



OCTOBER 27, 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 27, 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 November 2nd through November 6th, 2020, as "*Municipal Court Week*".
2. Proclamation declaring November 6, 2020, as "*Texas Arbor Day*".

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on October 13, 2020, and take the appropriate action.
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through January 31, 2021, and take the appropriate action.
3. Discuss and consider a Resolution of the City Council of The City of Harker Heights, Texas, establishing its Policy and Procedures for Public Comments, Rules of Decorum, and Presentations at Open Meetings of the City Council, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Public Hearings:

VIII. Old Business:

1. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing a change in the Plate Vest Level listed in the City's previous Application for a Grant in the amount of \$86,130.44 through the Criminal Justice Division Grant Program; for the purchase of 38 Pro Tech DT 206c Level III Plate Vests with accessories; and 4 RAM1 Swat Heavy Vest; authorizing the City Manager to sign on behalf of the City, and take the appropriate action. (Police Chief)

IX. New Business:

1. Discuss and consider approving the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Awards for Phase 1 in the amount of \$89,468.50 and take the appropriate action. (Assistant City Manager)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a Contract for the Lynn Drive Demolition Project in the amount of \$65,250 to Sierra Contracting Corporation (DBA Sierra Demolition); authorizing the City Manager to sign on behalf of the City, and take the appropriate action. (Planning and Development Director)
3. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, adopting and extending its Water Conservation Plan, as revised, and Drought Contingency Plan for a period of five (5) years; providing for review for the purpose of re-adoption in five (5) years; and providing that such plans shall continue in full force and effect until readoption, and take the appropriate action. (Public Works Director)
4. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to enter into a Contract with Santex Truck Centers Ltd. (DBA Kyrish Government Group/Kyrish Truck Center) for the refurbishment of the Harker Heights Fire Department 1996 E-One/Freightliner Pumper in the amount of \$227,132 and take the appropriate action. (Fire Chief)

X. Closed Meeting

1. Announce a closed meeting for the following purposes:
 - A) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Planning and Zoning Commission and Building Standards Commission.
 - B) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Board of Adjustment.
2. Reconvene open meeting to take action as appropriate on matters discussed in the closed meeting.

XI. New Business Continued:

5. Discuss and consider appointments to the following Boards/Commissions/Committees, and take the appropriate action:
 - A) Parks and Recreation/Tree Advisory Boards
 - B) Library Board
 - C) Public Safety Commission
 - D) Animal Advisory Committee
 - E) Harker Heights Economic Development Corporation
6. Discuss and consider approving a request from James Butler for a Special Events Permit for an event at 110 E. Beeline Ln. that will host in excess of ten (10) people on Wednesday, October 28th and Saturday, October 31st, 2020, and take the appropriate action. (Parks and Recreation Director)
7. Discuss and consider approving a request from Urzah Hunter for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Friday, October 30, 2020, and take the appropriate action. (Parks and Recreation Director)
8. Discuss and consider approving a request from Taija Montgomery for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Sunday, January 17, 2021, and take the appropriate action. (Parks and Recreation Director)
9. Discuss and consider approving a request from Kaitlin Nix for a Facility Rental at the Purser Family 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)
10. Discuss and consider approving a request from Rachel Smith for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Sunday, November 1, 2020, and take the appropriate action. (Parks and Recreation Director)

XII. Reports of Advisory Boards & Commissions:

XIII. Items from Council:

XIV. Staff Reports:

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

XV. Announcements:

XVI. 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 23rd 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: Access Code: 704-688-405.

To join the meeting from your computer, tablet, or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/704688405>

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."

Proclamation

Municipal Court Week



Whereas, the Municipal Court of Harker Heights, a time honored and vital part of the City of Harker Heights, has existed since 1960; and

Whereas more people, citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined, and public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court; and

Whereas, Municipal Judges and Court personnel continually strive to improve the administration of justice and have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct; and

Whereas, it is most appropriate that we recognize the accomplishments of the 923 Texas Municipal Courts, and salute their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior.

Now therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, do hereby proclaim the week of November 2nd through November 6th, 2020, as Municipal Court Week, and further extend appreciation to all Harker Heights Municipal Court personnel for the vital services they perform and their exemplary dedication to our community.

In Witness Whereof, I have signed this proclamation and have affixed the Seal of the City of Harker Heights, Texas, this 27th day of October, 2020.

Spencer H. Smith
Mayor



PROCLAMATION

- Whereas,** in 1872, J. Sterling Morton proposed a tree planting holiday to be called “Arbor Day” to the Nebraska State Board of Agriculture which is now observed throughout the nation and world; and
- Whereas,** in 1889, the citizens of Temple, Texas, authored an Arbor Day Resolution, which the Texas Legislature passed into law to encourage the planting of trees in the State; and
- Whereas,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and
- Whereas,** trees are not only a renewable resource, but also beautify our community, increase property values, and are a source of joy and spiritual renewal; and
- Whereas,** the City of Harker Heights has been a Tree City USA member since 2011 and earlier this year received our nine years accreditation as such; and
- Whereas,** the City of Harker Heights hosts the official Texas Arbor Day 2020, and proudly leads the State in *Growing Texas Traditions*;
- Now Therefore,** I, Spencer H. Smith, Mayor of the City of Harker Heights do hereby proclaim, November 6, 2020, to be

“Texas Arbor Day”

in the City of Harker Heights and urge all citizens celebrate Texas Arbor Day by planting a tree to promote the well-being of this and future generations.

In Witness Whereof, I have set my hand and affixed the Seal of the City of Harker Heights, Texas, this 27th day of October 2020.

Spencer H. Smith, Mayor
City of Harker Heights

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, October 13, 2020, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

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

Mayoral Proclamations and Presentations:

1. The Mayor presented a proclamation declaring October 19 - 23, 2020, as "*Chamber of Commerce Week*".

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on September 22, 2020. Blomquist made the motion to approve as written. Seconded by Nicholas. All in favor. Motion approved 4-0.

Presentations by Citizens:

Lynda Nash, 3006 Sun Dance Drive, Harker Heights, Texas 76548, informed the Council and citizens that on Saturday, October 10th at 9:00 a.m. at the E-Center they will be giving out over 1,200 boxes of food and 1,200 gallons of milk. This food drive is not based on income and is open to all citizens in need. Volunteers are needed and are encouraged to attend.

Public Hearings:

1. Council conducted 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. Joseph Molis, Planning and Development Director made the presentation. Raymond Hamden was present to represent the request. Blomquist made the motion to disapprove/deny the request. Seconded by Nicholas. Blomquist, McCann and Nicholas in favor. Fountain against. Motion to deny passed 3-1.

At 7:24 p.m. Mayor Smith called for a fifteen (15) minute break.

Mayor Smith reconvened the meeting at 7:45 p.m.

New Business:

1. Council discussed and considered 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. Joseph Molis, Planning and Development Director, made the presentation. Nicholas made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.

2. Council discussed and considered 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. Joseph Molis, Planning and Development Director, made the presentation. McCann made the motion to approve with Condition 1: A waiver is granted to allow a single access and secondary emergency as depicted in Concept Plan. Seconded by Blomquist. All in favor. Motion approved 4-0.
3. Council discussed and considered 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. Joseph Molis, Planning and Development Director, made the presentation. Nicholas made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.
4. Council discussed and considered 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. Ayesha Lealiiee, Finance Director made the presentation. Fountain made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 4-0.
5. Council discussed and considered approving the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Water Payment Assistance Grant Program. Ayesha Lealiiee, Finance Director, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.
6. Council discussed and considered 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. Jeff Achee, Parks and Recreation Director made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion approved 4-0.
7. Council discussed and considered 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. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 4-0.
8. Council discussed and considered 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. *Requestor withdrew the request. No action taken.*
9. Council discussed and considered 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. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion approved 4-0.

10. Council discussed and considered 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. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 4-0.

Items from Council:

Mayor Pro-tem Blomquist reminded everyone that there are only three (3) more Saturdays for the Farmer's Market culminating on Halloween, and encourages everyone to get out and enjoy the local vendors.

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:

- September 25th – Harker Heights Disabled American Veterans 29 Centennial Proclamation.
- September 25th – Harker Heights Police Department Swearing-in Ceremony.
- October 3rd – Harker Heights Farmer's Market at Seton Hospital.
- October 6th – Harker Heights City Council Workshop.
- October 9th – Meeting with the members of Girl Scout Troop 6119 at City Hall.
- October 10th – Harker Heights Chamber Mug Run at Stonetree Golf Club.
- October 10th – Harker Heights Farmer's Market at Seton Hospital.

Mayor Pro-tem Blomquist reminded everyone that Early Voting started today and encouraged everyone to get out and vote.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 8:44 p.m.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE PUBLIC HEALTH EMERGENCY DECLARATION THROUGH JANUARY 31, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The State of Texas and Bell County both have issued disaster declarations that cover Harker Heights in relation to the COVID-19 pandemic. According to the Texas Municipal League (TML) guidance on receiving reimbursements in relation to COVID-19 expenditures, Mayor Smith issued a disaster declaration for the City of Harker Heights on March 20, 2020.

The City Council approved an Ordinance during a special called meeting on April 7, 2020, to extend the Public Health Emergency Declaration to April 30, 2020.

On April 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until May 31, 2020.

On May 26, 2020, the Council approved an extension to the Public Health Emergency Declaration until June 30, 2020.

On June 23, 2020, the Council approved an extension to the Public Health Emergency Declaration until July 31st, 2020.

On July 28, 2020, the Council approved an extension to the Public Health Emergency Declaration until August 31, 2020.

On August 25, 2020, the Council approved an extension to the Public Health Emergency Declaration until September 30, 2020.

On September 22, 2020, the Council met again and approved another extension to the Public Health Emergency Declaration until October 31, 2020.

Action is now needed again by the Council to consider extending this declaration to match recent directives from the State and Bell County out to January 31, 2021.

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

The Council may at any time choose to end, modify, and/or extend the declaration.

STAFF RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through January 31, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE PUBLIC HEALTH EMERGENCY DECLARATION THROUGH JANUARY 31, 2021.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to extend the Public Health Emergency Declaration; and

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

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

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

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

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until January 31, 2021.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on October 27, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ESTABLISHING ITS POLICY AND PROCEDURES FOR PUBLIC COMMENTS, RULES OF DECORUM, AND PRESENTATIONS AT OPEN MEETINGS OF THE CITY COUNCIL, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

As discussed during the City Council Workshop on October 20, 2020, the primary purpose of Harker Heights City Council meetings is to afford elected officials the opportunity to conduct Harker Heights business.

Local governments are ultimately responsible to the people in the communities they govern. Therefore, it is essential for governments to have accountability measures in place. Policy and procedures set up internal accountability structures for employees and citizens. Sound policies help local governments function efficiently and maintain trust with both employees and community members

The Texas Open Meetings Act, Section 551.007, allows members of the public who desire to address the City Council regarding meeting agenda items to do so. It also allows the City Council to adopt reasonable rules regarding the public's right to address the body.

It is staff's intent at future meetings to bring forth to the City Council additional policies that will incorporate governing standards and expectations of City staff and Members of the Council.

RECOMMENDATION:

Staff recommends approving a resolution establishing the City Council's policy and procedures for public comment, rules of decorum, and presentations at open meeting of the City Council.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights, Texas, establishing its policy and procedures for public comments, rules of decorum, and presentations at open meetings of the City Council.
2. Any other action desired.

ATTACHMENTS:

1. Exhibit A – City of Harker Heights, Texas, Policy and Procedure on Public Comments and Rules of Decorum at City Council Meetings.
2. Resolution

EXHIBIT A
CITY OF HARKER HEIGHTS, TEXAS, POLICY AND PROCEDURE ON PUBLIC COMMENTS
AND RULES OF DECORUM AT CITY COUNCIL MEETINGS

I. Overview

The City Council of Harker Heights, Texas, encourages public participation in open meetings. Members of the public who desire to address the City Council may speak on issues regarding meeting agenda items and issues not on the meeting agenda, including the use of presentations.

This policy provides guidelines for:

- a. Fair and consistent application of Chapter 551 of the Texas Government Code, (Texas Open Meetings Act), regarding Public Comments; and
- b. Conducting public meetings in an efficient and orderly manner.

II. Procedures for Speaking to the City Council

- a. The City shall provide a Public Comment Form. Public Comment Forms shall include the speaker's contact information and provide space for the speaker's comments. Public Comment Forms shall be made available online at www.harkerheights.gov and prior to all City Council meetings.
- b. Individuals in attendance at the meeting who wish to speak shall:
 1. Complete a Public Comment Form to include the speaker's contact information and the posted agenda item or number or the non-agenda topic of discussion; and
 2. Deliver it to the City Secretary prior to the start of the meeting or immediately prior to addressing the council on an item or via email prior to the meeting to City Secretary admin@harkerheights.gov and
 3. Wait to be called to speak by the Chair.
 4. Speakers shall address the Mayor and City Council.
- c. Individuals in attendance at the meeting who do not wish to speak but want their comments to be entered into the meeting record shall:
 1. Complete a Public Comment Form to include the speaker's contact information and the speaker's comment they wish documented in the meeting record or provide a pre-written document for the record; and
 2. Deliver it to the City Secretary prior to the start of the meeting.
- d. Public Comment Forms received after the start of a Council meeting will be delivered to the City Council in the normal course of business.

- e. Individuals who wish to submit comments digitally shall:
 - 1. Complete the Public Comment Form available at www.harkerheights.gov; and
 - 2. Submit the Public Comment Form with all information required, after the posting of the meeting agenda for which the comment is being submitted, but **before the posted start time of the meeting** for which the comment is being submitted.
- f. At every Council meeting, a 'Presentations by Citizens' segment will be held, prior to the City Council's consideration of the Agenda Items, for those Speakers who wish to address the City Council on any item, too include listed agenda items Statutory, public hearings will allow for speakers to be heard on the subject matter of the public hearing at the time the public hearing is held separate from the 'Presentation by Citizens'. Digitally submitted comments and written comments submitted in person will be made available to the City Council and will be enrolled into the public record of the meeting.

III. Procedure for Using Presentations/Materials/Handouts

- a. Individuals desiring to use Presentations/Materials/Handouts (collectively referred to as a "Presentation") of any kind shall satisfy the following:
 - 1. Prior to the Meeting
 - a. Deliver the Presentation to the Office of the City Secretary no later than noon of the day before the meeting.
 - b. Deliver the Presentation via email to admin@harkerheights.gov or in person at Harker Heights City Hall, 305 Miller's Crossing, Harker Heights, Texas, 76548.
 - 2. At the Meeting
 - a. Be prepared and able to setup and deliver the Presentation within the allotted speaking time.
 - b. Be prepared and able to setup and deliver the Presentation without the use of City resources.
- b. For presentations delivered in person, a minimum of ten (10) copies shall be given to the City Secretary.
- c. For presentations delivered via email, the City Secretary staff will issue a confirmation email. The City Secretary will distribute an appropriate number of copies of the presentation to the City Council, and City Staff. The City Secretary may utilize electronic means to distribute the presentation.
- d. The City reserves the right to deny the use of any presentation. Failure to follow the procedures for presentation will result in denial of the use of the presentation.
- e. Approved presentations will be documented in the meeting minutes for public record.

IV. Order of Speakers and Time Allotted to Speak:

- a. Order of Speakers
 1. Agenda Items (Non-Public Hearing): Individuals wishing to speak regarding meeting agenda items that are not Public Hearings will be called to speak at the beginning of the meeting during Presentations by Citizens in the order in which the City Secretary received the Public Comment Forms.
 2. Public Hearing Items: Individuals wishing to speak regarding Public Hearing items on the meeting agenda will be called to speak during the discussion of the related Public Hearing.
 3. Non-Agenda Items: Individuals wishing to speak on issues not listed on the agenda will be called to speak at the beginning of the meeting during Presentations by Citizens in the order in which the City Secretary received the Public Comment Forms.
- b. Time Allotted to Speak
 1. Agenda Items (Non-Public Hearing): Speakers wishing to address the City Council regarding any non-public hearing agenda item(s) shall have a time limit of three (3) minutes per speaker, per agenda item.
 2. Public Hearing Items: Speakers wishing to address the City Council regarding any public hearing agenda item shall have a time limit of three (3) minutes per speaker, per agenda item.
 3. Non-Agenda Items: Speakers wishing to address the City Council regarding any non-agenda item shall have a time limit of three (3) minutes per speaker.
- c. Time Allotted to Speak (with Translator): Non-English Speakers requiring a translator to address the City Council shall be allowed twice the allotted amount of time as English speakers.
- d. Modification of Speaking Time: The Mayor may reduce the speaker time limit uniformly for all speakers to accommodate the number of speakers or improve meeting efficiency. At the discretion of City Council, the speaker may be requested to stand for further discussion of an item if the agenda so allows.
- e. A speaker will not be allowed to yield their three (3) minutes to another speaker.

V. City Council Meeting Rules of Decorum

- a. Speakers have the right to criticize policies, procedures, programs, and services, but speakers must stick to public comment policy time limits and stay on topic.
- b. All individuals are expected to be respectful and courteous to Council, staff, other speakers, and others in attendance at the meeting.
- c. Behavior that fails to yield the floor when the speaker's time is concluded; is not relevant to the agenda item or City business; repeatedly interrupts a Council member; disturbs the order of the meeting; involves loud, threatening, hostile, abusive, vulgar or obscene language; and disrupts the Council meeting is prohibited.
- d. Any speaker or audience member that violates the Rules of Decorum or engages in disruptive behavior may be subject to removal from the meeting.

- e. No outside placards, banners, signs, pennants, or flags will be permitted in the Council Chambers or in any other room in which the City Council is meeting.
- f. Only City staff, consultants, or petitioners, with scheduled agenda items, can use visual aids during their scheduled presentations, unless otherwise allowed in accordance with Section III. of this policy.
- g. The Mayor or Presiding Officer will enforce these rules, and a person's failure or refusal to comply with an explicit request or order of the Mayor or Presiding Officer may violate the Texas Penal Code, Section 38.13.

Adopted 10/27/2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ESTABLISHING ITS POLICY AND PROCEDURES FOR PUBLIC COMMENTS, RULES OF DECORUM, AND PRESENTATIONS AT OPEN MEETINGS OF THE CITY COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Harker Heights, Texas, conducts open meetings in accordance with the Texas Government Code, Chapter 551 Open Meetings; and

WHEREAS, Section 551.007 of the Texas Open Meetings Act allows members of the public who desire to address the City Council regarding meeting agenda items to do so, and it allows the City Council to adopt reasonable rules regarding the public's right to address the body; and

WHEREAS, Section 551.042 of the Texas Open Meetings Act provides for public comments and allowable responses to inquiries about a subject not on the meeting agenda; and

WHEREAS, the City Council of the City of Harker Heights, Texas, desires to establish its policy for public comments and presentations at open meetings of the City Council

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

Section 1. That the foregoing recitals are hereby found to be true and correct legislative findings of the City of Harker Heights, Texas, and are fully incorporated into the body of this resolution.

Section 2. That the City Council of the City of Harker Heights, Texas, does hereby state the City of Harker Heights Policy and Procedure for Public Comments, Rules of Decorum and Presentations at open meetings of the City Council, a copy of which is attached hereto as Exhibit A.

Section 3. That this Resolution shall become effective from and after its passage.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Harker Heights, Texas, that the City hereby passes this resolution establishing policy and procedures for public comments, rules of decorum, and presentations at open meetings of the City Council within the City limits of the City of Harker Heights.

PASSED AND APPROVED THIS 27th DAY OF OCTOBER 2020, AT WHICH MEETING A QUORUM WAS PRESENT AND HELD IN STRICT ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, CHAPTER 557.

Spencer H. Smith
Mayor

ATTEST:

Juliette Helsham
City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING A CHANGE IN THE PLATE VEST LEVEL LISTED IN THE CITY'S PREVIOUS APPLICATION FOR A GRANT IN THE AMOUNT OF \$86,130.44 THROUGH THE CRIMINAL JUSTICE DIVISION GRANT PROGRAM; FOR THE PURCHASE OF 38 PRO TECH DT 206C LEVEL III PLATE VESTS WITH ACCESSORIES; AND 4 RAM1 SWAT HEAVY VEST; AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Harker Heights Police Department has prepared an application for a Criminal Justice Division Grant Program ("Grant") # 3998601 to equip the Department Patrol Officers with enhanced protection by purchasing thirty-eight (38) Pro Tech DT 206C Level III plate vest and accessories which will give them more ballistic coverage over the vital organs than the rifle resistant body armor we are currently using for patrol. The Department is also requesting four (4) Point Blank RAM1 swat heavy vest. The RAM1 has BCIII Ballistics and one 10X12 Level III hard plate will be issued to the entry and inner perimeter teams.

The Grant would provide a total of \$86,130.44, with no requirement for a cash or in-kind match.

On February 25, 2020, a Resolution was approved by the Council for the application of this grant to purchase certain pieces of the rifle vest. The State rejected the application and requested a change be made on the application to reflect the full rifle vest and not just the pieces needed by the Department.

On March 24, 2020, an amendment to the Resolution was approved by the Council that reflects the recommendation to list the full rifle vest. The grant in the amount of \$87,925.09 was being requested.

On August 25, 2020, an amendment to the Resolution was approved by the Council that allows the City to participate in this grant through the Criminal Justice Division Grant Program reflecting the new grant amount of \$86,130.44 for the items requested.

The Police Department was notified by the State of a discrepancy in the level of the plate vests listed in the previous Resolution and requested an amended Resolution to reflect the correct plate vest level of III for the items requested. Action is now needed by the Council to approve a Resolution for the plate vest level to be amended from IIIA to III.

RECOMMENDATION

Staff recommends approval.

ACTION BY COUNCIL

1. Motion to Approve/Disapprove the amended Resolution of the City Council of the City of Harker Heights, Texas, authorizing a change in the plate vest level listed in the City's previous application for a grant in the amount of \$86,130.44, through the Criminal Justice Division Grant Program; for the purchase of 38 Pro Tech DT 206C Level III plate vests with accessories; and 4 RAM1 SWAT heavy vests; and authorize the City Manager to sign on behalf of the City.
2. Any other actions desired by the Council.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE CRIMINAL JUSTICE DIVISION GRANT PROGRAM FOR THE PURCHASE OF 38 PRO TECH DT 206C LEVEL III PLATE VESTS WITH ACCESSORIES, AND 4 RAM1 SWAT HEAVY VEST.

WHEREAS, the Harker Heights Police Department has prepared an application for a Criminal Justice Division Grant ("*Grant*") # 3998601 to equip the Harker Heights Police Department Patrol Officers with enhanced protection by purchasing 38 Pro Tech DT 206C Level III plate vest and accessories. This will give them more ballistic coverage over the vital organs than the rifle resistant body armor we are currently using for patrol. The Department is also requesting four (4) Point Blank RAM1 ballistic vest which has BCIII Ballistics and one 10X12 Level III hard plate. The ballistic vest will be issued to the entry and inner perimeter teams; and

WHEREAS, the City Council finds and determines: ballistic body armor is essential in modern-day police work, having saved the lives of more than 3000 law enforcement officers in the past 30 years according to the National Institute of Justice. The Pro Tech 206C is lighter than the vest currently issued to Patrol Officers. The Pro Tech 206C will protect the patrol officers throat, neck, upper arms and groin area with the accessories. The four (4) SWAT heavy vest will update protection when they respond to high risk search warrants, high risk arrest warrants, armed barricaded subject, hostage rescue; and

WHEREAS, the Grant would provide a total of \$86,130.44, with no requirement for a cash or in-kind match; and

WHEREAS, the City Council finds it is in the public interest that the City participate in the Grant according to the terms and conditions thereof, and by means hereof the Council expresses its support for such participation; 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 submission of the application for the Grant is hereby approved.

3. The City Manager, David Mitchell, is hereby designated as the City's authorized official. He is authorized and empowered to act in the name and on behalf of the City to apply for, accept, reject, alter, or terminate the City's participation in the Grant, and to execute and deliver such agreements (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), and 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 accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by the City Manager in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.
5. The City Council agrees that in the event of loss or misuse of Grant funds, such funds will be returned to the Texas Office of the Governor in full.
6. 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 27, 2020, by the Harker Heights City Council.

Spencer H. Smith, Mayor, City of Harker Heights

ATTEST:

Julie Helsham, City Secretary, City of Harker Heights



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING THE CITY OF HARKER HEIGHTS CORONAVIRUS RELIEF FUND (CRF) SMALL BUSINESS GRANT AWARDS FOR PHASE 1 IN THE AMOUNT OF \$89,468.50 AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) established the Coronavirus Relief Fund (CRF). This fund was established to make payments for specified uses to State and local governments. 20% of the overall allocation was received in late September for the City of Harker Heights. Of that 20%, the City Council on September 22nd set aside \$89,468.50 for the Small Business Grant – Phase 1.

The City of Harker Heights collaborated with the Central Texas Council of Governments (CTCOG) to administer this program. CTCOG has also administered the Bell County's Business grant program and the City of Belton's program.

The application period for the grant program closed at 5:00 p.m. on Friday, October 16th. The grant process received 31 grants and 30 meet specifications identified within the eligibility requirements of the application.

RECOMMENDATION:

Staff recommends approving the Small Business Grant awards for Phase I.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Awards for Phase 1 in the amount of \$89,468.50.
2. Any other action desired.

ATTACHMENTS:

1. CTCOG Recommendations
2. Funding All Applicants Equally
3. Funding on First Come, First Served
4. Harker Heights Small Business Grant Criteria
5. Harker Heights Small Business Grant Application Form



CTCOG Recommendations for the Harker Heights Small Business Grant

Cycle 1

The City of Harker Heights received 31 grant applications, one of which was ineligible because they did not submit all documentation by the deadline. The following are recommendations based on the 30 eligible businesses:

Recommendation 1:

Split funds equally across all applicants. This would result in \$2,982.28 grants to all 30 eligible applicants. This would result in \$.09 remaining of the total program allocation for Cycle 1.

Recommendation 2:

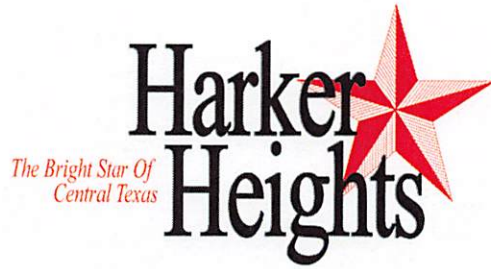
Fund the businesses first come, first served. This would fund the first 29 applicants at the full \$3,000 amount and the 30th business at the remaining \$2,468.50. This recommendation utilizes all available funding for the program.

****While CTCOG would typically provide a third recommendation based on scores, there was an insignificant change in funding amounts compared to the above recommendations utilizing this method, so no 3rd recommendation is being provided.**

Please note that the VFW will be using their funds for their for profit part of their business.

Funds All Applicants Equally: \$89,468.50, funds 30 businesses	
Business Name	Funding Amount
Pop CornUtopia	\$2,982.28
Uniem Inc (AKA The Bloom Coffee Roasters)	\$2,982.28
Cutie Nails	\$2,982.28
Best Western-Harker Heights	\$2,982.28
Lupo Pizza	\$2,982.28
Image Skin Studio	\$2,982.28
Palacios Massage Therapy LLC	\$2,982.28
Knights Barber	\$2,982.28
Tap Tap Art School	\$2,982.28
Alinas Delicias	\$2,982.28
Super 8 Harker Heights-DBA (J & J Prime, LLC)	\$2,982.28
Moon Nails Spa	\$2,982.28
Lone Star Saloon	\$2,982.28
Quantegy, LLC	\$2,982.28
Cell Phone Repair	\$2,982.28
Dental Images	\$2,982.28
Rising Stars 3lite	\$2,982.28
Allegiance Solar	\$2,982.28
Anthony Joseph Jewelers	\$2,982.28
Livin Wright	\$2,982.28
Black Heart Tattoo Collective	\$2,982.28
The Diamond Dynasty 7, LLC	\$2,982.28
Beauty by Enero, LLC	\$2,982.28
Veterans of Foreign Wars Post 3892	\$2,982.28
Lucille's Links & BBQ	\$2,982.28
Salon MagnaShear	\$2,982.28
Eco Blu Spa & Salon	\$2,982.28
Ari's Italian Restaurant	\$2,982.28
Master Cleaners	\$2,982.28
My Stylist Hair Salon & More	\$2,982.28

First Come, First Served: \$89,468.50, funds 31 businesses	
Business Name	Funding Amount
Pop CornUtopia	\$3,000
Uniem Inc (AKA The Bloom Coffee Roasters)	\$3,000
Cutie Nails	\$3,000
Best Western-Harker Heights	\$3,000
Lupo Pizza	\$3,000
Image Skin Studio	\$3,000
Palacios Massage Therapy LLC	\$3,000
Knights Barber	\$3,000
Tap Tap Art School	\$3,000
Alinas Delicias	\$3,000
Super 8 Harker Heights-DBA (J & J Prime, LLC)	\$3,000
Moon Nails Spa	\$3,000
Lone Star Saloon	\$3,000
Quantegy, LLC	\$3,000
Cell Phone Repair	\$3,000
Dental Images	\$3,000
Rising Stars 3lite	\$3,000
Allegiance Solar	\$3,000
Anthony Joseph Jewelers	\$3,000
Livin Wright	\$3,000
Black Heart Tattoo Collective	\$3,000
The Diamond Dynasty 7, LLC	\$3,000
Beauty by Enero, LLC	\$3,000
Veterans of Foreign Wars Post 3892	\$3,000
Lucille's Links & BBQ	\$3,000
Salon MagnaShear	\$3,000
Eco Blu Spa & Salon	\$3,000
Ari's Italian Restaurant	\$3,000
Master Cleaners	\$3,000
My Stylist Hair Salon & More	\$2,468.50



**Coronavirus Relief Funds
City of Harker Heights
Small Business Grant Criteria**

The City of Harker Heights is offering Coronavirus Small Business Relief Grants. The application period opens at 8:00 am on Monday - October 5, 2020 and will close at 5:00 pm on Friday - October 16, 2020.

The maximum amount per business is \$3,000 with a total funding amount of \$89,468.50.

Eligibility Criteria for Phase I

- Must be a locally owned, independent business.
- Must have 50 or fewer FTE (Full time equivalent) for payroll prior to March 1, 2020.
- Must have a current or anticipated revenue decline beginning after March 1, 2020, resulting from COVID-19 impacts.
- Must have a physical and publicly accessible location within Harker Heights in a commercial building or business district.
- Must have been in continuous operation prior to a disaster declaration ordering the closure of your business.
- Cannot be a home-based business.
- Must currently be in operation or plan to reopen when eligible.
- Must have been considered a "non-essential business" during disaster declarations
 - Examples include: Massage Establishments, Hair Salons, Tattoo/Piercing Parlors, Nail Salons, Bars, Restaurants, Breweries, Wineries, Small Retail Businesses, Gyms and Fitness Facilities, Indoor Amusement Facilities including Bowling Alleys, Pool Halls, and Movie Theaters; and Gig workers that own or lease as office space not located within a residence.

Ineligible Businesses

- Franchisors and Non-Profits,
- Real Estate Developers/Investors,
- Governmental/taxing agencies/departments,
- Hobby Businesses as defined by federal law,
- Multi-level marketing concerns,

- Gambling Concerns, including casinos, racing operations or other activities whose purpose involves gambling,
- Lobbying organizations and political organizations subject to Internal Revenue Code 527,
- Sexually Oriented Businesses (live performances, product sales, items, or materials),
- Businesses primarily engaged in lending, investments, or to an otherwise eligible business engaged in financing or factoring,
- Pawn Shops,
- An individual who employs household employees such as nannies or housekeepers,
- A business where a 20% or more equity owner is incarcerated, on probation, on parole; presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction; or has been convicted of a felony within the last five years,
- Concerns engaged in illegal activities under federal, state, or local laws,
- A business that is otherwise prohibited by federal or Texas law,
- A business that is ineligible or precluded to receive federal or State of Texas funding due to federal laws (including but not limited to the CARES Act) or Texas laws,

Eligible Use of Grant Funds

- Payroll costs for employees
- Contract Labor
- Supplier payments
- Rent, lease, or mortgage payment (for real property used for business purposes, like storefront or warehouse, excluding personal residence)
- Rent, lease, or purchase payment for business property (e.g. delivery vehicle; food truck; kitchen equipment; technology, payment, and communications systems and equipment)
- New or expanded technology applications and Wi-Fi services
- Utility payments for business properties, excluding personal residence
- Reasonable costs for business operations (insurance, raw materials, marketing expenses)
- PPE and sanitation supplies and equipment

The application may be obtained by going to either the City of Harker Heights website (www.harkerheights.gov) or the Central Texas Council of Governments (www.ctcog.org). The application may be submitted electronically to anna.barge@ctcog.org or mailed to: CTCOG, 2180 N Main Street, PO Box 729, Belton, TX 76513 Attn: Planning and Regional Services, Bell County CRF. Questions can be directed to Anna Barge at anna.barge@ctcog.org or Uryan Nelson at uryan.nelson@ctcog.org

On behalf of The City of Harker Heights, the program will be administered by the Central Texas Council of Governments.



City of Harker Heights Coronavirus Small Business Grant Application

Name of Business:

Name of Owner(s):

Name of Applicant (if not an owner, please note your job title)

Email address: _____

Phone number: _____

Business Address:

(Street Address)

_____ (City), Texas _____ (Zip code)

Is your business physically located within the city limits of Harker Heights? ____ Yes ____ No

Type of Business: (examples: retail, restaurant, spa)

How many full-time equivalent (FTEs) employees does your business employ currently?

Please explain any revenue decline experienced/anticipated between March 1, 2020 and December 30, 2020, due to COVID-19. Please provide documentation to support your response.

The documentation should be attached separately.

Phase I application

Narrative Questions:

How has COVID-19 impacted your business?

How would you use this funding to mitigate the effects of COVID-19 on your business? Please provide documentation supporting how the grant will be applied to your business operations (i.e. invoices, budget, etc.).

Have you applied for funds elsewhere? If you received funds elsewhere, explain the amount and how those funds are being used.

Did your business have to close and/or operate on a limited capacity due to COVID-19? What was the duration of the closure? If you are currently closed, do you plan to re-open?

Please provide the current IRS Form W9 with the application.

The application may be obtained by going to either the City of Harker Heights website (www.harkerheights.gov) or the Central Texas Council of Governments (www.ctcog.org).

The application may be submitted electronically to HarkerHeightsCRF@ctcog.org or mailed to: CTCOG, 2180 N Main Street, PO Box 729, Belton, TX 76513 Attn: Planning and Regional Services, Harker Heights CRF. Questions can be directed to: HarkerHeightsCRF@ctcog.org

On behalf of The City of Harker Heights, the program will be administered by the Central Texas Council of Governments.

Certification Page for Coronavirus Small Business Grant

Name of Business: _____

I, (First and Last Name) _____ certify that all information provided is accurate and fully reflects the business I represent. I understand that this application does not entitle my business to grant funding. If funded, I also certify that I will use the grant in accordance with the objective established by the grant program, and to spend the grant as indicated in the grant application.

Name

Date

The City of Harker Heights and the Central Texas Council of Governments will endeavor to retain all submitted information on a confidential basis to the extent allowed by law.

Phase I application



Grant Application Scoring Criteria (Phase 1)

Category	Points Received/Maximum Total Points
Provide all required documentation	___/10
Show need for funding	___/15
If awarded, applicant has a plan of how to spend grant funds	___/15
Provide an explanation of other funding sources	___/10
Total Points: ___/50	

Phase I application



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDING A CONTRACT FOR THE LYNN DRIVE DEMOLITION PROJECT IN THE AMOUNT OF \$65,250 TO SIERRA CONTRACTING CORPORATION (DBA SIERRA DEMOLITION); AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY, 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, awarding the abatement of the asbestos on October 13, 2020. The demolition bidding process began with the City advertising for bids for the Lynn Drive Demolition Project on October 4, 2020, and October 11, 2020. Further, staff sent invitations to bid to nine (9) contractors in the area, including the asbestos abatement consultant. A mandatory pre-bid job walk-through was conducted on October 14, 2020, and on October 20, 2020, at 2:00 p.m. the sealed bids for the project were opened. The following three (3) bids were received:

Company	Bid Total
SIERRA CONTRACTING CORPORATION DBA SIERRA DEMOLITION ROUND ROCK, TX	\$65,250.00
DIVISION 7 WATERPROOFING LLC. WACO, TX	\$73,442.91
HWY 195 USED AUTO PARTS, INC. KILLEEN, TX	\$165,800.00

The project includes:

1. Demolishing the structures as shown in the attached Project Map.
2. Removal of debris, sidewalks, slabs, and capping utilities.
3. Grading and vegetating the surfaces; ensuring they are mow-ready.

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 Demolition Project in the amount of \$65,250 to Sierra Contracting Corporation.

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 Demolition Project in the amount of \$65,250 to Sierra Contracting Corporation (DBA Sierra Demolition); and Authorize the City Manager to sign on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Bid Tabulation
3. Engineer's Letter of Recommendation
4. Project Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AWARDED A CONTRACT FOR THE LYNN DRIVE DEMOLITION PROJECT IN THE AMOUNT OF \$65,250 TO SIERRA CONTRACTING CORPORATION (DBA SIERRA DEMOLITION).

WHEREAS, the City advertised for bids on October 4, 2020 and October 11, 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 nine general contractors; and

WHEREAS, the City received three bids meeting specifications; and

WHEREAS, the City opened the sealed bids at 2:00 p.m. on October 20, 2020 and found the lowest responsible bidder to be Sierra Contracting Corporation; 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 Demolition Project is awarded to Sierra Contracting Corporation in the amount of \$65,250.00.
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 27, 2020, by the Harker Heights City Council.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights

**2020 LYNN DRIVE DEMOLITION PROJECT
 BID # 20-507-086-02
 BID TAB**

BIDDER NAME					SIERRA CONTRACTING CORPORATION DBA SIERRA DEMOLITION ROUND ROCK, TX			DIVISION 7 WATERPROOFING LLC.* WACO, TX *Irregular Bid			HWY 195 USED AUTO PARTS, INC.* KILLEEN, TX *Irregular Bid		
Item	Item Description	Unit of Measure	Quantity		Unit Price Bid	Calculated Total Cost	Written Bid	Unit Price Bid	Calculated Total Cost	Written Bid	Unit Price Bid	Calculated Total Cost	Written Bid
1.00	General												
1.01	Mobilization	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,200.00	\$ 2,200.00	\$ 2,200.00	\$ 500.00	\$ 500.00	\$ 500.00
1.02	Traffic Control Plan and Implementation	1	LS		\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 500.00
1.03	Stormwater Pollution Prevention Plan and Implementation	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 95.23	\$ 95.23	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 500.00
1.05	Seeding	1	Acre		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 266.00	\$ 266.00	\$ 5,600.00	\$ 500.00	\$ 500.00	\$ 500.00
				General Subtotal		\$ 9,500.00	\$ 9,500.00		\$ 2,811.23	\$ 10,049.00		\$ 2,000.00	\$ 2,000.00
2.00	Residential Demolition Services												
2.01	220 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.02	230 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.03	240 Lynn Drive	1	LS		\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.04	300 Lynn Drive	1	LS		\$ 4,250.00	\$ 4,250.00	\$ 4,250.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.05	301 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.06	311 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.07	320 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.08	321 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.09	331 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.10	341 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.11	350 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.12	360 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.13	361 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.14	400 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.15	401 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.16	431 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.17	441 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.18	451 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.19	461 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.20	470 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
2.21	471 Lynn Drive	1	LS		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,018.71	\$ 3,018.71	\$ 3,018.71	\$ 7,800.00	\$ 7,800.00	\$ 7,800.00
	Residential Demolition Services Subtotal					\$ 55,750.00	\$ 55,750.00		\$ 63,392.91	\$ 63,392.91		\$ 163,800.00	\$ 163,800.00
	TOTAL BID AMOUNT					\$ 65,250.00	\$ 65,250.00		\$ 66,204.14	\$ 73,442.91		\$ 165,800.00	\$ 165,800.00
	FINAL BID					\$65,250.00			\$73,442.91			\$165,800.00	
	Total Calendar Days					30			15			45	
	Total Work Days & Hours				M-F	8AM - 5PM		M-F	7AM - 4PM		M-F	(No hours given)	
	Number of Workers					2			4			4	
	Number of Supervisors					1			1			1	



October 20, 2020

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

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

RE: Recommendation for Award
2020 Lynn Drive Demolition Project - Bid # 20-507-086-02

Dear Mr. Molis,

On Tuesday, October 20, 2020 at 2:00 PM, three bids were received for the above referenced project. All bids were read aloud during the bid opening. This project is for the demolition of 21 residential dwelling units on Lynn Drive. Major work items include demolition, debris removal/disposal, grading and vegetation.

I have reviewed the submitted bids and identified a few irregularities. A tabulation of the bids received is enclosed herein. Sierra Contracting Corporation DBA Sierra Demolition's bid was tabulated and found that the amounts listed on the bid form are the correct amounts based on the tabulation of the unit prices.

Based on the information received and my review of the bids, I see no reason not to award this contract to the lowest qualified bidder, Sierra Contracting Corporation DBA Sierra Demolition in the amount of \$65,250.00.

Please do not hesitate to contact me should you have any questions or need any additional information.

Respectfully,

Kristina Ramirez
Assistant Public Works Director

Enclosure: Bid Tab

Lynn Drive - Units for asbestos abatement and demolition





CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING AND EXTENDING ITS WATER CONSERVATION PLAN, AS REVISED, AND DROUGHT CONTINGENCY PLAN FOR A PERIOD OF FIVE (5) YEARS; PROVIDING FOR REVIEW FOR THE PURPOSE OF READOPTION IN FIVE (5) YEARS; AND PROVIDING THAT SUCH PLANS SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL READOPTION, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Texas Commission on Environmental Quality ('TCEQ') requires Drought Contingency Plan and Water Conservation Plan updates at least once every five years. There are no proposed revisions to the Drought Contingency Plan. Proposed revisions to the Water Conservation Plan include the following:

§ 52.40 Reduction of Use Goals (Found on Page 8 of the redlined ordinance)

- The water loss five-year goal was changed from 9% to 11%.
- The base per capita water use was changed from 143 to 141 gallons per day.
- The water loss ten-year goal was changed from 8% to 10%

The previous five and ten-year water loss goals were much lower than what the City has been able to achieve to date. For 2019, the actual water loss was 11.63%. The base per capita water use goal was lowered slightly. For 2019 the actual per capita water use was 147 gallons per day.

§ 52.48 Water Audits and Leak Detection (Found on Page 11 of the redlined ordinance)

- The metering of fire hydrants was deleted.

While the City requires fire hydrant meters for construction sites, it is not practical to meter high velocity/high volume water line flushing for routine maintenance. The portable fire hydrant meter causes too much of a restriction to reach the necessary velocity. Public Works is looking at methods to standardize the estimation of water used for maintenance line flushing and for water leak repairs.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance amending Chapter 52, "Water and Sewers" of the City of Harker Heights Drought Contingency Plan and Water Conservation Plan for water customers.
2. Any action desired by the City Council.

ATTACHMENTS:

1. Ordinance
2. Redlined Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS ADOPTING AND EXTENDING ITS WATER CONSERVATION PLAN, AS REVISED, AND DROUGHT CONTINGENCY PLAN FOR A PERIOD OF FIVE (5) YEARS; PROVIDING FOR REVIEW FOR THE PURPOSE OF READOPTION IN FIVE (5) YEARS; AND PROVIDING THAT SUCH PLANS SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL READOPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS AS FOLLOWS:

Section 1. The Drought Contingency Plan for the City of Harker Heights, which is attached as **Exhibit "A"** and the Water Conservation Plan of the City of Harker Heights, as revised, which is attached as **Exhibit "B"** and, are hereby adopted and extended for a period of five (5) years from and after the date of this Ordinance. The Water Conservation Plan and Drought Contingency Plan shall be reviewed for re adoption at the expiration of such five (5) year period.

Section 2. The Water Conservation Plan and Drought Contingency Plan which are adopted and extended herein shall remain in full force and effect until the same are amended or otherwise readopted at the end of such five (5) year period.

PASSED on this the 27th day of October, 2020.

CITY OF HARKER HEIGHTS, TEXAS

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights

DROUGHT CONTINGENCY PLAN

§ 52.20 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSERVATION. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

CUSTOMER. Any person, company, or organization using water supplied by the city, other than the city itself or a city employee acting within the course and scope of such employment.

DESIGNATED WATERING DAYS. Means Sundays and Thursdays for street addresses ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for street addresses ending in an odd number (1, 3, 5, 7 or 9).

DROUGHT CONTINGENCY PLAN. A plan which prescribes short-term measures to cause a temporary but significant reduction in water use during drought or periods of extended high temperatures.

NON-ESSENTIAL WATER USE. Water uses that are not essential, nor required for the protection of public health, safety, and welfare including but not limited to:

- (1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this subchapter;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak within a reasonable period after becoming aware of such leak; and
- (9) Use of water from hydrants for any other purposes other than fire fighting.

OUTDOOR WATER USE. Any outdoor use of water, including but not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to outdoor swimming pools, wading pools or ponds; the operation of any outdoor ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than fire fighting or other activities necessary to maintain health and safety conditions; the washing down of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the washing down of ground foundations.
(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.21 TRIGGER CONDITIONS.

(A) Daily water demand will be monitored for emergency conditions by the city. The City Manager, on recommendation of the Public Works Department, shall determine when conditions warrant initiation or termination of each stage of this subchapter. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

(B) The city shall conduct a feasibility study about an interconnection with Central Texas Water Supply Corporation. The interconnection would be utilized to provide water in emergency conditions provided it does not create an additional emergency situation for either entity. This shared water resource may be evaluated or implemented prior to initiation of the trigger conditions.

(C) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* Customers shall be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use, as outlined in § 52.22(B) (Stage 1) conservation measures when any of the following trigger events occur:

(1) The city's wholesale water provider initiates stage 1 conservation conditions.

(2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 80%.

(D) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 2 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 75% of maximum storage.

(2) The city's wholesale water provider initiates Stage 2 conservation conditions.

(3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 85%.

(E) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 3 conservation measures when any of the following triggering events occur:

- (1) The city's total storage capacity falls to 50% of maximum storage.
- (2) The city's wholesale water provider initiates stage 3 conservation conditions.
- (3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 90%.

(F) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 4 conservation measures when any of the following triggering events occur:

- (1) The city's total storage capacity falls to 25% of maximum storage.
- (2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 95%.
- (3) The city water system is contaminated to the degree that the city's ability to supply safe, potable water is impaired.
- (4) Any mechanical failure of pumping equipment or system component failure which in the opinion of the Public Works Director will require more than 12 hours to repair, and which causes a loss of capability to provide water service in the city.
- (5) The City Manager declares that mandatory water restrictions are necessary to protect the public health, safety, and welfare due to unusual events, catastrophic occurrences, or severe weather, provided that such declaration shall not extend beyond seven days unless authorized by the City Council.

(G) *Requirements for termination.* The City Manager may rescind Stage 1 at any time. Any other Stage may be rescinded by the City Manager when all of the trigger conditions for that Stage cease to exist.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.22 DROUGHT RESPONSE STAGES.

(A) The City Manager shall monitor water supply and demand conditions on a daily basis and, upon initiating a drought response stage in accordance with the triggering criteria set forth in § 52.21, shall provide notice as provided by § 53.23(B). The applicable restrictions are effective immediately on the making of the public announcement.

(B) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* During Stage 1 the aspirational goals are to: raise public and customer awareness of water demand conditions; encourage voluntary water conservation by avoiding non-essential water uses and observance of the restrictions of this subsection; and achieve a target

reduction of 5% of the city's total water demand expressed as a percentage of pumping capacity.

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems should be limited to any two days of the week between the hours of 8:00 p.m. and 9:00 a.m.

(2) Outdoor water use is discouraged between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets.

(3) All operations of the city shall minimize non-essential water uses.

(C) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* During Stage 2 the aspirational goal is to achieve a target reduction of 10% of the city's total water demand expressed as a percentage of pumping capacity. Customers must comply with the water use requirements and restrictions of this subsection under threat of penalty for violation.

(1) The following uses and activities are prohibited at all times:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other hard-surfaced areas, except to alleviate immediate health or safety hazards;

(b) Allowing water to run off a property or allowing water to pond in the street or parking lot;

(c) Operating a permanently installed irrigation system with one or more sprinkler heads that are broken, missing, out of adjustment, or spraying more than 10% of the water on street or parking lots;

(d) Failure to repair a controllable leak within a reasonable period after the customer becomes aware of such leak; and

(e) Charity car washes.

(2) Irrigation of landscaped areas, golf course greens, tees, and fairways shall be limited to the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(3) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes, or other vehicles is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. This prohibition does not apply to washing of:

(a) Individual vehicles on the immediate premises of a commercial car wash or commercial service station; or

(b) Vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing.

(4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(5) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(6) Restaurants are prohibited from serving water to patrons except when requested.

(7) All other outdoor water use is prohibited between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. It shall be an affirmative defense to a violation of using water outside the hours permitted by this paragraph if customer was:

(a) At a commercial plant nursery and irrigating products for sale; or

(b) Irrigating landscaping during installation thereof or within the first ten days thereafter.

(8) Stage 2 restrictions do not apply to the following uses of water:

(a) The necessary use of water, other than for landscaping irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects; and

(b) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

(D) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* During Stage 3 the aspirational goal is to achieve a target reduction of 15% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Supply Management Measures.* The city will cease the flushing of water mains except when necessary for reasons of health or safety. Irrigation of public landscaped areas will be discontinued except when such areas are irrigated with reclaimed water, domestic ground water, raw water sources, or sources other than the city water supply system.

(2) *Water Use Restrictions.* During Stage 3 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 2 shall remain in effect during Stage 3 except:

(a) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited except:

(i) On the immediate premises of a commercial car wash or a commercial service station; or

(ii) When such washing is in the immediate interest of the public health, safety, and welfare, and occurs between the hours of 6:00 a.m. and 9:00 a.m.

(b) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.

(c) No new landscapes of any type may be installed.

(d) The use of water for land development, construction purposes, and dust control is prohibited.

(e) All other outdoor water use is restricted to use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets, and may occur only between the hours of 6:00 a.m. to 9:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated watering days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.

(E) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* During Stage 4 the aspirational goal is to achieve a target reduction of 20% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Water Use Restrictions.* During Stage 4 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 3 shall remain in effect during Stage 4.

(2) The City Manager, upon recommendation of the Public Works Director, may order water rationing and terminate service to selected users of the system in accordance with the following sequence:

- (a) Recreational users;
- (b) Commercial users;
- (c) Industrial users;
- (d) School users;
- (e) Residential users; and
- (f) Public health and safety facilities.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2019-23, passed 8-13-19)
Penalty, see § 52.99

§ 52.23 NOTIFICATION AND PUBLIC EDUCATION.

(A) The city is located within the Brazos Region Water Planning Group, Region G. A copy of this subchapter has been provided to the Brazos Region Water Planning Group, Region G, as well as the Brazos River Authority.

(B) Public notification of the initiation or termination of drought response stages shall be by means of publication in the *Killeen Daily Herald* newspaper, the City website and public service announcements on KWTX - Channel 10. Additional notification may be given by signs posted in public places, utility bill inserts, and other means to be determined by the City Manager.

(C) When mandatory restrictions are enacted with the initiation of Stage 2, Stage 3 or Stage 4, the Executive Director of TCEQ will be notified, at a minimum via telephone, within five business days.

(D) Public education of this subchapter will be provided periodically to update the public with information about the conditions under which each stage of this subchapter is to be initiated or terminated as well as the drought measures to be implemented in each stage. This information may be provided through utility bill inserts, public events, or other means to be determined by the City Manager.

(E) In the event of an imminent or actual water supply emergency due to either impairment of water supply source (including contamination) or system failure, the following emergency actions will take place:

(1) The public will be notified of the need to boil water, use bottled water, or use a designated alternate water source, as appropriate.

(2) The City Manager may seek assistance through the local and/or state emergency management system.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-13, passed 2-24-15)

§ 52.24 VARIANCES

(A) The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this subchapter if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:

(1) Compliance with this subchapter cannot be technically accomplished during the duration of the water supply shortage or other condition for which the subchapter is in effect; or

(2) Alternative methods can be implemented which will achieve a comparable reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City Secretary within five days after a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

(1) Name and address of each petitioner;

(2) Purpose of water use;

(3) Specific provision(s) of this subchapter from which the petitioner is requesting relief;

(4) Detailed statement as to how the specific provision of this subchapter adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;

(5) Description of the relief requested;

(6) Period of time for which the variance is sought;

(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this subchapter and the compliance date; and

(8) Any other pertinent information.

(C) Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified:

(1) Variances granted shall include a timetable for compliance;

(2) Variances granted shall expire when the particular drought response stage for which the variance was granted is no longer in effect; and

(3) The City Manager may terminate a variance if the petitioner fails to meet specified requirements.

(D) No variance shall be retroactive or otherwise justify any violation of this subchapter occurring prior to the issuance of the variance.

(Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

Exhibit “B”

WATER CONSERVATION PLAN

§ 52.40 REDUCTION OF USE GOALS.

(A) It is the goal of the City Council to reduce the future water requirements by adopting conservation measures that will prevent the otherwise expected rise in per capita use of water, and endeavor to maintain the current level of per capita demand. This goal recognizes that there are factors that will increase the average per capita use of water unless additional conservation actions are taken. These factors that may increase the per capita use are projected increases in per capita income, increases in the employment-population ratio, increases in the proportion of single-family homes, increases in the number of persons living in each household, and uses by additional industries as the economy of the community expands.

(B) Given these potentials for causing the per capita use to increase and the fact that the City Council has already adopted and implemented all of those conservation measures which are considered to have a large impact on water use, a goal of further reducing the per capita demand would be unrealistic for water resources planning purposes.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.41 WATER RESOURCE MANAGEMENT GOALS.

(A) It is the goal of the City Council to reduce to the maximum extent possible the rate of depletion of Lake Belton and Stillhouse Hollow Lake by the utilization of sewage effluent water to substitute for potable water for some irrigation purposes.

(B) The Water Conservation Plan, when implemented, will serve as a program to influence the long-term water use characteristics of the city's residents. The five-year goal of the program is to reduce the percentage of water loss from the city's water system to approximately 11%, while maintaining the base per capita water use of 141 gallons per day or less. The ten-year goal of the program is to further reduce the percentage of water loss to 10%, while maintaining a per capita water use of 140 gallons per day or less.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.42 EDUCATION AND INFORMATION.

(A) The education of the residents as to water conservation practices and methods will be accomplished through a program of informing the citizens on the city website, utility bills, local newspaper articles, brochures, radio, and public education through schools. The information to be distributed will follow the items of the "Guidelines for Municipal Water Conservation" and the Drought Contingency Plan, § 52.20.

(B) The specific program of education and information will be as follows:

(1) Special articles will be printed in the *Evening Star* newspaper of Harker Heights and the *Killeen Daily Herald* as needed.

(2) Water and wastewater billings shall be utilized to further inform the residents of water conservation.

(3) All new customers shall be informed of the water conservation program by a brochure. It will describe the program and explain its goals and solicit the help and participation of the new customers.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.43 WATER CONSERVATION PLUMBING CODE.

As set forth in § 150.01, the Council has adopted plumbing regulations that include water saving plumbing requirements consistent with Texas Water Development Board guidelines. These regulations apply to all new construction and replacement of plumbing in existing structures.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.44 WATER CONSERVATION PLUMBING RETROFITS.

Customers and/or owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The educational and advertising program will help inform them of advantages of installing water savings devices as well as the availability of these items. Customers will be informed of water conservation kits available at a low cost to aid in their water conservation efforts. (Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.45 WATER CONSERVATION RATE STRUCTURE.

The city currently has a uniform rate structure that does not and will not encourage water waste. All water customers are subject to the uniform rate structure so that all customer classes (single-family residence, multi-family residence, industrial, commercial, and the like) are equally encouraged to conserve water. (Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.46 UNIVERSAL METERING AND METER REPAIR/REPLACEMENT PROGRAM.

(A) The city currently has master meters located at the Maintenance Yard pump station and Verna Lee pump station sites to provide accurate accounting of water supply from the Bell County WCID #1 system.

(B) Currently, the city has a water accounting program that is implemented by computerized water consumption tracking. Each meter is monitored for consistency in water use. If water consumption increases or decreases dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

(C) In addition to meters identified by the computerized water accounting program, the city will establish a flow meter testing and replacement schedule as follows:

- (1) Pump station discharge meters - tested annually.
- (2) Two inch meters or greater - tested once every two years.
- (3) Establish meter change-out program after ten years of service.

(D) Metering and meter repair/replacement coupled with water accounting and auditing will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.47 WATER CONSERVING LANDSCAPING.

The use of water conserving landscaping and irrigation techniques shall be encouraged through education and information programs. This will be done through a public education program that will include suggestions on landscaping and irrigation procedures which will result in reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. Nurseries and other businesses that sell outdoor plants, grasses, and irrigation equipment will be encouraged to make products available to the public that conserve water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.48 WATER AUDITS AND LEAK DETECTION.

The city currently has a continuous leak detection, location, and repair program that includes an annual water audit. When a source of water loss is located, corrective repairs or other actions are taken. The city has access to a Fisher Model XLT-20 to conduct a thorough sonic or acoustic survey of the system. The meter testing program will aid in reducing water losses.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.49 RECYCLING AND REUSE.

There are a few commercial businesses or industries in Harker Heights that recycle or reuse water, and the city is seriously considering using treated effluent water from the wastewater plant to irrigate a 33-acre park owned by the city. The city has already asked TCEQ to assist in administrative and submittal requirements that must be followed when utilizing reclaimed water. In addition, the city will continue to look for opportunities to recycle or reuse water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.50 IMPLEMENTATION AND ENFORCEMENT.

The City Council has passed this ordinance as a means to implement and enforce the Water Conservation Plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.51 ADMINISTRATION AND REPORTING.

(A) The Public Works Director will act as the administrator of the Water Conservation Plan. The administrator will oversee the execution and implementation of all elements of the Plan. He will also be responsible to oversee the keeping of adequate records for program verification.

(B) The administrator will be responsible for the submission of an updated Drought Contingency Plan and Water Conservation Plan once every five years to the Texas Water Development Board, the Texas Commission on Environmental Quality, the Brazos River Authority, Region G and the Bell County Water Control & Improvement District No. 1.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.52 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

Although no necessity exists upon passage and approval of this Water Conservation Plan for contracts with other political subdivisions, the city may enter into such contracts from time to time in order to benefit the public and to maximize the effectiveness of this plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.99 OFFENSES AND PENALTY.

(A) Any person, firm, or corporation who violates any provision of §§ 52.01 through 52.05 of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this subchapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(B) Any person, firm, or corporation violating any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the city shall be punished by a fine not to exceed the sum of \$500 for each offense. Each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(C) In any prosecution for violation of any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter, it shall be an affirmative defense that:

(1) The person was using only reclaimed water, ground water, raw water, or water obtained from any source other than the city water supply system;

(2) The use was necessary for testing or repair of water distribution facilities, residential and commercial plumbing, or permanently installed landscape irrigation systems; or

(3) The use was necessary for fire fighting, fire protection, or other activities necessary to maintain public health, sanitation, safety, and welfare.

(D) The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 94-21, passed 6-14-94; Am. Ord. 94-40, passed 9-13-94; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2013-18, passed 7-9-13; Am. Ord. 2015-03, passed 2-24-15)

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DROUGHT CONTINGENCY PLAN

§ 52.20 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSERVATION. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

CUSTOMER. Any person, company, or organization using water supplied by the city, other than the city itself or a city employee acting within the course and scope of such employment.

DESIGNATED WATERING DAYS. Means Sundays and Thursdays for street addresses ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for street addresses ending in an odd number (1, 3, 5, 7 or 9).

DROUGHT CONTINGENCY PLAN. A plan which prescribes short-term measures to cause a temporary but significant reduction in water use during drought or periods of extended high temperatures.

NON-ESSENTIAL WATER USE. Water uses that are not essential, nor required for the protection of public health, safety, and welfare including but not limited to:

- (1) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by this subchapter;
- (2) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (3) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions;
- (4) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (5) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (6) Use of water to fill, refill, or add to any swimming pools or Jacuzzi-type pools;
- (7) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (8) Failure to repair a controllable leak within a reasonable period after becoming aware of such leak; and

(9) Use of water from hydrants for any other purposes other than fire fighting.

OUTDOOR WATER USE. Any outdoor use of water, including but not limited to watering lawns, shrubs, and other types of outdoor vegetation; washing vehicles, boats, and trailers; use of landscape irrigation systems; the refilling or adding water to outdoor swimming pools, wading pools or ponds; the operation of any outdoor ornamental fountain or other similar structure; the use of water from fire hydrants for uses other than fire fighting or other activities necessary to maintain health and safety conditions; the washing down of patios, driveways, parking areas, streets, tennis courts, sidewalks or other paved areas; and the washing down of ground foundations.

(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.21 TRIGGER CONDITIONS.

(A) Daily water demand will be monitored for emergency conditions by the city. The City Manager, on recommendation of the Public Works Department, shall determine when conditions warrant initiation or termination of each stage of this subchapter. Weather conditions are to be considered in drought classification determination. Predicted long, cold, or dry periods are to be considered in impact analysis.

(B) The city shall conduct a feasibility study about an interconnection with Central Texas Water Supply Corporation. The interconnection would be utilized to provide water in emergency conditions provided it does not create an additional emergency situation for either entity. This shared water resource may be evaluated or implemented prior to initiation of the trigger conditions.

(C) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* Customers shall be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use, as outlined in § 52.22(B) (Stage 1) conservation measures when any of the following trigger events occur:

(1) The city's wholesale water provider initiates stage 1 conservation conditions.

(2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 80%.

(D) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 2 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 75% of maximum storage.

(2) The city's wholesale water provider initiates Stage 2 conservation conditions.

(3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 85%.

Harker Heights Code of Ordinances

(E) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 3 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 50% of maximum storage.
(2) The city's wholesale water provider initiates stage 3 conservation conditions.

(3) The city's total daily water demand expressed as a percentage of pumping capacity reaches 90%.

(F) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* The City Manager will initiate Stage 4 conservation measures when any of the following triggering events occur:

(1) The city's total storage capacity falls to 25% of maximum storage.
(2) The city's total daily water demand expressed as a percentage of pumping capacity reaches 95%.

(3) The city water system is contaminated to the degree that the city's ability to supply safe, potable water is impaired.

(4) Any mechanical failure of pumping equipment or system component failure which in the opinion of the Public Works Director will require more than 12 hours to repair, and which causes a loss of capability to provide water service in the city.

(5) The City Manager declares that mandatory water restrictions are necessary to protect the public health, safety, and welfare due to unusual events, catastrophic occurrences, or severe weather, provided that such declaration shall not extend beyond seven days unless authorized by the City Council.

(G) *Requirements for termination.* The City Manager may rescind Stage 1 at any time. Any other Stage may be rescinded by the City Manager when all of the trigger conditions for that Stage cease to exist.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.22 DROUGHT RESPONSE STAGES.

(A) The City Manager shall monitor water supply and demand conditions on a daily basis and, upon initiating a drought response stage in accordance with the triggering criteria set forth in § 52.21, shall provide notice as provided by § 53.23(B). The applicable restrictions are effective immediately on the making of the public announcement.

(B) *Stage 1 - Mild Water Shortage Conditions, Voluntary Conservation.* During Stage 1 the aspirational goals are to: raise public and customer awareness of water demand conditions; encourage voluntary water conservation by avoiding non-essential water uses and observance of the restrictions of this subsection; and achieve a target reduction of 5% of the city's total water demand expressed as a percentage of pumping capacity.

Harker Heights Code of Ordinances

(1) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems should be limited to any two days of the week between the hours of 8:00 p.m. and 9:00 a.m.

(2) Outdoor water use is discouraged between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets.

(3) All operations of the city shall minimize non-essential water uses.

(C) *Stage 2 - Moderate Water Shortage Conditions, Mandatory Conservation.* During Stage 2 the aspirational goal is to achieve a target reduction of 10% of the city's total water demand expressed as a percentage of pumping capacity. Customers must comply with the water use requirements and restrictions of this subsection under threat of penalty for violation.

(1) The following uses and activities are prohibited at all times:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios, or other hard-surfaced areas, except to alleviate immediate health or safety hazards;

(b) Allowing water to run off a property or allowing water to pond in the street or parking lot;

(c) Operating a permanently installed irrigation system with one or more sprinkler heads that are broken, missing, out of adjustment, or spraying more than 10% of the water on street or parking lots;

(d) Failure to repair a controllable leak within a reasonable period after the customer becomes aware of such leak; and

(e) Charity car washes.

(2) Irrigation of landscaped areas, golf course greens, tees, and fairways shall be limited to the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(3) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes, or other vehicles is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. This prohibition does not apply to washing of:

(a) Individual vehicles on the immediate premises of a commercial car wash or commercial service station; or

(b) Vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing.

(4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except between the hours of 8:00 p.m. to 9:00 a.m. on designated watering days.

(5) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(6) Restaurants are prohibited from serving water to patrons except when requested.

Harker Heights Code of Ordinances

(7) All other outdoor water use is prohibited between the hours of 9:00 a.m. and 8:00 p.m. except with hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets. It shall be an affirmative defense to a violation of using water outside the hours permitted by this paragraph if customer was:

(a) At a commercial plant nursery and irrigating products for sale; or

(b) Irrigating landscaping during installation thereof or within the first ten days thereafter.

(8) Stage 2 restrictions do not apply to the following uses of water:

(a) The necessary use of water, other than for landscaping irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects; and

(b) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.

(D) *Stage 3 - Severe Water Shortage Conditions, Mandatory Conservation.* During Stage 3 the aspirational goal is to achieve a target reduction of 15% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Supply Management Measures.* The city will cease the flushing of water mains except when necessary for reasons of health or safety. Irrigation of public landscaped areas will be discontinued except when such areas are irrigated with reclaimed water, domestic ground water, raw water sources, or sources other than the city water supply system.

(2) *Water Use Restrictions.* During Stage 3 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 2 shall remain in effect during Stage 3 except:

(a) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is prohibited except:

(i) On the immediate premises of a commercial car wash or a commercial service station; or

(ii) When such washing is in the immediate interest of the public health, safety, and welfare, and occurs between the hours of 6:00 a.m. and 9:00 a.m.

(b) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.

(c) No new landscapes of any type may be installed.

(d) The use of water for land development, construction purposes, and dust control is prohibited.

(e) All other outdoor water use is restricted to use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used, or hand-held buckets, and may occur only between the hours of 6:00 a.m. to 9:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated watering days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.

(E) *Stage 4 - Emergency Water Shortage Conditions, Mandatory Conservation.* During Stage 4 the aspirational goal is to achieve a target reduction of 20% of the city's total water demand expressed as a percentage of pumping capacity.

(1) *Water Use Restrictions.* During Stage 4 customers must comply with the water use requirements and restrictions of this subsection, under threat of penalty for violation. All requirements and restrictions of Stage 3 shall remain in effect during Stage 4.

(2) The City Manager, upon recommendation of the Public Works Director, may order water rationing and terminate service to selected users of the system in accordance with the following sequence:

- (a) Recreational users;
- (b) Commercial users;
- (c) Industrial users;
- (d) School users;
- (e) Residential users; and
- (f) Public health and safety facilities.

(Ord. 94-21, passed 6-14-94; Am. Ord. 98-41, passed 10-13-98; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15; Am. Ord. 2019-23, passed 8-13-19) Penalty, see § 52.99

§ 52.23 NOTIFICATION AND PUBLIC EDUCATION.

(A) The city is located within the Brazos Region Water Planning Group, Region G. A copy of this subchapter has been provided to the Brazos Region Water Planning Group, Region G, as well as the Brazos River Authority.

(B) Public notification of the initiation or termination of drought response stages shall be by means of publication in the *Killeen Daily Herald* newspaper, the City website and public service announcements on KWTX - Channel 10. Additional notification may be given by signs posted in public places, utility bill inserts, and other means to be determined by the City Manager.

(C) When mandatory restrictions are enacted with the initiation of Stage 2, Stage 3 or Stage 4, the Executive Director of TCEQ will be notified, at a minimum via telephone, within five business days.

(D) Public education of this subchapter will be provided periodically to update the public with information about the conditions under which each stage of this subchapter is to be initiated or terminated as well as the drought measures to be implemented in each stage. This information may be provided through utility bill inserts, public events, or other means to be determined by the City Manager.

(E) In the event of an imminent or actual water supply emergency due to either impairment of water supply source (including contamination) or system failure, the following emergency actions will take place:

(1) The public will be notified of the need to boil water, use bottled water, or use a designated alternate water source, as appropriate.

(2) The City Manager may seek assistance through the local and/or state emergency management system.
(Ord. 94-21, passed 6-14-94; Am. Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-13, passed 2-24-15)

§ 52.24 VARIANCES

(A) The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this subchapter if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, and if one or more of the following conditions are met:

(1) Compliance with this subchapter cannot be technically accomplished during the duration of the water supply shortage or other condition for which the subchapter is in effect; or

(2) Alternative methods can be implemented which will achieve a comparable reduction in water use.

(B) Persons requesting an exemption from the provisions of this subchapter shall file a petition for variance with the City Secretary within five days after a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

(1) Name and address of each petitioner;
(2) Purpose of water use;
(3) Specific provision(s) of this subchapter from which the petitioner is requesting relief;

(4) Detailed statement as to how the specific provision of this subchapter adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this subchapter;

(5) Description of the relief requested;
(6) Period of time for which the variance is sought;
(7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this subchapter and the compliance date; and

(8) Any other pertinent information.

(C) Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified:

(1) Variances granted shall include a timetable for compliance;
(2) Variances granted shall expire when the particular drought response stage for which the variance was granted is no longer in effect; and
(3) The City Manager may terminate a variance if the petitioner fails to meet specified requirements.

(D) No variance shall be retroactive or otherwise justify any violation of this subchapter occurring prior to the issuance of the variance.

(Ord. 2005-40, passed 11-8-05; Am. Ord. 2009-31, passed 10-27-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

WATER CONSERVATION PLAN

§ 52.40 REDUCTION OF USE GOALS.

(A) It is the goal of the City Council to reduce the future water requirements by adopting conservation measures that will prevent the otherwise expected rise in per capita use of water, and endeavor to maintain the current level of per capita demand. This goal recognizes that there are factors that will increase the average per capita use of water unless additional conservation actions are taken. These factors that may increase the per capita use are projected increases in per capita income, increases in the employment-population ratio, increases in the proportion of single-family homes, increases in the number of persons living in each household, and uses by additional industries as the economy of the community expands.

(B) Given these potentials for causing the per capita use to increase and the fact that the City Council has already adopted and implemented all of those conservation measures which are considered to have a large impact on water use, a goal of further reducing the per capita demand would be unrealistic for water resources planning purposes.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.41 WATER RESOURCE MANAGEMENT GOALS.

(A) It is the goal of the City Council to reduce to the maximum extent possible the rate of depletion of Lake Belton and Stillhouse Hollow Lake by the utilization of sewage effluent water to substitute for potable water for some irrigation purposes.

(B) The Water Conservation Plan, when implemented, will serve as a program to influence the long-term water use characteristics of the city's residents. The five-year goal of the program is to reduce the percentage of water loss from the city's water system to approximately 9 11%, while maintaining the base per capita water use of 143 141 gallons per day or less. The ten-year goal of the program is to further reduce the percentage of water loss to 8 10%, while maintaining a per capita water use of 140 gallons per day or less.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.42 EDUCATION AND INFORMATION.

(A) The education of the residents as to water conservation practices and methods will be accomplished through a program of informing the citizens on the city website, utility bills, local newspaper articles, brochures, radio, and public education through schools. The information to be distributed will follow the items of the "Guidelines for Municipal Water Conservation" and the Drought Contingency Plan, § 52.20.

(B) The specific program of education and information will be as follows:

(1) Special articles will be printed in the *Evening Star* newspaper of Harker Heights and the *Killeen Daily Herald* as needed.

(2) Water and wastewater billings shall be utilized to further inform the residents of water conservation.

(3) All new customers shall be informed of the water conservation program by a brochure. It will describe the program and explain its goals and solicit the help and participation of the new customers.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.43 WATER CONSERVATION PLUMBING CODE.

As set forth in § 150.01, the Council has adopted plumbing regulations that include water saving plumbing requirements consistent with Texas Water Development Board guidelines. These regulations apply to all new construction and replacement of plumbing in existing structures.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, pass 2-24-15)

§ 52.44 WATER CONSERVATION PLUMBING RETROFITS.

Customers and/or owners of buildings that do not have water conserving plumbing devices will be encouraged to retrofit their old fixtures. The educational and advertising program will help inform them of advantages of installing water savings devices as well as the availability of these items. Customers will be informed of water conservation kits available at a low cost to aid in their water conservation efforts.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

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The city currently has a uniform rate structure that does not and will not encourage water waste. All water customers are subject to the uniform rate structure so that all customer classes (single-family residence, multi-family residence, industrial, commercial, and the like) are equally encouraged to conserve water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.46 UNIVERSAL METERING AND METER REPAIR/REPLACEMENT PROGRAM.

(A) The city currently has master meters located at the Maintenance Yard pump station and Verna Lee pump station sites to provide accurate accounting of water supply from the Bell County WCID #1 system.

(B) Currently, the city has a water accounting program that is implemented by computerized water consumption tracking. Each meter is monitored for consistency in water use. If water consumption increases or decreases dramatically, the meter becomes suspect and is tested and repaired or replaced as necessary.

(C) In addition to meters identified by the computerized water accounting program, the city will establish a flow meter testing and replacement schedule as follows:

- (1) Pump station discharge meters - tested annually.
- (2) Two inch meters or greater - tested once every two years.
- (3) Establish meter change-out program after ten years of service.

(D) Metering and meter repair/replacement coupled with water accounting and auditing will be used in conjunction with other programs such as leak detection and repair to potentially save significant quantities of water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2009-16, passed 6-9-09; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.47 WATER CONSERVING LANDSCAPING.

The use of water conserving landscaping and irrigation techniques shall be encouraged through education and information programs. This will be done through a public education program that will include suggestions on landscaping and irrigation procedures which will result in reduced water consumption and reduced water bills. These practices will be implemented as much as possible on public grounds in order to set an example for the general public. Nurseries and other businesses that sell outdoor plants, grasses, and irrigation equipment will be encouraged to make products available to the public that conserve water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.48 WATER AUDITS AND LEAK DETECTION.

The city currently has a continuous leak detection, location, and repair program that includes an annual water audit. When a source of water loss is located, corrective repairs or other actions are taken. The city has access to a Fisher Model XLT-20 to

conduct a thorough sonic or acoustic survey of the system. Additionally, as set forth in § 52.46, the city is implementing metering of fire hydrants. The meter testing program will aid in reducing water losses.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.49 RECYCLING AND REUSE.

There are a few commercial businesses or industries in Harker Heights that recycle or reuse water, and the city is seriously considering using treated effluent water from the wastewater plant to irrigate a 33-acre park owned by the city. The city has already asked TCEQ to assist in administrative and submittal requirements that must be followed when utilizing reclaimed water. In addition, the city will continue to look for opportunities to recycle or reuse water.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.50 IMPLEMENTATION AND ENFORCEMENT.

The City Council has passed this ordinance as a means to implement and enforce the Water Conservation Plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.51 ADMINISTRATION AND REPORTING.

(A) The Public Works Director will act as the administrator of the Water Conservation Plan. The administrator will oversee the execution and implementation of all elements of the Plan. He will also be responsible to oversee the keeping of adequate records for program verification.

(B) The administrator will be responsible for the submission of an updated Drought Contingency Plan and Water Conservation Plan once every five years to the Texas Water Development Board, the Texas Commission on Environmental Quality, the Brazos River Authority, Region G and the Bell County Water Control & Improvement District No. 1.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.52 CONTRACTS WITH OTHER POLITICAL SUBDIVISIONS.

Although no necessity exists upon passage and approval of this Water Conservation Plan for contracts with other political subdivisions, the city may enter into

such contracts from time to time in order to benefit the public and to maximize the effectiveness of this plan.

(Ord. 98-40, passed 10-13-98; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2015-03, passed 2-24-15)

§ 52.99 OFFENSES AND PENALTY.

(A) Any person, firm, or corporation who violates any provision of §§ 52.01 through 52.05 of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount not exceeding \$1,000. Each day on which a violation of, or failure to comply with, this subchapter continues shall constitute a separate violation and shall be punishable as such. The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(B) Any person, firm, or corporation violating any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the city shall be punished by a fine not to exceed the sum of \$500 for each offense. Each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(C) In any prosecution for violation of any provision of the mandatory water use restrictions as set forth in §§ 52.20 through 52.24 of this chapter, it shall be an affirmative defense that:

(1) The person was using only reclaimed water, ground water, raw water, or water obtained from any source other than the city water supply system;

(2) The use was necessary for testing or repair of water distribution facilities, residential and commercial plumbing, or permanently installed landscape irrigation systems; or

(3) The use was necessary for fire fighting, fire protection, or other activities necessary to maintain public health, sanitation, safety, and welfare.

(D) The city also is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other statutes or other ordinances.

(Ord. 94-21, passed 6-14-94; Am. Ord. 94-40, passed 9-13-94; Am. Ord. 2002-19, passed 9-24-02; Am. Ord. 2011-32, passed 12-13-11; Am. Ord. 2013-18, passed 7-9-13; Am. Ord. 2015-03, passed 2-24-15)

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SANTEX TRUCK CENTERS LTD. (DBA KYRISH GOVERNMENT GROUP/KYRISH TRUCK CENTER) FOR THE REFURBISHMENT OF THE HARKER HEIGHTS FIRE DEPARTMENT 1996 E-ONE/FREIGHTLINER PUMPER IN THE AMOUNT OF \$227,132 AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The Department recognized and began the discussion of refurbishing the 1996 Reserve Pumper in mid 2019. The development of the scope of work identified two potential options.

The first option was a complete refurbishment of the entire truck that included using the existing chassis, and the second option was a replacement of the chassis with a new one and refurbishment of the existing body, pump and other components. After discussion with several vendors, it was determined that option two was the best approach because the current chassis had an equivalent of 250,000 plus miles when you consider actual miles and the hours on the apparatus. In addition, we learned this process could proceed through the Houston Galveston Area Council (HGAC) cooperative purchasing process. Furthermore, we reached out to as many as five vendors and received responses from three vendors:

Vendor	Location	Option 2 Cost
SANTEX TRUCK CENTERS LTD. (DBA Kyrish Government Group/Kyrish Truck Center)	Killeen, TX.	\$227,132
Fire Trucks Unlimited	Henderson NV.	\$289,638
Siddons-Martin Emergency Group	Houston, TX.	No Bid Letter
SVI Refurb	Fort Collins, CO	No Submittal
Fire Line Equipment	New Holland, PA	No Submittal

The project is over the budgeted amount by \$6,932. There are funds available in the fixed asset fund to offset this amount.

RECOMMENDATION:

Staff recommends approval of a resolution authorizing the City Manager enter into an agreement with SANTEX TRUCK CENTERS LTD. (DBA Kyrish Government Group/Kyrish Truck Center) for the 1996 E-One/Freightliner Refurbishment Project in the amount of \$227,132 through the HGAC cooperative purchasing process.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to enter into a contract with SANTEX TRUCK CENTERS LTD. (DBA Kyrish Government Group/Kyrish Truck Center) in the amount of \$227,132 for the refurbishment of the 1996 E-One/Freightliner apparatus.
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Pictures

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR THE REFURBISHMENT OF THE HARKER HEIGHTS FIRE DEPARTMENT 1996 E-ONE/FREIGHTLINER PUMPER WITH SANTEX TRUCK CENTERS LTD. (DBA KYRISH GOVERNMENT GROU/KYRISH TRUCK CENTER).

WHEREAS, the City of Harker Heights, Texas (City) current 1996 E-One/Freightliner pumper is in need of a complete refurbishment: and

WHEREAS, the City determined this project could be processed through the Houston Galveston Area Council (HGAC) cooperative purchasing process; and

WHEREAS, the City notified five (5) apparatus refurbishment vendors; and

WHEREAS, the City received three (3) proposals with one of these being a No Bid letter; and

WHEREAS, the reviewing Fire Department staff concluded the City should select the SANTEX TRUCK CENTERS LTD. (DBA Kyrish Government Group/Kyrish Truck Center) to provide these services.

NOW, THEREFORE, BE IT RESOLVED by the City of Harker Heights, Texas, to:

1. Authorize the City Manager to sign a contract with the SANTEX TRUCK CENTERS LTD. (DBA Kyrish Government Group/Kyrish Truck Center) as the vendor of choice to provide the complete refurbishment of the 1996 E-One/Freightliner Pumper.
2. Authorize and instruct the City Manager to act in the name and behalf of the City of Harker Heights to execute and deliver such contract and to do and perform every other act as he may deem necessary and appropriate in his sole discretion to accomplish the purposes of this resolution.

PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THIS 27^h DAY OF OCTOBER, 2020, AT WHICH MEETING A QUORUM WAS PRESENT, HELD IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS GOVERNMENT CODE, CHAPTER 551.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights







CITY COUNCIL MEMORANDUM

AGENDA ITEM # XI-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPOINTING MEMBERS TO THE PARKS & RECREATION/TREE ADVISORY BOARDS; LIBRARY BOARD; PUBLIC SAFETY COMMISSION; ANIMAL ADVISORY COMMITTEE; AND ECONOMIC DEVELOPMENT COMMISSION, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

Consider appointments to the following Boards/Commissions/Committees:

- A. PARKS & RECREATION/TREE ADVISORY BOARDS
- B. LIBRARY BOARD
- C. PUBLIC SAFETY COMMISSION
- D. ANIMAL ADVISORY COMMITTEE
- E. ECONOMIC DEVELOPMENT COMMISSION (EDC)

A. PARKS & RECREATION/TREE ADVISORY BOARDS:

Current Regular Members: Heidi Heckel, Jack Palmer, and Natalie R. Austin are eligible for another term and all have applied for reappointment. Current member Patrick W. Kerr is term limited leaving **one (1) position vacant.**

Current Alternate Members: Alternate#1 Brittney Harris and Alternate#2 Alonzo Williams have both applied for reappointment.

Current Member	Position	Eligible?	Reappoint?	Name of Reappointed Member or New Member
Heidi Heckel	Member	Yes	Yes	
Jack Palmer	Member	Yes	Yes	
Natalie R. Austin	Member	Yes	Yes	
Patrick W. Kerr	Member	Term Limited	No	
Brittney Harris	Alternate #1	Yes	Yes/Promote	
Alonzo Williams	Alternate #2	Yes	Yes/Promote	

NEW APPLICANT(S):

1. <u>Yomi Hardison</u>	Interest Level: 1=Parks & Rec; 2=Public Safety
2. <u>Karry Woods</u>	Interest Level: 1=Library Board; 2=Parks & Rec; 3=Animal Advisory; 4=Public Safety; 5=Planning & Zoning; 6=ZBA.
3. <u>Thomas Lorenson</u>	Interest Level: 1=Planning; 2=ZBA; 3=Parks & Rec.

B. LIBRARY BOARD:

Current Regular Member: Jessica Casey did not request/apply for reappointment.

Current Alternate Members: Consuelo Sammarripa and Katelyn Greene did not request/apply for reappointment.

Three (3) new members are needed to fill a Regular Member position and two Alternate Member positions.

Current Member	Position	Eligible?	Reappoint?	Name of Reappointed Member or New Member
Jessica Casey	Member	Resigned	No	
Consuelo Sammarripa	Alternate #1	Resigned	No	
Katelyn Greene	Alternate #2	Resigned	No	

NEW APPLICANT(S):

1. <u>Karry Woods</u>	Interest Level: 1=Library Board ; 2=Parks & Rec; 3=Animal Advisory; 4=Public Safety; 5=Planning & Zoning; 6=ZBA.
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C. PUBLIC SAFETY COMMISSION:

Current Regular Members: John Footman is termed limited and Shane Hodyniak did not request reappointment.

Current Alternate Members: Alternate#1 Jackson Palmer applied for reappointment.

Three (3) new members are needed to fill a Regular Member position and two Alternate positions.

Current Member	Position	Eligible?	Reappoint?	Name of Reappointed Member or New Member
John Footman	Member	Term Limited	No	
Shane Hodyniak II	Member	Resigned	No	
Jackson Palmer	Alternate #1	Yes	Yes/Promote	
Vacant	Alternate #2			

NEW APPLICANT(S):

4. <u>Jeremy L. Hoffman</u>	Interest Level: 1=Public Safety
5. <u>Yomi Hardison</u>	Interest Level: 1=Parks & Rec; 2=Public Safety
6. <u>Karry Woods</u>	Interest Level: 1=Library Board; 2=Parks & Rec; 3=Animal Advisory; 4=Public Safety ; 5=Planning & Zoning; 6=ZBA.

D. ANIMAL ADVISORY COMMITTEE:

Current Regular Members: Gary Bates and Susan Mooney are both eligible for another term and applied for reappointment.

Current Alternate Members: Finni Dirr and George Grammas have applied for reappointment. Barbara Kane did not request reappointment leaving **two (2) positions available**.

Current Member	Position	Eligible?	Reappoint?	Name of Reappointed Member or New Member
Gary Bates	Member	Yes	Yes	
Susan Mooney	Member	Yes	Yes	
Finni Dirr	Alternate #1	Yes	Yes	
George Grammas	Alternate #2	Yes	Yes	
Barbara Kane	Alternate #3	Yes	No	
Vacant	Alternate #4			

NEW APPLICANT(S):

1. <u>Karry Woods</u>	Interest Level: 1=Library Board; 2=Parks & Rec; 3=Animal Advisory ; 4=Public Safety; 5=Planning; 6=ZBA.
-----------------------	--

E. ECONOMIC DEVELOPMENT COMMISSION (EDC):

Current Regular Members: Michael Blomquist and Jim Wright have requested reappointment. Member Steve Carpenter did not apply for reappointment. **One (1) new member is needed** to fill Place 4.

Current Member	Position	Eligible?	Reappoint?	Name of Reappointed Member or New Member
Michael Blomquist	President	Yes	Yes	
Steve Carpenter	Place 4	Yes	No	
Jim Wright	Place 6	Yes	Yes	

NEW APPLICANT(S):

1. <u>John Reider</u>	Interest Level: 1=EDC
-----------------------	------------------------------

RECOMMENDATION:

None.

ACTION BY THE CITY COUNCIL:

1. Motion to:

a). Appoint the following applicants to the Parks & Recreation/Tree Advisory Boards:

	Regular Member	3 year term January 2021 – January 2024
	Regular Member	3 year term January 2021 – January 2024
	Regular Member	3 year term January 2021 – January 2024
	Regular Member	3 year term January 2021 – January 2024
	Alternate #1	1 year term January 2021 – January 2022
	Alternate #2	1 year term January 2021 – January 2022

b). Appoint the following applicants to the Library Board:

	Regular Member	3 year term January 2021 – January 2024
	Alternate #1	1 year term January 2021 – January 2022
	Alternate #2	1 year term January 2021 – January 2022

c). Appoint the following applicants to the Public Safety Commission:

	Regular Member	3 year term January 2021 – January 2024
	Regular Member	3 year term January 2021 – January 2024
	Alternate #1	1 year term January 2021 – January 2022
	Alternate #2	1 year term January 2021 – January 2022

d). Appoint the following applicants to the Animal Advisory Committee:

	Regular Member	3 year term January 2021 – January 2024
	Regular Member	3 year term January 2021 – January 2024
	Alternate #1	1 year term January 2021 – January 2022
	Alternate #2	1 year term January 2021 – January 2022
	Alternate #3	1 year term January 2021 – January 2022
	Alternate #4	1 year term January 2021 – January 2022

e). Appoint the following applicants to the Harker Heights Economic Development Corporation:

	President	2 year term October 2020 – October 2022
	Place 4	2 year term October 2020 – October 2022
	Place 6	2 year term October 2020 – October 2022

2. Any action desired by the City Council



CITY COUNCIL MEMORANDUM

AGENDA ITEM # XI-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM JAMES BUTLER FOR A SPECIAL EVENTS PERMIT FOR AN EVENT AT 110 E. BEELINE LN. THAT WILL HOST IN EXCESS OF TEN (10) PEOPLE ON WEDNESDAY, OCTOBER 28, 2020, AND 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, James Butler and New Covenant Mission Outreach Church are seeking approval for a request to host an event on City-owned property located at 110 E Beeline Ln on Wednesday, October 28, and Saturday, October 31, 2020, from 7:00 p.m. to 9:00 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 for a Special Events Permit at 110 E Beeline Ln for an event in excess of ten (10) people on Wednesday, October 28th, and Saturday, October 31st, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. Application for Special Events Permit
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.



CITY OF HARKER HEIGHTS
APPLICATION FOR SPECIAL EVENTS
PERMIT

Applicant's Name: JAMES T. BUTLER Date: SEP. 29, 2020

*If the event is to be conducted by an organization, the president/leader of the organization must show written documentation of the authority under which the applicant is applying for the permit on behalf of the organization.

Organization Name: NEW COVENANT MISSION OUTREACH CHURCH
Organization Address: 3401 ZEPHYRUS RD City KILLEEN St Zip 76541
Organization Phone: (254) 291-2938 Mobile: (254) 291-1955

Home Address: CHILTON City TX St Zip 76632
Home Phone: (254) 384-4017 Mobile: (254) 384-4017

Name of Supervisor of event: JAMES T. BUTLER
Business Address 3628 HWY 7, CHILTON, TX Phone (254) 384-4017
Home Address 3628 HWY 7, CHILTON TX Phone (254) 384-4017

Nature of the event: GOSPEL TENT REUNION
Proposed Date(s) of the Event: OCT. 28 - OCT. 31 Number of participants: 20
Starting / Ending time of the event: 7:00 PM - 9:00 PM Proposed location of event (Including its boundaries):

Number/Types of Vehicles: 6 EST.
Number/Types of Animals: NONE
Number/Types of Structures: CANVAS TENT 40 X 40 FEET

Describe sound amplification equipment: 15 SPEAKERS

Describe parking requirements: 15 X 20 FT. EST.

Describe advertising of event: DATES OF OCT. 21 - OCT. 25 / WORD OF MOUTH

For Parades Only:

Time when units will assemble: Assembly point:

Proposed Parade Route:

Number/ type/size of floats:

Interval space between floats:

Number/composition/size of signs/banners:



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
2:30pm 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.

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM URZAH HUNTER FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, OCTOBER 30, 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, Urzah Hunter is seeking approval for a request to rent the Carl Levin Park Pavilion on Friday, October 30, 2020, from 8:00 a.m. to 12:00 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 for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Friday, October 30, 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 254/953-3600
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
Judy 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: 30 OCT 2020 Start Time: 0800 End Time: 1200 noon

*Include set up & tear down during your time slot

Event Name & Description: Foundational Day

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: IRZAH Hunter Phone: (915) 549 2273 Alt Phone: () _____

Street Address: 1009 CHAUER LN City: Harker Heights State: TX Zip: 76548

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: _____ Yes X No If Yes, for what purpose: _____

Amplified Sound: X Yes X²⁴ No

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

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

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

Date: _____ Amount: \$ _____ Reason: _____

PARK RULES <u>2H</u> (Initial)	If you require assistance during your event you may contact HHPD during business hours (254-953-5657) 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>2H</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>2H</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>2H</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.
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CONDITIONS OF PERMIT <u>2H</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.

2H

SIGNATURE

13 OCT 06 11 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
2:30 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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # XI-8

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM TAIJA MONTGOMERY FOR A FACILITY RENTAL AT THE COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SUNDAY, JANUARY 17, 2021, 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, Taija Montgomery is seeking approval for a request to rent the Community Park Pavilion on Sunday, January 17, 2021, from 11:00 a.m. to 7:00 p.m. for a group of approximately 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 the request for an Outdoor Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Sunday, January 17, 2021.
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:

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

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

HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Date of the Event: January 17, 2021 Start Time: 11 a.m. End Time: 7 p.m.

*Include set up & tear down during your time slot

Event Name & Description: Wedding

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: Tajia Montgomery Phone: (312) 392-7382 Alt Phone: (443) 314-4201

Street Address: 810 Gary Loop City: Killeen State: TX Zip: 76542

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

Approximate Attendance: 100 Approximate # of Vehicles: 30

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, PD, and PD)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit # - Last 4 Check #

Date: _____ Amount: \$ _____ Reason: _____

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

Ship Montgomery
 SIGNATURE

10/08/2020
 DATE

Additional Event Details

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

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



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 2 2020

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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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:



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.

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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.
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- ☐ 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 # XI-9

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM KAITLIN NIX FOR A FACILITY RENTAL AT THE PURSER FAMILY 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, Kaitlin Nix is seeking approval for a request to rent the Purser Family Park Pavilion on Saturday, October 31, 2020, from 9:30 a.m. to 12:30 p.m. for a group of approximately 15 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Purser Family 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

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: 10/31/20 Start Time: 9:30 am End Time: 12:30 p.m.

Event Name & Description: Hide and Go Seek: Halloween games for kids + Treats *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
<input checked="" 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
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

~~Lions Club Park (Area 6 near playgrounds) pavilion~~ **Current proof of residency required to receive resident discount**

Name: Keitlin Nix Phone: (603) 412-2952 Alt Phone: ()

Street Address: 101 Oak St SE A City: Copperas Cove State: TX Zip: 74522

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

Approximate Attendance: 15 Approximate # of Vehicles: 7

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

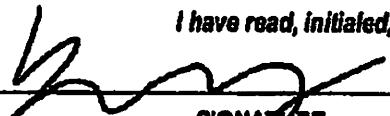
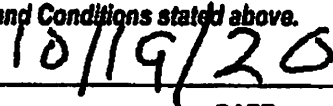
If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): _____

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, 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 (254-953-5557) 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.
 
 10/19/20

SIGNATURE
 DATE

Additional Event Details

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

open grass area near pavilion for games.
 games will be set up 6 ft apart.

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:



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 # XI-10

FROM: THE OFFICE OF THE CITY MANAGER

DATE: OCTOBER 27, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM RACHEL SMITH FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SUNDAY, NOVEMBER 1, 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, Rachel Smith is seeking approval for a request to rent the Carl Levin Park Pavilion on Sunday, November 1, 2020, from 2:00 p.m. to 5:00 p.m. for a group of approximately 25 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Sunday, November 1, 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: 11/1/2020 Start Time: 2pm End Time: 5:30pm

Event Name & Description: Birthday party - playing outside

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: Rachel Smith Phone: (214) 995 1430 Alt Phone: ()

Street Address: 3264 Vineyard Trail City: Harker Heights State: TX Zip: 76054

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

Approximate Attendance: 25 Approximate # of Vehicles: 12

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

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

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

Amplified Sound: _____ Yes X No

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

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

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

Date: _____ Amount: \$ _____ Reason: _____

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

RS

SIGNATURE

Oct. 8, 2020

DATE

Additional Event Details

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

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



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 2 2020

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
2:30pm O'CLOCK

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
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ATTESTED BY:



RUTH R. HUGHS
Secretary of State

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☒ CHECKLIST FOR OUTDOOR EVENTS

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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



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- ☐ 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.