City of Killeen

Agenda

City Council Workshop

Tuesday, April 16, 2019 | **5:00 PM** | **City Hall**
Council Chambers
101 N. College Street
Killeen, Texas 76541

Presentations

1. PR-19-001 Presentation: Citizens of Compact of Free Association Nations (Micronesian Nations Pacific)

Items for Discussion at Workshop

2. DS-19-037 Discuss Agenda Items for the Regular City Council Meeting of April 23, 2019

3. DS-19-038 Receive P&Z Update

Attachments: Presentation

4. DS-19-039 City Manager Updates
- Boards and Commissions Disclosure Compliance
- Bob Gilmore Senior Center

Attachments: Boards and Commissions Report

Items for Regular City Council Meeting of April 23, 2019

Minutes

5. MN-19-008 Consider Minutes of Regular City Council Meeting of April 9, 2019.

Attachments: Minutes

Resolutions

6. RS-19-039 Consider a memorandum/resolution rejecting all bids received for Bid No. 19-13 Print Shop Supplies.

Attachments: Staff Report
Bid
Presentation

Ordinances

7. OR-19-009A Consider an ordinance to create the classification of Assistant Fire Chief

and amend the number of authorized civil service positions for the Killeen Fire Department.

Attachments: Staff Report
Ordinance
Presentation

8. OR-19-009B Consider an ordinance to amend the Fire Department pay plan to add classification of Assistant Fire Chief.

Attachments: Staff Report
Proposed Pay Plan
Ordinance
Presentation

Public Hearings

9. PH-19-006 HOLD a public hearing and consider an ordinance to repeal and replace Chapter 30, Article I, Water Conservation, of the Code of Ordinances of the City of Killeen, Texas, providing for a new Water Conservation and Drought Contingency Plan.

Attachments: Staff Report
Ordinance
Presentation

10. PH-19-007 HOLD a public hearing and consider an ordinance amending Chapter 26, Article I and Article II, of the Killeen Code of Ordinances relating to preliminary and final plat requirements.

Attachments: Staff Report
Minutes
Ordinance
Presentation

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on April 12, 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 #:	PR-19-001	**Version:**	1	**Name:**	Presentation: Citizens of Compact of Free Association Nations (Micronesian Nations Pacific)
Type:	Presentations			**Status:**	Presentations
File created:	3/6/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Presentation: Citizens of Compact of Free Association Nations (Micronesian Nations Pacific)				
Sponsors:	City Council				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-19-037	**Version:**	1	**Name:**	Discuss Agenda Items
Type:	Discussion Items			**Status:**	Discussion Items
File created:	3/27/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Discuss Agenda Items for the Regular City Council Meeting of April 23, 2019				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	DS-19-038	**Version:**	1	**Name:**	Receive P&Z Update
Type:	Discussion Items			**Status:**	Discussion Items
File created:	4/2/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Receive P&Z Update				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Presentation				

Date	Ver.	Action By	Action	Result

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PLANNING & ZONING COMMISSION BRIEFING

DS-19-038

April 16, 2019

P&Z Commission Briefing

- The Planning and Zoning Commission (Commission) meets the first and third Monday of every month, barring holidays.
- The Commission begins its workshop at 4:00 p.m., followed by a regular 5:00 p.m. meeting.
- So far, the Commission has conducted six (6) meetings since January 1st of this year.

Two FLUM Amendment Requests

- The Commission has reviewed two Future Land Use Map (FLUM) amendment requests.
- These requests were submitted to facilitate residential and educational uses.
- The Commission has recommended changes to the FLUM as recommended by the staff.

Seven Zoning Cases

- The Commission has reviewed seven (7) zoning requests.
- The Council has subsequently approved two zoning requests for “B-1” zoning (Cedarhill Drive) and “B-3” zoning (adjacent to Thayer Point P.U.D.).
- The following slides contain zoning cases that have not yet been approved by the Council.

Seven Zoning Cases cont'd.

- **(Case #Z18-22):**54.85 acres to be rezoned from "B-3" (Local Business District) to Planned Unit Development (PUD) with low scale commercial uses, "SF-2" (Single-Family Residential District), "R-2" (Two-Family Residential District), "R-1" (Single-Family Residential District) and "RT-1" (Residential Townhouse Single-Family District.

- **(Case #Z19-04):**169 acres to be rezoned from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses.

Seven Zoning Cases cont'd.

- **(Case #Z19-05):** Rezone 507 58th Street from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District).

- **(Case #Z19-06):** Rezone one acre from "UD" (University District) with a C.U.P. (Conditional Use Permit) to "UD" (University District) with a C.U.P. (Conditional Use Permit) to allow "R-2" (Two-Family Residential District). The property is located on the east right-of-way of University Village Way.

Seven Zoning Cases cont'd.

- (Case #Z19-07): Rezone 4.72 acres along E. Mary Jane Drive from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District).

Nine Approved Plats

- Clear Creek Diamond
- Patriot's Ridge Subdivision
- Bethel Church
- Purser Crossing Phase Six (plat abandonment)
- Homeplace Addition
- TTD Bookkeeping
- Goodnight Ranch Addition, Phase 14, Section One
- Redeemed Christian Church of God
- Walnut Creek Estates Phases Twelve and Thirteen

Two Ordinance Revisions

- The Commission conducted a public hearing and recommended changes to the City's fences, sheds and accessory structure regulations, which were subsequently approved by the Council.

- The Commission conducted three (3) public hearings and recommended changes to the City's subdivision regulations.

Future Work

- The Commission is currently reviewing the City's current exterior lighting regulations and will propose changes as referenced in the Fort Hood JLUS.

- The Commission has been briefed on the Comprehensive Plan and will conduct public hearings in May.

Questions/ Comments

- The Commission will continue to do its part to facilitate Killeen's vision for the future and is looking forward to working with the Council, City staff and all citizens.
- I am available for any questions or comments that you may have.

City of Killeen

Legislation Details

File #:	DS-19-039	**Version:**	1	**Name:**	City Manager Updates
Type:	Discussion Items			**Status:**	Discussion Items
File created:	4/2/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	City Manager Updates · Boards and Commissions Disclosure Compliance · Bob Gilmore Senior Center				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:	Boards and Commissions Report				

Date	Ver.	Action By	Action	Result

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

X = Form has been submitted
Highlighted Name = Not in full compliance

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

X = Form has been submitted
Highlighted Name = Not in full compliance

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

X = Form has been submitted
Highlighted Name = Not in full compliance

City of Killeen

Legislation Details

File #:	MN-19-008	**Version:**	1	**Name:**	Minutes of April 9, 2019
Type:	Minutes			**Status:**	Minutes
File created:	3/27/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Consider Minutes of Regular City Council Meeting of April 9, 2019.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Minutes				

Date	Ver.	Action By	Action	Result

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City of Killeen
Regular City Council Meeting
Killeen City Hall
April 9, 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 (arrived at 5:23 p.m.)

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

Pastor Andrew Long, Sr. gave the invocation, and Councilmember Nash-King 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 26, 2019 Regular City Council Meeting. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.

Resolutions

RS-19-034 Consider a memorandum/resolution to accept the annual audit report for the fiscal year ended September 30, 2018.
Staff Comments: Judith Tangalin, Controller.
Ms. Tangalin introduced Mr. Joe Huang, CPA with Belt Harris Pechacek who presented the annual audit report for the fiscal year ended September 30, 2018 with no significant findings. Staff recommends that the City Council accept the annual audit report for the fiscal year ended September 30, 2018.

Motion was made by Councilmember Menking to approve RS-19-034. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

RS-19-035 Consider a memorandum/resolution awarding Bid 19-17, for a contract with D.I.J. Construction for pavement marking services.
Staff Comments: Danielle Singh, Interim Executive Director of Public Works.
Ms. Singh gave a brief overview of the agenda item. Two vendors submitted responsive bids. The contract term for the award shall be for a two year period. The fiscal impact will be based upon the allocated budget and workload for the year. 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.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-035. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

RS-19-036 Consider a memorandum/resolution amending the appointment of presiding and alternate judges for the May 4, 2019 general election.
Staff Comments: Kathy Davis, City Attorney.
On March 12, 2019, City Council made appointments via CCMR 19-032. 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; as well as, a few other judges. 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. Staff recommends that the following persons be 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

Motion was made by Councilmember Fleming to approve RS-19-036. Motion was seconded by Councilmember Menking. Motion carried unanimously.

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.
Staff Comments: Ray Shanaa, Executive Director of Planning.
The planning department has received a voluntary annexation petition from Gary Purser Jr. The property is located due south of the Estancia West Subdivision and east and north of Fort Hood owned land. In accordance with Local Government Code sections 43.028(d) and 43.065, City Council has two alternatives: 1) refuse the voluntary petition; or 2) 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. If granted, there will be public hearings scheduled on May 7th and 21st, followed by an opportunity to adopt the

annexation ordinance and approve a service plan on June 11th. 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.

Councilmember Harris joined the meeting at 5:23 p.m.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-037, granting the petition for voluntary annexation. Motion was seconded by Councilmember Menking. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

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.
Staff Comments: Ray Shanaa, Executive Director of Planning.
The planning department has received a voluntary annexation petition from WBW Land Investments Limited Partnership. The property is located at the southeast corner of the City, south of Chaparral Road and west of the Killeen city limits. In accordance with Local Government Code sections 43.028(d) and 43.065, City Council has two alternatives: 1) refuse the voluntary petition; or 2) 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. If granted, there will be public hearings scheduled on May 7th and 21st, followed by an opportunity to adopt the annexation ordinance and approve a service plan on June 11th. 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.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-038 granting the petition for voluntary annexation. Motion was seconded by Councilmember Menking. Motion carried 4 to 3 with Councilmember Fleming, Councilmember Johnson and Councilmember Harris in opposition.

Public Hearings

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)

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 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.

Staff comments: Ray Shanaa, Executive Director of Planning.
This agenda item was tabled during the December 18, 2018 City Council meeting, allowing the applicant an opportunity to poll the surrounding neighbors as to whether they would support or not support the 150' tall monopole communication structure tower. As a reminder, the planning staff did notify 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. Following the action of tabling the agenda item, planning staff received documentation from Abundant Life Church, which has been provided to City Council for review and consideration. 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.

Mayor Segarra invited the Applicant to speak:

Bishop David Scoggins of Abundant Church of God, 1210 Florence Road spoke in favor of the request.
Mr. Laddie Galloway with Titan Towers spoke in favor of the request.

Mayor Segarra opened the public hearing.

Mr. Charles Shepard, 2302 Lake Road spoke in favor of the request.
Ms. Pat Adams, 3009 Cody Poe Road spoke in favor of the request.
Ms. Jeannie Davis – Wednesday Review Club, 1212 Florence Road spoke against the request.
Mr. Stephen Berger, 1600 Vardeman Avenue spoke in favor of the request.
Mr. Johnny Frederick, 1405 S. 2nd Street spoke against the request.
Ms. Holly Teel, 1704 Hooten Street spoke against the request.

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

Motion was made by Councilmember Harris to approve PH-18-038. Motion was seconded by Councilmember Nash-King. Motion failed without a ¾ majority vote 5 to 2 with Councilmember Menking and Councilmember Johnson in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 5:58 p.m.

City of Killeen

Legislation Details

File #:	RS-19-039	**Version:**	1	**Name:**	Print Shop Supplies Bid Rejection
Type:	Resolution			**Status:**	Resolutions
File created:	4/1/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Consider a memorandum/resolution rejecting all bids received for Bid No. 19-13 Print Shop Supplies.				
Sponsors:	Communications, Print Services				
Indexes:					
Code sections:					
Attachments:	Staff Report Bid Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **April 16, 2019**

TO: **Ronald L. Olson, City Manager**

FROM: **Hilary Shine, Executive Director of Communications**

SUBJECT: **Rejecting all bids received for Bid #19-13 Print Shop Supplies**

BACKGROUND AND FINDINGS:

The City of Killeen operates an internal Print Shop to create printed materials in support of the organization. Supplies are necessary to provide this service.

City staff solicited bids for print shop supplies that included envelopes, bond paper, color copy paper, covers, index paper, laminating pouches, business card boxes, and letterhead boxes. The bid was constructed to be awarded per item because of the variety needed and to ensure supplies could be obtained at the best cost. The bid was issued in compliance with Texas Local Government Code and City Purchasing Policy.

The bid was advertised on February 10 and February 17, 2019. Two bids were received and opened February 26. Both bidders have since declined to honor the one-year contract term and pricing.

Staff has subsequently reevaluated expenditures for print supplies and determined that purchases will not exceed the $50,000 threshold for required bidding. We have also found that obtaining quotes from three vendors monthly is producing better pricing than that quoted in the competitive bid.

THE ALTERNATIVES CONSIDERED:

1. Reject all bids and rebid
2. Reject all bids

Which alternative is recommended? Why?

Alternative 2 is recommended. Upon reevaluating expenditure actuals, supply expenditures will not exceed the $50,000 bid threshold.

CONFORMITY TO CITY POLICY:

Rejection of all bids is in compliance with the competitive bid process required per Local Government Code, Killeen City Charter and the City's purchasing policy.

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

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

N/A

RECOMMENDATION:

Staff recommends that City Council reject all bids received for Bid #19-13 Print Shop Supplies.

DEPARTMENTAL CLEARANCES:

Purchasing
Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Bid

Invitation for Bid

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

Print Shop Supplies
Bid No. 19-13

Sealed bids will be received until 2:00 pm on Tuesday, February 26th, 2019

Return Bid to:

City of Killeen
Attn: Purchasing Division
802 N. 2nd Street, Building E, 2nd Floor #215
Killeen, Texas 76541

CITY OF KILLEEN
BID # 19-13 Print Shop Supplies

P. 3 - NOTICE TO BIDDERS

P.4 - INFORMATION AND INSTRUCTION TO BIDDERS

P.9 - APPENDIX A - CITY OF KILLEEN TERMS AND CONDITIONS

P.15 - APPENDIX B – SPECIFICATIONS

P.17 – APPENDIX C – BID FORM

P.20 – APPENDIX d – HOLIDAY SCHEDULE; REFERENCES

P.21 – ATTACHMENT 1 - CONFLICT OF INTEREST FORM

P.22 – ATTACHMENT 2 – SAMPLE 1295

NOTICE TO BIDDERS

BID NO. 19-13

Print Shop Supplies
CITY OF KILLEEN, TEXAS

Notice is hereby given that the City of Killeen will receive sealed bids for the *Print Shop Supplies*, addressed to the City of Killeen, Attn: Purchasing Division, 802 N. 2nd Street, Building E, Room 215 Killeen, Texas 76541, until **2:00pm on February 26, 2019**, where the bids shall be publicly opened and read aloud immediately following **at 802 N. 2nd Street, Building E, Room 210**. Bid submissions shall be plainly marked with the name and address of the bidder and **"BID 19-13 Print Shop Supplies, 2pm, February 26, 2019".**

No Pre-bid conference will be held.

Bid questions will be accepted until **2:00p.m. on February 19, 2019**, and shall be addressed to SolicitationQuestions@killeentexas.gov.

Bid packets may be obtained from the City of Killeen, Purchasing Division website at: http://www.killeentexas.gov/purchasing, Demand Star (http://www.demandstar.com/), and ESBD (http://portal.cpa.state.tx.us).

The City of Killeen reserves the right to reject any or all bids and waive any irregularities.

CITY OF KILLEEN, TEXAS

Lorianne Luciano, Director of Procurement and Contract Management

INSTRUCTIONS TO BIDDERS

Preparation of Bids:

This is your notice that **sealed bids, in duplicate**, **for Bid #19-13, Print Shop Supplies** is subject to the Terms & Conditions of this Invitation for Bids (General Terms and Conditions attached hereto, Appendix A) and such other contract provisions, specifications or other data as are attached to this Bid (henceforth known as the bid packet). Bids will be received at the Purchasing Office, 802 N 2nd Street, Building E, Room 215 Killeen, TX, 76541, **until the hour of 2:00 p.m., February 26th, 2019**. Directly thereafter the bid deadline, **the bids will be opened and read aloud at 802 N. 2nd Street, Building E, Room 210.** Any bid received after the closing time will be returned unopened. No late bids will be accepted. All bids shall be submitted as listed below. Complete bids received by electronic means or complete faxed bid responses will not be considered.

One (1) original, signed and initialed in ink (not pencil), and one (1) copy of the entire bid packet, and one (1) electron copy of Appendix B (Flash Drive or CD-ROM in excel file) shall be submitted at the above location prior to the bid deadline. Please indicate which copy is an original within your bid submission. All bidder markings on the bid packet shall be in a legible format in English. Any non-legible markings may make the bid non-responsive and disqualify your bid submission. All errors or changes in the bid shall be corrected by striking through the error or change once with ink. The bidder shall initial next to each correction made. All corrections shall be complete and final before submitting your bid by the stated deadline. Bidders shall submit at least three (3) businesses as references of the proposed item, with addresses, telephone numbers and contact persons.

The City of Killeen (or "City") reserves the right to reject any or all bids. The City reserves the right to evaluate any or all supplies prior to bid award. Bid documents must be complete and sealed in an envelope when received by the Purchasing Office. Bids must be plainly marked on the outside of the envelope as follows: **Bid No. 19-13, Print Shop Supplies, 2:00 p.m., February 26th, 2019. All bidder submissions shall also have the bidder's name with contact information marked on the outside of the envelope.**

In the case of inclement weather or any other unforeseen event causing the City to close for business or delay opening, bids will be received and opened the following business day at the designated time stated herein. For example, if bids are due on Wednesday at 2:00 p.m. and the City is closed on Wednesday for bad weather or an unforeseen event, the bids will be accepted until Thursday, 2:00 p.m. or if bids are due at 2:00 p.m. on Wednesday, but the City opened at 10:00 a.m. on Wednesday due to bad weather or an unforeseen event, then bids will be accepted until Thursday, 2:00 p.m.

Any questions or requests for clarification must be submitted to the Purchasing Office, via email, to Purchasing at SolicitationQuestions@killeentexas.gov prior to2:00 pm on February 19th, 2019. Please indicate "**Bid 19-13 Questions**" in the subject line of your email. There will be no exceptions. All responses to the questions will be sent to all known bidders who have expressed interest in this bid. Unauthorized contact regarding this Invitation to Bid with any City of Killeen employees or contractors may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City of Killeen. Bidders should rely only on written statements issued by the individual named above.

Term:

Contract term shall be for a one year (1) period and will automatically renew for an additional three (3) one (1) year periods unless either party decides to decline renewal sixty (60) days prior to the renewal date. 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 & Term Renewals:

Pricing shall remain firm during the initial term of the contract. 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.

Any price increase shall be passed onto the City at par without any additional profit, markup or overhead. Any price increase shall be requested by the successful bidder, in writing, and accompanied with the appropriate documentation to justify the increase (example: a letter dated in the current contract term from your current raw material provider), prior to thirty (30) days of any renewal term. If the

bidder fails to give timely notice, prices may not be increased.. The successful bidder may offer price decreases of any type at any time.

Likewise, under this price adjustment clause, the City shall have the right to request on an annual basis a new certified manufacturer/supplier's vendor price list for all items included in Appendix C. The City shall have the right to require a price decrease to maintain the original bid margin of the item.

If during any term of this contract, the bidder should enter into any contract with another municipality within Texas for commodities or services with similar scope of work with rates more favorable than those granted to the City of Killeen, the bidder agrees to modify this contract to include such more favorable rates. It is recommended that the bidder provide any rate reduction or discount voluntarily.

Any request in price change with supporting documentation shall be sent to the following address only:

City of Killeen
Attn: Purchasing Division
802 N. 2nd Street
Building E, 2nd Floor #215
Killeen, TX 76541

On the outside of the envelope please write **"Price Change Notification Bid 19-13"**

Responses/Property of the City of Killeen:

All materials submitted in response to this request become the property of the City of Killeen. Selection or rejection of a response does not affect this right.

No Obligation to Buy:

The City of Killeen reserves the right to refrain from contracting with any bidder. The release of this Invitation for Bids does not compel the City of Killeen to purchase.

Cost of Preparing Bids:

The City of Killeen is not liable for any costs incurred by bidders in the preparation and presentation of bids and demonstrations submitted in response to this Invitation to Bid.

Withdrawal of Bid:

A bidder may withdraw a bid that has been submitted at any time up to the bid opening due date and time. To accomplish this, a written request signed by an authorized representative of the bidder shall be submitted to SolicitationQuestions@killeentexas.gov. Once the bids are opened, all bids shall be valid for a period of ninety (90) days after the bid opening.

Bidding Error:

The City of Killeen will not be liable for any errors in any bidder's bid. Bidders will not be allowed to alter bids after the deadline for the submission of bids.

When, after the opening and tabulation of bids, a bidder claims error, and requests to be relieved of award, it will be required to promptly present corrected data in writing signed by an authority figure with the company. **This written response shall be received by the Purchasing Division within two (2) business days after the stated bid open time and date.** The Purchasing Division will review the data and if the City is convinced, by clear and convincing evidence, that an honest, mathematically excusable error or critical omission of costs has been made, and said error is legally excusable, the bidder may be relieved of its bid. **The City will make a determination within ten (10) business days of receipt of the written response and notify the bidder of the outcome.**

Single Bid Response:

A single response to this Invitation for Bids may be deemed a failure of competition and in the best interest of the City of Killeen, the response received may be rejected.

Award of Bid:

The City will award the bid, if any, in a manner described in section 10 of the General Terms and Conditions. The bid will be awarded per item. Bidders may bid on every item or some of the items. Contracts may be awarded to each bidder meeting the minimum specifications and evaluation criteria. Each bidder will be ranked in accordance with best value procedures. Purchases will be issued to the lowest qualified bidder first; if the low bidder cannot supply required materials when needed, the second low bidder will be contacted and so forth. If the low bidder does not have the quality/quantity of product required, the City reserves the right to purchase from the second, third etc. low bidders depending on quality/quantity of product of each bidder. **The anticipated date of the notice of award is**. **March 26th, 2019.**

Payment:

The City shall be billed only for the items awarded in this bid. The City of Killeen is sales tax exempt. The bidder shall have the capability to invoice accurately, making any corrections on the original invoice. Invoices shall be correct when received with the prices shown within your bid submission.

If a discrepancy is found on any invoice, the City department will phone your customer service point of contact for correction. Payment of a corrected invoice will be made in thirty (30) days once the corrected invoice has been received. Unless the bidder has provided discount payment terms such as 2% 15 net 30 days, no down payment or advance payment of any kind shall be made. In no circumstances should any invoice dispute last longer than thirty (30) days.

All invoices shall be submitted to the City of Killeen, Attn: Printing Services, 802 N. 2nd Street, Building D, Suite 101, Killeen, Texas 76541.

PAYMENT TERMS: Specify other payment options:

- ☐ Check box if you offer a prompt payment discount: %_____. Specify terms: _____
- ☐ Check box if you accept MasterCard for payment (City of Killeen Procurement Card or P-Card).
- ☐ Check here if the prompt payment discount applies to the MasterCard payment.

Point of contact to resolve issues (delivery or invoice):

NAME: _____

TITLE: _____

ADDRESS: _____

_____

EMAIL ADDRESS: _____

PHONE: _____

FAX: _____

Copyright Materials:

Materials listed in your bid submission that are copyrighted shall be listed clearly under a copyrighted materials section within your bid submission (see page 24 for more information).

Non-Endorsement:

As a result of the selection of a bidder to supply products and/or services to the City of Killeen, the City of Killeen is neither endorsing nor suggesting that the bidder's product is the best or only solution. The bidder agrees to make no reference to the City of Killeen in any literature, promotional material, brochures, sales presentation or the like without the express written consent of the City of Killeen.

Organization of Your Bid Submission:

Your bid submission shall be organized in the format shown within this bid. Any exception(s) or additional information provided shall be referenced in your bid submission behind the bid packet.

Pricing:

The bids shall be valid for a period of ninety (90) days after the bid opening.

Bid prices shall include all fees, and shall be F.O.B. Destination with no minimum delivery to City of Killeen, Print Shop, 802 N. 2nd Street, Building D, Suite 101., Killeen, Texas, 76541 or listed addresses below. Delivery times will be 8:00 a.m. until 4:00 p.m. CST, Monday through Friday except City holidays (Appendix D).

Adjustments to the delivery location list may occur at any time during the contract period. The successful bidder will be required to adjust their delivery points should any changes occur within the City of Killeen organization.

If an order cannot be delivered, the City reserves the right to purchase the items elsewhere. If delays are foreseen, notice shall be immediately given to the City. Any items that cannot be delivered with the order due to stock outs or backorders shall not be charged until they are shipped (even if the order is paid with a procurement card). The vendor shall keep the City advised of the status of their orders, as failure to meet delivery dates may result in termination of the bid award.

City Hall	101 North College, Killeen Tx
Animal Control	3118 Commerce, Killeen Tx
Aviation-Killeen-FH Regional Airport	8101 Clear Creek Road, Killeen Tx
Cemetery	2800 E. Rancier Avenue, Killeen Tx
Civic & Conference Center	3601 S. W.S. Young Drive, Killeen Tx
Community Development	802 N. 2nd Street, Bldg E., Killeen Tx
EMS Collections	210 W. Avenue C, Killeen Tx
Fire Department	201 N. 28th Street, Killeen Tx
Fleet Services	2003 Little Nolan Road, Killeen Tx
Golf Course	1600 Stonetree Drive, Killeen Tx
Information Technology	218 B E. Ave D, Killeen Tx
Copper Mountain Branch	3000 South W.S. Young Drive, Killeen Tx
Municipal Court	200 E. Avenue D, Killeen Tx
Family Recreation Center	1700 A-E. Stan Schlueter Loop, Killeen Tx
Community Center	2201 Veterans Memorial Blvd. Killeen Tx
Planning & Development	200 E. Avenue D, Second Floor, Killeen Tx
Police Department	402 N. 2nd Street, Killeen Tx 3304 Community Blvd., Killeen,Tx
Public Works	200 E. Avenue D, First Floor, Killeen Tx
Lions Club Park Senior Center	1700 B E. Stan Schlueter Loop, Killeen Tx
Bob Gilmore Senior Center	2205 E. Veterans Memorial Blvd, Killeen Tx
Solid Waste	2003 Litlle Nolan Rd, Building I, Killeen Tx
Streets Department	3201 A South W.S. Young Drive, Killeen Tx
Utility Collections	210 W. Avenue C, Killeen Tx
Volunteer Services	2201 Veterans Memorial Blvd, Killeen Tx
Water & Sewer Services	1901 Botanical Drive, Killeen Tx

Signature of Acceptance:

By the signature hereon affixed, the bidder hereby certifies that neither the bidder nor the entity represented by the bidder, or anyone acting for such entity has violated the antitrust laws of the State of Texas, codified in Section 15.01 et seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly, prior to the bid opening with any competitor or any other person engaged in such line of business.

Undersigned acknowledges that addendum _____ through _____ have been taken into account as part of this bid.

The bidder agrees to comply with all conditions within this invitation for bids:

Full Legal Name of Company	
Address	
City, State, Zip	
Phone Number	
Fax Number	
After Hours Phone Number	
Email Address	
Tax Identification Number	
Signature of Authorized Agent	
Printed Name of Authorized Agent	
Title	
Date	

***PLEASE ATTACH A COPY OF YOUR W-9 FORM FILLED OUT**
W-9 Forms are available online at: http://www.irs.gov/pub/irs-pdf/fw9.pdf

Remit to address (if different from W-9):

Address #1_____
Address #2_____
City/State/Zip_____
Phone#:_____
Fax Number:_____
Contact Person:_____

APPENDIX A
CITY OF KILLEEN
GENERAL TERMS AND CONDITIONS

1. General Conditions

Bidders are required to submit their Bid upon the following express conditions:

(a) Bidders shall make all investigation necessary to thoroughly inform themselves regarding plant and facilities for delivery of material and equipment as required by the Bid conditions. No plea of ignorance by the bidder of conditions that exist or that may hereafter exist as a result of failure or omission on the part of the bidder to make the necessary examinations and investigations, or failure to fulfill in every detail the requirements of the contract documents, will be accepted as a basis for varying the requirements of the City or the compensation to the bidder.

(b) Unless specifically stated otherwise in the specifications, only new products or equipment will be acceptable.

2. Preparation of Bid

Bid will be prepared in accordance with the following:

(a) All information required by the Bid shall be furnished. The bidder shall print or type his/her name and manually sign the Bid and each continuation sheet on which an entry is made.

(b) Unit prices shall be shown and where there is an error in extension of the price, the unit price shall govern.

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

(d) Proposed delivery time must be shown and shall include weekends and holidays if requested by the City.

(e) The City qualifies for exemption from State and Local Sales and Use Taxes pursuant to the provision of Article 20.04(f) of the Texas Limited Sales, Excise and Use Tax Act. Taxes normally levied on the purchase, rental and lease of materials, supplies and equipment used or consumed in performance of the Contract may be exempted by issuing to suppliers an exemption certificate in lieu of tax. Exemption certificates comply with State Comptroller of Public Accounts Ruling No. 95-0.07. Any such exemption certificate issued in lieu of tax shall be subject to State Comptroller of Public Accounts Ruling No. 95-0.09, as amended. Failure by the Bidder or the bidder's Subcontractors s to take advantage of the City's exemption and to obtain such exemption certificate shall make him responsible for paying taxes incurred on materials furnished on the Project without additional cost to or reimbursement by the City.

3. Description of Supplies

Any catalog of manufacturer's reference used in describing an item is merely descriptive, and not restrictive, unless otherwise noted, and is used only to indicate type and quality of material. Bidders are required to state exactly what they intend to furnish; otherwise they will be required to furnish the item as specified.

4. Submission of Bid

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

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

(a) Bid and changes thereto shall be enclosed in a sealed envelope addressed to the Purchasing Office, City of Killeen.

The names and address of Bidder, the date and hour of the Bid opening and the Bid number shall be placed on the outside of the envelope.

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

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

Delivery Address:
City of Killeen
Attn: Purchasing Division
802 N 2nd Street, Building E, 2nd Floor #215
Killeen, TX 76541

5. Rejection of Bid

(a) The City may reject a Bid if:

1. The Bidder mistakes or conceals any material fact in the Bid, or if

2. The Bid does not strictly conform to law or the requirements of the Bid, or if

3. The Bid is conditional, except that the Bidder may qualify his Bid for acceptance by the City as an "All or None" basis.

(b) The City may, however, reject all Bids whenever it is deemed in the best interest of the City to do so, and may reject any part of a Bid unless the Bid has been qualified as provided in section 5(a) 3 above.

6. Withdrawal of Bid

Bid may not be withdrawn for up to ninety (90) days after the time set for the Bid opening, unless otherwise stated in the Bid.

7. Late Bid or Modifications

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

8. Clarification or Objection to Bid Specifications

If any person contemplating submitting a Bid for this contract is in doubt as to the true meaning of the specifications, or other Bid documents, or any part thereof, he may submit to Purchasing, a request for clarification by the deadline established in the Bid. All such requests for information shall be made in writing and the person submitting the request will be responsible for its prompt delivery. Any interpretation of the Bid, if made, will be made only by an addendum duly issued. A copy of such addendum will be distributed to all known bidders who have expressed an interest in this bid. The City will not be responsible for any other explanation or interpretation of the proposed Bid made or given prior to the award of the contract. Any objection to the specifications and requirements, as set forth in the Bid documents must be filed in writing with the Purchasing Division by the deadline established in the Bid.

9. Discounts

(a) Prompt payment discounts will be considered in making the award provided the period of the discount offered is sufficient to permit payment within such period in the regular course of business.

(b) In connection with any discount offered, time will be computed from the date of receipt of supplies or services or from the date a correct invoice is received, whichever is the later date. Payment is deemed to be made on the date of mailing of the check.

10. Award of the Contract

(a) The contract will be awarded to the lowest responsible bidder. “Lowest responsible bidder” means the Bidder submitting the lowest bid meeting all requirements of the specifications, instructions, and terms and conditions of

the bid and who has the financial and practical ability to fully and reliably perform all obligations of the Contract, taking into consideration qualifications and past performance of the Bidder. The following are considered examples of performance that is not responsible and may lead to a determination that the Bidder is not responsible:

* Falsification of information provided in bid response;
* Non-observance of safety requirements;
* Failure to meet requirements of federal, state, or local law, as applicable, including employment;
* Substantial failure to adhere to contractually agreed-upon schedules; and
* Poor past performance on City projects such as use of defective materials, refusal to correct defective work not in accordance with contract documents, failure to reasonably resolve disputes, termination for cause, or performance leading to litigation.

Or, if applicable, the responsible bidder who provides goods or services at the most advantageous Bid for the municipality based on, but not limited to, the following factors:

* Unit price
* Total Bid price
* Terms and discounts
* Delivery date
* Product warranty
* Special needs and requirements of City
* Past experience with product/service
* City's evaluation of the bidder's ability, financial, strength, and ethical standards
* Quality of the bidder's goods or services
* The extent to which the goods or services meet the municipality's needs
* Bidder's past performance
* Demurrage charges, freight costs and mileage
* Estimated costs of supplies, maintenance, etc.
* Estimated surplus value, life expectancy
* Results of testing samples
* Conformity to specifications
* Training requirements, location, etc.
* Location of maintenance facility/service person; ability to provide for minimum down time
* The total long-term cost to the municipality to acquire the bidder's goods or services
* Reputation of bidder and of bidder goods and services

(b) The City reserves the right to accept any item or group of items of this Bid, unless the Bidder qualifies his Bid by specific limitation. Reference section 5(a) 3 above.

(c) A written award of acceptance mailed or otherwise furnished to the successful Bidder will then be followed up with a contract/service agreement for review by the City's legal team.

(d) Prices must be quoted "F.O.B. Destination (Killeen) with all transportation charges prepaid," unless otherwise specified in the Bid.

(e) If identical Bids are received from two or more bidders and those Bids are the lowest and best Bid, the tie shall be broken in accordance with provisions in Section 271.901 of the Texas Local Government Code.

(f) As stated in Section 271.905 of the Texas Local Government Code, "In purchasing under this title any real property or personal property that is not affixed to real property, if a local government receives one or more competitive sealed Bid from a bidder whose principal place of business is in the local government and whose Bid is within three percent of the lowest Bid price received by the local government from a bidder who is not a resident of the municipality, the local government may enter into a contract with: (1) the lowest bidder; or (2) the bidder whose principal place of business is in the local government if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government."

(g) As stated in Section 271.9051(b) of the Texas Local Government Code, "In purchasing real property or personal property that is not affixed to real property, or services, if a municipality receives one or more competitive sealed Bid from a bidder whose principal place of business is in the municipality and whose Bid is within five percent of the lowest Bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract for an expenditure of less than $100,000 or a contract for other purchases in an amount of less than $500,000 with: (1) the lowest bidder; or (2) the bidder whose principal place of business is in

the municipality if the governing body of the local government determines, in writing, that the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues to the municipality."

11. Bid Protest

Any bidder wishing to file a protest concerning alleged improprieties with this solicitation must submit the protest in written format to the Purchasing Division within 5 business days after the specified time of the Bid opening. The formal written protest must identify the name of the bidder contesting the solicitation, the project name and number, and the specific grounds for the protest with all supporting documentation. A response to the protest will be prepared by Purchasing within 10 business days of receipt of the protest. All determinations made by the City are final.

12. Termination for Governmental Non-Appropriations

This contract is a commitment of the City's current revenues only. Should the terms of the Bid require payment of funds over more than the current fiscal year ending September 30, the following shall apply:

(a) For each lease, City represents and warrants: that it has appropriated and budgeted the necessary fund to make all rent payments required pursuant to such lease for the remainder of the fiscal year in which the payment term commences; and that it currently intends to make rent payments for the full lease term as scheduled in the applicable payment schedule if funds are appropriated for the rent payment in each succeeding fiscal year by its governing body. Without contractually committing itself to do so, City reasonably believes that monies in an amount sufficient to make all rent payments can and will lawfully be appropriated; therefore, City agrees to budget requests to include the rent payments payable during each fiscal year in the budget requests presented to City's governing body for each fiscal year; provided, that City's governing body retains authority to approve or reject any such budget request. All rent payments shall be payable out of the general funds of City or out of other funds legally appropriated therefore. Lessor agrees that no lease will be a general obligation of City and no lease shall constitute a pledge of either the full faith and credit of City or the taxing power of City.

(b) If City's governing body fails to appropriate sufficient funds in any fiscal year for rent property or other payments due under a lease and if other funds are not legally appropriated for such payment, then a non-appropriation event shall be deemed to have occurred. If a non-appropriation event occurs, then: (1) City shall give lessor immediate notice of such non-appropriation event and provide written evidence of such failure by City's governing body; (2) on the return date, City shall return to Lessor all of the equipment covered by the affected lease, at City's sole expense; (3) the affected lease shall terminate on the return date without penalty to City; (4) return date means the last day of the fiscal year for which appropriations were made for the rent payments due under a lease.

13. Termination of Contract

This contract shall remain in effect until the contract expires, delivery/completion and acceptance of products and/or performance of services ordered or until terminated by either party with a thirty (30) day written notice prior to any cancellation. All bidders must state therein the reasons for such cancellation. City reserves the right to award a cancelled contract to next best offeror as it deems to be in the best interest of the City.

14. Assurance of Compliance

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

15. Conflict of Interest Disclosure Questionnaire

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

participation in the matter if:

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

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

Chapter 176 of the Texas Local Government Code mandates the public disclosure of certain information concerning persons doing business or seeking to do business with the City of Killeen, including affiliations and business and financial relationships such persons may have with the City of Killeen. An explanation of the requirements of Chapter 176 and complete text of the new law are available at:
http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm

16. Venue for Legal Action

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

17. Conflicts in Terms and Conditions for Bids

If any conflicts exist between the Terms and Conditions for Bids and the standard form of agreement between the owner and Bidder, the standard form of agreement between the owner and bidder shall prevail.

18. Insurance

All bidders shall have the appropriate amount of insurance while delivering the items once awarded, this coverage shall be present as to cover all losses up until the City accepts the items in writing.

A. Comprehensive General Liability and Property Damage Insurance.

The bidder shall take out and maintain during the life of this Contract such Comprehensive General Liability and Property Damage Insurance as shall protect the City from claims for damages or personal injury, including accidental death, as well as from claims for property damages which may arise from delivering the item under this contract, whether such operations be by himself or by an subcontractor or by anyone directly or indirectly employed by either of them, and the minimum amounts of such insurance shall be as follows:

Bodily Injury.

(1) Each Occurrence - $1,000,000
(2) Annual Aggregate - $2,000,000

Property Damage Insurance.

(1) Each Occurrence - $1,000,000
(2) Annual Aggregate - $2,000,000

B. Comprehensive Automobile Liability.

Bodily Injury

(1) Each Person - $500,000
(2) Each Accident - $1,000,000

Property Damage

(1) Each Occurrence - $1,000,000

19. Acknowledgement

The vendor 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.

20. Disclosure of Interested Parties

Texas Government Code Section 2252.908 requires that parties contracting with governmental entities submit a disclosure of interest parties form for contracts entered into after January 1, 2016. Successful bidders shall electronically submit the form at the following website: https://www.ethics.state.tx.us./whatsnes/elf_info_form1295.htm and provide the City with a certified copy prior to Council approval of the Bid award.

APPENDIX B
CITY OF KILLEEN
SPECIFICATIONS

Specifications:

Any reference to model/make/manufacturer used in bid specifications is descriptive, not restrictive. It is used to indicate the type and quality desired. Bids on items of like quality will be considered unless indicated by stating no substitutions allowed.

Quantities:

The estimated annual quantity shown in Appendix C (bid form) does not constitute an order and is shown for informational purposes only. These supplies will be ordered on an "as-needed" basis.

Ordering:

The City of Killeen would like the option of on-line ordering. However vendors will be considered who have other order placement methods that include phone and fax orders. The successful bidder shall have the capability of accepting orders either by fax, by phone or on-line if available. The City will require on-line ordering training at no additional cost if the ordering method is online. Please describe your on-line training and programming abilities that will be available to the City of Killeen.

Samples:

Brands and part numbers, where listed, are used for specification references only, unless otherwise stated, and are not intended to limit consideration of an approved equal. Descriptive information and/or a sample may be requested and shall be provided at no cost to the City to determine equality of substituted products.

Equal Clause:

Whenever an article or material is defined by describing a proprietary type product, or by using the name of a manufacturer or vendor, the term "or equal" if not inserted, shall be implied. The specific item mentioned shall be understood as indicating the type, function, minimum standard of design, efficiency and quality desired, and shall not be construed in such a manner as to exclude manufacturer's products of comparable quality, design and efficiency.

Deviations:

The bidder shall note in writing any deviations from the specifications and shall submit those changed specifications as alternates.

Discrepancies:

Unit prices shall prevail in cases of extension discrepancies. Estimated quantities are shown for informational purposes only and do not constitute guaranteed quantities to be purchase under this contract.

Inspection Requirements:

Final inspection shall be made at the site after each delivery. In case of rejection because of failure to meet contract requirements, the vendor shall promptly remove such rejected or damaged supplies and replace them by delivering to the same inspection point, supplies which meet the contract requirements without any additional expenses to the City for freight or other charges. Deliveries that cannot be checked at the time of delivery will be checked within two (2) working days. Vendor will be notified of any discrepancies between the order and the delivery within two (2) business days.

Return Merchandise:

Bidders shall provide, with their bid, instructions as to their policy and procedures regarding returned merchandise and what pickup services will be provided. No restocking or any other type service fee will be allowed.

Quality of Goods:

All items provided under this contract shall be new and in pristine condition, shall include the manufacturer's standard warranty, and shall include containers suitable for shipment and storage, unless otherwise indicated on the bid.

Substitution of Items:

If an awarded item is discontinued or not available the successful bidder shall substitute an equal or higher quality product at the same cost as what was bid. If a product is substituted and charged at a higher price without prior authorization, the City will have grounds to immediately terminate the bid award.

Item Listing Adjustments:

The City shall have the right to review the bid item listing annually (Appendix C) and name replacements.

APPENDIX C
CITY OF KILLEEN
BID FORM

Description	Quantity	Unit of Measure	Unit Price	Extended Price
ENVELOPES				
6 ¾ White, Regular #24	20	Box(500)		
White, Window No. 10 sub24	1500	Box(500)		
White, Reg. No. 9 envelopes	1500	Box(500)		
Manila Coin Envelope, #7	20	Box(500)		
Ivory Classic Linen A2	8	Box(250)		
A2 Announcement white	10	Box(250)		
A6 Natural Color	4	Box(250)		
BOARDS, POSTER, RAILROAD				
Chipboard / Letter	5	Box(960)		
BOND PAPER				
White #20 Letter	480	Case(5000)		
White Smooth #70 letter	50	Ream(500)		
White #20 Legal	10	Ream(500)		
White #20 Ledger	45	Ream(500)		
Canary #20 Letter	100	Ream(500)		
Blue #20 Letter	100	Ream(500)		
Pink #20 Letter	50	Ream(500)		
Green #20 Letter	50	Ream(500)		
Orchid #20 Letter	50	Ream(500)		
Gray #20 Letter	25	Ream(500)		
Salmon #20 Letter	10	Ream(500)		
Cherry #20 Letter	25	Ream(500)		
Tan #20 Letter	10	Ream (500)		
Ivory #20 Letter	10	Ream(500)		
Goldenrod #20 Letter	25	Ream(500)		
Peach #20 Letter	10	Ream(500)		
Cream #20 Letter	10	Ream(500)		
Buff #20 Letter	10	Ream(500)		
Canary 20lb Ledger	5	Ream(500)		
Dark Green 60/24 Letter	10	Ream (500)		
Lemon 60/24 Letter	10	Ream (500)		
Lime 60/24 Letter	10	Ream(500)		
Red 60/24 Letter	10	Ream(500)		
CST Blue 60/24 Letter	10	Ream(500)		
Daffodil 60/24 Letter	10	Ream(500)		
Purple 60/24 Letter	10	Ream(500)		
Orange 60/24 Letter	10	Ream(500)		
Fuchsia 60/24 Letter	10	Ream(500)		
Crystal Blue 60/24 Letter	10	Ream (500)		

Orange 60/24 Letter	10	Ream (500)		
Grape 60/24 Letter	10	Ream (500)		
Turquoise 60/24 Letter	10	Ream (500)		
2-part Letter	100	Ream(500)		
3-part Letter	50	Ream(500)		
4-part Letter	30	Ream(500)		
Manila CB 105 lb Letter	30	Ream (500)		
CB White 20 lb Letter	20	Ream(500)		
CF Pink Letter	10	Ream(500)		
CF Blue 19 lb Letter	10	Ream(500)		
White CF 19 lb Letter	10	Ream(500)		
Blue CB 19 lb Letter	10	Ream(500)		
Canary CB 19 lb Letter	10	Ream(500)		
Canary CF 19 lb Letter	10	Ream(500)		
Canary CFB #20 Letter	10	Ream(500)		
White NCR CFB #20 Letter	10	Ream(500)		
Green CF #20 Letter	10	Ream(500)		
Blue CFB Letter	10	Ream(500)		
Pink CFB Letter	10	Ream(500)		
White Adhesive Letter	40	Pkg(100)		
Chartreuse Adhesive letter	10	Pkg(100)		
Red Adhesive letter	5	Pkg (100)		
Pink Adhesive Letter	10	Pkg(100)		
Paper Adhesive Green letter	6	Pkg(100)		
Orange Fluorescent Adhesive letter	10	Pkg(100)		
Burnt Orange Adhesive Letter	10	Pkg(100)		
Orange Fluorescent Adhesive VE/Letter	10	Pkg(100)		
COLOR COPY PAPER				
White 28lb Ledger	40	Ream(500)		
White 28lb Legal	5	Ream(500)		
White 28lb Letter	150			
White 80lb Cover 11 x 17	10	Ream(250)		
White 100lb Lynx 11 x 17 Cover	120	Ream(250)		
COVERS				
Cosmic Orange #65 Letter	5	Ream (250)		
INDEX PAPER				
White #110 Letter	96	Ream(250)		
Cherry #110 Letter	16	Ream(250)		
Canary #110 Letter	32	Ream(250)		
Buff #110 Letter	16	Ream(250)		
Green #110 Letter	16	Ream(250)		
Blue #110 Letter	16	Ream(250)		
Gray #110 Letter	8	Ream(250)		
Salmon #110 Letter	8	Ream(250)		
Letter 90lb Index	10	Ream(250)		
MISCELLANEOUS				
Laminating Pouches 2 ¼ x 3 ¾	120	Pkg (100)		
Laminating Pouches 9 x 11 ½	20	Box(50)		

Laminating Pouches 12 x 18	5	Box (50)		
Laminating Pouches 3 ½ x 5 ½	5	Box (100)		
Starlux Labels 4 3/16 x 3 ¼	5	Box(100)		
Business Card Boxes (hard sides)	4	Box(100)		
Letterhead boxes	2	Box(100)		

Can you make next business day deliveries on all items? YES_____ NO_____

Estimated delivery time after receipt of order: _____

APPENDIX D
CITY OF KILLEEN
HOLIDAY SCHEDULE

Holidays 2019: (The actual date for holidays in the future will vary, but the holiday will be observed)

January 1-New Year's Day
January 20-Martin Luther King Jr. Birthday
February 17-President's Day
April 18-Good Friday
May 26-Memeorial Day
July 4- Independence Day
September 1-Labor Day
October 13-Columbus Day
November 11-Veteran's Day
December 6-Thanksgiving Day
November 28-Day after Thanksgiving Day
December 24-Christmas Eve
December 25-Christmas Day

REFERENCES

Include below three references:

Reference #1
Company Name_____
Address _____
_____
Type of Business _____
Contact Person_____
Telephone and Fax #'s_____

Reference #2
Company Name_____
Address _____
_____
Type of Business _____
Contact Person_____
Telephone and Fax #'s_____
_____

Reference #3
Company Name_____
Address _____
_____
Type of Business _____
Contact Person_____

Telephone and Fax #'s_____

ATTACHMENT 1
CITY OF KILLEEN
CONFLICT OF INTEREST QUESTIONNAIRE

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

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

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

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

OFFICE USE ONLY

Date Received

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

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

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

_____

Name of Officer

This section (item 3 including subparts A, B, C, & D) must be completed for each officer with whom the vendor has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

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

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more?

☐ Yes ☐ No

D. Describe each employment or business and family relationship with the local government officer named in this section.

4

_____ _____

Signature of vendor doing business with the governmental entity Date

Adopted 8/7/2015

ATTACHMENT 2
CITY OF KILLEEN
SAMPLE 1295

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

OFFICE USE ONLY

SAMPLE 1295
See Terms & Conditions #20

REJECTING ALL BIDS FOR BID #19-13 PRINT SHOP SUPPLIES

RS-19-039

April 16, 2019

Background

- City Print Shop supports printed collateral needs for organization
  - 967 workorders
  - 3.8 million pieces
- Supplies are necessary to meet mission
- Current supply contract expiring

Bid Process

- Bids solicited to find best products and prices
- Two bids received February 26
- Contract for one year; three automatic one-year renewals with fixed pricing
- Both bidders subsequently declined to meet contract terms
- Staff reevaluated supply needs

Alternatives Considered

- Reject all bids received and rebid print shop supplies
- Reject all bids received

Recommendation

- Staff recommends City Council reject all bids received for Bid #19-13 Print Shop Supplies.

City of Killeen

Legislation Details

File #:	OR-19-009A	**Version:**	1	**Name:**	Fire Department Reclassification
Type:	Ordinance			**Status:**	Ordinances
File created:	3/25/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Consider an ordinance to create the classification of Assistant Fire Chief and amend the number of authorized civil service positions for the Killeen Fire Department.				
Sponsors:	Human Resources Department, Fire Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Ordinance Presentation				

Date	Ver.	Action By	Action	Result

powered by Legistar™

STAFF REPORT

DATE: **April 16, 2019**

TO: **Ronald L. Olson, City Manager**

FROM: **Eva Bark, Executive Director of Human Resources**

SUBJECT: **Ordinance To Create the Classification of Assistant Fire Chief and Amend the Number of Authorized Civil Service Positions for the Killeen Fire Department**

BACKGROUND AND FINDINGS:

The Texas Local Government Code (TLGC), Chapter 143, represents an effort to present, in a coherent and practical format, the laws and civil service procedures for Texas police and fire departments. The civil service system was established in the City of Killeen in an election duly called and lawfully conducted on August 13, 1977. The rules and regulations of TLGC Chapter 143 apply to all classified police and fire officers.

One of the provisions of TLGC, Chapter 143, is that the municipality's governing body establishes the civil service classifications by ordinance. This ordinance, as adopted by the governing body, further prescribes the number of positions in each classification [TLGC 143.021(a)].

TLGC 143.014 provides the department head of a civil service department may make an appointment to the position immediately below that of the department head if the position is approved by the municipality's governing body. The fire department currently has a rank of Fire Deputy Chief, and each of those positions is a position filled by a promotional exam, not appointment by the Fire Chief. The proposed classification would be one position and would be above the current Fire Deputy Chief classification.

Appointment of an Assistant Fire Chief ensures public safety fire industry best practices by defining responsible authority within the Killeen Fire Department. This position is administrative and, in the absence of the Fire Chief, maintains definitive authority and span of control over all fire department activities. Duties will include all interdepartmental communications, policies, standard operating procedures, standard operating guidelines, rules compliance, and direction to all fire department divisions as ordered by the Fire Chief.

Reclassifying one of the currently authorized positions in the Fire Deputy Chief rank to Assistant Chief by appointment will minimize fiscal impact to the allocated fire department budget. The salary of a Fire Deputy Chief's position will offset the Assistant Chief's salary. Internal efficiencies negate any further funding to the Fire Department budget.

The Human Resources Department is requesting changes to the current fire staffing by eliminating one (1) Fire Deputy Chief and by adding one (1) Assistant Fire Chief.

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	183	Fire and Rescue Officer	183
Fire Captain	36	Fire Captain	36
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	4	Deputy Chief of Fire	3
Assistant Fire Chief	0	Assistant Fire Chief	1

THE ALTERNATIVES CONSIDERED:

1) Not modify the organizational structure of the fire department leaving a void in continuity of authority.
2) Eliminate one (1) Deputy Chief of Fire and reclassify the position to (1) Assistant Fire Chief.

Which alternative is recommended? Why?

Staff recommends the second alternative. This action would ensure continuity of authority/responsibility within the Fire Department and best practices within the Fire Industry. This proposal was also presented to the Killeen Firefighters and Police Officers Civil Service Commission. On March 18, 2019, the Commission recommended approval.

CONFORMITY TO CITY POLICY:

This action is uniformed to city policy.

FINANCIAL IMPACT:

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

Internal efficiencies allow reallocation of funds during current and future budgets.

Promotion pay differential is $4,232 in FY 2019; $6,752 in FY 2020; and $7,171 in FY 2021.

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

RECOMMENDATION:

Staff recommends the adoption of the proposed ordinance to eliminate one (1) Fire Deputy Chief, full-time position and add one (1) Assistant Fire Chief, full-time position, to be appointed by the Fire Chief.

DEPARTMENTAL CLEARANCES:
City Attorney Office
Finance

ATTACHED SUPPORTING DOCUMENTS:
Ordinance

ORDINANCE NO._____

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS, TO CREATE THE CLASSIFICATION OF ASSISTANT FIRE CHIEF AND TO AUTHORIZE THE NUMBER OF FIRE DEPARTMENT CIVIL SERVICE EMPLOYEES TO COMPLY WITH THE PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §143.021; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

SECTION I. That the City Council establishes the classification of Assistant Fire Chief in the Killeen Fire Department. The City Council further authorizes that the following civil service classifications of employees in the Fire Department of the City of Killeen shall be amended for the purpose of covering such employees under the provisions of Texas Local Government Code 143.021(a) as required by statute. These classifications and no others shall exist with the number shown indicating the number of positions in each classification:

CLASSIFICATION	**NUMBER IN EACH CLASSIFICATION**			
	FY 16-17 (amended January,2017)		**FY 18-19 (amended April, 2019)**	
	(Base Authorization)	**(Over hire)**	**(Base Authorization)**	**(Over hire)**
Fire and Rescue Officer	**183**	**7**	**183**	**7**
Fire Captain	36	0	36	0
Battalion Chief	6	0	6	0
Deputy Fire Chief	4	0	3	0
Assistant Fire Chief	0	0	1	0

This change to amend the authorized number of Deputy Fire Chiefs reflects a reduction to the number of the base authorizations of Deputy Fire Chief positions by one (1) authorized position, and an increase in the authorized number of Assistant Fire Chief position by one (1) authorized position. In approving the classification of Assistant Fire Chief, the City Council further authorizes the Fire Chief to appoint a person as Assistant Fire Chief in accordance with the provisions of the Texas Local Government Code.

SECTION II. That all other ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

SECTION III. That should any part of this ordinance be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION IV. That this ordinance shall be effective April 23, 2019, and after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas this 23rd 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 Aldrich, CITY SECRETARY

APPROVED AS TO FORM:

_____
Kathryn H. Davis, CITY ATTORNEY

CREATE CLASSIFICATION OF ASSISTANT FIRE CHIEF

OR-19-009A/B

April 16, 2019

Background

- Civil Service system was established on August 13, 1977.
- City Council must approve Civil Service authorizations and classifications by ordinance.
- Killeen Fire Department Civil Service current staffing is as follows:
  - 183 Fire Rescue Officers
  - 36 Fire Captains
  - 6 Battalion Chiefs
  - 4 Deputy Chiefs

Discussion

- Reclassify one Deputy Chief position to Assistant Chief by appointment in accordance with Local Government Code 143.014.
- Appointment of an Assistant Fire Chief ensures public safety fire industry best practices by defining responsible authority within the Killeen Fire Department.
- Monitors and implements policies and standard operating procedures, standard operating guidelines, rules compliance, and direction to all fire department divisions.

Discussion Continued

- Approved by the Killeen Civil Service Commission on March 18, 2019.
- Promotional pay differential will be $4,232 and funds are budgeted in the FY 19 Fire Department budget.
- This action will also create a new pay rank in the Fire Department pay plan and will not impact the total authorizations of the Fire Department.

Fire Department Strength of Force

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	183	Fire and Rescue Officer	183
Fire Captain	36	Fire Captain	36
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	4	Deputy Chief of Fire	3
Assistant Fire Chief	0	Assistant Fire Chief	1

Alternatives

- Not modify the organizational structure of the Fire Department and pay rank leaving a void in stability of authority.
- Remove one (1) Deputy Chief of Fire and reclassify authorization by changing the position to (1) Assistant Fire Chief by appointment and by adding a pay rank to the Fire Department pay plan.

Recommendation

- Staff recommends that City Council approve the ordinance creating the classification of Assistant Fire Chief, amending the number of authorized Civil Service positions for the Fire Department by removing one (1) Deputy Chief of Fire and reclassifying the authorization by changing the position to (1) Assistant Fire Chief, by appointment, and approve the new pay rank of Assistant Fire Chief.

City of Killeen

Legislation Details

File #:	OR-19-009B	**Version:**	1	**Name:**	Amend Fire Department Pay Plan
Type:	Ordinance			**Status:**	Ordinances
File created:	4/1/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	Consider an ordinance to amend the Fire Department pay plan to add classification of Assistant Fire Chief.				
Sponsors:	Human Resources Department, Fire Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Proposed Pay Plan Ordinance Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **April 16, 2019**

TO: **Ronald L. Olson, City Manager**

FROM: **Eva Bark, Executive Director of Human Resources**

SUBJECT: **Ordinance to Amend the Fire Department Pay Plan**

BACKGROUND AND FINDINGS:

On August 13, 1977, the voters of Killeen adopted the civil service law for the police and fire departments of the City of Killeen. State law required that the City Council, upon the recommendation of the Civil Service Commission, adopt a pay plan for each rank. The pay plans set forth the positions known as rank. Ordinance No 77-58 established the City's first classification plan for the police and fire departments.

The Fire Chief has requested that the City Council approve his appointment of an Assistant Fire Chief to ensure public safety fire industry best practices by defining responsible authority within the Killeen Fire Department. This action creates a new pay rank of Assistant Fire Chief and it does not create any new authorizations within the existing staffing. The intent is to provide administrative support and, in the absence of the Fire Chief, maintains definitive authority and span of control over all fire department activities. Duties will include all interdepartmental communications, policies, standard operating procedures, standard operating guidelines, rules compliance, and direction to all fire department divisions as ordered by the Fire Chief.

THE ALTERNATIVES CONSIDERED:

1) Not to approve a new pay rank of Assistant Fire Chief for the Fire Department pay plan.
2) To approve a new pay rank of Assistant Fire Chief for the Fire Department pay plan.

Which alternative is recommended? Why?

Staff recommends the second alternative. This action would ensure continuity of authority/responsibility within the Fire Department and best practices within the Fire Industry. This proposal was also presented to the Killeen Firefighters and Police Officers Civil Service Commission. On March 18, 2019, the Commission recommended approval.

CONFORMITY TO CITY POLICY:

This action is uniformed to city policy.

FINANCIAL IMPACT:

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

The pay plan changes will have no fiscal impact.

Is this a one-time or recurring expenditure?
N/A

Is this expenditure budgeted?
N/A

If not, where will the money come from?
N/A

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

RECOMMENDATION:
Staff recommends that the City Council authorize the change to the Fire Department pay plan to reflect the creation of the Assistant Fire Chief classification and the amendment of the number of authorized civil service positions for the Killeen Fire Department.

DEPARTMENTAL CLEARANCES:
City Attorney Office
Finance

ATTACHED SUPPORTING DOCUMENTS:
Proposed Pay Plan
Ordinance

City of Killeen
Fire / EMS Pay Plan

Effective: October 1, 2018

	Year	1	2	3	4	5	6	7	8	9		
8 HOUR SHIFT	Grade/Step	F81-1	F81-2	F81-3	F81-4	F81-5	F81-6	F81-7	F81-8	F81-9		
Fire and Rescue	**Annual Pay**	**$45,403**	**$47,016**	**$48,633**	**$50,247**	**$51,866**	**$53,483**	**$53,483**	**$55,099**	**$55,099**		
Officer												
	Year	10	$11	$12	$13	$14	$15	$16	$17	18+		
	Grade/Step	F81-10	F81-11	F81-12	F81-13	F81-14	F81-15	F81-16	F81-17	F81-18		
	Annual Pay	**$56,751**	**$56,751**	**$58,453**	**$58,453**	**$60,208**	**$60,208**	**$62,013**	**$62,013**	**$63,873**		
	Year	1	2	3	4	5	6	7	8	9		
24 HOUR SHIFT	Grade/Step	F01-1	F01-2	F01-3	F01-4	F01-5	F01-6	F01-7	F01-8	F01-9		
Fire and Rescue	**Annual Pay**	**$45,403**	**$47,016**	**$48,633**	**$50,247**	**$51,866**	**$53,483**	**$53,483**	**$55,099**	**$55,099**		
Officer												
	Year	10	11	12	13	14	15	16	17	18+		
	Grade/Step	F01-10	F01-11	F01-12	F01-13	F01-14	F01-15	F01-16	F01-17	F01-18		
	Annual Pay	**$56,751**	**$56,751**	**$58,453**	**$58,453**	**$60,208**	**$60,208**	**$62,013**	**$62,013**	**$63,873**		
NOTE:												
Probationary Fire Rescue Officer refer to Pay Grade O58 of the Non-civil service Pay Plan.												
8 hour schedule works 2080 hours per year. The hourly rate for an 8 hour shift is calculated as [annual pay / 2080 annual hours worked = Hourly Rate]												
24 hour schedule works 2756 hours per year. The hourly rate for a 24 hour shift is calculated as [annual pay / 2756 annual hours worked = Hourly Rate]												
PROMOTIONAL GRADES		Step/Year	1	2	3	4	5	6	7	8	9	10+
Fire Captain	F03	**Annual Pay**	**$65,668**	**$65,668**	**$68,069**	**$68,069**	**$70,473**	**$70,473**	**$70,473**	**$70,473**	**$70,473**	**$72,875**
Battalion Chief	F04	**Annual Pay**	**$75,277**	**$75,277**	**$77,679**	**$77,679**	**$80,082**	**$80,082**	**$80,082**	**$80,082**	**$80,082**	**$82,484**
Fire Deputy Chief	F86	**Annual Pay**	**$91,292**	**$91,292**	**$94,496**	**$94,496**	**$97,701**	**$97,701**	**$97,701**	**$97,701**	**$97,701**	**$100,904**
Assistant Fire Chief	F87	**Annual Pay**	**$105,411**	**$105,411**	**$108,046**	**$108,046**	**$110,747**	**$110,747**	**$110,747**	**$110,747**	**$110,747**	**$113,516**

City of Killeen
Fire / EMS Pay Plan

Effective: October 1, 2018

Fire/EMS Incentive Pay	Monthly	Fire/EMS Assignment Pay	Monthly
EMT/Basic **or**	$100	Training Officer	$200
EMT/Intermediate **or**	$120	Arson Investigator	$100
EMT/Paramedic	$300	Emergency Management Coordinator	$200
AND		Emergency Medical Services (EMS) Coordinator	$200
Firefighter/Intermediate **or**	$60	Bilingual Certification(Level I) or,	$50
Firefighter/Advanced **or**	$120	Bilingual Certification(Level II)	$75
Firefighter Master	$175	(can only receive Level I or II for each language certified/authorized)	
AND		SWAT	$75
Apparatus Technician **and**	$50	EMS Driver	$25.00/day
HAZMAT	$100	Paramedic Attendant	$50.00/day
ARFF	$100		

Hiring Incentive:

Individuals with a only a TCFP structural fire certification are offered the incentive in two stages:

Stage one: $500 paid on the first regular payday after TCFP certified Firefighter is hired by the department and begins the duties of a Probationary Fire Rescue Officer.

Stage two: $500 paid when the Fire Department affirms that the Probationary Fire Rescue Officer has successfully completed the first year of service with the department; payment of this incentive will be made during the last pay period of the first year of service.

OR

Individuals with only a TDSHS paramedic license or certification are offered the incentive in two stages:

Stage one: $1,000 paid on the first regular payday after TDSHS certified or licensed Paramedic duties of a Probationary Fire and Rescue Officer with the Killeen Fire Department.

Stage two: $1,000 paid when the Fire Department affirms that the Probationary Fire Rescue Officer has successfully completed the first year service with the department; payment of this incentive will be made prior to the last pay period of the first year of service.

An alternative incentive pay is offered for individuals with a TCFP structural fire certification which includes a TDSHS emergency medical technician certification (EMT)-basic or intermediate, in two stages:

Stage one: $1000 paid on the first regular pay day after the certified Firefighter/Emergency Medical Technician is hired by the department and begins the firefighter/EMT duties of a Probationary Fire & Rescue Officer with the Killeen Fire Department.

Stage two: $1,000 paid when the Fire Department affirms that the Probationary Fire Rescue Officer has successfully completed the first year service with the department; payment of this incentive will be made prior to the last pay period of the first year of service.

An alternative incentive pay is offered for individuals with a TCFP structural fire certification and a TDSHS paramedic license/certification in two stages:

Stage one: $2000 paid on the first regular payday after the TCFP certified Firefighter is hired by the department and begins the duties of a Probationary Fire Rescue Officer.

Stage two: $1,000 paid when the Fire Department affirms that the Probationary Fire Rescue Officer has successfully completed the first year of service with the department; payment of this incentive will be made during the last pay period of the first year of service.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF KILLEEN, TEXAS AMENDING THE FIRE DEPARTMENT PAY PLAN; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Killeen Fire Department, pursuant to an election of the voters in 1977, operates under the civil service laws provided in Texas Local Government Code chapter 143; and

WHEREAS, since 1994 the Killeen Fire Department has operated with a dual career ladder system;

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

SECTION I. That the City Council authorizes the amendment of the fire pay plan establishing the salary of employees in the fire rescue officer positions and those in classifications authorized under the provisions of Texas Local Government Code 143.041 as required by that statute.

SECTION II. That all other ordinances or parts of ordinances that are in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

SECTION III. That should any part of this ordinance be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION IV. That this ordinance shall be effective immediately after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas this 23rd 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

CREATE CLASSIFICATION OF ASSISTANT FIRE CHIEF

OR-19-009A/B

April 16, 2019

Background

- Civil Service system was established on August 13, 1977.
- City Council must approve Civil Service authorizations and classifications by ordinance.
- Killeen Fire Department Civil Service current staffing is as follows:
  - 183 Fire Rescue Officers
  - 36 Fire Captains
  - 6 Battalion Chiefs
  - 4 Deputy Chiefs

Discussion

- Reclassify one Deputy Chief position to Assistant Chief by appointment in accordance with Local Government Code 143.014.
- Appointment of an Assistant Fire Chief ensures public safety fire industry best practices by defining responsible authority within the Killeen Fire Department.
- Monitors and implements policies and standard operating procedures, standard operating guidelines, rules compliance, and direction to all fire department divisions.

Discussion Continued

- Approved by the Killeen Civil Service Commission on March 18, 2019.
- Promotional pay differential will be $4,232 and funds are budgeted in the FY 19 Fire Department budget.
- This action will also create a new pay rank in the Fire Department pay plan and will not impact the total authorizations of the Fire Department.

Fire Department Strength of Force

Current Strength of Force for KFD		Revised Strength of Force for KFD	
Fire and Rescue Officer	183	Fire and Rescue Officer	183
Fire Captain	36	Fire Captain	36
Battalion Chief	6	Battalion Chief	6
Deputy Chief of Fire	4	Deputy Chief of Fire	3
Assistant Fire Chief	0	Assistant Fire Chief	1

Alternatives

- Not modify the organizational structure of the Fire Department and pay rank leaving a void in stability of authority.
- Remove one (1) Deputy Chief of Fire and reclassify authorization by changing the position to (1) Assistant Fire Chief by appointment and by adding a pay rank to the Fire Department pay plan.

Recommendation

- Staff recommends that City Council approve the ordinance creating the classification of Assistant Fire Chief, amending the number of authorized Civil Service positions for the Fire Department by removing one (1) Deputy Chief of Fire and reclassifying the authorization by changing the position to (1) Assistant Fire Chief, by appointment, and approve the new pay rank of Assistant Fire Chief.

City of Killeen

Legislation Details

File #:	PH-19-006	**Version:**	1	**Name:**	CCMO for DCP & WCP
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	4/1/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	HOLD a public hearing and consider an ordinance to repeal and replace Chapter 30, Article I, Water Conservation, of the Code of Ordinances of the City of Killeen, Texas, providing for a new Water Conservation and Drought Contingency Plan.				
Sponsors:	Water & Sewer				
Indexes:					
Code sections:					
Attachments:	Staff Report Ordinance Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **April 16, 2019**

TO: **Ronald L. Olson, City Manager**

FROM: **Danielle Singh, Interim Executive Director of Public Works**

SUBJECT: **Water Conservation and Drought Contingency Plan Ordinance**

BACKGROUND AND FINDINGS:

Under Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288, the City of Killeen is required to submit an updated Water Conservation Plan (WCP) and Drought Contingency Plan (DCP) to the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB) every five years. The City of Killeen originally adopted and implemented their WCP in 1998 and revised the Code in 2006 to include a DCP as well. City staff has revised the current combined WCP and DCP so that it aligns with the TCEQ's model ordinance and the Centex Sustainability Partnership's project to standardize water conservation and drought contingency messaging throughout the region.

THE ALTERNATIVES CONSIDERED:
The alternatives considered are as follows:

1. Use the current Water Conservation Plan and Drought Contingency Plan as adopted in 1998 and revised in 2006.
2. Repeal and replace Chapter 30, Article I, Water Conservation, of the official code of ordinances as written.

Which alternative is recommended? Why?

1. Staff recommends repealing and replacing the ordinance regarding water conservation as written. This alternative allows the water conservation ordinance to align with the TCEQ's model ordinance and the Centex Sustainability Partnership's standardization project. This revised ordinance will enable residents who live and work throughout the region to have a better understanding and more cohesive plan for conserving water and responding to water supply emergencies.

CONFORMITY TO CITY POLICY:
The proposed ordinance conforms to City policy.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?
There are no expenditures required.

Is this a one-time or recurring expenditure?
N/A

Is this expenditure budgeted?
N/A

If not, where will the money come from?
N/A

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

RECOMMENDATION:
Staff recommends that the City Council approve the ordinance repealing and replacing Chapter 30, Article I, Water Conservation, by providing for a new water conservation and drought contingency plan.

DEPARTMENTAL CLEARANCES:
Public Works
Finance
City Attorney

ATTACHED SUPPORTING DOCUMENTS:
Ordinance

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 30, ARTICLE I, WATER CONSERVATION, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, PROVIDING FOR A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City desires to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions; and,

WHEREAS, the City is located within the Brazos Region G Water Planning Area and the City has coordinated with the Brazos Region G Water Planning Group; and,

WHEREAS, opportunity for the public to provide input into the preparation of the Water Conservation and Drought Contingency Plan was provided by the City of Killeen by means of public notices in the Killeen Daily Herald and the City's website and conducting a public hearing at the City Council meeting on April 23, 2019.

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

SECTION 1: That Chapter 30, Article I, Water Conservation of the Code of Ordinances of the City of Killeen is hereby repealed and replaced with Chapter 30, Article 1, Water Conservation and Drought Contingency as follows:

Chapter 30

WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE I. WATER CONSERVATION AND DROUGHT CONTINGENCY

Sec. 30-1. - Declaration of Policy, Purpose, and Intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Killeen hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Water Conservation and Drought Contingency Plan (the Plan) are considered to be non- essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined herein.

The City shall review this Plan at least every five (5) years and shall update as appropriate based on new or updated information.

Sec. 30-2. - Public Education.

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of electronic notifications, public notices, press releases and utility bill inserts.

Sec. 30-3. - Coordination with Regional Water Planning Groups.

The service area of the City is located within the Brazos Region G Water Planning Area and the City has provided a copy of this Plan to Brazos Region G Water Planning Group.

Sec. 30-4. - Authorization.

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Sec. 30-5. - Application.

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 30-6. - Definitions.

For the purposes of this Plan**,** the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

BCWCID No.1: Bell County Water Control and Improvement District No. 1

Commercial and institutional water use: water use which is integral to the operations of commercial and non- profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

(a) Irrigation of landscape areas, including parks, and athletic fields, except otherwise provided under this Plan;

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
(c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
(e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
(f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
(g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
(h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
(i) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Sec. 30-7. - Criteria for Initiation and Termination of Drought Response Stages.

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a regular basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

Public notification of the initiation or termination of drought response stages shall be by means of public notice in the Killeen Daily Herald and on the City's website, as well as public service announcements of local radio and TV stations. Additional notification may be made through social media outlets, mailings, door hangers, telephone or other appropriate means.

The triggering criteria described below are based on water supply, water production and distribution system limitations, drought conditions dictated by the Brazos River Authority, and emergency conditions (e.g. supply source contamination and system outage due to the failure or damage of major water system components). Analysis of the City's water supply availability under recent drought of record conditions indicate the most common trigger for initiating the Plan is water supply. The City has ample water supply under contract; however, the City has experienced requests by water supplies to conserve due to low water levels in Lake Belton.

Sec. 30-8. – Stage 1 – Mild Water Shortage Conditions.

(a) Triggers and Requirements for Initiation: Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses for Stage

1 when one of the following criteria is met:

1. Brazos River Authority enters into Stage 1 Drought Watch.
    a. According to their current Drought Contingency Plan, Stage 1 for Lake Belton is based on a drawdown of 6.8 ft.
    b. A Stage 1 trigger for BRA is also when the Palmer Hydrologic Drought Index (PHDI) is equal to or less than negative two (-2).

2. When total daily water demand equals or exceeds and maintains 80% or 25.6 million gallons for three (3) consecutive days (based on the current supply capacity of existing system from BCWCID No. 1 of 32.0 MGD).

3. Total treated water in the elevated storage does not refill to 80% of capacity overnight.

(b) Goal: Achieve a voluntary reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue unnecessary flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Follow the water use restrictions of Stage 2.

(d) Voluntary Water Use Restrictions for Reducing Demand

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9).

2. Water customers are requested to voluntarily limit the irrigation of landscaped areas only between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days.

3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(e) Requirements for Termination: Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, or when the City Manager or designee declares termination.

Sec. 30-9. - Stage 2 – Moderate Water Shortage Conditions.

(a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 when one of the following criteria is met:

1. Brazos River Authority enters into Stage 2 Drought Warning.

a. According to their current Drought Contingency Plan, Stage 2 for Lake Belton is based on a drawdown of 16.1 ft.

2. When total daily water demand equals or exceeds and maintains 85% or 27.2 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 OF 32.0 MGD)

3. Total treated water in the elevated storage does not refill to 70% of capacity overnight.

(b) Goal: Achieve a 10% reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 3.

(d) Water Use Restrictions for Demand Reduction: Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

1. Hose-end sprinkler systems or automatic irrigation of landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). These types of irrigation are further limited to the irrigation of landscaped areas only between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days.

2. Irrigation of landscaped areas is permitted at any time if it is by means of hand-held hose, a faucet filled bucket or watering can of five (5) gallons are less, or drip irrigation system.

3. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations, if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

4. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi - type pools is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight.

5. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

6. Use of water from hydrants shall be limited to fire fighting and related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Killeen.

7. All restaurants are prohibited from serving water to its patrons except when requested by the patron.

8. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of midnight to 10:00 am or 8:00 pm to midnight. However, if the golf course uses a water source other than potable water, the facility shall not be subject to these regulations.

9. The following uses of water are defined as non-essential and are prohibited:

    a. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard- surfaced areas.
    b. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
    c. Use of water for dust control;
    d. Flushing gutters or permitting water to run or accumulate in any gutter or street;
    e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice by the City directing the repair of such leak(s).

(e) Requirements for Termination: Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days, or when the City Manager or designee declares termination. Upon termination of Stage 2, Stage 1 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-10. - Stage 3 – Severe Water Shortage Conditions.

(a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 when one of the following criteria is met.

1. Brazos River Authority enters into Stage 3 Drought Emergency.
    a. According to their current Drought Contingency Plan, Stage 3 for Lake Belton is based on a drawdown of 28.2 ft.

2. When total daily water demand equals or exceeds and maintains 90% or 28.8 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 of 32.0 MGD).

3. Total treated water in the elevated storage does not refill to 60% of capacity overnight.

(b) Goal: Achieve a 20% reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 4.

(d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2 shall remain in effect during Stage 3 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 7:00 am or 9:00 pm to midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

2. The use of water for construction purposes from designated fire hydrants is prohibited, even where previously allowed.

(e) Requirements for Termination: Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-11. - Stage 4 – Critical Water Shortage Conditions.

(a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 when one of the following criteria is met:

1. Brazos River Authority enters into Stage 4 Pro-rata Curtailment.
    a. According to their current Drought Contingency Plan, Stage 4 for Lake Belton is based on a drawdown of 44.6 ft.

2. When daily water demand total equals or exceeds and maintains 100% or 32.0 million gallons for three (3) consecutive days (based on the current supply capacity of BCWCID No. 1 of 32.0 MGD).

3. Total treated water in elevated storage does not refill to 50% of capacity overnight;

4. City Manager declares a critical water shortage.

(b) Goal: Achieve a 30% reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 5.

(d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of midnight to 6:00 am or 10:00 pm to midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and, not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 am and 10:00 am and between 6:00 pm and 10:00 pm.

3. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or when such fountains or ponds are equipped with a recirculation system.

5. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved, and time limits for approval or installation of such applications are hereby suspended for such time as this drought response stage or a higher numbered stage shall be in effect.

(e) Requirements for Termination: Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days or when the City Manager or designee declares termination. Upon termination of Stage 4, Stage 3 becomes operative unless otherwise determined by the City Manager or designee.

Sec. 30-12. - Stage 5 – Emergency Water Shortage Conditions.

(a) Triggers and Requirements for Initiation: Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the City Manager or designee determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

2. Natural or man-made contamination of the water supply source (s).

(b) Goal: Achieve a 40% reduction in total water use and/or daily water demand.

(c) Best Management Practices for Supply Management: Discontinue flushing of water mains and flow testing of fire hydrants. Discontinue washing of City-owned vehicles. Discontinue irrigation of all City facilities. Follow the water use restrictions of Stage 5.

(d) Water Use Restrictions for Demand Reduction: All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 except:

1. Irrigation of landscaped areas is absolutely prohibited.

2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

3. All outside water uses are prohibited, except for fighting fires and for animals.

(e) Requirements for Termination: Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of seven (7) consecutive days or when the City Manager or designee declares termination. Upon termination of Stage 5, Stage 4 becomes operative unless otherwise determined by the City Manager.

Sec. 30-13. - Drought Response Stages.

The City Manager or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

Notification of the Public:

The City Manager or his/ her designee shall notify the public as needed or necessary by means of:

- Press releases
- Social Media
- Publication in a newspaper of general circulation
- Direct mail to each customer
- Reverse 911 system
- Signs posted in public places

Key Entities and Positions to Notify:

The City Manager or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Mayor/City Council
- Police and Fire Chiefs
- County Emergency Management Coordinator
- County Judge & Commissioners
- TCEQ (required when mandatory restrictions are imposed)
- Major water users
- Building Official
- Critical water users, i.e. hospitals and schools
- Public Works and Parks Employees

Sec. 30-14. - Water Conservation Plan.

(a) Goals: The City has ample water for present and near future needs. The City's budget is structured to meet operational and debt service needs. The City has a water rate structure which is designed to meet the budgetary needs and debt service requirements of the City. The City of Killeen recognizes the State's goals of water conservation and generally supports those goals. Therefore, the following goals are stated for the City relative to water conservation:

1. The City will encourage the conservation of water through the media, mail-outs and other avenues. Conservation messages will be conveyed at the times of the year when water use is expected to increase.

2. The City will work toward reducing unaccounted for (unmetered) water.

3. The City has a goal not to exceed 110 gallons per capita per day (GPCD) over the next five and ten years. The achievement of this goal takes into consideration that:

   a. Customers will respond to conservation messages.

   b. Population growth will occur to compensate for revenue losses.

   c. Unaccounted for water can be reduced up to 5%.

The following are the City's historic and 5-year and 10-year goals for demand reduction through water conservation.

	Historic 5 Year Average	**5-Year Goal for Year 2024**	**10-Year Goal for Year 2029**
Total GPCD	104	110	110
Residential GPCD	67	70	70
Water Loss (GPCD)	18	17	16
Water Loss Percentage	17.31%	15.45%	14.55%

(GPCD = gallons per day per capita)

(b) Metering: The City of Killeen obtains 100% of its treated water supply through an agreement with Bell County WCID No. 1. As part of this agreement, Bell County WCID No. 1 provides the City with a monthly statement measuring the amount of water diverted for the City's use. The City's current contract with Bell County WCID No. 1 provides for 32.0 MGD through raw water rights of 39,964 acre-feet per year from Belton Lake.

1. The City of Killeen meters 100% of the connections in the distribution system. Meters range in size from 5/8" x 3/4" to 6". The City is in the process of testing all of their large, commercial (3"-6") meters. Based on this testing, meters that fall outside a plus or minus 5% will be replaced. Aged residential meters are periodically replaced on an as needed basis to assure the continued reliability of meter performance.

2. Annually, the City transfers funds into a meter replacement fund to replace meters that test below a certain percentage or have faults.

(c) Plumbing Code: The City of Killeen operates under the International Plumbing Code, which has been formally adopted in Chapter 8, Article IV of this Code. The City routinely inspects new construction, remodeling and additions through building permits. Under the permitting and inspection program, all plumbing fixtures are assured to meet State and Federal laws pertaining to water conservation devices.

(d) Water Rates: The City's water and sewer rates are codified in Article IV of this Chapter and are amended as required to supply the necessary system revenues. The City uses a non-promotional water rate structure which is cost-based and acts to discourage excessive water use.

As outlined in Sec. 30-12, Stage 5 - Emergency Water Shortage Conditions, Water Rationing, if activated, water rates increase significantly if customers exceed specified amounts.

(e) Distribution System, Leak Detection and Repairs: As required by 30 Texas Administrative Code § 288.2(a)(2)(B), the record management system utilized by the City of Killeen divides water sales into the following customer classifications: residential, commercial, apartments, mobile home parks, industrial, fireplug, outside City commercial, and outside City residential. It is the policy and practice of the City's Water Utility to investigate customer complaints of low pressure and possible leaks. Additionally, as required by 30 Texas Administrative Code §288.2(a)(2)(A), City staff visually inspects suspected leaks and prioritizes and completes the timely repair to any leaks detected. The City's record management system tracks water pumped, water delivered, water sales, and water losses to track water transmission, distribution, and delivery to its customers. This information is used to evaluate the integrity of the system from source to end user to control and maximize unaccounted for uses of water. The City of Killeen also currently employs

the following measures in an effort to resolve water loss discrepancies that occasionally occur in the transmission, delivery, and distribution system:

1. Pro-active leak detection and leak repair to reduce unaccounted for water loss.

2. Continuing public education programs to increase Plan awareness.

3. Coordination among all Bell County WCID No. 1 customers to ensure each customer takes water in a manner that ensures a dependable supply and an efficient operation.

4. Using treated wastewater reuse for golf course irrigation and exploring other options for treated wastewater reuse and recycling to reduce potable water demand.

(f) Water Conservation Utility Profile: The City of Killeen supplies water to its customers within the corporate limits and extraterritorial jurisdiction of the City through its Public Water System (PWS 0140006; RN 101391308). The City holds a Certificate of Convenience and Necessity (CCN #10041) encompassing approximately 56 square miles. In furtherance of the City's policy of water conservation the following has been provided for in the City's plan:

1. The City has conducted and completed an evaluation of our water and wastewater system and customer use characteristics in an effort to identify water conservation opportunities and potential targets and goals. The evaluation, entitled "Utility Profile for Retail Water Supplier," is available upon request and is summarized as follows:

   a. The source of drinking water for the City of Killeen is Lake Belton.
   b. The City purchases treated water from a wholesaler, Bell County WCID No. 1, for distribution to approximately 64,700 retail customers.
   c. The City maintains over 676 linear miles of public water distribution mains and 600 linear miles of wastewater collection mains.
   d. The City's current water demand averages 15.1 million gallons per day (MGD) or approximately 105 gallons per capita per day (GPCD).
   e. In the previous five years, the City's maximum daily potable water demand was 25.8 MGD.
   f. Bell County WCID No. 1 treats the City's sewer which averages 10.2 MGD.

2. Water customers (residential, commercial, public/institutional and industrial) located within the City of Killeen's CCN coverage area have historically used 105 to 115 GPCD. The City has established 5-year and 10-year goals not to exceed 110 GPCD based on this historically low GPCD which is largely due to Killeen's proximity to the Fort Hood Military Base. Enlisted members of the armed forces make up a significant portion of the City's water system customers. The historical low GPCD is influenced by the transient nature of the enlisted members and the large number of rental properties

utilized in the City's service area. In establishing the 5-year and 10-year goals, the City also considered state and regional goals, local climate, demographics, and data from the City's utility profile.

Sec. 30-15. - Enforcement.

(a) No person shall knowingly or intentionally allow the use of water from the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager or his/her designee, in accordance with provisions of this Plan.

(b) Any person who violates this Plan is guilty of a Class C misdemeanor and, upon conviction shall be punished under Sec. 1-8 of this Code. A fine not exceeding two thousand dollars ($2,000) may be imposed for violation of provisions that govern fire safety or public health and sanitation. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager or designee shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as established in the City's current fee and rate schedule, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager or designee that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

(c) Any person, including a person classified as a water customer of the City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but it is an affirmative defense if any such parent proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Sec. 30-16. – Variances.

The City Manager or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

(a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.

(b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this Article shall file a petition for variance with the City Manager or designee within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

(a) Name and address of the petitioner(s).

(b) Purpose of water use.

(c) Specific provision(s) of the Plan from which the petitioner is requesting relief.

(d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

(e) Description of the relief requested.

(f) Period of time for which the variance is sought.

(g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.

(h) Other pertinent information.

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

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

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective immediately after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 23rd 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

ORD _____
Date: _____

WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN

PH-19-006

April 16, 2019

Background

- Chapter 11 of the Texas Water Code and Title 30 of the Texas Administrative Code require the City to submit an updated Water Conservation Plan and Drought Contingency Plan to the Texas Commission Environmental Quality and the Texas Water Development Board every 5 years.
- The City originally adopted and implemented their Water Conservation Plan in 1998 and revised the Code in 2006 to include a Drought Contingency Plan as well.

Amendment

- Staff revised the current plans so that they align with the TCEQ's model ordinance and the Centex Sustainability Partnership's project to standardize water conservation and drought contingency messaging throughout the region.
- The stages, triggers, and restrictions aligned with regional plans.
- No additional requirements to citizens; just formatting changes.

Alternatives

- Redirect staff to use the current Water Conservation Plan and Drought Contingency Plan as adopted in 1998 and revised in 2006 for the 2019 Plan.
- Repeal and replace Chapter 30, Article I, Water Conservation, of the official code of ordinances as written.

Recommendation

- Staff recommends that the City Council approve the ordinance repealing and replacing Chapter 30, Article I, Water Conservation by providing for a new Water Conservation and Drought Contingency Plan.

City of Killeen

Legislation Details

File #:	PH-19-007	**Version:**	1	**Name:**	Chapter 26 Amendments
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	4/2/2019			**In control:**	City Council Workshop
On agenda:	4/16/2019			**Final action:**	
Title:	HOLD a public hearing and consider an ordinance amending Chapter 26, Article I and Article II, of the Killeen Code of Ordinances relating to preliminary and final plat requirements.				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Staff Report Minutes Ordinance Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **April 16, 2019**

TO: **Ronald L. Olson, City Manager**

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

SUBJECT: **Amendments to Chapter 26, Article I and Article II, of the Killeen Code of Ordinances for preliminary and final plats.**

BACKGROUND AND FINDINGS:

On December 11, 2018, City staff briefed the Council on updating the City's development codes, starting with the City's subdivision regulations. City Staff proposed several phases of subdivision amendments including: mandatory preliminary plat requirements; Traffic Impact Analysis (TIA) requirements; revised street connectivity/ access management standards; and general text amendments. Based on the City Council's motion of direction, staff initiated the mandatory preliminary plat update with the Planning and Zoning Commission.

The ordinance provides for the following:

- Requires the developer to consider the extent of a common plan of development, rather than just a single, isolated phase.
- Applies to the entire tract of land under common ownership, including tracts owned by parent subsidiary or brother-sister groups.
- Requires preliminary plats to provide a full picture of the overall development including streets, easements, utilities, conceptual lot locations, conceptual drainage information, density information, proposed phasing, as-built drawings, etc.
- Requires the developer to consider the extent of a common plan of development, rather than just a single, isolated phase.
- Provides for expiration of preliminary plats and for vesting protections in accordance with state law.
- Requires that construction plans be released for construction prior to final plat being deemed filed and that infrastructure or guarantee of completion be accepted prior to recordation of final plat.
- Adds definitions to support revisions.

Staff conducted one stakeholders' meeting with the local development community and received input and feedback on the proposed changes to Chapter 26. Additionally, staff conducted three public hearings with the Planning and Zoning Commission on March 4th, March 18th and April 1st.

THE ALTERNATIVES CONSIDERED:

1. Approve the recommended amendments as presented.
2. Do not approve the recommended changes and keep the current ordinance as-is.

3. Further amend the proposed changes.

Which alternative is recommended?

Staff recommends approving the amendments as presented.

Why?

The proposed amendments are the result of stakeholders input and multiple public hearings.

CONFORMITY TO CITY POLICY:

This draft ordinance conforms to the City policy.

FINANCIAL IMPACT:

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

This proposed ordinance 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 recommended approval by a vote of 6-0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Minutes
Ordinance

MINUTES
PLANNING AND ZONING COMMISSION MEETING
APRIL 1, 2019

HOLD a public hearing and consider proposed amendments to Article I, Definitions and various sections of Article II of the Killeen Code of Ordinances Chapter 26, *Subdivisions and Other Property Developments*. (Third Public Hearing)

Vice Chairman Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this is the third public hearing for this item. Since the last meeting some language was added and changes were made for clarification purposes.

Ms. Holli Clements, Esq., Deputy City Attorney, briefed the committee on the language that was changed regarding vesting and the definitions regarding ownership since the last public hearing.

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

Commissioner Payton motioned to recommend approval of the amendments. Commissioner Cooper seconded, and the motion passed by a vote of 6 to 0. Commissioner Alvarez stepped out of the meeting.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation to approve.

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE I, DEFINITIONS AND VARIOUS SECTIONS OF ARTICLE II; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City of Killeen has declared the application and enforcement of the City's subdivision regulations to be necessary for the promotion of the orderly development of the city, public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council finds that revisions to the City's subdivision and development regulations are necessary to provide for mandatory preliminary plats in certain instances; and,

WHEREAS, the City Council finds that amending requirements of the platting process is in the best interest of the City and is further permitted by the Local Government Code, Chapter 212 et seq.; and,

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

SECTION I. That Chapter 26 is hereby amended to read as follows:

ARTICLE I. IN GENERAL

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Sec. 26-2. Definitions

Common plan of development shall mean a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development

does not necessarily include all construction projects within the jurisdiction of a public entity (e.g.: a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g.: a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale, but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same "common plan" is not included in the area to be disturbed.

Common ownership shall mean owned by the same person or owned by persons within a parent-subsidiary group, ~~or~~ brother-sister group, or a combination of those groups subject to the constructive ownership and attribution rules located in the Internal Revenue Code, I.R.C. § 1563(e).

Person shall mean any individual, firm, partnership, corporation, association, estate, trust or organization. It also includes the singular and plural.

Parent-subsidiary group means a group of two or more organizations connected through a common parent who owns a controlling interest in the other organization(s).

Brother-sister group means a group of two or more organizations where the same 5 or fewer common owners own a controlling interest in each group and taking into account the ownership of each common owner only to the extent ownership is identical with respect to each organization, the common owners are in control of more than 50% of each organization.

Controlling interest shall mean the following:

In the case of a corporation, ownership of stock having at least 80% of the total combined voting power of all classes of stock entitled to vote of such corporation or at least 80% of the total value of shares of all classes of stock of such corporation.

In the case of a trust or estate, ownership of an actuarial interest of at least 80% of such trust or estate.

In the case of a partnership, ownership of at least 80% of the profits interest or capital interest of such partnership.

In the case of a sole proprietorship, ownership of the sole proprietorship.

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ARTICLE II. PLATS*

DIVISION 1. GENERALLY

Sec. 26-23. Process for approval.

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(c) A meeting of the development review committee, consisting of members of the plat review committee and the local utility companies, shall be convened to discuss requirements to meet their needs. The plat applicant and/or his or her designated agent ~~shall be required to~~ may attend as part of the application process. ~~Failure to attend shall result in the plat being rescheduled for the next development review committee meeting.~~ The development review committee shall document its comments in writing and forward its report to the plat applicant and/or his or her designated agent for corrective action.

(d) When the applicant has completed all corrective actions, the plat will be forwarded to the planning and development services department for continued processing. Plats submitted on or before the scheduled plat correction submission date, will be forwarded to the staff plat correction validation meeting. When plat corrections are validated, the plat application process shall be considered complete. The date of the staff plat correction validation meeting in which the plat corrections are validated, shall be designated to be the date the plat is filed with the city of Killeen. Those plats not eligible for administrative approval under the provisions of subsections 26-61 and 26-74 that are validated in the staff plat correction validation meeting will be scheduled for the next regular meeting of the planning and zoning commission. If the plat applicants do not agree with a requested correction comment, they may state their objection in writing and request that the plat be considered filed, and the plat will be considered filed and passed to the planning and zoning commission for action.

(e) Within thirty (30) days of the date that a plat application is deemed filed, those plats meeting the requirements of sections 26-61 and 26-74 of this chapter shall be approved by the executive director of planning and development services or the city planner. In those instances where the plat applicants do not agree with a requested correction comment, they may state their objection in writing and request that the plat be considered filed, and the executive director of planning and development services or the city planner shall not disapprove the plat, but shall be required to forward the plat to the planning and zoning commission for action.

Sec. 26-24. Requirements for approval of application by planning and zoning commission.

(a) ~~(a)~~ Within thirty (30) days of the date that the application is deemed filed, the planning and zoning commission shall approve a plat if it complies with the requirements of this chapter, the applicant is not in arrears in the payment of any debts owed the city required by this chapter on a previous plat, it conforms to the general plan of the city and its current and future streets, alleys, parks, playgrounds, and public utility facilities plans, and it conforms to the city's general plan for the extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and instrumentalities of public utilities to include public drainage infrastructure.

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Sec. 26-26. Recordation.

(d) All other plats shall be recorded with the county clerk upon the planning and zoning commission's approval of the final plat, ~~and~~ the applicant's submission of the required recording fee, and ~~the applicant constructs~~ all required ~~infrastructure improvements and~~ municipal infrastructure is accepted per Section 26-83. The applicant may elect to have the final plat recorded prior to acceptance of infrastructure by providing a guarantee of completion to the City in accordance with Section 26-84. If all conditions, fees, or improvements are not completed within two years of ~~approval~~being released for construction, then the final plat approval shall expire unless an extension is applied for and granted, due to ongoing progress towards completion of the project by the Director of Planning or designee. The request for an extension shall be submitted at least thirty (30) days prior to the date the final plat expires.

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DIVISION 2. PRELIMINARY PLATS

Sec. 26-41. - Form, contents and required documentation.

(a) Preliminary plats shall include the entire tract of land under common ownership or common plan of development.

(1) Where property is part of a common plan of development, not under common ownership, a preliminary plat shall be filed that incorporates existing, approved preliminary or final plat(s) within the common plan area.

(b~~a~~) Preliminary plats are optional for those submissio~~n~~ns meeting the requirements of amending, minor and development plats. Those plat applicants may elect to proceed to the final platting requirements in D~~d~~ivision 3 without filing a preliminary plat. Preliminary plats are mandatory for all other submissions.

(c~~b~~) Preliminary plats shall be filed with the planning and development services department. ~~The planning and development services department shall stamp the~~ The following ~~notice~~ words shall appear on the face of each preliminary plat: "Preliminary plat ~~for inspection purposes only and in no way official or approved for record purposes and~~ not ~~approved~~ for ~~construction~~ record."

(d~~c~~) ~~In the event~~ When a preliminary plat application is filed with the planning and development services department, it shall be accompanied by the following minimum documentation:

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(e~~d~~) Preliminary plats must meet the following criteria and contain the following

information:

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(2) Boundary of the subject tract with computed acreage;

(3) The location of ~~A~~all existing and/or proposed streets, ~~and~~ alleys, sidewalks and multi-use paths, with street names, right of way widths and relation to surrounding existing street patterns;

(4) Location, size, and purpose of all existing easements and proposed municipal easements on or adjacent to the proposed subdivision;

(5) Location, size, and purpose of any existing or proposed areas dedicated for public use within or adjacent to the proposed subdivision;

(6~~4~~) ~~Approximate~~ Conceptual location ~~width and depth~~ of all proposed lots ~~lines~~ with numbers or letters to identify each ~~lot and~~ block~~s~~ and illustration of conceptual lot lines. Northings and eastings are not required for conceptual lot lines;

(7~~5~~) Layout, in ~~dotted~~ dashed lines, of all existing adjacent lots to the property being platted showing lot size, lot and block numbers, name of existing subdivision or property owner if undeveloped property;

(8) Location, size, and centerline of all existing and proposed utilities;

(9) ~~Preliminary~~ Conceptual drainage information (i.e., detention pond location and approximate size, Creek Buffer Zone, ~~draft storm water management site plan,~~ drainage infrastructure, ~~or~~ other ~~drainage~~storm water conveyance systems, and location of the following proposed storm water management site plan areas: riparian buffers, preserved natural areas, linear parks, open space areas, protected environmentally sensitive areas, conservation easements, and preserved tree canopy, if applicable);~~.~~

(10~~6~~) FEMA designated ~~100-year floodplain~~ special flood hazard boundaries~~y~~, if applicable;

(11) Topographic information, including contours at two-foot intervals and identification of source with date;

(12) The location, approximate dimensions, and descriptions of existing watercourses and drainage ~~structures~~infrastructure within and contiguous to the proposed subdivision;

(13) Label or identify number of residential lots, ~~and~~ average lot size, and provide a typical detail for each size of proposed lot if applicable;

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(14) Proposed phasing, with demonstrated sufficiency and viability of public infrastructure for each phase such that an undue burden is not placed on any particular phase. Phasing shall occur in sequential order in such a way as to not create phases that are not developable within compliance with other provisions of Code;.

(157) Date, scale, north point, and small scale location map;

(168) Name and address of all property owners of the property being platted;

(179) Name and address of engineer and surveyor; and

(1810) Signed statement of the engineer and/or surveyor who prepared the preliminary plat indicating the records or survey from which the property description of the boundary of the proposed plat was developed; and.

(19) As-built drawing of existing structures, if applicable.

(f) A preliminary plat will expire five (5) years after the first application was filed. Each final plat, which is a phased of an approved preliminary plat shall extend the expiration date of the preliminary plat an additional two (2) years from the date the final plat was approved by the Planning and Zoning Commission. Nothing herein shall reduce the initial five (5) year permit period.

(eg) The engineeringAll plans items submitted under Section 26-5141(e) shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, and drainage design manual, and master plans except as otherwise allowed by state law in place at the time of submission. and shall consist of the following:

(h) As built drawing of existing structures, if applicable.

(1) Layout of all needed off-site utilities;
(2) Water system layout, including size of line and fire hydrant location;
(3) Sewer system layout, including size of line, location of manholes and cleanouts;
(4) Drainage plan which shows the overall analysis of the change of existing condition to fully developed condition, current topography, FEMA floodplain and floodway boundaries (if applicable), Creek Buffer Zone(s) (CBZ) in accordance with section 32-56 of this code of ordinances, and identify approximate location where water will exit the subdivision; and
(5) As-built drawings of existing structures, if applicable.

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DIVISION 3. FINAL PLATS

Sec. 26-51. Form, contents, and required documentation.

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(b) In cases where a preliminary plat was previously approved, the final plat shall substantially conform to the approved preliminary plat~~; however, the final plat, at the option of the applicant, may constitute only that portion of the approved preliminary plat that the applicant proposes to develop and record at that time~~.

(c) If the final plat requires the extension of public infrastructure, construction plans shall be ~~approved~~released for construction before the plat can be deemed filed in accordance with Section 26-23 (d).

(d~~c~~) Final plats shall be filed with the planning and development services department and shall be accompanied by the following minimum documentation:

~~(3) Five (5) copies of engineering plans and one (1) digital (.pdf format) version of the same~~

~~;~~ ******

(e~~d~~) Final plats must meet the following criteria and contain the following information:

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(e~~f~~) ~~The engineering~~Construction plans shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, ~~and~~ drainage design manual, and master plans ~~in place at the time of submission~~except as otherwise allowed by state law ~~and shall consist of the following:~~.

~~(1) Street layout and grades;~~

~~(2) Water system layout, including size of line and fire hydrant location;~~

~~(3) Sewer system layout, including size and grade of lines, location of manholes and cleanouts, and lift station design;~~

~~(4) All drainage infrastructure designs, analysis of as-is and full development conditions, analysis of all storm water conveyance systems, FEMA floodplain and floodway boundaries (if applicable), Creek Buffer Zone(s) (CBZ) in accordance with section 32-56 of this code of ordinances, letter(s) of release from property owners affected by diversion of water (except for watercourse(s) designated on current city topography maps), drainage construction and maintenance agreements (if applicable); and,~~

~~(5) As-built drawings of existing structures, if applicable.~~

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SECTION II: That should any action 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 the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V: That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 23rd 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*.

ATTEST:

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Lucy C. Aldrich
CITY SECRETARY

APPROVED:

_____

Jose L. Segarra,
MAYOR

APPROVED AS TO FORM:

_____

Kathryn H. Davis
CITY ATTORNEY

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CHAPTER 26 REVISIONS- AMENDING PRELIMINARY AND FINAL PLAT REQUIREMENTS

PH-19-007

April 16, 2019

Background

- On December 11, 2018, City staff briefed the Council on updating the City's development codes, starting with the City's subdivision regulations.
- City Staff proposed several phases of subdivision amendments including: mandatory preliminary plat requirements; Traffic Impact Analysis (TIA) requirements; revised street connectivity/ access management standards; and general text amendments.
- Based on the City Council's motion of direction, staff initiated the mandatory preliminary plat update with the Planning and Zoning Commission.

Public Input

- Staff conducted one stakeholders' meeting with the local development community and received input and feedback on the proposed changes to Chapter 26.
- Staff conducted three public hearings with the Planning and Zoning Commission on March 4th, March 18th and April 1st.

Subdivision Concept Plan/Preliminary Plat

- Requires preliminary plats to provide a full picture of the overall development including streets, easements, utilities, conceptual lot locations, conceptual drainage information, density information, proposed phasing, as-built drawings, etc.
- Requires the developer to consider the extent of a common plan of development, rather than just a single, isolated phase.
- Applies to the entire tract of land under common ownership, including tracts owned by parent subsidiary or brother-sister groups.

Preliminary Plat (cont'd)/ Final Plat

- Provides for expiration of preliminary plats and for vesting protections in accordance with state law.
- Requires that construction plans be released for construction prior to final plat being deemed filed and that infrastructure or guarantee of completion be accepted prior to recordation of final plat.
- Adds definitions to support the proposed revisions.

Recommendation

- The Planning and Zoning recommended approval of the ordinance amendments, as presented, by a vote of 6 to 0.
- If approved, staff recommends that ordinance take effect in 30 days to allow for an appropriate transition period to the new regulations.