) to rezone approximately 1.738 acres being part of the W. E. Hall Survey, Abstract No. 1116 from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north

right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Location and Notification Map](#)

[Presentation](#)

17. [PH-17-054](#) HOLD a public hearing and consider an ordinance requested by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., (Case#Z17-27) to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, from “B-5” (Business District) to “B-3A” (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Location and Notification Map](#)

[Presentation](#)

18. [PH-17-055A](#) HOLD a public hearing and consider an ordinance requested by Payton E. Duncan (FLUM#17-26) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from ‘Estate’ to a ‘General Residential’ designated area for approximately 54.226 acres, being part of the W. H. Cole Survey, Abstract No. 200. The subject property is addressed as 405 Tower Hill Lane, Killeen, Texas.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Presentation](#)

19. [PH-17-055B](#) HOLD a public hearing and consider an ordinance requested by Payton E. Duncan, (Case #Z17-26) to rezone approximately 46.196 acres from “A” (Agricultural District) to “R-1” (Single-Family Residential District), 7.487 acres from “UD” (University District) to “UD” (University District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing and 0.543 acre from “CD” (Cemetery District) to “CD (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200. The property is locally known as 405

Tower Hill Lane, Killeen, Texas.

Attachments: [Staff Report](#)

[Exhibits](#)

[Minutes](#)

[Ordinance](#)

[Responses](#)

[Presentation](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on December 1, 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.

- *Celebrate Killeen Tree Lighting, December 1, 2017, 7:00 p.m., Killeen Community Center*
- *Holiday Under the Stars, December 2, 2017, 8:00 a.m., Killeen Community Center*
- *Special Needs Playground Dedication, December 2, 2017, 12:00 p.m., Lions Club Park*
- *Christmas Parade, December 9, 2017, 4:30 p.m., Downtown Killeen*
- *KFD Christmas and Award Banquet, December 14, 2017, 6:00 p.m., Shilo Inn*
- *GKCC Public Policy Luncheon, December 19, 2017, 11:30 a.m., CTC Anderson Hall*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: DS-17-117 **Version:** 1 **Name:** Discuss Agenda Items
Type: Discussion Items **Status:** Discussion Items
File created: 11/16/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Discuss Agenda Items for the Regular City Council Meeting of December 12, 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-17-118 **Version:** 1 **Name:** Briefing - Senior Advisory Board Annual Report
Type: Discussion Items **Status:** Discussion Items
File created: 8/9/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Briefing - Senior Advisory Board Annual Report
Sponsors: Senior Center, Volunteer Services
Indexes:
Code sections:
Attachments: [Presentation](#)

Date	Ver.	Action By	Action	Result
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SENIOR ADVISORY BOARD

DS-17-118

December 5, 2017

Senior Advisory Board

Mission Statement

- ❑ To advocate for a senior program that ensures the inclusion of programs that provide assistance to senior citizens in the areas of nutrition, fitness, finances and emotional support for senior residents of the Greater Killeen area.

Membership

- ❑ Senior Advisory Board is comprised of eleven City Council appointed members.
- ❑ The Senior Advisory Board Bylaws were amended to increase the membership by two members.

Board Members

Board Members	Term Length
President: Sean Payton	2016-2019
Vice President: Marjorie Banta	2016-2019
Secretary: Rosa Kea	2017-2020
Tommi Fettig	2017-2020
Novice McDaniel	2017-2020
Kim Harris	2016-2019
Patsy Bracey	2017-2020
Larry Egly	2016-2019
Klaus Adam	2017-2020
Patricia Holland	2017-2020

Senior Outreach

Health Fairs

Tuesday, May 23, 2017

- ❑ Over 700 attendees
- ❑ 51 vendors offered free goods & services to Senior Citizens

Friday, September 15, 2017

- ❑ Over 500 attendees
- ❑ Over 44 vendors offered free goods & services to Senior Citizens



Community Outreach

- ❑ Hosted Fall Festival October 26, 2017
- ❑ Over 3,000 people in attendance
- ❑ Senior Citizens donated supplies and volunteered at the event





City of Killeen

Legislation Details

File #: DS-17-119 **Version:** 1 **Name:** Planning Session
Type: Discussion Items **Status:** Discussion Items
File created: 6/7/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Planning Session
· Discuss City Council Protocol Process
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #: MN-17-028 **Version:** 1 **Name:** Minutes of Regular City Council Meeting of November 28, 2017
Type: Minutes **Status:** Minutes
File created: 11/16/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of November 28, 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
November 28, 2017 at 5:05 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Jim Kilpatrick, Councilmembers Debbie Nash-King, Juan Rivera, Shirley Fleming, Gregory Johnson, Jonathan Okray, and Steve Harris

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

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

Approval of Agenda

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

Minutes

Motion was made by Councilmember Fleming to approve the minutes of the November 14th Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

RS-17-117 Consider a memorandum/resolution granting a deed without warranty to Tanja K. Robinson-Malone for property located at 501 Lisa Lane in Killeen, Texas, for property erroneously deeded to the City of Killeen.

Staff comments: Kathy Davis

On December 29, 2012, Tanja K. Robinson (now Robinson-Malone) erroneously deeded a single-family residence she owned at 501 Lisa Lane in Killeen to the City of Killeen. The intent of this action is to reject the erroneous conveyance, deed the property back to Ms. Robinson-Malone and get the property back on the tax rolls. Staff recommends that the City Council reject the December 29, 2012, conveyance of 501 Lisa Lane to the city, and authorize the City Manager to execute a Deed Without Warranty to return title to Tanja K. Robinson-Malone.

Motion was made by Councilmember Okray to approve RS-17-117. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

Public Hearings

PH-17-050A & B were postponed until next scheduled workshop and regular council meeting.

PH-17-050A Consider a memorandum/resolution authorizing the acceptance of the Rifle-Resistant Body Armor Grant through state funding for the Police Department to purchase rifle-resistant body armor.

PH-17-050B HOLD a public hearing and consider an ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 5:12 p.m.



City of Killeen

Legislation Details

File #: RS-17-118 **Version:** 1 **Name:** Police Ammunition
Type: Resolution **Status:** Resolutions
File created: 10/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the procurement of ammunition for training and duty use for the Police Department.
Sponsors: Police Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Memorandum - GT Distributors](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Charles F. Kimble, Chief of Police

SUBJECT: Police Ammunition

BACKGROUND AND FINDINGS:

For over a decade, the Police Department has purchased ammunition from GT Distributors, Inc., utilizing cooperative purchasing practices. The ammunition to be purchased is a consumable item and is replaced as necessary to support the Police Department's mission and training requirements. Ammunition to be purchased will include rifle, pistol, and shotgun ammunition for both practice and duty use.

The Police Department is requesting authority to purchase ammunition from GT Distributors, Inc. in an amount exceeding the \$50,000 threshold for which Council approval is required. GT Distributors, Inc. is the only authorized law enforcement vendor in Texas for Vista Outdoors, Inc., the parent company for Federal Premium and Speer Ammunition. They are a member of the Texas Association of School Boards (TASB) BuyBoard and Texas Smart Buy purchasing cooperatives for ammunition, meeting the requirements of the competitive bidding process in accordance with The Texas Local Government Code. GT Distributors, Inc. TASB Buyboard contract, # 524-17 is effective through March 31, 2020 and Texas Smart Buy Contract #680-A1 expires August 31, 2018. GT Distributors is also a member of the TIPS purchasing cooperative for public safety equipment. That contract, however, excludes ammunition.

Both the BuyBoard and Smart Buy purchasing cooperatives will be utilized since neither list offers 100% of the department's authorized ammunition. The Police Department frequently receives quantity discounts that are lower than the negotiated contract prices, based on the size of the order.

THE ALTERNATIVES CONSIDERED:

Purchase the ammunition from GT Distributors, Inc. through the state purchasing cooperatives as proposed.

Seek alternative vendors outside of the purchasing cooperative.

Restrict or halt firearms training for officers.

Which alternative is recommended? Why?

The first alternative is the most reasonable to purchase the quantity of ammunition needed to support the Police Department's duty and training requirements at the negotiated price offered by the state purchasing cooperatives.

CONFORMITY TO CITY POLICY:

This purchase conforms to City Policy and applicable laws.

FINANCIAL IMPACT:

Funding for Police Department ammunition is allocated in the 2017-2018 Ammunition budget (010-6000-441.41-63) in the amount of \$100,000 for fiscal year 2017-2018. The anticipated purchase amount for ammunition from this vendor is \$95,000.

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

\$95,000

Ammunition for training and duty is an ongoing annual expenditure. Expenditures for future years should be comparable.

Is this a one-time or recurring expenditure?

Recurring-training and duty requirements for ammunition are an annual expense.

Is this expenditure budgeted?

Yes

If not, where will the money come from?

N/A

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

Yes

RECOMMENDATION:

The city staff recommends that the City Manager be authorized to execute the purchase of ammunition from GT Distributors, Inc. through the TASB State BuyBoard and Texas Smart Buy purchasing cooperatives, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.

DEPARTMENTAL CLEARANCES:

Purchasing

Finance

Legal

ATTACHED SUPPORTING DOCUMENTS:

Memorandum – GT Distributors



MEMORANDUM
Killeen Police Department

To: Mr. Ron Olson, City Manager
Via: Charles Kimble, Chief of Police
From: Margaret Young, Assistant Chief of Police
Date: November 22, 2017
Subject: **Purchase of department ammunition from GT Distributors**

CK 11/22/17

Sir,

The department utilizes Speer and Federal Premium ammunition for rifle, shotgun and pistol training and duty ammunition. The annual ammunition purchase is going before City Council due to the annual purchase being over \$50,000.

Commander Gearhart researched the purchase, including who distributes this ammunition, checking the list of cooperatives provided by Finance. Most of the cooperative do not list ammunition. Federal Premium and Speer ammunition is only authorized for distribution to law enforcement by Vista Outdoors through GT Distributors. Due to the variety of ammunition types, the department will need to purchase from two cooperatives: the list of ammunition types offered by GT Distributors on the Texas Smart Buy purchasing cooperative and the other ammunition offered by GT Distributors on the TASB BuyBoard; neither list contains all the types of ammunition we need for both training and duty.

These purchases will be made throughout the year as needed and not in one single purchase; however, due to the volume of each order, we will often receive a lower price than what is listed on the cooperatives.

If there are any questions or concerns, I have attached the contact information for the vendor.

Respectfully submitted,

Margaret M. Young
Margaret M. Young

B 11/27/17

attachment: GT Distributors contact information

LAW ENFORCEMENT AMMUNITION AND ACCESSORIES

FEDERAL PREMIUM® LE • FORCE ON FORCE® • SPEER LE® • BLACKHAWK!® • EAGLE®

[Home](#)

[Contact Us](#)

[Distributor Contact Information](#)

DISTRIBUTOR CONTACT INFORMATION

Texas

Federal Premium / Speer

Jim Orr

GT Distributors: www.gtdist.com

PO Box 16080

Austin, TX, 78761

Phone: (512) 451-8298

Fax: (512) 453-6149

Email: jim@gtdist.com

Factory Contact

Bill Harper

LE Sales Specialist

Vista Outdoor/CCI-Speer-Federal Cartridge

Email: Bill.Harper@vistaoutdoor.com

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

**OFFICE USE ONLY
CERTIFICATION OF FILING**

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
G T DISTRIBUTORS, INC.
AUSTIN, TX United States

Certificate Number:
2017-278513

Date Filed:
10/31/2017

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

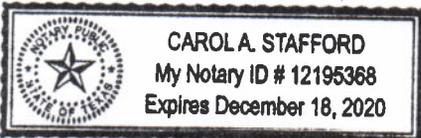
Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
524-17
BUYBOARD CONTRACT FOR PUBLIC SAFETY AND FIREHOUSE SUPPLIES AND EQUIPMENT

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

5 Check only if there is NO interested Party.

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



[Signature]
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said ALEXIS M HOSTETTER, this the 31ST day of OCTOBER, 2017, to certify which, witness my hand and seal of office.

[Signature] Signature of officer administering oath
 Carol A Stafford Printed name of officer administering oath
 Accounting Title of officer administering oath



POLICE AMMUNITION

RS-17-118

December 5, 2017

Police Ammunition



- Training and duty ammunition for the Police Department
- Purchase is in excess of \$50,000 from single vendor, GT Distributors, Inc.
- Purchase will be cumulative through the duration of FY18

Funding



- Anticipated cost is \$95,000.
- Funding is allocated in FY 18 Budget.
- Ammunition will be purchased through Texas Smart Buy and TASB BuyBoard purchasing cooperatives, in compliance with the competitive bidding process.

Recommendation



Staff recommends that Council authorize the City Manager to execute the purchase of \$95,000 in ammunition from GT Distributors, Inc., throughout FY18.



City of Killeen

Legislation Details

File #: RS-17-119 **Version:** 1 **Name:** FY18 STEP Grant
Type: Resolution **Status:** Resolutions
File created: 10/23/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with the Texas Department of Transportation for reimbursable STEP grant funds.
Sponsors: Police Department
Indexes: STEP Grant
Code sections:
Attachments: [Staff Report](#)
[STEP Grant Application](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017
TO: Ronald L. Olson, City Manager
FROM: Charles Kimble, Chief of Police
SUBJECT: FY18 TxDOT Special Traffic Enforcement Grant

BACKGROUND AND FINDINGS:

The Killeen Police Department has applied for and received grant funds offered annually from the Texas Department of Transportation to conduct selective traffic enforcement activities on an overtime bases and conduct public education activities. This year, TxDOT has authorized the City of Killeen a grant for the purpose of conducting a combined traffic enforcement program that targets driving while intoxicated, seat belt and child safety seat, speeding, intersection traffic control, and distracted driving. If accepted, the City of Killeen is obligated to provide matching funds in the amount of \$73,947.44. TxDOT will reimburse \$124,933.01 for a total award program of \$198,880.45.

THE ALTERNATIVES CONSIDERED:

1. Apply for and utilize the grant funds to reimburse the salary cost of officers focused on traffic safety.
2. Utilize on-duty officers to enforce traffic safety in between calls for service.
3. Spend budgeted overtime funds for focused traffic safety details without reimbursement.

Which alternative is recommended? Why?

Alternative 1 is the most impactful and fiscally sound alternative. Officers who work the traffic detail can focus on the traffic issues and the City will be reimbursed for most of the expenses.

CONFORMITY TO CITY POLICY:

This annual grant conforms to policy.

FINANCIAL IMPACT:

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

The department will be reimbursed monthly for \$124,933.01 total in salary costs for overtime expenditures. The department would absorb (match) \$73,947.44, which includes \$16,729 in salaries, \$23,119.24 in benefits and \$34,099.20 in mileage (which will be considered an "in kind" contribution).

Is this a one-time or recurring expenditure?

This expenditure will be for FY18 only.

Is this expenditure budgeted?

The STEP grant expenditure was allocated in the FY18 overtime budget.

If not, where will the money come from?

N/A

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

Yes

RECOMMENDATION:

Staff recommends the council approve the City Manager to accept the FY18 TxDOT Special Traffic Enforcement Program grant funds.

DEPARTMENTAL CLEARANCES:

Finance Department
City Attorney

ATTACHED SUPPORTING DOCUMENTS:

TxDOT STEP Application

Texas Traffic Safety eGrants

Fiscal Year 2018

Organization Name: City of Killeen Police Department

Legal Name: City of Killeen

Payee Identification Number: 17460015047000

Project Title: STEP Comprehensive

ID: 2018-KilleenP-S-1YG-0072

Period: 10/01/2017 to 09/30/2018

PROGRAM ELEMENT SELECTION

YEAR LONG

- X DWI DWI: Driving While Intoxicated
- X Speed Speed: Speed Enforcement
- X OP OP: Occupant Protection (Safety Belt and Child Safety Seat)
- X ITC ITC: Intersection Traffic Control
- X DD DD: Distracted Driving

WAVE

- DWI Jurisdiction wide (DWI enforcement effort must be focused at locations where there is an over-representation of alcohol-related crashes and/or DWI arrests)
- Speed Jurisdiction wide (Speed enforcement should be focused on areas where there is at least a 50% noncompliance with the posted speed limits and/or a higher number of speed-related crashes)
- OP Jurisdiction wide
- DD Jurisdiction wide

CMV

- Speed,OP&H MV CMV: Commercial Motor Vehicle; H MV: Hazardous Moving Violations

Project Title

STEP Comprehensive

How many years has your organization received funding for this project?

PROPOSING AGENCY AUTHENTICATION

X The following person has authorized the submittal of this proposal.

Name	:Dennis Baldwin
Title	:Assistant City Manager
Address	:101 N. College
City	:Killeen
State	:Texas
Zip Code	:76541
Phone Number	:254-501-7701
Fax Number	:254-501-8998
E-mail address	:dbaldwin@killeentexas.gov

COUNTY SERVED

Select a County: Bell County - Waco District

POLITICAL DISTRICT SERVED

Select a Political District Served ([View a map](#)):

U.S. Congress* Congressional District 31

Texas Senate* Texas Senate District 24

Texas House* Texas House of Representatives District 54

Texas Traffic Safety Program

GRANT AGREEMENT GENERAL TERMS AND CONDITIONS

Definitions: For purposes of these Terms and Conditions, the "Department" is also known as the "State" and the "prospective primary participant" and the "Subgrantee" is also known as the "Subrecipient" and "prospective lower tier participant"

ARTICLE 1. COMPLIANCE WITH LAWS

The Subgrantee shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws and regulations, and licensing laws and regulations. When required, the Subgrantee shall furnish the Department with satisfactory proof of compliance.

ARTICLE 2. STANDARD ASSURANCES

The Subgrantee assures and certifies that it will comply with the regulations, policies, guidelines, and requirements, including 2 CFR, Part 200; and the Department's Traffic Safety Program Manual, as they relate to the application, acceptance, and use of federal or state funds for this project. Also, the Subgrantee assures and certifies that:

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

B. It and its subcontractors will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, and in accordance with that Act, no person shall discriminate, on the grounds of race, color, sex, national origin, age, religion, or disability.

C. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended; 42 USC (United States Code) §§4601 et seq.; and United States Department of Transportation (USDOT) regulations, "Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR, Part 24, which provide for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.

D. It will comply with political activity (Hatch Act) (applies to subrecipients as well as States). The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

E. It will comply with the federal Fair Labor Standards Act's minimum wage and overtime requirements for employees performing project work.

F. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

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G. It will give the Department the access to and the right to examine all records, books, papers, or documents related to this Grant Agreement.

H. It will comply with all requirements imposed by the Department concerning special requirements of law, program requirements, and other administrative requirements.

I. It recognizes that many federal and state laws imposing environmental and resource conservation requirements may apply to this Grant Agreement. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 USC §§4321 et seq.; the Clean Air Act, as amended, 42 USC §§7401 et seq. and sections of 29 USC; the Federal Water Pollution Control Act, as amended, 33 USC §§1251 et seq.; the Resource Conservation and Recovery Act, as amended, 42 USC §§6901 et seq.; and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 USC §§9601 et seq. The Subgrantee also recognizes that the U.S. Environmental Protection Agency, USDOT, and other federal agencies have issued, and in the future are expected to issue, regulations, guidelines, standards, orders, directives, or other requirements that may affect this Project. Thus, it agrees to comply, and assures the compliance of each contractor and each subcontractor, with any federal requirements that the federal government may now or in the future promulgate.

J. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 USC §4012a(a). Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where that insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any form of direct or indirect federal assistance.

K. It will assist the Department in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470 et seq.), Executive Order 11593, and the Antiquities Code of Texas (National Resources Code, Chapter 191).

L. It will comply with Chapter 573 of the Texas Government Code by ensuring that no officer, employee, or member of the Subgrantee's governing board or the Subgrantee's subcontractors shall vote or confirm the employment of any person related within the second degree of affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise that person. This prohibition shall not apply to the employment of a person described in Section 573.062 of the Texas Government Code.

M. It will ensure that all information collected, assembled, or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with Chapter 552 of the Texas Government Code, unless otherwise expressly provided by law.

N. If applicable, it will comply with Chapter 551 of the Texas Government Code, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

ARTICLE 3. COMPENSATION

A. The method of payment for this agreement will be based on actual costs incurred up to and not to exceed the limits specified in the Project Budget. The amount included in a Project Budget category will be deemed to be an estimate only and a higher amount can be reimbursed, subject to the conditions specified in paragraph B of this Article. If the Project Budget specifies that costs are based on a specific rate, per-unit cost, or other method of payment, reimbursement will be based on the specified method.

B. All payments will be made in accordance with the Project Budget.

1. The Subgrantee's expenditures may overrun a budget category (I, II, or III) in the approved Project Budget without a grant (budget) amendment, as long as the overrun does not exceed a total of five (5) percent of the maximum amount eligible for reimbursement (TxDOT) in the attached Project Budget for the current fiscal year. This overrun must be off-set by an equivalent underrun elsewhere in the Project Budget.

2. If the overrun is five (5) percent or less, the Subgrantee must provide written notification to the Department, through the TxDOT Electronic Grants Management System (eGrants), prior to the Request for Reimbursement being approved. The notification must indicate the amount, the percent over, and the specific reason(s) for the overrun.

3. Any overrun of more than five (5) percent of the amount eligible for reimbursement (TxDOT) in the attached Project Budget requires an amendment of this Grant Agreement.

4. The maximum amount eligible for reimbursement shall not be increased above the Grand Total TxDOT Amount in the approved Project Budget, unless this Grant Agreement is amended, as described in Article 5 of this agreement.

5. For Selective Traffic Enforcement Program (STEP) grants only: In the Project Budget, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or B, "PI&E Activities," to exceed the TxDOT amount listed in Subcategory C, "Other." Also, Subgrantees are not allowed to use underrun funds from the TxDOT amount of (100) Salaries, Subcategories A, "Enforcement," or C, "Other," to exceed the TxDOT amount listed in Subcategory B, "PI&E Activities." The TxDOT amount for Subcategory B, "PI&E Activities," or C, "Other," can only be exceeded within the five (5) percent flexibility, with underrun funds from Budget Categories II or III.

C. To be eligible for reimbursement under this agreement, a cost must be incurred in accordance with the Project Budget, within the time frame specified in the Grant Period of this Grant Agreement, attributable to work covered by this agreement, and which has been completed in a manner satisfactory and acceptable to the Department.

D. Federal or TxDOT funds cannot supplant (replace) funds from any other sources. The term "supplanting," refers to the use of federal or TxDOT funds to support personnel or an activity already supported by local or state funds.

E. Payment of costs incurred under this agreement is further governed by the cost principles outlined in 2 CFR Part 200.

F. The Subgrantee agrees to submit monthly Requests for Reimbursement, as designated in this Grant Agreement, within thirty (30) days after the end of the billing period. The Request for Reimbursement and appropriate supporting documentation must be submitted through eGrants.

G. The Subgrantee agrees to submit the final Request for Reimbursement under this agreement within forty-five (45) days of the end of the grant period.

H. Payments are contingent upon the availability of appropriated funds.

I. Project agreements supported with federal or TxDOT funds are limited to the length of this Grant Period specified in this Grant Agreement. If the Department determines that the project has demonstrated merit or has potential long-range benefits, the Subgrantee may apply for funding assistance beyond the initial agreement period.

Preference for funding will be given to projects based on (1) proposed cost sharing and (2) demonstrated performance history.

ARTICLE 4. LIMITATION OF LIABILITY Payment of costs incurred under this agreement is contingent upon the availability of funds. If at any time during this Grant Period, the Department determines that there is insufficient funding to continue the project, the Department shall notify the Subgrantee, giving notice of intent to terminate this agreement, as specified in Article 11 of this agreement. If at the end of a federal fiscal year, the Department determines that there is sufficient funding and performance to continue the project, the Department may notify the Subgrantee to continue this agreement.

ARTICLE 5. AMENDMENTS This agreement may be amended prior to its expiration by mutual written consent of both parties, utilizing the Grant Agreement Amendment in eGrants. Any amendment must be executed by the parties within the Grant Period, as specified in this Grant Agreement.

ARTICLE 6. ADDITIONAL WORK AND CHANGES IN WORK

A. If the Subgrantee is of the opinion that any assigned work is beyond the scope of this agreement and constitutes additional work, the Subgrantee shall promptly notify the Department in writing through eGrants. If the Department finds that such work does constitute additional work, the Department shall advise the Subgrantee and a written amendment to this agreement will be executed according to Article 5, Amendments, to provide compensation for doing this work on the same basis as the original work. If performance of the additional work will cause the maximum amount payable to be exceeded, the work will not be performed before a written grant amendment is executed.

B. If the Subgrantee has submitted work in accordance with the terms of this agreement but the Department requests changes to the completed work or parts of the work which involve changes to the original scope of services or character of work under this agreement, the Subgrantee shall make those revisions as requested and directed by the Department. This will be considered as additional work and will be paid for as specified in this Article.

C. If the Subgrantee submits work that does not comply with the terms of this agreement, the Department shall instruct the Subgrantee to make any revisions that are necessary to bring the work into compliance with this agreement. No additional compensation shall be paid for this work.

D. The Subgrantee shall make revisions to the work authorized in this agreement that are necessary to correct errors or omissions, when required to do so by the Department. No additional compensation shall be paid for this work.

E. The Department shall not be responsible for actions by the Subgrantee or any costs incurred by the Subgrantee relating to additional work not directly associated with or prior to the execution of an amendment.

ARTICLE 7. REPORTING AND MONITORING

A. Not later than thirty (30) days after the end of each reporting period, the Subgrantee shall submit a performance report through eGrants. Reporting periods vary by project duration and are defined as follows:

1. For short term projects, the reporting period is the duration of the project. Subgrantee shall submit

a performance report within 30 days of project completion.

2. For longer projects, the reporting period is monthly. Subgrantee shall submit a performance report within 30 days of the completion of each project month and within 30 days of project completion.

3. For Selective Traffic Enforcement Program (STEP) Wave projects, the reporting period is each billing cycle. Subgrantee shall submit a performance report within 30 days of the completion of each billing cycle.

B. The performance report will include, as a minimum: (1) a comparison of actual accomplishments to the objectives established for the period, (2) reasons why established objectives and performance measures were not met, if appropriate, and (3) other pertinent information, including, when appropriate, an analysis and explanation of cost underruns, overruns, or high unit costs.

C. The Subgrantee shall promptly advise the Department in writing, through eGrants, of events that will have a significant impact upon this agreement, including:

1. Problems, delays, or adverse conditions, including a change of project director or other changes in Subgrantee personnel, that will materially affect the ability to attain objectives and performance measures, prevent the meeting of time schedules and objectives, or preclude the attainment of project objectives or performance measures by the established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Department or federal assistance needed to resolve the situation.

2. Favorable developments or events that enable meeting time schedules and objectives sooner than anticipated or achieving greater performance measure output than originally projected.

D. The Subgrantee shall submit the Final Performance Report through eGrants within thirty (30) days after completion of the grant.

ARTICLE 8. RECORDS

The Subgrantee agrees to maintain all reports, documents, papers, accounting records, books, and other evidence pertaining to costs incurred and work performed under this agreement (called the "Records"), and shall make the Records available at its office for the time period authorized within the Grant Period, as specified in this Grant Agreement. The Subgrantee further agrees to retain the Records for four (4) years from the date of final payment under this agreement, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

Duly authorized representatives of the Department, the USDOT, the Office of the Inspector General, Texas State Auditor, and the Comptroller General shall have access to the Records. This right of access is not limited to the four (4) year period but shall last as long as the Records are retained.

ARTICLE 9. INDEMNIFICATION

A. To the extent permitted by law, the Subgrantee, if other than a government entity, shall indemnify, hold, and save harmless the Department and its officers and employees from all claims and liability due to the acts or omissions of the Subgrantee, its agents, or employees. The Subgrantee also agrees, to the extent permitted by law, to indemnify, hold, and save harmless the Department from any and all expenses, including but not limited to attorney fees, all court costs and awards for damages incurred by the Department in litigation or otherwise resisting claims or liabilities as a result of any activities of the Subgrantee, its agents, or employees.

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to

B. To the extent permitted by law, the Subgrantee, if other than a government entity, agrees to protect, indemnify, and save harmless the Department from and against all claims, demands, and causes of action of every kind and character brought by any employee of the Subgrantee against the Department due to personal injuries to or death of any employee resulting from any alleged negligent act, by either commission or omission on the part of the Subgrantee.

C. If the Subgrantee is a government entity, both parties to this agreement agree that no party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds, as well as the acts and deeds of its contractors, employees, representatives, and agents.

ARTICLE 10. DISPUTES AND REMEDIES

This agreement supersedes any prior oral or written agreements. If a conflict arises between this agreement and the Traffic Safety Program Manual, this agreement shall govern. The Subgrantee shall be responsible for the settlement of all contractual and administrative issues arising out of procurement made by the Subgrantee in support of work under this agreement. Disputes concerning performance or payment shall be submitted to the Department for settlement, with the Executive Director or his or her designee acting as final referee.

ARTICLE 11. TERMINATION

A. This agreement shall remain in effect until the Subgrantee has satisfactorily completed all services and obligations described in this agreement and these have been accepted by the Department, unless:

1. This agreement is terminated in writing with the mutual consent of both parties; or
2. There is a written thirty (30) day notice by either party; or
3. The Department determines that the performance of the project is not in the best interest of the Department and informs the Subgrantee that the project is terminated immediately.

B. The Department shall compensate the Subgrantee for only those eligible expenses incurred during the Grant Period specified in this Grant Agreement that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The Subgrantee shall not incur nor be reimbursed for any new obligations after the effective date of termination.

ARTICLE 12. INSPECTION OF WORK

A. The Department and, when federal funds are involved, the USDOT, or any of their authorized representatives, have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises in which it is being performed.

B. If any inspection or evaluation is made on the premises of the Subgrantee or its subcontractor, the Subgrantee shall provide and require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.

ARTICLE 13. AUDIT

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

ARTICLE 14. SUBCONTRACTS

A subcontract in excess of \$25,000 may not be executed by the Subgrantee without prior written concurrence by the Department. Subcontracts in excess of \$25,000 shall contain all applicable terms and conditions of this agreement. No subcontract will relieve the Subgrantee of its responsibility under this agreement.

ARTICLE 15. GRATUITIES

A. Texas Transportation Commission policy mandates that employees of the Department shall not accept any benefit, gift, or favor from any person doing business with or who, reasonably speaking, may do business with the Department under this agreement. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Department's Executive Director.

B. Any person doing business with or who reasonably speaking may do business with the Department under this agreement may not make any offer of benefits, gifts, or favors to Department employees, except as mentioned here above. Failure on the part of the Subgrantee to adhere to this policy may result in termination of this agreement.

ARTICLE 16. NONCOLLUSION

The Subgrantee warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Subgrantee, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the Subgrantee breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, contingent fee, or gift.

ARTICLE 17. CONFLICT OF INTEREST

The Subgrantee represents that it or its employees have no conflict of interest that would in any way interfere with its or its employees' performance or which in any way conflicts with the interests of the Department. The Subgrantee shall exercise reasonable care and diligence to prevent any actions or conditions that could result in a conflict with the Department's interests.

ARTICLE 18. SUBGRANTEE'S RESOURCES

A. The Subgrantee certifies that it presently has adequate qualified personnel in its employment to perform the work required under this agreement, or will be able to obtain such personnel from sources other than the Department.

B. All employees of the Subgrantee shall have the knowledge and experience that will enable them to perform the duties assigned to them. Any employee of the Subgrantee who, in the opinion of the Department, is incompetent or whose conduct becomes detrimental to the work, shall immediately be removed from association with the project.

C. Unless otherwise specified, the Subgrantee shall furnish all equipment, materials, supplies, and other resources required to perform the work.

ARTICLE 19. PROCUREMENT AND PROPERTY MANAGEMENT

The Subgrantee shall establish and administer a system to procure, control, protect, preserve, use, maintain, and dispose of any property furnished to it by the Department or purchased pursuant to this agreement in accordance with its own procurement and property management procedures, provided that the procedures are not in conflict with (1) the Department's procurement and property management standards and (2) the federal procurement and property management standards provided by 2 CFR §§ 200.310-.316, 200.318-.324.

ARTICLE 20. OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Upon completion or termination of this Grant Agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc. prepared by the Subgrantee, and equipment and supplies purchased with grant funds shall, at the option of the Department, become the property of the Department. All sketches, photographs, calculations, and other data prepared under this agreement shall be made available, upon request, to the Department without restriction or limitation of their further use.

A. Intellectual property consists of copyrights, patents, and any other form of intellectual property rights covering any databases, software, inventions, training manuals, systems design, or other proprietary information in any form or medium.

B. All rights to Department. The Department shall own all of the rights (including copyrights, copyright applications, copyright renewals, and copyright extensions), title and interests in and to all data, and other information developed under this contract and versions thereof unless otherwise agreed to in writing that there will be joint ownership.

C. All rights to Subgrantee. Classes and materials initially developed by the Subgrantee without any type of funding or resource assistance from the Department remain the Subgrantee's intellectual property. For these classes and materials, the Department payment is limited to payment for attendance at classes.

ARTICLE 21. SUCCESSORS AND ASSIGNS

The Department and the Subgrantee each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of the other party in respect to all covenants of this agreement. The Subgrantee shall not assign, sublet, or transfer interest and obligations in this agreement without written consent of the Department through eGrants.

ARTICLE 22. CIVIL RIGHTS COMPLIANCE

A. Compliance with regulations: The Subgrantee shall comply with the regulations relative to

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A. Compliance with regulations. The Subgrantee shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation (USDOT): 49 CFR, Part 21; 23 CFR, Part 200; and 41 CFR, Parts 60-74, as they may be amended periodically (called the "Regulations"). The Subgrantee agrees to comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by the U.S. Department of Labor regulations (41 CFR, Part 60).

B. Nondiscrimination: (applies to subrecipients as well as States) The State highway safety agency and Subgrantee will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

C. Solicitations for subcontracts, including procurement of materials and equipment: In all solicitations either by competitive bidding or negotiation made by the Subgrantee for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor or supplier shall be notified by the Subgrantee of the Subgrantee's obligations under this agreement and the regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, religion, or disability.

D. Information and reports: The Subgrantee shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the USDOT to be pertinent to ascertain compliance with the Regulations or directives. Where any information required of the Subgrantee is in the exclusive possession of another who fails or refuses to furnish this information, the Subgrantee shall certify that to the Department or the USDOT, whichever is appropriate, and shall set forth what efforts the Subgrantee has made to obtain the requested information.

E. Sanctions for noncompliance: In the event of the Subgrantee's noncompliance with the nondiscrimination provision of this agreement, the Department shall impose such sanctions as it or the USDOT may determine to be appropriate.

F. Incorporation of provisions: The Subgrantee shall include the provisions of paragraphs A. through E. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives. The Subgrantee shall take any action with respect to any subcontract or procurement that the Department may direct as a means of enforcing those provisions, including sanctions for noncompliance. However, in the event a Subgrantee becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such

direction, the Subgrantee may request the Department to enter into litigation to protect the interests of the state; and in addition, the Subgrantee may request the United States to enter into such litigation to protect the interests of the United States.

ARTICLE 23. DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

- A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.
- B. The Subgrantee shall adopt, in its totality, the Department's federally approved DBE program.
- C. The Subgrantee shall set an appropriate DBE goal consistent with the Department's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Subgrantee shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Subgrantee shall follow all other parts of the Department's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity and attachments found at web address <http://www.txdot.gov/business/partnerships/dbe.html>
- E. The Subgrantee shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Subgrantee shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of USDOT-assisted contracts. The Department's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Subgrantee of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).
- F. Each contract the Subgrantee signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.

ARTICLE 24. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed

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3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily

excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a

City of Killeen Police Department
STEP-2018

A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ARTICLE 25. CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

In executing this agreement, each signatory certifies to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose

accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ARTICLE 26. CHILD SUPPORT CERTIFICATION

Under Section 231.006, Texas Family Code, the Subgrantee certifies that the individual or business entity named in this agreement is not ineligible to receive the specified grant, loan, or payment and acknowledges that this agreement may be terminated and payment may be withheld if this certification is inaccurate. If the above certification is shown to be false, the Subgrantee is liable to the state for attorney's fees and any other damages provided by law or the agreement. A child support obligor or business entity ineligible to receive payments because of a payment delinquency of more than thirty (30) days remains ineligible until: all arrearages have been paid; the obligor is in compliance with a written repayment agreement or court order as to any existing delinquency; or the court of continuing jurisdiction over the child support order has granted the obligor an exemption from Subsection (a) of Section 231.006, Texas Family Code, as part of a court-supervised effort to improve earnings and child support payments.

ARTICLE 27. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT REQUIREMENTS

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and
<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.

B. The Subgrantee agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (48 CFR subpt. 4.11) if this award provides for more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM web-site at: <https://www.sam.gov>
2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

ARTICLE 28. SINGLE AUDIT REPORT

ARTICLE 28. SINGLE AUDIT REPORT

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.
- B. If threshold expenditures of \$750,000 or more are met during the Subgrantee's fiscal year, the Subgrantee must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at singleaudits@txdot.gov
- C. If expenditures are less than \$750,000 during the Subgrantee's fiscal year, the Subgrantee must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Subgrantee will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

ARTICLE 29. BUY AMERICA ACT (applies to subrecipients as well as States)

The State and Subgrantee will comply with the provisions of the Buy America Act (49 U.S.C. 5323 (j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

ARTICLE 30. RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

ARTICLE 31. NONGOVERNMENTAL ENTITY'S PUBLIC INFORMATION [This article applies only to non-profit entities.]

The Subgrantee is required to make any information created or exchanged with the Department pursuant to this Grant Agreement and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the Department. [SB-1368, 83rd Texas Legislature, Regular Session, Effective 9/1/13]

ARTICLE 32. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each Subgrantee will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

ARTICLE 33. INTERNAL ETHICS AND COMPLIANCE PROGRAM

Subgrantee shall comply with Title 43 Texas Administrative Code §25.906(b). Subgrantee certifies it has adopted an internal ethics and compliance program that satisfies the requirements of Title 43 Texas Administrative Code §10.51 (relating to Internal Ethics and Compliance Program). Subgrantee shall enforce compliance with that program.

Operational Plan

Page Title: Operational Plan FY2018 page 1

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days & Times)</u>
1. 1	DWI/DUI	City wide	%	Daily, Monday-Sunday 8:00pm-6:00am
2. 2	SPEED	IH-14/US-190 between east and west city limits. Posted speed is 60mph for approximately 5.4 miles of roadway	19%	Daily, Monday-Sunday 4:00am-midnight
3. 3	SPEED	Central Texas Expressway (IH-14 frontage road) from east city limits to west city limits excluding 35mph zones. Posted speed is 45mph for approx. 3.7 miles	33%	Daily, Monday-Sunday 4:00am-midnight
4. 4	SPEED	Central Texas Expressway (IH-14 frontage road) westbound from Trimmier Rd. to Dubroc Dr. and eastbound from west city limits to Jasper Rd. Posted speed is 35mph for approximately 1.7 miles	10%	Daily, Monday-Sunday 4:00am-midnight
5. 5	SPEED	Elms Rd between Fort Hood St. (SH 195) and FM 3470. Posted speed is 40mph for approx. 3 miles	33%	Daily, Monday-Sunday 4:00am-midnight
6. 6	SPEED	WS Young Dr. from IH-14 to Westcliff Rd, then Westcliff Rd. to 38th St. Posted speed is 30mph for approx. 4.7 miles	.05%	Daily, Monday-Sunday 4:00am-midnight

Clear Creek Rd (SH 201) from Bell

City of Killeen Police Department
STEP-2018

7.7	SPEED	Clear Creek Rd (011201) from Bell Tower Rd to the north city limits (Watercrest Rd.) Posted speed 35mph for approx. .5 miles	28%	Daily, Monday-Sunday 4:00am-midnight
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Operational Plan

Page Title: Operational Plan FY2018 page 2

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days & Times)</u>
1. 8	SPEED	Trimmier Rd. from Stagecoach Rd. to Bacon Ranch Rd. Posted speed is 40mph for approx. 2.6 miles	29%	Daily, Monday-Sunday 4:00am-midnight
2. 9	SPEED	Fort Hood St (SH 195) from FM 3470 south to the 8500 block of S. Fort Hood St. Posted speed is 60mph for approx. 1.9 miles	34%	Daily, Monday-Sunday 4:00am-midnight
3. 10	ITC	WS Young / Veteran's Memorial (US BUS 190) intersection of two multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
4. 11	ITC	Fort Hood St. (SH 195) / Veteran's Memorial (US BUS 190) intersection of two multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
5. 12	ITC	Central Texas Expressway (IH 14 frontage road) / Willow Springs Rd. intersection of two multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
6. 13	ITC	Central Texas Expressway (IH 14 frontage road) / Fort Hood St. (SH 195) intersection of two multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight

7. 14	ITC	Central Texas Expressway (IH 14 frontage road) / Jasper Rd. intersection of two multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
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Operational Plan

Page Title: Operational Plan FY2018 page 3

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days & Times)</u>
1. 15	ITC	Central Texas Expressway (IH 14 frontage road) / Trimmier Rd. Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
2. 16	ITC	Central Texas Expressway (IH 14 frontage road) WS Young. Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
3. 17	ITC	Central Texas Expressway (IH 14 frontage road) / Stan Schlueter Loop (FM 3470). Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
4. 18	ITC	Stan Schlueter Loop (FM 3470) / Martin Luther King Jr. Blvd (FM 2410). Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
5. 19	ITC	Stan Schlueter Loop (FM 3470) / WS Young Dr. Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
6. 20	ITC	Stan Schlueter Loop (FM 3470) / Trimmier Rd. Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight

7.21	ITC	WS Young Dr. / Illinois Ave. Intersection of multiple lane roadways controlled by a traffic light	%	Daily, Monday- Sunday 4:00am- midnight
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Operational Plan

Page Title: Operational Plan FY2018 page 4

<u>Site Number</u>	<u>Type (Speed, OP, ITC)</u>	<u>Site Description (include Miles Per Hour)</u>	<u>Survey Results (Compliance Percentage)</u>	<u>Enforcement Period (Days & Times)</u>
1. 22	ITC	WS Young / Rancier Ave (FM 439). Intersection of a multiple lane roadway controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
2. 23	ITC	Rancier Ave (FM 439) / 38th St. Intersection of a multiple lane roadway controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
3. 24	ITC	Rancier Ave (FM 439) / Twin Creek 'T' Intersection of a multiple lane roadway controlled by a traffic light	%	Daily, Monday-Sunday 4:00am-midnight
4. 25	ITC	Lake Rd. / 38th St. Four-way stop controlled by stop signs.	%	Daily, Monday-Sunday 4:00am-midnight
5. 26	ITC	Old FM 440 / Central Texas Expressway (IH-14 frontage road) 'T' intersection controlled by a stop sign	%	Daily, Monday-Sunday 4:00am-midnight
6. 27	DD	City wide	%	Daily, Monday-Sunday 4:00am-midnight
7. 28	OP	City wide	76%	Daily, Monday-Sunday 4:00am-midnight

GOALS AND STRATEGIES

Goal: To increase effective enforcement and adjudication of traffic safety-related laws to reduce crashes, fatalities, and injuries.

Strategies: Increase and sustain high visibility enforcement of traffic safety-related laws.
Increase public education and information campaigns regarding enforcement activities.

Goal: To reduce the number of alcohol impaired and driving under the influence of alcohol and other drug-related crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of DWI laws.

Goal: To increase occupant restraint use in all passenger vehicles and trucks.

Strategy: Increase and sustain high visibility enforcement of occupant protection laws.

Goal: To reduce the number of speed-related crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of speed-related laws.

Goal: To reduce intersection-related motor vehicle crashes, injuries, and fatalities.

Strategy: Increase and sustain high visibility enforcement of Intersection Traffic Control (ITC) laws.

Goal: To reduce Distracted Driving motor vehicle crashes, injuries, and fatalities.

Strategies: Increase and sustain high visibility enforcement of state and local ordinances on cellular and texting devices.

Increase public information and education on Distracted Driving related traffic issues.

I agree to the above goals and strategies.

BASELINE INFORMATION

Baseline Year (12 months)

From 10/1/2015 to 9/30/2016

Baseline Measure

Baseline Number

Number of Driving While Intoxicated (DWI) arrests

303

Number of Driving Under Influence (DUI) of Alcohol by Minor Arrests/Citations

1

Number of speed citations

4377

Number of safety belt citations

0

Number of child safety seat citations

0

Number of Intersection Traffic Control (ITC) citations

1112

Number of Distracted Driving Citations

78

Baseline Number

Month/Year of Survey

Percentage of speed compliance

25.1 %

10/2016

Percentage of safety belt usage

76 %

02/2017

LAW ENFORCEMENT OBJECTIVE/PERFORMANCE MEASURE

Objective/Performance Measure	Target Number
1. Number and type citations/arrests to be issued under STEP	
a. Increase DWI arrests by	100
b. Increase DUI of Alcohol by Minor arrests/citations by	1
c. Increase speed citations by	4000
d. Increase Safety Belt citations by	1000
e. Increase Child Safety Belt citations by	20
f. Increase ITC citations by	250
g. Increase Distracted Driving citations by	90
2. Proposed total number of traffic-related crashes	
a. Reduce the number of alcohol-related crashes to	110
b. Reduce the number of speed-related crashes to	90
c. Reduce the number of ITC-related crashes to	1200
3. Increase speed compliance	
a. Increase the Speed compliance rate to	30%
4. Increase safety belt usage	
a. Increase the Safety Belt usage rate among drivers and front seat passengers to	80%
5. Number of Enforcement Hours	2597
Step Indicator	3.09

Note: Nothing in this agreement shall be interpreted as a requirement, formal or informal, that a peace officer issue a specified or predetermined number of citations in pursuance of the Subgrantee's obligations hereunder. Department and Subgrantee acknowledge that Texas Transportation Code Section 720.002 prohibits using traffic-offense quotas and agree that nothing in this Agreement is establishing an illegal quota.

In addition to the STEP enforcement activities, the subgrantee must maintain baseline non-STEP funded citation and arrest activity due to the prohibition of supplanting.

PI&E OBJECTIVE/PERFORMANCE MEASURE

Objectives/Performance Measure	Target Number
Support Grant efforts with a public information and education (PI&E) program	
a. Conduct presentations	5
b. Conduct media exposures (e.g. news conferences, news releases, and interviews)	5
c. Conduct community events (e.g. health fairs, booths)	3
d. Produce the following number of public information and education materials	0
e. Number of public information and education materials distributed	400

SALARIES AND FRINGE BENEFITS

Law Enforcement Hours: 2597								
X Overtime Regular Time								
	TxDOT Hours	Match Hours	Wage Rate	TxDOT Salaries	Match Salaries	Total Salaries	Fringe %	Total Fringe:
A. Enforcement								
Officers/Deputies:	2096	0	\$45.000	\$94,320.00		\$94,320.00	16.32%	\$15,393.02
Sergeants:	265	0	\$55.000	\$14,575.00		\$14,575.00	16.32%	\$2,378.64
Lieutenants/Other:	236	0	\$63.000	\$14,868.00		\$14,868.00	16.32%	\$2,426.46
B. PI&E Activities								
PI&E Activities:	26	0	\$45.000	\$1,170.00	\$0	\$1,170.00	16.32%	\$190.94
C. Administrative Duties								
Smith, Thomas	0	223	\$64.000		\$14,272.00	\$14,272.00	16.32%	\$2,329.19
McDaniel, Antonia	0	39	\$63.000		\$2,457.00	\$2,457.00	16.32%	\$400.98
Other	0	0	\$0				0%	\$0
			\$0				%	\$0
			\$0				%	\$0
			\$0				%	\$0
Total:				\$124,933.00	\$16,729.00	\$141,662.00		\$23,119.24
Category	TxDOT	%		Match	%	Total		
Salaries:	\$124,933.00	88.19%		\$16,729.00	11.81%	\$141,662.00		
Fringe Benefits:	\$0	0.00%		\$23,119.24	100.00%	\$23,119.24		
Breakdown of Fringe Percentages: Social Security is 7.65%, TMRS is 8.01%, Workman's Comp is .66% for a total of 16.32%								
Details of regular time, if included in any of the above hours :								

NON-ENFORCEMENT TRAVEL

Description Mileage
Purpose/Details Traffic Safety Coalition meetings (monthly)
Unit Price \$1.110
Quantity 1920
Total \$2,131.20

Non-Enforcement Travel Mileage Document

https://www.dot.state.tx.us/apps/egrants/_Upload/730764-KilleentoWacoReimbursement.pdf

If you have additional documents, provide them on the "Attachments" page

Please enter allocation amount per items entered in the following fields.
Click the **Save** button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$2,131.20	100.00%
Total	\$2,131.20	

STEP ENFORCEMENT MILEAGE

Instructions:

Unit # : Provide your agency's inventory number or other identifying number for each vehicle. To assist in calculating your agency's average enforcement mileage rate, we are requesting information from a sampling of five (5) patrol vehicles. The calculator will average the costs from all vehicles to arrive at the average operational cost per vehicle mile. If your agency does not have at least five patrol vehicles that are used for enforcement, include the requested information for the vehicles that you have.

Original Vehicle Cost : Provide each vehicle's total cost. (The total cost could include vehicle base cost, equipment/accessories and preparation costs).

Life Expectancy (In Years) : Provide the number of years that your agency expects the vehicle(s) will be used for enforcement activities. Many agencies have policies stating vehicles will be used for a specific time period (years) and some agencies determine mileage as the basis for vehicle retirement from enforcement. If mileage is used, determine the average number of years it takes for agency's vehicles to reach their mileage limit.

Maintenance Costs : Provide historical maintenance costs for the latest 12 month period available for each vehicle. Maintenance costs can also include annual liability insurance costs.

Fuel Costs : Provide historical fuel costs for the latest 12 month period available for each vehicle.

Yearly Miles: Provide the yearly enforcement miles for each vehicle. Use each vehicle's mileage logs or other available information to document the average number of enforcement miles driven annually or simply divide the mileage by the number of years the vehicle has been in use for enforcement activities.

	Unit #	Original Vehicle Cost	Life Expectancy (In Years)	Maintenance Costs	Fuel Costs	Yearly Miles	OP Cost/Mile
Vehicle 1	3106	\$30,736.00	5	\$1,480.43	\$1,273.05	8110	\$1.10
Vehicle 2	3122	\$30,736.00	5	\$1,748.13	\$1,953.00	10870	\$0.91
Vehicle 3	3019	\$35,577.00	7	\$449.08	\$2,118.76	8500	\$0.90
Vehicle 4	3163	\$43,820.00	7	\$1,741.00	\$1,741.00	10022	\$0.97
Vehicle 5	M315	\$17,348.00	3	\$1,582.78	\$216.62	4500	\$1.68

Average Operational Cost of the Vehicle Per Mile : \$1.11

Number of Miles Proposed : 28800

TOTAL : \$31,968.00

	Amount	Percentages
TxDOT	\$0	0.00%
Match	\$31,968.00	100.00%
Total	\$31,968.00	

MISCELLANEOUS

Name	Other
Description	Disregard
Purpose/Details	Not used.
Unit Price	\$0.01
Quantity	1
Total Cost	\$0.01

Please enter allocation amount per items entered in the following fields.
Click the **Save** button to calculate the percentages.

	Amount	Percentages
TxDOT	\$0.01	100.00%
Match	\$0	0.00%
Total	\$0.01	

BUDGET SUMMARY

Budget Category		TxDOT	Match	Total
Category I - Labor Costs				
(100)	Salaries:	\$124,933.00	\$16,729.00	\$141,662.00
(200)	Fringe Benefits:	\$0	\$23,119.24	\$23,119.24
	Sub-Total:	\$124,933.00	\$39,848.24	\$164,781.24
Category II - Other Direct Costs				
(300)	Travel:	\$0	\$34,099.20	\$34,099.20
(400)	Equipment:	\$0	\$0	\$0
(500)	Supplies:	\$0	\$0	\$0
(600)	Contractual Services:	\$0	\$0	\$0
(700)	Other Miscellaneous:	\$0.01	\$0	\$0.01
	Sub-Total:	\$0.01	\$34,099.20	\$34,099.21
Total Direct Costs:		\$124,933.01	\$73,947.44	\$198,880.45
Category III - Indirect Costs				
(800)	Indirect Cost Rate:	\$0	\$0	\$0
Summary				
	Total Labor Costs:	\$124,933.00	\$39,848.24	\$164,781.24
	Total Direct Costs:	\$0.01	\$34,099.20	\$34,099.21
	Total Indirect Costs:	\$0	\$0	\$0
Grand Total		\$124,933.01	\$73,947.44	\$198,880.45
	Fund Sources (Percent Share):	62.82%	37.18%	
Salary and cost rates will be based on the rates submitted by the Subgrantee in its grant application in Egrants.				



STEP GRANT

RS-17-119

December 5, 2017

STEP Grant



- Annual Texas Department of Transportation Special Traffic Enforcement Program Grant (STEP).
- Combined enforcement: DWI, Speed, Safety Restraints, Traffic Control Devices, Distracted Driving.
- Allow officers to focus solely on traffic safety and education.

Recommendation



Staff recommends that Council authorize the City Manager to accept the reimbursable TxDOT Special Traffic Enforcement Program Grant funds in the amount of \$124,933.



City of Killeen

Legislation Details

File #: RS-17-120 **Version:** 1 **Name:** 2017 Petco Foundation Grant
Type: Resolution **Status:** Resolutions
File created: 11/2/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the City Manager to accept grant funding from the Petco Foundation for the Police Department's Animal Services Unit adoption preparation program.
Sponsors: Animal Services, Police Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Grant Award Email](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Charles F. Kimble, Chief of Police

SUBJECT: Acceptance of Grant Funds from the Petco Foundation

BACKGROUND AND FINDINGS:

The Animal Services Unit (ASU) is in constant search of new ideas to improve on the adoption process. Over the past several years, ASU has made efforts to acquire additional funding to cover the cost of spay/neuter procedures and vaccinations for the adopted animals at the shelter. This ensures that animals are in compliance with the local ordinance and state law by providing fully vetted animals for adoption. It also improves the overall quality of life of the animal and provides a new pet for a family with the least financial impact. In furtherance of this ideology, the Petco Foundation has chosen to support the Killeen Animal Services by awarding the City of Killeen a grant for \$70,000.

As this program is implemented and progresses, ASU intends to spay/neuter and vaccinate as many animals prior to adoption as possible. When an animal cannot be vetted prior to adoption, a special voucher will be issued to the new owner that can be redeemed through preapproved sources to have the required sterilization and vaccination services performed. This will ensure that each animal meets the standards required by ordinance and state law upon adoption. Additionally, the grant will fund efforts to promote ASU adoption programs. Specifically, the funds will be broken down as follows:

\$45,000 to support the Spay/Neuter/Vaccination Program for customers who adopt animals or return an animal to its owner

\$20,000 to support the Spay/Neuter/Vaccination Program for shelter animals prior to adoption

\$ 5,000 to support our adoption marketing and sponsorship of adoption events

The grant requires follow-up reporting detailing how the funds were used. The reporting will be completed by ASU. The Petco Foundation also requests a press release announcing the award and how the funds will be used in our community. ASU will coordinate the press release through the Police Department Public Affairs Office and City of Killeen Public Information Office.

THE ALTERNATIVES CONSIDERED:

Accept grand funding and use it as presented.

Budget City of Killeen funds to provide the service for ASU customers.

Decline grant funds.

Which alternative is recommended? Why?

The first alternative is the most logical. Grant funds from the Petco Foundation will provide critical support to our adoption program by providing funding for the mandatory sterilization services to customers who adopt animals from the shelter.

CONFORMITY TO CITY POLICY:

Acceptance of these funds conforms to City Policy and applicable laws.

FINANCIAL IMPACT:

This grant funding has been approved by the grantor in the amount of \$70,000 and requires no matching funds to be contributed by the City of Killeen. The funds will be deposited into Account #249-0000-362.30-01, Petco Grant. The funds will be expended from Accounts #249-6070-441.47-04, Veterinary Services and #249-6070-441.44-26, Promotions and Advertising. The grant term runs until all funds are expended.

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

\$70,000

The grant period runs until all funds are expended, regardless of fiscal year.

Is this a one-time or recurring expenditure?

One-time

Is this expenditure budgeted?

No

If not, where will the money come from?

Petco Foundation Grant

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

N/A

RECOMMENDATION:

The city staff recommends that the City Manager be authorized to accept the grant funding allocated by the Petco Foundation, which will be managed and tracked by the Animal Services Unit, in collaboration with the Finance Department, to aid the shelter's adoption program.

DEPARTMENTAL CLEARANCES:

Legal
Finance

ATTACHED SUPPORTING DOCUMENTS:

Grant Award Email

Alex Gearhart

From: Edward W. Tucker
Sent: Monday, November 20, 2017 10:25 AM
To: Alex Gearhart
Subject: Fwd: Killeen Animal Services - Petco Foundation Grant Approval

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Foundation Administrator <administrator@grantinterface.com>
Date: 10/26/17 1:48 PM (GMT-06:00)
To: "Edward W. Tucker" <ETucker@killeentexas.gov>
Cc: lisa.lane@petco.com, susan.cosby@petco.com
Subject: Killeen Animal Services - Petco Foundation Grant Approval

Congratulations!

The Petco Foundation is thrilled to support the lifesaving work you do by granting your organization the amount of \$70,000. These funds are designated for lifesaving purpose(s) as generally outlined in your grant request for the OCT 2017 grant cycle. Funds will be distributed to you 2-4 weeks following receipt of this email notification. By endorsing and depositing the grant check, you represent and warrant that your organization will meet the obligations specified in the grant request. Please note that it is the intention of the Petco Foundation that funds donated shall not be appropriated to the general funds of the municipality, but rather must be utilized and become part of the funding of the animal control sheltering department.

MEDIA COORDINATION:

We would appreciate your cooperation in arranging a check presentation and news release in conjunction with the receipt of this award. We ask that you complete this brief form so that we can coordinate with you in setting up the event:
<https://www.petcofoundation.org/checkcelebration/>

RECOGNITION OF YOUR AWARD:

To support your organization as you publicize the grant we have included a link to our Partner Press Kit. Please use this toolkit – which includes our logo in various formats, brand guidelines, sample social media posts, a sample media alert, and a sample press release – to spread the word to your supporters and community about the lifesaving work you'll do with these funds.

The Petco Foundation makes investments in organizations to achieve our mutual objective of saving lives. Because we support organizations, not programs, the Foundation seeks to be recognized as an organizational supporter rather than the supporter or underwriter of a specific program. Any communication materials you create that mention the Petco Foundation or include our logo—with or without the use of this kit—must be reviewed and approved by our communications team before you share them publicly in any way. Please allow 7 to 10 business days for review. See additional notes at the bottom of this email regarding recognition of awards from the Petco Foundation.

Visit the Partners page on the Petco Foundation website to access the press kit at <https://www.petcofoundation.org/newsroom/media-kits/#partnerpresskit>

FOLLOW UP REPORTING:

You are required to submit follow up report(s) as a condition of receiving this award. Your follow-up report questionnaire(s) may be found online in the application portal, attached to your approved grant application. After signing in click on "Edit" in the lower right corner to access the follow up questionnaire. You may reach the grant site login page from our website on the "Grant Opportunities" page (look for the "PARTNER LOGIN" button) or by using this link:

<https://www.grantinterface.com/Common/LogOn.aspx?urlkey=petco&>

Thank you for all that you do for the animals in your community. We look forward to hearing about the wonderful things you were able to accomplish with this grant.

Sincerely,
The Petco Foundation Team

The Petco Foundation is a 501(c)(3) nonprofit, tax exempt corporation. Tax I.D. 33-0845930

ADDITIONAL RECOGNITION INFORMATION:

The Petco Foundation desires that all funds and efforts be prioritized for lifesaving, and seeks to reduce our environmental footprint. Therefore, we respectfully request that no items are mailed to the Petco Foundation and that any thank you letters be sent by email only to foundationpartners@petco.com. We welcome and appreciate recognition on social media (@petcofoundation), on your website, or in other print and digital communications. We ask that this recognition thank the Petco Foundation, Petco and/or our Petco store partners collectively rather than individual employees of Petco or the Petco Foundation.

Recognition examples:

Examples of appropriate recognition include "XYZ organization is proudly supported by the Petco Foundation" on a website, newsletters, banners, annual reports, signs or press releases (materials will need to be approved in advance).

Other examples include:

- Recognizing the Petco Foundation in conjunction with an adoption or fundraising event ("Lifesaving supported by the Petco Foundation").
- Recognizing the Petco Foundation when announcing lifesaving achievements ("XYZ organization met our goal of neutering 100 pets this month with support from the Petco Foundation").

Examples of recognition that may not be approved include:

- "This vaccination/wellness clinic is sponsored by the Petco Foundation" on announcements, websites or flyers.
- "The services provided in zip code 55555 are sponsored by the Petco Foundation"

Questions about your grant? Please contact foundationpartners@petco.com.



PETCO FOUNDATION 2017 GRANT

RS-17-120

December 5, 2017

Petco Foundation Grant 2017



- Provide Spay/Neuter/Vaccination vouchers to customers who adopt animals in need of services.
- Provide Spay/Neuter/Vaccination services to animals prior to adoption when possible.
- Promote and support Animal Services Unit adoption programs and events.

Funding

- Total Grant Program is \$70,000
 - ▣ Grant funds: \$70,000
 - \$45,000 for vet services vouchers
 - \$20,000 for vet services prior to adoption
 - \$5,000 to support and promote adoption events
 - ▣ City Match funds: \$ 0
 - There is no match requirement.

Recommendation



The city staff recommends that the City Manager be authorized to accept the grand funding allocated by the Petco Foundation, which will be managed and tracked by the Animal Services Unit, in collaboration with the Finance Department, to aid the shelter's adoption program.



City of Killeen

Legislation Details

File #: RS-17-121 **Version:** 1 **Name:** FD Uniforms
Type: Resolution **Status:** Resolutions
File created: 11/7/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the purchase of uniforms for the Fire Department.
Sponsors: Fire Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Miller BuyBoard Contract](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Brian Brank, Fire Chief

SUBJECT: Purchase of Firefighter Uniforms

BACKGROUND AND FINDINGS:

In fiscal year 2016-2017, the Fire Department purchased uniforms and equipment for firefighters totaling approximately \$100,000. Each year the Fire Department does a cost comparison between several vendors and orders the necessary uniforms from the vendor with the lowest cost for each item; this year Miller Uniforms & Emblems provided the best cost for uniforms.

THE ALTERNATIVES CONSIDERED:

- Purchase uniforms from various vendors on an as-needed basis.
- Purchase uniforms in bulk from the lowest cost vendor.

Which alternative is recommended? Why?

Purchase Uniforms in bulk from the lowest cost vendor: Prices for common uniform components were compared between multiple vendors with BuyBoard contracts on their websites. Nardis Incorporated, Class Uniforms Incorporated, and Miller Uniforms and Emblems all offered similar prices for these items. However, their contracts offered discounts of 15%, 5%, and 15% respectively. This made Nardis and Miller the lowest cost vendors for these items. We currently use Miller for many of our uniform needs, and we are pleased with their service and responsiveness. We request to continue purchasing uniform components from Miller. Staff estimates approximately \$100,000 worth of uniform supplies will be purchased from Miller Uniforms & Emblems.

CONFORMITY TO CITY POLICY:

The Fire Department is requesting authority to purchase uniforms from Miller Uniforms & Emblems in an amount exceeding the \$50,000 threshold for which Council approval is required. Miller Uniforms & Emblems is a member of the TASB BuyBoard purchasing cooperative; therefore, making this purchase exempt from state and local legal bidding requirements as found in The Texas Local Government Code 252.022. Staff did, however, compare costs with multiple vendors to achieve the best pricing. Miller Uniforms & Emblems' Buyboard contract, #524-17, is effective through March 31, 2020. The Fire Department will continue to compare pricing with all vendors to ensure that we are receiving the best pricing for the City.

FINANCIAL IMPACT:

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

Staff estimates approximately \$100,000 worth of uniform supplies will be purchased from Miller Uniforms & Emblems.

Is this a one-time or recurring expenditure?

Uniforms are needed every year to sustain the professional appearance of KFD paid fire personnel.

Is this expenditure budgeted?

Yes

If not, where will the money come from?

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

Yes. The Fire Department's Uniforms and Clothing Account, 010-7070-442.41-20, was funded with \$275,000 to start the fiscal year.

RECOMMENDATION:

Staff recommends the City Council authorize the purchase of uniforms from Miller Uniforms & Emblems through the remainder of their Buyboard Cooperative Contract expiring March 31, 2020, for items which they provide at the lowest cost.

DEPARTMENTAL CLEARANCES:

Legal, Purchasing, Finance

ATTACHED SUPPORTING DOCUMENTS:

Miller BuyBoard Contract



Vendor Contract Information

[Back](#)

Searches:

[Search by Vendor](#)
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 Search:

- All
 Vendor Discounts Only
 Catalog Pricing Only

Refine Your Search:

Vendors

Miller Uniforms & Emblems Inc.[X]

Price Range

Show all prices

Category

None Selected

Contract

 Public Safety and Firehouse
 Supplies and Equipment[X]

Additional Resources

Vendor Name: Miller Uniforms & Emblems Inc.

Address: 826 Rutland Dr.

Austin, TX 78758

Phone Number: (512) 302-5541

Email: bobmiller@milleruniforms.Com

Website: <http://www.milleruniforms.Com>
Federal ID: 74-2493737

Contact: Bob Miller

Accepts RFQs: Yes

Minority Owned: No

Women Owned: No

Service-Disabled Veteran Owned: No

EDGAR: Yes

Contract Name: Public Safety and Firehouse Supplies and Equipment

Contract Description: Full line of law enforcement and fire fighting supplies, equipment, & uniforms; firearms; ammunition; riot/body armor; vehicle equipment, light bars, sirens, speakers; thermal imager; bike patrol; drug testing; speed enforcement; traffic signal equipment; breathing apparatus; detection devices; fire hose/nozzles; fire extinguishers and foam; traffic pre-emption equipment; portable lighting equipment, service/repair & installation

Contract#: 524-17

Effective Date: 04/01/2017

Expiration Date: 03/31/2020

Payment Terms: Net 30 days

Delivery Days: 30

Shipping Terms: Pre-paid and added to invoice

Freight Terms: FOB Destination

Ship Via: Common Carrier

Region Served: All Texas Regions

States Served: Texas

Additional Info: EDGAR Vendor Certification Form (relating to 2 CFR Part 200 & Appendix II) is included in Vendor response document, and can be found in the Vendor Proposal File link near the bottom of the page.

Quote Reference Number: 524-17

Return Policy: 30 days from receipt if not worn, laundered, altered or customized

Additional Dealers: Miller Uniforms & Emblems, Houston TX

Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)
Proposal Documents: [Click to view BuyBoard Proposal Documents](#)
Regulatory Notice: [Click to view Bonding Regulatory Notice](#)
Proposal Files: [Click to view Vendor Proposal Files Documents](#)

Contact us 800.695.2919

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
 Miller Uniforms & Emblems Inc
 Ausin, TX United States

Certificate Number:
 2017-288361

Date Filed:
 11/29/2017

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

Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
 524-17
 Uniform Supplies and Equipments

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

5 Check only if there is NO Interested Party.

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



[Handwritten Signature]

 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said BENJAMIN FRUINS, this the 29th day of NOVEMBER 20 17, to certify which, witness my hand and seal of office.

[Handwritten Signature]

 Signature of officer administering oath

Keith Miller

 Printed name of officer administering oath

Treasurer

 Title of officer administering oath



PURCHASE OF FIREFIGHTER UNIFORMS

RS-17-121

December 5, 2017

PURCHASE OF FIREFIGHTER UNIFORMS

- The Killeen Fire Department provides uniforms for our firefighters to include pants, shirts, coats, gloves, etc.

- Price Comparison of Common Uniform Components
 - ▣ Miller Uniforms and Emblems
 - ▣ Nardis Incorporated
 - ▣ Class Uniforms Incorporated

- Miller Uniforms and Emblems Offered Best Pricing

PURCHASE OF FIREFIGHTER UNIFORMS

- Alternatives:
 - ▣ Purchase uniforms from various vendors as needed
 - ▣ Purchase uniforms from a single vendor at the lowest cost

- Conforms to City Policy: Miller Uniforms & Emblems' Buyboard Contract, #524-17, is effective through March 31, 2020

PURCHASE OF FIREFIGHTER UNIFORMS

- Financial Impact
 - ▣ Estimated \$100,000 annually for 3 years
 - ▣ Budgeted expense – no additional funding required

- Staff recommends that the city manager be authorized to execute the purchase of uniforms from Miller Uniforms and Emblems, Inc. through its BuyBoard Cooperative Contract 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.



City of Killeen

Legislation Details

File #: RS-17-122 **Version:** 1 **Name:** EMS Supplies
Type: Resolution **Status:** Resolutions
File created: 11/7/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the purchase of consumable medical supplies for the Fire Department.
Sponsors: Fire Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Bound Tree BuyBoard Contract](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Brian Brank, Fire Chief

SUBJECT: Purchase of Consumable Medical Supplies

BACKGROUND AND FINDINGS:

In fiscal year 2016-2017, the Fire Department purchased medical supplies in excess of \$250,000 for the emergency medical services division. Each year the Fire Department does a cost comparison between several vendors and orders the necessary items for the EMS crews from the vendor having the lowest cost for each item; this year Bound Tree Medical provided the best cost for most of these consumable supplies.

THE ALTERNATIVES CONSIDERED:

- Purchase medical supplies from various vendors on an as-needed basis
- Purchase medical supplies in bulk from the vendor with the lowest pricing

Which alternative is recommended? Why?

Purchase Medical Supplies from the Vendor with the Lowest Pricing: Prices for common consumable medical supplies were compared between multiple vendors with BuyBoard contracts on their websites. Bound Tree Medical, Henry Schein, and Southeastern Emergency Equipment all offered similar prices for these items. However, their contracts offered discounts of 28%, 18%, and 5%, respectively. This made Bound Tree the lowest cost vendor for consumable medical supplies. Staff estimates approximately \$150,000 worth of consumable medical supplies will be purchased from Bound Tree Medical.

CONFORMITY TO CITY POLICY:

The Fire Department is requesting authority to purchase medical supplies from Bound Tree Medical in an amount exceeding the \$50,000 threshold for which Council approval is required. Bound Tree is a member of the TASB BuyBoard purchasing cooperative; therefore, making this purchase exempt from state and local legal bidding requirements as found in The Texas Local Government Code 252.022. Staff did, however, compare costs with multiple vendors to achieve the best pricing. Bound Tree's Buyboard contract, #530-17, is effective through May 31, 2020. The Fire Department will continue to compare pricing with all vendors to ensure that we are receiving the best pricing for the City.

FINANCIAL IMPACT:

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

Staff estimates approximately \$150,000 worth of consumable medical supplies will be purchased from Bound Tree Medical this fiscal year. The amount of the expenditure in any given year will be a function of supply costs and demand for these services.

Is this a one-time or recurring expenditure?

Consumable medical supplies are needed every year to provide emergency medical services. The amount of the expenditure in any given year will be a function of supply costs and demand for these services.

Is this expenditure budgeted?

Yes

If not, where will the money come from?

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

Yes. The Fire Department's Medical and Chemical Account, 010-7070-442.41-75, was funded with \$312,000 to start the fiscal year.

RECOMMENDATION:

Staff recommends the City Council authorize the purchase of medical supplies from Bound Tree Medical through the remainder of their Buyboard Cooperative Contract expiring May 31, 2020, for items which they provide at the lowest cost.

DEPARTMENTAL CLEARANCES:

Legal, Purchasing, Finance

ATTACHED SUPPORTING DOCUMENTS:

BuyBoard Vendor Contract



Vendor Contract Information

[Back](#)

Searches:

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Search:

Bound Tree

- All
 Vendor Discounts Only
 Catalog Pricing Only

Refine Your Search:

Vendors

None Selected

Price Range

Show all prices

Category

None Selected

Contract

None selected

Additional Resources

Vendor Name: Bound Tree Medical**Address:** 5000 Tuttle Crossing Blvd

Dublin, OH 43016

Phone Number: (800) 533-0523**Email:** submitbids@boundtree.com**Website:** <http://www.boundtree.com/>**Federal ID:** 31-1739487**Contact:** Tim Jamison**Accepts RFQs:** Yes**Minority Owned:** No**Women Owned:** No**Service-Disabled Veteran Owned:** No**EDGAR:** Yes**Contract Name:** First Aid, Emergency Medical, and Athletic Trainer Supplies and Equipment**Contract Description:** Full line of first aid supplies, equipment & furniture; athletic training & rehabilitation equipment furniture, and supplies, emergency medical equipment and supplies; pharmaceuticals & vaccines; audiology equipment and hearing aids; service/repair & installation**Contract#:** 530-17**Effective Date:** 06/01/2017**Expiration Date:** 05/31/2020**Payment Terms:** Net 30 days**Delivery Days:** 3**Shipping Terms:** Pre-paid and added to invoice**Freight Terms:** FOB Destination**Ship Via:** Common Carrier**Region Served:** All Texas Regions**States Served:** All States**Additional Info:** EDGAR Vendor Certification Form (relating to 2 CFR Part 200 & Appendix II) is included in Vendor response document, and can be found in the Vendor Proposal File link near the bottom of the page. Vendor Certification form regarding Texas HB 89 and Texas SB 252 can be found under the "Vendor Proposal Files Documents" link below.**Quote Reference Number:** 530-17**Return Policy:** www.boundtree.com/return-policy**Additional Dealers:** Bound Tree Medical, Arlington TX

Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)**Proposal Documents:** [Click to view BuyBoard Proposal Documents](#)**Regulatory Notice:** [Click to view Bonding Regulatory Notice](#)**Proposal Files:** [Click to view Vendor Proposal Files Documents](#)

Contact us 800.695.2919

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Bound Tree Medical, LLC
Dublin, OH United States

Certificate Number:
2017-288257

Date Filed:
11/29/2017

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

Date Acknowledged:

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

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

5 Check only if there is NO Interested Party.

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



David Zitello II

Notary Public, State of Ohio

Commission Expires August 18, 2020

[Handwritten Signature]
Signature of authorized agent of contracting business entity

AFFIX STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Tim Jamison, this the 29 day of November, 2017, to certify which, witness my hand and seal of office.

David Zitello II
Signature of officer administering oath

David Zitello II
Printed name of officer administering oath

Notary Public
Title of officer administering oath



PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

RS-17-122

December 5, 2017

PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

- The Killeen Fire Department uses consumable medical supplies in the delivery of Emergency Medical Services.

- Staff Price Comparison of Commonly Used Items
 - ▣ Bound Tree Medical
 - ▣ Southeastern Medical Supplies
 - ▣ Henry Schein

- Lowest Pricing Offered by Bound Tree Medical

PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

- Alternatives:
 - ▣ Purchase consumable medical supplies from various vendors as needed
 - ▣ Purchase consumable medical supplies from a single vendor at the lowest cost

- Conforms to City Policy: Bound Tree Medical's Buyboard Contract, #530-17, is effective through May 31, 2020.

PURCHASE OF CONSUMABLE MEDICAL SUPPLIES

- Financial Impact
 - ▣ Estimated \$150,000 annually for 3 years
 - ▣ Budgeted expense – no additional funding required

- Staff recommends that the city manager be authorized to execute the purchase of medical supplies from Bound Tree through its BuyBoard Cooperative Contract 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.



City of Killeen

Legislation Details

File #: RS-17-123 **Version:** 1 **Name:** Website RFP
Type: Resolution **Status:** Resolutions
File created: 10/25/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution approving use of a Request for Proposal (RFP) for the selection of a vendor to redevelop the City's primary website and to develop a companion mobile app.
Sponsors: Communications
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Hilary Shine, Executive Director of Communications

SUBJECT: USE OF A REQUEST FOR PROPOSAL (RFP) FOR THE SELECTION OF A VENDOR TO REDEVELOP THE CITY'S PRIMARY WEBSITE AND TO DEVELOP A COMPANION MOBILE APP

BACKGROUND AND FINDINGS:

The City's primary website, KilleenTexas.gov, serves all departments in delivering services and information to the public. It is also the tool the public increasingly uses to interact with city government. The current site does not meet modern standards and requires a complete redevelopment in order to serve organizational and public needs.

The current site was designed in-house in 2009 using a proprietary content management system. That system is no longer supported by its creator and is increasingly limited in its functionality, severely inhibiting maintenance of the website. It has reached end of life, and, thus, so has the website.

Today, the website contains approximately 600 pages and more than 1,500 linked files. User traffic has transitioned from primarily desktop computers to 60% mobile usage. In 2017, the site had more than 2.1 million page views, 900,000 sessions and 443,000 users. The current site was not designed to accommodate this type or volume of usage, is providing limited customer service, and has limited room for expansion of online business services.

The redevelopment of the website has the following major goals: modern design using current best practices; mobile-friendly design; complementary mobile app; searchability; customer-focused framework; integration of images and video; improved storage and traffic capacity; integration of all external sites and plug-ins; secure and reliable hosting; compliance with disability standards; designed for search engine optimization; and simplified URLs.

Redevelopment of the website today is necessary to support current usage, to improve appearance and customer experience, to comply with federal regulations and industry standards, and to create capacity for future web-based services. The addition of a mobile app, which we don't currently offer, will offer customers added convenience and access.

The RFP process will allow vendors to propose solutions that meet the defined project goals with the flexibility needed in a design project. The proposal review process will evaluate the content of each proposal and consider the proposer's qualifications, experience in similar projects, references, fees, methodology, and timeline to determine the best solution and value.

Staff recommends that City Council find that the RFP process will provide the best value to the City for the redevelopment of the City's website and authorize staff to proceed with issuing the RFP.

City Council approved funding in the FY 2018 Budget to complete the project.

After selection of a vendor, staff will negotiate the project scope and fees with the selected company then submit the contract to City Council for approval.

THE ALTERNATIVES CONSIDERED:

Alternatives considered: (1) not redevelop the website; (2) use the RFP process to evaluate and select a vendor that provides the best value proposal to redevelop the website.

Which alternative is recommended? Why?

Staff recommends alternative 2. Redevelopment of the City's website is necessary, and funds have been allocated in the current fiscal year to move forward on the project. Issuing an RFP will begin the process by soliciting proposals for the project.

CONFORMITY TO CITY POLICY:

Yes

FINANCIAL IMPACT:

The decision to proceed with the RFP process incurs no financial impact

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

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that City Council find that the RFP process will provide the best value to the City for the redevelopment of the City's website and authorize staff to proceed with issuing the RFP.

DEPARTMENTAL CLEARANCES:

Finance

Legal



USE OF RFP TO SELECT WEBSITE REDEVELOPMENT VENDOR

RS-17-123

December 5, 2017

Website Background

2

- City Council approved funding for website redevelopment in the FY 2018 Budget to improve and expand public access to City information and services
- KilleenTexas.gov is the City's primary website and serves all departments
- Current site was developed in 2009
 - ▣ Uses proprietary content management system no longer supported by creator
 - ▣ Limited functionality inhibiting maintenance and expansion
 - ▣ Reached end of serviceability
 - ▣ Antiquated framework and function
- Current Annual Usage
 - ▣ 600 pages; 1,500 linked files
 - ▣ 2.1 million page views; 900,000 sessions; 443,000 users
 - ▣ 60% mobile usage; 40% desktop usage

Major Project Goals

3

- ❑ Improved public access and customer service
- ❑ Modern design using current best practices
- ❑ Mobile-friendly design
- ❑ Integration of images, video and plug-ins
- ❑ Increased storage, traffic and service capacities
- ❑ Secure and reliable hosting
- ❑ Compliance with disability standards
- ❑ Search engine optimization
- ❑ Complementary mobile application

Alternatives Considered

4

- 1. Sealed Bid process
- 2. Request for Proposal (RFP) process
 - The RFP process will allow vendors to propose solutions that meet the defined project goals with the flexibility needed in a design project.
 - It will allow staff to evaluate content, qualifications, experience, references, fees and timeline to determine the best value.
 - After selecting a vendor, staff can negotiate a contract for project scope and fees.
 - The contract will be brought back to City Council for final approval.

Website RFP Recommendation

5

- Staff recommends that City Council determine that the RFP process will provide the best value to the City for redevelopment of the City's primary website and authorize staff to proceed with issuing an RFP.



City of Killeen

Legislation Details

File #: RS-17-124 **Version:** 1 **Name:** Rosewood Dr. Ext. Amend AFA
Type: Resolution **Status:** Resolutions
File created: 10/30/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the City Manager to execute an amendment to a previously approved advance funding agreement (AFA) amendment with the Texas Department of Transportation (TxDOT) to design and construct an extension to Rosewood Drive and Heritage Oaks Hike and Bike Trail, Segment 3.
Sponsors: Public Works Department, Transportation Division
Indexes: Rosewood Drive
Code sections:
Attachments: [Staff Report](#)
[Advanced Funding Agreement Amendment Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: David Olson, Executive Director of Public Works

SUBJECT: **AUTHORIZE THE CITY MANAGER TO AMEND AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO DESIGN AND CONSTRUCT AN EXTENSION TO ROSEWOOD DRIVE AND HERITAGE OAKS HIKE AND BIKE TRAIL SEGMENT 3.**

BACKGROUND AND FINDINGS:

On September 25, 2015, the Killeen - Temple Metropolitan Planning Organization (KTMPPO), in cooperation with the Federal Highway Administration, issued a call for project nominations for the Surface Transportation Program Metropolitan Mobility (STPMM) funding. Under the program, 80% of eligible project costs can be reimbursed with the nominating entity providing at least 20% of the project's allowable costs.

On October 27, 2015, the City Council authorized the City Manager to submit a STPMM application for the extension of Rosewood Drive and Heritage Oaks Hike and Bike Trail, Segment 3, hereinafter called Rosewood Extension (CCM/R 15-123R). On November 10, 2015, the City of Killeen submitted an application to KTMPPO requesting \$6,000,000 for the 2015 STPMM Call for Projects. The City was awarded a total amount of \$5,003,585 for the Rosewood Extension project.

On March 22, 2016, the City Council authorized the City Manager to enter into an Advance Funding Agreement with the TxDOT for the design and construction of an extension to Rosewood Drive and Heritage Oaks Hike and Bike Trail Segment 3. The cost associated with this agreement was \$47,646 for administrative fees.

Additional funds became available from KTMPPO. This amendment represents the addition of \$356,414 in federal funding for the referenced project.

THE ALTERNATIVES CONSIDERED:

There are two alternatives to consider in this instance: 1) Reject the amendment and proceed with the current AFA. 2) Accept the amendment offering additional federal funds for the construction of this project.

Which alternative is recommended? Why?

City staff recommends that City Council authorize the City Manager to execute the amended AFA accepting the offer of additional federal funds for the Rosewood Drive Extension/Heritage Oaks Hike & Bike Trail projects.

CONFORMITY TO CITY POLICY:

Yes

FINANCIAL IMPACT:

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

There is no cost to the City of Killeen for this amendment. This amendment will reduce the overall cost of the referenced construction project in the amount of \$356,414.

Is this a one-time or recurring expenditure?

One time

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

City staff recommends that the City Council authorize entering into an Advance Funding Agreement Amendment with the Texas Department of Transportation for the Surface Transportation Program Metropolitan Mobility and further authorize the City Manager to execute the same.

DEPARTMENTAL CLEARANCES:

Purchasing
Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Advanced Funding Agreement Amendment

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT # 1**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and City of Killeen, acting by and through its duly authorized officials, called the Local Government.

W I T N E S S E T H

WHEREAS, the State and the Local Government executed a contract on September 8 of 2016 to effectuate their agreement to construct a four-lane roadway with center median and off-system bridge over Trimmier Creek; and,

WHEREAS, the Texas Transportation Commission passed Minute Order Number 114670 that provides for the development of, and funding for, the Project; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

A G R E E M E N T

1. Description of Amended Items

Attachment A, Resolution or Ordinance, is deleted in its entirety and replaced with Attachment A-1, Resolution or Ordinance, which is attached to this amendment.

Attachment C, Project Estimates and Source of Funds, is deleted in its entirety and replaced with Attachment C-1, Project Estimates and Source of Funds, which is attached to this amendment.

Article 22 Single Audit Report is deleted in its entirety and replaced with the following:

- 22. Single Audit Report
 - A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.

- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

Article 23 Non-Discrimination Provisions is deleted in its entirety and replaced with the following:

23. Pertinent Non-Discrimination Authorities

During the performance of this contract, the Local Government, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27. Discrimination Act of 1975, as amended, (49 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not).

- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
ederal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0909-36-156
District # Waco (09)
Code Chart 64 # 22300
Project: Rosewood Extension
Federal Highway Administration
CFDA Title: Highway Planning & Construction
CFDA No.:20.205
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Ronald L. Olson
City Manager
City of Killeen, Texas

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

Date

**ATTACHMENT C-1
 PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS**

Costs will be allocated based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by Local Government)	\$5,000	0%	\$0	0%	\$0	100%	\$5,000
Engineering (by Local Government)	\$750,000	80%	\$600,000	0%	\$0	20%	\$150,000
Construction (by Local Government)	\$5,711,499	80%	\$4,569,199	0%	\$0	20%	\$1,142,300
Construction (by Local Government)	\$1,695,519	0%	\$0	0%	\$0	100%	1,695,519
Subtotal	\$8,162,018		\$5,169,199		\$0		\$2,992,819
Environmental Direct State Costs	\$7,155	80%	\$5,724	0%	\$0	20%	\$1,413
Right of Way Direct State Costs	\$7,155	80%	\$5,724	0%	\$0	20%	\$1,413
Engineering Direct State Costs	\$53,085	80%	\$40,068	0%	\$0	20%	\$10,017
Utility Direct State Costs	\$7,155	80%	\$5,724	0%	\$0	20%	\$1,413
Construction Direct State Costs	\$166,950	80%	\$133,560	0%	\$0	20%	\$33,390
Indirect State Costs	\$14,345	0%	\$0	100%	\$14,345	0%	\$0
TOTAL	\$8,414,863		\$5,359,999		\$14,343		\$3,040,465

Initial payment by the Local Government to the State: \$14,256

Payment by the Local Government to the State before construction: \$33,390

Estimated total payment by the Local Government to the State \$47,646

This is an estimate. The final amount of Local Government participation will be based on actual costs.



ROSEWOOD DR. ADVANCE FUNDING AGREEMENT

RS-17-124

December 5, 2017

Background

- City Council entered into an Advance Funding Agreement (AFA) that contributed \$5,003,585 towards the Rosewood Drive Extension/Heritage Oaks projects.
- Separate AFA awarded \$640,000 to Heritage Oaks H&B Trail for total project funds of \$5,643,585.
- Additional funds became available in the amount of \$356,414 bringing the project total to \$5,999,999. This action requires an amended AFA.

Alternatives/Recommendation

Alternatives:

- Do not amend current AFA.
 - ▣ Action results in larger City contribution to the project.
- Amend the AFA and accept additional federal funding for the construction of Rosewood Drive Extension/Heritage Oaks H&B Trail projects.

Recommendation:

- City staff recommends that City Council authorize the City Manager to execute the amended AFA accepting the offer of additional federal funds for the Rosewood Drive Extension/Heritage Oaks Hike & Bike Trail projects.



City of Killeen

Legislation Details

File #: PH-17-050A **Version:** 1 **Name:** Rifle-Resistant Body Armor Grant
Type: Resolution/Public Hearing **Status:** Public Hearings
File created: 10/23/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: Consider a memorandum/resolution authorizing the acceptance of the Rifle-Resistant Body Armor Grant through state funding for the Police Department to purchase rifle-resistant body armor.
Sponsors:
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Grant Program](#)
[Grant Application](#)
[Quote](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
11/28/2017	1	City Council		
11/14/2017	1	City Council Workshop		



STAFF REPORT

DATE: November 14, 2017

TO: Ronald L. Olson, City Manager

FROM: Charles F. Kimble, Chief of Police

SUBJECT: Acceptance of Grant Funds for Rifle Resistant Body Armor Program

BACKGROUND AND FINDINGS:

The Office of the Governor, Criminal Justice Division, announced the Rifle-Resistant Body Armor Grant Program earlier this year. There are no matching funds requirements as the grant funds the entire cost of body armor. The Police Department has applied for this grant in accordance with City of Killeen Grant Policy.

As part of the grant application, the department was required to select a make and model of body armor for the project. Department subject matter experts looked at available options and selected the Safariland/Protech Shift 360 Body Armor package offered exclusively by GT Distributors, Inc. It offers the best combination of maximum protection, value, and features that the department was searching for including modular pouches, identification panels, and a storage bag. The armor carrier is scalable and capable of being upgraded to meet any future needs.

The Police Department is requesting authority to accept \$127,350 in grant funding and purchase 225 units of rifle-resistant body-armor from GT Distributors, Inc. through a state purchasing cooperative. The body armor package is exclusively available from GT Distributors, Inc., through the Texas Association of School Boards (TASB) BuyBoard, making this purchase in compliance with state competitive purchasing requirements as found in the Texas Local Government Code. GT Distributors, Inc. TASB Buyboard contract # 524-17 is effective through March 31, 2018.

THE ALTERNATIVES CONSIDERED:

Accept grant funding and purchase the body armor from GT Distributors, Inc. through the state purchasing cooperative as proposed.

Request budget funds for rifle-resistant body armor in future years.

Do not issue rifle-resistant body armor to police officers.

Which alternative is recommended? Why?

The first alternative is the most reasonable since the grant funds 100% of the cost of the body armor with no matching funds requirement.

CONFORMITY TO CITY POLICY:

This purchase conforms to City Policy and applicable laws.

FINANCIAL IMPACT:

There is no immediate financial impact. The grant funds \$127,350 to purchase the rifle-resistant body armor. There is no matching funds requirement.

The following statement is a specific grant requirement:

In the event of the loss or misuse of grant funds, the City of Killeen will return all funds to the Office of the Governor, Criminal Justice Division.

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

\$127,350 in grant funds (\$0 in City of Killeen funds)

This body armor has a warranty period and recommended service life of five years. After five years, the department will seek additional funding through budget or grant sources in order to continue the program. Current cost to replace armor plates is \$81,675. The vest carriers will not be subject to replacement at five years.

Is this a one-time or recurring expenditure?

One time

Is this expenditure budgeted?

Following approval of the corresponding budget amendment

If not, where will the money come from?

Grant funds from the Office of the Governor, Criminal Justice Division, Rifle-Resistant Body Armor Grant Program.

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

N/A

RECOMMENDATION:

The city staff recommends that the city manager be authorized to accept the grant funds and execute the purchase of body armor from GT Distributors, Inc. through the TASB State BuyBoard and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.

DEPARTMENTAL CLEARANCES:

Legal
Purchasing
Finance

ATTACHED SUPPORTING DOCUMENTS:

Grant Program
Grant Application
Quote
Certificate of Interested Parties



MEMORANDUM Killeen Police Department

To: Mr. Ron Olson, City Manager
From: Commander Alex Gearhart
Date: August 4, 2017
Subject: BG-Rifle-Resistant Body Armor Grant Program (BAGP)

Senate Bill 12 was recently signed into law which authorized the Criminal Justice Division (CJD) of the Governor's Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor. The law was passed in response to last year's ambush attack in Dallas by a lone assailant armed with a rifle. Four Dallas Police Officers and one DART Police Officer were killed in the attack and others were injured. The legislature realized that regular body armor does not protect officers from this threat. Killeen is facing an uptick in violent crime including crimes committed with rifles. Current armor leaves a gap in the protection we are providing to our officers who must respond to these threats.

The department is seeking approval to apply for this grant. **The deadline to apply is September 6, 2017.** Attached to this memorandum, you will find a Grant Pre-Application Assessment Cover Page for the BG-Rifle-Resistant Body Armor Grant Program (BAGP), a flyer with description of armor package selected and Grant Announcement.

The following information is provided in response to city grant policy regarding pre-application assessment considerations:

Total Cost:

\$127,350 (\$566 per unit)

Match Requirement:

There is no matching funds requirement with this grant. The grant pays for 100% of the cost of the armor.

Staffing Requirement:

None

Continuation Plan:

Most body armor, including the armor plates selected for this grant, have a five-year warranty and replacement cycle. The initial cost to start this grant is \$127,350. This cost includes the ceramic armor plates and the plate carrier. The current cost to replace the plates alone after the

warranty period expires is \$81,675. As we believe this to be a critical piece of protective equipment, we will seek funding sources, including budgeted funds and future grant opportunities in order to continue the program.

Alignment with strategic plan and/or department's business plan:

Body Armor is a critical piece of equipment for police officers. Regular soft body armor does not provide protection from rifles. Killeen is experiencing an uptick in violent crime, including crimes committed with rifles. Providing this level of protection to officers is critical and aligns with the current KPD Strategic Plan Objectives 1.7 (Improve Workplace Safety) and 3.24 (Procure Adequate Ballistic Protection for Operations.) One of the key strategies for achieving these objectives is to budget necessary ballistic devices for police operations.

The selected armor package is available from GT Distributors at this contract price through the state purchasing cooperative. Please contact me if you need any further information or documentation.

Respectfully,



Cdr. Alex Gearhart
Chief of Staff
Killeen Police Department



Office of the Governor

Criminal Justice Division

Funding Announcement (Amended):

Rifle-Resistant Body Armor Grant Program

July 12, 2017

Opportunity Snapshot

Below is a high-level overview of many of the elements of this opportunity. Full information is provided in the funding announcement that follows.

Amendment

The original funding announcement was amended to remove restrictions on eligibility for state colleges and universities and with more explicit instructions regarding the submission of budgets.

Purpose

The purpose of this announcement is to solicit applications for projects that equip law enforcement officers at risk of shootings with rifle-resistant body armor.

Eligible Funding Areas

Funds may be used by law enforcement agencies to equip law enforcement officers with bullet-resistant personal body armor compliant with the National Institute of Justice (NIJ) standard for rifle protection.

Funds Available

It is anticipated that up to \$25 million may be funded under this announcement.

Process

Applicants will respond to this funding announcement by completing an application in eGrants <https://eGrants.gov.texas.gov>.

Budget

There is no minimum or maximum request under this program, however, applicants should consider the overall availability of funds and CJD's goal to provide resources to as many departments as possible. Funds may only be used to obtain body armor, including bulletproof vests, ballistic plates, and plate carriers.

Match

There is no match requirement under this program.

Project Periods

All projects must begin between Jan. 1 and Mar. 1, 2018. A project period may not exceed 12 months.

Organizational Eligibility

Applications may be submitted by the Texas Department of Public Safety, and units of local government and educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure, including municipalities, counties, independent school districts, universities, public and private colleges and universities, federally recognized Native American tribes, community colleges and hospital districts. *With the exception of the Texas Department of Public Safety, applications must be submitted by the entity operating the law enforcement agency, not the agency itself, e.g. the county government, not the sheriff's office.*

Contact Information

If additional information is needed, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

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Rifle-Resistant Body Armor Grant Program

The goal of the Governor’s Criminal Justice Division (CJD) is to provide needed funding to improve public safety and support victims of crime by filling system gaps and promoting innovative solutions to common problems. In 2017, in response to the July 7th, 2016, shooting of numerous police officers in Dallas, Texas, the Legislature passed and the Governor signed Senate Bill 12, which created a grant program within the governor’s office to increase the safety of Texas’ law enforcement officers by assisting agencies in the purchase of rifle-resistant body armor. CJD is now accepting applications for projects under this program.

If you are interested in applying for a grant under this program, follow the four-step process outlined below.

- **Step One - Review the Process:** Get familiar with the funding announcement and the process used for this particular program.
- **Step Two - Consider the Requirements:** Consider the eligibility requirements as well as what will be required of successful applicants.
- **Step Three - Apply in eGrants.** Compile and submit your grant application. To understand how to apply online or to register for the system go to <https://eGrants@gov.texas.gov>.
- **Step Four – Funding Decisions and Grant Acceptance.** Await the funding decision, which is provided through a grant award or other notice from CJD. If you receive an award, complete the acceptance process to access funds.

Step 1: Review the Process

Timeline

Action	Date
Funding Announcement Release	July 7, 2017
Online System Opening Date	July 7, 2017
Final Date to Submit an Application	September 6, 2017 5PM CST
Earliest Start Date	January 1, 2018
Latest Start Date	March 1, 2018

Submission Method

Applicants must submit applications through via eGrants ([eGrants.gov.texas.gov](https://eGrants@gov.texas.gov)) by the deadline above.

Step 2: Consider the Requirements

Organizational Eligibility

Applications may be submitted by the Texas Department of Public Safety, and units of local government and educational institutions that operate law enforcement agencies employing peace officers under Article 2.12, Texas Code of Criminal Procedure, including municipalities, counties, independent school districts, universities, public and private colleges and universities, federally recognized Native American tribes, community colleges and hospital districts. (This announcement has been revised to remove restrictions on state public universities.)

State agencies other than the Texas Department of Public Safety are not authorized under law to apply for funds under this grant program.

With the exception of the Texas Department of Public Safety, applications must be submitted by the entity operating the law enforcement agency, not the agency itself, e.g. the county government, not the sheriff's office.

Funding and Project Period Limits

It is anticipated that up to \$25 million may be funded under this announcement. This amount represents the full level of funding available. (Funds are authorized under Senate Bill 12 and appropriated by the 85th Legislature.) The number and amount of awards will depend upon the reasonableness of costs of individual, eligible applications, and the total volume of applications received.

A project funded may not exceed a one-year grant period.

Match Requirement

There is no match requirement under this program.

Eligible Expenses

Eligible equipment. Grant funds are restricted to obtaining body armor compliant with the National Institute of Justice (NIJ) standard (Ballistic Resistance of Body Armor NIJ Standard-0101.06) type III (rifles) or type IV (armor piercing rifle) body armor, including bullet-resistant vests, ballistic plates, and plate carriers.

Eligible purchase models. Funds may be used for the outright purchase of eligible equipment, or other supply-service or subscription models. However, grant funds are restricted to the one-year project period, and costs for any subscription models or additional extended warranties that extend beyond the project period must be prorated to correspond to the project period.

Eligible officers to equip. Grant funds may only be used to equip peace officers (as defined by Article 2.12, Texas Code of Criminal Procedure) directly employed by a law enforcement agency operated by the applicant. Funds may not be used to equip officers employed by other agencies that are not eligible to apply. CJD may prioritize the equipping of certain types of officers or applicants if the total requested

funds exceed the funds appropriated by the Legislature. (See “Selection and Fund Allocation Criteria” below under Step 4.) Only one set of body armor (partial or complete) per officer may be purchased.

Equipment purchasing. The Texas Comptroller of Public Accounts’ Statewide Procurement Division (SPD) has developed a list of Bullet Proof Vest and Body Armor that local government members may order on [Texas SmartBuy](http://www.txsmartbuy.com/) (<http://www.txsmartbuy.com/>). Grantees may find more information about available products and get assistance with purchasing equipment on the [SB12 Body Armor web page](http://comptroller.texas.gov/purchasing/contracts/body-armor.php) (<http://comptroller.texas.gov/purchasing/contracts/body-armor.php>), or contact SPD for help in evaluating vendor offers against the pricing on statewide contracts.

Because CJD is attempting to equip the maximum number of law enforcement officers in Texas, if the total funding requested by applicants exceeds available funding, applicants with more reasonable and competitive project budgets may receive priority. Not all body armor listed at the Comptroller’s website complies with the requirements of this grant program.

Ineligible Costs and Activities

Costs under this grant program are strictly limited to the procurement of eligible body armor. Grant funds may not be used to support services, activities, and costs including but not limited to:

- 1) Salaries or personnel costs, including any portion of the salary of, or any other compensation for an elected or appointed government official;
- 2) Supplanting or use of grant funds to replace any other existing federal, state or local funds;
- 3) Indirect costs;
- 4) Training and/or maintenance costs;
- 5) Travel;
- 6) Any costs ancillary to the purchase of eligible body armor, such as policy development, training costs, staff, or any other item determined ineligible or unreasonable by CJD;
- 7) Any other prohibition imposed by federal, state, or local law.

Reporting Requirements

Financial Report. At the end of each state fiscal quarter during the one-year grant period, grantees will be required to submit a financial status report via eGrants in the format required by CJD.

Progress Report. Grantees will be required to submit a single close-out report via the Public Policy Research Institute at Texas A&M University (<https://ppri.tamu.edu/>) 12 months after their project start date. Close-out reports will be very brief and will principally ask for:

- 1) Number of officers employed by the law enforcement agency;
- 2) Number of officers equipped with NIJ-compliant level III & IV body armor; and
- 3) A brief description of any shooting events in which an officer equipped with body armor purchased with grant funds was struck by gunfire.

Program-Specific Requirements

Required Agency Policies. As required by Chapter 772.0073, Texas Government Code (as passed in Senate Bill 12), an eligible organization may apply for grant funds only after its law enforcement agency adopts a policy addressing the:

- 1) Deployment and allocation of vests or plates to its officers; and
- 2) Usage of vests or plates by its officers.

CJD requires that the policy on usage of vests or plates include mandatory training on the proper care, fitting, inspection, use, storage, and maintenance of the armor. CJD also requires that the policy specify that body armor may not be left in patrol vehicles when an officer is not on duty to minimize the heat damage to the armor.

In crafting these policies, applicants should be aware that the inspection, storage, and replacement of body armor were identified as potential points of failure in body armor use by the Police Executive Research Forum. See [*“A Practitioner’s Guide To the 2011 National Body Armor Survey of Law Enforcement Officers”*](#) for more information.

NIJ Body Armor Standards. Body armor purchased with grant funds must comply with the National Institute of Justice (NIJ) standard (Ballistic Resistance of Body Armor NIJ Standard-0101.06) for type III (rifles) or type IV (armor piercing rifle) body armor, including bullet-resistant vests, ballistic plates, and plate carriers. Grantees are responsible for ensuring that any purchases meet this requirement and must certify compliance at the time of application.

Personally Fitted Vest Requirement. All body armor vests purchased with grant funds must be personally fitted for individual officers, including vests specifically fitted to individual female law enforcement officers. “Personally fitted” does not require armor be individually manufactured based on the measurements of a specific wearer, but rather that it provide the best possible fit and coverage, through a combination of:

- 1) Correctly-sized panels and carrier, determined through appropriate measurement; and
- 2) Properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.

The American Society for Testing and Materials (ASTM) International has made available the Standard Practice for Body Armor Wearer Measurement and Fitting of Armor ([*Active Standard ASTM E3003*](#)) available at no cost. The [*Personal Armor Fit Assessment checklist*](#), is excerpted from ASTM E3003.

Grantees are responsible for ensuring that all purchases meet this requirement and must certify compliance at the time of application.

Standard CJD Requirements

CJD Regulations. Grantees must comply with the standards applicable to this funding source cited in the Texas Administrative Code (1 TAC Chapter 3), and all statutes, requirements, and guidelines applicable to this funding.

Uniform Crime Reports. Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

Criminal History Reporting. The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2012 through 2016 as of August 31, 2017

Immigration and Customs Enforcement Requests: An application requirement pertaining to full compliance with Department of Homeland Security detainer requests applies to all municipal or county governments that operate a subdivision or department that detains individuals after arrest for a criminal violation. Full text of this certification can be found on the Narrative tab of each application or at http://gov.texas.gov/cjd/dhs_detainerrequest. All applicants must select one of four options in their eGrants application to be considered for funding under this announcement.

Step 3: Apply via eGrants

Basics

To apply to CJD for these grants, you must complete or make sure you have already completed some standard requirements. All of the following are needed to apply within eGrants:

- Applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <http://fedgov.dnb.com/webform/displayHomePage.do>).
- Applicants must be registered in the federal System for Award Management (SAM) database located at <https://www.sam.gov/> and maintain an active registration throughout the grant period.
- Applicants must have or register for an account in eGrants eGrants@gov.texas.gov.

Profile Tab – Grant.Vendor Sub-Tab Direct Deposit Procedures

New Direct Deposit procedures: Applicants must upload the required [Direct Deposit forms](#), [New Payee Identification Form](#), and [W9 Form](#) for each application prior to submission. The eGrants system will not allow an application submission until these forms are attached to the application. These forms are available at <https://egrants.gov.texas.gov/updates.aspx> under the Financial Management Tools section or by clicking on the hyperlinks above.

Narrative Tab – Program-Specific Questions

Applicants must enter the number of officers currently employed by the agency, the number of officers currently equipped with Type III and Type IV body armor, and the number proposed to be equipped under the grant for the following four categories:

- 1) Officers within a tactical response (SWAT-style) unit or specifically assigned tactical response duties;

- 2) Officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles, are primary responders to calls for assistance from the public, or execute arrest or search warrants for criminal offenses;
- 3) All other officers employed by the agency;
- 4) All other reserve officers.

Narrative Tab – Required Certifications

There are a variety of certifications on the eGrants application that applicants are required to make when submitting their application. Applicants should carefully review these certifications, which are also found in this funding announcement’s “Appendix A: Required Certifications”.

Narrative Tab – Project Narrative

The eGrants system contains nine narrative boxes, but only one is required for this grant program. Using the headings indicated below in bold type, applicants should use the “Project Abstract” box, to describe:

- 1) **Duties.** The duties of the four categories of officers proposed to be equipped under the project, including how those duties would expose the officers to gunfire that necessitates Type III and Type IV body armor.
- 2) **History.** Any recent history of shootings that demonstrates the need for Type III and Type IV body armor.
- 3) **Non-Tactical Duties.** If the project proposes equipment for reserve officers and/or officers not engaged in tactical response duties, regular patrol, response to calls for assistance, or the execution of warrants related to criminal offenses, why such officers have a need for this level of body armor.
- 4) **Multi-Agency Breakdown.** If the project will equip more than one agency operated by an applicant, how many of each category of officer (tactical response officers; patrol/response/warrant-serving officers; other employed officers; other reserve officers) work in each agency. (For example, if a county’s application contains equipment for officers in a constable’s office and a sheriff’s office, those total should be broken-out here.)

Applicants should enter “n/a” in all other project narrative boxes.

Activities Tab – CJD Purpose Areas

Applicants must estimate the percentage of time officers proposed to be equipped under their project will be specifically assigned to:

- 1) Educational campuses;
- 2) Jails or prisons;
- 3) Juvenile facilities (not regular K-12 or college campuses);
- 4) Victim services facilities;
- 5) General (all other areas)

Activities Tab – Fund Source Information and Requirements

If the officers to be equipped with grant funds are explicitly assigned to specific educational campuses (K-12 or higher education), the applicant must enter the TOTAL students at ALL campuses that will be served by the project.

Activities Tab – OOG-Defined Project Activity Area

Applicants should assign 100% of their project activity to “Equipment and Technology”. For the Description of Activity, “Equipping officers with Type III and Type IV body armor” is sufficient.

Measures Tab

There are no additional measures required for this grant program.

Budget Tab

Applicants must submit a budget line item for each type of item being purchased, including the expected make and model of the item and the quantity of item to be purchased. For example, a budget line item listing a quantity of one and a description reading “12 bullet resistant vests” is incorrect. That budget line item should list a quantity of 12 and a description reading “Bullet resistant vests by [manufacturer] of model [model of vest]”.

Applicants receiving awards are not locked-in to the make and model of equipment in their application, but must consult with their grant manager and request a budget adjustment changing the make and model *before* making any purchases. CJD reserves the right to deny a requested change, and any purchases of equipment not listed in the approved budget are not guaranteed to be reimbursed.

Submit.Application and Certify.Application Tabs

After completing the application, submit the application by selecting the “Submit Initial Application” button on the bottom of the Submit.Application tab. (If your application is missing information, a list of errors will appear on the Submit.Application tab.)

After the initial submission, the project officials will receive an email notification. The Authorized Official must then log-in to the application and certify the application by selecting the “Certify Official Application” button at the bottom of the Certify.Application tab (only visible once the application has been initially submitted).

Applications are not complete until the Authorized Official has CERTIFIED the application, and they must do so BEFORE the application deadline.

For support documents and “how-to” videos and other resources, including the Guide to Creating an Application, see the eGrants support page at <https://egrants.gov.texas.gov/updates.aspx>.

Step 4: Review your Funding Decision

Selection and Fund Allocation Criteria

CJD will review applications to understand the overall demand for the program and for significant variations in costs per item. After this review, CJD will determine if all eligible applications can be funded based on funds available, if there are cost-effectiveness benefits to normalizing or setting limits on the range of costs, and if other fair-share cuts may allow for broader distribution and a higher number of projects while still remaining effective.

In the event that the total requested funds exceed available funding, CJD may also prioritize applications for municipal police departments, sheriff's offices, or – within projects – officers engaged in tactical response and regular patrol/response or warrant-execution duties.

Final Decisions – All Projects: The executive director will consider the analysis described above along with other factors and make all final funding decisions. Other factors may include need, cost effectiveness, overall funds availability, CJD or state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

CJD may not fund all applications or may only award part of the amount requested. Per Title 1, Section 3.9 of the Texas Administrative Code, all funding decisions made by the executive director are final and are not subject to appeal. The receipt of an application by CJD does not obligate CJD to fund the grant or to fund it at the amount requested.

Announcements

After CJD makes final funding decisions, each applicant will receive either an unfunded notice, a preliminary decision notification, or a final grant award. The award will provide all of the conditions and requirements of the grant. Release of final grant awards are always contingent on CJD's receipt of the federal grant award under which the program is funded and CJD cannot release or guarantee funding to any applicant until that award is received and acceptance is processed and a determination is made that adequate funding is available. All grantees receiving federal and state funds must comply with the applicable statutes, rules, regulations, and guidelines related to the funding source under which the grant is funded. In instances where both federal and state requirements apply to a grantee, the more restrictive requirements apply.

Appendix: Required Certifications

Applicants must certify that they will comply with the following requirements to the extent that they are applicable. CJD, at its sole discretion, will determine the applicability of requirements:

A. Constitutional Compliance: Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

B. Required Agency Policies: Applicant assures that it has adopted policies addressing the deployment and allocation of vests or plates to its officers; and the usage of vests or plates by its officers. CJD requires that the policy on usage of vests or plates include mandatory training on the proper care, fitting, inspection, use, storage, and maintenance of the armor. CJD also requires the policy specify that body armor may not be left in patrol vehicles when an officer is not on duty in order to minimize the heat damage to the armor.

In crafting these policies, applicants should be aware that the inspection, storage, and replacement of body armor were identified as potential points of failure in body armor use by the Police Executive Research Forum. See [“A Practitioner’s Guide To the 2011 National Body Armor Survey of Law Enforcement Officers”](#) For more information.

C. NIJ Body Armor Standards. Applicant assures that body armor purchased with grant funds will comply with the National Institute of Justice (NIJ) standard (Ballistic Resistance of Body Armor NIJ Standard-0101.06) for type III (rifles) or type IV (armor piercing rifle) body armor, including bullet-resistant vests, ballistic plates, and plate carriers.

D. Personally Fitted Vest Requirement. Applicant assures that all body armor vests purchased with grant funds will be personally fitted for individual officers, including vests specifically fitted to individual female law enforcement officers. “Personally fitted” does not require armor be individually manufactured based on the measurements of a specific wearer, but rather that it provide the best possible fit and coverage, through a combination of:

- 1) Correctly-sized panels and carrier, determined through appropriate measurement; and
- 2) Properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.

The American Society for Testing and Materials (ASTM) International has made available the Standard Practice for Body Armor Wearer Measurement and Fitting of Armor ([Active Standard ASTM E3003](#)) available at no cost. The [Personal Armor Fit Assessment checklist](#), is excerpted from ASTM E3003.

E. Uniform Crime Reports: Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety for inclusion in the annual Uniform Crime Report (UCR) and must have been current for the twelve previous months.

F. Criminal History Reporting: The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2012 through 2016, as of August 31, 2017.

G. Immigration and Customs Enforcement Requests: The full text of this certification is found at http://gov.texas.gov/cjd/dhs_detainerrequest. To be in compliance with this requirement, any county or municipal government that includes a department that detains individuals after arrest for a criminal violation must provide a letter signed by the head of each such department certifying to the requirements. This letter may be used for any application submitted to OOG for a period of up to two years from the date it is signed. If the applicant has submitted a letter to CJD in the prior year, that letter meets the requirement of this section. If that period expires during the project period of any grant, the grantee must submit an updated letter for each such grant to remain in compliance with this requirement. All applicants must select one of the following options:

- Applicant is not a county or municipal government.
- Applicant is a county or municipal government and does not include any department that detains individuals after arrest for a criminal violation at any time.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. Letters certifying compliance and signed by the heads of all such departments have been uploaded to this application.
- Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. The Authorized Official has read the certification found at http://gov.texas.gov/cjd/dhs_detainerrequest. Further, the Authorized Official will not be submitting signed letters certifying compliance from the heads of all such departments and understands that failure to comply with this certification may result in OOG, at its sole discretion, rejecting this application and any other application from the relevant county or municipal government.

H. Civil Rights Liaison: A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Overall Certification: Each applicant agency must certify to the specific requirements detailed above as well as all requirements within the CJD funding announcement and *Criminal Justice Division & Homeland Security Grants Division Grantee Conditions and Responsibilities* document to be eligible for this program.

About CJD

Our mission at the Criminal Justice Division is to direct much needed resources to those who are committed to making Texas a safer place and those who help victims of crime to recover and feel safe again. In carrying out this mission, we are committed to helping our grantees by actively finding ways for them to accomplish their goals and by making sure that we always have our eye to identifying the approaches that work best. We envision positive and beneficial working relationships with our grantees where we provide as much assistance as is needed and where we are always ready with answers, not burdensome restrictions or requirements.

CJD is providing over \$250 million in funding to hundreds of organizations during state fiscal year 2016 for juvenile justice, delinquency prevention, victims services, law enforcement, prosecution, courts, specialty courts, prevention of child sex trafficking, and other types of projects to benefit Texans.

Version 4: June 30, 2017

Agency Name: City of Killeen -- Police Department
Grant/App: 3500601 **Start Date:** 1/1/2018 **End Date:** 12/31/2018

Project Title: Rifle Resistant Body Armor Program
Status: Pending OOG Review

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460015047006

Application Eligibility Certify:

Created on:8/29/2017 10:04:18 AM By: Alex Gearhart

Profile Information

Applicant Agency Name: City of Killeen -- Police Department
Project Title: Rifle Resistant Body Armor Program
Division or Unit to Administer the Project: Administrative Services Division/Office of Management and Budget
Address Line 1: 3304 Community Blvd
Address Line 2:
City/State/Zip: Killeen Texas 76542-6381
Start Date: 1/1/2018
End Date: 12/31/2018

Regional Council of Governments(COG) within the Project's Impact Area: Central Texas Council of Governments

Headquarter County: Bell

Counties within Project's Impact Area: Bell

Grant Officials:

Authorized Official

User Name: Dennis Baldwin

Email: dbaldwin@killeentexas.gov

Address 1: 101 N. College Street

Address 1:

City: Killeen, Texas 76541

Phone: 254-501-7700 Other Phone:

Fax: 254-634-2484

Title: Mr.

Salutation: Mr.

Position: Interim City Manager

Project Director

User Name: Karen Evans

Email: kevans@killeentexas.gov
Address 1: PO Box 1329
Address 1:
City: Killeen, Texas 76540
Phone: 254-501-7740 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Assistant Finance Director

Financial Official

User Name: Kitty Guerrero
Email: cvenzlauskas-guerrero@killeentexas.gov
Address 1: 3304 Community Blvd
Address 1:
City: Killeen, Texas 76542
Phone: 254-501-8952 Other Phone:
Fax: 254-200-7978
Title: Ms.
Salutation: Ms.
Position: Killeen Police Dept Finance Manager

Grant Writer

User Name: Alex Gearhart
Email: agearhart@killeentexas.gov
Address 1: 3304 Community Blvd
Address 1:
City: Killeen, Texas 76542
Phone: 254-200-7989 Other Phone: 254-462-6005
Fax: 254-200-7978
Title: Mr.
Salutation: Commander
Position: Chief of Staff

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)
Organization Option: applying to provide services to all others
Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 17460015047006
Data Universal Numbering System (DUNS): 068980739

Narrative Information

Introduction

Information related to this program is in the relevant CJD funding announcement for the Rifle-Resistant Body Armor Grant Program. Applicants MUST read the funding announcement

(linked above under “OOG Solicitation”) for important information on eligible program activities and expenses and instructions on how to fill out applications. Failure to adequately follow instructions in the funding announcements may result in CJD deeming a grant ineligible for funding.

Instructions for Section 1: Program-Specific Questions

Applicants should answer questions regarding the current state of the agency and the number if the grant is funded at the full amount.

Instructions for Section 2: Certifications

Applicants should review the stated certifications and further requirements in the Funding Announcement before making the Overall Certification.

Instructions for Section 3: Project Narrative

The eGrants system contains nine narrative boxes, but only one is required for this grant program. Using the headings indicated below in bold type, applicants should use the “Project Abstract” box, to describe:

1. **Duties.** The duties of the four categories of officers proposed to be equipped under the project, including how those duties would expose the officers to gunfire that necessitates Type III and Type IV body armor.
2. **History.** Any recent history of shootings that demonstrates the need for Type III and Type IV body armor.
3. **Non-Tactical/Patrol/Warrant-Serving Duties.** If the project proposes equipment for reserve officers and/or officers not engaged in tactical response duties, regular patrol, response to calls for assistance, or the execution of warrants related to criminal offenses, why such officers have a need for this level of body armor.
4. **Multi-Agency Breakdown.** If the project will equip more than one agency operated by an applicant, how many of each category of officer (tactical response officers; patrol/response/warrant-serving officers; other employed officers; other reserve officers) work in each agency. (For example, if a county’s application contains equipment for officers in a constable’s office and a sheriff’s office, those totals should be broken-out here.)

Applicants should enter 'N/A' in all other project narrative boxes.

Section 1: Program-Specific Questions

Applicants must enter the number of officers currently employed by the agency, the number of officers currently equipped with Type III and Type IV body armor, and the number proposed to be equipped under the grant for the following four categories:

A. Tactical Response - officers within a tactical response (SWAT-style) unit or specifically assigned tactical response duties

Current total number of officers:

39

Current number of officers equipped with Type III and Type IV body armor:

39

Target number of officers equipped with Type III and Type IV body armor after grant:

39

B. Traffic or Highway Patrol - officers who are engaged in traffic or highway patrol, otherwise regularly detain or stop motor vehicles, are primary responders to calls for assistance from the public, or execute arrest or search warrants for criminal offenses

Current total number of officers:

225

Current number of officers equipped with Type III and Type IV body armor:

0

Target number of officers equipped with Type III and Type IV body armor after grant:

225

C. Other - all other officers *employed* by the agency

Current total number of officers:

16

Current number of officers equipped with Type III and Type IV body armor:

0

Target number of officers equipped with Type III and Type IV body armor after grant:

0

D. Reserve Officers - all other reserve officers

Current total number of officers:

0

Current number of officers equipped with Type III and Type IV body armor:

0

Target number of officers equipped with Type III and Type IV body armor after grant:

0

Section 2: Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

A. Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

B. Required Agency Policies

Applicant assures that it has adopted policies addressing the deployment and allocation of vests or plates to its officers; and the usage of vests or plates by its officers. CJD requires that the policy on usage of vests or plates include mandatory training on the proper care, fitting, inspection, use, storage, and maintenance of the armor. CJD also requires the policy specify that body armor may not be left in patrol vehicles when an officer is not on duty in order to minimize the heat damage to the armor.

In crafting these policies, applicants should be aware that the inspection, storage, and replacement of body armor were identified as potential points of failure in body armor use by the Police Executive Research Forum. See "[A Practitioner's Guide To the 2011 National Body Armor Survey of Law Enforcement Officers](#)" for more information.

C. NIJ Body Armor Standards

Applicant assures that body armor purchased with grant funds will comply with the National Institute of Justice (NIJ) standard (Ballistic Resistance of Body Armor NIJ Standard-0101.06) for type III (rifles) or type IV (armor piercing rifle) body armor, including bullet-resistant vests, ballistic plates, and plate carriers.

D. Personally Fitted Vest Requirement

Applicant assures that all body armor vests purchased with grant funds will be personally fitted for individual officers, including vests specifically fitted to individual female law enforcement officers. "Personally fitted" does not require armor be individually manufactured based on the measurements of a specific wearer, but rather that it provide the best possible fit and coverage, through a combination of:

1. Correctly-sized panels and carrier, determined through appropriate measurement; and
2. Properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features.

The American Society for Testing and Materials (ASTM) International has made available the Standard Practice for Body Armor Wearer Measurement and Fitting of Armor ([Active Standard ASTM E3003](#)) available at no cost. The Personal Armor Fit Assessment [checklist](#), is excerpted from ASTM E3003.

E. Uniform Crime Reports

Eligible applicants operating a law enforcement agency must be current on reporting Part I violent crime data to the Texas Department of Public Safety (DPS) for inclusion in the annual

Uniform Crime Report (UCR). To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year.

F. Criminal History Reporting

The county (or counties) in which the applicant is located must have a 90% average on both adult and juvenile criminal history dispositions reported to the Texas Department of Public Safety for calendar years 2012 through 2016, as of August 31, 2017.

G. Immigration and Customs Enforcement Requests

The full text of this certification can be found [here](#). To be in compliance with this requirement, any county or municipal government that includes a department that detains individuals after arrest for a criminal violation must provide a letter signed by the head of each such department certifying to the requirements. This letter may be used for any application submitted to OOG for a period of up to two years from the date it is signed. If that period expires during the project period of any grant, the grantee must submit an updated letter for each such grant to remain in compliance with this requirement.

All applicants must select one of the following options:

Applicant is not a county or municipal government

Applicant is a county or municipal government and does not include any department that detains individuals after arrest for a criminal violation at any time

Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. Letters certifying compliance and signed by the heads of all such departments have been uploaded to this application.

Applicant is a county or municipal government that includes department(s) that detain individuals after arrest for a criminal violation. The Authorized Official has read the certification found on the aforementioned CJD website. Further, the Authorized Official will not be submitting signed letters certifying compliance from the heads of all such departments and understands that failure to comply with this certification may result in OOG, at its sole discretion, rejecting this application and any other application from the relevant county or municipal government.

H. Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with CJD and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Cdr. Alex Gearhart

Enter the Address for the Civil Rights Liaison:

3304 Community Blvd. Killeen, Texas 76542

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

254-200-7989

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the CJD Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content & requirements.

Project Abstract :

1. Duties – The department will equip most officers below the rank of Commander with rifle-resistant body armor. The officers and supervisors who will be so equipped are responsible for responding to calls for service, conducting investigations, executing warrants and making arrests, all of which could potentially expose them to gunfire. This program will not include members of our Tactical Response Unit, who are already equipped with upgraded body armor, or administrative personnel. 2. History – The City of Killeen is experiencing an uptick in violent crime. Currently, part 1 Violent Crimes are up 20.67%, Murder is up 57.14% and Robbery is up 39.34%. Responding to these crimes potentially places officers in danger of being exposed to gunfire. Within the last several months, our officers have responded to gun fights involving gang members armed with semiautomatic rifles, a shooting at an apartment complex in which the suspect fired a full 30-round magazine into an apartment and a pawn shop robbery with 15 stolen firearms—five of which were rifles. Within the last year, 84 long guns have been taken into evidence in relation to a crime. In 2013, a member of our Tactical Response Unit was killed by an assailant armed with a rifle. The officer was struck in an area not protected by his upgraded body armor. This incident is a stark reminder of the dangers faced by our officers. 3. Non-Tactical Duties – This project will not equip officers who are not engaged in tactical response duties. 4. Multi-Agency Breakdown – This is not a multi-agency project.

Problem Statement :

n/a

Supporting Data :

n/a

Project Approach & Activities:

n/a

Capacity & Capabilities:

n/a

Performance Management :

n/a

Data Management:

n/a

Target Group :

n/a

Evidence-Based Practices:

n/a

Project Activities Information

Introduction

Only agencies that specifically and exclusively serve educational campuses should fill out the below section.

Campus-Based Projects

This project is based on – or serves – one or more specific educational campuses (K-12 or higher education).

How many TOTAL students at ALL campuses will be served by the project? (enter “0” if this project is not based on – or serves – specific educational campuses):

0

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Equipment and Technology	100.00	Equipping officers with type III and IV body armor

CJD Purpose Areas

PERCENT DEDICATED	PURPOSE AREA	PURPOSE AREA DESCRIPTION
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100.00	Safety and Security: General	To increase the safety and security of the general public (general law enforcement)
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
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Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
-----------------------	--------------

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Section 1: Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to CJD that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update CJD should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to CJD.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Section 2: Contract Compliance

Will CJD grant funds be used to support any contracts for professional services?

Yes
 No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Section 3: Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant loan, or cooperative agreement?

Yes
 No
 N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress in connection with this federal contract, loan, or cooperative agreement?

- Yes
 No
 N/A

Section 4: Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

10/1/2017

Enter the End Date [mm/dd/yyyy]:

9/30/2018

Section 5: Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (\$) of Federal Grant Funds:

516960

Enter the amount (\$) of State Grant Funds:

106262

Section 6: Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a CJD grant. However, CJD may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

- Yes
 No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

3/28/2017

Section 7: Equal Employment Opportunity Plan

Type I Entity

Defined as an applicant that meets one or more of the following criteria:

- the applicant has less than 50 employees;
- the applicant is a non-profit organization;
- the applicant is a medical institution;
- the applicant is an Indian tribe;
- the applicant is an educational institution, or
- the applicant is receiving a single award of less than \$25,000.

Requirements for a Type I Entity

- The applicant is exempt from the EEOP requirements required to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42.302;
- the applicant must complete Section A of the [Certification Form](#) and send it to the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Type II Entity

Defined as an applicant that meets the following criteria:

- the applicant has 50 or more employees, and
- the applicant is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements for a Type II Entity - Federal law requires a Type II Entity to formulate an EEOP and keep it on file.

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, et seq., subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of CJD, CJD's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the EEOP is required to be on file in the office of (enter the name and address where the EEOP is filed below):

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Erich Morsbach Chief of Staff Killeen Police Department 3304 Community Blvd. Killeen, TX 76542

Type III Entity

Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements for a Type III Entity - Federal law requires a Type III Entity to formulate an EEOP and submit it for approval to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

- Type I Entity
- Type II Entity
- Type III Entity

Section 8: Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- I Certify
 Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

Fiscal Capability Information

Section 1: Organizational Information

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts).

Select the appropriate response:

- Yes
 No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- Yes
 No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- Yes
- No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- Yes
- No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- Yes
- No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- Yes
- No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- Yes
- No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- Yes
- No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- Yes
- No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Bulletproof Vest	Safariland Shift 360 Body Armor Package. Includes two Type IV armor plates and plate carrier.	\$127,350.00	\$0.00	\$0.00	\$0.00	\$127,350.00	225

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
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Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
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Equipment	\$127,350.00	\$0.00	\$0.00	\$0.00	\$127,350.00
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Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$127,350.00	\$0.00	\$0.00	\$0.00	\$127,350.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
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You are logged in as **User Name:** dbaldwin



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

Quote	QTE0066787
Date	7/25/2017
Page:	1

Bill To:

Ship To:

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

Killeen PD
 3304 Community Blvd
 Killeen TX 76541

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Req Ship Date	Master No.
SB12 072517	000131	BF	FACTORY DIRECT	NET 15	0/0/0000	1,657,040

Quantity	Item Number	Description	UOM	Unit Price	Ext. Price
225	PTA-S360-PACKAGE*	Protech Shift 360 Rifle Plate Package	Each	\$566.00	\$127,350.00
		Each package includes: 1 - Shift 360 Plate Carrier, TMW, Velcro 2 - 4400 Type IV Plates 1 each - TP5A Double M4 Pouch, Med Pouch			
1	NOTES:	Notes:	EA	\$0.00	\$0.00
		2 Large "POLICE" ID Patches, 8.5"x3" Protech carry bag included			
1	NOTES:	Notes:	EA	\$0.00	\$0.00
		Quotation reflects Buyboard Contract 524-17. Contract period 04/01/17-03/31/18.			

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

Thank you, your salesman was Adam Balak

Subtotal	\$127,350.00
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Total	\$127,350.00

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
G T DISTRIBUTORS, INC.
AUSTIN, TX United States

Certificate Number:
2017-278513

Date Filed:
10/31/2017

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

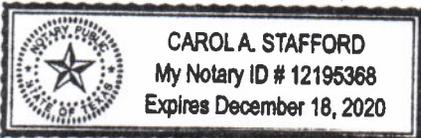
Date Acknowledged:

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
524-17
BUYBOARD CONTRACT FOR PUBLIC SAFETY AND FIREHOUSE SUPPLIES AND EQUIPMENT

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

5 Check only if there is NO interested Party.

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



[Signature]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said ALEXIS M HOSTETTER, this the 31ST day of OCTOBER, 2017, to certify which, witness my hand and seal of office.

[Signature] Carol A Stafford Accounting
Signature of officer administering oath Printed name of officer administering oath Title of officer administering oath



PH-17-050A

November 14, 2017



Rifle-Resistant Body Armor Grant

- State grant through Office of the Governor, Criminal Justice Division.
- Provides rifle-resistant body armor to police officers.
- After committee review, armor was selected by GT Distributors, Inc., through the TASB Buy Board.



Funding

- Total Grant Program is \$127,350.
 - ▣ Grant funds \$127,350
 - ▣ City Match funds \$ 0

- This grant funds 100% of the armor and armor carriers.

- There is no match requirement.



Recommendation

Staff recommends that Council authorize the City Manager to accept the Rifle-Resistant Body Armor Grant Program funds in the amount of \$127,350 and execute the purchase of the body armor from GT Distributors.



City of Killeen

Legislation Details

File #: PH-17-050B **Version:** 1 **Name:** Budget Amendment Ordinance
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 10/30/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.
Sponsors: Finance Department, Police Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
11/28/2017	1	City Council		
11/14/2017	1	City Council Workshop		



STAFF REPORT

DATE: November 14, 2017
TO: Ronald L. Olson, City Manager
FROM: Jonathan Locke, Executive Director of Finance
SUBJECT: Budget Amendment

BACKGROUND AND FINDINGS:

The Office of the Governor, Criminal Justice Division, announced the Rifle-Resistant Body Armor Grant Program earlier this year. There are no matching fund requirements for the grant. The Police Department has applied for this grant in accordance with City of Killeen Grant Policy.

The grant of \$127,350 will fund the purchase of 225 units of rifle-resistant body armor.

Grant Funds	Revenues
Police Department Intergovernmental Revenue	\$127,350
TOTAL	\$127,350

Grant Funds	Expenditures
Reserve Appropriation	\$127,350
TOTAL	\$127,350

THE ALTERNATIVES CONSIDERED:

(1) Approve the ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of state grant funds for the purchase of rifle-resistant body armor. (2) Do not approve the ordinance.

Which alternative is recommended? Why?

Staff recommends option 1. The Police Department is in need of the equipment, and the grant covers the entire cost.

CONFORMITY TO CITY POLICY:

City Charter, Article VII., Section 71

FINANCIAL IMPACT:

Accepting the grant and approving the ordinance to amend the budget involved no cost to the General Fund.

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

The amount of the expenditure and corresponding revenue is \$127,350. There is \$0 impact to the City to purchase the equipment.

Is this a one-time or recurring expenditure?

This is a one-time expenditure.

Is this expenditure budgeted?

A budget amendment is required.

If not, where will the money come from?

N/A

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

Upon approval of the budget amendment

RECOMMENDATION:

Staff recommends the City Council approve the ordinance amending the FY 2018 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenue and expenditure accounts for the acceptance of Rifle-Resistant Body Armor Grant Program funds.

DEPARTMENTAL CLEARANCES:

City Attorney
Finance

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2018 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING REVENUE AND EXPENDITURE ACCOUNTS FOR THE ACCEPTANCE OF RIFLE-RESISTANT BODY ARMOR GRANT PROGRAM FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING 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, 2017 to September 30, 2018, has been adopted by City Council in accordance with the City Charter; and

WHEREAS, it is the desire of the Killeen City Council to accept the state grant funds to purchase rifle-resistant body armor; and

WHEREAS, acceptance of the grant requires a budget amendment;

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

SECTION 1. That Ordinance 17-050, adopting a budget for operating the municipal government of the City of Killeen for the Fiscal year October 1, 2017 to September 30, 2018, be amended as to the portion of said budget as follows:

Revenues:

Account Number	Description	Original Budget	Budget Change	Amended Budget
010-000-382-10-00	Intergovernmental/Police Dept.	\$ -	\$127,350	\$127,350
	Total	\$ -	\$127,350	\$127,350

Expenditures:

Account Number	Description	Original Budget	Budget Change	Amended Budget
010-6000-441.50-20	Reserve Appropriation	\$ -	\$127,350	\$127,350
	Total	\$ -	\$127,350	\$127,350

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 law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 28th day of November, 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:

APPROVED AS TO FORM

Dianna Barker
City Secretary

Kathryn H. Davis
City Attorney



RIFLE-RESISTANT BODY ARMOR BUDGET AMENDMENT

PH-17-050B

November 14, 2017

Rifle-Resistant Body Armor Budget Amendment

2

- Purpose of budget amendment
 - ▣ Appropriate Rifle-Resistant Body Armor Grant.
 - ▣ Grant covers 100% of equipment cost.
- Fiscal Impact
 - ▣ There is no impact to the General Fund to acquire the equipment.

Department	Description	Current Budget	Budget Change	Amended Budget
General Fund – Police	Intergovernmental/ Police Dept.	\$0	\$127,350	\$127,350
	Reserve Appropriation	\$0	\$127,350	\$127,350



City of Killeen

Legislation Details

File #: PH-17-051 **Version:** 1 **Name:** Zoning 17-25
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Furman Moore, on behalf of Andrew Straughn, (Case #Z17-25) to rezone approximately 0.270 acre, being Lot 15A, Block 1, of the De Ann Subdivision Replat, from "B-5" (Business District) to "R-3F" (Multifamily Residential District). The property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive, and is locally known as 3103 Courtney Lane, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Exhibits](#)
[Minutes](#)
[Ordinance](#)
[Location and Notification Map](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-25 "B-5" (BUSINESS DISTRICT) TO "R-3F" (MULTIFAMILY RESIDENTIAL DISTRICT)

BACKGROUND AND FINDINGS:

This request is submitted by Furman Moore, on behalf of Andrew Straughn, to rezone approximately 0.270 acre, being Lot 15A, Block 1, of the De Ann Subdivision Replat, from "B-5" (Business District) to "R-3F" (Multifamily Residential District). The property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive and is locally known as 3103 Courtney Lane, Killeen, Texas. Although it is zoned "B-5", the current use of the property is a quadplex. The applicant has requested to rezone the property to "R-3F" in order to bring the current use into a conforming status and thereby obtain financing for the sale of the property.

District Descriptions:

A building or premises in an R-3F multi-family apartment residential district shall be used only for the following purposes:

- (1) All uses allowed in Section 31-186
- (2) Multifamily structures containing three (3) or four (4) separate dwelling units.
- (3) Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution
- (4) Licensed group or community home housing five (5) or fewer persons
- (5) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business

Property Specifics:

Applicant / Property Owner: Furman Moore / Andrew Straughn

Property Location: The subject property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive, and is locally known as 3103 Courtney Lane, Killeen, Texas.

Legal Description: Lot 15A, Block 1, of the De Ann Subdivision Replat

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The subject property is platted.

Character of the Area:

Existing Land Use(s) on the Property: Quadplex

Historic Properties: None

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 will need to be extended at the time of development.

Transportation:

Existing conditions: Courtney Lane is classified as a Local Street on the City's adopted Thoroughfare Plan.

Proposed Improvements: None.

Projected Traffic Generation: None; the use of the property will not be changing as a result of this request.

Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: This lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA), and there are no known wetlands on or adjacent to the parcel.

Land Use Analysis:

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

Plan Recommendation: The 'General Residential' designation encourages the following development types:

- Detached residential dwellings as the primary focus
- Attached housing types subject to compatibility and open space standards
- Planned developments, potentially with a mix of housing types and varying densities
- Public/ institutional
- Parks and public spaces

Consistency: This zoning request is consistent with the Comprehensive Plan.

Public Notification:

Staff notified sixteen (16) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The applicant would like to pursue the zoning request as submitted.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

Staff finds that the request for "R-3F" is consistent with the character of the area and would have no adverse impacts on the surrounding properties. Given that the property is currently being used as a quadplex, the proposed zoning change would serve to bring the existing

nonconforming use into conformance with the City's zoning regulations. Therefore, staff recommends approval of the requested "R-3F" zoning.

By a vote of 6 to 1 (with Commissioner Harkin in opposition), the Planning and Zoning Commission recommended approval of "R-3F" of zoning.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

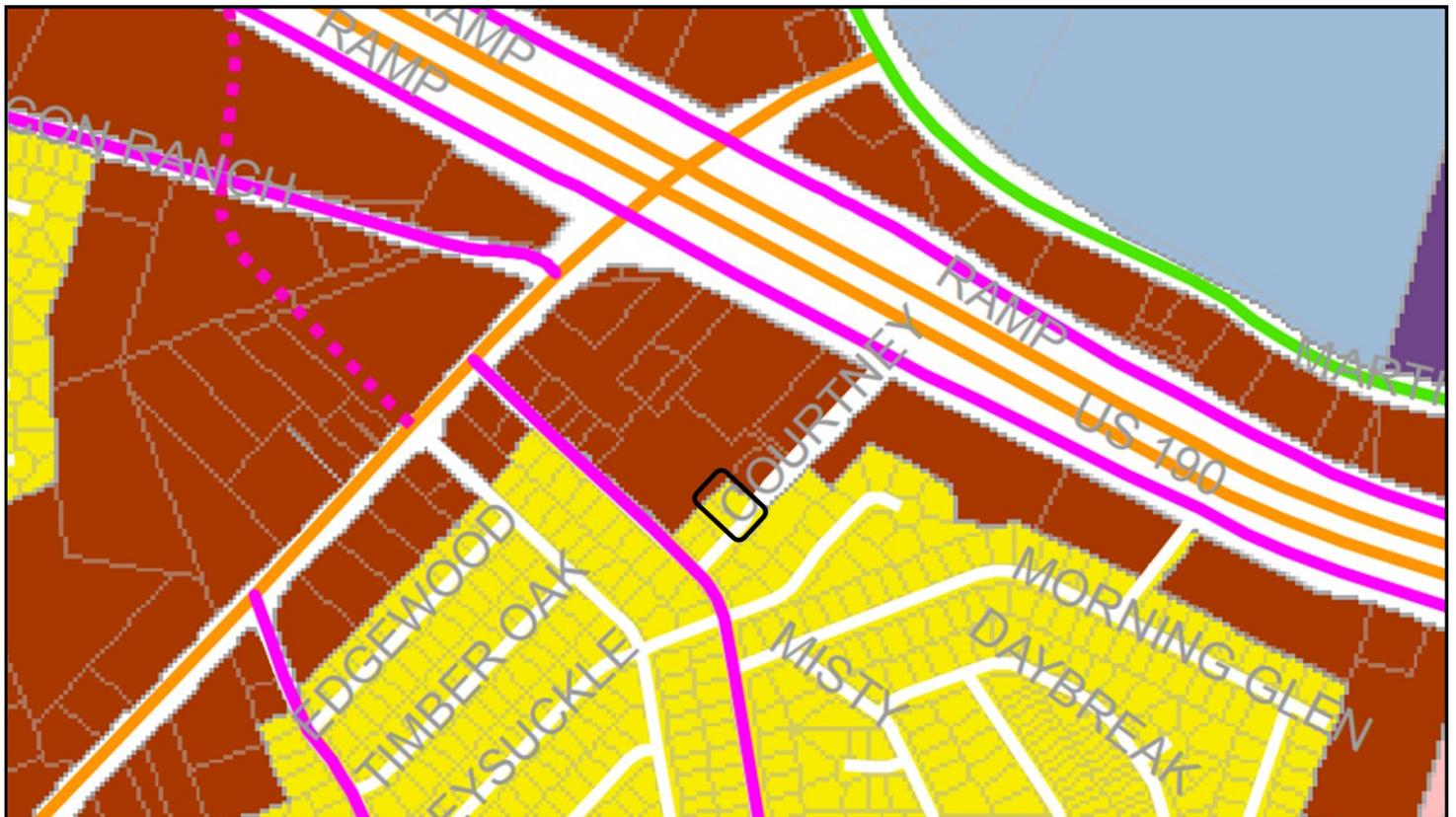
1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map

Case #Z17-25: "B-5" to "R-3F"

Current Zoning Map:



Future Land Use Map:



Case #Z17-25: "B-5" to "R-3F"

Site Photos:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE #Z17-25
B-5 to R-3F**

HOLD a public hearing and consider a request submitted by Furman Moore on behalf of Andrew Straughn, to rezone Lot 15A, Block 1, of the De Ann Subdivision Replat from “B-5” (Business District) to “R-3F” (Multi-Family Residential District). The property is generally located on the west side of Courtney Lane, approximately 200 feet northeast of the intersection with Shawn Drive, and is locally known as 3103 Courtney Lane, Killeen, Texas.

Chairman Dorroh requested staff comments.

Senior Planner, Wallis Meshier, stated that this request is to rezone to “R-3F” (Multifamily Residential District). Although it is zoned “B-5”, the current use of the property is a quadplex. The applicant has requested to rezone the property to “R-3F” in order to bring the current use into a conforming status and thereby obtain financing for the sale of the property.

Senior Planner, Wallis Meshier also stated that the request for “R-3F” is consistent with the character of the area and would have no adverse impacts on the surrounding properties. Given that the property is currently being used as a quadplex, the proposed zoning change would serve to bring the existing nonconforming use into conformance with the City’s zoning regulations. Therefore, staff recommended approval of the requested “R-3F” zoning.

Mr. Furman Moore, 1406 Rawhide Road, Copperas Cove, Texas, was present to represent this request.

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

Commissioner Latham motioned to recommend approval of “R-3F” (Multifamily Residential District). Commissioner Payton seconded the motion. The motion passed by a vote of 6 to 0. Commissioner Harkin abstained

Chairman Dorroh stated that the 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 “R-3F” (MULTI-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Andrew Straughn 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 .270 acre, being Lot 15A, Block 1, De Ann Subdivision, for property locally known as 3103 Courtney Lane, Killeen, Texas, from “B-5” (Business District) to “R-3F” (Multi-Family Residential District), said request having been recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of November 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 12th day of December 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 applicant’s 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 .270 acre, being Lot 15A, Block 1, De Ann Subdivision, for property locally known as 3103 Courtney Lane, Killeen, Texas, be changed from “B-5” (Business District) to “R-3F” (Multi-Family Residential 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 12th day of December 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:

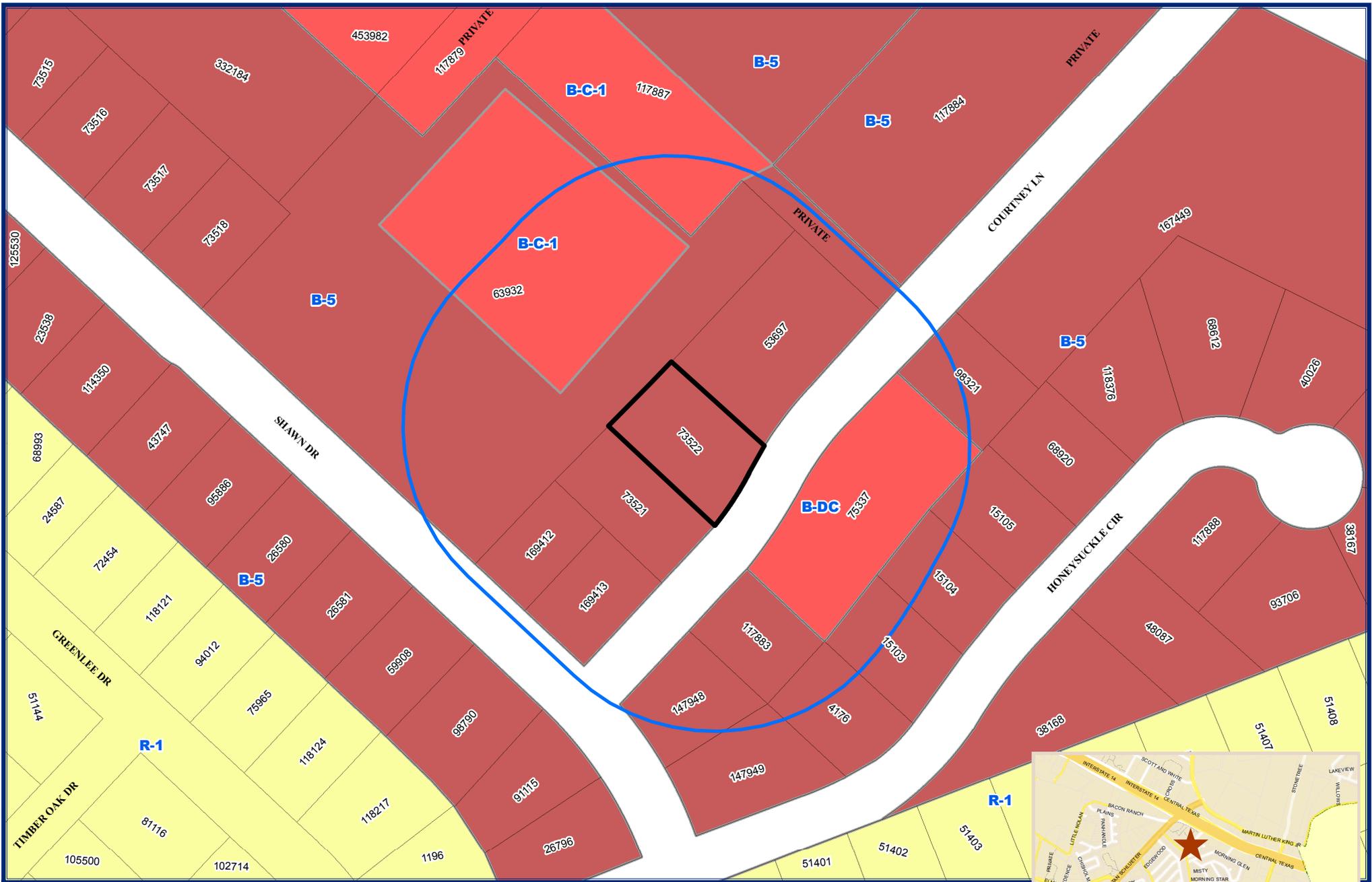
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #17-25

Ord. #17-____



Zoning Case Notification Plan

Case Z-2017-25

Council District: 2

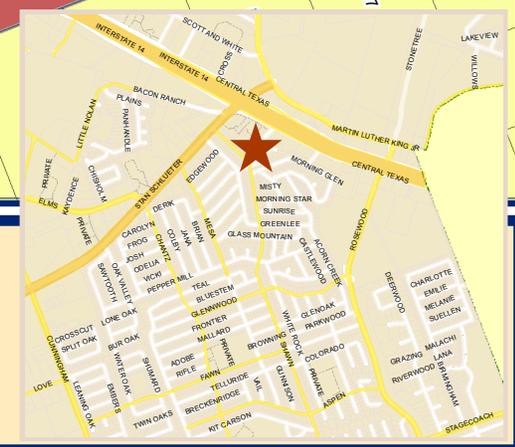
Zoning from B-5 to R-3F

1 inch = 125 feet

Subject Property Legal Description: DE ANN SUBDIVISION REPLAT (LTS 8-15, PT 2 BLK 1), BLOCK 001, LOT 015A

Legend

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





ZONING CASE #Z17-25
“B-5” to “R-3F”

PH-17-051

December 5, 2017

Case #Z17-25; “B-5” to “R-3F”

- The property is an existing multifamily structure and is located at 3103 Courtney Lane.
- The property is platted as Lot 15A, Block 1, De Ann Subdivision; it is designated as ‘General Commercial’ on the FLUM.
- The staff notified sixteen surrounding property owners and the P&Z Commission recommended approval of the request by a vote of 6 to 0, with Commissioner Harkin abstaining.

Case #Z17-25; 3103 Courtney Lane





City of Killeen

Legislation Details

File #: PH-17-052 **Version:** 1 **Name:** Zoning 17-29
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., (Case #Z17-29) to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686 from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Exhibits](#)
[Minutes](#)
[Ordinance](#)
[Location and Notification Map](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-29: "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District)

BACKGROUND AND FINDINGS:

This request, submitted by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., is to rezone approximately 1.414 acres, being part of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

District Descriptions:

A building or premises in the "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: CPB Investments, Inc.

Property Location: The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Legal Description: The property is part of the Thomas Robinett Survey, Abstract No. 686.

Zoning/ Plat Case History:

- This property was rezoned from "A" to "A-R1" in July 2000.
- There is a concurrent plat application for this property called the CNSL Plaza Addition.

Character of the Area:

Existing Land Use(s) on the Property: Vacant

Historic Properties: None

Infrastructure and Community Facilities:

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water supply and sewer facilities will need to be extended to the site as part of the development process.

Transportation: This property is located on Elms Road which is designated as a Minor Arterial on the City's adopted Thoroughfare Plan.

Land Use Analysis:

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

Plan Recommendation: The 'General Residential' character encourages detached residential dwellings, attached housing types subject to compatibility, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

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

Consistency: This zoning request consistent with the Comprehensive Plan.

Public Notification:

Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site regarding this request. As of the date of this report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The applicant would like to pursue the zoning request as submitted.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the request to rezone from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The request is consistent with the 'General Residential' designation on the Future Land Use Map, which allows for neighborhood scale commercial uses in appropriate locations. Staff is of the determination that the subject area's frontage on West Elms Road makes it a suitable location for the proposed "B-3" (Local Business District) zoning.

By a vote of 6 to 0 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "B-3" zoning.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning staff.

ATTACHED SUPPORTING DOCUMENTS:

1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map

Case #Z17-29: "A-R1" to "B-3"

Current Zoning Map:



Site Photo:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE #Z17-29
“A-R1” to “B-3”**

HOLD a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686, from “A-R1” (Agricultural Single-family Residential District) to “B-3” (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Chairman Dorroh requested staff comments.

Senior Planner, Wallis Meshier, stated that this request is to rezone approximately 1.414 acres, being part of the Thomas Robinett Survey, Abstract No. 686, from “A-R1” (Agricultural Single-Family Residential District) to “B-3” (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Mr. Ace Reneau, 102 N. College Street, Killeen, Texas, was present to represent this request.

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

Commissioner Payton motioned to recommend approval of “B-3” (Local Business District). Commissioner Latham seconded the motion. The motion passed by a vote of 6 to 0. Commissioner Harkin abstained.

Chairman Dorroh stated that the 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 “A-R1” (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, CPB Investments, Inc. 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 1.414 acres out of the Thomas Robinette Survey, Abstract No. 686, for property located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas, from “A-R1” (Agricultural Single Family Residential District) to “B-3” (Local Business District), said request having been recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of November 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 12th day of December 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 applicant’s 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 1.414 acres out of the Thomas Robinette Survey, Abstract No. 686, for property located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas, be changed from “A-R1” (Agricultural Single Family Residential District) to “B-3” (Local Business 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 12th day of December 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:

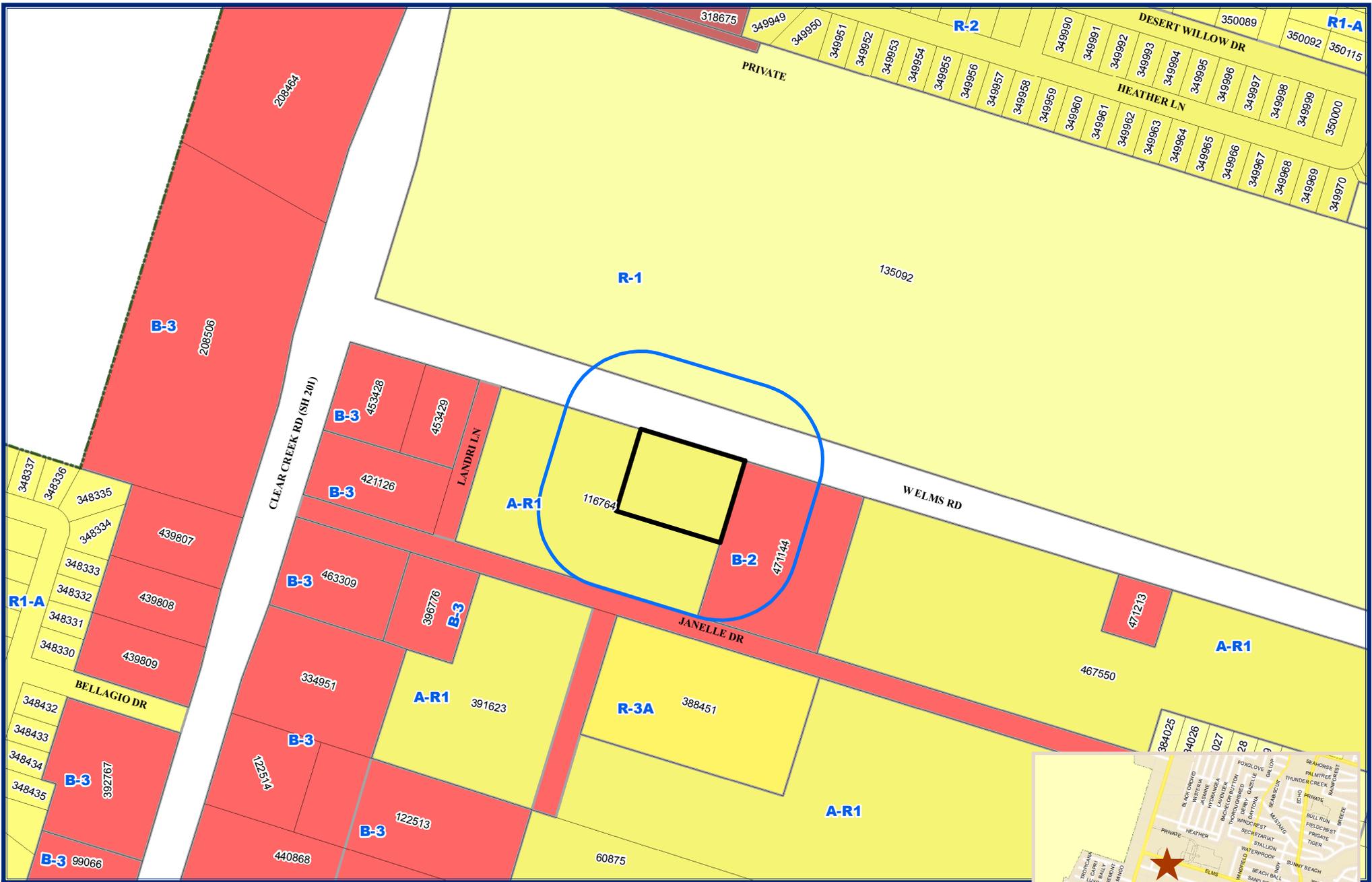
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #17-29

Ord. #17-____



Zoning Case Notification Plan

Case Z-2017-29

Council District: 4

Zoning from A-R1 to B-3

1 inch = 331 feet

Subject Property Legal Description: A0686BC T ROBINETT, 53-1, (PT REMAINDER OF 25.864AC TRACT), ACRES 1.414

Legend

- 200' Buffer
- Parcel
- City Limits





ZONING CASE #Z17-29
“A-R1” to “B-3”

PH-17-052

December 5, 2017

Case#Z17-29; “AR-1” to “B-3”

- The property is an undeveloped tract consisting of 1.414 acres of land.
- The property is currently un-platted and is designated as ‘General Residential’ on the FLUM.
- The staff notified two surrounding property owners and the P&Z Commission recommended approval of the request by a vote of 6 to 0, with Commissioner Harkin abstaining.

Case#Z17-29; “AR-1” to “B-3”



Case#Z17-29; “AR-1” to “B-3”





City of Killeen

Legislation Details

File #: PH-17-053 **Version:** 1 **Name:** Zoning 17-28
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc. (Case #Z17-28) to rezone approximately 1.738 acres being part of the W. E. Hall Survey, Abstract No. 1116 from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Exhibits](#)
[Minutes](#)
[Ordinance](#)
[Location and Notification Map](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-28: "B-3" (LOCAL BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)

BACKGROUND AND FINDINGS:

This request, submitted by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc., is to rezone approximately 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.

District Descriptions:

A building or premises in the "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.

Property Specifics:

Applicant / Property Owner: John Helen Purser, 1999 Trust & RSBP Developers, Inc.
Property Location: The property is located along the north right-of-way of Chaparral Road, 3,200 feet east of East Trimmier Road.

Legal Description: The property is part of the W.E. Hall Survey, Abstract No.1116.

Zoning/ Plat Case History:

- This property was rezoned from "R-1" to "B-3" in July 2014 at the property owner's request.
- The subject property is part of the proposed Heritage Oaks Phase Two final plat, which was approved by the Planning and Zoning Commission on August 21, 2017, but is not yet recorded.

Character of the Area:

Existing Land Use(s) on the Property: Vacant; proposed single-family housing subdivision

Historic Properties: None

Infrastructure and Community Facilities:

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water supply and sewer facilities will need to be extended to the site as part of the development process.

Transportation:

Existing conditions: This property is projected to become a corner lot with frontage on Platinum Drive and Chaparral Road. Chaparral Road is classified as a Minor Arterial and Platinum Drive as a Collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: The developer will extend Platinum Drive as part of the Heritage Oaks P.U.D. Additionally the property owner will have to dedicate the necessary right-of-way for Chaparral Road once the property is platted.

Projected Traffic Generation: The proposed downzoning from B-3 to R-1 will result in less traffic being generated.

Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: The property is undulating, with elevation changes of approximately 788' to 804'. Property is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis:

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

Plan Recommendation: The 'Suburban Residential' character encourages detached residential dwellings, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

- Suburban character from balance between buildings and other site improvements relative to degree of open space maintained on the site.
- Larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes.

Consistency: This zoning request is not consistent with the Comprehensive Plan. However, staff is of the determination that approval of the request will not significantly impact the character of the area due to its relatively small size. In addition, this request serves to reverse the rezoning request that was made by the applicant in 2014. The property to the north and east of the subject parcel is currently zoned "R-1"; so this request is in keeping with the adjacent zoning.

Public Notification:

Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site regarding this request. As of the date of this report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Staff is not recommending any alternative.

Why? The applicant would like to pursue the zoning request as submitted.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the request to rezone from "B-3" (Local Business District) to "R-1" (Residential Single-Family District). Although the proposed "R-1" zoning district is not consistent with the 'Suburban Residential' classification on the City's Future Land Use Map, the proposed zoning is consistent with the adjacent "R-1" district to the north and east. Staff finds that reverting back to "R-1" will be in keeping with the character of the approved Heritage Oaks Phase Two plat and will not substantially impact the character of the area.

By a vote of 6 to 0 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "R-1" zoning.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning staff.

ATTACHED SUPPORTING DOCUMENTS:

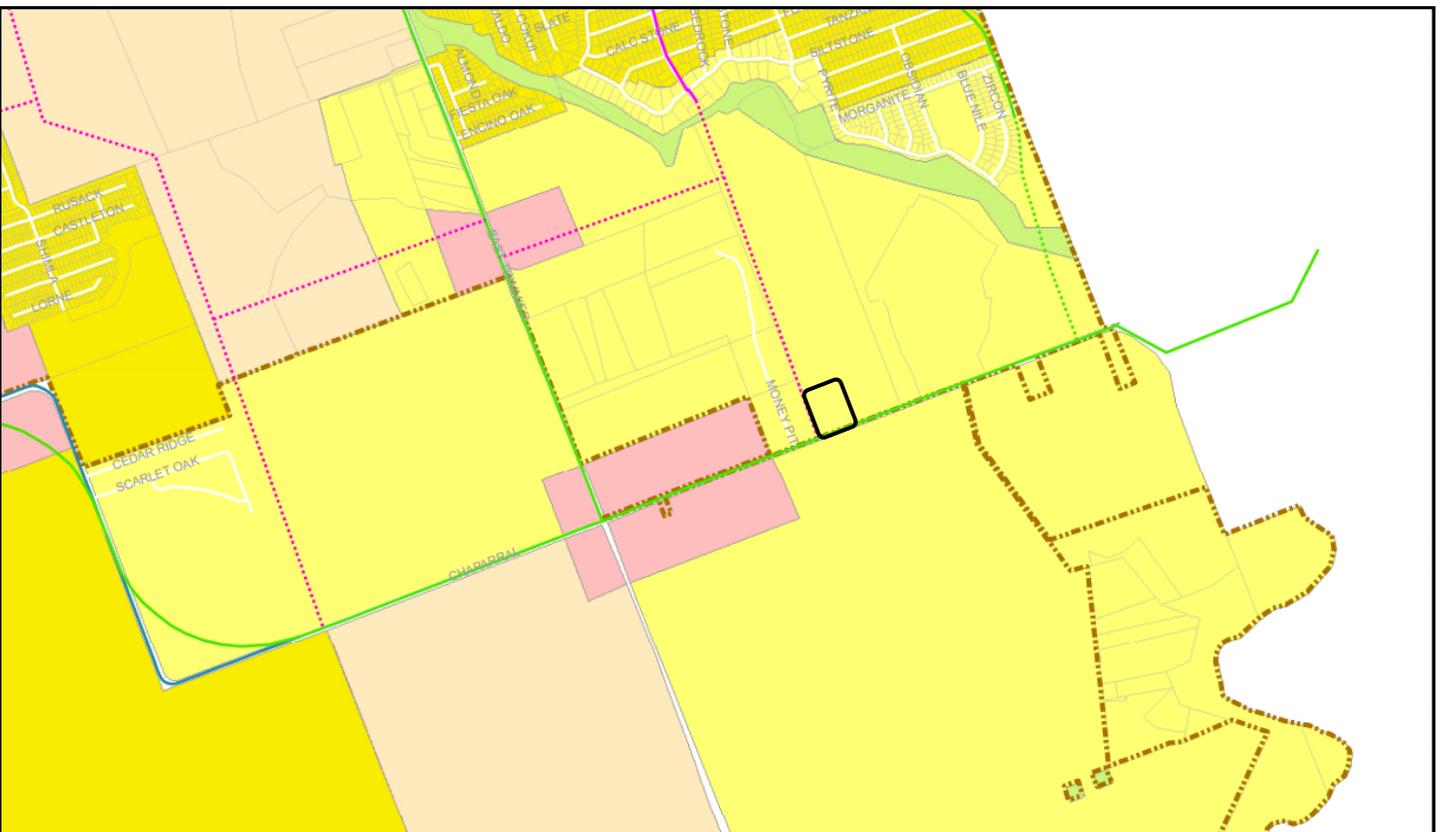
1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map

Case #Z17-28: "B-3" to "R-1"

Current Zoning Map:



Future Land Use Map:



Case #Z17-28: "B-3" to "R-1"

Site Photo:



Aerial:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE #Z17-28
“B-3” to “R-1”**

HOLD a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of RSBP Developers, Inc., to rezone approximately 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116 from “B-3” (Local Business District) to “R-1” (Single-family Residential District). The property is located on the north right-of-way of Chaparral Road, approximately 3200 feet east of East Trimmier Road, Killeen, Texas.

Commissioner Purser stepped away from the dais due to a potential conflict of interest.

Chairman Dorroh requested staff comments.

Senior Planner, Wallis Meshier, stated that this is a request to rezone from “B-3” (Local Business District) to “R-1” (Single-Family Residential District). This property was rezoned from “R-1” to “B-3” in July 2014 at the property owner’s request. In addition, this request serves to reverse the rezoning request that was made by the applicant in 2014. The property to the north and east of the subject parcel is currently zoned “R-1”, so this request is in keeping with the adjacent zoning.

Ms. Michelle Lee, 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

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

Commissioner Payton motioned to recommend approval of “R-1” (Single-Family Residential). Commissioner Latham seconded the motion. The motion passed by a vote of 6 to 0. Commissioner Harkin abstained.

Chairman Dorroh stated that the 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, RSBP Developers, Inc. 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 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116, for property located on the north right-of-way of Chaparral Road, approximately 3,200 feet east of Trimmier Road, from “B-3” (Local Business District) to “R-1” (Single Family Residential District), said request having been recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of November 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 12th day of December 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 applicant’s 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 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116, for property located on the north right-of-way of Chaparral Road, approximately 3,200 feet east of Trimmier Road, be changed from “B-3” (Local Business District) to “R-1” (Single Family Residential 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 12th day of December 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:

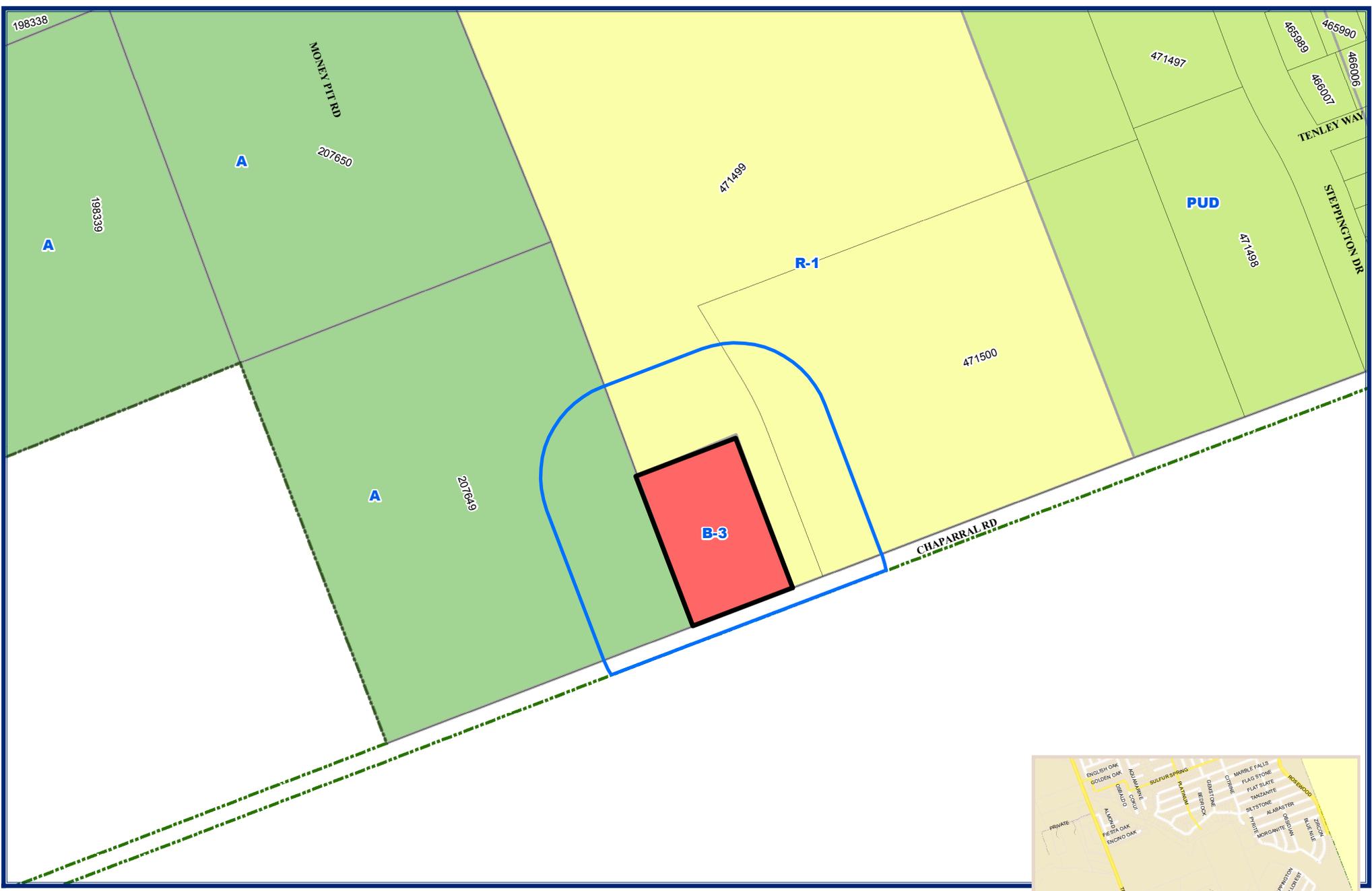
Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #17-28

Ord. #17-____



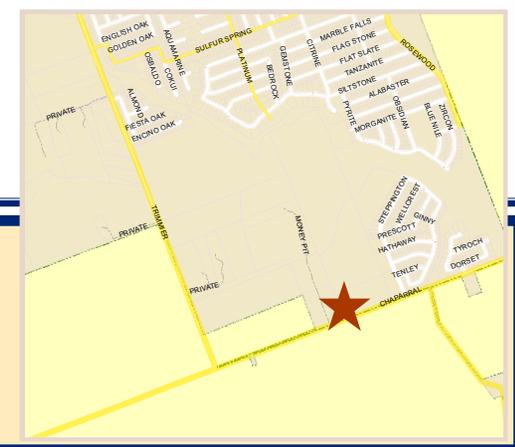
Zoning Case Notification Plan

Case Z-2017-28

Council District: 3
 Zoning from B-3 to R-1
 1 inch = 270 feet
 Subject Property Legal Description: A1116 W E HALL, ACRES 1.738

Legend

- 200' Buffer
- Parcel
- City Limits





ZONING CASE #Z17-28
“B-3” to “R-1”

PH-17-053

December 5, 2017

Case#Z17-28; “B-3” to “R-1”

- The property is an undeveloped tract consisting of 1.738 acres of land.
- The property is currently un-platted and is designated as ‘Suburban Residential’ on the FLUM.
- The staff notified three surrounding property owners and the P&Z Commission recommended approval of the request by a vote of 6 to 0, with Commissioner Harkin abstaining.

Case#Z17-28; “B-3” to “R-1”



Case#Z17-28; “B-3” to “R-1”





City of Killeen

Legislation Details

File #: PH-17-054 **Version:** 1 **Name:** Zoning 17-27
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., (Case#Z17-27) to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Exhibits](#)
[Minutes](#)
[Ordinance](#)
[Location and Notification Map](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-27: "B-5" (BUSINESS DISTRICT) TO "B-3A" (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT)

BACKGROUND AND FINDINGS:

This request, submitted by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., is to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

District Descriptions:

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

- (1) Any use permitted in the "B-3" district in accordance with the requirements of this division
- (2) Package stores to be operated under, and in accordance with, a valid Texas Alcohol Beverage Commission issued package store permit
- (3) Uses listed in the "B-3A" district shall not be incorporated by right into less restrictive zoning districts, including, without limitation, the "B-3", "B-4", and "B-5" districts, but shall be considered to be a stand-alone zoning district, except as provided for in this division

Property Specifics:

Applicant / Property Owner: Killeen FM 440, LLC / Chessie Zimmerman, Stratus Properties, Inc.
Property Location: The subject property is generally located on the northwest corner of Old FM 440 and W. Stan Schlueter Loop (FM 3470), and is locally known as 1103 Old FM 440, Killeen, Texas.

Legal Description: 0.080 acre out of the West Killeen Market Subdivision, Lot 2, Block A.

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.

- The subject property is platted.

Character of the Area:

Existing Land Use(s) on the Property: Shopping center.

Historic Properties: None

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 available to the property.

Transportation:

Existing Conditions: Old FM 440 is classified as a 70 ft. Collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: No improvements are being proposed. The shopping center was constructed in 2017 and meets all City standards.

Projected Traffic Generation: Minimal.

Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: This lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA), and there are no known wetlands on or adjacent to the parcel.

Land Use Analysis:

Future Land Use Map: This area is designated as 'General Commercial' (GC) 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:

Staff notified property owners of the seven (7) surrounding properties that are within 200 feet of the subject site regarding this request.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative

Why?

The applicant would like to pursue the zoning request as submitted.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the rezone request from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District). The subject site meets the "B-3A" zoning district requirements of a 10,000 square foot minimum lot size, and the exterior walls of the building fronting and siding up to public streets meet the "B-3A" zoning district architectural design standards of 50% brick, native stone, or stucco. There are no existing churches, public/private schools, or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33.

By a vote of 6 to 1 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "B-3A" of zoning.

DEPARTMENTAL CLEARANCES:

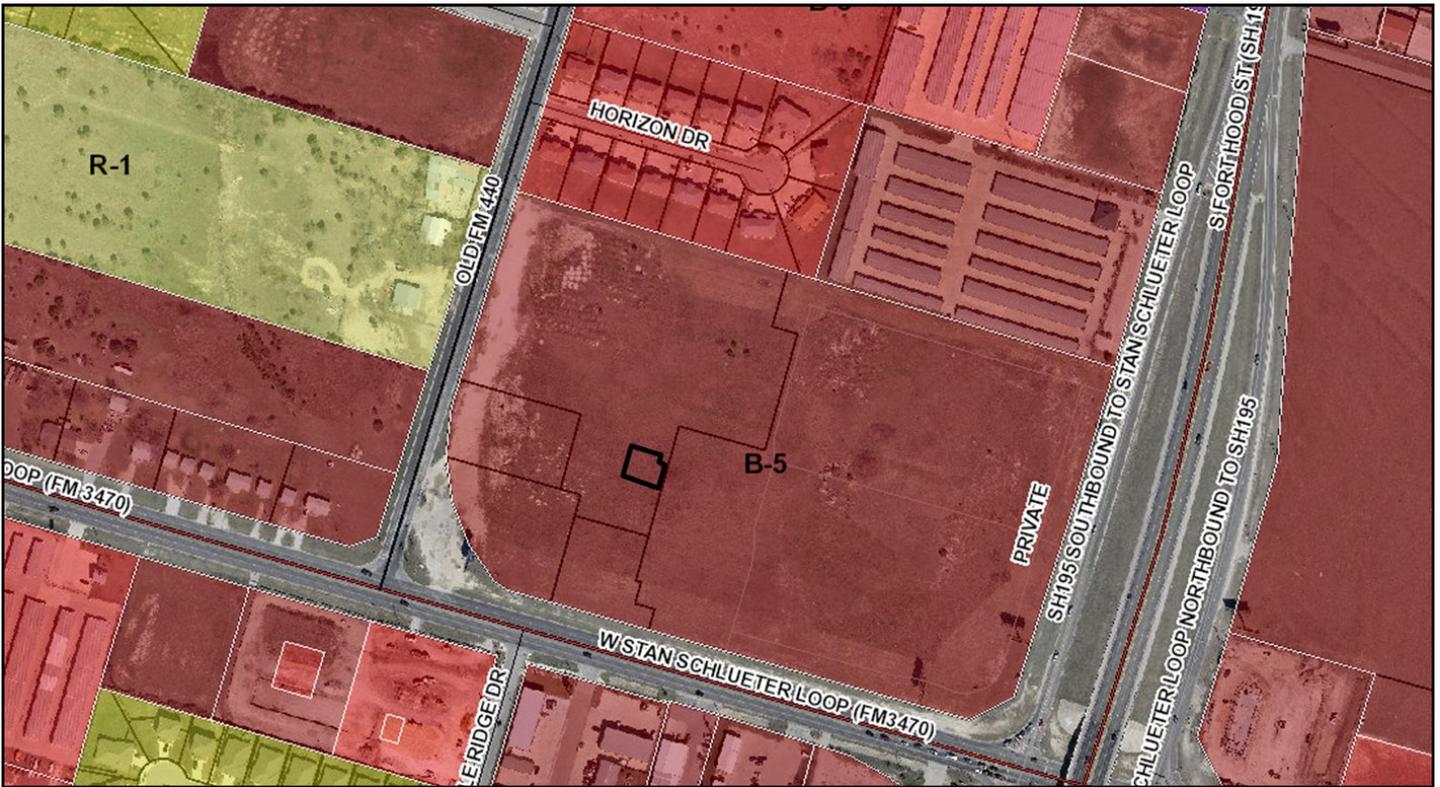
This item has been reviewed by the Planning staff.

ATTACHED SUPPORTING DOCUMENTS:

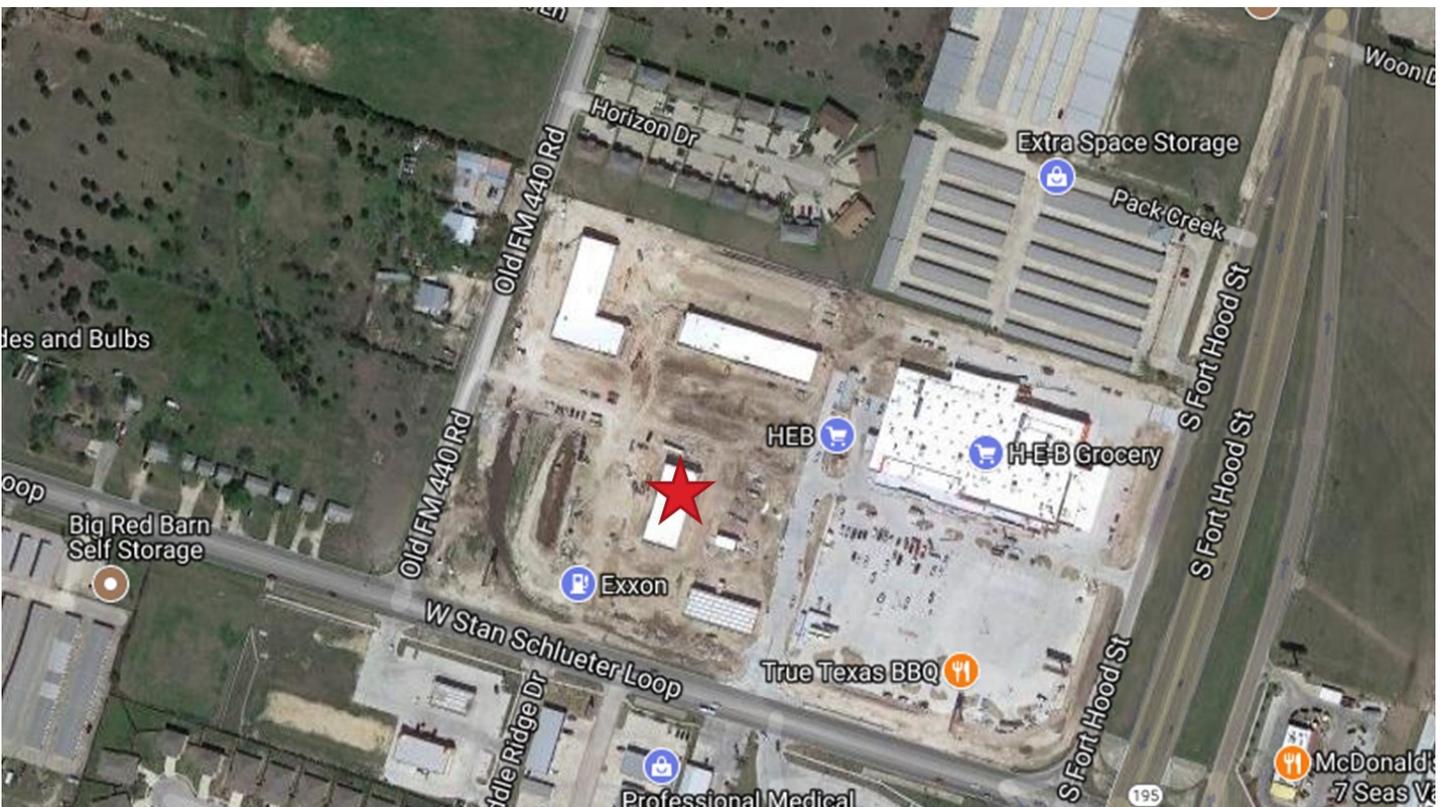
1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map

Case #Z17-27: "B-5" to "B-3A"

Current Zoning Map:



Aerial:



Case #Z17-27: "B-5" to "B-3A"

Site Photos:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE #Z17-27
“B-5” to “B-3A”**

HOLD a public hearing and consider a request submitted by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., to rezone approximately 0.0803 acre out of the West Killeen Market Subdivision, Lot 2, Block A, from “B-5” (Business District) to “B-3A” (Local Business and Retail Alcohol Sales District) for property locally known as 1103 W. Stan Schlueter Loop, Building C, Suite 100, Killeen, Texas.

Chairman Dorroh requested staff comments.

Senior Planner, Wallis Meshier, stated that this is a request to rezone to “B-3A” (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at 1103 Old F.M. 440, Killeen, Texas. The property houses the existing West Killeen Market. This area is designated as ‘General Commercial’ (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. This zoning request is consistent with the Comprehensive Plan.

Senior Planner, Wallis Meshier, also stated that the subject site meets the “B-3A” zoning district requirements of a 10,000 square foot minimum lot size, and the exterior walls of the building fronting and siding up to public streets meet the “B-3A” zoning district architectural design standards of 50% brick, native stone or stucco. 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.

Ms. Chessie Zimmerman, Stratus Properties, 212 Lavaca Ste. 300, Austin, Texas, was present to represent this request.

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

Commissioner Latham motioned to recommend approval of “B-3A” (Local Business and Retail Alcohol Sales District). Commissioner Cooper seconded the motion. The motion passed by a vote of 6 to 0. Commissioner Harkin abstained.

Chairman Dorroh stated that the 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-3A” (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen FM 440, 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 .080 acre, being part of Lot 2, Block A, West Killeen Market Subdivision, for property locally known as 1103 W. Stan Schlueter Loop, Building C, Suite 100, Killeen, Texas, from “B-5” (Business District) to “B-3A” (Local Business and Retail Alcohol Sales District), said request having been recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of November 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 12th day of December 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 applicant’s 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 .080 acre, being part of Lot 2, Block A, West Killeen Market Subdivision, for property locally known as 1103 W. Stan Schlueter Loop, Building C, Suite 100, Killeen, Texas, be changed from “B-5” (Business District) to “B-3A” (Local Business and Retail 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 12th day of December 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:

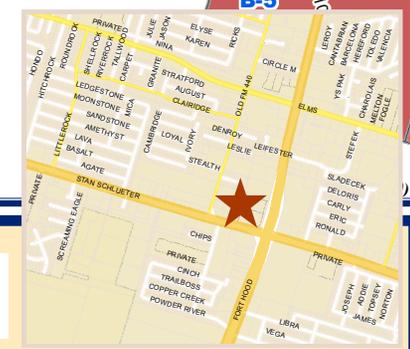
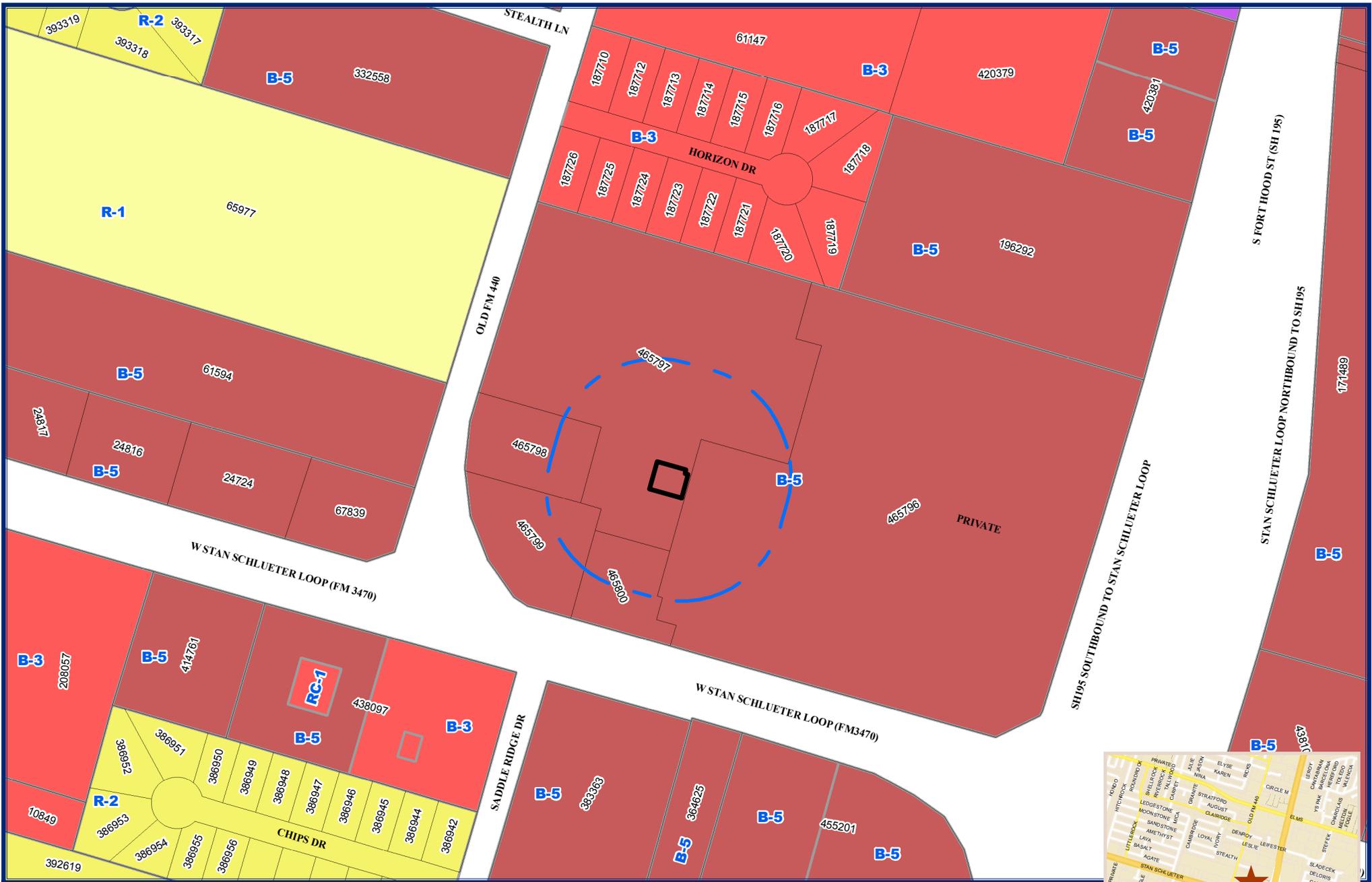
Jose L. Segarra, MAYOR

ATTEST:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney
Case #17-27



Zoning Case Notification Plan

Case Z-2017-27

Council District: 4
 Zoning from B-5 to B-3A
 1 inch = 250 feet

Subject Property Legal Description: WEST KILLEEN MARKET SUBDIVISION, BLOCK 00A, LOT 0002

Legend

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





ZONING CASE #Z17-27
“B-5” to “B-3A”

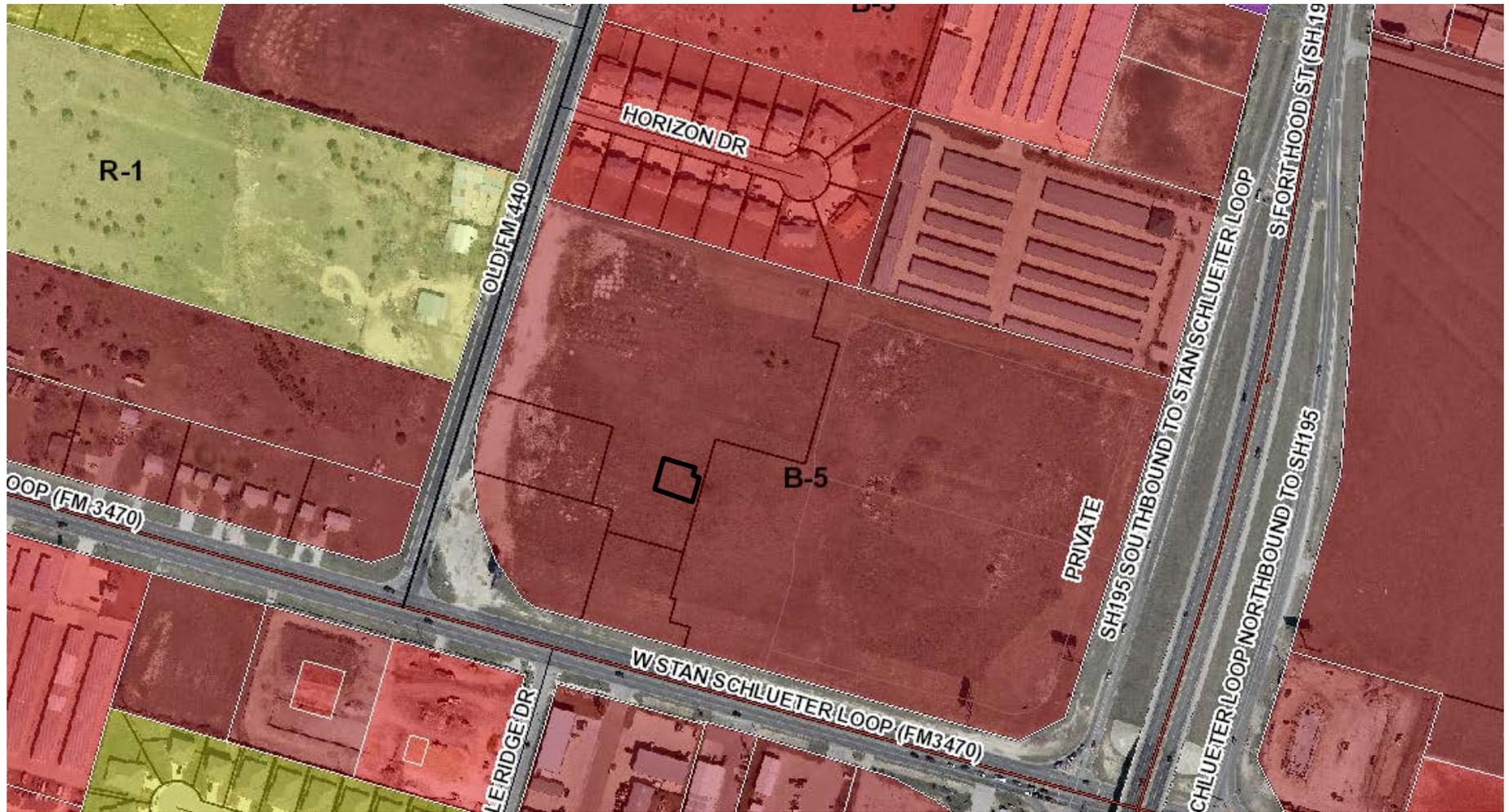
PH-17-054

December 5, 2017

Case#Z17-27; “B-5” to “B-3A”

- The property is an existing lease suite in the West Killeen Market.
- The property is currently un-platted and is designated as ‘General Commercial’ on the FLUM.
- The staff notified seven surrounding property owners and the P&Z Commission recommended approval of the request by a vote of 6 to 0, with Commissioner Harkin abstaining.

Case#Z17-27; “B-5” to “B-3A”



Case#Z17-27; “B-5” to “B-3A”





City of Killeen

Legislation Details

File #: PH-17-055A **Version:** 1 **Name:** FLUM 17-26
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Payton E. Duncan (FLUM#17-26) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Estate' to a 'General Residential' designated area for approximately 54.226 acres, being part of the W. H. Cole Survey, Abstract No. 200. The subject property is addressed as 405 Tower Hill Lane, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: COMPREHENSIVE PLAN FUTURE LAND USE MAP (FLUM) AMENDMENT: 'ESTATE' TO 'GENERAL RESIDENTIAL'

BACKGROUND AND FINDINGS:

Payton E. Duncan is requesting to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change an area currently designated as 'Estate' to a 'General Residential' designated area for approximately 54.226 acres, being part of the W. H. Cole Survey, Abstract No. 200. The subject property is addressed as 405 Tower Hill Lane, Killeen, Texas.

Land Use Plan: The property is designated as 'Estate' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Estate' designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

If approved, the 'General Residential' designation encourages the following development types:

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

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Why?

The items below should be reviewed and addressed when a Future Land Use Map amendment is being considered:

- **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 request would affect*

approximately 54.226 acres and should be considered a major amendment that is specific to the applicant's request.

- **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 current FLUM designations have been in place for this property since the Map's inception. Since that time, both residential and commercial development has occurred near or adjacent to the subject tract of land. The owner would like to change the designation to 'General Residential' in order to entice developer interest for his property and to zone the property to allow for a range of varying lot sizes.*
- **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? *The proposed map change is not inconsistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).*
- **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)? *Staff has sufficient information regarding existing utility capacity and roadway level of service for this area.*
- **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.*

CONFORMITY TO CITY POLICY:

This FLUM amendment request conforms to the city's policy as detailed in the Comprehensive Plan.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

None

For future years?

The proposed FLUM amendment does not involve the expenditure of city funds; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the requested FLUM amendment by a vote of 5 to 2, with Commissioners Cooper and Harkin in opposition. Ms. Harkin expressed concerns over public safety and the unquantified public cost over providing services to the area. The requested FLUM amendment is consistent with historic development trends in this corridor and is not out of character with the adjacent single-family development.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Departmental administration and the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

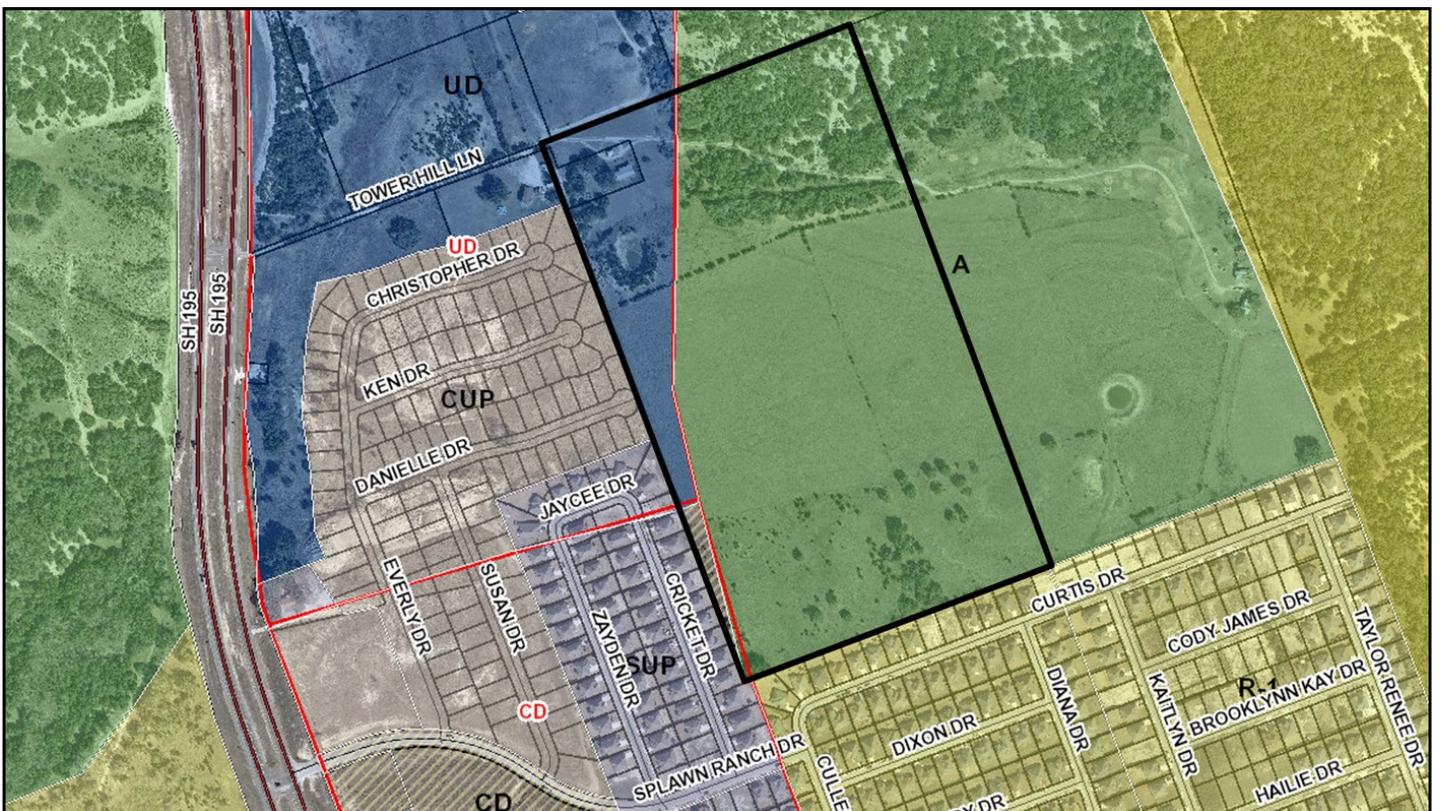
1. Exhibits
2. Minutes
3. Ordinance

Case #FLUM17-26: 'E' to 'GR'

Aerial:

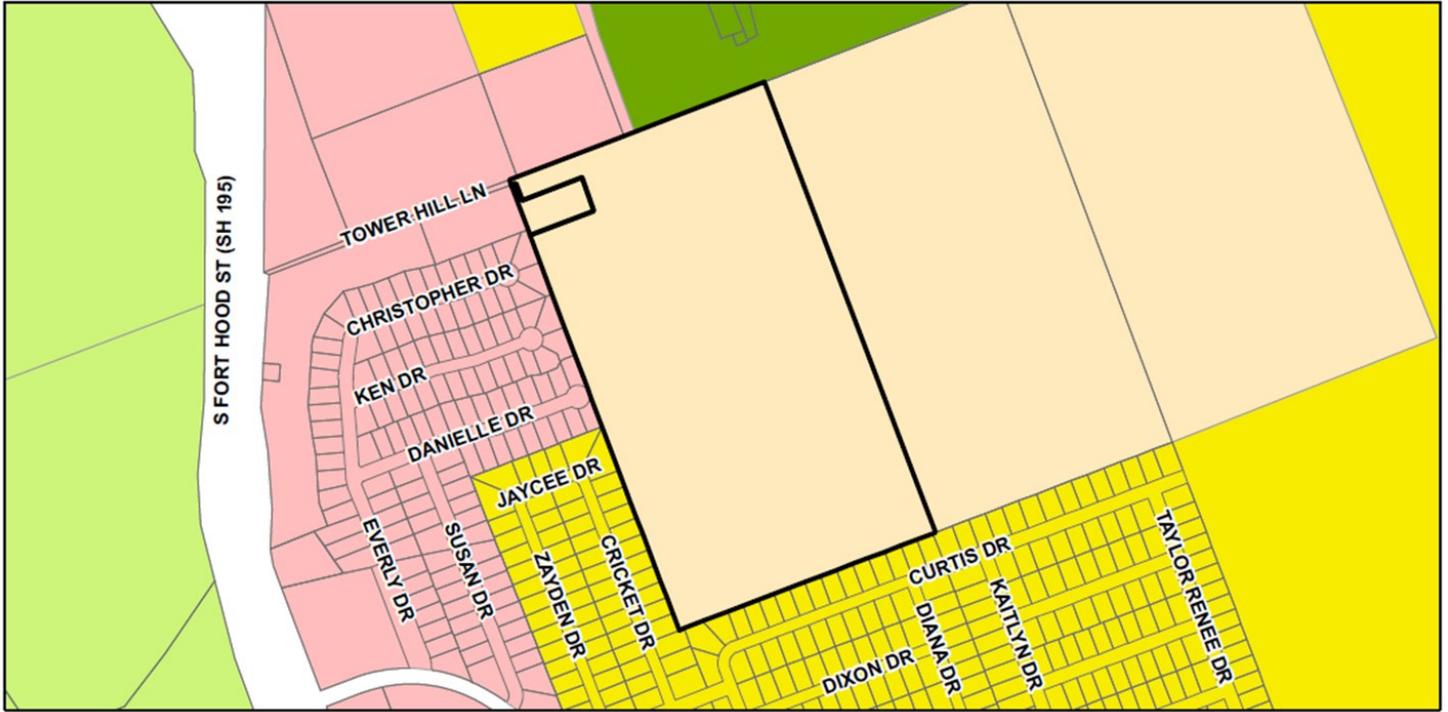


Current Zoning:

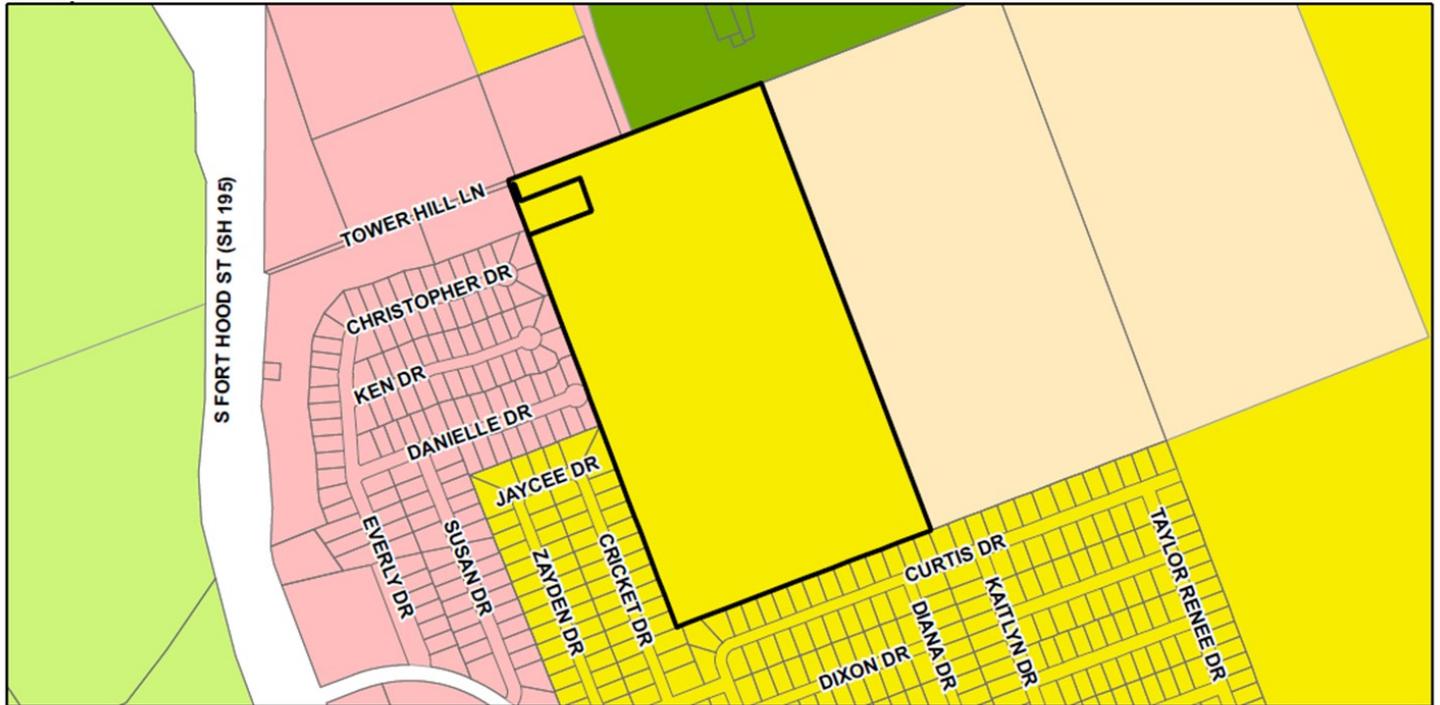


Case #FLUM17-26: 'E' to 'GR'

Current FLUM:



Proposed FLUM:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE FLUM #Z17-26
'ESTATE' TO 'GENERAL RESIDENTIAL'**

A. HOLD a public hearing and consider a request submitted by Ronald Parker on behalf of Payton E. Duncan, to amend the Future Land Use Map (FLUM) of the Comprehensive Plan, to change approximately 54.226 acres, being out of the W.H. Cole Survey, Abstract No. 200, from an 'Estate' designation to a 'General Residential' designation for property locally known as 405 Tower Hill Lane, Killeen, Texas.

Chairman Dorroh requested staff comments.

City Planner, Tony McIlwain, stated that this is a request submitted by Payton E. Duncan is requesting to amend the Comprehensive Plan's Future Land Use Map (FLUM) to change an area currently designated as 'Estate' to a 'General Residential' designated area for approximately 54.226 acres, being part of the W. H. Cole Survey, Abstract No. 200. The subject property is addressed as 405 Tower Hill Lane, Killeen, Texas.

The property is designated as 'Estate' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Staff recommended approval of the requested FLUM amendment. Staff is moving toward quantifying the fiscal costs of large-scale amendments to the Comprehensive Plan, particularly as it relates to the full cost of providing municipal services to new residents. However, Staff is unable to accurately quantify those costs at this time and cannot provide a recommendation based on fiscal impact data. However, the requested FLUM amendment is consistent with historic development trends in this corridor and not out of character with the adjacent single-family development.

Mr. Ronald Parker, 606 N. 10th Street, Killeen, Texas, was present to represent this request.

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

Commissioner Kim motioned to recommend approval of the request. Commissioner Purser seconded the motion. The motion passed by a vote of 5 to 2. Commissioner Harkin and Cooper voted in opposition of the request, due to the extended expenditure of maintenance funds of the city and the overall density as it ties into subdivisions that are already in place.

Chairman Dorroh stated that the 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 'ESTATE' TO 'GENERAL RESIDENTIAL' FOR 54.226 ACRES OUT OF THE W. H. COLE SURVEY, ABSTRACT NO. 200, BEING LOCALLY KNOWN AS 405 TOWER HILL LANE, 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 Payton E. Duncan for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change 54.226 acres out of the W. H. Cole Survey, Abstract No. 200, being locally known as 405 Tower Hill Lane, Killeen, Texas, from 'Estate' to 'General Residential'; said revision having been duly presented and recommended for approval of 'General Residential' by the Planning and Zoning Commission of the City of Killeen on the 20th day of November 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 12th day of December 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 54.226 acres out of the W. H. Cole Survey, Abstract No. 200, being locally known as 405 Tower Hill Lane, Killeen, Texas, be amended from 'Estate' to 'General 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 12th day of December 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 #: FLUM #Z17-26
Ord#: 17-___



CASE #FLUM 17-26
ESTATE 'E' to 'GENERAL RESIDENTIAL 'GR'

PH-17-055A

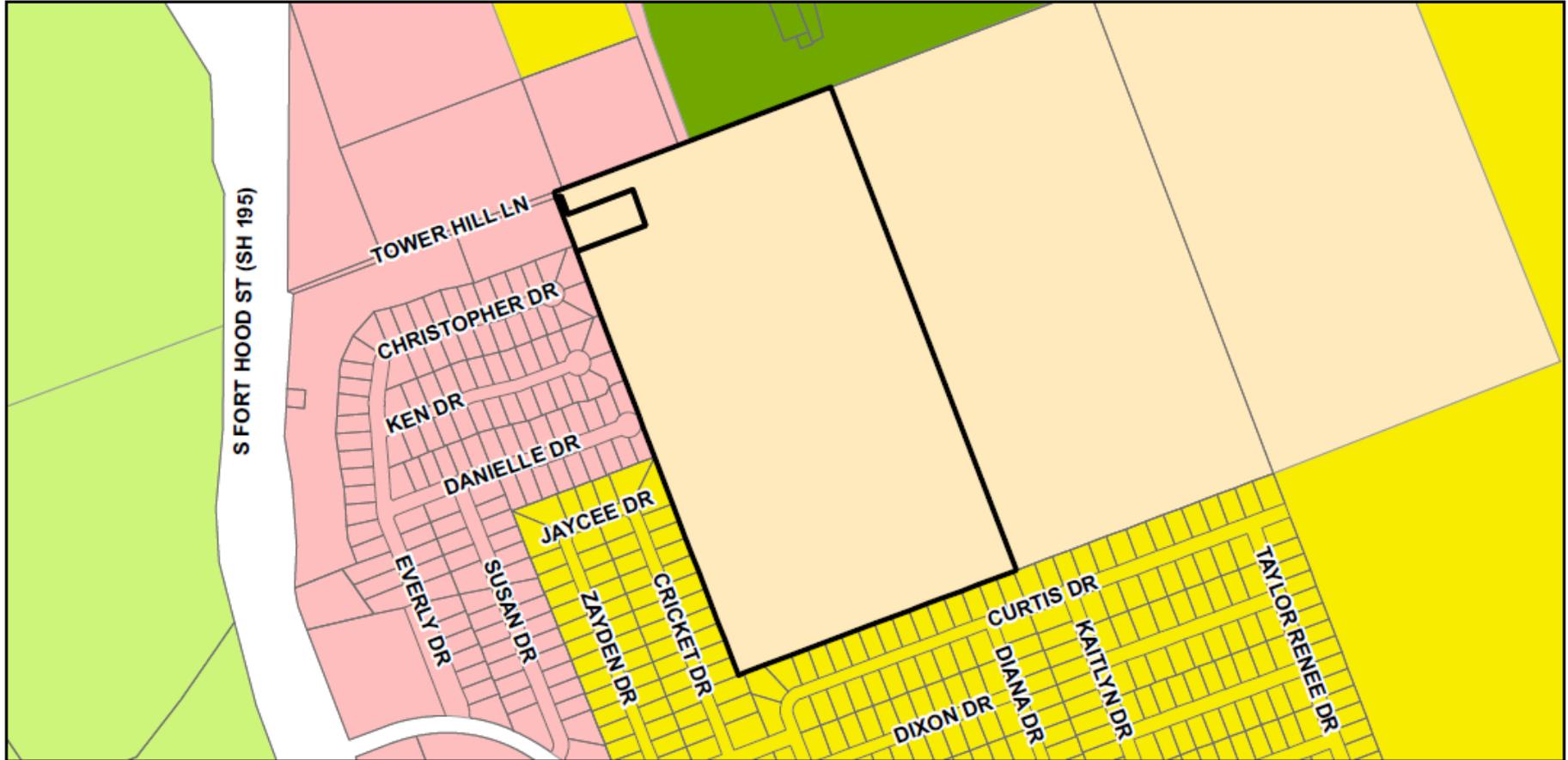
December 5, 2017

Case #FLUM 17-26; 'E' to 'GR'

- The applicant is requesting an amendment to the Comprehensive Plan's Future Land Use Map (FLUM).
- The current designation is 'Estate' and encourages large lot development of 1 to 5 acres in size.
- The request for 'General Residential' will allow for a variety of housing types at varying densities as well as planned developments.
- The P&Z Commission recommended approval of the FLUM amendment by a vote of 5 to 2, with Commissioners Harkin and Cooper in opposition.

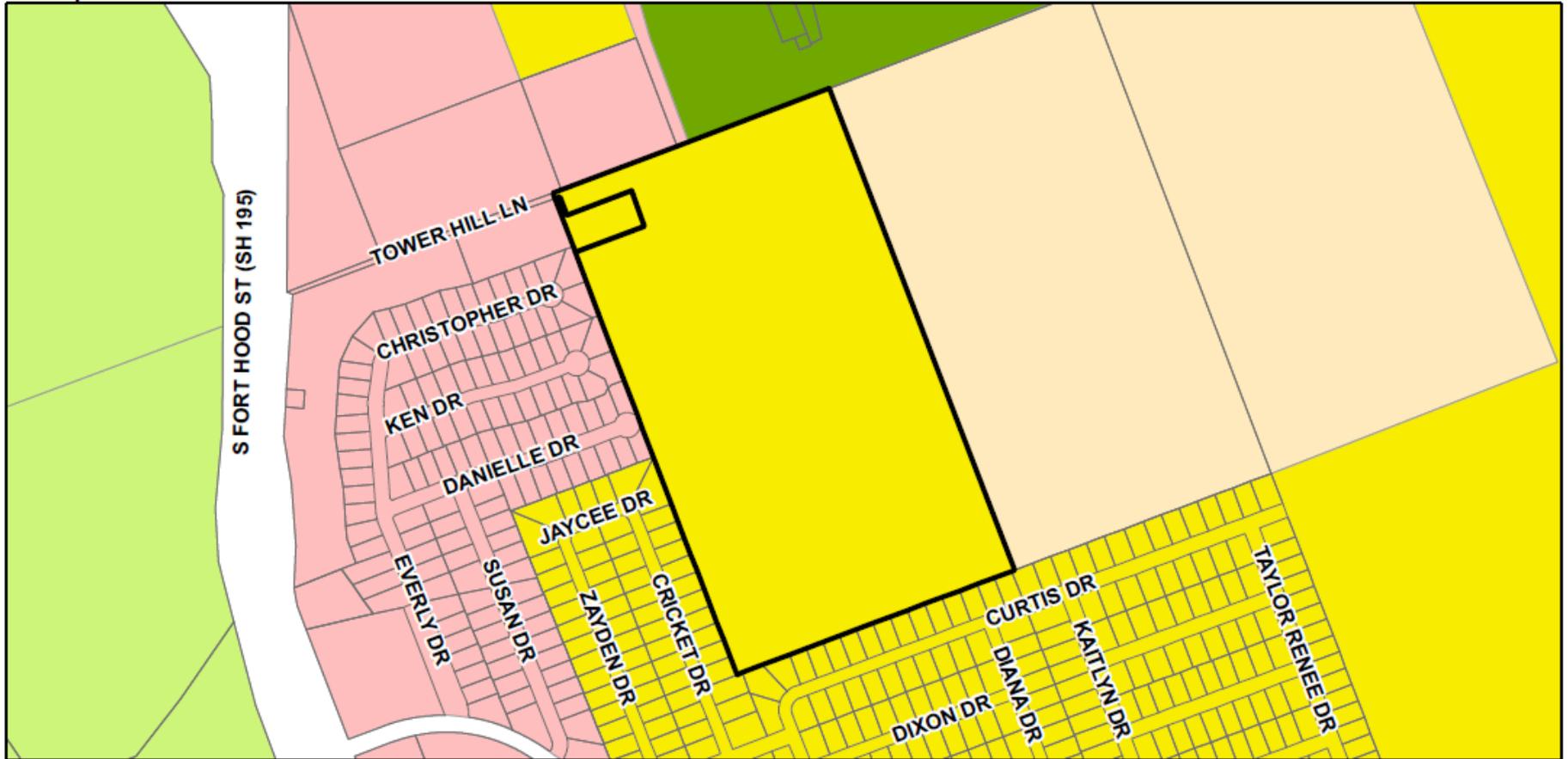
Case #FLUM 17-26; 'E' to 'GR'

Current FLUM



Case #FLUM 17-26; 'E' to 'GR'

Proposed FLUM





City of Killeen

Legislation Details

File #: PH-17-055B **Version:** 1 **Name:** Zoning 17-26
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/20/2017 **In control:** City Council Workshop
On agenda: 12/5/2017 **Final action:**

Title: HOLD a public hearing and consider an ordinance requested by Payton E. Duncan, (Case #Z17-26) to rezone approximately 46.196 acres from "A" (Agricultural District) to "R-1" (Single-Family Residential District), 7.487 acres from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing and 0.543 acre from "CD" (Cemetery District) to "CD (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200. The property is locally known as 405 Tower Hill Lane, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Exhibits](#)
[Minutes](#)
[Ordinance](#)
[Responses](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: December 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-26 "A" (Agricultural District) to "R-1" (Single-Family Residential District) and "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing and "CD" (Cemetery District) to "CD (Cemetery District) housing with a Conditional Use Permit (CUP) for "R-1"

BACKGROUND AND FINDINGS:

This request is submitted by Payton E. Duncan to rezone 46.196 acres from "A" (Agricultural District) to "R-1" (Single-Family Residential District), 7.487 acres from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing and 0.543 acre from "CD" (Cemetery District) to "CD (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200. The property is locally known as 405 Tower Hill Lane, Killeen, Texas.

"R-1" District Descriptions

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, 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

University District Descriptions:

The University District regulations apply to all property located in the current or future corporate city limits for a depth of one thousand five hundred (1,500) feet at the following locations: north of the State Highway 201 right-of-way for a distance of approximately sixty-six hundred (6,600) feet west of the intersection of State Highway 201 and State Highway 195; west and east of the State Highway 195 right-of-way for a distance of approximately one thousand five hundred (1,500) feet north of the intersection of State Highway 195 and State Highway 201; and, east of the State Highway 195 right-of-way for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, the first nine hundred and fifty (950) feet of depth within this segment of the district, as measured from State Highway 195, designated for commercial use. The remaining five hundred and fifty (550) feet of depth of this segment shall be designated for mixed-use development or residential use via a conditional use permit.

A building or premises in the University District shall only be used for uses permitted in the "B-2" district, subject to the provisions of this division, and for the following purposes:

- (1) Bank, savings and loan or other financial institution excluding credit access businesses as defined by the Texas Finance Code
- (2) Hospital, home or center for the acute or chronic ill, or assisted living facility
- (3) Household appliance sales and repair service, no outside storage.
- (4) Retail bakery or confectionery: engaged in preparation, baking, cooking, selling and delivery of products
- (5) Business day care
- (6) Bowling alleys
- (7) Cleaning or laundry (self-service)
- (8) Cleaning or laundry, (pick-up station)
- (9) 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
- (10) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales, or health food sales
- (11) Cafeteria or catering service
- (12) Office, general business
- (13) Restaurant or café (with drive-thru or dine in service)

- (14) Tennis, swim club, health club, or gym
- (15) Small animal clinic or pet grooming shop
- (16) Hotel or motel
- (17) Job printing
- (18) Gasoline service station, auto laundry, car wash, or oil / lube service station
- (19) Retail sales of new auto parts: no outside storage.
- (20) A customarily incidental use: sale of beer and/or wine for off-premises consumption only shall be considered a customarily incident use in this district.
- (21) Theaters of general release
- (22) A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 16, restaurant and alcohol sales district, as amended
- (23) Package stores operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 12A, district B-3A, local business and alcohol sales district, as amended
- (24) Mixed-use development, being located nine hundred fifty (950) feet to one thousand five hundred (1,500) feet east of the east right-of-way of State Highway 195, and for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed, and used for commercial use only while allowing access to residential uses
- (25) Art gallery, book store, or library

Conditional Use Permit:

The City Council, by an affirmative majority vote, may by ordinance grant a Conditional Use Permit as provided in Sec. 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional Use Permits granted shall be considered permanent, provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

Cemetery District Descriptions:

The Cemetery District regulations apply to all property located in the current or future corporate city limits for a depth of one thousand five hundred (1,500) feet at the following locations: east of the State Highway 195 right-of-way for a distance of approximately forty-nine hundred (4,900) feet north of the intersection of State Highway 195 and Chaparral Road; and, east of the State Highway 195 right-of-way for a distance of approximately one thousand five hundred (1,500) feet south of the intersection of State Highway 195 and Chaparral Road. The first nine hundred fifty (950) feet of depth within the district, as measured from State Highway 195, designated for commercial use. The remaining five hundred fifty (550) feet of depth of this segment shall be designated for mixed-use development or residential use via a conditional use permit.

A building or premises in the "CD" Cemetery District shall be used only for the following purposes:

- (a) Building on premises in "CD" district shall be used only for the following purposes:
 - (1) Offices of practitioners of the recognized professions, as herein defined:
 - a. Professional building. Any structure used solely for the housing of professional offices of recognized professions
 - b. Professions, recognized. Members of a recognized profession include those persons and customary staff normally considered as professional and shall be deemed to include doctors, dentists, lawyers, architects, certified public accountants, registered engineers, and related professions
 - (2) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(3)
 - a. Physical therapy clinic
 - b. Chemical or X-ray laboratory
 - c. Dispensing optician
 - d. Dental laboratory
 - (3) Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
 - a. Public access to such incidental uses shall be from the interior of the building.
 - b. No parking space shall occupy any part of the required front yard, except as provided in article V, division 3.
 - c. Sign standards for this district shall apply to both primary and incidental uses.
 - d. 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.
 - e. No outside storage shall be permitted in this district.
 - (4) Office, general business
 - (5) An on-premises residential use or living quarters may be included in one 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.
 - (6) Business day care
 - (7) Bakery shop (retail sales only)
 - (8) Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, chapter 146 amended)
 - (9) Construction field office and yard: on the job site; for duration of construction only
 - (10) Mortuary or funeral chapel
 - (11) Drugstore or pharmacy
 - (12) Florist (retail) retail sales of flowers and small plants. No flowers or plant raising or outside display or storage
 - (13) Cafeteria or catering service
 - (14) Restaurant or café (dine in service)
 - (15) Tennis, swim club, health club, or gym
 - (16) Hotel or motel
 - (17) Art gallery, bookstore, or library
 - (18) Mixed-use development, being located nine hundred and fifty (950) feet to fifteen hundred (1,500) feet east of the east right-of-way of State Highway 195, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed, and used for commercial use only while allowing access to residential uses

- (b) Any conflict between this district and the districts incorporated herein, or the regulations provided by the other districts, shall be resolved so that the most stringent provision shall control

Conditional Use Permit.

The City Council by an affirmative majority vote may by ordinance grant a Conditional Use Permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional Use Permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

Property Specifics:

Applicant / Property Owner: Payton E. Duncan

Property Location: The subject property is located at 405 Tower Hill Lane, Killeen, Texas

Legal Description: Approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The subject property is not platted.

Character of the Area:

Existing Land Use(s) on the Property: The property contains a home and an outbuilding.

Historic Properties: None

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 will need to be extended at the time of development.

Transportation:

Existing conditions: The property is accessed via Tower Hill Lane, which is a private road and Danielle Drive, a local street within Splawn Ranch Phase Five.

Proposed Improvements: None at this time

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting]

Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: This tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA), and there are no known wetlands on or adjacent to the parcel.

Land Use Analysis:

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

Plan Recommendation: The 'Estate' designation encourages the following development types:

- Detached residential dwellings as the primary focus with larger lots (typically one acre minimum)
- Public/ institutional
- Parks and public spaces

Consistency: This zoning request is not consistent with the Comprehensive Plan, but the Planning and Zoning Commission recommend (5 to 2 vote) for a FLUM amendment to 'General Residential'.

Public Notification:

Staff notified eighty-six (86) surrounding property owners regarding this request; no protests have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The applicant would like to pursue the zoning request as submitted.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

By a vote of 5 to 2 (with Commissioners Cooper and Harkin in opposition), the Commission recommended approval of "R-1" of zoning for the 40.026 acres illustrated in blue on the attached map, as well as the "A-R1" (Agricultural Single-Family Residential District) zoning for approximately 6.17 acres of land (see green area of attached map) .

Additionally, the Commission recommended approval of a Conditional Use Permit (CUP) (for single family residential use, only) for any portion of any residential lot developed within the University and/or Cemetery Districts for this property. Specifically, the westernmost row of housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:

- An average lot size of 8,600 square feet, with a 70' average lot width (as measured from the 25' front building line)
- Same yard setbacks as in "R-1"
- Landscaping to match the current "SR-1"
- 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.

All other single-family housing (excluding the westernmost row of housing) developed within the "UD" and "CD" will satisfy the height and lot area requirements of the "R-1" zoning district.

The dissenting Commissioners expressed concerns over public safety, public infrastructure, density and ingress/egress to the site.

DEPARTMENTAL CLEARANCES:

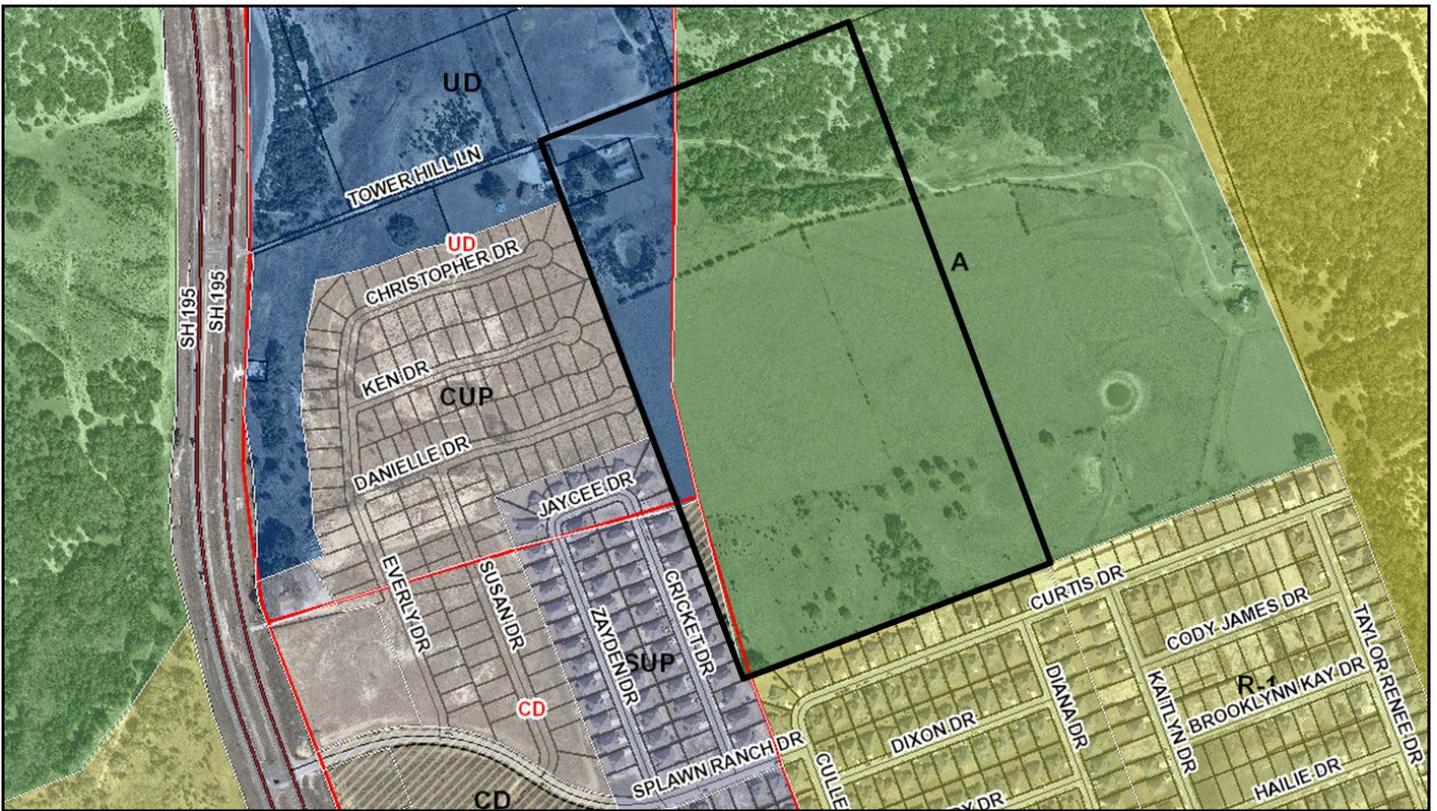
This item has been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

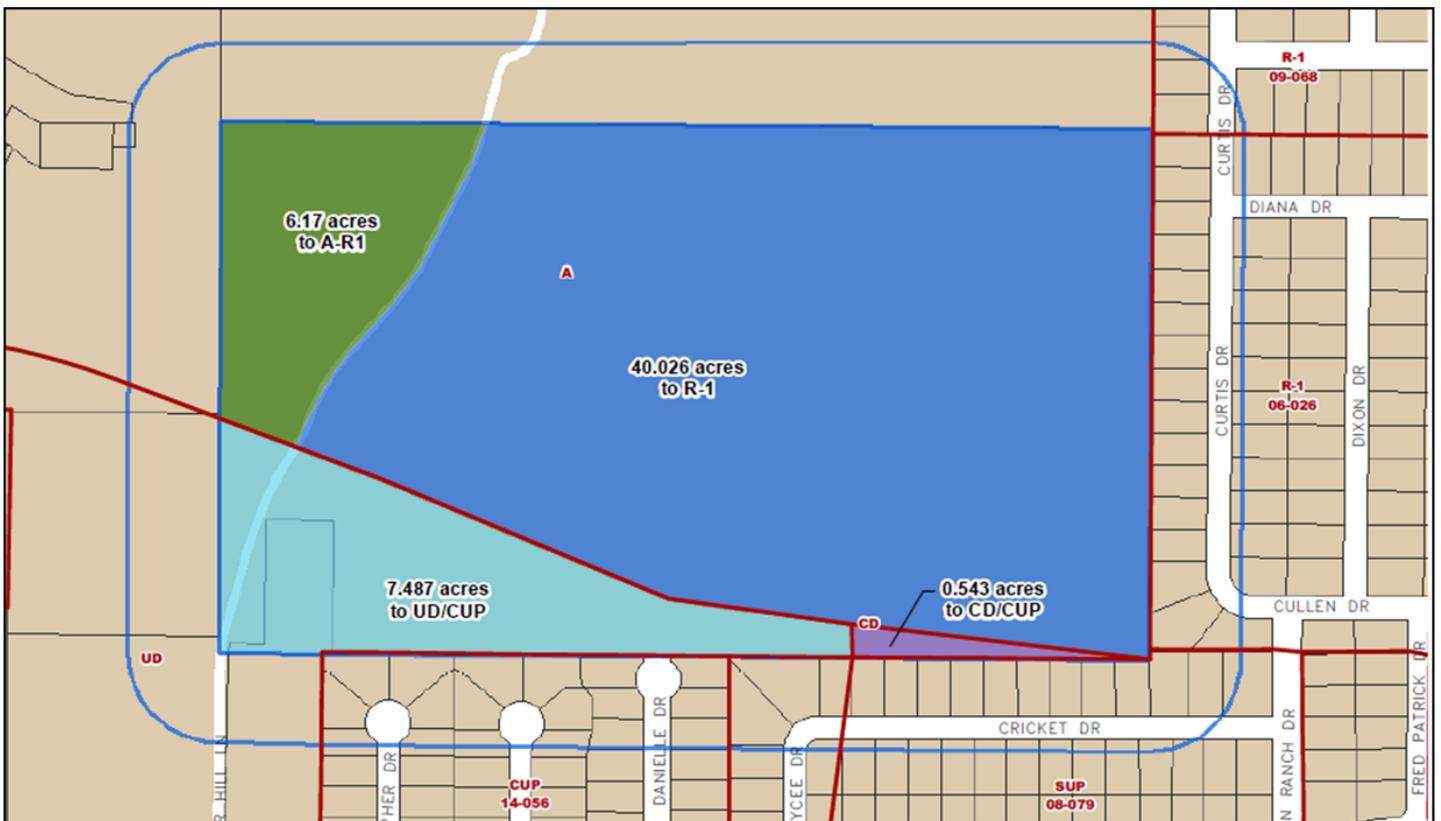
1. Exhibits
2. Minutes
3. Ordinance
4. Responses

Case #Z17-26: "AG", "UD", and "CD" to "R-1", "UD w/ CUP" and "CD w/ CUP"

Current Zoning Map:



Recommended Zoning:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 20, 2017**

**CASE #Z17-26
“A”, “UD”, and “CD” to “R-1”, “UD w/ CUP” and “CD w/ CUP”**

B. HOLD a public hearing and consider a request submitted by Ronald Parker on behalf of Payton E. Duncan, to rezone 46.196 acres from “A” (Agricultural District) to “R-1” (Single-Family Residential District), 7.487 acres from “UD” (University District) to “UD” (University District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing and 0.543 acre from “CD” (Cemetery District) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200. The property is locally known as 405 Tower Hill Lane, Killeen, Texas.

Chairman Dorroh requested staff comments.

City Planner, Tony McIlwain, stated that this request is the rezoning component of 46.196 acres from “A” (Agricultural District) to “R-1” (Single-Family Residential District), 7.487 acres from “UD” (University District) to “UD” (University District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing and 0.543 acre from “CD” (Cemetery District) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing for a total of approximately 54.226 acres out of the W. H. Cole Survey, Abstract No. 200.

Staff notified eighty-six (86) surrounding property owners regarding this request. Staff received three responses in support of the request.

City Planner, Tony McIlwain also stated that staff is recommending the following:

- Approval of “R-1” of zoning for the 40.026 acres;
- Approval of “A-R1” (Agricultural Single-Family Residential District) zoning for approximately 6.17 acres of land;
- Additionally, the Commission recommended approval of a Conditional Use Permit (CUP) (for single family residential use **only**) for any portion of any residential lot developed within the University and/or Cemetery Districts for this property. Specifically, the westernmost row of housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:
 - An average lot size of 8,600 square feet, with a 70' average lot width (as measured from the 25' front building line)
 - Same yard setbacks as in "R-1"

- Landscaping to match the current "SR-1"
- 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.
- All other single-family housing (excluding the westernmost row of housing) developed within the "UD" and "CD" will satisfy the height and lot area requirements of the "R-1" zoning district.

Mr. Ronald Parker, 606 N. 10th Street, Killeen, Texas, was present to represent this request.

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

Commissioner Holly motioned to recommend approval of the request with the conditions recommended by staff. Commissioner Payton seconded the motion. The motion passed by a vote of 5 to 2. Commissioner Harkin and Cooper voted in opposition of the request, due to the extended expenditure of maintenance funds of the city and the overall density as it ties in to subdivisions that are already in place.

Chairman Dorroh stated that the 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 “UD” (UNIVERSITY DISTRICT) AND “CD” (CEMETERY DISTRICT) TO “UD” (UNIVERSITY DISTRICT) AND “CD” (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) HOUSING AND FROM “A” (AGRICULTURAL DISTRICT) TO “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Payton E. Duncan 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 54.226 acres out of the W. H. Cole Survey, Abstract No. 200, being locally known as 405 Tower Hill Lane, Killeen, Texas, from “UD” (University District) and “CD” (Cemetery District) to “UD” (University District) and “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential District) housing and from “A” (Agricultural District) to “R-1” (Single-Family Residential District), said request having been duly presented to the Planning and Zoning Commission of the City of Killeen on the 20th day of November 2017, with the Commission’s recommendation of the following:

- 1) Approval of “R-1” of zoning for the illustrated 40.026 acres (see blue area of attached map).
- 2) Approval of a Conditional Use Permit (CUP) (for single family residential use only) for any portion of any residential lot developed within the University and/or Cemetery Districts for this property. Specifically, the westernmost row of

housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:

- An average lot size of 8,600 square feet, with a 70' average lot width (as measured from the 25' front building line);
- Same yard setbacks as in "R-1";
- Landscaping to match the current "SR-1" zoning district;
- 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.; and
- All other single-family housing (excluding the westernmost row of housing) developed within the "UD" and "CD" will satisfy the height and lot area requirements of the "R-1" zoning district.

3) Approval of "A-R1" (Agricultural Single-Family Residential District) zoning for approximately 6.17 acres of land (see green area of attached map).

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 12th day of December 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 applicant's zoning request should be approved subject to the conditions as recommended by the Planning and Zoning Commission;

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

SECTION I. That the zoning classification of 40.026 acres out of the W. H. Cole Survey, Abstract No. 200, for property locally known as 405 Tower Hill Lane, Killeen, Texas, be changed from “A” (Agricultural District) to “R-1” (Single Family Residential District); and that approximately 8.03 acres be changed from “UD” (University District) and “CD” (Cemetery District) to “UD” (University District) and “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential District) housing with those conditions as stipulated by the Planning and Zoning Commission; and that 6.17 acres be changed from “A” (Agricultural District) to “A-R1” (Agricultural Single Family Residential 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 12th day of December 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

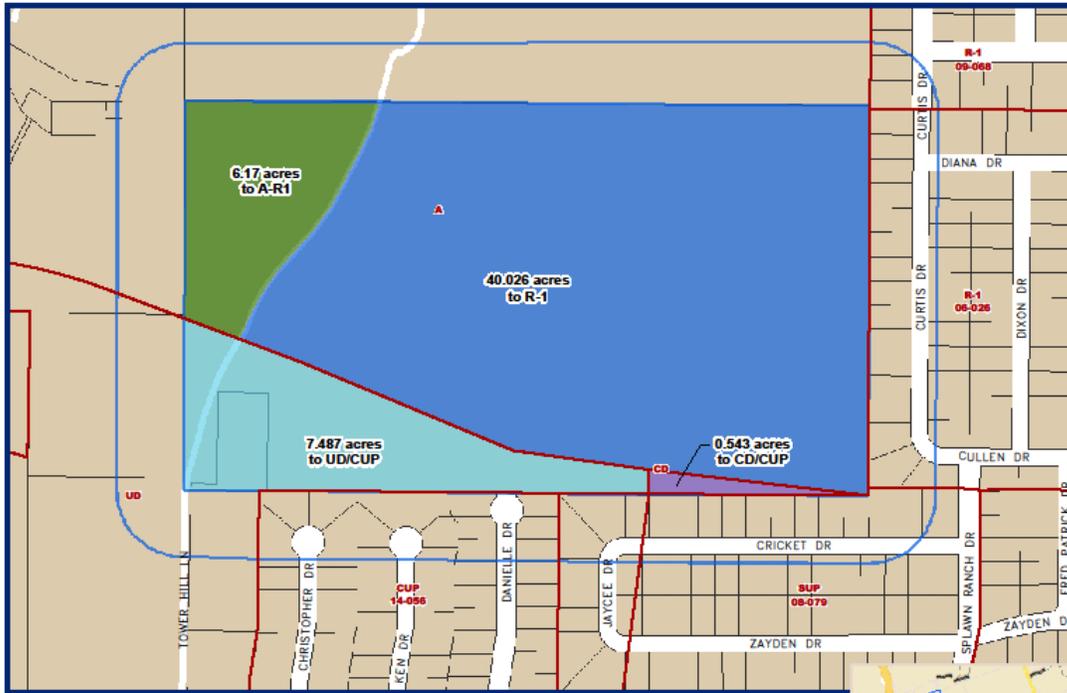
APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #17-26

Ord. #17-___

Map.



Zoning Case Notification Plan
Case Z-2017-26

Council District: 3
 Zoning from A, CD and UD to R-1, CD w/ CUP and UD w/ CUP
 1 inch = 300 feet
 Subject Property Legal Description: A02208C W H COLE, ACRES 53.196 AND A02208C W H COLE, 15, ACRES 1.03



CUT HERE

YOUR NAME: <u>Garland Kelley Sr.</u>	PHONE NUMBER: <u>254-634-2977</u>
CURRENT ADDRESS: <u>410 Tower Hill Ln Killen 76542</u>	
ADDRESS OF PROPERTY OWNED: <u>410 Tower Hill Ln Killen 76542</u>	
COMMENTS: "A" to "R-1", "UD" to "UD" w/ CUP and "CD" to "CD" w/CUP	
<u>I approve of this property being rezoned.</u>	
RECEIVED	
NOV 20 2017	
PLANNING	
SIGNATURE: <u>Garland Kelley, Sr.</u>	SPO #Z17-26/ <u>02.03.04</u>

CUT HERE

YOUR NAME: <u>WBW Land Investments LP</u>	PHONE NUMBER: <u>254-953-5353</u>
CURRENT ADDRESS: <u>3000 Illinois Ave Ste 100</u>	
ADDRESS OF PROPERTY OWNED: <u>Splawn Ranch Phase IV</u>	
COMMENTS: "A" to "R-1", "UD" to "UD" w/ CUP and "CD" to "CD" w/CUP	
<u>Support</u>	
RECEIVED	
NOV 17 2017	
PLANNING	
SIGNATURE: 	SPO #Z17-26/ <u>6-24</u>

CUT HERE

YOUR NAME: <u>PAYTON E. DUNCAN</u>	PHONE NUMBER: <u>254-634-2548</u>
CURRENT ADDRESS: <u>2007 VALLEY OAKS DR. HARKER HGTS. 76548</u>	
ADDRESS OF PROPERTY OWNED: <u>507 CURTIS KILLEEN TEXAS 76542</u>	
COMMENTS: "A" to "R-1", "UD" to "UD" w/ CUP and "CD" to "CD" w/CUP	
<u>NO objection</u>	
RECEIVED	
NOV 17 2017	
PLANNING	
SIGNATURE: <u>Payton E. Duncan</u>	SPO #Z17-26/ <u>18</u>



ZONING CASE #Z17-26

“AG”, “UD”, and “CD” to

“R-1”, “UD w/ CUP”, and “CD w/ CUP”

PH-17-055B

December 5, 2017

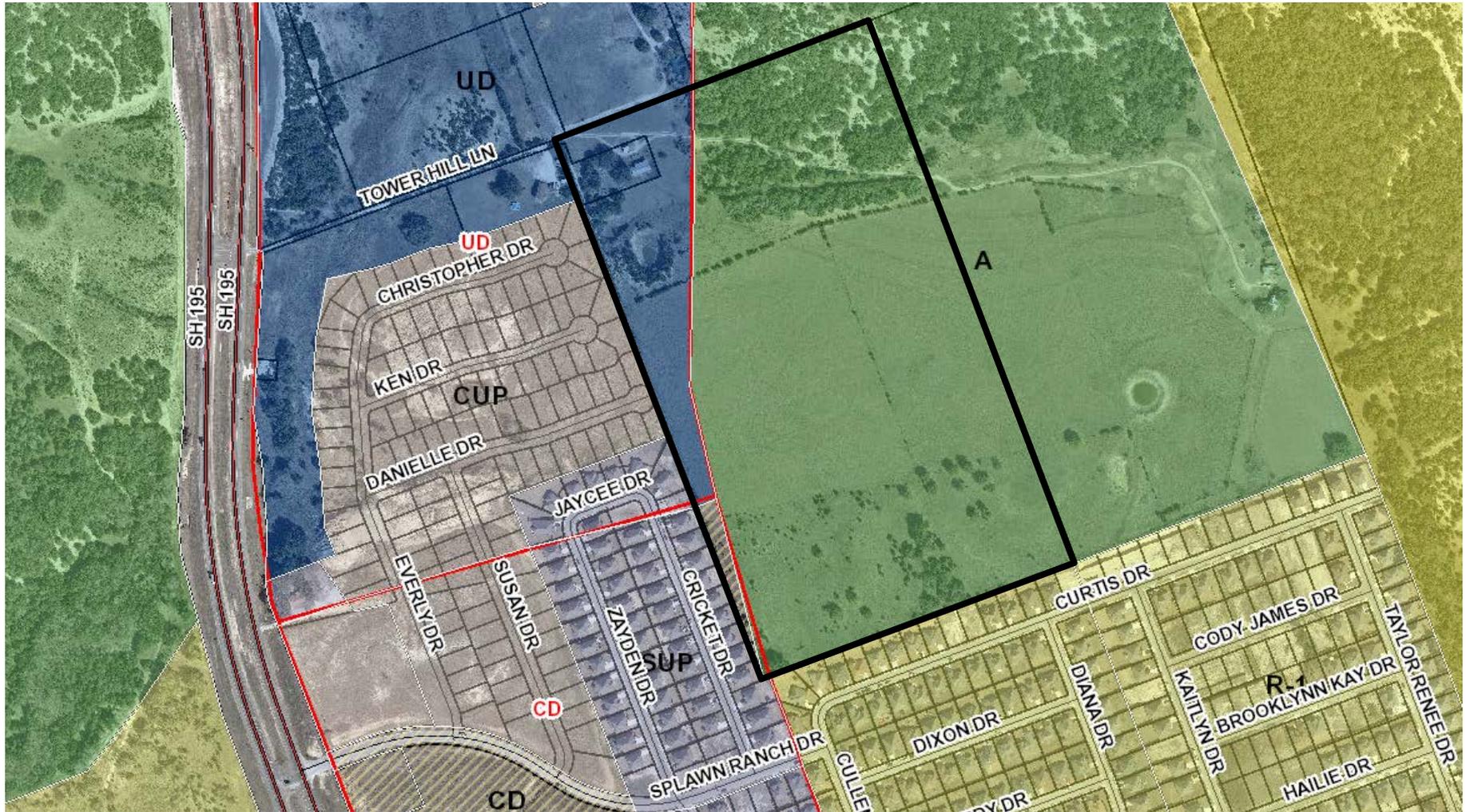
Case #Z17-26 “AG”, “UD”, and “CD” to “R-1”, “UD w/ CUP” and “CD w/ CUP”

- The 54 acre property is currently un-platted and contains an existing single-family home .
- The property is designated as ‘Estate’ on the FLUM.
- This consideration requires an amendment to the existing FLUM.
- The staff notified eighty-six surrounding property owners and received no objections.

Case #Z17-26 “AG”, “UD”, and “CD” to “R-1”, “UD w/ CUP” and “CD w/ CUP”

- The P&Z Commission recommended approval of the following (by a vote of 5 to 2), with Commissioners Harkin and Cooper in opposition:
 - Approval of “R-1” for 40.026 acres of land;
 - Approval of “A-R1” for 6.17 acres of land;
 - Approval of a CUP for any lot developed within either the “UD” or “CD”
 - Specifically, the westernmost row of housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:
 - An average lot size of 8,600 square feet, with a 70’ average lot width (as measured from the 25’ front building line)
 - Same yard setbacks as in “R-1”
 - Landscaping to match the current “SR-1”
 - 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.
 - All other single-family housing (excluding the westernmost row of housing) developed within the “UD” and “CD” will satisfy the height and lot area requirements of the “R-1” zoning district.

Case #Z17-26 “AG”, “UD”, and “CD” to “R-1”, “UD w/ CUP” and “CD w/ CUP”



Case #Z17-26 “AG”, “UD”, and “CD” to “R-1”, “UD w/ CUP” and “CD w/ CUP”

Recommended Zoning:

