HEWITT
TEXAS

# NOTICE OF MEETING
# OF THE GOVERNING BODY

Notice is hereby given that a **Dinner Workshop** meeting of the governing body of the City of Hewitt will be held on the **21st day of May, 2012 at 5:30 p.m. in Hewitt City Hall, 105 Tampico Drive**, Hewitt, Texas, at which time the following subjects will be discussed:

1. City Manager's update on municipal business.
   a. Capital Improvement Projects including report from City Engineer
   b. Waco Metropolitan Area Regional Sanitary Sewer (WMARSS) and Bull Hide Creek project
   c. Public Safety – Fire & Police
2. Briefing and discussion concerning Adventure Playground at Hewitt Park.
3. Briefing and update concerning bond projects.
4. Briefing and discussion concerning minimum size for new residential structures.
5. Review regular meeting agenda items.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City of Hewitt, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said Public Notice Board located in front of the City Hall of said City of Hewitt, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on: May 18, 2012 by 5:00 p.m.

**CITY OF HEWITT**

Lydia Lopez, TRMC
City Secretary

HEWITT
TEXAS

# NOTICE OF MEETING
# OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **21st day of May, 2012 at 7:00 p.m. in the City Council Room at Hewitt City Hall, 105 Tampico Drive**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Consider approval of minutes of the City Council Dinner Workshop/Regular Meeting of April 16, 2012 and the May 10, 2012 Special Joint City Council/Parks & Beautification Committee Meeting.
2. Special Presentation of proclamation in recognition of "Motorcycle Awareness Month".
3. Administer Oath of Office to newly appointed member of the Parks & Beautification Committee.
4. Issue Certificates of Election and administer Oath of Office to elected Council Members.
5. Consider and act on the designation of Mayor.
6. Consider and act on the designation of Mayor Pro Tem.
7. Hear visitors on matters pertaining to city business.
8. Award bid for Proposed New Lift Station No. 4 to Waco Metropolitan Area Regional Sewer System (WMARSS), South-Phase 2A to Purcell Contracting in the total amount of $507,500.
9. Authorize Change Order to contract with Barnett Contracting, Inc. for installation of a 16 inch waterline, and related appurtenances, on Glenleigh Drive in the total amount of $60,242.
10. Authorize the purchase of metal building kit for Community Services from Mueller, Inc. in the total amount of $22,406.
11. Authorize the purchase of Spartan Rescue Pumper for the Fire Department from Metro Fire.
12. Consider and take appropriate action concerning performance contract with Siemens Industry, Inc.
13. Consider and take appropriate action concerning financing for performance contract with Siemens Industry, Inc.
14. Consider and act on a resolution denying Atmos Energy Corp., Mid-Tex Division's requested rate change; requiring the company to reimburse the city's reasonable ratemaking expenses; finding that the meeting at which this resolution is passed is opened to the public as required by law; requiring notice of this resolution to the company and Atmos Cities Steering Committee's legal counsel.
15. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named City of Hewitt, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the Public Notice Board located in front of the City Hall of said City of Hewitt, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on: May 18, 2012 by 5:00 p.m.

CITY OF HEWITT

Lydia Lopez

Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

HEWITT
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**WORKSHOP ITEM #3**

# 2012 BOND PROJECTS

| Project Description-Funded 5/16/12 | Fund | Est. Start | Est. Time to Bid | Est. Time Complete | Totals | Summer '12 Mature 9/12 | Fall '12 Mature 12/12 | Spring '13 Matures 6/13 | Summer -13 Mature 12/13 | Spring '14 Mature 6/14 |
|---|---|---|---|---|---|---|---|---|---|---|
| Bond Expenses | GF/WWW | 6/1/12 | 0 mos | 0 mos | 34,873 | 34,873 | | | | |
| Micro Slurry Seal | GF | 7/1/12 | 2 mos | 5 mos | 100,000 | 100,000 | | | | |
| 1. W. Warren Street fr Hewitt Dr to Fannin | GF | 8/1/12 | 3 mos | 11 mos | 155,000 | 155,000 | | | | |
| 4. Del Rio Dr (all) | GF | 8/1/12 | 3 mos | 11 mos | 23,000 | 23,000 | | | | |
| 5. Russell Lane (all) | GF | 8/1/12 | 3 mos | 11 mos | 60,000 | 60,000 | | | | |
| 6. Tampico from Zuni to Laredo | GF | 8/1/12 | 3 mos | 11 mos | 30,000 | 30,000 | | | | |
| 8. Dixon Dr (all) | GF | 8/1/12 | 3 mos | 11 mos | 38,000 | 38,000 | | | | |
| 7. E Johnson St from 1st to Sun Valley | GF | 8/1/12 | 3 mos | 11 mos | 60,000 | 60,000 | | | | |
| 9. Hedrick, Dane and Nash Street Improvement | GF | 9/1/13 | 3 mos | 11 mos | 158,000 | 158,000 | | | | |
| Fire Truck (Feb '13 per LB) | GF | 8/1/12 | 3 mos | 17 mos | 425,000 | | | 425,000 | | |
| Facility remodel; split 50/50 | GF/WWW | 8/1/12 | 3 mos | 35 mos | 650,000 | 325,000 | 325,000 | | | |
| Technology | GF | 8/1/12 | 3 mos | 35 mos | 130,000 | 65,000 | 65,000 | | | |
| Flood Plain Study | DF | 9/1/12 | 4 mos | 14 mos | 100,000 | 50,000 | 50,000 | | | |
| Repaint/Reletter Water Towers | WWW | 10/1/12 | 6 mos | 10 mos | 200,000 | | 200,000 | | | |
| Park Improvements - Phase I | GF | 10/1/12 | 6 mos | 14 mos | 150,000 | 150,000 | | | | |
| Lindenwood West | GF | 10/1/12 | 6 mos | 16 mos | 95,000 | | 95,000 | | | |
| | | | | Total Spent within 3 months | | 1,248,873 | | | | |
| North Side Elevated Storage | WWW | 6/1/13 | 12 mos | 26 mos | 1,330,000 | | 500,000 | 830,000 | | |
| Devonshire | GF | 8/1/12 | 15 mos | 23 mos | 50,000 | | 50,000 | | | |
| 2. Crescent Dr from 300 Blk to Chaparral Rd | GF | 10/1/12 | 15 mos | 23 mos | 133,000 | | 133,000 | | | |
| 3. Will Boleman (all) | GF | 10/1/12 | 15 mos | 23 mos | 132,000 | | 132,000 | | | |
| 3. Chapman Rd. Reinforced concrete pavement | GF | 9/1/13 | 15 mos | 23 mos | 93,000 | | 93,000 | | | |
| 10. Castleman Creek Dr Curb & Gutter | GF | 9/1/13 | 15 mos | 23 mos | 193,000 | | 193,000 | | | |
| Drainage Master Plan | GF | 9/1/13 | 15 mos | 25 mos | 75,000 | | 75,000 | | | |
| | | | | | Total Spent within 6 months | | 1,911,000 | | | |
| Improvements to L.S. #2 (Bexley & I35) | WWW | 12/1/13 | 18 mos | 26 mos | 150,000 | | | | | 150,000 |
| Auxiliary Power Installation at water plants | WWW | 12/1/13 | 18 mos | 26 mos | 125,000 | | | | | 125,000 |
| Auxiliary Power Installation at lift stations | WWW | 12/1/13 | 18 mos | 26 mos | 125,000 | | | | | 125,000 |
| Sun Valley Water Line Replacement | WWW | 12/1/13 | 18 mos | 28 mos | 650,000 | | | | 100,000 | 550,000 |
| | | | | | | Total Spent within 12 months | | 1,255,000 | | |
| . Spring Valley at Judy | DF | 2/1/14 | 20 mos | 28 mos | 60,000 | | | | | 60,000 |
| . WestHill & Hidden Meadow | DF | 2/1/14 | 20 mos | 28 mos | 75,000 | | | | | 75,000 |
| . Old Temple at Neely | DF | 2/1/14 | 20 mos | 28 mos | 200,000 | | | | 100,000 | 100,000 |
| North Side Ground Storage | WWW | 3/1/14 | 21 mos | 35 mos | 1,820,000 | | | | 800,000 | 1,020,000 |
| | | | | | | | Total Spent within 18 months | | 1,000,000 | |
| | | | | Total | 7,619,873 | | | Total Spent within 24 months | | 2,205,000 |

Total Received: $7,619,873.03

Split: GF $2,874,770.50 : WS $4,745,201.53

7,619,873

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 1

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Consider approval of minutes of the City Council Dinner Workshop/Regular Meeting of April 16, 2012 and the May 12, 2012 Special Joint Meeting of the City Council/Parks & Beautification Committee.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Attached are draft copies of the minutes of those meetings. Please review and advise if any corrections are needed.

**ATTACHMENTS:**

Draft Minutes

HEWITT
TEXAS

# MINUTES OF A CITY COUNCIL DINNER WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 105 TAMPICO DRIVE April 16, 2012 - 5:30/7:00 PM

**Members Present:** Mayor Wilbert "Walky" Wachtendorf (presiding); Mayor Pro Tem Charles D. "Charlie" Turner; Council Members Vincent R. "Pike" Anderson, Bill Fuller, James Vidrine, Ronnie McNiel, and Ed Passalugo

**Staff Present:** City Attorney Charlie Buenger, City Manager Adam Miles, City Engineer Bill Aston, Assistant City Manager Jim Barton, Police Chief James Devlin, Deputy Police Chief Tuck Saunders, Deputy Fire Chief Lance Bracco, Utilities Director James Black, and City Secretary Lydia Lopez

## Dinner Workshop – 5:30 PM

1. City Manager presented an update on municipal business.
   a. Capital Improvement Projects including report from City Engineer
   b. Waco Metropolitan Area Regional Sanitary Sewer (WMARSS) and Bull Hide Creek project
   c. Public Safety – Fire & Police
2. City Manager led a briefing and discussion concerning renaming of the Community Center to Hewitt Community Meeting & Event Center.
3. City Manager led a briefing and discussion concerning Design Day for Hewitt Park Playground and announced that a scheduled joint meeting with the Parks & Beautification Committee would be held on May 10, 2012
4. The regular meeting agenda items were reviewed.
5. Interviews with prospective Parks & Beautification Committee Members (Farrah M. Burns, Lloyd Coffman and Ruth Coffman) were conducted.
6. Adjourn. *Motion was made by Ed Passalugo, second by Charlie Turner to adjourn the Workshop at 6:55 pm.*

## REGULAR SESSION – 7:00 PM

1. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL MEETING OF APRIL 2, 2012.** *Motion by Charlie Turner, second by Ed Passalugo to approve the minutes as submitted but allow for additional corrections; all seven in favor, motion passed.*

2. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** Chief Deputy Randy Plemons, 260 Ish St., China Spring, TX appeared to announce his candidacy for McLennan County Sheriff. W.H. "Pete" Peterson, 500 Moss Hill Rd., Hewitt, TX appeared to announce his candidacy for Justice of the Peace.

3. **CONSIDER REAPPOINTMENTS TO THE BOARD OF ADJUSTMENT.** *Motion by Charlie Turner, second by Pike Anderson to reappoint Jim Winton and Don Vardeman (moving Vardeman to full member status) and Michael Mateleska (pending his willingness to serve), all seven in favor, motion passed.*

4. **CONSIDER APPOINTMENTS TO THE PARKS AND BEAUTIFICATION COMMITTEE.** *Motion by Charlie Turner, second by Pike Anders to appoint Farrah Burns, Lloyd Coffman and Ruth Coffman (Ms. Coffman's appointment was subject to her attendance of a Parks & Beautification Committee Meeting.); all seven in favor, motion passed.*

5. **CONSIDER AND ACT UPON ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE REGION VIII EDUCATION SERVICE CENTER FOR PARTICIPATION IN THE INTERLOCAL PURCHASING SYSTEM (TIPS).** *Motion by Ed Passalugo, second by Pike Anderson to approve, all seven in favor, motion passed.*

6. **AUTHORIZE CITY MANAGER TO ACCEPT PROPOSAL FROM PARSONS ROOFING FOR REPAIRS TO THE ROOF AT HEWITT COMMUNITY CENTER.** *Motion by Charlie Turner, second by Ed Passalugo to approve, all seven in favor, motion passed.*

7. **CONSIDER AND ACT UPON DEDICATION OF PUBLIC RIGHT-OF-WAY FOR THE EXTENSION OF ALLIANCE PARKWAY.** *Motion by Charlie Turner, second by Pike Anderson, all seven in favor, motion passed.*

8. **CONSIDER AND ACT UPON ADOPTION OF A RESOLUTION APPROVING WRITTEN PROCEDURES FOR FEDERAL TAX COMPLIANCE.** *Motion by Ed Passalugo, second by Charlie Turner, all seven in favor, motion passed.*

9. **CONSIDER AND ACT UPON ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY'S COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID CERTIFICATES; APPROVING AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER**

**PROVISIONS RELATING TO THE SUBJECT.** *Motion by Charlie Turner, second by Ed Passalugo, all seven in favor, motion passed.*

10. **ADJOURN.** *Ed Passlugo moved, second by Charlie Turner to adjourn the meeting at 7:32 pm.*

Approved: May 21, 2012

Lydia Lopez, City Secretary

Wilbert Wachtendorf, Mayor

HEWITT
TEXAS

# MINUTES OF A SPECIAL JOINT MEETING OF THE CITY COUNCIL AND PARKS & BEAUTIFICATION COMMITTEE HEWITT MEETING & EVENT CENTER – 208 CHAMA DRIVE May 10, 2012 - 6:00 PM

**Members Present:** Mayor Wilbert "Walky" Wachtendorf (presiding); Mayor Pro Tem Charlie Turner; Council Members Vincent "Pike" Anderson, Bill Fuller, James Vidrine, Ed Passalugo and Ronnie McNiel

**Parks & Beautification Committee Members Present:** Lydia Guerra, Tracy Smith, Robert Smith, Farrah Burns and Lloyd Coffman

## Special Joint Meeting – 6:12 PM

1. Call meeting to order:
   a. City Council – *Mayor Wachtendorf called the meeting of the City Council to order at 6:12 pm.*
   b. Parks & Beautification Committee – *Lydia Guerra called the meeting of the Parks and Beautification Committee to order at 6:12 PM.*
2. Pledge of Allegiance was led by the Cub Scout Pack #377.
3. City Manager Adam Miles welcomed attendees and introduced Council members and Parks & Beautification Committee members.
4. Leathers & Associates Designer Dennis Wille presented a schematic drawing of the proposed new playground design in Hewitt Park and briefly discussed the process for the Community built project.
5. Public comments concerning the proposed playground design. **NONE**
6. Final comments from City Council/Parks & Beautification Committee Members. Mayor Wachtendorf encouraged the participation and support of the community.
7. City Manager Adam Miles announced the results of "Community Choice" playground name – "Adventure Playground" of Hewitt Park.
8. Adjournment:
   a. Parks & Beautification Committee – Committee Chair Tracy Smith requested a motion to adjourn. *Motion was made by Lydia Guerra, second by Robert Smith to adjourn the meeting at 7:09 pm.*
   b. City Council - Mayor Wachtendorf requested a motion to adjourn. *Motion was made by Charlie Turner, second by Ed Passalugo to adjourn at 7:09 pm.*

Approved: May 21, 2012

Lydia Lopez, City Secretary

Wilbert Wachtendorf, Mayor

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 2

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Special Presentation of proclamation in recognition of "Motorcycle Awareness Month".

**STAFF RECOMMENDATION/ITEM SUMMARY:**

This proclamation was requested by Robert Smith. Mr. Smith will be present to receive proclamation

**ATTACHMENTS:**

Proclamation

# OFFICIAL
# MAYOR'S PROCLAMATION
# CITY OF HEWITT, TEXAS

**Whereas,** **motorcycle riding is a popular form of recreation and efficient transportation; and**

**Whereas,** **more and more residents of McLennan County are taking up this mode of transportation to commute to and from their places of employment; and**

**Whereas,** **it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways; and**

**Whereas,** **motorcycle awareness and safety is a concern to all, it is appropriate to set aside a time to alert motorists to the number of motorcyclists on the roads and to help motorcyclists become more aware of the ways they can promote safety;**

**Therefore,** **I, Wilbert Wachtendorf,** by virtue of the authority vested in me as Mayor of the City of Hewitt, hereby proclaim the month of May as "Motorcycle Awareness Month" for Hewitt and urge citizens both motorcycle riders and automobile drivers to follow the rules of the road so that all citizens will remain safe.

**Signed and sealed this 21st day of May, 2012.**

Wilbert Wachtendorf, Mayor

Attest:

Lydia Lopez, City Secretary

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 3

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Administer Oath of Office to newly appointed member of the Parks & Beautification Committee.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Ruth Coffman was appointed at the April 16, 2012 Council Meeting to serve on the Parks & Beautification Committee subject to attending a meeting of the committee. Ms. Coffman was present for the May 10th Joint Meeting with the Council/Parks & Beautification Committee. She fulfills all qualifications and will be present to be sworn in as an official member.

**ATTACHMENTS:**

Oath Of Office

| Form #2204 Rev. 10/2011 | This space reserved for office use |
|---|---|
| **Submit to:**<br>**SECRETARY OF STATE**<br>**Government Filings Section**<br>**P O Box 12887**<br>**Austin, TX 78711-2887**<br>**512-463-6334**<br><br>**Filing Fee: None** | **OATH OF OFFICE** |

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Ruth Coffman, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Parks & Beautification Committee of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____

Signature of Officer

.....

State of Texas )
County of McLennan )

Sworn to and subscribed before me this 21 day of May, 20 12.

(seal)

_____

Signature of Notary Public or Other Officer Administering Oath

_____

Printed or Typed Name

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 4

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Issue Certificates of Election and administer Oath of Office to elected Council Members.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Although the General Election was cancelled, newly-elected council members must be sworn in to officially assume the duties of their office. City Attorney Charlie Buenger will present the Certificates of Election and administer the oath.

**ATTACHMENTS:**

Oath Of Office

HEWITT
TEXAS

# CERTIFICATE OF ELECTION

In the name and by the authority of

**The City of Hewitt, Texas**

THIS IS TO CERTIFY, that

Wilbert Wachtendorf

was duly elected

Council Member, Ward 1

For the purposes of the May 12, 2012 election, pursuant to the Order of Cancellation issued on March 19, 2012 cancelling the election that was scheduled to be held on May 12, 2012.

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Hewitt, Texas to be affixed, this the 21st day of May A.D., 2012.

_____

Signature of Presiding Office of
Canvassing Authority

HEWITT
TEXAS

# CERTIFICATE OF ELECTION

In the name and by the authority of

**The City of Hewitt, Texas**

THIS IS TO CERTIFY, that

Bill Fuller

was duly elected

Council Member, Ward 2

For the purposes of the May 12, 2012 election, pursuant to the Order of Cancellation issued on March 19, 2012 cancelling the election that was scheduled to be held on May 12, 2012.

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Hewitt, Texas to be affixed, this the 21st day of May A.D., 2012.

_____

Signature of Presiding Office of
Canvassing Authority

HEWITT
TEXAS

# CERTIFICATE OF ELECTION

In the name and by the authority of

**The City of Hewitt, Texas**

THIS IS TO CERTIFY, that

Ronnie McNiel

was duly elected

Council Member, Ward 3

For the purposes of the May 12, 2012 election, pursuant to the Order of Cancellation issued on March 19, 2012 cancelling the election that was scheduled to be held on May 12, 2012.

In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Hewitt, Texas to be affixed, this the 21st day of May A.D., 2012.

_____

Signature of Presiding Office of
Canvassing Authority

Form #2204 Rev. 10/2011

**Submit to:**
**SECRETARY OF STATE**
**Government Filings Section**
**P O Box 12887**
**Austin, TX 78711-2887**
**512-463-6334**

**Filing Fee: None**

**This space reserved for office use**

# OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Wilbert Wachtendorf, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Council Member, Ward 1 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

State of Texas )
County of McLennan )

Sworn to and subscribed before me this 21 day of May, 20 12.

(seal)

Signature of Notary Public or Other Officer Administering Oath

Printed or Typed Name

Form #2204 Rev. 10/2011

**Submit to:**
**SECRETARY OF STATE**
**Government Filings Section**
**P O Box 12887**
**Austin, TX 78711-2887**
**512-463-6334**

**Filing Fee: None**

**This space reserved for office use**

# OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Bill Fuller, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Council Member, Ward 2 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____
Signature of Officer

State of Texas )
County of McLennan )

Sworn to and subscribed before me this 21 day of May, 20 12.

(seal)

_____
Signature of Notary Public or Other Officer Administering Oath

_____
Printed or Typed Name

Form #2204 Rev. 10/2011

**Submit to:**
**SECRETARY OF STATE**
**Government Filings Section**
**P O Box 12887**
**Austin, TX 78711-2887**
**512-463-6334**

**Filing Fee: None**

**This space reserved for office use**

# OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Ronnie McNiel, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Council Member, Ward 3 of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____
Signature of Officer

State of Texas )
County of McLennan )

Sworn to and subscribed before me this 21 day of May, 2012.

(seal)

_____
Signature of Notary Public or Other Officer Administering Oath

_____
Printed or Typed Name

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 5

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Consider and act on the designation of Mayor.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

The Council can reappoint the current mayor or any other council member as noted below in the Charter excerpt.

Sec. 2.7. Mayor/mayor pro tem.

At its first meeting following each regular election of councilmen, the council shall by election designate one of its numbers as mayor and another of its numbers as mayor pro tem, each of whom shall serve in such capacity for a term of one (1) year. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process and for emergency purposes, and for military or police purposes, but shall have no administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all affairs considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

**ATTACHMENTS:**

None

HEWITT
TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 6

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Consider and act on the designation of Mayor Pro Tem.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

The Council can reappoint the current mayor pro tem or any other council member as noted below in the Charter excerpt.

Sec. 2.7. Mayor/mayor pro tem.

At its first meeting following each regular election of councilmen, the council shall by election designate one of its numbers as mayor and another of its numbers as mayor pro tem, each of whom shall serve in such capacity for a term of one (1) year. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process and for emergency purposes, and for military or police purposes, but shall have no administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all affairs considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

**ATTACHMENTS:**

None

HEWITT
TEXAS

## ITEM #7 – HEARING OF VISITORS

### CITIZEN PARTICIPATION AT MEETINGS

1. All citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. Many times this will expedite a resolution or allow proper investigation of the matter for presentation to the entire council.

   **NO CITIZEN NOR STAFF MEMBER MAY SPEAK NOR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.**

2. To maintain decorum at public hearings, the mayor will ask the citizens present if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select spokespersons to present their case.

3. Citizens who wish to bring up a matter that pertains to city business or address an item on the agenda may do so, but only under the agenda item "Hear Visitors." **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**

4. **Citizens addressing the city council on items not on the agenda shall be limited to five minutes each. Total time for presentations on any one item or topic shall be limited to twenty-five minutes. The city council members shall not enter into discussion on any subject not properly placed on the agenda; however, the council members may ask questions for clarification purposes.**

5. As a general rule, citizens may not participate in the discussion of the council workshop session.

HEWITT
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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 8

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Award bid for Proposed New Lift Station No. 4 to WMARSS - South - Phase 2A to Purcell Contracting in the total amount of $507,500.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Sealed bids were received and opened for this project on May 17, 2012. Four bids were received. After review and tabulation staff recommends award of the project to Purcell Contracting for the Base Bid and Added Bid Item in the total amount of $507,500.

**ATTACHMENTS:**

Bid List

**BID TABULATION: CITY OF HEWITT - PROPOSED NEW LIFT STATION NO. 4 - TO WMARSS - SOUTH - PHASE 2A**

**BID OPENING:** May 17, 2012, 10:00 a.m., City Hall, Hewitt, Texas

**BASE BID:**

| ITEM NO. | EST. QTY. & UNIT | DESCRIPTION | PURCELL Unit Price | ASSOC. CONSTR. Unit Price | KEYSTONE Unit Price | H&B Unit Price |
|---|---|---|---|---|---|---|
| 1 | L.S. | New Lift Station No. 4, incl. Reinf. Concrete Structures, Piping, Manholes, Duplex Submersible Pumps & Motors, Controls, Electrical, SCADA, Emergency Power Generator, Fencing, Driveway & Paving, Testing & All Incidentals necessary to complete the Lift Station in accordance with the Contract Documents | $ 468,500.00 | $ 558,500.00 | $ 724,000.00 | $ 825,000.00 |
| 2. | L.S. | Trench Safety System | 500.00 | 10,000.00 | 1,600.00 | 2,000.00 |
| 3. | L.S. | Mobilization (Not to Exceed 10% of the Total Contract) | 20,000.00 | 55,000.00 | 29,000.00 | 80,000.00 |
| | | **TOTAL AMOUNT OF BASE BID:** | **$ 489,000.00** | **$ 623,500.00** | **$ 754,600.00** | **$ 907,000.00** |
| | | | | | | |
| **ADDED BID ITEM:** | | | | | | |
| 4. | L.S. | Furnish One Identical Submersible Pump & Motor as those installed in the New Lift Station No. 4, with Electrical Cable, Storage Stand & Storage Instructions, delivered to a location within the City designated by the City | **$ 18,500.00** | **$ 18,000.00** | **$ 19,400.00** | **$ 25,000.00** |
| | | | | | | |

Prepared By:

William E. Aston, P.E. #34823
May 17, 2012

STATE OF TEXAS
WILLIAM E. ASTON
34823
REGISTERED
ENGINEER

*Duff Consulting Engineers, Inc., 4201 N. 19th St., Waco, Tx 76708*
*Texas Registered Engineering Firm - F-400*

p.1
Duff Consulting Engineers 254/532642
May 17 12 02:05p

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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 9

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Authorize Change Order to contract with Barnett Contracting, Inc. for installation of a 16 inch waterline, and related appurtenances, on Glenleigh Drive in the total amount of $60,242.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Barnett Contracting, Inc. is in the process of installing water and wastewater system improvements for connection to the new Bull Hide Wastewater Treatment Plant. Much of this work involves open cuts of roads in this area and reclamation of asphalt on affected streets. During Construction City Engineers determined there was an opportunity for Hewitt to upgrade the existing water line along Glenleigh Drive. The line is part of the long term capital improvement project list. The change order is requested at this time so that in a future project the city would already have this infrastructure in place and would not have to cut a newly reclaimed street. Approval of this item would authorize the installation of the 16 inch water line. A summary of the proposal is included in the back-up material.

**ATTACHMENTS:**

Proposal summary

# PROPOSAL

**BARNETT CONTRACTING, INC.**
7703 Bagby
Waco, Texas 76712-6924
Phone Number 254- 666-7117
Phone Number 254-666-7118
Fax Number 254-666-7119
email mike@barnettcontracting.com

688-C2

| Proposal to : | JOB |
|---|---|
| CITY OF HEWITT<br>C/O DUFF ENGINEERING | HEWITT BULLHIDE SEWER<br>HEWITT, TX |
| Attention<br>MILES | RFP Date<br>4/25/12 |
| Fax Number | Phone Number |

☐ REVISED ☐ Reply ASAP ☐ Please Comment ☐ Preliminary ☐ Scope only for review

ADDENDA ACKNOWLEDGED: NONE

Proposal for :

## REQUEST FOR CHANGE

**ADD 16" WATER MAIN**

| | | | | |
|---|---|---|---|---|
| SAWCUT STREET | 1320 LF | $ | 3.00 | $3,960.00 |
| 16" C-905 WATER LINE | 652 LF | $ | 66.00 | $43,032.00 |
| 16" GATE VALVES | 2 EA | $ | 5,600.00 | $11,200.00 |
| 16" CAP | 2 EA | $ | 650.00 | $1,300.00 |
| | | TOTAL | | $59,492.00 |

**NOTE: WE WILL NEED AN ADDITIONAL 30 DAYS TO COMPLETE THIS WORK AFTER PIPE IS DELIVERED.**

**RELOCATE EXITING CK VALVE**

RELOCATE EXISTING CHECH VALVE AND VAULT ON 6" FORCE MAIN. $750.00

WE PROPOSE hereby to furnish material, labor, equipment and insurance - complete in accordance with above specifications

For the sum of **$60,242.00** **FOR BOTH**

NOTE: PROPOSAL MAY BE WITHDRAWN
IF NOT ACCEPTED IN **10** DAYS
<subject to award by owner>

AUTHORIZED SIGNATURE

MIKE BARNETT

**ACCEPTANCE of PROPOSAL**

The above prices, specifications and conditions are satisfactory and hereby accepted
You are authorized to do the work as specified
Payment will be made : NET ON COMPLETION IN FULL
WITH MONTHLY PROGRESS PAYMENTS NET 10th PROX

AUTHORIZED SIGNATURE

DATE

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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 10

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Authorize purchase of metal building kit for Community Services from Mueller, Inc. in the total amount of $22,406.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

City staff has received quotes for metal building kits for use at the Community Services facility. As part of the remodeling project staff is recommending construction of this 35 foot by 60 foot building primarily for storage of the Vactor Truck and Aerial Fire Truck; this would free up a portion of the existing Community Services facility. If approved, city crews would install the building as per manufacturer's specifications. Mueller Inc. has provided the lowest quote for this project.

**ATTACHMENTS:**

Building Quotation

(877) 268-3553

MUELLER, INC.
METAL BUILDINGS, ROOFING & COMPONENTS

# Building Quotation

Steel Building Systems & Components

**Salesperson:** Lyle Bomar  Date: 5/15/2012  Job #: _____

**Submittals**

- ● Erection Drawings Qty: 3
- ● Anchor Bolt Plan Qty: 3
- ● Design Certification
- ○ Next Business Day Mail (where available)
- ○ UL-90
- ○ Design Calculations
- ○ Mueller Supplied Components Designed to meet TX Windstorm Criteri
- ○ See Additional Architectural Drawings
- ● Request for Pre-Approval
- ○ Drawings Only

**Customer Data**

| | |
|---|---|
| Customer: | CITY OF HEWITT |
| Cust. No: | |
| Mail Address: | 103 HEWITT DRIVE |
| City, State, Zip: | HEWITT,TX 76643 |
| Contact: | WAYNE OLSON |
| Day Phone: | 254-666-2447 |
| Home Phone: | - |
| Cell Phone: | - |
| Fax: | - |
| Email: | WOLSON@CITYOFHEWITT.COM |

| | |
|---|---|
| End User: | CITY OF HEWITT |
| Name: | FIRE STATION ADDITION |
| Jobsite Address: | 103 HEWITT DRIVE |
| City, State, Zip: | HEWITT,TX 76643 |
| County: | MCCLENNAN |
| General Contr: | SAME |
| Address: | |
| City, State, Zip: | |
| Customer Type: | Retail |

**Ship Via:** Mueller Truck

**Building Details**

Building Type: ● RF ○ SS ○ LT
Width: 35.000' Peak Offset: 17.500'
Length: 60.000'
Sidewall Bay Spacing 3 @ 20.0000'

| | Eave Ht | Roof Slope | Girt Type |
|---|---|---|---|
| Front Side: | 16.000' | 3.000 in 12 | Flush |
| Back Side: | 16.000' | 3.000 in 12 | Flush |

| Frame ID | Frame Type | Col Type* | Rafter Type* | Frame Line | # Int Col's |
|---|---|---|---|---|---|
| 1 | Rigid Frame | Const Depth | Const Depth | 2 3 | - |

* May change due to engineering requirements

**Building Code** (Provided by customer):

| | |
|---|---|
| Design Code: | IBC'06 |
| Closed/Open: | P |
| Exposure: | C |
| Importance - Wind: | 1.00 |
| Site Class: | D |
| Importance -Seismic: | 1.00 |
| Seismic Coefficient: | 0.14 |
| Importance - Snow: | 1.00 |

**Building Loads:**

| | |
|---|---|
| Dead Load: | 2.50 psf |
| Live Load: | 20.00 psf |
| Load Reduction: | No |
| Ground Snow: | 5.00 psf |
| Collateral | 1.50 psf |
| Wind Load: | 90.00 mph |

**Other Loads:**

| | |
|---|---|
| Extension Dead Load: | 2.50 psf |
| Extension Live Load (SW) | 20.00 psf |
| Extension Live Load (EW) | 20.00 psf |

Crane Load? ○ Yes ● No
Floor Load? ○ Yes ● No
Parapet / Mansard? ○ Yes ● No

Stepped elevations or structures within 20 feet? ○ Yes ● No
Special Serviceability requirements? ○ Yes ● No

MBMA Intended Use:
Building Use Classification: **Standard Building**
Description of building use: **FIRESTATION/STORAGE**

TEMPLEBYHEWITT

## F Coating

**Main Columns & Rafters**
- ● Red oxide
- ○ Hot-Dipped Galv'd

**Purlins, Girts, Eave Struts**
- ● Red oxide
- ○ Pre-Galvanized
- ○ Hot-Dipped Galv'd

**Door Framing**
- ● Red oxide
- ○ Pre-Galvanized
- ○ Hot-Dipped Galv'd

**Base Angle**
- ● Red oxide
- ○ Pre-Galvanized
- ○ Hot-Dipped Galv'd

## End Frames

| | Left | Right |
|---|---|---|
| Expandable | ○ | ○ |
| Non-Exp RF | ○ | ○ |
| Std. Endwall | ● | ● |
| CF Endwall | ○ | ○ |

## Base Condition

- ● Angle
- ● Trim
- ○ Channel
- ○ Girt

## Wall Bracing:

| | Bracing Details |
|---|---|
| Roof: | Diagonal Bracing |
| Left Endwall: | Panel Shear |
| Front Sidewall: | Diagonal Bracing |
| Right Endwall: | Panel Shear |
| Back Sidewall: | Diagonal Bracing |

## Framed Openings

Note: Bolted Clips

| Wall | Bay | Open Width | Header Ht | Sill Ht | Offset |
|---|---|---|---|---|---|
| Left Endwall | 1 | 12.000' | 14.000' | 0.000' | 3.000' |
| Left Endwall | 2 | 12.000' | 14.000' | 0.000' | 2.510' |
| Front Sidewall | 3 | 10.000' | 10.000' | 0.000' | 5.000' |

*Note on framed openings: Mueller, Inc will supply the necessary reinforcement to brace framed openings against necessary loadings. If the size of the framed openings are specified by the customer, Mueller, Inc will not be responsible for adaptability of fit-up of items installed in these framed openings other than stock overhead doors supplied by Mueller,Inc

## Purlin Extensions

| Wall | Surface | Length | Soffit |
|---|---|---|---|
| None | | | |

## Eave Extensions and Canopies

| Wall | Bay St | Bay End | Height | Width | Slope | Soffit |
|---|---|---|---|---|---|---|
| None | | | | | | |

## Open walls:

*Note: All open walls will contain necessary columns unless otherwise noted.

| | | | | | |
|---|---|---|---|---|---|
| Left Endwall: | ○ Yes | ● No | Right Endwall: | ○ Yes | ● No |
| Front Sidewall: | ○ Yes | ● No | Back Sidewall: | ○ Yes | ● No |

## Partial Walls:

| Wall | Bay Start | Bay End | Open Height | Base | Full Load |
|---|---|---|---|---|---|
| None | | | | | |

## Sheets & trim

**Roof**
Color: Lt Stone
Panel: PBR
Gauge: 26
Quality: 30 / 25 Yr. *

**Walls**
Color: Lt Stone
Panel: R
Gauge: 26
Quality: 30 / 25 Yr. *

* see specific details at www.muellerinc.com.

**Trim**
Gable: Patriot Red
Eave: Patriot Red
Corner: Patriot Red
Jamb: Patriot Red

**Soffit**
Color:
Panel:
Gauge:
Quality:

## Fasteners

**Roof**
Panel: TEK1.25
Lap: LAPTEK
Type: Painted

**Walls**
Panel: TEK1.25
Lap: LAPTEK
Type: Painted

**Soffit**
Panel:
Lap:
Type:

## Ridge Covering

## Eave Condition

Peak Sheets
o Ridge Row

Front Sidewall
o Gutter & Downspouts
● Eave Trim

Back Sidewall
o Gutter & Downspouts
● Eave Trim

## Accessories

All accessories need to be applied to the base price as shown on the pricing page.

| | Item Description | Quantity | Price | Accept | Decline |
|---|---|---|---|---|---|
| ALT 1: | Freight | 1 | $195.00 | Accept | Decline |
| ALT 2: | HEAD TRIM - R - RPN HEAD PRD #0300 MFG (3'- 4 | 1 | $3.74 | Accept | Decline |
| ALT 3: | JAMB TRIM - R - RPN JAMB PRD #0350 MFG (7'- 2 | 2 | $14.43 | Accept | Decline |
| ALT 4: | Insulation - Wall - INS 6' X 100' X 3" VRR FA | 1 Lot | $1,139.88 | Accept | Decline |
| ALT 5: | Insulation - Roof - INS 6' X 100' X 3" VRR FA | 5 | $795.08 | Accept | Decline |
| ALT 6: | WD: STD SGL CYL DEAD - SGL CYLINDER DEADBLT W | 1 | $30.18 | Accept | Decline |
| ALT 7: | RUD: Manaras OMH-611 - MANARAS OMH-6112-0000 | 3 | $1,324.05 | Accept | Decline |
| ALT 8: | RUD: Manaras Radio C - MANARAS RADIO CON. KIT | 3 | $306.85 | Accept | Decline |
| ALT 9: | RUD: Manaras 3 Butto - MANARAS 3 BUTTON TRANS | 3 | $68.25 | Accept | Decline |
| ALT 10: | WD: 3X7 DB DR W FRAM - 8" FRAME 3X7 DEAD BOLT | 1 | $138.39 | Accept | Decline |
| ALT 11: | WD: 3X7 DB DOOR ONLY - 3X7 DEAD BOLT DOOR WHT | 1 | $156.60 | Accept | Decline |
| ALT 12: | MUE RUD - 10 X 10 Wi - MUE 10' X 10' W300 WHT | 1 | $783.51 | Accept | Decline |
| ALT 13: | MUE RUD - 12 X 14 Wi - MUE 12' X 14' W300 WHT | 2 | $2,230.57 | Accept | Decline |
| | | Total: | $7,186.53 | | |

Estimated Weight of Building: **17,386.00 lbs.**
(Subject to change after the building is Engineered and Detailed)

**Special Requirements:**

**Note: Anchor Bolts are not included with this Quotation.**

# Estimated Base Building Price: $15,219.91

(FOB Ballinger TX, Accessories, Options, and Taxes not included)

| | | |
|---|---|---|
| Accessories | | $7,186.53 |
| Total without Tax (if applicable): | | $22,406.44 |
| Tax: | ( 0.00% ) | $0.00 |
| Total with Tax (if applicable): | | $22,406.44 |
| Required Deposit: | | $0.00 |
| Balance Due per Terms & Agreement | | $22,406.44 |

Thank you for the opportunity to quote this project.To place this building order, please contact us at 1-877-2MUELLER and a Purchase Agreement detailing your building requirements will be sent. If the information is correct, please sign the agreement and return with a 25% deposit of the total purchase price. Balance of the order will be due on delivery.

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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 11

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Authorize purchase of Spartan Rescue Pumper for the Fire Department from Metro Fire.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Fire Department personnel have developed a specification for a rescue pumper truck for city wide fire protection. Metro Fire Apparatus Specialists, Inc. has provided a quote through HGAC in the total amount of $424,887. If approved a Purchase Order would be issued and manufacture of the truck would begin. Delivery is estimated to take approximately eight months from the time the order is placed. This apparatus is funded through the Series 2012 C.O.

**ATTACHMENTS:**

Proposal
Schematic Drawing/Picture

**METRO FIRE**
*Apparatus Specialists, Inc.*
**514 Michigan / South Houston, Texas 77587 / (713) 692-0911 / (713) 692-1591 fax**

# PROPOSAL

Friday, May 04, 2012

Hewitt Fire Department
Chief Lance Bracco
142 S Second St
Hewitt, TX 76643

The undersigned is prepared to furnish for you, upon an order being placed by you, for final acceptance by Metro Fire Apparatus Specialists, Inc at its office in Houston, Texas the apparatus and equipment herein named and for the following prices:

**One (1) Spartan ERV Star Series Pumper on an Spartan Metro Star Chassis and equipment as specified:**

***TOTAL $424,889.00***

No State, Federal or local taxes included

The apparatus and equipment are to be supplied and shipped in accordance with the specifications and approvals by the Hewitt Fire Department. Delays due to strikes, war or other causes beyond our control not preventing, within 240 **calendar days after receipt of a purchase order from the city**. The completed apparatus will be delivered to you at:

*Hewitt Fire Department*
*Hewitt, Texas*

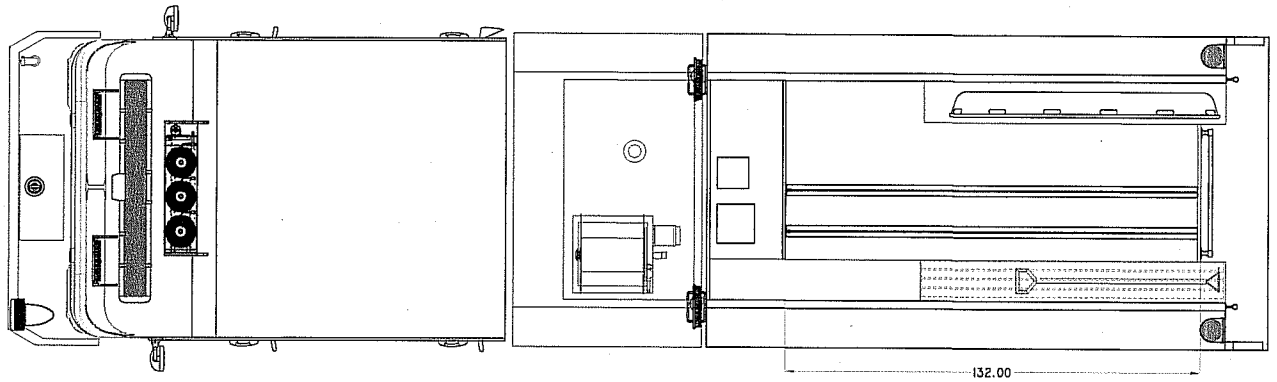
The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the Hewitt Fire Department. The proposal specifications are supplied for construction purposes. Any additions and/or changes to the enclosed specifications shall be generated and/or approved by the Hewitt Fire Department, and accepted by Metro Fire Apparatus Specialists, Inc.

Unless accepted within 45 days from this date, Metro Fire Apparatus Specialists, Inc. reserves the right to withdraw this proposal.

TERMS:

By Brian Cudaback
Brian Cudaback – Apparatus Manager

**Payment due upon delivery and acceptance of completed apparatus.**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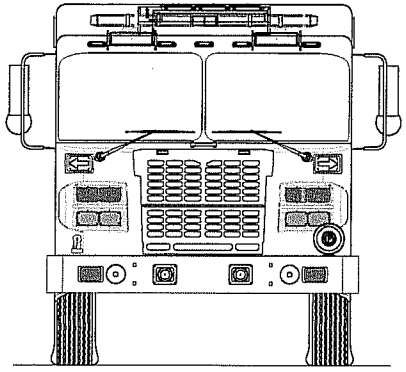

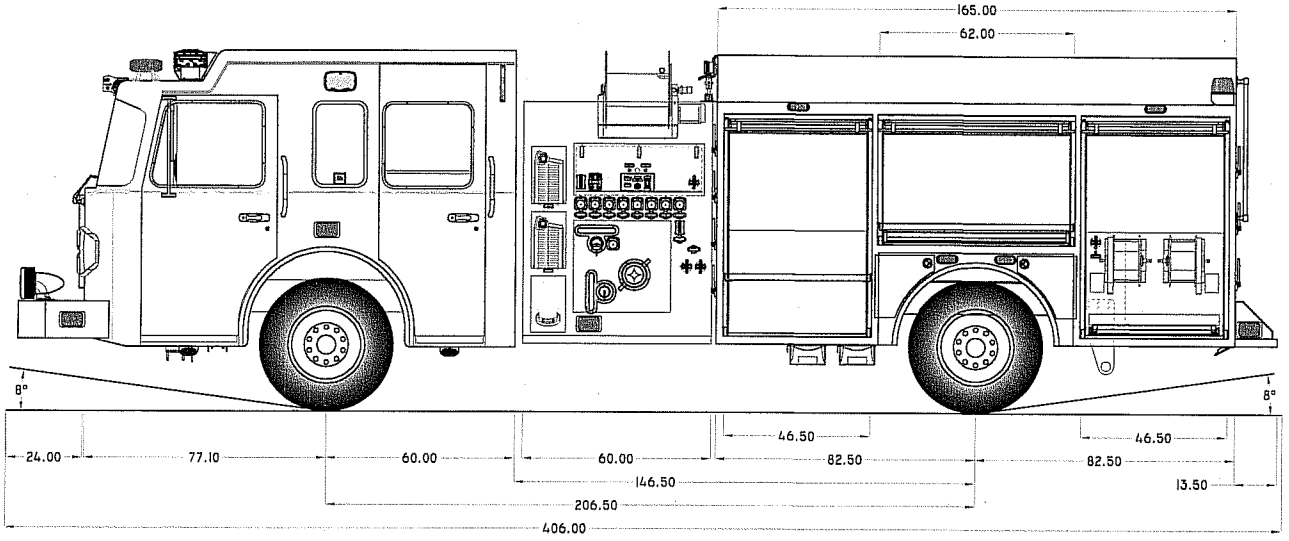
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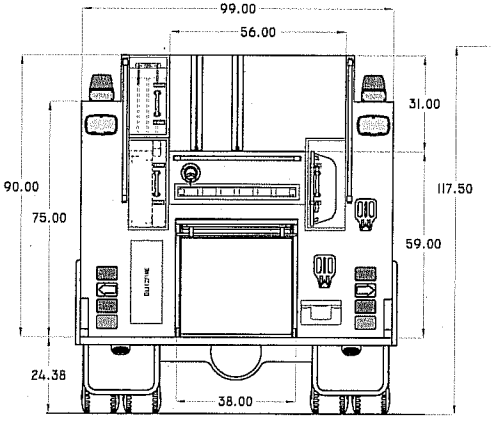
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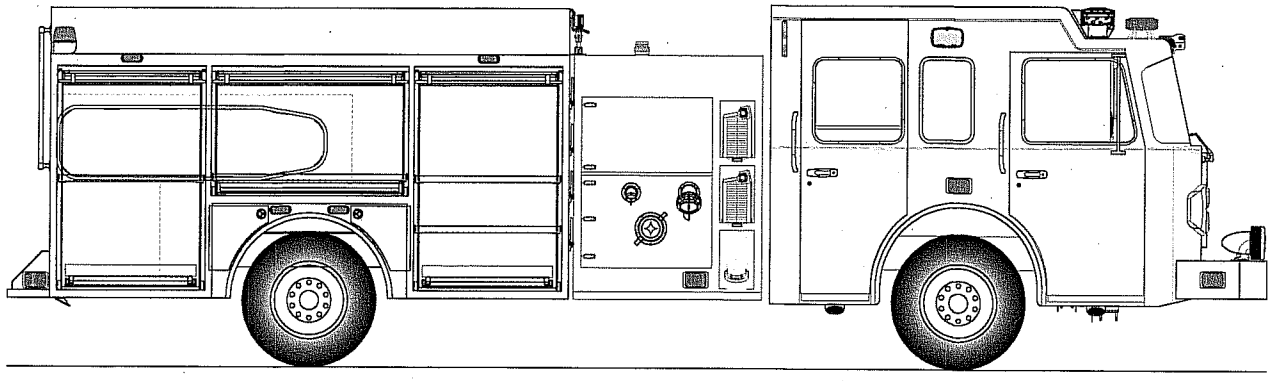

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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 12

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Consider and take appropriate action concerning performance contract with Siemens Industry, Inc.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Hewitt contracted with Siemens Industry Inc. to review citywide operations for opportunities to make improvements and system upgrades that will provide long term operational savings. One of the main objectives was to set up a program to install an automated water meter reading system. Siemens identified other areas of long term cost savings and developed a program for implementation. A third party conducted a Detailed Energy and Water Audit Report (DEWAR) in order to validate Siemens' findings. Detailed information about the project is included in the back-up material.

**ATTACHMENTS:**

Project details

# City of Hewitt Performance Contracting Project Summary

The City of Hewitt has been presented an Energy Performance Contract from Siemens Industry to implement needed infrastructure improvements throughout the City. By utilizing an Energy Performance Contract under Local Government Code 302, the City will be able to pay for all the improvements within the existing budget. These funds will come from energy and operational savings generated by installing more efficient equipment, improving operational processes, and from increased revenues generated by installing more accurate water meters. The Project:

1. Consist of a financial guarantee from Siemens such that the energy and operational savings are guaranteed by Siemens and any shortfalls would be reconciled annually;
2. Has been reviewed by City staff;
3. Has been reviewed by a 3rd party licensed Professional Engineer in the State of Texas;
4. Will be financed through a tax exempt municipal lease;
5. And the contract has been reviewed by the City's attorney.

Following is Project Scope of Work and the value is brings to The City of Hewitt.

FIM 1 – Water Meter System Upgrade
This FIM will:

1. Provide operational savings by eliminating the need to drive around and manually read the water meters each month.
2. Provide greater accuracy – Citizens will pay for what they actually use; no more-no less.
3. Give Citizens greater access to information about their utilization; such as earlier data on leaks.
4. Implement new software that will provide significant operational savings, online bill pay, quicker response to Citizen's information requests.

- Install Fixed Base Automatic Meter Reading system
  - (2) Data Collectors to be mounted on existing radio towers.
- Replace city's water meters with AMR meters --- 5,411 total meters
  - (5359) 5/8" x 3/4" T10 (67 Retrofits, 5292 New)
  - (28) 1" (All T10's – 4 Retrofit & 24 New)
  - (4) 1.5" (2 T10/ 2 Turbines)
  - (13) 2" (4 – T10 Retrofit, 2 T10 New, 7 Turbines)
  - (5) 3" (3 Turbines, 2 Compounds)
  - (2) 4" (1 Turbine, 1 Compound

FIM 2 – Lighting Efficiency Upgrades
This FIM will:

1. Reduce energy and operational cost associated with lighting.
2. Provide a clearer, more consistent lighting though out City facilities.

- Retrofit lighting in 6 city facilities with modern technology lamps and ballasts
- Install occupancy sensors in select locations
- Replace incandescent exit signs with LEDs
- Retrofit incandescent lamps with CFLs or LEDs
- Room by room scope of work will be included as part of the deliverable to the City

FIM 3 – Power Factor & Surge Suppression System – Well #6
This FIM will:

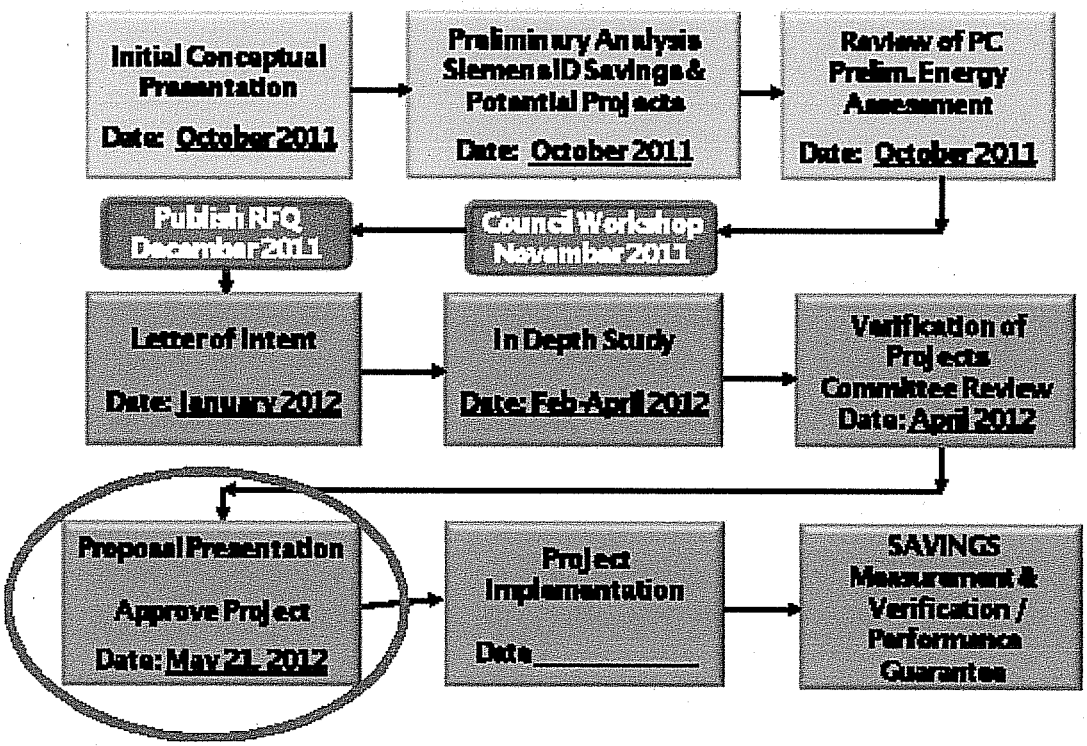
1. Improve Power Factor – 84% to 95% (Quality of how power is being used) which will eliminate utility penalty charges
2. Protect pump and well infrastructure from power surges thereby reducing premature pump and motor failures.

- Install capacitor bank to raise power factor to 95% (From 84%)
- Install industrial grade high voltage surge protection devices to protect the deep well pump motor

These items were considered and evaluated but did not meet the financial and technical requirements to justify the return on investment and are not recommended at this time.

- HVAC Replacements
  - City Hall, Police Dept., Community Center
- Building Automation System (BAS)
  - City Hall, Police Dept.
- Lift Station Upgrades

Listed below is the process that was followed by the City and Siemens:



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# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 13

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Consider and take appropriate action concerning financing for performance contract with Siemens Industry, Inc.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Eight financing entities provided proposals for consideration. The proposals were reviewed and evaluated. After analysis, Pinnacle Public Finance, Inc. provided the proposal with the least variable costs and an interest rate of 2.3100%. Staff recommends award of the financing to Pinnacle Public Finance, Inc. A summary of the proposals is included in the back-up material.

**ATTACHMENTS:**

Proposal Summary

**City of Hewitt, Texas**
**Siemens Financing Proposals**
**submitted as of 5/16/2012**

| Lender | Interest Rate | Variable P&I Payments adjusted to Match Energy Savings | Fees | Security | Prepayment Penalty | Term | Quote Expiration |
|---|---|---|---|---|---|---|---|
| **Bids meeting RFP parameters** | | | | | | | |
| Pinnacle Public Finance, Inc. | 2.3100% | yes | all costs born by Lessee | Security Interest in Equipment | 102% of balance | 11 years | 6/30/2012 |
| Siemens Public, Inc. | 2.4000% | yes | all costs born by Lessee | Security Interest in Equipment | 102% of balance | 11 years | 5/31/2012 |
| JPMorgan Chase Bank | 2.4200% | yes | all costs born by Lessee | Security Interest in Equipment | 105% year 1 | 11 years | 6/9/2012 |
| National Banks of Central Texas | 3.0000% | yes | all costs born by Lessee | Pledge of Gross water & sewer revenues or taxes and Security Int in Equipment | unknown | 11.75 years | unknown |
| **Bids received but not meeting bid parameters** | | | | | | | |
| SunTrust Equipment Finance | 2.1800% | fixed payments | all costs born by Lessee | Security Interest in Equipment | 101% of balance | 11 years | 5/24/2012 |
| BB&T Governmental Finance | 2.3900% | fixed payments | all costs born by Lessee | Security Interest in Equipment | 101% of balance | 11 years | 6/30/2012 |
| Pinnacle Public Finance, Inc. | 2.0500% | fixed payments | all costs born by Lessee | Security Interest in Equipment | 102% of balance | 11 years | 6/30/2012 |
| Tax-Exempt Leasing Corp. | 2.3000% | fixed payments | all costs born by Lessee | Security Interest in Equipment | unknown | 11 years | 5/30/2012 |

**A total of 18 potential financiers were contacted, including those that the city contacts on a regular basis. Out of 18, 8 responded. Of that 7, only 4 responded with the required variable payment schedule to match the scheduled Performance Contract included in the Request for Proposal. Those 4 bid rates ranged from 2.31% to 3.00%.**

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TEXAS

# COUNCIL AGENDA ITEM FORM

**MEETING DATE:** May 21, 2012

**AGENDA ITEM #:** 14

**SUBMITTED BY:** Adam Miles, City Manager

**ITEM DESCRIPTION:**

Consider and act on a resolution denying Atmos Energy Corp., Mid-Tex Division's requested rate change; requiring the company to reimburse the city's reasonable ratemaking expenses; finding that the meeting at which this resolution is passed is opened to the public as required by law; requiring notice of this resolution to the company and Atmos Cities Steering Committee's ("ACSC") legal counsel.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

The ACSC Settlement Committee recommends the ACSC cities pass resolutions denying Atmos Mid-Tex's proposed rate increase. The denial resolution will prevent the Company's proposed rate increase from automatically taking effect on June 11, 2012 to allow more time for a settlement.

**ATTACHMENTS:**

Memo from Lloyd Gosselink Rochelle & Townsend, P.C. along with Exhibit A
Model Staff Report

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# MEMORANDUM

TO: Atmos Cities Steering Committee Members

FROM: Geoffrey M. Gay
Georgia Crump
Eileen McPhee

DATE: April 30, 2012

RE: Denial Resolution For Atmos Mid-Tex's Requested Rate Increase

## Background on Atmos Mid-Tex Rate Case

On January 31, 2012, Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company") filed with Atmos Cities Steering Committee ("ACSC") city members that exercise original jurisdiction a request for a rate increase in excess of $49 million. ACSC members passed resolutions suspending the effective date of the proposed increase to allow ACSC attorneys and consultants to study the request. A summary of the consultants' findings is attached as Exhibit A. The ACSC Settlement Committee has met with Company officials to negotiate a settlement. While ACSC has given the Company a settlement offer, Atmos Mid-Tex does not want to provide a written offer before the expiration of city jurisdiction on June 11, 2012.

## Timing of City Action

ACSC members with original jurisdiction suspended the proposed effective date of March 6, 2012, extending city jurisdiction until June 4, 2012. On April 25, 2012, the Company extended its effective date by a week, which similarly extended the June 4, 2012 deadline to June 11, 2012. It does not appear that settlement could be achieved within a time frame that would allow the City to take action prior to June 11, 2012. Thus, ACSC members are encouraged to pass a denial resolution. Atmos Mid-Tex has promised to support the action which does not preclude a subsequent settlement. If settlement is achieved, ACSC will return to member cities with a request for approval of the settlement.

**Recommendation and Explanation of Denial Resolution**

The ACSC Settlement Committee recommends the ACSC cities pass resolutions denying Atmos Mid-Tex's proposed rate increase. The denial resolution will prevent the Company's proposed rate increase from automatically taking effect on June 11, 2012, and allow more time to engage in settlement discussions. Atmos will appeal your denial to the Railroad Commission which will trigger a 185-day time frame for action by the Commission. Settlement will hopefully occur before a hearing takes place. Please contact Geoffrey Gay if you have any questions or concerns.

# Exhibit A

ACSC Consultants' Recommended Adjustments to Atmos Mid-Tex's 2012 Statement of Intent to Increase Rates[1]

Following a review of the Company's 2012 Statement of Intent, ACSC consultants found justification for an approximately $77 million decrease to the Company's requested revenue, resulting in a $23 million decrease to the current rates charged by Atmos Mid-Tex. ACSC consultants' recommendation for a rate decrease is based upon the following major components:[2]

- Lowering the Company's return on equity from 10.9% to 9.5%, resulting in a revenue requirement decrease of over $30 million
- Removing the Company's improper post-test year adjustment to add plant from January to March 2012, resulting in a revenue requirement decrease of approximately $5 million
- Removing the Company's proposal for an energy efficiency plan to be funded only by ratepayers, resulting in a revenue requirement decrease of over $1 million
- Various adjustments to accumulated deferred income tax, resulting in a revenue requirement decrease of approximately $10 million
- Recognizing new depreciation rates as filed by the Company (without adjustment by ACSC consultants), resulting in a revenue requirement decrease of approximately $15 million
- Various adjustments to the Company's requested level of operating and maintenance (O&M) expense, resulting in a revenue requirement decrease of over $8 million
- Reducing rate base to account for ratepayer supplied funds relating to other post-employment benefits (FASB 106), resulting in a revenue requirement decrease of over $8 million
- Cap residential customer charge at $9.00, instead of Atmos' requested $18.00.

[1] All figures are adjustments resulting in a revenue requirement impact to Atmos' filed case system-wide. Factoring out Dallas, the ACSC cities would see slight decreases in the numbers listed above.

[2] Please note that the adjustments listed are on a stand-alone basis, and may have a different impact when combined with the other adjustments.

# MODEL STAFF REPORT SUPPORTING RESOLUTION DENYING ATMOS MID-TEX'S PROPOSED RATE INCREASE

The City, along with over 150 other cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC" or "Steering Committee"). On or about January 31, 2012, Atmos Mid-Tex filed with the City a Statement of Intent to increase rates within the City.

## Background

In 2003, TXU Gas filed a statewide rate case which became known at the Railroad Commission of Texas ("RRC") as Gas Utilities Docket ("GUD") No. 9400. That same year the Texas Legislature passed legislation referred to as the Gas Reliability Infrastructure Program ("GRIP") which authorized annual piecemeal rate reviews that Texas courts have concluded significantly restrict city jurisdiction, participation, and input. Shortly after GUD No. 9400 was decided in 2004, Atmos Energy purchased TXU Gas and created what is known as Atmos Energy Corp., Mid-Tex Division. The City is within the Atmos Mid-Tex Division.

Atmos Mid-Tex filed four GRIP cases before filing a traditional rate case in September, 2007. As part of ACSC's Settlement Agreement with Atmos of the 2007 rate case, ACSC and Atmos created a substitute process for annual piecemeal GRIP cases. That substitute process was called a Rate Review Mechanism ("RRM") and was intended as an expedited but comprehensive rate review that included a number of fixed values and constraints. The RRM was intended as a three-year experiment. Last year, it was extended for a fourth year with some slight modifications to the original formulas. ACSC negotiated with Atmos in the final quarter of last year to further extend the RRM process, but no agreement was reached. Atmos has expressed a desire to reach a settlement of the January 31, 2012 filing that includes a revised RRM process.

## Discussion and Purpose

Atmos Mid-Tex filed a Statement of Intent on January 31, 2012, seeking to increase system-wide base rates (which exclude the cost of gas) by approximately $49 million or 11.94%. However, the Company is requesting an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from $7.50 to $18.00 and decreasing the consumption charge from $0.25 per 100 cubic feet ("ccf") to $0.07 per ccf.

ACSC engaged attorneys and consultants to review Atmos Mid-Tex's proposed rate increase. Additionally, the ACSC cities passed suspension resolutions earlier this year, extending the effective date of Atmos Mid-Tex's proposed rate increase to June 4, 2012, in order to permit the cities time to review Atmos Mid-Tex's Statement of Intent. During their review, ACSC's consultants found justification that Mid-Tex's rates should be decreased. On April 25, 2012, the Company extended the effective date of its proposed rate change, which similarly extended cities' jurisdictional deadline to June 11, 2012.

ACSC and the Company have engaged in some settlement discussions but have not yet reached agreement. ACSC is hoping to achieve settlement with the Company in order to perpetuate the RRM process. The ACSC Settlement Committee therefore recommends denial of the Company's proposed rate increase rather than a rate decrease to facilitate further settlement discussions. The resolution prevents the Company's proposed rates from automatically going into effect on June 11. The Company has expressed a desire for settlement while an appeal from the cities' denial of the rate increase is pending at the RRC. Should a settlement be reached, the City may be required to pass an ordinance setting new rates pursuant to the settlement.

The purpose of the resolution is to deny Atmos Mid-Tex's proposed rate increase pending further settlement discussions and to prevent Atmos' proposed rate increase from automatically taking effect on June 11, 2012.

**Explanation of "Be It Resolved Paragraphs"**

Section 1. The paragraph denies the Company's proposed rate increase.

Section 2. This provision provides that the Company shall continue to charge its existing rates to its customers within the City.

Section 3. By law, the Company must reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by ACSC will present their invoices to the City of Arlington which will then seek reimbursement from Atmos Mid-Tex. The City will not incur liability for payment of rate case expenses by adopting a denial resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that both Atmos Mid-Tex's designated representative and counsel for ACSC will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

**Recommendation**

The City Staff recommends adoption of the resolution denying Atmos Mid-Tex's proposed rate increase.

**RESOLUTION NO. 2012-05-21-1**

**RESOLUTION OF THE CITY OF HEWITT, TX DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL**

WHEREAS, the City of Hewitt, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC and the Company worked collectively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and

WHEREAS, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately $49 million; and

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and

WHEREAS, the City suspended the effective date of Atmos Mid-Tex's proposed rate increase for the maximum period allowed by law and thus extended the City's jurisdiction until June 4, 2012; and

WHEREAS, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and

WHEREAS, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and

WHEREAS, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and

WHEREAS, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and

WHEREAS, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and

WHEREAS, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS:

1. That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

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

5. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this _____ day of _____, 2012.

_____
Wilbert Wachtendorf, Mayor

ATTEST:

_____
Lydia Lopez, City Secretary

APPROVED AS TO FORM:

_____
O. Charles Buenger, City Attorney