



City of Killeen

Agenda City Council

Tuesday, April 9, 2019

5:00 PM

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

Call to Order and Roll Call

___ Jose Segarra, Mayor	___ Jim Kilpatrick
___ Shirley Fleming	___ Butch Menking
___ Steve Harris	___ Debbie Nash-King
___ Gregory Johnson	___ Juan Rivera

Invocation

Pledge of Allegiance

Approval of Agenda

Minutes

1. [MN-19-007](#) Consider Minutes of Regular City Council Meeting of March 26, 2019.
Attachments: [Minutes](#)

Resolutions

2. [RS-19-034](#) Consider a memorandum/resolution to accept the annual audit report for the fiscal year ended September 30, 2018.
Attachments: [Staff Report](#)
3. [RS-19-035](#) Consider a memorandum/resolution awarding Bid 19-17, for a contract with D.I.J. Construction for pavement marking services.
Attachments: [Staff Report](#)
[Bid Tab](#)
[Agreement](#)
[Certificate of Interested Parties](#)
[Presentation](#)
5. [RS-19-036](#) Consider a memorandum/resolution amending the appointment of presiding and alternate judges for the May 4, 2019 general election.
Attachments: [Staff Report](#)
[Presentation](#)

4. [RS-19-037](#) Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.

Attachments: [Staff Report](#)
[Annexation Petition](#)
[Annexation Exhibit A](#)
[Annexation Exhibit B](#)
[Presentation](#)

6. [RS-19-038](#) Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 83.01 acres of land lying contiguous to the existing city limits and being adjacent to 7501 Chaparral Road, Killeen, Texas.

Attachments: [Staff Report](#)
[Annexation Petition](#)
[Annexation Exhibit](#)
[Presentation](#)

Public Hearings

7. [PH-18-038](#) HOLD a public hearing and consider an ordinance requested by Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. (Case #Z18-24) to rezone part of Lot 1, Block 1, Abundant Life Acres, from "R-3" (Multifamily Residential District) to "R-3" (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150' tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas. (Requires a 3/4 majority vote)

Attachments: [Staff Report](#)
[Map](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Site Plan](#)
[Opposition](#)
[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 April 5, 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.

- *LULAC 4535 Banquet, April 13, 2019, 6:00 p.m., Marriott Courtyard*
- *Central Texas Incredible Kids Celebration, April 17, 2019, 11:30 a.m., Bell County Expo Center*
- *LULAC 4297 Gala, May 4, 2019, 6:00 p.m., Phantom Warrior Center*
- *Education Celebration Luncheon, May 23, 2019, 11:30 a.m., Clements Teen Center*
- *VFW Post 9191 60th Anniversary of Service, June 1, 2019, 6:00 p.m., Club Hood*
- *Korean War Veterans Association Banquet, July 27, 2019, 5:00 p.m., Club Hood*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Legislation Details

File #: MN-19-007 **Version:** 1 **Name:** Minutes of March 26, 2019
Type: Minutes **Status:** Minutes
File created: 3/15/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: Consider Minutes of Regular City Council Meeting of March 26, 2019.
Sponsors: City Secretary
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		

City of Killeen
Regular City Council Meeting
Killeen City Hall
March 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 Cole.

Major Craddock gave the invocation, and Councilmember Menking 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 Fleming. The motion carried unanimously.

Minutes

Motion was made by Councilmember Menking to approve the minutes of the March 12, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Resolutions

RS-19-032 Consider a memorandum/resolution authorizing a management agreement with Billy Casper Golf for management services for Stonetree Golf Club.
Staff Comments: Brett Williams, Executive Director of Community Services. Mr. Williams gave an overview of the agenda item. In December of 2018, staff briefed City Council on the plan to solicit management firms to operate Stonetree Golf Club due to historic operating deficits. On, January 16, 2019, staff received five proposals from vendors interested in managing the golf club. Following a staff review of the packets and face to face interviews with the top three firms (based on scoring), the interview panel unanimously decided to commence negotiations with Billy Casper Golf for management services for Stonetree Golf Club. Staff recommends City Council authorize the City Manager to execute a contract with Billy Casper Golf for golf course management services for Stonetree Golf Club in the amount of \$90,000 and that the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

Mayor Segarra read a letter that was sent to him from the president of the Stonetree Men's Golf Association. The letter recognized and applauded the City Manager's invitation to the area's golf associations to discuss their concerns of the golf course management agreement. These associations (Stonetree Men's Golf Association, the Killeen Ladies Golf Association and the OTC Golf Association) are cautiously optimistic that moving forward with the management agreement is a

good decision and appreciate the ability to continue to be ambassadors for Stonetree and the City.

Motion was made by Councilmember Fleming to approve RS-19-032. Motion was seconded by Councilmember Johnson. Motion carried 6 to 1 with Councilmember Nash-King in opposition.

RS-19-033 Consider a memorandum/resolution awarding Bid No. 19-15 for the procurement of recycling trailers to implement the recycling program expansion for the Solid Waste Division.

Staff Comments: Danielle Singh, Interim Executive Director of Public Works. Ms. Singh provided a brief background of recycling services offered over the last several years. Currently, the city offers two recycling drop off locations. Recycling trailers can offer a cost effective, convenient alternative to areas that do not have a curbside recycling program. The trailers will provide additional drop off locations throughout the city. Funding in the amount of \$60,006 is available in the FY2019 budget. City staff recommends that the City Council authorize the City Manager or his designee to execute a purchase order for the procurement of three (3) recycling trailers from Pro-Tainer, Inc. and the City Manager or designee is further authorized to execute any change orders in compliance with state law and city policy.

Motion was made by Councilmember Menking to approve RS-19-033. Motion was seconded by Councilmember Fleming. Motion carried 6 to 1 with Councilmember Johnson in opposition.

Ordinances

OR-19-007A Consider an ordinance amending Chapter 30, Water, Sewers, and Sewage Disposal, Articles III and IV, providing for maintenance of sewer service lines and amending sewer rates.

The City Secretary read the caption of the ordinance.

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

OR-19-007B Consider a memorandum/resolution entering into an agreement with Utility Service Partners Private Label, Inc. for the maintenance of sewer service lines within the public right-of-way, and for the marketing of optional warranty coverages for private sewer service lines.

Staff comments: Danielle Singh, Interim Executive Director of Public Works. A motion of direction was issued by City Council on January 22, 2019 to provide maintenance of certain sewer service lines within the right-of-way and to partner with Utility Service Partners Private Label, Inc. (USP) to outsource maintenance. The ordinance agenda item (OR-19-007A) amends Chapter 30 of the Code of Ordinances adding a section to clarify maintenance responsibilities and adjusts rates. Agenda item OR-19-007B allows the city manager to enter into both an

outsourcing agreement with USP for the maintenance of the lines and a marketing agreement providing optional warranty coverages for private sewer service lines. In order to implement the direction previously given to City Staff, the City Council would need to allow the city manager to enter into agreement with USP for the maintenance of sewer laterals within the public right-of-way and for the marketing of optional warranty coverages for private sewer service lines with an effective date of May 1st.

Motion was made by Mayor Pro Tem Kilpatrick to approve OR-19-007A and OR-19-007B. Motion was seconded by Councilmember Menking. Motion carried 6 to 1 with Councilmember Nash-King in opposition.

OR-19-008 Consider an ordinance amending Chapter 25 Streets, Sidewalks, and Miscellaneous Public Places, providing for the revised definition of Single Family Equivalent regarding places of worship.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 25, STREETS, SIDEWALKS, AND MISCELLANEOUS PUBLIC PLACES PROVIDING FOR THE REVISED DEFINITION OF SINGLE FAMILY EQUIVALENT; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Danielle Singh, Interim Executive Director of Public Works. On December 11, 2018, City Council adopted Street Maintenance Fees. This ordinance amendment establishes a single, single family equivalent (SFE) for places of worship at 0.24 SFE per 1,000 square feet gross floor area and establishes billing codes for use in customer billing. City staff recommends that the City Council approve the ordinance amending Chapter 25 Streets, Sidewalks, and Miscellaneous Public Places providing for the revised definition of Single Family Equivalent, establishing a land use rate for Place of Worship and establishing billing codes for each land use.

Motion was made by Mayor Pro Tem Kilpatrick to approve OR-19-008. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

Public Hearings

PH-19-004 **HOLD** a public hearing and consider an ordinance requested by the Almafa Group (**Case#Z19-02**) to rezone Lot 1, Block 13, Evening Hollow Addition, 3rd Extension, from "R-3" (Multifamily Residential District) to "B-1" (Professional Business District). The subject area is located at 2018 Cedarhill Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF LOT 1, BLOCK 13, EVENING HOLLOW ADDITION, 3RD EXTENSION, FROM "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning. Mr. McIlwain reviewed the request submitted by the Almafa Group. Staff notified forty-six surrounding property owners within a four hundred feet notification boundary. One response of support and one response of opposition have been received. The Planning and Zoning Commission recommends approval of the applicant's request by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

With no one in the audience representing the applicant or the applicant themselves, Mayor Segarra moved on to the public hearing.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, spoke in favor of the request.

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

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

PH-19-005 HOLD a public hearing and consider an ordinance requested by Killeen Engineering and Surveying, Ltd. (**Case#Z19-03**) to rezone approximately 8.25 acres out of the J.E. Maddera Survey, Abstract No. 600, from "R-3" (Multifamily Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District) for storage use. The properties are addressed as 4814, 5102 and 5104 W. Stan Schlueter Loop (FM 3470), and an unaddressed parcel immediately east of 4814 W. Stan Schlueter Loop Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 8.25 ACRES OUT OF THE J. E. MADDERA SURVEY, ABSTRACT NO. 600, FROM "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) AND "B-3" (LOCAL BUSINESS DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain, Assistant Director of Planning. Mr. McIlwain reviewed the request submitted by Killeen Engineering and Surveying, Ltd. Staff notified twenty-six surrounding property owners within a four hundred feet notification boundary. Two responses of support have been received. The Planning and Zoning Commission recommends approval of the applicant's request by a vote of 6 to 0.

Mayor Segarra invited the applicant to speak.

Michelle Lee with Killeen Engineering and Surveying spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mellisa Brown, 6105 Melanie Drive, spoke in favor of the request.

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

Motion was made by Councilmember Johnson to approve PH-19-005. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

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.

This agenda item was tabled from the February 26, 2019 City Council meeting. Mr. McIlwain reviewed the request submitted by the Gary Purser Jr. 2000 Trust to amend the FLUM. Mr. McIlwain reported after speaking with representatives from both KISD and Fort Hood - Garrison Command, that KISD is aware of the proximity of the proposed school site to the airfield and the associated noise. They plan to take steps to build the school in a manner to mitigate noise concerns. Fort Hood advised that air traffic and training in that area would be on-going; and, that it is in the City and the property owner's decision making process to develop the property as desired. The Planning and Zoning Commission recommends approval of amending the FLUM from 'Rural' to 'General Residential' for 79.117 acres by a vote of 6 to 1 and the Commission recommends disapproval of amending the FLUM from 'Suburban Commercial' to 'General Commercial' for the requested 7.858 acres fronting Clear Creek Road by a vote of 6 to 1.

Mayor Segarra invited the applicant to speak.

With no one in the audience representing the applicant or the applicant themselves, Mayor Segarra moved on to the public hearing.

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 Nash-King. Motion carried 4 to 3 with Councilmembers Fleming, Johnson and Harris in opposition

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Menking, and unanimously approved, the meeting was adjourned at 6:41 p.m.



City of Killeen

Legislation Details

File #: RS-19-034 **Version:** 1 **Name:** Annual Audit Report, fiscal year ended September 30, 2018

Type: Resolution **Status:** Resolutions

File created: 2/26/2019 **In control:** City Council

On agenda: 4/9/2019 **Final action:**

Title: Consider a memorandum/resolution to accept the annual audit report for the fiscal year ended September 30, 2018.

Sponsors: Finance Department

Indexes:

Code sections:

Attachments: [Staff Report](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		



STAFF REPORT

DATE: April 2, 2019
TO: Ronald L. Olson, City Manager
FROM: Jonathan Locke, Executive Director of Finance
SUBJECT: FY 2018 Annual Audit

BACKGROUND AND FINDINGS:

The City Council previously approved the engagement of Belt Harris Pechacek, LLLP to perform the independent audit of the City's financial records for the fiscal year ended September 30, 2018.

Belt Harris Pechacek, LLLP has completed its audit of the City of Killeen, as well as a Federal Single Audit, and Passenger Facility Charge Audit. Representatives of the firm will present the results of the audit to the City Council.

The City's audits are required to be performed in accordance with generally accepted auditing standards set forth in the General Accounting Office's (GAO) Government Auditing Standards, the provision of the Single Audit Act Amendments of 1996, the U.S. Office of Management and Budget (OMB) Uniform Guidance, and Audits of State and Local Governments.

The audit provides reasonable assurance that the financial statements of the City of Killeen for the fiscal year ended September 30, 2018, are free from material misstatement. The audit report has been compiled to meet all required provisions of the Governmental Accounting Standards Board.

THE ALTERNATIVES CONSIDERED:

1. Do not accept the annual audit report for the fiscal year ended September 30, 2018
2. Accept the annual audit report for the fiscal year ended September 30, 2018

Which alternative is recommended? Why?

Option number 2 is recommended.

CONFORMITY TO CITY POLICY:

Conforms to City Charter, Article III, Section 40 and the Financial Governance Policies VII.C External Audit

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that the City Council accept the annual audit report for the fiscal year ended September 30, 2018.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

N/A



City of Killeen

Legislation Details

File #: RS-19-035 **Version:** 1 **Name:** Pavement Marking Services Bid 19-17
Type: Resolution **Status:** Resolutions
File created: 3/18/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: Consider a memorandum/resolution awarding Bid 19-17, for a contract with D.I.J. Construction for pavement marking services.
Sponsors: Public Works Department, Streets
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Bid Tab](#)
[Agreement](#)
[Certificate of Interested Parties](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		



STAFF REPORT

DATE: April 02, 2019

TO: Ronald L. Olson, City Manager

FROM: Danielle Singh, Interim Executive Director of Public Works

SUBJECT: Authorize the award of a contract to D.I.J. Construction for pavement marking services, Bid 19-17

BACKGROUND AND FINDINGS:

Pavement markings are intended to increase the safety and efficiency of roadway traffic by delineating the roadway path and specific traffic lanes. Pavement markings can communicate the information to road users like no other traffic control device. They provide information to road users related to the roadway alignment, vehicle positioning, and other important driving related tasks. The Street Operations Division requested bids for pavement marking services on Killeen roadways.

Two (2) vendors submitted bids: D.I.J. Construction and TRP Construction Group LLC. Bidders were instructed to bid items based upon an estimated quantity and various line items.

The lowest responsive and responsible bidder for the estimated quantities is outlined in the bid tabulation sheet.

Due to fluctuating market conditions of the materials, the bid solicitation requires that the contract term for the award shall be a two (2) year period, with firm pricing the first twelve (12) months with the option of a limited price increase for the latter twelve (12) months in the event of a cost increase in manufacturing. The price increase would be accompanied with appropriate documentation to justify increased costs. The contract may be extended for an additional four (4), six (6) month period(s), if so agreed by both parties.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Why?

The following alternatives were considered with this item:

- 1) Defer pavement marking maintenance to future fiscal years;
- 2) Perform pavement marking repairs in house with City Employees and equipment; or
- 3) Award a contract for pavement marking services

City staff recommends Alternative 3 because it allows for the most efficient use of available funding to address this item.

CONFORMITY TO CITY POLICY:

This item conforms to state and local policies and regulations.

FINANCIAL IMPACT:

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

Projected expenditures are utilized for the City to obtain the best rate per unit pricing covering multiple City Departments and fiscal years. Actual costs per fiscal year may be significantly lower and will not exceed Departmental budgets. The final fiscal impact will be based upon the allocated budget and work load for the year.

Is this a one-time or recurring expenditure?

The purchases will be recurring expenditures with fixed prices for the two (2) year period of the contract. The contract term for the award shall be two (2) year period, with firm pricing the first twelve (12) months with the option of price increase for the latter twelve (12) months with a limited increase as a result of cost increase in manufacturing along with appropriate documentation, and may be extended for an additional four (4), six (6) month period(s), if so agreed by both parties.

Is this expenditure budgeted?

Yes, all purchases are budgeted within the Department's budgets in account #234-3445-434.42-38 and 248-3445-434.42-38.

If not, where will the money come from?

N/A

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

Funds are available.

RECOMMENDATION:

City staff recommends that City Council authorize the City Manager, or designee, to enter into a Standard Contract / Agreement with D.I.J. Construction for pavement marking services, and that the City Manager, or designee, is expressly authorized to execute any and all changes within the amounts set by State and Local law.

DEPARTMENTAL CLEARANCES:

Public Works
Purchasing
Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Agreement

Bid Tabulation

Certificate of Interested Parties

Bid 19-17 Pavement Marking						VENDOR NAME		
						DIJ Construction		Comments
Line No.	Item		Item Description	UOM	Bid Qty	Unit Price	TOTAL	*30 day delivery after award *Elimination pricing based on using TxDOT mechanical method only
1	666	2030	REFL PAV MRK (TY I)(8")(W)(DOT)(090MIL)	LF	24	\$1.50	\$36.00	
2	666	6035	REFL PAV MRK (TY I)(8")(W)(SLD)(090 MIL)	LF	4546	\$0.90	\$4,091.40	
3	666	6041	REFL PAV MRK (TY I)(12")(W)(SLD)(090 MIL)	LF	120	\$7.00	\$840.00	
4	666	6047	REFL PAV MRK (TY I)(24")(W)(SLD)(090 MIL)	LF	1290	\$9.00	\$11,610.00	
5	666	6053	REFL PAV MRK (TY I)(W)(ARROW)(090 MIL)	EA	79	\$145.00	\$11,455.00	
6	666	6056	REFL PAV MRK (TY I)(W)(DBL ARROW)(090 MIL)	EA	31	\$195.00	\$6,045.00	
7	666	6077	REFL PAV MRK (TY I)(W)(WORD)(090 MIL)	EA	8	\$195.00	\$1,560.00	
8	666	6098	REFL PAV MRK (TY I) 18"(YLD TRI) (090 MIL)	EA	0	\$95.00	\$0.00	
9	666	6140	REFL PAV MRK (TY I)(12")(Y)(SLD)(090 MIL)	LF	200	\$7.00	\$1,400.00	
10	666	6287	REFL PAV MRK (TY I)(4")(Y)(SLD)(090 MIL)	LF	130748	\$0.38	\$49,684.24	
11	666	6291	REFL PAV MRK (TY I)(4")(Y)(BRK)(090 MIL)	LF	42140	\$0.38	\$16,013.20	
12	666	6299	REFL PAV MRK (TY I)(4")(W)(BRK)(090 MIL)	LF	48639	\$0.38	\$18,482.82	
13	672	6007	REFL PAV MRK (TY I-C)	EA	240	\$5.50	\$1,320.00	
14	672	6009	REFL PAV MRK (TY II--A-A)	EA	2770	\$5.50	\$15,235.00	
15	677	2001	ELIM EXT PAVE MRK & MRKS (4")	LF	6614	\$1.00	\$6,614.00	
					237449	\$668.54	\$144,386.66	

Bid 19-17 Pavement Marking						VENDOR NAME		
						TRP Construction Group LLC.		Comments
Line No.	Item		Item Description	UOM	Bid Qty	Unit Price	TOTAL	*10 day delivery after award
1	666	2030	REFL PAV MRK (TY I)(8")(W)(DOT)(090MIL)	LF	24	\$2.00	\$48.00	
2	666	6035	REFL PAV MRK (TY I)(8")(W)(SLD)(090 MIL)	LF	4546	\$1.00	\$4,546.00	
3	666	6041	REFL PAV MRK (TY I)(12")(W)(SLD)(090 MIL)	LF	120	\$4.00	\$480.00	
4	666	6047	REFL PAV MRK (TY I)(24")(W)(SLD)(090 MIL)	LF	1290	\$7.00	\$9,030.00	
5	666	6053	REFL PAV MRK (TY I)(W)(ARROW)(090 MIL)	EA	79	\$142.00	\$11,218.00	
6	666	6056	REFL PAV MRK (TY I)(W)(DBL ARROW)(090 MIL)	EA	31	\$175.00	\$5,425.00	
7	666	6077	REFL PAV MRK (TY I)(W)(WORD)(090 MIL)	EA	8	\$195.00	\$1,560.00	
8	666	6098	REFL PAV MRK (TY I) 18"(YLD TRI) (090 MIL)	EA	0	\$50.00	\$0.00	
9	666	6140	REFL PAV MRK (TY I)(12")(Y)(SLD)(090 MIL)	LF	200	\$4.00	\$800.00	
10	666	6287	REFL PAV MRK (TY I)(4")(Y)(SLD)(090 MIL)	LF	130748	\$0.48	\$62,759.04	
11	666	6291	REFL PAV MRK (TY I)(4")(Y)(BRK)(090 MIL)	LF	42140	\$0.48	\$20,227.20	
12	666	6299	REFL PAV MRK (TY I)(4")(W)(BRK)(090 MIL)	LF	48639	\$0.48	\$23,346.72	
13	672	6007	REFL PAV MRK (TY I-C)	EA	240	\$4.00	\$960.00	
14	672	6009	REFL PAV MRK (TY II--A-A)	EA	2770	\$4.00	\$11,080.00	
15	677	2001	ELIM EXT PAVE MRK & MRKS (4")	LF	6614	\$1.00	\$6,614.00	
							\$158,093.96	

Service Contract / Agreement

STATE OF TEXAS
CITY OF KILLEEN
BELL COUNTY

THIS AGREEMENT is made and entered into this 12th day of April, 2019, by and between the City of Killeen, a municipal corporation, organized and existing under laws of the State of Texas, acting through its City Manager or other duly authorized designee, hereinafter referred to as the "Owner." and D.I.J. Construction, Inc., of the City of Killeen, Counties of Bell, and the State of Texas, hereinafter referred to as the "CONTRACTOR."

In consideration of the promises, performances, payments, and agreements set forth herein CONTRACTOR hereby agrees to deliver:

Bid # 19-17, Pavement Marking Services and all Work in accordance with the, Invitation to Bid and Addenda (if applicable), which are incorporated herein by reference and made a part hereof and which have been prepared by the City of Killeen and approved by OWNER, and OWNER agrees to pay the CONTRACTOR for the following:

Line items per outlined attached bid tabulation based upon estimated quantities

Per Bid Terms, Pricing & Term Renewals, Page 6

Contract term shall be for a two year (2) period and may be extended for an additional four (4), six (6) month period(s) if so agreed to by both parties. If the City or bidder should decline any renewal period or after the exhaustion of the entire contract term, the City may request up to an additional sixty (60) days past any contract term to advertise and award a new bid for such items without any pricing adjustments.

Pricing shall remain firm during the first twelve (12) month term of the contract with the option of price increase for the latter twelve (12) months, per pricing & term renewals guidelines. If the bid is renewed for additional period(s), additional purchases may be made during the subsequent periods. At the time of contract renewal, price increases will be considered by the City only as a result of a cost increase in manufacturing.

The City reserves the right to purchase all material / services from the next most responsible bidder for failure to provide specified material / services in the contract at time of order or if materials are not available at time requested.

Contractor hereby verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. Boycotting Israel is defined in Texas Government Code section 808.001 to mean refusing to deal with, terminating business activities with, or taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Waiver of any breach of the Contract shall not constitute waiver of any subsequent breach.

OWNER agrees to pay CONTRACTOR from available funds for performance of the Contract in accordance with the Bid and the provisions of the Contract Documents, subject to additions and deductions, as provided therein.

The OWNER's payment obligations are payable only and solely from funds available for the purposes of this Agreement. Although drafted by the OWNER, this Agreement, in event of any disputes over its meaning or application, shall be interpreted fairly and reasonably, and neither more strongly for nor against either party.

OWNER

By: _____
City of Killeen

Date

CITY MANAGER
Title of Signatory

By: _____
City Attorney

Date

CONTRACTOR

By: 
D.I.J. Construction, Inc.

3/19/19
Date

Tim D Jarma
Printed Name of Signatory

VP / ESTIMATOR
Title of Signatory, Authorized Representative

ATTEST (as applicable)
Bob Smith

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

OFFICE USE ONLY CERTIFICATION OF FILING

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

D.I.J. Construction, Inc.
Bertram, TX United States

Certificate Number:
2019-462413

Date Filed:
03/11/2019

Date Acknowledged:

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

City of Killeen

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

19-17
Pavement Markings

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

5 Check only if there is NO Interested Party.

6 UNSWORN DECLARATION

My name is Tim D. Jarma, and my date of birth is 11/11/1967.

My address is P.O. Box 1609, Bertram, TX, 78605, USA.
(street) (city) (state) (zip code) (country)

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

Executed in Burnet County, State of Texas, on the 11 day of March, 2019.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)



PAVEMENT MARKING SERVICES BID 19-17

RS-19-035

April 02, 2019

Background and Findings

- Pavement markings are intended to increase the safety & efficiency of roadway traffic by delineating the roadway path & specific traffic lanes
- The Street Operations Division requested bids for pavement marking services
 - ▣ Two (2) vendors submitted bids: D.I.J. Construction, Inc. & TRP Construction Group LLC.
 - ▣ Bids based upon an estimated quantity & various line items with actual quantities and items depending on needs.
- Contract term for the award shall be a two (2) year period
 - ▣ Actual costs per fiscal year will depend on specific line items utilized
 - ▣ The final fiscal impact will be based upon the allocated budget and workload for the year

Alternatives

- The following alternatives were considered with this item:
 - ▣ Defer pavement marking maintenance to future fiscal years
 - ▣ Perform pavement marking repairs in house with City Employees and equipment
 - ▣ Award a contract for pavement marking services with D.I.J. Construction, Inc.

Recommendation

- City staff recommends that City Council authorize the City Manager, or designee, to enter into an Agreement with D.I.J. Construction, Inc. for pavement marking services and to execute any and all changes within the amounts set by state and local laws.



City of Killeen

Legislation Details

File #: RS-19-036 **Version:** 1 **Name:** Amend Election Judge and Alternate Judge Appointments
Type: Resolution **Status:** Resolutions
File created: 3/21/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: Consider a memorandum/resolution amending the appointment of 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
4/2/2019	1	City Council Workshop		



STAFF REPORT

DATE: April 2, 2019
TO: Ronald L. Olson, City Manager
FROM: Kathy Davis, City Attorney
SUBJECT: Amend Appointment of 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.

On March 12, 2019, City Council made appointments via CCMR 19-032 as required. After the appointments were made, the City Secretary was contacted by Mr. Daryl Peters, Precinct #405 Presiding Judge and Early Voting Presiding Judge at Lions Club Park Senior Center; Mr. Terry Mustapher, Precinct #408 Presiding Judge; Ms. Lucille Ward, Precinct #406 and Ms. Barbara Garrett, Presiding Judge of the Early Voting Ballot Board, Central Counting Station and Signature Verification Committee. Mr. Peters advised that he was recently appointed to serve as Bell County Justice of the Peace and is no longer eligible to serve as an election judge. Mr. Mustapher, Ms. Ward and Ms. Garrett have requested that changes be made to their alternate judges.

The following persons are hereby named as presiding election judges and alternate presiding judges for said election at the following precinct polling places affected by the requests made above. All other appointments made on March 12, 2019 via CCMR 19-032 will remain.

PRECINCT #405: Brenda Peters - Presiding Judge
PRECINCT #406: Sandra O'Brien - Alternate Judge
PRECINCT #408: George H. Arnold IV - Alternate Judge

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

Dorothy Buford - Alternate Judge

EARLY VOTING:

Lions Club Senior Center - Anthony Kendrick - Presiding Judge
Willie Mae Mays - Alternate Judge

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:

As indicated in CCMR 19-032, the 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. There are no additional costs associated with this amendment.

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 and CTC pays the City for their fair share of the election expenses.

RECOMMENDATION:

Staff recommends amending CCMR 19-032, identifying that the above individuals be named to serve as election officials for the City, KISD, and CTC election on May 4, 2019 at the locations provided.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

N/A



AMEND THE APPOINTMENT OF JUDGES FOR MAY 4, 2019 ELECTION

RS-19-036

April 2, 2019

Background/Discussion

- On March 12th, City Council adopted a resolution appointing presiding and alternate judges for the May 4th election
- Since then, the City Secretary has been notified that some election personnel changes are necessary
- This item appoints the new election personnel

Fiscal Impact

3

- There are no additional fiscal impacts associated with this amendment.

Recommendation

- Staff recommends amending Resolution 19-032R, updating the list of individuals to serve as election officials for the City of Killeen, KISD and CTC joint general election on *May 4, 2019*.



City of Killeen

Legislation Details

File #: RS-19-037 **Version:** 1 **Name:** Annexation Petition-Purser
Type: Resolution **Status:** Resolutions
File created: 3/19/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Annexation Petition](#)
[Annexation Exhibit A](#)
[Annexation Exhibit B](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		



STAFF REPORT

DATE: April 2, 2019

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning & Dev. Svcs.

SUBJECT: Consider a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas.

BACKGROUND AND FINDINGS:

On March 14, 2019, the Planning and Development Services Department received a voluntary petition for annexation from Mr. Gary Purser Jr. The subject tract is comprised of 76.459 acres and is located adjacent to property addressed as 5601 Clear Creek Road, Killeen, Texas. The property is vacant, contiguous to current municipal city limits and is therefore exempt from a three year annexation plan. The owner, Mr. Gary Purser Jr., is petitioning to have the property annexed into the corporate limits of Killeen. In accordance with this petition, the staff has prepared a 90-day annexation schedule (below).

Annexation Schedule

April 9th: After the 5th day, but on or before the 30th day, after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate. [LGC 43.028(d)]. Therefore, the petition to grant or refuse the petition must take place by April 13th. If Council decides to conduct public hearings and institute annexation proceedings, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to give services in any other area of the city. [LGC 43.065]

April 21st and May 5th: At least ten days and no more than twenty days in advance of each public hearing, city staff shall publish notice of the public hearings in the local newspaper, post on the city's website and send notice to school district. [LGC 43.063(c) & 43.905]

May 7th and May 21st: The City shall conduct two public hearings between twenty and forty days before the annexation ordinance is adopted (note: this will require two special City Council meeting dates). [LGC 43.063 (a)]

June 11th: No sooner than 20 days after the second public hearing, the City shall adopt an annexation ordinance and approve the service plan. [LGC 43.064]

THE ALTERNATIVES CONSIDERED:

In accordance with LGC sections 43.028(d) and 43.065, the City Council has two alternatives:

- refuse the voluntary petition; or
- grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed.

Which alternative is recommended? Why?

Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition. Council is advised that granting the petition would continue the annexation schedule as outlined above.

CONFORMITY TO CITY POLICY:

The request for voluntary annexation conforms with state law.

FINANCIAL IMPACT:

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

If directed to prepare a service plan, staff will assess the fiscal impacts of annexation and present that information to the City Council.

Is this a one-time or recurring expenditure?

Expenditures related to the extension of municipal services would be a recurring cost.

Is this expenditure budgeted?

It is not budgeted at this time.

If not, where will the money come from?

If the property is annexed, it will be necessary for the money to come from future budget sources. Ad valorem taxes will be collected from the newly annexed land.

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

N/A.

RECOMMENDATION:

Staff recommends that the City Council hear the petition and the arguments for and against the voluntary annexation and decide whether to refuse or grant the petition.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Annexation Petition
Annexation Exhibit A
Annexation Exhibit B

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF KILLEEN, TEXAS,
A HOME RULE MUNICIPALITY:

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, hereby petitions your Honorable Body to extend the present city limits so as to include as part of the **City of Killeen**, Texas (Local Government Code §43.028) the following described territory, to wit:

See attached Exhibits A and B

The undersigned certifies that the above described land is contiguous and adjacent to the **City of Killeen**, is not more than one-half (1/2) mile in width, is vacant and without residents and on which fewer than three qualified voters reside.



Property Owner

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

Before me, the undersigned authority, on this day personally appeared Cary W. Purser, Jr. known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13 day of March 2019.



Notary Public in and for the
State of Texas



Commission Expires: 8-20-19

Exhibit A

Being a 76.459 acre tract of land situated in and part of the James Cook Survey, Abstract No. 161, Bell County, Texas, being part of that tract of land conveyed to Gary W. Purser Jr 2000 Trust, as recorded in Instrument No. 2018-00048761, Official Public Records of Real Property of Bell County, Texas; said 76.459 acre tract being more particularly described as follows:

BEGINNING at a 3/8" iron rod found w/ M&S Cap, said rod being the Northwest corner of said 2000 Trust tract, the Southwest corner of Estancia West as recorded in Year 2017, Number 37A & B, said county plat records, being in the East line of a tract conveyed to the United States of America as recorded in Vol. 181, Pg. 1, said county deed records, in the West City Limits line of the City of Killeen and the Northwest corner of the herein described tract;

THENCE, S 73° 14' 33" E, 2062.75 feet with the North line of said 2000 Trust tract, the South line of said Estancia West and the North line of the herein described tract to a 3/8" iron rod found, said rod being in the North line of said 2000 Trust tract, in the South line of said Estancia West, the Southwest corner of a tract of land conveyed to Centex Humane Society, Inc., as recorded in Vol 3474, Page 775, said deed records, in the West line of the City of Killeen, and a corner in the North line of the herein described tract;

THENCE, S 73° 14' 25" E, 824.75 feet with the North line of said 2000 Trust tract, the South line of said Centex tract, and the North line of the herein described tract to a 3/8" iron rod found with M&S Cap, said rod being the Southeast corner of said Centex tract, the Southwest corner of Lot 1, Block 1, Second Chance Animal Shelter Addition, as recorded in Cabinet D, Slide 297-C, said plat records, in the West line of the City of Killeen, and being a corner in the North line of said 2000 Trust tract for a corner in the North line of the herein described tract;

THENCE, S 73° 13' 40" E, 125.76 feet with the North line of said 2000 Trust tract, the South line of said Lot 1, Block 1, and the North line of the herein described tract to a point, said point being a corner in the South line of said Lot 1, Block 1, the North line of said 2000 Trust tract, in the West line of the City of Killeen, and the Northeast corner of the herein described tract;

THENCE, S 17° 00' 37" W, 1157.94 feet across and upon said 2000 Trust tract, with the East line of the herein described tract to a point, said point being in the South line of said 2000 Trust tract, the North line of a tract of land conveyed to Schoolgirl, LLC., as recorded in Instrument # 2017-00001962, said Public Records, in the West line of the City of Killeen, and the Southeast corner of the herein described tract;

THENCE, N 73° 05' 01" W, 559.83 feet with the South line of said 2000 Trust tract, the North line of said Schoolgirl tract, and the South line of the herein described tract to a 3/8" iron rod found with MAK cap, said rod being in the South line of said 2000 Trust tract, the Northwest corner of said Schoolgirl tract, in the North line of a tract of land conveyed to the United States of America, as recorded in Instrument # 2010-00016076, said Public Records, in the West line of the City of Killeen, and a corner in the South line of the herein described tract;

THENCE, with the South line of said 2000 Trust tract, the North line of said United States tract(2010-00016076), in the West line of the City of Killeen, and the South line of the herein described tract the following calls:

1. **N 72° 46' 44" W, 498.95 feet** to a Chain link Fence Post found;
2. **N 12° 42' 02" E, 44.77 feet** to a Chain link Fence Post found;
3. **N 71° 28' 02" W, 995.89 feet** to a Mag Nail found;
4. **N 44° 37' 29" W, 66.35 feet** to a Mag Nail found;
5. **N 73° 27' 15" W, 578.58 feet** to a Mag Nail found;
6. **S 14° 35' 47" W, 36.51 feet** to a Chain link Fence Post found;
7. **N 74° 25' 36" W, 323.68 feet** to a Mag Nail found, said nail being the Southwest corner of said 2000 Trust tract, the Northwest corner of said United States tract(2010-00016076), in the East line of said United States tract (Vol. 181, Pg 1), in the West line of the City of Killeen, and the Southwest corner of the herein described tract;

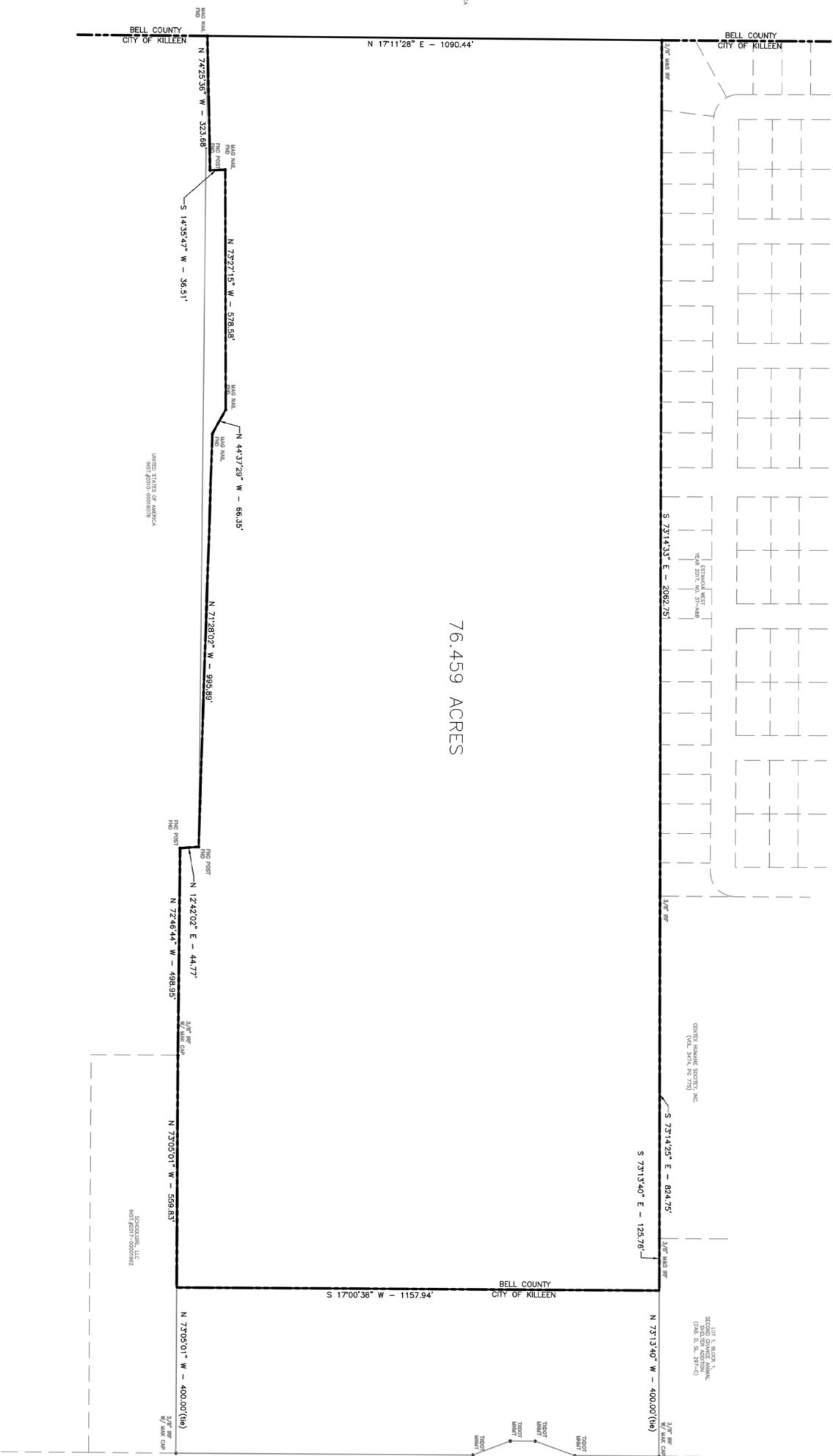
THENCE, N 17° 11' 28" E, 1090.44 feet with the West line of said 2000 Trust tract, the East line of said United States tract(Vol 181, Pg 1), and the West line of the herein described tract to the **POINT OF BEGINNING**, containing 76.459 acres of land, more or less.

The Bearings for the above description are based on the Texas Coordinate System, Central Zone, NAD 83 (CORS 96) per Leica SmartNet GPS observations.

KILLEEN ENGINEERING & SURVEYING, LTD.
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 526-3981/ FAX (254) 526-4351
TBPE Registration No. F-4200, TBPLS Registration No. 100144-00



UNITED STATES OF AMERICA
VOL. 151, PG. 1



76.459 ACRES

CLEAR CREEK ROAD
STATE HIGHWAY 201
(ROW VARIES -
73' BOC - BOC)

EXHIBIT B

ANNEXATION EXHIBIT
76.459 ACRES OF THE JAMES COOK SURVEY,
ABSTRACT NO. 161
KILLEEN, BELL COUNTY, TEXAS

DATE	SHEETS

KILLEEN ENGINEERING & SURVEYING, LTD

2901 E. Stan Schlueter Loop
Killeen, Texas 76542
OFFICE: (254) 526-3981 FAX: (254) 526-4351

TBPE REGISTRATION NO. F-4200
TBPLS REGISTRATION NO. 100144-00

Project No.:	2018-036
Acres:	76.459
Scale:	1" = 150'
Date:	3/12/2019
Design By:	MEL/BCC
Sheet No.:	1 OF 1



VOLUNTARY ANNEXATION PETITION_PURSER

DS-19-037

April 2, 2019

Voluntary Annexation Petition

2

- ❑ Staff received a voluntary annexation petition from Gary Purser Jr., for 76.459 acres of land located west of 5601 Clear Creek Road, Killeen, Texas.
- ❑ The property is located due south of the Estancia West Subdivision and east and north of Fort Hood owned land.



ANNEXATION MAP

- Legend
-  Annexation Area
 -  City Limits

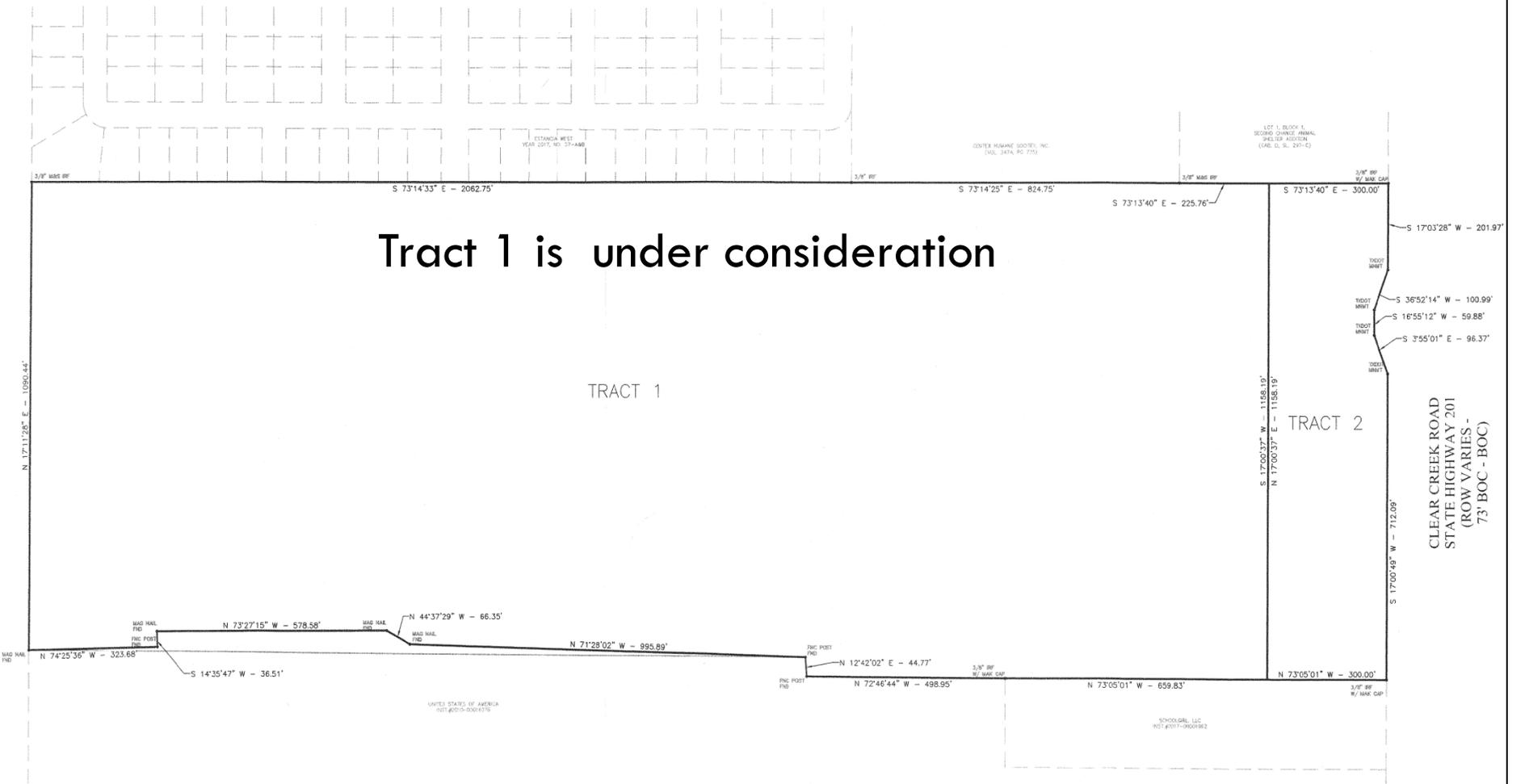


Tract 1 is under consideration

TRACT 1

TRACT 2

CLEAR CREEK ROAD
STATE HIGHWAY 201
(ROW VARIES -
73' BOC - BOC)



3/8" MMS RP S 73°14'33" E - 2062.75' 3/8" RP S 73°14'25" E - 824.75' 3/8" MMS RP S 73°13'40" E - 225.76' 3/8" RP S 73°13'40" E - 300.00'

N 17°11'28" E - 1080.64'

TODD WRIGHT
S 17°03'28" W - 201.97'
TODD WRIGHT
S 36°52'14" W - 100.99'
TODD WRIGHT
S 16°55'12" W - 59.88'
TODD WRIGHT
S 3°55'01" E - 96.37'

S 17°00'37" W - 1156.19'
N 17°00'37" E - 1156.19'

S 17°00'48" W - 712.09'

MAD HAIL FNC N 74°25'36" W - 323.68' MAD HAIL FNC N 73°27'15" W - 578.58' MAD HAIL FNC N 44°37'29" W - 66.35' MAD HAIL FNC N 14°35'47" W - 36.51' MAD HAIL FNC N 71°28'02" W - 895.89' FNC PORT N 12°42'02" E - 44.77' 3/8" RP 1/2" MMS CAP N 72°46'44" W - 498.95' FNC PORT N 73°05'01" W - 659.83' N 73°05'01" W - 300.00' 3/8" RP 1/2" MMS CAP

UNITED STATES OF AMERICA
NET 60010-0004376

SCHOOL GILL, LLC
NET 60011-0000982

Voluntary Annexation Petition

5

- The property is vacant and contiguous to current City limits to the north and east. These two conditions allow the property to be eligible for a 90 day annexation process.
- Staff has prepared a 90 day timeline for the City Council's consideration.

Voluntary Annexation Schedule

- April 9th: If Council decides to conduct public hearings and institute annexation proceedings, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to give services in any other area of city. [LGC 43.065]
- April 21st and May 5th: At least 10 days and no more than 20 days in advance of each public hearing, publish notice in newspaper, post on website and send notice to school district. [LGC 43.063(c) & 43.905]

Voluntary Annexation Schedule

7

- May 7th and May 21st: Conduct 2 public hearings between 20 and 40 days before annexation ordinance is adopted (*note: this will require two special City Council meeting dates*). [LGC 43.063 (a)]
- June 11th: Adopt annexation ordinance and approve service plan. [LGC 43.064]

Voluntary Annexation Alternatives

- In accordance with LGC sections 43.028(d) and 43.065, the City Council has two alternatives:
- refuse the voluntary petition; or
- grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed.

Voluntary Annexation Alternatives

- Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition.
- If Council grants the petition, the annexation schedule will proceed as previously noted.



City of Killeen

Legislation Details

File #: RS-19-038 **Version:** 1 **Name:** Annexation-WBW Land Investments LP
Type: Resolution **Status:** Resolutions
File created: 3/22/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: Consider a memorandum/resolution refusing or granting a voluntary annexation petition for approximately 83.01 acres of land lying contiguous to the existing city limits and being adjacent to 7501 Chaparral Road, Killeen, Texas.
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Annexation Petition](#)
[Annexation Exhibit](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		



STAFF REPORT

DATE: April 2, 2019

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning & Dev. Svcs.

SUBJECT: Consider a voluntary annexation petition for approximately 83.01 acres of land lying contiguous to the existing city limits and being adjacent to 7501 Chaparral Road, Killeen, Texas.

BACKGROUND AND FINDINGS:

On March 21, 2019, the Planning and Development Services Department received a voluntary petition for annexation from WBW Land Investments Limited Partnership. The subject area is comprised of two tracts of land with one tract measuring 10.26 acres, being located west of 7501 Chaparral Road and the second tract measuring 72.75 acres, being located east of 7501 Chaparral Road, Killeen, Texas. The property is vacant, contiguous to current municipal city limits and is therefore exempt from a three year annexation plan. The owner is making the request to have the property annexed into the corporate limits of Killeen. In accordance with that, the staff has prepared a tentative 90-day annexation schedule (below) and will ask the City Council to provide a motion of direction to the City Manager.

Annexation Schedule

April 9th: After the 5th day, but on or before the 30th day, after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate. Therefore, the Council must grant or refuse the petition by April 20, 2019. If Council decides to grant the petition, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area by any method used to give services in any other area of city and conduct public hearings. [LGC 43.065]

April 21st and May 5th: At least 10 days and no more than 20 days in advance of each public hearing, publish notice in newspaper, post on website and send notice to school district. [LGC 43.063(c) & 43.905]

May 7th and May 21st: Conduct 2 public hearings between 20 and 40 days before annexation ordinance is adopted (note: this will require two special City Council meeting dates). [LGC 43.063 (a)]

June 11th: Adopt annexation ordinance and approve service plan. [LGC 43.064]
(Can be no sooner than 20 days after 2nd public hearing.)

THE ALTERNATIVES CONSIDERED:

In accordance with LGC sections 43.028(d) and 43.065, the City Council has two alternatives:

- refuse the voluntary petition; or
- grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed.

Which alternative is recommended? Why?

Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition. Council is advised that granting the petition would continue the annexation schedule as outlined above.

CONFORMITY TO CITY POLICY:

The request for voluntary annexation conforms with state law.

FINANCIAL IMPACT:

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

If directed to prepare a service plan, staff will assess the potential fiscal impacts of annexation and present that information to the Council.

Is this a one-time or recurring expenditure?

Expenditures related to the extension of municipal services would be a recurring cost.

Is this expenditure budgeted?

It is not budgeted at this time.

If not, where will the money come from?

If the property is annexed, it will be necessary for the money to come from future budget sources. Ad valorem tax and fees will be collected from annexed territory.

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

N/A.

RECOMMENDATION:

Staff recommends that the City Council hear the petition and the arguments for and against the voluntary annexation and decide whether to refuse or grant the petition.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Annexation Petition
Annexation Exhibit

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF KILLEEN, TEXAS,
A HOME RULE MUNICIPALITY:

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, hereby petitions your Honorable Body to extend the present city limits so as to include as part of the **City of Killeen**, Texas (Local Government Code §43.028) the following described territory, to wit:

See attached Exhibits A and B

The undersigned certifies that the above described land is contiguous and adjacent to the **City of Killeen**, is not more than one-half (1/2) mile in width, is vacant and without residents and on which fewer than three qualified voters reside.

Property Owner

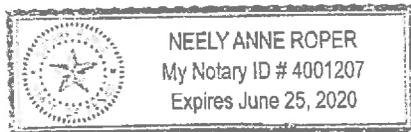
[Handwritten Signature]

Property Owner

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

Before me, the undersigned authority, on this day personally appeared Bruce White known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 19th day of March 2018.^{19th}



[Handwritten Signature]

Notary Public in and for the
State of Texas

Commission Expires: 06-25-2020

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this _____ day of _____ 2018.

Notary Public in and for the
State of Texas

Commission Expires: _____

**FIELD NOTES
BELL COUNTY, TEXAS**

Being all that certain tract or parcel of land situated in the James H. Evitts Survey, Abstract No. 287, and the land herein described being all of the Tract One and Tract Two described in Correction Warranty Deed to Micheal Aycock and Lou Aycock in Volume 6720, Page 673, and a called 11.35 acre tract described in Special Warranty Deed to Micheal Aycock and Lou Aycock in Volume 5431, Page 649, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 149.57 acre tract described in a Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron found at a cedar fence corner post in the west line of said 149.57 acres tract and south margin of Chapparral Road and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Killeen, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton spindle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, for the northwest corner of the herein described tract;

THENCE N. 71° 02' 51" E., 609.40 feet, along the north line of said Block 1, south margin of Chapparral Road to a 1/2" iron set in the east line of said called 11.35 acre tract, and for corner of the herein described tract ;

THENCE in a southerly direction with the east line of said 11.35 acre tract, the following three (3) courses:

1. S. 16° 36' 57" E., 581.83 feet, to a 1/2" iron pin found for an angle corner;
2. S. 17° 20' 54" E., 1030.66 feet (Deed S. 17° 22' 35" E., 1030.34 feet) , an iron rod with yellow cap found for an angle corner;
3. S. 37° 20' 21" E., 438.10 feet (Deed- S. 37° 17' 33" E, 438.10 feet) feet, to a point at the southerly corner of said 11.35 acre tract, for an ell corner of the herein described tract;

THENCE N. 52° 39' 22" E., 920.06 feet, (Deed- N. 52° 42' 27" E., 920.00) feet with the a line of said 11.35 acre tract, to an iron rod with yellow cap found in a lake dam, same being the northeast corner of said 11.35 acre tract, and an angle point of the herein described tract;

THENCE N. 32° 58' 52" E. 1445.68 feet, over and across said 149.57 acre tract and north line of said Aycock Tract Two , to a 1/2" iron pin set on the east line of said 149.57 acre tract and the west line of a called 152.523 acre tract conveyed to Trudo Family Living Trust, being recorded in Volume 5045, Page 590, Official Public Records of Real Property, Bell County, Texas, for the easterly northeast corner of the herein described tract;

THENCE in a southerly direction with east line of said 149.57 acre tract, east line of said Aycock Tract Two, and the west line of said 152.523 acre tract, the following two (2) courses:

1. S. 06° 22' 14" E., 485.98 feet, to a 24" spanish oak and fence corner of said 149.57 acre tract, said 152.523 acre tract, and said Tract Two, for an angle corner;
2. S. 19° 30' 30" E., 1229.95 feet, to a 8" cedar fence corner post marked with a 60D nail at the southeast corner of said 149.57 acre tract, southeast corner of said Aycock Tract Two, and southeast corner of the herein described tract;

THENCE S. 73° 22' 28" W., 2285.97 feet, with the south line of said Aycock Tract Two, south line of said 149.57 acre tract, and the north line of a called 50 acre tract (Tract One) conveyed to William D. Morris recorded in Volume 5764, Page 467, Official Public Records of Real Property, Bell County, Texas, to a 8" cedar fence corner post found in the west line of a 30' Passage Easement described as "Tract Two" of said Morris Deed, same being at the southwest corner of said 149.57 acre tract and southwest corner of the herein described tract;

THENCE N. 34° 20' 30" W., 1680.60 feet, with the west line of said 149.57 acre tract, west line of said Aycock Tract Two, east line of said Morris Tract Two, and east line of a called tract conveyed to Dock L. Curb, Jr. recorded in Volume 5982, Page 758, Official Public Records of Real Property, Bell County, Texas, and west line of this tract, to an 8" cedar fence corner post found for an angle corner of said 149.57 acre tract, for an angle corner of this tract;

THENCE N. 10° 56' 33" W., 844.97 feet, with the west line of said 149.57 acre tract, west line of said Aycock tract, east line of said Curb Tract, East line of said 30' Passage Easement, to a POINT OF BEGINNING and containing 72.75 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas.

-END-

A. W. Kessler 5-10-12

A. W. Kessler, R.P.L.S. 1852



**FIELD NOTES
10.26 ACRE TRACT
BELL COUNTY, TEXAS**

BEING all that certain tract or parcel of land situated in and being a part of the James H. Evetts Survey, A-600, Bell County, Texas, and being the a part of the called 163.25 acre tract described in Deed to Dock L. Curb, et al, Co-Trustee of the D. L. Curb, Jr. Trust, recorded in Volume 5982, Page 758, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found in the center of Chaparral Road, same being called the northeast corner of said 163.25 acre tract and the northwest corner of the called 43.70 acre tract described in deed to WBW Land Investments, LP, in Volume 8221, Page 604, Official Public Records of Real Property of Bell County, Texas, and being called the northeast corner of the herein described tract;

THENCE, S 10°57'51" E, 874.03 feet along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron pipe found at a fence corner post for an angle point of the herein described tract;

THENCE, S 34°20'08" E, 2016.84 feet, continuing along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron rod set, said iron rod set bearing N 34°20'08" W, 183.26 feet from an iron rod found at a cedar fence post corner found for a corner of said 163.25 acre tract said iron rod set being a corner of the herein described tract;

THENCE, in a northwesterly direction, across and upon said 163.25 acre tract with the following courses:

1. N 72°35'18" W, 293.81 feet, to a point for corner,
2. N 34°25'15" W, 396.59 feet, to a point for corner,
3. N 31°06'10" W, 345.56 feet, to a point for corner,
4. N 34°25'15" W, 1011.56 feet, to a point for corner,
5. N 10°57'51" W, 950.46 feet, to a PK nail set in the north line of said 163.25 acre tract and centerline of Chaparral Road, for the called northwest corner of the herein described tract;

THENCE, N 71°09'25"E, 139.26 feet, along the north line of said 163.25 acre tract, center of Chaparral Road, and north line of this to the **PLACE OF BEGINNING** and containing 10.26 of land, more or less.

SURVEYOR'S NOTES:

1. The bearings for this description is a west line of said 43.70 acre tract being S 34°20'08"E per deed of record.
2. 1/2" iron rods with caps marked " CORNER '1852" will be placed at all corners noted as "points" herein. Placement of iron roads will occur after the date of conveyance of the tract described herein.

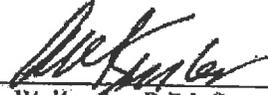
 12-26-12
A. W. Kessler, R.P.L.S.



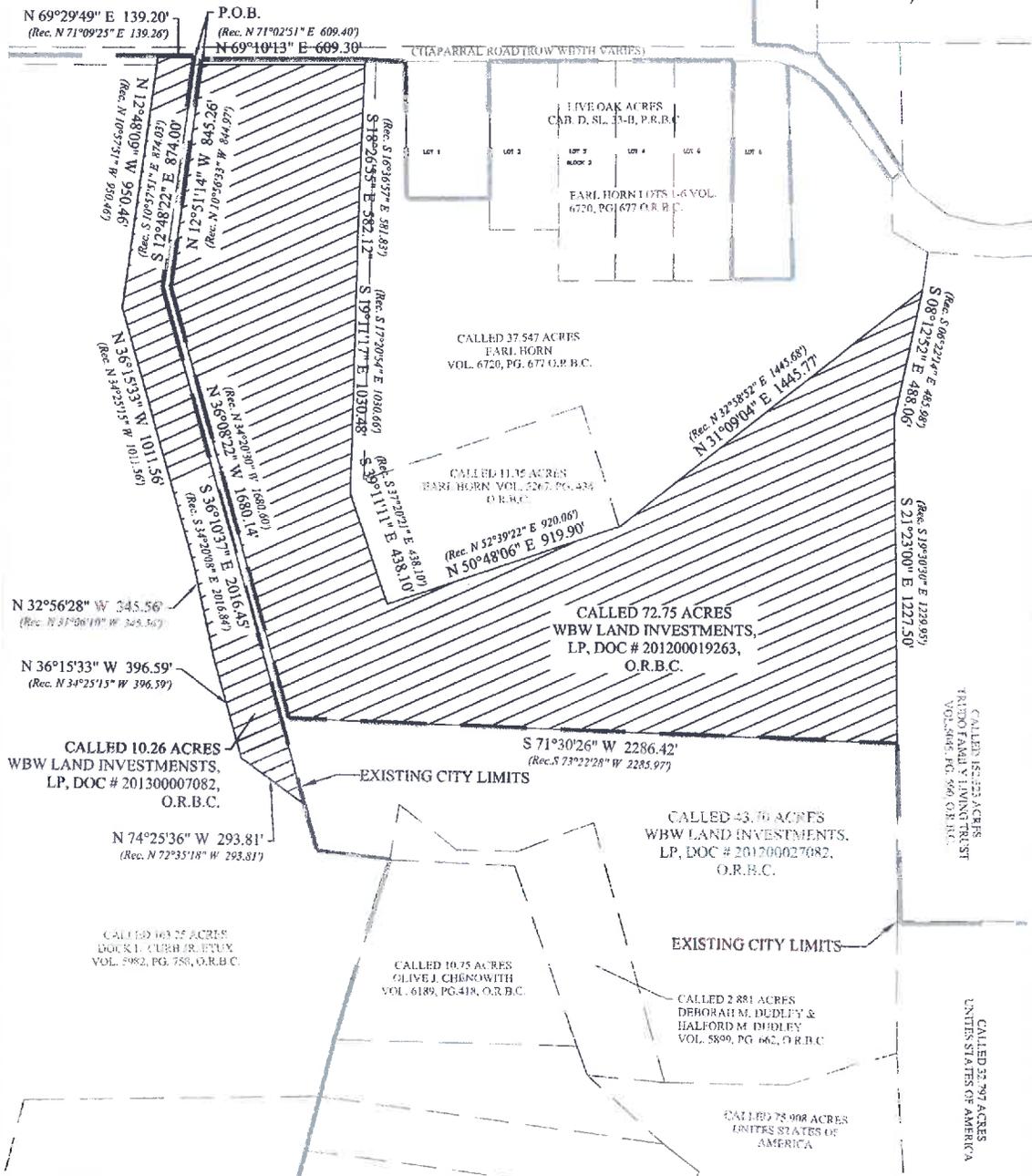
Exhibit "A"

EXHIBIT OF 72.75 ACRES AND 10.26 ACRES SITUATED IN AND BEING OUT OF THE JAMES H. EVITTS SURVEY, ABSTRACT NO. 287, BELL COUNTY, TEXAS, FOR PROPOSED ANNEXATION TO THE CITY OF KILLEEN, TEXAS.

LEGEND  AREA TO BE ANEXED

SURVEYOR'S NOTE

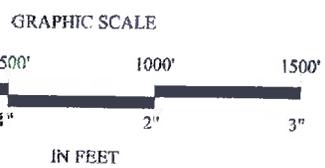
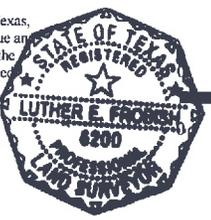
The bearings and distances recited hereon are grid bearings and grid distances derived from GPS observations based on the Texas State Plane Coordinate System, NAD 1983 (2011) datum, Texas Central Zone No. 4203. The Combined Correction Factor (CCF) is 0.9998510. Ground distance = Grid distance / CCF.



SURVEYOR'S CERTIFICATE

I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this map is true and correct, that it was prepared from an actual survey of the property made on the ground, and that the metes and bounds described hereon will describe a closed geometric form.

Luther E. Probst 9/11/2018
Luther E. Probst
Registered Professional Land Surveyor, No. 6200, Firm No. 10194095





VOLUNTARY ANNEXATION
PETITION_WBW

RS-19-038

April 2, 2019

Voluntary Annexation Petition

2

- Staff received a voluntary annexation petition from WBW Land Investments L.P., for 83.01 acres of land located east and west of 7501 Chaparral Road, Killeen, Texas.
- The property is located at the southeast corner of the City, south of Chaparral Road and west of the Killeen city limits.

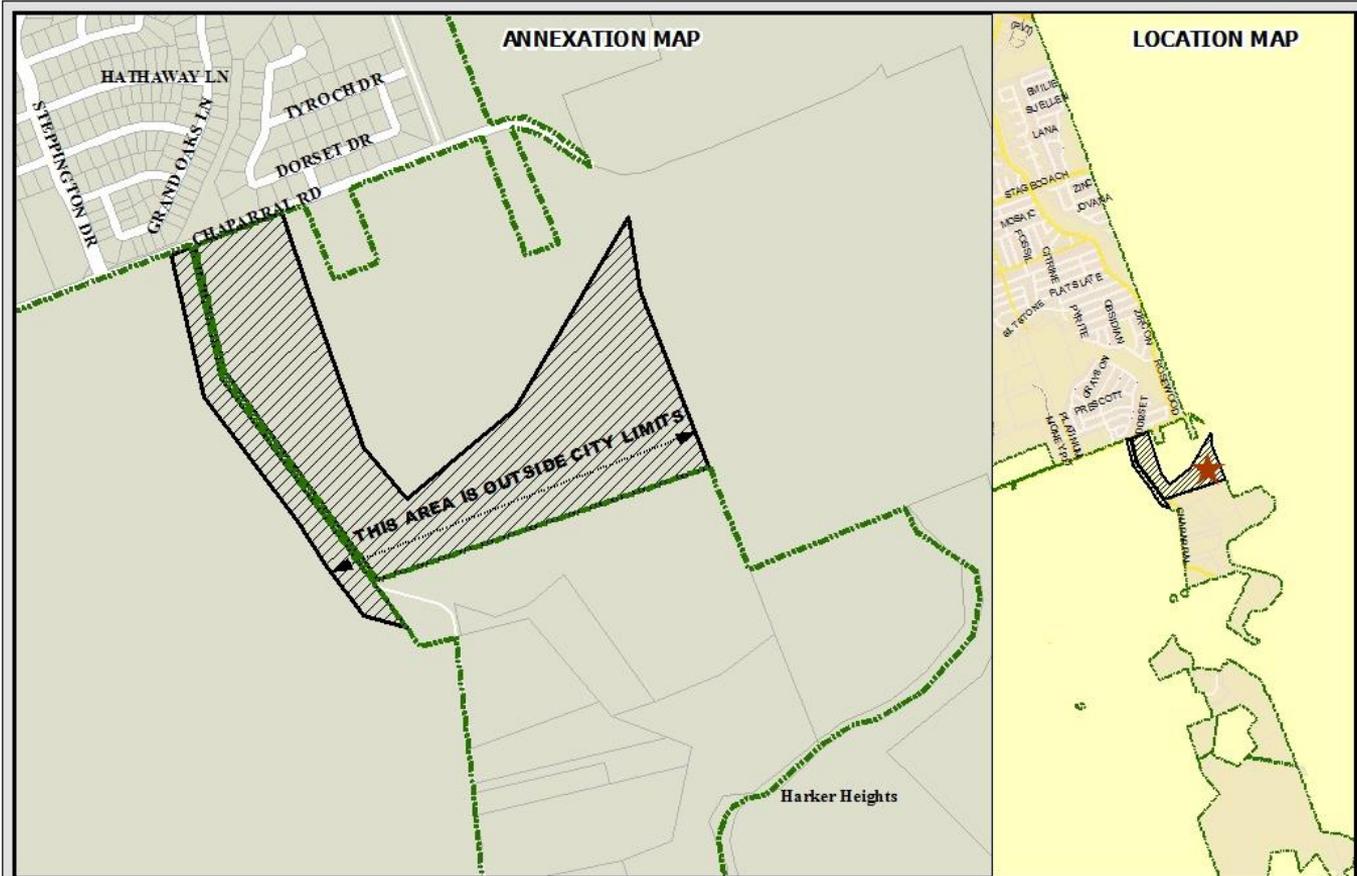


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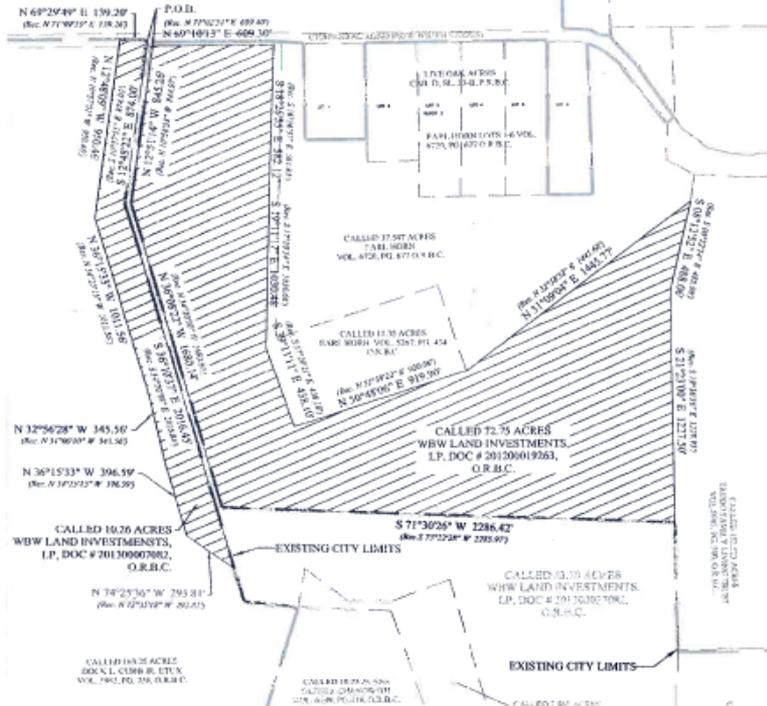
LEGEND



AREA TO BE ANNEXED

SURVEYORS NOTE:

The bearings and distances recited herein are just bearings and grid distances derived from GPS measurements based on the Texas State Plane Coordinate System, NAD 1983 (2011) datum, Texas Central Zone No. 4205. The Combined Correction Factor (CCF) is 0.998500. Ground distance = Grid distance / CCF.



Voluntary Annexation Petition

- The property is vacant and contiguous to current City limits to the south and east. These two conditions allow the property to be eligible for a 90 day annexation process.
- Staff has prepared a 90 day timeline for the City Council's consideration.

Voluntary Annexation Schedule

- April 9th: If Council decides to conduct public hearings and institute annexation proceedings, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to give services in any other area of city. [LGC 43.065]
- April 21st and May 5th: At least 10 days and no more than 20 days in advance of each public hearing, publish notice in newspaper, post on website and send notice to school district. [LGC 43.063(c) & 43.905]

Voluntary Annexation Schedule

7

- May 7th and May 21st: Conduct 2 public hearings between 20 and 40 days before annexation ordinance is adopted (*note: this will require two special City Council meeting dates*). [LGC 43.063 (a)]
- June 11th: Adopt annexation ordinance and approve service plan. [LGC 43.064]

Voluntary Annexation Alternatives

- In accordance with LGC sections 43.028(d) and 43.065, the City Council has two alternatives:
- refuse the voluntary petition; or
- grant the voluntary petition and direct the City Manager to prepare a service plan that provides for the extension of full municipal services to the area to be annexed.

Voluntary Annexation Alternatives

- Staff recommends that the City Council hear the petition and the arguments for and against the annexation and decide whether to refuse or grant the petition.
- If Council grants the petition, the annexation schedule will proceed as previously noted.



City of Killeen

Legislation Details

File #: PH-18-038 **Version:** 1 **Name:** Zoning 18-24
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 11/26/2018 **In control:** City Council
On agenda: 4/9/2019 **Final action:**
Title: HOLD a public hearing and consider an ordinance requested by Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. (Case #Z18-24) to rezone part of Lot 1, Block 1, Abundant Life Acres, from "R-3" (Multifamily Residential District) to "R-3" (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150' tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas. (Requires a 3/4 majority vote)
Sponsors: Planning & Development Dept
Indexes:
Code sections:
Attachments: [Staff Report](#)
[Map](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Site Plan](#)
[Opposition](#)
[Presentation](#)

Date	Ver.	Action By	Action	Result
4/2/2019	1	City Council Workshop		
12/18/2018	1	City Council	Tabled	Pass
12/11/2018	1	City Council Workshop		



STAFF REPORT

DATE: December 11, 2018

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Exec. Dir. of Planning and Development Services

SUBJECT: ZONING CASE #Z18-24 "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT)
TO "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) WITH A
CONDITIONAL USE PERMIT (C.U.P.)

BACKGROUND AND FINDINGS:

Nature of the Request:

Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. has submitted a request to rezone part of Lot 1, Block 1, Abundant Life Acres, from "R-3" (Multifamily Residential District) to "R-3" (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150' tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas.

The proposed monopole is proposed to be located approximately 155' from the west and south property lines and approximately 310' from Florence Road. The rear portion of the subject property abuts two residential areas (Rolling Acres and Swope Estates, First Extension). The proposed communication tower will be enclosed by a 50' by 50' enclosure, which will be accessed via an all-weather surface.

Criteria for Approval of a Conditional Use Permit (CUP):

Conditional Use Permits must be approved by the majority of the Planning and Zoning Commission and then by the City Council with a three-fourths affirmative vote. The City Council may approve the application with or without conditions, deny the application, postpone the matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and recommendation. The City Council may establish conditions of approval that are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.

Property Specifics:

Applicant/Property Owner: Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc.

Property Location: The subject area is located at 1210 Florence Road, Killeen, Texas.

Legal Description: Lot 1, Block 1, Abundant Life Acres

Zoning/ Plat Case History:

- There is no recent zoning history for this property.
- The subject property is platted at Lot 1, Block 1, Abundant Life Acres, which was filed for record on October 26, 1996, in Cabinet C, Slide 88-B, Plat Records of Bell County, Texas.

Character of the Area:

Existing Land Use(s) on the Property: The subject property is a church site, with a surrounding mixture of commercial and residential development types.

Historic Properties: There are no historic structures on this property.

Screening Requirements: Killeen Code of Ordinances Sec. 31-606, states that a communication facility "must be completely enclosed by a fence, wall, or barrier which limits climbing access to such tower and any supporting systems, lines, wires, buildings, or other structures. The facility must be fully screened from view from property used or zoned for residential use and public roadways." The applicant has expressed a desire to utilize chain-link fencing as the preferred screening material; staff is amenable with chain-link fencing only along the south and west sides of the property. The south side of the property is shielded from view by dense tree flora and the west side of the property abuts commercial uses. The north and east sides of the site must comply with the provisions of Code Sec. 31-606.

INFRASTRUCTURE AND COMMUNITY FACILITIES:

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Upon construction, the applicant is allowed to extend a water service line to the site for fire protection.

Transportation:

Existing conditions: Ingress/ Egress to the property is via Florence Road, which is classified as a collector street (70' ROW) on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no planned transportation improvements as part of this zoning request.

Projected Traffic Generation: There will be no increase in traffic as a result of this consideration.

Environmental Assessment: This property is located in a Zone X Special Flood Hazard Area (SFHA). There is a FEMA recognized watercourse, locally known as Florence Ditch Tributary, which runs from west to east along the southern most property line. Florence Ditch Tributary is located within a publically dedicated existing drainage easement. There are no known wetlands

on this parcel. Prior to leaving the city, runoff from Florence Ditch Tributary flows into Florence Ditch before it joins with South Nolan Creek near Bishop Drive. South Nolan Creek, east of Liberty Ditch, is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

The property was platted in 1996. As a result, the 1993 Drainage Design Criteria applies to future development on this parcel. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

LAND USE ANALYSIS:

Land Use Plan: The land is designated as 'Residential Mix' (R-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The R-Mix designation allows a mixture of residential types and densities, public/ institutional uses as well as parks and public spaces.

Plan Recommendation: The Comprehensive Plan does not address communication towers.

Consistency: The applicant's Conditional Use Permit request does not trigger a change to the Future Land Use Map (FLUM).

Public Notification: The staff notified forty-six (46) surrounding property owners within a 400' notification boundary regarding this request. Staff received one objection from Mr. and Mrs. Frederick, owners of 1405 S. 2nd Street.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative other than the applicant's request.

Why?

The requested Conditional Use Permit (CUP) complies with Chapter 31 of the City of Killeen Code of Ordinances.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

The Planning and Zoning Commission by a vote of 6 to 1 recommended approval of the applicant's request for a Conditional Use Permit (C.U.P.) for a proposed 150' tall monopole communications structure, with the allowance of chain-link fencing as an acceptable screening device along the west and south project site. Commissioner Gukeisen voted in opposition.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning Map and Notification Area

Minutes

Ordinance

Pharr vs. Tippitt

Site Plan

Opposition



Zoning Case Notification Plan

Case Z-2018-24

Council District: 3

R-3 TO R-3 W/ CUP

1 inch = 200 feet

Subject Property Legal Description: ABUNDANT LIFE ACRES, BLOCK 001, LOT 0001

Legend



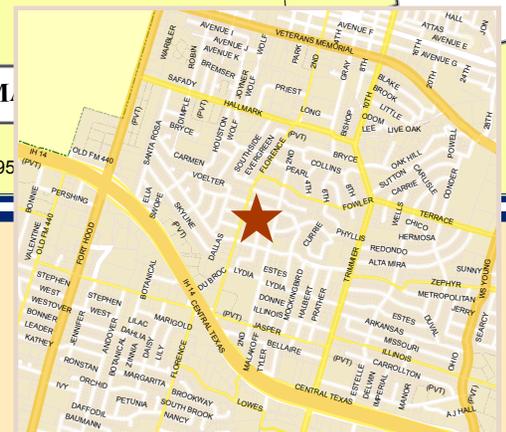
400 Ft Notification Area



Zoning Case Location



Killen City Limits



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 3, 2018**

**CASE #Z18-24
“R-3” to “R-3” w/ C.U.P**

HOLD a public hearing and consider a request submitted by Titan Towers, L.P. on behalf of Abundant Life Church of God of Bell County, Inc., to rezone a part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall communication structure. The subject area is located at 1210 Florence Road, Killeen, Texas.

Chairman Peters requested staff comments.

Assistant Director, Tony McIlwain stated this request was submitted by Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. to rezone part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure. The property is located at 1210 Florence Road, Killeen, Texas.

Mr. McIlwain stated that the monopole is proposed to be located approximately 155’ from the west and south property lines and approximately 310’ from Florence Road. The rear portion of the subject property abuts two residential areas (Rolling Acres and Swope Estates, First Extension). The proposed communication tower will be located within a 50’ by 50’ enclosure, which will be accessed via an all-weather surface. The adjacent residential areas are zoned “R-1” (Single-Family Residential District) and “R-3” (Multifamily Residential District).

Mr. McIlwain stated that staff notified forty-six (46) surrounding property owners within a 400’ notification boundary regarding this request. One response in opposition was received from Mr. and Mrs. Johnny Frederick, 1405 S. 2nd Street, Killeen, Texas.

Staff recommended approval of the applicant’s request for a Conditional Use Permit (C.U.P.) for the proposed 150’ tall monopole communications structure with the allowance of chain-link fencing as an acceptable screening for the west and south sides of the project site.

Mr. Laddie Galloway, Titan Towers, P.O. Box 6060, Abilene, Texas, was present to represent this request.

Chairman Peters opened the public hearing.

Mr. Johnny Frederick, 1405 S. 2nd Street, Killeen, Texas, spoke in opposition and stated that this would be an eyesore to the area and that there is an existing tower located at Nolan Middle School.

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

Commissioner Cooper motioned to recommend approval of the request with the fencing requirement added as a condition. Commissioner Holly seconded, and the motion passed by a vote of 6 to 1. Commissioner Gukeisen voted in opposition.

Chairman Peters stated that the request will be forwarded to City Council with a recommendation to approve. Mr. McIlwain stated that the request will have to be approved by a super majority vote.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF PART OF LOT 1, BLOCK 1, ABUNDANT LIFE ACRES, FROM “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) TO “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT” (C.U.P.) FOR A 150’ MONOPOLE COMMUNICATION STRUCTURE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Titan Towers, L.P. on behalf of Abundant Life Church of God of Bell County, Inc. has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure, said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 3rd day of December 2018, with the following condition: that chain-link fencing is acceptable for a screening device along the west and south site boundary; and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 9th day of April 2019, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the $\frac{3}{4}$ majority opinion that the applicant’s zoning request should be approved subject to the condition as stipulated by the Planning and Zoning Commission;

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

SECTION I. That the zoning classification of part of Lot 1, Block 1, Abundant Life Acres, being locally known as 1210 Florence Road, Killeen, Texas, be changed from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of April 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

Jose L. Segarra, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney
Case #18-24, Ord. #19-____

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

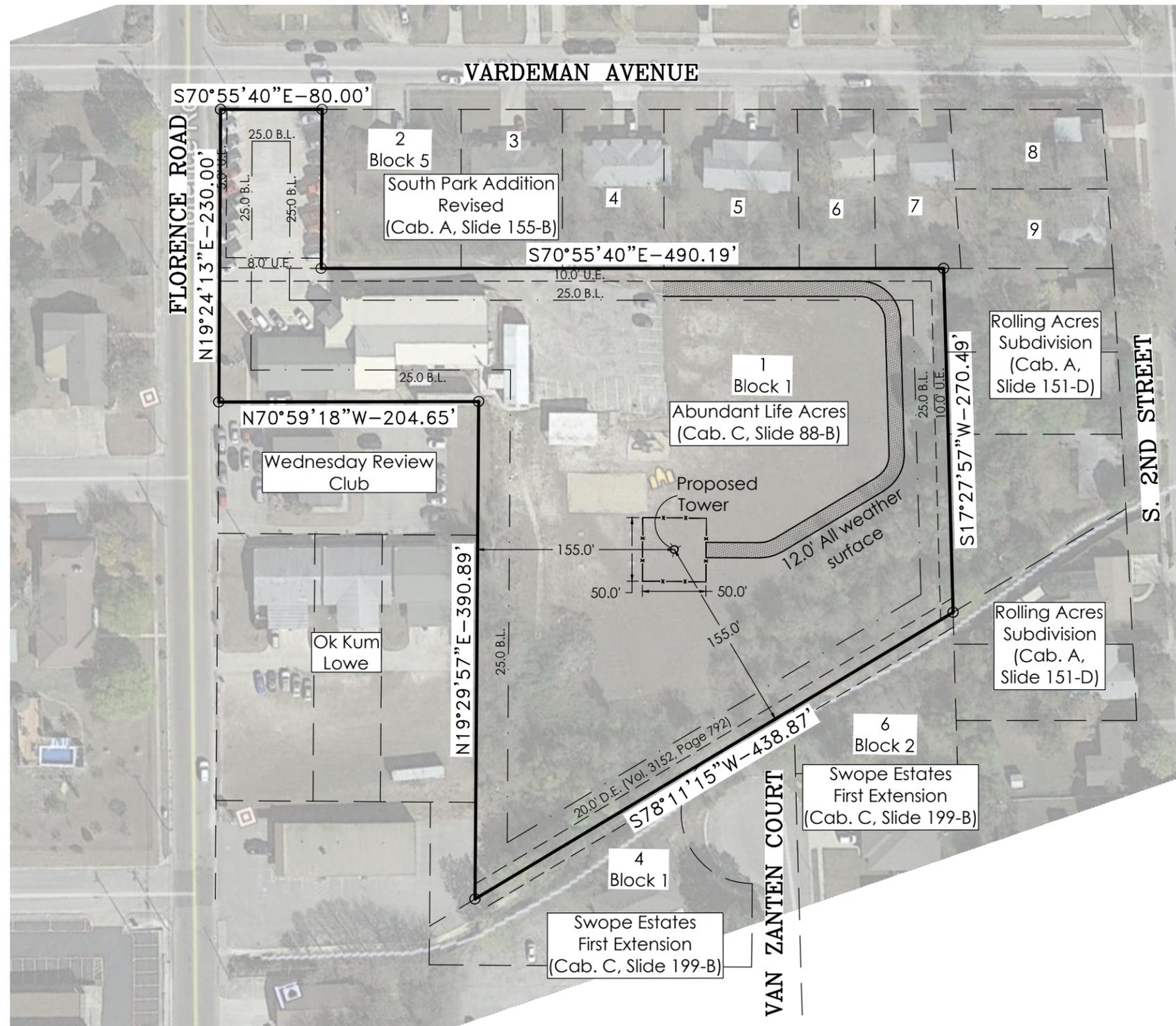
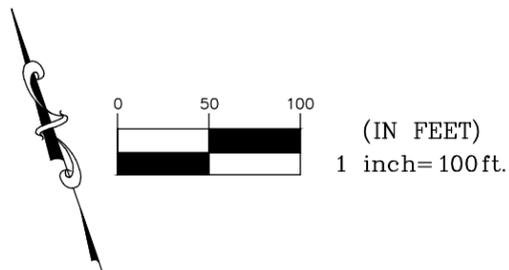
Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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



NOTE:

1. Boundary shown is based on record information and is not intended to represent an on the ground survey.
2. Screening shall be provided on the north and east sides of the Communication Facility, in accordance with Sec. 31-606 of the City of Killeen Code of Ordinances.

No.	DATE	REMARKS	BY
1	10/30/18	ADD NOTE 2	AR
REVISIONS			

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LOT 1, BLOCK 1
ABUNDANT LIFE ACRES
KILLEEN, BELL COUNTY, TEXAS

TOWER SITE PLAN
 CONDITIONAL USE PERMIT

SHEET TITLE:

MITCHELL & ASSOCIATES, INC.
 ENGINEERING & SURVEYING
 102 N. COLLEGE STREET
 KILLEEN, TEXAS 76541
 PHONE: (254) 634-5541 FAX: (254) 634-2141
 TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
 T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

DATE: June 18	AREA: **Ac.	REF.: 1345-D
SCALE: AS SHOWN	LOTS: 1	DWG# 18-161-B-X
DWN BY: FRB	BLK: 1	SHEET C1

Johnny & Kim Frederick
1405 S. 2nd St.
Killeen TX 76541

Planning and Zoning Commission

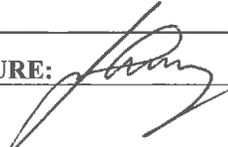
I am writing to oppose the rezoning request Case #Z18-24.
This is a residential area with very few businesses located along Florence Rd.
This 150ft tower will be an eyesore to the area and is not needed .
There is already a Tower at Nolan Middle school about 2000ft south of the proposed location.
The city requires a distance of 3000ft between Billboards and off premise signs.
This request is too close to an existing tower if a new antenna is needed they should co-locate on an existing tower.
This location is also right along a creek I would think for a tower to be of the best use it would be on high ground.
Pharr v Tippit requires there be a public need and that the rezoning be compatible with the surrounding neighborhood and this does not .

Thank you for your consideration



Johnny Frederick

-----CUT HERE-----

YOUR NAME: <i>Johnny Frederick</i>	PHONE NUMBER: <i>554-1124</i>
CURRENT ADDRESS: <i>1405 S. 2nd Killeen TX 76541</i>	
ADDRESS OF PROPERTY OWNED: <i>Same</i>	
"R-3" to "R-3" w/C.U.P.	
COMMENTS: <i>Oppose</i>	RECEIVED
<i>See Att.</i>	NOV 3 0 2016
	PLANNING
SIGNATURE: 	SPO #Z18-24/ <i>23</i>



ZONING CASE #Z18-24 “R-3” TO “R-3”
WITH A C.U.P.

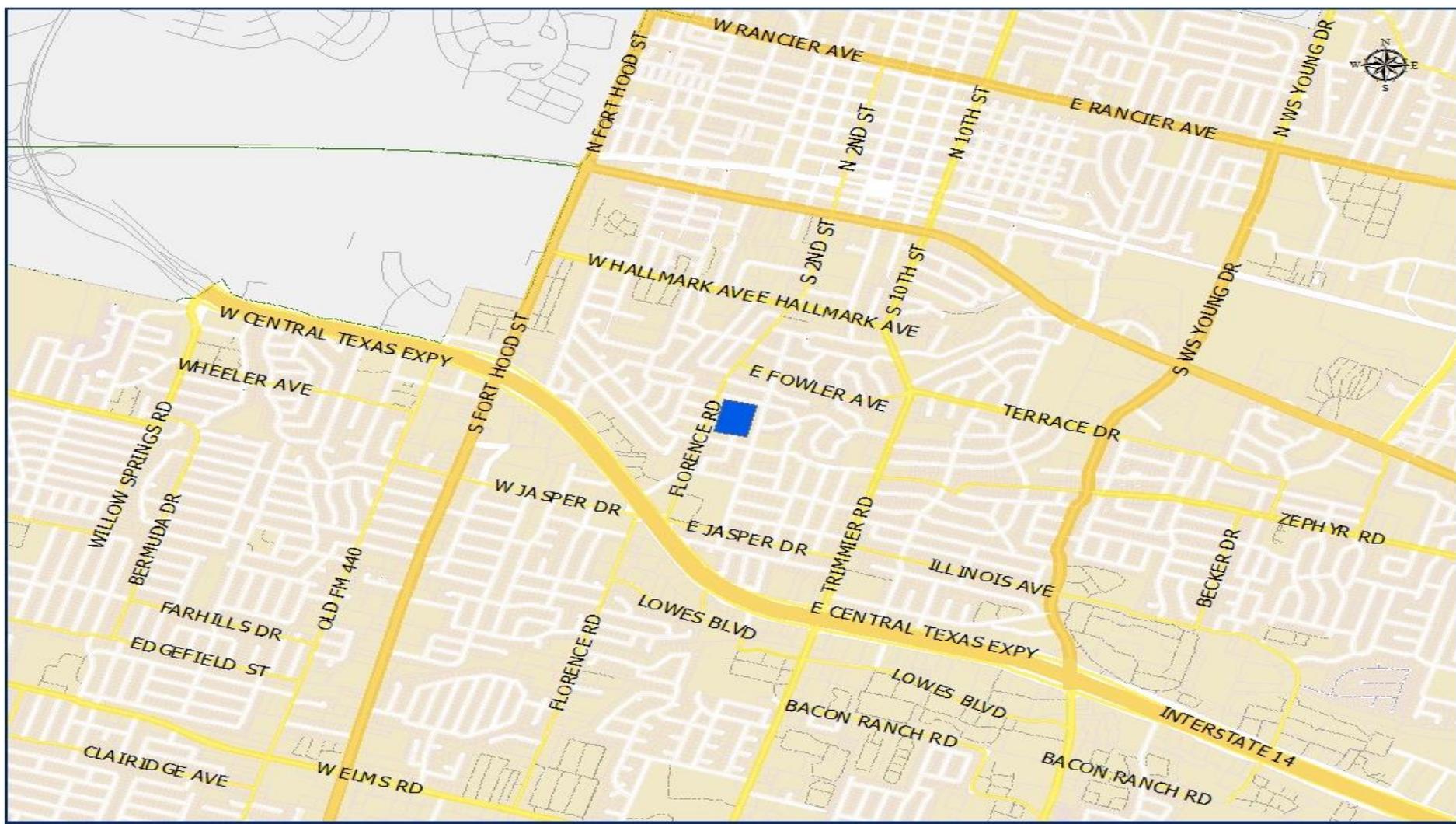
PH-18-038

April 2, 2019

Case #Z18-24 - “R-3” to “R-3” with a C.U.P.

2

- Titan Towers, L.P. has submitted this request on behalf of Abundant Life Church of God of Bell County, Texas to rezone part of Lot 1, Block 1, Abundant Life Acres, from “R-3” (Multifamily Residential District) to “R-3” (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150’ tall monopole communication structure.
- The property is locally known as 1210 Florence Road, Killeen, Texas.



W RANCIER AVE

E RANCIER AVE

W CENTRAL TEXAS EXPY

W HALLMARK AVE

E FOWLER AVE

TERRACE DR

WHEELER AVE

W JASPER DR

FLORENCE RD

E JASPER DR

WILLOW SPRINGS RD

BERMUDA DR

FARHILLS DR

EDGEFIELD ST

OLD FM 440

FLORENCE RD

LOWES BLVD

TRIMMER RD

ILLINOIS AVE

E CENTRAL TEXAS EXPY

CLAIRIDGE AVE

WELMS RD

BACON RANCH RD

LOWES BLVD

BACON RANCH RD

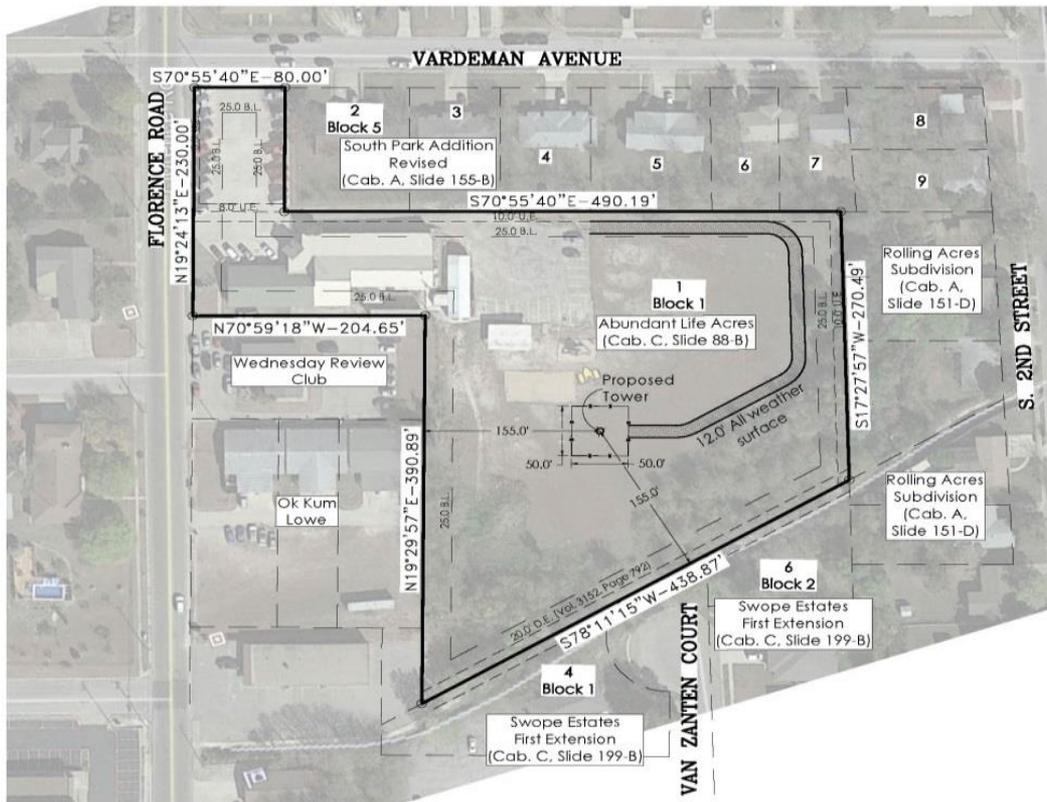
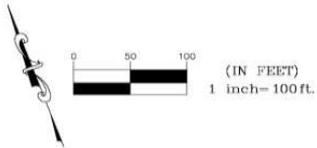
INTERSTATE 14



Case #Z18-24 - “R-3” to “R-3” with a C.U.P.

4

- The monopole is proposed to be located approximately 155’ from the west and south property lines and approximately 310’ from Florence Road.
- The monopole will be located within a 50’ by 50’ enclosure, which will be accessed via an all-weather surface.



NOTE:

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No.	DATE	REVISIONS	BY
1	10/30/18	ADD NOTE 2	AR
		REMARKS	

**LOT 1, BLOCK 1
ABUNDANT LIFE ACRES
KILLEEN, BELL COUNTY, TEXAS**

**TOWER SITE PLAN
CONDITIONAL USE PERMIT**

SHEET TITLE:

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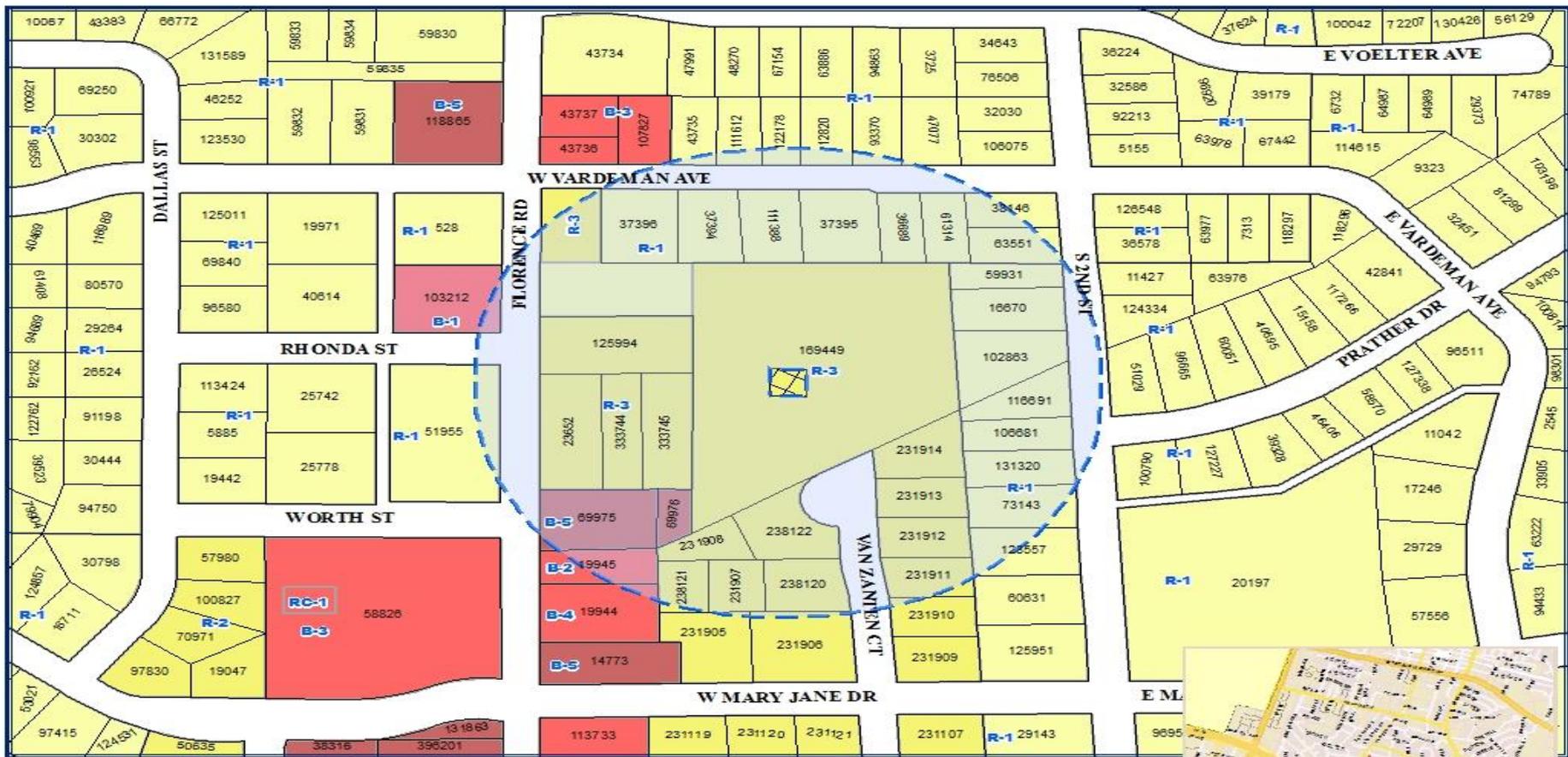


DATE: June 18	AREA: "As	REV: DMSD
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Case #Z18-24 - “R-3” to “R-3” with a C.U.P.

6

- The land is designated as ‘Residential Mix’ (R-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The R-Mix designation allows a mixture of residential types and densities, public/ institutional uses as well as parks and public spaces.
- The applicant’s Conditional Use Permit request does not trigger a change to the Future Land Use Map (FLUM).



Zoning Case Notification Plan

Case Z-2018-24

Council District: 3

R-3 TO R-3 W/ CUP

1 inch = 200 feet

Subject Property Legal Description: ABUNDANT LIFE ACRES, BLOCK 001, LOT 0001

Legend



400 Ft Notification Area



Zoning Case Location



Killeen City Limits



Case #Z18-24 - “R-3” to “R-3” with a C.U.P.

- The staff notified forty-six (46) surrounding property owners within the 400' notification boundary. Staff received one (1) protest from the Fredericks, who owns 1405 S. 2nd Street, Killeen, Texas.
- The Planning and Zoning Commission (by a vote of 6 to 1) recommended approval of the applicant's request for a Conditional Use Permit (C.U.P.) for a proposed 150' tall monopole communications structure with the allowance of chain-link fencing as an acceptable screening device along the west and south project site.