



**June 22, 2021**

**5:00 P.M.**

**CITY COUNCIL**

**MEETING AGENDA**





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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, June 22, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

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 Pro Tem  
Jennifer McCann

City Council  
Michael Blomquist  
Jackeline Soriano Fountain  
Lynda Nash  
Sam Halabi

**MEETING 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 Hayley Sawyer a "Bright Star of Central Texas".
2. Proclamation declaring the American Legion Post 573, Auxiliary, SAL, and Riders as "Bright Stars of Central Texas".

**V. Consent Items:**

1. Discuss and consider approving the minutes of the meetings held on June 8, 2021, and June 15, 2021, and take the appropriate action.

**VI. Presentations by Citizens:**

1. 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, amending Ordinance 2021-24, §132.05(A) of the Harker Heights Code of Ordinances to provide clarification on termination of residency, and take the appropriate action. (Planning and Development Director)

**VIII. Old Business:**

**IX. New Business:**

1. Discuss and consider approving a request for Alcohol Services from Lara Crum and Iron Gauntlet Brauhaus for an event at the Harker Heights Community Park on Thursday, July 29, 2021, and take the appropriate action. (Parks and Recreation Director)

**X. Reports of Advisory Boards & Commissions:**

1. Receive and discuss a presentation by Barbara Kelley, Library Board Chair, regarding an annual update on the Library Board Activities in 2020-2021.

**XI. Staff Reports:**

1. Receive and discuss the City Manager's Report. (City Manager)

**XII. Items from Council:**

1. Council Member Closing Statements.

**XIII. Announcements:**

1. Updates from the Mayor.

**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 18<sup>th</sup> day of June 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham  
City Secretary

*"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](mailto: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."*

The public may listen to live-stream audio of this meeting by dialing-in using the toll-free number: United States (Toll Free): 1-877-309-2073 and use Access Code: 198-970-965  
Or join the meeting from your computer, tablet, or smartphone, use the following meeting link:  
<https://global.gotomeeting.com/join/198970965>



## *Proclamation*

**Whereas,** Lemonade Day is an educational initiative designed to introduce youth to entrepreneurship; and

**Whereas,** Children of all ages learn to set goals, develop a plan, secure an investor, create a product, make a profit and give back to their community; and

**Whereas,** Hayley Sawyer of "Ocean Bounty's Lemonade, High Seas for Heroes" was named Lemonade Day Fort Hood Area Entrepreneur of the Year; and

**Whereas,** Being a product of the military community, Hayley's father is a retired military veteran and her brother is an active duty serviceman; she wanted a way to help the homeless veterans and thought she could raise more money through Lemonade Day to help them; and

**Whereas,** Hayley started her planning early and was able to plan a map for success by utilizing the Lemonade Day tools that included the My Lemonade Day App, lessons, and weekly challenges; and

**Whereas,** the menu included her specialty lemonade recipe of ocean blue coconut, and pineapple lemonade, which pairs perfectly with pirates; and

**Whereas,** with her slogan "Buy a cup of YO HO, and help a Hero", Hayley earned \$1,800 from Lemonade Day and donated \$1,400 to Operation Stand Down Central Texas, a nonprofit organization that helps homeless veterans, and to date Hayley has raised over \$3,500 for the organization.

**Now therefore,** I, Spencer H. Smith, Mayor of the City of Harker Heights, declare Hayley Sawyer to be a

***"Bright Star of Central Texas"***

**In witness whereof,** I have signed this Proclamation and have affixed the Seal of the City of Harker Heights, Texas, this 22<sup>nd</sup> Day of June, 2021.

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Spencer H. Smith, Mayor  
Harker Heights, Texas



## Proclamation

**Whereas**, American Legion Post 573, Auxillary, and Riders are honored and thanked for their members' time, effort, and funds in providing and preparing much of the food for the 2021 Harker Heights High School Graduating Senior Picnic;

**And Whereas**, Harker Heights is pleased to recognize such service minded organizations and their members. Caring for our Harker Heights graduating Seniors, their families, and friends confirms that Harker Heights, its citizens, and its neighbors are dedicated to making a strong and considerate community;

**Now, Therefore**, Harker Heights expresses sincere appreciation and declares the American Legion Post 573, Auxiliary, SAL, and Riders

**“Bright Stars of Harker Heights.”**

**In witness whereof**, I have signed this Proclamation and affixed the Seal of the City of Harker Heights, Texas, this 22<sup>nd</sup> Day of June, 2021.

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Spencer H. Smith, Mayor  
Harker Heights, Texas

Minutes of the City Council Meeting held at 5:00 p.m. on Tuesday, June 8, 2021, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

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

**Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on May 25, 2021. Fountain made the motion to approve as written. Seconded by Blomquist. All in favor. Motion approved 5-0.

**Presentations by Citizens:**

1. Council received a presentation by Thomas A. Mizera regarding the promotion of Tennis programs city-wide, future exposure, program funding, and revitalization of said sport.

**New Business:**

1. Council discussed and considered approving a request for Preliminary Plat approval for the subdivision referred to as The Enclave at Indian Trail, on property described as a 16.92 acre tract of land situated in the W. E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 3, and being all of the Called 2.980 acre tract of land described in a Deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the Called 7.971 acre tract of land described in a Deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" Called 3.003 acre tract of land described in a Deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" Called 2.649 acre tract of land described in a Deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, and a part of Lot 1, Block 1, Pat Kern Subdivision, Recorded in Cabinet D, Slide 185-A, Plat Records of Bell County, Texas, generally located east of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.
2. Council discussed and considered approving the waiver of interest on liens in the amount of \$5,389.37 on property known as 1416 Shoshoni Trail, Harker Heights, Bell County, Texas. David Mitchell, City Manager, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council discussed and considered approving an economic development incentive agreement with Gambit Social House, Inc. ("Gambit") for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the City; and authorize the City Manager to sign the agreement on behalf of the City. David Mitchell, City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

4. Council discussed and considered approving the City Manager to sign the Updated Bell County Communications Center 9-1-1 Agreement. David Mitchell, City Manager, made the presentation. Nicholas made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.
5. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, creating the Capital Improvements Advisory Committee and setting forth the rules for and the duties thereof, all in compliance with the Impact Fee Statutes found in Chapter 395 of the Local Government Code. Mark Hyde, Public Works Director, made the presentation. Blomquist made the motion to approve a Resolution creating the Capital Improvements Advisory Committee and setting forth the rules for and the duties thereof, all in compliance with the Impact Fee Statutes found in Chapter 395 of the Local Government Code, and appoints the Planning and Zoning Commission Members as the Capital Improvements Advisory Committee with Bobby Hoxworth as the Harker Heights Extra Territorial Jurisdiction Member for the Committee. Seconded by McCann. All in favor. Motion approved 5-0.

**Reports of Advisory Boards & Commissions:**

Mayor Pro-tem Blomquist stated that he will be attending the Bell County Health Board Meeting on Monday, June 14<sup>th</sup>.

**Items from Council:**

Mayor Pro-tem Blomquist stated that he attended the following events:

- June 5<sup>th</sup> – DAV Chapter 29 Harker Heights Meeting
- June 5<sup>th</sup> – Harker Heights Farmers Market
- June 8<sup>th</sup> – Harker Heights Chamber of Commerce Coffee Connection Event at Amy's Attic

**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 following events:

- June 5<sup>th</sup> – DAV 29 Harker Heights Meeting - Texas Representative Brad Buckley Legislative Update.
- June 5<sup>th</sup> – Harker Heights Farmers Market.
- June 7<sup>th</sup> – Transportation planning meeting with City Staff.
- June 7<sup>th</sup> – Meeting with County Judge David Blackburn in Belton.
- June 7<sup>th</sup> – Harker Heights Pet Adoption Fund Raiser at Chipotle Restaurant at Market Heights.

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:02 p.m.

**CITY OF HARKER HEIGHTS, TEXAS:**

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Spencer H. Smith, Mayor

**ATTEST:**

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Julie Helsham, City Secretary

Minutes of the City Council Meeting held at 3:00 p.m. on Tuesday, June 15, 2021, 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  
                         Jackeline Soriano Fountain      Councilmember Place 3  
                         Lynda Nash                              Councilmember Place 4  
                         Jody Nicholas                          Councilmember Place 5

                         David Mitchell                          City Manager  
                         Julie Helsham                          City Secretary

**Absent:**           Jennifer McCann                      Councilmember Place 1

**Mayoral Proclamations and Presentations:**

1. Recognize departing Councilmember Jody Nicholas.

**General Election Business:**

1. Council canvassed the Election Returns for the June 5, 2021, Runoff Election for the City of Harker Heights, Texas.

Councilmember Nicholas stated for the record to reflect that there came on to be, considered the returns of the runoff election held on the 5th day of June, 2021, for the purpose of electing the hereinafter named official, and it appearing from the returns, duly and legally made, that **1,096** voters cast ballots at the runoff election; that each of the candidates in the election received the following votes:

COUNCIL PLACE 5 CANDIDATE	TOTAL VOTES
Sam Halabi	600
Stacey L. Wilson	495

The runoff election was duly called; and was held in accordance with law:

That **SAM HALABI** was duly elected as City Council Member for Place 5, of the City of Harker Heights, Texas.

Blomquist made the motion to approve. Seconded by Fountain. All in favor. Motion approved 4-0.

2. Installation of Officer:

- (a) Swear in Councilmember, Place 5. Three Year Term 2021-2024.

Judge Billy Ray Hall, Municipal Court Judge, administered the Oath of Office to Sam Halabi to serve as Councilmember, Place 5, for a three-year term ending May 2024.

3. Discuss and consider the appointment of the Mayor Pro-tem and take the appropriate action. Blomquist made the motion to appoint Councilmember Jennifer McCann as Mayor Pro-tem for the term May 2021-May 2022. Seconded by Fountain. All in favor. Motion approved 4-0.

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 3:31 p.m.

**CITY OF HARKER HEIGHTS, TEXAS:**

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Spencer H. Smith, Mayor

**ATTEST:**

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Julie Helsham, City Secretary



## COUNCIL MEMORANDUM

# AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JUNE 22, 2021

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2021-24, §132.05(A) OF THE HARKER HEIGHTS CODE OF ORDINANCES TO PROVIDE CLARIFICATION ON TERMINATION OF RESIDENCY, AND TAKE THE APPROPRIATE ACTION.**

### **EXPLANATION:**

During the creation of the ordinance it was the intent that residency be based on continual occupation of a residence.

### **ANALYSIS**

The current Regulation of Sex Offender Residency ordinance does not include provisions for the termination of residency. Therefore, the City Attorney recommends the following revision to the current ordinance:

Section 132.05(A) The sex offender established the permanent or temporary residence and has complied with all of the sex offender registration laws of the State, prior to April 27, 2021. **If the sex offender does not reside at the residence in question for a period of 180 consecutive days after April 27, 2021, this affirmative defense terminates and is no longer effective.**

### **STAFF RECOMMENDATION:**

Staff recommends approval of an amendment to Ordinance 2021-24 §132.05(A) of the Harker Heights Code of Ordinances to provide clarification on termination of residency, based upon the following findings:

1. There are needs to provide for clear determination of when residency is considered terminated; and
2. The ordinance amendment contains a recommendation to clarify enforcement.

### **ACTION BY CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, to amend Ordinance 2021-24, §132.05(A) of the Harker Heights Code of Ordinances to provide clarification on termination of residency, based upon staff's recommendations and findings.
2. Any other action desired.

### **ATTACHMENTS:**

1. Amending Ordinance
2. Strike Through Version of the Existing Ordinance

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

**ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS,  
AMENDING SECTION 132.05(A) OF THE CODE OF ORDINANCES TO  
PROVIDE CLARIFICATION ON TERMINATION OF RESIDENCY.**

**WHEREAS**, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to add residency termination clarification within § 132.05(A); and

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

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

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

**SECTION 2:** Section 132.05(A) of the Code of Ordinances of the City of Harker Heights is amended to read as follows:

- (A). The sex offender established the permanent or temporary residence and has complied with all of the sex offender registration laws of the State, prior to April 27, 2021. If the sex offender does not reside at the residence in question for a period of 180 consecutive days after April 27, 2021, this affirmative defense terminates and is no longer effective.

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

**SECTION 4:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of Harker Heights in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

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

**PASSED AND APPROVED** by the City Council of the City of Harker Heights on Tuesday, June 22, 2021.

**CITY OF HARKER HEIGHTS, TEXAS:**

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Spencer H. Smith, Mayor

**ATTEST:**

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Julie Helsham, City Secretary

## CHAPTER 132: REGULATION OF SEX OFFENDER RESIDENCY

### Section

- 132.01 Definitions
- 132.02 Offenses
- 132.03 Evidentiary matters; measurements
- 132.04 Culpable mental state not required
- 132.05 Affirmative defenses

### § 132.01 DEFINITIONS.

For purposes of these regulations the following terms, words, and derivations thereof shall have the meanings given herein:

**CHILD.** See MINOR.

**CHILD SAFETY ZONE.** A zone extending 1,000 feet from the property line of the following facilities: private and public schools, child daycare centers, private and public playground, public or private youth center, commercial and public swimming pools, video and amusement arcades, private and public parks, indoor and outdoor amusement centers catering primarily to minors, and amusement parks. The zone includes the facilities themselves.

**DAY CARE CENTER.** A childcare facility that is registered, licensed, or listed by the state.

**MINOR.** A person younger than 17 years of age.

**PERMANENT RESIDENCE.** A place where a person abides, lodges, or resides for 14 or more consecutive days.

**PERSON.** An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she, or it is acting for himself, herself, or itself or as the servant, employee, agent or representative of another.

**PLAYGROUND.** Shall have the meaning assigned by V.T.C.A., Health and Safety Code Chapter 481.134, as amended.

**TEMPORARY RESIDENCE.** A place where a person resides, lodges, or abides for a period of four or more consecutive or nonconsecutive days in any month, or for a period of less than 14 days in the aggregate during any calendar year, which is not the person's permanent residence.

**SCHOOL.** Shall have the meaning assigned by V.T.C.A., Health and Safety Code Chapter 481.134, as amended.

**SEX OFFENDER.** A person required to register on the state Department of Public Safety's "public" sex offender database under V.T.C.A., Code of Criminal Procedure Chapter 62 due to a reportable conviction or adjudication involving a victim younger than 17 years of age or a person who has been civilly committed as a sexually violent predator under V.T.C.A., Health and Safety Code Chapter 841 and is subject to outpatient treatment and supervision under that chapter.

**VIDEO AND AMUSEMENT ARCADES.** Shall have the meaning assigned to video arcade facility by V.T.C.A., Health and Safety Code Chapter 481.134, as amended.

**V.T.C.A.** The Vernon's Texas Codes Annotated or Vernon's Texas Codes and Statutes Annotated as amended.

YOUTH CENTER. Shall have the meaning assigned by V.T.C.A., Health and Safety Code Chapter 481.134, as amended.  
(Ord. 2021-24, passed 4-27-21)

§ 132.02 OFFENSES.

(A) It is unlawful for a sex offender to establish a permanent or temporary residence within the child safety zone as defined in § 132.01.

(B) It is unlawful to lease, rent or otherwise provide any residence, dwelling, place, structure (or part thereof), manufactured home, trailer, or other habitation located in a child safety zone to a sex offender with the knowledge that it will be used as a permanent or temporary residence by such person.

(C) It is an offense for a sex offender to knowingly enter onto the premises of private and public schools, child daycare centers, private and public playground, public or private youth center, commercial and public swimming pools, video and amusement arcades, private and public parks, indoor and outdoor amusement centers catering primarily to minors, and amusement parks within the city limits of the city.

(D) A sex offender shall not leave on an exterior light or otherwise invite trick-or-treaters to solicit a permanent or temporary residence between the hours of 4:00 p.m. and 11:00 p.m. on each October 30 and 31, or any specific date set by the City Council for trick-or-treaters.

(Ord. 2021-24, passed 4-27-21)

§ 132.03 EVIDENTIARY MATTERS; MEASUREMENTS.

(A) It shall be prima facie evidence that this chapter applies to such a person if that person is a sex offender as defined in § 132.01.

(B) (1) For the purposes of determining the minimum child safety zone separation, the following shall apply:

(2) The distance shall be measured by following a straight line from the nearest property line of the permanent or temporary residence to the nearest property line of the facility where the child safety zone applies.

(C) A map, available in the city Police Department, depicting the child safety zones in the city shall be maintained and reviewed annually for changes by the city.

(Ord. 2021-24, passed 4-27-21)

§ 132.04 CULPABLE MENTAL STATE NOT REQUIRED.

Neither allegation, nor evidence, of a culpable mental state is required for the proof of the offense defined by this chapter under § 132.01(A) or § 132.02(D).

(Ord. 2021-24, passed 4-27-21)

§ 132.05 AFFIRMATIVE DEFENSES.

It is an affirmative defense to prosecution that any of the following conditions apply:

(A) The sex offender established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, prior to April 27, 2021. **If**

the sex offender does not reside at the residence in question for a period of 180 consecutive days after April 27, 2021, this affirmative defense terminates and is no longer effective.

(B) The person required to register on the database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.

(C) The person required to register on the database is a minor.

(D) The facility to which the child safety zone applies was opened after the person established a permanent or temporary residence and the person is compliant with all sex offender registration laws of the state.

(E) The information on the database is incorrect, and if corrected, this chapter would not apply to the person who was erroneously listed on the database.

(Ord. 2021-24, passed 4-27-21)



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-1

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FROM: THE OFFICE OF THE CITY MANAGER

DATE: JUNE 22, 2021

**DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FROM LARA CRUM AND IRON GAUNTLET BRAUHAUS FOR AN EVENT AT THE HARKER HEIGHTS COMMUNITY PARK ON THURSDAY, JULY 29, 2021, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

In partnership with Harker Heights Parks and Recreation and the Harker Heights Chamber of Commerce, Iron Gauntlet Brauhaus is requesting alcohol services for a movie night event at Harker Heights Community Park on Thursday, July 29, 2021. Beer will be sold by TABC approved bartenders from Iron Gauntlet throughout the duration of the event.

The use of alcohol within City parks is not allowed through department ordinance policy and can only be granted by the permission of City Council.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to APPROVE/DISAPPROVE the request for alcohol services from Lara Crum and Iron Gauntlet Brauhaus for an event at the Harker Heights Community Park on Thursday, July 29, 2021.
2. Any other action desired.

**ATTACHMENTS:**

1. Request for Alcohol Services – Parks & Recreation

CITY OF HARKER HEIGHTS PARKS & RECREATION  
REQUEST FOR ALCOHOL SERVICES

I, Lara Crum, representative agent of the following business or organization:

Iron Gauntlet Brauhaus, request the presence of alcohol at the following function:

Name of Event: Movie In the Park

Date & Time: July 29th

Purpose of Event:  
Community Movie event

Types of alcohol being served: Beer

Are the beverages for sale or free?  Sale  Free  Tips only

Who will be serving the drinks? Adam Crum, Lara Crum, Jacob Augustine

Will there be children/adults under the age of 21 present?  Yes  No

I understand that the City of Harker Heights does not hold a Mixed Beverage Permit from the Texas Alcohol Beverage Commission (TABC), and all permits and licensing required by law are my own responsibility. I also agree that I am responsible for ensuring strict compliance with all TABC rules and regulations pertaining to the Event. I further understand that failure to comply with these obligations may result in the loss of future Parks & Recreation rental privileges, and other penalties.

INDEMNIFICATION

I agree to hold harmless and relieve and discharge the City of Harker Heights, its officers, employees, agents, volunteers, contractors, representatives and insurers ("Released Parties") from any and all liability for loss, injury, or damages to any person or persons for personal injuries or death of any person or persons, or loss or damage to any property occasioned by or sustained by reason of the occupancy and use of the Center and the facilities thereof without regard to the cause of such loss, or **WHETHER THE LOSS WAS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE RELEASED PARTIES**. I further expressly covenant and agree to protect, defend, indemnify, and hold harmless the Released Parties from all claims based upon alleged joint and/or concurrent negligence of the Released Parties, myself, and any person for whom I am responsible, arising out of or incident to the Event. I agree that in case any of the Released Parties shall be made a party to any litigation commenced by or against me or relating to the Event, then I shall pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon any of the Released Parties by virtue of any such litigation.

**AUTHORIZED AGENT:** The signer of this Request hereby represents and warrants that he or she has full authority to execute this form on behalf of the business or organization named above, if any.

IN WITNESS WHEREOF, we have affixed our signature, this 15<sup>th</sup> day of June, 2021.

Lara Crum  
Contact: Iron Gauntlet Brauhaus

Address: 400 Cheyenne Dr  
Killeen TX 76542

Telephone: 2542783687

Email: irongauntletbrauhaus@gmail.com

By: Lara Crum  
Signature of Authorized Agent

By: \_\_\_\_\_  
Director/ or designee

CITY OF HARKER HEIGHTS  
Parks & Recreation

For Official Use Only

Date presented to City Council: \_\_\_\_\_

Approved by City Council:

Declined by City Council:



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # X-1

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**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: JUNE 22, 2021**

**RECEIVE AND DISCUSS A PRESENTATION BY BARBARA KELLY, LIBRARY BOARD CHAIR, REGARDING AN ANNUAL UPDATE ON THE LIBRARY BOARD ACTIVITIES IN 2020-2021.**

**EXPLANATION:**

This presentation will provide the City Council with an overview of the Library Board discussions presented during the 2020 calendar year and any goals or objectives for the future.

**ATTACHMENTS:**

1. None.