



OCTOBER 13, 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, October 13, 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:

IV. Mayoral Proclamations and Presentations:

1. Proclamation declaring October 19 - 23, 2020 as "*Chamber of Commerce Week*"

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on September 22, 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 approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from R-1 (One Family Dwelling District) To B-3 (Local Business District), on property described as Fawn Valley Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

IX. New Business:

1. Discuss and consider approving a request for Preliminary Plat approval for Sapiyah Plains Phase Three on property described as approximately 1.376 acres of land, being part of H.B. Littlefield Survey, Abstract No. 55, more or less, described in a Record Document Number 2019-58768 in the real property records of Bell County, Texas, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a request by Remco Properties, LLC on a Concept Plan for a Duplex Development on property described as 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 Block of South Amy Lane, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Lynn Drive Asbestos Abatement Project in the amount of \$34,950 To Division 7 Waterproofing, LLC., and take the appropriate action. (Planning and Development Director)
4. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for Pensions and Retiree Medical Benefits; approving an attached exhibit regarding Amortization of Regulatory Liability; requiring the Company to reimburse ACSC's Reasonable Ratemaking Expenses; Determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; Adopting a savings clause; Declaring an effective date; And requiring delivery of this Resolution to the Company and the ACSC's Legal Counsel, and take the appropriate action. (Finance Director)
5. Discuss and consider approving the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program and take the appropriate action. (Finance Director)
6. Discuss and consider approving a request from Jesusa Villafuente for a Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Sunday, October 25, 2020, and take the appropriate action. (Parks and Recreation Director)
7. Discuss and consider approving a request from Shynyece Smith for a Facility Rental at the Carl Levin Park Pavilion and Amphitheater for an event in excess of ten (10) people on Saturday, October 31, 2020, and take the appropriate action. (Parks and Recreation Director)
8. Discuss and consider approving a request from Milika Pahula for a Facility Rental at the Harker Heights Community Park Pavilion for an event in excess of ten (10) people on Saturday, October 31, 2020, and take the appropriate action. (Parks and Recreation Director)

9. Discuss and consider approving a request from the City Of Harker Heights Activities Center to host an Outdoor Movie Night at the Harker Heights Community Park Softball Complex, an event in excess of ten (10) people on Friday, October 23, 2020, and take the appropriate action. (Parks and Recreation Director)
10. Discuss and consider approving a request from the City Of Harker Heights Activities Center to host an Outdoor Ceremony Celebrating Texas Arbor Day at the Carl Levin Park Amphitheater, an event in excess of ten (10) people on Friday, November 6, 2020, and take the appropriate action. (Parks and Recreation 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 bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 9th day of October 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

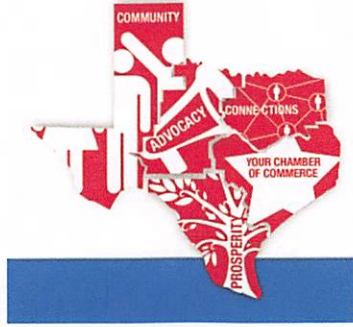
The public may participate remotely in this meeting by dialing-in using the toll-free number: (866) 899-4679 and use Access Code: 204-063-309.

To join the meeting from your computer, tablet, or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/204063309>

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. This agenda is also 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."



Harker Heights, Texas Chamber of Commerce Week Proclamation

WHEREAS, communities across the State of Texas will recognize Chamber of Commerce Week on October 19-23, 2020 to celebrate the challenging work and accomplishments of chambers of commerce and the communities they represent, and

WHEREAS, the strength of local business is dependent on the support of the community, and

WHEREAS, the Harker Heights Chamber of Commerce has formed a close relationship and are routinely involve in many areas with the community and local businesses, and

WHEREAS, the Harker Heights Chamber of Commerce tirelessly promotes and supports the City of Harker Heights, Texas.

NOW, THEREFORE, be it resolved that I, Spencer H. Smith, Mayor of City of Harker Heights, do hereby proclaim **October 19 - 23, 2020** as

“Chamber of Commerce Week”

in the City of Harker Heights, Texas. I encourage all businesses and community members to take advantage of the resources available from the Harker Heights Chamber, and to celebrate the Harker Heights Chamber for their contributions.

IN WITNESS WHEREOF, I have here unto set my hand and caused the official seal of the City of Harker Heights, Texas, to be affixed on this 13th day of October, 2020.

Spencer H. Smith, Mayor

Minutes of the City Council Meeting held at 5:00 p.m. on Tuesday, September 22, 2020, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call:	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
	Charlie Olson	City Attorney

Mayoral Proclamations and Presentations:

1. Council received and discussed a presentation from Killeen Independent School District (KISD) Superintendent Dr. John M. Craft for an update regarding enrollment, academic programs, projected growth, and current and future KISD facilities. No action taken.

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on September 8, 2020. Reider made the motion to approve as written. Seconded by Nicholas. All in favor. Motion approved 5-0.
2. 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 October 31, 2020. David Mitchell, City Manager, made the presentation. McCann made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.

Presentations by Citizens:

Howard Arey, 2027 Sandy Point, Harker Heights, Texas 76548, gave a presentation regarding Dana Peak Park.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance Levying a Tax Rate for the City of Harker Heights, Texas, for the Tax Year 2020. Ayesha Lealiiee, Finance Director, made the presentation.

Blomquist made the motion to approve the maintenance and operations rate of \$0.5143 per \$100 valuation. Seconded by McCann. All in favor. Motion approved 5-0.

Nicholas made the motion to approve the interest and sinking rate of \$0.1627 per \$100 valuation. Seconded by Reider. All in favor. Motion approved 5-0.

Reider made the motion to approve the Ordinance levying a tax rate for the City of Harker Heights, Texas, for the Tax Year 2020, and moved that the property tax rate be increased by the adoption of a tax rate of \$0.6770, which is effectively a 5.93% increase in the tax rate. Seconded by Nicholas. All in favor. Motion approved 5-0.

2. Council conducted a public hearing to discuss and consider approving an Ordinance extending the Corporate Limits of the City Of Harker Heights, Bell County, Texas, to annex and include 2.806 acres of land out of the Uriah Hunt Survey, Abstract Number 401, and H.B. Littlefield Survey, Abstract Number 511, a Voluntary Annexation of Right-Of-Way along Warriors Path, lying contiguous and adjacent to the present City Limits; Providing an effective date, and adopting a service plan. Joseph Molis, Planning and Development Director, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
3. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Section 33.81 of the Code of Ordinances relating to the Building and Standards Commission members appointment, term, alternates, vacancy, and removal, and amending Section 155.231 of the Code of Ordinances relating to the Planning and Zoning Commission terms of members, filling vacancies, and removal. Joseph Molis, Planning and Development Director, made the presentation. Reider made the motion to approve based upon Staff's recommendation and findings. Seconded by Blomquist. All in favor. Motion approved 5-0.

Closed Meeting:

1. At 6:30 p.m. the Mayor announced a closed meeting for the following purposes:
 - A) Pursuant to §551.074 of the Texas Government Code to discuss and deliberate the appointment of an Alternate Municipal Judge.
2. At 6:52 p.m. the Mayor reconvened the open meeting to take the appropriate action on matters discussed in the closed meeting.

Blomquist made the motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, to re-appoint Garland K. Potvin as the Alternate Municipal Court Judge for a term of two years from October 1, 2020, with a three percent (3%) salary increase. Seconded by Reider. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered authorizing the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program. Jerry Bark, Assistant City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
2. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending §33.36 and §33.39 of the Harker Heights Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Parks and Recreation Advisory Board. Jeff Achee, Parks and Recreation Director, made the presentation. Reider made the motion to approve based upon Staff's recommendation and findings. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending §33.71 and §33.73 of the Code of Ordinances; Repealing §33.74 and Creating §33.72 of the Harker Heights Code of Ordinances by redefining the membership and meeting requirements of the Tree Advisory Board. Jeff Achee, Parks and Recreation Director, made the presentation. Nicholas made the motion to approve based upon Staff's recommendation and findings. Seconded by Reider. All in favor. Motion approved 5-0.
4. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending §33.23 and §33.24 of the Code of Ordinances by redefining the meetings requirement and power and duty requirements of the Public Safety Commission. Phil Gadd, Police Chief, made the presentation. Blomquist made the motion to approve based upon Staff's recommendation and findings. Seconded by Reider. All in favor. Motion approved 5-0.

5. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending Section 33.50(C) of the Code of Ordinances to remove the Utility Superintendent and the Public Works Administrative Assistant from the Storm Water Committee and adding the Assistant Public Works Director and Public Works Customer Relations Supervisor to the Storm Water Committee. Mark Hyde, Public Works Director, made the presentation. Nicholas made the motion to approve based upon Staff's recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.
6. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending Sections 33.46 and 33.49 of the Code of Ordinances by redefining the terms, powers, and duties of the Animal Advisory Committee. Gary Bates, IT Director, made the presentation. Reider made the motion to approve based upon Staff's recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.
7. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending §33.01, §33.02, §33.03, §33.04, and §33.05 of the Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Library Board. Lisa Youngblood, Library Director, made the presentation. McCann made the motion to approve based upon Staff's recommendation and findings. Seconded by Blomquist. All in favor. Motion approved 5-0.
8. Council discussed and considered approving a request from Robin Fisher for an event at the Skipcha Park Pavilion in excess of ten (10) people on Friday, October 23, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
9. Council discussed and considered approving a request from Jordan Glenn for a facility rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Friday, September 25, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Blomquist made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.
10. Council discussed and considered approving a request from Kelsie Martin for a facility rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, October 10, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
11. Council discussed and considered approving a request from Dalton Rudd for a facility rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, October 3, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Reider made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
12. Council discussed and considered approving a request from Samalia Huggins for a special events permit to host an outdoor event at Southstar Bank, SSB, located at 905 E FM 2410 in Harker Heights, which will have in excess of ten (10) people on Thursday, October 15, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.

Reports of Advisory Boards & Commissions:

Mayor Pro-tem Blomquist stated that on Monday, September 14th, he attended the Bell County Health District Quarterly Meeting in Temple, Texas.

Items from Council:

Mayor Pro-tem Blomquist stated that the Farmer's Market is still going strong and they had more vendors out there this past weekend. There are six (6) more weekends for the Farmer's Market culminating on Halloween for the last Farmer's Market weekend.

Staff Reports:

1. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

Announcements:

Mayor Smith stated that he attended the Project Overwatch gathering on September 19th at the Harker Heights Police Department. He also attended the recent Central Texas Council of Government (CTCOG) and the Killeen-Temple Metropolitan Planning Organization (KTMPPO) remote meetings. Mayor Smith encouraged all citizens to visit the Central Fire Station to see the Monument that was donated by the Harker Heights Chamber Vision XXI class.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:44 p.m.

ATTEST:

Spencer H. Smith, Mayor

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

Z20-22

AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT), ON PROPERTY DESCRIBED AS FAWN VALLEY BLOCK SIX (6), LOT ONE (1), GENERALLY LOCATED AT 1702 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to B-3 (Local Business District) on property addressed as 1702 E. Knights Way, consisting of approximately three (3) acres of land to allow the applicant to develop the property as a commercial endeavor at a later date. The subject property is located within the Knights Way Overlay Development District which acts to enforce specific design standards intended to improve the appearance and quality of development in the area, as well as mitigate potential conflicts with neighboring residential properties. Any proposed commercial development would have to conform to the required design standards of the Overlay District.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Vacant/City's Drop Site	Commercial	R-1 (One Family Dwelling District)
South	Single Family Residence	Single Family Residential	R-1
East	Vacant	Single Family Residential	R-1
West	Commercial/Single Family Residence	Commercial/Single Family Residential	R-1/B-4 (Secondary & Highway Business District)

Per the 2007 Comprehensive Plan, the applicant's property is in an area designated as Single Family. The 2007 Future Land Use map has identified the majority properties that front both sides of E. Knights Way (E. FM 2410) as Commercial with exception of the subject property and the property to the immediate east. Staff has determined that the subject property should have the ability to develop as a residential or commercial use due to its abutment of E. Knights Way, which is identified as a Principal Arterial in the Mobility 2030 Thoroughfare Plan. The proposed commercial zoning would likely be of greater value for the land than the current single-family designation, again, due to its abutment of Knights Way. There are existing commercially zoned or used properties in proximity to the subject property, and as such, the proposed use would likely be compatible with the surrounding uses. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impacts on the area and would be consistent with

the intent of the 2007 City of Harker Heights Comprehensive Plan and the Mobility 2030 Thoroughfare Plan.

FEMA Flood Damage Prevention:

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

Notices:

Staff sent out thirty-three (33) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, fourteen (14) responses received in opposition of the request were within the 400-foot notification area and seventeen (17) responses received in opposition of the request were outside of the 400-foot notification area.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on Wednesday, September 30, 2020, the Planning and Zoning Commission vote (6-0) to recommend approval of the request to change the zoning designation from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, with an *added condition that an eight (8') foot masonry wall must be constructed along Marble Trail at the time of development*. This recommended condition is authorized by §150.38 ADDITIONAL SCREENING OR FENCING in the Code of Ordinances:

The Planning and Zoning Commission may recommend and the City Council may require screening or fencing requirements in any zoning case, in addition to these requirements, when the nature and character of surrounding or adjacent property dictate a need to require such devices, in order to protect such property and to further provide protection for the general health, welfare, and morals of the community.

STAFF RECOMMENDATION:

Staff recommended approval of this rezoning request to the Planning and Zoning Commission based upon the following:

1. The proposed use and rezoning are compatible with existing uses in the area.
2. The proposed use and rezoning represent a “highest and best use” of property likely to remain undevelopable under its current zoning and location.
3. The proposed use is consistent with historic and recommended development along Knights Way (FM 2410), a Principal Arterial road as designated in the Mobility 2030 Thoroughfare Plan.

However, considering the Planning and Zoning Commission’s recommendation of approval with the additional requirement of an 8-foot masonry screening wall, supplemented with the input received from the public and others regarding this property, staff cannot confidently determine the best course of action to take in regards to the “highest and best use” of this

property, and seeks guidance from the Council through their vote in how to proceed with similar matters in the future, including the impending update to the City's Future Land Use Map.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Future Land Use Map
7. Notification Area Map
8. Citizen Responses

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING B-3 ZONING ON PROPERTY LOCATED AT 1702 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, 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, as previously zoned of R-1 (One-Family Dwelling District) is rezoned to B-3 (Local Business District):

Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas

SECTION 3: The B-3 (Local Business District) zoning will be subject to the following conditions:

1. An eight (8') foot masonry wall must be constructed along Marble Trail at the time of development.

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>
	10/13/20	Granting B-3 zoning on property located at 1702 E. Knights Way (E. FM 2410), Harker Heights, 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 October 13, 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

Rezoning Request 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

Property Owner(s) Name: RAYHAM LLC Date: 9-2-2020

Address: 1702 E Fm 2410

City/State/Zip: Harker Heights, TX 76548

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

Legal Description of Property:

Location of Property (Address if available): 1702 E. Fm 2410

Lot: 6 Block: 1 Subdivision: Fawn Valley

Acres: 2.992 Property ID: 71407 Survey: N/A

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.

Proposed Use: B-3 (commercial)

Current Zoning Classification: R-1 Proposed Zoning: B-3

Current Land Use: Vacant Proposed Land Use: Future Retail

Applicant's Representative (if applicable):

Applicant's Representative: Self

Phone: _____ E-Mail: _____

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.

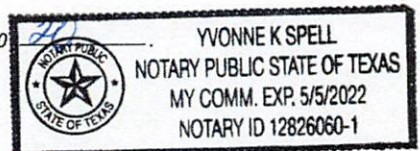
R. Hamden
Printed Name of Property Owner

[Signature]
Signature of Property Owner

Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 2 DAY OF September, 2020



[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 5/5/2022

STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: 9/2/2020

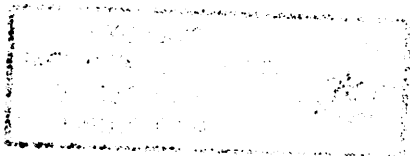
Received By: 9/3/2020

☐ Pre-Application Meeting

Revised: 5/2020

Receipt #: 01612157

Case #: 220-22



Received

SEP 02 2020

Planning & Development

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01612157 9/02/2020 12:12 PM

OPER: TERM8 TERM: 008

REF#: YS

ACCT #: XXXX-XXXX-XXXX-4861

AUTH #: 06833G

TRAN #: 000001612157

TYPE: PURCHASE

APP NAME: Visa

ENTRY MODE: CHIP

CVM: SIGN

AMOUNT USD\$ 200.00

EMV DETAILS:

AID: A0000000031010

ARC: 00

IAD: 06021203602002

TSI: E800

TVR: 0080008000

TRAN: 111.0000 OTHER INCOME

1702 E KNIGHTS WAY

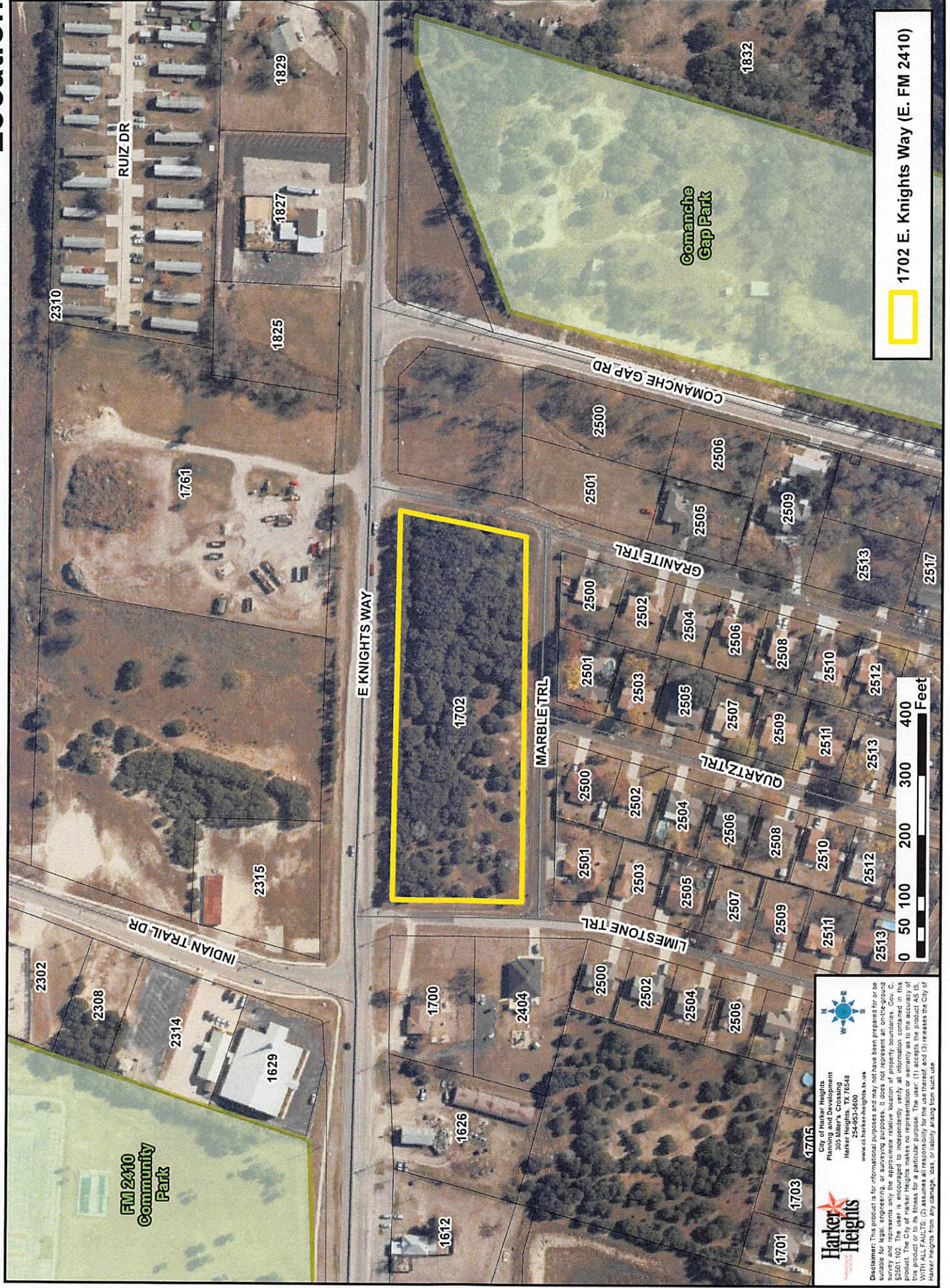
RE-ZONE

OTHER INCOME 200.00CR

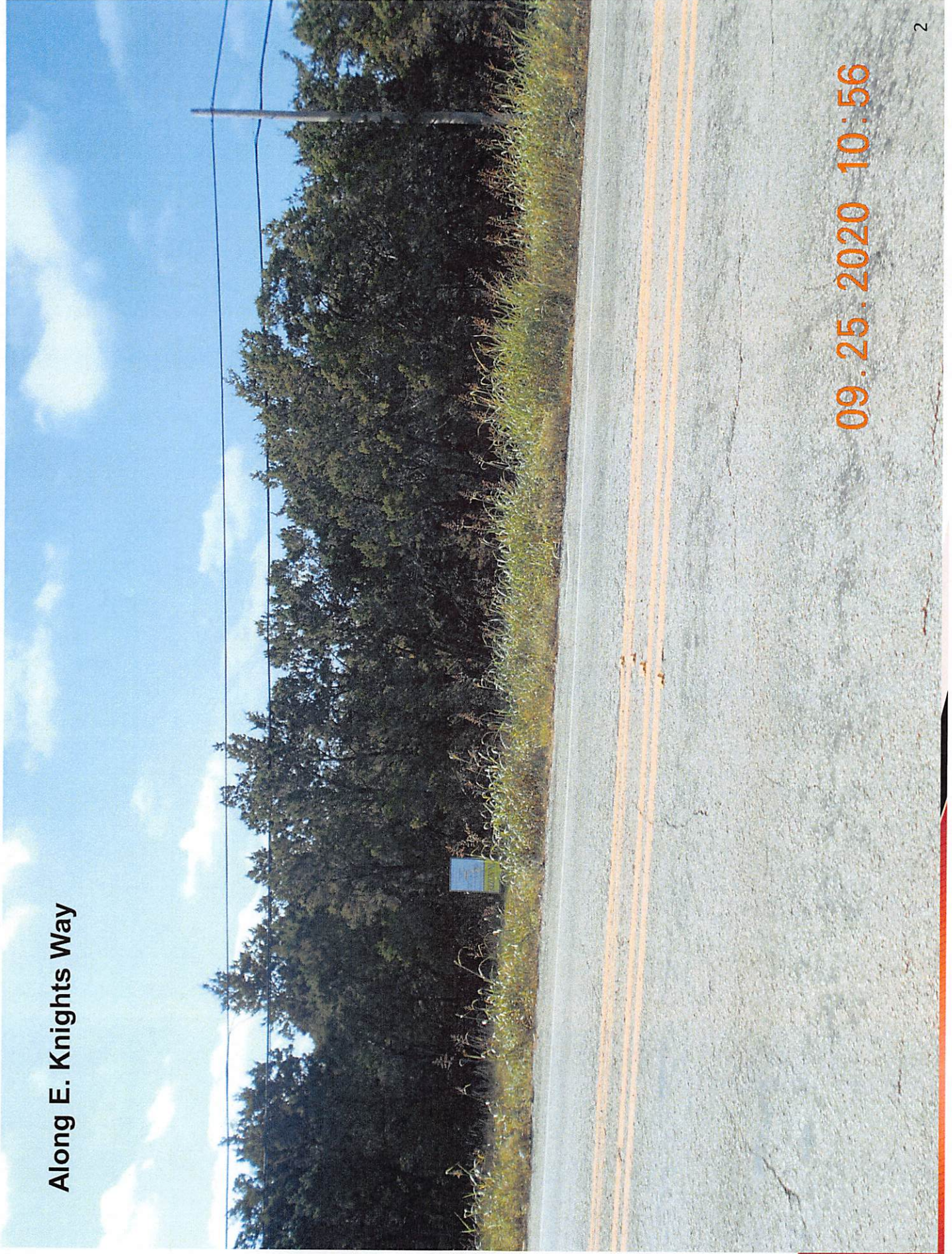
TENDERED: 200.00 CREDIT CARD

APPLIED: 200.00-

CHANGE: 0.00



Along E. Knights Way

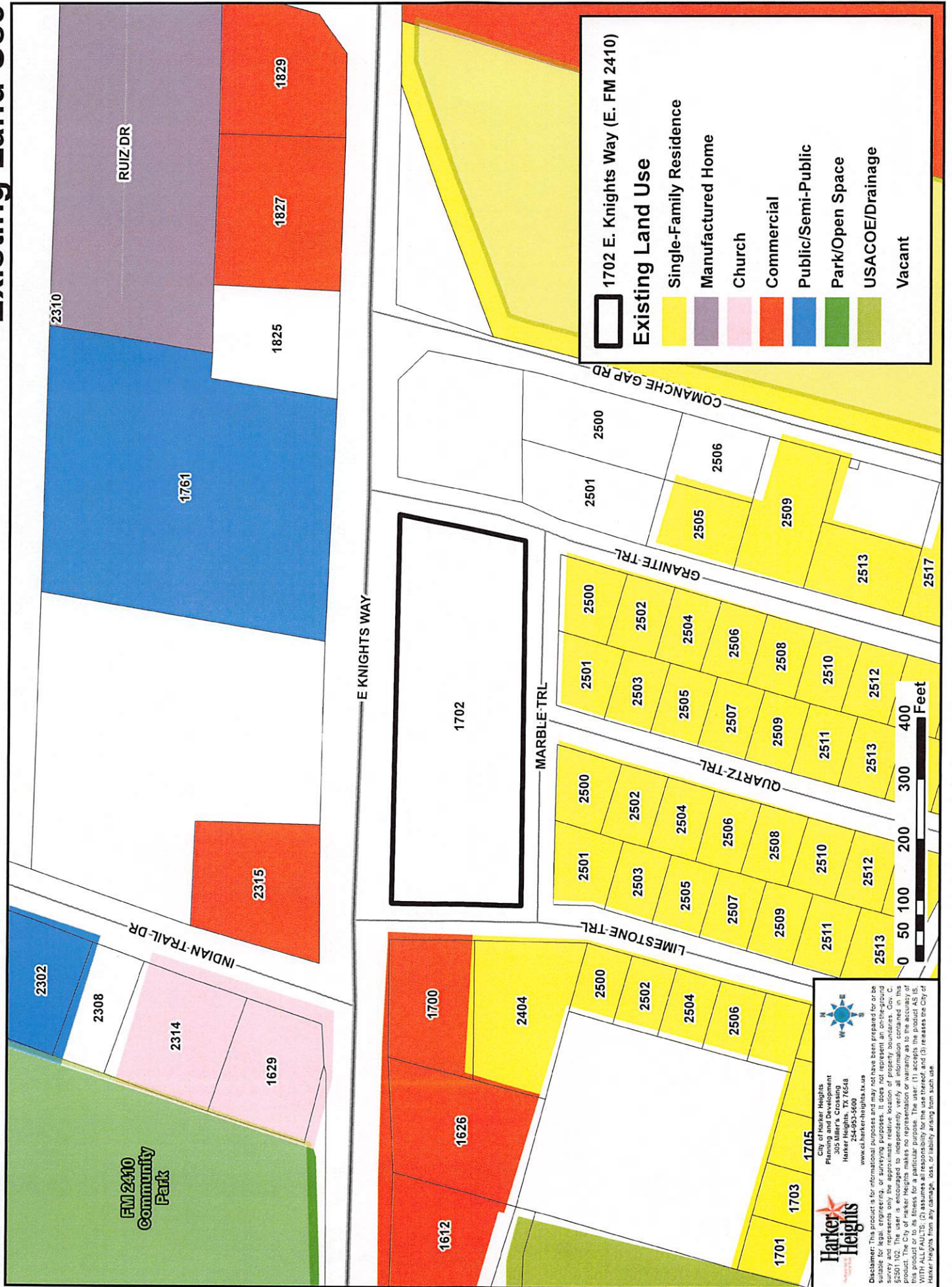


09.25.2020 10:56

Along Marble Trail



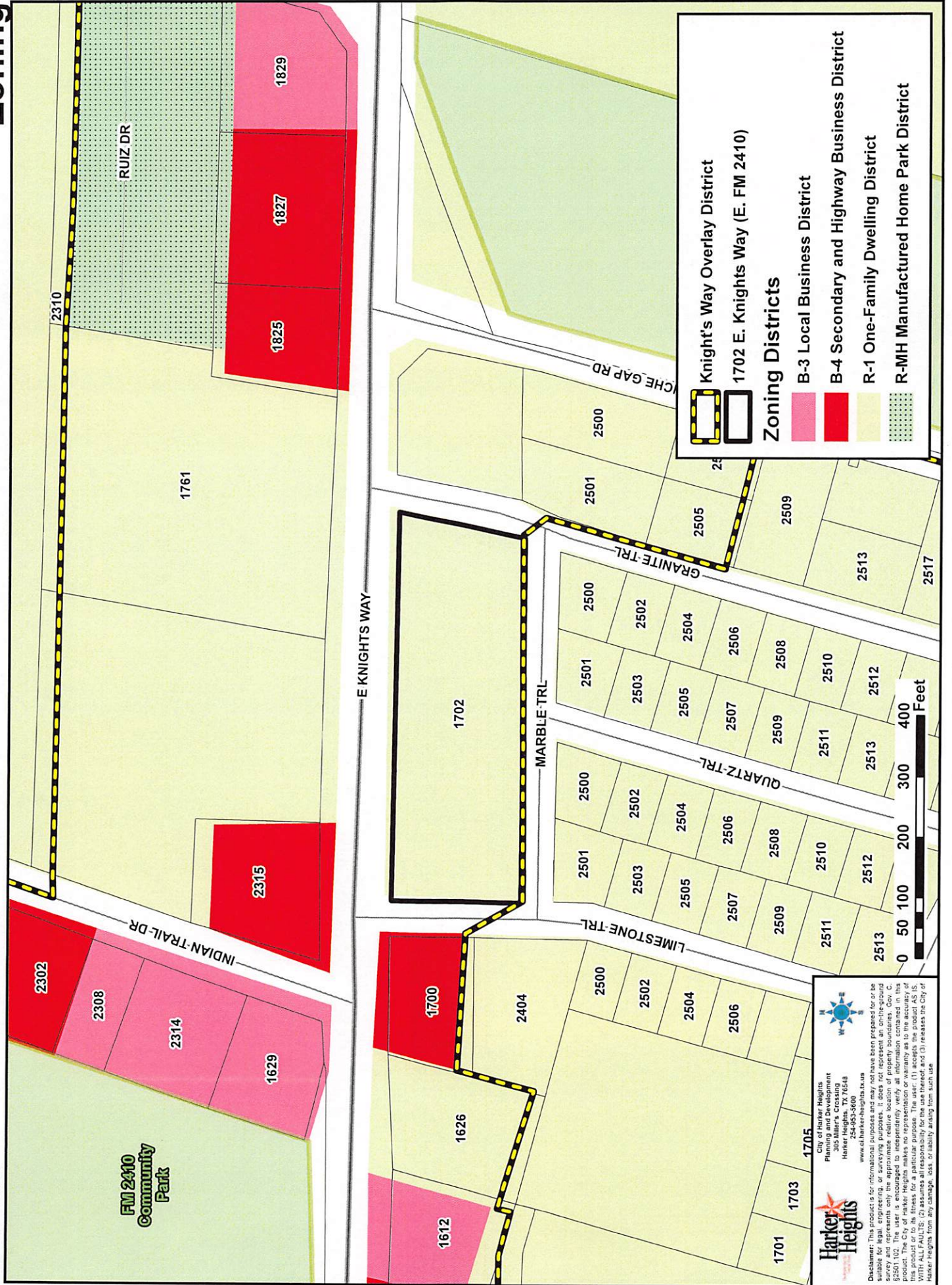
09.25.2020 10:55



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-3600
 www.ci.harkerheights.tx.us

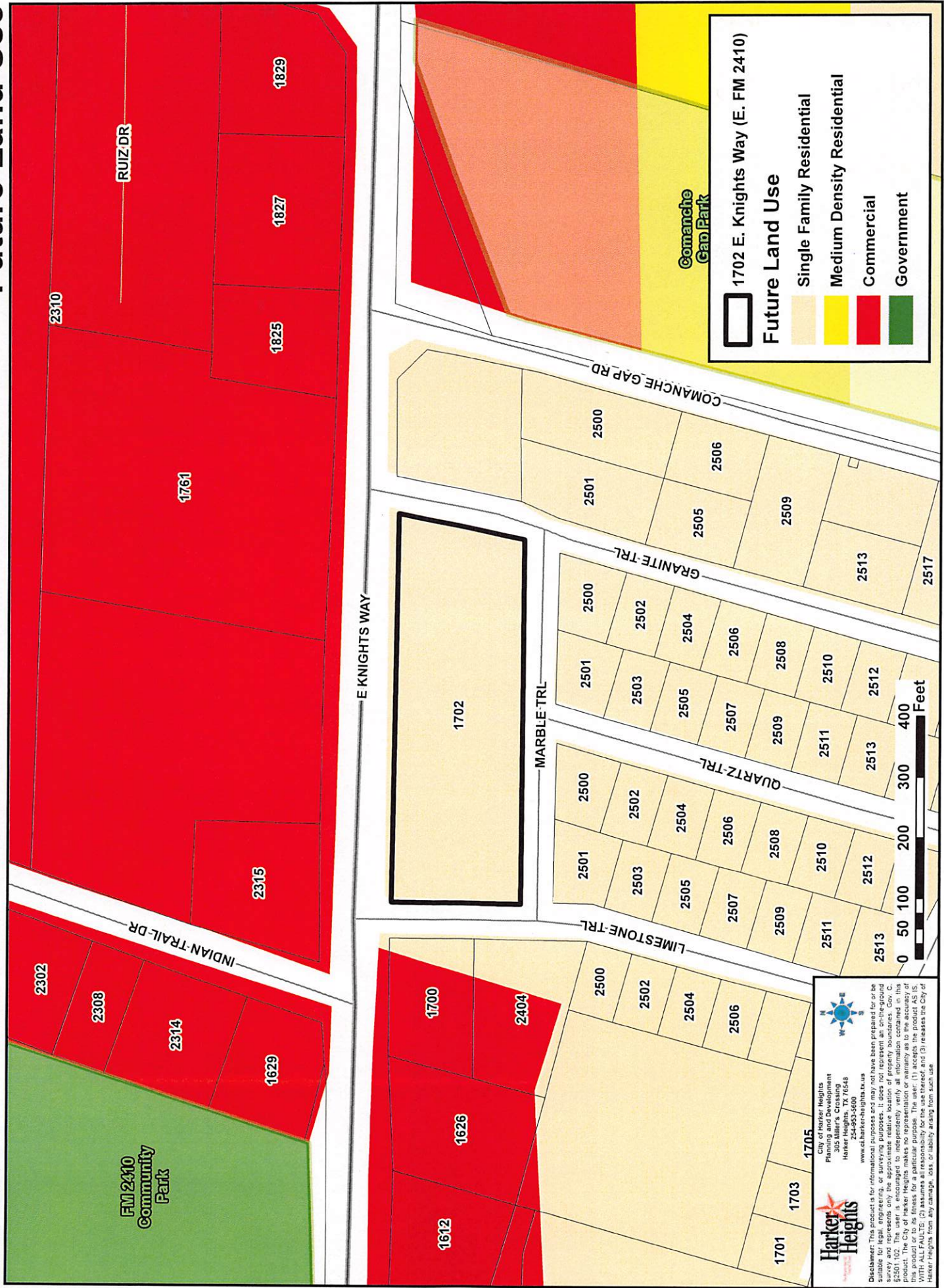
Disclaimer: This product is for informational purposes only and has not been prepared for or by a professional engineer, architect, or surveyor. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 5201.102. The user is encouraged 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. THE CITY OF HARKER HEIGHTS, TEXAS, AND ITS OFFICIALS, AGENTS, AND EMPLOYEES, SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES, ARISING FROM OR OUT OF THE USE OF THIS PRODUCT. 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.

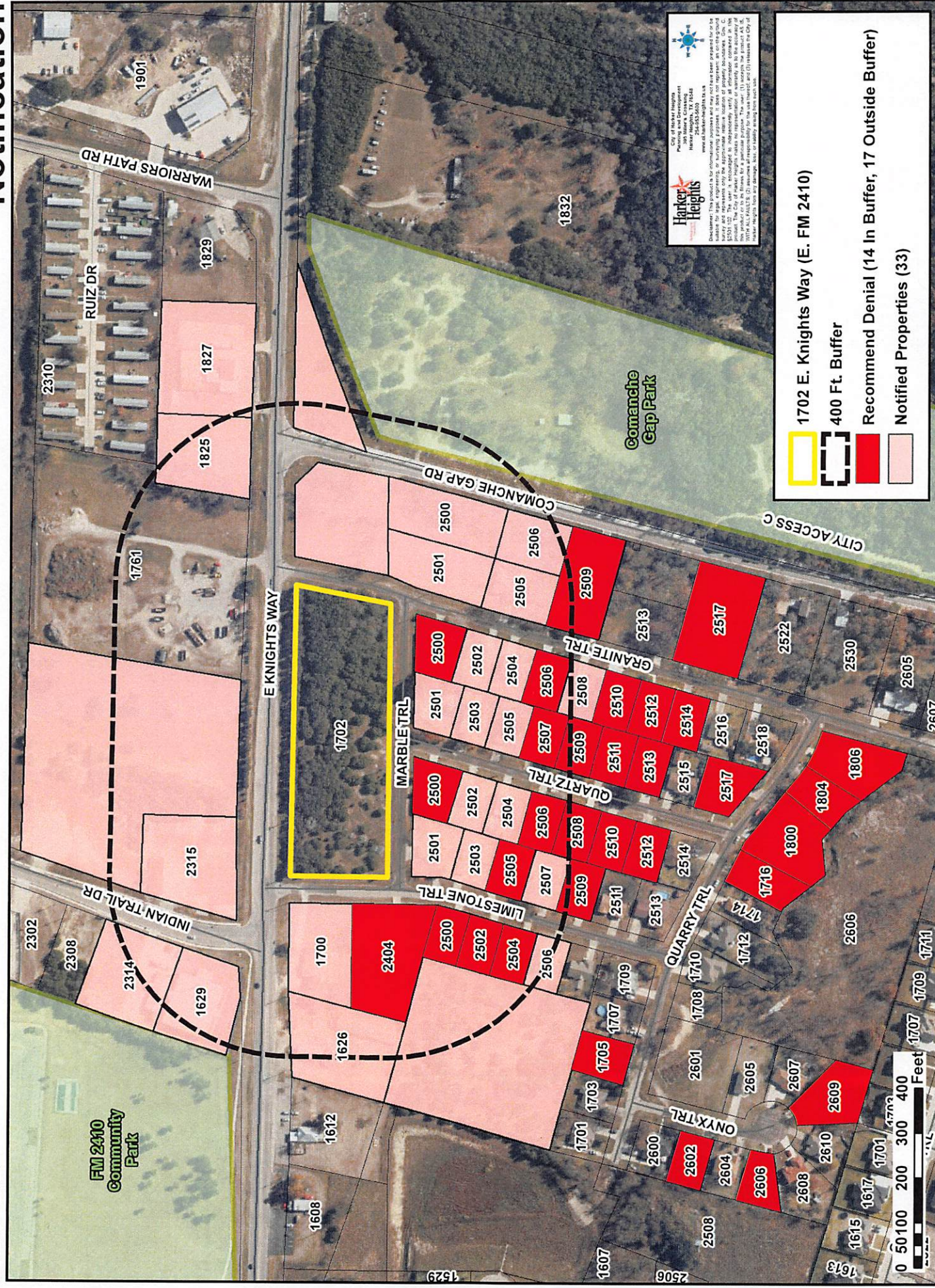




Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
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TO: **City of Harker Heights
Planning & Development Department**

FROM: Robin Batt
2404 Limestone Trl
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Absolutely NOT
I built this home in a residential
neighborhood.

Robin Batt

Printed Name

Robin Batt

Signature

9-24-2020

Date

Received

SEP 24 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 2509 limestone trl
Harker Heights TX 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Those trees provide privacy & keeps our
community quiet & safe. we do not want
those trees cut down.

Christoph A. Beck
Printed Name

[Signature]
Signature

Sept 24, 2020
Date

Received

SEP 24 2020

Planning & Development

Courtney Peres

From: Tony Brink <y3n3o3t@yahoo.com>
Sent: Wednesday, September 23, 2020 4:15 PM
To: Courtney Peres
Subject: Rezone Request

Courtney,

Good afternoon, I am contacting you in regards to the current pending application for the rezoning of Fawn Valley, Block Six, Lot One (1702 E. Knights Way) I currently reside at 2507 Quartz Trail, within 400 feet of the rezoning request. I am not the property owner, I have been renting this property for nearly 9 years. That said, I am a citizen of Harker Heights, I vote in Harker Heights and am vested in this community. I nearly purchased 2501 Quartz Trail on two separate occasions, but decided against it because 1702 E. Knights Way is directly adjacent to this property, and rezoning of this lot (attempted at least one other time since I have lived here) would severely affect the appeal of the property. I imagined a car wash 30 feet from the front door, with music blaring as people detailed their cars. Quite unappealing, I think most would agree.

Please consider this my official objection to the rezoning. There are many undeveloped business-zoned lots along Knights Way and during the pandemic development has slowed even more. I see no purpose nor benefit to rezoning this property at this time. Rezoning this lot to business would negatively affect everyone in this area as it would increase traffic and noise pollution.

Thank you for your consideration,

Anthony Brink

SENT: SEPTEMBER 16, 2020
DUE BACK: SEPTEMBER 24, 2020

TO: City of Harker Heights
Planning & Development Department

FROM: 2602 Onyx Trail
HH TX 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

We don't need a shopping center right there when there are plenty still out there.

Nola Brown
Printed Name

Signature

9/24/20
Date

Courtney Peres

From: Samantha Cantu <readingred13@gmail.com>
Sent: Tuesday, September 22, 2020 6:04 PM
To: Courtney Peres
Subject: Fwd: Parcel #71407 Rezoning

Ms. Perez,

To follow up with our discussion this morning, I wanted to give you a list of reasons as to why I believe that creating a commercial property in front of our neighborhood at the above-mentioned parcel ID, is a very bad idea. Please see the below:

- We have very basic, almost poor drainage within the neighborhood as it is. The trees in front of our neighborhood catch a lot of the water that rolls down hill into our neighborhood, and keeps our yards from flooding. If we remove those trees not only will it mess up our drainage flow, causing us to invest money into fixing our yards, fixing the ensuing flooding problems. It could damage foundations, concrete, etc.
- The local wildlife have made a home within that copse of trees. We have several families of deer and a plethora of small wildlife that live there.
- The privacy that those trees a lot our neighborhood, keep people from wandering into the neighborhood, helps to keep crime low. It maintains a family-friendly atmosphere. We have children who walk around up there all the time playing in the street, it's a very family-oriented neighborhood. If it becomes developed into commercial property, then I'm afraid that the kids won't have anywhere to play with the ensuing traffic.
- Turning out of the neighborhood is a bit difficult in the mornings as it is. We already have several commercial properties right around the neighborhood, that cause traffic, as well as just 825 traffic. If we add another commercial property, it will cause a severe clog at each end of the neighborhood.

Lastly, as I mentioned this morning, my husband and I purchased that property a little over two years ago, because of the trees and how quiet the neighborhood was. We fell in love with our house and with the neighborhood because of the privacy it allows us, everything is conveniently located around us but nothing is that close to us. If it becomes commercial and the land gets developed, we will be moving. We chose to stay and live in Harker Heights because of how much we loved our house and the neighborhood. We really don't want to see it developed. There are also so many of our neighbors have been there since the beginning of the neighborhood in 1986, and they don't want to move. But if it becomes commercial there's going to be so much more noise the whole dynamic of the neighborhood will change, and they don't want to stay there and live there anymore.

I hope that you all seriously consider our neighborhoods request to oppose any development, and the commercial rezoning for that area. Please don't hesitate to reach out to me at my contact information below at anytime. Thank you!

Kind Regards,
Samantha Cantu
804 - 616 - 7638

----- Forwarded message -----

From: **Samantha Cantu** <readingred13@gmail.com>

Date: Tue, Sep 22, 2020, 8:29 AM

Subject: Parcel #71407 Rezoning

To: <CPeres@harkerheights.gov>

Good Morning,

I am a resident in Fawn Valley Subdivision, off Quartz Trail. I was informed last night about a rezoning request for commercial property in the front of the subdivision along FM 2410.

I am STRONGLY against this, as well as my neighbors. We do not want to have the area developed or rezoned. We would like to speak with someone about this.

There are numerous reasons as to why we are opposed to this, and I would be happy to discuss this with you, or submit a formal request via email or phone call.

Please contact me at your earliest convenience via email or phone at 804-616-7638 to discuss our options please. Thank you!

Kind Regards,
Samantha Cantu

TO: City of Harker Heights
Planning & Development Department
Tammy Cawthorne

FROM: 2500 Granite Trail
Harker Heights, Tx. 76548
(Address of Your Property That Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

This will impact
my family if this is
approved.

Tammy Cawthorne
Printed Name

Tammy Cawthorne
Signature

September 21, 2020
Date

Received

SEP 21 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: LEON CHARPENTIER
1800 QUARRY TRAIL
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

PLEASE SEE
ATTACHED

LEON CHARPENTIER
Printed Name

[Signature]
Signature

9-23-2020
Date

This is in reference to the zoning request R1 to B3 at 1702 East Knights Way.

My name is Leon Charpentier a 50 year resident of Harker Heights 28 year employee of the city of Harker Heights.

REZONING

I live at 1800 Quarry trail. Where I have lived for the last 25 years my house is at the very end of Quartz Trail if you drive down Quartz from the proposed zoning Quartz ends in my driveway. My first issue is drainage flooding this area has been designated as a floodway many years ago. When we get some where around 3 inches an hour on wet ground water rushes down Quartz Trail into my driveway I have to leave my garage door closed to stop my house from flooding, the addition of that several acres of pavement cannot be handled by this subdivision. I have nearly 40 years experience in going to Harker Heights city Council meetings during several hundred zoning changes sometimes over zoning changes caused flooding where the city was sued please don't make this another one. There sure is not enough room in a small plot of land to put a detention pond.

The next my second issue is the proposed widening of FM 2410 with a 25 foot setback on the highway and a 25 foot on Marble trail will narrow up that lot tremendously. There is no doubt that FM 2410 will be widened the next few years recently with the opening of the middle school on Warriors path and in a few years the plan to build an Elementary school nearly across from the middle school the traffic will be great the widening of 2410 will hamper any build this person wants to make. I believe that the city of Harker Heights and Tex.Dot should go together to purchase that property stop the possibility of condemning that property in the future for widening FM 2410.

The third thing is that an I have heard this statement hundreds of times at city Council meetings(that is why I moved in this neighborhood because there is no through traffic and it's very quiet) and the proposal to put a strip mall on that property would ruin the effect of this great neighborhood. One thing else about this neighborhood I was a part of the administration when this area was

annexed the waterlines in the sewer lines are not up to Harker Heights standards also the roads in this subdivision are not anywhere near the standard that Harker Heights requires today it will not take all the extra traffic that this zoning proposal would cause. We already see extra traffic due to people thinking there is lake access down these roads at one time there were signs saying NO LAKE ACCESS at the beginning of Limestone Trail over the years it has disappeared.

The fourth item would be the extra load that it would put on the Lift Station in our neighborhood it was enlarged to accommodate the Greenacres subdivision which is now full.

For these reasons and many more I am very much opposed to this zoning change Please Vote for DENIAL of this request for rezoning.

Thank you. Leon Charpentier

TO: City of Harker Heights
Planning & Development Department

FROM: Kristine Dillon
2509 Quartz Trl.
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

See Attached

Kristine Dillon
Printed Name

Kristine Dillon
Signature

9/22/20
Date

Traffic Concerns- This area already has major traffic concerns created by Indian Trail Road, the Recycling Center, Comanche Gap Road/Dana Peak Park and the new Nolan Middle School. 2410 cannot handle any more impacts that new businesses would create. In the 50 mph zone, there have already been numerous accidents when cars are stopped to turn left (if heading west bound on 2410) onto Comanche Gap Road and Fawn Valley. There is no middle turn lane. There is additional school bus traffic with the new middle school. At several times during the day, attempting to turn out of Fawn Valley is dangerous. The City of Harker Heights will be turning Dana Peak Park into a city park. This will increase traffic even more in our area.

Drainage- Our neighborhood is downhill from most of the City. The rain water drains towards our homes. Being that we do not have storm sewers, we rely on drainage that runs through our front yards and under our driveway aprons with metal drainage tubes. Our yards get saturated in heavy rains. The yards on Granite Trail already flood during heavy rains. We have been awoken by Harker Heights Police Department regarding flooding concerns in the middle of the night as our address on Quartz has been confused with Granite. At this time, the land which the applicant wishes to rezone is higher than the streets. Should the applicant change the grading of the land and replace the natural landscape with concrete, our yards will flood.

Neighborhood Roads- Limestone, Marble, Quarry, Quartz and Granite are older streets. We do not have sidewalks. The edges of the road which meets the grass are beginning to wear, sink, chip and wash away. Being that the land may be used for businesses that utilize trucks tractor trailers and other commercial vehicles for deliveries, our streets will further deteriorate from larger commercial vehicles/trucks attempting to turn into proposed commercial buildings. Additionally, due to the streets being narrow trucks and other commercial vehicles will have a difficult time maneuvering their way into our neighborhood should they need to access the rear of any structure that may be built there in the future.

Quiet Enjoyment- Many of us enjoy the low traffic and to be able to exercise, walk our dogs and spend time with our children and families by walking around our neighborhood. Our children currently are able to ride bikes and play sports in the streets due to the limited amount of traffic. We who live here are aware that children play outside, and therefore, we drive with caution. We do not want to see our children injured. In connection with school aged children, we have one bus stop in the neighborhood. It is on Quarry and Quartz. Children need to walk from all over our neighborhood to this bus stop. Should this area be zoned for business use, additional traffic and unknown people in and around the area puts our children at risk.

Noise, Light, Safety and Pests- Homes in the direct vicinity of whatever is built on this lot will be in close proximity to any structures constructed on this property. Any accessory lighting will be in close proximity to homes and will illuminate through their windows making life uncomfortable for residents. We also fear the noise that may be generated from any businesses

which may be constructed. As it is now, we listen to the sounds from the heavy machinery at the recycling center. We also deal with noise from Sean's Pub and The Shack Caribbean Restaurant on 2410. These venues host outdoor music festivals at various times during the year and it literally sounds as if it is our backyard. We would appreciate to not have to listen to anymore noise created by new businesses.

As to safety, our neighborhood is rarely affected by crime. We take pride in our neighborhood and look after one another. We worry about how businesses would affect our safety.

As to pests, if food establishments are built on that lot, our neighborhood would be exposed to rats, mice, raccoons, etc. This represents a health hazard to us the homeowners.

Empty Storefronts- Currently Harker Heights has many empty storefronts along 2410. Do we need more structures to sit empty while the owner is waiting for tenants?

In conclusion, many of us have lived in this neighborhood for years. Most of us are permanent residents of Harker Heights. Several of my neighbors are original homeowners from when our homes were constructed in the 1980's. We enjoy living here. We want to stay here. We do not want our lives and safety ruined because a developer has determined that he thinks this land should be business.

I ask that the Harker Heights Planning and Zoning Board along with the City Council deny this application to rezone.

Thank you for your time.

Courtney Peres

From: Pat Dillon <pat.dillon1220@gmail.com>
Sent: Wednesday, September 23, 2020 11:39 PM
To: Courtney Peres
Subject: Rezoning

Ms. Peres,

I own the property at 2509 Quartz Trail and received a notice to change zoning on property on Marble Trail from R1 to B3. Fawn Valley is a very quiet, family-oriented neighborhood established over thirty years ago, and I believe this change would affect this development detrimentally.

If a business such as a restaurant is built on the property, increased traffic, noise and light pollution, truck traffic, and possible pest problems would impact the neighborhood.

Therefore, I oppose changing the zoning from R1 to B3.

Patricia Dillon

TO: City of Harker Heights
Planning & Development Department

FROM: 2505 Limestone Tr.
Harker Heights, TX 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I have lived here 16 years, moved in this area because of the privacy & safety for my children. Rezoning that property would bring people through our neighborhood we do not know. Everybody in this neighborhood watch out for each other. We walk our children & our pets thru the neighborhood as well as the children ride their bikes thru the neighborhood. Please do not rezone that property to B-3 business district for the safety of our families & our children.

Debra A Dugger
Printed Name

Debra A. Dugger
Signature

9/24/20
Date

Received

SEP 24 2020

Planning & Development

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

FROM: 2506 Granite Trl
Harker Heights, TX 76548
(Address of Your Property that Could Be Impacted by this Request)

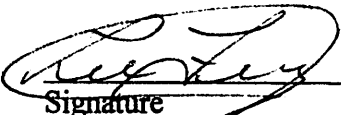
RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Lee A Ferguson Jr
Printed Name


Signature

18 Sept 2020
Date

Received

SEP 23 2020

Planning & Development

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

FROM: 2512 QUARTZ TRAIL

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

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments:

Miguel M. Flores
Printed Name

[Signature]
Signature

10-1-2020
Date

From: [Barbara Newman](#)
To: [Tiffany Dake](#)
Cc: [Brad](#); [bellaangel808](#)
Subject: City of Harker Heights Planning & Development Department - Rezoning Fawn Valley, Block Six Lot One 1702 E. Knights Way (E. FM 2410) Harker Heights, Bell County, TX
Date: Thursday, September 24, 2020 2:42:09 PM

RE: An application has been made to consider a rezoning from R-1 (one Family Dwelling District) to B-3 (Local Business District), on property described as **Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas**

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I have lived in Fawn Valley on Granite Trail for 8 years. I love this neighborhood. This neighborhood caught my attention in particular because it's not a "normal" crowded, packed, busy neighborhood as most are. It is also somewhat "secluded" and small enough that we all still possess the "be good to your neighbor" way of life that was frequently practiced and an honored tradition of our parents and theirs before them. I now have 3 small children and it was important to me when I found our home that we live somewhere safe for them and live in a place they could be proud of, where people take care of their homes, their yards, wave when you pass and you just feel good about living here.

This neighborhood has no sidewalks (which we actually like). But, it does cause our children to have to ride bikes, walk or jog in the street. Right now, there is minimal traffic on our street, so they are relatively safe. Of course, we never allow them in the street without us being right there with them and we've taught them bike safety, etc. It is however, the only place they really have to play. Neighbors also jog, walk their dogs, etc. on the street.

: Rezoning subject lot would put more traffic on this street in particular since it's the main one next to the proposed rezoning lot, with people turning around, trying to find out where they are or leaving the store and just going down our street to see what's there. This added traffic is going to make our street unsafe for our children to play.

Already now, whatever extra traffic is on our street is because there are a lot of people that turn on this street thinking it's the street access to the lake. They invariably turn here instead of going one street further onto Comanche Gap to get to Dana Peak Park.

Currently, when we are driving east on 2410, or turn right to our street, which is directly across from the transfer station, there have been several times that we've almost been rear-ended because traffic moves so fast on 2410, people don't want to slow down to give you time to turn. There is no turn lane on 2410 in this rezoning area, so those people going east or west, have to stop and wait for us to turn into the transfer station or onto our street. It is also almost impossible some mornings or in the afternoon when work/school traffic is out to be able to turn left or right onto or from 2410 because of the amount of traffic on 2410. We have also endured extra traffic now with the opening of the new Nolan Middle school. It's almost impossible to get in or out of our neighborhood now.

; Rezoning subject lot will only make traffic worse, back up traffic for anyone turning onto or from 2410, making it even more unsafe for those of us that live here just trying to

get to work/school or home. A commercial business right there is going to be right in the actual vicinity of the transfer station traffic, traffic from our street exiting or entering onto or from 2410, traffic from the new Nolan Middle School and traffic going to or coming from Dana Peak Park or the residential area on Comanche Gap. You will have people coming/leaving the transfer station, coming/leaving Granite trail, coming/leaving the rezoned commercial business and the people coming/leaving Comanche Gap and now the added Nolan Middle School traffic on top of a new business in that same cluster of traffic.

During the spring/summer months, when Sean's Pub is/was open, we have to endure the extra noise from the bands that play there, the many motorcycle engine noises as they leave during the night hours. It gets loud and the additional traffic from that business already creates unsafe crossing onto or from 2410.

: Rezoning subject lot and adding additional traffic to this commercial establishment is only going to add to the noise and traffic and people leaving and coming in all directions as mentioned in the above paragraph.

Street drainage on this road can be hazardous depending on how much rain we have. Since I've lived here, there have been 2 occasions that I had to get sandbags from the City of Harker Heights due to flooding in my yard and major damage due to flooding to the house across the street (2509 Granite Trail). Water was running through their entire yard and into their house like a river and caused several thousands of dollars of damage to their home.

: Rezoning subject lot will result in removing the current dirt and trees that slow down some of that excess drainage now and help absorb some of that water. A commercial business will have concrete parking lot and removing that protective ground will make our neighborhood more susceptible to severe flooding.

There are plenty of empty lots up and down 2410 that are not in such a congested area or this close to a quiet, residential, safe neighborhood that I'm sure can be rezoned without affecting any of the residents.

**Brad Garrison
Resident/Owner
2510 Granite Trail
Harker Heights, TX 76548
September 24, 2020, 2:42 PM**

TO: City of Harker Heights
Planning & Development Department

FROM: MANUEL & KIM GRANADO
1804 QUARRY TRAIL
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

We are concerned about the increase in traffic through our neighborhood. There is no through traffic now. It is a relatively safe area for children.

Also, we are concerned about possible flooding due to improper drainage.

We moved into this area 11 years ago because it is a safe and quiet neighborhood. We hope to keep it that way.

MANUEL A. GRANADO
Printed Name

Manuel A. Granado
Signature

24 SEP 2020
Date

TO: City of Harker Heights
Planning & Development Department

FROM: Doris Harris
2506 Quartz Trail
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6). Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I'm very concerned about development of this property. This serves currently to protect the neighborhood from excess road noise as well as reducing visibility of the neighborhood from FM 2410. Depending on what is put there, I believe there is a potential of bringing in crime as well as unwanted traffic.
Thank you.

Doris Harris
Printed Name

Doris Harris
Signature

9-23-2020
Date

Received

SEP 23 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: Carolyn James
1705 QUARRY TRAIL
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

The back of my property is a wooded area very close to my property would be effected. Having commercial business is going to have a negative effect on my properties value and bring too many people to our quite neighborhood, bringing more crime also.

Carolyn James
Printed Name

[Signature]
Signature

9/23/2020
Date

Received

SEP 24 2020

Planning & Development

Received

SEP 24 2020

Planning & Development

SENT: SEPTEMBER 16, 2020
DUE BACK: SEPTEMBER 24, 2020

TO: City of Harker Heights
Planning & Development Department

FROM: Ayesha Lealiie
2504 Limestone Trail
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

FM 2410/Knights Way is only two lanes in this area and during rush hour times it can be difficult for us to exit onto FM2410/Knights Way as well as contend with those trying to do the same from Indian Trail. Also, how would parking be handled? Slowing down to turn on to Limestone Trail is already worrisome because those rushing to go further down FM2410/Knights Way. Adding additional traffic to turn into the current streets or into a parking lot would make traffic conditions worse. Then there's parking and where overflow parking would go. There is no curb and gutter here so street or grass (our yards) parking would be likely. I do not want strangers parking and possibly blocking my path or parking for my family or friends. Parking in the street is also not a

(continued below)

Ayesha Lealiie
Printed Name

Ayesha Lealiie
Signature

9/23/2020
Date

good idea here because the streets barely allow for two cars to pass each other. Lastly, there are no sidewalks in the neighborhood nor on this side of FM2410/Knights Way. There are children who walk to the high school, residents who walk to the Community Park and residents who walk the neighborhood itself. Again, the added traffic that a commercial business would bring would no longer make this safe.

TO: City of Harker Heights
Planning & Development Department

FROM: DARRYL LYNCE
2509 GRANITE TRAIL, HARKER HGTs, TX 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

TO REZONE THIS LOCATION WOULD INCREASE
FOOT TRAFFIC INTO OUR NEIGHBORHOOD WITH
CURIOSITY OF "WHAT IS BACK HERE?"

ALSO, REZONING TO BUSINESS WILL INFRINGE ON
THE PRIVACY OF CURRENT HOME OWNERS.

I BELIEVE THAT A BUSINESS WILL DECREASE
THE VALUE OF THE MY (OUR) HOMES.

DARRYL LYNCE
Printed Name

Darryl Lynce
Signature

9/23/2020
Date

Received

SEP 23 2020

Planning & Development

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

FROM: 2500 Limestone Trl
Harker Heights TX 760548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ **I RECOMMEND APPROVAL OF THE REQUEST**

☒ **I RECOMMEND DENIAL OF THE REQUEST**

Comments: This is a very well
established neighborhood.
The trees block out the noise
of 2410. I absolutely recomed
denial of this request.

Jennifer McKellips
Printed Name

JMcKellips
Signature

9-24-2020
Date

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

FROM: 2508 QUARTZ TRAIL

HARKER HEIGHTS, TEXAS 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

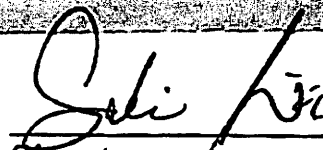
☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I RECOMMEND DENIAL OF THIS REQUEST. MY MAIN CONCERN
IS THE AMOUNT OF TRAFFIC ON AN ALREADY CONGESTED AREA. THIS
WILL INCREASE THE HAZARD OF CAR ACCIDENTS. OUR ROADS WILL
BECOME MORE DAMAGED WITH THE USE OF DELIVERY TRUCKS TO
THESE BUSINESSES. THIS IS A VERY QUIET AREA AND REZONING
INTO A BUSINESS DISTRICT WILL TAKE THAT AWAY. MANY RESIDENTS
HERE GO FOR WALKS AND WALK THEIR DOGS, INCREASED TRAFFIC
COULD CAUSE POTENTIAL RISK OF DANGER TO RESIDENTS.
I DO NOT AGREE WITH THIS REQUEST.

SABINA NISIC
Printed Name


Signature

22-09-20
Date

TO: City of Harker Heights
Planning & Development Department

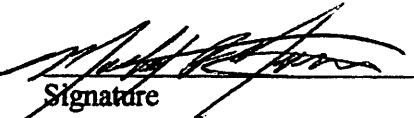
FROM: Michael F. Nitti
2517 Granite Trail, Harker Heights, 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Michael F. Nitti
Printed Name


Signature

9/22/20
Date

Received
SEP 24 2020
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: LAWRENCE & LOIS O'KEEFE
1716 QUARRY TRAIL HHTS 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I DO NOT CONSIDER THIS ACTION GOOD
FOR RESIDENTS LIVING ADJACENT TO THE PROPOSED
ZONE AREA. REASON BEING THE TRAFFIC ON 2410
IS ALREADY CONGESTED WHICH HAS HIGH TRAFFIC
FROM 7:00 AM TO 9:30 AND THE FROM 3:15 TO 5:00 PM
WHICH DUE IN PART TO THE SCHOOL (HIGH SCHOOL)
PICKUP AND DROP OFF OF STUDENTS AND SECONDLY
THE ROADS GOING BY THE PROPOSED LOCATION ARE
NOT IN GOOD ENOUGH TO HANDLE THE INCREASED TRAFFIC

LAWRENCE O'Keefe
Printed Name

[Signature]
Signature

9-23-2020
Date

Received

SEP 24 2020
Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: Stephanie Perry
2240 Onyx Trail Harker Heights
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

I have lived in this neighborhood for over 20 yrs.
My children grew up in the neighborhood.
There are other children growing up and we
need to keep this a residential neighborhood
that is safe for our children.

Stephanie Perry
Printed Name

[Signature]
Signature

9.24.2020
Date

Received

SEP 24 2020

Planning & Development

Courtney Peres

From: Jesse Reed <jesse_ray2@yahoo.com>
Sent: Thursday, September 24, 2020 5:24 PM
To: Courtney Peres
Subject: Response to Harker Heights Re-Zoning Request

TO: City of Harker Heights
Planning & Development Department

FROM: Jesse R. Reed
2502 Limestone Trail
Harker Heights, TX 76548

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

_____ I recommend approval of the request

 X I RECOMMEND DENIAL OF THE REQUEST

Comments: As a homeowner in proximity of the proposed re-zoning, I recommend denial of the request. Turning the current vacant lot into a business district will increase traffic, possibly increase crime rate (due to presence of commodities, not due to nature of the business or clientele), and decrease the property value of the existing houses within this area.

Jesse R. Reed
24 September 2020

Courtney Peres

From: riveraroy@gmail.com
Sent: Thursday, September 24, 2020 1:06 AM
To: Courtney Peres
Subject: Rezoning denial of request

We are writing to oppose the request that may impact the quality of life of our community and safety of our neighborhood for the following reasons:

- The trees on the lot contribute to protect the health of our community, creating a barrier in between the level of dust generated from the recycling center and the location of the houses.
- For many of us, working from home or doing home schooling is a right and a necessity. If a commercial project is developed, all the noise that comes with that and the traffic will affect the life quality in great manner.
- Our residential street is not meant to handle any type of heavy traffic that a commercial development could generate.
- We live right behind this lot. We know clearly that this can affect us directly, more than others but we are asking as a whole, to help us prevent this development and not affect our community.

Giselle Mena
512-956-3652
gisi7@yahoo.com

Roy Rivera
939-241-6364
riveraroy@gmail.com

2500 Quartz Tr
Harker Heights, TX
76548

TO: City of Harker Heights
Planning & Development Department

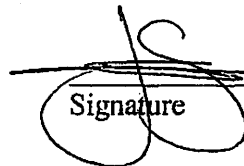
FROM: Jonathan Schaefer
2609 Onyx Trail 76548
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Jonathan Schaefer
Printed Name


Signature

9-24-20
Date

TO: City of Harker Heights
Planning & Development Department

FROM: 2506 Quartz Trail

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

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Removal of the trees on the property described above will lead to an increase in noise, more visibility from unwanted traffic which can lead to crime, and faster deterioration of our neighborhood roads. We will lose our Peaceful Neighborhood. Please leave the Property Alone! Also I would like to have an extension to this process. Signage was not placed in a reasonably visible location for residents affected by this decision. I did not know of this issue until yesterday afternoon. This is not a reasonable amount of time.

Mickey Simons
Printed Name

Mickey Simons
Signature

9-23-2020
Date

Received

SEP 24 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM: 2512 GRANITE TRAIL
HARKER HEIGHTS, TX 76048
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

THIS IS A NICE QUIET NEIGHBORHOOD AND
WE WOULD ALL PREFER TO KEEP IT THAT WAY.

Quintin Twigg
Printed Name

[Signature]
Signature

9/22/20
Date

Received

SEP 24 2020

Planning & Development

Andrew & Amy Valentine
2510 Quartz Trail
Harker Heights, TX 76548

City of Harker Heights
Planning and Development Department
Harker Heights, TX 76548

CPeres@harkerheights.gov

RE: Neighboring Rezoning (Fawn Valley)

September 23, 2020

Dear Planning and Development Department:

We are homeowners and happy residents in the Fawn Valley area of Harker Heights and have recently been informed of the rezoning request for the property described as Fawn Valley, Block 6, Lot 1, generally located at 1702 E Knights Way, Harker Heights, Bell County, Texas. We would like to **RECOMMEND THE DENIAL FOR THIS APPROVAL** for the reasons stated in this letter.

Our first concern is the inability for the streets in our neighborhood to accommodate overflow traffic that would result from the presence of adjacent businesses. Fawn Valley is a small residential community and the streets are designed for this sole purpose. They barely fit two-way traffic, and the design of the roads creates two intersections that already pose safety issues and do not include traffic signals. Additional traffic from businesses would make these intersections unsafe, and overcrowd our already very small streets. Our neighborhood traffic has already increased with the opening of the new middle school on Warrior's Path and if an adjacent business zone was created this would exacerbate the emerging problem and would threaten the safety of the folks living in this child-friendly neighborhood. Having four children of our own, we would like to keep our neighborhood safe.

A second but related concern for our community is the fact that it has no street lights and no sidewalks. Changing the current R-1 zoning to B-3 zoning would create unsafe activity in our neighborhood as we lack adequate space to walk dogs, walk with children, ride bikes and participate in safe and enjoyable residential activities. Criminal activity in a dark neighborhood without street lighting is also a serious concern for this neighborhood. Removing the trees would allow easy access and awareness for additional criminal activity. These factors combined with the presence of a B-3 zone would make criminal threats far more likely and threaten the safety of an attractive family-friendly neighborhood that should remain as such.

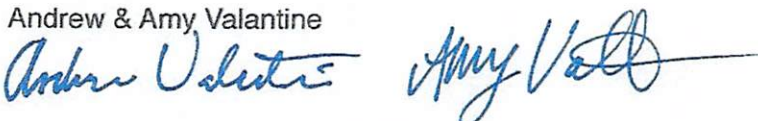
Third, is the problem of drainage coming from a business area into the neighborhood. If the area described was changed to concrete, there would be drainage issues that would spill over into our neighborhood. Adequate and satisfactory drainage is already a problem because of our proximity to the lake. Installing more concrete for retail fronts will only worsen this problem for those of us living here who already deal with this issue when it rains.

We are convinced that with the many opportunities already available in Harker Heights for business, this parcel of land is NOT a good fit for B-3 zoning. Please consider this well-established community and its well-being in this zoning decision. Also, consider the financial impact it would have to the city in the long term as things like traffic lights, sidewalks, better drainage, and better equipped streets would ultimately be an expense to the City of Harker Heights.

Thank you for your consideration and service to our home city, Harker Heights.

With best regards,

Andrew & Amy Valentine



City of Harker Heights
Planning & Development Department

2511 Quartz Trl

Address of New Property Being Considered for Change of Use or Zoning

RE: An application has been made to reclassify a rezoning from R-1 (One Family Dwelling District) to R-1 (Local Business District) as presently described as Fair Valley, Block 80, lot 104 on City of Harker Heights, located at 1702 E. Knapley Way in PM 2400, Harker Heights, Bell County, Texas. (see attached subdivision map)

☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments

see comments (pg 2/separate
page for details)

Shirley Ann Walker
Required Name

Shirley Ann Walker
Signature

I, Chuncha Vanameter, a resident in Fawn Valley, do strongly oppose the commercial rezoning of Block 6, Lot 1 within my neighborhood. I have been a resident here for 20+ years and do not want to develop the property. We moved here for the privacy, and the atmosphere in the neighborhood. I love living here, this is the home I settled with my husband, and this is the last home he lived with me in. I don't want to move away from my last home. Please consider this plea in your decision.

Thank You
Chuncha Vanameter

TO: City of Harker Heights
Planning & Development Department

FROM: Ann Vandergriff
1806 Quarry Trl
(Address of Your Property that Could Be Impacted by this Request)

RE: An application has been made to consider a rezoning from **R-1 (One Family Dwelling District)** to **B-3 (Local Business District)**, on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- ☐ I RECOMMEND APPROVAL OF THE REQUEST
☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Traffic is already very congested at the entrances of our neighborhood. With the new school it will only get worse. Not to mention the extra drive through traffic we will begin to see within the neighborhood decreasing the safety of our children.

Ann Vandergriff
Printed Name

(Signature)
Signature

9/24/20
Date

Received

SEP 24 2020

Planning & Development

SEP 23 2020

Planning & Development

TO: City of Harker Heights
Planning & Development Department

FROM:

Stan & Rebecca Weirich
2514 Granite Trail

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

RE: An application has been made to consider a rezoning from R-1 (One Family Dwelling District) to B-3 (Local Business District), on property described as Fawn Valley, Block Six (6), Lot One (1), generally located at 1702 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

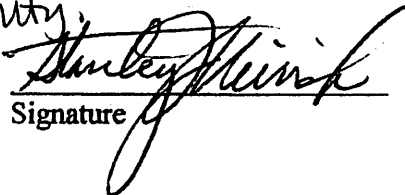
☐ I RECOMMEND APPROVAL OF THE REQUEST

☒ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Our subdivision is hidden behind this plot of land and allows our community to remain private - we have very little crime and traffic through our community which allows our children to play freely in the streets and yards. By changing to commercial businesses you remove the safety and sanctity of our neighborhood. You will introduce the opportunity for crime and increase traffic, all which is adverse to this small community.

Stan Weirich
Printed Name


Signature

September 23, 2020
Date

Rebecca Weirich
September 23, 2020

Rebecca Weirich

From: James Wood <james@teslaenterprises.co>
Sent: Friday, October 2, 2020 2:57 PM
To: Michael Blomquist <mblomquist@harkerheights.gov>
Subject: It's a hard no.

Hi,

My name is James Wood, I live at 2517 Quartz Trail, Harker Heights TX 76548. I believe I am just outside of the 400' mark but I do live in the neighborhood. For the record I vote no on anything going in, as this land is hiding our neighborhood from, most of the crooks, and all the other benefits that the land provides us. Couple of questions,

1. Why now?
2. When did the current owner of the property acquire it?
3. From whom did they purchase it?
4. Do people that are renting a house in the neighborhood get a say? Or is it the landlord? My concern here is that people that don't live here but rent a house out, won't necessarily have the same incentive as us home owners who live in the neighborhood.
5. Is there a way for anyone to forecast our property values or was this considered?

Thanks for your time and attention to this matter. Every government need to checked from time to time and I thank you for bearing that burden.

Sincerely,

James and Shannon Wood

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FOR PRELIMINARY PLAT APPROVAL FOR SAPIAH PLAINS PHASE THREE ON PROPERTY DESCRIBED AS APPROXIMATELY 1.376 ACRES OF LAND, BEING PART OF H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 55, MORE OR LESS, DESCRIBED IN A RECORD DOCUMENT NUMBER 2019-58768 IN THE REAL PROPERTY RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 1808 PONCA TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant, Jerome Gomer, and his representative, Mitchell and Associates, Inc., have submitted an application for preliminary plat approval for approximately 1.376 acres of vacant land along Ponca Trace. This is the third and final phase outlined in the Sapiah Plains development. The Sapiah Plains Phase Three Concept Plan (attached) was approved by Planning and Zoning Commission (P&Z) on September 25, 2019 and by City Council on October 22, 2019. The property is zoned R-MU (Mixed Residential) and the applicant has proposed six (6) duplex lots - a total of 12 dwelling units.

Staff has reviewed the submitted preliminary plat and engineering plans and have made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on September 30, 2020, the Planning and Zoning Commission voted (6-0) to recommend approval of the Preliminary Plat for Sapiah Plains Phase Three on property described as approximately 1.376 acres of land, being part of H.B. Littlefield Survey, Abstract No. 55, more or less, described in a record document number 2019-58768 in the Real Property Records of Bell County, Texas, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas.

STAFF 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, and Staff therefore recommends approval of the Preliminary Plat for Sapiah Plains Phase Three on property described as approximately 1.376 acres of land, being part of H.B. Littlefield Survey, Abstract No. 55, more or less, described in a record document number 2019-58768 in the Real Property Records of Bell County, Texas, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a request for preliminary plat approval for Sapiah Plains Phase Three on property described as approximately 1.376 acres of land, being part of H.B. Littlefield Survey, Abstract No. 55, more or less, described in a record document number 2019-58768 in the Real Property Records of Bell County, Texas, generally located at 1808 Ponca Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Preliminary Plat
3. Concept Plan (Approved on October 22, 2019)
4. Location Map
5. Staff Comments with Responses (September 18, 2020)



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: Sapiah Plains Phase Three Date Submitted: Sep 2, 2020
Existing Lot Count: 1 Proposed Lot Count: 6 Proposed Units: 6 Acreage: 1.376
Existing Land Use: Vacant/Agriculture Proposed Land Use: Duplex
Site Address or General Location: 1808 Ponca Trace, Harker Heights, TX 76548
Public Infrastructure Proposed with Subdivision: ☐ Water ☐ Wastewater ☐ Streets (including Private) ☐ Stormwater

Owner Information & Authorization:

Property Owner: Jerome Gomer
Address: 1524 Indian Trail, Harker Heights, TX 76548
Phone: [REDACTED] E-Mail: [REDACTED]
Developer: Same as Above
Address: _____
Phone: _____ E-Mail: _____
Engineer/Surveyor: Mitchell & Associates, Inc.
Address: 102 N. College/P.O. Box 1088 Killeen, TX 76540
Phone: 254-634-5541 E-Mail: jkriegel@mitchellinc.net

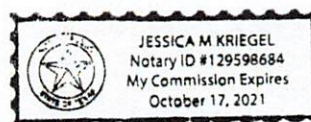
CHECK ONE OF THE FOLLOWING:

- ☒ I will represent the application myself.
- ☒ I hereby designate Mitchell + Associates (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: [Signature]
SWORN AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF September, 2020

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 10/17/21



P20-14

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 9/2/20 Received By: [Signature] Receipt #: 01612187

Received

SEP 02 2020

Planning & Development

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01612187 9/02/2020 4:12 PM

OPER: TERM8 TERM: 008

REF#: 44311 TD

TRAN: 111.0000 OTHER INCOME

Preliminary Plat

Sapiah Plains Phase 3

OTHER INCOME 650.00CR

TENDERED: 650.00 CHECK


APPLIED: 650.00-

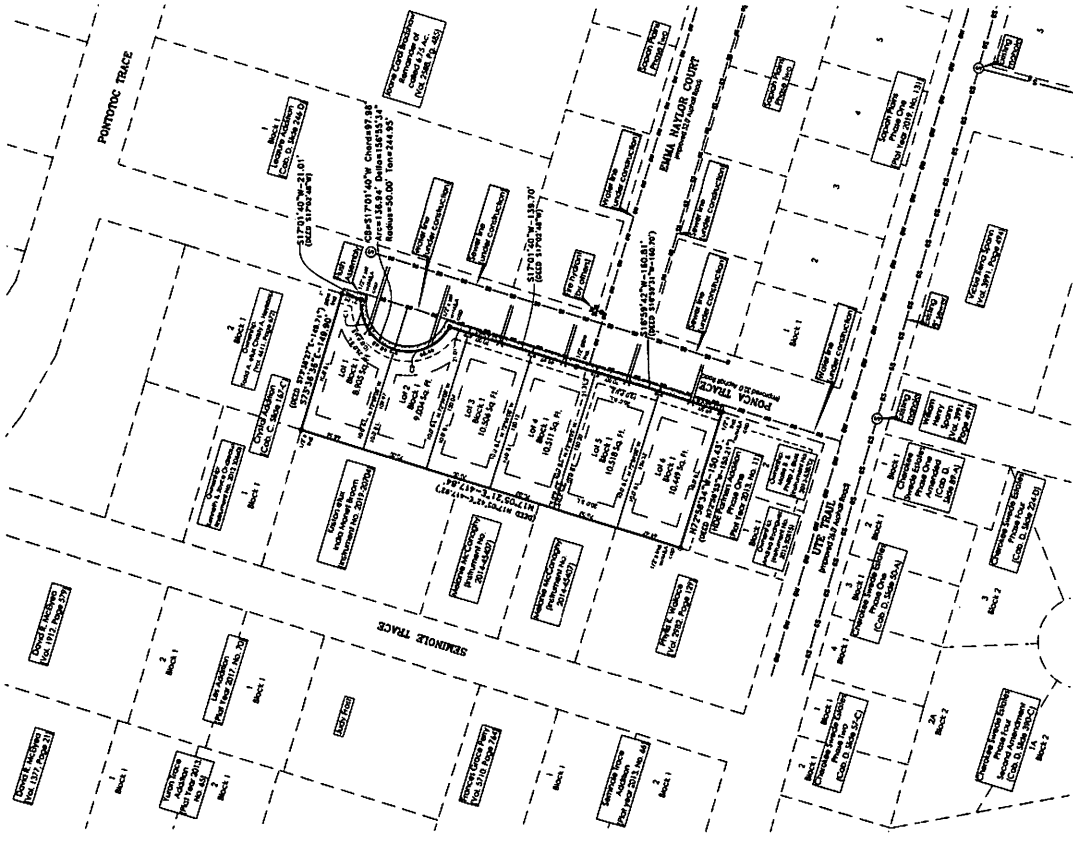
CHANGE: 0.00

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SAPIAH PLAINS
PHASE THREE
HARKER HEIGHTS, BELL COUNTY, TEXAS

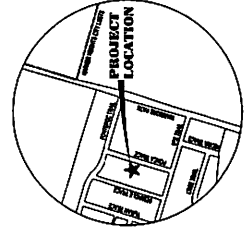
SHORELINE			
AD	STATION	DATE	444
NO	REMARKS	0000/1/1	1

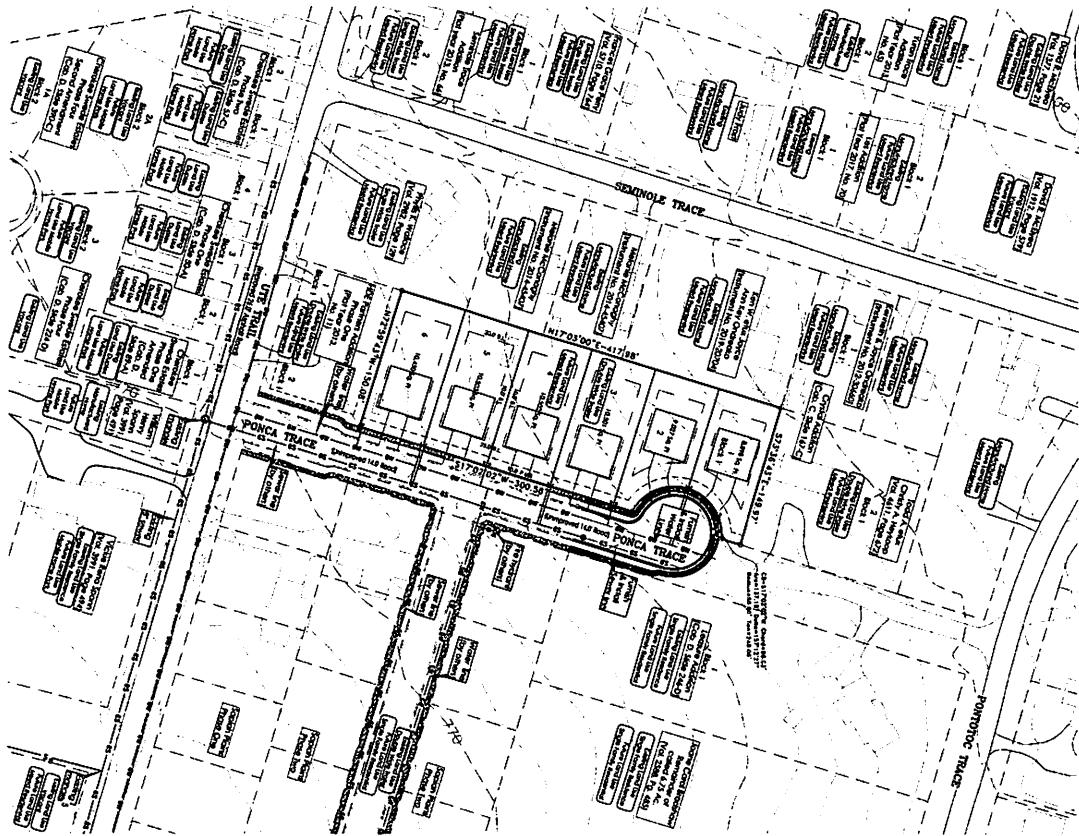
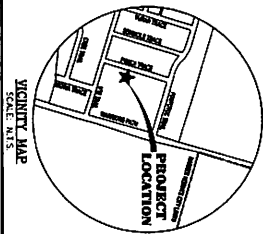




CURVE TABLE						
CURVE	BEARING	CHORD	LENGTH	RADIUS	DELTA	TANGENT
C1	S54°15'11"W	63.25	48.48	50.00	78°28'32"	40.83
C2	S22°12'34"E	63.24	48.44	50.00	78°27'07"	40.82

- NOTES:**
- All bearings are based upon the Texas Coordinate System, NAD 83 (CGRS 86), from Central Station.
- The horizontal control was established by the Texas Department of Transportation with photogrammetric observations.
- All distances are surface distances.
- A combined scale factor of 0.99914167 was used.
- All interior lot corners marked with 1/2" x 1" cop stamped "ALA," set after construction completed.



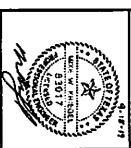


NOTE:
Existing land use, vicinity zoning & all listed use boundaries proposed land use - R-2 Duplex Residential (a lot)

PROPERTY OWNER:
SAPIAH PLAINS, L.P.
Harker Heights, TX 76546
SURVEYOR/ENGINEER:
MITCHELL & ASSOCIATES, INC.
P.O. Box 1088
Keele, TX 76540

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 5341
L.S. & P.E. & FIRM REGISTRATION NO. 14028-00

DWG NO.	DATE	BY	SCALE	FR. A/B	S. LOTS	AREA
14-079-D-1	7/18/79	FW	AS SHOWN	11	1 BLOCK	1.4 AC.



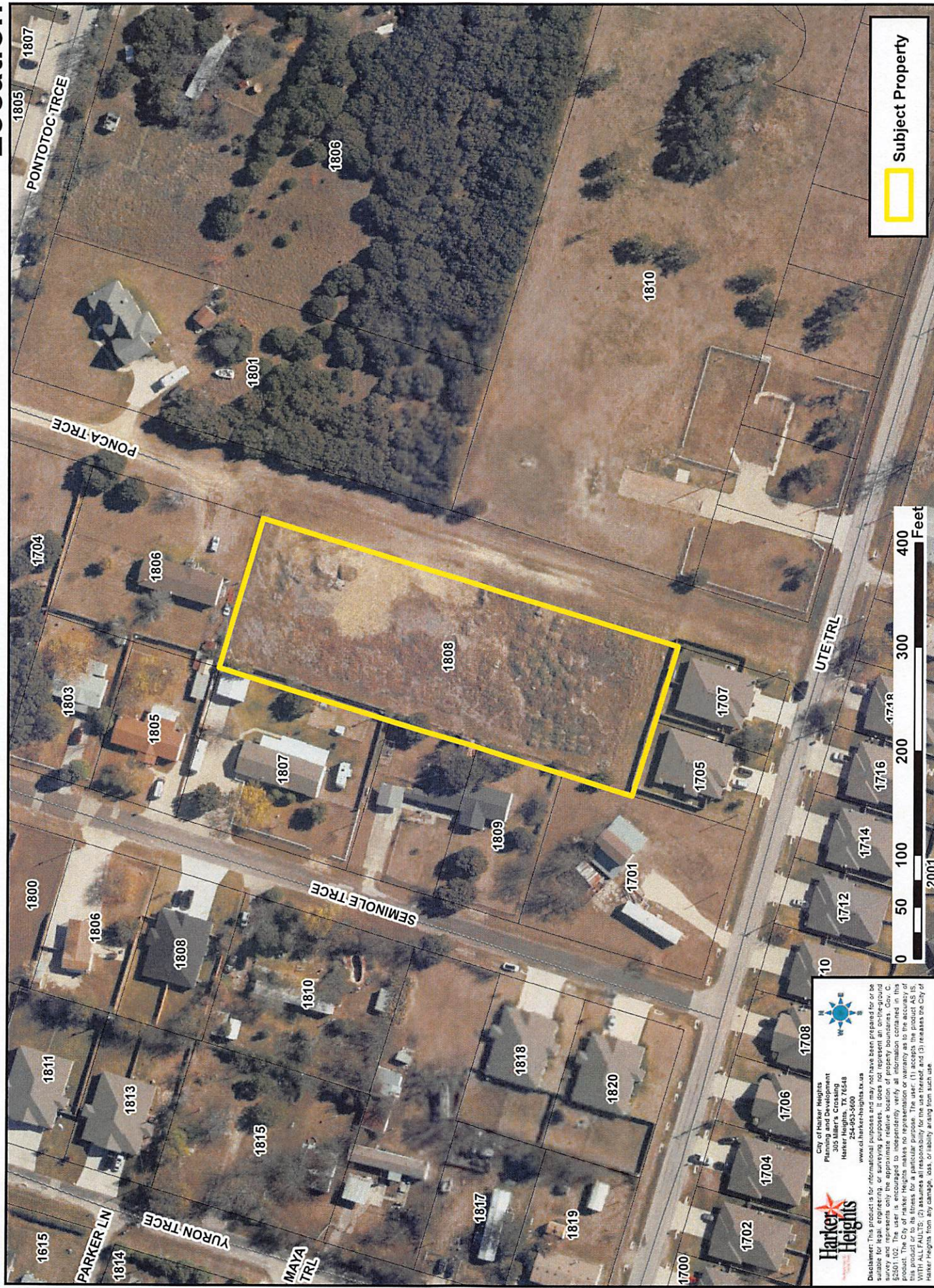
**SAPIAH PLAINS
PHASE THREE
HARKER HEIGHTS, BELL COUNTY, TEXAS**

CONCEPT PLAN

SHEET TITLE

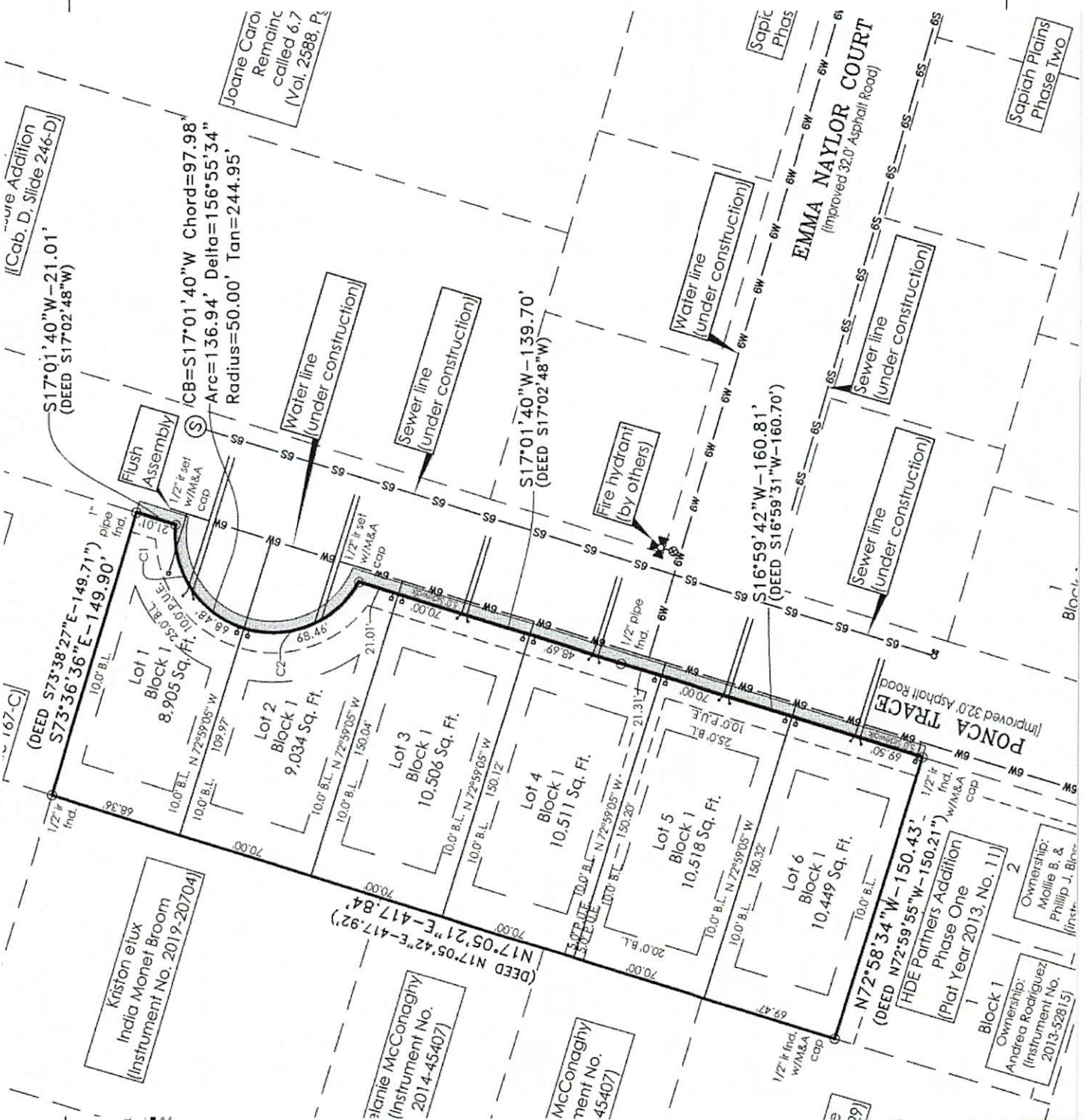
DATE	BY	DATE	BY
7/18/79	FW		

SHEET P1



Looking South
Along Ponca Trace

09.25.2020 11:00



SAPIAH PLAINS PHASE THREE

P20-14 Preliminary Plat – Sapiah Plains Phase Three

Plat Distributed to HH Staff: September 02, 2020

Comments Returned to Michelle & Associates: September 15, 2020

Response: September 18, 2020

Planning & Development

1. JM - Please verify cul-de-sac radius; a "P" shaped cul-de-sac must have an equivalent turn area as a 100' diameter standard cul-de-sac.
[The cul-de-sac has been designed in accordance with § 154.37\(D\)7. Providing a 100 foot right-of-way diameter.](#)
2. JM - Please add the size and material for the proposed streets, both Ponca Trace and Emma Naylor Court.
[Size and material of Ponca Trace & Emma Naylor Court have been provided.](#)
3. JM - Please show the proposed sidewalks.
[Proposed sidewalks have been provided.](#)
4. Please revise plat note #4 to "Zoning: R-MU (Mixed Residential); Duplex (R-2)."
[Note #4 has been revised.](#)
5. Shift "Project Location" star to the western side of Ponca Trace to more accurately depict the site location.
[Project location star has been updated.](#)

Public Works

1. The applicant shall amend the illustrated water line along Ponca Trace to include a flush assembly at the north end of the main. Location of the flush assembly shall be such that it is located outside of the paved roadway surface.
[Location of the proposed flush assembly has been provided.](#)
2. Since this is a stand-alone application, the applicant shall provide a copy of the drainage analysis.
[The subdivision plans for Sapiah Plains, Ph 2 accounted for the anticipated development of Ph 3 and are included for review.](#)
3. The applicant illustrates an existing manhole and sewer line just east of Lot 6, Block 1 that runs south to Ute Trail. According to City records there is a cleanout at the illustrated manhole location and there is no line running south. Applicant shall amend sheet P1 accordingly.
[The sewer line has been updated.](#)
4. The applicant has identified the water and sewer lines within both this subdivision and Sapiah Plains Phase 2 as existing. Said lines are currently under construction and have not been accepted by the City to date. Applicant shall amend the annotation accordingly.
[Water & sewer line annotations have been updated.](#)

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

1. Please ensure the Cul-de-sac meets city size requirements

The cul-de-sac has been designed in accordance with § 154.37(D)7. Providing a 100 foot right-of-way diameter.

Building Official, Mike Beard

- No comments

ONCOR, Donna McGinnis

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones



CITY COUNCIL MEMORANDUM

CP20-03

AGENDA ITEM# IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST BY REMCO PROPERTIES, LLC ON A CONCEPT PLAN FOR A DUPLEX DEVELOPMENT ON PROPERTY DESCRIBED AS 6.917 ACRES OF LAND, MORE OR LESS, PART OF THE CULLENDAR KEELE SURVEY, ABSTRACT NO. 991, AND THE J. THOMLINSON SURVEY, ABSTRACT NO. 813, GENERALLY LOCATED WITHIN THE 700 BLOCK OF SOUTH AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant, Remco Properties, LLC, has submitted an application for concept plan approval for approximately 6.917 acres of land currently zoned R-2 (Two Family Dwelling District). The concept plan called Amy Lane Addition outlines a single-phase development to consist of twenty-one (21) duplex lots; a total of forty-two (42) units. The plan proposes a five (5') foot sidewalk on either side of the proposed public street to serve all residents within the development and connect to the existing sidewalk on Amy Lane.

Per Harker Heights Code Section *154.37 Streets (3) Entrances to Subdivision*; new subdivisions must have at least two access streets, and other regulations for new subdivisions include the following:

- Entrances shall be 42 feet wide with a 70-foot-right-of-way for a minimum distance of 100 feet from the intersection.
- A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety, or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:
 - Traffic circulation and emergency vehicle access;
 - Traffic and pedestrian safety with due consideration given to school bus routes; and
 - Topography and visibility distances.

The Concept Plan, Amy Lane Addition, has proposed one (1) access point for vehicular ingress/egress to the subdivision. Therefore, the applicant has requested a waiver to vary from section 154.37 (A) (3) by requesting that the City allow a single access for the proposed development:

The applicant has increased the subdivision entrance by doubling from 100' to 200' of entrance and increasing the back of curb to back of curb from 42' to 48' within the 200' entrance (off Amy Lane). The applicant stated that the land boundary is constrained by adjacent development so that one access to a dedicated right-of-way is all that will comply with the City of Harker Heights access requirements. In addition, the applicant has obtained access to a neighboring property to the north to facilitate a second egress of the property for the purposes of emergency access easement to the adjoining property.

Staff has reviewed the submitted concept plan, and have made comments to easement locations, street lighting, entrances to the subdivision, connectivity, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

On September 30, 2020, the Planning and Zoning Commission voted (5-1) to recommend approval of the Amy Lane Addition Concept Plan on property described as 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas, *under the condition that a waiver is granted to allow the single access and second emergency access as depicted.*

RECOMMENDATION:

The comments provided by Staff have been addressed and the submitted concept plan meets the standards and ordinances of the City of Harker Heights if a waiver for the entrance is granted. Staff recommends approval of the request by Remco Properties, LLC for Concept Plan approval on property described as 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of S. Amy Lane, Harker Heights, Bell County, Texas, *under the condition that a waiver is granted to allow the single access and second emergency access as depicted.*

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a request by Remco Properties, LLC on a Concept Plan for a duplex development on property described as a 6.917 acres of land, more or less, part of the Cullendar Keele Survey, Abstract No. 991, and the J. Thomlinson Survey, Abstract No. 813, generally located within the 700 block of South Amy Lane, Harker Heights, Bell County, Texas.
 - a. *Condition 1: A waiver is granted to allow a single access and secondary emergency access as depicted (see attachment 3 – Concept Plan).*
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Waiver Request by Applicant
3. Concept Plan
4. Staff Comments (comments addressed 9/18/2020 & 09/25/20)
5. Location Map
6. Concept Plan Location Map
7. Harker Heights Code Section 154.37 - Streets



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

Concept Plan Application

Requirements - MUST BE COMPLETED 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 \$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: Amy Lane Addition Date Submitted: 09/02/2020
Site Address or General Location: S. Amy Lane, Harker Heights, Texas 76548
Zoning: R-2 Acreage: 6.917 Proposed # of Lots: 21

Owner Information/Authorization:

Property Owner: Remco Properties, LLC
Address: 973 George Wilson Road, Belton, TX 76513
Phone: [REDACTED] E-Mail: [REDACTED]
Developer: Same as Above
Address: _____
Phone: _____ E-Mail: _____
Engineer/Surveyor: Mitchell & Associates, Inc.
Address: 102 N. College/P.O. Box 1088
Phone: 254-634-5541 E-Mail: jkriegel@mitchellinc.net

CHECK ONE OF THE FOLLOWING:

☒ I will represent the application myself.

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

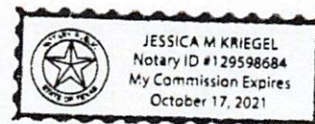
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting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

OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 31st DAY OF August, 2020.

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 10/17/21



Date Submitted: 9/2/20

STAFF ONLY -- DO NOT FILL OUT BELOW

Receipt #: 01612156

Received By: [Signature]

☐ Pre-Application Meeting

Case #: CP20-03

Received

SEP 02 2020

Planning & Development

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01612156 9/02/2020 12:04 PM

OPER: TERM8 TERM: 008

REF#: 44308 TD

TRAN: 111.0000 OTHER INCOME

Concept Plan

Amy Lane Addition

OTHER INCOME 50.00CR

TENDERED: 50.00 CHECK

APPLIED: 50.00-

CHANGE:
0.00

Mitchell & Associates, Inc.

Engineering & Surveying

September 2nd, 2020

Joseph Molis
Director of Planning & Development
City of Harker Heights
305 Miller's Crossing
Harker Heights, TX 76548

RE: Amy Lane Addition – Subdivision Ordinance Variance Request - Street Entrances - Section 154.37 (A) (3)

Mr. Molis,

Thank you for hosting the pre-development meeting on Thursday, August 27, 2020. On behalf of our client, Remco Properties, LLC, we are submitting the concept plan for Amy Lane Addition with a request for a variance to section 154.37(A) (3) of the subdivision ordinance which states, "New subdivisions must have at least two access streets". We are requesting the City allow a single access for this proposed development. The Amy Lane Addition development plan is in compliance with the currently adopted Fire Code. The Fire Code defines health and safety requirements for the City of Harker Heights. Additionally, the land boundary is constrained by adjacent development so that one access to a dedicated right of way is all that will comply with the City of Harker Heights access requirements. We respectfully request that the "new subdivision may have one point of ingress/egress", with consideration of the below listed items:

154.37 (A) (3) (a) Traffic circulation and emergency vehicle access.

Traffic circulation and emergency vehicular access will be enhanced to a higher level over the City standard by increasing the length of the entrance right of way width by two times the requirement. The right of way entrance length will be increased from 100 feet to 200 feet. Also the pavement width of entrance will be increased over the City standard of 42 feet to 48 feet within the 200 feet entrance area. This will provide ample area for emergency vehicle and school bus access.

154.37 (A) (3) (b) Traffic and pedestrian safety with due consideration given to school bus routes.

School bus routing and pedestrian safety is increased due to the additional width of the entrance. Also, sidewalks will be constructed on both sides of the roadway within the development.

Mitchell & Associates, Inc.

Engineering & Surveying

154.37 (A) (3) (c) Topography and visibility distances.

Topography & visibility distance are not a design constraint due to natural topography which is excellent for residential land development.

Respectfully submitted,



Robert E. Mitchell, P.E., P.L.S.
President
Mitchell & Associates, Inc.

AMY LANE ADDITION

CP20-03 Amy Lane Addition

Plat Distributed to HH Staff: September 02, 2020

Comments Returned to Mitchell & Associates: September 15, 2020

Response Comments: September 18, 2020

Planning & Development

1. JM - Please consider increasing the off-street parking availability to reduce parking along the internal streets.
[Current plan allows for four cars per lot to have off street parking. Additional off street parking may be available.](#)
2. JM - Please consider obtaining an access easement from an adjacent property, even if it is to remain gated except for emergency use.
[This Concept plan is submitted with an emergency access easement on the adjoining property to the north.](#)
3. Please revise Future Land Use to call out "High Density Residential"
[Future Land Use has been revised.](#)
4. Please revise Plan Note #1 to replace Proposed Land Use with: "Zoning: R-2 (Two Family Dwelling District).
[Plan Note #1 has been revised.](#)

Public Works

- KR - I have no comments for this concept plan review. However, I defer the one point of access to Mark for consideration/comment.
[Noted.](#)
- **MH - The proposed Concept Plan has one entrance to the subdivision. The Harker Heights subdivision regulations require two entrances for new subdivisions. A single entrance to a new subdivision is allowed with no more than 30 single family dwelling units or no more than 15 duplex dwelling units.**
- (3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family

structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety, or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

This Concept plan is submitted with an emergency access easement on the adjoining property to the north.

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

- No Comment

Building Official, Mike Beard

- No comments

ONCOR, Donna McGinnis

- Oncor has facilities in the area to serve this new addition. Looking at Google Maps, and the size of the "houses" shown on your concept plan, I would assume these are going to be quadplex or something on that order.

The zoning in place for this property is R-2 (Two Family Residential Dwelling District). Two Family Dwellings will be constructed.

Century Link, Chris McGuire

- Need to have a utility easement that extends out to AMY Ln. The lots have 10' in front of each lot but now way to get to the easement.

A public utility easement has been added to the back of lots 14-17 connecting with the existing easements as shown on the plat for Bola Addition. If all of the surface area of Tract A is not needed for Storm Water Detention a utility easement may be placed within Tract A.

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones

AMY LANE ADDITION

CP20-03 Amy Lane Addition

Plat Distributed to HH Staff: September 21, 2020

Comments Returned to Mitchell & Associates: September 23, 2020

Comments Response: September 25, 2020

Planning & Development

- Please show streetlights, and space them for better coverage within this subdivision.
[Street lights have been shown.](#)

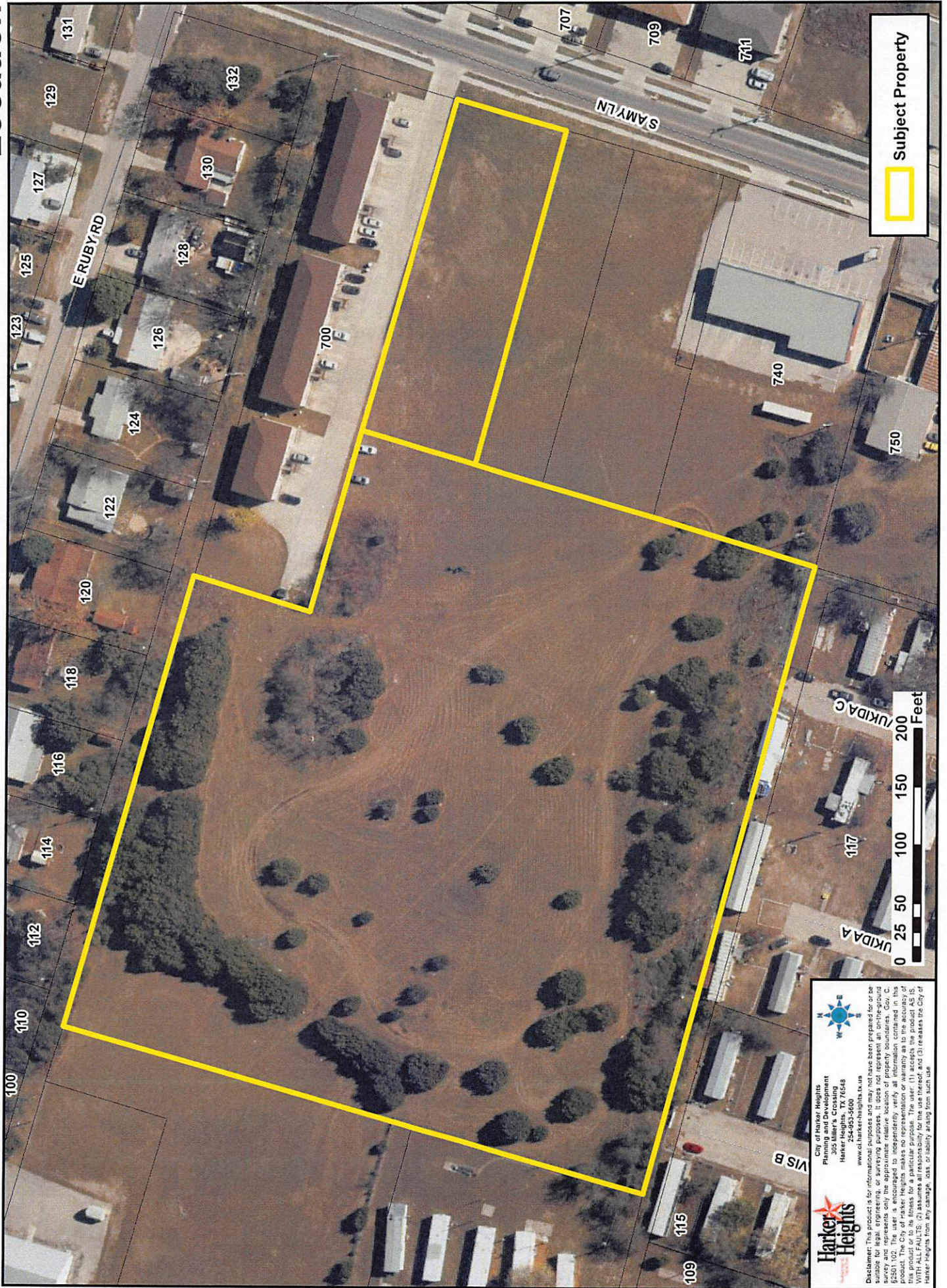
Public Works

- Applicant is advised that an executed agreement with the adjacent landowner for connection and use of the fire lane will be required at the time the subdivision is platted. The applicant's request for a variance for the number of street connections will be considered during the plat application process and with receipt of the agreement requested above. Applicant shall add a note to the concept plan accordingly that addresses this item.
[A note has been added to the plat regarding agreement with adjacent landowner.](#)
- New Advisory Comment – Based on the applicant's revised street design, the applicant shall be aware that the proposed manhole near Lot 16, Block 1 shall not be within the proposed sidewalk surface.
[Noted.](#)

ONCOR, Donna McGinnis

Century Link, Chris McGuire

- Need utility easement along tract A to get into the development.
[A utility easement has been added along Tract A.](#)

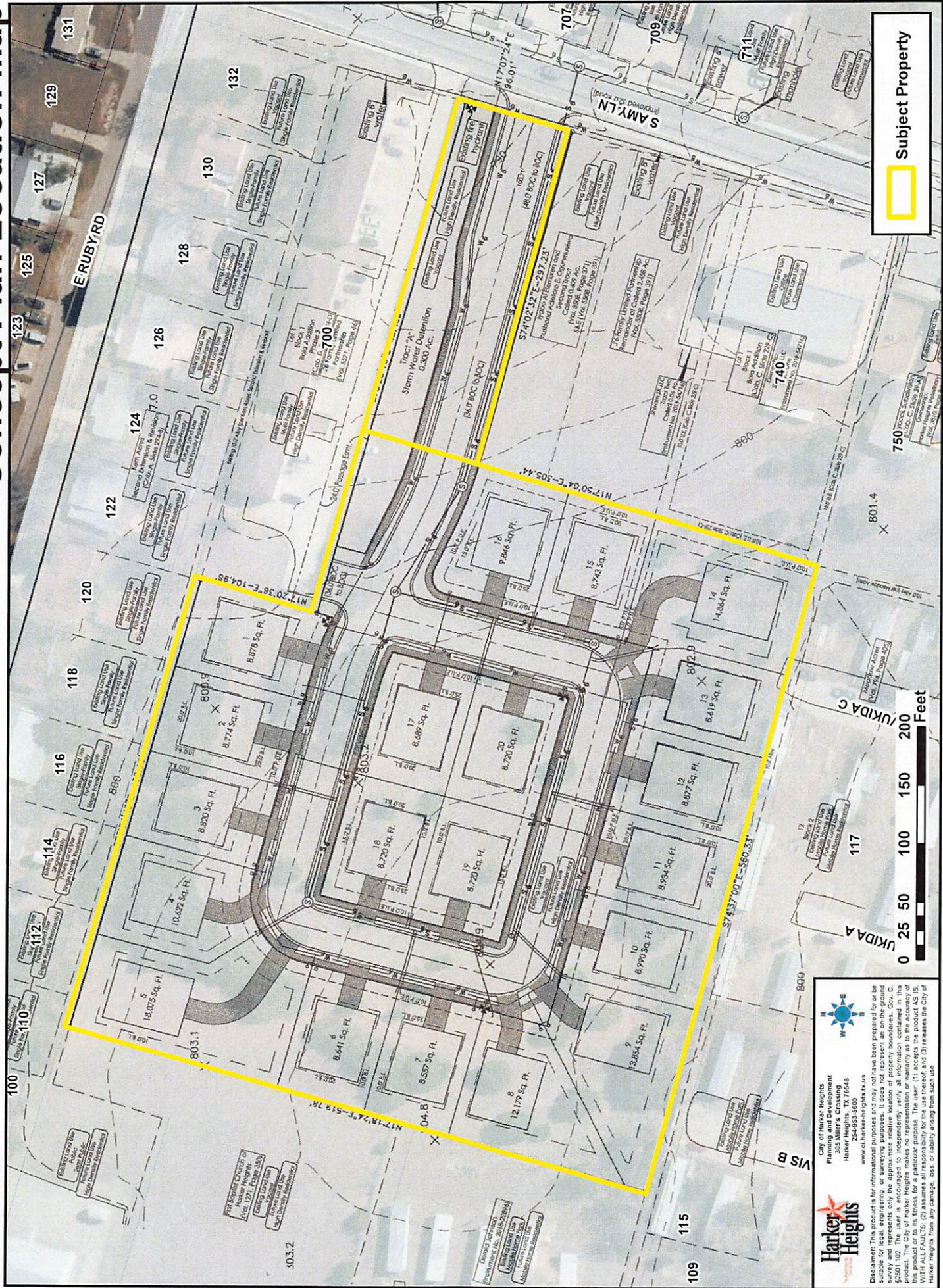


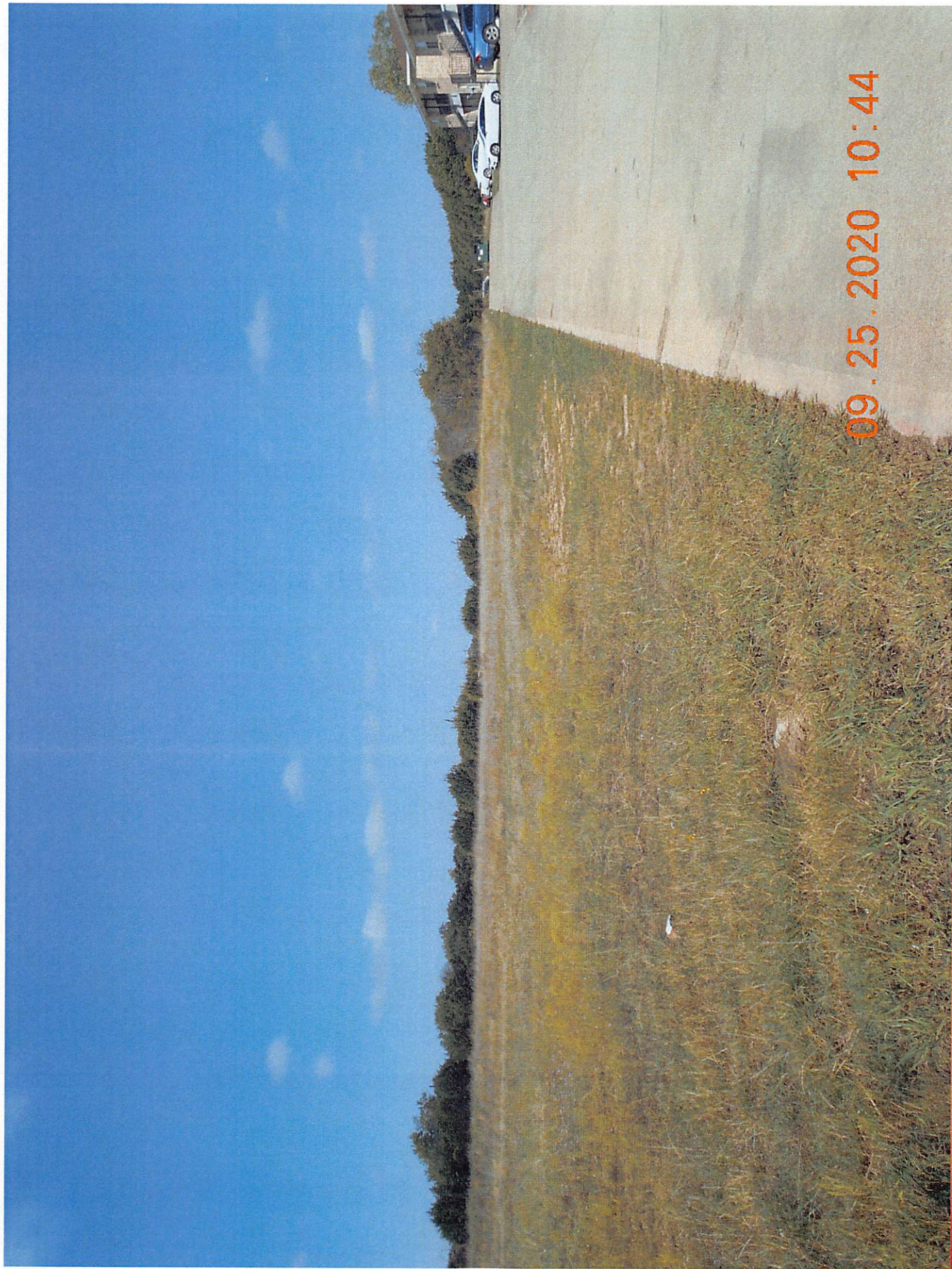
Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
737-953-5600
www.ci.harkerheights.tx.us

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. §2501.102. The user is encouraged to independently verify all information contained in this product or to hire a professional to do so. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular use. The City of Harker Heights disclaims all liability for any damage, loss, or liability arising from such use.

Subject Property

Concept Plan Location Map





09.25.2020 10:44

§ 154.37 STREETS.

(A) *Street layout.*

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

(2) *Consistency with existing streets.* The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.

(3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

(4) *Residential streets.* Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.

(5) *Secondary access streets.* Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.

(6) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.

(7) *Inadequate or substandard streets.* Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) *Street design standards.*

(1) *Street design.* Street design shall be in accordance with the city's standards and specifications.

(2) *Curbs and gutters.* The developer shall install curbs and gutters on all new streets except as provided in §154.45, unless required in special situations determined by the city.

(3) *Curb cuts.* Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.

(4) *Pavement standards.* Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) *Street classification.* All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows.

(1) *Residential streets.* Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Minor collectors shall be 42 feet wide, with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (residential) streets and to channel this traffic to the major collectors. Residential lots may front on these streets.

(3) *Major collectors.* Major collectors shall be 48 feet wide with a minimum of 80 feet of right-of-way. These streets are generally located along borders of neighborhoods and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

(4) *Arterials.* Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes. These are limited access roads on which no residential lots may

front.

(D) *Miscellaneous street requirements.*

(1) *Property abutting arterials.* Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Property abutting railroads.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.

(4) *Street jogs.* Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(5) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

(6) *Non-cul-de-sac designed dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if they exceed 150 feet in length.

(7) *Cul-de-sac design.* For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

(8) *Street names.* No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.

(9) *Street signs.* The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.

(E) *Alleys.*

(1) Alleys shall generally be parallel to the street.

(2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.

(3) Easements may be required on either side of the alley or alleys for utility placement.

(4) The width of an alley shall not be less than 20 feet.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.

(6) Alleys shall paved in the same manner as streets.

(F) *Construction standards.*

(1) *Design.* Pavement section design shall be accomplished by a professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".

(2) *Street surfaces.* All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

(3) *Curb and gutter.* All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

(Ord. 2010-08, passed 3-9-10)



CITY COUNCIL MEMORANDUM

AGENDA ITEM #IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDED A CONTRACT FOR THE LYNN DRIVE ASBESTOS ABATEMENT PROJECT IN THE AMOUNT OF \$34,950 TO DIVISION 7 WATERPROOFING, LLC, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

Twenty-one units of the Lynn Drive complex were ordered to be demolished by the Building and Standards Commission on August 29, 2012 and the property owner appealed this decision. The appeals process was completed this summer, and Staff has proceeded with the demolition of the units, beginning with the abatement of the asbestos in the units. The bidding process began with the City advertising for bids for the Lynn Drive Asbestos Abatement Project on September 6, 2020, and September 13, 2020. City staff engaged Esis Environmental Partners, Corp., an asbestos abatement project management company, to create the bid specifications and distribute bid packets to fifteen known companies. A mandatory pre-bid job walk-through was conducted on September 15, 2020, and on September 22, 2020 at 2:00 P.M. the sealed bids for the project were opened. The following seven (7) bids were received and met specifications:

Company	Bid for Asbestos Abatement	Bid for Power	Bid for Fencing	Bid Total
1 Priority Environmental Service Gatesville, Texas	\$64,550.00	\$1,800.00	\$3,000.00	\$69,350.00
Building Abatement Demolition Company, Inc. Leander, Texas	\$78,900.00	\$4,200.00	\$1,400.00	\$84,500.00
Precision Demolition, LLC Lewisville, Texas	\$77,380.00	\$2,775.00	\$1,630.00	\$81,785.00
AML Environmental Abilene, Texas	\$89,900.00	\$1,500.00	\$2,750.00	\$94,150.00
AAR Inc. Liberty Hill, Texas	\$64,700.00	\$1,700.00	\$2,800.00	\$69,200.00
North Texas Environmental & Demolition Services, LLC Elm Mott, Texas	\$63,500.00	\$0.00	\$500.00	\$64,000.00
Division 7 Waterproofing LLC Waco, Texas	\$30,400.00	\$1,750.00	\$2,800.00	\$34,950.00

The project includes:

1. Working an airless sprayer on jobsite for removal activities and for lockdown.

2. Removal of asbestos containing transite siding utilizing NESHAP removal methods. Note: Sheet metal & wood siding overlay is present on the outside of some dwellings.
3. Removal of asbestos containing floor tile, mastic, and linoleum throughout the dwellings. Note: Multiple layers of asbestos-containing flooring exists, and non-asbestos flooring/carpeting overlay may be present on some dwellings.

Funds have been included in the Code Enforcement Nuisance Abatement Budget in the 2020-2021 Fiscal Year General Fund.

RECOMMENDATION:

Staff recommends approval of a Resolution awarding a contract for the Lynn Drive Asbestos Abatement Project in the amount of \$34,950 to Division 7 Waterproofing, LLC.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Lynn Drive Asbestos Abatement Project in the amount of \$34,950 to Division 7 Waterproofing, LLC.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Bid Tabulation
3. Project Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDED A CONTRACT FOR THE LYNN DRIVE ASBESTOS ABATEMENT PROJECT IN THE AMOUNT OF \$34,950 TO DIVISION 7 WATERPROOFING, LLC.

WHEREAS, the City advertised for bids on September 6, 2020 and September 13, 2020; and

WHEREAS, the City has funds budgeted from the Code Enforcement Nuisance Abatement Budget in the 2020-2021 Fiscal Year General Fund; and

WHEREAS, the City notified fifteen general contractors and thirteen other entities; and

WHEREAS, the City received seven bids meeting specifications; and

WHEREAS, the City opened the sealed bids at 2:00 p.m. on September 22, 2020 and found the lowest responsible bidder to be Division 7 Waterproofing, LLC; and

WHEREAS, the meeting at which this resolution 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 RESOLVED by the City Council of the City of Harker Heights, Texas:

1. The facts and recitations set forth above are hereby found and declared to be true and correct.
2. The contract ("**Agreement**") for the Lynn Drive Asbestos Abatement Project is awarded to Division 7 Waterproofing, LLC in the amount of \$34,950.00.
3. The City Manager, David Mitchell, is hereby authorized and empowered to act in the name and on behalf of the City to execute and deliver the Agreement (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), together with any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to effectuate the said Agreement, and to accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by any person herein authorized to act in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.

5. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on October 13, 2020, by the Harker Heights City Council.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights

City of Harker Heights
 Bid #20-507-086-01
 Asbestos Abatement on Lynn Drive
 Tuesday, September 22, 2020@ 2:00pm

Company	Bid for Asbestos Abatement	Bid for Power	Bid for Fencing	Bid Total	Completion Days	Workers	Supervisors	Proposal Form	1-year Business Statement	Asbestos Licenses	Insurance	2 Past Projects	Bid Bond
1 Priority Environmental Service Gatesville, Texas	\$64,550.00	\$1,800.00	\$3,000.00	\$69,350.00	-	6	1	YES	YES	YES	YES	YES	NO
Building Abatement Demolition Company, Inc. Leander, Texas	\$78,900.00	\$4,200.00	\$1,400.00	\$84,500.00	30	7	1	YES	YES	YES	YES	YES	YES
Precision Demolition, LLC Lewisville, Texas	\$77,380.00	\$2,775.00	\$1,630.00	\$81,785.00	20	8	1	YES	YES	YES	YES	YES	YES
AML Environmental Abilene, Texas	\$89,900.00	\$1,500.00	\$2,750.00	\$94,150.00	23	9	1	YES	YES	YES	YES	YES	NO
American Abatement San Antonio, Texas	\$57,415.00	\$2,800.00	\$9,181.00	\$69,396.00	15	5	1	YES	NO	YES	YES	NO	YES
AAR Inc. Liberty Hill, Texas	\$64,700.00	\$1,700.00	\$2,800.00	\$69,200.00	20	7	1	YES	YES	YES	YES	YES	YES
Pacific Environmental Group LLC Eules, Texas	\$129,300.00	\$7,000.00	\$2,100.00	\$138,400.00	28	9	1	YES	NO	NO	NO	NO	NO
North Texas Environmental & Demolition Services, LLC Elm Mott, Texas	\$63,500.00	\$0.00	\$500.00	\$64,000.00	22	8	1	YES	YES	YES	YES	YES	NO
Division 7 Waterproofing LLC	\$30,400.00	\$1,750.00	\$2,800.00	\$34,950.00	18	6-10 as needed	1	YES	YES	YES	YES	YES	NO

MAXIMUM	\$129,300.00	\$7,000.00	\$9,181.00	\$138,400.00
AVERAGE	\$72,893.89	\$2,613.89	\$2,906.78	\$78,414.56
MINIMUM	\$30,400.00	\$0.00	\$500.00	\$34,950.00

Lynn Drive - Units for asbestos abatement and demolition





CITY COUNCIL MEMORANDUM

AGENDA ITEM #IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City of Harker Heights, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a Gas Reliability Infrastructure Program ("GRIP") filing. That settlement created a substitute rate review process, referred to as a Rate Review Mechanism ("RRM").

Since 2007, there have been several modifications to the original RRM Tariff, the most recent iteration being adopted by ACSC members in 2018 (adopted by Harker Heights on March 13, 2018). On or about March 31, 2020, the Company filed a rate request pursuant to the RRM Tariff created back in 2007. In the filing, Atmos Mid-Tex claimed that its cost-of-service in test year ending December 31, 2019, entitled it to \$141.2 million of additional system-wide revenues. When the standards set forth in ACSC's RRM Tariff were applied, it required Atmos to reduce its request to \$136.3 million. ACSC's consultants concluded that system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million, a \$24.8 million difference.

After Atmos Mid-Tex reviewed ACSC's consultants' report, the ACSC Executive Committee and Atmos Mid-Tex negotiated a settlement where the Company would receive a \$90 million increase from ACSC cities with a December 1, 2020 effective date. The impact on the average residential rate is an increase of \$5.15 on a monthly basis, or 9.9%; for the average commercial usage it is \$15.48 or 6.6%.

RECOMMENDATION:

Staff recommends approving the resolution.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSCs legal counsel.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.
2. Exhibit A to 2020 RRM Resolution or Ordinance – Mid-Tex Tariffs Effective December 1, 2020.
3. Exhibit B to 2020 RRM Resolution or Ordinance – Mid-Tex 2020 Benchmark for Pensions and Retiree Benefits.
4. Exhibit C to 2020 RRM Resolution or Ordinance – Mid-Tex 2020 Schedule for Amortization for Regulatory Liability.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 31, 2020, Atmos Mid-Tex filed its 2020 RRM rate request with ACSC Cities based on a test year ending December 31, 2019; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2020 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$90 million applicable to ACSC Cities with an Effective Date of December 1, 2020; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the two month delayed Effective Date from October 1 to December 1 will save ACSC ratepayers approximately \$9 million off new rates imposed by the attached tariffs (Exhibit A), the impact on ratepayers should approximate the reasonable value of the rate filing found by the ACSC Consultants' Report, which was \$81 million; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability prepared by Atmos Mid-Tex (Exhibit C); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

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

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$90 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2020 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$90 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 6. That subject to any future settlement or decision regarding the balance of Excess Deferred Income Tax to be refunded to ratepayers, the amortization of regulatory liability shall be consistent with the schedule found in Exhibit C, attached hereto and incorporated herein.

Section 7. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2020 RRM filing.

Section 8. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 9. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 11. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after December 1, 2020.

Section 12. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 13TH DAY OF OCTOBER 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary

Exhibit A
to 2020 RRM Resolution or Ordinance

Mid-Tex Tariffs
Effective December 1, 2020

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 20.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 20.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.26651 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 54.50 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 54.52 per month
Commodity Charge – All Ccf	\$ 0.11728 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2020.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,014.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4157 per MMBtu
Next 3,500 MMBtu	\$ 0.3044 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0653 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 12/01/2020	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.73	0.1545	94.79	0.7284
Austin	9.53	0.1489	211.76	0.9405
Dallas	15.77	0.1792	199.74	0.9385
Waco	9.99	0.1341	145.27	0.7110
Wichita Falls	11.61	0.1402	120.34	0.5747

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Exhibit B
to 2020 RRM Resolution or Ordinance

Mid-Tex
2020 Benchmark for Pensions
and Retiree Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2019

Line No.	Description (a)	Shared Services (b)		Mid-Tex Direct (e)		Adjustment Total (g)
		Pension Account Plan	Post-Employment Benefit Plan (c)	Pension Account Plan	Supplemental Executive Benefit Plan (d)	
1	Proposed Benefits Benchmark - Fiscal Year 2020 Willis Towers					
2	Watson Report as adjusted (1) (2) (3)	\$ 3,460,135	\$ 3,695,384	\$ 6,132,704	\$ 280,578	\$ 4,992,449
3	Allocation to Mid-Tex	43.29%	43.29%	76.59%	100.00%	76.59%
4	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744
5	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%
6	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,497,774	\$ 1,599,605	\$ 4,697,072	\$ 280,578	\$ 3,823,744
7						\$ 11,898,774
8	Summary of Costs to Approve (1):					
9	O&M Expense Factor (WP_F-2.3, Ln 2)	79.55%	79.55%	37.83%	11.67%	37.83%
10						
11						
12						
13	Total Pension Account Plan	\$ 1,191,410	\$ 1,272,412	\$ 1,777,056		\$ 2,968,466
14	Total Post-Employment Benefit Plan				\$ 1,446,647	\$ 2,719,060
15	Total Supplemental Executive Benefit Plan				\$ 32,754	\$ 32,754
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 1,191,410	\$ 1,272,412	\$ 1,777,056	\$ 32,754	\$ 5,720,280
17						

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. Mid-Tex is proposing that the Fiscal Year 2020 Willis Towers actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount. The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

Exhibit C
to 2020 RRM Resolution or Ordinance

Mid-Tex 2020 Schedule for
Amortization for Regulatory Liability

**ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2019
AMORTIZATION OF REGULATORY LIABILITY**

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount	Annual Amortization (1)	End of Year Rate Base Adjustment Amount (2)	Corrected Balance for December 31, 2017 (3)
	(a)	(b)	(c)	(d)	(e)
1	2017		\$ -	\$ 292,268,881	\$ 292,268,881
2	2018	292,268,881	12,075,562	280,193,319	
3	2019	280,193,319	12,085,165	268,108,155	
4	2020	268,108,155	11,171,173	256,936,982	
5	2021	256,936,982	11,171,173	245,765,809	
6	2022	245,765,809	11,171,173	234,594,635	
7	2023	234,594,635	11,171,173	223,423,462	
8	2024	223,423,462	11,171,173	212,252,289	
9	2025	212,252,289	11,171,173	201,081,116	
10	2026	201,081,116	11,171,173	189,909,943	
11	2027	189,909,943	11,171,173	178,738,770	
12	2028	178,738,770	11,171,173	167,567,597	
13	2029	167,567,597	11,171,173	156,396,424	
14	2030	156,396,424	11,171,173	145,225,251	
15	2031	145,225,251	11,171,173	134,054,077	
16	2032	134,054,077	11,171,173	122,882,904	
17	2033	122,882,904	11,171,173	111,711,731	
18	2034	111,711,731	11,171,173	100,540,558	
19	2035	100,540,558	11,171,173	89,369,385	
20	2036	89,369,385	11,171,173	78,198,212	
21	2037	78,198,212	11,171,173	67,027,039	
22	2038	67,027,039	11,171,173	55,855,866	
23	2039	55,855,866	11,171,173	44,684,692	
24	2040	44,684,692	11,171,173	33,513,519	
25	2041	33,513,519	11,171,173	22,342,346	
26	2042	22,342,346	11,171,173	11,171,173	
27	2043	11,171,173	11,171,173	(0)	

28					
29	Revenue Related Tax Factor	7.16%	See WP_F-5.1		
	Revenue Related Taxes on Annual		Amortization * Tax		
30	Amortization	\$ 799,924	Factor		
31	Amortization Including Revenue	<u>\$ 11,971,097</u>	Amortization + Taxes		

32

33 Notes:

- 34 1. The annual amortization of a 26 year recovery period is based on the
- 35 Reverse South Georgia Method.
- 36 2. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.
- 37 3. This is the final Mid-Tex liability balance filing the Fiscal Year 2018 tax return.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING THE AUTHORIZATION OF THE CITY OF HARKER HEIGHTS CORONAVIRUS RELIEF FUND (CRF) WATER PAYMENT ASSISTANCE GRANT PROGRAM AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) established the Coronavirus Relief Fund (CRF) to make payments to states and local governments for specified uses. The funding amount allotted to the City of Harker Heights is \$1,789,370; the 20% initial drawdown of \$357,874 was received on September 18, 2020, and leaves \$1,431,496 remaining to spend.

As discussed on September 22, 2020, funds must meet certain parameters, to be reimbursed. These parameters are:

- 75% of the funding must be spent on:
 - Medical expenses
 - Public health expenses
 - Payroll expenses for public safety personnel
- 25% of the funding must be spent on:
 - Expenses of actions to facilitate compliance with COVID-19 public health emergency
 - Expenses associated with the provision of economic support in connection with COVID-19
 - Other COVID-19 related expenses reasonably necessary to the function of the local government

Staff has developed a funding proposal for a Water Payment Assistance Grant Program for \$75,000 of the remaining allocation. As of October 5, 2020, there were past due bill amounts of approximately \$71,800 in residential accounts and \$2,200 in commercial accounts. We cannot determine at this time which of these may or may not be due to the economic hardships that the pandemic has caused however we also did not want to under fund the grant program.

In the event that some water accountholders cannot make a case for being past due because of the pandemic, we are also prepared to begin issuing COVID-19 Payment Plans. This will allow residents to begin making payments on their bills without accruing further late fees (\$15) and without having to worry about disconnection.

Staff would like to begin disconnecting for non-payment beginning January 4, 2021, after the holidays.

RECOMMENDATION:

Staff recommends approving the Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program.
2. Any other action desired.

ATTACHMENTS:

1. City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program Criteria.
2. City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program Application – Residential Accounts.
3. City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program Application – Commercial Accounts.
4. City of Harker Heights Water Bill Payment Plan Agreement: COVID-19.

**City of Harker Heights
Coronavirus Relief Funds (CRF)
Water Payment Assistance Grant Program Criteria**

The City of Harker Heights is offering a Coronavirus (CRF) Water Payment Assistance Grant Program. The application period will be open from **October 19**, 2020, to **November 6**, 2020. The total funding amount allocated to this program is up to **\$75,000**.

GOAL

The purpose of this grant program is to assist Harker Heights residents and business owners enduring financial hardships who cannot make their Harker Heights water bill payment due to COVID-19. The grant will cover Harker Heights water bills not paid due to lost employment income because of the pandemic. The assistance amount awarded will vary based on each individual water account and the period income loss affected their ability to pay.

REQUIREMENTS

The Water Payment Assistance Grant Program will only pay water bills for addresses located in the City of Harker Heights that were due AFTER March 31, 2020. Applications will be reviewed on a first-come, first-served basis. **Only completed applications that include all required documentation will be reviewed.** Incomplete applications will not be reviewed, and applicants will not be contacted for missing items.

REQUIRED DOCUMENTS

- ☐ Completed application
- ☐ Completed employment verification form
- ☐ Copy of valid government issued photo ID
- ☐ Residential accountholders – Paycheck stubs from March 2020 to September 2020
- ☐ Commercial accountholders – Documentation of revenue loss
- ☐ Employment Status Verification completed by employer
- ☐ Copy of current water bill

NOTIFICATION / PAYMENT

Approved applicants will be notified via e-mail or mail of the amount they are approved for and any remaining balance due. Payment will be made directly to the CITY OF HARKER HEIGHTS WATER DEPARTMENT. No payments will be issued directly to the applicant.

There is no obligation by the City of Harker Heights to fund a submitted application. All funding considerations are subject to the availability of funds.



**City of Harker Heights
Coronavirus Relief Fund (CRF)
Water Payment Assistance Grant Program Application
Residential Accounts**

Applicant Name: _____

Co-Applicant Name: _____

Service Address: _____

Email address: _____

Phone number: _____

Number of People in Household: _____

Have you had reduced wages or loss of income due to Covid-19? ☐ Yes ☐ No

Household Income before Covid-19? \$ _____ ☐ Weekly ☐ Biweekly ☐ Semi-monthly ☐ Monthly

Household Income today? \$ _____ ☐ Weekly ☐ Biweekly ☐ Semi-monthly ☐ Monthly

Applicant Employment: Must have employer name and contact information from the job affected by Covid-19.

Current Job Status: ☐ Employed ☐ Reduction of Hours ☐ Laid Off ☐ Terminated ☐ Other: _____

Effective Date of Status Change: _____

Applicant Name: _____

Company Name: _____

Company Address: _____

Supervisor's Name: _____

Phone Number: _____

How long employed: _____

Did your company have to close and/or operate on a limited capacity due to COVID-19? What was the duration of the closure? _____

Co-Applicant Employment: Must have employer name and contact information from the job affected by Covid-19.

Current Job Status: ☐ Employed ☐ Reduction of Hours ☐ Laid Off ☐ Terminated ☐ Other: _____

Effective Date of Status Change: _____

Applicant Name: _____

Company Name: _____

Company Address: _____

Supervisor's Name: _____

Phone Number: _____

How long employed: _____

Did your company have to close and/or operate on a limited capacity due to COVID-19? What was the duration of the closure? _____

COVID-19 has affected my household in the following way: (Describe the need for assistance and how the household has been affected by the COVID-19 pandemic.)

I hereby certify that the information and statements made on this form and all information furnished in support of the application for assistance are true and correct to the best of my belief and knowledge. I agree to give the City of Harker Heights Water Department any information necessary to prove statement about my eligibility. I furthermore give the City of Harker Heights Water Department permission to contact my employer to verify information I have provided to establish my eligibility. I understand that this application will be considered without regard to race, color, religion, creed, national origin, or political belief. I understand if granted assistance, it is a ONE TIME ONLY GRANTED ASSISTANCE.

The applicant agrees that this application may be electronically signed. The applicant agrees that the electronic signature appearing on this application is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.

Applicant's Signature: _____ Date: _____

Co -Applicant's Signature: _____ Date: _____

**City of Harker Heights
Coronavirus Relief Fund (CRF)
Water Payment Assistance Grant Program Application**

Employment Status Verification Form

This form must be completed by your employer. A signed letter from the employer can be substituted.

Today's Date: _____

This statement is to confirm that _____ is/was employed at:

He/ She worked full-time hours of _____ per week or part-time hours of _____ per week at \$ _____
per hour or \$ _____ annually.

The frequency of payment was: ☐ Weekly ☐ Biweekly ☐ Semi-monthly ☐ Monthly

Status of employment due to COVID - 19 as of today's date: _____

_____ Change in employment was not related to COVID-19

_____ Reduction of Hours

_____ Laid Off

_____ Terminated

_____ Other: _____

Company Name: _____

Employer Name: _____

Signature of Employer: _____

Title: _____

Address: _____

Phone Number: _____



Income today? \$ _____ ☐ Weekly ☐ Biweekly ☐ Semi-monthly ☐ Monthly

Type of Business (i.e. retail, restaurant, spa, bar): _____

Please explain any revenue decline experienced / anticipated between March 1, 2020, and December 30, 2020, due to COVID-19. Documentation (i.e. bank statements, past due bills, etc.) should be attached to support your response.

[illegible]

How has COVID-19 impacted your business? _____

Have you applied for funds elsewhere? ☐ Yes ☐ No If yes, provide the amount and how those funds are / will be used? _____

Did your business have to close and / or operate on a limited capacity due to COVID-19? ☐ Yes ☐ No If yes, what was the duration of the closure? If you are still closed, do you plan to re-open and when? _____

I hereby certify that the information and statements made on this form and all information furnished in support of the application for assistance are true and correct to the best of my belief and knowledge. I agree to give the City of Harker Heights Water Department any information necessary to prove statement about my eligibility. I understand that this application will be considered without regard to race, color, religion, creed, national origin, or political belief. I understand if granted assistance, it is a ONE TIME ONLY GRANTED ASSISTANCE.

The applicant agrees that this application may be electronically signed. The applicant agrees that the electronic signature appearing on this application is the same as a handwritten signature for the purpose of validity, enforceability, and admissibility.

Applicant's Signature: _____ **Date:** _____

Co -Applicant's Signature: _____ **Date:** _____



CITY OF HARKER HEIGHTS WATER BILL PAYMENT PLAN AGREEMENT: COVID-19

Date: _____

Name: _____

Account #: _____

Address: _____

Past Due Payment Amount: _____

Amount being extended: _____

Payment due to be paid each month: _____ + Current Bill Due

Months over which payments are being made:

Jan. Feb. Mar. Apr. May. Jun. Jul. Aug. Sep. Oct. Nov. Dec.

Terms:

1. The purpose of this payment agreement is to assist in paying outstanding bills accrued during the Covid-19 restrictions during which services were not interrupted.
2. In order to qualify for the payment plan, resident must provide proof that they have suffered reduction of hours, lay-offs, furloughs, or termination of employment. We will need a copy of your paystubs or a letter from your employer.
3. Payment agreement will be for a period of _____ months and will be due with your current monthly bill.
4. If a payment is not made by the due date, the plan will be considered voided and services will be interrupted. The full payment of the plan will be required to reinstate services.
5. If water is turned off due to non-payment of the agreement, a second trip fee of \$25.00 will be charged to reinstate the account once full payment is received.
6. Customer will not be able to use any extensions for the duration of the payment plan.
7. **Failure to follow payment plan guidelines will result in the interruption of your water service and cancel eligibility for any future payment plans.**

Customer Signature

Water Representative Signature

Account Technician

Finance Director Signature



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM JESUSA VILLAFUENTE FOR A FACILITY RENTAL AT THE PURSER FAMILY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SUNDAY, OCTOBER 25, 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, Jesusa Villafuente is seeking approval for a request to rent the Purser Family Park Pavilion on Sunday, October 25, 2020, from 2:00 p.m. to 5 p.m. for a group of approximately 20 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 from Jesusa Villafuente for an Outdoor Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Sunday, October 25, 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



Received 7/15/2020

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 Protem
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: 10/25/2020 Start Time: 2 End Time: 5

Event Name & Description: Rocio's 3rd Birthday Include set up & tear down during your time slot

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
	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: Jesusa Villafuente Phone: 817-314-5485 Alt Phone: () _____

Street Address: 3910 Chandleris Dr. Unit B City: Killeen State: TX Zip: 710542

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

Approximate Attendance: 20 Approximate # of Vehicles: 10-10

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.): _____

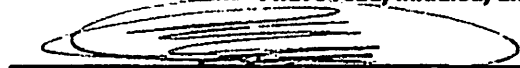
*****FOR OFFICE USE ONLY*****

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

Date: _____ Amount: \$ _____ Reason: _____

PARK RULES _____ (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 _____ (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 _____ (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 _____ (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 _____ (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS _____ (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 _____ (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.



SIGNATURE

10-05-2020

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

[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

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:

A handwritten signature in black ink, appearing to read 'Ruth R. Hughs', 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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-7

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM SHYNYECE SMITH FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION AND AMPHITHEATER FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, OCTOBER 31, 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, ShyNyece Smith is seeking approval for a request to rent the Carl Levin Park Pavilion and Amphitheater on Saturday, October 31, 2020, from 9:00 a.m. to 3 p.m. for a group of approximately 55 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 from Shynyece Smith for an Outdoor Facility Rental at the Carl Levin Park Pavilion and Amphitheater for an event in excess of ten (10) people on Saturday, October 31, 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



Received 7/15/2020

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 Protem
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: 10/31/2020 Start Time: 9 End Time: 3

*Include set up & tear down during your time slot

Event Name & Description: Halloween/Wedding Celebration

Proposed Locations: SHYNYECE@gmail.com 9/19/95

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
<input checked="" type="checkbox"/>	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
<input type="checkbox"/>	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
<input type="checkbox"/>	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
<input type="checkbox"/>	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
<input type="checkbox"/>	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: ShyNyce Smith Phone: (254) 535-1202 Alt Phone: (254) 669-0691

Street Address: 5003 Saddle Ridge Dr City: Killeen State: Tx Zip: 76549
Trlr 56

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

Approximate Attendance: 55 Approximate # of Vehicles: 25

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.): Bluetooth speaker max: 20 watt

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

Reviewed By / Date: <u>CAH 3/14/2020</u>	Rental Amt Due: <u>247.50</u>	Deposit Due: <u>300.00</u>	Walk-through Date/Time/Location:
Approved By / Date: <u>Michael Daayma 3/31/2020</u> <small>(All rules/fees will be approved by the Parks Director, PO, and FO)</small>	Date Rental Paid: <u>3/14/2020</u>	Date Deposit Paid: <u>3/14/2020</u>	(Circle) Cash <input checked="" type="checkbox"/> Credit # - Last 4 <u> </u> Check # <u> </u>

Date: _____ Amount: \$ _____ Reason: _____

PARK RULES <u>SS</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>SS</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>SS</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>SS</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>SS</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>SS</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>SS</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.

Shynece Smith
 SIGNATURE

3/10/2020
 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

[Signature]
Secretary of State

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

Dear Secretary Hughs:

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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:

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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

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

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.

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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
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 - ☐ 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:
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 - ☐ 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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-8

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM MILIKA PAHULA FOR A FACILITY RENTAL AT THE HARKER HEIGHTS COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, OCTOBER 31, 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, Milika Pahula is seeking approval for a request to rent the Community Park Pavilion on Saturday, October 31, 2020, from 12:00 p.m. to 6:00 p.m. for a group of approximately 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 from Milika Pahula for an Outdoor Facility Rental at the Harker Heights Community Park Pavilion for an event in excess of ten (10) people on Saturday, October 31, 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



Received 7/15/2020

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 Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

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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: 10-31-2020 Start Time: 12:00 pm End Time: 6:00 pm

*Include set up & tear down during your time slot

Event Name & Description: Church Potluck

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
✓	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: Milika Pahulu Phone: (818) 620-2053 Alt Phone: (682) 847-8080

Street Address: 2402 Wisteria Lane City: Killeen State: TX Zip: 76549

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

Approximate Attendance: 60 Approximate # of Vehicles: 30

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: X Yes _____ No If Yes, for what purpose: to deliver food + set up/break down








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 run/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  (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  (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  (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  (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  (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS  (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  (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.



 SIGNATURE

9-25-2020

 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.)

* Potluck with family + friends to celebrate my sister's
 Pastoral Commission!



GOVERNOR GREG ABBOTT

July 2, 2020

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

[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
2:30 PM O'CLOCK

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-9

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM THE CITY OF HARKER HEIGHTS ACTIVITIES CENTER TO HOST AN OUTDOOR MOVIE NIGHT AT THE HARKER HEIGHTS COMMUNITY PARK SOFTBALL COMPLEX, AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, OCTOBER 23, 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, the Harker Heights Activities Center is seeking approval for a request to host an outdoor movie night at the Community Park Softball Complex on Friday, October 23, 2020. The event will be limited to 100 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 a request from the City of Harker Heights Activities Center to host an Outdoor Movie Night at the Harker Heights Community Park Softball Complex, an event in excess of ten (10) people on Friday, October 23, 2020.
2. Any other action desired.

ATTACHMENTS:

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



Received 7/15/2020

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 Protem
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 Athletic Facilities

All Dates Requested: Friday, October 23, 2020

Times Requested: 3pm - 9pm Movie 6:30p - 8p

Mark Requested	Facility	Rental Fees (per 2 hour period per field)	Rental Deposit	Notes
✓	Community Park Softball 1501 E FM 2410	\$25 Resident \$50 Non Resident	\$100 Resident \$200 Non Resident	Lights & Field Attendant Additional Charge
	Community Park Baseball 1501 E FM 2410	\$25 Resident \$50 Non Resident	\$100 Resident \$200 Non Resident	Lights & Field Attendant Additional Charge
	Summit Soccer Complex 400 N Amy Lane	\$25 Resident \$50 Non Resident	\$100 Resident \$200 Non Resident	Lights & Field Attendant Additional Charge
	Kern Field 220 E Kathy	Fees Available Upon Request	None	None
	Tournament Package (All Facilities)	\$100/Day Resident \$150/Day Non Resident	\$200	Lights & Field Attendant Additional Charge

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

Name: City of Harker Heights Activities Center
Nichole Broemer Phone: (281) 953-5465 Alt Phone: (281) 953-5466

Email: nbroemer@harkerheights.gov

Organization (If Applicable): City of Harker Heights Activities Center

Street Address: 400 Indian Trail City: Harker Heights State: TX Zip: 760548

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

Approximate Attendance: 100 Approximate # of Vehicles: 50

Additional Requests: Lights Needed: ☒ Yes ☐ No Field Attendant Required: ☒ Yes ☐ No

Brief description of event: Family spooky Movie w/inflatable screen

Field maintenance requests: Staff assistance w/set up and tear down
unlocking + locking facilities

*****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: _____

<p>PARK RULES</p> <p><u>NB</u> (Initial)</p>	<p>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.</p>
<p>PARKING</p> <p><u>NB</u> (Initial)</p>	<p>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.</p>
<p>GROUNDS</p> <p><u>NB</u> (Initial)</p>	<p>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.</p>
<p>LARGE GROUPS</p> <p><u>NB</u> (Initial)</p>	<p>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.</p>
<p>SOUND PERMIT</p> <p><u>NB</u> (Initial)</p>	<p>Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations</p>
<p>CANCELLATIONS/REFUNDS</p> <p><u>NB</u> (Initial)</p>	<p>If you find it necessary to cancel your reservation, a written request is required prior to the rental, providing the following information: name of group, signature of applicant, date of intended use, address and telephone number. This information may be emailed or brought in person to the Parks and Recreation Department. A partial or full refund will be issued or a make-up date can be reserved depending on the information below For 2-hr block rentals: Less than 24 hours prior to rental, 100% of fee will be forfeited, full deposit will be refunded. For Tournaments: full deposits will be refunded. -More than 14 days prior to date of reservation: full rental fee will be refunded. -Less than 14 days, but more than 7 days prior to date of reservation: 50% of rental fee. -Less than 7 days prior to date of reservation: 100% of rental fee(s) will be forfeited. WE DO NOT HONOR CANCELLATIONS OR REFUNDS DUE TO INCLEMENT WEATHER An alternative date can be scheduled depending on availability. If there is inclement/rainy weather prior to a scheduled event, the city's sports line will be updated informing participants the status of the event. The sports line number is (254) 953-5660. Events shall be granted a full refund if tournament does not begin and is cancelled due to inclement weather. DO NOT ATTEMPT TO ACCESS ATHLETIC FACILITIES WHEN CLOSED</p>
<p>CONDITIONS OF PERMIT</p> <p><u>NB</u> (Initial)</p>	<p>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.</p>

I have read and understand the Harker Heights Parks and Recreation Athletic Field Rental Policies and will adhere to these rules and regulations. Failure to adhere to these rules and regulations could result in forfeiture of deposit and revocation of future reservation privileges.

Nichole Broemer

SIGNATURE

10/6/2020

DATE



TO: Jeff Achee, Parks & Recreation Director

FROM: Nichole Broemer, Activities Center & Events Manager

DATE: October 9, 2020

REF: Special Event Approval Request – Family Spooky Movie Night

The Harker Heights Activities Center is requesting consideration for approval to hold an outdoors Family Spooky Movie Night event on Friday, October 23, 2020 for a group up to 100 people.

Considering factors:

- The overall number of projected attendees – up to 100.
- The likelihood of individuals over the age of 65 attending is unknown as the event is free and open to the public.
- Staff will provide additional face masks, hand washing stations, and hand sanitizers as well as the restrooms for hand washing.
- Preregistration required for each individual attending to regulate the number of people in attendance.
- The ball field will be marked off in sections 6 feet apart for social distancing. Each section will be for groups of no more than 10 in the same household or those persons who traveled together to the event.
- Staff will promote self-screening of attendees prior to the event.



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;

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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;

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, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

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

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:



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:
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 - ☐ 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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-10

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 13, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM THE CITY OF HARKER HEIGHTS ACTIVITIES CENTER TO HOST AN OUTDOOR CEREMONY CELEBRATING TEXAS ARBOR DAY AT THE CARL LEVIN PARK AMPHITHEATER, AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, NOVEMBER 6, 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, the Harker Heights Activities Center is seeking approval for a request to host an outdoor ceremony celebrating Texas Arbor Day at the Carl Levin Park Amphitheater on Friday, November 6, 2020. The event will be limited to 100 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 a request from the City of Harker Heights Activities Center to host an outdoor ceremony celebrating Texas Arbor Day at the Carl Levin Park Amphitheater, an event in excess of ten (10) people on Friday, November 6, 2020.
2. Any other action desired.

ATTACHMENTS:

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



Received 7/15/2020

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 Protem
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

Event time: 9a-12p

Proposed Date of the Event: Friday, November 6, 2020 Start Time: 7am End Time: 12pm

Event Name & Description: Texas Arbor Day Ceremony *Include set up & tear down during your time slot

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
	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: Nichole Broemer Phone: (254) 953-5465 Alt Phone: (254) 953-5466

Street Address: 400 Indian Trail City: Harker Heights State: TX Zip: 76548

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

Approximate Attendance: 100 Approximate # of Vehicles: 60

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

Water Needed: ☒ Yes _____ No If Yes, in what quantity: to water newly planted tree

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.): sound system

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

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

Date: _____ Amount: \$ _____ Reason: _____

PARK RULES <u>MB</u> (Initial)	If you require assistance during your event you may contact HHPD 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>MB</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>MB</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>MB</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>MB</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>MB</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>MB</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.

Nicholas Broemer

SIGNATURE

10/6/2020

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.

open grass area in front of amphitheater

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.)

No



TO: Jeff Achee, Parks & Recreation Director

FROM: Nichole Broemer, Activities Center & Events Manager

DATE: October 9, 2020

REF: Special Event Approval Request – Texas Arbor Day

The Harker Heights Activities Center is requesting consideration for approval to hold an outdoors Texas Arbor Day Ceremony event on Friday, November 6, 2020 for a group up to 100 people.

Considering factors:

- The overall number of projected attendees – up to 100.
- The likelihood of individuals over the age of 65 attending is unknown as the event is free and open to the public.
- Staff will provide additional face masks, hand washing stations, and hand sanitizers.
- Seating will be placed 6 feet apart for social distancing.
- Virtual option to view the ceremony available through on online live feed.
- Staff will promote self-screening of attendees prior to the event.



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 2 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 that reads "Greg Abbott".

GREG ABBOTT
Governor

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

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:



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.