HEWITT
TEXAS

CITY COUNCIL MEETING AGENDA
NOVEMBER 16, 2015
5:30 PM AND 7:00 PM
CITY HALL, 105 TAMPICO DRIVE
HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Travis Bailey – Mayor Pro Tem, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Ronnie McNeil – Council Member, Ward 3

Alex Snider – Council Member At-Large

CITY STAFF

Adam Miles, City Manager
Charlie Buenger, City Attorney
Miles Whitney, City Engineer

Jim Barton Assistant City Manager

Jim Devlin, Police Chief

James Black, Public Works Director

Waynette Ditto, Library Director

Katie Allgood, Special Projects Coordinator

Lydia Lopez, City Secretary

Lance Bracco, Fire Chief

Lee Garcia, Finance Director

Tuck Saunders, Assistant Police Chief

HEWITT
TEXAS

NOTICE OF MEETING
OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **16th day of November, 2015 at 5:30 PM in Hewitt City Hall, 105 Tampico Drive**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. City Manager's update on municipal business:
    a. Report from City Engineer including review and discussion of Capital Improvement Projects
    b. Briefing and discussion concerning Creekside Amphitheater.
    c. Briefing and discussion concerning upcoming Christmas Parade and Tree Lighting – December 12, 2015.
    d. Briefing and discussion concerning furniture, security, and phone system for the new City Hall/Library
    e. Briefing and discussion concerning Public Safety operations.
        - Special Presentation concerning Fire Department (6:00 PM).
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
    - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session.
6. 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 11:30 AM/PM on November 13, 2015.

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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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 **16th day of November, 2015 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. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Consider approval of minutes of the City Council Workshop and Special Joint Workshop - City Council and Parks & Beautification Committee/Regular Meeting of November 2, 2015.
4. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments that have not been properly posted on the agenda.*
5. Public hearing and action on an ordinance rezoning 9.36 acres of land from the 21.408 acres, legally known as the Carlos O'Campo Grant described in a deed to Ray E. and Cynthia D. McCune Jr., recorded in MCC No. 2015029248, of the records of McLennan County, Texas, from R-1 (Single Family District) to C-O (Outdoor Commercial District).
6. Consideration and action on a resolution approving financing terms with Branch Banking & Trust Company (BT&T) at 1.65% for 4 years for approved capital equipment.
7. Authorize the City Manager to negotiate and execute a Project Agreement with the City of Waco, as operator of the Waco Metropolitan Area Regional Sanitary Sewer System (WMARRS), for participation in the MLK Sink Hole Emergency Repair Project.
8. 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 11:30 AM/PM on November 13, 2015.

CITY OF HEWITT

Lydia Lopez

Lydia Lopez, TRMC
City Secretary

COUNCIL WORKSHOP AGENDA ITEM #2.a

HEWITT TEXAS

CITY ENGINEER'S REPORT
November 13, 2015

2010 IH-35 Utility Improvements:

The damaged pump has been removed from the lift station and we are now awaiting word on the possible cause. We are told that they are working on getting us the third pump. I have been in contact with the contractor and will provide updates as I receive them.

Commerce Park Plant Project and Related Projects:

Elevated Storage Tank;

The contractor was back on site Nov. 12th to address some items that were discovered that needed to be completed before the plan contractor began working in the elevated column.

Plant Contract;

The contractor has begun work on the project, currently they are focusing on the proposed building.

Piping;

The contractor has been performing the final steps to place the new line in service. So far this project has been progressing smoothly. This project is to be completed in December 2015, according to the contract.

Ritchie Road Plant and Well Electrical System Improvements:

We plan on performing a walk through the week of Nov. 16th.

2014 Bond Projects:

Old Temple Road Street Improvements:

The contractor is on site working. At this time everything is going smoothly.

Panther Way Street Improvements:

The major portions of this project have been completed. The only thing that is lacking is their work on the items that were discussed at the projects final walk through that was held on September 2nd.

Warren Park Improvements:

I am currently working on getting the electrical engineers the required information so that they may finish their design.

HEWITT
TEXAS

CITY ENGINEER'S REPORT
November 13, 2015

<u>First Street Mill and Overlay / Chapman Rd.</u>

Work continues on the design of this project. At this time we are looking at the existing utility layouts to see if any will be in conflict with the proposed improvements.

<u>City Hall / Library:</u>

Oral update may be given at the meeting.

By:

Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 16, 2015

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop /Special Joint Workshop – City Council and Parks & Beautification Committee/Regular Meeting of November 2, 2015.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

ATTACHMENTS:

Draft minutes

HEWITT
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MINUTES OF A CITY COUNCIL
WORKSHOP/SPECIAL JOINT WORKSHOP/MEETING
HEWITT CITY HALL – 105 TAMPICO DRIVE
November 2, 2015 - 5:30/6:00/7:00 PM

Members present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Travis Bailey, Council Members James Vidrine, Ronnie McNiel, and Alex Snider

Members absent: Wilbert "Walky" Wachtendorf, and Bill Fuller

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Assistant City Manager James Barton, Fire Chief Lance Bracco, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Utilities Director James Black, Finance Director Lee Garcia, Special Projects Coordinator Katie Allgood, Recreation and Service Specialist Brittney Lebkowsky, Community Development Office Administrator Eva Marie Greenup and City Secretary Lydia Lopez

Staff absent: Library Director Waynette Ditto

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager's update on municipal business:
   a. Report from City Engineer including review and discussion of Capital Improvement Projects was presented.
   b. Briefing and update concerning City Hall/Library facility from K4 Construction was presented.
   c. Briefing and discussion was held concerning Mayor's Focus Group to review water and wastewater rate structure.
   d. Briefing and discussion concerning upcoming event Christmas Parade and Tree Lighting – December 12, 2015 was held.
   e. Briefing and discussion was held concerning Public Safety operations – Police & Fire.
3. The regular meeting agenda items were reviewed.

NOTE: Mayor Ed Passalugo recessed the Workshop to convene the Joint Workshop with the Parks and Beautification Committee Members.

SPECIAL JOINT WORKSHOP AGENDA
City Council and Parks & Beautification Committee – 6:00 PM

1. Mayor Ed Passalugo called the Special Joint Workshop meeting to order at 6:00 PM. **Parks & Beautification Committee Members present** were: Fred Bridger, Ray Manzo, and Lloyd Coffman.
2. Briefing and discussion was held concerning the following:
    a. Ongoing Park Improvements
    b. Parks Master Plan Update
    c. Timeline for adoption of Master Plan.
3. Adjourn Special Joint Workshop. *Motion was made by Council Member Ronnie McNiel and seconded by Council Member Alex Snider to adjourn the Special Joint Workshop at 6:33 PM.*

Workshop Agenda Continued.

4. *Motion by Council Member Alex Snider and seconded by Council Member Ronnie McNiel to* convene Executive Session at *6:44 PM* pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
    - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session.
6. Adjourn. *A motion was made by Council Member Alex Snider and seconded by Council Member Ronnie McNiel to adjourn Executive Session and Workshop at 6:54 PM.*

REGULAR MEETING – 7:00 PM

1. CALL TO ORDER. Mayor Passalugo called the meeting to order at 7:00 PM.

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG – Mayor Passalugo asked Cub Scout member Brennen Barnum to lead the Pledge of Allegiance.

3. SPECIAL RECOGNITION OF CUB SCOUT PACK #377. Mayor Ed Passalugo recognized members of Cub Scout Pack #377 who will be receiving one the highest awards, the Arrow of Light Award. The following were present: Brennen Barnum, Kaiden Barnum, Noah Doss, Chance Davis, Jake Goodman, Kirk Gosselin, and Jonathan Granger.

NOTE: Mayor Ed Passalugo changed the order of the agenda.

4. CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP AND SPECIAL JOINT WORKSHOP - CITY COUNCIL AND PLANNING & ZONING COMMISSION/REGULAR MEETING OF OCTOBER 19, 2015. *A motion was made by Council Member James Vidrine and seconded by Mayor Pro Tem Travis Bailey to approve the minutes as submitted but allow for corrections; all five in favor, motion passed.*

5. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** The following appeared to express concern with water/wastewater rates:
Patsy Kilgore, 731 Cheyenne Trail
Bobby Laughlin, 448 E. Spring Valley Road

6. **CONSIDER AND ACT ON A RESOLUTION OF VOTES CAST TO ELECT THE DIRECTORS FOR THE MCLENNAN COUNTY APPRAISAL DISTRICT FOR 2016-2017.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to cast the city's 54 votes for Mayor Ed Passalugo; four in favor, Mayor Passalugo abstained, motion passed.*

7. **ADJOURN.** *Motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Alex Snider to adjourn the meeting at 7:19 PM, all five in favor, motion passed.*

Approved: November 16, 2015

__________________________ ________________________________

Lydia Lopez, City Secretary Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

1. Citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. This will allow the matter to be properly investigated before it is presented to the entire council and will often expedite a resolution.

   NO CITIZEN OR STAFF MEMBER MAY SPEAK OR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and 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 a spokesperson to present their case.

   Only under the agenda item "Hear Visitors" are citizens permitted to speak regarding matters that pertain to city business or address an item on the agenda. **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**

3. Individual citizens that discuss items not listed on the agenda shall be limited to **five minutes**. If five or more citizens wish to discuss a single item or topic that is not listed on the agenda, then the total presentation will be limited to a maximum of twenty-five minutes. City council members shall **not** enter into discussion on any subject that has not been properly placed on the agenda; however, council members may ask questions for clarification purposes.

4. As a general rule, citizens may not participate or address the council or staff during the workshop session.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 16, 2015

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Public hearing and action on an ordinance rezoning 9.36 acres of land from the 21.408 acres, legally known as the Carlos O'Campo Grant described in a deed to Ray E. and Cynthia D. McCune Jr., recorded in MCC No. 2015029248, of the records of McLennan County, Texas, from R-1 (Single-Family District) to C-O (Outdoor Commercial District).

STAFF RECOMMENDATION/ITEM SUMMARY:

The owner of this 9.36 acre parcel of land is requesting a rezoning of their property located on the I-35 frontage road at Southbound Exit 325. A strip of this property along the I-35 frontage road is already zoned C-O (Outdoor Commercial District) with the remainder being zoned R-1 (Single Family District). At this time Mr. McCune is requesting consideration for all of his property to be zoned C-O for future development. If rezoned the existing Castleman Creek Tributary would become the zoning boundary between Outdoor Commercial District and Warren Park. The rezoning is consistent with surrounding zoning and the City's Comprehensive Land Use Plan.

The Planning and Zoning Commission met on Tuesday, November 3, 2015 and voted unanimously (7-0) to rezone the entire tract to C-O (Outdoor Commercial District).

ATTACHMENTS:

P&Z Draft Minutes and supporting documentation
Draft ordinance

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Minutes of the Planning and Zoning Commission
November 3, 2015 – 7:00 PM

Members present: Charlie Turner, John Baker, Bobby Wolske, Walter Peterson, Michael Hix, Kurt Krakowian, Jonathan Dulus

Members absent: All present

Staff present: Adam Miles, City Manager and Eva Marie Greenup, Zoning Secretary

Item #1. Call Planning and Zoning Meeting to order. *Charlie Turner called the meeting to order at 7:00 PM.*

Item #2. Minutes. *A motion was made by John Baker to accept but allow for corrections and seconded by Bobby Wolske. No corrections noted; all seven in favor, motion passed. Minutes dated October 6, 2015 stand approved.*

Item #3. Consider and take appropriate action concerning the request for a rezoning change on 9.36 acres of land from the 21.408 acres, legally known as the Carlos O'Campo Grant described in a deed to Ray E. and Cynthia D. McCune Jr., recorded in MCC No. 2015029248, of the records of McLennan County, Texas, from R-1 (Residential) to CO (Commercial Outdoor). The Planning and Zoning Commission recommendation will be forwarded to the Hewitt City Council for final consideration and action at their regular meeting scheduled for Monday, November 16, 2015 at 7:00 PM at Hewitt City Hall. *Brad Harrell, 2200 Augustine, Waco TX, represented Ray E. and Cynthia D. McCune, Jr. A motion was made by Walter Peterson to accept and seconded by Kurt Krakowian. All seven in favor, motion passed.*

Item #4. Ajourn. *Motion was made by John Baker and seconded by Walter Peterson to adjourn meeting at 7:04 PM, all seven in favor, motion passed.*

____
Chair

____
Approved

Eva Marie Greenup
Eva Marie Greenup, Zoning Secretary

HEWITT
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City of Hewitt
Application for Amendment of the Zoning Ordinance
To the Planning & Zoning Commission and the City Council

Legal Description of Property:

9.36 ACRES TRACT CARLOS O'CAMP GRANT

Describe the location of the property as submitted by this application. This may be in the form of a street address, general physical description, or nearest intersection.

9.36 ACRES BETWEEN CASTLEMANN CREEK + IH 35

Zoning Change From RESIDENTAL to OUTDOOR COMMERCIAL

Please describe the interest in property:

OWNER

Existing Building(s) on Property: NONE

Total sq. ft. of all buildings on property: NONE

Please provide the following recording information and a copy of the document (s) listed below with this application:

Ownership (deed): Doc. #/MCC No. 2015029248

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule):

NOVEMBER 6th

The rezoning application must be completed along with the following required information:

1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request.
2. 1 PDF and 1 hard copy of plat in State Plane Coordinates using the Texas Central Zone NAD 83.
3. Submit 1 copy of building plans, if existing building(s) exist.
4. Non-refundable application fee (see Fee Schedule).
5. Application, fee, documents, etc., in completed form must be submitted to the Planning Department before or no later than 12:00 noon on the deadline date (see Meeting Schedule).

I attest that the above information is true and correct to the best of my knowledge that I am now or will be fully prepared to present the above proposal at the Planning & Zoning Commission hearing. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the governing body of the City.

I understand that in the event the undersigned is not present or represented at the public hearing, the Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning & Zoning Commission and the City Council.

I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice of the Planning and Zoning Commission hearing shall constitute a denial by the Commission and City Council. I understand that the filing fee is not refundable upon withdrawal of proposal.

Name of Property Owner: RAY + CINDY McCUNE Phone No. 254-424-2488
Mailing Address: 921 TAHOE TRAIL City: HEWITT State: TX
Email Address: TCBMCCUNE@YAHOO.COM
Signature of Property Owner: Ray E. McCune Date: 9-28-15

Name of Applicant/Representative ____________ Phone No.____________
Mailing Address: ____________ City: ____________ State: ______
Email Address: ____________
Signature of Applicant/Representative: ____________ Date: ____________

21.408 Acres on IH-35 – Hewitt, Texas 76643

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H&A
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Zoning

Brad Harrell, CCIM
Managing Director
Office: (254) 870-0050
info@BradHarrellCCIM.com

Jon Spelman, CCIM
Owner
Office: (254) 776-2592
jspelman@jspelman.com

ORDINANCE NO. 2015-11-16-1

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 DISTICT) TO C-O (OUTDOOR COMMERCIAL DISTRICT) PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Ray E. and Cynthia D. McCune Jr. to rezone 9.36 acres of land from the 21.408 acres, legally known as the Carlos O'Campo Grant described in a deed to Ray E. and Cynthia D. McCune Jr., recorded in MCC No. 2015029248, of the records of McLennan County, Texas, from **R-1 (Single Family District) to C-O (Outdoor Commercial District)**.

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 November 16, 2015, after due notice in the manner provided by law; 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 Tuesday, November 3, 2015, after due notice in the manner provided by law; and

WHEREAS, a site plan of the proposed development was presented and discussed, 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 by a unanimous vote; 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 or parcel of land in McLennan County, Texas, being 9.36 acres of land from the 21.408 acres, legally known as the Carlos O'Campo Grant described in a deed to Ray E. and Cynthia D. McCune Jr., recorded in MCC No. 2015029248, of the records of McLennan County, Texas, from R-1 (Single Family District) to C-O (Outdoor Commercial District).

SECTION TWO. A proposed map of area is shown in Exhibit “A”.

SECTION THREE. 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 FOUR. That all provisions of the ordinances of the City of Hewitt in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hewitt not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION FIVE. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION SIX. 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 SEVEN. 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 EIGHT. 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 16th day of November, 2015 at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: ______________________________
Ed Passalugo, Mayor

ATTEST:

____
Lydia Lopez, City Secretary

EXHIBIT "A"

21.408 Acres on IH-35 - Hewitt, Texas 76643

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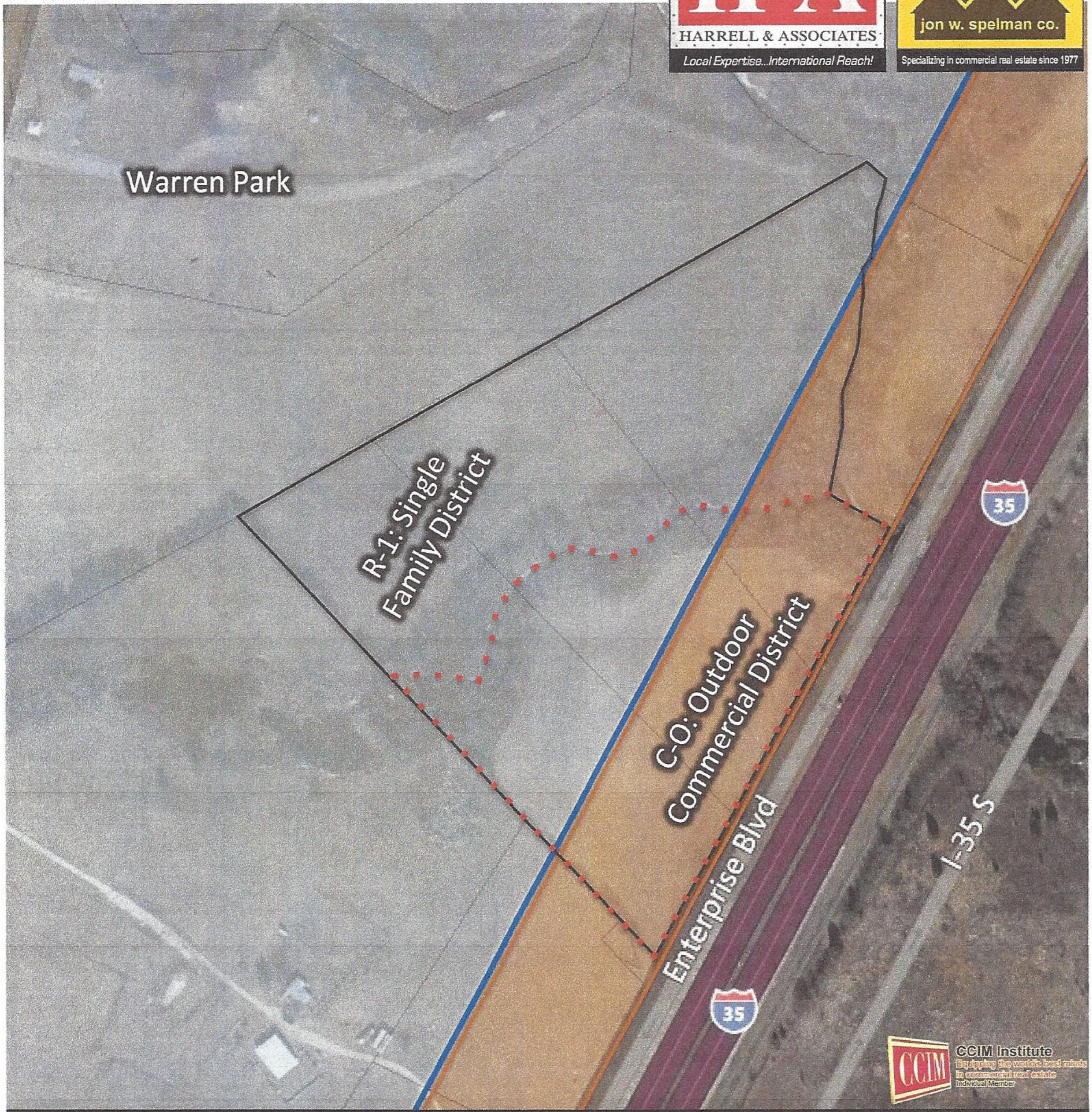

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Zoning

Brad Harrell, CCIM
Managing Director
Office: (254) 870-0050
info@BradHarrellCCIM.com

Jon Spelman, CCIM
Owner
Office: (254) 776-2592
jspelman@jspelman.com

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 16, 2015

AGENDA ITEM #: 6

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:
Action on Resolution Approving Financing Terms with Branch Banking & Trust Company (BB&T) at 1.65% for 4 years for approved capital equipment.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a comparison of the bids received on Wednesday, November 4, 2015. Also included is a list of the items, approved with the Fiscal Year 15/16 Budget, being financed. The best rates were offered by BB&T. Staff recommends acceptance of the BB&T bid to fund approved capital equipment purchases for four years at 1.65% with an annual payment of $76,817.08.

ATTACHMENTS:
Bids Received
Capital Items Financed
Resolution Approving Financing Terms

Results from Lease Financing Bid for $295,000

Bids Received by 10 am on 11/4/2015:
Notice Printed in Hometown News on October 23rd and October 30th, 2015.
Notice Emailed to all who had expressed interest in bidding on an future financing: 31 emai 19 potential bidders

Notice of Bid on Lease Financing for: Police vehicles, Public Works vehicles, and related Equipment

Responses:

Financier	Agent	Rates & Annual Payments: 3 yr Term	Rates & Annual Payments: 4 yr Term	Rates & Annual Payments: Addtl Fees
BB&T	Mary P Coley	1.44%	1.65%	$0.00
		101,178.83	76,817.08	
Bancorp	John Ferretti	2.125%	2.125%	$500 3 yr
		102,756.51	77,879.61	$250 4 yr
Chase Bank	Melisa Atkinson	1.670%	1.730%	$0.00
		101,635.80	76,967.04	
First Government Lease	Paul Graven	4.99%	4.99%	$0.00
		108,306.23	83,174.17	

CAPITAL OUTLAY - Lease Financing

FY 15/16

GENERAL FUND

POLICE DEPARTMENT				
	2014 Chevy Tahoe PPV vehicles (3)- Patrol & Admin		$	136,831
COMMUNITY SERVICES				
	Genie 45' Articulating Boom Lift		$	39,600
	TOTAL GENERAL FUND		$	176,431

UTILITY FUND

MAINTENANCE DEPARTMENT				
	F250 Supercab with Bed	$ 33,196		
	F150 Crew cab	$ 34,883	$	68,079
	TOTAL UTILITY FUND		$	68,079

DRAINAGE FUND

DRAINAGE FUND				
	Brush Chipper-Bandit 255XP		$	52,980
	TOTAL DRAINAGE FUND		$	52,980

TOTAL LEASE FINANCING	$	297,490

RESOLUTION NO. 2015-11-12-1

WHEREAS: The City of Hewitt, Texas (the "City") has previously determined to undertake a project for the purchase of various vehicles and equipment (the "Project"), and the finance director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated November 4, 2015. The amount financed shall not exceed $295,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.65% and the financing term shall not exceed 4 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Lease Purchase Agreement and a Project Fund Agreement as BB&T may request.

3. The finance director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The finance director is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the finance director shall approve, with the finance director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or

that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this ________ day of ________________ 2015.

THE CITY OF HEWITT, TEXAS

____
Ed Passalugo, Mayor

ATTEST:

____
Lydia Lopez, TRMC
City Secretary

HEWITT
TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 16, 2015

AGENDA ITEM #: 7

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute a Project Agreement with the City of Waco, as operator of the Waco Metropolitan Area Regional Sanitary Sewer System (WMARRS), for participation in the MLK Sink Hole Emergency Repair Project.

STAFF RECOMMENDATION/ITEM SUMMARY:

Along with the other member cities, Hewitt is a joint owner of the Waco Metropolitan Area Regional Sanitary Sewerage System (WMARSS). Hewitt owns a 4.614% share of the entire system which includes ownership of the Sewer Interceptor System as well as the wastewater treatment plants. When repairs are made to any part of the interceptor system, each city must participate financially in a proportionate manner.

Recently, one of the main sewer interceptor lines on MLK Blvd. in Waco was damaged due to a sinkhole. Repairs were made to this line on an emergency basis; costs totaled $1,403,716.36. For Hewitt the proportionate cost is $64,767.47. Included in the backup material is a cost allocation for each WMARSS member city. If approved, the City Manager would be authorized to enter into this project agreement and expend funds for the repairs.

ATTACHMENTS:

WMARSS Project Agreement – MLK Sink Hole Emergency Repair Project

WMARSS PROJECT AGREEMENT

MLK Sink Hole Emergency Repair Project

This Project Agreement is made and entered into by the City of Waco (a co-owner of WMARSS) acting in its capacity as the operator of WMARSS (hereinafter "Waco"), and the City of Hewitt (hereinafter "City", unless context indicates otherwise). This Agreement is intended to serve as an Addendum to the Waco Metropolitan Regional Sewerage System 2013 Agreement for Operations & Management of Facilities, as amended or renewed which govern the relationships between the cities comprising WMARSS. Said 2013 Agreement shall govern except to the extent this Project Agreement specifically provides otherwise.

The City hereby obligates itself to pay Waco said City's proportionate share of the project expenditure as set forth herein.

Project Description: WMARSS MLK Sink Hole Emergency Repair Project/WMR033			
Estimated Project Schedule: 30 Days		Type: ☒ Upgrades / Repairs ☐ Expansion / Storage	
Cost Estimate for Total Project	Engineering:	$	
	Construction:	$1,403,716.36	
	Other Expenses:	$	
	TOTAL	$1,403,716.36	
Cost Shares Based on:	☒ Annual Operation & Maintenance Expense on July 3, 2015 ☐ Capacity (treatment / storage) amount city acquiring - ______________		
Estimated Project Cost Share for city:	$64,767.47	4.614 % of Total	
Please specify source of funds used for payment:			

Periodic invoices will be prepared by Waco during the process of planning, designing, and constructing or installing the project improvements, upgrades, repairs, or closures. Payments shall be made within 20 days of receiving an invoice from Waco. Said invoices will be based on estimates payable from the contractor performing the work on the project.

If said City fails to make its payments in a timely manner and fails to make payment within thirty (30) days of receiving the invoice from Waco:

(a) Waco shall send notice to the defaulting City (with a copy to the other cities) giving the defaulting city thirty (30) days to cure the default.

(b) A payment made after the payment is due begins to accrue interest on the 31st day after receiving the invoice from Waco. The interest rate shall be determined as provided in Chapter 2251 of the Texas Government Code.

(c) The defaulting City may request an extension to pay its share by filing a request with the WMARSS Board. In the request, the defaulting City must explain the reason it is unable to pay its share and provide a timeline for when it will be able to make the payments. The extension request must be approved by the Board (either at a meeting or thru other written communications). Since the failure to pay by the defaulting City may result in another city having to pay a larger portion of the costs in order to stay current on payments to contractors, suppliers, etc., the defaulting City may be required to sign an agreement stating the approved payment schedule and providing for a penalty amount or interest payment on the funds. The city or cities paying the deficit amount to stay current on the payments to contractors, suppliers, etc., shall share the penalty and/or interest amount in proportion to what they pay.

(d) If the default is not cured (or an extension request filed as provided above), a meeting of the WMARSS Board shall be held within fourteen (14) days of the end of the thirty (30) day cure period to discuss the breach as provided in the Interlocal Agreement governing WMARSS.

(e) If the project involves increasing the capacity (treatment or storage) of WMARSS, another city may offer to make the payments of the defaulting City to obtain ownership of the capacity to the extent of those payments. The WMARSS Board must approve and accept said offer.

CITY OF HEWITT, TEXAS

BY: ______________________________________
City Manager

ATTEST:

____
City Secretary

Date Signed: _________________________

APPROVED AS TO FROM & LEGALITY:

____
City Attorney

CITY OF WACO, TEXAS

BY: ______________________________________
Dale A. Fisseler, P.E., City Manager

ATTEST:

____
Esmeralda Hudson, City Secretary

Date Signed: _________________________

APPROVED AS TO FROM & LEGALITY:

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Jennifer Richie, City Attorney

APPROVED:

____
Lisa Tyer, Director of Utilities

WMARSS MLK @ Herring Sinkhole Repair/WMR033
Cost Allocation Based on Article 6, Section 6.1 of the 2013 Interlocal Agreement
Total Costs

Participating City	2015 O&M%	Archer Western Allocation	Hanson Allocation	Other Allocation	Total Allocation
Bellmead	3.848%	$ 46,926.45	$ 6,754.24	$ 334.31	$ 54,015.00
Hewitt	4.614%	$ 56,267.84	$ 8,098.77	$ 400.86	$ 64,767.47
Lacy Lakeview	2.263%	$ 27,597.34	$ 3,972.15	$ 196.61	$ 31,766.10
Lorena	1.059%	$ 12,914.53	$ 1,858.82	$ 92.01	$ 14,865.36
Robinson	2.747%	$ 33,499.73	$ 4,821.70	$ 238.66	$ 38,560.09
Waco	82.070%	$ 1,000,845.58	$ 144,054.19	$ 7,130.25	$ 1,152,030.02
Woodway	3.399%	$ 41,450.89	$ 5,966.13	$ 295.30	$ 47,712.32
Total	100.000%	$ 1,219,502.36	$ 175,526.00	$ 8,688.00	$ 1,403,716.36

Connors Construct	1,736.00
US. Composite Pipe	6,952.00
	8,688.00