



# City of Killeen

## Agenda

### City Council Workshop

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Tuesday, August 20, 2019

4:00 PM

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

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**WORKSHOP ITEMS NOT COMPLETED BY 5:00 P.M. WILL RESUME FOLLOWING THE  
SPECIAL CITY COUNCIL MEETING**

#### Items for Discussion at Workshop

1. [DS-19-068](#) Discuss Agenda Items for the Regular City Council Meeting of August 27, 2019
2. [DS-19-069](#) Receive KEDC Briefing  
*Attachments:* [Presentation](#)
3. [DS-19-070](#) Discuss Annual Review of Governing Standards and Expectations  
*Attachments:* [Governing Standards & Expectations-DRAFT Presentation](#)
4. [DS-19-071](#) Discuss Dates for City Council to meet with City Manager Search Firm
5. [DS-19-072](#) Discuss Proposed FY 19-20 Budget to Include:
  - Core Function of Public Safety (Building Inspections, Code Enforcement, Police Department)
  - Core Function of Community & Economic Development
  - Core Function of Support Services
6. [DS-19-073](#) City Manager Quarterly Performance Appraisal

#### Councilmember Requests for Future Agenda Items

7. [RQ-19-005](#) Emergency Master Plan Creation  
*Attachments:* [Request](#)

#### Items for Regular City Council Meeting of August 27, 2019

#### Minutes

8. [MN-19-018](#) Consider Minutes of Special City Council Meeting of August 6, 2019.

**Attachments:** [Minutes](#)

9. [MN-19-019](#) Consider Minutes of Regular City Council Meeting of August 13, 2019.

**Attachments:** [Minutes](#)

## Resolutions

10. [RS-19-079](#) Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for FY 2020.

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

11. [RS-19-080](#) Consider a memorandum/resolution renewing the agreement with Belt Harris Pechacek, LLLP to provide independent auditing services for the City of Killeen for the fiscal year ending September 30, 2019.

**Attachments:** [Staff Report](#)  
[Engagement Letter](#)  
[Presentation](#)

12. [RS-19-081](#) Consider a memorandum/resolution awarding a transportation services contract to Cove Taxi, Inc. for the CDBG Elderly Transportation Program.

**Attachments:** [Staff Report](#)  
[RFP 19-22 Analysis/Review](#)  
[RFP Evaluations](#)  
[Contract](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

13. [RS-19-082](#) Consider a memorandum/resolution authorizing the procurement of election equipment from Election Systems and Software through Texas Buyboard.

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

## Public Hearings

14. [PH-19-026A](#) HOLD a public hearing and consider a memorandum/resolution approving the Impact Fee Capital Improvements Plan and Land Use Assumptions.

**Attachments:** [Staff Report](#)  
[Land Use Assumptions and Impact Fee Capital Improvements Plan](#)  
[Comments and Responses](#)  
[Presentation](#)

15. [PH-19-026B](#) Consider a memorandum/resolution establishing a public hearing date of October 8, 2019 to consider the impact fee draft report and the adoption of an impact fee  
Attachments: [Staff Report](#)  
[Presentation](#)
16. [PH-19-027](#) HOLD a public hearing and consider an ordinance requested by True Fountain, L.L.C., on behalf of Full Gospel Church (Case #FLUM19-10), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' ('SR') designation to a 'General Residential' ('GR') designation for approximately 19.566 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.  
Attachments: [Staff Report](#)  
[Maps](#)  
[Minutes](#)  
[Ordinance](#)  
[Presentation](#)
17. [PH-19-028](#) HOLD a public hearing and consider an ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds.  
Attachments: [Staff Report](#)  
[Ordinance](#)  
[Presentation](#)

## Adjournment

*I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on August 16, 2019.*

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*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.*

- TML Annual Conference, October 9-11, San Antonio, Texas
- AUSA Annual Meeting, October 12-16, Washington, DC

**Dedicated Service -- Every Day, for Everyone!**



# City of Killeen

## Legislation Details

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**File #:** DS-19-068    **Version:** 1    **Name:** Discuss Agenda Items  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Discuss Agenda Items for the Regular City Council Meeting of August 27, 2019  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-19-069    **Version:** 1    **Name:** KEDC Briefing  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Receive KEDC Briefing  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Presentation](#)

Date	Ver.	Action By	Action	Result
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# Killeen Economic Development Corporation

Mission: to promote the development of commercial, industrial and manufacturing enterprises to promote and encourage employment and the public welfare.

**President: Charlie Watts**



Killeen Economic Development Corporation



# Z Modular

- ✓ GM has expressed extreme satisfaction with talent pool in the Killeen area
- ✓ Current full-time employment: 130
- ✓ Expected to reach 250 employees within 3 years
- ✓ KEDC staff assisting with a job fair to hire up to 50 more employees



# Mitsubishi Pure Chemicals (MPCA)

- ✓ 2.8 additional acres conveyed in June
- ✓ Additional \$12 million capital investment & 5 new jobs (average salary \$66,600)
- ✓ Total: 21.2 acres, \$35.1 million capital investment, 33 jobs (average salary \$66,000)



MPCA Ribbon Cutting March 15, 2019

# Teleperformance

- ✓ Currently ~1,700 employees
- ✓ KEDC staff assisting with increasing Veteran hiring
- ✓ Veteran's Job Fair in the works



# Raytheon Building

- ✓ 18,000 square foot building available for lease from KEDC
- ✓ Building is being marketed to existing business park tenants and businesses outside the community



# Gattitown

- ✓ 60% of capital investment & employment requirements met from original performance agreement
- ✓ 60% of incentives paid



# Greater Killeen Chamber of Commerce

**Mission:** to provide vision, leadership and support to businesses and community leaders to create economic prosperity.

**Chair of the Board: Meredith Viguers**



# Economic Development Strategies



- ✓ Protect & Grow Fort Hood
- ✓ Grow small business
- ✓ Attract retail
- ✓ Recruit targeted industries: IT, Defense, Transportation & Logistics, Business Services, Healthcare
- ✓ Capitalize on education
- ✓ Strengthen infrastructure
- ✓ Impact public policy

# Retail



- ✓ As of Aug 2 in the U.S :
  - ✓ 7,567 retail store closures. in 2019 (5,864 in 2018)
  - ✓ ~12,000 total closures estimated this year  
(>204% increase over 2018)
  - ✓ 3,064 retail store openings (3,258 in 2018)

# Retail

- ✓ ICSC Conference Results:
  - ✓ 6 new retail prospects
  - ✓ Interest in Gander Mountain building
  - ✓ Interest in Killeen Mall
- ✓ 38<sup>th</sup> & Rancier
  - ✓ Developer interest in property
  - ✓ Anchor tenant committed
  - ✓ More info to follow

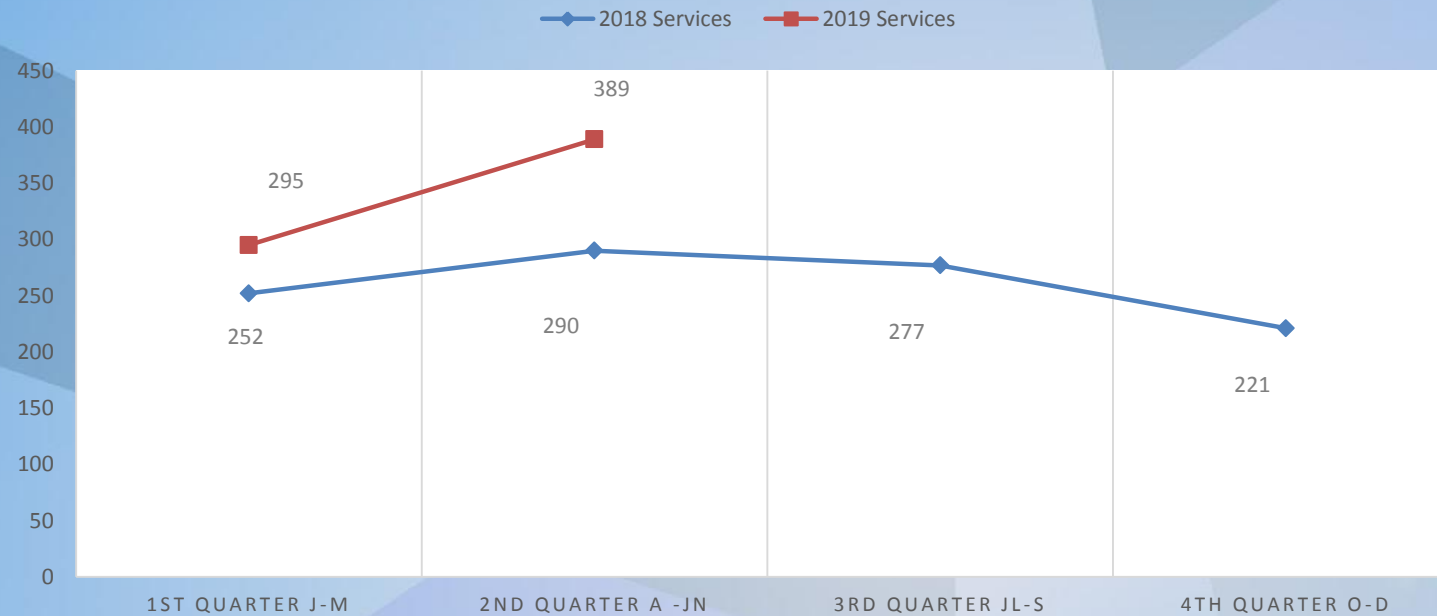


# Business Development

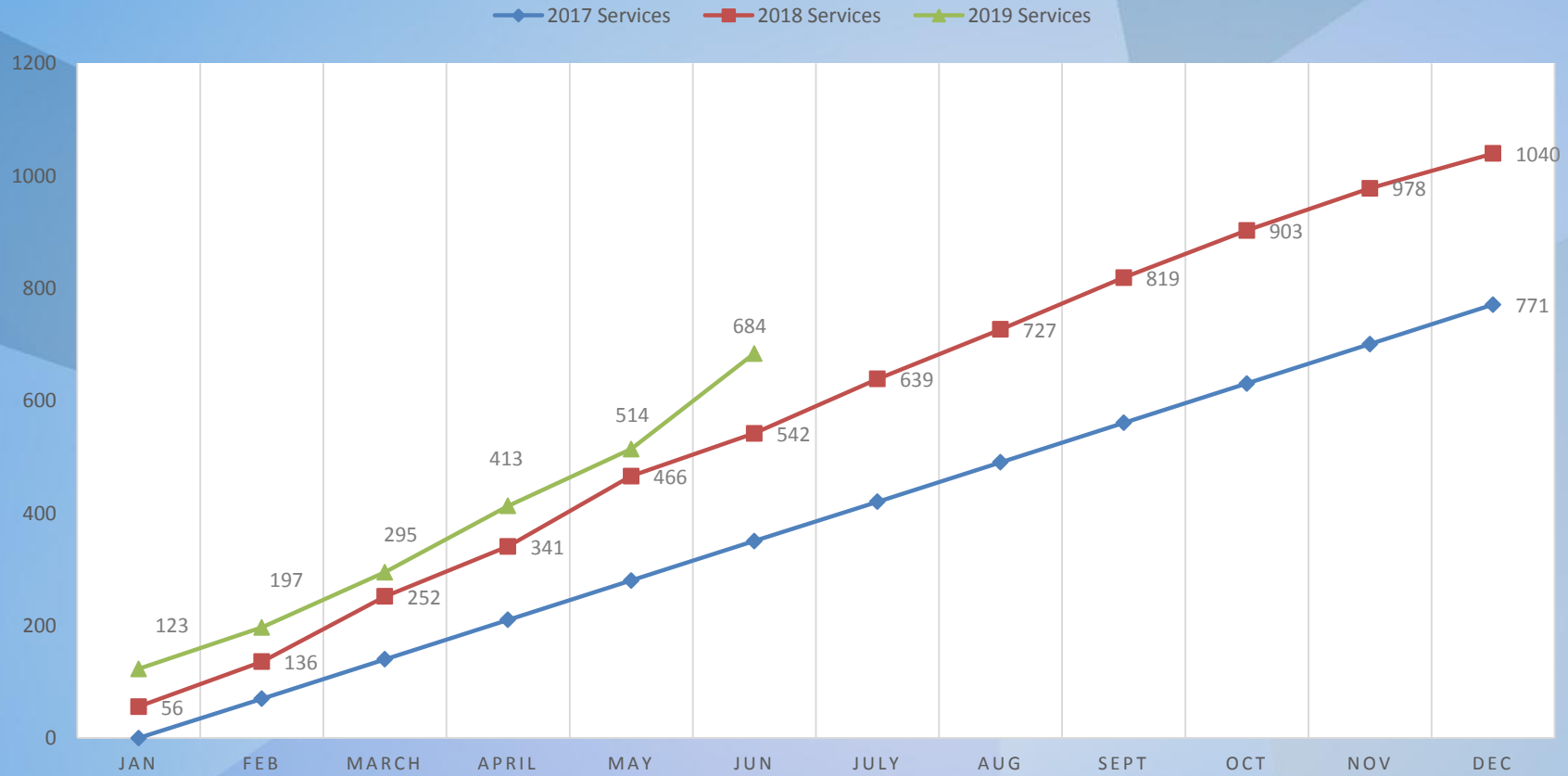
## Marketing



## QUARTERLY BRC SERVICES

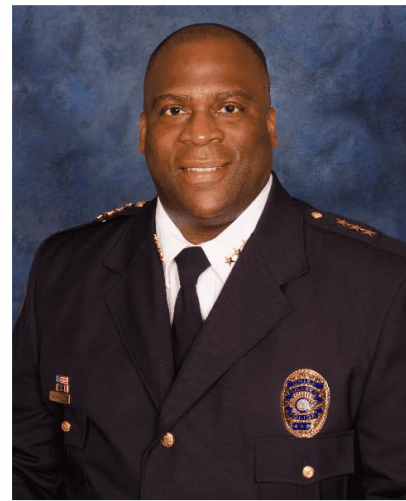


## YEARLY BRC SERVICES



# Public Policy

## 2<sup>nd</sup> Quarter Public Policy Luncheons



### Public Safety Forum

KPD Police Chief Charles Kimble | Fort Hood Deputy Director of Emergency  
Services Christopher Zimmer | KISD Chief of Police Ralph Disher  
May 7, 2019

### Commissioner of the Texas Education Agency

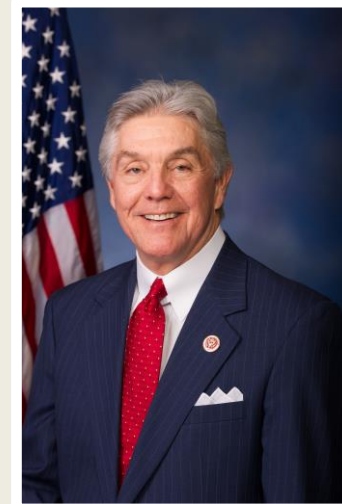
Mike Morath  
July 10, 2019

# Public Policy

## Recent Public Policy Luncheons



**Texas State Representative**  
Brad Buckley  
July 31, 2019



**Congressman**  
Roger Williams  
August 7, 2019

# Military Relations



## Fort Hood "Fast Facts"

As of: 7 Aug 2019

- ☐ Current Authorized Military Strength: 35,969
- ☐ Current Assigned Military Strength: 37,053 Soldiers & Airmen
- ☐ Family Members: 50,083 (73.2% off-post)
- ☐ Civilian Employees (AF and NAF):  $\approx$  5,455
- ☐ AAFES and Commissaries :  $\approx$  1,449
- ☐ Contractors/KISD/Others:  $\approx$  7,585

}  $\approx$  101,625

CURRENT DEPLOYMENTS	
UNIT	APPROX # OF PERSONNEL
III Corps	1
1st Cavalry Division	3,583
13th Expeditionary Sustainment Command	0
1st Medical Brigade	164
3rd Cavalry Regiment	0
11th Signal Brigade	351
36th Engineer Brigade	29
48th Chemical Brigade	0
69th Air Defense Artillery Brigade	0
89th Military Police Brigade	445
504th Military Intelligence Brigade	0
Total $\approx$	4,573

### FUTURE ANNOUNCED DEPLOYMENTS/MOBILIZATIONS:

1,969+ Soldiers (9+ units) mobilizing/demobilizing at North Fort Hood

# Military Relations



- ✓ 12 events at Fort Hood
- ✓ 3 AUSA events
- ✓ Advised Georgetown Chamber MRC
- ✓ Luncheon: 3<sup>rd</sup> Security Assistance Brigade
- ✓ ADC Annual Conference
- ✓ Hood Howdy
- ✓ Upcoming: Senior Command Team BBQ & Luncheon w/ GEN Pete Chiarelli

# Military Relations

## U.S. Army National Training Center



NTC Tour January 2019

# 14 Forward

A New 2018-2022 Strategic Economic  
Development Initiative of the Greater  
Killeen Chamber of Commerce





## Research Park Development



Operational Test  
Command



Army Futures  
Command

- ✓ Physical Research Park: in-person collaboration
- ✓ Virtual Research Park: online collaboration



**TEXAS A&M**  
UNIVERSITY  
CENTRAL TEXAS™



## Bandwidth



- ✓ UPN selected by Verizon & T-Mobile for Small Cell locations throughout the city
- ✓ This will move us closer to 5G & expand service



## Lead expansion of Interstate 14



- ✓ House Resolution 2220 expands I-14 Corridor into LA & MS, modifies route in East & West TX
- ✓ Legislation expected to be introduced in Senate
- ✓ HB2220 may be merged into FAST Act

# Thank you for your support!





# City of Killeen

## Legislation Details

<b>File #:</b>	DS-19-070	<b>Version:</b>	1	<b>Name:</b>	Discuss Annual Review of Governing Standards and Expectations
<b>Type:</b>	Discussion Items	<b>Status:</b>			Discussion Items
<b>File created:</b>	7/23/2019	<b>In control:</b>			City Council Workshop
<b>On agenda:</b>	8/20/2019	<b>Final action:</b>			
<b>Title:</b>	Discuss Annual Review of Governing Standards and Expectations				
<b>Sponsors:</b>	City Council				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Governing Standards &amp; Expectations-DRAFT Presentation</a>				

Date	Ver.	Action By	Action	Result
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# City of Killeen

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## **GOVERNING STANDARDS AND EXPECTATIONS**

ADOPTED VIA RESOLUTION 18-052R  
6/27/2018

# **PREFACE**

The following is a single source reference document enumerating the Killeen City Council's Protocols, Rules of Order and Procedure, and Policies. The protocols and guidelines included in this reference document have been formally adopted by the City of Killeen City Council.

The Killeen City Council believes that effective municipal governance requires that individual Councilmembers adhere to a general set of principles when dealing with each other and the public. Furthermore, the City Council desires to conduct its meetings in a manner that is respectful, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community.

## **MEMBERS OF THE KILLEEN CITY COUNCIL WILL:**

- ❖ Respect the opinions of fellow Councilmembers, be well-informed on issues and participate in the deliberations of the Council.
- ❖ Accept responsibility to attend all Council meetings and work sessions.
- ❖ Provide appropriate notification to the Mayor or City Manager of an absence as soon as possible prior to the meeting time.
- ❖ Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- ❖ Make every attempt to resolve any conflict with a fellow Councilmember prior to bringing the conflict to the attention of the Council.
- ❖ Expect to be informed of all issues and data in a timely manner.

## **COUNCIL MEETING EXPECTATIONS:**

Each Councilmember will:

- ❖ Endeavor to make the citizens comfortable and part of the process at the meetings.
- ❖ Make visitors comfortable by being courteous and respecting their opinions.
- ❖ Do their best to communicate in clear, concise and audible language and written communications.
- ❖ Strive to maintain a tone of voice that is courteous and sincere.
- ❖ Honor and act on all requests for action and/or information in a timely and courteous manner.
- ❖ Discuss issues, but not personalities, with non-Councilmembers. After an issue has been voted on, a councilmember will speak in a manner that does not undermine the integrity or motives of the Council.

**COUNCIL FINAL AUTHORITY ON GUIDELINES:** All questions regarding these guidelines shall be resolved by a majority vote of the City Council, present and voting.

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# GOVERNING STANDARDS AND EXPECTATIONS

## DIVISION 1. MEETINGS

### **Sec. 1-10. Authority**

Pursuant to the provisions of the Charter of the City of Killeen, Texas, the City Council may enact rules of procedure for all meetings of the City Council of the City of Killeen, Texas, which shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted.

### **Sec. 1-20. City Council Agenda**

- (a) The City Manager is responsible for creating, processing and distributing the agenda and agenda materials for City Council meetings.
- (b) The Mayor or a councilmember may direct the City Manager in writing, using the attached form (Attachment "A"), to place an item on the next available work session agenda to introduce the topic to the City Council. If a majority of Council agrees that discussion of the item is warranted, the item will be placed on a future agenda for more detailed discussion and staff work, if necessary. Items must be submitted to the City Manager no later than noon on the Monday proceeding the week of the City Council meeting, and must contain adequate detail of the request to allow for proper posting under the Open Meetings Act. The Mayor or City Manager may also place an item on the agenda if they believe it is of general interest or necessary to carry out business.
- (c) A majority of the City Council, during any scheduled regular or special meeting or work session, may direct the City Manager to place an item on a future agenda.
- (d) Agenda items placed on the agenda by the Mayor or members of the City Council previously considered and whereby action was taken by the City Council may not be placed on a future agenda within six months of such action unless either directed by a majority of the City Council to the City Manager during any scheduled regular or special meeting or work session, or directed by the Mayor and one Councilmember in writing to the City Manager. In all cases, at least one member of the City Council who is requesting that the item be renewed on an agenda shall have been on the prevailing side of the previous vote on the item.

### **Sec. 1-30. Types of Meetings**

- (a) *Regular Meetings:* A regular meeting is one during which the City Council takes official action. They are held on the second and fourth Tuesday of each month, unless the meeting is rescheduled or cancelled. The Mayor has the authority to establish the start time for any regular meeting.
- (b) *Work Session Meetings:* A work session is a meeting to discuss or explore matters of interest to the City, review and discuss agenda items, and/or meet with City boards, commissions or committee members, or City Staff. These meetings are informational and no formal action shall be taken unless the posted agenda indicates otherwise, although Council may provide direction to the City Manager via Motions of Direction. The Mayor may allow any citizen to participate in the discussion at a work session, but only as recognized by the Mayor. The Mayor may end citizen

participation in a work session in order to allow the City Council to proceed with discussion. A work session will normally be scheduled on the first and third Tuesday of each month. The Mayor has the authority to establish the start time for any work session meeting.

- (c) *Special Meetings:* Per City of Killeen Charter sec. 34, special meetings may be called by the Mayor or by a majority of the Council. The call for a special meeting shall be filed with the City Secretary in written form, except that announcement of a special meeting, during any regular meeting at which all members are present, shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day and the hour of the special meeting and shall identify the subject or subjects to be considered.
- (d) *Emergency Meeting:* In case of emergency or urgent public necessity, as defined by State law and confirmed by the City Attorney, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or City Manager, and it shall be sufficient if the notice is posted at least two hours before the meeting is convened.
- (e) *Closed Meeting:* The City Council may meet in a closed meeting under conditions allowed by applicable law. Details discussed in closed meetings shall be considered confidential and shall not be discussed or disclosed outside the meeting.
- (f) *Recessed Meetings.* Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a period longer than twenty-four hours from the time the meeting is recessed.

#### **Sec. 1-40. Quorum**

A quorum at any meeting of the City Council will be established by the presence of four members of Council. The Mayor shall not count as a Councilmember for the establishment of a quorum.

#### **Sec. 1-50. Order of Business**

The regular City Council meeting will be generally conducted in the following order, unless otherwise specified. An executive session may be held at any time during a meeting pursuant to applicable State law.

- (a) *Agenda Format.* The Agenda shall provide for the following topics or subjects to be considered by the City Council in the following order:
  - 1. CALL TO ORDER: This section shall note the time and place of the meeting.
  - 2. ROLL CALL: This section shall note the attendance of the Mayor, City Councilmembers, City Manager, City Attorney, City Secretary and Sergeant at Arms.
  - 3. INVOCATION: This section shall note the opening prayer. [\(See sec. 4-140 for invocation policy\).](#)
  - 4. PLEDGE OF ALLEGIANCE: This section shall note the observance of our national pledge.
  - 5. APPROVAL OF THE AGENDA: This section shall approve of the order and content of the agenda. The Mayor or any Councilmember may ask for the order and/or content of the

agenda to be modified under this item upon consent of a majority of the Council.

6. PRESENTATIONS. This section shall provide for any items to be submitted to the Council which are: proclamations; items not requiring extensive discussion; items requesting information or items requesting future action by the Council. No item requiring action by the Council shall be placed under this section.
7. CITIZENS PETITIONS AND INFORMATION: This section allows presentations by citizens of Killeen who are not currently in, or threatening civil or criminal litigation with, the City of Killeen or any of its officers or officials, or with whom litigation is reasonably anticipated. However, citizens who are currently involved or threatening litigation against the City may still address the council on issues wholly unrelated to the subject matter of the litigation. Individuals should address their petitions and presentations to the City Council and refrain from personally addressing individual members of the Council. Councilmembers cannot discuss items presented under this agenda item or take any action other than consideration of whether to place the item on a future agenda as a discussion item, or refer to staff for research and possible future action. Presentations may cover only one topic, must be related to City business, and shall be limited to 3 minutes, unless the Presiding Officer or any Councilmember allows a one (1) minute extension. A majority vote of the City Council is required for any other time extensions. Presentations must be scheduled and audio-visual materials requiring the use of equipment for presentation must be submitted through the City Manager's office by 2:00 p.m. on the Wednesday preceding the Council meeting at which the citizen wishes to speak.
8. CITIZENS COMMENTS ON AGENDA ITEMS: This section allows members of the public to address the Council regarding any item, other than a public hearing item, on the agenda for Council's consideration. Each person may speak only one time, and such address shall be limited to XXXX minutes with no extensions allowed, and with no combining of time with another person.
98. MINUTES: This section is for the Council to approve, amend, or disapprove the minutes from previous meetings.
109. RESOLUTIONS: This section shall provide for all resolution action items to be considered by the Council not provided for elsewhere on the agenda.
110. ORDINANCES: This section shall provide for all ordinance action items to be considered by the Council not provided for elsewhere on the agenda.
124. PUBLIC HEARINGS: This section shall provide for Council consideration of any public hearings related to such hearings if action is required. Public hearings shall be conducted in the following manner:
  - a. Reading of the caption of the ordinance (if applicable)
  - b. Staff presents report.
  - c. City Councilmembers may ask Staff questions.
  - d. The applicant then has the opportunity to present comments, testimony, and/or oral arguments. Only one person may represent the application during this section. (3 minute limit)
  - e. City Councilmembers may ask questions of the applicant.
  - f. The Chair opens the public hearing.

- g. Upon opening the public hearing, and before any motion is adopted related to the merits of the issue to be heard, the Chair shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.
- h. Members of the public are provided with the opportunity for comments and testimony in accordance with Section 1.50(c) of these Governing Standards and Expectations.
- i. Mayor closes public hearing.
- j. The applicant may be given the opportunity to respond to questions from the City Council and for closing comment or rebuttal.
- k. The City Council deliberates and takes action as needed.
- l. The Chair announces the final decision of the City Council as applicable.

**132. ADJOURNMENT:** This section provides for the closure of the meeting.

- (b) *Agenda Deadline:* Any person desiring either to present an item for the City Councils' consideration or sign up to address the City Council during Citizens Petitions and Information shall do so in the City Manager's office not later than 2:00 p.m. on the Wednesday preceding the meeting or work session at which he/she wishes the subject to be considered.
- (c) *Public Participation:* Whenever a member of the public is recognized to address the Council on an ordinance, resolution, or public hearing item, the individual will be given 3 minutes to make comments. The Presiding Officer may allow a 1-minute extension. A majority vote of the City Council is required for any subsequent time extensions.

In order to expedite matters and to avoid repetitious presentations, whenever a group of people wish to address the City Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson if the persons for whom he or she speaks agree to yield their time to the spokesperson.

### **Sec. 1-60. Consideration of Ordinances, Resolutions and Motions**

- (a) *Printed Form:* All ordinances and resolutions shall be presented to the Council only in printed form.
- (b) *City Attorney to Approve:* All ordinances and resolutions shall be approved as to form and legality by the City Attorney.
- (c) *Recording of Votes:* The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the City Council.
- (d) *Majority Vote Required:* Unless otherwise required by law, approval of every ordinance, resolution, or motion shall require the affirmative vote of a majority.

### **Sec. 1-70. General Procedures**

- (a) *General Procedure:* General rules of parliamentary procedure as defined in this document and consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council. To the extent not inconsistent with these rules, the City Council shall use Robert's Rules of Order as a general guideline for additional rules of parliamentary procedure without being a procedural requirement. However,

failure to abide by, or adhere to, these rules shall not nullify or negate any action by the City Council. These rules of parliamentary procedure are intended solely as a guideline and tool, and are not intended to limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings.

- (b) *Chair of Meeting:* The Mayor shall preside over all meetings of the City Council as the Chair and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro Tem shall assume the Chair responsibility at the meeting. In the absence of the Pro Tem, the City Council will choose a Chair for the meeting.
- (c) *Authority of the Chair:* The Chair shall make decisions on questions of procedure, subject to review by the City Council as a whole.
- (d) *City Council Deliberations:* The Chair has the responsibility to control the discussion and the order of speakers. Councilmembers will generally be called upon in the order of the request to speak. Generally, a Councilmember may not be recognized to speak subsequently until each Councilmember has had an opportunity to obtain the floor. A Councilmember holding the floor may address a question to another Councilmember and that Councilmember may, should they so choose, respond to the question while the floor is still held by the Councilmember asking the question.
- (e) *Limits to Deliberations:* After an agenda item is announced by the Chair, the City Council may discuss the item without the need for a motion on the item. Councilmembers will limit their comments to the subject matter or motion currently being considered. Councilmembers will govern themselves as to the length of their comments, and the Mayor shall act as the arbiter in determining how long an individual Councilmember may speak on an item, and shall apply the standard consistently and fairly. The intent of this policy is not to limit debate, but rather to assist Councilmembers in their efforts to communicate effectively and concisely.
- (f) *Repetitious Comments Prohibited:* A speaker or Councilmember shall not present the same or substantially the same items or arguments to the City Council repeatedly or be repetitious in presenting oral comments. A speaker or Councilmember shall not present an argument on a matter previously considered by the City Council at the same session.
- (g) *Obtaining the Floor:* Any member of the City Council wishing to speak shall first obtain the floor by making a request for the floor to the Chair. The Chair shall recognize any Councilmember who appropriately seeks the floor.
- (h) *Motions:* Motions submitted for a vote shall contain only one question. If two or more points are involved, any member may require a division, if the question reasonably admits of a division. Motions may be made and seconded by any member of the City Council except the Chair. The most common motions are as follows:
  - 1. *Amending a motion.* Any Councilmember may move to amend a pending motion. No more than two amendments may be made to a pending motion. The last amendment shall be voted on first.
  - 2. *Postpone to a Certain Date.* This motion is used to delay consideration of an item until a specified date, i.e., the next City Council meeting, etc.
  - 3. *Postpone Indefinitely.* This motion is used to delay consideration of an item until an

unspecified date.

4. **Point of Order.** Any Councilmember may raise a point of order at any time. A point of order means that the Councilmember is asking for a ruling on whether the rules of procedure are being followed. A point of order shall immediately be acknowledged by the Chair, and all debate must stop. The point of order shall first be made to the Chair for a ruling, stating the alleged violation with specificity. A point of order directed to the Chair does not require a second and is not subject to amendment. The Chair rules on the point of order. The member may appeal the Chair's ruling to the Council. The appeal requires a second and the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Council, but each councilmember may speak only once. The Council may affirm or overrule the Chair's ruling by a majority vote of the Councilmembers present.
  5. **Reconsideration.** A councilmember who voted in the majority may move to reconsider an item that City Council has voted on. The motion and any action must be made immediately after the vote on the matter, and before the City Council has begun discussing or considering any other business.
- (i) *Procedures for Motions:* The following is the general procedure for making motions:
1. The item is presented by Staff or others, followed by questions and discussion by Councilmembers.
  2. A Councilmember who wishes to make a motion shall first obtain the floor.
  3. A Councilmember who wishes to second a motion shall do so through a request to the Chair.
  4. Before a motion can be discussed, it shall be seconded. If a motion does not receive a second after a reasonable time, a Councilmember may call for a "point of order," which mandates that the motion receives an immediate second, or it dies.
  5. Once the motion has been properly made and seconded, the Chair shall open the matter for further discussion offering the first opportunity to the moving party and, thereafter, to any Councilmember properly recognized by the Chair. The Chair may participate in discussion.
- (j) *Continuance of Discussion or Hearings:* Any item being discussed or any public hearing at a City Council meeting may by motion be continued or tabled to any subsequent meeting.
- (k) *Communications with Applicants or Petitioners:* Any Councilmember's communication with an applicant or petitioner outside of a public meeting regarding a matter that will come to City Council for a decision must be disclosed in writing and provided to the City Secretary prior to City Council discussion or deliberation of the action. Examples include but are not limited to discussion with a property owner regarding his or her rezoning request, or discussion with a vendor prior to bid award.
- (l) *Call for Recess:* The Chair may call for a recess of up to fifteen (15) minutes at regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Councilmembers.

## **Sec. 1-80. Decorum**

- (a) *General.* During City Council meetings, Councilmembers shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the City Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff and to members of the public appearing before the Council. Councilmembers shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner.

Members of the City Council will not condone any unethical or illegal activity from any Councilmember or members of the Staff. All members of the Council shall uphold the intent of this policy and govern their actions accordingly.

(b) *Mayoral Responsibilities:*

1. *No vote.* The Mayor shall have a voice in all matters before the Council, but shall only vote in accordance with City Charter provisions.
2. *Chair.* The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tem shall preside in the absence of the Mayor.
3. *Preserve Order and Decorum.* The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, encouraging civil debate among Members, and keeping discussion limited to the agenda item being considered.
4. *Encourage Participation.* The Chair will encourage all Councilmembers to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.
5. *Official Spokesperson.* The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tem or appropriate designee will assume the role. The views presented by the Mayor, or the Mayor Pro Tem in his/her absence, should provide equitable representation of all Councilmembers.

(c) *Council Responsibilities*

1. *Be Prepared.* Each Councilmember is responsible for being prepared to discuss the agenda.
2. *Council Orientation.* Each Councilmember who has been newly elected to a non-contiguous term is required to attend a Councilmember Orientation session presented by the City Manager, complete mandatory Open Meetings and Public Information Act training, and is encouraged to attend at least one Texas Municipal League-sponsored conference each year to stay informed on issues facing municipalities, as funding allows. All other Councilmembers are encouraged to attend the annual orientation session.
3. *Attendance.* Attendance at work sessions and meetings is essential to the effective execution of a Councilmember's duties. It is the responsibility of Councilmembers to be informed about action taken by the City Council in their absence. In the case of an absence from a work session, the Councilmember is responsible for obtaining this information by viewing the recording of the work session prior to the City Council meeting during which the

items are to be voted upon. The City Manager is responsible for maintaining an attendance log for the Mayor and each Councilmember, which is a public document.

4. *Decorum.* When addressing an agenda item, the Councilmember shall first be recognized by the Chair, shall confine comments to the question under debate, shall avoid reference to personalities, shall refrain from impugning the integrity or motives of any other Councilmember or Staff Member during debate or vote, and shall refrain from publicly implying or insinuating wrong-doing by another Councilmember or Staff Member without clear evidence of such behavior.
  5. *Appeal.* Any Councilmember may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Councilmembers present and voting shall be necessary to approve the motion to appeal.
  6. *Enforcement of Policy.* Any Councilmember may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Councilmembers present shall require the Chair to enforce the policy.
  7. *Wait to be Recognized.* A member of the Council who wishes to be recognized shall request to speak, and shall not proceed with remarks until recognized and named by the Chair of the meeting. Remarks shall be confined to the question before the Council.
  8. *No Private Discussions.* While any other person who has been recognized by the Chair is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful language and behavior shall be avoided.
  9. *Duty to Vote.* All Councilmembers must vote either in the affirmative or in the negative. A present member who does not vote will be officially recorded as a negative vote. When a Councilmember recuses oneself due to an actual or perceived conflict of interest and files the required affidavit, that Councilmember is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”
  10. *Third Party Representation.* A Councilmember may not represent any third party before any City board or commission.
  11. *Personal Communication Devices.* All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City-related business. If an individual is using his or her personal communication device during a meeting and a member finds it disruptive, he or she should inform the Mayor.
  12. *Dress Code.* It is the policy of City Council to create a dignified and professional environment for City Council meetings. Therefore, all Councilmembers shall dress in a professional manner while attending a City Council meeting or work session, or while representing the City in an official capacity as a member of the City Council.
- (d) *Citizens' participation:* The following rules shall be in force for all persons in attendance at all meetings of Council:

1. *Rules of Decorum.* Persons attending City Council meetings should observe the same rules of propriety, decorum and good conduct as they would show in a courtroom, a place of worship, or at any other serious or solemn occasion during which matters of importance are being considered. Visitors will refrain from engaging in chatter, private conversations, and from making other distracting noises while the City Council is in session. Phones and other electronic devices should be set to off or silent mode. Visitors should not applaud, boo, clap, or otherwise audibly express approval or disapproval of the speech of another person in a manner likely to disturb the meeting.
2. *Addressing City Council.* Persons wishing to address the City Council on any matter listed on the agenda may be recognized by the Chair, provided the person has completed a Citizen Speaker Registration form, and presented it to the City Secretary prior to the beginning of the regularly scheduled City Council meeting or immediately following their address to the City Council. Speakers shall approach the lectern and give his/her name and city of residence before speaking. Speakers shall address the Mayor and City Council with civility that is conducive to appropriate public discussion. All public comments should be addressed through the Chair. Each speaker will be allowed three (3) minutes to speak. The Chair may allow a 1-minute extension. A majority vote of the City Council is required for any subsequent time extensions. No person shall be allowed to address the City Council more than one time per agenda item.
3. *Address Chair.* Persons may not engage in discussions with the City Council or staff during Council deliberations unless specifically asked a question by a Councilmember. Persons who have been asked a question by a Councilmember must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Councilmembers and a member of the public in order to facilitate the order of business.
4. *Printed Materials.* Persons may present printed material to the City Secretary to distribute to the City Council during a meeting.
5. *No Disruptions.* Persons attending City Council meetings shall remain seated or may stand in the back of the room and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs or placards. No person attending any City Council meeting shall delay the proceedings or refuse to obey the orders of the Chair.
6. *Removal.* Disturbances, transgressions of the rules or disorderly conduct in the City Council Chamber or other City Council meeting room may cause the transgressor to be removed from the meeting. The Chair of the meeting shall exercise control over persons who disrupt the meeting in the following order of action:
  - a. Call the person to order, advising that person of the infraction;
  - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting;
  - c. Order the person to leave the meeting. A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.
7. *Room Limitations.* Persons are encouraged to attend Council meetings; however, the number admitted shall be limited to the fire safety capacity of the Council Chamber as determined by the Fire Chief or designee. If the capacity is surpassed, the City Council may

adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants, or may make a live broadcast of the proceedings available in a nearby room.

## **Sec. 1-90. Staff Relations**

- (a) *Presentations.* Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council. Written presentations shall, to the extent possible, be provided to the City Council before the meeting.
- (b) *Ask Questions in Advance.* To ensure proper presentation of agenda items by Staff, questions arising from Councilmembers after receiving their information packet should be, whenever possible, presented to the City Manager for Staff consideration prior to the City Council meeting. This allows Staff the time to address Councilmembers' concerns and provide all Councilmembers with additional information as necessary.
- (c) *Presentation Requirements.* The City Manager shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented to inform and educate the City Council on the issues that require City Council action. The presentation should be professional, timely, and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no City Council action is required, or shall present the Staff recommendation as a part of the presentation, and/or present the specific options for City Council consideration. Other than asking clarification questions, City Councilmembers should allow the Staff Member to complete his or her presentation before discussing or debating the topic.
- (d) *Motions of Direction to City Manager.* During a work session or regular meeting, discussion may lead to a point where the council wishes to direct the City Manager in a particular manner. The appropriate way to accomplish this is for a councilmember to make a motion in which the City Manager is directed towards, or away from, a particular course of action. There must be a second and a vote on the Motion. If approved by a majority of the Councilmembers in attendance, the Motion of Direction becomes the official direction of the Council and will be transcribed and maintained for the record.
- (e) *Use of Staff Time.* The City Manager is directly responsible for providing information to the City Council concerning any inquiry by a specific Councilmember that is significant in nature and would be beneficial to all Councilmembers. If the City Manager or the Staff's time is being dominated or misdirected by a Councilmember, it is the City Manager's responsibility to inform the Mayor.
- (f) *Ethical Behavior Required.* The City Manager will exhibit the highest professional and ethical behavior. The City Manager is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Manager is also responsible for ensuring that the Staff receives the training and information necessary to address the issues facing municipal government.
- (g) *Respect and Courtesy.* All Staff Members shall show one another, each Councilmember, and the public respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public understanding and confidence in the process.
- (h) *Conflicts.* Any conflicts arising between the City Staff and the City Council will not be allowed to affect the normal course of business, but will be addressed by the Mayor and the City Manager

outside of a public meeting.

- (i) *Council Orientation.* The City Manager, after an election, will ensure that the Staff has prepared information needed for the orientation of new Councilmembers and will inform the City Council of any available Texas Municipal League conferences and seminars.

***Sec. 1-100. Statements by Public Officials Regarding Litigation***

When the City of Killeen is involved in litigation or a legal dispute, Councilmembers shall refrain from commenting on settlements, appeals, or other issues related to the subject until the matter is resolved. The Mayor, City Manager, City Attorney or Communications Officer shall be authorized to provide any public responses or comments as needed on matters involving litigation.

***Sec. 1-110. Disbursement of City Council Requested Information***

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Councilmember from Staff shall be provided to all members of the City Council.

## **DIVISION 2. CITY COUNCIL POLICIES AND OPERATING PROCEDURES**

### **Sec. 2-10. State and Federal Legislation and Rule-Making Proceedings**

- (a) The City Manager shall notify the City Council of pending matters of legislation or rule-making that may affect the interests of the City. The Mayor or any Councilmember may request that a legislative or rule-making initiative be presented to the City Council for a formal determination by the City Council of endorsement or opposition. The City Manager may, in the exercise of his professional judgment, determine to take action on or intervene in support of or opposition to a legislative or rule-making matter consistent with the City Council's adopted state and federal legislative agendas.
- (b) This policy is not intended to prohibit or restrict a member of the City Council acting as a private citizen, and not on behalf of the City, from participating in legislative or rule-making matters provided the Councilmember does not in any way imply that the position of the Councilmember is the official position of the City unless the City Council has so decided. A member of the City Council may accurately represent himself or herself as an elected official and as a member of the City Council, but may not use City resources, staff, letterhead, official email, or any City-approved logo in doing so.

### **Sec. 2-20. City Council Travel and Business Expenses**

- (a) *Training Encouraged.* Subject to available funding, the City Council is encouraged to attend training relevant to the City Council's duties, such as:
  - 1. Annual meeting of the Texas Municipal League and affiliates
  - 2. Texas Municipal League newly-elected officials orientation (for newly-elected members of the City Council)
  - 3. National League of Cities and affiliates annual meeting - Washington, D.C.
  - 4. National League of Cities annual Congress of Cities (various locations)
  - 5. Other meetings as designated and approved by the Mayor or the City Council
  - 6. Attendance to committee or association functions related to the Texas Municipal League, the National League of Cities, or other organizations as approved by the Mayor or the City Council
  - 7. Attendance by the Mayor at the annual meeting of the U.S. Conference of Mayors

For purposes of this policy, "attendance" includes the payment of applicable membership fees for the Councilmember and the allowable expenses as described below. A member of the City Council may not commit to membership or participation in or attendance at meetings of organizations not listed in subsection (A) without the approval of the Mayor or the City Council except in the Councilmember's individual capacity and at the Councilmember's sole expense.

- (b) *Reimbursement Process.* A Councilmember who seeks to incur or obtain reimbursement for expenses allowed under this policy shall file with the City Manager an approval request or reimbursement request, as the case may be, in accordance with current City policy.

### **Sec. 2-30. Council Requests for Information or Services from Staff**

By Charter, the people of Killeen have chosen a council-manager form of government. This means that the City Council is responsible for setting policy direction for the City Manager, and the City Manager is responsible for implementing the City Council's policies. This separation of duties must be kept in mind when requesting information or services from City Staff. Section 29 of the City Charter specifically provides:

Neither the council nor any of its members shall direct the appointment of any person to, or his removal from office, by the city manager or by any of his subordinates; provided, however, that the appointment of assistant city managers, department heads and the city secretary shall be subject to the approval of the council. Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

### **Sec. 2-40. Process for Filling Unexpired City Council Term**

If a vacancy on the City Council is required by Charter section 26 to be filled by City Council appointment, the following process will be used:

- (a) The vacancy will be advertised in the manner that is determined to reach the largest audience advising Killeen residents of the vacancy and giving interested residents two weeks to complete and return a fully-executed and notarized Application for a Place on the General Election Ballot. This form can be obtained from the City Secretary's office and must be received by the City Secretary's office by the specified date for the applicant to be considered for appointment to the vacant seat.
- (b) All completed applications received by the deadline will be forwarded to the City Council for review. The full City Council will conduct interviews with selected applicants. Interviews will be private unless prohibited by the Texas Open Meetings Act.
- (c) City Council will conduct deliberations in private unless prohibited by the Texas Open Meetings Act. The appointment will occur in an open and properly posted public meeting.

### **Sec. 2-50. Election Day Political Sign Moratorium**

- (a) Traditionally, persons who support (or oppose) a candidate or measure in an election often urge voters arriving at a polling place on election day to vote in the manner endorsed by those supporters through various means of electioneering, including personal contacts and display signs near the polling place. Under the City's general sign regulations, the placement of political signs on City property and streets is prohibited. This policy provides for a one-day moratorium on the placement of political signs at a polling place on the official date of an election.
- (b) The City Manager is directed to hold in abeyance the enforcement of those provisions of the City of Killeen Code of Ordinances for the premises of a polling place and the immediately adjoining, contiguous public street front of the polling place for a period commencing at 7:00 p.m. the day before the official date of an election and ending at 7:00 a.m., the day following the election. The abeyance provided hereby shall apply only to signs containing a political message and only applies if the sign: (a) is no larger than six square feet in area and weighs no more than one pound; (b) is mounted to the ground by means of a stake or stakes, a pedestal, or other

temporary, ground mounted, self-supporting means; and (c) does not encroach on the distance barrier prescribed by Sec. 61.003, Texas Election Code.

- (c) Nothing contained in this policy shall be construed as allowing the placement or attachment of any sign on any tree, pole, building, or other sign or damaging in any manner any City property. This policy is not intended to limit in any manner the authority of the State or election officials regarding electioneering and the placement of signs, and this policy does not require the owner of a polling place or any property not owned by the City to allow the placement of signs on that property. No sign may be placed so as to encroach upon or obstruct any street, driveway, parking space, fire lane, sidewalk, pathway, or visibility triangle. Signs in violation of the City's Sign Ordinance will be removed.
- (d) If the sign contains a political message, this policy applies, and the City Manager does not have discretion to determine whether or not the viewpoint expressed on the sign falls within the moratorium authorized by this policy. No member of the City Council shall demand that a sign be removed or that any provision of the City's sign regulations otherwise be enforced with respect to any political sign covered by this policy.

***Sec. 2-60. Use of City Facilities, Staff or Resources by the Mayor or City Councilmembers for Mayor or City Councilmember-Sponsored Meetings.***

Recognizing that occasions arise where the Mayor or Councilmembers wish to engage with the citizens of Killeen outside of a formal City Council meeting, and also recognizing that City resources and staff time have limits, this policy sets forth the guidelines under which City facilities and resources may be used to support such meetings.

Once perEach calendar year, the Mayor and each Councilmember may hold three (3) one-non-political Mayor- or Councilmember-sponsored meetings that areis supported by city resources in the following manner:

- (a) The complimentary use of a meeting space at the Killeen Community Center, Lions Park Senior Center, Police Department Headquarters Community Room, or the community room of a Fire Station if the desired space is available and not otherwise scheduled. The meeting space should be reserved in advance, but no more than two months in advance.
- (b) Technical support, to the extent it is available at the chosen space, and not otherwise in use.
- (c) Staff presentations, scheduled in advance through the City Manager.
- (d) The meeting will not occur between January 1<sup>st</sup> and election day within the six months preceding an election in on which the Mayor or a Councilmember position is to be elected, is a candidate so that there can be no allegation that tax-payer dollars are being illegally spent in support of the Mayor or a Councilmember's reelection effort. This restriction does not apply to a candidate who is running unopposed.

In order to take advantage of the services listed above, the requesting Mayor or City Councilmember shall complete and return the Support for Mayor or Councilmember-Sponsored Meeting form to the City Manager. (See Attachment B)

These guidelines are not intended to stop the Mayor or a City Councilmember from having a Mayor or City Council-sponsored meeting that is not supported by city resources.

These restrictions do not apply to the Annual State of the City address.

## **Sec. 2-70. City Sponsorship of Non-Profit Events**

No city tax dollars will be used to support non-city events by purchasing tables or individual seats at fundraising events.

## **Sec. 2-80. Assistance to Community Organizations for Special Events**

Provided that adequate funding exists, the City will support the following community events on an annual basis, by providing in-kind (non-monetary) services. [The City Council further determines that there is a public purpose for the support of these community events.](#)

1. Christmas Parade
2. Veterans Day Parade
3. Wreaths for Vets
4. Celebrate Killeen Festival
5. Memorial Day Ceremony
6. Holiday Under the Stars
7. Killeen Rodeo
8. Food for Families
9. HEB Feast of Sharing
10. Breast Cancer 5K
11. MLK Day Walk

[The City Council may approve in-kind support of up to three \(3\) additional events, after review and recommendation from the City Manager.](#)

## **DIVISION 3. CITY COUNCIL COMMITTEES AND CITIZEN BOARDS, COMMISSIONS AND COMMITTEES**

### **Sec. 3-10. City Council Committees**

- (a) *Purpose.* Due to the complexity and diversity of City government issues, a closer view of some issues is required by the City Council. To provide a mechanism for continuous evaluation and discussion of these various issues beyond the limited time available at regularly scheduled work sessions, the City Council adopts this policy regarding the establishment and use of City Council committees.
- (b) *Assignment to Committees.* Agenda items may be assigned to a committee by the Mayor with the consent of the City Council, or by the City Council.
- (c) *Standing committees.* Standing committees may be created as necessary to study and evaluate on going or long-term issues within the City. They will be created by Resolution, which must state the specific role the committee is to serve and name the members. Standing committees shall be subject to annual review by the City Council.
- (d) *Ad Hoc Committees.* Ad hoc committees may be created by the Mayor as necessary to study and evaluate a specific issue or problem within the City and are intended to be temporary. The Mayor shall make appointments to ad hoc committees with the consent of the City Council. When created, an ad hoc committee will also be given a sunset deadline. The committee will cease upon the earlier of the sunset date or the date the committee's specific task is complete. If the task is not complete by the sunset date, the Mayor shall establish a new sunset date.
- (e) *Committee Responsibilities.* Each committee, after receiving an assignment from the City Council, will consider policy decisions and actions, study issues, evaluate options, and develop recommendations. Each committee shall prepare reports and make recommendations to the City Council at a work session regarding every matter assigned to or considered by the committee, no less often than every six months. The committees shall only serve in an advisory capacity, and only for the City Council. No committee shall have any authority to make final decisions regarding the merits or resolution of any matter assigned to or considered by it.
- (f) *Appointments and Vacancies.* After the annual City Council election, a City Council Committee Interest Form (see Attachment "C") shall be completed by each member of the City Council. Following that receipt, appointments to committees will be made by the Mayor, with the consent of the City Council, as soon as practicable after the annual City Council election. The Mayor shall make new appointments as needed to fill vacancies to assure continuity on the committees.
- (g) *Chair.* The Chair of each City Council standing or ad hoc committee shall be appointed by the Mayor.
- (h) *Staff Liaison.* The City Manager shall assign each City Council standing or ad hoc committee a Staff Liaison who shall assist the Chair in preparing the meeting agendas and coordinating the logistics of the committee meetings.
- (i) *Minutes of Meetings.* Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those persons present at committee meetings. When completed, the minutes shall be

signed by the Chair and maintained by the Staff Liaison for the committee. A copy of the minutes shall be distributed to the City Council.

- (j) *Agenda Postings.* Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act ("TOMA"). However, since committee membership is made up of less than a quorum and therefore is not a meeting subject to the TOMA, a good-faith mistake in the publication of the agenda will not require the cancellation of the meeting.
- (k) *Councilmember as Liaison.* When a Councilmember is appointed to serve as a member of a board, committee or commission for an outside agency such as KEDC, KTMPO, etc., the Councilmember is responsible for keeping all Councilmembers informed of significant activities of that board, committee, or commission. The appointed Councilmember should report the actions of the board, committee, or commission during a work session of the City Council at a minimum of every six months for an ad hoc committee, annually for a standing committee, and quarterly for an outside agency.
- (l) *Recommendation Regarding the Continuation of Committees.* The Mayor shall annually review the activity of the existing standing committees to identify inactive committees and shall provide a report to the City Council recommending which committees should be continued and which dissolved.

### **Sec. 3-20. Citizen Boards, Commissions and Committees**

- (a) *Purpose.* This Policy establishes the procedure for the appointment and reappointment of citizens to Boards, Commissions, and Committees for the City of Killeen, as well as the duties of Board, Commission, and Committee members.
- (b) *Time of Appointment.* All appointments and reappointments shall be made by the City Council prior to October 1<sup>st</sup> of each year for all positions to be filled that fiscal year. (Code of Ordinances, sec. 2-116)
- (c) *Review of Applications.* Staff will compile and present all applications for appointment to citizen boards, commissions, and committees to the City Council at the specified work session meeting, and two weeks before the work session via electronic delivery.
- ~~(e)~~(d) *Committee Membership Types: Persons appointed to Committees shall be designated as either Regular Members or Ex Officio Members. A Regular Member is a member for all purposes; it is not required that he or she hold a specific office to be qualified for appointment. An Ex Officio Member is appointed to a committee because of a position he or she currently holds. Regular Members count towards a quorum and have voting privileges, while Ex-Officio Members do not (effective 10-1-19).*
- ~~(d)~~(e) *Appointment Subcommittees.* Some citizen boards, commissions, and committees have appointment subcommittees consisting of two Councilmembers. It is the responsibility of the subcommittee members to review and discuss applications for the board, commission, or committee for which they are a subcommittee member, and to reach a consensus regarding which applicant(s) are most qualified to fill a position and shall be recommended to the full City Council. This decision should be made prior to the work session at which appointments are scheduled to be discussed.

The following boards, commissions and committees have appointment subcommittees: BOA-Construction, BOA-Fire Prevention, BOA-Airport Hazard, BOA-Zoning, Killeen Volunteers, Inc., Senior Citizens Advisory, and Bell County Health District.

~~(e)~~(f) *Full Council Appointments.* Some citizen boards, commissions, and committees do not have appointment subcommittees. For these committees, appointments are made after the full City Council has reviewed the appropriate applications and has had the opportunity to discuss applications in a work session. Consensus regarding which applicants are the most qualified to fill a position will be reached during a work session. If necessary, appointment decisions will be reached through a nomination process.

The following boards, commissions, and committees do NOT have appointment subcommittees: Animal Advisory Committee, Arts Commission, Community Development Advisory Committee, Heritage Preservation Board, Killeen Economic Development Committee, Killeen Sister Cities, Planning & Zoning Commission, TIRZ #2 Board, and Killeen-Temple Metropolitan Planning Organization (KTMPPO)

~~(f)~~(g) *Term Limits.* To encourage broad citizen participation, no person may be appointed to serve more than six consecutive years, excluding unexpired terms, on a particular board, commission, or committee. This limitation does not apply if a particular position requires specialized knowledge, licenses, or certifications and no other qualified and interested person is available, or for other good cause found by the City Council and specified in the appointment resolution. (Code of Ordinances, sec. 2-117)

~~(g)~~(h) *Criteria for Appointment.* When determining the most qualified applicant, Council should consider the following information:

1. Date of application;
2. Primary residence— Is residency a requirement for the position? Is applicant a City of Killeen resident or live in the ETJ?
3. Is applicant currently serving on other boards, commissions, and/or committees?
4. Does applicant have specialized knowledge, licenses, or certifications that are required or helpful for the position?
5. If applicant is being considered for reappointment, is such reappointment prohibited by term limits?
6. If applicant is being considered for reappointment, has applicant maintained a good record of attendance?

~~(h)~~(i) *Chair.* Each committee shall have the power to adopt a process for electing and removing its chair.

~~(i)~~(j) *Staff Liaison.* The City Manager shall assign each Board, Commission, or Committee a Staff Liaison who shall assist the Chair in preparing the meeting agendas and coordinating the meeting logistics.

~~(j)~~(k) *Duty to Attend Meetings and to Vote.* Board, Commission, and Committee members have a duty to attend meetings unless excused in advance by the Chair. [Absences by the Chair must be approved in advance by the Vice-Chair.](#) All members must vote either in the affirmative or in the negative on each item presented, unless he or she has disclosed a legal or perceived conflict of interest and filed the required affidavit in advance. A present member who does not vote and who has not filed the required affidavit will be officially recorded as a negative vote.

~~(k)~~(l) *Minutes of Meetings.* Committees shall keep minutes of their meetings. The minutes shall provide a summary of all business discussed or considered, action taken, the outcome of any votes, and those person present at committee meetings. When completed, the minutes shall be signed by the Chair and maintained by the Staff Liaison for the committee.

~~(j)~~(m) *Agenda Postings.* Notice of all committee meetings shall be posted in accordance with the Texas Open Meetings Act ("TOMA"). However, since some citizen committee meetings do not meet the definition of a meeting under the TOMA, a good-faith mistake in the publication of the agenda for a meeting to which the TOMA does not apply will not require the cancellation of the meeting.

- (m) *No Employee Appointments.* To ensure that citizens have an adequate opportunity to participate on citizen boards, commissions, and committees, current City of Killeen employees will not be appointed to citizen boards, commissions, and committees, even if they are residents of the City of Killeen. If an individual who is currently serving on a citizen board, commission, or committee is hired by the City of Killeen, once the current term is complete, he or she is not eligible for reappointment to his or her position on the board, commission, or committee.
- (n) *No City Councilmember Appointments.* Understanding that citizen committees are most effective when the members are able to communicate freely, no City Councilmember will be appointed as a member of a citizen committee.
- (o) *Recommendation Regarding the Continuation of Committees.* The Mayor shall annually review the activity of the existing committees to identify inactive committees and shall provide a report to the Council recommending which committees should be continued and which dissolved.

**Sec. 3-30. Communications on Behalf of the City by Citizen Members of Boards, Commissions and Committees**

- (a) Boards, commissions, and committees, whether established by reason of State law, the Charter, by ordinance or on an ad hoc basis, are an integral part of the municipal government process. The citizens who serve on City boards, commissions, and committees provide an important service to the citizens of Killeen. Boards and commissions, and the members of those boards, commissions, and committees, do not, however, speak for the City on larger issues of City governance. The City Council is responsible for all aspects of the City's governance and it is the legislative and policy-making body for the City.
- (b) If a board, commission, or committee desires to communicate to others a position on any matter of public concern, the board, commission, or committee shall first seek approval from the City Council before engaging in such communication. The City Council will speak for the City. The City Council will determine the official position of the City on the issue presented by the board, commission or committee, and whether it shall be communicated.

## **DIVISION 4. COUNCIL DIRECTIVES AND EXECUTIVE LIMITATIONS**

### **A. Council Directives to Management**

#### ***Sec. 4-10. Public Use of City Hall and Other City Facilities***

The City Manager shall develop a program addressing the use of the Council Chambers, the meeting rooms in City Hall, and other city-owned meeting space by other governmental entities, non-profit groups for public purposes, and City departments. The program shall be consistent with current security protocols and shall recognize the public use of City Hall for public business as paramount.

#### ***Sec. 4-20. Policy for Support of Community Events***

The City Manager shall develop a policy providing for the annual support of the community events listed in sec. 2-80. Such support shall be in-kind (non-monetary), and subject to available funding. The policy shall also provide guidelines for supporting other events not listed in sec. 2-80, in a manner that will recoup the City's costs.

#### ***Sec. 4-30. Compensation of City Employees***

The City Manager is directed to bring forward an annual employee compensation plan that is within the City's financial and budgetary limits, and compensates all City employees at a level that is competitive with the compensation paid to employees within the City's employment market area. The City Manager is directed to have compensation surveys conducted to determine whether employment compensation for City employees is competitive.

#### ***Sec. 4-40. Restrictions on the Representation of Third-Parties by Former City Employees ("Revolving Door Policy")***

A former employee of the City who was employed as a departmental director, Assistant City Manager, City Manager, City Auditor or Municipal Judge may not make any communication to or appearance before the City Council before the second anniversary of the date the former employee ceased to be employed by the City if the communication or appearance is made: (1) with the intent to influence the City Council; (2) is made or done on behalf of any person other than the former employee in an individual capacity, and; (3) is made or done in connection with any matter on which the former employee seeks official action.

#### ***Sec. 4-50. Motions of Direction to City Manager***

During a work session or regular meeting, discussion may lead to a point where the City Council wishes to direct the City Manager in a particular manner. The appropriate way to accomplish this is for a City Councilmember to make a motion in which the City Manager is directed towards, or away from, a particular course of action. There must be a second and a vote on the Motion. If approved by a majority of the City Councilmembers in attendance, the Motion of Direction becomes the official direction of the City Council and will be transcribed and maintained for the record.

#### ***Sec. 4-60. Directive to Use Official City of Killeen E-mail Addresses***

To ensure compliance with the Texas Public Information Act and required retention schedules and to

further transparency in the communication and discussion of City business, the City Manager will ensure that Staff uses only official City of Killeen e-mail addresses for both Staff and Councilmembers, when communicating with City Councilmembers about City business. If circumstances require a Staff member to conduct City business on a non-City email account, the Staff member shall promptly forward the associated electronic communications to a city email account.

***Sec. 4-70. Delegation of Authority to Determine Purchasing Method***

Chapter 252 of the Texas Local Government Code allows a governing body to determine that an approved method other than competitive sealed bidding provides the best value for the municipality. The Code also allows the governing body to delegate that authority to a designated representative. The City Council hereby delegates its authority to determine which approved purchasing method provides the best value for the municipality to the City Manager.

***Sec. 4-80. Directive to Adopt Finance Policies and Review Annually***

The City Manager is directed to provide to the City Council a comprehensive set of Financial and Budget Policies for consideration and adoption by the Council. Such policies shall be reviewed and adopted annually.

***Sec. 4-90. Issuance of Correction Deeds and Deeds Without Warranty***

The City Council hereby delegates to the City Manager the authority to issue a correction deed or a deed without warranty when the property subject to the deed was deeded to the City of Killeen either by mistake or without the City's authorization and the City has no need for the property. Deeding the property back to the original owner shall only occur when the owner agrees to pay all taxes that would have been owed had the property never been deeded to the City. This action will also put the property back on the tax roll. The City Manager will promptly advise the City Council when these instances occur.

***Sec. 4-100. Directive to Adopt Media Policy***

The City Manager is directed to develop a media policy to establish communication protocols between staff and members of the media.

***Sec. 4-110. Delegation of Signature Authority***

Unless the Charter, a statute, regulation, order or the City Council itself states to the contrary, the City Council hereby authorizes the City Manager to delegate his signature authority to a subordinate staff member as he deems appropriate.

***Sec. 4-120. Directive to Develop Economic Development Policy***

The City Manager is directed to develop an Economic Development Policy for the City Council's consideration.

***Sec. 4-130. Directive to Develop Street Maintenance Policy***

The City Manager is directed to develop a policy addressing Street Maintenance within the City for the City Council's consideration.

#### **Sec. 4-140. Directive to Develop Invocation Procedure**

To solemnize its proceedings, it is the policy of the City Council to open its meetings with an invocation. In order to respect the constitutional rights of all persons, participation in the invocation or prayer will be voluntary; no one in attendance will be required to participate, and no one demonstrating appropriate respect and decorum will be excluded from participating. Everyone will be treated equally in all respects whether they choose to participate, or not participate, in the prayer or invocation.

In order to ensure compliance with this policy and with the law, the City Manager is directed to establish appropriate procedures to allow for an invocation at the beginning of City Council meetings.

This policy, and the procedure implementing the policy, is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for or against, any faith, belief, or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of denominations, faiths, and beliefs represented and practiced among the citizens of Killeen.

#### **Sec. 4-150. Directive Regarding Zoning Notification Boundaries and Signage**

The City Manager is directed to increase to 400 feet the notification boundary for properties subject to a request for a zoning classification change. In addition, the City Manager is directed to include appropriate signage on real property subject to a zoning classification change request. Such signage shall be visible to the public in advance of the public hearings before the Planning and Zoning Commission and the City Council.

#### **Sec. 4-160. Delegation of Authority to Approve Certain Change Orders**

Texas Local Government Code sec. 271.060 allows the City Council to delegate the authority to approve a change order increasing or decreasing a contract by \$50,000 or less. The City Council hereby delegates such authority to the City Manager, however, once the cumulative amount of change orders for a single contract reach \$500,000.00, all future change orders for that contract must be taken to the City Council for approval, regardless of the amount.

#### **Sec. 4-170. Delegation of Authority to Apply for Grants**

Some grant applications require the authority of the governing body in order to apply for a grant on behalf of the City. The City Council hereby delegates the authority to apply for grants to the City Manager.

#### **Sec. 4-180. Delegation of Authority to Employ Police and Fire Over-Hires**

The City Council has approved a set number of over-hires allowed for the police and fire departments. The City Council hereby delegates the authority to the City Manager to employ such over-hires, provided that the number of over-hires does not exceed the number of over-hires currently approved by ordinance.

## **B. Executive Limitations**

### ***Sec. 4-210. Global Executive Constraint***

The City Manager shall not cause or allow any organizational practice, activity, decision, or circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

### ***Sec. 4-220. Treatment of Customers of City Services***

With respect to interactions with customers, the City Manager shall not cause or allow conditions, procedures, or decisions that are unsafe, untimely, undignified, or unnecessarily intrusive.

The City Manager will not:

1. Elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing customer information that fail to protect against improper access to the material.
3. Operate facilities without appropriate accessibility and privacy.
4. Operate without establishing with customers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Operate without informing customers of this policy or providing a way to be heard for persons who believe that they have not been accorded a reasonable interpretation of their rights under this policy.

### ***Sec. 4-230. Treatment of Staff***

With respect to the treatment of paid and volunteer staff, the City Manager shall not cause or allow conditions that are illegal, unfair, undignified, disorganized, or unclear.

The City Manager will not:

1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions, such as nepotism and grossly preferential treatment for personal reasons.
2. Retaliate against any staff member for non-disruptive expression of dissent.
3. Allow staff to be unaware of City Manager's interpretations of their protections under this policy.
4. Allow staff to be unprepared to deal with emergency situations.

### ***Sec. 4-240. Financial Planning/Budgeting***

The City Manager shall not cause or allow financial planning for any fiscal year or the remaining part of any fiscal year that deviates materially from City Council priorities, or risks financial jeopardy.

The City Manager will not allow budgeting that:

1. Risks incurring those situations or conditions described as unacceptable in the Executive Limitations policy section 4-250, entitled "Financial Condition and Activities."
2. Omits credible projection of revenues and expenses separation of capital and operational items, cash flow analysis, and disclosure of planning assumptions.
3. Provides less than the amount determined annually by the City Council for the City Council's direct use during the year.

#### ***Sec. 4-250. Financial Condition and Activities***

With respect to the actual, ongoing financial condition and activities, the City Manager may not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from the City Council's established priorities.

The City Manager will not:

1. Expend more funds than have been budgeted in the fiscal year.
2. Incur short-term debt in an amount greater than can be repaid by certain and otherwise unencumbered revenue within 60 days.
3. Use any long-term reserves without City Council direction and approval.
4. Conduct inter-fund borrowing in amounts greater than can be restored within 120 days.
5. Allow payables or receivables not to be settled within a reasonable time frame.
6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.
7. Make a single purchase or commitment of greater than \$50,000 without City Council approval, unless a verifiable and documented emergency exists. Splitting orders to avoid this limit is not acceptable.
8. Acquire, encumber or dispose of real estate unless allowed by law or approved by the City Council.
9. Issue expense checks to himself or herself without the signature of a Council-approved signatory who has been provided with appropriate documentation and receipts.

#### ***Sec. 4-260. Asset Protection***

The City Manager shall not allow the City's assets to be unprotected, inadequately maintained, or unnecessarily risked.

The City Manager will not:

1. Insure the organization's physical structures and contents for less than one hundred percent of scheduled value against theft, fire and casualty losses or insure against liability losses to Councilmembers, staff, volunteers and the organization itself for less than the average for comparable organizations.
2. Allow personnel unauthorized access to City funds.
3. Knowingly subject facilities and equipment to improper wear and tear or insufficient maintenance without first bringing the issues to the City Council's attention.
4. Unnecessarily expose the organization, its City Council or staff to claims of liability.
5. Receive, process or disburse funds under controls that are insufficient to meet the City Council-appointed auditor's standards.
6. Make any purchase that violates the City's Purchasing Policy or Financial Governance Policies.
7. Allow property, information and files to be unprotected from loss or significant damage.
8. Make any investment that is not in compliance with the City's Investment Policy.

#### ***Sec. 4-270. Emergency City Manager Succession***

In order to protect the City Council from sudden loss of City Manager services, the City Manager shall not permit there to be less than one other person familiar enough with City Council and City Manager issues and procedures to be able to maintain organization services.

#### ***Sec. 4-280. Compensation and Benefits***

With respect to employment, compensation and benefits to employees, consultants, contract workers and volunteers, the City Manager shall not cause or allow jeopardy to fiscal integrity or public image.

The City Manager will not:

1. Change the City Manager's own compensation and benefits, except as those benefits are consistent with a package for all other employees.
2. Promise or imply permanent or guaranteed employment.
3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.
4. Create obligations over a longer term than revenues can be safely projected.
5. Establish or change pension or retirement benefits so as to cause unpredictable or inequitable situations, including those that:
  - a) Incur unfunded liabilities;
  - b) Provide less than some basic level of benefits to all full-time employees, though

differential benefits to encourage longevity are not prohibited;

- c) Allow any employee to lose benefits already accrued from any foregoing plan; and
- d) Treat the City Manager differently from other key employees.

#### ***Sec. 4-290. Communication and Support to the City Council***

The City Manager shall not cause or allow the City Council to be uninformed or unsupported in its work.

The City Manager will not:

1. Let the City Council be unaware of any significant incidental information it requires including anticipated adverse media coverage, threatened or pending lawsuits, and material internal and external changes.
2. Allow the City Council to be unaware that, in the City Manager's opinion, the City Council is not in compliance with its own policies, particularly in the case of City Council behavior which is detrimental to the work relationship between the City Council and the City Manager.
3. Allow the City Council to be without decision information required periodically by the City Council or let the council be unaware of relevant trends.
4. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.
5. Allow the City Council to be without a workable mechanism for City Council, officer, or committee communications.
6. Deal with the Council in a way that favors or privileges certain Councilmembers over others, except when (a) fulfilling individual requests for information, which will be provided to all City Councilmembers; or (b) responding to officers or committees duly charged by the Council.
7. Allow the City Council to be unaware of any actual or anticipated noncompliance with any City Council Executive Limitations.
8. Endanger the City's public image, credibility, or its ability to accomplish its established goals.

## **DIVISION 5. COMMUNICATIONS**

### **Sec. 5-10. Purpose**

Since government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is necessary that the media play a role in the governmental process. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with all media reporters. The City Council and the City Manager recognize that the media provides an important link between the City Council and the public. It is desired to establish a professional working relationship to help maintain a well-informed and educated citizenry.

Furthermore, although traditional media continues to play an important role in distributing information, social media and other City managed web-based technologies make information increasingly available to the public in real time and in its entirety. All avenues of communicating information are important and have a meaningful impact on city government.

### **Sec. 5-20. General Provisions**

- (a) City staff will make all meeting notices, agendas, minutes, and supporting documentation available to the City Council and to the public via the City's official website. If supporting documentation is not available to the City Council in advance of a workshop meeting, at City Council's discretion the Council will be given two workshop sessions to discuss the item before it moves to a business meeting for action.
- (b) City Council meetings will be live streamed and archived in their entirety and made available to the public via the City's official website.

### **Sec. 5-30. Media**

- (a) Media shall be welcome to attend all public meetings of the City Council.
- (b) Media may be asked to occupy a designated area in some circumstances but may generally locate in places open to the public.
- (c) Media may not disturb the decorum or professionalism of City Council meetings or work sessions.
- (d) Media may contact the Mayor and City Councilmembers directly.
- (e) The Mayor is the primary spokesperson for the City on matters regarding policy decisions or any City Council information pertaining to issues on the agenda. To ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. This lets the public know the item was seriously debated and options discussed before a vote was taken, and helps build confidence in their government. In respect to each City Councilmember and the citizens of the City, the views presented by each City Councilmember should be given equitable representation. Although Councilmembers may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Councilmember's position during his/her term of office and not solely during an election campaign.

- (f) City Councilmembers may not speak to media or the public on behalf of the body; they may speak only as an individual member.
- (g) To preserve the decorum and professionalism of City Council meetings, the media are requested to refrain from talking with other people in the audience and to conduct any interview with the public outside the meeting room while the City Council is in session. Media interviews will not take place in City Council Chambers.
- (h) Media wishing to speak to City staff will comply with the Media Policy developed by the City Manager.

#### **Sec. 5-40. Social Media**

- (a) City Councilmembers participating in social media relating to City business shall use their real names.
- (b) City Councilmembers will maintain posts to social media sites relating to City business in accordance with records retention law.
- (c) City Councilmembers will not participate in online discussions, groups or forums that contain or have the potential to contain a quorum of City Council (walking quorum).
- (d) City Councilmembers are encouraged to share information from City social media sites on their own sites.

#### **Sec. 5-50. Email**

- (a) To ensure compliance with the Texas Public Information Act and required retention schedules and to further transparency in the communication and discussion of City business, City Councilmembers will use their official City of Killeen email addresses to conduct City business. If circumstances require a City Councilmember to conduct City business on a non-City email account, he or she shall promptly forward the associated electronic communications to a City email account.
- (b) City Councilmembers will not “email all,” “copy all,” “blind copy all” or “reply all” to emails discussing City business that contain or have the potential to contain a quorum of members.

#### **Sec. 5-60. Other**

- (a) The City of Killeen logo is copyrighted. It may only be used for official City business and may not be used on campaign materials or for personal business.
- (b) The Mayor, as the ceremonial head of the City, is the issuer of proclamations, certificates, awards, City coins, etc. on behalf of the City of Killeen. City Councilmembers wishing to bestow such honors shall request the Mayor to issue and present.
- (c) The Mayor may sign letters and petitions making requests or stating positions on behalf of the City so long as they do not conflict with a City Council decision or directive.

- (d) Dedication plaques placed on City buildings shall include the names of the Mayors and City Councilmembers who served from the time funding was budgeted for the project through completion.

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## DIVISION 6. ETHICS

### A. Policy Statement

It is the desire of the Killeen City Council to promote and encourage the highest standard of conduct for elected City officials, and officials appointed to City Boards and Commissions who represent the citizens of Killeen. The members of the Killeen City Council support the philosophy that elected Officials and appointed Board Members act in a manner that avoids even the appearance of impropriety.

Each elected official or appointed Board Member shall, at a minimum, comply with all State laws and City ordinances and policies regarding ethical behavior. Elected and appointed officials shall always act in the public interest rather than in the furtherance of self-interest or those of special interest.

The Killeen City Council recognizes that it cannot by policy define ethical behavior, but it expects each elected or appointed official to act conscientiously in public service, recognizing that the public is best served when elected or appointed officials make decisions and act in a manner that promotes confidence by the citizens of Killeen in the process of City Government.

### B. Guidelines and Procedures

The following provisions apply to members of the City Council and members of any board, commission or committee established pursuant to the Charter or the ordinances of Killeen, by the laws of this state, or by the City Council (hereinafter referred to as "Officials.")

#### ***Sec. 6-10. Council and Appointed Board Members***

Within thirty days of election or appointment to a Board or Commission, or within 30 days of adoption of these Governing Standards and Expectations, each Official shall sign and deliver to the City Secretary:

1. a copy of the Ethics Policy;
2. a copy of the Standards of Conduct;
3. a disclosure statement that discloses any real property owned by the Official or a relative within the first degree of consanguinity or affinity within the Killeen city limits or ETJ, and specifies any business interest located within Killeen, or any business interest that may have dealings with the City. The Official is obligated to update the disclosure as circumstances change.

Within ninety days of election or appointment, each Official shall complete the Open Meetings Act and Public Information Act training sponsored by the Texas Attorney General's Office.

#### ***Sec. 6-20. Acceptance of Gratuities***

No Official shall knowingly solicit or accept, from any source, any gift, favor, service or thing of value, including a promise of future employment, in consideration of having exercised any official power or performing any official duty on behalf of the City. Acceptance of any gratuities shall be disclosed as required by Chapter 176 of the Texas Local Government Code.

**Sec. 6-30. Use of City Facilities, Personnel, Equipment, etc.**

No Official shall knowingly use city facilities, personnel, equipment, or supplies, or use any confidential information concerning the property, operations, policies, or affairs of the City, for his or her private, personal and/or political gain.

**Sec. 6-40. Conduct in Commercial Transactions**

No Official shall knowingly be an interested party to any exchange, purchase, or sale of property, goods, or services with the City, or enter into any contract with the City, except in full and impartial compliance with state statutes, city charter, ordinances and applicable regulations and subject to any restrictions of the city charter; provided further that such persons shall receive no favor or special concession or inducement not customarily available and granted by the city in such a transaction; and provided further than any discretion by Officers, in connection with any such transaction, shall be exercised impartially and upon the same standards applied to all citizens of Killeen.

**Sec. 6-50. Representing Interests Contrary to Those of the City**

No Official shall knowingly represent, directly or indirectly, another person or any group or entity, in any action or proceeding against the interests of the City or in any litigation in which the City or any City department, agency, commission or board is a party, or may become a party.

**Sec. 6-60. Conflicting Interests in Legal Proceedings**

No Official shall knowingly represent, directly or indirectly, another person or any group or entity in any action or proceeding in the City's Municipal Court of Record, which was instituted by a City officer or employee in the course of official duties or in any criminal proceeding in which any City officer or employee is a material witness for the prosecution.

**Sec. 6-70. Disclosure of Personal Financial Interest and Abstention from Voting**

If any Officer has a conflict of interest as defined by Chapter 171 of the Texas Local Government Code, he or she shall file the required affidavit and abstain from all participation in the matter, to include leaving the room when possible. The determination of whether a conflict of interest applies should be construed liberally. In fact, the Officer is encouraged to consider abstention when the public would likely perceive the circumstances as a conflict of interest. While it is the Officer's sole responsibility to determine whether a conflict of interest exists, the Officer may discuss the circumstances with the City Attorney or designee to assist in his/her decision-making. Absent a conflict of interest, the Officer has a duty to vote in every item presented during a meeting.

**Sec. 6-80. Communications with Applicants or Petitioners**

Any City Councilmember communication with an applicant or petitioner ([or their agent](#)) outside of a public meeting regarding a matter that will come to the City Council for a decision must be disclosed in writing and provided to the City Secretary prior to City Council discussion or deliberation of the action. Examples include but are not limited to discussion with a property owner regarding his or her rezoning request, or discussion with a vendor prior to bid award. [The City Secretary will provide the statement\(s\) to the Mayor, who will disclose the communication during the meeting at which the action will be discussed or considered, before any discussion or consideration has occurred.](#)

[Any Planning and Zoning Commissioner communication with an applicant or petitioner \(or their agent\)](#)

outside of a public meeting regarding a matter that will come to the Planning and Zoning Commission for a decision or recommendation must be disclosed in writing and provided to the City Secretary prior to the Commission's discussion or deliberation of the action. The City Secretary will provide the statement(s) to the Commission Chair, who will disclose the communication during the meeting at which the action will be discussed or considered, before any discussion or consideration has occurred.

DRAFT

## **DIVISION 7. ENFORCEMENT AND ADMINISTRATION**

### **Sec. 7-10. Policy Enforcement**

If a Councilmember believes this policy has been violated, the topic shall be placed on a meeting agenda following the procedure established in section 1-20(b). If it is a Staff Member who is in violation of this policy, the City Manager will handle the matter in accordance with City policy as he deems appropriate in accordance with personnel policy.

### **Sec. 7-20. Annual Review and Re-adoption of These Governing Standards and Expectations**

Each June, After the new City Council is elected and seated, the new City Council shall begin review of and re-adopt these Governing Standards and Expectations and should work towards re-adoption of an updated version by a majority vote of all Councilmembers present and voting by the end of July~~June~~ each year.

### **Sec. 7-30. City Manager and City Attorney Roles Regarding Protocol.**

The City Attorney assists the Mayor as a resource to confer with, and acts as an advisor for interpreting the City Council's adopted Governing Standards and Expectations. The City Manager, the City Attorney nor any other Staff member is responsible for enforcing these protocols and guidelines.



## ATTACHMENT A

### **REQUEST TO PLACE ITEM ON THE AGENDA**

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

Requestor(s): \_\_\_\_\_

Date: \_\_\_\_\_

Problem/Issue/Idea Name for Agenda:

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Description of Problem/Issue/Idea:

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Requested Action:

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CITY OF KILLEEN  
**ATTACHMENT B**

**SUPPORT FOR MAYOR OR COUNCILMEMBER-SPONSORED MEETING**

(Per Section 2-60 of Governing Standards and Expectations)

Requestor: \_\_\_\_\_

Date of Event: \_\_\_\_\_ Event Start Time: \_\_\_\_\_ Event End Time: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Reason for Event: \_\_\_\_\_

Number of Attendees expected: \_\_\_\_\_ Is your event open to the public: ☐ Yes ☐ No

Preferred City Facility: ☐ Killeen Community Center  
☐ Lions Club Park Senior Center  
☐ Killeen Police Headquarters Community Room  
☐ Community room of a Killeen Fire Station.

Will you require any audio visual equipment or technical support (please explain):

\_\_\_\_\_  
\_\_\_\_\_

Will you require attendance of city staff for presentations or other purpose (please explain)?:

\_\_\_\_\_  
\_\_\_\_\_

Will you require additional set up and/or clean up time? If so, state move in and move out times:

In: \_\_\_\_\_ Out: \_\_\_\_\_

Once per calendar year, the Mayor and each Councilmember may hold one Mayor or Councilmember-sponsored meeting that is supported by city resources in the following manner:

1. The complimentary use of an above listed meeting space if space is available and not otherwise scheduled.
2. The meeting space should be reserved in advance, but no more than two months in advance.
3. Technical support, to the extent it is available at the chosen space, and not otherwise in use.
4. City Staff presentations, scheduled in advance through the City Manager.
5. The meeting will not occur within the six months preceding an election in which the Mayor or a Councilmember is a candidate for re-election so that there can be no allegation that tax-payer dollars are being illegally spent in support of the Mayor or a Councilmember's reelection effort.

\_\_\_\_\_  
Councilmember Signature

\_\_\_\_\_  
Date

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TO BE COMPLETED BY CITY MANAGER OR DESIGNEE

☐ Approved ☐ Denied

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## ATTACHMENT C

### COUNCIL COMMITTEE INTEREST FORM

Council Member: \_\_\_\_\_

Please identify the Standing Council Committee(s) on which you would prefer to serve, with "1" being your first choice. Please indicate at least two choices.

- \_\_\_\_\_ Audit Committee
- \_\_\_\_\_ Killeen Sister Cities
- \_\_\_\_\_ Tax Increment Reinvestment Zone #2 Board (TIRZ #2)

Please identify the Appointment Sub- Committees on which you would prefer to serve, with "1" being your first choice. Please indicate at least three choices:

- \_\_\_\_\_ Board of Adjustment – Construction
- \_\_\_\_\_ Board of Adjustment – Fire Prevention Code
- \_\_\_\_\_ Board of Adjustment – Airport Hazard Zoning
- \_\_\_\_\_ Board of Adjustment – Zoning
- \_\_\_\_\_ Killeen Volunteers, Inc.
- \_\_\_\_\_ Senior Citizen Advisory Board
- \_\_\_\_\_ Bell County Health District

Please rank the following County or other Agency Board positions according to your interest in serving, with "1" being your first choice:

- \_\_\_\_\_ Development District Board of Central Texas
- \_\_\_\_\_ Hill Country Transit District
- \_\_\_\_\_ Transportation Planning Committee (KTMPO)
- \_\_\_\_\_ KEDC
- \_\_\_\_\_ Chamber Board
- \_\_\_\_\_ CTCOG



## ATTACHMENT D

### **CITY OF KILLEEN ETHICS POLICY AGREEMENT**

I hereby certify that I have received a copy of and agree to abide by the City of Killeen Ethics Policy.

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Council/Board/Commission/Committee Member Signature

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Printed Name

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Date



## ATTACHMENT E

### **CITY OF KILLEEN STANDARDS OF CONDUCT**

I hereby certify that I have received a copy of and agree to abide by the City of Killeen Standards of Conduct.

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Board/Commission/Committee Member Signature

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Printed Name

---

Date



## ATTACHMENT F

### ~~DOCUMENT REVIEW AND~~ AMENDMENT HISTORY

<del>Date of Review</del>	<del>Secs. Updated</del> <u>Resolution Number</u>	<del>Description of Changes</del>



# REVIEW OF GOVERNING STANDARDS AND EXPECTATIONS

DS-19-070

August 20, 2019

# Governing Standards & Expectations

2

- ❑ Introduced June 18, 2019
- ❑ First discussion July 2, 2019
- ❑ Second discussion July 16, 2019
- ❑ Agreed-upon changes incorporated into current draft

# Proposed Changes

3

- “Assistance to Community Organizations for Special Events” (sec. 2-80)
  - ▣ Keep list of original 10 events, add MLK Day Walk;
  - ▣ City Council may approve up to three additional events after City Manager review and recommendation;
  - ▣ Include finding of a public purpose

# Proposed Changes

4

- “Use of City Facilities, Staff or Resources by the Mayor or City Councilmembers for Mayor or City Councilmember-Sponsored Meetings” (sec. 2-60)
  - ▣ Allow 3 meetings, per councilmember, per year;
  - ▣ Specifically exempt Annual State of the City address;
  - ▣ Reduce 6 month restriction to Jan. 1;
  - ▣ Allow staff to attend more than 3 meetings per year, but keep equipment and room restrictions;
  - ▣ Clarify Jan. 1 restriction applies to the position up for re-election, rather than the person;
  - ▣ Restrictions do not apply to unopposed candidate

# Proposed Changes

5

- “Citizen Boards, Commissions and Committees” (sec. 3-20)
  - Add back types of committee appointments (regular v. ex-officio) and clarify that ex officio does NOT count towards a quorum or have voting privileges (eff. 10-1-19)
  - Question: do you want Ethics requirements to apply to other government officials appointed to our boards?

# Proposed Changes

6

- Division 4: “Council Directives and Executive Limitations.” Delegate to CM the authority to:
  - ▣ Approve change orders under \$50,000, up to a cumulative amount of \$500,000 per contract (LGC 271.060)

# Additional Topics for Discussion

7

- Citizen Comments:
  - ▣ Remain at 3 minutes?
- Consent Agenda:
  - ▣ After workshop review, Council to determine which items, if any, will move to a consent agenda for the regular meeting

# Additional Proposed Change

8

- ❑ HB 2840: amends Open Meetings Act to allow members of the public to speak on most items on the agenda.
- ❑ Amend sec. 1-50 to add “Citizen Comments on Agenda Items” at the beginning of each meeting, after Citizens Petitions and Information
  - ▣ Time limit?
  - ▣ Extension?

# Next Steps

9

- August 27<sup>th</sup> adoption, if ready; or
- September 3<sup>rd</sup> discussion
- September 10<sup>th</sup> adoption



# City of Killeen

## Legislation Details

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**File #:** DS-19-071    **Version:** 1    **Name:** Discuss Dates for City Council to meet with SGR  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 8/15/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Discuss Dates for City Council to meet with City Manager Search Firm  
**Sponsors:** City Council  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-19-072    **Version:** 1    **Name:** Discuss Proposed FY 19-20 Budget  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 8/6/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Discuss Proposed FY 19-20 Budget to Include:  

- Core Function of Public Safety (Building Inspections, Code Enforcement, Police Department)
- Core Function of Community & Economic Development
- Core Function of Support Services

**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** DS-19-073    **Version:** 1    **Name:** City Manager Quarterly Performance Appraisal  
**Type:** Discussion Items    **Status:** Discussion Items  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** City Manager Quarterly Performance Appraisal  
**Sponsors:** City Manager Department  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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# City of Killeen

## Legislation Details

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**File #:** RQ-19-005    **Version:** 1    **Name:** Future Agenda Item Request  
**Type:** Future Agenda Requests    **Status:** Future Agenda Items  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Emergency Master Plan Creation  
**Sponsors:** City Council  
**Indexes:**  
**Code sections:**  
**Attachments:** [Request](#)

Date	Ver.	Action By	Action	Result
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## ATTACHMENT A

### REQUEST TO PLACE ITEM ON THE AGENDA

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

Requestor(s): 24 Councilmen Steve Harris

Date: 1 Aug. 19

Problem/Issue/Idea Name for Agenda:

Emergency Master Plan Creation

Description of Problem/Issue/Idea:

As the city grows, so must our plans for adequate and efficient emergency services to properly cover the increase. It is imperative that we implement and enact an EMP that grows equitably with the city's structural and population growth.

Requested Action:

To Create an Emergency Master Plan



# City of Killeen

## Legislation Details

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**File #:** MN-19-018    **Version:** 1    **Name:** Special Meeting Minutes of August 6, 2019  
**Type:** Minutes    **Status:** Minutes  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Consider Minutes of Special City Council Meeting of August 6, 2019.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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**City of Killeen**  
Special City Council Meeting  
Killeen City Hall  
August 6, 2019 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

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

Also attending were City Manager Ronald L. Olson, Deputy City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

**Approval of Agenda**

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

**Resolutions**

**RS-19-073** A. Receive and Provide Overview of Fiscal Year 2020 Proposed Annual Budget and Plan of Municipal Services

B. Set the date of September 3, 2019, to hold a public hearing on the Fiscal Year 2020 Annual Budget and Plan of Municipal Services.

**Staff Comments:** Ron Olson

Mr. Olson presented the City Council with the FY2020 proposed budget giving a brief overview of the city's core missions and identifying strategic issues and highlighting identified priorities. Mr. Jon Locke, Executive Director of Finance, followed with an overview summary of the General Fund, the Water and Sewer Fund, the Solid Waste Fund, the Aviation Fund and the Drainage Utility Fund. Department budget briefings will follow in upcoming workshop meetings.

*Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-073, setting the date of September 3, 2019, to hold a public hearing on the fiscal year 2019-20 proposed budget. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**Ordinances**

**PH-19-025** Consider an ordinance adopting the 2019-2020 Annual Action Plan; a substantial amendment to the 2018-19 Annual Action Plan; and authorizing an application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (Final Public Hearing)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2019-2020 ANNUAL ACTION PLAN; ADOPTING A SUBSTANTIAL AMENDMENT TO THE 2018-2019 ANNUAL ACTION PLAN; AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$944,218.00 IN FY2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

FUNDS AND THE USE OF PRIOR AND CURRENT YEAR PROGRAM INCOME AND REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$957,568.08 OF CDBG FUNDS; AUTHORIZING AN APPLICATION FOR AND ALLOCATION OF \$410,861.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND FY2019-2020 ANTICIPATED PROGRAM INCOME FUNDS FOR A TOTAL EXPENDITURE OF \$460,682.73 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Staff comments:** Leslie Hinkle, Director of Community Development. Following direction from the July 23, 2019 city council meeting, Ms. Hinkle and Ms. Moultrie-Driver, Chair of the Community Development Advisory Committee (CDAC) gave a brief overview of the committee's reasoning for not allocating funds to Monarch Education.

*Motion was made by Mayor Pro Tem Kilpatrick to approve PH-19-025 as presented with the exception of the award of \$175,000 to the City of Killeen - Public Works, Street Operations (Gilmer Street Reconstruction); amending the award amount to City of Killeen - Public Works, Street Operations (Gilmer Street Reconstruction) to zero, adding an award amount of \$100,000 to City of Killeen - Public Works, Street Operations (Sidewalk Construction/Reconstruction); and awarding \$75,000 to Monarch Education. Also, amending the award of \$152,091.78 to the City of Killeen Community Services (Bob Gilmore Senior Center - new construction) from \$152,091.78 to \$77,091.78 and awarding \$75,000.00 to Monarch Education for a total award amount of \$150,000 to Monarch Education (Monarch Prep @ KU-acquisition of land for athletic programs). Motion was seconded by Councilmember Fleming.*

*Councilmember Johnson made an amended motion approving PH-19-025 as presented with the exception of the award of \$175,000 to the City of Killeen - Public Works, Street Operation (Gilmer Street Reconstruction); amending the award amount to the City of Killeen Public Works Street Operations (Gilmer Street Reconstruction) to zero, adding an award amount of \$150,000 to Monarch Education (Monarch Prep @ KU-acquisition of land for athletic programs) and amending the Clements Boys and Girls Club (North Killeen Bigham Unit Gym and Teen Center - new construction) award amount from \$100,000 to \$125,000. The amended motion was seconded Mayor Pro Tem Kilpatrick. The amendment to the motion carried 4 to 3 with Councilmember Menking, Councilmember Rivera, and Councilmember Nash-King in opposition. The amended motion carried 5 to 2 with Councilmember Menking and Councilmember Rivera in opposition.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Fleming, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 7:54 p.m.



# City of Killeen

## Legislation Details

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**File #:** MN-19-019    **Version:** 1    **Name:** Minutes of August 13, 2019  
**Type:** Minutes    **Status:** Minutes  
**File created:** 8/2/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Consider Minutes of Regular City Council Meeting of August 13, 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  
August 13, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

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

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

Father Chris Downey gave the invocation; and Councilmember Menking led everyone in the Pledge of Allegiance.

**Approval of Agenda**

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

**Citizens Petitions**

**CP-19-010** Michael Fornino, 2703 Copperhead Drive - spoke concerning his view of a lack of city resources when it comes to law enforcement.

**Minutes**

*Motion was made by Councilmember Fleming to approve the minutes of the July 23, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Johnson. Motion carried unanimously.*

**Resolutions**

**RS-19-074** Consider a memorandum/resolution authorizing the procurement of a Microsoft Enterprise Agreement.

**Staff Comments:** Willie Resto, Executive Director of Information Systems

The City's current versions of Microsoft productivity software are at least three generations removed from the latest version. Replacement of this enterprise software has been a part of the infrastructure backlog for several years, and poses a number of security and compatibility risks. A new enterprise license agreement will streamline license management with a single organization-wide agreement; responding to the rapidly changing technological landscape by accessing the latest versions of cloud and on-premises software; and provides for 24x7 technical support, planning services, end-user and technical training, as well as unique technologies with Software Assurance. Staff recommends the City Council authorize the City Manager, or designee to execute a contract for the procurement of a Microsoft Enterprise Agreement from SHI Government Solutions using the DIR contract, and further that the City Manager, or designee be expressly authorized to

execute any and all change orders or supplemental agreement within the amounts set by state and local law.

*Motion was made by Councilmember Nash-King to approve RS-19-074. Motion was seconded by Councilmember Menking. Motion carried unanimously.*

**RS-19-075** Consider a memorandum/resolution authorizing a Memorandum of Understanding with the Texas Counterdrug Task Force for two criminal analysts.

**Comments:** Assistant Chief Young, Police Department.

The Texas Counterdrug Task Force has approved a request from the Killeen Police Department for the support of two crime analysts to assist in combating drug related criminal activity as well as any investigative support or assets they can provide. Staff recommends that City Council approve the Memorandum of Understanding (MOU) as written. This MOU will provide, at no cost to the City, two crime analysts to aid in combating crime, which will allow the police department to be more effective with timely intelligence and real time data.

*Motion was made by Councilmember Rivera to approve RS-19-075. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-19-076** Consider a memorandum/resolution authorizing the submission of a Passenger Facility Charge application to the Federal Aviation Administration.

**Staff Comments:** Matt Van Valkenburgh, Executive Director of Aviation.

14 CFR Part 158 establishes procedures which allow airport sponsors to apply for approval to impose (collect) Passenger Facility Charges (PFC) from enplaned passengers and use those revenues for eligible capital improvement projects. PFC revenues are then used to fund either the full cost of eligible projects or to satisfy the sponsor's match requirement for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants. The Killeen Fort Hood Regional Airport (KFHRA) has an existing PFC, however, the authorized impose and use amount of that application is nearing its collection limit and a new application is necessary to fund required projects and continue the program. Aviation Staff began the formal process for a new PFC application on May 17, 2019 with notification to the airlines serving Killeen of the City's intent to impose and use PFCs for projects at Killeen Fort Hood Regional Airport / Robert Gray Army Airfield. A consultation meeting with the airlines was held on June 27, 2019; public notice of the City's intent to impose and use PFCs was posted on the City's and Airport's web site inviting comments on the proposal on June 28, 2019, and published in the Killeen Daily Herald July 1, 2019. The airlines fully endorsed the application projects and no public comments were received at the end of the comment period on July 31, 2019. The proposed charge effective date for this application is March 1, 2022 (the same date as expiration of the current application) with an estimated expiration date of May 1, 2024. The request is to collect a total of \$1,263,151 at the rate of \$4.50 per enplaned passenger, which is the same rate as our existing PFC. Projects included in this application are Taxiway B rehabilitation-design; rehabilitate terminal building-replace baggage make-up unit; rehabilitate runway-pavement maintenance; rehabilitate taxiway - pavement maintenance; install apron lighting; install perimeter security fencing and access gates; and

administrative expenses. Staff recommends that the city council authorize the Executive Director of Aviation to submit Passenger Facility Charge application 11 to the FAA for collection and use approval and to provide for continuation of PFC collections at the rate of \$4.50 per enplaned passenger for the purpose of funding the projects indicated in the application.

*Motion was made by Councilmember Fleming to approve RS-19-076. Motion was seconded by Mayor Pro Tem Kilpatrick. Motion carried unanimously.*

**RS-19-077** Consider a memorandum/resolution rescheduling the City Council meetings for October, November, and December 2019.

**Staff Comments:** Mayor Segarra.

Section 34 of the City Charter provides that the City Council shall meet regularly, but not less frequently than twice a month. Historically, the City Council has scheduled these two meetings for the second and fourth Tuesdays of the month. The national Association of the United States Army (AUSA) meeting occurs in October each year leaving the City Council with a lack of a quorum for scheduled meetings. This year's AUSA meeting occurs the third week of October. Since October has five Tuesdays it is recommended that the second workshop and second scheduled regular meeting move back one week. Due to holidays in the month of November and December it is recommended that the second regular meeting in each month move to the third Tuesday in those months. City staff recommends the second regular City Council meeting of October be held on October 29, 2019, the second regular City Council meeting of November be held on November 19, 2019, and the second regular meeting of December be held on December 17, 2019.

*Motion was made by Councilmember Rivera to approve RS-19-077. Motion was seconded by Councilmember Menking. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Fleming, seconded by Councilmember Harris, and unanimously approved, the meeting was adjourned at 5:18 p.m.



# City of Killeen

## Legislation Details

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**File #:** RS-19-079    **Version:** 1    **Name:** Arts Commission FY 20 Grant Recommendations  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 7/17/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** Consider a memorandum/resolution approving the Killeen Arts Commission grant recommendations for FY 2020.  
**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019

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

**FROM:** Jonathan Locke, Executive Director of Finance

**SUBJECT:** Killeen Arts Commission FY 2020 Grant Recommendations

### **BACKGROUND AND FINDINGS:**

One of the primary responsibilities of the Arts Commission is to make recommendations to the City Council regarding the allocation of Hotel Occupancy Tax funds that are designated for grants to the arts.

The Killeen Arts Commission held a meeting on June 7, 2019. During this meeting, ten (10) applicants presented their grant applications to the Arts Commission regarding funding requests. At the July 12, 2019, meeting, the Arts Commission recommended funding allocations for all ten (10) applicants and administrative costs for the Commission, totaling \$187,167.

Upon Council's approval of the recommended grant allocations, contracts with the grant recipients will be prepared and executed with an effective date of October 1, 2019. The recommended allocations are as follows:

\$ 40,000	Vive Les Arts Societe
25,942	Vive Les Arts Children's Theatre
24,000	Killeen Volunteers, Inc.
22,500	Killeen Sister Cities, Osan, Korea
20,000	Armed Forces Natural Hair and Health
15,000	IMPAC Outreach
13,000	Songhai Bamboo Roots
10,000	Central Texas College Foundation
9,750	Crossroads to Texas Quilt Guild
4,975	Artesania y Cultura Hispana
2,000	Killeen Arts Commission
<u>\$187,167</u>	Total

### **THE ALTERNATIVES CONSIDERED:**

1. Do not approve the Art Commission's recommendation for funding.
2. Approve some of the Art Commission's recommendations for funding.
3. Approve the Art Commission's recommendations for funding.

**Which alternative is recommended? Why?**

Alternative 3 is preferred, awarding the full allocation amount to grantees so that the Commission can continue to promote the arts within the City of Killeen.

**CONFORMITY TO CITY POLICY:**

Texas Tax Code 351.101 requires hotel occupancy tax revenues to be spent in a manner directly enhancing and promoting tourism and the convention and hotel industry. The Tax Code authorizes municipalities to allocate up to 15% of the Hotel Occupancy Tax collections for the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

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

\$187,167 for FY 2020

**Is this a one-time or recurring expenditure?**

One-time

**Is this expenditure budgeted?**

The grant allocation is included in the FY 2020 budget subject to City Council approval in account 214-2020-415-55-43.

**If not, where will the money come from?**

N/A

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

Yes, pending City Council approval of the FY 2020 budget.

**RECOMMENDATION:**

Staff recommends that City Council approve the Killeen Arts Commission's recommendations for funding.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

N/A



# KILLEEN ARTS COMMISSION FY 2020 GRANT AWARDS

RS-19-079

August 20, 2019

# Background

2

- Texas Tax Code 351.101 - Hotel Occupancy Tax
  - ▣ Requires hotel occupancy tax revenues to be spent in a manner that directly enhances and promotes tourism, the convention industry, and the hotel industry.
  - ▣ Authorizes municipalities to allocate up to 15% of hotel occupancy tax collections for the arts.
- The Killeen Arts Commission grant award procedures:
  - ▣ June 7 - received presentations by the applicants.
  - ▣ June 14 - reviewed applications and recommended grant awards.
  - ▣ July 12 - voted on grant award recommendations.

# Grant Award Recommendations

3

Grantee	Allowable Requested Amount	Awarded Amount
Vive Les Arts Societe – 2019-2020 theatre season sponsoring Freaky Friday, Alabama Story, 39 Steps, and Godspell.	\$60,000	\$40,000
Vive Les Arts Children's Theatre – 2019-2020 theatre season sponsoring Frozen, Jr., Beauty and the Beast, Jr., Legends, and Missoula Children's Theatre Tour.	40,000	25,942
Killeen Volunteers, Inc. – <sup>1</sup> Holiday Under the Stars-holiday artistic showcase featuring arts and crafts, multi cultural music performances and more; <sup>2</sup> Celebrate Killeen Festival – three day event with a carnival, step show, health fair, arts and crafts, and more.	30,000	24,000

# Grant Award Recommendations

4

Grantee	Allowable Requested Amount	Awarded Amount
Killeen Sister Cities, Osan Korea – <sup>1</sup> International Festival – a showcase of cultural songs, dances, customs, and food from a variety of ethnic groups; <sup>2</sup> Spring Cultural Event – traditional Korean dance performance.	30,000	22,500
Armed Forces Natural Hair and Health – <sup>1</sup> Armed Forces Natural Hair and Health Expo – a celebration of the Art of natural hair styles and the history and art in African hair braiding, fashion show, musical performances and more; <sup>2</sup> Veggie and Art Festival – festival featuring print, sculpture, poets and music; <sup>3</sup> Thee Phantom and Illharmonic Orchestra – a collaboration of the energy and passion of hip-hop with a live orchestra.	47,570	20,000

# Grant Award Recommendations

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Grantee	Allowable Requested Amount	Awarded Amount
IMPAC Outreach – <sup>1</sup> African American Arts and History Showcase – a cultural journey of education, dancing, singing, and more; <sup>2</sup> Taste of Africa – a showcase for African countries artistic abilities; <sup>3</sup> Cultural Based Play.	34,450	15,000
Songhai Bamboo Roots – a showcase of various aspects of the African American, Caribbean, Central and South American cultures through music, and more.	15,000	13,000
Central Texas Foundation – a celebration of all things geek through costumes, movies, video games and more.	10,000	10,000

# Grant Award Recommendations

6

Grantee	Allowable Requested Amount	Awarded Amount
Crossroads to Texas Quilt Guild – a regional showcase of the artistry of quilt making including a traveling exhibit.	9,750	9,750
Artesania y Cultura Hispana – a kaleidoscope of musicians food, art, crafts, culture and dancers from Spanish speaking countries living in Texas.	4,975	4,975
Killeen Arts Commission	<u>2,000</u>	<u>2,000</u>
<b>Total</b>	<b>\$283,745</b>	<b>\$187,167</b>

# Alternatives

7

- ❑ Do not approve the Arts Commission's recommendations for funding.
- ❑ Approve some of the Arts Commission's recommendations for funding.
- ❑ Approve the Arts Commission's recommendations for funding.



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-19-080	<b>Version:</b>	1	<b>Name:</b>	External Auditor Appointment
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	7/18/2019	<b>In control:</b>		<b>In control:</b>	City Council Workshop
<b>On agenda:</b>	8/20/2019	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution renewing the agreement with Belt Harris Pechacek, LLLP to provide independent auditing services for the City of Killeen for the fiscal year ending September 30, 2019.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Engagement Letter</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019

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

**FROM:** Jonathan Locke, Executive Director of Finance

**SUBJECT:** Independent Auditing Services

### **BACKGROUND AND FINDINGS:**

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

On May 28, 2017, the City began advertising a Request for Qualifications (RFQ) in which responses were sought from qualified firms to provide independent auditing services. The RFQ requested audit services for the fiscal years ending September 30, 2017 and 2018, with the option of renewing for three additional fiscal years.

On August 8, 2017, City Council approved the independent auditing services agreement with Belt Harris Pechacek, LLLP. Belt Harris Pechacek, LLLP conducted the City's audit for the fiscal year ended September 30, 2017 and 2018 in accordance with all applicable standards, and presented the City Council with the audit in a timely manner. Their examination of the City's financial records was thorough. They were available for meetings and discussions with the City personnel concerning accounting issues and were willing to answer questions and give financial guidance when requested. Additionally, the firm employs a skilled governmental audit staff large enough to adequately perform the annual audit of the City.

On May 30, 2019, the Audit Committee voted to recommend the appointment of Belt Harris Pechacek, LLLP for the FY 2019 audit.

### **THE ALTERNATIVES CONSIDERED:**

1. Do not renew the agreement with Belt Harris Pechacek, LLLP and issue a RFQ for independent auditing services.
2. Renew the agreement with Belt Harris Pechacek, LLLP to provide independent auditing services for the City of Killeen.

### **Which alternative is recommended? Why?**

Option 2, to renew the agreement with Belt Harris Pechacek, LLLP is the recommended alternative. Belt Harris Pechacek, LLLP has extensive governmental auditing experience.

**CONFORMITY TO CITY POLICY:**

City Charter Section 40 requires that City Council designate a qualified certified public accountant (CPA) to perform an annual audit of the City's finances prior to the end of the fiscal year.

Texas Local Government Code 103.001 states that a municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit.

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

The estimated expenditure amount for the audit of FY 2019 is as follows:

Financial Audit Statement	\$119,970
Single Audit Base Fee	3,909
Cost per Major Program	6,023
PFC Audit and Report	<u>9,405</u>
Total	\$139,307

**Is this a one-time or recurring expenditure?**

One time expense for the audit of FY 2019.

**Is this expenditure budgeted?**

The costs related to the FY 2019 audit will be incurred in FY 2020, and are included in the FY 2020 Proposed Budget.

**If not, where will the money come from?**

N/A

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

Yes, upon approval of the FY 2020 Budget.

**RECOMMENDATION:**

Staff recommends that the City Council renew the agreement with Belt Harris Pechacek, LLLP to provide auditing services for the City of Killeen for the fiscal year ending September 30, 2019.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Engagement Letter



## Engagement Letter - Single Audit

August 14, 2019

Ronald L. Olson, City Manager  
City of Killeen  
101 North College Street  
Killeen, Texas 76540

We are pleased to confirm our understanding of the services we are to provide for the City of Killeen, Texas (the "City") for the year ended September 30, 2019.

### Audit Services

We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City as of and for the year ended September 30, 2019.

The component units will be audited as part of the audit of the financial statements of the City as noted below:

1. Killeen Economic Development Corporation: Discretely Presented, No Separate Financial Statements
2. Killeen Volunteers, Inc.: Blended, No Separate Financial Statements
3. Tax Increment Reinvestment Zone Number Two: Blended, No Separate Financial Statements

### Limited Procedures

Accounting standards generally accepted in the United States of America provide for certain Required Supplementary Information (RSI), such as Management's Discussion and Analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles (GAAP) and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedule(s)
3. Pension Schedule(s) as applicable
4. OPEB Schedule(s) as applicable

### **In Relation Opinion**

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditors' report on the financial statements:

1. Combining Statement(s) and Schedule(s)
2. Budgetary Comparison Schedule(s)
3. Schedule of Expenditures of Federal Awards

### **Unaudited Information**

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditors' report will not provide an opinion or any assurance on that other information:

1. Introductory Section
2. Statistical Section

### **Nonaudit Services**

In connection with the engagement, we will perform services unrelated to our attest function. The additional services we will provide include:

1. **Preparation of Documents**  
We will assist in preparing the financial statements and related notes of the City in conformity with GAAP based on information provided by the City.
2. **Advisory Services**  
We will provide routine advisory services through phone calls, conferences, or otherwise, in connection with incidental matters arising during the year. We encourage open lines of communication throughout the year as part of our services.
3. **Correspondence**  
We will handle all normal correspondence from grantor, regulatory, or oversight agencies related to the audit.
4. **Professional Proofing**  
To ensure documents issued in connection with the audit engagement are professional in appearance, we will submit both client-prepared information, as well as documents created entirely by the auditor, to an independent professional proofreader for a cover-to-cover inspection. This review will include consistent formatting, grammar, logic, and any other items that may detract from the document. This process is over and above technical reviews performed.
5. **Printing and Binding**  
All final hard copy documents will be printed on a 1200 dpi or better resolution copier and bright white report paper. Reports will be bound with GBC-brand plastic combs with 30 mil oversized covers. We will manually inspect each page from one document and spot check remaining reports for printing errors. Our reports will be centered, properly aligned, and free of smudges and other detracting elements.
6. **Electronic Adobe Searchable PDF**  
In addition to providing hard copy documents, we will also provide all final documents in electronic image files in Adobe PDF format, suitable for posting in electronic agenda packages, posting on websites, or transmitting by email to regulatory agencies.
7. **Client Portal - Auditbox**

We will provide the City access to our proprietary AuditBox online site to provide a central repository where both the City's personnel and audit team members can see documents being exchanged during the process to eliminate duplicate requests from audit team members. Both the City's documents, as well as final audit documents, will be hosted on the site providing an archive of information that new personnel may access in subsequent years, if information is needed regarding what was provided for a prior year audit or a copy of audit documents issued.

### **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City in conformity with GAAP and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for (1) designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with GAAP; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which we are aware that is relevant to the preparation and fair presentation of the financial statements; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the "Uniform Guidance"); (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the

terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review prior to the beginning of our audit fieldwork.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, on which we have been engaged to report, in conformity with GAAP. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with the preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with GAAP and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on---

1. Internal control over financial reporting and compliance with the provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

2. Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and the Uniform Guidance.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to management and members of the governing body of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express opinions or issue reports, or may withdraw from this engagement.

#### **Audit Procedures-General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may

bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures-Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

#### **Audit Procedures-Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the Federal Audit Clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Belt Harris Pechacek, LLLP and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to any oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Belt Harris Pechacek, LLLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the oversight agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Fees for our services are based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, word processing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Items that likely will increase the fee estimate include:

1. Assistance with addressing matters that were designated as management's responsibility, which include closing schedules and closing entries.
2. Submission of audit data within 60 days of a client requested completion date or filing deadline, requiring overtime hours to meet the deadline.
3. Changes in accounting pronouncements, professional standards, laws, and regulations not known to us as of the date of this letter that have a significant impact on time requirements.
4. Changes in the operations and significant matters that materially change the audit scope such as evaluation of the impact of joint ventures, debt issuance/refunding/advance extinguishment, forbearance agreements, notice of material events, enforcement actions, required corrective actions, self-insurance, environmental liabilities, going concern, and/or other postemployment benefits.
5. Significant increases in State or Federal funding requiring State and/or Federal Single Audits and/or increases to the number of grants classified as major programs by Office of Management and Budget (OMB) or State requirements.
6. Follow up on allegations or discovery of a) noncompliance with laws, regulations, and policies; b) fraud, waste, and abuse; c) significant deficiencies in internal control; d) nepotism; and e) related party transactions.

As customary in the industry, the price quoted is an estimate. In accordance with rules of the State Board of Public Accountancy, we cannot be bound to provide the audit for the amount estimated. However, in practice, we honor our fee quotes unless adverse conditions such as those described above are encountered.

#### **Fee Estimates**

	<b>2019</b>
CAFR Audit	\$ 119,970
Single Audit - Base Fee	\$ 3,909
Single Audit - Per Major Program	\$ 6,023
PFC Audit & Report	\$ 9,405

#### **Federal Single Audit Engagement**

A federal single audit is required by the OMB's Uniform Guidance when federal funds over \$750,000 are expended. Federal single audit fees vary based on the number of major programs as defined by OMB.

Accordingly, the federal single audit fee consists of a 'Federal Single Audit-Base Fee' to cover basic fixed amounts and the 'Federal Single Audit-Per Major Program Fee', which is the scalable portion dependent on the actual number of major programs. The number of major programs is established by OMB criteria. If a federal single audit is required, there will be at least one major program. Prior year federal single audit reports will help plan for the number of major programs, but they will vary from year to year based on the level of federal funding. Should you not exceed OMB's federal single audit threshold, a federal single audit will not be required. If you anticipate exceeding the federal single audit threshold, please contact us as far in advance as possible so that we can begin doing preliminary federal single audit work.

### **Non-State Single Audit Engagement**

A state single audit is required when grant funds that originated from the State of Texas (this does not include federal monies passed through the State) over \$750,000 are expended. State single audit fees vary based on the number of major programs as defined by the *State of Texas Single Audit Circular*. The additional technical verbiage that is necessary when a state single audit is required is not included within this engagement letter, nor does the proposed engagement fee include additional fees related to a state single audit. Should you exceed the state single audit threshold, a new engagement letter will be required.

### **Billing Protocol**

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. Generally, 40 percent will be billed and payable upon completion of interim audit procedures (normally one to four months before year end) and 60 percent after a draft of the financial statements is issued. Accordingly, the fee will be split 40/60 between budget years. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit.

### **Required Attachments**

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2018 peer review accompanies this letter.

### **Foreign Terrorists Organizations**

Pursuant to Chapter 2252, Texas Government Code, we represent and certify that, at the time of execution of this letter, neither we nor any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapters 806 or 807 of the Texas Government Code or Subchapter F of Chapter 2252 of the Texas Government Code or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term 'foreign terrorist organization' in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.

### **Vendor Representation Regarding Israel**

Pursuant to Chapter 2270, Texas Government Code, we represent that we do not boycott Israel and will not boycott Israel during the term of the contract. The term 'boycott Israel' shall have the meaning ascribed to this term in Section 808.001 of the Texas Government Code.

### **Required Non-Appropriation Clause**

Notwithstanding anything contained in this engagement to the contrary, in the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for fees due under this engagement agreement, the City will immediately notify us in writing of such occurrence and this agreement shall terminate on the last day of the fiscal period for which appropriations have been received or made.

**Authorization of CPA's Disclosure**

Any client certified public accountant involved with assisting us shall not be prohibited from disclosure of information required to be made available by the standards of the public accounting profession in reporting on the examination of financial statements. Management understands and provides permission to staff certificate or registration holders as required under the Rules of Professional Conduct, Texas Administrative Code, Title 22, Part 22, Chapter 501, Subchapter C, Section 501.75.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

**Belt Harris Pechacek, LLLP**  
*Certified Public Accountants*

Authorized by:



Robert Belt, CPA, CGMA  
Managing Partner

**RESPONSE:**

This letter correctly sets forth the understanding of City of Killeen.

---

Ronald L. Olson, City Manager

---

Date



CPAs • Tax • Audit & Accounting

*Empowering Peace of Mind*  
Report on the Firm's System of Quality Control

To the Partners of Belt Harris Pechacek, LLLP  
And the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Belt Harris Pechacek, LLLP (the firm) in effect for the year ended June 30, 2018. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary). The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

**Firm's Responsibility**

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

**Peer Reviewer's Responsibility**

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

**Required Selections and Considerations**

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act;

As part of our review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

**Opinion**

In our opinion, the system of quality control for the accounting and auditing practice of Belt Harris Pechacek, LLLP in effect for the year ended June 30, 2018, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Belt Harris Pechacek, LLLP has received a peer review rating of *pass*.

*Bumgardner, Morrison & Company, LLP*

BUMGARDNER, MORRISON & COMPANY, LLP  
December 14, 2018

Bumgardner, Morrison & Company, LLP  
Certified Public Accountants

Members: American Institute of Certified Public Accountants  
Texas Society of Certified Public Accountants  
AICPA Private Companies Practice Section  
AICPA Employee Benefit Plan Audit Quality Center  
AICPA Government Audit Quality Center

1501 E Mockingbird Lane, Suite 300  
PO Box 3750  
Victoria, Texas 77903-3750  
Phone: 361.575.0271  
Fax: 361.578.0880  
Website: BMCcpa.com



## INDEPENDENT AUDITING SERVICES

TMP-19-080

August 20, 2019

# Audit Firm Selection Background

2

- ❑ City Charter and the Financial Governance Policy requires City Council to designate a Certified Public Accountant to perform the City's annual audit.
- ❑ The City's Financial Governance Policy requires the City to request proposals every five years from qualified firms.
- ❑ City Council awarded the auditing services agreement to Belt Harris Pechacek, LLP on August 8, 2017.
  - ▣ Initial agreement was for the audit of fiscal years 2017 and 2018, with the option to renew for three additional fiscal years.
  - ▣ FY 2019 estimated audit cost is \$139,307(included in the FY 2020 Proposed Budget).
- ❑ Audit Committee met on May 30, 2019 and voted to recommend the appointment of Belt Harris Pechacek, LLP for the FY 2019 audit.

# Alternatives

3

- ❑ Do not renew the agreement with Belt Harris Pechacek, LLLP and issue a request for qualifications for independent auditing services.
- ❑ Renew the agreement with Belt Harris Pechacek, LLLP to provide independent auditing services for the City of Killeen.

# Recommendation

4

The Audit Committee and staff recommend that the City Council renew the agreement with Belt Harris Pechacek, LLP to provide auditing services for the fiscal year ending September 30, 2019.



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-19-081	<b>Version:</b>	1	<b>Name:</b>	Award contract from RFP 19-22 Transportaton Services
<b>Type:</b>	Resolution	<b>Status:</b>			Resolutions
<b>File created:</b>	7/23/2019	<b>In control:</b>			City Council Workshop
<b>On agenda:</b>	8/20/2019	<b>Final action:</b>			
<b>Title:</b>	Consider a memorandum/resolution awarding a transportation services contract to Cove Taxi, Inc. for the CDBG Elderly Transportation Program.				
<b>Sponsors:</b>	Community Development Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">RFP 19-22 Analysis/Review</a> <a href="#">RFP Evaluations</a> <a href="#">Contract</a> <a href="#">Certificate of Interested Parties</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



## STAFF REPORT

**DATE:** August 20, 2019

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

**FROM:** Leslie Hinkle, Executive Director of Community Development

**SUBJECT:** Contract Award from RFP 19-22 Transportation Services

### **BACKGROUND AND FINDINGS:**

The Killeen Community Development Department received an allocation of Community Development Block Grant (CDBG) funding during the FY 2019-2020 annual allocation process for the operation of the Elderly Transportation Program and additional funding in the FY 2018-19 annual municipal budget. This program provides low income Killeen residents who are 62 years or older with assistance in their meeting transportation needs. The program has assisted over 2,400 of Killeen's elderly (age 62+) residents since 1998, with funding primarily from the CDBG program, and as available, other local, state, and federal resources. The program allows participants to choose the type of transportation that best meets their needs. The options are the fixed route service with the HOP, or if they are eligible, they can use the Special Transit Service provided through the HOP. The Elderly Transportation program will pay for rides with those two options. The most used service is called a demand response service, and this allows the participant to call a transportation vendor for a ride and they will be picked up at their requested location. The demand response transportation services used are contracted with a City-approved vendor, with the most recent contract awarded in July 2015; a new contract is necessary to continue the demand response service for the program.

An invitation and request for proposals (RFP) was prepared by City Staff from Community Development and Purchasing to contract for demand response transportation services. The RFP was posted on the City web page, Demand Star and the Electronic State Business Daily on July 1, 2019; the proposal was published in the Killeen Daily Herald on June 30 and July 7, 2019 with proposals due on July 25, 2019. Also, the Purchasing Division staff notified via email a number of transportation companies to notify them of this RFP opportunity, however, only one RFP from Cove Taxi, Inc. was received that met the RFP requirements.

### **THE ALTERNATIVES CONSIDERED:**

- 1) Discontinue the demand response portion of the program assisting elderly persons who have no other means of transportation.
- 2) Award the RFP for the demand response transportation services, select the vendor and execute a one-year contract to begin October 1, 2019. The contract also includes three, one-year options for renewal.

### **Which alternative is recommended? Why?**

City staff recommends alternative #2. The elderly transportation program is funded with CDBG and General Funds and the program will assist in meeting the transportation needs for the elderly through this contract with Cove Taxi, Inc.

**CONFORMITY TO CITY POLICY:**

The RFP process and contracting with an approved vendor for these services conforms to City policy.

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

This contract for transportation services will begin in October 1, 2019. CDBG funding in the amount of \$50,000 and any other local, state, and federal resources.

**Is this a one-time or recurring expenditure?**

Recurring expenditure. This expenditure will occur for a maximum of four (4) years beginning October 1, 2019 and/or as funding is approved and allocated for FY's 2021, 2022, 2023.

**Is this expenditure budgeted?**

Expenditure is budgeted in the FY 2019-2020 CDBG program funds Special Revenue Fund, account number 228-3250-426.51-52, and in the proposed FY 19-20 Annual Budget -General Fund, account number 010-9503-491.44-66.

**If not, where will the money come from?**

N/A

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

Yes, upon City Council approval of the FY 2020 Proposed Budget.

**RECOMMENDATION:**

Staff recommends the City Council award RFP 19-22 to Cove Taxi, Inc. and authorize the City Manager or his designee to execute a transportation services contract with Cove Taxi, Inc. for transportation services for participants of the elderly transportation program beginning October 1, 2019, and that the City Manager or his designee are further authorized to execute any change orders allowed by law and policy.

**DEPARTMENTAL CLEARANCES:**

Community Development  
Finance  
City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

RFP 19-22 Analysis/Review  
RFP Evaluations  
Contract  
Certificate of Interested Parties

# **RFP ANALYSIS**

**RFP NO. 19-22 – Transportation Services**

**DUE DATE – July 25, 2019 at 2:00 P.M.**

**RFP INFORMATION:** proposals for an annual contract with the option of 3 annual renewals for demand response transportation services for the City's Elderly Transportation Program. The RFP requested proposals for minimum services and any discounts, incentives, or additional services for each of the two service types listed along with response to minimum contract criteria.

The RFP content invited interested entities to propose transportation options for the following services:

-Curb to Curb service – transportation available through company dispatch receiving the call for service; service sensitive to the needs of elderly riders age 62 years and older; provided from the curb of the rider to the curb of the rider's destination location and vice versa. Not operating on a fixed route or schedule.

-Dial-A-Ride service – transportation available within 24 hours of the request for service made by program participant; sensitive to the needs of elderly riders age 62 years and older; service may provide shared rides to destinations and may transport several passengers at different pick-up points before arrival at each passenger's respective destination and may be interrupted in route to those destinations in order to pick up other passengers. No fixed route or schedule.

## **Need for the Vendor Services in the RFP:**

The Killeen Community Development Department is seeking a transportation vendor to provide demand response transportation services to participants of the City's Elderly Transportation Program (ETP). The ETP provides elderly (age 62 years and older) Killeen residents monthly transportation services, via a contract vendor, for essential appointments and activities allowing for the participants to maintain their independence while enhancing their quality of life. The ETP assists an average of 200 persons per year and is funded primarily through the City's Community Development Block Grant from the Department of Housing and Urban Development. Additional fund sources, as available, supplement the ETP from the Area Agency on Aging of Central Texas, Texas Department of Transportation.

City Staff from Community Development worked with the Purchasing Division and Legal Department to produce a proposal packet containing a detailed description of the services requested, requested hours of operation, minimum technical requirements for the number and type of equipment (vehicles) to be used, conditions necessary to meet compliance with City of Killeen Code of Ordinances, Section 29-33, and other elements for consideration when contracting for expenditure of federal funds.

The City anticipates awarding one contract to one vendor for a minimum of one service type.

## **PROPOSAL SPECIFICATIONS:**

The proposal contained sixteen pages of general information, service type descriptions, minimum equipment type and conditions, submittal requirements and contract obligations. Offerors were allowed to submit for one or both types of services requested.

The selection criteria and evaluation was based upon the most responsible offeror(s) whose proposal was determined to be the lowest evaluated offer resulting from negotiation, or the offeror who provides transportation services at the best value for the City taking into consideration the relative importance of price and other evaluation factors set forth in the RFP document and in accordance with Texas Local Government Code, Chapter 252. The City reserved the right to negotiate a contract with a selected offeror(s). City reserved

# **RFP ANALYSIS**

**RFP NO. 19-22 – Transportation Services**  
**DUE DATE – July 25, 2019 at 2:00 P.M.**

the right to limit the number of trips or rides taken by program participants as budgetary controls deem necessary. The evaluation criteria will be grouped into percentage factors as follows:

**30% - PROPOSED SERVICE MEETING CITY'S PRESENT NEEDS AND REQUIREMENTS AS WELL AS FUTURE NEEDS AND REQUIREMENTS.**

**25% - TOTAL PROPOSED PRICE PER RIDE-MAXIMUM FEE.**

**25% - LEVEL OF CUSTOMER SERVICE PROVIDED WITH PROGRAM.**

**20% - QUALIFICATIONS/PAST EXPERIENCE.**

## **PROJECT FUNDING SOURCE:**

City of Killeen Community Development Block Grant Program funding – FY 2019 Killeen Elderly Transportation Program \$50,000.00 (account # to be assigned) and other local, state, or federal funding made available to the program.

## **RFP PROCESS:**

The RFP packet was placed on the internet at the City's purchasing page, on Demand Star, and the Electronic State Business Daily on July 1, 2019.

The RFP Notice was published June 30, and July 7, 2019 in the Killeen Daily Herald. Questions and clarifications were due to the Purchasing Division, in writing, by 3:30 p.m., July 17, 2019. The RFP submittal was due at 2:00 pm July 25, 2019; sealed proposals received at the Purchasing Division were recorded as received and then to be delivered to the Killeen Community Development Department for review.

To create local interest, Purchasing Staff sent the RFP Notice to six local transportation entities: Hill Country Transit-Take the HOP; Arrow Trailways; Express cab company; Ambiance Limousine; ANS Airport Shuttle and Charter Services, and Killeen Express Shuttle.

## **BID/RFP TABULATION and REVIEW:**

A pre-proposal conference was conducted for this proposal at 10:00 a.m. July 10, 2019 in the Community Development Department Training Room; City Staff from Purchasing and Community Development conducted the meeting; no vendors attended this meeting.

One (1) addendum was issued July 11, 2019 for this project extending the date for questions or clarifications and also extending the proposal due date to July 25, 2019. The Addendum was posted on the Purchasing "bids" page on the same date for interested vendors to obtain.

Purchasing received one (1) protest letter from Star Shuttle, Inc. of San Antonio, Texas. The letter requested a new due date be issued to extend the RFP deadline. The protest pointed out a discrepancy in the information on the July 11, 2019 issued Addendum, which indicated a due date of: Wednesday July, 2019, 2:00 pm (an incorrect statement for the day of the week). Although the body of the addendum stated 2:00 pm, July 25, 2019, the protestor claims [this] caused confusion on which day of the week the RFP was due therefore the

## **RFP ANALYSIS**

**RFP NO. 19-22 – Transportation Services**

**DUE DATE – July 25, 2019 at 2:00 P.M.**

reason for the requested due date be extended OR to accept [their] electronic proposal. The proposal package and addendum indicate “sealed proposal packages will be received by the City of Killeen at the Purchasing Division” therefore, accepting an electronic proposal was not an option; the City declined to issue a new due date for the RFP as [it] would not allow for the Department to stay on schedule with an award and contract execution prior to the date the service would be needed.

One (1) proposal was received for the requested services from Cove Taxi, Inc. of Copperas Cove, Texas. City Staff conducted a thorough review of the proposal submitted confirming all requirements were met in accordance with those requirements called for by the request for proposals.

### **CONCLUSION:**

The City of Killeen Community Development Department is requesting transportation services for its federally funded Elderly Transportation Program (ETP) through vendor contracted services. The annual contract will begin on October 1, 2019 with an option of 3 renewals. The ETP has received an annual allocation of \$50,000.00 from the FY 2019 Community Development Block Grant (CDBG) during the annual budget process under Ordinance #19-037 and will utilize other funding made available through local, state, and federal sources to increase the number of elderly Killeen residents assisted annually.

One (1) qualified vendor submitted a successful proposal under in accordance with the RFP instructions and issued addenda. The vendor meeting all requirements and who is proposing the best value, discounts, and services for the program is - Cove Taxi, Inc. of Copperas Cove, Texas.

RFPs reviewed by: Celeste Sierra, CD Specialist and Cinda Hayward, CD Administrator, Community Development Department. Proposal analysis reviewed by Leslie Hinkle, Executive Director of Community Development

Prepared by: Cinda Hayward, CD Administrator, Community Development Department

### **Attachments:**

Pre-Proposal Conference Sign In sheet 1 page;

RFP Tabulation 1 page

# RFP ANALYSIS

RFP NO. 19-22 – Transportation Services  
DUE DATE – July 25, 2019 at 2:00 P.M.

## PRE-PROPOSAL CONFERENCE

July 10, 2019 10:00 AM Killeen Community Development Department  
802 N. 2nd Street, Building E. Community Development Department training Room, Killeen TX 76541  
RFP #19-22 Transportation Services

PROPOSALS DUE: JULY 18, 2019, 2:00 PM

### PRE-PROPOSAL CONFERENCE:


Please complete the requested information recording your attendance:

Contact Person (First and Last Name)	Company Name City, State, Zip Code	Phone Number	E-Mail Address
SOPHONIA PRICE	COK Killeen, TX 76541	501-7721	sprice@killeentx.gov
Odette Sierra	COK Corr. Dev.	254-501-7843	osierra@killeentx.gov
<del>Attended 7/10/19 10:28am</del>			

# RFP ANALYSIS

RFP NO. 19-22 – Transportation Services  
DUE DATE – July 25, 2019 at 2:00 P.M.

BID TABULATION  
RFP NO. 19-22 – Transportation Services for Elderly Persons  
OPENING: July 25, 2019 AT 2:00 P.M.



VENDORS	1 – Original	1- Copy	Addendum No. 1		
Cove Taxi	✓	✓	X		

I hereby certify that this is a correct and true tabulation of all bids received.

Signature: *Laquanae Riano*  
Witness: *Chad 7/25/19*

**Components  
OFFEROR**

**Curb to Curb**

**Dial-A-Ride**

Proposal Affidavit Attch#1  
Offeror's Certifications Attch#2

Price each One way in/end city  
Price each One way in city/ end  
HH, medical services  
Price each One way  
in city/ end Ft Hood  
Discounts, Incentives, Addtl  
Services offered

One Taxi		
✓		
✓		
3A		
16.00		
16.00		
16.00		
✓ assists		

No Proposal received		
4A		

passengers,  
2 or more passengers,  
1 fare charged  
Reservations can  
be made

OFFEROR

Attachment 5

Support Documents Submitted

Love Taxi

Audited/Unaudited Financial Statements	✓		
Summary previous experience			
curb-to-curb services			
Inspection report for vehicles to be used	✓		
Public liability policy	✓		
Sample trip tickets	✓		
Sample monthly payment invoice	✓		
and Utilization report	✓		
List of principal location, other locations	✓		
contact persons/numbers	✓		
Executed & Notarized Affidavit	✓		
Executed Certifications	✓		

Curb Taxi3B Curb to Curb

## Interviewer Assessment

CRITERION	Yes	No	
Will the Offeror provide same-day demand response transportation services?	✓		
Will offeror provide services with a wait time of no more than 45 minutes for each request for service from the time of the call to the time of pick-up?	✓		
Will the services be available 24 hours a day, seven days a week?	✓		except 12-25 to 12-26 @ 6:00am
Will drivers be knowledgeable of program rules and cognizant of the corporate boundaries of the city limits, Harker Heights, TX and Fort Hood TX?	✓		
Will all vehicles be maintained in a clean and sanitary condition and available for City inspection at all times?	✓		
Will all vehicles be smoke free for participants?	✓		
Are all drivers licensed/permitted to operate in the City of Killeen, Harker Heights, and Fort Hood, TX?	✓		
How many vehicles will be available at all times to transport participants?	✓		
Will offeror ensure all vehicles are maintained in good mechanical condition, follow safety regulations and be available for inspection at all times?	✓		
Will all licenses, certifications and inspection reports be available for inspection by the City of Killeen at all times?	✓		
Will offeror maintain public liability insurance issued by a Texas licensed and approved insurance carrier and representative as prescribed in City Ordinances?	✓		

**Components  
OFFEROR**

Proposal Affidavit **Attch#1**  
Offeror's Certifications **Attch#2**

**Curb to Curb**

✓		
<b>3A</b>		
16.00- max		
16.00 max.		
16.00 max		
assist pass in and out of vehicles	2 passengers charged for up to more	reservations on future rides

Price each One way in/end city

Price each One way in city/ end  
HH, medical services

Price each One way  
in city/ end Ft Hood

Discounts, Incentives, Addt'l  
Services offered

**Dial-A-Ride**

N/A		
<b>4A</b>		

load +  
unload  
purchases

then 2 being  
picked up & dropped  
at same location

**OFFEROR**

**Attachment 5**

**Support Documents Submitted**

Audited/Unaudited Financial Statements	✓		
Summary previous experience curb-to-curb services	✓		
Inspection report for vehicles to be used	✓		
Public liability policy	✓		
Sample trip tickets	✓		
Sample monthly payment invoice	✓		
and Utilization report	✓		
List of principal location, other locations			
contact persons/numbers	✓		
Executed & Notarized Affidavit	✓		
Executed Certifications	✓		

Core Taxi, Inc.3B Curb to Curb

## Interviewer Assessment

CRITERION	Yes	No	
Will the Offeror provide same-day demand response transportation services?	✓		
Will offeror provide services with a wait time of no more than 45 minutes for each request for service from the time of the call to the time of pick-up?	✓		
Will the services be available 24 hours a day, seven days a week?	✓		
Will drivers be knowledgeable of program rules and cognizant of the corporate boundaries of the city limits, Harker Heights, TX and Fort Hood TX?	✓		
Will all vehicles be maintained in a clean and sanitary condition and available for City inspection at all times?	✓		
Will all vehicles be smoke free for participants?	✓		
Are all drivers licensed/permitted to operate in the City of Killeen, Harker Heights, and Fort Hood, TX?	✓		
How many vehicles will be available at all times to transport participants?	✓		
Will offeror ensure all vehicles are maintained in good mechanical condition, follow safety regulations and be available for inspection at all times?	✓		
Will all licenses, certifications and inspection reports be available for inspection by the City of Killeen at all times?	✓		
Will offeror maintain public liability insurance issued by a Texas licensed and approved insurance carrier and representative as prescribed in City Ordinances?	✓		

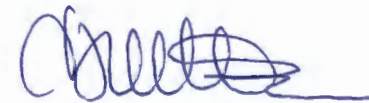
Will drivers assist participants in boarding and exiting the vehicle, by opening and closing doors, placement and removal of items and carrying items to the participants door, etc.	✓		
Will the Offeror complete and maintain trip tickets for each trip taken in accordance with the technical requirements?	✓		
Will Offeror complete and deliver monthly payment invoices and utilization reports as required to the City by the 5 <sup>th</sup> of each month for service provided the previous month in accordance with the technical requirements?	✓		
Offeror will attend program orientations to answer service questions that program participants may have.	✓		
What is the number of vehicles available at all times for transportation services?	✓		Exception/substitutions acceptable -
What is the type of vehicles provided for transportation services?	✓		OFFEROR PROVIDES SATISFACTORY COVERAGE FOR PASSENGERS
What is the number of wheelchair accessible vehicles provided for this service?	✓		currently on present sheet.

Celestina Sierra 7/25/2019

Interviewer Name

Date

Interviewer Signature



## 4B Dial-A-Ride

DIAL-A-RIDE TRANSPORTATION SERVICES			
CRITERION	Yes	No	Interviewer Assessment
Will transportation service be available and scheduled within 24 hours of received call for service?			—
Will transportation services be available every day from 7AM – 5PM, Monday through Friday?			—
Will drivers be knowledgeable of program rules and cognizant of the corporate boundaries of the city limits, Harker Heights, TX and Fort Hood TX?			—
Will all vehicles be maintained in a clean and sanitary condition and available for City inspection at all times?			—
Will all vehicles be smoke free for participants?			—
Are all drivers licensed/permitted to operate in the City of Killeen, Harker Heights, and Fort Hood, TX?			—
Will offeror ensure all vehicles are maintained in good mechanical condition, follow safety regulations and be available for inspection at all times?			—
Will all licenses, certifications and inspection reports be available for inspection by the City of Killeen at all times?			—

Will offeror maintain public liability insurance issued by a Texas licensed and approved insurance carrier and representative as prescribed in City Ordinances?			—
Will drivers assist participants in board and exit vehicles, by opening and closing doors, assist with placement and removal of purchased items and carrying items to the participants door, etc.			—
Will the Offeror complete and maintain trip tickets for each trip taken in accordance with the technical requirements?			—
Will Offeror complete and deliver monthly payment invoices and utilization reports as required to the City by the 5 <sup>th</sup> of each month for service provided the previous month in accordance with the technical requirements?			—
Offeror will attend program orientations to answer service questions from participants?			—
What is the number of vehicles available at all times for transportation services?			—
What is the type of vehicles provided for transportation services?			—
What is the number of wheelchair accessible vehicles provided for this service?			—

Destina Seima 7/25/2019

Interviewer Name

Date

[Signature]

Interviewer Signature

**Components  
OFFEROR**

Proposal Affidavit **Attch#1**  
Offeror's Certifications **Attch#2**

Price each One way in/end city <sup>From 3H</sup>  
Price each One way in city/ end  
HH, medical services  
Price each One way  
in city/ end Ft Hood  
<sup>incl. Hosp, Commissary, Warrier  
Way</sup>  
Discounts, Incentives, Addtl  
Services offered

**Curb to Curb**

Cove Taxi Inc		
✓ cur		
✓ cur		
<b>3A</b>		
\$16 <sup>00</sup>		
\$16 <sup>00</sup>		
\$16 <sup>00</sup>		
described in section 3.2 - Optional Features - Asst. passengers in/out of vehicle, load/unload groceries; unload groceries at door.		

**Dial-A-Ride**

<b>4A</b>		

- If 2 or more participants picked up at same location and dropped at same location only 1 fare will be charged.
- Reservations can be taken for future rides with at least one hour notice prior to pick up time.

7/25/19

OFFEROR

Attachment 5

Support Documents Submitted

CoveTaxi, Inc.

Audited/Unaudited Financial  
Statements

✓

Summary previous experience  
curb-to-curb services

Inspection report for vehicles to  
be used *incl. registration each  
vehicle*

✓  
✓

Public liability policy

✓ *exp 3/2020*

Sample trip tickets

✓

Sample monthly payment  
invoice

✓

and Utilization report

List of principal location, other  
locations

✓ *Keller  
HH  
Permit #15*

contact persons/numbers

✓

Executed & Notarized Affidavit

✓

Executed Certifications

✓

*OK*

*7/25/19*

Will drivers assist participants in boarding and exiting the vehicle, by opening and closing doors, placement and removal of items and carrying items to the participants door, etc.	✓		
Will the Offeror complete and maintain trip tickets for each trip taken in accordance with the technical requirements?	✓		
Will Offeror complete and deliver monthly payment invoices and utilization reports as required to the City by the 5 <sup>th</sup> of each month for service provided the previous month in accordance with the technical requirements?	✓		
Offeror will attend program orientations to answer service questions that program participants may have.	✓		
What is the number of vehicles available at all times for transportation services?	✓		10 vehicles avail. at all times
What is the type of vehicles provided for transportation services?	✓		included but not limited to, 4dr. Sedans
What is the number of wheelchair accessible vehicles provided for this service?	✓		1 - ADA Compliant.

Cinda Hayward

7/25/19

Interviewer Name

Date

*[Signature]*

Interviewer Signature

## 3B Curb to Curb

## Interviewer Assessment

CRITERION	Yes	No	
Will the Offeror provide same-day demand response transportation services?	✓		
Will offeror provide services with a wait time of no more than 45 minutes for each request for service from the time of the call to the time of pick-up?	✓		
Will the services be available 24 hours a day, seven days a week?	✓		except 6am 12/25 through 6am 12/26.
Will drivers be knowledgeable of program rules and cognizant of the corporate boundaries of the city limits, Harker Heights, TX and Fort Hood TX?	✓		
Will all vehicles be maintained in a clean and sanitary condition and available for City inspection at all times?	✓		
Will all vehicles be smoke free for participants?	✓		
Are all drivers licensed/permitted to operate in the City of Killeen, Harker Heights, and Fort Hood, TX?	✓		
How many vehicles will be available at all times to transport participants?	✓		
Will offeror ensure all vehicles are maintained in good mechanical condition, follow safety regulations and be available for inspection at all times?	✓		
Will all licenses, certifications and inspection reports be available for inspection by the City of Killeen at all times?	✓		
Will offeror maintain public liability insurance issued by a Texas licensed and approved insurance carrier and representative as prescribed in City Ordinances?	✓		

7/25/19

**4B Dial-A-Ride**

<b>DIAL-A-RIDE TRANSPORTATION SERVICES</b>			
<b>CRITERION</b>	<b>Yes</b>	<b>No</b>	<b>Interviewer Assessment</b>
Will transportation service be available and scheduled within 24 hours of received call for service?			
Will transportation services be available every day from 7AM – 5PM, Monday through Friday?			
Will drivers be knowledgeable of program rules and cognizant of the corporate boundaries of the city limits, Harker Heights, TX and Fort Hood TX?			
Will all vehicles be maintained in a clean and sanitary condition and available for City inspection at all times?			
Will all vehicles be smoke free for participants?			
Are all drivers licensed/permitted to operate in the City of Killeen, Harker Heights, and Fort Hood, TX?			
Will offeror ensure all vehicles are maintained in good mechanical condition, follow safety regulations and be available for inspection at all times?			
Will all licenses, certifications and inspection reports be available for inspection by the City of Killeen at all times?			

7/25/19

Will offeror maintain public liability insurance issued by a Texas licensed and approved insurance carrier and representative as prescribed in City Ordinances?			
Will drivers assist participants in board and exit vehicles, by opening and closing doors, assist with placement and removal of purchased items and carrying items to the participants door, etc.			
Will the Offeror complete and maintain trip tickets for each trip taken in accordance with the technical requirements?			
Will Offeror complete and deliver monthly payment invoices and utilization reports as required to the City by the 5 <sup>th</sup> of each month for service provided the previous month in accordance with the technical requirements?			
Offeror will attend program orientations to answer service questions from participants?			
What is the number of vehicles available at all times for transportation services?			
What is the type of vehicles provided for transportation services?			
What is the number of wheelchair accessible vehicles provided for this service?			

Interviewer Name

Date

Interviewer Signature

7/25/19

Will drivers assist participants in boarding and exiting the vehicle, by opening and closing doors, placement and removal of items and carrying items to the participants door, etc.	✓		
Will the Offeror complete and maintain trip tickets for each trip taken in accordance with the technical requirements?	✓		
Will Offeror complete and deliver monthly payment invoices and utilization reports as required to the City by the 5 <sup>th</sup> of each month for service provided the previous month in accordance with the technical requirements?	✓		
Offeror will attend program orientations to answer service questions that program participants may have.	✓		
What is the number of vehicles available at all times for transportation services?	✓		10 vehicles
What is the type of vehicles provided for transportation services?	✓		sedans + vans
What is the number of wheelchair accessible vehicles provided for this service?	✓		1 unit is ADA accessible

Leslee Dukes

Interviewer Name

7-25-19

Date

Leslee Dukes

Interviewer Signature

**AGREEMENT**

made as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the **CITY OF KILLEEN, TEXAS**, a municipal corporation of BELL County, Texas, hereinafter called "City" and **COVE TAXI, INC.** of Copperas Cove, Coryell County, Texas hereinafter called "Vendor".

**City:**

**CITY OF KILLEEN**  
101 N. College St.  
P.O. BOX 1329  
Killeen, TX 76540-1329  
Attn.: Leslie Hinkle, Executive Director Community  
Development  
Tel: (254) 501-7847 Email: lhinkle@killeentexas.gov

**Vendor:**

**COVE TAXI, INC.**  
806 N. 1<sup>st</sup> Street,  
Copperas Cove, TX 76522  
Attn: Clarence Page, President  
Tel: (254)542-2581  
Email: admin@covetaxi.com

**The Project is:**

**Transportation Services – Curb-to-Curb Services**  
**#19.03H/B-19-MC-48-0020**  
**CFDA #14.218 - Community Development Block**  
**Grant (CDBG)**  
**Killeen, Bell County, Texas**

The City and Vendor agree as set forth below:

**Article I.**  
**Contract Documents**

The Contract Documents consist of this Agreement, General Information, Contract Obligations, Technical Requirements, and Optional Features identified in the Request for Proposal, Addenda issued prior to execution of this Agreement, Negotiations when properly agreed to by City, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article XI. Vendor must maintain compliance with the City of Killeen Code of Ordinances Chapter 29, governing Transportation.

## **Article II. SERVICES**

Vendor agrees to furnish transportation services to elderly citizens of Killeen, who are approved participants of the Killeen Elderly Transportation Program, in compliance with the following requirements:

- a. Vendor agrees to have and maintain taxicabs and drivers available twenty-four (24) hours daily for transportation of eligible elderly persons of the City of Killeen with the exception of Christmas Day (December 25).
- b. Vendor agrees that taxicabs operating under the provisions of this contract will be maintained at all times in accordance with the requirements of Chapter 29 of the Code of Ordinances of the City of Killeen.
- c. Vendor agrees to prepare monthly invoices and submit these invoices to the Killeen Community Development Department for verification and processing.
- d. Vendor agrees to prepare and submit monthly ride log reports to the Killeen Community Development Department staff for verification and processing.
- e. Vendor agrees to provide Killeen Community Development Department a list of new taxicab units and new drivers quarterly, and at such other times as requested by Community Development staff, for the duration of this contract.
- f. Vendor agrees to provide a response time of not more than forty-five (45) minutes from the time the call is placed for dispatch until the time the rider is picked up.
- g. Vendor agrees to make available client trip tickets as an indication of the response log when requested by the City.
- h. Vendor agrees to provide all taxicabs operating under the provisions of this contract, as smoke-free, meaning that riders and drivers of these vehicles will not be allowed, at any time, to smoke in vehicles. Each driver will be required to post a sign in clear view of passengers indicating that smoking is not allowed, as described in City of Killeen Code of Ordinances.
- i. Vendor agrees to require drivers to assist passengers with entering and exiting vehicles to include loading groceries into the vehicle and unloading groceries to the passenger's front door.
- j. Vendor agrees when two or more program participants are picked up and dropped off at the same location, only one fare will be charged.
- k. Vendor agrees not to charge any person who rides with the program participant at such time when the program participant requires such person to assist in their regular and/or life activities.
- l. Vendor agrees to accept reservations for pre-arranged service, from program participants providing a minimum one (1) hour notice, to Vendor, prior to pick up time.

## **Article III. DATE OF COMMENCEMENT AND INITIAL TERM**

The date of commencement for associated transportation services under this agreement shall begin **OCTOBER 1, 2019 with completion on SEPTEMBER 30, 2020.**

The initial term of this agreement is the date of commencement identified above. City may renew this Agreement annually, for a period up to three (3) successive years after the initial agreement and satisfactory review of past performance, under the most recent agreement, for transportation services for the Killeen Elderly Transportation Program.

#### **Article IV. OPERATIONS**

Vendor agrees that taxicabs operating under the provisions of this contract will be operated at all times in accordance with the requirements of the state and federal laws and applicable ordinances of the City.

#### **Article V. DISPATCHING**

Vendor agrees to have its own telephone number(s) and agrees to receive and dispatch all calls relating to this service. Vendor agrees that all calls received pursuant to this contract shall be treated as any other fare and shall receive no preference or disfavor.

#### **Article VI. FARES**

As full compensation to the Vendor for operation of transportation services under the provisions of this contract, the City agrees to reimburse the Vendor for fares charged to program participant passengers under the following conditions.

- a. Vendor shall provide transportation at the standard rate to approved program participants of the Killeen Elderly Transportation Program and shall adhere strictly to the Contract Documents and governing rules and regulations regarding Transportation under local Code and Ordinances.
- b. Vendor agrees to charge no more than **SIXTEEN DOLLARS AND NO/100 (\$16.00)** for a one way fare per program participant.
- c. The effective rate charged for the program shall not exceed the normal cab fare as established in Chapter 29 of the Code of Ordinances as amended periodically.
- d. City shall reimburse Vendor for amounts submitted to City, in accordance with submitted monthly invoices and reconciled reports. City shall make payable such invoices within thirty days of receipt from Vendor.

#### **Article VII. Owner-Vendor Relations**

It is expressly agreed and understood by all parties hereto that Vendor is independent in its relationship to the City. Nothing herein contained at any time or in any manner shall be construed to: (1) effect an agreement of partnership or joint venture; or (2) render any party hereto the employer or master of any other party and/or its employees, agents, or representatives.

**Article VIII.**  
**INDEMNIFICATION AND ASSUMPTION OF LIABILITY**

Vendor agrees to indemnify, and does hereby indemnify, hold harmless and defend, the City, its agents, servants, or employees, from and against any and all claims for damages or injuries to persons or property of whatsoever kind or character, whether real or asserted, arising out of or incident to the operation of a vehicle utilized for the transportation of approved program participants in the Killeen Elderly Transportation Program and all other operation arising under or otherwise incidental to the provisions of this contract.

Vendor hereby assumes all liability and responsibility for injuries, claims, suits or damages to persons or property, of whatever kind or character, whether real or asserted, occurring during the term of this agreement, arising out of or by reason of the operation of the transportation of approved program participants in the Killeen Elderly Transportation Program and all other operations arising under or otherwise incidental to the provisions of this contract.

**Article IX.**  
**INSURANCE**

The Vendor agrees to maintain Personal Liability and Property Damage Insurance for its operations and agrees to furnish the City, upon request, proof of current minimum liability coverage of at least the amount required by the state of Texas for proof of financial responsibility.

**Article X.**  
**TERMINATION**

This Agreement may be terminated or suspended by the City or Vendor by providing the other with a 15-day written notice to the address and individual, or his/her designee, referenced in this agreement.

**Article XI.**  
**ENUMERATION OF CONTRACT DOCUMENTS**

The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated and are attached as follows:

**The Request for Proposals for Transportation Services (RFP 19-22)**

**Addendum # 1 - July 11, 2019**

**Proposal Affidavit (Att 1)**

**Offeror's Certifications (Att 2)**

**Curb to Curb Service – Services / Maximum Fares to be Charged (Att 3A)**

**Curb to Curb Service - Criterion (Att 3B)**

**Curb to Curb Transportation Services - Supporting Documentation and attachments (Att 5)**

**No Israel Boycott Certification**

**Conflict of Interest Questionnaire Form CIQ**

**Article XII.**  
**GOVERNANCE FOR LITIGATION PURPOSES**

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

**IN WITNESS WHEREOF**, the parties to these presents have executed two (2) originals of this contract, one original to be maintained by the CITY and one original to be maintained by the VENDOR, in the year and day first above mentioned.

**CITY**

\_\_\_\_\_  
**DAVID L. ELLISON, Assistant City Manager**  
**City of Killeen, Texas**

\_\_\_\_\_  
(Date)

**VENDOR**  
  
\_\_\_\_\_  
**Clarence Page, President**  
**COVE Taxi, Inc.**  
**Copperas Cove, Texas**

08-07-19  
\_\_\_\_\_  
(Date)

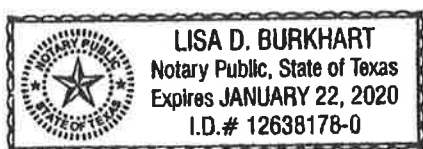
**ATTEST**

\_\_\_\_\_  
(Signature)

STATE OF TEXAS  
COUNTY OF Coryell      §  
   §

BEFORE ME, A Notary Public, on this day personally appeared Clarence Page known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purpose of and consideration herein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7 day of August, 2019.



Lisa D. Burkhardt  
\_\_\_\_\_  
Notary Public, in and for the State of Texas



## No Israel Boycott Certification

Texas Government Code, Chapter 2270, provides that a governmental entity – including a city – may not enter into certain contracts with a company for goods or services unless the contract contains a written verification that the company does not boycott Israel and will not boycott Israel during the term of the contract. The verification is specifically required when a governmental entity 1) enters into a contract with a company with ten (10) or more full-time employees, and 2) the contract is valued at \$100,000 or more to be paid wholly or partly from public funds.

"Boycott Israel" is defined in Texas Government Code 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.

By signing below, I verify that the company listed below does not boycott Israel and will not boycott Israel during the term of the contracted entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

Clarence Page

Printed Name

8-7-19

Date

Cove Taxi, Inc.

Title

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

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

Cove Taxi, Inc  
COPPERAS COVE, TX United States

Certificate Number:  
2019-526606

Date Filed:  
08/07/2019

Date Acknowledged:

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

City Of Killeen, Texas

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

19-22  
Taxi service for the Elderly Transportation Program

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Page, Clarence	COPPERAS COVE, TX United	X	

5 Check only if there is NO Interested Party. ☐

### 6 UNSWORN DECLARATION

My name is CLARENCE PAGE, and my date of birth is 11-06-1957

My address is 806 N. 1ST ST. Copperas Cove, TX 76522 USA  
(street) (city) (state) (zip code) (country)

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

Executed in CORYLL County, State of TEXAS, on the 8<sup>th</sup> day of AUGUST 2019  
(month) (year)



Signature of authorized agent of contracting business entity  
(Declarant)



AWARD TRANSPORTATION SERVICES CONTRACT  
RFP# 19-22 TO COVE TAXI, INC.

RS-19-081

August 20, 2019

# Background

2

- ❑ Community Development Department has administered an Elderly Transportation Program since 1998
- ❑ The program was established because there was a transportation need for elderly residents, and the need still exists in the community
- ❑ CDBG and other funding has allowed this program to continue to serve our lower income elderly (age 62+) with basic transportation services
- ❑ The program allows the participant to choose the form of transportation that suits their needs best
- ❑ There are three options for participants to choose from; the HOP fixed route service, Special Transit Service (also through the HOP) or a demand response service, operated through an approved vendor.

# Background-continued

3

- ❑ Participants are allowed a fixed number of rides on the demand response program
- ❑ Currently the program can fund 6 rides per month per participant
- ❑ A RFP was developed to solicit interest from vendors in providing the demand response service for the elderly transportation program.
- ❑ Cove Taxi, Inc. responded positively to the RFP and staff is proposing a contract (one year, with 3 one-year renewals) for demand response transportation services

# Alternatives

4

- ❑ Discontinue the demand response service associated with the Elderly Transportation Program
- ❑ Award the RFP & contract for the demand response service to Cove Taxi, Inc.

# Recommendation

5

- City staff recommends that the City Manager or his designee be authorized to sign the contract with Cove Taxi, Inc. for transportation services associated with the Elderly Transportation Program



# City of Killeen

## Legislation Details

<b>File #:</b>	RS-19-082	<b>Version:</b>	1	<b>Name:</b>	Procurement of Election Equipment
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Resolutions
<b>File created:</b>	8/5/2019	<b>In control:</b>		<b>In control:</b>	City Council Workshop
<b>On agenda:</b>	8/20/2019	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Consider a memorandum/resolution authorizing the procurement of election equipment from Election Systems and Software through Texas Buyboard.				
<b>Sponsors:</b>	City Secretary				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a>				
	<a href="#">Quote</a>				
	<a href="#">Certificate of Interested Parties</a>				
	<a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019  
**TO:** Ronald L. Olson, City Manager  
**FROM:** Kathryn Davis, City Attorney  
**SUBJECT:** Procurement of Election Equipment

### **BACKGROUND AND FINDINGS:**

In 2011, the Legislature passed SB 100, which provided that the County is only required to provide election support to cities, including equipment, in odd-numbered years. Because of this change, the City must make other arrangements for equipment when elections occur in even-numbered years.

Every even-numbered year, the city has been leasing election equipment from Election Systems and Software (ES&S). This is the same company that Bell County purchased its election equipment from and is the only one that uses paper ballot options. City staff believes that it is best to use the same equipment that Bell County uses as to not confuse the voters with different machines or technology. In 2018, city staff was notified that due to aging election equipment, ES&S could not guarantee that equipment would be available to lease and that the cost to lease equipment would increase significantly in future years.

City staff obtained a quote from ES&S to lease election equipment for the 2020 general election. The total amount of the quote to rent the equipment in 2020 came in at \$56,685.85 as compared to the total cost to rent election equipment in 2018 which totaled \$37,695.

Upon receiving the 2020 rental quote from ES&S and seeing the increase in rental costs, staff requested a quote to purchase election equipment, which is the direction that other cities the size of Killeen are moving towards. ES&S provided a quote in the amount of \$173,584.85 to purchase election equipment. Other options include lease to purchase with annual payments of \$58,432.56 over a 3-year term with 0.99% interest for a total purchase of \$175,297.68; a 4-year term with annual payments of \$45,332.41 with 2.99% interest for a total purchase of \$181,329.64; or, a 5-year term with annual payments of \$37,485.25 with 3.99% interest for a total purchase of \$187,426.25. The lease to purchase payment option that is closest to the amount that the city paid for rental costs in 2018 is the 5-year option, in which \$37,485.25 would be paid annually for five years with an annual post warranty license and maintenance/support fee totaling \$6,435.00 starting in the second year of the five year term.

## **THE ALTERNATIVES CONSIDERED:**

Alternatives considered included: paying the higher rental cost and not having the guarantee that ES&S would have enough election equipment to fulfill the supply of election equipment needed for all of the polling locations for the 2020 general election; eliminate the use of election equipment in even-numbered years which would result in having to manually count all of the ballots, including KISD's and CTC's ballots (historically, even-number years have resulted in a higher number of ballots cast); or, procure election equipment from ES&S through the Texas Buyboard.

## **Which alternative is recommended? Why?**

Procuring the election equipment using the lease to purchase payment over a five-year term from ES&S through the Texas Buyboard (Contract 542-17) is the recommended alternative because it guarantees that the city will have election equipment for the upcoming 2020 and future elections.

## **CONFORMITY TO CITY POLICY:**

ES&S is a member of the Texas Buyboard purchasing cooperative. Purchases made through a cooperative satisfy the competitive bid requirements at both the state and local level.

## **FINANCIAL IMPACT:**

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

The amount of the expenditure in FY2019 is \$37,485.25 plus beginning in the second year an amount of \$6,435.00 for annual post-warranty license and maintenance and support fees will be invoiced.

### **Is this a one-time or recurring expenditure?**

This is a recurring expenditure for five years with the annual post-warranty license and maintenance and support fees continuing for the life of the equipment.

### **Is this expenditure budgeted?**

Yes, funds are available in the City Secretary Election Expense account, 010-1010-416.50-45, for election equipment.

### **If not, where will the money come from?**

n/a

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

Yes, funds are available in the City Secretary Election Expense account, 010-1010-416.50-45.

## **RECOMMENDATION:**

City staff recommends that city council authorize the city manager, or designee, to execute a contract to procure election equipment with ES&S through the Texas Buyboard and that the

City Manager, or designee, be authorized to execute any change orders as permitted by state and local law.

**DEPARTMENTAL CLEARANCES:**

Purchasing  
Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Quote  
Certificate of Interested Parties



City of Killeen-ES&S BuyBoard Contract 542-17

**Purchase Proposal Quote**

Submitted by Election Systems & Software

Purchase Solution Includes:

Quantity	Item Description	Price
<b>Tabulation Hardware</b>		
<b>Model DS200 Precinct Scanner:</b>		
19	Model DS200 (Includes Scanner, Internal Backup Battery, Plastic Ballot Box with Steel Door and e-Bin, Paper Roll and One (1) Standard 4GB Memory Device)	\$109,250.00
19	DS200 Tote Bin	\$4,275.00
<b>ExpressVote Ballot Marking Device:</b>		
13	ExpressVote BMD Terminal (Includes Terminal, Internal Backup Battery, ADA Keypad, Headphones, Power Supply with AC Cord, and One (1) Standard 4GB Memory Device)	\$43,225.00
13	Soft-Sided Case	\$2,275.00
<b>ExpressVote Add-Ons:</b>		
4	ExpressVote Blank Ballot Card Stock - 14" (250 per pkg)	\$95.00
<b>Tabulation Hardware Subtotal</b>		<b>\$159,120.00</b>
<b>Other Hardware Accessories</b>		
30	DS200 Standard 4GB Memory Device (Additional)	\$3,150.00
3	Tabletop ExpressVote Privacy Screens (6 per case)	\$299.85
10	ExpressVote Standard 4GB Memory Device (Additional)	\$1,050.00
<b>Other Hardware Accessories Subtotal</b>		<b>\$4,499.85</b>
<b>Services</b>		
<b>Implementation Services (Does not include Coding, Voice Files or Ballots):</b>		
1	Equipment Operations Training	\$1,700.00
1	Election On-Site Support (1 Day)	\$2,075.00
X	Equipment Installation	\$3,550.00
X	1 Year Hardware and Software Warranty	Included
<b>Shipping &amp; Other</b>		
X	Shipping and Handling	\$2,640.00
<b>Services Subtotal</b>		<b>\$9,965.00</b>
<b>Total Purchase Solution</b>		<b>\$173,584.85</b>

Lease/Purchase Payment Information:	Annual Payment
Annual Payment for a 3-Year Term @ 0.99% Interest (Total of three (3) payments)	\$58,432.56
Annual Payment for a 4-Year Term @ 2.99% Interest (Total of four (4) payments)	\$45,332.41
Annual Payment for a 5-Year Term @ 3.99% Interest (Total of five (5) payments)	\$37,485.25

**Lease/Purchase Financing Notes:**

- ES&S is able to provide direct financing for the Total Purchase Price through its affiliate, Nationwide Capital.
- First Payment due at contract execution and annually thereafter.
- Payments do not include Annual Post-Warranty License and Maintenance and Support Fees which will be invoiced separately.
- The Lease/Purchase Annual Payment amount is valid for thirty (30) days and subject to change thereafter.

**Annual Post-Warranty License and Maintenance and Support Fees**  
(Fees are Based Upon a 5-Year Customer Commitment to Subscribe to the Following Services)

<b>Annual Post-Warranty Hardware Maintenance and Support Fees:</b>		
19	HMA DS200 - Extended Warranty with Biennial Maintenance	\$2,802.50
13	HMA ExpressVote BMD - Extended Warranty with Biennial Maintenance	\$1,267.50
<b>Annual Post-Warranty Firmware License and Maintenance and Support Fees:</b>		
19	Firmware License - DS200	\$1,520.00
13	Firmware License - ExpressVote	\$845.00
<b>Total Annual Post-Warranty License and Maintenance and Support Fees</b>		<b>\$6,435.00</b>



City of Killeen-ES&S BuyBoard Contract 542-17

**Purchase Proposal Quote**

*Submitted by Election Systems & Software*

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Purchase Solution Includes:

---

**Quantity**

**Item Description**

**Price**

**Footnotes:**

1. This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.
2. Rates valid for 60 days and thereafter may change.
3. Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.
4. The quantity of service days reflects a reasonable estimate for implementation and selected ongoing election services. Quantities may change depending on specific Customer needs.

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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

## OFFICE USE ONLY CERTIFICATION OF FILING

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

ELECTION SYSTEMS & SOFTWARE, LLC  
OMAHA, NE United States

Certificate Number:  
2019-525403

Date Filed:  
08/05/2019

Date Acknowledged:

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

City of Killeen

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

NA  
Election Equipment

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

5 Check only if there is NO Interested Party.



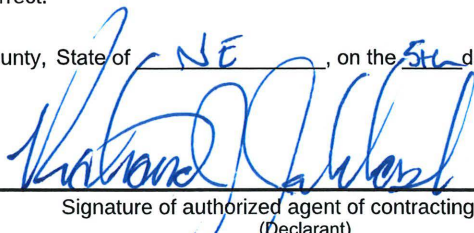
### 6 UNSWORN DECLARATION

My name is Richard J. Jablonski, and my date of birth is NA.

My address is 11208 John Galt Blvd., Omaha, NE, 68137, USA.  
(street) (city) (state) (zip code) (country)

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

Executed in Douglas County, State of NE, on the 5th day of August, 20 19.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)



# PURCHASE OF ELECTION EQUIPMENT

RS-19-082

August 20, 2019

# Background

2

- ❑ Bell County is only required to provide election equipment in odd-numbered years.
- ❑ ES&S (election equipment supplier) notified city staff that due to aging equipment, the cost of renting equipment would increase and they could not guarantee the availability of equipment for the 2020 election.

# Purchase of Election Equipment

3

- The cost of the lease/purchase 5-year term option is \$187,426.25. The city will make an annual payment in the amount of \$37,485.25 (3.99% interest) for the next five (5) years.
- Annual post-warranty license and maintenance and support fees in the amount of \$6,435.00 will begin the second year of the lease/purchase.
- ES&S is a member of the Texas Buyboard and this lease/purchase is in compliance with state and local law purchasing requirements.

# Alternatives

4

- ❑ Pay the higher rental cost without the guarantee that there would be enough election equipment to supply to all of the polling locations.
- ❑ Eliminate the use of election equipment in even-numbered years, resulting in having to manually count all of the ballots.
- ❑ Procure election equipment from ES&S through Texas Buyboard.

# Recommendation

5

- City staff recommends that city council approve the procurement of the election equipment through the Texas Buyboard, and that the City Manager, or designee, be authorized to execute any change orders as permitted by state and local law.



# City of Killeen

## Legislation Details

---

**File #:** PH-19-026A    **Version:** 1    **Name:** Hearing and Possible Action Impact Fee Capital Improvement Plan and Land Use Assumptions

**Type:** Resolution/Public Hearing    **Status:** Public Hearings

**File created:** 8/5/2019    **In control:** City Council Workshop

**On agenda:** 8/20/2019    **Final action:**

**Title:** HOLD a public hearing and consider a memorandum/resolution approving the Impact Fee Capital Improvements Plan and Land Use Assumptions.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** [Staff Report](#)  
[Land Use Assumptions and Impact Fee Capital Improvements Plan](#)  
[Comments and Responses](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



## STAFF REPORT

**DATE:** August 20, 2019

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

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

**SUBJECT:** Public Hearing and Approval of Impact Fee Capital Improvements Plan and Land Use Assumptions

### **BACKGROUND AND FINDINGS:**

On October 16, 2018, City Council authorized the creation of the Capital Improvements Advisory Committee (CIAC) to move forward with the process of implementing impact fees. Since that time, the CIAC, City Staff, and Kimley-Horn and Associates have continued to discuss the proposed Impact Fee Capital Improvements Plan and Land Use Assumptions.

On July 9, 2019 City Council passed a resolution to set the public hearing date for the Impact Fee Capital Improvements Plan and Land Use Assumptions on August 27, 2019. In accordance with the Texas Local Government Code, the Impact Fee Capital Improvements Plan and Land Use Assumptions have been posted on the City's website for public viewing.

In order to move forward with impact fees, Land Use Assumptions must be approved to show residential and employment growth projects, with changes in land uses, densities, and population in service areas over a 10-year period. A capital improvements plan must be identified to increase capacity and serve new development over a 10-year period.

### **THE ALTERNATIVES CONSIDERED:**

#### **Which alternative is recommended? Why?**

1. Do not continue the process of implementing impact fees.
2. Make alterations to the Impact Fee Capital Improvements Plan or Land Use Assumptions within constraints allowed by the Texas Local Government Code.
3. Approve the resolution establishing the Impact Fee Capital Improvements Plan and Land Use Assumptions.

### **CONFORMITY TO CITY POLICY:**

This item complies with all federal, state, and local regulations.

**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:**

City Staff recommends that the City Council hold a public hearing and approve the resolution establishing the Impact Fee Capital Improvements Plan and Land Use Assumptions in accordance with Texas Local Government Code Chapter 395.

**DEPARTMENTAL CLEARANCES:**

City Attorney, Finance

**ATTACHED SUPPORTING DOCUMENTS:**

Impact Fee Capital Improvements Plan and Land Use Assumptions  
Comments and Responses

# CITY OF KILLEEN, TEXAS LAND USE ASSUMPTIONS & 2019 IMPACT FEE STUDY DRAFT



July  
2019

Prepared for the City of Killeen

Prepared by:

Kimley-Horn and Associates, Inc.

801 Cherry Street, Unit 11, Suite 1300

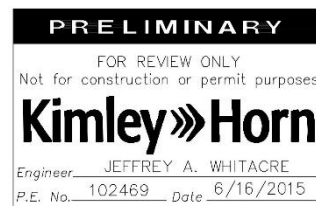
Fort Worth, TX 76102

Phone 817 335 6511

TBPE Firm Registration Number: F-928

Project Number: 064405304

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## CHAPTER 1 – LAND USE ASSUMPTIONS

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# City of Killeen 2019 Land Use Assumptions

AS PREPARED FOR THE CITY OF KILLEEN, TEXAS

## 1.1 PURPOSE

Chapter 395 (see Chapter 4) of the Texas Local Government Code describes the procedure Texas political subdivisions must follow in order to assess impact fees for new development. The first step required in updating impact fees is the development of Land Use Assumptions. These Land Use Assumptions, including both population and employment estimates, form the basis for the development of impact fee Capital Improvement Plans for roadway, wastewater, and water facilities.

Reasonable future growth estimates are necessary in order to aid the City of Killeen in establishing the need for capital improvements required to serve future development. In accordance with Chapter 395, Kimley-Horn and Associates, Inc. (Kimley-Horn) has compiled the information required to complete the update of the Land Use Assumptions using the following sources:

- 2019 Water and Wastewater Master Plan (City of Killeen);
- 2015 Thoroughfare Plan;
- Bell County Appraisal District (BellCAD); and
- City of Killeen staff.

## 1.2 COMPONENTS OF THE LAND USE ASSUMPTIONS REPORT

The Land Use Assumptions include the following components:

- Land Use Assumptions Methodology – An overview of the general methodology used to generate the land use assumptions.
- Impact Fee Study Service Areas – Explanation of the division of Killeen into service areas for water, wastewater, and transportation facilities.
- 10-Year Growth Assumptions – A synopsis of the land use assumptions.
- Land Use Assumptions Summary – A synopsis of the land use assumptions.

### 1.3 METHODOLOGY

The residential and non-residential growth projections formulated in this report were done using reasonable and generally accepted planning principles. The following factors were considered in developing these projections:

- Character, type, density, location, and quantity of existing development;
- Historic Growth trends;
- Population projections in the Water and Wastewater Master Plan;
- Population projections in the City of Killeen's Thoroughfare Plan;
- Location of vacant land; and
- Physical holding capacity of Killeen.

Research of historic building permits was performed to compare the projected growth with previous growth trends in the City of Killeen over the last ten years. During the last ten years, the City of Killeen grew by approximately 8,564 single family dwelling units, approximately 1,871 multi-family dwelling units and approximately 17,000,000 square feet of non-residential development.

Residential growth projections for each service area, summarizing population and dwelling unit growth from 2019 to 2029, were determined using growth estimates outlined in the Water and Wastewater Master Plan (2019) and the Thoroughfare Plan (2015) as well as development plans for three Planned Unit Developments (PUDs) and one Municipal Utility District (MUD). It is projected that approximately 9,370 new residential dwelling units will be added by 2029 within Killeen's city limits. This does not include an additional 870 dwelling units anticipated outside the 2015 Roadway Impact Fee Study's service areas.

Non-residential growth projections for each service area were computed by determining the historic growth in basic, service, and retail land uses within the City of Killeen from the previous ten years (17,000,000 square feet). It was assumed that the current proportion of basic, service and retail development in each service would remain approximately the same over the next ten years.

## 1.4 IMPACT FEE SERVICE AREAS

### A. Service Area Definition

According to Chapter 395 of the Local Government Code, a Service Area refers to the area within the corporate boundaries or extraterritorial jurisdiction of the political subdivision to be served by the capital improvement or facilities specified in the Capital Improvement Plan. Funds collected in the specific service areas must be spent in the service area collected.

### B. Water and Wastewater Impact Fee Service Areas

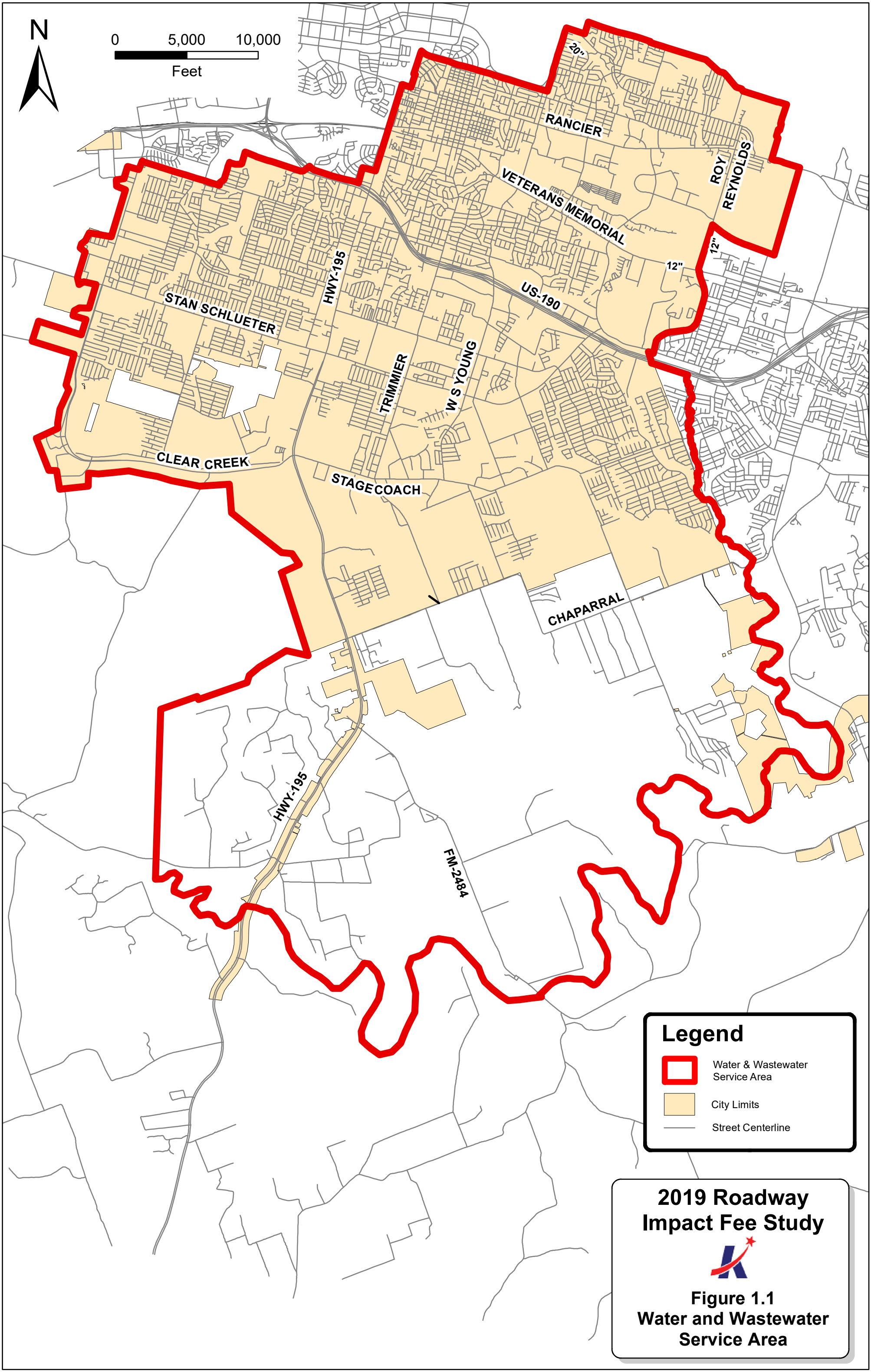
The geographic boundaries of the impact fee service area for water and wastewater facilities are shown in Figure 1.1. A single service area boundary is defined for both water and wastewater facilities.

### C. Roadway Impact Fee Service Areas




The geographic boundaries of the three (3) impact fee service areas for roadway facilities are shown in Figure 1.2. The roadway service areas cover the entire corporate boundary of the City of Killeen. Chapter 395 of the Texas Local Government Code specifies that “the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six (6) miles.” Service Area A is located north of US 190, and Service Area B is positioned south of US 190 and east of West Trimmier Road. Service Area B also extends west of West Trimmier Road, south of Clear Creek Road. Service Area C encompasses the remaining western region within the city limits and is located south of US 190 and north of Clear Creek Road to the west of West Trimmier Road.



0 5,000 10,000  
Feet



### Legend

-  Water & Wastewater Service Area
-  City Limits
-  Street Centerline

### 2019 Roadway Impact Fee Study



**Figure 1.1**  
**Water and Wastewater**  
**Service Area**



## 2019 Roadway Impact Fee Study



Kimley»Horn

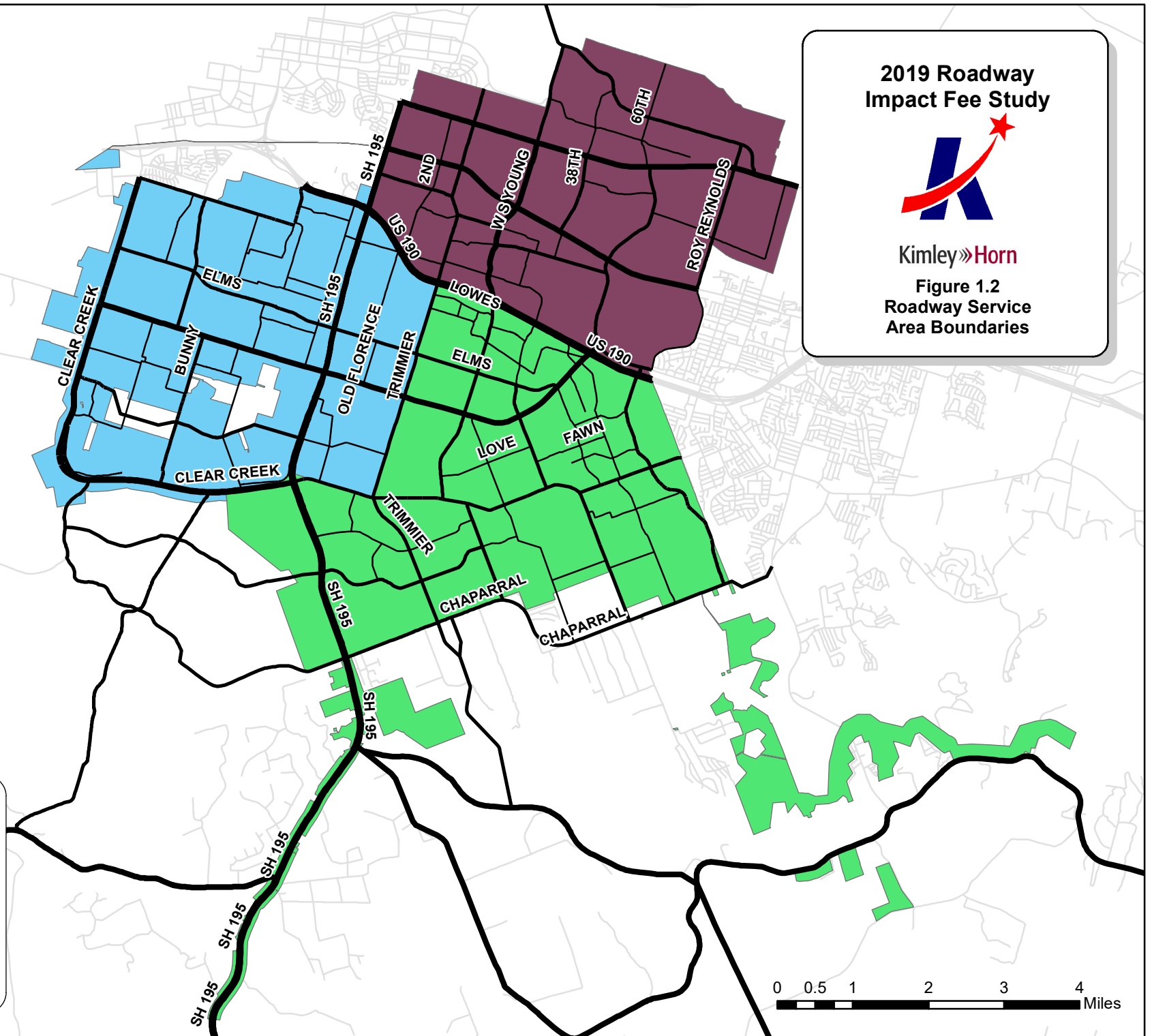
Figure 1.2  
Roadway Service  
Area Boundaries

**Legend**

- Principal Arterial
- Minor Arterial
- Collector

**Service Areas**

- A
- B
- C



## 1.5 DATA FORMAT

The population and employment estimates were all compiled in accordance with the following categories and format:

*Impact Fee Service Areas:* Larger zones, which correspond to the proposed roadway, wastewater, and water facilities service areas (as described in the previous section).

*Units:* Number of dwelling units, both single and multi-family.

*Population:* Number of people, based on person per dwelling unit factors.

*Employment:* Square feet of building area based on three (3) different classifications:

Retail: Land use activities which provide for the retail sale of goods that primarily serve households and whose location choice is oriented toward the household sector (i.e. grocery stores and restaurants).

Service: Land use activities which provide personal and professional services such as government and other professional administrative offices.

Basic: Land use activities that produce goods and services, including those that are exported outside the local economy (i.e. manufacturing, construction, transportation, wholesale, trade, warehousing, and other industrial uses).

## 1.6 WATER AND WASTEWATER 10-GROWTH SUMMARY

The impact fee study includes information from the 2019 Water and Wastewater Master Plan completed by Freese and Nichols. Kimley-Horn also interviewed Killeen staff to identify any changes that may have occurred regarding the proposed water and wastewater capital improvement plans identified in the Master Plans. The water and wastewater capital improvement plans associated with the 10-year impact fee are based upon the recommended master plan capital improvements and current growth projections. It is projected that approximately 9,370 new residential dwelling units will be added by 2029 within Killeen's city limits as indicated in the 2019 Water and Wastewater Master Plan. It was assumed that 870 dwelling units are outside City limits. This results in a total dwelling unit growth of 10,240.

$$\begin{array}{rccccccc} 9,370 & & + & & 870 & & = & & 10,240 \\ \text{(dwellings in city limits)} & & & & \text{(dwellings outside city limits)} & & & & \text{(Total dwellings in the service area)} \end{array}$$

## 1.7 ROADWAY 10-GROWTH SUMMARY

Table 1.1 summarizes the residential and non-residential 10-year growth projections within the City Limits. It illustrates the service areas in which the 9,370 dwelling units will be located. This growth rate is very similar when compared to historic growth since 2010. The anticipated growth for non-residential properties over the next ten years is similar to historical growth over the previous ten years.

Table 1.1. Residential and Non-Residential Land Use Assumptions  
Growth Projections (2019-2029)

SERVICE AREA	SINGLE FAMILY (DWELLING UNITS)	MULTI FAMILY (DWELLING UNITS)	BASIC (ft <sup>2</sup> )	SERVICE (ft <sup>2</sup> )	RETAIL (ft <sup>2</sup> )
A	700	600	200,000	500,000	400,000
B	4,972	1,298	500,000	1,000,000	900,000
C	1,400	400	800,000	800,000	800,000
Total	7,072	2,298	1,500,000	2,300,000	2,100,000

## 1.8 SUMMARY

The following is a summary for the City limits. This is equivalent to the roadway land use assumptions, which was then adjusted for the wastewater and water land use assumptions based on growth in the ETJ.

- The ten year (2029) population growth projection is approximately 9,370 dwelling units within the city limits, and an additional 870 dwelling units in the ETJ (23,449 people).
- The ten year (2029) employment area growth projection is approximately 17,000,000 square feet.

## CHAPTER 2 – WATER AND WASTEWATER IMPACT FEE STUDY

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# City of Killeen 2019 Water and Wastewater Impact Fees

AS PREPARED FOR THE CITY OF KILLEEN, TEXAS

## 2.1 INTRODUCTION

The City of Killeen retained Kimley-Horn and Associates, Inc. (Kimley-Horn), for the purpose of completing a study for the potential implementation of impact fees to fund a portion of the costs for water and wastewater system capital improvements required to serve new development.

This report satisfies the requirements of State law and provides the City with an impact fee capital improvements plan with associated impact fees.

For convenience and reference, a copy of Chapter 395.014 of the Texas Local Government Code is included in the appendix.

The impact fee study includes information from the 2019 Water and Wastewater Master Plan completed by Freese and Nichols, with some projects including information from the 2012 Master Plan. Kimley-Horn also interviewed Killeen staff to identify any changes that may have occurred regarding the proposed water and wastewater capital improvement plans identified in the Master Plans. The 10-year impact fee water and wastewater capital improvement plans are based upon the Master Plan's recommended capital improvements and current growth projections.

### A. Land Use Assumptions

The first task in the study involved identification of current and future land use by category and projections of population within the City's service areas. Kimley-Horn developed the land use assumptions used in the study with assistance from City of Killeen staff. The development of land use assumptions is detailed in Chapter 1 of this study and is utilized in:

- Establishing impact fee service areas for water and wastewater;
- Collecting/Determining of population and employment data; and
- Projecting the ten-year population and employment data by service area.

A single service area boundary is defined for both water and wastewater facilities. An illustration of the service area is shown on **Figure 1.1**.

## **B. Evaluation of the Current Water and Wastewater Master Plan and Development of the Impact Fee Capital Improvements Plan**

The second task in the study involved reviewing the City's current Water and Wastewater Master Plan, identifying capital improvement projects from the Master Plan that are potentially impact fee eligible, and interviewing City staff. This information allowed Kimley-Horn to develop the 10-Year impact fee capital improvements plan. The Master Plan water demand projections and wastewater flow projections were then used to determine the future service unit needs.

## **C. Impact Fee Analysis and Report**

This task included calculating the additional service units, service unit equivalents, and credit reduction. These values were then used to determine the impact fee per service unit and the maximum assessable impact fee by water meter size.

## **2.2 WATER**

Development of the Impact Fee Capital Improvements Plan is based on criteria set forth in the 2019 Master Plan. The Master Plan criteria meet or exceed the criteria outlined by Chapter 290 of the Texas Administrative Code (Public Drinking Water) and the American Water Works Associations (AWWA) requirements for the design and operation of potable water utility systems. The design criteria used to plan for water infrastructure needs are discussed in the following subsection.

### **A. Design Criteria**

#### **Water Lines**

Water lines are generally sized to maintain the following public water utility system distribution system requirements:

- Peak hour demand with a minimum pressure of 35 psi;
- Night-time tank filling with a maximum pressure of 100 psi; and
- Peak day demand plus fire flow with a minimum pressure of 20 psi.

#### **Storage Tanks**

The Texas Commission on Environmental Quality (TCEQ) and the State Board of Insurance (SBI) have established criteria for ground and elevated storage. These criteria address volume and pressure plane requirements only. The layout of the distribution system, location of ground and elevated storage facilities, and system performance with the high service and booster pumps affect the amount of storage necessary for the most efficient and reliable operation of the

system. Although ground and elevated storage facilities perform separate functions within the system, both are aimed at decreasing the impact of demand fluctuations.

Ground storage serves two purposes:

- Equalizing differing feed rates between the water supply and pumping to the system; and
- Providing emergency capacity in the event of temporary loss of water supply.

Generally, ground storage facilities are located at water supply points or at each pump station within the water distribution system. Suggested storage capacities are established based on several criteria, specified by the TCEQ, which are detailed later in this section.

Elevated storage serves three purposes:

- Equalizing the pumping rate to compensate for daily variations in demand and maintaining a fairly constant pumping rate (usually referred to as operational storage), and to the degree possible, pumping at a rate that maximizes energy efficiency.
- Providing pressure maintenance and protection against surges created by instantaneous system demand, such as fire flow or a main break, and instantaneous change in supply, such as pumps turning on and off.
- Maintaining a reserve capacity for fire flow and pressure maintenance in case of power failure to one or more pump stations.

Suggested system storage capacities are established by the TCEQ. Adequate operational storage is established by determining the required volume to equalize the daily fluctuations in flow during the maximum day demand, plus the reserve volume required for fire flow. According to Chapter 290 of the Texas Administrative Code, the minimum requirements for storage are as follows:

- Total System Storage - Equal to 200 gallons per connection.
- Elevated Storage - Equal to 100 gallons per connection; or
- Elevated Storage – Equal to 200 gallons per connection for a firm pumping capacity reduction from 2.0 gallons per connection to 0.6 gallons per connection.

### **Pump Stations**

Pumping capacity should supply the maximum demand with sufficient redundancy to allow for the largest pump at a pump station to be out of service. This is known as firm pumping capacity.

Each pump station or pressure plane must have two or more pumps that have a total capacity of 2.0 gallons per minute per connection, or have a total capacity of at least 1,000 gallons

per minute and the ability to meet peak hour demand with the largest pump out of service, whichever is less. If the system provides elevated storage capacity of 200 gallons per connection, two service pumps with a minimum combined capacity of 0.6 gpm per connection are required.

## B. Impact Fee Capital Improvements Plan

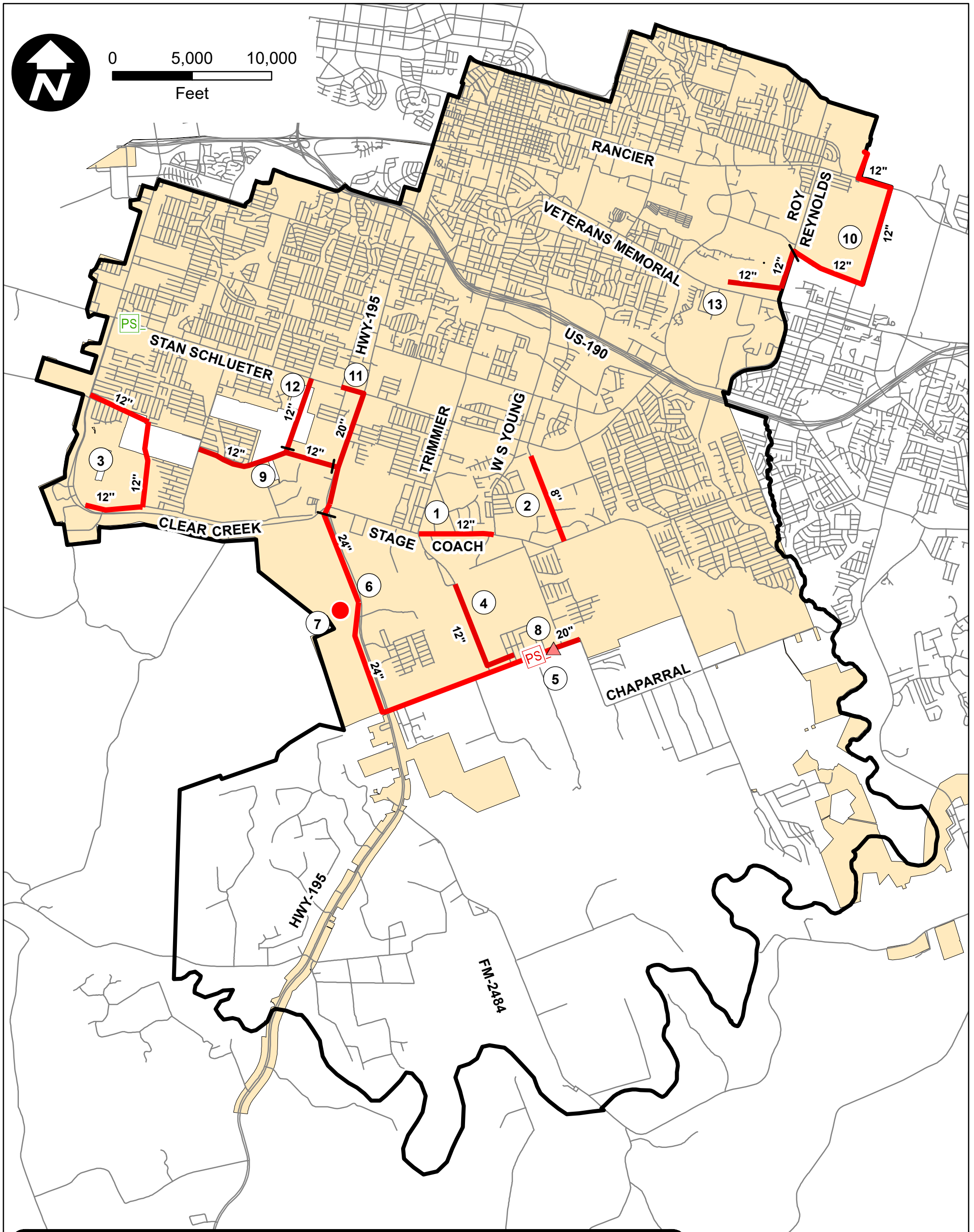
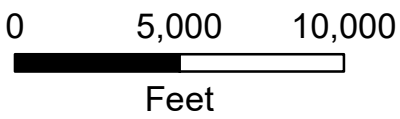
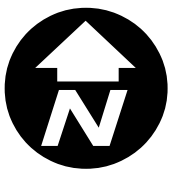
The City's Master Plan provides a logical strategy for upgrading and expanding its water distribution system to accommodate future growth, and for addressing existing system deficiencies. The impact fee capital improvements plan has been developed using projects identified during the master planning process. State law only allows cost recovery associated with eligible projects in a ten 10-year planning window from the time of the impact fee study. The following lists the projects and the eligible recoverable cost.

Thirteen projects along with the water impact fee study are determined eligible for recoverable cost through impact fee over the next 10 years. The City of Killeen's Impact Fee Capital Improvements Plan recoverable cost's total \$19,486,810. After debt service costs are added and the 50% reduction calculation is complete, \$11,984,388.5 is recoverable through impact fees serving the 10-year system needs. These impact fee capital improvements are shown in **Table 2.1** and illustrated in **Figure 2.1**.

**Table 2.1 Water Impact Fee Capital Improvements Plan Costs**

Project Number	Project Name	Project Cost	Recoverable Cost
1	12" Stagecoach Rd WL (2012 MP-2)	\$752,640.00	\$421,479.00
2	8" Onion Rd WL (2012 MP-4)	\$687,263.00	\$529,193.00
3	12" Mohawk Dr/Clear Creek Rd WL (2012 MP-6)	\$253,009.00	\$253,009.00
4	12" Trimmer Rd WL (2012 MP-8)	\$689,615.00	\$517,212.00
5	Chaparral EST (2019 MP-1)	\$5,704,500.00	\$5,704,500.00
6	24" HWY-195 WL (2019 MP-2)	\$8,545,000.00	\$3,161,650.00
7	HWY-195 GST (2019 MP-3)	\$2,415,000.00	\$2,415,000.00
8	Chaparral Pump Station (2019 MP-4)	\$5,244,000.00	\$2,307,360.00
9	12" Mohawk Rd WL (2019 MP-6)	\$1,808,400.00	\$669,108.00
10	12" E Rancier Ave Line (2019 MP-9)	\$2,484,000.00	\$1,341,360.00
11	20" HWY-195 WL (2019 MP-10)	\$2,905,400.00	\$1,074,998.00
12	12" WL from Mohawk Rd to Stan Schlueter (2019 MP-11)	\$973,900.00	\$360,343.00
13	12" N Roy Reynolds Dr WL (2019 MP-12)	\$1,311,600.00	\$708,264.00
	Water Impact Fee Study	\$23,334.00	\$23,334.00
<b>Total</b>		<b>\$33,797,661.00</b>	<b>\$19,486,810.00</b>

(MP#) – Reference to the Water Master Plan project number.



## Legend

### Water Impact Fee Projects

- |   |  |  |
|---|--|--|
| ① 12" Stagecoach Rd WL (2012 MP-2)            | ⑨ 12" Mohawk Rd WL (2019 MP-6)                         | Proposed Water Line (WL)                       |
| ② 8" Onion Rd WL (2012 MP-4)                  | ⑩ 12" E Rancier Ave WL (2019 MP-9)                     | Street Centerline                              |
| ③ 12" Mohawk Dr/Clear Creek Rd WL (2012 MP-6) | ⑪ 20" HWY-195 WL (2019 MP-10)                          | Existing Pump Station Rehabilitation/Expansion |
| ④ 12" Trimmier Rd WL (2012 MP-8)              | ⑫ 12" WL from Mohawk Rd to Stan Schlueter (2019 MP-11) | Proposed Pump Station (PS)                     |
| ⑤ Chaparral EST (2019 MP-1)                   | ⑬ 12" N Roy Reynolds Dr WL (2019 MP-12)                | Proposed Ground Storage Tank (GST)             |
| ⑥ 24" HWY-195 WL (2019 MP-2)                  | Water & Wastewater Service Area                        | Proposed Elevated Storage Tank (EST)           |
| ⑦ HWY-195 GST (2019 MP-3)                     | City Limits  | (MP-#) Master Plan Project Number              |
| ⑧ Chaparral Pump Station (2019 MP-4)          |  |  |

## 2019 Killeen Impact Fees



**Figure 2.1**  
**Water Impact Fee**  
**Capital Improvement Plan**

## C. Project Descriptions

The following acronyms used within the project descriptions are defined as follows:

- ETJ – Extraterritorial Jurisdiction
- MG – Million Gallons
- MGD – Million Gallons Per Day
- GPD – Gallons Per Day

### 1. 12-inch Stagecoach Road Water Line (2012 MP-2)

This project consists of 12-inch water line along Stagecoach Rd. between Trimmier Rd. and W.S. Young Dr.; decommission the Douglas Mountain Storage Tanks.

*This line closed the loop between two existing 12-inch lines and provides capacity for development infill within the City limits. The line is 100% utilized in the 10yr study window, but because it is replacing an existing 8-inch line, 56% of the project cost is recoverable.*

Project Cost:	\$752,640
Recoverable Cost:	\$421,479

### 2. 8-inch Onion Road Water Line (2012 MP-4)

This project consists of 8-inch water line along Onion Rd. between Rio Grande Ct. and Stagecoach Rd.

*This line replaces an existing 4-inch line and connects an existing 12-inch line and an existing 8-inch line and provides capacity for development within the City limits. The line is 100 percent utilized in the 10yr study window, but because it is replacing an existing 4-inch line which contains a capacity of 23% of the proposed 8-inch line, only 77% of the project cost is recoverable.*

Project Cost:	\$687,263
Recoverable Cost:	\$529,193

### 3. 12-inch Mohawk Drive/Clear Creek Road Water Line (2012 MP-6)

This project consists of a 12-inch water line extending east from Mohawk Dr.; 12-inch water line extending south from Bridgewood Dr. to Clear Creek Rd. This line will replace an existing 4-inch water line.

*This project will upsize the existing water line to serve the new growth projected in the area. The project cost only includes cost for the upsize of the main to increase capacity. The project cost is 100% recoverable.*

Project Cost:	\$253,009
Recoverable Cost:	\$253,009

**4. 12" Trimmier Road Water Line (2012 MP-8)**

This project consists of 12-inch water line along Chaparral Rd. between Trimmier Rd. and Featherline Rd.' 12-inch water line along Trimmier Rd. between existing 12-inch line south of Stagecoach Rd. and Chaparral Rd. This line will replace an existing 6-inch waterline.

*This line provides service to new development in the Upper Pressure Plane and is planned to occur in the 10-year study window. The 12-inch water line will be 100 percent utilized in the 10-year study window, but because it is replacing an existing 6-inch water line, only 75% of the project is recoverable.*

Project Cost:	\$689,615
Recoverable Cost:	\$517,212

**5. Chaparral EST (2019 MP-1)**

This project includes a 1.5 MG elevated storage tank located along Chaparral Road and a 20-inch water line along Chaparral Road connecting to the existing 16-inch water line in the Lower Pressure Plane. The new tank provides additional elevated storage in the LPP. It will also serve as storage for the suction side of the future UPP pump station.

*This 1.5 MG will provide the LPP with a total elevated storage volume of 6.75 MG. The LPP will only require 5.76 MG of combined elevated storage at the end of the 10yr planning window, utilizing 34% (0.5MG) of the added volume. The EST will also provide the Chaparral Booster Pump Station with suction storage. 1.17 MG will be needed for 8 hours of suction storage, resulting in the total storage volume of the EST being 100% utilized. The project cost is 100% recoverable.*

Project Cost:	\$5,704,500
Recoverable Cost:	\$5,704,500

**6. 24-inch Highway 195 Water Line (2019 MP-2)**

This project includes a transmission line along Highway 195 between the proposed Chaparral Road Pump Station and Stagecoach Road. This pipeline is needed to convey water from the proposed Chaparral Pump Station into the UPP. It also provides transmission capacity to and from the proposed Highway 195 tank.

*Based on growth projections in the UPP, this line will be 37% utilized at the end of the 10yr planning window. The project cost is 37% recoverable.*

Project Cost:	\$8,545,000
Recoverable Cost:	\$3,161,650

**7. Highway 195 GST (2019 MP-3)**

This project includes a 1.5 MG ground storage tank serving as an elevated tank located on a hill near Highway 195 and Tower Hill Lane. The projected growth in the UPP requires additional elevated storage to meet TCEQ requirements.

*Based on growth projections, the UPP will require 5.06 MG of elevated storage. With the addition of this 1.5 MG of elevated storage, the UPP will only have 4.5 MG of elevated storage, utilizing 100% of this project's storage volume. 100% of the project cost is recoverable.*

Project Cost:	\$2,415,000
Recoverable Cost:	\$2,415,000

**8. Chaparral Pump Station (2019 MP-4)**

This project includes an 8.0 MGD Pump Station on the same site as the Chaparral EST. Additional pumping capacity is needed to meet projected maximum day demands in the UPP. This pump station allows the City to better utilize water supply from the new BCWCID #1 South Water Treatment Plant.

*At the end of the 10yr planning window, it is projected that 3.52 MGD of additional pumping capacity will be needed in the UPP. Only 3.52 MGD of the 8 MGD pumping capacity is projected to be utilized within the 10yr window. The project cost is 44% recoverable.*

Project Cost:	\$5,244,000
Recoverable Cost:	\$2,307,360

**9. 12-inch Mohawk Road Water Line (2019 MP-6)**

This project involves a 12-inch distribution line between Bunny Trail and Highway 195. This pipeline is needed to distribute water to an area projected for future growth.

*Based on growth projections in the UPP, this line will be 37% utilized at the end of the 10yr planning window. The project cost is 37% recoverable.*

Project Cost:	\$1,808,400
Recoverable Cost:	\$669,108

**10. 12-inch E Rancier Avenue Water Line (2019 MP-9)**

This project involves a 12-inch loop in the northeastern portion of the LPP, generally between Rancier Avenue and the railroad. This pipeline is needed to extend water service to an area projected for future growth.

*Based on growth projections in the LPP, this line will be 54% utilized at the end of the 10yr planning window. The project cost is 54% recoverable.*

Project Cost:	\$2,484,000
Recoverable Cost:	\$1,341,360

**11. 20-inch Highway 195 Water Line (2019 MP-10)**

This project includes a 20-inch waterline from Stagecoach Road to Elms Road. It will increase transmission capacity in the UPP and connect to the downstream end of the HWY-195 24-inch waterline to extend transmission capacity from the HWY-195 GST and Chaparral Pump Station.

*Based on growth projections in the UPP, this line will be 37% utilized at the end of the 10yr planning window. The project cost is 37% recoverable.*

Project Cost:	\$2,905,400
Recoverable Cost:	\$1,074,998

**12. 12-inch Water Line from Mohawk Road to Stan Schlueter (2019 MP-11)**

This project involves a 12-inch distribution line between Stan Schlueter Loop and the proposed 12-inch along Mohawk Road. This pipeline is needed to distribute water to an area projected for future growth.

*Based on growth projections in the UPP, this line will be 37% utilized at the end of the 10yr planning window. The project cost is 37% recoverable.*

Project Cost:	\$973,900
Recoverable Cost:	\$360,343

**13. 12-inch N Roy Reynolds Drive Water Line (2019 MP-12)**

This project involves a 12-inch distribution line along Business Highway 190 from S Twin Creek Drive to Roy Reynolds Drive, and north from Business Highway 190 to the railroad. This pipeline extends water service to an area projected for future growth.

*Based on growth projections in the LPP, this line will be 54% utilized at the end of the 10yr planning window. The project cost is 54% recoverable.*

Project Cost:	\$1,311,600
Recoverable Cost:	\$708,264

## 2.3 WASTEWATER

Development of the Impact Fee Capital Improvements Plan is based on criteria set forth in the 2019 Master Plan. The Master Plan criteria meet or exceed the criteria outlined by Chapter 217 of the Texas Administrative Code (Design Criteria for Domestic Wastewater Systems). The design criteria used to plan for the wastewater infrastructure needs are discussed in the following subsection.

### A. Design Criteria

#### Sewer Lines

The design criteria for sizing sanitary sewer trunk lines or interceptors is based on the TCEQ requirements to contain wet weather design flows with no overflows while maintaining a minimum of 2 ft/sec pipe flow velocity and not exceeding a maximum of 8 ft/sec pipe flow velocity.

#### Lift Stations

##### PUMPING CAPACITY

The design criteria for lift station pumps is based on providing firm pumping capacity to meet 125% of the peak wet weather design flows. The firm pumping capacity is defined as the available total pumping capacity with the largest lift station pump out of service.

##### WET WELL CAPACITY

The design criteria for lift station wet wells is based on providing adequate volumes to limit pump cycling to once every 10 minutes. Based on this criterion, the required operating volume for each pump can be calculated as follows:

$$V = tQ/4 \text{ where,}$$

$$t = \text{Maximum pump cycling time} = 10 \text{ minutes}$$

$$Q = \text{Lead pump discharge rate in gallons per minute (gpm)}$$

$$V = \text{Required wet well volume between pump start and stop elevation}$$

#### Force Mains

The design criteria recommended for force mains is based on providing the required pumping capacity of the lift station at a discharge velocity less than 8 feet per second and a maximum discharge pressure of 100 psi and to allow a minimum of 2 feet per second scouring velocity during a single pump operation.

## B. Impact Fee Capital Improvements Plan

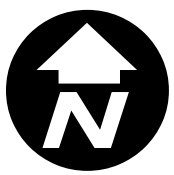
The City's Master Plan provides a logical strategy for upgrading and expanding its wastewater collection system to accommodate future growth, and for addressing existing system deficiencies. The impact fee capital improvements plan has been developed using projects identified during the master planning process. State law only allows cost recovery associated with eligible projects in a 10-year planning window from the time of the impact fee study. The following details the projects and the eligible recoverable cost.

Twelve projects along with the wastewater impact fee study are determined eligible for recoverable cost through impact fee over the next 10 years. The City of Killeen's Impact Fee Capital Improvements Plan recoverable cost's total \$7,001,703. After debt service costs are added and the 50% reduction calculation is complete, \$4,306,048.5 is recoverable through impact fees serving the 10-year system needs. These impact fee capital improvements are shown in **Table 2.2** and illustrated in **Figure 2.2**.

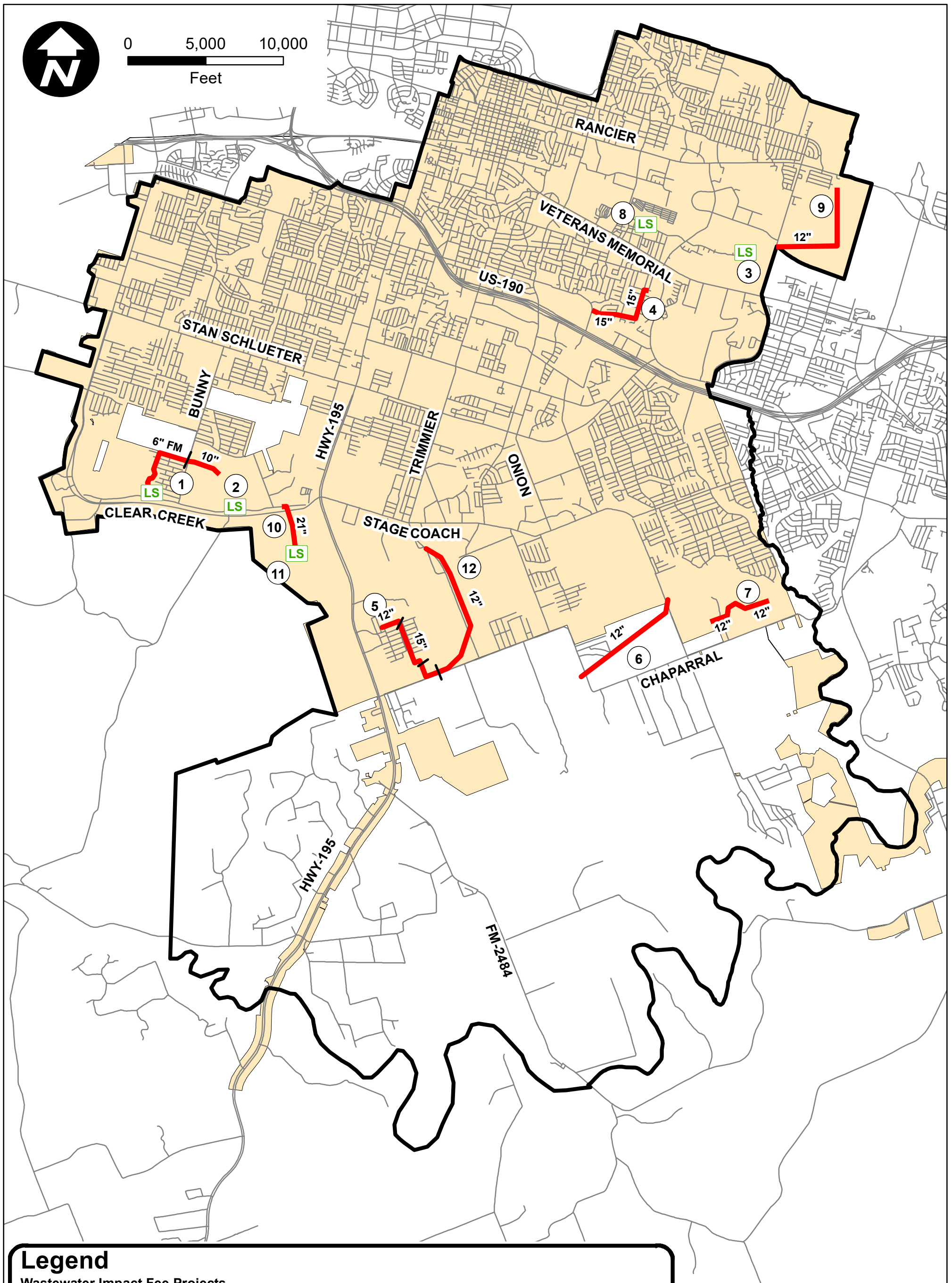
**Table 2.2 Wastewater Impact Fee Capital Improvements Plan Costs**

Project Number	Project Name	Master Plan Project Cost	Impact Fee Recoverable Cost
1	LS #23 Expansion 6" Force Main & 10" Gravity Main (2012 MP-1)	\$1,118,804.00	\$783,163.00
2	LS #22 Expansion (2019 MP-1)	\$350,000.00	\$178,500.00
3	LS #8 Expansion (2019 MP-3)	\$1,596,680.00	\$846,241.00
4	15" WW Main Replacement in the Long Branch Basin (2019 MP-4)	\$1,668,500.00	\$317,015.00
5	12"/15" Wastewater Main (2019 MP-5)	\$1,959,200.00	\$470,208.00
6	12" Wastewater Main in Trimmier Creek Basin (2019 MP-6)	\$1,620,700.00	\$891,385.00
7	12" Wastewater Main near Money Pit Rd (2019 MP-7)	\$850,100.00	\$467,555.00
8	LS #6 Expansion (2019 MP-11)	\$1,500,000.00	\$450,000.00
9	12" WW Main in Long Branch Basin (2019 MP-12)	\$1,640,600.00	\$902,330.00
10	18"/21" Main replacement in the Trimmier Creek Basin (2019 MP-13)	\$1,546,100.00	\$262,837.00
11	LS #20 Expansion (2019 MP-14)	\$350,000.00	\$273,000.00
12	12-inch Wastewater Main along Trimmier Road in the Southern Trimmier Creek Basin (2019 MP-16)	\$2,065,700	\$1,136,135
	Wastewater Impact Fee Study	\$23,334.00	\$23,334.00
<b>Total</b>		<b>\$16,289,718.00</b>	<b>\$7,001,703.00</b>

(MP#) – Reference to the Wastewater Master Plan project number.



0 5,000 10,000  
Feet



## Legend

### Wastewater Impact Fee Projects

- |  |  |
|--|--|
| ① LS #23 Expansion 6" FM & 10" GM (2012 MP-1)                  | ⑦ 12" WW Main near Money Pit Rd (2019 MP-7)                        |
| ② LS #22 Expansion (2019 MP-1)                                 | ⑧ LS #6 Expansion (2019 MP-11)                                     |
| ③ LS #8 Expansion (2019 MP-3)                                  | ⑨ 12" WW Main in Long Branch Basin (2019 MP-12)                    |
| ④ 15" WW Main Replacement in the Long Branch Basin (2019 MP-4) | ⑩ 18"/21" Main replacement in the Trimmer Creek Basin (2019 MP-13) |
| ⑤ 12"/15" WW Main (2019 MP-5)                                  | ⑪ LS #20 Expansion (2019 MP-14)                                    |
| ⑥ 12" WW Main in Trimmer Creek Basin (2019 MP-6)               | ⑫ 12" WW Main along Trimmer Rd. in the Trimmer Basin (2019 MP-16)  |
- (MP-#) Master Plan Project Number

- |  |                                 |
|--|---------------------------------|
|  | Proposed Wastewater Line        |
|  | Street Centerline               |
|  | Existing Lift Station Expansion |
|  | Proposed Lift Station (LS)      |
|  | Water & Wastewater Service Area |
|  | City Limits                     |

## 2019 Killeen Impact Fees



**Figure 2.2**  
**Wastewater Impact Fee**  
**Capital Improvement Plan**

## C. Project Descriptions

The following acronyms used within the project descriptions are as follows:

- ETJ – Extraterritorial Jurisdiction
- WWTP – Wastewater Treatment Plant
- MG – Million Gallons
- MGD – Million Gallons Per Day
- GPD – Gallons Per Day

### 1. Lift Station #23 Expansion and 6-inch Force Main/10-inch Gravity Main (2012 MP-1)

This project consists of expanding Lift Station #23 to a firm capacity of 2.5 MGD by construction of an additional 1.85 MGD capacity LS. This project will also provide stub-out for future pumping diversion through Goodnight Ranch. The new force main and gravity main will divert 0.75 MGD of flow from the South Nolan Creek Basin to the Trimmier Creek Basin through the proposed Goodnight Ranch Development.

*This 1.85 MGD lift station provides additional capacity for future development in the basin and is planned to be 70 percent utilized in the 10-year planning study window. The project cost is 70% recoverable.*

Project Cost:	\$1,118,804
Recoverable Cost:	\$783,162

### 2. Lift Station #22 Expansion (2019 MP-1)

This project involves expanding Lift Station #22 from its current capacity of 2.2 MGD to a firm capacity of 4.0 MGD. The projected growth in Lift Station #22's subbasin requires the 1.8 MGD expansion to handle future peak wet weather flow.

*Based on growth projections in the Trimmier Creek Basin, only 0.93 MGD of the added 1.8 MGD capacity will be utilized within the 10yr planning window. The project cost is 51% recoverable.*

Project Cost:	\$350,000
Recoverable Cost:	\$178,500

### 3. Lift Station #8 Expansion (2019 MP-3)

This project involves expanding Lift Station #8 from its current capacity of 3.89 MGD to a firm capacity of 6.5 MGD. The projected growth in Lift Station #8's sub-basin requires a 2.6 MGD expansion to handle future peak wet weather flow.

*Based on growth projections in the Long Branch Basin, only 1.39 MGD of the added 2.6 MGD capacity will be utilized within the 10yr planning window. The project cost is 53% recoverable.*

Project Cost:	\$1,596,680
Recoverable Cost:	\$846,241

**4. 15-inch Wastewater Main Replacement in the Long Branch Basin (2019 MP-4)**

This project involves replacing an existing 12-inch line with a 15-inch line from Scottsdale Drive to Flynn Street. The existing 12-inch line shows model predicted overflows during peak wet weather flows. The proposed 15-inch wastewater main will provide capacity to convey future peak wet weather flows.

*Based on growth projections Long Branch Basin, this line will be 42% utilized within the 10yr planning window, but since it is replacing a 12-inch line, only 19% of the project cost is recoverable.*

Project Cost:	\$1,668,500
Recoverable Cost:	\$317,015

**5. 12-inch, 15-inch Wastewater Main (2019 MP-5)**

This project involves replacing an existing 10/12/15-inch main downstream of the force main from Lift Station #21 with a 12/15-inch wastewater line. Population projections indicate that there will be growth in the areas upstream of Lift Station #24. The existing wastewater main does not have the capacity to serve the population growth and must be upsized to convey future flows.

*Based on growth projections Trimmier Creek Basin, this line will be 55% utilized at the end of the 10yr planning window, but since it is replacing an existing 10/12/15-inch line, only 24% of the project cost is recoverable.*

Project Cost:	\$1,959,200
Recoverable Cost:	\$470,208

**6. 12-inch Wastewater Main in Trimmier Creek Basin (2019 MP-6)**

This project involves a new 12-inch wastewater main north of Chaparral Road and west of Trimmier Road, which connects to the existing 27-inch line in the Trimmier Creek Basin. The new line will provide wastewater service to new customers north of Chaparral Road in the Trimmier Creek Basin.

*Based on growth projections in the Trimmier Creek Basin, this line will be 55% utilized at the end of the 10yr planning window and the project cost is 55% recoverable.*

Project Cost:	\$1,620,700
Recoverable Cost:	\$891,385

**7. 12-inch Wastewater Main near Money Pit Road (2019 MP-7)**

This project involves a proposed 12-inch wastewater main extending west from an existing 15-inch main south of Pyrite Drive in the Trimmier Creek sub-basin. The proposed line will provide service to future customers west of the existing 15-inch line.

*Based on growth projections in the Trimmier Creek Basin, this line will be 55% utilized at the end of the 10yr planning window. The project cost is 55% recoverable.*

Project Cost:	\$850,100
Recoverable Cost:	\$467,555

**8. Lift Station #6 Expansion (2019 MP-11)**

This project involves expanding Lift Station #6 from its current capacity of 17.28 MGD to a firm capacity of 24.0 MGD. This project provides operational flexibility to allow wastewater to be diverted from Lift Station #2 to Lift Station #6 and pumped to the North WWTP.

*Based on growth projections in the Long Branch Basin, 2 MGD of the added 6.7 MGD will be utilized within the 10yr planning window. The project cost is 30% recoverable.*

Project Cost:	\$1,500,000
Recoverable Cost:	\$450,000

**9. 12-inch Wastewater Main in Long Branch Basin (2019 MP-12)**

This project involves a new 12-inch wastewater main upstream of an existing 15-inch main east of Roy Reynolds Drive. The new lines will provide wastewater service to new customers east of Roy Reynolds Drive in the Long Branch Basin.

*Based on growth projections in the Long Branch Basin, this line will be 55% utilized at the end of the 10yr planning window. The project cost is 55% recoverable.*

Project Cost:	\$1,640,600
Recoverable Cost:	\$902,330

**10. 18-inch, 21-inch Main Replacement in the Trimmier Creek Basin (2019 MP-13)**

This project involves replacing existing 15/18-inch wastewater lines with new 18/21-inch lines south of Stagecoach Road. Replacing the existing line with a 18/21-inch wastewater main will provide capacity to convey future peak wet weather flows.

*Based on growth projections in the Trimmier Creek Basin, this main will be 55% utilized within the 10yr planning window, but because it is replacing a 15-inch and 18-inch line only 26% of the project cost is recoverable.*

Project Cost:	\$1,546,100
Recoverable Cost:	\$262,837

**11. Lift Station #20 Expansion (2019 MP-14)**

This project involves expanding Lift Station #20 from its current capacity of 5.9 MGD to a firm capacity of 7.25 MGD. Growth in Lift Station #20's sub basin requires a 1.4 MGD expansion to handle future peak wet weather flow.

*Based on growth projections in the Trimmier Creek Basin, the lift station will be 78% utilized by the end of the 10yr planning window. The project cost is 78% recoverable.*

Project Cost:	\$350,000
Recoverable Cost:	\$273,000

**12. 12-inch Wastewater Main along Trimmier Road in the Southern Trimmier Creek Basin (2019 MP-16)**

This project involves a new 12-inch wastewater main along the creek near Trimmier Road between Stagecoach Road and Lift Station #24. This project will provide service to existing and new customers along Trimmier Road.

*Based on growth projections in the Trimmier Creek Basin, this line will be 55% utilized at the end of the 10yr planning window and the project cost is 55% recoverable.*

Project Cost:	\$2,065,700
Recoverable Cost:	\$1,136,135

## CHAPTER 3 – ROADWAY IMPACT FEE STUDY

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# City of Killeen 2019 Roadway Impact Fees

AS PREPARED FOR THE CITY OF KILLEEN, TEXAS

## 3.1 INTRODUCTION

Chapter 395 (see Chapter 4) of the Texas Local Government Code describes the procedure Texas cities must follow in order to create and implement impact fees. Senate Bill 243 (SB 243) amended Chapter 395 in September 2001 to define an impact fee as “a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.”

The City of Killeen is developing its Land Use Assumptions and Roadway Impact Fee Capital Improvement Plan (CIP) to update the City’s existing Roadway Impact Fees. The City retained Kimley-Horn and Associates, Inc. (Kimley-Horn), to provide professional transportation engineering services for the update of the 2019 Roadway Impact Fee Study. This report includes details of the impact fee calculation methodology in accordance with Chapter 395, the applicable Land Use Assumptions, development of the Roadway Impact Fee CIP, the creation of a Land Use Vehicle-Mile Equivalency Table, and the calculation of the maximum fee to be assessed to future development.

This report introduces and references two of the basic inputs to the Roadway Impact Fee: the Land Use Assumptions and the Roadway Impact Fee Capital Improvement Plan (CIP). Information from these two components is used extensively in the remainder of the report. This report consists of a detailed discussion of the methodology for the computation of impact fees. The discussion - Methodology for Roadway Impact Fees and Impact Fee Calculation addresses each of the components of the computation and modifications required for the study. The components include:

- Service Areas;
- Service Units;
- Cost Per Service Unit;
- Cost of the Roadway Impact Fee CIP;
- Service Unit Calculation;
- Maximum Assessable Impact Fee Per Service Unit; and
- Service Unit Demand Per Unit of Development.

## 3.2 ROADWAY IMPACT FEE CALCULATION INPUTS

### A. Land Use Assumptions

In order to assess an impact fee, land use assumptions must be developed to provide the basis for population and employment growth projections within a political subdivision. As defined by Chapter 395 of the Texas Local Government Code, these assumptions include a description of changes in land uses, densities, and population in the service area. The land use assumptions used in this report were developed and presented in Chapter 1: *Land Use Assumptions for 2019 Impact Fee Study*.

Table 3.1 summarizes the residential and employment 10-year growth projections within the City Limits. It illustrates the service areas in which the 9,370 dwelling units will be located. The information provided in Table 3.1 was taken from the previously referenced *Land Use Assumptions for 2019 Impact Fee Study*.

Table 3.1. Residential and Non-Residential Land Use Assumptions  
Growth Projections (2019-2029)

SERVICE AREA	SINGLE FAMILY (DWELLING UNITS)	MULTI FAMILY (DWELLING UNITS)	BASIC (ft <sup>2</sup> )	SERVICE (ft <sup>2</sup> )	RETAIL (ft <sup>2</sup> )
A	700	600	200,000	500,000	400,000
B	4,972	1,298	500,000	1,000,000	900,000
C	1,400	400	800,000	800,000	800,000
Total	7,072	2,298	1,500,000	2,300,000	2,100,000

## B. Capital Improvement Plan

The City has identified the City-funded transportation projects needed to accommodate the projected growth within the City. According to Chapter 395, the Roadway Impact Fee CIP can include the following projects:

- Recently completed projects with excess capacity available to serve new growth – *not included in the City of Killeen*;
- Projects currently under construction (Rosewood Drive); and
- Projects identified on the City's Master Thoroughfare Plan for improvements.

The Roadway Impact Fee CIP that is proposed for the 2019 Roadway Impact Fee Study are mapped in Figure 3.1, Figure 3.2, and Figure 3.3. The Roadway Impact Fee CIP was developed in conjunction with input from City of Killeen staff and represents those projects that will be needed to accommodate the growth projected from the land use assumptions.

The various roadway classifications describe the purpose and function of each roadway. These roadway classifications are based on the City of Killeen Master Thoroughfare Plan – Functional Classification. There are five primary classifications that were used in the 2019 Killeen Roadway Impact Fee Study. These classifications are:

- Principal Arterial
- Minor Arterial
- Collector
- Marginal Access
- Local Street

Each of the classifications above has different assumed vehicular capacities assigned to them (see Table 3.2) based on their roadway characteristics and existing geometry. Freeways are designed to move the most traffic and provide a larger amount of capacity. Existing thoroughfares provide for travel between neighborhoods and commercial areas or serve as routes for thru-traffic. A collector's primary function is to bring traffic from local streets to the thoroughfare streets. Collectors are intended to move less traffic and are designed with lower vehicular capacity than arterial facilities. Local streets are not budgeted for in the Roadway Impact Fee CIP process and, in turn, impact fees.

Table 3.2. Level of Use for the Existing/Proposed Facilities  
(used in Appendix A – Service Units of Supply)

Roadway Type	Description	Hourly Vehicle-Mile Capacity per Lane-Mile of Roadway Facility
M2U	Two Lane Undivided Marginal Access	425
C2U	Two Lane Undivided Residential Collector	425
C3U	Three Lane Undivided Mixed Collector	550
C4U	Four Lane Undivided Commercial Collector	500
C5U	Five Lane Undivided Commercial Collector	575
A4U	Four Lane Undivided Minor Arterial	600
A5U	Five Lane Undivided Minor Arterial	650
A4D	Four Lane Divided Principal Arterial	750
A8U	Eight Lane Undivided Principal Arterial	950

#### I. CIP Project Summary and Description

Below is a list of the Roadway Impact Fee CIP projects used to develop the Roadway Impact Fee. The Estimated Projected costs are based on the Transportation Capital Improvements Program (CIP). Estimated Impact Fee Applicable Costs reflect the estimated cost of the CIP project applied to how much of the project is located in each of the three service areas.

##### A-1. SH 195 Overpass – Service Area A From Avenue E (FM 439) to Business 190

The purpose of the SH 195 Overpass is to improve travel times and accessibility to Fort Hood as well as addressing the congestion problems at the intersection of SH 195 and Business 190. The project will include the construction of an overpass for SH 195 over Business 190 and the nearby BNSF rail-line.

Estimated Project Cost:	\$20,000,000 (CIP Plan)
Estimated Impact Fee Applicable Cost:	\$4,000,000
	(20% of City contribution to TxDOT)

A-2, C-1. Jasper Drive Overpass – Service Area A and Service Area C  
From Florence Road to US 190

The Jasper Drive Overpass involves the reconstruction of the current overpass at the intersection of Jasper Drive and US 190. This project aims to improve safety conditions and increase capacity in a congested area where Florence Road and Jasper Drive intersection crosses US 190.

Estimated Project Cost:	\$24,628,150 (CIP Plan)
Estimated Impact Fee Applicable Cost:	\$4,925,630
	(20% of City Contribution to to TxDOT split between Service Areas)

A-3. WS Young Drive – Service Area A  
From US 190 to Illinois Avenue

This project aims to improve efficiency and safety along WS Young Drive by reconfiguring traffic signals and making median improvements to help manage access to adjacent businesses and alleviate traffic congestion.

Estimated Project Cost:	\$4,889,546 (CIP Plan)
Estimated Impact Fee Cost:	\$4,889,546

Cunningham Road CIP Project –US 190 to FM 3470

*As outlined in the Draft CIP Plan, the planned reconstruction of Cunningham Road spans 1.27 miles from US 190 to FM 3470 at a cost of \$7,817,350. These projects include B-1 and B-2. The costs of these two projects were determined by dividing the length of the Impact Fee project by the total 1.27 mile length. Next, this quantity was multiplied by the \$7,817,350 CIP Plan cost estimate for the Cunningham Road reconstruction.*

B-1. Cunningham Road (1) – Service Area B  
From US 190 to Little Nolan Road

This project entails the construction of a new segment of Cunningham Road extending from US 190 and Little Nolan Road. The project will provide a more efficient route for north-south movement as well as relieve congestion along Stan Schlueter Loop (FM 3470), WS Young Drive and Elms Road. Project B-1 encompasses 45% of the length of the Cunningham Road CIP Plan Project.

Estimated Project Cost:	\$3,517,808 (45% of the CIP Plan)
Estimated Impact Fee Cost:	\$3,517,808

B-2. Cunningham Road (2) – Service Area B  
From Little Nolan Road to Stan Schlueter Loop (FM 3470)

This project includes the reconstruction of the existing segment of Cunningham Road from Little Nolan Road to Stan Schlueter Loop (FM 3470) from a two-lane facility to a three-lane collector with a center turning lane. The project will provide a more efficient route for north-south movement as well as relieve congestion along Stan Schlueter Loop (FM 3470), WS Young Drive and Elms Road. Project B-2 encompasses 55% of the length of the Cunningham Road CIP Plan Project.

Estimated Project Cost:	\$4,299,542 (55% of the CIP Plan)
Estimated Impact Fee Cost:	\$4,299,542

B-3. Trimmier Road – Service Area B  
From Stagecoach Road to Chaparral Road

This project entails the reconstruction of Trimmier Road from Stagecoach Road to Chaparral Road from a two-lane facility to a four-lane divided roadway with a median. Due to new development and the building of a large education complex nearby, these improvements are needed in response to increased traffic volumes along Trimmier Road.

Estimated Project Cost:	\$6,873,825 (CIP Plan)
Estimated Impact Fee Cost:	\$6,873,825

B-4. Featherline Drive – Service Area B  
From Stagecoach Road to Killeen's city limit

This project consists of the reconstruction of Featherline Drive to a five-lane arterial including a center turning lane between Stagecoach Road and Chaparral Road. This project will also involve the construction of roundabouts where Featherline Road intersects Stagecoach Road and WS Young Drive.

Estimated Project Cost:	\$7,886,382 (CIP Plan)
Estimated Impact Fee Cost:	\$7,886,382

## B-5. E. Trimmier Road – Service Area B

From Stagecoach Road to Killeen's city limit

This project entails the reconstruction of E. Trimmier Road to a five-lane arterial between Stagecoach Road and Killeen's city limits. Enhancements to this segment of E. Trimmier Road are necessary to accommodate an anticipated increase in traffic volumes due to the construction of new residential developments nearby. Project B-5 encompasses 62% of the length of the E. Trimmier Road CIP Plan Project.

Estimated Project Cost:	\$3,749,140 (62% of the CIP Plan)
Estimated Impact Fee Cost:	\$3,749,140

## B-6. E. Trimmier Road – Service Area B/ETJ

From Killeen's city limit To Chaparral Road

This project entails the reconstruction of E. Trimmier Road to a five-lane arterial between Killeen's city limits and Chaparral Road. Enhancements to this segment of E. Trimmier Road are necessary to accommodate an anticipated increase in traffic volumes due to the construction of new residential developments nearby. Project B-6 encompasses 38% of the length of the E. Trimmier Road CIP Plan Project.

Estimated Project Cost:	\$2,297,860 (38% of the CIP Plan)
Estimated Impact Fee Cost:	\$1,148,930

## Chaparral Road CIP Project – SH 195 to FM 3481

*As outlined in the Draft CIP Plan, the planned reconstruction of Chaparral Road spans 6.34 miles from SH 195 to FM 3481 at a cost of \$23,000,000. Portions of this CIP project are located both within and outside of Killeen's city limit boundary. Approximately 56% of the widening project exists within the city limits. Due to this fact, the reconstruction of Chaparral Road is broken up into four projects for the 2019 Roadway Impact Fee Study, consisting of the portions of Chaparral Road that are positioned within the corporate limits of Killeen. These projects include B-7, B-8, B-9 and B-10. The costs of these four projects were determined by dividing the length of the Impact Fee project by the total 6.34 mile length. Next, this quantity was multiplied by the \$23,000,000 CIP Plan cost estimate for the Chaparral Road reconstruction. When Chaparral Road borders the extraterritorial jurisdiction only 50% of the project costs were included in the Roadway Impact Fee CIP.*

B-7. Chaparral Road (1) – Service Area B/ETJ  
From SH 195 to Trimmier Road

This project entails the reconstruction of Chaparral Road extending from SH 195 to Trimmier Road into a four-lane divided arterial. The length of this project is 1.30 miles. This length shows that Project B-7 encompasses 21% of the length of the Chaparral Road CIP Plan Project.

Estimated Project Cost:	\$4,830,000 (21% of City Estimate)
Estimated Impact Fee Cost:	\$2,415,000

B-8. Chaparral Road (2) – Service Area B/ETJ  
From Trimmier Road to Featherline Drive

This project entails the reconstruction of Chaparral Road extending from Trimmier Road to Featherline Drive into a four-lane divided arterial. The length of this project is 0.83 miles. This length shows that Project B-8 encompasses 13% of the Chaparral Road CIP Plan project.

Estimated Project Cost:	\$2,990,000 (13% of City Estimate)
Estimated Impact Fee Cost:	\$1,495,000

B-9. Chaparral Road (3) – Service Area B/ETJ  
From East Trimmier Road to 325 feet west of Money Pit Road

This project entails the reconstruction of the segment of Chaparral Road extending from East Trimmier Road to 325 feet west of Money Pit Road into a four-lane divided arterial. The length of this project is 0.47 miles. This length shows that Project B-9 encompasses 7% of the Chaparral Road CIP Plan project.

Estimated Project Cost:	\$1,610,000 (7% of the City Estimate)
Estimated Impact Fee Cost:	\$805,000

**B-10. Chaparral Road (4) – Service Area B/ETJ**

From 325 feet west of Money Pit Road to 700 feet east of Rosewood Drive

This project entails the reconstruction of Chaparral Road extending from 325 feet west of Money Pit Road to approximately 700 feet east of Rosewood Drive into a four-lane divided arterial. The length of this project is 0.94 miles. This length shows that Project B-10 encompasses 15% of the Chaparral Road CIP Plan project.

Estimated Project Cost:	\$3,450,000 (15% of the City Estimate)
Estimated Impact Fee Cost:	\$1,725,000

**B-11. Rosewood Drive – Service Area B**

From Serpentine Drive to Chaparral Road

This project will extend Rosewood Drive from its current terminus south of Serpentine Drive to Chaparral Road. The extension of Rosewood Drive will consist of a new five-lane arterial including a center turning lane. This extension is currently under construction at a cost \$7,826,151 and a design cost of \$741,623, for a total cost of \$8,567,774.

Actual Project Cost:	\$8,567,774 (Bid Tabs)
Estimated Impact Fee Cost:	\$8,567,774

**C-2. Florence Road – Service Area C**

From Jasper Drive to Elms Road

This project entails the widening of Florence Road between Jasper Drive and Elms Road. This widening is necessary due to the increase traffic levels anticipated to occur when TxDOT reconstructs the Jasper Drive Overpass (see Project A-2, C-1). This project adds additional capacity to this segment of Florence Road by widening the existing three-lane facility to a five-lane arterial including a center turning lane, sidewalks, and bicycle lanes.

Estimated Project Cost:	\$6,292,450 (CIP Plan)
Estimated Impact Fee Cost:	\$6,292,450

C-3. Mohawk Drive (1) – Service Area C  
From Bunny Trail to Castle Gap

This project entails the construction of a new segment of Mohawk Drive from Bunny Trail to Castle Gap. The new roadway will be built as a five-lane arterial including a center turning lane.

Estimated Project Cost:	\$6,771,000 (Appendix B)
Estimated Impact Fee Cost:	\$6,771,000

C-4. Mohawk Drive (2) – Service Area C/ETJ  
From Castle Gap to 2,494 feet east of Castle Gap

This project includes the construction of a new segment of Mohawk Drive from Castle Gap to approximately 2,494 feet east of Castle Gap. The new roadway will be built as a five-lane arterial including a center turning lane.

Estimated Project Cost:	\$4,665,000 (Appendix B)
Estimated Impact Fee Cost:	\$2,332,500

C-5. Mohawk Drive (3) – Service Area C  
From 2,494 feet east of Castle Gap to Atlas Avenue

This project includes the construction of a new segment of Mohawk Drive starting approximately 2,494 feet east of Castle Gap and ending at Atlas Avenue. The new roadway will be built as a five-lane arterial including a center turning lane.

Estimated Project Cost:	\$13,226,000 (Appendix B)
Estimated Impact Fee Cost:	\$13,226,000

C-6. Future N/S Collector – Service Area C  
From Mohawk Drive to Clear Creek Road

This project includes the construction of a new north-south oriented collector facility from beginning at the proposed Mohawk Drive extension and proceeding south to intersect with Clear Creek Road. The new roadway will be built as a four-lane undivided arterial.

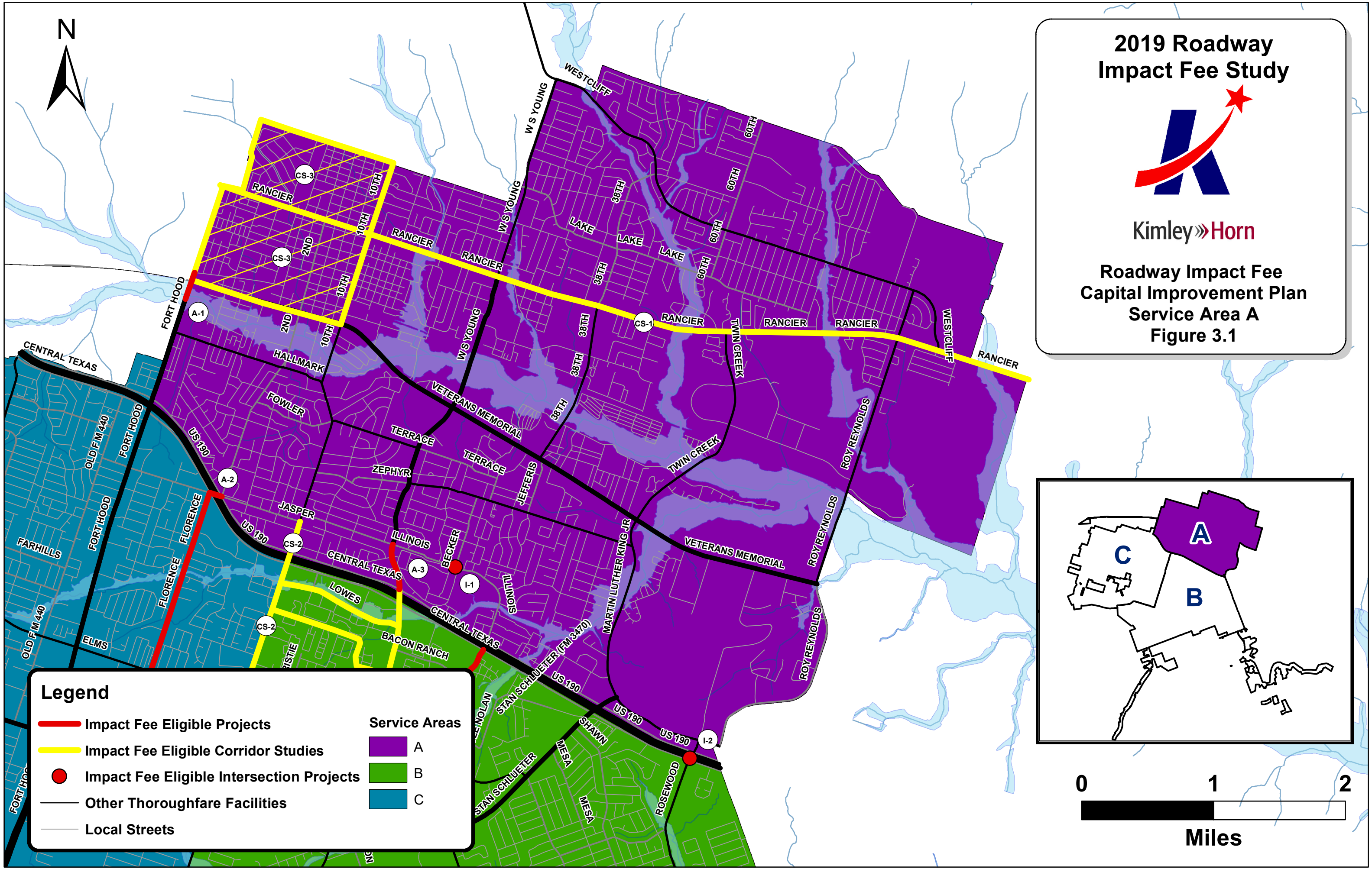
Estimated Project Cost:	\$2,632,000 (Appendix B)
Estimated Impact Fee Cost:	\$2,632,000

The following table below highlights the intersection improvement projects by Service Area that are included in the 2019 Roadway Impact Fee Study:

<b>Intersection Projects</b>				
<u>Service Area</u>	<u>Project #</u>	<u>Project</u>	<u>Limits</u>	<u>Project Cost</u>
A	I-1	Intersection Improvements	Illinois Avenue & Becker Drive	\$ 400,000.00
A/B	I-2	Intersection Improvements	US 190 & Rosewood Drive	\$ 400,000.00
B	I-3	Intersection Improvements	Stagecoach Rd. & W.S. Young Dr.	\$ 400,000.00
B	I-4	Intersection Improvements	Stagecoach Rd. & Featherline Rd.	\$ 400,000.00
B	I-5	Intersection Improvements	Stagecoach Rd. & Cunningham Rd.	\$ 400,000.00
B	I-6	Intersection Improvements	Stagecoach Rd. & East Trimmier Rd.	\$ 400,000.00
B	I-7	Intersection Improvements	FM 3470 (Stan Schlueter Loop) & Mesa Drive	\$ 400,000.00
B	I-8	Intersection Improvements	FM 3470 (Stan Schlueter Loop) & Onion Road	\$ 400,000.00
B	I-9	Intersection Improvements	WS Young Drive & Bacon Ranch Road	\$ 400,000.00
B	I-10	Intersection Improvements	SH 195 & Chaparral Road	\$ 400,000.00
B	I-11	Intersection Improvements	Trimmier Road & Chaparral Road	\$ 400,000.00
B	I-12	Intersection Improvements	Featherline Road & Chaparral Road	\$ 400,000.00
C	I-13	Intersection Improvements	Bunny Trail & Clear Creek Rd.	\$ 400,000.00
C	I-14	Intersection Improvements	Jake Spoon Road & FM 3470 (Stan Schlueter Loop)	\$ 400,000.00
C	I-15	Intersection Improvements	SH 195 & Pershing Drive	\$ 400,000.00
C	I-16	Intersection Improvements	SH 201 & John David Drive	\$ 400,000.00

The following table below highlights the Corridor Studies by Service Area that are included in the 2019 Roadway Impact Fee Study:

Corridor Studies					
<u>Service Area</u>	<u>Project #</u>	<u>Project</u>	<u>Limits</u>		<u>Project Cost</u>
A	CS-1	Rancier Avenue	Fort Hood Entrance (US 190)		\$ 225,000.00
A/B/C	CS-2	Commercial Corridor Access	Trimmier Rd., WS Young Dr., Lowe's Blvd., Bacon Ranch Rd.		\$ 125,000.00
A	CS-3	One-Way Street Conversion	Downtown Killeen		\$ 225,000.00
B	CS-4	SH 195 South	Clear Creek Dr. (SH 201)	FM 2484	\$ 175,000.00
C	CS-5	Clear Creek Rd./SH 201	Watercrest Road	Mohawk Drive	\$ 250,000.00



# 2019 Roadway Impact Fee Study



Kimley»Horn

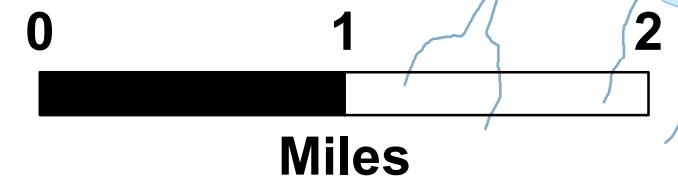
Roadway Impact Fee  
Capital Improvement Plan  
Service Area A  
Figure 3.1

## Legend

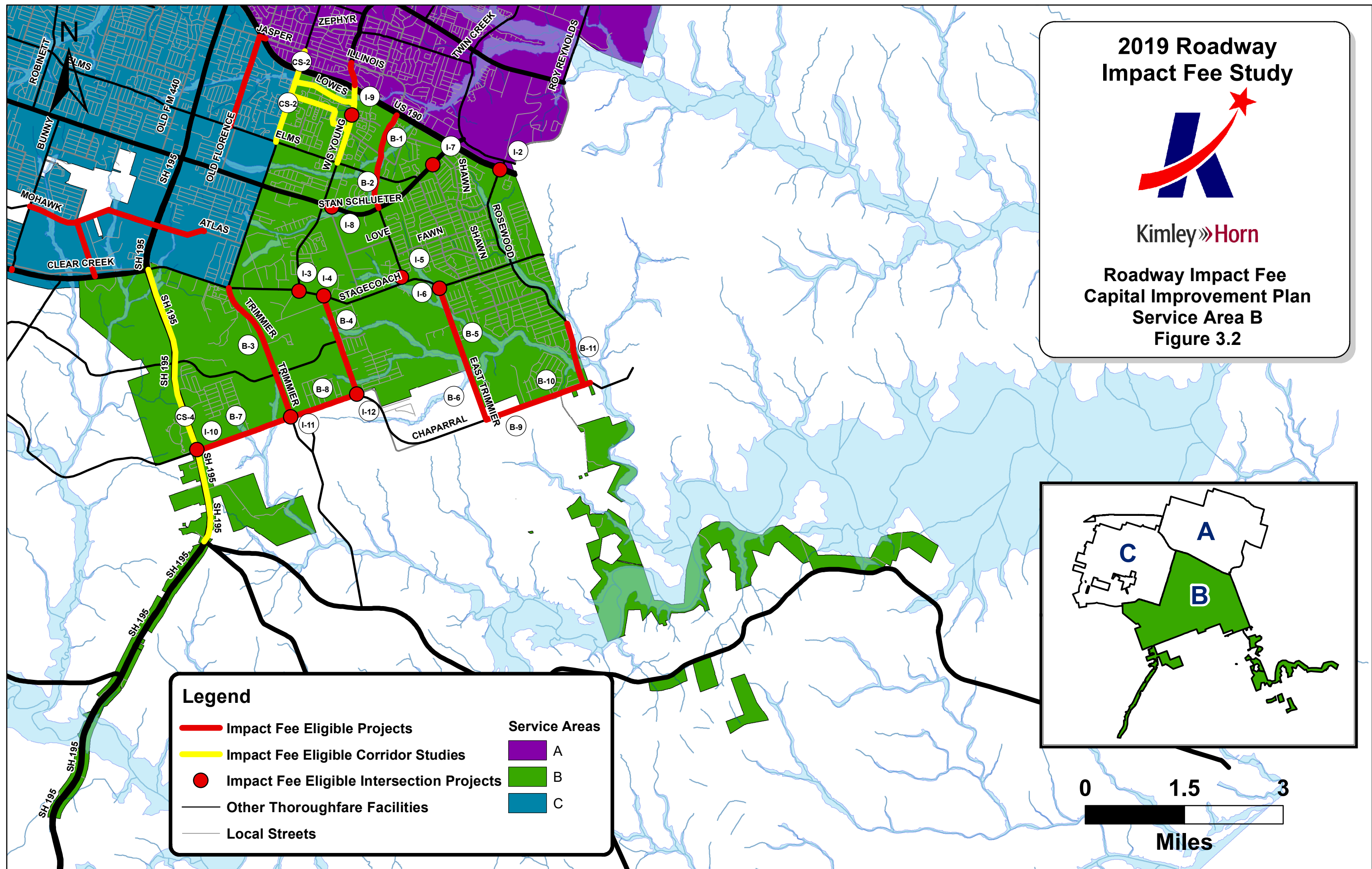
- Impact Fee Eligible Projects
- Impact Fee Eligible Corridor Studies
- Impact Fee Eligible Intersection Projects
- Other Thoroughfare Facilities
- Local Streets

## Service Areas

- A
- B
- C



**Roadway Impact Fee  
Capital Improvement Plan  
Service Area B  
Figure 3.2**





# 2019 Roadway Impact Fee Study



Kimley»Horn

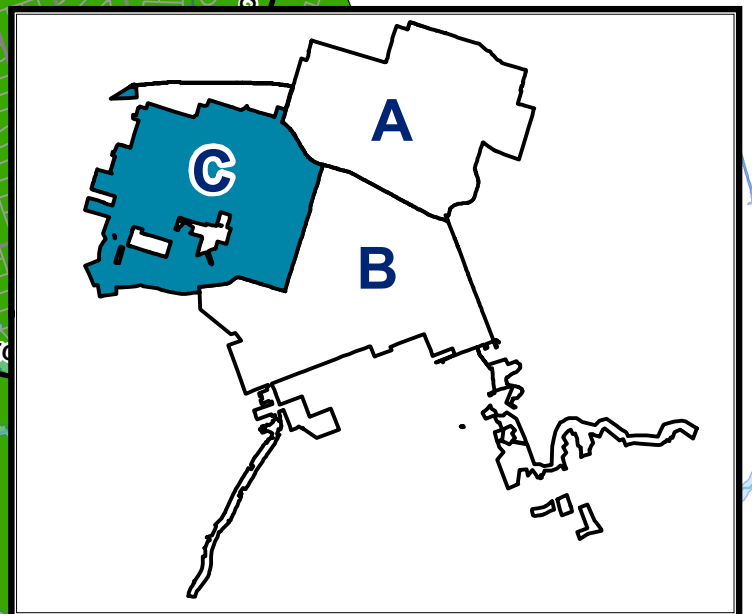
Roadway Impact Fee  
Capital Improvement Plan  
Service Area C  
Figure 3.3

### Legend

- Impact Fee Eligible Projects
- Impact Fee Eligible Corridor Studies
- Impact Fee Eligible Intersection Projects
- Other Thoroughfare Facilities
- Local Streets

### Service Areas

- A
- B
- C



### 3.3 METHODOLOGY FOR ROADWAY IMPACT FEES

#### A. Service Area

The service areas used in the 2019 Roadway Impact Fee Study are shown in the previously referenced Figure 1.2. Chapter 395 of the Texas Local Government Code specifies that “the service areas are limited to an area within the corporate boundaries of the political subdivision and shall not exceed six (6) miles.” Based on the guidance in Chapter 395 and examination of the City of Killeen, three roadway service areas were deemed appropriate. These service areas cover the corporate boundary of the City of Killeen. The service area locations are listed below:

- Service Area A is located north of US 190.
- Service Area B is located south of US 190 and east of West Trimmier Road. Service Area B also extends west of West Trimmier Road, south of Clear Creek Road.
- Service Area C encompasses the remaining western region within the city limits and is located south of US 190 and north of Clear Creek Road to the west of West Trimmier Road.

#### B. Service Units

The “service unit” is a measure of consumption or use of the roadway facilities by new development. In other words, it is the measure of supply and demand for roads in the City. For transportation purposes, the service unit is defined as a vehicle-mile. On the supply side, this is a lane-mile of an arterial street. On the demand side, this is a vehicle-trip of one-mile in length. The application of this unit as an estimate of either supply or demand is based on travel during the afternoon peak hour of traffic. This time period is commonly used as the basis for transportation planning and the estimation of trips created by new development.

Another aspect of the service unit is the service volume that is provided (supplied) by a lane-mile of roadway facility. This number, also referred to as capacity, is a function of the facility type, facility configuration, number of lanes, and level of service.

The hourly service volumes used in the 2019 Roadway Impact Fee Study are based upon Thoroughfare Capacity criteria developed in the Highway Capacity Manual but have been adjusted to the City of Killeen Master Thoroughfare Plan. Table 3.2 shows the service volumes utilized in this report.

### C. Cost Per Service Unit

A fundamental step in the impact fee process is to establish the cost for each service unit. In the case of the roadway impact fee, this is the cost for each vehicle-mile of travel. This cost per service unit is the cost to construct a roadway (lane-mile) needed to accommodate a vehicle-mile of travel at a level of service corresponding to the City's standards. The cost per service unit is calculated for each service area based on a specific list of projects within that service area.

The second component of the cost per service unit is the number of service units in each service area. This number is the measure of the growth in transportation demand that is projected to occur in the ten-year period. Chapter 395 requires that Impact Fees be assessed only to pay for growth projected to occur in the city limits within the next ten years, a concept that will be covered in a later section of this report (see Section 2.4.E). As noted earlier, the units of demand are vehicle-miles of travel.

### D. Cost of the CIP

The costs that may be included in the cost per service unit are all of the implementation costs for the 2019 Roadway Impact Fee Study, as well as project costs for thoroughfare system elements within the Capital Improvement Plan. Chapter 395 of the Texas Local Government Code specifies that the allowable costs are "...including and limited to the:

1. Construction contract price;
2. Surveying and engineering fees;
3. Land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and
4. Fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the Capital Improvement Plan who is not an employee of the political subdivision."

A majority of the projects have recently been analyzed for both feasibility and cost in the 2019 Thoroughfare Plan. When available, those previously identified planning level costs were then utilized for the study.

Table 3.3 lists the Roadway Impact Fee CIP projects for the City of Killeen with conceptual level project cost projections. It should be noted that these tables reflect only conceptual-level opinions or assumptions regarding the portions of future project costs that are potentially recoverable through impact fees. These costs are estimated using various City of Killeen

documents and recent bid tabs of similar projects in the City of Killeen. Actual costs of construction are likely to change with time and are dependent on market and economic conditions that cannot be precisely predicted at this time.

This Roadway Impact Fee CIP establishes the list of projects for which impact fees may be utilized. Essentially, it establishes a list of projects for which an impact fee funding program can be established. This is different from a City's construction CIP, which provides a broad list of capital projects for which the City is committed to building. The cost projections utilized in this study should not be utilized for the City's building program or construction CIP.

Table 3.3. 10-Year Roadway Impact Fee CIP with Conceptual Level Cost Projections

Service Area	Proj. #	Class	Roadway	Limits	Length (mi)	% in Service Area	Total Project Cost	Cost in Service Area
SA A	A-1	Overpass (A4U)	S.H. 195 (1)	Avenue E (FM 439) to Business 190	0.18	100%	\$ 4,000,000	\$ 4,000,000
	A-2, C-1	Overpass (A8U)	Jasper Drive (A)	Florence Road to US 190	0.08	50%	\$ 4,925,630	\$ 2,462,815
	A-3	A4D	W.S. Young Drive	US 190 to Illinois Avenue	0.30	100%	\$ 4,889,546	\$ 4,889,546
	I-1	Intersection	Intersection Improvements	Illinois Avenue & Becker Drive	-	100%	\$ 400,000	\$ 400,000
	I-2	Intersection	Intersection Improvements	US 190 & Rosewood Drive	-	50%	\$ 400,000	\$ 200,000
	CS-1	Corridor Study	Rancier Avenue	Fort Hood Entrance	-	100%	\$ 225,000	\$ 225,000
	CS-2	Corridor Study	Commercial Corridor Access	Trimmer Rd., WS Young Dr., Lowe's Blvd., Bacon Ranch Rd.	-	8%	\$ 125,000	\$ 10,000
	CS-3	Corridor Study	One-Way Street Conversion	Downtown Killeen (Conversion of downtown streets from 2-way streets to one-way)	-	100%	\$ 225,000	\$ 225,000
				<b>Service Area Project Cost Subtotal</b>			<b>\$ 11,352,361</b>	
				<b>Service Area Intersection Project Cost Subtotal</b>			<b>\$ 600,000</b>	
				<b>Service Area Corridor Study Project Cost Subtotal</b>			<b>\$ 460,000</b>	
				<b>2019 Roadway Impact Fee Cost Per Service Area</b>			<b>\$ 7,778</b>	
				<b>Total Cost in SERVICE AREA A</b>			<b>\$ 12,420,139</b>	
Service Area	Proj. #	Class	Roadway	Limits	Length (mi)	% in Service Area	Total Project Cost	Cost in Service Area
SA B	B-1	C3U	Cunningham Road (1)	US Hwy 190 to Little Nolan Road	0.57	100%	\$ 3,517,808	\$ 3,517,808
	B-2	C3U	Cunningham Road (2)	Little Nolan Road to Stan Schluter Loop (FM 3470)	0.70	100%	\$ 4,299,542	\$ 4,299,542
	B-3	A5U	Trimmer Road	Stagecoach Road to Chaparral Road	1.89	100%	\$ 6,873,825	\$ 6,873,825
	B-4	A5U	Featherline Drive	Stagecoach Road to City Limit	1.34	100%	\$ 7,886,382	\$ 7,886,382
	B-5	A5U	E. Trimmer Road (1)	Stagecoach Road to City Limit	1.13	100%	\$ 3,749,140	\$ 3,749,140
	B-6	A5U	E. Trimmer Road (2)	City Limit to Chaparral Road	0.69	50%	\$ 2,297,860	\$ 1,148,930
	B-7	A4D	Chaparral Road (1)	SH 195 to Trimmer Road	1.30	50%	\$ 4,830,000	\$ 2,415,000
	B-8	A4D	Chaparral Road (2)	Trimmer Road to Featherline Drive	0.83	50%	\$ 2,990,000	\$ 1,495,000
	B-9	A4D	Chaparral Road (3)	East Trimmer Road to 325' West of Money Pit Road	0.47	50%	\$ 1,610,000	\$ 805,000
	B-10	A4D	Chaparral Road (4)	325' West of Money Pit Road to 700' East of Rosewood Drive	0.94	50%	\$ 3,450,000	\$ 1,725,000
	B-11	A5U	Rosewood Drive	Chaparral Road to Serpentine Drive	0.83	100%	\$ 8,567,774	\$ 8,567,774
	I-2	Intersection	Intersection Improvements	US 190 & Rosewood Drive	-	50%	\$ 400,000	\$ 200,000
	I-3	Intersection	Intersection Improvements	Stagecoach Rd. & W.S. Young Dr.	-	100%	\$ 400,000	\$ 400,000
	I-4	Intersection	Intersection Improvements	Stagecoach Rd. & Featherline Rd.	-	100%	\$ 400,000	\$ 400,000
	I-5	Intersection	Intersection Improvements	Stagecoach Rd. & Cunningham Rd.	-	100%	\$ 400,000	\$ 400,000
	I-6	Intersection	Intersection Improvements	Stagecoach Rd. & East Trimmer Rd.	-	100%	\$ 400,000	\$ 400,000
	I-7	Intersection	Intersection Improvements	FM 3470 (Stan Schluter Loop) & Mesa Drive	-	100%	\$ 400,000	\$ 400,000
	I-8	Intersection	Intersection Improvements	FM 3470 (Stan Schluter Loop) & Onion Road	-	100%	\$ 400,000	\$ 400,000
	I-9	Intersection	Intersection Improvements	WS Young Drive & Bacon Ranch Road	-	100%	\$ 400,000	\$ 400,000
	I-10	Intersection	Intersection Improvements	SH 195 & Chaparral Road	-	100%	\$ 400,000	\$ 400,000
	I-11	Intersection	Intersection Improvements	Trimmer Road & Chaparral Road	-	50%	\$ 400,000	\$ 200,000
	I-12	Intersection	Intersection Improvements	Featherline Road & Chaparral Road	-	50%	\$ 400,000	\$ 200,000
	CS-2	Corridor Study	Commercial Corridor Access	Trimmer Rd., WS Young Dr., Lowe's Blvd., Bacon Ranch Rd.	-	80%	\$ 125,000	\$ 100,000
	CS-4	Corridor Study	SH 195 South	Clear Creek Dr. (SH 201) to FM 2484	-	100%	\$ 175,000	\$ 175,000
				<b>Service Area Project Cost Subtotal</b>			<b>\$ 42,483,401</b>	
				<b>Service Area Intersection Project Cost Subtotal</b>			<b>\$ 3,800,000</b>	
				<b>Service Area Corridor Study Project Cost Subtotal</b>			<b>\$ 275,000</b>	
				<b>2019 Roadway Impact Fee Cost Per Service Area</b>			<b>\$ 7,778</b>	
				<b>Total Cost in SERVICE AREA B</b>			<b>\$ 46,566,179</b>	
Service Area	Proj. #	Class	Roadway	Limits	Length (mi)	% in Service Area	Total Project Cost	Cost in Service Area
SA C	A-2, C-1	Overpass (A8U)	Jasper Drive (C)	Florence Road to US 190	0.08	50%	\$ 4,925,630	\$ 2,462,815
	C-2	C5U	Florence Road	Jasper Drive to Elms Road	1.22	100%	\$ 6,292,450	\$ 6,292,450
	C-3	A5U	Mohawk Drive (1)	Bunny Trail to Castle Gap	0.64	100%	\$ 6,771,000	\$ 6,771,000
	C-4	A5U	Mohawk Drive (2)	Castle Gap to 2,494' East of Castle Gap	0.47	50%	\$ 4,665,000	\$ 2,332,500
	C-5	A5U	Mohawk Drive (3)	2,494 East of Castle Gap to Atlas Avenue	1.29	100%	\$ 13,226,000	\$ 13,226,000
	C-6	C4U	Future N/S Collector	Mohawk Drive to Clear Creek Road	0.74	100%	\$ 2,632,000	\$ 2,632,000
	I-13	Intersection	Intersection Improvements	Bunny Trail & Clear Creek Rd.	-	100%	\$ 400,000	\$ 400,000
	I-14	Intersection	Intersection Improvements	Jake Spoon Road & FM 3470 (Stan Schluter Loop)	-	100%	\$ 400,000	\$ 400,000
	I-15	Intersection	Intersection Improvements	SH 195 & Pershing	-	100%	\$ 400,000	\$ 400,000
	I-16	Intersection	Intersection Improvements	SH 201 & John David	-	100%	\$ 400,000	\$ 400,000
	CS-2	Corridor Study	Commercial Corridor Access	Trimmer Rd., WS Young Dr., Lowe's Blvd., Bacon Ranch Rd.	-	12%	\$ 125,000	\$ 15,000
	CS-5	Corridor Study	Clear Creek Rd./SH 201	Watercrest Road to Mohawk Drive	-	100%	\$ 250,000	\$ 250,000
				<b>Service Area Project Cost Subtotal</b>			<b>\$ 33,716,765</b>	
				<b>Service Area Intersection Project Cost Subtotal</b>			<b>\$ 1,600,000</b>	
				<b>Service Area Corridor Study Project Cost Subtotal</b>			<b>\$ 265,000</b>	
				<b>2019 Roadway Impact Fee Cost Per Service Area</b>			<b>\$ 7,778</b>	
				<b>Total Cost in SERVICE AREA C</b>			<b>\$ 35,589,543</b>	

## Notes:

- The planning level cost projections have been developed for Impact Fee calculations only and should not be used for any future Capital Improvement Planning within the City of Killeen.
- The planning level cost projections shall not supersede the City's design standards or the determination of the City Engineer for a specific project.

## E. Service Unit Calculation

The basic service unit for the computation of the City of Killeen's roadway impact fees is the vehicle-mile of travel during the afternoon peak hour. To determine the cost per service unit, it is necessary to project the growth in vehicle-miles of travel for the service area for the ten-year study period.

The growth in vehicle-miles from 2019 to 2029 is based upon projected changes in residential and non-residential growth for the period. In order to determine this growth, baseline estimates of population, basic square feet, service square feet, and retail square feet for 2019 were made, along with projections for each of these demographic statistics through 2029 using known development information provided by the City of Killeen. The Land Use Assumptions (see Table 3.1) detail the growth estimates used for the impact fee determination.

For the purpose of impact fees, all developed and developable land is categorized as either residential or non-residential. For residential land uses, the existing and projected population is converted to dwelling units. The number of dwelling units in each service area is multiplied by a transportation demand factor to compute the vehicle-miles of travel that occur during the afternoon peak hour. This factor computes the average amount of demand caused by the residential land uses in the service area. The transportation demand factor is discussed in more detail below.

For non-residential land uses, the process is similar. The Land Use Assumptions provide the existing and projected amount of building square footages for three (3) categories of non-residential land uses – basic, service, and retail. These categories correspond to an aggregation of other specific land use categories based on the North American Industrial Classification System (NAICS).

Building square footage is the most common independent variable for the estimation of non-residential trips in the Institute of Transportation Engineers' (ITE), Trip Generation Manual, 10th Edition. This independent variable is more appropriate than the number of employees because building square footage is tied more closely to trip generation and is known at the time of application for any development or development modification that would require the assessment of an impact fee.

The existing and projected land use assumptions for the dwelling units and the square footage of basic, service, and retail land uses provide the basis for the projected increase in vehicle-

miles of travel. As noted earlier, a transportation demand factor is applied to these values and then summed to calculate the total peak-hour vehicle-miles of demand for each service area.

The transportation demand factors are aggregate rates derived from two sources – the *ITE Trip Generation Manual, 10th Edition*, and the regional Origin-Destination Travel Survey performed by the National Household Travel Survey (NHTS). The *ITE Trip Generation Manual* provides the number of trips that are produced or attracted to the land use for each dwelling unit, square foot of building, or other corresponding unit. For the retail category of land uses, the rate is adjusted to account for the fact that a percentage of retail trips are made by people who would otherwise be traveling past that particular establishment anyway, such as a trip between work and home. These trips are called pass-by trips, and since the travel demand is accounted for in the land use calculations relative to the primary trip, it is necessary to discount the retail rate to avoid double counting trips.

The next component of the transportation demand factor accounts for the length of each trip. The average trip length for each category is based on a trip analysis of Killeen using the Network Analyst Function in ArcGIS 10.2.

The computation of the *transportation demand factor* is detailed in the following equation:

$$TDF = T * (1 - P_b) * L_{\max}$$

where...  $L_{\max} = \min(L * OD \text{ or } SA_L)$

Variables:

TDF	= Transportation Demand Factor;
T	= Trip Rate (peak hour trips / unit);
P <sub>b</sub>	= Pass-By Discount (% of trips);
L <sub>max</sub>	= Maximum Trip Length (miles);
L	= Average Trip Length (miles);
OD	= Origin-Destination Reduction (50%); and
SA <sub>L</sub>	= Max Service Area Trip Length (see Table 3.4).

The adjustment made to the average trip length (L) statistic in the computation of the maximum trip length (L<sub>max</sub>) is the origin-destination reduction (OD). This adjustment is made because the roadway impact fee is charged to both the origin and destination end of the trip. For example, the impact fee methodology will account for a trip from home to work within the City of Killeen to both residential and non-residential land uses. To avoid counting these trips as both residential and non-residential trips, a 50% origin-destination (OD) reduction factor is applied. Therefore, only half of the trip length is assessed to each land use.

Table 3.4 shows the derivation of the Transportation Demand Factor for the two (2) residential land uses and the three (3) non-residential land uses. The values utilized for all variables shown in the Transportation Demand Factor equation are also shown in the table.

Table 3.4. Transportation Demand Factor Calculations

Variable	Residential, Single Family	Residential, Multi-Family	Basic (General Light Industrial)	Service (General Office)	Retail (Shopping Center)
T	0.99	0.44	0.63	1.15	3.81
P <sub>b</sub>	0%	0%	0%	0%	34%
T (with P <sub>b</sub> )	0.99	0.44	0.63	1.15	2.51
L (miles)	8.2	8.2	10.02	6.0	6.7
SA <sub>L</sub>	6.0	6.0	6.0	6.0	6.0
L <sub>max</sub> * (miles)	4.10	4.10	5.01	3.0	3.35
TDF	4.06	1.80	3.16	3.45	8.41

The application of the demographic projections and the transportation demand factors are presented in the 10-Year Growth Projections in Table 3.5. This table shows the total vehicle-miles by service area for the years 2019-2029. These estimates and projections lead to the Vehicle Miles of Travel for 2019-2029.

Table 3.5. 10-Year Growth Projections

2019 - 2029 Growth Projections																
SERVICE AREA	RESIDENTIAL VEHICLE-MILES <sup>1</sup>				NON-RESIDENTIAL SQUARE FEET <sup>5</sup>			TRANS. DEMAND FACTOR <sup>6</sup>			NON-RESIDENTIAL VEHICLE-MILES <sup>10</sup>			TOTAL VEHICLE MILES <sup>11</sup>		
	Single Family Units	Trip Rate TDF <sup>2</sup>	Multi-Family Units	Trip Rate TDF <sup>3</sup>	VEHICLE MILES <sup>4</sup>	BASIC	SERVICE	RETAIL	BASIC <sup>7</sup>	SERVICE <sup>8</sup>	RETAIL <sup>9</sup>	BASIC	SERVICE		RETAIL	TOTAL
A	2,475	0.99	804	0.44	11,496	400,000	1,400,000	700,000	0.63	1.15	2.51	1,264	4,830	5,887	11,981	23,477
B	3,183	4.06	1,034	1.80	14,784	300,000	400,000	900,000	3.16	3.45	8.41	948	1,380	7,569	9,897	24,681
C	1,414		460		6,568	800,000	500,000	500,000				2,528	1,725	4,205	8,458	15,026
Totals	7,072		2,298		32,849	1,500,000	2,300,000	2,100,000				4,740	7,935	17,661	30,336	63,185

## VEHICLE-MILES OF INCREASE (2019-2029)

SERVICE AREA	VEH-MILES
A	23,477
B	24,681
C	15,026

## Notes:

- <sup>1</sup> From City of Killeen, TX Land Use Assumptions for 2019 Impact Fee Study
- <sup>2</sup> Transportation Demand Factor for each Service Area (from LUVNET) using Single Family Detached Housing and Apartment land use and Trip Generation Rate
- <sup>3</sup> Transportation Demand Factor for each Service Area (from LUVNET) using Multi-Family Housing (Mid-Rise) land use and Trip Generation Rate
- <sup>4</sup> Calculated by multiplying TDF by the number of dwelling units
- <sup>5</sup> From City of Killeen, TX Land Use Assumptions for 2019 Impact Fee Study
- <sup>6</sup> Trip Generation Rate and Transportation Demand Factors from LUVNET for each land use
- <sup>7</sup> 'Basic' corresponds to General Light Industrial land use and Trip Generation Rate
- <sup>8</sup> 'Service' corresponds to General Office land use and Trip Generation Rate
- <sup>9</sup> 'Retail' corresponds to Shopping Center land use and Trip Generation Rate
- <sup>10</sup> Calculated by multiplying Transportation Demand Factor by the number of thousand square feet for each land use
- <sup>11</sup> Residential plus non-residential vehicle-mile totals for each Service Area

## CHAPTER 4 – TEXAS LOCAL GOVERNMENT CODE CHAPTER 395

LOCAL GOVERNMENT CODE

TITLE 12. PLANNING AND DEVELOPMENT

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO MORE THAN  
ONE TYPE OF LOCAL GOVERNMENT

CHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW  
DEVELOPMENT IN MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL  
GOVERNMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 395.001. DEFINITIONS. In this chapter:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; and

(B) roadway facilities.

(2) "Capital improvements plan" means a plan required by this chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

(3) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(4) "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any

other fee that functions as described by this definition. The term does not include:

(A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;

(B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

(C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

(5) "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a 10-year period.

(6) "New development" means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.

(7) "Political subdivision" means a municipality, a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, or, for the purposes set forth by Section 395.079, certain counties described by that section.

(8) "Roadway facilities" means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary appurtenances. The term includes the political subdivision's share of costs for roadways and associated improvements

designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.

(9) "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction, as determined under Chapter 42, of the political subdivision to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities and storm water, drainage, and flood control facilities. The service area, for the purposes of this chapter, may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, except for roadway facilities and storm water, drainage, and flood control facilities. For roadway facilities, the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles. For storm water, drainage, and flood control facilities, the service area may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, but shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries.

(10) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 1989, 71st Leg., ch. 566, Sec. 1(e), eff. Aug. 28, 1989; Acts 2001, 77th Leg., ch. 345, Sec. 1, eff. Sept. 1, 2001.

#### SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

Sec. 395.011. AUTHORIZATION OF FEE. (a) Unless otherwise specifically authorized by state law or this chapter, a governmental

entity or political subdivision may not enact or impose an impact fee.

(b) Political subdivisions may enact or impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions only by complying with this chapter, except that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities.

(c) A municipality may contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract, but if an impact fee is charged in that area, the municipality must comply with this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.012. ITEMS PAYABLE BY FEE. (a) An impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

- (1) construction contract price;
- (2) surveying and engineering fees;
- (3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and
- (4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.

(b) Projected interest charges and other finance costs may be included in determining the amount of impact fees only if the impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision to finance the capital improvements or facility expansions identified in the capital improvements plan and are not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan.

(c) Notwithstanding any other provision of this chapter, the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as

impact fees may use impact fees to pay a staff engineer who prepares or updates a capital improvements plan under this chapter.

(d) A municipality may pledge an impact fee as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or public facility expansion if:

(1) the improvement or expansion is identified in a capital improvements plan; and

(2) at the time of the pledge, the governing body of the municipality certifies in a written order, ordinance, or resolution that none of the impact fee will be used or expended for an improvement or expansion not identified in the plan.

(e) A certification under Subsection (d)(2) is sufficient evidence that an impact fee pledged will not be used or expended for an improvement or expansion that is not identified in the capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 1995, 74th Leg., ch. 90, Sec. 1, eff. May 16, 1995.

Sec. 395.013. ITEMS NOT PAYABLE BY FEE. Impact fees may not be adopted or used to pay for:

(1) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

(2) repair, operation, or maintenance of existing or new capital improvements or facility expansions;

(3) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(4) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(5) administrative and operating costs of the political subdivision, except the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay its administrative and operating costs;

(6) principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed by Section 395.012.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.014. CAPITAL IMPROVEMENTS PLAN. (a) The political subdivision shall use qualified professionals to prepare the capital improvements plan and to calculate the impact fee. The capital improvements plan must contain specific enumeration of the following items:

(1) a description of the existing capital improvements within the service area and the costs to upgrade, update, improve, expand, or replace the improvements to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital improvements, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(3) a description of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(4) a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial;

(5) the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and

calculated in accordance with generally accepted engineering or planning criteria;

(6) the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years; and

(7) a plan for awarding:

(A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or

(B) in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.

(b) The analysis required by Subsection (a)(3) may be prepared on a systemwide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.

(c) The governing body of the political subdivision is responsible for supervising the implementation of the capital improvements plan in a timely manner.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 2, eff. Sept. 1, 2001.

Sec. 395.015. MAXIMUM FEE PER SERVICE UNIT. (a) The impact fee per service unit may not exceed the amount determined by subtracting the amount in Section 395.014(a)(7) from the costs of the capital improvements described by Section 395.014(a)(3) and dividing that amount by the total number of projected service units described by Section 395.014(a)(5).

(b) If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to projected

new service units described by Section 395.014(a)(6) by the projected new service units described in that section.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 3, eff. Sept. 1, 2001.

Sec. 395.016. TIME FOR ASSESSMENT AND COLLECTION OF FEE. (a) This subsection applies only to impact fees adopted and land platted before June 20, 1987. For land that has been platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before June 20, 1987, or land on which new development occurs or is proposed without platting, the political subdivision may assess the impact fees at any time during the development approval and building process. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(b) This subsection applies only to impact fees adopted before June 20, 1987, and land platted after that date. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after June 20, 1987, the political subdivision may assess the impact fees before or at the time of recordation. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(c) This subsection applies only to impact fees adopted after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before the adoption of an impact fee, an impact fee may not be collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.

(d) This subsection applies only to land platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after adoption of an impact fee adopted after June 20, 1987. The political subdivision shall assess the impact fees before or at the time of recordation of a subdivision plat or other plat under Subchapter A, Chapter 212, or the subdivision or platting ordinance or procedures of any political subdivision in the official records of the county clerk of the county in which the tract is located. Except as provided by Section 395.019, if the political subdivision has water and wastewater capacity available:

(1) the political subdivision shall collect the fees at the time the political subdivision issues a building permit;

(2) for land platted outside the corporate boundaries of a municipality, the municipality shall collect the fees at the time an application for an individual meter connection to the municipality's water or wastewater system is filed; or

(3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system.

(e) For land on which new development occurs or is proposed to occur without platting, the political subdivision may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(f) An "assessment" means a determination of the amount of the impact fee in effect on the date or occurrence provided in this section and is the maximum amount that can be charged per service unit of such development. No specific act by the political subdivision is required.

(g) Notwithstanding Subsections (a)-(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If

affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 1997, 75th Leg., ch. 980, Sec. 52, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 345, Sec. 4, eff. Sept. 1, 2001.

Sec. 395.017. ADDITIONAL FEE PROHIBITED; EXCEPTION. After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.018. AGREEMENT WITH OWNER REGARDING PAYMENT. A political subdivision is authorized to enter into an agreement with the owner of a tract of land for which the plat has been recorded providing for the time and method of payment of the impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.019. COLLECTION OF FEES IF SERVICES NOT AVAILABLE. Except for roadway facilities, impact fees may be assessed but may not be collected in areas where services are not currently available unless:

(1) the collection is made to pay for a capital improvement or facility expansion that has been identified in the capital improvements plan and the political subdivision commits to commence construction within two years, under duly awarded and executed contracts or commitments of staff time covering

substantially all of the work required to provide service, and to have the service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event longer than five years;

(2) the political subdivision agrees that the owner of a new development may construct or finance the capital improvements or facility expansions and agrees that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development or agrees to reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat; or

(3) an owner voluntarily requests the political subdivision to reserve capacity to serve future development, and the political subdivision and owner enter into a valid written agreement.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.020. ENTITLEMENT TO SERVICES. Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive immediate service from any existing facilities with actual capacity to serve the new service units, subject to compliance with other valid regulations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.021. AUTHORITY OF POLITICAL SUBDIVISIONS TO SPEND FUNDS TO REDUCE FEES. Political subdivisions may spend funds from any lawful source to pay for all or a part of the capital improvements or facility expansions to reduce the amount of impact fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.022. AUTHORITY OF POLITICAL SUBDIVISION TO PAY FEES.

(a) Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 250 (S.B. 883), Sec. 1, eff. May 25, 2007.

Sec. 395.023. CREDITS AGAINST ROADWAY FACILITIES FEES. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by a political subdivision as a condition of development approval shall be credited against roadway facilities impact fees otherwise due from the development.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.024. ACCOUNTING FOR FEES AND INTEREST. (a) The order, ordinance, or resolution levying an impact fee must provide that all funds collected through the adoption of an impact fee shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.

(b) Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under this chapter.

(c) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by this chapter.

(d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.025. REFUNDS. (a) On the request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund the impact fee if existing facilities are available and service is denied or the political subdivision has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment under Section [395.019](#) (1).

(b) Repealed by Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

(c) The political subdivision shall refund any impact fee or part of it that is not spent as authorized by this chapter within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section [302.002](#), Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(f) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 1997, 75th Leg., ch. 1396, Sec. 37, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

#### SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

Sec. 395.041. COMPLIANCE WITH PROCEDURES REQUIRED. Except as otherwise provided by this chapter, a political subdivision must comply with this subchapter to levy an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0411. CAPITAL IMPROVEMENTS PLAN. The political subdivision shall provide for a capital improvements plan to be developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section [395.014](#).

Added by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.042. HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. To impose an impact fee, a political subdivision must adopt an order, ordinance, or resolution establishing a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.043. INFORMATION ABOUT LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN AVAILABLE TO PUBLIC. On or before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.044. NOTICE OF HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. (a) Before the 30th day before the date of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall send a notice of the hearing by

certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.045. APPROVAL OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED. (a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.

(b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.

(c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.0455. SYSTEMWIDE LAND USE ASSUMPTIONS. (a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.

(b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.

(c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(b), eff. Aug. 28, 1989.

Sec. 395.047. HEARING ON IMPACT FEE. On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.049. NOTICE OF HEARING ON IMPACT FEE. (a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;

(4) the amount of the proposed impact fee per service unit; and

(5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.050. ADVISORY COMMITTEE COMMENTS ON IMPACT FEES. The advisory committee created under Section [395.058](#) shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.051. APPROVAL OF IMPACT FEE REQUIRED. (a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 395.052. PERIODIC UPDATE OF LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN REQUIRED. (a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 345, Sec. 6, eff. Sept. 1, 2001.

Sec. 395.053. HEARING ON UPDATED LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN. The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.054. HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. A public hearing must be held by the governing body of the political subdivision to discuss

the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.055. NOTICE OF HEARING ON AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN, OR IMPACT FEE. (a) The notice and hearing procedures prescribed by Sections [395.044](#)(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

(b) The notice of a hearing under this section must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, Sec. 7, eff. Sept. 1, 2001.

Sec. 395.056. ADVISORY COMMITTEE COMMENTS ON AMENDMENTS. The advisory committee created under Section [395.058](#) shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.057. APPROVAL OF AMENDMENTS REQUIRED. (a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.0575. DETERMINATION THAT NO UPDATE OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES IS NEEDED. (a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052-395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b)(2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and

classified ads appear and may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF DETERMINATION NOT TO UPDATE

LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS

PLAN, OR IMPACT FEES";

(2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;

(3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;

(4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052-395.057; and

(5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.

(c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published.

(d) If, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052-395.057.

(e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, Sec. 1(d), eff. Aug. 28, 1989.

Sec. 395.058. ADVISORY COMMITTEE. (a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.

(b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

(c) The advisory committee serves in an advisory capacity and is established to:

- (1) advise and assist the political subdivision in adopting land use assumptions;
- (2) review the capital improvements plan and file written comments;
- (3) monitor and evaluate implementation of the capital improvements plan;

(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

#### SUBCHAPTER D. OTHER PROVISIONS

Sec. 395.071. DUTIES TO BE PERFORMED WITHIN TIME LIMITS. If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.072. RECORDS OF HEARINGS. A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.073. CUMULATIVE EFFECT OF STATE AND LOCAL RESTRICTIONS. Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.074. PRIOR IMPACT FEES REPLACED BY FEES UNDER THIS CHAPTER. An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.075. NO EFFECT ON TAXES OR OTHER CHARGES. This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.076. MORATORIUM ON DEVELOPMENT PROHIBITED. A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 441, Sec. 2, eff. Sept. 1, 2001.

Sec. 395.077. APPEALS. (a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.

(b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.

(c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.

(d) This section does not require construction of a specific facility to provide the services.

(e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.078. SUBSTANTIAL COMPLIANCE WITH NOTICE REQUIREMENTS. An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.079. IMPACT FEE FOR STORM WATER, DRAINAGE, AND FLOOD CONTROL IN POPULOUS COUNTY. (a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

(b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052-395.057,

and 395.074 unless the political subdivision proposes to increase the impact fee.

(c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

(d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if:

(1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and

(2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989.  
Amended by Acts 2001, 77th Leg., ch. 669, Sec. 107, eff. Sept. 1, 2001.

Sec. 395.080. CHAPTER NOT APPLICABLE TO CERTAIN WATER-RELATED SPECIAL DISTRICTS. (a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may

charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.257, eff. Sept. 1, 1995.

Sec. 395.081. FEES FOR ADJOINING LANDOWNERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 115,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1043 (H.B. [3111](#)), Sec. 5, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. [2702](#)), Sec. 100, eff. September 1, 2011.

## City of Killeen 2019 Impact Fee Study – CIAC Comment Response

The following document is a detailed comment response from Kimley-Horn and Associates to the Capital Improvement Advisory Committee (CIAC) regarding the City of Killeen’s 2019 Impact Fee Update. Comments from CIAC members were taken directly from email correspondence and have been labeled by committee member and date received.

Responses noted in **green** indicate a change made to the Capital Improvement Plan (CIP) based on CIAC comments. Responses noted in **yellow** indicate no change.

Committee Member	Comment	KHA/City Response
Rowe (6/17/2019)	Cunningham & Elems road- Cunningham & Little Nolan Rd- East Stagecoach & Aurora. These are storm water drainage issues.	Noted. Impact Fees cannot be used to remedy existing stormwater drainage issues.
	Rosewood- Need 2 lights in the left lane to get on the highway, traffic is backed up	One intersection project was added at Rosewood Drive & Central Texas Expressway.
	Intersections of East Trimmier and Sulphur Springs to Stagecoach & loop road-These are newly reconstructed road and already have asphalt failure.	Noted. Impact Fees cannot be used to remedy existing failures or pavement conditions.
	From the intersection of 195 and Stagecoach, East to Stagecoach and Trimmier intersection we have a newly constructed road that also has asphalt failure. Located by the career center.	Noted. Impact Fees cannot be used to remedy existing failures or pavement conditions.
Frederick (6/17/2019)	Two intersections in area B <ul style="list-style-type: none"> <li>Chaparral and Trimmier because of the KISD Bus barn</li> <li>Chaparral and Featherline</li> </ul> Both will have heavy usage with the new High School.	Two intersection projects were added at Chaparral & Trimmier and Chaparral & Featherline.
“Tails a Waggin Groomin and Roomin” (6/17/2019)	While reviewing both plans I find the population of growth to be overstated; possibly the sprawl south along with blight in rhe north?  Its hard to know the thorough plan future requirements since the past and current plans were not implemented; allowing requests for rezoning to take priority instead of sticking to FLUM and COMP. Also allowing KISD to put schools, transportation, admin building along thoroughgs is not wise. Schools need to buried within housing developments outside thorough fares period.	The population/household assumptions were presented on 02/07/2019 and reviewed on 04/02/2019, and the assumptions are aligned with the historic trends as directed by the CIAC.
Welch (6/17/2019)	Service Area A Streets: <ul style="list-style-type: none"> <li>No comment</li> </ul>	Understood.
	Service Area B Streets: <ul style="list-style-type: none"> <li>B-11 Rosewood is already under construction. Can impact fee money still be used on this project?</li> <li>The B-1 and B-2 Cunningham extension is most likely farther out than the next 10 years and can be removed from this plan. Currently there are very few driveways on it and Stan Schluter services the purpose of taking traffic to I-14.</li> <li>CS-4 HWY 195 corridor study should be removed. This</li> </ul>	<ul style="list-style-type: none"> <li>Yes. Rosewood Drive costs were updated based on project costs provided by the City of Killeen.</li> <li>Based on City input, Cunningham Road will remain and is needed in the 10-year window.</li> <li>We suggest keeping the CS-4</li> </ul>

## City of Killeen 2019 Impact Fee Study – CIAC Comment Response

	<p>road is already a divided 4 lane highway.</p> <ul style="list-style-type: none"> <li>• Instead of the CS-4 corridor study a potential intersection improvements should be studied at the intersection of Chaparral and HWY 195.</li> </ul>	<p>study to monitor traffic conditions along the corridor. To supplement the study, we have also added the committee-suggested intersection project of Chaparral and Highway 195.</p>
	<p>Service Area C Streets:</p> <ul style="list-style-type: none"> <li>• I think more intersection improvements in general need to be looked at particularly between Stan Schlueter and Watercrest.</li> </ul>	<p>No changes were made.</p>
	<p>Water and Wastewater: Why does the area not include all of the area of Killeen's ETJ. There is growth potential outside of the boundary shown that will probably occur in the next 10 years.</p>	<p>Noted. Based on City input and the latest Master Plan draft, the CIP list has been updated.</p>
	<p>Water:</p> <ul style="list-style-type: none"> <li>• Is there a water model to guide this plan in addition to just the masterplan? There are items in existing parts of town that is difficult to understand the nexus between new growth and development and these improvements shown on the plan.</li> <li>• Items 8, 11, 13, and 21 are improvements in an area that hasn't grown much in recent years and the land available for growth and development is very limited.</li> <li>• Item 18 should be removed as this area is already divided into ranchette type properties or has very limited development potential.</li> <li>• Item 17 west of HWY 195 has already been subdivided in the county and more growth opportunity is very limited.</li> </ul>	<ul style="list-style-type: none"> <li>• Modeling was used in the development of the masterplan.</li> <li>• Based on City input and the latest Master Plan draft, the CIP list has been updated.</li> </ul>
	<p>Wastewater:</p> <ul style="list-style-type: none"> <li>• What growth potential is driving the need for item 5? There are not many other properties with development potential in this area.</li> <li>• The improvements along south HWY need to be moved. The property on the west of 195 is already developed into acreage lots. The property on the East of 195 flows to the east. The lift station should be planned to go down 2484 as there are large parcels that could still be developed. In this area and it appears to me that a single lift station could open many of them up. Potentially a much better bang for the buck.</li> </ul>	<p>Noted. Based on City input and the latest Master Plan draft, the CIP list has been updated.</p>

## City of Killeen 2019 Impact Fee Study – CIAC Comment Response

<p>Dorroh (6/18/2019)</p>	<p>Major thoughts on</p> <p>Zone A North Killeen – no wastewater infrastructure plans in the immediate available land for development</p> <ul style="list-style-type: none"> <li>- Develop resources ion wastewater plan and water plan to invite the development</li> </ul> <p>Zone B – Cunningham as a north south extension seems a little far stretched</p> <p>Highest priority in my opinion is the intersection at 195 and chaparral as well as improving chaparral and the intersections there as that is a high growth corridor now!</p> <p>Zone c – extending Brushkly creek dr to tie into Reese creek dr and maxdale rd to create a north south corridor</p> <p>take castle gap over the hill and connect with generations to create another north south</p> <p>extending Mohawk as a continuos rd with liitle stops for east west 195 to 201</p>	<ul style="list-style-type: none"> <li>• Zone A <ul style="list-style-type: none"> <li>○ Based on City input and the latest Master Plan draft, the CIP list has been updated.</li> </ul> </li> <li>• Zone B: <ul style="list-style-type: none"> <li>○ Based on City input, Cunningham Road will remain and is needed in the 10-year window.</li> <li>○ The Chaparral &amp; 195 intersection project has been added, as well as the intersection projects of Chaparral &amp; Trimmier and Chaparral &amp; Featherline.</li> </ul> </li> <li>• Zone C: <ul style="list-style-type: none"> <li>○ Brushy Creek Drive is currently not on the thoroughfare plan and cannot be added as a CIP project. However, an adjacent road exists on the thoroughfare plan south of Mohawk Drive that connects Mohawk Drive to Clear Creek Road, and this road is anticipated to function similarly to the proposed Brushy Creek extension. To create the committee suggested north-south corridor, this adjacent road will be added as a CIP project instead of Brushy Creek Road.</li> <li>○ The proposed</li> </ul> </li> </ul>
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## City of Killeen 2019 Impact Fee Study – CIAC Comment Response

		<p>connection of Castle Gap to Generations Drive is not within the city limits of Killeen, and therefore, Impact Fee dollars cannot be used as a funding source.</p> <ul style="list-style-type: none"><li>○ The Mohawk Road project will be extended to Atlas Road.</li></ul>																														
<p>Welch (7/15/2019)</p>	<ul style="list-style-type: none"><li>• Mohawk extending to Atlas should be on the plan.</li><li>• The service area units for roadway impact fees needs to be tweaked because of the amount of developable property available in the 3 different areas. Here are my suggested changes.</li></ul> <table><tr><td>Service Area</td><td>SF</td><td>MF</td><td>basic</td><td>service</td><td>retail</td></tr><tr><td>A</td><td>700</td><td>600</td><td>200000</td><td>500000</td><td>400000</td></tr><tr><td>B</td><td>4972</td><td>1298</td><td>500000</td><td>1000000</td><td>900000</td></tr><tr><td>C</td><td>1400</td><td>400</td><td>800000</td><td>800000</td><td>800000</td></tr><tr><td>Total</td><td>7072</td><td>2298</td><td>1500000</td><td>2300000</td><td>2100000</td></tr></table>	Service Area	SF	MF	basic	service	retail	A	700	600	200000	500000	400000	B	4972	1298	500000	1000000	900000	C	1400	400	800000	800000	800000	Total	7072	2298	1500000	2300000	2100000	<ul style="list-style-type: none"><li>• The Mohawk Road project will be extended to Atlas Road.</li><li>• Service area units will be reallocated within the three service areas based on the committee suggestion.</li></ul>
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<p>Unknown (7/16/2019)</p>	<p>“I’m not sure if this was in a previous map but East Trimmier to Chaparral needs to be widened.”</p>	<p>This project is currently listed as a project on the CIP (Project B-6).</p>																														



# IMPACT FEE PUBLIC HEARINGS

PH-19-026

August 20, 2019

# Background

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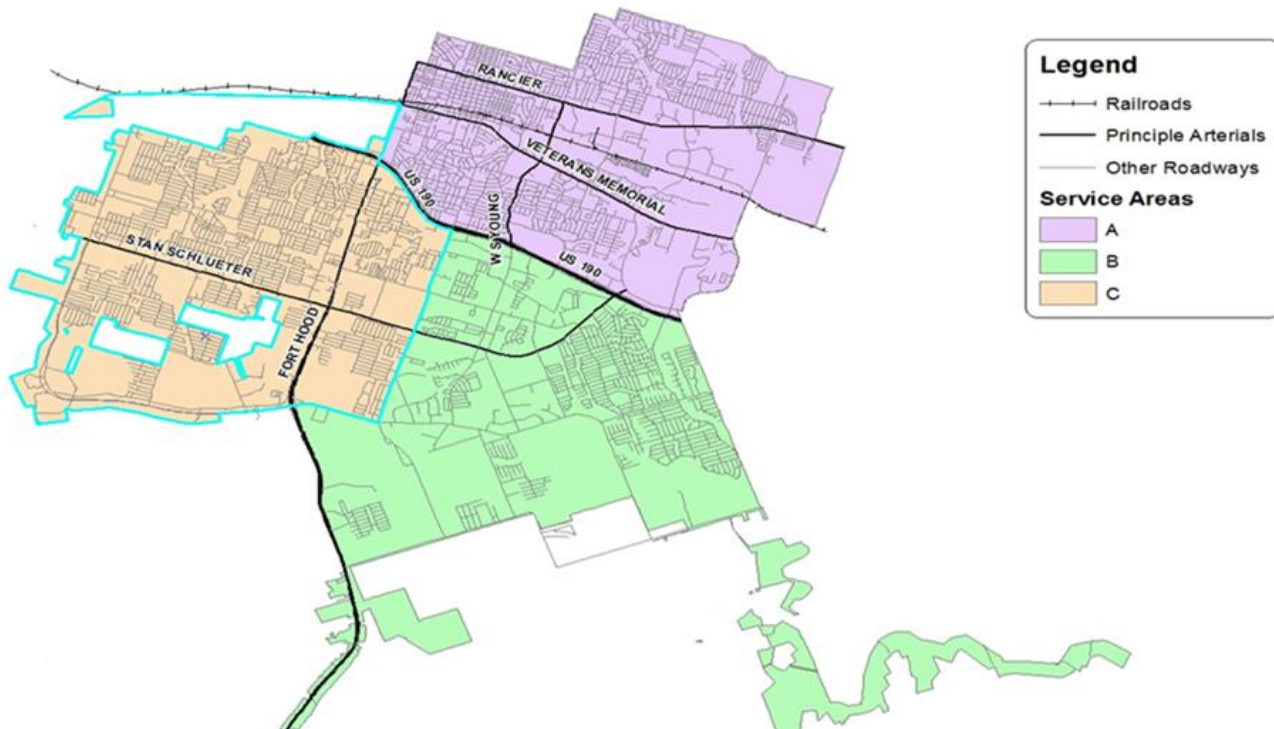
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Roadways are divided into service areas less than 6 miles across per State law.

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City Council approved service areas on April 2, 2019.



# Eligible Projects

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- ❑ Water & Sewer Improvements
  - ▣ Projects are identified in the Water and Sewer Master Plans
  - ▣ Water and Sewer projects can be outside City Limits
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# Roadway Capital Improvements Projects

## Map of proposed roadway capital improvements projects.

# Intersection Improvement Projects

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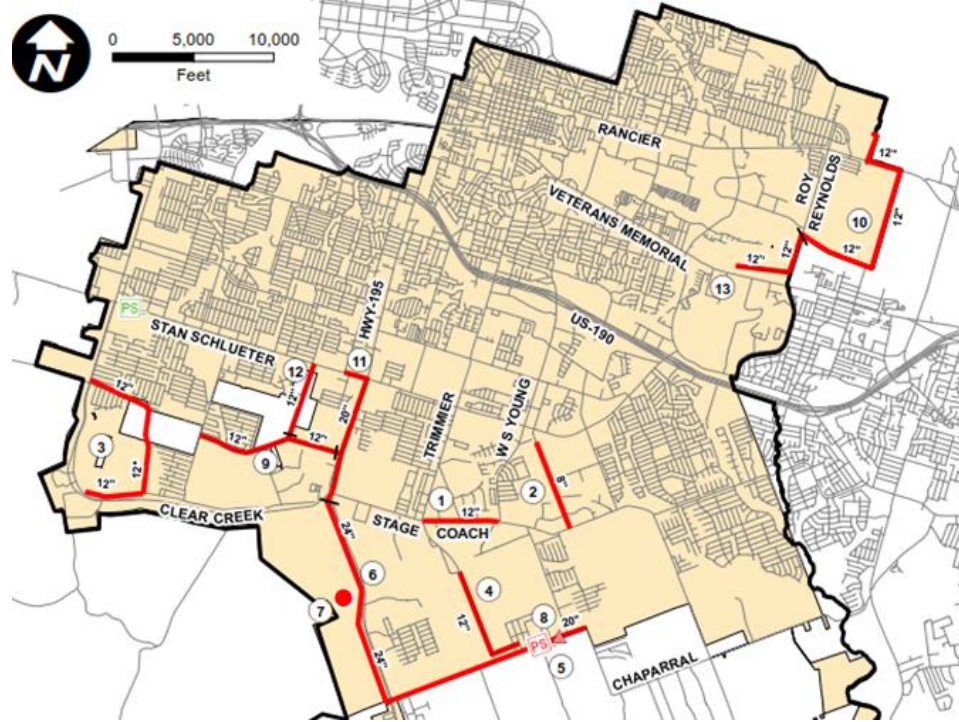
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C	CS-5	Clear Creek Rd.	Watercrest Road to Mohawk Drive	\$250,000.00

# Roadway Improvements

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A,C	A-2, C-1	Jasper Drive	Florence Road to US 190	\$4,925,630
A	A-3	W.S. Young Drive	US 190 to Illinois Avenue	\$4,889,546
B	B-1, B-2	Cunningham Road	US Hwy 190 to FM 3470	\$7,817,350
B	B-3	Trimmier Road	Stagecoach Road to Chaparral Road	\$ 6,873,825
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B	B-11	Rosewood Drive	Chaparral Road to Serpentine Drive	\$8,567,774
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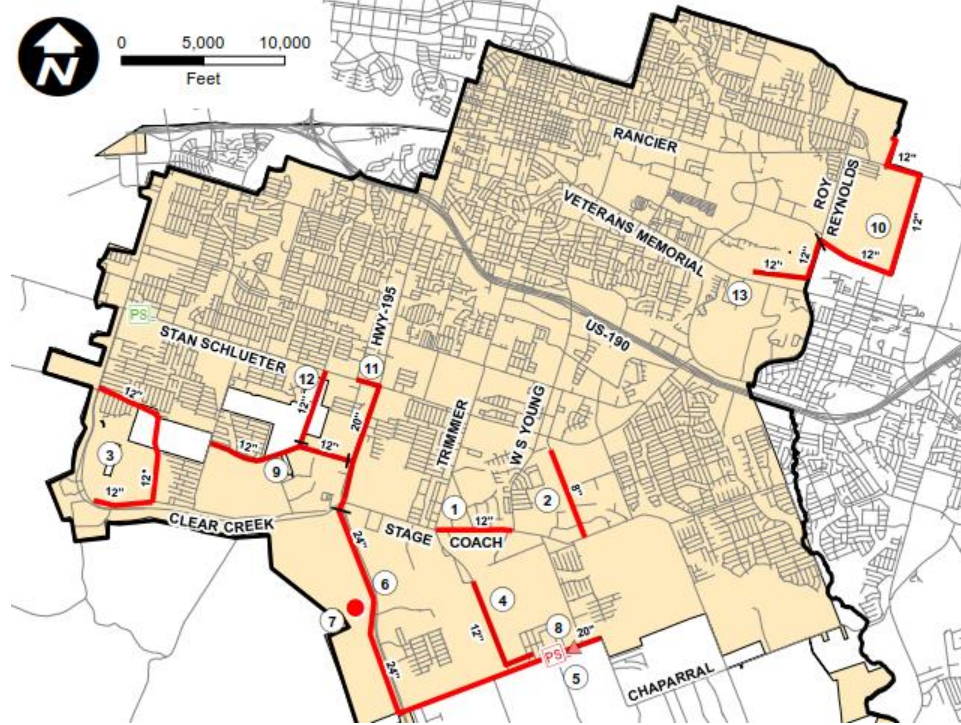
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Map of proposed water capital improvement projects

# Water Capital Improvement Projects

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	Water Impact Fee Study	\$23,334.00	\$23,334.00
Total		\$33,797,661.00	\$19,486,810.00



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## Sewer Capital Improvement Projects

Map of proposed sewer capital improvement projects.

# Sewer Capital Improvements Projects

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Project Number	Project Name	Total Project Cost	Impact Fee Eligible Cost
1	LS #23 Expansion 6" Force Main & 10" Gravity Main	\$1,118,804.00	\$783,163.00
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12	12-inch Wastewater Main along Trimmier Road	\$2,065,700	\$1,136,135
	Wastewater Impact Fee Study	\$23,334.00	\$23,334.00
Total		\$16,289,718.00	\$7,001,703.00

# Alternatives

14

- Do not continue the process of implementing impact fees
- Make alterations to the Impact Fee Capital Improvement Plan or Land Use Assumptions
- Approve the resolution establishing the Impact Fee Capital Improvements Plan and Land Use Assumptions
  - ▣ Approve the resolution setting the 2<sup>nd</sup> public hearing on Impact Fees for October 8, 2019

# Recommendation

15

- ❑ City Staff recommends that the City Council approve the resolution establishing the Impact Fee Capital Improvements Plan and Land Use Assumptions.
- ❑ City Staff further recommends that City Council approve the resolution setting a public hearing date of October 8, 2019 to consider the draft report and maximum impact fee, provide public notice, and make information available to the public in accordance with State Law.

# Timeline

16

- ❑ August 27<sup>th</sup>- 1<sup>st</sup> Public Hearing and Council Action on Land Use Assumptions and Impact Fee Capital Improvements Plan
  - ▣ Set date for 2<sup>nd</sup> Public Hearing to discuss adoption of impact fees
- ❑ September 8<sup>th</sup> – Advertise for 2<sup>nd</sup> Public Hearing and post draft impact fee report on City Website
- ❑ October 1<sup>st</sup> – Committee submits written comments to City Council
- ❑ October 8<sup>th</sup>- Public Hearing and Council Action on Impact Fee Study
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# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-026B	<b>Version:</b>	1	<b>Name:</b>	Set Hearing date to consider Impact fee report and maximum impact fee
<b>Type:</b>	Resolution/Public Hearing	<b>Status:</b>			Public Hearings
<b>File created:</b>	8/5/2019	<b>In control:</b>			City Council Workshop
<b>On agenda:</b>	8/20/2019	<b>Final action:</b>			
<b>Title:</b>	Consider a memorandum/resolution establishing a public hearing date of October 8, 2019 to consider the impact fee draft report and the adoption of an impact fee				
<b>Sponsors:</b>	Public Works Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019

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

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

**SUBJECT:** Set a public hearing date of October 8, 2019 to consider the impact fee draft report and adoption of an impact fee

### **BACKGROUND AND FINDINGS:**

On October 16, 2018, City Council authorized the creation of the Capital Improvements Advisory Committee (CIAC) to move forward with the process of implementing impact fees.

On July 9, 2019 City Council passed a resolution to set the public hearing date for the Impact Fee Capital Improvements Plan and Land Use Assumptions on August 27, 2019.

In order to move forward with impact fees, Texas Local Government Code Chapter 395 requires the City Council to adopt a resolution to set a 2<sup>nd</sup> public hearing date to consider the adoption of an impact fee. Once the public hearing date is set and prior to thirty days before the date set for the hearing, notice of the hearing shall be published in the newspaper and the impact fee draft report shall be made available to the public.

### **THE ALTERNATIVES CONSIDERED:**

#### **Which alternative is recommended? Why?**

1. Do not continue the process of implementing impact fees.
2. Determine a later date to conduct a public hearing.
3. Approve the resolution establishing a date for the public hearing.

### **CONFORMITY TO CITY POLICY:**

This item complies with all federal, state, and local regulations.

### **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:**

City Staff recommends that the City Council approve the resolution establishing the public hearing date to allow the impact fee process to continue forward.

**DEPARTMENTAL CLEARANCES:**

City Attorney, Finance

**ATTACHED SUPPORTING DOCUMENTS:**

None



# IMPACT FEE PUBLIC HEARINGS

PH-19-026

August 20, 2019

# Background

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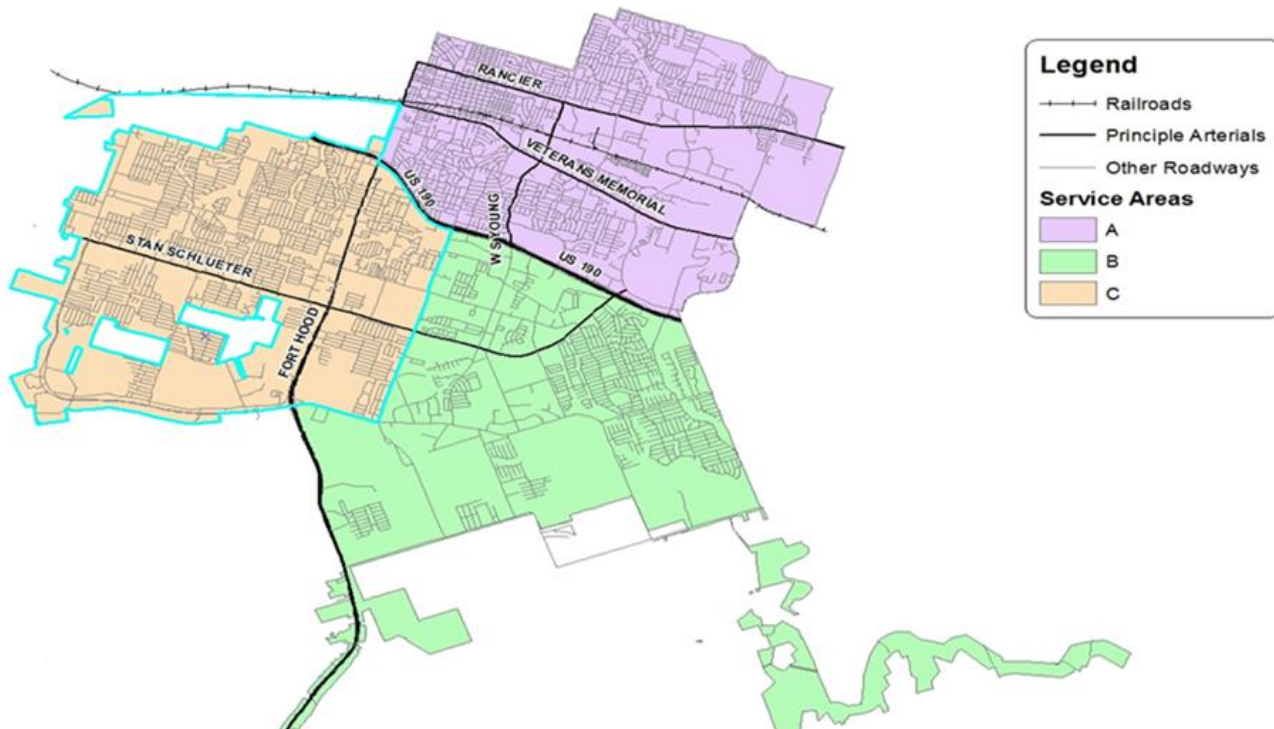
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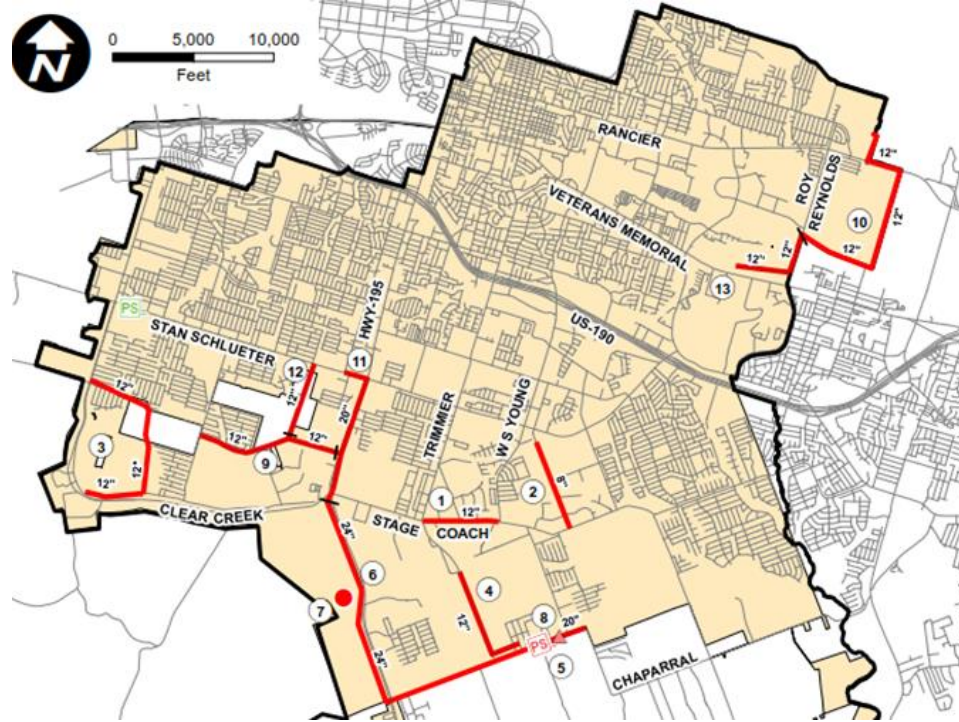
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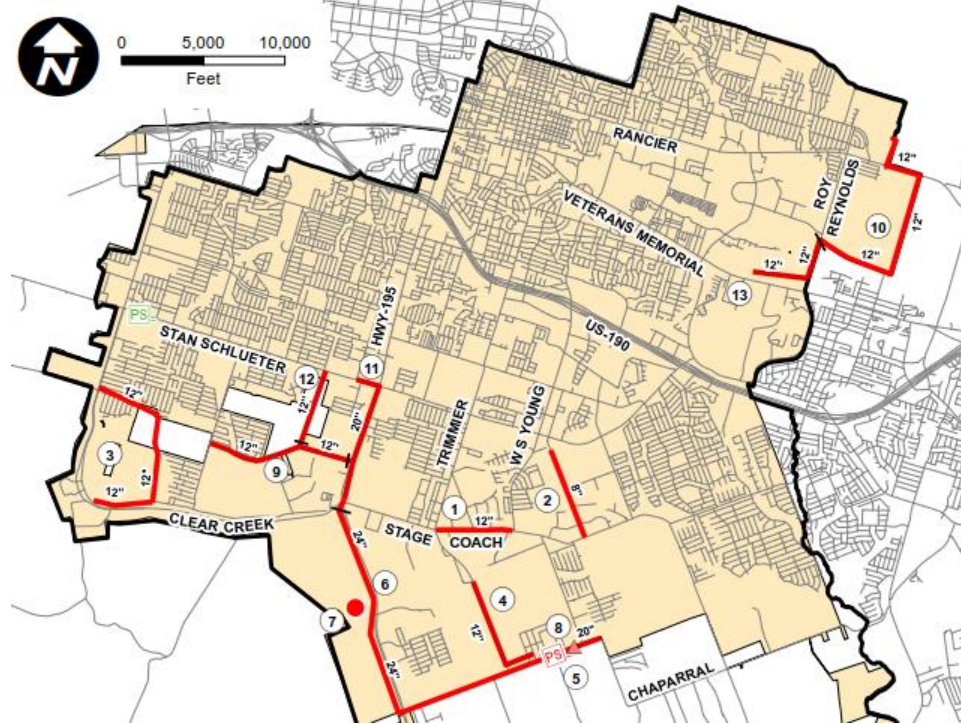
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Map of proposed water capital improvement projects

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# Recommendation

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# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-027	<b>Version:</b>	1	<b>Name:</b>	FLUM 19-10
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	8/1/2019		<b>In control:</b>	City Council Workshop	
<b>On agenda:</b>	8/20/2019		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by True Fountain, L.L.C., on behalf of Full Gospel Church (Case #FLUM19-10), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' ('SR') designation to a 'General Residential' ('GR') designation for approximately 19.566 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Maps</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019

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

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

**SUBJECT:** Comprehensive Plan Future Land Use Map (FLUM) Amendment: 'Suburban Residential' ('SR') to 'General Residential' ('GR')

### **BACKGROUND AND FINDINGS:**

True Fountain, L.L.C., on behalf of Full Gospel Church, submits this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' ('SR') designation to a 'General Residential' ('GR') designation for approximately 19.566 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

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

The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings
- Planned developments to provide for other housing types in a Suburban character setting
- Public/institutional
- Parks and public spaces

'Suburban Residential' (SR) characteristics:

Suburban character from balance between buildings and other site improvements relative to degree of open space maintained on the site (compared to predominance of site coverage over undeveloped space in auto-oriented areas).

Larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes. Also results in less noticeable accommodation of the automobile on sites compared to more intensive residential areas, especially where driveways are on the side of homes rather than occupying a portion of the front yard space, and where garages are situated to the side or rear of the main dwelling.

If approved, the 'General Residential' ('GR') designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)

- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional
- Parks and public spaces

The property is bisected by North Reece Creek (NRC) Tributary 1. There are no additional wetlands on this parcel. Currently, runoff exits this parcel in a sheet flow manner and flows into Drainage Tract A detention pond. This pond is a part of Bunny Trail Estates and is maintained by the City. It further connects to NCR Tributary, further south, and merges with North Reese Creek, which is outside Killeen city limits. The current Drainage Design Manual (DDM), creek buffer zones (CBZ), and post construction (PC) requirements will apply to future development on this parcel.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- approve the applicant's FLUM amendment request;
- disapprove the applicant's FLUM amendment request; or
- approve a more restrictive FLUM designation than requested by the applicant.

**Which alternative is recommended?** Staff recommends that the City Council disapprove the applicant's FLUM amendment request.

**Why?** Staff's recommendation is based on the following determinations:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? ***The amendment request would affect approximately 19.566 acres, and is considered a small-scale amendment.***
- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? ***Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'Suburban Residential' ('SR') designation is appropriate for this tract and the immediate abutting properties that are also designated as 'SR'.***
- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? ***The proposed map change is not inconsistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).***
- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? ***Staff has sufficient information regarding existing utility capacity and roadway level of service for this area.***

***However, duplex development will effectively double the residential density of this tract and increase the vehicular traffic as compared to the suburban residential land uses contemplated within the Comprehensive Plan.***

- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? ***None.***

**CONFORMITY TO CITY POLICY:**

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

**FINANCIAL IMPACT:**

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

This is not applicable at this time.

**For future years?**

The proposed FLUM amendment does not involve the expenditure of city funds; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**Is this a one-time or recurring expenditure?**

This is not applicable at this time.

**Is this expenditure budgeted?**

This is not applicable at this time.

**If not, where will the money come from?**

This is not applicable at this time.

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

This is not applicable at this time.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 2, with Commissioners Payton and Ploeckemann in opposition to the motion.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

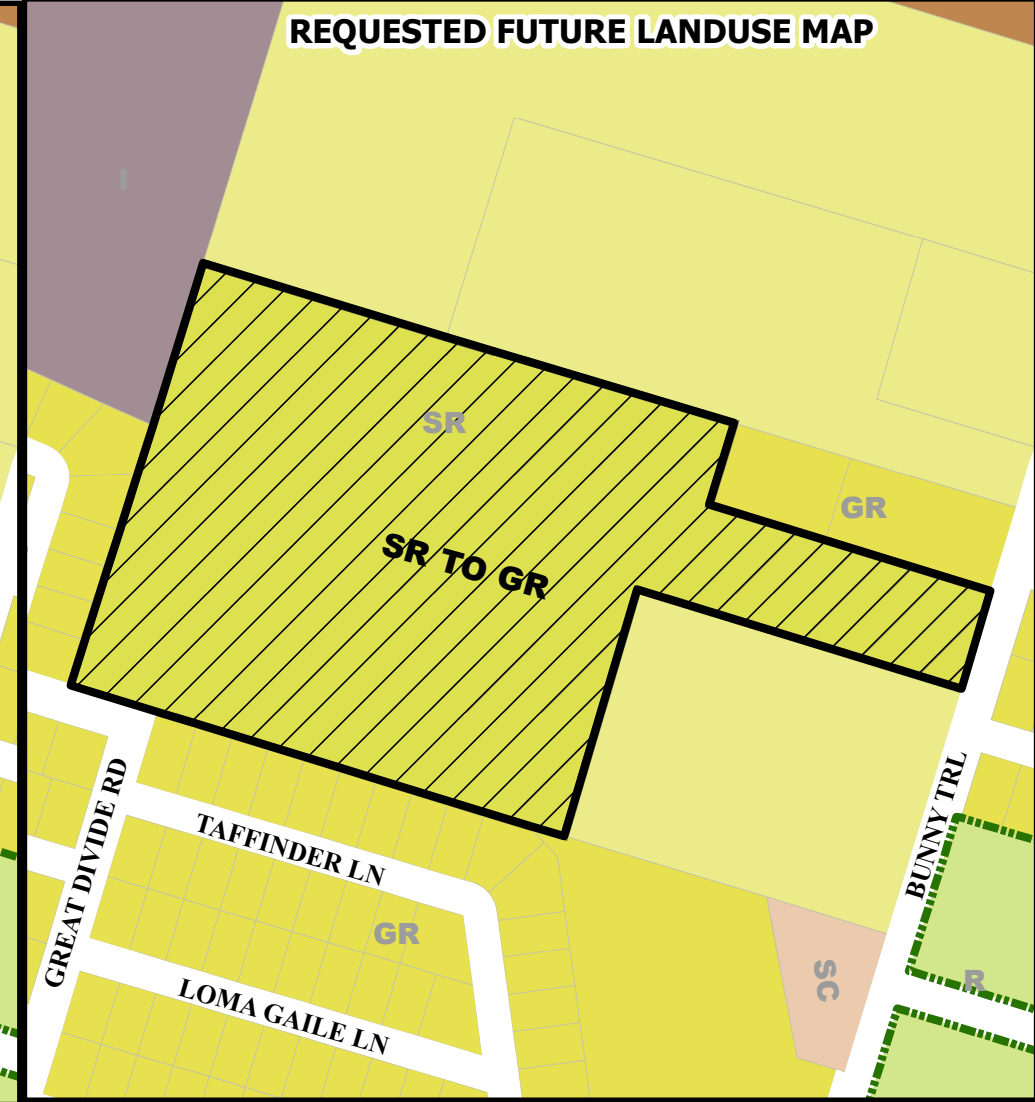
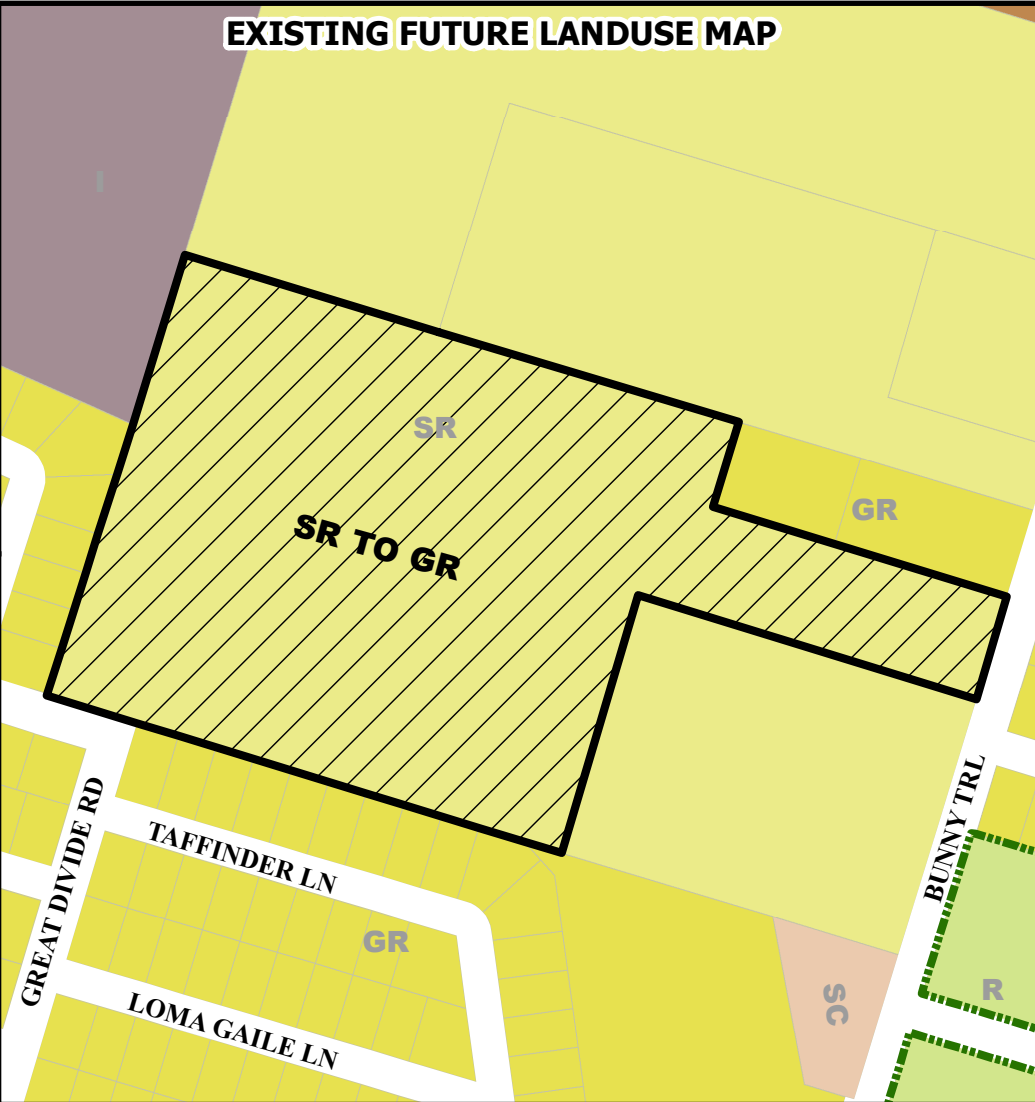
Maps

Minutes

Ordinance

# EXISTING FUTURE LANDUSE MAP

# REQUESTED FUTURE LANDUSE MAP



## FLUM Notification Plan

### Case: FLUM AMENDMENT 2019-10

Council District: 4

FROM: SR TO GR

1 inch = 328 feet

Subject Property Legal Description: A0600BC J E MADDERA, 3, ACRES 19.566



## Legend



Killen City Limits



Bell County Area



FLUM Case Location

## Future Land Use Legend

Industrial (I)

General Residential (GR)

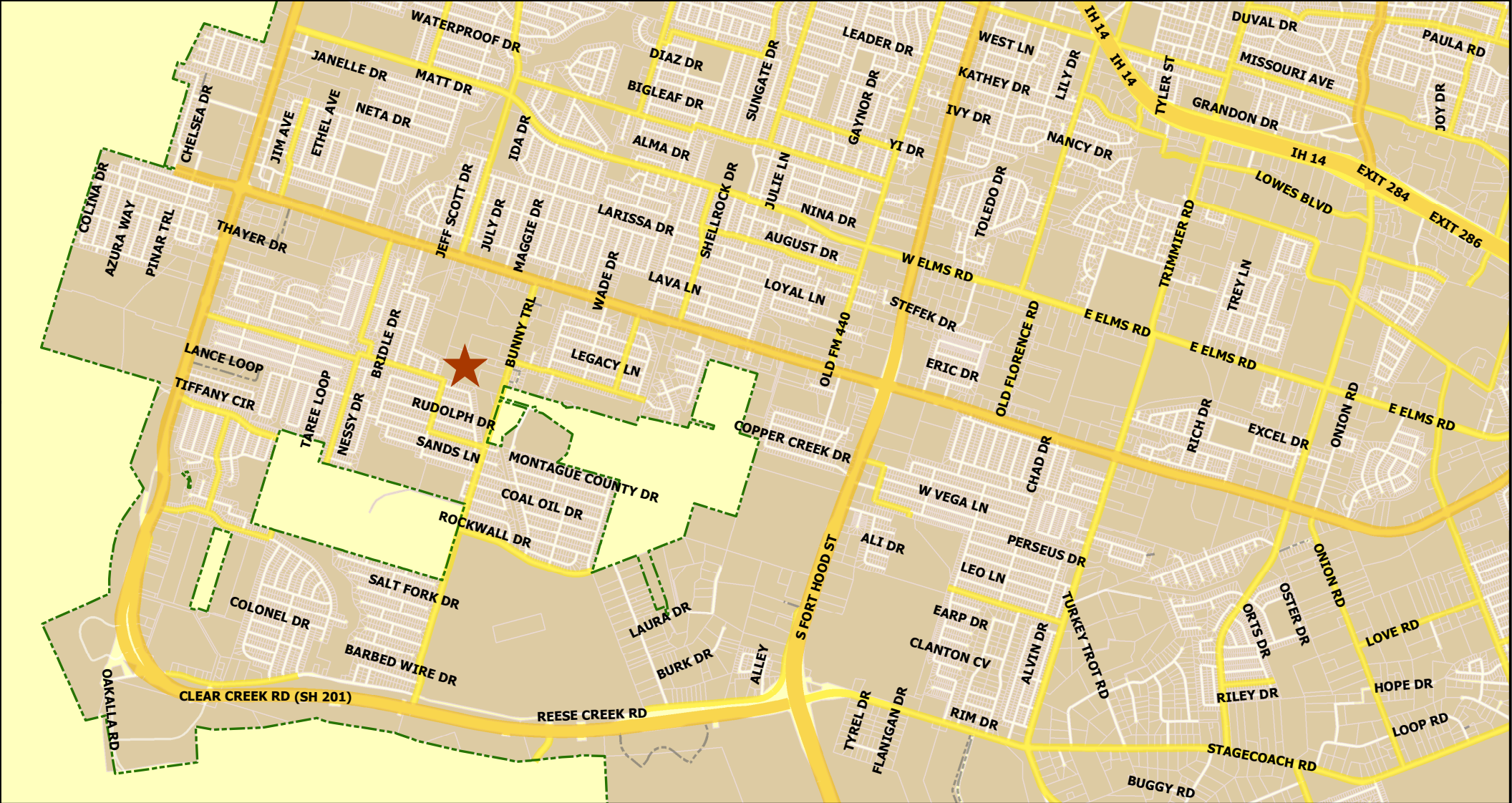
General Commercial (GC)

Suburban Residential (SR)

Suburban Commercial (SC)

Rural (R)

Date: 7/16/2019



**FLUM LOCATION MAP**  
**Case: FLUM AMENDMENT 2019-10**  
Council District: 4  
**SUBURBAN RESIDENTIAL AND RURAL TO GENERAL RESIDENTIAL**  
Subject Property Legal Description: A0600BC J E MADDERA, 3, ACRES 19.566

**FUTURE LANDUSE LOCATION MAP**

**FLUM LOCATION**



1 inch = 3,333 feet

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
AUGUST 5, 2019**

**FLUM #19-10  
'SR' to 'GR'**

**HOLD** a public hearing and consider a request submitted by True Fountain, L.L.C. on behalf of Full Gospel Church to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Residential' designation for approximately 19.566 acres out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Jerry Millard, Senior Planner stated that this is a request to change the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Residential' designation for approximately 19.566 acres. The applicant is proposing duplex development.

Ms. Boksuk Baldwin, True Fountain, L.L.C., P.O. Box 11832, Killeen, Texas, was present to represent this request.

Ms. Sara Vinson, Belton, Texas was also present to represent this request.

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

Commissioner Cooper motioned to recommend approval of the FLUM amendment. Commissioner Gukeisen seconded, and the motion passed by a vote of 5 to 2. Commissioners Payton and Ploeckelmann voted in opposition.

Vice Chairman Latham stated that the FLUM amendment will be forwarded to City Council with a recommendation for approval.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL RESIDENTIAL' FOR 19.566 ACRES FOR THE PROPERTY LOCATED AT 5603 BUNNY TRAIL, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

**WHEREAS**, the Planning and Zoning Commission has received a request from True Fountain, L.L.C., on behalf of Full Gospel Church, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change a 'Suburban Residential' designation to a 'General Residential' designation for 19.566 acres, being addressed as 5603 Bunny Trail, Killeen, Texas; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 5th day of August 2019, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 27th day of August 2019, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the opinion that the amendment should be approved;

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

**SECTION I:** That the future land use designation of 19.566 acres of land, being addressed as 5603 Bunny Trail, Killeen, Texas, be amended from a ‘Suburban Residential’ designation to a ‘General Residential’ designation.

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

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

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 27th day of August 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:**

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**Jose L. Segarra**  
**MAYOR**

**ATTEST:**

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**Lucy C. Aldrich**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #: FLUM #19-10  
Ord#:19-\_\_\_\_



CASE #FLUM19-10 'SR' TO 'GR'

PH-19-027

August 20, 2019

## CASE #: FLUM19-10: 'SR' to 'GR'

- True Fountain, L.L.C. submits this request on behalf of Full Gospel Church (**Case #FLUM19-10**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Residential' designation.
- The property is addressed as 5603 Bunny Trail, Killeen, Texas and consists of 19.566 acres.



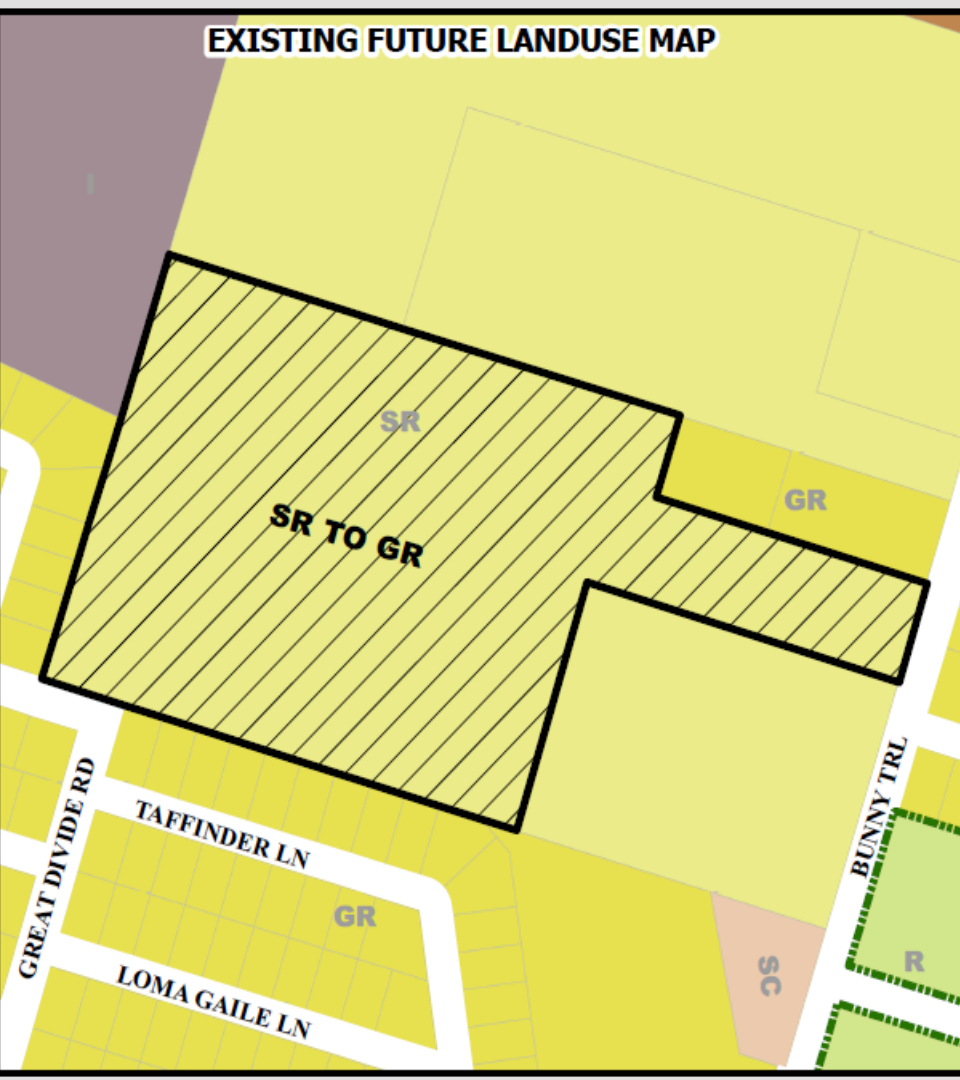
## CASE #: FLUM19-10: 'SR' to 'GR'

- ❑ The 'Suburban Residential' (SR) future land use encourages a larger baseline minimum lot size for larger front yards and building setbacks and greater side separation between homes.
  - Detached residential dwellings
  - Planned developments to provide for other housing types in a Suburban character setting
  - Public/institutional
  - Parks and public spaces

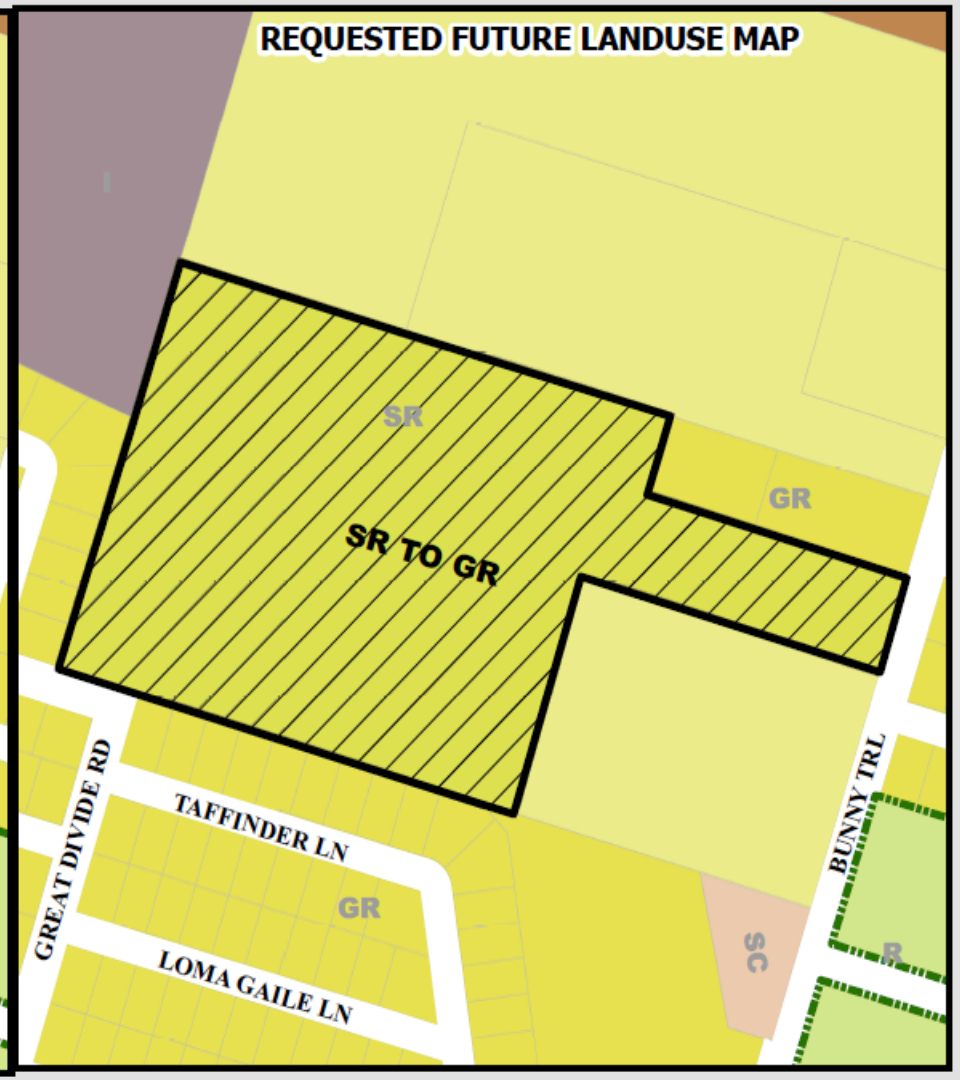
## CASE #: FLUM19-10: 'SR' to 'GR'

- ❑ If approved, the 'General Residential' (GR) designation encourages the following development types:
  - Detached residential dwellings as a primary focus
  - Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)
  - Planned developments
  - Public/ institutional
  - Parks and public spaces

EXISTING FUTURE LANDUSE MAP



REQUESTED FUTURE LANDUSE MAP



# Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - approve the applicant's FLUM amendment request;
  - disapprove the applicant's FLUM amendment request; or
  - approve a more restrictive FLUM designation.

# Recommendations

- The Planning and Zoning Commission recommended approval of the applicant's FLUM amendment request by a vote of 5 to 2, with Commissioners Payton and Ploecklemann opposed to the motion.
- Staff recommends that the City Council disapprove the applicant's FLUM amendment request. Staff's determination is that the property is appropriately designated; it is part of a larger area intended for suburban character.



# City of Killeen

## Legislation Details

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**File #:** PH-19-028    **Version:** 1    **Name:** Year End Budget Amendment  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 6/3/2019    **In control:** City Council Workshop  
**On agenda:** 8/20/2019    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services of the City of Killeen to adjust revenue and expenditure accounts in multiple operating, special revenue, internal service, and capital improvement project funds.  
**Sponsors:** Finance Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Ordinance](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
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## STAFF REPORT

**DATE:** August 20, 2019

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

**FROM:** Jonathan Locke, Executive Director of Finance

**VIA:** Miranda Drake, Director of Budget

**SUBJECT:** Year End Budget Amendment

### **BACKGROUND AND FINDINGS:**

Each year, a budget amendment is needed at year-end to align budgets with anticipated expenditure levels. City staff has estimated revenues and expenditures through the end of the fiscal year and identified accounts that require a budget amendment. The City Manager is able to approve budget amendments between accounts of the same department and fund. The City Council must approve budget amendments between accounts of different departments and to increase the overall budget of a fund.

In accordance with Section X. Fund Balance of the Financial Governance Policies adopted by the City Council February 26, 2019, this budget amendment will transfer fund balance in excess of 22% to the Capital Projects Fund for each applicable operating fund. Also, to establish the Support Services Internal Service Fund (ISF), the major operating funds will transfer a proportionate amount based on the indirect cost allocation. In addition, the amendment will adjust and increase expenditure budgets in the General Fund, Water and Sewer Fund, Solid Waste Fund, Drainage Utility Fund, multiple special revenue funds, internal service funds, and capital improvement project funds.

### **THE ALTERNATIVES CONSIDERED:**

No alternatives were considered.

### **Which alternative is recommended? Why?**

A budget amendment is required to transfer excess fund balance to the Capital Project Funds, establish the Support Services ISF, and to address forecasted budget shortfalls.

### **CONFORMITY TO CITY POLICY:**

The City's Financial Governance Policies, Section V. Budget Administration (B)(1) states that City Council may amend or change the budget by ordinance.

**FINANCIAL IMPACT:**

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

Upon approval, expenditure accounts will be amended in the FY 2019 Budget as follows:

- General Fund - increase of \$5,702,096
  - Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.
- Water and Sewer Fund - increase of \$4,321,782
  - Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.
- Solid Waste - increase of \$2,036,920
  - Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.
- Drainage Fund - increase of \$589,180
  - Transfer of fund balance in excess of 22% and adjust operating expenditures.
- Aviation Fund - increase of \$9,500 for operating expenditures.
- Special Revenue Funds - increase of \$136,642 for operating expenditures.
- Internal Service Funds - increase of \$13,251 for operating expenditures.
- Capital Improvement Project Funds - increase of \$8,325,495
  - Capital expenditures and other project reserves.

**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 approve the ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services.

**DEPARTMENTAL CLEARANCES:**

Legal Department

**ATTACHED SUPPORTING DOCUMENTS:**

Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2019 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN TO ADJUST REVENUE AND EXPENDITURE ACCOUNTS IN MULTIPLE OPERATING, SPECIAL REVENUE, INTERNAL SERVICE, AND CAPITAL IMPROVEMENT PROJECT FUNDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, a budget for operating the municipal government of the City of Killeen for the Fiscal Year October 1, 2018 to September 30, 2019, has been adopted by City Council in accordance with the City Charter; and

**WHEREAS**, it is the desire of the Killeen City Council to amend the FY 2019 Annual Budget and Plan of Municipal Services; and

**WHEREAS**, the budget amendment requires City Council approval;

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

**SECTION 1.** That Ordinance 18-032, adopting a budget for operating the municipal government of the City of Killeen for the Fiscal year October 1, 2018 to September 30, 2019, be amended as to the portion of said budget as follows:

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
010-0000-379.99-99		OTHER INCOME / OTHER INCOME	\$ 12,180	\$ 994	\$ 13,174
010-0208-413.44-30	ECA001	SUPPORT SERVICES / TRAINING AND TRAVEL	1,182	48	1,230
010-0208-413.44-30	ECA002	SUPPORT SERVICES / TRAINING AND TRAVEL	1,230	473	1,703
010-0208-413.44-30	ECA003	SUPPORT SERVICES / TRAINING AND TRAVEL	1,703	473	2,176
010-2010-415.61-40	EFN001	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	14,000	3,550	17,550
010-2010-415.61-40	EFN002	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	17,550	3,550	21,100
010-2010-415.61-40	EFN003	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	21,100	3,550	24,650
010-2010-415.61-40	EFN004	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	24,650	3,550	28,200
010-2010-415.61-40	EFN005	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	28,200	17,750	45,950
010-2010-415.61-40	EFN006	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	45,950	3,550	49,500
010-0200-413.40-05	ECM001	PERSONNEL SERVICES / FULL-TIME SALARIES	295,664	7,353	303,017
010-0200-413.40-05	ECM002	PERSONNEL SERVICES / FULL-TIME SALARIES	303,017	6,128	309,145
010-0200-413.40-05	ECM003	PERSONNEL SERVICES / FULL-TIME SALARIES	309,145	9,804	318,949
010-0200-413.40-05	ECM004	PERSONNEL SERVICES / FULL-TIME SALARIES	318,949	1,226	320,175
010-0200-413.40-10	ECM001	PERSONNEL SERVICES / PART-TIME SALARIES	-	2,576	2,576
010-0200-413.40-10	ECM002	PERSONNEL SERVICES / PART-TIME SALARIES	2,576	2,147	4,723
010-0200-413.40-10	ECM003	PERSONNEL SERVICES / PART-TIME SALARIES	4,723	3,435	8,158
010-0200-413.40-10	ECM004	PERSONNEL SERVICES / PART-TIME SALARIES	8,158	430	8,588
010-0200-413.40-85	ECM001	PERSONNEL SERVICES / RETIREMENT - TMRS	36,418	600	37,018
010-0200-413.40-85	ECM002	PERSONNEL SERVICES / RETIREMENT - TMRS	37,018	500	37,518
010-0200-413.40-85	ECM003	PERSONNEL SERVICES / RETIREMENT - TMRS	37,518	800	38,318

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
010-0200-413.40-85	ECM004	PERSONNEL SERVICES / RETIREMENT - TMRS	38,318	100	38,418
010-0200-413.40-88	ECM001	PERSONNEL SERVICES / MEDICARE	4,512	150	4,662
010-0200-413.40-88	ECM002	PERSONNEL SERVICES / MEDICARE	4,662	125	4,787
010-0200-413.40-88	ECM003	PERSONNEL SERVICES / MEDICARE	4,787	200	4,987
010-0200-413.40-88	ECM004	PERSONNEL SERVICES / MEDICARE	4,987	25	5,012
010-0200-413.40-89	ECM001	PERSONNEL SERVICES / WORKERS COMPENSATION	555	18	573
010-0200-413.40-89	ECM002	PERSONNEL SERVICES / WORKERS COMPENSATION	573	15	588
010-0200-413.40-89	ECM003	PERSONNEL SERVICES / WORKERS COMPENSATION	588	24	612
010-0200-413.40-89	ECM004	PERSONNEL SERVICES / WORKERS COMPENSATION	612	3	615
010-0200-413.41-37	ECM001	PHONES & ACCESSORIES	-	20	20
010-0200-413.41-37	ECM002	PHONES & ACCESSORIES	20	17	37
010-0200-413.41-37	ECM003	PHONES & ACCESSORIES	37	27	64
010-0200-413.41-37	ECM004	PHONES & ACCESSORIES	64	3	67
010-0200-413.61-02	190020	CAPITAL OUTLAY / BUILDINGS	-	18,000	18,000
010-9501-491.50-15	END999	DESIGNATED EXPENSES / CONTINGENCY	93,306	(55,000)	38,306
010-2305-418.47-01	EHR001	PROFESSIONAL SERVICES / CONSULTING	174,000	24,900	198,900
010-2305-418.41-60	EHR001	SUPPLIES / FOOD SUPPLIES	900	161	1,061
010-2305-418.44-30	EHR001	SUPPORT SERVICES / TRAINING AND TRAVEL	7,770	797	8,567
010-2305-418.44-30	EHR002	SUPPORT SERVICES / TRAINING AND TRAVEL	8,567	302	8,869
010-2305-418.44-30	EHR003	SUPPORT SERVICES / TRAINING AND TRAVEL	8,869	649	9,518
010-9501-491.47-01		CONSULTING	150,000	(61,035)	88,965
010-3215-423.61-40	CCD004	CAPITAL OUTLAY / COMPUTER EQUIP/SOFTWARE	-	21,933	21,933
010-3258-426.44-05	ECD002	SUPPORT SERVICES / TELEPHONE	4,831	14,146	18,977
010-0000-331.02-05		FIRE / OTHER-EGRANTS	-	21,562	21,562
010-7070-442.46-35	BFI001	MINOR CAPITAL / EQUIPMENT AND MACHINERY	41,100	6,467	47,567
010-7070-442.61-35	BFI002	CAPITAL OUTLAY / MACHINERY & EQUIPMENT	25,400	9,057	34,457
010-7070-442.61-35	BFI001	CAPITAL OUTLAY / MACHINERY & EQUIPMENT	34,457	4,529	38,986
010-7070-442.61-35	BFI003	CAPITAL OUTLAY / MACHINERY & EQUIPMENT	34,457	1,510	35,967
010-0000-331.01-02	PDBVP	POLICE / BJA-BULLET PROOF VEST	-	12,058	12,058
010-6050-441.41-20	PDBVP	SUPPLIES / UNIFORMS & CLOTHING	288,469	12,058	300,527
010-0000-334.02-05	TTF1	FIRE / TEEX-TASK FORCE	-	112,042	112,042
010-7070-442.40-05	TTF1	PERSONNEL SERVICES / FULL-TIME SALARIES	11,900,743	50,963	11,951,706
010-7070-442.40-15	TTF1	PERSONNEL SERVICES / OVERTIME	136,640	38,186	174,826
010-7070-442.40-82	TTF1	PERSONNEL SERVICES / MEDICAL INSURANCE	919,092	2,258	921,350
010-7070-442.40-83	TTF1	PERSONNEL SERVICES / DENTAL INSURANCE	58,199	140	58,339
010-7070-442.40-84	TTF1	PERSONNEL SERVICES / LIFE INSURANCE	3,870	9	3,879
010-7070-442.40-86	TTF1	PERSONNEL SERVICES / RETIREMENT - FR&R	1,771,674	12,290	1,783,964
010-7070-442.40-87	TTF1	PERSONNEL SERVICES / SOCIAL SECURITY	820,831	6,296	827,127
010-7070-442.40-88	TTF1	PERSONNEL SERVICES / MEDICARE	191,966	850	192,816
010-7070-442.40-89	TTF1	PERSONNEL SERVICES / WORKERS COMPENSATION	181,405	1,050	182,455
010-9501-491.40-24	ZND999	SEPARATION PAY	834,167	323,000	1,157,167
010-9501-491.40-85	ZND999	RETIREMENT - TMRS	93,010	36,015	129,025
010-9501-491.40-87	ZND999	SOCIAL SECURITY	51,719	20,026	71,745
010-9501-491.40-88	ZND999	MEDICARE	12,095	4,684	16,779
010-9501-491.40-89	ZND999	WORKERS COMPENSATION	9,009	16,150	25,159
010-6035-441.40-05	BPD005	FULL-TIME SALARIES (PATROL)	10,307,590	(435,953)	9,871,637
010-0000-393.07-01		LEASE PROCEEDS	-	156,423	156,423
010-3025-425.61-70		LEASE ASSETS	-	156,423	156,423
010-0406-414.61-35	ECO007	MACHINERY & EQUIPMENT	17,002	(17,002)	-

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
010-3026-425.44-10	CCS002	EQUIPMENT RENTAL/LEASE	41,524	(14,388)	27,136
010-3026-425.44-10	CCS003	EQUIPMENT RENTAL/LEASE	27,136	(21,581)	5,555
010-7070-442.44-10	BFI001	EQUIPMENT RENTAL/LEASE	57,388	(15,266)	42,122
010-7070-442.44-10	BFI002	EQUIPMENT RENTAL/LEASE	42,122	(30,533)	11,589
010-7070-442.44-10	BFI003	EQUIPMENT RENTAL/LEASE	11,589	(5,089)	6,500
010-3020-424.44-10	CCS003	EQUIPMENT RENTAL/LEASE	101,200	(67,183)	34,017
010-3025-425.44-10	CCS003	EQUIPMENT RENTAL/LEASE	66,034	(60,020)	6,014
010-9000-489.71-12		CAPITAL LEASE PRINCIPAL	-	200,482	200,482
010-9000-489.71-13		CAPITAL LEASE INTEREST	-	30,580	30,580
214-9000-489.72-11		ARBITRAGE CALCULATION	860	300	1,160
214-9501-457.47-30	END999	ACCOUNTING SERVICES	23,000	(300)	22,700
228-0000-391.01-10		TRANSFER IN FROM FUND 010	-	3,000	3,000
010-9595-492.92-28		TRANSFER TO CDBG FUND	-	3,000	3,000
010-6035-441.40-05	BPD005	FULL-TIME SALARIES (PATROL)	9,871,637	(3,000)	9,868,637
234-9501-491.40-24	AND999	PERSONNEL SERVICES / SEPARATION PAY	-	2,000	2,000
234-9501-491.40-85	AND999	PERSONNEL SERVICES / RETIREMENT - TMRS	-	223	223
234-9501-491.40-87	AND999	PERSONNEL SERVICES / SOCIAL SECURITY	-	124	124
234-9501-491.40-88	AND999	PERSONNEL SERVICES / MEDICARE	-	29	29
234-9501-491.40-89	AND999	PERSONNEL SERVICES / WORKERS COMPENSATION	-	40	40
234-3445-434.50-20	APW006	DESIGNATED EXPENSES / RESERVE APPROPRIATION	300,313	(2,416)	297,897
234-9000-489.71-12		CAPITAL LEASE PRINCIPAL	-	15,826	15,826
234-9000-489.71-13		CAPITAL LEASE INTEREST	-	6,752	6,752
234-3445-434.44-10	APW006	EQUIPMENT RENTAL/LEASE	55,000	(22,578)	32,422
241-9501-491.40-24	BND999	PERSONNEL SERVICES / SEPARATION PAY	-	1,125	1,125
241-9501-491.40-85	BND999	PERSONNEL SERVICES / RETIREMENT - TMRS	-	126	126
241-9501-491.40-87	BND999	PERSONNEL SERVICES / SOCIAL SECURITY	-	70	70
241-9501-491.40-88	BND999	PERSONNEL SERVICES / MEDICARE	-	17	17
241-9501-491.40-89	BND999	PERSONNEL SERVICES / WORKERS COMPENSATION	-	2	2
241-0000-280.00-00		FUND BALANCE - COURT SECURITY FEE FUND	-	(1,340)	(1,340)
242-9501-491.40-24	BND999	PERSONNEL SERVICES / SEPARATION PAY	-	4,444	4,444
242-9501-491.40-85	BND999	PERSONNEL SERVICES / RETIREMENT - TMRS	-	496	496
242-9501-491.40-87	BND999	PERSONNEL SERVICES / SOCIAL SECURITY	-	276	276
242-9501-491.40-88	BND999	PERSONNEL SERVICES / MEDICARE	-	65	65
242-9501-491.40-89	BND999	PERSONNEL SERVICES / WORKERS COMPENSATION	-	8	8
242-0000-280.00-00		FUND BALANCE - JUVENILE CASE MANAGER FUND	-	(5,289)	(5,289)
243-0000-351.02-01		PUBLIC SAFETY / PHOTO RED LIGHT FINES	-	11,198	11,198
243-6000-441.44-10		SUPPORT SERVICES / EQUIPMENT RENTAL/LEASE	-	6,419	6,419
248-3445-434.42-38	APW009	PAVEMENT MARKING	12,500	54,434	66,934
248-0000-280.00-00		FUND BALANCE - CHILD SAFETY FEE FUND	-	(54,434)	(54,434)
249-6070-441.92-47		TRANSFER OUT TO FUND 247	-	50,308	50,308

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
249-0000-280.00-00		FUND BALANCE - POLICE DEPT DONATION FUND	-	(50,308)	(50,308)
252-2305-418.40-05	EHR003	PERSONNEL SERVICES / FULL-TIME SALARIES	-	14,243	14,243
252-2305-418.40-25	EHR003	PERSONNEL SERVICES / LONGEVITY	-	65	65
252-2305-418.40-82	EHR003	PERSONNEL SERVICES / MEDICAL INSURANCE	-	1,747	1,747
252-2305-418.40-83	EHR003	PERSONNEL SERVICES / DENTAL INSURANCE	-	97	97
252-2305-418.40-84	EHR003	PERSONNEL SERVICES / LIFE INSURANCE	-	7	7
252-2305-418.40-85	EHR003	PERSONNEL SERVICES / RETIREMENT - TMRS	-	1,579	1,579
252-2305-418.40-87	EHR003	PERSONNEL SERVICES / SOCIAL SECURITY	-	881	881
252-2305-418.40-88	EHR003	PERSONNEL SERVICES / MEDICARE	-	208	208
252-2305-418.40-89	EHR003	PERSONNEL SERVICES / WORKERS COMPENSATION	-	25	25
252-0000-280.00-00		FUND BALANCE - WELLNESS NON-ASSESSMENT	-	(18,852)	(18,852)
349-0000-371.10-04		GENERAL GOVERNMENT / UTILITY REBATES	-	714	714
349-3258-426.43-20	190007	SUPPORT SERVICES / HEAT & AIR REPAIR	400,000	714	400,714
349-0000-391.03-45		CAPITAL PROJECT FUNDS/TRANSFER FROM FUND 345	137,125	944	138,069
345-0000-361.05-00		INTEREST REVENUES	944	944	1,888
345-3025-492.93-49		TRANSFER TO GENERAL FUND CIP	137,125	944	138,069
349-0000-391.03-46		CAPITAL PROJECT FUNDS/TRANSFER FROM FUND 346	79,082	544	79,626
346-0000-361.05-00		INTEREST REVENUES	-	544	544
346-3446-492.93-49		TRANSFER TO GENERAL FUND CIP	79,082	544	79,626
349-0000-391.03-48		CAPITAL PROJECT FUNDS / TRANSFER FROM FUND 348	691,949	77,459	769,408
348-0000-361.05-00		INTEREST REVENUES	-	77,459	77,459
348-3490-492.93-49		TRANSFER TO GENERAL FUND CIP	691,949	77,459	769,408
349-0000-391.03-51		CAPITAL PROJECT FUNDS / TRANSFER FROM FUND 351	59,025	406	59,431
351-0000-361.05-00		INTEREST REVENUES	-	406	406
351-3446-492.93-49		TRANSFER TO GENERAL FUND CIP	59,025	406	59,431
387-0000-371.10-04		GENERAL GOVERNMENT / UTILITY REBATES	-	305	305
387-3258-426.43-20	190007	SUPPORT SERVICES / HEAT & AIR REPAIR	-	305	305
540-0000-343.03-02		SANITATION SVS/REFUSE COL / COMMERCIAL SERVICE	6,302,411	30,000	6,332,411
540-3465-439.43-73	APW014	REPAIRS / REPLACEMENT CARTS/DUMPSTER	66,237	20,000	86,237
540-3465-439.43-75	APW014	REPAIRS / CARTS/DUMPSTERS REPAIR	41,263	10,000	51,263
540-9000-489.72-11		ARBITRAGE CALCULATION	320	300	620
540-9595-439.47-30	END999	ACCOUNTING SERVICES	10,000	(300)	9,700
540-9000-489.71-12		CAPITAL LEASE PRINCIPAL	-	50,868	50,868
540-9000-489.71-13		CAPITAL LEASE INTEREST	-	16,366	16,366
540-3475-439.44-10	APW016	EQUIPMENT RENTAL/LEASE	63,000	(61,153)	1,847
540-3478-439.44-10	APW005	EQUIPMENT RENTAL/LEASE	11,620	(6,081)	5,539
550-0000-343.02-06		CHARGES FOR SERVICES/WARRANTY SERVICE	-	125,000	125,000
550-3415-437.47-13	APW019	PROFESSIONAL SERVICES/SEWER LINE WARRANTY	-	125,000	125,000
550-3405-435.55-02	APW017	SEWER TREATMENT	3,827,640	800,000	4,627,640
550-9000-489.71-10		BOND PRINCIPAL PAYMENTS	5,880,000	(800,000)	5,080,000
349-0000-381.07-07	190016	RECREATION / PARKS (JUNIOR LEAGUE DONATION)	-	75,000	75,000
349-0000-381.07-07	190016	RECREATION / PARKS (NATIONAL FITNESS CAMPAIGN)	75,000	30,000	105,000
349-3025-425.69-03	190016	CIP PROJECTS / CONSTRUCTION	135,000	105,000	240,000
349-9000-489.71-12		CAPITAL LEASE PRINCIPAL	-	243,722	243,722

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
349-9000-489.71-13		CAPITAL LEASE INTEREST	-	16,023	16,023
349-2705-419.61-40	190006	COMPUTER EQUIPMENT/SOFTWARE	600,000	(259,745)	340,255
525-0000-344.04-05		USE FEES / FLEXIBLE USE FEE	-	14,000	14,000
525-0505-521.41-35	DAV002	SUPPLIES / PRINT SUPPLIES	2,010	3,000	5,010
525-0505-521.41-40	DAV002	SUPPLIES / COMPUTER SUPPLIES	4,000	1,000	5,000
525-0505-521.42-43	DAV002	MAINTENANCE / COMPUTER/SOFTWARE MAINT	6,000	3,000	9,000
525-9501-491.40-24	ZND999	PERSONNEL SERVICES / SEPARATION PAY	8,235	41,300	49,535
525-9501-491.40-85	ZND999	PERSONNEL SERVICES / RETIREMENT - TMRS	918	4,625	5,543
525-9501-491.40-87	ZND999	PERSONNEL SERVICES / SOCIAL SECURITY	511	2,600	3,111
525-9501-491.40-88	ZND999	PERSONNEL SERVICES / MEDICARE	119	300	419
525-9501-491.40-89	ZND999	PERSONNEL SERVICES / WORKERS COMPENSATION	89	525	614
525-9595-492.44-68	EHR002	DIRECT COST	3,326	2,500	5,826
525-0505-521.40-05	DAV001	PERSONNEL SERVICES / FULL-TIME SALARIES	1,369,805	(14,455)	1,355,350
525-0505-521.40-05	DAV002	PERSONNEL SERVICES / FULL-TIME SALARIES	1,355,350	(16,107)	1,339,243
525-0505-521.40-05	DAV003	PERSONNEL SERVICES / FULL-TIME SALARIES	1,339,243	(10,738)	1,328,505
525-0505-521.40-25	DAV001	PERSONNEL SERVICES / LONGEVITY	13,513	(1,619)	11,894
525-0505-521.40-25	DAV002	PERSONNEL SERVICES / LONGEVITY	11,894	(1,803)	10,091
525-0505-521.40-25	DAV003	PERSONNEL SERVICES / LONGEVITY	10,091	(1,203)	8,888
525-0505-521.40-82	DAV001	PERSONNEL SERVICES / MEDICAL INSURANCE	86,634	(910)	85,724
525-0505-521.40-82	DAV002	PERSONNEL SERVICES / MEDICAL INSURANCE	85,724	(1,014)	84,710
525-0505-521.40-82	DAV003	PERSONNEL SERVICES / MEDICAL INSURANCE	84,710	(676)	84,034
525-0505-521.40-85	DAV001	PERSONNEL SERVICES / RETIREMENT - TMRS	163,012	(105)	162,907
525-0505-521.40-85	DAV002	PERSONNEL SERVICES / RETIREMENT - TMRS	162,907	(117)	162,790
525-0505-521.40-85	DAV003	PERSONNEL SERVICES / RETIREMENT - TMRS	162,790	(78)	162,712
525-0505-521.40-87	DAV001	PERSONNEL SERVICES / SOCIAL SECURITY	88,375	(184)	88,191
525-0505-521.40-87	DAV002	PERSONNEL SERVICES / SOCIAL SECURITY	88,191	(204)	87,987
525-0505-521.40-87	DAV003	PERSONNEL SERVICES / SOCIAL SECURITY	87,987	(137)	87,850
527-9501-491.40-24	ZND999	PERSONNEL SERVICES / SEPARATION PAY	1,088	27,213	28,301
527-9501-491.40-85	ZND999	PERSONNEL SERVICES / RETIREMENT - TMRS	121	3,035	3,156
527-9501-491.40-87	ZND999	PERSONNEL SERVICES / SOCIAL SECURITY	67	1,688	1,755
527-9501-491.40-88	ZND999	PERSONNEL SERVICES / MEDICARE	16	395	411
527-9501-491.40-89	ZND999	PERSONNEL SERVICES / WORKERS COMPENSATION	12	342	354
527-0505-521.40-05	DAV001	PERSONNEL SERVICES / FULL-TIME SALARIES	117,615	(9,620)	107,995
527-0505-521.40-05	DAV002	PERSONNEL SERVICES / FULL-TIME SALARIES	107,995	(12,480)	95,515
527-0505-521.40-05	DAV003	PERSONNEL SERVICES / FULL-TIME SALARIES	95,515	(1,300)	94,215
527-0505-521.40-05	DAV004	PERSONNEL SERVICES / FULL-TIME SALARIES	94,215	(2,600)	91,615
527-0505-521.40-25	DAV001	PERSONNEL SERVICES / LONGEVITY	2,016	(180)	1,836
527-0505-521.40-25	DAV002	PERSONNEL SERVICES / LONGEVITY	1,836	(232)	1,604
527-0505-521.40-25	DAV003	PERSONNEL SERVICES / LONGEVITY	1,604	(25)	1,579
527-0505-521.40-25	DAV004	PERSONNEL SERVICES / LONGEVITY	1,579	(49)	1,530
527-0505-521.40-82	DAV001	PERSONNEL SERVICES / MEDICAL INSURANCE	4,441	(724)	3,717
527-0505-521.40-82	DAV002	PERSONNEL SERVICES / MEDICAL INSURANCE	3,717	(938)	2,779
527-0505-521.40-82	DAV003	PERSONNEL SERVICES / MEDICAL INSURANCE	2,779	(98)	2,681
527-0505-521.40-82	DAV004	PERSONNEL SERVICES / MEDICAL INSURANCE	2,681	(196)	2,485
527-0505-521.40-85	DAV001	PERSONNEL SERVICES / RETIREMENT - TMRS	14,055	(777)	13,278

Account #	Project #	Account Description	Original Budget	Budget Change	Amended Budget
527-0505-521.40-85	DAV002	PERSONNEL SERVICES / RETIREMENT - TMRS	13,278	(1,008)	12,270
527-0505-521.40-85	DAV003	PERSONNEL SERVICES / RETIREMENT - TMRS	12,270	(105)	12,165
527-0505-521.40-85	DAV004	PERSONNEL SERVICES / RETIREMENT - TMRS	12,165	(210)	11,955
527-0505-521.40-87	DAV001	PERSONNEL SERVICES / SOCIAL SECURITY	7,671	(418)	7,253
527-0505-521.40-87	DAV002	PERSONNEL SERVICES / SOCIAL SECURITY	7,253	(542)	6,711
527-0505-521.40-87	DAV003	PERSONNEL SERVICES / SOCIAL SECURITY	6,711	(57)	6,654
527-0505-521.40-87	DAV004	PERSONNEL SERVICES / SOCIAL SECURITY	6,654	(114)	6,540
527-0505-521.43-50	190011	REPAIRS/MACHINERY	9,000	(1,000)	8,000
575-9000-489.71-12		CAPITAL LEASE PRINCIPAL	-	38,793	38,793
575-9000-489.71-13		CAPITAL LEASE INTEREST	-	4,005	4,005
575-3448-434.44-10	APW002	EQUIPMENT RENTAL/LEASE	79,751	(42,798)	36,953
601-9501-491.40-24	END999	PERSONNEL SERVICES / SEPARATION PAY	-	2,000	2,000
601-9501-491.40-85	END999	PERSONNEL SERVICES / RETIREMENT - TMRS	-	223	223
601-9501-491.40-87	END999	PERSONNEL SERVICES / SOCIAL SECURITY	-	124	124
601-9501-491.40-88	END999	PERSONNEL SERVICES / MEDICARE	-	29	29
601-9501-491.40-89	END999	PERSONNEL SERVICES / WORKERS COMPENSATION	-	40	40
601-0000-361.05-00		INTEREST REVENUES	5,000	2,416	7,416
627-9501-491.40-24	END999	PERSONNEL SERVICES / SEPARATION PAY	-	16,000	16,000
627-9501-491.40-85	END999	PERSONNEL SERVICES / RETIREMENT - TMRS	-	1,784	1,784
627-9501-491.40-87	END999	PERSONNEL SERVICES / SOCIAL SECURITY	-	992	992
627-9501-491.40-88	END999	PERSONNEL SERVICES / MEDICARE	-	232	232
627-9501-491.40-89	END999	PERSONNEL SERVICES / WORKERS COMPENSATION	-	320	320
627-0000-361.05-00		INTEREST REVENUES	-	9,600	9,600
627-0000-371.10-02		PURCHASING CARDS	-	1,235	1,235
627-2705-419.40-05	EIT001	FULL-TIME SALARIES	1,272,554	(8,493)	1,264,061
010-9595-492.93-49		Transfer to General Fund CIP	2,741,500	3,154,297	5,895,797
010-0000-280.00-00		General Fund - Fund Balance	-	(3,154,297)	(3,154,297)
349-0000-391.01-10		Transfer From General Fund	2,741,500	3,154,297	5,895,797
349-3435-432.69-05		Contingency - Other Projects Reserve	3,058,423	3,154,297	6,212,720
540-9595-492.93-88		Transfer to Solid Waste CIP	1,536,400	1,444,076	2,980,476
540-0000-285.00-00		Solid Waste Retained Earnings	-	(1,444,076)	(1,444,076)
388-0000-391.05-40		Transfer From Solid Waste Fund	1,536,400	1,444,076	2,980,476
388-3465-439.69-05		Contingency - Other Projects Reserve	1,879,218	1,444,076	3,323,294
550-9595-492.93-87		Transfer to W&S Fund CIP	503,700	2,952,570	3,456,270
550-0000-285.00-00		W&S Retained Earnings	-	(2,952,570)	(2,952,570)
387-0000-391.05-50		Transfer From W&S Fund	503,700	2,952,570	3,456,270
387-3435-432.69-05		Contingency - Other Projects Reserve	3,610,182	2,952,570	6,562,752
575-9595-492.93-75		Transfer to Drainage Fund CIP	131,700	589,180	720,880
575-0000-250.00-00		Drainage Fund - Fund Balance	-	(589,180)	(589,180)
375-0000-391.05-75		Transfer From Drainage Fund	131,700	589,180	720,880
375-3448-434.69-05		Contingency - Other Projects Reserve	2,733,119	589,180	3,322,299
010-9595-492.96-10		Transfer to Support Services Fund	-	2,244,720	2,244,720
010-0000-280.00-00		General Fund - Fund Balance	-	(2,244,720)	(2,244,720)
610-0000-391.01-10		Transfer From General Fund	-	2,244,720	2,244,720
540-9595-492.96-10		Transfer to Support Services Fund	-	562,844	562,844
540-0000-285.00-00		Solid Waste Retained Earnings	-	(562,844)	(562,844)
610-0000-391.05-40		Transfer From Solid Waste Fund	-	562,844	562,844
550-9595-492.96-10		Transfer to Support Services Fund	-	1,244,212	1,244,212
550-0000-285.00-00		W&S Retained Earnings	-	(1,244,212)	(1,244,212)
610-0000-391.05-50		Transfer From W&S Fund	-	1,244,212	1,244,212

**SECTION II:** That the City Council finds that the public notice and public hearing requirements of Section 56 of the City Charter have been complied with prior to the enactment of this ordinance.

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

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

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 27th day of August, 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**

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Jose L. Segarra  
MAYOR

**ATTEST:**

**APPROVED AS TO FORM**

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Lucy C. Aldrich  
City Secretary

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Kathryn H. Davis  
City Attorney



# FY 2019 YEAR-END BUDGET AMENDMENT

PH-19-028

August 20, 2019

# Year End Review

2

- ❑ Estimated revenues and expenditures.
- ❑ Compared budget to actual results.
- ❑ Identified required budget amendments.
  - ▣ City Manager approves budget amendments between accounts of the same department and fund.
  - ▣ City Council approves budget amendments between accounts of different departments and to increase the overall budget of a fund.

# Summary of Expenditure Amendments

3

## □ Major Operating Funds

### ▣ General Fund – increase of \$5.7M

- Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.

### ▣ Water and Sewer – increase of \$4.3M

- Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.

### ▣ Solid Waste – increase of \$2.0M

- Transfer of fund balance in excess of 22%, establish Support Services ISF, and adjust operating expenditures.

### ▣ Drainage – increase of \$0.5M

- Transfer of fund balance in excess of 22% and adjust operating expenditures.

### ▣ Aviation – increase of \$9,500 for operating expenditures.

# Summary of Expenditure Amendments (cont'd)

4

- ❑ Special Revenue Funds – increase of \$136,642 for operating expenditures.
- ❑ Internal Service Funds – increase of \$13,251 for operating expenditures.
- ❑ Capital Improvement Project Funds – increase of \$8.3M
  - ▣ Capital expenditures and other project reserves.

# General Fund

## Expenditure Increase - \$5,702,096

5

Department	Account Type	Budget Change
<b>Resources</b>		
Fund Balance	Fund Balance	\$5,399,017
Revenue	Revenue	<u>303,079</u>
<b>Total Resources</b>		<b>\$5,702,096</b>
<b>Expenditures</b>		
Police	Personnel	(\$426,895)
City Auditor	Operations	994
City Manager	Personnel, Operations & Capital	53,726
Finance	Software	35,500

# General Fund (cont'd)

## Expenditure Increase - \$5,702,096

6

Department	Account Type	Budget Change
<b>Expenditures (cont'd)</b>		
Human Resources	Operations	\$26,809
Community Dev.	Operations	36,079
Fire	Personnel & Operations	133,604
Lease Assets	Leases	156,423
Non-Departmental	Separation Pay	283,839
Non-Departmental	Transfer to CDBG	3,000
Non-Departmental	Transfer to CIP	3,154,297
Non-Departmental	Transfer to Support Services	<u>2,244,720</u>
<b>Total Expenditures</b>		<b>\$5,702,096</b>

# Water and Sewer Fund

## Expenditure Increase - \$4,321,782

7

Department	Account Type	Budget Change
<b>Resources</b>		
Fund Balance	Fund Balance	\$4,196,782
Revenue	Revenue	<u>125,000</u>
<b>Total Resources</b>		<b>\$4,321,782</b>
<b>Expenditures</b>		
Sanitary Sewers	Operations	\$125,000
Contracts	Sewer Treatment	800,000
Debt Service	Reserved for Future Issue	(800,000)
Non-departmental	Transfer to CIP	2,952,570
Non-departmental	Transfer to Support Services	<u>1,244,212</u>
<b>Total Expenditures</b>		<b>\$4,321,782</b>

# Solid Waste Fund

## Expenditure Increase - \$2,036,920

8

Department	Account Type	Budget Change
<b>Resources</b>		
Fund Balance	Fund Balance	\$2,006,920
Revenue	Revenue	<u>30,000</u>
<b>Total Resources</b>		<b>\$2,036,920</b>
<b>Expenditures</b>		
Commercial Services	Operating	\$30,000
Transfer Station	Operating	(61,153)
Mowing	Operating	(6,081)
Non-departmental	Transfer to CIP	1,444,076
Non-departmental	Transfer to Support Services	562,844
Non-departmental	Leases	<u>67,234</u>
<b>Total Expenditures</b>		<b>\$2,036,920</b>

# Drainage Fund

## Expenditure Increase - \$589,180

9

Department	Account Type	Budget Change
<b>Resources</b>		
Fund Balance	Fund Balance	\$589,180
<b>Expenditures</b>		
Drainage Maintenance	Operations	(\$42,798)
Non-departmental	Leases	42,798
Non-departmental	Transfer to CIP	<u>589,180</u>
<b>Total Expenditures</b>		<b>\$589,180</b>

# Aviation Fund

## Expenditure Increase - \$9,500

10

Department	Account Type	Budget Change
<b>Resources</b>		
Revenue	Revenue	\$14,000
<b>Expenditures</b>		
Aviation	Operating	(\$72,523)
Aviation	Separation Pay	82,023
<b>Total Expenditures</b>		<b>\$9,500</b>

# Special Revenue Funds

## Expenditure Increase - \$136,642

11

Fund	Account Type	Budget Change
<b>Resources</b>		
Court Security Fee Fund	Fund Balance	\$1,340
Juvenile Case Manager Fund	Fund Balance	5,289
Child Safety Fee Fund	Fund Balance	54,434
Wellness Non-Assessment Fund	Fund Balance	18,852
Police Dept Donation Fund	Fund Balance	50,308
Community Development	Transfer-In Revenue	3,000
Photo Red Light Fund	Revenue	<u>11,198</u>
<b>Total Resources</b>		<b>\$144,421</b>

# Special Revenue Funds (cont'd)

## Expenditure Increase - \$136,642

12

Fund	Account Type	Budget Change
<b>Expenditures</b>		
Court Security Fee Fund	Separation Pay	\$1,340
Juvenile Case Manager Fund	Separation Pay	5,289
Child Safety Fee Fund	Operations	54,434
Wellness Non-Assessment Fund	Personnel	18,852
Police Dept Donation Fund	Transfer Out	50,308
Community Development	Transfer-In Revenue	0
Photo Red Light Fund	Operations	<u>6,419</u>
<b>Total Expenditures</b>		<b>\$136,642</b>

# Internal Services Funds

## Expenditure Increase - \$13,251

13

Fund	Account Type	Budget Change
<b>Resources</b>		
Fleet Services	Revenue	\$2,416
Information Technology	Revenue	10,835
Support Services	Transfer In	<u>4,051,776</u>
<b>Total Resources</b>		<b>\$4,065,027</b>
<b>Expenditures</b>		
Fleet Services	Separation Pay	\$2,416
Information Technology	Separation Pay	<u>10,835</u>
<b>Total Expenditures</b>		<b>\$13,251</b>

# Capital Improvement Project Funds

## Expenditure Increase - \$8,325,495

14

Fund	Account Type	Budget Change
<b>Resources</b>		
Governmental CIP	Transfer-In Revenue	\$3,234,364
Governmental CIP	Grant & Donation	105,000
Water & Sewer CIP	Transfer-In Revenue	2,952,875
Solid Waste CIP	Transfer-In Revenue	1,444,076
Drainage Utility CIP	Transfer-In Revenue	<u>589,180</u>
<b>Total Resources</b>		<b>\$8,325,495</b>

# Capital Improvement Project Funds (cont'd)

## Expenditure Increase - \$8,325,495

15

Fund	Account Type	Budget Change
<b>Expenditures</b>		
Governmental CIP	Capital	\$3,079,619
Governmental CIP	Leases	259,745
Water & Sewer CIP	Capital	2,952,875
Solid Waste CIP	Capital	1,444,076
Drainage Utility CIP	Capital	<u>589,180</u>
<b>Total Expenditures</b>		<b>\$8,325,495</b>

# Recommendation

16

Staff recommends that City Council approve the ordinance amending the FY 2019 Annual Budget and Plan of Municipal Services.