

HEWITT TEXAS

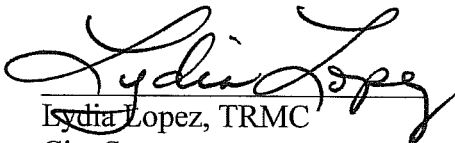
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Dinner Workshop** meeting of the governing body of the City of Hewitt will be held on the **1st day of April, 2013 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. Preliminary discussion concerning FY 2013-14 Capital budget
 - c. Public Safety Fire & Police
 - d. Evaluation Panel for construction manager at risk for Police and Fire Facility
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:
§551.074. Personnel Matters; Closed Meeting
Council will meet in Executive Session to discuss the annual evaluation of the City Manager.
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 4:00 AM/PM on March 28, 2013.

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 **1st day of April, 2013 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 March 18, 2013.
2. Hear visitors on matters pertaining to city business.
3. Consider reappointments to the Board of Adjustment.
4. Consider award of bid for replacement and maintenance of lighting at Hewitt Park.
5. Consider a resolution appointing election officials for the May 11, 2013 General Election.
6. Consider an ordinance amending Appendix B, Subdivision, Parts I, II, III and IV of the Code of Ordinances of the City of Hewitt, repealing in its entirety Appendix B, Subdivision, Parts I, II, III and IV and adopting a revised Appendix B Subdivision, Parts I, II, III and IV; providing for inclusion in the code, providing for severability; and providing an effective date.
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 4:00 AM/PM on March 28, 2013.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

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COUNCIL AGENDA ITEM FORM

MEETING DATE: April 1, 2013

AGENDA ITEM #: 1

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Dinner Workshop/Regular Meeting of March 18, 2013.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the minutes of the meeting. 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 March 18, 2013 - 5:30/7:00 PM

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

Staff Present: City Attorney Charlie Buenger, City Manager Adam Miles, City Engineer Bill Aston, Assistant City Manager James Barton, Engineer in Training Miles Whitney, Police Chief Jim Devlin, Deputy Fire Chief Lance Bracco, Finance Director Lee Garcia, Utilities Director James Black, Library Director Waynette Ditto, Director of Human Resources/Civil Service Susana Garcia-Gilmore, and City Secretary Lydia Lopez

Workshop – 5:30 PM

1. City Manager presented an update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects
 - b. Public Safety Fire & Police
 - c. Discussion concerning possible contract for law enforcement services with Midway Independent School District (MISD) for a School Resource Officer
 - d. Park Projects (Note: This item was not discussed.)
2. The regular meeting agenda items were reviewed.
3. *Motion by Ed Passalugo, second by Charlie Turner to convene Executive Session at 6:17 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.
4. *Motion by Pike Anderson, second by Charlie Turner to close Executive Session and adjourn the Dinner Workshop at 6:37 pm.*

REGULAR SESSION – 7:00 PM

1. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF FEBRUARY 18, 2013.** *Motion by Ed Passalugo, second by Charlie Turner 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.** The following appeared in support of building a new facility for Police and Fire Department: Rusty Smith, 1128 Regina Drive and Steve Fortenberry, 701 Oakmont Drive. **No one else appeared.**
3. **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 2013; 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.** Mark McLiney with Southwest Securities presented the pricing summary and recommended the Council accept the bid submitted by First Southwest. *Motion by Charlie Turner, second by Pike Anderson to accept bid submitted by First Southwest at 3.089802% and approve ordinance; seven in favor, motion passed.*
4. **AUTHORIZE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH JEV PROPERTIES, LP ACCEPTING AND APPROVING DONATION OF APPROXIMATELY 6.39 ACRES OF LAND AND PURCHASE OF 4 ACRES OF ADJACENT PROPERTY, FOR THE PURPOSE OF CONSTRUCTING CITY FACILITIES (INCLUDING THE POLICE AND FIRE BUILDING) AND INSTALLATION OF PUBLIC INFRASTRUCTURE.** *Motion by Charlie Turner, second by Pike Anderson to approve; six in favor with James Vidrine abstaining (Affidavit of Substantial Interest on file); motion passed.* Mayor Wachtendorf expressed his appreciation for generous donation of land by JEV Properties, LP.
5. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH RBDR, PLLC FOR DESIGN AND CONSTRUCTION OF A POLICE AND FIRE FACILITY.** *Motion by Ed Passalugo, second by Charlie Turner to approve; seven in favor; motion passed.*

Note: Council Member Turner announced that he would be leaving the meeting due to a prior commitment and was absent for the remainder of the meeting.

6. **PRESENTATION OF AUDIT REPORT AND OPINION BY CHRIS PRUITT, AUDIT PARTNER, PATILLO, BROWN, & HILL, LLP.** Chris Pruitt of Pattillo, Brown & Hill, L.L.P., presented the audit report for Fiscal Year 2011-2012. He stated the city received a clean opinion, with no material weaknesses and the city is in excellent financial condition. Mr. Pruitt commended Finance Director Lee Garcia for her work and assistance with this audit.
7. **CONSIDER REQUEST FOR RATE INCREASE BY ALLIED WASTE SYSTEMS, INC. FOR RESIDENTIAL AND COMMERCIAL WASTE COLLECTION AND DISPOSAL SERVICES.** *Motion by Ed Passalugo, second by Pike Anderson to approve a 1.9% rate increase; six in favor, motion passed.*
8. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH THE WACO METROPOLITAN AREA REGIONAL SEWER SYSTEM (WMARSS) PARTICIPATING CITIES.** *Motion by Ed Passalugo, second by Pike Anderson to approve; six in favor, motion passed.*
9. **ADJOURN.** *Motion by Ed Passalugo, second by Pike Anderson to adjourn at 7:30 pm, all six in favor, motion passed.*

Approved: April 1, 2013

Lydia Lopez, City Secretary

Wilbert Wachtendorf, Mayor



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: April 1, 2013

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider reappointments to the Zoning Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

Board members Douglas Bergen and Charles Howard have agreed to serve another term on the Board. These members are in good standing and staff recommends approval of this item.

ATTACHMENTS:

Council, Boards and Commissions Roster

CITY OF HEWITT: COUNCIL, BOARDS, AND COMMISSIONS

City Hall 666-6171 (Fax 666-6014); Community Services 666-2447; Utility Billing 666-3151 (after hrs emergency 666-6272); Police Adm. 666-1661; Drug Tips 666-3333; Animal Control 666-6272; Library 666-2442; Park Reservations 666-6173; Municipal Court 666-1208; Chamber of Commerce 666-1200. City of Hewitt web site: www.cityofhewitt.com; Email: citysecretary@cityofhewitt.com

<u>City Council</u> <u>2 Yr Term - May</u>	<u>Board of Adjustment</u> <u>2 Yr Term - April</u>	<u>Planning & Zoning</u> <u>Commission</u> <u>3 Yr Term - June</u>	<u>Parks & Beautification</u> <u>Committee</u> <u>2 Yr Term December</u>	<u>Library Board of</u> <u>Directors</u> <u>2 Yr Term - December</u>
1st & 3rd Mon 7 pm	3rd Thurs 7 pm	1st Tues. 7 pm	2nd Thurs 7 pm	Quarterly as needed
Charlie Turner Ward 1 (05-2013) 209 Laredo 666-0087	Chairman (04-2014) Jim Winton 1136 Heatherwood 857-9436	Chairman (06-2013) Jerral F. Knox 224 Lindenwood Ln. E. PO Box 2223 - 666-1098	(12-2014) Fred Raby 732 Castleman Creek 666-7229	(12-2014) VACANCY
Mayor Wilbert (Walky) Wachtendorf Ward 1 (05-2014) 328 Travis 666-3759	(04-2014) VACANCY	(06-2013) Douglas Bennett 225 Fannin 420-4959	(12-2013) Tracy Smith 699 Castleman Creek 666-9354	(12-2013) Beth Oakley 708 Angel Fire Drive 666-1611
Bill Fuller Ward 2 (05-2014) 218 Chelsea/PO Box 568 666-3304	(04-2013) Douglas Bergen 264 Earle Rd. 666-0855	(06-2013) Betty Orton 912 Steamboat Circle 666-2419	(12-2013) Lydia Guerra 148 Crockett 537-1084	Secretary (12-2014) Mary Anna Roch 708 Regina 666-0886
James Vidrine Ward 2 (05-2013) 504 Rowan Oak 666-2115	(04-2013) Charles Howard 155 Ellis Farm Rd. 732-4746	(06-2014) David Dossey 1008 Tillamook 722-6325	(12-2013) Farrah M. Burns 425 Sagewood Drive (254) 722-4075	(12-2014) Lydia Dashner 520 Angel Fire Dr. 666-9623
Mayor Pro Tem Ed Passalugo Ward 3 (05-2013) 137 E. Chapman Rd. 420-1926	(04-2014) R. Don Vardeman 432 S First St. 666-2670	(06-2014) Billy Green 1119 Radisson 666-7869	(12-2014) Lloyd Coffman 807 Attaway (254) 855-3655	(12-2014) Jerry Waltman 1205 Steamboat Drive 666-9459
Ronnie McNiel Ward 3 (05-2014) 1409 Ridgeview Drive 717-2752	Alternate (04-2014) VACANCY	(06-2014) Scott M. Bryant 1316 Radisson Drive 644-2375	(12-2014) Robert Smith 412 Texas Avenue (254) 420-2599	Treasurer (12-2013) Shirlene Lands 217 W. Warren P. O. Box 133 666-3490
Vincent R. "Pike" Anderson At Large (05-2013) 916 C-Kay Dr. 498-0602	Alternate (04-2013) VACANCY	(06-2014) John J. Baker 317 Bonham Drive 235-0464	(12-2014) Ruth D. Coffman 807 Attaway (254) 855-6883	President (12-2013) Sally Goldman 132 Texas 666-2436



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 1, 2013

AGENDA ITEM #: 4

SUBMITTED BY: Jim Barton, Assistant City Manager

ITEM DESCRIPTION:

Consider award of bid for replacement and maintenance of lighting in Hewitt Park.

STAFF RECOMMENDATION/ITEM SUMMARY:

Staff has received bids from Mr. Electric, Energy & Automation, and Bowen Electric to install electrical powered lighting due to current problems with the existing solar lights. After review, staff recommends awarding bid to Bowen Electric.

ATTACHMENTS:

Bid/proposal

PROPOSAL FOR ELECTRICAL WORK

FROM

Bowen Electric

6808 Broad Ave - Waco, TX - 76710
254.776.8814 fax.776.6199

TECL: 21065

To: City of Hewitt
James Barton jwbarton@cityofhewitt.com

Proposal No. 1
Date: 3/26/2013

We hereby propose to furnish and install all labor & material necessary to provide the Electrical Installation,
as follows, for: Hewitt Park Trail located in: Hewitt, TX

We propose to furnish and install the following:

1. (16) 39w LED flood lights on existing poles.
2. Pull #3 wire to poles.
3. All necessary breakers and work at existing panel

Total \$14,855.00
no tax

Excludes ditch and conduit.

This proposal is void if not accepted in writing within 30 days after this date

Accepted by:

Customer Signature

By

Cameron Goss
Contractor

Date: _____



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 1, 2013

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider a resolution appointing election officials for the May 11, 2013 General Election.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached for Council approval is the resolution appointing election officials, establishing a rate of pay and other matters related to the May 11, 2013 General Election. Early Voting begins on the week of April 29, 2013 here in city hall. City Hall will be a polling location for Midway ISD's Bond Election also.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2013-04-1-1

WHEREAS, the City Council by Resolution No. 2013-02-04-1 on February 4, 2013 ordered a General City Election to be held on Saturday, May 11, 2013, designated polling places and provided other matters related to the General City Election.

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

That in connection with the election to be held in the City of Hewitt on Saturday, May 11, 2013 the City Council hereby approves the following named persons as officers for said election.

Having three county election precincts, said election shall be held at the following place in said city: Precinct Nos. 19, 61 & 62 at Hewitt City Hall, 105 Tampico Drive, building in said City of Hewitt, with Janna Gipson as Presiding Judge and Wanda Hargrove as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed 2 clerks.

The polls at the above designated polling place shall on said election day be open from 7:00 o'clock a.m. to 7:00 o'clock p.m. The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

That the City Council shall further establish the rate of pay for the conduct of election day voting at an hourly rate of \$10.00 for the Presiding Judge and for the Alternate Judge and Clerk(s).

That if an individual has not been named by the City Council or in the event of death, illness, or in the event an individual is unable to serve for any reason whatsoever, the City Secretary shall then designate another individual to serve in the capacity of election judge.

Lydia Lopez is hereby appointed Clerk for Early Voting, and Patty Laxson, Billie Black, and Regina Fox are hereby appointed Deputy Clerks for early voting. Section 85.005 (d) of the Texas Election Code, requires early voting by personal appearance at the main early voting polling place to be conducted for at least 12 hours on two weekdays. To comply with these requirements, early voting by personal appearance for the above designated election at the main early voting polling place, Hewitt City Hall, 105 Tampico Drive, Hewitt, Texas, will be conducted between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 29, 2013 and ending on May 3, 2013, and from 7:00 a.m. to 7:00 p.m. on the last Monday and Tuesday of the early voting period, May 6 and May 7, 2013, each day for early voting which is not a Saturday, a Sunday, or an official state holiday. The early voting clerk's mailing address to which ballot applications and ballots voted by mail may be sent is P. O. Box 610, Hewitt, Tx 76643. Applications for ballot by mail must be received no later than the close of business on May 3, 2013.

Voting by mail shall be by paper ballots and voting by personal appearance shall be by electronic voting on a Direct Record Electronic system leased from McLennan County and approved by the Secretary of State, which complies with the Federal Help America Vote Act of 2002 (HAVA) requirements, and all to be canvassed by a special canvassing board, and Presiding Judge Janna Gipson and Wanda Hargrove as Alternate Presiding Judge are hereby appointed the Special Canvassing Board for said election. One additional clerk may be appointed at a later date by the Presiding Judge if deemed necessary.

That said election shall be held in accordance with the laws of the State of Texas, the Charter of the City of Hewitt and applicable Court decisions and only duly qualified resident electors of the City of Hewitt shall be qualified to vote for city offices.

A copy of this resolution shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge, for said election.

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

PASSED AND APPROVED this the 1st day of April, 2013.

THE CITY OF HEWITT, TEXAS

Wilbert Wachtendorf, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED TO AS TO FORM AND LEGALITY:

Charlie Buenger, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 1, 2013

AGENDA ITEM #: 6

SUBMITTED BY: Bruce Braley, Director of Community Development

ITEM DESCRIPTION:

Consider an ordinance amending Appendix B, Subdivision, Parts I, II, III and IV of the Code of Ordinances of the City of Hewitt, repealing in its entirety Appendix B, Subdivision, Parts I, II, III and IV and adopting a revised Appendix B Subdivision, Parts I, II, III and IV; providing for inclusion in the code, providing for severability; providing an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

Based on comments and suggestions collected during a joint City Council - Planning and Zoning Commission work session late last year, city staff and engineers have prepared proposed language concerning regulation of subdivisions in Hewitt's Code of Ordinances. While several changes are proposed, the new language does not represent a philosophical shift in policy, but rather an update with minor changes to represent modern practice. In most cases, the new version re-numbers provisions and cleans up language to provide more definite interpretation for developers. In some cases, the new appendices provide design standards that did not exist in earlier versions.

The proposed regulations were considered by the Planning and Zoning Commission at their meeting held on Tuesday, March 5, 2013. The commission recommended approval of this version. A full and complete copy of the proposed regulations are posted online at www.cityofhewitt.com. Staff and engineers will be able to address specific concerns and review changes during the work session and regular meeting as needed. If approved, the revised regulations would go into effect immediately. Proposed developments received after the effective date would be designed and constructed according to the new regulations.

ATTACHMENTS:

Draft Ordinance

ORDINANCE NO. 2013-04-01-1

AN ORDINANCE AMENDING APPENDIX B, SUBDIVISION, PARTS I, II, III AND IV OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT, REPEALING IN ITS ENTIRETY APPENDIX B, SUBDIVISION, PARTS I, II, III AND IV AND ADOPTING A REVISED APPENDIX B, SUBDIVISION, PARTS I, II, III, IV; PROVIDING FOR INCLUSION IN THE CODE: PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 212 of the Texas Local Government Code authorizes the governing body of a municipality to regulate the erection, construction, reconstruction, alteration, repairs, or use of buildings, other structures or land; and

WHEREAS, this ordinance incorporates the recommendations of the City of Hewitt's comprehensive plan; and

WHEREAS, the City of Hewitt City Council, City of Hewitt Planning and Zoning Commission and City of Hewitt Engineers and Staff met in a joint meeting on November 5th, 2012 where revised Appendix B was discussed and reviewed; and

WHEREAS, The City of Hewitt Planning and Zoning Commission met on March 5th, 2013 on the proposed revised Appendix B and voted unanimously to recommend approval to the City of Hewitt City Council; and

WHEREAS, The City of Hewitt City Council met on April 1st, 2013 to discuss and consider the proposed revised Appendix B.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Repeal Appendix B, Parts I, II, III, and IV.

Section 3. Adopt Revised Appendix B, Parts I, II, III and IV as submitted on this date. The Appendix B, Parts I, II, III and IV, Subdivision of the City of Hewitt is hereby amended and shall be read as set forth in Exhibit "A," attached hereto and incorporated by reference herein, which shall replace in full the regulations contained in Appendix B, Subdivisions of the City of Hewitt Code of Ordinances.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions

thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Penalty. That a violation of this article shall be a misdemeanor and the penalty for violating this article shall be as provided for in sections 1-12 of the Code of Ordinances of the City of Hewitt, Texas, which shall be a maximum fine of \$2000.00, and each day a violation exists shall be a separate offense.

Section 6. Conflicts. Any ordinance or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't Code.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't Code.

PASSED AND APPROVED THIS 1ST DAY OF APRIL 2013.

CITY OF HEWITT, TEXAS

Wilbert Wachtendorf, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Charlie Buenger, City Attorney