



City of Killeen

Agenda

City Council

Tuesday, April 9, 2024

5:00 PM

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

Call to Order and Roll Call

<input type="checkbox"/> Debbie Nash-King, Mayor	<input type="checkbox"/> Jessica Gonzalez
<input type="checkbox"/> Ramon Alvarez	<input type="checkbox"/> Jose Segarra
<input type="checkbox"/> Michael Boyd	<input type="checkbox"/> Joseph Solomon
<input type="checkbox"/> Nina Cobb	<input type="checkbox"/> Riakos Adams

Invocation

Pledge of Allegiance

Approval of Agenda

Citizen Comments on Agenda Items

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 (1) time, and such address shall be limited to four (4) minutes. A majority of the City Council is required for any time extensions. The Mayor and Councilmembers shall have one (1) minute to respond to citizen comments with a statement or explanation without engaging in dialogue.

Consent Agenda

1. [RS-24-064](#) Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2023.

Attachments: [Presentation](#)

2. [RS-24-067](#) Consider a memorandum/resolution authorizing the execution and delivery of Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004, for the WCID Water System Improvements Project.

Attachments: [Addendum No 9](#)
[General Certificate](#)
[Resolution](#)
[Water and Sewer Rates](#)
[Debt Service Schedule](#)
[Presentation](#)

Resolutions

3. [RS-24-065](#) Consider a memorandum/resolution approving revisions to the bylaws for the Senior Citizens Advisory Board.
- Attachments:** [Draft Bylaws](#)
[Presentation](#)
4. [RS-24-066](#) Consider a memorandum/resolution declaring a vacancy on the Senior Citizen Advisory Board and appointing a member to fill the unexpired term.
- Attachments:** [Presentation](#)
5. [RS-24-068](#) Consider a memorandum/resolution confirming the Municipal Court Judge's annual evaluation and pay increase.
- Attachments:** [Evaluation Letter](#)

Public Hearings

6. [PH-24-009](#) HOLD a public hearing and consider an ordinance submitted by Lionel Reyes (Case #Z24-03) to rezone approximately 0.97 acres, being Lots 1 and 2, Block 1, out of Westcliff Estates, from "R-1" (Residential District) to "R-2" (Two-Family Residential District). The subject properties are locally addressed as 5007 and 5009 Westcliff Road, Killeen, Texas.
- Attachments:** [Maps](#)
[Site Photos](#)
[Letter of Request](#)
[Responses](#)
[Minutes](#)
[Ordinance](#)
[Considerations](#)
[Presentation](#)

7. [PH-24-010](#) HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for regulations regarding vapor stores.

Attachments: [Notification Map](#)

[Ordinance](#)

[Minutes](#)

[Presentation](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin board at Killeen City Hall on or before 5:00 p.m. on April 5, 2024.

Laura J. Calcote, 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 254-501-7717, City Secretary'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.

- Dinner Under the Stars, April 6, 2024, 6:00 p.m., CTC Planetarium - Campus of Central Texas College
- 40th Annual NAACP Freedom Fund/Scholarship Banquet, April 12, 2024, 6:00 p.m., Killeen Civic and Conference Center
- Homecoming for Heroes VIII, April 20, 2024, 5:30 p.m., SC River Ranch
- Killeen Fire Department Badge Pinning Ceremony, April 25, 2024, 3:00 p.m., Killeen Civic and Conference Center
- Greater Killeen Chamber of Commerce Military Relations Council Luncheon, May 1, 2024, 11:30 a.m., Courtyard by Marriott
- Killeen Animal Center Grand Opening, May 2, 2024, 10:00 a.m., Killeen Animal Center

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Staff Report

File Number: RS-24-064

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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Consider a memorandum/resolution accepting the annual audit report for the fiscal year ended September 30, 2023.

DATE: April 2, 2024

TO: Kent Cagle, City Manager

FROM: Judith Tangalin, Executive Director of Finance

SUBJECT: FY 2023 Annual Audit

BACKGROUND AND FINDINGS:

The City Council previously approved the engagement of Pattillo, Brown, & Hill, LLP to perform the independent audit of the City's financial records for the fiscal year ended September 30, 2023.

Pattillo, Brown, & Hill, LLP has completed its audit of the City of Killeen, as well as a Federal Single Audit, and Passenger Facility Charge Audit. Representatives of the firm will present the results of the audit to the City Council.

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

The audit provides reasonable assurance that the financial statements of the City of Killeen for the fiscal year ended September 30, 2023, are free from material misstatement. The audit report has been compiled to meet all required provisions of the Government Accounting Standards Board.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring revenue/expenditure?

N/A

Is this revenue/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 revenue/expenditure?

N/A

RECOMMENDATION:

City Council accept the annual audit report for the fiscal year ended September 30, 2023.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

N/A



PRESENTED TO
CITY OF KILLEEN, TEXAS
Annual Financial and Compliance Audit

AUDIT COMMITTEE
March 28, 2024



INTRODUCTION & AGENDA

Todd Pruitt, CPA

Partner, Government Audit

Results of the Audit

- Audit of the Financial Statements
- *Government Auditing Standards* Report
- Audit of the City's Federal Grants

Financial Highlights



AUDIT RESULTS

Independent Auditor's Report on the Audit of the Financial Statements

- Management is responsible for the preparation of the financial statements.
- Your auditors express an opinion on the financial statements.
- Our audit was performed in accordance with GAAS, GAS & the Uniform Guidance.
- We have issued an **unmodified opinion**.



AUDIT RESULTS

Government Auditing Standards Report

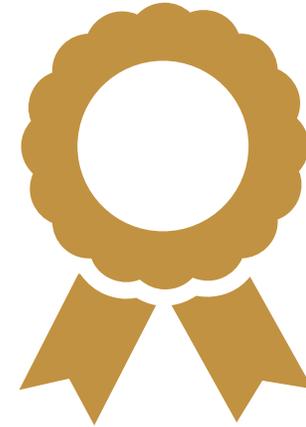
- No significant internal control deficiencies identified
- No noncompliance with:
 - Laws
 - Regulations
 - Contracts
 - Grant agreements



AUDIT RESULTS

Uniform Guidance Report (Federal Grants)

- We tested the following programs:
 - Coronavirus State and Local Fiscal Recovery Fund
 - CDBG-Entitlement Grants
- We have issued an **unmodified opinion**.
- No significant internal control deficiencies over compliance with federal grants were identified.
- No findings or questioned costs



- Net position increased by \$24.5M.
- Total net position was \$126M at year-end.
 - \$99M – Net investment in capital assets
 - \$23M was restricted
 - Unrestricted was a \$3.6M.
- Revenues increased by \$12.2M (9%).
 - Largest increases were in investment income and operating grants & contributions.
- Expenses totaled \$137M.
 - Largest increase was in public safety (\$30M).

Fund Balance Policy

- Target level for the General Fund is 22% of operating expenditures.
- As of fiscal year-end, the City's fund balance in the General Fund was \$ 32M or 30% of expenditures.

- Net position increased by \$19M.
- Total net position was \$282M at year-end.
 - \$230M – Net investment in capital assets
 - \$23M was restricted
 - Unrestricted was \$29M.
- Revenues increased by \$10.5M (12%)
 - Largest increases were in charges for services and capital grants.
- Expenses increased by \$11.8M (20%).
 - Largest increases were in solid waste and water/sewer.



City of Killeen

Staff Report

File Number: RS-24-067

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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Consider a memorandum/resolution authorizing the execution and delivery of Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004, for the WCID Water System Improvements Project.

DATE: April 2, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Authorize the execution and delivery of Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004, for the WCID Water System Improvements Project.

BACKGROUND AND FINDINGS:

Bell County Water Control and Improvement District No. 1 (the "District") operates a water treatment plant and transmission facility at the edge of Lake Belton. The District supplies treated water to area cities, including the City of Killeen.

On January 30, 2024, the District presented to the City Council their proposed Water System Improvements Project, which includes expansion and modifications to the Lake Belton Water Plant and the Killeen Transmission System. City Council issued a Motion of Direction for City staff to bring back this project and the necessary contract addendum for further review.

It is the intent of the District to sell \$111,370,000 in Water System Revenue Bonds, Series 2024 to finance the project. The District has prepared a contract wherein all customers receiving water from the Lake Belton Water Plant will pay a proportionate share of the cost of the Water System Improvements Project. Due to the City Council's request that the City of Killeen not participate in the expansion portion of this project, the modifications portion of the bonds that the City of Killeen will be responsible for is 14.9% of the total; or \$16,580,000.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Addendum No. 9 conforms to all City policies regarding contracted services and the funding of such services.

FINANCIAL IMPACT:

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

Expenditures based on the attached debt service schedule will begin in FY 2025 and will be fulfilled in FY 2044, in a total amount of \$25,613,507.50 to include principal and interest.

Is this a one-time or recurring revenue/expenditure?

This is a recurring expenditure.

Is this revenue/expenditure budgeted?

Yes, funds will be included in the FY 2025 Proposed Budget in the Water and Sewer Fund account 550-3410-436.50-91.

If not, where will the money come from?

N/A

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

Yes, upon approval of the FY 2025 Proposed Budget.

RECOMMENDATION:

City Council approve the attached resolution authorizing the execution and delivery of Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004.

DEPARTMENTAL CLEARANCES:

Development Services
Finance
City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Addendum No. 9
General Certificate
Resolution
Water and Sewer Rates
Debt Service Schedule

Presentation

Addendum No. 9
(City of Killeen)

This Addendum No. 9 (this “Addendum”) relates to that certain Amended and Restated Water Supply Contract, made and entered into as of April 1, 2004, as amended by that certain First Amendment to Amended and Restated Water Supply Contract, made and entered into as of April 18, 2006, and that certain Second Amendment to Amended and Restated Water Supply Contract, made and entered into as of February 11, 2014 (collectively, the “Water Supply Contract”), each by and between the Bell County Water Control and Improvement District No. 1 and the City of Killeen, Texas (the “Purchaser”), and is an addendum to the Water Supply Contract for all purposes, including, particularly, for the purposes of Paragraph 9 and Paragraph 12 of the Water Supply Contract.

Bond Name: Bell County Water Control and Improvement District No. 1 Water System Revenue Bonds, Series 2024 (the “Bonds”).

Aggregate Principal Amount of Bonds: Not to exceed \$111,370,000 (the “Maximum Aggregate Principal Amount”).

- Purposes:**
- (1) Expansion of existing water supply and treatment facilities at the Lake Belton Water Treatment Plant from approximately 90 MGD capacity to approximately 102.5 MGD capacity;
 - (2) Modifications to the Killeen Transmission System; and
 - (3) Modifications to the existing water supply and treatment facilities at the Lake Belton Water Treatment Plant.

Pre-Construction Allocation of Bonds to Purposes:

(1) Expansion of existing water supply and treatment facilities at the Lake Belton Water Treatment Plant	\$ 75,000,000	(67.3%)
(2) Modification to the Killeen Transmission System	\$ 12,365,000	(11.1%)
(3) Modification to existing water supply and treatment facilities at the Lake Belton Water Treatment Plant	<u>\$ 24,005,000</u>	<u>(21.6%)</u>
	\$111,370,000	(100%)

Allocation of Maximum Daily Rate of Delivery (“MDRD”) and Debt Service by Purposes:

- (1) Expansion of existing water supply and treatment facilities at the Lake Belton Water Treatment Plant:

Aggregate Increase in MDRD: 12.5 MGD

Incremental Increases in MDRD and Debt Service Percentage for each Customer:

<u>Customer</u>	<u>Incremental Increase in MDRD⁽¹⁾</u>	<u>Debt Service Percentage⁽²⁾</u>
City of Killeen	0 MGD	(0%)
City of Copperas Cove	7 MGD	(37.7%)
Bell County Water Contral and Improvement District No. 3	0.5 MGD	(2.7%)
City of Harker Heights	0 MGD	(0%)
439 Water Supply Corporation	1 MGD	(5.4%)
City of Belton	<u>4 MGD</u> 12.5 MGD	<u>(21.5%)</u> (67.3%)

⁽¹⁾A table setting forth the Existing MDRD for the Lake Belton Water Treatment Plant, the Incremental Increase in MDRD from the expansion project funded with the Bonds, and the Total MDRD for each Customer after the completion of such project is set forth in Exhibit B.

⁽²⁾Percentages represent, in each case, the percentage of the Maximum Aggregate Principal Amount allocated to each Customer for expansion of existing water supply and treatment facilities at the Lake Belton Water Treatment Plant calculated in accordance with Section 9(A)(4)(b)(1) of the Water Supply Contract.

(2) Modifications to Killeen Transmission System:

Existing MDRD at the Lake Belton Water Treatment Plant and Debt Service Percentage for each Killeen Transmission System Customer:

<u>Customer</u>	<u>Existing MDRD⁽¹⁾</u>	<u>Debt Service Percentage⁽²⁾</u>
City of Killeen	32 MGD	(5.6%)
City of Copperas Cove	13.5 MGD	(2.3%)
Bell County Water Contral and Improvement District No. 3	2 MGD	(0.3%)
City of Harker Heights	13.5 MGD	(2.3%)
439 Water Supply Corporation	<u>3 MGD</u>	<u>(0.5%)</u>
	64 MGD	(11.1%)

⁽¹⁾Excludes the City of Belton (10 MGD) and Fort Cavazos (16 MGD).

⁽²⁾Percentages represent, in each case, the percentage of the Maximum Aggregate Principal Amount allocated to each Killeen Transmission System Customer for modifications to the Killeen Transmission System calculated in accordance with Section 9(A)(3)(a) of the Water Supply Contract.

(3) Modifications to Existing Water Supply and Treatment Facilities at the Lake Belton Water Treatment Plant:

Existing MDRD at the Lake Belton Water Treatment Plant and Debt Service Percentage for each Customer:

<u>Customer</u>	<u>Existing MDRD⁽¹⁾</u>	<u>Debt Service Percentage⁽²⁾</u>
City of Killeen	32 MGD	(9.3%)
City of Copperas Cove	13.5 MGD	(3.9%)
Bell County Water Control and Improvement District No. 3	2 MGD	(0.6%)
City of Harker Heights	13.5 MGD	(3.9%)
439 Water Supply Corporation	3 MGD	(0.9%)
City of Belton	<u>10 MGD</u>	<u>(2.9%)</u>
	74 MGD	(21.6%)

⁽¹⁾Excludes Fort Cavazos (16 MGD).

⁽²⁾Percentages represent, in each case, the percentage of the Maximum Aggregate Principal Amount allocated to each Customer for modifications to the Lake Belton Water Treatment Plant calculated in accordance with Section 9(A)(4)(a)(1) of the Water Supply Contract.

Allocation of Debt Service on the Bonds: Based upon the Pre-Construction Allocation of Bonds to Purposes and the Allocation of MDRD and Debt Service by Purposes set forth above, the allocation of the debt service on the Bonds to Customers is as follows:

<u>Customer</u>	<u>Debt Service Percentage</u>
City of Killeen	14.9%
City of Copperas Cove	44.0%
City of Harker Heights	6.3%
City of Belton	24.4%
Bell County Water Control and Improvement District No. 3	3.6%
439 Water Supply Corporation	<u>6.8%</u>
	100%

Based on the Maximum Aggregate Principal Amount and the Debt Service Percentages set forth above, the principal amount of the Bonds to be allocated to and charged to the Purchaser is \$16,580,000 (the "Purchaser's Allocated Principal Amount"), which has been rounded to conform to the authorized denominations of the Bonds. The Purchaser's Allocated Principal

Amount is preliminary and subject to market conditions at the time of pricing the Bonds. The debt service requirements relating to such principal amount shall be charged to the Purchaser as fixed charges in accordance with Paragraph 9 of the Water Supply Contract and shall be charged substantially in accordance with the schedule set forth in Exhibit A to this Addendum. The amounts shown in such schedule do not include any amounts that may be included in fixed charges for deposit into the debt service reserve fund for the Bonds to cover any future deficiencies in the reserve fund or for payment of debt service on any other bonds of the District. Further, the Purchaser recognizes that the District will bill and collect fixed charges allocable to the Purchaser through its monthly billing process.

The final pricing of the Bonds will affect the Purchaser's Allocated Principal Amount set forth herein and the debt service schedule set forth in Exhibit A hereto. Following the final pricing of the Bonds, the District will provide an amended Exhibit A to the Purchaser reflecting the final Purchaser's Allocated Principal Amount and the debt service requirements relating thereto, and this Addendum shall be deemed to be amended to incorporate and conform to the amended Exhibit A.

Upon the completion of all projects to be constructed with the proceeds of the Bonds, the District and its engineers shall reconcile the actual expenditures of Bond proceeds to the Pre-Construction Allocation of Bonds to Purposes and the Allocation of Debt Service on the Bonds indicated above and shall notify the Purchaser in writing of any adjustments made to such allocations. Upon the giving of such notice, this Addendum No. 9 shall be deemed to be amended to conform to such adjusted allocation of Bonds to purposes. Any such adjustment may change the Purchaser's Allocated Principal Amount. Following any such adjustment, the District will provide an amended Exhibit A to the Purchaser reflecting the final Purchaser's Allocated Principal Amount and the debt service requirements relating thereto, and this Addendum shall be deemed to be amended to incorporate and conform to the amended Exhibit A.

If upon the completion of all projects to be constructed with the proceeds of the Bonds there remain unexpended Bond proceeds, the District may, in accordance with the order authorizing the issuance of the Bonds, use such unexpended Bond proceeds to pay, redeem or defease outstanding Bonds, or to construct additional facilities or for other purposes permitted under the order authorizing the Bonds. Any such redemption or defeasance will affect the debt service schedule set forth in Exhibit A. The District shall provide written notice to the Purchaser of any such redemption or defeasance, together with an amended Exhibit A. Upon the giving of such notice, this Addendum shall be deemed to be amended to incorporate and conform to the amended Exhibit A.

[EXECUTION PAGE FOLLOWS]

EXECUTED this the _____ day of _____, 2024, in Bell County, Texas.

BELL COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1

By: _____
President, Board of Directors

ATTEST:

Secretary

CITY OF KILLEEN, TEXAS (Purchaser)

[Name and Title]

ATTEST:

Secretary

EXHIBIT A

(Attached)

EXHIBIT B

Allocation of MDRD at the Lake Belton Water Treatment Plant

<u>Customer</u>	<u>Existing MDRD</u>	<u>Incremental Increase in MDRD</u>	<u>Total MDRD*</u>
City of Killeen	32 MGD	0 MGD	32 MGD
City of Copperas Cove	13.5 MGD	7 MGD	20.5 MGD
City of Harker Heights	13.5 MGD	0 MGD	13.5 MGD
City of Belton	10 MGD	4 MGD	14 MGD
Bell County Water Control and Improvement District No. 3	2 MGD	0.5 MGD	2.5 MGD
439 Water Supply Corporation	<u>3 MGD</u>	<u>1 MGD</u>	<u>4 MGD</u>
	74. MGD	12.5 MGD	86.5 MGD

* Represents the total MDRD for each Customer under their respective water supply contracts with the District upon completion of the project being financed with the proceeds of the Bonds. Excludes MDRD allocated to Fort Cavazos (16 MGD).

GENERAL CERTIFICATE OF THE CITY OF KILLEEN, TEXAS

We, the undersigned Mayor, City Manager and City Secretary, respectively, of the City of Killeen, Texas (the “City”), hereby certify the following information in connection with the issuance and delivery of the Bell County Water Control and Improvement District No. 1 Water System Revenue Bonds, Series 2024 (the “Bonds”) being issued by the Bell County Water Control and Improvement District No. 1 (the “District”).

(1) The City and the District previously entered into a certain water supply contract entitled “Amended and Restated Water Supply Contract,” made and entered into as of April 1, 2004, as amended by a First Amendment to Amended and Restated Water Supply Contract, made and entered into as of April 18, 2006, and a Second Amendment to Amended and Restated Water Supply Contract, made and entered into as of February 11, 2014 (as amended, the “Water Supply Contract”), and the Water Supply Contract is currently in effect and has not been rescinded, modified or repealed.

(2) The duly qualified and acting members and officers of the City Council and certain other officers of the City are as follows:

Debbie Nash-King	Mayor
Nina Cobb	Mayor Pro Tem
Jose L. Segarra	Councilmember
Ramon Alvarez	Councilmember
Jessica Gonzalez	Councilmember
Joseph Solomon	Councilmember
Michael Boyd	Councilmember
Riakos Adams	Councilmember
Kent Cagle	City Manager
Laura Calcote	City Secretary

(3) Attached hereto as Exhibit A is a true and correct copy of a resolution (the “Resolution”) adopted by the City Council of the City, authorizing the execution and delivery of an Addendum No. 9 to the Water Supply Contract (“Addendum No. 9”), between the City and the District, in substantially the form attached to the Resolution. The Resolution was duly adopted at a regular meeting of the City Council of the City held at the regular meeting place thereof, on April 23, 2024, and all members of the City Council identified in paragraph (2) above were present at such meeting, thus constituting a quorum. The Resolution was duly introduced for consideration of the City Council and was approved by the unanimous vote of those present. Each member of the City Council was duly and sufficiently notified officially and personally in advance, of the time, place and purpose of the aforesaid meeting and that said Resolution would be introduced and considered for passage at said meeting. Said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

- (4) All official action required for the execution, delivery and performance by the City of the Water Supply Contract and Addendum No. 9 have been effectively taken by the City and the City was duly authorized to enter into the Water Supply Contract and Addendum No. 9.
- (5) On the date of this Certificate we are, and at the time of execution of Addendum No. 9 on behalf of the City we were, the duly elected or appointed officials of the City holding the respective offices set forth next to our names below, and were duly authorized to execute Addendum No. 9 on behalf of the City.
- (6) No litigation is pending or, to our knowledge, threatened which would (i) affect the authority of the undersigned as officers of the City or their title to their respective offices, (ii) contest the authority for or the authorization, legality or validity of the Water Supply Contract or Addendum No. 9, or (iii) affect the source of payment for the Water Supply Contract.
- (7) The City is not in default under any of the provisions of the Water Supply Contract or Addendum No. 9.
- (8) Set forth in Exhibit B is a true and correct statement of the water and sewer rates currently in effect with respect to the City's water and sewer system (the "System").
- (9) Attached hereto as Exhibit C is a true and correct statement of the Condensed Statement of Operations, Debt Service Schedule and Projected Debt Service Coverage Ratio with respect to the System for the Fiscal Years stated therein (as more particularly described in footnote (1) of Exhibit C), and including a true and correct statement of the City's proportionate share of debt service with respect to the Bonds and Bonds Similarly Secured. There has not been any material adverse change in the financial condition of the City since the latest date as of which audited financial information is available.
- (10) None of the City's payment obligations under the Water Supply Contract are payable from an ad valorem tax.
- (11) The Attorney General of Texas is hereby authorized and directed to date this Certificate concurrently with the date of approval of the Bonds, and can rely on the absence of any litigation or contest pertaining to the Bonds or any other matters covered by this Certificate, and on the veracity and currency of this Certificate at the time of approval of the Bonds, unless otherwise notified.

[Execution page follows]

EXECUTED AND DELIVERED ON _____.

Signatures

Official Title

Debbie Nash-King
Mayor

Kent Cagle
City Manager

Laura Calcote
City Secretary

THE STATE OF TEXAS §

§

COUNTY OF BELL §

Before me, on this day personally appeared Debbie Nash-King, known to me to be the Mayor whose true and genuine signature was subscribed to the foregoing instrument in my presence.

Notary Public
State of Texas

(NOTARY SEAL)

Dated: _____

THE STATE OF TEXAS §

§

COUNTY OF BELL §

Before me, on this day personally appeared Kent Cagle, known to me to be the City Manager whose true and genuine signature was subscribed to the foregoing instrument in my presence.

Notary Public
State of Texas

(NOTARY SEAL)

Dated: _____

THE STATE OF TEXAS §
 §
COUNTY OF BELL §

Before me, on this day personally appeared Laura Calcote, known to me to be the City Secretary whose true and genuine signature was subscribed to the foregoing instrument in my presence.

(NOTARY SEAL)

Notary Public
State of Texas
Dated: _____

EXHIBIT A
RESOLUTION

(See attached)

EXHIBIT B

STATEMENT OF CURRENT WATER AND SEWER RATES

(See attached)

EXHIBIT C

CONDENSED STATEMENT OF OPERATIONS OF SYSTEM

DEBT SERVICE SCHEDULE AND PROJECTED DEBT SERVICE COVERAGE RATIO

RESOLUTION NO. 24-__ R

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ADDENDUM NO. 9 TO AMENDED AND RESTATED WATER SUPPLY CONTRACT

WHEREAS, the City of Killeen, Texas (the “City”), has previously entered into that certain Amended and Restated Water Supply Contract, made and entered into as of April 1, 2004, as amended by a First Amendment to Amended and Restated Water Supply Contract, made and entered into as of April 18, 2006, and by a Second Amendment to Amended and Restated Water Supply Contract, made and entered into as of February 11, 2014 (as amended, the “Water Supply Contract”), each by and between the City and Bell County Water Control and Improvement District No. 1 (the “District”); and

WHEREAS, in connection with the issuance of the District’s Water System Revenue Bonds, Series 2024 (the “Bonds”), the City Council of the City considers it to be necessary and desirable to enter into an Addendum No. 9 to the Water Supply Contract (“Addendum No. 9”);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

- (1) Addendum No. 9, in substantially the form set forth in Exhibit A, between the District and the City, is hereby approved, with such changes as the Mayor or City Manager of the City may approve, with such approval to be evidenced conclusively by the execution thereof;
- (2) the Mayor and City Manager are each hereby separately authorized to execute and deliver, and the City Secretary is authorized to attest to, Addendum No. 9 and the Mayor, City Manager and City Secretary are each authorized to take such further actions and execute such further instruments as may be necessary to implement the provisions and intent of this Resolution and to facilitate the issuance and delivery of the Bonds by the District;
- (3) the meeting at which this Resolution is being adopted is open to the public as required by law and public notice of the date, hour, place and subject of said meeting was given as required by the Texas Open Meetings Act; and
- (4) this Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED THIS ____ day of _____, 2024.

City Secretary

Mayor

(SEAL)

Signature Page to Resolution

Error! Unknown document property name.

Updated Rates effective October 1, 2023

WATER RATES

Residential (Inside City Limits)

Meter Size	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"
0-2,000 gallons	\$15.04	\$16.49	\$20.13	\$24.48	\$34.65	\$49.20	\$86.61	\$129.10
2,001 - 15,000 gallons	per 1,000 gallons		\$3.38					
15,001 – 30,000 gallons	per 1,000 gallons		\$4.03					
Over 30,000 gallons	per 1,000 gallons		\$4.81					

Commercial (Inside City Limits)

Meter Size	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"
0-2,000 gallons	\$15.52	\$17.76	\$27.11	\$38.32	\$64.49	\$101.88	\$195.35	\$307.51
Over 2,000 gallons,	per 1,000 gallons		3.50					

Apartment, Small Apartment and Mobile Home Parks (Inside City Limits)

Meter Size	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"
0-2,000 gallons	\$15.04	\$16.49	\$20.13	\$24.48	\$34.65	\$49.20	\$86.61	\$129.10
Over 2,000 gallons,	per 1,000 gallons		\$3.38					

Fire Hydrant Construction Meters

0-2,000 gallons	\$64.49
Over 2,000 gallons,	per 1,000 gallons
	\$3.50

WASTEWATER RATES

Residential (Inside City Limits)

0-3,000 gallons	\$20.76
3,000 - 10,000 gallons,	per 1,000 gallons
	\$3.80

Commercial and Apartment (Inside City Limits)

0-3,000 gallons	\$20.65
Over 3,000 gallons,	per 1,000 gallons (90% flow factor)
	\$3.80

Multifamily 2 – 4 units Residential (Inside City Limits)

0-3,000 gallons	\$21.15
Over 3,000 gallons,	per 1,000 gallons
	\$3.80

Motels, Multifamily > 4 Units Residential (Inside City Limits)

0-3,000 gallons	\$20.65
Over 3,000 gallons,	per 1,000 gallons
	\$3.80

Mobile Home Parks (Inside City Limits)

0-3,000 gallons	\$21.15 per unit
3,000 - 10,000 gallons,	per 1,000 gal (max 10,000 gal per unit)
	\$3.80

ALL RATES FOR PROPERTIES OUTSIDE OF CITY LIMITS ARE EQUAL TO THE RATES ABOVE PLUS FIFTY PERCENT (50%)

A detailed list of the changes can be found in the Water, Sewers and Sewage Disposal Ordinance – Chapter 30, which can be viewed at: https://library.municode.com/tx/killen/codes/code_of_ordinances.

DEPOSITS

The ordinance (Section 30-105) regarding good credit deposit refunds has been revised. As of 10/01/2023, all deposits will remain on the account for a minimum of 24 months. After 24 months of continuous service with no late payments, the deposit will be credited to the utility account and remain with no deposit on file.

SOLID WASTE

There is no change to residential rates. **Commercial Solid Waste Rates have changed.** For more information visit https://library.municode.com/tx/killen/codes/code_of_ordinances. You can contact the Solid Waste office by phone at (254)501-7785 or email sw-info@killeentexas.gov.

SERVICE CHARGES

After Hours Service – Charged for any service provided after 5pm Monday thru Friday, and on a weekend or holiday.	\$40.00
Late Penalty – Assessed if payment is not received by 5:00 pm CST on the due date.	\$10.00
Delinquent Fee – Assessed if payment is not received by 5:00 pm CST on the delinquent due date.	\$25.00
Reconnection Fee – Charged for turn on of service after disconnection for non-payment.	\$25.00

City of Killeen, Texas

For Purposes of Illustration Only

**Preliminary Waterworks & Sewer System Debt Service Coverage Ratio (DSCR) Analysis
No Growth**

(A)	(B)	(C)	(D)	(E)			(F)	(G)	(H)	(I)	(J)
FYE 9/30	Total Operating Revenue	Total Operating Expense	Net Available for D/S	Bell Co. WC&ID #1 Contract Debt			Existing City W&S Revenue Bond D/S	Projected Total D/S	Projected DSCR		
				Existing Waterworks System D/S	Existing Sewer System D/S	Preliminary Series 2024 D/S					
2024	\$ 46,871,902	\$ 23,782,181	\$ 23,089,721	\$ 3,180,799	\$ 3,035,185	\$ -	\$ 5,649,481	\$ 11,865,465	1.95x		
2025	46,871,902	23,782,181	23,089,721	3,171,549	3,038,857	1,368,508	4,861,057	12,439,971	1.86x		
2026	46,871,902	23,782,181	23,089,721	3,175,613	3,040,237	1,267,475	4,844,341	12,327,666	1.87x		
2027	46,871,902	23,782,181	23,089,721	3,172,660	3,039,326	1,267,950	4,792,795	12,272,730	1.88x		
2028	46,871,902	23,782,181	23,089,721	3,176,292	1,836,124	1,272,300	2,950,949	9,235,665	2.50x		
2029	46,871,902	23,782,181	23,089,721	3,186,178	-	1,270,300	2,947,906	7,404,384	3.12x		
2030	46,871,902	23,782,181	23,089,721	2,839,669	-	1,272,175	2,950,677	7,062,520	3.27x		
2031	46,871,902	23,782,181	23,089,721	2,829,419	-	1,272,700	2,954,473	7,056,591	3.27x		
2032	46,871,902	23,782,181	23,089,721	2,840,469	-	1,271,875	2,950,017	7,062,360	3.27x		
2033	46,871,902	23,782,181	23,089,721	2,841,619	-	1,274,700	2,946,947	7,063,266	3.27x		
2034	46,871,902	23,782,181	23,089,721	2,863,119	-	1,275,950	1,505,150	5,644,219	4.09x		
2035	46,871,902	23,782,181	23,089,721	2,866,119	-	1,275,625	1,507,150	5,648,894	4.09x		
2036	46,871,902	23,782,181	23,089,721	2,868,619	-	1,278,725	1,507,150	5,654,494	4.08x		
2037	46,871,902	23,782,181	23,089,721	2,865,369	-	1,275,025	1,508,150	5,648,544	4.09x		
2038	46,871,902	23,782,181	23,089,721	2,858,919	-	1,279,750	1,507,950	5,646,619	4.09x		
2039	46,871,902	23,782,181	23,089,721	2,855,119	-	1,277,450	1,506,550	5,639,119	4.09x		
2040	46,871,902	23,782,181	23,089,721	341,500	-	1,278,350	1,508,950	3,128,800	7.38x		
2041	46,871,902	23,782,181	23,089,721	341,750	-	1,282,225	-	1,623,975	14.22x		
2042	46,871,902	23,782,181	23,089,721	341,250	-	1,283,850	-	1,625,100	14.21x		
2043	46,871,902	23,782,181	23,089,721	-	-	1,283,225	-	1,283,225	17.99x		
2044	46,871,902	23,782,181	23,089,721	-	-	1,285,350	-	1,285,350	17.96x		
2045	46,871,902	23,782,181	23,089,721	-	-	-	-	-	n/a		
2046	46,871,902	23,782,181	23,089,721	-	-	-	-	-	n/a		
2047	46,871,902	23,782,181	23,089,721	-	-	-	-	-	n/a		
2048	46,871,902	23,782,181	23,089,721	-	-	-	-	-	n/a		
2049	46,871,902	23,782,181	23,089,721	-	-	-	-	-	n/a		
Totals				\$ 48,616,029	\$ 13,989,729	\$ 25,613,508	\$ 48,399,690	\$ 136,618,955			

Assumptions:

- (1) Total Operating Revenue and Total Operating Expense amounts represent Fiscal Year 2023 data provided by the City on March 25, 2024. The Total Operating Expense amount excludes depreciation and contract debt payments related to the City's share of Bell County WC&ID No. 1 debt.
- (2) Preliminary Bell County WC&ID No. 1 Series 2024 debt service amounts are for purposes of illustration only. Preliminary, subject to change.
- (3) All Bell Co. WC&ID No. 1 contract debt service payments are shown on a 9/30 basis to match the City's fiscal year.

Preliminary

Bell County Water Control & Improvement District No. 1

Water System Revenue Bonds, Series 2024

Killeen Portion

9/30 Basis (Killeen Fiscal Year)

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
05/23/2024	-	-	-	-	-
01/10/2025	-	-	470,457.50	470,457.50	-
07/10/2025	525,000.00	4.500%	373,050.00	898,050.00	-
09/30/2025	-	-	-	-	1,368,507.50
01/10/2026	-	-	361,237.50	361,237.50	-
07/10/2026	545,000.00	4.500%	361,237.50	906,237.50	-
09/30/2026	-	-	-	-	1,267,475.00
01/10/2027	-	-	348,975.00	348,975.00	-
07/10/2027	570,000.00	4.500%	348,975.00	918,975.00	-
09/30/2027	-	-	-	-	1,267,950.00
01/10/2028	-	-	336,150.00	336,150.00	-
07/10/2028	600,000.00	4.500%	336,150.00	936,150.00	-
09/30/2028	-	-	-	-	1,272,300.00
01/10/2029	-	-	322,650.00	322,650.00	-
07/10/2029	625,000.00	4.500%	322,650.00	947,650.00	-
09/30/2029	-	-	-	-	1,270,300.00
01/10/2030	-	-	308,587.50	308,587.50	-
07/10/2030	655,000.00	4.500%	308,587.50	963,587.50	-
09/30/2030	-	-	-	-	1,272,175.00
01/10/2031	-	-	293,850.00	293,850.00	-
07/10/2031	685,000.00	4.500%	293,850.00	978,850.00	-
09/30/2031	-	-	-	-	1,272,700.00
01/10/2032	-	-	278,437.50	278,437.50	-
07/10/2032	715,000.00	4.500%	278,437.50	993,437.50	-
09/30/2032	-	-	-	-	1,271,875.00
01/10/2033	-	-	262,350.00	262,350.00	-
07/10/2033	750,000.00	4.500%	262,350.00	1,012,350.00	-
09/30/2033	-	-	-	-	1,274,700.00
01/10/2034	-	-	245,475.00	245,475.00	-
07/10/2034	785,000.00	4.500%	245,475.00	1,030,475.00	-
09/30/2034	-	-	-	-	1,275,950.00
01/10/2035	-	-	227,812.50	227,812.50	-
07/10/2035	820,000.00	4.500%	227,812.50	1,047,812.50	-
09/30/2035	-	-	-	-	1,275,625.00
01/10/2036	-	-	209,362.50	209,362.50	-
07/10/2036	860,000.00	4.500%	209,362.50	1,069,362.50	-
09/30/2036	-	-	-	-	1,278,725.00
01/10/2037	-	-	190,012.50	190,012.50	-
07/10/2037	895,000.00	4.500%	190,012.50	1,085,012.50	-
09/30/2037	-	-	-	-	1,275,025.00
01/10/2038	-	-	169,875.00	169,875.00	-

2024 Wtr Sys Revs (3/8) | Killeen | 3/26/2024 | 3:31 PM

Preliminary

Bell County Water Control & Improvement District No. 1

Water System Revenue Bonds, Series 2024

Killeen Portion

9/30 Basis (Killeen Fiscal Year)

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
07/10/2038	940,000.00	4.500%	169,875.00	1,109,875.00	-
09/30/2038	-	-	-	-	1,279,750.00
01/10/2039	-	-	148,725.00	148,725.00	-
07/10/2039	980,000.00	4.500%	148,725.00	1,128,725.00	-
09/30/2039	-	-	-	-	1,277,450.00
01/10/2040	-	-	126,675.00	126,675.00	-
07/10/2040	1,025,000.00	4.500%	126,675.00	1,151,675.00	-
09/30/2040	-	-	-	-	1,278,350.00
01/10/2041	-	-	103,612.50	103,612.50	-
07/10/2041	1,075,000.00	4.500%	103,612.50	1,178,612.50	-
09/30/2041	-	-	-	-	1,282,225.00
01/10/2042	-	-	79,425.00	79,425.00	-
07/10/2042	1,125,000.00	4.500%	79,425.00	1,204,425.00	-
09/30/2042	-	-	-	-	1,283,850.00
01/10/2043	-	-	54,112.50	54,112.50	-
07/10/2043	1,175,000.00	4.500%	54,112.50	1,229,112.50	-
09/30/2043	-	-	-	-	1,283,225.00
01/10/2044	-	-	27,675.00	27,675.00	-
07/10/2044	1,230,000.00	4.500%	27,675.00	1,257,675.00	-
09/30/2044	-	-	-	-	1,285,350.00
Total	\$16,580,000.00	-	\$9,033,507.50	\$25,613,507.50	-

Yield Statistics

Bond Year Dollars	\$200,744.61
Average Life	12.108 Years
Average Coupon	4.5000000%
DV01	0.88

Net Interest Cost (NIC)	4.5578148%
True Interest Cost (TIC)	4.5787298%
Bond Yield for Arbitrage Purposes	5.1988076%
All Inclusive Cost (AIC)	4.8463748%

IRS Form 8038

Net Interest Cost	4.5000000%
Weighted Average Maturity	12.108 Years



WCID #1 WATER SYSTEM
IMPROVEMENTS PROJECT

RS-24-067

April 2, 2024

Background and Findings

- On January 30, 2024, Bell County Water Control and Improvement District #1 (WCID), presented to City Council their proposed Water System Improvements Project which includes expansion and modifications to the Lake Belton Water Plant and the Killeen Transmission System.
- It is the intent of WCID to sell \$111,370,000 in Water System Revenue Bonds to finance the project.
- WCID had prepared a contract wherein all of the customers receiving water from the Lake Belton Water Plant will pay a proportionate share of the cost of the Water System Improvements Project.

Background and Findings

- Due to City Council's request that the City of Killeen not participate in the expansion portion of the project, the modifications portion of the bonds that the City of Killeen will be responsible for is 14.9% of the total or \$16,580,000.
- WCID has presented Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004, for approval.
- Addendum No. 9 requires the City's proportionate share of the total project cost to be \$16,580,000. With a 20-year debt service schedule, total annual payments will average \$1,300,000.

Recommendation

4

- City Council approve the attached resolution authorizing the execution and delivery of Addendum No. 9 to Amended and Restated Water Supply Contract of April 1, 2004.



City of Killeen

Staff Report

File Number: RS-24-065

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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Consider a memorandum/resolution approving revisions to the bylaws for the Senior Citizens Advisory Board.

DATE: February 28, 2024

TO: Kent Cagle, City Manager

FROM: Kelly Snook, Executive Director of Parks and Recreation

SUBJECT: Revisions to Senior Citizens Advisory Board bylaws

BACKGROUND AND FINDINGS:

On February 15, 2024, the Senior Citizens Advisory Board passed a motion to add language to include the requirement that all board members be members of the Killeen Senior Center. Section 3-20 of the City Council’s Governing Standards prohibit a board from amending its bylaws in a way that limits City Council or that creates requirements for City Council or staff. As the proposed requirement would limit who City Council could appoint to the Senior Citizens Advisory Board, the amended bylaws require City Council Approval.

THE ALTERNATIVES CONSIDERED:

Approve Bylaws revision per recommendation of Senior Citizens Advisory Board,
 Disapprove per staff recommendation
 Revise per Council direction

Which alternative is recommended? Why?

Staff recommends denying the request as written. The mission of the Senior Citizens Advisory Board (SCAB), per the current bylaws is ‘to provide recommendations and assistance to the Killeen City Council regarding senior services. To promote activities, recreation and opportunities for healthy aging, independence, well-being and opportunities to keep seniors involved in the life of the community’. The bylaws include six objectives, of which only two specifically mention senior centers. The proposed requirement of senior center membership may limit to the intent/purpose of the SCAB as the purpose of the board has a broader mission and may limit the number of qualified applicants available for City Council consideration.

CONFORMITY TO CITY POLICY:

The revisions to the SCAB bylaws do not conform to city policy.

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring revenue/expenditure?

N//A

Is this revenue/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 revenue/expenditure?

N/A

RECOMMENDATION:

Staff recommends disapproval of revisions to the SCAB bylaws.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Draft Bylaws
Presentation

KILLEEN SENIOR CITIZEN ADVISORY BOARD

VISION

To provide a place for Killeen Seniors to engage, enrich and empower their lives through collaboration with local government by identifying and maintaining the most productive and beneficial use of services for Killeen Seniors.

MISSION

To provide recommendations and assistance to the Killeen City Council (hereinafter referred to as City Council) regarding senior services. To promote activities, recreation and opportunities for healthy aging, independence, well-being and opportunities to keep seniors involved in the life of the community.

DRAFT

BY-LAWS

ARTICLE I

Authority:

The Killeen City Council has established the Senior Citizens Advisory Board (hereinafter referred to as the Board) under the Code of Ordinances, Chapter 2, Article IV, Division I, Section 2-116 through 2-118. This reference sets forth the general provisions for all boards and commissions of the City.

ARTICLE II

Purpose and Objectives:

Section 1. The purpose of this Board is to promote and facilitate communications between the Board and the City Council in matters influencing the needs and interests of seniors (persons age 55 and over) and to better assist the City Council in being responsive and well-advised as to issues of particular relevance to seniors.

Section 2. The **objectives** of this Board are:

- a. To recommend guidelines and policies facilitating the most beneficial and productive use of Senior Centers.
- b. To make recommendations to the City Council on the needs and status of Seniors in the city and recommend how to meet their needs.
- c. To determine and assess existing resources in the city that seniors may use to meet their needs.
- d. To make recommendations regarding proposed programs, grants and other governmental activities that may affect the Senior community.
- e. Recommend policies, goals and objectives for the operation of the Senior Centers, through interaction with community seniors.
- f. Work in cooperation with city staff regarding policies, goals and objectives for the operation of senior activities; always maintaining a positive rapport.

Section 3. Report in writing annually, no later than August, to City Council, policies that have been put in place, projects the Board has been involved with. Also, to include any issue concerning seniors deemed prudent by the Board.

**ARTICLE III
Members:**

Section 1. This Board shall consist of eleven members appointed to serve 3-year terms.

Section 2. No person may serve more than two consecutive terms. They may reapply after a one- year's absence from the Board.

[Section 3. All Members of the board shall be members of the Killeen Senior Center.](#)

**ARTICLE IV
Officers:**

Section 1. The officers shall consist of a Chairperson and a Vice-Chairperson. The Board will elect all officers.

Section 2. Duties of the Chairperson:

- a. To preside at all meetings of the Board,
- b. To call special meetings by these By-laws,
- c. To publish a proposed agenda for all meetings to each Board member fourteen working days before any meeting to get their input.
- d. To sign all documents of the Board,
- e. To see that all actions of the Board are appropriately taken,
- f. To represent the Board in an official capacity.

Section 3. Duties of the Vice-Chairperson:

During the absence, disability, or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the functions and be subject to all the responsibilities of the Chairperson and all other duties as assigned.

Section 4. Election of Officers:

The Board shall hold election of officers at the first meeting of the fiscal year (October) following the yearly appointment of new members and whenever officer vacancies occur.

**ARTICLE V
Meetings:**

Section 1. The Board shall hold regular meetings every month.

Section 2. The regular meeting will be on the third (3rd) Thursday of the month, at 3:30 p.m.

Section 3. A regular meeting may be canceled or rescheduled at a previous regular meeting. Special meetings may be held at the call of the Chairperson.

Section 4. At all meetings of the Board a quorum shall consist of a simple majority of the Board's currently appointed members.

Section 5. All meetings of the Board shall be open to the public.

Section 6. Minutes of all meetings shall be kept on file at the Lions Club Park Senior Center. Minutes are open to the public.

**ARTICLE VI
Committee and Liaisons:**

Section 1. Special and standing committees may be developed to address particular issues. Liaisons may be appointed to other groups as appropriate.

Section 2. Development of Committees.

- a. The process of committee formation may begin by any Board member.
- b. At the time of formation, the Board will determine committee make-up and length of operation.
- c. New Committees may be dissolved anytime with a majority vote by the Board.

**ARTICLE VII
Amendment of By-Laws:**

Section 1. The By-Laws may be amended at any regular meeting of the Board provided that written notice of the proposed amendment is given to each member in writing at least five days before the meeting.

Section 2. The affirmative vote of majority of the Board members present shall be required for the adoption of any proposed amendment to these By-Laws.



SENIOR CITIZEN ADVISORY BOARD BYLAW REVISION

RS-24-065

APRIL 2, 2024

Background

- On February 15, 2024, the Senior Citizen Advisory Board (SCAB) passed a motion to add language to the Senior Citizen Advisory Board Bylaws:
 - Article III Members: Section 3. All members of the Board shall be members of the Killeen Senior Center.
- Asha Pender, Deputy City Attorney, advised the Board members that the inclusion would require City Council Approval.

Recommendation

- ❑ Staff recommends the request to be denied as written. The Killeen City Council set the purpose of the Board is to promote and facilitate communications between the Board and City Council in matters influencing the needs and interests of seniors (persons age 55 and over) and to better assist the City Council in being responsive and well-advised as to issues of relevance to seniors.
- ❑ Of the six SCAB objectives listed in the bylaws, only two refer to the Senior Centers.
- ❑ Limiting membership eligibility will also limit the pool of candidates available to the City Council.



City of Killeen

Staff Report

File Number: RS-24-066

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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Consider a memorandum/resolution declaring a vacancy on the Senior Citizen Advisory Board and appointing a member to fill the unexpired term.

DATE: April 2, 2024

TO: Kent Cagle, City Manager

FROM: Kelly Snook, Executive Director of Parks and Recreation

SUBJECT: Appointing a Citizen Member to the Senior Citizen Advisory Board

BACKGROUND AND FINDINGS:

The Mayor and City Council make annual appointments to the various boards, commissions, and committees each year and throughout the year as vacancies occur.

The Senior Citizen Advisory Board recently had a board member resign from their seat creating a vacancy. The member who resigned is identified in the chart below.

To declare a vacancy and make appointments to fill the unexpired term of the vacancy, City Council action is required.

THE ALTERNATIVES CONSIDERED:

No other alternatives were considered.

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Making this appointment conforms to Division 1, Sec 2-117, (a).

Current Member	Status	New Member	Comments
Holly Teel	Resigned	Citizen Representative	(unexpired term 21-24)

FINANCIAL IMPACT:

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

N/A

Is this a one-time or recurring revenue/expenditure?

N/A

Is this revenue/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 revenue/expenditure?

N/A

RECOMMENDATION:

Staff recommends City Council declare a vacancy on the Senior Citizen Advisory Board and appoint a citizen member to fill the identified unexpired term.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Presentation



SENIOR CITIZEN ADVISORY BOARD APPOINTMENT

RS-24-066

APRIL 2, 2024

Background

- ❑ The Mayor and City Council make annual appointments to the various boards, commissions, and committees each year and throughout the year as vacancies occur.
- ❑ The Senior Citizen Advisory Board recently had a board member resign from their seat creating a vacancy.
- ❑ To declare a vacancy and make appointments to fill the unexpired term of the vacancy, City Council action is required.

Board Member

3

Senior Citizen Advisory Board(All Council)

Current Member	Status	New Member	Comments
Holly Teel	Resigned		Citizen Representative (unexpired term 21-24)

Recommendation

4

- City Council declare a vacancy and appoint an individual to fill the vacancy on the Senior Citizen Advisory Board



City of Killeen

Staff Report

File Number: RS-24-068

Consider a memorandum/resolution confirming the Municipal Court Judge's annual evaluation and pay increase.

DATE: April 9, 2024

TO: Kent Cagle, City Manager

FROM: Eva Bark, Executive Director of Human Resources

SUBJECT: Annual Evaluation and Pay Increase of Municipal Court Judge

BACKGROUND AND FINDINGS:

The position of Municipal Court Judge is currently filled by Kris Krishna. Kris Krishna has served in this capacity since April 11, 2022. Per City Charter Section 32, the City Council shall appoint a magistrate as a presiding judge for the court, and associates' judges, as deemed necessary for the benefit and conduct of the court. Each judge shall be a competent and duly licensed attorney.

On April 2, 2024, the City Council met with Mr. Krishna for his annual performance evaluation and based on the majority consensus, the City Council discussed a six percent (6%) for cost-of-living increase in salary for a total annual salary of \$153,700 for the presiding Municipal Court Judge.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

Staff recommends that the Council approve an increase of six percent (6%) for cost-of-living increase in salary for a total annual salary of \$153,700 for the Municipal Court Judge, Kris Krishna based on the majority consensus reached at the Council workshop held on April 2, 2024.

CONFORMITY TO CITY POLICY:

City Charter Section 32 provides that the governing body may appoint a magistrate as a presiding judge for the court, and associates' judges, as deemed necessary for the benefit and conduct of the court. Each judge shall be a competent and duly licensed attorney.

FINANCIAL IMPACT:

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

years?

The estimated additional cost in FY 2024 is \$5,164. The Municipal Court Judge's current annual salary is \$145,000. A six percent (6%) increase for cost of living will bring salary to \$153,700. The approved salary and associated wage-based benefits will be included in future budgets.

Is this a one-time or recurring revenue/expenditure?

This is a recurring expenditure.

Is this revenue/expenditure budgeted?

Yes, funds are available in the General Fund Municipal Court accounts 010-5015-417.40-05 through 010-5015-417.40-89.

If not, where will the money come from?

N/A

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

Yes

RECOMMENDATION:

Staff recommends that the Council approve an increase of six percent (6%) for cost-of-living increase in salary for a total annual salary of \$153,700 for the Municipal Court Judge, Kris Krishna, based on the majority consensus reached at the Council workshop held on April 2, 2024.

DEPARTMENTAL CLEARANCES:

Finance
City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Evaluation Letter



CITY OF KILLEEN
Office of the Mayor

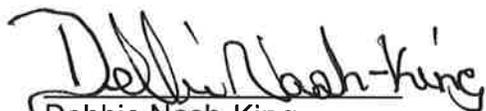
TO: KENT CAGLE, CITY MANAGER
VIA: EVA BARK, EXECUTIVE DIRECTOR OF HUMAN RESOURCES
FROM: KILLEEN CITY COUNCIL
DATE: APRIL 3, 2024
SUBJECT: MUNICIPAL JUDGE ANNUAL REVIEW

Mr. Kris Krishna, Municipal Judge, received his annual performance evaluation on Tuesday, April 2, 2024, by the Killeen City Council and was given the following rating:

- Above Average

The Council reached a consensus to give Mr. Krishna a 6% COLA increase, raising his annual salary to \$153,700.

Sincerely,


Debbie Nash-King
Mayor, City of Killeen



City of Killeen

Staff Report

File Number: PH-24-009

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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HOLD a public hearing and consider an ordinance submitted by Lionel Reyes (**Case #Z24-03**) to rezone approximately 0.97 acres, being Lots 1 and 2, Block 1, out of Westcliff Estates, from "R-1" (Residential District) to "R-2" (Two-Family Residential District). The subject properties are locally addressed as 5007 and 5009 Westcliff Road, Killeen, Texas.

DATE: April 2, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #24-03: "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Lionel Reyes

Agent: N/A

Current Zoning: "R-1" (Single-Family Residential District)

Proposed Zoning: "R-2" (Two-Family Residential District)

Current FLUM Designation: 'Residential Mix' (RM)

Summary of Request:

Lionel Reyes has submitted a request to rezone Lots 1 & 2, Block 1, Westcliff Estates, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop a two-family dwelling on each lot.

Zoning/Plat Case History:

The subject property was annexed into the City limits on September 9, 1962. The property was subsequently zoned to "R-1" (Single-Family Residential District) after annexation. The property is currently platted.

Character of the Area:

- North:** Existing residential, property zoned "R-1X" (Single-Family Residential District)
- South:** Existing residential, property zoned "R-1" (Single-Family Residential District)
- East:** Existing residential, property zoned "R-1X" (Single-Family Residential District)
- West:** Existing residential, property zoned "B-3" (Local Business District)

Future Land Use Map Analysis:

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and designated as 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

This 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc.

The request supports or furthers the following Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- NH3 - Diversifying housing mix (types and price points)
- NH4 - Build complete neighborhoods

The proposed use is an example of providing for missing middle housing other than detached single-family homes and apartment complexes which will contribute to diversifying the housing mix in Killeen. The Comprehensive Plan explains that "allowing for more diverse housing, such as duplexes [...] would provide a major increase in tax revenue while also increasing the number of available housing units, which in turn serves to help the city remain as an affordable place to live" (pg. 51). The Comprehensive Plan highlights that housing types like duplexes have added benefit such as affordability and fiscal sustainability for the community.

Neighborhood Analysis:

The property is located within Killeen Development Zone #2.
Current land use mix within this area comprises approximately:

- 5% non-residential uses
- 95% residential uses

Zoning district breakdown in DZ2:

- Special Districts 1.96%
- Residential 65.57%
- Ind. & Comm. 32.29%
- Agricultural 0.18%

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

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

There is an 8" waterline on the north side of Westcliff Road, and a 10" sewer main on the south side

of Westcliff Road.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from Westcliff Road, which is classified as a 110' wide Minor Arterial in the Killeen 2040 Comprehensive Plan. A Traffic Impact Analysis (TIA) will not be required for the proposed development.

PARKS AND PROPOSED TRAIL PLAN:

There are no proposed parks or trails located on this site.

Environmental Assessment:

The property is within Zone X a FEMA-regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified sixty-three (63) surrounding property owners regarding this request. Of those property owners notified, forty-six (46) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and twenty-one (21) live outside Killeen.

To date, staff has received one (1) written response in opposition to this request.

Staff Findings:

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

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. 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.

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:

Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). Staff finds that the applicant's request is consistent with the single-family land uses to the east and west of the subject property.

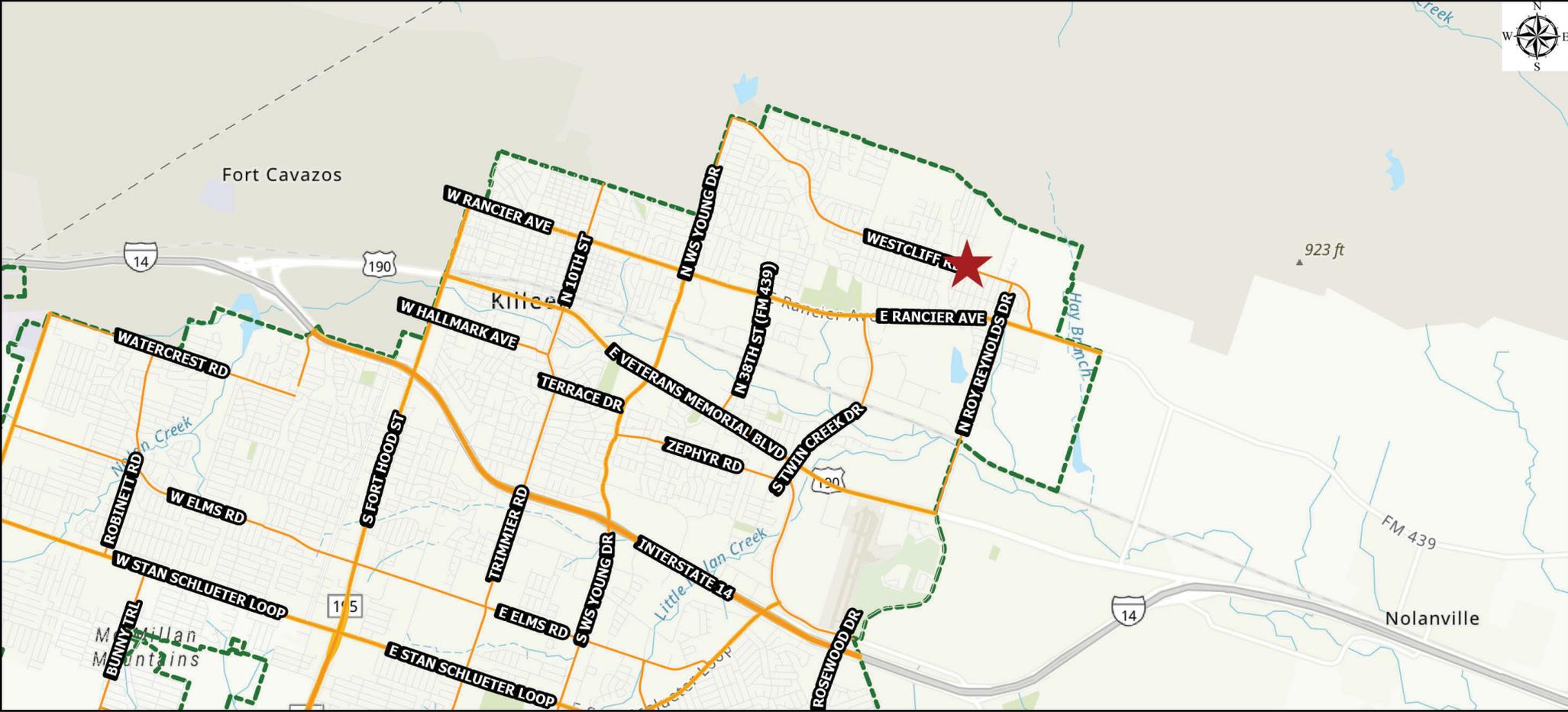
At their regular meeting on March 4, 2024, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

DEPARTMENTAL CLEARANCES:

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

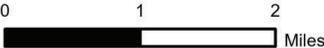
ATTACHED SUPPORTING DOCUMENTS:

- Maps
- Site Photos
- Letter of Request
- Responses
- Minutes
- Ordinance
- Considerations
- Presentation



LOCATION MAP

Council District: 1

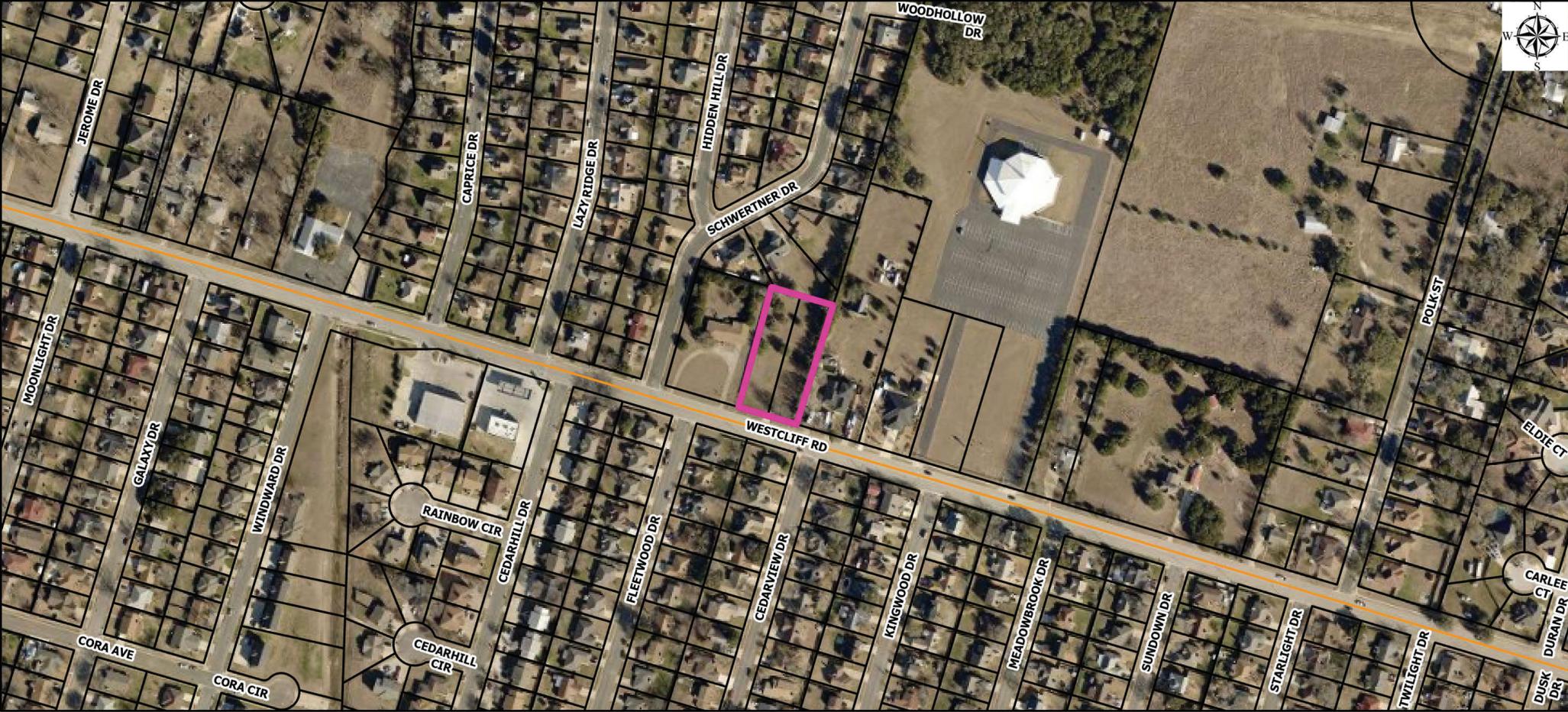


Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

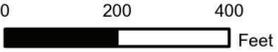
Zoning Case 2024-03
R-1 TO R-2

Legend

-  Major Roads
-  City Limits
-  Zoning Case Location



AERIAL MAP
Council District: 1

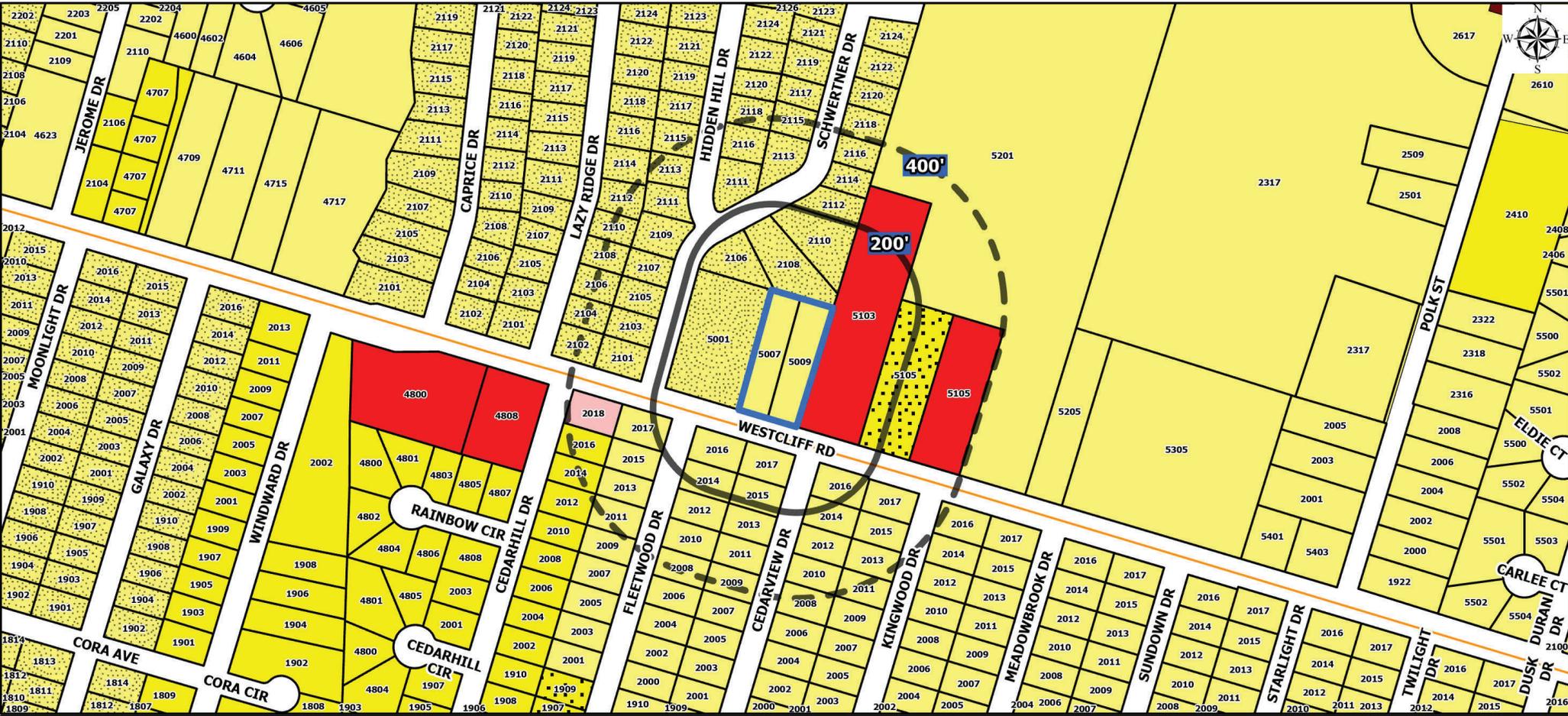


Zoning Case 2024-03

R-1 TO R-2

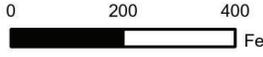
Legend
 Citylimits

Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES



NOTIFICATION MAP

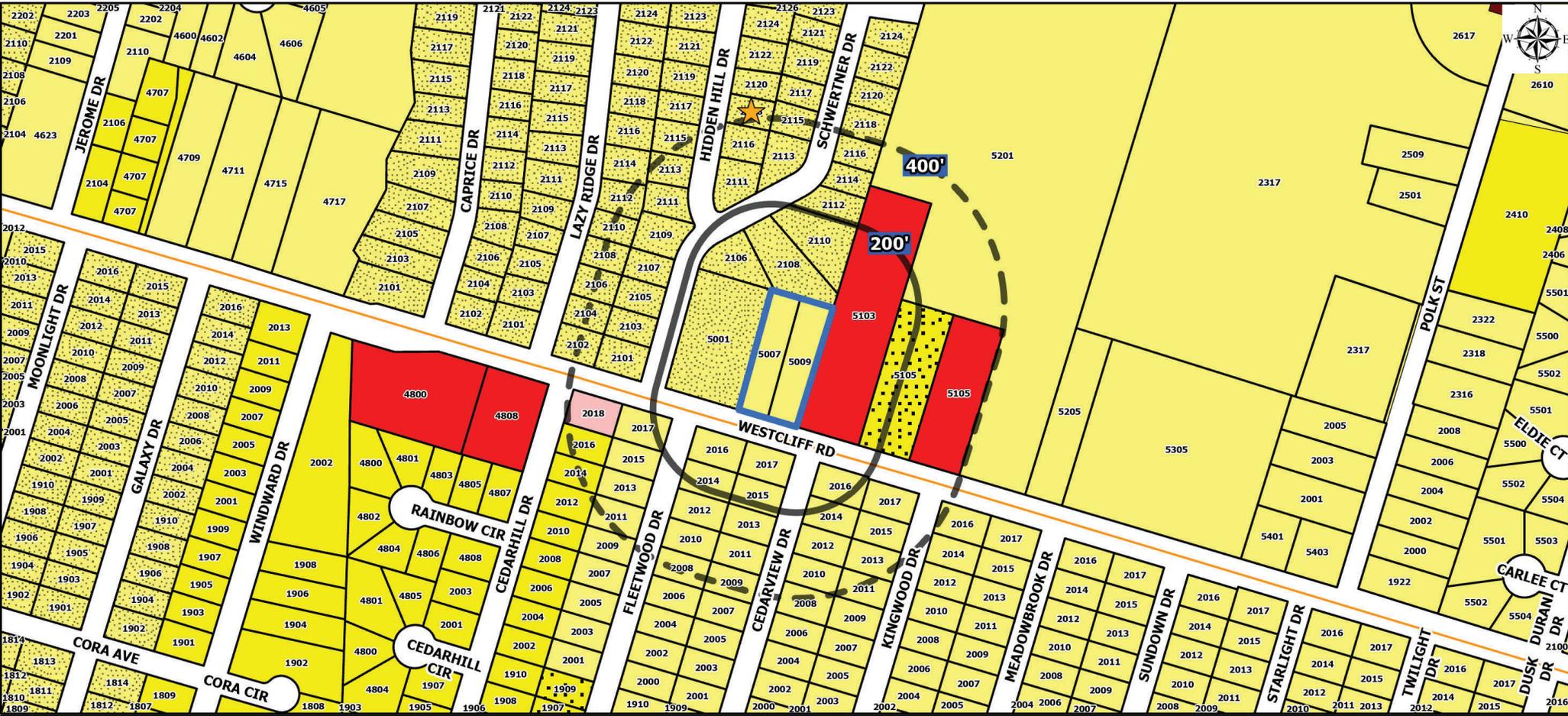
Council District: 1



Zoning Case 2024-03
R-1 TO R-2

Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

Legend		Current Zoning
	B-1	R-2
	B-3	R-1
	R-1	R-3
	R-1X	



NOTIFICATION MAP

Council District: 1

0 200 400

Feet

Zoning Case 2024-03

R-1 TO R-2

Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

Legend		Current Zoning	Opposition
	B-1		R-1
	B-3		R-3
	B-5		R-2
	R-1X		Opposition

SITE PHOTOS

Case #Z24-03: "R-1" TO "R-2"



View of the property:



View looking east:



View looking south:



View of the property looking west:



Subject: Request for Property Zone Change

Lionel Reyes
Reyes Builders
PO BOX 2896 Harker Heights TX 76548
L.reyes2008@yahoo.com

2/4/2024

Killeen Local Planning Department

To whom it may concern,

I hope this letter finds you well. I am writing to formally request a change in the zoning classification for 5007 and 5009 Westcliff RD Killeen TX 76543.

We are looking to rezone the above properties from R1 mix use to R2 Duplex for future tenants. The request is consistent with the Future Land Use Map.

I have attached supporting documents, including a detailed proposal, site plans, and any other relevant information that may assist in the evaluation of this request. Additionally, I am open to attending any meetings or hearings to further discuss the proposal and address any concerns.

I understand that the zoning change process involves thorough consideration and evaluation. I am confident that this change aligns with the city's long-term vision and goals, contributing positively to the community.

I appreciate your time and attention to this matter. Please feel free to contact me at 254-970-3799 or L.reyes2008@yahoo.com to discuss this request further.

Thank you for your consideration.

Sincerely,

Lionel Reyes

L. Reyes

YOUR NAME: Fred D. Garvin	PHONE NUMBER: 254-526-9777
CURRENT ADDRESS: 2859 E. Stagecoach Rd. Killeen	
ADDRESS OF PROPERTY OWNED:	
COMMENTS: There are too many multifamily houses in this area already	
Do Not Allow	
SIGNATURE: 	REQUEST: "R-1" to "R-2" SP0# Z24-03/ 25

RECEIVED
MAR 06 2024
By JLM

MINUTES
PLANNING AND ZONING COMMISSION MEETING
March 4, 2024
CASE # Z24-03
“R-1” to “R-2”

HOLD a public hearing and consider a request submitted by Lionel Reyes (**Case #Z24-03**) to rezone approximately 0.97 acres, being Lots 1 and 2, Block 1 out of Westcliff Estates from “R-1” (Residential District) to “R-2” (Two-Family Residential District). The subject properties are locally addressed as 5007 and 5009 Westcliff Road, Killeen, Texas.

Mr. Millard presented the staff report for this item. He stated that, if approved, the applicant intends to develop two-family residential homes on the property.

The subject property is located within the ‘Neighborhood Infill’ sector on the Growth Sector Map of the Comprehensive Plan and is designated as ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM).

Mr. Millard stated that the subject property is within Zone X, a FEMA-regulatory Special Flood Hazard Area (SFHA).

Mr. Millard stated that staff is of the determination that the request is consistent with the Killeen 2040 Comprehensive Plan and compatible with the character of the area. Therefore, staff recommends approval of the request as presented.

The applicant was not present to represent the request.

Chairman Minor opened the public hearing at 5:54 p.m.

With no one wishing to speak, the public hearing was closed at 5:54 p.m.

Commissioner Gukeisen moved to recommend approval of the request as presented. Commissioner Sabree seconded, and the motion passed by a vote of 7 to 0.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY AMENDING THE ZONING OF THE PROPERTIES LOCALLY ADDRESSED AS 5007 AND 5009 WESTCLIFF ROAD, KILLEEN, TEXAS; TO CHANGE THE ZONING OF LOTS 1 & 2, BLOCK 1, WESTCLIFF ESTATES, FROM “R-1” (RESIDENTIAL DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Lionel Reyes has submitted a request to rezone Lots 1 & 2, Block 1, Westcliff Estates, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the 4th day of March 2024, duly recommended approval of the application for amendment;

WHEREAS, 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 April 9, 2024, at the City Hall, City of Killeen; and

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 1 & 2, Block 1, Westcliff Estates, be changed from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) for the properties locally addressed as 5007 and 5009 Westcliff 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 9th day of April 2024, 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:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY

Case #24-03

Ord. #24-____

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

A stylized graphic consisting of a grey five-pointed star at the top right, with a curved grey line extending from the bottom left towards the star. The line is composed of several overlapping, slightly offset segments, creating a sense of motion or a path. The background is white.

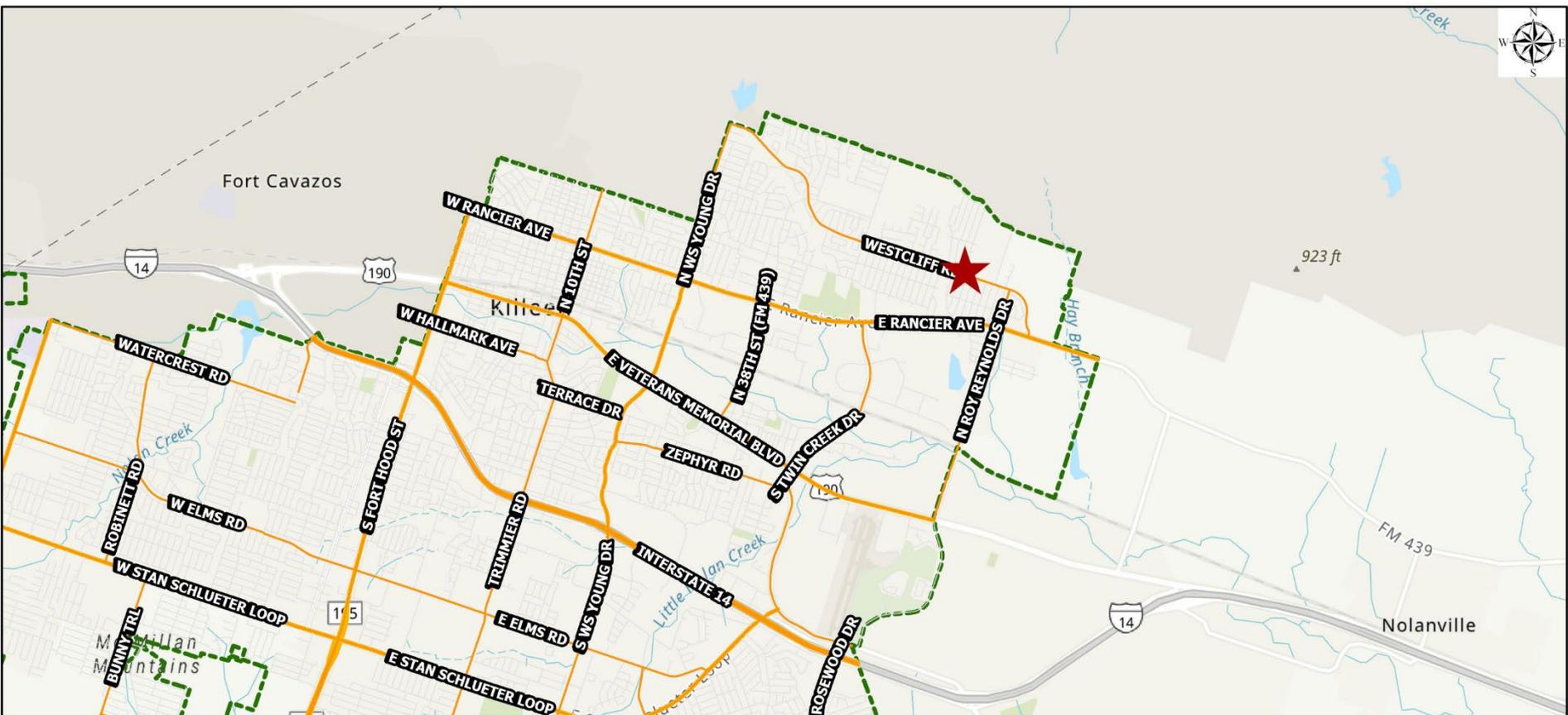
**CASE #Z24-03:
“R-1” TO “R-2”**

PH-24-009

April 2, 2024

Case #Z24-03: “R-1” to “R-2”

- **HOLD** a public hearing and consider a request submitted by Lionel Reyes (**Case #Z24-03**) to rezone approximately 0.97 acres, being Lots 1 and 2, Block 1, out of Westcliff Estates from “R-1” (Residential District) to “R-2” (Two-Family Residential District).
- The subject properties are locally addressed as 5007 and 5009 Westcliff Road, Killeen, Texas.



LOCATION MAP

Council District: 1



Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

Zoning Case 2024-03

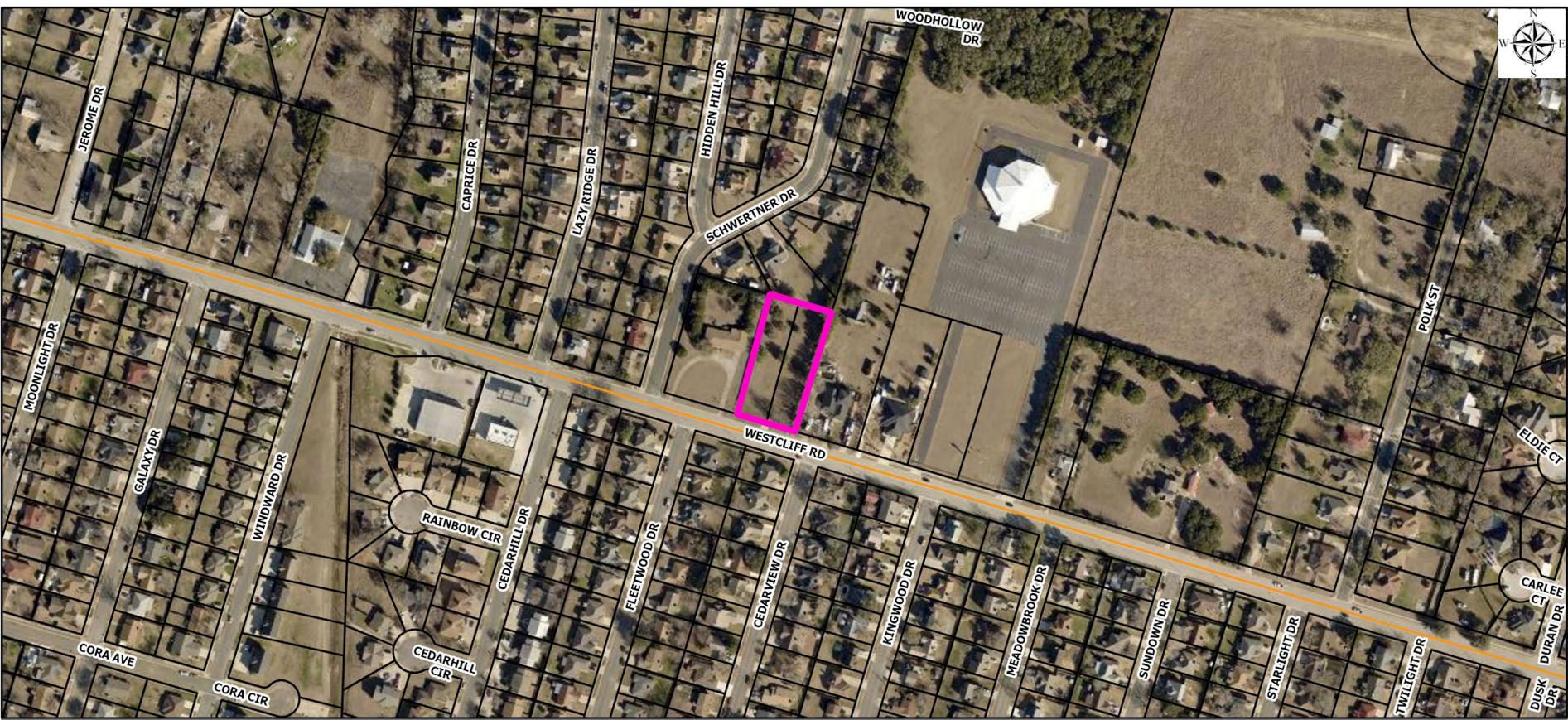
R-1 TO R-2

Legend

— Major Roads

City Limits

★ Zoning Case Location



AERIAL MAP
Council District: 1
0 200 400
Feet

Zoning Case 2024-03

R-1 TO R-2

Legend
 Citylimits

Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

Case #Z24-03: “R-1” to “R-2”

5

- Lionel Reyes has submitted a request to rezone Lots 1 & 2, Block 1, Westcliff Estates, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District).
- If approved, the applicant intends to develop two-family residential homes on the property.

Case #Z24-03: “R-1” to “R-2”

6

View of the subject property looking north:



Case #Z24-03: “R-1” to “R-2”

7

View to the south of the subject property:



Case #Z24-03: “R-1” to “R-2”

8

View to the east of the subject property:



Case #Z24-03: “R-1” to “R-2”

9

View to the west of the subject property:



Comprehensive Plan Analysis

- The subject property is designated ‘Residential Mix’ on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The ‘Residential Mix’ place type’ promotes up to 25% non-residential and up to 95% residential uses.
- It creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies.
- Staff finds that the applicant’s request is consistent with the ‘Residential Mix’ place type.

Comprehensive Plan Analysis

- The property is designated 'Neighborhood Infill' on the Growth Sector Map of the Comprehensive Plan.
- This sector includes areas of the city that are already developed and have access to city services and infrastructure but have vacant, underutilized, or poorly developed properties.
- Growth policies for this sector should encourage the development or redevelopment of these properties with accessory dwelling units, smallplexes, and commercial that provide incremental increases in density.

Comprehensive Plan Analysis

12

- This request supports or furthers the following Killeen 2040 Comprehensive Plan recommendations:
 - ▣ **LU2** – Improve the fiscal productivity of development.
 - ▣ **LU3** – Encourage incremental evolution of neighborhoods.
 - ▣ **NH4** – Build complete neighborhoods.

Development Zone Analysis

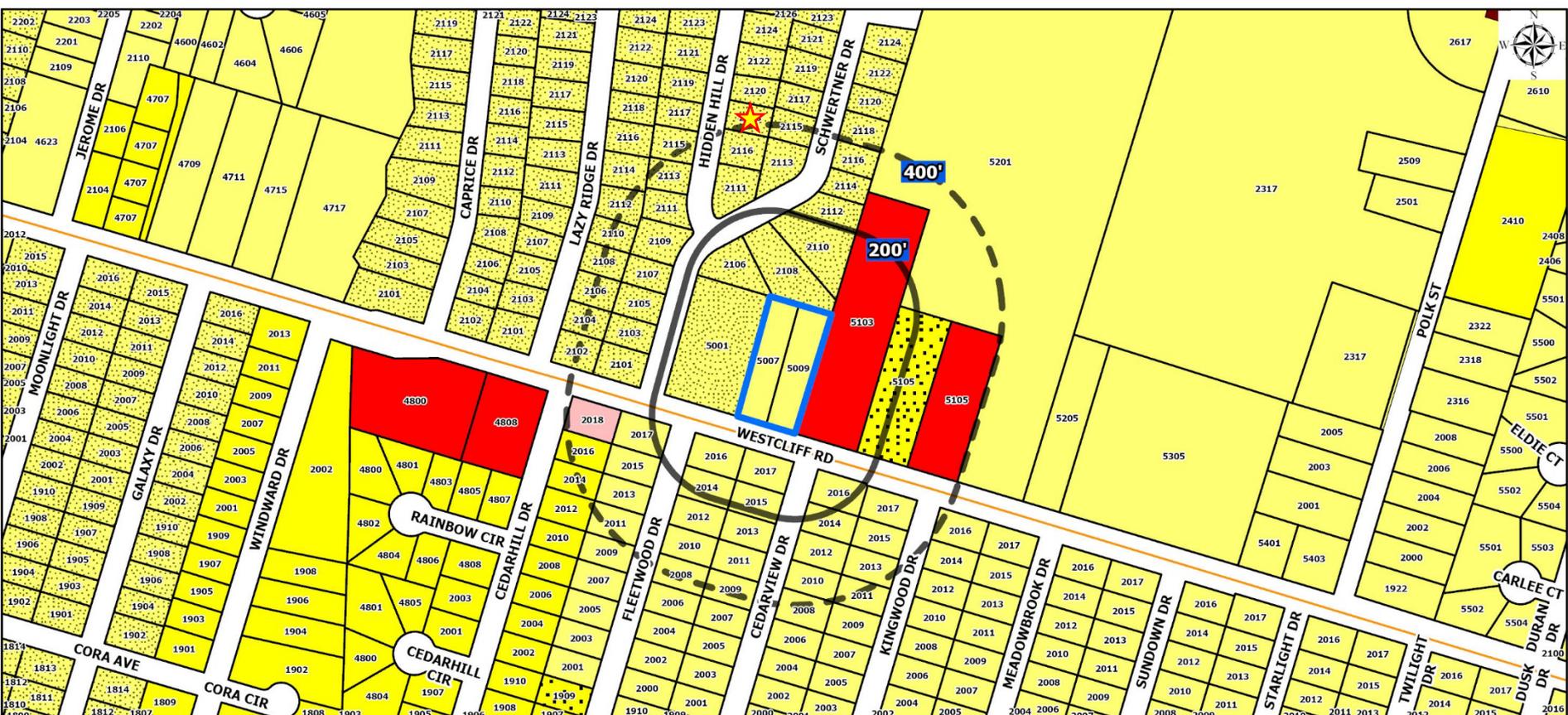
13

- ❑ The property is located within Killeen Development Zone #2.
- ❑ Current land use mix within this area comprises approximately:
 - ❑ 5% non-residential uses
 - ❑ 95% residential uses
- ❑ Zoning district breakdown:
 - ❑ Special Districts 1.96%
 - ❑ Residential 65.57%
 - ❑ Ind. & Comm. 32.29%
 - ❑ Agricultural 0.18%



Public Notification

- Staff notified sixty-three (63) surrounding property owners regarding this request.
- Of those property owners notified, forty-six (46) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and twenty-one (21) live outside Killeen.
- To date, staff has received one (1) written response in opposition to this request.



NOTIFICATION MAP
 Council District: 1
 0 200 400
 Feet

Zoning Case 2024-03

R-1 TO R-2

Subject Property Legal Description: WESTCLIFF ESTATES, BLOCK 001, LOT 0002; WESTCLIFF ESTATES, BLOCK 001, LOT 0001 ; TOTAL OF 0.97 ACRES

Legend

Current Zoning	B-5	R-2
B-1	R-1	R-3
B-3	R-1X	★ opposition

Staff Findings

- ❑ Staff finds that the applicant's request is consistent with the recommendations outlined in the Killeen 2040 Comprehensive Plan.
- ❑ Staff is of the determination that approval of the applicant's request would have no negative impacts on the surrounding properties.

Staff Recommendation

- Therefore, staff recommends approval of the applicant's request to rezone the subject property from "R-1" (Residential District) to "R-2" (Two-Family Residential District).

Commission Recommendation

- ❑ At their regular meeting on March 4, 2024, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.



City of Killeen

Staff Report

File Number: PH-24-010

1	City Council Workshop	04/02/2024	reviewed and referred	City Council	04/09/2024
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HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for regulations regarding vapor stores.

DATE: April 2, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Ordinance Amending Chapter 31, Regulating Vapor Stores

BACKGROUND AND FINDINGS:

On January 23, 2024, the City Council made a Motion of Direction to have staff prepare an ordinance limiting vape shops to "B-4" (Business District) and "B-5" (Business District) and prohibiting them within one thousand (1,000) feet of a public school. Currently, vape shops are permitted in all zoning districts where retail stores are allowed (i.e., "B-2" and up).

If approved, the proposed ordinance would:

- Allow vape shops only in "B-4" (Business District) and other less restrictive zoning districts (i.e., "B-5", "M-1", and "M-2");
- Prohibit vape shops within one thousand (1,000) feet of a public school, as measured in a straight line from property line to property line; and
- Prohibit vape shops within the Historic Overlay District (HOD).

As written, a "vapor store" is defined as: "a retail establishment that sells or offers for sale e-cigarettes, as defined by Chapter 147 of the Texas Health and Safety Code, and which receives at least (80%) eighty percent of its gross revenues from the sale of e-cigarettes."

In accordance with Texas Local Government Code Section 211.006(a-1), which became effective on September 1, 2023, staff sent written notices to property owners and tenants of all businesses that would become nonconforming if the proposed ordinance is adopted.

Staff has identified eleven (11) existing businesses that would become legal nonconforming if this ordinance is adopted, including seven (7) that are within 1,000 feet of a school; two (2) that are zoned "B-3" or more restrictive; and two (2) that are both within 1,000 feet of a public school and zoned "B-3" or more restrictive.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives:

- Do not approve the ordinance;
- Approve the ordinance with amendments; or
- Approve the ordinance as presented.

Which alternative is recommended? Why?

Staff recommends approval of the ordinance as presented.

CONFORMITY TO CITY POLICY:

The proposed ordinance conforms to all applicable City policies.

FINANCIAL IMPACT:

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

This is not applicable.

Is this a one-time or recurring revenue/expenditure?

This is not applicable.

Is this revenue/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 revenue/expenditure?

This is not applicable.

RECOMMENDATION:

At their Regular Meeting on March 4, 2024, the Planning and Zoning Commission recommended **disapproval** of the proposed ordinance by a vote of 7 to 0.

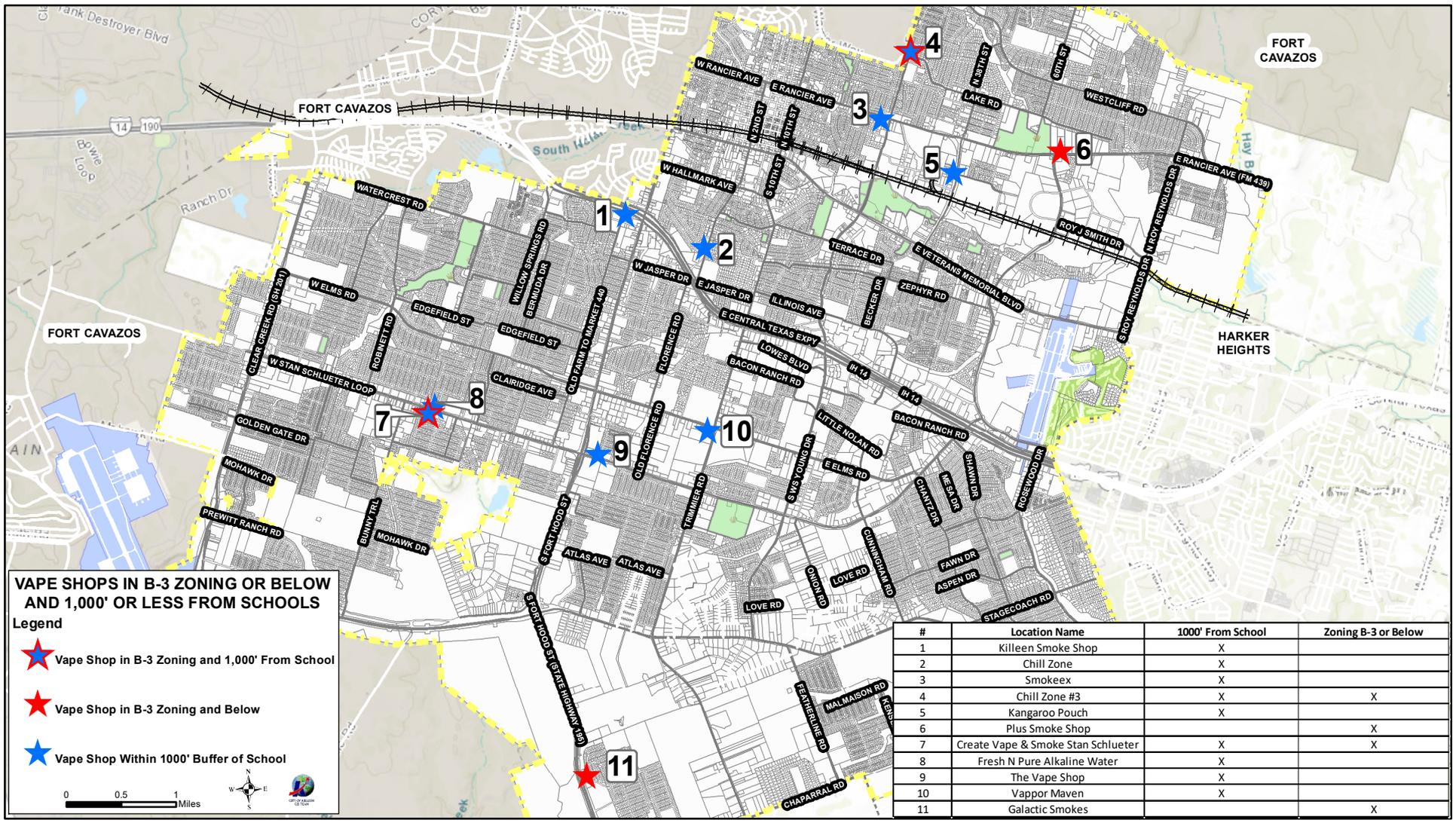
Therefore, in accordance with Killeen Code of Ordinances Sec. 31-39(e), approval of the request will require the favorable vote of three-fourths (3/4) of all the members of the City Council (6 affirmative votes).

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Development Services and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Notification Map
Minutes
Ordinance
Presentation



VAPE SHOPS IN B-3 ZONING OR BELOW AND 1,000' OR LESS FROM SCHOOLS

- Legend**
- ★ Vape Shop in B-3 Zoning and 1,000' From School
 - ★ Vape Shop in B-3 Zoning and Below
 - ★ Vape Shop Within 1000' Buffer of School

#	Location Name	1000' From School	Zoning B-3 or Below
1	Killeen Smoke Shop	X	
2	Chill Zone	X	
3	Smokeex	X	
4	Chill Zone #3	X	X
5	Kangaroo Pouch	X	
6	Plus Smoke Shop		X
7	Create Vape & Smoke Stan Schlueter	X	X
8	Fresh N Pure Alkaline Water	X	
9	The Vape Shop	X	
10	Vappor Maven	X	
11	Galactic Smokes		X



ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S LAND USE REGULATIONS; PROVIDING FOR CERTAIN REGULATIONS REGARDING VAPOR STORES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

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

WHEREAS, the City Council desires to amend land use regulations pertaining to vapor stores; and,

WHEREAS, the City Council finds that such amendments are necessary to protect the public health, safety, and welfare of the public; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City of Killeen on the 4th day of March, 2024 at 5:00 p.m.; and,

WHEREAS, a public hearing was held by the City Council of the City of Killeen on the 9th day of April, 2024 at 5:00 p.m.; and,

WHEREAS, due notice of all public hearings was provided as required by law;

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

SECTION I. That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

Sec. 31-2. Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the

plural and the plural the singular; the word "building" shall include the word "structure;" the word "shall" is mandatory and not directive; the word "lot" includes the word "plot;" the term "used for" includes the meanings "designed for" or "intended for." Such words and terms are as follows:

Accessory use or building shall mean a subordinate use or building customarily incident to and located on the same lot occupied by the main use or building.

All weather surface on privately owned property shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface must be capable of retaining paint or striping material.

Alley shall mean a public way which affords only a secondary means of access to property abutting thereon.

Animal production shall mean the raising and sales of animals or production of animal products produced on site, to include eggs or dairy products, on an agricultural or commercial basis. Typical uses include, but are not limited to, grazing, ranching, dairy farming and poultry farming, and do not include operating feed lots.

Apartment complex shall mean five (5) or more attached dwelling units on one (1) lot.

Automotive parts store shall mean an establishment engaged in the retail sales of a variety of parts for vehicles of any kind.

Boardinghouse or lodginghouse shall mean a building other than a hotel where sleeping rooms are rented to four (4) or more adults for compensation, pursuant to previous arrangements for definite periods of time, but not to the public or transients.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building, height of, shall mean the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building line shall mean a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Cemetery shall mean a burial place for deceased humans.

Child care facility shall mean a facility that furnishes care, training, education, custody, supervision and guidance of a child or group of children, who are not related by blood, marriage or adoption to the owner or operator of the facility, for all or part of a twenty-four-hour day.

Clinic shall mean an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial communication tower shall mean a tower built and designed for commercial communication usage including, but not limited to, radio, television and microwave towers.

Crop production shall mean the raising, harvesting and sales of tree crops, row crops or field crops on an agricultural or commercial basis, produced on site, including, but not limited to, packing and processing.

Day care center shall mean a child care facility that provides care for more than twelve (12) children under fourteen (14) years of age or less than twenty-four (24) hours a day. It does not include a group day care home or drop-in care center.

Drop-in care center shall mean a child care facility that provides care for children under fourteen (14) years of age for part of the day. It does not provide regular care for the same child. It does not include a group day care home or day care center.

Dwelling shall mean any building or portion thereof which is designated for or used for residential purposes.

Dwelling, multifamily, shall mean a building designed for or occupied by three (3) or more families.

Dwelling, single-family, shall mean a building designed for or occupied by one (1) family.

Dwelling, two-family, shall mean a building designed for or occupied by two (2) families.

Family shall mean any number of individuals living together as a single housekeeping unit, in which not more than three (3) adults are unrelated by blood, marriage, adoption, or guardianship and occupying a dwelling unit.

Frontage, block, shall mean all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Halfway house shall mean a facility operated under the authority of the Texas Department of Criminal Justice for the Federal Bureau of Prisons for persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hotel shall mean a building in which lodging or boarding and lodging are rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee. This term includes hotels, motels, bed and breakfasts, inns, extended stay hotels, and long-term stay hotels.

Hotel Occupancy Tax shall mean the hotel occupancy tax required to be assessed and collected for the operation of any hotel or short term rental and paid pursuant to Chapter 351 of the Texas Tax Code and Killeen Code of Ordinances Chapter 27, Article IV.

Housekeeping unit shall mean a group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities, responsibilities and expenses.

Loading space shall mean a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

Lot, depth of, shall mean the mean horizontal distance between the front and rear lot lines.

Lot, width of, shall mean the mean horizontal distance between side lot lines, as measured in a straight line from points at the front building setback line on each side lot line.

Manufactured housing shall mean a residential housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (see 24 CFR 3280 for legal definition) and Manufactured Housing Standards Act, section 5521f V.A.T.S.

Nonconforming use, building or yard shall mean a use, building or yard, existing legally at the time of passage of the ordinance from which this chapter is derived, which does not, by reason of design or use, conform with the regulations of the district in which it is situated.

Outside storage and display shall mean a primary land use providing for the incidental outdoor storage or display of commodities, materials, goods, equipment, vehicles or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale.

Parking space, off-street, shall mean an area of not less than one hundred eighty (180) square feet (measuring approximately nine (9) feet by twenty (20) feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed. A public street shall not be classified as off-street parking in computing the parking requirements for any use, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

Personal services shall mean an establishment providing services of a personal nature. This classification includes barber and beauty shops, nail and tanning salons, cosmetologists, massage therapists, seamstresses, tailors, shoe repair, dry cleaners (excluding plants), self-service laundries, tattoo parlors as licensed per V.T.C.A., Health and Safety Code ch. 146, laser tattoo removal, laser hair removal, permanent makeup application, and the like.

Place shall mean an open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Planning commission shall mean the planning and zoning commission of the city.

Private school shall mean a private school, including a parochial school, that offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12, and has more than one hundred (100) students enrolled and attending courses at a single location.

Public school shall mean a public institution engaged in the education of full-time students in kindergarten through twelfth grade, including elementary schools, middle schools, junior high schools, and high schools.

Sale shall mean sales at both wholesale and retail unless specifically stated otherwise.

Servants' quarters shall mean an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Short term rental shall mean a single-family, two-family, or multi-family dwelling that is rented out to the public for a period of not less than one (1) night and not more than twenty-nine (29) consecutive nights for a fee.

Story shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half, shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street shall mean a public or private thoroughfare which affords the principal means of access to abutting property.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street.

Structural alterations shall mean any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Trailer camp or park shall mean an area designed, arranged or used for the parking or storing of one (1) or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transient shall mean a person who occupies a dwelling unit or sleeping unit for less than thirty (30) consecutive days.

[Vapor store shall mean a retail establishment that sells or offers for sale e-cigarettes, as defined by Chapter 147 of the Texas Health and Safety Code, and which receives at least eighty \(80\) percent of its gross revenues from the sale of e-cigarettes.](#)

Yard shall mean an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front, shall mean a yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear, shall mean a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

Yard, side, shall mean a yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the

minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Sec. 31-291. Use regulations.

A building or premises in the district "B-2" local retail district shall be less than five thousand (5,000) square feet in leasable area and used only for the following purposes:

- (1) Any use permitted in district "B-1" or "B-DC."
- (2) Appliance (household) sales.
- (3) Bakery shop (retail sales only).
- (4) Personal services establishments.
- (5) Construction field office and yard: on the job site; for duration of construction only.
- (6) Day care center.
- (7) Custom personal service shops, such as a health studio (to include massage establishments as defined in V.T.C.A., Occupations Code ch. 455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
- (8) Drugstore or pharmacy.
- (9) Electric utility substation.
- (10) Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
- (11) Grocery store (drive-in).
- (12) Bank, savings and loan or other financial institution.
- (13) Registered public surveyor.
- (14) Restaurant, coffee shop or café (no drive-in service).
- (15) Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
- (16) Fine arts instruction, or sale of art objects.
- (17) Lodges and fraternal organizations with less than five thousand (5,000) square feet of leasable space.

(18) Drop-in care centers.

[\(19\) Cigar stores and tobacco stores, excluding vapor stores.](#)

Sec. 31-321. Use regulations.

A building or premises in the district "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.
- (18) Halfway house.
- (19) Liquor stores to be operated under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit provided that such establishment:
 - a. Complies with all applicable rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended. Said rules and regulations are hereby adopted and incorporated herein for all purposes; and
 - b. Is not located within: three hundred (300) feet of a church, public or private school or public hospital; one thousand (1,000) feet of a public school if a request is submitted to city council by the board of trustees of a school district under V.T.C.A., Education Code § 38.007; or one thousand (1,000) feet of a private school if a request is submitted to city council by the governing body of the private school. The measurement of the distances shall be as provided under V.T.C.A., Alcoholic Beverage Code § 109.33 and in accordance with the procedures established by the TABC, as amended, which is hereby adopted and incorporated herein for all purposes. The city council may, however, allow a variance from this distance requirement in accordance with V.T.C.A., Alcoholic Beverage Code § 109.33(e). The following exemptions to the above-stated distance requirements and expansion of the application of the distance requirements from day-care centers and child-care facilities are provided under the TABC and are hereby adopted to provide:
 - 1. The one thousand-foot public or private school distance extension shall not apply to the holder of: a retail on-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the establishment is from the sale or service of alcoholic beverages; a retail

off-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in V.T.C.A., Alcoholic Beverage Code ch. 102.

2. The one thousand-foot private school distance extension shall not apply to the holder of: a license or permit issued under V.T.C.A., Alcoholic Beverage Code chs. 27, 31, or 72 who is operating on the premises of the private school; or a license or permit covering an establishment where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within one thousand (1,000) feet of a private school.
3. The three hundred-foot general distance prohibition shall not apply to the holder of: a license or permit who also holds a food and beverage certificate covering an establishment that is located within three hundred (300) [feet] of a private school; or a license or permit covering a premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within three hundred (300) feet of a private school. In this section, "private school" means a private school, including a parochial school that offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12 and has more than one hundred (100) students enrolled and attending courses at a single location. In addition, the three hundred-foot general distance prohibition shall have no impact the right of a duly licensed and permitted establishment from continuing to operate if a church, public or private school or public or private hospital locates within three hundred (300) feet of the existing business establishment.

4. This subsection applies only to a permit or license holder under V.T.C.A., Alcoholic Beverage Code chs. 25, 28, 32, 69, or 74 who does not hold a food and beverage certificate. Except as provided by this subsection, the provisions of this section 31-311(2) relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by V.T.C.A., Human Resources Code § 42.002. However, the one thousand-foot distance extension by request is not available to a day-care center or child-care facility. This subsection does not apply to a permit or license holder who sells alcoholic beverages if: (1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or (2) the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building. This subsection does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by V.T.C.A., Human Resources Code § 42.002.

(20) Vapor store, provided that such establishment shall not be located within one thousand (1,000) feet of a public school, as measured in a direct line from property line to property line.

Sec. 31-394. Use regulations.

- (a) A building or premises in the historic overlay district shall allow all uses within the "B-5" business district with the following exclusions:
 - (1) Mini self-storage facilities.
 - (2) Storage warehouses.
 - (3) Tire recapping or retreading.
 - (4) Impound yards.
 - (5) Auto upholstery or muffler shop.
 - (6) Auto repair.

(7) Appliance (household) sales and services.

(8) Electric utility substation.

[\(9\) Vapor stores.](#)

- (b) Notwithstanding the provisions in section 31-351(3), business establishments dispensing alcoholic beverages may be located within three hundred (300) feet of a church, public or private school or public or private hospital within the Historic Overlay District (HOD).
- (c) A building or premises in the historic overlay district may be used for mixed-use development or live/work purposes, provided that the following conditions are met:
- (1) The ground floor of all mixed-use buildings shall be designated, constructed, and used only for commercial uses. Residential uses shall be permitted only on the second floor and above.
 - (2) Any structure or portion of a structure that is mixed-use or live/work shall comply with all applicable City of Killeen ordinances, including all building and residential codes.
- (d) The city council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any land use and may impose appropriate conditions and safe guards to assure that these land uses are compatible with the character of the district setting and buildings. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

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

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

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

ordinance.

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 9th day of April, 2024, 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

Debbie Nash-King, MAYOR

ATTEST:

APPROVED AS TO FORM:

Laura J. Calcote, CITY SECRETARY

Holli C. Clements, CITY ATTORNEY

MINUTES
PLANNING AND ZONING COMMISSION MEETING
March 4, 2024
Vape Store Ordinance

HOLD a public hearing and consider an ordinance amending Chapter 31 of the Killeen Code of Ordinances providing for regulations regarding vapor stores.

Ms. Meshier presented the staff report for this item. Ms. Meshier explained that on January 23, 2024, the City Council made a Motion of Direction to have staff prepare an ordinance limiting vape shops to the “B-4” and “B-5” zoning districts only and prohibiting them within one thousand (1,000) feet of a public school.

Ms. Meshier explained that, in accordance with S.B. 929, staff sent written notices to property owners and tenants of all businesses that would become nonconforming if the proposed ordinance is adopted. If the proposed ordinance is adopted, the thirteen (13) existing vape shops would become legal nonconforming uses, which means that they could continue to operate as-is.

Commissioner Sabree asked what the purpose of the proposed ordinance is if existing vape shops will be able to continue operating. Ms. Meshier explained that any legal use in existence prior to the adoption of an ordinance change is able to continue to operate as a legal nonconforming use. She stated that the proposed ordinance, if approved, would prevent future vapor stores in the areas specified in the proposed ordinance.

Ms. Meshier further clarified that the proposed ordinance does not address convenience stores, gas stations, c-stores, or other businesses that sell e-cigarettes, if their e-cigarette sales make up less than 80% of their total sales.

Chairman Minor asked who would be responsible for conducting auditing to ensure that the sales of e-cigarettes do not make up more than 80% of the business’ total sales. Ms. Meshier explained that it would be based on the business owner’s intended use, as described on their Certificate of Occupancy application, and on the forecasted sales expected for the business. After the business owners have secured their Certificate of Occupancy, it would be a Code Enforcement issue and would be enforced be on a complaint business.

Chairman Minor opened the public hearing at 6:01 p.m.

Ms. Melissa Brown spoke in opposition to the proposed ordinance. She stated that the proposed ordinance would regulate vape shops more stringently than alcohol uses. She also stated that if the proposed ordinance is adopted, it should apply to charter schools and private schools as well.

With no one else wishing to speak, the public hearing was closed at 6:04 p.m.

Commissioner Wilson moved to recommend disapproval of the proposed ordinance. Commissioner Gukeisen seconded.

Commissioner Gukeisen stated that the proposed ordinance is unfair to future business owners because it applies only to vapor stores, but not to convenience stores that sell vape products. He further stated that if young people want to purchase e-cigarettes, they will, even if they must go to a store that is more than one thousand (1,000) feet from a school. He also expressed that if KISD is concerned about e-cigarettes, they should be the ones to address it. Commissioner Gukeisen stated that, if such an ordinance is approved, it should apply to all businesses that sell e-cigarettes, and to private and charter schools, not just public schools.

With no further discussion, the motion to recommend disapproval of the proposed ordinance passed by a vote of 7 to 0.



ORDINANCE AMENDING CHAPTER 31 – VAPOR STORES

PH-24-010

April 2, 2024

Background

- On January 23, 2024, the City Council made a Motion of Direction to have staff prepare an ordinance limiting vape shops to “B-4” and “B-5” only, and prohibiting them within one thousand (1,000) feet of a public school.
- Currently, vape shops are permitted in all zoning districts where retail stores are allowed (i.e. “B-2” and up).

Background

- If approved, the proposed ordinance would:
 - ▣ Allow vape shops only in “B-4” (Business District) and other less restrictive zoning districts (i.e. “B-5”, “M-1”, and “M-2”);
 - ▣ Prohibit vape shops within one thousand (1,000) feet of a public school, as measured in a straight line from property line to property line; and
 - ▣ Prohibit vape shops within the Historic Overlay District (HOD).

Background

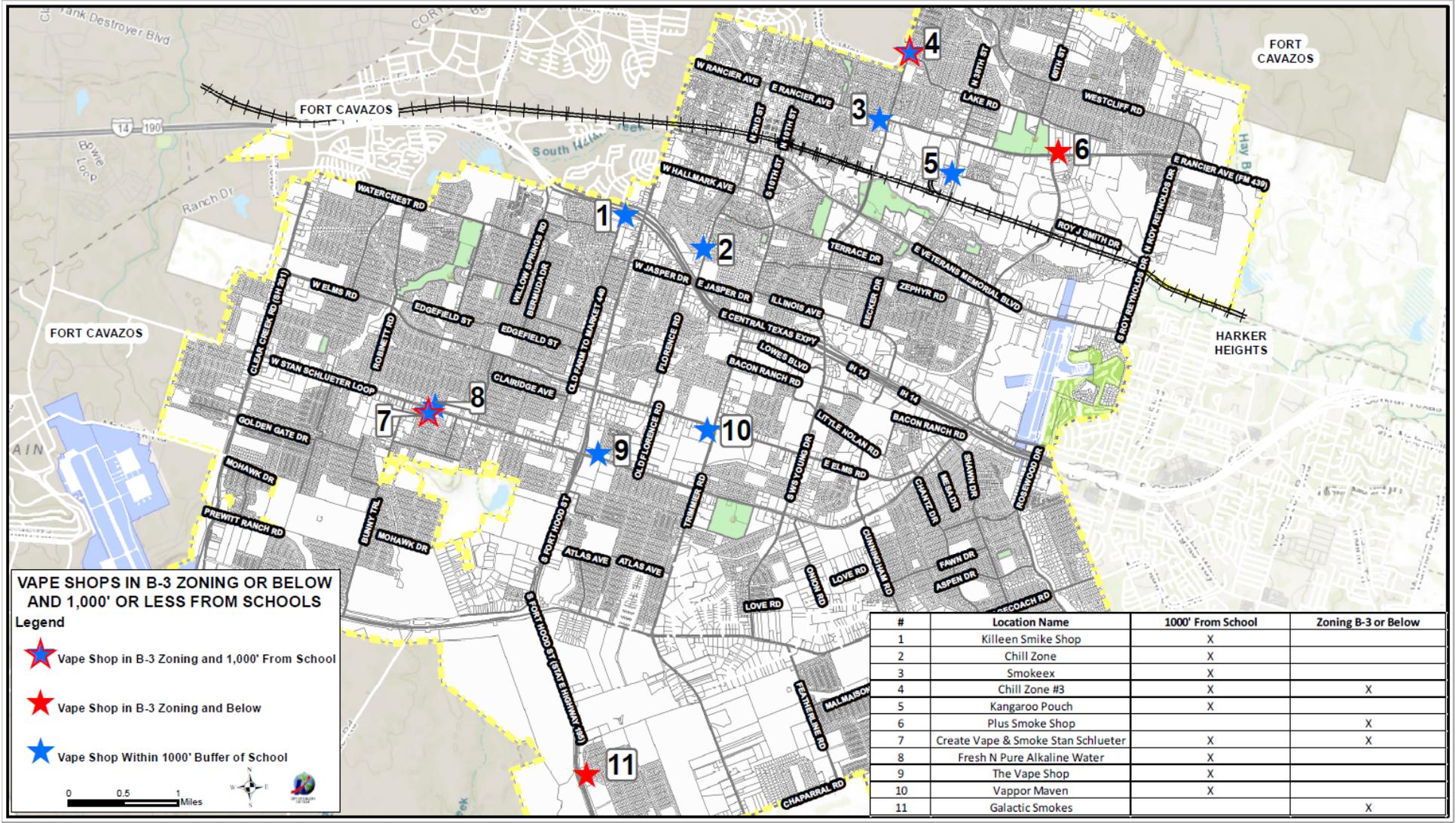
- As written, a “vapor store” is defined as: “a retail establishment that sells or offers for sale e-cigarettes, as defined by Chapter 147 of the Texas Health and Safety Code, and which receives at least eighty (80) percent of its gross revenues from the sale of e-cigarettes.”

Notification Requirements

- In accordance with S.B. 929 – which became effective on September 1, 2023 – staff sent written notices to property owners and tenants of all businesses that would become nonconforming if the proposed ordinance is adopted.

Public Notification

- Staff has identified eleven (11) existing businesses that would become legal nonconforming if this ordinance is adopted, including:
 - ▣ Seven (7) that are within 1,000 feet of a school;
 - ▣ Two (2) that are zoned “B-3” or more restrictive; and
 - ▣ Two (2) that are both within 1,000 feet of a school and zoned “B-3” or more restrictive.



VAPE SHOPS IN B-3 ZONING OR BELOW AND 1,000' OR LESS FROM SCHOOLS

- Legend**
- ★ Vape Shop in B-3 Zoning and 1,000' From School
 - ★ Vape Shop in B-3 Zoning and Below
 - ★ Vape Shop Within 1000' Buffer of School



#	Location Name	1000' From School	Zoning B-3 or Below
1	Killeen Smike Shop	X	
2	Chill Zone	X	
3	Smokeex	X	
4	Chill Zone #3	X	X
5	Kangaroo Pouch	X	
6	Plus Smoke Shop		X
7	Create Vape & Smoke Stan Schlueter	X	X
8	Fresh N Pure Alkaline Water	X	
9	The Vape Shop	X	
10	Vappor Maven	X	
11	Galactic Smokes		X

Public Notification

- Per Killeen Code of Ordinances, Sec. 31-51 and 31-52, the lawful use of a building or land upon the effective date of the proposed ordinance may be continued, although such use does not conform to the provisions in the proposed ordinance.
- If the proposed ordinance is adopted, the eleven (11) identified businesses will become legal nonconforming uses, and can continue to operate as-is.

Staff Recommendation

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- Staff recommends that City Council approves ordinance as presented.

Commission Recommendation

- At their regular meeting on March 4, 2023, the Planning and Zoning Commission recommended disapproval of the proposed ordinance by a vote of 7 to 0.
- Therefore, in accordance with Killeen Code of Ordinances Sec. 31-39(e), approval of the request will require the favorable vote of three-fourths (3/4) of all the members of the City Council (6 affirmative votes).