



## City of Killeen

### Regular City Council Meeting Agenda

June 25, 2013

Killeen City Hall  
101 North College Street  
City Council Chambers  
5:00 P.M

#### Call to Order and Roll Call

___ Daniel A. Corbin, Mayor	___ Glenn Morrison
___ Elizabeth Blackstone	___ City Manager
___ Terry J. Clark	___ Kathryn H. Davis
___ Jared Foster	___ City Attorney
___ Wayne Gilmore	___ Paula Miller
___ Steve Harris	___ City Secretary
___ Jonathan Okray	___ Sergeant-At-Arms
___ Jose Segarra	

#### Invocation

#### Pledge of Allegiance

#### Approval of Agenda

#### Consent Agenda

- CA-1 Consider minutes of Regular City Council Meeting of June 11, 2013.
- CA-2 Consider a memorandum/resolution authorizing Parks and Recreation to enter into a lease agreement with Marathon Fitness for cardiovascular equipment.
- CA-3 Consider a memorandum/resolution for a recommendation to the Employee Benefit Trust to award RFP No. 13-14 Group Employee Term Life and Accidental Death & Dismemberment Insurance Benefits.
- CA-4 Consider a memorandum/resolution approving a Communications Facilities License agreement extension with Aeronautical Radio, Inc., d/b/a ARINC at Killeen-Fort Hood Regional Airport.

- CA-5 Consider a memorandum/resolution approving an Interlocal agreement for cooperative purchasing for actuarial shared services regarding GASB 45 with North Central Texas Council of Governments.
- CA-6 Consider a memorandum/resolution appointing an independent auditor at the recommendation of the Audit Committee for the fiscal year ending September 30, 2013.

### Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider an ordinance adopting the FY 2013-2014 Annual Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) program. (2nd of 2 public hearings)
- PH-2 **HOLD** a public hearing and consider a plat submitted by G. Wayne Coper (**Case #12-022RRS: Coper Ridge Estates, Phase Four**) being a residential replat of Lots 1-6, Block 1, Lot 1, Block 2, Lots 1 and 2, Block 3, Lot 1, Block 4, Coper Ridge Estates, Phase Three and 15.204 acres out of the W. H. Cole Survey, Abstract No. 200. The property is located south of Coper Ridge Estates Phase Two, Killeen, Texas.
- PH-3 **HOLD** a public hearing and consider a plat submitted by Barnes Independent Developers GP, L.L.C. (**Case #13-011RRS: Eagle Valley, Phase II**) being a replat of approximately 9.478 acres, part of the W. L. Harris Survey, Abstract No. 1155, and a residential replat of Lots 21 – 46 and Lots 58 – 62, Block 1, Lots 1 -12 and Lots 16 – 18, Block 2, Lot 1, Block 3, and Lots 34 -37, Block 4, Eagle Valley Addition. The property is located south of W. Stan Schlueter Loop, Killeen, Texas.
- PH-4 **A. HOLD** a public hearing and consider a request to change the Comprehensive Plan Future Land Use Map from General Residential to Multi-family Residential for approximately 4.004 acres located along the south right-of-way of Janelle Drive, approximately 920 feet east of the t-intersection of Clear Creek Road.
- B. HOLD** a public hearing and consider an ordinance requested by House Cross Associates, LTD (**Case #Z13-18**) to rezone Lot 1, Block 1, Elms Creek Addition, Phase Two from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District). The property is located on Janelle Drive east of Clear Creek Road and is locally known as 5100 Janelle Drive, Killeen, Texas.
- PH-5 **HOLD** a public hearing and consider an ordinance requested by WBW Land Investment, LP (**Case #Z13-23**) to rezone approximately 2.904 acres part of the J. E. Madera Survey, Abstract No. 600, T. Arnold Survey, Abstract No. 55 and the J. H. Lewis Survey, Abstract No. 1171, from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located on the east right-of-way of Clear Creek Road approximately 0.5 miles south of Mohawk Drive, Killeen, Texas.

### Ordinances / Resolutions

- OR-1 Consider a memorandum/resolution appointing Councilmembers to various boards and commissions.

OR-2 Consider a memorandum/resolution appointing members to various boards and commissions.

OR-3 Consider an ordinance approving and adopting a Rate Review Mechanism Tariff for Atmos Energy Corporation, Mid-Tex Division.

## Adjournment

### CLOSED MEETINGS

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.

### 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.

## Future Workshop Items

The following items have been scheduled for workshop discussion on the dates shown. The final scheduling of these items is dependent upon the presenters/interested parties being available on the dates projected.

## 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.

- Central Texas – Fort Hood Chapter AUSA General Membership Meeting, June 26, 2013, 6:00 p.m., Bell County Expo Center
- Greater Killeen Chamber of Commerce Luncheon, July 17, 2013, 11:30 a.m., Central Texas College
- Korean War Veterans Associations Banquet, July 27, 2013, 6:15 p.m., Club Hood, Fort Hood

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
June 11, 2013  
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Councilmembers, Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were Assistant City Manager John Sutton, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Lane Copelin.

Bishop Shaw gave the invocation, and Mayor Corbin led everyone in the pledge of allegiance.

**Approval of Agenda**

Mayor Pro-Tem Blackstone moved to approve the agenda as written, seconded by Councilmember Okray. The motion was unanimously approved.

**Consent Agenda**

CA-1 Consider minutes of Regular City Council Meeting of May 28, 2013.

CA-2 Consider a memorandum/resolution [13-057R] for the procurement of ten (10) vehicles for the FY 12-13 consolidated vehicles and light truck budget.

This vehicle purchase has been budgeted, and staff recommends awarding the bids to Sam Pack's Five Star Ford and Caldwell Country Ford as listed in the resolution.

CA-3 Consider a memorandum/resolution [13-058R] for procurement of copier services for Police Department.

Staff recommends a five-year lease of a Konica Minolta copier at a cost of \$15,861.24 per year.

CA-4 Consider a memorandum/resolution [13-059R] authorizing application for 2013 Bulletproof Vest Partnership Program Grant through the Bureau of Justice Assistance.

This annual grant will reimburse officers up to \$500 for body armor, and the City will reimburse up to an additional \$500.

CA-5 Consider a memorandum/resolution [13-060R] approving a lease agreement with PHI Air Medical, LLC for hangar facilities at Skylark Field.

This five-year lease for hangar space at Skylark Field provides for a payment of \$36,000.00 per year with increases of \$1,200.00 per year for years two through five of the lease.

CA-6 Consider a memorandum/resolution [13-061R] approving the Investment Report for the quarter ending March 31, 2013.

State law requires the City Council to review the Investment Report on a quarterly basis, and the Council reviewed the report in depth at its workshop on June 4.

CA-7 Consider a memorandum/resolution [130-062R] rescheduling July City Council Meetings.

Staff recommends cancelling the workshop of July 2, moving the regular July 9 meeting to July 16 and the meeting of July 23 to July 30, with a special meeting on July 9 for delivery of the preliminary budget.

Mayor Pro-Tem Blackstone moved to approve the above items on the Consent Agenda, seconded by Councilmember Segarra. The motion was approved unanimously.

### **Public Hearings / Ordinances**

PH-1 **HOLD** a public hearing and consider an ordinance adopting the FY 2013-2014 Annual Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) program (1<sup>st</sup> of 2 public hearings).

CDBG Director Leslie Hinkle advised the CDBG allocation from the US Department of Housing and Urban Development (HUD) is \$959,678.00. Combined with program income and completed CDBG projects of \$141,379.94, a total of \$1,101,057.94 is available for CDBG activities in 2013-2014. The HOME HUD allocation is \$313,735.00, and with program income and reprogrammable funds of \$275,592.78, \$589,327.78 is available for 2013-2014.

CDAC Chair Kim Barr reported the committee's recommendations as follows:

#### CDBG Public Services:

Bell County Human Services - \$4,974.38  
Bring Everyone in the Zone - \$10,974.38  
Communities In Schools of Greater Central Texas, Inc. - \$20,056.28  
Families in Crisis, Inc. - \$5,974.38  
Greater Killeen Free Clinic - \$25,000.00  
Hill Country Community Action Assoc. /Aging Services - \$5,980.29  
Killeen Housing Authority, summer camp program 2014 - \$991.99  
City of Killeen Transportation Program, elderly transportation - \$70,000.00

#### Housing:

Housing Renewal Program – \$221,912.00

#### Acquisitions, Public Facilities and Improvements:

Central Texas 4C, Inc. Head Start surveillance systems - \$32,694.20  
Families in Crisis, Inc.: homeless shelter renovations - \$510,564.44

#### Administration/Planning:

Administration and Planning of CDBG Program - \$191,935.60  
Total CDBG Funds Allocated - \$1,101,057.94

Home Investment Partnerships (HOME) Program:

Administration - \$31,369.20

Community Housing Development Organizations [CHDO] Set Aside, 2013-14 minimum set aside requirement - \$47,053.80

Families In Crisis, Inc. Tenant Based Rental Assistance program - \$213,853.24

City of Killeen Community Development Division Elderly TBRA program - \$207,008.54

City of Killeen Community Development Division 2013-14 HAP assistance with repairs - \$90,000.00

Total Home Funds Allocated - \$589,284.78

Councilmember Clark inquired about the remodeling of the church for a homeless shelter and whether costs could increase. Director Hinkle advised Families in Crisis has engaged engineering services for a preliminary review of the building, and the organization is seeking additional funding from other sources. Dr. Larry Menke, on behalf of Families in Crisis, advised the architect has surveyed the building, and it is structurally sound.

Mayor Corbin opened the public hearing.

Maureen Jouett, 2312 Davis, appeared on behalf of Bring Everyone in the Zone, an organization to help veterans and their families.

Dean Park, 111 North Gray, owner of Bellco Equipment, was concerned about the possibility of additional homeless when the shelter was full. He is working to improve the downtown area and wants to make certain contingency plans are available when the shelter is full.

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

PH-2 A. Consider a memorandum/resolution accepting the Federal Emergency Management Agency and Department of Homeland Security Assistance to Firefighters Grant for personal protective equipment for the Fire Department.

B. **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen General Fund Budget by increasing revenues supporting receipt of the Federal Emergency Management Agency and Department of Homeland Security Assistance to Firefighters Grant and increasing expenditures to fund Uniforms & Clothing.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND ACCOUNT 010-0000-382.45-32 FIRE DEPARTMENT GRANT IN THE AMOUNT OF \$54,956 AND

GENERAL FUND ACCOUNT 010-7070-442.41-20 UNIFORMS & CLOTHING IN THE AMOUNT OF \$54,956; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The City has received a grant to provide paid and volunteer fire fighters with protective equipment, and the budget must be amended to account for the grant and allow expenditure for the equipment.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Mayor Pro-Tem Blackstone moved to approve the resolution [13-063R] and ordinance [13-045], seconded by Councilmember Okray. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen General Fund Budget by increasing revenues supporting receipt of the Selective Traffic Enforcement Program (STEP) Grant and increasing expenditures in various accounts for the Killeen Police Department.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2012-2013 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING GENERAL FUND GRANT REVENUES BY \$168,800 AND INCREASING VARIOUS EXPENDITURE ACCOUNTS IN THE POLICE DEPARTMENT BUDGET BY \$168,800; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

The City Council previously approved application for the STEP grant; however, the grant was not issued until after the beginning of this fiscal year. Accordingly, the budget must be amended to account for these funds and allow expenditure from the fund.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Segarra moved to approve the ordinance [13-046], seconded by Councilmember Gilmore. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance requested by Vernon P. and Marion Meadows (Case #Z13-16) to rezone approximately 3.436 acres, being part of the Robert Cunningham Survey, Abstract No. 199 from R-1 (Single-Family Residential District) to B-3 (Local Business District) for a convenience store. The property is located on the north right-of-way of Stagecoach Road, approximately 392 feet west of S. W.S. Young Drive (requires  $\frac{3}{4}$  majority vote for approval).

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted for a three-acre tract for development as a convenience store. The area is shown on the Comprehensive Plan as Suburban Commercial. There were four letters of opposition returned in response to the ten letters of notification, and the Planning and Zoning Commission unanimously recommended disapproval of the request. Neighborhood Business District (NBD) was adopted by the Council after this zoning case was submitted.

Mayor Corbin opened the public hearing. Bob Mitchell, 102 N. College, appeared in support of the application. The request is consistent with the Comprehensive Plan. He said the owners might consider the NBD, but they haven't had a chance to discuss it. City Planner Tony McIlwain advised that the applicant could reapply with a different request if this request is denied.

Those speaking in opposition were: Mary Melton, 418 Llewellyn Lane; Janet Culver, 2427 E. Stagecoach; Fred Garvin, 2859 E. Stagecoach; Teresa Garvin, 2771 E. Stagecoach; Susie Croft, 2384 E. Stagecoach; Jim Lindley, 193 Llewellyn Lane; Jim Wilson, 2316 E. Stagecoach; David Holland, 2236 E. Stagecoach; Carole Diller, 567 Llewellyn Lane; Mary Wiley, 890 Llewellyn Lane; and Ed Hughes, 505 Llewellyn Lane. They all stated that this area is entirely residential, on large lots, and with a lot of old trees. The tract in question is one of the most beautiful in the area, and development of the lot for a convenience store would put too much traffic on an area already congested. Neighborhoods in the surrounding area have lots set aside for B-3. There are seven convenience stores in a one-mile radius, one of which has already closed. There is no need for another convenience store at this location.

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

Mayor Pro-Tem Blackstone moved to disapprove the request because there was no public need for the rezoning and was inconsistent with the surrounding area, seconded by Councilmember Okay. The motion was approved unanimously.

Mayor Corbin called a brief recess.

### **Ordinances / Resolutions**

OR-1 Consider an ordinance amending Chapter 18, Article VI, Graffiti Removal.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; AMENDING ARTICLE VI, GRAFFITI REMOVAL; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Two legislative sessions ago, state law placed new requirements on a city with regard to graffiti abatement. Before a city can require an individual to remove graffiti from his property, the city must offer to remove it free of charge, and the property owner must refuse. If the property owner refuses or fails to accept the city's offer, the city must send a written notice that the owner has fifteen days to remove the graffiti. If the owner fails to do so, the city can remove the graffiti and place a lien on the property for the cost of abatement.

Councilmember Gilmore moved to approve the ordinance [13-047], seconded by Councilmember Segarra. The motion was approved unanimously.

OR-2 Consider an ordinance amending Chapter 18, Article V, Junk Vehicles.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; AMENDING ARTICLE V, JUNK VEHICLES, SECTION 18-53, EXCEPTION; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

This code amendment would allow automobile repair shops to store inoperable vehicles behind a screening device while the vehicle is being repaired.

Councilmember Okray moved to approve the ordinance with the removal of vehicle repair shop from paragraph B, seconded by Councilmember Harris.

Mayor Corbin advised this amendment was an attempt to improve the City's image, but Councilmember Foster thought it would be better to remove junked vehicles, rather than just hide them. Councilmember Clark advised that some cars in the process of being repaired may be waiting on parts to be received. They are inoperable and in a junked condition; however, they are not truly junked vehicles.

City Attorney Davis pointed out that the code defines a junked vehicle as one that displays an expired license plate or invalid inspection sticker or does not display the plate or sticker, is wrecked, dismantled, or partially dismantled or discarded, or is inoperable and has remained inoperable for more than seventy-two consecutive hours on public property or thirty consecutive days on private property. Once the Code Enforcement Officers issue a notice, the City must wait ten days before the abatement and hearings. If it is documented that a vehicle was in the same location, the officer could write a ticket immediately.

Councilmember Harris advised he did not want to see repair shops become junk yards; however, he suggested a compromise of sixty days in which to complete work on a vehicle.

Assistant City Manager Sutton suggested the ordinance be reviewed by staff and brought back to the City Council in six months or so.

Councilmember Foster moved to lay the ordinance on the table, seconded by Councilmember Okray. The motion was approved unanimously.

### **Adjournment**

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone, and unanimously approved, the meeting was adjourned at 7:07 p.m.

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Daniel A. Corbin, Mayor

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Paula Miller, City Secretary



**FISCAL IMPACT**

Funds are available in account 010-3026-425.61-36 (Capital Replacements).

**RECOMMENDATION**

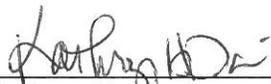
The staff recommends that the City Council approve a 36 month lease with Marathon Fitness through TASB Buyboard for a total of \$110,093.26. The City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**RFP 13-14 Group Employee Life and AD&D Insurance Benefits**

**ORIGINATING DEPARTMENT**

**Human Resources**

**BACKGROUND INFORMATION**

The City of Killeen provides a \$15,000 group term life and accidental death & dismemberment (AD&D) insurance policy for each employee for assistance with associated expenses that may occur in the event of the catastrophic accident or death of an employee. The City pays 100% of the premium for a group term life and AD&D insurance policy as a benefit to City employees. The current provider is Cigna Life Insurance Company.

Periodically, the insurance benefits provided to the City of Killeen employees are reviewed to ensure that the City and employees are receiving the products for the best rate. This review of the life insurance benefits included a request for proposals (RFP) to receive information and competitive rates to provide group term life and AD&D insurance for City employees. It also included a request for providers to provide an option for employees to purchase additional term life and AD&D insurance coverage at a group rate for themselves and family members as is currently available through the current provider.

**DISCUSSION/CONCLUSION**

The Human Resources Department prepared the Request for Proposal (RFP) for insurance coverage for distribution to interested companies. Purchasing staff in the Support Services Division distributed the RFP to interested companies and posted the RFP on the City website. Six (6) proposals were received: CIGNA, Dearborn National, Hartford, MetLife, Minnesota Life, and Unum.

The Human Resources Department completed a comparison and analysis of the data. In addition to the rate for insurance costs provided, other factors given consideration were access to on-line enrollment, portability of insurance, rate guarantees, and the benefit reduction schedule.

After a thorough review and analysis of the submitted proposals and careful consideration, Dearborn National was determined to be the best choice. Dearborn National had the best overall premium rate, offers a competitive life insurance benefit for employees, and it does not reduce the benefits paid for the employee once the employee reaches a certain age. Dearborn National will still provide employees the additional benefit of an option to purchase additional term life and AD&D insurance coverage for themselves and their family members at an affordable group rate. Dearborn National offers a three year premium rate guarantee.

Dearborn National offers participants the opportunity to continue (convert or port) their life insurance at their own expense if coverage ceases. Dearborn National will provide access to on-line benefits administration which will assist Human Resources staff in managing the plan. As such, it is recommended that Dearborn National provide employee term life and AD&D insurance for the City of Killeen group employee term life and AD&D insurance. The Dearborn National proposed rate of \$1.05 Per Employee per Month is \$0.45 less than the current rate paid for employee life and AD&D insurance.

**FISCAL IMPACT**

It is anticipated that there will be fiscal savings as a result of the selection of Dearborn National. Based on the current average of 1,105 full-time positions that participate in the employee term life and AD&D insurance, the impact on the budget for FY 13-14 is as follows:

Life and AD&D \$15,000	Current Provider FY12-13	Proposed Provider FY 13-14	Proposed Budget FY 13-14	Cost Difference FY 13-14
PEPM	\$1.50	\$1.05	\$13,923.00	(\$5,967.00)

The selection of Dearborn National would be effective October 1, 2013. Since there is a change to the provider, employees would be required to complete appropriate documents for this benefit during the annual open enrollment period.

**RECOMMENDATION**

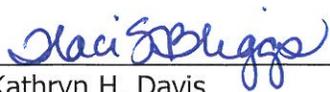
It is recommended that the City Council recommend the selection of Dearborn National as the provider for the group employee term life and AD&D insurance to the Employee Benefit Trust to execute an agreement with Dearborn National effective October 1, 2013, and that the City Manager be authorized to execute a contract and any necessary change order in accordance with state and local law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

Regular 6-25-13  
Item # CA-4  
CCM/R \_\_\_\_\_

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**Killeen Fort Hood Regional Airport  
Communications Facilities License Extension  
with Aeronautical Radio, Inc.**

**ORIGINATING DEPARTMENT**

**Department of Aviation**

**BACKGROUND INFORMATION**

On June 12, 2007, Council approved a Communications Facilities License (agreement) with Aeronautical Radio, Inc., d/b/a ARINC to allow for the installation and operation of a communications system that provides voice and data communication services to airlines and corporate aircraft on the ground at Killeen-Fort Hood Regional Airport and to aircraft in flight in the surrounding area. The agreement provided for an initial three year term and one automatic three year renewal. The agreement, in its current form, expires on June 30, 2013.

**DISCUSSION/CONCLUSION**

Staff has negotiated an addendum with Aeronautical Radio, Inc. to extend the existing Communications Facilities License (agreement) for an additional five year term beginning July 1, 2013 through June 30, 2018, with an option for one additional five year term. All other terms of the original agreement continue unchanged.

**FISCAL IMPACT**

The tenant will pay the airport a total of \$368.78 per month in rental charges for the first twelve months of the extension. The rental rate increases by 3.5% each year thereafter. First year annual revenues to the Killeen-Fort Hood Regional Airport enterprise fund will be \$4,425.36.

**RECOMMENDATION**

City Council approve the attached Communications Facilities License with Aeronautical Radio, Inc. and authorize the City Manager to execute same.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

*Kathryn H. Davis*  
\_\_\_\_\_  
for Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

STATE OF TEXAS

COUNTY OF BELL

ADDENDUM NO. 1

The City of Killeen, a home rule municipal corporation of Bell County, Texas, hereinafter referred to as the "CITY," and Aeronautical Radio, Inc. d/b/a ARINC, hereinafter referred to as "LICENSEE," hereby agree that the terms and conditions of that certain Communications Facilities License ("Agreement"), executed June 14, 2007 by and between the City and Aeronautical Radio, Inc., will remain in full force and effect, with the exception of the changes made herein, which shall be incorporated into said Agreement as if fully provided therein for all purposes.

**(1) Section 3.1 of the Agreement is hereby amended in its entirety to read:**

This Agreement shall be for an initial term of five (5) years, commencing on July 1, 2013 (the "Effective Date") and ending June 30, 2018.

**(2) Section 3.2 of the Agreement is hereby amended in its entirety to read:**

If LICENSEE is not in default of the terms herein, LICENSEE is granted the option to renew this license for one (1) additional five (5) year term, after the initial term expires. This Agreement will automatically renew for each said renewal term as long as LICENSEE remains in full compliance with all other provisions of this Agreement and unless LICENSEE gives written notice of a decision not to exercise this option to CITY no less than ninety (90) days prior to the expiration of the current term or period. All the terms and covenants of this Agreement apply to all extension periods, subject to amendment by the mutual agreement of the Parties, in writing and signed by both Parties. If LICENSEE continues to possess the PREMISES following the expiration of all of the extension periods provided herein, and this Agreement has not been renewed or superseded, this Agreement: (1) shall be deemed to be a holdover tenancy at will, but shall not itself constitute a renewal or extension of any term; (2) shall continue from month to month under the terms and conditions set forth herein; and (3) may be terminated by either party upon at least thirty (30) days written notice to the other party. All the terms and covenants of this Agreement apply to all holdover tenancy periods.

**(3) Section 4.1 of the Agreement is hereby amended in its entirety to read:**

**Rent Payment.** In consideration for providing the PREMISES for use by LICENSEE, the LICENSEE shall pay rent to CITY annually, payable monthly, with the first payment being due within forty-five (45) days following the Effective Date of this Agreement. Thereafter payment shall be due on the first day of each month throughout the initial term and all renewal terms hereof and prorated for any partial term. LICENSEE shall pay to CITY in advance, without prior notice or demand, without any abatement, setoff, reduction, deduction, counterclaim or recoupment whatsoever, rent in the amount of three hundred sixty eight dollars and seventy eight cents (\$368.78) per

month for the term of this Agreement ("Rent Payment"). A late fee of five percent (5%) of the total amount due will be assessed to the Tenant if payments prescribed herein and in Sections 4.2, 4.3 and 4.4, if applicable, are not received in the administrative offices of the CITY's Director of Aviation by the dates prescribed herein. An additional five percent (5%) of the outstanding amount will be assessed each month that all or a portion of the Tenant's obligations remain unpaid. If this Agreement is terminated at a time other than the last day of the calendar year of the term for any reason other than a default by LICENSEE, all Rent Payments shall be prorated as of the date of termination and all prepaid Rent Payments shall be refunded to LICENSEE.

(4) Appendix "C" incorporated by reference into Section 4.4 of the Agreement is hereby replaced by the attached Appendix "C" (Addendum No. 1), which is incorporated herein for all purposes.

EXECUTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

LICENSEE:

AERONAUTICAL RADIO, INC.  
dba ARINC

BY: \_\_\_\_\_  
Name: Robert E. Manigold, Jr.  
Title: Vice President – Human  
Resources & Administration

CITY:

CITY OF KILLEEN, TEXAS,

BY: \_\_\_\_\_  
Glenn Morrison  
CITY MANAGER  
P.O. Box 1329  
Killeen, TX 76540

*BBO  
m*

APPROVED AS TO FORM:

\_\_\_\_\_  
KATHRYN H. DAVIS, CITY ATTORNEY

ARINCAd1B

**City of Killeen and Aeronautical Radio, Inc.**  
**Fees Schedule (current as of July 1, 2013)**

**SUNDRY CHARGES**

Employee credentials	\$ 6.00 per month per employee
Replacement of lost credentials or keys	\$40.00 each
Janitorial Service	\$35.00 per hour
General labor	\$35.00 per hour
After hours escort (in secure areas)	\$50.00 per hour
Telephone Service	
Local Service	\$23.50 per line per month *
Voice mail	\$ 4.25 per line per month
Phone rental	\$ 6.00 per phone per month
Maintenance fee	\$15.50 per line per month
Internet access via T-1 (first connection)	\$64.00 per month *
Additional internet connections	\$10.00 per device per month

\* Plus applicable federal / state taxes and surcharges

**Appendix "C" (Addendum No. 1)**



**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

*Kathryn H. Davis*  
\_\_\_\_\_  
for Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

**INTERLOCAL AGREEMENT  
FOR  
COOPERATIVE PURCHASING  
FOR  
ACTUARIAL SHARED SERVICES**

THIS INTERLOCAL AGREEMENT ("Agreement"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the North Central Texas Council of Governments, hereinafter referred to as "NCTCOG," having its principal place of business at 616 Six Flags Drive, Arlington, Texas 76011, and City of Killeen, a local government, created and operated to provide one or more governmental functions and services, hereinafter referred to as "Participant," having its principal place of business at 101 N. College Killeen, TX 76541

**WITNESSETH**

**WHEREAS**, NCTCOG is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

**WHEREAS**, pursuant to the Act, NCTCOG is authorized to contract with eligible entities to perform governmental functions and services, including the development of a standard approach for acquiring actuarial services; and

**WHEREAS**, in reliance on such authority, NCTCOG has a cooperative purchasing program under which it contracts with eligible entities under the Act; and

**WHEREAS**, NCTCOG extended the original agreement with Gabriel, Roeder, Smith and Company to provide such services to until September 30, 2014; and

**WHEREAS**, the Participant has represented that it is an eligible entity under the Act that by Administrative Action has authorized this Agreement on June 25, 2013, and that it desires to contract with NCTCOG on the terms set forth below;

**NOW, THEREFORE**, NCTCOG and the PARTICIPANT do hereby agree as follows:

**ARTICLE 1: LEGAL AUTHORITY**

The Participant represents and warrants to NCTCOG that (1) it is eligible to contract with NCTCOG under the Act because it's a local government, as defined in the Act, and (2) it possesses adequate legal authority to enter into this Agreement.

**ARTICLE 2: APPLICABLE LAWS**

NCTCOG and the Participant agree to conduct all activities under this Agreement in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Agreement.

**ARTICLE 3: WHOLE AGREEMENT**

This Agreement and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

**ARTICLE 4: BILLINGS**

Billings will be generated for the Actuarial Shared Services through Gabriel Roeder Smith & Company based upon Administrative Fee of \$125 per valuation cycle (effective October 1, 2012). Each party paying for the performance of said functions of government shall make those payments from current revenues available to the paying party.

**ARTICLE 5: CHANGES AND AMENDMENTS**

This Agreement may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Agreement which are required by changes in Federal and State law or regulations are automatically incorporated into this Agreement without written amendment hereto, and shall become effective on the date designated by such law or regulation.

NCTCOG reserves the right to make changes in the scope of services offered through the Cooperative Purchasing Program to be performed hereunder.

THIS INSTRUMENT HAS BEEN EXECUTED IN TWO ORIGINALS BY THE PARTIES HERETO AS FOLLOWS:

*\*Denotes required fields*

NOTE: Facsimile copies of this document shall not be acceptable as ORIGINALS.

Interstate v1 rev. 10/05

\* City of Killeen  
Name of Participant (*local government, agency, or non-profit corporation*)

\* P.O. Box 1329  
Mailing Address

\* Killeen, TX 76540-1329  
City State ZIP Code

\*By: \_\_\_\_\_  
Signature of Authorized Official

\* Glenn Morrison  
Typed Name of Authorized Official

\* City Manager  
Typed Title of Authorized Official Date

***North Central Texas Council of Governments***  
616 Six Flags Drive, Arlington, Texas 76011

\*By: \_\_\_\_\_  
Signature of Authorized Official

\***Monte Mercer**  
Typed Name of Authorized Official

\***Deputy Executive Director**  
Typed Title of Authorized Official Date

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## MASTER AGREEMENT

Pursuant to the award of Joint Actuarial Services by the North Central Texas Council of Governments (NCTCOG), this agreement confirms the terms under which the City of Killeen (name of government) hereinafter referred to as 'CONTRACTING GOVERNMENT' has engaged Gabriel, Roeder, Smith & Co. hereinafter referred to as "GRS" to perform actuarial consulting services. In as much as this relationship will involve several actuarial reviews and other services that will be governed by the Request for Proposal issued by NCTCOG on May 31, 2006 and our subsequent response to that proposal, we have agreed to establish this "master agreement" defining the general terms and conditions for all work performed.

This agreement will not, by itself, authorize the performance of any services. Rather specific services will be authorized through a separate engagement letter that references this master agreement and details the services to be provided and the timeframe and fees required. In the event of an inconsistency between this master agreement and an individual engagement letter, the master agreement will be followed.

As described in the above referenced Request for Proposal the following terms apply:

- A. **Tax Exempt Entities.** CONTRACTING GOVERNMENT is exempt from manufacturer's federal excise tax and states sales tax. Tax exemption certificates will be issued upon request.
- B. **Role of NCTCOG.** NCTCOG has served as a facilitator to the RFP and award process but the contractual relationship is between GRS and the CONTRACTING GOVERNMENT.
- C. **Aggregate Information.** GRS agrees to supply NCTCOG with the specified results from the valuations and to aggregate that information with that of other governments for the purpose of benchmarking.
- D. **Fees.** GRS agrees to follow the attached pricing schedule ("Attachment A") for pricing of its services.
- E. **Review of Charges.** CONTRACTING GOVERNMENT has the right to review the supporting documentation for any hourly charges or out of pocket expenses assessed to the CONTRACTING GOVERNMENT under the fee schedule.
- F. **Termination.** Both CONTRACTING GOVERNMENT and GRS will have the right to terminate this agreement through written notice. CONTRACTING GOVERNMENT will pay any charges or prorate fees incurred to the date the termination notice is received and actuary will cease any in progress work unless specific stopping points are provided in the letter.

- G. **Work Product.** The final work product will be the property of the CONTRACTING GOVERNMENT to be used as stated in the specific engagement letter. Ancillary use of the product is permitted but GRS is not responsible for the reliability of those projections. It is understood that all reports are subject to the open records laws of the State of Texas and the contracting jurisdiction.
- H. **Independent Contractor.** All the services provided by GRS will be as an independent contractor. None of the terms in the engagement letter will be interpreted to create an agency or employment relationship.
- I. **Term.** The term of this master agreement will be governed by the afore referenced NCTCOG RFP and will expire on September 30, 2014.
- J. **Complete Agreement.** This letter combined with the specific engagement letter and as clarified by the RFP and Proposal set forth the entire agreement between the CONTRACTING GOVERNMENT and GRS.
- K. **Indemnification.** GRS covenants and agrees to indemnify and hold harmless and defend and does hereby indemnify, hold harmless, and defend CONTRACTING GOVERNMENT, its officers and employees, from and against any and all suits or claims for damages or injuries, including death, to persons or property, whether real or asserted, arising out of any negligent act or omission on the part of the contractor, its officers, agents, servants, employees, or subcontractors, and the contractor does hereby assume all liability for injuries, claims or suits for damages to persons, property, or whatever kind of character, whether real or asserted, occurring during or arising out of the performance of this contract as a result of any negligent act or omission on the part of the contractor, its officers, agents, servants, employees, or subcontractors to the extent permitted by law. Please review this master agreement letter and the attached schedules and indicate your acceptance by having an official of CONTRACTING GOVERNMENT sign below.
- L. **Force Majeure.** A force majeure event shall be defined to include governmental decrees or restraints, acts of God (except that rain, wind, flood or other natural phenomena normally expected for the locality, shall not be construed as an act of God), work stoppages due to labor disputes or strikes, fires, explosions, epidemics, riots, war, rebellion, and sabotage. If a delay or failure of performance by either party to this contract results from the occurrence of a force majeure event, the delay shall be excused and the time fixed for completion of the work extended by a period equivalent to the time lost because of the event.

- M. Professional Standards. GRS will provide qualified personnel for each engagement and follow all professional standards ascribed by the American Academy of Actuaries and the Governmental Accounting Standards Board.

GABRIEL, ROEDER, SMITH & CO.

By: \_\_\_\_\_

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

Title: \_\_\_\_\_

CONTRACTING GOVERNMENT

By \_\_\_\_\_

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

Title: City Manager

## Attachment A

### Pricing of Services – Calendar Year 2013\*

The price of the valuation is based on the following components:

a) Number of participants:

Participant Count	Base Fee
Less than 100	\$4,500
100 – 199	\$4,500
200 – 499	\$5,200
500 – 999	\$5,500
1,000 – 2,499	\$6,400
Over 2,500	\$7,000

b) Number of retirement plans:

There is no additional charge if the employees participate in only one retirement plan. For each additional retirement plan, the valuation fee is increased by **\$1,600**.

c) Number of health plans:

There is no additional charge if the participants are covered under only one health plan. For each additional health plan, the valuation fee is increased by **\$1,000**.

d) Annual, biennial or triennial valuation:

The valuation fee is increased by **\$1,200** for valuations which are intended to be used for two fiscal years and by **\$2,400** for valuations which are intended to be used for three fiscal years.

e) Claims analysis:

The valuation fee is increased by **\$2,000** if claims experience is required.

f) Pricing discount:

Employers with very simple plans may be eligible for an **\$800** price reduction. The engagement agreement will specify whether the pricing discount applies.

- ❖ Pricing assumes 20% paid upon acceptance by the government of the engagement, 50% upon receipt of the draft report and 30% upon acceptance of the final report.
- ❖ Fees for additional services and optional services that are not determined as 'basic' will be based on the following rates:

GRS Position Title	Hourly Rates
Senior Consultant	\$395
Consultants	\$310
Senior Analysts	\$200
Actuarial Analysts	\$170
Systems Analysts and Programmers	\$230
Administrative Support Staff	\$125

\*Prices will be adjusted annually beginning in January 2014 based on changes in the Consumer Price Index, All Urban Consumers, on a December over December basis. Current rates for your plan are reflected in the engagement agreement sent with this document.



May 24, 2013

Ms. Amanda Wallace  
City Auditor  
City of Killeen  
101 North College Street  
Killeen, TX 76541

**Re: Engagement Letter for GASB OPEB Valuation for City of Killeen**

Dear Ms. Wallace,

You have requested a pricing quote for a GASB 45 actuarial valuation under the Shared Services arrangement provided by Gabriel, Roeder, Smith & Co (GRS) and North Central Texas Council of Governments (NCTCOG).

Based on the information you provided, the estimated cost of services for City of Killeen is \$7,500. The total fee including the \$125 NCTCOG administration fee will equal \$7,625. This price is based on receiving data in the standard GRS format and using the following assumptions:

Number of Participants	500 - 999
Claims Analysis Required	No*
Retirement Plans	1. TMRS 2. Killeen Firefighter's Relief and Retirement Fund
Health Plans	1. City of Killeen Health Plan
Annual, Biennial, or Triennial	Biennial
Pricing Discount	Eligible

\* An additional fee of \$2,000 will be added if claims experience is required.

Additional fees may also apply if the data is not received in the requested GRS data format.

If other assumptions are identified, a revised proposal letter will be prepared by GRS.

**Basic Services**

Basic services provided through the Shared Services program will include:

- Actuarial valuation of employer OPEB in compliance with the requirements of paragraphs 11-27 of GASB 45. Valuations can be performed annually or biennially and will include:

- > A measurement of the actuarial liability, present value of projected benefits and normal cost as of the valuation date
  - > The estimated actuarially determined contribution for the applicable fiscal years
  - > The estimated annual required contribution and accounting expense for the applicable fiscal years as required under GASB Statement Nos. 43 and 45
  - > Information needed to complete the “Notes to the Financial Statement” and “Required Supplementary Information” as defined in paragraphs 30 and 31 of GASB No. 43
  - > Information needed to complete the “Notes to the Financial Statement” and “Required Supplementary Information” as defined in paragraphs 24, 25 and 26 of GASB No. 45
  - > Sensitivity analysis for health care trend rates, providing valuation results based on a higher and a lower health care trend
  - > A hypothetical set of actuarial results using an alternative discount rate based on pre-funding
- Two in person or conference call meetings as mutually agreed upon by City of Killeen and GRS. Out of pocket travel expenses for governments located 100 miles or more from DFW Airport will be charged to the government.

#### **Billing Schedule**

GRS pricing assumes 20% paid upon acceptance by the government of the engagement, 50% upon receipt of the draft report and 30% upon acceptance of the final report. For Biennial or Triennial valuations, GRS will provide the OPEB cost for the off year(s) and will walk forward the Net OPEB Obligation.

The GRS prices discussed above will be adjusted annually in January based on changes in the Consumer Price Index, All Urban Consumers, on a December over December basis.

GRS billing will also include an administrative fee of \$125 per valuation cycle payable to the NCTCOG.

#### **Options Study**

It is anticipated that City of Killeen may want to consider what the options are for mitigating their OPEB liability. These Options studies would include alternative discount rates, alternative healthcare trend rates, benefit capitations, and changes in retiree cost sharing. The cost for a basic Options study will be \$1,200 per study.

Ms. Amanda Wallace  
May 24, 2013  
Page 3

More complicated studies may not be covered under the fixed fee amount above. If a study is not included in the fixed fee pricing, the hourly rates shown in "Additional Services" below will apply or fixed fee amounts will be negotiated. GRS will provide written documentation of our understanding of the service(s) requested, the estimated number of hours by employee class, total costs and project timeline.

**Additional Services**

Fees for additional consulting services not included under Basic Services or included in the fixed fee Options studies will be priced separately upon request and will be based on the following hourly rates:

<i>GRS Resource Classification</i>	<i>Hourly Rates</i>
Senior Consultant	\$395
Consultants	\$310
Senior Analysts	\$200
Actuarial Analysts	\$170
Systems Analysts and Programmers	\$230
Administrative Support Staff	\$125

A copy of this engagement letter will be made a part of the master agreement between City of Killeen and GRS.

If you have any questions or need additional information please don't hesitate to e mail us at [NCTCOG.sharedservices@gabrielroeder.com](mailto:NCTCOG.sharedservices@gabrielroeder.com) or call either Mehdi Riazi at 469-524-1343 or Brad Stewart at 469-524-1805.

Thank you for your interest in the Shared Services program.

**Gabriel, Roeder, Smith & Company**

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**Appointing the independent audit firm, Weaver LLP, for the fiscal year ending September 30, 2013 audit.**

**ORIGINATING DEPARTMENT**

**City Auditor**

**BACKGROUND INFORMATION**

The City Charter states that the Council shall designate qualified public accountants to conduct an independent audit of all City accounts and other evidences of financial transactions of the City government and submit their report to the Council. Additionally, Texas Local Government Code requires an annual audit of municipal finances to be performed by a qualified Certified Public Accountant.

**DISCUSSION/CONCLUSION**

The City's audits are required to be performed in accordance with generally accepted auditing standards, the standards set forth in the General Accounting Office's (GAO) Government Auditing Standards, the provisions of the Single Audit Act Amendments of 1996, the U.S. Office of Management and Budget (OMB) Circular A-133, and Audits of State and Local Governments.

In July 2012, the City issued a Request for Proposals for independent audit services for the fiscal year ended September 30, 2012 and the fiscal year ending September 30, 2013 with a renewal option for three additional years. The qualified public accounting firm that was appointed by Council at that time was Weaver LLP with the understanding that the City could choose not to appoint Weaver LLP for the 2013 fiscal year audit. Weaver LLP conducted the City's audit for the fiscal year ended September 30, 2012 in accordance with the applicable standards and presented the City Council with a quality audit of the City's finances in a timely manner. Their examination of the City's financial records was thorough and their service fees were fair. They were available for meetings and discussions with City personnel concerning accounting issues, and they were willing to answer questions and give financial guidance when requested. The firm employs a governmental audit staff large enough to adequately perform the annual audit of the City of Killeen in a timely manner.

**FISCAL IMPACT**

The engagement letter from Weaver LLP proposes to perform the audit for the fiscal year ending September 30, 2013 for a fee not to exceed \$95,000. This fee is in line with the

proposal Weaver LLP submitted to the City in 2012. Funding has been provided in various Professional Services accounts located in the major funds in the FY2013-14 proposed budget.

**RECOMMENDATION**

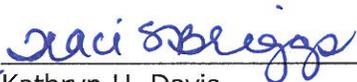
It is recommended that Weaver LLP be engaged to perform the annual independent audit for the City of Killeen for the fiscal year ending September 30, 2013 and that the City Manager be authorized to contract for professional services provided by Weaver LLP, to include the approval of any necessary change orders meeting state law and charter requirements.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY



May 29, 2013

Mr. Glenn Morrison  
City Manager  
City of Killeen  
101N. College Street, Third Floor  
Killeen, Texas 76541

Dear Mr. Morrison:

We are pleased to confirm our understanding of the services we are to provide the City of Killeen (the City) for the year ended September 30, 2013. We will audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City as of and for the year ended September 30, 2013, and the related notes to the financial statements. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) Retirement Plans- Supplemental Information
- 4) Post Employee Benefits Other than Pensions- Supplemental Information

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the

financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and individual fund financial statements and schedules
- 2) Schedule of expenditures of federal awards
- 3) Schedule of passenger facilities charges

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

- 1) Introductory section
- 2) Statistical section

### **Audit Objectives**

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

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and

City of Killeen  
May 29, 2013

Page 3

the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and OMB Circular A-133 in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. We will make reference to the component unit's auditor's audit of Killeen Economic Development Corporation in our report on your financial statements. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified (unmodified), we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence, and (4) access to the necessary information required from the discretely presented component unit, which is audited by another firm.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review during interim.

You are responsible for preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon.

City of Killeen  
May 29, 2013

Page 5

Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information. With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal controls, future plans, specific transactions and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written representation letter. The City agrees that as a condition of our engagement to perform an audit, that management will, to the best of its knowledge and belief, be truthful, accurate and complete in all representations made to us during the course of the audit and in the written representation letter. The procedures we perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. False or misleading representations could cause us to expend unnecessary efforts in the audit; or, worse, could cause a material error or a fraud to go undetected by our procedures. Thus, the City agrees that we will not be liable for any damages or otherwise responsible for any misstatements in the City's financial statements that we may fail to detect as a result of false or misleading representations that are made to us by management. Moreover, the City agrees to indemnify and hold us harmless from any claims and liabilities, including reasonable attorneys' fees, expert fees and costs of investigation and defense, arising out of or related to this engagement if false or misleading representations are made to us by any member of the City's management.

#### **Audit Procedures—General**

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

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*.

In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### **Audit Procedures—Internal Controls**

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

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

### **Audit Procedures—Compliance**

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

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

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

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

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

Both of us agree that any dispute between you and Weaver and Tidwell, L.L.P., arising from the engagement, this agreement, or the breach of it, may, if negotiations and other discussion fail, be first submitted to mediation in accordance with the provisions of the Commercial Mediation Rules of the American Arbitration Association (AAA) then in effect.

City of Killeen  
May 29, 2013

Page 9

Both of us agree to conduct any mediation in good faith and make reasonable efforts to resolve any dispute by mediation. Mediation is not a pre-condition to the arbitration provided for below and the failure or refusal by either party to request or participate in mediation shall not preclude the right of either party to initiate arbitration. We agree to conduct the mediation in Dallas, Texas, or another mutually agreed upon location.

Both of us agree that any dispute arising from the engagement, this agreement or the breach of it shall be subject to binding arbitration under the provisions of the Federal Arbitration Act (9 U.S.C. § 1, *et seq.*) and of the Dispute Resolution Rules for Professional Accounting and Related Services Disputes of the AAA (the Rules), and judgment on the award rendered by the arbitrator may be entered in any court of competent jurisdiction. The arbitration shall be heard before one or more arbitrators selected in accordance with the Rules. The parties agree to conduct the arbitration in Dallas, Texas, or another mutually agreed upon location. The arbitrator may only award direct damages and may not award consequential, exemplary, or punitive damages. The prevailing party in any arbitration or litigation shall be entitled to recover from the other party reasonable attorneys' and expert witness fees, court costs, and the administrative costs, arbitrator's fees, and expenses of the AAA incurred in the arbitration or litigation in addition to any other relief that may be awarded.

Notwithstanding the provisions of the immediately preceding paragraph, neither of us shall be compelled to arbitrate any dispute between us which arises out of any claim asserted against either of us by a third party, unless the third party (whether one or more) agrees to join the arbitration or can be compelled to join it.

If any term of this engagement letter is declared illegal, unenforceable, or unconscionable, that term shall be severed and the remaining terms of the engagement letter shall remain in force. Both of us agree that the arbitrator(s) or Court, as the case may be, should modify any term declared to be illegal, unenforceable, or unconscionable in a manner that will retain the intended term as closely as possible. If a dispute arising from the engagement or from this agreement or any term of it or any alleged breach of it is submitted to a Court for interpretation or adjudication, both of us irrevocably waive right to trial by jury and agree that the provisions of this engagement letter regarding damages, attorneys' fees, and expenses shall be applied and enforced by the Court.

In the unlikely event that circumstances occur which we in our sole discretion believe could create a conflict with either the ethical standards of our firm or the ethical standards of our profession in continuing our engagement, we may suspend our services until a satisfactory resolution can be achieved or we may resign from the engagement. We will notify you of such conflict as soon as practicable, and will discuss with you any possible means of resolving them prior to suspending our services.

City of Killeen  
May 29, 2013

Page 10

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Weaver L.L.P. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to an oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Weaver L.L.P. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

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

Mr. Jerry Gaither is the engagement partner and is responsible for supervising the engagement and signing the report on behalf of Weaver and Tidwell, L.L.P.

Our fee is based upon the complexity of the work to be performed and the tasks required. Fees for our services are due upon receipt of our invoice. For bills not paid within 60 days of the billing date, a late charge will be added to the outstanding balance. The late charge will be assessed at .5% on the unpaid balance per month. Our fee for these services will not exceed \$95,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full.

City of Killeen  
May 29, 2013

Page 11

If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

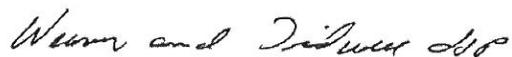
We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Council of the City. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2010 peer review accompanies this letter.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm name, you agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

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

Yours truly,



WEAVER AND TIDWELL, L.L.P.

JLG:res

City of Killeen  
May 29, 2013

Page 12

RESPONSE:

This letter correctly sets forth the understanding of City of Killeen

Officer signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Bellevue  
Boise  
Grandview  
Moscow  
Omak  
Othello  
Quincy  
Spokane  
Tri-Cities  
Walla Walla  
Wenatchee  
Yakima

SYSTEM PEER REVIEW

To the Partners of  
Weaver and Tidwell, L.L.P.  
and the National Peer Review Committee of the  
American Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Weaver and Tidwell, L.L.P. (the Firm) applicable to non-SEC issuers in effect for the year ended May 31, 2010. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Weaver and Tidwell, L.L.P. applicable to non-SEC issuers in effect for the year ended May 31, 2010, has been suitably designed and complied with to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Weaver and Tidwell, L.L.P. has received a peer review rating of *pass*.

*LeMaster Daniels PLLC*

Spokane, Washington  
September 30, 2010

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**FY 2013-2014 Community Development  
Block Grant (CDBG) and Home Investment  
Partnerships (HOME) Program**

**ORIGINATING DEPARTMENT**

**Community Development**

**BACKGROUND INFORMATION**

The City of Killeen is scheduled to receive \$959,678.00 from the U.S. Department of Housing and Urban Development (HUD) for FY 2013-14 CDBG program activities. \$141,379.94 in funds from completed CDBG projects and prior year program income is also available for use providing a total of \$1,101,057.94 available for FY 2013-14 CDBG activities. The City will also receive \$313,692.00 from HUD for FY 2013-14 HOME Investment Partnerships (HOME) Program activities, \$275,592.78 in reprogrammable funds and program income provide a total of \$589,284.78 for FY 2013-14 HOME activities. Applications for funding for both the CDBG and HOME Programs were submitted by the deadline of April 5, 2013 and are described and detailed in the attached Community Development Advisory Committee meeting minutes.

At the time the committee meetings were conducted and recommendations were made, the City had not received FY2013-14 annual allocation figures from HUD, therefore the committee used figures based on the FY 2012-13 CDBG and HOME grants plus reprogrammable funds to calculate and make their initial recommendations. The Committee also decided that increases or decreases to the grant would be applied equally to the recommendations.

Established priorities listed in the 2010-2014 Consolidated Strategic Plan, as amended, were considered and adhered to during the funding allocation and recommendation process; the FY 2013-2014 Annual Action Plan describes how funding will be used during the program year to address the priority needs of the community.

**DISCUSSION/CONCLUSION**

The CDAC met on May 1 and May 2, 2013 to review and make recommendations for proposed use of 2013-14 CDBG and HOME Program funds on the basis of eligibility, need and priority. Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan, as amended and Annual Action Plan to meet affordable housing and community development needs.

HUD notified the City on May 29, 2013 of the annual allocation of CDBG and HOME funds and again on May 30, 2013, which changes both grant program amounts from what was originally used by the committee in its recommendation process (in early May), and then again from what

was previously presented during the first public hearing on June 11, 2013. Adjustments have been made to the committee recommendations for those applications whose original request was reduced. Applications receiving recommendation for the full amount of the original request will not be adjusted; these final changes are reflected in the revised proposed Ordinance and Annual Action Plan.

Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan, as amended and Annual Action Plan to meet affordable housing and community development needs.

### **FISCAL IMPACT**

HUD regulations allow for 20% of CDBG and 10% of HOME funds to be expended on administration/planning of CDBG and HOME activities. Budgeted expenses for the CDBG Program and HOME Program will exceed the reimbursable amount by HUD and require a budget allocation from the City's general fund of \$40,049.00. All other project costs under the CDBG and HOME Program will be reimbursed to the City by the U.S. Department of Housing and Urban Development.

### **RECOMMENDATION**

Following the first public hearing on June 11, 2013, recommend approval of the proposed 2013-14 Annual Action Plan and the publishing of the proposed Plan to solicit citizen comments and participation. Recommend approval of the final Plan with revisions, as appropriate, based on citizen comments to be reviewed during the second public hearing on June 25, 2013.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE 2013-2014 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$959,678.00 IN FY 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS IN THE AMOUNT OF \$141,379.94 FOR A TOTAL EXPENDITURE OF \$1,101,057.94 OF CDBG FUNDS; AND THE APPLICATION OF \$313,692.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS IN THE AMOUNT OF \$275,592.78 FOR A TOTAL EXPENDITURE OF \$589,284.78 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the 2013-14 Action Plan describing CDBG and HOME activities is consistent with the goals and objectives described in the Consolidated Strategic Plan, as amended; and

**WHEREAS**, two public hearings were conducted and held by the City Council to seek citizen participation in the development of the 2013-14 Action Plan describing the allocation of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Program funds; and

**WHEREAS**, the Community Development Advisory Committee (CDAC) has reported its recommendation on the use of CDBG and HOME Program funds for FY 2013-14; and

**WHEREAS**, the City Council of the City of Killeen has invited and received further citizen comment on the allocation of \$959,678.00 in FY 2013-14 CDBG funds and the reprogramming of \$113,071.09 of CDBG funds from prior year completed projects and \$28,308.85 of prior year program income, and the allocation of \$313,692.00 in FY 2013-14 HOME funds and the reprogramming of \$234,868.10 of HOME funds from prior year completed projects and \$40,724.68 of prior year program income;

**WHEREAS**, after due consideration of the community's needs and the requirements for targeted areas within the City as provided by the U.S. Department of

Housing and Urban Development, the City Council of the City of Killeen has determined to apply for and has agreed on the allocation of said funds;

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the City Council of the City of Killeen held public hearings in accordance with HUD regulations to hear and accept citizen comments on the 2013-14 Action Plan describing proposed CDBG and HOME activities on June 11 and 25, 2013.

**SECTION II.** That the City Council of the City of Killeen hereby authorizes the City Manager to execute an application for \$959,678.00 in CDBG funds and \$313,692.00 in HOME funds for FY 2013-2014 and approves the reprogramming of: \$141,379.94 in prior year CDBG funds and \$275,592.78 in prior year HOME funds, and approves CDBG and HOME Program expenditures during FY 2013-2014 in the following manner:

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC SERVICES**

<b>Bell County Human Services:</b> child care services	\$ 4,974.38
<b>Bring Everyone in the Zone:</b> salary assistance for the Military Support program	\$ 10,974.38
<b>Communities In Schools of Greater Central Texas, Inc.</b> salary assistance for the Connections Program director	\$ 20,056.28
<b>Families in Crisis, Inc.:</b> client transportation services	\$ 5,974.38
<b>Greater Killeen Free Clinic:</b> salary assistance nursing	\$ 25,000.00
<b>Hill Country Community Action Assoc./Aging Services:</b> salary assistance for kitchen aide/meal driver	\$ 5,980.29
<b>Killeen Housing Authority:</b> youth services summer camp program 2014	\$ 991.99
<b>City of Killeen Transportation Program:</b> transportation services for the elderly	\$ 70,000.00

**HOUSING**

**Housing Renewal Program** – emergency, minor repairs, moderate rehabilitation,  
and accessibility modifications/accommodations program \$ 221,912.00

**ACQUISITIONS, PUBLIC FACILITIES AND IMPROVEMENTS**

**Central Texas 4C, Inc.** Head Start surveillance systems \$ 32,694.20  
**Families in Crisis, Inc.:** homeless shelter renovations \$ 510,564.44

**ADMINISTRATION/PLANNING**

**Administration and Planning of CDBG Program** \$ 191,935.60

**TOTAL CDBG FUNDS ALLOCATED:** \$ 1,101,057.94

**HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM**

**Administration of Home Program** \$ 31,369.20

**Community Housing Development Organizations [CHDO] Set Aside**  
2013-14 minimum set aside requirement \$ 47,053.80

**Families In Crisis, Inc.** Tenant Based Rental Assistance program \$ 213,853.24

**City of Killeen Community Development Division** Elderly TBRA program \$ 207,008.54

**City of Killeen Community Development Division** 2013-14 HAP assistance  
with repairs \$ 90,000.00

**TOTAL HOME FUNDS ALLOCATED:** \$ 589,284.78

Further, all funds remaining in any project account at the completion of the project shall be transferred forward to like accounts to be available for subsequent reprogramming to other eligible projects.

**SECTION III.** That if any section or part of any section or paragraph of this ordinance is 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 this ordinance shall be effective after its passage and approval to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 25th day of June, 2013 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**

\_\_\_\_\_  
Daniel A. Corbin, MAYOR

**ATTEST:**

\_\_\_\_\_  
Paula Miller, CITY SECRETARY

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Kathryn H. Davis, CITY ATTORNEY

**DISTRIBUTION:** Community Development Division, Finance Department

**MINUTES**  
**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**  
**MAY 1-2, 12:00 P.M.**  
**COMMUNITY DEVELOPMENT TRAINING ROOM #E105**  
**KILLEEN ARTS AND ACTIVITIES CENTER**  
**802 N. 2<sup>ND</sup> ST., BUILDING E, KILLEEN, TX 76541**

- 1. CALL TO ORDER:** Meeting called to order by Chairman Barr at 12:25 PM.
- 2. ROLL CALL:** Committee members present: Kim Barr, Angelia Batie, Ralph Cossey, Alvin Dillard, Charles Guidry, Rudy Norman and Ashley Whitworth. Herbert Moffett was present at the meeting at 12:35, TaNeika Driver was present at the meeting at 1:12 PM and immediately stepped out with the Deputy City Attorney to discuss conflict of interest policy and returned to the meeting at 1:15PM. Absent: Brandon Harlee, Sr.(unexcused). City Staff present: Leslie Hinkle, Scott Osburn, Cinda Hayward, Celeste Sierra.
- 3. APPROVAL OF AGENDA:** Mr. Norman moved, seconded by Mr. Guidry to approve agenda for May 1-2, 2013. Motioned carried.
- 4. APPROVAL OF MINUTES:** Mr. Guidry moved, seconded by Ms. Batie to approve February 21, 2013 minutes pending a change on heading from 2012 on the date to 2013. Motion carried.
- 5. CITIZENS PETITIONS AND INFORMATION:** None presented.
- 6. COMMITTEE & STAFF ITEMS**
  - A. DISCUSS AND CONSIDER APPROVAL OF REPROGRAMMING OF ADDITIONAL CDBG AND HOME FUNDS FOR FY 13-14 ACTIVITIES:** Ms. Hinkle reviewed funds available for reprogramming to 2013-14 activities. After discussion Mr. Moffet moved, seconded by Dr. Dillard to approve the reprogramming of available funds in the amount of \$141,379.94 in CDBG funds and \$275,592.78 in HOME funds. Motion carried.
  - B. DISCUSS AND CONSIDER APPROVAL OF APPLICATIONS SUBMITTED FOR FY 2012-13 PROPOSED PROGRAM OF ACTIVITIES:** Deputy City Attorney briefed members on the Conflict of Interest Disclosure form provided for completion and advised that prior to hearing presentations from organizations or making recommendations for 13-14 activities the City wanted to make sure that all potential conflict of interests any committee members might have were identified. He also advised that if a member or an immediate family member (spouse, child or parent) served on the board of any of these organizations or if a member has a reason that might cast an appearance of impropriety, he wanted for the members to recuse from discussion and acknowledge for the record that they were stepping down from a discussion. He advised that this process provides adherence to federal regulations and assists with making recommendations to Council appear unbiased and with no special interests in the recommendation of these appropriations. The Committee then moved on to listening to the presentations with the following committee members stepping down from the following presentations: Dr. Dillard from Bring Everyone in the Zone and Heritage House of Central Texas; Chair Barr from Communities in Schools of Greater Central Texas; and TaNeika Driver from Greater Killeen Free Clinic. Presentations were heard from the following applicant representatives requesting CDBG funds in the form of public services: Maria Foster, Becky Help and Rhonda Montgomery from Bell County Human Services; Maureen Jouett from Bring Everyone in the Zone; Mary Barr and Michael Deweese from Communities in Schools of Greater Central Texas; William Hall from Families in Crisis; Marlene DiLillo from Greater Killeen Free Clinic; Michael Christ from Heritage House of Central Texas; Tama Shaw from Hill Country Community Action Association; Cassandra Robinson from Killeen Housing Authority; and Celeste Sierra from City of Killeen Community Development. Leslie Hinkle briefed the Committee on the amount of funding that is being requested and the type and amount of funds available. Chair Barr advised that based on the presentations heard, the Committee could discuss preliminary funding for public services. Ms. Hinkle passed out a handout showing what the goals and initiatives were on the 5 year Consolidated Strategic Plan so that the Committee can base their recommendations using the Plan as an outline. The Committee decided to complete the scoring sheets for each applicant, have staff tally up the scores for each project and assign the number of points to

CDAC Meeting Minutes  
 May 1-2, 2013

each applicant. Committee would then review the following day and discuss funding based on the number of points assigned to each applicant.

**7. ADJOURNMENT:** Chair Barr asked for a motion to adjourn the meeting until the following day. Mr. Norman moved, seconded by Mr. Guidry to adjourn the meeting until May 2, 2013, at 1:00 PM at the same location at which time consideration of Item 6B would recommence. Meeting adjourned at 3:32 PM.

**May 2, 2013**

**1. CALL TO ORDER:** Chair Barr reconvened the May 1-2, 2013 CDAC meeting on May 2, 2013 at 1:08 PM.

**2. ROLL CALL:** Committee members present: Kim Barr, Angelia Batie, Ralph Cossey, Dr. Alvin Dillard, TaNeika Driver, Herbert Moffett, Rudy Norman and Ashley Whitworth. Absent: Charles Guidry (excused) and Brandon Harlee, Sr. (unexcused). City Staff present: Leslie Hinkle, Scott Osburn, Cinda Hayward and Celeste Sierra.

**6. COMMITTEE AND STAFF ITEMS**

**F. DISCUSS AND CONSIDER APPROVAL OF APPLICATIONS SUBMITTED FOR FY 2013-14 PROPOSED PROGRAM OF ACTIVITIES:**

Chair Barr advised the Committee would continue listening to presentations under Facilities requests. They heard presentations from Janell Frazier, Central Texas 4C, Inc.; William K. Hall; Families in Crisis, Inc.; Charlotte Humphreys, City of Killeen Planning and Development Services; John Koester, City of Killeen Street Dept.; and Abel Turner, City of Killeen Community Development Division. The Committee went on to hear presentations under the HOME Program by William Hall, Families in Crisis, Inc.; Maria Barraza, City of Killeen Community Development Division and Leslie Hinkle for Home Administration request. Ms. Hinkle then advised the Committee how much funding was available for Public Services and Public Facilities and Improvements under the CDBG Program and funding under the HOME Program. Based on the City's final allocation by HUD for CDBG and HOME, the recommendations would change equally by the higher or lesser percentage of HUD's allocation. After extended discussion with each Committee member having a conflict of interest stepping down during the recommendation of a particular agency, the Committee approved the following recommendations for funding under public services for a total of \$139,075.80 and the Administration/Planning of CDBG activities receiving the allowable 20% of allocation in the amount of \$185,434.40.

ORGANIZATION	PROJECT	AMOUNT
Bell County Human Services	Affordable child care costs to low income applicants attending school, working full-time	\$4,000.00
Bell County Human Services	Education Initiative Program	\$00.00
Bring Everyone in the Zone	Military Support Program	\$10,000.00
Communities in Schools of Greater Central Texas, Inc.	Connections Program at Eastward Elementary School	\$19,081.90
Families in Crisis, Inc.	Client Transportation Project	\$5,000.00
Greater Killeen Free Clinic	Nursing/Educator Salary for treatment/management of chronic diseases	\$25,000.00
Heritage House of Central Texas	Salary assistance for program coordinator and administrative assistant	\$00.00
HCCAA, Inc.	Center aide/driver for Aging Services nutrition program	\$5005.91
Killeen Housing Authority	Youth Services Summer Day Camp	\$991.99
COK Community Development	Elderly Transportation Program	\$70,000.00

CDAC Meeting Minutes  
 May 1-2, 2013

The Committee went on to discuss funding requests for Public Facilities and improvements and approved the following recommendations for funding for a total of \$744,041.74

ORGANIZATION	PROJECT	AMOUNT
Central Texas 4C, Inc.ell County Human Services	Head Start Surveillance System	\$22,129.77
Families in Crisis, Inc.	Homeless Shelter Renovation Project	\$500,000.00
COK Planning and Development Services	Downtown Neighborhood Splash Park	\$00.00
COK Street Department	Sidewalk Reconstruction Project	\$00.00
COK Street Department	Street Reconstruction-Milling Project	\$00.00
COK Community Dev. Division	Housing Renewal Program	\$221,912.00
COK Community Dev. Division	CDBG Planning/Administration	\$185,434.40

After continued discussion the Committee approved the following funding recommendations for HOME projects for a total of \$544,435.88.

ORGANIZATION	PROJECT	AMOUNT
	Community Housing Development Organization (CHDO) activity minimum set aside for 2012	\$47,442.90
Families in Crisis, Inc.	Tenant Based Rental Assistance for Victims of Domestic Violence/Sexual Assault	\$191,104.54
COK Community Development Division	Tenant Based Rental Assistance Program for very low income Elderly	\$184,259.84
COK Community Development Division	First Time Homebuyer Assistance with Repairs Program	\$90,000.00
COK Community Development Division	HOME Program Planning/Administration	\$31,628.60

Chair Barr thanked everyone for their participation, especially the new members. Mr. Cossey asked if the Committee needed to make a determination on Committee member Harlee since he was not in attendance at any meeting and Deputy City Attorney Osburn advised that the matter would be handled by staff through a process. Ms. Hinkle advised City Council would meet on June 11<sup>th</sup> and 25<sup>th</sup> to discuss CDAC recommendations and invited Committee members to attend.

- ADJOURNMENT:** Chair Barr asked for a motion to adjourn the meeting. Mr. Norman moved, seconded by Ms. Driver, to adjourn. Meeting adjourned at 4:20 PM.

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Celeste Sierra  
 CD Specialist  
 Community Development Division

Regular 6-25-13  
Item # PH-2  
CCM/R \_\_\_\_\_

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**PLAT CASE #12-022RRS COSPER  
RIDGE ESTATES PHASE FOUR**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT  
SERVICES**

**BACKGROUND INFORMATION**

Mitchell & Associates, Inc. submitted this request on behalf of Mr. G. Wayne Cospers for *Cosper Ridge Estates, Phase Four*, being a residential replat of part of Lots 1-6, Block 1, Lot 1, Block 2, Lots 1-2, Block 3, Lot 1, Block 4, *Cosper Ridge Estates, Phase Three*, and 15.204 acres out of the W. H. Cole Survey, Abstract No. 200, Killeen, Texas.

**DISCUSSION/ CONCLUSION**

The property is located on the east right-of-way of S. H. 195, east of Rowdy Drive, which is a 60' local street within the *Splawn Ranch Subdivision, Phase Three*, and south of *Cosper Ridge Estates*. The property is zoned R-1 (Single-family Residential) and the applicant is (re)plating the property into sixty-nine (69) lots and extending five (5) local streets that were platted in a previous phase of development.

**FISCAL IMPACT**

None

**RECOMMENDATION**

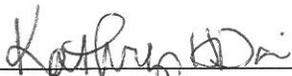
The Planning and Zoning Commission approved plat case #12-022RRS by a vote of 6 to 0 (Vice-Chair Langford stepped down).

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY



CITY OF KILLEEN  
PLAT APPLICATION

CASE #:  
12-022RRS

Plat Name **Cosper Ridge Estates, Phase Four**

Type: Preliminary ( ) Final ( ) Replat (X) Minor ( ) Amended ( )

Name(s) of Property Owner (s): **G. Wayne Cosper**

Address: **1401 W. Stan Schlueter Loop**

City: **Killeen** State: **Texas** Zip: **-76543**

Home Phone: ( ) N/A Business Phone: ( ) N/A Cell Phone: **254-702-2829**

Type of Ownership: **X** Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached? **YES**

Name of Developer: Same As Above

Address: Same As Above

City: Same As Above State: Same As Above Zip: Same as Above

Name of Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N College

City: Killeen State: Texas Zip: 76540

Home Phone: ( ) N/A Business Phone: (254) 634-5541 Cell Phone: N/A

Is the Property: (X) Within City Limits ( ) Within ETJ (5.0 miles)

Proposed Land Use: Residential

Total Acreage: 18.581 Number of Lots: 69 Current Zoning: R1 Proposed Zoning N/A

Is there a simultaneous rezoning of any part of this property? NO

Address/ Location of Property to be Platted:

Legal Description: 18.581 acres tract of land in Bell County, Texas, being part of the W. H. Cole Survey,

Abstract No. 200, and the land herein described being part of Cosper Ridge Estates Phase Three

Replats and Amendments: During the preceding five (5) years, was the platted property limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot? **No** During the preceding five (5) years, was any lot in the preceding plat limited by deed restrictions to residential use for not more than two residential units per lot? **No** Attach a copy of applicable deed restrictions or a (notarized) letter from the applicant stating that no deed restrictions apply.

What is the reason for the replat / amendment?

Owner(s) must initial:

\_\_\_\_\_ I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.

\_\_\_\_\_ I understand that attendance at the Development Review Committee meeting is mandatory. My failure to attend or my agent's failure to attend will result in rescheduling the meeting of the Development Review Committee and delay processing of the application.

\_\_\_\_\_ I understand that I must obtain approval from both Planning and Zoning Commission and City Council (except in the case of minor plats) prior to the plat being recorded with the Clerk of Bell County.

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Mitchell & Associates, Inc.

Mailing Address: 102 N College

City: Killeen State: Texas Zip: 76540

Home Phone: ( ) N/A Business Phone: (254) 634-5541

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent [Handwritten Signature] Title President

Printed/Typed Name of Agent Mitchell & Associates Date 6-8-12

Signature of Property Owner Title Owner

Printed/Typed Name of Property Owner G. Wayne Cospers Date

Signature of Property Owner NA Title Owner

Printed/Typed Name of Property Owner Date

Signature of Property Owner NA Title

Printed/Typed Name of Property Owner Date

\* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.



DATE: 06/4/2013  
 LOTS: 69  
 APPROX: 18.581 acres

**COSPER RIDGE ESTATES PHASE 4**

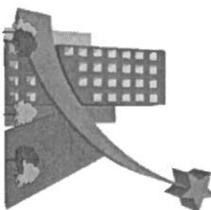
PLAT CASE #12-022RRS



**CITY OF KILLEEN**

PLANNING/MAPPING  
 P.O. BOX 1329  
 KILLEEN, TEXAS 76540-1329

NOTE: DRAWING BY MDA



**PLANNING AND  
DEVELOPMENT SERVICES**

**CASE #:**  
12-022RRS

**SUBDIVISION NAME:**  
COSPER RIDGE ESTATES  
PHASE FOUR

**NUMBER OF LOTS:**  
69 LOTS / 18.581 ACRES

**Legend**  

 Production: GISADMIN\_PlatCases2012  
 City Limits  
 Parcels

Date: 6/11/2013



**PLANNING AND ZONING COMMISSION MEETING  
MINUTES**

**CASE #12-02RRS  
COSPER RIDGE ESTATES, PHASE FOUR**

**HOLD a public hearing and consider a plat submitted by G. Wayne Cosper being a residential replat of Lots 1-6, Block 1, Lot 1, Block 2, Lots 1 and 2, Block 3, Lot 1, Block 4, Cosper Ridge Estates, Phase Three and 15.204 acres out of the W. H. Cole Survey, Abstract No. 200. The property is located south of Cosper Ridge Estates Phase Two, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner McIlwain stated that Mitchell & Associates, Inc. submits this request on behalf of Mr. G. Wayne Cosper for *Cosper Ridge Estates Phase Four*, being a residential replat of part of Lots 1-6, Block 1, Lot 1, Block 2, Lots 1-2, Block 3, Lot 1, Block 4, *Cosper Ridge Estates Phase Three*, and 15.204 acres out of the W.H. Cole Survey, Abstract no. 200, Killeen, Texas.

The property is located on the east right-of-way of S.H. 195, east of Rowdy Drive, which is a 60' local street within the *Splawn Ranch Subdivision Phase Three* subdivision, and south of *Cosper Ridge Estates*. The property is zoned R-1 (Single Family Residential) and the applicant is (re)plating the property into sixty-nine (69) lots and extending five (5) local streets that were platted in a previous phase of development.

The plat has met the provisions of Chapter 26, and validated during the Correction Validation meeting held on June 3, 2013. Staff recommends that the Planning and Zoning Commission approve the plat.

Mr. Robert Mitchell, Mitchell and Associates, 102 N. College, Killeen, TX, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Commissioner Traina motioned to recommend approve of the plat. Commissioner DeHart seconded the motion. The motion to recommend approval passed 6-0.

Chairman Frederick stated that this will be presented to city council on June 25, 2013.

Vice Chair Langford returned to the dais.

Regular 6-25-13  
Item # PH-3  
CCM/R \_\_\_\_\_

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**Case #13-011RRS Eagle Valley,  
Phase II**

**ORIGINATING DEPARTMENT**

**Planning and Development Services**

**BACKGROUND INFORMATION**

Turley Associates submitted this request on behalf of Barnes Independent Developers G.P., LLC, for *Eagle Valley, Phase II*, being a residential replat of Lots 21-45 and 58-62, Block 1, Lots 1-12 and 16-18, Block 2, Lot 1, Block 3, Lots 34-37, Block 4, a portion of Lot 1, Block 5, and 9.478 acres out of the W.L. Harris Survey, Abstract No. 1155, Killeen, Texas.

**DISCUSSION/ CONCLUSION**

The property is located south of the *Eagle Valley Subdivision*, which is located along the south right-of-way of Stan Schlueter Loop (FM 3470). The property is zoned R-1 (Single Family Residential) and the applicant is (re)platting the property into three (3) blocks, sixty-nine (69) lots, and two (2) drainage tracts blocks.

**FISCAL IMPACT**

None

**RECOMMENDATION**

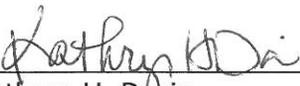
The Planning and Zoning Commission approved plat case #13-011RRS by a vote of 7 to 0.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY



CITY OF KILLEEN - PLAT APPLICATION

CASE # 13-0112RS

Plat Title: Replat

Type:  Preliminary  Final  Replat  Minor  Amended

Name(s) of Property Owner (s): BARNES INDEPENDENT DEVELOPERS GP., LLC

Address: P.O. BOX 148 Email: \_\_\_\_\_

City: Killeen State: TX Zip: 76549

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Type of Ownership:  Sole Ownership  Partnership  Corporation  Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached? YES / NO

Name of Developer: Barnes Independent Developers GP., LLC.

Address: P.O. Box 148 email: \_\_\_\_\_

City: Killeen State: TX Zip: 76549

Name of Engineer/Surveyor: Turley Associates, Inc.

Address: 301 N. Third Street

City: Temple State: TX Zip: 76501

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Is the Property: (x) Within City Limits ( ) Within ETJ (5.0 miles)

Proposed Land Use: Single Family Residential

Total Acreage: 30.694 Number of Lots: 73 Current Zoning: R1 Proposed Zoning R1

Is there a simultaneous rezoning of any part of this property? No x

Address/ Location of Property to be Platted: 30.694 acres located behind Eagle Valley Subdivision.

Legal Description: 30.694 acres being apart of the W.L. Harris Survey abstract number 1155, situated in the City of Killeen, Bell

County, Texas  
Replats and Amendments: During the preceding five (5) years, was the platted property limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot? Yes/No During the preceding five (5) years, was any lot in the preceding plat limited by deed restrictions to residential use for not more than two residential units per lot? Yes/No Attach a copy of applicable deed restrictions or a (notarized) letter from the applicant stating that no deed restrictions apply.

What is the reason for the replat / amendment? Adding additional property/redesign of lots

Owner(s) must initial:

I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.

I understand that attendance at the Development Review Committee meeting is mandatory. My failure to attend or my agent's failure to attend will result in rescheduling the meeting of the Development Review Committee and delay processing of the application.

I understand that I must obtain approval from both Planning and Zoning Commission and City Council (except in the case of minor plats) prior to the plat being recorded with the Clerk of Bell County.

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Turley Associates, Inc. Victor Turley P.E.

Mailing Address: 301 N. Third Street Email: \_\_\_\_\_

City: Temple State: TX Zip: 76501 - \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: (254)773-2400 Fax: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

**I understand that the City will deal only with a fully authorized agent.** If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent Victor D. Turley Title 4-11-13

Printed/Typed Name of Agent \_\_\_\_\_ Title \_\_\_\_\_

Signature of Property Owner [Signature] Title 4-18-13

Printed/Typed Name of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

\* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.





**PLANNING AND ZONING COMMISSION MEETING  
MINUTES**

**CASE #13-011RRS  
EAGLE VALLEY, PHASE II**

**HOLD** a public hearing and consider a plat by Barnes Independent Developers GP, L.L.C. being a plat of approximately 9.478 acres out of the W. L. Harris Survey, Abstract No. 1155, and a residential replat of Lots 21 – 46 and Lots 58 – 62, Block 1, Lots 1 – 12 and Lots 16 – 18, Block 2, Lot 1, Block 3, and Lots 34 – 37, Block 4, Eagle Valley Addition. The property is located south of W. Stan Schlueter Loop, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that Turley Associates submit this request on behalf of Barnes Independent Developers G.P., LLC, for *Eagle Valley Phase II*, being a residential replat of Lots 21-45 and 58-62, Block 1, Lots 1-12 and 16-18, Block 2, Lot 1, Block 3, Lots 34-37, Block 4, a portion of Lot 1, Block 5, and 9.478 acres out of the W.L. Harris Survey, Abstract No. 1155, Killeen, Texas.

The property is located approximately south of the *Eagle Valley Subdivision*, which is located along the south right-of-way of Stan Schlueter Loop (FM 3470). The property is zoned R-1 (Single Family Residential) and the applicant is (re)plating the property into three (3) blocks, sixty-nine (69) lots, and two (2) drainage tracts blocks.

The plat has met the provisions of Chapter 26, and validated during the Correction Validation meeting held on June 3, 2013. Staff recommends that the Planning and Zoning Commission approve the plat.

Ms. Colette Marshall, Barnes Independent Builders, Killeen, TX, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Commissioner Butler motioned to approve of the plat. Commissioner Hicks seconded the motion. The motion to recommend approval passed 7-0.

Chairman Frederick stated that this will be presented to city council on June 25, 2013.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #FLUM Z13-18  
'GENERAL RESIDENTIAL' to  
'MULTIFAMILY RESIDENTIAL'**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT  
SERVICES**

**Nature of the Request**

This consideration is to amend the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' designated area to 'Multi-family Residential' for 4.004 acres located along the south right-of-way of Janelle Drive, approximately 920' east of the intersection of Clear Creek Road (S.H. 201). The property is locally known as 5100 Janelle Drive, Killeen, Texas. Consideration of an amendment to the FLUM is necessary because House Cross Associates is petitioning to rezone Lot 1, Block 1, Elms Creek Addition, Phase Two, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District).

**Land Use Plan:** This area is designated as 'General Residential' on the future land use map (FLUM).

**Plan Recommendation:** 'General Residential' encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

**Consistency:** The comprehensive plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

**Plan Recommendation:** 'Multi-family Residential' encompasses multi-unit attached residential in concentrated developments (5 or more units per building), whether for rental (apartments) or ownership (condominiums); parks and public spaces.

**Characteristics:** The comprehensive plan considers 'Multi-family Residential' to be of a most intensive category/ character. Development within this designation is of an auto-oriented character typically, but can be softened by perimeter and on-site landscaping, minimum spacing between buildings, site coverage limits, and on-site recreation or open space criteria. It may be limited to 2 or 3 stories outside of 'Urban' character areas. Both height and/or setbacks are regulated near less intensive residential uses for compatibility. Lastly, 'Multi-family Residential' is encouraged near transit routes.

## **Figure 1. Future Land Use Map (FLUM)**

See attachment

- Scope of Amendment: Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? **This is a singular tract consisting of four (4) acres.**
  
- Change in Circumstances: What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? ***This is being considered due to a concurrent zoning request. Staff is unaware of any specific changes in market conditions that would render the map inappropriate, but acknowledge that this site is suitable for a multi-family development.***
  
- Consistency with Other Plans: In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? ***This request does not affect any other city plans.***
  
- Adequate Information: Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? ***Staff has not requested any traffic analysis, and utility capacity will be addressed during the permitting stage of development.***
  
- Stakeholder Input: What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? ***With the exception of listing this action as a public hearing on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action, therefore, staff has not sought nor received any stakeholder input.***

## **Recommendation**

Planning and Zoning Commission recommended amendment of the FLUM for this area. According to the *U.S. Census- American Fact Finder*, approximately 49.3% of Killeen's housing tenure involves renter occupied units, which is commensurate with the city's demographics (household size, characteristics, and occupancy turnover). These indicators, as discussed in *Chapter 6 of the Comprehensive Plan, Housing and Neighborhoods*, illustrate a trend that necessitates the need for rental housing and a diversity of housing types. Multi-family housing will advance the goals of a diverse housing inventory and affordability consistent with the Killeen market.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' TO 'MULTIFAMILY RESIDENTIAL' FOR APPROXIMATELY 4.004 ACRES OF LAND LOCATED ALONG THE SOUTH RIGHT-OF-WAY OF JANELLE DRIVE, APPROXIMATELY 920 FEET EAST OF CLEAR CREEK ROAD (S.H. 201), KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to achieve orderly growth and fiscally prudent land development; and,

**WHEREAS**, the City Council finds that zoning regulations must be adopted in accordance with a comprehensive plan; and,

**WHEREAS**, the City Council has received a request from House Cross Associates to revise the future land use map of the comprehensive plan to change approximately 4.004 acres from 'General Residential' to 'Multifamily Residential'; and

**WHEREAS**, the City Council finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

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

**SECTION I:** That the land use designation of the following described tract be amended from 'General Residential' to 'Multifamily Residential', for approximately 4.004 acres, being located along the south right-of-way of Janelle Drive, 920' east of Clear Creek Road (S. H. 201), 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 25th day of June, 2013, 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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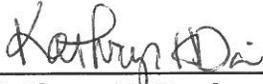
**Daniel A. Corbin**  
**MAYOR**

**ATTEST:**

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**Paula A. Miller**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

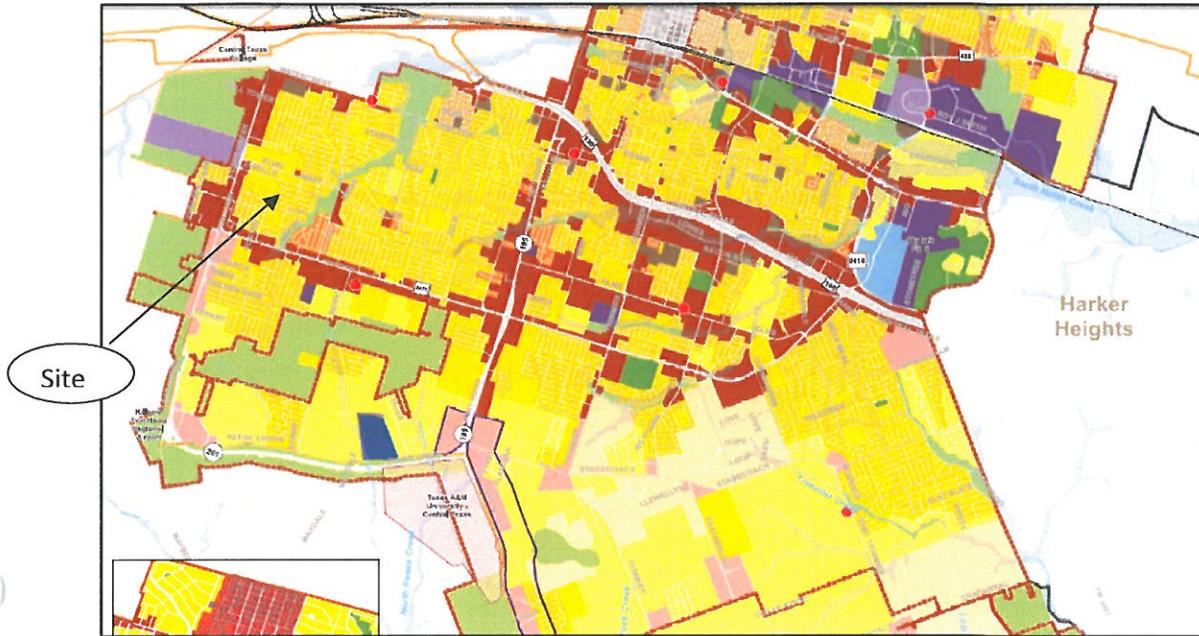
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**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #FLUM #Z13-18  
Ord #13-\_\_\_

Attachment to FLUM # Z 13-18

Figure 1 Future Land Use Map (FLUM)



**PLANNING AND ZONING COMMISSION MEETING  
MINUTES**

**FLUM #13-18  
GENERAL RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL**

- A. HOLD a public hearing and consider a request to change the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' to 'Multi-family Residential' for approximately 4.004 acres located along the south right-of-way of Janelle Drive, approximately 920 feet east of the t-intersection of Clear Creek Road (S.H. 201), and is locally known as 5100 Janelle Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this consideration is to amend the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' designated area to 'Multi-family Residential' for 4.004 acres located along the south right-of-way of Janelle Drive, approximately 920' east of the t-intersection of Clear Creek Road (S.H. 201). The property is locally known as 5100 Janelle Drive, Killeen, Texas. Consideration of an amendment to the FLUM is necessary because House Cross Associates is petitioning to rezone Lot 1, Block 1, Elms Creek Addition Phase Two, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District).

This area is designated as 'General Residential' on the future land use map (FLUM).

'General Residential' encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

The comprehensive plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

'Multi-family Residential' encompasses multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); parks and public spaces.

The comprehensive plan considers 'Multi-family Residential' to be of a most intensive category/ character. Development within this designation is of an auto-oriented character typically, but can be softened by perimeter and on-site landscaping, minimum spacing between buildings, site coverage limits, and on-site recreation or open space criteria. It may

be limited to 2 or 3 stories outside of 'Urban' character areas. Both height and/or setbacks are regulated near less intensive residential uses for compatibility. Lastly, 'Multi-family Residential' is encouraged near transit routes.

Staff recommended amendment of the FLUM for this area. According to the *U.S. Census-American Fact Finder*, approximately 49.3% of Killeen's housing tenure involves renter occupied units, which is commensurate with the city's demographics (household size, characteristics, and occupancy turnover). These indicators, as discussed in *Chapter 6 of the Comprehensive Plan, Housing and Neighborhoods*, illustrate a trend that necessitates the need for rental housing and a diversity of housing types. Multi-family housing will advance the goals of a diverse housing inventory and affordability consistent with the Killeen market.

Chairman Frederick opened the public hearing.

Mr. Shane Turner spoke in support of the request to amend the FLUM. Commissioner Butler asked who would be the targeted population to reside in the complex. Mr. Turner stated that the market analysis that was prepared showed that Killeen was in need of apartment style living.

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

Vice Chair Langford asked why a P.U.D. (Planned Unit Development) was not requested. City Planner McIlwain stated that a P.U.D is not a requirement due to the lot size and number of units.

Commissioner Dehart motioned to recommend approval of the request to amend the Comprehensive Plan's future land use map. Commissioner Hicks seconded the motion. The motion to recommend approval passed 7-0.

Chairman Frederick stated that this will be presented to city council on June 25, 2013 with a recommendation to approve.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #Z13-18 B-3 to R-3A**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT SERVICES**

**Nature of the Request**

House Cross Associates, Ltd., submitted this request to rezone Lot 1, Block 1, Elms Creek Addition, Phase Two, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District). The property is locally known as 5100 Janelle Drive, Killeen, Texas. The 4.004 acre site will yield one apartment unit per 2,500 of gross site area for a total of seventy units (i.e.  $4.004 * 43,560/2,500 = 69.7$ ). The development will be required to meet the city's 25' front and rear yard setbacks, 7.5' side yard setbacks and façade and screening standards.

**A building or premises in an R-3A multifamily apartment residential district shall be used only for the following purposes:**

- (1) Any use permitted in the R-1 or R-2 districts.
- (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
- (3) Boarding and lodging houses.
- (4) Fraternity or sorority houses.
- (5) Licensed group or community homes housing six (6) or more persons.
- (6) Dormitories for educational or employment purposes as a primary use.
- (7) Any group housing activity not otherwise identified in another multifamily or business district.
- (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.

**Applicant/Property Owner:** House Cross Associates, Ltd.

**Property Location:** The property is located along the south right-of-way of Janelle Drive, approximately 920' east of the t-intersection of Clear Creek Road (S.H. 201). The property is locally known as 5100 Janelle Drive, Killeen, Texas.

**Legal Description:** Lot 1, Block 1, Elms Creek Addition, Phase Two, Killeen, Texas.

**Annexation/ Zoning/ Plat Case History:**

- This property was annexed into the City of Killeen on October 19, 1999, per ordinance # 99-84.
- The subject property was rezoned from A-R1 (Agricultural Single Family Residential District) to B-3 (Local Business District) on June 27, 2006, per ordinance # 06-71.

- The property is platted as Lot 1, Block 1, Elms Creek Addition Phase Two, which was filed for record on October 2, 2006 in Cabinet D, Slide 142-D, Plat Records of Bell County, Texas.

**Character of the Area:**

**Existing Land Use(s) on the Property:** Vacant

**Figure 1. Zoning Map**

**See Attachment**

**Historic Properties:** None

**Infrastructure and Community Facilities**

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

**Transportation:**

Existing conditions: The site is located along the south right-of-way of Janelle Drive, which is classified as a 60' local street on the City's Thoroughfare Plan.

Proposed Improvements: Apartment complex

Projected Traffic Generation: Significant daily trips (upon build-out)

**Environmental Assessment**

**Topography:** The site has elevations ranging from 988' to 990'.

**Regulated Floodplain/Floodway/Creek:** This property is not located within any FEMA regulatory special flood hazard area (SFHA).

**Land Use Analysis**

**Land Use Plan:** This area is designated as 'General Residential' on the future land use map (FLUM).

**Plan Recommendation:** 'General Residential' encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

**Consistency:** The request is not the most appropriate zoning district for this designation; that would be 'Multi-family Residential'. Staff is supportive of amending the FLUM. The comprehensive plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge

of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

Staff notified two (2) surrounding property owners within a 200' notification boundary. Staff received no objections.

### **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0, with Commissioner Butler abstaining. According to the *U.S. Census- American Fact Finder*, approximately 49.3% of Killeen's housing tenure involves renter occupied units, which is commensurate with the city's demographics (household size, characteristics, and occupancy turnover). These indicators, as discussed in *Chapter 6 of the Comprehensive Plan, Housing and Neighborhoods*, illustrate a trend that necessitates the need for rental housing and a diversity of housing types. A 70-unit apartment complex will advance the goals of a diverse housing inventory and affordability consistent with the Killeen market.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, House Cross Associates, submit this request for an amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 4.004 acres, being Lot 1, Block 1, Elms Creek Addition Phase Two, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 10th day of June 2013, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 25th day of June 2013, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the request should be approved;

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

**SECTION I.** That the zoning classification of the following described tract be changed from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District), for Lot 1, Block 1, Elms Creek Addition Phase Two. The property is located on the south right-of-way of Janelle Drive, and is locally known as 5100 Janelle Drive, 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 25th day of June 2013, 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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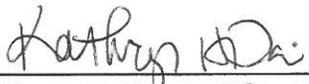
**Daniel A. Corbin, MAYOR**

**ATTEST:**

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**Paula A. Miller, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis, City Attorney**

Case #13-18  
Ord #13-\_\_

Figure 1. Zoning Map





Date Paid:	_____
Amount Paid:	\$ _____
Cash/MO #/Check #:	# _____
Receipt #:	_____

CASE #: 213-16

## City of Killeen Zoning Change Application

General Zoning Change  Conditional Use Permit

Name(s) of Property Owner: House Cross Associates Ltd

Current Address: Attn: Louann Cross, 7787 E. Trimmier Rd

City: Killeen State: TX Zip: 76542 - 4939

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone: (254) 289-0604

Email: la-cross@hotmail.com

Name of Applicant: \_\_\_\_\_  
(If different than Property Owner)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Address/Location of property to be rezoned: Jannelle Drive, Killeen, TX

Legal Description: Elms Creek Addition Phase 2, Block 001, Lot 0001, Acres 4.004

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan?  YES  NO

Type of Ownership: \_\_\_\_\_ Sole Ownership  Partnership \_\_\_\_\_ Corporation \_\_\_\_\_ Other

Present Zoning: B-3 Present Use: Vacant Land

Proposed Zoning: R-3A Proposed Use: Multi-family townhomes to be rented

Conditional Use Permit for: \_\_\_\_\_

This property was conveyed to owner by deed dated 4/22/08 and recorded in Volume \_\_\_\_\_  
Page 20080, Instrument Number \_\_\_\_\_ of the Bell County Deed Records.  
(Attached)

Is this the first rezoning application on a unilaterally annexed tract?  
Yes \_\_\_\_\_ (Fee not required) No \_\_\_\_\_ (Submit required fee)

### APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Shane Turner

Mailing Address: 20. Box 2477

City: Helena State: MT Zip: 59603

Home Phone: (281) 640-2765 Business Phone: (281) 640-2765 Email: shane@turnerelc.com

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent	<u>[Signature]</u>	Title	_____
Printed/Typed Name of Agent	<u>Shane Turner</u>	Date	<u>3-15-13</u>
Signature of Applicant	<u>[Signature]</u>	Title	<u>Partner</u>
Printed/Typed Name of Applicant	<u>Low Ann Cross</u>	Date	<u>4-22-13</u>
Signature of Property Owner	<u>[Signature]</u>	Title	<u>Partner</u>
Printed/Typed Name of Property Owner	<u>Franklin House</u>	Date	<u>4/9/2013</u>
Signature of Property Owner	<u>[Signature]</u>	Title	<u>Partner</u>
Printed/Typed Name of Property Owner	<u>Charles House</u>	Date	<u>4-22-13</u>
Signature of Property Owner	<u>[Signature]</u>	Title	<u>Partner</u>
Printed/Typed Name of Property Owner	<u>Darrell Cross</u>	Date	<u>4/9/2013</u>

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

## CONSIDERATIONS

Texas Supreme Court in *Pharr v. Tippitt*, 616 S. W 2<sup>nd</sup> 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?

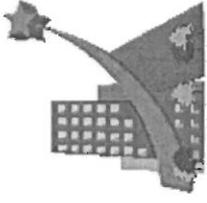
Any other factors which will substantially affect the health, safety, morals or general welfare.

### 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.



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

#Z13-18

**ZONING FROM:**

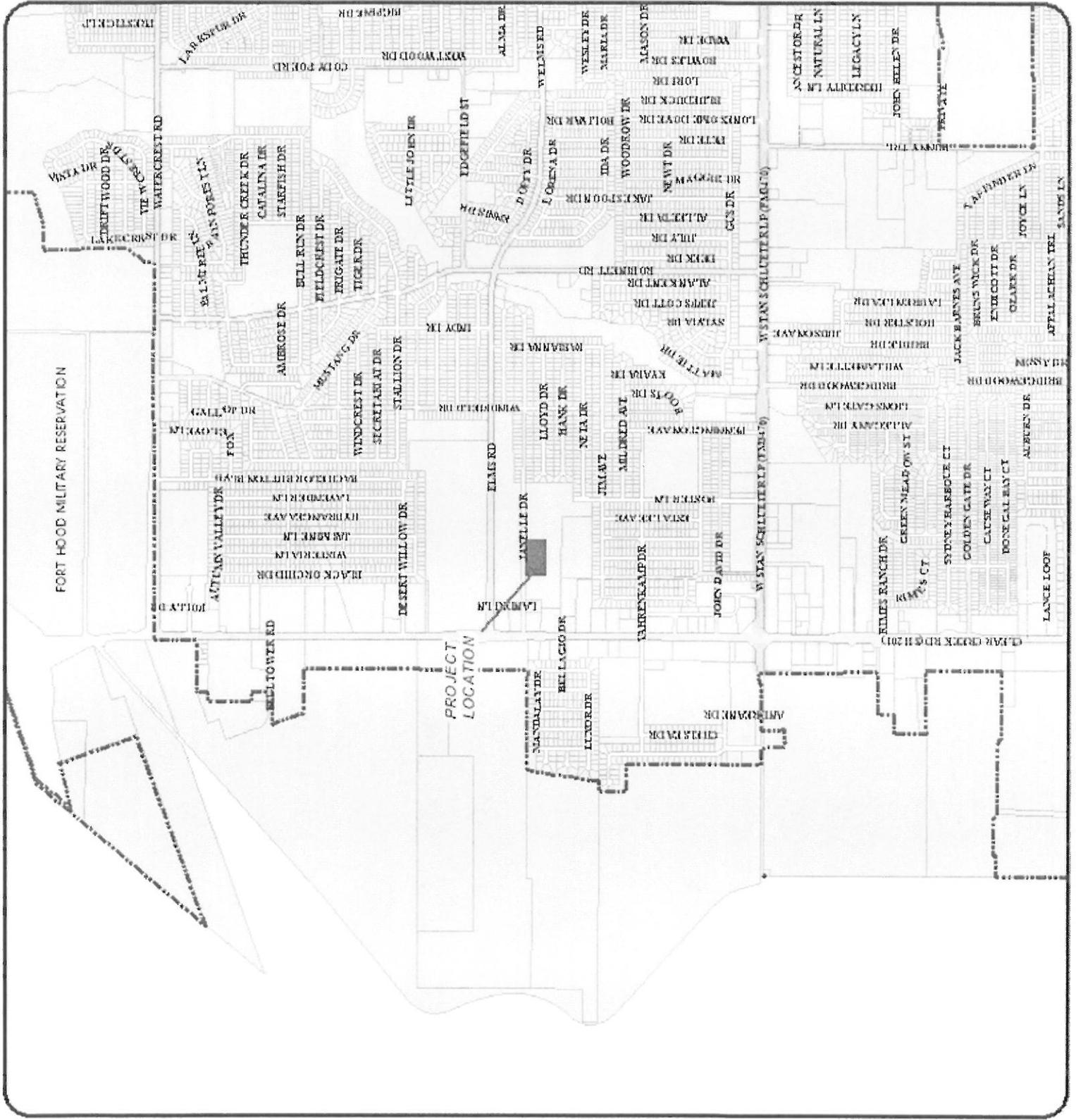
B3 TO R3A

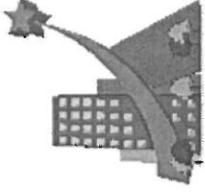
**PROPERTY OWNER:**

HOUSE CROSS ASSOCIATES LTD



Date: 5/17/2013





**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

#Z13-18

**ZONING FROM:**

B3 TO R3A

**PROPERTY OWNER:**

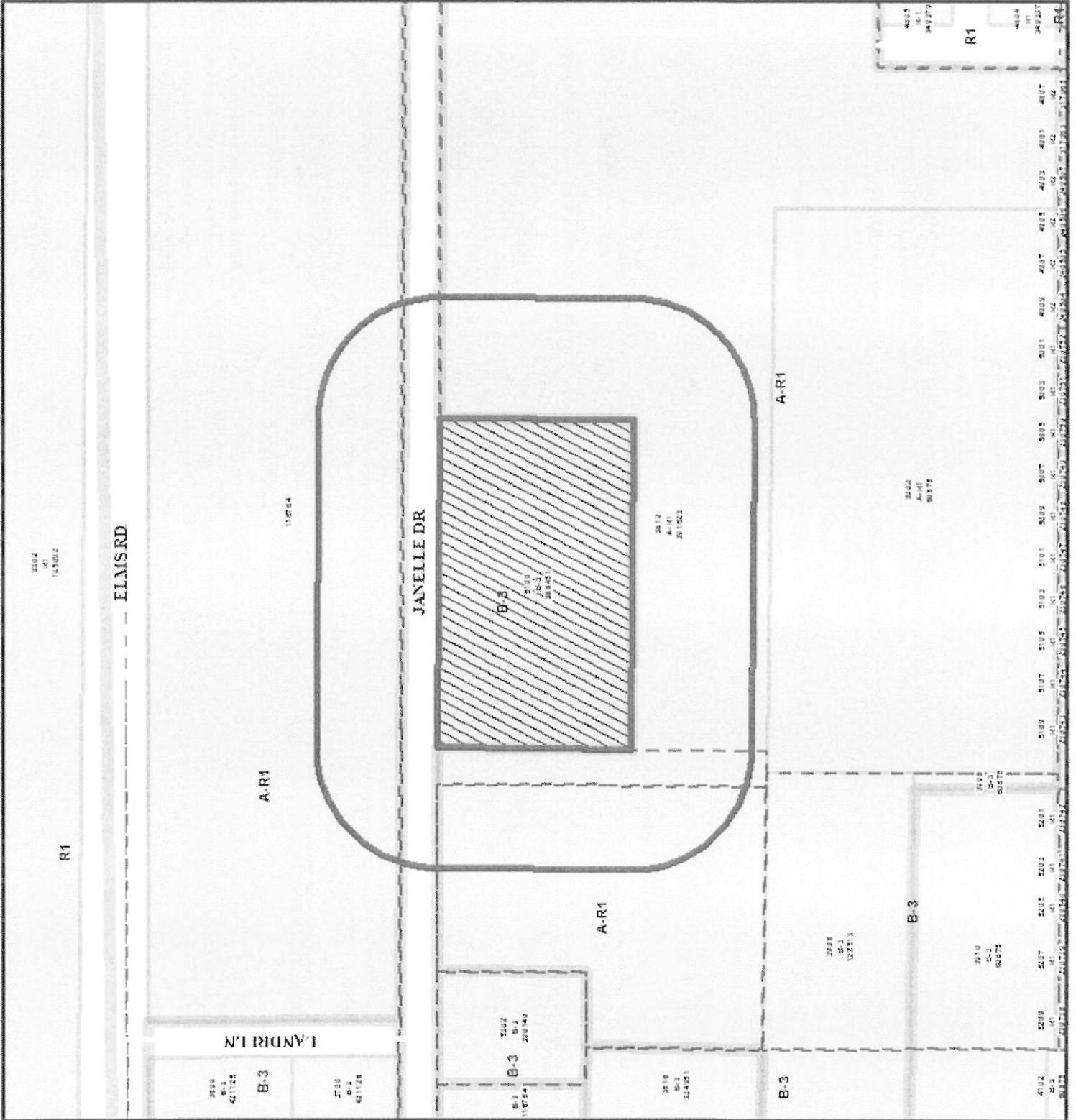
HOUSE CROSS ASSOCIATES LTD

**Legend**

- 200 Ft Buffer
- Zoning Case
- Current Zoning
- Subdivision
- Parcel
- City Limits



Date: 5/17/2013



**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
**CASE #Z13-18**  
**B-3 TO R-3A**

**HOLD a public hearing and consider a request by House Cross Associates, Ltd. to rezone Lot 1, Block 1, Elms Creek Addition Phase 2, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District). The property is located along the south right-of-way of Janelle Drive, approximately 920 feet east of the t-intersection of Clear Creek Road (S.H. 201), and is locally known as 5100 Janelle Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

City Planner McIlwain stated that House Cross Associates submit this request to rezone Lot 1, Block 1, Elms Creek Addition Phase Two, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District). The property is located along the south right-of-way of Janelle Drive, approximately 920 feet east of the t-intersection of Clear Creek Road. The property is locally known as 5100 Janelle Drive, Killeen, Texas. Janelle Drive is classified as a 60 foot local street on the Thoroughfare plan. The 4.004 acre site will yield one apartment unit per 2,500 of gross site area for a total of seventy units (i.e.  $4.004 * 43,560/2,500 = 69.7$ ). The development will be required to meet the city's 25' front and rear yard setbacks, 7.5' side yard setbacks and façade and screening standards.

This area is designated as 'General Residential' on the future land use map (FLUM). 'General Residential' encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

The request is not the most appropriate zoning district for this designation; that would be 'Multi-family Residential'. Staff is supportive of amending the FLUM. The comprehensive plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

Staff notified two (2) surrounding property owners within a 200' notification boundary. Staff received no objections.

Staff recommended approval of the applicant's request for R-3A (Multifamily Apartment Residential District). According to the *U.S. Census- American Fact Finder*, approximately 49.3% of Killeen's housing tenure involves renter occupied units, which is commensurate with the city's demographics (household size, characteristics, and occupancy turnover). These indicators, as discussed in *Chapter 6 of the Comprehensive Plan, Housing and*

*Neighborhoods*, illustrate a trend that necessitates the need for rental housing and a diversity of housing types. A 70-unit apartment complex will advance the goals of a diverse housing inventory and affordability consistent with the Killeen market.

Mr. Shane Turner, 7609 Woodbridge Drive, Woodway, TX, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Commissioner Dorroh motioned to recommend approval of the request to rezone to R-3A. Commissioner Hicks seconded the motion. The motion to recommend approval passed 6-0 with Commissioner Butler abstaining.

Chairman Frederick stated that this will be presented to city council on June 25, 2013 with a recommendation to approve.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #Z13-23 "A"  
(Agricultural District) to R-1  
(Single-family Residential District)**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT  
SERVICES**

**Nature of the Request**

This request is to rezone approximately 2.904 acres from 'A' (Agricultural District) to 'R-1' (Single-family Residential District). The property is located ½ mile south of Mohawk Drive on the east right-of-way of Clear Creek Road (S.H. 201).

**A building or premises in an R-1 single-family residential district shall be used only for the following purposes:**

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

- a. Shall not have a sign face which exceeds a total of twenty-four (24) square feet; and
- b. Shall not exceed six (6) feet in height; and
- c. Shall not be located in a side or rear yard which is adjacent to any other lot designated for residential use; and
- d. Shall advertise only the name of the subdivision.

(15) Cemetery.

### **Property Specifics**

**Applicant/Property Owner:** WBW Land Investments L.P.

**Property Location:** The property is located on the east right-of-way of Clear Creek Road (S.H. 201), approximately one-half (0.5) mile south of Mohawk Drive.

**Legal Description:** The property is part of the J.E. Madera Survey, Abstract No. 600, the T. Arnold Survey, Abstract No. 55 and the J. H. Lewis Survey, Abstract No. 1171.

### **Annexation/ Zoning/ Plat Case History:**

- This property was annexed into the City of Killeen effective March 16, 1999, per ordinance no. 99-16.
- The property has retained its agricultural zoning since being annexed into the city.
- The property has not been platted.

### **Character of the Area:**

**Existing Land Use(s) on the Property:** Undeveloped parcel of land

### **Figure 1. Zoning Map**

See attachment

### **Figure 2. Street Map**

See attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are available to the above subject property located within the City of Killeen municipal utility service area. Potable water and sanitary sewer infrastructure would be extended to the property as a part of the planned subdivision of The Landing at Clear Creek, Phase Three. Public storm drainage infrastructure is limited to public rights-of-way and detention of post

development storm water run-off may be required if unaccounted for within The Landing at Clear Creek Phase Three subdivision. Improved public right-of-way serving the tract is a state-system thoroughfare. The tract does not lie within a FEMA regulatory special flood hazard area. The applicant is advised that ingress/egress for SH-201 is controlled by the state and will be disciplined by TxDOT's Access Management Policies when the property is re-developed.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analysis related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

#### **Transportation:**

Existing conditions: The site abuts S. Clear Creek Road (S.H. 201), which is classified as a 90' minor arterial on the City's Thoroughfare Plan.

Proposed Improvements: The developer also intends to extend a proposed 60' local street (Reem Drive) through the subject site as part of The Landing at Clear Creek Phase III subdivision plat.

Projected Traffic Generation: Moderate upon build out.

#### **Environmental Assessment**

**Topography:** The site has elevations ranging from 988' to 1026'.

**Regulated Floodplain/Floodway/Creek:** This property is not located within any FEMA regulatory special flood hazard area (SFHA).

#### **Land Use Analysis**

**Land Use Plan:** This area is designated as 'General Residential' on the future land use map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

**Plan Recommendation:** 'General Residential' encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

**Consistency:** The rezone is consistent with the FLUM.

Staff notified eight (8) surrounding property owners within a 200' notification boundary. Staff received no responses as of June 5, 2013.

## **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0. The zoning designation is consistent with the Comprehensive Plan's future land use map.

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM 'A' (AGRICULTURAL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, WBW Land Investments L.P., submit this request for an amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 2.904 acres, being part of the J.E. Madera Survey, Abstract No. 600, the T. Arnold Survey, Abstract No. 55 and the J. H. Lewis Survey, Abstract No. 1171, from 'A' (Agricultural District) to R-1 (Single-family Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 10th day of June 2013, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 25th day of June 2013, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the request should be approved;

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

**SECTION I.** That the zoning classification of the following described tract be changed from 'A' (Agricultural District) to R-1 (Single-family Residential District), for approximately 2.904 acres, being part of the J.E. Madera Survey, Abstract No. 600, the

T. Arnold Survey, Abstract No. 55 and the J. H. Lewis Survey, Abstract No. 1171. The property is located on the east right-of-way of Clear Creek Road (S.H. 201), approximately one-half (0.5) mile south of Mohawk Drive.

**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 25th day of June 2013, 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:**

---

**Daniel A. Corbin, MAYOR**

**ATTEST:**

---

**Paula A. Miller, CITY SECRETARY**

**APPROVED AS TO FORM**



---

**Kathryn H. Davis, City Attorney**

Case #13-23  
Ord #13-\_\_\_

Figure 1. Zoning Map

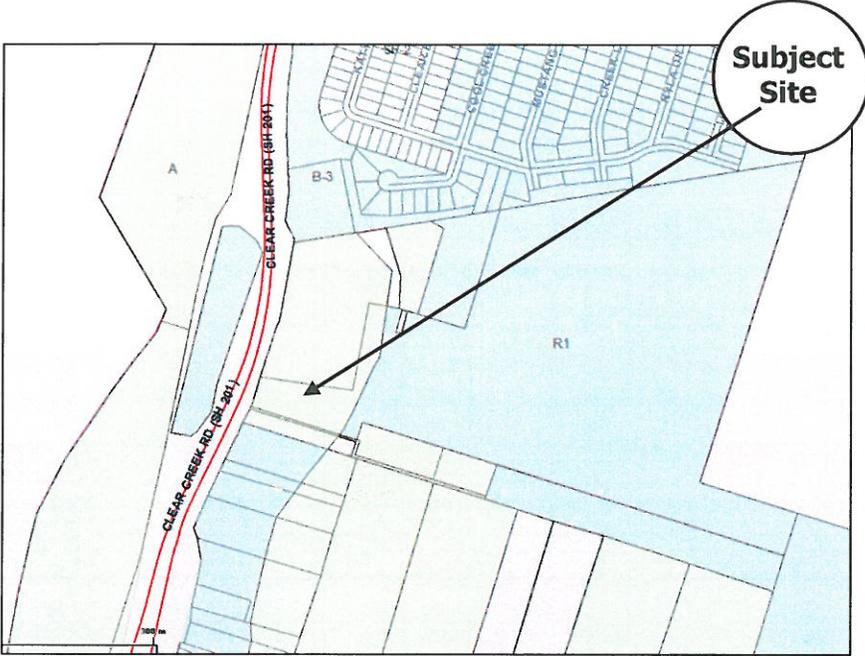


Figure 2. Aerial map





Date Paid:	_____
Amount Paid:	\$ _____
Cash/MO #/Check #:	# _____
Receipt #:	_____

CASE #: 213-23

## City of Killeen Zoning Change Application

[ ] General Zoning Change [ ] Conditional Use Permit

Name(s) of Property Owner: WBW Land Investments LP

Current Address: 3000 Illinois Suite 100

City: Killeen State: TX Zip: 76543

Home Phone: ( ) \_\_\_\_\_ Business Phone: 251-955-5056 Cell Phone: 254 251-1304

Email: garrett@wbdevelopment.com

Name of Applicant: \_\_\_\_\_  
(If different than Property Owner)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Cell Phone ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Address/Location of property to be rezoned: 0.50 miles south of Mohawk on SH201

Legal Description: \_\_\_\_\_

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan?  YES  NO

Type of Ownership: \_\_\_\_\_ Sole Ownership  Partnership \_\_\_\_\_ Corporation \_\_\_\_\_ Other

Present Zoning: A<sub>g</sub> Present Use: A<sub>g</sub>

Proposed Zoning: R1 Proposed Use: R1

Conditional Use Permit for: \_\_\_\_\_

This property was conveyed to owner by deed dated 3/6/2012 and recorded in Volume 8090, Page 828, Instrument Number 2012-8728 of the Bell County Deed Records. (Attached)

Is this the first rezoning application on a unilaterally annexed tract?  
Yes \_\_\_\_\_ (Fee not required) No \_\_\_\_\_ (Submit required fee)

## APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Garrett Nordyke

Mailing Address: 3000 Illinois Suite 100

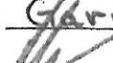
City: Killeen State: TX Zip: 76543

Home Phone: ( ) \_\_\_\_\_ Business Phone: 254 953-5055 Email: garrett@wbdevelopment.com

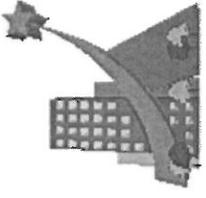
I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent 	Title <u>Development</u>
Printed/Typed Name of Agent <u>Garrett Nordyke</u>	Date _____
Signature of Applicant 	Title _____
Printed/Typed Name of Applicant _____	Date _____
Signature of Property Owner 	Title <u>President</u>
Printed/Typed Name of Property Owner <u>Bruce Whitis</u>	Date _____
Signature of Property Owner _____	Title _____
Printed/Typed Name of Property Owner _____	Date _____
Signature of Property Owner _____	Title _____
Printed/Typed Name of Property Owner _____	Date _____

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**

#Z13-23

**ZONING FROM:**

A TO R1

**PROPERTY OWNER:**

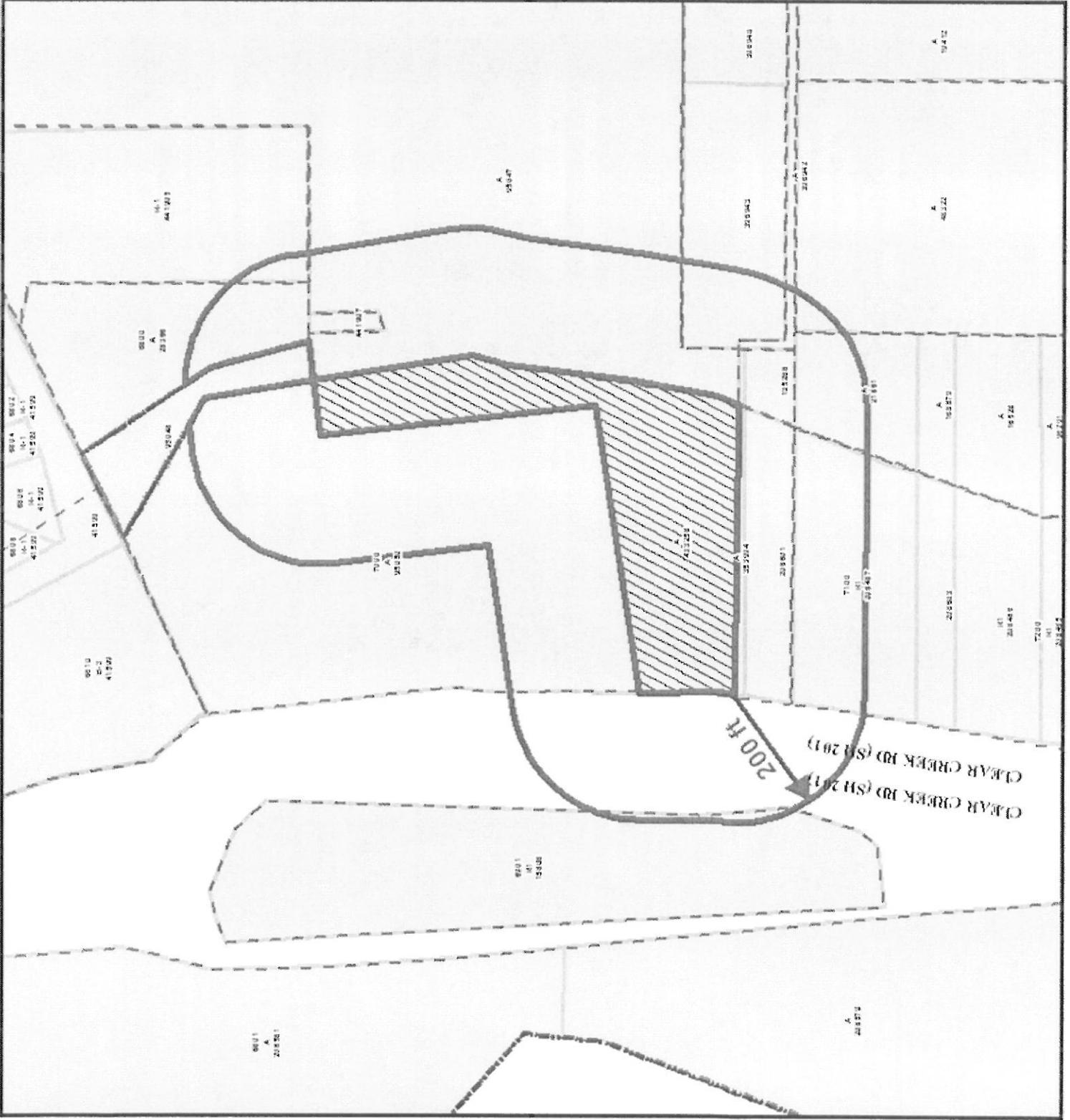
WBW LAND INVESTMENTS LP

**LEGEND**

- 200 Ft Buffer
- Zoning Case
- Current Zoning
- Subdivision
- Parcel
- City Limits



Date: 5/28/2013



**PLANNING AND ZONING COMMISSION MEETING**  
**MINUTES**  
**CASE #Z13-23**  
**'A' TO R-1**

**HOLD a public hearing and consider a request by WBW Land Investment, L.P. to rezone approximately 2.904 acres, being part of the J. E. Madera Survey, Abstract No. 600, T. Arnold Survey, Abstract No. 55, and the J. H. Lewis Survey, Abstract No. 1171 from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located on the east right-of-way of Clear Creek Road (S.H. 201), and approximately 0.5 mile south of Mohawk Drive, Killeen, Texas.**

Chairman Frederick requested staff comments.

Senior Planner Ferenc stated that this request by WBW Land Investments, L.P. is to rezone approximately 2.904 acres from 'A' (Agricultural District) to 'R-1' (Single-family Residential District). The property is located ½ mile south of Mohawk Drive on the east right-of-way of Clear Creek Road (S.H. 201). This will connect Clear Creek Road (SH 201) to the proposed subdivision *The Landing at Clear Creek Phase III*.

Water, sanitary sewer, and drainage utility services are available to the above subject property located within the City of Killeen municipal utility service area. Potable water and sanitary sewer infrastructure would be extended to the property as a part of the proposed *The Landing at Clear Creek Phase Three* subdivision. Public storm drainage infrastructure is limited to public rights-of-way and detention of post development storm water run-off may be required if unaccounted for within *The Landing at Clear Creek Phase Three* subdivision. Improved public right-of-way serving the tract is a state-system thoroughfare. The tract does not lie within a FEMA regulatory special flood hazard area. The applicant is advised that ingress/egress for SH-201 is controlled by the state and will be disciplined by TxDOT's Access Management Policies when the property is re-developed.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

This area is designated as 'General Residential' on the future land use map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

'General Residential' encompasses detached residential dwelling units, attached housing

types, planned developments, as well as parks and public/ institutional places.

The rezone is consistent with the FLUM

Staff notified eight (8) surrounding property owners within a 200' notification boundary. Staff received no responses as of June 10, 2013.

Staff recommended approval of the applicant's request for R-1 (Single-family Residential District) zoning. The zoning designation is consistent with the Comprehensive Plan's future land use map.

Mr. Garrett Nordyke, WB Development, 3000 Illinois Avenue, Ste 100, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Commissioner Traina motioned to recommend approval of the request to rezone to R-1. Commissioner Dorroh seconded the motion. The motion to recommend approval passed 7-0.

Chairman Frederick stated that this will be presented to city council on June 25, 2013 with a recommendation to approve.

## CONSIDERATIONS

Texas Supreme Court in *Pharr v. Tippitt*, 616 S. W 2<sup>nd</sup> 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.

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM** **Board & Commission Appointments and Board & Commission Subcommittees**

**ORIGINATING DEPARTMENT** **City Manager**

**BACKGROUND INFORMATION**

The City of Killeen has various boards and commissions and board and commission subcommittees. All of these groups serve in advisory capacities and are appointed by the Mayor and City Council. Due to the election of May 11, 2013 it is required that appointments be made to fill vacancies.

**DISCUSSION/CONCLUSION**

The memorandum/resolution is necessary to confirm and/or establish the membership of the Mayor/Council and other members on the below-discussed committees. The appointments requested are as follows:

**Boards and Commissions Members**

Boards and Commissions Members – The Mayor and Council make annual appointments to the City’s boards and commissions as well as throughout the year as vacancies occur. The Mayor and Council are voting members of many of these boards and commissions, as well as represent the Council on the board as ex-officio members.

<b>Board</b>	<b>2012-13</b>	<b>12-13 (June)</b>	<b>Comments</b>
Central Texas Council of Governments	Michael Lower		Term Expires Sept 2013
Transportation Planning Committee (K-T MPO)	Michael Lower		
Board of Directors–Killeen Sister City Committee	Michael Lower		Term Expires Sept 2014

**Boards and Commissions Recommendations Subcommittees**

Boards and Commissions Subcommittees – Before the Mayor and Council make appointments to the City board or commission, a recommendation is developed by that board’s subcommittee. This subcommittee is appointed by the Mayor, subject to the consent of the Council.

<b>Board</b>	<b>2012-13</b>	<b>2012-13</b>
Bell County Board of Health	Clark, Lower	
Boards of Adjustments & Appeals - Construction	Okray, Lower	
Boards of Adjustments & Appeals – Airport Zoning	Gilmore, Lower	

**RECOMMENDATION**

It is recommended that the City Council appoint the nominated individuals.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

**CITY COUNCIL MEMORANDUM FOR RESOLUTION**

**AGENDA ITEM**

**Board and Commission Appointments**

**ORIGINATING DEPARTMENT**

**Assistant City Manager, Internal Services**

**BACKGROUND INFORMATION**

The City of Killeen makes annual appointments to the boards and commissions in September of each year as well as throughout the year as vacancies occur.

**DISCUSSION/CONCLUSION**

In order to fill any vacancies which have occurred or to make reappointments, City Council action is required. The following listing represents vacancies which have occurred.

Arts Commission

Current Member	Interest	New Member	Special Qualifications
Dr. Ann Farris	Resigned		Educator/Arts
Eric Shephard	Resigned		Dance/Drama/Writing

Board of Adjustments and Appeals (Construction Board)

Current Member	Interest	New Member	Special Qualifications
Gregory Garrett	Resigned		Plumbing Contractor
Chester W. Southworth, Sr.	Resigned		General Contractor

Housing Authority of Killeen

Current Member	Interest	New Member	Special Qualifications
Roy Sampson	Resigned		

Killeen Volunteers, Inc.

Current Member	Interest	New Member	Special Qualifications
JoAnn Purser	Resigned		

**RECOMMENDATION**

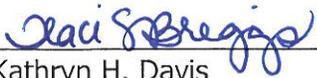
It is recommended that the City Council appoint the nominated individuals.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2013, 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**

\_\_\_\_\_  
Daniel A. Corbin  
MAYOR

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Kathryn H. Davis  
CITY ATTORNEY

**ATTEST:**

\_\_\_\_\_  
Paula A. Miller  
CITY SECRETARY

## **APPLICATIONS RECEIVED - BOARDS AND COMMISSIONS**

Revised / June 6, 2013

(Arranged in chronological order, based on submission date)

### **Arts Commission - Appointed by City Council; Sub-Committee All Council**

1. Cleaver, Tony
2. Cossey, Ralph (currently serving on Community Development Advisory Committee)
3. Doranski, John
4. Golden, Darlene
5. Alvarez, Ramon G
6. Batie, Angelia (currently serving on Community Development Advisory Committee)
7. Butler, James H. (currently serving on Planning & Zoning Commission)
8. Mason, Catherine (currently serving on Tree Advisory Board)
9. Chi, Caroline
10. Cole, Larry K.
11. Hetzel, Jennifer
12. Cobb, Nina M. W.

### **Board of Adjustments and Appeals (Construction) - Appointed by City Council; Sub-Committee Jonathan Okray, vacant)**

1. Archer, Tracy
2. Kim, Eugene

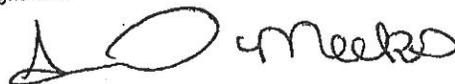
### **Killeen Housing Authority - Appointed by Mayor; no Sub-Committee**

1. Brent, Rachel (currently serving on Arts Commission)
2. Cotto, Millie (currently serving on Board of Adjustment - Zoning)
3. Taylor, Barbara (currently serving on Board of Adjustment - Killeen Municipal Airport)
4. Bazan, Efrain
5. Golden, Darlene
6. Noriega, Renae
7. Whitworth, Ashley (currently serving on Community Development Advisory Committee)
8. Stanonik, Peter J IV

### **Killeen Volunteers, Inc. - Appointed by City Council; Sub-Committee Elizabeth Blackstone, Jared Foster**

1. Meeks, Shannon D.
2. Egly, Larry C.
3. Cail, Laurissa
4. Hodges, Daniel
5. Tucker, Margaret
6. Brent, Rachel (currently serving on Arts Commission)
7. Knotts, Linda

**KILLEEN VOLUNTEERS, INC.  
BOARD OR COMMISSION CANDIDATE  
DATA SHEET**

Board/Commission Name: (Check area(s) of interest) <input checked="" type="checkbox"/> Killeen Volunteers, Inc. <input type="checkbox"/> Keep Killeen Beautiful <input checked="" type="checkbox"/> Celebrate Killeen Committee <input checked="" type="checkbox"/> Killeen Volunteer Corps <input checked="" type="checkbox"/> Rodeo Committee	Your Name Mr. _____ Mrs. _____ Ms. <input checked="" type="checkbox"/>  SHANNON D. MEEKS
Home Address 4608 DILLON DRIVE KILLEEN, TX 76542	Home Phone: 254 213 9030 Cell Phone: 504 495 3375 E-Mail: tysonshannon@yahoo.com
Business Address  N/A	Business Phone  N/A
Occupation  Student	Resident of Killeen (Years)  4
Special knowledge, experience, or interest applicable to function on Board or Commission:  14 years of Human Resource Experience,	
Other information (civic activities, etc.)   	
List other Killeen boards or commissions, if any, in which you have served or are now serving including the dates of service on each:  Bell County Health Services	
Signature: 	Date: 27 June 2009
Updated: Sept 11   Updated:	

RETURN TO: KILLEEN VOLUNTEERS, INC.  
 P.O. Box 1329  
 Killeen, TX 76540-1329  
 Phone: 254-501-7878 Fax: 254-501-7730  
 Email: [wbrewster@ci.killeen.tx.us](mailto:wbrewster@ci.killeen.tx.us)

**RECEIVED JUN 27 2009**

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) 1) Senior Citizens Advisory 2) Volunteers Advisory		Your Name Larry C. Egly	
Home Address 1206 Cedar Dr Killeen TX 76843		Home Phone 254-432-5435	
Business Address Belton ISD Belton TX		E-Mail legly@hotmail.com	
		Business Phone cell 254-630-9148	
Occupation Substitute Teacher		Resident of Killeen 30 Years	
		Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large			
Special knowledge, experience, or interest applicable to function on board or commission: 1) I am 60 years old. I am aware of needs and concerns of older individuals. I have parents aged 82 & 80 which also helps me understand the concerns of older people. 2) I have done volunteer work for; Christians for Peace Veterans for Peace, The Depression Bipolar Support Alliance			
Other information (civic activities, etc.) / my church, a political party and other organizations - I contribute "Letters To The Editor" to Killeen Daily Herald. - I try to support local businesses rather than national chain stores when ever possible - I stay current on city & state issues through warbus news media.			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. - President, Depression Bi Polar Support Alliance Central Texas; 2006 - 2011 - member, Depression Bi Polar Support Alliance State of TX Board; 2007-2008 2009-2010			
Signature: Larry C. Egly		Date: November 15, 2011	
		Updated:	

**RETURN TO: CITY MANAGER'S OFFICE**

101 North College - P. O. Box 1329  
 Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-634-8399

NOV 15 2011

**KILLEEN VOLUNTEERS, INC.  
BOARD OR COMMISSION CANDIDATE  
DATA SHEET**

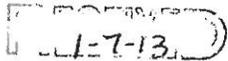
Board/Commission Name: <input checked="" type="checkbox"/> Killeen Volunteers, Inc. <input type="checkbox"/> Keep Killeen Beautiful Committee <input type="checkbox"/> Celebrate Killeen Committee <input type="checkbox"/> Killeen Volunteer Corps. <input type="checkbox"/> Rodeo Killeen Committee	Your Name <i>Laurissa Cail</i> Mr. <input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Ms. <input type="checkbox"/>
Home Address <i>3412 Cantabrian Drive Apt. C Killeen, TX 76542</i>	Home Phone: <i>760-684-1156</i>  E-Mail Address: <i>cail-laurissa@hotmail.com</i>
Business Address <i>N/A</i>	Business Phone <i>N/A</i>
Occupation <i>Active Duty Soldier</i>	Resident of Killeen (Years) <i>0</i>
Special knowledge, experience, or interest applicable to function on Board or Commission:  <i>N/A</i>	
Other information (civic activities, etc.)  <i>N/A</i>	
List other Killeen boards or commissions, if any, in which you have served or are now serving including the dates of service on each:  <i>N/A</i>	
Signature:  <i>Laurissa Cail</i>	Date:  <i>1/6/13</i>
Updated:	Updated:

RECEIVED  
1-7-13

Return to: KILLEEN VOLUNTEERS, INC.  
P.O. Box 1329  
Killeen, TX 76540-1329  
Phone: 254-501-7878 Fax: 254-501-7736

**KILLEEN VOLUNTEERS, INC.  
BOARD OR COMMISSION CANDIDATE  
DATA SHEET**

Board/Commission Name: <input checked="" type="checkbox"/> Killeen Volunteers, Inc. <input type="checkbox"/> Keep Killeen Beautiful Committee <input type="checkbox"/> Celebrate Killeen Committee <input type="checkbox"/> Killeen Volunteer Corps. <input type="checkbox"/> Rodeo Killeen Committee	Your Name <i>Daniel Hodges</i> Mr. <input checked="" type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/>	
Home Address <i>3412 Cantabrian Drive Apt. C Killeen, TX 76542</i>	Home Phone: <i>904-838-7389</i> E-Mail Address: <i>s.fuyash:74@gmail.com</i>	
Business Address <i>N/A</i>	Business Phone <i>N/A</i>	
Occupation <i>N/A</i>	Resident of Killeen (Years) <i>0</i>	
Special knowledge, experience, or interest applicable to function on Board or Commission: <i>N/A</i>		
Other information (civic activities, etc.) <i>N/A</i>		
List other Killeen boards or commissions, if any, in which you have served or are now serving including the dates of service on each: <i>N/A</i>		
Signature: 	Date: <i>1/6/13</i>	
	Updated:	Updated:



Return to: KILLEEN VOLUNTEERS, INC.  
P.O. Box 1329  
Killeen, TX 76540-1329  
Phone: 254-501-7878 Fax: 254-501-7736

**KILLEEN VOLUNTEERS, INC.  
BOARD OR COMMISSION CANDIDATE  
DATA SHEET**

Board/Commission Name: <input checked="" type="checkbox"/> Killeen Volunteers, Inc. <input type="checkbox"/> Keep Killeen Beautiful Committee <input type="checkbox"/> Celebrate Killeen Committee <input type="checkbox"/> Killeen Volunteer Corps. <input type="checkbox"/> Rodeo Killeen Committee	Your Name Margaret Tucker Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input checked="" type="checkbox"/>
Home Address 1103 Toliver St. Killeen, TX 76541	Home Phone: 254 526 0593 E-Mail Address: taps4students@yahoo.com
Business Address	Business Phone
Occupation Retired	Resident of Killeen (Years) 5
Special knowledge, experience, or interest applicable to function on Board or Commission: Great with phone bank/grassroots contact	
Other information (civic activities, etc.) Volunteer collector of food for needy. Volunteer reading teacher @ Moss Rose Housing Project Summer 2009/Summer 2010. Volunteer AIDS Care advocate- cook/clean/visit w/young men suffering w AIDS. Soup kitchen volunteer.	
List other Killeen boards or commissions, if any, in which you have served or are now serving including the dates of service on each: NA want to be a "visiting" member. I have commitments on Sat. but want to be a presst of what's happening w volunteers.	
Signature: Margaret R. Tucker	Date:
Updated:	Updated:

**Received**

MAR 14 2013

Assistant City Manager  
Internal Services

Return to: KILLEEN VOLUNTEERS, INC.  
P.O. Box 1329  
Killeen, TX 76540-1329  
Phone: 254-501-7878 Fax: 254-501-7736

**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Planning & Zoning (9-23-08) Data Sheet

~~DIVERSITY COALITION (4-25-08)~~

Board/Commission Name (You may list more than one.) <del>KVI</del> ARTS Commission		Your Name RACHEL BRENT	
Home Address KVI 4+13 KILLEEN HOUSING AUTHORITY (10-17-07) 1802 SANDSTONE		Home Phone 254-616-1715	E-Mail SANDSTONE47@AOL.COM
Business Address		Business Phone 254-247-8438	Occupation RETIRED - G.M.
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input checked="" type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  8 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: ELECTION JUDGE + PRECINCT CHAIRMAN FOR DISTRICT 405			
Other information (civic activities, etc.) KID SUB-TEACHING EASTERN STARS DEMOCRATIC PARTY			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. ARTS COMMISSION KILLEEN HOUSING AUTHORITY KVI			
Signature: Rachel Brent		Date: Aug. 1, 2006	
		Updated: Aug 08/Sept 11	

appointed to KVI 10-17-06

**RETURN TO: CITY MANAGER'S OFFICE**  
101 North College - P. O. Box 1329  
Killeen, Texas 76540  
Telephone: 254-501-7700 Fax: 254-634-8399



**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Animal Advisory Committee Pt 2, KUI (5-7-13)		Your Name Linda Knotts	
Home Address 3212 Carpet Lane Killeen, tx. 76549		Home Phone - Cell 254-458-0663	
Business Address Pet Medical Center 501 E. Fm 2410 Harker Heights, Tx. 76548		E-Mail keyna@hotmail.com	
Business Phone 254-690-6769		Occupation Disabled Kennel Tech. 14 years now	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  22 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____	
	Special knowledge, experience, or interest applicable to function on board or commission: I have worked with animals of all kinds now for 14 years at a pet hospital, with exotics and wild life. I have been trained to do vet tech stuff. Nutrition, restraint as needed. Seen a lot of abused & neglected animals, and ones just dumped.		
Other information (civic activities, etc.) I am a life member of the Girl Scouts. I was a substitute teacher for kids, my hobby is in the middle ages, society for creative anachronism			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <del>None</del> Planning & zoning, Killeen volunteers			
Signature: 		Date: 5-15-12	
Linda Knotts		Updated: Sept '12 / May '13	

**RETURN TO: CITY MANAGER'S OFFICE**

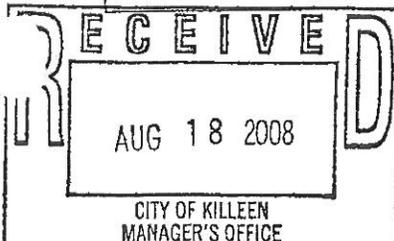
101 North College - P. O. Box 1329  
 Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-634-8399

MAY 15 2012

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) 1. Arts Commission 2. Planning & Zoning		Your Name CLEAVER, Tony	
Home Address 726 Walnut Drive Killeen TX 76549		Home Phone 254 618-5998	
		Cell Phone: 903 258-1523	
		E-Mail tony.cleaver@ctcd.edu	
Business Address Central Texas College P O Box 1800 Killeen, TX 76540		Business Phone 254 526-1966	
		Occupation College Administrator/Counselor/Teacher	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  20+ Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  Area resident 20+ years. Served on original board for Habitat for Humanity. Employed by Killeen ISD, Central Texas College. Work in neighborhood for special projects. Education Bachelor, Master, and Doctorate level. Retired U.S. Army Chaplain in 1992; recalled to active duty in 2003.			
Other information (civic activities, etc.)  Member of First Baptist Church, Killeen			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  N/A			
Signature: <i>tsl</i>		Date: 8/18/08	
		Updated: Aug 10 / Sept '11	



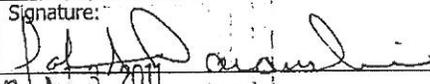
**RETURN TO: CITY MANAGER'S OFFICE**  
 101 North College - P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.)		Your Name	
1. Arts Commission <del>2. Community Development Advisory Committee</del> <del>3. Heritage Preservation Board</del> <del>4. Killeen Housing Authority</del> <del>5. Senior Citizens Advisory Board</del> 6. Diversity <i>P&amp;Z 7-12-11</i> <i>Heritage PB 8/14/12</i>		Ralph Cossey	
Home Address		Home Phone	
3811 Barbed Wire Drive Killeen, TX., 76549		(254) 554-9180 - <del>213-0452</del> <i>H-554-9180</i> 213-0452	
		Cell Phone: (510) 303-1927	
		E-Mail <del>Ralph_cossey@rcsound.com</del> <i>rcossey@yahoo.com</i>	
Business Address		Business Phone	
		(254) 554-9180	
		Occupation Applications Software Engineer, Manager	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience:		Resident of Killeen	Are you related to the Mayor, any member of the City Council or City Manager?
<input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>7 3/8</i> Years	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:			
<ul style="list-style-type: none"> <li>• More than 30 years working as entertainer/musical artist/promoter</li> <li>• Over 10 years experience as accountant/financial analyst</li> <li>• More than 10 years experience as project/program manager for multi-billion dollar organization while coordinating efforts of human capital and technical resources spanning 4 continents.</li> <li>• Resident of multi-cultural large urban communities for majority of life.</li> </ul>			
Other information (civic activities, etc.)			
Just completed campaign as candidate for Killeen City Council District 4 Current member of NAACP			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Active member of Celebrate Killeen Committee -- Sub committee of KVI.			
Signature:		Date:	
<i>RS</i>		<i>5-13-09</i>	
		Updated:	
		<i>'09 '11 / Sept '11 / Aug '12</i>	

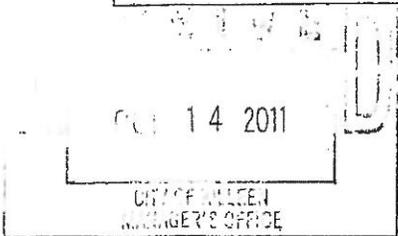
**RETURN TO: CITY MANAGER'S OFFICE** *Appointed to CDAC 10-27-09*  
 101 North College - P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Arts Commission	Your Name Doranski, John A.	
Home Address  1801 Robert Tyler Drive  Killeen, TX 76542	Home Phone: 254-368-1110	
	Cell Phone:	
	E-Mail Jdoranski@hotmail.com	
Business Address  6801 Sanger Ave, STE 260  Waco, TX 76710	Business Phone 254-741-2380 x. 229	
	Occupation  Manager, business and finance	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large	Resident of Killeen   _____ 16 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  Business and accounting, the need to make a determination of the funding needs of nonprofit organizations to ensure success within the chosen endeavor. Understanding of the need for the Arts within the city of Killeen to promote not only Arts, cultural diversity, but to promote tourism into the city through a show of intense community involvement. Through assistance of competing nonprofit organizations, to look deeply at the benefits the organization has to offer and how, through the city 1/7 share of the hotel motel tax, maximize resources to proposed expenditures are maximized.		
Other information (civic activities, etc.)  I would like to be considered for a position on the Arts Commission in May 2012.		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  none		
Signature:  Oct 5 2011	Date: 10-12-11	
	Updated:	

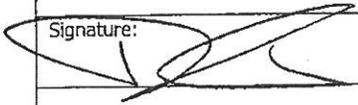
**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Arts Commission Housing Authority		Your Name Darlene Golden	
Home Address  711 Alexander Street Killeen, Texas 76541		Home Phone N/A	
		Cell Phone: 254 681-8861	
		E-Mail Darlene.golden@att.net	
		Business Address N/A	
Business Phone N/A		Occupation Exec Director -Songhai Bamboo Roots Association- Retired US Army	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input checked="" type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  14 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  Held various positions within the community to include commissioner for Housing Authority, Planning & Zoning. Seeking to expand my knowledge and strengths by becoming an asset to the Arts Commission			
Other information (civic activities, etc.)  Order of Eastern Star Chapter 90  Songhai Bamboo Roots Association- Exec Director			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  City Planning & Zoning- Commissioner- (1 term) Housing Authority- Commissioner- (3 terms)			
Signature: <i>Darlene Golden</i>		Date: 14 October 2011	
		Updated:	



**RETURN TO: CITY MANAGER'S OFFICE**  
 101 North College - P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <i>Killeen Arts Commission</i> <i>Planning &amp; Zoning</i>		Your Name Ramon G Alvarez	
Home Address 1802 Ruiz Dr. Killeen, TX 76543		Home Phone 254-458-4605	
		Cell Phone: 254-466-7244	
		E-Mail ramongalvarez@yahoo.com	
Business Address 209 W Ave D Killeen, TX 76541		Business Phone 254-501-7638	
		Occupation Code Officer	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  <b>33</b> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: Participated in school band program for 4 years at a competitive level, danced with a folklore group for 10 plus years, got to travel and experience different types of folklore traditions/art, wife owns an established dance studio which I am involved with, and am a supporter of developing the arts in this area.			
Other information (civic activities, etc.) Annual Texas Trash-Off, Adopt-A-Park; Graffiti clean-ups, Habitat For Humanity builds.			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. Serve as director on the Greater Killeen Young Professionals board, Hispanic-American Chamber of Commerce Central Texas board.			
Signature: 		Date: <i>3/12/2012</i>	
		Updated:	

*Mar 12 2012* RETURN TO: KILLEEN VOLUNTEER SERVICES  
 P.O. Box 1329 • Killeen, TX 76540-1329 • Phone: 254-501-7878 • Fax: 254-501-7736  
 Email: wbrewster@ci.killeen.tx.us

**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Data Sheet

*P/2 Commission*

*See  
Spec  
Spec*

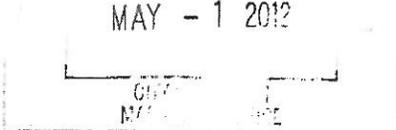
Board/Commission Name (You may list more than one.) <i>Arts Commission Community Development Advisory Bd Sr. Citizen Advisory Board</i>		Your Name <i>Angelina Bate</i>
Home Address <i>4200 Boots Dr. Killeen TX 76549</i>		Home Phone <i>(254) 539-8045</i>
Business Address <i>300 W. 10th Street Suite 232 Killeen, TX 76540</i>		E-Mail <i>abate1@aol.com</i>
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Business Phone <i>(254) 285-1939</i>
		Occupation <i>Project Manager</i>
		Resident of Killeen <i>13</i> Years
		Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <i>Project Manager, experienced working with Youth Organizations</i>		
Other information (civic activities, etc.)		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.		
Signature: <i>Angelina Bate</i>		Date: <i>1 May 2012</i>
		Updated:

**RETURN TO: CITY MANAGER'S OFFICE**

101 North College -- P. O. Box 1329  
Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-634-8399

MAY - 1 2012



**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Data Sheet

Arts Commission Board/Commission Name (You may list more than one.) PLANNING & ZONING Comm. Water-Sewer-Drainage Comm. TRANSPORTATION Comm.		Your Name James H. Butler	
Home Address 1105 ARKANSAS AVE KILLEEN TX 76541		Home Phone 254 699 0654	
Business Address (SAME)		E-Mail jbutler5@hotmail.com	
		Business Phone 254 368 2670	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Occupation Civil Engineer (Retired)	
		Resident of Killeen 36 Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain
Special knowledge, experience, or interest applicable to function on board or commission: Registered Professional Engineer (Texas) Director of Public Works, City of Killeen (5-years) City ENGINEER, Killeen (4 1/2 years) Chief: Engineering; Master Planning; Services Div. Ft Hood (25 years)			
Other information (Civic activities, etc.) Member Rotary International; Boy Scouts of America (Past Scout Master) Active in Church, Board of TRUSTEES,			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. While City Engineer served as staff Advisor for PLANNING & Zoning Commission Served as Executive Secretary/STAFF Advisor to: TRANSPORTATION; Water-Sewer-Drainage; and Solid Waste COMMITTEES			
Signature: James H. Butler		Date: 5/17/2012	
		Updated:	

**RETURN TO: CITY MANAGER'S OFFICE**

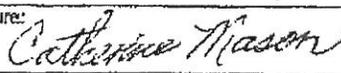
101 North College - P. O. Box 1329

Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-634-8399

MAY 18 2012

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <b>Art Commission</b>	Your Name <b>Catherine Mason</b>	
Home Address <b>5310 Daybreak Dr Apt B Killeen, TX 76542</b>	Home Phone <b>254-289-8419</b>	
	E Mail <b>cmason@kpletv.org or cmason6@hotmail.com</b>	
Business Address <b>P O Box 11031 Killeen, TX 76547</b>	Business Phone <b>254-554-3883</b>	
	Occupation <b>General Manager</b>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <b>51</b> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission:  Teaching early childhood development at CTC, Department Chair for Child Development Department at CTC, working w/ disabled students, creating workshops for educating children/adults about art and music, planning and organizing special events, produce tv programming for children's education, conduct interviews for radio, tv and print on education. I also hold a Bachelor's and Master's degree in Science.		
Other information (civic activities, etc.) Ambassador for GKCC, Girl Scout & Brownie troop leader, Volunteer with many local ministries, Project Angel Tree		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. KPLE-TV 1991-2012, J.A.I.L. Ministries 1983-2012, Hope Pregnancy Center 2009-2012, Communities in Schools 2009-2012, Heritage House 2010-2012, Jesus Hope & Love Mission 2011-2012, National Day of Prayer 2000-2012, EduCake 2011-2012, Killeen Food Care Center 2001-2004, Christian Farms/Treehouse 1983-1995		
Signature: 	Date: <b>5/22/2012</b>	
Updated:		

**RETURN TO: CITY MANAGER'S OFFICE**  
 101 North College - P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399

MAY 29 2012

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <i>Arts Commission</i>		Your Name <i>Caroline Chi</i>	
Home Address <i>205 Fitzgerald Ct Harker Heights, Tx 76548</i>		Home Phone <i>254-213-9442</i>	
		Cell Phone: <i>254-423-9725</i>	
		E-Mail <i>1carolmechi@gmail.com.</i>	
Business Address <i>220 E. Ave. D6 Killeen, Tx 76541</i>		Business Phone	
		Occupation <i>Photographer</i>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  <i>3</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain
Special knowledge, experience, or interest applicable to function on board or commission: <i>would like to be involved with planning and <del>expand</del> expanding of various ideas to creatively enhance the looks within the City of Killeen.</i>			
Other information (civic activities, etc.)			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Signature: <i>Caroline Chi</i>		Date: <i>8/3/12</i>	
		Updated:	

**RETURN TO: CITY MANAGER'S OFFICE**

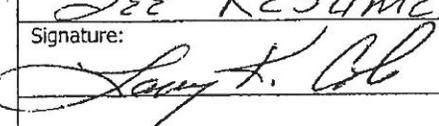
101 North College - P. O. Box 1329  
 Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-501-7639

AUG - 3 2012

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

P#2

Board/Commission Name (You may list more than one.) <i>ACDAC</i> <i>ARIS Commission</i>	Your Name <i>LARRY K. COLE</i>		
Home Address  <i>1702 HALBERT</i>	Home Phone <i>254-526-4418</i> E-Mail <i>larryc@centexbiz.com</i>		
Business Address  <i>1702 HALBERT</i>	Business Phone <i>254-526-5843</i> Occupation <i>REAL ESTATE APPRAISER</i>		
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">           Resident of Killeen    <i>40</i> Years         </td> <td style="width: 50%; border: none;">           Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes, Explain         </td> </tr> </table>	Resident of Killeen  <i>40</i> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain
Resident of Killeen  <i>40</i> Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain		
Special knowledge, experience, or interest applicable to function on board or commission:  <div style="text-align: center; font-size: 1.2em;"><i>SEE RESUME</i></div>			
Other information (civic activities, etc.)  <div style="text-align: center; font-size: 1.2em;"><i>SEE RESUME</i></div>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  <div style="text-align: center; font-size: 1.2em;"><i>SEE RESUME</i></div>			
Signature: 	Date: <i>08/04/2012</i> Updated:		

**RECEIVED**  
8-7-12

**RETURN TO: CITY MANAGER'S OFFICE**  
 101 North College -- P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

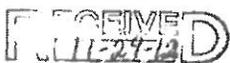
Board/Commission Name (You may list more than one.) Arts Commission		Your Name Jennifer Hutzel	
Home Address 1109 Elyse Dr. Killeen, TX 76549		Home Phone 254-291-8844	
		E-Mail jrhutz@gmail.com	
Business Address 6200 W Centex Expy Killeen, TX 76549		Business Phone 254-526-1690	
		Occupation Coordinator, CTC Continuing Ed.	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  7 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: I currently help recruit instructors for our art classes in CTC's continuing education program, and promote our art programs. I was in band for 8 years, and continue to attend arts events any chance I get (plays, concerts, art shows, etc)			
Other information (civic activities, etc.) Board member - Greater Killeen Young Professionals; Ambassador - Greater Killeen Chamber of Commerce; member - Place Design Team; vendor & presenter liaison - Central Texas College Greenfest committee; Central Texas College Multicultural committee member.			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Signature: 		Date: 9-5-12	
		Updated:	

RECEIVED  
9-10-12

**RETURN TO: CITY MANAGER'S OFFICE**  
 101 North College - P. O. Box 1329  
 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399  
 wholverson@killeentexas.gov

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <del>Beautification Commission</del> Arts Commission		Your Name <b>Nina M. W. Cobb</b>	
Home Address 4978 Onion Road Killeen, Texas 76542		Home Phone 254-554-8565	
		E-Mail nmwc123@yahoo.com or ncobb@bellcountyhealth.org	
Business Address N/A		Business Phone 254-462-2599	
		Occupation BCPHD Outreach Education Coordinator/Nurse	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  20 ____ Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: Health/Nursing, Beautification, Seniors, etc.			
Other information (civic activities, etc.) Chartering Member of TLOD Chartering member of ADN Beautillion Volunteer/Speaker in many Community/Civic Events/Humanities			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. Health Advisory Board Temple ISD OWC Headstart Advisory Council			
Signature: Nina M. Cobb <small>Digitally signed by Nina M. Cobb DN: cn=Nina M. Cobb, o=ncobb@bellcountyhealth.org, ou=</small>		Date: 11/30/2012	
		Updated:	



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 wholverson@killeentexas.gov

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <i>Board of Construction</i>	Your Name <i>TRACY ARCHER</i>	
	Home Phone <i>254-634-4319</i>	
Home Address <i>206 White Cedar Trl Killeen Tx 76542</i>	Cell Phone: <i>254-394-3489</i>	
	E-Mail <i>TAL6STAN65@YAHOO.COM</i>	
Business Address	Business Phone <i>254-394-3489</i>	
	Occupation <i>Plumber</i>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	Resident of Killeen  <i>24</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
	Special knowledge, experience, or interest applicable to function on board or commission:	
Other information (civic activities, etc.)		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <i>on board of construction</i>		
Signature: <i>Tracy Archer</i>	Date: <i>3/25/13</i>	
	Updated:	

**Received**

MAR 28 2013

Assistant City Manager  
Internal Services

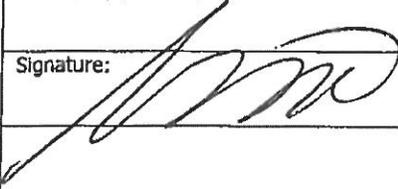
**RETURN TO: CITY MANAGER'S OFFICE**

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Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) <b>BOARD OF ADJUSTMENTS &amp; APPEALS</b> <b>CONSTRUCTION BOARD</b>		Your Name <b>EUGENE KIM</b>	
Home Address <b>2209 EXCEL DRIVE</b> <b>KILLEEN, TX 76542</b>		Home Phone <b>(254) 681-3824</b>	
		Cell Phone: <b>(254) 681-3824</b>	
		E-Mail <b>KILLEENTEXAS@GMAIL.COM</b>	
Business Address <b>2209 EXCEL DRIVE</b> <b>KILLEEN, TX 76542</b>		Business Phone <b>(254) 681-3824</b>	
		Occupation <b>GENERAL CONTRACTOR</b>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  <b>35</b> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <ul style="list-style-type: none"> <li>• GENERAL KNOWLEDGE OF CONSTRUCTION OF BUILDING</li> <li>• BUILDING CODES, RULES, DEVELOPEMENT PROCESS.</li> <li>• UNDERSTANING OF BLUE-PRINTS</li> </ul>			
Other Information (civic activities, etc.) <ul style="list-style-type: none"> <li>• STRATEGIC PLANNING BOARD KISD</li> <li>• PRESIDENT, KOREAN-AMERICAN ASSOCIATION (KAAAS)</li> <li>• PRESIDENT, KOREAN-AMERICAN CHAMBER</li> </ul>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <ul style="list-style-type: none"> <li>• HOUSING AUTHORITY, CITY OF KILLEEN (1994-1999)</li> <li>• ADJUSTMENTS &amp; APPEALS BOARD, FIRE PREVENTION (1997-2000)</li> <li>• PLANNING &amp; ZONING COMMISSION (1999-2012)</li> </ul>			
Signature: 		Date: <b>APRIL 24, 2013</b>	
		Updated:	

**Received**

APR 26 2013

Assistant City Manager  
 Internal Services

**RETURN TO: CITY MANAGER'S OFFICE**

101 North College - P. O. Box 1329

Killeen, Texas 76540

Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

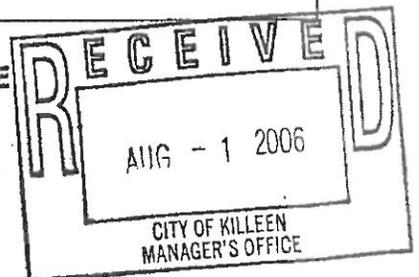
Planning & Zoning (4-23-02) Data Sheet

~~DIVERSITY COALITION (4-23-02)~~

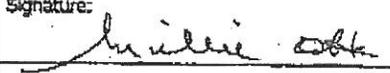
Board/Commission Name (You may list more than one.) <b>ARTS Commission</b>		Your Name <b>RACHEL BRENT</b>	
Home Address <b>KILLEEN HOUSING AUTHORITY (10-17-07) 4-113 1802 SANDSTONE</b>		Home Phone <b>254-616-1715</b>	
Business Address		E-Mail <b>SANDSTONE47@AOL.COM</b>	
Business Phone <b>254-247-8438</b>		Occupation <b>RETIRED - G.M.</b>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input checked="" type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large		Resident of Killeen  <b>8</b> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <b>ELECTION JUDGE + PRECINCT CHAIRMAN FOR DISTRICT 405</b>			
Other Information (civic activities, etc.) <b>KISD SUB-TEACHING EASTERN STARS DEMOCRATIC PARTY</b>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <b>ARTS COMMISSION KILLEEN HOUSING AUTHORITY KVI</b>			
Signature: <b>Rachel Brent</b>		Date: <b>Aug. 1, 2006</b>	
		Updated: <b>Aug 08/Sept 11</b>	

appointed to KVI 10-17-06

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Killeen, Texas 76540  
Telephone: 254-501-7700 Fax: 254-634-8399



**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) * See Board of Subject Matter and App. Res. Notice Planning and Zoning Commission Community Development Advisory Council		Your Name Millie Cotto	
Home Address * Killeen, Texas 76549 3708 Republic of Texas Drive Killeen, TX 76549		Home Phone 254-289-5731	E-Mail milcotto@aol.com
Business Address 3400 E CTE Suite 107 Killeen, TX 76543		Business Phone 254-289-5731	Occupation Real Estate Broker
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen 39 Years	Are you related to the Mayor, any member of the City Council or City Manager? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain
Special knowledge, experience, or interest applicable to function on board or commission: Have four year degree in Accounting served as GS 12 with Civil Service with the OFFICE OF SUPERVISOR GENERAL over 11 years in Real Estate have Real Estate Broker's License			
Other information (civic activities, etc.)			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.			
Signature: 		Date: Sep 7, 2010	
		Updated: Sept 11	

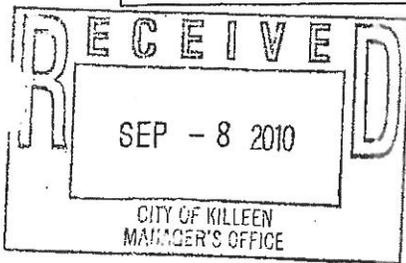
*Appointed to  
 BOA-Zoning 11-23-10*

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 Telephone: 254-501-7700 Fax: 254-634-8399



**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

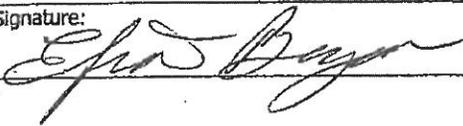
Board/Commission Name (You may list more than one.) Board of Adjustments & Appeals, Planning and Zoning, Killeen Housing Authority or other		Your Name Barbara Taylor
Home Address 4207 Kit Carson Trl Killeen TX 76542		Home Phone (254) 499-4616
		E-Mail soulsfor1@earthlink.net
Business Address 401 N. Main St. Temple TX 76501		Business Phone (254) 495-0881
		Occupation Carrier
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  07 Years
		Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain <u>na</u>
Special knowledge, experience, or interest applicable to function on board or commission:  <hr/>		
Other information (civic activities, etc.)  <hr/>		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  <u>na</u>		
Signature: Barbara Taylor		Date: 08-31-2010
		Updated: Sept 11

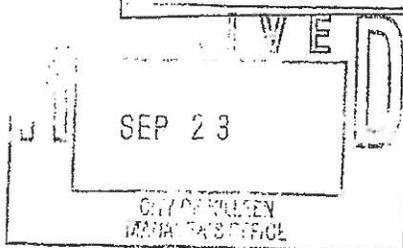


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 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-634-8399

12-14-10 Appointed to  
 BOA - Airport

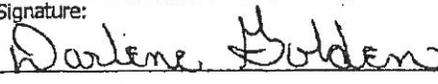
**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

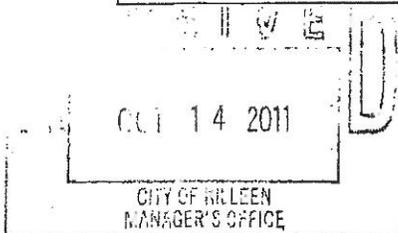
Board/Commission Name (You may list more than one.) <b>Killeen Housing Authority</b>	Your Name <b>Efrain Bazan</b>	
Home Address <b>6001 Drystone Stone Killeen, Texas 76542</b>	Home Phone <b>(254) 213-9222</b>	
	Cell Phone: <b>(254) 833-2299</b>	
	E-Mail <b>bazjjcsm@gmail.com</b>	
Business Address	Business Phone	
	Occupation <b>Teacher, volunteer</b>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input checked="" type="checkbox"/> Member-at-Large	Resident of Killeen  <b>4</b> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <b>My many years of experience working with families. Volunteering at the Killeen Housing Authority is a small contribution. As a certified teacher, I teach English as a Second Language to adults for Central Texas College. My Baylor's of Arts in Management from Park University and my Master of Science in Human Resources are key to my knowledge and experience. My interest in continuing to severe the community as I have had for the past years in the military.</b>		
Other information (civic activities, etc.) none		
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. none		
Signature: 	Date: <b>9/20/2010</b>	
	Updated: <b>sept 11</b>	



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 Killeen, Texas 76540  
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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Arts Commission Housing Authority Home Address  711 Alexander Street Killeen, Texas 76541	Your Name Darlene Golden Home Phone N/A Cell Phone: 254 681-8861 E-Mail Darlene.golden@att.net		
Business Address  N/A	Business Phone N/A Occupation Exec Director --Songhai Bamboo Roots Association- Retired US Army		
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input checked="" type="checkbox"/> Dance/Drama/Writing <input checked="" type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">           Resident of Killeen             14 Years         </td> <td style="width: 70%;">           Are you related to the Mayor, any member of the City Council or City Manager?   <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes, Explain _____         </td> </tr> </table>	Resident of Killeen  14 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Resident of Killeen  14 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____		
Special knowledge, experience, or interest applicable to function on board or commission:  Held various positions within the community to include commissioner for Housing Authority, Planning & Zoning. Seeking to expand my knowledge and strengths by becoming an asset to the Arts Commission			
Other information (civic activities, etc.)  Order of Eastern Star Chapter 90  Songhai Bamboo Roots Association- Exec Director			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service.  City Planning & Zoning- Commissioner- (1 term) Housing Authority- Commissioner- (3 terms)			
Signature: 	Date: 14 October 2011		
Updated:			

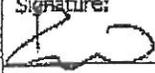


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 Killeen, Texas 76540  
 Telephone: 254-501-7700 Fax: 254-501-7639

**City of Killeen  
BOARD OR COMMISSION CANDIDATE**

Data Sheet

*Bell County Health District*

Board/Commission Name (You may list more than one.) <i>Community Development Advisory Com. KILLEEN HOUSING AUTHORITY BELL COUNTY HEALTH DISTRICT</i>		Your Name <i>RENA ERNORIEGA</i>	
Home Address <i>4704 GLENDAK DRIVE KILLEEN, TX. 76542</i>		Home Phone <i>(854) 690-5315</i>	
Business Address		E-Mail <i>rena.ernoriega@yahoo.com</i>	
		Business Phone	
		Occupation <i>HOME MAKER</i>	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input checked="" type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  <i>25</i> Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: <i>My Awards are lengthy, if you would view my website: ndsm.webs.com</i>			
Other information (civic activities, etc.) <i>AAACP as their community coordinator (2009-2011)</i>			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. <i>MECCA Organization</i>			
Signature: 		Date: <i>2-24-2012</i>	
		Updated:	

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Killeen, Texas 76540

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FEB 24 2012

**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

<b>Board/Commission Name (You may list more than one.)</b> Animal Advisory Committee, Community Development Advisory Committee, Personnel Hearing Board <b>HPB KHA</b>		<b>Your Name</b> Ashley Whitworth	
<b>Home Address</b> 1818 Gautier Avenue Killeen, Texas 76549		<b>Home Phone:</b> N/A	
		<b>Cell Phone:</b> (254)247-4433	
		<b>E-Mail</b> AWhitworth910@gmail.com	
<b>Business Address</b> First National Bank Texas 507 North Gray Street Killeen, Texas 76541		<b>Business Phone</b> (254)554-4498	
		<b>Occupation</b> Credit Analyst	
<b>Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience:</b> <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		<b>Resident of Killeen</b>  0 Years	<b>Are you related to the Mayor, any member of the City Council or City Manager?</b>  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
<b>Special knowledge, experience, or interest applicable to function on board or commission:</b> I am a new resident of Killeen, but grew up in the area. I have returned to the area due to military assignment and would love to hit the ground running and be involved with my city. I am very passionate about animals, and would enjoy the opportunity to participate in ensuring their well-being and creating the best environment that we can for them. I have heard several speakers speak to the Downtown Revitalization and further developing Killeen and would enjoy in participating and being a part of this growth and change. My educational background in Criminal Justice, Management and relevant coursework in Human Resource Management has led to my interest in the Personnel Hearing Board. In college I participated in an academic fraternity, Lambda Alpha Epsilon (The American Criminal Justice Association), and held various leadership positions to include: Sergeant at Arms Fall 2006/Spring 2007, Recruitment Chair Spring 2005, Public Relations Chair Fall 2008, Formal/Banquet Committee Member 2008.			
<b>Other information (civic activities, etc.)</b>  Leadership Killeen - Class of 2011 Greater Killeen Young Professionals			
<b>List other boards or commissions, if any, on which you have served or are now serving including the dates of service.</b>  			
<b>Signature:</b> <i>Ashley Whitworth</i>		<b>Date:</b> Sept. 23, 2010	
		<b>Updated:</b> Sept 11	

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 Killeen, Texas 76540

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**City of Killeen**  
**BOARD OR COMMISSION CANDIDATE**  
 Data Sheet

Board/Commission Name (You may list more than one.) Community Development Advisory, Animal Advisory, Tree Advisory, Killeen Housing Authority		Your Name <b>Peter J. Stanonik IV</b>	
Home Address 24452 FM 2670 Killeen, TX 76549		Home Phone 254.690.5126	
		E-Mail pjsiv@yahoo.com	
Business Address Same as above.		Business Phone 254.462.4980	
		Occupation Self employed	
Arts Commission applicants - check the position(s) that most closely match your areas of special knowledge and experience: <input type="checkbox"/> Dance/Drama/Writing <input type="checkbox"/> Educator/Arts <input type="checkbox"/> Folk Art/Painting/Sculpture <input type="checkbox"/> Instrumental/Vocal Music <input type="checkbox"/> Member-at-Large		Resident of Killeen  12 Years	Are you related to the Mayor, any member of the City Council or City Manager?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, Explain _____
Special knowledge, experience, or interest applicable to function on board or commission: Knowledgeable in plants, trees & gardening. Knowledgeable in housing, land use and real estate issues. Good with people and animals. Personable and able to communicate with people of different backgrounds, cultures and ethnic origins.			
Other information (civic activities, etc.) Local political affairs, rehabbing foreclosed properties and abating code violations.			
List other boards or commissions, if any, on which you have served or are now serving including the dates of service. None.			
Signature:		Date: 08/15/2012	
		Updated:	

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8-16-12

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 Telephone: 254-501-7700 Fax: 254-634-8399  
 wholverson@killeentexas.gov

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**Ordinance to adopt an RRM tariff for Atmos Energy Corporation, Mid-Tex Division**

**ORIGINATING DEPARTMENT**

**City Attorney**

**BACKGROUND INFORMATION**

Cities have original jurisdiction over rates, operations and services of natural gas utilities within their boundaries. The Texas Legislature established a process known as the Gas Reliability Infrastructure Program (GRIP), which authorizes gas utilities to request annual rate reviews. GRIP filings were highly litigated. In settlement of the cases, a substitute review process known as a Rate Review Mechanism (RRM) was developed in 2007 between Atmos Energy Corporation, Mid-Tex Division (Atmos) and cities.

The City and its residents are gas utility customers of Atmos with an interest in Atmos rates and charges. The city is also a member of the Atmos Cities Steering Committee (ACSC), a group of approximately 150 cities served by Atmos. ACSC engages consultants and attorneys to review Atmos filings and make recommendations.

**DISCUSSION/CONCLUSION**

The purpose of this ordinance is to approve a revised RRM process. The original RRM process expired in 2011. ACSC and Atmos attempted to negotiate a renewal, but were unable to do so. Atmos then filed a complete rate case in 2012, which was approved by the Railroad Commission in December 2012. The two parties renewed discussions and have reached a tentative agreement, which is the RRM tariff in Attachment A to the ordinance.

The RRM process is preferred over the GRIP process for many reasons. In discussions, Atmos advised ACSC that it would ask for approximately \$5 million more system-wide in 2013 if it were to file through GRIP rather than the negotiated RRM. This is mainly because GRIP only evaluates capital investment, while the RRM process also looks at expenses and revenues, both of which are variable. With the RRM cities are also able to review Atmos' annual expenses and capital investments, and to make adjustments any such expenses or investments that are considered unreasonable or unnecessary.

ACSC has also negotiated terms that directly benefit residential customers, including an agreement not to change the residential customer charge in the first RRM period and not to increase the residential customer charge by more than \$0.50 per month in any RRM period.

The ACSC Executive Board, of which the City is a member, recommends that cities approve the ordinance authorizing the RRM tariff.

**FISCAL IMPACT**

There is no direct fiscal impact associated with this action.

**RECOMMENDATION**

Staff recommends adoption of the proposed ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.**

WHEREAS, the City of Killeen, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC's Executive Committee and ACSC's legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule "RRM – Rate Review Mechanism" ("RRM Tariff") provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the RRM Tariff, **which is attached hereto and incorporated herein as Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.

Section 3. That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.

Section 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 6. That this Ordinance shall become effective from and after its passage.

Section 7. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

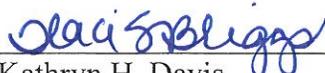
PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Daniel A. Corbin  
Mayor

ATTEST:

\_\_\_\_\_  
Paula A. Miller  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kathryn H. Davis  
City Attorney

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 1 OF 6

## I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

## II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

## III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 2 OF 6</b>

Test Period adjusted for known and measurable items and prepared consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 3 OF 6</b>

#### **IV. Annual Rate Adjustment**

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

#### **V. Filing**

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

#### **VI. Evaluation Procedures**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 4 OF 6</b>

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 5 OF 6

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

## **VII. Reconsideration, Appeal and Unresolved Items**

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

## **VIII. Notice**

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after October 15, 2013</b>	<b>PAGE 6 OF 6</b>

- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.