



AUGUST 11, 2020

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





**NOTICE OF MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS
VIA TELECONFERENCE**

The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, August 11, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

I. Invocation:

II. Pledge of Allegiance:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one state under God, one and indivisible.

III. Roll Call:

Mayoral Proclamations and Presentations:

1. Receive and discuss the Harker Heights Police Department receiving the "Recognized Law Enforcement Agency" from the Texas Law Enforcement Recognition Program.

V. Consent Items:

1. Discuss and consider approving the minutes of the meetings held on July 28, 2020, and August 4, 2020, and take the appropriate action.

VI. Presentations by Citizens:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. Public Hearings:

1. Conduct a public hearing to discuss and consider supplanting Ordinance 2018-30 regarding a Conditional Use Permit (CUP) on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

2. Conduct a public hearing to discuss and consider approving an Ordinance granting a Conditional Use Permit (CUP) to allow an Accessory Dwelling Unit on property described as Lot Sixteen (16), Block One (1), The Colony, acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance granting a Conditional Use Permit (CUP) to allow a Storage Container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

1. Discuss and consider approving an Order of a General Election to be held on November 3, 2020, for the purpose of Electing a Mayor and Council Member, Place 4, for a three (3) year term (2020-2023) for the City of Harker Heights, Texas, and take the appropriate action. (City Secretary)
2. Discuss and consider approving a Contract with the Election Officer of Bell County, Texas, to conduct a Joint Election on November 3, 2020, for the purpose of electing a Mayor and Council Member, Place 4, for the City of Harker Heights, Texas; and authorize the City Manager to sign the Agreement on behalf of the City, and take the appropriate action. (City Secretary)

IX. New Business:

1. Discuss and consider approving a request by Alex Jarbough for Concept Plan approval of the Escapology Addition for the proposed development on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a request by Alex Jarbough for Preliminary Plat Approval of the Escapology Addition on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Discuss and consider approving a request from Kassandra Flores for a Facility Rental at the Harker Heights Community Park Pavilion for an event in excess of ten (10) people on Sunday, August 16, 2020, and take the appropriate action. (Parks and Recreation Director)
4. Discuss and consider approving a request from Vince Dy for a Facility Rental at the Carl Levin Park Pavilion in Harker Heights, Texas, for an event in excess of ten (10) people on Thursday, September 3, 2020, and take the appropriate action. (Parks and Recreation Director)
5. Discuss and consider approving a request from Clarence Rollins for a Facility Rental at the Carl Levin Park Pavilion in the City of Harker Heights, Texas, for an event in excess of ten (10) people on Friday, August 14, 2020, and take the appropriate action. (Parks and Recreation Director)

6. Receive and discuss the Fiscal Year 2020 – 2021 Budget. (Assistant Finance Director)
- X. **Reports of Advisory Boards & Commissions:**
- XI. **Items from Council:**
- XII. **Staff Reports:**
 1. Receive and discuss the City Manager's Report. (City Manager)
- XIII. **Announcements:**
- XIV. **Adjournment:**

I hereby certify that the above notice of meeting was posted on the window board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 7th day of August 2020, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 309-2073 and use Access Code: 491-938-941.

To join the meeting from your computer, tablet or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/491938941>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be available on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information."

"Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary."



COUNCIL MEMORANDUM

AGENDA ITEM # IV-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

RECEIVE AND DISCUSS THE HARKER HEIGHTS POLICE DEPARTMENT RECEIVING THE “RECOGNIZED LAW ENFORCEMENT AGENCY” FROM THE TEXAS LAW ENFORCEMENT RECOGNITION PROGRAM.

EXPLANATION:

On July 23, 2020, the Harker Heights Police Department received the award of “Recognized Law Enforcement Agency” from the Texas Police Chiefs Association Law Enforcement Recognition Program. Begun in 2006, the Recognition Program evaluates a Police Department’s compliance with over 168 Best Business Practices for Texas Law Enforcement. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service and the protection of individual’s rights. These Best Practices cover all aspects of law enforcement operations including use of force, protection of citizen rights, vehicle pursuits, property and evidence management, and patrol and investigative operations.

Chief (Retired) Max Westbrook, Recognition Program Director for the Texas Police Chiefs Association will provide an overview of the program.

ATTACHMENTS:

1. Press Release



Harker Heights Police Department Press Release

August 11, 2020

Harker Heights Police Department Receives "Recognized Law Enforcement Agency" from the Texas Law Enforcement Recognition Program

On July 23, 2020, the Harker Heights Police Department received the award of "Recognized Law Enforcement Agency" from the Texas Police Chiefs Association Law Enforcement Recognition Program. Begun in 2006, the Recognition Program evaluates a Police Department's compliance with over 168 Best Business Practices for Texas Law Enforcement. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service and the protection of individual's rights. These Best Practices cover all aspects of law enforcement operations including use of force, protection of citizen rights, vehicle pursuits, property and evidence management, and patrol and investigative operations.

The Harker Heights Police Department was originally recognized by the Texas Police Chiefs Association Law Enforcement Recognition Program in December of 2012. Police agencies recognized by the TPCA must undergo an onsite inspection every 4th year and this makes the third successful onsite inspection by the Harker Heights Police Department.

This voluntary process required the Harker Heights Police Department to conduct a critical self-review of the agency's policies, procedures, facilities, and operations. The department began the lengthy process to become a "Recognized" Law Enforcement Agency" by preparing proofs of compliance for each of the Texas Law Enforcement Best Business Practices. Upon completion of the internal review, an outside audit and review was requested. The on-site review is conducted by trained Police Chiefs from other areas of our state. The result of this review was then sent to the Texas Police Chiefs Association's Recognition Committee for final analysis and decision to award "Recognized" status.

The Harker Heights Police Department has always considered itself to be one of the best in the state. This process provided for an independent review of the department's operations and should assure the citizens of Harker Heights that its Police Department is conforming to the current state of the art in law enforcement.

Phillip Gadd
Harker Heights Chief of Police

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Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, July 28, 2020, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

Roll Call:	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Juliette Helsham	City Secretary

Absent: John Reider Councilmember Place 4

Mayoral Proclamations and Presentations:

1. The Mayor presented a Proclamation declaring August 2nd – 8th, 2020, as “National Farmers Market Week”.

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on July 14, 2020. Blomquist made the motion to approve as written. Seconded by Nicholas. All in favor. Motion approved 4-0.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City Of Harker Heights, Texas, to amend Chapter 74, Transportation Code, Schedules I(A), II(A), And II(B), and Chapter 74, Schedule V and Schedule VI of the Code of Ordinances for the City of Harker Heights, Texas, to change the Speed Limit on Warriors Path Road from East Knights Way (F.M. 2410) to 620 feet north of Pontotoc Trace, and adding School Zones, to include locations on Pueblo Trace, Inca Drive, Pima Trail and Yuma Trail to reflect a 20 MPH School Zone and locations on Warriors Path Road to reflect a 25 MPH School Zone; and adding one (1) Stop Sign at Inca Drive and Pueblo Trace; adding one (1) Stop Sign at Hopi Trail and Pueblo Trace; removing one (1) Yield Sign at Inca Drive and Pueblo Trace, and removing one (1) Yield Sign at Hopi Trail and Pueblo Trace. Mark Hyde, Public Works Director, made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion approved 4-0.

Old Business:

1. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through August 31, 2020. David Mitchell, City Manager, made the presentation. Nicholas made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.

New Business:

1. Council discussed and consider approving a request from Zubeena Catania for a facility rental at the Harker Heights Community Park Pavilion for an event in excess of ten (10) people on Saturday, August 15, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion approved 4-0.
2. Council discussed and considered approving an Economic Development Incentive Agreement with the Fort Hood Area Habitat For Humanity to create a Development of a minimum of ten (10) Affordable Single-Family Homes in Harker Heights, Bell County, Texas; and authorize the City Manager to sign the Agreement on behalf of the City. David Mitchell, City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.
3. Council discussed and considered approving a Resolution of the City of Harker Heights, Texas, supporting the Fort Hood Area Habitat For Humanity by authorizing incentives to waive certain fees and grant a piece of City Owned Property for the Development of a minimum of ten (10) Affordable Single-Family Homes in Harker Heights, Bell County, Texas. David Mitchell, City Manager, made the presentation. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 4-0.
4. Council discussed and considered approving a Resolution of the City of Harker Heights, Texas, granting a Voluntary Petition to extend the Corporate Limits of the City of Harker Heights, Bell County, Texas, to include approximately 2,650 Linear Feet of Warriors Path, including the street and right of way, such land lying contiguous and adjacent to the present City Limits. Joseph Molis, Planning and Development Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 4-0.
5. Council discussed and considered approving a Resolution adopting the Investment Policy of the City of Harker Heights, Texas; authorizing the City's Investment Broker/Dealer List; and approving a list of Investment Training Sponsors. Ayesha Lealiiee, Assistant Finance Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved. 4-0.

Items from Council:

Mayor Pro-tem Blomquist stated that the Farmer's Market is going well and smoothly. The Farmer's Market has a lot of vendors and encourages everyone to come out and partake, but to use social distancing and wearing masks. The City has set-up sanitation stations at the entrances so that everyone can practice safe health practices. Mayor Pro-tem Blomquist encourages everyone to come out and support the local vendors at the Farmer's Market and take a break from being cooped up and enjoy the Farmer's Market.

Councilmember Nicholas stated that she attended the Central Texas Council of Governments meeting on July 23rd and the following was discussed:

- The Area Agency on Aging
 - Received a Cares Act Fund of \$828,361
 - They will use the funds to do a lot of the care that they do such as delivering meals to homes
 - This year they have worked with 1,550 families

- They have delivered 62,000 meals
- They are working with nursing homes that have had issues with the COVID-19 virus
- Unemployment Rates
 - In May the unemployment rate for Bell County was 11%
 - In June, the unemployment rate for Bell County went down to 8.1% and all seven (7) Counties unemployment rates decreased in June
 - In July, the unemployment rates are much higher and there is a lot of unemployment again
- Hill Country Transit
 - Judge Blackburn stated that they are going to do a study to evaluate the transportation for the Hill Country Transit
 - Hill Country Transit is 20 years old and services five (5) cities and eight (8) counties
 - The study will take 120 days and is scheduled to start on August 1st. The study will cost \$32,000

Staff Reports:

1. Council received and discussed the Fiscal Year 2019–2020 Third Quarter Investment Report. Ayesha Lealiiee, Assistant Finance Director, made the presentation. No action taken.
2. Council received and discussed the City Manager’s Report. David Mitchell, City Manager, made the presentation. No action taken.

Announcements:

Mayor Smith commented on the following:

- He remotely attended a WebX meeting with the Central Texas Council of Governments (CTCOG).
 - Attended a Zoom meeting with Congressman Carter and Mayor Hall of Liberty Hill to discuss issues and challenges for municipal governments, specifically Harker Heights’ priorities going forward.
 - Had phone conversations with Representative Buckley and Senator Buckingham, re-emphasizing the issues that are of importance to Harker Heights.
- Attended a briefing on July 27th by Major General Efflandt, Deputy Commanding General for III Corps and Fort Hood regarding current issues with Fort Hood and the importance of Fort Hood to the City of Harker Heights and the surrounding communities. The Harker Heights values and supports our soldiers for the work they do, defending our freedoms, and for the value that they add to our community. We are proud to have our soldiers with us.

Closed Meeting:

1. At 6:13 p.m. the Mayor announced a closed meeting for the following purpose:
 - (A) Pursuant to 551.074 of the Texas Government Code to discuss and deliberate the employment, evaluation, and duties of the City Manager.
2. At 6:49 p.m. Mayor Spencer H. Smith reconvened the open meeting to take action as appropriate on matters discussed in the closed meeting. McCann made the following motion regarding the evaluation of the City Manager:
 1. As of October 1, 2020, increase annual salary by 3%.

2. Car allowance and phone stipend to remain the same.
3. Health Insurance Packet to be moved to the Scott and White Family Care Plan.
4. Increase the monthly contribution to \$833.33 a month for a total of \$10,000 per year for Nationwide 457 (b) retirement savings plan.
5. Grant an annual leave buy-back of up to 200 hours.
6. Extend the current contract from September 30, 2022, to September 30, 2023.

Motion Seconded by Nicholas. All in favor. Motion approved 4-0.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:53 p.m.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary

Minutes of the of the City Council meeting held at 3:00 p.m. on Tuesday, August 4, 2020, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

Roll Call:	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jackeline Soriano Fountain	Councilmember Place 3
	John Reider	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Juliette Helsham	City Secretary
Absent:	Jennifer McCann	Councilmember Place 1

New Business:

At 5:19 p.m. Councilmember John Reider filed an Affidavit for Conflict of Interest for Public Hearing item number one and left the meeting.

1. Council discussed and considered approving an amendment to the City of Harker Heights, Texas, July 23, 2019, City Council Meeting Minutes to correct a clerical error. David Mitchell, City Manager, made the presentation. Blomquist made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 3-0.

At 5:23 p.m. Councilmember John Reider returned to the meeting.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:24 p.m.

ATTEST:

Spencer H. Smith, Mayor

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM Z20-14 AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER SUPPLANTING ORDINANCE 2018-30 REGARDING A CONDITIONAL USE PERMIT (CUP) ON PROPERTY DESCRIBED AS FIVE FEATHERS ADDITION, BLOCK ONE (1), LOT TWO (2), GENERALLY LOCATED AT 2004 WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

On November 13, 2018, the City Council approved a Conditional Use Permit (CUP) to allow the use of a masonry-clad manufactured home on property zoned R-1 (One Family Dwelling District) located at 2004 Warriors Path. To date, the property owner has failed to meet the Conditions of the Conditional Use Permit. The property owner is in direct violation of conditions two (2) and four (4), as delineated below:

1. One (1) 32' by 72' Manufactured Home will occupy the property and shall be permitted by the Conditional Use Permit.
2. **Manufactured home on the property shall be clad in masonry products.**
3. The Manufactured home may be placed perpendicular to the street it fronts.
4. **The owner must within 90 days perfect an election to treat the manufactured home as real property as provided in Texas Occupations Code §1201.2055.**

EXPLANATION:

A building permit was issued on June 3, 2019 and has expired from more than 180 days of inactivity. On June 26, 2020 staff mailed a notice letter to the property owner describing the City's intent to terminate the existing CUP on property at 2004 Warriors Path. On July 7, 2020 staff provided the property owner and the current resident a confirmation letter of the City's intent to terminate the CUP on property at 2004 Warriors Path. A general examination of the structure from the Warriors Path right-of-way showed the site does not comply with condition 2 and has therefore not been met (see attachment 5). Condition 4 of the CUP requires that the property owner must designate the manufactured home as real property with the Bell County Appraisal District as provided in the Texas Occupations Code §1201.2055 and this must occur within 90 days of the adoption of the Conditional Use Permit. To date Condition 4 has not been met.

The Building Official, Michael Beard, spoke with the property owner, Mr. Pilkey, and made him aware the permit for the property had expired and he was in violation of the CUP. Mr. Pilkey explained to him that he still desires to complete the structure but has faced financial setbacks and delays caused from the ongoing pandemic (COVID-19).

Staff finds that a qualifying event has occurred to warrant termination of the Conditional Use Permit. Per Harker Heights Code of Ordinances section 155.201 (E) (1) (g), a CUP shall be void and subject to termination if:

- a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;
- b) The permit expires by its own terms;

- c) The property is rezoned;
- d) Another conditional use permit is approved for the site;
- e) The building or premises is substantially enlarged, extended, reconstructed or altered;
- f) The use of the building or premises is materially expanded, increased, or otherwise altered; or
- g) **The violation of any one or more of the conditions of approval.**

Notices:

Staff sent out eighteen (18) notices to property owners within the 400-foot notification area. One (1) response was received in favor of the request to rescind the Conditional Use Permit, and zero (0) responses were received in opposition of the request.

RECOMMENDATION:

Staff recommends supplanting ordinance 2018-30 regarding a Conditional Use Permit (CUP) on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas, based upon the following:

1. The Conditional Use Permit is in violation of §155.201 (E) (1) (g).

ACTION BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing on July 29, 2020, the Planning and Zoning Commission voted (5-2) to recommend the existing Conditional Use Permit (Ordinance 2018-30) be administratively terminated should the property owner fail to meet all of its conditions within 45 days of approval of this recommendation by the City Council on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DENY supplanting ordinance 2018-30 regarding a Conditional Use Permit (CUP) on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Letter of Termination
3. Ordinance 2018-30
4. Harker Heights Code of Ordinances §155.201
5. Site Photos
6. Location Map
7. Existing Land Use Map
8. Zoning Map
9. Future Land Use Map
10. Notification Area Map
11. Citizen Responses

ORDINANCE NO. _____

AN ORDINANCE SUPPLANTING ORDINANCE 2018-30 REGARDING A CONDITIONAL USE PERMIT (CUP) ON PROPERTY DESCRIBED AS FIVE FEATHERS ADDITION, BLOCK ONE (1), LOT TWO (2), GENERALLY LOCATED AT 2004 WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, previously zoned R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) is rezoned to R-1 (One-Family Dwelling District) with a supplanting Conditional Use Permit (CUP):

Lot Two (2), Block One (1), Five Feathers Addition in the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 98-C, Plat Records of Bell County, Texas, generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas

This Conditional Use Permit is subject to the following conditions:

1. One (1) 32' by 72' Manufactured Home will occupy the property and shall be permitted by the Conditional Use Permit.
2. The manufactured home on the property shall be clad in masonry products.
3. The manufactured home may be placed perpendicular to the street it fronts.
4. The owner must perfect an election to treat the manufactured home as real property as provided in Texas Occupations Code §1201.2055.
5. After the 45th day following the effective date of this ordinance, the City Manager may administratively terminate the Conditional Use Permit if it is determined that the property owner is not in compliance with this Conditional Use Permit.
6. Before terminating the Conditional Use Permit, the City Manager shall provide the property owner with written notice of the pending Conditional Use Permit termination. The written notice shall include:
 - a. The reason the Conditional Use Permit is subject to termination;
 - b. The date on which the Conditional Use Permit is scheduled to be terminated; and

- c. A statement that the Conditional Use Permit will be terminated on the scheduled date unless the property owner files a written appeal to the Board of Adjustment not later than the tenth (10th) day after the date the notice is received.
7. The property owner may appeal to the Board of Adjustment the termination of the Conditional Use Permit. To stay the termination, the appeal to the Board of Adjustment must be made within ten (10) days after the property owner receives written notice of the decision that is to be appealed.
8. If the property owner timely files a notice of appeal pursuant to Condition 7 above, the termination is stayed pending the decision of the Board of Adjustment.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	08/11/20	Supplanting Ordinance 2018-30 regarding a Conditional Use Permit (CUP) on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 11, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



June 26, 2020

The City of Harker Heights

305 Miller's Crossing
Harker Heights, TX 76548
Phone 254/953-5600
Fax 254/953-5614

Mayor

Spencer H. Smith

Mayor Pro Tem

Michael Blomquist

City Council

Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Planning and Zoning Commission
City of Harker Heights

**RE: Termination of Conditional Use Permit (CUP) on Property Located at
2004 Warriors Path**

Commissioners,

As you will recall, a Conditional Use Permit (CUP) was granted on November 13, 2018 (Ordinance 2018-30 attached) allowing the use of a masonry-clad manufactured home on property zoned R-1 (one family dwelling district) located at 2004 Warriors Path. To date, the property owner has failed to meet Conditions 2 and 4 of the CUP.

Condition 2 requires the manufactured home to be cladded in masonry products, and this task has not been completed. The building permit, which was issued on June 3, 2019 has expired from more than 180 days of inactivity. Further, per Condition 4 of the CUP, the owner was required to designate the manufactured home as real property with the Bell Central Appraisal District, as provided in the Texas Occupations Code §1201.2055. This was to occur within 90 days of the CUP ordinance's adoption, has not been completed.

Therefore, per § 155.201(E)(1)(g) of the Harker Heights Code of Ordinances below, I find that a qualifying event has occurred to warrant the termination of the Conditional Use Permit: the violation of one or more conditions of approval has occurred.

§ 155.201 CONDITIONAL USE PERMITS.

(E) Term.

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

- (a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;
- (b) The permit expires by its own terms;
- (c) The property is rezoned;
- (d) Another conditional use permit is approved for the site;

- (e) The building or premises is substantially enlarged, extended, reconstructed or altered;
- (f) The use of the building or premises is materially expanded, increased or otherwise altered; or
- (g) The violation of any one or more of the conditions of approval.

Per the requirements of § 155.201(E), this matter will be presented to the Planning and Zoning Commission (P&Z) and the Harker Heights City Council, and staff will recommend that the CUP be terminated. During those meetings, the property owner will be given the opportunity to present a rebuttal to the City's position.

This matter will be presented to the **P&Z** during its meeting scheduled for **Wednesday, July 29, 2020**, beginning at 6:30 pm and then to the **City Council** during its meeting scheduled for **Tuesday, August 11, 2020**, beginning at 5:00 pm at Harker Heights City Hall.

Let me know if you require additional information.

Sincerely,




David Mitchell
City Manager

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548
T: 254-953-5600 | F: 254-953-5666 | dmitchell@harkerheights.gov

Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.

ATTACHMENT

1. Ordinance 2018-30
2. Harker Heights Code of Ordinances §155.201

CC

1. Zoning Board of Adjustment
2. Mr. Larry Pilkey
PO Box 460635
Leeds, UT 84746
3. File

ORDINANCE NO. 2018-30

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A MASONRY CLAD MANUFACTURED HOME ON PROPERTY DESCRIBED AS, FIVE FEATHERS ADDITION, BLOCK ONE (1), LOT TWO (2), PROPERTY ID# 185944, GENERALLY LOCATED AT 2004 WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property is granted a Conditional Use Permit (CUP), to allow a masonry clad manufactured home on property described as:

Lot Two (2), Block One (1), Five Feathers Addition to the City of Harker Heights according to the plat of record in Cabinet C, Slide 98-D, Plat Records of Bell County, Texas

This permit is subject to the following conditions:

- 1. One (1) 32' by 72' Manufactured Home will occupy the property and shall be permitted by the Conditional Use Permit.**
- 2. Manufactured home on the property shall be clad in masonry products.**
- 3. The Manufactured home may be placed perpendicular to the street it fronts.**
- 4. The owner must within 90 days perfect an election to treat the manufactured home as real property as provided in Texas Occupations Code §1201.2055.**

SECTION 3: Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2018-30	11/13/18	Granting a CUP (Conditional Use Permit), to allow a masonry clad manufactured home on property described as Five Feathers Addition, Block One (1), Lot Two (2), Property ID# 185944, generally located at 2204 Warriors Path, Harker Heights, Bell County, Texas.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on November 13, 2018


Spencer H. Smith, Mayor

ATTEST:


Patricia Brunson, City Secretary

§ 155.201 CONDITIONAL USE PERMITS.

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

(B) *Planning and Zoning Commission consideration.*

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

- (a) The proposed use does not conform with applicable regulations and standards established by this chapter;
- (b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;
- (c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;
- (e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;
- (f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;
- (g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;
- (i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or
- (j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

(C) *City Council consideration.*

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning

Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be fined an amount not exceeding \$2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

(g) The violation of any one or more of the conditions of approval.

(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

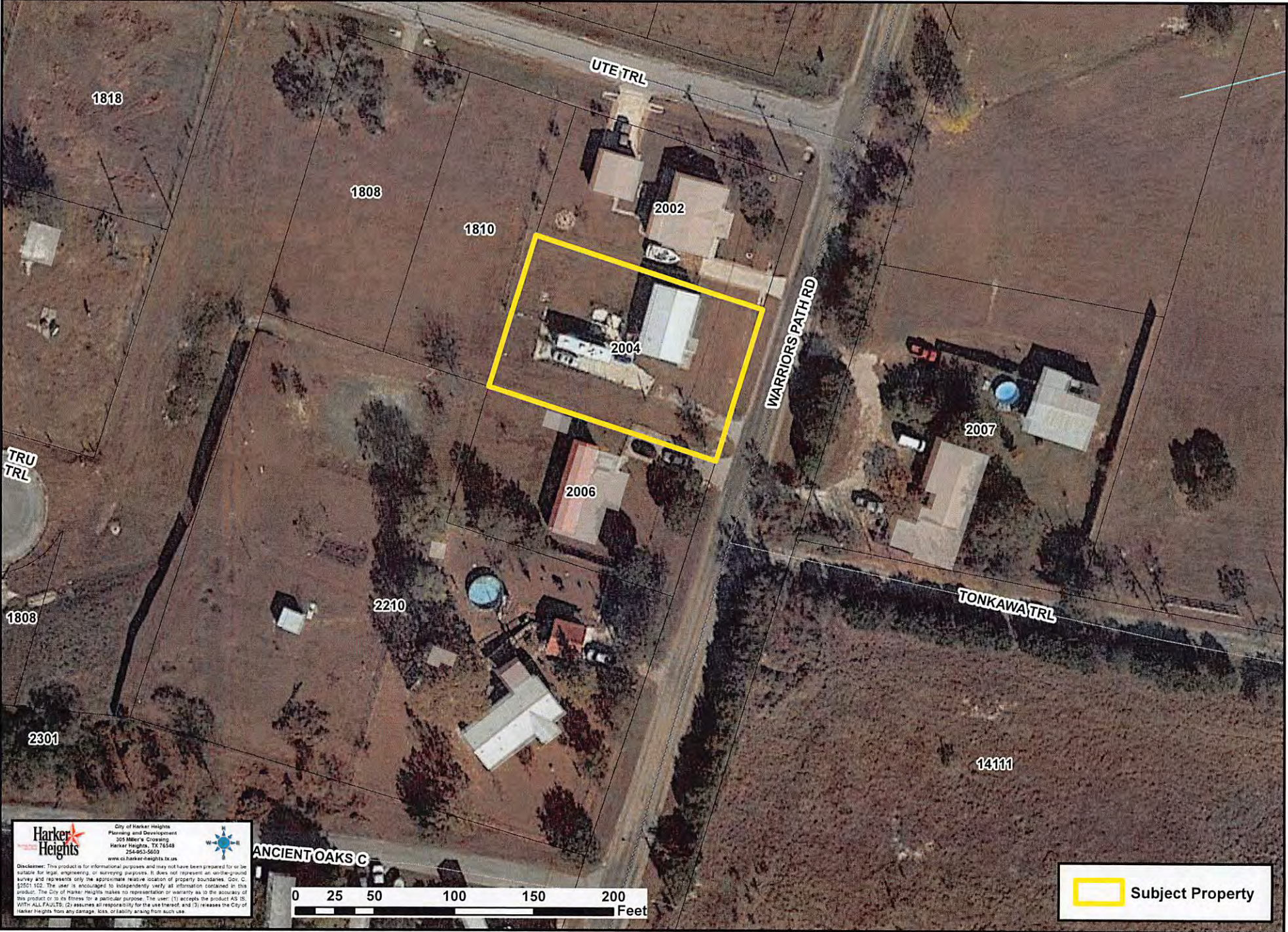
(Ord. 2001-36, passed 11-13-01)









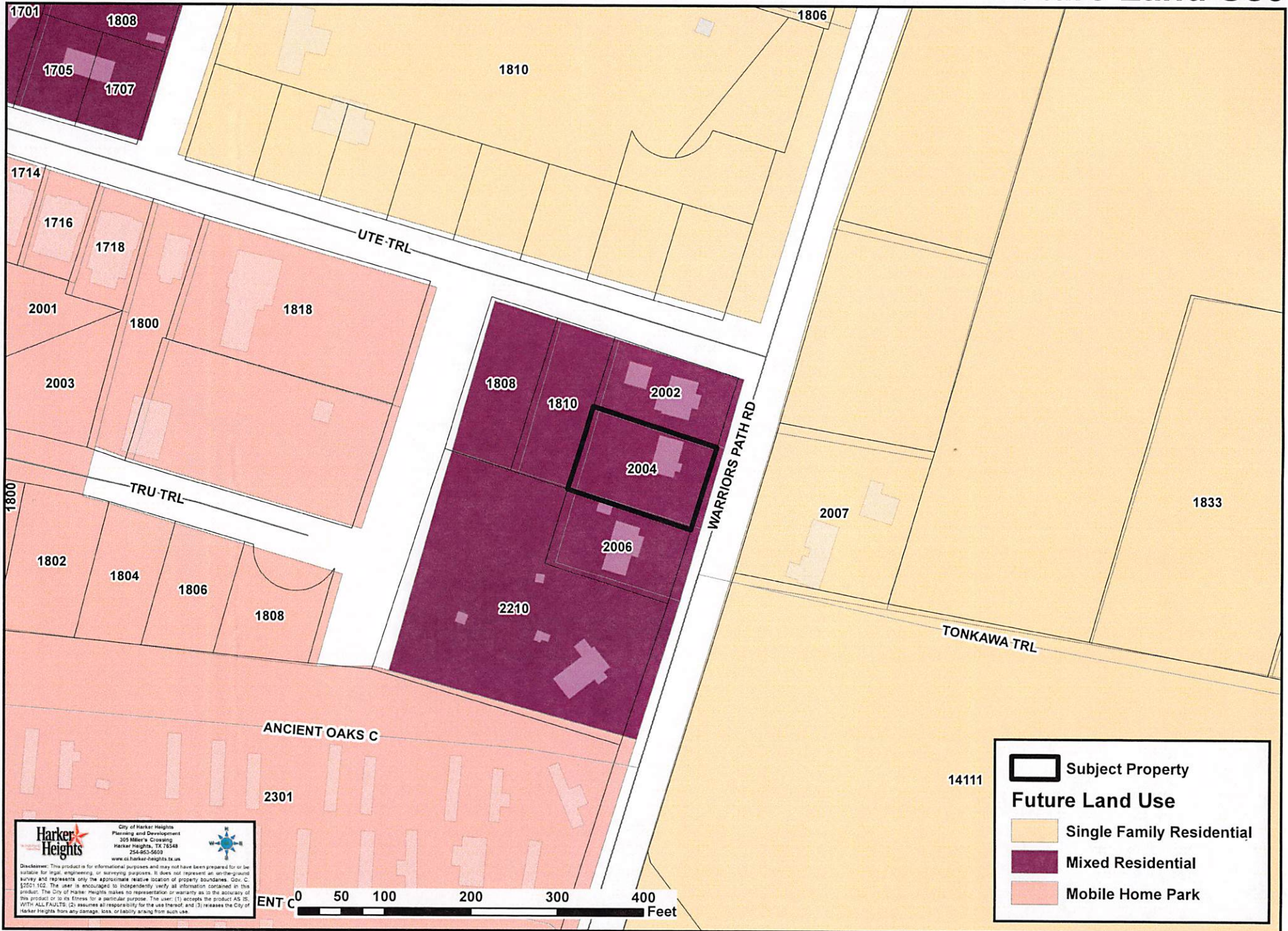


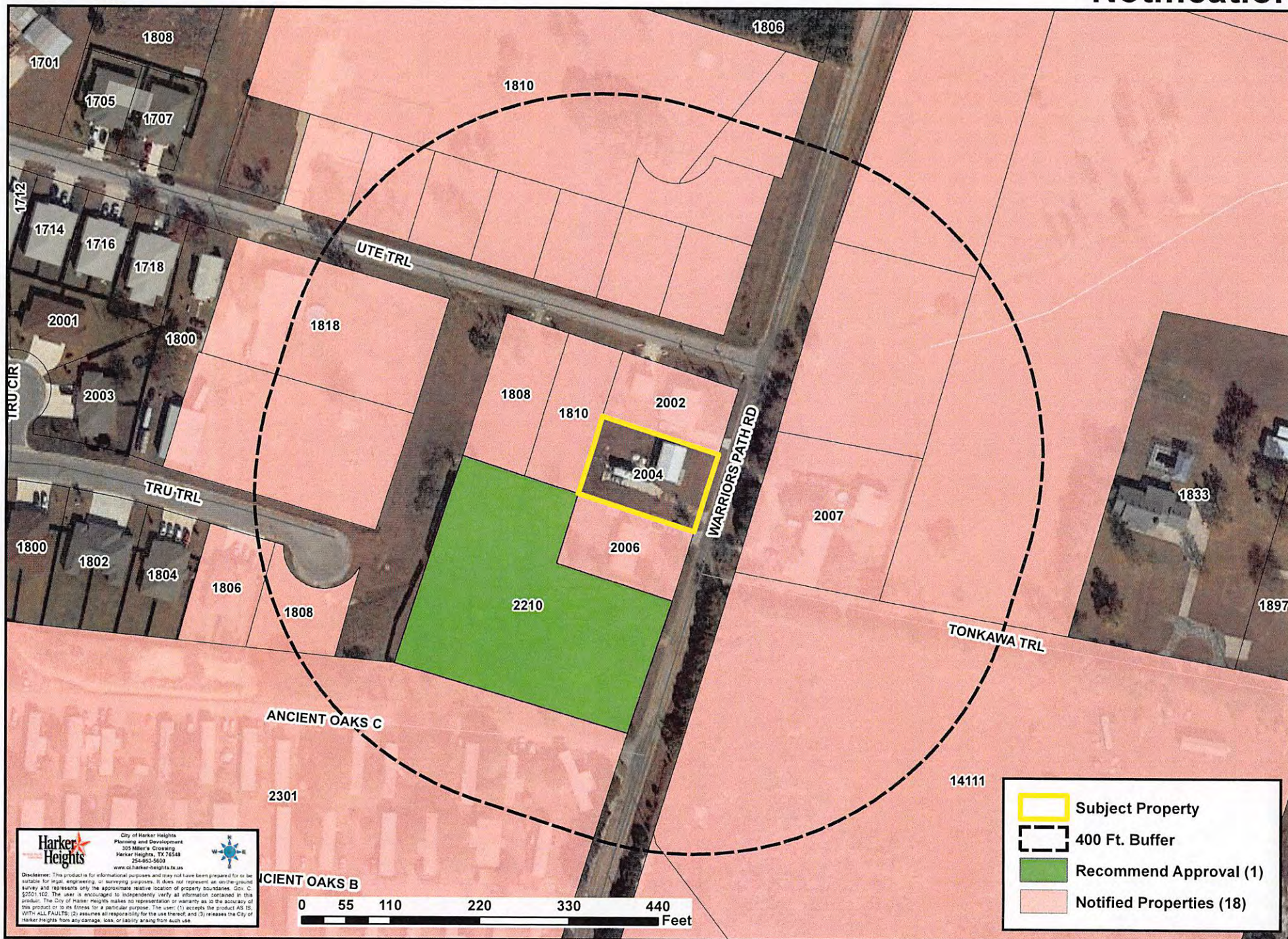
Z20-14

Existing Land Use









TO: **City of Harker Heights
Planning & Development Department**

FROM:

Pauline Moss

2210 Warriors Path

(Address of Your Property that Could
Be **Impacted** by this Request)

RE: The City of Harker Heights has initiated a hearing by the Planning and Zoning Commission to consider rescinding ordinance 2018-30 for a Conditional Use Permit (CUP) that allows a masonry-clad manufactured home on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas (see attached notification map).

☒ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Pauline Moss
Printed Name

Pauline Moss
Signature

7-20-20
Date

Received

JUL 23 2020

Planning & Development



CITY COUNCIL MEMORANDUM

Z20-15

AGENDA ITEM # VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ACCESSORY DWELLING UNIT ON PROPERTY DESCRIBED AS LOT SIXTEEN (16), BLOCK ONE (1), THE COLONY, ACRES .803, GENERALLY LOCATED AT 3910 WALDEN CREEK CROSSING, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a Conditional Use Permit (CUP) to allow an accessory dwelling unit (ADU) to be used for a relative on property located at 3910 Walden Creek Crossing. Per the Harker Heights Code of Ordinances Section 155.020(B) (4), an accessory dwelling unit (ADU) for a relative (not for rent) is permitted via a Conditional Use Permit.

The applicant was contacted by Code Enforcement because there appeared to be occupants living in a Recreational Vehicle (RV) parked behind the fence of the property. The applicant met with staff and confirmed they had family members staying with them, and living in the RV. Staff informed them they would need to come into compliance with the zoning district of the property, which does not permit the habitation of an RV. Staff discussed possible options for the property owners, such as removing the RV, building an addition to their existing home, or building an accessory dwelling unit after successfully obtaining a CUP.

The applicants have chosen to construct an accessory dwelling unit which if approved, would be located behind the front façade of the primary structure and be approximately 400 square feet. Additionally, the accessory dwelling unit shall comply with the City's Residential Building Code.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single Family Residential	Single Family Residential	R-1 (One Family Dwelling District)
South	Single Family Residential	Single Family Residential	R-1
East	Single Family Residential	Single Family Residential	R-1
West	Extraterritorial Jurisdiction	Extraterritorial Jurisdiction	Extraterritorial Jurisdiction

A single-family structure currently occupies the applicant's property and the addition of an accessory dwelling unit would not violate the intent or ideals of the Single Family Residential

(SFR) use if it meets all development regulations. This would be consistent with the 2007 City of Harker Heights Comprehensive Plan, and if granted, the CUP would not interfere with the property's primary use as a single-family home. The proposed change would not alter or have any significant impact on the square footage of the primary house, setbacks, or any other development regulations. The proposed use would therefore not likely have any adverse impact on adjoining land uses in the neighborhood.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500-year flood hazard areas.

Notices:

Staff sent out twenty-nine (29) notices to property owners within the 400-foot notification area. There were three (3) responses received in favor of the request, and one (1) response received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas, based on the following in accordance to Section 155.201 of the Harker Heights Code of Ordinances:

1. The proposed use conforms with applicable regulations and standards established by the City's Building and Development Codes;
2. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives, and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
3. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping, and access to the site;
4. The proposed use is suitable to the premises or structure(s) in which it will be conducted; and
5. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

In addition to the request to allow an accessory dwelling unit through a CUP per Section 155.020(B)(4), the applicant is requesting that their family members be allowed to reside temporarily in the RV on the property while the accessory dwelling unit is constructed. They anticipate the project would take no more than six (6) months, but staff recommends a nine (9) month time limit to allow for weather-related or other emergency contingencies.

ACTION BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing on July 29, 2020, the Planning and Zoning Commission voted (7-0) to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DENY an ordinance granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas, based upon staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Letter of Intent
4. Site Plan
5. ADU Structure Elevations and Floor Plan
6. Location Map
7. Site Photos
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map
12. Citizen Responses

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ACCESSORY DWELLING UNIT ON PROPERTY LOCATED AT 3910 WALDEN CREEK CROSSING.

WHEREAS, the City Council ("***Council***") of the City of Harker Heights ("***City***") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("***Code***") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property zoned R-1 (One Family Dwelling District) is granted a Conditional Use Permit (CUP) to allow an accessory dwelling unit on the property. Additionally, the habitation of a recreational vehicle on the property for a maximum of nine (9) months from the effective date of this ordinance is permitted.

Lot Sixteen (16), Block One (1), The Colony, Acres .803, located at 3910 Walden Creek Crossing

SECTION 3: Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	08/11/2020	Granting a Conditional Use Permit (CUP) for an accessory dwelling unit on property located at 3910 Walden Creek Crossing.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 11, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647

Conditional Use Permit Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan
4. Letter of Intent

Property Owner(s) Name: Mark & Donna McGee Date: 30 June 2020

Address: 3910 Walden Creek Crossing

City/State/Zip: Harker Heights, TX 76548

Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): _____

Lot: 0016 Block: 001 Subdivision: The Colony

Acres: 0.80 Property ID: 353125 Survey: _____

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Current Zoning Classification: _____ Future Land Use Designation: _____

Applicant's Representative (if applicable):

Applicant's Representative: _____

Phone: _____ E-Mail: _____

ATTACH A SITE PLAN: Provide a plan drawn to scale to illustrate the boundaries of the area, location of all existing and proposed structure(s), gross floor area and location of building entrances and exits.

ATTACH A LETTER OF INTENT: Provide a detailed description of the proposed use including but not limited to: the changes to the site, structure(s), landscaping, parking and land use in reference to the Harker Heights Code of Ordinances Section 155.201 Conditional Use Permit.

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or _____ will represent the owner.

Mark McGee Donna McGee [Signature] [Signature]
Printed Name of Property Owner Signature of Property Owner

Printed Name of Representative _____ Signature of Representative _____

Date Submitted: 7/1/2020 **STAFF ONLY - DO NOT FILL OUT BELOW** Receipt #: 01591774

Received By: JS ☒ Pre-Application Meeting Case #: 220-15

Revised: 06/28/18

24June2020

From: Mark D. & Donna McGee
3910 Walden Creek Crossing
Harker Heights, TX 76548

To: Gabrielle Palma
Code Enforcement
The City of Harker Heights
305 Miller's Crossing
Harker Heights, TX 76548

RE: Hardship Letter

We, Mark & Donna Lyn McGee, have been residents of Harker Heights, TX since June 2015. We are both nurses in a federal hospital respectively. We are appealing to your office to consider the 5th wheel parked behind our fence occupied by our senior and handicapped parents, Gary Hanson, 83 years old and Georganne Hanson, 71 years old.

We have opened our yard for them to park their only home in our property considering their financial and health hardship. Georganne Hanson is no longer able to work because of Covid-19 related to age. They are both under Doctors care. We would like to help them as they helped us in our younger years to become responsible and respectful citizens. This appeal will help them a lot to reduce their stress and extend their life expectancies longer with dignity.

Sincerely,



Mark D. McGee



Donna McGee

June 27,2020

The City of Harker Heights
305 Miller's Crossing
Harker Heights, TX 76548

To whom it may concern:

This is an application for condition. Please allow the 5th Wheel parked on the north side of our home for the next 6 months. We are going to build an accessory dwelling structure for our parents, Gary and Georganne Hanson. After the structure is built, they will move into the said structure then remove the 5th Wheel where they are staying now. They have already removed the porch that they built:

RE: Chapter 150: Building Regulations & Notification Letter CE200620.

We are going to file a Conditional Use Permit and submit a plan for the structure.

We appreciate your consideration.

Sincerely,

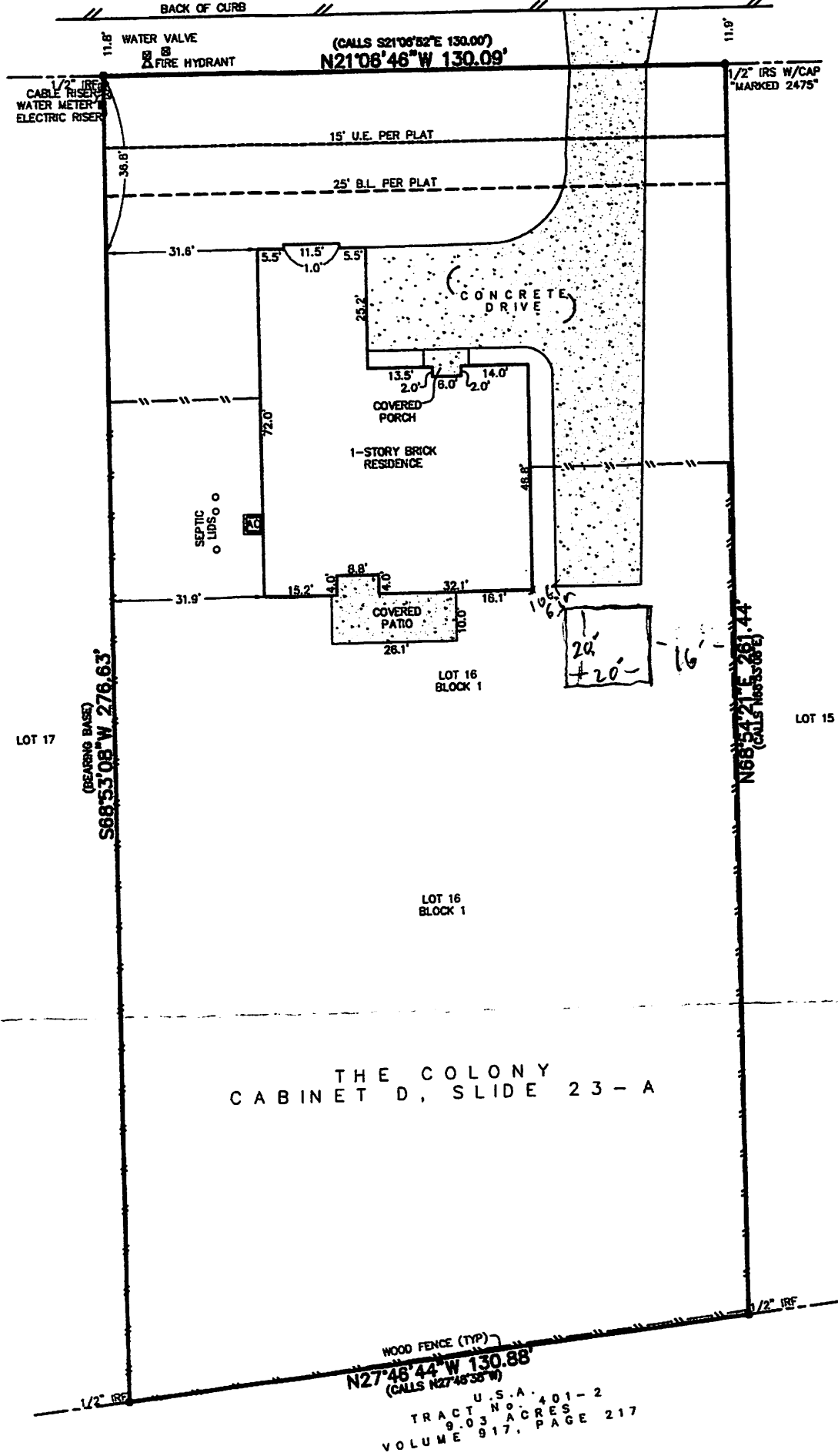


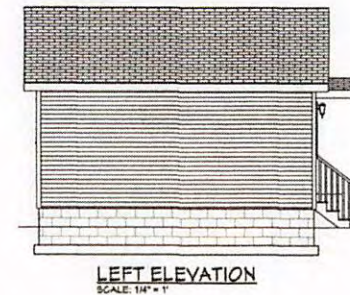
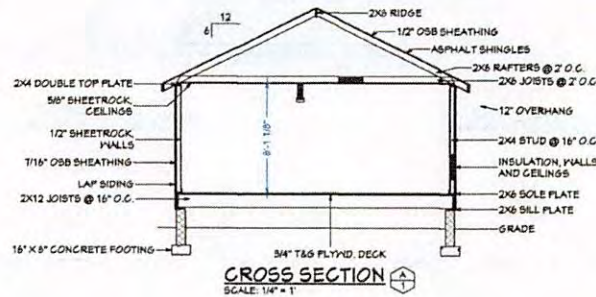
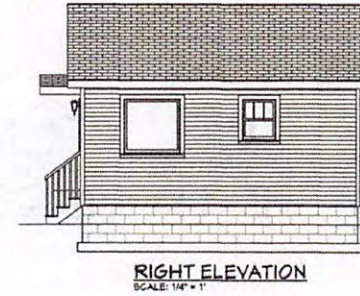
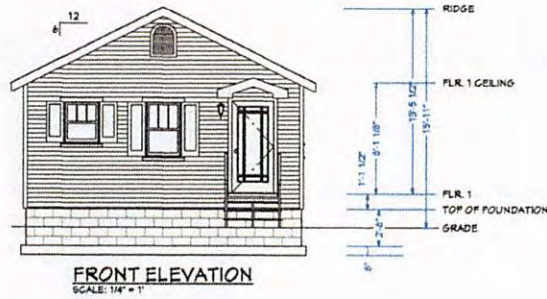
Mark D. McGee



Donna McGee
3910 Walden Creek Crossing
Harker Heights, TX 76548
(912)704-3714

3910 WALDEN CREEK CROSSING





20x20 House #20X20H1B

SQUARE FEET: 400
WIDTH: 20'
DEPTH: 22'-6" (including steps)
EXTERIOR WALL STRUCTURE: 2X4 STUDS

**BUILDING CONTRACTOR/HOME OWNER
TO REVIEW AND VERIFY ALL DIMENSIONS,
AND SPECS BEFORE CONSTRUCTION
BEGINS. BUILDING TO BE BUILT AS
PER LOCAL CODE REQUIREMENTS.**

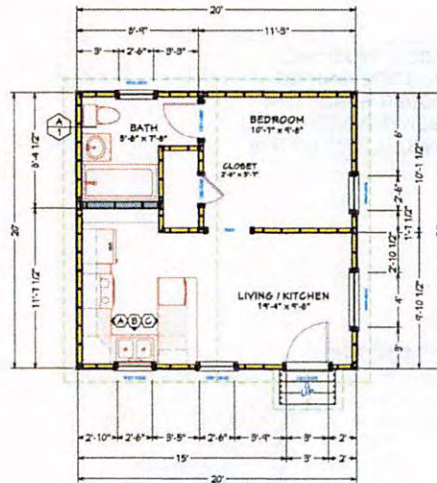
To the best of my knowledge these plans are drawn to comply with owner's and/or builder's specifications and any changes made on them after prints are made will be done at the owner's and/or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. E.F.P. is not liable for errors. While every effort has been made in the preparation of this plan to avoid mistakes, the maker cannot guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. All calculations and member sizing should be verified for your building by a certified building official.

These plans were not prepared by or checked by a licensed architect and/or engineer. E.F.P. does not represent or imply itself to be a licensed architect and/or engineer. Please do not use these plans for any other purpose without the written permission of the author.

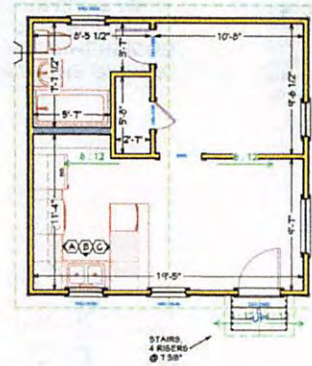
Excellent Floor Plans
<https://sites.google.com/excellentfloorplans>
<https://www.etsy.com/str/excellentfloorplans>
<https://excellentfloorplans.etsy.com>



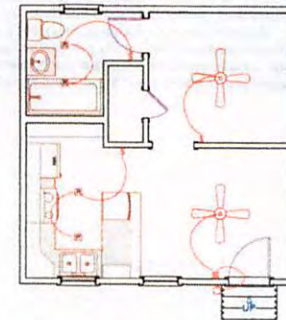
FOUNDATION PLAN
SCALE: 1/4" = 1'



MAIN FLOOR PLAN
SCALE: 1/4" = 1'



MAIN FLOOR PLAN
SCALE: 1/4" = 1'

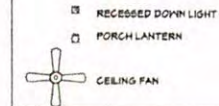


LIGHTING PLAN
SCALE: 1/4" = 1'

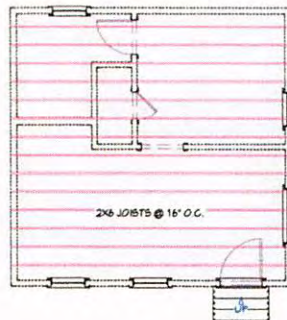
NUMBER	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL	COMMENTS
101	2x6 JOISTS @ 16" O.C.	1	LINEAL			
102	2x6 RAFTERS @ 2' O.C.	1	LINEAL			
103	2x6 RIGID	1	LINEAL			

NUMBER	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL	COMMENTS
201	2x6 JOISTS @ 16" O.C.	1	LINEAL			
202	2x6 RAFTERS @ 2' O.C.	1	LINEAL			
203	2x6 RIGID	1	LINEAL			

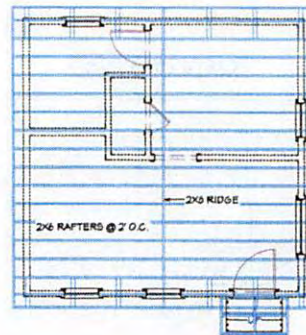
ALL WIRING TO BE INSTALLED AS PER ACTUAL JOBSITE CONDITIONS, ELECTRICAL CODE AND HOME OWNER OR INTERIOR LIGHTING CONSULTANT. SHOWN IS SUGGESTED PLACEMENT OF LIGHTING AND SWITCHING AND MUST BE APPROVED BY HOMEOWNER PRIOR TO WORK.



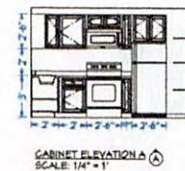
FLOOR FRAMING PLAN
SCALE: 1/4" = 1'



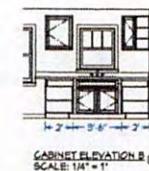
CEILING FRAMING PLAN
SCALE: 1/4" = 1'



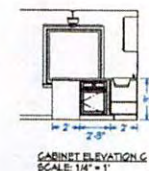
ROOF FRAMING PLAN
SCALE: 1/4" = 1'



CABINET ELEVATION A
SCALE: 1/4" = 1'



CABINET ELEVATION B
SCALE: 1/4" = 1'

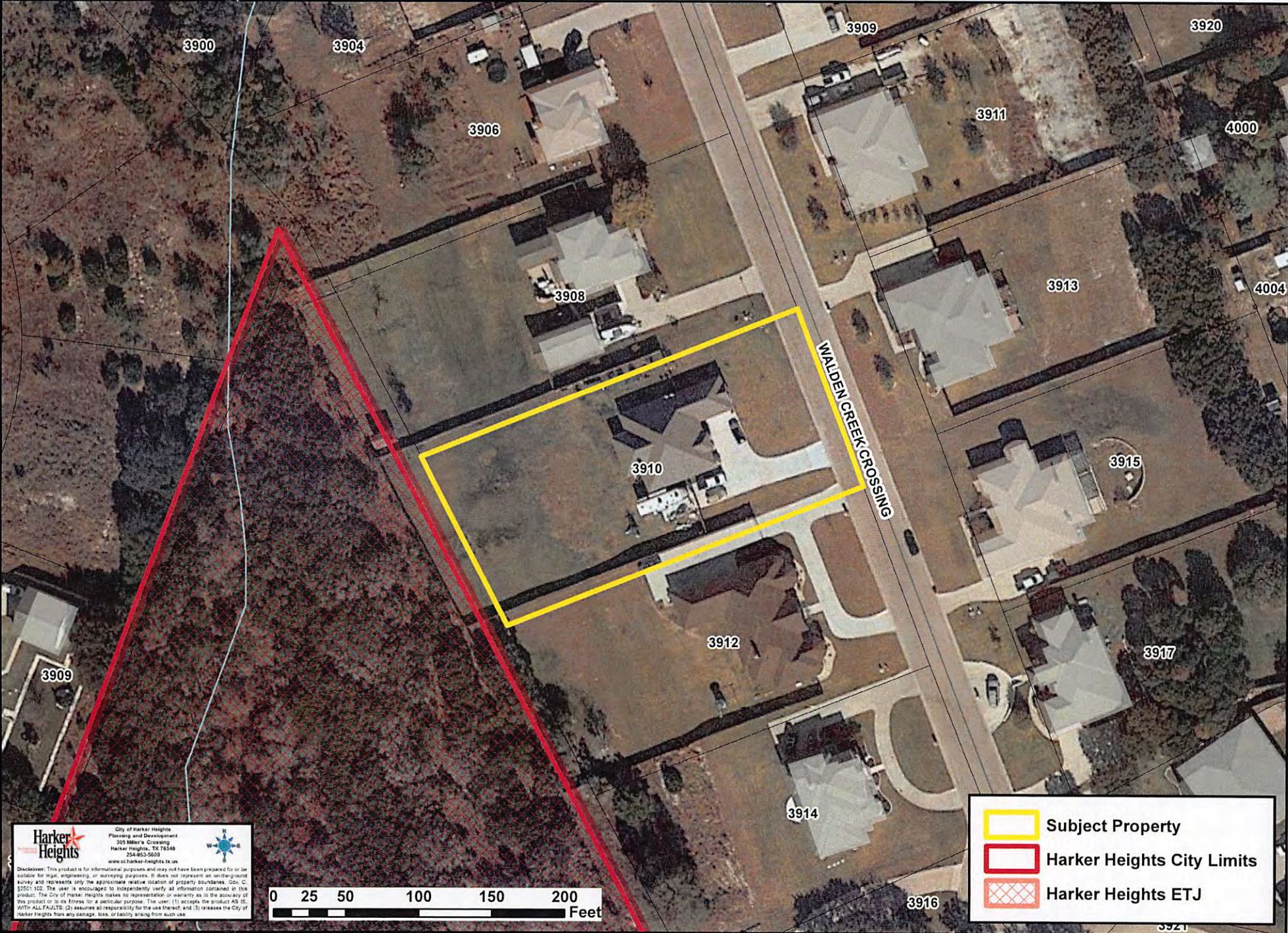


CABINET ELEVATION C
SCALE: 1/4" = 1'

20x20 House
#20X20H1B

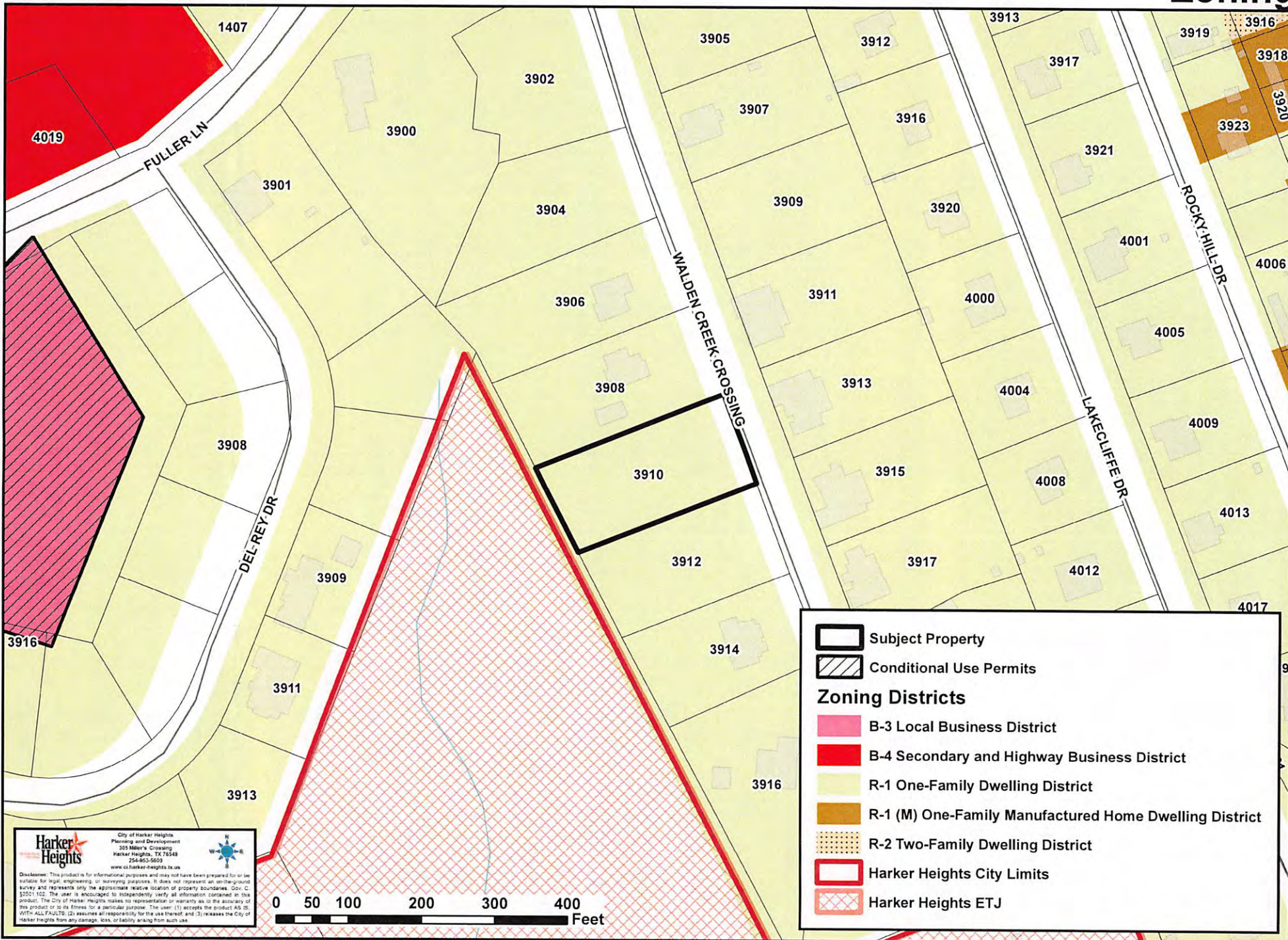
These plans were not prepared by or checked by a licensed architect and/or engineer. E.P.P. does not represent or imply itself to be a licensed architect and/or licensed engineer. Reproduction of these plans, in whole or part, is strictly prohibited.

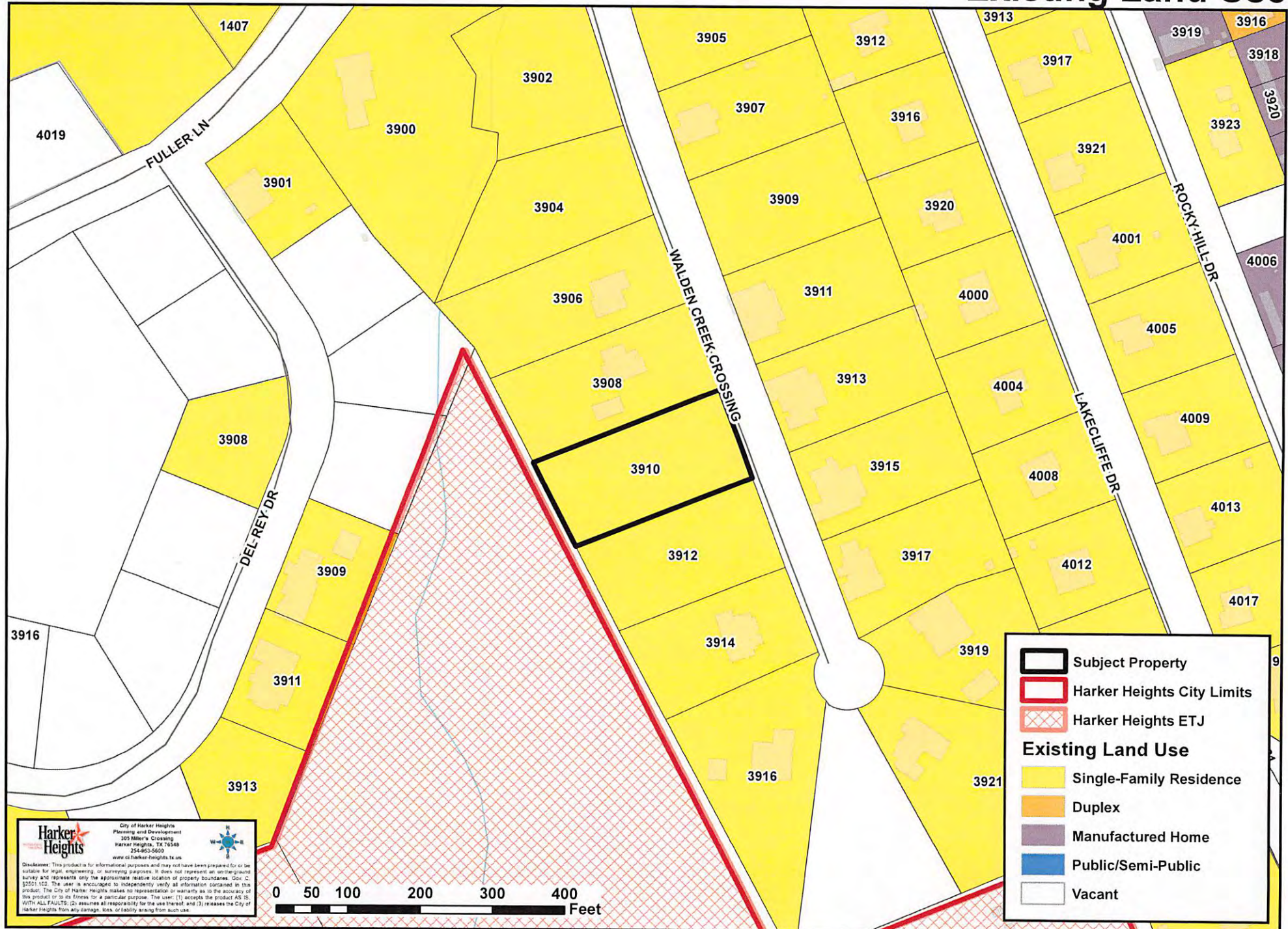
Excellent Floor Plans
<https://sites.google.com/excellentfloorplans>
<https://www.etsy.com/str/excellentfloorplans>
<https://excellentfloorplans.etsy.com>

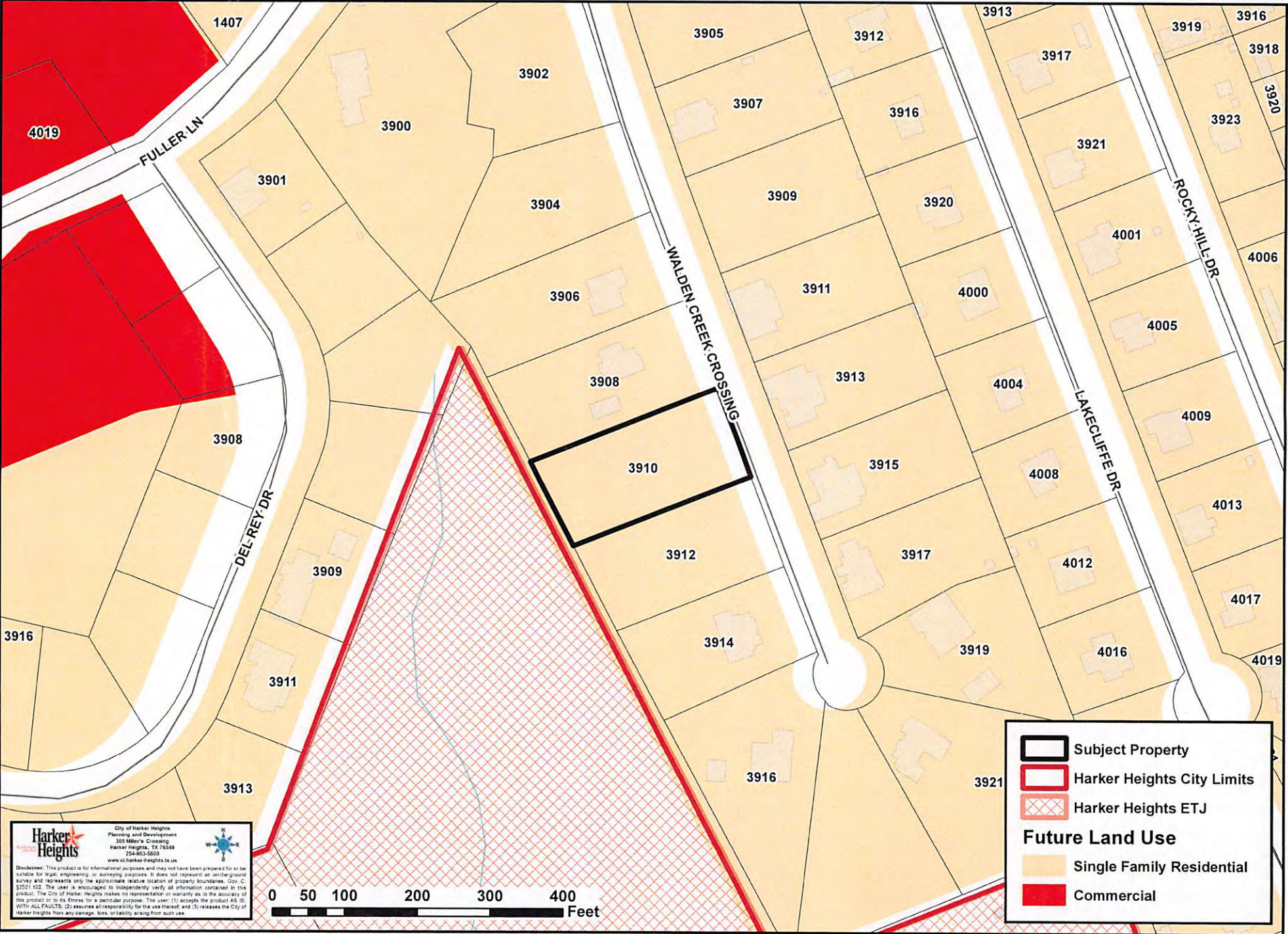


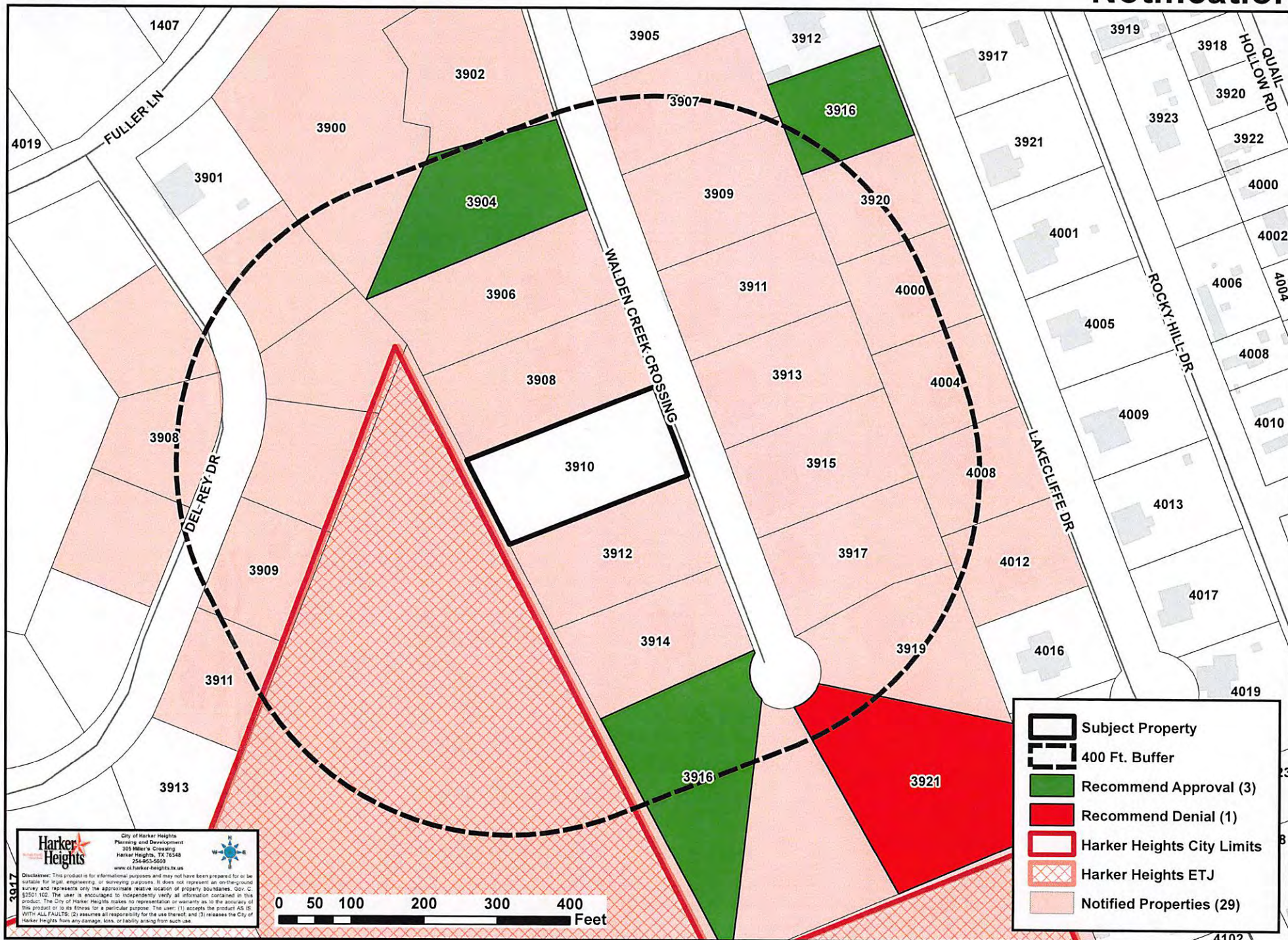












TO: **City of Harker Heights
Planning & Development Department**

FROM: Brandy Cox & Kristin Cox
3916 Lakecliff Dr. Harker Heights 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas (see attached notification map).

☒ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Brandy Cox
Printed Name

Brandy Cox
Signature

7-20-20
Date

Received

JUL 23 2020

Planning & Development

TO: **City of Harker Heights
Planning & Development Department**

FROM:

John Craft

3921 Walden Creek Xing

(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Attached

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.



John Craft
Printed Name

[Signature]
Signature

7/20/2020
Date

Received

JUL 22 2020

Planning & Development

I recommend the denial of this request as this residence has had the travel trailer being used as a secondary residence for months. It is obvious the intent of the property owner never designed the arrangement to be temporary solution, rather more a permanent structure. Zoning and deed restrictions are important to protect neighbor's property values and this is clearly a violation. I recommend the denial of this request and encourage the City of Harker Heights Planning and Zoning Commission to uphold the ordinances that have been put in place to protect the rights of all property owners negatively impacted. I will be glad to offer further comment regarding this concern and I applaud the City of Harker Heights for taking the appropriate measures to ensure all property owners and taxpayers are not negatively impacted by those choosing to operate outside of adopted restrictions.

Dr. John M. Craft

3921 Walden Creek Crossing

TO: **City of Harker Heights
Planning & Development Department**

FROM:

3904 Walden Creek Crossing
Harker Heights, TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas (see attached notification map).

☒ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Sandra Torres
Printed Name

Sandra Jones
Signature

7/27/2020
Date

Received

JUL 29 2020

Planning & Development

TO: **City of Harker Heights
Planning & Development Department**

FROM: Ronald Walker
3916 Walden Creek Crossing
Harker Heights TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas (see attached notification map).

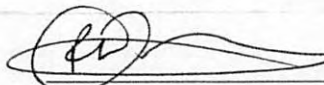
☒ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Ronald Walker
Printed Name


Signature

7/20/2020
Date

Received
JUL 20 2020
Planning & Development



CITY COUNCIL MEMORANDUM

Z20-16

AGENDA ITEM # VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A STORAGE CONTAINER ON PROPERTY DESCRIBED AS LOT SEVEN (7), BLOCK NINE (9), MEADOW ACRES, FIRST EXTENSION, GENERALLY LOCATED AT 906 S. ANN BLVD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a Conditional Use Permit (CUP) to allow a storage container on property zoned as B-1 (Office District), located at the intersection of W. Robin Lane and S. Ann Boulevard. The business operating as Decapolis Ministries Harker Heights Food Bank, approached the City planning staff after being notified by Code Enforcement that their storage container was not permitted on their site. The applicant explained that they wish to utilize the storage container for additional storage of goods due to the inadequate space they currently have at the location. They further indicated their operations at this location would be temporary, as they are seeking a more permanent site.

Staff issued the applicant a temporary storage permit which is effective for a maximum of 90 days. However, due to the nature of the applicant's work in the community and the impacts of the COVID-19 pandemic, staff allowed the storage container to remain on site beyond the permitted time pending a City Council determination.

Staff has proposed the following conditions for consideration of a Conditional Use Permit:

1. The Conditional Use Permit will expire 1 year from the effective date of this ordinance. An application to extend the expiration date of the Conditional Use Permit must be received by the City of Harker Heights ninety (90) days prior to its expiration.
2. The container shall only be utilized for the storage of non-perishable goods.
3. The property is limited to the existing storage container, to be kept in its current configuration. If the storage container must be replaced, it shall be replaced with a unit of similar dimensions and placed at the same location.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single Family Residence	High Density Residential	R-3 (Multi Family Dwelling District)
South	Single Family Residence	Single Family Residential	R-1 (One Family Dwelling District)
East	Public/Semi-Public (YMCA)	Commercial	B-3 (Local Business District)
West	Single Family Residence	High Density Residential	R-1

The subject property currently exists as a non-residential use within a residential structure under the zoning classification of B-1 (Office District) as established on September 9, 1975, Ordinance No. 75-18. Surrounding existing uses are comprised of a combination of residential and commercial uses as the subject property is located on a corner lot along a Collector road as designated within the City's Thoroughfare Plan. Per the City's Future Land Use Map, the subject property is located within an area designated as High Density Residential, which should be located where possible as a buffer between commercial and residential uses. The non-residential use within the residence does not violate the intent or ideals of the High-Density Residential classification. In addition, requiring an annual renewal of the CUP for the use of a storage container allows the City Council to evaluate any potential or created adverse impacts on the surrounding properties.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500-year flood hazard areas.

Notices:

Staff sent out thirty-eight (38) notices to property owners within the 400-foot notification area. Three (3) responses were received in favor of the request, and one (1) response was received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas, with the aforementioned conditions, and based upon the staff's findings that:

1. The proposed use is suitable to the premises or structure(s) in which it will be conducted;
2. The proposed use will not be detrimental to the public health, safety, or welfare, or will materially injure property or improvements in the vicinity;
3. The proposed use will not materially and adversely affect traffic control or adjacent properties by inappropriate location.

ACTION BY PLANNING AND ZONING COMMISSION:

Following a public hearing on July 29, 2020, the Planning and Zoning Commission voted (6-1) to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas, based upon staff's recommendations and findings.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DENY an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Letter of Intent
4. Proposed Conditions
5. Location Map
6. Site Photos
7. Zoning Map
8. Existing Land Use Map
9. Future Land Use Map
10. Notification Area Map
11. Citizen Responses

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A STORAGE CONTAINER ON PROPERTY DESCRIBED AS LOT SEVEN (7), BLOCK NINE (9), MEADOW ACRES, FIRST EXTENSION, GENERALLY LOCATED AT 906 S. ANN BLVD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

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

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property zoned B-1 (Office District) is granted a Conditional Use Permit (CUP) on property described as:

Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, according to the plat of record in Cabinet A, Slide 242-A, Plat Records of Bell County, Texas.

SECTION 3: Conditional Use Permit. The City Council hereby approves a Conditional Use Permit ("CUP") to the property owner upon the following terms and conditions:

1. The Conditional Use Permit will expire 1 year from the effective date of this ordinance. An application to extend the expiration date of the Conditional Use Permit must be received by the City of Harker Heights ninety (90) days prior to its expiration.
2. The container shall only be utilized for the storage of non-perishable goods.
3. The property is limited to the existing storage container, to be kept in its current configuration. If the storage container must be replaced, it shall be replaced with a unit of similar dimensions and placed at the same location.

SECTION 4: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	08/11/20	Granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd., Harker Heights, Bell County, Texas.

SECTION 5: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 6: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on August 11, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647

Conditional Use Permit Application

"Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED"

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan
4. Letter of Intent

Property Owner(s) Name: Daniel Garcia Date: 6 July 2020

Address: 906 S. Ann Blvd / 101 W. Robin

City/State/Zip: Harker Heights Texas 76548

Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 906 S. Ann

Lot: 7 Block: 9 Subdivision: MeadowAcre 1st Ext.

Acres: _____ Property ID: 100175 Survey: _____

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Current Zoning Classification: B-1 Future Land Use Designation: _____

Applicant's Representative (if applicable):

Applicant's Representative:

Phone: [REDACTED] E-Mail: [REDACTED]

ATTACH A SITE PLAN: Provide a plan drawn to scale to illustrate the boundaries of the area, location of all existing and proposed structure(s), gross floor area and location of building entrances and exits.

ATTACH A LETTER OF INTENT: Provide a detailed description of the proposed use including but not limited to: the changes to the site, structure(s), landscaping, parking and land use in reference to the Harker Heights Code of Ordinances Section 155.201 Conditional Use Permit.

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or Lynda Nash will represent the owner.

Daniel Garcia
Printed Name of Property Owner

[Signature]
Signature of Property Owner

Lynda Nash
Printed Name of Representative

[Signature]
Signature of Representative

Date Submitted: 07/07/2020

Received By: Joseph Molis

STAFF ONLY - DO NOT FILL OUT BELOW

☐ Pre-Application Meeting

Revised: 06/28/18

Receipt #: 015928 28

Case #: 220-16

2 Jul, 2020

To whom it may concern
Request to maintain metal
conex on property serving as
the Warner Heights Food Bank.

The Conex is used to store a
portion of the 6,000 plus Pounds
of food used to help the
residents of our city who
experience food shortages

Thank you in advance

Spencer

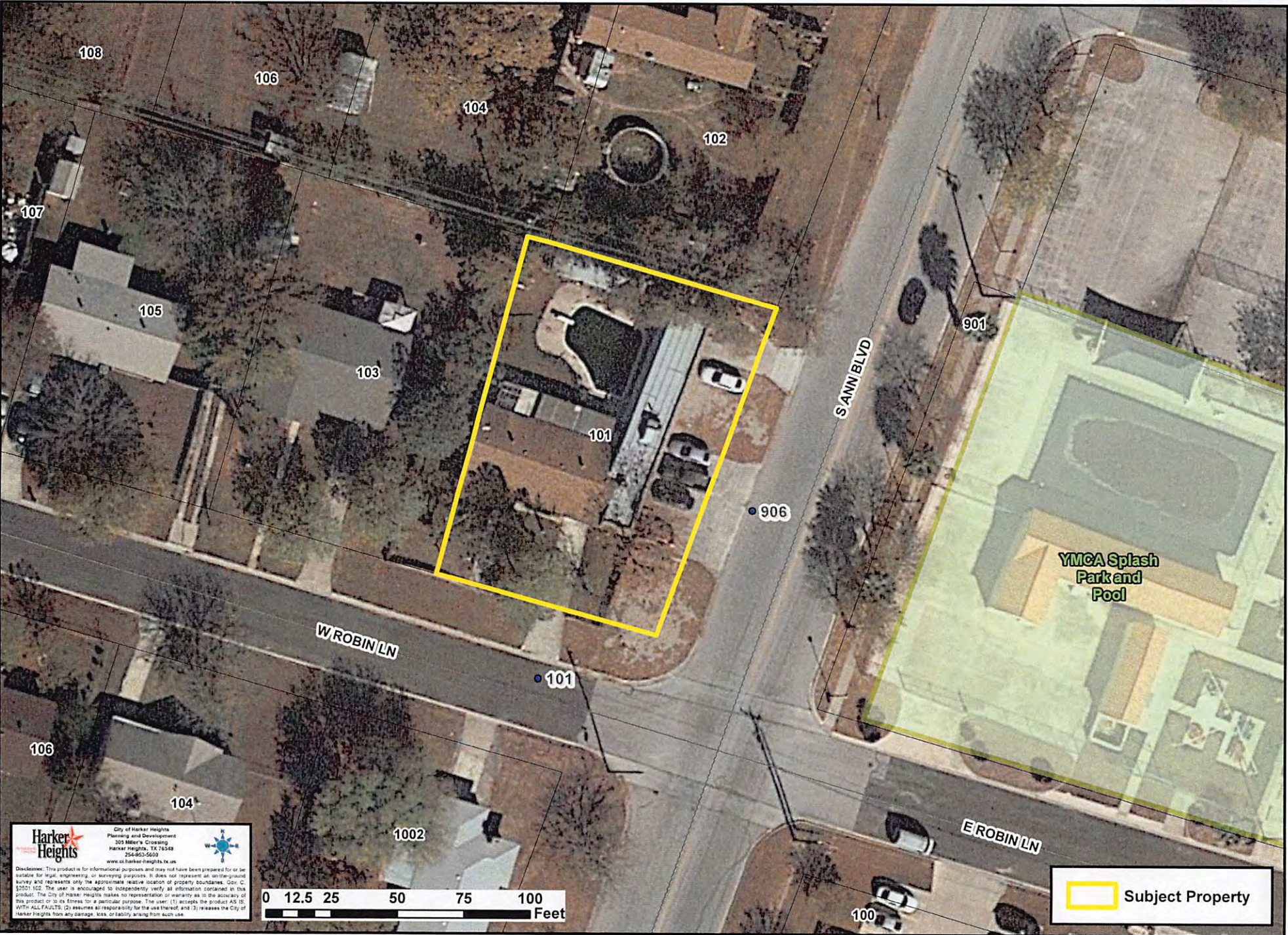
Proposed Conditions

Z20-16 – 906 S. Ann Boulevard/101 W. Robin

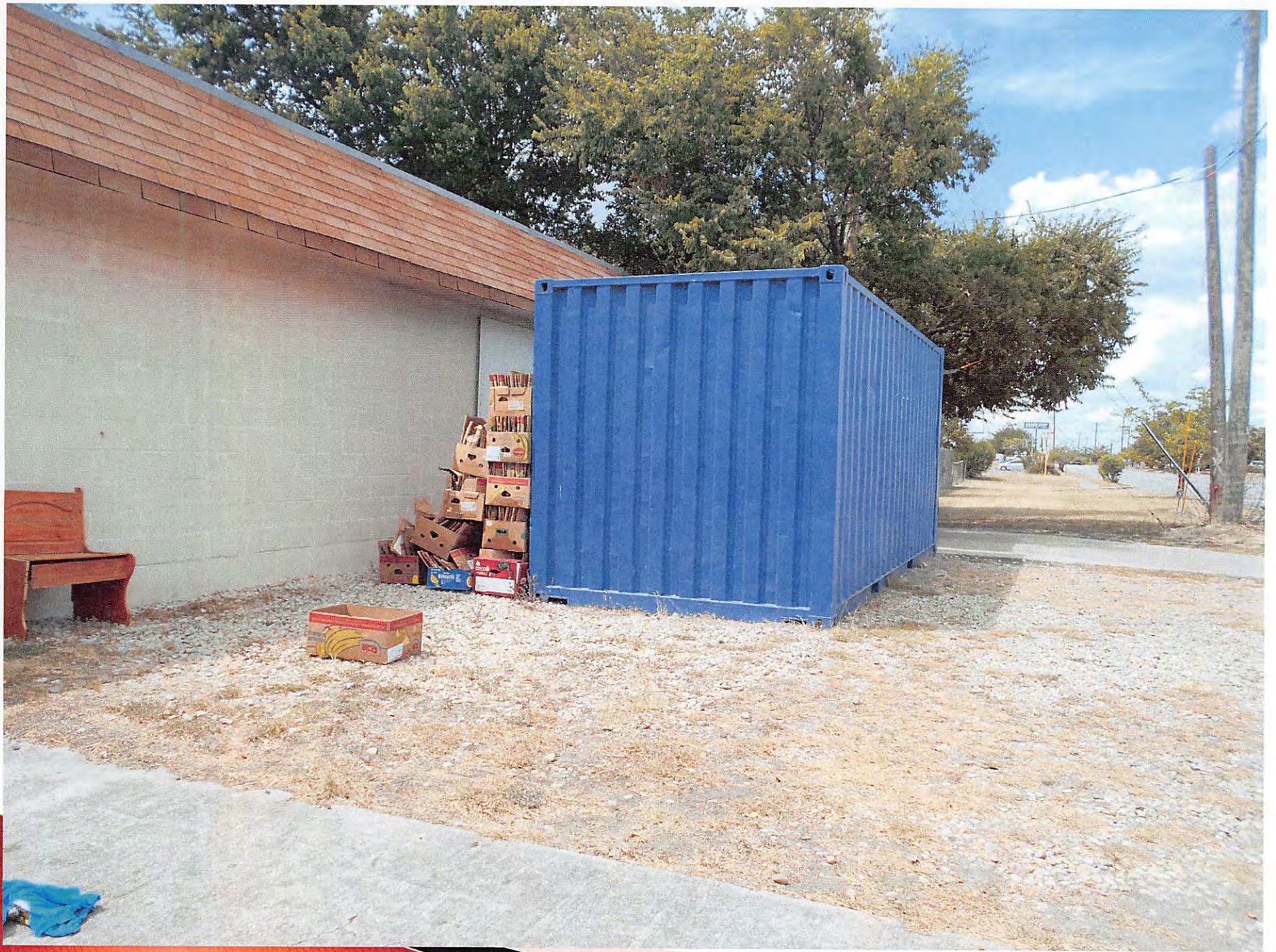
1. The Conditional Use Permit will **expire 1 year** from the date of the City Council approval of the use permit request. An application to extend the request for additional time must be received by the City of Harker Heights 90 (ninety) days prior to the expiration of the Conditional Use Permit.
2. The container shall only be utilized for the storage of non-perishable goods.
3. The property is limited to the existing storage container, to be kept in its current configuration. If the storage container must be replaced, it must be replaced with a unit of similar dimensions and placed at the same location.

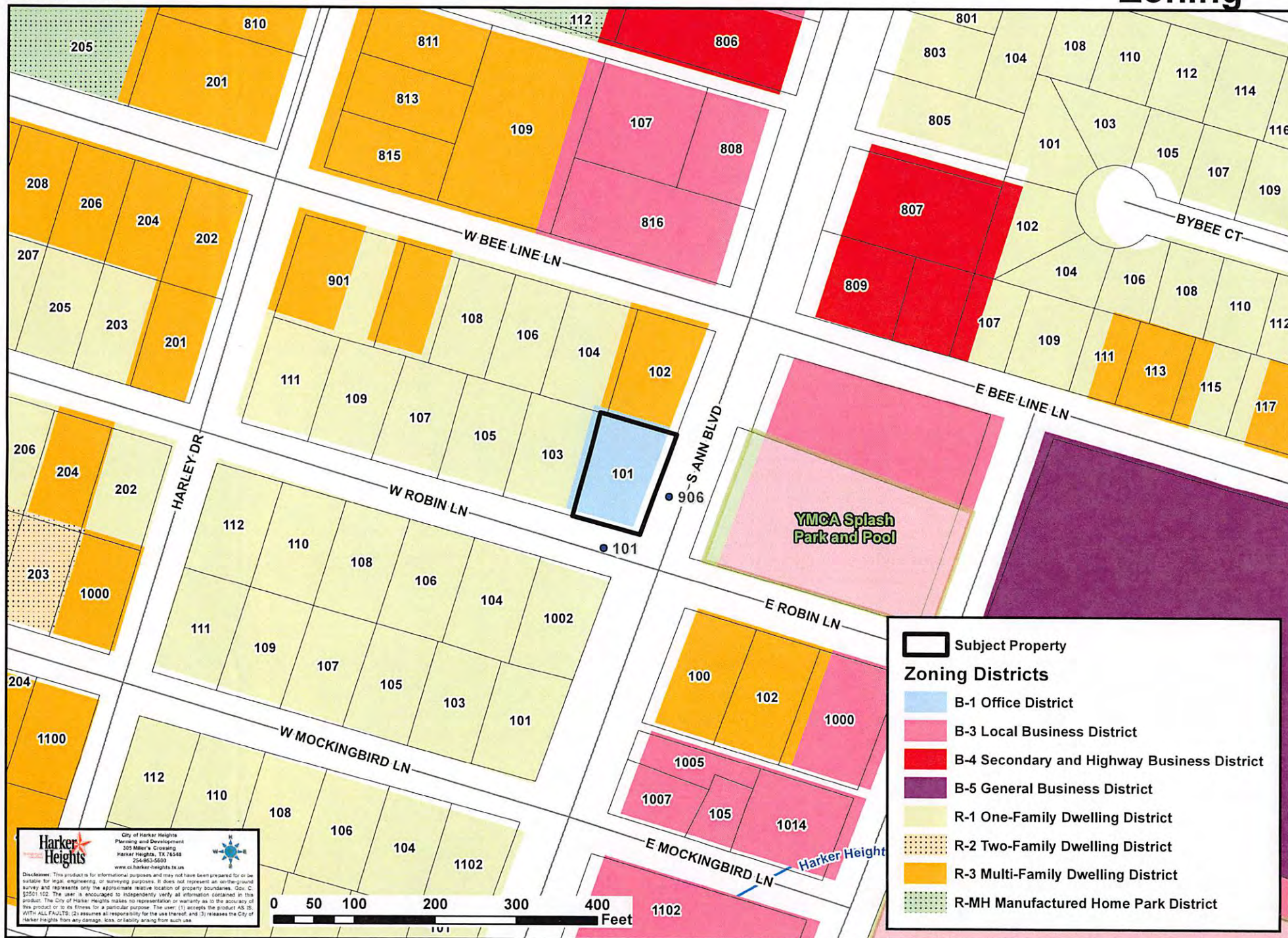
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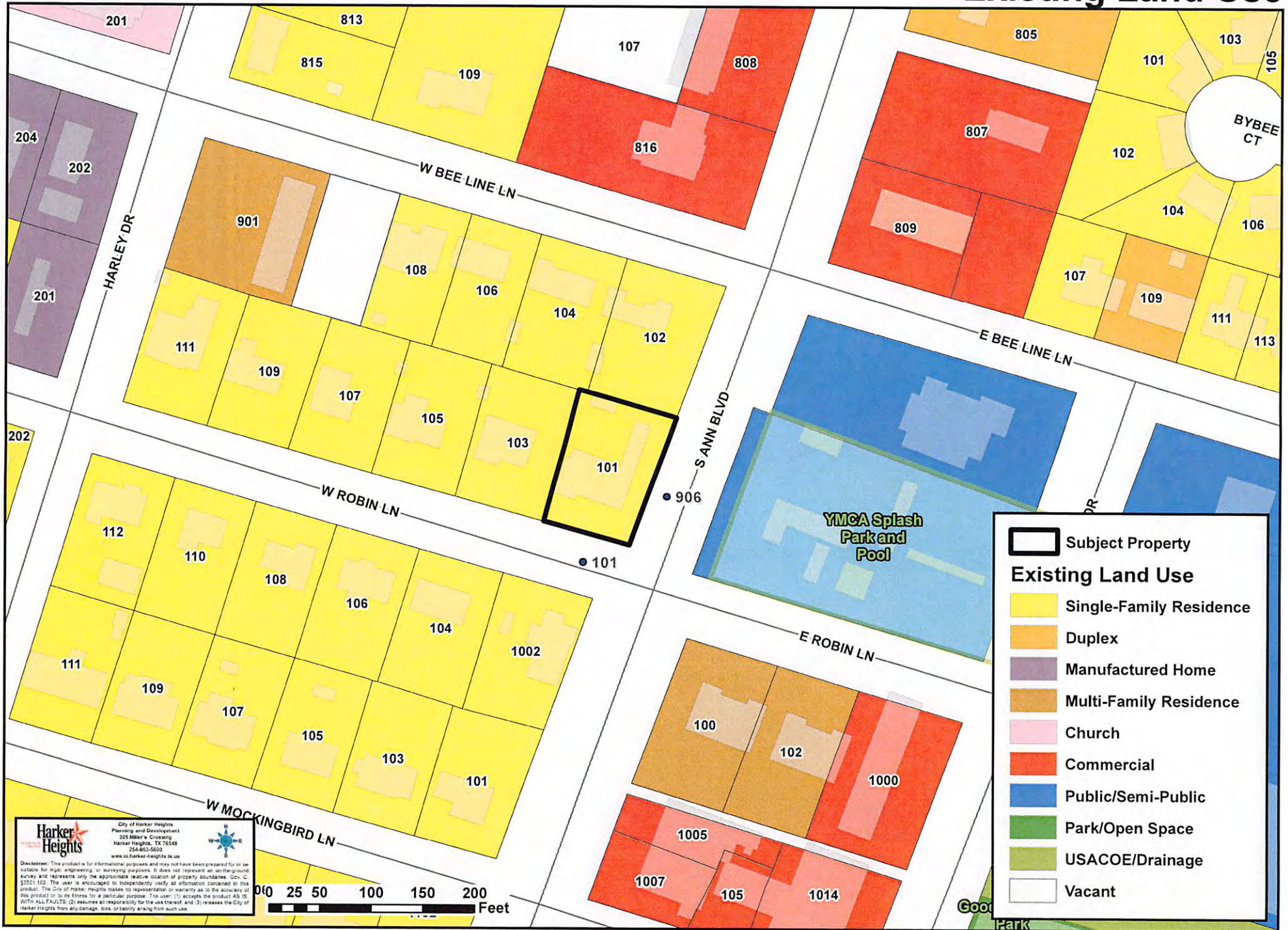
Property Owner/Applicant

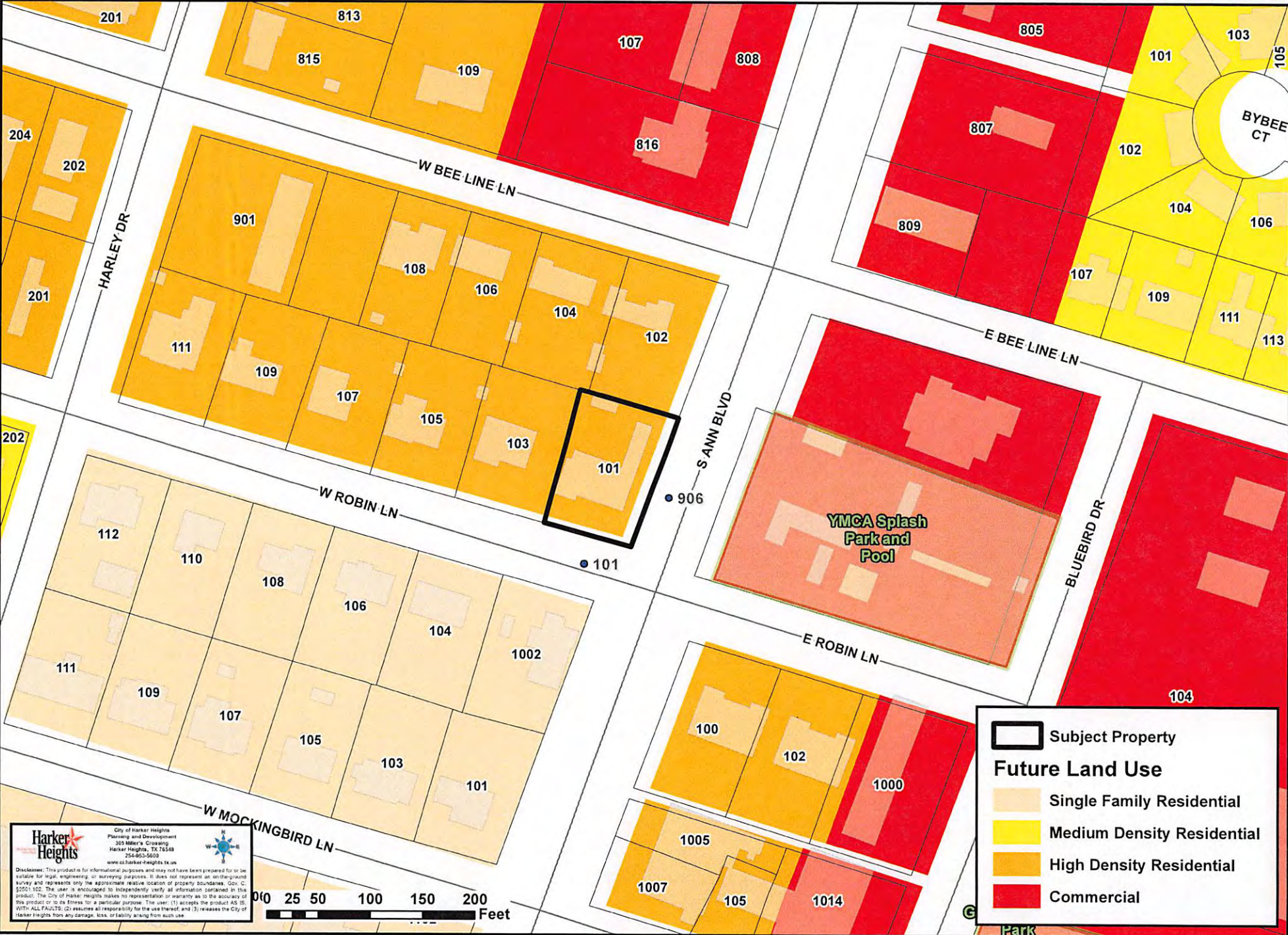














City of Harker Heights
Planning and Development
309 Miller's Crossing
Harker Heights, TX 76548
254-863-5600
www.ci.harker-heights.tx.us

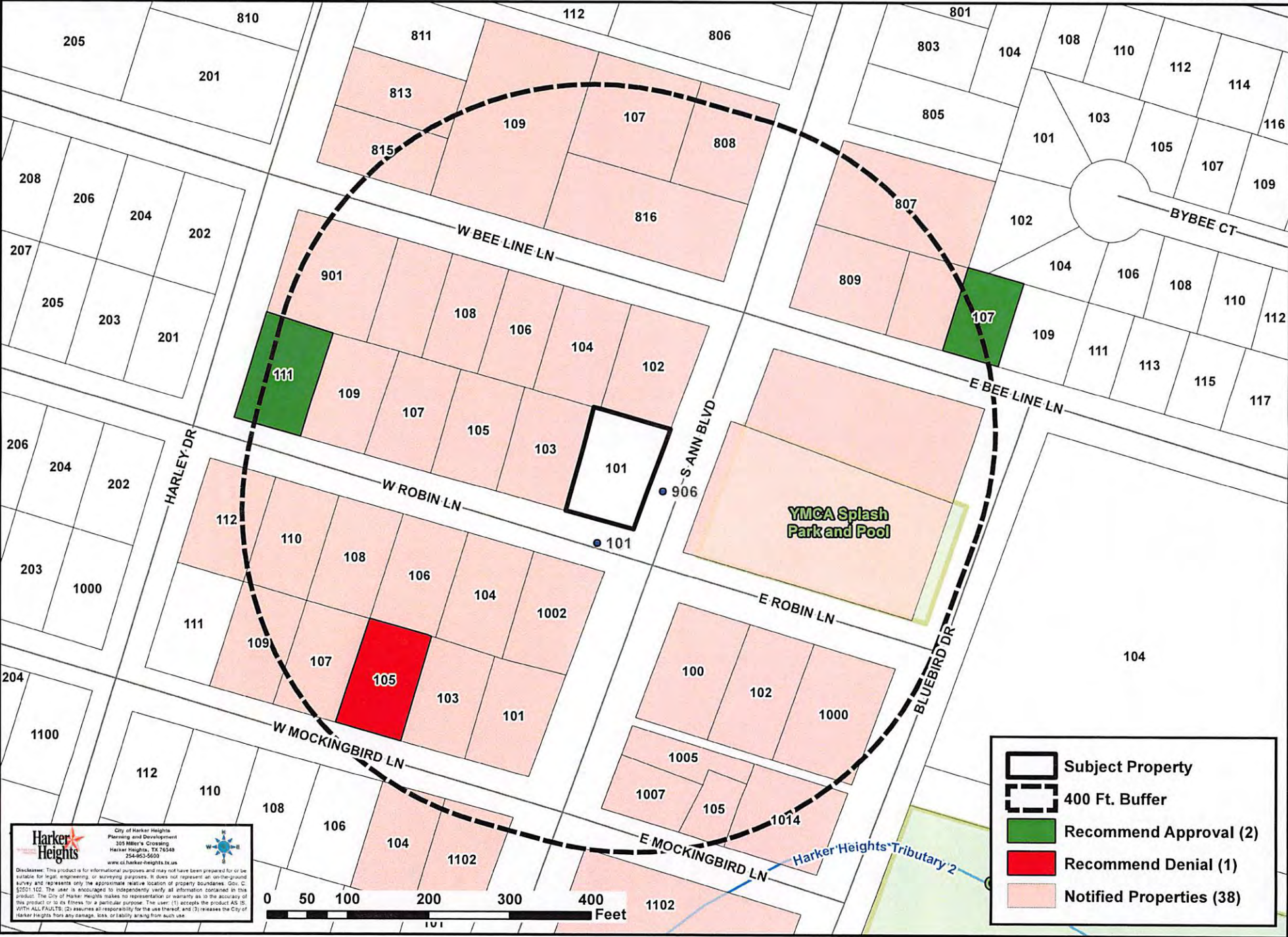
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §202.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



Subject Property

Future Land Use

-  Single Family Residential
-  Medium Density Residential
-  High Density Residential
-  Commercial



TO: **City of Harker Heights
Planning & Development Department**

FROM: Wanda Jackson
107 E. Beeline Lane
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas (see attached notification map).

☒ **I RECOMMEND APPROVAL OF THE REQUEST**

☐ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Wanda Jackson
Printed Name

Wanda Jackson
Signature

07.18.2020
Date

Received

JUL 22 2020

Planning & Development

TO: **City of Harker Heights
Planning & Development Department**

FROM: 105 W Mockingbird Ln
Harker Heights
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I would like for area to be family oriented
plus we dont need anothe storage container in our area.

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

[REDACTED]

Gabriel Morrieta
Printed Name

[Signature]
Signature

7-21-2020
Date

Received

JUL 29 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM:

John W. & Lois M. Snyder

111 W. ROBIN LANE.

(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas (see attached notification map).

☒ I RECOMMEND APPROVAL OF THE REQUEST

☐ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I cannot think of any reason to
oppose this. Therefore, I recommend
it be approved. JS

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

John W. Snyder
Printed Name

John W. Snyder
Signature

7-21-2020
Date

Received

JUL 22 2020

Planning & Development



COUNCIL MEMORANDUM

AGENDA ITEM # VIII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING AN ORDER OF A GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER, PLACE 4, FOR A THREE (3) YEAR TERM (2020-2023) FOR THE CITY OF HARKER HEIGHTS, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On February 11, 2020, the City Council ordered an Election be held on May 2, 2020, for the purpose of electing a Mayor and a Council Member for Place 4.

On March 18, 2020, Governor Greg Abbott issued a proclamation suspending Sections 41.0052 (a) and (b) of the Texas Election Code due to the COVID-19 public health emergency. This proclamation allows political subdivisions that would otherwise hold elections on May 2, 2020, to move their 2020 general election to November 3, 2020, without otherwise adjusting the term of office. The term of office for the two elected positions will still end on May 2023.

On March 24, 2020, the City Council approved to postpone the May 2, 2020, General Election until the November 3, 2020, uniform election date. Political subdivisions holding an election in November are required to use county election precincts and the county polling places on election day. Therefore, the City will be having a joint election with Bell County on November 3, 2020.

Early voting will begin on October 13, 2020 and will end on October 30, 2020.

ACTION BY COUNCIL:

Motion to approve an Order for a General Election to be held on November 3, 2020, for the purpose of electing a Mayor and Council Member, Place 4, for a three year term (2020-2023) for the City of Harker Heights, Texas.

ATTACHMENTS:

1. Order of Election

ORDER OF ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on NOVEMBER 3, 2020 for the purpose of:

Mayor (Three year term ends May 2023)
Council Member, Place 4 (Three year term ends May 2023)

That in accordance with an order adopted by the City Council of said City, shall hold ELECTION DAY Voting between the hours of 7:00 a.m. and 7:00 p.m. on November 3, 2020, at any of the forty-one (41) polling locations listed on Exhibit A (attached) in Bell County, Texas.

Early voting by personal appearance will be conducted each weekday at the following locations:

Belton - Bell County Courthouse Annex, 550 East 2nd Avenue, Belton, TX 76513
Killeen - Bell County Annex, 304 Priest Drive, Killeen, TX 76541
Killeen - Killeen Community Center, 2201 E. Veterans Memorial Blvd, Killeen, TX 76543
Temple - Bell County Annex, 205 East Central Ave, Temple, TX 76501
Salado - Salado Church of Christ, 217 North Stagecoach, Salado, TX 76571
Harker Heights - Parks & Recreation Center, 307 Millers Crossing, Harker Heights, TX 76548

Recommended but not required

Early voting will begin on October 13, 2020 and end on October 30, 2020.

Tuesday, October 13, 2020 to Friday, October 16, 2020 between the hours of 8:00a.m. and 5:00p.m.;
Saturday, October 17, 2020 between the hours of 7:00a.m. and 7:00p.m.;
Sunday, October 18, 2020 between the hours of 12:00p.m. and 5:00p.m.;
Monday, October 19, 2020 to Friday, October 23, 2020 between the hours of 8:00a.m. and 5:00p.m.;
Saturday, October 24, 2020 between the hours of 7:00a.m. and 7:00p.m.;
Sunday, October 25, 2020 between the hours of 12:00p.m. and 5:00p.m.;
Monday, October 26, 2020 and ending on Friday, October 30, 2020 between the hours of 7:00a.m. and 7:00p.m.

Applications for ballot by mail shall be mailed to:

Bell County Elections Department

(Name of Early Voting Clerk)

Email: melinda.luedecke@bellcounty.texas.gov

P.O Box 1629

(Address)

Belton,

Texas

76513

(City)

(Zip Code)

Applications for ballots by mail must be received no later than the close of business on

October 23, 2020

(date)

Issued this the 11th day of August, 2020.

Signature of Mayor (Spencer H. Smith)

Signature of Councilperson (Michael Blomquist)

Signature of Councilperson (Jennifer McCann)

Signature of Councilperson (Jackeline Soriano Fountain)

Signature of Councilperson (John Reider)

Signature of Councilperson (Jody Nicholas)

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.

ORDEN DE ELECCION PARA MUNICIPIOS

Por la presente se ordena que se llevará a cabo una elección el 3 de Noviembre 2020 con el propósito
(fecha)

de:

Alcalde (Termino de Tres Años)

Miembro Del Concilio, lugar 4 (Termino de Tres Años)

Que, de acuerdo con una orden adoptada por el ayuntamiento de dicha ciudad, llevará a la votación el día de la elección entre las horas de las 7de la mañana hasta las 7de la noche, el 3 de Noviembre del año 2020, en cualquiera de los cuarenta y un (41) lugares de votación listados en la prueba A (adjunta) en el condado de Bell, en el estado de Texas

La votación adelantada en persona se llevará a cabo de lunes a viernes en

Belton - Bell County Courthouse Annex, 550 East 2nd Avenue, Belton, TX 76513

Killeen - Bell County Annex, 304 Priest Drive, Killeen, TX 76541

Killeen - Killeen Community Center, 2201 E. Veterans Memorial Blvd, Killeen, TX 76543

Temple - Bell County Annex, 205 East Central Ave, Temple, TX 76501

Salado - Salado Church of Christ, 217 North Stagecoach, Salado, TX 76571

Harker Heights - Parks & Recreation Center, 307 Miller's Crossing, Harker Heights, TX 76548

La votación anticipada comenzará el 13 de octubre de 2020 y finalizará el 30 de octubre de 2020.

Martes, 13 de octubre de 2020 a viernes, 16 de octubre de 2020 entre las 8:00 a.m. y las 5:00 p.m.;

Sábado, 17 de octubre de 2020 entre las 7:00am y 7:00pm;

Domingo, 18 de octubre de 2020 entre las 12:00pm y 5:00pm;

Lunes, 19 de octubre de 2020 a viernes, 23 de octubre de 2020 entre las 8:00am y 5:00pm;

Sábado, 24 de octubre de 2020 entre las 7:00am y 7:00pm;

Domingo, 25 de octubre de 2020 entre las 12:00pm y 5:00pm;

Lunes, 26 de octubre de 2020 y terminando el viernes 30 de octubre de 2020 entre las 7:00am y las 7:00pm.

Bell County Elections Department

(Nombre del Secretario(a) de Votación Adelantada)

P. O. Box 1629

(Dirección)

Belton, Texas 76513

(Ciudad)

(Zona Postal)

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el 23 de octubre de 2020.

(fecha)

Emitida este día 11 de agosto, 2020.

Firma del Alcalde (Spencer H. Smith)

Firma de la Persona del Concilio (Michael Blomquist)

Firma de la Persona del Concilio (Jennifer McCann)

Firma de la Persona del Concilio (Jackeline Soriano Fountain)

Firma de la Persona del Concilio (John Reider)

Firma de la Persona del Concilio (Jody Nicholas)

Nota de instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.

Polling Locations

Election Day is Tuesday, November 03, 2020

7:00am - 7:00pm

Voting locations for the November General Election are as follows:

****Voters can now vote at ANY voting site on Election Day!****

<u>City</u>	<u>Location Name and Address</u>
BELTON	Belton Nazarene Church, 1701 Sparta Road, Belton, Texas 76513
BELTON	Belton Annex, 550 E. 2nd Ave., Belton, Texas 76513
BELTON	Christ the King Catholic Church, 210 E. 24th St., Belton, Texas 76513
BELTON	Belton Senior Center, 842 S. Mitchell, Belton, Texas 76513
MORGAN'S POINT	Morgan's Point Event Center, 60 Morgan's Point Blvd., Morgan's Point Resort, Texas 76513
LITTLE RIVER / ACADEMY	Bliss Community Center, 109 South Evans, LR/A, Texas 76554
KILLEEN	Liberty Christian Center, 4107 Westcliff Rd Killeen, Texas 76543
HOLLAND	Kuhlmann Civic Center, 100 West Travis Street, Holland, Texas 76534
KILLEEN	St. Joseph Parish Hall, 2903 E Rancier Ave, Killeen, Texas 76543
NOLANVILLE	J.W. Sims Community Center, 408 North 10th St., Nolanville, Texas 76559
HARKER HEIGHTS	VFW Post 3892, 201 VFW Dr., Harker Heights, Texas 76548
HARKER HEIGHTS	Harker Heights Parks & Recreation Center, 307 Millers Crossing, Harker Heights, Texas 76548
SALADO	Salado Church of Christ Activities Center 217 N. Stagecoach Rd., Salado, TX 76571
KILLEEN	Destiny Outreach Church, 101 N. W.S. Young Dr., Killeen, Texas 76541
KILLEEN	Killeen Community Center, 2201 E. Veterans Memorial Blvd., Killeen, Texas 76543
KILLEEN	Killeen Senior Center @ Lions Club Park, 1700 E. Stan Schleuter Loop, Killeen, Texas 76542
KILLEEN	Grace Christian Center, 1401 E. Elms Rd., Killeen, Texas 76542
HARKER HEIGHTS	St. Paul Chong Hasang Catholic Church 1000 E FM 2410 Harker Heights, Texas 76548
EAST TRIMMIER	First Baptist Church of Trimmier, 6405 Chapparral Road, Killeen, Texas 76542
TROY	Troy Community Center, 201 East Main Troy, TX 76579
TEMPLE	VFW Post 1820, 3302 Airport Road, Temple, Texas 76504
TEMPLE	Northside Church of Christ, 3401 N. 3rd Street, Temple, Texas 76501
TEMPLE	A & E Storage, 4970 E Highway 190, Temple, Texas 76502
TEMPLE	Cross Church on Birdcreek, 2202 Birdcreek Drive, Temple, Texas 76502
TEMPLE	Immanuel Baptist Church, 1401 W. Central, Temple, Texas 76504

TEMPLE	Hector P. Garcia Elementary, 2525 Lavendusky Drive, Temple, Texas 76501
TEMPLE	Temple Annex, 205 E. Central Ave., Temple, Texas 76501
TEMPLE	<u>Temple College Pavilion - Leopard Room, Room 2800, 130 E. Marvin R Felder Drive, Temple, Texas 76504</u>
CYCLONE	St. Joseph Catholic Church Fellowship Hall, 20220 FM 485 Burlington, TX 76519
MOFFAT / STAMPEDE	Moffat Volunteer Fire Dept., 5660 Lakeaire Blvd., Temple, Texas 76502
ROGERS	First Baptist Church of Rogers, 5 Prairie, Rogers, TX 76569
TEMPLE	First Church of the Nazarene, 5000 South 31st St. Temple, Texas 76502
IVY GAP	3275 Boys Ranch Road, Kempner, Texas 76539
KILLEEN	Robert M. Shoemaker High School, 3302 Clear Creek Road, Killeen, Texas 76541
KILLEEN	Killeen Annex, 304 Priest Dr., Killeen, Texas 76541
KILLEEN	Central Fire Station, 207 North 28th Street, Killeen, Texas 76541
KILLEEN	Skyline Baptist Church, 906 Trimmier Rd., Killeen, Texas 76541
WEST TRIMMIER	West Bell Water Supply Office, 4201 Chaparral Road, Killeen, Texas 76540
KILLEEN	Killeen Utilities Department, 210 W. Avenue C, Killeen, Texas 76541
KILLEEN	Palo Alto Middle School, 2301 W. Elms Road, Killeen, Texas 76549
KILLEEN	Roy J. Smith Middle School, 6000 Brushy Creek Dr., Killeen, Texas 76549



COUNCIL MEMORANDUM

AGENDA ITEM # VIII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A CONTRACT WITH THE ELECTION OFFICER OF BELL COUNTY, TEXAS, TO CONDUCT A JOINT ELECTION ON NOVEMBER 3, 2020, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBER, PLACE 4, FOR THE CITY OF HARKER HEIGHTS, TEXAS; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On March 24, 2020, the City Council approved by Ordinance to postpone the May 2, 2020, General Election until the November 3, 2020, uniform election date pursuant to a proclamation issued on March 18, 2020, by Governor Greg Abbott. The Governor's proclamation also states that if requested by a political subdivision, the county election officer is required to contract with that local political subdivision that postponed their May 2, 2020, elections.

Political subdivisions holding an election in November are required to use county election precincts and the county polling places on election day. In Bell County, there will be six (6) early voting locations, and forty-one (41) polling locations on election day.

It is in the public interest that a contract be made and entered into for the purpose of having a joint election. Bell County has budgeted to cover the cost of necessary election supplies, which includes the ballots, ballot boxes, voting booths, all necessary machines and equipment, renting polling locations, and provide at their expense the election judges and clerks for all locations. The City will be responsible for the costs related to publishing the election notice in the local newspaper and the ballot programming fees.

RECOMMENDATION:

Staff recommends approval of a joint election with Bell County.

ACTION BY COUNCIL:

Motion to Approve/Disapprove a Contract with the Election Office of Bell County, Texas, to conduct a joint election on November 3, 2020, for the purpose of electing a Mayor and Council Member, Place 4, for the City of Harker Heights, Texas; and authorize the City Manager to sign the Agreement on behalf of the City.

ATTACHMENTS:

1. Contract

**ELECTION SERVICES
CONTRACT WITH THE COUNTY ELECTIONS OFFICER
STATE OF TEXAS, COUNTY OF BELL**

THIS CONTRACT made this _____ day of _____, 20____, by and between _____ representing City of Harker Heights, hereinafter referred to as “Political Subdivision,” and Melinda Luedecke, County Election Officer of Bell County, Texas hereinafter referred to as “Contracting Officer,” and by authority of Section 31.092(b), Texas Election Code, for the conduct and supervision of the City of Harker Heights election to be held on November 3, 2020. **THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out:

DUTIES AND SERVICES OF CONTRACTING OFFICER

The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

- (a) Procure and distribute all necessary election supplies, including:
 - 1. Ballots
 - 2. Ballot boxes and voting booths
- (b) Procure all necessary voting machines and equipment, transport machines and equipment to and from the polling places, and prepare the voting machines and equipment for use at the polling places. Equipment includes the ES&S ExpressVote Accessible electronic ballot marker version 1.4.1.2 and ES&S Model DS200 Precinct scanner and Tabulator version 2.12.2.0.
- (c) Arrange for the use of a central counting station and for the tabulating personnel and equipment needed at the counting station and assist in the preparation of programs and the test materials for the tabulation of the ballots to be used with electronic voting equipment. Equipment used is ES&S Model DS850 Central Scanner and Tabulator version 2.10.2.0.
- (d) Publish/Post the legal notice of the date, time, and place of the test of the electronic tabulating equipment and conduct such test.
- (e) Perform any necessary maintenance or repair on the furnished machines and equipment.
- (f) Assist in the general overall supervision of the election and provide advisory services in connection with the decisions to be made and the actions to be taken by the officers of the Political Subdivision who are responsible for holding the election.

GENERAL CONDITIONS

- (a) Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the

election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by section 31.096 of the Texas Election Code.

- (b) The Contracting Officer is the agent of the Political Subdivision for the purpose of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties, and the Contracting Officer is not liable for the failure to pay a claim.
- (c) The Contracting Officer shall file copies of this contract with the County Treasurer and the County Auditor of Bell County, Texas.
- (d) Only the actual expenses directly attributable to the Contract may be charged. (Section 31.100(b), Texas Election Code). The Contracting Officer may collect 10% above such actual expenses as administrative fee. Upon request, the Contracting Officer shall furnish the Political Subdivision with an itemized statement of such expenses and fees, and the Political Subdivision agrees to pay the statement within thirty (30) days of receipt. If payment is not received within 30 days, the said 10% administrative fee will be applied.
- (e) The Political Subdivision shall have the right to terminate this contract by written notice to the Contracting Officer, and in that event the Political Subdivision shall only be liable for expenses and fees allowable under subparagraph (d) and incurred prior to the Contracting Officer's receipt of such notice of termination.
- (f) The Contracting Officer may enter into a separate elections services contract with another political subdivision for an election conducted on the same day, provided that no such contract will materially interfere with the performance of the Contracting Officer's obligations hereunder.
- (g) This contract constitutes the entire agreement of the parties concerning election services for the election described above, and there are no oral representations, warranties, agreements or promises pertaining to such services not incorporated in writing in this contract. This contract may be amended only by an instrument in writing signed by the parties. Neither party may assign this contract or its rights or duties hereunder without the written consent of the other, and any attempted or purported assignment in the absence of such consent shall be void. If a court of competent jurisdiction finds that any provision of this contract is unenforceable, the remaining provisions with remain in effect without the unenforceable parts.

WITNESS the following signatures and seal:

City of Harker Heights

By: _____
(Name of person representing political subdivision)

Date

By: _____
Melinda Luedecke, Bell County Elections Administrator

Date



CITY COUNCIL MEMORANDUM

CP20-02

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST BY ALEX JARBOUH FOR CONCEPT PLAN APPROVAL OF THE ESCAPOLOGY ADDITION FOR THE PROPOSED DEVELOPMENT ON PROPERTY DESCRIBED AS A 7.07 ACRE TRACT OF LAND SITUATED IN THE LUCY O'DELL SURVEY, ABSTRACT NO. 644, GENERALLY LOCATED NORTH EAST AT THE INTERSECTION OF E. KNIGHTS WAY (E. FM 2410) AND CEDAR KNOB ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant, Alex Jarbough, and their representative, Quintero Engineering, have submitted an application for concept plan approval for approximately 7.07 acres of land currently zoned B-4 (Secondary and Highway Business District). The concept plan called Escapology Addition Concept Plan outlines a single phase development to consist of an 18,700 square foot commercial building to include an escape room (indoor amusement attraction) and other suites for like businesses and those that are permitted within the B-4 zoning district. The remainder of the property shall remain undeveloped.

Staff has reviewed the submitted concept plan, and have made comments to address utility locations, connectivity, and other pertinent requirements to ensure that the development adheres to all regulations stipulated in the City of Harker Heights Code of Ordinances, including the requirements of the Knights Way Development Overlay District.

RECOMMENDATION:

The comments provided by Staff have been addressed or will be resolved during the platting process, and the submitted concept plan meets the standards and ordinances of the City of Harker Heights. Staff recommends approval of the Concept Plan submitted by Alex Jarbough for property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

On July 29, 2020, the Planning and Zoning Commission voted (7-0) to approve the Concept Plan on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DENY a request by Alex Jarbough for Concept Plan approval for the proposed development on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Concept Plan
3. Staff Comments (comments addressed 7/20/2020)
4. Location Map
5. Site Photo
6. Concept + Location Map



Concept Plan Application

City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$50.00 to the City of Harker Heights

The Concept Plan is the initial project layout that provides an opportunity to review and evaluate the impact of a proposed development on the character of the surrounding area in which it is proposed to be located. The process takes into consideration the general form of the land before and after development, as well as the spatial relationship of the proposed structures, open space, landscape areas, parking, and general access and circulation patterns as they relate to the proposed development and the surrounding areas.

Property Information:

Subdivision Name: Escapology Addition Date Submitted: _____

Site Address or General Location: FM 2410

Zoning: B-4 Acreage: 7.01 Proposed # of Lots: 1

Owner Information/Authorization:

Property Owner: Alex Jarbough

Address: 4814 Water Oak Dr., Killeen, TX 76542

Phone: _____ E-Mail: _____

Developer: N/A

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Quintero Engineering, LLC

Address: 1501 W. Stan Schlueter Lp., Killeen, TX 76549

Phone: 254-493-9962 E-Mail: gmeza@quinteroeng.com

CHECK ONE OF THE FOLLOWING:

☐ I will represent the application myself.

☒ I hereby designate Quintero Engineering, LLC (George Meza) (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

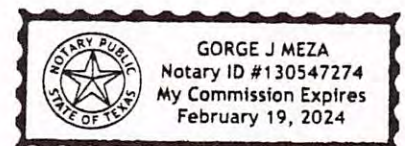
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting may be deemed a withdrawal of the plat or plan.

OWNER SIGNATURE: _____

SWORN AND SUBSCRIBED BEFORE ME THIS 3rd DAY OF June, 2020.

George J. Meza
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 02/19/2024



Date Submitted: 06/04/2020 **STAFF ONLY -- DO NOT FILL OUT BELOW**

Received By: [Signature] ☐ Pre-Application Meeting

Receipt #: 01584348

Case #: CP20-02

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01584348 6/04/2020 8:45 AM

OPER: TERM8 TERM: 008

REF#: 2289 YS

TRAN: 111.0000 OTHER INCOME

ESCAPOLOGY ADDITION

CON. PLAN, PRE & FINAL PLAT

OTHER INCOME 725.00CR

TENDERED: 725.00 CHECK

APPLIED: 725.00-

CHANGE: 0.00

ESCAPOLOGY ADDITION

CP20-02 – Concept Plan

Plat Distributed to HH Staff: July 15, 2020

Comments Returned to Quintero Engineering, LLC: July 17, 2020

****Comment responses are annotated in "Red" below. ****

Planning & Development

- Per § 154.20 (A)(2)(d)(5) Specific information related to land use for the proposed development and adjoining property for a distance of 300 feet, please label the uses of the tracts of land. If it is the developer's intention to leave the remaining portion of the property undeveloped, please indicate such on the concept plan.
The property owner/developer plans on leaving this undeveloped, please see revised Concept Plan.
- BellCAD and our GIS mapping show 2 lots abutting this property to the north. Please modify the passage easement to allow access of both properties to the street.
While Bell CAD shows 2 separate tax information, the record deed shows that that both tracts are owned by the same property owner and he has an existing 14' wide passage easement recorded in Volume 2086, Pg. 347.
- Is there potential to increase the passage easement width to 50 feet from the street all the way to the north property line, and repurpose it as a passage and utility easement? There may be the potential in the future to develop the remainder of this property and/or the properties to the north; and while 50 feet is narrower than our required ROW width, we could work within that width if a future project led to this driveway becoming a dedicated street.
The 50' wide passage easement would hinder the site development as we barely have enough room to develop our site and design around the significant grade differentials through the site.

Public Works

1. 7/15/20 Partially addressed. Applicant shall provide for a passage easement for the portions of the current driveway to the northern property that extend outside the existing passage easement. The existing passage easement and driveway appear to be for the offsite parcel to the north. Therefore, the called new passage easement must extend thru the northern bend in the fire lane such that the undeveloped portions of the parcel being platted (to the north and northeast) have direct access to a passage easement.

Additionally, applicant shall address connectivity to the planned/existing TxDOT access point and passage easement along the western property boundary

The access comments being received are a hardship for our client. While we understand the need for accessibility, the existing property owner to the north had every opportunity to purchase the property and its not fair that our client is forced to be responsible to provide additional access. We respectfully object to providing an additional passage easement following the existing private driveway to the north adject property, as this is a private matter. At the same time our client is willing to develop a 31' wide drive aisle in which the adjacent property owner will be able to obtain access from and continue along their existing drive.

In regards to the utility and passage easement along the west property line, we do not understand why this is being required. The property owned by Lago Developers has existing frontage along Drawbridge Drive. Based on the recorded plat for Marleson Addition, our site does not have full access to the 55' wide public access easement located along the frontage of E. Knights way. Furthermore, based on our coordination with TxDot, TxDOT does not require our client to provide cross access within our lot to the property to the west. For these reasons, we are respectfully objecting to provided a passage easement to the west adjoining property.

TxDOT, Billy Tweedle

- TxDOT does concur with the access location as shown. Please be advised, with the number of parking spaces, the need for a Traffic Impact Analysis certainly exists.

Duly noted.

Consulting Engineer, Otto Wiederhold

- No further comments

ESCAPOLOGY ADDITION

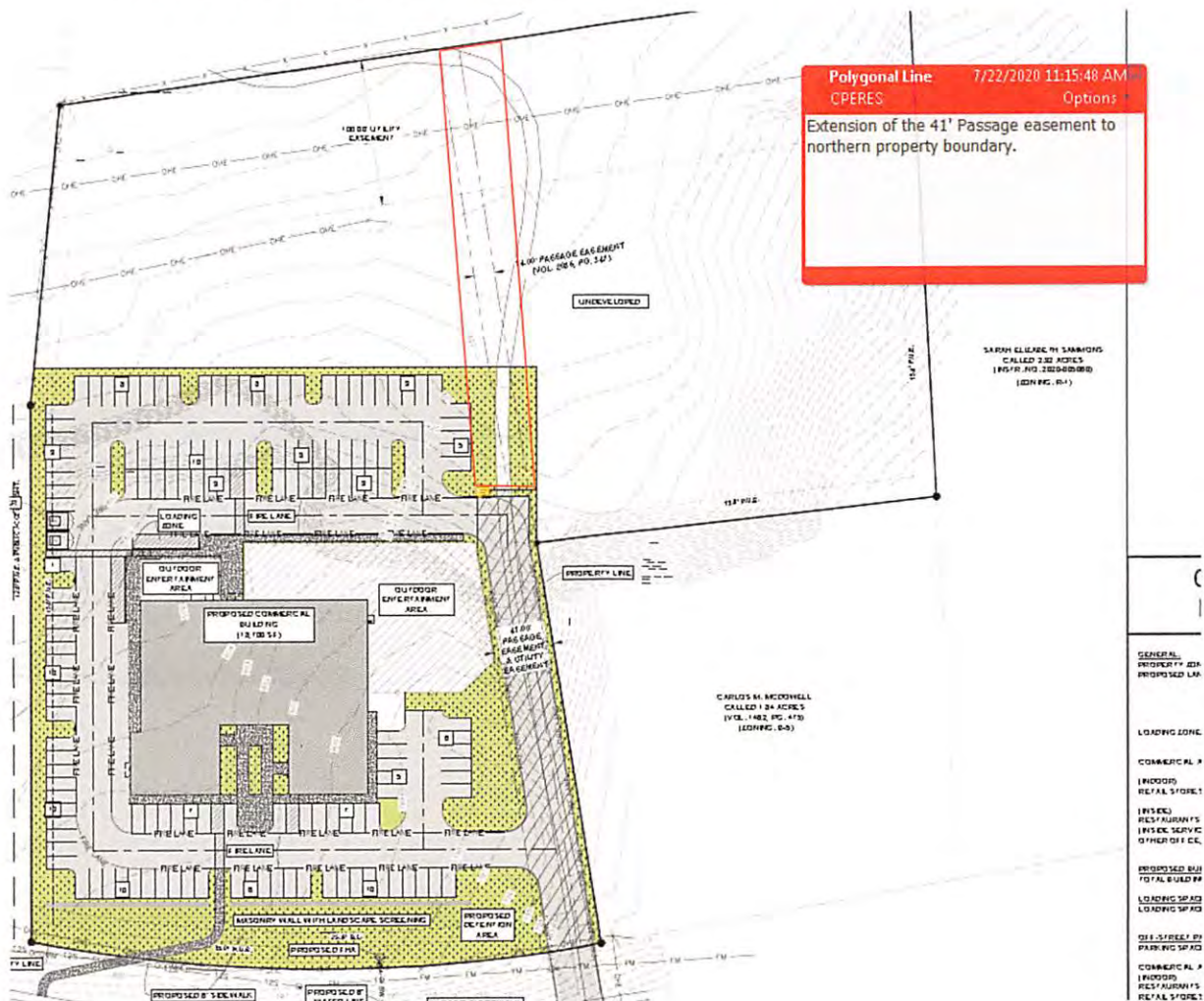
CP20-02 /P20-08– Concept Plan/Preliminary Plat

Plat Distributed to HH Staff: July 15, 2020

Comments Returned to Quintero Engineering, LLC: July 17, 2020

Planning & Development/Public Works

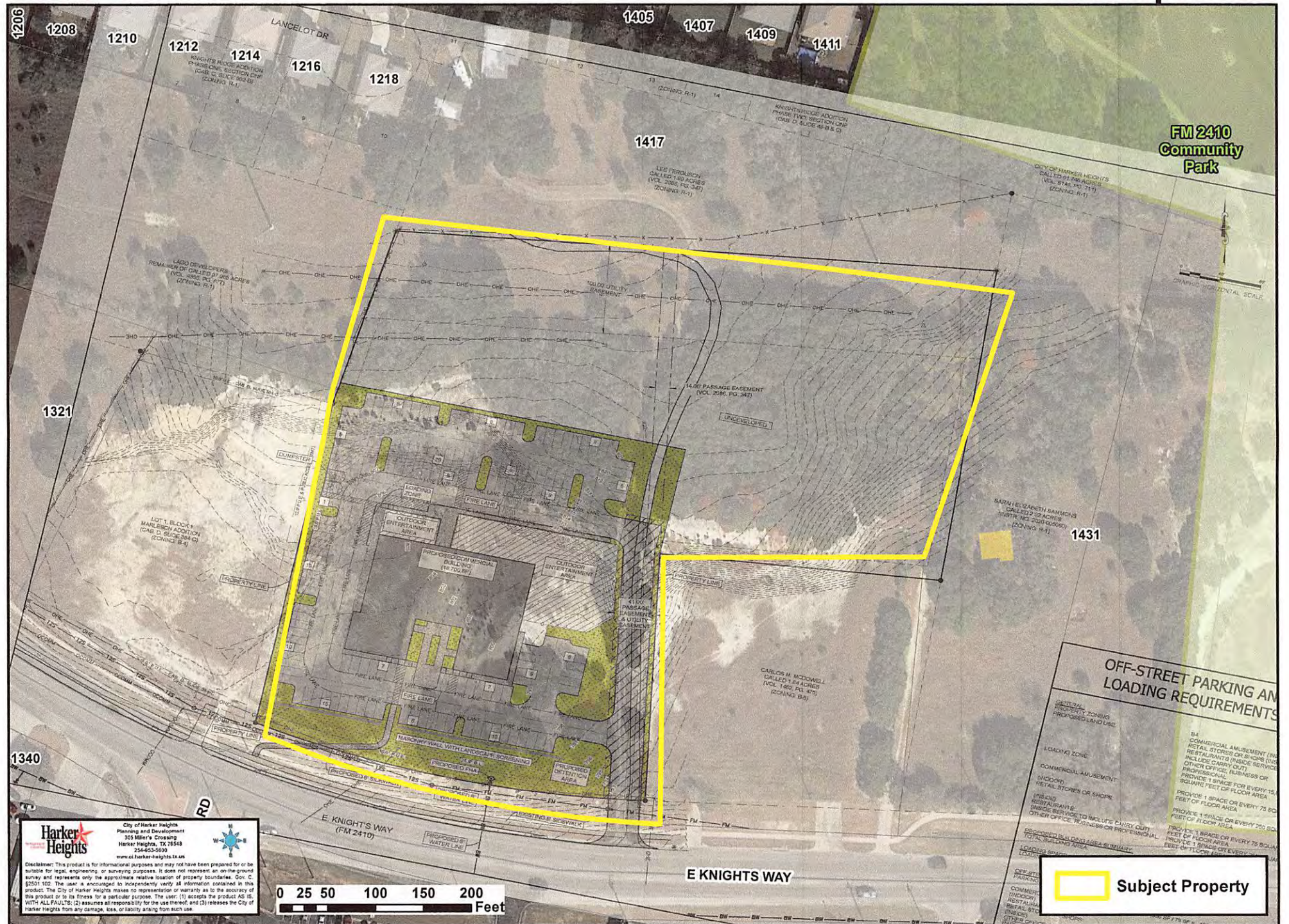
1. The called new passage easement must extend to the northern property line within the undeveloped portions of the parcel being platted (to the north and northeast). Please illustrate on both Concept and Preliminary Plat.



After coordinating with our client and City staff, our client is agreeable to dedicating a 41' passage and underground utility easement that extends to the north adjacent property as shown on the revised preliminary plat, given that the City is agreeable to allowing the proposed project site to provide a topographical elevation difference of 8 feet in height or higher between our proposed building finished floor elevation versus the existing grades along the adjacent R-1 properties, in leu of the Knight's Way Corridor requirement of 8' Screening Wall and 20' Landscape Buffer along property lines abutting residential zoning districts.









CITY COUNCIL MEMORANDUM

P20-08

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST BY ALEX JARBOUH FOR PRELIMINARY PLAT APPROVAL OF THE ESCAPOLOGY ADDITION ON PROPERTY DESCRIBED AS A 7.07 ACRE TRACT OF LAND SITUATED IN THE LUCY O'DELL SURVEY, ABSTRACT NO. 644, GENERALLY LOCATED NORTH EAST AT THE INTERSECTION OF E. KNIGHTS WAY (E. FM 2410) AND CEDAR KNOB ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant, Alex Jarbough, and their representative, Quintero Engineering, have submitted an application for preliminary plat approval for approximately 7.07 acres of land located near the intersection of E. Knights Way and Cedar Knob Road. The site is currently serviced by city sewer but will require a bore beneath the TxDOT-maintained roadway, E. Knights Way (E. FM 2410), to gain access to city water services.

Staff has reviewed the submitted preliminary plat and engineering plans, and made comments to address safety, connectivity, drainage and other pertinent requirements to ensure that the development adheres to all regulations stipulated in the City of Harker Heights Code of Ordinances, including the requirements of the Knights Way Development Overlay District.

RECOMMENDATION

The comments provided by Staff have been addressed and the submitted preliminary plat meets the standards and ordinances of the City of Harker Heights. Provided the Concept Plan has been approved, staff recommends approval of the Preliminary Plat for Escapology Subdivision on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road Harker Heights, Bell County, Texas.

ACTION BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing on July 29, 2020, the Planning and Zoning Commission voted (7-0) to recommend approval of a request by Alex Jarbough for preliminary plat approval for Escapology Addition on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DENY a request by Alex Jarbough for Preliminary Plat approval on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Preliminary Plat
3. Location Map
4. Site Photo
5. Engineered Plans – Utilities/Drainage
6. Staff Comments



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647
Fax: (254) 953-5666

Preliminary Plat Application

*** Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED ***

This application must be completed returned to the Planning Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

Property Information:

Plat Name: Escapology Addition Date Submitted: _____

Existing Lot Count: 1 Proposed Lot Count: 1 Proposed Units: _____ Acreage: 7.01

Existing Land Use: Commercial Proposed Land Use: Commercial

Site Address or General Location: FM 2410

Public Infrastructure Proposed with Subdivision: ☒ Water ☐ Wastewater ☐ Streets (including Private) ☐ Stormwater

Owner Information & Authorization:

Property Owner: Alex Jarbough

Address: 4814 Water Oak Dr., Killeen, TX 76542

Phone: _____ E-Mail: _____

Developer: N/A

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Quintero Engineering, LLC

Address: 1501 W. Stan Schlueter Lp., Killeen, TX 76549

Phone: 254-493-9962 E-Mail: gmeza@quinteroeng.com

CHECK ONE OF THE FOLLOWING:

☐ I will represent the application myself.

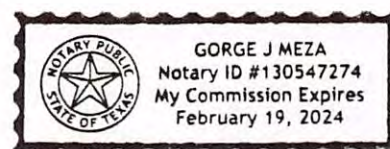
☒ I hereby designate Quintero Engineering, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting may be deemed a withdrawal of the plat or plan.

OWNER SIGNATURE: _____

SWORN AND SUBSCRIBED BEFORE ME THIS 3rd DAY OF June, 20 20.

Gorge J. Meza
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 02/19/2024



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 06/04/2020 Received By: _____ Receipt #: 01584348

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01584348 6/04/2020 8:45 AM

OPER: TERM8 TERM: 008

REF#: 2289 YS

TRAN: 111.0000 OTHER INCOME

ESCAPOLOGY ADDITION

CON. PLAN, PRE & FINAL PLAT

OTHER INCOME 725.00CR

TENDERED: 725.00 CHECK

APPLIED: 725.00-

CHANGE: 0.00

LEGEND

PROPERTY BOUNDARY
LOT LINES
EASEMENT LINES
ADJOINING TRACT PROPERTY LINES
OFFSITE EASEMENTS

3/4" IRON PIPE FOUND
1/2" IRON ROD FOUND
UNLESS OTHERWISE NOTED:

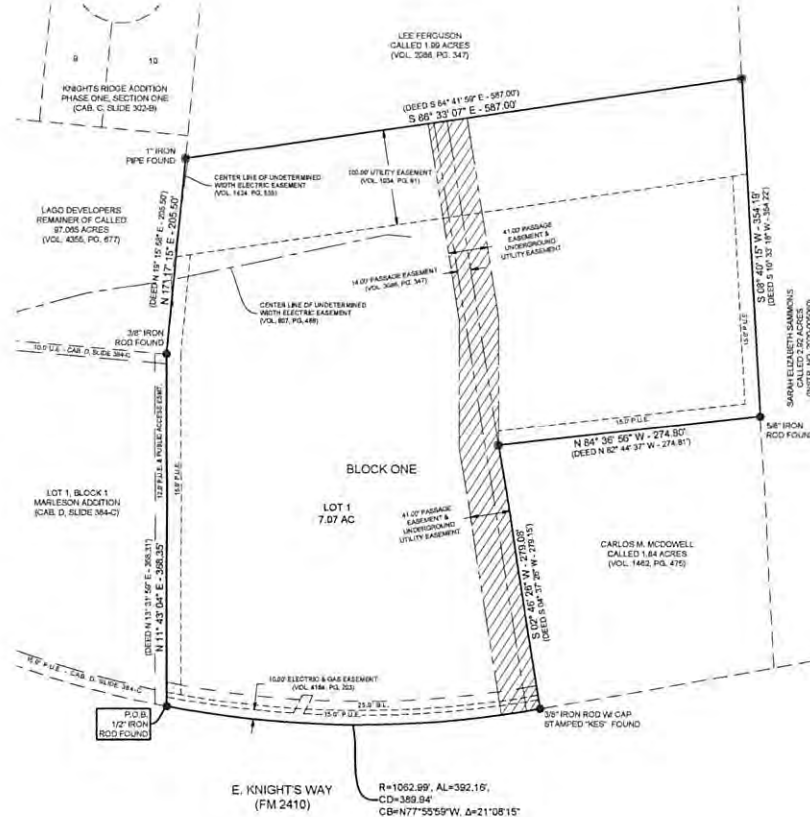
NOTES

- THE BUILDING SETBACK LINES FOR THIS TRACT SHALL BE DETERMINED AS REQUIRED BY APPLICABLE ZONING SECTION OF THE CITY CODE OF ORDINANCE AS RELATED TO THE DEVELOPMENT OF THIS TRACT UNLESS SHOWN HEREON.
- THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, FOR UTM DATA SHOWN NET GPS OBSERVATION.
- A PORTION OF THIS PROPERTY LIES WITHIN FEMA "ZONE X, OTHER AREAS" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0205E, WHICH BEAR AN EFFECTIVE DATE OF SEPTEMBER 28, 2008.
- FEMA "ZONE X, OTHER AREAS" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- A RETAINING WALL OF VARIABLE HEIGHT AS NEEDED FOR SITE DEVELOPMENT SHALL BE PERMITTED TO BE DESIGNED AND CONSTRUCTED WITHIN THE PROPOSED 41.00' PASSAGE AND UTILITY EASEMENT.



LOCATION MAP

SCALE: NTS



KNOW ALL MEN BY THESE PRESENTS, THAT ALEX JARBLOU BEING THE SOLE OWNER OF THAT CERTAIN 7.07 ACRE TRACT OF LAND IN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, RETURNED IN THE LUCY COBELL SURVEY, ABSTRACT NO. 844, BEING ALL OF THE CALLED 7.07 ACRE TRACT OF LAND DESCRIBED IN A DEED TO ALEX JARBLOU, RECORDED IN INSTRUMENT NO. 2009-000487, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF ESCAPOLOGY ADDITION, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS AND ESCAPOLOGY ADDITION, DOES HEREBY DEDICATE TO SAID CITY ALL STREETS, AVENUES, DRIVES, ALLEYS AND DRAINAGE TRACTS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS.

THE DRAINAGE TRACTS, DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF HARKER HEIGHTS FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

WITNESS THE EXECUTION HEREOF, ON THIS _____ DAY OF _____, 2020.

ALEX JARBLOU
OWNER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED ALEX JARBLOU KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNERS OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC STATE OF TEXAS
MY COMMISSION EXPIRES _____

PLANNING

APPROVED THIS _____ DAY OF _____, 20____, A.D. BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT
PLANNING AND ZONING COMMISSION

ATTEST: CITY SECRETARY

APPROVED THIS _____ DAY OF _____, 20____, A.D. BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION
CITY COUNCIL

SECRETARY, PLANNING AND ZONING COMMISSION

APPROVED THIS _____ DAY OF _____, 20____, A.D. BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR

CITY SECRETARY

SURVEYOR'S CERTIFICATE

I, BRADLEY W. SARGENT, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND OR PLACED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS.

BRADLEY W. SARGENT
R. P. L. S. NO. 5827
1501 W. STEW SCHULTZ LIP
KILLEEN, TX 76548

01/15/2020



AFFIDAVIT

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE _____ DAY OF _____, 20____, A.D.

By _____
BELL COUNTY TAX APPRAISAL DISTRICT

COUNTY CLERK INFORMATION

FILED FOR RECORD THIS _____ DAY OF _____, 20____, IN YEAR _____ PLAT # _____
PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # _____ OFFICIAL RECORDS
OF REAL PROPERTY, BELL COUNTY, TEXAS.

By _____

SURVEY	LUCY COBELL SURVEY, A-844	OWNER	ALEX JARBLOU 4814 WATER OAK DRIVE KILLEEN, TEXAS 76542
NUMBER OF BLOCKS	1	SURVEYOR	QUINTERO ENGINEERING, LLC 1501 W. STEW SCHULTZ LIP KILLEEN, TEXAS 76548 (254) 425-6982
NUMBER OF LOTS	1		
TOTAL ACREAGE	7.07 AC		
DATE	JUNE 2020		



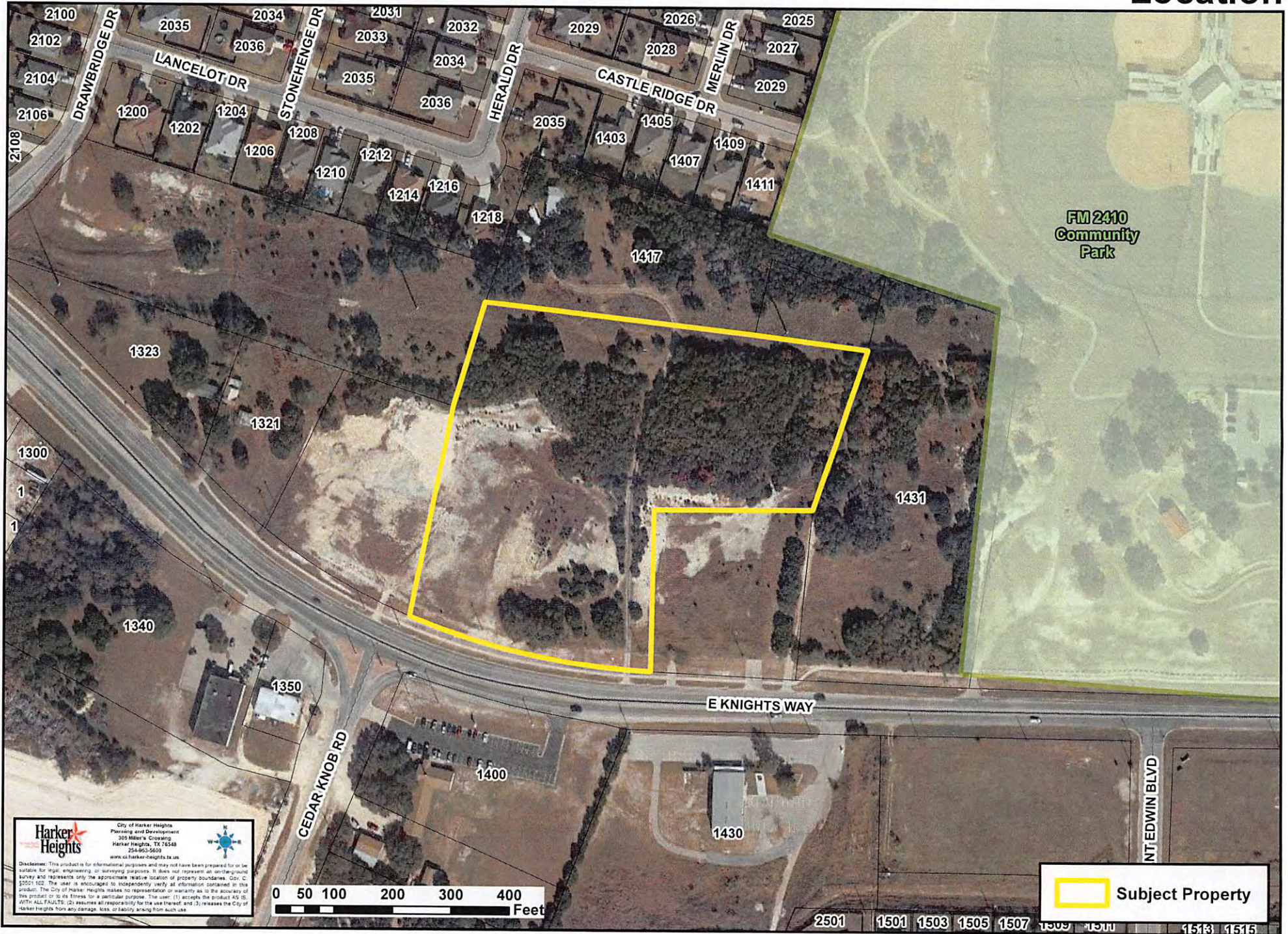
1501 W. STEW SCHULTZ LIP PHONE: (254) 425-6982
KILLEEN, TEXAS 76548 FAX: (254) 425-7071
L.P.E., P.E. NO. 14758 T.E.P.L.S. P.E. NO. 101941

GRAPHIC HORIZONTAL SCALE
1" = 50'

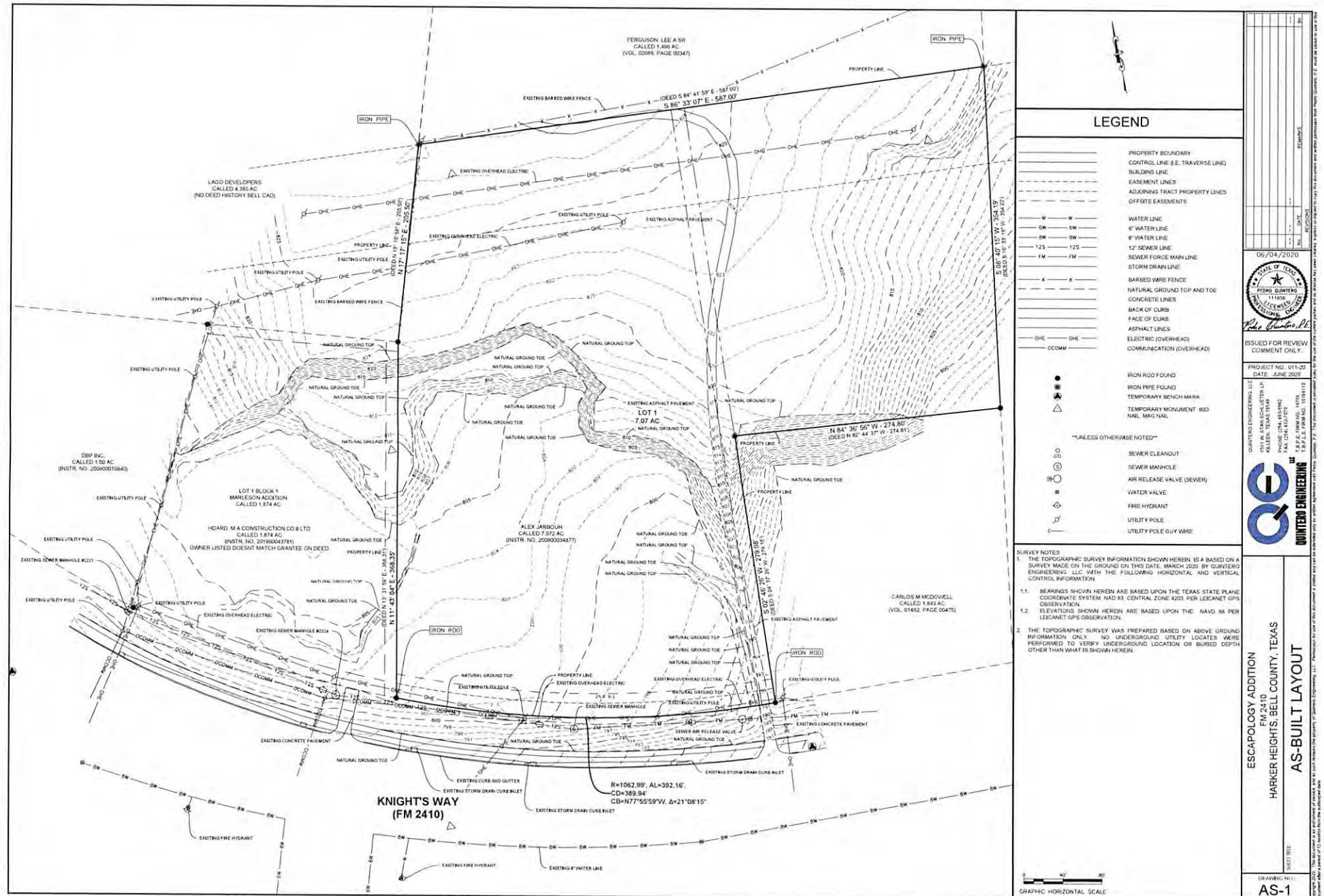
PRELIMINARY PLAT FOR: ESCAPOLOGY ADDITION CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

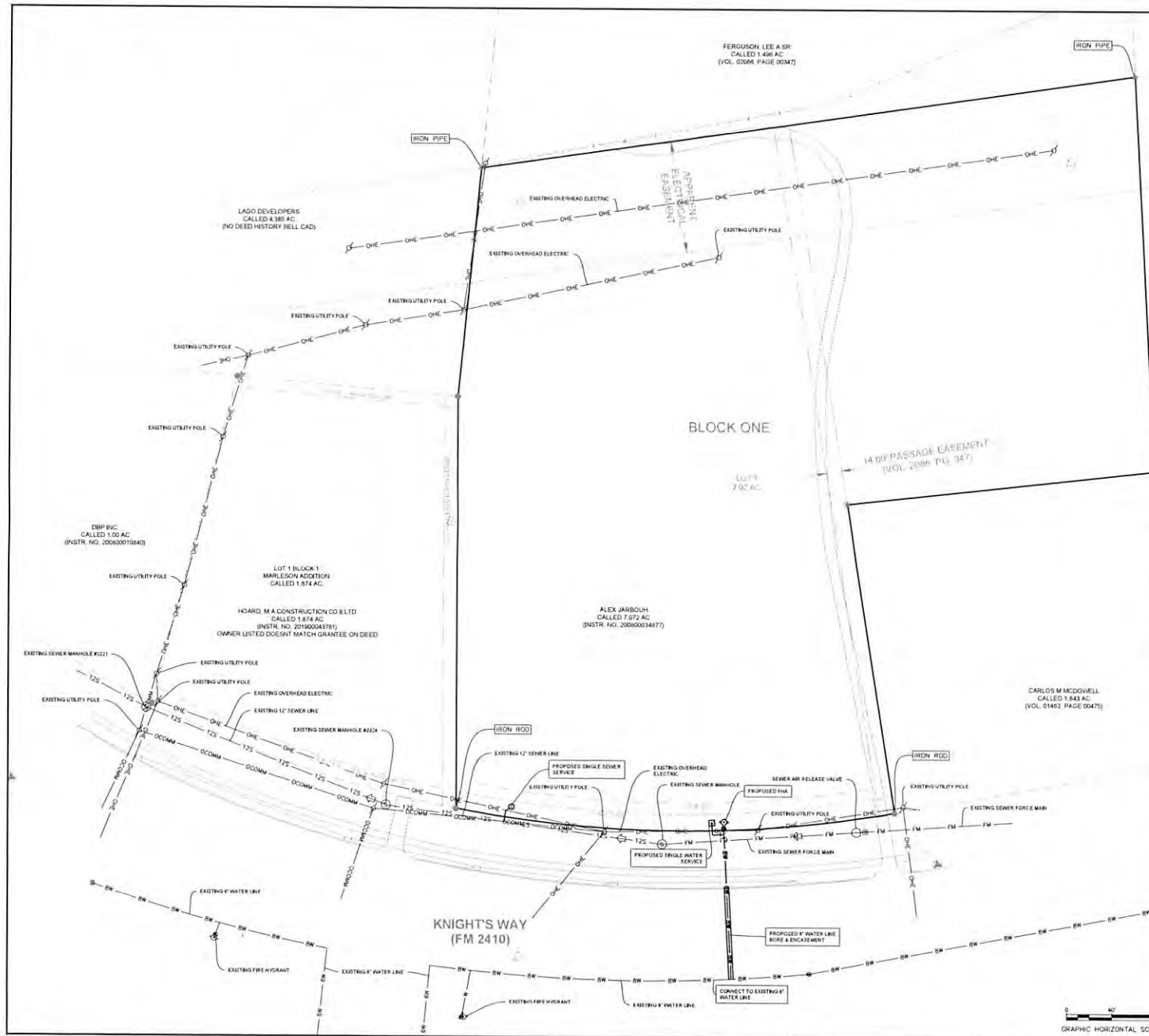
ESCAPOLOGY ADDITION,
IS A PLAT OF ALL OF THE CALLED 7.07 ACRES DESCRIBED IN A DEED TO ALEX JARBLOU, RECORDED IN INSTRUMENT NO. 2009-000487, DEED RECORDS OF BELL COUNTY, TEXAS.

PROJECT NO.:
011-20
DRAWING NO.:
P1









LEGEND

PROPERTY BOUNDARY
CONTROL LINE (I.E. TRAVERSE LINE)
BUILDING LINE
EASEMENT LINES
ADJOINING TRACT PROPERTY LINES
OFF-SITE EASEMENTS

WATER LINE
8" WATER LINE
12" WATER LINE
SEWER FORCE MAIN LINE
STORM DRAIN LINE
BARRIED WARE FENCE
NATURAL GROUND TOP AND TOE
CONCRETE LINES
BACK OF CURB
FACE OF CURB
ASPHALT LINES
ELECTRIC (OVERHEAD)
COMMUNICATION (OVERHEAD)

IRON ROD FOUND
IRON PIPE FOUND
TEMPORARY BENCH MARK
TEMPORARY MONUMENT: BOD
NAIL, MAG NAIL

"UNLESS OTHERWISE NOTED"

SEWER MANHOLE
AIR RELEASE VALVE (SEWER)
WATER VALVE
FIRE HYDRANT
UTILITY POLE
UTILITY POLE GUY WIRE

SURVEY NOTES

1. THE TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREIN IS BASED ON A SURVEY MADE ON THE GROUND ON THIS DATE, MARCH 2020, BY QUINTERO ENGINEERING, LLC, WITH THE FOLLOWING HORIZONTAL AND VERTICAL CONTROL INFORMATION:

1.1. BEARINGS SHOWN HEREIN ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE 4203, PER LEICANET GPS OBSERVATION.

1.2. ELEVATIONS SHOWN HEREIN ARE BASED UPON THE NAVD 88 PER LEICANET GPS OBSERVATION.

2. THE TOPOGRAPHIC SURVEY WAS PREPARED BASED ON ABOVE GROUND INFORMATION ONLY. NO UNDERGROUND UTILITY LOCATES WERE PERFORMED TO VERIFY UNDERGROUND LOCATION OR BURIED DEPTH OTHER THAN WHAT IS SHOWN HEREIN.

3. DUE TO THE POSSIBILITY THAT A TBM CAN BE DAMAGED OR DISTURBED DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING TBM ELEVATIONS, WITH ALL OTHER TBMS SHOWN HEREIN ESTABLISHED BY THE ENGINEER OR SURVEYOR FOR THIS PROJECT. ALL TBM DISCREPANCIES SHALL BE REPORTED AND COORDINATED WITH THE PROJECT ENGINEER IMMEDIATELY.

WATER AND SEWER NOTES

1. ALL SANITARY SEWER PIPE SHALL BE ASTM D3034, SDR 26 PVC PIPE UNLESS NOTED OTHERWISE.

2. ALL WATERLINES SHALL BE AWWA C900 PVC PIPE UNLESS OTHERWISE NOTED.

3. SEWER SERVICE TAPS AND SERVICE LINES TO BE INSTALLED BY THE DEVELOPER.

4. WATER SERVICE TAPS AND SERVICE LINES TO BE INSTALLED BY THE DEVELOPER.

5. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY STANDARDS AND SPECIFICATIONS.

6. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPEARANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES REGARDLESS OF THESE DERIVATIONS HEREIN.

7. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.

06/04/2020

STATE OF TEXAS
COUNTY OF BELL
111856
P. J. QUINTERO, P.E.
ISSUED FOR REVIEW
COMMENT ONLY

PROJECT NO. 011-23
DATE: JUNE 2020

QUINTERO ENGINEERING, LLC
1801 N. STEINBOCK BLVD.
SUITE 200
DALLAS, TEXAS 75244
TEL: (214) 424-4257
FAX: (214) 424-4258
P.E. J. QUINTERO, 141791
S.E.A.L. 01984 NO. 1018410

QUINTERO ENGINEERING, LLC

ESCAPOLOGY ADDITION
FM 2410
HARKER HEIGHTS, BELL COUNTY, TEXAS

UTILITY LAYOUT

SHEET TITLE

DRAWING NO.:
U-1

ESCAPOLOGY ADDITION

P20-08 Preliminary/Final Plat Escapology Addition

Plat Distributed to HH Staff: July 15, 2020

Comments Returned to Quintero Engineering, LLC: July 21, 2020

****Comment responses are annotated in "Blue" below. ****

Planning & Development

1. Please note that the final plat and final engineering drawings shall not be: approved, conditionally approved or filed for record and no permits shall be issued until the applicant posts with the city a letter of credit/performance bond for any infrastructure construction remaining.
 - The submission of a Preliminary/Final Plat to run concurrently cannot be granted a recommendation of approval by staff if the applicant does not furnish a letter of credit or performance bond. Staff request that the applicant choose one of the following:
 - i. Withdraw their Final Plat application (this process would allow the applicant to install all required infrastructure after approval of a Preliminary Plat and return at a later date post infrastructure installation to submit a Final Plat with all final engineering included in order to final and file the plat); or
 - ii. Provide a letter of credit/performance bond before July 23, 2020 in order to proceed as desired to the Planning and Zoning Commission and City Council as a Preliminary/Final Plat.

A formal request has been submitted to the City of Harker Heights to withdraw the Final Plat.

2. Should you plat only consist of one page then you will not need a title/cover sheet. Your initial submittal consisted of 5 pages. Unless those additional 4 pages are to be included with your plat recordings you will not need a cover sheet.

Duly noted. The additional pages that were included with the original submittal, were supporting documents based on the requirements of Chapter 154.21(2). The cover sheet was only provided to City staff based on a previous comment, it is not our intention to record the cover sheet or supporting documents.

3. BellCAD and our GIS mapping show 2 lots abutting this property to the north. Please modify the passage easement to allow access of both properties to the street.

While Bell CAD shows 2 separate tax information, the record deed shows that that both tracts are owned by the same property owner and he has an existing 14' wide passage easement recorded in Volume 2086, Pg. 347.

4. Is there potential to increase the passage easement width to 50 feet from the street all the way to the north property line, and repurpose it as a passage and utility easement? There may be the potential in the future to develop the remainder of this property and/or the properties to the north; and while 50 feet is narrower than our required ROW width, we could work within that width if a future project led to this driveway becoming a dedicated street.

The 50' wide passage easement would hinder the site development as we barely have enough room to develop our site and design around the significant grade differentials through the site.

Public Works, Kristina Ramirez

- 1.** Per 154.42(A)(2), the applicant shall provide a PUE for all existing OHE infrastructure that encroaches within the proposed development. If any of the lines shown are service lines please label as such.

No record information was found for the existing overhead transmission line, a 100' wide easement has been added to our proposed plat, please see attached revised plat.

Applicant's response is noted. However, the warranty deed provided to the City identifies a volume and page for an easement dedicated to Texas Power & Light Company. In addition, the as-built/concept plan shows an existing overhead line on the parcel being platted that is outside of the 100' easement. If that line is to remain and if it is tied to an offsite connection then a private easement may be required. Please advise as to the intent/usage of said line.

Upon further research, easement were found and have been added to the preliminary plat, please see attached revised plat.

- 2.** Applicant shall provide a copy of the existing 14' passage easement through this development and the existing 12' PUE and passage easement adjacent to the western

property line. **Attached please find a copy of 14' passage easement and the adjoining plat to the west, which has the 12' PUE and passage easement.** *Partially Met. In the Applicant's submitted warranty deed for the 14' passage easement there is an easement granted to TXU Electric and Gas that is called out. However, the easement does not appear on the preliminary plat dedication page. Please illustrate the location of said easement.*

All existing utility easements have been added to the preliminary plat, please see attached revised plat.

3. Per 154.21(C)(1)(j), Applicant shall provide an access easement for the existing asphalt pavement or clarify intent for keeping access open to the land locked parcel.

Based on coordination with TxDOT we have moved our driveway location to the East property line and have added a 41' passage easement. The existing parcel to the North shall gain its access through this passage easement as well. *Met.*

4. Per 154.21(C)(1)(j), Applicant shall address how the smaller landlocked parcel to the north will gain access to public ROW.

Please see comment response for Public Works Comment No. 3. *Met.*

5. Per the definition of access in section 154.01 of the Harker Heights code of ordinances, the applicant shall provide correspondence from TXDOT regarding the proposed new driveway access or relocate the proposed driveway to the existing eastern driveway location. Applicant shall also clarify the proposed driveway width and TXDOT's concurrence with the opening width if different from the existing width.

Based on coordination with TxDOT we have moved our driveway location to the East property line and are awaiting approval. *Met. However, Applicant is advised that TXDOT indicated via email that a need for a TIA exists. Results of the TIA may result in changes to the site layout and ingress/egress connection points.*

Duly noted.

6. Per 154.42(C)(1) and TxDOT access management requirements, the applicant shall provide for a 30' passage easement connecting the existing eastern passage easement/driveway to the existing 12' passage easement parallel to the western property line.

Internal passage easements, if needed, are being coordinated with TxDOT and will be added should TxDOT require them. *Met. However, Applicant is advised that TXDOT indicated via email that a need for a TIA exists. Results of the TIA may result in changes to the site layout and ingress/egress connection points.*

Duly noted.

7. Per 154.42(C)(1), the applicant shall provide a 15' utility and passage easement parallel to the western property line in order to provide for a full width passage easement.

Please see Public Works comment response No. 6 above. *Met. However, Applicant is advised that TXDOT indicated via email that a need for a TIA exists. Results of the TIA may result in changes to the site layout and ingress/egress connection points.*

Duly noted.

8. Per 154.42(A), the applicant shall provide a 15' public utility easements along the property lines to allow for continuity of existing easements and service to all portions of the development and adjacent parcels.

A 15' PUE was added to the proposed plat, please see revised plat.

Partially Met. The warranty deed that was provided for the called 14' passage easement within the parcel being platted specifies that the easement is for the free and uninterrupted use of ingress and egress. As such the placement of the new 15'PUE within the existing 14' passage easement is not acceptable in the current format. Two options for revisions include, make the overlapping section of the 15'PUE for underground utilities only or move the 15' PUE outside of the passage easement sch that it only crosses perpendicular to the passage easements.

The PUE located along the 41' passage easement has been revised to be for underground utilities only, please see attached revised plat.

9. Per 154.21(C)(2)(b) and 154.21(C)(2)(c), the applicant shall provide a water and wastewater layout for the entire development.

The only wastewater improvements that are being proposed with this development is going to be a sewer service that directing ties into the existing sewer line located along E. Knight's Way. The extension of the water line improvements will be limited to the water line bore under E. Knight's Way and the proposed fire hydrant as shown in the

Utility Layout. *Met. However, Applicant is advised that future extensions of public water and wastewater lines may be required should the undeveloped portions of the parcel ever be developed or subdivided.*

Duly noted

10. Per 154.21(C)(2)(e), the applicant shall clarify how stormwater runoff will be routed through the proposed development or how the impacts from rerouting it will be mitigated.

A final drainage design shall be completed and submitted during the building permit

process. *Met. However, Applicant is advised that detention and other drainage requirements submitted during the building permit process may result in changes to the site layout. Applicant is also advised that outfalls into TXDOT ROW will also be reviewed and approved by TXDOT prior to release for construction.*

Duly noted

11. Per 154.21(C)(2)(e), the applicant shall clarify how the post development drainage will be handled for the northern and eastern portions of the property that do not flow through the proposed detention area.

A final drainage design shall be completed and submitted during the building permit

process. *Met. However, Applicant is advised that detention may be required should the undeveloped portions of the parcel ever be developed or subdivided.*

Duly noted

12. Per 154.21(C)(2)(d) and the Development Overlay District 1 – The Knight’s Way Corridor Manual Section IV.B.3.c., the applicant shall provide for 6’ sidewalks and 3’ buffer strips along private access drives. Applicant shall also show connectivity to any existing sidewalks from the development.

Duly noted, please see the revised concept plan. *Met.*

13. Applicant shall provide a dumpster pad and enclosure per City of Harker Heights code of ordinances section 51.16 and the Development Overlay District 1 – The Knight’s Way Corridor Manual Section IV.E.5.

Duly noted, please see the revised concept plan. *Met. However, Applicant is advised that private structures are not allowed to be constructed within the PUE.*

Duly noted

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

- No further comments

TXDOT, Billy Tweedle

1. TxDOT does concur with the access location as shown. Please be advised, with the number of parking spaces, the need for a Traffic Impact Analysis certainly exists



COUNCIL MEMORANDUM

AGENDA ITEM IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM KASSANDRA FLORES FOR A FACILITY RENTAL AT THE HARKER HEIGHTS COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SUNDAY, AUGUST 16, 2020, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Kassandra Flores is seeking approval for a request to rent the Harker Heights Community Park Pavilion on Sunday, August 16th, 2020, from 1 p.m. to 9 p.m. for a group of approximately sixty (60) people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Harker Heights Community Park Pavilion for an event in excess of ten (10) people on Sunday, August 16, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events



The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

PAID

Proposed Date of the Event: August 16th 2020 Start Time: 1300 End Time: 2100

Event Name & Description: Kassandra & Danny's Baby Shower

Proposed Locations:

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4 hour period)	Rental Deposit
	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
X	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non Resident: \$65	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

****Current proof of residency required to receive resident discount****

Name: Kassandra Flores Phone: (254) 291 9055 Alt Phone: () _____

Street Address: 2013 Corona Drive City: Killeen State: TX Zip: 76549

Deposit Return Payable To (if different than above): _____

Approximate Attendance: 60 Approximate # of Vehicles: 50

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) Yes X No _____

Water Needed: Yes X No _____ If Yes, in what quantity: _____

Driving on Park Grounds: Yes X No _____ If Yes, for what purpose: _____

Amplified Sound: X Yes _____ No _____

If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): _____

*****FOR OFFICE USE ONLY*****

Reviewed By / Date: <u>CAN 07/01/2020</u>	Rental Amt Due: <u>400.00</u>	Deposit Due: <u>200.00</u>	Walk-through Date/Time/Location:
Approved By / Date: (All runs/walks will be approved by the Parks Director, PD, and FD)	Date Rental Paid: <u>07/01/2020</u>	Date Deposit Paid: <u>07/01/2020</u>	(Circle) Cash <u>Credit # - Last 4</u> Check # _____

Date: _____ Amount: \$ _____ Reason: _____

Kassy01@comcast.net

AA - room convo on 8/3

PARK RULES <u>KF</u> (Initial)	If you require assistance during your event you may contact HHPRD during business hours (254-953-5657) or the Police Department during non-business hours (254-953-5400). There is NO DRIVING ON PARK GROUNDS permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit. Alcoholic beverages are not allowed AT ANY TIME on City Park grounds. All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster. Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area. Animals must be on a leash and all pet waste must be disposed of properly. The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.
PARKING <u>KF</u> (Initial)	For large groups of 150 or more, parking may become a problem. There is to be NO PARKING in the fire or emergency vehicle lanes. Parking in fire lanes, on grass, or athletic field boundaries will be ticketed.
GROUNDS <u>KF</u> (Initial)	Inflatables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.
LARGE GROUPS <u>KF</u> (Initial)	Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s). In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.
SOUND PERMIT <u>KF</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>KF</u> (Initial)	Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page. The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.
CONDITIONS OF PERMIT <u>KF</u> (Initial)	The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein. The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.

I have read, initialed, and agree to the Terms and Conditions stated above.

K. Flesch

SIGNATURE

07/01/2020

DATE

Additional Event Details

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

Are you requesting any roads to be blocked off for your event? If yes, please list below and denote specific block-off areas on a map or sketch. (Note: Road blocking is only authorized by the Harker Heights Police Department, which can be reached at 254-953-5400. It is the responsibility of the renter to obtain approval from HHPD.)



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 2 2020
[Signature]
Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

[Signature]
Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughs', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK

JUL 02 2020



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- ☐ Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
- ☐ Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
- ☐ Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
- ☐ Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
 - ☐ Cough
 - ☐ Shortness of breath or difficulty breathing
 - ☐ Chills
 - ☐ Repeated shaking with chills
 - ☐ Muscle pain
 - ☐ Headache
 - ☐ Sore throat
 - ☐ Loss of taste or smell
 - ☐ Diarrhea
 - ☐ Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - ☐ Known close contact with a person who is lab confirmed to have COVID-19



OUTDOOR EVENTS: Page 2 of 2

- ☐ Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- ☐ Clean and sanitize any items before and after use.

Local approval factors:

- ☐ Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- ☐ In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
 - ☐ The overall number of projected attendees;
 - ☐ The likelihood of individuals over the age of 65 attending;
 - ☐ The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
 - ☐ The level of transmission in the county.
- ☐ Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.



COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM VINCE DY FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION IN HARKER HEIGHTS, TEXAS, FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON THURSDAY, SEPTEMBER 3, 2020, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Vince Dy is seeking approval for a request to rent the Carl Levin Park Pavilion on Thursday, September 3, 2020, from 8 a.m. to 12 p.m. for a group of approximately eighty (80) people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Thursday, September 3, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events



The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Date of the Event: 03_Sep 20 Start Time: 0800 End Time: 1200

*Include set up & tear down during your time slot

Event Name & Description: HHC ORG Day and FRG Fundraiser

Proposed Locations:

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4 hour period)	Rental Deposit
X	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazabo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non Resident: \$65	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

Current proof of residency required to receive resident discount

Name: Vince L. Dy Phone: (931) 216-6110 Alt Phone: () _____

Street Address: 1910 Herald Drive City: Harker Heights State: TX Zip: 76548

Deposit Return Payable To (if different than above): _____

Approximate Attendance: ~80 Approximate # of Vehicles: ~80

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) _____ Yes X No

Water Needed: _____ Yes X No If Yes, in what quantity: _____

Driving on Park Grounds: _____ Yes X No If Yes, for what purpose: _____

Amplified Sound: _____ Yes X No

If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): _____

*****FOR OFFICE USE ONLY*****

Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All reservations will be approved by the Parks Director, PD, and FD)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit # - Last 4 Check #

Date: _____ Amount \$ _____ Reason: _____

PARK RULES <u>VD</u> (Initial)	If you require assistance during your event you may contact HHPRD during business hours (254-953-5657) or the Police Department during non-business hours (254-953-5400). There is NO DRIVING ON PARK GROUNDS permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit. Alcoholic beverages are not allowed AT ANY TIME on City Park grounds. All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster. Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area. Animals must be on a leash and all pet waste must be disposed of properly. The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.
PARKING <u>VD</u> (Initial)	For large groups of 150 or more, parking may become a problem. There is to be NO PARKING in the fire or emergency vehicle lanes. Parking in fire lanes, on grass, or athletic field boundaries will be ticketed.
GROUNDS <u>VD</u> (Initial)	Inflatables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.
LARGE GROUPS <u>VD</u> (Initial)	Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s). In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.
SOUND PERMIT <u>VD</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>VD</u> (Initial)	Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page. The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.
CONDITIONS OF PERMIT <u>VD</u> (Initial)	The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein. The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.

I have read, initialed, and agree to the Terms and Conditions stated above.

Vince Dy

DY,VINCELANCE,JR,11
636553469

03 AUG 2020

SIGNATURE

DATE

Additional Event Details

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

If we could use the open grass around the areas that would be great to do some activities

Are you requesting any roads to be blocked off for your event? If yes, please list below and denote specific block-off areas on a map or sketch. (Note: Road blocking is only authorized by the Harker Heights Police Department, which can be reached at 254-953-5400. It is the responsibility of the renter to obtain approval from HHPD.)


None needed



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

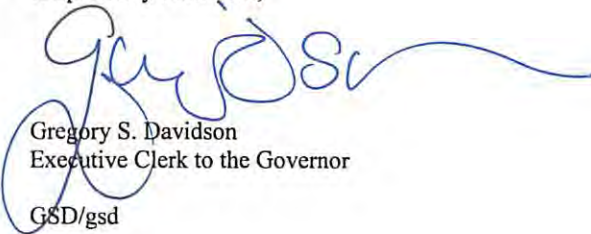
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

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IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'R. Hughs', is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK

JUL 02 2020



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- ☐ Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
- ☐ Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
- ☐ Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
- ☐ Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
 - ☐ Cough
 - ☐ Shortness of breath or difficulty breathing
 - ☐ Chills
 - ☐ Repeated shaking with chills
 - ☐ Muscle pain
 - ☐ Headache
 - ☐ Sore throat
 - ☐ Loss of taste or smell
 - ☐ Diarrhea
 - ☐ Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
 - ☐ Known close contact with a person who is lab confirmed to have COVID-19



OUTDOOR EVENTS: Page 2 of 2

- ☐ Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- ☐ Clean and sanitize any items before and after use.

Local approval factors:

- ☐ Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- ☐ In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
 - ☐ The overall number of projected attendees;
 - ☐ The likelihood of individuals over the age of 65 attending;
 - ☐ The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
 - ☐ The level of transmission in the county.
- ☐ Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.



COUNCIL MEMORANDUM

AGENDA ITEM # IX-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM CLARENCE ROLLINS FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION IN THE CITY OF HARKER HEIGHTS, TEXAS, FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, AUGUST 14, 2020, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Clarence Rollins is seeking approval for a request to rent the Carl Levin Park Pavilion on Friday, August 14, 2020, from 1 p.m. to 5 p.m. for a group of approximately fifty (50) people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Friday, August 14, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events



The City of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

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12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Date of the Event: August 14, 2020 Start Time: 1pm End Time: 4:15 PM

Event Name & Description: Focus Scholars Basketball Banquet

Proposed Locations:

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4 hour period)	Rental Deposit
<input checked="" type="checkbox"/>	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non Resident: \$65	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

Current proof of residency required to receive resident discount

Name: Clarence Rollins Phone: (254) 338-9456 Alt Phone: (254) 634-9721

Street Address: 7303 Platinum Dr City: Harker Heights State: TX Zip: 76542

Deposit Return Payable To (if different than above): _____

Approximate Attendance: 50 Approximate # of Vehicles: 10

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) Yes ☒ No

Water Needed: Yes ☒ No If Yes, in what quantity: _____

Driving on Park Grounds: Yes ☒ No If Yes, for what purpose: _____

Amplified Sound: Yes ☒ No

If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): _____

*****FOR OFFICE USE ONLY*****

Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All runs/walks will be approved by the Parks Director, PD, and FD)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit # - Last 4 Check #

Date: _____ Amount \$ _____ Reason: _____

PARK RULES <u>CR</u> (Initial)	If you require assistance during your event you may contact HHPRD during business hours (254-953-5657) or the Police Department during non-business hours (254-953-5400). There is NO DRIVING ON PARK GROUNDS permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit. Alcoholic beverages are not allowed AT ANY TIME on City Park grounds. All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster. Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area. Animals must be on a leash and all pet waste must be disposed of properly. The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.
PARKING <u>CR</u> (Initial)	For large groups of 150 or more, parking may become a problem. There is to be NO PARKING in the fire or emergency vehicle lanes. Parking in fire lanes, on grass, or athletic field boundaries will be ticketed.
GROUNDS <u>CR</u> (Initial)	Inflatables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.
LARGE GROUPS <u>CR</u> (Initial)	Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s). In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.
SOUND PERMIT <u>CR</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>CR</u> (Initial)	Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page. The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.
CONDITIONS OF PERMIT <u>CR</u> (Initial)	The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein. The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.

I have read, initialed, and agree to the Terms and Conditions stated above.

Clara R. Raller

SIGNATURE

August 5, 2020

DATE

Additional Event Details

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

Are you requesting any roads to be blocked off for your event? If yes, please list below and denote specific block-off areas on a map or sketch. (Note: Road blocking is only authorized by the Harker Heights Police Department, which can be reached at 254-953-5400. It is the responsibility of the renter to obtain approval from HHPD.)



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink, appearing to read "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30pm O'CLOCK

JUL 02 2020

ATTESTED BY:

A handwritten signature in black ink, appearing to read "R. Hughs", is written over a horizontal line.

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK

JUL 02 2020



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- ☐ Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
- ☐ Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
- ☐ Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
- ☐ Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:

<input type="checkbox"/> Cough	<input type="checkbox"/> Sore throat
<input type="checkbox"/> Shortness of breath or difficulty breathing	<input type="checkbox"/> Loss of taste or smell
<input type="checkbox"/> Chills	<input type="checkbox"/> Diarrhea
<input type="checkbox"/> Repeated shaking with chills	<input type="checkbox"/> Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit
<input type="checkbox"/> Muscle pain	<input type="checkbox"/> Known close contact with a person who is lab confirmed to have COVID-19
<input type="checkbox"/> Headache	



OUTDOOR EVENTS: Page 2 of 2

- ☐ Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- ☐ Clean and sanitize any items before and after use.

Local approval factors:

- ☐ Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- ☐ In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
 - ☐ The overall number of projected attendees;
 - ☐ The likelihood of individuals over the age of 65 attending;
 - ☐ The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
 - ☐ The level of transmission in the county.
- ☐ Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.



COUNCIL MEMORANDUM

AGENDA ITEM # IX-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: AUGUST 11, 2020

RECEIVE AND DISCUSS THE FISCAL YEAR 2020 – 2021 BUDGET.

EXPLANATION:

Staff has prepared a draft Fiscal Year 2020 – 2021 Budget for City Council review and discussion. The City's annual budget retreat is scheduled for Friday, August 14, 2020, at City Hall.

The proposed FY 2021 Budget is balanced, and maintains the current tax rate of \$0.6770 per \$100 valuation. Tax rate calculations have been received from Bell County Appraisal District. The City's proposed rate is higher than the no new revenue rate (formerly the effective rate) of \$0.6391 and lower than the voter approval rate (formerly the rollback rate) of \$0.6978. Senate Bill 2, also known as the Texas Property Tax Reform and Transparency Act of 2019, was passed by the Texas Legislature in 2019. Included in that bill, was an amendment to Section 26.05(d) of the Tax Code, changing the requirement of having two (2) public hearings to one (1) required public hearing when the proposed rate is higher than the no new revenue rate.

Truth-in-Taxation laws require that, if the tax rate is higher than the no new revenue rate, a vote be recorded on the preliminary tax rate and the tax rate public hearing be scheduled. Below is a tentative schedule:

Budget Retreat / Council Discussion	Friday, August 14, 2020
Vote on Preliminary Ad Valorem Tax Rate and Schedule Public Hearing	Tuesday, August 25, 2020
Budget Public Hearing and Adoption	Tuesday, September 8, 2020
Ratification of Tax Increase	Tuesday, September 8, 2020
Fee Schedule Adoption	Tuesday, September 8, 2020
Tax Rate Public Hearing and Adoption	Tuesday, September 22, 2020

ATTACHMENTS:

None.