



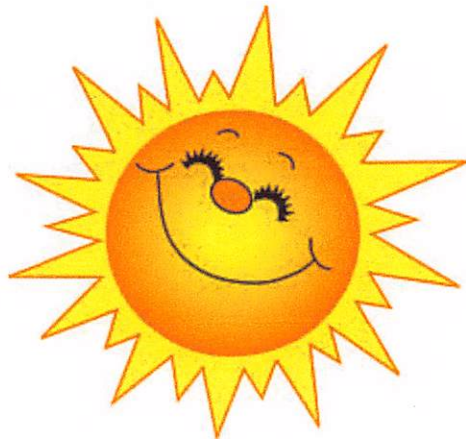
February 23, 2021

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, February 23, 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:

MEETING AGENDA

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
Lynda Nash
Jody Nicholas

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. Recognize the assistance the City received from Seton Medical Center Harker Heights in getting all of the City's First Responders, who so desired, their COVID-19 vaccinations.

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on February 9, 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 to extend the Public Health Emergency Declaration through March 31, 2021, and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Public Hearings:

VIII. Old Business:

IX. New Business:

1. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, affirming and extending the Mayor's Declaration of Disaster Due to Severe Winter Weather issued on February 16, 2021, and take the appropriate action. (City Manager)
2. Discuss and consider approving an Appeal of the False Robbery Alarm Service Charge on Mary A. Bianco at 2026 Herald Drive, Harker Heights, Texas, and take the appropriate action. (City Manager)
3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation, and take the appropriate action. (Finance Director)
4. Receive and discuss the City's Governance Policy. (Assistant City Manager)
5. Receive and discuss a presentation on the Council's Budget Priorities. (City Manager)
6. Receive and discuss the Council's Mission and Vision Statements. (Assistant City Manager)

X. Reports of Advisory Boards & Commissions:

XI. Items from Council:

XII. Staff Reports:

1. Receive and discuss the City's Racial Profiling Report. (Police Chief)
2. 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 19th day of February 2021, by 5:00 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](tel:18668994679) and use Access Code: [261-853-413](tel:261853413)
To join the meeting from your computer, tablet, or smartphone, use the following meeting link:
<https://global.gotomeeting.com/join/261853413>**

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."

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, February 9, 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

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on January 26, 2021. Fountain made the motion to approve. Seconded by Blomquist. All in favor. Motion passed 5-0.

Presentations by Citizens:

Phillip Sueoka, 200 East Robin Lane, Harker Heights, Texas, presented information regarding issues at his carwash located at 806 South Ann Blvd, Harker Heights, Texas.

New Business:

1. Council did not discuss and consider approving a request for a Concept Plan referred to as the Morstatter Subdivision, on property described as Meadow Acres, Block Five (5), Lot Nine (9), McDonald's Mobile Home Park, generally located at 205 W. Beeline Lane, Harker Heights, Bell County, Texas. This item was withdrawn by requestor. No action taken.
2. Council discussed and considered approving a request for a Preliminary Plat referred to as the Magill Property, on property described as 3.731 acres of land situated in the Lucy D. O'Dell Survey, Abstract No. 644, and the H.R. Morrell Survey, Abstract No. 579, being a portion of the remainder of a Called 490.1 acre tract conveyed to James Dennis Magill, in Volume 1177, Page 145, Deed Records of Bell County, Texas, generally located within the 3000 Block of Stillhouse Lake Road, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director made the presentation. Blomquist made the motion to disapprove with the explanation that the action does not meet or comply with the City of Harker Heights Ordinances or State Law. Seconded by Nash. All in favor. Motion to disapprove passed 5-0.
3. Council discussed and considered approving one of the four options, or a hybrid thereof, as presented in the 2020/21 Transit Study of Organizational Structure for the Hill Country Transit District. Kristina Ramirez, Planning and Development Director made the presentation. McCann made the motion to approve Option #2 for the City of Harker Heights on the Hill Country Transit District Study. Seconded by Fountain. All in favor. Motion passed 5-0.

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing an Application for a Grant through the General Victims Assistance Direct Services Program in the amount of \$18,452.20 to fund Improvements to the Harker Heights Police Department's Healthy Homes Program; Authorize the City Manager to act and sign on behalf of the City. Phil Gadd, Police Chief, made the presentation. Fountain made the motion to approve including in-kind match and no cash match. Seconded by Blomquist. All in favor. Motion passed 5-0.
5. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Grant Application in the General Victim Assistance Direct Services Program through the Juvenile Justice and Truancy Prevention Grant Program for funding in the amount of \$10,000 toward Improvements to the Harker Heights Police Department's Healthy Homes Program; Authorize the City Manager to act and sign on behalf of the City. Phil Gadd, Police Chief, made the presentation. Nash made the motion to approve with no in-kind match or cash match. Seconded by Blomquist. All in favor. Motion passed 5-0.
6. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Participation in the Homeland Security Grant Program for funding of \$40,239.00 towards the purchase of Tactical Medical Kits for the Special Weapons and Tactics (SWAT) Team and Mass Casualty First Aid Kits; Authorize the City Manager to act and sign on behalf of the City. Phil Gadd, Police Chief, made the presentation. McCann made the motion to approve with no in-kind or cash match. Seconded by Fountain. All in favor. Motion passed 5-0.
7. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Participation in the Grant Program Administered by the Central Texas Council of Governments through the Office of the Governor of Texas, for funding of \$23,774.96 towards the purchase of eight (8) Harris XL-185P P-25 Compliant Police Communication Handheld Radios; Authorize the City Manager to act and sign on behalf of the City. Phil Gadd, Police Chief, made the presentation. Blomquist made the motion to approve with no requirements for cash or in-kind match. Seconded by McCann. All in favor. Motion passed 5-0.

At 6:09 p.m. Mayor Smith called for a short break.

Mayor Smith reconvened the meeting at 6:33 p.m.

8. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's Participation in the Edward Byrne Memorial Justice Assistance Grant Program administered by the Office of the Governor for funding of \$16,650.00 for the purchase of Vehicle Trauma First Aid Kits and Individual First Aid Kits; Authorize the City Manager to act and sign on behalf of the City. Phil Gadd, Police Chief, made the presentation. Fountain made the motion to approve with no cash or in-kind match. Seconded by McCann. All in favor. Motion passed 5-0.

9. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City's participation in the State Homeland Security Grant Program administered by the Central Texas Council of Governments for funding of \$61,210.00 towards the purchase of Digital License Plate Readers; Authorize the City Manager to sign and act on behalf of the city. Phil Gadd, Police Chief, made the presentation. Nash made the motion to approve with no cash or in-kind match. Seconded by Blomquist. All in favor. Motion passed 5-0.
10. Council discussed and considered approving a request from Ridge Jordan for a facility rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Friday, March 5, 2021. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Fountain. All in favor. Motion passed 5-0.
11. Council discussed and considered approving a request from the City of Harker Heights Activities Center to host an event at Purser Family Park for in excess of ten (10) people on Saturday, March 6, 2021. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Blomquist. All in favor. Motion passed 5-0.
12. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, to Order a Municipal Election to be held on May 01, 2021, for the purpose of Electing Councilmember, Place 2, and Councilmember, Place 5 to the Harker Heights City Council for a Full Three-Year Term (2021-2024); Designating the polling place; Authorizing the appointment of Election Officials; Authorizing an Election Services Contract with the Election Office of Bell County, Texas, for the coordination and use of Voting Machines and Equipment; Authorizing the City Manager to sign the Election Services Contract on behalf of the City. Julie Helsham, City Secretary, made the presentation. Fountain made the motion to approve. Seconded by Nash. All in favor. Motion passed 5-0.
13. Council discussed and considered authorizing the City Manager to sign a contract with Killeen Independent School District (KISD) and Central Texas College (CTC) to conduct a Joint Election for the May 01, 2021, Harker Heights General Election with the KISD Trustee Election and the Central Texas Trustee Election. Julie Helsham, City Secretary, made the presentation. McCann made the motion to approve. Seconded by Nash. All in favor. Motion passed 5-0.

Items from Council:

Mayor Pro-tem Blomquist gave an update on the COVID-19 numbers and the vaccines. Blomquist encouraged everyone to stay vigilante and safe.

Councilmember Fountain stated the III Corps has started the end of month Retirement Ceremony and had one retiree last month to retire in Harker Heights and another will retire this month. Fountain stated that they put wreaths at the Veteran's Cemetery along with their Community Partners and got to visit with the military families.

Councilmember Nash stated that last weekend she attended a Women's Health Care Clinic at the Moose Lodge.

Staff Reports:

1. Council received and discussed the Fiscal Year 2020 – 2021 First Quarter Investment Report. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
2. Council received and discussed the Unaudited Financial Statements for the First Quarter of Fiscal Year 2020 – 2021. Ayesha Lealiiee, Finance Director, made the presentation. No action taken.
3. Council received and discussed the City Manager’s Report. David Mitchell, City Manager, made the presentation. No action taken.

Announcements:

Mayor Smith stated that he attended the following events:

- January 28th – CTCOG Virtual Executive Committee Annual Meeting
- February 2nd – Harker Heights City Council Workshop
- February 4th – Meeting with representatives from U. S. Congressman Carter’s Office
- February 5th – Video reading for the Harker Heights Public Library
- February 9th – III Corps Luncheon at OIF Dining Facility aboard Fort Hood with Brigade Commanders and Spouses

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:53 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: FEBRUARY 23, 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 APRIL 2, 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 met again and approved another extension to the Public Health Emergency Declaration until March 2, 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 April 2, 2021.

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

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

STAFF RECOMMENDATION:

Staff recommends approval of the extension.

ACTION BY CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE an Ordinance amending Ordinance 2020-06 of the Harker Heights Code to extend the COVID-19 Public Health Emergency Declaration through April 2, 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 APRIL 2, 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 April 2, 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 February 23, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM# IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AFFIRMING AND EXTENDING THE MAYOR'S DECLARATION OF DISASTER DUE TO SEVERE WINTER WEATHER ISSUED ON FEBRUARY 16, 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 sever 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.

The Council must take action at the next Council meeting after a disaster declaration is made by the Mayor to affirm and extend the declaration.

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, declaring a public health emergency due to severe winter weather; Providing that the declaration extends through March 23, 2021; Authorizing the City to provide aid and assistance; Allow the waiver of permitting fees for repair damage directly related to the winter storms; And providing for an effective date.
2. Any other action desired.

ATTACHMENTS:

1. Mayor Spencer H. Smith's Disaster Declaration.
2. Ordinance.

MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER DUE TO SEVERE WINTER WEATHER

WHEREAS, on February 12, 2021, Texas Governor Greg Abbott certified that a severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, snow, freezing rain, and ice; and

WHEREAS, Governor Abbott has declared a state of disaster for all 254 counties in the State of Texas; and

WHEREAS, on February 15, 2021, Bell County Judge David Blackburn declared a state of emergency in the county and announced the closure of non-essential county offices; and

WHEREAS, iced-over roads, and loss of electric, gas, telephone and water utility services caused by extreme winter weather and freezing conditions present an imminent threat of widespread or severe damage, injury, or loss of life and property resulting from extreme winter weather conditions and other public calamity resulting there from, which requires emergency action; and

WHEREAS, the Mayor of the City of Harker Heights has determined that extraordinary measures must be taken to prevent and to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to Chapter 418 of the Texas Government Code.

NOW THEREFORE, I, MAYOR OF THE CITY OF HARKER HEIGHTS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND, DECLARE AND ORDER:

SECTION 1. That pursuant to Section 418.108(a) of the Texas Government Code and the authority it vests in the Mayor, a local state of disaster caused by the winter weather emergency, as declared and certified by the Governor of the State of Texas, is hereby declared for the City of Harker Heights, Texas.

SECTION 2. That pursuant to Section 418.108(b) of the Texas Government Code, this local state of disaster prompted by the winter weather emergency shall continue for a period of not more than seven (7) days from the date of this declaration unless continued or renewed by the City Council of the City of Harker Heights.

SECTION 3. That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION 4. That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the Harker Heights, Texas, emergency management

plan.

DECLARED AND ORDERED this the 16th day of February 2021, in the City of Harker Heights, Bell County, Texas, in witness whereof I subscribe my name and cause to be affixed the Seal of the City of Harker Heights, Texas.

Spencer H. Smith, Mayor
Harker Heights, Texas

Filed with me this 16th day of February 2021, by Mayor Spencer H. Smith, whose signature I hereby attest under my hand and the Seal of the City of Harker Heights, Texas.

Julie Helsham, City Secretary
Harker Heights, Texas

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, DECLARING A PUBLIC HEALTH EMERGENCY DUE TO SEVERE WINTER WEATHER; PROVIDING THAT THE DECLARATION EXTENDS THROUGH MARCH 23, 2021; AUTHORIZING THE CITY TO PROVIDE AID AND ASSISTANCE; ALLOW THE WAIVER OF PERMITTING FEES FOR REPAIR DAMAGE DIRECTLY RELATED TO THE WINTER STORMS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 12, 2021, Texas Governor Greg Abbott certified that a severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, snow, freezing rain, and ice; and

WHEREAS, Governor Abbott has declared a state of disaster for all 254 counties in the State of Texas; and

WHEREAS, on February 15, 2021, Bell County Judge David Blackburn declared a state of emergency in the county and announced the closure of non-essential county offices; and

WHEREAS, iced-over roads, and loss of electric, gas, telephone and water utility services caused by extreme winter weather and freezing conditions present an imminent threat of widespread or severe damage, injury, or loss of life and property resulting from extreme winter weather conditions and other public calamity resulting there from, which requires emergency action; and

WHEREAS, on February 16, 2021, Harker Heights Mayor Spencer H. Smith declared a Local State of Disaster for the City of Harker Heights; and

WHEREAS, on February 19, 2021, President Joseph R. Biden, Jr. declared that a major disaster exists in the State of Texas and ordered federal assistance to supplement state and local recovery efforts in the areas affected by severe winter storms beginning on February 11, 2021, and continuing; and

WHEREAS, the declaration of a state of disaster facilitates and expedites the use and deployment of resources to enhance preparedness and response; and

WHEREAS, the declaration of a state of disaster includes the ability to take measures to promote the public health, safety and welfare; and

WHEREAS, the City Council finds that it is in the public interest to waive permitting fees directly related to damage repair in result to the winter storms; 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, AS FOLLOWS:

1. That a local state of disaster for public health emergency is hereby declared for the City of Harker Heights, Texas, pursuant to section 418.108(a) of the Texas Government Code.
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 March 23, 2021.
3. That pursuant to section 418.108(c) of the Government Code, this declaration of a local disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. That pursuant to section 418.108(d) of the Government Code, this declaration of a local state of disaster activates the City of Harker Heights emergency management plan and authorizes the furnishing of aid and assistance under this declaration.
5. That this declaration shall take effect immediately from and after its issuance, and upon approval of the City Council, shall continue in effect until terminated by the Mayor. Pursuant to this declaration, additional directives may be issued by the Mayor at any time as deemed necessary.
6. The City of Harker Heights, acting through its governing body, hereby confirm and approve waiving permitting fees to repair damage as a direct result of the winter storms.
7. The permitting fee waiver expires March 23, 2021.

PASSED AND APPROVED on February 23, 2021, by the Harker Heights City Council.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary
City of Harker Heights



COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

DISCUSS AND CONSIDER APPROVING AN APPEAL OF THE FALSE ROBBERY ALARM SERVICE CHARGE ON MARY A. BIANCO AT 2026 HERALD DRIVE, HARKER HEIGHTS, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

Section 99.08 of the City's Code of Ordinances grants an appeal process for false alarm charges. Appeals to false alarm charges must be made within 14 days of being given notice of a false alarm charge. By Code, the City Manager is the Alarm Administrator and issues the notice of false alarm charge and the City Council is the body that hears any appeals of the charge.

Officer Justin Smith with the City of Harker Heights responded to a robbery alarm at the home of Ms. Mary A. Bianco, 2026 Herald Drive, Harker Heights, Texas, on December 18, 2020, at 8:14 p.m. No evidence of robbery was found. Accordingly, per §99.06 of the Code of Harker Heights and the City's fee schedule, Ms. Bianco was assessed a false alarm service charge of \$75.00. The City mailed a letter to Ms. Bianco informing her of the fee on January 19, 2021.

On February 4, 2021, the City received a letter from Ms. Bianco appealing the Service Charge Assessment. On February 8, 2021, staff spoke with Ms. Bianco by telephone to explain the process and notify her of the date and time of her appeal hearing. On Wednesday, February 10, 2021, a confirmation notice was sent to Ms. Bianco notifying her of the date and time that her appeal would be heard before the City Council.

Section 99.06 of the Harker Heights Code of Ordinances provides the following provisions about false alarm charges:

(A) If, within any 12-month period occurring after the effective date of this chapter, five false burglar alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm user at that alarm site a fee for each subsequent false burglar alarm notification made from the site during the 12-month period.

(B) The Alarm Administrator shall assess an alarm user for each false robbery alarm notification emitted from the alarm site.

(C) If, within any 12-month period occurring after the effective date of this chapter, two false fire alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm

user at that alarm site a fee for each subsequent false fire alarm notification emitted from the site during the 12-month period.

(D) If, within any 12-month period occurring after the effective date of this chapter, two false emergency medical assistance alarm notifications are made from an alarm site, the Alarm Administrator shall assess the alarm user at that alarm site a fee for each subsequent false emergency medical assistance alarm notification made from the site during the 12-month period.

(E) The Alarm Administrator shall send written notice to the alarm user of any fee assessed under this chapter. The notice shall be hand delivered to the alarm user, or sent by certified mail, return receipt requested, to the alarm user at the alarm user's last known address.

(F) An alarm user shall pay any fee assessed under this chapter within 30 days after the date the fee is assessed.

(G) No fee shall be assessed pursuant to this section, if:

- (1) The alarm notification is cancelled prior to city personnel arriving at the alarm site; or
- (2) The alarm is shown by the alarm user to have been, in the Alarm Administrator's sole determination, justified, or due to a natural or man-made catastrophe or other situation specifically exempted by the Alarm Administrator.

Robbery false alarms require a fee to be charged on the first occurrence due to the severity/priority that these calls get. Ms. Bianco's letter states the following:

"I recently purchased the home at the beginning of November and learned that there was an alarm system at the house. I had contacted Vivint, the alarm company, and told them I did not need the alarm system, and to cancel it. They advised me that it would be cancelled at the end of the month.

Unbeknownst to me, the alarm system was still owned by the former owner of the house. She had not disconnected it or cancelled her account with the monitoring company, Vivint.

Apparently, on December 18, the former owner somehow setoff the alarm from her mobile phone, and I had no idea that an alarm had been triggered. Of course, when she activated the alarm, the police were dispatched. I was not home at the time, and my son, who was there, had no knowledge about the alarm system in the new house, since we did not have an account or a "PIN" Number, code, or other control over the system. He explained the situation to the police when they arrived."

While this certainly may be the case, the Police Department must still respond quickly to the location to ensure that the person cancelling the alarm is not under duress.

The City's letter to citizens/businesses that have false alarms strongly encourages that the alarm system be properly adjusted, operated, inspected, and or service to avoid future false alarms, service charges, and possible termination of alarm response.

STAFF RECOMMENDATION:

Staff recommends dismissing the service charge.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the Appeal to dismiss the False Robbery Alarm Service Charge on Mary A. Bianco at 2026 Herald Drive, Harker Heights, Texas.
2. Any other action desired.

ATTACHMENTS:

1. False Alarm Service Charge Letter
2. Appeal Letter from Ms. Bianco
3. Letter from City with date and time of appeal to be heard

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January 19, 2021

Mary Bianco
2026 Herald Drive
Harker Heights, TX 76548

Dear Property Owner:

Officers with the City of Harker Heights responded to a robbery alarm at your address on the following date:

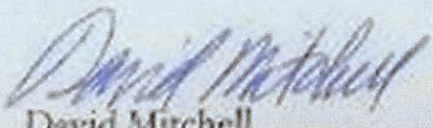
- December 18, 2020 at 8:14PM (Officer Justin Smith)

No evidence of a robbery was found. Accordingly, per §99.06 of the Code of Harker Heights and the City's fee schedule you are hereby assessed a false alarm service charge of \$75.00 (\$75/per false robbery alarm activation).

Under §99.08 of the Code you have the right to appeal this service charge assessment by filing a written request for a hearing with the City Secretary within 14 days after this notice was mailed, setting forth the reasons for the appeal. The City Secretary will then set a hearing before the City Council, and you will be notified of the date and time of that hearing so you can appear in person and present your case. If you do not appeal, payment of the service charge is due within 30 days after the date of this letter.

Please note that police and fire responses to alarm notifications may be terminated if your system is determined to be unreliable, or if a false alarm service charge is not paid. Accordingly, we strongly urge you to ensure that your system is properly adjusted, operated, inspected, and serviced in order to avoid future false alarms, service charges, and possible termination of alarm response.

Sincerely,



David Mitchell
City Manager
305 Millers Crossing
Harker Heights, Texas 76548

STATEMENT



MAIL REMITTANCE TO:
300 Miller's Crossing
Harker Heights, Texas 75548

False Alarms

Date

12/31/2020

Mary Bianco
2026 Herald Dr
Harker Heights, TX 76548

Amount Due	Amount Enc.
\$75.00	

Date	Transaction	Amount	Balance	Item
11/30/2020	Balance forward		0.00	
12/31/2020	INV #04-554, --- False Alarm \$75.00	75.00	75.00	

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
75.00	0.00	0.00	0.00	0.00	\$75.00

Mary A. Bianco

2026 Herald Drive | Harker Heights, TX 76548

(408) 455-4093 | marybianco@comcast.net

February 4, 2021

Julie Helsham
City Secretary
City of Harker Heights
305 Millers Crossing
Harker Heights, TX 76548

RE: Letter from David Mitchell dated January 19, 2021 and Invoice 04-554 of 12/31/2020

Dear Ms. Helsham:

I submit this letter as my appeal to remove the assessment of \$75 that was charged on the above-referenced invoice for a false alarm triggered at my house on December 18, 2020. The reason for my appeal is explained below.

I recently purchased the home at the beginning of November and learned that there was an alarm system at the house. I had contacted Vivint, the alarm company, and told them I did not need the alarm system, and to cancel it. They advised me that it would be cancelled at the end of the month.

Unbeknownst to me, the alarm system was still owned by the former owner of the house. She had not disconnected it or cancelled her account with the monitoring company, Vivint.

Apparently, on December 18, the former owner somehow set off the alarm from her mobile phone, and I had no idea that an alarm had been triggered. Of course, when she activated the alarm, the police were dispatched. I was not home at the time, and my son, who was there, had no knowledge about the alarm system in the new house, since we did not have an account or a "PIN" Number, code, or other control over the system. He explained the situation to the police when they arrived.

Due to these mixed-up circumstances, I respectfully request your consideration to kindly remove the assessed fee for this occurrence, or ask you to redirect the invoice to Vivint for not deactivating the alarm system, or to the owner of the alarm who set it off with her mobile phone.

I appreciate your time and consideration, and I look forward to your reply.

Sincerely,

Mary A. Bianco

Mary A. Bianco

Julie Helsham

From: Julie Helsham
Sent: Wednesday, February 10, 2021 11:22 AM
To: MARY BIANCO
Subject: RE: Appeal Letter to Julie Helsham

Dear Ms. Bianco,

This email is to follow up on our phone conversation on February 8, 2021, and confirm that I have scheduled your false alarm appeal on the Council meeting agenda on **March 23, 2021, at 5:00 p.m.** The City conducts telephonic meetings to contain the spread of COVID-19. You can participate remotely by using your phone or computer. I have included the meeting phone number and link below for your convenience.

Council Meeting
Tue, Feb 23, 2021 5:00 PM - 8:00 PM (CST)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/261853413>

You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(571\) 317-3116](tel:+15713173116)

Access Code: 261-853-413

Please let me know if you have any questions.

Thank you,

Julie Helsham
City Secretary

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548



T: 254-953-5685 | F: 254-953-5614 | jhelsham@harkerheights.gov

Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.

From: MARY BIANCO <marybianco@comcast.net>
Sent: Thursday, February 4, 2021 7:18 PM
To: Contactus <contactus@harkerheights.gov>
Subject: Appeal Letter to Julie Helsham

Hello -

Please forward the message below and the attachments to Julie Helsham.

Thank you.

Kind regards,
Mary Bianco

TO: JULIE HELSHAM -

Dear Ms. Helsham:

Attached for your review and consideration is my written appeal in connection with David Mitchell's letter of January 19, 2021.

I appreciate your assistance with this request.
Thank you.

Sincerely,
Mary Bianco

"What Lies Behind Us and What Lies Before Us
are Tiny Matters Compared to What Lies Within Us" (R.W. Emerson)



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The Atmos Cities Steering Committee (“ACSC”) is composed of 178 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division (“Atmos”) that have retained original jurisdiction over gas utility rates and services within municipal limits. Because Atmos has no competitors, is a monopoly provide of natural gas, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair.

ACSC is the largest coalition of cities served by Atmos and by working as a coalition to review the rates charged by Atmos cities are able to accomplish more collectively than they would by acting alone. The 178 members of ACSC currently represents 60 percent of the total load served by Atmos. ACSC protects the authority of municipalities and defends the interests of residential and small commercial customers within the cities.

The rate cases that ACSC actively participates in are typically reimbursed by the utility however, ACSC is also involved in appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. There is always a possibility that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation.

A per capita assessment has historically been used by ACSC to fund its participation on behalf of its member cities. The total due from the City of Harker Heights is \$1,550 which is the 2021 per capita fee of 5 cents times the Harker Heights population figure found in the Texas Municipal League Directory of City Officials of 31,000.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Harker Heights is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (“Atmos”) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (“ACSC”) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Harker Heights and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2021 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney’s Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the 23rd day of February 2021, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

RECEIVE AND DISCUSS THE CITY'S GOVERNANCE POLICY.

EXPLANATION:

The primary purpose of Harker Heights City Council meetings is to afford elected officials the opportunity to conduct Harker Heights business.

Every organization needs policies and procedures to function efficiently. Good policies make sure that an organization is complying with laws, regulations, and best practices. Policies and procedures keep operations running smoothly and help cultivate the workplace culture. This brings consistency across all departments.

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

On October 27, 2020, the Council approved the establishment of a policy and procedure for public comments, rules of decorum with the public, and presentations at open meetings. Today's discussion addresses the Mayor and Council relations, Council and staff relations, and Council and media relations.

RECOMMENDATION:

None

ACTION BY CITY COUNCIL:

None

ATTACHMENTS:

1. Draft #1 – Exhibit B – City of Harker Heights, Texas, Policy and Procedures on the Rules of Conduct and Demeanor.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # IX-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

RECEIVE AND DISCUSS A PRESENTATION ON THE COUNCIL'S BUDGET PRIORITIES.

EXPLANATION:

In past years, Council has given staff their Budget Priorities at the City's annual Budget Retreat. This year, staff would like to receive Council's input going into budget preparation so that staff can best meet those priorities. To this end, this item is designed to get each of the Council thinking about what their budget priorities are for the coming budget. Staff has slotted the March 2, 2021, Council Workshop for the Council to each give their budget priorities for the next year's budget. This agenda item just serves as a notice and reminder to Council to prepare their thoughts for March 2.

ACTION BY CITY COUNCIL:

None

ATTACHMENTS:

None

FROM: THE OFFICE OF THE CITY MANAGER

DATE: FEBRUARY 23, 2021

RECEIVE AND DISCUSS A PRESENTATION REGARDING THE CITY COUNCIL'S MISSION AND VISION STATEMENT.

EXPLANATION:

What is a mission statement?

A mission statement describes the current state of an organization and its primary goals or objectives. It provides detailed information about what the organization does, how it does it, and who it does it for.

What is a vision statement?

A vision statement is used to describe the future state of the organization, i.e., what the organization hopes to become in the future. It is normally a long-term goal that provides direction for the organization. It also communicates the purpose of the organization to the employees and other stakeholders (residents).

Importance of vision and mission statement in an organization.

Both the vision and mission statements will play an important role.

1. The vision and mission statements define the purpose of our organization and instills a sense of belonging and identity to the employees.
2. The mission statement acts as a "North Star", where it provides the direction that we will follow while the vision statement provides the goal (or the destination) to be reached by following this direction.
3. The vision and mission statements help us to properly align our resources towards achieving a successful future.
4. The mission statement is intended to provide us with a clear and effective guide for making decisions, while the vision statement ensures that all the decision made are properly aligned with what we hope to achieve.
5. The vision and mission statements provide a focal point that helps to align everyone within our organization, thus ensuring that everyone is working towards a single purpose. This helps to increase efficiency and productivity in our City.

ACTION BY CITY COUNCIL:

None

ATTACHMENTS:

None