

Harker Heights

*The Bright Star Of
Central Texas*



JUNE 28, 2022

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, June 28, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

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. Receive a Presentation to the City by John Footman of a Purple Heart Coin and Purple Heart Parking Sign.
2. Proclamation declaring July 2022 as "Parks and Recreation Month" and July 15, 2022, as "Parks and Recreation Professionals Day".

[Proclamation](#)

V. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meeting held on June 14, 2022, and take the appropriate action.

[Minutes](#)

VI. INITIATIVE PETITION:

1. Receive City Secretary's examination and Certification of Initiative Petition relating to elimination of Low-level Marijuana Enforcement and possible discussion relating thereof; Read proposed Initiative Ordinance; discussion and possible action regarding setting of date for a Public Hearing and Council consideration of Initiative Ordinance and take appropriate action. (City Manager)

[Staff Report - Pdf](#)

VII. 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.

VIII. REPORTS OF ADVISORY BOARDS & COMMISSIONS:

1. Receive and discuss a presentation regarding an Annual update on the Library Board activities in 2021. (Library Director)

[Staff Report - Pdf](#)

IX. PUBLIC HEARINGS:

1. Conduct a Public Hearing to discuss and consider approving an Amendment to §155.0221 R1-I (Single Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for Incentives; providing for an effective date of the Amendment; and take the appropriate action. (Planning and Development Director)

[Staff Report - Pdf](#)

2. Conduct a Public Hearing to discuss and consider approving an Amendment to §155.0231 R2-I (Two Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for Incentives; providing for an effective date of the Amendment; and take the appropriate action. (Planning and Development Director)

[Staff Report - Pdf](#)

X. REGULAR BUSINESS:

1. Discuss and consider approving a request for Alcohol Services for the Harker Heights Chamber of Commerce Music Friendly Event scheduled for July 22, 2022, at the Carl Levin park Amphitheater, and take the appropriate action. (Parks and Recreation Director)

[Staff Report - Pdf](#)

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

XI. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.
2. Update and announcements from the Mayor.

XII. RECESS INTO EXECUTIVE SESSION:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:

(A) Section 551.074 Personnel – Discuss and deliberate the employment, evaluation and duties of the City Manager.

XIII. RECONVENE INTO OPEN MEETING:

1. Take action, if any, on matters discussed in Executive Session.

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 24th of June, 2022, by 4:00 p.m. and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Ursula Paddie
Assistant City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5605, or email jhelsham@harkerheights.gov or upaddie@harkerheights.gov for further information.

Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary.

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



Proclamation

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the City of Harker Heights; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Harker Heights recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, I, Spencer H. Smith, Mayor of the City of Harker Heights do hereby proclaim July 2022 to be

“Parks and Recreation Month”

And July 15, 2022 to be

“Parks and Recreation Professionals Day”

In Witness Thereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, this 28th day of June 2022.

Spencer H. Smith, Mayor
City of Harker Heights

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, June 14, 2022, at 5:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller’s Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Mayor Pro Tem Jennifer McCann
Councilmember Michael Blomquist
Councilmember Tony Canterino
Councilmember Lynda Nash
Councilmember Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

EXCUSED: None

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented a Proclamation in Recognition of Lemonade Day – 2022 Entrepreneur of the Year to Michael Thompson.

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on May 24, 2022.

Councilmember Nash made a motion to approve the minutes of the meeting held on May 24, 2022. Councilmember Blomquist seconded the motion. Carried unanimously.

PUBLIC HEARINGS:

1. Council conducted a Public Hearing to discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the execution and delivery of an Addendum No. 7 to Amended and Restated Water Supply Contract, authorizing the Mayor and the City Manager to sign on behalf of the City. Mark Hyde, Public Works Director, made the presentation.

Councilmember Halabi made a motion to approve a Resolution authorizing the execution and delivery of an Addendum No. 7 to Amended and Restated Water Supply Contract, and authorize the Mayor and City Manager to sign on behalf of the City. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

2. Conduct a Public Hearing to discuss and consider approval of an Ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-1 (M) (One-Family Manufactured Home Dwelling District) on a portion of the property described as McLaughlin Way, Block 001, Lot 0001, acres 4.46, generally located at 1517 Waco Trace, Harker Heights, Bell County, Texas, as displayed in Exhibit A, and take the appropriate action.(Planning and Development Director)

The applicant withdrew the request. No action taken.

3. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) to allow for a Pet Grooming Business to operate as a Home Occupation on property described as Highland Oaks Estates Section 1, Block 00F, Lot 14, pt 15, (W 1/2 of 15), acres 0.441, generally located at 100 E. Woodlawn Drive, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

The following citizen spoke against the request:

Mari M. Meyer, 303 Highland Oaks Drive, Harker Heights, Texas 76548

Councilmember Blomquist made a motion to recommend disapproval with explanation of a request for a Conditional Use Permit to allow for a pet grooming business to operate as a Home Occupation on property described as Highland Oaks Estates Section 1, Block 00F, Lot 14, PT 15, (W 1/2 of 15), Acres 0.441, generally located at 100 E. Woodlawn Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings with the denial based on the proposed zoning not being compatible with the existing uses in the neighborhood. Councilmember Nash seconded the motion. Carried unanimously.

4. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on properties described as Meadow Acres, Block 005, Lot Pt 2, (E 1/2 Of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot Pt 2 (W 1/2 Of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, was present to represent the request.

Councilmember Nash made a motion to recommend approval of an Ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Councilmember Halabi seconded the motion. Carried unanimously.

5. Council conducted a Public Hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View, Block 002, Lot 0009, generally located at 117 E. Valley Rd., Harker Heights, Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, was present to represent the request.

Councilmember Blomquist made a motion to recommend approval, of an Ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View, Block 002, Lot 0009, generally located at 117 E. Valley Rd., Harker Heights, Bell County, Texas, based on staff's recommendation and findings. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

REGULAR BUSINESS:

1. Council discussed and considered approving a Final Plat referred to as Fireside Heights Addition, on property described as a 0.799 acre tract of land in Bell County, Texas, being part of the Elizabeth Dawson Survey, Abstract No. 258, the land herein being part of Lot 1, Block 1, Fireside Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 199-D, Plat Records of Bell County, Texas (P.R.B.C.T.), and being a called 0.80 acre tract of land conveyed in a General Warranty Deed to J & U Properties, LLC, being described in Exhibit "A" of Record Instrument No. 2015-00008355, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.). Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, was present to represent the request.

Councilmember Blomquist made a motion to approve with conditions a request for a Final Plat referred to as Fireside Heights Addition, on property described as a 0.799 acre tract of land in Bell County, Texas, being part of the Elizabeth Dawson Survey, Abstract No. 258, the land herein being part of Lot 1, Block 1, Fireside Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 199-D, Plat Records of Bell County, Texas (P.R.B.C.T.), and being a called 0.80 acre tract of land conveyed in a General Warranty Deed to J & U Properties, LLC, being described in Exhibit "A" of record Instrument No. 2015-00008355, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), with the one condition as presented by staff and based on staff's recommendations and findings, with the condition being as follows: Delineate the location of the proposed driveway and provide a 1' non-access easement along the remaining portion of FM 2410. Councilmember Nash seconded the motion. Carried unanimously.

2. Council discussed and considered approving a Final Plat referred to as Filmtech Addition, on property described as a 1.454 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, the land herein being all of a Called 1.455 acre tract of land conveyed in a Warranty Deed with Vendor's Lien to Filmtech.Com, LLC, being described in Exhibit "A" of record in Instrument No. 2020027121, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.). Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, was present to represent the request.

Mayor Pro Tem McCann made a motion to approve with conditions a request for a Final Plat referred to as FilmTech Addition, on property described as a 1.454 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, the land herein being all of a called 1.455 acre tract of land conveyed in a Warranty Deed with Vendor's Lien to Filmtech.com, LLC, being described in Exhibit "A" of record in Instrument No. 2020027121, Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.), with the conditions as presented by staff and based on staff's recommendations and findings, with the conditions being as follows:

1. Delineate the location of the proposed driveway and provide a 1' non-access easement along the remaining frontage of FM 2410.
2. Dedicate a 30' passage/access easement to property on east side of this platted area, to plan for future development. Access only need be dedicated at this point, applicant will not be required to install an improved surface for this easement at this time. Councilmember Blomquist seconded the motion. Carried unanimously.

3. Council discussed and considered approving a Final Plat referred to as Comanche Land, Third Unit, on property described being all that certain 0.77 acre tract of land situated in the H.B. Littlefield Survey, A-511, Bell County, Texas, being all of Lots 1 and 8, Block 37, Comanche Land Third Unit, and Un-Recorded Subdivision In the City of Harker Heights, Bell County, Texas, said lots being described in a Deed to Monica Kankelfitz, recorded in Volume 3757, Page 245, Deed Records of Bell County, Texas, and said lots being further described as "Tract I" Called 0.346 acre tract and "Tract III" Called 0.42 acre tract in a Deed to James L. Dahm & Wife, Paola Dahm, recorded in Volume 1312, Page 582, Deed Records of Bell County, Texas. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Blomquist made a motion to approve a request for a Final Plat referred to as Comanche Land Third Unit Amending, on property described as all that certain 0.77 acre tract of land situated in the H.B. Littlefield Survey, A-511, Bell County, Texas, being all of Lots 1 and 18, Block 37, Comanche Land Third Unit, an un-recorded subdivision in the City of Harker Heights, Bell County, Texas, said lots being described in a deed to Monica Kankelfitz, recorded in Volume 3757, Page 245, Deed Records of Bell County, Texas, and said Lots being further described as "Tract I" called 0.346 acre tract and "Tract III" called 0.42 acre tract in a deed to James L. Dahm & Wife, Paola Dahm, recorded in Volume 1312, Page 582, Deed Records of Bell County, Texas, based on Staff recommendations and findings. Councilmember Halabi seconded the motion. Carried unanimously.

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, suspending the June 17, 2022, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; Approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; Finding that the meeting at which this Resolution is passed is open to the public as required by law; Requiring notice of this Resolution to be sent to the Company and legal counsel for the Steering Committee. David Mitchell, City Manager, made the presentation.

Mayor Pro Tem McCann made a motion to approve a Resolution of the City of Harker Heights, Texas, suspending the June 17, 2022, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and legal counsel for the Steering Committee. Councilmember Nash seconded the motion. Carried unanimously.

5. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a Contract for the Annual Supply of Water Meters in the amount of \$144,717.60 to Core & Main. Mark Hyde, Public Works Director, made the presentation.

Councilmember Nash made a motion to approve a Resolution awarding a contract for the annual supply of water meters to Core & Main in the amount of \$144,717.60. Councilmember Halabi seconded the motion. Carried unanimously.

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

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Mayor Pro Tem McCann stated she had two highlights to mention:

- 10 year Anniversary Ceremony for Seton Hospital was a great event and well attended
- Attended the Habitat for Humanity Capitol build with Councilmember Nash

Councilmember Blomquist stated that he attended the following events:

- May 28th - Harker Heights Farmers' Market
- May 28th - Harker Heights Memorial Day Walk
- May 31st - Harker Heights Music Friendly Advisory Board at the Harker Heights Chamber of Commerce
- June 3rd - Seton Hospital 10th Anniversary Ceremony at Seton Hospital
- June 4th - DAV 29 Breakfast and Monthly Meeting
- June 4th - Harker Heights Farmers' Market
- June 4th - Parks and Recreation and Master Naturalist hosted Fishing Event at Carl Levin Park
- June 7th - Harker Heights Chamber of Commerce Coffee Connection at SouthStar Bank
- June 11th - Harker Heights Farmers' Market
- June 13th - Chaired the Bell County Health District Quarterly Board Meeting in Temple

Councilmember Nash stated that she attended the following events:

- June 3rd - Seton Hospital 10th Anniversary Ceremony at Seton Hospital
- June 9th - Day at the Dome 2022 Capital Build with the Fort Hood Area Habitat for Humanity
- June 11th - Presented the scholarship awards for the Women's Army Corps
- Paid her respects to the passing of Veteran Eddie Bell

Councilmember Nash further stated that she will be attending the following events:

- June 17th – Will judge the Miss Juneteenth Pageant
- June 18th – Will ride her horse Yellow Rose in the Juneteenth Day Parade

2. Updates and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- May 25th – Killeen Temple Metropolitan Planning Organization (KTMPO) Transportation Policy Planning Board – Chairman in Belton.
- May 25th – Federal Certification Review interview for KTMPO in Belton.
- May 25th – Harker Heights Planning and Zoning Meeting.
- May 26th – III Corps and Fort Hood Phantom Honors Ceremony and Welcome for Brigadier and Mrs. Christopher G. Beck.
- May 26th – Harker Heights City Hall Virtual Meeting with WCID #1 and City Staff.
- May 28th – Harker Heights Memorial Day Ceremony and Remembrance Walk at Carl Levin Park.
- May 28th – Harker Heights Farmers' Market at City Hall.
- May 30th – Killeen Memorial Day Ceremony proclamation at the Central Texas State Veterans Ceremony.
- June 4th – Her Majesty Queen Elizabeth II Platinum Jubilee Reception at Fort Hood.

Mayor Smith thanked Council and City Staff for the thoughts and prayers for his wife Karen.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:22 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



City Council Memorandum

FROM: The Office of the City Manager

DATE: June 28, 2022

RECEIVE CITY SECRETARY'S EXAMINATION AND CERTIFICATION OF INITIATIVE PETITION RELATING TO ELIMINATION OF LOW-LEVEL MARIJUANA ENFORCEMENT AND POSSIBLE DISCUSSION RELATING THEREOF; READ PROPOSED INITIATIVE ORDINANCE; DISCUSSION AND POSSIBLE ACTION REGARDING SETTING OF DATE FOR A PUBLIC HEARING AND COUNCIL CONSIDERATION OF INITIATIVE ORDINANCE AND TAKE APPROPRIATE ACTION. (CITY MANAGER)

EXPLANATION:

A citizen initiative petition for an Ordinance to eliminate low-level marijuana enforcement was filed with the City Secretary's Office on Friday, June 3, 2022.

Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least twenty-five percent of the number of votes cast at the last regular municipal election. The last regular municipal election for the City of Harker Heights was held on May 1, 2021. A total of 1,393 votes were cast in that election. At least 348 signatures of qualified electors of the City is needed for the petition.

After a complete examination of the petition by the City Secretary, it was determined that the petition is signed by a sufficient number of qualified electors. The proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance.

ACTION BY THE COUNCIL:

1. Take no action and hold a public hearing on the proposed ordinance on July 26, 2022.
2. Any other action deemed necessary.

ATTACHMENTS:

[PETITION NOTICE](#)
[Proposed Initiative Ordinance](#)

NOTICE

THE STATE OF TEXAS §
COUNTY OF BELL §
CITY OF HARKER HEIGHTS §

THE UNDERSIGNED HEREBY PROVIDES NOTICE that:

1. A citizen initiative petition for an Ordinance to eliminate low-level marijuana enforcement was filed with the City Secretary’s Office on June 3, 2022. The names and addresses of the five electors, who, as a committee of the petitioners, responsible for the circulation and filing of the petition are as follows:


- Kayren Gray, 813 Snow Bird Drive, Harker Heights, Texas 76548
- Robert Gray, 813 Snow Bird Drive, Harker Heights, Texas 76548
- Charles Wilson, 2401 Creek Drive, Harker Heights, Texas 76548
- Stacey Wilson, 2401 Creek Drive, Harker Heights, Texas 76548
- Dr. Eddie West, Jr., 3203 Eagle Ridge, Harker Heights, Texas 76548

2. Any initiative ordinance may be submitted to the council by a petition signed by qualified electors of the City equal in number to at least twenty-five percent of the number of votes cast at the last regular municipal election.

The last regular municipal election for the City of Harker Heights was held on May 1, 2021. A total of 1,393 votes were cast in that election. At least 348 signatures of qualified electors of the City is needed for the petition.

3. After a complete examination of the petition, it is hereby determined that the petition is sufficient and meets all requirements in accordance with State law and the City Charter. The petition for an Ordinance to eliminate low-level marijuana enforcement will be initially presented to the City Council at the next regular meeting on Tuesday, June 28, 2022.

Signed on this 13th day of June, 2022.



Julie Helsham, City Secretary
City of Harker Heights, Texas

The names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition:

Kayren Gray, 813 Snow Bird Dr., Harker Heights, TX 76548
Robert Gray, 813 Snow Bird Dr., Harker Heights, TX 76548
Charles Wilson, 2401 Creek Dr., Harker Heights, TX 76548
Stacey Wilson, 2401 Creek Dr., Harker Heights, TX 76548
Dr. Eddie West, Jr., 3203 Eagle Rdg, Harker Heights, TX 76548

AN ORDINANCE TO ELIMINATE LOW-LEVEL MARIJUANA ENFORCEMENT

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HARKER HEIGHTS:

Title XIII, Chapter 133 of the City Code is hereby created, to be titled “Marijuana Enforcement” and to read as follows:

Chapter 133. - MARIJUANA ENFORCEMENT

Sec. 133.01. - Ending citations and arrests for misdemeanor possession of marijuana.

(a) Harker Heights police officers shall not issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana offenses, except in the limited circumstances described in (b).

(b) The only circumstances in which Harker Heights police officers are permitted to issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana are when such citations or arrests are part of (1) the investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police, or chief of police; and/or (2) the investigation of a violent felony.

(c) In every instance other than those described in (b), if a Harker Heights police officer has probable cause to believe that a substance is marijuana, an officer may seize the marijuana. If the officer seizes the marijuana, they must write a detailed report and release the individual if possession of marijuana is the sole charge.

(d) Harker Heights police officers shall not issue any charge for possession of marijuana unless it meets at least one of the factors described in (b).

Section 133.02. - Citations for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

(a) A class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

Section 133.03. - Prohibition against using City funds or personnel to conduct THC concentration testing.

(a) No City funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state law, except in the limited circumstances of a police investigation pursuant to § 133.01(b).

(b) This prohibition shall not limit the ability of Harker Heights police to conduct toxicology testing to ensure public safety, nor shall it limit THC testing for the purpose of any violent felony charge.

Section 133.04. - Prohibition against City police using the odor of marijuana or hemp as probable cause for search or seizure.

- (a) Harker Heights police shall not consider the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances of a police investigation pursuant to § 133.01(b).

Section 133.05. - Training and policy updates; community involvement.

- (a) The City Manager and Chief of Police shall ensure that Harker Heights police officers receive adequate training concerning each of the provisions of this ordinance.

(b) The City Manager shall work with the Harker Heights Police Chief and other relevant stakeholders identified in (c) to update City policies and internal operating procedures in accordance with this ordinance. Actions that may be necessary include, but are not limited to: updating the Harker Heights Police Department General Manual; updating the training bulletin; training officers; and updating internal databases and systems.

(c) The City Manager shall arrange regular meetings to discuss the development of policies, procedures, and practices related to this ordinance, which shall include community stakeholders including: the Police Chief's Advisory Panel; other interested stakeholders and community organizations; individuals directly impacted by arrests within the City; immigrant communities; and communities of color. These meetings shall be open to public participation, have minutes and agendas publicly accessible, and have audio and video recordings uploaded to the City's website, if feasible.

Section 133.06. - Discipline.

- (a) Any violation of this chapter may subject a Harker Heights police officer to discipline as provided by the Texas Local Government Code or as provided in City policy.

Section 133.07. - Reporting.

- (a) Within three months of the adoption of this ordinance, and annually thereafter, the City Manager or their designee shall present to the City Council, at a public meeting subject to the Texas Open Meetings Act, a report concerning the City's implementation of this ordinance.



City Council Memorandum

FROM: The Office of the City Manager

DATE: June 28, 2022

RECEIVE AND DISCUSS A PRESENTATION REGARDING AN ANNUAL UPDATE ON THE LIBRARY BOARD ACTIVITIES IN 2021. (LIBRARY DIRECTOR)

EXPLANATION:

This presentation will provide the City Council with an overview of the Library Board discussions presented during the 2021 calendar year and any goals or objectives for the future.

ATTACHMENTS:

[2022 - 2027 Strategic Plan](#)

City's New Vision Statement:

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

Library's Mission Statement:

The Stewart C. Meyer Harker Heights Public Library is a dynamic resource for encouraging lifelong learning and reading enjoyment. Whether in the Library facility or through ever advancing technologies, the Library provides opportunities for patrons to enrich their lives and to pursue their aspirations.

Focus Areas:

The Harker Heights Public Library provides patrons with opportunities for personal growth through information, education, and recreation.

Encourage a Love for Learning

Residents will have the resources they need to explore topics of personal interest and to continue to learn throughout their lives. The Library will provide opportunities to spark the imagination and curiosity of patrons, to improve language skills, and to reach individual goals.

Support Family Literacy

Families come in all shapes, sizes, and configurations. The Library will provide materials, programs, and services for patrons in all stages of life and will encourage reading for recreation and information gathering.

Embrace Technology:

The Library will ensure that everyone can take advantage of the ever-growing resources and services available through changing technologies. The Library will investigate new resources and make items available in a variety of formats.

Enrich the Community

The Library will provide a comforting, inviting, and supportive presence in the Library facility, online, and throughout the community. Outreaches and cooperative efforts improve our patrons' experiences.

Act As Information Center

The Library provides access to knowledge concerning local, national, and world affairs. Business owners and non-profit organization directors and their managers will have the resources they need to develop and maintain strong, viable organizations. Patrons will enjoy opportunities to research educational options, hone job skills, and learn new languages.

Goal 1: Be responsive to the community and successfully communicate with patrons to serve the educational, informational and recreational needs

Objective A: Determine the educational, informational, and recreational needs of the patrons of the Stewart C. Meyer Harker Heights Public Library and inform patrons how the Library proposes to meet those needs

- Action 1: Conduct a patron survey to determine patrons' wants and needs
- Action 2: Utilize Virtual Library and social media for input from patrons
- Action 3: Investigate training regarding social issues and dealing with patron and staff stress
- Action 4: Coordinate with schools, homeschools, parents, and caregivers to determine needs of students

Objective B: Continue to implement a multi-faceted publicity campaign to raise awareness of Library services and activities

- Action 1: Continuously update the Virtual Library with upcoming services and programs
- Action 2: Form a team of staff to investigate reaching underserved populations
- Action 3: Review traditional publicity while looking at new, often less known resources such as playbills, High School newspapers, etc.
- Action 4: Investigate and present innovative in-library and outreach displays to interest of current and potential patrons.
- Action 5: Reinvigorate the Library's promotional materials such as brochures, fliers, etc.
- Action 6: Provide press sheets with pertinent information for each major program or service
- Action 7: Look to innovative marketing strategies such as providing spots at local recreational outlets
- Action 8: Provide current information at off-site spaces such as City Hall, the Chamber of Commerce, etc.

Objective C: Investigate and implement additional social media promotional methods

- Action 1: Reconstitute a Library social media team to keep current on social media trends
- Action 2: Continue develop video and audio content for YouTube channel, for our website, and to embed in our other social media
- Action 3: Utilize volunteers and community members to provide social media content and marketing
- Action 4: Use a variety of social media as appropriate to particular audiences

Action 5: Become more aware of other area services on social media, active social groups in the area, and how those groups can be used to disseminate information

Objective D: Become a hub for community information and referral

Action 1: Continuously survey and update existing Library community resources and service organization lists and website

Action 2: Update and move enticing community resources area for visibility, convenience, and community benefit

Action 3: Provide pamphlets, fliers, and referral lists for area service providers, educational institutions, and non-profit organizations.

Action 6: Provide patrons with referral information regarding services, collections, and programs of area libraries

Action 6: Designate area for workforce development information

Goal 2: Provide timely access to high quality print and non-print materials that will meet the varying needs, interests, and format preferences of the Library's diverse patrons and community

Objective A: Provide organized access to collections in a variety of print and non-print formats

Action 1: Continually re-evaluate the Library facility floor plan and make changes for ease of access

Action 2: Undergo an extensive shelf reading, weeding, and inventory process

Action 3: Streamline circulation and financial procedures through upgraded programs

Action 4: Provide intentional and thoughtful print collections that support informational, educational, and recreational goals of our patrons

Action 5: Provide materials in a variety of audio, print, and media formats to meet the various learning needs

Action 6: Increase the Library's collection of current materials such as Large Print Titles, Audiobooks, and e-readers that provide increase access for patrons with disabilities

Action 7: Investigate and purchase items that represent the diverse nature of our community

Action 8: Upgrade and promote the Library's methods for patrons to access the catalog, check out materials on their own, etc.

Action 9: Encourage use of the contactless drive through

Objective B: Provide access to information and materials in electronic formats

Action 1: Constantly research current and upcoming information trends to identify electronic resources

Action 2: Provide multiple platforms for electronic and downloadable resources

Action 3: Provide staff-initiated assistance and programs regarding digital collections that can be accessed immediately

Action 5: Identify and publicize online services specifically designed to support early education, homework assistance, and homeschool assistance

Action 6: Identify and publicize online resources specifically designed for English Language Learners, GED students, and Language learners

Action 7: Identify and publicize online resources for workforce development

Objective C: Investigate and implement “Library of Things” collections

Action 1: Provide circulating collection of baking materials

Action 2: Provide circulating collection of age appropriate educational toys, games, and exploration items

Action 3: Work with Parks and Recreation Department to provide circulating collection of outdoor recreational items

Action 4: Investigate the circulation of items designed to help patrons improve their homes and/or gardens

Goal 3: Provide excellent Library services and programs to meet lifelong learning needs of patrons

Objective A: Provide programming and services for adults, children, and teenagers

Action 1: Re-evaluate program schedules to determine which programs should be presented and the most convenient times for our patrons

Action 2: Provide literacy related programs for adults, children, and teenagers.

Action 3: Provide in-person and virtual programming specifically designed for workforce development

Action 4: Provide a variety of appointment and come-and-go programs both in-person and through our virtual platforms.

Action 5: Infuse programs with a mixture of highly researched education and whimsy

Action 6: Provide programs and services that encourage wellbeing, health, safety, and security

Objective B: Provide reference and reader's advisory assistance to patrons

Action 1: Provide booklists on the Library's website, in person, through social media,
And through the automation system

Action 2: Actively listen to patrons in order to provide accurate reader's advisory and
reference assistance

Action 3: Update the Virtual Library's reader's advisory resources

Action 4: Constantly train staff regarding new online reference sources

Action 5: Provide online reference resources such as databases, tutorials, and dictionaries for 24/7
access

*Objective C: Cooperate with other Libraries, TSL, and Central Texas Library System, and local organizations
to provide patrons with services and materials*

Action 1: Identify local organizations that can lend their talents and funds for innovative programming

Action 2: Work with area libraries and educational institutions to promote a community of readers

Action 3: Use area resources to provide experts on services for patrons

Action 4: Utilize talents and knowledge of other City Departments; work with those departments to
provide cooperative programming

Objective D: Provide resources and services to encourage economic development and financial literacy

Action 1: Work with Chamber of Commerce to determine needs of local business owners

Action 2: Provide workshops and outreaches to market the numerous training and economic
development resources available in the Library and on the Virtual Library

Action 3: Work with area educational institutions and business organizations to provide vocational and
economic development guidance

Objective E: Provide resources and services to encourage workforce development

Action 1: Investigate workforce development resources both in and outside our community

Action 2: Update the Virtual Library with workforce development websites

Action 3: Provide assistance to patrons seeking to enter or re-enter the workforce, to work from home, and/or to investigate career changes through information referral and materials regarding resumes, interviewing, etc.

Action 4: Highlight virtual 24/7 access to specific resources for workforce development

Action 5: Utilize an informational board to provide workforce development information

Action 6: Provide one-on-one or small group classes regarding subjects such as resume writing, computer use, etc.

Action 7: Provide job skills and resume building through volunteer program

Goal 4: Provide the community with secure, inviting, and accessible destination appropriate for continuous learning, social opportunities, relaxation, and recreation

Objective 1: Provide comfortable seating for a variety of educational and recreational uses

Action 1: Evaluate current seating and add seating to meet the comfort levels of our patrons regardless of size, weight, stress levels, and social needs

Action 2: Provide seating near electrical outlets

Action 3: Provide variety of areas with varying degrees of privacy for study and wellbeing

Action 4: Provide additional group work, social areas, and study rooms in the facility

Objective 2: Undertake an accessibility study to determine how to improve the Library facility's inclusivity

Action 1: Use diverse staff and volunteers to provide valuable information regarding Library accessibility for all.

Action 2: Survey the Library facility to determine accessibility as determined by the Americans with Disability Act and to identify potential hazards

Action 3: Provide a variety of seating and tables to meet the needs of varying ages and body types

Action 6: Continue to implement improvements to public access and catalog computers

Action 6: Design programs, services, and collections to be utilized and accessed by patrons of differing abilities

Objective 4: Re-evaluate and re-institute "Family Place" concepts

Action 1: Re-open the Friends and Family Learning Center with innovative and educational items that encourage family interaction

Action 2: Provide new and effective parenting and family counseling materials in the Friends and

Family Learning Center

Action 3: Re-open and utilize the Tina Isdale Family Reading Corner

Action 4: Return family – friendliness into other areas of the Library facility

Objective 5: Provide outdoor spaces for varied individual and group education and to encourage nature as a source of comfort, healing, and education

Action 1: Improve the outdoor garden to be used as a place for experiencing nature, teaching gardening concepts, and enjoying storytimes

Action 2: Encourage use of the Library’s walk by providing programming and health information

Action 3: Continue to utilize StoryWalks in area parks and around the Library Walkway

Action 4: Continue to provide outreach and programming in area parks, at outdoor events, etc.

Goal 5: Develop a working environment that encourages professional growth, teamwork, and creativity in Library staff members, volunteers, and other departments in the City of Harker Heights

Objective A: Provide Library staff and scheduling to meet demands for assistance

Objective B: Assign appropriate personnel to focus teams for technology, online platforms, programming, social media, etc.

Objective C: Support staff attendance at conferences, seminars, continuing education training, community involvement, and meetings both in-person and virtually

Action 1: Provide yearly review of training needs for each employee

Action 2: Investigate online webinars and training opportunities for all employees.

Action 3: Encourage staff seek training sessions and virtual workshops

Objective D: Improve the volunteer program that will enhance the services and programs of the Library and support the Library staff

Action 1: Provide periodic volunteer meetings.

Action 2: Provide for volunteers meaningful projects that can be completed in a realistic amount of time.

Action 3: Utilize volunteers’ skills in researching social media and electronic resources.

Action 4: Provide teen volunteer resumes.

Action 5: Choose reliable volunteers to periodically train in shelving, shelf reading, and fronting.

Action 6: Work with groups to provide programming and service support.

Objective E: Update technology plan



City Council Memorandum

FROM: The Office of the City Manager

DATE: June 28, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN AMENDMENT TO §155.0221 R1-I (SINGLE FAMILY INFILL DWELLING DISTRICT) OF THE HARKER HEIGHTS CODE OF ORDINANCES TO ALLOW FOR INCENTIVES; PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

On October 11, 2016, the City of Harker Heights adopted the R1-I zoning district to encourage the infill development of the smaller single-family lots in the older parts of the City. Then on October 10, 2017, the City adopted an extension to the incentive package in order to refund fees associated with the development of this zoning district until September 30, 2018.

The key components of this zoning district include the reduction of the lot size from 8,400 square feet to 3,500 square feet, a 30 feet minimum lot width at the front street building line, a minimum 10 foot separation between residences, and a geographic constraint for the district which limits its area to the older portions of the city.

ANALYSIS

During the first year of adoption, there were three projects that received R1-I incentives for a total of \$3,620.50. During the second year there were no projects that received incentives. There are currently several vacant lots scattered among existing structures in the geographic constrained area for the R1-I district.

As proposed, the ordinance amendment would allow for incentives for those R1-I parcels. This is intended to promote orderly and proper development of single-family detached residences and related accessory structures on smaller lots, and to provide single-family development at urban densities in locations served by public utilities and roadways.

RECOMMENDATION:

Staff recommends the following amendment to §155.0221 R1-I (Single Family Infill Dwelling District):

§ 155.0221(M) Zoning Incentives.

- (1) The Director of Planning and Development is authorized to refund the city’s standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is approved or approved with

conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

ACTION BY THE COUNCIL:

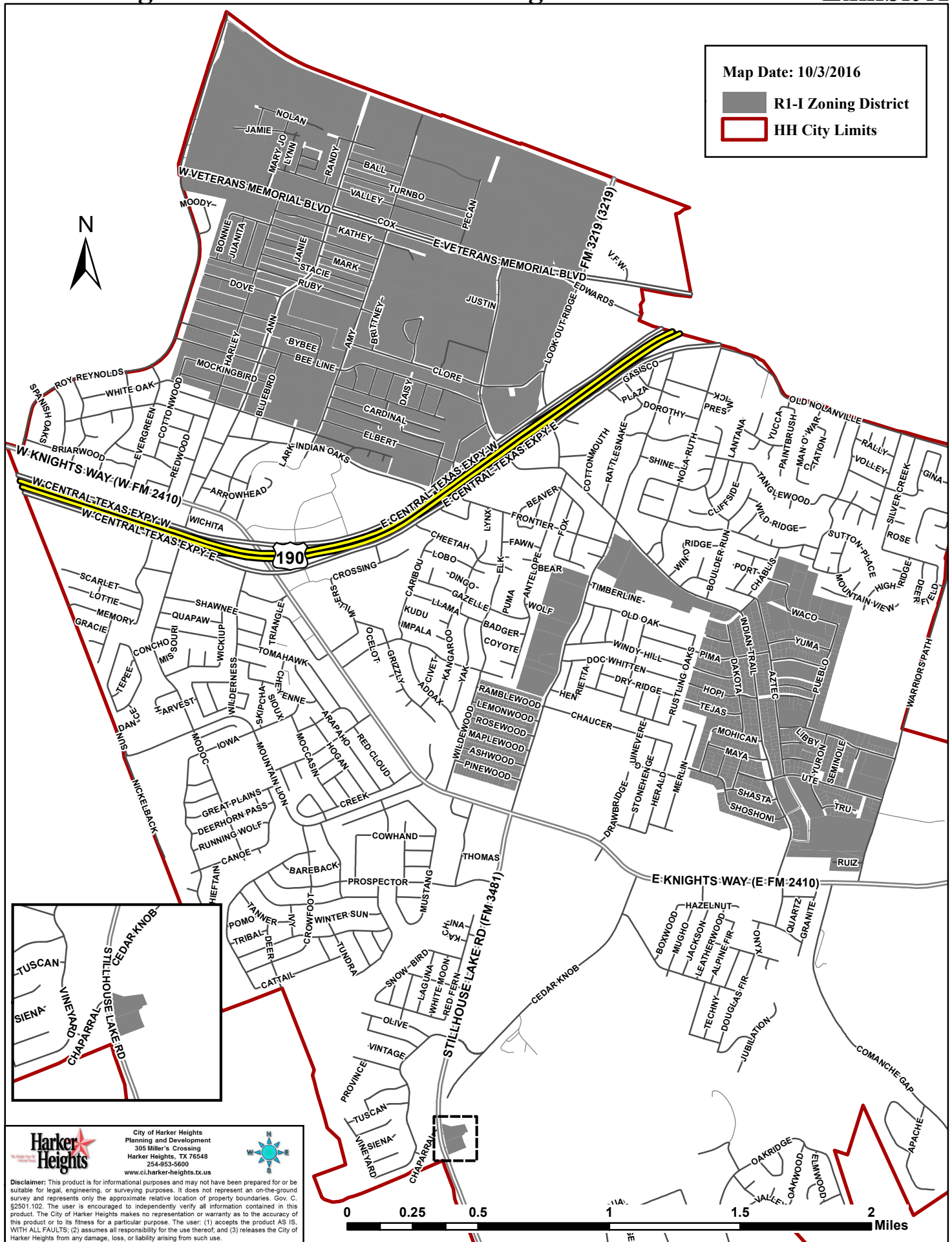
1. Motion to Approve/Disapprove an amendment to §155.0221 R1-I (Single Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for incentives based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

[01-R1-I - Exhibit A](#)

[02 ProposedOrdinance-R1I-062822](#)

[03-StrikeThruOrdinance-R1I-062822](#)



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.ci.harker-heights.tx.us

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ORDINANCE NO. 2022

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING §155.0221 R1-I (SINGLE FAMILY INFILL DWELLING DISTRICT) OF THE CODE OF ORDINANCES TO ALLOW FOR INCENTIVES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that the purpose of the R1-I (Single Family Infill Dwelling District) is to promote orderly and proper development of single-family detached residences and related accessory structures on smaller lots, and to provide single-family development at urban densities in locations served by public utilities and roadways; and

WHEREAS, the R1-I District is appropriate for replacing aging manufactured housing and for redeveloping areas of the City with numerous vacant lots scattered among existing structures, and is intended to provide for infill development in these areas; and

WHEREAS, the Council finds that it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

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

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

SECTION 1: The 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: §155.0221(M) Zoning Incentives of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 155.0221(M) Zoning Incentives.

(1) The Director of Planning and Development is authorized to refund the city’s standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

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

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

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

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on **June 28, 2022.**

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Ursula Paddie, Assistant City Secretary

§ 155.0221 R1-I SINGLE-FAMILY INFILL DWELLING DISTRICT.

(A) Location requirements. The R1-I Single-Family Infill Dwelling District shall be restricted to specific geographic locations as designated in the map attached hereto as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(B) Permitted uses. Any use permitted by right in the R-I District, if it meets required standards.

(C) Conditional uses. Any conditional use permitted in the R-I District, if it meets required standards.

(D) Height regulations. The main residence building may not exceed the lesser of three stories or 40 feet in height.

(E) Design regulations.

(1) Materials and appearance. Building facade must be of masonry or other cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interests to the area. Windows must be configured to break the line of sight between adjacent residences.

(2) Fences. No masonry fences will be permitted between units that are less than 12 feet apart as measured from wall to wall. All front facing fences when located between units less than 12 feet apart must have a minimum three foot wide gate.

(3) Spacing. If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.

(F) Area regulations.

(1) Front yard. There shall be a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) Side yard. The minimum side yard setback for any corner lot shall be ten feet. Other residences may be located such that one of the side yards will be zero; that is, the building may be constructed on the property line, provided that:

(a) A five foot wide maintenance easement, shown on an approved subdivision plat, shall be provided across the full depth of the adjacent lot abutting the wall on the property line; and

(b) There is required a minimum ten foot separation between neighboring residences.

(3) Rear yard. There shall be a rear yard having a depth of not less than ten feet.

(G) Intensity of use.

(1) Lot area. No building shall be constructed on any lot less than 3,500 square feet in area.

(2) Lot width. The minimum width of the lot shall be not less than 30 feet at the front street building line.

(H) Additional requirements. Additional use, height, and area regulations and exceptions are found in § 155.040.

(I) Parking regulations. As per §§ 155.061 through 155.068.

(J) Landscaping. All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the Director of Planning and Development, to control dust, erosion and sediment upon final inspections. In addition, a minimum of one six-foot-tall tree, measuring three inches or more in caliper (diameter) when measured 12 inches from the base of the trunk and 16 three-gallon shrubs, are required in the front yard.

(K) Storage. Open storage is prohibited except for materials for the resident's use, such as firewood, gardening materials, and similar materials.

(L) Accessory structures. The following accessory structures are permitted:

(1) Any accessory structure permitted in the R-1 District;

(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

(3) One garage apartment will be allowed on site provided that it is above a detached garage and served by a paved driveway. The apartment may be taller than the primary residence, but may not exceed the lesser of 35 feet or two and one half stories in height. The structure may not exceed a gross floor area of 850 total square feet, or 550 square feet on the second floor, if any.

(M) Zoning incentives.

(1) The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is unconditionally approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and; not later than September 30, 2018~~2023~~.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)



City Council Memorandum

FROM: The Office of the City Manager

DATE: June 28, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN AMENDMENT TO §155.0231 R2-I (TWO FAMILY INFILL DWELLING DISTRICT) OF THE HARKER HEIGHTS CODE OF ORDINANCES TO ALLOW FOR INCENTIVES; PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

On October 10, 2017, the City of Harker Heights adopted the R2-I zoning district to encourage the infill development of the smaller single-family lots in the older parts of the City. The key components of this zoning district include the reduction of the lot size from 8,400 square feet to 6,000 square feet, a 30 feet minimum lot width at the front street building line, a minimum 12 foot separation between residences, and a geographic constraint for the district which limits its area to the older portions of the city.

ANALYSIS

During the first year of adoption, there were two projects that received a total of \$2,322 in R2-I incentives. There are currently several vacant lots scattered among existing structures in the geographic constrained area for the R2-I district.

As proposed, the ordinance amendment would allow for incentives for those R2-I parcels. This is intended to promote orderly and proper development of two-family residences and related accessory structures on smaller lots, and to provide two-family development at urban densities in locations served by public utilities and roadways.

RECOMMENDATION:

Staff recommends the following amendment to §155.0231 R2-I (Two Family Infill Dwelling District):

§ 155.0231(N) Zoning Incentives.

(1) The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R2-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

ACTION BY THE COUNCIL:

1. Motion to Approve/Disapprove an amendment to §155.0231 R2-I (Two Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for incentives based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

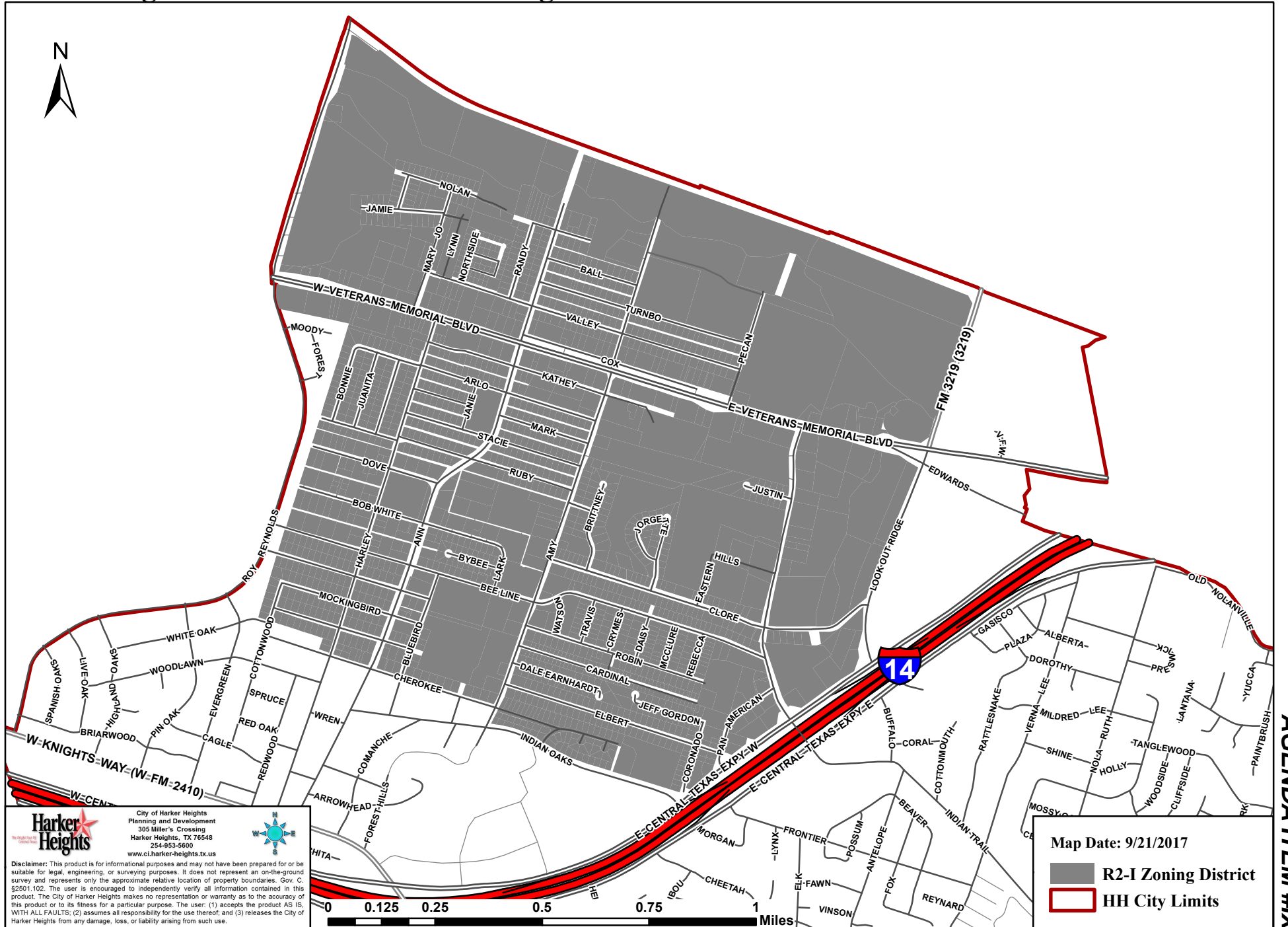
[01-R2I EXHIBIT A](#)

[02 ProposedOrdinance-R2I-062822](#)

[03-StrikeThruOrdinance-R2I-062822](#)

R2- I Designated Locations for Rezoning

Exhibit A



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-893-5600
 www.ci.harker-heights.tx.us

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ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING §155.0231 R2-I (TWO FAMILY INFILL DWELLING DISTRICT) OF THE CODE OF ORDINANCES TO ALLOW FOR INCENTIVES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that the purpose of the R2-I (Two Family Infill Dwelling District) is to promote orderly and proper development of two-family residences and related accessory structures on smaller lots, and to provide two-family development at urban densities in locations served by public utilities and roadways; and

WHEREAS, the R2-I District is appropriate for replacing aging manufactured housing and for redeveloping areas of the City with numerous vacant lots scattered among existing structures, and is intended to provide for infill development in these areas; and

WHEREAS, the Council finds that it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

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

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

SECTION 1: The 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: §155.0231(N) Zoning Incentives of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 155.0231(N) Zoning Incentives.

(1) The Director of Planning and Development is authorized to refund the city’s standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R2-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

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

SECTION 4: All regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of official duties, shall not thereby become

personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

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

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on **June 28, 2022.**

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

§ 155.0231 R2-I TWO-FAMILY INFILL DWELLING DISTRICT.

(A) Purpose. To establish and preserve areas of low-medium intensity land use primarily devoted to moderate density residential development.

(B) Location requirements. The R2-I (Two-Family Infill Dwelling District) shall be restricted to specific geographic locations as designated in the map attached to Ordinance 2017-28 as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(C) Permitted uses. Any use permitted by right in the R-2 District, if it meets required standards.

(D) Conditional uses. Any conditional use permitted in the R-2 District, if it meets required standards.

(E) Height regulations. No building shall exceed three stories or 40 feet in height.

(F) Design regulations.

(1) Materials and appearance. Building facade must be of masonry or cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interest to the area. R2-I buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Windows must be configured to break the line of sight between adjacent residences and shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(2) Fences. All fences shall provide a finished face to abutting streets.

(3) Spacing. If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.

(G) Area regulations.

(1) Front yard. There shall be a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) Side yard. The minimum side yard setback for any corner lot shall be ten feet. Other residences may be located such that one of the side yard will be zero; that is, the building may be constructed on the property line, provided that:

(a) A five foot wide maintenance easement, shown on an approved subdivision plat, shall be provided across the full depth of the adjacent lot abutting the wall on the property line; and

(b) There is a required minimum 12 foot separation between neighboring residences.

(3) Rear yard. There shall be a rear yard having a depth of not less than ten feet.

(H) Intensity of use.

(1) The minimum lot area shall be 6,000 square feet.

(2) The minimum width of the lot shall be not less than 30 feet at the front street building line.

(I) Additional requirements. Additional use, height, and area regulations and exceptions are found in § 155.040.

(J) Parking regulations. As per §§ 155.061 through 155.068.

(K) Landscaping. All R2-I lots shall have vegetative groundcover of sufficient quality and quantity, or other city- approved groundcover, to control dust, erosion and sediment upon final inspection. In addition, a minimum of two six-foot tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three- gallon shrubs are required in the front yard.

(L) Storage. Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials.

(M) Accessory structures. Any accessory structure permitted in the R-2 District is allowed. Detached garages do not count against the number of accessory structures permitted, provided they are behind the rear facade of the main residence building, are set back ten feet from the rear property line, and comply with R2-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

(N) Zoning incentives.

(1) The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned (platted or zoned to meet R2-I requirements) R2-I, provided that such zoning, platting or permitting is unconditionally approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and, not later than September 30, 20182023.

(Ord. 2017-28, passed 10-10-17; Am. Ord. 2020-09, passed 4-14-20)



City Council Memorandum

FROM: The Office of the City Manager

DATE: June 28, 2022

DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FOR THE HARKER HEIGHTS CHAMBER OF COMMERCE MUSIC FRIENDLY EVENT SCHEDULED FOR JULY 22, 2022, AT THE CARL LEVIN PARK AMPHITHEATER, AND TAKE THE APPROPRIATE ACTION. (PARKS AND RECREATION DIRECTOR)

EXPLANATION:

The Harker Heights Chamber of Commerce is requesting alcohol services for their Harker Heights Music Friendly event at the Carl Levin Park Amphitheater on July 22, 2022, from 6:00p.m. to 8:00p.m. Local wine and beer vendors will be present to sell alcoholic beverages.

RECOMMENDATION:

None.

ACTION BY THE COUNCIL:

Motion to approve/disapprove a request for alcohol services for the Harker Heights Chamber of Commerce Music Friendly event at the Carl Levin Park Amphitheater for July 22, 2022.

ATTACHMENTS:

[7.22.22 Chamber Request](#)

CITY OF HARKER HEIGHTS PARKS & RECREATION
REQUEST FOR ALCOHOL SERVICES

I, Gina Pence, representative agent of the following business or organization:

Harker Heights Chamber, request the presence of alcohol at the following function:

Name of Event: HH Music Friendly Cerification

Date & Time: July 22nd 2022 6:00 - 8:00 pm

Purpose of Event:

The HH Chamber will be working with the office of the governor to become a music friendly community.

Types of alcohol being served: Beer & Wine

Are the beverages for sale or free? Sale Free Tips only

Who will be serving the drinks? TABC Certified Servers

Will there be children/adults under the age of 21 present? Yes No

I understand that the City of Harker Heights does not hold a Mixed Beverage Permit from the Texas Alcohol Beverage Commission (TABC), and all permits and licensing required by law are my own responsibility. I also agree that I am responsible for ensuring strict compliance with all TABC rules and regulations pertaining to the Event. I further understand that failure to comply with these obligations may result in the loss of future Parks & Recreation rental privileges, and other penalties.

INDEMNIFICATION

I agree to hold harmless and relieve and discharge the City of Harker Heights, its officers, employees, agents, volunteers, contractors, representatives and insurers ("Released Parties") from any and all liability for loss, injury, or damages to any person or persons for personal injuries or death of any person or persons, or loss or damage to any property occasioned by or sustained by reason of the occupancy and use of the Center and the facilities thereof without regard to the cause of such loss, or **WHETHER THE LOSS WAS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE RELEASED PARTIES**. I further expressly covenant and agree to protect, defend, indemnify, and hold harmless the Released Parties from all claims based upon alleged joint and/or concurrent negligence of the Released Parties, myself, and any person for whom I am responsible, arising out of or incident to the Event. I agree that in case any of the Released Parties shall be made a party to any litigation commenced by or against me or relating to the Event, then I shall pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon any of the Released Parties by virtue of any such litigation.

AUTHORIZED AGENT: The signer of this Request hereby represents and warrants that he or she has full authority to execute this form on behalf of the business or organization named above, if any.

IN WITNESS WHEREOF, we have affixed our signature, this 14 day of June, 2022

Contact: Gina Pence

Address: 552 E Fm 2410

Suite B

Telephone: 254-699-4999

Email: Gina@HHchamber

By: [Signature]
Signature of Authorized Agent

By: _____
Director/ or designee

CITY OF HARKER HEIGHTS

Parks & Recreation

For Official Use Only

Date presented to City Council: _____

Approved by City Council:

Declined by City Council: