



May 12, 2020

5:00 P.M.

CITY COUNCIL

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, May 12, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

Mayor
Spencer H. Smith

Mayor Protem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
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. Proclaim May 2020 as "Older Americans Month".
2. Proclaim May 10 – 16, 2020 as "National Police Week".
3. Proclaim May 2020 as "Building Safety Month".

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on April 28, 2020 and take the appropriate action.

VI. Presentations by Citizens:

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

VII. Public Hearings:

1. Conduct a public hearing to discuss and consider approval of an Ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 Zoning District on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a Replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Conduct a public hearing to discuss and consider approving of an Ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the Plat Thereof of Record in Plat Book A, Slide 43-D, Plat Records of Bell County, Texas, and containing 8.02 Acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance amending the BYOB Business Regulation Ordinance 2020-10, Section 125.29 of the Harker Heights Code of Ordinances to modify the insurance requirements within Chapter 125 of the Harker Heights Code of Ordinances and take the appropriate action. (Planning and Development Director)

VIII. Old Business:

IX. New Business:

1. Discuss and consider a request for Preliminary and Final Plat approval for the proposed Curry Niche, on property described as 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Records of Real Property of Bell County, Texas, generally located at 1703 Pueblo Trace, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a Resolution of the City of Harker Heights, Texas, finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of Legal Counsel and Consulting Services; finding that the City's Reasonable Rate Case Expenses shall be reimbursed by the Company; 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, and take the appropriate action. (Assistant Finance Director)

3. Discuss and consider approving a Resolution granting a waiver of Permitting fees in the amount of \$35.00 for Residential Homes with On-Site Sewage Facilities (OSSF's) and unapproved Irrigation Backflow Prevention Assemblies, located within the geographical area depicted in Exhibit "A", and take the appropriate action. (Public Works Director)
4. Discuss and consider approving an adjustment to the City of Harker Heights Council Calendar to immediately reinstate Council Workshop Meetings and take the appropriate action. (City Secretary)
- X. Reports of Advisory Boards & Commissions:**
- XI. Items from Council:**
- XII. Staff Reports:**
 1. Receive and discuss the FY 2019-2020 Second Quarter Investment Report. (Assistant Finance Director)
 2. Receive and discuss the City Manager's Report. (City Manager)
- XIII. Announcements:**
- XIV. Adjournment:**

At 5:00 p.m. on Friday the 8th day of May 2020, an original copy of this notice was posted at the Harker Heights Municipal Building.



Juliette Helsham
City Secretary

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 309-2073 and use Access Code: 678-609-997.

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. Agenda packet and recording of the telephonic meeting will posted on the City of Harker Heights website at www.ci.harker-heights.tx.us.

"Assistive listening devices are available upon request for those with hearing impairments. Please contact the City Secretary 48 hours prior to meeting."

"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."

Proclamation



Whereas, the City of Harker Heights includes a growing number of older Americans who make countless contributions to our community every day; and

Whereas, the City of Harker Heights is stronger when people of all ages, abilities, and backgrounds are included and encouraged to make their mark; and

Whereas, the City of Harker Heights recognizes the importance of the physical, mental, social, and emotional well-being of its citizens; and

Whereas, the City of Harker Heights can support our community members by:

- promoting independence, inclusion, and participation; and
- engaging older adults through education, recreation, and service; and
- connecting people with opportunities to share their time, experience, and talents.

Now, therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights do hereby proclaim May 2020 to be

“Older Americans Month”

in the City of Harker Heights and urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

In Witness Whereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, this 12th Day of May, 2020.

Spencer H. Smith, Mayor
City of Harker Heights



Proclamation

Whereas, The Congress of the United States has designated May 15th as “Police Memorial Day”, to honor our law enforcement officers, who have lost their lives in the line of duty; and

Whereas, Our law enforcement officers are guardians of life and property, defenders of the individual right to be free, warriors in the war against crime, dedicated to the preservation of life, liberty and the pursuit of happiness; and

Whereas, The City of Harker Heights honors the valor, service and dedication of all law enforcement officers, living and deceased; and

Whereas, The City of Harker Heights has lost two of its own officers in the line of duty, namely Carl I. Levin and Andrew Rameas.

Now Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, do hereby proclaim May 10 - 16, 2020 to be

“National Police Week”

and urge our citizens to pause to remember and honor the memory of our lost officers and to emulate their dedication to duty and honor in our own lives.

In Witness Whereof, I have signed this proclamation and have affixed the seal of the City of Harker Heights, this 12th day of May 2020.

Spencer H. Smith, Mayor



Proclamation

Building Safety Month — May 2020

Whereas, Harker Heights is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

Whereas, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

Whereas, "Safer Buildings, Safer Communities, Safer World," the theme for Building Safety Month 2020, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2020 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses.

NOW, THEREFORE, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, do hereby proclaim the month of May 2020 as

"Building Safety Month".

Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

In Witness Whereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, this 12th Day of May 2020.

Spencer H. Smith
Mayor

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, April 28, 2020 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
	John Reider	Councilmember Place 4
	Jody Nicholas	Councilmember Place 5
	David Mitchell	City Manager
	Juliette Helsham	City Secretary

Consent Items:

1. Council discussed and considered approving the minutes of the meeting held on April 14, 2020. Reider made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 5-0.

Presentations by Citizens:

1. Council received a presentation by Thomas Briganti, 1704 Martin Luther King Jr. Blvd., Lot #200, Killeen, Texas, 76542, regarding Food Truck regulations. Mayor Pro-tem Blomquist requested staff to place the matter on a future agenda. No further action taken.
2. Mayor Smith read a written comment submitted by Tamara Lam, 3705 Oakridge Blvd., Harker Heights, Texas 76548, regarding updating the City of Harker Heights Website regarding recycling. Mayor Smith stated that City staff has already addressed the issue. No action taken.

Public Hearings:

1. Council conducted a public hearing to discuss and consider approving an Ordinance amending Chapter 154 "Subdivisions", Section 154.36 (F), (3), *Fire Hydrants* of the City of Harker Heights, Texas, Code of Ordinances to correctly reference the Adopted Fire Code. Joseph Molis, Planning and Development Director made the presentation. Fountain made the motion to approve based upon staff's recommendation and findings. Seconded by Blomquist. All in favor. Motion approved 5-0.
2. Council conducted a public hearing to discuss and consider approving an Ordinance amending the BYOB Businesses Regulation Ordinance 2020-10, Section 125.09, (F), of the City of Harker Heights, Texas, to correct a clerical error which will standardize the appeals processes within Chapter 125 of the Harker Heights Code of Ordinances. Joseph Molis, Planning and Development Director made the presentation. Nicholas made the motion to approve based upon staff's recommendation and findings. Seconded by Reider. All in favor. Motion approved 5-0.

New Business:

1. Council discussed and considered approving a Resolution of the City of Harker Heights, Texas, declaring certain Engineering Firms to be pre-qualified to provide certain Professional Services to the City, subject to specified conditions. Mark Hyde, Public Works Director made the presentation. Reider made the motion to approve based upon staff's recommendation and findings. Seconded by Fountain. All in favor. Motion approved 5-0.

2. Discuss and consider approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through May 31, 2020. David Mitchell, City Manager, made the presentation. Blomquist made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.

Items from Council:

Councilmember Fountain reiterated that the City has done a really great job and she appreciates them everyday staying safe and making sure that our citizens are taken care of. Fountain thanked staff again.

Mayor Pro-tem Blomquist gave kudos to the Fire Department and the Police Department and that he noticed on Facebook citizens dropping off food items for all their hard work. Blomquist wanted to also highlight all the work that the Library has done in putting together activities online for citizens across Harker Heights and outside to pass the time and to make this more enjoyable for everyone.

Staff Reports:

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

Announcements:

Mayor Smith encouraged everyone to continue to support the City and the citizens as we go through this COVID-19. Smith stated that we still have a long way to go with it and he appreciated everybody within their circle of influence as far as helping out in this effort.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:42 p.m.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary

CITY COUNCIL MEMORANDUM

Z20-06

AGENDA ITEM #VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A FOUR (4) STORY HOTEL NOT TO EXCEED 60 FEET IN HEIGHT WITHIN A B-4 ZONING DISTRICT ON PROPERTY DESCRIBED AS A 2.200 ACRE TRACT OF LAND IN HARKER HEIGHTS, BELL COUNTY, TEXAS, BEING ALL OF LOT SEVEN (7), AND PART OF LOT THREE (3), BLOCK ONE (1), ACTG ADDITION, BEING A REPLAT OF LOT TWO (2), BLOCK ONE (1), UNION STATE BANK ADDITION, PHASE THREE AS RECORDED IN CABINET D, SLIDE 200-D, GENERALLY LOCATED BEHIND 335 E. KNIGHTS WAY, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The City of Harker Heights has received an application for a Conditional Use Permit for property located east of 335 E. Knights Way near the private drive between two fast-food establishments (Popeye's and Whataburger). The applicant is proposing to develop approximately 2.2 acres of vacant land to construct a Hampton Inn hotel. The applicant submitted all necessary and required building plans for staff's review on January 27, 2020. After staff's review of the submitted plans it was noted that the proposed building exceeds the height and number of stories allowed within the B-4 (Secondary and Highway Business District) district, 45 feet and 3 ½ stories respectively. Without a change in zoning to (B-5 which allows 75 feet in height or 6 stories) or a Conditional Use Permit (CUP) (to allow 4 stories), staff would be required to deny the permit because it violates the zoning district requirements in which it is located.

ANALYSIS:

The property is currently zoned B-4 (Secondary and Highway Business District) which allows for three and one-half stories or 45 feet in height (§155.030(C)). Plans submitted for a building permit identify the building to be four stories and reach 58.6 feet at its tallest point along the front elevation (see attachment 4). On February 27, 2020, the applicant and their representatives met with staff to discuss ways to address height regulations within their current zoning classification. Staff suggested a CUP to allow an exception to the height and number of stories. The conditions would be limited to a hotel use and a height regulation that no building shall exceed four stories or 60 feet in height. Staff believed that applying a CUP to the property to specifically address the height regulation would be the best solution for the applicant to continue development and mitigate the negative impacts of rezoning the property to B-5 (General Business District), which is the City's most intense commercial zoning classification. Staff believes that the intensity of uses allowed within the B-5 zoning district would not be harmonious with surrounding, less intense commercial uses or proximity to a public park and city municipal facilities.

PROPOSED CONDITION:

1. Allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district.

Surrounding Land Uses:

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Commercial	Commercial	B-4
South	Vacant/Municipal	Commercial	B-4
East	Commercial/Park	Commercial	B-4
West	Vacant	Commercial	B-4

The proposed use as a hotel complies with the future land use designation for the area and therefore does not conflict with the 2007 Comprehensive Plan. Use as hotel is listed as a permitted use within the B-3 (Local Business District) and is therefore permitted within the B-4 zoning district (§155.031 (A) (1)). Staff has not identified any critical issues with the potential use or conditional request that would negatively affect the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.

Flood Damage Prevention:

No part of this property lies within flood hazard areas.

Notices:

Staff sent out fourteen (14) notices to property owners within the 400-foot notification area. One (1) response was received in favor of the request and zero (0) responses were received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way Harker Heights, Bell County, Texas, with the aforementioned conditions, and based upon the staff's findings that:

1. A hotel is allowed by right within a B-4 zoning district.
2. Staff has not identified any critical issues with the potential use or conditional request that would negatively affect the health, safety or general welfare of the City and the safe, orderly, and healthful development of the City.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on April 29, 2020, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide

200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas, based upon staff's recommendations and findings.

ACTION BY THE CITY COUNCIL:

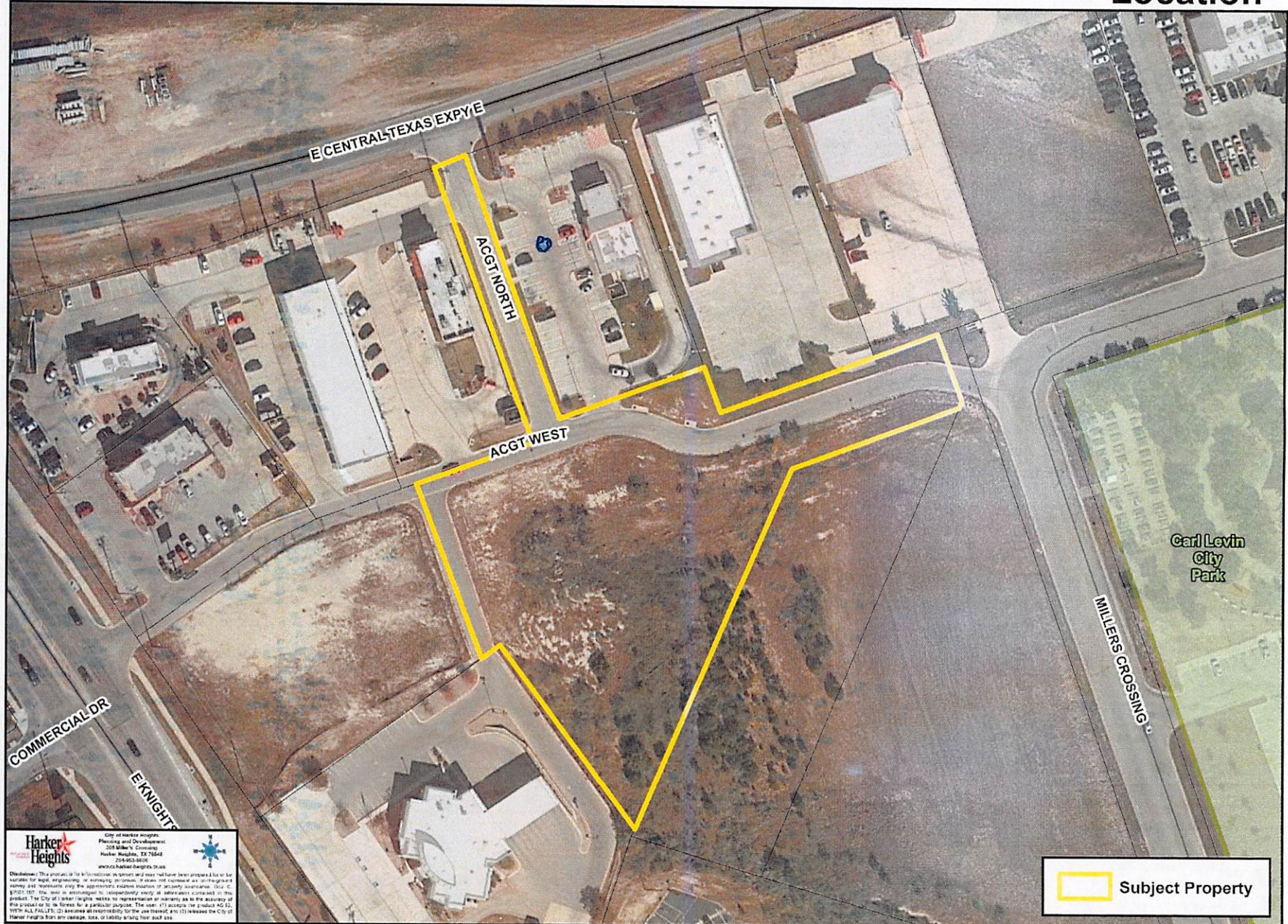
1. Motion to APPROVE/DENY an ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas, based upon Staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. PowerPoint Slides
2. Ordinance
3. Application
4. Letter of Intent
5. Site Plan
6. Building Plans – A1.06 Elevations
7. Location Map
8. Location/Site Plan Map
9. Existing Land Use Map
10. Zoning Map
11. Future Land Use Map
12. Notification Area Map
13. Citizen Responses

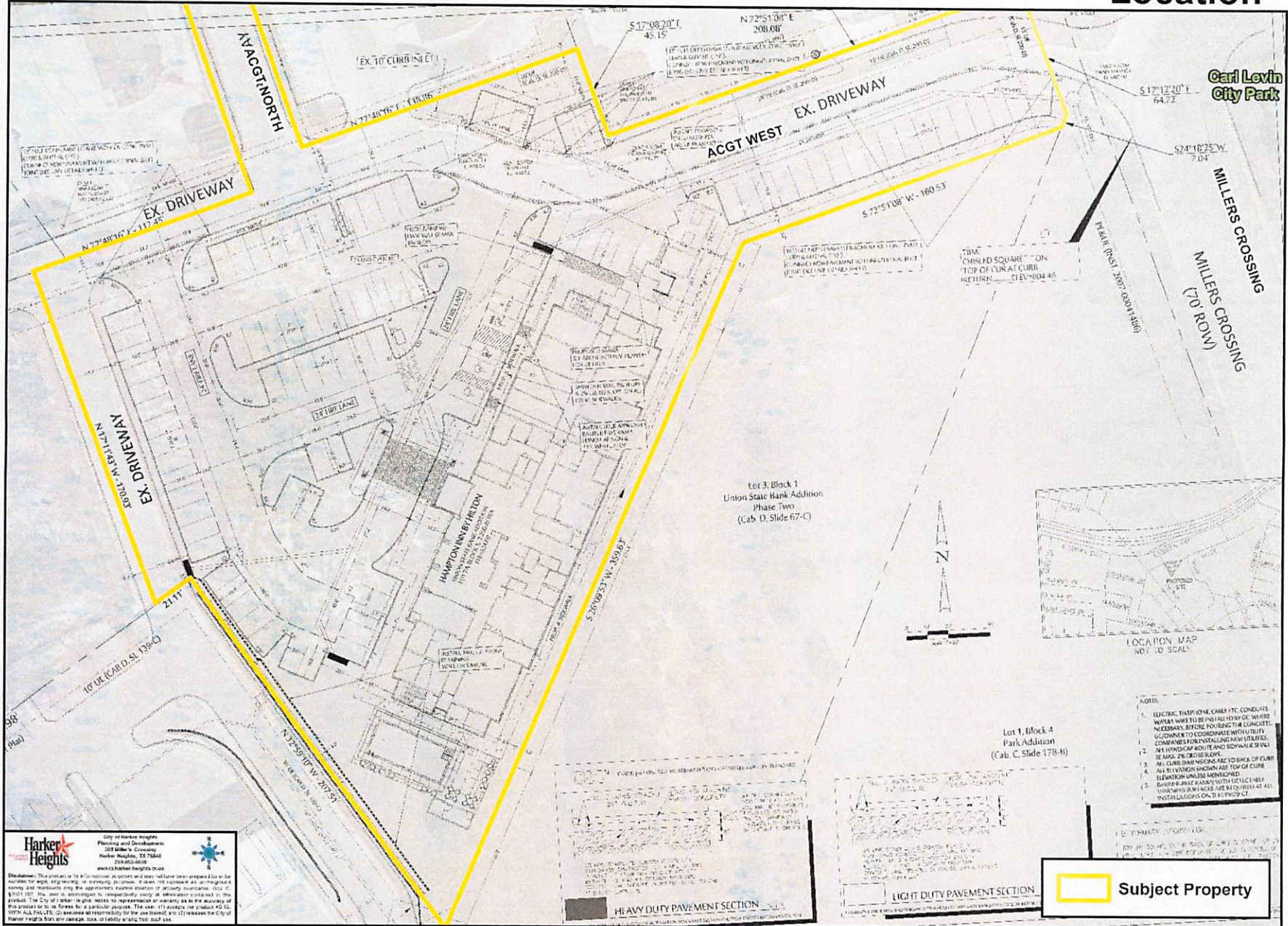
Z20-06

Location



Z20-06

Location



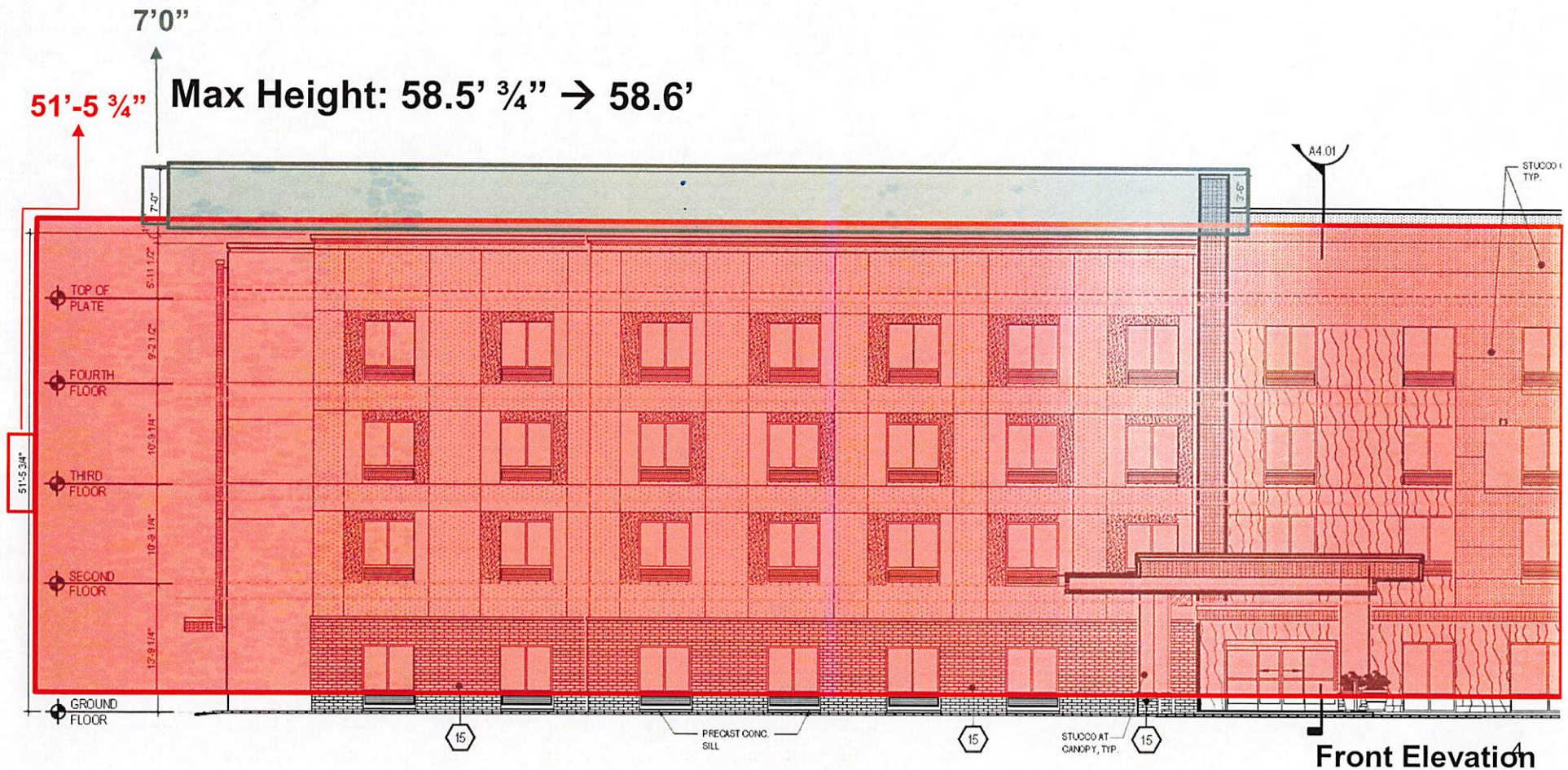


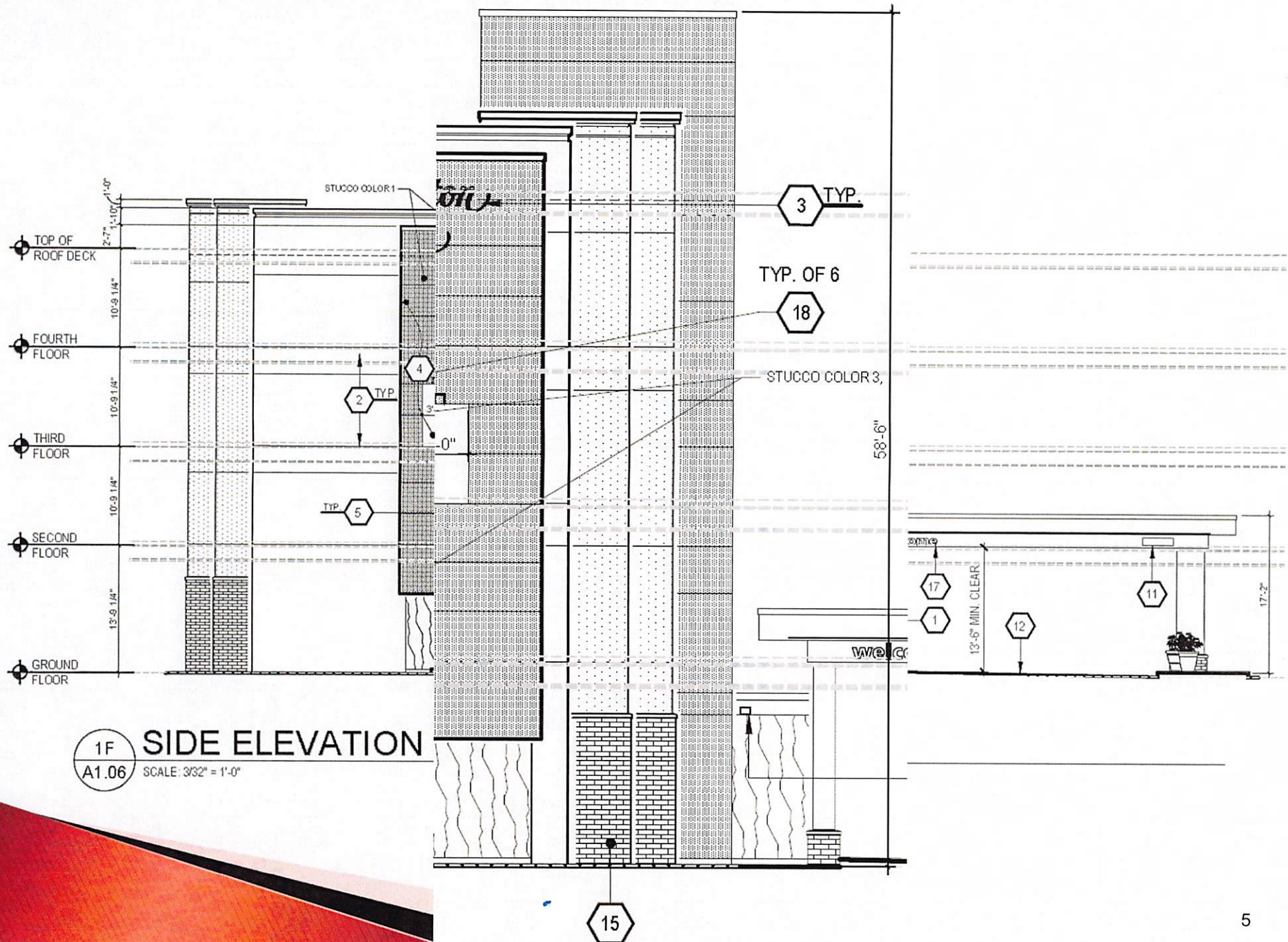
§155.031 B-4 Secondary and Highway Business District

(C) *Height Regulations.* No building shall exceed three and one-half stories or 45 feet in height.

Conditional Request

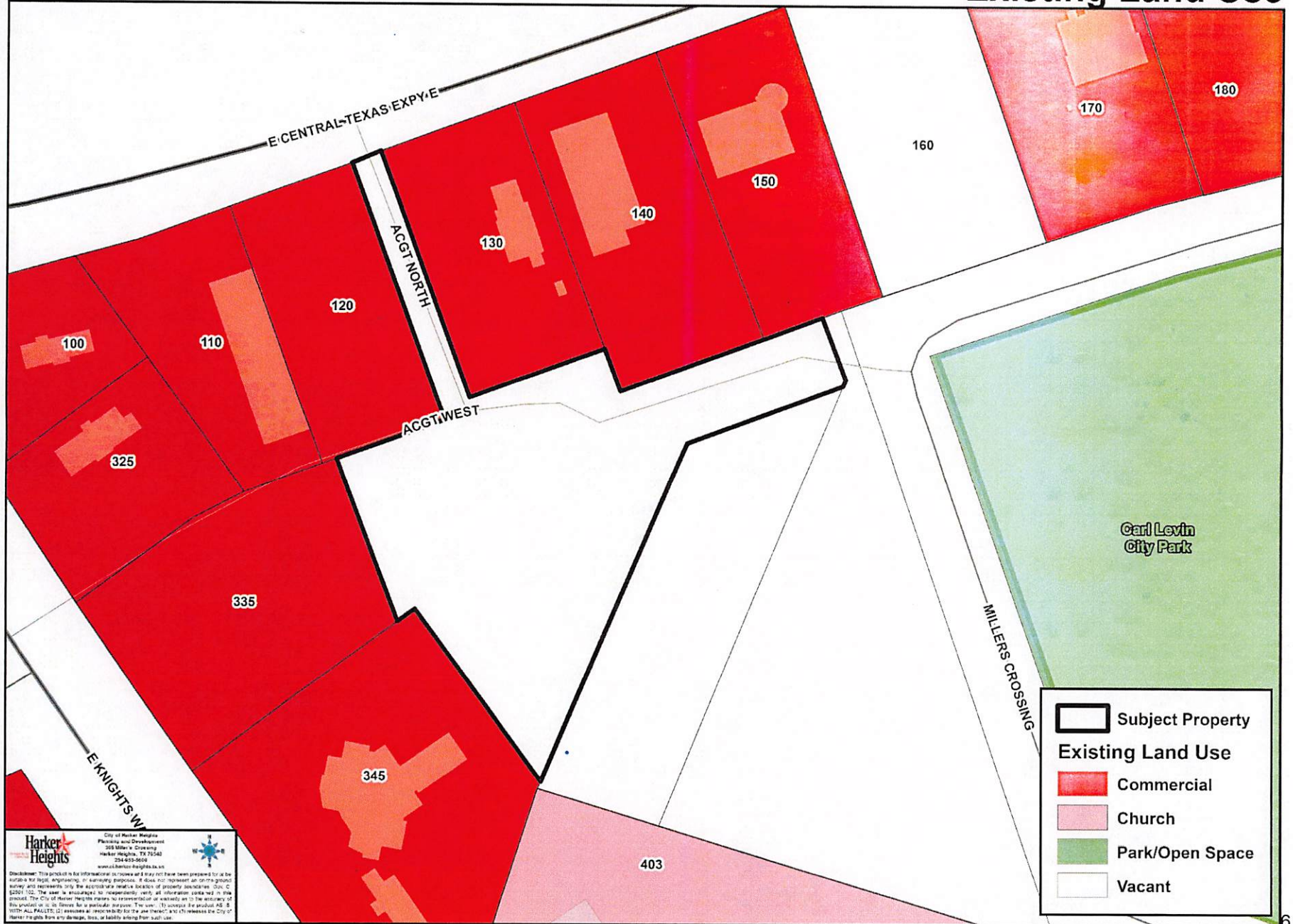
1. Allow for a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district.





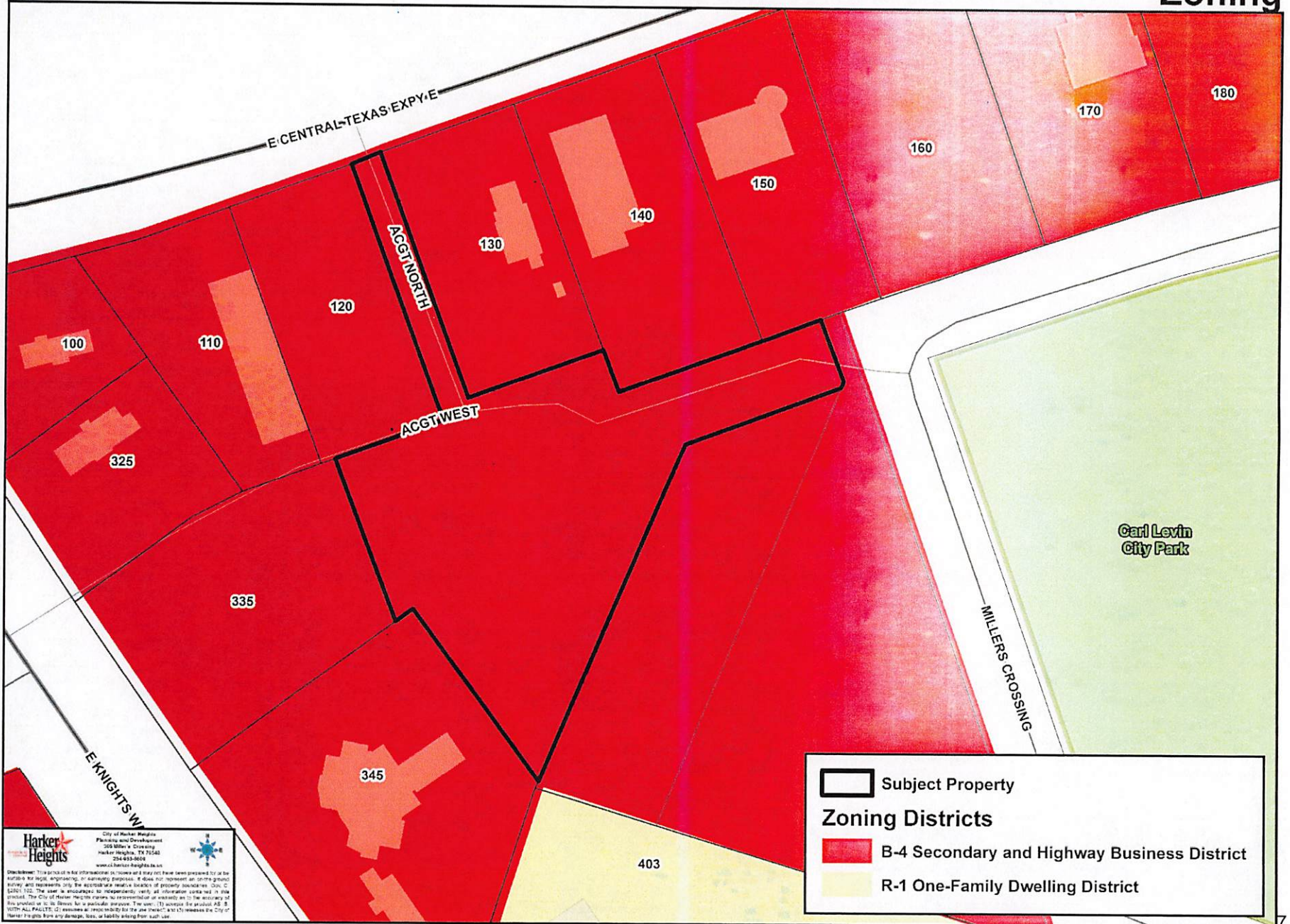
Z20-06

Existing Land Use



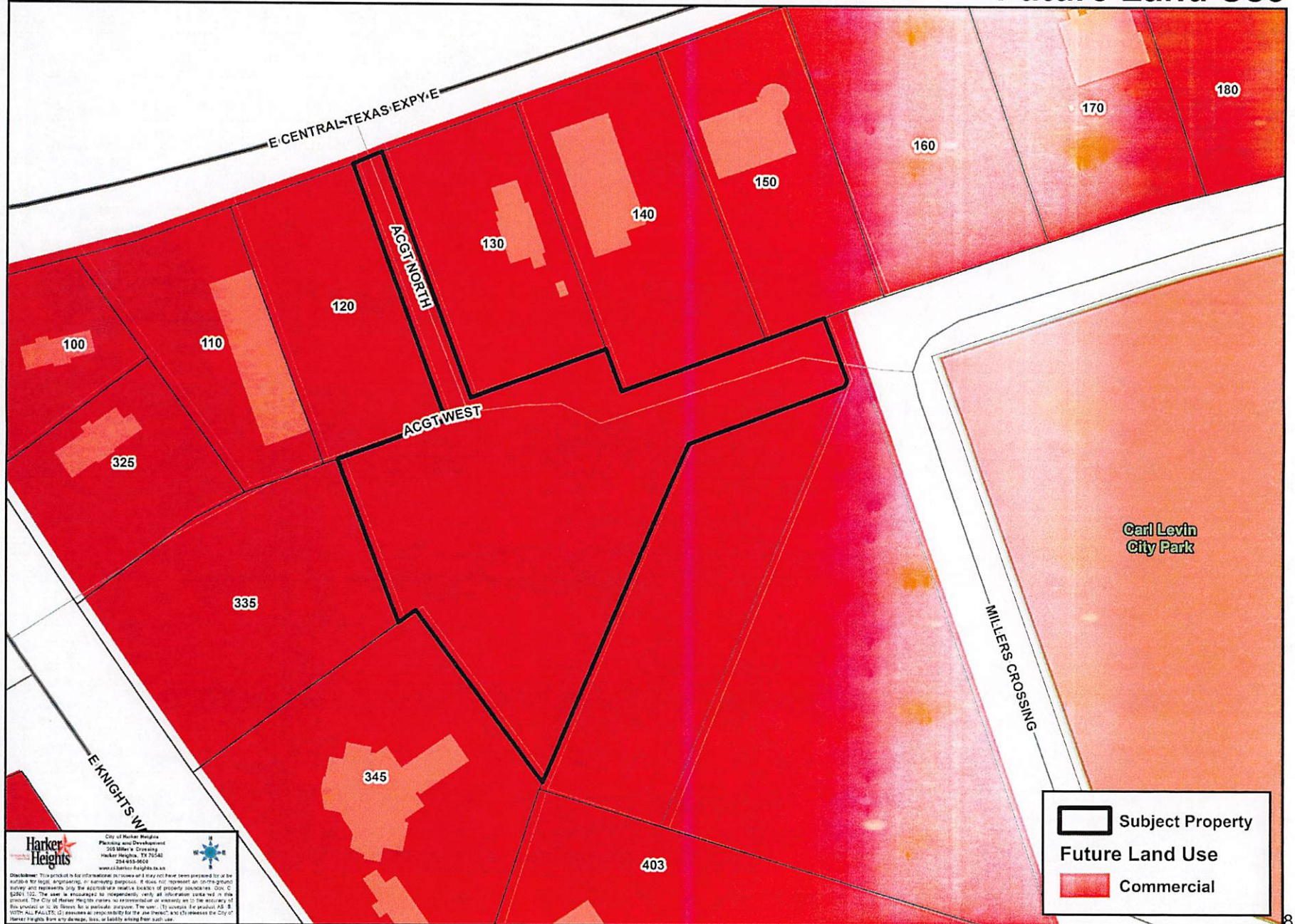
Z20-06

Zoning



Z20-06

Future Land Use

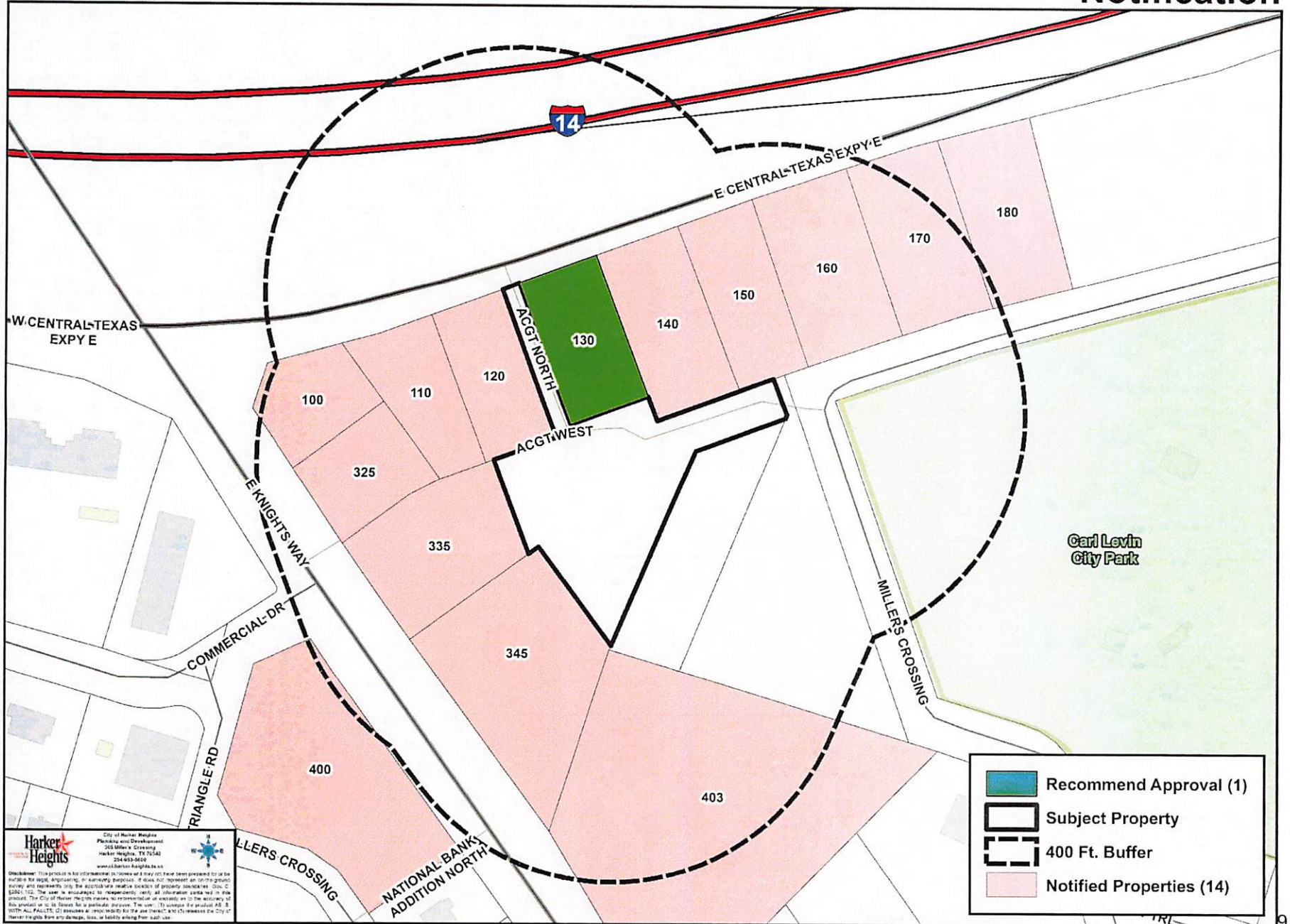


Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 75540
254-655-9600
www.cityofharkerheights.tx.us

Disclaimer: This product is for informational purposes and it may not have been prepared for or be suitable for legal, engineering, or planning purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Use: C-2000-102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or its use for any particular purpose. The user is responsible for product use. B. WITH ALL FAULTS. C. assumes no responsibility for the use thereof and disclaims the City of Harker Heights from any damage, loss, or liability arising from such use.

Z20-06

Notification



Harker Heights
City of Harker Heights
Planning and Development
200 Miller Crossing
Harker Heights, TX 76788
254-433-5600
www.ci.harkerheights.tx.us

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW A FOUR (4) STORY HOTEL NOT TO EXCEED 60 FEET IN HEIGHT WITHIN A B-4 ZONING DISTRICT ON PROPERTY DESCRIBED AS A 2.200 ACRE TRACT OF LAND IN HARKER HEIGHTS, BELL COUNTY, TEXAS, BEING ALL OF LOT SEVEN (7), AND PART OF LOT THREE (3), BLOCK ONE (1), ACTG ADDITION, BEING A REPLAT OF LOT TWO (2), BLOCK ONE (1), UNION STATE BANK ADDITION, PHASE THREE AS RECORDED IN CABINET D, SLIDE 200-D, GENERALLY LOCATED BEHIND 335 E. KNIGHTS WAY, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, 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 Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property zoned B-4 (Secondary and Highway Business District) is granted a Conditional Use Permit (CUP) on property described as:

2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D

SECTION 3: Conditional Use Permit. The City Council hereby approves a Conditional Use Permit ("CUP") to the property owner upon the following terms and conditions:

1. Allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district.

SECTION 4: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	05/12/20	Granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas.

SECTION 5: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 6: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED on May 12, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647

Conditional Use Permit Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan
4. Letter of Intent

Property Owner(s) Name: Reva Holding Ltd Date: 2/27/20

Address: 398 Rolling Hills Dr

City/State/Zip: Killeen, Tx 76543

Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): N/A

Lot: 1 Block: 1 Subdivision: Union State Bank Addition

Acres: 2.199 Property ID: 397602 Survey:

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Current Zoning
Classification:

Future Land Use
Designation:

Applicant's Representative (if applicable):

Applicant's Representative: Vishal Patel

Phone: [REDACTED] E-Mail: [REDACTED]

ATTACH A SITE PLAN: Provide a plan drawn to scale to illustrate the boundaries of the area, location of all existing and proposed structure(s), gross floor area and location of building entrances and exits.

ATTACH A LETTER OF INTENT: Provide a detailed description of the proposed use including but not limited to: the changes to the site, structure(s), landscaping, parking and land use in reference to the Harker Heights Code of Ordinances Section 155.201 Conditional Use Permit.

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or Vishal Patel will represent the owner.

Sandip Patel
Printed Name of Property Owner

Sandip Patel
Signature of Property Owner

Vishal Patel
Printed Name of Representative

Vishal Patel
Signature of Representative

Date Submitted: 3/2/2020

STAFF ONLY - DO NOT FILL OUT BELOW

☐ Pre-Application Meeting

Received By: SC

Revised: 06/28/18

Receipt #: 01553544

Case #: 230-06

Received

MAR 02 2020

Planning & Development

February 27, 2020

Reva Holding Ltd.
398 Rolling Hills Drive
Killeen. TX 76543
254-681-7336

Re: Application for Conditional Use Permit at 7-A ACTC Addition
Harker Heights , TX

To: Whom it may concern

I am writing to you in regards to building a 88-unit 4 story limited service Hampton Inn in Harker Heights. With the parking and land restrictions, the only feasible way is to make this hotel a four-story building. The city of Harker Heights allows a 3 ½ story building and we are requesting another 1/2 story to make this project happen.

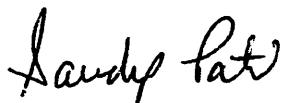
I have built numerous hotels in the Central Texas area including Hilton Garden Inn in Killeen, Hampton Inn in Killeen, Comfort Inn in Killeen, Days Inn in Copperas Cove , Holiday Inn Express in Austin. You will find these buildings to be both appealing to the public and our customers.

I will be investing a lot of money for this project and the four-story building is a must to make this feasible. This motel will bring in occupancy tax revenues, sales tax revenue, property tax revenue, permit fees for the city, employee jobs will be formed, and the market value of the surrounding land will go up. These benefits are guaranteed when the project is built.

We have already submitted to the City of Harker Heights a full set of plans for the 88 unit prototype limited service Hampton Inn for review. Enclosed you will find literature that talks about Hilton and the product we intend to build. Also, you will find a prototype building of Hampton Inn and its amenities which will be included.

I hope the City of Harker Heights can approve the additional ½ story required to make this happen. I have showed you the quality of projects I have built in the past, along with continuous renovations during the operations of this hotels. I have talked about the benefits to the City of Harker Heights from this project. Finally, literatures has been provided that explains the hotel, its customers: the amenities, and the corporation that stands behind us Hilton. With all this in mind, I am sure the City of Harker Heights will approve the conditional use permit required for this project.

Sincerely



Sandip Patel
Reva Holding Ltd.



PROJECT NO
#19-206

KILLEEN
TEXAS

PROJECT ARCHITECT
BEN CORTEZ, AIA

PROJECT COORDINATOR
RK FATEL Design Planning

HAMPTON INN BY HILTON
FOR
REVA Holdings
398 Rolling Hills Drive
Killeen, Texas 76543

HAMPTON INN
Lot 1 Block 1
Union State Bank Addition
Harker Heights, Texas



Revisions:

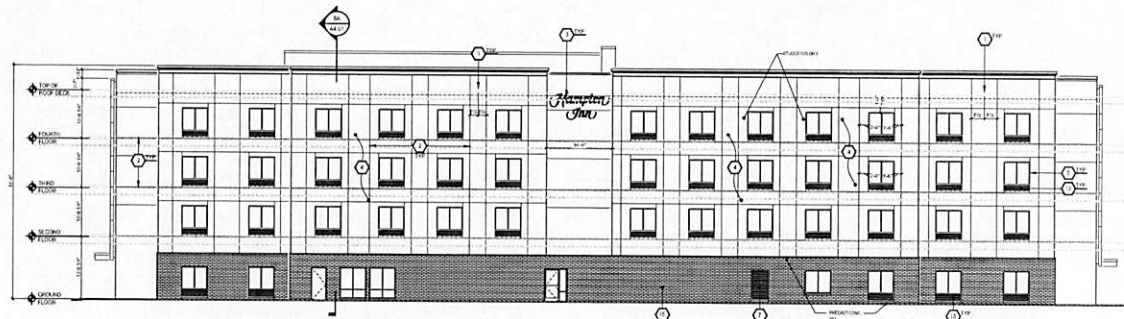
Created By:
Checked By:
Scale Date:
Project No:

SHEET INFORMATION

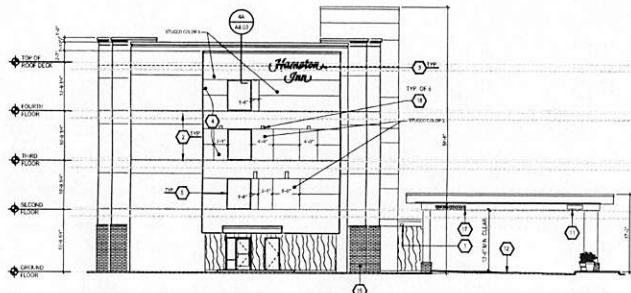
EXTERIOR ELEVATIONS
CENTER LOADED

Sheet No:

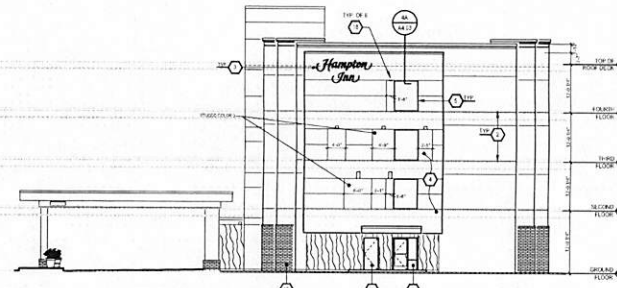
A1.06



1L REAR ELEVATION - CENTER LOADED
A1.06 SCALE 3/32" = 1'-0"



1F SIDE ELEVATION - CENTER LOADED
A1.06 SCALE 3/32" = 1'-0"



1R SIDE ELEVATION - CENTER LOADED
A1.06 SCALE 3/32" = 1'-0"



1A FRONT ELEVATION - CENTER LOADED
A1.06 SCALE 3/32" = 1'-0"

KEY NOTES

1. HOW TO SUPPORT ALL EXTERIOR WALLS.
2. EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.
3. EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.
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17. EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.
18. EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.

BUILDING STORAGE

1. ALL STORAGE IS TO BE FOR EXTERIOR PURPOSES.
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COLOR & FINISH LEGEND

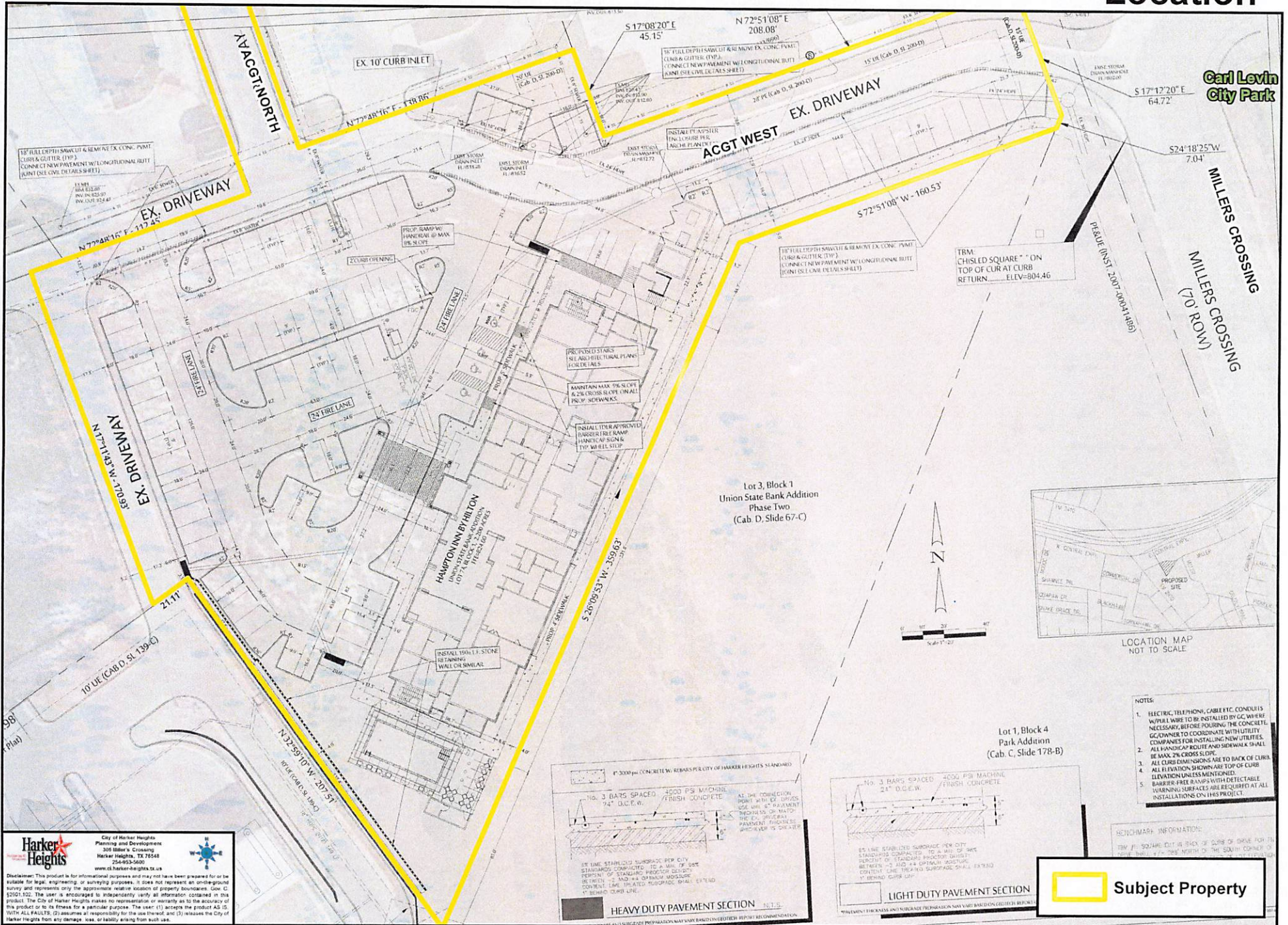
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STUCCO COLOR 5	STUCCO COLOR 5
STUCCO COLOR 6	STUCCO COLOR 6
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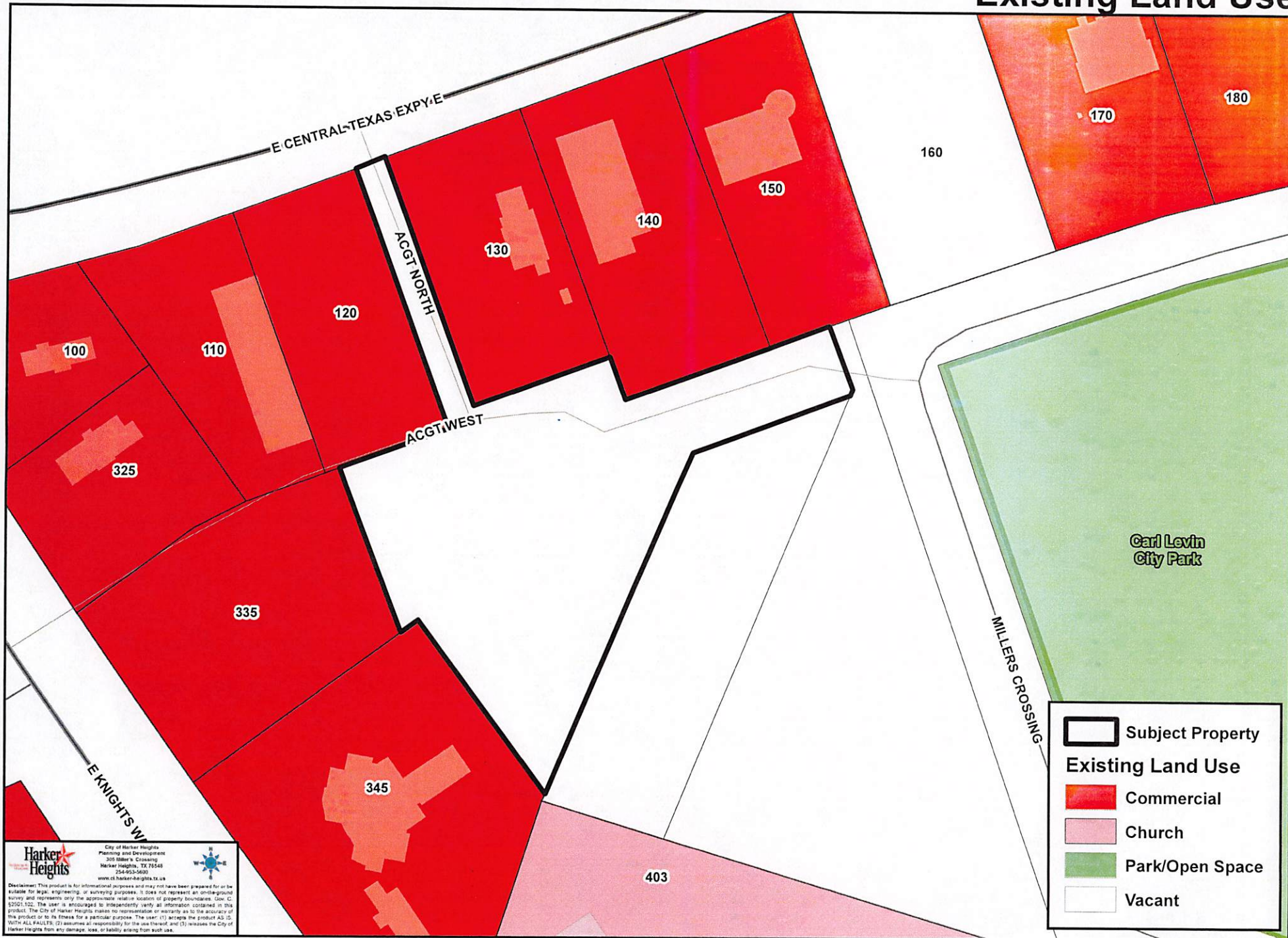
NOTE:
ALL EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.

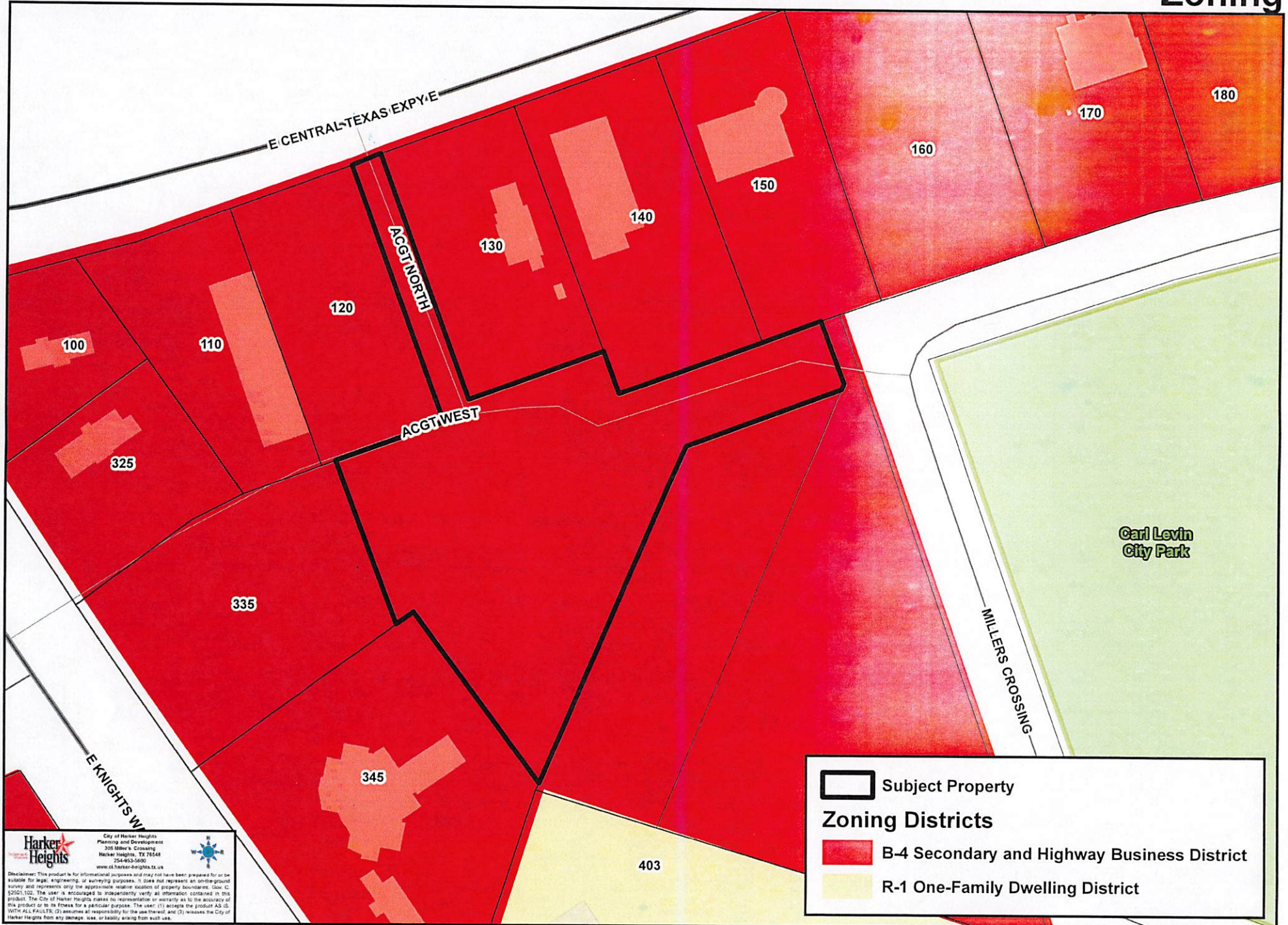
GENERAL NOTES

1. ALL EXTERIOR WALLS SHALL BE CONCRETE OR BRICK.
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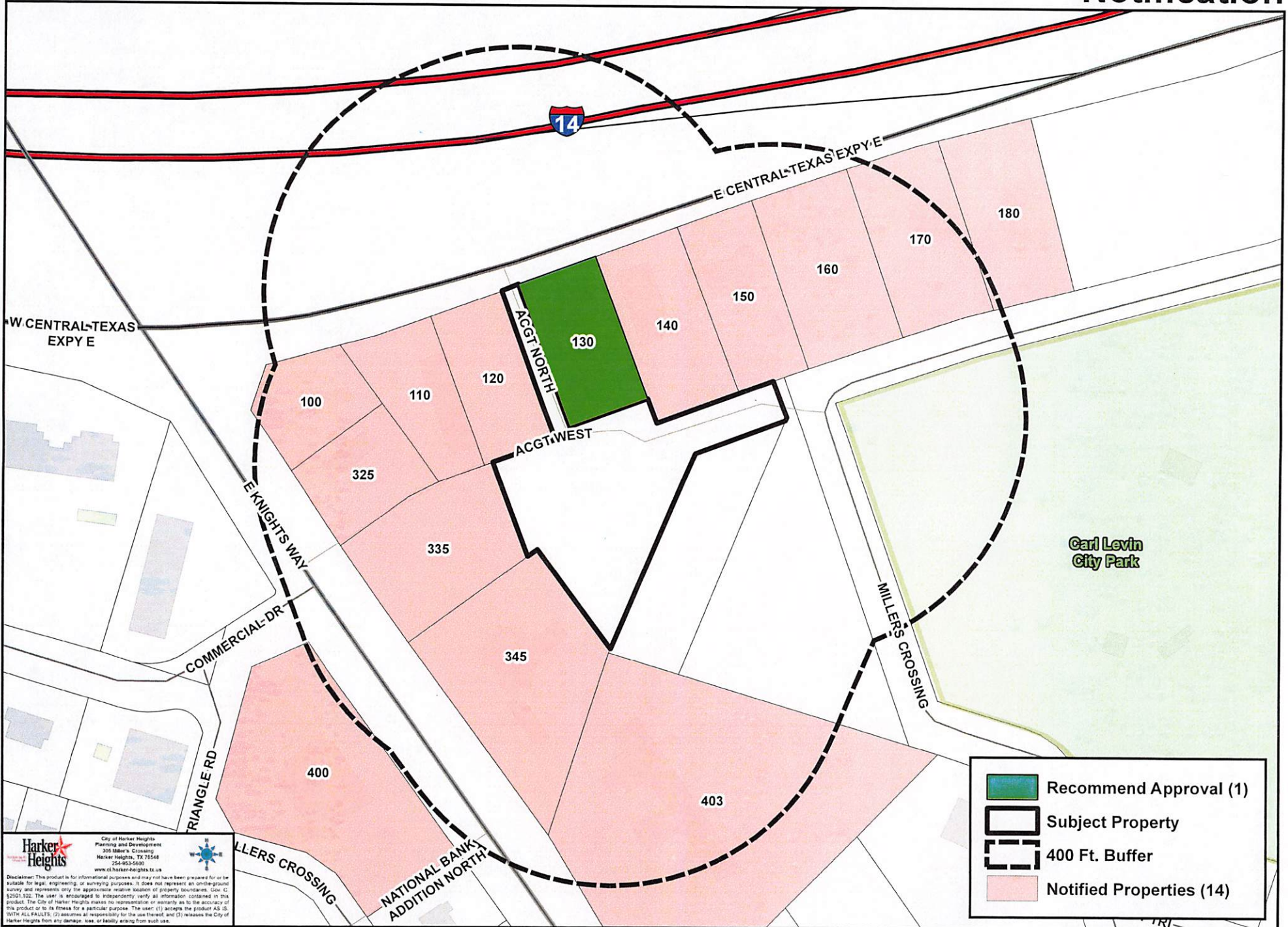
Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76048
 254-653-5600
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Use at your own risk. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or its fitness for a particular purpose. The user: (1) accepts the product AS-IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

Subject Property

Future Land Use

Commercial



SENT: MARCH 11, 2020
DUE BACK: MARCH 19, 2020

Received

MAR 25 2020

TO: City of Harker Heights
Planning & Development Department

FROM: WHATABURGER 958
130 CENTRAL TEXAS EXPRESSWAY
HARKER HEIGHTS TX 76548
(Address of Your Property that Could
Be Impacted by this Request)

Planning & Development

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas (see attached notification map).

☒ I RECOMMEND APPROVAL OF THE REQUEST

☐ I RECOMMEND DENIAL OF THE REQUEST

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

WAYNE W. GRIGGS
Printed Name

Wayne W. Griggs
Signature

19 MAR 2020
Date



On Wednesday, April 29, 2020 at 10:00 A.M. the Planning and Zoning Commission (P&Z) of the City of Harker Heights will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020.

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 568-4106 and use Access Code: 335-313-637.

Z20-06 Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas.

Z20-07 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive Harker Heights, Bell County, Texas.

(Legal notice published in the Killeen Daily Herald on April 12, 2020.)

CITY COUNCIL MEMORANDUM

Z20-07

AGENDA ITEM # VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING OF AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R1-R (ONE FAMILY RURAL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS TRACT 89, LAKESIDE HILLS, SECTION THREE, A SUBDIVISION IN BELL COUNTY, ACCORDING TO THE PLAT THEREOF OF RECORD IN PLAT BOOK A, SLIDE 43-D, PLAT RECORDS OF BELL COUNTY, TEXAS, AND CONTAINING 8.02 ACRES, GENERALLY LOCATED AT 11365 ORLAN DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R1-R (One-Family Rural Dwelling District) on property located at 11365 Orlan Drive. The property consists of approximately eight (8) acres of vacant land and the applicant is aware that a primary residence must occupy the property in order for an accessory structure of any size to exist. The request will enable the applicant to construct a 40'x40' large accessory structure. As outlined within the R1-R zoning district, the following requirements must be met:

§155.021 (3) (a) (1-3)

1. The number of accessory buildings shall not exceed one per acre;
2. Accessory buildings shall be no greater than 5,000 square feet in size;
3. The maximum aggregate square footage of all accessory buildings shall not exceed 1,000 square feet per acre and not to exceed a total of 10,000 square feet on any one tract

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Vacant	Single Family Residential	R-1 (One Family Dwelling District)
South	Extraterritorial Jurisdiction USACOE Property	Extraterritorial Jurisdiction USACOE Property	Extraterritorial Jurisdiction USACOE Property
East	Extraterritorial Jurisdiction USACOE Property	Extraterritorial Jurisdiction USACOE Property	Extraterritorial Jurisdiction USACOE Property
West	Single Family	Single Family	R1-R (One Family Rural Dwelling District)

The applicant's property is located in an area designated as Single Family Residential. The proposed use of the property will not affect the property's use as a single family residence. The proposed rezoning will not alter the character of the established single family subdivision. A reconnaissance survey of the area identified most of the properties in the neighborhood are comprised of large lots and a neighboring property to the immediate west obtained R1-R zoning designation in 2017. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500-year flood hazard areas.

Notices:

Staff sent out five (5) notices to property owners within the 400-foot notification area. One (1) response was received in favor of the request, and one (1) response was received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One Family Dwelling) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas, based on the following;

1. The rezoning request is consistent with the Future Land Use Plan.
2. The proposed use would not likely have any adverse impacts on adjoining uses.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a public hearing held on April 29, 2020, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas, based upon staff's recommendation and findings.

ACTION BY THE CITY COUNCIL:

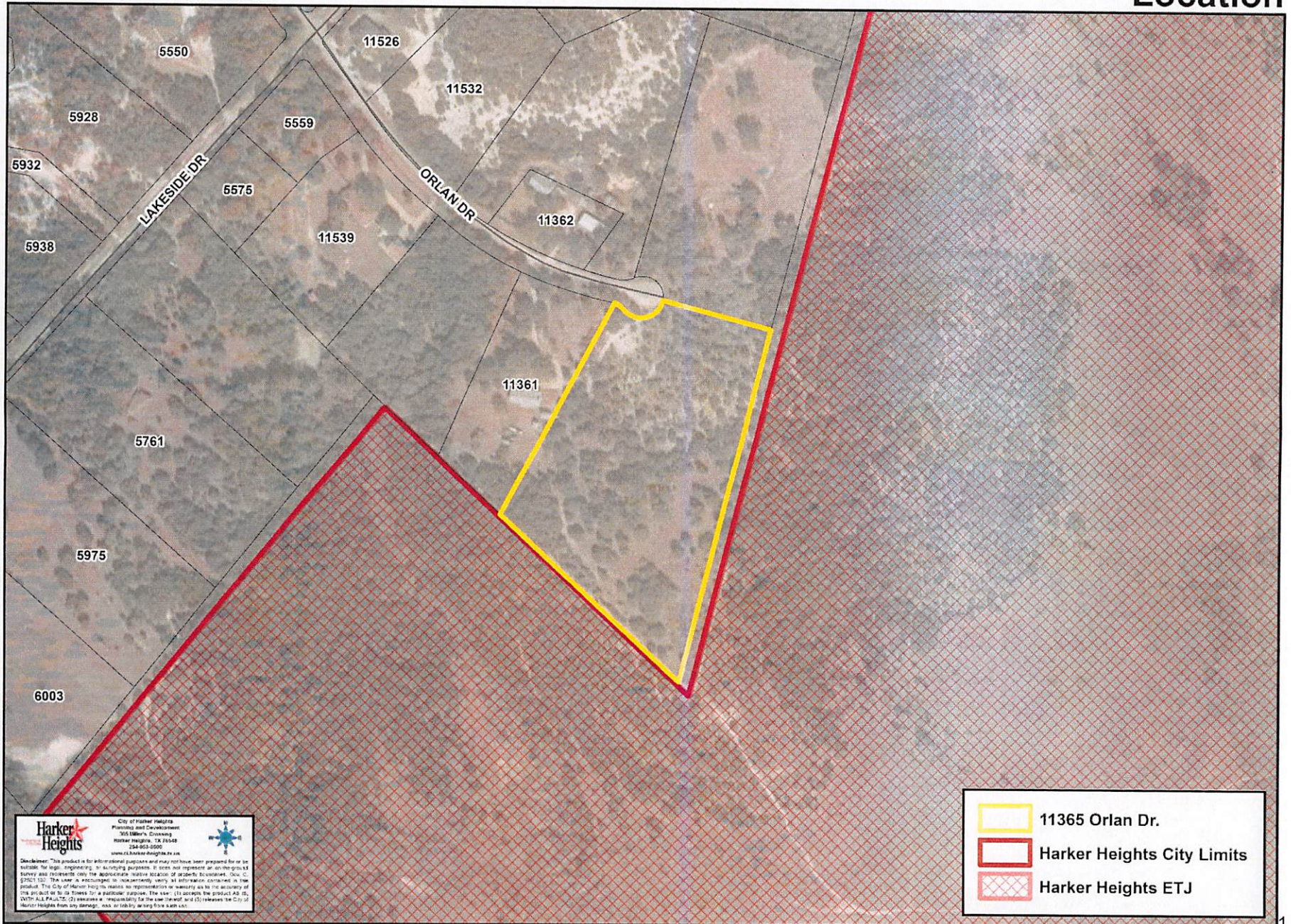
1. Motion to APPROVE/DENY an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. PowerPoint Slides
2. Ordinance
3. Application
4. Location Map
5. Zoning Map
6. Existing Land Use Map
7. Future Land Use Map
8. Notification Area Map
9. Citizen Responses

11365 Orlan Dr.

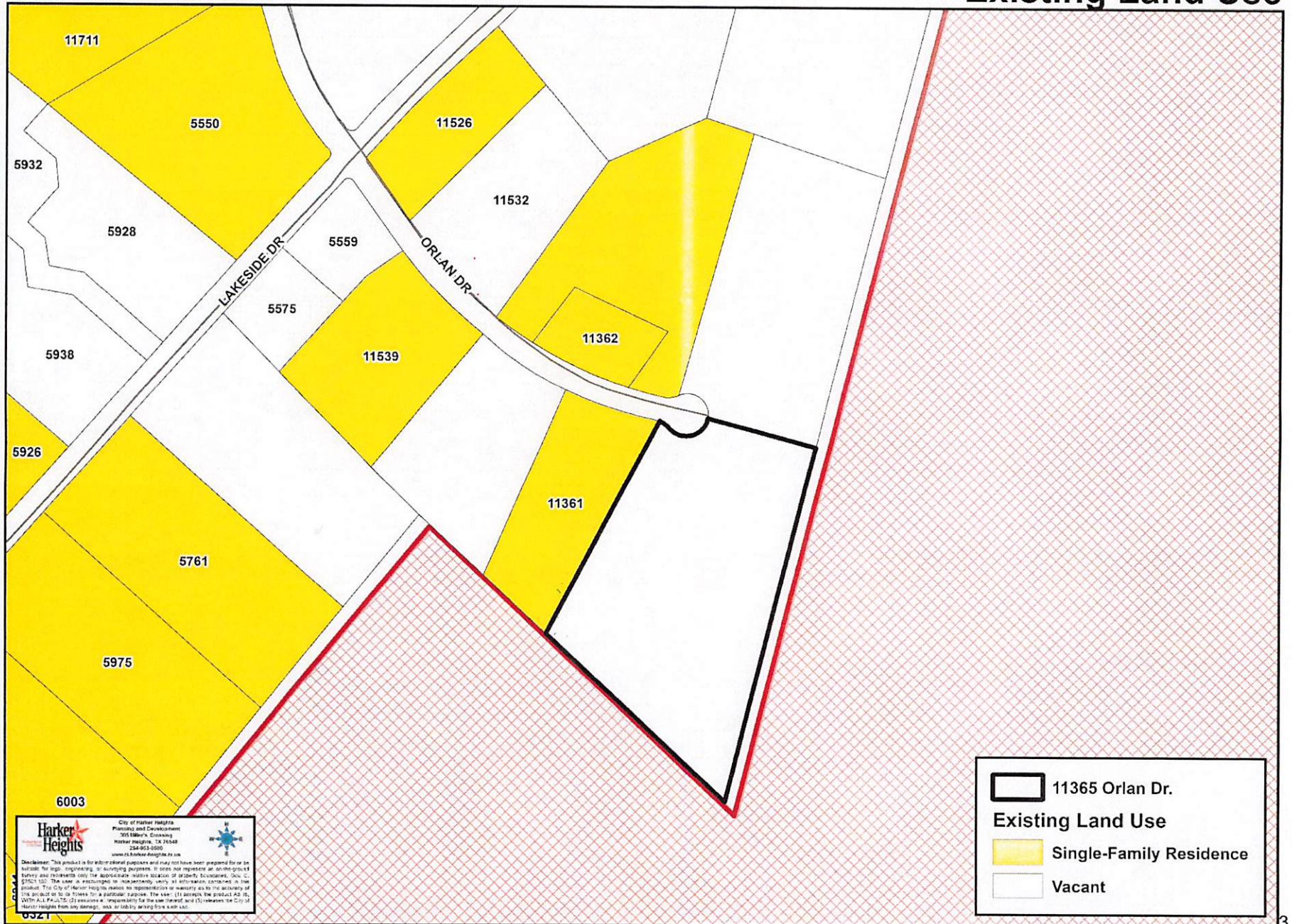
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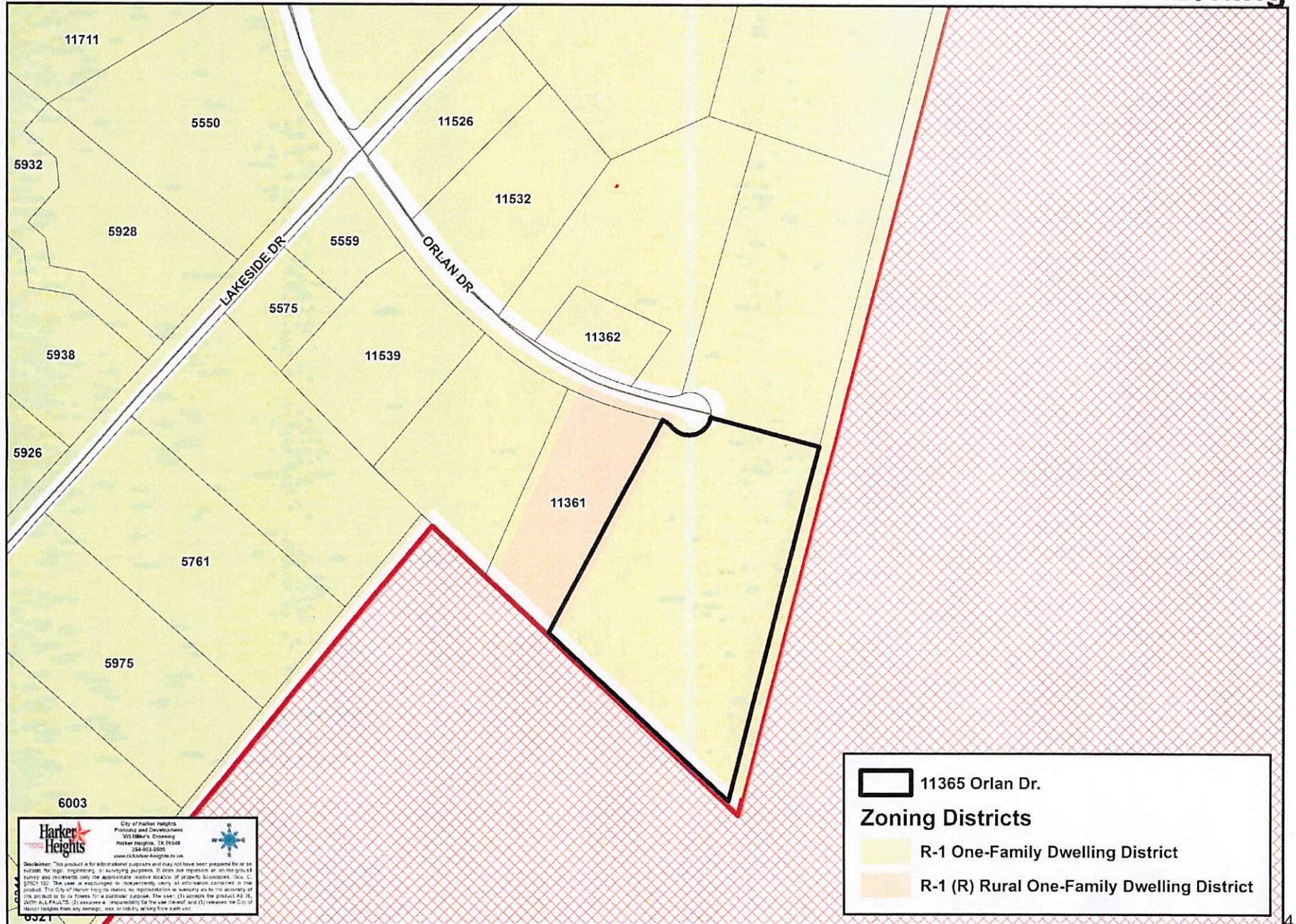
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Existing Land Use



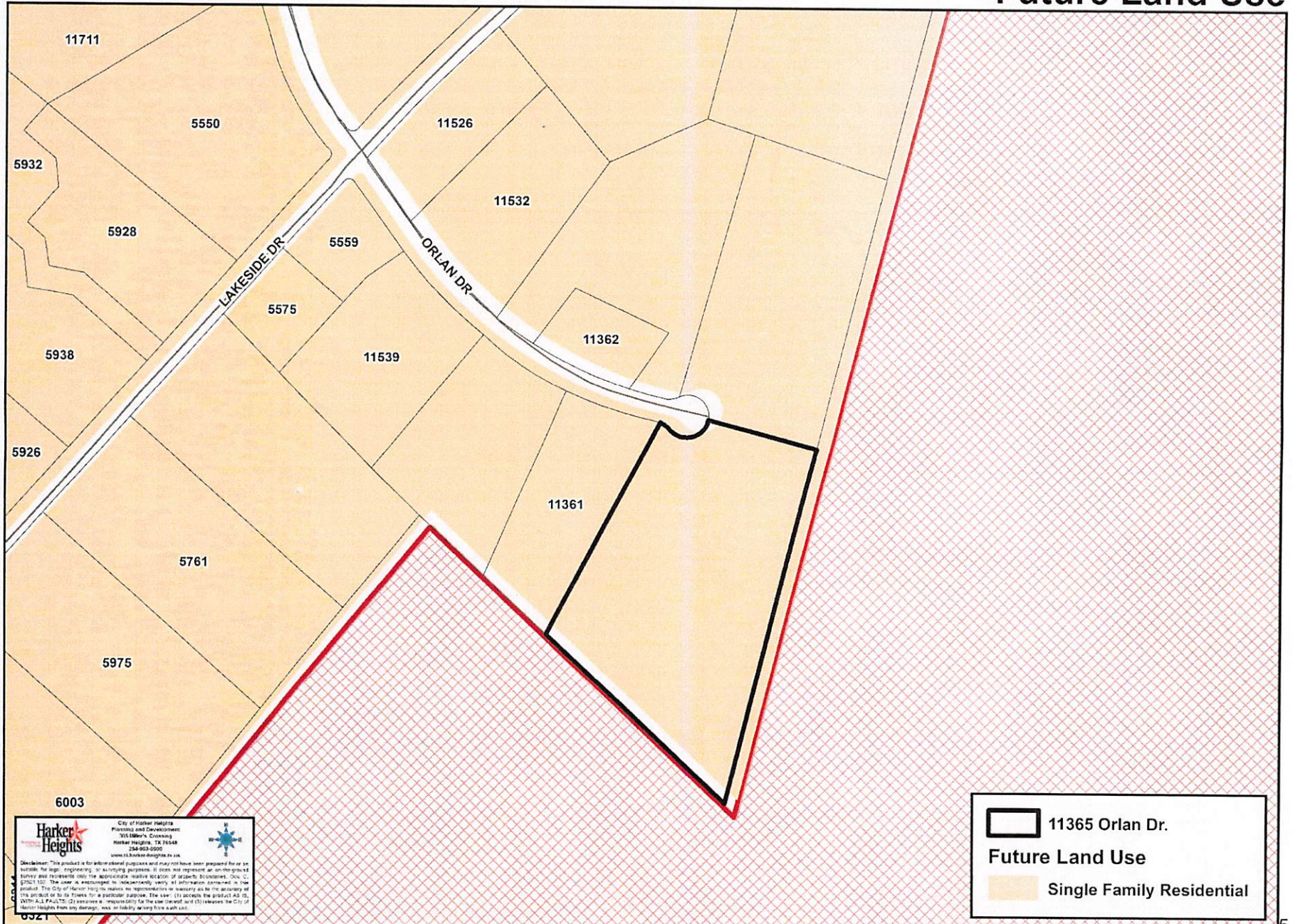
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Zoning



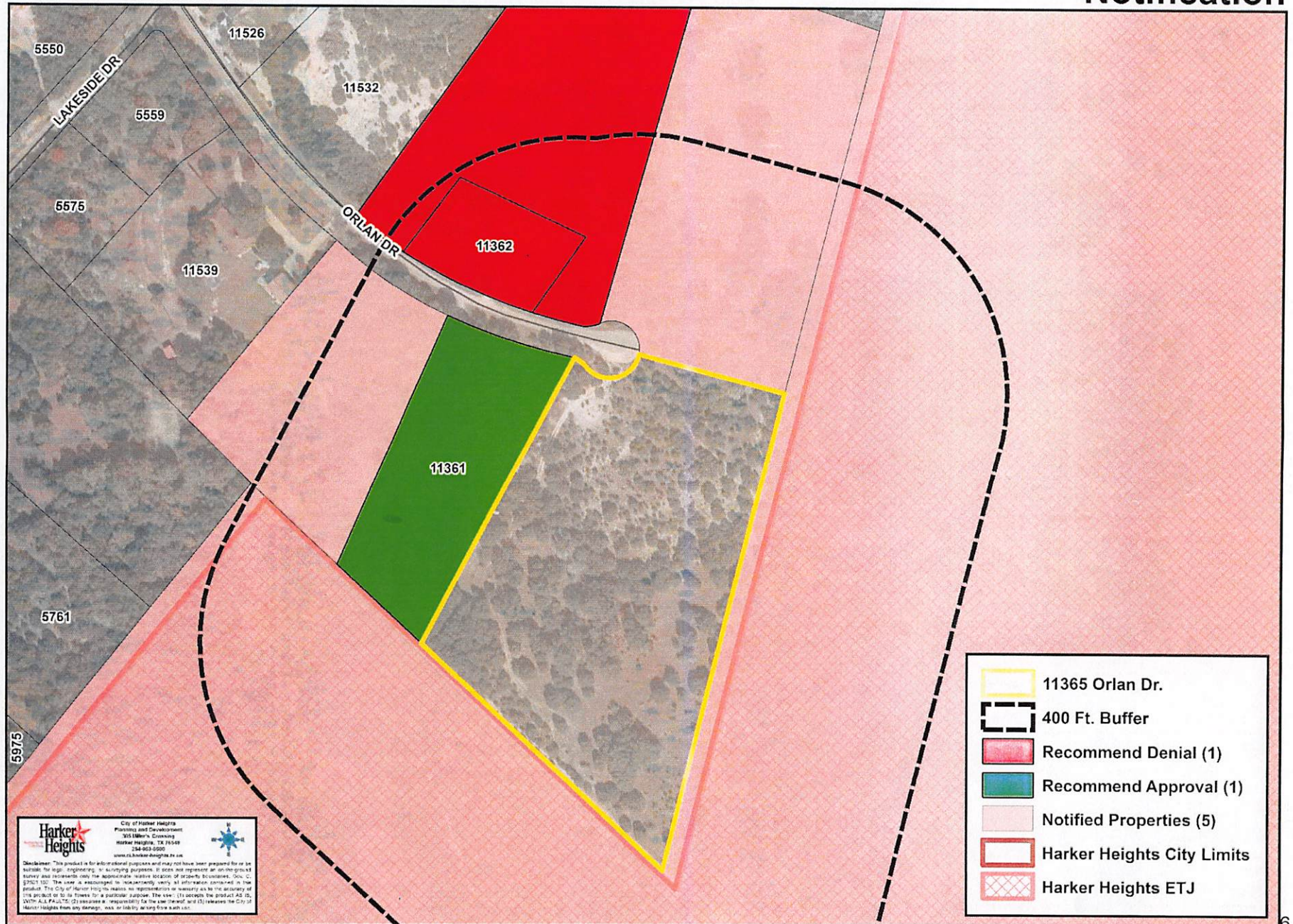
11365 Orlan Dr.

Future Land Use



11365 Orlan Dr.

Notification



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R1-R ZONING ON PROPERTY DESCRIBED AS TRACT 89, LAKESIDE HILLS, SECTION THREE, A SUBDIVISION IN BELL COUNTY, TEXAS, CONTAINING 8.02 ACRES, GENERALLY LOCATED AT 11365 ORLAN DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, 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 Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One-Family Dwelling District) is rezoned to R1-R (Rural One-Family Dwelling District):

Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	05/12/20	Granting R1-R zoning on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive, Harker Heights, Bell County, Texas.

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

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

PASSED AND APPROVED on May 12, 2020

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647

Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights

Property Owner(s) Name: Roy L. DeBolt

Date: March 9, 2020

Address: 1630 W Palm Drive

City/State/Zip: Aransas Pass, Texas 78336

Phone: [REDACTED]

E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 11365 Orlan Drive, Harker Heights, Texas 76548

Lot: 89 Block: Section Three Subdivision: Lakeside Hills

Acres: 8.02 Property ID: 28425 Survey: Dedication Vol. 1603, Page 661

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Proposed Use: Home-site with a separate storage building

Current Zoning Classification: R1

Proposed Zoning: R1-R

Current Land Use: Raw land

Proposed Land Use: Home-site with a storage building

Applicant's Representative (if applicable):

Applicant's Representative: Chris Doose

Phone: [REDACTED]

E-Mail: [REDACTED]

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or Chris Doose will represent the owner.

Roy DeBolt

Printed Name of Property Owner

[Signature]
Signature of Property Owner

Chris Doose

Printed Name of Representative

[Signature]
Signature of Representative

Date Submitted: 4/7/20

STAFF ONLY -- DO NOT FILL OUT BELOW

Receipt #: 01565830

Case #: 220-037

Received By: [Signature]

☒ Pre-Application Meeting

Revised: 2/28/18

Received

APR 07 2020

Planning & Development

CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01565830 4/07/2020 11:55 AM
OPER: TERM8 TERM: 008
REF#: 9412 TD

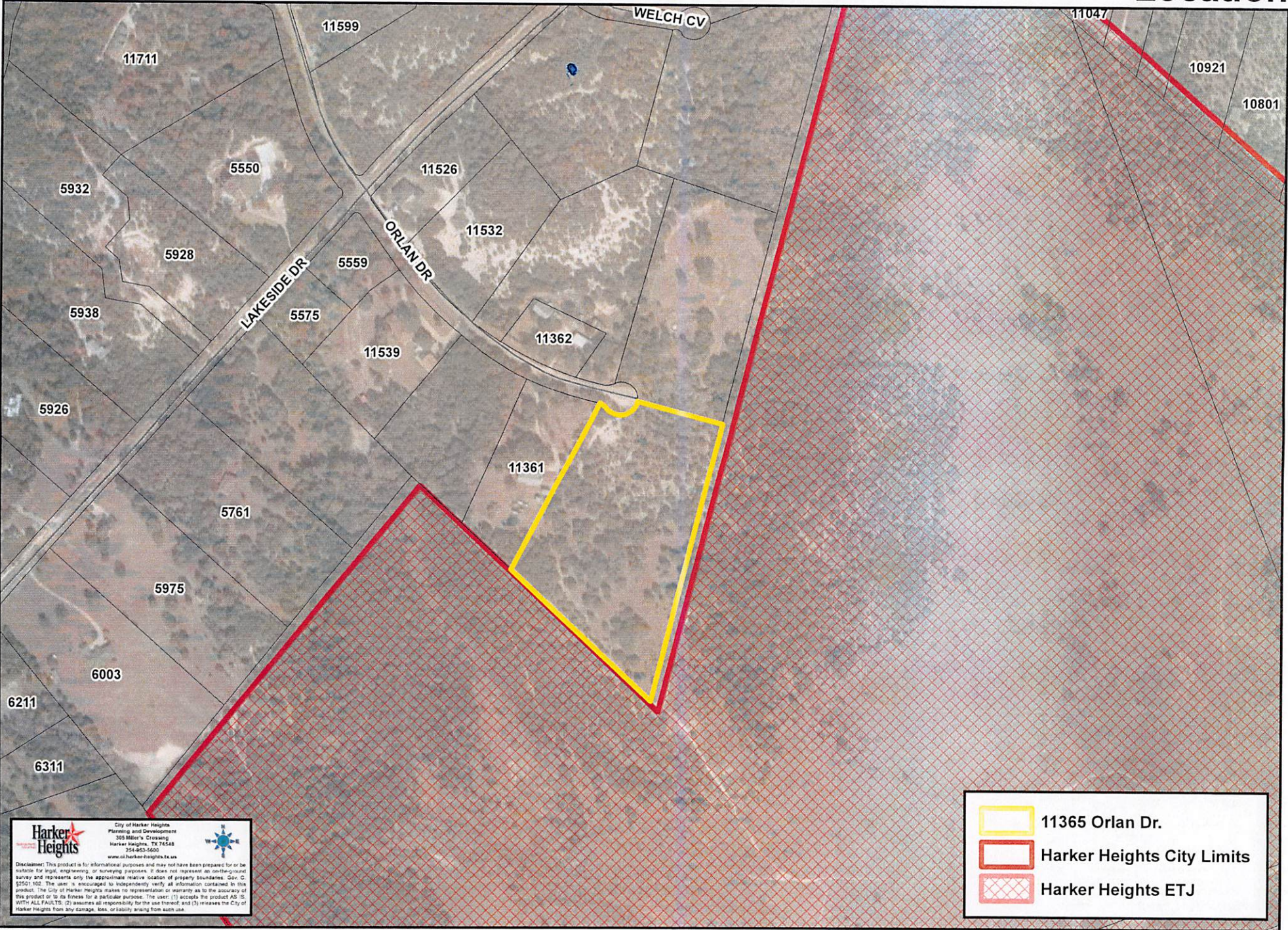
TRAN: 111.0000 OTHER INCOME
Rezone Request
11365 Orlan Dr
OTHER INCOME 200.00CR

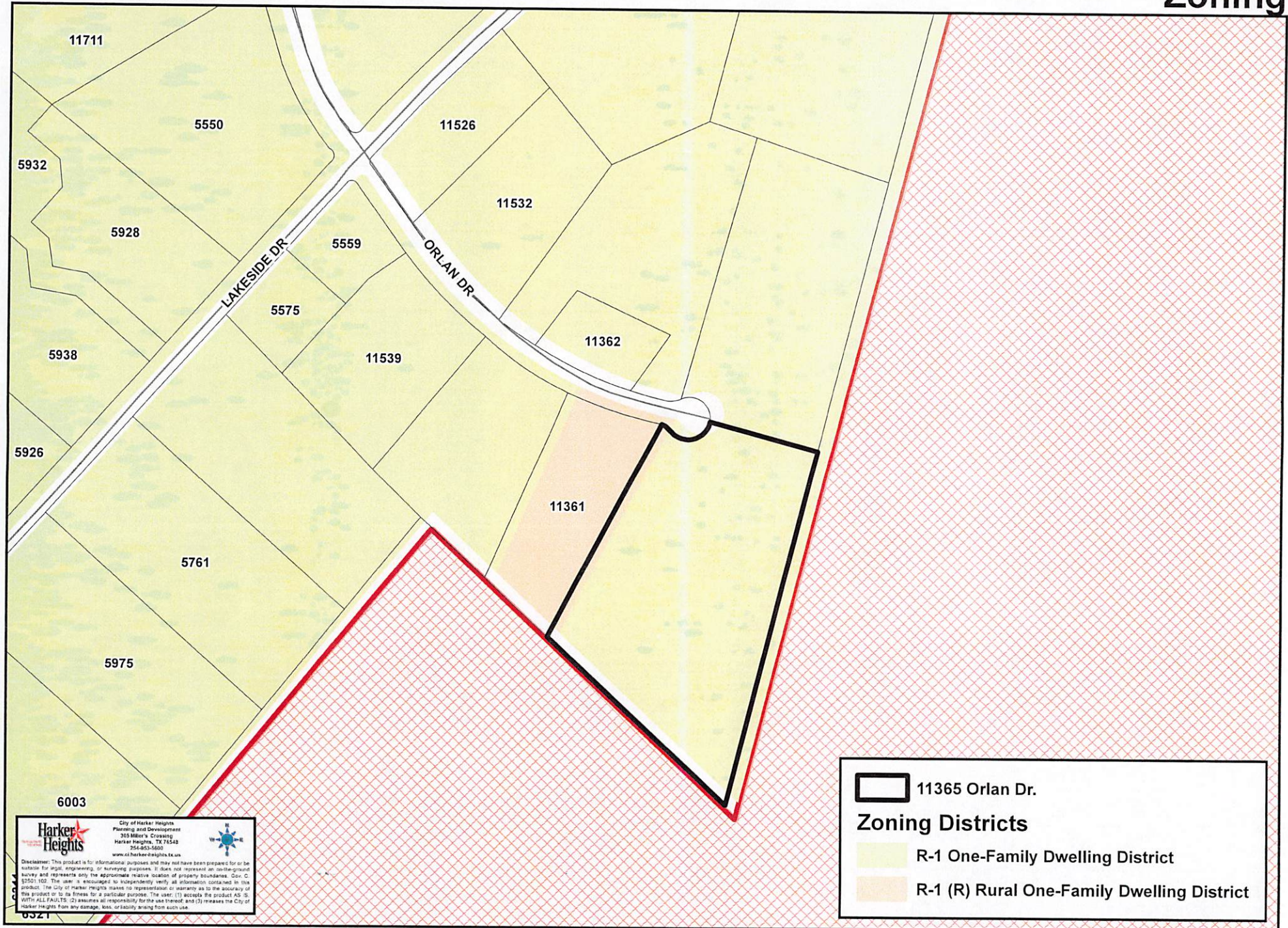
TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

11365 Orlan Dr.

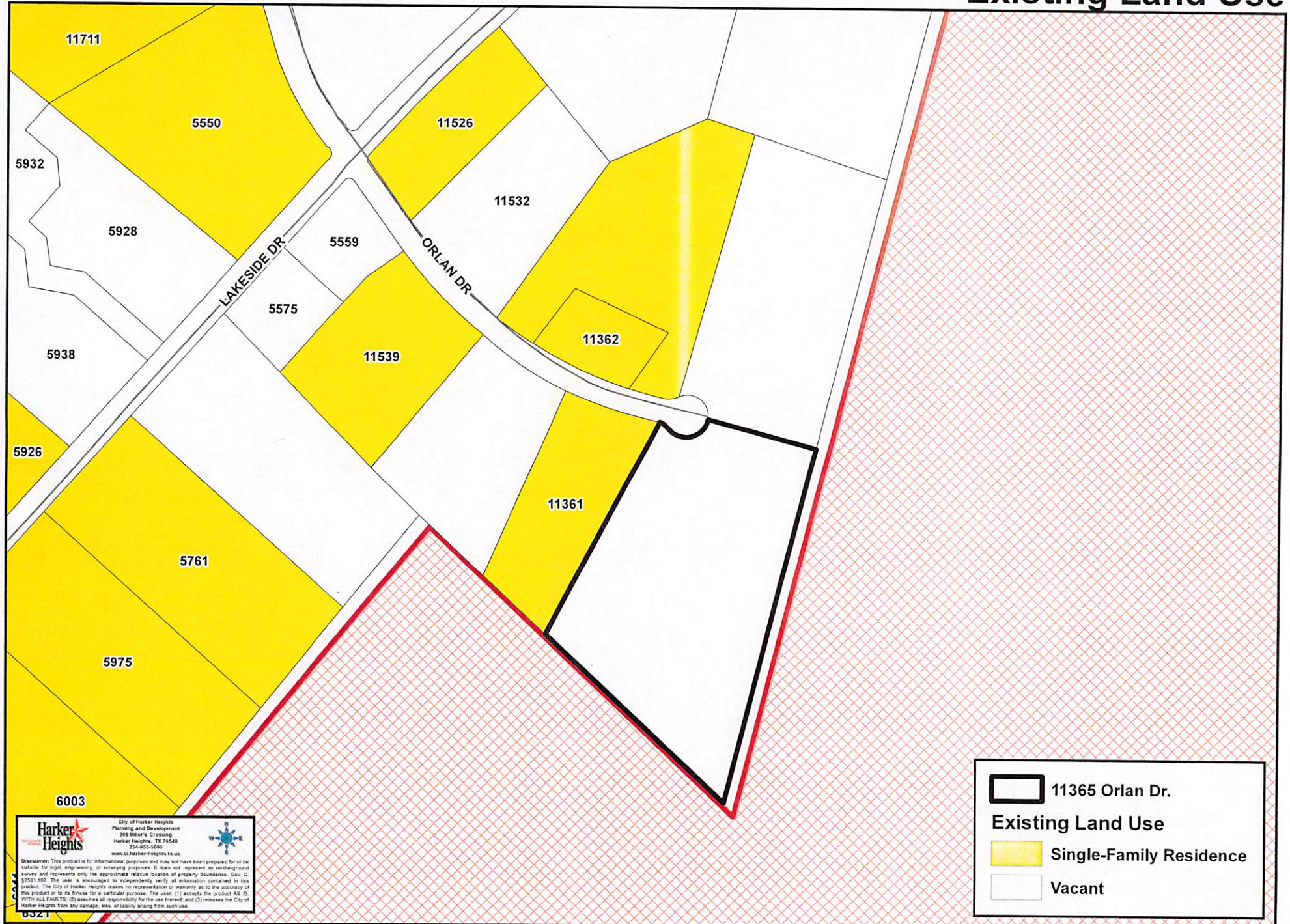
Location





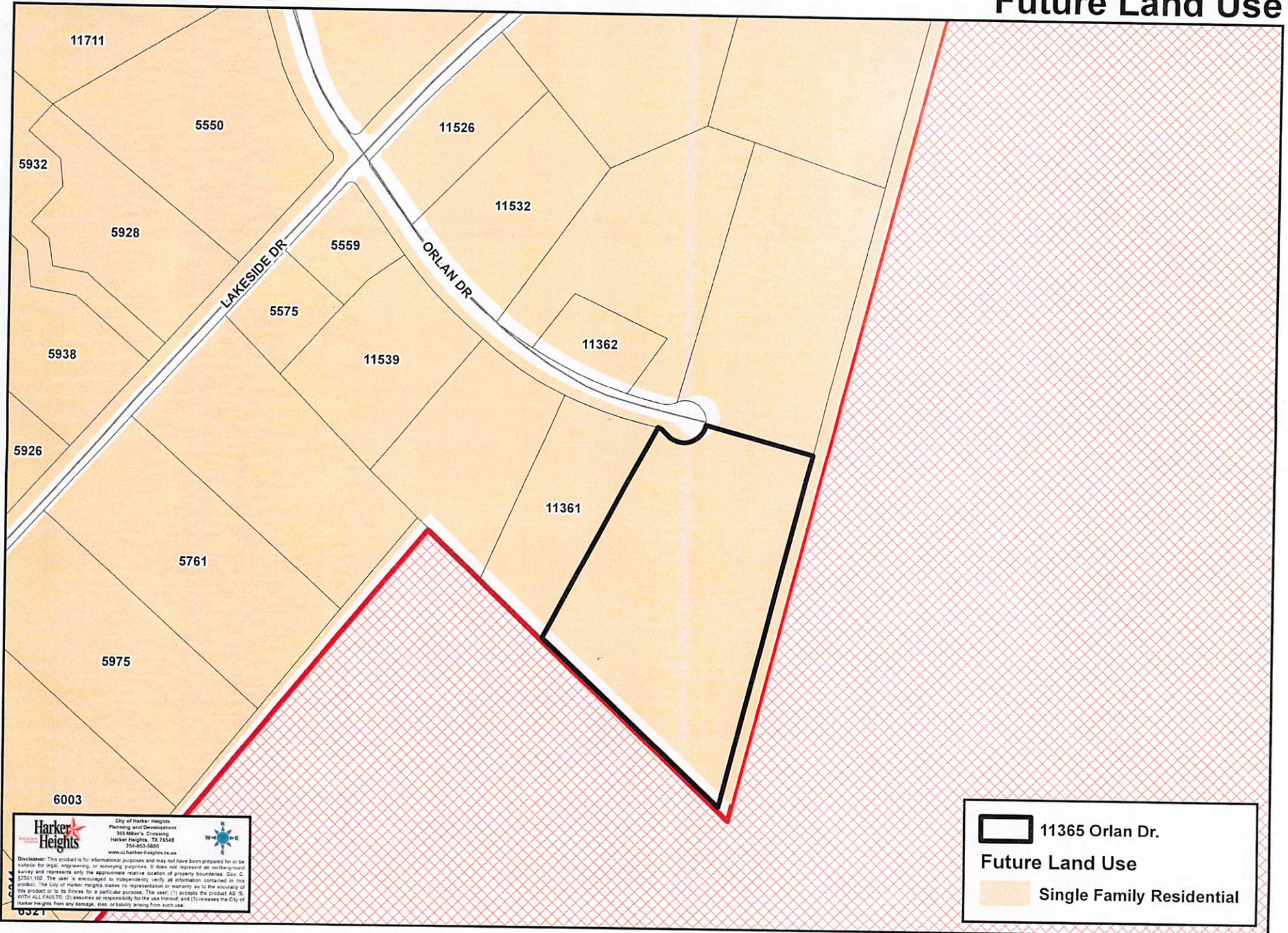
11365 Orlan Dr.

Existing Land Use



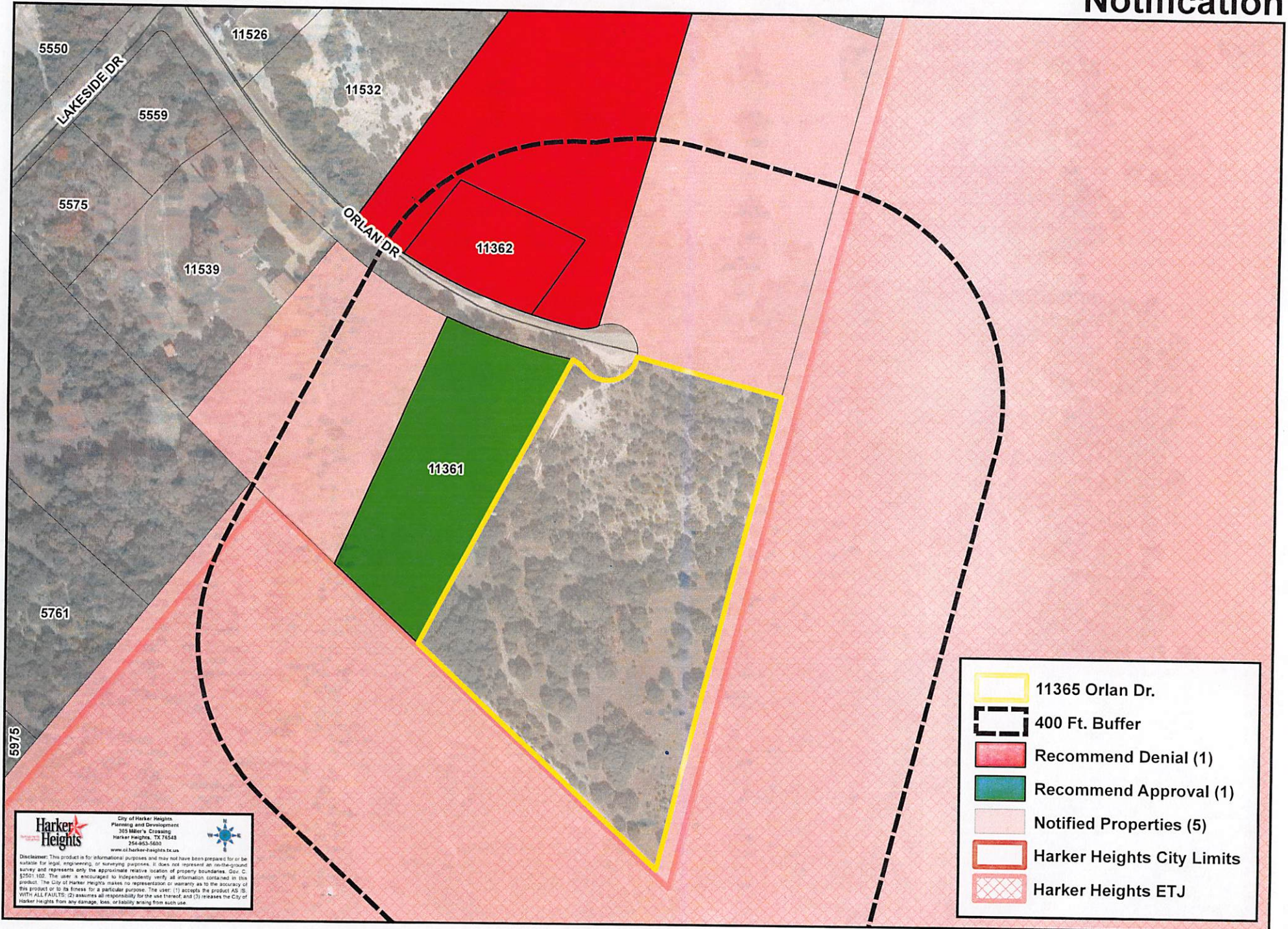
11365 Orlan Dr.

Future Land Use



11365 Orlan Dr.

Notification



SENT: APRIL 15, 2020

Received

TO: **City of Harker Heights
Planning & Development Department**

APR 20 2020

Planning & Development

FROM:

GEORGE E. COCHRAN

(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to the R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive Harker Heights, Bell County, Texas (see attached notification map).

~~I RECOMMEND APPROVAL OF THE REQUEST~~



I RECOMMEND DENIAL OF THE REQUEST

Comments:

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

GEORGE E. COCHRAN
Printed Name

George E Cochran
Signature

4/16/20
Date

SENT: APRIL 15, 2020

Received

APR 20 2020

TO: City of Harker Heights
Planning & Development Department

Planning & Development

FROM: 11361 Orlan Dr
Bellton 76513
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to the R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive Harker Heights, Bell County, Texas (see attached notification map).

☒ I RECOMMEND APPROVAL OF THE REQUEST

☐ I RECOMMEND DENIAL OF THE REQUEST

Comments:

Welcome Neighbor !
We are excited to welcome the
Debolt to our neighborhood !

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Jean Keuler
Printed Name

Jean Keuler
Signature

4/16/2020
Date



On Wednesday, April 29, 2020 at 10:00 A.M. the Planning and Zoning Commission (P&Z) of the City of Harker Heights will conduct a telephonic meeting to contain the spread of COVID-19 in accordance with Governor Abbott's declaration of the COVID19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020.

The public may participate remotely in this meeting by dialing-in using the toll-free number: (877) 568-4106 and use Access Code: 335-313-637.

Z20-06 Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a four (4) story hotel not to exceed 60 feet in height within a B-4 zoning district on property described as a 2.200 acre tract of land in Harker Heights, Bell County, Texas, being all of Lot Seven (7), and part of Lot Three (3), Block One (1), ACTG Addition, being a replat of Lot Two (2), Block One (1), Union State Bank Addition, Phase Three as recorded in Cabinet D, Slide 200-D, generally located behind 335 E. Knights Way, Harker Heights, Bell County, Texas.

Z20-07 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (One Family Rural Dwelling District) on property described as Tract 89, Lakeside Hills, Section Three, a subdivision in Bell County, according to the plat thereof of record in Plat Book A, Slide 43-D, plat records of Bell County, Texas, and containing 8.02 acres, generally located at 11365 Orlan Drive Harker Heights, Bell County, Texas.

(Legal notice published in the Killeen Daily Herald on April 12, 2020.)



COUNCIL MEMORANDUM

AGENDA ITEM #VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE AMENDING THE BYOB BUSINESS REGULATION ORDINANCE 2020-10, SECTION 125.29 OF THE HARKER HEIGHTS CODE OF ORDINANCES TO MODIFY THE INSURANCE REQUIREMENTS WITHIN CHAPTER 125 OF THE HARKER HEIGHTS CODE OF ORDINANCES AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

Following the adoption of the BYOB Ordinance, staff mailed information packets to known or likely BYOB businesses throughout the city that informed them of the ordinance and its requirements, as well as providing the necessary application documents. Staff received feedback from one of the businesses indicating it would be incredibly difficult to obtain commercial general liability insurance for a BYOB business. For your review, the section of Code that details the insurance requirement is below.

§ 125.29 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured the city, its elected and appointed officials, and employees acting within the scope of their duties. Prior to opening for business the BYOB permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies. The permit holder, manager, or owner shall prominently display a sign at the facility stating that the owner or operator has purchased liability insurance to cover activities at the facility.

ANALYSIS

Staff consulted with the City Attorney and a local insurance representative about the requirements in the ordinance, and the City Attorney confirmed that the requirements were reasonable and obtainable by a BYOB business. The local insurance representative indicated some of the language in the endorsement requirements of the insurance policy might make some insurance companies hesitant to provide coverage and that the removal of that clause would make them more likely to assent. The City Attorney did not see a harm in removing the clause, and recommended the ordinance be amended.

AMENDMENT

Following the advice of the City Attorney and the local insurance representative, staff recommend the proposed amendment to the BYOB Ordinance.

§ 125.29 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured, the city, ~~its elected and appointed officials, and employees acting within the scope of their duties.~~ Prior to opening for business the BYOB permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies. The permit holder, manager, or owner shall prominently display a sign at the facility stating that the owner or operator has purchased liability insurance to cover activities at the facility.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance amending the BYOB Business Regulation Ordinance 2020-10, Section 125.29 of the Harker Heights Code of Ordinances to modify the insurance requirements within Chapter 125 of the Harker Heights Code of Ordinances, based upon the following findings:

1. The proposed ordinance amendment would likely make insurance coverage more readily obtainable by a BYOB business; and
2. The proposed ordinance amendment will maintain the intent of the insurance requirement within Chapter 125.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an ordinance amending the BYOB Business Regulation Ordinance 2020-10, Section 125.29 of the Harker Heights Code of Ordinances to modify the insurance requirements within Chapter 125 of the Harker Heights Code of Ordinances, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. PowerPoint Slides
2. Amending Ordinance

Proposed Amendment to BYOB Ordinance

CURRENT ORDINANCE

§ 125.29 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured the city, its elected and appointed officials, and employees acting within the scope of their duties. ...

PROPOSED ORDINANCE AMENDMENT

§ 125.29 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured, the city. ...



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BYOB BUSINESS REGULATION ORDINANCE 2020-10, SECTION 125.29 OF THE HARKER HEIGHTS CODE OF ORDINANCES TO MODIFY THE INSURANCE REQUIREMENTS WITHIN CHAPTER 125 OF THE HARKER HEIGHTS CODE OF ORDINANCES.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to modify the insurance requirements within § 125.29; and

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

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

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

SECTION 2: Section 125.29 of the Code of Harker Heights is hereby amended to read as follows:

§ 125.29 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured, the city. Prior to opening for business the BYOB permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies. The permit holder, manager, or owner shall prominently display a sign at the facility stating that the owner or operator has purchased liability insurance to cover activities at the facility.

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

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on Tuesday,
MAY 12, 2020.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



CITY COUNCIL MEMORANDUM

P20-01

AGENDA ITEM # IX-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

DISCUSS AND CONSIDER A REQUEST FOR PRELIMINARY AND FINAL PLAT APPROVAL FOR THE PROPOSED CURRY NICHE, ON PROPERTY DESCRIBED AS 1.470 ACRES OF THE I.T. BEAN SURVEY, ABSTRACT NO. 115, BELL COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT TRACT OF LAND CONVEYED TO PATRICK CURRY AND KIMBERLY CURRY AS RECORDED IN INSTRUMENT NO. 2016-00032581, OFFICIAL RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT 1703 PUEBLO TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicants, Patrick and Kimberly Curry, have submitted an application for preliminary/final plat approval for approximately 1.470 acres of land currently zoned R-2 (Two Family Dwelling District) located near the corner of Pueblo Trace and Pontotoc Trace. The preliminary/final plat identifies a subdivision of nine (9) lots consisting of three (3) duplex dwellings, and six (6) single family infill residences. As part of a previous agreement with the City of Harker Heights, Patrick and Kimberly Curry have established a concept plan for their proposed Curry Niche plat which includes the extension of Pima Trace to the new KISD middle school, as well as water and wastewater utilities.

Staff has reviewed the submitted preliminary/final plat and engineering plans and have made comments to address safety, connectivity, drainage and all other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be followed.

RECOMMENDATION

The comments provided by staff have been addressed and the submitted preliminary/final plat meets the standards and ordinances of the City of Harker Heights. Staff recommends approval of the preliminary/final Plat for property described as 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Records of Real Property of Bell County, Texas, generally located at 1703 Pueblo Trace, Harker Heights, Bell County, Texas.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

Following a hearing on April 29, 2020, the Planning and Zoning Commission voted (6-0) to approve a preliminary/final plat for property described as 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Records of Real Property of Bell County, Texas, generally located at 1703 Pueblo Trace, Harker Heights, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

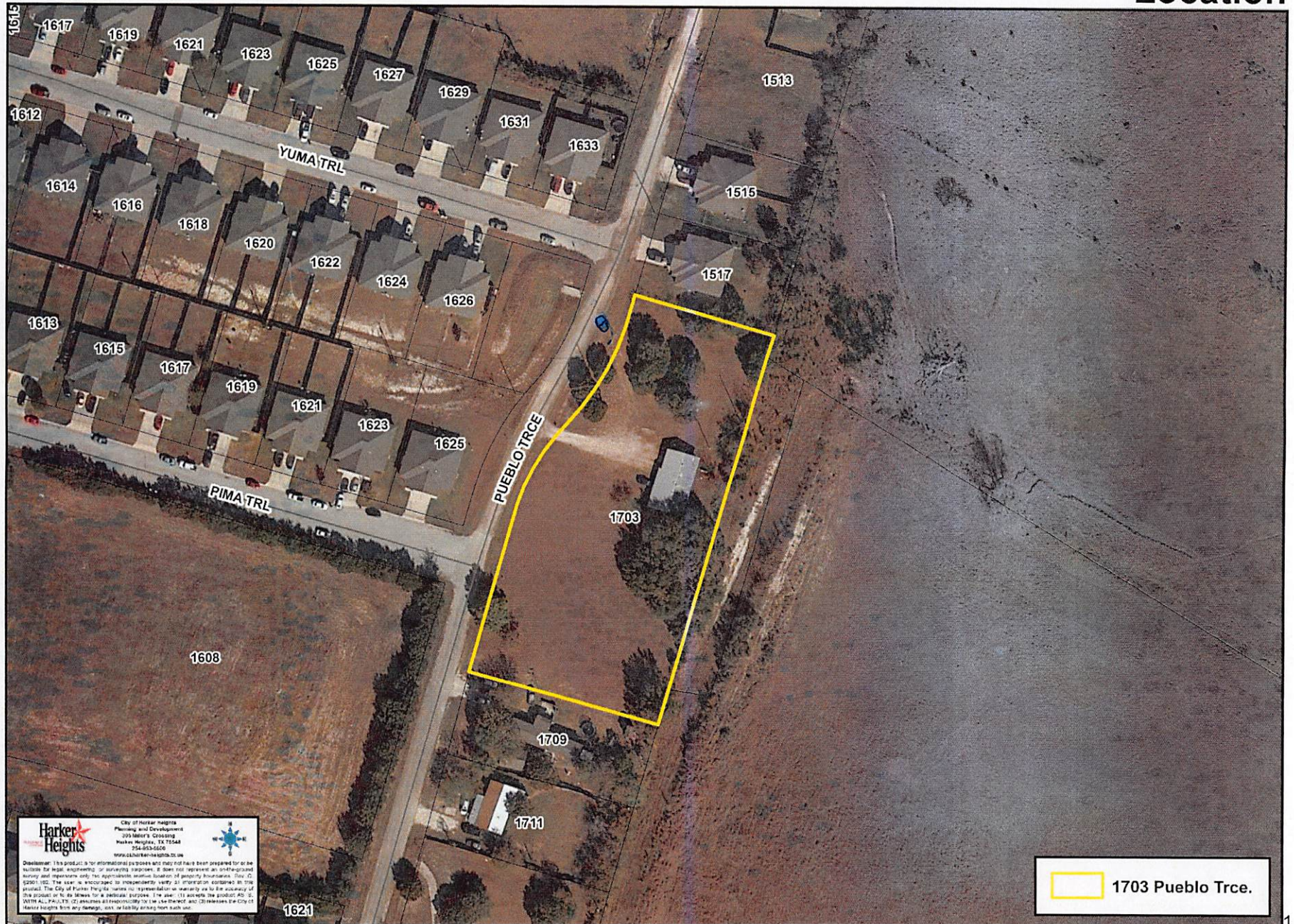
1. Motion to approve/disapprove a preliminary and final plat for the proposed Curry Niche, on property described as 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Records of Real Property of Bell County, Texas, generally located at 1703 Pueblo Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. PowerPoint Slides
2. Preliminary Plat Application
3. Final Plat Application
4. Dedication/Field Notes
5. Location Map
6. Site Plan Map
7. Plat
8. Utility Plans (Water/Wastewater)
9. Staff Comments (04/13/20)

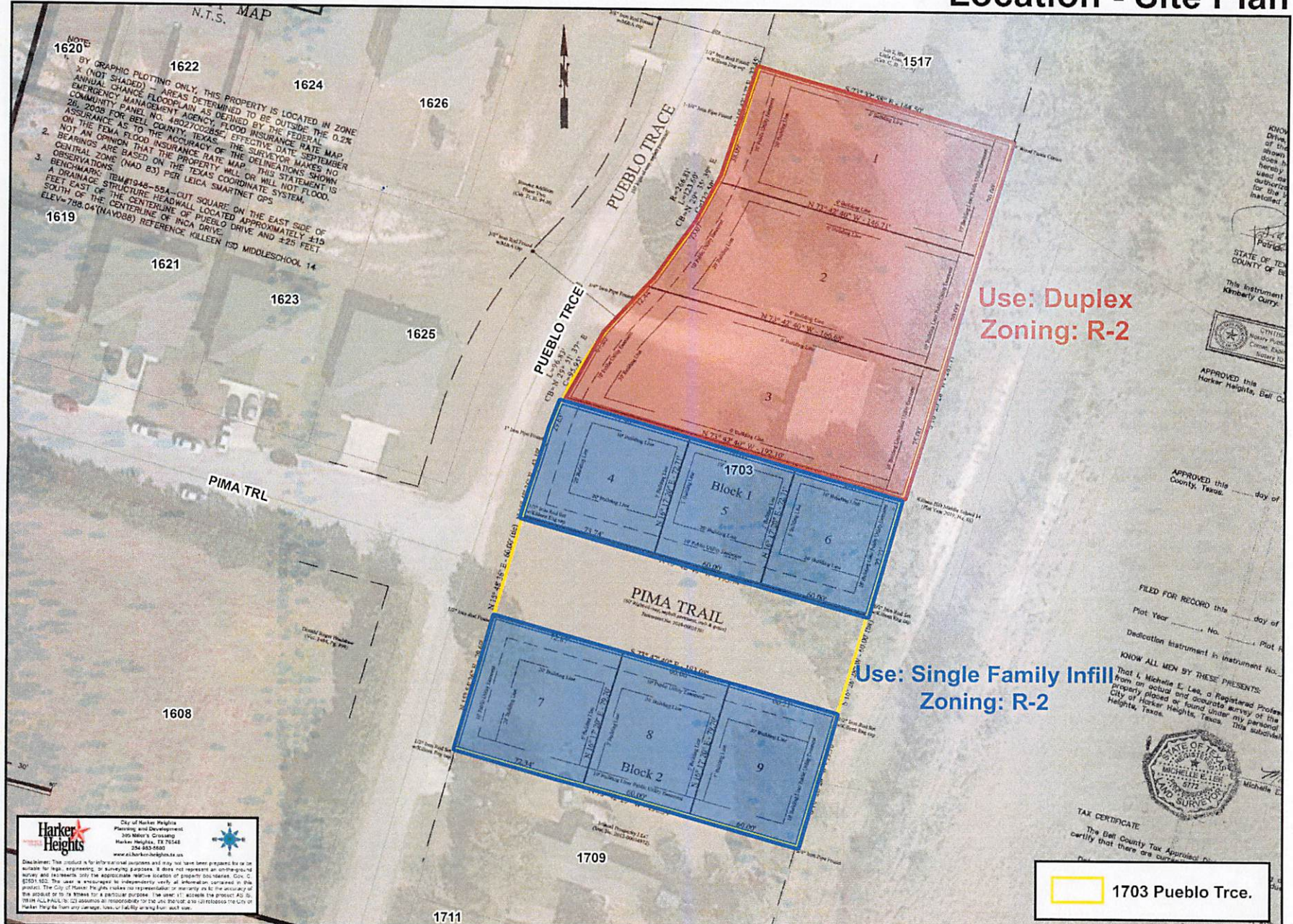
1703 Pueblo Trce.

Location



1703 Pueblo Trce.

Location - Site Plan





R1-I

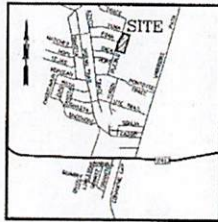
Pima Trail (to new Middle School)

R1-I

R-2



PLAT

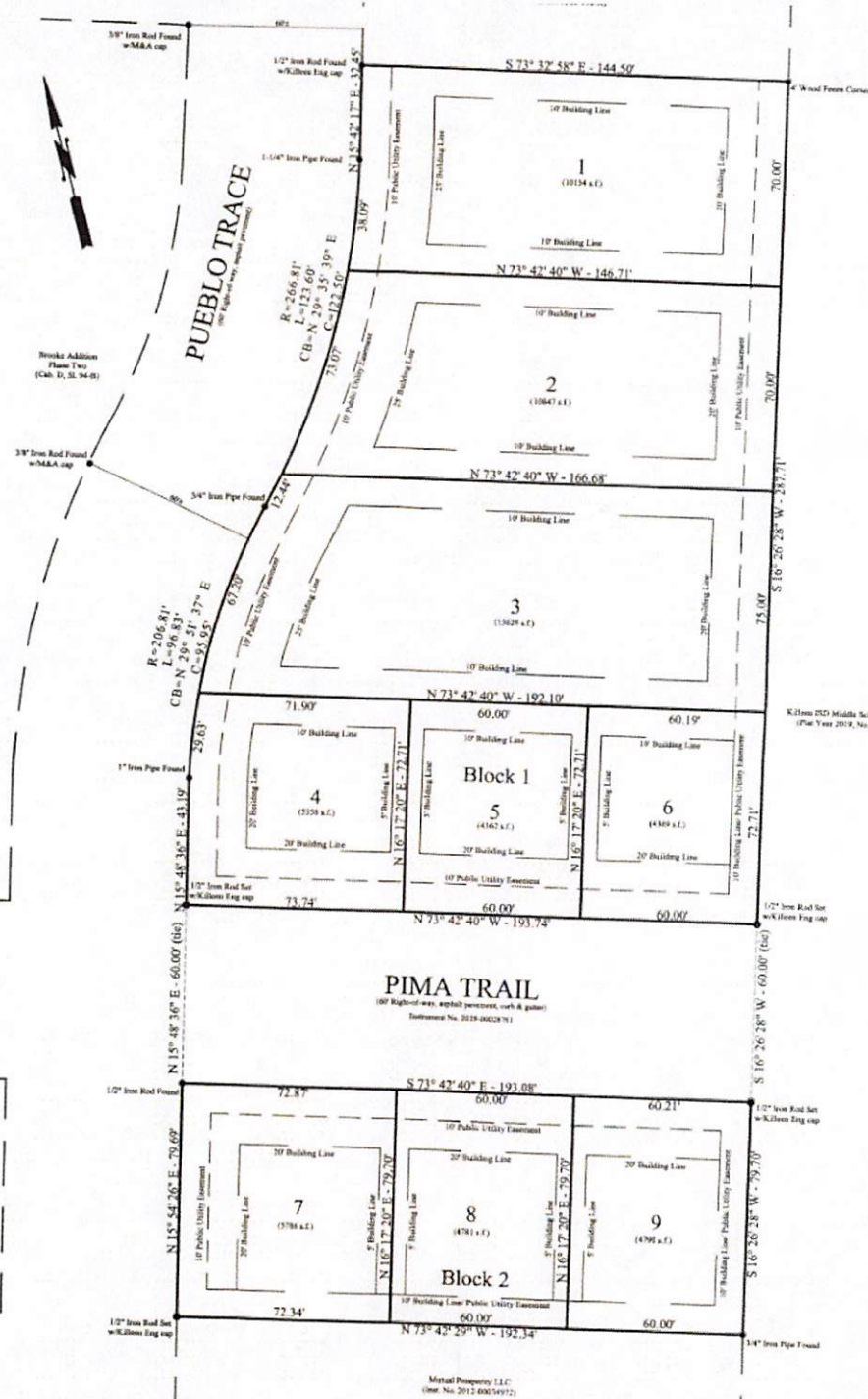


VICINITY MAP
N.T.S.

NOTE:

1. BY GRAPHIC FLOODING ONLY, THIS PROPERTY IS LOCATED IN ZONE
(NOT SHADED) - AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR
ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE TEXAS
COMMUNITY PANEL, NO. 46022/02C255, EFFECTIVE DATE SEPTEMBER
28, 2008 FOR BELL COUNTY, TEXAS. THE SURVEYOR MAKES NO
WARRANTY AS TO THE ACCURACY OF THE FLOODING INFORMATION
ON THE FEMA FLOOD INSURANCE RATE MAP. THIS STATEMENT IS
FOR INFORMATION ONLY. THE CITY WILL NOT BE RESPONSIBLE FOR
2. BEARINGS ARE BASED ON THE TEXAS AGRICULTURAL MEASUREMENT
CENTRAL ZONE (NAED 83) PER LOCAL SMARTNET GPS
OBSERVATIONS.
3. BENCHMARK: TEMP148-55A-CUT SQUARE ON THE EAST SIDE OF
A DRAINAGE STRUCTURE HEADWALL LOCATED APPROXIMATELY 815
EAST OF THE INTERSECTION OF STATE HIGHWAY 40 AND 825 FEET
SOUTH OF THE CENTERLINE OF INDC DRIVE.
4. ELEV=785.0 (NAVD83) REFERENCE KILLEN RD MIDDLE SCHOOL, 14
TH STREET, KILLEN, TEXAS 76748.
5. DISTRICT: ZONING FOR LOTS 4-B, BLOCK 1 AND LOTS 7-B,
BLOCK 2 IS R-1 (SINGLE-FAMILY UNIT DWELLING DISTRICT).

SCALE: 1" = 30'



and Kimberly Garry, whose address is 8114 Stillwood
1.670 acre tract of land in Bell County, Texas, part
1.670 acre in the dedication of CLARY HOME, or
not of the City of Hurter Heights, Bell County, Texas,
the City of Hurter Heights, Bell County, Texas, and
drives and alleys shown on said plat, the same to be
in maintenance of public utilities when and as
needed shown on said plat be dedicated to said City
utilities, which the City may install or permit to be

Kimberly Garry

2 day of March..... 2020 by Patrick Curry and

4 Murphy
to collect

* Planning and Zoning Commission of the City of

ing and Zoning Commission

2 and Looking Commission

¹ City Council of the City of Horkow Heights, Ball.

near Helgö

story

AD

only, Texas.

Official Public Records of Bell County, Texas.

surveyor, do hereby certify that I prepared this plot of the perimeter corner monuments shown hereon were in accordance with the Subdivision Regulations of the FDOT, is located within the City Limits of Homer

E. L. ... 445-2020
75 (IX 5772)

liability for all entities in Bell County, Texas does hereby
or owing on the property described by this plat.

AREAL DISTRICT

FINAL PLAT

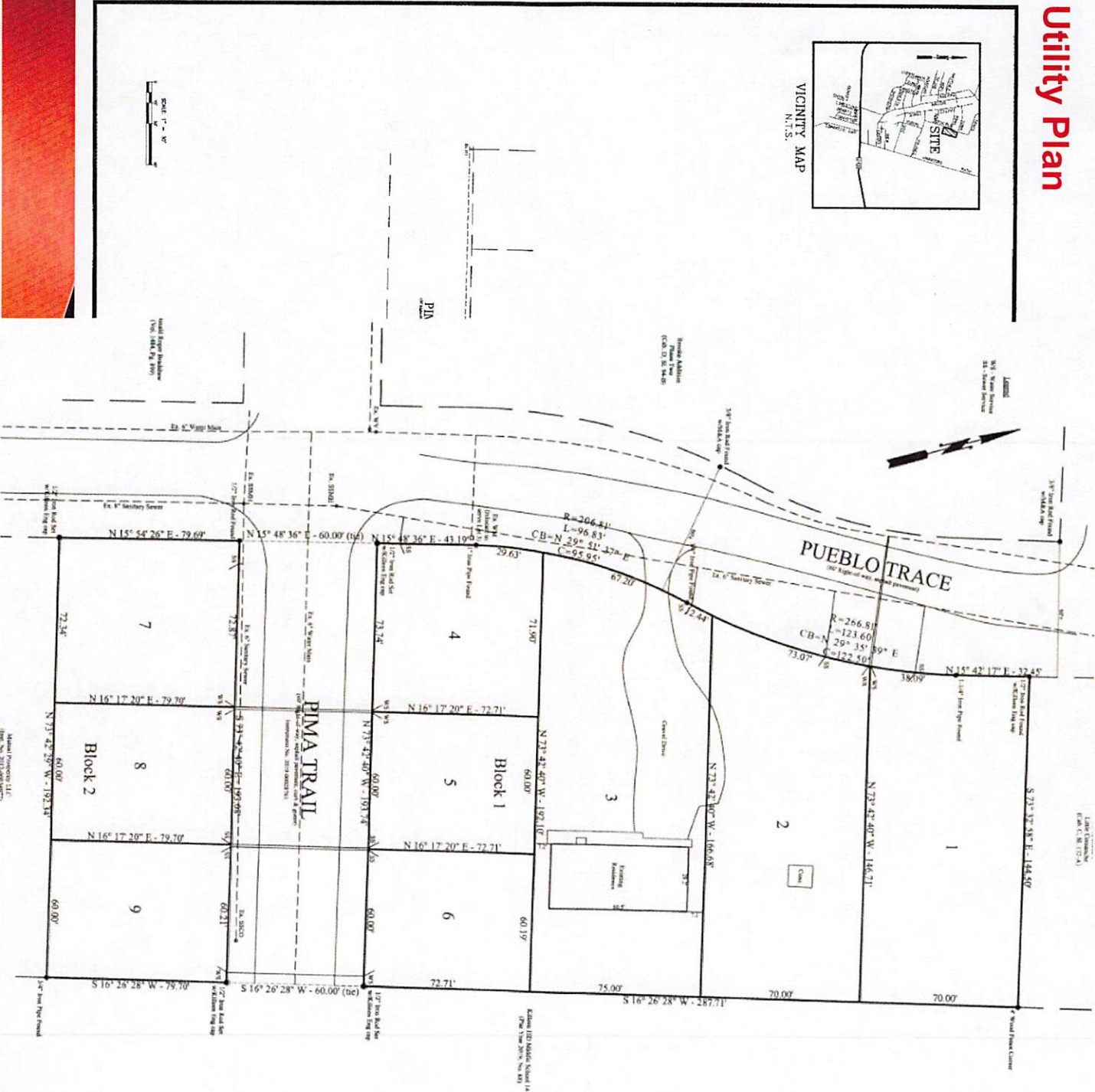
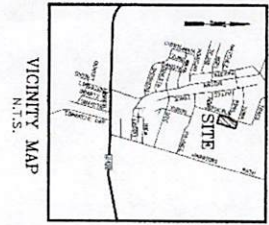
**KILLEEN ENGINEERING
& SURVEYING, LTD.**

2901 E. Stan Schlueter Loop
Killeen, Texas 76542
(254) 526-3981 (254) 526-4351 Fax

HARKER HEIGHTS, BELL COUNTY, TEXAS

Project No.:	2020-004
Scale:	1" = 30'
Date:	3/14/2020
Design By:	MEL
Sheet No.:	1 OF 1

Utility Plan



UTILITY AND AS-BUILT SHEET

CURRY NICHE

HARKER HEIGHTS, BELL COUNTY, TEXAS

KILLEEN ENGINEERING
& SURVEYING, LTD.

TOPE REGISTRATION NO. 4200 TBPLS REGISTRATION NO. 10194541

2901 E. Stan Schlueter Loop
Killeen, Texas 76542
(254) 526-3981 (254) 526-4351 Fax

Project No.	2020-004
Scale:	1" = 30'
Date:	4/15/2020
Drawn By:	ML
Sheet No.:	2





Preliminary Plat Application

City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647
Fax: (254) 953-5666

*** Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED ***

This application must be completed returned to the Planning Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

Property Information:

Plat Name: CURRY NICHE Date Submitted: 4-1-2020

Existing Lot Count: 1 Proposed Lot Count: 9 Proposed Units: _____ Acreage: 1.470

Existing Land Use: Single-Family Residence Proposed Land Use: Multi-Family Residence

Site Address or General Location: 1703 PUEBLO TRACE

Public Infrastructure Proposed with Subdivision: ☐ Water ☐ Wastewater ☐ Streets (including Private) ☐ Stormwater

Owner Information & Authorization:

Property Owner: PATRICK & KIMBERLY CURRY

Address: 6114 STILLWOOD DRIVE KILLEEN TX 76543

Phone: [REDACTED] E-Mail: [REDACTED]

Developer: SAME

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: KILLEEN ENGINEERING & SURVEYING, LTD.

Address: 2901 E STAN SCHLUETER LOOP KILLEEN TX 76542

Phone: 254-526-3981 E-Mail: MLEE@KESLTD.COM

CHECK ONE OF THE FOLLOWING:

☐ I will represent the application myself.

☒ I hereby designate MICHELLE LEE (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting may be deemed a withdrawal of the plat or plan.

OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 19 DAY OF March, 2020.

Cynthia A. Murphy
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 8-20-2023



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____



APPLICATION FOR FINAL PLAT APPROVAL
Application Fee \$ 150.00

PLAT NAME: CURRY NICHE

NUMBER OF LOTS: 9 NUMBER OF ACRES 1.470

DATE OF PRELIMINARY APPROVAL: _____

PROPERTY OWNER: PATRICK & KIMBERLY CURRY

ADDRESS: 6114 STILLWOOD DRIVE KILLEEN TX 76543
PHONE: _____

DEVELOPER: SAME

ADDRESS: _____
PHONE: _____

SURVEYOR/ENG: KILLEEN ENGINEERING & SURVEYING, LTD

ADDRESS: 2901 E STAN SCHLUETER LOOP KILLEEN TX 76542
PHONE: 254-526-3981

I HEREBY UNDERSTAND AND ACKNOWLEDGE:

THE FINAL PLAT MUST BE PREPARED IN ACCORDANCE WITH THE CITY'S SUBDIVISION RULES AND REGULATIONS AND SHALL CONFORM SUBSTANTIALLY TO THE PRELIMINARY LAYOUT AS APPROVED. THE SUBDIVIDER WILL BE REQUIRED TO INSTALL AT HIS/HER OWN EXPENSE ALL WATER LINES, STREETS, SEWER LINES, STORM SEWER LINES, DRAINAGE FACILITIES AND STRUCTURES WITHIN THE SUBDIVISION ACCORDING TO SECTION 154.45 OF THE HARKER HEIGHTS CODE OF ORDINANCES.

ALL REQUIRED IMPROVEMENTS HAVE BEEN COMPLETED UNLESS A BOND OR LETTER OF CREDIT HAS BEEN POSTED AND ATTACHED IN SUFFICIENT AMOUNT TO ASSURE COMPLETION.

A MAINTENANCE BOND OR SURETY INSTRUMENT HAS BEEN FURNISHED TO ASSURE THE QUALITY OF MATERIALS AND WORKMANSHIP AND MAINTENANCE OF ALL REQUIRED IMPROVEMENTS INCLUDING THE CITY'S COSTS FOR COLLECTING THE GUARANTEED FUNDS AND ADMINISTERING THE CORRECTION AND/OR REPLACEMENT OF COVERED IMPROVEMENTS IN THE EVENT THE SUBDIVIDER DEFAULTS. (BONDS OR OTHER INSTRUMENT MUST BE FOR 20% OF THE COST OF IMPROVEMENTS FOR ALL PUBLIC WORKS IMPROVEMENTS LESS STREETS AND SHALL RUN FOR A PERIOD OF ONE CALENDAR YEAR.) (BONDS AND OTHER INSTRUMENTS MUST BE FOR 40% OF THE COST OF IMPROVEMENTS FOR STREETS AND SHALL RUN FOR A PERIOD OF TWO CALENDAR YEARS.)

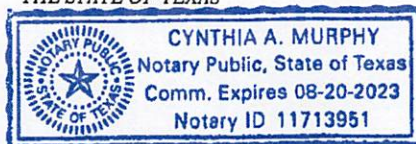
The developer or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear before the Planning and Zoning Commission or City Council during a meeting on which the plan or plat is on the agenda for discussion or action may be deemed a withdrawal of the plat or plan.

SIGNED: [Signature] OWNER AUTHORIZED AGENT (CORPORATION/PARTNERSHIP)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 19 DAY OF March, 2020.

Cynthia A. Murphy
NOTARY PUBLIC IN AND FOR

MY COMMISSION EXPIRES: 8-20-2023
THE STATE OF TEXAS



DEDICATION

STATE OF TEXAS §

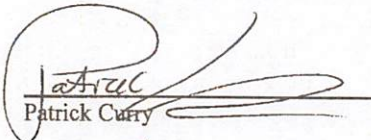
KNOW ALL MEN BY THESE PRESENTS:

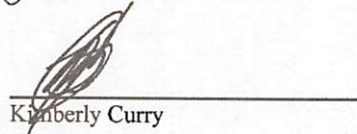
COUNTY OF BELL §

That **Patrick Curry & Kimberly Curry**, being the sole owners of that 1.470 acre tract of land described in Exhibit 'A' attached hereto, and incorporated herein for all purposes, do hereby subdivide the herein described property into lots and blocks according to the plat thereof, to be known as **CURRY NICHE**, to the City of Harker Heights, Bell County, Texas, as approved by the City of Harker Heights City Council. **Patrick Curry & Kimberly Curry** do hereby adopt the said plat of **CURRY NICHE**, as an addition to the City of Harker Heights for the purpose of selling lots and blocks of land with reference thereto, for the development of said land by its owner, for all other purposes, and do hereby dedicate to the City of Harker Heights all streets, avenues, roads, alleys, and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings; the same to be used as public thoroughfares and public utilities when and as authorized by the City of Harker Heights, Bell County, Texas.

The utility easements shown on the said plat are dedicated to the City of Harker Heights for the installation and maintenance of any and all public utilities, which the city may elect to install and maintain or permit to be installed and maintained.

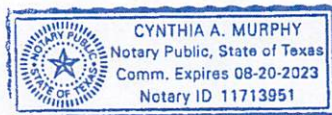
WITNESS the execution hereof on this 19 day of March, 2020 A.D.


Patrick Curry


Kimberly Curry

State of Texas §
County of Bell §

This instrument was acknowledged before me on this 19 day of March, 2020 A.D. by Patrick Curry and Kimberly Curry.




Notary Public State of Texas

Exhibit A

Being 1.470 acres of the I.T. Bean Survey, Abstract No. 115, Bell County, Texas, and being the remainder of that tract of land conveyed to Patrick Curry and Kimberly Curry as recorded in Instrument No. 2016-00032581, Official Public Records of Real Property of Bell County, Texas; said 1.470 acre tract being more particularly described as follows:

TRACT ONE (1.118 acres):

BEGINNING at a 1/2" rod found with KES cap in the East margin of Pueblo Trace, said rod being the Southwest corner of Lot 2, Block 1, Little Comanche, an addition to the City of Harker Heights as recorded in Cabinet C, Slide 172-A, said county plat records, and being the Northwest corner of said Curry tract for the Northwest corner of the herein described tract;

THENCE, S 73° 32' 58" E, 144.50 feet with the South line of said Lot 2, the North line of said Curry tract and the North line of the herein described tract to a fence corner found in the West line of Killeen ISD Middle School 14, an addition to the City of Harker Heights as recorded in Plat Year 2019, No. 88, said county plat records, being the Southeast corner of said Lot 2 and the Northeast corner of said Curry tract for the Northeast corner of the herein described tract;

THENCE, S 16° 26' 28" W, 287.71 feet with the West line of said KISD tract, the East line of said Curry tract and the East line of the herein described tract to a 1/2" iron rod set with KES cap, said rod being the Northeast corner of a tract of land conveyed to the City of Harker Heights as recorded in Instrument No. 2019-00028761, said county records, and being the Southeast corner of the North remainder of said Curry tract for the Southeast corner of the herein described tract;

THENCE, N 73° 42' 40" W, 193.74 feet with the North line of said City of Harker Heights tract, the South line of the North remainder of said Curry tract and the South line of the herein described tract to a 1/2" iron rod set with KES cap in the East margin of Pueblo Trace, said rod being the Northwest corner of said City of Harker Heights tract and the Southwest corner of the North remainder of said Curry tract for the Southwest corner of the herein described tract;

THENCE, N 15° 48' 36" E, 43.19 feet with the East line of said Pueblo Trace, the West line of said Curry tract and the West line of the herein described tract to a 1" iron pipe found for a corner in the West line of the herein described tract;

THENCE, continuing with the East margin of Pueblo Trace, the West line of said Curry tract and the West line of the herein described tract on a curve to the right having a radius of 206.81 feet, an arc length of 96.83 feet, and a chord bearing and distance of N 29° 51' 37" E, 95.95 feet to a 3/4" iron pipe found;

THENCE, continuing with the East margin of Pueblo Trace, the West line of said Curry tract and the West line of the herein described tract on a curve to the left having a radius of 266.81 feet, an arc length of 123.60 feet, and a chord bearing and distance of N 29° 35' 39" E, 122.50 feet to a 1-1/4" iron pipe found;

THENCE, N 15° 42' 17" E, 32.45 feet with the East margin of Pueblo Trace, the West line of said Curry tract and the West line of the herein described tract to **POINT OF BEGINNING**, containing 1.118 acres of land, more or less.

TRACT TWO (0.352 acres):

BEGINNING at a 1/2" rod found with KES cap in the East margin of Pueblo Trace, said rod being the Northwest corner of a tract of land conveyed to Mutual Prosperity, LLC as recorded in Instrument No. 2012-00034972, said county records, and being the Southwest corner of said Curry tract for the Southwest corner of the herein described tract;

THENCE, N 15° 54' 26" E, 79.69 feet with the East margin of Pueblo Trace, the West line of said Curry tract and the West line of the herein described tract to a 1/2" iron rod found, said rod

being the Southwest corner of said City of Harker Heights tract and the Northwest corner of the South remainder of said Curry tract for the Northwest corner of the herein described tract;


THENCE, S 73° 42' 40" E, 193.08 feet with the South line of said City of Harker Heights tract, the North line of the South remainder of said Curry tract and the North line of the herein described tract to a 1/2" iron rod set with KES cap in the West line of the above mentioned KISD tract, said rod being the Southeast corner of said City of Harker Heights tract and the Northeast corner of the South remainder of said Curry tract for the Northeast corner of the herein described tract;

THENCE, S 16° 26' 28" W, 79.70 feet with the West line of said KISD tract, the East line of said Curry tract and the East line of the herein described tract to a 3/4" iron pipe found, said pipe being the Northeast corner of the above mentioned Mutual Prosperity tract and the Southeast corner of said Curry tract for the Southeast corner of the herein described tract;

THENCE, N 73° 42' 29" W, 192.34 feet with the North line of said Mutual Prosperity tract, the South line of said Curry tract and the South line of the herein described tract to **POINT OF BEGINNING**, containing 0.352 acres of land, more or less.

The Bearings for the above description are based on the Texas Coordinate System, Central Zone, NAD 83 per Leica SmartNet GPS observations.

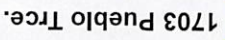
I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.


Michelle E. Lee, RPLS 3-16-2020
No. 5772, Texas



KILLEEN ENGINEERING & SURVEYING, LTD.*
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 526-3981 / FAX (254) 526-4351
TBPE Registration No. F-4200, TBPLS Registration No. 10194541

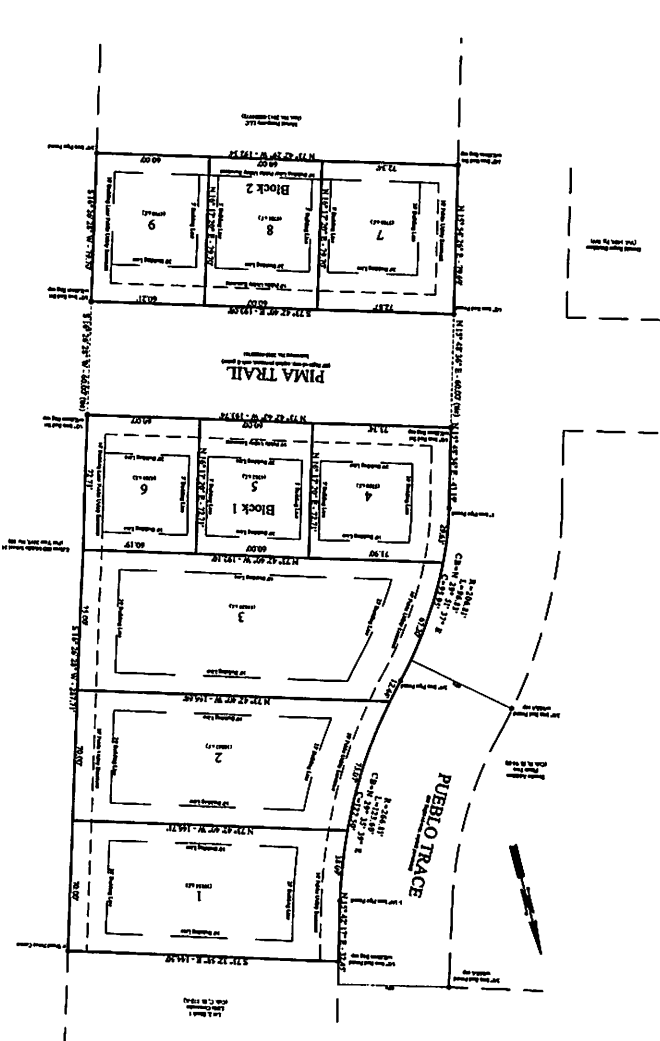
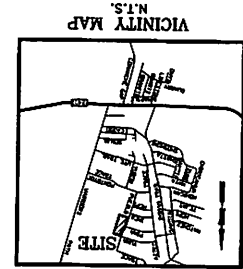
Location

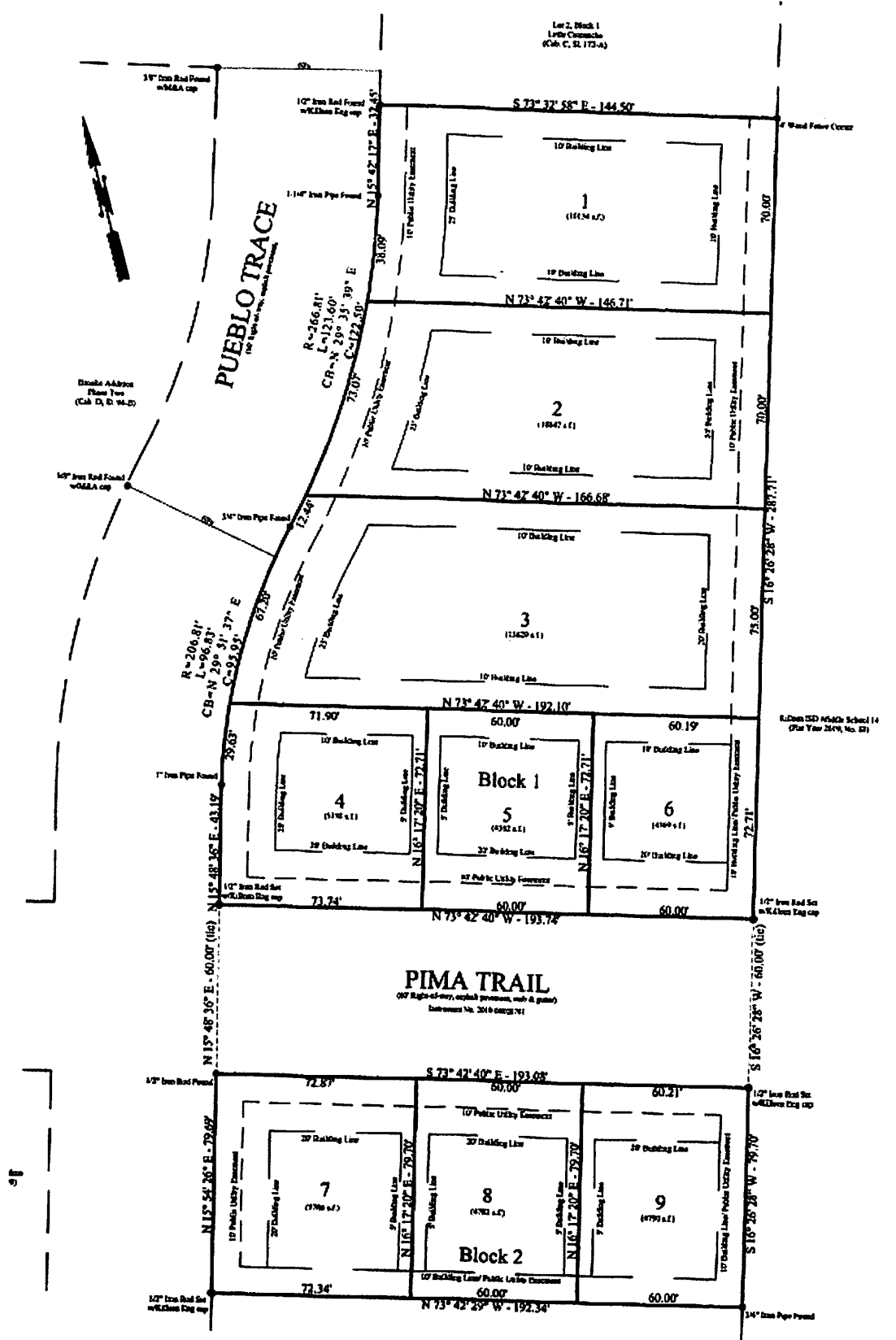


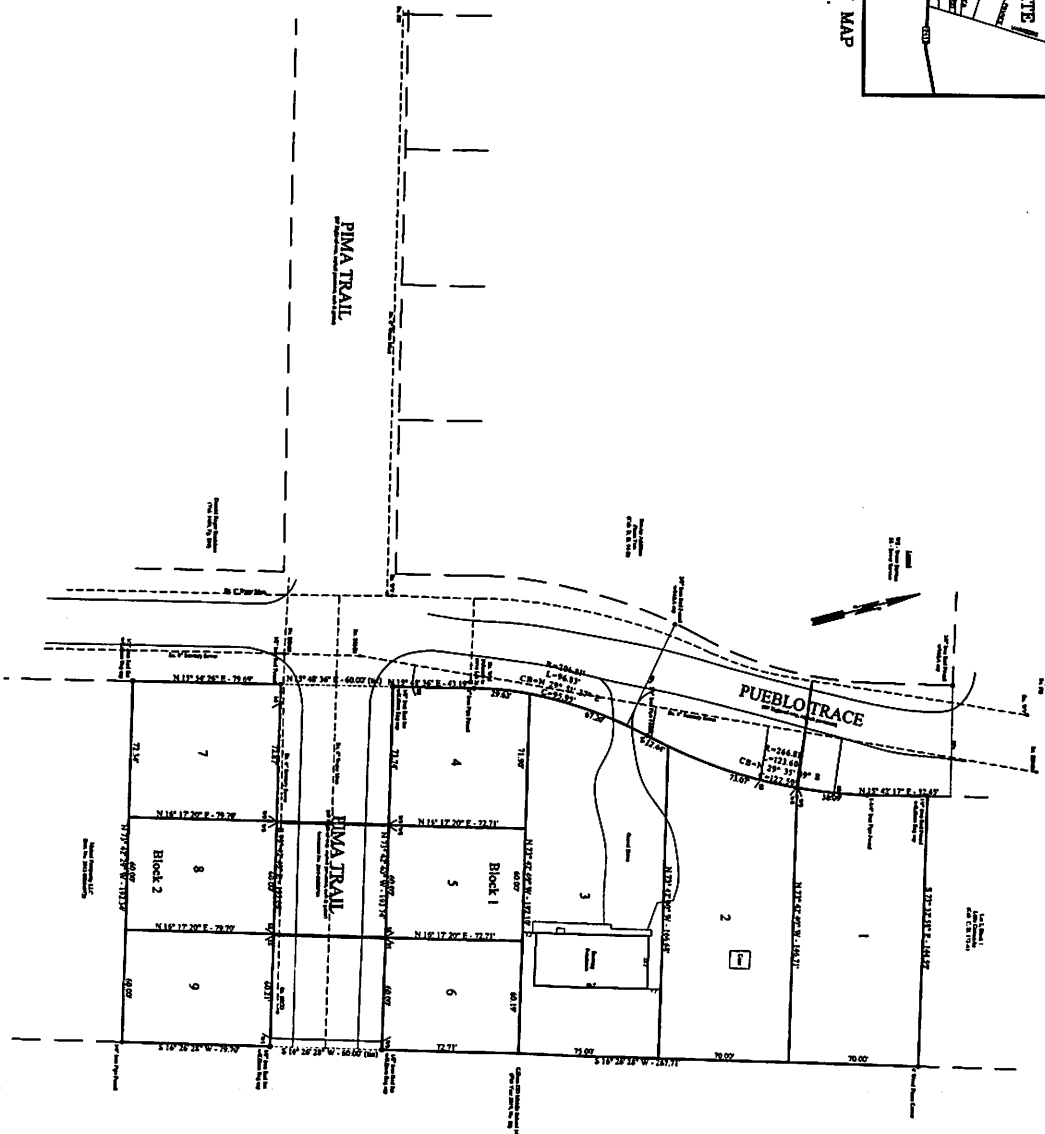
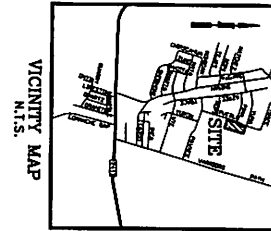
Project No.:	2020-004
Scale:	1" = 30'
Date:	3/14/2020
Design By:	MEL
Sheet No.:	1 OF 1

FINAL PLAT
CURRY NICHE
HARKER HEIGHTS, BELL COUNTY, TEXAS

**KILLEEN ENGINEERING
& SURVEYING, LTD.**
TYPE REGISTRATION NO. 4200 TYPES REGISTRATION NO. 10184641
2901 E. Stan Schlueter Loop
Killeen, Texas 76542
(254) 526-3981 (254) 526-3351 Fax

[illegible][illegible]





UTILITY AND AS-BUILT SHEET

CURRY NICHE

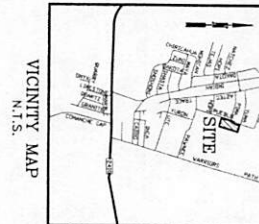
HARKER HEIGHTS, BELL COUNTY, TEXAS

**KILLEEN ENGINEERING
& SURVEYING, LTD.**

TYPE REGISTRATION NO. 4200 TPLS REGISTRATION NO. 10194541
2901 E. Stan Schlueter Loop
Killeen, Texas 76542
(254) 526-3981 (254) 526-4351 Fax



Project No.:	2020-004
Scale:	1" = 30'
Date:	4/15/2020
Design By:	WEL
Sheet No.:	2



Received
 4/4 01 2020
 Planning & Development

UTILITY AND AS-BUILT SHEET

CURRY NICHE

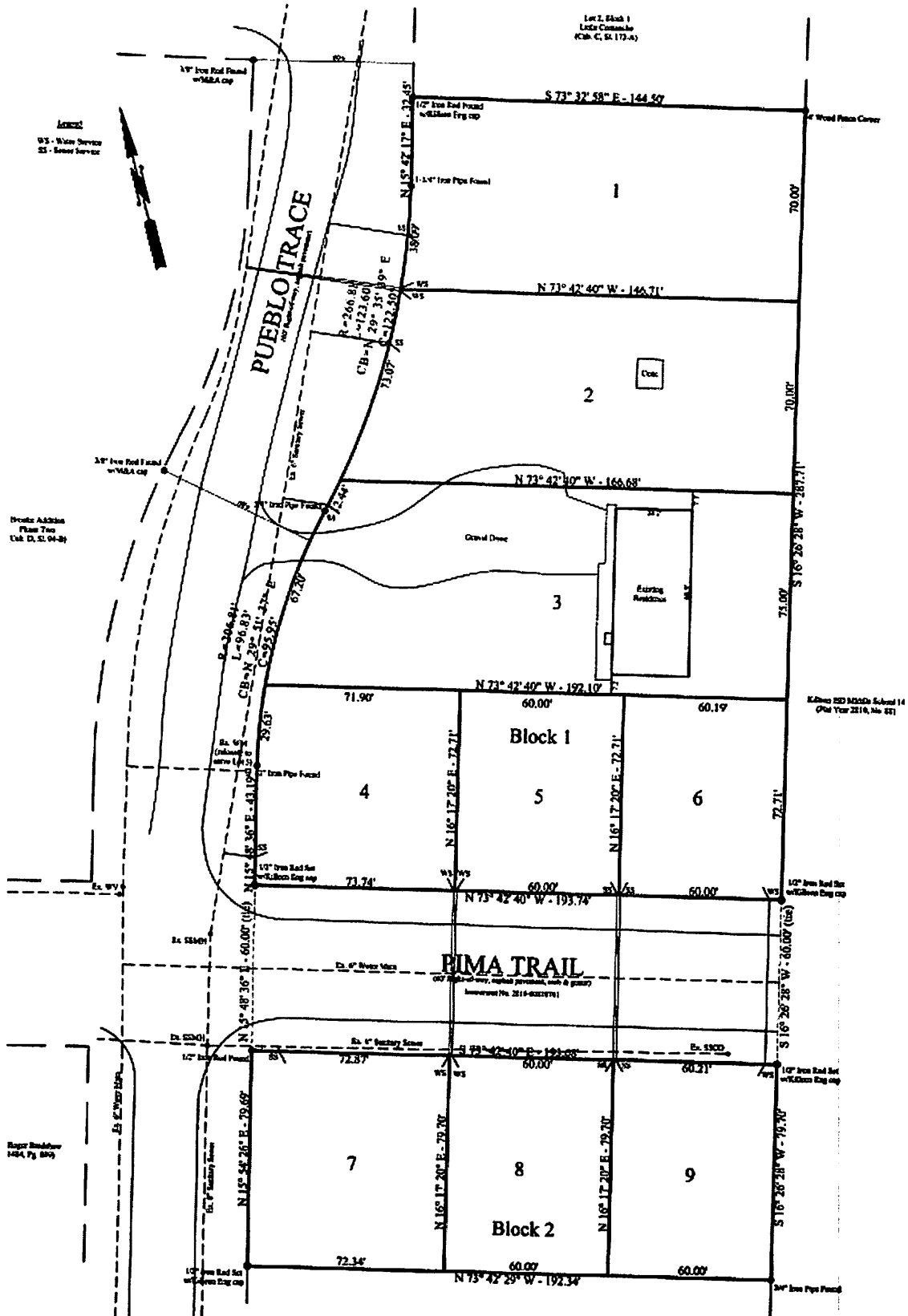
HARKER HEIGHTS, BELL COUNTY, TEXAS

**KILLEEN ENGINEERING
 & SURVEYING, LTD.**

TYPE REGISTRATION NO. 4200 TBPLS REGISTRATION NO. 10194541
 2901 E. Stan Schlueter Loop
 Killeen, Texas 76542
 (254) 526-3981 (254) 526-4351 Fax

Project No.:	2020-004
Scale:	1" = 30'
Date:	3/13/2020
Design By:	WEL
Sheet No.:	2





CURRY NICHE

P20-01 – CURRY NICHE

Plat Distributed to HH Staff: April 2, 2020

Comments Returned to Killeen Engineering & Surveying, LTD: April 13, 2020

Planning & Development

1. Please provide a plat note identifying zoning to be used for lots 1-9.
2. If lots are designated for R2-I: The minimum lot area shall be 6,000 square feet. *Side yard.* The minimum side yard setback for any corner lot shall be six 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. *Rear yard.* There shall be a rear yard having a depth of not less than ten feet.
3. If lots are designated for R1-I: (1) *Lot area.* No building shall be constructed on any lot less than 3,500 square feet in area. *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. *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.
4. Please indicate the use for each lot in the plat notes so that setbacks and area requirements can be verified.
5. Lots 1, 2, and 3 are assumed to be duplex lots but are using the setback values for either the R-1 or the R2-I district. An R-1 use is allowed in an R-2 district, but it was my understanding the lots would be occupied by duplexes. Further, they cannot be rezoned to R2-I because a geographic constraint for the zoning district restricts them to the north side of the City. If their intended use is as a duplex, then the front yard setbacks should be 25 feet, the side yard setbacks should be 10 feet, and the rear yard setbacks should be 20 feet.
6. Lots 4-9 are assumed to be R1-I lots, and as such, the setbacks are within the requirements.

Public Works, Mark Hyde

Public Works, Kristina Ramirez

1. Applicant shall provide a water service layout or amend Sheet 2 to include the proposed water mains, service locations, fire hydrants and valves.
2. Applicant shall amend Sheet 2 to include the existing and/or proposed sewer service locations.

3. Applicant shall provide a stormwater drainage layout plan with elevation contours and calculations in accordance with the Drainage Criteria Manual and Sections 154.21(C)(2) and 154.22(B)(2) of the Harker Heights Code of Ordinances.
4. Applicant shall annotate the area of each proposed lot in square feet.

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

- Approval

Building Official, Mike Beard

OTHER

COMMENTS: Building line setbacks do not meet current standards.

<i>Table 21-A: Setback Requirements (Minimum)</i>			
<i>District</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
R-1 One Family Dwelling District	20 feet except for front-entry garages and carports which shall be 25 feet*	6 feet except lots platted 50 feet wide shall have 5 feet setbacks 15 feet adjacent to a side street 20 feet for garages on a side street	20 feet
R1-R Rural One Family Dwelling District	40 feet* 25-feet-around cul-de-sacs	10 feet 25 feet adjacent to a side street	25 feet
R1-A Single Family Garden Home Residential District	20 feet* or 15-feet-around cul-de-sacs	See §155.022	20 feet
R-2 Two Family Dwelling District	25 feet*	10 feet 15 feet adjacent to a side street	20 feet

ONCOR, Donna McGinnis

Century Link, Chris McGuire

Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Shawn Kelley

- Atmos Energy does NOT have gas facilities/mains near the property plat.



COUNCIL MEMORANDUM

AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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 AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On April 3, 2020, Oncor filed an Application to Amend its Distribution Cost Recovery Factor ("DCRF") with cities retaining original jurisdiction and with the Public Utility Commission in Docket No. 50734. In the filing, Oncor seeks to increase their distribution rates by \$75.9 million annually which equates to an approximately \$0.88 increase to the average residential customer's bill.

The attached resolution authorizes the City of Harker Heights to join with the Oncor Cities Steering Committee ("OCSC") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

RECOMMENDATION:

Staff recommends approving the resolution.

ACTION BY COUNCIL:

1. Motion to approve/disapprove a Resolution of the City of Harker Heights, Texas, finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; 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.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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.

WHEREAS, the City of Harker Heights, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Harker Heights will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members deny Oncor's DCRF.

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 50734.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Harker Heights hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or tbrocato@lglawfirm.com.

PASSED AND APPROVED this 12th day of May, 2020.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights



COUNCIL MEMORANDUM

AGENDA ITEM #IX-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

DISCUSS AND CONSIDER APPROVING A RESOLUTION GRANTING A WAIVER OF PERMITTING FEES IN THE AMOUNT OF \$35.00 FOR RESIDENTIAL HOMES WITH ON-SITE SEWAGE FACILITIES (OSSF'S) AND UNAPPROVED IRRIGATION BACKFLOW PREVENTION ASSEMBLIES, LOCATED WITHIN THE GEOGRAPHICAL AREA DEPICTED IN EXHIBIT "A", AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On December 10, 2019, the Harker Heights City Council approved a resolution waiving the permitting fees in the amount of \$35.00 for residential homes with on-site sewage facilities (OSSF's) and unapproved backflow prevention assemblies located within the geographical area depicted in Exhibit "A". The \$35.00 permitting fee waiver expires on June 1, 2020. Due to the COVID-19 pandemic, staff recommends extending the \$35.00 permitting fee waiver to August 3, 2020. This allows the 160 residential homes with septic systems that do not have a Reduced Pressure Backflow Assembly (RPBA) on the irrigation system additional time to reach compliance with City ordinance. Homeowners have the option of replacing their unapproved backflow assembly with an RPBA or disconnecting the irrigation system from the potable water system without incurring the cost of changing out the backflow assembly.

RECOMMENDATION:

Staff recommends approval.

ACTION BY CITY COUNCIL:

1. Motion to approve/disapprove a resolution granting a waiver of permitting fees in the amount of \$35.00 for residential homes with on-site sewage facilities (OSSF's) and unapproved backflow prevention assemblies located within the geographical area depicted in Exhibit "A".
2. Any other action desired.

ATTACHMENTS:

1. Resolution
2. Exhibit "A"
3. Location Map of Unapproved Backflow Assemblies
4. December 13, 2019 Letter to Homeowners with Unapproved Backflow Prevention Assemblies
5. May 2020 Draft Letter to Homeowners (2nd Reminder Letter)
6. City of Harker Heights Backflow Prevention Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A WAIVER OF PERMITTING FEES IN THE AMOUNT OF \$35.00 FOR RESIDENTIAL HOMES WITH ON-SITE SEWAGE FACILITIES (OSSF'S) AND UNAPPROVED IRRIGATION BACKFLOW PREVENTION ASSEMBLIES LOCATED WITHIN THE GEOGRAPHICAL AREA DEPICTED IN EXHIBIT "A".

WHEREAS, the City of Harker Heights is required to implement the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems promulgated by the Texas Commission on Environmental Quality ("**TCEQ**"), 30 Texas Administrative Code § 290.44 and § 290.46, Texas Health and Safety Code, Chapter 341, Subchapter C, and the Federal Safe Drinking Water Act (Title 42, United States Code, Chapter 6A, subchapter XII); and

WHEREAS, on August 13, 2019, the City Council approved a backflow prevention ordinance providing for a continuing program of uniform regulations governing the installation, testing and certification of backflow prevention assemblies and technicians, and to permit and control the installation, routine maintenance and inspection of backflow prevention assemblies; and

WHEREAS, the purpose of the backflow prevention ordinance is to protect the City's potable water supply from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants; and

WHEREAS, a number of residential homes have been identified with on-site septic systems and unapproved irrigation backflow prevention assemblies; and

WHEREAS, the City Council finds that it is in the public interest to waive permitting fees in the amount of \$35.00 in order to assist residential homeowners that have irrigation systems and on-site septic systems with the cost of replacing pressure vacuum breaker assemblies or double check valve assemblies with an approved reduced pressure backflow assembly (RPBA) –or- permanent disconnection of the irrigation system; and

WHEREAS, the meeting at which this resolution 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 RESOLVED by the City Council of the City of Harker Heights, Texas:

1. The facts and recitations set forth above are hereby found and declared to be true and correct.

2. The City of Harker Heights, acting through its governing body, hereby confirms and approves waiving permitting fees in the amount of \$35.00 for residential homeowners that have irrigation systems and on-site septic systems to replace either pressure vacuum breaker assemblies or double check valve assemblies with an approved reduced pressure backflow assembly (RPBA) -or- permanent disconnection of the irrigation system.
3. Residential homeowners eligible for the \$35.00 permitting fee waiver must be located within the geographical area depicted in Exhibit "A".
4. The \$35.00 permitting fee waiver expires August 3, 2020.

PASSED AND APPROVED on May 12, 2020, by the Harker Heights City Council.

Spencer H. Smith, Mayor
City of Harker Heights

ATTEST:

Juliette Helsham, City Secretary
City of Harker Heights

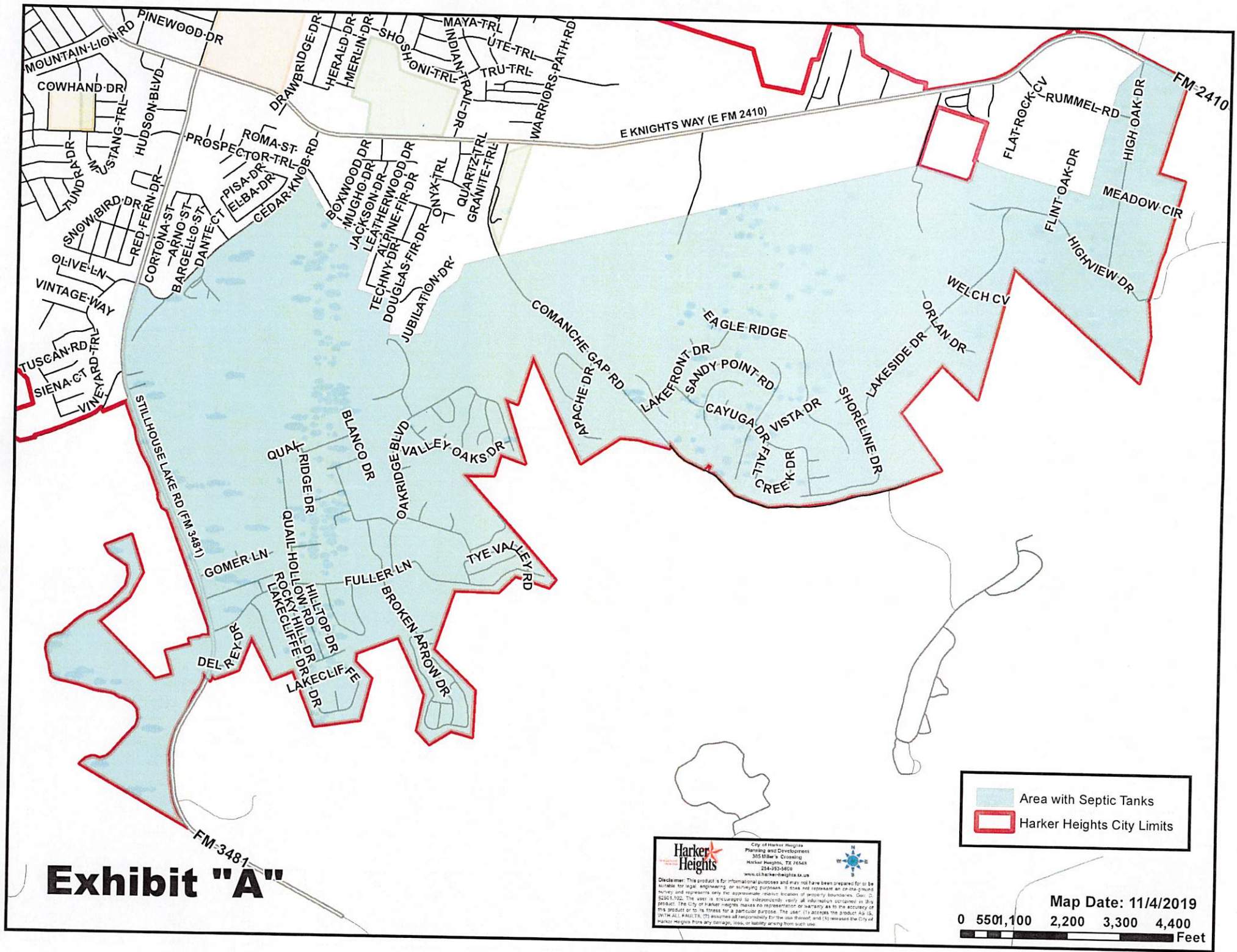





Exhibit "A"




City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
281-393-5466
www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Go to: 0. 00001102. The user is encouraged to independently verify all information contained in this product or to its fitness for a particular purpose. The user: (1) accepts the product as is, (2) the City of Harker Heights makes no representation or warranty as to the accuracy of the product, and (3) releases the City of Harker Heights from any damages, loss, or liability arising from such use.





Area with Septic Tanks



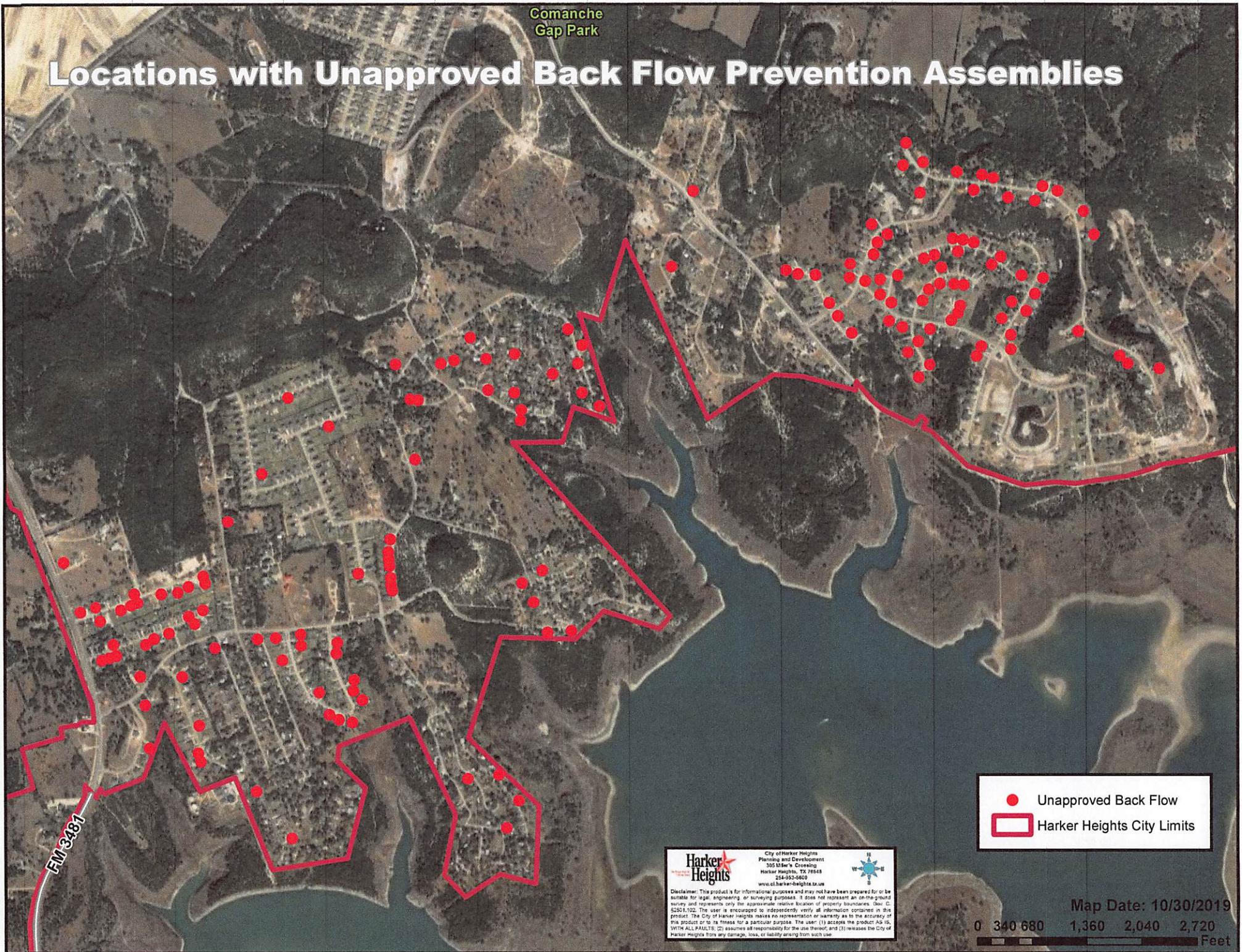
Harker Heights City Limits

Map Date: 11/4/2019

0 550 1,100 2,200 3,300 4,400 Feet

Comanche
Gap Park

Locations with Unapproved Back Flow Prevention Assemblies





December 13, 2019

Name and Address

The City of Harker Heights

305 Miller's Crossing
Harker Heights, TX 76548
Phone 254/953-5600
Fax 254/953-5614

Mayor

Spencer H. Smith

Mayor Pro Tem

Michael Blomquist

City Council

Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Dear Owner:

The City of Harker Heights operates a Backflow Prevention Program as required by Texas Administrative Code (TAC) Title 30, Chapter 290, and the Texas Commission on Environmental Quality (TCEQ). The purpose of the program is to protect the integrity of the water distribution system as well as the health, safety and general welfare of the people who use it. Residential backflow prevention assemblies must be tested at installation, immediately after repairs or relocation, and then retested every three (3) years thereafter in the City of Harker Heights in accordance with Chapter 54 of the City Code of Ordinances.

Our files indicate, **Address**, has a Pressure Vacuum Breaker (PVB) Backflow Assembly or other device which is an unapproved Backflow Prevention Assembly, due to the Health Hazard risk of an On Site Sewage Facility (OSSF).

§54.10 INSTALLATION PROVISIONS.

(C) High Health Hazard Installation.

- (1) Only approved backflow prevention assemblies installed at the meter can be used at high health hazard applications unless a variance is obtained from the Director. Variances will be based on conditions such as type of hazard, complexity of facility plumbing, potential for future plumbing connections, and others as deemed appropriate.
- (2) The Director may require a secondary assembly if deemed necessary to protect the public water supply from the failure of the primary backflow prevention assembly or to allow maintenance of the primary backflow prevention assembly.

(H) Compliance for Existing Customers.

- (1) The owner of any premises which is determined to have an unprotected or improperly installed high health hazard connection must comply with this section within 10 days upon written notification by the Director unless the Director determines that circumstances exist which require installation within a different time frame. Documentation of the installation and testing must be submitted as outlined in §54.13.
- (2) The owner of any premises which is determined to have an unprotected nonhealth hazard connection must install an approved assembly immediately downstream of the city's meter on a schedule determined by the Director.

Documentation of the installation and testing must be submitted as outlined in §54.13.

§54.11 GUIDE TO SELECTION OF ASSEMBLIES FOR PREMISES ISOLATION.

Appendix F: Assessment of Hazards and Selection of Assemblies, set forth in 30 TAC §290.47(f), as same may be amended from time to time, is hereby adopted by reference as though set forth at length herein, subject to the following deletions, alterations and additions:

<i>Premises Isolation: Description of Premises</i>	<i>Assessment of Hazard</i>	<i>Required Assembly</i>
Irrigation systems without chemical additives	Nonhealth†	RPBA / AVB / PVB
Irrigation systems with On Site Sewage Facilities (OSSF)	Health	RPBA

Your Backflow Prevention Assembly is required to be replaced with an approved RPBA **on or before June 1, 2020** to meet the requirements of the City ordinance **-or-** the irrigation system can be disconnected from the potable water supply and capped. The City of Harker Heights is required to inspect replaced backflow prevention assemblies and permanent disconnections of irrigation systems from the potable water supply. A City of Harker Heights permit will be required for the backflow assembly replacement **-or-** permanent disconnection of the irrigation system. The City of Harker Heights will waive the \$35.00 permit fee to assist in reducing the cost for compliance. A permit can be obtained online at mygovernmentonline.org or in person at City Hall at the Building Permit Office (254) 953-5600. A list of backflow prevention assembly testers registered with the City of Harker Heights is attached with this letter.

Respectfully,

Leslie Stevens

Leslie Stevens
City of Harker Heights
BPAT/CSI Technician
Office: (254) 953-5691
lstevens@harkerheights.gov

- Attachments: 1. City of Harker Heights Registered Backflow Prevention Assembly Testers.
2. Backflow Prevention Frequently Asked Questions.



, 2020

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

Mayor
Spencer H. Smith

Mayor Pro Tem
Michael Blomquist

City Council
Jennifer McCann
Jackeline Soriano Fountain
John Reider
Jody Nicholas

Dear Owner

The City of Harker Heights operates a Backflow Prevention Program as required by Texas Administrative Code (TAC) Title 30, Chapter 290, and the Texas Commission on Environmental Quality (TCEQ). The purpose of the program is to protect the integrity of the water distribution system as well as the health, safety and general welfare of the people who use it. Residential backflow prevention assemblies must be tested at installation, immediately after repairs or relocation, and then retested every three (3) years thereafter in the City of Harker Heights in accordance with Chapter 54 of the City Code of Ordinances.

A letter was sent to you on December 13, 2019 regarding your existing Pressure Vacuum Breaker (PVB) Backflow Assembly or other device, which is an unapproved Backflow Prevention Assembly, due to the Health Hazard risk of an On Site Sewage Facility (OSSF).

The City Council has taken action to extend the deadline from June 1st to August 3, 2020 for the replacement of your Backflow Prevention Assembly. The City Council will continue to waive the \$35.00 permit fee until August 3, 2020 to assist in reducing the cost for compliance. This measure has been implemented to provide our residents additional time to schedule the work during this COVID 19 pandemic. Your Backflow Prevention Assembly is required to be replaced with an approved RPBA to meet the requirements of the City ordinance **-or-** the irrigation system can be disconnected from the potable water supply and capped. With either option above, a permit is required with the City of Harker Heights. The City is required to inspect replaced backflow prevention assemblies and permanent disconnections of irrigation systems from the potable water supply. A current list of approved backflow assembly technicians registered with the City of Harker Heights is attached.

If you have any questions or concerns, please contact me at (254) 953-5691.

Respectfully,

Leslie Stevens

City of Harker Heights
BPAT/CSI Technician
lstevens@ci.harker-heights.tx.us

Attachments: December 13, 2019 Original Letter
Harker Heights Approved Backflow Assembly Technicians

**City of Harker Heights Approved
Backflow Prevention Assembly Tester**

Allen the Sprinklerman	(254) 501-4557
American Landscape and Design	(254) 681-5410
Atmospere	(254) 690-2866
A-Z Plumbing Company	(254) 698-2130
CM Backflow testing & Repair	(903) 880-7165
Cruz Lawncare & Backflow Prevention	(254) 245-6121
Don Bridges	(254) 681-2102
G's Backflow Services	(254) 630-4372
Irrigation Compliance Solutions	(254) 534-0954
Paul Benavides	(254) 368-4700
Cove Plumbing	(254) 547-4636
3 Sisters Backflow	(254) 319-1814
Heart of Texas Landscape & Irrigation	(254) 939-6795
Got Sprinkler Repair	(254) 394-4105
Ledbetter Irrigation & Backflow	(254) 718-0055
Hydro Pros Backflow Testing & Repair	(254) 458-0627
Adolfo Rodriguez	(254) 939-6795
TNK Services, LLC	(254) 535-5625
Texas Beautyscapes	(512) 864-0722
Fire King	(512) 425-0272
The Yard Department	(254) 493-1246
Pro Irrigation	(254) 498-2225
Geoscapes of Texas	(512) 529-1605
Action Fire Pros	(254) 235-1516
Holman Irrigation	holmanirrigation@gmail.com
VS Fire Protection	(512) 820-0731
A Trust Backflow	(214) 315-7290
SS Irrigation	(254) 368-3986

ORDINANCE NO. 2019-22**AN ORDINANCE PROVIDING FOR A CONTINUING PROGRAM OF UNIFORM REGULATIONS GOVERNING THE INSTALLATION, TESTING AND CERTIFICATION OF BACKFLOW PREVENTION ASSEMBLIES AND TECHNICIANS, AND TO PERMIT AND CONTROL THE INSTALLATION, ROUTINE MAINTENANCE AND INSPECTION OF BACKFLOW PREVENTION ASSEMBLIES**

WHEREAS, the City Council ("**Council**") of the City of Harker Heights ("**City**") finds and declares that it is the policy of the City to promote the public health safety and welfare by:

1. Implementing the rules for drinking water standards governing drinking water quality and reporting requirements for public water supply systems promulgated by the Texas Commission on Environmental Quality ("**TCEQ**"), 30 Texas Administrative Code § 290.44 and § 290.46, Texas Health and Safety Code, Chapter 341, Subchapter C, and the Federal Safe Drinking Water Act (Title 42, United States Code, Chapter 6A, subchapter XII);
2. Establishing a cross connection control program of uniform regulations governing the installation, testing and certification of backflow prevention assemblies and technicians; and
3. Establishing requirements to permit and control the installation, routine maintenance and inspection of backflow prevention assemblies.

AND WHEREAS, the City Council further finds and declares that the purpose of this ordinance is to:

1. Promote the health, safety and general welfare of the City;
2. Promote and encourage the proper use and control of the City's water distribution system;
3. Protect the City's potable water supply from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system;
4. Promote the elimination or control of actual and potential cross connections between the customer's potable water system(s) and non-potable water systems, plumbing fixtures, and process piping systems;
5. Provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent such contamination or pollution of

the City's potable water by requiring the certification and operational testing of all testable backflow prevention assemblies located on a premises, and requiring the installation of approved backflow prevention assemblies as required by the currently adopted plumbing code; and

6. Comply with the TCEQ rules and regulations for Public Water Systems.

AND WHEREAS, this ordinance is adopted under the authority of the Constitution and laws of the State of Texas, as promulgated by Chapter 212 of the Texas Local Government Code, as well as the Charter for the City;

AND WHEREAS, the Council has determined 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 Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: Section 150.02(B) of the Code is hereby amended to read as follows:

(B) The *International Plumbing Code, 2015 Edition*, as promulgated by the International Code Council, Inc., and all subsequently published annual revisions, except for the following, which shall amend and change said code only to the extent referenced:

- (1) Section 101.1 "Title." Insert "The City of Harker Heights, Texas."
- (2) Section 106.6.2 "Fee Schedule." Insert "As determined in the annual budget document."
- (3) Section 106.6.3 "Fee Refunds." Insert "50%" on Items 2 and 3.
- (4) Section 107.4.3 "Re-inspection and Testing." Amend to read: "Where any work or an installation does not pass any initial inspection, the necessary corrections shall be made to achieve compliance with this code. The work or installation shall then be re-submitted to the code official for re-inspection. A fee shall be paid to the city for each re-inspection."
- (5) Section 108.4 "Violation Penalties." Amend to read: "Refer to Section 150.99 of the Code of Harker Heights, Texas."

- (6) Section 108.5 "Stop Work Orders." Revise the last sentence to read: "Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable as provided in Section 150.99 of the Code of Harker Heights, Texas."
- (7) SECTION 109 "MEANS OF APPEAL." Replace the text with the following: "See Section 113 of the International Building Code."
- (8) Section 304.4.1 "Sewer Depth." Insert "twelve (12) inches (30.48 cm)" in both locations.
- (9) Section 311.1 "Toilet Facilities for Workers General." Add the following sentences: "Toilet facilities shall be placed not more than 300 feet (91.2 m) apart. Several builders may share the same facility, provided there is a letter on file signed by all parties."
- (10) Section 312.2 "Drainage and Vent Water Test." Change to read: "A water test shall be applied to the drainage system, either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged, except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 5-foot (1,524-mm) head of water. In testing successive sections, at least the upper 10 feet (3,048 mm) of the next preceding section shall be tested so that no joint or pipe in the building, except the uppermost 10 feet (3,048 mm) of the system, shall have been submitted to a test of less than a 5-foot (1,524-mm) head of water. This pressure shall be held for not less than 15 minutes. The system shall then be tight at all points."
- (11) Section 312.3 "Drainage and Vent Air Test." Add exemption to read: "An air test for plastic pipe not exceeding 5 psi for a period not less than 15 minutes shall be allowed for soil testing in wet weather."
- (12) Section 312.10 "Inspection and testing of backflow prevention assemblies." Replace the text with the following: "Inspection and testing shall comply with Chapter 54 of the Code of Harker Heights."
- (13) Section 504.7.2 "Pan Drain Termination." Delete last sentence and add following sentence: "An approved warning and water service shutoff device shall be required."
- (14) Section 603.2 "Separation of Water Service and Building Sewer." Delete first sentence and change to read: "The building sewer shall be horizontally separated by not less than 5 feet (1,524 mm) of undisturbed or compacted earth. The required separation distance shall not apply where a water service pipe crosses a sewer pipe, provided the water service is sleeved to a point not less than 5 feet (1,524 mm) horizontally from the sewer pipe centerline on both sides of such crossing. The

sleeve shall be of pipe materials listed in Table 605.3, 702.2 or 702.3. The required separation shall not apply where the bottom of the water service pipe, located within 5 feet (1,524 mm) of the sewer, is not less than 12 inches (305 mm) above the highest point of the building sewer."

(15) SECTION 603 "WATER SERVICE." Add new subsection 603.3 entitled "Water Service Metering," to read as follows: "Each building to which domestic water service is supplied shall be separately metered. Each tenant space of a multi-occupancy building shall have separate valves. Upon request for a meter set, the water service tap shall be identified and exposed by the owner or his agent. Adjacent grade at that time shall be as close to finished grade as possible. Should finished grade later prove to vary considerably from that which was anticipated upon the setting of the meter, it shall be the owner's sole responsibility to alter the grade of the water service tap, the meter, meter vault and yard line to accommodate the grade change."

(16) Section 608.14 "Location of Backflow Preventers." Add: "No backflow devices are to be located below grade."

(17) Section 705.11.2 "Solvent Cementing." Delete exception.

(18) SECTION 712 "SUMPS AND EJECTORS." Add new subsection 712.5, to read as follows: "All portions of any equipment associated with a sewer sump or ejector shall be installed out-of-doors, and not within any building intended for human habitation."

(19) Section 802.1.4 "Swimming Pools." Amend as follows: "Wastewater from swimming pools, backwater from filters shall discharge to the nearest public roadway or approved drainage reserves by means of adequate piping."

(20) Section 903.1 "Roof Extensions." Insert: "6 inches (15.24 cm)."

(21) Section 904.1 "Required Vent Extension." Add the following sentence: "Every building in which plumbing is installed shall have at least one vent, the size of which is not less than 3 inches (76 mm)."

(22) Section 918.1 "Air Admittance Valves General." Add subsection 918.1.1 to read: "The use of air admittance valves must have prior approval by the Building Official."

(23) Section 1003.3.3 "Grease Trap and Grease Interceptor Not Required." Add the following exception: "An interceptor may be required for an individual dwelling unit or private living quarters, if there is reasonable cause to believe that injurious or illegal materials are being discharged to the public sewer in quantities reasonably calculated to cause damage to sewage treatment plants and/or processes. Nothing in subsection 1003.1.1 above shall be construed to relieve a multi-occupant facility, whether housing or otherwise, from installing a trap or interceptor, when it can be reasonably shown that the cumulative discharge of relatively small amounts of

potentially injurious materials by individual tenants is sufficient to endanger the public sewer system. The responsibility for installation and maintenance of an interceptor in these circumstances is upon the owner or his agent."

(24) Appendices B, C, D, and E are adopted.

(25) Appendix A is not adopted.

SECTION 3: Section 150.06 of the Code is hereby repealed.

SECTION 4: Title V of the Code is hereby supplemented by the addition of Chapter 54, to read as follows:

CHAPTER 54: CROSS CONNECTION CONTROL

General Provisions

§54.01 TITLE.

These regulations shall hereinafter be known, cited, and referred to as the Cross Connection Control Ordinance of the City of Harker Heights, Texas, and shall be included as part of the Code of Harker Heights, Texas.

§54.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED BACKFLOW PREVENTION ASSEMBLY or **BACKFLOW ASSEMBLY** or **ASSEMBLY** means an assembly to counteract backpressure or prevent backsiphonage which appears on the list of approved assemblies issued by the Director and matches the type of assembly required for isolation of the subject premises as set forth in §54.11. Types of assemblies include:

- (1) **Reduced Pressure Principle Backflow Prevention Assembly** or **Reduced Pressure Principle Assembly** or **RP Assembly** or **RP** means an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the valves and at the same time below the first check valve. The assembly must include properly located resiliently seated test cocks and tightly closing resiliently seated shut-off valves at the end of the assembly.
- (2) **Reduced Pressure Principle Detector Backflow Prevention Assembly** or **Reduced Pressure Detector** or **RPDA** means an assembly composed of line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter must register accurately for very low rates of flow.

- (3) **Double Check Valve Backflow Prevention Assembly** or **Double Check Assembly** or **Double Check** or **DC** means an assembly which consists of two independently operating check valves which are spring loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness.
- (4) **Double Check Detector Backflow Prevention Assembly** or **Double Check Detector** or **DCDA** means an assembly composed of line-size approved double check assembly with bypass containing a specific water meter and an approved double check valve assembly. The meter must register accurately for very low rates of flow.
- (5) **Pressure Vacuum Breaker Backflow Prevention Assembly** or **Pressure Vacuum Breaker** or **PVB** means an assembly which protects against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream shutoff valves. In addition, the assembly has suction and discharge gate valves and test cocks which allows the full testing of the assembly.
- (6) **Spill-Resistant Pressure Vacuum Breaker** or **SVB** means an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located test cock and shutoff valves on the suction and discharge ports of the assembly.
- (7) **Atmospheric Vacuum Breaker Backflow Prevention Device** or **Atmospheric Vacuum Breaker** or **AVB** means that this device cannot be tested and cannot prevent back pressure backflow, but is used to prevent backsiphonage in nonhealth hazard conditions.
- (8) **Air Gap** means a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or nonpressure receiving vessel, plumbing fixture or other device. An "approved air gap separation" must be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device, in no case less than one inch. Air gaps can be used to protect against backpressure or backsiphonage of a high health or nonhealth hazard.

AUXILIARY WATER SUPPLY means any water supply on or available to a premises from a source other than directly through the city water system. Auxiliary water supplies include all of the following:

- (1) Water from another public water system;
- (2) Water from a natural source, such as a well, spring, pond, river or creek;
- (3) Reclaimed water; and

- (4) Any water supplied by a public water system, including the city water system, that has passed through a point of delivery and is no longer controlled by the city water system.

AWWA means the American Water Works Association.

BACKFLOW means the undesirable reversal of flow of water or mixtures of water and other liquid, gaseous, or other substances into the distribution pipes of the potable supply of water from any source or sources.

BACKPRESSURE means any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

BACKSIPHONAGE means a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

BORESIGHT or **BORESIGHT TO DAYLIGHT** means providing adequate drainage for backflow prevention assemblies installed vaults through the use of an unobstructed drain pipe.

COMMERCIAL ESTABLISHMENT means any property or location which is primarily used for the manufacture, production, storage, wholesaling or rebuilding of any goods or wares which are or may be placed in the flow of commerce, or any property or location which is used primarily for the provision of any service.

COMMISSION means the Texas Commission on Environmental Quality (TCEQ).

CONTAINMENT means the installation of appropriate type or method of backflow protection at the service connection.

CONTAMINANTS means any foreign material, solid or liquid, not common to the potable water supply which makes or may make the water unfit or undesirable for human consumption.

CONTAMINATION means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or the quality of the water.

CROSS CONNECTION means any physical arrangement where a potable water supply is actually or potentially connected, directly or indirectly, with any other non-drinkable water system, used water system, or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air condition units, fire protection system, or any other assembly which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of importing contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other

temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

CUSTOMER means any person contracting with the city to receive potable water service.

DEGREE OF HAZARD means the hazard classification attached to all actual or potential cross connections, to-wit:

- (1) **High Hazard** means the classification assigned to an actual or potential cross connection that potentially can allow a substance to backflow into the potable water supply that may cause illness or death.
- (2) **Low Hazard** means the classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable but not hazardous to a human's health to backflow into the potable water supply.
- (3) **Health Hazard** means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
- (4) **Plumbing Hazard** means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a pollution or a contamination hazard.
- (5) **Pollution Hazard** means an actual or potential threat to the physical properties of the water system or the potability of the public or consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of the pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
- (6) **System Hazard** means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

DIRECTOR means the city's Director of Public Works.

NON-POTABLE WATER means water that does not comply with the Commission's rules and regulations governing drinking water.

NON-RESIDENTIAL USES means all uses not specifically included in the definition of residential use.

POINT-OF-USE ISOLATION means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

POLLUTION means an impairment of the quality of the public water supply to a degree which does not create a hazard to the public health but does adversely and unreasonably affect the aesthetic qualities of such potable water for domestic use.

POTABLE WATER SUPPLY means any water supply intended or used for human consumption or other domestic use.

PREMISES means any lot, parcel or tract of land to which water is provided, including all improvements, mobile structures, and structures located on it.

PREMISES ISOLATION means the appropriate backflow prevention at the service connection between the public water system and the water user.

PUBLIC WATER SYSTEM or **SYSTEM** means any public or privately owned water system, which supplies water for public domestic use. The system must meet all the health requirements set forth by the Commission. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing or conveying water for public consumption.

RECOGNIZED TESTER means a person that is a state certified backflow prevention assembly tester. Recognized testers may consist of:

- (1) **General Tester** means qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines.
- (2) **Fireline Tester** means qualified to test backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor.

REPRESENTATIVE OF THE WATER SYSTEM means the Director.

RESIDENTIAL USE means single family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter or the units are full-time dwellings in cases where two or more units are served by one meter.

SERVICE CONNECTION means the terminal end of a service line from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's potable water system. If a meter is installed at the end of the service connection, then the service connection means the downstream end of the meter.

THERMAL EXPANSION means heated water that does not have the space to expand.

USED WATER means water supplied by a public water system to a water user's system after it has passed through the service connection.

UTILITY means the city's Public Works Department.

WATER SUPPLY PROTECTION SPECIALIST means any person who holds a license endorsement issued by the Texas State Board of Plumbing Examiners to engage in the inspection, in connection with health and safety laws and ordinances, of the plumbing work or installation of a public water system distribution facility or of privately owned plumbing connected to that system's water distribution lines.

§54.03 APPLICABILITY; CONFORMANCE REQUIRED.

- (A) This chapter applies to the utility water service area and all cross connections and installations of backflow prevention assemblies within the territorial limits of the city, those areas where water is purchased from the city for the purpose of resale, and any plumbing outside the city requiring plumbing inspection pursuant to an interlocal agreement, water sales contract, or applicable ordinance approved by the city.
- (B) These regulations shall be held to be the minimum requirements concerning cross connections and backflow prevention. In addition to these requirements, each premises owner must be in conformance with all applicable county, state and federal laws concerning such matters.
- (C) Except where indicated, these regulations are not intended to interfere with, abrogate, or annul any other public ordinance, rule or regulation statute, or other provision of law, or abrogate any easement, deed restriction, covenant or any other private agreement or deed restriction.

§54.04 FIRE PROTECTION SYSTEMS.

Backflow prevention assemblies installed in water based fire protection systems shall be installed and tested in accordance with the currently adopted local codes and the current editions of an applicable National Fire Protection Association (NFPA) standard. In the event of a conflict between those codes and standards and this chapter, the more stringent requirement will apply.

§54.05 CROSS CONNECTION PROHIBITED.

- (A) No installation of potable water supply piping or part thereof may be made in such a manner that allows used, polluted or contaminated water, mixtures, gases, or other substances to enter any portion of such piping by reason of backsiphonage, backpressure or any other cause.
- (B) If it is found that any equipment, mechanism, chemical or substance may cause pollution or contamination of the public potable water supply system, such equipment or mechanism may be permitted only when equipped with an approved backflow prevention assembly.
- (C) No person may connect to the public potable water supply or system any mechanism or system which returns used water to the public potable water supply or system through any measures.

- (D) No person may connect any auxiliary water system to the public potable water supply or system except as allowed by this chapter and by the currently adopted plumbing code, as amended.

§54.06 DIRECTOR AUTHORITY.

- (A) The Director is vested with the authority and responsibility for the implementation of an effective cross connection control program for the city and for the enforcement of the provisions of this chapter. The Director is further authorized to perform cross connection control duties that include, but are not limited to, cross connection inspections and water use surveys.
- (B) The Director is hereby authorized to promulgate reasonable regulations to achieve the purposes of this chapter that are not in conflict with this Code (including but not limited to any standard plumbing codes adopted by the city), the city Charter, the Commission, the laws of the State of Texas (including but not limited to the Texas Health and Safety Code, §§341.031 *et seq.*), and the Federal Safe Drinking Water Act, 42. USCA § 300f *et seq.*

§54.07 EXCULPATION.

- (A) Any reduction in water pressure caused by a backflow assembly is not the responsibility of the city, and the city is not liable for damage to a backflow prevention assembly which may occur during testing, fluctuation in the distribution system pressure, or interruption to the water supply.
- (B) The representative of the water system and agents of the city charged with enforcement of this chapter shall be deemed to be performing a governmental function for the benefit of the general public and neither the city, the Director nor representative of the water system or agent of the city engaged in inspection or endorsement activities under this chapter when acting in good faith and without malice shall ever be held liable for any loss or damage, whether real or asserted, caused, or alleged to have been caused, as a result of the performance of such governmental function.

Installation, Testing and Certification

§54.10 INSTALLATION PROVISIONS.

(A) Generally.

- (1) No water connection from a public drinking water supply system may be made to any establishment where an actual or potential contamination or system hazard exists without an air gap separation between the drinking water supply and the source of potential contamination. The containment air gap is sometimes impractical and instead reliance must be placed on individual air gaps or mechanical backflow prevention devices. Under these conditions, additional

protection is required at the meter in the form of a backflow prevention device (in accordance with AWWA Standard C510 and C511, and AWWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health. The Director need not require backflow protection at the water service entrance (meter) if an adequate cross connection control program is in effect that includes annual inspection and testing by a certified backflow prevention device tester.

- (2) No water connection from any public drinking water supply system may be made to any condensing, cooling or industrial process or any other system of nonpotable usage over which the Director does not have sanitary control, unless the said connection is made in accordance with the requirements of §54.10(A)(1). Water from such systems cannot be returned to the potable water supply.
- (3) Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against backsiphonage and cross contamination.
- (4) The use of a backflow prevention device at the service connection will be considered as additional backflow protection and must not negate the use of backflow protection or internal hazards as outlined and enforced by the current adopted plumbing code.

(B) *New Installation.*

- (1) New, replacement, or reconditioned approved backflow prevention assemblies must be installed in accordance with the currently adopted plumbing code.
- (2) Installation may not be performed until the city issues a plumbing permit for such work.
- (3) Prior to issuance of a certificate of occupancy, a completed test and maintenance report must be submitted to the Director for any connection requiring a testable backflow prevention assembly. Documentation of an approved air gap can be substituted where applicable and is subject to inspection as provided in §54.12.

(C) *High Health Hazard Installation.*

- (1) Only approved backflow prevention assemblies installed at the meter can be used at high health hazard applications unless a variance is obtained from the Director. Variances will be based on conditions such as type of hazard, complexity of facility plumbing, potential for future plumbing connections, and others as deemed appropriate.
- (2) The Director may require a secondary assembly if deemed necessary to protect the public water supply from the failure of the primary backflow prevention

assembly or to allow maintenance of the primary backflow prevention assembly.

(D) *Other Installations.*

- (1) An approved backflow prevention assembly must be installed to protect the potable water system from contamination or pollution when such system is connected to any automatic fire protection system, standpipe systems or privately owned fire hydrants.
- (2) Installation of a reduced pressure backflow prevention assembly is required on any meter connected to the potable water system for water appropriation from fire hydrants unless an approved air gap is authorized. Only meters and backflow prevention assemblies approved by the Director of Utilities can be used to obtain water from a fire hydrant.

(E) *Wholesale Customers.* Any customer purchasing water for the purpose of resale or distribution must either:

- (1) Install an air gap separation or a reduced pressure backflow prevention assembly at the service connection; or
- (2) Implement a plumbing inspection and cross connection control program that is approved by the Director which is not less restrictive than that of the city, and provide annual program records to the Director for review and audit.

(F) *Government Customers.* Any premises owned, operated, or occupied by a state, federal, county, city or foreign government or agency refusing to comply with the provisions of this chapter must install a reduced pressure backflow prevention assembly at each service connection.

(G) *Water Hauling Vehicles.* Water hauling vehicles obtaining water from a connection to the city's potable water supply system must have an approved air gap separation or a reduced pressure backflow prevention assembly installed permanently on the vehicle, or installed on the fire hydrant meter if such vehicle is connected by a fire hydrant meter. The assembly must be registered with the city and certified for operation annually.

(H) *Compliance for Existing Customers.*

- (1) The owner of any premises which is determined to have an unprotected or improperly installed high health hazard connection must comply with this section within 10 days upon written notification by the Director unless the Director determines that circumstances exist which require installation within a different time frame. Documentation of the installation and testing must be submitted as outlined in §54.13.

- (2) The owner of any premises which is determined to have an unprotected nonhealth hazard connection must install an approved assembly immediately downstream of the city's meter on a schedule determined by the Director. Documentation of the installation and testing must be submitted as outlined in §54.13.

§54.11 GUIDE TO SELECTION OF ASSEMBLIES FOR PREMISES ISOLATION.

Appendix F: Assessment of Hazards and Selection of Assemblies, set forth in 30 TAC §290.47(f), as same may be amended from time to time, is hereby adopted by reference as though set forth at length herein, subject to the following deletions, alterations and additions:

<i>Premises Isolation: Description of Premises</i>	<i>Assessment of Hazard</i>	<i>Required Assembly</i>
Irrigation systems without chemical additives	Nonhealth†	RPBA / AVB / PVB
Irrigation systems with On Site Sewage Facilities (OSSF)	Health	RPBA

§54.12 INSPECTION AND TESTING REQUIREMENTS.

- (A) *Required.* All backflow prevention assemblies must be inspected and tested in each of the following circumstances:

- (1) Immediately after installation;
- (2) Whenever the assembly is moved;
- (3) A minimum of once every three years for residential irrigation connections without chemical additives, and annually for all other connections;
- (4) Prior to re-occupancy of any premises that has been unoccupied for at least one year;
- (6) Immediately after repair of the assembly; and
- (7) When required by the Director.

- (B) *Tester Certification and Registration.* All assembly testing must be performed by a state certified backflow prevention assembly tester approved by the Director and registered with the city. Test results or certification of the performance of other services shall not be accepted if the tester is not currently validly registered with the Director. The Director shall maintain a current list of registered certified testers, and will make this list available to city water system customers upon request. Registrations will be valid until December 31 of the year in which issued, and must be renewed annually.

(C) *Access.* Duly authorized employees of the city bearing proper credentials and identification are authorized to enter any public or private property at any reasonable time for the purpose of enforcing this chapter. Persons and occupants of premises who receive water service from the city, either directly or indirectly, must allow the city or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination or in the performance of any of their duties under this chapter. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into the premises, such persons and occupants must make necessary arrangements so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing such specific responsibilities.

(D) *Accuracy.*

(1) The certified tester is responsible for the competency and accuracy of all tests and reports certifying assemblies to be operating within specifications performed or submitted by the certified tester, and for all work done by any persons under the direction or control of the certified tester. All work performed by a certified tester's assistants must be performed in the presence and under the immediate supervision of the certified tester.

(2) The certified tester shall furnish the city with the serial number of the tester's test kit, and the tester's test gauge must be tested when purchased and annually thereafter, or more frequently as required by the Director, to be in compliance with the University of Southern California's *Manual of Cross Connection Control* (latest edition) or the American Water Works Association *Manual of Cross Connection Control* requirements (Manual M14, latest edition). The certified tester must maintain the test gauge within a two percent accuracy deviation and retain test results for three years from the date of any such test. All test results shall be made available to the Director upon written request or as provided for by this chapter (30 Texas Admin. Code (TAC) § 290.44(h)(4)(A) and (B)).

(E) *Reporting Failure or Malfunction.* If a backflow prevention assembly test fails or an assembly malfunctions and the actual or potential hazard of contamination is not immediately curable through repair or replacement, the certified tester shall notify the Director and the customer immediately in person or by telephone. This notification shall also be submitted in writing within five (5) calendar days. If the failure or malfunction of a backflow prevention assembly is not immediately curable through repair or replacement, the Director may take all necessary steps, including the immediate cessation of water service through the assembly, to prevent the possible contamination of the city water system.

(F) *Assembly Alteration Prohibited.* It is a violation of this chapter for a certified tester to alter the design, material, or operational characteristics of a backflow prevention

assembly during testing, repairing or maintaining the assembly without the prior written approval of the Director.

§54.13 TEST AND MAINTENANCE REPORTS.

- (A) A Backflow Prevention Assembly Test and Maintenance Report on a form promulgated by the Director must be completed by the recognized tester for each assembly tested. The signed and dated original must be submitted to the Director within 10 working days after the testing is performed. The Director may authorize the use of a report format which differs from that found in this section if it minimally contains all information required by the promulgated form.
- (B) The Director must retain test and maintenance reports for a minimum of three years, and must provide those records to Commission staff for inspection upon request.

§54.14 CUSTOMER SERVICE INSPECTION.

- (A) *Inspection Requirements.* A customer service inspection certification shall be completed on the current form promulgated by the Director or otherwise meeting the requirements of this Section. The inspection must consist of a detailed inspection of a location and disposition of the water lines, including without limitation, establishing water lines on the premises, the existence of cross connections, the availability of auxiliary or used water supplies, the use or availability of pollutants, contaminants and other liquid, solid or gaseous substances which may be used for stabilization of water supplies and such other processes necessary to determine degree of hazard. Such inspection is required:
 - (1) prior to providing continuous water service to new construction;
 - (2) whenever the Director has reason to believe that cross connections or other unacceptable plumbing practices exist on any existing service; and
 - (3) after any material improvement, correction, or addition to the private plumbing facilities.
- (B) *Inspector Qualifications.* Individuals with the following credentials shall be recognized as capable of conducting a customer service inspection certification under this Section:
 - (1) Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners;
 - (2) Customer Service Inspectors certified by the TCEQ.
- (C) *Inspection Certification Report.* Copies of properly completed Water Service Inspection Certifications will be kept on file by the Director and made available upon request for Commission review. The certifications shall be retained for a minimum of ten years. If the certification form promulgated by the Director is not

used, the Inspection Certifications must minimally include the name and registration number of the inspector, the type of registration (Plumbing Inspectors, Water Supply Protection Specialists, Certified Operator, etc.) and be dated and signed. It must also certify that:

- (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air-gap or an appropriate backflow prevention assembly in accordance with this chapter and state plumbing regulation. Additionally, all pressure relief valves and the thermal expansion devices are in compliance with state plumbing codes.
 - (2) No cross connection between the public drinking water supply and a private water source exists. Where an actual air gap is not maintained between the public water supply and private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and tested by a recognized backflow prevention assembly tester as required by this chapter.
 - (3) No connection exists which would allow the return of water used for condensing, cooling, or industrial processes back to the public water supply.
 - (4) No pipe or pipe fitting which contains more than 8.0% percent lead exists in private plumbing facilities installed on or after July 1, 1988.
 - (5) No solder or flux which contains more than 0.02% percent lead exists in private plumbing facilities installed on or after July 1, 1988.
 - (6) No plumbing fixture is installed which is not in compliance with the current plumbing code adopted by the city.
- (D) *Inspection Fees.* Inspection fees shall be charged according to the current city fee schedule.
- (E) *Other Programs Unaffected.* The customer service inspections required by this Section are in addition to and not in lieu of any other inspections required by this code, or by any other law or regulation.

§54.15 OWNER RESPONSIBILITIES.

- (A) It is the responsibility of the premises owner to have all assemblies tested in accordance with this chapter. Assemblies may be required to be tested more frequently if the Director deems necessary.
- (B) The premises owner is responsible for all costs associated with the installation, general maintenance, testing, upkeep, record keeping, and replacement of the approved backflow prevention assembly. If inspection or testing indicates a need for repair, such repair must be completed and the documentation submitted to the Director within 60 days, or on a schedule approved by the Director.

- (C) It is the responsibility of the premises owner to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.
- (D) It is the responsibility of all premises owners to abide by the conditions of this chapter. In the event of any changes to the plumbing system, it is the responsibility of the premises owner to notify the city. All costs associated with this chapter and the purchase, installation, testing and repair of devices are the responsibility of the premises owner.

§54.16 WATER USE SURVEY.

A water use survey may be conducted at any establishment located in the city which is served by a public water supply or which provides water to the public. Upon determination that the establishment falls under the provisions of this chapter and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly may be issued.

Enforcement

§54.90 ENFORCEMENT AND PENALTIES.

- (A) The Director and the City Attorney are each hereby authorized to enforce the provisions of this chapter by any one or more of the enforcement mechanisms set forth herein.
- (B) Failure on the part of any owner or customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.
- (C) When the Director believes that an emergency affecting public health or safety exists, the Director may immediately discontinue water service. It shall be an emergency affecting public health and safety if an approved backflow prevention assembly is not installed as required by this chapter, or if an actual cross connection between the public and private water system exists. The temporary disconnection will continue until the cross connection is eliminated as required by this chapter. Reasonable advance notice and an opportunity to be heard shall be provided if it is not an emergency. If it is an emergency, notice and an opportunity to be heard must be provided as soon as possible after the disconnection of such water service.
- (D) Failure to obtain and comply with the appropriate plumbing or building permits shall result in placement of a hold on the issuance of certificate of occupancy and termination of water service provided during construction.
- (E) Any persons violating any of the provisions of this chapter shall become civilly liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

- (F) In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation by appropriate suit against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

§54.91 OFFENSES AND FINES.

(A) A person commits a misdemeanor criminal offense if the person:

- (1) fails to install, repair, or maintain a backflow prevention assembly in compliance with this chapter;
- (2) fails to comply with a repair order issued by the Director;
- (3) owns, operates or manages a premises from which any backflow enters the public water supply system;
- (4) fails to pay any fees required by this chapter;
- (5) violates any section of this chapter;
- (6) reinstates water service to premises discontinued or disconnected under this chapter, except as permitted by the Director;
- (7) Knowingly allows an unregistered tester to perform testing work on an assembly subject to his ownership; or
- (8) tests a backflow prevention assembly without being registered to do so with the Commission and the city.

(B) Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be guilty of a misdemeanor. A first conviction for a violation of §54.12(A) shall be punishable by a fine in an amount not to exceed \$25.00. Upon a second conviction for such offense, or upon a conviction for any other offense under this chapter, such person, firm, or corporation shall be punished by a fine of not more than \$2,000.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5: The City Fee Schedule is hereby supplemented by the addition of the following entry in the section entitled, "Other Utility Services Fees:"

Backflow prevention assembly tester registration fee:	\$25
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SECTION 6: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 7: All of the regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 8: 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.

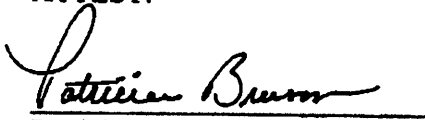
SECTION 9: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 10: This Ordinance shall be effective from and after the tenth day after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on August 13, 2019.


Spencer H. Smith, Mayor

ATTEST:


Patricia Brunson, City Secretary



COUNCIL MEMORANDUM

AGENDA ITEM # IX-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

DISCUSS AND CONSIDER APPROVING AN ADJUSTMENT TO THE CITY OF HARKER HEIGHTS COUNCIL CALENDAR TO IMMEDIATELY REINSTATE COUNCIL WORKSHOP MEETINGS AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

On March 24, 2020, the Council approved an adjustment to the Council Calendar to postpone all Council Workshop meetings until May 31, 2020, as a precautionary measure to contain the spread of COVID-19.

Action is now needed by the Council to consider the reinstatement of workshop meetings now that the City is using the teleconference option allowed by the Governor.

On March 16, 2020, Governor Greg Abbott issued an order that allows the temporary suspension of certain provisions of the Texas Open Meetings Act by allowing the use of teleconferencing.

Due to the current state of disaster with COVID-19, the Council Calendar is subject to change at any time.

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an adjustment to the City of Harker Heights Council calendar to immediately reinstate Council Workshop meetings.
2. Any other action desired.

ATTACHMENTS:

None.



COUNCIL MEMORANDUM AGENDA ITEM # XII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: MAY 12, 2020

RECEIVE AND DISCUSS THE FY 2019-2020 SECOND QUARTER INVESTMENT REPORT.

EXPLANATION:

Attached is the investment report for the second quarter of fiscal year 2019-2020. The total amount invested as of March 31, 2020, was \$31,843,980.17. This is \$3,245,570.98 less than the \$35,089,551.15 invested as of March 31, 2019.

Total investments decreased from the first quarter of FY 2020. The decrease in the General Fund can be attributed to routine operating expenses. The decrease in the Capital Improvement Fund is due to payments made for current CIP projects such as Warrior's Path Reconstruction and completion of the 2019 Street Improvements. Decreases in the Drainage and Debt Service Funds are the result of debt payments made in February 2020.

You will notice on the Portfolio Holdings Distribution by Maturity Range graph (page 6) that most of the current investments (49.47%) will mature within one month of March 31, 2020. Included in this category are the checking accounts, pool accounts, and six Certificates of Deposit which are scheduled to mature on April 3rd (1), April 24th (1), and April 27th (4). There are five investments that have maturity dates that are one to two years from March 31, 2020. The interest rates on those investments average 1.558%. As a comparison, the Treasury Bill rates for a one-year investment at the end of March was 0.33% and for a two-year investment was 0.45%.

The following is a breakdown of investments by fund:

Description	31-Dec-19	31-Mar-20	Incr (Decr)
01 General Fund	17,190,700.57	15,984,439.31	(1,206,261.26)
02 Utility Fund	2,407,077.68	2,606,365.92	199,288.24
03 Drainage Fund	197,228.65	165,565.75	(31,662.90)
04 Sanitation Fund	229,273.95	249,452.11	20,178.16
05 Capital Improvement Fund	10,248,071.74	9,995,313.38	(252,758.36)
06 Debt Service Fund	2,514,585.90	2,323,594.39	(190,991.51)
11 Hotel / Motel Fund	293,307.10	314,867.20	21,560.10
12 Restricted Court Fund	206,097.75	204,382.11	(1,715.64)
Total / Average	33,286,343.34	31,843,980.17	(1,442,363.17)

RECOMMENDATION:

None.

ACTION BY COUNCIL:

Any other action desired.

ATTACHMENTS:

Investment Report – March 31, 2020.

City of Harker Heights
Portfolio Management - Portfolio Summary
As of 3/31/2020

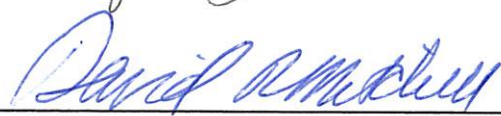
Description	YTM @ Cost	Face Amount/Shares	Cost Value	Market Value	Days To Maturity	% of Portfolio
CDARS Program	1.845	5,386,515.27	5,386,515.27	5,386,515.27	308	16.92
Certificate of Deposit	1.896	11,649,849.13	11,649,849.13	11,668,376.29	202	36.64
Checking Accounts	1.473	4,984,110.92	4,984,110.92	4,984,110.92	1	15.65
Pool Accounts	1.388	9,804,977.69	9,804,977.69	9,804,977.69	1	30.79
Total / Average	1.665	31,825,453.01	31,825,453.01	31,843,980.17	127	100.00

Interest Income Earned Through March 31, 2020: \$279,040.69
Average Daily Balance Through March 31, 2020: \$30,420,009.72

This quarterly investment report has been prepared in full compliance with the City of Harker Heights' Investment Policy and the Public Funds Investment Act (Texas Government Code, Chapter 2256.023).


Ayesha Lealtee, Assistant Finance Director

5/5/2020


David R. Mitchell, City Manager

5/6/2020

City of Harker Heights

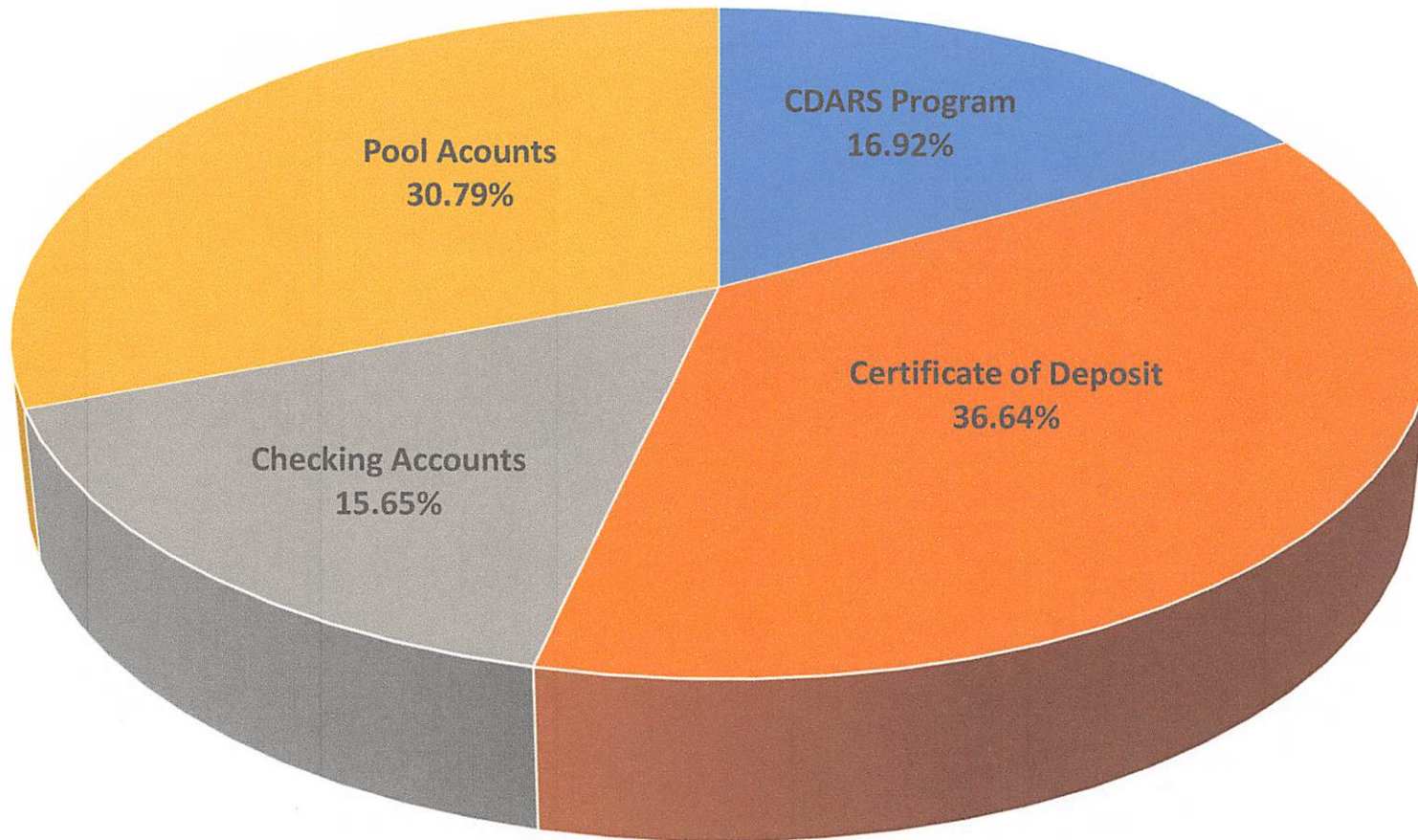
Quarterly Investment Report - Portfolio Detail with Accrued Interest

Begin Date: 12/31/2019, End Date: 3/31/2020

Description	Asset Category	Beginning Market Value	Total Purchases / Deposits	Totals Maturities / Withdrawals	Change in Market Value	Ending Market Value	Interest / Dividends	Accrued Interest Earned During Period	Average Capital Base - Market Value	Maturity Date	Yield @ 12/31/19	Yield @ 03/31/20
CDARS Program												
First National Bank Texas 2.33 1/9/2020	01-100-210 CDARS General Fund [UR]	1,022,985.02	0.00	1,022,985.02	0.00	0.00	522.53	522.53	89,456.16	01/09/2020	2.330	
First National Bank Texas 2.33 1/9/2020	01-100-210 CDARS General Fund [UR]	511,492.52	0.00	511,492.52	0.00	0.00	261.27	261.27	44,728.07	01/09/2020	2.330	
First National Bank Texas 1.65 3/5/2020	05-100-234 CDARS Series 2019 Operating	1,016,589.26	0.00	1,016,589.26	0.00	0.00	2,945.30	2,945.30	714,089.99	03/05/2020	1.650	
First National Bank Texas 1.65 3/5/2020	05-100-234 CDARS Series 2019 Operating	1,016,589.27	0.00	1,016,589.27	0.00	0.00	2,945.30	2,945.30	714,090.00	03/05/2020	1.650	
First National Bank Texas 1.34 12/3/2020	01-100-208 CDARS General Fund Reserve [UR]	1,025,448.20	3,431.47	0.00	0.00	1,028,879.67	3,431.47	3,431.47	1,025,448.20	12/03/2020	1.340	1.340
First National Bank Texas 1.34 12/3/2020	05-100-231 CDARS Series 2018 Operating [R]	1,025,448.21	3,431.47	0.00	0.00	1,028,879.68	3,431.47	3,431.47	1,025,448.21	12/03/2020	1.340	1.340
First National Bank Texas 2.38 1/7/2021	01-100-210 CDARS General Fund [UR]	2,558,709.35	15,227.15	0.00	0.00	2,573,936.50	15,227.15	15,227.15	2,558,709.35	01/07/2021	2.380	2.380
First National Bank Texas 1.4 10/14/2021	05-100-210 CDARS Capital Projects [UR]	752,189.43	2,629.99	0.00	0.00	754,819.42	2,629.99	2,629.99	752,189.43	10/14/2021	1.400	1.400
Sub Total/Average CDARS Program		8,929,451.26	24,720.08	3,567,656.07	0.00	5,386,515.27	31,394.48	31,394.48	6,924,159.41		1.884	1.845
Certificate of Deposit												
Enterprise B&T - Clayton, MO 2.55 2/18/2020	01-100-215 CD General Fund Reserve [UR]	250,305.00	0.00	250,000.00	(305.00)	0.00	1,100.34	855.82	131,707.31	02/18/2020	2.550	
Iberia Bank - Lafayette, LA 2.55 2/18/2020	01-100-216 CD General Fund [UR]	250,310.00	0.00	250,000.00	(310.00)	0.00	3,231.16	855.82	133,026.66	02/18/2020	2.550	
BankUnited NA - Miami Lakes, FL 1.8 3/25/2020	02-100-216 CD Meter Fund [R]	100,003.00	0.00	100,000.00	(3.00)	0.00	897.53	419.17	92,720.01	03/25/2020	1.800	
Mountain Commerce Bank - Knoxville, TN 1.8 3/25/20	05-100-221 CD Capital Projects [UR]	100,003.00	0.00	100,000.00	(3.00)	0.00	448.77	419.18	92,156.24	03/25/2020	1.800	
Citizens Bank NA - Providence, RI 1.85 3/25/2020	05-100-221 CD Capital Projects [UR]	200,028.00	0.00	200,000.00	(28.00)	0.00	1,844.93	861.64	185,484.76	03/25/2020	1.850	
Zions Bancorp NA - Salt Lake City, UT 1.85 3/25/20	02-100-216 CD Meter Fund [R]	200,088.00	0.00	200,000.00	(88.00)	0.00	1,844.93	861.64	185,544.76	03/25/2020	1.850	
Pacific Western Bank - Beverly Hills CA 1.85 4/3/2	05-100-221 CD Capital Projects [UR]	250,040.00	0.00	0.00	(27.50)	250,012.50	0.00	1,153.08	251,167.74	04/03/2020	1.850	1.850
Citibank NA - Sioux Falls SD 2.6 4/24/2020	01-100-216 CD General Fund [UR]	125,370.00	0.00	0.00	(233.75)	125,136.25	0.00	810.27	125,975.48	04/24/2020	2.600	2.600
Ally Bank - Sandy UT 2.6 4/27/2020	01-100-215 CD General Fund Reserve [UR]	214,652.70	0.00	0.00	(389.48)	214,263.22	0.00	1,387.19	215,658.79	04/27/2020	2.600	2.600
Discover Bank - Greenwood DE 2.6 4/27/2020	01-100-216 CD General Fund [UR]	125,381.25	0.00	0.00	(227.50)	125,153.75	0.00	810.27	125,977.83	04/27/2020	2.600	2.600
Sallie Mae Bank - Salt Lake City UT 2.6 4/27/2020	01-100-216 CD General Fund [UR]	125,381.25	0.00	0.00	(227.50)	125,153.75	0.00	810.27	125,977.83	04/27/2020	2.600	2.600
Wells Fargo Bank - Sioux Falls SD 2.6 4/27/2020	01-100-216 CD General Fund [UR]	125,381.25	0.00	0.00	(227.50)	125,153.75	810.28	810.28	125,102.38	04/27/2020	2.600	2.600
Safra National Bank, New York, NY 1.65 6/9/2020	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	323.40	245,323.40	0.00	908.18	223,461.54	06/09/2020		1.650
Dogwood State Bank - Raleigh, NC 1.55 6/10/2020	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	276.85	245,276.85	0.00	842.73	220,769.23	06/10/2020		1.550
BBVA Compass Bank 1.43 6/18/2020	01-100-215 CD General Fund Reserve [UR]	508,064.16	1,810.46	0.00	0.00	509,874.62	1,810.46	1,811.38	508,322.92	06/18/2020	1.430	1.430
First Foundation Bank - Irvine, CA 1.55 6/22/2020	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	281.75	245,281.75	0.00	717.88	188,461.54	06/22/2020		1.550
Level One Bank - Farmington Hills, MI 1.6 7/14/202	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	392.00	245,392.00	0.00	826.96	210,000.00	07/14/2020		1.600
Bank of the West - San Francisco, CA 1.6 7/15/2020	01-100-216 CD General Fund [UR]	0.00	245,000.00	245,601.42	0.00	0.00	0.00	601.42	150,630.44	07/15/2020		
Synovus Bank - Columbus, GA 1.6 7/17/2020	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	404.25	245,404.25	0.00	794.74	201,923.08	07/17/2020		1.600
BMW Bank North America - Salt Lake City, UT 2.65 8	01-100-216 CD General Fund [UR]	251,512.50	0.00	0.00	(32.50)	251,480.00	3,339.73	1,651.71	252,236.33	08/10/2020	2.650	2.650
Hanmi Bank - Los Angeles, CA 2.7 8/10/2020	05-100-221 CD Capital Projects [UR]	251,587.50	0.00	0.00	(77.50)	251,510.00	1,682.88	1,682.88	251,008.32	08/10/2020	2.700	2.700
Merrick Bank - South Jordan, UT 2.7 8/10/2020	01-100-216 CD General Fund [UR]	250,581.15	0.00	0.00	(77.19)	250,503.96	1,676.13	1,676.13	250,004.29	08/10/2020	2.700	2.700
Oriental Bank - San Juan, PR 2.75 8/10/2020	05-100-221 CD Capital Projects [UR]	251,665.00	0.00	0.00	(92.50)	251,572.50	3,465.75	1,714.04	252,416.15	08/10/2020	2.750	2.750
BBVA Compass Bank 2.8 8/12/2020	05-100-221 CD Capital Projects [UR]	1,030,495.85	5,201.60	0.00	0.00	1,035,697.45	5,201.60	5,158.82	1,033,262.66	08/12/2020	2.000	2.000
Bank of Lexington Inc - Lexington, KY 2.75 8/14/20	01-100-216 CD General Fund [UR]	251,702.50	0.00	0.00	(90.00)	251,612.50	1,714.03	1,714.03	251,112.60	08/14/2020	2.750	2.750
BancorpSouth Bank 2.35 8/27/2020	05-100-233 CD Series 2019 Operating	1,017,810.18	5,963.25	0.00	0.00	1,023,773.43	5,963.25	5,974.77	1,019,776.09	08/27/2020	2.350	2.350
Bank of Hope - Los Angeles, CA 2.75 8/31/2020	01-100-215 CD General Fund Reserve [UR]	251,827.50	0.00	0.00	(35.00)	251,792.50	1,167.80	1,167.80	251,268.44	08/31/2020	2.750	2.750
BBVA Compass Bank - Temple, TX 1.55 9/7/2020	01-100-216 CD General Fund [UR]	0.00	1,503,816.24	0.00	0.00	1,503,816.24	3,816.24	5,348.90	1,401,098.90	09/07/2020		1.550
Farmers State Bank - Waterloo, IA 1.75 10/9/2020	05-100-221 CD Capital Projects [UR]	199,922.00	0.00	0.00	774.00	200,696.00	0.00	872.61	200,698.71	10/09/2020	1.750	1.750
VCC Bank - Richmond, VA 1.75 10/9/2020	05-100-221 CD Capital Projects [UR]	200,154.00	0.00	0.00	572.00	200,726.00	872.60	872.60	199,853.68	10/09/2020	1.750	1.750
BBVA Compass Bank - Temple, TX 1.52 11/9/2020	02-100-215 CD Utility Fund [UR]	0.00	751,871.15	0.00	0.00	751,871.15	1,871.15	2,559.99	684,065.93	11/09/2020		1.520
Bank of the West - San Francisco, CA 1.55 2/18/202	01-100-216 CD General Fund [UR]	0.00	245,000.00	0.00	536.55	245,536.55	0.00	426.57	113,076.92	02/18/2021		1.550
First General Bank - Rowland Heights, CA 1.5 2/19/	01-100-215 CD General Fund Reserve [UR]	0.00	245,000.00	0.00	431.20	245,431.20	291.99	412.81	113,035.21	02/19/2021		1.500
Morgan Stanley Bank - Salt Lake City, UT 1.75 4/19	05-100-221 CD Capital Projects [UR]	247,232.18	0.00	0.00	1,039.87	248,272.05	0.00	1,077.67	248,120.36	04/19/2021	1.750	1.750
CommunityBank TX - Beaumont, TX 1.7 4/22/2021	05-100-221 CD Capital Projects [UR]	249,074.70	0.00	0.00	1,088.13	250,162.83	1,055.34	1,055.34	248,711.50	04/22/2021	1.700	1.700
BBVA Compass Bank - Temple, TX 1.55 7/23/2021	01-100-216 CD General Fund [UR]	0.00	1,503,816.24	0.00	0.00	1,503,816.24	3,816.24	4,327.13	1,137,362.64	07/23/2021		1.550
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2	05-100-221 CD Capital Projects [UR]	247,209.95	0.00	0.00	1,469.65	248,679.60	0.00	1,077.66	248,109.98	10/18/2021	1.750	1.750
Sub Total/Average Certificate of Deposit		7,275,782.62	5,732,478.94	1,345,601.42	5,114.73	11,668,376.29	47,923.13	55,329.38	11,649,287.25		2.194	1.896

Description	Asset Category	Beginning Market Value	Total Purchases / Deposits	Totals Maturities / Withdrawals	Change in Market Value	Ending Market Value	Interest / Dividends	Accrued Interest Earned During Period	Average Capital Base - Market Value	Maturity Date	Yield @ 12/31/19	Yield @ 03/31/20
Checking Accounts												
BancorpSouth - Checking MM	01 General Fund	666,371.54	50,840,102.31	50,761,749.45	0.00	744,724.40	6,421.60	N/A	900,464.03	N/A	1.500	1.500
BancorpSouth - Checking MM	02 Utility Fund	1,631,033.68	8,298,834.89	8,533,781.11	0.00	1,396,087.46	3,917.57	N/A	1,227,080.26	N/A	1.500	1.500
BancorpSouth - Checking MM	03 Drainage Fund	93,404.22	977,836.11	1,009,961.99	0.00	61,278.34	284.60	N/A	79,951.71	N/A	1.500	1.500
BancorpSouth - Checking MM	04 Sanitation Fund	103,139.08	1,433,582.62	1,463,943.85	0.00	72,777.85	419.60	N/A	140,358.81	N/A	1.500	1.500
BancorpSouth - Checking MM	05 Capital Improvement Fund	36,074.10	6,053,090.38	3,561,941.81	0.00	2,527,222.67	2,558.39	N/A	488,452.25	N/A	1.500	1.500
BancorpSouth - Checking MM	06 Debt Service Fund	29,011.28	3,399,713.05	3,400,074.54	0.00	28,649.79	157.28	N/A	42,111.39	N/A	1.500	1.500
BancorpSouth - Checking MM	11 Hotel / Motel Fund	34,896.46	82,961.58	87,371.85	0.00	30,486.19	92.88	N/A	22,279.50	N/A	1.500	1.500
BancorpSouth - Checking MM	12 Restricted Court Fund	17,556.57	150,161.79	142,506.33	0.00	25,212.03	149.13	N/A	39,933.87	N/A	1.500	1.500
First National Bank Texas - Checking MM	02 Utility Fund	76,660.62	3,595,917.04	3,574,905.47	0.00	97,672.19	108.22	N/A	(30,050.92)	N/A	0.150	0.140
Sub Total/Average Checking Accounts		2,688,147.55	74,832,199.77	72,536,236.40	0.00	4,984,110.92	14,109.27	N/A	2,910,580.91	N/A	1.462	1.473
Pool Accounts												
LoneStar LGIP	01 General Fund	526,970.25	1,856.77	0.00	0.00	528,827.02	1,856.77	N/A	526,970.25	N/A	1.620	1.110
LoneStar LGIP	02 Utility Fund	142,104.33	500.70	0.00	0.00	142,605.03	500.70	N/A	142,104.33	N/A	1.620	1.110
LoneStar LGIP	06 Debt Service Fund	4,761.96	16.78	0.00	0.00	4,778.74	16.78	N/A	4,761.96	N/A	1.620	1.110
LoneStar LGIP	11 Hotel / Motel Fund	258,410.64	25,970.37	0.00	0.00	284,381.01	970.37	N/A	276,267.78	N/A	1.620	1.110
Subtotal LoneStar LGIP		932,247.18	28,344.62	0.00	0.00	960,591.80	3,344.62	N/A	950,104.32	N/A	1.620	1.110
Texas Class LGIP	01 General Fund	8,146,461.08	1,054,408.35	5,050,000.00	0.00	4,150,869.43	17,724.76	N/A	4,174,408.97	N/A	1.880	1.470
Texas Class LGIP	02 Utility Fund	122,915.49	519.76	0.00	0.00	123,435.25	519.76	N/A	122,915.49	N/A	1.880	1.470
Texas Class LGIP	05 Capital Improvement Fund	1,428,914.06	6,039.42	10,000.00	0.00	1,424,953.48	6,039.42	N/A	1,428,144.83	N/A	1.880	1.470
Texas Class LGIP	06 Debt Service Fund	2,447,973.48	1,452,926.34	1,643,683.59	0.00	2,257,216.23	10,453.66	N/A	2,454,849.56	N/A	1.880	1.470
Subtotal Texas Class LGIP		12,146,264.11	2,513,893.87	6,703,683.59	0.00	7,956,474.39	34,737.60	N/A	8,180,318.85	N/A	1.880	1.470
TexStar LGIP	01 General Fund	1,793.35	6.16	0.00	0.00	1,799.51	6.16	N/A	1,793.35	N/A	1.564	0.957
TexStar LGIP	02 Utility Fund	134,272.56	422.28	40,000.00	0.00	94,694.84	422.28	N/A	121,085.75	N/A	1.564	0.957
TexStar LGIP	03 Drainage Fund	103,824.43	75,462.98	75,000.00	0.00	104,287.41	462.98	N/A	132,670.58	N/A	1.564	0.957
TexStar LGIP	04 Sanitation Fund	126,134.87	50,539.39	0.00	0.00	176,674.26	539.39	N/A	161,849.16	N/A	1.564	0.957
TexStar LGIP	05 Capital Improvement Fund	727,045.05	1,290.72	430,000.00	0.00	298,335.77	1,290.72	N/A	371,165.93	N/A	1.564	0.957
TexStar LGIP	06 Debt Service Fund	32,839.18	110.45	0.00	0.00	32,949.63	110.45	N/A	32,839.18	N/A	1.564	0.957
TexStar LGIP	12 Restricted Court Fund	188,541.18	67,835.92	77,207.02	0.00	179,170.08	628.90	N/A	185,244.48	N/A	1.564	0.957
Subtotal TexStar LGIP		1,314,450.62	195,667.90	622,207.02	0.00	887,911.50	3,460.88	N/A	1,006,648.43	N/A	1.564	0.957
Sub Total/Average Pool Accounts		14,392,961.91	2,737,906.39	7,325,890.61	0.00	9,804,977.69	41,543.10		10,137,071.59		1.834	1.388
Total / Average		33,286,343.34	83,327,305.18	84,775,384.50	5,114.73	31,843,980.17	134,969.98	86,723.86	31,621,099.16		1.896	1.665

PORTFOLIO HOLDINGS DISTRIBUTION BY ASSET CLASS



City of Harker Heights
Investment Portfolio - by Maturity Range (all)
As of 3/31/2020

Description	Maturity Date	Days To Maturity	Yield	Face Amount/Shares	Cost Value	Market Value	% of Portfolio
0-1 Month							
Ally Bank - Sandy UT 2.6 4/27/2020	04/27/2020	27	2.600	214,000.00	214,000.00	214,263.22	0.67
BancorpSouth - Checking MM	N/A	1	1.500	4,886,438.73	4,886,438.73	4,886,438.73	15.34
Citibank NA - Sioux Falls SD 2.6 4/24/2020	04/24/2020	24	2.600	125,000.00	125,000.00	125,136.25	0.39
Discover Bank - Greenwood DE 2.6 4/27/2020	04/27/2020	27	2.600	125,000.00	125,000.00	125,153.75	0.39
First National Bank Texas - Checking MM	N/A	1	0.140	97,672.19	97,672.19	97,672.19	0.31
LoneStar LGIP	N/A	1	1.110	960,591.80	960,591.80	960,591.80	3.02
Pacific Western Bank - Beverly Hills CA 1.85 4/3/2	04/03/2020	3	1.850	250,000.00	250,000.00	250,012.50	0.79
Sallie Mae Bank - Salt Lake City UT 2.6 4/27/2020	04/27/2020	27	2.600	125,000.00	125,000.00	125,153.75	0.39
Texas Class LGIP	N/A	1	1.470	7,956,474.39	7,956,474.39	7,956,474.39	24.99
TexStar LGIP	N/A	1	0.957	887,911.50	887,911.50	887,911.50	2.79
Wells Fargo Bank - Sioux Falls SD 2.6 4/27/2020	04/27/2020	27	2.600	125,000.00	125,000.00	125,153.75	0.39
Total / Average 0-1 Month		2	1.477	15,753,088.61	15,753,088.61	15,753,961.83	49.47
1-3 Months							
BBVA Compass Bank 1.43 6/18/2020	06/18/2020	79	1.430	509,874.62	509,874.62	509,874.62	1.60
Dogwood State Bank - Raleigh, NC 1.55 6/10/2020	06/10/2020	71	1.550	245,000.00	245,000.00	245,276.85	0.77
First Foundation Bank - Irvine, CA 1.55 6/22/2020	06/22/2020	83	1.550	245,000.00	245,000.00	245,281.75	0.77
Safra National Bank, New York, NY 1.65 6/9/2020	06/09/2020	70	1.650	245,000.00	245,000.00	245,323.40	0.77
Total / Average 1-3 Months		76	1.521	1,244,874.62	1,244,874.62	1,245,756.62	3.91
3-6 Months							
BancorpSouth Bank 2.35 8/27/2020	08/27/2020	149	2.350	1,023,773.43	1,023,773.43	1,023,773.43	3.22
Bank of Hope - Los Angeles, CA 2.75 8/31/2020	08/31/2020	153	2.750	250,000.00	250,000.00	251,792.50	0.79
Bank of Lexington Inc - Lexington, KY 2.75 8/14/20	08/14/2020	136	2.750	250,000.00	250,000.00	251,612.50	0.79
BBVA Compass Bank - Temple, TX 1.55 9/7/2020	09/07/2020	160	1.550	1,503,816.24	1,503,816.24	1,503,816.24	4.72
BBVA Compass Bank 2 8/12/2020	08/12/2020	134	2.000	1,035,697.45	1,035,697.45	1,035,697.45	3.25
BMW Bank North America - Salt Lake City, UT 2.65 8	08/10/2020	132	2.650	250,000.00	250,000.00	251,480.00	0.79
Hanmi Bank - Los Angeles, CA 2.7 8/10/2020	08/10/2020	132	2.700	250,000.00	250,000.00	251,510.00	0.79
Level One Bank - Farmington Hills, MI 1.6 7/14/202	07/14/2020	105	1.600	245,000.00	245,000.00	245,392.00	0.77
Merrick Bank - South Jordan, UT 2.7 8/10/2020	08/10/2020	132	2.700	249,000.00	249,000.00	250,503.96	0.79
Oriental Bank - San Juan, PR 2.75 8/10/2020	08/10/2020	132	2.750	250,000.00	250,000.00	251,572.50	0.79
Synovus Bank - Columbus, GA 1.6 7/17/2020	07/17/2020	108	1.600	245,000.00	245,000.00	245,404.25	0.77
Total / Average 3-6 Months		142	2.101	5,552,287.12	5,552,287.12	5,562,554.83	17.47

Description	Maturity Date	Days To Maturity	Yield	Face Amount/Shares	Cost Value	Market Value	% of Portfolio
6-9 Months							
BBVA Compass Bank - Temple, TX 1.52 11/9/2020	11/09/2020	223	1.520	751,871.15	751,871.15	751,871.15	2.36
Farmers State Bank - Waterloo, IA 1.75 10/9/2020	10/09/2020	192	1.750	200,000.00	200,000.00	200,696.00	0.63
First National Bank Texas 1.34 12/3/2020	12/03/2020	247	1.340	1,028,879.67	1,028,879.67	1,028,879.67	3.23
First National Bank Texas 1.34 12/3/2020	12/03/2020	247	1.340	1,028,879.68	1,028,879.68	1,028,879.68	3.23
VCC Bank - Richmond, VA 1.75 10/9/2020	10/09/2020	192	1.750	200,000.00	200,000.00	200,726.00	0.63
Total / Average 6-9 Months		235	1.433	3,209,630.50	3,209,630.50	3,211,052.50	10.08
9-12 Months							
Bank of the West - San Francisco, CA 1.55 2/18/2021	02/18/2021	324	1.550	245,000.00	245,000.00	245,536.55	0.77
First General Bank - Rowland Heights, CA 1.5 2/19/	02/19/2021	325	1.500	245,000.00	245,000.00	245,431.20	0.77
First National Bank Texas 2.38 1/7/2021	01/07/2021	282	2.380	2,573,936.50	2,573,936.50	2,573,936.50	8.09
Total / Average 9-12 Months		289	2.243	3,063,936.50	3,063,936.50	3,064,904.25	9.63
1-2 Years							
BBVA Compass Bank - Temple, TX 1.55 7/23/2021	07/23/2021	479	1.550	1,503,816.24	1,503,816.24	1,503,816.24	4.72
CommunityBank TX - Beaumont, TX 1.7 4/22/2021	04/22/2021	387	1.700	249,000.00	249,000.00	250,162.83	0.79
First National Bank Texas 1.4 10/14/2021	10/14/2021	562	1.400	754,819.42	754,819.42	754,819.42	2.37
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2	10/18/2021	566	1.750	247,000.00	247,000.00	248,679.60	0.78
Morgan Stanley Bank - Salt Lake City, UT 1.75 4/19	04/19/2021	384	1.750	247,000.00	247,000.00	248,272.05	0.78
Total / Average 1-2 Years		492	1.558	3,001,635.66	3,001,635.66	3,005,750.14	9.44
Total / Average		127	1.665	31,825,453.01	31,825,453.01	31,843,980.17	100.00

PORTFOLIO HOLDINGS BY MATURITY RANGE

