City of Killeen

Agenda

City Council Workshop

Tuesday, October 1, 2019 | **4:00 PM** | **City Hall**
Council Chambers
101 N. College Street
Killeen, Texas 76541

Citizen Comments

This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to three (3) minutes. The Presiding Officer may allow a one (1) minute extension, if requested at the end of the original three (3) minute period. No other extensions will be allowed.

Items for Discussion at Workshop

1. DS-19-086 Discuss Agenda Items for the Regular City Council Meeting of October 8, 2019

Councilmember Requests for Future Agenda Items

2. RQ-19-007 Future Agenda Item Requests:
· Presentation and Discussion Regarding Current Future Land Use Map (FLUM)

Attachments: Request

Items for Regular City Council Meeting of October 8, 2019

Minutes

3. MN-19-024 Consider Minutes of Special City Council Meeting of September 17, 2019.

Attachments: Minutes

4. MN-19-025 Consider Minutes of Regular City Council Meeting of September 24, 2019.

Attachments: Minutes

Resolutions

5. RS-19-102 Consider a memorandum/resolution appointing a Killeen representative to the Bell County Tax Appraisal District Board and appointing members to Killeen Economic Development Corporation Board.

Attachments: Staff Report

Letter of Request from Bell County

Letter of Request from Chamber of Commerce

Presentation

6. RS-19-103 Consider a memorandum/resolution awarding the request for application for banking services.

Attachments: Staff Report

Valley View, LLC Recommendation Letter

Analysis of Proposed Fees

Certificate of Interested Parties

Presentation

Public Hearings

7. PH-19-036 HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust (Case #Z19-20) to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

Attachments: Staff Report

Maps

Minutes

Ordinance

Considerations

Presentation

8. PH-19-037A HOLD a public hearing and consider a request submitted by Carlos Uresti Jr. (Case #FLUM19-11) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Commercial' designation for approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161. The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

Attachments: Staff Report

Maps

Minutes

Ordinance

Presentation

9. PH-19-037B HOLD a public hearing and consider an ordinance requested by Carlos Uresti Jr. (Case #Z19-21) to rezone approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "B-4" (Business District). The property is located on the east right-of-way

of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas. (Requires 3/4 Majority Vote)

Attachments: Staff Report
Maps
Minutes
Ordinance
Considerations
Presentation

10. PH-19-038 HOLD a public hearing and consider an ordinance requested by Robert Craig on behalf of EKU Inc. (Case #Z19-23) to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.

Attachments: Staff Report
Maps
Minutes
Ordinance
Considerations
Responses
Presentation

11. PH-19-039 HOLD a public hearing for a voluntary annexation petition for approximately 24.3 acres of land lying contiguous to the existing city limits and being located south of the Renick Ranch Subdivision, Killeen, Texas. (1st of 2 Public Hearings)

Attachments: Staff Report
Petition
Exhibit A
Annexation Exhibit
Annexation Service Plan
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 September 27, 2019.

_____

Lucy C. Aldrich, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting.

This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

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

Notice of Meetings

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

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

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City of Killeen

Legislation Details

File #:	DS-19-086	**Version:**	1	**Name:**	Discuss Agenda Items
Type:	Discussion Items			**Status:**	Discussion Items
File created:	9/16/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Discuss Agenda Items for the Regular City Council Meeting of October 8, 2019				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	RQ-19-007	**Version:**	1	**Name:**	Future Agenda Item Request
Type:	Future Agenda Requests			**Status:**	Future Agenda Items
File created:	9/25/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Future Agenda Item Requests: · Presentation and Discussion Regarding Current Future Land Use Map (FLUM)				
Sponsors:	City Council				
Indexes:					
Code sections:					
Attachments:	Request				

Date	Ver.	Action By	Action	Result

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CITY OF KILLEEN

ATTACHMENT A

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

Requestor(s): COUNCILMAN MENKING

Date: Sep 25, 2019

Problem/Issue/Idea Name for Agenda:

PRESENTATION AND DISCUSSION REGARDING CURRENT FUTURE LAND USE MAP. (FLUM)

Description of Problem/Issue/Idea:

Due to the high number of change requests, a discussion is needed to become more familiar with FLUM content and evaluate it for currency.

Requested Action:

A motion of direction to interim City Manager to engage planning staff to brief council on current status of FLUM and provide recommendations if needed to improve it and/or update it.

City of Killeen

Legislation Details

File #:	MN-19-024	**Version:**	1	**Name:**	Minutes of Special City Council Meeting of September 17, 2019
Type:	Minutes			**Status:**	Minutes
File created:	9/16/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Consider Minutes of Special City Council Meeting of September 17, 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
September 17, 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 Ronald L. Olson, City Attorney Kathryn Davis, 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 was seconded by Councilmember Fleming. The motion carried unanimously.

Citizen Comments

Claudia Brown - spoke on agenda item OR-19-020.

Ordinances

OR-19-020 Consider an ordinance adopting the Annual Budget for the City of Killeen for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

The City Secretary read the caption of the ordinance.
AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.
Staff Comments: Jon Locke, Executive Director of Finance
On August 6, 2019, the City Manager presented the FY 2020 Proposed Annual Budget and Plan of Municipal Services to the City Council. On September 3rd, the City held the first budget public hearing. On September 10th, a second budget public hearing was held. With a majority vote being required by the Council to adopt the budget, staff's recommendation is to adopt the budget ordinance as presented, which includes two changes from the City Manager's proposed budget. The two changes include an increase to Hill Country Transit's (the HOP) funding and transferring the budget for Animal Services vehicles to Recreation Services. Hill Country Transit's funding was increased from $120,850 to $222,366. This was funded by decreasing decision packages funded for veterinary services from $65,000 to $38,484 and dangerous building abatement from $50,000 to $25,000.

In addition, there was a reduction in contingency from $100,000 to $50,000. There is also a transfer of the $95,400 budget for Animal Services vehicles from the Police Department to Recreation Services in the Governmental CIP Fund.

Motion was made by Mayor Pro Tem Kilpatrick to approve OR-19-020. Motion was seconded by Councilmember Menking. The City Secretary called for a record vote:

Mayor Pro Tem Kilpatrick - Aye
Councilmember Menking - Aye
Councilmember Fleming - Aye
Councilmember Johnson - Aye
Councilmember Rivera - Aye
Councilmember Harris - Aye
Councilmember Nash-King - Aye

Motion carried unanimously.

OR-19-021 Consider a memorandum/resolution ratifying the property tax revenue increase reflected in the Annual Budget for the fiscal year October 1, 2019 through September 30, 2020.

Staff comments: Jon Locke, Executive Director of Finance.
Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. This vote is required even though the City's property tax rate will remain the same in FY 2020. The FY 2020 Budget will raise more property taxes than last year's budget by $4,507,812. The property tax revenue to be raised from new property added to the tax roll this year is $954,256. Staff's recommendation is to ratify the property tax revenue increase reflected in the Annual Budget and Plan of Municipal Services for the fiscal year October 1, 2019, through September 30, 2020 by approving the memorandum/resolution as presented.

Motion was made by Councilmember Johnson to approve OR-19-021. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

OR-19-022A Consider a memorandum/resolution approving the maintenance and operations tax rate for Fiscal Year 2020.

Staff comments: Jon Locke, Executive Director of Finance.
The total proposed tax rate is $0.7498 per $100 valuation. The maintenance and operation component of the tax rate is $0.5281 per $100 valuation. The maintenance and operation component will generate $33,067,525 at the City's historical collection rate of 98%. Staff recommends City Council approve the maintenance and operation component of the tax rate at $0.5281 per $100 valuation.

Motion was made by Councilmember Rivera to approve OR-19-022A. Motion was seconded by Councilmember Menking. Motion carried unanimously.

OR-19-022B Consider a memorandum/resolution approving the interest and sinking tax rate for Fiscal Year 2020.

Staff comments: Jon Locke, Executive Director of Finance.
The total proposed tax rate is $0.7498 per $100 valuation. The interest and sinking component of the tax rate is $0.2217 per $100 valuation. The interest and sinking component will generate $13,894,183 at the City's historical collection rate of 98%. Staff recommends City Council approve the interest and sinking component of the tax rate at $0.2217 per $100 valuation.

Motion was made by Councilmember Rivera to approve OR-19-022B. Motion was seconded by Councilmember Menking. Motion carried unanimously.

OR-19-023 Consider an ordinance setting the Tax Rate for Fiscal Year 2020.

The City Secretary read the caption of the ordinance.
AN ORDINANCE SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY LIMITS OF THE CITY OF KILLEEN, TEXAS, FOR THE 2019 TAX YEAR AND FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF KILLEEN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance.
On August 20, 2019, at a City Council meeting, the Killeen City Council set the preliminary tax rate at the rate of $0.7498 per $100 valuation. The preliminary tax rate represents the maximum rate that can be adopted for the FY 2020 Budget. The effective tax rate for FY 2020 (2019 tax year) is $0.6788. The rollback tax rate adjusted for sales tax for FY 2020 (2019 tax year) is $0.7588. Staff recommends City Council approve the ordinance setting the FY 2020 tax rate at $0.7498 per $100 valuation.

Mayor Pro Tem Kilpatrick made a motion stating "I move that the property tax rate be increased by the adoption of a tax rate of $0.7498, which is effectively a 10.46 percent increase in the tax rate." Motion was seconded by Councilmember Rivera.

The City Secretary called for a record vote:
Mayor Pro Tem Kilpatrick - Aye
Councilmember Menking - Aye
Councilmember Fleming - Aye
Councilmember Johnson - Aye
Councilmember Rivera - Aye

Councilmember Harris - Aye
Councilmember Nash-King - Aye

Motion carried unanimously.

OR-19-018 Consider an ordinance authorizing the update of Texas Municipal Retirement System service credits.

The City Secretary read the caption of the ordinance.
AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF KILLEEN; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

Staff comments: Eva Bark, Executive Director of Human Resources.
Staff recommends that the City Council authorize the City Manager, or designee, to authorize the Updated Service Credits and the COLA for retirees as is included in the FY20 Budget and adopt the contribution rate at 11.81%, beginning January 1, 2020.

Motion was made by Councilmember Nash-King to approve OR-19-018. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

OR-19-019 Consider an ordinance amending Chapters 2, 4, 6, 8, 11, 15, 16, 17, 18, 20, 24, 28, 29, 30, and 31 of the code of ordinances of the City of Killeen, Texas, to repeal fee and rate provisions.

The City Secretary read the caption of the ordinance.
AN ORDINANCE AMENDING CHAPTERS 2, 4, 6, 8, 11, 15, 16, 17, 18, 20, 24, 28, 29, 30, AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, TO REPEAL FEE AND RATE PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Jon Locke, Executive Director of Finance.
On February 26, 2019, the City Council completed its annual review of the Financial Governance Policy. A change made to the governance policy delegated certain fees and rates to the City Manager to be set within established parameters. The delegated fees and rates were reviewed and set within the established parameters. The schedule of fees and rates was made available for public comment for a thirty-day period that ran from April 1 - 30, 2019. The delegated fees and rates are now included in a comprehensive fee and rate schedule, and need to be removed from City ordinances. Staff recommends City Council approve the ordinance amending Chapters 2, 4, 6, 8, 11, 15, 16, 17, 18, 20, 24, 28, 29, 30,

and 31 of the code of ordinances of the City of Killeen, Texas, to repeal fee and rate provisions.

Motion was made by Councilmember Menking to approve OR-19-019. Motion was seconded by Councilmember Rivera. Motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 5:32 p.m.

City of Killeen

Legislation Details

File #:	MN-19-025	**Version:**	1	**Name:**	Minutes of Regular City Council Meeting of September 24, 2019
Type:	Minutes			**Status:**	Minutes
File created:	9/16/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Consider Minutes of Regular City Council Meeting of September 24, 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
September 24, 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 Gillman.

Lt. Aaron Millin gave the invocation; and Ayonnah Edwards (Rancier Middle School) and ArJune (Maud Moore Wood Elementary School) 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

Ms. Carol Wilson - HOP Funding and Routes.

Ms. Claudia Brown - National Night Out.

Citizens Comments

Mellisa Brown - spoke on Agenda Items PH-19-026A and RS-19-101.
James Ralston - spoke on Agenda Item PH-19-026A.
Johnny Frederick - spoke on Agenda Item PH-19-026A & B.
Dick Young - spoke on Agenda Item PH-19-026.
Bonita Henderson - spoke on Agenda Item RS-19-101.
Gary Purser - spoke on Agenda Item PH-19-026A.

Consent Agenda

MN-19-022 Consider Minutes of Special City Council Meeting of September 3, 2019.

MN-19-023 Consider Minutes of Regular City Council Meeting of September 10, 2019.

RS-19-087 Consider a memorandum/resolution accepting / ratifying a Federal Aviation Administration Military Airport Program Grant.

RS-19-099 Consider a memorandum/resolution accepting TxDOT Routine Airport Maintenance Program (RAMP) grants.

RS-19-100 Consider a memorandum/resolution authorizing a maintenance agreement with The Brandt Companies, LLC for HVAC preventive maintenance at the Police Department.

OR-19-024 Consider an ordinance designating the City Manager as the pricing officer and authorizing the issuance and sale of City of Killeen, Texas, Waterworks and Sewer System Revenue Refunding Bonds in one or more series.

OR-19-025 Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp, Mid-Tex Division, regarding the 2019 Rate Review Mechanism Filing.

The City Secretary read the caption of ordinance; agenda item OR-19-024.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF KILLEEN, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT, PAYING AGENT/REGISTRAR AGREEMENT AND ESCROW AGREEMENT; ESTABLISHING THE PROCEDURES FOR SELLING AND DELIVERING THE BONDS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

The City Secretary read the caption of ordinance; agenda item OR-19-025.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

Motion was made by Councilmember Menking to approve consent agenda items. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.

Resolutions

RS-19-101 Consider a memorandum/resolution declaring vacancies and appointing citizen members to Board of Adjustment - Construction, Capital Improvement Advisory Committee, Killeen Volunteers, Inc and Senior Citizen Advisory Board.

Staff Comments: Kathy Davis, City Attorney.
Staff recommends that City Council find board member seats with identified attendance infractions as vacant due to absences; remove Klaus Adam from the Senior Citizen Advisory Board as recommended on September 10, 2019; and appoint new member individuals to fill identified vacancies and expired terms (no new member appointments are needed for the Capital Improvement Advisory Committee).

Board of Adjustment - Construction:
Remove Lee Mitchell as he has reached his term limit and replace him with Mr. P. Juan Rivera, retired general contractor.

Capital Improvement Advisory Committee:
Remove Kathy Jo Harkin, Gary Purser, Jr., Sulied Ponce Diaz, and Elijah McMeen from committee due to attendance infractions. No new member appointments are needed. On September 10, city council reduced the number of members from 15 to 10.

Killeen Volunteers, Inc:
Replace Larry Holly whose term has expired with Kriskeya Price
Replace Rachel Brent who has reached term limits with John Jones
Replace Michael Hodges who resigned with Latrice McBride
Replace Roxanne Flores-Achmad who resigned with Estanislado Soto
Replace Margaret Tucker who resigned with Tracy Hillman
Replace James Crossman who resigned with Michelle Brown who will serve an unexpired term (18-20).
Replace Novice McDaniel who has attendance infraction with Luvina Sabree who will serve an unexpired term (18-20).
Replace Maceia Roscoe who has attendance infraction with Riakos Adams who will serve an unexpired term (18-20).
Replace CTC Representative Rudy Sandoval with CTC Representative Charlotte Wesley who will serve an unexpired term (18-20).
Reappoint Fort Hood Representative Steve Moore
Recognize Celebrate Killeen Representative position as vacant - no identified member has been named to fill the seat vacated by Mr. Terry Mustapher.
Recognize Bernadette Jones, Volunteer Killeen Representative position as vacant due to attendance infraction - no identified member has been named to fill the seat.

Motion was made by Councilmember Harris nominating Larry Holly to replace John Jones' nomination. Motion was seconded by Councilmember Fleming. Motion carried 4 to 3 with Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition. Councilmember Menking immediately acknowledged a misunderstanding of the motion and changed his vote to "nay." Motion failed 3 to 4 with Councilmember Menking, Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition

Senior Citizen Advisory Board:
Replace Kim Harris who resigned with Barbara Henke who will serve an unexpired

term (18-21).
Reappiont Monika Spilman
Reappoint Rosa Kea
Reappoint Bill Barker
Replace Novice McDaniel who has attendance infraction with Deborah Voigt who will serve an unexpired term (17-20).
Replace Klaus Adam as recommended on September 10, 2019 by City Council (due to pending charges with Bell County) with Margo Coster who will serve an unexpired term (18-21). Councilmember Fleming requested that the nomination of Margo Coster be changed to Mary Taylor. With no opposition from City Council, the nomination of Mary Taylor stood.

Motion was made by Mayor Pro Tem Kilpatrick to approve RS-19-101 as presented. Motion was seconded by Councilmember Fleming. Motion carried unanimously.

PH-19-026A Consider a memorandum/resolution approving the Impact Fee Capital Improvements Plan and Land Use Assumptions.

PH-19-026B Consider a memorandum/resolution establishing a public hearing date of November 19, 2019 to consider the impact fee draft report and the adoption of an impact fee.
Comments: Tony McIlwain, Assistant Director of Planning and Development
Mr. McIlwain reviewed the purpose, the background, and the required process of implementing impact fees. He identified where the city is currently in the process and what the next step(s) were. City staff recommends that City Council approve the land-use assumptions, growth projections, and potential projects that could apply to future impact fees; and to direct the Capital Improvement Advisory Committee to continue forward with their work. Staff also recommends that City Council establish a public hearing date to allow the impact fee process to continue forward.

Motion was made by Councilmember Johnson to approve PH-19-026A and PH-19-026B setting November 19, 2019 as a public hearing date as recommended. Motion was seconded by Councilmember Harris. Motion carried 4 to 3 with Mayor Pro Tem Kilpatrick, Councilmember Rivera and Councilmember Nash-King in opposition.

Adjournment

With no further business, upon motion being made by Councilmember Nash-King, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 6:03 p.m.

City of Killeen

Legislation Details

File #:	RS-19-102	**Version:**	1	**Name:**	Appointment to Bell County Tax Appraisal Board of Directors and to KEDC
Type:	Resolution			**Status:**	Resolutions
File created:	9/13/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Consider a memorandum/resolution appointing a Killeen representative to the Bell County Tax Appraisal District Board and appointing members to Killeen Economic Development Corporation Board.				
Sponsors:	City Council				
Indexes:					
Code sections:					
Attachments:	Staff Report Letter of Request from Bell County Letter of Request from Chamber of Commerce Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

FROM: **Kathy Davis, City Attorney**

SUBJECT: **Approval of Appointment to the Board of Directors of the Bell County Tax Appraisal District and Appointments to the Killeen Economic Development Corporation Board**

BACKGROUND AND FINDINGS:

The City Council made annual appointments to various Boards and Commissions at its September 10th and September 24th meetings. Since then, the city has received a request from the Bell County Tax Appraisal District Board and from the Killeen Economic Development Board (KEDC) to make appointments to both of their boards.

The Bell County Tax Appraisal District is responsible for appraising property in the district for ad valorem tax purposes of each taxing unit that imposes ad valorem taxes on property within the district. The District is also responsible for the collection of ad valorem property taxes. The Tax Appraisal District of Bell County Board of Directors is currently composed of a total of seven (7) representatives from Bell County, City of Killeen, Killeen ISD, City of Temple, Temple ISD, City of Belton and Belton ISD, and all other eligible entities. The duties of the Board of Directors is to set policy and procedure for the Tax District of Bell County. They have no jurisdiction over setting property values. Section 6.03 of the Tax Code, states that members of the board of directors of the appraisal district serve two-year terms beginning on January 1 of even-numbered years. Mr. Royce Matkin has served on this board for the past 16 years and is agreeable to serve another two-year term. The city has not received any other applications of interest for this board.

Appointments are made annually to the KEDC Board. The board is comprised of three representatives from each of the following organizations: the City Council, the Greater Killeen Chamber of Commerce and the Killeen Industrial Foundation. On September 16, the city received a letter from the Greater Killeen Chamber of Commerce through the KEDC in which they identify that KEDC Board Member Charlie Watts, Chamber Representative has reached his term limit on KEDC and is nominating Matt Connell to fill his vacancy. In addition, Paula Lohse, Chamber Representative has resigned from the board and the Chamber is nominating Meredith Viguers to fill the unexpired term (2018-2021). On September 20, the city received word from the KEDC that Mr. Tad Dorroh is being nominated to fill Mr. John Gilmore's KIF position. Mr. Gilmore has served on KEDC since 2013 and has reached his term limit.

THE ALTERNATIVES CONSIDERED:

1. Appoint members to the Tax Appraisal District Board and the Killeen Economic Development Board.

2. Do not appoint a Killeen representative to sit on the Tax Appraisal District Board.
3. Do not appoint Chamber representatives to the Killeen Economic Development Board.

Which alternative is recommended? Why?
Staff recommends that the City continue to provide a representative to participate on the Bell County Tax Appraisal District Board, in order to ensure the interests of the citizens of Killeen are best served; and, that appointments are made to the Killeen Economic Development Corporation Board.

CONFORMITY TO CITY POLICY:
Appointment of a Killeen representative to the Tax Appraisal District Board complies with the Texas Tax Code, Sec 6.03.

Appointment of Killeen Economic Development Corporation Board members complies with the Development Corporation Act 1979; Texas Local Government Code, Chapter 501 and Resolution 90-65R.

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:
It is recommended the City Council appoint Royce Matkin to serve as the City of Killeen representative to the Bell County Tax Appraisal District Board of Directors, for a two-year term beginning January 1, 2020. It is also recommended that City Council appoint the Greater Killeen Chamber of Commerce nominees Matt Connell and Meredith Viguers and the Killeen Industrial Foundation nominee Tad Dorroh to the Killeen Economic Development Corporation Board.

DEPARTMENTAL CLEARANCES:
City Attorney

ATTACHED SUPPORTING DOCUMENTS:
Letter of Request from Bell County
Letter of Request from Greater Killeen Chamber of Commerce

Tax Appraisal District of Bell County

September 3, 2019

City of Killeen
Jose Segarra, Mayor
P O Box 1329
Killeen TX 76540

Dear Mayor Segarra

Section 6.03(b) of the Tax Code states that members of the board of directors of the appraisal district serve two-year terms beginning on January 1 of even-numbered years.

The taxing units in the Tax Appraisal District of Bell County have exercised their option under Section 6.031(b) to change the number and method of appointing members to the board. This method remains in effect until rescinded or changed by resolution of a majority of the governing bodies that are entitled to vote on appointment of board members.

Please have your governing body confirm **by resolution not later than November 2, 2019** their choice for appointment to the board of directors for a two year term beginning January 1, 2020.

If you have any questions please call.

Sincerely

Billy White
Chief Appraiser

BW/lh

PO BOX 390, 411 E. Central Ave, Belton, Texas 76513
(254) 939-5841 | www.bellcad.org

Greater Killeen
Chamber of Commerce

Nationwide:
1 866 790 4769 (GROW)
chamber@gkcc.com

September 12, 2019

Lucy Aldrich, City Secretary
City of Killeen
P. O. Box 1329
Killeen, TX 76540

Dear Lucy,

Charlie Watts' term, on the Killeen Economic Development Corporation, will expire with his current term. He cannot be reappointed due to term limits. In addition, Paula Lohse has recently notified Mr. Watts of her resignation.

The Greater Killeen Chamber of Commerce's Board of Directors have voted to nominate Matt Connell and Meredith Viguers to fill these two positions on KEDC.

Sincerely,

John Crutchfield
President

cc. Charlie Watts
Meredith Viguers

APPOINTMENTS TO BELL COUNTY TAX APPRAISAL DISTRICT BOARD AND KEDC

RS-19-102

October 1, 2019

Tax Appraisal District and Board of Directors

- Bell County Tax Appraisal District:
  - Appraises property in the district for Ad Valorem tax
  - Collects Ad Valorem tax and disburses to municipalities
- Tax Appraisal District Board:
  - Comprised of 7 representatives from surrounding cities, school districts, and other eligible entities
  - Sets policy and procedure for Tax District (no jurisdiction over setting property values)

Tax Appraisal District Board Appointment

- Appointments are for two-year terms, beginning Jan. 1 of even-numbered years (sec. 6.03, Texas Tax Code)
- Royce Matkin has served as Killeen's representative for the past 16 years and is willing to be re-appointed. No other applications have been received

Killeen Economic Development Corp.

- Appointments to the Killeen Economic Development Board are made annually
- The nine member board is comprised of three members of each of the following organizations:
  - Killeen City Council
  - Greater Killeen Chamber of Commerce
  - Killeen Industrial Foundation

KEDC

- Greater Killeen Chamber of Commerce's nominations:
  - Matt Connell is recommended to replace Charlie Watts, who has reached term limits
  - Meredith Viguers is recommended to replace Paula Lohse, who has resigned
- Killeen Industrial Foundation's nomination:
  - Tad Dorroh is recommended to replace John Gilmore, who has reached term limits

Alternatives

- Do not appoint members to serve on the Tax Appraisal District Board and Killeen Economic Development Corporation Board
- Appoint members to the Tax Appraisal District Board and the Killeen Economic Development Corporation Board

Recommendation

- City staff recommends that the City Council:
  - Reappoint Royce Matkin to the Bell County Tax Appraisal District Board of Directors for a two-year term beginning January 1, 2020;
  - Appoint Matt Connell and Meredith Viguers to the Killeen Economic Development Corporation as the Chamber of Commerce representatives; and,
  - Appoint Tad Dorroh to the Killeen Economic Development Corporation as the Killeen Industrial Foundation representative.

City of Killeen

Legislation Details

File #:	RS-19-103	**Version:**	1	**Name:**	Bank Depository Services RFA
Type:	Resolution			**Status:**	Resolutions
File created:	9/16/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	Consider a memorandum/resolution awarding the request for application for banking services.				
Sponsors:	Finance Department				
Indexes:	Bank Depository Services				
Code sections:					
Attachments:	Staff Report Valley View, LLC Recommendation Letter Analysis of Proposed Fees Certificate of Interested Parties Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **Request for Application - Bank Services**

BACKGROUND AND FINDINGS:

On December 09, 2014, the City Council approved CCMR 14-159R, naming BBVA Compass as the City of Killeen's bank depository. The current agreement with BBVA ends December 31, 2019. In collaboration with Valley View Consulting, L.L.C., the City's investment consultant, City staff developed a request for application (RFA) process to identify and evaluate suitable financial institutions, and solicited bank services utilizing a comprehensive process in a competitive manner.

The process used to administer the RFA included 1) analyzing historical bank service usage and the City's cash flow needs; 2) reviewing the minimum banking services necessary and identifying potential new services; 3) compiling a list of eligible banks and contacting each to describe the process; and 4) holding a non-mandatory pre-application conference.

Eight banking institutions received the RFA including, Bank of America, N.A., BBVA USA, Extraco Banks, N.A., First National Bank Texas, First Texas Bank, National United, Texas First State Bank, and VeraBank, N.A. Application documents were also available through the City's Purchasing Department and website, the website Demand Star, and the State of Texas Electronic State Business Daily. The request for application was advertised as required by Texas Local Government Code Section 105.012 in the Killeen Daily Herald on July 5 and 12, 2019.

On Wednesday, July 24, 2019 at 2:00 P.M., applications were received from two qualified financial institutions for bank service.

A detailed analysis assessed each bank's ability to provide the banking services necessary to meet the City's current and future service needs. The following criteria were considered:

1. Ability to perform and provide the required and requested services;
2. References provided and quality of services;
3. Cost of services;
4. Transition cost, retention and transition offers and incentives;
5. Funds availability;
6. Interest paid on interest bearing accounts and deposits;
7. Earnings credit calculation on compensating balances;
8. Completeness of application and agreement to points outlined in the RFA;
9. Physical location within the City's boundaries;

10. Convenience of locations;
11. Previous service relationship with the City; and
12. Financial strength and stability of the institution.

The City's historical average monthly bank balance has been $11.3 million. It is staff's intention to reduce the amount to $3.2 million, which is sufficient to cover a typical week's payroll and accounts payable requirements. The remaining funds will be invested or placed in local government investment pools that earn a higher rate of interest. This will enable the City to generate more interest revenue. The summary below shows the financial impact for the two-year initial agreement term, as well as the full five-year term, which allows for the three one-year extensions at the option of the City:

Two-Year Term	BBVA USA	VeraBank, N.A.
Proposed Fees	($64,989)	($47,406)
Earning Credit and Interest - Depository	$ 99,989	$ 80,000
Interest - Local Govt. Investment Pools	$348,123	$346,680
Net Income (Cost)	$383,123	$379,274

Five-Year Term	BBVA USA	VeraBank, N.A.
Proposed Fees	($162,472)	($118,514)
Earning Credit and Interest - Depository	$249,973	$200,000
Interest - Local Govt. Investment Pools	$870,306	$866,700
Net Income (Cost)	$957,807	$948,186

After careful consideration of all criteria, it was determined that although VeraBank, N.A. submitted an attractive and competitive proposal, BBVA USA provides the best value for the City of Killeen.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Why?

There are three alternatives to consider:

1) Do not award the bank services agreement and issue a new RFA.

2) Do not award the bank services agreement to BBVA USA and award the agreement to the other financial institution.

3) Award the bank services agreement to BBVA USA.

Staff recommends option 3, to award the bank services agreement to BBVA USA. BBVA USA has provided exceptional banking services to the City since the inception of the agreement and is the best value for the City.

CONFORMITY TO CITY POLICY:

The process for selecting a financial institution for bank services is governed by:

1. State of Texas Local Government Code, Chapter 105 - Municipal Depository Act.
2. State of Texas Local Government Code, Chapter 176 - Conflict of Interest Act;
3. State of Texas Government Code, Chapter 2256 - Public Funds Investment Act; and
4. State of Texas Government Code, Chapter 2257 - Public Funds Collateral Act.

The City's Financial Governance Policy, Section XV(C) requires the City to undertake a comprehensive review of its banking needs and seek competitive proposals every five years. The policy clarifies that the City is under no obligation to change financial institutions.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?
BBVA USA's proposed fees for services will be offset by an earnings credit rate on the account.

Is this a one-time or recurring expenditure?
The proposed fees for services are recurring, as will be the earnings credit rate that will offset the fees.

Is this expenditure budgeted?
The City includes funding in the Annual Budget for accounting related fees. Staff estimates that the banking fees will be offset by the earnings credit rate. If a fee is charged, there is funding included in the budget for accounting fees.

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

Is there a sufficient amount in the budgeted line-item for this expenditure?
Yes, in account number 010-2020-415.44-22.

RECOMMENDATION:

Staff recommends that City Council award the request for application for bank services to BBVA USA, and authorize the City Manager, or designee, to execute the agreement and any change orders or supplemental agreements as allowed by state and local law.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

Valley View, L.L.C., Recommendation Letter
Analysis of Proposed Fees

Valley View Consulting, L.L.C.

September 16, 2019

Mr. Jonathan Locke, CPA
Executive Director of Finance
City of Killeen
802 North 2nd Street, Building E
Killeen, Texas 76541

Dear Mr. Locke:

As part of the services provided under the current Investment Advisory Agreement, we sincerely appreciated and welcomed the opportunity to assist the City of Killeen (the "City") with this Primary Depository Bank Services Request for Applications (the "RFA") project.

The objective of this engagement was to select a primary depository bank following the expiration of the current contract which ends December 31, 2019. This agreement, when approved, will commence on January 1, 2020 and terminate on December 31, 2021. At the option of the City, the contract may be extended for three (3) additional one-year periods under the same terms and conditions.

Procedure

The project began with the establishment of a calendar of events to ensure that the required project steps were performed in a timely and sequential manner.

The process for selecting a Primary Depository Bank is governed by the State of Texas Local Government Codes: Chapter 105 Municipal Depository Act; Chapter 176 Conflict of Interest Act; Chapter 2256 Public Funds Investment Act; and Chapter 2257 Public Funds Collateral Act.

In addition to complying with these State statutory requirements, it was necessary to understand and comply with the City's financial and purchasing policies and Investment Policy.

The RFA project was conducted as follows:

1. Analyzed historical bank service usage and balance records.
2. Reviewed the minimum banking services and potential additional services.
3. Developed a list of eligible financial institutions within the City's municipal boundaries:

    a. Bank of America, N.A.
    b. BBVA USA (incumbent)
    c. Extraco Banks, N.A.
    d. First National Bank Texas
    e. First Texas Bank

2428 Carters Mill Road, Huddleston, VA 24104-4003
540.297.3419

   f. National United
   g. Texas First State Bank
   h. VeraBank, N.A.

4. Contacted the financial institutions to confirm distribution information, describe the process, and identify the designated recipient.
5. Drafted the RFA for City review and approval.
6. Posted the notice and advertised the RFA.
7. Distributed RFAs to the identified and receptive financial institutions.
8. Held a non-mandatory pre-application conference that was attended by representatives of:

   a. BBVA USA

9. By the closing deadline, applications were received from:

   a. BBVA USA
   b. VeraBank, N.A.

10. No additional RFA responses were received as a result of the advertisement.

The evaluation of the applications was based on, but not limited to, the following criteria, in no particular order of priority:

1. Ability to perform and provide the required and requested services;
2. References provided and quality of services;
3. Cost of services;
4. Transition cost, retention and transition offers and incentives;
5. Funds availability;
6. Interest paid on interest bearing accounts and deposits;
7. Earnings credit calculation on compensating balances;
8. Completeness of application and agreement to points outlined in the RFA;
9. Physical location within the City's municipal boundaries;
10. Convenience of location(s);
11. Previous service relationship with the City; and
12. Financial strength and stability of the institution.

Application Analysis

The Application Analysis began with an overall review of each financial institution's general financial strength and ability to provide the services necessary to meet the City's current and future service needs. Each of the qualified responding financial institutions exhibited acceptable financial strength and the ability to provide services the City requested.

The analysis of proposed fees, earnings credit, and investment income potential is summarized below.

Net Income/(Cost)

Each financial institution's fee schedule was analyzed based on the City's banking service needs and estimated activity levels. Where quantifiable and appropriate, the estimated service fees were adjusted for any incentives (including waived fees and transition allowances).

Each of the financial institutions proposed monthly fee assessments for services utilized, an earnings credit rate or an interest bearing checking option to offset monthly fee charges, and investment income options for any excess balances available.

Local Government Investment Pools (LGIP's) offer a higher yielding investment option to the City; and at this time, it is in the best interest of the City to keep minimum operating balances in the depository bank and place the remaining available balances in the higher yielding LGIP.

Historically average annual deposit balances of $11,300,000 have been maintained by the City. The analysis was completed with depository operating balances of $3,200,000, with the remaining available funds being invested in a LGIP.

The summary below is for both the two (2) year initial contract term, and the full five (5) year term allowing for the three (3) possible one-year extensions at the option of the City.

Two-Year Term	**BBVA USA**	**VeraBank, N.A.**
Proposed Fees	($64,989)	($47,406)
Earnings Credit and Hard Interest – Depository	$99,989	$80,000
Hard Interest - LGIP	$348,123	$346,680
Net Income (Cost)	**$383,123**	**$379,274**

Five-Year Term	**BBVA USA**	**VeraBank, N.A.**
Proposed Fees	($162,472)	($118,514)
Earnings Credit and Hard Interest – Depository	$249,973	$200,000
Hard Interest - LGIP	$870,306	$866,700
Net Income (Cost)	**$957,807**	**$948,186**

Recommendation

As the incumbent, BBVA USA has been a good business partner with the City during the current depository contract; and while VeraBank, N.A. offered an attractive and competitive option, there is no financial or operational advantage that would warrant a change in the depository relationship.

Based on the analysis results, evaluation criteria and discussion with staff, it was determined that the terms offered by BBVA USA provide the "best value" to the City. We concur with the staff recommendation that the Council award the Primary Depository Bank Services contract to BBVA USA and authorize the City Manager to execute the agreements necessary to continue the banking relationship.

Upon approval, the new contract will commence on Wednesday, January 1, 2020.

Please contact Bill Koch, Tom Ross, Dick Long or me to discuss any questions or additional information needs.

Thank you for this opportunity as we continue to provide the City of Killeen with our complete investment advisory services.

Sincerely,

E. K. Hufstedler, III
Valley View Consulting, L.L.C.

City of Killeen, Texas

Valley View Consulting, L.L.C.

Primary Depository Bank Services RFA# 19-21 Analysis

September 16, 2019	BBVA USA	VERABANK, N.A.

Evaluation Criteria

1 Ability to perform and provide the required and requested services;
2 References provided and quality of services;
3 Cost of services;
4 Transition cost, retention and transition offers and incentives;
5 Funds availability;
6 Interest paid on interest bearing accounts and deposits;
7 Earnings credit calculation on compensating balances;
8 Completeness of application and agreement to points outlined in the RFA;
9 Convenience of location(s);
10 Previous service relationship with the City; and
11 Financial strength and stability of the institution.

DETAIL RESPONSE ANALYSIS OF DEPOSITORY BANK SERVICES

Required Bank Services			
1	Online Banking Services	Yes	Yes
2	ACH	Yes	Yes
3	ACH Debit Blocking and Filtering	Yes	No / Expect to offer by end of year 2019
4	ACH Positive Pay	Yes	No / Expect to offer by end of year 2019
5	Electronic Data Interchange	Yes	Yes
6	Zero Balance Accounts	Yes	Yes
7	Consumer Bill Pay Processing	Yes	Yes
8	Remote Deposit Capture	Yes	Yes
9	Wire Transfers	Yes	Yes
10	Post No Checks	Yes	Yes
11	Positive Pay and Account Reconciliation Service	Yes	Yes
12	Tamperproof Bank Bags	Yes; $10/100 bags	Yes; Locked Bags
13	Bank Supplies	No; Cost varies on volume	No; At Bank Cost
14	Funds Availability	Yes	Yes
15	Employee Check Cashing	Yes	Yes
16	Returned Check Reprocessing	Yes	Yes
17	Account Analysis	Yes	Yes
18	Bank Statements	Yes	Yes
19	Payment for Services	Yes	Yes
20	Account Settlement - Quarterly	Yes - currently monthly	Yes
21	Research	Yes	Yes
22	Bank Errors	Yes	Yes
23	Investment Account	Yes	Yes; Fed Funds Target less 1.00%
24	Audit Confirmations	Yes	Yes
25	Balance Assessment	Passed in full to City	Waived
26	Reserve Requirement	No; Waived	Yes; 11.5%
27	Earnings Credit Rate / Formula / Floor	1.50% (Floor 1.07%)	0.50% / N/A / 0.50%
Services That May Be Considered			
1	Online Payments Acceptance	Yes	Yes
2	Courier or Armored Car Services	Cannot Provide	Cannot Provide
3	Integrated Disbursement Services	Yes	No
4	Procurement Cards	Yes	No
5	Retail/Wholesale Lockbox Services	Yes	No

City of Killeen, Texas

Valley View Consulting, L.L.C.

Primary Depository Bank Services RFA# 19-21 Analysis

	September 16, 2019	BBVA USA	VERABANK, N.A.
Collateral Requirements			
1	Collateralization	Yes - LOC	Yes
2	Collateral Amount	Yes	Yes
3	Collateral Custody	Yes; FHLB - Atlanta	Yes; TIB
4	Collateral Substitution	Yes	Yes
5	Collateral Report	Yes - LOC	Yes
6	Board Resolution	Yes	Yes
Investment Activities			
1	Direct Investment Alternative	Yes	Yes
2	Certificates of Deposit	Yes	Yes
3	Security Clearance/Safekeeping Services	Yes	No
4	Separate Securities Clearing/Safekeeping Services	Yes	No
5	Cost Sharing or Credit for Third Party Safekeeping Services	No	No
Overdraft Provisions			
1	Net Overdraft Defined	Yes	Yes
2	Notification	Yes	Yes
3	Stipulations: Days/Max. Amt./Interest Rate/NSF Fee	2 days; $25K; BBVA Prime +4.00%; $38.00	2 days; $50K; 9.50%;$32.00
Other Stipulations			
1	Regulation Notifications	Yes	Yes
2	Notification of Incoming Wire Transfers	Yes	Yes
3	Right to Cancel Under Federal or State Law Rulings	Yes	Yes
4	Access to Bank Records	Yes	Yes
5	Right to Open and Maintain Other Accounts	Yes	Yes
6	Secondary Bank Depository	Yes	Yes
7	Right to Terminate	Yes; Reciprocal	Yes
8	Terms Fixed	Yes	Yes
9	One Relationship Officer	Tyler Johnson, City President, 254.770.5121	Jay Walker, SVP, 254.634.8181 ext 7002
Miscellaneous			
1	Semi-Annual Meeting	Yes	Yes
2	Formal Agreement Required	Yes	Yes
Required Response Attachments			
1	Account Analysis - pro-forma	Provided	Provided
2	Rate Basis	Provided	Provided
3	Sample Collateral Agreement	Provided	Provided
4	Security Measures	Provided	Provided
5	Technology Specifications	Provided	Provided
6	Sample Safekeeping Report	Provided	N/A
7	Securities Safekeeping Fees	Provided	N/A
8	Investment Account Information	Provided	Provided
9	Summary Business Continuity Plan	Provided	Provided
10	References	Provided	Provided
11	Sample FIRREA Compliant Document	Provided	Not in PDF
12	Completed Fee Schedule in Excel	Provided	Not in PDF
Other Considerations			
1	Services That May Be Considered	Procurement Card Rebates and Waiver of first three (3) months of Retail Lockbox Services if implemented	N/A

City of Killeen, Texas

Valley View Consulting, L.L.C.

Primary Depository Bank Services RFA# 19-21 Analysis

September 16, 2019	BBVA USA	VERABANK, N.A.
FEE ANALYSIS OF DEPOSITORY BANK SERVICES		
Proposed Fees - Banking Services		
Monthly Fee Estimate	(2,708)	(1,975)
Monthly Estimated Assessment Fee	217	0
Interest Earned Expense	0	0
Fees for Two Year Term	**(64,989)**	**(47,406)**
Fees for Five Year Term	**(162,472)**	**(118,514)**
Contract Incentives		
Estimated Waived Fees	0	0
Transition Allowance	0	0
Total Fees for Two Year Term less Incentives	**(64,989)**	**(47,406)**
Total Fees for Five Year Term less Incentives	**(162,472)**	**(118,514)**
Earnings Credit		
Earnings Credit Rate	1.50%	0.50%
Rate Basis	BBVA Preferred Rate (0.43 + 107 bps); Floor 1.07%	Bank Managed / Floored 0.50%
Target DDA Compensating Balance	2,166,295	0
Monthly Earnings Credit less Reserve	2,708	0
Earnings Credit for Two Year Term	64,989	0
Earnings Credit for Five Year Term	162,472	0
Reserve Requirement	No	11.50%
Net Fees for Two Year Term	**0**	**(47,406)**
Net Fees for Five Year Term	**0**	**(118,514)**
Interest Income Estimate		
Investment Option	Public Funds Money Market (Subject to Transaction Limits)	Interest Bearing Checking (NOW)
Rate Basis	Managed Rate (No Floor)	Fed Funds Target 2.25% less 100 bps (No Floor)
Interest Rate	1.75%	1.25%
Investment Balance	1,000,000	3,200,000
Monthly Investment Income	1,458	3,333
Two Year Investment Income	35,000	80,000
Five Year Investment Income	87,500	200,000
Two Year Income/(Cost)	**35,000**	**32,594**
Five Year Income/(Cost)	**87,500**	**81,486**
Alternative Interest Income Estimate Utilizing Pools		
Interest Rate	2.14%	2.14%
Investment Balance	8,133,705	8,100,000
Monthly Investment Income	14,505	14,445
Two Year Investment Income	348,123	346,680
Five Year Investment Income	870,306	866,700
Two Year Income/(Cost)	**383,123**	**379,274**
Five Year Income/(Cost)	**957,807**	**948,186**
Rates as of August 21, 2019		
Historical Bank Balance	11,300,000	11,300,000
91-Day T-Bill Discount Rate	1.93%	1.93%
Fed Funds Rate Actual	2.12%	2.12%
Fed Funds Rate Target	2.00 - 2.25%	2.00 - 2.25%
Local Government Investment Pool	2.14%	2.14%

In addition, the following disclosures apply:

Disclosure of interest: Pursuant to Chapter 176 of the Texas Local Government Code, a person, or agent of a person, who contracts or seeks to contract for the sale or purchase of property, goods, or services with City of Killeen must file a completed conflict of interest questionnaire which is available at https://www.ethics.state.tx.us/forms/CIQ.pdf. The conflict of interest questionnaire must be filed with City of Killeen no later than the seventh business day after the later of the date that the person or agent begins contract discussions or negotiations with the City or submits to the City an application, response to a request for proposal or bid, correspondence, or writing related to a potential agreement. An updated conflict of interest questionnaire must be filed in accordance with Chapter 176 of the Texas Local Government Code. An offense under Chapter 176 is a Class C misdemeanor.

Certificate of interested parties: In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Texas Local Government Code and applies to all contracts entered into on or after January 1, 2016. The law states that a governmental entity may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity at the time the business entity submits the signed contract to the governmental entity. The law applies, with a few exceptions, to all contracts/purchases of a governmental entity that require action or vote by the governing body of the entity. The electronic filing application process can be started on the Texas Ethics Commission website at https://www.ethics.state.tx.us/tec/1295-Info.htm. The City acknowledges that publicly traded business entities are exempt from this requirement.

BBVA is a global financial services company traded through the Madrid Stock Exchange under the symbol BBVA and American Depository Shares are traded on the New York Stock Exchange under the symbol BBVA. It is not required to complete Form 1295 since it is a publicly traded business entity.

Written Verification of Compliance with Chapter 2270: In compliance with HB 89, the successful applicant will be required to submit a written statement that the applicant affirms that it abides by Chapter 2270 and does not boycott Israel and will not boycott Israel during the term of the contract.

BBVA, nor any of its affiliates, currently boycott nor will boycott Israel during the term of the contract.

In compliance with SB 252, the City of Killeen will not enter in a contract with a company that does business with Iran, Sudan, or any known terrorist organization.

Acknowledged

REQUEST FOR APPLICATION: BANK SERVICES

RS-19-103

October 1, 2019

Bank Selection Background

- Financial Governance Policy, Section (XV)(C), requires the City to seek proposals every five years for bank services
  - Last request for application was conducted in 2014
  - City is not required to change financial institutions
- BBVA has provided bank services since 2011
  - Current agreement effective January 1, 2015 - December 31, 2019
- City staff collaborated with Valley View Consulting to issue a request for application
- Request for application issued July 5, 2019
  - The request for application was sent to eight financial institutions
  - Responses were received from BBVA and VeraBank

Bank Selection Background

- Responses were reviewed considering the following factors:
  - Ability to provide the services required by the City;
  - Cost of services, and retention or transition incentives;
  - Interest paid on interest bearing accounts and deposits;
  - Earnings credit calculation on compensating balances;
  - Financial strength and stability of the institution; and
  - Physical location within the City.
- Request for application solicited proposals based on:
  - Two-year initial agreement term
  - Three-one year renewals

Bank Services Proposed Fees

Two-Year Initial Term	BBVA USA	VeraBank, N.A.
Proposed Fees	($64,989)	($47,406)
Earning Credit and Interest – Depository	$ 99,989	$ 80,000
Interest earned from other sources	$348,123	$346,680
Net Income (Cost)	**$383,123**	**$379,274**

Five-Year Term	BBVA USA	VeraBank, N.A.
Proposed Fees	($162,472)	($118,514)
Earning Credit and Interest – Depository	$249,973	$200,000
Interest earned from other sources	$870,306	$866,700
Net Income (Cost)	**$957,807**	**$948,186**

Alternatives

- Do not award the bank services agreement and issue a new request for application.
- Do not award the bank services agreement to BBVA and award the agreement to the other financial institution.
- Award the bank services agreement to BBVA.

Recommendation

Staff recommends that City Council award the request for application for bank services to BBVA, and authorize the City Manager, or designee, to execute the agreement and any change orders or supplemental agreements as allowed by state and local law.

City of Killeen

Legislation Details

File #:	PH-19-036	**Version:**	1	**Name:**	Zoning 19-20
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	9/17/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	

Title: HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust (Case #Z19-20) to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **ZONING CASE #Z19-20 "A" (Agricultural District) to "R-1" (Single-Family Residential District)**

Background and Findings:

This request is submitted by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust is to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

"R-1" Single-Family Residential District Description
A building or premises in the district "R-1" Single-Family Residential district shall be used only for the following purposes:

(1) One-family dwellings.
(2) Churches or other places of worship.
(3) Colleges, universities or other institutions of higher learning.
(4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
(5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
(6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
(7) Public buildings, including libraries, museums, police and fire stations.
(8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years.
(9) Schools, public elementary or high.
(10) Schools, private with curriculum equivalent to that of a public elementary or high school.
(11) Temporary buildings for uses incidental to construction work on the premises.
(12) Water supply reservoirs, pumping plants and towers.
(13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
(14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision.

(15) Cemetery

Property Specifics:

Applicant / Property Owner: Gary W. Purser Jr. 2000 Trust

Property Location: 5601 Clear Creek Road, Killeen, Texas.

Legal Description: Approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161.

Zoning / Plat Case History:

- The property was designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan per ordinance no. 19-13, on March 26th, 2019.
- There is no recent zoning activity for this portion of the property. This is a remainder tract of a parcel that was considered with zoning case #Z19-15, which changed the zoning of the parent parcel from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District), "SF-2" (Single-family Residential District) and"R-2" (Two-Family Residential District).
- The property is not platted.

Character of the Area:
Existing Land Use(s) on the Property: The property, located at 5601 Clear Creek Road, is currently undeveloped agriculturally used land. The surrounding adjoining properties are predominantly agricultural in nature, with some mix of single-family residential and and commercially development to the north and east. All residential lots to the northwest are single-family residential properties.

Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

Water, Sewer and Drainage Services
Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract. However, it will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for residential and commercial construction purposes.

Transportation:
Existing conditions: The current property is accessed via Clear Creek Road (S.H. 201) which is classified as a 120' Principal Arterial road on the City's adopted Thoroughfare Plan.

Proposed Improvements: The applicant is not proposing additional improvements in this portion of the development.

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day. This project will not yield any additional vehicle trips per day. [This data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Environmental Assessment:
There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

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

Plan Recommendation: The 'General Residential' designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.

Consistency: The applicant's request is consistent with the FLUM of the Comprehensive Plan.

Fort Hood Joint Land Use Study (JLUS) Analysis:
JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

Public Notification:

Staff notified one (1) surrounding property owner regarding this request; as of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- disapprove the applicant's zoning request;
- approve a more restrictive zoning district; or
- approve the applicant's zoning request.

Which alternative is recommended? Staff recommends that the City Council approve the applicant's zoning request of "R-1" (Single-Family Residential District) as submitted.

Why? Staff supports the applicant's request to pursue the zoning request as submitted. Staff is of the determination that the current request for "R-1" zoning is consistent with the Comprehensive Plan and the historic residential development pattern of the adjacent community. Approval of this request will ensure the entire parcel is zoned in accordance with local ordinances.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

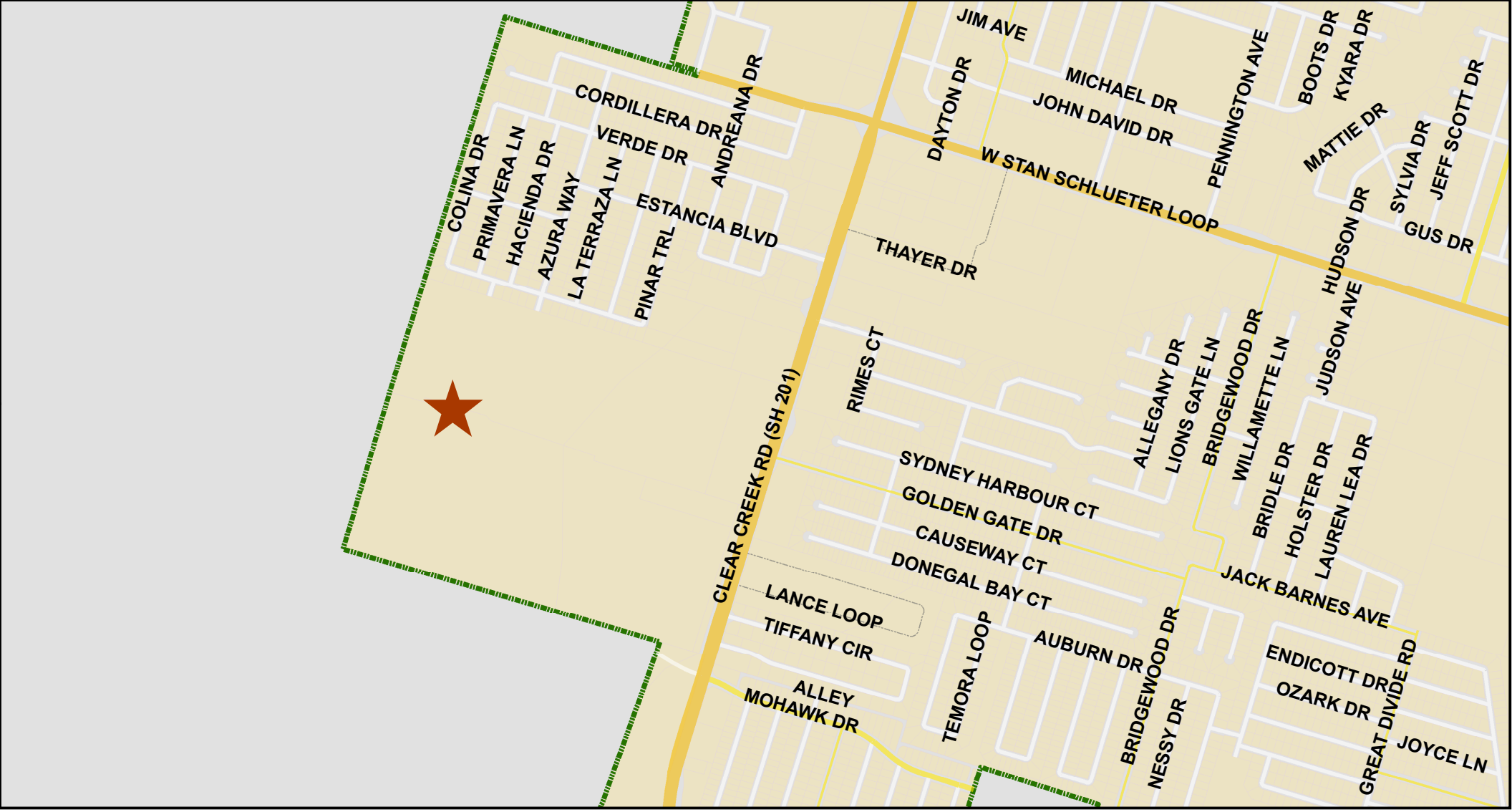
The Planning and Zoning Commission recommended approval of the applicant's zoning request of "R-1" (Single-Family Residential District) as submitted by a vote of 4 to 1 with Commissioner Gukeisen in opposition.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Zoning Location Map

Case: Z2019-20

Council District: 4

FROM: A TO R-1

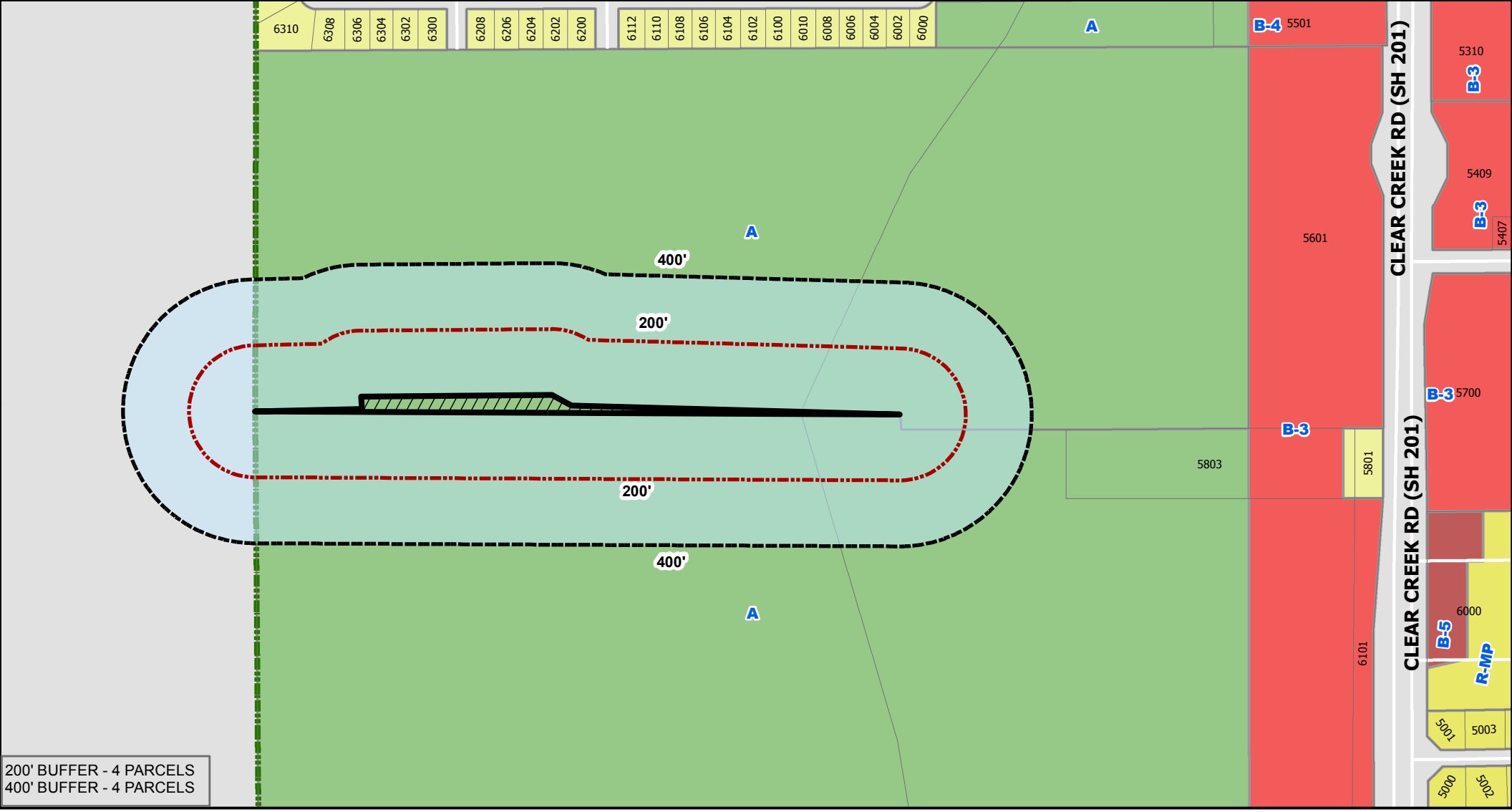
1 inch = 1,250 feet

Subject Property Legal Description: A0161BC J COOK, ACRES 0.996

LOCATION MAP

Zoning Case Location

N W E S



Zoning Notification Plan

Case: Z2019-20

Council District: 4

FROM: A TO R-1

1 inch = 417 feet

Subject Property Legal Description: A0161BC J COOK, ACRES 0.996

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19_20_200
- NOTIFICATION AREA

N E S W

MINUTES
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 16, 2019

CASE #Z19-20
A" to "R-1"

HOLD a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust to rezone approximately 0.996 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Senior Planner, Jerry Millard stated that the applicant has requested to rezone the remainder of property that was left out from a previous rezoning request due to ownership. A survey was conducted and concluded that the applicant owned the piece of property. Staff notified one (1) surrounding property owner regarding this request and no responses were received. Staff recommended that the Commission recommend approval of the request as submitted.

Mr. Millard also stated that staff supported the applicant's request to pursue the zoning request as submitted and the current request for "R-1" zoning is consistent with the historic residential development pattern of the adjacent community.

Ms. Anca Neagu, Killeen Engineering & Surveying, Ltd., 2901 E. Stan Schlueter Loop, Killeen, Texas, was 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 request. Commissioner Alvarez seconded, and the motion passed by a vote of 4 to 1, with Commissioner Gukeisen voting in opposition.

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

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF 0.996 ACRE, OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust, have presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 16th day of September 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 8th day of October 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

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

SECTION I. That the zoning classification of approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1"

(Single-Family Residential District) for the property addressed as 5601 Clear Creek Road, Killeen, Texas.

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 8th day of October 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Ord. #19-___

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

ZONING CASE #Z19-20: “A” TO “R-1”

PH-19-036

October 1, 2019

Case #Z19-20: “A” to “R-1”

- Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust (**Case #Z19-20**), has submitted this request to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from “A” (Agricultural District) to “R-1” (Single-Family Residential District).
- The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

Zoning Location Map
Case: Z2019-20
Council District: 4
FROM: A TO R-1
1 inch = 1,250 feet
Subject Property Legal Description: A0161BC J COOK, ACRES 0.996

LOCATION MAP

★ **Zoning Case Location**

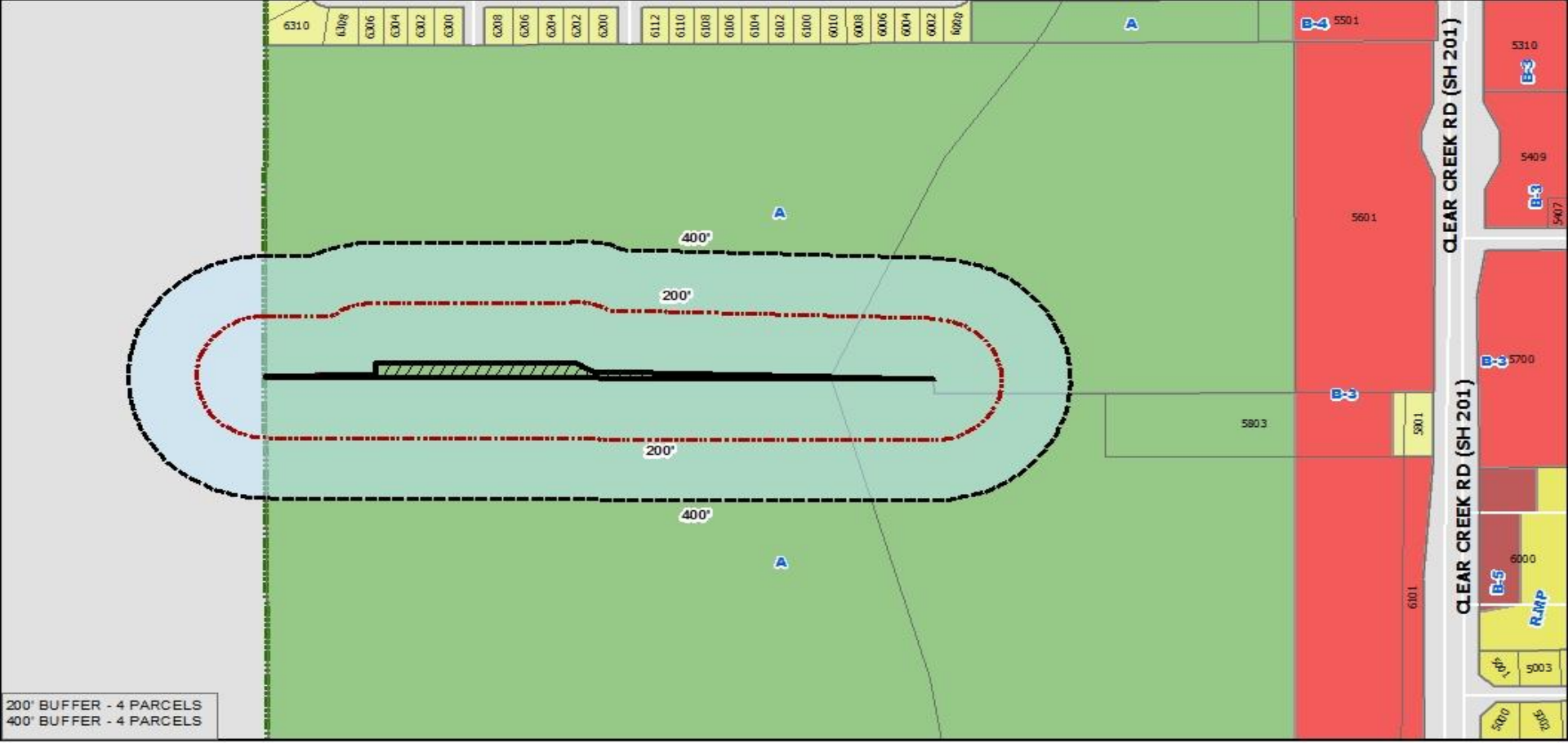
N
W E
S

Case #Z19-20: “A” to “R-1”

- This area is designated as ‘General Residential’ (‘GR’) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- ‘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 uses and parks and public spaces

Case #Z19-20: “A” to “R-1”

- Staff notified one (1) surrounding property owner within a four hundred feet (400’) notification boundary.
- Staff has received no responses from surrounding property owners.



Zoning Notification Plan

Case: Z2019-20

Council District: 4
FROM: A TO R-1
1 inch = 417 feet
Subject Property Legal Description: A0161BC J COOK, ACRES 0.996

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19_20_200
- NOTIFICATION AREA

N E S W

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - disapprove the applicant's zoning request;
  - approve a more restrictive zoning district; or
  - approve the applicant's zoning request.

Recommendations

- Staff recommends that the City Council approve the applicant's "R-1"zoning request.
- The Planning and Zoning Commission recommended approval of the applicant's "R-1" zoning request by a vote of 4 to 1, with Commissioner Gukeisen opposed to the motion.

City of Killeen

Legislation Details

File #:	PH-19-037A	**Version:**	1	**Name:**	FLUM 19-11
Type:	Ordinance/Public Hearing			**Status:**	Public Hearings
File created:	9/17/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	

Title: HOLD a public hearing and consider a request submitted by Carlos Uresti Jr. (Case #FLUM19-11) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Commercial' designation for approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161. The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Presentation

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **Comprehensive Plan Future Land Use Map (FLUM) Amendment: 'Suburban Residential' ('SR') to 'General Commercial ('GC')**

BACKGROUND AND FINDINGS:

Carlos Uresti Jr., submits this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' ('SR') designation to a 'General Commercial ('GC') designation for approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161. The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, 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 forms a balance between buildings and other site improvements relative to the 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 Commercial' designation encourages the following development types:

- A wide range of commercial retail and service uses, at varying scales and intensities
- Office (both large and/ or multi-story buildings and small-scale office uses)
- Public/ institutional
- Parks and public spaces

THE ALTERNATIVES CONSIDERED:

The City Council may:

- approve the applicant's FLUM amendment request;
- approve a more restrictive FLUM designation than requested by the applicant; or
- disapprove the applicant's FLUM amendment request.

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 2.57 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, development of this tract will not 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:

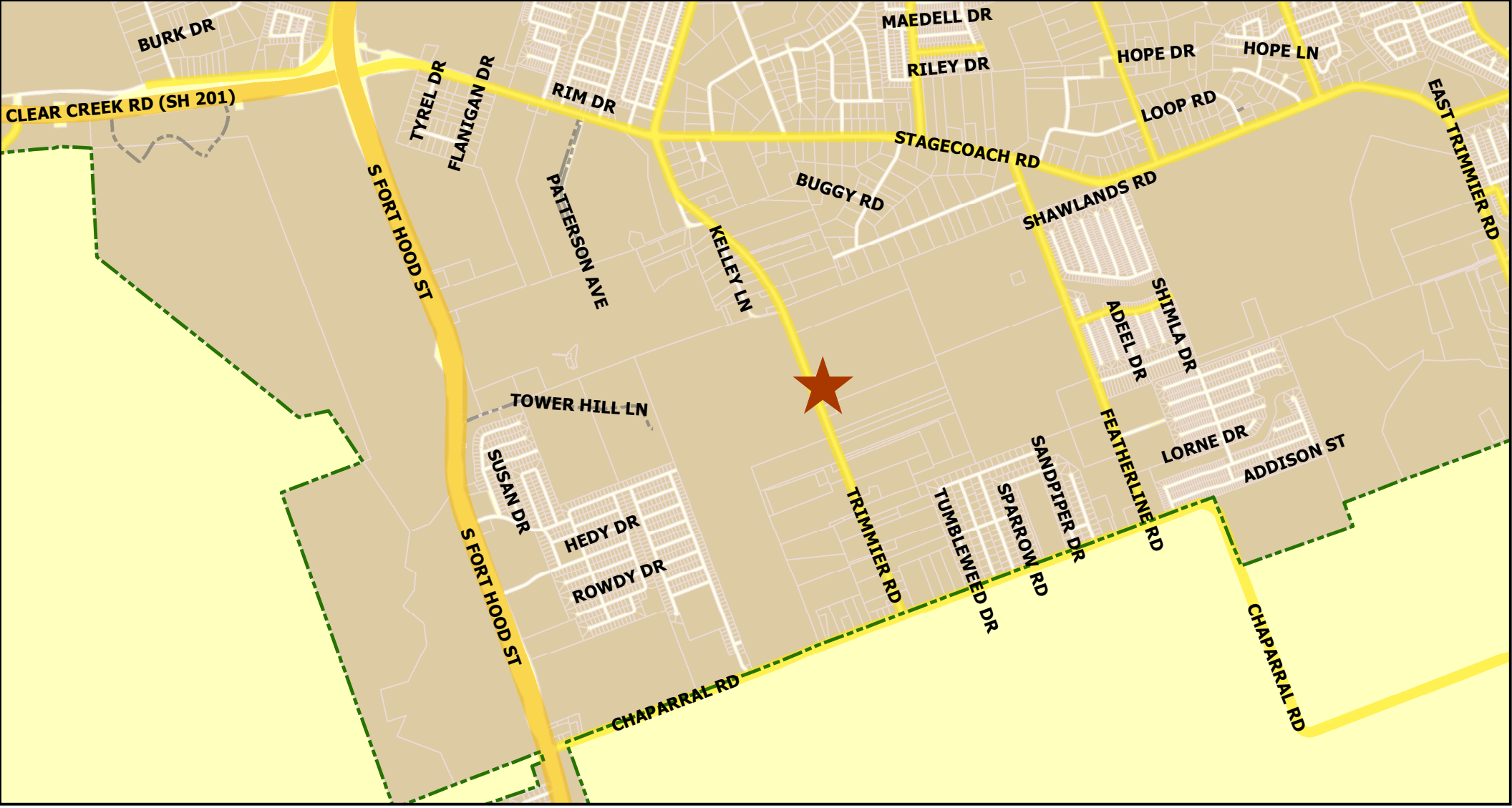
The Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 3 to 2, with Commissioners Alvarez and O'Brien in opposition to the motion.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance



FLUM LOCATION MAP

Case: FLUM AMENDMENT 2019-11

Council District: 3

SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL

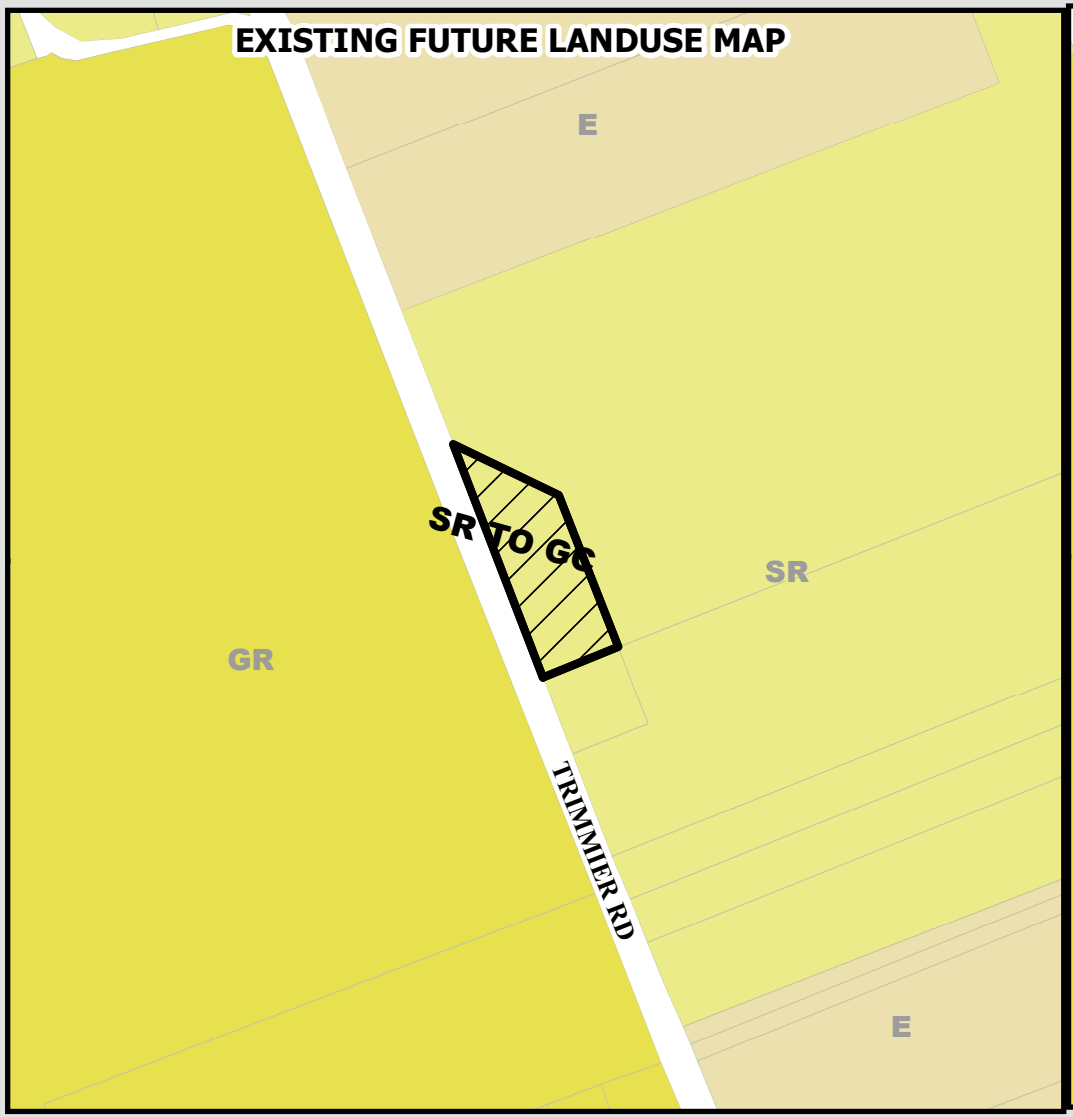
Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

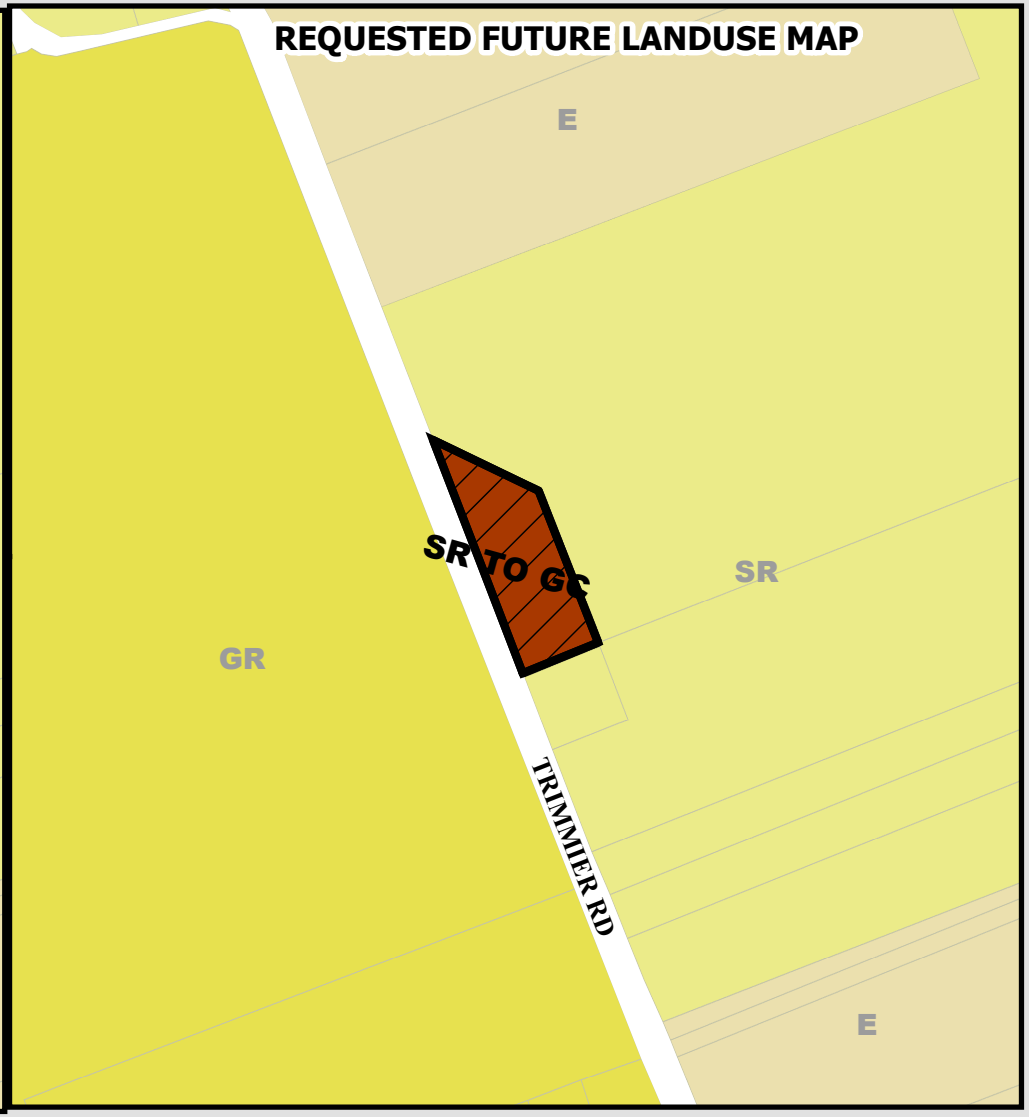
FUTURE LANDUSE LOCATION MAP

FLUM LOCATION

N W E S

1 inch = 2,500 feet





FLUM Notification Plan

Case: FLUM AMENDMENT 2019-11

Council District: 3

FROM: SR TO GC

1 inch = 500 feet

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

N W E S

Legend

- Killeen City Limits
- Bell County Area
- FLUM Case Location

Existing Future Land Use Legend

- General Residential (GR)
- Suburban Residential (SR)
- Estate (E)

Date: 9/18/2019

MINUTES
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 16, 2019

FLUM #19-11
'SR' to 'GC'

A. HOLD a public hearing and consider a request submitted by Carlos Uresti Jr. on behalf of Jack Sr. and Celia Husung **(Case #FLUM19-11)** to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Residential' designation to a 'General Commercial' designation for approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161. The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Senior Planner, Jerry Millard stated that Mr. Uresti has purchased the property and is now the owner of the property. The property owner is requesting that the FLUM be changed from 'Suburban Residential' to 'General Residential'. Staff recommended disapproval of the applicant's request. Staff determined that this tract is appropriately designated as 'Suburban Residential' ('SR') designation.

Mr. Carlos Uresti, 5400 E. Central Texas Expressway, Killeen, Texas, was present to represent this request.

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

Commissioner Alvarez motioned to recommend approval of the change to 'Suburban Commercial'. After discussion, it was concluded that the necessary zoning for an HVAC business would not be consistent with a 'Suburban Commercial' designation. Mr. Alvarez withdrew his motion.

Commissioner Cooper motioned to recommend disapproval of the request. Commissioner Payton seconded, and the motion passed by a vote of 4 to 1. Commissioner Alvarez voted in opposition.

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

ORDINANCE_____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN RESIDENTIAL' TO 'GENERAL COMMERCIAL' FOR APPROXIMATELY 2.57 ACRES, OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161. THE PROPERTY IS LOCATED ON THE EAST RIGHT-OF-WAY OF TRIMMIER ROAD AND IS ADJACENT TO THE KISD SATELLITE TRANSPORTATION FACILITY, 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 Carlos Uresti Jr., for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change a 'Suburban Residential' designation to a 'General Commercial' designation for 2.57 acres, out of the James Cook Survey, Abstract No. 161, being located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas; said revision having been duly presented and recommended for disapproval by the Planning and Zoning Commission of the City of Killeen on the 16th day of September 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 8th day of October 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 majority opinion that the applicant's FLUM request 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 approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, for the property located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas, be amended from a 'Suburban Residential' designation to a 'General Commercial' 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 8th day of October 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____
Jose L. Segarra
MAYOR

ATTEST:

_____
Lucy C. Aldrich
CITY SECRETARY

APPROVED AS TO FORM

_____
Kathryn H. Davis
CITY ATTORNEY

Case #: FLUM #19-11
Ord#:19-___

CASE # FLUM19-11: “SR” TO “GC”

PH-19-037A

October 1, 2019

Case # FLUM19-11: “SR” to “GC”

- Carlos Uresti Jr. **(Case #FLUM19-11)** submits this request to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Suburban Residential’ designation to a ‘General Commercial’ designation for approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161.
- The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.
- The applicant is requesting this amendment the Comprehensive Plan’s Future Land Use Map (FLUM) to develop the land for a heating, ventilation and air conditioning (HVAC) business.

FLUM LOCATION MAP

Case: FLUM AMENDMENT 2019-11

Council District: 3

SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

FUTURE LANDUSE LOCATION MAP

★ **FLUM LOCATION**

N W E S

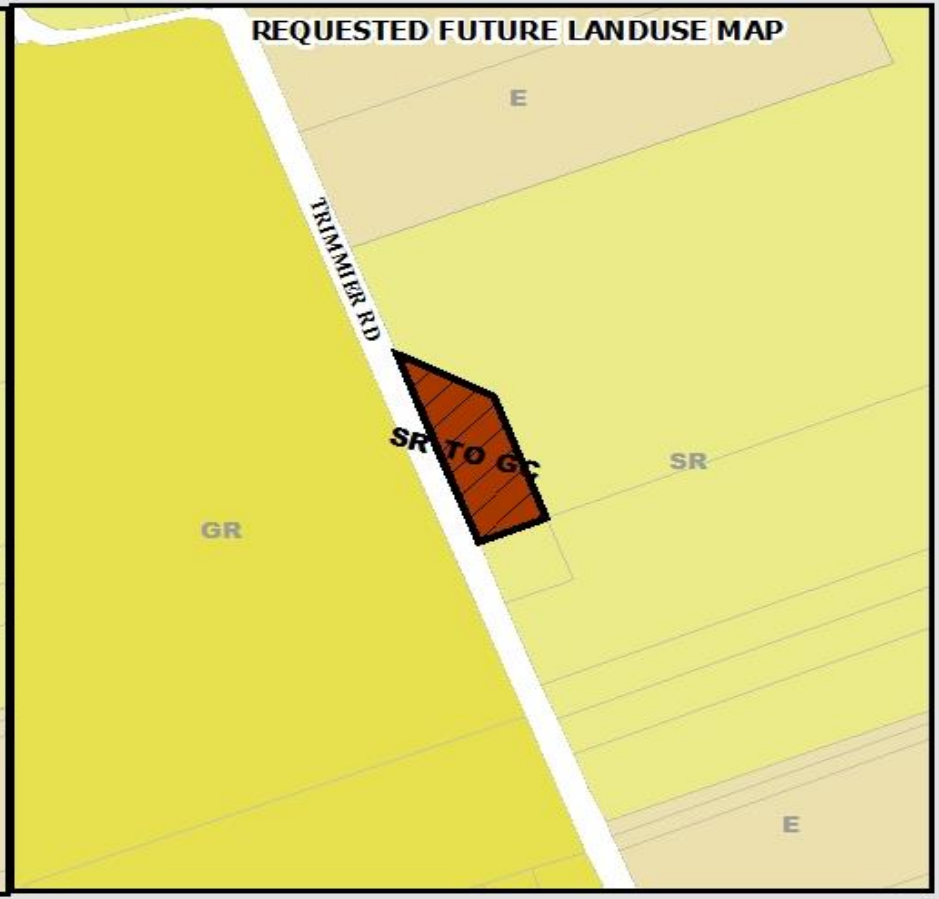
1 inch = 2,500 feet

Case # FLUM19-11: “SR” to “GC”

- This area 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

Case # FLUM19-11: “SR” to “GC”

- If approved, the ‘General Commercial’ (GC) designation encourages the following development types:
  - A wide range of commercial retail and service uses, at varying scales and intensities
  - Office (both large and/ or multi-story buildings and small-scale office uses)
  - Public/ institutional
  - Parks and public spaces



FLUM Notification Plan

Case: FLUM AMENDMENT 2019-11

Council District: 3
FROM: SR TO GC
1 inch = 500 feet
Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

N
W E
S

Legend
Killeen City Limits
Bell County Area
FLUM Case Location

Existing Future Land Use Legend
General Residential (GR)
Suburban Residential (SR)
Estate (E)

Date: 9/18/2019

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - approve the applicant's FLUM amendment request;
  - approve a more restrictive FLUM designation; or
  - disapprove the applicant's FLUM amendment request.

Recommendations

- Staff recommends that the City Council disapprove the applicant's request to amend the Comprehensive Plan's Future Land Use Map (FLUM) to a 'General Commercial' designation.
- The Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 3 to 2, with Commissioners Alvarez and O'Brien opposed to the motion.

City of Killeen

Legislation Details

File #:	PH-19-037B	**Version:** 1	**Name:**	Zoning 19-21	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	9/17/2019		**In control:**	City Council Workshop	
On agenda:	10/1/2019		**Final action:**		
Title:	HOLD a public hearing and consider an ordinance requested by Carlos Uresti Jr. (Case #Z19-21) to rezone approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "B-4" (Business District). The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas. (Requires 3/4 Majority Vote)				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Staff Report Maps Minutes Ordinance Considerations Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **ZONING CASE #Z19-21 "A" (Agricultural District) to "B-4" (Business District)**

Background and Findings:

This request, submitted by Carlos Uresti Jr. to rezone approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "B-4" (Business District). The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

"B-4" Business District Description

A building or premises in the "B-4" business district shall be used only for the following purposes:

(1) Any use permitted in the "B-3" district.

(2) Trailer rental and sales.

(3) Auto sales. Where the major business is the showroom display and sale of new automobiles by an authorized dealer and used car sales, repair work and storage facilities on the same premises shall be purely incidental; provided, that the area allowed for the repair and storage of cars shall not be nearer than twenty (20) feet from the required front line of the principal building.

(4) Auto sales. Used cars; no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard; junked vehicles must be placed behind a screening device.

(5) Commercial parking (public garage or parking lot).

(6) Auto upholstery or muffler shop.

(7) Auto repair (garage), with on-site junked vehicles being enclosed within a building.

(8) Cold storage plant (locker rental).

(9) Building material or lumber sales (no outside storage).

(10) Cleaning, pressing and dyeing:

a. No direct exterior exhaust from cleaning plant permitted.

b. Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(11) Garden shop, greenhouse or nursery (retail).

(12) Ballpark, stadium, athletic field (private).
(13) Philanthropic institutions (not elsewhere listed).
(14) Cabinet, upholstery, woodworking shop.
(15) Plumbing, electrical, air conditioning service shop (no outside storage).
(16) Trade or business school.
(17) Garment manufacturing in a space of four thousand (4,000) square feet or less, with all loading and unloading off-street.

Property Specifics:

Applicant / Property Owner: Carlos Uresti Jr.

Property Location: The property is located along the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

Legal Description: Approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161

Zoning/ Plat Case History:

- There is no zoning history for this property beyond its initial annexation zoning.
- The property is not platted.

Character of the Area:
Existing Land Use(s) on the Property: The undeveloped property is located along the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility. The surrounding adjoining properties are predominantly agricultural in nature or vacant undeveloped lots with single-family style lots abutting to the south.

Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

Water, Sewer and Drainage Services
Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract. However, it will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for residential and commercial construction purposes.

Transportation:
Existing conditions: The current property is accessed via Trimmier Road, which is classified as a 110' Minor Arterial road on the City's adopted Thoroughfare Plan.

Proposed Improvements: The applicant is not proposing additional improvements during this development.

Projected Traffic Generation: A typical specialty trade contractor business will generate 1.97 vehicle trips per day per 1,000 square foot of work space. This project is estimated to yield an additional four (4) vehicle trips per day. [This data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition].

Environmental Assessment:
There are no known environmental constraints for this property. The site is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

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

Plan Recommendation: 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

Consistency: The applicant's request is not consistent with the FLUM or the Comprehensive Plan.

Fort Hood Joint Land Use Study (JLUS) Analysis:
JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the current area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

<u>Public Notification:</u>

Staff notified four (4) surrounding property owners regarding this request; as of the date of this staff report, no responses have been received.

<u>THE ALTERNATIVES CONSIDERED:</u>

The City Council may:
- approve the applicant's zoning request;
- approve a more restrictive zoning district; or
- disapprove the applicant's zoning request.

Which alternative is recommended? Staff recommends that the Council disapprove the applicant's request.

Why? Staff is of the determination that the current request for "B-4" zoning is not consistent with the type of development promoted through the FLUM of the Comprehensive Plan.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

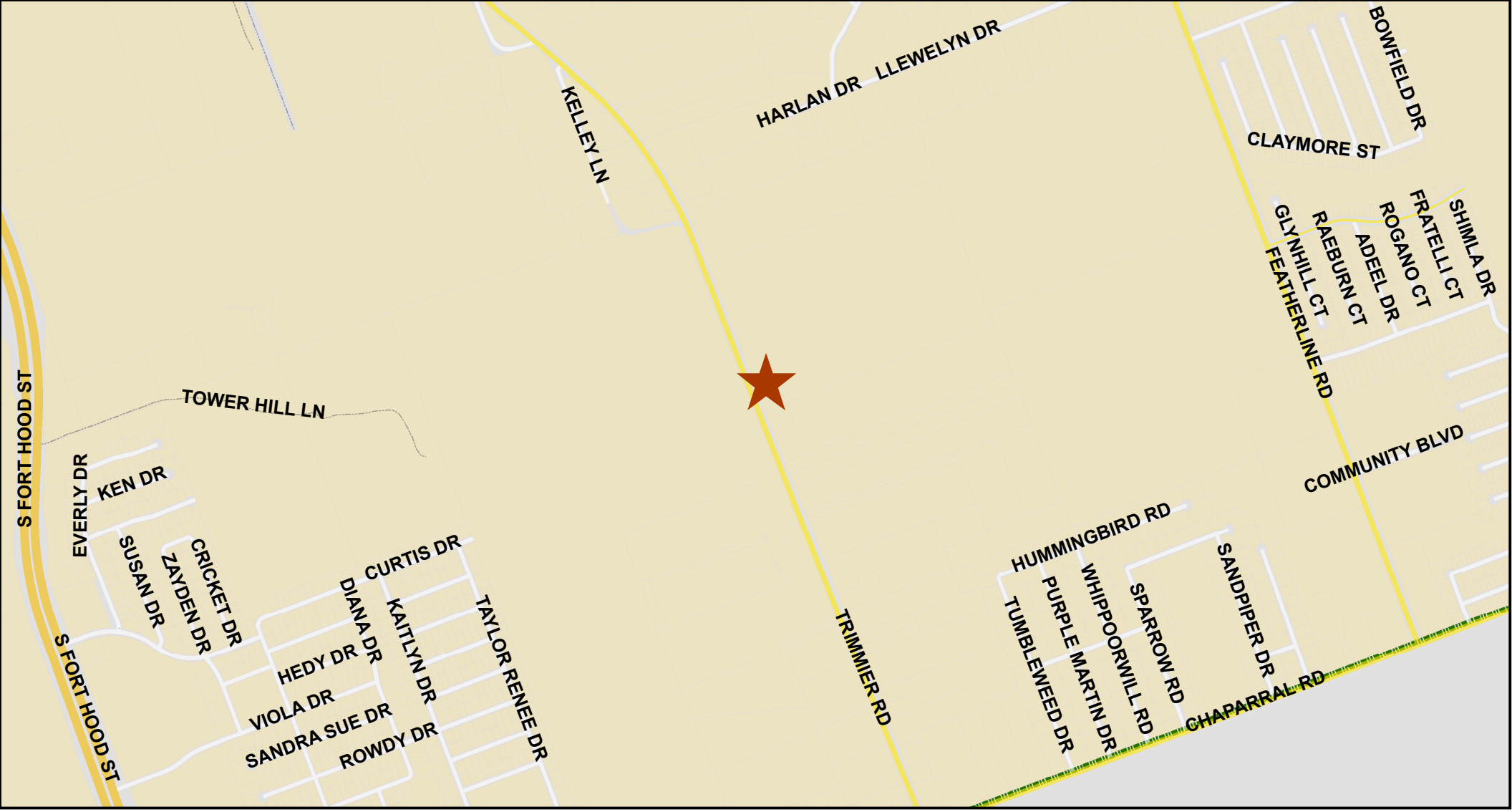
The Planning and Zoning Commission recommended disapproval of the applicant's zoning request of "B-4" (Business District) as submitted by a vote of 4 to 1 with Commissioner Alvarez in opposition. Approval of this zoning request will require a 3/4 affirmative vote of the Council.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Zoning Location Map

Case: Z2019-21

Council District: 3

FROM: A TO B-4

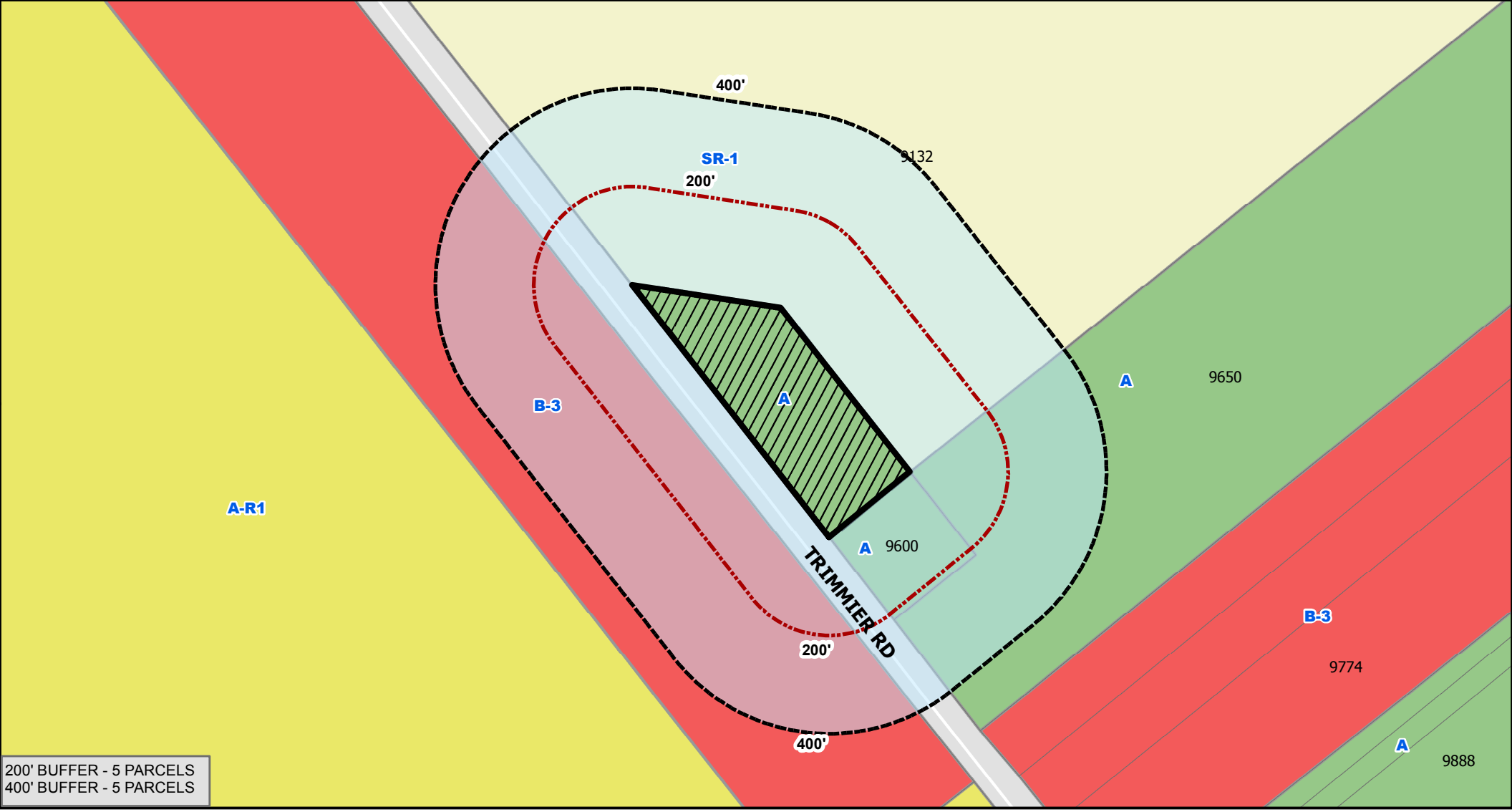
1 inch = 1,250 feet

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

LOCATION MAP

Zoning Case Location

N W E S



Zoning Notification Plan

Case: Z2019-21

Council District: 3

FROM: A TO B-4

1 inch = 279 feet

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19_21_200
- NOTIFICATION AREA

N E S W

MINUTES
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 16, 2019

CASE #Z19-21
"A" to "B-4"

B. HOLD a public hearing and consider a request submitted by Carlos Uresti Jr. on behalf of Jack Sr. and Celia Husung to rezone approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "B-4" (Business District). The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Senior Planner, Jerry Millard stated that Mr. Uresti is requesting the property be rezoned from Agricultural to "B-4" (Business District). Mr. Millard listed the uses that are allowed in the "B-4" district.

Staff notified four (4) surrounding property owners regarding this request and no responses were received.

Mr. Carlos Uresti, 5400 E. Central Texas Expressway, Killeen, Texas, was 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 disapproval of the request. Commissioner Gukeisen seconded, and the motion passed by a vote of 3 to 2. Commissioners Alvarez and O'Brien voted in opposition.

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

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF 2.57 ACRES, OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM "A" (AGRICULTURAL DISTRICT) TO "B-4" (BUSINESS DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Carlos Uresti Jr. has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 2.57 acres, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "B-4" (Business District), said request having been duly recommended for disapproval by the Planning and Zoning Commission of the City of Killeen on the 16th day of September 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 8th day of October 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 ¾ majority opinion that the applicant's zoning request should be approved;

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

SECTION I. That the zoning classification of approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, be changed from "A" (Agricultural District) to "B-4" (Business District) for the property located on the east right-of-way

of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.

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 8th day of October 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____

Kathryn H. Davis, City Attorney

Ord. #19-___

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

ZONING CASE #Z19-21: “A” TO “B-4”

PH-19-037B

October 1, 2019

Case #Z19-21: “A” to “B-4”

- Carlos Uresti Jr. (**Case #Z19-21**) submits this request to rezone approximately 2.57 acres, out of the James Cook Survey, Abstract No. 161, from “A” (Agricultural District) to “B-4” (Business District).
- The property is located on the east right-of-way of Trimmier Road and is adjacent to the KISD Satellite Transportation Facility, Killeen, Texas.
- The applicant is requesting this change in zoning to develop the land for a heating, ventilation and air conditioning (HVAC) business.

FLUM LOCATION MAP

Case: FLUM AMENDMENT 2019-11

Council District: 3

SUBURBAN RESIDENTIAL TO GENERAL COMMERCIAL

Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

FUTURE LANDUSE LOCATION MAP

★ **FLUM LOCATION**

N W E S

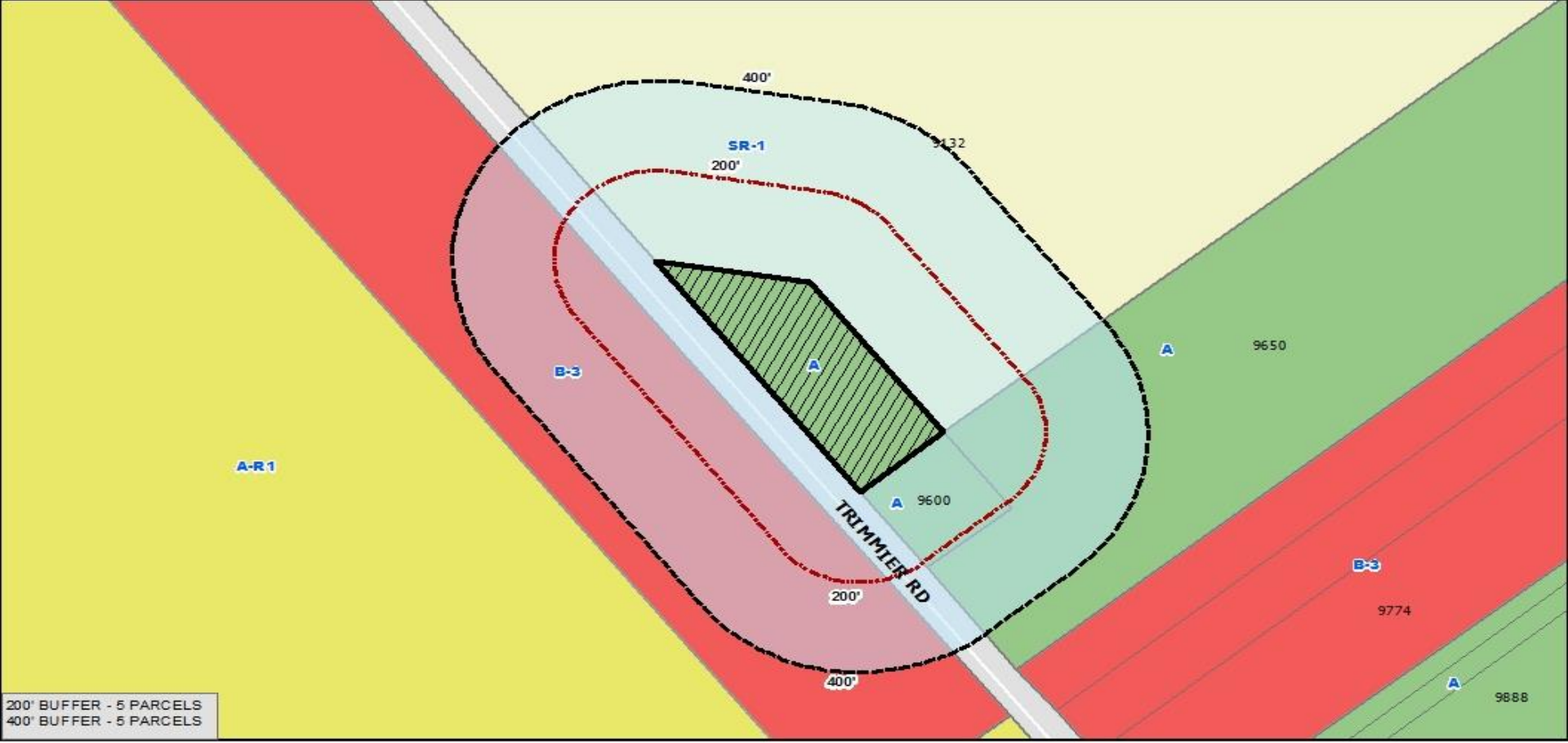
1 inch = 2,500 feet

Case #Z19-21: “A” to “B-4”

- This area 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

Case #Z19-21: “A” to “B-4”

- Staff notified four (4) surrounding property owner within a four hundred feet (400’) notification boundary.
- Staff has received no responses from surrounding property owners.



Zoning Notification Plan

Case: Z2019-21

Council District: 3
FROM: A TO B-4
1 inch = 279 feet
Subject Property Legal Description: A0200BC W H COLE, 3, ACRES 2.57

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19_21_200
- NOTIFICATION AREA

N E S W

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - approve the applicant's zoning request;
  - approve a more restrictive zoning district; or
  - disapprove the applicant's zoning request.

Recommendations

- Staff recommends that the City Council disapprove the applicant's "B-4" zoning request.
- The Planning and Zoning Commission recommended disapproval of the applicant's "B-4" zoning request by a vote of 4 to 1, with Commissioner Alvarez opposed to the motion. Approval of the applicant's request will require a ¾ affirmative vote of the City Council.

City of Killeen

Legislation Details

File #:	PH-19-038	**Version:** 1	**Name:**	Zoning 19-23	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	9/17/2019		**In control:**	City Council Workshop	
On agenda:	10/1/2019		**Final action:**		
Title:	HOLD a public hearing and consider an ordinance requested by Robert Craig on behalf of EKU Inc. (Case #Z19-23) to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Staff Report Maps Minutes Ordinance Considerations Responses Presentation				

Date	Ver.	Action By	Action	Result

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STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **ZONING CASE #Z19-23 "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District)**

Background and Findings:

This request, submitted by Robert Craig on behalf of EKU Inc. & Codra Commercial Ltd. to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.

"B-C-1" District Description:

A building or premise in a "B-C-1" General Business and Alcohol Sales District shall be used only for the following purposes:

(1) Business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commision, al of which are adopted hereby and made a part hereof for all purposes.

(2) Any uses permited in a "B-5" district, excluding the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption.

(3) Business establishments dispensing alcoholic beverages may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school or public or private hospital shall be as prescribed by the V.T.C.A., Alcohol Beverage Code § 109.33, as amended. New applications for a "B-C-1" general business and alcohol sales district zoning shall require the notification of all property owners within two hundred (200) feet in all directions of the area for which the B-C-1 zoning is requested, so long as those properties are within the corporate limits of the City of Killeen.

Property Specifics:

Applicant / Property Owner: Robert Tyler Craig / EKU Inc. & Codra Commercial Ltd.

Property Location: The property is addressed as 2704 East Veterans Memorial Blvd., Killeen, Texas.

Legal Description: Lots 10 and 11, Block 2, Marlboro Heights Replat

Character of the Area:

Existing Land Use(s) on the Property: There are two existing commercial buildings on the subject property. The properties to the east and west of the subject parcel are zoned "B-5" (Business District). The property to the south, on the opposite side of Stetson Ave. is zoned "R-1" (Single-Family Residential District).

Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

Water, Sewer and Drainage Services
Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation:
Existing conditions: The current property is accessed via E. Veterans Memorial Blvd. and Hillside Drive, which are classified as Principal Arterial and a Local Street, respectively, on the City's adopted Thoroughfare Plan.

Proposed Improvements: None

Projected Traffic Generation: Undetermined.

Environmental Assessment:
There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

Land Use Analysis:
Future Land Use Map: This area is designated as 'General Commercial' ('GC') on the Future Land Use Map (FLUM) of the Comprehensive Plan. Page 2.16 of the Comprehensive Plan defines the 'General Commercial' future land use designation as being auto-oriented in character, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.
'General Commercial' future land use and character recommended development types:

- Wide range of commercial, retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/ or multi-story buildings and small-scale office uses depending on the site)
- Public/ institutional
- Parks and public spaces

Consistency: The applicant's zoning request is consistent with the FLUM of the Comprehensive Plan.

Fort Hood Joint Land Use Study (JLUS) Analysis

JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

Public Notification:

Staff notified thirty-five (35) surrounding property owners regarding this request; as of the date of this staff report, one (1) response in support and fourteen (14) written responses in opposition to the request have been received. However, of the responses in opposition, only two (2) are property owners within the 200 ft. notification boundary.

THE ALTERNATIVES CONSIDERED:

The City Council has the following alternatives:

- Disapprove the applicant's zoning request;
- Approve more restrictive zoning districts than requested by the applicant; or
- Approve the applicant's zoning request.

Which alternative is recommended? Staff recommends approval of the applicant's zoning request.

Why? The request is consistent with the FLUM and will enhance commercial infill development options along the E. Veterans Memorial Blvd. corridor.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:.

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

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

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

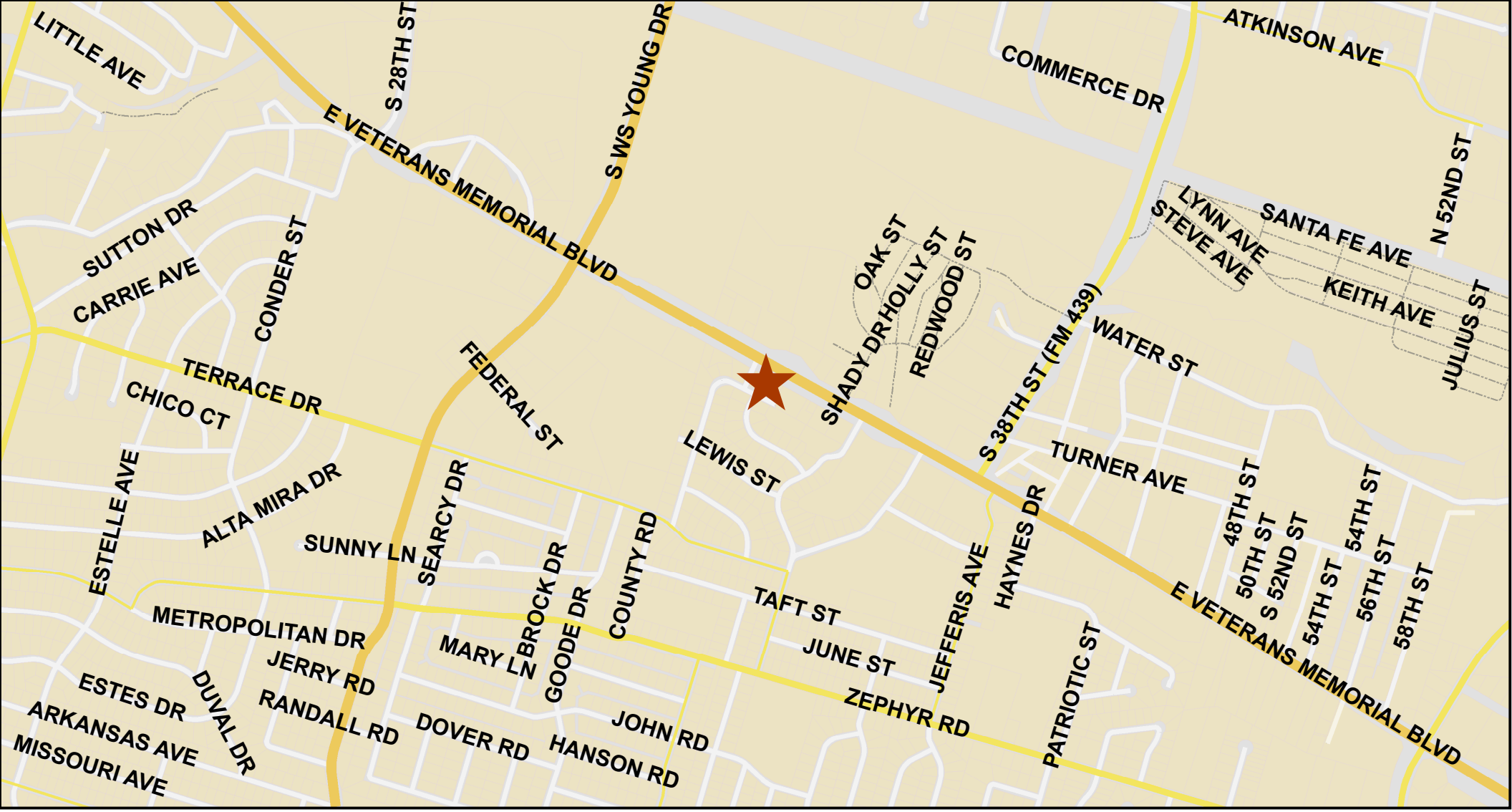
The Planning and Zoning Commission recommended approval of the applicant's "B-C-1" zoning request by vote of 3 to 2, with Commissioners Gukeisen and O'Brien in opposition to the motion.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Pharr vs. Tippitt
Responses



Zoning Location Map

Case: Z2019-23

Council District: 2

FROM: B-5 TO B-C-1

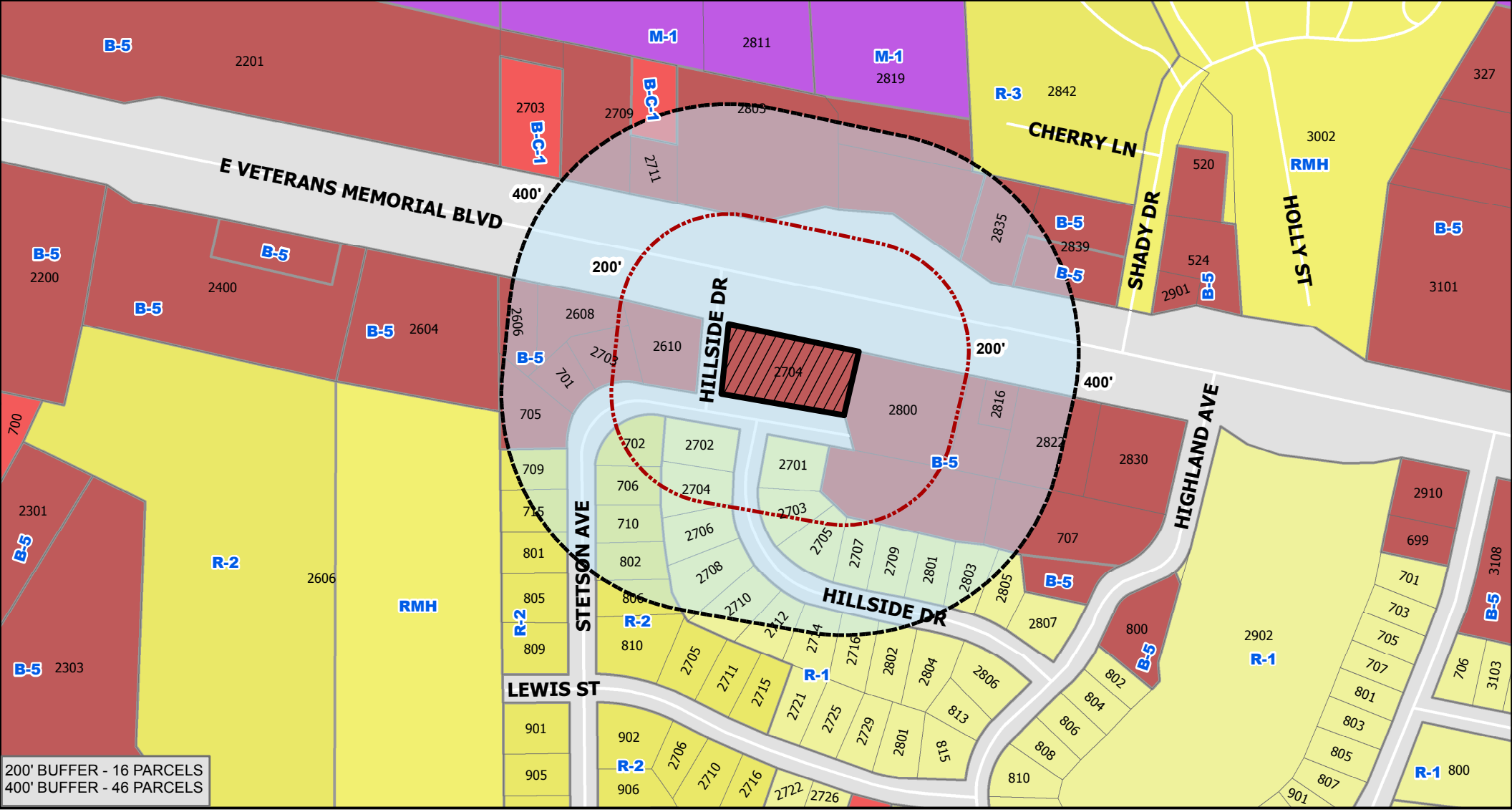
1 inch = 1,042 feet

Subject Property Legal Description: MARLBORO HEIGHTS REPLAT (L2-9 B 3, L 9-20 B 2, L 1-8 B 8), BLOCK 002, LOT 10, 11

LOCATION MAP

Zoning Case Location

N W E S



Zoning Notification Plan

Case: Z2019-23

Council District: 2

FROM: B-5 TO B-C-1

1 inch = 250 feet

Subject Property Legal Description: MARLBORO HEIGHTS REPLAT (L2-9 B 3, L 9-20 B 2, L 1-8 B 8), BLOCK 002, LOT 10, 11

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19_23_200
- NOTIFICATION AREA

N E S W

MINUTES
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 16, 2019

CASE #Z19-23
" B-5" to "B-C-1"

HOLD a public hearing and consider a request submitted by Robert Craig on behalf of EKU Inc. to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.

Vice Chairman Latham requested staff comments.

Senior Planner, Wallis Meshier stated that the applicant is requesting that the property be rezoned from its current designation to "B-C-1". Staff received a response in support and a protest from surrounding property owners. Staff has not had the opportunity to verify property owners.

Staff notified thirty-five (35) surrounding property owners regarding this request.

Mr. Thomas Young, 1010 W. Jasper Drive, Killeen, Texas, was present to represent this request.

Vice Chairman Latham opened the public hearing.

Ms. Ruby Jackson, 2714 Hillside Drive, Killeen, Texas, spoke in opposition of the request.

Mr. Thomas Young spoke in favor of the request.

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

Commissioner Alvarez motioned to recommend approval of the request. Commissioner Cooper seconded, and the motion passed by a vote of 3 to 2. Commissioners Gukeisen and O'Brien voted in opposition.

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

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF LOTS 10 AND 11, BLOCK 2, MARLBORO HEIGHTS REPLAT, FROM "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert Craig, on behalf of EKU Inc. & Codra Commercial Ltd., has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 16th day of September 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 p.m. on the 8th day of October 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

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

SECTION I. That the zoning classification of Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and

Alcohol Sales District), for the property addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.

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 8th day of October 2019, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____
Kathryn H. Davis, City Attorney

Ord. #19-___

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

CUT HERE

YOUR NAME: Jim Wright PHONE NUMBER: 526-[illegible]

CURRENT ADDRESS: 2800 S.W. Young, Killeen, TX

ADDRESS OF PROPERTY OWNED: 2800 E VMB

COMMENTS:

We are in FAVOR of the rezoning!

RECEIVED

SEP 11 2019

PLANNING

SIGNATURE: REQUEST: "B-5" to "B-C-1" SPO #Z19-23/ 15

CUT HERE

YOUR NAME: Jim Wright PHONE NUMBER: 289-3145

CURRENT ADDRESS:

ADDRESS OF PROPERTY OWNED: 2704 E. VMB; 2706 E VMB

COMMENTS: 2800 E. VMB

I am in favor of the zoning change and believe it would enhance the property & the property around

RECEIVED

SEP 09 2019

PLANNING

SIGNATURE: REQUEST: "B-5" to "B-C-1" SPO #Z19-23/ 15

September 10,2019

14

To Whom It May Concern:

In reference to Case# Z19-23: I am opposing the rezoning of Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" to "B-C-1". The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas. I am opposing this on behalf of the property located at 2707 Hillside Dr. Killeen, Texas 76543 owned by Mrs. Rutha Lee Page and represented by her daughter Ms. Enchantra Page located at 6425 Brookhaven Trail, Fort Worth, Texas 76133.

Sincerely, Enchantra Page

Enchantra Page

KE Case # Z14-23- Hold a public hearing and consider a request submitted by Thomas Youngson behalf of EKU Dev. and Cobra Commercial, LTD. to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from B-5 (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd, Killeen

Support of

Opposition to request

1. Ruby Jackson
2714 Hillside Dr.

2. Lurch Applewhite
2705 Hillside Dr.

3. Coleman, Sa'Quatra
2807 Hillside Dr

4. Aglata Lockey Forbes
2803 Hillside Dr

5. Mrs. Martha Anderson
2804 Hillside Drive
Killeen

6. Sylvia Grimes
2805 Hillside Drive

7. Jamie Hunter
2709 Hillside Dr

8. Javon Jones
2716 Hillside dr

9. Marco Nichols
2701 Hillside Dr

RE: Case #Z19-23; Hold a public hearing and consider a request submitted by Thomas Young on behalf of EKU Inc. and Cobra Commercial, LTD to rezone Lot 10 and 11, Block 2 Marlboro Heights Replat, from "B5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen Texas

Support of

10. Opposition to request
Connie Beckworth 2710 Hillside Dr. Killeen, TX 76543

11. C. Coates
2802 Hillside Dr.

12. Ada + Roland Rivas
2702 Hillside Dr

13. Mattie Warmley
2806 Hillside Dr. Killeen, TX 76543

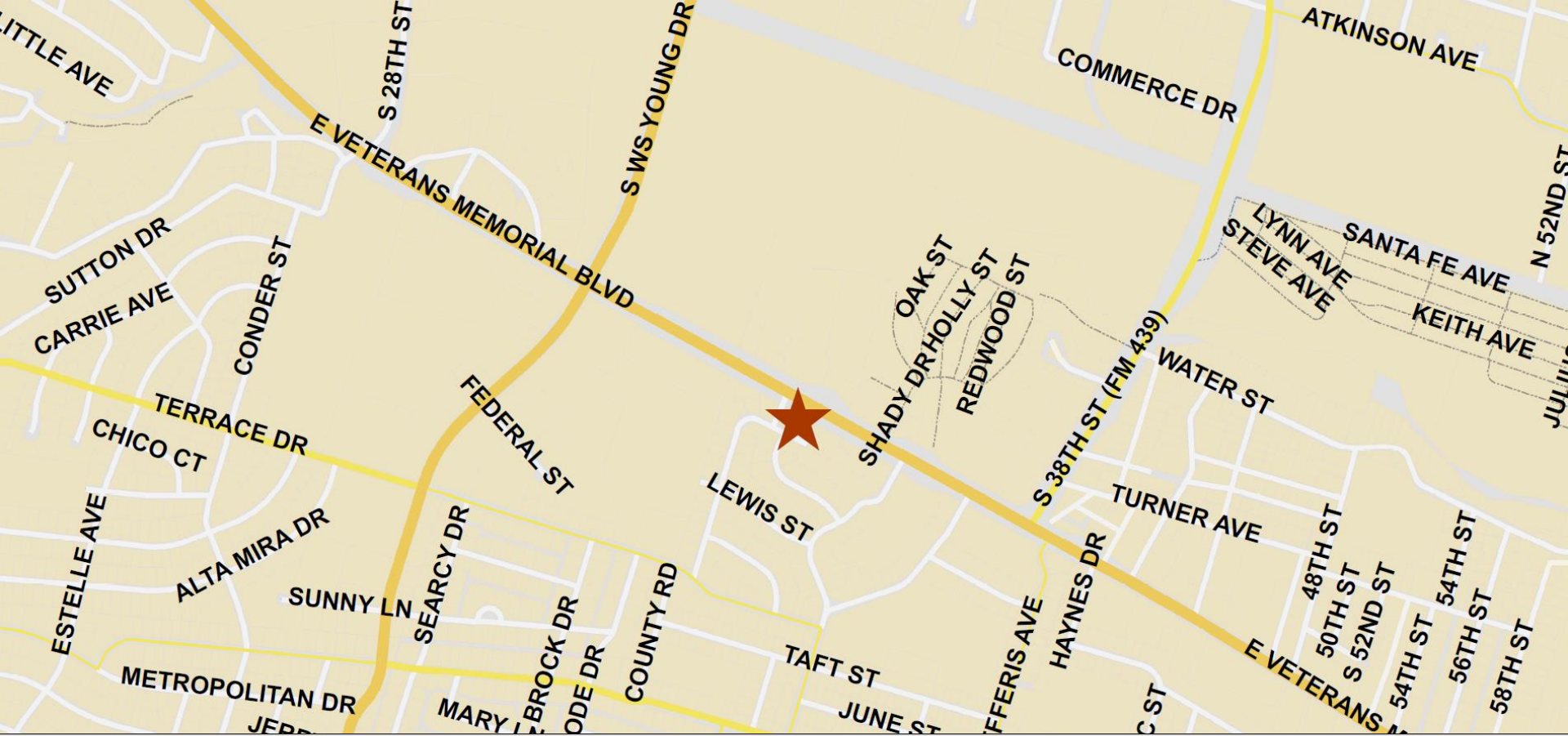
ZONING CASE #Z19-23: “B-5” TO “B-C-1

PH-19-038

October 1, 2019

Case #Z19-23: “B-5” to “B-C-1

- Robert Craig, on behalf of EKU Inc. & Codra Commercial Ltd., is requesting to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from “B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District).
- The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.
- The purpose of the request is to allow the business owner to sell alcohol for on premise consumption for his existing pool hall business.



Zoning Location Map

Case: Z2019-23

Council District: 2

FROM: B-5 TO B-C-1

1 inch = 1,042 feet

Subject Property Legal Description: MARLBORO HEIGHTS REPLAT (L2-9 B 3, L 9-20 B 2, L 1-8 B 8), BLOCK 002, LOT 10, 11

LOCATION MAP

Zoning Case Location

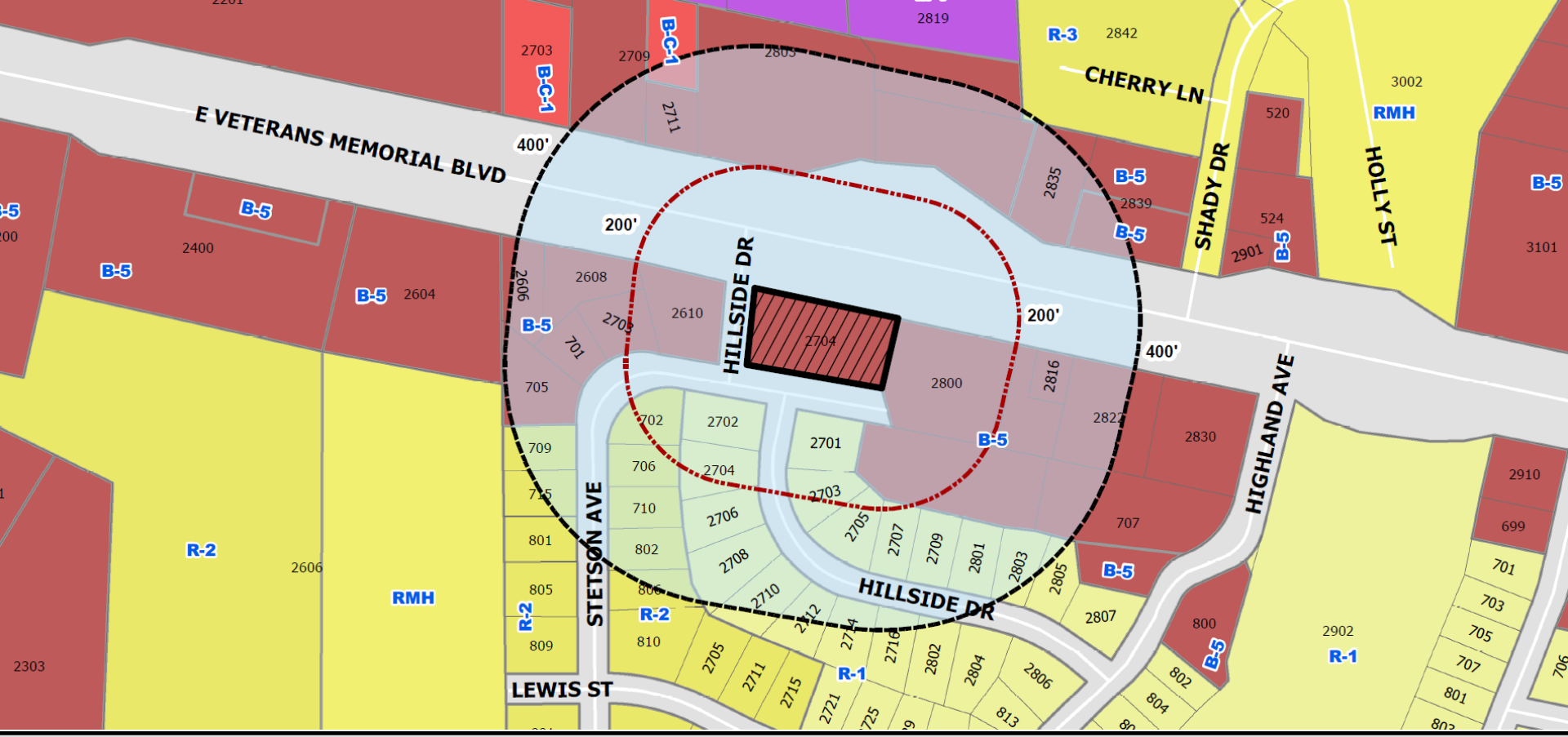
N W E S

Case #Z19-23: “B-5” to “B-C-1

- The property is designated as ‘General Commercial’ (GC) on the City’s Future Land Use Map (FLUM).
- The ‘General Commercial’ designation encourages a wide range of commercial retail and service uses, at varying scales and intensities depending on the site.
- The applicant’s request is consistent with the FLUM.

Case #Z19-23: “B-5” to “B-C-1

- Staff notified thirty-five (35) surrounding property owners within a four hundred feet (400’) notification boundary.
- Staff has received one (1) written response in support, and fourteen (14) written responses in opposition to the request.
- Of the fourteen (14) responses in opposition, only two (2) are property owners within the 200 ft. notification boundary.



Zoning Notification Plan

Case: Z2019-23

Council District: 2

FROM: B-5 TO B-C-1

1 inch = 250 feet

Subject Property Legal Description: MARLBORO HEIGHTS REPLAT (L2-9 B 3, L 9-20 B 2, L 1-8 B 8), BLOCK 002, LOT 10, 11

ZONING CHANGE MAP

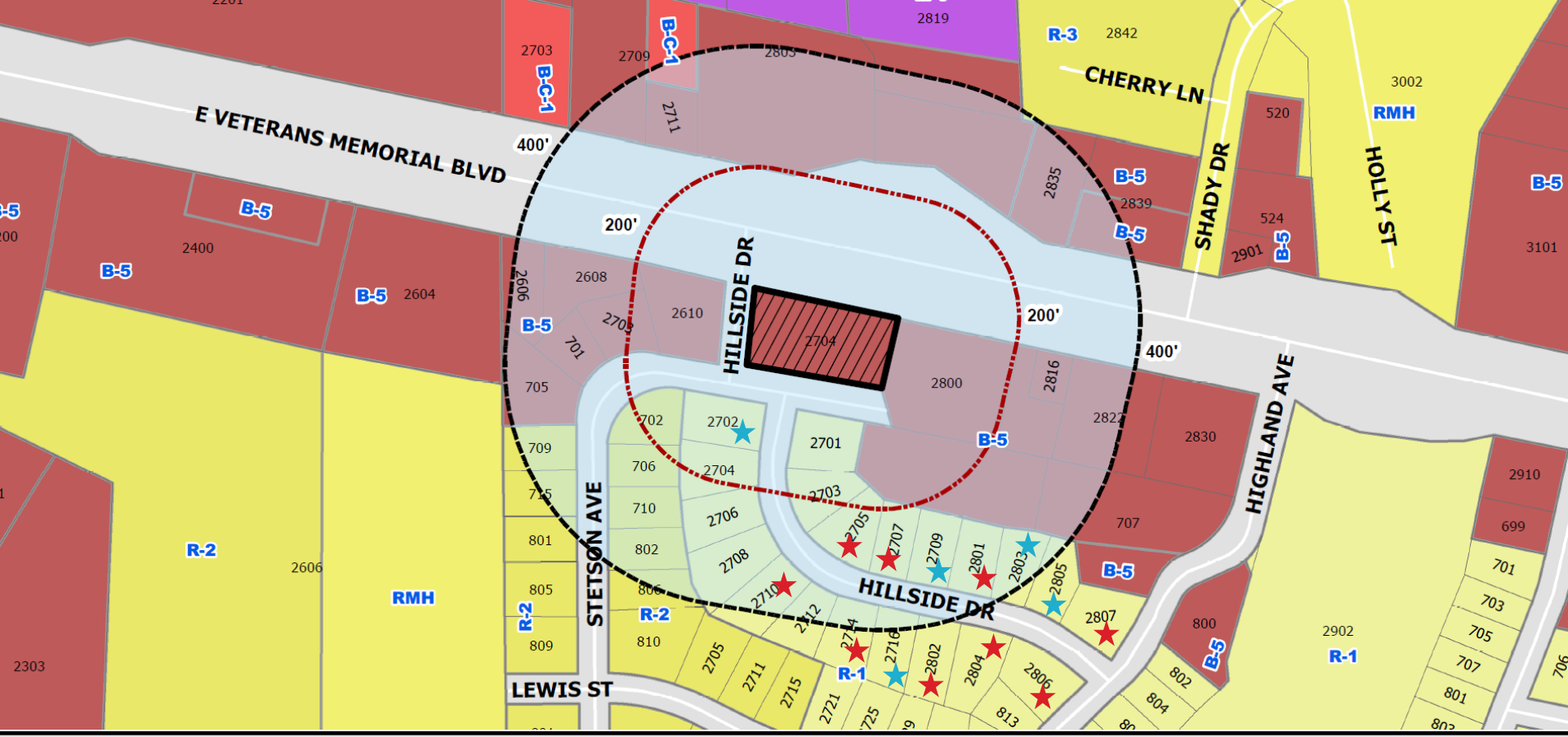
Legend

ZONING CASE LOCATION

Z19_23_200

NOTIFICATION AREA

N E S W



Zoning Notification Plan

Case: Z2019-23

Council District: 2

FROM: B-5 TO B-C-1

1 inch = 250 feet

Subject Property Legal Description: MARLBORO HEIGHTS REPLAT (L2-9 B 3, L 9-20 B 2, L 1-8 B 8), BLOCK 002, LOT 10, 11

★ Property Owners

★ Non-Owners

ZONING CHANGE MAP

Legend

ZONING CASE LOCATION

Z19_23_200

NOTIFICATION AREA

N E S W

Alternatives

- The City Council has two (2) alternatives. The City Council may:
  - 1) disapprove the applicant's zoning request; or
  - 2) approve the applicant's zoning request.

Recommendations

- Staff recommends approval of the applicant's zoning request.
- The Planning and Zoning Commission recommended approval of the applicants zoning request (as submitted) by a vote of 3 to 2, with Commissioners Gukeisen and O'Brien being opposed to the motion.

City of Killeen

Legislation Details

File #:	PH-19-039	**Version:**	1	**Name:**	VA- Mesa Verde
Type:	Public Hearing			**Status:**	Public Hearings
File created:	9/17/2019			**In control:**	City Council Workshop
On agenda:	10/1/2019			**Final action:**	
Title:	HOLD a public hearing for a voluntary annexation petition for approximately 24.3 acres of land lying contiguous to the existing city limits and being located south of the Renick Ranch Subdivision, Killeen, Texas. (1st of 2 Public Hearings)				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Staff Report Petition Exhibit A Annexation Exhibit Annexation Service Plan Presentation				

Date	Ver.	Action By	Action	Result

powered by Legistar™

STAFF REPORT

DATE: **October 1, 2019**

TO: **David L. Ellison, Interim City Manager**

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

SUBJECT: **Consider a voluntary annexation petition for approximately 24.3 acres of land lying contiguous to the existing city limits and being located south of the Renick Ranch Subdivision, Killeen, Texas.**

BACKGROUND AND FINDINGS:

On August 16, 2019, the Planning and Development Services Department received a voluntary petition for annexation from Mesa Verde Developers, L.P. and Tara Campbell. The subject tract is comprised of 24.3 acres and is located south of the Renick Ranch Subdivision, Killeen, Texas. The property is vacant, contiguous to current municipal city limits and is therefore exempt from a three year annexation plan. The owners are making the request to have the property annexed into the corporate limits of Killeen. In accordance with that, the staff has prepared a tentative 90-day annexation schedule (below) and will ask the City Council to provide a motion of direction to the City Manager.

Annexation Schedule

September 10th: If Council decides to conduct public hearings and institute annexation proceedings, Council shall direct the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to provide services in any other area of city. [LGC 43.065]. The service plan will be available to the City Council in addvance of the public hearing.

September 22nd and October 6th: At least 10 days and no more than 20 days in advance of each public hearing, publish notice in newspaper, post on website and send notice to school district. [LGC 43.063(c) & 43.905]

October 8th and October 22st: Conduct 2 public hearings between 20 and 40 days before annexation ordinance is adopted (note: this will require one special City Council meeting date). [LGC 43.063 (a)]

November 12th: Adopt annexation ordinance and approve service plan. [LGC 43.064]
(Can be no sooner than 20 days after 2nd public hearing.)

THE ALTERNATIVES CONSIDERED:

In accordance with LGC section 43.063(a), the City Council must conduct two public hearings.

Which alternative is recommended? Why? Staff recommends that the City Council conduct the public hearings in accordance with the law.

CONFORMITY TO CITY POLICY:

The request for voluntary annexation conforms with state law.

FINANCIAL IMPACT:

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

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

Is this a one-time or recurring expenditure?

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

Is this expenditure budgeted?

It is not budgeted at this time.

If not, where will the money come from?

If the property is annexed, it will be necessary for the money to come from future budget sources.

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

N/A.

RECOMMENDATION:

Staff recommends that the City Council conduct the public hearings for the voluntary petition.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Petition
Exhibit A
Annexation Exhibit
Annexation Service Plan

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

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

See attached FLUM Exhibit

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

Mesa Verde Developers, L.P.,
Curtis Emmons, Member

THE STATE OF TEXAS §
§
COUNTY OF Bell §

Before me, the undersigned authority, on this day personally appeared Curtis Emmons known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 10 day of July, 2019.

NOTARY PUBLIC STATE OF TEXAS
GORGE J MEZA
Notary ID # 130547274
My Commission Expires
February 19, 2020

Notary Public in and for the
State of Texas

Printed Name: Gorge J. Meza
Commission Expires: 2/19/2020

Tara Campbell

Tara Campbell
Owner

THE STATE OF TEXAS §
§
COUNTY OF Bell §

Before me, the undersigned authority, on this day personally appeared Tara Campbell, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 16 day of August, 2019.

GORGE J MEZA
Notary ID # 130547274
My Commission Expires
February 19, 2020

Notary Public in and for the
State of Texas

Printed Name: Gorge J Meza
Commission Expires: 2/19/2020

QUINTERO ENGINEERING, LLC
CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
415 E. AVENUE D, KILLEEN TEXAS (254) 493-9962
T.B.P.E. FIRM REGISTRATION NO.: 14709
T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

FIELD NOTES
24.3 ACRES
BELL COUNTY, TEXAS

BEING all that certain 24.3 acre tract of land situated in the W.L. Harris Survey, Abstract No. 1155, being a portion of that called 24.96 acre tract described in a deed to Mesa Verde Developers, L.P., recorded in Instrument No. 2019-00022566, Deed Records of Bell County, Texas, a portion of the remainder of a called 6.604 acre tract as described in a deed to Tara Campbell, recorded in Instrument No. 2017-00017620, Deed Records of Bell County, Texas, a portion of the remainder of a called 2.00 acre tract as described in a deed to Tara Campbell, recorded in Instrument No. 2015-00009422, Deed Records of Bell County, Texas, and a portion of the remainder of a called 2.00 acre tract as described in a deed to Tara Campbell, recorded in Instrument No. 2014-00043817, Deed Records of Bell County, Texas being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a cap stamped "MA" found at the Southwest corner of a called 6.39 acre tract as described in a deed to Mesa Verde Development, L.P., recorded in Instrument No. 2019-00022577, Deed Records of Bell County, Texas, an inside ell corner of City Limit Line recorded in Ordinance 07-110, Bell County, Texas, and in the North line of a called 5.509 acre tract as described in a deed to Juanita Green Living Trust, recorded in Volume 3237, Page 64, Deed Records of Bell County, Texas, for the Southeast corner of the herein described tract;

THENCE, N 72° 36' 50" W, 645.21 feet, along the South line of the herein described tract and the North line of the said 5.509 acre tract, to a 1/2" iron rod found at the Northwest corner of the said 5.509 acre tract, at the Northeast corner of a called 1.081 acre tract as described in a deed to Juanita Green Living Trust, recorded in Volume 3954, Page 662, Deed Records of Bell County, Texas, and at the Southeast corner of a called 3.419 acre tract as described in a deed to Phyllis Ferguson, recorded in Volume 3616, Page 504, Deed Records of Bell County, Texas, for the Southwest corner of the herein described tract;

THENCE, N 17° 07' 12" E, 1491.05 feet, along the West line of the herein described tract and the East line of the said 3.419 acre tract, a called 2.00 acre tract as described in a deed to Phyllis Ferguson, recorded in Volume 3616, Page 504, Deed Records of Bell County, Texas, and the said remainder of a called 6.601 acre tract, to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set at the Northeast corner of the said remainder of a called 6.601 acre tract, for an ell corner of the herein described tract;

THENCE, N 72° 50' 38" W, 299.67 feet, along a South line of the herein described tract and the North line of the said remainder of a called 6.601 acre tract and the said remainder of a called 2.00 acre tract recorded in Instrument No. 2015-00009422, to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set, for an ell corner of the herein described tract;

THENCE, N 17° 09' 22" E, 101.92 feet, along a West line of the herein described tract and across the said remainder of a called 2.00 acre tract recorded in Instrument No. 2015-00009422 and the said remainder of a called 2.00 acre tract recorded in Instrument No. 2014-00043817, to a 1/2" iron rod with a cap stamped "QUINTERO 10194110" set in the City Limit Line recorded in Ordinance 86-87, Bell County, Texas, for the Northwest corner of the herein described tract;

THENCE, S 72° 54' 59" E, 943.78 feet, along the North line of the herein described tract, across the said 24.96 acre tract and with the said City Limit Line recorded in Ordinance 86-87, to a point in the West line of a called 4.39 acre tract as described in a deed to Mesa Verde Development, L.P., recorded in Instrument No. 2019-00022577, Deed Records of Bell County, Texas and at the intersection of the said City Limit Lines recorded in Ordinance 86-87 and Ordinance 07-110, for the Northeast corner of the herein described tract;

THENCE, S 17° 04' 58" W, 1596.76 feet, along the East line of the herein described tract and the West line of the said 4.39 acre tract, a called 9.14 acre tract described in a deed to Mesa Verde Development, L.P., recorded in Instrument No. 2019-00022577, Deed Records of Bell County, Texas, and the said 6.39 acre tract, and the said City Limit Line recorded in Ordinance 07-110, to the **POINT OF BEGINNING** and containing 24.3 acres of land, more or less.

The bearings for this description are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Texas Smart Net GPS observations, as surveyed on the ground May, 2019 by Quintero Engineering, LLC.

08/23/2019

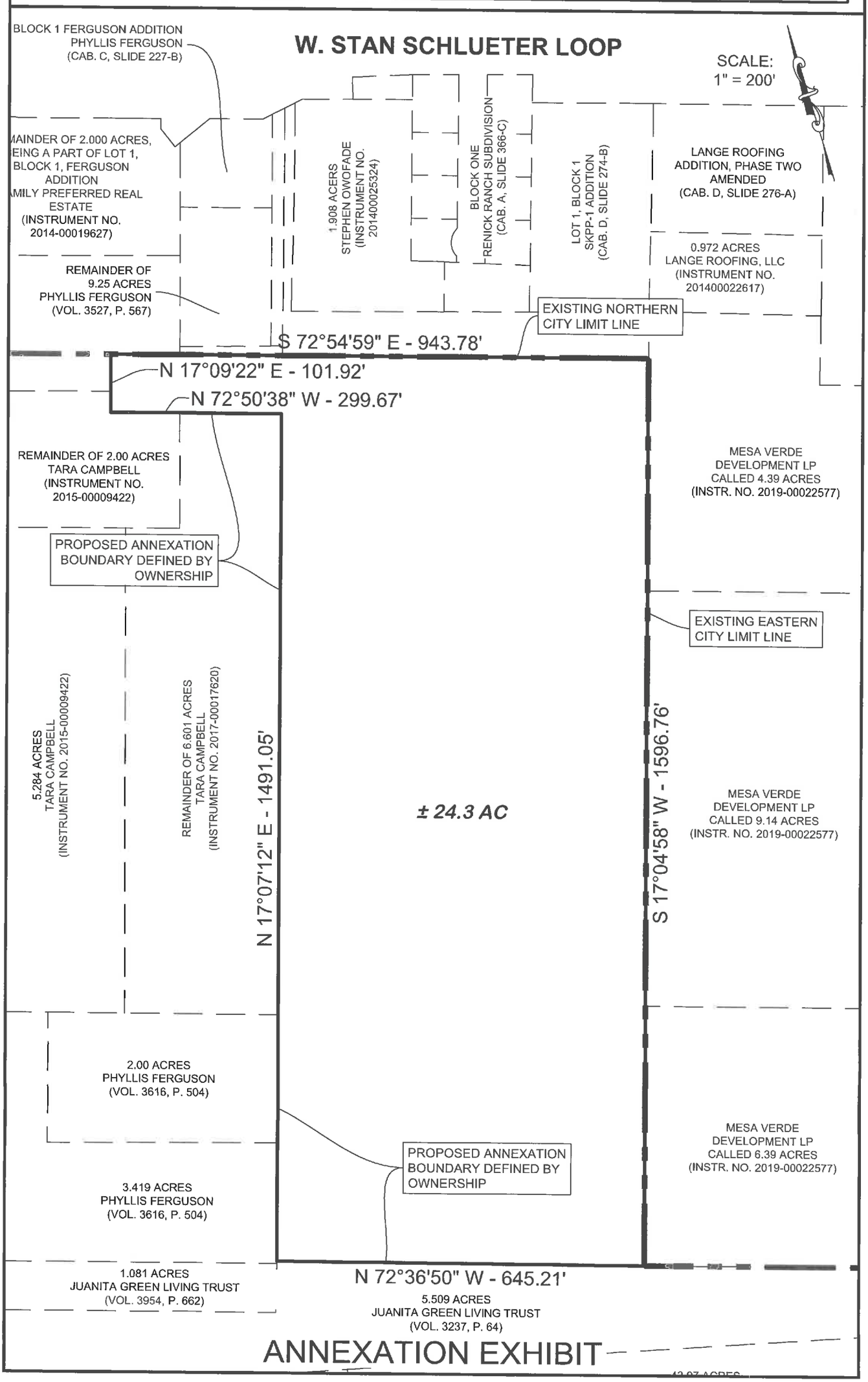
Bradley W. Sargent, R.P.L.S.
Registered Professional Land Surveyor
No. 5827, Texas

STATE OF TEXAS
REGISTERED
BRADLEY W. SARGENT
5827
PROFESSIONAL
LAND SURVEYOR

"EXHIBIT A"

QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962
T.B.P.E. FIRM REGISTRATION NO. 14709
T.B.P.L.S. REGISTRATION NO. 10194110



ANNEXATION EXHIBIT

Annexation Service Plan VA#19-03

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1. EXECUTIVE SUMMARY

General Information:

On August 16, 2019, the Planning and Development Services Department received a voluntary petition for annexation from Mesa Verde Developers, L.P. and Tara Campbell. The subject tract is comprised of 24.3 acres and is located south of the Renick Ranch Subdivision, Killeen, Texas. The property is vacant and contiguous to current municipal city limits on two sides. In accordance with Local Government Code 43.065, this annexation service plan describes how municipal services may be provided to the subject area. The annexation area will be comprised of 94 residential lots. A fiscal impact analysis is included.

After public hearings on October 8, 2019 and October 22, 2019, the Killeen City Council may approve or disapprove this voluntary annexation petition at its November 12, 2019 meeting or some later date.

Services Impacts:

Police Service:

- Anticipates this project would add approximately 294 residential calls for service; an increase of 0.18 percent of the total calls for service and six seconds in response time.

Fire & EMS Services:

- An additional 38 EMS responses and 22 fire responses are expected to this area.
- The property falls within the response area of Fire Station 9. Estimated response time to the annexed property would be 3 minutes for the primary response unit and 7 minutes for a secondary unit (from another station).

Public Works Services:

- Water/Sewer: An existing 20" water transmission main that can adequately serve the entire property is located in the south ROW of Stan Schlueter Loop approximately 500' from the north end of the property.
- The sewer will flow into Lift Station No. 20 which is adequately sized to handle the added sewer flow from this property.
- Thoroughfare Plan/ Roadway C.I.P.: There are no planned thoroughfares affecting this property.

Parks & Recreations Services:

- The City's deficit of parks acreage per capita would increase if annexation and associated potential new development occurs. Additional impacts may also be felt in leisure and recreational, programs, services and facilities.

Operation & Maintenance of Other Publicly Owned Facility. Building or Service:

- This potential annexation would increase Killeen's population by approximately 270 people, impacting the library's facilities and potentially affecting accreditation.
- Future residents of the annexed area will own pets. Animal Services anticipates an increase in demands for service as a result of the new development associated with the annexation.

Fiscal Impact Analysis:

A fiscal impact analysis concludes that estimated revenue would exceed estimated expenses if the property is annexed and developed as single family residential as projected. Highlight assumptions and factors used for the fiscal analysis include:

- 94 homes @ equal buildout rate over four years (23.5 homes per year)
- Average permit value of $164,232
- 3% annual property value increase
- 7% allowance for DV Exemption
- No rate changes
- Current cost of providing a service used to estimate the cost of providing the service to subject area
- Expenses adjusted annually for inflation
- Expenses adjusted annually for inflation

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
Revenues							
General Fund	$ 38,492	$ 78,615	$ 120,443	$ 164,053	$ 167,620	$ 171,296	$ 740,519
General Fund - One time	9,048	9,048	9,048	9,048	-	-	36,190
Water & Sewer	19,238	38,476	57,714	76,952	76,952	76,952	346,285
Solid Waste	5,578	11,156	16,734	22,312	22,312	22,312	100,403
Drainage	1,733	3,465	5,198	6,930	6,930	6,930	31,187
Street Maintenance	479	959	1,438	1,918	1,918	1,918	8,630
Total Revenues	$ 74,568	$ 141,718	$ 210,574	$ 281,213	$ 275,732	$ 279,408	$ 1,263,213
Expenses							
General Fund	$ 35,793	$ 73,176	$ 111,500	$ 150,268	$ 153,454	$ 157,326	$ 681,518
Water & Sewer	7,257	14,699	22,288	29,993	30,364	30,775	135,375
Solid Waste	2,322	3,583	4,864	6,151	6,215	6,292	29,426
Drainage	1,131	2,305	3,504	4,715	4,801	4,906	21,363
Street Maintenance	479	959	1,438	1,918	1,918	1,918	8,629
Total Expenses	$ 46,982	$ 94,722	$ 143,594	$ 193,045	$ 196,751	$ 201,217	$ 876,311
Difference							
General Fund	$ 11,747	$ 14,486	$ 17,990	$ 22,833	$ 14,166	$ 13,969	$ 95,191
Water & Sewer	11,981	23,777	35,427	46,959	46,589	46,177	210,909
Solid Waste	3,256	7,573	11,870	16,161	16,097	16,020	70,977
Drainage	602	1,160	1,694	2,215	2,129	2,025	9,824
Street Maintenance							
Total Difference	$ 27,586	$ 46,996	$ 66,980	$ 88,168	$ 78,981	$ 78,191	$ 386,902

2. FISCAL IMPACT ANALYSIS METHODOLOGY

The fiscal impact model uses the current cost of providing a service to estimate the cost of providing the service to the subject area. The following is included in the fiscal impact analysis:

1. Expenditures:

a. Cost of municipal services to be provided.

b. Annual operation and maintenance costs.
c. Capital improvement costs.

2. Revenues:
a. Property taxes for the proposed development (based on current tax rate).
b. Other revenues (e.g. other local taxes, permit fees, etc.).

Common Assumptions Across All Funds

The fiscal impact model is based on certain underlying assumptions including:

- Total buildout: 94 residential lots, with the phased buildout of the proposed annexation happening equally over a four-year period (i.e. 23.5 lots per year).
- Revenues calculated based on current rates. There are no rate increases assumed throughout the analyzed period.
- Expenses are adjusted annually by the estimated rate of inflation. The inflation rates used for each fiscal period include: FY21 – 2.2%, FY22 – 2.3%, FY23 – 2.0%, FY24 – 2.1%, FY25 – 2.5% (FY21-FY22 inflation from the International Monetary Fund U.S. Inflation Forecast; FY23-FY25 inflation estimated using regression analysis).

Fund Specific Assumptions

1. General Fund

Revenues:
Property tax – calculated using the 2018 average home permit value of $164,232. Estimated property tax revenue is adjusted for the disabled veteran exemption. The disabled veteran exemption is 7% of residential assessed property valuation, net of state reimbursement. Property tax valuations are estimated to increase by 3.03 percent each year. This represents the five-year average increase in the City's property valuation.

Sales tax – calculated using an estimated household annual income of $49,886. The household annual income was determined using the 28% Rule that states a household should spend a maximum of 28% of gross monthly income for mortgage related costs (Mortgage cost calculated based on a $164,232 home). A consumer expenditures study conducted by the Bureau of Labor Statistics reported that the average household expends 81.5% of their gross income. Of that amount, 28.4% is taxable.

Franchise taxes (outside entities) – residential units make up a total of 68% of total properties in the City. This percentage was applied to the FY19 franchise tax budget to determine the amount of revenue per residential property.

Franchise taxes (City enterprises) – the City charges a 9% franchise fee to enterprise funds for use of right-of-ways and easements.

Emergency medical services – revenue calculated by using the projected increase in population to estimate the number of calls for service.

Recreation – revenue calculated based on the projected increase in population. Revenue per capita was determined by using the FY19 Recreation (Community Services) revenue budget.

Permits – one-time revenue was calculated based on the estimated number of residential units in the proposed annexation.

Expenses:
Police Department – the projected population was used to estimate the increase in the number of calls for service. The FY19 Police Department expense budget, less fuel and vehicle maintenance costs, was allocated based on the percent increase in estimated calls. Fuel and vehicle maintenance costs were calculated using the additional area of the proposed annexation to be patrolled.

Fire Department – the projected population was used to estimate the increase in the number of calls for service. The cost of responding to each type of service call was determined. FTEs per capita were used to calculate certain costs not related to calls for service. As each subsequent annexation occurs the impact on reduced service per capita is an issue for fire department resources. Until fire department resources are added to accommodate per capita population growth overall call times will decline. It is important to tally all annexations over time to determine the reduction of response effect.

Recreation – the acres of community parks per 1,000 residents is currently 2.2488. The cost to maintain the current level of service was determined by the projected increase in population.

Library – the library must maintain a collection of 1 library item per capita. The projected population was used to determine the number of materials that would need to be purchased.

2. Street Maintenance Fund

Revenues:
Calculated using the projected number of residential units in the proposed annexation.

Expenses:
Calculated using the average cost to maintain streets, sidewalks, signage, and pavement marking.

3. Water and Sewer Fund

Revenues:
Water – calculated using the average residential rate of $38.06, which assumes 10,000 gallons is used monthly.

Sewer – calculated using the average residential rate of $30.16, which assumes 6,000 gallons is treated monthly.

Expenses:
Water and Sewer – calculated using operational costs per active accounts. The projected number of residential units associated with the proposed annexation were used to estimate costs. The rates the City pays for water and sewer treatment were increased by 1 cent per year.

4. Solid Waste Fund

Revenues:
Calculated using the projected number of residential lots.

Expenses:
Calculated using the current number of routes in FY20 and FY21. The proposed annexation area would make up an estimated 11% of a current route. In FY22, an additional route may be needed, and the proposed annexation area will make up 11% of the new route.

5. Drainage Fund

Revenues:
Calculated using the projected number of residential units in the proposed annexation. Non-residential revenues were not part of this analysis.

Expenses:
Calculated using the projected residential units, and the full-time equivalents required to service the residential units. Non-residential revenues were not part of this analysis.

3. GENERAL FUND SERVICES

Police Protection

The Killeen Police Department (KPD) would provide protection and law enforcement services commencing on an effective date of annexation. These services are provided on a citywide basis. Service levels would be the same as that for comparable areas of the City. These Services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as traffic enforcement, criminal investigations, narcotics and gang suppression, and special weapons tactics team.

The proposed annexation of approximately 24.3 acres of land south of the Renick Ranch subdivision would comprise of approximately 94 lots. Estimating a population of about 270 upon full development, the department anticipates that there would be very minimal impact in the first few years, depending on how long the building process would take. Initially there would be very few patrol calls for service, criminal investigations, etc. During the building process, there would be a minor increase in patrols, a slight increased use of fuel, and possibly calls for property crime investigations.

The Department anticipates approximately 294 additional residential calls for service per year; an increase of 0.18 percent of the total calls for service and investigations (based on an adjusted department budget). These additional calls for service would add approximately six seconds to the average response time for all priority one and priority two calls for service.

Fire Protection

The Killeen Fire Department (KFD) will provide fire protection and prevention services in the annexation area, commencing on the effective date of the annexation. These services include:

- fire suppression and rescue;
- emergency medical services;
- hazardous materials mitigation and regulation;
- emergency prevention and public education services;

- construction plan review;
- inspections;
- emergency management planning.

These services are provided on a citywide basis and the Killeen Fire Department would provide fire protection and prevention services to the annexation area with the same level of service being provided to other comparable areas of the City.

The National Fire Protection Association (NFPA) creates and maintains private, copyrighted standards and codes for usage and adoption by local governments. Standards pertinent to the referenced annexations are as follows:

5.2.4.1: Initial Arriving Company:
"The fire department's fire suppression resources shall be deployed to provide for arrival of an engine company within a 240-second travel time to 90 percent of the incidents as established in Chapter 4."

5.2.4.2: Initial Full Alarm Assignment Capability:
"The fire department shall have the capability to deploy an initial full alarm assignment within a 480-second travel time to 90 percent of the incidents as established in Chapter 4." For the year of 2018, the Killeen Fire Department responded to 18,686 EMS calls and 10,351 Fire calls. This equals a total of 29,037 Emergency calls within the response area of Killeen, with an average response time of 8 minutes and 40 seconds.

The annexation area will fall within the response area of Station 9 which is located at 5400 Bunny Trail and houses An Engine 9, Rescue 9 Medic 9, and Battalion 2 Command. With a response from an in-house unit, the estimated response time to the entry of the annexed property would be 3 minutes. Should the in-house unit be on another call, a secondary unit will be dispatched from another fire station with an average estimated arrival time of 7 minutes. Based upon historical data, we expect there to be an additional 38 EMS responses and 22 fire responses to this area. In addition to fire/rescue/EMS/Haz-Mat resources needed to service the annexation area, other specialties such as Public Education, Plans Review, Inspections and Emergency Management will be impacted.

With each additional annexation, capabilities are stretched. Ideally, at least one additional fire station with one EMS unit and one fire pumper would be recommended. However, understanding the current situation city wide, the Killeen Fire Department would be able to provide service to these annexed areas with existing resources.

Parks and Recreation Services & Facilities

The City of Killeen Parks and Recreation Department does not have any parks or trails in the identified area of annexation. However, continued growth will impact our ability to maintain parks and trails at a high level. Currently we maintain twenty-three (23) parks consisting of 332 acres and approximately 5 miles of hike and bike trails. It is anticipated that an additional 3 miles of hike and bike trails associated with the Heritage Oaks residential development will be developed by the summer of 2020. In all, there will be 511 acres of hike and bike trails; this acreage in conjunction with the afore-mentioned park acrage will amount to 843 acres of mowable /or manageable park space categorized in several forms of park i.e. Neighborhood, Pocket, Community, Passive, Regional, Special Use, Linear/Linkages, Conservancy types of park classification. This acreage, with (36) FTE's, creates a ratio of 24 acres maintained per FTE. National Recreation and Parks Association (NRPA) recommends best practice of 12-19 acres maintained per FTE. NRPA also recommends and

shows national data of acres of parks per community at 10.1 acres of park land for every thousand residents in the jurisdiction or 1 park per 2,181 residents. Currently, we are at a ratio of 1 park per 6,325 residents. An annexation would increase the City's deficit of Community Park's acreage per capita. Additional impact may also be felt in athletic, aquatics center and senior center services, though there is no way to measure if residents would frequent Killeen or Harker Heights recreation activities.

Maintenance of Publicly Owned Facilities or Buildings

The City of Killeen is not aware of the existence of any publicly owned facilities or buildings now located in the area proposed for annexation. In the event any such publicly owned facilities or buildings do exist, the City of Killeen will maintain such areas to the same extent and degree that it maintains other publicly owned facilities or buildings located in the City. Any such facilities developed in the future for public dedication to and maintenance by the City would be constructed to City standards and maintained by the developer/builder for the required warranty period. Subsequent to the warranty period, the City of Killeen would maintain such facilities to the same extent and degree that it maintains other publicly owned facilities or buildings in other areas of the City.

Land Use & Inspection Services

The City of Killeen Code of Ordinances mandates that all property annexed into the City be initially zoned Agricultural District ("A"). A building or premises in such a district may be used for stables, buildings in support of agriculture uses and single family residential structures and accessory uses on three acre tracts. The property owner reserves the right to petition for a change in zoning. Rezoning process would be conducted in strict compliance with notification and due process requirements of the Local Government Code and City of Killeen Code of Ordinances.

The City of Killeen's Planning and Development Services Department would provide land use planning and inspection services (building, electrical, plumbing, code enforcement, etc.), at the same level available to other areas of the City with similar population density, land use and topography.

Other Services

The City of Killeen would provide other City Services to the annexation area, such as animal services, library, municipal court and general administration services at the same level of service now being provided to other areas of the City with similar population density, land use and topography.

Library Services – The possible voluntary annexation of land parcels will increase Killeen's population by approximately 270, impacting the library's accreditation. In addition to needing to acquire an additional 270 items to ensure that we have a minimum of 1 item per capita for our citizens, the libraries ability to provide materials and services will become increasingly hampered by the two small existing facilities. It should also be noted that the library does not have a presence in the southwest portion of the City, making it difficult to serve those citizens at an appropriate level.

City Limit signs to encompass the new boundaries of the City as a result of the annexation would be installed within ninety (90) days of the effective date of the annexation if approved. The City's authority to abate nuisances (fireworks, etc.) within five thousand (5,000) feet of its boundary is extended to provide protection to an annexed area.

4. RATE BASED SERVICES

Street Maintenance

The Street Operations Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- repair maintenance of public streets on an as-needed basis;
- traffic control signals;
- right-of-way maintenance.

Public roads and streets in the annexation area would be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a citywide basis and scheduled based on a variety of factors, including surface condition, age, traffic volume, functional classification, and available funding. The Streets Operations Division will also provide regulatory traffic signage. Engineering studies to determine if traffic control devices are warranted will be conducted as needed, in conjunction with growth and increased traffic volumes. Anticipated future development within the annexation area will generate the requirement to construct streets in compliance with the City of Killeen development standards and requirements published in the Killeen Code of Ordinances and Public Works Department practices, as may be amended. Street lighting will be installed by property developers as development in the area warrants. Upon development of the annexation area, street maintenance fees will be charged in accordance with City of Killeen Code of Ordinances Chapter 25. The numbers of vehicle trips projected are 940 for full residential buildout.

Water and Wastewater

Water: It is the intent of the City of Killeen to provide water utility services to the annexation area in an expedient and orderly manner. This plan provides continued quality service while minimizing the utility rate impact to both the newly acquired citizens as well as the existing customers of the City's utility system.

- An existing 20" water transmission main that can adequately serve the entire property is located in the south ROW of Stan Schlueter Loop approximately 500' from the north end of the property.
- This property is located in the Upper Pressure Plane which has an overflow elevation of 1125'.

The 2019 W&S Master Plan has no new water related project scheduled for this area

Sewer: It is the intent of the City of Killeen to provide sewer utility services to the annexation area in an expedient and orderly manner. This plan provides continued quality service while minimizing the utility rate impact to both the newly acquired citizens as well as the existing customers of the City's utility system.

- An Existing 12" gravity sewer main is located approximately 650' to the west of the southwest

corner of the property and an 8" gravity sewer main is located approximately 600' to the east of the southeast corner of the property.

- The sewer will flow into Lift Station No. 20 which is adequately sized to handle the added sewer flow from this property.

The 2019 W&S Master Plan has no new sewer related project scheduled for this area.

The City would provide comparable water and sewer services as in other comparable areas of the City. Water and wastewater utility availability addresses the accessibility to a sufficient supply of water and the capacity of the wastewater system to accept and treat wastewater. The extension of utilities to any area of the City is based on the Water and Wastewater Master Plan and the utility extension policy contained in Chapter 26, Article IV, Division 3, Section 26-111, of the Killeen Code of Ordinances as amended. Developers of property in the annexation area would be required to extend necessary utilities to support their development in accordance with the Killeen Code of Ordinances and Public Works Department practices, as may be amended.

The following is a summary of the City of Killeen Water and Wastewater Utility Service Extension Policy.

1. The intent and purpose of the water and wastewater extension policy is to provide equitable charges for water and sewer connections as a proportionate distribution of the cost of the water and sewer main extensions to serve property within the city.

2. If the existing city utility facilities are not within or adjacent to the development, the developer shall construct the necessary extension of water and sewer mains, force mains, and lift stations, including all valves, manholes, and piping necessary to serve any future development of abutting property.

3. The developer's engineer shall prepare a proposed plan of service for the subdivision and property along the extension, which shall be reviewed by the plat review committee. These facilities shall be constructed in accordance with the Water and Wastewater Master Plan (as amended).

4. It is the general policy of the city that water and sewer mains should be large enough to serve all the lots platted and, should the city determine oversizing is necessary, the city may participate in those lines greater than 8" for water and greater than 10" for sewer.

5. All utilities shall be required to extend across the full width of the last lot platted on each street proposed within the development, in such an alignment that it can be extended to the next property in accordance with the master sewer and water plans for the city, provided such plan(s) exist.

6. Properties already served by water and sewer shall not be required to install additional facilities unless, the current lines are not of adequate capacity to serve the proposed development; in which case the applicant will be required to install adequate facilities.

7. Every lot of a plat shall have direct access to the water and sewer system. Utility service shall be from a water/sewer main located in an abutting right-of-way or through easements from the lot to a water/sewer main.

8. The City provides a "pro rata" program that in some instances allows a person to recover some costs of extending a line from the point of availability to the person's property, thereby reducing the economic impact on the person constructing the line.

Under limited circumstances, the City of Killeen Executive Director of Public Works may allow the continued use of or the establishment of an on-site sewage facility in locations where sanitary sewer service is not readily available. Such on-site sewage facilities must be permitted by the Bell County Health Department. Generally, sewer service shall be considered available when City owned infrastructure is located at a distance not to exceed 1,000 feet that can accept gravity flow.

Solid Waste

Solid Waste services provided by the City of Killeen's Solid Waste Services Department would begin immediately upon annexation. The solid waste collection and disposal services provided to the annexation area would be comparable to that provided to other areas of the City. The annexation area would be provided collection service at same frequency as other areas of the City.

Services shall be provided in accordance with the City of Killeen Code of Ordinances, Chapter 24, for residential and commercial customers:

- garbage collection – in accordance with City of Killeen "pay-as-you-throw" guidelines and Chapter 24 of the Killeen Code of Ordinances;
- recycling – access to City of Killeen Recycling Center;
- yard waste and brush collection;
- special collection services;
- commercial service is provided on subscription basis from the City.

Drainage Utility

Drainage Utility services provided by the City of Killeen's Public Works Department will begin in two stages. R-O-W mowing will begin upon plat approval for undeveloped parcels. Maintenance of the drainage infrastructure will begin after acceptance of the public drainage infrastructure. The drainage utility services provided to the annexation area will be equal to the service being provided to other areas of the City. The annexation area will be provided maintenance service for public rights of ways, public drainage easements, and public drainage tracts at the same frequency of service as other areas of the City.

The undeveloped parcel does not contain a recognized watercourse. Development within the annexation area will require the filing of a plat. This development action will require compliance with all city codes, ordinances and manuals in place at the time of plat submission.

Drainage Utility services shall be provided in accordance with the City of Killeen Code of Ordinances, Chapter 32, for drainage utility customers:

- Drainage Maintenance – in accordance with City of Killeen's Drainage Master Plan and Chapters 8 and 32 of the Killeen Code of Ordinances;
- Inspection and Permit Reviews – in accordance with City of Killeen's Drainage Design Manual (DDM), Infrastructure Design and Development Standards Manual (IDDSM) and Chapters 26, 31, and 32 of the Killeen Code of Ordinances;
- Public Education and Outreach – in accordance with the City of Killeen's Municipal Separate Storm Sewer (MS4) Permit;

- Emergency Response – in accordance with City of Killeen's Drainage Master Plan and Chapter 32 of the Killeen Code of Ordinances;
- Right of Way (ROW) Maintenance to include Street Sweeping within Public Rights of Way – in accordance with Chapter 8 of the Killeen Code of Ordinances and the City of Killeen's MS4.

5. STRATEGIC DECISIONS REGARDING CAPITAL IMPROVEMENTS, AVAILABILITY AND LEVELS OF SERVICE

The City Council of the City of Killeen finds and determines it to be unnecessary to immediately acquire or construct any Capital Improvements to provide the same type, kind and level of service which is presently being administered to other areas of the City with the same or similar topography, land use and population density. However, the annexation area has been included in the City of Killeen Water and Wastewater Master Plan and Transportation Thoroughfare Plan and will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City with the same population density, land use and topography characteristics.

Nothing in this plan shall require the City to provide a uniform level of municipal services to each area of the City, including annexed areas, if different characteristics of topography, land use, and population density are sufficiently distinct to justify a different level of service.

Topography – The Water and Wastewater Master Plan provides a timeline detailing the process for engineering and construction of water and wastewater collection and transportation facilities. The basis for the Rate Based Service Components portion of the Annexation Service plan is the Water Wastewater Master Plan and the afore-mentioned City of Killeen utility extension policy.

Land Use – The subject corridor is a mixture of commercial and residential in nature as observed along the Stan Schlueter Loop (FM 3470) roadway frontage. Presently, the land use in the annexation area is characterized as a rural, open area with no development. Changes in development shall be in accordance with the City's Future Land Use Map and Thoroughfare Plan as amended by the City Council. Developers of the property within the annexed area shall be responsible for their proportionate share of public facilities and roadways.

Population Density – The annexed area is vacant. Therefore, the timeline and construction of any future Capital improvements (if necessary) shall be identified and prioritized by the City Council as part of a master planning process.

6. EFFECTIVE TERM

The Service Plan represents the concept the City of Killeen will use for initial service delivery. It is subject to modification and its change and renewal shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time. The City reserves the right guaranteed to it by Section 43.056 (k) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable, obsolete or unlawful.

VOLUNTARY ANNEXATION PETITION #19-03

PH-19-039

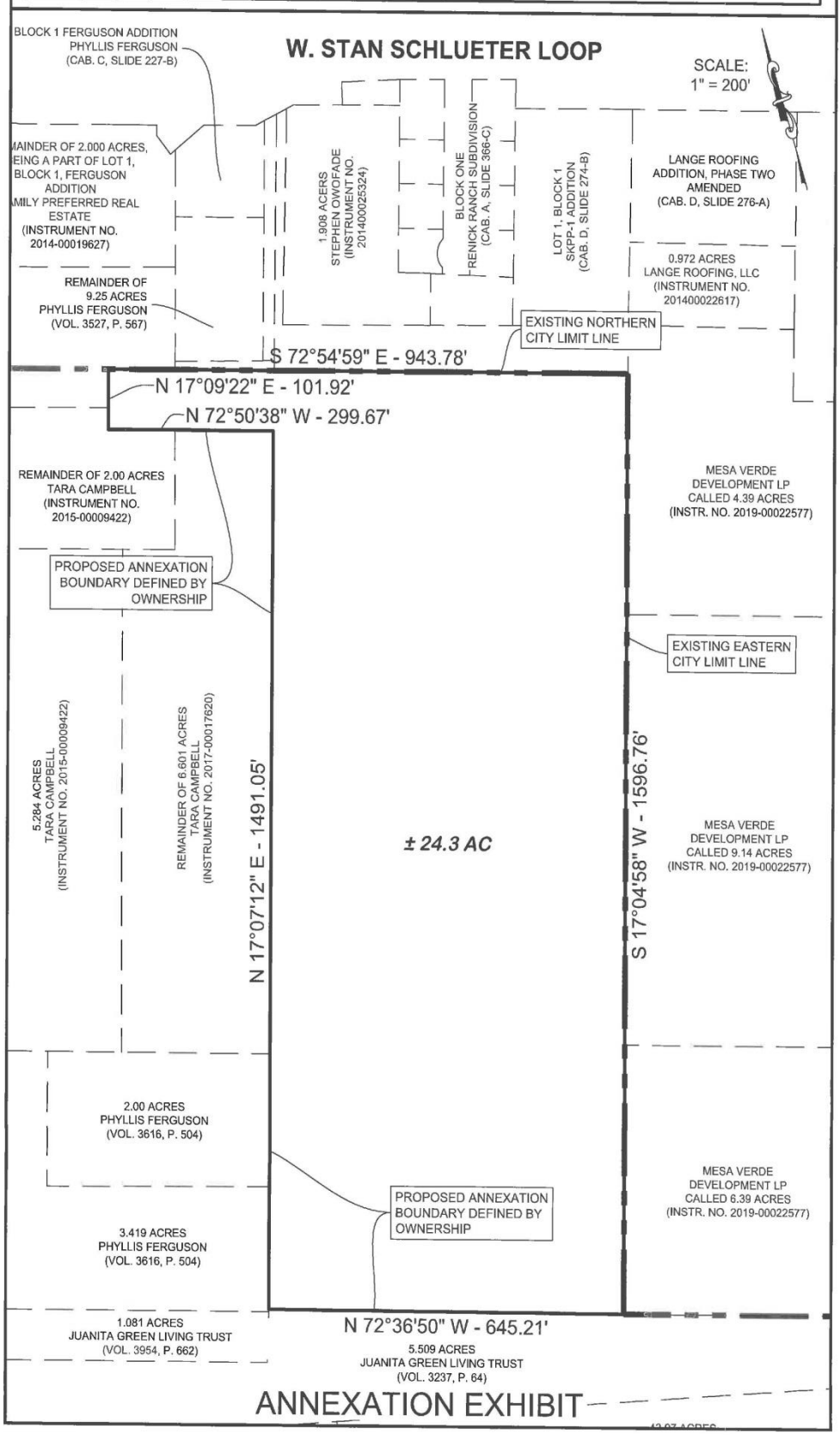
October 1, 2019

Voluntary Annexation Petition

- Staff received a voluntary annexation petition from Mesa Verde Developers, L.P. and Tara Campbell for 24.3 acres of land located south and west of the existing city limits.
- The property is located due south of the Renick Ranch Subdivision.

QUINTERO ENGINEERING, LLC

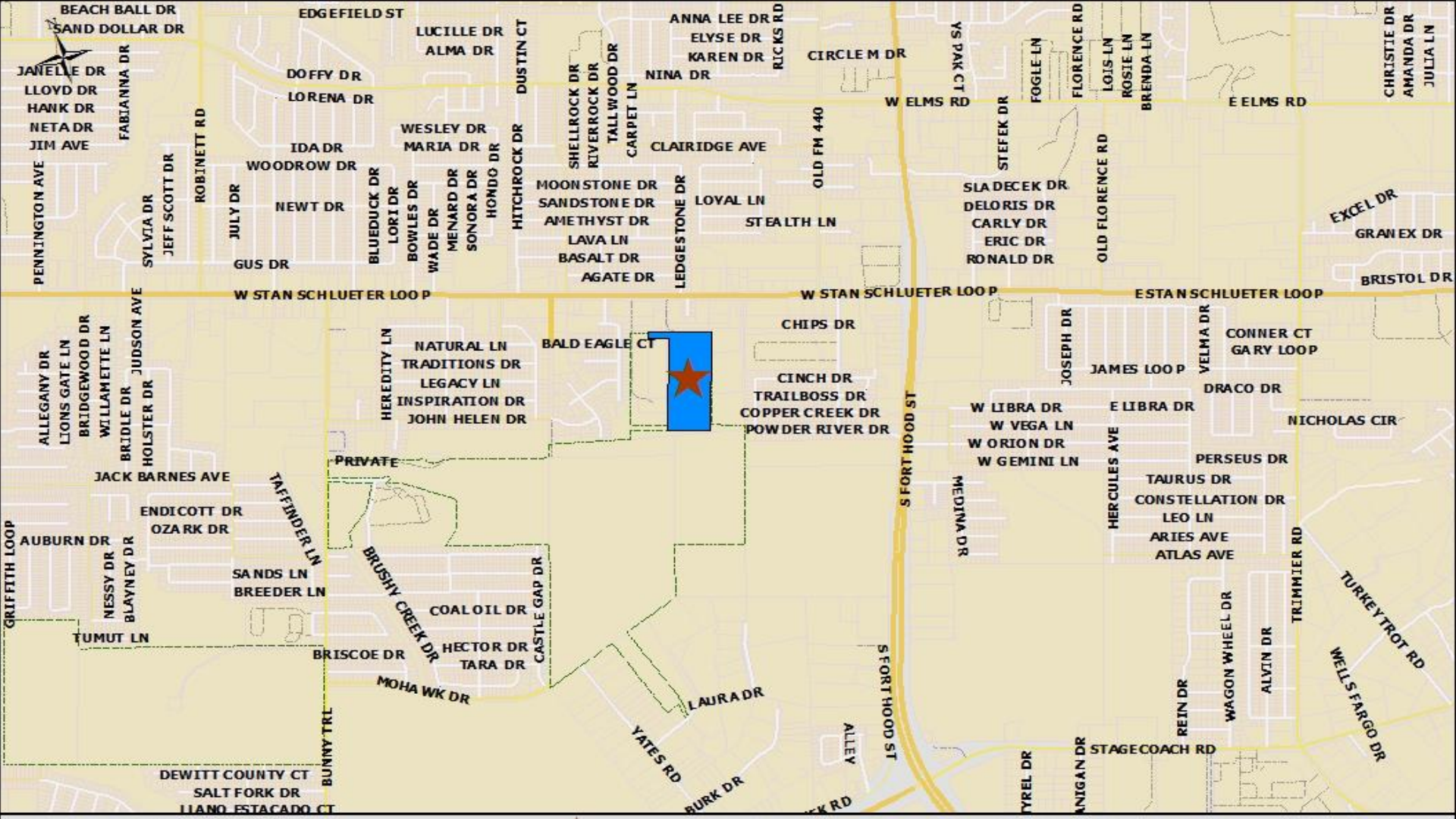
CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962
T.B.P.E. FIRM REGISTRATION NO. 14709
T.B.P.L.S. REGISTRATION NO. 10194110



ANNEXATION EXHIBIT

Voluntary Annexation Petition

- The property is vacant and contiguous to current City limits on two sides. These two conditions allow the property to be eligible for a 90 day annexation process.
- At the September 10th City Council meeting, the Council voted to proceed with public hearings for the voluntary annexation of this property.
- Staff has prepared an annexation timeline for the City Council's consideration.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ALMA DR
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ELYSE DR
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CIRCLE M DR
YS PAK CT
FLORENCE RD
LOIS LN
ROSIE LN
BRENDA LN
CHRISTIE DR
AMANDA DR
JULIA LN
JANELLE DR
LLOYD DR
HANK DR
NETA DR
JIM AVE
FABIANNA DR
DOFFY DR
LORENA DR
NINA DR
W ELMS RD
FOGLE LN
E ELMS RD
ROBINETT RD
WESLEY DR
MARIA DR
SHELLROCK DR
RIVERROCK DR
TALLWOOD DR
CARPET LN
CLAIRIDGE AVE
OLD FM 440
STEFEK DR
IDA DR
WOODROW DR
PENNINGTON AVE
SYLVIA DR
JEFF SCOTT DR
JULY DR
NEWT DR
BLUEDUCK DR
LORI DR
BOWLES DR
WADE DR
MENARD DR
SONORA DR
HONDO DR
HITCHROCK DR
MOONSTONE DR
SANDSTONE DR
AMETHYST DR
LAVA LN
BASALT DR
AGATE DR
LEDGESTONE DR
LOYAL LN
STEALTH LN
SLADECEK DR
DELORIS DR
CARLY DR
ERIC DR
RONALD DR
OLD FLORENCE RD
EXCEL DR
GRANEX DR
GUS DR
BRISTOL DR
W STAN SCHLUETER LOOP
W STAN SCHLUETER LOOP
E STAN SCHLUETER LOOP
CHIPS DR
JOSEPH DR
VELMA DR
CONNER CT
GARY LOOP
ALLEGANY DR
LIONS GATE LN
BRIDGEWOOD DR
WILLAMETTE LN
BRIDLE DR
HOLSTER DR
JUDSON AVE
HEREDITY LN
NATURAL LN
TRADITIONS DR
LEGACY LN
INSPIRATION DR
JOHN HELEN DR
BALD EAGLE CT
CINCH DR
TRAILBOSS DR
COPPER CREEK DR
POWDER RIVER DR
JAMES LOOP
DRACO DR
W LIBRA DR
E LIBRA DR
W VEGA LN
W ORION DR
W GEMINI LN
NICHOLAS CIR
S FORT HOOD ST
PRIVATE
JACK BARNES AVE
TAFFINDER LN
MEDINA DR
HERCULES AVE
PERSEUS DR
TAURUS DR
CONSTELLATION DR
LEO LN
ARIES AVE
ATLAS AVE
ENDICOTT DR
OZARK DR
AUBURN DR
GRIFFITH LOOP
NESSY DR
BLAYNEY DR
SANDS LN
BREEDER LN
BRUSHY CREEK DR
CASTLE GAP DR
COAL OIL DR
TRIMMIER RD
TURKEY TROT RD
TUMUT LN
BRISCOE DR
HECTOR DR
TARA DR
MOHAWK DR
LAURA DR
S FORT HOOD ST
ALLEY
WAGON WHEEL DR
ALVIN DR
WELLS FARGO DR
REIN DR
YATES RD
BUNNY TRL
STAGECOACH RD
DEWITT COUNTY CT
SALT FORK DR
LLANO ESTACADO CT
BURK DR
TYREL DR
ANIGAN DR

Legend

Killeen City Limits

Annexation Area

Annexation Map

VA3 MESA VERDE-CAMBELL

1 inch = 561 feet

Voluntary Annexation Schedule

- October 8th and October 22nd: Conduct 2 public hearings between 20 and 40 days before annexation ordinance is adopted. [LGC 43.063 (a)]
- November 12th: The Council may or may not adopt the annexation ordinance and approve the service plan. [LGC 43.064]

Voluntary Annexation Petition

- In accordance with Local Government Code 43.065, the City shall "prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality."
- The annexation service plan includes Fiscal and other Impact Analysis

Summary of Services and Non-Financial Impacts

- **Police Department:** Anticipates this project would add approximately 294 residential calls for service; an increase of 0.18 percent of the total calls for service; and add approximately six (6) seconds to the average response time for priority one and priority two calls.
- **Fire Department:** An additional 38 EMS responses and 22 fire responses are expected to this area; Estimated response time to the annexed property would be 3 minutes for the primary response unit and 7 minutes for a secondary unit (from another station).

Summary of Services and Non-Financial Impacts

- **Solid Waste-** Solid Waste services will begin immediately upon annexation
- **Drainage Utility** - Services provided by the City of Killeen's Public Works Department will begin upon annexation for developed parcels and after platting for undeveloped parcels
- **Parks and Recreation**-Annexation would increase the City's deficit of Community Park's acreage per capita. Additional impact may also be felt in athletic department.

Summary of Services and Non-Financial Impacts

- **Water & Sewer-** The City will provide water and sewer services as soon the developer hooks up to infrastructure. An existing 20" water transmission main located within the south R-O-W of Stan Schlueter Loop (FM 3470) can adequately serve the entire property. Sewer will flow into Lift Station No. 20 which is adequately sized to handle the added sewer flow from this property.
- **Streets-** Stan Schlueter Loop (FM 3470) is designed as a principal arterial and can accommodate this additional traffic. The Street Operations Division of the Public Works Department will maintain public streets. The numbers of vehicle trips projected from this area are 940 for full residential buildout.

Summary of Services and Non-Financial Impacts

- **Planning and Development** - The City of Killeen's Planning and Development Services Department will provide land use planning, inspection services, and code enforcement services.
- **Library**- This potential annexation will increase Killeen's population by approximately 270 people, impacting the library's facilities and accreditation.

Fiscal Impact Assumptions Summary

- Equal buildout of 94 homes over 4 years (23.5 per year)
- $164,232 – average 2018 home permit value used
- 3% annual property value increase
- 7% allowance for Disabled Veterans Exemption
- No change in rates
- Current cost of providing a service used to estimate the cost of providing the service to the subject area
- Expenses adjusted annually for inflation

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
Revenues							
General Fund	$ 38,492	$ 78,615	$ 120,443	$ 164,053	$ 167,620	$ 171,296	$ 740,519
General Fund - One time	9,048	9,048	9,048	9,048	-	-	36,190
Water & Sewer	19,238	38,476	57,714	76,952	76,952	76,952	346,285
Solid Waste	5,578	11,156	16,734	22,312	22,312	22,312	100,403
Drainage	1,733	3,465	5,198	6,930	6,930	6,930	31,187
Street Maintenance	479	959	1,438	1,918	1,918	1,918	8,630
Total Revenues	$ 74,568	$ 141,718	$ 210,574	$ 281,213	$ 275,732	$ 279,408	$ 1,263,213
Expenses							
General Fund	$ 35,793	$ 73,176	$ 111,500	$ 150,268	$ 153,454	$ 157,326	$ 681,518
Water & Sewer	7,257	14,699	22,288	29,993	30,364	30,775	135,375
Solid Waste	2,322	3,583	4,864	6,151	6,215	6,292	29,426
Drainage	1,131	2,305	3,504	4,715	4,801	4,906	21,363
Street Maintenance	479	959	1,438	1,918	1,918	1,918	8,629
Total Expenses	$ 46,982	$ 94,722	$ 143,594	$ 193,045	$ 196,751	$ 201,217	$ 876,311
Difference							
General Fund	$ 11,747	$ 14,486	$ 17,990	$ 22,833	$ 14,166	$ 13,969	$ 95,191
Water & Sewer	11,981	23,777	35,427	46,959	46,589	46,177	210,909
Solid Waste	3,256	7,573	11,870	16,161	16,097	16,020	70,977
Drainage	602	1,160	1,694	2,215	2,129	2,025	9,824
Street Maintenance	-	-	-	-	-	-	-
Total Difference	$ 27,586	$ 46,996	$ 66,980	$ 88,168	$ 78,981	$ 78,191	$ 386,902