

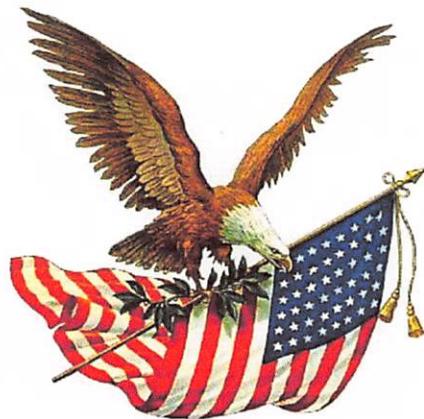


**May 26, 2020**

**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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, May 26, 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:

**Mayor**  
Spencer H. Smith

**Mayor Protem**  
Michael Blomquist

**City Council**  
Jennifer McCann  
Jackeline Soriano Fountain  
John Reider  
Jody Nicholas

**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:**

**IV. Mayoral Proclamations and Presentations:**

**V. Consent Items:**

1. Discuss and consider approving the minutes of the meeting held on May 12, 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:**

**VIII. Old Business:**

1. Discuss and consider 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 June 30, 2020, and take appropriate action. (City Manager)

**IX. New Business:**

**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 22<sup>nd</sup> day of May 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: (866) 899-4679 and use Access Code: 220-995-349.**

**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 posted on the City of Harker Heights website at [www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us).**

*"Assistive listening devices are available upon request for those with hearing impairments. Please contact the City Secretary 48 hours prior to meeting."*

*"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."*

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, May 12, 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:

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

### **Mayoral Proclamations and Presentations:**

1. The Mayor presented a proclamation proclaiming May 2020 as "Older Americans Month".
2. The Mayor presented a proclamation proclaiming May 10 – 16, 2020 as "National Police Week".
3. The Mayor presented a proclamation proclaiming May 2020 as "Building Safety Month".

### **Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on April 28, 2020. Reider made the motion to approve as written. Seconded by Nicholas. All in favor. Motion approved 5-0.

### **Public Hearings:**

1. Council conducted a public hearing to discuss and consider approval of an Ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 Zoning District on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a Replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. Blomquist made the motion to approve based on Staff's recommendations and findings. Seconded by McCann. All in favor. Motion approved 5-0.
2. Council conducted a public hearing to discuss and consider approving of an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the Plat Thereof of Record in Plat Book A, Slide 43-D, Plat Records of Bell County, Texas, and containing 8.02 Acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. Nicholas made the motion to approve based on Staff's recommendation and findings. Seconded by Reider. All in favor. Motion approved 5-0.

3. Council conducted a public hearing to discuss and consider approving an Ordinance amending the BYOB Business Regulation Ordinance 2020-10, Section 125.29 of the Harker Heights Code of Ordinances to modify the insurance requirements within Chapter 125 of the Harker Heights Code of Ordinances. Joseph Molis, Planning and Development Director, made the presentation. Fountain made the motion to approve based on Staff's recommendation and findings. Seconded by Reider. All in favor. Motion approved 5-0.

**New Business:**

1. Council discussed and considered a request for Preliminary and Final Plat approval for the proposed Curry Niche, on property described as 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Records of Real Property of Bell County, Texas, generally located at 1703 Pueblo Trace, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation.

Patrick Curry stated that he appreciated everyone's effort in working with him and his wife to make this happen. He stated that he has been working with Joseph Molis, Planning and Development Director, for about three (3) years and he appreciates everyone's effort in this.

Reider made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.

2. Council discussed and considered approving a Resolution of the City of Harker Heights, Texas, finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of Legal Counsel and Consulting Services; finding that the City's Reasonable Rate Case Expenses shall be reimbursed by the Company; finding that the Meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel. Ayesha Lealiiee, Assistant Finance Director, made the presentation. Fountain made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.

*At 6:04 p.m. Mayor Pro-tem Michael Blomquist filed an Affidavit for Conflict of Interest for New Business item number three and left the meeting.*

3. Council discussed and considered approving a Resolution granting a waiver of Permitting fees in the amount of \$35.00 for Residential Homes with On-Site Sewage Facilities (OSSF's) and unapproved Irrigation Backflow Prevention Assemblies, located within the geographical area depicted in Exhibit "A". Mark Hyde, Public Works Director, made the presentation. Nicholas made the motion to approve. Seconded by Reider. All in favor. Motion approved 4-0.

*At 6:08 p.m. Mayor Pro-tem Michael Blomquist returned to the meeting.*

4. Council discussed and considered approving an adjustment to the City of Harker Heights Council Calendar to immediately reinstate Council Workshop Meetings. Juliette Helsham, City Secretary, made the presentation. Reider made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.

**Staff Reports:**

1. Council received and discussed the FY 2019-2020 Second 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 complimented the City Manager's Report on the Monarch Butterfly events. He mentioned that the City is designated as a Tree City USA. He remains hopeful that the City will still sponsor Arbor Day without COVID-19 affecting the event. The Mayor explained the importance of teaching the public and getting the youth to participate. The Mayor stated "it's a green thing, but an easy green thing" to learn the science behind the Monarch Butterfly and bring awareness of the nature around us by understanding how it impacts many things.

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:25 p.m.

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Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary





## COUNCIL MEMORANDUM

### AGENDA ITEM # VIII-1

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FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 26, 2020

**DISCUSS AND CONSIDER 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 JUNE 30, 2020, AND TAKE APPROPRIATE ACTION.**

**EXPLANATION:**

The State of Texas and Bell County both have issued disaster declarations that cover Harker Heights in relation to the COVID-19 pandemic. Per TML's guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for Harker Heights on March 20, 2020. The City Council approved an Ordinance during the April 7<sup>th</sup> special called meeting to extend the Public Health Emergency Declaration to April 30, 2020. On April 28, 2020, the Council approved another extension to the declaration until May 31, 2020.

Action is now needed by the Council to consider extending this declaration to match recent directives from the State and Bell County out to June 30, 2020.

This declaration continues to align with the City's COVID-19 response measures to those issued by Bell County and the State. If Bell County or the State modify their orders, then the City's requirements would automatically reflect these modifications, to include the Governor's staged initiatives of "Reopening Texas".

The Council will meet again on June 9<sup>th</sup> and June 23<sup>rd</sup>, 2020, and may at that time choose to end, modify, and/or extend the declaration.

**STAFF RECOMMENDATION:**

Staff recommends approval of the ordinance.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove an ordinance amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through June 30, 2020.
2. Any other action desired.

**ATTACHMENTS:**

1. Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**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 JUNE 30, 2020.**

**WHEREAS**, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to extend the Public Health Emergency Declaration; 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 City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

**SECTION 2:** Ordinance 2020-06, 2, of the Code of Harker Heights is hereby appended with the following:

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until June 30, 2020.

**SECTION 3:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

**SECTION 4:** This ordinance shall be effective from and after its passage, and the City Secretary shall publish the caption or title of hereof within ten days as required by law.

**PASSED AND APPROVED** by the City Council of the City of Harker Heights on May 26, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary