

HEWITT TEXAS

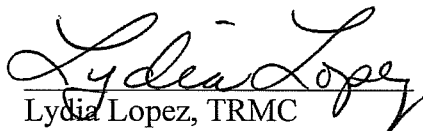
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Dinner Workshop** meeting of the governing body of the City of Hewitt will be held on the **17th day of September, 2012 at 5:30 PM** 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. Report from City Engineer including review and discussion of Capital Improvement Projects.
 - b. Public Safety – Fire & Police.
2. Review regular meeting agenda items.
3. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the purchase, exchange, lease, or value of real property.
4. Close Executive Session.
5. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 10:00 AM/PM on September 14, 2012.

CITY OF HEWITT


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 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 **17th day of September, 2012 at 7:00 PM 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 August 27, 2012 and Special Joint Meeting of the Hewitt City Council and the Parks & Beautification Committee of September 10, 2012.
2. Hear visitors on matters pertaining to city business.
3. Public hearing and action on an ordinance to rezone a 2.08 acre tract of land in the City of Hewitt out of the Carlos O'Campo Grant, Abstract No. 32 McLennan County, Texas, being all of that called Lot 1, Block 1 of the Bertha K. Ellis Addition, plat of record in the County Clerk's File No. 2009021709 of the Official Public Records of McLennan County, Texas as conveyed in a deed to Hollyn Valley, LLC, of record in County Clerk's File No. 2012021118 of the Official Public Records of McLennan County, Texas from R-1 Single Family to R-3 Multi-Family Low Density.
4. Consider award of bid for 2012 Street Improvement – Reclaim of Various Streets to H & B Contractors in the amount of \$495,949.75.
5. Authorize the City Manager to negotiate and execute an interlocal agreement with the city of Robinson for the sale of a used vactor truck in the amount of \$35,000.
6. Consider an ordinance electing for the city to make current service and prior service contributions to the city's account in the benefit accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.
7. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 10:00 AM PM on September 14, 2012

CITY OF HEWITT



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 TEXAS

WORKSHOP ITEM #1. a

HEWITT TEXAS

CITY ENGINEER'S REPORT

September 13, 2012

Note: All schedules, dates and references to completion dates are approximate and subject to change.

Bull Hide Creek WMARSS - Sewer System Conversion

Phase 2A (New Lift Station No. 4)

Under construction; have placed concrete in lowest section of walls and are now forming next section up of walls.

Construction to be completed by January 2, 2013.

Phase 2B (Interceptor Sewer and Force Main to Old Temple Road via Castleman Creek and Removal of Existing Lift Station No. 4)

Under construction; materials are scheduled for delivery next week and the contractor will be moving on site.

Construction to be completed by January 15, 2013.

Lindenwood Ln. West - Street & Drainage Improvements

Under construction; utility line relocation complete, street curb & gutter replaced and cement stabilized base has been laid, starting on the channel lining.

Construction to be completed by November 27, 2012.

Street Improvements:

West Warren Overlay

Construction complete.

Various Streets - Reclaim

Project includes a concrete valley gutter at East Johnson and Dixon; short sections of curb and gutter replacement; the rehabilitation of street base and replacement of street surface for:

Del Rio Drive,
East Johnson Street,
Nash Drive,

Tampico Drive,
Dixon Drive,
Dane Drive

Russell Lane,
Hedrick Drive,

Bids opened August 28, 2012. Request contract award Sept. 17, 2012

Approximate completion of construction, December, 2012.

I-35 Widening - Utility Adjustments

Under construction and beginning Hewitt section with exception of new Lift Station No. 1, as ongoing imminent domain process continues. It appears that we may soon have clearance, through the imminent domain process, for construction to start on the new Lift Station No. 1.

HEWITT TEXAS II

Alliance Parkway Extension: (Off of Bagby/Old Temple Road)

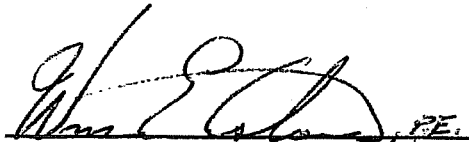
Under construction; phone cables continue to delay street construction. One phone cable was lowered, but now two other cables have been found and may need adjustment.

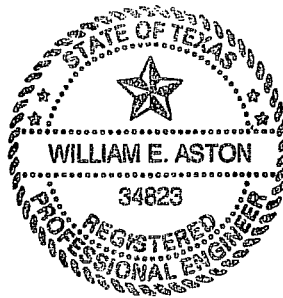
Water Utility Improvements:

Sun Valley Waterline Replacement (Phase I):

This section of waterline replacement spans from Spring Valley Blvd. to Legacy Drive along Sun Valley Blvd. Bid date to be scheduled.

By:


William E. Aston, P.E.





COUNCIL AGENDA ITEM FORM

MEETING DATE: September 17, 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 August 27, 2012 and Special Joint Meeting of the Hewitt City Council and the Parks & Beautification Committee of September 10, 2012.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached are draft copies of the minutes of these 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
August 27, 2012 - 5:30/7:00 PM**

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

Staff Present: City Attorney Charlie Buenger, City Engineer Bill Aston, City Manager Adam Miles, Assistant City Manager Jim Barton, Police Chief James Devlin, Deputy Police Chief Tuck Saunders, Deputy Fire Chief Lance Bracco, Finance Director Lee Garcia, Community Development Director Bruce Braley, Utilities Director James Black, Library Director Waynette Ditto, and City Secretary Lydia Lopez

Dinner Workshop – 5:30 PM

1. City Manager presented update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects.
 - b. Briefing and discussion concerning increase of the minimum square footage of structures in the R-1, single family home district.
 - c. Public Safety – Fire & Police.
2. City Manager reviewed the regular meeting agenda items.
3. Adjourn. *Motion was made by Charlie Turner, second by Ed Passalugo to adjourn the meeting at 6:17 PM; all seven in favor, motion passed.*
4. *Motion by Ed Passalugo, second by Charlie Turner to convene Executive Session at 6:19 PM pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:*
 - Pursuant to §551.072 of the Open Meetings Act. *Tex. Gov’t Code*, Council will meet in Executive Session to discuss the purchase, exchange, lease, or value of real property.
5. Close Executive Session. *Motion by Ed Passalugo, second by Charlie Turner to adjourn at 6:44 PM; all seven in favor, motion passed.*

REGULAR SESSION – 7:00 PM

1. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF AUGUST 20, 2012.** *Motion by Charlie Turner, second by Bill Fuller 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.**
Mayor opened the hearing of visitors. Mr. Steve Patrick, 1195 Fossil Rim Rd., McGregor, TX, read a letter into the record (on file) from Sheehy, Lovelace & Mayfield, P.C. written in behalf of the Heart of Texas Builders Association expressing opposition to the Planning and Zoning Commission's recommendation to increase the minimum square footage of R-1, single family homes from 1450 square feet to 1750 square feet. No one else appeared. Hearing closed.
3. **CONSIDERATION AND ACTION ON A RESOLUTION DESIGNATING VETERAN'S DAY AS AN EMPLOYEE HOLIDAY.** *Motion by Charlie Turner, second by Pike Anderson to approve resolution; all seven in favor, motion passed.*
4. **CONSIDERATION AND ACTION ON A RESOLUTION AMENDING THE CURRENT FEE SCHEDULE SETTING FEES FOR VARIOUS CITY SERVICES AND CONSOLIDATING THOSE FEES FOR CONVENIENCE; PROVIDING FOR AN EFFECTIVE DATE.** *Motion was made by Bill Fuller, second by Ed Passalugo to approve resolution; all seven in favor, motion passed.*
5. **CONSIDERATION AND ACTION ON AN ORDINANCE ACCEPTING 2012 TAX ROLL.** *Motion by Ed Passalugo, second by Charlie Turner to approve the ordinance accepting the 2012 Tax Roll; all seven in favor, motion passed.*
6. **CONSIDERATION AND ACTION ON AN ORDINANCE ADOPTING THE 2012 TAX RATE OF .514977.** *Charlie Turner stated, "I move that the property tax be increased by the adoption of .514977, which is effectively a .029% increase in the tax rate." Motion was second by Ronnie McNiel; all seven in favor, motion passed.*
7. **CONSIDERATION AND ACTION ON AN ORDINANCE FOR FY 2012-2013 WATER RATES.** *Motion by Ed Passalugo, second by Charlie Turner to approve the ordinance setting FY 2012-2013 water rates as recommended; all seven in favor, motion passed.*
8. **CONSIDERATION AND ACTION ON AN ORDINANCE FOR FY 2012-2013 WASTEWATER RATES.** *Motion by Charlie Turner, second by Ed Passalugo to approve the ordinance setting FY 2012-2013 wastewater rates as recommended; all seven in favor, motion passed.*

- 9. CONSIDERATION AND ACTION ON AN ORDINANCE ADOPTING THE FY 2012-2013 PROPOSED ANNUAL OPERATING & CAPITAL FUND BUDGET.** *Motion by Ed Passalugo, second by Pike Anderson to approve the ordinance adopting FY 2012-2013 Annual Operating & Capital Fund Budget; all seven in favor, motion passed.*

ADDENDUM ITEMS

- 10. CONSIDERATION OF THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE PROPERTY KNOWN AS LOT 1, BLOCK 1, AND LOT 2, BLOCK 1, IN THE MITCHELL ADDITION TO THE CITY OF HEWITT, TEXAS. (For action, see agenda item 11 below.)**
- 11. CONSIDERATION AND ACTION ON AN ORDINANCE AUTHORIZING THE CONDEMNATION OF FEE SIMPLE AND EASEMENT INTERESTS IN LOT 1, BLOCK 1 AND LOT 2, BLOCK 1, IN THE MITCHELL ADDITION TO THE CITY OF HEWITT, TEXAS BY RECORD VOTE.** *Ed Passalugo stated, "I move that the City of Hewitt, Texas, authorize the use of the power of eminent domain to acquire Lot 1, Block 1, and Lot 2, Block 1, in the Mitchell Addition to the City of Hewitt, for the relocation of a sewer lift station in accordance with the terms of the Ordinance submitted herein. Motion was second by Pike Anderson; all seven in favor, motion passed.*
- 12. ADJOURN.** *Charlie Turner moved, second by Bill Fuller to adjourn the meeting at 7:19 PM, all seven in favor, motion passed.*

Approved: September 17, 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 September 10, 2012 - 6:00 PM

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

Parks & Beautification Committee Members Present: Chair Fred Raby (presiding), Vice Chair Farrah Burns, Lydia Guerra, Tracy Smith, Robert Smith, Ruth Coffman and Lloyd Coffman

Special Joint Meeting – 6:00 PM

1. Call meeting to order:
 - a. City Council – *Mayor Wachtendorf called the meeting of the City Council to order at 6:00 pm.*
 - b. Parks & Beautification Committee – *Chair Fred Raby called the meeting of the Parks and Beautification Committee to order at 6:00 PM.*
2. City Manager Adam Miles welcomed attendees, briefed the Council/Committee on the interview process.
4. Interviews with prospective vendors for the renovation and replacement of playground equipment in Hewitt Park were conducted as follows:
 - a. Lea Park and Play – Presented by Travis Lea and Kent Smith
 - b. Park and Play Structures – Presented by James Robertson, Timothy McIntyre, and David Robertson
5. Group discussion was held concerning playground proposals. *Tracy Smith stated “Mr. Mayor and Mr. Chairman, I would like to make a motion that the Park Boards meet in a special meeting to discuss this and come up with a resolution and make a recommendation within seven days.” Second was made by Lydia Guerra; all seven in favor, motion passed.*
6. Parks & Beautification Committee to consider and make recommendation concerning award of bid for renovation and replacement of playground equipment in Hewitt Park. **No Action taken.**
7. City Council to consider and take appropriate action considering award of bid for renovation and replacement of playground equipment in Hewitt Park. **No Action taken.**

8. Adjournment:
- a. Parks & Beautification Committee – *Motion was made by Tracy Smith, second by Farrah Burns to adjourn; all seven in favor. The meeting was at 7:42 pm.*
 - b. City Council - *Motion was made by Ed Passalugo, second by Pike Anderson to adjourn; all seven in favor. The meeting was adjourned at 7:42 pm.*

Approved by Council: September 17, 2012

Lydia Lopez, City Secretary

Wilbert Wachtendorf, Mayor

Approved by the Parks & Beautification Committee: September 10, 2012

Denise Rodriguez, Secretary

Fred Raby, Chair

Duff Consulting Engineers, Inc.

Texas Registered Engineering Firm F-400

4201 No. 19TH St. - WACO, TEXAS 76708
(254)756-5414 FAX: (254)753-2642

E-Mail: b.aston@duffengineering.com

September 13, 2012

Honorable Mayor Wachtendorf & City Council
City of Hewitt
Via: E-mail

Re: ***2012 Street Improvements – Reclaim Various Streets***

Dear Mayor Wachtendorf & City Council:

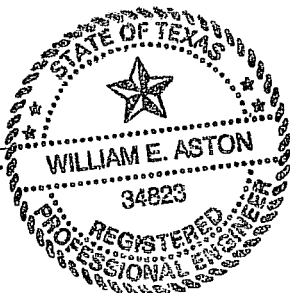
Bids were opened on the above captioned project on August 28, 2012. Four bids were submitted with the lowest bid being submitted by H & B Contractors in the amount of \$495,949.75.

H & B Contractor's unit bid prices, for the items involved in the project, appear to be consistent with the recent lower prices bid on other projects. H & B Contractors has provided construction services on many Hewitt projects in the past and their work has always been satisfactory.

It is my recommendation that this contract be awarded to H & B Contractors.

Sincerely,


William E. Aston, P.E.



cc: Adam Miles, City Manager

HEWITT TEXAS

ITEM #2 – 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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 17, 2012

AGENDA ITEM #: 3

SUBMITTED BY: Bruce Braley, Director of Community Development

ITEM DESCRIPTION:

Public hearing and action on an ordinance to rezone a 2.08 acre tract of land in the City of Hewitt out of the Carlos O'Campo Grant, Abstract No. 32 McLennan County, Texas, being all of that called Lot 1, Block 1 of the Bertha K. Ellis Addition, plat of record in the County Clerk's File No. 2009021709 of the Official Public Records of McLennan County, Texas as conveyed in a deed to Hollyn Valley, LLC, of record in County Clerk's File No. 2012021118 of the Official Public Records of McLennan County, Texas from R-1 Single Family to R-3 Multi-Family Low Density.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt Planning and Zoning Commission met on September 4, 2012 and by a vote of 5 – 1, recommended approval of the zone change from R-1 Single Family to R-3 Multi-Family Low Density.

ATTACHMENTS:

Ordinance with Exhibits

ORDINANCE NO. 2012-9-17-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AMENDING ORDINANCE NO. 11-15-99 AND ALL AMENDMENTS THERETO, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF HEWITT, TEXAS, CHANGING THE ZONING CLASSIFICATIONS OF THE HEREIN DESCRIBED PROPERTY FROM R-1 (SINGLE FAMILY) TO R-3 (MULTI-FAMILY, LOW DENSITY), PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Code of Ordinances of the City of Hewitt, Hollyn Valley Properties has requested the rezoning of **LAND (For legal description, see Exhibit A) located at 400 Ritchie Road more commonly known as 2.08 acre tract of land out of the Carlos O'Campo Abstract No. 32, McLennan County, Texas from R-1 (Single Family) to R-3 (Multi-Family, Low Density);** and

WHEREAS, a public hearing of the Planning and Zoning Commission at which parties in interest and citizens had an opportunity to be heard was held on September 4th, 2012, after due notice in the manner provided by law; and

WHEREAS, the said Commission has made a report to the City Council of the City of Hewitt, Texas, recommending approval of this rezoning request on a vote of 5 for and 1 against; and

WHEREAS, public notice was given and property owners within 200' were notified of the rezoning request as required by state law, and

WHEREAS, a public hearing in relation thereto at which parties in interest and citizens had an opportunity to be heard was held by the City Council of the City of Hewitt on September 17th, 2012, after due notice in the manner provided by law; and

WHEREAS, the City Council of the City of Hewitt, Texas deems that this rezoning is in accordance with the Comprehensive Land Use Plan and is in the public interest;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, THAT:

SECTION ONE. All that certain tract of land, known as 2.08 acres of land in the City of Hewitt and Carlos O'Campo Grant, Abstract Number 32 McLennan County, Texas being all of that called Lot 1, Block 1 of the Bertha K. Ellis Addition, Plat of record in the County Clerk's File No. 2009021709 of the Official Public Record of McLennan County, Texas as conveyed in a deed to Hollyn Valley, LLC, of record in County Clerk's File No. 2012021118 of the Official Public Records of McLennan County, Texas. As requested by Hollyn Valley, LLC.

SECTION TWO. All ordinances, statutes, restrictions and regulations applicable to this property shall be complied with as well as all zoning restrictions and regulations that are applicable to this property.

SECTION THREE. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION FOUR. The caption of this Ordinance shall be published within ten (10) days of its passage in a newspaper of general circulation in the City of Hewitt.

SECTION FIVE. This Ordinance shall become effective ten (10) days after the date of its passage and upon its publication as required by law.

PASSED AND APPROVED this the 17th day of September, 2012 at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: _____
Wilbert Wachtendorf, Mayor

ATTEST:

Lydia Lopez, City Secretary

LETH LTD

P.O. Box 23414 Waco, Texas 76702
6801 Sanger Avenue, Suite 111
Waco, Texas 76710
254.776-5151 FAX 254.776-5152

DESCRIPTION PREPARED FOR CITY OF HEWITT, McLENNAN COUNTY, TEXAS ZONING

Field notes for 2.08 Acres of land in the **Carlos O'Campo Grant, Abstract No. 32** in the City of Hewitt McLennan County, Texas and being all of **Lot 1, Block 1 of the Bertha K. Ellis Addition**, plat of record in County Clerk's File Number 2009021709 of the Official Public Records of McLennan County, Texas, as conveyed by deed to **Hollyn Valley, LLC**, of record in County Clerk's File Number 2012021118 of the Official Public Records of McLennan County, Texas. Said 2.08 Acres being shown on the attached plat being more particularly described by metes and bounds as follows:

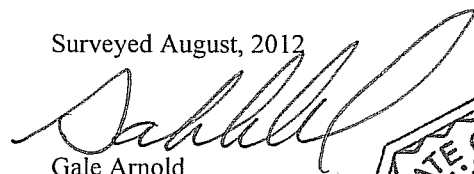
Commencing at a 4 inch Aluminum Disc found in the east right-of-way line of Ritchie Road, marking the northeast corner of that called 3.872 acres of land described in a deed to the City of Hewitt of record as County Clerk's File Number 2003041172 of the Official Public Records of McLennan County, the northwest corner of that called 5.964 acre tract of land described in a deed to Hollyn Valley, LLC, of record in County Clerk's File Number 2012021727 of the Official Public Records of McLennan County, Texas, being the southwest corner of that called 19.44 acres described in a deed to Richard S. Clark of record as County Clerk's File Number 2009005429 of the said public records and the northwest corner of the residue of the said 62.4 acres, Thence 465.39 feet with the west line of the said 5.964 acre tract, east line of the said 3.872 acres, the east right-of-way line of the said Ritchie Road, a curve to the left having a Radius of 787.00 feet and Chord Bearing S 51degrees 19minutes 58seconds E 458.63 feet to a 1/2 inch iron rod with "3879" cap found at the southwest corner of the said 5.964 acre tract, the northwest corner of the said Lot 1, in the said east right-of-way line of the said Ritchie Road for the northwest corner and **POINT OF BEGINNING** of the herein described tract of land;

Thence N 61degrees 35minutes 43seconds E 504.84 feet along the north line of the said Lot 1, the south line of the said 5.964 acre tract, to a 1/2 inch iron rod with "3879" cap found, in the west line of that called 6.2323 acre tract of land described in a deed to Corporation of the Presiding Bishop of the Church of Latter Day Saints, of record in County Clerk's File Number 2010035165 of the Official Public Records of McLennan County, Texas, at the northeast corner of the said Lot 1, the southeast corner of the said 5.964 acre tract, for the northeast corner of the herein described tract of land;

Thence S 28degrees 24minutes 17seconds E 276.18 feet with west line of the said 6.2323 acre tract, the east line of the said Lot 1, to a 1/2 inch iron rod with "3879" cap found in the north right-of-way line of the said Ritchie Road and the 3.872 acres, at the south corner of the said Lot 1, the southwest corner of the said 6.2323 acre tract, for the south corner of the herein described tract of land, from which a 4 inch Aluminum Disc found at the northeast corner of the above referenced City of Hewitt 3.872 acres bears 99.81 feet along a curve to the left having a Radius of 787.00 feet and Chord Bearing N 65degrees 12minutes 00seconds E 99.74 feet;

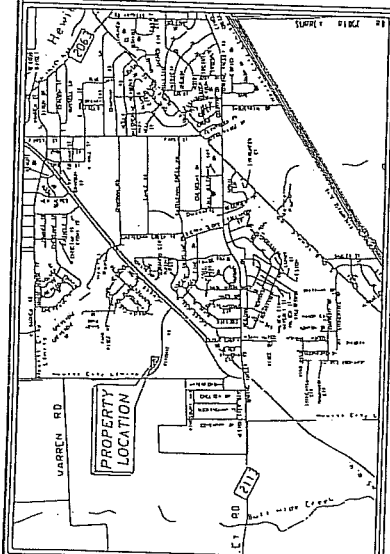
Thence 589.10 feet along the northeast right-of-way line of the said Ritchie Road and the referenced 3.872 acres, the southwest line of the said Lot 1, with a curve to the right having a **Radius of 787.00 feet** and Chord Bearing of N 89degrees 43minutes 22seconds W 575.45 feet to the **Point of Beginning**.

Surveyed August, 2012



Gale Arnold
Registered Professional
Land Surveyor No. 3879
W.O. No. 12-03-5781





VICINITY MAP SCALE = 1" = 4000'

Exhibit for the Rezoning from R-1, Single Family District to R-3, Multi-Family Low Density District, of a 2.08 Acre tract of land, in the City of Hewitt and Carlos O'Campo Grant, Abstract No. 32 McLennan County, Texas, being all of that called Lot 1, Block 1 of the Bertha K. Ellis Addition, plat of record in County Clerk's File Number 2009021709 of the Official Public Records of McLennan County, Texas, as conveyed in a deed to Hollyn Valley, LLC, of record in County Clerk's File Number 2012021118 of the Official Public Records of McLennan County, Texas.

HOLLYN VALLEY, LLC
CALLED 5.98+ ACRES
INSTR. NO. 2012021223 OPR

SWC Record 5, Chk 19.44 Acres
Instrument No. 2009005799 OPR
NWC Janine Ellis 62.4 Acre Residue
Volume 330, Page 207 Deed Records
NCC City of Hewitt
Called 1.872 Acres
Instrument No. 2003041172
Official Public Records

LENGTH = 463.39'
RADIUS = 787.00'
CHORD = 551.19 58°E +58.63

CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS
CALLED 8.211 ACRES
INSTR. NO. 2010035165 OPR

FIELD NOTE POINT
OF BEGINNING

PROPOSED ZONING: R-3
LOT 1, BLOCK 1
BERTHA K. ELLIS ADDITION
INSTR. NO. 2009021709 OPR

LENGTH = 99.81'
CHORD = 651.700° 98.74
RADIUS = 787.00'

RESIDUE OF
JEW PROPERTIES, LLP
CALLED 63.210 ACRES
INSTR. NO. 2007031160 OPR

CURVE	CHORD	BEARING	CHORD LENGTH	ARC LENGTH	RADIUS
C1	1489.43	22° W	575.45	589.10	787.00

PO Box 23414
Waco, Texas 76702
(254-276-5151) (FAX: 254-276-5152)

LETH LTD

0 100 200
SCALE
PROJECT: 12-08-6100 RITCHIE ROAD - SCOTT BRYANT\B-012-08-6100.dwg 8/08/2012
WORK ORDER NO. 12-08-6100 DRAWN BY JBU
DIGITAL FILE 12-08-6100.dwg FIELDBOOK/PG -

Copyright: LETH LTD, 2012.

FIELD NOTE DESCRIPTION ATTACHED



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 17, 2012

AGENDA ITEM #: 4

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider award of bid for 2012 Street Improvement – Reclaim of Various Streets to H & B Contractors in the amount of \$495,949.75.

STAFF RECOMMENDATION/ITEM SUMMARY:

Sealed bids were received and opened on August 28, 2012 for the 2012 Street Improvement Overlay Project. H& B Contractors is the lowest bidder meeting qualifications. City staff recommends award of the bid to H & B Contractors in the amount of \$495,949.75.

ATTACHMENTS:

Letter from City Engineer
Bid Tabulation

Duff Consulting Engineers, Inc.
Texas Registered Engineering Firm F-400

4201 No. 19th St. - WACO, TEXAS 76708
(254)756-5414 FAX: (254)753-2642

E-Mail: b.aston@duffengineering.com

September 13, 2012

Honorable Mayor Wachtendorf & City Council
City of Hewitt
Via: E-mail

Re: 2012 Street Improvements – Reclaim Various Streets

Dear Mayor Wachtendorf & City Council:

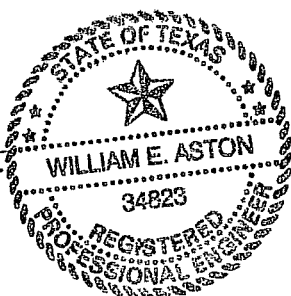
Bids were opened on the above captioned project on August 28, 2012. Four bids were submitted with the lowest bid being submitted by H & B Contractors in the amount of \$495,949.75.

H & B Contractor's unit bid prices, for the items involved in the project, appear to be consistent with the recent lower prices bid on other projects. H & B Contractors has provided construction services on many Hewitt projects in the past and their work has always been satisfactory.

It is my recommendation that this contract be awarded to H & B Contractors.

Sincerely,


William E. Aston, P.E.



cc: Adam Miles, City Manager

BID TABULATION: CITY OF HEWITT - 2012 STREET IMPROVEMENTS - RECLAIM VARIOUS STREETS
Project No. 2012-04-ST

BID OPENING: August 28, 2012, 9:00 a.m., City of Hewitt, Texas

UNIT NO.	EST. QTY. & UNIT	DESCRIPTION	H & B UNIT PRICE	KNIFE RIVER UNIT PRICE	BARNETT UNIT PRICE	BIG CREEK UNIT PRICE
1.	30,529 S.Y.	Remove Existing 1 1/2" HMA Surface	\$ 1.00	\$ 1.75	\$ 1.65	\$ 3.00
2.	134 L.S.	Remove & Replace Existing Concrete Curb & Gutter, incl. Excavation & Backfill	32.00	28.00	20.00	50.00
3.	221 S.F.	8" Reinf. Concrete Fillet (Curb & Equivalent Gutter Area, included in Removal & Replacement of Concrete Curb & Gutter) incl. Excavation	6.00	19.00	8.00	30.00
4.	181 S.F.	8" Reinf. Concrete Valley	6.00	23.00	8.00	20.00
5.	30,529 S.Y.	Reclaim 6" Minimum Thickness of Ex. Base with 30 Lbs./S.Y. Cement, incl. Processing & Compaction (Ex. Base Cement Stabilized)	6.75	7.25	7.75	10.00
6.	2,510 Tons	1 1/2" Thickness, TxDOT Type "D" (Crushed Stone) Hot-Mixed Asphaltic Concrete Surface, incl. Surface Preparation & Tack Coat	85.00	77.00	92.00	75.00
7.	23 Ea.	Adjust Height of Ex. Manhole Ring & Cover	550.00	400.00	600.00	625.00
8.	5 Ea.	Adjust Height of Ex. Sewer Cleanout	350.00	300.00	500.00	625.00
9.	60 S.Y.	San Augustine Grass Sod	15.00	13.00	10.00	20.00
10.	1 L.S.	Mobilization, not to exceed 10% of Total Amount of Bid	24,000.00	22,000.00	45,000.00	60,000.00
TOTAL AMOUNT OF BID:			\$ 495,949.75	\$ 513,625.00	\$ 585,688.60	\$ 680,777.00

Prepared By:



Nancy A. Turner

Nancy A. Turner, P.E. #106358
August 28, 2012

Texas Registered Engineering Firm - F-400

DUFF CONSULTING ENGINEERS, INC.
4201 N. 19th St., Waco, Tx 76708
(254)756-5414 Fax: (254)753-2642



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 17, 2012

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize City Manager to negotiate and execute an interlocal agreement with the city of Robinson for the sale of a used vactor truck in the amount of \$35,000.

STAFF RECOMMENDATION/ITEM SUMMARY:

The city of Robinson has expressed interest in purchasing a used vactor truck from Hewitt. This piece of equipment is being replaced by a newer model. The trade in value of the used vactor truck was estimated to be \$35,000. Robinson has agreed to purchase the used equipment at that price. Council approval is needed to authorize the sale of this equipment to Robinson.

ATTACHMENTS:

Interlocal Agreement

Agreement for Purchase and Sale of Equipment

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Robinson, Texas ("Robinson") and the City of Hewitt ("Hewitt"), sometimes collectively referred to as "Parties", and is effective upon execution by the Parties.

WHEREAS, Hewitt owns a piece of equipment that it no longer requires due to purchasing a new piece of equipment; and

WHEREAS, Robinson has a need for the equipment for the governmental purpose of maintaining its sewer system; and

WHEREAS, the parties agree that the sale of the equipment to Robinson by Hewitt will serve the public good and the goals of interlocal cooperation in accordance with Chapter 791 of the *Government Code* and other law.

NOW THEREFORE, in consideration of the premises, terms, and agreements herein set forth, the parties agree as follows:

1. *Recitals and Preambles*. All the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Agreement.

2. *Sale and Purchase*. Hewitt sells and conveys to Robinson a vactor truck [more specifically described in Exhibit "A" attached hereto] (hereinafter "equipment") for the sum of \$35,000 to be paid by Robinson to Hewitt.

3. *Title*. The Parties will cooperate to achieve the legal transfer of title, including timely providing necessary information and executing/filing all necessary instruments.

4. *No Liens*. Hewitt represents that it owns the equipment that it is conveying to Robinson, and that: no liens exist against the equipment; the equipment is not subject to a lease or lease-purchase agreement, and no person is presently making a claim against the equipment.

5. *Risk of Loss*. The risk of loss does not transfer until Robinson actually takes possession of the equipment.

6. *Miscellaneous Terms*.

- a. *Entire Agreement*. This agreement constitutes the entire agreement between the parties, and all negotiations and all understandings between the parties are merged herein.
- b. *Amendments*. This Agreement can be supplemented and/or amended only by a dated written document executed and mutually agreed upon by each party.
- c. *Venue*. The obligations and undertakings of each of the parties to this Agreement shall be performable in McLennan County, Texas.

- d. *Choice of Law.* This Agreement is governed by the laws of the State of Texas.
- e. *Available Funds.* All obligations accepted by the Parties hereunder will be paid from current funds available in accordance with §791.011(d)(3) *Texas Government Code*.
- f. *Authorization.* The parties agree and represent that their respective governing bodies have authorized the execution of this Agreement and such execution is correct and proper in all respects.
- g. *Multiple Copies.* This Agreement is to be executed in multiple counterparts, each of which constitutes an original.

EXECUTED ON THE DATE NOTED BY THE LAST TO SIGN BELOW.

CITY OF ROBINSON, TEXAS

BY: _____
MAYOR

DATE: _____

ATTEST:

CITY SECRETARY

CITY OF HEWITT, TEXAS

BY: _____
MAYOR

DATE: _____

ATTEST:

CITY SECRETARY

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 17, 2012

AGENDA ITEM #: 6

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Consider an ordinance electing for the city to make current service and prior service contributions to the city's account in the benefit accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

STAFF RECOMMENDATION/ITEM SUMMARY:

Essentially, approval of this ordinance will remove the TMRS statutory maximum rate. By State Law all cities in the TMRS were bound by a maximum statutory rate which fluctuated depending on what was included in the city's plan. Our statutory maximum rate is 13.5% and the minimum rate of funding effective January 1, 2013 is 13.87%. This is a housekeeping ordinance that will allow us to continue funding TMRS as we have done in the past. Staff recommends removing the Statutory Maximum Rate in light of the fact that this does not prevent council from amending the plan in the future as needed.

ATTACHMENTS:

TMRS Letter
Draft Ordinance



August 1, 2012

Via E-MAIL

Ms. Lydia Lopez
City Secretary
City of Hewitt
P.O. Box 610
Hewitt, TX 76643-0610

Dear Lydia:

We are pleased to enclose a model ordinance for your city to:

Remove the statutory maximum contribution rate limit

By adopting this ordinance, your city is agreeing to fully fund the costs of the pension benefits included in the City's plan.

This ordinance will allow your city to impose its own "limit" on the contribution rate by using its discretion in determining which potential plan improvements to adopt, or not adopt, based on the calculated contribution rate. The TMRS actuary will perform a valuation of the City's plan of benefits each year and forward this rate to your City.

With the removal of the statutory rate limit your city's full contribution rate for 2013 will be **14.75%** and the phase-in rate will be **13.87%**.

Please be aware that this ordinance must be finally adopted prior to December 31, 2012 and a copy transmitted to TMRS prior to that date.

We would appreciate receiving a copy of this ordinance as soon as possible after adoption. Please fax a copy of the executed ordinance to 512.476.2903.

If you have any questions or need additional assistance, please do not hesitate to contact me at 1-800-924-8677.

Sincerely,

Eric W. Davis
Deputy Executive Director



Plan Change Study

00605 Hewitt

GRID 2013

For Informational Purposes Only
Effective Date - January 1, 2013
Report Date - August 1, 2012

Proposed Plans

<u>Plan Provisions</u>		<u>Current</u>
Deposit Rate		7.00%
Matching Ratio		2 to 1
Updated Service Credit		100% (Repeating)
Transfer USC **		Yes
Annuity Increase		70% (Repeating)
20 Year/Any Age Ret.		Yes
Vesting		5 years
<u>Contribution Rates</u>		<u>2013</u>
Normal Cost Rate		9.43%
Prior Service Rate		5.20%
Retirement Rate		14.63%
Supplemental Death Rate		0.12% (A & R)
Total Rate		14.75%
Unfunded Actuarial Liability		\$2,806,627
Amortization Period		30 years
Funded Ratio		75.7%
Phase-In Total Rate		13.87%
Study exceeds 13.50% stat max		Yes

**This is the addition to the Initial Prior Service Rate for USC for transfers. There were 12 eligible transfer employees on the valuation date.

ORDINANCE NO. 2012-09-17-2

AN ORDINANCE ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.

WHEREAS, the City of Hewitt (the "City"), is a participating municipality in the Texas Municipal Retirement System (the "System"), and has undertaken to provide certain retirement, death and disability benefits to its employees pursuant to Subtitle G, Title 8, Government Code, (hereinafter, the "TMRS Act"); and

WHEREAS, the City Council desires to authorize funding of such benefits as herein provided; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF HEWITT, TEXAS:

Section 1. Pursuant to Section 855.407(g) of the TMRS Act, the City hereby elects to make future normal and prior service contributions to its account in the benefit accumulation fund of the System at such combined rate of the total compensation paid by the City to employees who are members of the System, as the System's actuary shall annually determine as the rate necessary to fund, within the amortization period determined as applicable to the City under the TMRS Act, the costs of all benefits which are or may become chargeable to or are to be paid out of the City's account in said accumulation fund, regardless of other provisions of the TMRS Act limiting the combined rate of City contributions.

Section 2. The provisions of the ordinance shall become effective on the first day of January, 2013.

PASSED AND APPROVED this the _____ day of _____, 2012.

CITY OF HEWITT, TEXAS

ATTEST:

Lydia Lopez, City Secretary

Wilbert Wachtendorf,

Mayor