



City of Killeen

Agenda

City Council Workshop

Tuesday, March 5, 2019

5:00 PM

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

Items for Discussion at Workshop

1. [DS-19-023](#) Discuss Agenda Items for the Regular City Council Meeting of March 12, 2019
2. [DS-19-024](#) Receive Quarterly Financial Report

Attachments: [Presentation](#)
3. [DS-19-025](#) City Manager Updates
 - Retaining Wall Update
 - Boards & Commissions Update
 - Motions of Direction Update
 - Fiscal Impacts on City Services to Include Adequate Staffing
 - Assistant City Manager Position*Attachments:* [Retaining Wall Update](#)
[Boards and Commissions Update](#)
4. [DS-19-026](#) Receive a Briefing and Legal Advice from the City Attorney Regarding:
 - Past Executive Decisions Regarding Purchasing Practices
 - The Municipal Drainage Utility System

Councilmember Requests for Future Agenda Items

5. [RQ-19-003](#) Future Agenda Item Requests:
 - City Policy on Annexing/Accepting Voluntarily Annexed and Donated Land, Water Lines, Sewage Lines and Drainage Lines
 - Citizen Has Requested Council Review the University and Cemetery District Land Use Ordinance for Amendment
 - Francisco Sakate, Representative for the Citizens of Compact of Free Association Nations (Micronesia Nations Pacific) to Address a Workshop to Present Education and Knowledge of Killeen Micronesia Citizens with a Special Status in the USA*Attachments:* [Requests](#)

Items for Regular City Council Meeting March 12, 2019

Minutes

6. [MN-19-005](#) Consider Minutes of Regular City Council Meeting of February 26, 2019.

Attachments: [Minutes](#)

Resolutions

7. [RS-19-029](#) Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2018.

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

8. [RS-19-030](#) Consider a memorandum/resolution authorizing the award of a construction contract with Insituform Technologies, LLC to rehabilitate 15,573 feet of wastewater main.

Attachments: [Staff Report](#)
[Proposal](#)
[Certificate of Interested Parties](#)
[Presentation](#)

9. [RS-19-031](#) Consider a memorandum/resolution appointing presiding and alternate judges for the May 4, 2019 general election.

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

Ordinance

10. [OR-19-005](#) Consider an ordinance declaring unopposed candidate, canceling the May 4, 2019 general election in District 1.

Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)

11. [OR-19-006](#) Consider an ordinance amending Chapter 20 relating to solicitation from the public right-of-way.

Attachments: [Staff Report](#)
[Ordinance](#)
[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 March 1, 2019.

Lucy C. Aldrich, City Secretary

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

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

Notice of Meetings

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

- *Shades of Purple Ball, March 16, 2019, 6:00 p.m., Frank W. Mayborn Civic and Conference Center*
- *46th Annual Freedom Fund Banquet, March 22, 2019, 6:15 p.m., Killeen Civic and Conference Center*
- *VFW Post 9191 60th Anniversary of Service, June 1, 2019, 6:00 p.m., Club Hood*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: DS-19-023 **Version:** 1 **Name:** Dicuss Agenda Items
Type: Discussion Items **Status:** Discussion Items
File created: 2/15/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: Discuss Agenda Items for the Regular City Council Meeting of March 12, 2019
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-19-024 **Version:** 1 **Name:** Receive Quarterly Financial Report
Type: Discussion Items **Status:** Discussion Items
File created: 1/25/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: Receive Quarterly Financial Report
Sponsors: Finance Department
Indexes:
Code sections:
Attachments: [Presentation](#)

Date	Ver.	Action By	Action	Result
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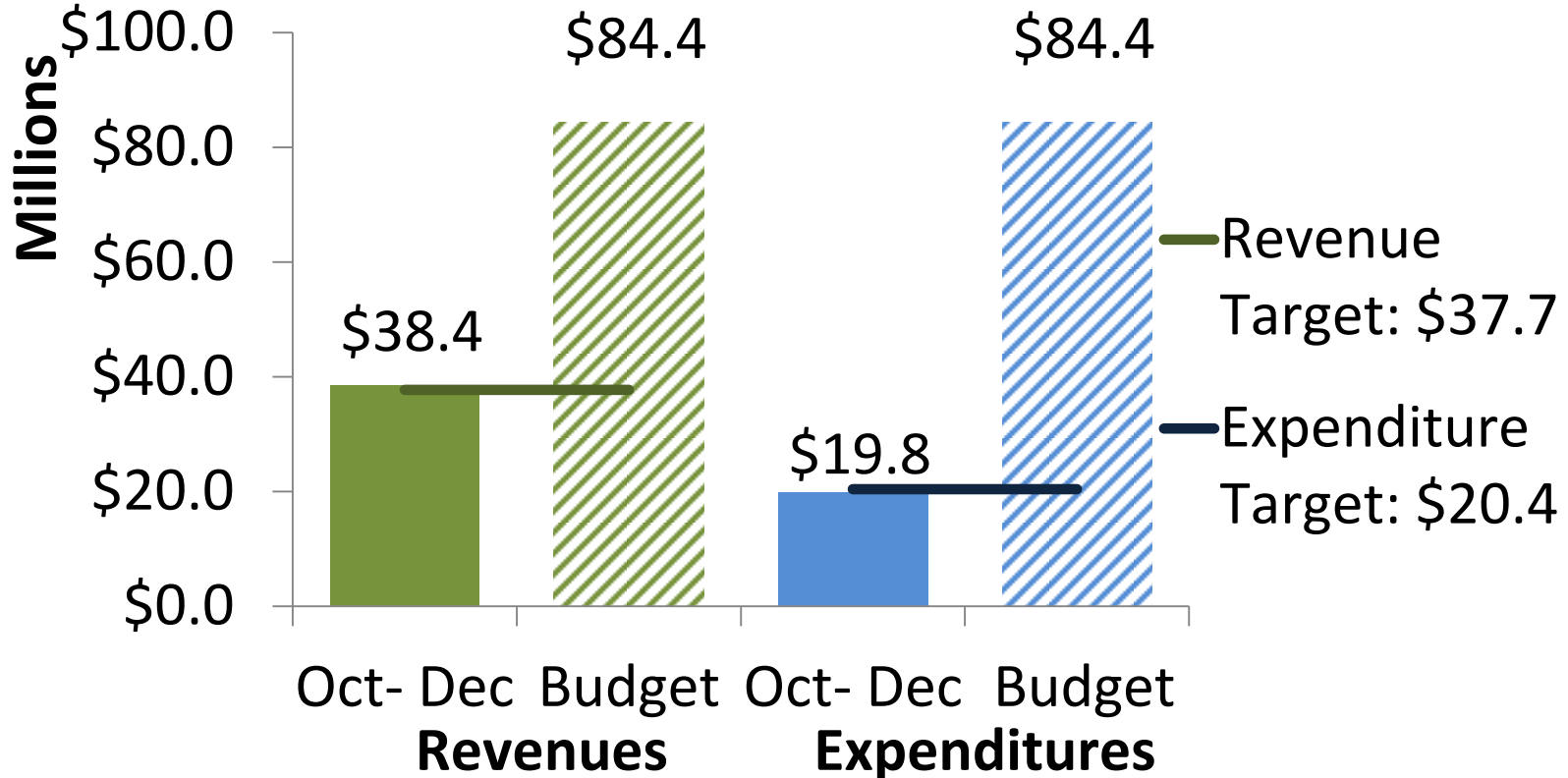
FY 2019 FIRST QUARTER FINANCIAL REVIEW

DS-19-024

MARCH 5, 2019

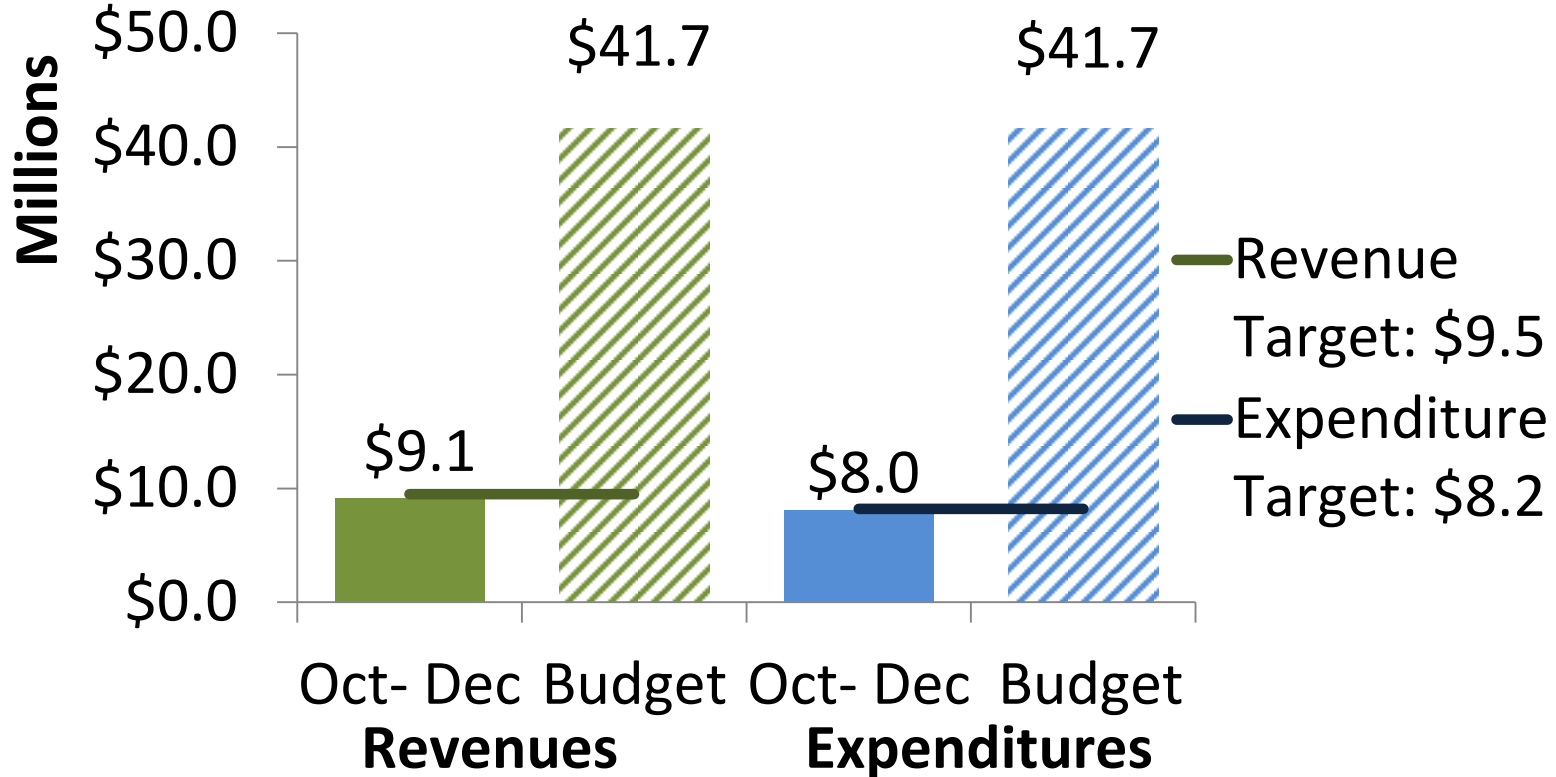
General Fund

2



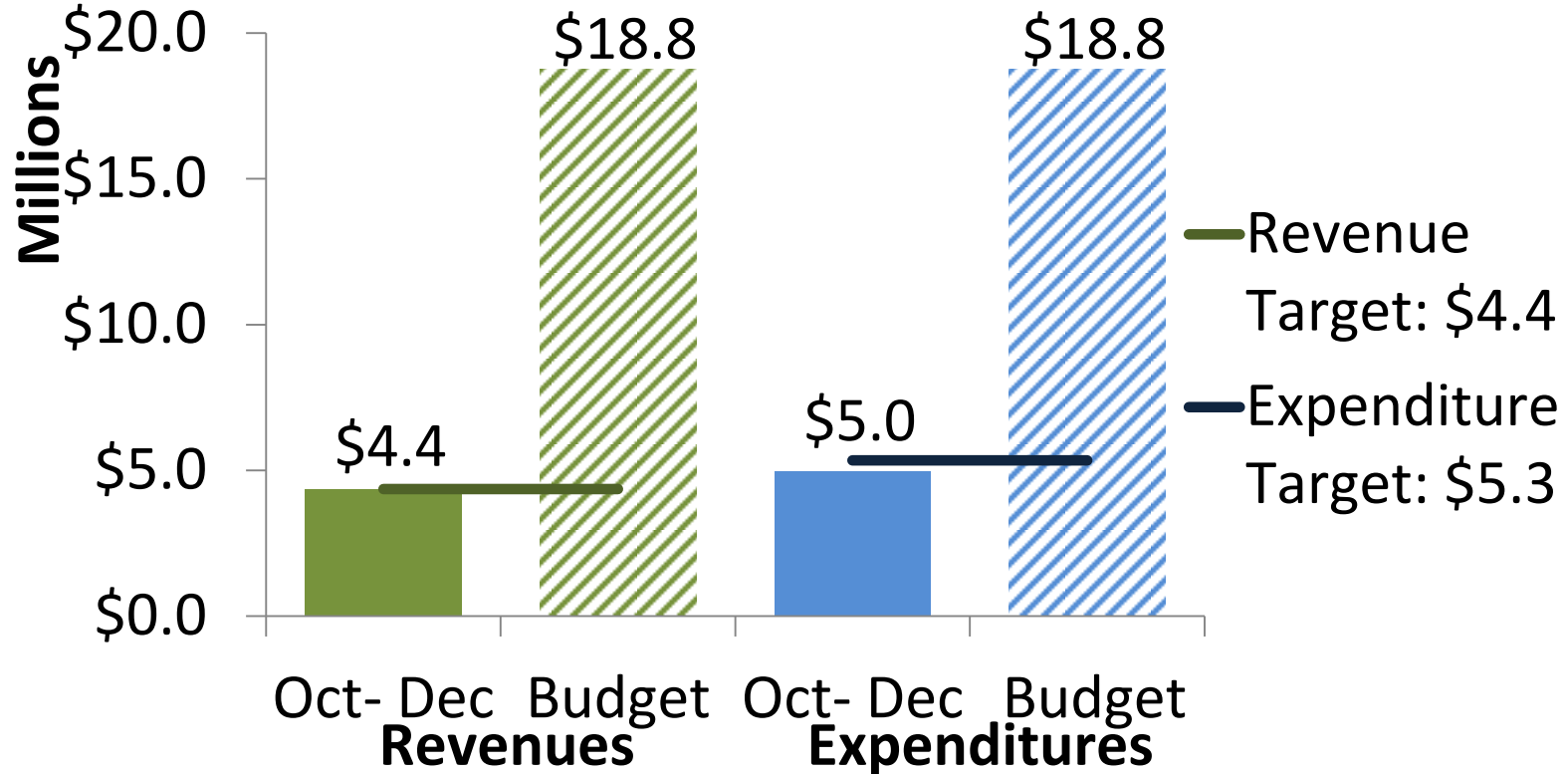
Water and Sewer

3



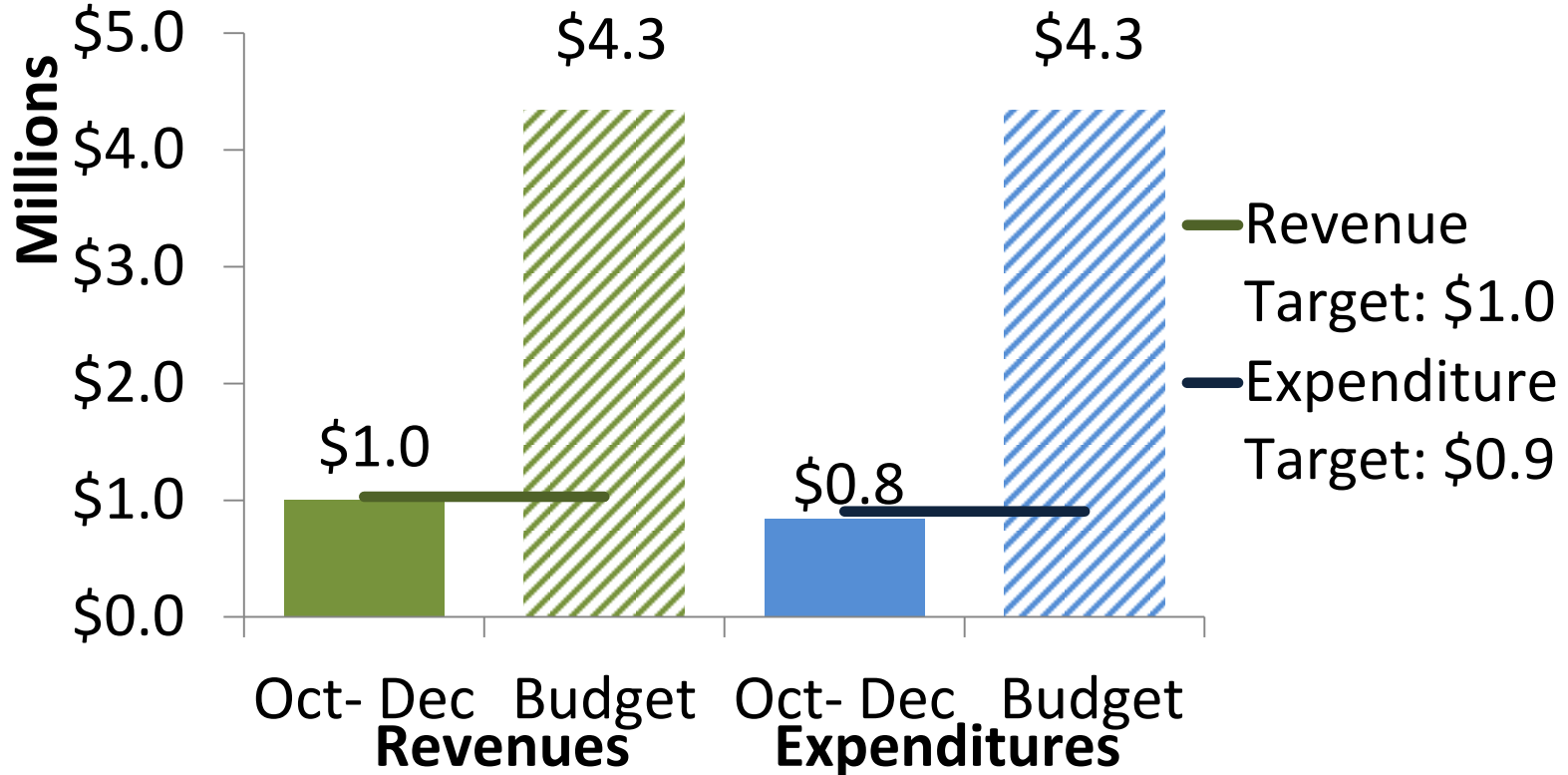
Solid Waste

4



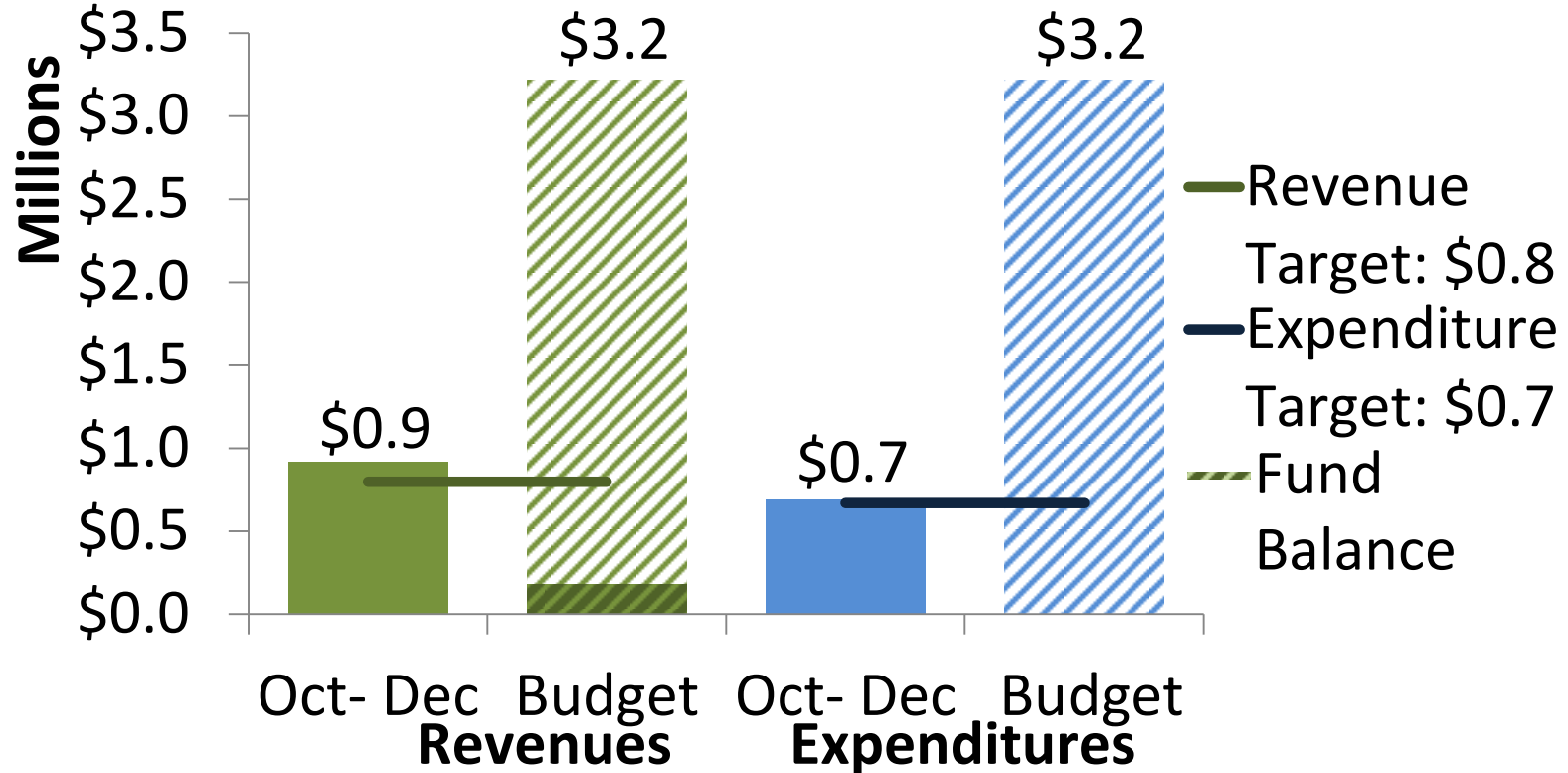
Drainage

5



Aviation

6





City of Killeen

Legislation Details

File #: DS-19-025 **Version:** 1 **Name:** City Manager Updates
Type: Discussion Items **Status:** Discussion Items
File created: 2/5/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: City Manager Updates
· Retaining Wall Update
· Boards & Commissions Update
· Motions of Direction Update
· Fiscal Impacts on City Services to Include Adequate Staffing
· Assistant City Manager Position
Sponsors: City Manager Department
Indexes:
Code sections:
Attachments: [Retaining Wall Update](#)
[Boards and Commissions Update](#)

Date	Ver.	Action By	Action	Result
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RETAINING WALL ISSUES

DS-19-025

March 5, 2019

Retaining Wall Issues

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- ❑ Staff received direction to provide information regarding retaining walls in the vicinity of Littlerock Drive and Roundrock Drive.
- ❑ Staff identified three (3) properties located at 3907 and 3909 Littlerock Drive and 3806 Roundrock Drive that were constructed in 2000.
- ❑ All three properties contain railroad ties that seem to function as *de facto* retaining walls.

Retaining Wall Issues

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- ❑ The railroad ties, serve no public infrastructure purpose and are located in the rear yards of the afore-mentioned properties.
- ❑ The typical dimensions of a single railroad tie is 7" in height x 9" in width x 8' in length. The ties are often stacked in order to account for a change in elevation due to the slope of a property or general landscaping purposes.
- ❑ Current city regulations for retaining walls require permits and engineered-sealed construction details for walls that measure four feet (with 2 feet below grade) or greater in overall height.
- ❑ The following pictures (taken by Public Works staff) show older railroad ties in the vicinity of Littlerock and Roundrock Drives stacked three (3) high, which equates to 27 inches.





04/04/2017



Retaining Wall Issues

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- ❑ No permits were required.
- ❑ No inspections were conducted.
- ❑ It shall be noted that maintenance of yard features such as railroad ties are typically the responsibility of the homeowner and not the City.

Board/Commission	Name	Ethics Policy	Standards of Conduct	Disclosure Statement	Open Meetings Act	Public Information Act
City Council	Segarra, Jose	X	*	X	X	X
City Council	Kilpatrick, Jim	X	X*	X	X	X
City Council	Menking, Butch	x	X*	X	X	X
City Council	Rivera, Juan	X	*	X	X	X
City Council	Johnson, Gregory	X	X*	X	X	X
City Council	Fleming, Shirley	X	X*	X	X	X
City Council	Nash-King, Debbie	X	X*	X	X	X
City Council	Harris, Steve	X	*	X	X	X
*City Council Standards of Conduct 2018 was signed by each councilmember upon swearing-in.						
Animal Advisory	Broughton, K. Lynette	X	X	X	X	X
Animal Advisory	Davis, Dirk	X	X	X	X	X
Animal Advisory	Del Conte, Shirley	X	X	X	X	
Animal Advisory	Fox, George	X	X	X	X	X
Animal Advisory	Gukeisen, Leo	X	X	X	X	X
Animal Advisory	Holladay, Janice	X	X			
Animal Advisory	Joyner, Micheal	X	X	X	X	X
Animal Advisory	Knotts, Linda	X	X	X	X	X
Animal Advisory	Marzi, Linda	X	X	X		
Animal Advisory	Pittman, Natalie	X	X	X	X	X
Animal Advisory	Stanonik, IV, Peter J	X	X	X	X	X
Arts Commission	Blackstone, Elizabeth	X	X	X	X	X
Arts Commission	Cobb, Nina M.	X	X	X	X	X
Arts Commission	Cossey, Jr., Ralph	X	X			X
Arts Commission	Flores-Achmad, Roxanne	X	X	X	X	X
Arts Commission	Golden, Darlene	X	X		X	X
Arts Commission	Melton, Morris				X	
Arts Commission	Miller, John	X	X		X	
Arts Commission	Payton, Sean	X	X	X	X	X
Arts Commission	Santiago Mercado, Nelson	X	X			
Audit Committee	Blair, Bob	X	X	X	X	X
Audit Committee	Ralston, Jack	X	X	X	X	X
BOA - Airport	Birmingham, Glenn	X	X	X	X	X
BOA - Airport	Haggerty, Phil	X	X	X	X	X
BOA - Airport	Harmon, Robert	X	X	X	X	X
BOA - Airport	Livingston, Jim	X	X	X	X	X
BOA - Airport	Taylor, Barbara	X	X	X	X	X
BOA - Construction	Archer, Tracy	X	X	X		
BOA - Construction	Bowles, Royce	X	X	X	X	
BOA - Construction	Deane, John	X	X	X	X	X
BOA - Construction	Stephens, Kent	X	X	X	X	X
BOA - Construction	Marley, Philip					
BOA - Construction	Mitchell, Bob	X	X	X	X	X
BOA - Construction	Mitchell, Lee	X	X	X	X	X
BOA - Construction	Rinehart, Steve					
BOA - Construction	Scaff, Jim	X	X	X	X	X
BOA - Fire	Blackman, Ronald	X	X	X	X	
BOA - Fire	Cole, Reginald David	X	X	X	X	X
BOA - Fire	Ford, Clyde	X	X	X		
BOA - Fire	Payton, Sean	X	X	X	X	X

Board/Commission	Name	Ethics Policy	Standards of Conduct	Disclosure Statement	Open Meetings Act	Public Information Act
BOA - Fire	Shelley, Thomas	X	X			
BOA - Fire	Turo, Michael	X	X	X		
BOA - Zoning	Bentley, Claudia	X	X	X	X	X
BOA - Zoning	Blackman, Ronald	X	X	X	X	
BOA - Zoning	Cotto, Millie	X	X	X		
BOA - Zoning	Johnson, Sandra	X	X	X	X	X
BOA - Zoning	Payton, Sean	X	X	X	X	X
BOA - Zoning	Scaff, Jim	X	X	X	X	X
BOA - Zoning	Spilman, Monika	X	X		X	X
BOA - Zoning	Taylor, Barbara	X	X	X	X	X
BOA - Zoning	Wesley, James					
CIAC	Boyd, Michael	X	X		X	X
CIAC	Brooks, Scott	X	X	X	X	X
CIAC	Cole, Reginald David	X	X	X	X	X
CIAC	Dorroh, Thomas	X	X			
CIAC	Frederick, Johnny	X	X	X	X	X
CIAC	Harkin, Kathy Jo					
CIAC	Hillman, Tracy			X		
CIAC	McMeen, Elijah					
CIAC	Ponce Diaz, Suiled Y	X	X	X		
CIAC	Purser, Jr., Gary					
CIAC	Rivera, Placidio	X	X	X	X	X
CIAC	Rowe, Cyndi	X	X	X	X	X
CIAC	Steine, Joel	X	X	X		
CIAC	Welch, Josh	X	X		X	X
CIAC	White, Neal	X	X	X	X	X
CDAC	Adams, Riakos	X	X	X	X	X
CDAC	Banta, Ricahrd	X	X	X	X	X
CDAC	Bradley, Kathryn	X	X	X	X	X
CDAC	Driver, Sr., John	X	X	X	X	X
CDAC	Driver-Moultrie, TaNeika	X	X	X		
CDAC	Frederick, Johnny	X	X	X	X	X
CDAC	Guajardo, Nicholas Bryan	X	X	X		X
CDAC	Owens, Andre	X	X	X	X	X
CDAC	Sabree, Luvina	X	X	X		
CDAC	Whitworth, Ashley	X	X	X		
Civil Service Commission	Davis, Dirk	X	X	X	X	X
Civil Service Commission	Hawthorne, Kenneth	X	X	X	X	X
Civil Service Commission	Jenks, Kelly (Mr.)	X	X			
Heritage Preservation	Alvarez, Ramon	X	X	X	X	X
Heritage Preservation	DeHart, Michael	X	X	X	X	
Heritage Preservation	Vacant					
Heritage Preservation	Lucksinger, Annette					
Heritage Preservation	Rivera, Placidio Juan	X	X	X	X	X
Heritage Preservation	Smith, Jordan	X	X	X	X	X
Killeen Housing Authority	Bee, Frederick	X	X	X	X	X
Killeen Housing Authority	Hyde, Mark	X	X	X	X	X
Killeen Housing Authority	Peters, Daryl	X	X	X	X	X
Killeen Housing Authority	Taylor, Erma					

Board/Commission	Name	Ethics Policy	Standards of Conduct	Disclosure Statement	Open Meetings Act	Public Information Act
Killeen Housing Authority	Trujillo, Minerva	X	X	X	X	X
Killeen Sister Cities	Cotton, Minerva	X	X	X	X	X
Killeen Sister Cities	Humphreys, Lisa					
Killeen Sister Cities	Jennifer Hetzel	X	X		X	
Killeen Sister Cities - YAC	Rangel, Kamal					
Killeen Sister Cities	Silva, Ursula	X	X	X	X	X
KVI	Blackstone, Elizabeth	X	X	X	X	X
KVI	Brent, Rachel	X	X			
KVI	Carrillo-Tapia, AnaLuisa					
KVI	Vacant					
KVI	Vacant					
KVI - KKB Rep	Henderson, Bonita					
KVI	Vacant					
KVI	Holly, Larry	X	X	X	X	X
KVI - Volunteer Killeen Rep	Jones, Bernadette					
KVI	Vacant					
KVI - Fort Hood Rep	Moore, Steve					
KVI - Celebrate Killeen Rep	Vacant					
KVI - Chamber Rep	Vacant					
KVI	Roscoe, Maceia					
KVI - CTC Rep	Sandoval, Rudy			X		
KVI	Smith, Brenda	X	X	X		
KVI	Tucker, Margaret					
KVI - YAC Rep	Spear, Madelynn					
Planning & Zoning Comm	Alvarez, Ramon	X	X	X	X	X
Planning & Zoning Comm	Cooper, Anthony				X	
Planning & Zoning Comm	Gukeisen, Leo	X	X	X	X	X
Planning & Zoning Comm	Holly, Larry	X	X	X	X	X
Planning & Zoning Comm	Latham, Kirk				X	
Planning & Zoning Comm	O'Brien, Sandra	X	X	X	X	X
Planning & Zoning Comm	Payton, Sean	X	X	X	X	X
Planning & Zoning Comm	Peters, Daryl	X	X	X	X	X
Planning & Zoning Comm	Ploeckelmann, Randy	X	X	X	X	X
Senior Citizens Advisory	Adam, Klaus	X	X	X	X	X
Senior Citizens Advisory	Barker, Bill	X	X	X	X	X
Senior Citizens Advisory	Bracey, Patsy	X	X	X	X	X
Senior Citizens Advisory	Fenderson, Emilio	X	X		X	
Senior Citizens Advisory	Harris, Kim				X	X
Senior Citizens Advisory	Holland, Patricia					
Senior Citizens Advisory	Hyde, Mark	X	X	X	X	X
Senior Citizens Advisory	Kea, Rosa					
Senior Citizens Advisory	McDaniel, Novice					
Senior Citizens Advisory	Spilman, Monika	X	X		X	X
Senior Citizens Advisory	Walker, Llewellyn	X	X	X	X	X



City of Killeen

Legislation Details

File #: DS-19-026 **Version:** 1 **Name:** Receive a Briefing and Legal Advice from the City Attorney Regarding Past Purchasing Practices

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

File created: 2/22/2019 **In control:** City Council Workshop

On agenda: 3/5/2019 **Final action:**

Title: Receive a Briefing and Legal Advice from the City Attorney Regarding:
· Past Executive Decisions Regarding Purchasing Practices
· The Municipal Drainage Utility System

Sponsors: City Manager Department

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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City of Killeen

Legislation Details

File #:	RQ-19-003	Version:	1	Name:	Future Agenda Item Requests
Type:	Future Agenda Requests	Status:		Status:	Future Agenda Items
File created:	2/21/2019	In control:		In control:	City Council Workshop
On agenda:	3/5/2019	Final action:		Final action:	
Title:	Future Agenda Item Requests: <ul style="list-style-type: none">· City Policy on Annexing/Accepting Voluntarily Annexed and Donated Land, Water Lines, Sewage Lines and Drainage Lines· Citizen Has Requested Council Review the University and Cemetery District Land Use Ordinance for Amendment· Francisco Sakate, Representative for the Citizens of Compact of Free Association Nations (Micronesia Nations Pacific) to Address a Workshop to Present Education and Knowledge of Killeen Micronesia Citizens with a Special Status in the USA				
Sponsors:	City Council				
Indexes:					
Code sections:					
Attachments:	Requests				

Date	Ver.	Action By	Action	Result
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ATTACHMENT A

REQUEST TO PLACE ITEM ON THE AGENDA
(Per Section 1-20 of Governing Standards and Expectations)

Requestor(s): District 4 Councilman Steve Harris

Date: 20 Feb. 19

Problem/Issue/Idea Name for Agenda:

City Policy On Annexing/Accepting Voluntarily Annexed and Donated Land, Water Lines, Sewage Lines and Drainage Lines

Description of Problem/Issue/Idea:

In lieu of recent and past problems regarding issues with road and street quality, along with problems involving water related lines that have varied over the years, the purpose of my agenda item proposal is to set a minimal limit of 2-3 years before the city of Killeen will accept a voluntary annexation proposal from or for any new, or pre-existing development, road, street or any type of water lines in general. This timeline will not begin until the said items to be donated have been wholly, and firmly established after the total build out and, or insertion of 100% of the structures and items to be donated and, or annexed by the City of Killeen, Tx. In doing this, the City of Killeen will guard its its taxpayers pocket books by increasing the level of assurance that the said annexed properties or received donations have been built to a high standard that will not cost the citizens money more sooner than later.

Requested Action:

My requested action is for the city council to provide a motion of direction to our City Manager and staff by first, approving to move the item forward for a full discussion and secondly, after that discussion, directing our CM and staff to draft up the policy revision for a full review and, hopefully, passage by the city council.



ATTACHMENT A

REQUEST TO PLACE ITEM ON THE AGENDA

(Per Section 1-20 of Governing Standards and Expectations)

Requestor(s): Councilperson District 3, Jim Kilpatrick

Date: FEB 25, 2019

Problem/Issue/Idea Name for Agenda:

CITIZEN HAS REQUESTED THE COUNCIL REVIEW THE UNIVERSITY AND CEMETARY DISTRICT LAND USE ORDINANCE FOR AMENDMENT - DISTRICT UD UNIVERSITY DISTRICT - DISTRICT CD CEMETERY DISTRICT Article ~~IV~~ IV, DIV 21, SEC 31-439

Description of Problem/Issue/Idea:

THE ISSUE IS THAT THE 950' SETBACK IS FOR COMMERCIAL USE ONLY. SEVERAL PROPERTIES HAVE BEEN "GRANDGATHERED" AS RESIDENTIAL WITHIN THIS 950' AREA. ONE LANDOWNER DESIRES A VARIANCE OR AMENDMENT TO THIS ON/ADJACENT TO TOWER ROAD TO BE SETBACK OF 400'.

Requested Action:

GRANT ONE SECTION ~~OF~~ OF PROPERTY TO HAVE A 400' COMMERCIAL SETBACK TO ALLOW ROAD AND RESIDENTIAL PROPERTY JOINING IN A "UNIQUE" LOT AREAS. COUNCIL TO DISCUSS AND ADDRESS ON MARCH 5 WORKSHOP FOR FURTHER DISCUSSION AND DIRECTION TO CM, IF REQUIRED.



ATTACHMENT A

REQUEST TO PLACE ITEM ON THE AGENDA

(Per Section 1-20 of Governing Standards and Expectations)

Requestor(s): City Councilperson District 3, Jim Kilpatrick

Date: 26 FEB, 2019

Problem/Issue/Idea Name for Agenda:

FRANCISCO SAKATE, REPRESENTATIVE for the citizens of Compact of Free Association Nations (MICRONESIAN NATIONS, PACIFIC) to Address A workshop to present education and knowledge of Killeen's MICRONESIAN citizens with A SPECIAL status in the USA

Description of Problem/Issue/Idea:

Present INFORMATION leading to A resolution expressing our city's deepest Appreciation for their extraordinary commitment to the service and defense of our nation and civic/cultural commitment to our city

Requested Action:

Allow Mr SAKATE and members Address the city Council workshop for A period of 15 minutes on this subject at a time designated by the CM on A future WS Agenda



City of Killeen

Legislation Details

File #: MN-19-005 **Version:** 1 **Name:** Minutes of February 26, 2019
Type: Minutes **Status:** Minutes
File created: 2/11/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of February 26, 2019.
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
February 26, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

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

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Gilman.

Mr. Jones gave the invocation, and Mayor Pro Tem Kilpatrick 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 was seconded by Councilmember Rivera. The motion carried unanimously.

Minutes

Motion was made by Mayor Pro Tem Kilpatrick to approve the minutes of the February 12, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Resolutions

- RS-19-018** Consider a memorandum/resolution to upgrade Microsoft email services.
Staff Comments: Colen Wilson, Interim Executive Director of Information Technology Services.
Mr. Wilson provided an overview of the agenda item reviewing the history and background of the current email product, MS Exchange 2010. With this product reaching its end of lifecycle for support in January 2020, staff provided city council three options as it pertains to upgrading email services. The options consisted of Exchange 2010 which would ultimately result in a system failure, Exchange 2019 which has an estimated lifecycle through 2025 which could result in downtime and lost production as it nears its end of life, the third option is Exchange 365 which is Microsoft hosted and has a 99.99% guaranteed uptime. City staff and City of Killeen Information Technology consultant, recommend the city council approve the MS Exchange 365 Hosting upgrade and authorize the City Manager, or designee, to execute the terms and conditions of the agreement as allowed by state and local law.

Motion was made by Councilmember Rivera to approve RS-19-018. Motion was seconded by Councilmember Menking. Motion failed 3 to 4 with Councilmember Fleming, Councilmember Johnson, Councilmember Harris and Councilmember Nash-King in opposition.

RS-19-019 Consider a memorandum/resolution to hold a joint general election with Killeen Independent School District and Central Texas College.

Staff Comments: Kathy Davis, City Attorney.

On May 4, 2019 a general election will be held jointly with the Killeen Independent School District (KISD) and Central Texas College (CTC) in the City of Killeen. When an election is held jointly, state law requires a joint election agreement laying out each entity's responsibility and costs to be generated. Separate agreements for early voting and election day have been developed and are provided for review. Election expenses are initially paid by the city with KISD and CTC reimbursing the city for one-third each of the shared election costs. City staff recommends city council approve the early voting and election day joint election agreements with KISD and CTC and authorize the City Manager, or designee, to enter into the agreements.

Motion was made by Councilmember Fleming to approve RS-19-019. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-020 Consider a memorandum/resolution authorizing an election services contract with Bell County for election services and computer software usage in support of the 2019 general election.

Staff Comments: Kathy Davis, City Attorney.

Every odd year election (2019), Bell County leases election equipment to the city. In addition to leasing the equipment, Bell County also offers the following services: procure and distribute election supplies, machines and equipment; transport machines to and from polling locations; and perform necessary maintenance or repair of furnished machines. The voting equipment is the same machines that were used in the November 2018 election. City staff recommends city council authorize the City Manager, or designee, to enter into an election services agreement with Bell County in support of the 2019 general election.

Motion was made by Councilmember Rivera to approve RS-19-020. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-021 Consider a memorandum/resolution issuing Aero-Nautical Services, LLC an operating authority.

Staff Comments: Kathy Davis, City Attorney.

Aero-Nautical Services, LLC (ANS) has filed an application seeking authority to provide airport shuttle and charter services. ANS has operated since 2004, their current franchise expired December 31, 2018. The application submitted is complete and in compliance with ordinance requirements. Staff recommends approval of the operating authority application from ANS.

Motion was made by Councilmember Menking to approve RS-19-021. Motion was seconded by Councilmember Johnson. Motion carried unanimously.

RS-19-022 Consider a memorandum/resolution authorizing the procurement of fleet replacement vehicles.

Staff Comments: Jon Locke, Executive Director of Finance.

A total of 16 pieces identified on the approved fleet replacement schedule are being purchased for Public Works. Funds are available and staff recommends that city council approve the procurement of the fleet, and that the City Manager, or designee, be authorized to execute any change orders as permitted by state and local law.

Motion was made by Councilmember Rivera to approve RS-19-022. Motion was seconded by Councilmember Nash-King. Motion carried 6 to 1, with Councilmember Fleming abstaining from the vote which results in a "no" vote (no legal reason from abstaining was provided).

RS-19-023 Consider a memorandum/resolution to accept proposed changes to the Financial Governance Policy.

Staff Comments: Jon Locke, Executive Director of Finance.

Following the adoption of the Financial Governance Policy December 19, 2017, staff has identified and presented to city council proposed amendments during the January 22, 2019 workshop. Additional amendments recommended by staff and city council were presented to city council at the February 5, 2019 workshop. With no further discussion following the mentioned meetings, staff recommends that city council accept the proposed changes to the Financial Government Policy.

Motion was made by Councilmember Fleming to approve RS-19-023. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-024A Consider a memorandum/resolution supporting the implementation of an Outdoor Fitness Court at Lions Club Park.

Staff Comments: Brett Williams, Executive Director of Community Services.

Mr. Williams identified that this agenda item along with the next two (RS-19-024B and RS-19-024C) would be briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends City Council approve the resolution supporting the National Fitness Campaign and the construction of the Outdoor Fitness Court.

RS-19-024B Consider a memorandum/resolution authorizing an agreement with the Junior Service League of Killeen for a \$75,000 contribution to construct an Outdoor Fitness Court.

Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams identified that this agenda item along with the one before this and the next one (RS-19-024A and RS-19-024C) are being briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of the equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends City Council authorize the City Manager to enter into an agreement with the Junior Service League of Killeen to accept a \$75,000 contribution for the construction of an Outdoor Fitness Court.

RS-19-024C Consider a memorandum/resolution authorizing the acceptance of a \$30,000 grant from the National Fitness Campaign and the purchase of the Outdoor Fitness Court.

Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams identified that this agenda item along with the two before this one (RS-19-024A and RS-19-024B) are being briefed as one. He described that an outdoor fitness court is basically an outdoor bodyweight circuit training system. It is a progressive system designed for people of all fitness levels. This free public access features a smart phone application that provides instruction on the use of the equipment. There are over 100 other locations in the United States where this fitness court has been installed. The project would be located at Lions Club Park. The three steps for this agenda item are to 1) accept the Junior Service League of Killeen donation in the amount of \$75,000; 2) accept the National Fitness Campaign grant in the amount of \$30,000; 3) authorize the expenditure of \$93,500 for the outdoor fitness court; and 4) approve a resolution of support for the National Fitness Campaign. The City of Killeen has the funds available to commit \$30,000 to the project also. City staff recommends that the City Council authorize acceptance of the National Fitness Campaign Grant in the amount of \$30,000 and the purchase of the Outdoor Fitness Court from the National Fitness Campaign in the amount of \$120,000 (\$93,500 following the grant being applied and shipping and handling) 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.

Motion was made by Councilmember Rivera to approve RS-19-024A, RS-19-024B, and RS-19-024C. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-025 Consider a memorandum/resolution to enter into a Memorandum of Understanding with the Killeen Independent School District Police Department.
Staff Comments: Charles Kimble, Chief of Police.
Chief Kimble provided a brief background of the memorandum of understanding between the city and Killeen Independent School District (KISD) that has been operational since 2006. There are no substantive changes; however, there are new signatories. The agreement renews automatically each year up to five years. Staff recommends that city council approve the memorandum of understanding with KISD Police Department and authorize the City Manager, or designee, to execute the agreement.

Motion was made by Councilmember Johnson to approve RS-19-025. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-026 Consider a memorandum/resolution to enter into a Memorandum of Understanding with the Texas A&M University-Central Texas Police Department.
Staff Comments: Charles Kimble, Chief of Police.
Chief Kimble provided a brief background of the memorandum of understanding (MOU) between the city and Texas A&M University-Central Texas Police Department. The MOU clarifies procedures for mutual aid, communications and operations. There are no substantive changes; however, there are new signatories. The agreement renews automatically each year up to five years. Staff recommends that city council approve the memorandum of understanding with Texas A&M University-Central Texas Police Department and authorize the City Manager, or designee, to execute the agreement.

Motion was made by Councilmember Menking to approve RS-19-026. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

RS-19-027 Consider a memorandum/resolution entering into a management services agreement for mixed beverage service operations for the Killeen Civic and Conference Center Complex (with invited testimony from the three proposers).
Staff Comments: Leslie Hinkle, Executive Director of Community Development.
Based on a recommendation from the last alcohol audit conducted by the City Internal Auditor, city staff developed a request for proposals (RFP) for mixed beverage service since an RFP has not been done in several years. Ms. Hinkle went over the results of the submitted proposals, which were received from three different vendors. City staff recommends that city council authorize the City Manager, or designee, to execute the management services agreement with Let Us Do the Cooking, LLC effective March 15, 2019 for a period of two years, with an option to extend the agreement by up to two (2) additional two (2) year terms, and that the City Manager, or designee, is authorized to execute any and all change orders in compliance with local policy or state law.

Mayor Segarra invited the three applicants an opportunity to speak before city council:

Sam Halibi with SH YH, LLC dba Jester's spoke on behalf of the proposal his company submitted.

Meredith Viguers with Let Us Do the Cooking spoke on behalf of the proposal her company submitted.

No representatives from Shilo Inn spoke following the invitation.

Motion was made by Councilmember Rivera to approve RS-19-027. Motion was seconded by Councilmember Menking. Motion carried 5 to 2 with Councilmember Johnson in opposition and Mayor Pro Tem Kilpatrick abstaining from the vote, resulting in a "no" vote (no legal reason from abstaining was provided).

RS-19-028 Consider a memorandum/resolution entering into an agreement with Routeware, Inc., to provide GPS tracking system for the City of Killeen's solid waste fleet optimization.

Staff Comments: David Olson, Executive Director of Public Works.

Mr. Olson provided a brief background and history of the Routeware system and how it has been beneficial to the solid waste operations. City staff recommends that the city council authorize the City Manager, or his designee, to approve the Routeware, Inc., support addendum to the master agreement for services from January 1, 2019 to December 31, 2021; billed on an annual basis, using the full allocation of funds in the amount authorized in the Solid Waste annual budget.

Motion was made by Councilmember Menking to approve RS-19-028. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Ordinances

OR-19-003 Consider an ordinance amending Chapter 28, Article IX to repeal construction zone speed limits and establish the maximum speed limit on specifically designated streets.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 28, TRAFFIC, ARTICLE IX, MISCELLANEOUS RULES OF THE CITY OF KILLEEN'S CODE OF ORDINANCES BY REPEALING CONSTRUCTION ZONE SPEED LIMITS AND ESTABLISHING THE MAXIMUM SPEED LIMIT ON CERTAIN DESIGNATED STREETS; PROVIDING A PENALTY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: David Olson, Executive Director of Public Works.

As a housekeeping measure, this amendment codifies all speed limits in Killeen, placing all speed limits in a single location in the code of ordinances. There is a single change to the codified speed limits on Elms Road from State Highway 195 to Clear Creek Road (35 mph). City staff recommends that this ordinance, to amend, Chapter 28, Article IX be approved to allow the City of Killeen to

establish speed limits on these specified streets to ensure the safety and welfare of the motoring public. The recommended speed limits are based on completed speed studies (engineering and traffic investigations) performed by either city staff or TxDOT with guidance provided by the Texas Manual on Uniform Traffic Control Devices.

Motion was made by Councilmember Fleming to approve OR-19-003. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

OR-19-004 Consider an ordinance amending Chapter 8, Building and Construction Regulations, and Chapter 31, Zoning, Article I, Article IV, and Article V of the Killeen Code of Ordinances for accessory structure and fence regulations.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE I IN GENERAL, ARTICLE IV DISTRICT REGULATIONS, AND ARTICLE V SUPPLEMENTAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

Staff has evaluated multiple sections of Chapters 8 and 31 in the Code of Ordinances in order to provide amendments that are beneficial to the citizens and business owners of the City of Killeen. Overall, the amendments provide clarity to definitions, reduce side and rear yard setbacks and provide compatibility with side and rear fence height. Staff is of the determination that the proposed changes are more "code-friendly" to the citizens, but doesn't reduce community character. The Planning and Zoning Commission recommend approval of the ordinance amendments, as presented, by a vote of 7 to 0.

Motion was made by Mayor Pro Tem Kilpatrick to approve OR-19-004. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-19-003 **HOLD** a public hearing and consider an ordinance submitted by the Gary Purser Jr. 2000 Trust (**FLUM#19-01**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Commercial' designation for 7.858 acres and from a 'Rural' designation to a 'General Residential' designation for 79.117 acres for the property located at 5601 Clear Creek Road (S.H. 201), Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 7.858 ACRES AND 'RURAL' TO 'GENERAL RESIDENTIAL' FOR

APPROXIMATELY 79.117 ACRES FOR PROPERTY LOCATED AT 5601 CLEAR CREEK ROAD (S.H. 201), KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning and Development Services.

Mr. McIlwain reviewed the current Suburban Commercial and Rural designations, as well as, the requested General Commercial and General Residential designations. The Planning and Zoning Commission recommends approval of amending the FLUM from 'Rural' to 'General Residential' for 79.117 acres (6 to 1 vote). The Commission recommends disapproval of amending the FLUM from 'Suburban Commercial' to 'General Commercial' for the 7.858 acres (6 to 1 vote) fronting Clear Creek Road (S.H. 201).

Mayor Segarra invited the applicant to speak.

Gary Purser, Jr., 6503 Wells Fargo, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, spoke against the request.

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

Motion was made by Councilmember Rivera to approve PH-19-003. Motion was seconded by Councilmember Menking. Councilmember Fleming made an amended motion to postpone the agenda item until the Planning staff has an opportunity to speak with KISD, Fort Hood Garrison staff and City of Killeen Police and Fire Departments in reference to any concerns they may have with this request. Councilmember Johnson seconded the amended motion. Motion carried 6 to 1 with Councilmember Rivera in opposition. Mayor Segarra called for a vote on the main motion as amended. Motion as amended, carried 6 to 1 with Councilmember Rivera in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 7:24 p.m.



City of Killeen

Legislation Details

File #: RS-19-029 **Version:** 1 **Name:** Quarterly Investment Report for the quarter ending December 31, 2018

Type: Resolution **Status:** Resolutions

File created: 2/19/2019 **In control:** City Council Workshop

On agenda: 3/5/2019 **Final action:**

Title: Consider a memorandum/resolution approving the investment report for the quarter ended December 31, 2018.

Sponsors: Finance Department

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: March 5, 2019

TO: Ronald L. Olson, City Manager

FROM: Jonathan Locke, Executive Director of Finance

SUBJECT: Quarterly Investment Report

BACKGROUND AND FINDINGS:

The attached investment report summarizes all investment activity for the quarter that ended December 31, 2018. The highlights of the report are as follows:

	Jul - Aug 2018	Oct - Nov 2018	Change
Interest Income	\$392,509	\$513,789	30.90%
Investment Balance	\$81,689,608	\$112,732,291	38.00%
Average Yield	1.92%	2.16%	0.24%

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

The City of Killeen's investment policy requires that a quarterly report of investment activity be submitted to the City Council within a reasonable time after the end of each quarter. The quarterly report includes a detailed description of the investment position of the City, summarizes the investment activity in each pooled fund group, states the total rate of return on the investment portfolio, and contains information regarding the market value and book value of each separately invested asset.

FINANCIAL IMPACT:

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

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

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the attached investment report for the quarter that ended December 31, 2018.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Quarterly Investment Report



QUARTERLY INVESTMENT REPORT

RS-19-029

March 5, 2019



City of Killeen

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

December 31, 2018

Prepared by

Valley View Consulting, L.L.C.

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

Jonathan Locke, Executive Director of Finance

Judith Tangalin, Controller

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

Summary

Quarter End Results by Investment Category:

Asset Type	September 30, 2018		December 31, 2018		
	Book Value	Market Value	Book Value	Market Value	Ave. Yield
Demand Accounts	\$ 11,717,955	\$ 11,717,955	\$ 14,868,952	\$ 14,868,952	0.37%
Pools/MMA	14,855,416	14,855,416	27,503,388	27,503,388	2.40%
Securities/CDs	55,116,237	55,116,237	70,359,951	70,359,951	2.45%
Totals	\$ 81,689,608	\$ 81,689,608	\$ 112,732,291	\$ 112,732,291	

<u>Current Quarter Average Yield (1)</u>	
Total Portfolio	2.16%
Rolling Three Month Treasury	2.37%
Rolling Six Month Treasury	2.39%

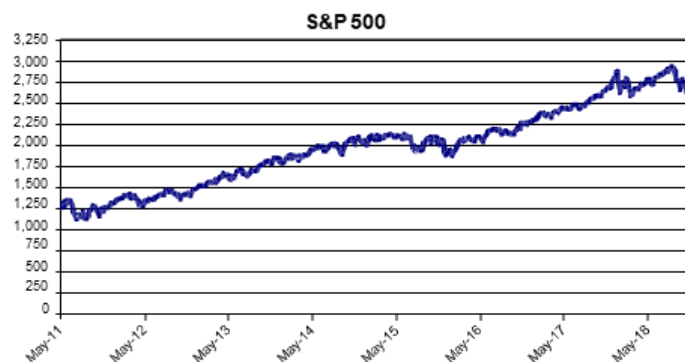
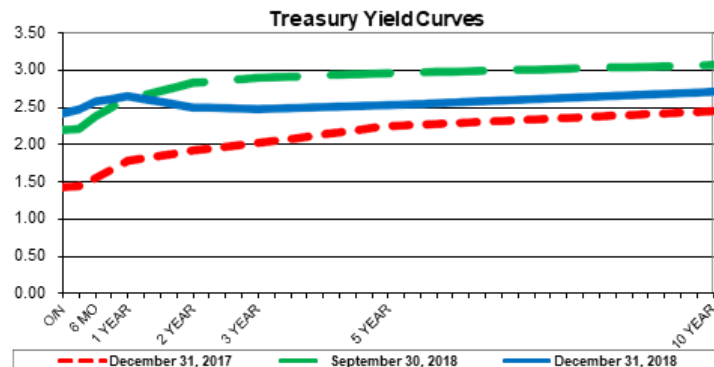
<u>Fiscal Year-to-Date Average Yield (2)</u>	
Total Portfolio	2.16%
Rolling Three Month Treasury	2.37%
Rolling Six Month Treasury	2.39%
TexPool	2.29%

	<u>Interest Income</u>	<u>Bank Fees Offset</u>
Quarterly	\$ 513,789	\$ 10,522
Year-to-date	\$ 513,789	\$ 10,522

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

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

The Federal Open Market Committee (FOMC) increased the Fed Funds target range to 2.25% - 2.50% (Effective Fed Funds are trading +/-2.40%). The official outlook calls for two additional increases during 2019. However, the market is currently projecting zero 2019 increases. Gradual FRB portfolio reduction continues by limiting reinvestment of maturing holdings. Third Quarter GDP grew 3.4% (final). Employment/ Unemployment remain solid with December adding 312k new jobs and a 254k three month average. Crude oil decreased below +/- \$50. The Stock Markets drifted slightly higher than recent lows. Housing continues to weaken. The mid-maturity yield curve flattened.



Investment Holdings

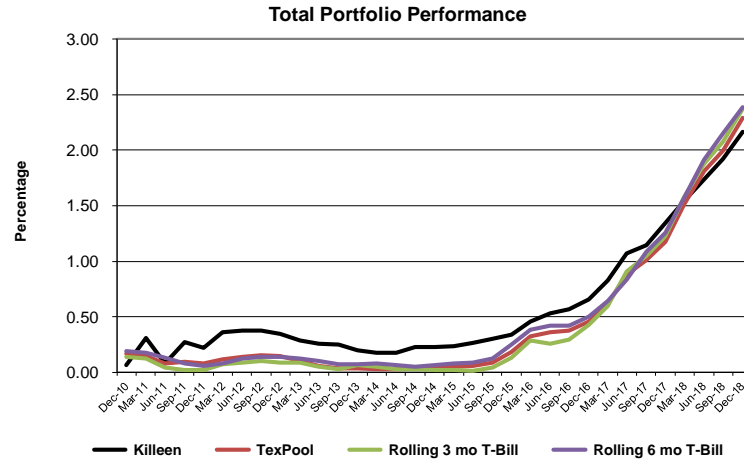
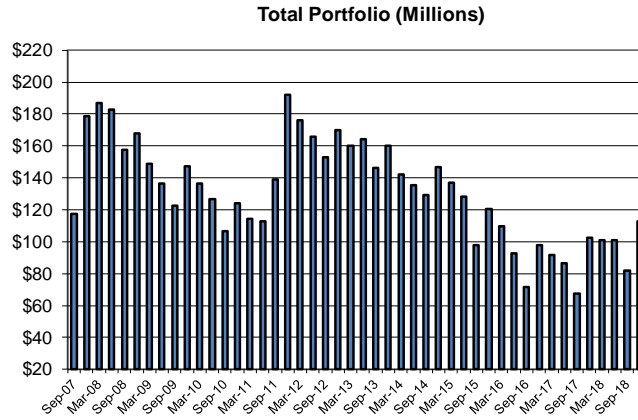
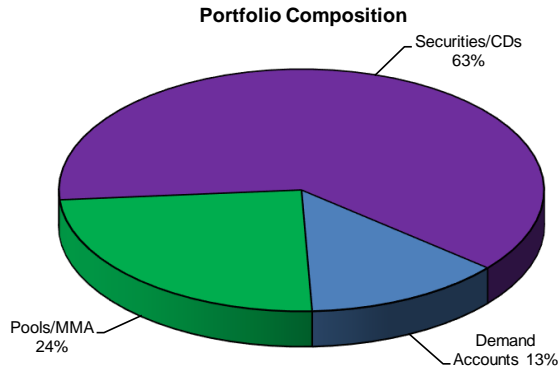
December 31, 2018

Description	Ratings	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (Days)	Yield
BBVA Demand Account (3)		0.38%	01/01/19	12/31/18	\$ 14,620,152	\$ 14,620,152	1.00	\$ 14,620,152	1	0.38%
Cash on Hand		0.00%	01/01/19	12/31/18	10,495	10,495	1.00	10,495	1	0.00%
Hometown Cash on Hand		0.00%	01/01/19	12/31/18	238,305	238,305	1.00	238,305	1	0.00%
Southside Bank MMA		2.44%	01/01/19	12/31/18	3,840,524	3,840,524	1.00	3,840,524	1	2.44%
LegacyTexas MMA		2.35%	01/01/19	12/31/18	74,092	74,092	1.00	74,092	1	2.35%
Green Bank MMA		2.40%	01/01/19	12/31/18	2,456,205	2,456,205	1.00	2,456,205	1	2.40%
NexBank MMA		2.56%	01/01/19	12/31/18	7,335,833	7,335,833	1.00	7,335,833	1	2.56%
TexSTAR	AAAm	2.31%	01/01/19	12/31/18	13,796,735	13,796,735	1.00	13,796,735	1	2.31%
LegacyTexas Bank CD		1.50%	01/03/19	06/01/17	2,045,523	2,045,523	100.00	2,045,523	3	1.51%
Third Coast Bank SSB CD		1.90%	03/15/19	12/15/17	5,095,679	5,095,679	100.00	5,095,679	74	1.91%
Green Bank CD		1.95%	04/03/19	01/03/18	2,029,312	2,029,312	100.00	2,029,312	93	1.96%
BBVA Compass Bank CD		1.92%	06/08/19	12/08/17	12,246,863	12,246,863	100.00	12,246,863	159	1.94%
Green Bank CD		2.00%	07/03/19	01/03/18	2,030,067	2,030,067	100.00	2,030,067	184	2.02%
LegacyTexas Bank CD		2.28%	08/01/19	03/02/18	8,138,479	8,138,479	100.00	8,138,479	213	2.30%
BBVA Compass Bank CD		1.97%	09/08/19	12/08/17	2,552,780	2,552,780	100.00	2,552,780	251	1.99%
LegacyTexas Bank CD		2.75%	12/02/19	06/01/18	3,041,601	3,041,601	100.00	3,041,601	336	2.78%
Green Bank CD		2.08%	01/03/20	01/03/18	3,046,914	3,046,914	100.00	3,046,914	368	2.10%
WallisBank CD		2.49%	03/02/20	04/02/18	3,037,569	3,037,569	100.00	3,037,569	427	2.51%
East West Bank CD		2.67%	04/01/20	05/04/18	1,017,859	1,017,859	100.00	1,017,859	457	2.67%
East West Bank CD		2.94%	04/01/20	12/06/18	2,004,193	2,004,193	100.00	2,004,193	457	2.98%
East West Bank CD		2.96%	05/01/20	09/17/18	2,017,266	2,017,266	100.00	2,017,266	487	3.00%
East West Bank CD		2.99%	07/01/20	09/13/18	5,045,257	5,045,257	100.00	5,045,257	548	3.04%
LegacyTexas Bank CD		2.98%	07/01/20	12/17/18	4,000,000	4,000,000	100.00	4,000,000	548	3.02%
East West Bank CD		2.97%	08/01/20	12/06/18	5,010,589	5,010,589	100.00	5,010,589	579	3.01%
LegacyTexas Bank CD		2.98%	09/01/20	12/05/18	8,000,000	8,000,000	100.00	8,000,000	610	3.02%
					\$112,732,291	\$112,732,291		\$112,732,291	212	2.16%
										(1) (2)

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

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

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



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2018		Purchases/ Adjustments	Sales/Adjust/ Maturities	December 31, 2018	
			Par Value	Book Value			Par Value	Book Value
BBVA Demand Account	0.38%	01/01/19	\$ 11,499,580	\$ 11,499,580	\$ 3,120,572	\$ —	\$ 14,620,152	\$ 14,620,152
Cash on Hand	0.00%	01/01/19	10,495	10,495			10,495	10,495
Hometown Cash on Hand	0.00%	01/01/19	207,879	207,879	30,425		238,305	238,305
Southside Bank MMA	2.44%	01/01/19	3,817,886	3,817,886	22,638		3,840,524	3,840,524
LegacyTexas MMA	2.35%	01/01/19	73,673	73,673	420		74,092	74,092
Green Bank MMA	2.40%	01/01/19	2,442,030	2,442,030	14,175		2,456,205	2,456,205
NexBank MMA	2.56%	01/01/19	7,290,381	7,290,381	45,452		7,335,833	7,335,833
TexSTAR	2.31%	01/01/19	1,231,447	1,231,447	12,565,288		13,796,735	13,796,735
Third Coast Bank SSB CD	1.85%	12/15/18	4,055,808	4,055,808		(4,055,808)	—	—
LegacyTexas Bank CD	1.50%	01/03/19	2,037,893	2,037,893	7,631		2,045,523	2,045,523
Third Coast Bank SSB CD	1.90%	03/15/19	5,071,655	5,071,655	24,024		5,095,679	5,095,679
Green Bank CD	1.95%	04/03/19	2,019,386	2,019,386	9,925		2,029,312	2,029,312
BBVA Compass Bank CD	1.92%	06/08/19	12,187,881	12,187,881	58,983		12,246,863	12,246,863
Green Bank CD	2.00%	07/03/19	2,019,885	2,019,885	10,182		2,030,067	2,030,067
LegacyTexas Bank CD	2.28%	08/01/19	8,092,391	8,092,391	46,087		8,138,479	8,138,479
BBVA Compass Bank CD	1.97%	09/08/19	2,540,167	2,540,167	12,613		2,552,780	2,552,780
LegacyTexas Bank CD	2.75%	12/02/19	3,020,843	3,020,843	20,759		3,041,601	3,041,601
Green Bank CD	2.08%	01/03/20	3,031,023	3,031,023	15,891		3,046,914	3,046,914
WallisBank CD	2.49%	03/02/20	3,018,624	3,018,624	18,945		3,037,569	3,037,569
East West Bank CD	2.67%	04/01/20	1,011,033	1,011,033	6,827		1,017,859	1,017,859
East West Bank CD	2.94%	04/01/20	—	—	2,004,193		2,004,193	2,004,193
East West Bank CD	2.96%	05/01/20	2,002,272	2,002,272	14,994		2,017,266	2,017,266
East West Bank CD	2.99%	07/01/20	5,007,378	5,007,378	37,879		5,045,257	5,045,257
LegacyTexas Bank CD	2.98%	07/01/20	—	—	4,000,000		4,000,000	4,000,000
East West Bank CD	2.97%	08/01/20	—	—	5,010,589		5,010,589	5,010,589
LegacyTexas Bank CD	2.98%	09/01/20	—	—	8,000,000		8,000,000	8,000,000
TOTAL			\$ 81,689,608	\$ 81,689,608	\$ 35,098,491	\$ (4,055,808)	\$ 112,732,291	\$ 112,732,291

Market Value Comparison

Description	Coupon/ Discount	Maturity Date	September 30, 2018		Qtr to Qtr Change	December 31, 2018	
			Par Value	Market Value		Par Value	Market Value
BBVA Demand Account	0.38%	01/01/19	\$ 11,499,580	\$ 11,499,580	\$ 3,120,572	\$ 14,620,152	\$ 14,620,152
Cash on Hand	0.00%	01/01/19	10,495	10,495		10,495	10,495
Hometown Cash on Hand	0.00%	01/01/19	207,879	207,879	30,425	238,305	238,305
Southside Bank MMA	2.44%	01/01/19	3,817,886	3,817,886	22,638	3,840,524	3,840,524
LegacyTexas MMA	2.35%	01/01/19	73,673	73,673	420	74,092	74,092
Green Bank MMA	2.40%	01/01/19	2,442,030	2,442,030	14,175	2,456,205	2,456,205
NexBank MMA	2.56%	01/01/19	7,290,381	7,290,381	45,452	7,335,833	7,335,833
TexSTAR	2.31%	01/01/19	1,231,447	1,231,447	12,565,288	13,796,735	13,796,735
Third Coast Bank SSB CD	1.85%	12/15/18	4,055,808	4,055,808	(4,055,808)	—	—
LegacyTexas Bank CD	1.50%	01/03/19	2,037,893	2,037,893	7,631	2,045,523	2,045,523
Third Coast Bank SSB CD	1.90%	03/15/19	5,071,655	5,071,655	24,024	5,095,679	5,095,679
Green Bank CD	1.95%	04/03/19	2,019,386	2,019,386	9,925	2,029,312	2,029,312
BBVA Compass Bank CD	1.92%	06/08/19	12,187,881	12,187,881	58,983	12,246,863	12,246,863
Green Bank CD	2.00%	07/03/19	2,019,885	2,019,885	10,182	2,030,067	2,030,067
LegacyTexas Bank CD	2.28%	08/01/19	8,092,391	8,092,391	46,087	8,138,479	8,138,479
BBVA Compass Bank CD	1.97%	09/08/19	2,540,167	2,540,167	12,613	2,552,780	2,552,780
LegacyTexas Bank CD	2.75%	12/02/19	3,020,843	3,020,843	20,759	3,041,601	3,041,601
Green Bank CD	2.08%	01/03/20	3,031,023	3,031,023	15,891	3,046,914	3,046,914
WallisBank CD	2.49%	03/02/20	3,018,624	3,018,624	18,945	3,037,569	3,037,569
East West Bank CD	2.67%	04/01/20	1,011,033	1,011,033	6,827	1,017,859	1,017,859
East West Bank CD	2.94%	04/01/20	—	—	2,004,193	2,004,193	2,004,193
East West Bank CD	2.96%	05/01/20	2,002,272	2,002,272	14,994	2,017,266	2,017,266
East West Bank CD	2.99%	07/01/20	5,007,378	5,007,378	37,879	5,045,257	5,045,257
LegacyTexas Bank CD	2.98%	07/01/20	—	—	4,000,000	4,000,000	4,000,000
East West Bank CD	2.97%	08/01/20	—	—	5,010,589	5,010,589	5,010,589
LegacyTexas Bank CD	2.98%	09/01/20	—	—	8,000,000	8,000,000	8,000,000
TOTAL			\$ 81,689,608	\$ 81,689,608	\$ 31,042,683	\$ 112,732,291	\$ 112,732,291

Allocation

December 31, 2018

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Employee Benefit Trust
BBVA Demand Account	01/01/19	\$ 14,620,152	\$ 13,271,460	\$ —	\$ 120,592	\$ 1,182,064	\$ 46,036
Cash on Hand	01/01/19	10,495	—	4,395	2,000	4,100	—
Hometown Cash on Hand	01/01/19	238,305	—	238,305	—	—	—
Southside Bank MMA	01/01/19	3,840,524	3,840,524	—	—	—	—
LegacyTexas MMA	01/01/19	74,092	74,092	—	—	—	—
Green Bank MMA	01/01/19	2,456,205	2,456,205	—	—	—	—
NexBank MMA	01/01/19	7,335,833	7,335,833	—	—	—	—
TexSTAR	01/01/19	13,796,735	13,796,735	—	—	—	—
LegacyTexas Bank CD	01/03/19	2,045,523	2,045,523	—	—	—	—
Third Coast Bank SSB CD	03/15/19	5,095,679	5,095,679	—	—	—	—
Green Bank CD	04/03/19	2,029,312	2,029,312	—	—	—	—
BBVA Compass Bank CD	06/08/19	12,246,863	12,246,863	—	—	—	—
Green Bank CD	07/03/19	2,030,067	2,030,067	—	—	—	—
LegacyTexas Bank CD	08/01/19	8,138,479	8,138,479	—	—	—	—
BBVA Compass Bank CD	09/08/19	2,552,780	2,552,780	—	—	—	—
LegacyTexas Bank CD	12/02/19	3,041,601	3,041,601	—	—	—	—
Green Bank CD	01/03/20	3,046,914	3,046,914	—	—	—	—
WallisBank CD	03/02/20	3,037,569	3,037,569	—	—	—	—
East West Bank CD	04/01/20	1,017,859	1,017,859	—	—	—	—
East West Bank CD	04/01/20	2,004,193	2,004,193	—	—	—	—
East West Bank CD	05/01/20	2,017,266	2,017,266	—	—	—	—
East West Bank CD	07/01/20	5,045,257	5,045,257	—	—	—	—
LegacyTexas Bank CD	07/01/20	4,000,000	4,000,000	—	—	—	—
East West Bank CD	08/01/20	5,010,589	5,010,589	—	—	—	—
LegacyTexas Bank CD	09/01/20	8,000,000	8,000,000	—	—	—	—
Totals		\$ 112,732,291	\$ 111,134,799	\$ 242,700	\$ 122,592	\$ 1,186,164	\$ 46,036

Allocation

September 30, 2018

Book & Market Value	Maturity Date	Total	Pooled Investments	General Fund	Special Revenue	Enterprise Funds	Employee Benefit Trust
BBVA Demand Account	10/01/18	\$ 11,499,580	\$ 9,836,979	\$ –	\$ 103,108	\$ 1,038,015	\$ 521,479
Cash on Hand	10/01/18	10,495	–	4,395	2,000	4,100	–
Hometown Cash on Hand	10/01/18	207,879	–	207,879	–	–	–
Southside Bank MMA	10/01/18	3,817,886	3,817,886	–	–	–	–
LegacyTexas MMA	10/01/18	73,673	73,673	–	–	–	–
Green Bank MMA	10/01/18	2,442,030	2,442,030	–	–	–	–
NexBank MMA	10/01/18	7,290,381	7,290,381	–	–	–	–
TexSTAR	10/01/18	1,231,447	1,231,447	–	–	–	–
Third Coast Bank SSB CD	12/15/18	4,055,808	4,055,808	–	–	–	–
LegacyTexas Bank CD	01/03/19	2,037,893	2,037,893	–	–	–	–
Third Coast Bank SSB CD	03/15/19	5,071,655	5,071,655	–	–	–	–
Green Bank CD	04/03/19	2,019,386	2,019,386	–	–	–	–
BBVA Compass Bank CD	06/08/19	12,187,881	12,187,881	–	–	–	–
Green Bank CD	07/03/19	2,019,885	2,019,885	–	–	–	–
LegacyTexas Bank CD	08/01/19	8,092,391	8,092,391	–	–	–	–
BBVA Compass Bank CD	09/08/19	2,540,167	2,540,167	–	–	–	–
LegacyTexas Bank CD	12/02/19	3,020,843	3,020,843	–	–	–	–
Green Bank CD	01/03/20	3,031,023	3,031,023	–	–	–	–
WallisBank CD	03/02/20	3,018,624	3,018,624	–	–	–	–
East West Bank CD	04/01/20	1,011,033	1,011,033	–	–	–	–
East West Bank CD	05/01/20	2,002,272	2,002,272	–	–	–	–
East West Bank CD	07/01/20	5,007,378	5,007,378	–	–	–	–
Totals		\$ 81,689,608	\$ 79,808,632	\$ 212,274	\$ 105,108	\$ 1,042,115	\$ 521,479



City of Killeen

Legislation Details

File #: RS-19-030 **Version:** 1 **Name:** Award of Construction Contract with Insituform
Type: Resolution **Status:** Resolutions
File created: 2/15/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: Consider a memorandum/resolution authorizing the award of a construction contract with Insituform Technologies, LLC to rehabilitate 15,573 feet of wastewater main.
Sponsors: Public Works Department, Water & Sewer
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Proposal](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: March 5, 2019

TO: Ronald L. Olson, City Manager

FROM: David A. Olson, Executive Director of Public Works

SUBJECT: Authorize the Award of a Construction Contract with Insituform Technologies, LLC to Rehabilitate 15,573 feet of Wastewater Main

BACKGROUND AND FINDINGS:

The 2012 Water and Wastewater Master Plan includes the rehabilitation of wastewater mains found defective through the sanitary sewer evaluation survey (SSES). Pipeline Analysis, who completed Phase 4 of the wastewater main SSES, recommends the rehabilitation of 10,783 feet of wastewater main through a process called pipe-bursting and another 4,790 feet through the cured in place (CIP) process. Insituform Technologies, LLC has performed over 25,000 feet of wastewater main in past rehabilitation projects for the City of Killeen. Continued rehabilitation of wastewater mains is imperative to insure a functioning wastewater collection system in Killeen. A proposal was secured via the Texas BuyBoard for Insituform to rehabilitate 15,573 feet of wastewater main for a price of \$1,794,914.50.

THE ALTERNATIVES CONSIDERED:

1. The City could attempt to rehabilitate the defective wastewater main with City staff; however, the process is risky and requires a highly skilled contractor. This task is outside of the normal duties of staff and will likely impose a safety hazard and increased cost;
2. This rehabilitation could be put off for a later date; however, this would risk potential failures within the wastewater collection system; or
3. The Texas BuyBoard can be used to negotiate a contract with Insituform Technologies, LLC for the rehabilitation of the 15,573 feet of wastewater main.

Which alternative is recommended? Why?

Alternative 3 is recommended because:

1. The Texas BuyBoard has been successfully used several times in the past to procure wastewater main rehabilitation services.
2. Insituform Technologies, LLC has extensive experience in the area of pipe-bursting and cured in place pipe.
3. Insituform Technologies, LLC has done an outstanding job rehabilitating over 25,000 feet of wastewater main for the City of Killeen in the past seven years.

CONFORMITY TO CITY POLICY:

The City of Killeen is a member of the Texas BuyBoard, a Local Government Purchasing Cooperative, that is in compliance with the Texas Local Government code section 271.102. All items or services available for purchase on the Texas BuyBoard have been competitively procured according to Texas statutes. Members can negotiate lower pricing for services rendered by qualified BuyBoard vendors.

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

Funding for this project is available in the amount of \$1,794,914.50 through Account Number 386-3495-800.58-46 of the 2013 Water and Sewer Bond. This amount of expenditure is available in the current fiscal year. This phase has no additional expense in future fiscal years.

Is this a one-time or recurring expenditure?

This is a one-time expenditure.

Is this expenditure budgeted? If not, where will the money come from?

This expenditure is budgeted.

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

Yes

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to enter into an agreement with Insituform Technologies, LLC for a construction contract to rehabilitate 15,573 feet of wastewater main for the amount of \$1,794,914.50, and that the City Manager is expressly authorized to execute any and all changes within the amounts set by state and local law.

DEPARTMENTAL CLEARANCES:

Public Works
Finance
City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Proposal
Certificate of Interested Parties



17988 Edison Ave.
Chesterfield, Mo
63005

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

January 25, 2019

ACES AAJA-YBKNNQ

Buyboard Proposal

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

**Project Name: City of Killeen, Tx – Sewer Line Rehabilitation Phase 4
Insituform CIPP and Pipebursting**

Insituform Technologies, LLC. (Insituform) herein proposes to furnish all labor, materials, equipment and services for accomplishing the referenced task (as described in the project location maps presented by the Owner) utilizing The Local Government Purchasing Cooperative Contract #555-18 administered through the BuyBoard.

Assumptions and Qualifications

During TV inspection all lateral side sewers are verified, using best practical efforts, to determine if each is an active hook up. Normal practice only reinstates those that are active. You may direct us to reinstate all, or specific laterals, as you desire. This proposal, unless otherwise stated and a pay item provided, assumes that all laterals will be reconnected. Specific service connections will not be reconnected only when a written directive is received from the Owner. The Owner will indemnify and hold Insituform harmless from all claims arising from backups and other effects of such actions or inactions.

Water shall be provided at no cost to Insituform for all construction phases of this project. Insituform will follow all required deposit, backflow prevention, and metering procedures. It is understood that a dumpsite shall be provided for the disposal of debris removed from the pipe. It will be necessary for the Owner to provide access to designated manholes on the 18-inch segment.

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

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

Proposal Terms and Conditions

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

Insituform Buyboard Proposal - City of Killeen, Tx – Sewer Line Rehabilitation Phase 4 CIPP and Pipebursting

Proposal Pricing

Killeen TX					
Phase 4					
		Unit of	Per Bid		
Bid Item per Docs	Description	Measure	Quantity	Bid Price	Total
1	Travel and Mobilization- (Clean and Tv Crew)	LS	1	\$ 4,000.00	\$ 4,000.00
2	8" Clean and CCTV Sanitary Sewer	LF	14,485	\$ 5.00	\$ 72,425.00
3	10" Clean and CCTV Sanitary Sewer	LF	388	\$ 5.00	\$ 1,940.00
4	12" Clean and CCTV Sanitary Sewer	LF	538	\$ 6.00	\$ 3,228.00
5	18" Clean and TV sanitary sewer	LF	162	\$ 11.00	\$ 1,782.00
6	Re-setup for TV due to Point Repairs	EA	5	\$ 100.00	\$ 500.00
7	Root /Grease Removal	LF	3,000	\$ 2.50	\$ 7,500.00
8	Obstruction removal	EA	15	\$ 450.00	\$ 6,750.00
9	Tuberculation Removal	IN/DIA/LF	3,216	\$ 2.50	\$ 8,040.00
10	Travel and Mobilization- (Pipeburst Crew)	EA	1	\$ 7,500.00	\$ 7,500.00
11	Burst existing 6" or 8" to 8" IPS SDR 19 (0'- 8' deep)	LF	10,783	\$ 55.00	\$ 593,065.00
12	8" - 12" Pipeburst Setup Charge Per Install Length	LF	10,783	\$ 6.50	\$ 70,089.50
13	Access Pit (0'-8' deep)	EA	38	\$ 900.00	\$ 34,200.00
14	External reconnect (0'- 8' deep)	EA	210	\$ 885.00	\$ 185,850.00
15	Extra length service over 5' long	LF	200	\$ 31.00	\$ 6,200.00
16	Remove and replace cleanout - main Unpaved Area	EA	2	\$ 2,300.00	\$ 4,600.00
17	Remove and replace cleanout - main Paved Area	EA	2	\$ 3,000.00	\$ 6,000.00
18	Trench safety	LF	400	\$ 6.50	\$ 2,600.00
19	Select backfill as designated by Owner	Ton	925	\$ 51.00	\$ 47,175.00
20	Travel and Mobilization- (CIPP Crew)	LS	1	\$ 7,500.00	\$ 7,500.00
21	8" x 6.0mm CIPP	LF	3,702	\$ 30.00	\$ 111,060.00
22	10" x 6.0mm CIPP	LF	388	\$ 34.00	\$ 13,192.00
23	12" x 6.0mm CIPP	LF	538	\$ 45.00	\$ 24,210.00
24	6" - 12" CIPP Setup Charge Per Install Length	LF	4,628	\$ 15.00	\$ 69,420.00
25	18" x 9.0mm	LF	162	\$ 65.00	\$ 10,530.00
26	15" - 21" CIPP Setup Charge Per Install Length	LF	162	\$ 25.00	\$ 4,050.00
27	CIPP Short Length Add-On (<300 LF)	IN/DIA/LF	18,076	\$ 6.50	\$ 117,494.00
28	Internal reconnects	EA	42	\$ 150.00	\$ 6,300.00
29	6" - 21" Post CCTV Inspection After Rehabilitation	LF	15,573	\$ 2.00	\$ 31,146.00
30	Set Up 4" Pump (Per Pump)	EA	15	\$ 300.00	\$ 4,500.00
31	Set Up 4" Piping	LF	4,628	\$ 1.00	\$ 4,628.00
32	Operate 4" pumping System	Day	15	\$ 100.00	\$ 1,500.00
33	Set Up 6" Pump (Per Pump)	EA	1	\$ 950.00	\$ 950.00
34	Set Up 6" Piping	LF	162	\$ 15.00	\$ 2,430.00
35	Operate 6" pumping System (Per pump)	Day	1	\$ 550.00	\$ 550.00
36	Repair/Rehab 2" Asphalt pavement	SY	1,050	\$ 118.00	\$ 123,900.00
37	Repair/Rehab 8" Flex base	SY	800	\$ 52.00	\$ 41,600.00
38	Repair/Rehab 8" Concrete pavement	SY	100	\$ 155.00	\$ 15,500.00
39	Repair/Rehab 6" Concrete driveway	SF	120	\$ 10.50	\$ 1,260.00
40	Repair/Rehab 4" Concrete sidewalk	SF	150	\$ 8.50	\$ 1,275.00
41	Sod	SY	300	\$ 12.00	\$ 3,600.00
42	Repair/Rehab chain link fence with new	LF	30	\$ 50.00	\$ 1,500.00
43	Repair/Rehab wooden fence with new	LF	30	\$ 50.00	\$ 1,500.00
44	Adjust MH frame/cover Unpaved area (Owner to provide Ring/Cover)	EA	5	\$ 700.00	\$ 3,500.00
45	Adjust MH frame/cover Paved area (Owner to provide Ring/Cover)	EA	5	\$ 1,500.00	\$ 7,500.00
46	Traffic control	Day	110	\$ 500.00	\$ 55,000.00
47	Lighted Arrow Board (Per Arrow Board)	Day	45	\$ 225.00	\$ 10,125.00
48	P & P Bonds	LS	1	\$ 25,750.00	\$ 25,750.00
49	Owner directed contingency allowance for point repair, obstruction removal, or unforeseen condition (As approved by Owner)	AL	1	\$ 30,000.00	\$ 30,000.00
					\$ 1,794,914.50

Offered By:

Accepted By:

INSITUFORM TECHNOLOGIES, LLC.

CITY OF KILLEEN, TX



TIM NAYLOR
512-677-8732

SIGNATURE

DATE

NAME

TITLE

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

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2019-454665

Date Filed:
02/19/2019

Date Acknowledged:

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

Insituform Technologies, LLC
Chesterfield, MO United States

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

City of Killeen

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

NA
Sewer Line Rehabilitation Phase 4

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

5 Check only if there is NO Interested Party.

☐

6 UNSWORN DECLARATION

My name is Laura M. Andreski, and my date of birth is NA.

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

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

Executed in St Louis County, State of Missouri, on the 19th day of February, 20 19.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)



SEWER LINE REHAB PHASE 4 INSITUFORM TECHNOLOGIES

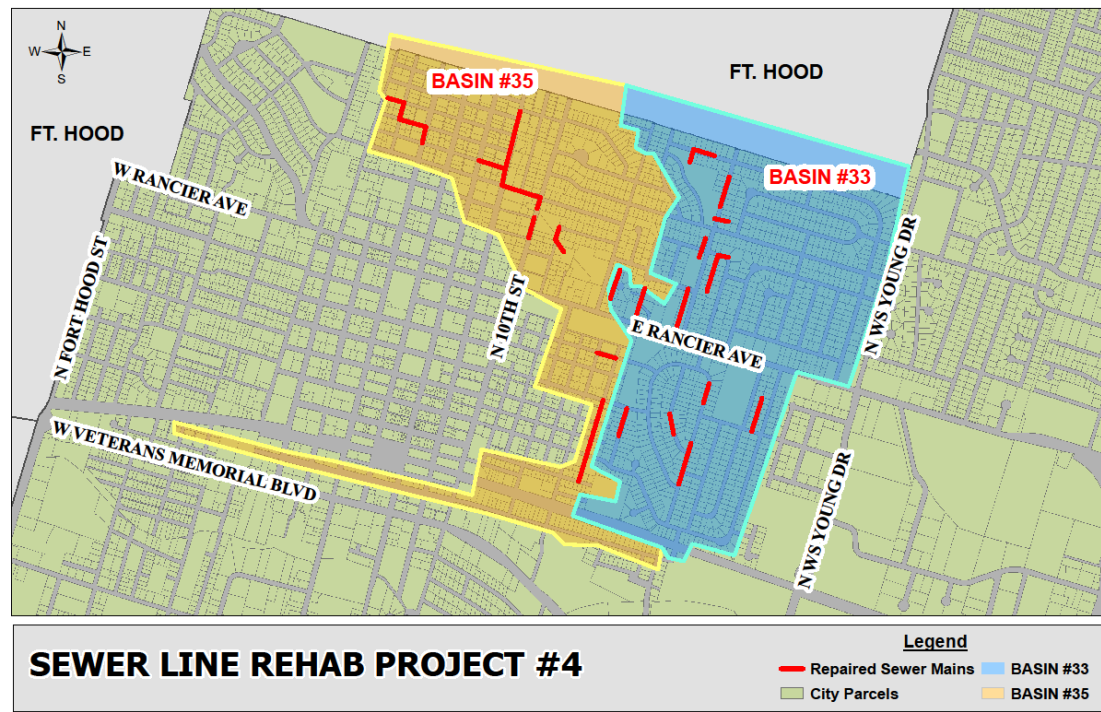
RS-19-030

March 5, 2019

Background

2

- Phase 4 of the Sanitary Sewer Evaluation Survey recommends the rehabilitation of 15,573 feet of sewer main.
- Insituform Technologies has submitted a Texas BuyBoard proposal in the amount of \$1,794,915 to complete this project.
- Insituform Technologies has done an outstanding job rehabilitating over 25,000 feet of sewer main for the City in the past seven years.
- Funding for this project is available in the 2013 Water and Sewer Bond.



3

Project Locations

Located primarily in Basin #33 and Basin #35.

Alternatives

4

- ❑ City crews rehabilitate all 15,573 feet of sewer main.
 - ▣ This is outside of the normal workload for our sewer crews.
- ❑ Delay this project.
 - ▣ Could lead to failure of portions of our sewer system.
- ❑ Award this contract to Insituform Technologies.

Recommendation

5

- City staff recommends that the City Council authorize the City Manager to enter into an agreement with Insituform Technologies for a construction contract to rehabilitate 15,573 feet of sewer main for the amount of \$1,794,915.



City of Killeen

Legislation Details

File #:	RS-19-031	Version:	1	Name:	Appoint Presiding and Alternate Judges for May Election
Type:	Resolution	Status:			Resolutions
File created:	2/14/2019	In control:			City Council Workshop
On agenda:	3/5/2019	Final action:			
Title:	Consider a memorandum/resolution appointing presiding and alternate judges for the May 4, 2019 general election.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Staff Report Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: March 5, 2019
TO: Ronald L. Olson, City Manager
FROM: Kathy Davis, City Attorney
SUBJECT: Appointing Presiding and Alternate Election Judges

BACKGROUND AND FINDINGS:

Section 32.005 of the election code requires the city council to appoint presiding and alternate judges for each of the polling locations used on election day.

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

PRECINCT #106:	Yulinda George-Dias - Presiding Judge Patricia Johnson - Alternate Judge
PRECINCT #109:	Rose Mary Campbell - Presiding Judge Dorothy Dendy - Alternate Judge
PRECINCT #201/204:	Celestina Sierra - Presiding Judge William Barker - Alternate Judge
PRECINCT #205:	Klaus Adam - Presiding Judge Regina Sedberry - Alternate Judge
PRECINCT #206/402/409:	Sue Hallmark - Presiding Judge Roxanne Burns - Alternate Judge
PRECINCT #207:	Paul Eishen - Presiding Judge Stephanie Eishen - Alternate Judge
PRECINCT #203/208/210:	LeeAnna George - Presiding Judge Stephen Sanchez - Alternate Judge
PRECINCT #404:	Phyllis Jones - Presiding Judge Calvin Lock - Alternate Judge
PRECINCT #405:	Daryl Peters - Presiding Judge Brenda Peters - Alternate Judge

PRECINCT #406: Lucille Ward - Presiding Judge
Kimberly Ward - Alternate Judge

PRECINCT #401/412/413: Angeline Sullivan - Presiding Judge
Marilyn Grable - Alternate Judge

PRECINCT #408: Terry Mustapher - Presiding Judge
Otis Evans - Alternate Judge

PRECINCT #410: Dorothy Kinsinger - Presiding Judge
Judy Killgo - Alternate Judge

EARLY VOTING BALLOT BOARD, CENTRAL COUNTING STATION AND SIGNATURE VERIFICATION COMMITTEE:

Barbara Garrett - Presiding Judge
Juanita Smith - Alternate Judge

EARLY VOTING:

Locations:

Killeen Community Center - Dorothy Kinsinger
Judy Killgo

Lions Club Senior Center - Darryl Peters
Anthony Kendric

City Hall - Paul Eishen
Laura Zuna

THE ALTERNATIVES CONSIDERED:

State law mandates City Council appoint election Judges and Alternate Judges.

Which alternative is recommended? Why?

Appoint the above listed Judges and Alternate Judges.

CONFORMITY TO CITY POLICY:

N/A

FINANCIAL IMPACT:

Estimated cost to employ election workers for 4 early voting polling locations and 13 election day polling locations and a Ballot Board is \$17,500.00. \$70,500.00 has been budgeted in the FY2019 Election budget account.

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

Approximately \$17,500.00 annually.

Is this a one-time or recurring expenditure?

Recurring

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, after KISD pays the City for their half of the shared election expenses.

RECOMMENDATION:

Staff recommends the above individuals be named to serve as election officials for the City and KISD election on May 4, 2019.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A



APPOINT PRESIDING AND ALTERNATE JUDGES FOR MAY 4, 2019 ELECTION

RS-19-031

March 4, 2019

Background/Discussion

2

- ❑ City Council is required to appoint presiding and alternate judges for city elections.
- ❑ Staff has identified qualified and experienced individuals to work as election officials for the City, KISD and CTC general election on May 4, 2019.

Fiscal Impact

3

- ❑ Judges, alternate judges, and clerks are paid \$10.00/hour.
- ❑ Total estimated cost to pay workers to operate 4 polling locations during early voting and 13 polling locations on election day is \$17,500.

Recommendation

4

- Staff recommends the identified individuals be named to serve as election officials for the City of Killeen, KISD and CTC general election on May 4, 2019.



City of Killeen

Legislation Details

File #:	OR-19-005	Version:	1	Name:	Declare Unopposed Candidate / Cancel District 1 Election
Type:	Ordinance	Status:			Ordinances
File created:	2/20/2019	In control:			City Council Workshop
On agenda:	3/5/2019	Final action:			
Title:	Consider an ordinance declaring unopposed candidate, canceling the May 4, 2019 general election in District 1.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Staff Report Ordinance Presentation				

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: March 5, 2019

TO: Ronald L. Olson, City Manager

FROM: Kathryn Davis, City Attorney

SUBJECT: Declaration of Unopposed Candidate, District 1 - May 4, 2019 Election

BACKGROUND AND FINDINGS:

The Texas Election Code, Chapter 2, Section 2.051(b) provides that an election in a single-member district may be canceled if the candidate is unopposed, there are no write-in candidates and no proposition is to appear on the ballot.

On February 20, 2019, the City Secretary certified that Ms. Shirley Fleming is unopposed for election to the office of Council Member District 1, that no candidate's name is to be placed on a list of write-in candidates for the position of Council Member District 1, and that there are no propositions to appear on the ballot in the May 4, 2019 general election.

An ordinance has been prepared canceling the election in District 1 and declaring that Shirley Fleming - District 1 is elected to office and shall be issued a certificate of election following the time the election would have been canvassed. It also directs the City Secretary to cause an Order of Cancellation to be posted on Election Day at each polling place that would have been used in the election. With KISD and CTC having contested races, polling locations will remain operational on Election Day in District 1 at no cost to the city.

THE ALTERNATIVES CONSIDERED:

Cancel the Council Member District 1 election or hold the Council Member District 1 election.

Which alternative is recommended? Why?

It is recommended to cancel the Council Member District 1 election, as not conducting the election is a cost savings method.

CONFORMITY TO CITY POLICY:

Cancelling a district election is allowed by state law and is, therefore, in conformity with city policy.

FINANCIAL IMPACT:

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

There is no expenditure to the city for costs associated with running the election in District 1, if it is canceled.

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 City Council approve the attached ordinance canceling the May 4, 2019 general election in District 1 and declaring Shirley Fleming - District 1 elected to office effective at the time of canvassing the results of the May 4, 2019 District 2, 3 and 4 elections.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

ORDINANCE NO. _____

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2019 GENERAL CITY ELECTION; CANCELING THE ELECTION IN THE DISTRICT WITH UNOPPOSED CANDIDATES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for May 4, 2019 for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that there is no proposition on the ballot for District 1, that no person has made a declaration of write-in candidacy for District 1, and that the candidate on the ballot for District 1 is unopposed for election to office; and

WHEREAS, under these circumstances, Chapter 2, section 2.051(b) Election Code, authorizes the City Council to declare the candidate for District 1 elected to office and cancel the election in that District; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. The following candidate, who is unopposed in the May 4, 2019 general city election, is declared elected to office and shall be issued certificates of election following the time the election would have been canvassed:

Shirley Fleming – District 1

SECTION II. The May 4, 2019 general city election is canceled as to District 1 and the City Secretary is directed to cause an Order of Cancellation to be posted on Election Day at each polling place that would have been used in the election.

SECTION III. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

SECTION IV. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 12th day of March, 2019, at which meeting a quorum was present, held in accordance with the provisions of the Texas Government Code, Section 551.001, et seq.

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, CITY ATTORNEY



CANCEL DISTRICT 1 ELECTION – MAY 4, 2019

OR-19-005

March 5, 2019

Background/Findings

2

- ❑ Election code provides that an election in a single-member district may be canceled if the candidate is unopposed.
- ❑ City Secretary has certified that Shirley Fleming is unopposed for the office of Council Member District 1.
- ❑ Proposed ordinance cancels District 1 election and declares Shirley Fleming elected.

Alternatives

3

- ❑ Cancel the Council Member District 1 election
 - ▣ Cost savings for the city
 - ▣ Consistent with past practice
- ❑ Hold the Council Member District 1 election
 - ▣ Single candidate ballot

Recommendation

4

- Staff recommends City Council approve the ordinance canceling the May 4, 2019 general election in District 1, and declare Shirley Fleming elected to the office of District 1 Councilmember, effective at the time of canvassing the results of the May 4, 2019 District 2, 3 and 4 elections.



City of Killeen

Legislation Details

File #: OR-19-006 **Version:** 1 **Name:** Solicitation Ordinance
Type: Ordinance **Status:** Ordinances
File created: 2/26/2019 **In control:** City Council Workshop
On agenda: 3/5/2019 **Final action:**
Title: Consider an ordinance amending Chapter 20 relating to solicitation from the public right-of-way.
Sponsors: City Attorney Department
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Ordinance](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
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STAFF REPORT

DATE: March 5, 2019

TO: Ronald L. Olson, City Manager

VIA: Kathy Davis, City Attorney

FROM: Traci Briggs, Deputy City Attorney

SUBJECT: Amending the ordinance relating to solicitation from the public right-of-way

BACKGROUND AND FINDINGS:

The city regulates solicitation from the public rights-of-way in chapter 20. The current ordinance allows solicitation with a permit from the first Monday through the following Sunday in the months of May, July, September and December. The locations are limited to seven (7) intersections within the city. Solicitation can be from shoulders and sidewalks, but cannot be on the roadway itself.

The Killeen Fire Fighters Association, composed exclusively of City of Killeen firefighters, annually supports the Fill the Boot campaign to for the Muscular Dystrophy Association (MDA). The campaign involves firefighters at designated corners in the city accepting cash donations for the MDA. The city's ordinance is prohibitive of the activity.

The Texas Transportation Code provides that a person may not stand in a roadway to solicit a ride, contribution, employment or business from an occupant of a vehicle, but a local authority may authorize a person to do so to solicit a charitable contribution. Additionally, the statute states that a local authority shall give authorization to a person to solicit a charitable contribution in the roadway if the person is an employee of the local authority. The person must still file an application and provide proof of liability insurance.

The proposed change would exempt from the ordinance requirements any employee groups such as the Killeen Fire Fighters Association that comply with the state law. Regulations for solicitation by other charitable organizations will remain the same. There are also minor administrative changes.

THE ALTERNATIVES CONSIDERED:

The options are to amend the solicitation ordinance as written, make any other or additional amendments, or not amend the ordinance at all.

Which alternative is recommended? Why?

Staff recommends amending the solicitation ordinance as written. This will provide employee groups such as the Killeen Fire Fighters Association the opportunity to solicit from the roadway as allowed by state law as long as there is compliance with the statute.

CONFORMITY TO CITY POLICY:

The proposed ordinance conforms to city policy.

FINANCIAL IMPACT:

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

There is no fiscal impact related to this item.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that the City Council approve the attached ordinance amending chapter 20 relating to solicitation from public rights-of-way.

DEPARTMENTAL CLEARANCES:

City Manager

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

AN ORDINANCE AMENDING CHAPTER 20, ARTICLES I AND III OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, REGARDING SOLICITORS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the act of soliciting from motorists by entering the roadway can be a dangerous to both drivers and solicitors; AND

WHEREAS, while solicitation can be a protected activity, the law allows reasonable regulations to be placed on solicitors; AND

WHEREAS, it is not the intent of the City Council to broadly regulate First Amendment activities;

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

SECTION I. That Chapter 20, Article I of the City of Killeen Code of Ordinances is hereby amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 20-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

Business day shall mean any calendar except Saturday, Sunday or any city, state or national holiday.

Public right-of-way shall mean any public property within ten (10) feet of the curb line, and in the absence of a curb, the public property within ten (10) feet of the outside edge of the road or highway. For purposes of this chapter, right-of-way does not include the traveled portion of a public roadway or any median.

Roadway shall mean the traveled portion of a public roadway.

Solicit shall mean to request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

Sec. 20-2. Application to First Amendment Activities.

This chapter is not intended to broadly regulate First Amendment activities, including but not limited to press activities, political speech, religious speech or preaching; canvassing for the purpose of soliciting political support or determining opinions or sentiment. However, no person participating in First Amendment activities shall at any time enter or remain in the traveled portion of the roadway, to include any median.

SECTION II. That Chapter 20, Article III of the City of Killeen Code of Ordinances is hereby amended to read as follows:

ARTICLE III. - SOLICITATION FROM PUBLIC RIGHTS-OF-WAY

DIVISION 1. - GENERALLY

~~Sec. 20-75. Definitions.~~

~~The following words and phrases, when used in this article, shall have the meanings ascribed to them by this section:~~

~~*Business day* means any calendar day except Saturday, Sunday or any city, state, or national holiday.~~

~~*Public right-of-way* shall mean the traveled portion of the road including any public property within ten (10) feet of the curb line, and in the absence of a curb, the public property within ten (10) feet of the outside edge of the road or highway. Right-of-way includes all medians within the public right-of-way.~~

~~*Solicitation, soliciting, solicited* or any other form of the word *solicit* means the act of asking, begging, pleading or communicating in any other such manner, whether orally, by written and/or printed material including but not limited to handbills or leaflets, hand signing or by any other method, direct or implied, by an individual or group of individuals for the purpose of educating, promoting, receiving or obtaining money, alms, gifts or items of value, real or intrinsic for said individual or group of individuals, or for-profit organization, a non-profit organization, joint venture, joint stock company, partnership, club, company, corporation, business trust, establishment, religious institution or religion, association, or any other organization or affiliate thereof.~~

~~Solicitor means the person soliciting.~~

Sec. 20-75. Prohibited Acts.

Except as provided herein, no person who is within a public roadway may solicit or distribute any material to the occupant of a motor vehicle stopped on a public roadway in obedience to a traffic control signal light. It is specifically provided, however, that a person may solicit or distribute material to the occupant of a motor vehicle on a public roadway so long as he or she remains on the public right-of-way, and not in or on the roadway itself, including medians.

Sec. 20-76. - Compliance generally.

- A. ~~No person shall be or go upon any public right-of-way for the purpose of soliciting from the occupant of any vehicle, except that a~~ A person in possession of a permit from the city may solicit on the designated intersections of public rights-of-way beginning on the first Monday through the following Sunday of the months of May, July, September and December, each year.
- B. It shall be unlawful for any person to solicit within the city of Killeen in the public right-of-way without first obtaining a permit from the city secretary's office.
- C. It shall be unlawful to solicit in the public right-of-way other than between dawn and dusk.
- D. It shall be unlawful for a person younger than eighteen (18) years to solicit under this article.
- E. It shall be unlawful for any person to cause a child ten (10) years of age or younger to solicit in public rights-of-way or sidewalks. For purposes of this section, the term "cause" shall mean to aid, direct, hire, encourage, permit or allow.
- F. It shall be unlawful for a solicitor to fail to wear a traffic safety vest while soliciting in public rights-of-way.
- G. It shall be unlawful for a person to solicit in the public right-of-way, except at the following designated intersections:
 - 1. Central Texas Expressway (Highway 190) and State Highway 195,
 - 2. W. S. Young and Business Highway 190,
 - 3. W. S. Young and Central Texas Expressway (Highway 190),
 - 4. Trimmier and Central Texas Expressway (Highway 190),
 - 5. Stan Schlueter (Loop 3470) and Central Texas Expressway (Highway 190),
 - 6. Business Highway 190 and State Highway 195, and
 - 7. 10th Street and Rancier.

Sec. 20-77. Exemption.

The provisions of this article shall not apply to a person that meets and complies with the requirements of Texas Transportation Code section 552.0071 as may be amended.

Secs. 20-77~~8~~—20-79. - Reserved.

DIVISION 2.PERMIT - FOR SOLICITATION IN PUBLIC RIGHTS-OF-WAY

* * *

Sec. 20-82. - Application for permit.

- A. A person or organization seeking a solicitation permit shall file an application with the city secretary's office. Such application shall, at a minimum, contain the following information:
1. full name, street address and telephone number of the person or organization for whom solicitations are made, and the website, if any, for the person or organization where residents having subsequent questions can access additional information;
 2. full name, street address, date of birth and telephone number of each solicitor working under this permit (copy of each solicitor's driver's license/photo identification required); and
 3. location where, and days on which, solicitation will occur, if approved;
 4. The full name, street address and telephone number of each individual who will be directly in charge or control of the solicitation;
 5. A statement to the effect that if the permit is granted, such permit will not be used as, or be represented to be, an endorsement by the city or any of its officers or employees; and
 6. Any other information that the city deems necessary for the administration of this article.
- B. The application must be signed by the applicant, if the person applying is an individual; if the applicant is a partnership, by the partner charged with disbursing funds solicited; if the applicant is a corporation or an association, by its officer charged with dispersing the funds solicited. The person signing the application shall sign the application and swear before an officer authorized to administer oaths that he has carefully read the application and that all the information contained therein is true and correct.
- C. Information provided by applicant is subject to verification by the police department.
- D. Such application shall also show satisfactory written proof of the individual's authority to represent the company, association or partnership, when applicable.
- E. The application shall be accompanied by all applicable fees, as established in sec. 20-~~44~~81. No permit provided for by this division shall be issued until such fees have been paid by applicant.

- F. The application shall be accompanied by an executed copy of a waiver of liability in favor of the city on a form provided by the city.
- G. The application shall be accompanied by an insurance policy evidenced by a certificate of insurance signed by an agent authorized to bind coverage indicating that the applicant has obtained, at his sole expense, insurance coverage (1) that is written by an insurance company with an A- or better rating by AM Best and that is admitted and licensed to do business in the state of Texas; (2) that is in full force and effect for the duration of the permit period; (3) that provides at least one million dollars (\$1,000,000.00) of liability coverage per person and five million dollars (\$5,000,000.00) per occurrence, and one hundred thousand dollars (\$100,000.00) for property damage and with no deductible; (4) that insures the applicant and all persons who will be soliciting; (5) that names the city of Killeen, its officers, employees, and elected representatives as additional insureds; (6) that provides that any insurance or self-insurance maintained by the city shall apply in excess of and not contribute with it; (7) that is written on an occurrence basis; and (8) that is otherwise acceptable to and approved by the city attorney of the city of Killeen.

* * *

Sec. 20-86. - Appeal from denial or revocation of permit to solicit.

Should an applicant ~~or registrant~~ be denied a permit or have a permit revoked, he may appeal that action to the city manager or his designee by submitting a letter to the city secretary within ten (10) business days of the action complained of. A hearing on the denial or revocation will be held within fifteen business (15) days. The city manager or his designee shall render a decision on the appeal within five (5) business days of the date of the hearing. The decision of the city manager or his designee shall be final.

* * *

SECTION III. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That should any section or part of any section, paragraph or clause 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 V. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION VI. That this ordinance shall be effective upon passage.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____ day of March, 2019, at which a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy Aldrich, CITY SECRETARY

Kathryn H. Davis, CITY ATTORNEY



SOLICITATION ORDINANCE

OR-19-006

March 5, 2019

Current Ordinance

2

- ❑ Addresses solicitation from the public right-of-way.
- ❑ Allows solicitation from the first Monday through the following Sunday in the months of May, July, September and December.
- ❑ Permit required.
- ❑ Solicitation in the roadway is not allowed.

Allowed Intersections

3

- CTE/195
- WS Young/VMB
- WS Young/CTE
- Trimmier/CTE
- Stan
Schlueter/CTE
- VMB/195
- 10th/Rancier

Texas Transportation Code

4

- ❑ 552.007: A person may not stand in a roadway to solicit a ride, contribution, etc. from an occupant of a vehicle, except a person may stand in the roadway to solicit a charitable contribution if the local authority authorizes it.
- ❑ 552.0071: the city SHALL authorize a group to solicit if the solicitors are city employees/agents and they comply with other requirements, including filing an application and providing liability insurance.

Proposed Ordinance Changes

5

- ❑ Clarifies that the City does not intend to infringe on First Amendment activities.
- ❑ Explicitly prohibits soliciting from the roadway, except as allowed by state law for employee groups.
- ❑ Regulations for other charitable groups remain the same.
- ❑ Various clean up provisions.

Alternatives

6

- The options are to:
 - ▣ Amend the solicitation ordinance as presented.
 - ▣ Make other or additional amendments.
 - ▣ Leave the ordinance as is.

Recommended Action

7

- Staff recommends the City Council approve amendments to the solicitation ordinance in Chapter 20