



SEPTEMBER 22, 2020

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





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

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, September 22, 2020, and continuing from day to day thereafter if necessary the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

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. Receive and discuss a presentation from Killeen Independent School District (KISD) Superintendent Dr. John M. Craft for an update regarding enrollment, academic programs, projected growth, and current and future KISD facilities. (City Manager)

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on September 8, 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 October 31, 2020, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Public Hearings:

1. Conduct a public hearing to discuss and consider approving an Ordinance Levying a Tax Rate for the City of Harker Heights, Texas, for the Tax Year 2020 and take the appropriate action. (Finance Director)

2. Conduct a public hearing to discuss and consider approving an Ordinance extending the Corporate Limits of the City Of Harker Heights, Bell County, Texas, to annex and include 2.806 acres of land out of the Uriah Hunt Survey, Abstract Number 401, and H.B. Littlefield Survey, Abstract Number 511, a Voluntary Annexation of Right-Of-Way along Warriors Path, lying contiguous and adjacent to the present City Limits; Providing an effective date, and adopting a service plan, and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Section 33.81 of the Code of Ordinances relating to the Building and Standards Commission members appointment, term, alternates, vacancy, and removal, and amending Section 155.231 of the Code of Ordinances relating to the Planning and Zoning Commission terms of members, filling vacancies, and removal, and take the appropriate action. (Planning and Development Director)

VIII. Closed Meeting:

1. Announce a closed meeting for the following purposes:
 - A) Pursuant to §551.074 of the Texas Government Code to discuss and deliberate the appointment of an Alternate Municipal Judge.
2. Reconvene open meeting to take action as appropriate on matters discussed in the closed meeting.

IX. Old Business:

X. New Business:

1. Discuss and consider authorizing the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program, and take the appropriate action. (City Manager)
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §33.36 and §33.39 of the Harker Heights Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Parks and Recreation Advisory Board, and take the appropriate action. (Parks and Recreation Director)
3. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §33.71 and §33.73 of the Code of Ordinances; Repealing §33.74 and Creating §33.72 of the Harker Heights Code of Ordinances by redefining the membership and meeting requirements of the Tree Advisory Board, and take the appropriate action. (Parks and Recreation Director)
4. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §33.23 and §33.24 of the Code of Ordinances by redefining the meetings requirement and power and duty requirements of the Public Safety Commission, and take the appropriate action. (Police Chief)
5. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Section 33.50(C) of the Code of Ordinances to remove the Utility Superintendent and the Public Works Administrative Assistant from the Storm Water Committee and adding the Assistant Public Works Director and Public Works Customer Relations Supervisor to the Storm Water Committee, and take the appropriate action. (Public Works Director)

6. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Sections 33.46 and 33.49 of the Code of Ordinances by redefining the terms, powers, and duties of the Animal Advisory Committee, and take the appropriate action. (IT Director)
7. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §33.01, §33.02, §33.03, §33.04, and §33.05 of the Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Library Board, and take the appropriate action. (Library Director)
8. Discuss and consider approving a request from Robin Fisher for an event at the Skipcha Park Pavilion in excess of ten (10) people on Friday, October 23, 2020, and take the appropriate action. (Parks and Recreation Director)
9. Discuss and consider approving a request from Jordan Glenn for a facility rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Friday, September 25, 2020, and take the appropriate action. (Parks and Recreation Director)
10. Discuss and consider approving a request from Kelsie Martin for a facility rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, October 10, 2020, and take the appropriate action. (Parks and Recreation Director)
11. Discuss and consider approving a request from Dalton Rudd for a facility rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, October 3, 2020, and take the appropriate action. (Parks and Recreation Director)
12. Discuss and consider approving a request from Samalia Huggins for a special events permit to host an outdoor event at Southstar Bank, SSB, located at 905 E FM 2410 in Harker Heights, which will have in excess of ten (10) people on Thursday, October 15, 2020, and take the appropriate action. (Parks and Recreation Director)

XI. Reports of Advisory Boards & Commissions:

XII. Items from Council:

XIII. Staff Reports:

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

XIV. Announcements:

XV. Adjournment:

I hereby certify that the above amended notice of meeting was posted on bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 18th day of September 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: 397-660-221.

To join the meeting from your computer, tablet, or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/397660221>

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."



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IV-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

RECEIVE AND DISCUSS A PRESENTATION FROM KILLEEN INDEPENDENT SCHOOL DISTRICT (KISD) SUPERINTENDENT DR. JOHN M. CRAFT FOR AN UPDATE REGARDING ENROLLMENT, ACADEMIC PROGRAMS, PROJECTED GROWTH, AND CURRENT AND FUTURE KISD FACILITIES.

BACKGROUND:

The Killeen Independent School District (KISD) Superintendent Dr. John M. Craft will provide a general update to the Council on the overall school district.

RECOMMENDATION:

None.

ACTION BY THE CITY COUNCIL:

None.

Minutes of the City Council Meeting held at 5:00 p.m. on Tuesday, September 8, 2020, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

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

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on August 25, 2020, and September 1, 2020. Fountain made the motion to approve as written. Seconded by Nicholas. All in favor. Motion approved 4-0.

Councilmember Reider joined the meeting at 5:06 p.m.

2. Council discussed and considered authorizing the City Manager to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety relating to the Failure to Appear Program. David Mitchell, City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

Presentations by Citizens:

The Mayor read a written statement received from Scot Arey, 2027 Sandy Point, Harker Heights, Texas 76548. No action taken.

Public Hearings:

1. Council conducted a Public Hearing to discuss and consider approving an Ordinance adopting a budget for the City of Harker Heights, Texas, for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, and record the vote. Ayesha Lealiiee, Assistant Finance Director, made the presentation. Blomquist made the motion to approve with the Outside Agency Funding clarifications; funding for the Heart of Texas Defense Alliance will be \$17,000; the Harker Heights Chamber of Commerce (Visitor's Center) will be \$50,000; the Killeen Chamber of Commerce (Economic Development Department) will be \$0; the Clements Boys and Girls Club (Afterschool Program at Union Grove and Eastern Hills Middle Schools) will be \$30,000; and the Greater Killeen Community Clinic will be \$12,000. Seconded by McCann. Mayor Smith conducted a record vote. The results are as follows: McCann voted aye, Fountain voted aye, Blomquist voted aye, Reider voted aye, and Nicholas voted aye. All in favor. Motion approved 5-0.

2. Council conducted a Public Hearing to discuss and consider ratifying the property tax increase reflected in the Fiscal Year 2020-2021 Budget, and record the vote. Ayesha Lealiiee, Assistant Finance Director, made the presentation. Nicholas made the motion to approve. Seconded by Fountain. Mayor Smith conducted a record vote. The results are as follows: McCann voted aye, Fountain voted aye, Blomquist voted aye, Reider voted aye, and Nicholas voted aye. All in favor. Motion approved 5-0.
3. Council conducted a Public Hearing to discuss and consider an Ordinance prescribing and setting the Fiscal Year 2020-2021 rates and charges of the City of Harker Heights, Texas; Penalties for Non-payment; Providing for an effective date. Ayesha Lealiiee, Assistant Finance Director, made the presentation. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.

At 5:59 p.m. Mayor Smith called for a ten (10) minute break.

Mayor Smith reconvened the meeting at 6:10 p.m.

4. Council conducted a Public Hearing to discuss and consider an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from B-3 (Local Business District) to B-4 (Secondary and Highway Business District) on property described as 1.26 acres of land more or less out of the D. Houston Survey, Abstract No. 393, generally located at 126 E. Beeline Lane, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. Nicholas made the motion to approve based upon Staff's recommendation and finding. Seconded by McCann. All in favor. Motion approved 5-0.
5. 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 R-2 (Two Family Dwelling District), on property described as Kern Terrance, block two (2), lot five (5), generally located at 308 Randy Blvd., Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. Fountain made the motion to approve based upon Staff's recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.
6. 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 R1-R (Rural One Family Dwelling District), on property described as lot eighty-seven A (87A) of Lakeside Hills Section Three Replat, generally located at 11539 Orlan Drive, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. McCann made the motion to approve based upon Staff's recommendation and findings. Seconded by Blomquist. All in favor. Motion approved 5-0.
7. 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 R1-I (One Family Infill Dwelling District), on property described as Kern Acres Second Extension and revision, block eleven (11), lot one (1), generally located at 605 South Harley Drive, Harker Heights, Bell County, Texas. Joseph Molis, Planning and Development Director, made the presentation. Bernard Mathews, applicant, was present to represent the request. Blomquist made the motion to disapprove the request. Seconded by Fountain. All in Favor. Motion to disapprove was passed 5-0.

At 7:00 p.m. Mayor Smith called for a ten (10) minute break.

Mayor Smith reconvened the meeting at 7:10 p.m.

8. Council conducted a Public Hearing to receive and discuss a presentation regarding the Voluntary Annexation of Right-of Way along Warriors Path described as approximately 2.806 acres of the Right-of Way of Warriors Path adjacent to the City of Harker Heights, Texas. Joseph Molis, Planning and Development Director, made the presentation. No action taken.
9. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending §72.20, §72.21, and §72.22 of the Code of Ordinances; repealing §72.23 of the Code of Ordinances; creating an amended definition of "Heavy Vehicle"; providing regulations relating to the parking of certain heavy vehicles; regulating the placement of heavy vehicles with accessory equipment running; providing a repealer clause; confirming the Health, Safety and Welfare purpose of the Ordinances; confirming the effect; and providing for an effective date of the amendments. Joseph Molis, Planning and Development Director, made the presentation. Blomquist made the motion to approve based upon Staff's recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.
10. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Section 155.061(a) of the Code of Ordinances relating to surfaces required for parking and loading spaces as well as aisles and maneuvering areas relating thereto; adding a new §155.069 relating to parking in yards in residential areas; providing an affirmative defense; providing exceptions; providing for a penalty; providing a repealer clause; confirming the health, safety and welfare purpose of the ordinances; confirming the effect; and providing for an effective date of the amendments. Joseph Molis, Planning and Development Director, made the presentation. Fountain made the motion to approve based on Staff' recommendation and findings. Seconded by McCann. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered approving a request from Robin Fisher for an Outdoor Facility Rental at the Purser Family Park, Carl Levin Park, and Community Park Pavilions for events in excess of ten (10) people on Friday, October 23, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
2. Council discussed and considered approving a request from Cortney Kimball for an Outdoor Facility Rental at the Carl Levin Park Amphitheater for an event in excess of ten (10) people on Friday, September 11, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Blomquist made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council discussed and considered approving a request from Lynda Nash for an Outdoor Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Saturday, September 19, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.

4. Council discussed and considered approving a request from Lynda Nash for an Outdoor Facility Rental at the Summit Soccer Complex for an event in excess of ten (10) people on Saturday, September 26, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
5. Council discussed and considered approving a request from Dwayne Smith for an Outdoor Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Saturday, October 17, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.

Reports of Advisory Boards & Commissions:

Mayor Pro-tem Blomquist stated that he would be attending the Bell County Health Board Meeting on Monday, September 14, 2020 at 5:30 p.m. in Temple, Texas, and will report back to Council at the next Council meeting.

Items from Council:

Mayor Pro-tem Blomquist encouraged everyone to get out and enjoy the Farmer's Market.

Staff Reports:

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

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 8:16 p.m.

ATTEST:

Spencer H. Smith, Mayor

Juliette Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 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 OCTOBER 31, 2020, 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 met again and approved another extension to the Public Health Emergency Declaration until September 30, 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 October 31, 2020.

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

The Council is scheduled to meet again on October 13th and October 27th and may at that 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 October 31, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF HARKER HEIGHTS, TEXAS, FOR THE TAX YEAR 2020, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The proposed tax rate for Tax Year 2020 is \$0.6770 per \$100 valuation. The FY 2020-2021 Budget approved on September 8, 2020, reflects this rate and is broken down as follows:

	General Fund (Maintenance and Operations)	Debt Service Fund (Interest and Sinking)	Total
Rate	\$0.5143	\$0.1627	\$0.6770
Revenue	\$10,143,100	\$3,208,400	\$13,351,500

In accordance with Texas Tax Code Section 26.06, Staff published a Notice of Public Hearing on Tax Increase in the September 13 and September 20, 2020, editions of the Killeen Daily Herald and posted it on the homepage of the City's website. As a reminder, although our tax rate is staying the same, property taxes due are calculated as "valuation of property times the tax rate divided by 100", therefore, with an increase of property valuations in Harker Heights of 7.9%, our property taxes have increased.

Note that the total tax levy of \$13,351,500 shown in the above table is \$281,755 less than the total tax levy of \$13,633,255 on all properties. This is because the certified values sent to the City in July by Bell County Appraisal District ("BCAD") had over \$96 million in valuation still pending the Appraisal Review Board and not on the roll. When BCAD did the Tax Rate Calculation in August, that amount shrank to just over \$72.9 million. Staff also used 96.73% for a collection estimate and added \$12,000 of delinquent collections based on historical data.

RECOMMENDATION:

Staff recommends approving the Ordinance.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance levying a tax rate for the City of Harker Heights, Texas, for the Tax Year 2020.
 - a. The motion to adopt the ordinance must be made in the following form per Texas Tax Code Section 26.05(b):
"I move that the property tax rate be increased by the adoption of a tax rate of \$0.6770, which is effectively a 5.93% increase in the tax rate."
2. Any other action desired.

ATTACHMENTS:

1. Ordinance.

ORDINANCE NO. _____

**AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF HARKER HEIGHTS, TEXAS,
FOR THE TAX YEAR 2020.**

WHEREAS, public notices of the public hearing upon this tax rate have been duly and legally made as required by law on September 13, 2020, and September 20, 2020, and

WHEREAS, the aforementioned public hearing on the proposed tax rate was held in accordance with the published notices, and

WHEREAS, THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

WHEREAS, after full and final consideration and the public hearing on said tax rate, it is the consensus that the tax rate should be levied.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Harker Heights, Texas:

SECTION 1: That we do hereby levy the tax rate of \$0.6770 per \$100 valuation for the City of Harker Heights for Tax Year 2020 as follows:

\$0.5143 for the purpose of maintenance and operations,
\$0.1627 for the payment of principal and interest of debt, and
\$0.6770 per \$100 valuation for the total tax rate.

SECTION 2: That a \$10,000 exemption is adopted for residents who are at least sixty-five (65) years old and who are owners of an occupied homestead.

SECTION 3: That the tax assessor-collector is hereby authorized to assess and collect the taxes of the City of Harker Heights in accordance with this ordinance.

SECTION 4: That Table VIII of the Table of Special Ordinances, Code of Harker Heights is hereby amended by adding the following entry:

Ordinance No:

Date Passed: September 22, 2020

Description: An Ordinance Levying a Tax Rate for the City of Harker Heights, Texas, for the Tax Year 2020

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, TO ANNEX AND INCLUDE 2.806 ACRES OF LAND OUT OF THE URIAH HUNT SURVEY, ABSTRACT NUMBER 401, AND H.B. LITTLEFIELD SURVEY, ABSTRACT NUMBER 511, A VOLUNTARY ANNEXATION OF RIGHT-OF-WAY ALONG WARRIORS PATH, LYING CONTIGUOUS AND ADJACENT TO THE PRESENT CITY LIMITS; PROVIDING AN EFFECTIVE DATE AND ADOPTING A SERVICE PLAN, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION

The property proposed for voluntary annexation consists of 2.806 acres of land identified as right-of-way within the City of Harker Heights' Extraterritorial Jurisdiction. On July 17, 2020, the City received a written petition from Bell County Judge, David Blackburn, requesting the City of Harker Heights annex a portion of Warriors Path, a county road and right-of-way, into the City's territorial limits. This annexation would allow proper maintenance by the City of Harker Heights to the newly improved and widened section of roadway along Warriors Path, near Nolan Middle School.

History:

Pursuant to Texas Local Government Code Section 43.056, on July 28, 2020, the City Council granted a Resolution for City staff to prepare a service plan for the property, and to schedule public hearings as required by law.

1. July 31, 2020 – City staff mailed written, certified notices of a voluntary right-of-way annexation to all service providers within the area proposed for annexation.
2. August 9, 2020 – A legal ad in the Killeen Daily Herald was advertised to notify residents of the public hearing (August 25th Public Hearing)*.
3. August 16, 2020 – A legal ad in the Killeen Daily Herald was advertised to notify residents of the public hearing (September 1st – 1st Public Hearing).
4. August 25, 2020 – *This public hearing was tabled and rescheduled.
5. August 26, 2020 – A revised notice was posted on the City's Website and on City Hall's information board.
6. August 28, 2020 – A legal ad in the Killeen Daily Herald was advertised to notify residents of the public hearing (September 8th – 2nd Public Hearing).
7. September 1, 2020 – The City Council of the City of Harker Heights held the first public hearing for voluntary annexation of right-of-way along Warriors Path.
8. September 6, 2020 – A legal ad in the Killeen Daily Herald was advertised to notify residents of the Annexation Proceedings.

9. September 8, 2020 – The City Council of the City of Harker Heights held the second public hearing for voluntary annexation of right-of-way along Warriors Path.

Service Plan:

A copy of the service plan is included with this agenda item as Exhibit B. The service plan lays out services that will be provided immediately upon annexation and those services/infrastructure items that may be required within two and one-half years. The proposed voluntary annexation of a portion of the Warriors Path right-of-way includes Police Protection, Fire Protection and Emergency Medical Services, Maintenance of Water and Wastewater Facilities, Maintenance of Public Roads and Streets, Street Lighting, Traffic Engineering, and Storm Water Management.

RECOMMENDATION:

None.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, extending the corporate limits of the City of Harker Heights, Bell County, Texas, to annex and include 2.806 acres of land out of the Uriah Hunt Survey, Abstract Number 401, and H.B. Littlefield Survey, Abstract Number 511, a voluntary annexation of right-of-way along Warriors Path, lying contiguous and adjacent to the present city limits; providing an effective date and adopting a service plan.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance
2. Exhibit A – Survey of Proposed Right-of-way Voluntary Annexation
3. Exhibit B – Service Plan for the Proposed Voluntary Annexation Area
4. Exhibit C – Map of the Proposed Voluntary Annexation Area

ORDINANCE

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, TO ANNEX AND INCLUDE 2.806 ACRES OF LAND OUT OF THE URIAH HUNT SURVEY, ABSTRACT NUMBER 401, AND H.B. LITTLEFIELD SURVEY, ABSTRACT NUMBER 511, A VOLUNTARY ANNEXATION OF RIGHT-OF-WAY ALONG WARRIORS PATH, LYING CONTIGUOUS AND ADJACENT TO THE PRESENT CITY LIMITS, PROVIDING AN EFFECTIVE DATE, AND ADOPTING A SERVICE PLAN.

WHEREAS the City Council of the City of Harker Heights, Texas ("*City*"), finds that the public interest will be served by annexing and extending the corporate limits of the City of Harker Heights to include the territory described in Exhibit "A," ("*the Property*") which is attached hereto and incorporated herein by reference for all relevant purposes as if fully set forth at length; and

WHEREAS the Council finds pursuant to Chapter 43 of the Texas Local Government Code and Section 2.05 of the City Charter that there has been strict compliance with all necessary conditions precedent to an extension of city limits by annexation, including:

1. On July 17, 2020, the City received a written petition in proper form requesting voluntary annexation of that certain land and territory ("*Property*") lying within the extraterritorial jurisdiction of the City of Harker Heights, Texas, and being specifically described in Exhibit "A", which is attached hereto and incorporated herein by reference for all relevant purposes as if fully set forth at length;
2. On July 28, 2020, at a public meeting held in accordance with the Open Meetings Act, the City Council granted the said petition by Resolution No. 2020-21;
3. City Staff prepared service plan ("*Service Plan*"), a copy of which is attached as Exhibit "B" and incorporated herein by reference for all relevant purposes as if fully set forth, and such Service Plan was made available at all public hearings;
4. Written notices were given as required by Texas Local Government Code §43.063;
5. Following timely notice published in a newspaper of general circulation within the City, as well as on the City's website, public hearings were held before the City Council on September 1, 2020 and September 8, 2020, during which all interested persons had an opportunity to be heard; and
6. On September 22, 2020, the City Council initiated annexation proceedings by the introduction and reading of this ordinance at a meeting held in strict accordance with the Open Meetings Act.

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

SECTION 1: The Property is hereby annexed into the City of Harker Heights, Bell County, Texas, and shall hereafter be included within the territorial limits of the City of Harker Heights, Texas. The present boundary limits of the City, at the various points contiguous to the Property, are altered and amended so as to include the Property within the corporate limits of the City of Harker Heights, Texas.

SECTION 2: The Property is and shall hereafter be a part of the City of Harker Heights, Bell County, Texas, and it is hereby further declared that the Property and the present and future inhabitants thereof shall be entitled to all the rights and privileges of other lands and other citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Harker Heights.

SECTION 3: The Service Plan, which has been prepared for the Property, is hereby approved and adopted and will be implemented as required by Texas State Law.

SECTION 4: Table I of the Harker Heights Code, Table of Special Ordinances, is hereby amended by adding an entry to read as follows:

<i>Ord. #</i>	<i>Date</i>	<i>Description</i>
2020 -	09/22/20	An ordinance extending the corporate limits of the City of Harker Heights, Bell County, Texas, to include a 2.806 acre tract of land out of the Uriah Hunt Survey, Abstract No. 401, and H.B. Littlefield Survey, Abstract No. 511, a voluntary annexation of right-of-way along Warriors Path, lying contiguous and adjacent to the present city limits, providing and effective date, and adopting a service plan.

SECTION 5: This ordinance shall be in full force and effective upon its passage, and the City Clerk shall publish the caption or title hereof within ten days as required by law.

SECTION 6: PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS THIS 22nd DAY OF SEPTEMBER 2020, AT A MEETING WHICH WAS HELD IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT.

Spencer H. Smith, Mayor

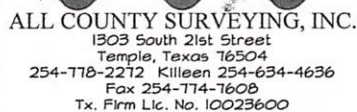
ATTEST:

Juliette Helsham, City Secretary

Survey showing 2.806 ACRES, situated in the Uriah Hunt Survey, Abstract No. 401 and the H. B. Littlefield Survey, Abstract No. 511, Bell County, Texas

[illegible]

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared. This sketch is to accompany a description of the herein shown 2806 acre tract.



Copyright 2017 All County Surveying, Inc.

Plot Date: 08-25-2020

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

August 25, 2020

Surveyor's Field Notes for *The City of Harker Heights*, being:

2.806 ACRES OF LAND, situated in the Uriah Hunt Survey, Abstract Number 401, and the H. B. Littlefield Survey, Abstract Number 511, Bell County, Texas, being a portion of the Right of Way of Warriors Path, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap found on the north line of the Amended Plat of Marley Addition, an addition in Bell County, Texas, of record in Cabinet C, Slide 123-A, Plat Records of Bell County, Texas and in the west line of Warriors Path, being the southwest corner of a called 0.055 acre tract of land conveyed to the County of Bell in Document No. 2017-00028175, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of this tract of land;

THENCE in a northerly direction, with the west line of Warriors path, same being the west line of said 0.055 acre tract **N. 16° 22' 40" E., 60.07 feet**, to a 5/8" iron rod with "ACS" cap found, being the northwest corner of said 0.055 acre tract, same being the southwest corner of a called 0.756 acre tract of land conveyed to the County of Bell in Document No. 2017-00043402, of said Official Public Records and being the southeast corner of Lot a, Block "A" of Killeen ISD Middle School 14, an addition in Bell County, of record in Year 2019, Plat No. 88, Plat Records of Bell County, Teas, for a corner of this tract of land;

THENCE continuing with the west line of Warriors Path, same being the west line of said 0.756 acre tract and the east line of said Lot 1, Block "A", **N. 16° 23' 07" E., 847.62 feet**, to a 5/8" iron rod with "AVCS" cap found, being the northwest corner of said 0.756 acre tract, same being the northeast corner of said Lot 1, Block "A", for a corner of this tract of land;

THENCE in an easterly direction, with the north line of said 0.756 acre tract, being the west line of Warriors Path **S. 57° 01' 59" E., 15.65 feet**, to a 5/8" iron rod with "ACS" cap found, being the southwest corner of a called 0.784 acre tract of land conveyed to the County of Bell in Document No. 2017-00028174, of said Official Public Records, for a corner of this tract of land;

THENCE in a northerly direction, with the west line of said 0.784 acre tract, same being the west line of Warriors Path, **N. 16° 22' 20" E., 610.76 feet**, to a calculated point, for the northwest corner of this tract of land, from which a 5/8" iron rod with "ACS" cap found at the northwest of said 0.784 acre tract bears **N. 16° 22' 20" E., 869.36 feet**;

THENCE in an easterly direction, crossing Warriors Path, **S. 71° 35' 19" E., 81.86 feet**, to a calculated point on the east line of Warriors Path, Same being the west line of the remainder of a called 82 1/7 acre tract of land conveyed to Alvin Reese Sutton and wife, Christine Sutton in Volume 1112, Page 794, Deed

Records of Bell County, Texas, for the northeast corner of this tract of land, from which a 3/8" iron rod found at the northwest corner of the remainder of said 892.17 acre tract bears **N. 16° 13' 09" E., 1098.19 feet**;

THENCE in a southerly direction, with the west line of the remainder of said 82 1/7 acre tract, same being the east line of Warriors Path, **S. 16° 13' 09" W., 1209.94 feet**, to a calculated point on the north line of a called 746 acre 2005 City of Harker Heights Annexation (Ordinance 09-05), being the southwest corner of the remainder of said 8 2 1/7 acre tract, same being the northwest corner of a called 33.869 acre tract, for a corner of this tract of land;

THENCE in a westerly direction, crossing into Warriors Path, with the north line of said 2005 Annexation, **N. 73° 34' 01" W., 60.00 feet**, to a calculated point, being the most westerly, northwest corner of said 2005 Annexation, for a corner of this tract of land;

THENCE in a southerly direction, with a west line of said 2005 Annexation, **S. 16° 24' 32" W., 300.86 feet**, to a 3/8" iron rod found, being the northeast corner of said Amended Plat of Marley Addition, same being the southeast corner of said 0.055 acre tract, for the most southerly, southeast corner of this tract of land;

THENCE in a westerly direction, with the south line of said 0.055 acre tract, same being the north line of said Marley Addition, **N. 74° 05' 55" W., 40.04 feet**, to the **POINT OF BEGINNING**, and containing 2.806 acres of land.

Horizontal datum based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations. Scale Factor = 1.00015014836330, scaled about CP-1002 (N:10,361,895.79 E: 3,143,969.34)

This document was prepared under 22 TAC 663.21, It does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the political subdivision for which it was prepared. This sketch is to accompany a description of the herein shown 2.806 acre tract.

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro200000/201000/201022/201022 Annex.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636



"Exhibit B"

Service Plan

For the Voluntary Annexation of an

Approximate 2.806 Acres of Right Of Way

Upon annexation of property, shown in Exhibit "A", the City of Harker Heights, Texas will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

Proposed Annexation Description

The proposed annexation area covered by this service plan is displayed on a map as contained in Exhibit "A". Said Exhibit being made a part of this plan by reference herein.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of Harker Heights, Texas, and its Police Department will provide police protection to newly annexed area at the same or similar level of service now being provided to other areas already incorporated in the City with like topography, land use and population density. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. Fire Protection and Emergency Medical Services

The City of Harker Heights, Texas, and its Fire and Rescue Department will provide fire protection and EMS to the newly annexed area at the same or similar level of service now being provided to other areas already incorporated in the City, with similar topography, land use and population density. The Fire and Rescue Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed area.

3. Maintenance of Water, Stormwater and Wastewater Facilities

Any and all water or wastewater facilities owned or maintained by the City of Harker Heights, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Harker Heights. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Harker Heights, Texas, to the extent of its ownership.

4. Maintenance of Public Road and Streets

The City of Harker Heights, Texas, will maintain any and all publicly owned roads, streets or alleyways in the newly annexed area to the extent and degree and to the same or similar level of service now being provided to other such areas within the corporate limits of the City with similar topography, land use and density.

5. Maintenance of any Publicly Owned Facility, Building or Municipal Service

The City of Harker Heights, Texas, is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and is/are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with similar topography, land use and density.

6. Other Services

The City of Harker Heights, Texas, finds and determines that such services as planning, issuing of building permits and related building inspection services, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the date of the annexation at the same or similar level of service now being provided to other areas already incorporated in the City with similar topography, land use and density.

7. Code Enforcement Services

The City of Harker Heights Code Enforcement Division will implement the enforcement of the City of Harker Heights, Texas ordinances and regulations on the effective day of the annexation.

8. Street Lighting

The City of Harker Heights, Texas will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

9. Traffic Engineering

The City of Harker Heights, Texas Public Works Department will provide any additional traffic control devices in accordance with standard policy after the effective day of the annexation.

10. Storm Water Management

Developers will provide storm water drainage at their own expense, and all such improvements and facilities will be inspected by the City of Harker Heights City Engineer at the time of completion. The City of Harker Heights, Texas will then maintain the drainage upon approval.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. Policies and Fire Protection and Solid Waste Collection

The City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purposes of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Harker Heights, Texas with similar topography, land use and population density.

2. Water, Stormwater and Wastewater Facilities

The annexed area is currently roadway and right-of-way. Therefore, the City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Per the City's subdivision regulations, any future development of the water and sanitary sewer infrastructure is the sole responsibility of the developer including the development of any lift stations required. The City of Harker Heights, Texas, agrees to provide water, handle sewer, and maintain the water and sewer lines once installed by the developer for the annexed area in the same type, kind and level incorporated in the City of Harker Heights, Texas, with similar topography, land use and population density.

3. Roads and Streets

The annexed area is currently developed right-of-way along Warriors Path. Therefore, the City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Per the City's subdivision regulations, any road construction will be the sole responsibility of the developer. The City of Harker Heights, Texas, agrees to maintain constructed roads considered to be public in nature in the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Harker Heights, Texas, with similar topography, land use and population density.

4. Maintenance of Parks, Playgrounds, and Swimming Pools and Any other Publicly Owned Facility, Building or Service

The City of Harker Heights, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purposes of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Harker Heights, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation than were in existence in the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

LEVEL OF SERVICE

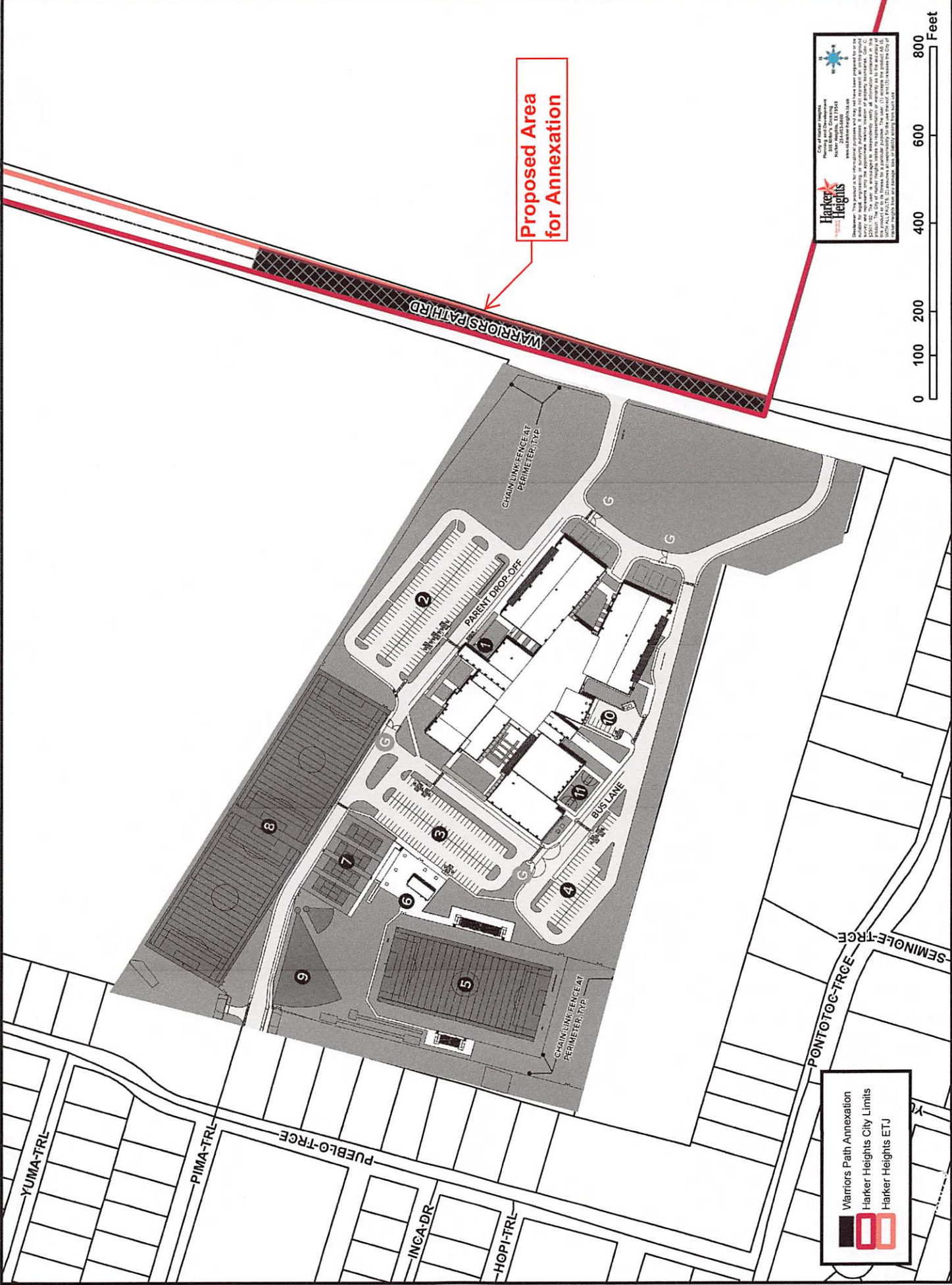
Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

This service plan shall not be amended unless public hearings are held in accordance with Chapter of the Texas Local Government Code.

Warriors Path Annexation

Location Map





CITY COUNCIL MEMORANDUM

AGENDA ITEM# VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 33.81 OF THE CODE OF ORDINANCES RELATING TO THE BUILDING AND STANDARDS COMMISSION MEMBERS APPOINTMENT, TERM, ALTERNATES, VACANCY, AND REMOVAL, AND AMENDING SECTION 155.231 OF THE CODE OF ORDINANCES RELATING TO THE PLANNING AND ZONING COMMISSION TERMS OF MEMBERS, FILLING VACANCIES, AND REMOVAL, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION

Within the current Code of Ordinances, alternates within the Planning and Zoning Commission (P&Z) do not technically act as alternates; they do not take the place of voting commissioners in the case of an absence, only in the case of filling a vacated commissioner position. This policy is created in Section 155.231 (C) *"The City Council shall choose from the alternates to fill vacant positions."*

However, this is not the case with the Building and Standards Commission (BSC), in which an alternate is expected to act as a voting member in the event of an absence, as outlined in Section 33.81 (B) *"The City Council may appoint four alternate members of the Commission who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager."* It is important to note that the members of the Planning and Zoning Commission act as the members of the Building and Standards Commission.

Staff believes the regulations governing alternates within the Building and Standards Commission ordinance are in place to maintain a quorum at minimum, but also to ensure as many members as possible are present to vote on matters that could result in the demolition or removal of private property. Conversely, the Planning and Zoning Commission also makes decisions that involve private property rights in their advisory capacity for zoning actions and their decision-making capacity for plats, and staff believes it is important that these boards have consistency in the expectations and authority of their alternates.

The attached ordinance creates this consistency among both Boards and synchronizes the terms and term limits for both.

RECOMMENDATION:

Staff recommends approval of an ordinance of the City of Harker Heights, Texas amending Section 33.81 of the Code of Ordinances relating to the Building and Standards Commission members appointment, term, alternates, vacancy, and removal, and amending Section 155.231 of the Code of Ordinances relating to the Planning and Zoning Commission terms of members, filling vacancies, and removal, based upon the following:

1. The ordinance enhances the transparency, fairness, and consistency in government regulations that are essential to the service of the citizens of the City of Harker Heights:
 - a. The ordinance standardizes the terms and authority of the alternates of both the Planning and Zoning Commission and the Building and Standards Commission.

- b. The ordinance also brings the authority of the P&Z and BSC alternates into consistency with the Zoning Board of Adjustments (ZBA), another Land Use and Zoning regulatory body.
2. The ordinance was discussed and given support for advancement to the City Council by the Planning and Zoning Commission during a workshop on August 26, 2020.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, amending Section 33.81 of the Code of Ordinances relating to the Building and Standards Commission members appointment, term, alternates, vacancy, and removal; and amending Section 155.231 of the Code of Ordinances relating to the Planning and Zoning Commission terms of members, filling vacancies, and removal, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Code of Ordinances Sections 33.80 – 33.83: Building and Standards Commission
2. Code of Ordinances Sections 155.230 – 155.999: Planning and Zoning Commission
3. Ordinance

BUILDING AND STANDARDS COMMISSION

§ 33.80 ESTABLISHED; FUNCTION.

There is hereby established a Building and Standards Commission which shall consist of one or more panels, each composed of at least five regular members. The Commission shall have the powers and duties granted by §§ 150.02(G) and (J), Chapter 160, and V.T.C.A., Local Government Code Chapters 54 and 214.

(Ord. 2011-07, passed 4-12-11)

§ 33.81 APPOINTMENT, TERM, ALTERNATES, VACANCY, AND REMOVAL.

(A) The City Council shall appoint both regular and alternate members to the Commission. The term of the regular and alternate members of the Commission shall be three years, or until their respective successors are appointed and have been qualified. The term of each regular and alternate member (other than the initial members) shall begin on January 1 of the following year in which the member was appointed. No regular member shall serve more than three full consecutive terms on the Commission. The City Council shall fill a vacancy for the unexpired term.

(B) The City Council may appoint four alternate members of the Commission who shall serve in the absence of one or more regular members when requested to do so by the Mayor or City Manager. A vacancy shall be filled in the same manner as a vacancy among the regular members.

(C) The City Council may, upon a written charge and the affirmative vote of a majority of the entire City Council, remove a member of the Commission for cause. Before a decision regarding removal is made, a public hearing shall be held on the removal if requested by the member.

(Ord. 2011-07, passed 4-12-11)

§ 33.82 QUALIFICATIONS OF MEMBERS.

All regular and alternate members of the Commission must be residents of the city and must be standing members or alternate members of the current Planning and Zoning Commission of the City of Harker Heights.

(Ord. 2011-07, passed 4-12-11)

§ 33.83 PROCEEDINGS.

(A) Meetings of the Commission shall be held at the call of the chairman, or in the chairman's absence, the acting chairman, the Mayor or the City Manager.

(B) The Commission shall adopt rules for its proceedings consistent with the requirements of law. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges being brought by the city relating to alleged violations of ordinances.

(C) The Commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. Each Commission panel shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the City Secretary as public records.

(D) All meetings of the Commission shall be open to the public.

(Ord. 2011-07, passed 4-12-11)

PLANNING AND ZONING COMMISSION

§ 155.230 ESTABLISHED; MEMBERSHIP; FUNCTION.

There is hereby established a Harker Heights Planning and Zoning Commission composed of nine voting members and four alternates, to be appointed by the City Council.

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

§ 155.231 TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL.

(A) The term of the members of the Planning and Zoning Commission shall be for three years or until their respective successors are appointed and have qualified. No member shall serve more than two full consecutive terms on the Planning and Zoning Commission. Commission members may be removed at any time upon the affirmative vote of a majority of the City Council.

(B) During the month of September of each year, or as soon thereafter as is reasonably practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Planning and Zoning Commission during the succeeding twelve month period. The term of each member shall begin on January 1 of the following year in which the member was appointed.

(C) The City Council shall choose from the alternates to fill vacant positions.

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

§ 155.232 QUALIFICATION OF MEMBERS.

The members of the Planning and Zoning Commission must be qualified electors within the city. A member of the Planning and Zoning Commission shall not be an employee or an appointed or elected official of the city.

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

§ 155.233 MEETINGS.

(A) A majority of the members shall constitute a quorum for the transaction of business. Monthly meetings of the Planning and Zoning Commission shall be held at a location open to the public; additional meetings may be held at the call of the City Council or the Planning and Zoning Commission Chair. Meetings shall comply with all applicable requirements of the Texas Open Meetings Act.

(B) Should a member of the commission fail to attend three consecutive regular monthly meetings of the Commission, such member shall be automatically dropped from the Commission and a vacancy thereon declared.

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

§ 155.234 POWERS AND DUTIES.

(A) The Commission shall elect a chairman, vice-chairman and such other officers as it may be deemed necessary for a term of one year. The Commission shall adopt rules for the practical and efficient transactions, findings and determinations, which rules shall be a public record.

(B) The function and the duty of the Planning and Zoning Commission shall be to make, or cause to be made, and to recommend a Comprehensive Plan for City Council adoption which guides the physical development of the city. Such plans may relate to the comprehensive planning of the city. Such plans and the accompanying maps, plats, charts, and descriptive matter shall show the Planning and Zoning Commission's recommendations for the development of the territory, including among other things the general locations, character and extent of streets, alleys, ways, viaducts, bridges, railroads, terminals, school grounds, fire station sites, or any other public grounds or public improvements, and the removal, relocation, widening or extension of such public work then existing. As the work of making the whole Comprehensive Plan progresses, the Planning and Zoning Commission may from time to time amend, extend or add to the plan.

(C) In the preparation of such plan, the Planning and Zoning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the city, and with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the efficient expenditures of public funds, and the adequate provision of public utilities and other public requirements.

(D) The Planning and Zoning Commission shall make to the City Council an annual report, giving a statement of its work during the preceding year. In such annual report it shall also make its recommendations as to future projects to be undertaken, and from time to time it shall also make like recommendations for public improvements, which in its judgment should be undertaken.

(E) The Commission shall exercise its authority as the Zoning Commission in accordance with Tex. Loc. Gov't Code §

211.007 and recommend to the City Council approval or disapproval of proposed changes in the zoning districts and related ordinances based on the adopted Comprehensive Plan.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06)

§ 155.999 PENALTY.

(A) It shall be the duty of the Building Official to enforce the provisions of this chapter, and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of this chapter.

(B) In case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of this chapter, the Building Official is authorized and directed to institute any appropriate action to put an end to any such violation.

(C) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, and any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING SECTION 33.81 OF THE CODE OF ORDINANCES RELATING TO THE BUILDING AND STANDARDS COMMISSION MEMBERS APPOINTMENT, TERM, ALTERNATES, VACANCY, AND REMOVAL, AND AMENDING SECTION 155.231 OF THE CODE OF ORDINANCES RELATING TO THE PLANNING AND ZONING COMMISSION TERMS OF MEMBERS, FILLING VACANCIES, AND REMOVAL.

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 preserve the public peace in residential areas; and

WHEREAS, transparency, fairness, and consistency in government regulations are essential to the service of the citizens of the City of Harker Heights; and

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

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

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

SECTION 2: Section 33.81 APPOINTMENT, TERM, ALTERNATES, VACANCY, AND REMOVAL of the Code of Ordinances of the City of Harker Heights is hereby amended with the following:

§ 33.81 APPOINTMENT, TERM, ALTERNATES, VACANCY, AND REMOVAL.

- (A) The City Council shall appoint both regular and alternate members to the Commission. The term of the regular and alternate members of the Commission shall be three years, or until their respective successors are appointed and have been qualified. The term of each regular and alternate member (other than the initial members) shall begin on January 1 of the following year in which the member was appointed. No regular member shall serve more than two full consecutive terms on the Commission. The City Council shall fill a vacancy for the unexpired term.
- (B) The City Council may appoint four alternate members to the Commission. To maintain a quorum, an alternate member may serve as a voting member in the absence of one or more regular members when requested to do so by the Chair. Such alternates shall serve in the order in which they were appointed and must be a member in good standing: acting in compliance with all explicit obligations, while not subject to any form of sanction, suspension, or disciplinary censure. An alternate member vacancy shall be filled in the same manner as a vacancy among the regular members.

- (C) The City Council may, upon a written charge and the affirmative vote of a majority of the entire City Council, remove a member of the Commission for cause. Before a decision regarding removal is made, a public hearing shall be held on the removal if requested by the member.

SECTION 3: Section 155.231 TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL of the Code of Ordinances of the City of Harker Heights is hereby amended with the following:

§ 155.231 TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL.

- (A) The term of the members and alternates of the Planning and Zoning Commission shall be for three years or until their respective successors are appointed and have qualified. No regular member shall serve more than two full consecutive terms on the Planning and Zoning Commission. Commission members may be removed at any time upon the affirmative vote of a majority of the City Council.
- (B) During the month of September of each year, or as soon thereafter as is reasonably practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Planning and Zoning Commission during the succeeding twelve month period. The term of each member shall begin on January 1 of the following year in which the member was appointed.
- (C) The City Council may appoint four alternate members of the Commission. To maintain a quorum, an alternate member may serve as a voting member in the absence of one or more regular members when requested to do so by the Chair. Such alternates shall serve in the order in which they were appointed and must be a member in good standing: having attended at least three (3) meetings and acting in compliance with all explicit obligations, while not subject to any form of sanction, suspension, or disciplinary censure. An alternate member vacancy shall be filled in the same manner as a vacancy among the regular members.
- (D) The City Council shall choose from the alternates to fill vacant positions.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on

_____.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER AUTHORIZING THE CITY OF HARKER HEIGHTS CORONAVIRUS RELIEF FUND (CRF) SMALL BUSINESS GRANT PROGRAM 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 States and local governments. These funds were distributed differently based on the following:

- Cities over 500,000 population received a direct allocation of CRF funds.
- Cities in a county with over 500,000 population received their CRF allocation directly from that county.
- Cities in a county of 500,000 or less population apply for their CRF funds from the Texas Division of Emergency Management (State).

The 500,000 or less in population category had additional spending restrictions imposed on top of what was already imposed by the Treasury Department.

The federal funding must be spent by December 30, 2020. Here is how it is broken out:

- State of Texas received \$11.24B
 - 55% went to the State
 - 45% went to counties and cities

Funding was based on the allocation of \$55 per capita – which we qualify for \$1,789,370. To receive this funding, we must meet certain parameters, such as the following:

- 75% must be spent or allocated on:
 - Medical Expenses
 - Public Health Expenses
 - Payroll Expenses
- 25% must be spent or allocated on:
 - Expenses of actions to facilitate compliance w/ COVID 19
 - Expenses associated w/ the provision of economic support
 - Any other COVID 19 expense reasonably necessary to function

Once the City of Harker Heights submits the CRF certification, we will receive the initial 20% drawdown of the overall amount. That 20% allocation equates to \$357,874.00.

Of that 20% allocation amount, we must abide by the 75% / 25% expenditure recently mentioned. The City will need to submit supporting documentation for this initial amount prior to requesting reimbursement for additional allocation amounts.

Staff has developed a funding proposal for a Small Business Grant for the first 20% allocation that totals \$89,468.50.

The City of Harker Heights collaborated with the Central Texas Council of Governments (CTCOG) to administer this program. CTCOG is currently administering Bell County's and the City of Belton's program. Staff is classifying this Small Business Grant application as Phase I – which only accounts for the initial 20% allocation.

RECOMMENDATION:

Staff recommends approving the Small Business Grant Program.

ACTION BY THE CITY COUNCIL:

1. Motion to approve/disapprove the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program.
2. Any other action desired.

ATTACHMENTS:

1. Harker Heights Small Business Grant Criteria
2. Harker Heights Small Business Grant Application Form



**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 _____, 2020 and will close at 5:00 pm on _____, 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 must be complete (add in turn in process, whether digital or mailed in – post marked) by 5:00 pm on _____ . Questions can be directed to _____ at _____ at _____.

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 at the current time?

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.

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?

The application must be complete (add in turn in process, whether digital or mailed in – post marked) by 5:00 pm on _____. Questions can be directed to _____ at _____ or _____ at _____.

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.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.36 AND §33.39 OF THE CODE OF ORDINANCES BY REDEFINING THE MEMBERSHIP, APPOINTMENT OF OFFICERS, QUALIFICATIONS OF MEMBERS, AND DUTIES OF THE PARKS AND RECREATION ADVISORY BOARD, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Parks and Recreation Department is amending various portions of Chapter 33 of the Harker Heights Code of Ordinances pertaining to the Parks and Recreation Advisory Board. The amendments will do the following:

- **33.36** Remove the appointment of one high school and one middle school representative to board.
- **33.36** Add the requirement to appoint a Chairperson and Vice-Chairperson.
- **33.39 (J)** Change to providing a copy of the Board Meeting Minutes to the City Council.

RECOMMENDATION:

Staff recommends approving the amendments to the Harker Heights Code of Ordinances related to the Parks and Recreation Advisory Board.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, amending §33.36 and §33.39 of the Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Parks and Recreation Advisory Board, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.36 AND §33.39 OF THE CODE OF ORDINANCES BY REDEFINING THE MEMBERSHIP, APPOINTMENT OF OFFICERS, QUALIFICATIONS OF MEMBERS, AND DUTIES OF THE PARKS AND RECREATION ADVISORY BOARD.

WHEREAS, the City Council ("***Council***") of the City of Harker Heights ("***City***") finds that is necessary and desirable to amend the Code of Harker Heights ("***Code***") to update membership and functions of the Parks and Recreation Advisory Board;

WHEREAS, the Council further finds that this Ordinance will preserve and promote public health, safety and welfare;

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

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

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

SECTION 2: Section 33.36 and Section 33.39 of the Code of Harker Heights ("***Code***") is hereby amended to read as follows:

§ 33.36 TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL; OFFICERS.

(A) The term of the members of the Parks and Recreation Advisory Board shall be for three years or until their respective successors are appointed and have qualified. No member shall serve more than two full consecutive terms on the Parks and Recreation Advisory Board. Board members may be removed at any time, upon the affirmative vote of a majority of the City Council.

(B) For purposes of the initial appointments, two members shall be appointed for a three year term, two members shall be appointed for a two year term, and two members shall be appointed for a one year term. Those initial members appointed for terms of less than three years shall be considered to have served partial terms, and shall be eligible to serve two full terms subsequent to the completion of their respective initial appointments.

(C) During the month of September of each year, or as soon thereafter as is reasonably practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Parks and Recreation Advisory Board during the succeeding twelve month period. The term of each member shall begin on January 1 of the following year in which the member was appointed.

(D) The Parks and Recreation Advisory Board shall appoint one of its members as Chairperson, one as Vice-Chairperson, and the Director of Parks and Recreation or his/her designee shall be the Secretary. Such officers will hold office for terms of one year or until

their successors are elected. It shall be the duty of the Chairperson to preside at all meetings of the Board and the Secretary shall keep a record of all the proceedings of the board.

(E) Alternates shall serve in the order specified by the Council, and a person named as an alternate shall be eligible until January 1 of the following year in which such person was named as an alternate. Immediately following a vacancy, and without the necessity of further action by the Council, the first eligible alternate shall take the oath of office and begin to serve the unexpired term of his or her predecessor.

§ 33.39 POWERS AND DUTIES.

The Harker Heights Parks and Recreation Advisory Board shall have no supervisory function and shall have no rulemaking or quasi-judicial authority. The Board is organized to advise the City Council on policy and programs and shall generally have the following duties and responsibilities:

(A) To act in an advisory capacity to the City Council in all matters pertaining to the Parks and Recreation services and activities in the city.

(B) To assist in the development of a Master Parks Plan for the city.

(C) To review and recommend changes to the Master Parks Plan, as necessary, to the City Council.

(D) To annually review and make changes to the Master Parks Plan, as necessary, to the City Council.

(E) To analyze and make recommendations concerning the long range Parks and Recreation facility needs of the community.

(F) To provide opportunities for citizen input regarding appropriate Parks and Recreation facility needs of the community.

(G) To recommend names for Parks and Recreation facilities.

(H) To work with the city officials in planning and maintenance of city parks and in planning recreation programs.

(I) To create and stimulate public interest in the Parks and Recreation activities of the city and solicit to the fullest extent possible the cooperation of the school authorities and other public and private agencies.

(J) To provide a copy of the board meeting minutes to the City Council.

(K) To make recommendations on requests for special use of any of the city's parks or recreation facilities.

(L) To carry out and perform such other matters as the City Council may deem beneficial to the city.

(M) To make recommendations on fees and charges for Parks and Recreational facility use.

(N) To help promote and provide volunteer support for special recreational programs offered throughout the city.

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

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

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.71 AND §33.73 OF THE CODE OF ORDINANCES; REPEALING §33.74 AND CREATING §33.72 OF THE HARKER HEIGHTS CODE OF ORDINANCES BY REDEFINING THE DUTIES, MEMBERSHIP AND MEETING REQUIREMENTS OF THE TREE ADVISORY BOARD, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Parks and Recreation Department is amending various portions of Chapter 33 of the Harker Heights Code of Ordinances pertaining to the Tree Advisory Board. The amendments will be the following:

- **33.71 (H)** Provide a copy of the board minutes to the City Council
- **33.72 (A)** Change the number of members from five to six.
- **33.72 (G)** Add appointments of Chairperson and Vice-Chairperson to board.

RECOMMENDATION:

Staff recommends approving the amendments to the Harker Heights Code of Ordinances related to the Tree Advisory Board.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, amending §33.71 and §33.73 of the Code of Ordinances; Repealing §33.74 and creating §33.72 of the Harker Heights Code of Ordinances by redefining the membership and meeting requirements of the Tree Advisory Board, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENT:

1. Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.71 AND §33.73 OF THE CODE OF ORDINANCES; REPEALING §33.74 AND CREATING §33.72 OF THE HARKER HEIGHTS CODE OF ORDINANCES BY REDEFINING THE DUTIES, MEMBERSHIP, AND MEETING REQUIREMENTS OF THE TREE ADVISORY BOARD.

WHEREAS, the City Council ("***Council***") of the City of Harker Heights ("***City***") finds that is necessary and desirable to amend the Code of Harker Heights ("***Code***") to align with the Parks and Recreation Advisory Board;

WHEREAS, the Council further finds that this Ordinance will preserve and promote public health, safety and welfare;

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: Chapter 33, Section 33.71, Section 33.72, and Section 33.73 of the Code of Harker Heights ("***Code***") is hereby amended to read as follows:

§33.71 FUNCTION; POWERS AND DUTIES.

The Board shall:

- (A) Review the Tree Management Plan and the Tree Care Program and make recommendations to the City Council as may be necessary;
- (B) Promote the protection of healthy trees;
- (C) Recommend guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment;
- (D) Develop public awareness and education programs relating to trees;
- (E) Coordinate and promote Arbor Day activities;
- (F) Submit the annual application to renew the Tree City USA designation; and
- (G) Subject to approval by the City Council, establish rules of procedure to govern the functioning of the Board consistent with this code and the requirements of law;
- (H) Provide a copy of the board meeting minutes to the City Council; and
- (I) Perform any other duties requested by the City Council.

§33.72 MEMBERSHIP; TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL.

- (A) The Board will be comprised of six members and two alternate members who must be qualified electors within the City of Harker Heights, and must be standing members or alternate members of the current Parks and Recreation Advisory Board of the City of Harker Heights.

(B) Except as provided herein, the term of the members shall be for three years or until their respective successors are appointed and have qualified. No member shall serve more than two consecutive terms on the Board.

(C) For purposes of the initial appointments, two members shall be appointed for a three year term, two members shall be appointed for a two year term and one member shall be appointed for a one year term. Those initial members appointed for terms of less than three years shall be considered to have served partial terms, and shall be eligible to serve two full terms subsequent to the completion of their respective initial appointments.

(D) During the month of September of each year, or as soon thereafter as is reasonably practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Board during the succeeding 12-month period. The term of each member shall begin on January 1 of the following year.

(E) Alternates shall serve in the order specified by the City Council, and a person named as an alternate shall be eligible until January 1 following the expiration of one year from the date such person was named as an alternate. Immediately following a vacancy, and without the necessity of further action by the City Council, the first eligible alternate shall take the oath of office and begin to serve the unexpired term of his or her predecessor.

(F) Board members may be removed at any time, with or without cause, upon the affirmative vote of a majority of the City Council.

(G) Establish and elect members to fill the offices of Chairperson, Vice Chairperson, and for one year or until their successors are elected so that business may be conducted in an orderly and responsible manner whenever a quorum is present. The Director of Parks and Recreation or designee shall serve as the Board Secretary.

§33.73 MEETINGS.

Meetings of the Board shall be held at a location open to the public on a quarterly basis at minimum, or more frequently at the call of the Parks and Recreation Director or City Council. A written agenda and time and location of the meeting shall be posted as required by state statutes. Meetings will be open to the public except when closed sessions are authorized by statutes. A majority of the members shall constitute a quorum for the transaction of business.

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

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

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.23 AND §33.24 OF THE CODE OF ORDINANCES BY REDEFINING THE MEETINGS REQUIREMENT AND THE POWER AND DUTY REQUIREMENTS OF THE PUBLIC SAFETY COMMISSION, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Chief of Police and Fire Chief are recommending changes to the Public Safety Commission Ordinance that will allow the Commission to better serve the community and provide information to the City Council on a regular basis.

The proposed Ordinance amendment will include the requirement that the Commission shall provide minutes of the Commission's meetings to the City Council and upon the Council's request, the Chairperson shall appear before the Council to provide a briefing of the activities completed and projects planned by the Commission. This change will remove the scheduling of the Chairperson of the Commission to present a verbal synopsis to the City Council on at least a quarterly basis, of the activities completed and the projects planned by the Commission. The addition of the approval of member substitution by the alternate members to reach a quorum is to ensure meetings are orderly and productive.

RECOMMENDATION:

The Chief of Police and Fire Chief recommend approving the amendments to the Ordinance related to the Public Safety Commission for the City of Harker Heights.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, Amending §33.23 and §33.24 of the Code of Ordinances by redefining the Meetings Requirement and the Power and Duty Requirements of the Public Safety Commission, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.23 AND §33.24 OF THE CODE OF ORDINANCES BY REDIFINING THE MEETING REQUIREMENTS AND THE POWER AND DUTY REQUIREMENTS OF THE PUBLIC SAFETY COMMISSION.

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 preserve the public peace in residential areas; and

WHEREAS, transparency, fairness, and consistency in government regulations are essential to the service of the citizens of the City of Harker Heights; and

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

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

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

SECTION 2: Section 33.23 and Section 33.24 of the Code of Harker Heights ("**Code**") is hereby amended with the following:

§33.23 MEETINGS.

A majority of the members shall constitute a quorum for the transaction of business. If a quorum is not met, an alternate member(s) may be approved by the attending members to reach a quorum. Meetings of the Commission shall be held at a location open to the public on a quarterly basis at minimum, or more frequently as the Commission may elect, or at the call of the City Council, with a written agenda and the time and location of the meeting being posted as required by state statutes. Meetings will be open to the public except when closed sessions are authorized by state statutes.

§33.24 POWERS AND DUTIES.

Powers and duties include the following:

(A) Entertain issues and subjects requested by the City Council, City Manager, Police, Fire, and Emergency Medical Services Department, citizens of Harker Heights, and members of the Commission that pertain to the provision of Public Safety within the city.

(B) Establish priorities and projected dates of completion for addressing issues and subjects of interest tendered to the Commission.

(C) Have access to statistical data, plans, policies, reports, records, ordinances, budgets and such other information pertinent to public safety services and functions, except those reports subject to the open records restrictions or considered confidential, as may be necessary to support studies and reviews and to develop recommendations.

(D) Complete objective reviews and studies concerning public safety in the city and forward written recommendations to the City Council, City Manager, Police Chief and Director of Emergency Services, for their action, if applicable. Recommendations so developed will be presented by the Chairperson of the Commission to the City Council at a scheduled meeting in order to respond to any inquiries by Councilmembers.

(E) Assure that subjects and projects contemplated or in progress that contain overlapping areas of interest are made known to the senior official of the city departments, commissions, committees, or other entities concerned.

(F) Establish and elect members to fill the offices of Chairperson, Vice Chairperson and Second Vice Chairperson so that business may be conducted in an orderly and responsible manner whenever a quorum is present.

(G) Develop bylaws to govern the internal functioning of the Commission consistent with ordinance establishing the Public Safety Commission and submit them for approval by the City Council.

(H) Conduct meetings in accordance with applicable Texas state statutes and the current edition of *Roberts Rules of Order Newly Revised*.

(I) Provide minutes of the Commission meeting to the City Council and upon the Council's request, the Chairperson shall appear to provide a briefing of the activities completed and projects planned by the Commission.

(J) Participate in selection boards, promotion boards, and other forums as appropriate, at the request of the senior departmental officer of the Police, Fire, and Emergency Medical Service Departments, or City Manager.

(K) Under conditions which cause the Mayor to implement the City's Emergency Management Plan, and as an organized group, and at the request of the Emergency Management Director or Emergency Management Coordinator, assist the operations of the Emergency Operations Center under supervision of the Emergency Management Coordinator.

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

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

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 33.50 (C) OF THE CODE OF ORDINANCES TO REMOVE THE UTILITY SUPERINTENDENT AND THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT FROM THE STORM WATER COMMITTEE AND ADDING THE ASSISTANT PUBLIC WORKS DIRECTOR AND PUBLIC WORKS CUSTOMER RELATIONS SUPERVISOR TO THE STORM WATER COMMITTEE, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City of Harker Heights has completed the second 5-year Municipal Separate Storm Sewer System (MS4) General Permit cycle. The new MS4 General Permit for the City of Harker Heights was submitted to the Texas Commission on Environmental Quality (TCEQ) in July 2019 with the permit period extending to January 23, 2024. The submitted General Permit is still under review with TCEQ. Each year of the five-year implementation period, the City has agreed to particular Best Management Practices (BMP's). The Storm Water Coordinator coordinates permit compliance, reporting, and oversees all aspects of the Storm Water Management Plan. The purpose of the Storm Water Committee is to ensure compliance with the selected BMP's, track BMP implementation and documentation, keep department heads up to date with ongoing storm water issues, and solicit input from the public and stakeholders. The Storm Water Committee meets at least once each year in accordance with the Open Meetings Act. Recently, the Utility Superintendent position was eliminated, and the Assistant Public Works Director position was created in the Public Works Department. The Public Works Administrative Assistant was promoted to a new position titled Public Works Customer Relations Supervisor.

Currently, the appointments are as follows:

Storm Water Coordinator- Public Works Director

Storm Water Committee- The Planning and Development Director, the Building Official, the City Planner, the Utility Superintendent, the Street, Drainage and Sanitation Field Supervisor, the Public Works Administrative Assistant, the Chief Wastewater Plant Operator and one City Council member. The City Council member is appointed by the Mayor in writing either by memorandum or letter. Council member Nicholas has served on the Storm Water Committee since 2016.

RECOMMENDATION:

The Public Works Director recommends approving an Ordinance amending Chapter 33 of the Code of Harker Heights to remove the Utility Superintendent and the Public Works Administrative Assistant from the Storm Water Committee and adding the Assistant Public Works Director and Public Works Customer Relations Supervisor to the Storm Water Committee.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, amending Section 33.50 (C) of the Code of Ordinances to remove the Utility Superintendent and the Public Works Administrative Assistant from the Storm Water Committee, and adding the Assistant Public Works Director and Public Works Customer Relations Supervisor to the Storm Water Committee, based upon Staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 33.50 (C) OF THE CODE OF ORDINANCES TO REMOVE THE UTILITY SUPERINTENDENT AND THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT FROM THE STORM WATER COMMITTEE AND ADDING THE ASSISTANT PUBLIC WORKS DIRECTOR AND PUBLIC WORKS CUSTOMER RELATIONS SUPERVISOR TO THE STORM WATER COMMITTEE.

WHEREAS, the City of Harker Heights ("*City*") has completed its second five-year cycle under its Storm Water Management Program general permit; and

WHEREAS, due to reorganizing positions in the Public Works Department, the City Council of the City of Harker Heights ("*Council*") finds it necessary to remove the Utility Superintendent and the Public Works Administrative Assistant from the Storm Water Committee and add the Assistant Public Works Director and Public Works Customer Relations Supervisor to the Storm Water Committee; and

WHEREAS, the Council has determined that it is necessary and desirable, and in the public interest, to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

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

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

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

SECTION 2: Section 33.50(C) of the Code is hereby amended to read as follows:

(C) The Committee shall consist of the Storm Water Coordinator, the Planning and Development Director, the Building Official, the City Planner, the Assistant Public Works Director, the Street, Drainage and Sanitation Field Supervisor, the Public Works Customer Relations Supervisor, the Chief Wastewater Plant Operator, and one City Council member.

(1) The City Council member shall be appointed to the Committee by the Mayor on an annual basis and shall serve at the pleasure of the Mayor. The Mayor shall appoint a replacement to any vacancy in that position to fill the unexpired term.

(2) Any other Committee member who shall cease to hold the title of office required for membership shall automatically cease to be a member, and any person subsequently employed to that office shall automatically become a member.

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

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

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk 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 September 22, 2020.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTIONS 33.46 AND 33.49 OF THE CODE OF ORDINANCES BY REDEFINING THE TERMS, POWERS, AND DUTIES OF THE ANIMAL ADVISORY COMMITTEE, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The State of Texas Health and Safety Code Sec. 823.005 requires the City to appoint an Animal Advisory Committee. This Committee must be comprised of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization. The members of the Committee must meet at least three times a year.

Section 33.46 (A) sets a term limit of 2 consecutive terms for members. This creates an unnecessary burden on staff to locate and rotate members through the committee. The pool of applicants that have the time to dedicate to the committee is very limited based on the requirements set forth by the Texas Health and Safety Code. Removing the term limit for members and by specifying that the shelter veterinarian and shelter manager are permanently assigned to the committee will help streamline this process and ensure that the City has a committee that meets the requirements of Texas Health and Safety Code.

Section 33.49 (B) states that the committee is to assure that subjects and projects contemplated or in progress that contain overlapping areas of interest are made known to the senior official of the city departments, commissions, committees or other entities concerned. This section should be removed because it is outside of the scope defined in the Texas Health and Safety Code. The purpose of the animal advisory committee is to assist the shelter in implementing those requirements as defined in section 823.

Section 33.49 (C) stipulates that an election of Chairperson and Vice Chairperson is conducted in January after the appointment of committee members. To streamline this process and ensure continuity of the committee, it is recommended that this section is amended to specify that the shelter veterinarian is the Chairperson and the shelter manager is the Vice Chairperson.

Section 33.49 (G) requires the Chairperson of the committee to present a synopsis to the City Council once a year. This section is recommended to be removed because it is not required to be in compliance with the Texas Health and Safety Code. The minutes from a committee meeting will be provided to the Council in the next Council Agenda Packet after the meeting.

RECOMMENDATION:

Approve a motion amending sections 33.46 and 33.49 by redefining the terms, powers, and duties of the animal advisory committee members.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, Amending Section 33.46 and Section 33.49 of the Code of Ordinances by redefining the terms, powers, and duties of the Animal Advisory Committee, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTIONS 33.46 AND 33.49 OF THE CODE OF ORDINANCES BY REDEFINING THE TERMS, POWERS, AND DUTIES OF THE ANIMAL ADVISORY COMMITTEE MEMBERS

WHEREAS the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that the City may have difficulty filling all positions on the Animal Advisory Committee due to the requirement of having specific professions serve on the committee with term limit restrictions, and that such requirement is not essential to the proper functioning of the Committee; and

WHEREAS, the Council further finds that this ordinance will preserve and promote the public health, safety and welfare; and

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

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

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

SECTION 2: Section 33.46 (A) of the Code of Harker Heights ("**Code**") is hereby amended to read as follows:

§ 33.46 TERMS OF MEMBERS; FILLING VACANCIES; REMOVAL.

(A) The term of the members of the Committee shall be three years, or until their respective successors are appointed and have qualified.

(1) Upon the affirmative vote of a majority of the entire Council, the City Council may remove a member of the Committee with or without cause.

(2) The full-time shelter veterinarian and the shelter manager shall serve as the licensed veterinarian and the representative of the animal shelter as required by Tex. Health & Safety Code Chapter 823.

SECTION 3: Section 33.49 of the Code of Harker Heights ("**Code**") is hereby amended to read as follows:

§ 33.49 POWERS AND DUTIES

Powers and duties of the Committee include the following:

(A) To provide advice and recommendations to assist the Animal Services Department in complying with the requirements of Texas Health & Safety Code Chapter 823.

(B) The City's full-time shelter veterinarian shall serve as Chairperson and the City's shelter manager shall serve as Vice-Chairperson so that business may be conducted in an orderly and responsible manner whenever a quorum is present.

(C) To develop rules or bylaws to govern the internal functioning of the Committee consistent with the ordinance establishing the Committee, and to submit them for approval by the City Council.

(D) To conduct meetings in accordance with applicable state statutes and the current edition of *Roberts Rules of Order, Newly Revised*.

(E) To provide minutes of Committee meetings to the City Council.

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

SECTION 5: This Ordinance shall be effective from and after its passage.

PASSED AND APPROVED by the City Council of the City of Harker Heights on this 22nd day of September 2020.

Spencer Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-7

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.01, §33.02, §33.03, §33.04, AND §33.05 OF THE CODE OF ORDINANCES BY REDEFINING THE MEMBERSHIP, APPOINTMENT OF OFFICERS, QUALIFICATIONS OF MEMBERS, AND DUTIES OF THE LIBRARY BOARD, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Library Department is amending various portions of Chapter 33 of the Harker Heights Code of Ordinances pertaining to the Library Board. The amendments will do the following:

- **33.01 and 33.03** Simplify wording and combine the two
- **33.02** Simplify wording for consistency with other ordinances for other boards and providing the Library Director or a designee as the Board Secretary
- **33.04** Simplify wording and change to a requirement to meet at least four times per year on appropriate dates rather than quarterly
- **33.05** Simplify wording to state function and duties, add that Library Board members act as members of a materials review committee in the event that a formal petition for review of materials were to be filed, and change the yearly report to a written report

RECOMMENDATION:

Staff recommends approving the amendments to the Harker Heights Code of Ordinances related to the Library Board.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, Amending §33.01, §33.02, §33.03, §33.04, and §33.05 of the Code of Ordinances by redefining the membership, appointment of officers, qualifications of members, and duties of the Library Board, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING §33.01, §33.02, §33.03, §33.04, AND §33.05 OF THE CODE OF ORDINANCES BY REDEFINING THE MEMBERSHIP, APPOINTMENT OF OFFICERS, QUALIFICATIONS OF MEMBERS, AND DUTIES OF THE LIBRARY BOARD.

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 preserve the public peace in residential areas; and

WHEREAS, transparency, fairness, and consistency in government regulations are essential to the service of the citizens of the City of Harker Heights; 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 Number 97-33 of the Code of Harker Heights ("*Code*") is hereby amended to read as follows:

33.01: ESTABLISHED; MEMBERSHIP; FUNCTION.

There is hereby established a Library Board composed of seven members and two alternates, to be appointed by the City Council.

33.02: TERMS OF MEMBERS; FILLING VACANCIES; REMOVALS.

(A) Except as provided herein, the term of the members shall be for three years or until their respective successors are appointed and have qualified. No member shall serve more than two consecutive terms on the Board.

(B) For purposes of the initial appointments, two members shall be appointed for a three year term, two members shall be appointed for a two year term and one member shall be appointed for a one year term. Those initial members appointed for terms of less than three years shall be considered to have served partial terms, and shall be eligible to serve two full terms subsequent to the completion of their respective initial appointments.

(C) During the month of September of each year, or as soon thereafter as is reasonably practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Board during the succeeding twelve month period. The term of each member shall begin on January 1 of the following year.

(D) Alternates shall serve in the order specified by the City Council, and a person named as an alternate shall be eligible until January 1 following the expiration of one year from the date

such person was named as an alternate. Immediately following a vacancy, and without the necessity of further action by the City Council, the first eligible alternate shall take the oath of office and begin to serve the unexpired term of his or her predecessor.

(E) Board members may be removed at any time, with or without cause, upon the affirmative vote of a majority of the City Council.

(F) Establish and elect members to fill the offices of Chairperson, Vice Chairperson, and Second Vice Chairperson for one year or until their successors are elected so that business may be conducted in an orderly and responsible manner whenever a quorum is present. The Library Director or designee shall serve as the Board Secretary.

33.03 QUALIFICATION OF MEMBERS.

The members of the Library Board must be qualified electors within the City of Harker Heights.

33.04: MEETINGS.

A majority of the members shall constitute a quorum for the transaction of business. Meetings of the Library Board shall be held at a location open to the public and meet a minimum of four times per calendar year, or more frequently at the call of the Board or City Council. A written agenda, time, and location of the meeting shall be posted in the Library. Meetings will be open to the public except with closed sessions are authorized by the state statutes.

33.05 POWERS AND DUTIES.

Powers and duties include the following:

- (A) Review the Library's strategic plan and make recommendations to the City Council as may be necessary;
- (B) Promote the importance of literacy and information dissemination;
- (C) Recommend changes and reviews of Library policies and procedures;
- (D) Develop public awareness and education programs relating to literacy and Library programs;
- (E) Periodically review contents of the Library's website and Virtual Library;
- (F) Stand as members of a materials review committee in the event that a formal petition for review of materials has been filed;
- (G) Submit the annual written report to the City Council;
- (H) Subject to approval by the City Council, establish rules of procedure to govern the functioning of the Board consistent with this code and the requirements of law;
- (I) Provide a copy of the board meeting minutes to the City Council; and
- (J) Perform any other duties requested by the City Council.

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

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

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 22, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM# X-8

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM ROBIN FISHER FOR AN EVENT AT THE SKIPCHA PARK PAVILION IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, OCTOBER 23, 2020, 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, Robin Fisher is seeking approval for a request to hold an event at the Skipcha Park Pavilion on Friday, October 23, 2020, from 5 p.m. to 8:30 p.m. for a group of no more than 50 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request from Robin Fisher for an event at the Skipcha Park Pavilion for an event in excess of ten (10) people on Friday, October 23, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. 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.



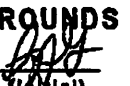



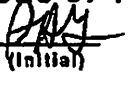
The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

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.

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

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


 SIGNATURE

20 Aug 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.

None. However, we would like to also inquire about reserving the pavilion at Skipcha Park for the same date and time. See attached note.

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 HHPRD.)

None

Dear Harker Heights City Council,

I am submitting this letter with my formal request to rent multiple pavillions for a church social. I thought a letter might explain why we are requesting 3-4 pavillions throughout the city.

Due to current Covid restrictions, it is not feasible for our congregation to meet in our church building for a social all at once.

The general plan is that members of the congregation will sign up to attend an ice cream social at a specific pavillion. The sign up will be capped at 50 people per location (including children/toddlers/infants) . We will only be serving individually wrapped ice-cream treats like ice-cream sandwiches or popsicles. No homemade treats or potluck type food will be served. We will be well stocked with hand sanitizer and ask participants to wear a mask, except when eating or drinking. We will ask members to self screen at home and to not participate if ANYONE in the household is exhibiting symptoms (via self screen test). We would also like to reserve the pavillion at Skipcha Park for some of our elderly or immunocompromised members. We would cap that gathering at 30.

We realize that requirements change. We are willing to adapt to restrictions. We are scheduling almost 2 months in advance so we have plenty of planning and reaction time.

Feel free to call me if you have any questions or concerns.

**Kind Regards,
Robin Fisher
254-432-9292
rarfisher@gmail.com**



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 02 2020
[Signature]
Secretary of State

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

Dear Secretary Hughes:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

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

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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



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

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

GREG ABBOTT
Governor

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

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:

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

RUTH R. HUGHS
Secretary of State

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

JUL 02 2020



☒ **CHECKLIST FOR OUTDOOR EVENTS**

Page 1 of 2

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

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

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

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

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

Health protocols for individuals:

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



OUTDOOR EVENTS: Page 2 of 2

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

Local approval factors:

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



COUNCIL MEMORANDUM

AGENDA ITEM # X-9

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM JORDAN GLENN FOR A FACILITY RENTAL AT THE PURSER FAMILY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, SEPTEMBER 25, 2020, 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, Jordan Glenn is seeking approval for a request to rent the Purser Park Pavilion on Friday, September 25, 2020, from 10:00 a.m. to 3:00 p.m. for a group of approximately 50 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request from Jordan Glenn for an Outdoor Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Friday, September 25, 2020.
2. Any other action desired.

ATTACHMENTS:

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



Received 7/15/2020

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

Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reldier
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: 25 SEP 20 Start Time: 1000 End Time: 1500

*Include set up & tear down during your time slot

Event Name & Description: Alpha Battery 1-44 Family 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
X	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: Jordan A. Glenn, 1LT Phone: (270) 791-5254 Alt Phone: () _____

Street Address: 2701 Tarn Drive City: Killeen State: TX Zip: 76549

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

Approximate Attendance: 50 Approximate # of Vehicles: 50

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) X Yes _____ 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.): _____

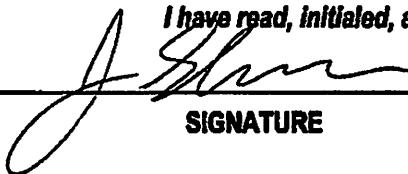
*****FOR OFFICE USE ONLY*****

Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All 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 <u>JG</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>JG</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.
GROUND <u>JG</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>JG</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>JG</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>JG</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>JG</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.



SIGNATURE

15 SEP 20

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.)



69TH Air Defense Artillery

Lightning Brigade, "Guarding the Skies!"



Alpha 1-44 Family Day CONOP

"Strike First!"



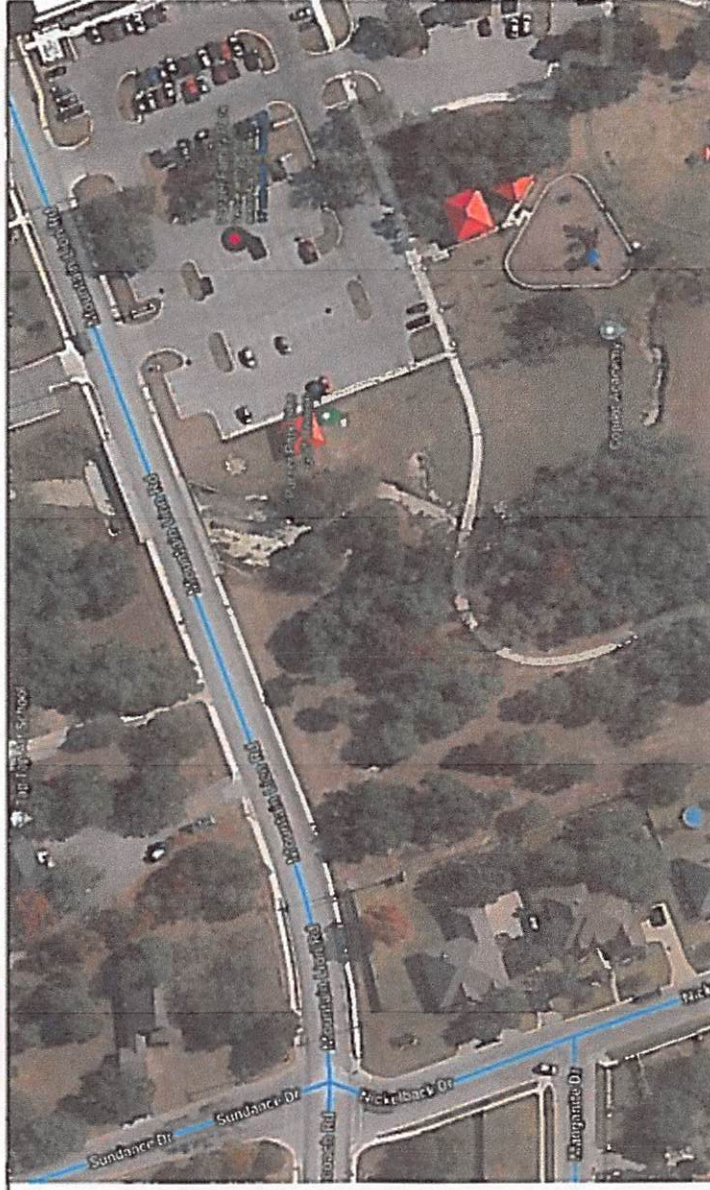
COMMANDER'S INTENT

MISSION: Alpha 1-44 conducts family day operations on 25SEP20 IOT mitigate high-risk behaviors, build unit cohesion, and increase soldier and unit morale.

KEY TASKS:

- Recon potential locations and receive commanders approval
- Create contract for rental items
- Complete unit fund form DA 4065-R
- Acquire vehicles and delegate personnel for rental pickup, location setup, and rental dropoff.
- Eat lots of food and have fun

END STATE: Promote the bonding together of Alpha 1-44 soldiers, leadership, and families in such a way as to sustain their pride, mental resiliency and commitment to each other.



KEY INFORMATION

WHO: Alpha 1-44 ADA

WHAT: Family Day

WHEN: 25 September 2020, 1000-1600

WHERE: Purser Family Park, 100 Mountain Lion Rd, Harker Heights, TX 76548

UNIFORM: Proper Civilian Attire, FACEMASKS

OIC: 1LT Jordan Glenn

CONTACT: 270-791-5254

EMAIL: jordan.a.glenn4.mil@mail.mil

Table setup for eating / food prep

Google Maps



Imagery ©2020 CAPCOG, Maxar Technologies, USDA Farm Service Agency, Map data ©2020

100 ft

inflatables bouncy house for kids



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 02 2020

Secretary of State

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

Dear Secretary Hughs:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

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

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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



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

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

GREG ABBOTT
Governor

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

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:

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

RUTH R. HUGHS
Secretary of State

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

JUL 02 2020



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

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

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

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

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

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

Health protocols for individuals:

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



OUTDOOR EVENTS: Page 2 of 2

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

Local approval factors:

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



COUNCIL MEMORANDUM

AGENDA ITEM # X-10

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM KELSIE MARTIN FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, OCTOBER 10, 2020, 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, Kelsie Martin is seeking approval for a request to rent the Carl Levin Park Pavilion on Saturday, October 10, 2020, from 1 p.m. to 5 p.m. for a group of approximately 20-30 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request from Kelsie Martin for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, October 10, 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 76348
Phone 254/953-5600
Fax 254/953-5614

Effective as of July 3, 2020

NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

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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: 10/10/2020 Start Time: 00:00 End Time: 1:00
*Include set up & tear down during your time slot
 Event Name & Description: Gender reveal / Baby shower

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

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

Name: Kelsie Martin Phone: 254-458-0194 Alt Phone: _____
 Address: 1528 Shoshoni trail #A City: HH State: TX Zip: 74548

Deposit Return Payable To: Kelsie Martin
(if different than above)

Approximate Number of Attendees: 20-30 Approximate Number of Vehicles: 15

Inflatables or Jumping Equipment: [Yes] or ☒ [No] Water Needed: [Yes] or ☒ [No]
(Must meet with Grounds Crew (2) days prior) (if Yes, give quantity needed):

Amplified Sound: [Yes] or ☒ [No]
(if Yes, describe sound amplification usage and equipment such as type used, wattage, etc.):

Please explain and describe if you are requesting the use of any additional space aside from the structure itself:
(Examples are open grass, walking trails, parking lots, basketball court, pond, etc.)

Some of the grass around pavillion

FOR OFFICE USE ONLY

Reviewed By / Date	Total Amount Due	Deposit Amount	Walk-through Date and Time			
Approved By / Date	Date Total Paid	Date Deposit Paid	Cash	Card	Check	Rental Credit
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Last 4 _____ Check # _____ AC Approval _____			

(All runs / walks must be approved by the Parks Director, PD, and FD)

Date: _____ Amount: \$ _____ Reason: _____

<p align="center">PARKS AND RECREATION ORDINANCE</p> <p align="center"><u>KM</u> (Initial)</p>	<p>RULES AND REGULATIONS: Must reference § 105.03 GENERAL RULES AND REGULATIONS. HOURS: Must reference § 105.04 RESTRICTED AREAS AND HOURS. ALCOHOL: Must reference § 105.05 ALCOHOL. ANIMALS: Must reference § 105.06 ANIMALS. ACTIVITIES: Must reference § 105.07 RECREATIONAL ACTIVITIES. VEHICLES: Must reference § 105.08 VEHICLES. ADDITIONAL RULES: Must reference § 105.09 ADDITIONAL RULES. ENFORCEMENT: Must reference § 105.98 ENFORCEMENT. PENALTY: Must reference § 105.99 PENALTY.</p>
<p align="center">FACILITY RENTAL POLICY</p> <p align="center"><u>KM</u> (Initial)</p>	<p>CONTACT: If you require assistance during your event, you may contact the Recreation Center during business hours (254-953-5657) or call 911 for emergencies. CITY FACILITY USE: City events will take priority and all other events may be rescheduled or cancelled as needed. OUTSIDE ORGANIZATION USE: All use by outside organizations is through rental only. APPROVAL: All rentals are subject to approval by Harker Heights Parks and Recreation. TYPES OF USE: Facilities are to be used for the purpose in which they were intended unless approved by Harker Heights Parks and Recreation. RENTER RESPONSIBILITY: The renter will be responsible for all persons in the group or organization utilizing the facility. CROWD CONTROL: The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be orderly. 200+ GROUPS: Large groups must have a separate and clearly designated First Aid Station so that in the event of an injury or emergency the victim(s) will be able to be accessed by emergency personnel. PARKING: For large groups parking may become a problem and must reference § 105.08 VEHICLES. ROADS: Any request to block off roads must be authorized by Harker Heights Police Department which can be reached at 254-953-5400, and it is the responsibility of the renter to obtain approval from the Harker Heights Police Department. SOLID WASTE, TRASH, GARBAGE: Must reference Chapter 51 with all solid waste, trash, garbage must be disposed of properly at the conclusion of each rental period and placed in provided trash cans. AMPLIFIED NOISE: Must reference Chapter 95 and have approval for use of amplified noise. INFLATABLES: Inflatables may be set up for parties or event with approval.</p>
<p align="center">RESERVATIONS AND REFUNDS</p> <p align="center"><u>KM</u> (Initial)</p>	<p>RESERVATION: A rental application must be completed for each new facility rental not already paid for. PROCESSING: The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled. CANCELLATION: A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund. RESPONSIBLE PARTY: The permit holder and the responsible party (person, 21 years of age or older, who officially rented the facility) must be on-site when the facility is being used. PAYMENT: No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation. REFUNDS: All refunds, including deposits, take 2-3 weeks for processing and will be returned in check form to the address listed on this form. INCLEMENT WEATHER: Renter must cancel event prior to the event start time to receive a refund for rain or other inclement weather. NO SHOW: Reservations that do not complete payment or no show without notification will lose deposit and may not be allowed to future rentals as determined by Harker Heights Parks and Recreation.</p>
<p align="center">CONDITIONS OF PERMIT</p> <p align="center"><u>KM</u> (Initial)</p>	<p>CITY PROPERTY: Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility Rules. DEPOSIT: The holder of this permit will be held responsible for inappropriate use, violation of rules, or damage to City property resulting from use herein as determined by Harker Heights Parks and Recreation. INDEMNITY: The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees, and agents and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

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

9/12/2020

Date



Signature



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 02 2020

Secretary of State

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

Dear Secretary Hughs:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

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

Attachment

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

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

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

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

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

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

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



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

A handwritten signature in black ink, appearing to read "Greg Abbott".

GREG ABBOTT
Governor

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

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:

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

RUTH R. HUGHS
Secretary of State

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

JUL 02 2020



☒ CHECKLIST FOR OUTDOOR EVENTS

Page 1 of 2

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

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

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

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

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

Health protocols for individuals:

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



OUTDOOR EVENTS: Page 2 of 2

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

Local approval factors:

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



COUNCIL MEMORANDUM

AGENDA ITEM # X-11

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM DALTON RUDD FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, OCTOBER 3, 2020, 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, Dalton Rudd is seeking approval for a request to rent the Carl Levin Park Pavilion on Saturday, October 3, 2020, from 10 a.m. to 1 p.m. for a group of approximately 25-50 people.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

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

ATTACHMENTS:

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



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: October 3, 2020 Start Time: 1000 AM End Time: 1:00 PM

*Include set up & tear down during your time slot

Event Name & Description: "Boys Matter To Men" Mentorship Program

Proposed Locations: Hygiene Drive; to promote the new program and collect personal Hygiene items for the young men.

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: Dalton Rude Phone: (254) 462-6430 Alt Phone: () _____

Street Address: 2008 Bella Vita Dr. City: Nolanville State: TX Zip: 76159

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

Approximate Attendance: B/W 25-50 Approximate # of Vehicles: unk

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.): Microphone, Speaker

*****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>DM</u> (Initial)	If you require assistance during your event you may contact HHPRD during business hours (254-953-5657) or the Police Department during non-business hours (254-953-5400). There is NO DRIVING ON PARK GROUNDS permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit. Alcoholic beverages are not allowed AT ANY TIME on City Park grounds. All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster. Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area. Animals must be on a leash and all pet waste must be disposed of properly. The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.
PARKING <u>DM</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>DM</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>DM</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>DM</u> (Initial)	Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations
CANCELLATIONS/REFUNDS <u>DM</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>DM</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.

DM
 SIGNATURE

09/16/2020
 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.

This is an event to promote our New Mentoring Program, we are asking people to drop off hygiene items; we will also be handing out healthy snacks and allowing people to meet mentors.

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

No



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 02 2020
[Signature]
Secretary of State

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

Dear Secretary Hughs:

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

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

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

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

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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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:

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

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



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

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

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:20pm O'CLOCK

JUL 02 2020

Governor Greg Abbott
July 2, 2020

Proclamation
Page 2

ATTESTED BY:

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

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK
JUL 02 2020



☒ **CHECKLIST FOR OUTDOOR EVENTS**

Page 1 of 2

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

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

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

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

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

Health protocols for individuals:

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



OUTDOOR EVENTS: Page 2 of 2

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

Local approval factors:

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



COUNCIL MEMORANDUM

AGENDA ITEM # X-12

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 22, 2020

DISCUSS AND CONSIDER APPROVING A REQUEST FROM SAMALIA HUGGINS FOR A SPECIAL EVENTS PERMIT TO HOST AN OUTDOOR EVENT AT SOUTHSTAR BANK, SSB, LOCATED AT 905 EAST KNIGHTS WAY (F.M. 2410), HARKER HEIGHTS, TEXAS, WHICH WILL HAVE IN EXCESS OF TEN (10) PEOPLE ON THURSDAY, OCTOBER 15, 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, Samalia Huggins is seeking approval for a request to hold a "Family Movie Night Out" on Thursday, October 15, 2020, from 7:00 p.m. - 9:00 p.m. at SouthStar Bank, SSB (905 E FM 2410) with approximately 50 people in attendance.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request from Samalia Huggins for a Special Events Permit to host an outdoor event at SouthStar Bank, SSB (905 E FM 2410) which will have in excess of ten (10) people on Thursday, October 15, 2020.
2. Any other action desired.

ATTACHMENTS:

1. Notification Update on Gatherings More Than 10
2. City of Harker Heights 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: Samalia Huggins of Southstar Bank, SSB Date: 9-11-2020

*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: SOUTHSTAR BANK, SSB
Organization Address: 905 E FM 2410 City Harker Heights St TX Zip 76048
Organization Phone: 254-698-1800 Mobile: _____

Home Address: _____ City _____ St _____ Zip _____
Home Phone: _____ Mobile _____

Name of Supervisor of event: Davonica France
Business Address 905 E FM 2410 Harker Heights TX Phone 254-698-1800
Home Address _____ Phone _____

Nature of the event: Family Movie Night Out
Proposed Date(s) of the Event: Thursday October 15, 2020 Number of participants: 50
Starting / Ending time of the event: 7am - 9pm Proposed location of event (including its boundaries): Southstar Bank Branch

Number/Types of Vehicles: N/A
Number/Types of Animals: N/A
Number/Types of Structures: N/A

Describe sound amplification equipment: surround sound, amplified, Big screen

Describe parking requirements: parking spots, including handicap.

Describe advertising of event: chamber assistance, flyer drop-offs

For Parades Only:

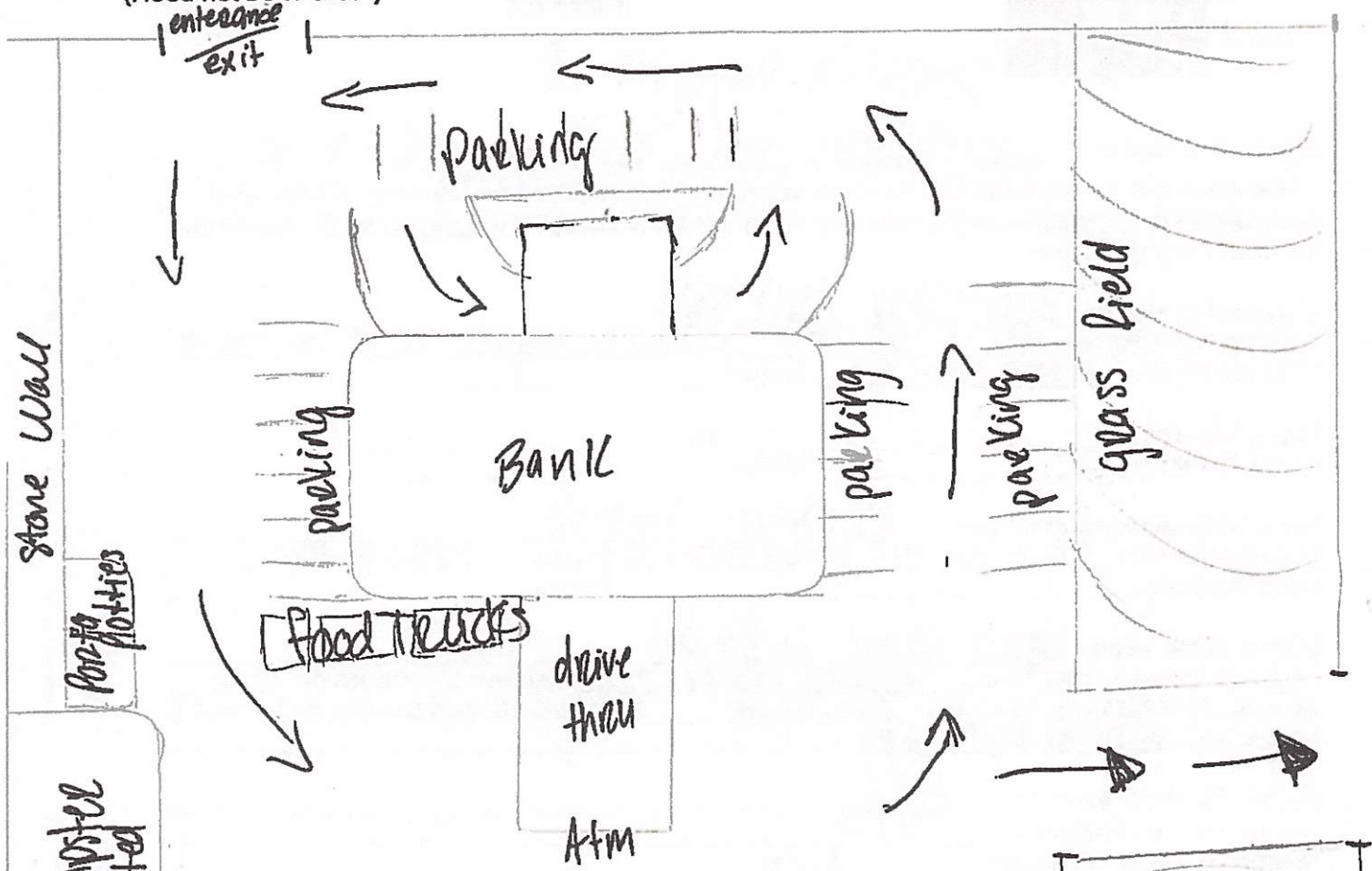
Time when units will assemble: _____ Assembly point: _____
Proposed Parade Route: _____
Number/ type/size of floats: _____

Interval space between floats: _____
Number/composition/size of signs/banners: _____

We will manage social distancing, have extra masks and sanitizing stations set up and available for all guests that attend as well as provide Port-A-Johns.

← 905 E FM 2410 →

*Please use the space provided for a drawing showing access routes for emergency vehicles, and the location of any food, water, sanitary facilities, or first aid stations to be provided at the event.
(Need not be to scale)



Supplemental Information:

grass field

Samalia Huggins
Signature of Applicant

9-11-2020
Date Signed

(FOR OFFICE USE ONLY)

Signature of City Manager

Date Approved

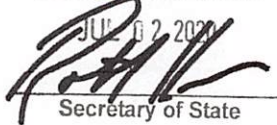
Stone Wall



GOVERNOR GREG ABBOTT

July 2, 2020

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

JUL 02 2020

Secretary of State

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

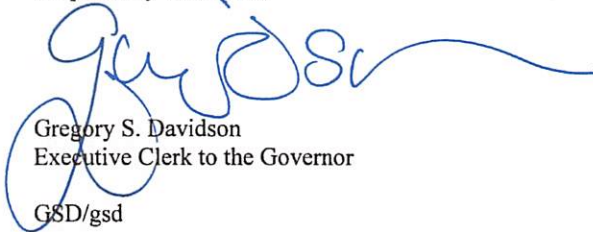
Dear Secretary Hughes:

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:

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

RUTH R. HUGHS
Secretary of State

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

JUL 02 2020



☒ **CHECKLIST FOR OUTDOOR EVENTS**

Page 1 of 2

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

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

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

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

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

Health protocols for individuals:

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



OUTDOOR EVENTS: Page 2 of 2

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

Local approval factors:

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