



SEPTEMBER 28, 2021

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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, September 28, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the 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:

MEETING AGENDA

I. Invocation:

II. Pledge of Allegiance:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one State under God, one and indivisible.

III. Roll Call:

IV. Mayoral Proclamations and Presentations:

- 1. Proclamation declaring October 2021, as "Fire Prevention Month" and October 3-9, 2021, as "Fire Prevention Week".

V. Consent Items:

- 1. Discuss and consider approving the minutes of the meetings held on September 14, 2021, and September 21, 2021, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Budget Items:

- 1. Conduct a Public Hearing to discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, Levying a Tax Rate of \$0.6519 Per \$100 Valuation, comprised of \$0.5063 for Maintenance and Operations and \$0.1456 for Interest and Sinking, for Fiscal Year 2021-2022 (Tax Year 2021) and take the appropriate action. (Finance Director)

Mayor
Spencer H. Smith

Mayor Protem
Jennifer McCann

City Council
Michael Blomquist
Jackeline Soriano Fountain
Lynda Nash
Sam Halabi

VIII. Regular Business:

1. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Chapter 33, of the Code of Harker Heights establishing an Arts Commission; Providing for Membership, Filling Vacancies, Removal; Providing for Qualifications of Members, Providing for Meetings and By-Laws; and Providing for an effective date, and take the appropriate action. (Assistant City Manager)
2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Chapter 33, of the Code of Harker Heights to remove the Assistant Public Works Director and the Public Works Customer Relations Supervisor from the Storm Water Committee and adding the Public Works Administrative Assistant to the Storm Water Committee, and take the appropriate action. (Public Works Director)
3. Receive and discuss the City Manager's Report. (City Manager)

IX. Items from Council and Announcements:

1. Council member closing statements.
2. Updates and comments from the Mayor.

X. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 24th day of September 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov 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.

Note: On occasion the City Council may consider agenda items out of order.



Proclamation

WHEREAS, the City of Harker Heights, Texas is devoted to ensuring the safety and security of all those living in and visiting our great City.; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Harker Heights residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, The Harker Heights Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2021 Fire Prevention Week™ theme, “Learn the Sounds of Fire Safety™,” effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

THEREFORE, I Spencer H. Smith, Mayor of the City of Harker Heights, Texas, do hereby proclaim the month of October 2021 as Fire Prevention Month and October 3-9, 2021, as Fire Prevention Week throughout the City, and I urge all our citizens to remain vigilant by checking their kitchens for fire hazards and using safe cooking practices at all times.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Harker Heights to be affixed this 28th day of September 2021.

Spencer H. Smith, Mayor
City of Harker Heights, Texas

Minutes of the City of Harker Heights Council Meeting held at 5:00 p.m. on Tuesday, September 14, 2021, in the Harker Heights Library and Activities Center, Meeting Room A, at 400 Indian Trail Drive, Harker Heights, Texas 76548:

Roll Call:	Spencer H. Smith	Mayor
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

Consent Items:

1. Council discussed and consider approving the minutes of the meetings held on August 24, 2021, and September 7, 2021.

McCann made the motion to approve the minutes as recorded with the amendments listed in the addendum. Seconded by Blomquist. All in favor. Motion approved 5-0.

Presentations by Citizens:

1. John Foster, 1098 North 60th Street, Killeen, Texas, presented information regarding Ordinance Section 155.020, on the requirement for a manufactured home must have a permanent foundation.
2. Howard Arey, 2027 Sandy Point Road, Harker Heights, Texas, made a presentation.
3. James Gest, 3420 Shoreline Drive, Harker Heights, Texas, did not speak or make a presentation. Attached is the speaker form submitted with comments.
4. John Kohn, 3418 Shoreline Drive, Harker Heights, Texas, did not speak or make a presentation. Attached is the speaker form submitted with no comments.

Budget Items:

Mayor made an announcement that Budget Item numbers 1, 2, 3, and 4, will not be addressed during this meeting. David Mitchell, City Manager, confirmed the Budget Items will be addressed on Monday, September 27th, 2021, and Tuesday, September 28th, 2021.

1. Discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, Adopting the Budget for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022, and take the appropriate action. (Finance Director)
2. Discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, prescribing and setting the Fiscal Year 2021-2022 Rates and Charges; Penalties for non-payment; and providing for an effective date, and take the appropriate action. (Finance Director)
3. Discuss and consider ratifying the Property Tax Increase reflected in the Fiscal Year 2021-2022 Budget and take the appropriate action. (Finance Director)
4. Conduct a Public Hearing to discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, Levying a Tax Rate of \$0.6519 Per \$100 Valuation, comprised of \$0.5063 for Maintenance and Operations and \$0.1456 for Interest and Sinking, for Fiscal Year 2021-2022 (Tax Year 2021) and take the appropriate action. (Finance Director)

Planning and Zoning:

1. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) and R1-A (Single-Family Garden Home Residential District) on property described as Uriah Hunt Survey, Abstract No. 401 and the land herein described being a portion of the remainder tract, of an overall called 390 acre tract (comprising of what was formerly four tracts of land, of 80 acres, 80 acres, 100 acres, and 130 acres) conveyed to Susan K. Wilson and Gary L. Moore by Affidavit of Heirship Recorded in Document No. 2017-00025863, Official Public Records of Bell County, Texas, generally located at 13436 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas and locally known as 13436 FM 2410, Belton, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Lina Chtay, was present to represent the request and made a presentation.

Blomquist made the motion to approve an Ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) and R1-A (Single-Family Garden Home Residential District) on property described as Uriah Hunt Survey, Abstract No. 401 and the land herein described being a portion of the remainder tract, of an overall called 390 acre tract (comprising of what was formerly four tracts of land, of 80 acres, 80 acres, 100 acres, and 130 acres) conveyed to Susan K. Wilson and Gary L. Moore by Affidavit of Heirship recorded in Document No. 2017-00025863, Official Public Records of Bell County, Texas, generally located at 13436 E. Knights Way (E. FM 2410) and locally known as 13436 FM 2410, Belton, Bell County, Texas, based on staff's recommendation and findings. Seconded by Fountain. All in favor. Motion approved 5-0.

2. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as 12.477 acres, Abstract No. A0223BC W B Cross, 2-4,3-1,4, Lot 9-10, Block E, generally located at 12560 E. Knight's Way (E. FM 2410), Harker Heights, Bell County, Texas and locally known as 12560 FM 2410, Belton, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Susan Franz, applicant, was present to represent the request.

The following Harker Heights citizen was present at the meeting and presented verbal comments regarding the request:

- Kenneth Wilson, 2307 Tye Valley Road, Harker Heights, Texas.

Fountain made the motion to approve an Ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as 12.477 acres, Abstract No. A0223BC W B Cross, 2-4,3-1,4, Lot 9-10, Block E, generally located at 12560 E. Knight's Way (E. FM 2410), Harker Heights, Bell County, Texas and locally known as 12560 FM 2410, Belton, Bell County, Texas, based on staff's recommendation and findings and subject to the following conditions:

1. The applicant shall be allowed to have a total of 15 accessory buildings on the 12.477 acre parcel.
2. The maximum aggregate square footage of all accessory buildings shall not exceed 5,000 square feet per acre and not to exceed a total of 10,000 square feet on the 12.477 acre parcel.
3. Accessory buildings constructed after the date of this ordinance shall be allowed to be placed in front of the existing home.
4. Accessory buildings constructed after the date of this ordinance shall be placed no closer than 300 feet from the FM 2410 property boundary line.
5. The applicant shall construct and maintain the accessory buildings and manage wildlife in accordance with applicable City Ordinances and Texas Parks & Wildlife standards, regulations and permitting requirements for wildlife rehabilitation.

Motion Seconded by McCann. All in favor. Motion approved 5-0.

3. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as Highland Oaks Estates Section Three (3), Block Thirteen (13), Lot Seven (7), generally located at 204 Evergreen Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Leslie Linthicum, applicant, was present to represent the request.

The following Harker Heights citizens were present at the meeting and presented verbal comments regarding the request:

- James Livingston, 604 E. Woodlawn Drive, Harker Heights, Texas
- Sandra Rowell, 201 Redwood Circle, Harker Heights, Texas
- Linda Pellegrino-Sawyer, 202 Cottonwood Drive, Harker Heights, Texas
- Michael Butler, 605 Cagle Lane, Harker Heights, Texas
- Jed Schappell, 209 Pin Oak Drive, Harker Heights, Texas
- Jean Shine, 602 Cagle Lane, Harker Heights, Texas

Zawanda L. Washington, 215 Evergreen Drive, Harker Heights, Texas, did not speak or make a presentation. Attached is the speaker form submitted with comments.

Blomquist made the motion to *disapprove* an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as Highland Oaks Estates Section Three (3), Block Thirteen (13), Lot Seven (7), generally located at 204 Evergreen Drive, Harker Heights, Bell County, Texas, with the condition that the proposed use and rezoning is not compatible with existing uses in the neighborhood. Seconded by Fountain. All in favor. Motion to disapprove passed 5-0.

4. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as Hidden Valley Estates, Lot Twenty Three and Twenty Four (23-24), Block One (1), generally located at 2307 Tye Valley Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Kenneth Wilson, applicant, was present to represent the request.

Nash made the motion to approve an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a CUP (Conditional Use Permit) on property described as Hidden Valley Estates, Lot Twenty Three and Twenty Four (23-24), Block One (1), generally located at 2307 Tye Valley Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings and subject to the following conditions:

1. The accessory dwelling unit shall be used as a living space for a relative (not for rent).
2. The accessory dwelling unit will be located behind the front façade of the primary structure.
3. The accessory dwelling unit will gain access from the existing private driveway.
4. The accessory dwelling unit will have maximum gross foundation footprint of 1,000 square feet.
5. Approval of location of the accessory dwelling unit on the parcel must be received from Bell County Public Health prior to release of construction plans by the City.

Motion Seconded by Halabi. All in favor. Motion approve 5-0.

5. Council conducted a Public Hearing to discuss and consider approving an Ordinance Amending Chapter 11 of the City's Code of Ordinances, establishing Section 11.1 Comprehensive Plan, and Adopting the 2007 Comprehensive Plan and the 2021 Land Use Plan For The City Of Harker Heights, Texas Pursuant To Chapter 213 of the Texas Local Government Code; establishing the relationship of the Land Use Plan and the Development Regulations; providing for the Amendment of any existing Comprehensive Plan; and providing for the Amendment of any existing Land Use Plan. Kristina Ramirez, Planning and Development Director, made the presentation.

Council by consensus requested to put this item on a future agenda. No action taken.

- Council discussed and considered Land Use Assumptions and a Capital Improvements Plan relating to possible Adoption of Impact Fees for the 2022 Impact Fee Area, establish two Public Hearings Dates. Kristina Ramirez, Planning and Development Director, and Jessica Vassar, P.E., Freese and Nichols, Inc., made the presentation.

Nash made the motion to establish the public hearing dates on the land use assumptions and capital improvements plan relating to possible adoption of impact fees for the 2022 wastewater impact fee area for the October 26, 2021, and November 9, 2021, City Council meetings. Seconded by McCann. All in favor. Motion approved 5-0.

Regular Business:

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

Items from Council and Announcements:

- Council member closing statements.

Mayor Pro-tem McCann stated that the 2021 Harker Heights Food, Wine & Brew Fest, "Cheers to Our Hometown Heroes" event was a success and that it served the City well.

Councilmember Fountain stated that she attended the following events:

- August 25th – 3rd Cavalry Welcome Home Ceremony
- September 4th - Post 29 Disabled American Veterans meeting
- September 4th – Mid Texas Corvette Club Labor Day Weekend Car Show at Harker Heights Community Park
- September 11th - 2021 Harker Heights Food, Wine & Brew Fest, "Cheers to Our Hometown Heroes" event
- September 14th – Fort Hood NCO and Soldier of the Year Awards Luncheon

Councilmember Nash asked about the date of the upcoming up-coming Killeen Independent School District Town Hall Meeting with Dr. Craft regarding School rezoning. David Mitchell, City Manager, stated that the Town Hall Meeting is scheduled for Monday, September 27, 2021 at 5:30 p.m. at the Harker Heights Elementary School.

Councilmember Blomquist stated the he attended the following events:

- August 28th – Harker Heights Farmer's Market
- September 1st – Fort Hood Change of Command for the 1st Cavalry Division, 2nd Battalion, 8th Regiment
- September 1st – University Research Park & Innovation District Event
- September 2nd – Bell County Public Health District virtual Special Board Meeting
- September 4th - Harker Heights Farmer's Market
- September 9th – Heritage Funeral Home visitation for Mrs. Sue Hendricks
- September 11th - Harker Heights Farmer's Market
- September 13th – Bell County Public Health District Board meeting

- Updates and comments from the Mayor.

Mayor Smith stated that he attended the following events:

- August 25th – Fort Hood Community Services Council Meeting
- August 26th – Harker Heights Cares Committee Meeting
- August 26th – Central Texas Council of Governments Executive Board Meeting (Virtual)
- August 27th – Harker Heights City Council and City Staff Annual Budget Retreat at the Harker Heights Activity Center
- August 28th – Harker Heights Farmer's Market
- September 1st – Texas A&M Central Texas University Research Park and Innovation District Summit
- September 3rd – Harker Heights City Hall Meeting with City Staff
- September 7th – Harker Heights City Council Special Meeting and Workshop

- September 8th – Harker Heights City Hall Meeting with Mr. Fred Livers, Tri-Unity Ministries and City Staff
- September 8th – Harker Heights City Hall Meeting with City Staff and the City Council Representative to the Bell County Public Health District
- September 9th – Heritage Funeral Home visitation for Mrs. Sue Hendricks
- September 11th – Harker Heights Farmer’s Market
- September 11th Harker Heights Chamber of Commerce Annual Food, Wine and Brew Festival at Community Park
- September 14th – Fort Hood NCO and Soldier of the Year Awards Luncheon

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:30 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Minutes of the City of Harker Heights Tour of the National Mounted Warfare Museum held at 9:00 a.m. on Tuesday, September 21, 2021, located at the 100 Block of Trooper Loop adjacent to the Marvin Leath Visitor Center & 1st Cavalry Division Horse CAV Detachment:

Roll Call:	Spencer H. Smith	Mayor
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
Absent:	Julie Helsham	City Secretary

Informal Tour:

1. Mayor Smith called to order the City Council Workshop Informal Tour of the National Mounted Warfare Museum. No action taken.

I. Adjournment:

There being no further business the City of Harker Heights City Council Workshop Informal tour was adjourned at 10:10 a.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 28, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, LEVYING A TAX RATE OF \$0.6519 PER \$100 VALUATION, COMPRISED OF \$0.5063 FOR MAINTENANCE AND OPERATIONS AND \$0.1456 FOR INTEREST AND SINKING, FOR FISCAL YEAR 2021-2022 (TAX YEAR 2021) AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

In accordance with Texas Tax Code Section 26.06, Staff published a Notice of Public Hearing on Tax Increase in the September 17, 2021 edition of the Killeen Daily Herald and posted it on the City’s website.

Following is how Harker Heights compares to the surrounding cities:

	Harker Heights	Killeen	Temple	Belton	Copperas Cove
Proposed / Adopted Rate*	\$0.651900	\$0.700400	\$0.640000	\$0.630000	\$0.760068
Change in:					
Total Tax Rate (%)	-3.85%	-4.65%	-1.95%	+0.00%	-3.48%
Avg Home Value (%)	+8.72%	+10.59%	+6.52%	+8.98%	+11.64%
Tax on Avg Home (%)	+4.69%	+5.72%	+4.41%	+9.04%	+7.85%

*Rate shown for Harker Heights is the proposed tax rate; rates for all others are the adopted tax rates.

Per Local Government Code 102.006(b), the City cannot hold a public hearing for the budget and levy a tax rate on the same date. For this reason, Staff organized the budget items for one evening and levying the tax rate for the next.

RECOMMENDATION:

Staff recommends approving the Ordinance. Per Texas Tax Code Section 26.05(b), the second motion must also be made whenever a tax rate is set that exceeds the no new revenue rate. Please note that each vote must be a record vote.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City Council of the City of Harker Heights, Texas, levying a tax rate of \$0.6519 per \$100 valuation, comprised of \$0.5063 for maintenance and operations and \$0.1456 for interest and sinking, for Fiscal Year 2021-2022 (Tax Year 2021).
2. Motion that the property tax rate be increased by the adoption of a tax rate of \$0.6519, which is effectively a 3.39% increase in the tax rate.
3. Any other action desired.

ATTACHMENTS:

1. Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, LEVYING A TAX RATE OF \$0.6519 PER \$100 VALUATION, COMPRISED OF \$0.5063 FOR MAINTENANCE AND OPERATIONS AND \$0.1456 FOR INTEREST AND SINKING, FOR FISCAL YEAR 2021-2022 (TAX YEAR 2021)

WHEREAS, a public hearing was held on September 28, 2021 after public notices were duly and legally published as required by law on September 17, 2021, and

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 for Tax Year 2021 as follows:
\$0.5063 for the purpose of maintenance and operations,
\$0.1456 for the payment of principal and interest of debt, and
\$0.6519 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 28, 2021

Description: An Ordinance of the City Council of the City of Harker Heights, Texas, Levying a Tax Rate of \$0.6519 per \$100 Valuation, Comprised of \$0.5063 for Maintenance and Operations and \$0.1456 for Interest and Sinking, for Fiscal Year 2021-2022 (Tax Year 2021)

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 28, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 28, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING CHAPTER 33, OF THE HARKER HEIGHTS CODE ESTABLISHING AN ARTS COMMISSION; PROVIDING FOR MEMBERSHIP, FILLING VACANCIES, REMOVAL; PROVIDING FOR QUALIFICATIONS OF MEMBERS; PROVIDING FOR MEETINGS AND BY-LAWS; AND PROVIDING FOR AN EFFECTIVE DATE AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City Council received and discuss the interest in developing an Arts Commission for the City during the September 7th workshop. The recommended change by the City Council has been added from the workshop discussion.

Article III – Section 1. Membership (c) now reads “All voting members of the commission shall be qualified electors of the City of Harker Heights”.

- This will not apply to the city staff member appointed to the committee as they will be administrative support staff only (non-voting member).

The action if approved for the Arts Commission will be included on the boards, committees, and commission volunteer drive application.

RECOMMENDATIONS:

Staff recommends approving an ordinance establishing the Arts 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 Chapter 33, of the Harker Heights Code establishing an Arts Commission; Providing for Membership, Filling Vacancies, Removal; Providing for Qualifications of Members; Providing for Meetings and By-Laws; and providing for an effective date.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance Establishing an Arts Commission
2. Exhibit A – The Harker Heights Arts Commission By-Laws

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING CHAPTER 33, OF THE HARKER HEIGHTS CODE ESTABLISHING AN ARTS COMMISSION; PROVIDING FOR MEMBERSHIP, FILLING VACANCIES, REMOVAL; PROVIDING FOR QUALIFICATION OF MEMBERS; PROVIDING FOR MEETINGS AND BY-LAWS; AND PROVIDING FOR AN EFFECTIVE DATE.

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 establish an Arts Commission (“*Commission*”);

WHEREAS, the Council further finds that this Ordinance will preserve and promotes, supports, and expands the arts as in integral aspect of life for all people in the City;

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, of the Code of Harker Heights (“Code”) is hereby amended to read as follows:

ARTS COMMISSION

§33.90 ESTABLISHED.

There is hereby established an Arts Commission which shall be composed of up to five (5) voting members and one (1) non-voting member, to be appointed by the City Council. The Commission serves as an advisory body to the City Council in all arts-related matters including long range planning and acts as a liaison between the arts community and the City.

§33.91 MEMBERSHIP; FILLING VACANCIES; REMOVAL.

(A) The term of the members of the 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 Commission.

(B) The Commission shall include one (1) voting member of the City Council. The Harker Heights Chamber of Commerce shall nominate one chamber member in good standing to serve as one (1) voting member. The City Manager shall nominate one (1) city staff member to serve as a non-voting administrative support member of the Commission.

(C) 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.

(D) During the month of September of each year, or as soon thereafter as is reasonable practicable, the City Council shall appoint members to fill all vacancies expected to occur on the Arts 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.

(E) For purposes of the initial appointments, two (2) members shall be appointed for a three year term, two (2) members shall be appointed for a two year term, one (1) member shall be appointed for a one year term. Those initial members appointed for terms of less than three (3) 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.

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

(G) For the purpose of filling vacancies, the Commission may submit names for each Commission vacancy to the City Council. The City Council may appoint Commission Members from the recommended list or from applications made directly to the City Council.

§33.92 QUALIFICATIONS OF MEMBERS.

(A) The voting members of the Commission shall be qualified electors of the City of Harker Heights.

(B) A voting member of the Commission shall not be an employee of the City.

(C) The non-voting commission member is not required to be a qualified elector of the City of Harker Heights.

§33.93 MEETINGS AND BY-LAWS.

Meetings of the Commission shall be held at a location open to the public. A written agenda and time and location of the meeting shall be posted and meeting shall comply with Chapter 551, Texas Government Code, the Open Meetings Act. A majority of the members shall constitute a quorum for the transaction of business. The Arts Commission must operate under the guidelines set-forth in the by-laws attached: **Exhibit A**.

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: 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 5: 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 6: 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 of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 28, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

THE HARKER HEIGHTS ARTS COMMISSION BY-LAWS

EXHIBIT A

ARTICLE I: NAME

The name of the organization shall be the Harker Heights Arts Commission.

ARTICLE II: PURPOSE

The Harker Heights Arts Commission, hereafter known as “the Commission,” promotes, supports, and expands the arts as in integral aspect of life for all people in the City of Harker Heights. The Commission serves as an advisory body to the City Council in all arts-related matters including long range planning and acts as a liaison between the arts community and the City. Arts Commission Members are appointed by the City Council.

ARTICLE III: COMMISSION

Section 1. Membership:

(a) The Harker Heights Arts Commission shall be appointed by the City Council and shall be composed of up to five (5) voting members and (1) one non-voting member.

(b) The Commission shall include one (1) voting member of the City Council. The City Manager shall nominate one city staff member to serve as a non-voting administrative support member of the Commission. The Harker Heights Chamber of Commerce shall nominate one chamber member in good standing to serve as a voting member.

(c) All voting members of the commission shall be qualified electors of the City of Harker Heights.

(d) An individual member may not act in an official capacity except through the action of the Commission.

(e) For purposes of the initial appointments, two (2) members shall be appointed for a three-year term, two (2) members shall be appointed for a two-year term, one (1) member shall be appointed for a one-year term. Those initial members appointed for terms of less than three (3) years shall be considered to have served partial terms and shall be eligible to serve two full terms after the completion of their respective initial appointments.

Section 2. Selection and Term:

- a. Members of the Commission shall be appointed by the City Council for a term of three years.
- b. Members of the Commission shall be appointed to no more than two (2) consecutive terms and shall be eligible for re-election after an absence of one (1) year.

Section 3. Parliamentary Authority:

All matters shall be decided by a simple majority vote.

Section 4. Number of Terms Served:

Commission Members may serve two (2) consecutive full terms and then may be reappointed after an absence of one (1) year.

Section 5. Attendance:

A member who is absent for three consecutive regular meetings or one-third of all regular meetings in a “rolling” 12-month timeframe automatically vacates the member’s position.

Section 6. Vacancies:

For the purpose of filling vacancies, the Commission may submit names for each Commission vacancy to the City Council. The City Council may appoint Commission Members from the recommended list or from applications made directly to the City Council.

Section 7. Resignation/Termination:

Any Commission Member may resign at any time by submitting written notice of such resignation to the Chair of the Commission. A person appointed in place of the Commission Member who resigned shall serve the remainder of that term.

A Commission Member may be terminated by a recommendation to the City Council and a vote of the Council to terminate the Commission Member.

ARTICLE V: OFFICERS OF THE COMMISSION

Section 1. Designation and Number of Officers:

The officers of the Commission shall be the Chair (a voting member), the Vice-Chair, and Secretary. Other officers may be elected if the majority of the Commission determines it to be necessary or desirable for the efficient administration of the Commission.

Section 2. Approval of Officers and Terms of Office:

- a. Officers shall be elected by the Commission.
- b. Each officer shall be elected for a one (1) year term with no term limit.

Section 3. Resignation of Officer Position:

An officer may resign at any time by submitting written notice of such resignation to the Commission.

Section 4. Duties:

- a. The Chair of the Commission shall preside at all full Commission meetings, shall sign all documents requiring an official signature on behalf of the Commission, including its annual report to the City Council. The Chair shall ensure that the transaction of all Commission business is in accord with any applicable law and these by-laws. The Chair shall recommend, with the Commission's approval, Chairs and Commission Members to serve on the various standing and special Committees of the Commission. No pronouncements made by the Chair as spokesperson or representative of the Commission shall obligate or commit the Commission except as provided in these by-laws or as otherwise specifically authorized by the Commission.
- b. The Vice-Chair shall act in the absence of the Chair to conduct meetings or otherwise perform such duties as may be delegated by the Chair of the Commission.
- c. The Secretary of the Commission shall be responsible for taking minutes during Commission meetings. All Commission records and minutes shall be kept at the office of the City Secretary and shall be open to inspection by the public at reasonable times.

ARTICLE VI: REPORTING

The Commission shall make an annual report of its activities to the City Council. It shall also submit any other reports requested or required by the City Council.

ARTICLE VII: MEETINGS OF THE COMMISSION

Section 1. Public Meetings:

All meetings and business of the Commission shall comply with requirements of the Harker Heights City Code and the Texas Open Meetings Act.

Section 2. Regular Meetings:

Regular meetings of the Commission shall be held quarterly (unless waived by the majority of the Commission) at such place within the City of Harker Heights and determined by the Commission Chair and the Commission.

Section 3. Special Meetings:

Upon the call of the Chair or any three (3) Commission Members or a vote of the Commission.

Section 4. Quorum:

Three (3) Commission Members shall constitute a quorum for the transaction of business at Commission meetings.

Section 5. Formal Action:

Every act done or decision made by a majority of the Commission Members present at a meeting duly held at which a quorum is present shall be regarded as the act of the Commission.

Section 6. Agenda:

The agenda for all meetings of the Commission shall be prepared by the Secretary. Additional agenda items may be proposed by any Commission Member. Copies of the agenda shall be sent to Commission Members no later than seventy-two (72) hours prior to the meeting.

Section 7. Conduct of the Meeting:

All meetings shall be open to the public, but participation in discussions by members of the public shall be at the discretion of the Chair of the meeting with a simple majority vote of the Commission.

Section 8. Parliamentary Authority:

The rules contained in the current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or City Council may adopt.

Section 9. Records:

Minutes and records of the business conducted at all meetings of the Commission shall be kept and shall be open for public inspection. The minutes and records of each meeting shall be subject to approval by the Commission and shall be signed by the Chair and the Secretary. The minutes shall be forwarded to each Commission Member prior to the next subsequent meeting for approval and action at such subsequent meeting.

ARTICLE VIII: AMENDMENT OF THE BY-LAWS

These by-laws may be amended, added to, or repealed by approval of the City Council.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: SEPTEMBER 28, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF HARKER HEIGHTS TO REMOVE THE ASSISTANT PUBLIC WORKS DIRECTOR AND THE PUBLIC WORKS CUSTOMER RELATIONS SUPERVISOR FROM THE STORM WATER COMMITTEE AND ADDING THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT TO THE STORM WATER COMMITTEE, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City of Harker Heights is into the third 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 Assistant Public Works Director and Public Works Customer Relations Supervisor positions were eliminated. The Public Works Administrative Assistant has taken the place of the 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 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.

RECOMMENDATION:

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

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance amending Chapter 33, of the Code of Harker Heights to remove the Assistant Public Works Director and the Public Works Customer Relations Supervisor from the Storm Water Committee and adding the Public Works Administrative Assistant to the Storm Water Committee.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF HARKER HEIGHTS TO REMOVE THE ASSISTANT PUBLIC WORKS DIRECTOR AND THE PUBLIC WORKS CUSTOMER RELATIONS SUPERVISOR FROM THE STORM WATER COMMITTEE AND ADDING THE PUBLIC WORKS ADMINISTRATIVE ASSISTANT TO THE STORM WATER COMMITTEE.

WHEREAS, the City of Harker Heights ("**City**") is into the third 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 Assistant Public Works Director and the Public Works Customer Relations Supervisor from the Storm Water Committee and adding the Public Works Administrative Assistant 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 Street, Drainage and Sanitation Field Supervisor, the Public Works Administrative Assistant, 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 28, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights