



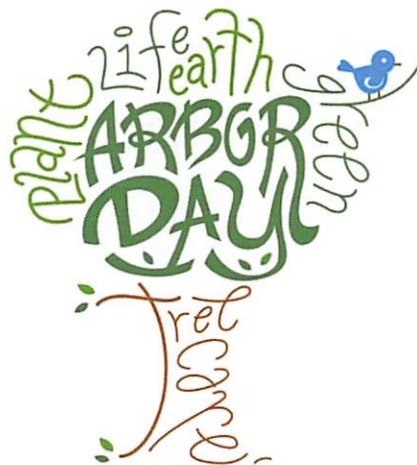
April 27, 2021

5:00 P.M.

CITY COUNCIL

TELECONFERENCE MEETING

AGENDA





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

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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, April 27, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
Lynda Nash
Jody Nicholas

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 three Harker Heights High School Choir Students as "Bright Stars of Central Texas".
 - a. Elena Bryan
 - b. Mattais Fragoso
 - c. Kosisochukwu Eneli
2. Proclamation declaring two Harker Heights High School Orchestra students as "Bright Stars of Central Texas".
 - a. Hanah Kim
 - b. Grace Koh
3. Proclamation declaring Gabriel Villalpando a "Bright Star of Central Texas".
4. Proclamation declaring Paige Bridenstine a "Bright Star of Central Texas".
5. Proclamation declaring April 30, 2021, as Arbor Day; And Recognize Activities Center Specialist Adam Trujillo for receiving the 2021 Environmental Ambassador Award for the City of Harker Heights from the Cen-Tex Sustainable Communities.
6. Proclamation declaring the month of April 2021, as "National Distracted Driving Month".

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on April 13, 2021, and April 20, 2021, 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 COVID-19 Public Health Emergency Declaration through June 3, 2021, and take the appropriate action.
3. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2021-08 of the Harker Heights Code to extend the Winter Storm State of Disaster Emergency Declaration through May 30, 2021, and take the appropriate action.
4. Discuss and consider approving the City Council's Mission and Vision Statements, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Public Hearings:

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas amending Title XIII of the City of Harker Heights Municipal Code by establishing a new Chapter 132 "Regulation of Sex Offender Residency"; providing definitions; creating "Child Safety Zones"; prohibiting the establishment of residences and certain activities by Sex Offenders in Child Safety Zones; providing affirmative defenses; establishing other provisions relating to Mental State and Non-Assumption of Duties; providing a severability clause; providing a penalty and providing an effective date, and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

IX. New Business:

1. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, Amending Solid Waste Ordinance Section 51.18 (F) and 51.18 (G) of the Harker Heights Code of Ordinances to modify the location of container requirements within Chapter 51 of the Harker Heights Code of Ordinances, and take the appropriate action. (Assistant City Manager)
2. Discuss and consider approving the Fiscal Year 2019-2020 Comprehensive Annual Financial Report, and take the appropriate action. (Finance Director)

X. Reports of Advisory Boards & Commissions:

1. Receive and discuss a presentation by Larry Robison, Planning & Zoning Commission Chair, regarding an annual update on the Planning & Zoning Commission's Activities in 2020. (Planning and Development Director)

XI. Items from Council:

XII. Staff Reports:

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

XIII. Announcements:

XIV. Adjournment:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 23rd day of April 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

The public may participate remotely in this meeting by dialing-in using the toll-free number:

United States (Toll Free): 1-866-899-4679 and use Access Code: 649-248-885

To join the meeting from your computer, tablet, or smartphone, use the following meeting link:

<https://global.gotomeeting.com/install/649248885>

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.harkerheights.gov

"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."



TREE CITY USA®

City of Harker Heights

Proclamation

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, the City of Harker Heights has been a Tree City USA member since 2011 and recently received our 10 years accreditation as such; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and wherever they are planted, are a source of joy and spiritual renewal; and

Now Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights do hereby proclaim, April 30, 2021, to be

“Arbor Day”

In the City of Harker Heights and urge all citizens celebrate Arbor Day by planting and maintaining trees to promote the well-being of this and future generations.

In Witness Whereof, I have set my hand and affixed the Seal of the City of Harker Heights, Texas, this 27th day of April, 2021.

Spencer H. Smith, Mayor
City of Harker Heights



Proclamation

NATIONAL DISTRACTED DRIVING MONTH – APRIL 2021

WHEREAS; the National Highway Traffic Safety Administration (NHTSA) has declared the month of April 2021 as National Distracted Driving Month; and

WHEREAS; distracted driving is any activity that diverts attention from driving, including talking or texting on your phone, eating and drinking, talking to people in your vehicle, adjusting the entertainment or navigation system; and

WHEREAS; you cannot drive safely unless the task of driving has your full attention and any non-driving activity is a potential distraction and increases your risk of crashing; and

WHEREAS; distracted driving killed 3,142 people in 2019, an increase of 10% from 2018; and

WHEREAS; distracted driving is the No. 2 reason for traffic related crashes on Texas roadways causing 1 in 5 crashes in 2020 in which 364 people died and 2,200 were seriously injured; and

WHEREAS; since September 1, 2017 it has been illegal to read, write, or send a text while driving in Texas, with fines of up to \$200 for violators; and

WHEREAS; the Texas Department of Transportation (TxDOT) and the Harker Heights Police Department is fully committed to ending all traffic related deaths on Texas roads and is reminding all Texans to put their phones down and give driving their full attention whenever they are behind the wheel;

NOW, THEREFORE, I, Spencer H. Smith, Mayor of Harker Heights, Texas, do hereby proclaim the month of April 2021 as

“National Distracted Driving Month”

in Harker Heights, Texas and encourage all motorists to put down their phones and focus solely on the task of driving while operating a vehicle for their safety and the safety of those around them.

In Witness Thereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, 27th day of April, 2021.

Mayor Spencer H. Smith
City of Harker Heights, Texas

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, April 13, 2021, by a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020:

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

Mayoral Proclamations and Presentations:

1. Mayor Smith presented a Certificate of Appreciation to Farris Landscaping owner Brandon Farr in recognition of the assistance they provided to the citizens of Harker Heights, Texas, during the February 2021 Severe Winter Storm event.
2. Mayor Smith presented a Certificate of Appreciation to Stanley Secrest, Scott Secrest, Jim Thompson and Armando Martinez, HWY 195 Used Auto Parts owner and associates, in recognition of the assistance they provided to the citizens of Harker Heights, Texas, during the February 2021 Severe Winter Storm event.
3. Mayor Smith presented the Municipal Court Staff with the 2021 Municipal Traffic Safety Award from the Texas Municipal Courts Education Center (TMCEC).
4. Mayor Smith presented Lisa Youngblood, Library Director, Christina Link, Reference Librarian, and Erica Rossmiller, Children's Librarian, with the 2021 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA).
5. The Mayor presented a Proclamation to Anneli Hill, Director of Central Texas 4-C Headstart, President of Central Texas Association for the Education of Young Children, Flavia Nazario, Owner/Director of Care 4 Tots Learning Center in Harker Heights and Larry Kotch, Workforce Solutions, declaring April 10-16, 2021, as the Week of the Young Child.

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on March 23, 2021. Fountain made the motion to approve as written. Seconded by Blomquist. All in favor. Motion approved 5-0.

Presentations by Citizens:

Ashfaq Abbasi, 2004 Harvest Drive, Harker Heights, Texas 76548, spoke regarding his rezone request for his property located on Old Nolanville Road, Harker Heights, Texas.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from PD-R (Planned Development Residential) to B-4 (Secondary and Highway Business District) on property described as Stonewall Ridge Phase I, Lot Tract A, (Future Development), Acres 1.466, generally located near the intersection of Nola Ruth Blvd. and Old Nolanville Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Ashfaq Abbasi, requestor, was present to represent the request. Nicholas made the motion to disapprove the request. Seconded by Nash. All in favor. Motion to disapprove the request 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 the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View Second Extension, Block Seven (7), Lot Six (6), Acres 0.20, generally located at 122 E. Turnbo Road, Harker Heights, Bell County. Kristina Ramirez, Planning and Development Director, made the presentation. James Herring, applicant's representative, was present to represent the request. McCann made the motion to approve. Seconded by Blomquist. 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 the zoning designation from R-1 (One-Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Meadow Acres Retreat Addition AKA Retreat Addition, Lot Thirteen (13), Acres 0.16, generally located at 117 Bybee Court, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Nash made the motion to disapprove the request based on Staff's recommendation and findings. Seconded by Fountain. All in favor. Motion to disapprove the request approved 5-0.
4. 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 Wildewood Acres, Block Seven (7), Lot Nine (9), & 10 foot strip adjacent on North, Acres 0.17, generally located at 917 Maplewood Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Raymond Hamden, applicant, was present to represent the request. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
5. Council conducted a public hearing to discuss and consider approve an Ordinance of the City of Harker Heights, Texas, amending Section 125.02(B) of the Harker Heights Code of Ordinances to add definitions which will standardize enforcement within Chapter 125 of the Harker Heights Code of Ordinances. Kristina Ramirez, Planning and Development Director, made the presentation. Blomquist made the motion to approve based on Staff's recommendation and findings. Seconded by Nash. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered approving a request for Preliminary Plat approval for the subdivision referred to as Abooha Toklo Phase Three, on property described as a 13.740 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of Lot eight (8), Block one (1), Amended plat of Marley Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 123-A, also being the remainder of Lot three (3), Block one (1), Abooha Toklo Addition, Phase One, generally located south of Killeen Independent School District Middle School #14 (Nolan Middle School), on properties between Pueblo and Warriors Path, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Fountain made the motion to approve with the following conditions: the following shall be addressed prior to approval of the final plat: a.) provide for the required minor arterial right-of-way width along Warrior's Path (Lot 24, Block 1 shall be in line with Lot 23, Block 2). b.) place a note on the plat dedication page indicating that no access will be granted onto Warrior's Path from the following lots: Lot 24, Block 2 and Lot 23, Block 2. Seconded by Blomquist. All in favor. Motion approved 5-0.

2. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to negotiate and sign a contract for Engineering Services with Freese and Nichols, Inc. for the Wastewater Impact Fee Study. Mark Hyde, Public Works Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, establishing and confirming an economic development program pursuant to Chapter 380 of the Texas Local Government Code. David Mitchell, City Manager, made the presentation. Fountain made the motion to approve. Seconded by Nash. All in favor. Motion approved 5-0.
4. Council discussed and considered approving a request for an exemption from the Park Curfew to the Air Force Tactical Air Control Party Association for a 24-hour Memorial Run on April 29-30, 2021. Jerry Bark, Assistant City Manager, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

Closed Meeting:

1. At 6:50 p.m. the Mayor announced a closed meeting for the following purposes:
 - (A) Pursuant to 551.071 of the Texas Government Code to consult with City Attorney regarding Pending Litigation - Harker Heights Condominiums, LLC v. City of Harker Heights, et al and other confidential legal matters.

Mayor Smith reconvened the Regular Meeting at 7:40 p.m.

Items from Council:

Mayor Pro-Tem stated that he was honored to be able to represent the City on behalf of the Mayor at the March 31st Harker Heights High School Wrestling Seniors Night, where they were celebrating all the accomplishments of the Wrestling Team. Blomquist stated that he was going to steal some of the City Manger's thunder again and announce that on May 8th, which is less than three (3) weeks away, will be the Farmer's Market Grand Opening right here at City Hall.

Councilmember Fountain stated that on March 30th she attended the Harker Height Chamber of Commerce Meet and Greet Event with the City of Harker Heights and Killeen Independent School District candidates. Fountain stated that she attended the Phantom Honors Ceremony Fort Hood Retirees and got to meet Major Ates and his family.

Councilmember Nash stated that she attended the following events:

- Vision 21 Class Team Building Exercise at a Retreat area in Killeen.
- Harker Heights Girls Basketball Team award presentation.
- HOP Board meeting.
- Women Veteran's (Divas and Dog-tags) event in Copperas Cove.
- Spoke with Community Park work crews regarding vandalism in the restrooms.

Staff Reports:

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

Councilmember Fountain stated that any citizens or others that are in need of the COVID-19 vaccine could e-mail or phone her and she would get them set-up to get the vaccine.

Announcements:

Mayor Smith stated that he attended the following events:

- March 19th – Harker Heights High School Varsity Boys Baseball, and threw out the First Pitch.
- March 26th – Phantom Honors Ceremony Fort Hood Retirees and congratulated Major Ates on his retirement.
- March 27th – Harker Heights Paws in the Park at Purser Park.
- March 29th – 14 Forward 2021 Annual Meeting at Killeen Civic Convention Center with guest speaker General Mike Murray, Commander Army Futures Command.
- March 30th – 2021 Proclamation Ceremony at III Corps Fort Hood – Child Abuse Prevention Month and Month of the Military Child.
- April 5th – Meeting at Harker Heights City Hall with City Staff and members of the Tax Appraisal Board.
- April 6th – Meeting with members of the Killeen Crime Committee and City Staff.
- April 6th – Harker Heights City Council Workshop.
- April 7th – Harker Heights Chamber of Commerce Ribbon-Cutting at Market Heights new location for U. S. Army Recruiters.
- April 8th – Central Texas Sustainable Communities Partnership Ceremony at Monarch Park in Nolanville.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:47 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Minutes of the City Council Meeting held at 4:40 p.m. on Tuesday, April 20, 2021, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

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

New Business:

1. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas adopting and extending its Water Conservation Plan, as revised, and Drought Contingency Plan for a period of five (5) years; providing for review for the purpose of readoption in five (5) years; and providing that such plans shall continue in full force and effect until readoption. Mark Hyde, Public Works Director, made the presentation. Blomquist made the motion to approve. Seconded by Nash. All in favor. Motion approved 5-0.

Adjournment.

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:06 p.m.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

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 COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH JUNE 3, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

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

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

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

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

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

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

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

On September 22, 2020, the Council approved an extension to the Public Health Emergency Declaration until October 31, 2020.

On October 27, 2020, the Council approved an extension to the Public Health Emergency Declaration until January 31, 2021.

On January 26, 2021, the Council approved an extension to the Public Health Emergency Declaration until March 2, 2021.

On February 23, 2021, the Council approved an extension to the Public Health Emergency Declaration until April 2, 2021.

On March 23, 2021, the Council approved an extension to the Public Health Emergency Declaration until May 3, 2021.

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 June 3, 2021.

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

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

STAFF RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the COVID-19 Public Health Emergency Declaration through June 3, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2020-06 OF THE HARKER HEIGHTS CODE TO EXTEND THE COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION THROUGH JUNE 3, 2021.

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

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

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

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

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

2. This declaration ratifies the disaster declaration issued by Harker Heights Mayor Spencer H. Smith on March 20, 2020, and this declaration shall run until June 3, 2021.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on April 27, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM# V-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING ORDINANCE 2021-08 OF THE HARKER HEIGHTS CODE TO EXTEND THE WINTER STORM STATE OF DISASTER EMERGENCY DECLARATION THROUGH MAY 30, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On February 12, 2021, Texas Governor Greg Abbott certified that a severe winter storm posed an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, snow, freezing rain, and ice. Governor Abbot further declared a state of disaster for all 254 counties in the State of Texas. Bell County Judge David Blackburn declared a state of emergency in the County and announced the closure of non-essential county offices on February 15, 2021.

The City of Harker Heights, along with the entire region, has iced-over roads, and loss of electric, gas, telephone and water utility services caused by extreme winter weather and freezing conditions presenting a threat of widespread or severe damage, injury, or loss of life and property.

Under the authority granted to the Mayor of Harker Heights, Spencer H. Smith declared a state of disaster on February 16, 2021, for the City of Harker Heights. The Declaration implements the City's Emergency Management Plan in which the City can acquire all resources needed to protect life and property for the winter weather.

On February 23, 2021, the Council affirmed the Mayor's State of Disaster Declaration and extended the winter storm emergency declaration until March 23, 2021.

On March 23, 2021, the Council approved an extension to the Winter Storm Disaster Emergency Declaration to April 30, 2021.

Action is now needed again by the Council to consider extending the Winter Storm Declaration out to May 30, 2021.

RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2021-08 of the Harker Heights Code to extend the Winter Storm State of Disaster Emergency Declaration through May 30, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING
ORDINANCE 2021-08 OF THE HARKER HEIGHTS CODE TO EXTEND THE
WINTER STORM STATE OF DISASTER EMERGENCY DECLARATION
THROUGH MAY 30, 2021.**

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that it is necessary and desirable to amend the Code of Harker Heights ("**Code**") as hereinafter provided in order to extend the Winter Storm State of Disaster 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 2021-08, 2, and 7, 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 February 16, 2021, and this declaration shall run until May 30, 2021.
7. The permitting fee waiver expires May 30, 2021.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on April 27, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

DISCUSS AND CONSIDER APPROVING THE CITY COUNCIL'S MISSION AND VISION STATEMENTS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

Based on the guidance from the City Council's March 30th retreat, and April 20th workshop meeting, staff comprised mission and vision statements for City Council's consideration.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE the City Council's Mission and Vision Statements.
2. Any action desired by the City Council.

ATTACHMENTS:

1. City Council Mission and Vision Statements

Vision

The City of choice for excellence in governance, safe neighborhoods, quality services, and equal opportunity for all.

Mission

Working together, in harmony, to create and implement policies that turn the City's Vision into a reality.



COUNCIL MEMORANDUM

AGENDA ITEM # VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING TITLE XIII OF THE CITY OF HARKER HEIGHTS MUNICIPAL CODE BY ESTABLISHING A NEW CHAPTER 132 "REGULATION OF SEX OFFENDER RESIDENCY"; PROVIDING DEFINITIONS; CREATING "CHILD SAFETY ZONES"; PROHIBITING THE ESTABLISHMENT OF RESIDENCES AND CERTAIN ACTIVITIES BY SEX OFFENDERS IN CHILD SAFETY ZONES; PROVIDING AFFIRMATIVE DEFENSES; ESTABLISHING OTHER PROVISIONS RELATING TO MENTAL STATE AND NON-ASSUMPTION OF DUTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AND PROVIDING AN EFFECTIVE DATE.

EXPLANATION:

Per the Texas Attorney General's opinion No. GA-0526 (2007), a home-rule municipality, through their city ordinance, may prohibit registered sex offenders from living within a specified distance from locations where children typically congregate. This is often accomplished through the establishment of "child safety zones". Per Local Government Code §341.096(a)(3)(d) the maximum distance for a child safety zone is 1,000 linear feet measured in a direct line between property lines.

ANALYSIS

In summary, the attached ordinance acts to regulate sex offender residency in the following manner:

1. Establishing child safety zones within the city;
2. Prohibiting permanent residency, temporary residency, or habitation within the child safety zone;
3. Establishing an offense for a sex offender to knowingly, within the city limits, enter onto the premises of:
 - a. private and public schools;
 - b. child daycare centers;
 - c. private and public playground;
 - d. public or private youth center;
 - e. commercial and public swimming pools;
 - f. video and amusement arcades;
 - g. private and public parks;
 - h. indoor and outdoor amusement centers catering primarily to minors; and
 - i. amusement parks;

4. Prohibiting trick-or-treat participation by a registered sex offender; and
5. Establishing civil and criminal penalties.

As written, the ordinance provides necessary enforcement options for the regulation of sex offender residency and allows the Police and Code Enforcement departments to apply violations of the Code.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance of the City of Harker Heights setting forth regulations for sex offender residency; providing definitions; creating “child safety zones”; prohibiting the establishment of residences and certain activities by sex offenders in child safety zones; providing affirmative defenses; establishing other provisions relating to mental state and non-assumption of duties; providing a severability clause; providing a penalty and providing an effective date.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas amending Title XIII of the City of Harker Heights municipal code by establishing a new chapter 132 “regulation of sex offender residency”; providing definitions; creating “child safety zones”; prohibiting the establishment of residences and certain activities by sex offenders in child safety zones; providing affirmative defenses; establishing other provisions relating to mental state and non-assumption of duties; providing a severability clause; providing a penalty and providing an effective date.
2. Any other action desired.

ATTACHMENTS:

1. Ordinance

**ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS
AMENDING TITLE XIII OF THE CITY OF HARKER HEIGHTS
MUNICIPAL CODE BY ESTABLISHING A NEW CHAPTER 132
“REGULATION OF SEX OFFENDER RESIDENCY”; PROVIDING
DEFINITIONS; CREATING “CHILD SAFETY ZONES”; PROHIBITING
THE ESTABLISHMENT OF RESIDENCES AND CERTAIN ACTIVITIES
BY SEX OFFENDERS IN CHILD SAFETY ZONES; PROVIDING
AFFIRMATIVE DEFENSES; ESTABLISHING OTHER PROVISIONS
RELATING TO MENTAL STATE AND NON-ASSUMPTION OF DUTIES;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Harker Heights, Texas (“City of Harker Heights”) is a home rule city; and

WHEREAS, the City Council of the City of Harker Heights has determined and declares that sex offenders are a threat to public health, safety, welfare and morals; and

WHEREAS, the City Council determines that a policy establishing child safety zones to be applied regarding the residence of registered sex offenders and prohibiting registered sex offenders participating in Halloween will provide better protection for children within the City of Harker Heights; and

WHEREAS, the City Council, in accordance with the Charter of the City of Harker Heights, state law and all other applicable laws and ordinances, have given required notices and have held required public hearings regarding the amendment to the Municipal Code set forth herein; and

WHEREAS, the Council desires to provide for the health, safety, morals, and general welfare of the citizens of the City of Harker Heights by and through the exercise of its police powers;

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

Section 1. All of the above premises are found to be true and correct legislative findings of the City of Harker Heights and are hereby approved and incorporated into the body of this Ordinance as if copied in its entirety.

Section 2. Title XIII of the Code of Ordinances of the City of Harker Heights is hereby amended by establishing Chapter 132 “Regulation of Sex Offender Residency” as follows:

CHAPTER 132 - REGULATION OF SEX OFFENDER RESIDENCY

Sec. 132.01. - Definitions.

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

Child. See minor.

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

Day care center. Shall mean a childcare facility that is registered, licensed, or listed by the state.

Minor. Shall mean a person younger than 17 years of age.

Permanent residence. Shall mean a place where a person abides, lodges, or resides for 14 or more consecutive days.

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

Playground. Shall have the meaning assigned by V.T.C.A., Health and Safety Code chapter 481.134, as amended.

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

School. Shall have the meaning assigned by V.T.C.A., Health and Safety Code chapter 481.134, as amended.

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

Video and Amusement Arcades. Shall have the meaning assigned to video arcade facility by V.T.C.A., Health and Safety Code chapter 481.134, as amended.

Youth Center. Shall have the meaning assigned by V.T.C.A., Health and Safety Code chapter 481.134, as amended.

Sec. 132.02. - Offenses.

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

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

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

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

Sec. 132.03. - Evidentiary matters; measurements.

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

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

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

(c) A map, available in the city police department, depicting the child safety zones in the city shall be maintained and reviewed annually for changes by the city.

Sec. 132.04. - Culpable mental state not required.

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

Sec. 132.05. - Affirmative defenses.

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

(1) The sex offender established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, prior to _____ [date of passage].

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

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

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

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

Section 3. If any section, article, paragraph, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

Section 4. Any person who intentionally or knowingly violates or fails to comply with any provision of this Ordinance shall be fined, upon conviction, in an amount not to exceed \$2,000.00, and each day any violation continues shall constitute a separate offense.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THIS THE _____ DAY OF _____, 2021.

CITY OF HARKER HEIGHTS

By: _____
Mayor

ATTEST:

City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SOLID WASTE ORDINANCE SECTION 51.18 (F) AND 51.18 (G) OF THE HARKER HEIGHTS CODE OF ORDINANCES TO MODIFY THE LOCATION OF CONTAINER REQUIREMENTS WITHIN CHAPTER 51 OF THE HARKER HEIGHTS CODE OF ORDINANCES, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

With the changes to the residential solid waste collection service, the solid waste ordinance was approved by the City Council during the March 9th regular scheduled meeting. Staff is requesting the council's consideration in amending the section that identifies when and where the trash containers shall be located after scheduled collection day.

Currently:

(F) Containers shall be removed from the front of the premises by the owner, occupant, tenant, or lessee no later than 11:00 p.m. on the evening of the collection.

Recommendation:

(F) Containers shall be removed from the public right-of-way by the owner, occupant, tenant, or lessee no later than 11:00 p.m. on the evening of the collection.

Currently:

(G) Except on the designated collection day, solid waste containers shall be stored not closer to the nearest public road than the front of the house or building from where collection is made, provided that if the house or building is situated more than 200 feet from the nearest public road, the containers may be stored at any location which does not pose a hazard and is not visible from the nearest public road.

Recommendation:

(G) Except on the designated collection day, the containers may be stored at any location which does not pose a hazard.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE amending the Solid Waste Ordinance 2021- , Section 51.18 (F) and 51.18 (G) of the Harker Heights Code of Ordinances to modify the location of container requirements within Chapter 51 of the Harker Heights Code of Ordinances.
2. Any action desired by the City Council.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SOLID WASTE ORDINANCE SECTION 51.18 (F) AND 51.18 (G) OF THE HARKER HEIGHTS CODE OF ORDINANCES TO MODIFY THE LOCATION OF CONTAINER REQUIREMENTS WITHIN CHAPTER 51 OF THE HARKER HEIGHTS CODE OF ORDINANCES.

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 modify the location of container requirements within § 51.18; 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 51.18 of the Code of Harker Heights is hereby amended to read as follows:

§ 51.18 LOCATION OF CONTAINERS FOR COLLECTION.

(F) Containers shall be removed from the public right-of-way by the owner, occupant, tenant, or lessee no later than 11:00 p.m. on the evening of the collection.

(G) Except on the designated collection day, the containers may be stored at any location which does not pose a hazard.

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

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

SECTION 5: This ordinance shall be effective from and after its passage, and the City 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 Tuesday, April 27, 2021.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

DISCUSS AND CONSIDER APPROVING THE FISCAL YEAR 2019-2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

State law requires cities to be audited by an independent auditor on an annual basis. On June 28, 2016, the City Council approved for the City Manager to negotiate a contract with Lott, Vernon, and Company, P.C. to conduct the City's audits for a period of up to five years. Staff has put out a Request for Proposals for Professional Auditing Services with a due date of June 1, 2021 and tentative award date in August 2021.

The audit for fiscal year 2020 has been completed and the Comprehensive Annual Financial Report will be submitted to the Government Finance Officers Association to determine its eligibility for the Certificate of Achievement for Excellence in Financial Reporting Program. The City has received this award twenty-six years in a row.

RECOMMENDATION:

Staff recommends approving the Fiscal Year 2019-2020 Comprehensive Annual Financial Report.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE the Fiscal Year 2019-2020 Comprehensive Annual Financial Report.
2. Any other action desired.

ATTACHMENTS:

1. Fiscal Year 2019-2020 Comprehensive Annual Financial Report.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # X-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: APRIL 27, 2021

RECEIVE AND DISCUSS A PRESENTATION BY LARRY ROBISON, PLANNING & ZONING COMMISSION CHAIR, REGARDING AN ANNUAL UPDATE ON THE PLANNING & ZONING COMMISSION'S ACTIVITIES IN 2020.

EXPLANATION:

The City Council requested an update on the Planning and Zoning Commission's activities for the previous year. This presentation will provide a summary of the service provided by the Planning & Zoning Commission.

ATTACHMENTS:

1. None.