



**NOVEMBER 10, 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, November 10, 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. Proclamation declaring November 16<sup>th</sup> – 21<sup>st</sup>, 2020, as "Harker Heights Children's Book Week".

**V. Consent Items:**

- 1. Discuss and consider approving the minutes of the meeting held on October 27, 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 approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for a Greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. F.M.2410), Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, 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 of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for a Modular Storage Container Business Park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, Part of Block Two (2), and Part of Lots Nine (9) and Twenty-One (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 East Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 East Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for a Salvage Yard on property described as Four Individual Tracts consisting of a total of 2.903 acres of land in Bell County, Texas, Part of the J. T. W. J. Hallmark Survey, Abstract No. 413, Recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. F.M.2410), Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

**VIII. Old Business:**

**IX. New Business:**

1. Discuss and consider approving a request from Raymond Hamden to forgive all or a part of City liens in the amount of \$16,602.75 placed upon 114 East Valley Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program – Phase 2, and take the appropriate action. (City Manager)

3. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a Contract for the 2020 Street Improvement Projects in the amount of \$572,495.56 to Lonestar Grading & Materials, LLC, and take the appropriate action. (Public Works Director)
4. Discuss and consider reappointing the City Manager, David Mitchell, as the Alternate Representative to fill the vacancy to the Bell County Health District Board, and take the appropriate action. (City Secretary)
5. Discuss and consider approving a request from Daniel Ganoë for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Friday, November 20, 2020, and take the appropriate action. (Parks and Recreation Director)
6. Discuss and consider approving a request from Stephen Watson for a Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Sunday, December 20, 2020, and take the appropriate action. (Parks and Recreation Director)
7. Discuss and consider approving a request from Kasey Winter for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, April 17, 2021, and take the appropriate action. (Parks and Recreation Director)
8. Discuss and consider approving a request from Bunk Morris for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Saturday, December 5, 2020, and take the appropriate action. (Parks and Recreation Director)
9. Discuss and consider approving a request for Alcohol Services from Bunk Morris and The Pan American Golf Association for a facility rental at the Community Park Pavilion on Saturday, December 5, 2020, and take the appropriate action. (Parks and Recreation Director)

**X. Reports of Advisory Boards & Commissions:**

**XI. Items from Council:**

**XII. Staff Reports:**

1. Receive and discuss the Fiscal Year 2019 – 2020 Fourth Quarter Investment Report. (Finance Director)
2. Receive and discuss the Unaudited Financial Statements for the Fourth Quarter of Fiscal Year 2019 - 2020. (Finance Director)
3. Receive and discuss the City Manager's Report. (City Manager)

**XIII. Announcements:**

**XIV. Adjournment:**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 6<sup>th</sup> day of October 2020, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Juliette Helsham  
City Secretary

**The public may participate remotely in this meeting by dialing-in using the toll-free number: (866) 899-4679 and use Access Code: Access Code: 172-191-725.**

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

<https://global.gotomeeting.com/join/172191725>

**The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. This agenda is also available on the City of Harker Heights website at [www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us).**

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

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





## PROCLAMATION

**WHEREAS**, books and reading are basic to nourishing the growing minds of our children and serve as building blocks toward our children's well being in the future; and

**WHEREAS**, HARKER HEIGHTS CHILDREN'S BOOK WEEK will be observed and celebrated by Librarians and families from November 16<sup>th</sup> through the 21<sup>st</sup>, 2020; and

**WHEREAS**, the Friends of the Harker Heights Public Library has chosen Harker Heights Children's Book Week as the perfect time to administer its "Have Book, Will Read" initiative by giving books to area children; and

**WHEREAS**, this year's theme is "Read, Learn, Grow" and encourages families to read together at the Library and at home;

**NOW, THEREFORE**, I, Spencer Smith, Mayor of the City of Harker Heights, Texas, DO HEREBY PROCLAIM the week of November 16<sup>th</sup> through the 21<sup>st</sup>, 2020 as

### **"HARKER HEIGHTS CHILDREN'S BOOK WEEK"**

in Harker Heights, and encourage young people and their caregivers to discover the world through books, not only this week but throughout the year.

**IN WITNESS WHEREOF**, I have here unto set my hand and caused the Seal of the City of Harker Heights, Texas, to be affixed this 10<sup>th</sup> day of November 2020.

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Spencer H. Smith, Mayor

Minutes of the of the City Council meeting held at 5:00 p.m. on Tuesday, October 27, 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:

<b>Roll Call:</b>	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

### **Mayoral Proclamations and Presentations:**

1. The Mayor presented a proclamation to Municipal Court Judge Billy Ray Hall, Jr. proclaiming November 2<sup>nd</sup> – 6<sup>th</sup>, 2020, as Municipal Court Week. Judge Hall praised the work that the City's Municipal Court is doing and praised City Court Staff members for their hard work.
2. The Mayor presented a proclamation to Jeff Achée, Parks and Recreation Director, declaring November 6, 2020, as "Texas Arbor Day".

### **Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on October 13, 2020. Fountain made the motion to approve as written. Seconded by Blomquist. All in favor. Motion approved 5-0.
2. Council discussed and considered 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 January 31, 2021. Reider made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
3. Council discussed and considered a Resolution of the City Council of the City of Harker Heights, Texas, establishing its Policy and Procedures for Public Comments, Rules of Decorum, and Presentations at Open Meetings of the City Council. Blomquist made the motion to approve. Seconded by Fountain. All in favor. Motion approved 5-0.

### **Presentations by Citizens:**

Jeffrey K. Harris, 1102 Windy Hill Road, Harker Heights, Texas 76548, commended City Staff, specifically the City Manager David Mitchell, Jeff Achée, Parks and Recreation Director, and Jerry Bark, Assistant City Manager, for clearing up some of the misunderstandings from the County regarding the Election.

Lynda Nash, 3006 Sun Dance Drive, Harker Heights, Texas 76548, gave an update to the City Council on the Food Drive. She stated that they distributed over 2,000 boxes of food and 2,000 gallons of milk.

## **Old Business:**

1. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing a change in the Plate Vest Level listed in the City's previous Application for a Grant in the amount of \$86,130.44 through the Criminal Justice Division Grant Program; for the purchase of 38 Pro Tech DT 206c Level III Plate Vests with accessories; and 4 RAM1 Swat Heavy Vest; authorizing the City Manager to sign on behalf of the City. Phil Gadd, Chief of Police, made the presentation. Blomquist made the motion to approve. Seconded by Fountain. All in favor. Motion approve 5-0.

## **New Business:**

1. Council discussed and considered approving the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Awards for Phase 1 in the amount of \$89,468.50. Jerry Bark, Assistant City Manager, made the presentation. Nicholas made the motion to approve the Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Awards for Phase 1 in equal amounts for a total amount of \$89,468.50. Seconded by Fountain. All in favor. Motion approved 5-0.
2. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a Contract for the Lynn Drive Demolition Project in the amount of \$65,250 to Sierra Contracting Corporation (DBA Sierra Demolition); authorizing the City Manager to sign on behalf of the City. Joseph Molis, Planning and Development Director, made the presentation. Blomquist made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.
3. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, adopting and extending its Water Conservation Plan, as revised, and Drought Contingency Plan for a period of five (5) years; providing for review for the purpose of re-adoption in five (5) years; and providing that such plans shall continue in full force and effect until readoption. Mark Hyde, Public Works Director, made the presentation. Reider made the motion to approve an Ordinance amending Chapter 52, "Water and Sewers" of the City of Harker Heights Drought Contingency Plan and Water Conservation Plan for water customers. Seconded by McCann. All in favor. Motion approved 5-0.
4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to enter into a Contract with Santex Truck Centers Ltd. (DBA Kyrish Government Group/Kyrish Truck Center) for the refurbishment of the Harker Heights Fire Department 1996 E-One/Freightliner Pumper in the amount of \$227,13. Paul Sims, Fire Chief, made the presentation. Fountain made the motion to approve. Seconded by Reider. All in favor. Motion approved 5-0.

## **Closed Meeting**

1. At 5:50 p.m. the Mayor announced a closed meeting for the following purposes:
  - A) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Planning and Zoning Commission and Building Standards Commission.



B) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Board of Adjustment.

2. At 6:32 p.m. the Mayor reconvened the open meeting to take the appropriate action on matters discussed in the closed meeting.

Fountain made the motion to appoint the following applicants to the Planning and Zoning Commission and the Building Standards Commission:

A) Planning and Zoning Commission and Building and Standards Commission

Regular Members

Nuala K. Taylor	Unexpired Term for Jan Anderson	10/2020 – 01/2022
Stephan Watford	2 <sup>nd</sup> 3 Year Term	1/2021 – 1/2024
Joshua McCann	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024
Rodney Shine	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024

Alternate Members

Christopher Albus	Alternate member #1	3 Year Term	1/2021 – 1/2024
Michael Stegmeyer	Alternate member #2	3 Year Term	1/2021 – 1/2024
Barry Heidtbrink	Alternate member #3	3 Year Term	1/2021 – 1/2024
Natalie R. Austin	Alternate member#4	3 Year Term	1/2021 – 1/2024

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

Blomquist made the motion to appoint the following applicants to the Board of Adjustment:

B) Board of Adjustment

Regular Members

David A. McClure	3 <sup>rd</sup> 2 Year Term	1/2021 – 1/2023
Pasquale Canterino	1 <sup>st</sup> 2 Year Term	1/2021 – 1/2023

Alternate Members

William R. Mack II	Alternate member #2	2 Year Term	1/2021 – 1/2023
Thomas F. Lorenson	Alternate member #3	2 Year Term	1/2021 – 1/2023
Vacant	Alternate member #4	2 Year Term	1/2021 – 1/2023

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

**New Business Continued:**

5. Council discussed and considered appointments to the following Boards, Commissions, and Committee:

McCann made the motion to appoint the following applicants to the Parks and Recreation/Tree Advisory Board:

A) Parks and Recreation/Tree Advisory Boards

Regular Members

Heidi Heckel	2 <sup>nd</sup> 3 Year Term	1/2021 – 1/2024
Jackson Palmer	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024
Natalie R. Austin	2 <sup>nd</sup> 3 Year Term	1/2021 – 1/2024
Brittney Harris	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024

Alternate Members

Alonzo Williams	Alternate member #1	1 Year Term	1/2021 – 1/2022
Yomi Hardison	Alternate member #2	1 Year Term	1/2021 – 1/2022

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

McCann made the motion to appoint the following applicants to the Library Board:

B) Library Board

Regular Members

Karry Woods	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024
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Alternate Members

Vacant	Alternate member #1	1 Year Term	1/2021 – 1/2022
Vacant	Alternate member #2	1 Year Term	1/2021 – 1/2022

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

Fountain made the motion to appoint the following applicants to the Public Safety Commission:

C) Public Safety Commission

Regular Members

Jackson Palmer	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024
Shane Hodyniak II	1 <sup>st</sup> 3 Year Term	1/2021 – 1/2024

Alternate Members

Jeremy Hoffman	Alternate member #1	1 Year Term	1/2021 – 1/2022
Yomi Hardison	Alternate member #2	1 Year Term	1/2021 – 1/2022

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

Blomquist made the motion to appoint the following applicants to the Animal Advisory Committee:

D) Animal Advisory Committee.

Regular Members

Gary Bates	Member	2 <sup>nd</sup> 3 Year Term	1/2021 - 1/2024
Susan Mooney	Member	2 <sup>nd</sup> 3 Year Term	1/2021 - 1/2024

Alternate Members

Finni Dirr	Alternate member #1	1 Year Term	1/2021 – 1/2022
George Grammas	Alternate member #2	1 Year Term	1/2021 – 1/2022
Karry Woods	Alternate member #3	1 Year Term	1/2021 – 1/2022
Vacant	Alternate member #4	1 Year Term	1/2021 – 1/2022

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

McCann made the motion to appoint the following applicants to the Harker Heights Economic Development Corporation:

E) Harker Heights Economic Development Corporation

Regular Members:

Michael Blomquist	President Place 2	2 Year Term	10/2020 – 10/2022
John Reider	Place 4	2 Year Term	10/2020 – 10/2022
Jim Wright	Place 6	2 Year Term	10/2020 – 10/2022

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

- Council discussed and considered approving a request from James Butler for a Special Events Permit for an event at 110 E. Beeline Lane that will host in excess of ten (10) people on Wednesday, October 28<sup>th</sup> and Saturday, October 31<sup>st</sup>, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve request for a Special Events Permit for an event on Wednesday, October 28<sup>th</sup> through November 1<sup>st</sup>, 2020. Seconded by Reider. All in favor. Motion approved 5-0.
- Council discussed and considered approving a request from Urzah Hunter for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Friday, October 30, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Blomquist. All in favor. Motion approved 5-0.
- Council discussed and considered approving a request from Taija Montgomery for a Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Sunday, January 17, 2021. Jeff Achee, Parks and Recreation Director, made the presentation. Fountain made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.



9. Council discussed and considered approving a request from Kaitlin Nix for a Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Saturday, October 31, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. McCann made the motion to approve. Seconded by Nicholas. All in favor. Motion approved 5-0.
10. Council discussed and considered approving a request from Rachel Smith for a Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Sunday, November 1, 2020. Jeff Achee, Parks and Recreation Director, made the presentation. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 5-0.

**Items from Council:**

Mayor Pro-tem Blomquist stated that he attended the following events:

- Friday, October 23<sup>rd</sup> - III Corps Uncasing of the Colors
- Saturday, October 24<sup>th</sup> - Second to the last Harker Heights Farmer's Market

Mayor Pro-tem Blomquist reminded everyone that Saturday, October 31<sup>st</sup> will be the last Harker Height Farmer's Market for the year and encouraged everyone to come out and enjoy the Fall Festival Trick-or-Treat Event at the Farmer's Market. Blomquist also mentioned that there will be a special guest reader at the Harker Heights Library this coming Friday, October 30<sup>th</sup>.

Councilmember Fountain stated that she got to visit with the Election Judges for the Harker Heights Precinct and thanked them for their hard work.

Councilmember Nicholas stated that on October 22<sup>nd</sup> she attended the Central Texas Council of Governments (CTCOG) Executive Committee meeting. They discussed a new group which was created call "Connected Nation.org", which will look at the Broadband Service problems within the seven (7) counties that the CTCOG services.

**Staff Reports:**

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

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:10 p.m.

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Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary



# CITY COUNCIL MEMORANDUM

**Z20-23**

**AGENDA ITEM# VII-1**

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A GREENHOUSE ON PROPERTY DESCRIBED AS AMAYA ADDITION, LOT TWO (2), BLOCK ONE (1), 5.364 ACRES, GENERALLY LOCATED AT 12696 E. KNIGHTS WAY (E. F.M. 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

On August 31, 2020, it was brought to staff's attention that a structure on the subject property was erected without a permit. Staff reached out to the property owner to make them aware that the structure required permitting and notified the property owner of their code violation via mail (see attachment #5). The subject property consists of 5.364 acres of land with one (1) uninhabitable dwelling towards the rear of the property and is currently zoned R-1 (One Family Dwelling District). Within the zoning code of the Code of Ordinance of the City of Harker Heights, the R-1 zoning district calls out the following as Conditional Uses:

**B. *Conditional uses.*** The following require conditional use permits:

- 1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).
- 2) Neighborhood association facilities.
- 3) **Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.**
- 4) Accessory dwelling for a relative or servant (not for rent).
- 5) Accessory structure as provided by §155.040.

To date it is staff's understanding that the property owner does not reside on the property as there is not a habitable dwelling. The applicant is requesting the following:

- 1) Conditional Use Permit to have a greenhouse structure.
- 2) Allow a greenhouse structure prior to having a occupied primary structure on the premises.
- 3) Allow an accessory structure (greenhouse) to be placed in front of the proposed primary structure.
- 4) Allow an accessory structure (greenhouse) to be larger than what is allowed for properties greater than 1 acre in size.
  - Allowed: Maximum aggregate size of **all** accessory structures cannot exceed 1,500 square feet.
  - Requested: approximately 2,400 square foot greenhouse structure

**Surrounding Land Uses**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Nolanville Jurisdiction (Vacant)	Nolanville Jurisdiction	R-1 (One Family Dwelling District)
<b>South</b>	Vacant & Single Family	Commercial	R-1
<b>East</b>	Vacant & Manufactured Homes	Commercial	R-1
<b>West</b>	Vacant & Single Family	Commercial	R-1

Per the 2007 Comprehensive Plan the applicant’s property is located in an area designated as Commercial and partially designated as Single Family Residential. A survey of the area identified most of the properties in the immediate area to be vacant with the occasional large lot with a single-family home and various accessory structures. Staff therefore believes the proposed Conditional Use Permit is in line with the zoning of R-1 as well as the Future Land Use designation of single family/commercial. However, the applicant failed to request a Conditional Use Permit prior to construction of the greenhouse and did not pull the appropriate permits in order to build a structure to Code. The applicant’s request aims to correct an error and if granted it is likely that this request would set a precedent for further legislative actions.

**Flood Damage Prevention:**

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

**Notices:**

Staff sent out ten (10) notices to property owners within the 400-foot notification area. There were two (2) responses received in favor of the request and zero (0) responses received in opposition of the request.

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on Wednesday, October 28, 2020, the Planning and Zoning Commission voted (4-2) to recommend denial of the request for a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way, Harker Heights, Bell County, Texas.

**RECOMMENDATION:**

While the requested Conditional Use Permit is allowed and appropriate within the R-1 zoning district the applicant failed to request a Conditional Use Permit prior to construction of the greenhouse and did not obtain the appropriate permits to build a structure to Code. The applicant’s request aims to correct an error and if granted it is likely that this request would set a precedent for further legislative actions. At this time staff has no recommendation for a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way, Harker Heights, Bell County, Texas, based on the following:

1. While the requested use is allowed and appropriate for the zoning classification the request for a conditional use permit at this time would not conform with the following:
  - a. Chapter 155.040 (A) (1) (c) “No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced. No accessory building shall be used unless the main building on the lot is also being used.”
  - b. Chapter 155.020 (A) (5) (b) (2) “Large accessory building must be behind the front façade of the main residence.”



- c. Chapter 155.020 (A) (5) (b) (4) Number, size, setbacks, and height requirements based on the size of the lot as follow:

Lot Size	# of Large Structures Allowed	Maximum Aggregate Size of All Accessory Structures	Setbacks	Maximum Height
>1 acre	4	1,500 square feet	Front: 25' Side: 6' Rear: 20'	24'

2. The Planning and Zoning Commission recommended denial of the CUP.

**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, for a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. F.M. 2410), Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

**Please note a vote to approve the CUP will require a "supermajority" approval per Section 155.212(D)(2): "If such proposed amendment, supplement, or change has not been approved by the Planning and Zoning Commission, the amendment, supplement or change shall not. become effective except by a three-fourths approval vote by the City Council."**

2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Ordinance
2. Application
3. Letter of Intent
4. Site Plan
5. Code Enforcement Notice
6. Photos by Staff
7. Amaya Addition Plat
8. Building Permit for Greenhouse Structure
9. R-1 One Family Dwelling District Code Section
10. Location Map
11. Existing Land Use Map
12. Zoning Map
13. Future Land Use Map
14. Notification Area Map
15. Citizen Responses

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A GREENHOUSE ON PROPERTY DESCRIBED AS AMAYA ADDITION, LOT TWO (2), BLOCK ONE (1), 5.364 ACRES, GENERALLY LOCATED AT 12696 E. KNIGHTS WAY (E. F.M. 2410), 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 R-1 (One Family Dwelling District) is granted a Conditional Use Permit ("CUP") on property described as:

Lot Two (2), Block One (1), Amaya Addition, 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

**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 Greenhouse in accordance with Harker Heights Code of Ordinance Section 155.020 (B) (3).
2. Allow a greenhouse structure prior to having an occupied, primary structure on the premises.
3. Allow an accessory structure (greenhouse) to be placed in front of the primary structure.
4. Allow an accessory structure (greenhouse) to be larger than 1,500 square feet.

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

<b><u>Ord. No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>
	11/10/20	<b>Granting a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. F.M. 2410), Harker Heights, Bell County, Texas.</b>

**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 November 10, 2020.

---

Spencer H. Smith, Mayor

ATTEST:

---

Julie Helsham, City Secretary



# Conditional Use Permit Application

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

**\*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: Robert Amaya Date: 9/30/20  
Address: 4913 Bending Trail  
City/State/Zip: Killeen Texas 76542  
Phone: [REDACTED] E-mail: [REDACTED]

**Legal Description of Property:**

Location of Property (Address if available): 12362 FM 2410 Harker Heights Tx 76548  
Lot: 2 Block: 1 Subdivision: Amaya Addition  
Acres: 5.364 Property ID: 27885 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: R1 Future Land Use Designation: R1R Commercial/Residential

**Applicant's Representative (if applicable):**

Applicant's Representative: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**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 \_\_\_\_\_ will represent the owner.

Robert J Amaya  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

Printed Name of Representative

Signature of Representative

Date Submitted: 9/30/20  
Received By: [Signature]

**STAFF ONLY - DO NOT FILL OUT BELOW**  
 Pre-Application Meeting  
Revised: 06/28/18

Receipt #: 01620641  
Case #: Z20-23



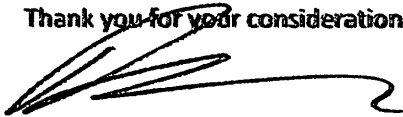
9/30/2020

**Conditional Use Permit Application**

I am currently seeking conditional use permit for the construction of a greenhouse on my property located at 12362 FM 2410 Harker Heights Texas, 76542, Lot. The 14 acre farm property was purchased in May of 2019 and subsequently replatted into three lots and approved on 6 Dec 2019. On lot number two which is 5.364 acres, the intent is to construct a large personal green house. Additionally due to the recent pandemic I am working with my third bank to obtain a construction loan for a house to be built on the same property. I am currently working with a builder and bank to secure the loan and start construction within the next month.

I am seeking a conditional permit for R1R, to accommodate the size of the greenhouse and the location of the greenhouse which may be more forward of the home structure site.

Thank you for your consideration.



Robert Amaya

Family Nurse Practitioner

USN/RET









**THIS IS A NOTIFICATION LETTER**

Wednesday, September 2, 2020

CE200014

ROBERT AMAYA  
4913 BENDING TRL  
KILLEEN, TX 76542-3750

*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 Property Owner:

This notice is in reference to property and premises in the City of Harker Heights, Texas located at:

**12362 FM 2410  
BellCAD Property Identity: 27885**

The above-referenced property is in violation of City Code of Ordinances:

**Chapter 150: Building Regulations**

**§ 150.02 (A)(2) Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure; or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing systems; the installation of which is regulated by this code, or to install accessory structures, or to cause any such work to be done, shall first make application to the Building Official for a permit, shall comply with applicable state and local rules and regulations concerning licensing and registration, and obtain the required permit.**

**To maintain voluntary compliance with City Codes, please do the following:  
Please submit a permit and site plan for the accessory structure to the Building Official for the review and approval process.**

Please come into compliance or contact me to make arrangements by:

**9/14/2020**

If this issue is not corrected during this period of time, the City may file a complaint in Municipal Court and/or take further action to abate this property. If you have any questions in regard to this matter, please do not hesitate to contact me at (254) 953-5648.

Sincerely,

Eric Moree  
Code Enforcement





2020. 8. 31 11:18















**Accessory Structure**

- Large (over 144 square feet)      Height: \_\_\_\_\_
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Must be on a Permanent Foundation
- Setbacks: 10' from rear property line, 6' from side property line.
- Small (144 square feet or less)      Height: \_\_\_\_\_
- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Cannot exceed 12' in Height
- Setbacks: 5' from rear property line, 6' from side property line.

**Alteration/Remodel**

- Fill out description of work to be done on Page 1.
- Provide Electrician, Plumber, or Mechanical contractor if applicable.

**Electric**

- Fill out description of work to be done on Page 1.

**Fence**

- Provide Site Plan (Google aerial view or survey)
- Fill out description of work to be done on Page 1.      Height: \_\_\_\_\_

**Flatwork**

- Provide Site Plan (Google aerial view or survey)

**Mechanical**

- Fill out description of work to be done on Page 1.

**Plumbing**

- Fill out description of work to be done on Page 1.

**Pool/Spa - Above Ground**

- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Setbacks: 10' from rear property line, 6' from side property line.

**Pool in Ground**

- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- Setbacks: 10' from rear property line, 6' from side property line, 1' away from house per 1' depth of pool.

**Retaining Wall**

- Provide Site Plan reflecting setbacks (Google aerial view or survey)
- If 24 inches or taller - MUST be engineered.

**Sign**

- Fill out description of work to be done on Page 1.
- Provide depiction of sign with dimensions.

Total Valuation: \_\_\_\_\_  
 (Cost of Labor + Cost of Materials = Total Valuation)

Robert J Amey  
 Owner/Contractor (Print)

[Signature]  
 Owner/Contractor (Signature)

9/27/20  
 Date:

**STAFF ONLY – DO NOT FILL OUT**

Date Submitted: \_\_\_\_\_

Received By: \_\_\_\_\_

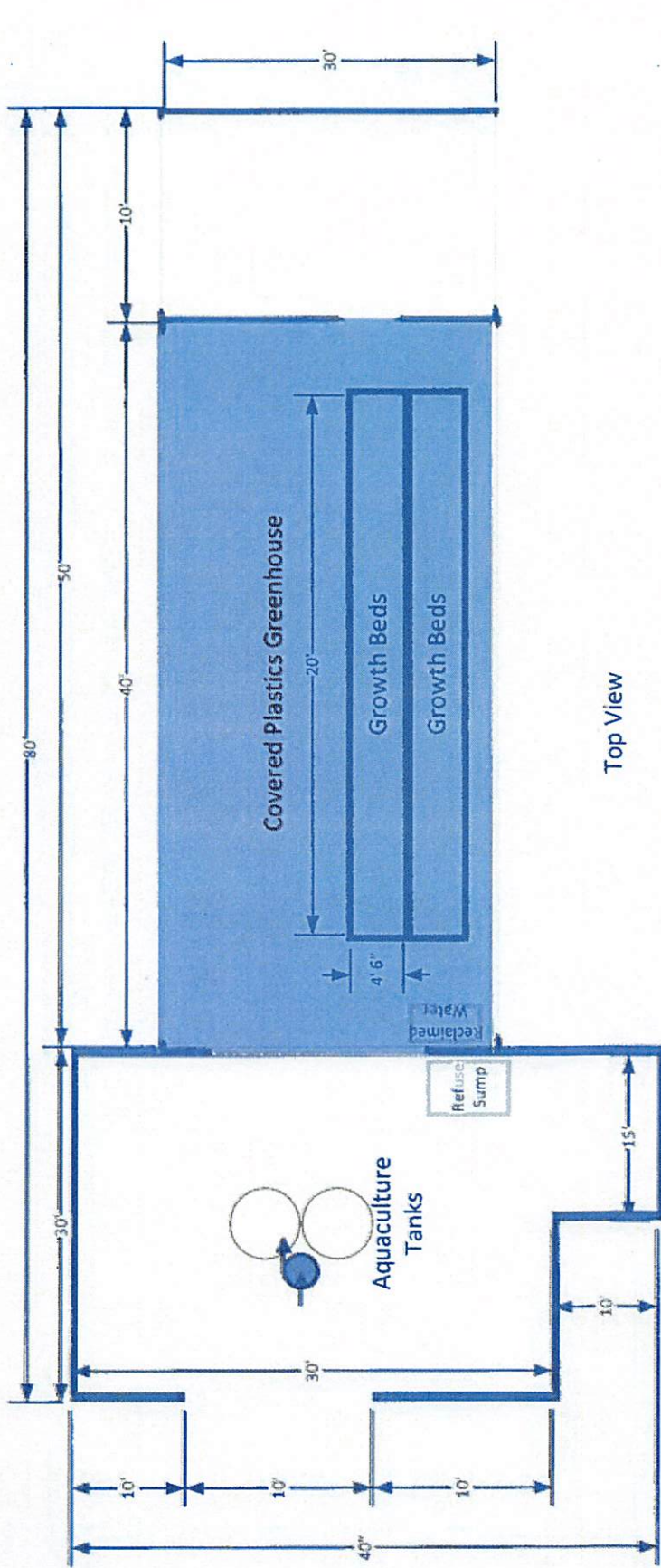
\_\_\_\_\_  
Building Official Signature

\_\_\_\_\_  
Date Approved

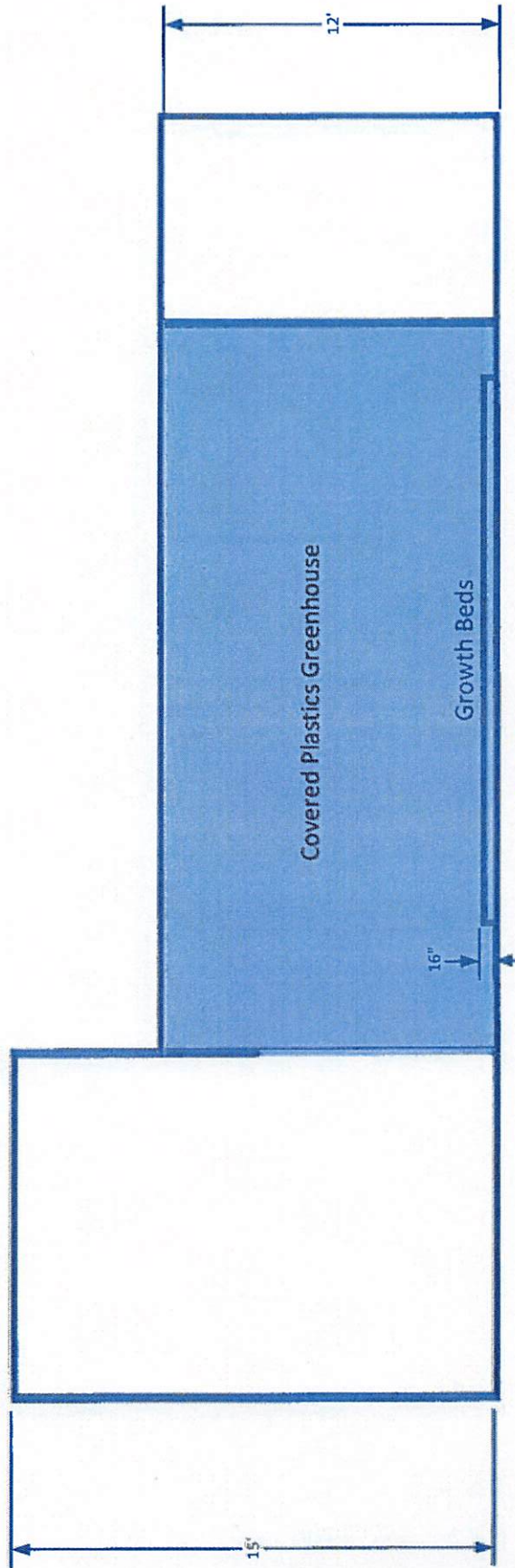




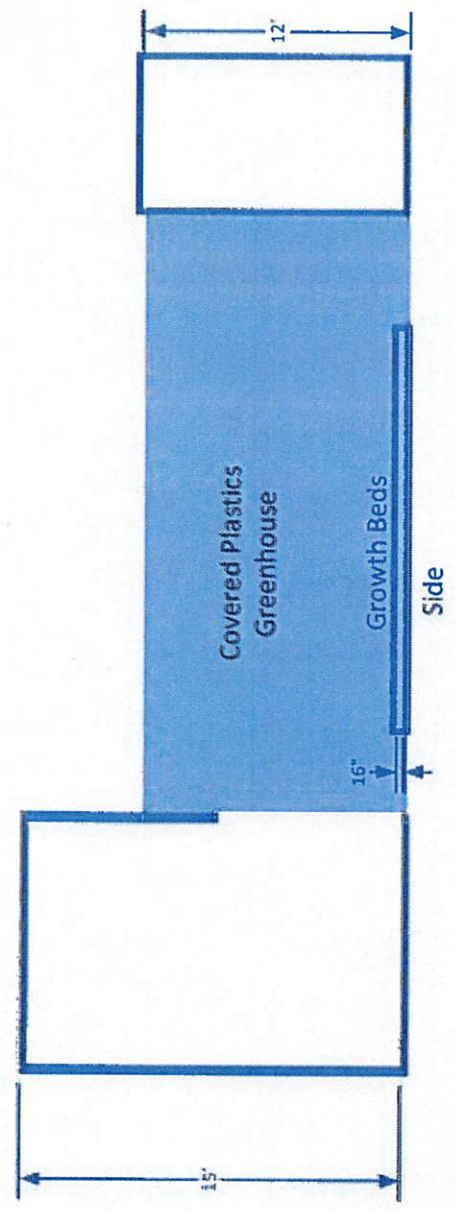
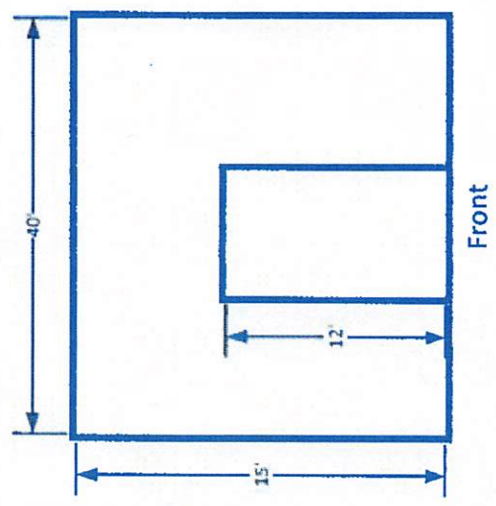
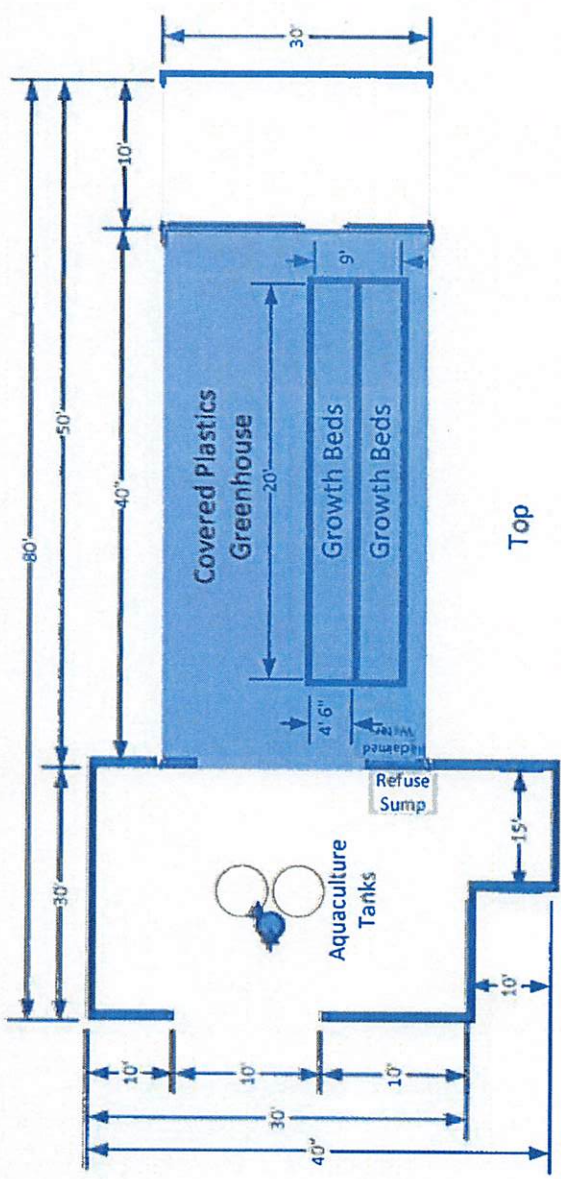




Top View



Side View







2020. 8. 31 11:18



**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.

(5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Structure must be built upon a moveable foundation;
2. Structure cannot exceed 12 feet in height;
3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Building materials and facade must be consistent with the main residence building materials and facade;
2. Large accessory building must be behind the front facade of the main residence;
3. The height of the large accessory building cannot exceed that of the main residence building;
4. Number, size, setbacks and height requirements based on the size of the lot as follows:

<b>Lot Size</b>	<b>Number of Large Accessory Structures Allowed</b>	<b>Maximum Aggregate Size of All Accessory Structures</b>	<b>Setbacks</b>	<b>Maximum Height</b>
< 10,000 square feet	1	250 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> 10,000 square feet < .5 acre	1	500 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> .5 acre < 1 acre	2	1,000 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet
> 1 acre	4	1,500 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet

(6) Private garage.

(7) Home based child care.

(8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.

(9) Low impact telecommunication towers.

(10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

(1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

Materials shall include asphalt composition, shingle, tile, crushed rock, standing seam metal or similar materials (except all other metal). Roof pitch shall be a minimum of 3/12.

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs.* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;



(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

For purposes of this division, **VALUE** means the taxable **VALUE** of the industrialized housing and lot after installation of the housing.

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

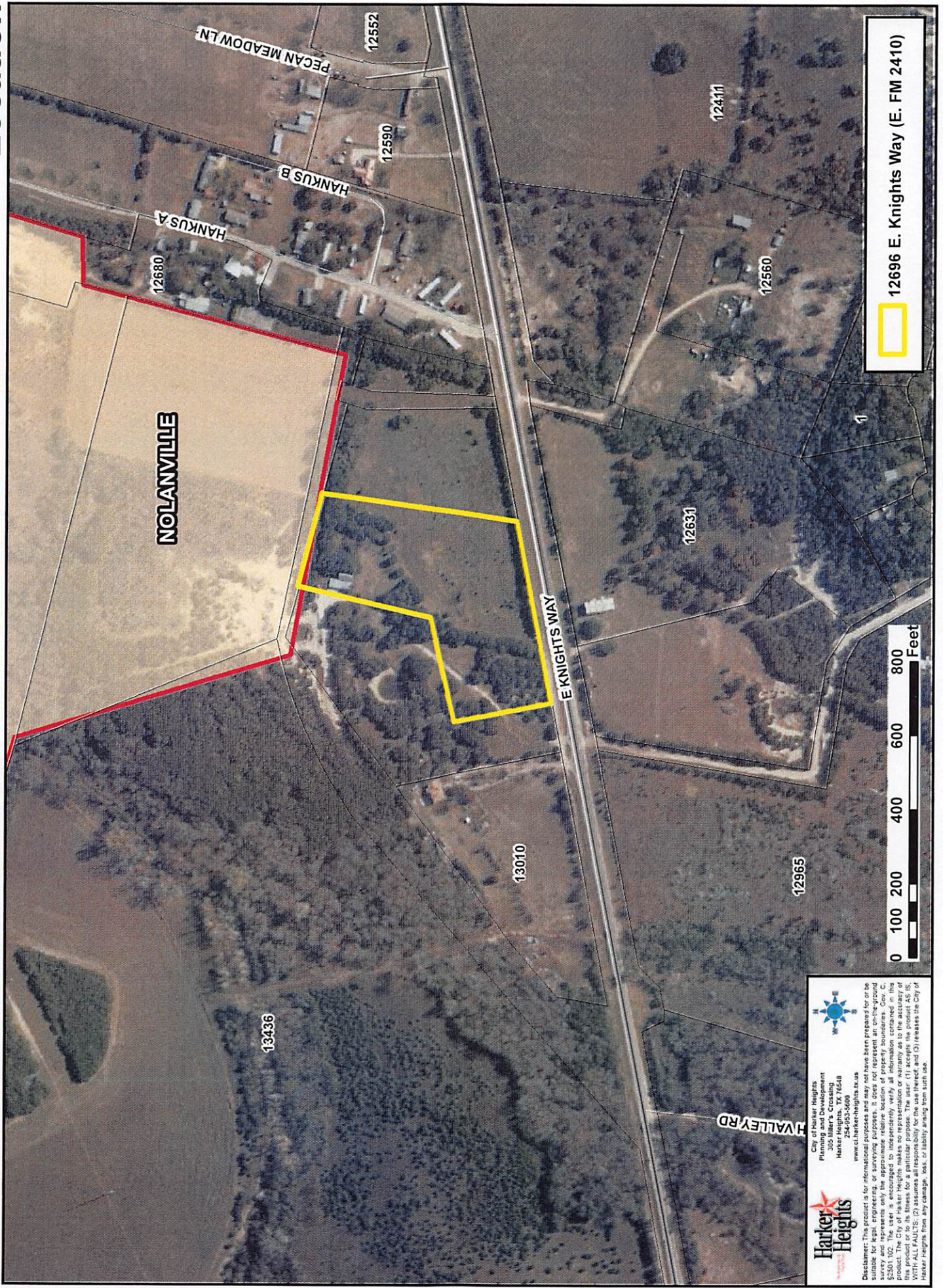
(3) A person commits an offense if the person:

(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2002-28, passed 11-12-02; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-32, passed 10-12-10; Am. Ord. 2011-08, passed 4-19-11)





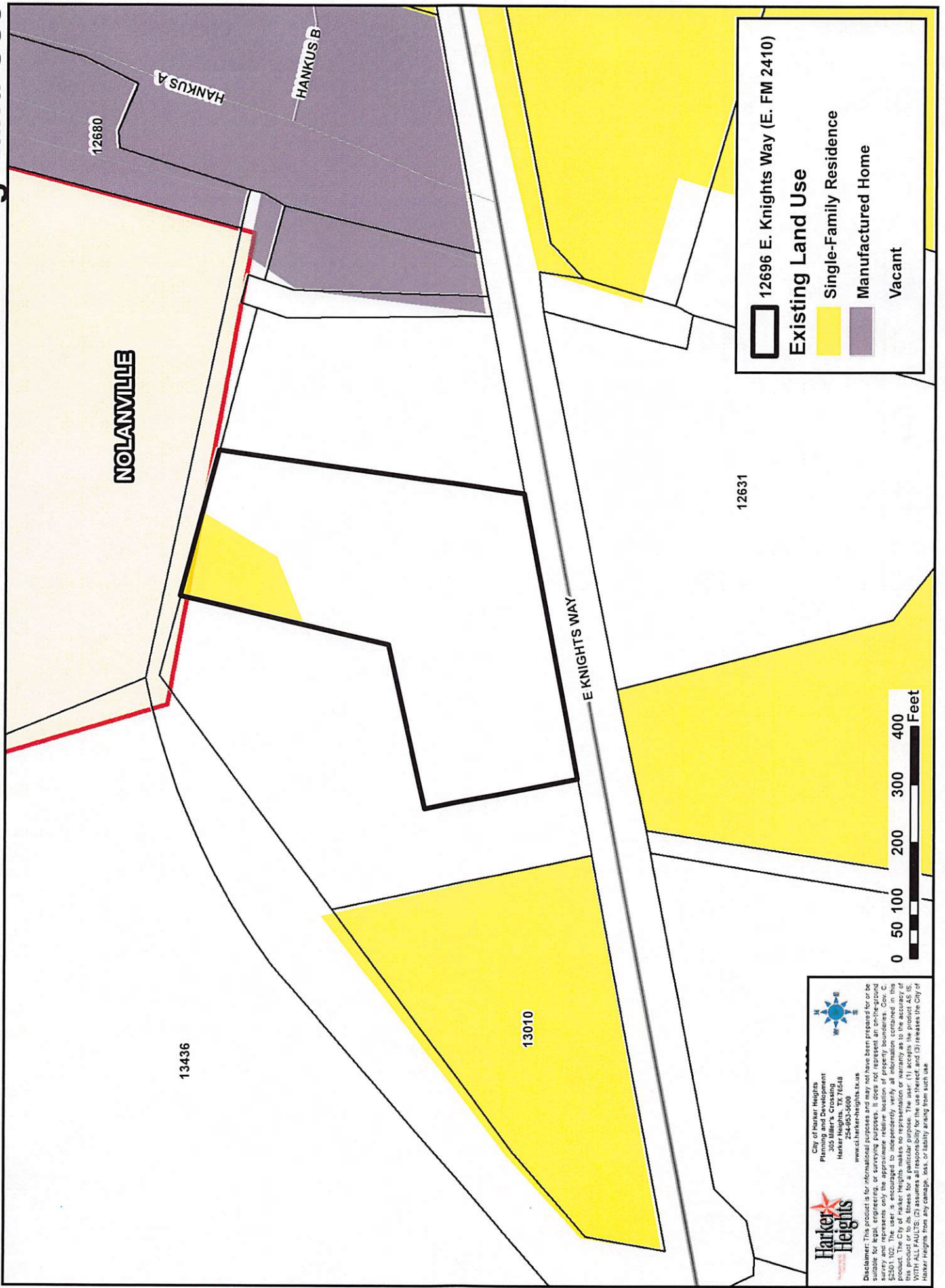
**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 254-853-5600  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

**Disclaimer:** This document is for informational purposes only and has not been prepared for or be used 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. Gov. C. §5501.102. 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 the information contained herein. THE CITY OF HARKER HEIGHTS ASSUMES NO LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING BUT NOT LIMITED TO, 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.



**12696 E. Knights Way (E. FM 2410)**





12696 E. Knights Way (E. FM 2410)

**Existing Land Use**

- Single-Family Residence
- Manufactured Home
- Vacant

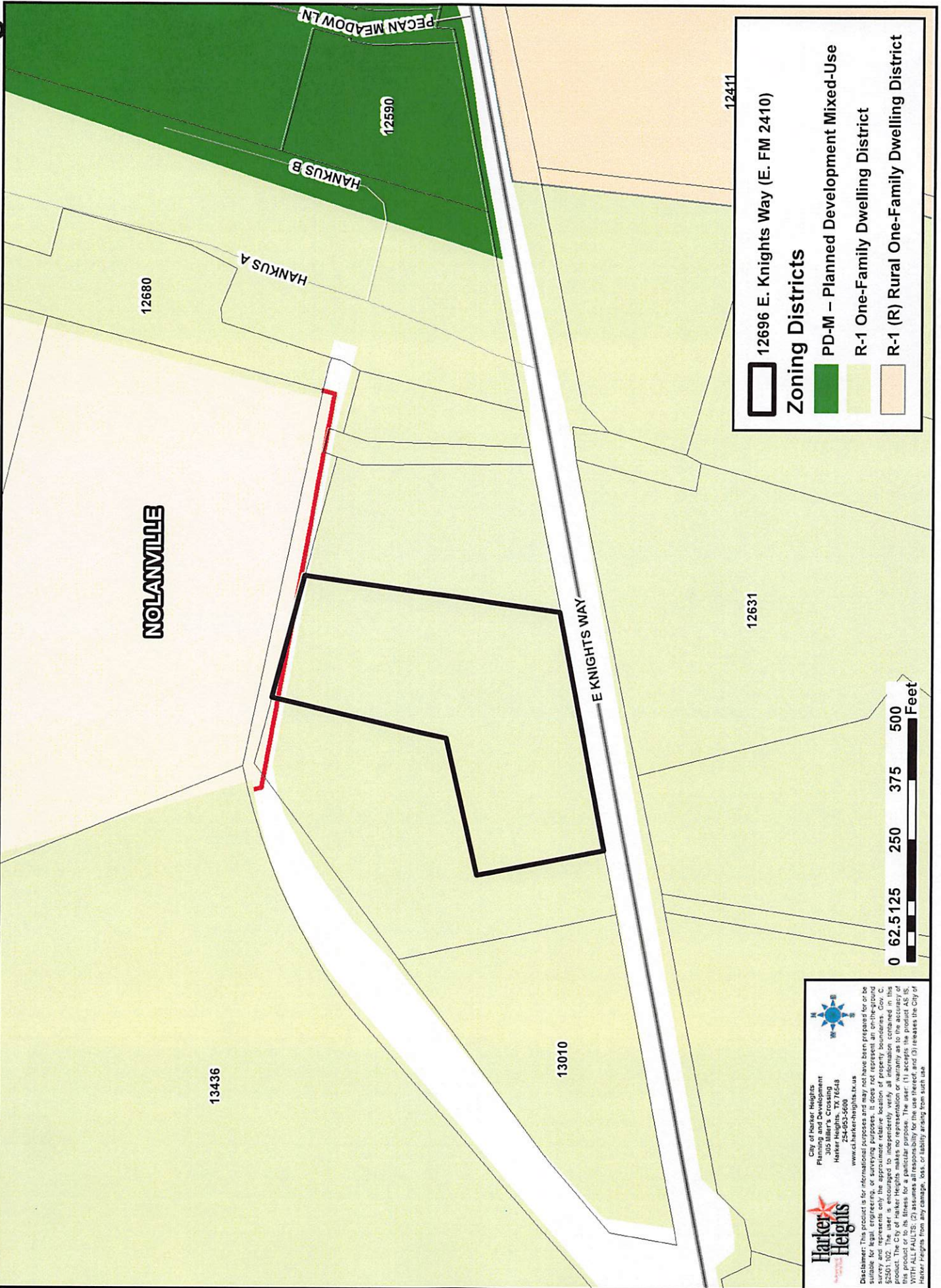
City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 254-853-3600  
 www.ci.harkeheights.tx.us

**Harker Heights**

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**12696 E. Knights Way (E. FM 2410)**

**Zoning Districts**

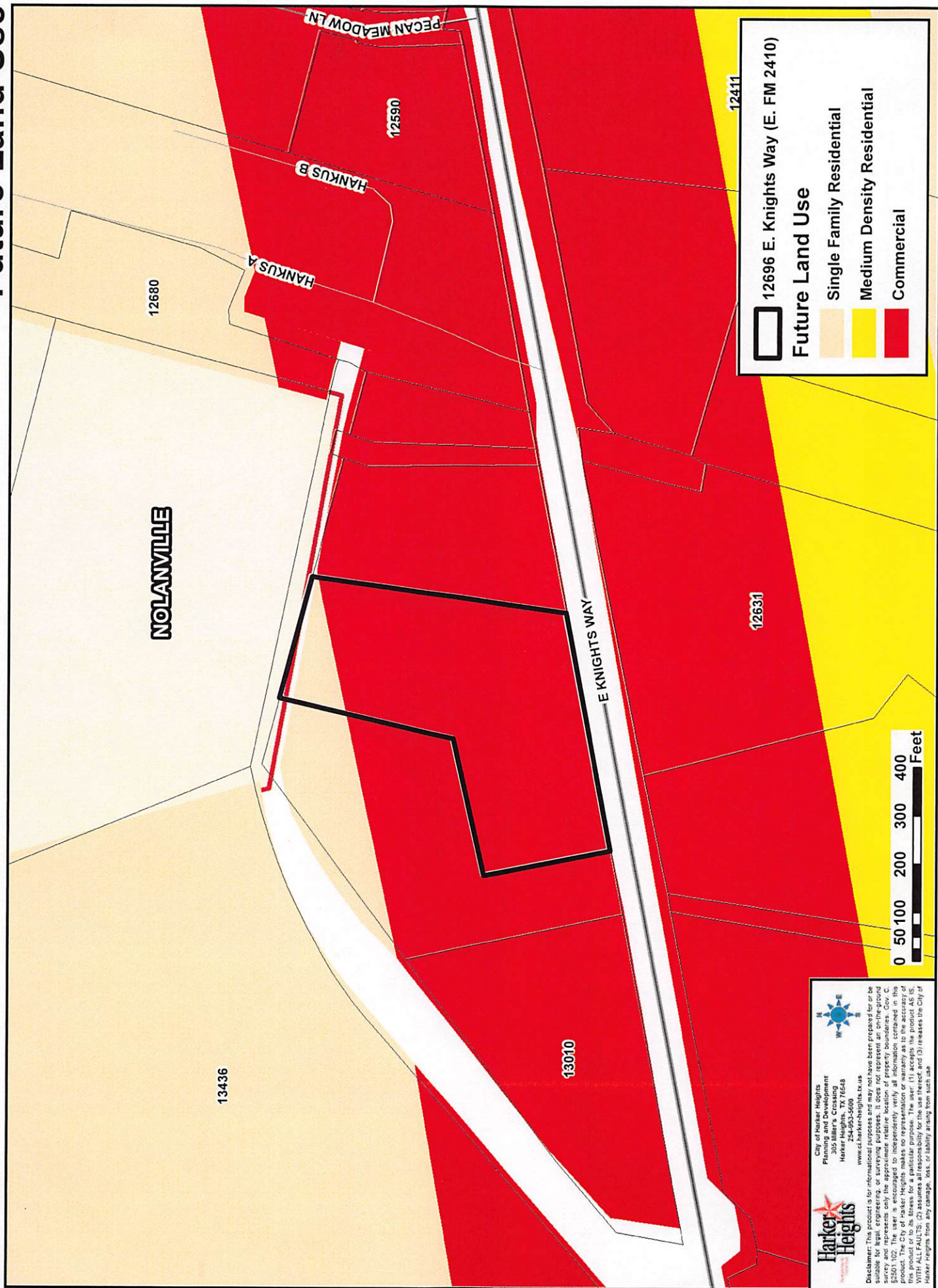
- PD-M – Planned Development Mixed-Use
- R-1 One-Family Dwelling District
- R-1 (R) Rural One-Family Dwelling District

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 www.ci.harkerheights.tx.us  
 254-683-5600

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12696 E. Knights Way (E. FM 2410)

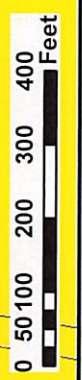
**Future Land Use**

- Single Family Residential
- Medium Density Residential
- Commercial

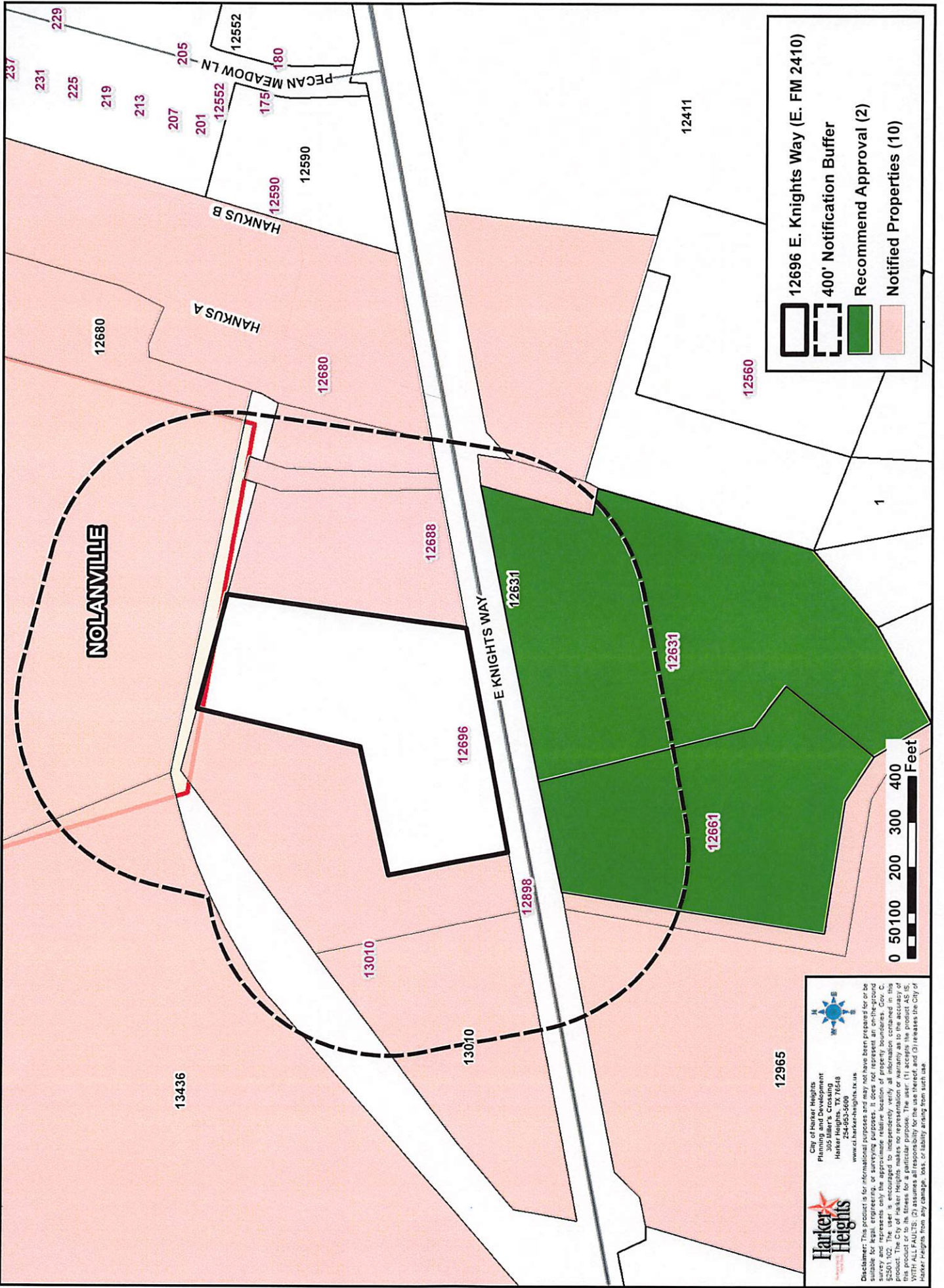
**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Albar's Crossing  
 Harker Heights, TX 76548  
 www.ci.harkerheights.tx.us  
 254-853-3600

Disclaimer: This account is for informational purposes only and has been prepared for or by the City of Harker Heights. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52501.102. 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 the information contained in this product. THE CITY OF HARKER HEIGHTS, TEXAS, ACCEPTS NO LIABILITY 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.



TO: City of Harker Heights  
Planning & Development Department

FROM: 18031 E. Knights Way  
(E. FM 2410) Harker Heights, Bell County  
(Address of Your Property that Could Be Impacted by this Request) Texas

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Nicole Casiano  
Printed Name

Nicole Casiano  
Signature

October 20, 2020  
Date

**Received**

OCT 20 2020

**Planning & Development**





TO: City of Harker Heights  
Planning & Development Department

FROM: MSEdwards Provent, LLC  
12661 FM 2410, Harker Heights TX 76548  
(Address of Your Property that Could  
Be Impacted by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- <sup>MSL</sup> I RECOMMEND APPROVAL OF THE REQUEST  
 I RECOMMEND DENIAL OF THE REQUEST

Comments:

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Mark S. Edwards  
President MSEdwards Provent LLC  
Printed Name

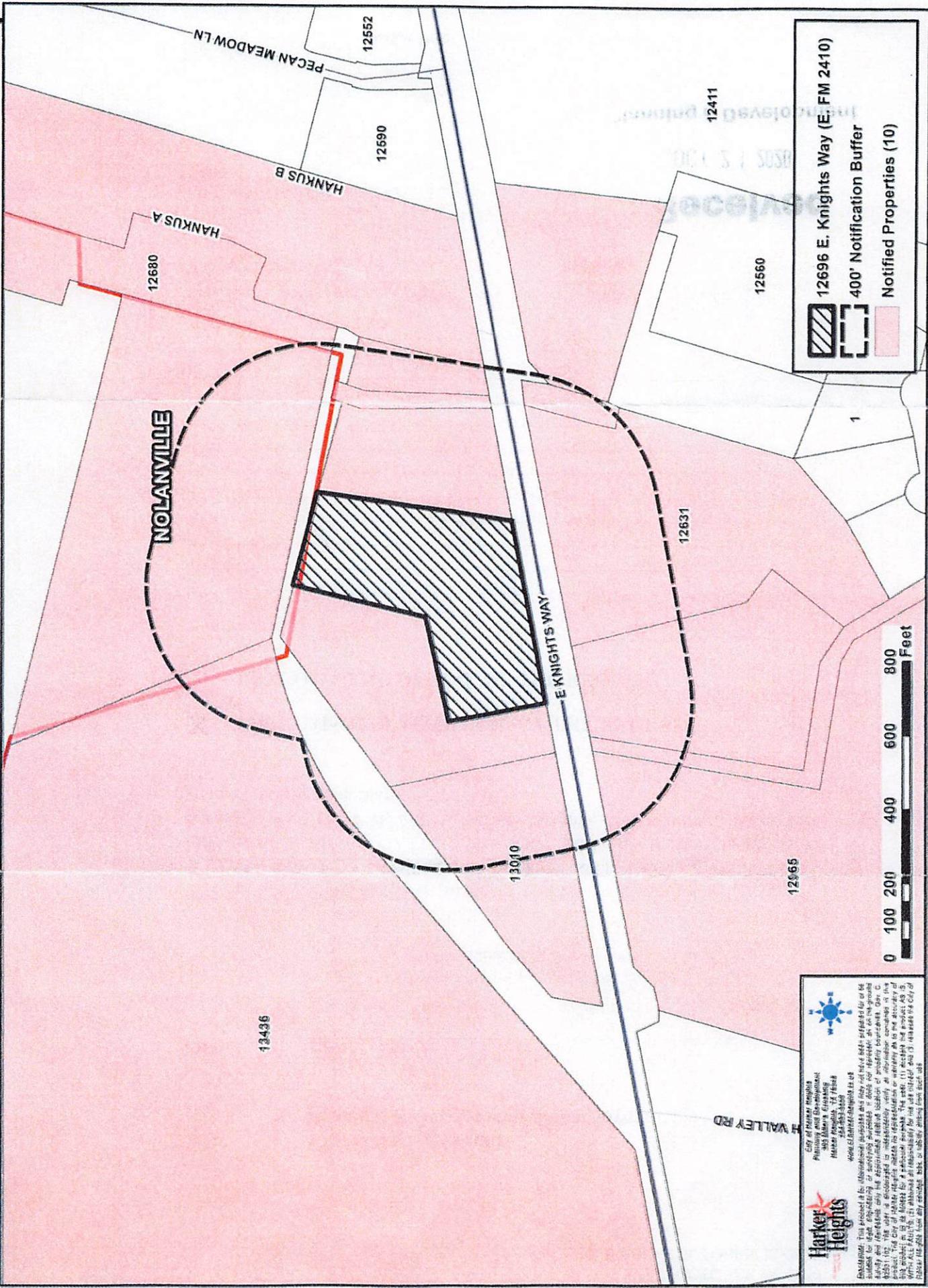
Mark S. Edwards  
Signature

19 October 2020  
Date

**Received**

OCT 21 2020

Planning & Development



**Harrier Heights**

City of Harrier Heights  
 305 Main Street  
 Harrier Heights, TX 75848  
 281-483-3339

Map of Harrier Heights is a  
 product of the City of Harrier Heights  
 and is provided for informational purposes only.  
 The City of Harrier Heights is not responsible for  
 any errors or omissions in this map. The City of  
 Harrier Heights is not responsible for any  
 damages or liabilities arising from the use of  
 this map. The City of Harrier Heights is not  
 responsible for any damages or liabilities arising  
 from the use of this map.

**12696 E. Knights Way (E. FM 2410)**

**400' Notification Buffer**

**Notified Properties (10)**







**CITY COUNCIL MEMORANDUM**

**Z20-24**

**AGENDA ITEM # VII-2**

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT ON PROPERTY DESCRIBED AS INDIAN TRAILS SECTION ONE (1), BLOCK THREE (3), LOT ELEVEN (11), GENERALLY LOCATED AT 1614 BEAVER TRAIL, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The applicant is requesting a Conditional Use Permit (CUP) to allow an accessory dwelling unit (ADU) to be used for a relative on property located at 1614 Beaver Trail. Per the Harker Heights Code of Ordinances Section 155.020(B) (4), an accessory dwelling unit for a relative (not for rent) is permitted via a Conditional Use Permit. The applicant’s property consist of approximately 11,550 square feet and would therefore be permitted one (1) large accessory structure with a maximum aggregate size of all accessory structure not to exceed 1,000 square feet (per §155.020 (A) (5) (b) (4)).

**Surrounding Land Uses**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Single Family Residential	Single Family Residential	R-1 (One Family Dwelling District)
<b>South</b>	Single Family Residential	Single Family Residential	R-1
<b>East</b>	Single Family Residential	Single Family Residential	R-1
<b>West</b>	Single Family Residential	Single Family Residential	R-1

A single family structure currently occupies the applicant’s property and the addition of an accessory dwelling unit would not violate the intent or ideals of Single Family Residential (SFR) use if it meets all development regulations, and it would be considered consistent with the 2007 City of Harker Heights Comprehensive Plan. This CUP, if granted, would not interfere with the property’s primary use as a single-family home. The proposed change would not alter or have any significant impact on the square footage of the primary house, setbacks, or any other development regulations. The proposed use would therefore not likely have any adverse impact on adjoining land uses in the neighborhood.

**Flood Damage Prevention:**

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

**Notices:**

Staff sent out fifty-five (55) notices to property owners within the 400-foot notification area. There was one (1) response received in favor of the request, and two (2) responses were received in opposition of the request.

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on October 28, 2020, the Planning and Zoning Commission voted (7-0) to recommend approval of a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas.

**RECOMMENDATION:**

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas, based on the following in accordance to Section 155.201 of the Harker Heights Code of Ordinance:

1. The proposed use conforms with applicable regulations and standards established by the City's Building and Development Code;
2. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
3. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping, and access to the site;
4. The proposed use is suitable to the premises or structure(s) in which it will be conducted; and
5. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, for a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Ordinance
2. Application
3. Letter of Intent
4. Site Plan
5. R-1 Zoning District Code
6. Location Map
7. Zoning Map
8. Existing Land Use Map
9. Future Land Use Map
10. Notification Area Map
11. Citizen Responses



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN ACCESSORY DWELLING UNIT ON LOT ELEVEN (11), BLOCK THREE (3), INDIAN TRAILS SECTION ONE (1), GENERALLY LOCATED AT 1614 BEAVER TRAIL, 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 R-1 (One Family Dwelling District) is granted a Conditional Use Permit (CUP), to allow an accessory dwelling unit, on property described as:

**Lot Eleven (11), Block Three (3), Indian Trails Section One (1), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas.**

**SECTION 3:** Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:

<b><u>Ord. No.</u></b>	<b><u>Date Passed</u></b>	<b><u>Description</u></b>
	11/10/2020	<b>Granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on Lot Eleven (11), Block Three (3), Indian Trails Section One (1), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas.</b>

**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 CUP is subject to all other applicable laws and rules, including without limitation §155.020(A) (5) (a) and (b) of the Code of Harker Heights.

**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 November 10, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Julie Helsham, City Secretary





# 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
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

### Owner Information:

Property Owner(s) Name: Deborah K. Fischer Date: 9/1/20  
 Address: 1614 Beaver Trail City/State/Zip: Harker Heights, Tx 76548  
 Phone: [REDACTED] E-mail: [REDACTED]

### Property Information:

Site Address or General Location: 1614 Beaver Trail Harker Hts. Tx 76548  
 Lot: 0011 Block: 003 Subdivision: Indian Trail Section 1  
 Acres: 11,280 sq. ft. Property ID: 77580 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: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**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 Jacqueline R Codner will represent the owner.

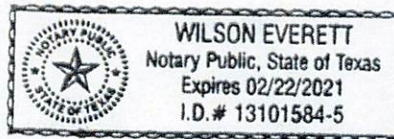
Deborah K. Fischer  
 Printed Name of Property Owner

Deborah K. Fischer  
 Signature of Property Owner

Jacqueline R Codner  
 Printed Name of Representative

\_\_\_\_\_  
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 30 DAY OF September, 2020.  
Wilson Everett  
 Signature of Notary Public



Date Submitted: 9/30/2020 STAFF ONLY - DO NOT FILL OUT Receipt #: 01620740  
 Received By: Wilson Everett  Pre-Application Meeting Case #: Z20-24



Robertson Graham

assistance.

I am applying for a permit for a "Swamy Slot" in my backyard for my aging mother. She is no longer able to care for herself without

To whom it may concern

9-30-20





**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Structure must be built upon a moveable foundation;
2. Structure cannot exceed 12 feet in height;
3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

1. Building materials and facade must be consistent with the main residence building materials and facade;
2. Large accessory building must be behind the front facade of the main residence;
3. The height of the large accessory building cannot exceed that of the main residence building;
4. Number, size, setbacks and height requirements based on the size of the lot as follows:

<b>Lot Size</b>	<b>Number of Large Accessory Structures Allowed</b>	<b>Maximum Aggregate Size of All Accessory Structures</b>	<b>Setbacks</b>	<b>Maximum Height</b>
< 10,000 square feet	1	250 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> 10,000 square feet < .5 acre	1	500 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> .5 acre < 1 acre	2	1,000 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet
> 1 acre	4	1,500 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet

- (6) Private garage.
- (7) Home based child care.

(8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.

- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).



(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

Materials shall include asphalt composition, shingle, tile, crushed rock, standing seam metal or similar materials (except all other metal). Roof pitch shall be a minimum of 3/12.

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs.* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

For purposes of this division, **VALUE** means the taxable **VALUE** of the industrialized housing and lot after installation of the housing.

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

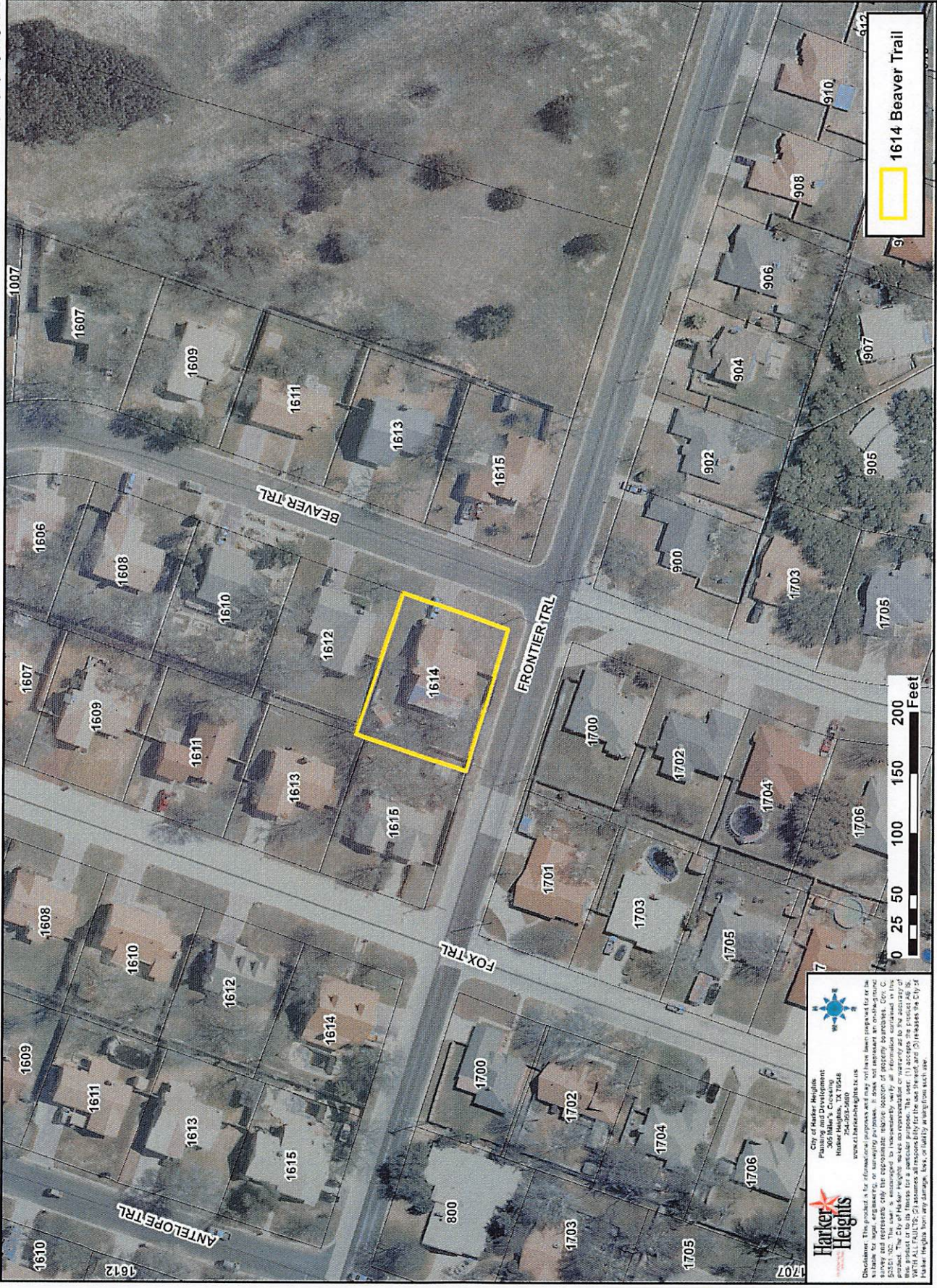
(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2002-28, passed 11-12-02; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-32, passed 10-12-10; Am. Ord. 2011-08, passed 4-19-11)



Z20-24

Location

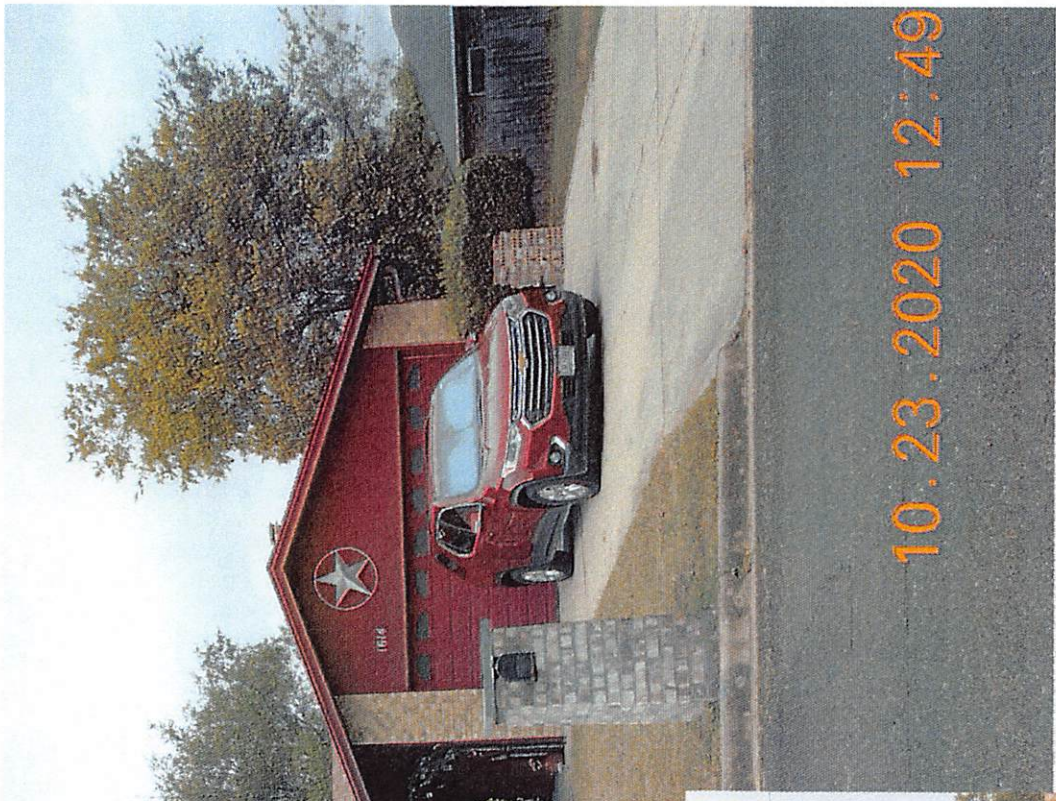


**Harker Heights**

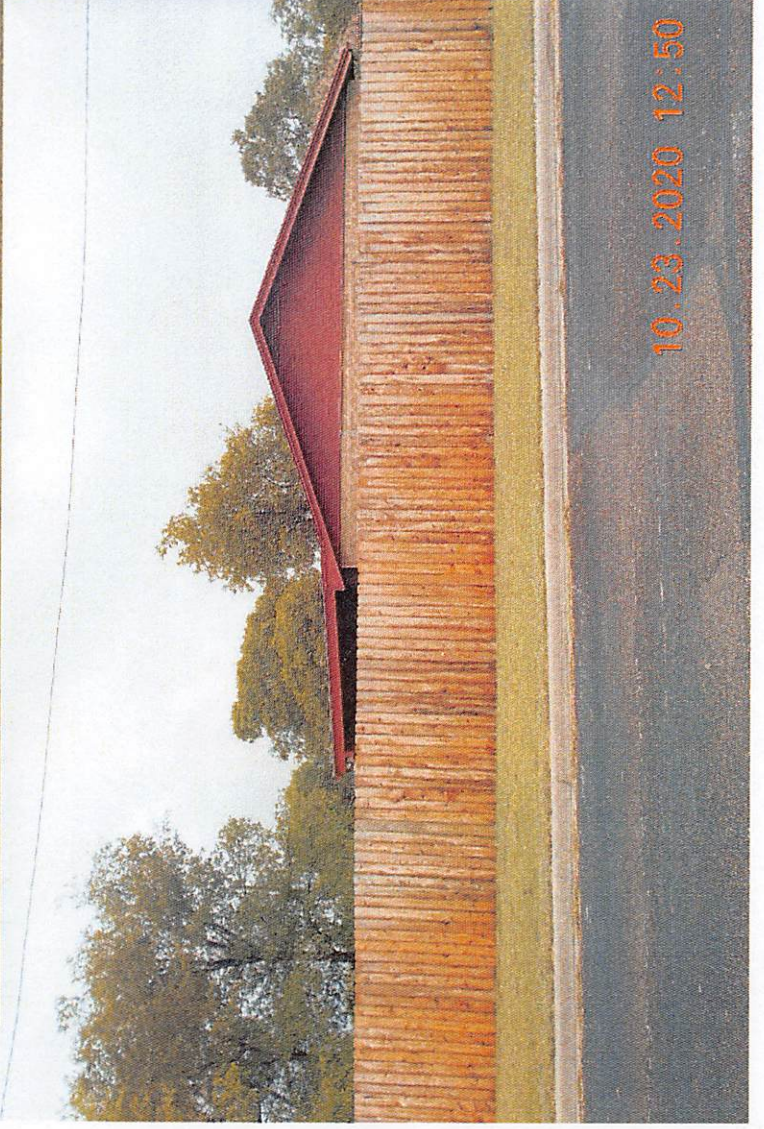
City of Harker Heights  
 Planning and Development  
 305 Harker's Crossing  
 Harker Heights, TX 76748  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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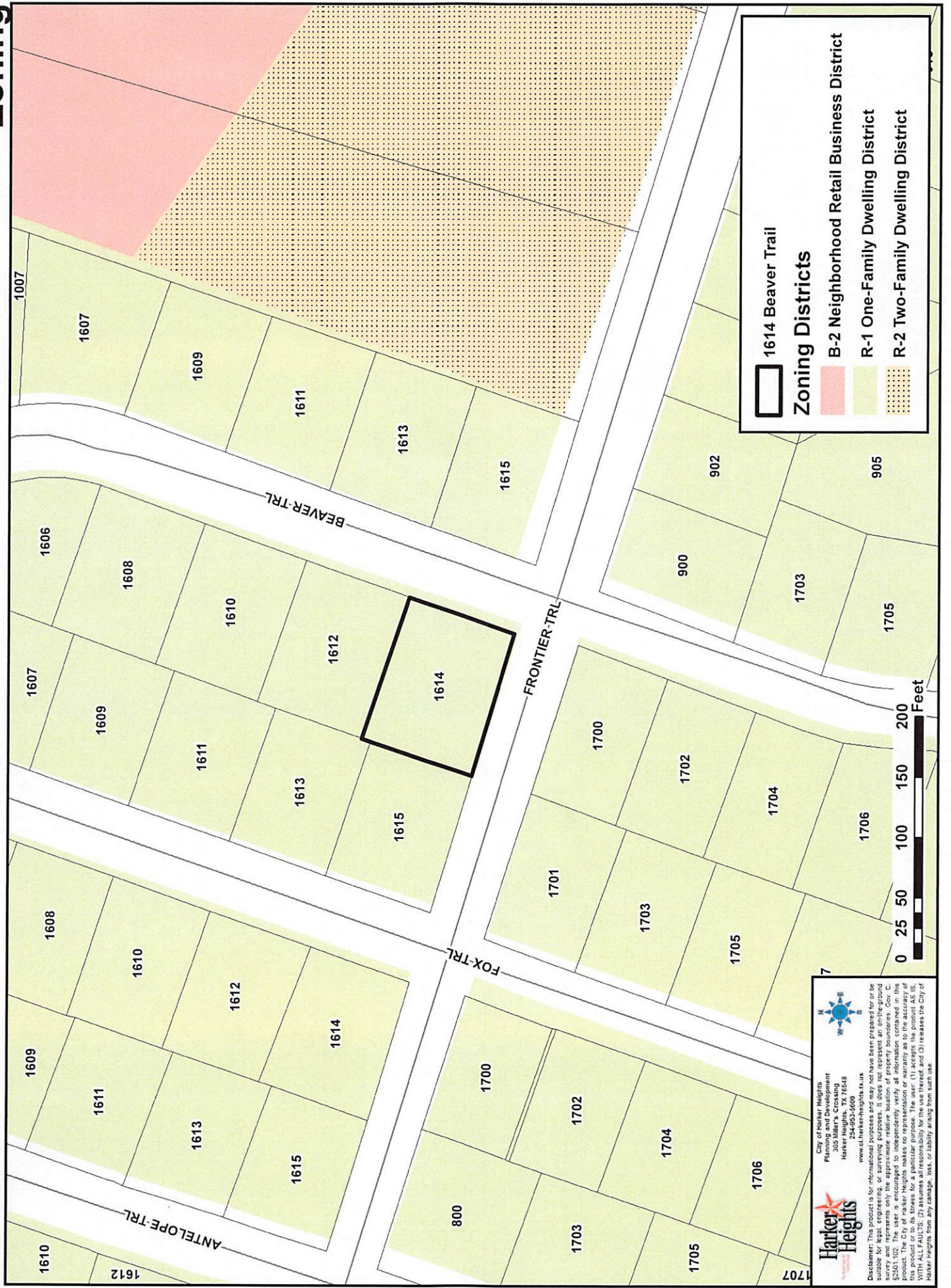


10.23.2020 12:49



10.23.2020 12:50





**1614 Beaver Trail**

**Zoning Districts**

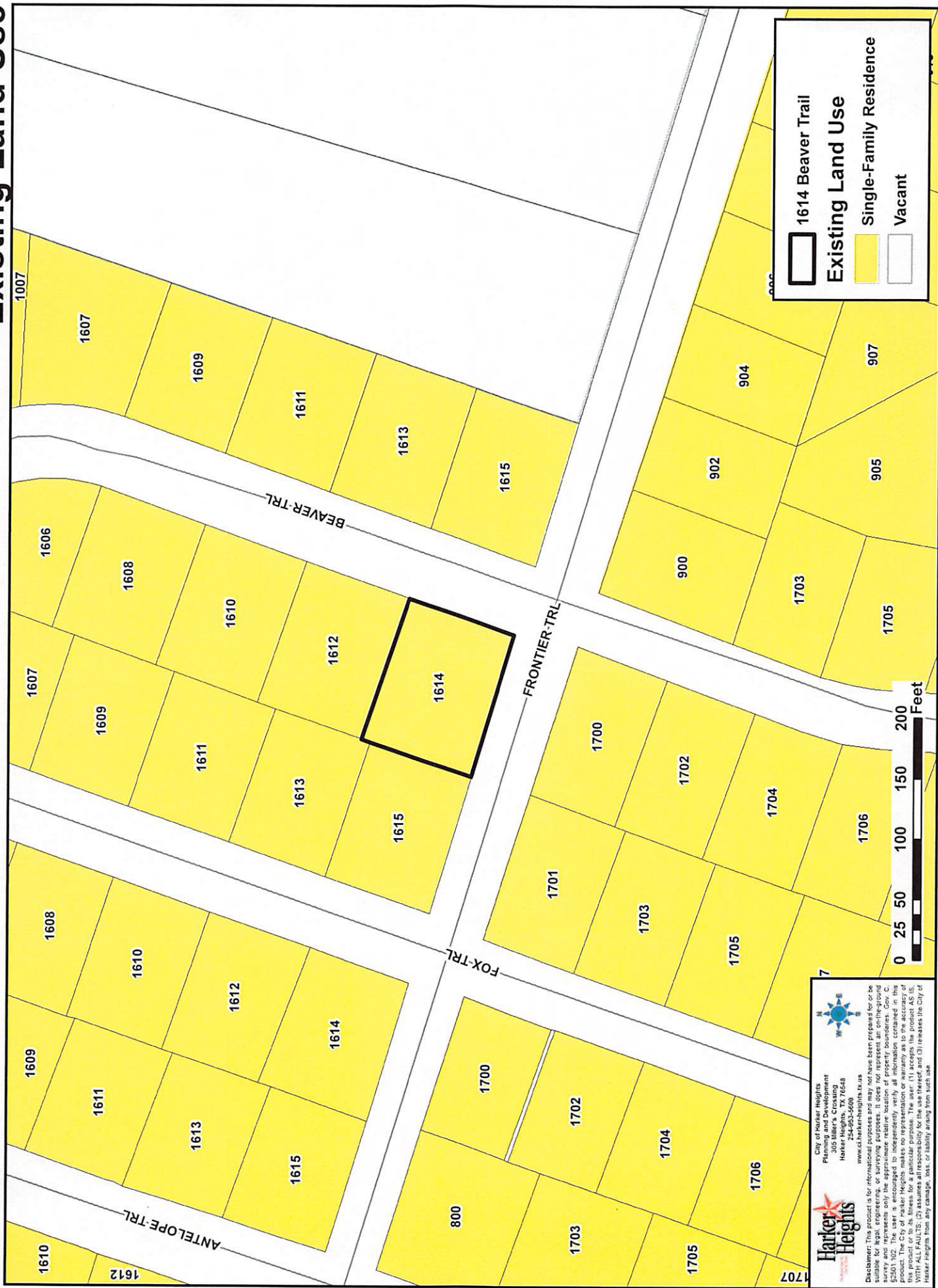
- B-2 Neighborhood Retail Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
 254-893-5600  
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1614 Beaver Trail

Existing Land Use

Single-Family Residence

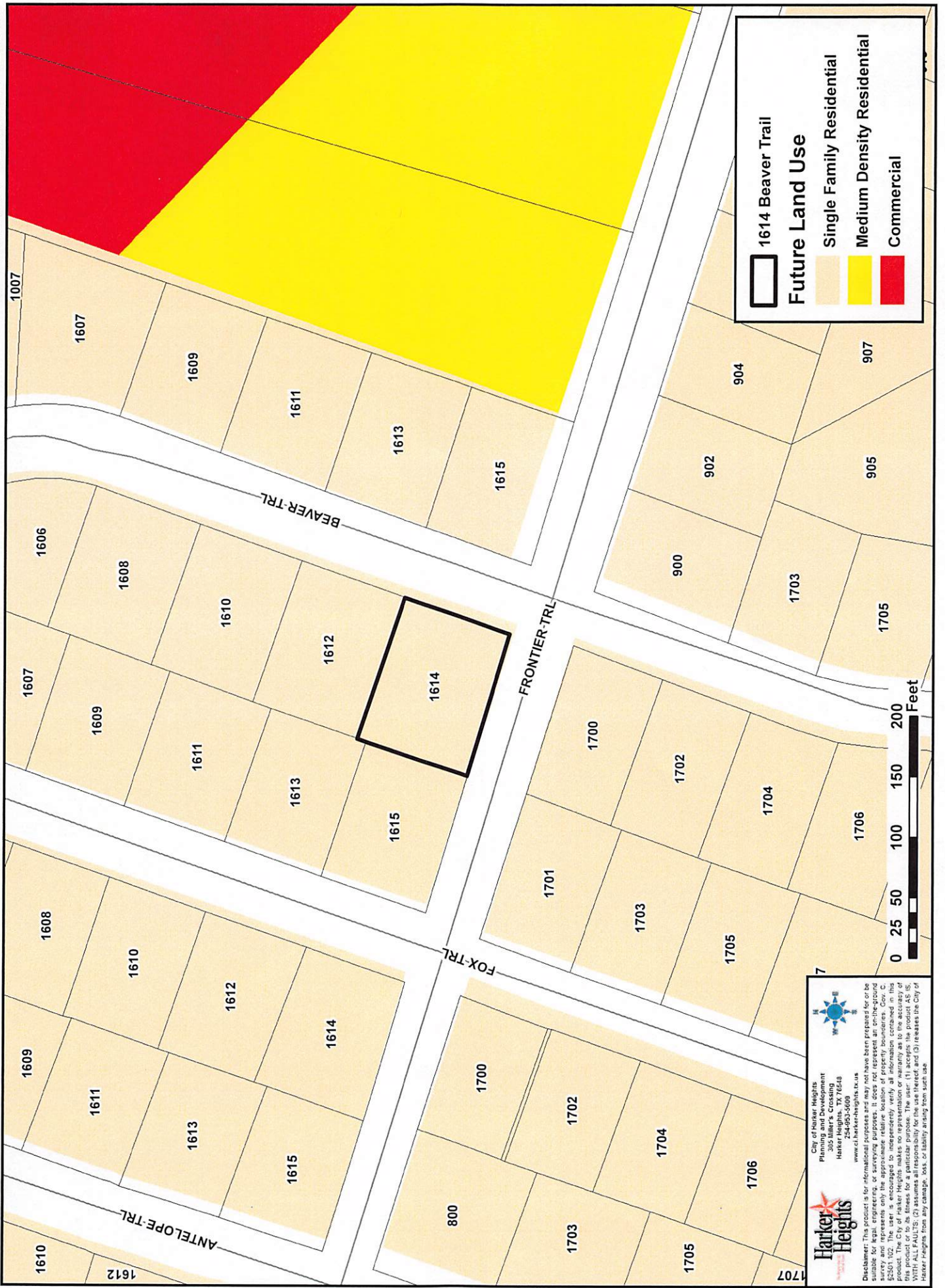
Vacant

**Harker Heights**

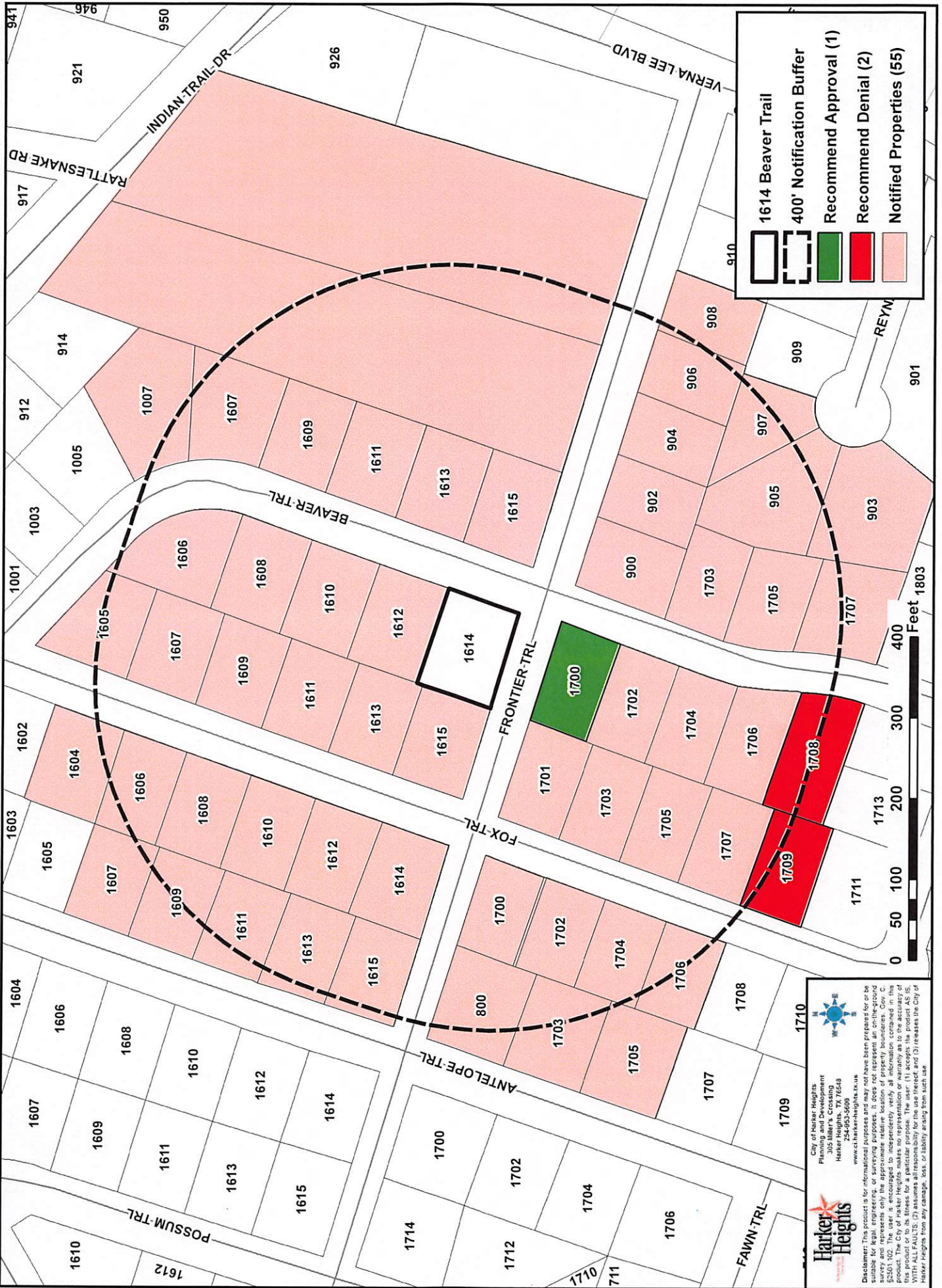
City of Harker Heights  
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 305 Miller's Crossing  
 Harker Heights, TX 76648  
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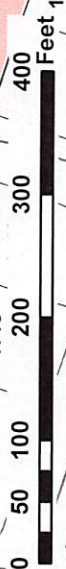








**1614 Beaver Trail**  
**400' Notification Buffer**  
**Recommend Approval (1)**  
**Recommend Denial (2)**  
**Notified Properties (55)**



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Main's Crossing  
 Harker Heights, TX 76548  
 254-953-3600  
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TO: City of Harker Heights  
Planning & Development Department

FROM: K.M. Crowe  
1708 BEAVER TRAIL  
(Address of Your Property that Could  
Be Impacted by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:  
NOT ENOUGH INFO. Would This  
SOMEONES RESIDENCE - A WORKSHOP OR  
A GREENHOUSE? IF ITS FOR A SEPARATE  
RESIDENCE - I VOTE NO.

Katherine M. Crowe  
Printed Name

Katherine M. Crowe  
Signature

16 Oct 2020  
Date

**Received**  
OCT 19 2020  
Planning & Development







TO: City of Harker Heights  
Planning & Development Department

FROM: \_\_\_\_\_

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

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: As long as it's not a rental.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Linda Hernandez  
Printed Name

Linda Hernandez  
Signature

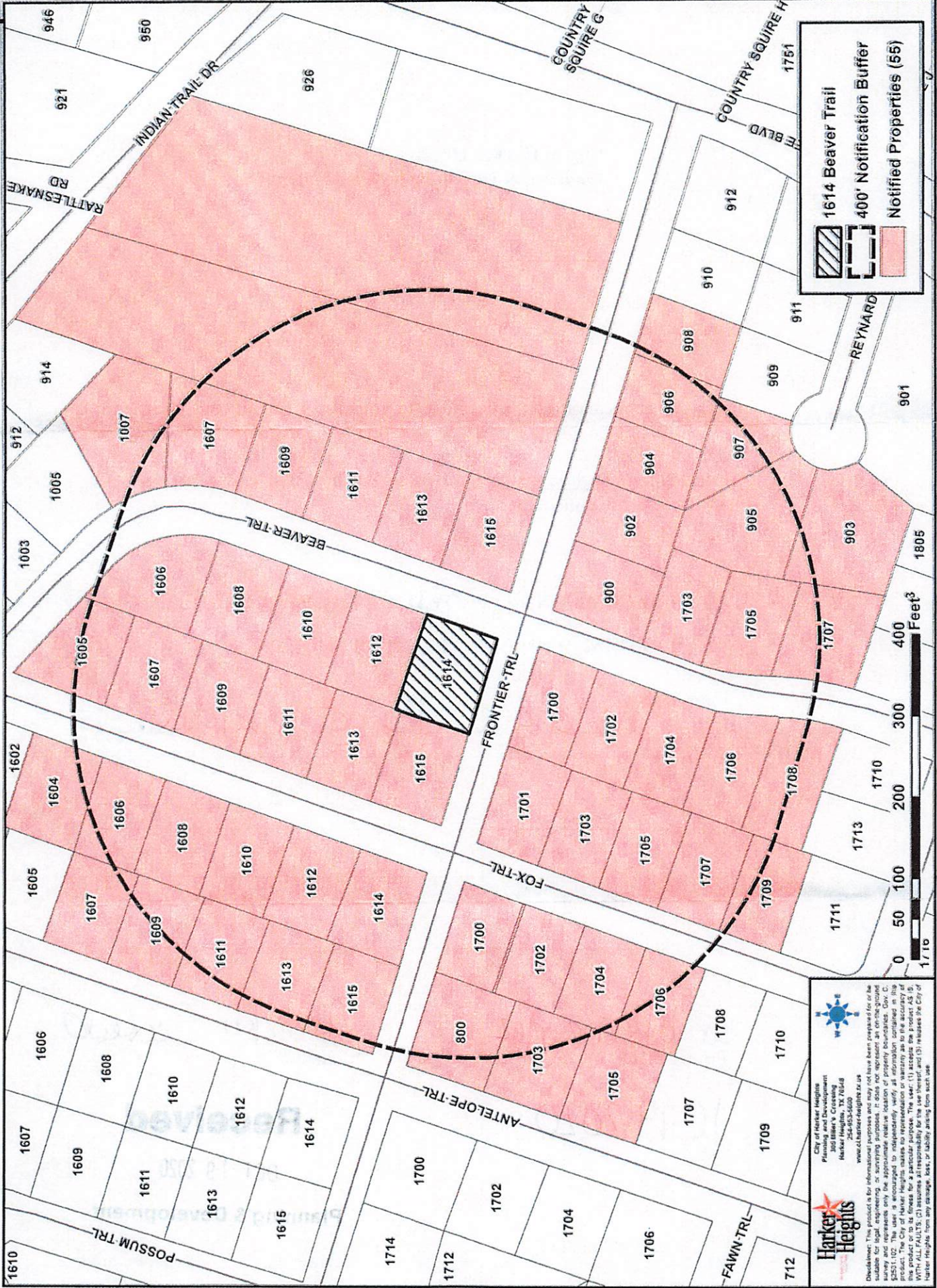
10-19-2020  
Date

**Received**

OCT 19 2020

**Planning & Development**





**Harker Heights**

City of Harker Heights  
 300 Baker's Crossing  
 Harker Heights, TX 76148  
 254-653-5600  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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TO: City of Harker Heights  
Planning & Development Department

FROM: ERNEST O. ZEMKER  
1709 FOX TRAIL  
(Address of Your Property that Could  
Be Impacted by this Request)

RE: An application has been made to consider a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Site - built Single Family Housing only,  
not for rent and home based child care.  
The Traffic in our Residential area will  
increase. We have children on our streets.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ERNEST O. ZEMKER  
Printed Name

Ernest O. Zemker  
Signature

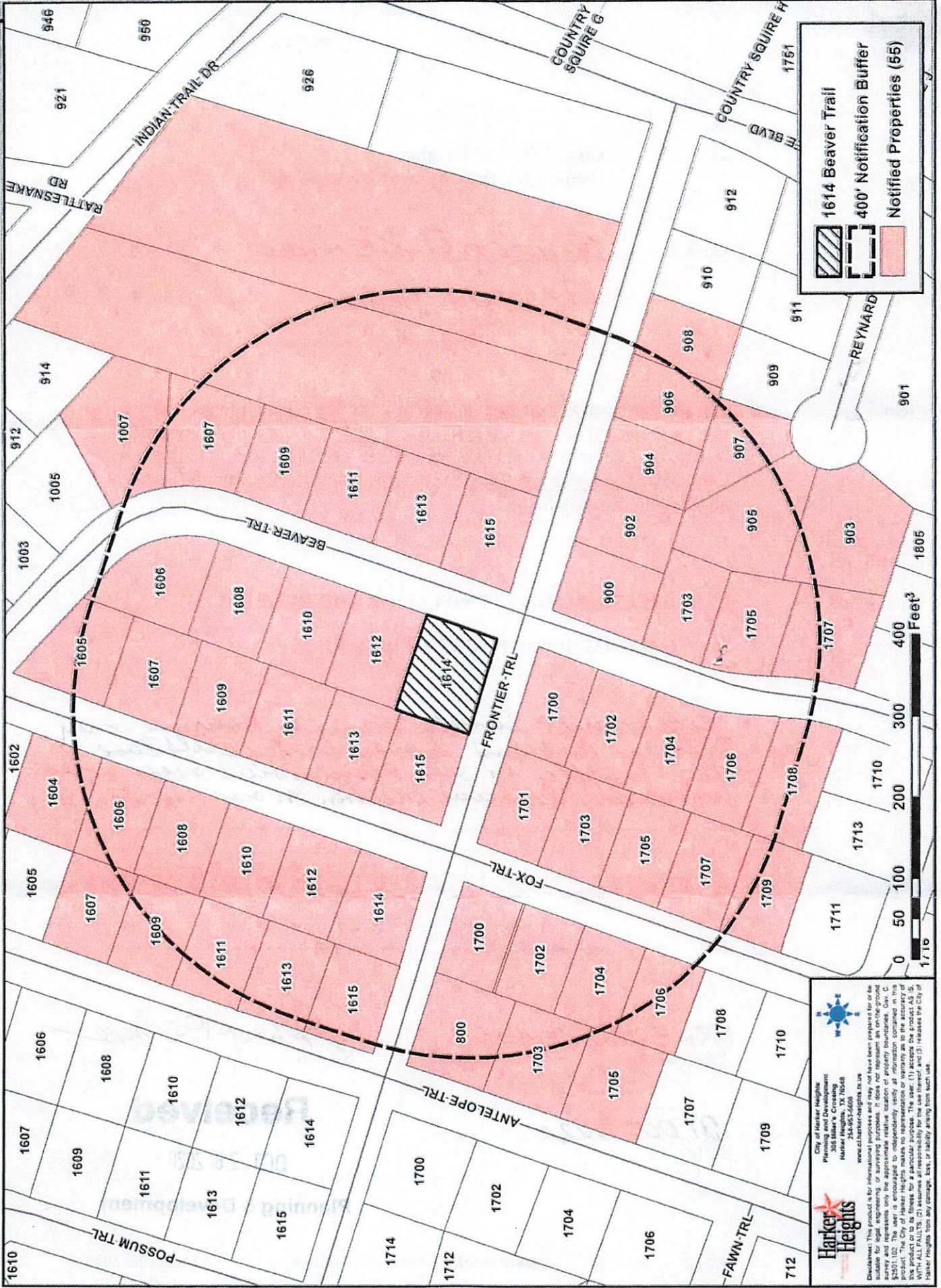
21 OCT 2020  
Date

**Received**

OCT 26 2020

**Planning & Development**





City of Harker Heights  
 Planning Department  
 303 Baker's Crossing  
 Harker Heights, TX 76788  
 254-651-6608  
[www.cityofharkerheights.com](http://www.cityofharkerheights.com)

**Harker Heights**

Disclaimer: This map is for informational purposes only and does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C §251.102. 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 information. THE CITY OF HARKER HEIGHTS ASSUMES NO LIABILITY FOR THE USE HEREOF AND (3) RELEASES THE City of Harker Heights from any damage, loss, or liability arising from such use.





**CITY COUNCIL MEMORANDUM**

**Z20-25**

**AGENDA ITEM # VII-3**

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A MODULAR STORAGE CONTAINER BUSINESS PARK AND TO CHANGE THE ZONING DESIGNATION FROM B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) TO B-4 WITH A TAVERN OVERLAY ON PROPERTIES DESCRIBED AS KERN ACRES SECOND EXTENSION AND REVISION, PART OF BLOCK TWO (2), AND PART OF LOTS NINE (9) AND TWENTY-ONE (21), ACCORDING TO THE PLAT OF RECORD IN CABINET A, SLIDE 224-B, GENERALLY LOCATED AT 126 EAST VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND 0.692 ACRES OF LAND OUT OF THE C. KEELE SURVEY, ABSTRACT NO. 991, GENERALLY LOCATED AT 128 EAST VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The applicant is requesting a Conditional Use Permit (CUP) to allow a unique type of commercial development within the City of Harker Heights. Staff felt that a CUP for this property would be beneficial when navigating the development process as the Code of the City of Harker Heights does not explicitly call out design standards for modular storage containers. The applicant intends to convert the storage containers into leasable office space for small business owners. The modular storage container business park would occupy a majority of property at 126 E. Veterans Memorial Blvd.

In addition, the applicant desires to relocate their current business, Daiquiri Express (101 W. Veterans Memorial Blvd.), to the property located at 128 E. Veterans Memorial Boulevard and would require a Tavern Overlay to operate as a business that sells alcoholic beverages to include beer and wine for on premise consumption (§155.035 Tavern Overlay).

**Surrounding Land Uses**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Commercial	Commercial	B-4/B-5
<b>South</b>	Commercial	Commercial	B-4/B-5
<b>East</b>	Commercial	Commercial	B-5 (General Business District)
<b>West</b>	Commercial	Commercial	B-4 (Secondary and Highway Business District)

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Commercial and in the past has operated in such a manner (old Kiku Garden restaurant). The zoning classification as B-4 with a Conditional Use Permit and Tavern Overlay will act to ensure the development complies with City Code as well as all adopted International Codes. The proposed use will be unique to the City

of Harker Heights and the uses within the properties will not likely have any negative impacts on surrounding land uses.

**Flood Damage Prevention:**

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

**Notices:**

Staff sent out twenty-four (24) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) response received in opposition of the request.

**ACTION TAKE BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on October 28, 2020, the Planning and Zoning Commission voted (7-0) to recommend approval of a Conditional Use Permit (CUP) to allow for a modular storage container business park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

**RECOMMENDATION:**

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on the following in accordance with Section 155.201 of the Harker Heights Code of Ordinances:

1. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
2. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, landscaping, and access to the site;
3. The proposed use is suitable to the premises or structure(s) in which it will be conducted; and
4. The proposed use will not be detrimental to the public health, safety, or welfare, nor will materially injure property or improvements in the vicinity.

Staff provides no recommendation (as it is staff's policy not to make recommendations on Tavern Overlays) to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.



**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for a modular storage container business park on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff's recommendation and findings; AND/OR
2. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
3. Any other action deemed necessary.

**ATTACHMENTS:**

1. Ordinance
2. Applications
3. Letter of Intent
4. Site Plan
5. B-4 Zoning Code Section
6. Tavern Overlay Code Section
7. Conditional Use Permit Code Section
8. Location Map
9. Zoning Map
10. Existing Land Use Map
11. Future Land Use Map
12. Notification Area Map

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A MODULAR STORAGE CONTAINER BUSINESS PARK AND TO CHANGE THE ZONING DESIGNATION FROM B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) TO B-4 WITH A TAVERN OVERLAY ON PROPERTIES DESCRIBED AS KERN ACRES SECOND EXTENSION AND REVISION, PART OF BLOCK TWO (2), AND PART OF LOTS NINE (9) AND TWENTY-ONE (21), ACCORDING TO THE PLAT OF RECORD IN CABINET A, SLIDE 224-B, GENERALLY LOCATED AT 126 E. VETERANS MEMORIAL BOULEVARD, AND 0.692 ACRES OF LAND OUT OF THE C. KEELE SURVEY, ABSTRACT NO. 991, GENERALLY LOCATED AT 128 E. VETERANS MEMORIAL BOULEVARD, 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), to allow for a modular storage container business park, and granting a Tavern Overlay (T-Overlay) on properties described as:

**Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas**

**SECTION 3:** Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:



<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	11/10/2020	<b>Granting a Conditional Use Permit (CUP) to allow for a modular storage container business park and granting a Tavern Overlay (T-Overlay) on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and parts of Lots Nine (9) and Twenty-one (21), according to the Plat of Records in Cabinet A, Slide 224-B, generally located 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.</b>

**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 November 10, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary



# 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

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

Property Owner(s) Name: Evadah Corp. - Robert Cavazos Date: 9/29/2020

Address: 101 W. Veterans Memorial

City/State/Zip: Harker Heights, Tx 76548

Phone: [Redacted] E-mail: [Redacted]

**Legal Description of Property:**

Location of Property (Address if available): 128 E. Veterans Memorial

Lot: \_\_\_\_\_ Block: Not Platted Subdivision: \_\_\_\_\_

Acres: .694 Property ID: 208284 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.*

Proposed Use: Bar / Tavern / Restaurant

Current Zoning Classification: B-4 Proposed Zoning: B4 T-Overlay + CUP

Current Land Use: Empty Building Proposed Land Use: Bar/Tavern Mo.

**Applicant's Representative (if applicable):**

Applicant's Representative: ROSE HOLT

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 ROSE HOLT will represent the owner.

Robert Cavazos  
 Printed Name of Property Owner

[Signature]  
 Signature of Property Owner

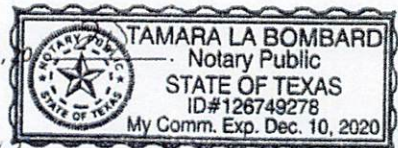
Rose Holt  
 Printed Name of Representative

[Signature]  
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 DAY OF September

Tamara La Bombard  
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: Dec 10, 2020



Date Submitted: 9/30/20

**STAFF ONLY -- DO NOT FILL OUT BELOW**

Pre-Application Meeting

Receipt #: \_\_\_\_\_

Received By: [Signature]

Revised: 5/2020

Case #: \_\_\_\_\_



Planning & Development

SEP 30 2020

**Received**



CITY OF HARKER HEIGHTS  
254-953-5600

REC#: 01620924 9/30/2020 1:44 PM  
OPER: TERMB TERM: 008  
REF#: td

ACCT #: XXXX-XXXX-XXXX-5393  
AUTH #: 124149  
TRAN #: 000001620924

TYPE: PURCHASE  
APP NAME: Visa  
ENTRY MODE: CHIP  
CVM: SIGN

AMOUNT USD\$ 400.00

EMV DETAILS:  
AID: A0000000031010  
ARC: 00  
IAD: 06010A03600000  
TSI: 6800  
TVR: 8080008000

TRAN: 111.0000 OTHER INCOME  
CUP  
126 W. VMB  
OTHER INCOME 200.00CR

TRAN: 111.0000 OTHER INCOME  
REZONE  
128 E. VMB  
OTHER INCOME 200.00CR

TENDERED: 400.00 CREDIT CARD  
APPLIED: 400.00-

CHANGE:                      0.00





# 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
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

**Owner Information:**

Property Owner(s) Name: Erarob Corp. - Robert Cavazos Date: 9/29/2020  
 Address: 101 W. Veterans Memorial Blvd City/State/Zip: Harker Heights, Tx 76548  
 Phone: [Redacted] E-mail: [Redacted]

**Property Information:**

Site Address or General Location: 126<sup>1/2</sup> Veterans Memorial Blvd  
 Lot: ~~10000~~ pt 9, 21 Block: 2 Subdivision: KERN ACRES 2nd Ext. 4 Rev.  
 Acres: 0.361 Property ID: 76401 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: B-4 Future Land Use Designation: Modular Commercial B-4 T-overlay + CUP

**Applicant's Representative (if applicable):**

Applicant's Representative: ROSE HILT  
 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.

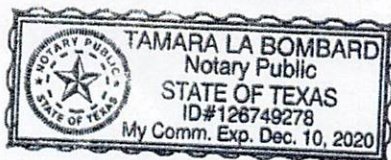
I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or ROSE HILT will represent the owner.

Robert Cavazos  
 Printed Name of Property Owner  
Rose Hilt  
 Printed Name of Representative

[Signature]  
 Signature of Property Owner  
[Signature]  
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 DAY OF September, 2020.

Tamara La Bombard  
 Signature of Notary Public



Date Submitted: <u>9/30/20</u>	<b>STAFF ONLY -- DO NOT FILL OUT</b>	Receipt #: _____
Received By: <u>CPate</u>	<input checked="" type="checkbox"/> Pre-Application Meeting	Case #: _____





# CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01620924 9/30/2020 1:44 PM  
OPER: TERM8 TERM: 008  
REF#: td

ACCT #: XXXX-XXXX-XXXX-5393  
AUTH #: 124149  
TRAN #: 000001620924

TYPE: PURCHASE  
APP NAME: Visa  
ENTRY MODE: CHIP  
CVM: SIGN

AMOUNT USD\$ 400.00

EMV DETAILS:  
AID: A0000000031010  
ARC: 00  
IAD: 06010A03600000  
TSI: 6800  
TVR: 8080008000

TRAN: 111.0000 OTHER INCOME  
CUP  
.126 ~~BE~~ VMB  
OTHER INCOME 200.00CR

TRAN: 111.0000 OTHER INCOME  
REZONE  
128 W. VMB  
OTHER INCOME 200.00CR

TENDERED: 400.00 CREDIT CARD  
APPLIED: 400.00-  
CHANGE:            0.00

29 September 2020

City of Harker Heights, Texas  
Department of Planning & Development  
305 Millers Crossing  
Harker Heights, TX 76548

RE: Letter of Intent  
Property Address: 126 Veterans Memorial Blvd. Harker Heights, Texas 76548  
Property ID: 76401

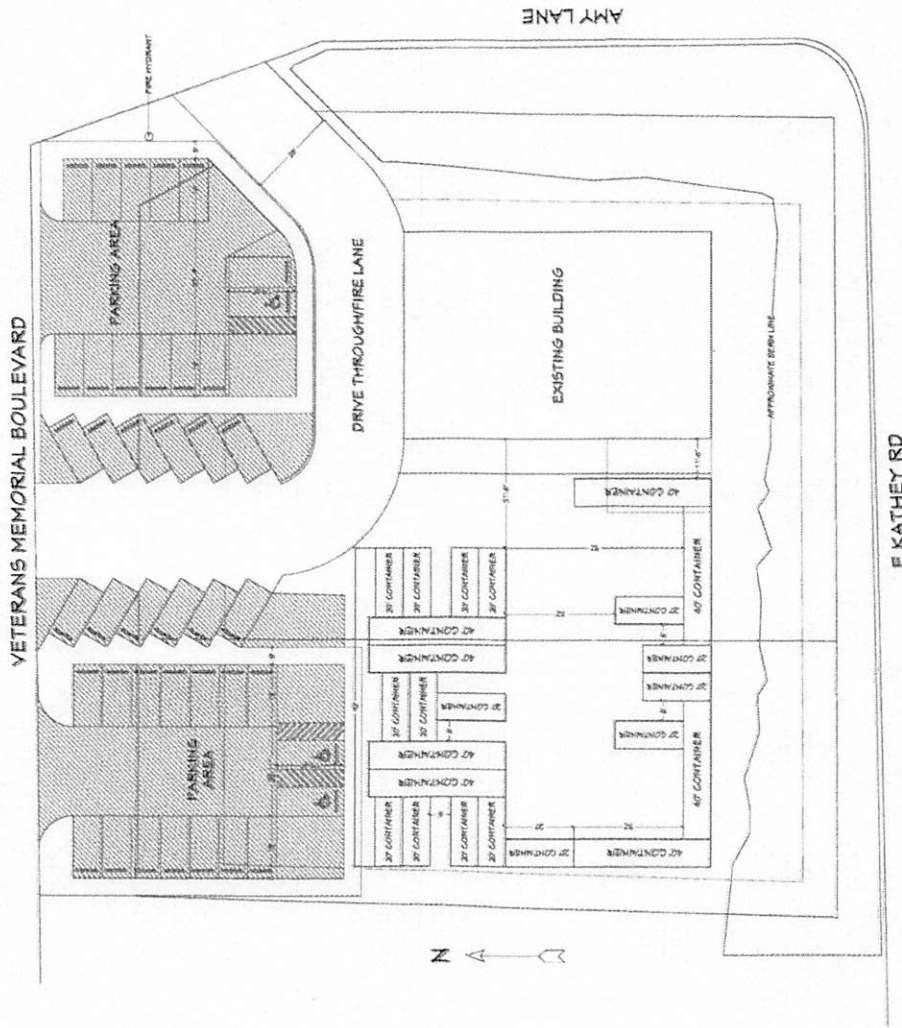
Erarob Corporation DBA Daiquiri Express, Owned by Robert Cavazos also Owner of above Property address, is submitting a Letter of Intent for the Commercial Use Permit Application.

The above address is currently an empty lot and I intend to build a commercial space that will lease to a variety of business types, focusing on small business owners. The building will be constructed out of Modular Shipping Containers. These shipping containers will be tested and certified by an approved agency such as ICC-ES or other approved agency. The CSC safety placard will also be attached to the container. I intend to have all the plans stamped and approved by a Texas Structural Design Professional. We will also be following the rules and suggestions in the IC G5-2019, in reference to the safe use of Intermodal Shipping Container and the applicable sections in the 2015 IBC.

A handwritten signature in blue ink, appearing to read 'R. Cavazos', with a long horizontal flourish extending to the right.

Robert Cavazos





**§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.**

**(A) Permitted uses.**

- (1) Any use permitted in the B-3 Local Business District that is permitted by right.
- (2) Automobile parking lots.
- (3) Bakery (wholesale).
- (4) Dance hall and skating rink.
- (5) Frozen food locker plant.
- (6) Garage, public.
- (7) Drive-in theater.
- (8) Bowling alley.
- (9) Tourist court or motel.
- (10) Antique shop.
- (11) Secondhand goods store: (No outside display, repair or storage.)
- (12) Automobile and marine sales and re-pair, provided that:
  - (a) All service must take place in the interior (service bays) of the building. No tents may be used for repair or service, except during times of urgent public necessity as declared by the Mayor or the Planning and Development Director and posted as such at the main entrance to the City Hall.
  - (b) Oil storage facilities and refuse containers shall be screened from the view of travelers along public streets;
  - (c) There shall be no vehicle storage longer than 30 days, or auto sales including vehicles belonging to the owner (except for sales lots);
  - (d) There shall be no dismantling or wrecking on premises;
  - (e) The use shall be operated in accordance with all applicable regulations including licensing from all government agencies that have jurisdiction; and
  - (f) Gasoline storage tanks must be underground.
- (13) Building material or lumber sales (no outside storage without screening).
- (14) Cleaning, pressing and dyeing.
  - (a) No direct exterior exhaust from cleaning plant permitted.
  - (b) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.
- (15) Florist, garden shop, greenhouse, or nursery (retail).
- (16) Ball park, stadium, athletic field (private).
- (17) Philanthropic institutions (not else-where listed).
- (18) Cabinet, upholstery, woodworking shop.
- (19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).
- (20) Trade or business school.
- (21) Any retail business not included in the Local Business District, provided that such use is not noxious or offensive by reason of vibrations, smoke, light, odor, dust, gas or noise.
- (23) Package liquor store (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190, must:
  - (a) Be part of a commercial development containing a minimum of 12,000 square feet of leaseable retail floor space (for example, a shopping center or mall); and
  - (b) Be located a minimum of 300 feet, measured from the front door to the establishment, from any R zoned property by the most commonly traveled public roadway.
- (24) Brewpub or winery (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190 or I-14, must be located a minimum of 300 feet from any R zoned property, measured from the front door of the establishment by the most commonly traveled public roadway. All manufacture, blending, fermentation, processing, and packaging of alcoholic beverages must take place wholly inside a building.



- (B) *Conditional uses.* Any use permitted in a more restricted district that is permitted by a conditional use permit.
- (C) *Height regulations.* No building shall exceed three and one-half stories or 45 feet in height.
- (D) *Area regulations.* The same as provided for B-2 District.
- (E) *Intensity of use.* There are no minimum lot area or lot width requirements.
- (F) *Parking regulations.* As per §§ 155.061 through 155.068.
- (G) *Signage.* As per Chapter 151.
- (H) *Screening requirements.* As per § 155.050.
- (I) *Building facade.* As per § 155.040.
- (J) *Landscaping requirements.* As per § 155.051.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)

**§ 155.035 T DISTRICT.**

(A) *Definition.* The T District shall be for the sale of alcoholic beverages to include beer and wine for on premises consumption. The following requirement shall apply to the T zoning: T zoning shall be for the sale of alcoholic beverages to include beer and wine for on-premises consumption or for any use permitted in the B zoning of that property. Any premises zoned T shall comply with the Texas Alcoholic Beverage Code and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof as if fully set out herein.

(B) *Use regulations.* A building or premises in this zoning district shall be used for the purpose as in division (A) above and the following:

(1) *General regulations.* All areas zoned T shall be described by metes and bounds and shall be restricted to indoor areas, unless in the application a request is made for outdoor area zoning. Outdoor areas zoned T shall:

(a) Be enclosed by a fence or wall six feet in height.

(b) Be lighted when in use. Lighting shall be sufficient to illuminate the area in use but shall not be less than 100 watts of light for every 500 square feet.

(c) Have all required fire extinguisher equipment in accordance with the city's adopted Fire Code.

(2) *Location.* No request for T zoning may be submitted under this chapter unless the property is located in a B-4 or B-5 zoned district.

(3) *Height regulations.* To any legal height not prohibited by other laws, codes, or ordinances.

(4) *Yard regulations.*

(a) *Front yard.* There shall be a front yard having a minimum depth of 25 feet. No storage or similar use shall be allowed in required front yard; automobile parking will be permitted in such yards in accordance with off street parking requirements.

(b) *Side yard.* No side yards are required except that on a corner lot, the side yard on a street shall be 25 feet. A lot abutting an R District shall have a side yard of not less than 25 feet.

(c) *Rear yard.* A rear yard is not required except when it abuts upon an R District in which case there shall be a rear yard of not less than 25 feet.

(5) *Intensity of use.* There are no minimum lot areas or lot width requirements, except that all parking regulations as prescribed herein shall be followed

(6) *Parking regulations.* As per §§ 155.061 through 155.068.

(7) *Signs.* As per Chapter 151.

(Ord. 2001-36, passed 11-13-01)



## § 155.201 CONDITIONAL USE PERMITS.

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

(B) *Planning and Zoning Commission consideration.*

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

- (a) The proposed use does not conform with applicable regulations and standards established by this chapter;
- (b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;
- (c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;
- (e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;
- (f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;
- (g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;
- (i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or
- (j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

(C) *City Council consideration.*

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers,

fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be fined an amount not exceeding \$2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

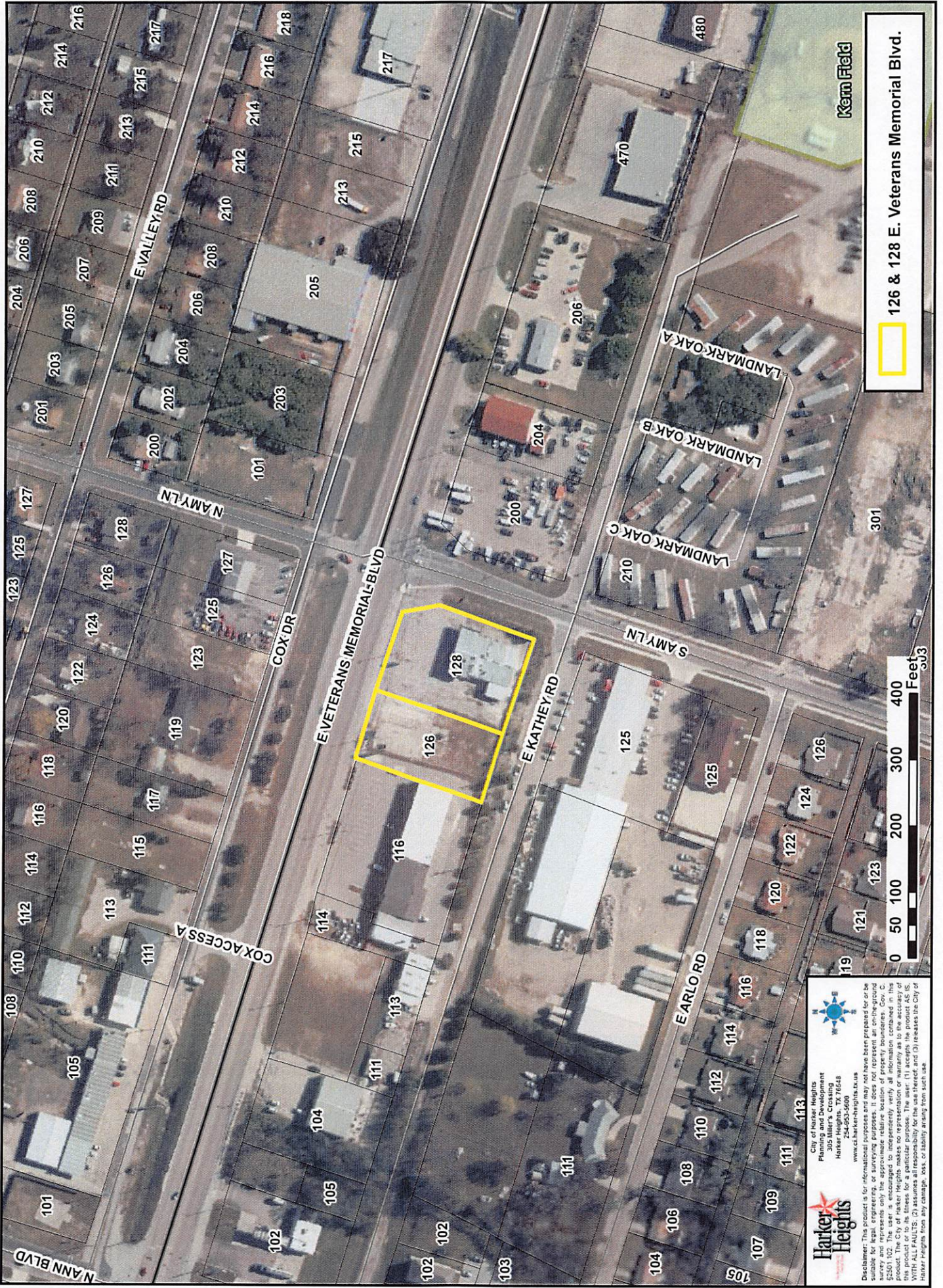
(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

(g) The violation of any one or more of the conditions of approval.

(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

(Ord. 2001-36, passed 11-13-01)





**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 254-853-5000  
 www.ci.harkerheights.tx.us

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**126 & 128 E. Veterans Memorial Blvd.**





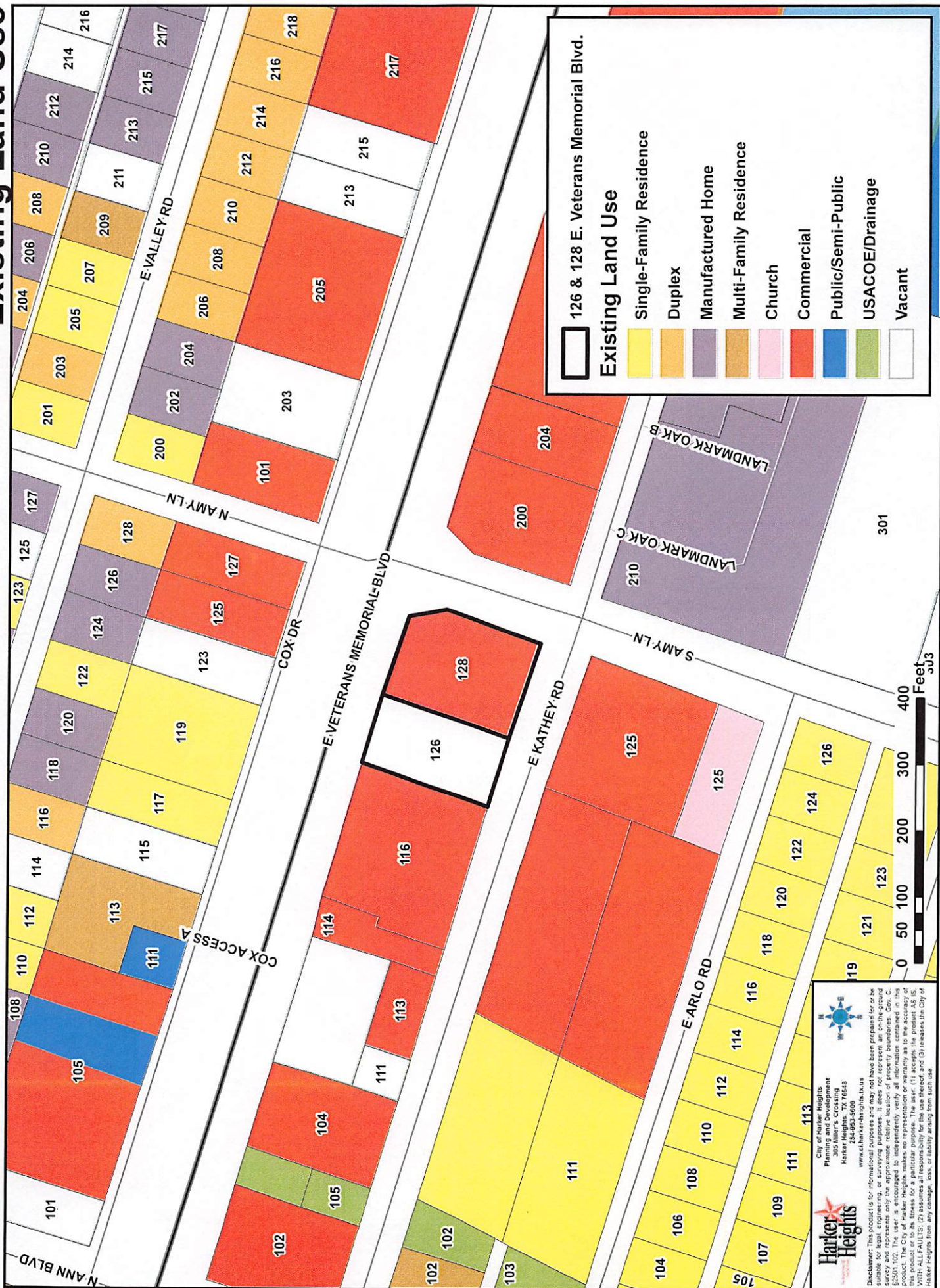








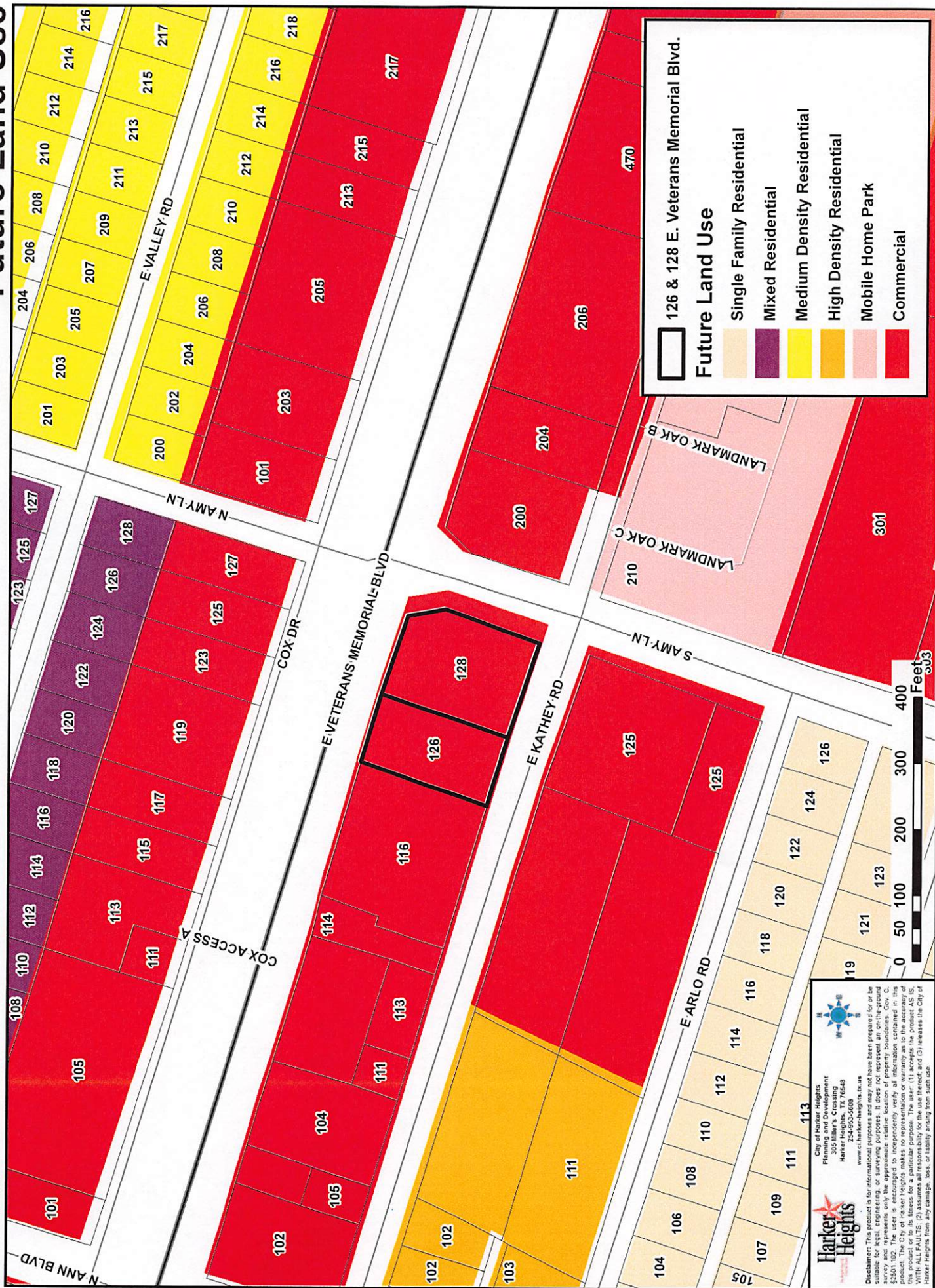




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126 & 128 E. Veterans Memorial Blvd.

**Future Land Use**

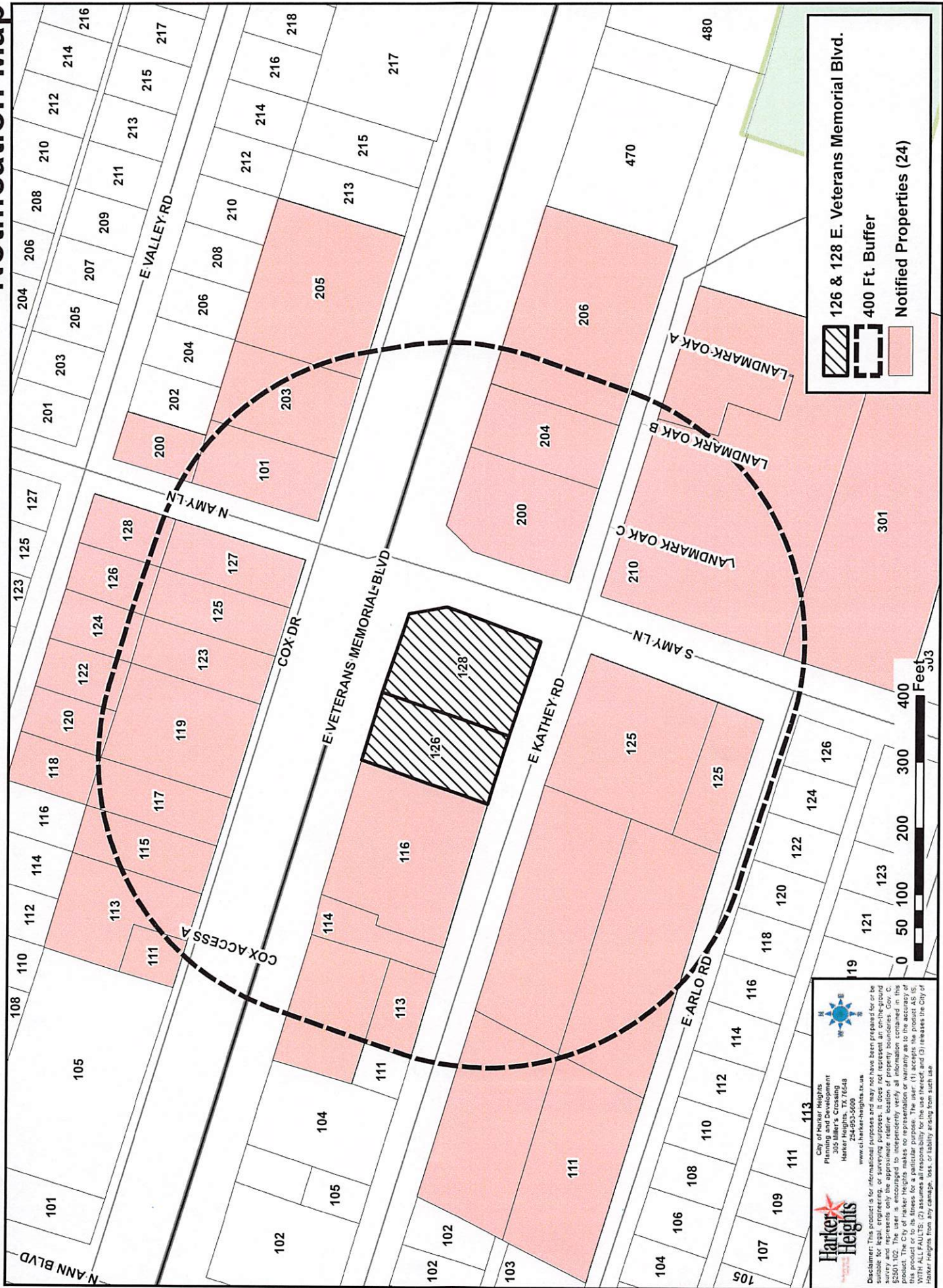
- Single Family Residential
- Mixed Residential
- Medium Density Residential
- High Density Residential
- Mobile Home Park
- Commercial

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 305 Albar's Crossing  
 Harker Heights, TX 76648  
 254-993-5600  
 www.ci.harkerheights.tx.us

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**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76648  
 254-953-5600  
 www.ci.harkerheights.tx.us

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**126 & 128 E. Veterans Memorial Blvd.**  
**400 Ft. Buffer**  
**Notified Properties (24)**







**CITY COUNCIL MEMORANDUM**

**Z20-26**

**AGENDA ITEM# VII-4**

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A SALVAGE YARD ON PROPERTY DESCRIBED AS FOUR INDIVIDUAL TRACTS CONSISTING OF A TOTAL OF 2.903 ACRES OF LAND IN BELL COUNTY, TEXAS, PART OF THE J. T. W. J. HALLMARK SURVEY, ABSTRACT NO. 413, RECORDED IN VOLUME 5870, PAGE 734, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, INSTRUMENT NO. 2008-049474, GENERALLY LOCATED AT 1100 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**BACKGROUND:**

The applicant and representative for the property generally located at 1100 E. Knights Way (E. FM 2410) have submitted an application for a Conditional Use Permit (CUP) for the purpose of providing incentive for prospective buyers to develop a salvage yard on the property. The property is a mixture of B-4 (Secondary and Highway Business District) along the two lots fronting E. Knights Way and M-1 (Light Manufacturing District) assigned to the two back lots. The request for a CUP aims to address the specific use as a salvage yard which is not explicitly called out within the B-4 or M-1 zoning districts. The property is divided into four lots and to date there is one lot that has a commercial structure occupying it as well as two storage buildings on the adjacent lot. In the past the property has served various commercial businesses (restaurants). The subject property is currently serviced by an onsite septic system. In addition, an electrical transmission line with a 100-foot easement is present and dissects the property, thus leaving minimal space for structural development towards the rear of the property.

**Surrounding Land Uses**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	School (High School)	Commercial	R-1 (One Family Dwelling District)
<b>South</b>	Church	Commercial/Single Family Residential	R-1
<b>East</b>	Commercial	Single Family Residential	B-4 (Secondary and Highway Business) & B-5 (General Business)
<b>West</b>	Church	Single Family Residential	R-1

Per the 2007 Comprehensive Plan, the applicant's property is located in an area designated as Commercial/Office/Retail. The designation is preferable along major thoroughfares and locations readily accessible from all neighborhoods. A survey of the area identified most of the properties along E. Knights Way (E. FM 2410) are consistent with Commercial endeavors. Staff therefore believes the proposed conditional use permit as salvage yard may not have any adverse impacts on the surrounding area.



**Flood Damage Prevention:**

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

**Notices:**

Staff sent out eight (8) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request, and three (3) responses were received in opposition of the request.

**ACTION BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on October 28, 2020, the Planning and Zoning Commission voted (7-0) to recommend denial of a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

**RECOMMENDATION:**

Staff has no recommendation for a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

Because the recommendation of the property was not approved by the P&Z, per §155.212(D)(2) of the City of Harker Heights Code of Ordinances, a district change will require a three-fourths (super-majority) approval vote from the City Council.

Staff also received citizen responses that equated to roughly 93% of the properties within 200' who recommended denial and would therefore also require a three-fourths vote (super-majority) approval from the City Council.

*155.212 (D) (3)*

*The amendment, supplement, or change shall not become effective except by a three-fourths approval vote of the City Council, regardless of Planning and Zoning Commission recommendation, if a protest against such amendment, supplement, or change has been filed with the city, duly signed and acknowledged by the owners of at least 20% of either:*

- a) The area of the lots or land covered by the proposed change, or*
- b) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.*

**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve/Disapprove an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, based on staff's report and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. Ordinance
2. Application
3. Letter of Intent
4. Location Map
5. B-4 Zoning Code Section
6. M-1 Zoning Code Section
7. Conditional Use Permit Code Section
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map
12. Citizen Responses



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A SALVAGE YARD ON PROPERTY DESCRIBED AS FOUR INDIVIDUAL TRACTS CONSISTING OF A TOTAL OF 2.903 ACRES OF LAND IN BELL COUNTY, TEXAS, PART OF THE J. T. W. J. HALLMARK SURVEY, ABSTRACT NO. 413, RECORDED IN VOLUME 5870, PAGE 734, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS, INSTRUMENT NO. 2008-049474, GENERALLY LOCATED AT 1100 E. KNIGHTS WAY (E. FM 2410), 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) and M-1 (Light Manufacturing District) is granted a Conditional Use Permit (CUP), to allow for a salvage yard on property described as:

**Four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas**

**SECTION 3:** Table VII, Table of Special Ordinance, Code of Harker Heights is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
	11/10/2020	<b>Granting a Conditional Use Permit (CUP) to allow for a salvage yard on properties described as Four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.</b>

**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 November 10, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Julie Helsham, City Secretary





# 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
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

### Owner Information:

Property Owner(s) Name: LYDIA FERNANDES Date: 9/17/2020  
 Address: 1100 E Fm 2410 RD. City/State/Zip: HARKER HEIGHTS, TX 76548  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Property Information:

Site Address or General Location: 1100 E Fm 2410 + 310TS IDENTIFIED BELOW.  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
 Acres: \_\_\_\_\_ Property ID: 107742, 109046, 109049 Survey: 307880

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: B4, M1 Future Land Use Designation: B4 M1 WITH A COP

### Applicant's Representative (if applicable):

Applicant's Representative: MEAGAN CLARK  
 Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**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.

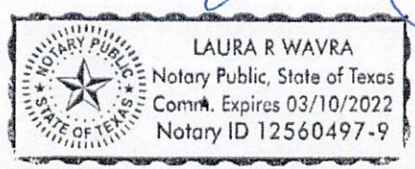
I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct 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 MEAGAN CLARK will represent the owner.

LYDIA FERNANDES  
 Printed Name of Property Owner  
MEAGAN CLARK  
 Printed Name of Representative

Lydia Fernandes  
 Signature of Property Owner  
[Signature]  
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 17<sup>th</sup> DAY OF September, 2020.  
Laura R Wavra  
 Signature of Notary Public



Date Submitted: <u>10/1/2020</u>	STAFF ONLY - DO NOT FILL OUT	Receipt #: <u>01621494</u>
Received By: <u>[Signature]</u>		Case #: <u>220-26</u>
	<input checked="" type="checkbox"/> Pre-Application Meeting	

**Received**

OCT 01 2020

**Planning & Development**





**Letter of Intent**

Looking to use the property to park vehicles. Would be a nicer version of a salvage yard, it would be a place to keep vehicles though taking into considerations the electrical lines that run through the property.



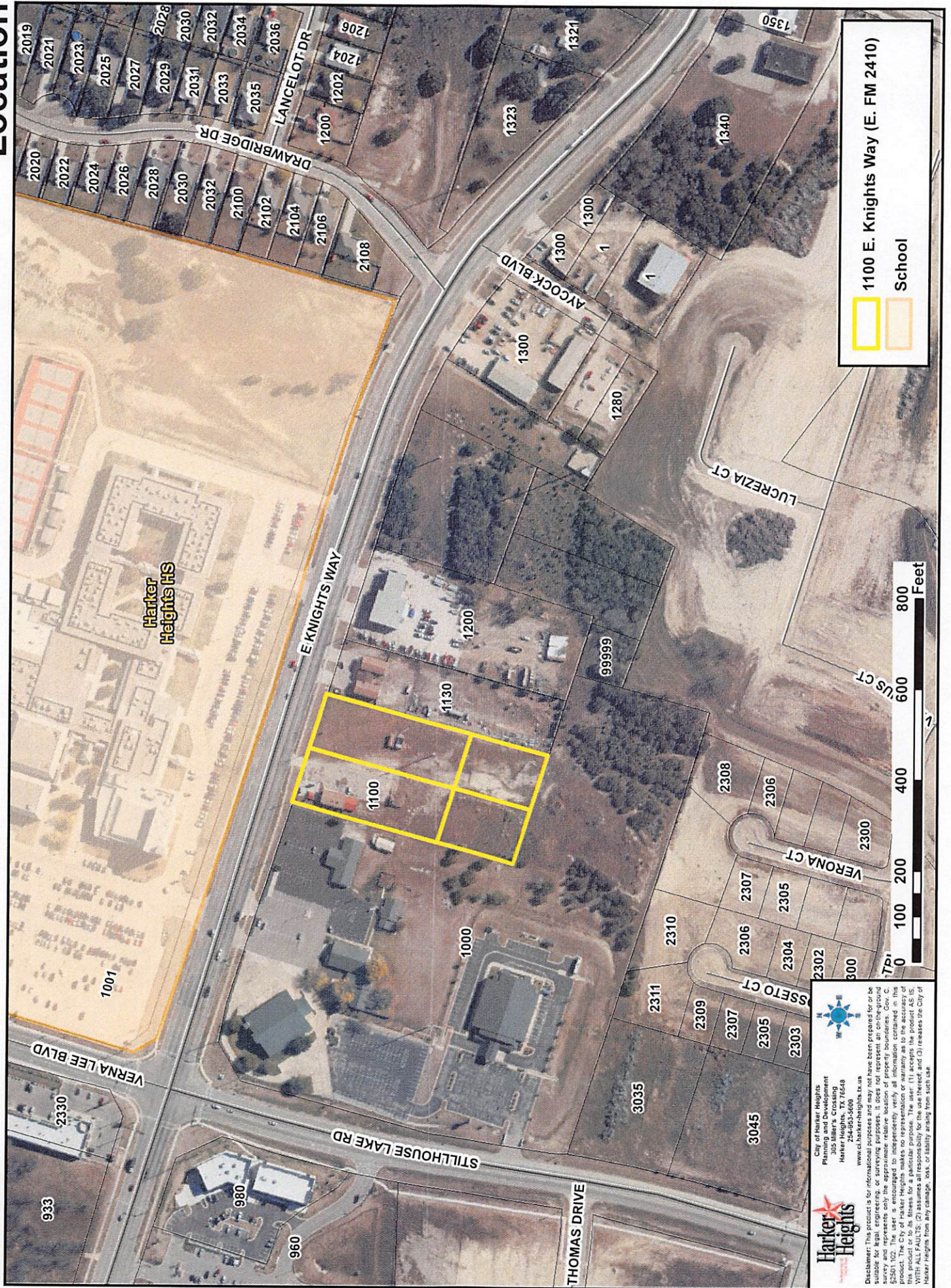
## Letter of Intent

1100 E FM 2410, Harker Heights

To whom it may concern:

I am submitting on behalf of my client a zoning change. We have received several inquiries and realized some of the limitations with the current zoning. In order to better assist and make this property more appealing to more buyers we are requesting a zoning increase. With the recent loss of Mr. John Fernandes maintaining this property is more of a burden as it sits vacant for Lydia Fernandes.



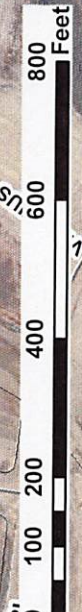


1100 E. Knights Way (E. FM 2410)

School

City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

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Basic Coop  
Perso  
Cat  
(254) 81

10.23.2020 12:41



**§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.**

**(A) Permitted uses.**

- (1) Any use permitted in the B-3 Local Business District that is permitted by right.
- (2) Automobile parking lots.
- (3) Bakery (wholesale).
- (4) Dance hall and skating rink.
- (5) Frozen food locker plant.
- (6) Garage, public.
- (7) Drive-in theater.
- (8) Bowling alley.
- (9) Tourist court or motel.
- (10) Antique shop.
- (11) Secondhand goods store: (No outside display, repair or storage.)
- (12) Automobile and marine sales and re-pair, provided that:

(a) All service must take place in the interior (service bays) of the building. No tents may be used for repair or service, except during times of urgent public necessity as declared by the Mayor or the Planning and Development Director and posted as such at the main entrance to the City Hall.

(b) Oil storage facilities and refuse containers shall be screened from the view of travelers along public streets;

(c) There shall be no vehicle storage longer than 30 days, or auto sales including vehicles belonging to the owner (except for sales lots);

(d) There shall be no dismantling or wrecking on premises;

(e) The use shall be operated in accordance with all applicable regulations including licensing from all government agencies that have jurisdiction; and

(f) Gasoline storage tanks must be underground.

(13) Building material or lumber sales (no outside storage without screening).

(14) Cleaning, pressing and dyeing.

(a) No direct exterior exhaust from cleaning plant permitted.

(b) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(15) Florist, garden shop, greenhouse, or nursery (retail).

(16) Ball park, stadium, athletic field (private).

(17) Philanthropic institutions (not else-where listed).

(18) Cabinet, upholstery, woodworking shop.

(19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).

(20) Trade or business school.

(21) Any retail business not included in the Local Business District, provided that such use is not noxious or offensive by reason of vibrations, smoke, light, odor, dust, gas or noise.

(23) Package liquor store (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190, must:

(a) Be part of a commercial development containing a minimum of 12,000 square feet of leaseable retail floor space (for example, a shopping center or mall); and

(b) Be located a minimum of 300 feet, measured from the front door to the establishment, from any R zoned property by the most commonly traveled public roadway.

(24) Brewpub or winery (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190 or I-14, must be located a minimum of 300 feet from any R zoned property, measured from the front door of the establishment by the most commonly traveled public roadway. All manufacture, blending, fermentation, processing, and packaging of alcoholic beverages must take place wholly inside a building.



- (B) *Conditional uses.* Any use permitted in a more restricted district that is permitted by a conditional use permit.
  - (C) *Height regulations.* No building shall exceed three and one-half stories or 45 feet in height.
  - (D) *Area regulations.* The same as provided for B-2 District.
  - (E) *Intensity of use.* There are no minimum lot area or lot width requirements.
  - (F) *Parking regulations.* As per §§ 155.061 through 155.068.
  - (G) *Signage.* As per Chapter 151.
  - (H) *Screening requirements.* As per § 155.050.
  - (I) *Building facade.* As per § 155.040.
  - (J) *Landscaping requirements.* As per § 155.051.
- (Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)

**§ 155.033 M-1 LIGHT MANUFACTURING DISTRICT.**

**(A) Permitted uses.**

- (1) Any use permitted in the B-5 District that is permitted by right.
- (2) Wood, paper, plastic container manufacture.
- (3) Stone monument works.
- (4) Foundry, forge plant, rolling mill, metal fabrication plant.
- (5) Feed mill.
- (6) Planing mill.
- (7) Railroad yard, roundhouse, shop.
- (8) Textile or garment manufacture.
- (9) Automobile and equipment manufacture.
- (10) Electrical equipment or appliance manufacture (large).
- (11) Furniture, cabinet, kitchen equipment manufacture.
- (12) Oil well tools, oil well equipment manufacture.
- (13) Aircraft, aircraft hardware, or parts manufacture.
- (14) Wholesale beer and malt liquor ware-housing (in wet areas only).

**(B) Conditional uses.**

- (1) Any use permitted in a more restricted district that is permitted by a conditional use permit.
- (2) Paper products manufacture.
- (3) Petroleum products wholesale storage.
- (4) Processing of chemicals or mineral extractions, not elsewhere classified
- (5) Food processing.
- (6) Petroleum or chemical products manufacture (indoors).
- (7) Sewage treatment plant.

**(C) Height regulations.** No building shall exceed a height of six stories or 75 feet.

**(D) Area regulations.** As per Table 21-A.

**(E) Intensity of use.** There are no minimum lot area or lot width requirements.

**(F) Parking regulations.** As per §§ 155.061 through 155.068.

**(G) Signage.** As per Chapter 151.

**(H) Screening and buffering.** As per § 155.050.

**(I) Landscaping requirements.** As per § 155.051.

(Ord. 2001-36, passed 11-13-01)



## **§ 155.201 CONDITIONAL USE PERMITS.**

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

### **(B) *Planning and Zoning Commission consideration.***

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

(a) The proposed use does not conform with applicable regulations and standards established by this chapter;

(b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;

(c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;

(d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

(e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;

(f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;

(g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;

(h) The proposed use will materially and adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area under existing zoning regulations;

(i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or

(j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

### **(C) *City Council consideration.***

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers,

fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be fined an amount not exceeding \$2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

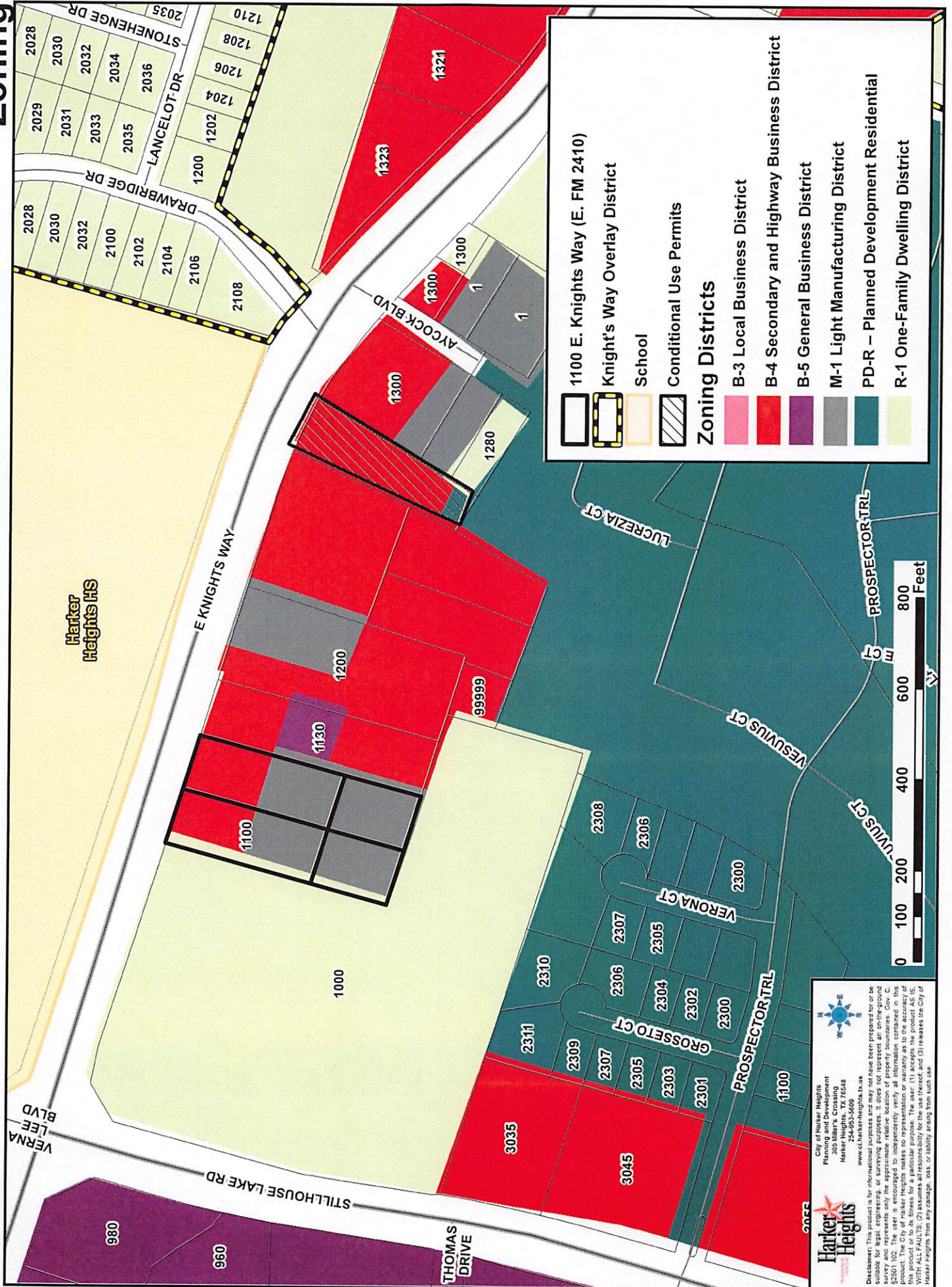
(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

(g) The violation of any one or more of the conditions of approval.

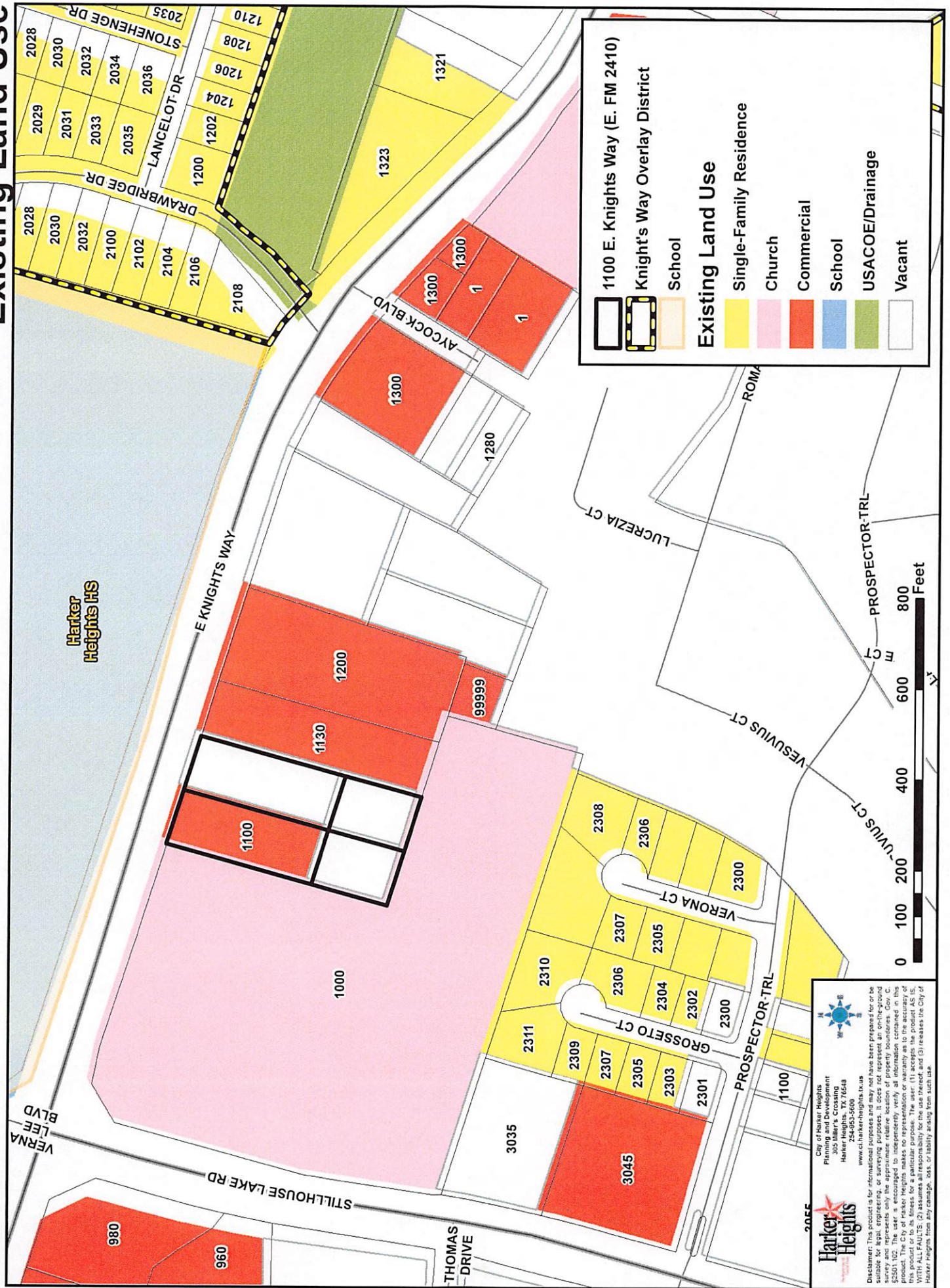
(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

(Ord. 2001-36, passed 11-13-01)









**1100 E. Knights Way (E. FM 2410)**

**Knights Way Overlay District**

- School

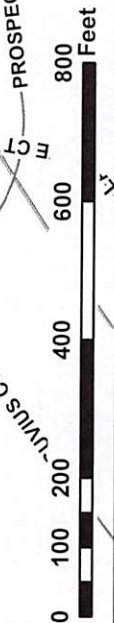
**Existing Land Use**

- Single-Family Residence
- Church
- Commercial
- School
- USACOE/Drainage
- Vacant

**Harker Heights**

City of Harker Heights  
 Planning Department  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
 254-493-5600  
[www.ci.harkerheights.tx.us](http://www.ci.harkerheights.tx.us)

**Disclaimer:** This document is for informational purposes and may not have been prepared for or be suitable for legal engineering, or surveying relative location of property boundaries. City of Harker Heights represents only the approximate relative location of property boundaries. City of Harker Heights makes no representation or warranty as to the accuracy of the information contained herein. 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.













TO: City of Harker Heights  
Planning & Development Department

FROM: Robert Bass (RAB)

1200 E FM 2410

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

RE: An application has been made to consider a conditional use permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

We recommend denying this request due to the fact that we believe that it will devalue our property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Robert Bass  
\_\_\_\_\_  
Printed Name

*Robert Bass*  
\_\_\_\_\_  
Signature

10--27-20  
\_\_\_\_\_  
Date

**Received**

OCT 27 2020

**Planning & Development**

City of Harker Heights  
Planning & Development Department

TO:

FROM:

CATHOLIC DIOCESE OF AUSTIN  
1000 E FM 2410 HARKER HEIGHTS, TX

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

RE: An application has been made to consider a conditional use permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Please see attached*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Name

*By: Dizz G. Gilliland*

Signature

*[Handwritten Signature]*

Date

*23 Oct 2020*

*Oct 7 7 2020*

Planning & Development



Response Conditional Use Permit Application 1100 E. Knights Way (E. FM 2410)

We believe the following directly address the Zoning Code of the City of Harker Heights, Texas section 155.210 paragraph B)4):

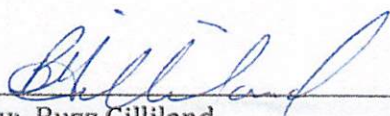
Proposed use is incompatible with operation of the Church right next door. The sights, sounds, truck traffic, leakage and storage of hazardous materials into and onto the ground surface are detrimental to neighboring properties, especially St. Paul Chong Hasang Catholic Church.

The property size is not sufficient to house even a small number of abandoned or junked vehicles that would accumulate on a tow or salvage yard. The introduction of truck traffic that will result from the dropping and picking up vehicles at potentially all hours presents traffic safety issues and pedestrian sidewalk concerns. The High School and the Church would both be affected by this. The coming and going of school busses, teachers and students is a serious safety issue when regular truck traffic would be added to the roadway.

Environmental contamination from oil, gas and other liquids from vehicles stored on the site is a concern not only for the subject property but also for the immediate adjacent properties.

The proposed use is not compatible with the neighborhood and should not be allowed in such a growing and heavily trafficked residential and light commercial area.

Catholic Diocese of Austin  
1000 E FM 2410 Harker Heights, TX

  
By: Buzz Gilliland



TO: City of Harker Heights  
Planning & Development Department

FROM: Murali Inc OWNED 707891  
1130, FM 2410 Harker Heights Tx  
(Address of Your Property that Could  
Be Impacted by this Request)

RE: An application has been made to consider a conditional use permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST**

Comments:

We strictly oppose the  
change in property usage as salvage  
yard as requested for property  
Address  
1100, E. Knights Way  
FM 2410 Harker Heights

Minesh Meth  
Printed Name

Meth Minesh  
Signature

10/22/20  
Date

**Received**

OCT 27 2020

**Planning & Development**





## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-1

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FROM RAYMOND HAMDEN TO FORGIVE ALL OR A PART OF CITY LIENS IN THE AMOUNT OF \$16,602.75 PLACED UPON 114 EAST VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The property at 114 E. Valley Road is currently vacant and zoned R-1 (One Family Dwelling District). To date, there are liens in the amount of \$16,602.75 on behalf of the City of Harker Heights, a schedule of which is attached. These liens include the demolition of the primary residence in 2011 and mowing the lot from 2012 through 2019. The property has an appraised value of \$11,000 from BellCAD, and it is Mr. Hamden's intent to purchase the property, rezone it to R-2 (Two-Family Dwelling District), and construct a duplex on the lot.

Mr. Hamden requests the Council release all or a portion of the liens held by the City to allow the fiscally reasonable redevelopment of the property.

**RECOMMENDATION:**

Staff has no recommendation.

**ACTION BY THE CITY COUNCIL:**

Any action deemed necessary.

**ATTACHMENTS:**

1. Location Map
2. Fee/Lien Schedule



Map Date: 11/4/2020

# 114 E Valley Road



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

**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. Gov. C. §2501.102. 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 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.



Account Name	Original Invoice Amount	Code Violation	Lien Date	Current Balance
<b>114 E VALLEY RD:</b>				
1 Winder, Darin E.	6,030.00	demolition	12/20/11	12,156.87
2 Winder, Darin E.	79.00	high grass/weeds & cleaning	7/27/12	155.06
3 Winder, Darin E.	70.00	high grass/weeds & cleaning	12/13/12	132.85
4 Winder, Darin E.	200.00	high grass/weeds & cleaning	6/6/14	334.42
5 Winder, Darin E.	200.00	high grass/weeds & cleaning	10/9/14	327.78
6 Winder, Darin E.	200.00	high grass/weeds & cleaning	6/1/15	308.66
7 Winder, Darin E.	200.00	high grass/weeds & cleaning	8/10/15	304.57
8 Winder, Darin E.	200.00	high grass/weeds & cleaning	12/21/15	296.54
9 Winder, Darin E.	200.00	high grass/weeds & cleaning	5/16/16	286.81
10 Winder, Darin E.	200.00	high grass/weeds & cleaning	8/10/16	281.12
11 Winder, Darin E.	200.00	high grass/weeds & cleaning	11/29/16	275.54
12 Winder, Darin E.	200.00	high grass/weeds & cleaning	5/11/17	264.72
13 Winder, Darin E.	200.00	high grass/weeds & cleaning	7/6/17	262.96
14 Winder, Darin E.	200.00	high grass/weeds & cleaning	9/11/17	257.74
15 Winder, Darin E.	200.00	high grass/weeds & cleaning	12/14/17	252.63
16 Winder, Darin E.	200.00	high grass/weeds & cleaning	6/25/18	242.70
17 Winder, Darin E.	200.00	high grass/weeds & cleaning	11/15/18	234.74
18 Winder, Darin E.	200.00	high grass/weeds & cleaning	4/11/19	227.04
	<b>\$ 9,179.00</b>			<b>16,602.75</b>



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-2

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING THE AUTHORIZATION OF THE CITY OF HARKER HEIGHTS CORONAVIRUS RELIEF FUND (CRF) SMALL BUSINESS GRANT PROGRAM – PHASE 2, AND TAKE THE APPROPRIATE ACTION.**

**BACKGROUND:**

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) established the Coronavirus Relief Fund (CRF). This fund was established to make payments for specified uses to States and local governments. These funds were distributed differently based on the following:

- Cities over 500,000 population received a direct allocation of CRF funds.
- Cities in a county with over 500,000 population received their CRF allocation directly from that county.
- Cities in a county of 500,000 or less population apply for their CRF funds from the Texas Division of Emergency Management (State).

The 500,000 or less in population category had additional spending restrictions imposed on top of what was already imposed by the Treasury Department.

The federal funding must be spent by December 30, 2020. Here is how it is broken out:

- State of Texas received \$11.24B
  - 55% went to the State
  - 45% went to counties and cities

Funding was based on the allocation of \$55 per capita – which we qualify for \$1,789,370. To receive this funding, we must meet certain parameters, such as the following:

- 75% must be spent or allocated on:
  - Medical Expenses
  - Public Health Expenses
  - Payroll Expenses
- 25% must be spent or allocated on:
  - Expenses of actions to facilitate compliance w/ COVID 19
  - Expenses associated w/ the provision of economic support
  - Any other COVID 19 expense reasonably necessary to function

As you may recall, Council awarded the Small Business Grants – Phase I during the October 27<sup>th</sup> City Council meeting in the amount of \$89,468.50. That particular grant cycle funded all 30 eligible grant applications.

Phase 2 of the Small Business Grant program would have available \$250,000 dollars in grant monies to be distributed. There are two recommended staff changes for this next grant cycle. First, the maximum grant amount per applicant will be \$5,000 instead of \$3,000. Secondly, non-profit organizations that are 501 c-



3 will be eligible. Those non-profits can only utilize these grant funds for PPE (personal protective equipment) and sanitation supplies.

This funding meets the requirement and parameters of the 25% allocation for categories 4 – 6.

The Central Texas Council of Governments (CTCOG) has agreed to once again administer this program.

**RECOMMENDATION:**

Staff recommends approving the Small Business Grant Program – Phase 2

**ACTION BY THE CITY COUNCIL:**

1. Motion to approve/disapprove the authorization of the City of Harker Heights Coronavirus Relief Fund (CRF) Small Business Grant Program – Phase 2.
2. Any other action desired.

**ATTACHMENTS:**

1. Harker Heights Small Business Grant Phase 2 Criteria
2. Harker Heights Small Business Grant Phase 2 Application Form



**Coronavirus Relief Funds  
City of Harker Heights  
Small Business Grant Phase 2 Criteria**

The City of Harker Heights is offering Coronavirus Small Business Relief Grants. The application period opens November 13, 2020 and will close on November 30, 2020. The maximum amount per business is \$5,000 with a total funding amount of \$250,000.00.

*Eligibility Criteria for Phase 2*

- Must be a locally owned, independent business.
- Must have 50 or fewer FTE (Full time equivalent) for payroll prior to March 1, 2020.
- Must have a current or anticipated revenue decline beginning after March 1, 2020, resulting from COVID-19 impacts.
- Must have a physical and publicly accessible location within Harker Heights in a commercial building or business district. Mobile vendors must reside in the City of Harker Heights.
- Must have been in continuous operation prior to a disaster declaration ordering the closure of your business.
- Cannot be a home-based business.
- Must currently be in operation or plan to reopen when eligible.
- Non-Profits that are 501 C-3 are only eligible to use the funds for PPE (Personal Protective Equipment) and sanitation supplies.
- Must have been considered a "non-essential business" during disaster declarations
  - Examples include: Massage Establishments, Hair Salons, Tattoo/Piercing Parlors, Nail Salons, Bars, Restaurants, Breweries, Wineries, Small Retail Businesses, Gyms and Fitness Facilities, Indoor Amusement Facilities including Bowling Alleys, Pool Halls, and Movie Theaters; and Gig workers that own or lease as office space not located within a residence.

*Ineligible Businesses*

- Franchisors,
- Real Estate Developers/Investors,
- Governmental/taxing agencies/departments,
- Hobby Businesses as defined by federal law,



- Multi-level marketing concerns,
- Gambling Concerns, including casinos, racing operations or other activities whose purpose involves gambling,
- Lobbying organizations and political organizations subject to Internal Revenue Code 527,
- Sexually Oriented Businesses (live performances, product sales, items, or materials),
- Businesses primarily engaged in lending, investments, or to an otherwise eligible business engaged in financing or factoring,
- Pawn Shops,
- An individual who employs household employees such as nannies or housekeepers,
- A business where a 20% or more equity owner is incarcerated, on probation, on parole; presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction; or has been convicted of a felony within the last five years,
- Concerns engaged in illegal activities under federal, state, or local laws,
- A business that is otherwise prohibited by federal or Texas law,
- A business that is ineligible or precluded to received federal or State of Texas funding due to federal laws (including but not limited to the CARES Act) or Texas laws,

#### *Eligible Use of Grant Funds*

- Payroll costs for employees
- Contract Labor
- Supplier payments
- Rent, lease, or mortgage payment (for real property used for business purposes, like storefront or warehouse, excluding personal residence)
- Rent, lease, or purchase payment for business property (e.g. delivery vehicle; food truck; kitchen equipment; technology, payment, and communications systems and equipment)
- New or expanded technology applications and Wi-Fi services
- Utility payments for business properties, excluding personal residence
- Reasonable costs for business operations (insurance, raw materials, marketing expenses)
- PPE and sanitation supplies and equipment (Non-Profits can only utilize grant funds for this item)



## City of Harker Heights Coronavirus Small Business Grant Phase 2 Application

Name of Business or Non-Profit:

---

Name of Owner(s):

---

Name of Applicant (if not an owner, please note your job title)

---

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Business Address:

---

(Street Address)

\_\_\_\_\_ (City), Texas \_\_\_\_\_ (Zip code)

Is your business or non-profit physically located within the city limits of Harker Heights?

\_\_\_\_ Yes \_\_\_\_ No

If a mobile vendor, do you reside within the City of Harker Heights?

\_\_\_\_ Yes \_\_\_\_ No

Type of Business or Non-Profit: (examples: retail, restaurant, spa)

---

How many full-time equivalent (FTEs) employees does your business or Non-profit employ currently?

---

Please explain any revenue decline experienced/anticipated between March 1, 2020 and December 30, 2020, due to COVID-19. Please provide documentation to support your response.

The documentation should be attached separately.



**Narrative Questions:**

**How has COVID-19 impacted your business or non-profit?**

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**How would you use this funding to mitigate the effects of COVID-19 on your business or non-profit? Please provide documentation supporting how the grant will be applied to your business operations (i.e. invoices, budget, etc.) (Non-profits can only utilize for PPE, sanitation supplies and equipment).**

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**Have you applied for funds elsewhere? If you received funds elsewhere, explain the amount and how those funds are being used.**

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**Did your business or non-profit have to close and/or operate on a limited capacity due to COVID-19? What was the duration of the closure? If you are currently closed, do you plan to re-open?**

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**Please provide the following information with the application:**

- **Current IRS Form W9**
- **Non-Profits must show proof of 501-C3 certification.**

**Certification Page for Coronavirus Small Business Grant**

**Phase 2**

Name of Business or Non-Profit:

\_\_\_\_\_

I, (First and Last Name) \_\_\_\_\_ certify that all information provided is accurate and fully reflects the business I represent. I understand that this application does not entitle my business to grant funding. If funded, I also certify that I will use the grant in accordance with the objective established by the grant program, and to spend the grant as indicated in the grant application.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

The City of Harker Heights and the Central Texas Council of Governments will endeavor to retain all submitted information on a confidential basis to the extent allowed by law.





# CITY COUNCIL MEMORANDUM

## AGENDA ITEM # IX-3

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, AWARDING A CONTRACT FOR THE 2020 STREET IMPROVEMENT PROJECTS IN THE AMOUNT OF \$572,495.56 TO LONESTAR GRADING & MATERIALS, LLC, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The bidding process began with the City advertising for bids for the 2020 Street Improvement Projects on October 18, 2020 and October 25, 2020. A total of five (5) bid packets were distributed. Of those, four (4) were construction companies, and one (1) was a plan room. On November 3, 2020, at 2:00 p.m. the sealed bids for the project were opened. The following bids were received and met specifications:

Location	Bidder		
	Lonestar Grading & Materials, LLC	TTG Utilities, LP	RT Schneider Const. Co., LTD
Rattlesnake Road Part A	\$238,192.75	\$275,632.75	\$303,961.50
Mossy Oaks Circle Part B	\$99,746.64	\$116,454.60	\$111,601.85
Chaparral Road Part C	\$133,169.61	\$169,768.50	\$191,281.60
Miller's Crossing Guard Rail Part D	\$18,328.79	\$16,526.55	\$15,347.55
Dorothy Lane Valley Gutter Part E	\$9,987.91	\$11,821.00	\$8,147.00
Fleet Maintenance Guard Rail Part F	\$17,770.75	\$12,600.00	\$12,487.50
ADA Path to Community Park Batting Cages Part G	\$14,455.68	\$22,509.25	\$12,808.45
Kern Park ADA Path & Parking Lot Part H	\$32,750.76	\$36,589.20	\$26,132.95
Pima Trail Curb Ramps Part I	\$8,092.67	\$9,463.00	\$5,354.00
<b>Total:</b>	<b>\$572,495.56</b>	<b>\$671,364.85</b>	<b>\$687,122.40</b>

The 2020 Street Improvement Projects were bid in nine separate parts. The City has reserved the right to award any individual part or any combination of parts of this project.

- Parts A, B and C includes subgrade cement stabilization and asphalt paving.
- Parts D and F includes construction of two metal beam guard rails.
- Part E includes construction of a 6' wide concrete valley gutter.
- Parts G, H and I includes ADA paths, sidewalk and parking lot improvements.

In February 2015, Lonestar Grading & Materials was awarded the Pecan Drive Street Improvement Project in the amount of \$468,871.51. The project was completed successfully.

The 2020 Street Improvement Projects are budgeted in the FY2020-21 Capital Improvement Fund.

**RECOMMENDATION:**

The Public Works Director recommends approving a resolution awarding a contract for the 2020 Street Improvement Projects, Parts "A" through "I" in the amount of \$572,495.56 to Lonestar Grading & Materials, LLC.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights awarding a contract for the 2020 Street Improvement Projects, Parts "A" through "I" in the amount of \$572,495.56 to Lonestar Grading & Materials, LLC.
2. Any other action desired.

**ATTACHMENTS:**

1. Resolution
2. Letter of recommendation from Kasberg, Patrick & Associates, LP
3. Bid Tabulation
4. Plan Holders List
5. Location Map



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AWARDING A CONTRACT FOR THE 2020 STREET IMPROVEMENT PROJECTS IN THE AMOUNT OF \$572,495.56 TO LONESTAR GRADING & MATERIALS, LLC.**

**WHEREAS**, the City advertised for bids on October 18, 2020 and October 25, 2020; and

**WHEREAS**, the City has funds budgeted in the FY 2020-21 Capital Improvement Funds; and

**WHEREAS**, the City notified four construction contractors, and one plan room; and

**WHEREAS**, the City received three bids meeting specifications; and

**WHEREAS**, the City opened the sealed bids at 2:00 p.m. on November 3, 2020 and found the lowest responsible bidder to be Lonestar Grading & Materials, LLC; 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 contract ("*Agreement*") for the 2020 Street Improvement Projects is awarded to Lonestar Grading & Materials, LLC in the amount of \$572,495.56.
3. The City Manager, David Mitchell, is hereby authorized and empowered to act in the name and on behalf of the City to execute and deliver the Agreement (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), together with any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to effectuate the said Agreement, and to accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by any person herein authorized to act in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.
5. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing

documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

**PASSED AND APPROVED** on November 10, 2020, by the Harker Heights City Council.

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Spencer H. Smith, Mayor  
City of Harker Heights

ATTEST:

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Juliette Helsham, City Secretary  
City of Harker Heights





**KASBERG, PATRICK & ASSOCIATES, LP**  
CONSULTING ENGINEERS  
Texas Firm F-510

Temple  
19 North Main Street  
Temple, Texas 76501  
(254) 773-3731

**RICK N. KASBERG, P.E.**  
**R. DAVID PATRICK, P.E., CFM**  
**THOMAS D. VALLE, P.E.**  
**GINGER R. TOLBERT, P.E.**  
**ALVIN R. "TRAE" SUTTON, III, P.E., CFM**  
**JOHN A. SIMCIK, P.E., CFM**

Georgetown  
800 South Austin Avenue  
Georgetown, Texas 78626  
(512) 819-9478

November 4, 2020

Mr. Mark Hyde  
Director of Public Works  
City Hall  
305 Millers Crossing  
Harker Heights, Texas 76548

Re: City of Harker Heights  
2020 Street Improvements Project

Dear Mr. Hyde:

On November 3, 2020, the City of Harker Heights received bids from three (3) contractors for construction of the 2020 Street Improvements Project. Attached is a Bid Tabulation for your reference. There were a total of five (5) plan holders for this project, four (4) contractors and one (1) planroom.

The Bid Schedule was separated into Parts A-I.

- Part A includes all work associated with the rehabilitation of **Rattlesnake Road**, including cement stabilization, asphalt overlay, striping, traffic control, etc.
- Part B includes all work associated with the rehabilitation of **Mossy Oak Circle**, including cement stabilization, subgrade removal and replacement, curb replacement, asphalt overlay, traffic control, etc.
- Part C includes all work associated with the rehabilitation of **Chaparral Road**, including cement stabilization, asphalt overlay, striping, traffic control, etc.
- Part D includes all work associated with the installation of **Miller's Crossing Guard Rail**, including guard rail installation, striping, traffic control, etc.
- Part E includes all work associated with the installation of **Dorothy Lane Valley Gutter**, including asphalt removal, concrete valley gutter construction, traffic control, etc.
- Part F includes all work associated with the installation of **Fleet Maintenance Guard Rail**, including guard rail installation, striping, traffic control, etc.
- Part G includes all work associated with the installation of the **ADA Path to Batting Cages**, including ADA accessible sidewalk and curb ramp construction at the Harker Heights Community Park, striping and signage for ADA parking spaces, revegetation, etc.
- Part H includes all work associated with the installation of the **Kern Park ADA Path**, including ADA accessible sidewalk, additional parking spaces, curb installation, striping, etc.
- Part I includes all work associated with the installation of the **Pima Trail Curb Ramps**, including removal of existing sidewalk and construction of curb ramps at the intersection of Pima Trail and Pueblo Trace.

Mr. Mark Hyde  
November 4, 2020  
Page Two

The low bidder on the project was Lone Star Grading & Materials, LLC from Salado, Texas with a Parts A-I price of \$572,495.56. A copy of the Bid Tabulation for the project is attached to this letter.

Our final opinion of probable construction costs was \$685,000.00 based on average bid prices received recently on comparable projects.

We recommend that the bid be awarded to **Lone Star Grading & Materials, LLC** for **Parts A-I** in the amount of **\$572,495.56**. We have previously worked with Lone Star Grading & Materials, LLC on projects in Central Texas and have found them to be a reputable contractor and capable of successfully completing the work associated with this project.

If you have any questions, please call.

Sincerely,



John A. Simcik, P.E., C.F.M.

xc: 2020-109-40



BID TABULATION  
CITY OF HARKER HEIGHTS  
2020 STREET IMPROVEMENTS  
November 3, 2020, 2:00 PM

2019-109-40

										<b>BIDDER INFORMATION</b>					
										Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
<b>PART A - Rattlesnake</b>															
A-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 8,541.63	\$ 8,541.63	\$ 12,950.00	\$ 12,950.00	\$ 15,270.00	\$ 15,270.00						
A-2	100%	LS	Furnish Traffic Control Plan Sealed by an Engineer Licensed in the State of Texas	1,286.25	1,286.25	500.00	500.00	500.00	500.00						
A-3	100%	LS	Implement Traffic Control Plan	2,100.00	2,100.00	7,200.00	7,200.00	4,500.00	4,500.00						
A-4	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including	2,214.17	2,214.17	2,150.00	2,150.00	1,460.00	1,460.00						
A-5	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site	150.00	150.00	300.00	300.00	250.00	250.00						
A-6	165	LF	Sawcut Existing Asphalt	2.25	371.25	2.60	429.00	3.00	495.00						
A-7	8,150	SY	Pulverize Existing Asphalt, Furnish, Place & Mix 8" Cement Stabilization (8% Cement, Target Strength 250-500 psi)	10.03	81,744.50	12.00	97,800.00	12.80	104,320.00						
A-8	8,150	SY	Grade & Compact Cement Treated Material	2.79	22,738.50	3.80	30,970.00	6.05	49,307.50						
A-9	680	TN	Furnish & Place 1 1/2" Type 'D' HMA Pavement with Prime & Tack Coat	95.35	64,838.00	103.00	70,040.00	98.20	66,776.00						
A-10	1	EA	Adjust Existing Wastewater Cleanouts to Grade	225.00	225.00	240.00	240.00	450.00	450.00						
A-11	7	EA	Adjust Existing Water Valves to Grade	250.00	1,750.00	455.00	3,185.00	325.00	2,275.00						
A-12	5	EA	Adjust Existing Manholes to Grade	450.00	2,250.00	560.00	2,800.00	450.00	2,250.00						
A-13	200	LF	Remove & Replace Standard Curb & Gutter in Locations Identified by the City & Project Engineer	40.40	8,080.00	35.00	7,000.00	37.15	7,430.00						
A-14	105	LF	Furnish & Install 12" Width White Thermoplastic (TxDOT Type 1 Material) Crosswalk Striping	4.99	523.95	5.75	603.75	6.00	630.00						
A-15	80	LF	Furnish & Install 24" Width White Thermoplastic (TxDOT Type 1 Material) Stop Bar	9.45	756.00	11.50	920.00	12.10	968.00						
A-16	1400	SY	Remove & Dispose of 1 1/2" of Existing Asphalt & Subgrade Material	5.21	7,294.00	5.30	7,420.00	9.15	12,810.00						
A-17	1400	SY	Furnish, Place & Compact 10" of Crushed Limestone Base Material, (TxDOT Item 247, Type A, Grade 2 or Better)	13.27	18,578.00	13.50	18,900.00	14.00	19,600.00						
A-18	8150	SY	Mill & Dispose 1 1/2" of Existing Asphalt	1.81	14,751.50	1.50	12,225.00	1.80	14,670.00						
<b>PART A - Rattlesnake</b>					\$ 238,192.75		\$ 275,632.75		\$ 303,961.50						

										<b>BIDDER INFORMATION</b>					
										Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
<b>PART B - Mossy Oaks</b>															
B-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 4,750.00	\$ 4,750.00	\$ 5,800.00	\$ 5,800.00	\$ 4,675.00	\$ 4,675.00						
B-2	100%	LS	Furnish Traffic Control Plan Sealed by an Engineer Licensed in the State of Texas	682.50	682.50	500.00	500.00	500.00	500.00						
B-3	100%	LS	Implement Traffic Control Plan	1,548.75	1,548.75	8,200.00	8,200.00	3,760.00	3,760.00						
B-4	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental	127.84	127.84	3,150.00	3,150.00	1,460.00	1,460.00						
B-5	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	300.00	300.00	250.00	250.00						
B-6	130	LF	Sawcut Existing Asphalt	2.25	292.50	2.60	338.00	3.00	390.00						
B-7	2,000	SY	Pulverize Existing Asphalt & Furnishing, Placing & Mixing 8" Cement Stabilization (8% Cement, Target Strength 250-500 psi)	10.04	20,080.00	12.00	24,000.00	12.50	25,000.00						
B-8	2,000	SY	Grade & Compact Cement Treated Material	2.79	5,580.00	3.80	7,600.00	6.75	13,500.00						
B-9	165	TN	Furnish & Place 1 1/2" Type 'D' HMA Pavement with Prime & Tack Coat	124.87	20,603.55	130.00	21,450.00	124.00	20,460.00						
B-10	550	CY	Unclassified Excavation, Including But Not Limited To, Removing & Disposing of Existing Asphalt & Base Material & Subgrade Material	14.71	8,090.50	15.00	8,250.00	21.45	11,797.50						
B-11	480	CY	Furnish, Place & Compact Select Fill Material (TxDOT Item 247, Type A, Grade 3 or Better)	27.25	13,080.00	40.00	19,200.00	28.30	13,584.00						
B-12	270	SY	Furnish, Place & Compact 8" of Crushed Limestone Base Material, (TxDOT Item 247, Type A, Grade 2 or Better)	10.67	2,880.90	16.00	4,320.00	11.75	3,172.50						
B-13	135	EA	Remove & Dispose of Existing Curb & Gutter	5.41	730.35	6.50	877.50	8.50	1,147.50						
B-14	11	SY	Remove & Dispose of Existing Sidewalk	40.54	445.94	6.10	67.10	22.75	250.25						
B-15	135	LF	Construct Standard Curb & Gutter Per City Standard Details, Including 6" of Base Material Under Curb to 1-Foot Behind Curb	48.24	6,512.40	28.00	3,780.00	35.30	4,765.50						
B-16	11	SY	Construct 4-Inch Thick Sidewalk with Washed Aggregate Finish, Including 2-Inch Sand Cushion	523.50	5,758.50	97.00	1,067.00	125.00	1,375.00						
B-17	15	CY	Fill & Grade Sunken Areas Behind Curb with Topsoil	31.55	473.25	75.00	1,125.00	50.00	750.00						
B-18	40	SY	Furnish & Place Sod in Disturbed Areas, Including Watering to Establish Growth	24.64	985.60	22.00	880.00	10.00	400.00						
B-19	1	EA	Adjust Existing Wastewater Cleanout to Grade	225.00	225.00	250.00	250.00	450.00	450.00						
B-20	2	EA	Furnish & Install Blue Reflective Buttons in Front of Fire Hydrants	8.93	17.86	58.00	116.00	60.50	121.00						
B-21	16	LF	Furnish & Place 24" Wide Stop Bar (Thermoplastic Material)	9.45	151.20	11.50	184.00	12.10	193.60						
B-22	2000	SY	Mill & Dispose of 1 1/2" of Existing Asphalt	3.29	6,580.00	2.50	5,000.00	1.80	3,600.00						
<b>PART B - Mossy Oaks</b>					\$ 99,746.64		\$ 116,454.60		\$ 111,601.85						

										<b>BIDDER INFORMATION</b>					
										Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
<b>PART C - Chaparral</b>															
C-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 5,691.63	\$ 5,691.63	\$ 7,900.00	\$ 7,900.00	\$ 9,475.00	\$ 9,475.00						
C-2	100%	LS	Furnish Traffic Control Plan Sealed by an Engineer Licensed in the State of Texas	1,680.00	1,680.00	500.00	500.00	500.00	500.00						
C-3	100%	LS	Implement Traffic Control Plan	2,625.00	2,625.00	7,200.00	7,200.00	1,600.00	1,600.00						
C-4	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	319.58	319.58	2,250.00	2,250.00	1,460.00	1,460.00						
C-5	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	300.00	300.00	250.00	250.00						
C-6	170	LF	Sawcut Existing Asphalt	2.25	382.50	2.60	442.00	3.00	510.00						
C-7	4,200	SY	Pulverize Existing Asphalt & Furnishing, Placing & Mixing 8" Cement Stabilization (8% Cement, Target Strength 250-500 psi)	9.73	40,866.00	12.00	50,400.00	14.10	59,220.00						
C-8	4,200	SY	Grade & Compact Cement Treated Material	2.79	11,718.00	3.85	16,170.00	8.35	35,070.00						
C-9	700	TN	Furnish & Place 3" Type 'D' HMA Pavement with Prime & Tack Coat	92.27	64,589.00	99.00	69,300.00	95.00	66,500.00						
C-10	44	LF	Furnish & Install 24" Width White Thermoplastic (TxDOT Type 1 Material) Stop Bar	9.45	415.80	11.50	506.00	12.10	532.40						
C-11	970	LF	Furnish & Install Double 4" Width Yellow Thermoplastic (TxDOT Type 1 Material) Striping	1.94	1,881.80	6.85	6,644.50	7.26	7,042.20						
C-12	2,100	LF	Furnish & Install Single 4" Width White Thermoplastic (TxDOT Type 1 Material) Lane Edge Striping	0.95	1,995.00	3.45	7,245.00	3.65	7,665.00						
C-13	120	EA	Furnish & Install Single ReflectORIZED (Type I) Raised Pavement Markers (White)	4.73	567.60	3.45	414.00	3.65	438.00						
C-14	60	EA	Furnish & Install Double ReflectORIZED (Type II) Raised Pavement Markers (Yellow)	4.73	283.80	3.45	207.00	3.65	219.00						
C-15	2	EA	Furnish & Install Object Marker, TxDOT Type OM-3R, TWT, WAS	1.95	3.90	145.00	290.00	400.00	800.00						
<b>PART C - Chaparral</b>					\$ 133,169.61		\$ 169,768.50		\$ 191,281.60						

										<b>BIDDER INFORMATION</b>					
										Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount				
<b>PART D - Miller's Crossing Guardrail</b>															
D-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 873.00	\$ 873.00	\$ 800.00	\$ 800.00	\$ 500.00	\$ 500.00						
D-2	100%	LS	Provide Traffic Control During Construction, Per TxDOT Standard Lane Closure Details	2,100.00	2,100.00	9,500.00	9,500.00	2,500.00	2,500.00						
D-3	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	300.00	300.00	250.00	250.00						
D-4	25	LF	Furnish & Install Metal Beam Guard Fence (Timber Posts)	31.50	787.50	86.00	2,150.00	50.00	1,250.00						
D-5	2	EA	Furnish & Install Downstream Anchor Terminals	3,937.50	7,875.00	430.00	860.00	4,125.00	8,250.00						
D-6	2	CY	Furnish & Install Concrete Mow Strip	2,991.60	5,983.20	845.00	1,690.00	500.00	1,000.00						
D-7	96	LF	Furnish & Install Double 4" Width Yellow Thermoplastic (TxDOT Type 1 Material) Striping	2.21	212.16	3.90	374.40	7.25	696.00						
D-8	226	LF	Furnish & Install Single 4" Width White Thermoplastic (TxDOT Type 1 Material) Lane Edge Striping	1.10	248.60	3.45	779.70	3.65	824.90						
D-9	14	EA	Furnish & Install Single ReflectORIZED (Type I) Raised Pavement Markers (White)	4.73	66.22	3.45	48.30	3.65	51.10						
D-10	7	EA	Furnish & Install Double ReflectORIZED (Type II) Raised Pavement Markers	4.73	33.11	3.45	24.15	3.65	25.55						
<b>PART D - Miller's Crossing Guardrail</b>					\$ 18,328.79		\$ 16,526.55		\$ 15,347.55						

**BID TABULATION**  
**CITY OF HARKER HEIGHTS**  
**2020 STREET IMPROVEMENTS**  
 November 3, 2020, 2:00 PM

2019-109-40

Bid No.	Estimated Quantity	Unit	Bid Data Description	BIDDER INFORMATION					
				Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
<b>PART E - Dorothy Lane Valley Gutter</b>									
E-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 476.00	\$ 476.00	\$ 590.00	\$ 590.00	\$ 450.00	\$ 450.00
E-2	100%	LS	Implement Traffic Control Necessary to Complete Valley Gutter Construction	2,100.00	2,100.00	6,160.00	6,160.00	1,000.00	1,000.00
E-3	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	127.84	127.84	450.00	450.00	250.00	250.00
E-4	110	LF	Sawcut Existing Asphalt	2.17	238.70	2.60	286.00	3.00	330.00
E-5	5	CY	Unclassified Excavation, Including But Not Limited To, Removing & Disposing of Existing Asphalt & Base Material (8" Depth) Necessary to Construct Valley Gutter	207.17	1,035.85	75.00	375.00	515.00	2,575.00
E-6	22	SY	Construct 8" Thick Reinforced Concrete Valley Gutter	273.16	6,009.52	180.00	3,960.00	161.00	3,542.00
<b>PART E - Dorothy Lane Valley Gutter</b>				<b>\$ 9,987.91</b>		<b>\$ 11,821.00</b>		<b>\$ 8,147.00</b>	

<b>PART F - Fleet Maintenance Guardrail</b>									
F-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 847.00	\$ 847.00	\$ 800.00	\$ 800.00	\$ 325.00	\$ 325.00
F-2	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	800.00	800.00	250.00	250.00
F-3	50	LF	Furnish & Install Metal Beam Guard Fence (Timber Posts)	31.50	1,575.00	100.00	5,000.00	61.25	3,062.50
F-4	2	EA	Furnish & Install Downstream Anchor Terminals	3,937.50	7,875.00	1,500.00	3,000.00	4,125.00	8,250.00
F-5	3	CY	Furnish & Install Concrete Mow Strip	2,441.25	7,323.75	1,000.00	3,000.00	200.00	600.00
<b>PART F - Fleet Maintenance Guardrail</b>				<b>\$ 17,770.75</b>		<b>\$ 12,600.00</b>		<b>\$ 12,487.50</b>	

<b>PART G - ADA Path to Batting Cages</b>									
G-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 689.00	\$ 689.00	\$ 1,100.00	\$ 1,100.00	\$ 700.00	\$ 700.00
G-2	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	500.00	500.00	250.00	250.00
G-3	17	LF	Remove & Dispose of Existing Curb & Gutter	54.23	921.91	15.40	261.80	32.35	549.95
G-4	17	LF	Remove & Dispose of Existing Ribbon Curb	7.91	134.47	15.40	261.80	32.35	549.95
G-5	15	SY	Remove & Dispose of Existing Asphalt Sidewalk	8.96	134.40	21.00	315.00	36.70	550.50
G-6	10	CY	Unclassified Sidewalk Excavation	72.43	724.30	75.00	750.00	97.50	975.00
G-7	10	CY	Unclassified Fill	58.96	589.60	60.00	600.00	10.00	100.00
G-8	35	SY	Construct 4" Thick Reinforced Concrete (3,000 PSI) Sidewalk, With 2" Sand Cushion	158.68	5,553.80	100.00	3,500.00	56.30	1,970.50
G-9	1	EA	Construct TxDOT Curb Ramp, Type 2	1,526.95	1,526.95	2,994.00	2,994.00	1,000.00	1,000.00
G-10	48	LF	Furnish & Install TxDOT Pedestrian Handrail, Type B	42.00	2,016.00	150.00	7,200.00	55.00	2,640.00
G-11	57	SY	Revegetation of Disturbed Areas, Including Seeding or Sodding & Watering to Establish Growth	15.54	885.78	50.00	2,850.00	26.50	1,510.50
G-12	2	EA	Furnish & Install Concrete Curb Stops & Paint Blue to Match Existing	99.75	199.50	300.00	600.00	200.00	400.00
G-13	57	LF	Furnish & Install 4" White Thermoplastic Gore Striping	1.21	68.97	3.45	196.65	3.65	208.05
G-14	2	EA	Furnish & Install Handicap Parking Symbols with Blue Background & White Border	236.25	472.50	290.00	580.00	302.00	604.00
G-15	2	EA	Furnish & Install Handicap Parking Sign Assemblies, R7-9-MOD, 18"x12"	194.25	388.50	400.00	800.00	400.00	800.00
<b>PART G - ADA Path to Batting Cages</b>				<b>\$ 14,455.68</b>		<b>\$ 22,509.25</b>		<b>\$ 12,808.45</b>	

<b>PART H - Kern Park ADA Path</b>									
H-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 1,560.00	\$ 1,560.00	\$ 1,215.00	\$ 1,215.00	\$ 1,300.00	\$ 1,300.00
H-2	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	300.00	300.00	250.00	250.00
H-3	54	LF	Remove & Dispose of Existing Curb & Gutter	20.52	1,108.08	15.50	837.00	10.20	550.80
H-4	46	LF	Construct Curb & Gutter	54.31	2,498.26	28.00	1,288.00	21.20	975.20
H-5	44	LF	Construct Ribbon Curb	55.37	2,436.28	26.50	1,166.00	21.20	932.80
H-6	80	CY	Unclassified Parking Lot Excavation	21.93	1,754.40	35.00	2,800.00	45.60	3,648.00
H-7	121	SY	Proofroll Subgrade	0.63	76.23	1.00	121.00	2.00	242.00
H-8	121	SY	Furnish, Install & Compact 10" Crushed Limestone Base Material, TxDOT Type A, Grade 1-2	22.88	2,768.48	22.00	2,662.00	16.65	2,014.65
H-9	10	TN	Furnish & Place 2" Type D' HMAc Pavement with Prime & Tack Coat	570.61	5,706.10	625.00	6,250.00	600.00	6,000.00
H-10	16	CY	Unclassified Sidewalk Excavation	88.05	1,408.80	75.00	1,200.00	30.00	480.00
H-11	10	CY	Unclassified Fill	58.97	589.70	60.00	600.00	10.00	100.00
H-12	92	SY	Construct 4" Thick Reinforced Concrete (3,000 PSI) Sidewalk, With 2" Sand Cushion	112.46	10,346.32	100.00	9,200.00	56.30	5,179.60
H-13	185	SY	Revegetation of Disturbed Areas, Including Seeding or Sodding & Watering to Establish Growth	7.45	1,378.25	36.00	6,660.00	13.70	2,534.50
H-14	4	EA	Furnish & Install Concrete Curb Stops & Paint Blue	99.75	399.00	300.00	1,200.00	200.00	800.00
H-15	116	LF	Furnish & Install 4" White Thermoplastic Striping	1.21	140.36	3.45	402.00	3.65	423.40
H-16	1	EA	Furnish & Install Handicap Parking Symbols with Blue Background & White Border	236.25	236.25	290.00	290.00	302.00	302.00
H-17	1	EA	Furnish & Install Handicap Parking Sign Assemblies, R7-9-MOD, 18"x12"	194.25	194.25	400.00	400.00	400.00	400.00
<b>PART H - Kern Park ADA Path</b>				<b>\$ 32,750.76</b>		<b>\$ 36,589.20</b>		<b>\$ 26,132.95</b>	

<b>PART I - Pima Trail Curb Ramps</b>									
I-1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 386.00	\$ 386.00	\$ 470.00	\$ 470.00	\$ 250.00	\$ 250.00
I-2	100%	LS	Provide DVD of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	150.00	150.00	325.00	325.00	250.00	250.00
I-3	28	LF	Sawcut, Remove & Dispose of Existing Sidewalk	42.62	1,193.36	31.00	868.00	18.00	504.00
I-4	5	CY	Unclassified Excavation for Curb Ramps	66.32	331.60	100.00	500.00	360.00	1,800.00
I-5	5	CY	Furnish & Install Select Fill For Curb Ramp Installation	64.61	323.05	100.00	500.00	70.00	350.00
I-6	2	EA	Construct City of Harker Heights Diagonal Curb Ramp as Shown On Sheet P-05 & Detailed on Sheet D-03 of the Plans	2,854.33	5,708.66	3,400.00	6,800.00	1,100.00	2,200.00
<b>PART I - Pima Trail Curb Ramps</b>				<b>\$ 8,092.67</b>		<b>\$ 9,463.00</b>		<b>\$ 5,354.00</b>	

	BIDDER INFORMATION					
	Lone Star Grading & Materials, LLC PO Box 1162 Salado, Texas 76571		TTG Utilities, LP PO Box 299 Gatesville, Texas 76528		RT Schneider Construction Co., LTD. PO Box 876 Belton, Texas 76513	
	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - Rattlesnake	\$	238,192.75	\$	275,632.75	\$	303,961.50
PART B - Mossy Oaks	\$	99,746.64	\$	116,454.60	\$	111,601.85
PART C - Chaparral	\$	133,169.61	\$	169,768.50	\$	191,281.60
PART D - Miller's Crossing Guardrail	\$	18,328.79	\$	16,526.55	\$	15,347.55
PART E - Dorothy Lane Valley Gutter	\$	9,987.91	\$	11,821.00	\$	8,147.00
PART F - Fleet Maintenance Guardrail	\$	17,770.75	\$	12,600.00	\$	12,487.50
PART G - ADA Path to Batting Cages	\$	14,455.68	\$	22,509.25	\$	12,808.45
PART H - Kern Park ADA Path	\$	32,750.76	\$	36,589.20	\$	26,132.95
PART I - Pima Trail Curb Ramps	\$	8,092.67	\$	9,463.00	\$	5,354.00
Total Bid Amount (Part A+Part B+Part C+Part D+Part E+Part F+Part G+Part H+Part I)	\$	572,495.56	\$	671,364.85	\$	687,122.40

Did Bidder Acknowledge Addenda 1 & 2?	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received

  
 John A. Simcik, P.E., CFM  
 Kasberg, Patrick & Associates, L.P.

11/4/2020  
 Date



\* - Unit price in numerals did not match unit price in words



RECORD OF CONSTRUCTION DOCUMENTS

Kasberg, Patrick & Associates, LP  
 19 North Main Street  
 Temple, TX 76501

Engineers Opinion \$ 685,000.00  
 of Probable Cost

Project Name:  
 City of Harker Heights  
 2020 Street Improvements

Project Number 2020-109-30  
 Bid Date November 3, 2020; 2 PM  
 Address 305 Miller's Crossing; Harker Heights, TX 76

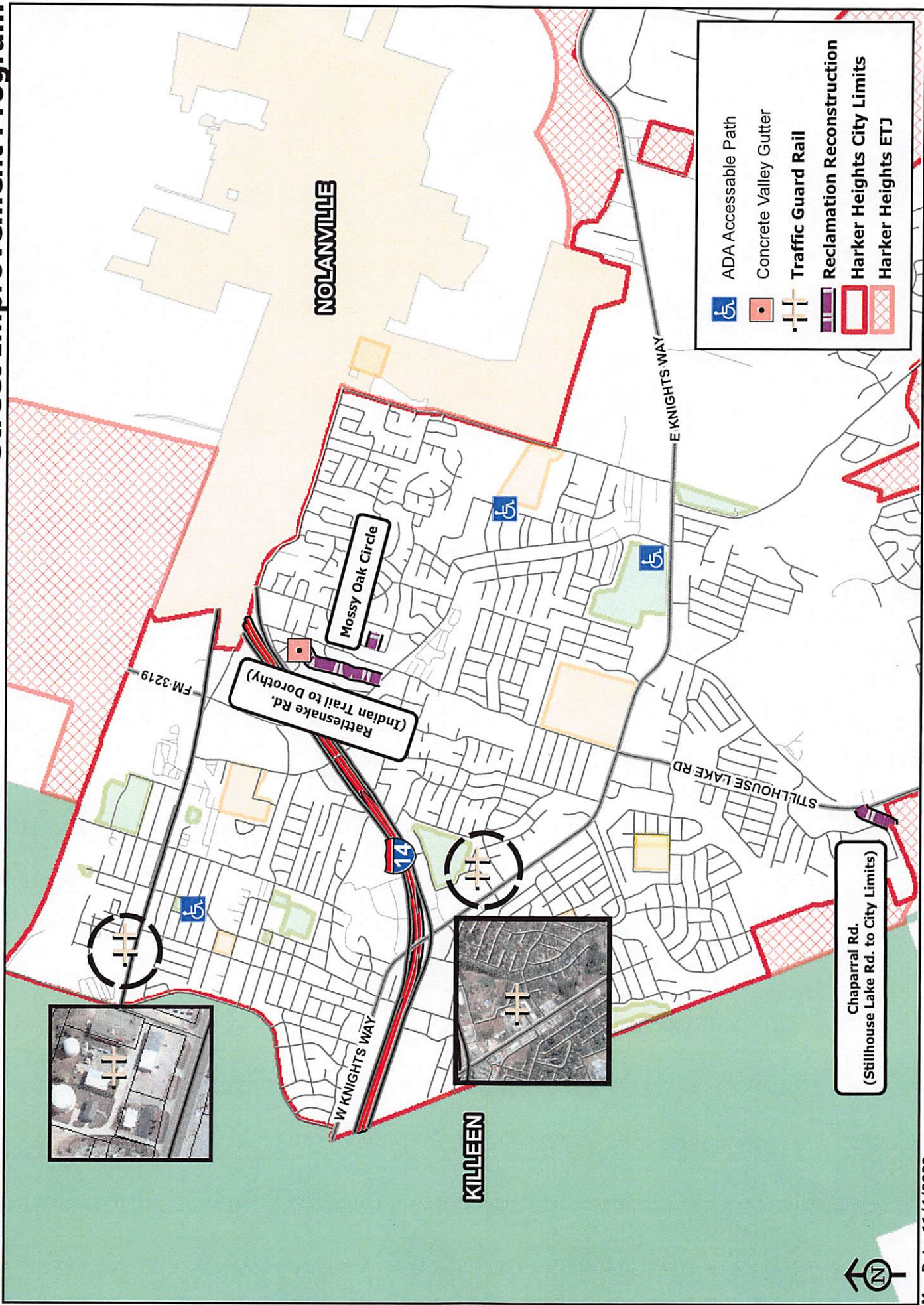
Pre-Bid October 28, 2020; 2 PM  
 400 Indian Trail; Harker Heights, TX 78548

Project Manager: John A. Simcik, PE, CFM

Fee Per Set \$75.00

Date Issued	Plan Holder Name and Address	Contact Name Phone and Fax Number	Fee	Set Number	Addenda		
					1	2	3
	TTG Utilities LP PO Box 299 Gatesville TX 76528	Keith James 254-248-1151 <a href="mailto:kjames@tguutilities.com">kjames@tguutilities.com</a>		1	X	X	
	RT Schneider Construction Co Ltd PO Box 876 Belton TX 76513	Bryant Davis 254-933-2529 <a href="mailto:bdavis@rtsschneider.com">bdavis@rtsschneider.com</a>		2	X	X	
	Lone Star Grading & Materials LLC PO Box 1162 Salado TX 76571	Chad Kiphart 254-947-0149 <a href="mailto:chad.kiphart@lonestargrading.com">chad.kiphart@lonestargrading.com</a>		3	X	X	
	Lone Star Paving 5513 Taylors Valley Road Temple TX 76502	Kevin Schneider 254-613-1421 <a href="mailto:kschneider@lspaving.com">kschneider@lspaving.com</a>		4	X	X	
	Austin AMTEK Information Services	Kaylan Wardlaw 512-323-0508 <a href="mailto:amtek.austin@amtekusa.com">amtek.austin@amtekusa.com</a>		5	X	X	
				6			
				7			
				8			





- ADA Accessible Path
- Concrete Valley Gutter
- Traffic Guard Rail
- Reclamation Reconstruction
- Harker Heights City Limits
- Harker Heights ETJ



Chaparral Rd.  
(Stillhouse Lake Rd. to City Limits)

Mossy Oak Circle

Rattlesnake Rd.  
(Indian Trail to Dorothy)







## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-4

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**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER REAPPOINTING THE CITY MANAGER, DAVID MITCHELL, AS THE ALTERNATE REPRESENTATIVE TO FILL THE VACANCY TO THE BELL COUNTY HEALTH DISTRICT BOARD, AND TAKE THE APPROPRIATE ACTION.**

**BACKGROUND:**

The City currently has a contract with Bell County for the Health District to provide various services on behalf of the City. With this contract, it allows the City to have a representative and alternate representative on the Bell County Health Board. This board serves as the administrative public health board governing the Health District.

On September 12, 2017, the Council reappointed David Mitchell, City Manager, for a term of 3 years (2017-2020) as the alternate representative for the City. Action is needed by the City Council to appoint an alternate representative due to Mr. Mitchell's term expiring this year. Mr. Mitchell is eligible for reappointment and requests to be reappointed as the City's alternate representative for another 3-year term (2020-2023).

**RECOMMENDATION:**

Reappoint David Mitchell, City Manager, as the alternate representative for the City.

**ACTION BY THE CITY COUNCIL:**

1. Motion to Approve/Disapprove the reappointment of City Manager David Mitchell, to the Bell County Health Board as the Alternate Representative for the City of Harker Heights.
2. Any other action desired.

**ATTACHMENT:**

None.



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-5

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FROM DANIEL GANOE FOR A FACILITY RENTAL AT THE HARKER HEIGHTS COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON FRIDAY, NOVEMBER 20, 2020, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Daniel Ganoe is seeking approval for a request to rent the Community Park Pavilion on Friday, November 20, 2020, from 7:00 a.m. to 4 p.m. for a group of approximately 125 people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Friday, November 20, 2020.
2. Any other action desired.

**ATTACHMENTS:**

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events





Received 7/15/2020

The City of Harker Heights  
385 Miller's Crossing  
Harker Heights, Texas 76748  
Phone: 254/953-5600  
Fax: 254/953-5614

Effective as of July 3, 2020

### NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor  
Spencer H. Smith

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

Mayor Protem  
Michael Blomquist

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

City Council  
Jennifer McCann  
Jackeline Susiano Fountain  
Joan Reider  
Jody Nicholas

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

# HARKER HEIGHTS PARKS & RECREATION

## Application for Outdoor Facility Rental

Proposed Date of the Event: 20 NOV 2020 Start Time: 0700 End Time: 1600

Event Name & Description: GFSC, 2-12 CAV ORGANIZATIONAL DAY Include set up & tear down during your time slot

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4-hour period)	Rental Deposit
<u>X</u>	Carl Levin Park Pavilion 400 Miller's Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
—	Carl Levin Park Amphitheater 400 Miller's Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non-Resident: \$65	\$100
<u>X</u>	Carl Levin Park Gazebo 400 Miller's Crossing	N/A	8-10	N/A	Resident: \$15 Non-Resident: \$25	N/A
<u>X</u>	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
—	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$50 Non-Resident: \$100	\$100
—	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$50 Non-Resident: \$100	\$100

\*\*Current proof of residency required to receive resident discount\*\*

Name: Daniel C GARDNER Phone: 904-910-7490 Alt Phone: 808-426-0096

Address: 1006 CHANCER LANE City: Harker Heights State: TX Zip: 76548

Deposit Return Payable To: \_\_\_\_\_  
(if different than above)

Approximate Number of Attendees: ~125 Approximate Number of Vehicles: 45

Inflatables or Jumping Equipment:  (Yes) or  (No) Water Needed:  (Yes) or  (No)  
(Must meet with Grounds Crew (2) days prior) (if Yes, give quantity needed): \_\_\_\_\_

Amplified Sound:  (Yes) or  (No)  
(if Yes, describe sound amplification usage and equipment such as type used, wattage, etc.): \_\_\_\_\_

Please explain and describe if you are requesting the use of any additional space aside from the structure itself:  
(Examples are open grass, walking trails, parking lots, basketball court, pond, etc.)

Parking Lots; Baseball field

FOR OFFICE USE ONLY

Reviewed By / Date	Total Amount Due	Deposit Amount	Walk-through Date and Time			
			Cash	Card	Check	Rental Credit
Approved By / Date	Date Total Paid	Date Deposit Paid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Last 4 _____	Check # _____	AC Approval _____	

(All runs / walks must be approved by the Parks Director, PD, and FD)

Date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Reason: \_\_\_\_\_



<p><b>PARKS AND RECREATION ORDINANCE</b></p> <p><i>JK</i> (Initial)</p>	<p><b>RULES AND REGULATIONS:</b> Must reference § 105.03 GENERAL RULES AND REGULATIONS.  <b>HOURS:</b> Must reference § 105.04 RESTRICTED AREAS AND HOURS.  <b>ALCOHOL:</b> Must reference § 105.05 ALCOHOL.  <b>ANIMALS:</b> Must reference § 105.06 ANIMALS.  <b>ACTIVITIES:</b> Must reference § 105.07 RECREATIONAL ACTIVITIES.  <b>VEHICLES:</b> Must reference § 105.08 VEHICLES.  <b>ADDITIONAL RULES:</b> Must reference § 105.09 ADDITIONAL RULES.  <b>ENFORCEMENT:</b> Must reference § 105.08 ENFORCEMENT.  <b>PENALTY:</b> Must reference § 105.09 PENALTY.</p>
<p><b>FACILITY RENTAL POLICY</b></p> <p><i>JK</i> (Initial)</p>	<p><b>CONTACT:</b> If you require assistance during your event, you may contact the Recreation Center during business hours (254-953-5657) or call 911 for emergencies.  <b>CITY FACILITY USE:</b> City events will take priority and all other events may be rescheduled or cancelled as needed.  <b>OUTSIDE ORGANIZATION USE:</b> All use by outside organizations is through rental only.  <b>APPROVAL:</b> All rentals are subject to approval by Harker Heights Parks and Recreation.  <b>TYPES OF USE:</b> Facilities are to be used for the purpose in which they were intended unless approved by Harker Heights Parks and Recreation.  <b>RENTER RESPONSIBILITY:</b> The renter will be responsible for all persons in the group or organization utilizing the facility.  <b>CROWD CONTROL:</b> The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be orderly.  <b>200+ GROUPS:</b> Large groups must have a separate and clearly designated First Aid Station so that in the event of an injury or emergency the victim(s) will be able to be accessed by emergency personnel.  <b>PARKING:</b> For large groups parking may become a problem and must reference § 105.08 VEHICLES.  <b>ROADS:</b> Any request to block off roads must be authorized by Harker Heights Police Department which can be reach at 254-953-5400, and it is the responsibility of the renter to obtain approval from the Harker Heights Police Department.  <b>SOLID WASTE, TRASH, GARBAGE:</b> Must reference Chapter 51 with all solid waste, trash, garbage must be disposed of properly at the conclusion of each rental period and placed in provided trash cans.  <b>AMPLIFIED NOISE:</b> Must reference Chapter 95 and have approval for use of amplified noise.  <b>INFLATABLES:</b> Inflatables may be set up for parties or event with approval.</p>
<p><b>RESERVATIONS AND REFUNDS</b></p> <p><i>JK</i> (Initial)</p>	<p><b>RESERVATION:</b> A rental application must be completed for each new facility rental not already paid for.  <b>PROCESSING:</b> The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled.  <b>CANCELLATION:</b> A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund.  <b>RESPONSIBLE PARTY:</b> The permit holder and the responsible party (person, 21 years of age or older, who officially rented the facility) must be on-site when the facility is being used.  <b>PAYMENT:</b> No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation.  <b>REFUNDS:</b> All refunds, including deposits, take 2-3 weeks for processing and will be returned in check form to the address listed on this form.  <b>INCLEMENT WEATHER:</b> Renter must cancel event prior to the event start time to receive a refund for rain or other inclement weather.  <b>NO SHOW:</b> Reservations that do not complete payment or no show without notification will lose deposit and may not be allowed to future rentals as determined by Harker Heights Parks and Recreation.</p>
<p><b>CONDITIONS OF PERMIT</b></p> <p><i>JK</i> (Initial)</p>	<p><b>CITY PROPERTY:</b> Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility Rules.  <b>DEPOSIT:</b> The holder of this permit will be held responsible for inappropriate use, violation of rules, or damage to City property resulting from use herein as determined by Harker Heights Parks and Recreation.  <b>INDEMNITY:</b> The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees, and agents and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

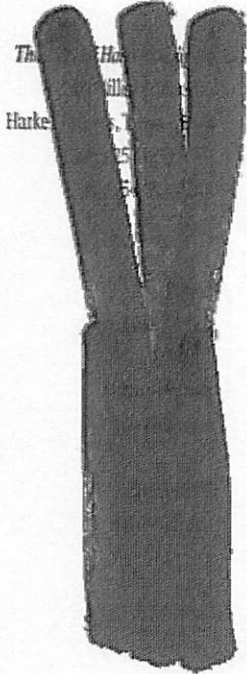
I have read, understand, and initialed the Harker Heights Parks and Recreation Facility Rental Policies and will adhere to these rules and regulations. Failure to adhere to these rules and regulations could result in forfeiture of deposit and revocation of future reservation privileges.

03 NOV 2020

Date

*Jul C. Jensen*

Signature



G FSC, 2-12 CAV is planning to reduce COVID-19 exposure by doing the following:

- Everyone will be required to wear a mask if within 6 ft.
- Our unit will provide hand sanitizer and extra masks for our event.
- Everyone's temperature will be checked on arrival to the park.
- Anybody displaying COVID-19 symptoms will be sent home before entering the event.

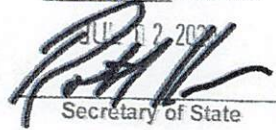




GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

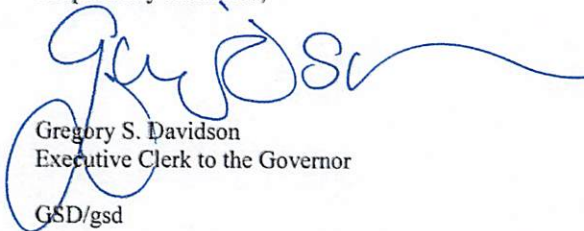
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

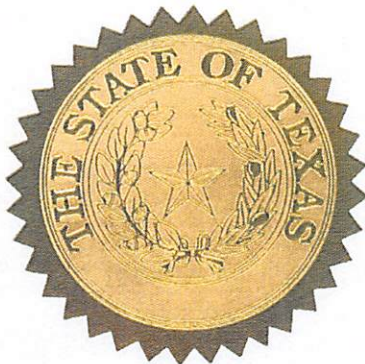
WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020



ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK  
JUL 02 2020



✓ CHECKLIST FOR OUTDOOR EVENTS

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, Loss of taste or smell, Diarrhea, Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, Known close contact with a person who is lab confirmed to have COVID-19





## OUTDOOR EVENTS: Page 2 of 2

- Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- Clean and sanitize any items before and after use.

### Local approval factors:

- Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
  - The overall number of projected attendees;
  - The likelihood of individuals over the age of 65 attending;
  - The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
  - The level of transmission in the county.
- Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-6

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FROM STEPHEN WATSON FOR A FACILITY RENTAL AT THE PURSER FAMILY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SUNDAY, DECEMBER 20, 2020, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Stephen Watson is seeking approval for a request to rent the Purser Family Park Pavilion on Sunday, December 20, from 3:00 p.m. to 7 p.m. for a group of approximately 50 people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Purser Family Park Pavilion for an event in excess of ten (10) people on Sunday, December 20, 2020.
2. Any other action desired.

**ATTACHMENTS:**

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events





Received 7/15/2020

The City of Harker Heights  
305 Miller's Crossing  
Harker Heights, Texas 76748  
Phone 254953-5600  
Fax 254953-5614

Effective as of July 3, 2020

**NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10**

Mayor  
Spencer H. Smith

Mayor Protem  
Michael Blomquist

City Council  
Jennifer McCann  
Jacheline Soriano Fountain  
John Reider  
Jody Nicholas

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

**NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:**

**5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.**

**12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.**

**All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.**

# HARKER HEIGHTS PARKS & RECREATION

## Application for Outdoor Facility Rental

Proposed Date of the Event: December 20 Start Time: 3 PM End Time: 7 PM

Event Name & Description: Cards at The Creek - Caroling  
\*Include set up & tear down during your time slot

**Proposed Locations:**

Mark (Requested)	Facility	Amenities	Capacity	Notes	Rental Fees (per 4 hour period)	Rental Deposit
	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
X	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$50 Non Resident: \$100	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$50 Non Resident: \$100	\$100

\*\*Current proof of residency required to receive resident discount\*\*

Name: Stephen Watson Phone: (512) 339 8071 Alt Phone: ( ) \_\_\_\_\_

Street Address: 110 Mountain Lion City: HH State: TX Zip: 76548

Deposit Return Payable To (if different than above): \_\_\_\_\_

Approximate Attendance: 50 Approximate # of Vehicles: 25

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) Yes  No

Water Needed: Yes  No  If Yes, in what quantity: \_\_\_\_\_

Driving on Park Grounds: Yes  No  If Yes, for what purpose: \_\_\_\_\_

Amplified Sound:  Yes  No  
 If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): 2 speakers, 1000 watt JBL EON610 self powered

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

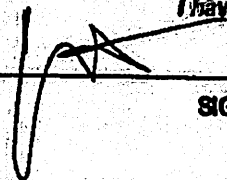
Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All rentals will be approved by the Parks Director, FR, and PR)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit # - Last 4 Check #

Date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Reason: \_\_\_\_\_



<p><b>PARK RULES</b></p> <p>_____ (initial)</p>	<p>If you need assistance during your event you may contact HHPD during business hours (254-953-5557) or the Police Department during non-business hours (254-953-5400).  <b>There is NO PARKING ON PARK GROUNDS permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit.</b>  <b>Alcoholic beverages are not allowed AT ANY TIME on City Park grounds.</b>  <b>All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster.</b>  <b>Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area.</b>  <b>Animals must be on a leash and all pet waste must be disposed of properly.</b>  <b>The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.</b>  <b>Park hours are 5AM-11PM unless otherwise noted at the park.</b></p>
<p><b>PARKING</b></p> <p>_____ (initial)</p>	<p>For large groups of 150 or more, parking may become a problem. There is to be <b>NO PARKING</b> in the fire or emergency vehicle lanes. Parking in fire lanes, on grass, or athletic field boundaries will be ticketed.</p>
<p><b>GROUND</b></p> <p>_____ (initial)</p>	<p>Inflatables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.</p>
<p><b>LARGE GROUPS</b></p> <p>_____ (initial)</p>	<p>Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s).  In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.</p>
<p><b>SOUND PERMIT</b></p> <p>_____ (initial)</p>	<p>Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95 Noise regulations.</p>
<p><b>CANCELLATIONS/REFUNDS</b></p> <p>_____ (initial)</p>	<p>Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page.  The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.</p>
<p><b>CONDITIONS OF PERMIT</b></p> <p>_____ (initial)</p>	<p>The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein.  The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

I have read, initialed, and agree to the Terms and Conditions stated above.

  
\_\_\_\_\_  
SIGNATURE

10/21/2020  
\_\_\_\_\_  
DATE

**Additional Event Details**

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

*open grass area next to pavilion*

Are you requesting any roads to be blocked off for your event? If yes, please list below and denote specific block-off areas on a map or sketch. (Note: Road blocking is only authorized by the Harker Heights Police Department, which can be reached at 254-953-5400. It is the responsibility of the renter to obtain approval from HHPD.)

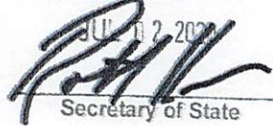
*no*



GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

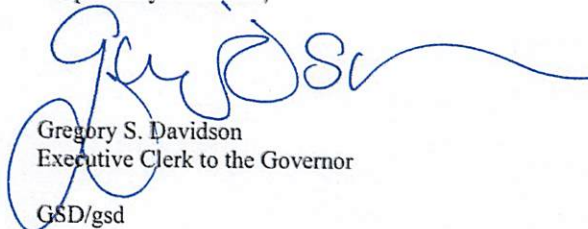
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment



**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020

**Governor Greg Abbott**  
July 2, 2020

**Proclamation**  
Page 2

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020





✓ CHECKLIST FOR OUTDOOR EVENTS

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, Loss of taste or smell, Diarrhea, Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, Known close contact with a person who is lab confirmed to have COVID-19



## OUTDOOR EVENTS: Page 2 of 2

- Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- Clean and sanitize any items before and after use.

### Local approval factors:

- Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
  - The overall number of projected attendees;
  - The likelihood of individuals over the age of 65 attending;
  - The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
  - The level of transmission in the county.
- Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.





## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-7

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FROM KASEY WINTER FOR A FACILITY RENTAL AT THE CARL LEVIN PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, APRIL 17, 2021, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Kasey Winter is seeking approval for a request to rent the Carl Levin Park Pavilion on Saturday April 17, 2021, from 2 p.m. to 6 p.m. for a group of approximately 80 people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Carl Levin Park Pavilion for an event in excess of ten (10) people on Saturday, April 17, 2021.
2. Any other action desired.

**ATTACHMENTS:**

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events



Received 7/15/2020

The City of Harker Heights  
305 Miller's Crossing  
Harker Heights, Texas 76748  
Phone 254/953-5600  
Fax 254/953-5614

Effective as of July 3, 2020

**NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10**

Mayor  
Spencer H. Smith

Mayor Protem  
Michael Blomquist

City Council  
Jennifer McCann  
Jacheline Soriano Fountain  
John Reider  
Jody Nicholas

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

**NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:**

**5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.**

**12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.**

**All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.**



# HARKER HEIGHTS PARKS & RECREATION

## Application for Outdoor Facility Rental

Proposed Date of the Event: April 17, 2021 Start Time: 2:00 End Time: 6:00

Event Name & Description: Shalea & Kasay Wedding include set up & tear down during your time slot

**Proposed Locations:**

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (for 4 hour period)	Rental Deposit
✓	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$180 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non Resident: \$65	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

\*\*Current proof of residency required to receive resident discount\*\*

Name: Kasay winter Phone: (254) 669-2684 Alt Phone: ( )

Street Address: 507 James<sup>es</sup> loop city: Killeen State: TX zip: 76742

Deposit Return Payable To (if different than above): \_\_\_\_\_

Approximate Attendance: 80 Approximate # of Vehicles: 50

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior) Yes  No

Water Needed: Yes  No  If Yes, in what quantity: \_\_\_\_\_

Driving on Park Grounds: Yes  No  If Yes, for what purpose: \_\_\_\_\_

Amplified Sound: Yes  No   
If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): \_\_\_\_\_

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All rentals will be approved by the Parks Director, PD, and PZ)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit # - Last 4 Check #

Date: \_\_\_\_\_ Amount: \$ \_\_\_\_\_ Reason: \_\_\_\_\_

<p><b>PARK RULES</b></p> <p>_____ (initial)</p>	<p>If you require assistance during your event you may contact HH-PRD during business hours (254-953-5557) or the Police Department during non-business hours (254-953-5400).  <b>There is NO DRINKS ON PARK GROUNDS</b> permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit.  <b>Alcoholic beverages are not allowed AT ANY TIME</b> on City Park grounds.  <b>All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster.</b>  <b>Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area.</b>  <b>Animals must be on a leash and all pet waste must be disposed of properly.</b>  <b>The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.</b></p>
<p><b>PARKING</b></p> <p>_____ (initial)</p>	<p>For large groups of 150 or more, parking may become a problem. There is to be <b>NO PARKING</b> in the fire or emergency vehicle lanes. Parking in the lanes, on grass, or outside said boundaries will be tolerated.</p>
<p><b>GROUND</b></p> <p>_____ (initial)</p>	<p>Initiables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.</p>
<p><b>LARGE GROUPS</b></p> <p>_____ (initial)</p>	<p>Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s).  <b>In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.</b></p>
<p><b>SOUND PERMIT</b></p> <p>_____ (initial)</p>	<p>Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations</p>
<p><b>CANCELLATIONS/REFUNDS</b></p> <p>_____ (initial)</p>	<p>Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page.  <b>The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.</b></p>
<p><b>CONDITIONS OF PERMIT</b></p> <p>_____ (initial)</p>	<p>The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein.  <b>The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</b></p>

*Kelsey Wilcox*

I have read, initialed, and agree to the Terms and Conditions stated above.

10/22/2020

SIGNATURE

DATE

**Additional Event Details**

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

Are you requesting any roads to be blocked off for your event? If yes, please list below and denote specific block-off areas on a map or sketch. (Note: Road blocking is only authorized by the Harker Heights Police Department, which can be reached at 254-953-5400. It is the responsibility of the renter to obtain approval from HH-PRD.)

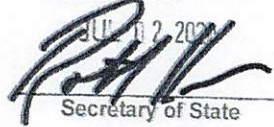




GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

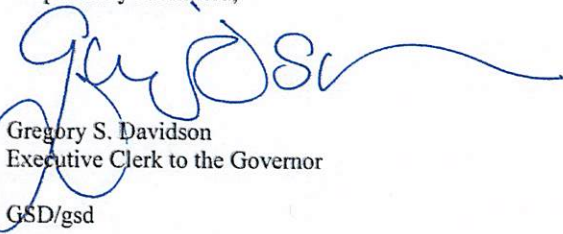
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation amending Executive Order GA-28 relating to mass gatherings in Texas during the disaster posed by the novel coronavirus (COVID-19).

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, I issued Executive Order GA-28 on June 26, 2020, relating to the targeted response to the COVID-19 disaster as part of the reopening of Texas; and

WHEREAS, additional measures are needed to slow the spread of COVID-19 in Texas;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order;
12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group;

This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

Handwritten signature of Greg Abbott in black ink.

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020



ATTESTED BY:



---

RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020



✓ CHECKLIST FOR OUTDOOR EVENTS

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

The virus that causes COVID-19 can be spread to others by infected persons who have few or no symptoms. Even if an infected person is only mildly ill, the people they spread it to may become seriously ill or even die, especially if that person is 65 or older with pre-existing health conditions that place them at higher risk. Because of the hidden nature of this threat, everyone should rigorously follow the practices specified in these protocols, all of which facilitate a safe and measured reopening of Texas. The virus that causes COVID-19 is still circulating in our communities. We should continue to observe practices that protect everyone, including those who are most vulnerable.

Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, Loss of taste or smell, Diarrhea, Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, Known close contact with a person who is lab confirmed to have COVID-19





## OUTDOOR EVENTS: Page 2 of 2

- Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- Clean and sanitize any items before and after use.

### Local approval factors:

- Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
  - The overall number of projected attendees;
  - The likelihood of individuals over the age of 65 attending;
  - The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
  - The level of transmission in the county.
- Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-8

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FROM BUNK MORRIS FOR A FACILITY RENTAL AT THE COMMUNITY PARK PAVILION FOR AN EVENT IN EXCESS OF TEN (10) PEOPLE ON SATURDAY, DECEMBER 5, 2020, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

On July 2, 2020, Governor Greg Abbott issued a proclamation giving Mayors and County Judges the ability to impose restrictions on some outdoor gatherings over ten (10) people. Outdoor gatherings in excess of ten (10) people that is not specifically granted by the Governor, is prohibited unless the Mayor of the City in which the gathering is held, (or the County Judge in the case of a gathering in an unincorporated area) approves the gathering, and such approval can be made subject to certain conditions or restrictions.

In accordance with this directive, Bunk Morris is seeking approval for a request to rent the Community Park Pavilion on Saturday, December 5, 2020, from 12:00 p.m. to 6 p.m. for a group of approximately 50 people.

The renter was provided a written notification update on gatherings of more than ten (10) at the time the application was completed by Parks and Recreation Staff.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove the request for an Outdoor Facility Rental at the Community Park Pavilion for an event in excess of ten (10) people on Saturday, December 5, 2020.
2. Any other action desired.

**ATTACHMENTS:**

1. Notification Update on Gatherings More Than 10
2. Application for Facility Rental – Parks & Recreation
3. Governor's Proclamation Amending Executive Order GA-28
4. Texas Department of State Health Services Checklist for Outdoor Events





Received 7/15/2020

The City of Harker Heights  
305 Miller's Crossing  
Harker Heights, Texas 76748  
Phone: 254/953-5600  
Fax: 254/953-5614

Effective as of July 3, 2020

#### NOTIFICATION UPDATE ON GATHERINGS MORE THAN 10

Mayor  
Spencer H. Smith

Governor Greg Abbott has issued Executive Order 29 requiring all Texans to wear a face covering over the nose and mouth in public spaces, with few exceptions, in counties with 20 or more positive COVID-19 cases.

Mayor Protem  
Michael Blomquist

The Governor also issued a proclamation giving mayors and county judges the ability to impose restrictions on some outdoor gatherings of over 10. An excerpt of the proclamation is below:

City Council  
Jennifer McCann  
Jackeline Soriano Fountain  
John Reider  
Jody Nicholas

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby amend paragraph numbers 5 and 12 of Executive Order GA-28, effective at 12:01 p.m. on July 3, 2020, to read as follows:

5. For any outdoor gathering in excess of 10 people, other than those set forth above in paragraph numbers 1, 2, or 4, the gathering is prohibited unless the mayor of the city in which the gathering is held, or the county judge in the case of a gathering in an unincorporated area, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with this executive order.

12. Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people shall not be in groups larger than 10 and shall maintain six feet of social distancing from those not in their group.

All special events and rentals must be approved by the Harker Heights City Council. The requests are subject to the availability of the regular scheduled City Council meetings.

# HARKER HEIGHTS PARKS & RECREATION

## Application for Outdoor Facility Rental

Proposed Date of the Event: Sat 12/5/2020 Start Time: 12pm End Time: 6pm

Event Name & Description: PAGA Family Christmas Gathering \*Include set up & tear down during your time slot

**Proposed Locations:**

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4 hour period)	Rental Deposit
	Carl Levin Park Pavilion 400 Millers Crossing	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Carl Levin Park Amphitheater 400 Millers Crossing	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non Resident: \$65	\$100
	Carl Levin Park Gazebo 400 Millers Crossing	N/A	8-10	N/A	Resident: \$15 Non Resident: \$25	N/A
✓	Harker Heights Community Park Pavilion 1501 E FM 2410	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non Resident: \$100	Resident: \$100 Non Resident: \$200
	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non Resident: \$65	\$100
	Purser Park Pavilion B 100 W Mountain Lion Road	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non Resident: \$65	\$100

\*\*Current proof of residency required to receive resident discount\*\*

Name: Bunk Morris Phone: (254) 681-1572 (cell) Alt Phone: ( )

Street Address: 2507 Limestone Trail City: Harker Heights State: TX Zip: 76548

Deposit Return Payable To (if different than above): \_\_\_\_\_

Approximate Attendance: 50 Approximate # of Vehicles: 25

Inflatables or Jumping Equipment: (Must meet with Grounds Crew (2) days prior)  Yes  No

Water Needed:  Yes  No If Yes, in what quantity: \_\_\_\_\_

Driving on Park Grounds:  Yes  No If Yes, for what purpose: \_\_\_\_\_

Amplified Sound:  Yes  No  
If Yes, describe sound amplification usage and equipment (type used, wattage, etc.): \_\_\_\_\_

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Reviewed By / Date:	Rental Amt Due:	Deposit Due:	Walk-through Date/Time/Location:
Approved By / Date: (All runs/walks will be approved by the Parks Director, PD, and FD)	Date Rental Paid:	Date Deposit Paid:	(Circle) Cash Credit #- Last 4 Check #

Date: \_\_\_\_\_ Amount \$ \_\_\_\_\_ Reason: \_\_\_\_\_



<p><b>PARK RULES</b></p> <p>_____ (Initial)</p>	<p>If you require assistance during your event you may contact HHPD during business hours (254-953-5457) or the Police Department during non-business hours (254-953-5400). There is <b>NO DRIVING ON PARK GROUNDS</b> permitted. Approval must be granted by a Parks and Recreation representative. Failure to comply will result in the forfeiture of your deposit. Alcoholic beverages are not allowed <b>AT ANY TIME</b> on City Park grounds. All trash must be disposed of properly at the conclusion of each permit period and carried to the dumpster. Fires are allowed in barbecue pits only. Fires must be extinguished properly before leaving park area. Animals must be on a leash and all pet waste must be disposed of properly. The responsibility for crowd control / discipline is assumed by the permit holder. All proceedings shall be orderly.</p>
<p><b>PARKING</b></p> <p>_____ (Initial)</p>	<p>For large groups of 150 or more, parking may become a problem. There is to be <b>NO PARKING</b> in the fire or emergency vehicle lanes. Parking in fire lanes, on grass, or athletic field boundaries will be ticketed.</p>
<p><b>GROUND</b></p> <p>_____ (Initial)</p>	<p>Inflatables may be set up for parties or events, but require a meeting two (2) days prior with our Grounds Supervisor to ensure proper placement and no interference with underground electrical or irrigation lines.</p>
<p><b>LARGE GROUPS</b></p> <p>_____ (Initial)</p>	<p>Large groups of 200 and up must have a separate and clearly designated First Aid Station, so that in the event of an injury or emergency, the Police Department and Paramedics will be able to access and assist the victim(s). In order to receive deposit refund, area must be clean and trash must be bagged and left in the provided trash cans.</p>
<p><b>SOUND PERMIT</b></p> <p>_____ (Initial)</p>	<p>Any group using amplified noise, such as speaker/microphone system, must reference Chapter 95: Noise regulations</p>
<p><b>CANCELLATIONS/REFUNDS</b></p> <p>_____ (Initial)</p>	<p>Patron must cancel event 24 hours prior in order to receive a refund. There will be a \$5.00 administrative fee taken for processing. In the case of rain, patron must cancel event prior to the event start time. All refunds (including deposit refunds) take 2-3 weeks for processing and will be returned in check form to the address listed on the first page. The facility requested is considered reserved upon receipt of this application and required payment. However, the City has 48 hours to notify the patron if there are any perceived conflicts with the event scheduled, once staff has reviewed all aspects of the request. The City of Harker Heights reserves the right to cancel or reschedule facility rentals at any time.</p>
<p><b>CONDITIONS OF PERMIT</b></p> <p>_____ (Initial)</p>	<p>The use of City property is subject to all pertinent State Laws, City Ordinances, Health Department Regulations and Facility Rules. The holder of this permit will be held responsible for damage to City property resulting from use herein. The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees and agents, and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

I have read, initialed, and agree to the Terms and Conditions stated above.

*Bunkey M...*

SIGNATURE

10/13/2020

DATE

### Additional Event Details

Are you requesting the use of any additional space aside from the structure itself marked on Page 1 (e.g., open grass areas, walking trails, parking lots, basketball court, pond, etc.)? If yes, please explain in detail and attach map or sketch to this application.

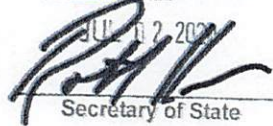
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GOVERNOR GREG ABBOTT

July 2, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020  
  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
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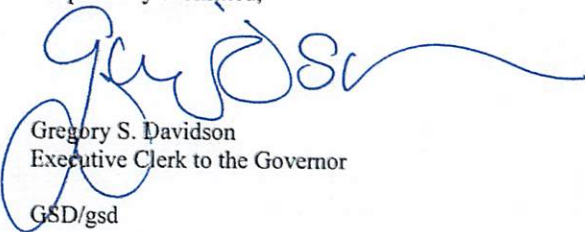
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The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment



**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

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WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

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This proclamation shall remain in effect and in full force for as long as Executive Order GA-28 is in effect and in full force, unless otherwise modified, amended, rescinded, or superseded by the governor.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of July, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30pm O'CLOCK

JUL 02 2020

ATTESTED BY:

  
\_\_\_\_\_  
RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:30 PM O'CLOCK

JUL 02 2020





✓ CHECKLIST FOR OUTDOOR EVENTS

Outdoor events, such as July 4 celebrations and other large outdoor gatherings with estimated attendance of 10 or more, are permissible to hold in Texas. The county judge or the mayor, as appropriate, in coordination with the local public health authority, must give approval to such an outdoor gathering or event prior to it being held.

All individuals must wear a face covering (over the nose and mouth) wherever it is not feasible to maintain six feet of social distancing from another individual not in the same household or, for those engaging in physical activities outdoors, wherever the individual is not able to maintain a safe physical distance from others not in the same household.

The following are the minimum recommended health protocols for all outdoor events in Texas. These minimum health protocols are not a limit on the health protocols that individuals may adopt. Individuals are encouraged to adopt additional protocols consistent with their specific needs and circumstances to help protect the health and safety of all Texans.

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Please note, public health guidance cannot anticipate every unique situation. Individuals should stay informed and take actions based on common sense and wise judgment that will protect health and support economic revitalization.

Health protocols for individuals:

- Individuals aged 65 or older are at a higher risk of COVID-19. To the extent possible, avoid contact within 6 feet with individuals aged 65 and older. Individuals aged 65 and older should stay at home as much as possible. Large gatherings, even those held outside, pose a significant risk to this population.
Individuals may not be in a group larger than 10 individuals (including those within the individual's household). Within these groups, individuals should, to the extent possible, minimize in-person contact with others not in the individual's household. Minimizing in-person contact includes maintaining 6 feet of separation from individuals. When maintaining 6 feet of separation is not feasible, other methods should be utilized to slow the spread of COVID-19, such as washing or sanitizing hand frequently, and avoiding sharing utensils or other common objects.
Individuals should maintain 6 feet of separation from others outside the individual's group. A group is defined as no more than 10 persons including the members of the household and those persons who traveled together to the event.
Self-screen before going to an outdoor event for any of the following new or worsening signs or symptoms of possible COVID-19:
Cough, Shortness of breath or difficulty breathing, Chills, Repeated shaking with chills, Muscle pain, Headache, Sore throat, Loss of taste or smell, Diarrhea, Feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit, Known close contact with a person who is lab confirmed to have COVID-19

## OUTDOOR EVENTS: Page 2 of 2

- Wash or disinfect hands after any interaction with employees, other individuals, or items at the outdoor event.
- Clean and sanitize any items before and after use.

### Local approval factors:

- Local approval for large outdoor gatherings (those with an estimated attendance exceeding 10 individuals) is appropriate in this instance because a statewide standard is unable to take into account the various factors needed to ensure such a gathering in varied locations is safe and will minimize the spread of COVID-19. Further, business parity is not an issue at large outdoor events.
- In evaluating large gatherings (those with an estimated attendance exceeding 10 individuals), the county judge or the mayor, as applicable, should consider the following factors:
  - The overall number of projected attendees;
  - The likelihood of individuals over the age of 65 attending;
  - The density of the forum and the ability to ensure social distancing of 6 feet between individuals; and
  - The level of transmission in the county.
- Gatherings of less than 10 individuals may proceed consistent with all the health protocols above without approval of the county judge, local health authority, or mayor, as applicable.





## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-9

---

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FROM BUNK MORRIS AND THE PAN AMERICAN GOLF ASSOCIATION FOR A FACILITY RENTAL AT THE HARKER HEIGHTS COMMUNITY PARK PAVILION ON SATURDAY, DECEMBER 5, 2020, AND TAKE THE APPROPRIATE ACTION.**

**EXPLANATION:**

The Pan American Golf Association is hosting their member Christmas party at the Community Park Pavilion on Saturday, December 5, 2020 and would like to request alcohol services for the event. The event will be BYOB and alcohol will not be sold. The event will have approximately 50 attendees.

The use of alcohol within City parks is not allowed through department ordinance policy and can only be granted by the permission of City Council.

**STAFF RECOMMENDATION:**

None.

**ACTION BY CITY COUNCIL:**

1. Motion to Approve/Disapprove the request for alcohol services from Bunk Morris and the Pan American Golf Association for their facility rental at the Community Park Pavilion on Saturday, December 5, 2020.
2. Any other action desired.

**ATTACHMENTS:**

1. Application for Facility Rental – Parks & Recreation
2. Request for Alcohol Services – Parks & Recreation

**CITY OF HARKER HEIGHTS PARKS & RECREATION  
REQUEST FOR ALCOHOL SERVICES**

I, Bunkley Morris, representative agent of the following business or organization:  
KILLEEN P.A.G.A., request the presence of alcohol at the following function:

Name of Event: CHRISTMAS PARTY

Date & Time: DECEMBER 5, 2020 1 PM - 4 PM

Purpose of Event:  
CHRISTMAS Party For MEMBERS OF P.A.G.A.

Types of alcohol being served: PATRONS MAY Bring THEIR OWN Beverage

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

Who will be serving the drinks?      NA

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

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

**INDEMNIFICATION**

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

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

IN WITNESS WHEREOF, we have affixed our signature, this 3 day of NOVEMBER, 2020.

**CITY OF HARKER HEIGHTS**

ACTIVITIES CENTER

Contact: Bunkley Morris  
Address: 2507 LIMESTONE TRAIL Harker Heights  
Telephone: 254-681-1572  
Email: bunkmorris@gmll.com

By: Bunkley Morris  
Signature of Authorized Agent

By: \_\_\_\_\_  
Director/ or designee

For Official Use Only
Date presented to City Council: _____
Approved by City Council: <input type="checkbox"/>
Declined by City Council: <input type="checkbox"/>



## FACT SHEET FOR ALCOHOL APPLICATION

To host an event with alcohol at the City of Harker Heights Activities Center, simply submit the below application to the Activities Coordinator for City Council approval before the first and third Friday of each month. Be prepared to appear at a City Council meeting (second or fourth Thursday) to answer any questions they may have regarding your event.

If approved, please follow the below steps for TABC compliance:

If you are a civic organization and are hosting a free event with alcoholic beverages, you do not need a TABC Temporary Permit.

If you are a civic organization that is hosting an event where patrons are charged for entrance, food & beverages, specific activities, etc., you must:

1. Obtain a TABC Temporary Permit or,
2. Contract out a caterer or restaurant with proper TABC licensing.

To obtain a TABC Temporary Permit:

1. Print from the website: [http://www.tabc.state.tx.us/forms/licensing\\_packets.asp](http://www.tabc.state.tx.us/forms/licensing_packets.asp) or,
2. Apply in person to:  
**TABC Belton Outpost**  
111 E Water St.  
Belton, TX 76513  
(254) 933-5368  
Fax: (254) 933-5369
3. Complete the TABC Routing Sheet

To avoid processing delays, the application should be submitted five business days in advance of an event.

### **Can I sell or serve alcoholic beverages at a fundraising event?**

TABC [Marketing Practice Bulletin MPB-026](#) includes a summary of various options available to charitable, religious or civic organizations wishing to serve alcoholic beverages at fundraising events. This bulletin discusses the receipt of donations by charitable, religious or civic organizations from members of the alcoholic beverage industry.

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### **Can I give away free alcoholic beverages without holding a TABC permit?**

It is legal to provide free alcoholic beverages without a permit. However, to be truly "free," it must be available to any adult who walks in the door and requests it. If alcoholic beverages are only available to paying customers, the assumption is that the cost of the alcohol is included in the price of the service. This constitutes a sale of alcoholic beverages, and a TABC permit would be required. When you provide the alcoholic beverage, there cannot be any expectation of receiving money. You cannot ask for a "donation" or "tip." If the drinks will only be available to paying guests, then you will need a permit. Some examples: A wedding reception with free drinks is really free. A boutique that serves free wine while you shop, even if you don't buy anything, is really free. A nail salon with a "free" drink when you pay for a manicure is not really free. If you buy tickets to attend a charity ball and they serve "free" drinks, those are not really free. If a tip jar sits next to a keg of beer expecting "donations," the beer would not be considered free.





# CITY COUNCIL MEMORANDUM

## AGENDA ITEM # XII-1

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**RECEIVE AND DISCUSS THE FY 2019 – 2020 FOURTH QUARTER INVESTMENT REPORT.**

**BACKGROUND:**

Attached is the investment report for the fourth quarter of fiscal year 2020. The total amount invested as of September 30, 2020, was \$23,703,539.16. This is \$2,614,069.43 less than the \$26,317,608.59 that was invested as of September 30, 2019.

As shown in the graph below, total investments decreased by \$5,093,977.81 from the third quarter of the 2020 fiscal year. The decrease in the General and Sanitation Funds can be attributed to routine operating expenses and decreases in the Utility, Drainage and Debt Service Funds are the result of debt payments made in August 2020. The decrease in the Restricted Court Fund is due to budgeted transfers planned for the fiscal year. The Capital Improvement Fund projects causing most of the expenses during the last quarter of FY 2020 are the Warrior's Path Reconstruction and the Fire Station #2 Renovation / Remodel.

Description	30-Jun-20	30-Sep-20	Incr (Decr)
01 General Fund	14,096,446.09	13,553,385.22	(543,060.87)
02 Utility Fund	2,943,761.03	2,213,537.78	(730,223.25)
03 Drainage Fund	364,179.85	37,847.41	(326,332.44)
04 Sanitation Fund	269,006.82	147,478.79	(121,528.03)
05 Capital Improvement Fund	8,335,650.89	7,123,248.68	(1,212,402.21)
06 Debt Service Fund	2,215,811.27	98,611.20	(2,117,200.07)
11 Hotel / Motel Fund	330,449.15	348,649.24	18,200.09
12 Restricted Court Fund	242,211.87	180,780.84	(61,431.03)
<b>Total / Average</b>	<b>28,797,516.97</b>	<b>23,703,539.16</b>	<b>(5,093,977.81)</b>

The Investment Portfolio by Maturity Range, page 5 of the attached Investment Report, shows that most of the City's investments (54.20%) will mature within one month of September 30, 2020. Included in this category are the City's checking accounts, pool accounts, and two Certificates of Deposit which matured on October 9, 2020. There is a Certificate of Deposit Account Registry Service (CDARS) investment and one Certificate of Deposit that have maturity dates within one to two years of September 30, 2020; the interest rates for those are 1.40% and 1.75% respectively. As a comparison, the Treasury Bill Rate for a one and two-year investment in September 2020 was 0.13%.

**RECOMMENDATION:**

None.

**ACTION BY COUNCIL:**

1. Any other action desired.

**ATTACHMENTS:**

1. Investment Report – September 30, 2020.



City of Harker Heights  
 Portfolio Management - Portfolio Summary  
 As of 9/30/2020

Description	Yield	Face Amount/Shares	Cost Value	Market Value	Days To Maturity	% of Portfolio
CDARS Program	1.847	5,436,599.36	5,436,599.36	5,436,599.36	125	22.95
Certificate of Deposit	1.191	5,806,371.41	5,806,371.41	5,817,882.41	221	24.51
Checking Accounts	1.496	7,694,451.94	7,694,451.94	7,694,451.94	1	32.48
Pool Accounts	0.207	4,754,605.45	4,754,605.45	4,754,605.45	1	20.06
<b>Total / Average</b>	<b>1.243</b>	<b>23,692,028.16</b>	<b>23,692,028.16</b>	<b>23,703,539.16</b>	<b>83</b>	<b>100.00</b>

Interest Income Earned Through September 30, 2020: \$495,508.22  
 Average Daily Balance Through September 30, 2020: \$29,125,623.27

*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).*

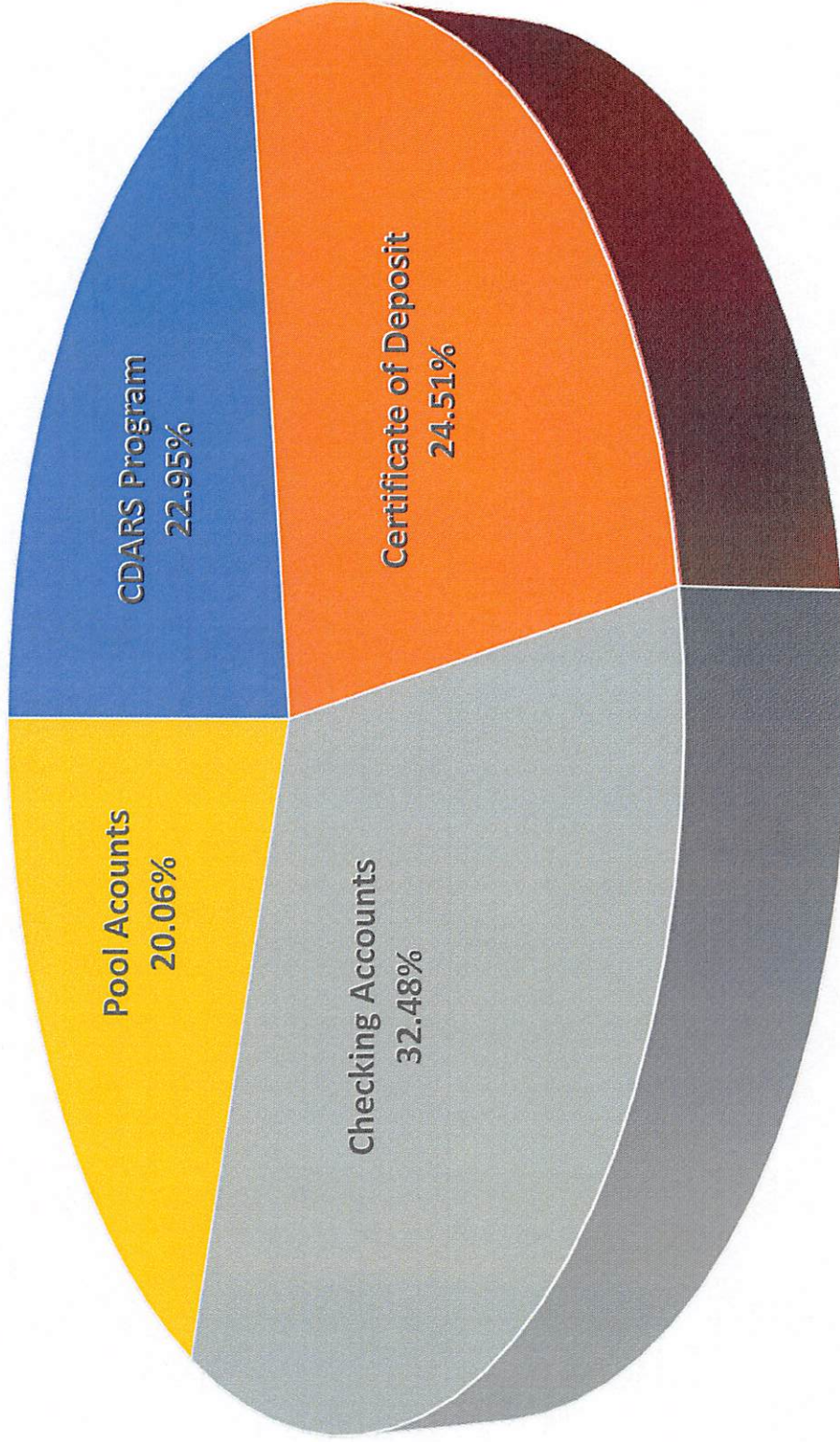
  
 Ayesha Lealifée, Finance Director

11/3/2020

  
 David R. Mitchell, City Manager

11/3/2020

# PORTFOLIO HOLDINGS DISTRIBUTION BY ASSET CLASS





City of Harker Heights  
 Quarterly Investment Report - Portfolio Detail with Accrued Interest  
 Begin Date: 6/30/2020, End Date: 9/30/2020

Description	Asset Category	Beginning Market Value	Total Deposits / Purchases	Total Withdrawals / Maturities	Change in Market Value	Ending Market Value	Interest / Dividends	Accrued Interest Earned During Period	Maturity Date	Yield @ 06/30/2020	Yield @ 09/30/2020
<b>CDARS Program</b>											
First National Bank Texas - Killeen, TX 1.34 12/3/	01-100-208 CDARS General Fund Reserve [UR]	1,032,322.61	3,492.51	0.00	0.00	1,035,815.12	3,492.51	3,492.51	12/03/2020	1.340	1.340
First National Bank Texas - Killeen, TX 1.34 12/3/	05-100-231 CDARS Series 2018 Operating [R]	1,032,322.63	3,492.50	0.00	0.00	1,035,815.13	3,492.50	3,492.50	12/03/2020	1.340	1.340
First National Bank Texas - Killeen, TX 2.38 1/7/2	01-100-210 CDARS General Fund [UR]	2,589,254.21	15,578.75	0.00	0.00	2,604,832.96	15,578.75	15,578.75	01/07/2021	2.380	2.380
First National Bank Texas - Killeen, TX 1.4 10/14/	05-100-210 CDARS Capital Projects [UR]	757,458.60	2,677.55	0.00	0.00	760,136.15	2,677.55	2,677.55	10/14/2021	1.400	1.400
Sub Total/Average CDARS Program		5,411,358.05	25,241.31	0.00	0.00	5,436,599.36	25,241.31	25,241.31		1.846	1.847
<b>Certificate of Deposit</b>											
Level One Bank - Farmington Hills, MI 1.6 7/14/202	01-100-216 CD General Fund [UR]	245,127.40	0.00	245,000.00	(127.40)	0.00	1,954.63	150.36	07/14/2020	1.600	1.600
Synovus Bank - Columbus, GA 1.6 7/17/2020	01-100-216 CD General Fund [UR]	245,156.80	0.00	245,000.00	(156.80)	0.00	1,954.63	182.58	07/17/2020	1.600	1.600
BMW Bank North America - Salt Lake City, UT 2.65 8	01-100-216 CD General Fund [UR]	250,722.50	0.00	250,000.00	(722.50)	0.00	3,303.42	744.17	08/10/2020	2.650	2.650
Hanmi Bank - Los Angeles, CA 2.7 8/10/2020	05-100-221 CD Capital Projects [UR]	250,717.50	0.00	250,000.00	(717.50)	0.00	1,128.08	758.22	08/10/2020	2.700	2.700
Merrick Bank - South Jordan, UT 2.7 8/10/2020	01-100-216 CD General Fund [UR]	249,714.63	0.00	249,000.00	(714.63)	0.00	1,123.56	755.18	08/10/2020	2.700	2.700
Oriental Bank - San Juan, PR 2.75 8/10/2020	05-100-221 CD Capital Projects [UR]	250,750.00	0.00	250,000.00	(750.00)	0.00	3,428.08	772.26	08/10/2020	2.750	2.750
BBVA - Temple, TX 2.8 12/2020	05-100-221 CD Capital Projects [UR]	1,040,803.45	0.00	1,040,803.45	0.00	0.00	5,245.49	2,451.00	08/11/2020	2.000	2.000
Bank of Lexington Inc - Lexington, KY 2.75 8/14/20	01-100-216 CD General Fund [UR]	250,825.00	0.00	250,000.00	(825.00)	0.00	1,130.14	847.61	08/14/2020	2.750	2.750
BancorpSouth Bank - Harker Heights, TX 2.35 8/27/2	05-100-233 CD Series 2019 Operating	1,029,837.53	0.00	1,029,837.53	0.00	0.00	5,768.50	3,845.67	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]	251,120.00	0.00	250,000.00	(1,120.00)	0.00	1,186.65	1,167.81	08/31/2020	2.750	2.750
BBVA - Temple, TX 1.55 9/7/2020	01-100-216 CD General Fund [UR]	1,509,686.68	3,904.98	1,513,591.66	0.00	0.00	5,893.35	4,418.83	09/07/2020	1.550	1.550
Farmers State Bank - Waterloo, IA 1.75 10/9/2020	05-100-221 CD Capital Projects [UR]	200,936.00	0.00	200,936.00	(936.00)	0.00	2,007.20	882.19	10/09/2020	1.750	1.750
VCC Bank - Richmond, VA 1.75 10/9/2020	05-100-221 CD Capital Projects [UR]	200,894.00	0.00	200,894.00	(894.00)	0.00	2,007.20	882.19	10/09/2020	1.750	1.750
BBVA - Temple, TX 1.52 11/9/2020	02-100-215 CD Utility Fund [UR]	754,749.31	2,889.18	0.00	0.00	757,638.49	2,889.18	2,891.70	11/09/2020	1.520	1.520
Bank of the West - San Francisco, CA 1.55 2/18/202	01-100-216 CD General Fund [UR]	247,013.90	0.00	247,013.90	(70.30)	0.00	246,264.20	957.18	02/18/2021	1.550	1.550
First General Bank - Rowland Heights, CA 1.5 2/19/	01-100-215 CD General Fund Reserve [UR]	246,945.30	0.00	246,945.30	(70.30)	0.00	246,225.00	926.29	02/19/2021	1.500	1.500
BBVA - Temple, TX 0.2 2/24/2021	05-100-235 CD Series 2018 Operating	0.00	500,084.94	0.00	0.00	500,084.94	84.94	101.38	02/24/2021	0.200	0.200
Morgan Stanley Bank - Salt Lake City, UT 1.75 4/19	05-100-221 CD Capital Projects [UR]	250,208.53	0.00	250,208.53	(208.53)	0.00	249,289.69	1,089.51	04/19/2021	1.750	1.750
CommunityBank TX - Beaumont, TX 1.7 4/22/2021	05-100-221 CD Capital Projects [UR]	252,144.87	0.00	252,144.87	(144.87)	0.00	251,273.37	1,066.94	04/22/2021	1.700	1.700
BBVA - Temple, TX 1.55 7/23/2021	01-100-216 CD General Fund [UR]	1,509,686.68	5,893.35	0.00	0.00	1,515,580.03	5,893.35	5,895.10	07/23/2021	1.550	1.550
BBVA - Temple, TX 0.2 8/24/2021	02-100-216 CD Meter Fund [R]	0.00	400,067.95	0.00	0.00	400,067.95	67.95	81.10	08/24/2021	0.200	0.200
BancorpSouth Bank - Harker Heights, TX 0.5 8/28/20	01-100-216 CD General Fund [UR]	0.00	1,000,000.00	0.00	0.00	1,000,000.00	0.00	452.05	08/28/2021	0.500	0.500
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2	05-100-221 CD Capital Projects [UR]	252,063.50	0.00	252,063.50	(60.76)	0.00	251,302.74	1,089.51	10/18/2021	1.750	1.750
Sub Total/Average Certificate of Deposit		9,489,103.58	1,912,840.40	5,573,232.64	(10,828.93)	5,817,882.41	43,927.37	32,408.83		1.893	1.191
<b>Checking Accounts</b>											
BancorpSouth - Checking MM	01 General Fund	1,330,573.71	56,253,599.54	53,479,663.36	0.00	4,104,509.89	9,383.12	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	02 Utility Fund	1,795,726.20	16,755,916.05	17,693,156.66	0.00	858,485.59	5,584.24	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	03 Drainage Fund	259,815.67	1,410,898.34	1,662,259.72	0.00	8,454.29	343.36	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	04 Sanitation Fund	142,208.42	1,721,317.16	1,792,883.09	0.00	70,642.49	386.42	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	05 Capital Improvement Fund	1,096,619.04	12,647,618.25	11,256,126.66	0.00	2,488,110.63	7,405.51	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	06 Debt Service Fund	33,769.50	9,144,811.27	9,147,690.40	0.00	30,890.37	257.49	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	11 Hotel / Motel Fund	45,817.49	42,054.51	23,939.26	0.00	63,932.74	209.61	N/A	N/A	1.500	1.500
BancorpSouth - Checking MM	12 Restricted Court Fund	62,910.00	146,088.47	170,588.47	10,006.84	48,416.84	255.29	N/A	N/A	1.500	1.500
Subtotal BancorpSouth - Checking MM		4,767,440.03	98,122,303.59	95,226,307.62	10,006.84	7,673,442.84	23,825.04	N/A	N/A	1.500	1.500
First National Bank Texas - Checking MM	02 Utility Fund	32,105.11	23,903.99	35,000.00	0.00	21,009.10	6.61	N/A	N/A	0.080	0.080
Sub Total/Average Checking Accounts		4,799,545.14	98,146,207.58	95,261,307.62	10,006.84	7,694,451.94	23,831.65	N/A	N/A	1.491	1.496



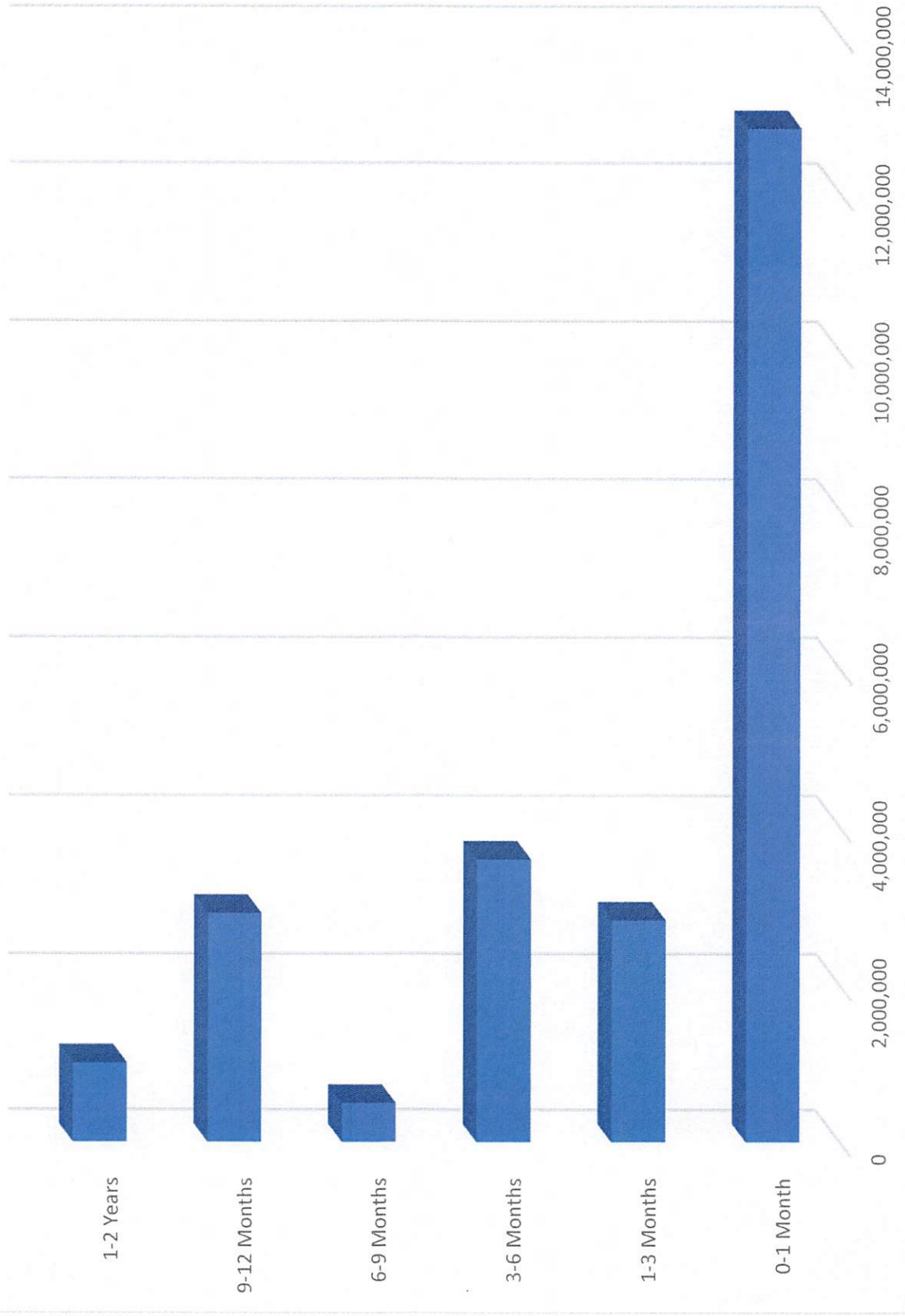
Description	Asset Category	Beginning Market Value	Total Deposits / Purchases	Total Withdrawals / Maturities	Change in Market Value	Ending Market Value	Interest / Dividends	Accrued Interest Earned During Period	Maturity Date	Yield @ 06/30/2020	Yield @ 09/30/2020
Pool Accounts											
LoneStar LGIP	01 General Fund	529,293.13	157.76	0.00	0.00	529,450.89	157.76	N/A	N/A	0.190	0.090
LoneStar LGIP	02 Utility Fund	142,730.72	28.80	130,000.00	0.00	12,759.52	28.80	N/A	N/A	0.190	0.090
LoneStar LGIP	06 Debt Service Fund	4,782.95	1.42	0.00	0.00	4,784.37	1.42	N/A	N/A	0.190	0.090
LoneStar LGIP	11 Hotel / Motel Fund	284,631.66	84.84	0.00	0.00	284,716.50	84.84	N/A	N/A	0.190	0.090
<b>Subtotal LoneStar LGIP</b>		<b>961,438.46</b>	<b>272.82</b>	<b>130,000.00</b>	<b>0.00</b>	<b>831,711.28</b>	<b>272.82</b>	<b>N/A</b>	<b>N/A</b>	<b>0.190</b>	<b>0.090</b>
Texas Class LGIP	01 General Fund	3,607,202.69	186,702.75	1,525,000.00	0.00	2,268,905.44	2,621.68	N/A	N/A	0.590	0.251
Texas Class LGIP	02 Utility Fund	123,685.58	97.21	30,000.00	0.00	93,782.79	97.21	N/A	N/A	0.590	0.251
Texas Class LGIP	05 Capital Improvement Fund	1,427,843.44	1,063.09	529,000.00	0.00	895,906.53	1,063.09	N/A	N/A	0.590	0.251
Texas Class LGIP	06 Debt Service Fund	2,143,204.52	183,144.35	2,296,981.07	0.00	29,367.80	1,064.55	N/A	N/A	0.590	0.251
<b>Subtotal Texas Class LGIP</b>		<b>7,301,936.23</b>	<b>371,007.40</b>	<b>4,380,981.07</b>	<b>0.00</b>	<b>3,291,962.56</b>	<b>4,846.53</b>	<b>N/A</b>	<b>N/A</b>	<b>0.590</b>	<b>0.251</b>
TexasStar LGIP	01 General Fund	1,800.85	0.84	0.00	0.00	1,801.69	0.84	N/A	N/A	0.197	0.134
TexasStar LGIP	02 Utility Fund	94,764.11	30.23	25,000.00	0.00	69,794.34	30.23	N/A	N/A	0.197	0.134
TexasStar LGIP	03 Drainage Fund	104,364.18	28.94	75,000.00	0.00	29,393.12	28.94	N/A	N/A	0.197	0.134
TexasStar LGIP	04 Sanitation Fund	126,798.40	37.90	50,000.00	0.00	76,836.30	37.90	N/A	N/A	0.197	0.134
TexasStar LGIP	05 Capital Improvement Fund	293,051.80	121.70	6,000.00	0.00	287,173.50	121.70	N/A	N/A	0.197	0.134
TexasStar LGIP	06 Debt Service Fund	34,054.30	14.36	500.00	0.00	33,568.66	14.36	N/A	N/A	0.197	0.134
TexasStar LGIP	12 Restricted Court Fund	179,301.87	62.13	47,000.00	0.00	132,364.00	62.13	N/A	N/A	0.197	0.134
<b>Subtotal TexasStar LGIP</b>		<b>834,135.51</b>	<b>296.10</b>	<b>203,500.00</b>	<b>0.00</b>	<b>630,931.61</b>	<b>296.10</b>	<b>N/A</b>	<b>N/A</b>	<b>0.197</b>	<b>0.134</b>
<b>Sub Total / Average Pool Accounts</b>		<b>9,097,510.20</b>	<b>371,576.32</b>	<b>4,714,481.07</b>	<b>0.00</b>	<b>4,754,605.45</b>	<b>5,415.45</b>	<b>0.00</b>	<b>N/A</b>	<b>0.512</b>	<b>0.207</b>
<b>Total / Average</b>		<b>28,797,516.97</b>	<b>100,455,865.61</b>	<b>105,549,021.33</b>	<b>(822.09)</b>	<b>23,703,539.16</b>	<b>98,415.78</b>	<b>57,650.14</b>		<b>1.380</b>	<b>1.243</b>



City of Harker Heights  
Investment Portfolio - by Maturity Range (all)  
As of 9/30/2020

Description	Maturity Date	Days To Maturity	Yield	Face Amount/Shares	Cost Value	Market Value	% of Portfolio
<b>0-1 Month</b>							
BancorpSouth - Checking MIM	N/A	1	1.500	7,673,442.84	7,673,442.84	7,673,442.84	32.37
First National Bank Texas - Checking MIM	N/A	1	0.080	21,009.10	21,009.10	21,009.10	0.09
LoneStar LGIP	N/A	1	0.090	831,711.28	831,711.28	831,711.28	3.51
Texas Class LGIP	N/A	1	0.251	3,291,962.56	3,291,962.56	3,291,962.56	13.89
TexStar LGIP	N/A	1	0.134	630,931.61	630,931.61	630,931.61	2.66
VCC Bank - Richmond, VA 1.75 10/9/2020	10/09/2020	9	1.750	200,000.00	200,000.00	200,084.00	0.84
Farmers State Bank - Waterloo, IA 1.75 10/9/2020	10/09/2020	9	1.750	200,000.00	200,000.00	200,072.00	0.84
<b>Total / Average 0-1 Month</b>		<b>1</b>	<b>1.027</b>	<b>12,849,057.39</b>	<b>12,849,057.39</b>	<b>12,849,213.39</b>	<b>54.20</b>
<b>1-3 Months</b>							
BBVA - Temple, TX 1.52 11/9/2020	11/09/2020	40	1.520	757,638.49	757,638.49	757,638.49	3.20
First National Bank Texas - Killeen, TX 1.34 12/3/	12/03/2020	64	1.340	1,035,815.12	1,035,815.12	1,035,815.12	4.37
First National Bank Texas - Killeen, TX 1.34 12/3/	12/03/2020	64	1.340	1,035,815.13	1,035,815.13	1,035,815.13	4.37
<b>Total / Average 1-3 Months</b>		<b>58</b>	<b>1.388</b>	<b>2,829,268.74</b>	<b>2,829,268.74</b>	<b>2,829,268.74</b>	<b>11.94</b>
<b>3-6 Months</b>							
First National Bank Texas - Killeen, TX 2.38 1/7/2	01/07/2021	99	2.380	2,604,832.96	2,604,832.96	2,604,832.96	10.99
Bank of the West - San Francisco, CA 1.55 2/18/202	02/18/2021	141	1.550	245,000.00	245,000.00	246,264.20	1.04
First General Bank - Rowland Heights, CA 1.5 2/19/	02/19/2021	142	1.500	245,000.00	245,000.00	246,225.00	1.04
BBVA - Temple, TX 0.2 2/24/2021	02/24/2021	147	0.200	500,084.94	500,084.94	500,084.94	2.11
<b>Total / Average 3-6 Months</b>		<b>111</b>	<b>1.960</b>	<b>3,594,917.90</b>	<b>3,594,917.90</b>	<b>3,597,407.10</b>	<b>15.18</b>
<b>6-9 Months</b>							
Morgan Stanley Bank - Salt Lake City, UT 1.75 4/19	04/19/2021	201	1.750	247,000.00	247,000.00	249,289.69	1.05
CommunityBank TX - Beaumont, TX 1.7 4/22/2021	04/22/2021	204	1.700	249,000.00	249,000.00	251,273.37	1.06
<b>Total / Average 6-9 Months</b>		<b>203</b>	<b>1.725</b>	<b>496,000.00</b>	<b>496,000.00</b>	<b>500,563.06</b>	<b>2.11</b>
<b>9-12 Months</b>							
BBVA - Temple, TX 1.55 7/23/2021	07/23/2021	296	1.550	1,515,580.03	1,515,580.03	1,515,580.03	6.39
BBVA - Temple, TX 0.2 8/24/2021	08/24/2021	328	0.200	400,067.95	400,067.95	400,067.95	1.69
BancorpSouth Bank - Harker Heights, TX 0.5 8/28/20	08/28/2021	332	0.500	1,000,000.00	1,000,000.00	1,000,000.00	4.22
<b>Total / Average 9-12 Months</b>		<b>313</b>	<b>1.005</b>	<b>2,915,647.98</b>	<b>2,915,647.98</b>	<b>2,915,647.98</b>	<b>12.30</b>
<b>1-2 Years</b>							
First National Bank Texas - Killeen, TX 1.4 10/14/	10/14/2021	379	1.400	760,136.15	760,136.15	760,136.15	3.21
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2	10/18/2021	383	1.750	247,000.00	247,000.00	251,302.74	1.06
<b>Total / Average 1-2 Years</b>		<b>380</b>	<b>1.486</b>	<b>1,007,136.15</b>	<b>1,007,136.15</b>	<b>1,011,438.89</b>	<b>4.27</b>
<b>Total / Average</b>		<b>83</b>	<b>1.243</b>	<b>23,692,028.16</b>	<b>23,692,028.16</b>	<b>23,703,539.16</b>	<b>100.00</b>

# PORTFOLIO HOLDINGS BY MATURITY RANGE







# CITY COUNCIL MEMORANDUM

## AGENDA ITEM # XII-2

**FROM: THE OFFICE OF THE CITY MANAGER**

**DATE: NOVEMBER 10, 2020**

**RECEIVE AND DISCUSS THE UNAUDITED FINANCIAL STATEMENTS FOR THE FOURTH QUARTER OF FY 2019 - 2020.**

**BACKGROUND:**

Attached you will find the unaudited financial statements for Fiscal Year 2020 followed by Staff's Summary of Important Items. Items highlighted in yellow are paid on a one-time, annual basis. The following is a summary of the information you will find attached:

		<u>As of September 30, 2020</u>		
	<u>Page(s)</u>	<u>Revenues</u>	<u>Expenses</u>	<u>Fund Balance</u>
General Fund	1-4	\$22,488,197	\$21,047,791	\$11,938,813
Utility Fund	5-7	\$10,640,330	\$8,932,414	\$4,888,031
Sanitation Fund	8-9	\$2,372,174	\$2,303,300	\$127,303
Drainage Fund	10-11	\$856,197	\$808,014	\$121,300
Debt Service Fund	12	\$7,089,072	\$7,054,033	\$59,422
Hotel/Motel Fund	13	\$94,816	\$22,500	\$348,696
Restricted Courts Fund	14	\$111,920	\$129,280	\$171,461

**RECOMMENDATION:**

None.

**ACTION BY THE CITY COUNCIL:**

1. Any other action desired.

**ATTACHMENTS:**

1. Unaudited Financial Statements – September 30, 2020
2. Summary of Important Items

**FY 2019 – 2020 FOURTH QUARTER UNAUDITED FINANCIAL REPORT**  
**Summary of Important Items**

**GENERAL FUND** (pages 1-4)

The General Fund had a beginning fund balance of \$10,498,407 and is projected to have an ending fund balance of \$11,938,813. Following are details of some of the fund's activity:

- (a) Property Tax revenue for maintenance and operation purposes totals \$9,537,863 at the end of the 2020 fiscal year. This is \$427,221 more than collected last fiscal year and 100.97% of the \$9,445,800 budgeted.
- (b) \$22,842 of the \$40,000 budgeted in Telephone Franchise Fees were received as of the last quarter. The receipt of 57.11% of the budget is primarily due to the passing of Senate Bill 1152 which allows vendors to pay the lesser of cable and telephone franchise fees when they are required to pay both.
- (c) Sales tax receipts for FY 2020 total \$7,733,153 or \$538,587 more than the \$7,194,566 received in FY 2019. This is also 113.86% of the \$6,791,600 budgeted for the fiscal year.
- (d) Platting and Rezoning revenue, at \$14,587, is \$55,413 less than the \$70,000 budgeted for the year. The COVID-19 pandemic has had some effect on the development activity and the \$41,123 decrease in revenue from the prior year in this line item reflects that.
- (e) Contractor Registrations are a requirement for all contractors who pull a permit for work. The revenue for this line item exceeded last fiscal year's total by \$5,929 with \$15,229 received or 138.45% of the \$11,000 budgeted.
- (f) Court Fine revenue also exceeded its budgeted amount with \$1,034,793 collected or 108.93% of the \$950,000 budgeted for the 2020 fiscal year. This is \$69,517 more than the 2019 fiscal year.
- (g) Charges for Services collected by Parks and Recreation saw a hit this year due to the COVID-19 pandemic as seen in the Aquatic Activities, Recreation Programs, Youth Sports, and Adult Activities line items which has \$58,228 collectively in revenue or \$156,772 less than the \$215,000 budgeted for these line items.
- (h) Concession Stand revenue in the amount of \$5,190 was all received prior to the COVID-19 pandemic shutdown.
- (i) Even with the events that had to be cancelled due to the COVID-19 pandemic, with the reopening order by the Governor in July 2020, Park Facility Deposits brought in revenue of \$23,330 by the end of FY 2020. This is \$13,573 less than the \$36,903 brought in during FY 2019.
- (j) In addition to the Police Department grants expected to be received by the City, a Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant was received in the amount of \$1,774,595.90. This grant called the Coronavirus Relief Fund (CRF) paid 20% upfront, or \$354,919.18, which is included in the 2020 fiscal year revenue total grant revenue of \$470,991.
- (k) The Reimburse Bell County line item records the revenue received for the reimbursement of Bell County ambulance runs. The Fire Department is required to provide documentation and is reimbursed based on this information. The reimbursement for FY 2020 was \$8,401 or \$2,785 more than FY 2019.
- (l) The Central Texas Trauma Council provides funding through the Department of State Health Services to the Fire Department for the purpose of providing funding for supplies, operational expenses, training, equipment, and/or communication systems. Funding for FY 2020 was \$2,376 or \$1,876 more than FY 2019.
- (m) Use of contactless services is up as evidenced by the rise in Credit Card Fees and MyPermitNow Technology Fees which are 113.70% and 270.90% of their budgeted amounts, respectively.
- (n) Some of the incidents making up Insurance Proceeds of \$40,457 include: (1) Fire apparatus engine catching fire - \$13,060; (2) PD-139 totaled after sliding in a ditch during pursuit - \$14,600; (3) PD-137 rear-ended a vehicle - \$7,459; and (4) PD-147 struck a deer - \$2,638.
- (o) Transfers In totaled \$750,000 at the end of the fiscal year. The Transfer from Sanitation was lowered to \$150,000 from \$300,000 to allow Sanitation to do a transfer for payables. The Transfer from Restricted Courts was increased to \$100,000 from \$90,000 to cover more of the security expenses paid in the form of the former Bailiff and Warrant Officer's salaries and benefits.



**FY 2019 – 2020 FOURTH QUARTER UNAUDITED FINANCIAL REPORT**  
**Summary of Important Items**

- (p) Total revenues at the end of the 2020 fiscal year are \$22,488,197 which is 104.06% of the \$21,611,200 budgeted.
- (q) Clinical Supplies were separated from Animal Care Supplies to assist the Pet Adoption Center to better track purchases. Clinical Supplies were at 182.59% of the \$20,000 budgeted with \$36,518 in expenses and Animal Care Supplies were at 69.20% of the \$45,000 budgeted with \$31,140 in expenses. As the department adjusts to the separate accounts, the budget and expenses should level out.
- (r) 138.73% of the Vehicle Maintenance budget has been spent as of the end of the fiscal year. Some of the expenses to this line item include: (1) PD-124 new engine - \$5,778; (2) PD-137 accident repairs - \$8,270; (3) FD-203 repairs - \$14,042; (4) FD-306 replace nox sensor and exhaust manifold, repair EGR valve, repair exhaust converter and gasket, transmission repair, and compressor repair - \$12,854; and (5) ST-09 miscellaneous repairs to keep functional - \$6,375.
- (s) Election Expenses for the 2020 fiscal year total \$645 due to all elections being moved to November.
- (t) The Coronavirus Relief Fund (CRF) Grant will reimburse the City for personal protective equipment, or PPE, and Staff has been using the COVID-19 Expense line item to track those expenses. At the end of the fiscal year, those expenses totaled \$27,627 and included sanitizers, masks, gloves, and cleaning supplies.
- (u) State Tax Payments directly correlate to Court Fines and as the money Staff collects for fines goes up so does the amount that is paid to the Texas Comptroller's Office. The amount paid as of the end of the fiscal year is \$411,294 which is \$70,267 more than the prior year's fiscal year amount of \$341,027.
- (v) The HOP received notice of federal funding for the next two years through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and in turn notified Staff that they would be declining their FY 2020 funding and not requesting any funding for FY 2021.
- (w) Due to not knowing where the COVID-19 pandemic would put the City financially, Staff put a hold on tuition reimbursements which came out of the Reserve for Personnel line item. Total expenses for the year totaled \$8,715 which was 58.10% of the \$15,000 budgeted.
- (x) Expenditures total \$21,047,791 as of the end of the 2020 fiscal year which is 96.19% of the \$21,880,900 of the adopted budget.

**UTILITY FUND** (pages 5-7)

The Utility Fund had a beginning fund balance of \$3,180,115 and is projected to have an ending fund balance of \$4,888,031. Following are details of some of the fund's activity:

- (a) Water Income totals \$6,408,094 which is \$772,496 more than billed during the 2019 fiscal year. (NOTE: The Utility, Sanitation and Drainage Funds are Proprietary Funds, so income is booked when billed, not received.)
- (b) Sewer Income totals \$3,973,864 which is \$294,646 more than billed during the 2019 fiscal year.
- (c) Water Meter Tap Fees total \$23,036 or 460.72% of the \$5,000 budgeted and \$10,127 more than the \$12,909 received last fiscal year.
- (d) Insurance Proceeds of \$8,474 were received due to two incidents involving Wastewater vehicles. Both have been repaired.
- (e) Revenues totaled \$10,640,330 for the end of the 2020 fiscal year. This is \$1,026,059 more than the 2019 fiscal year and 103.68% of the \$10,262,500 budgeted.
- (f) An eyewash station was purchased by the Wastewater Department in December 2019 (\$4,402) and is the major expense in the Equipment Supplies line item's total of \$4,700.
- (g) Vehicle Maintenance expenses total \$98,620 and are 246.55% of the \$40,000 budgeted. Some of the expenses include: (1) WA-51 transmission replacement - \$2,803; (2) WA-56 transmission repairs - \$2,980; (3) WW-65 remove and replace components due to incident - \$8,268; and (4) Vactor Truck repairs, alignment, discharge chute-dust box, and replace float ball filter covers, boom pins, and bushing - \$42,422.

**FY 2019 – 2020 FOURTH QUARTER UNAUDITED FINANCIAL REPORT**  
**Summary of Important Items**

- (h) \$6,409 was spent during the 2020 fiscal year on building maintenance which is 320.45% of the budgeted amount of \$2,000 and \$5,843 more than the \$566 spent last fiscal year. A new air conditioner unit was added in the UV building at a cost of \$3,871 during the third quarter of the fiscal year.
- (i) The Repair and Maintenance line item was budgeted at \$160,000 and, at \$184,730, FY 2020 expenses exceeded the budget by \$24,730 or 115.46%. This line item is used for pump repairs, lift station repairs, and the parts necessary to take care of those repairs.
- (j) Used primarily for the rental of bypass pumps and jettors to keep the City in compliance when there is an issue at a lift station, the Equipment Rental line item is overbudget by \$17,713 at fiscal year-end. Total expenses of \$69,513 put the line item at \$4,930 less than the \$74,443 spent last fiscal year.
- (k) Water Purchases are at 118.22% of the \$2,753,300 budgeted with \$3,254,846 paid to Water Control and Improvement District #1 and Brazos River Authority. This is \$445,879 more than paid to these entities last fiscal year.
- (l) With the COVID-19 pandemic, several utility customers have not been able to pay their water accounts. When finalizing uncollectible accounts for audit purposes, bad debt expense for the utility side is at \$82,446 which is \$21,208 more than the 2019 fiscal year.
- (m) Total expenses are \$8,932,414 at the end of the 2020 fiscal year which is 87.07% of the \$10,258,700 budgeted and \$959,762 less than the \$9,892,176 spent in FY 2019.

**SANITATION FUND** (pages 8-9)

The Sanitation Fund had a beginning fund balance of \$58,429 and is projected to have an ending fund balance of \$127,303 at the end of FY 2020. Following are details of some of the fund's activity:

- (a) Revenues at the end of the fiscal year total \$2,372,174 or 101.48% of the \$2,337,500 budgeted.
- (b) General supplies total \$645 or 322.50% of the \$200 budgeted for the 2020 fiscal year. Purchases of signs and water needed at the Drop Site resulted in this overage.
- (c) Equipment maintenance expenses total \$7,504 which is \$2,713 less than the \$10,217 spent in the previous fiscal year. Repairs (\$873), tires (\$936), outrigger pads (\$919), fluid and steering work (\$937), as well as other miscellaneous upkeep for SAN-46 throughout the year are the reason for the expense.
- (d) The Roll-Off Dumpster line item consists of removal of the dumpster at the Drop Site as well as Tire Removal and Disposal charges. 2020 fiscal year's expense of \$246,124 is up by \$38,889 from the 2019 fiscal year's total of \$207,235 primarily due to additional pick-ups.
- (e) \$59,154 more was spent in the Garbage Contract line item in comparison to last fiscal year. Centex Waste Management received \$1,697,881 during FY 2020 versus \$1,638,727 in FY 2019.
- (f) Brush grinding at the Drop Site is handled by Austin Wood Recycling. This line item increased by \$2,700 over the prior year with a total of \$29,700 expensed.
- (g) Bad Debt Expense is over the budgeted amount by \$5,249 with an expense of \$15,249; it is over the prior year's amount by \$7,990. Staff feels that this is primarily due to the COVID-19 pandemic.
- (h) The Budgeted Transfer to the General Fund was lowered to \$150,000 from \$300,000 to allow for Staff to make a transfer to the General Fund to cover payables.
- (i) Expenses at the end of the fiscal year total \$2,303,300 which is 96.24% of the \$2,393,200 budgeted and \$48,851 more than spent last fiscal year.

**DRAINAGE FUND** (pg. 10-11)

The Drainage Fund had a beginning fund balance of \$73,117 and is projected to have an ending fund balance of \$121,300 at the end of FY 2020. Following are details of some of the fund's activity:

- (a) Insurance Proceeds of \$2,045 were received for two incidents involving DR-06 and DR-16. Both have been repaired.



**FY 2019 – 2020 FOURTH QUARTER UNAUDITED FINANCIAL REPORT**  
**Summary of Important Items**

- (b) Revenues total \$856,197 at the end of the fiscal year which is \$19,132 more than collected last year and 101.35% of the \$844,800 adopted budget.
- (c) Vehicle maintenance expenses totaled \$8,530 which was \$212 less than the \$8,742 spent during the 2019 fiscal year. Major expenses included damage repair to DR-06 after an accident (\$2,763 – April), repairs to DR-06 (\$2,005 – August), and repairs to DR-04 (\$1,811).
- (d) \$5,844 in equipment maintenance expenses include \$1,364 in SCAG mower parts for repairs made by Staff.
- (e) During the 2020 fiscal year, \$808,014 has been spent in the Drainage Fund. This is \$23,245 less than spent during the prior fiscal year and 95.41% of the \$846,900 budgeted.

**DEBT SERVICE FUND** (page 12)

The Debt Service Fund had a beginning fund balance of \$24,383 and is projected to have an ending fund balance of \$59,422 at the end of FY 2020. Following are details of some of the fund's activity:

- (a) Revenues total \$7,089,072 and include the proceeds of the Series 2020 Refunding Bond in the amount of \$4,075,000. The Series 2020 Refunding Bond "paid off" the Series 2011 Certificates of Obligation which were originally funded in the amount of \$8,000,000 on March 1, 2011.
- (b) Expenditures at the end of the 2020 fiscal year total \$7,054,033 which includes a payment of \$4,090,243 to the Refunding Bond Escrow Agent for the "payoff" of the Series 2011 Certificates of Obligation.

**HOTEL / MOTEL FUND** (page 13)

The Hotel / Motel Fund had a beginning fund balance of \$276,380 and is projected to have an ending fund balance of \$348,696 at the end of FY 2020. Following are details of some of the fund's activity:

- (a) Revenues at the end of the last quarter of the 2020 fiscal year total \$94,816 which is 92.14% of the \$102,900 adopted and \$6,990 less than received last year.
- (b) Expenditures total \$22,500 or \$5,088 more than the \$17,412 spent last fiscal year. An additional \$7,500 was adopted in the budget for the Harker Heights Chamber's use in tournament funding which was paid to them quarterly along with their funding for Chamber Events and the Food & Wine Festival. Due to the COVID-19 pandemic, the City was not able to host any tournaments this year.

**RESTRICTED COURT FUND** (page 14)

The Restricted Court Fund had a beginning fund balance of \$188,821 and is projected to have an ending fund balance of \$171,461 at the end of FY 2020. Following are details of some of the fund's activity:

- (a) Revenues at the end of the last quarter of the 2020 fiscal year total \$111,920 which is 103.34% of the \$108,300 adopted and \$5,035 more than received last year.
- (b) Expenditures total \$129,280 or \$39,280 more than the \$90,000 adopted. The budgeted transfer from the Building Security Fund to the General Fund was increased by \$10,000 to cover more of the security expenses paid in the form of the former Bailiff and Warrant Officer's salaries and benefits. During September 2020, flashing warning lights at the crosswalk of the Armed Services YMCA on Mountain Lion Road and school zone lights at the new Nolan Middle School were also installed at the cost of \$29,280.

GENERAL FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
<b>BEGINNING FUND BALANCE</b>	9,988,921	11,060,546	10,498,407	94.92%			
<b>REVENUES</b>							
Taxes							
Tax Receipts	9,065,642	9,445,800	9,537,863	100.97%		472,221	5.21%
<b>Total Taxes</b>	9,065,642	9,445,800	9,537,863	100.97%	(a)	472,221	5.21%
Other Taxes and Special Assessments							
Cable Franchise Fees	337,731	340,000	332,041	97.66%		(5,690)	-1.68%
Electricity Franchise Fees	949,623	975,000	950,985	97.54%		1,362	0.14%
Gas Franchise Fees	76,962	80,000	71,706	89.63%		(5,256)	-6.83%
Telephone Franchise Fees	38,258	40,000	22,842	57.11%	(b)	(15,416)	-40.29%
Mixed Drink Tax	103,910	105,000	92,891	88.47%		(11,019)	-10.60%
Bingo Tax	45,226	40,000	38,543	96.36%		(6,683)	-14.78%
Sales Tax	7,194,566	6,791,600	7,733,153	113.86%	(c)	538,587	7.49%
<b>Total Other Taxes and Special Assessments</b>	8,746,276	8,371,600	9,242,161	110.40%		495,885	5.67%
Licenses and Permits							
Platting and Rezoning	55,710	70,000	14,587	20.84%	(d)	(41,123)	-73.82%
City Registration Fee	26,790	35,000	36,172	103.35%		9,382	35.02%
Building Permits	291,886	290,000	230,762	79.57%		(61,124)	-20.94%
Contractor's Registration	9,300	11,000	15,229	138.45%	(e)	5,929	63.75%
Fire Permit Revenue	12,305	10,000	8,830	88.30%		(3,475)	-28.24%
<b>Total Licenses and Permits</b>	395,991	416,000	305,580	73.46%		(90,411)	-22.83%
Fines and Fees							
Court Fines	965,276	950,000	1,034,793	108.93%	(f)	69,517	7.20%
<b>Total Fines and Fees</b>	965,276	950,000	1,034,793	108.93%		69,517	7.20%
Charges for Services							
Aquatic Activities	43,587	55,000	50	0.09%	(g)	(43,537)	-99.89%
Recreation Programs	22,762	15,000	4,267	28.45%	(g)	(18,495)	-81.25%
Youth Sports Activities	123,520	130,000	52,399	40.31%	(g)	(71,121)	-57.58%
Concession Stand	6,309	5,000	5,190	103.80%	(h)	(1,119)	-17.74%
Adult Activities	11,582	15,000	1,512	10.08%	(g)	(10,070)	-86.95%
Park Facility Rentals	36,903	30,000	23,330	77.77%	(i)	(13,573)	-36.78%
False Alarm Fees	6,100	0	2,565	0.00%		(3,535)	-57.95%
Ambulance Collection Fees	(57,857)	(55,000)	(54,270)	98.67%		3,587	-6.20%
Ambulance Service	785,494	720,000	654,015	90.84%		(131,479)	-16.74%
Animal Services	79,938	75,000	74,806	99.74%		(5,132)	-6.42%
<b>Total Charges for Services</b>	1,058,338	990,000	763,864	77.16%		(294,474)	-27.82%
Intergovernmental							
Grant Revenue	36,492	91,700	470,991	513.62%	(j)	434,499	1190.67%
Reimburse Bell County	5,616	5,600	8,401	150.02%	(k)	2,785	49.59%
Central TX Trauma Council	500	500	2,376	475.20%	(l)	1,876	375.20%
Reimbursement from TxDOT (PTF)	886,102	0	0	0.00%		(886,102)	-100.00%
<b>Total Intergovernmental</b>	928,710	97,800	481,768	492.61%		(446,942)	-48.13%



GENERAL FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
Investment Earnings							
Interest Income	399,472	425,000	284,316	66.90%		(115,156)	-28.83%
Gain on Investments	0	0	49	0.00%		49	0.00%
Net Value of Investments	(29)	0	49	0.00%		78	-268.97%
<b>Total Investment Earnings</b>	<b>399,443</b>	<b>425,000</b>	<b>284,414</b>	<b>66.92%</b>		<b>(115,029)</b>	<b>-28.80%</b>
Contributions and Donations							
Donations	2,980	0	2,980	0.00%		0	0.00%
Donations - Police	2,080	0	260	0.00%		(1,820)	-87.50%
Donations - Healathy Homes	0	0	1,000	0.00%		1,000	0.00%
Donations - Library	250	0	900	0.00%		650	260.00%
Donations - Parks & Rec	5,662	0	1,805	0.00%		(3,857)	-68.12%
Donations - National Night Out	0	0	0	0.00%		0	0.00%
Donations - Pet Adoption Center	18,442	20,000	13,658	68.29%		(4,784)	-25.94%
Donations - Activity Center	0	0	3,000	0.00%		3,000	0.00%
<b>Total Contributions and Donations</b>	<b>29,414</b>	<b>20,000</b>	<b>23,603</b>	<b>118.02%</b>		<b>(5,811)</b>	<b>-19.76%</b>
Miscellaneous							
Credit Card Fees	(34,336)	(35,000)	(39,795)	113.70%	(m)	(5,459)	15.90%
Technology Fee - MyPermitNow	4,735	4,000	10,836	270.90%	(m)	6,101	128.85%
Cash Over (Short)	(14)	0	(20)	0.00%		(6)	42.86%
Miscellaneous Income	21,826	20,000	16,860	84.30%		(4,966)	-22.75%
Taxable Income	17,861	16,000	13,062	81.64%		(4,799)	-26.87%
Miscellaneous A/R Income	0	0	0	0.00%		0	0.00%
Insurance Proceeds	8,471	0	40,457	0.00%	(n)	31,986	377.59%
Settlement of Claim	1,086	0	1,820	0.00%		734	67.59%
Street Paving Payments	0	0	0	0.00%		0	0.00%
Public Nuisance Assmt Pmt	11,059	0	17,551	0.00%		6,492	58.70%
Auction Abandoned Property	768	0	3,380	0.00%		2,612	340.10%
Lease Agreement Proceeds	0	0	0	0.00%		0	0.00%
<b>Total Miscellaneous</b>	<b>31,456</b>	<b>5,000</b>	<b>64,151</b>	<b>1283.02%</b>		<b>32,695</b>	<b>103.94%</b>
Transfers In							
Transfer from Water	500,000	500,000	500,000	100.00%		0	0.00%
Transfer from Drainage	0	0	0	0.00%		0	0.00%
Transfer from Sanitation	300,000	300,000	150,000	50.00%		(150,000)	-50.00%
Transfer from Restricted Court	102,778	90,000	100,000	111.11%		(2,778)	-2.70%
<b>Total Transfers In</b>	<b>902,778</b>	<b>890,000</b>	<b>750,000</b>	<b>84.27%</b>	(o)	<b>(152,778)</b>	<b>-16.92%</b>
<b>TOTAL REVENUES</b>	<b>22,523,324</b>	<b>21,611,200</b>	<b>22,488,197</b>	<b>104.06%</b>	(p)	<b>(35,127)</b>	<b>-0.16%</b>
<b>EXPENDITURES</b>							
Personnel Services							
Salaries	11,341,787	12,130,200	11,723,529	96.65%		381,742	3.37%
Overtime	537,888	521,700	464,998	89.13%		(72,890)	-13.55%
Workers Compensation	120,839	124,000	131,094	105.72%		10,255	8.49%
Health Insurance	894,524	1,077,800	1,062,131	98.55%		167,607	18.74%
Social Security	876,486	967,800	887,066	91.66%		10,580	1.21%
Retirement	1,723,310	1,855,100	1,766,925	95.25%		43,615	2.53%
<b>Total Personnel Services</b>	<b>15,494,834</b>	<b>16,676,600</b>	<b>16,035,743</b>	<b>96.16%</b>		<b>540,909</b>	<b>3.49%</b>

GENERAL FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
Supplies							
Office	89,222	100,700	86,116	85.52%		(3,106)	-3.48%
Vehicle	246,488	245,200	225,076	91.79%		(21,412)	-8.69%
General	132,960	135,700	122,308	90.13%		(10,652)	-8.01%
Equipment	69,472	69,900	74,607	106.73%		5,135	7.39%
Uniforms	93,317	108,500	87,213	80.38%		(6,104)	-6.54%
Recreational (Parks & Rec / Activity Ctr)	5,253	6,000	4,125	68.75%		(1,128)	-21.47%
Chemical (Parks & Recreation)	11,444	12,200	7,462	61.16%		(3,982)	-34.80%
Clinical (Pet Adoption Center)	0	20,000	36,518	182.59%	(q)	36,518	0.00%
Animal Care (Pet Adoption Center)	52,561	45,000	31,140	69.20%	(q)	(21,421)	-40.75%
Medical (Fire Operations)	54,499	55,700	55,297	99.28%		798	1.46%
<b>Total Supplies</b>	<b>755,216</b>	<b>798,900</b>	<b>729,862</b>	<b>91.36%</b>		<b>(25,354)</b>	<b>-3.36%</b>
Maintenance							
Vehicle	132,185	126,000	174,794	138.73%	(r)	42,609	32.23%
Building	97,727	97,800	102,097	104.39%		4,370	4.47%
Equipment	304,308	321,500	292,029	90.83%		(12,279)	-4.04%
Ground	149,046	165,800	130,172	78.51%		(18,874)	-12.66%
<b>Total Maintenance</b>	<b>683,266</b>	<b>711,100</b>	<b>699,092</b>	<b>98.31%</b>		<b>15,826</b>	<b>2.32%</b>
Insurance							
<b>Property and Liability</b>	<b>186,557</b>	<b>187,900</b>	<b>180,206</b>	<b>95.91%</b>		<b>(6,351)</b>	<b>-3.40%</b>
<b>Total Insurance</b>	<b>186,557</b>	<b>187,900</b>	<b>180,206</b>	<b>95.91%</b>		<b>(6,351)</b>	<b>-3.40%</b>
Services							
Unemployment Expense	8,398	0	8,525	0.00%		127	1.51%
Election Expense	3,532	17,600	645	3.66%	(s)	(2,887)	-81.74%
Utilities	457,053	490,500	449,628	91.67%		(7,425)	-1.62%
Dues and Subscriptions	46,419	49,400	41,846	84.71%		(4,573)	-9.85%
Travel and Training	118,195	144,700	81,380	56.24%		(36,815)	-31.15%
Impound Expense	500	500	318	63.60%		(182)	-36.40%
Telephone	73,186	82,100	87,309	106.34%		14,123	19.30%
Equipment Rental	23,526	30,900	15,704	50.82%		(7,822)	-33.25%
Contract Labor	542,702	505,000	504,392	99.88%		(38,310)	-7.06%
Online Transaction Fees	7,568	6,800	3,657	53.78%		(3,911)	-51.68%
Adaptive Sports	5,968	10,000	6,318	63.18%		350	5.86%
Tree City USA	3,879	10,000	3,366	33.66%		(513)	-13.23%
Living Legacy	5,597	4,500	2,332	51.82%		(3,265)	-58.33%
Trophies and Awards	16,989	15,000	4,698	31.32%		(12,291)	-72.35%
Uniforms and Equipment (Rec)	46,068	45,000	30,076	66.84%		(15,992)	-34.71%
Parks and Recreation Programs	43,407	41,000	37,325	91.04%		(6,082)	-14.01%
Team Travel	0	2,000	0	0.00%		0	0.00%
Adult Sports	2,456	2,000	762	38.10%		(1,694)	-68.97%
Grant Expense	20,143	94,900	71,353	75.19%		51,210	254.23%
LEOSE Training	7,056	9,100	7,777	85.46%		721	10.22%
COVID-19 Expenses	0	0	27,627	0.00%	(t)	27,627	0.00%
Bank Fees	647	1,000	514	51.40%		(133)	-20.56%
Audit Fees	20,950	30,500	29,200	95.74%		8,250	39.38%
Tax Appraisal Contract	101,915	103,000	105,504	102.43%		3,589	3.52%



GENERAL FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
Services, continued							
Nuisance Abatements	14,833	50,000	6,100	12.20%		(8,733)	-58.88%
State Tax Payments	341,027	330,000	411,294	124.63%	(u)	70,267	20.60%
Medical Director Contract	37,800	20,000	24,000	120.00%		(13,800)	-36.51%
Fire Prevention	7,440	6,000	988	16.47%		(6,452)	-86.72%
Safety Training	0	900	710	78.89%		710	0.00%
Public Awareness	2,096	5,000	3,375	67.50%		1,279	61.02%
<b>Total Services</b>	<b>1,959,350</b>	<b>2,107,400</b>	<b>1,966,723</b>	<b>93.32%</b>		<b>7,373</b>	<b>0.38%</b>
Miscellaneous							
Legal Fees	110,957	100,000	80,328	80.33%		(30,629)	-27.60%
Advertising	26,838	32,400	12,214	37.70%		(14,624)	-54.49%
Required Public Notices	18,569	12,500	10,419	83.35%		(8,150)	-43.89%
Professional Fees	185,034	219,600	201,186	91.61%		16,152	8.73%
Transportation (HOP)	40,000	40,000	0	0.00%	(v)	(40,000)	-100.00%
Heart of TX Defense Alliance	17,000	17,000	17,000	100.00%		0	0.00%
Harker Heights Chamber of Commerce	40,000	40,000	40,000	100.00%		0	0.00%
Killeen Chamber of Commerce	12,500	12,500	12,500	100.00%		0	0.00%
Youth Task Force	10,000	10,500	0	0.00%		(10,000)	-100.00%
Economic Development	22,500	22,500	22,585	100.38%		85	0.38%
Texas A&M Contribution	12,500	0	0	0.00%		(12,500)	-100.00%
Boys & Girls Club Contribution	30,000	30,000	30,000	100.00%		0	0.00%
Greater Killeen Community Clinic	9,500	9,500	9,500	100.00%		0	0.00%
Nat'l Mounted Warfare Foundation	12,500	0	0	0.00%		(12,500)	-100.00%
Pitney Bowes Lease	3,493	3,500	3,493	99.80%		0	0.00%
Xerox Rental	8,955	8,800	8,955	101.76%		0	0.00%
<b>Total Miscellaneous</b>	<b>560,346</b>	<b>558,800</b>	<b>448,180</b>	<b>80.20%</b>		<b>(112,166)</b>	<b>-20.02%</b>
Reserves and Transfers							
Reserve for Personnel	20,661	15,000	8,715	58.10%	(w)	(11,946)	-57.82%
Lease Payments	253,862	250,200	250,139	0.00%		(3,723)	-1.47%
Reimbursement: Seton Medical	574,746	575,000	579,131	100.72%		4,385	0.76%
Transfer to Fixed Assets	0	0	0	0.00%		0	0.00%
Transfer to Capital Projects	1,450,000	0	0	0.00%		(1,450,000)	-100.00%
Transfer to Debt Service	75,000	0	150,000	0.00%		75,000	100.00%
<b>Total Reserves and Transfers</b>	<b>2,374,269</b>	<b>840,200</b>	<b>987,985</b>	<b>117.59%</b>		<b>(1,386,284)</b>	<b>-58.39%</b>
<b>TOTAL EXPENDITURES</b>	<b>22,013,838</b>	<b>21,880,900</b>	<b>21,047,791</b>	<b>96.19%</b>	(x)	<b>(966,047)</b>	<b>-4.39%</b>
INCREASE/DECREASE	509,486	(269,700)	1,440,406	-534.08%			
<b>ENDING FUND BALANCE</b>	<b>10,498,407</b>	<b>10,790,846</b>	<b>11,938,813</b>	<b>110.64%</b>			

UTILITY FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	% Variance (FY19/FY20)
<b>BEGINNING FUND BALANCE</b>	<b>3,458,020</b>	<b>3,339,889</b>	<b>3,180,115</b>	<b>95.22%</b>			
<b>REVENUES</b>							
Sales							
Water Income	5,635,598	6,200,000	6,408,094	103.36%	(a)	772,496	13.71%
Sewer Income	3,679,218	3,800,000	3,973,864	104.58%	(b)	294,646	8.01%
Water Meter Tap Fees	12,909	5,000	23,036	460.72%	(c)	10,127	78.45%
Sewer Tap Fees	13,483	10,000	13,267	132.67%		(216)	-1.60%
Connect Fees	76,175	80,000	74,525	93.16%		(1,650)	-2.17%
Water Supply Agreement	29,423	0	0	0.00%		(29,423)	-100.00%
<b>Total Sales</b>	<b>9,446,806</b>	<b>10,095,000</b>	<b>10,492,786</b>	<b>103.94%</b>		<b>1,045,980</b>	<b>11.07%</b>
Miscellaneous							
Transfers, Turn On and Off	18,376	18,000	14,107	78.37%		(4,269)	-23.23%
Penalties	91,770	90,000	98,910	109.90%		7,140	7.78%
Credit Card Fees	(73,014)	(75,000)	(91,663)	122.22%		(18,649)	25.54%
Online Payment Fees	72,710	75,000	78,674	104.90%		5,964	8.20%
Cash Over (Short)	61	0	(41)	0.00%		(102)	-167.21%
Interest Income	46,814	55,000	34,387	62.52%		(12,427)	-26.55%
Miscellaneous Income	5,225	4,500	4,628	102.84%		(597)	-11.43%
Other Income	0	0	70	0.00%		70	0.00%
Insurance Proceeds	0	0	8,474	0.00%	(d)	8,474	0.00%
Gain on Sale of Assets	5,523	0	0	0.00%		(5,523)	-100.00%
Net Value of Investments	0	0	(2)	0.00%		(2)	0.00%
Assessment Income	0	0	0	0.00%		0	0.00%
Transfer from Debt Service Fund	0	0	0	0.00%		0	0.00%
<b>Total Miscellaneous</b>	<b>167,465</b>	<b>167,500</b>	<b>147,544</b>	<b>88.09%</b>		<b>(19,921)</b>	<b>-11.90%</b>
<b>TOTAL REVENUES</b>	<b>9,614,271</b>	<b>10,262,500</b>	<b>10,640,330</b>	<b>103.68%</b>	(e)	<b>1,026,059</b>	<b>10.67%</b>
<b>EXPENDITURES</b>							
Personnel Services							
Salaries	918,385	1,136,900	1,069,258	94.05%		150,873	16.43%
Overtime	85,611	86,000	50,656	58.90%		(34,955)	-40.83%
Workers Compensation	12,482	14,400	15,250	105.90%		2,768	22.18%
Health Insurance	92,454	132,200	112,604	85.18%		20,150	21.79%
Social Security	76,775	93,500	83,122	88.90%		6,347	8.27%
Retirement	195,695	182,800	163,883	89.65%		(31,812)	-16.26%
OPEB Expense	2,907	3,000	0	0.00%		(2,907)	-100.00%
<b>Total Personnel Services</b>	<b>1,384,309</b>	<b>1,648,800</b>	<b>1,494,773</b>	<b>90.66%</b>		<b>110,464</b>	<b>7.98%</b>
Supplies							
Office	30,117	33,500	26,012	77.65%		(4,105)	-13.63%
Vehicle	46,210	46,000	39,478	85.82%		(6,732)	-14.57%
General	11,331	15,100	14,420	95.50%		3,089	27.26%
Equipment	3,979	4,000	4,700	117.50%	(f)	721	18.12%
Belt Press	17,541	20,000	21,546	107.73%		4,005	22.83%
Lab	6,268	11,000	9,672	87.93%		3,404	54.31%
<b>Total Supplies</b>	<b>115,446</b>	<b>129,600</b>	<b>115,828</b>	<b>89.37%</b>		<b>382</b>	<b>0.33%</b>



UTILITY FUND

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget		Oct - Sep Variance (FY19/FY20)	% Variance (FY19/FY20)
Maintenance							
Vehicle	43,693	40,000	98,620	246.55%	(g)	54,927	125.71%
Building	566	2,000	6,409	320.45%	(h)	5,843	1032.33%
Equipment	135,344	128,100	135,919	106.10%		575	0.42%
Ground	1,942	2,500	623	24.92%		(1,319)	-67.92%
Repair and Maintenance	121,747	160,000	184,730	115.46%	(i)	62,983	51.73%
New Service Meters	66,059	110,000	61,463	55.88%		(4,596)	-6.96%
UV Lights	16,268	35,000	28,463	81.32%		12,195	74.96%
Odor Control Chemical	34,571	45,000	29,887	66.42%		(4,684)	-13.55%
Total Maintenance	420,190	522,600	546,114	104.50%		125,924	29.97%
Insurance							
Property and Liability	25,267	27,700	26,631	96.14%		1,364	5.40%
Total Insurance	25,267	27,700	26,631	96.14%		1,364	5.40%
Services							
Uniforms	15,802	19,000	16,909	88.99%		1,107	7.01%
Unemployment Expense	0	0	145	0.00%		145	0.00%
Utilities	311,870	410,000	328,204	80.05%		16,334	5.24%
Dues and Subscriptions	2,364	2,500	2,064	82.56%		(300)	-12.69%
Travel and Training	15,002	15,000	9,570	63.80%		(5,432)	-36.21%
Telephone	12,282	13,500	11,806	87.45%		(476)	-3.88%
Equipment Rental	74,443	51,800	69,513	134.19%	(j)	(4,930)	-6.62%
Contract Labor	256,458	280,800	262,128	93.35%		5,670	2.21%
State Fees	46,203	47,200	46,203	97.89%		0	0.00%
Total Services	734,424	839,800	746,542	88.90%		12,118	1.65%
Bond Expense							
Principal Payments	1,443,715	1,484,200	1,484,243	100.00%		40,528	2.81%
Interest Expense	581,907	474,600	517,341	109.01%		(64,566)	-11.10%
Issuance Cost	13,605	0	23,602	0.00%		9,997	73.48%
Amortization Bond Issue	(97,717)	0	(79,167)	0.00%		18,550	-18.98%
Bond Expense	1,941,510	1,958,800	1,946,019	99.35%		4,509	0.23%
Intergovernmental Payments							
Water Purchases	2,808,967	2,753,300	3,254,846	118.22%	(k)	445,879	15.87%
Transfer to General Fund	500,000	500,000	500,000	100.00%		0	0.00%
Total Intergovernmental Payments	3,308,967	3,253,300	3,754,846	115.42%		445,879	13.47%
Miscellaneous							
Bad Debt	61,238	55,000	82,446	149.90%	(l)	21,208	34.63%
Audit Fees	18,950	27,400	27,200	99.27%		8,250	43.54%
Advertising	0	0	0	0.00%		0	0.00%
Required Public Notices	4,344	4,000	618	15.45%		(3,726)	-85.77%
Professional Fees	31,025	35,000	34,718	99.19%		3,693	11.90%
Issuance Cost	0	0	0	0.00%		0	0.00%
Amortization Adv Refunding	71,506	56,700	56,679	99.96%		(14,827)	-20.74%
Total Miscellaneous	187,063	178,100	201,661	113.23%		14,598	7.80%

**UTILITY FUND**

	<b>FY 2018-19 Oct - Sep Actual</b>	<b>FY 2019-20 Adopted Budget</b>	<b>FY 2019-20 Oct - Dec Activity</b>	<b>Percent of Budget</b>	<b>Oct - Sep Variance (FY19/FY20)</b>	<b>% Variance (FY19/FY2)</b>
Reserves and Transfers						
Transfer to Fixed Assets	400,000	500,000	0	0.00%	(400,000)	-100.00%
Transfer to Debt Service	75,000	100,000	0	0.00%	(75,000)	-100.00%
Transfer to Capital Projects	1,300,000	1,100,000	100,000	9.09%	(1,200,000)	-92.31%
<b>Total Reserves and Transfers</b>	<b>1,775,000</b>	<b>1,700,000</b>	<b>100,000</b>	<b>5.88%</b>	<b>(1,675,000)</b>	<b>-94.37%</b>
<b>TOTAL EXPENDITURES</b>	<b>9,892,176</b>	<b>10,258,700</b>	<b>8,932,414</b>	<b>87.07%</b>	<b>(959,762)</b>	<b>-9.70%</b>
<b>INCREASE/DECREASE</b>	<b>(277,905)</b>	<b>3,800</b>	<b>1,707,916</b>	<b>44945.16%</b>		
<b>ENDING FUND BALANCE</b>	<b>3,180,115</b>	<b>3,343,689</b>	<b>4,888,031</b>	<b>146.19%</b>		

(m)



**SANITATION FUND**

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget	Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
<b>BEGINNING FUND BALANCE</b>	90,427	90,827	58,429	64.33%		
<b>REVENUES</b>						
Garbage Income	2,085,585	2,170,500	2,171,584	100.05%	85,999	4.12%
Interest Income	2,278	2,500	2,619	104.76%	341	14.97%
Miscellaneous Income	997	1,000	1,048	104.80%	51	5.12%
Garbage Franchise Fees	133,591	163,500	196,923	120.44%	63,332	47.41%
<b>TOTAL REVENUES</b>	<b>2,222,451</b>	<b>2,337,500</b>	<b>2,372,174</b>	<b>101.48%</b>	<b>149,723</b>	<b>6.74%</b>
<b>EXPENDITURES</b>						
Personnel Services						
Salaries	32,898	47,200	32,944	69.80%	46	0.14%
Overtime	6,978	6,000	2,696	44.93%	(4,282)	-61.36%
Workers Compensation	531	800	880	110.00%	349	65.73%
Health Insurance	6,270	6,100	6,065	99.43%	(205)	-3.27%
Social Security	2,730	4,100	2,890	70.49%	160	5.86%
Retirement	7,459	8,000	5,885	73.56%	(1,574)	-21.10%
OPEB Expense	132	100	0	0.00%	(132)	-100.00%
<b>Total Personnel Services</b>	<b>56,998</b>	<b>72,300</b>	<b>51,360</b>	<b>71.04%</b>	<b>(5,638)</b>	<b>-9.89%</b>
Supplies						
Vehicle	886	1,000	0	0.00%	(886)	-100.00%
General	145	200	645	322.50%	500	344.83%
Equipment	402	500	0	0.00%	(402)	-100.00%
<b>Total Supplies</b>	<b>1,433</b>	<b>1,700</b>	<b>645</b>	<b>37.94%</b>	<b>(788)</b>	<b>-54.99%</b>
Maintenance						
Vehicle	120	0	0	0.00%	(120)	-100.00%
Equipment	10,217	3,000	7,504	250.13%	(2,713)	-26.55%
Ground	220	0	0	0.00%	(220)	-100.00%
<b>Total Maintenance</b>	<b>10,557</b>	<b>3,000</b>	<b>7,504</b>	<b>250.13%</b>	<b>(3,053)</b>	<b>-28.92%</b>
Insurance						
Property and Liability	829	1,200	1,182	98.50%	353	42.58%
<b>Total Insurance</b>	<b>829</b>	<b>1,200</b>	<b>1,182</b>	<b>98.50%</b>	<b>353</b>	<b>42.58%</b>
Services						
Uniforms	720	900	922	102.44%	202	28.06%
Utilities	161	300	168	56.00%	7	4.35%
Dues & Subscriptions	75	100	75	75.00%	0	0.00%
Travel and Training	853	500	(75)	-15.00%	(928)	-108.79%
Telephone	716	800	858	107.25%	142	19.83%
Equipment Rental	1,113	1,100	1,165	105.91%	52	4.67%
Roll Off Dumpster	207,235	190,000	246,124	129.54%	38,889	18.77%
Garbage Contract	1,638,727	1,680,000	1,697,881	101.06%	59,154	3.61%
<b>Total Services</b>	<b>1,849,600</b>	<b>1,873,700</b>	<b>1,947,118</b>	<b>103.92%</b>	<b>97,518</b>	<b>5.27%</b>

**SANITATION FUND**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2019-20</b>	<b>Percent of</b>		<b>Oct - Sep</b>	<b>Oct - Sep</b>
	<b>Oct - Sep</b>	<b>Adopted</b>	<b>Oct - Dec</b>	<b>Budget</b>		<b>Variance</b>	<b>% Variance</b>
	<b>Actual</b>	<b>Budget</b>	<b>Activity</b>	<b>Budget</b>		<b>(FY19/FY20)</b>	<b>(FY19/FY20)</b>
Miscellaneous							
Brush Grinding	27,000	25,000	29,700	118.80%	(f)	2,700	10.00%
Mulch Hauling	0	0	0	0.00%		0	0.00%
Bad Debt	7,259	10,000	15,249	152.49%	(g)	7,990	110.07%
Advertising	773	800	542	0.00%		(231)	-29.88%
Professional Fees	0	5,500	0	0.00%		0	0.00%
<b>Total Miscellaneous</b>	<b>35,032</b>	<b>41,300</b>	<b>45,491</b>	<b>110.15%</b>		<b>10,459</b>	<b>29.86%</b>
Reserves and Transfers							
Transfer to Fixed Assets	0	100,000	100,000	100.00%		100,000	0.00%
Transfer to General Fund	300,000	300,000	150,000	50.00%	(h)	(150,000)	-50.00%
Transfer to Capital Projects	0	0	0	0.00%		0	0.00%
<b>Total Reserves and Transfers</b>	<b>300,000</b>	<b>400,000</b>	<b>250,000</b>	<b>62.50%</b>		<b>(50,000)</b>	<b>-16.67%</b>
<b>TOTAL EXPENDITURES</b>	<b>2,254,449</b>	<b>2,393,200</b>	<b>2,303,300</b>	<b>96.24%</b>	(i)	<b>48,851</b>	<b>2.17%</b>
<b>INCREASE/DECREASE</b>	<b>(31,998)</b>	<b>(55,700)</b>	<b>68,874</b>	<b>-123.65%</b>			
<b>ENDING FUND BALANCE</b>	<b>58,429</b>	<b>35,127</b>	<b>127,303</b>	<b>362.41%</b>			



**DRAINAGE FUND**

	FY 2018-19 Oct - Sep Actual	FY 2019-20 Adopted Budget	FY 2019-20 Oct - Dec Activity	Percent of Budget	Oct - Sep Variance (FY19/FY20)	Oct - Sep % Variance (FY19/FY20)
<b>BEGINNING FUND BALANCE</b>	<b>67,311</b>	<b>35,311</b>	<b>73,117</b>	<b>207.07%</b>		
<b>REVENUES</b>						
Drainage Fees	833,148	842,800	851,897	101.08%	18,749	2.25%
Interest Income	1,917	2,000	2,255	112.75%	338	17.63%
Miscellaneous Income	0	0	0	0.00%	0	0.00%
Other Income	0	0	0	0.00%	0	0.00%
Insurance Proceeds	0	0	2,045	0.00%	2,045	0.00%
Transfer In from CIP	2,000	0	0	0.00%	(2,000)	-100.00%
<b>TOTAL REVENUES</b>	<b>837,065</b>	<b>844,800</b>	<b>856,197</b>	<b>101.35%</b>	<b>19,132</b>	<b>2.29%</b>
<b>EXPENDITURES</b>						
Personnel Services						
Salaries	76,231	88,700	84,040	94.75%	7,809	10.24%
Overtime	1,123	1,000	986	98.60%	(137)	-12.20%
Workers Compensation	1,328	1,400	1,466	104.71%	138	10.39%
Health Insurance	8,687	14,300	6,867	48.02%	(1,820)	-20.95%
Social Security	5,987	6,900	6,339	91.87%	352	5.88%
Retirement	17,469	13,400	12,741	95.08%	(4,728)	-27.07%
OPEB Expense	510	500	0	0.00%	(510)	-100.00%
Total Personnel Services	111,335	126,200	112,439	89.10%	1,104	0.99%
Supplies						
Vehicle	4,098	4,000	2,617	65.43%	(1,481)	-36.14%
General	1,196	500	588	117.60%	(608)	-50.84%
Equipment	4,554	5,000	1,135	22.70%	(3,419)	-75.08%
Total Supplies	9,848	9,500	4,340	45.68%	(5,508)	-55.93%
Maintenance						
Vehicle	8,742	3,000	8,530	284.33%	(212)	-2.43%
Equipment	6,877	4,000	5,844	146.10%	(1,033)	-15.02%
Ground	14,861	30,000	5,327	17.76%	(9,534)	-64.15%
Total Maintenance	30,480	37,000	19,701	53.25%	(10,779)	-35.36%
Insurance						
Property and Liability	2,069	2,100	2,022	96.29%	(47)	-2.27%
Total Insurance	2,069	2,100	2,022	96.29%	(47)	-2.27%
Services						
Uniforms	2,143	2,500	2,018	80.72%	(125)	-5.83%
Unemployment Expense	0	0	0	0.00%	0	0.00%
Dues and Subscriptions	265	300	275	91.67%	10	3.77%
Travel and Training	122	1,000	527	52.70%	405	331.97%
Equipment Rental	0	500	67	13.40%	67	0.00%
Contract Labor	2,315	4,000	3,100	0.00%	785	33.91%
Total Services	4,845	8,300	5,987	72.13%	1,142	23.57%

**DRAINAGE FUND**

	FY 2018-19	FY 2019-20	FY 2019-20	Percent of Budget	Oct - Sep	Oct - Sep
	Oct - Sep Actual	Adopted Budget	Oct - Dec Activity		Variance (FY19/FY20)	% Variance (FY19/FY20)
<b>Bond Expense</b>						
Principal Payments	178,380	206,000	206,010	100.00%	27,630	15.49%
Interest Expense	138,423	133,000	131,901	99.17%	(6,522)	-4.71%
Issuance Cost	0	0	0	0.00%	0	0.00%
Amortization Bond Issue	(6,492)	(5,700)	(5,730)	100.53%	762	-11.74%
<b>Total Bond Expense</b>	<b>310,311</b>	<b>333,300</b>	<b>332,181</b>	<b>99.66%</b>	<b>21,870</b>	<b>7.05%</b>
<b>Miscellaneous</b>						
Bad Debt	4,338	5,000	5,944	118.88%	1,606	37.02%
Advertising	0	0	0	0.00%	0	0.00%
Professional Fees	8,033	500	400	0.00%	(7,633)	-95.02%
<b>Total Miscellaneous</b>	<b>12,371</b>	<b>5,500</b>	<b>6,344</b>	<b>115.35%</b>	<b>(6,027)</b>	<b>-48.72%</b>
<b>Reserves and Transfers</b>						
Transfer to Fixed Assets	200,000	225,000	225,000	100.00%	25,000	12.50%
Transfer to General Fund	0	0	0	0.00%	0	0.00%
Transfer to Capital Projects	150,000	100,000	100,000	100.00%	(50,000)	-33.33%
<b>Total Reserves and Transfers</b>	<b>350,000</b>	<b>325,000</b>	<b>325,000</b>	<b>100.00%</b>	<b>(25,000)</b>	<b>-7.14%</b>
<b>TOTAL EXPENDITURES</b>	<b>831,259</b>	<b>846,900</b>	<b>808,014</b>	<b>95.41%</b>	<b>(23,245)</b>	<b>-2.80%</b>
<b>INCREASE/DECREASE</b>	<b>5,806</b>	<b>(2,100)</b>	<b>48,183</b>	<b>-2294.43%</b>		
<b>ENDING FUND BALANCE</b>	<b>73,117</b>	<b>33,211</b>	<b>121,300</b>	<b>365.24%</b>		



**DEBT SERVICE FUND**

	<b>FY 2018-19 Oct - Sep Actual</b>	<b>FY 2019-20 Adopted Budget</b>	<b>FY 2019-20 Oct - Dec Activity</b>	<b>Percent of Budget</b>	<b>Oct - Sep Variance (FY19/FY20)</b>
<b>BEGINNING FUND BALANCE</b>	<b>47,241</b>	<b>26,941</b>	<b>24,383</b>	<b>90.51%</b>	
<b>REVENUES</b>					
Interest Income	14,860	20,000	8,137	40.69%	(6,723)
Net Value of Investments	0	0	0	0.00%	0
Ad Valorem Tax	2,744,354	2,833,000	2,852,923	100.70%	108,569
Fines & Penalties	0	0	0	0.00%	0
Proceeds from Sale of Ref Bonds	0	0	4,075,000	0.00%	4,075,000
Miscellaneous Income	506	0	3,012	0.00%	2,506
Transfer from General Fund	75,000	0	150,000	0.00%	75,000
Transfer from Utility Fund	75,000	100,000	0	0.00%	(75,000)
<b>TOTAL REVENUES</b>	<b>2,909,720</b>	<b>2,953,000</b>	<b>7,089,072</b>	<b>240.06%</b> (a)	<b>4,179,352</b>
<b>EXPENSES</b>					
BCAD Fees	30,942	31,000	31,639	102.06%	697
Bond Issuance Cost	0	0	48,331	0.00%	48,331
Debt Service - Principal	1,822,905	1,869,700	1,869,747	100.00%	46,842
Debt Service - Interest	1,078,731	1,078,700	1,014,073	94.01%	(64,658)
Payment to Ref Bond Escrow Agent	0	0	4,090,243	0.00%	4,090,243
Transfer to General Fund	0	0	0	0.00%	0
Transfer to Utility Fund	0	0	0	0.00%	0
<b>TOTAL EXPENSES</b>	<b>2,932,578</b>	<b>2,979,400</b>	<b>7,054,033</b>	<b>236.76%</b> (b)	<b>4,121,455</b>
<b>INCREASE/DECREASE</b>	<b>(22,858)</b>	<b>(26,400)</b>	<b>35,039</b>	<b>-132.72%</b>	
<b>ENDING FUND BALANCE</b>	<b>24,383</b>	<b>541</b>	<b>59,422</b>	<b>10983.73%</b>	

**HOTEL MOTEL FUND**

	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2019-20</b>		<b>Oct - Sep</b>	<b>Oct - Sep</b>
	<b>Oct - Sep</b>	<b>Adopted</b>	<b>Oct - Sep</b>	<b>Percent of</b>	<b>Variance</b>	<b>% Variance</b>
	<b>Actual</b>	<b>Budget</b>	<b>Activity</b>	<b>Budget</b>	<b>(FY19/FY20)</b>	<b>(FY19/FY20)</b>
<b>BEGINNING FUND BALANCE</b>	<b>191,986</b>	<b>274,586</b>	<b>276,380</b>	<b>100.65%</b>		
<b>REVENUES</b>						
Interest Income	4,363	3,900	2,860	73.33%	(1,503)	-34.45%
Net Value of Investments	0	0	41	0.00%	41	0.00%
Hotel/Motel Tax	93,705	95,000	87,678	92.29%	(6,027)	-6.43%
HOT Distr. from Bell County	3,738	4,000	4,237	0.00%	499	13.35%
<b>TOTAL REVENUES</b>	<b>101,806</b>	<b>102,900</b>	<b>94,816</b>	<b>92.14%</b>	<b>(6,990)</b>	<b>-6.87%</b>
<b>EXPENSES</b>						
Chamber Events	5,000	5,000	5,000	100.00%	0	0.00%
Food & Wine Festival	7,500	7,500	7,500	100.00%	0	0.00%
Miscellaneous Advertising	0	0	0	0.00%	0	0.00%
Total Advertising	12,500	12,500	12,500	100.00%	0	0.00%
Food & Wine Festival	2,500	2,500	2,500	100.00%	0	0.00%
Total Promotion of the Arts	2,500	2,500	2,500	100.00%	0	0.00%
Comanche Gap Hist Park Development		0	0	0.00%	0	0.00%
Total Historical Restoration/Preservation	0	0	0	0.00%	0	0.00%
Tournaments	2,412	12,500	7,500	60.00%	5,088	210.95%
Total Sporting Events	2,412	12,500	7,500	60.00%	5,088	210.95%
<b>TOTAL EXPENSES</b>	<b>17,412</b>	<b>27,500</b>	<b>22,500</b>	<b>81.82%</b>	<b>5,088</b>	<b>29.22%</b>
<b>INCREASE/DECREASE</b>	<b>84,394</b>	<b>75,400</b>	<b>72,316</b>	<b>95.91%</b>		
<b>ENDING FUND BALANCE</b>	<b>276,380</b>	<b>349,986</b>	<b>348,696</b>	<b>99.63%</b>		



**RESTRICTED COURTS FUND**

	FY 2018-19	FY 2019-20	FY 2019-20	Percent of Budget	Oct - Sep	Oct - Sep
	Oct - Sep Actual	Adopted Budget	Oct - Sep Activity		Variance (FY19/FY20)	% Variance (FY19/FY20)
<b>BEGINNING FUND BALANCE</b>	<b>184,714</b>	<b>187,636</b>	<b>188,821</b>	<b>100.63%</b>		
<b>REVENUES</b>						
Interest Income	3,819	4,000	2,185	54.63%	(1,634)	-42.79%
Child Safety Fund	40,998	45,000	37,723	83.83%	(3,275)	-7.99%
Time Payment Reimb Fund	0	0	6,800	0.00%	6,800	0.00%
Municipal Jury Fund	0	0	253	0.00%	253	0.00%
Building Security Fines	13,930	13,000	18,977	145.98%	5,047	36.23%
Admin of Justice Fines	2,990	3,000	1,903	63.43%	(1,087)	-36.35%
Court Technology Fines	18,428	18,000	18,841	104.67%	413	2.24%
Local Truancy Diversion Fund*	26,430	25,000	24,878	99.51%	(1,552)	-5.87%
Teen Court Program	290	300	360	120.00%	70	24.14%
<b>TOTAL REVENUES</b>	<b>106,885</b>	<b>108,300</b>	<b>111,920</b>	<b>103.34%</b>	<b>5,035</b>	<b>4.71%</b>
<b>EXPENSES</b>						
Court Technology Fund	0	0	0	0.00%	0	0.00%
Building Security Fund	12,778	0	0	0.00%	(12,778)	-100.00%
Total Transfers to Fixed Asset Fund	12,778	0	0	0.00%	(12,778)	-100.00%
Child Safety Fund	35,000	35,000	35,000	0.00%	0	0.00%
Building Security Fund	10,000	10,000	20,000	0.00%	10,000	100.00%
Admin of Justice Fund	0	0	0	0.00%	0	0.00%
Court Technology Fund	15,000	15,000	15,000	0.00%	0	0.00%
Juvenile Case Mgmt Fund	30,000	30,000	30,000	0.00%	0	0.00%
Total Transfers to General Fund	90,000	90,000	100,000	111.11%	10,000	11.11%
Court Technology Fund	0	0	0	0.00%	0	0.00%
Total Transfers to Capital Projects	0	0	0	0.00%	0	0.00%
School Safety Expenses	0	0	29,280	0.00%	29,280	0.00%
Child Safety Fund	0	0	0	0.00%	0	0.00%
<b>TOTAL EXPENSES</b>	<b>102,778</b>	<b>90,000</b>	<b>129,280</b>	<b>143.64%</b>	<b>13,724</b>	<b>13.35%</b>
<b>INCREASE/DECREASE</b>	<b>4,107</b>	<b>18,300</b>	<b>(17,360)</b>	<b>-94.86%</b>		
<b>ENDING FUND BALANCE</b>	<b>188,821</b>	<b>205,936</b>	<b>171,461</b>	<b>83.26%</b>		

\*Formerly Juvenile Case Management Fines