



**CITY OF KILLEEN**  
**AGENDA**  
**HERITAGE PRESERVATION BOARD**  
**May 26, 2020**  
**Zoom Online Conference Meeting**

To mitigate the spread of COVID-19, this meeting will be a virtual meeting closed to in-person attendance. Commissioners and Staff will attend virtually via Zoom Meeting. Members of the public may join the Zoom meeting by following this link: <https://zoom.us/j/92417524102?pwd=L3hhelJOVUlrWmVFVU54bEFmeHNDZz09>. The Meeting ID is 924 1752 4102 and password is 610375.

**CALL TO ORDER – 10:00 A.M.**  
**Zoom Online Conference**

<b>ROLL CALL</b>	
<b>HERITAGE PRESERVATION BOARD</b>  ___ Placidio Rivera, Chair ___ Michael DeHart ___ Vivian Bark ___ Vacant ___ Vacant	<b>EX OFFICIO</b>  ___ Ramon Alvarez  <b>STAFF</b> ___ Tony McIlwain, Interim Director of Planning and Development Services ___ Deirdre Kirk, Heritage Preservation Officer ___ Holli Clements, Deputy City Atty - Public Works

**CONSIDER APPROVAL OF AGENDA**

**CONSIDER APPROVAL OF MINUTES**

**AGENDA ITEMS**

- 1. Consider an ordinance revising Chapter 31 of the Code of Ordinances to update Use Regulations in the Historic Overlay District to disallow certain uses such as storage facilities, to allow mixed use developments, and to implement a Vacant Building Registry.**  
*Action required by Board at this time.*
- 2. Discuss Façade Improvement Grant application additions.**  
*No action required by Board at this time.*

**ADJOURNMENT**

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 Heritage Preservation Board 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.

**AMERICANS WITH DISABILITIES ACT**

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

I certify that the above notice of meeting was posted on the bulletin boards at City Hall and the Police Department and on the website of the City of Killeen, Texas before 10:00 a.m. on **May 22, 2020**.

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Deirdre Kirk, Revitalization Planner

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; INSTITUTING REGISTRATION AND STANDARD OF CARE REQUIREMENTS FOR VACANT STRUCTURES WITHIN AND SURROUNDING THE HISTORIC OVERLAY DISTRICT AND TIRZ BOUNDARIES; 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 designated an area within the City of Killeen as a Historic Overlay District (HOD); and,

**WHEREAS**, the City Council finds that registration and standard of care requirements for vacant buildings in the HOD will help preserve the historic character of the HOD and will help conserve the value of the buildings and community as a whole; and,

**WHEREAS**, the City Council finds that such amendments are necessary and will provide consistent and even application of regulations to all applicants;

**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 to read as follows:

~~CHAPTER 31—ZONING~~

~~ARTICLE IV.—DISTRICT REGULATIONS~~

~~DIVISION 17.—DISTRICT “HOD” HISTORIC OVERLAY DISTRICT~~

**Sec. 31-391. - Definitions.**

For the purposes of this division, the following definitions shall apply:

*Awning* shall mean a shelter projecting from and supported by the exterior wall of a building constructed of rigid and non-rigid materials on a supporting framework.

*Auxiliary sign* shall mean a sign indicating general information such as credit cards, pricing official notices required by law, directions, shop hours, community services, occupant and profession, and realty information.

*Banner* shall mean a sign made of cloth, plastic, or light fabric with no enclosing framework. Pennants are considered banners.

*Department shall mean the Planning and Development Services Department for the City of Killeen, Bell County, Texas.*

*Director shall mean the Executive Director of Development Services.*

*Downtown action agenda* shall mean the document adopted by city council per resolution 07-023R.

*Façade* shall mean the entire building front including the parapet.

*Ground sign* shall mean a billboard or similar type of sign which is supported by one or more uprights, poles or braces in or upon the ground.

*Hanging sign* shall mean any sign affixed to either an awning or the building.

*Historic* shall mean properties older than fifty years.

*Historic Overlay District shall mean an area designated as such in this Code.*

*Internally lit sign* shall mean a sign with an artificial light source incorporated internally for the purpose of illuminating the sign.

*Live/Work Unit shall mean a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of business.*

*Mixed-Use* shall mean a building or structure that contains a mixture of commercial and residential uses.

*Off-premises sign* shall mean a sign visible from any public traveled road or street displaying advertising or other copy that pertains to any business, person, organization, activity, event, place, service, or product not manufactured, sold, or provided on the same premises on which the sign is located. This definition for off-premises signs shall include any sign that does not qualify as an approved on-premises sign.

*Owner shall mean any person, agent, firm, partnership or corporation having a legal interest in the property.*

*Parapet* shall mean a low protective wall along the edge of the roof.

*Poster* shall be a sign made of paper or any non-rigid material with no enclosing framework.

*Projecting sign* shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

*Reflective tinting* shall mean any window tinting which demonstrates a reflective quality and impedes clear visibility into a building.

*Roof sign* shall mean a sign erected upon or above a roof or parapet of a building or structure.

Secured shall mean that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry by vagrants and criminals. Temporarily secured shall mean that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.

*Sign* shall mean any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors.

*Sign area* shall mean that area being the total square footage of the combined message or display surface. This area does not include structural supports for a sign, whether they be columns, pylons, or a building, or part thereof.

*Sign structure* shall mean any structure which supports or is capable of supporting a sign.

*Temporary sign* shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, metal, or other light materials, not intended for long term use. Banners and posters are temporary signs.

Vacant structure shall mean a structure in which all activity for which the structure was built or intended to be used has ceased, or reasonably appears to have ceased for thirty (30) days or more.

*Wall sign* shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face in a plane parallel to the plane of the wall as defined in appendix H of the city's adopted building code.

*Window covering* shall mean any material including, but not limited to, curtains, wood, fabric, cardboard, or paper which impedes visibility and is not intended to be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is affixed in any manner to the window or area surrounding the window.

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**Sec. 31-394 – ~~Conditional use Permit. Permitted Uses~~ 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 service.
  8. Electric utility substation.
- B. 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 designed, 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.
- 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 ~~business-land use or any use identified in the "full list" of the Killeen downtown action agenda for a specific parcel in the district~~ 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.

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**Sec. 31-401. – Vacant Structures in the Historic Overlay District.**

**A. Applicability and administration.**

1. This section shall apply to all vacant structures, as defined in this Article, which are now in existence or which may hereafter be constructed or converted from other uses and which are located within the boundary of the Historic Overlay District (HOD).
2. The director or designee is authorized to administer and enforce the provisions of this section.
3. The director or designee shall have the authority to render interpretations of this section and to adopt policies and procedures in order to clarify the application of its provisions.

**B. Registration required.**

1. The owner of a vacant structure shall have ninety (90) days from the date that

written notice is issued to the property owner in which to register a vacant structure with the City of Killeen Development Services Department. Written notice shall be issued to the owner of a vacant structure by means of personal service, or by first class mail to their last known address according to Bell County Appraisal District records, and by posting notice on the property. The Director may consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.

2. Upon the issuance of a notice to register a vacant structure, a property owner shall register with the Department and provide the following information:
  - a. The address and legal description of the property;
  - b. The name, physical address, mailing address, telephone number, and email information for any property owner(s) with an interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
  - c. The contact information for a local property manager or real estate agent for the property.
  - d. Proof of property insurance in an amount not less than the appraised value of the structure, as determined by the Bell County Appraisal District, or a surety bond for the value of structure if insurance cannot be obtained. This subsection is not applicable to single family residential structures.
  - e. A completed comprehensive plan of action form, provided by the department, detailing a timeline for correcting code enforcement violations, conducting rehabilitation and maintenance of the structure, and a plan for future use of the structure. The plan of action form must be updated every six (6) months.
  - f. A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.
  - g. Confirmation of criminal trespass affidavit, which shall be filed by the property owner with the Killeen Police Department. Said property owner shall post "No Trespass" placards on the premises. Additional employment of security services for the property for a specified number of hours every day may be required by the director on the basis of the property's history of code and/or criminal violations.
3. The owner of a vacant structure shall provide written notice to the director, including a copy of the deed, of a change in:
  - i) Ownership of the property;
  - ii) Contact information for either the owner or the designated manager.
  - iii) Written notice must be provided to the department no later than thirty (30) days after said changes have occurred.
4. Continued annual registration of the property by the owner of a vacant structure is required until said structure is deemed occupied and in compliance with all

relevant code requirements by the director.

C. Property manager or agent.

1. The owner of a vacant structure must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the vacant property owner remains personally liable in criminal prosecutions for code violations.
2. The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties except for single-family residential structures, the name and telephone number of the property manager or agent must be posted at the front of the building in large, legible print.

D. Standard of care for vacant property.

1. The standard of care, subject to approval by the director, shall include, but is not limited to:
  - a. *Protective treatment:* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight, and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
  - b. *Premises identification:* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (1/2) inch. All buildings shall display a vacant building identification placard as required by the director.
  - c. *Structure:* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
  - d. *Exterior walls:* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.

- e. *Roof and drainage:* The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.
  - f. *Decorative features:* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - g. *Overhang extensions and awnings:* All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
  - h. *Stairways, decks, porches and balconies:* All exterior stairways, decks, porches, and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - i. *Chimneys and towers:* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
  - j. *Handrails and guards:* All exterior handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - k. *Window, skylight and door:* All windows, storefronts, skylights, and exterior door parts, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the director.
  - l. *Basement hatchways and windows:* All basement hatchways shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.
2. All repairs shall be subject to approval by the director. All required permits and final inspections prior to and/or following repairs shall be in accordance with

applicable laws and rules. Historic properties and properties within the designated Historic Overlay District are additionally subject to all applicable rules and regulations as codified in chapter 31 of the Code.

3. Failure to maintain a vacant structure to the standard of care specified by the department is a violation of this section.

E. Jurisdiction, enforcement and penalties.

1. Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the director, to remedy the violation. Written notice shall be issued to the owner of a vacant structure by means of personal service, or by first class mail to their last known address according to Bell County Appraisal District records, and by posting on the property.
2. Failure to register with the department after written notice to owner of a vacant structure, as is hereinafter specified, is a violation of this Chapter pursuant to Section 31-7.

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

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

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

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

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

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Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Lucy C. Aldrich, CITY SECRETARY

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Traci Briggs, INTERIM CITY ATTORNEY



CITY OF KILLEEN  
OFFICE OF HISTORIC PRESERVATION

**2020 VACANT PROPERTY REGISTRATION CHECKLIST**

Please complete this checklist before submitting your Vacant Property Registration Form. It will help to ensure that the form is fully completed with required additional documentation included.

**SUBJECT PROPERTY FORMS AND ATTACHMENTS**

**SUBJECT PROPERTY ADDRESS:** \_\_\_\_\_

\_\_\_\_\_ Complete Registration Form

The following sections must be complete:

\_\_\_\_\_ Vacant Property Information

\_\_\_\_\_ Registrant Information including Plan of Action

\_\_\_\_\_ Plan of Action

\_\_\_\_\_ Signature of Owner or Property Manager

\_\_\_\_\_ Trespass Affidavit (requires notarization)

\_\_\_\_\_ Floor plan (if architectural drawing not available, floor plan can be hand drawn)

\_\_\_\_\_ Proof of liability insurance (single family homes exempted)

**FEES AND FEE WAIVERS**

All Registrations must include a check or money order for the required Registration and Inspection Fees or a written request for a Fee Waiver.

\_\_\_\_\_ Registration Fee (\$300 for all non-contributing properties with consecutive yearly increase of \$100)

\_\_\_\_\_ Inspection Fee (\$50, plus an additional \$0.01 per ft over 5,000 sq ft)

\_\_\_\_\_ Total Amount of Registration and Inspection Fees included (**both are required**)

**If submitting a registration after the 90 day registration deadline, a \$150 late fee applies.**

**If applying for a fee waiver, please make sure to complete this part of the checklist.**

\_\_\_\_\_ Select appropriate fee waiver type on page 4 of Registration Form

\_\_\_\_\_ Enclose signed letter requesting Fee Waiver and reason for the request

\_\_\_\_\_ Enclose supporting documentation for Fee Waiver request (for example, building permit, certificate of appropriateness, tax return, etc.)

Please contact the Case Manager listed on your notice letter with any questions about completing the Registration Form.

You will need to create a logon and you will need the Registration ID in the right corner of the registration letter.



**CITY OF KILLEEN  
OFFICE OF HISTORIC PRESERVATION**

**2020 VACANT PROPERTY REGISTRATION FORM**

**Instructions:** Complete all relevant fields in this registration form and the enclosed trespass affidavit (affidavit must be notarized). Return the registration form, the trespass affidavit and payment of the inspection and registration fees to:  
**City of Killeen | Office of Historic Preservation | 200 E. Avenue D | Killeen, TX 76541.**  
 Please make check or money order payable to "City of Killeen".

**VACANT PROPERTY INFORMATION  
SUBJECT PROPERTY**

**Physical address of Subject Property:**

City:	State:	Zip Code:
Number of Vacant Buildings:		Total Vacant Square Footage:
Last Date of Occupancy:		Single Family Property (Y/N):

**REGISTRANT INFORMATION  
OWNED BY INDIVIDUAL(S)**

**Name of First Property Owner:** \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Physical address of Owner:

City:	State:	Zip Code:
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Mailing address of Owner:

City:	State:	Zip Code:
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Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name of Second Property Owner (if applicable):** \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Physical address of Second Property Owner:

City:	State:	Zip Code:
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Mailing Address of Second Owner:

City:	State:	Zip Code:
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Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_ Email: \_\_\_\_\_

List of Additional Property Owners:

**OWNED BY CORPORATION, LIMITED PARTNERSHIP, LIMITED LIABILITY COMPANY,  
TRUST, ESTATE, OR OTHER LEGAL ENTITY**

**Name of Entity:** \_\_\_\_\_

Physical Address of Entity:

City:	State:	Zip Code:
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Mailing Address of Entity:

City:	State:	Zip Code:
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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name of Registered Agent/Trustee/Representative:** \_\_\_\_\_

Physical Address of Agent:

City:	State:	Zip Code:
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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address of Agent:

City:	State:	Zip Code:
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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**DESIGNATED LOCAL PROPERTY MANAGER**

**Name of Property Manager:** \_\_\_\_\_

Mailing Address of Property Manager:

City:	State:	Zip Code:
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Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## VACANT PROPERTY INFORMATION

### PLAN OF ACTION\*

1.) Provide a **detailed timeline** for correcting all violations and a plan to meet the minimum standard of care for vacant properties as outlined in Chapter 31, Article IV, Division 17 of Killeen's City Code.

Common violations of the maintenance standard of care include, but are not limited to, missing windows and doors, plywood on windows and doors, exterior walls and trim needing paint, exterior walls and trim needing repair due to damage or rot, etc. (**See attached Sec. 13-401 D. Standard of Care** for complete list of ordinance maintenance requirements for vacant properties.)

2.) Identify the measures that will be taken to maintain the property while it is vacant.

3.) Provide a detailed plan for how the vacant building will be rehabilitated and identify a future use for the property.

**\*This Plan of Action must be updated and delivered to the City of Killeen every six (6) months.**

**FEE WAIVER REQUEST**

The following fee waivers may be applied to your registration if you meet one or more of these qualifications. Please check the fee waiver that you would like to apply for, include a written request for a fee waiver and attach any pertinent documentation to this registration form as evidence for the waiver.

- 1.) \_\_\_ Your property has been devastated by a catastrophe such as a fire or flood within the past 30 days.
- 2.) \_\_\_ The owner of the property is indigent.
- 3.) \_\_\_ You are a representative of a property owner who is deceased or no longer legally competent.
- 4.) \_\_\_ You have obtained a building permit and are progressing in an expedient manner to prepare the premises for occupancy.
- 5.) \_\_\_ You have maintained your property that is not a single family residence to the standard of care for at least two years.

**\*\*Fee Waivers granted by the City of Killeen are only valid for the current calendar year.\*\***

**REQUIRED ATTACHMENTS**

- 1.) Proof of liability insurance, no less than \$100,000, for the property or a surety bond for the value of the property, if insurance cannot be obtained. Said value shall be the appraised value as determined by the Bell County Appraisal District.  
**\*\*This requirement is not applicable to single family residential structures\*\***
- 2.) A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.
- 3.) A "Criminal Trespass" affidavit from the Killeen Police Department and visual proof (e.g. photograph) that "No Trespass" placards have been placed on the premises (see form enclosed).
- 4.) If applying for a fee waiver or extension, include a written letter requesting such and any applicable supporting documentation.

**REGISTRATION & INSPECTION FEES**

A check, money order or a written request for a qualified fee waiver must be submitted with this application. **Please make checks payable to City of Killeen.**

**ALL NON-CONTRIBUTING BUILDING**

Registration Fee	\$300 with \$100 increase every consecutive year
Inspection Fee	\$50 – plus an additional \$0.01 per ft over 5,000 sq ft
Late Registration Fee	\$150 if registered more than 90 days of date on registration notice letter

**SIGNATURE**

The undersigned hereby attests to the above information as accurate. Any falsification may result in the denial or revocation of registration for a vacant building.

\_\_\_\_\_  
Signature of Owner or Registered Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Manager (if applicable)

\_\_\_\_\_  
Date

## Sec. 31-401. – Vacant Structures in the Historic Overlay District.

### D. Standard of care for vacant property.

1. The standard of care, subject to approval by the director, shall include, but is not limited to:
  - a. *Protective treatment:* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
  - b. *Premises identification:* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102mm) high with a minimum stroke width of one-half inch (12.7mm). All buildings shall display a vacant building identification placard as required by the director.
  - c. *Structure:* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
  - d. *Exterior walls:* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.
  - e. *Roof and drainage:* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.
  - f. *Decorative features:* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good

repair with proper anchorage and in a safe condition.

- g. *Overhang extensions and awnings*: All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
  - h. *Stairways, decks, porches and balconies*: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
  - i. *Chimneys and towers*: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
  - j. *Handrails and guards*: Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
  - k. *Window, skylight and door*: Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the director.
  - l. *Basement hatchways and windows*: Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.
2. All repairs shall be subject to approval by the director. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules. Historic properties and properties within the designated historic overlay district are additionally subject to all applicable rules and regulations as codified in chapter 31 of the Code.
  3. Failure to maintain the vacant property to the standard of care specified by the department is a violation of this article.

DATE: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_

NIGHT PHONE NO: \_\_\_\_\_

MANAGER/OWNER: \_\_\_\_\_

To the Killeen Police Department:

I request assistance from the Killeen Police Department in dealing with the problem of trespassing on my property listed above. I understand that for the criminal statute to be enforced, the property must be posted with clearly visible signs advising of no trespassing. The Texas Penal Code states:

§ 30.05. CRIMINAL TRESPASS

(a) A person commits an offense if he enters or remains on or in property, including an aircraft or other vehicle, of another without effective consent or he enters or remains in a building of another without effective consent and he:

- (1) had notice that the entry was forbidden; or
- (2) received notice to depart but failed to do so.

(b) For purposes of this section:

- (1) "Entry" means the intrusion of the entire body.
- (2) "Notice" means:

- (A) oral or written communication by the owner or someone with apparent authority to act for the owner;
- (B) fencing or other enclosure obviously designed to exclude intruders or to contain livestock;
- (C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden;...

I am providing the Killeen Police Department with this written authority to arrest any persons found on the property in violation of the above mentioned Code.

I also agree to pursue the filing of applicable charges and assist in the prosecution of violators of applicable statutes by appearance and testimony in any court proceedings concerning criminal trespass on the above listed property.

I also understand that if a person is arrest for Criminal Trespass on the property, the Killeen Police Department will attempt to contact me to advise me of the arrest and request that I come to the Police Department to sign a complaint. If I cannot be contacted or if I am contacted and unable to respond to the Police Department at that time, I authorize the arresting officer to act as my agent in the filing of nay charges and signing the complaint.

\_\_\_\_\_  
Signature of Manager/Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State



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# Historic District Reimbursable Façade Improvement Grant

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(Phase II)

## APPLICATION PACKET

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## Introduction

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The City of Killeen seeks to create high-impact visual improvements to enhance the image of downtown through the historic restoration and rehabilitation of commercial storefronts located in the Historic Overlay District. **This grant is for a property owner of a Historic District eligible building that houses an active business on the premises.** As an economic incentive, the City has designed the following reimbursable façade grant program.

Phase II of the City of Killeen Façade Improvement Program (FIP) is a single payment reimbursement to **an active business** property owners on an 80/20 matching basis up to \$10,000 per principal façade grant with a maximum payout of \$20,000 for a dual principal facade.

Grants are available on a first come, first served basis until total funds are depleted. No grants will be awarded for work that has already been done. All submitted work must comply with the Secretary of the Interior's Standards for Rehabilitation (see page 9), Historic District Design Guidelines, and the Historic Overlay District standards and be approved by the City of Killeen.

## Application Instructions

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Applicants should review the program guidelines, submit the Application with required documents, and follow the application process steps enclosed in this application packet.

**Prior to any work being initiated, the attached Application must be submitted with required supporting documents to Planning and Development Services for review by staff at the City Hall Annex building (200 East Avenue D, 2nd floor).**

**If you have any questions, please contact the Revitalization Planner at (254) 501-6591.**

**City of Killeen Planning & Development Services  
200 East Avenue D, 2<sup>nd</sup> Floor  
Killeen, TX 76540-1329  
Phone: (254) 501-7630**

## PROGRAM GUIDELINES

### Eligible Properties and Owners

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1. An Applicant must be the property owner within the Historic Overlay District as identified in the attached map (pg. 7);
2. **Only non-residential, commercial, retail or office buildings;**
3. No application will be accepted for any project from a property owner who is in arrears in the payment of property taxes, special assessments, or other liabilities due the City;
4. Property must have an active/current business status (a business in operation) **OR** that will be occupied by an owner-operated business within one hundred eighty-one (181) days of completion of the façade improvement;
5. Property owner must have insurance equal to or greater than the appraised value of the building [based upon the Bell County Appraisal District most recent tax assessment]; and
6. Property owner must have had no reported incidence involving the authority of the Police or Fire department in the most recent twelve (12) months prior to application submittal.

### Eligible Improvements and Costs

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The minimum standards of façade improvements in the Historic Overlay District require compliance with **the following, to be read by the applicant with signed acknowledgment form:**

1. Secretary of the Interior's Standards for Rehabilitation (see attached, pg. 9);
2. Historic District Design Guidelines;
3. Historic Overlay District Standards; and
4. City Municipal Code and Ordinances.

**Eligible façade improvements include all costs directly attributable to the improvements of the principal [architectural, street-facing, front] façade or a dual principal [a building containing a façade facing one or more street sides] façade. Examples of eligible façade improvements include:**

- Façade restoration;
- Window, door or awning replacements;
- Exterior painting; and
- Other exterior storefront improvements including incidental improvements associated with achieving a completed project to include: exterior cleaning, removal of old signs, awnings and other exterior clutter.

**Additional improvements may be determined to be eligible on a case-by-case basis for those properties that:**

- Have a rear facade which contains a primary entrance for the public;
- Have a non-principal façade, which is also visible from the public right-of-way; and
- Satisfy other determinations approved by the Heritage Preservation Board.

**Ineligible Improvements include, but are not necessarily limited to:**

- New construction or additions;
- Interior improvements;
- Improvements completed or started prior to application approval for this program;
- Security systems, fire alarms/systems, structural upgrades, vinyl or aluminum siding;
- Removal of physical or visually architectural features of the building; and
- Paving, sidewalk repair or replacement.

## Claw Back Agreement

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The City of Killeen reserves the right to claw back a percentage of grant monies awarded to that business if that business becomes inactive under the following:

- Within the first six months after the reimbursement is awarded: If there is no active business or if the business leaves within the first year after being established, 100% of the reimbursement will be clawed back;
- Within the first two years after the façade improvement grant is awarded: If the business leaves, 50% of the reimbursement will be clawed back;
- Within three to five years after the façade improvement grant is awarded: If the business leaves, 30% of the reimbursement will be clawed back.

The Applicant agrees that if found in violation of the grant requirements, they must return the grant funds. If grant funds are not returned within thirty (30) days of notice, Applicant acknowledges and agrees that the City may take legal action to recover such funds and any other relief provided for by law.

## Grant Guidelines and Requirements

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- **Minimum Improvement Standards.** Applicants receiving the grant must have façade improvements that conform to the Secretary of the Interior's Standards for Rehabilitation, Historic District Design Guidelines, Historic Overlay District standards, and Municipal Code of Ordinances.
- **Maximum Grant.** The grant is a single payment reimbursement on an 80/20 matching basis (80% City funds/20% property owner funds) with a maximum grant of \$20,000 from City funds with \$10,000 per front facing facade.
- **City Permit and Approval.** The applicant is required to obtain all required City permits and City approvals prior to the commencement of any work.
- **Contact HUB Contractors.** Applicants must request a quote from at least two historically underutilized businesses in Bell County for projects that exceed \$3,000 in improvements.
- **No Prior Obligations.** Applicants must have all property (real and personal) taxes, utilities obligations and other obligations to the City paid in full at the time of application submittal.
- **Inspection.** The City of Killeen Planning and Development Services Department [including the **Heritage Preservation Officer and Code Enforcement**] will inspect the project site [interior/exterior] for code compliance and will also inspect the work performed by the contractor, as required by State or local building codes and/or ordinances, **during and** at the completion of the project. These inspections will ensure compliance with all components of the Façade Improvement Grant Program **and are mandatory before grant reimbursement.**
- **Grants per Applicant.** A maximum of \$20,000 will be awarded under this program to an applicant each Fiscal Year (October 1 to September 30). Priority will be given to applicants who have not yet received a façade improvement grant.
- **Cost Evaluation.** The Heritage Preservation Officer and/or Heritage Preservation Board will examine the total cost of any proposed façade improvement to ensure that a grant is warranted.
- **Façade Maintenance.** Grant recipients hereby agree to properly maintain the improvements at all times. Grant funds must be replaced if the terms of the grant are not satisfied.
- **Code Compliance.** The Applicant, by submission of this Application, represents the construction, described within the Application, shall be used in a building which is in compliance with all codes and ordinances.

## Approval Criteria

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Approval of applications shall be based on the funds available with the highest priority given to applications in Category 1, and then, in descending order, with applications in Category 5 having the lowest priority. Grants will be awarded on a first-come, first-served basis with the following criteria prioritization applied when multiple applications have been submitted simultaneously **after the first month of grant renewal**. The Heritage Preservation Officer and, in some instances, the Heritage Preservation Board use discretion in awarding these facade grants and have the right not to approve any application.

**Category 1. Code Compliance.** Projects that bring windows or other façade elements into compliance with the Historic Overlay District standards, the Historic District Design Guidelines and Municipal Codes and Ordinances.

**Category 2. Historic Preservation Priority.** Projects listed as “high” or “medium” priority in the Historic Resources Survey<sup>1</sup>.

**Category 3. Visual Impact.** Projects that substantially enhance the visible appearance of the façade to pedestrians and the traveling public.

**Category 4. Other Improvements.** Projects that include new façade improvements whose owners wish to upgrade the appearance of the storefront.

**Category 5. Previous Recipients.** Additional Projects from businesses that have already received a City of Killeen facade grant in the past.

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<sup>1</sup> Killeen Historic Resources Survey 2008, Preservation Central Inc

## Application Process

The following steps will help guide you through the façade grant process.

1. **Determine Eligibility:** Review the guidelines in this application packet and set up an appointment with the Heritage Preservation Officer (HPO) to discuss project plans before applying for a permit or commencing the work. All applicants are required to present their grant reimbursement project to the HPO for review. No grants will be awarded for work that has already been initiated or completed. Contact the HPO at 254-501-6591 with any questions.
2. **Complete the Façade Improvement Grant Application** (attached) and obtain and enclose the following required items:
  - a. Scale drawing or photographs of proposed work;
  - b. Final color samples and materials to be used; and
  - c. At least three (3) contractor quotes
3. Applicants must request a quote from at least **one** historically underutilized business for projects that exceed \$3,000 in improvements. **A completed certified contractor qualification and certification form for each quoted business also needs to be provided.**
  - a. Applicants must request a quote from at least **one** historically underutilized business (HUB) located in Bell County for projects that exceed \$3,000 in total. For the HUB directory, log on to: <https://mycpa.cpa.state.tx.us/tpasscmlsearch/tpasscmlsearch.do> In the opening screen type in Bell in the “county” field and “submit search”. If this list fails to identify a HUB vendor in Bell County that does this type of work, then you are exempt from having to get HUB vendor quotes.  
 Applicants should still provide three quotes with their application if the HUB listing search fails to provide a vendor that does this type of work. All quotes submitted by an Applicant must be current and dated no earlier than sixty (60) days prior to the Application submittal.  
 Quotes shall be submitted on the contractor’s or project architect’s letterhead and shall contain the contractor’s name, address, and telephone number. Quotes shall be itemized in a manner that will allow the City staff to determine the quote components and authenticity of the quote. Any grant awarded shall be limited to the amount of the City’s participation (80% match, up to a maximum of \$20,000), based on the lowest responsible estimator’s quote.  
 If Applicant chooses to select a contractor that is not the lowest responsible estimator, as determined in the City’s sole discretion, Applicant is advised, and, by the submission of this Application, hereby agrees that the City’s participation shall not exceed 80% of the lowest responsible estimator’s amount, up to \$10,000 per principal façade (\$20,000 max).
  - b. Self-contracted work may be reimbursed for legitimate expenses, excluding **labor and** the cost of previously acquired materials/equipment. **The cost of labor is required to be broken down and shall not exceed the initial agreed upon expenses within the provided quote. All receipts must be submitted for labor and materials, or payment is subject to being denied by the Finance Department.**

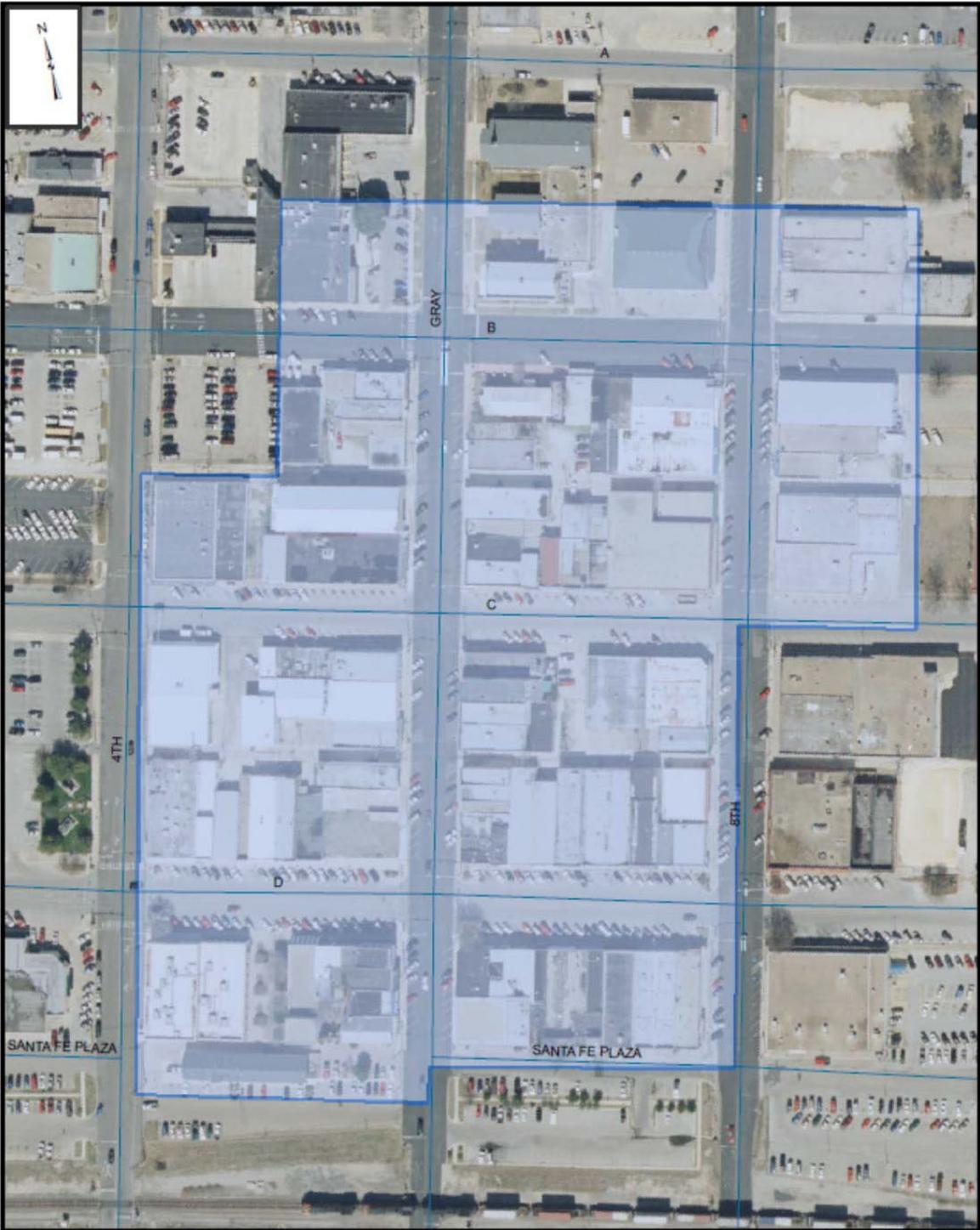
4. **Submit your Façade Improvement Grant Application** with all required items to the Planning and Development Services Department at 200 East Avenue D (2nd floor). Applications with all required items will be reviewed by the HPO. The HPO has the authority to grant approval of the application if, in his or her opinion, there are no issues requiring consideration by the Heritage Preservation Board (HPB).
5. **The approval process** will include without limitation the following items:
  - a. The HPO will conduct a review of the application form, submitted items and issue approval, request revisions to project components, or determine whether further review and consideration by the HPB is necessary. All Façade Improvement Grant Applications must be approved and a permit must be issued prior to the initiation of any work, including construction and/or installation of any improvement.
  - b. The HPO shall only consider Applications that have been properly and fully completed and that contain all information required in the Application or additional information requested by City staff or the HPB.
  - c. No Applicant has a right to receive façade grant funds, and the City hereby expressly denies the creation or existence of any perceived property right to the same unless and until an application is approved in accordance with terms of this Application. The HPO and/or HPB shall consider any Application, utilizing their sole discretionary authority, to determine whether approval of a grant and the grant amount would be in the best interest of the Grant Program and the City. The review criteria may include, but shall not be limited to, compatibility with existing downtown structures, architectural design, streetscape objectives, and overall redevelopment of the Historic Overlay District.
  - d. Notwithstanding any provision in this Applicant to the contrary, final approval for any façade grant shall be vested in the City Council of the City of Killeen, at its sole discretion.
  - e. An Applicant who submits an Application that was denied by the HPO, HPB and/or the City Council shall not be eligible to re-submit a grant Application for six (6) months from the date the prior Application was finally denied.
  - f. If the proposed project is deemed inappropriate or incompatible with the Historic District Design Guidelines, Historic Overlay District Standards, or other Municipal Codes and Ordinances, the HPO will advise the Applicant accordingly and may recommend changes to the design. If the applicant submits a project design based upon the HPO's recommendations, the application will be reviewed a second time. If the Applicant disagrees with the HPO on any issue, the HPO shall refer the application to the HPB for resolution.
6. **Funding Commitment Letter:** Upon approval of the Façade Improvement Grant Application, the HPO or HPB will issue a Funding Commitment Letter (If you have not received a Funding Commitment Letter from the Planning and Development Services Department advising that your Application has been approved, your proposed improvements are not approved for funding or have been determined to be out of compliance with the City's design standards).
7. **Permit:** Following the issuance of the Funding Commitment Letter, Applicant must obtain a permit from the Building and Inspections Division office located at 100 E. Avenue C or via the Internet at <http://www.killeentexas.gov/files/Construction-Permit-Application.pdf>. Building and Inspections will notify you at such time the permit receives approval.

8. **Arrange for façade improvement construction** with selected contractor after receiving the Funding Commitment Letter and City permit. **Any changes to the approved façade improvements, materials, or other considerations must be approved by the HPO in advance, in writing, or the City may withdraw the funding commitment and disqualify the applicant.** Approved façade improvement grant funds are available to the applicant for six (6) months after grant approval, as indicated by the date of the Funding Commitment Letter. If no request for payment has been received following this period, the applicant forfeits any claim to the grant and may not reapply for another grant for one year.
9. **Reimbursement:** After the entire grant project has been completed, Applicant shall notify the Planning and Development Services Department that construction is complete and Applicant shall submit proof of payment through a paid receipt from the contractor-include copies of cancelled checks and/or credit card receipts; this begins the process of reimbursement to the applicant. The City will then inspect the property to verify that the façade improvements are consistent with the approved Façade Improvement Grant Application plans and is in full compliance with the permit before issuing a single payment reimbursement.

**APPEAL PROCESS:** If an applicant wants to appeal a decision made by the HPB, then the façade grant application will be brought to the City of Killeen City Council for review and City Council's determination shall be deemed the final action regarding the application.

**If you have any questions, please contact the Planning and Development Services Department at (254) 501-6591.**

# Historic Overlay District Map



Date: 01/12/2008	Downtown Historic District		CITY OF KILLEEN PLANNING/MAPPING P.O. BOX 1329 KILLEEN, TEXAS, 76540-1329
	200' Buffer for Notifications		

## Historic Property Rehabilitation Tips

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- Carefully examine old buildings for termites, wood rot and general deterioration.
- When repairing a building, do not cut expenses on the roof or the foundation.
- Carefully locate air-conditioning units to avoid water condensations on the sides of buildings. Condensing units should be supported from the masonry walls and not placed directly on the roof.
- The top brick cornices that project above the roof deteriorate rapidly unless they are capped with metal, terra cotta, stone or concrete.
- When mortar is missing or in poor repair, moisture will enter the walls and eventually may cause structural damage. Deteriorated mortar should be removed to a depth of at least three-fourths of an inch and replaced with new mortar that matches the old in color, texture and striking of the joint.
- Do not sandblast. Chemicals and/or water can remove dirt and paint without damaging the surface of the building.
- Do not paint too often; many times a building only needs mild washing.
- If the building has stone or brick that has never been painted, do not create a maintenance problem by painting it.
- Existing architectural details, including old wood doors, windows, ceilings, and trim work add to the character of a building and its resale value. Repair these features rather than remove them.
- Wood windows are reasonable to repair, if a specialist in window repair can be found. If the windows are missing, custom-made windows can be ordered for replacement in old buildings.
- Pressed metal ceiling panels are still being manufactured today with some of the same patterns installed originally. Deteriorated panels, therefore, can be replaced exactly.
- Do not use aluminum siding. It can hide water penetration into the walls and accelerate deterioration.
- Before rehabilitating a building façade, take a careful look at the structural aspects of the building. Develop a design that is compatible with neighboring buildings.
- Retain a sense of continuity by carrying exterior building design inside the structure.
- Demand quality.

## Secretary of the Interior's Standards for Rehabilitation

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Any proposed improvement project submitted by an Applicant shall demonstrate and incorporate an awareness of the Standards of Rehabilitation as follows:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its original intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features will disqualify any building from this program.
3. All building, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged and may disqualify any building from this program.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance may be recognized and respected.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting, chemical or physical treatments, and other cleaning methods that will change or damage the historic building materials shall not be undertaken.
8. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
9. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such addition or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. New additions should be compatible to the present structure in massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

# Façade Improvement Grant Application (Phase II)

## APPLICANT INFORMATION

Building Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Building Address (if different than above): \_\_\_\_\_  
 Contact Name(s): \_\_\_\_\_ Email: \_\_\_\_\_  
 Contact Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

## BUILDING INFORMATION

Physical Address: \_\_\_\_\_  
 Property Legal Description: \_\_\_\_\_  
 Year of Construction: \_\_\_\_\_ Number of Stories: \_\_\_\_\_  
 Building Space Type (check one):  Commercial, Retail, Restaurant  Office  Other

Building Insurance Information	9a. Insurance Agent Name:	9b. Agent Telephone Number:
	9c. Policy Number:	9d. Policy Effective Date:

**Details of Planned Improvements:** (attach additional paper if necessary)

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

### ATTACH THE FOLLOWING REQUIRED DOCUMENTS (Estimate Analysis Form)

- Scaled drawings/plans of proposed work/color samples/description of materials to be used.
- Contractor Quotes/Bids (attach a minimum of three original proposals unless the work is self-contracted).

(1) Contractor's Name \_\_\_\_\_ Cost Estimate \$ \_\_\_\_\_  
 (2) Contractor's Name \_\_\_\_\_ Cost Estimate \$ \_\_\_\_\_  
 (3) Contractor's Name \_\_\_\_\_ Cost Estimate \$ \_\_\_\_\_

*Quotes/bids submitted by an applicant must be current and dated no earlier than sixty (60) days prior to the Application request. Quotes/bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractors name, address, and telephone number.*

**Total Cost of Proposed Façade Project:** \$ \_\_\_\_\_  
**Total Grant Amount Requested:** \$ \_\_\_\_\_

**Signature page follows.**

**Façade Improvement Grant Program Agreement Form**

I have met with the Planning and Development Services Department, and I fully understand the Façade Improvement Grant procedures and details established by the City of Killeen. I intend to use this Grant program for the aforementioned renovation projects to forward the efforts of the downtown revitalization and heritage preservation program.

I affirm and understand that:

- a) The information submitted herein is true and accurate to the best of my knowledge.
- b) I have read and understand the City of Killeen’s Façade Improvement Grant Program Guidelines and the Historic District Design Guidelines and agree to be bound by and abide by these conditions.
- c) I understand that receipt of a Façade Grant Funding Commitment Letter from the City of Killeen does not constitute application or approval for a City of Killeen permit.
- d) I understand that construction of proposed improvements cannot begin until the Heritage Preservation Officer (HPO) and/or Heritage Preservation Board (HPB) acts upon this Façade Grant Program application and issues a Funding Commitment Letter.
- e) I understand that any changes made to the approved façade improvements without the approval of the HPO or HPB will be cause for the City of Killeen to withdraw its funding commitment.
- f) I understand that the owner/applicant will be obligated to maintain the building improvements, assisted through this program for a period of five (5) years from the date of project completion.
- g) The Owner hereby agrees, as the Façade Improvement Program Applicant and property owner (“Owner”), that if the Façade Improvement Program proposal is awarded, a demand for repayment shall be made and a lien securing the interest of the City of Killeen funds will be placed on the real property requiring repayment of the City funds invested unless: 1) an active and legal commercial business is occupying and operating from the project site address within six (6) months of the date of the reimbursement payment from the City to the Owner; and 2) an active legal commercial business is operating on the project site for a period of five (5) years. In the event of lapses in active commercial activity at the project site due to business failure, lease termination or similar or unforeseen causes during this period, **the stipulations within the Claw Back Agreement will be enforced.** Upon business recommencement, the time period will again begin to lapse.

\_\_\_\_\_  
**Business/Organization Name**

\_\_\_\_\_  
**Applicant’s Signature** **Date**

\_\_\_\_\_  
**Building Owner’s Signature** **Date**

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\_\_\_\_\_  
**Downtown Revitalization Planner Approval** **Date**

\_\_\_\_\_  
**Planning & Development Services Director Approval** **Date**

\_\_\_\_\_  
**City Manager Approval** **Date**

Contractor Qualification &  
Certification Application



**CITY OF KILLEEN**

Planning & Development Services Department  
Façade Grant Improvement Projects

200 E. Avenue D, 2<sup>nd</sup> Floor  
Killeen, Texas 76542  
(254) 501-7641

## INTRODUCTION

The City of Killeen Planning and Development Services Department provides City funding to promote high-impact visual improvements to enhance the image of downtown through historic restoration and rehabilitation of commercial storefronts located in the Historic Overlay District.

These funds provide active businesses within the Historic District with a means to maintain and uphold historic structures, to return buildings to their original frontage, and to bring improved pride to their business front. Improvements include construction, rehabilitation, and /or renovation of buildings.

In order to complete these projects, the City contracts with reputable, experienced contractors to provide quality results in expenditure of its City funding. The Planning and Development Services Department is also required, to the greatest extent feasible; to include employment and/or contracting opportunities arising out of expenditure of HUD funding, be made available to low- and very-low income persons and business owners, and business owners that employ low-income individuals, particularly those who are recipients of government assistance for housing. As governed by 24 CFR Part 135-Economic Opportunities for Low- and Very Low-Income Persons. Contractors interested in participating in City of Killeen Planning and Development Services Department projects must complete the qualification and certification application/approval process (QCAP). The certification process must be complete prior to an award of any Planning and Development Services Department City funded construction project.

Upon approval and contract award, QCAP contractors and their subcontractors, along with their employees, are expected to maintain a certain level of professionalism and keep an open line of communication between program staff, city departments, and project owners for the duration of the project schedule. This method will insure the City funded projects are completed to everyone's satisfaction.

Planning and Development Services Staff is available to meet with contractors to provide a brief orientation on the application, bidding procedures, and program operations. Applicants will have an opportunity to ask questions, become familiar with program rules and regulations, and to meet with program staff. Technical assistance with this application, bid documents and governing regulations will also be provided by Planning and Development Services Staff.

Interaction between the contractor, the city and owner is essential and necessary to bring about the success of any project. We look forward to your participation and cooperation in assisting us with achieving our goals in meeting the needs of our communities.

For more information, please contact our office M-F 8:00 to 5:00, at (254) 501-7641.

City of Killeen  
Planning and Development Services Department

*City of Killeen Planning & Development Department  
Contractor Qualification & Certification  
April 2020*

## DEFINITIONS

The following terms and phrases are defined as follows:

**Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts** shall mean compliance with City ordinances implementing Executive Order 12549 and 12689 regarding debarment, suspension or other Government-wide exclusion initiated as the result of a sanctioned party from further participation in HUD procurement and non-procurement programs and other Federal Government programs as a measure to ensure the highest standards of professional conduct and ethical business practices by the Federal Government's business partners.

**"Section 3 Economic Opportunities for Low- and Very Low-Income Persons" or "Section 3"** shall mean Section 3 of the Housing and Urban Development Act of 1968, as amended.

*Low and Very Low-Income includes persons whose incomes do not exceed 80% of the median income for the Killeen-Temple, Fort Hood Area; Very Low-Income includes persons whose incomes do not exceed 50% of the median income or the Killeen-Temple, Fort Hood Area.*

Section 3 Business Concern (s3BC) means a business concern, as defined as:

- a. 51% or more of the business is owned by section 3 residents (recipients eligible for housing and community development assistance available through HUD programs;
- b. Whose permanent, full-time employees include persons, at least 30% of whom are currently section 3 residents, or within 3 years of the date of first employment with the business were section 3 residents; or
- c. That provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in (a) or (b) above.

**Section 3 Business Registry** means a listing of firms that have self-certified that they meet one of the regulatory definitions of a Section 3 business and are included in a searchable online database that can be used by agencies that receive HUD funds, developers, contractors, and others to facilitate the award of certain HUD-funded contracts; the registry can also be used by Section 3 residents to identify businesses that may have HUD-funded employment opportunities.

*A Section 3 Business Concern may be required to provide evidence of eligibility factors ensuring they meet the definition of a Section 3 Business Concern as defined by HUD's regulations at 24 CFR 135.5*



# CONTRACTOR QUALIFICATION & CERTIFICATION

Complete all sections of this form as it applies to the applicant as of the date form is submitted. Incomplete sections, false or misleading information is cause for disqualification in this approval process.

<b>Name:</b>			
<b>Telephone:</b>			
<b>Email:</b>			
<b>Address:</b>			
<b>Principal Office Address:</b>			
<b>Company URL:</b>			
<b>FEIN:</b>		<b>DUNS:</b>	

<b>Type</b>		Corporation	Attach: Articles of Incorporation; Corporate By-Laws; Stock Register OR current certification obtained through another certifying entity	Sole Proprietorship/ Individual	
		Limited Liability Co.	Attach: Articles of Organization; Regulations or Operating Agreement; Membership Certificates OR current certification obtained through another certifying entity	Partnership (Limited/General) or Franchise	Attach: Complete copy of partnership agreement including buy/out rights and profit sharing, Franchise Agreement OR current certification obtained through another certifying entity
<b>Registered with State of Texas as Historically Underutilized Business (HUB)</b>				Yes	No
<b>Section 3 Business Concern</b>		Federal law mandates a number of requirements with respect to Section 3 business concerns and such requirements are defined under federal law. Attach Certification from the State of Texas or complete the attached Section 3 Certification form		Section 3 Business Registry Complete <a href="http://www.hud.gov/sec3biz">www.hud.gov/sec3biz</a>	

It is essential that all documents, as applicable, accompany this application form. The effective date of the application is the date when ALL REQUIRED DOCUMENTATION has been received, not the date of submission of an incomplete packet.

<b>Type of Work:</b>		General Contractor		HVAC		Concrete/ Brick Masonry		Painting/Dry Wall
		Electrical		Plumbing		Carpentry		Lead Hazard Control
		Landscaping		Maintenance/ Janitorial		Security		Information Technology
		Roofing		Flooring		Fire Sprinkler		Insulation
		Other:						

**Organization:**

How many years has your organization been in business?	
How many years has your organization been in business under its present business name?	
Under what other or former names has your organization operated?	

If organization is a <b>CORPORATION</b> answer the following:		Not Applicable	
Date of incorporation:		State of incorporation:	
President's Name: <i>Last, First, Middle</i>		Treasurer's Name <i>Last, First, Middle</i>	

If organization is a <b>LIMITED LIABILITY COMPANY (LLC)</b> answer the following:			Not Applicable
Date of incorporation:		State of incorporation:	
President's Name: <i>Last, First, Middle</i>		Vice President's Name <i>Last, First, Middle</i>	
Secretary's Name: <i>Last, First, Middle</i>		Treasurer's Name: <i>Last, First, Middle</i>	

If organization is a <b>PARTNERSHIP/FRANCHISE</b> answer the following:			Not Applicable
Date of incorporation:		State of incorporation:	
Type of partnership:			
Name of general partners:	<i>Include Last, First, Middle of each partner</i>		

If organization is a <b>SOLE PROPRIETORSHIP/INDIVIDUALLY OWNED</b> answer the following:			Not Applicable
Date of incorporation:		State of incorporation:	
Name of Owner: Last, First, Middle			

If the form of your organization is other than those listed above, describe it and name the principals:

Description of organization:	
Name of Principal: <i>Last, First, Middle</i>	
Name of Principal: <i>Last, First, Middle</i>	
Name of Principal: <i>Last, First, Middle</i>	

Attach additional sheet as necessary

<b>Licensing:</b>		Not Applicable
List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license number(s), and expiration date:		

<b>Jurisdiction Name</b> <i>State, County, Municipality</i>	<b>Trade Category</b> <i>List each individually</i>	<b>Registration/License Number</b> <i>Include proper spaces and dashes</i>	<b>Expiration Date</b>

<b>Apprenticeship Programs:</b>				
Do you employ apprentices or trainees?		Yes		No
If YES, is the apprentice or trainee program registered with the Texas Workforce Commission or U.S. Department of Labor’s Bureau of Apprenticeship & Training?		Yes		No

<b>Experience:</b>			
List the categories of work that your organization normally performs with its own forces/employees:			
<b>Claims and Suits: if the answer to any of the questions below is yes, attach a separate detail sheet</b>			
Has your organization ever failed to complete any contract awarded to it?		No	Yes <i>Attach detail sheet</i>
Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers/principals?		No	Yes <i>Attach detail sheet</i>
Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five (5) years?		No	Yes <i>Attach detail sheet</i>

<b>Project History- most recent 5 years:</b>					
<i>If the answer to any of the questions below is yes, attach a separate detail sheet</i>					
List the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of work performed with your own forces					
Project Name	Owner	Architect	Contract Amount	Date of Completion	% of Work Cost with Own Forces

<b>State average annual amount of construction work performed during the past five years:</b>

**List the construction experience and project commitments of key individuals in your organization:**

<b>1. Name of Key Individual</b> <i>Last, First, Middle</i>	
--	--

Construction Experience: *include the year(s) and description*

Years	Description

Project Commitments: *include project name(s) and scheduled completion date*

Years	Description

<b>2. Name of Key Individual</b> <i>Last, First, Middle</i>	
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Construction Experience: *include the year(s) and description*

Years	Description

Project Commitments: *include project name(s) and scheduled completion date*

Years	Description

<b>3. Name of Key Individual</b> <i>Last, First, Middle</i>	
--	--

Construction Experience: *include the year(s) and description*

Years	Description

Project Commitments: *include project name(s) and scheduled completion date*

Years	Description

<b>4. Name of Key Individual</b> <i>Last, First, Middle</i>	
--	--

Construction Experience: *include the year(s) and description*

Years	Description

Project Commitments: *include project name(s) and scheduled completion date*

Years	Description

<b>References: References will be contacted</b>			
Complete the information for each reference type. A minimum of 3 references are required to respond; please communicate with those you have listed, Incomplete information or no response from the reference may delay the certification process and/or disqualify the applicant.			
<b>Trade Reference Category</b>	<b>Contact Name</b>	<b>Email Address</b>	<b>Telephone</b>
<b>Bank</b>	<b>Contact Name</b>	<b>Email Address</b>	<b>Telephone</b>
<b>Surety: Name of Bonding Company</b>	<b>Contact Name</b>	<b>Email Address</b>	<b>Telephone</b>
<b>Customer Name</b>	<b>Contact Name</b>	<b>Email Address</b>	<b>Telephone</b>

*Project Type: R (residential), C (commercial, S (sub-contractor), SU (supplier)*

**Notices:**

The City of Killeen Planning & Development Services Department reserves the right to request any additional information deemed necessary to determine if a firm is certifiable. The burden of proof of ownership, management and control of the business is on the applicant. Failure to cooperate and/or provide requested information, within the time specified, is grounds for termination in the processing of your application for this certification. If at any time the City of Killeen Planning & Development Services Department has reason to believe that any person or firm has willfully and knowingly provided incorrect or false information, the City will cease processing this request and issue a “non-certifiable” conclusion whereby the applicant may not re-apply for a minimum of one year. A de-certification will be issued and become effective immediately if the applicant fails to notify the Planning & Development Services Department of a change in ownership, management or control within thirty days of said change.

**Contractor Directory/Database Disclosure:**

The CDD does not disclose information which may be regarded as proprietary or confidential under federal and/or state law. However, as a part of our outreach efforts, the CDD maintains a contractor directory/database which is available to the general public. The information in the directory/database consists of firm name, contact person, address, telephone number(s) and contractor URL (web site address). No proprietary or financial information is included.

**Affidavit & Authorization to Release Information**

This application must be signed by each owner upon whom certification status is provided. A material or false statement or omission made in connection with this certification application is sufficient grounds for denial of certification or revocation of a previously approved certification and may subject the person and/or entity making the false statement to any and all civil and criminal penalties available pursuant to applicable federal and state law as well as city ordinance.

The undersigned swears or affirms under penalty of law that he/she has read and understands all questions in this application and that all of the foregoing information and statements submitted in connection with the application are true and correct to the best of his/her knowledge and include all material information necessary to accurately identify and explain the operations and capabilities of \_\_\_\_\_ along with the ownership, management and control thereof. The undersigned affirms and expressly agrees that the firm’s directory information, as stated above, will be available to the public in the Killeen CDD contractor directory/database.

Furthermore, the applicant authorizes the Killeen CDD to verify information contained in this application, in connection with this certification request, for any individual and/or firm listed. Such information includes but is not limited to: prior history of the individual and/or firm; income, financial (bank and similar bank entities) balance, credit history and federal tax returns. A copy of this authorization may be accepted as an original.

**Signature and Notary Follows**

Printed Name:			
Signature:			
Title:		Date:	

**Notary:**

State of \_\_\_\_\_ §  
 County of \_\_\_\_\_ §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_,  
 \_\_\_\_\_.

\_\_\_\_\_  
**Notary Public, in and for the State of** \_\_\_\_\_

*Reproduce this form as necessary to complete this application.*

*City of Killeen Planning & Development Department  
 Contractor Qualification & Certification  
 April 2020*