

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, September 13, 2022, at 5:00 PM, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Councilmember, Place 2 Michael Blomquist
Councilmember, Place 3 Tony Canterino
Councilmember, Place 4 Lynda Nash
Councilmember, Place 5 Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

EXCUSED: Mayor Pro Tem Jennifer McCann

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on August 23, 2022.

Councilmember, Place 2 Blomquist made a motion to approve the minutes of the meeting held on August 23, 2022, with the amendments as presented. Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

PUBLIC HEARINGS:

1. Council conducted a public hearing to discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, levying a tax rate of \$0.5800 per \$100 valuation, comprised of \$0.4511 for maintenance and operations and \$0.1289 for interest and sinking, for Fiscal Year 2022-2023 (Tax Year 2022). Ayesha Lealiiee, Finance Director, made the presentation.

The following Harker Heights citizen were present at the meeting and presented verbal comments regarding the Tax Rate:

- Howard Arey, 2027 Sandy Point, Harker Heights, Texas

Councilmember, Place 2 Blomquist made a motion to approve an Ordinance of the City Council of the City of Harker Heights, Texas, levying a tax rate of \$0.5800 per \$100 valuation, comprised of \$0.4511 for maintenance and operations and \$0.1289 for interest and sinking, for Fiscal Year 2022-2023 (Tax Year 2022). Councilmember, Place 3 Canterino seconded the motion. Mayor Smith conducted a record vote. The results are as follows: McCann had an excused absence, Blomquist voted aye, Canterino voted aye, Nash voted aye, and Halabi voted aye. All in favor. Motion approved 4-0. Carried unanimously.

Councilmember, Place 4 Nash made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.5800, which is effectively a 2.87% increase in the tax rate. Councilmember, Place 3 Canterino seconded the motion. Mayor Smith conducted a record vote. The results are as follows: McCann had an excused absence, Blomquist voted aye, Canterino voted aye, Nash voted aye, and Halabi voted aye. All in favor. Motion approved 4-0. Carried unanimously.

2. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to amend §154.01 Definitions of the Harker Heights Code of Ordinances to update and clarify definitions. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve an Ordinance to amend Section 154.01 Definitions of the Harker Heights Code of Ordinances to update and clarify definitions, based upon staff's recommendations and findings. Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

3. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting B-3 (Local Business District) with a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve with conditions an Ordinance for a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548 with the 5 conditions as presented, and based on staff's recommendation and findings, with the conditions being as follows:

1. Modifications to this conditional use permit will require a Planning and Zoning Commission recommendation and City Council approval via a public hearing.
2. Food vendors and customers shall have access to restroom facilities on site via an active agreement with the property owner and business located in brick and mortar structure on site.
3. Hours of operation shall coincide with the business located in brick and mortar structure on site that provides access to the restroom facilities.
4. The signage, accessories and mobile food unit shall be placed on the site such that they do not interfere with the fire lane, garbage services, or required parking spaces for the site.
5. This Conditional Use Permit (CUP) automatically renews for successive two (2) year periods unless an objection is raised based on either:
 - a. A history of poor code compliance; or
 - b. A revision to the Comprehensive Plan that renders the CUP incompatible.

Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

4. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr. and East of Jamie Rd., Harker Heights, Bell County, Texas, 76548. Kristina Ramirez, Planning and Development Director, made the presentation. Kenneth Cates, Fort Hood Area Habitat for Humanity, was present to represent the request.

Councilmember, Place 4 Nash made a motion to approve an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr. and East of Jamie Rd., Harker Heights, Bell County, Texas, 76548, based on staff's recommendations and findings. Councilmember, Place 2 Blomquist seconded the motion. Carried unanimously.

5. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill District) on properties described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548. Kristina Ramirez, Planning and Development Director, made the presentation. Kenneth Cates, Fort Hood Area Habitat for Humanity, was present to represent the request.

Councilmember, Place 5 Halabi made a motion to approve an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on properties described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, based on staff's recommendations and findings. Councilmember, Place 3 Canterino seconded the motion. Carried unanimously.

6. Council conducted a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548. Kristina Ramirez, Planning and Development Director, made the presentation. Kenneth Cates, Fort Hood Area Habitat for Humanity, was present to represent the request.

Councilmember, Place 3 Canterino made a motion to approve an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, based on staff's recommendations and findings. Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

At 6:00 p.m. Mayor Smith called for a short break.

Mayor Smith reconvened the meeting at 6:15 p.m.

REGULAR BUSINESS:

1. Council discussed and considered a resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meeting Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC's legal counsel. Ayesha Lealiiee, Finance Director, made the presentation. Tammie Bowman, Manager Public Affairs, Atmos Energy Corporation, was present to answer any questions Council may have.

Councilmember, Place 3 Canterino made a motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meeting Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC's legal counsel and take the appropriate action. Councilmember, Place 2 Blomquist seconded the motion. Carried unanimously.

2. Council discussed and considered approving a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, plat records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a general warrant deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.). Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, Inc., was present to represent the request.

Councilmember, Place 4 Nash made a motion to approve with conditions a request for a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.), with three conditions as presented by staff and based on staff's recommendations and findings, with the conditions being as follows:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.
2. Approval of Waiver from design standards for City of Harker Heights Code of Ordinances Sections: §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1).
3. No Parking on both sides of the road.

Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

3. Council discussed and considered approving a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson survey, Abstract No. 258 and the H.B. Littlefield survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, plat records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a deed reserving life estate to the Mary Jayrene Horn Revocable Living Trust dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell county, Texas. Kristina Ramirez, Planning and Development Director, made the presentation. Ace Reneau, Mitchell and Associates, Inc., was present to represent the request.

Councilmember, Place 2 Blomquist made a motion to approve with condition a request for a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, with the condition as presented by staff and based on staff's recommendations and findings, with the conditions being as follows:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

Councilmember, Place 3 Canterino seconded the motion. Carried unanimously.

4. Council discussed and considered approving a Final Plat referred to as Heights City Center, on property described as 3.496 acres, situated in the Martin Smith survey, abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the Plat of Record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the Plat of Record in Cabinet D, Slide 67-C, of said Plat Records. Kristina Ramirez, Planning and Development Director, and David Mitchell, City Manager, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve a Final Plat referred to as Heights City Center, on property described as 3.496 Acres, situated in the Martin Smith Survey, Abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the Plat of Record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the Plat of Record in Cabinet D, Slide 67-C, of said Plat records, with the condition as presented by staff and based on staff's recommendations and findings, with the conditions being as follows:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

Councilmember, Place 2 Blomquist seconded the motion. Carried unanimously.

5. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the Mayor to sign an Interlocal Agreement between the City of Harker Heights, Texas, the City of Killeen, Texas, and Bell County, Texas, that establishes the scope of the Chaparral Road Realignment/Reconstruction Project and responsibilities of each of the parties as it relates to the project. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 2 Blomquist made a motion to approve a Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Harker Heights, Texas, and the City of Killeen, Texas, and Bell County, Texas, that establishes the scope of the Chaparral Road Realignment/Reconstruction Project and responsibilities of each of the parties as it relates to the project. Councilmember, Place 5 Halabi seconded the motion. Carried unanimously.

6. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, to authorize an agreement with Vigilant Solutions to provide services and equipment related to the digital license plate reader program in the amount of \$61,210.00 through the Homeland Security Grant; Authorize the City Manager to act and sign on behalf of the City.

This item was tabled. No action taken.

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

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Councilmember Blomquist thanked everyone for their thoughts and prayers as he is recovering from his procedure he had done on August 23rd.

Blomquist stated that he attended the following events:

- September 3rd - Harker Heights Farmers' Market
- September 10th - Harker Heights Farmers' Market.
- September 10th - Harker Heights Chamber of Commerce Food, Wine and Brew Festival at Community Park.

Councilmember Nash stated that on September 9th she was the Guest Speaker at the 16th Annual Freedom Walk for Killeen Independent School District (KISD).

2. Updates and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- August 25th – Harker Heights Chamber of Commerce Lunch Mob at the Shack Caribbean Restaurant.
- August 25th – Meeting at City Hall with City Staff.
- August 26th – Harker Heights Police Department Promotion Ceremony at City Hall.
- August 27th – Harker Heights Farmers' Market.
- August 31st – Meeting at City Hall with City Staff.
- September 1st – Colonel Matt Ruedi Retirement Ceremony at 13th ESC.
- September 1st – III Corps Commanding General Mayor Engagement Luncheon at Fort Hood.
- September 6th – Harker Heights City Council Workshop.
- September 8th – Central Texas Council of Governments Executive Planning Board Meeting in Belton.
- September 8th – Meeting at City Hall with City Staff.
- September 10th – Harker Heights Farmers' Market.
- September 10th – Harker Heights Chamber of Commerce Food, Wine and Brew Festival at Community Park.
- September 12th – Meeting at City Hall with representatives from Bell County, Killeen Independent School District, City of Killeen, and Harker Heights City Staff.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:26 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary