

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

January 4, 2016

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

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lance Bracco, Fire Chief

James Black, Public Works Director

Lee Garcia, Finance Director

Waynette Ditto, Library Director

Tuck Saunders, Assistant Police Chief

Katie Allgood, Special Projects Coordinator

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 **4th day of January, 2016 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 Water and Wastewater Rate Structure update.
 - c. Briefing and discussion concerning proposed senior housing project with presentation by DMA Development Company, LLC.
 - d. Briefing and discussion concerning election calendar - May 7, 2016.
 - e. Briefing and discussion concerning Public Safety operations – Police & Fire.
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 9:00 AM/PM on December 31, 2015.

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 **4th day of January, 2016 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/Regular Meeting of December 7, 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 or items that have not been properly posted on the agenda.*
5. Authorize purchase of furniture and equipment for City Hall and Council Chambers from Total Office Solutions in the amount of \$135,461.39.
6. Authorize purchase of information technology components and equipment for the City Hall and Library projects from Extraco Technology in the amount of \$81,183.65.
7. Authorize purchase of CCTV security camera system for City Hall and Library project from Southwest Telecom in the amount of \$14,860.
8. Authorize the short term financing for library shelving for the new Library project in the total amount of \$163,404.83.
9. Consider and act upon adoption of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the city of Hewitt, McLennan County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.
10. 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 9:00 AM/PM on December 31, 2015.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary



COUNCIL WORKSHOP AGENDA ITEM #2.a



CITY ENGINEER'S REPORT

December 30, 2015

2010 IH-35 Utility Improvements:

I have spoken to the pump supplier and was told they intend to get us a report on their findings. Once I receive a detailed update I will pass the information on.

Commerce Park Plant Project and Related Projects:

Elevated Storage Tank:

Contractor has been working on punch list items.

Plant Contract:

Contractor has begun to construct the proposed building. They have also been trying to work on the site piping, however weather conditions have slowed them.

Piping:

The contractor is substantially complete; we should be holding a final walkthrough in the upcoming weeks.

2014 Bond Projects:

Old Temple Road Street Improvements:

The contractor is on site working. At this time everything is going smoothly. The only significant item left on the project is laying the asphalt.

Warren Park Improvements:

I have spoken with the electrical engineers and they intend to present their first draft of their design to me within the next couple of weeks. The civil portion of the design is 90% complete.

First Street Mill and Overlay / Chapman Rd.

Work continues on the design of this project. Additional topography has been collected in key areas of concern.

City Hall / Library:

Oral update may be given at the meeting.

2015 Bond Projects:

Lift Station No. 5 Removal

I have ordered preliminary topography along the proposed alignment.

HEWITT TEXAS

CITY ENGINEER'S REPORT

December 30, 2015

IH - 35 Waterline

I have ordered preliminary topography along the proposed alignment.

Lift Station No. 4; Gravity Line Extension

I have ordered preliminary topography along the proposed alignment.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL WORKSHOP AGENDA ITEM #2.c

DMA Development Company, LLC



Proposal for approximately
106 Units of Senior Housing
in Hewitt, Texas

DMA Development Company, LLC

- Founded in 1998.
- Own and operate more than 1900 units of affordable and market rate housing.
- Specialize in senior and workforce properties – approximately 1,000 senior units and 900 workforce units under management.



DMA's Senior Communities

DMA Development Company has perfected its senior independent living design in recent years after developing 11 senior communities around Texas. The typical DMA senior community consists of one two- or three-story elevator structure surrounded by single story cottages. The elevator structure is attractive to seniors who want the security of proximity to the onsite staff and amenities, while the single story cottages, which often have integrated carports, are attractive to independent residents who are perhaps downsizing from single family homes.

The Overlook at Plum Creek, Kyle, Texas



DMA's Senior Communities

The Terrace at MidTowne, Midlothian, Texas



Other DMA Senior Communities

Heritage Crossing, Santa Fe, TX



Cambridge Crossing, Corsicana, TX



DMA: Creating Communities

DMA's apartment communities are all managed by DMA Properties, LLC, which is 100% owned by Diana McIver. DMA Properties provides a different menu of services at every property, depending on the resident needs in that particular community, but intended to foster a sense of community and resident responsibility. At our senior communities, services are offered that encourage health and wellness, such as exercise classes and health screenings; facilitate social interaction such as potluck suppers, coffee gatherings, and movie nights; foster creativity, such as art and writing classes; and stimulate the mind, such as book clubs, literary salons, and computer classes. DMA encourages and supports volunteerism at all properties, both from the standpoint of encouraging our residents to volunteer in the community, as well as encouraging community volunteers to be active with our resident programs.



DMA Development

Typical Design

Unit Amenities

- Spacious Unit Design
- Full Kitchen Appliance Package
- Washer/Dryer Hookups
- 9 Foot Ceilings
- Ceiling Fans
- Patio/Deck (most units)
- Energy Efficient
- Attached Carports (cottages)

Community Amenities

- Community Room
- Movie Theater
- Fitness Center
- Library w/Computers
- TV Lounge
- Laundry Facilities
- Leasing/Management Offices

Senior Interiors



DMA Development Company, LLC

Proposed Financing

- DMA typically finances its development with an allocation of Housing Tax Credits from the Texas Department of Housing and Community Affairs.
- Housing Tax Credit program created by the Congress in 1986 to meet a need for housing for persons with incomes above the eligibility for subsidized housing programs yet not being served by the market place.
- HTC program provides incentives to private investors.

DMA Development Company, LLC

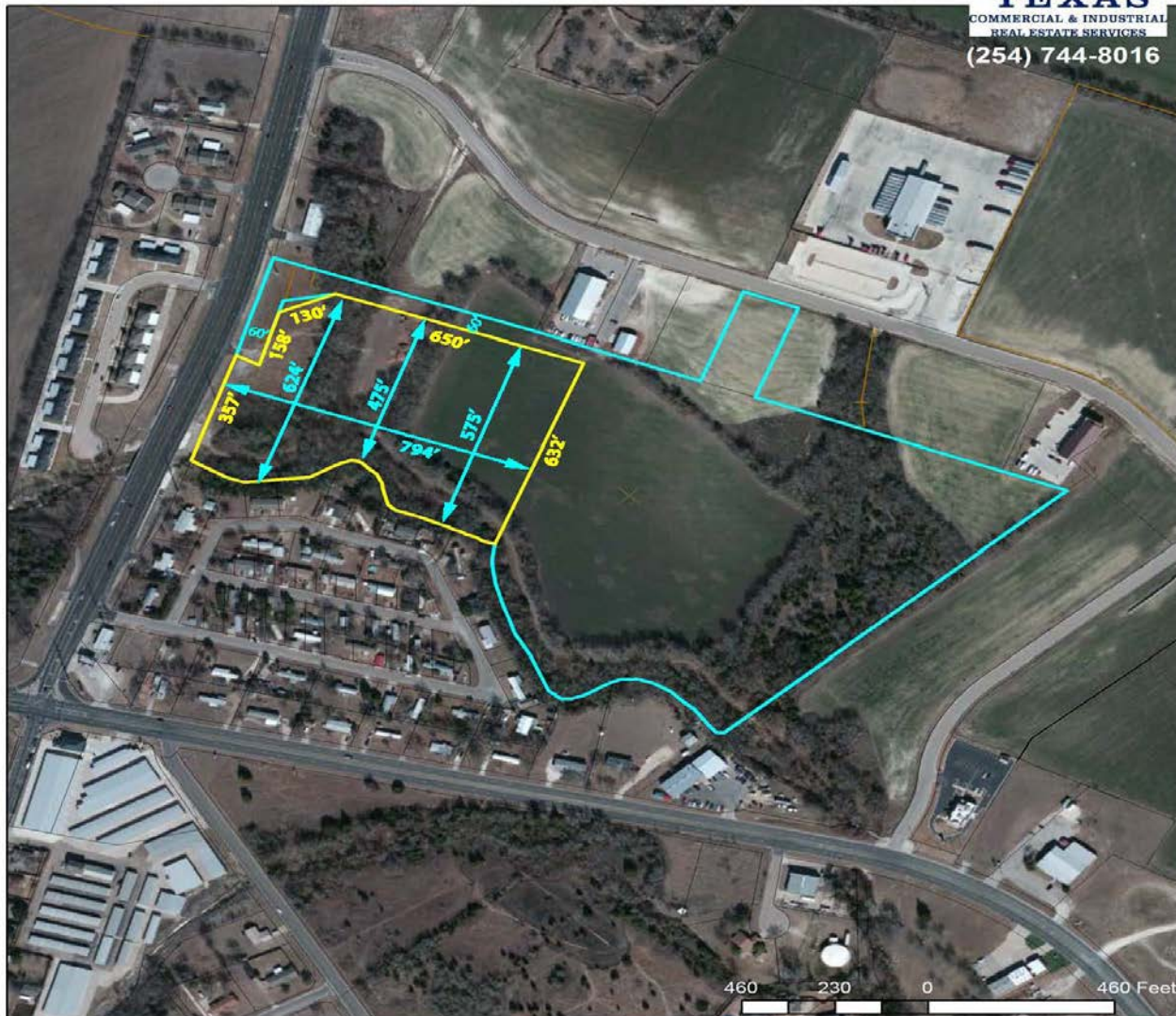
Who can live here?

- Income Eligibility for 100 units
 - 9 Units: 30% Area Median Income (\$11,490/\$13,140 couple)
 - 36 Units: 50% AMI (\$19,150/\$21,900 couple)
 - 45 Units: 60% AMI (\$22,980/\$26,280 for couple)
- Market-rate units – 16 units

2016 Competitive Tax Credit Round

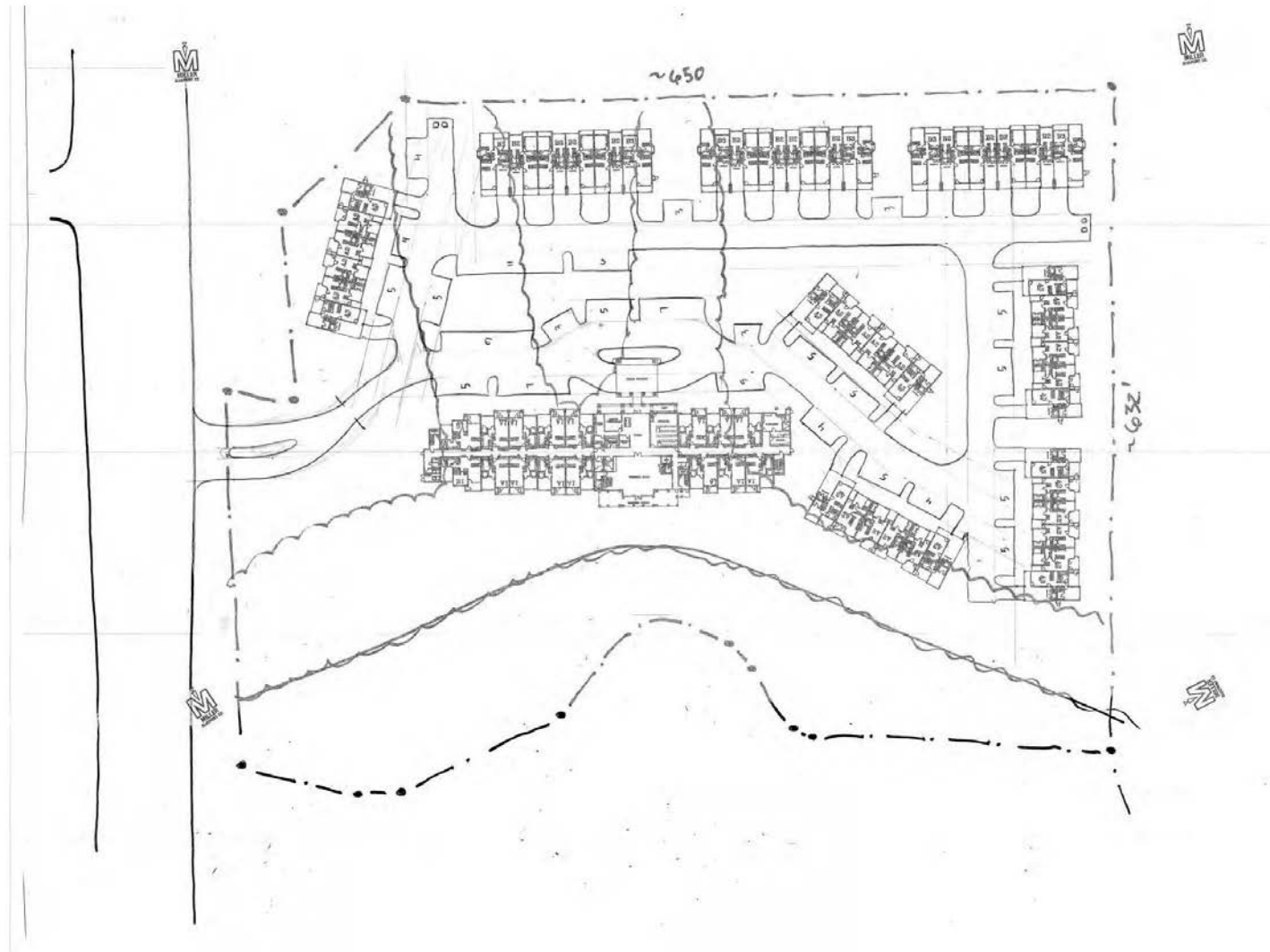
- DMA has site control on 10 acres out of the larger 34.90 acre tract on Old Temple Road, just north of Sun Valley Drive, adjacent to Commerce Park.
- The site will be carved out as depicted on the next slide:

SELLER PROPOSED BAGBY CONFIGURATION



Information provided herein is from sources deemed reliable, but is subject to correction, modification, or deletion without notice. Christopher Gutierrez, CCIM and Texas Commercial & Industrial Real Estate are not liable for the precise accuracy of this information.

Preliminary Site Plan



DMA Development Company, LLC

Strategy for 2016 Application Round

- Important Deadlines for 2013 Tax Credit Application Round
 - January 8, 2016. Pre-Application due to TDHCA. Public notification will be sent out to all elected officials. Site control.
 - February 1, 2016. DMA will apply for zoning change.
 - March 1, 2016. Full application due to TDHCA. Full schematic plans, market study, environmental study, and engineering feasibility study complete.
 - March 1, 2016. State Representative and City support resolution due to TDHCA.
 - July 30, 2016. TDHCA board makes tax credit awards.
 - August 15, 2016. Zoning change must be in place.
 - If DMA receives award, construction would begin Spring 2017.

DMA Development Company, LLC

Strategy for 2016 Application Round

- DMA Development Company will be seeking City participation in the following ways:
 - General Resolution of Support from the City Council of Hewitt.
 - Commitment of financial support of a de minimus amount. Can be in the form of a fee waiver in an amount of approximately \$100-\$500.
 - Rezone for this site. However, we will not seek City approval of final zoning change until we have a commitment of funding from TDHCA, so late July 2016.



COUNCIL WORKSHOP AGENDA ITEM #2.d



GENERAL ELECTION CALENDAR - MAY 7, 2016

- Wednesday, Jan. 20:** **First day to file for office - 8:00 a.m.**
First day to file as write-in candidate.
- Monday, Feb. 1:** **City Council Orders Election**
- Friday, Feb. 19:** **Last day to file for office - 5:00 p.m.**
Last day to file as write-in candidate
- Thursday, Feb. 25:** **Conduct drawing for order of names on ballot, City Hall – 10:00 a.m.**
(Drawing: in order of date/time applications were filed.)
- Friday, Feb. 26:** Last day for a candidate in general election to withdraw - 5:00 p.m.
- Thursday, Apr. 7:** First Campaign Contributions and Expenditures Report due by 5:00 p.m. (30th day before election) [Only for candidates spending over \$500 on campaign]
- Mon., Apr. 25
Thru Fri., Apr. 29** **Early Voting by Personal Appearance (City Hall, 8:00 a.m. - 5:00 to 5:00 p.m.)**
- Friday, Apr. 29:** 2nd Campaign Expense Report due by 5:00 p.m. (8th day before election) [Only for candidates spending over \$500 on campaign]
- Mon./Tues., May 2-3** **Early Voting by Personal Appearance (City Hall, 7:00 a.m. to 7:00 p.m.)**
- Saturday, May 7:** **ELECTION DAY (CITY HALL - 7:00 a.m. to 7:00 p.m.)**

UNOFFICIAL TABULATION OF RESULTS will be announced by Election Judge after 7:00 p.m. at Hewitt City Hall. Candidates and the public are welcome to be present.
- Monday, May 16:** City Council Meeting to canvass election returns and declare official results. Office holders take Oath of Office. Mayor and Mayor Pro Tem are selected.
- Friday, July 15:** **Final reports due for all candidates**



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of December 7, 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 TEXAS

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

Members present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Travis Bailey, Council Members Wilbert “Walky” Wachtendorf, James Vidrine, Bill Fuller, and Alex Snider

Member absent: Council Member Ronnie McNiel

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, Public Works Director James Black, Special Projects Coordinator Katie Allgood, and City Secretary Lydia Lopez

Staff absent: Library Director Waynette Ditto and Finance Director Lee Garcia

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager presented update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects was held.
 - b. Briefing and discussion was held concerning upcoming Christmas Parade and Tree Lighting – December 12, 2015.
 - c. Proposed senior housing development (Item was not discussed).
 - d. Briefing and discussion concerning Public Safety operations.
 - o Special Presentation concerning Police Department was held (6:00 PM).
3. The regular meeting agenda items were reviewed.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following: **(NOT HELD)**
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session. **(NOT HELD)**
6. Adjourn. *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider to adjourn the 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 led the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF NOVEMBER 16, 2015.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Council Member James Vidrine to approve the minutes as submitted but allow for corrections; all six in favor, motion passed.*
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 or items that have not been properly posted on the agenda. The following appeared:*
Patsy Kilgore, 731 Cheyenne Trail, appeared to express her appreciation for the formation of the Focus Group on water/sewer rates and asked that information explaining the options be provided by other means than just the website.
Michael Bancale, 909 Stoneridge Drive, also expressed appreciation for the formation of the Focus Group; and volunteered to assist in disseminating the information to citizens and requested Council consider public forums for seeking input from citizens.
5. **CONSIDER REAPPOINTMENT(S) TO THE LIBRARY BOARD OF DIRECTORS AND THE PARKS AND BEAUTIFICATION COMMITTEE.** *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider to reappoint the following members to the Library Board of Directors: Gayle H. Shipp, Shirlene Lands, and Sally Goldman and to reappoint Brandon Fuller, Kevin Summers, and Fred Bridger to the Parks and Beautification Committee each for a two year term ending in December 2017. All six in favor; motion passed.*
6. **CONSIDER AND ACT ON A RESOLUTION APPOINTING MUNICIPAL COURT JUDGE.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Alex Snider to appoint Judge Dan Francis; all six in favor, motion passed.*
7. **PUBLIC HEARING AND ACTION ON AN ORDINANCE REZONING OF A 3.627 ACRE TRACT OF LAND, LEGALLY KNOWN AS THE CARLOS O'CAMPO GRANT DESCRIBED IN A DEED TO CHARLES FARRAR, RECORDED IN MCC NO. 2006020953, OF THE RECORDS OF MCLENNAN COUNTY, TEXAS, FROM R-2 (DUPLEX DISTRICT) TO C-2 (GENERAL COMMERCIAL DISTRICT).** Mayor opened the public hearing for those wishing to speak in favor. Randy Reed, The Reed Company, 2410 Wycon Drive, Suite 201, Waco, TX, representing both the owner and the buyer, appeared in support and responded to questions. Mayor opened the public hearing for those wishing to speak in opposition. Carol Ringwald, 129 Sweet Briar Circle, appeared in opposition due to crime, lighting and noise. The public hearing was closed. *A motion was made by Council Member James Vidrine and seconded by Council Member Wilbert “Walky” Wachtendorf to approve ordinance rezoning, all six in favor, motion passed.*

8. **PUBLIC HEARING AND ACTION ON A FIVE YEAR MASTER PARK PLAN.** Mayor opened the public hearing. Michael Bancale, 909 Stoneridge Drive, appeared in support. No one else appeared. *A motion by Council Member Alex Snider and seconded by Council member Bill Fuller to approve the Five Year Master Park Plan; all six in favor, motion passed.*
9. **CONSIDER AND ACT ON A RESOLUTION AUTHORIZING APPLICATION FOR A LOCAL PARK GRANT PROGRAM FROM THE TEXAS PARKS & WILDLIFE FOR THE PURPOSE OF CONSTRUCTING A WALKING TRAIL IN BOTH WARREN AND GLAZE PARK.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve the resolution; all six in favor, motion passed.*
10. **CONSIDER AND ACT ON A RESOLUTION AMENDING THE CITY OF HEWITT'S INVESTMENT POLICY.** *A motion was made by Council Member Wilbert "Walky" Wachtendorf and seconded by Mayor Pro Tem Travis Bailey to approve the resolution; all six in favor, motion passed.*
11. **CONSIDER AND ACT ON RENEWAL OF AN AGREEMENT WITH VALLEY VIEW CONSULTING L.L.C. FOR A PERIOD OF TWO YEARS ENDING DECEMBER 31, 2017.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve; all six in favor, motion passed.*
12. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WALKER PARTNERS FOR SURVEY AND EASEMENT DOCUMENT PREPARATION FOR FM 2113 LIFT STATION DEMOLITION AND GRAVITY EXTENSION.** *A motion was made by Council Member Alex Snider and seconded by Council Member Bill Fuller to approve; all six in favor, motion passed.*
13. **CONSIDER AWARD OF BID FOR FIELDSTONE DRAINAGE PROJECT TO H&B CONTRACTORS INC., IN THE TOTAL AMOUNT OF \$49,315.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Bill Fuller to approve; all six in favor, motion passed.*
14. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH JAYCOM TO INSTALL AN IPEDGE (TOSHIBA) PHONE SYSTEM IN THE CITY HALL & LIBRARY BUILDING IN THE AMOUNT OF \$9,574.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve; all six in favor, motion passed.*

15. **CONSIDER AWARD OF BID FOR INFORMATION TECHNOLOGY NETWORK AND SECURITY CABLING AT THE CITY HALL & LIBRARY BUILDING TO EXTRACO TECHNOLOGY IN THE AMOUNT OF \$52,550.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Council Member Alex Snider to approve; all six in favor, motion passed.*
16. **CONSIDER AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO PROVIDE AN ACCESS CONTROL SYSTEM FOR CITY HALL & LIBRARY BUILDING TO SOUTHWEST TELECOM IN THE AMOUNT OF \$59,536.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by to approve Council Member Alex Snider; all six in favor, motion passed.*
17. **AUTHORIZE THE CITY MANAGER TO IMPLEMENT CUSTOMER CHOICE WASTEWATER RATE STRUCTURE.** Mayor Ed Passalugo presented the recommendation derived from the Focus Group on implementation of the Customer Choice Wastewater rate structure. *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Wilbert “Walky” Wachtendorf to approve; all six in favor, motion passed.*
18. **CONSIDER AND ACT UPON ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF HEWITT, TEXAS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.** Senior Managing Director Mark McLaney, presented bid results and recommend bid be awarded to Raymond James & Associates, Inc. *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve ordinance; all six in favor, motion passed.*
19. **ADJOURN.** *Motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to adjourn the meeting at 7:44 PM, all six in favor, motion passed.*

Approved: January 4, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



ITEM #4 – 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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize purchase of furniture and equipment for City Hall and Council Chambers from Total Office Solutions in the amount of \$135,461.39.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has worked with Total Office Solutions to develop the attached quote for furniture and equipment for the City Hall and Council Chambers portion of the new building. All items are competitively bid via state contracts. This does not include furniture, shelving, or equipment at the Library. An itemized quote is included in the back-up material. Staff recommends approval of this item.

ATTACHMENTS:

Quote



TOTAL OFFICE SOLUTIONS

3721 Franklin Ave, Waco, TX 76710

Ph: 254-235-8200 Fax: 254-235-8226

www.mytotaloffice.com

Sales Quotation for:

City of Hewitt

Contact:

Adam Miles

Project:

City Hall Budget estimate
21-Dec-15

qty	Unit	Item #	Description	Unit Cost	Extended Cost
City Council Chambers					
12	ea	HON 2191	Pillowsoft executive chair, Black Whisper, Cafelle	384.56	4,614.72
125	ea	STX Z53.102.X.MS	Zephyr stack chair, Platinum Mesh, Metallic Silver. COM	240.39	30,048.75
90	ea	PBD ACF825HG	COM, PBD Almost Calf Loden HG	59	5,310.00
4	ea	STX	Chair dolly for Zephyr stack chair, holds 18	333.6	1,334.40
Council work/Jury room					
26	ea	STX Z53.102.X.MS	Zephyr stack chair, Platinum Mesh, Metallic Silver. COM	240.39	6,250.14
36.5	ea	PBD ACF825HG	COM, PBD Almost Calf Loden HG	59	2,153.50
16	ea	SAL	Southern Aluminum tables, 24" x 60"w/ Roman legs	260	4,160.00
1	ea	SAL	Table cart, holds 10	389	389.00
1	ea	SAL	Freight from Southern Aluminum	265	265.00
City Manager					
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	JSI Vision	5 shelf bookcase, Cafelle veneer	592.51	592.51
1	ea	AWLG	Acuity work chair, Black leather jacket	885	885.00
2	ea	HON	Cambia guest chair, Knack Fresco	285.56	571.12
2	ea	FLX	Terse lounge chair, Momentum Free Pearl	595	1,190.00
15	ea	MOM 09135333	COM, Momentum Free Pearl	32	480.00
1	ea	PAO	Tahoe 36" square table, Cafelle	457.14	457.14
2	ea	MOM	Knack Fresco for bench & upholstery work	49	98.00
Administrative conference room					
8	ea	HON	Ignition mid back upholstered chair w/fixed arms	291.72	2,333.76
16	ea	PBD ACF823HG	Brayton Almost Calf Midnight COM, 2 per chair	59	944.00
Assistant City Manager					
1	ea	JSI Vision	U shaped desk, bridge, credenza & hutch, Cafelle	1778.3	1,778.30
1	ea	JSI Vision	Stack on storage hutch, double height doors	1099.01	1,099.01
1	ea	JSI Vision	5 shelf bookcase, Cafelle veneer	592.51	592.51
1	ea	AWLG	Acuity work chair, Black leather jacket	885	885.00
2	ea	HON	Cambia guest chair, Knack Fresco	285.56	571.12
Future Admin Office					
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40

1	ea	JSI Vision	5 shelf bookcase	592.51	592.51
1	ea	AWLG	Acuity work chair, Black leather jacket	885	885.00
1	ea	HON	Cambia guest chair, Knack Fresco	285.56	285.56
			Administrative Suite		
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	AWLG	Acuity work chair, Black leather jacket, soft casters	920	920.00
3	ea	FLX	Terse lounge chair, Photon Rare Earth	595	1785
22.5	ea	MOM	COM, Momentum Photon Rare Earth	65	1462.5
2	ea	PAO	Tahoe 24" square occasional table, Cafelle	373.54	747.08
			Break Room		
2	ea	ALS	Merge table, 42" round, Cafelle	779	1,558.00
2	ea	ALS	X table bases, Silver base	225	450.00
8	ea	ALS	Nimble stack chair, Brownstone/Silver	90	720.00
			Finance Admin		
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	JSI Vision	5 shelf bookcase, Cafelle	592.51	592.51
1	ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
			Future Finance 1		
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	JSI Vision	5 shelf bookcase, Cafelle	592.51	592.51
1	ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
			Future City Secretary		
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	JSI Vision	5 shelf bookcase, Cafelle	592.51	592.51
1	ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
			Future Human Resources		
1	ea	JSI Vision	L shaped desk and return, Cafelle veneer/laminate	1420.4	1,420.40
1	ea	JSI Vision	5 shelf bookcase, Cafelle	592.51	592.51
1	ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
			Director of Finance		
1	ea	JSI Vision	U shaped desk, bridge, credenza & hutch, Cafelle	1778.3	1,778.30
2	ea	JSI Vision	5 shelf bookcase, Cafelle	592.51	1,185.02
1	ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
2	ea	FLX	Terse lounge chair, PBD Writer's Block Tolstoy Alpaca	595	1,190.00
15	ea	PBD WBTL-001	COM, PBD Writer's Block Tolstoy Alpaca	45	675.00
1	ea	PAO	Diverge 36" round table	688.56	688.56
1	ea	FLX	Terse loveseat chair, PBD Writer's Block Tolstoy Alpaca	795	795.00
10	ea	PBD WBTL-001	COM, PBD Writer's Block Tolstoy Alpaca	45	450.00
			Finance Suite		
2	ea	FLX	Terse lounge chair, Momentum Neon Daytime	595	1190
15	ea	MOM 09137445	COM, Momentum Neon Daytime	65	975
1	ea	PAO	Tahoe 24" square occasional table	373.54	373.54
			City Secretary		
1	ea	JSI Vision	U shaped desk, bridge, credenza & hutch, Cafelle	1778.3	1,778.30

1 ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
2 ea	HON	Cambia guest chair, Momentum Lineup Shadow	314.16	628.32
		Human Resources		
1 ea	JSI Vision	U shaped desk, bridge, credenza & hutch, Cafelle	1778.3	1,778.30
1 ea	ALS	Acuity work chair, Whisper Black/Graphite	605	605.00
2 ea	HON	Cambia guest chair, Momentum Lineup Shadow	314.16	628.32
		Court Clerk		
3 ea	HON	Igniton chair, mesh back, soft casters, Black Brisa	491.04	1,473.12
		Small conference room		
1 ea	NVN	Nevins 48" round conference table w/X base	534	534.00
1 ea	NVN	TXMAS Smart Buy fee	8.14	8.14
		Lobby entrance		
2 ea	NVN MXB7515	Nevins Mixx 75" bench, Brayton Almost Calf Midnight	1260	2,520.00
5 ea	PBD ACF823HG	Brayton Almost Calf Midnight COM	59	295.00
4 ea	ARC 320-222220	Architex Achella Square table, 22"	739	2,956.00
1 ea	Freight	Freight from manufacturer	390	390.00
2 ea	T2-SA SF-9920BL	Trash bin, 20" diameter x 33" h	515	1,030.00
1 ea	T2-SA NV-8879, 8880, 8881	Planters, set of 3	780	780.00
3 ea	NUB FIC72	Artificial trees/plants	195	585.00
1 ea	Freight	Freight from Peter Pepper	325	325.00
		Outdoor		
1 ea	T2-SA ANV-L1370	Hampshire Bench, 6'	1299	1,299.00
2 ea	T2-SA ANV-L1378BT	Hampshire 32 gallon trash receptacle	1149	2,298.00
1 ea	Freight	Freight from manufacturer	725	725.00
		Misc.		
5 ea	CLR LCS2044	4' x 4' dry erase board	265	1,325.00
2 ea	CLR LCS2048	4' x 8' dry erase board	449	898.00
		Installation		
1 ea	TOS	Deliver, install and remove packaging	10950	10,950.00
			Sub Total	\$ 135,461.39
			Tax	
			Total	\$ 135,461.39
		**All prices are estimated using pricing available June 2015. Final fabric and finish selections will likely affect final price.		
		Anticipated manufacturer price increase before Spring of 2016 will likely cause prices to fluctuate anywhere from 5-10%.		
		Final price quote revision will be necessary before submitting final quote for purchase order from the City of Hewitt.		



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 6

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize purchase of information technology components and equipment for the City Hall & Library project from Extraco Technology in the amount of \$81,183.65.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has worked with Extraco Technology to determine the technology requirements needed for the new facility. The quote includes servers, racks, switches, wireless systems, and other hardware as well as installation. Additionally, this quote includes audio and video equipment for the Council Chambers. Several components from the existing City Hall and Library are being re-used. A breakdown of the new equipment is included in the back-up material. Staff recommends approval of this item.

ATTACHMENTS:

Quote

Project Summary

CUSTOMER: City of Hewitt

Attn: Jim Barton

DATE:

PHONE NUMBER:

FAX NUMBER:

SALES PERSON: Patrick Johnson

Part	Description	Item #	Price:
CITY HALL:	<i>City Hall Project Summary</i>		\$23,524.88
1	at a unit price of	\$23,524.88	
CITY HALL AV:	<i>City Hall AV Project Summary</i>		\$15,450.00
1	at a unit price of	\$15,450.00	
LIBRARY:	<i>Library Project Summary</i>		\$22,984.77
1	at a unit price of	\$22,984.77	
LIBRARY AV:	<i>Library AV Project Summary</i>		\$19,224.00
1	at a unit price of	\$19,224.00	
System Total:			\$81,183.65
System Total with options:			\$81,183.65
Tax:			
System Total + Tax:			\$81,183.65

1704 N. Valley Mills Dr - Waco, Texas 76710 - 254.761.2393

City Hall Equipment

CUSTOMER: City of Hewitt

Attn: Jim Barton

DATE:

PHONE NUMBER:

FAX NUMBER:

SALES PERSON: Patrick Johnson

Part	Description	Item #	Price:
VI SERVER: Dell System as specified			\$10,299.99
1 at a unit price of		\$10,299.99	
UPS: Dell Rack Mount UPS			\$1,079.99
1 at a unit price of		\$1,079.99	
SWITCH: Dell 48 Port GB Switch w/ 2 Fiber GBICs			\$3,199.98
2 at a unit price of		\$1,599.99	
SWITCH: Dell 24 Port GB Switch			\$699.99
1 at a unit price of		\$699.99	
WIRELESS: Ubiquiti Indoor Wireless APs			\$599.97
3 at a unit price of		\$199.99	
SWITCH: Ubiquiti Toughswitch 5 Port			\$159.99
1 at a unit price of		\$159.99	
SWITCH: Dell 24 Port POE GB Switches w/ 1 Fiber GBIC			\$2,599.98
2 at a unit price of		\$1,299.99	
FIREWALL: Sonicwall TZ600 Firewall			\$2,899.99
1 at a unit price of		\$2,899.99	
FIBER CABLES: Fiber Patch Cables			\$135.00
3 at a unit price of		\$45.00	
LABOR: Labor for installation and configuration			\$1,600.00
SHIPPING: Shipping and Handling			\$250.00
System Total:			\$23,524.88
System Total with options:			\$23,524.88
Tax:			
System Total + Tax:			\$23,524.88
1704 N. Valley Mills Dr - Waco, Texas 76710 - 254.761.2393			

City Hall AV Equipment



CUSTOMER: City of Hewitt

Attn: Jim Barton

DATE:

PHONE NUMBER:

FAX NUMBER:

SALES PERSON: Patrick Johnson

Part	Description	Item #	Price
COUNCIL/MULTI PURPOSE RM: <i>City Council / Multi Purpose Room</i>			
<i>Systems include the equipment, materials and labor needed for the audio and video needed for simultaneous video to the two wall mounted TV monitors with live audio via microphones and hard wired connection from recorders desk location.</i>			
<i>Materials Quoted -</i>			
<i>2 - Chief Wall Mounts</i>			
<i>1 - Furman M-8s power sequencer</i>			
<i>1 - Behringer X air digital mixer</i>			
<i>1 - QSC Cx-302V Power amp</i>			
<i>4 - JBL 24CTM ceiling speakers</i>			
<i>8 - Shure MX392BE desk top mics</i>			
<i>2 - Shure BLX1288 Handheld & Lavalier wireless mics</i>			
<i>3 - Kanex HDbaseT extenders</i>			
<i>1 - J tech HDMI 1080 audio video extractor convertor</i>			
<i>1 - HDMI switcher</i>			
<i>1 - Misc Cable</i>			
<i>1 - 24u Wall Rack</i>			
<i>Labor and Materials</i>			
1	at a unit price of	\$14,600.00	\$14,600.00
COUNCIL/JURY RM: <i>Council Work / Jury room</i>			
<i>Material Quoted -</i>			
<i>1 - Chief Wall Mount</i>			
<i>Labor and Materials</i>			
1	at a unit price of	\$850.00	\$850.00
System Total:			\$15,450.00
System Total with options:			\$15,450.00
Tax:			
System Total + Tax:			\$15,450.00
1704 N. Valley Mills Dr - Waco, Texas 76710 - 254.761.2393			

Library Equipment



CUSTOMER: City of Hewitt
DATE:
PHONE NUMBER:
FAX NUMBER:
SALES PERSON: Patrick Johnson

Attn: Jim Barton

Part	Description	Item #	Price:
UPS: Dell Rack Mount UPS			\$1,079.99
1 at a unit price of			\$1,079.99
DESKTOPS: Dell Opt 3020 I5 4Gb 256SSD Win7 Office 2016 Home/Business 3 Year Onsite Warranty			\$11,199.92
8 at a unit price of			\$1,399.99
SWITCH: Dell 48 Port GB Switch w/ Qty 2 Fiber SPF Modules			\$3,199.98
2 at a unit price of			\$1,599.99
WIRELESS: Ubiquiti Indoor Wireless Aps Long Range			\$1,199.94
6 at a unit price of			\$199.99
WIRELESS: Ubiquiti Outdoor Wireless Aps Long Range			\$599.98
2 at a unit price of			\$299.99
SWITCH: Ubiquiti Toughswitch 5 Port POE			\$319.98
2 at a unit price of			\$159.99
SWITCH: Dell 24 Port POE GB Switches w/ 1 Fiber GBICs			\$2,599.98
2 at a unit price of			\$1,299.99
FIBER CABLES: Fiber Patch Cables			\$135.00
3 at a unit price of			\$45.00
LABOR: Labor for installation and configuration			\$2,400.00
SHIPPING: Shipping and Handling			\$250.00
System Total:			\$22,984.77
System Total with options:			\$22,984.77
Tax:			
System Total + Tax:			\$22,984.77

1704 N. Valley Mills Dr - Waco, Texas 76710 - 254.761.2393

Library AV Equipment



CUSTOMER: City of Hewitt
 DATE:
 PHONE NUMBER:
 FAX NUMBER:
 SALES PERSON: Patrick Johnson

Attn: Jim Barton

Part	Description	Item #	Price:
LIBRARY/STUDY ROOMS: Systems include the equipment, materials and labor needed for the simultaneous video to the 3 wall mounted TV monitors with simultaneous video feed. System also includes HDMI connection for individual play at Children, Computer and study area. System also includes the DVD player connection at Children area and owner provided wireless headphone equipment. Materials Quoted - 3 - Chief Wall Mounts 1 - 8x Kanex pro HD T extender 1 - Shinybow 4x8 matrix switcher 1- Misc Cables Labor and Materials 1 at a unit price of			
		\$12,999.00	\$12,999.00
LIBRARY AUDIO: Systems include the equipment, materials and labor needed for the audio speaker/paging system in the main library and outdoor courtyard. Material Quoted - 6 - JBL Pendant speakers 2 - JBL outdoor speakers 1 - QSC CX-302v Amp 1 - QSC indo mixer 1- HDMI Cabling Labor and Materials 1 at a unit price of			
		\$6,225.00	\$6,225.00
			System Total: \$19,224.00
			System Total with options: \$19,224.00
			Tax:
			System Total + Tax: \$19,224.00
1704 N. Valley Mills Dr - Waco, Texas 76710 - 254.761.2393			



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize purchase of CCTV security camera system for the City Hall & Library project from Southwest Telecom in the amount of \$14,860.

STAFF RECOMMENDATION/ITEM SUMMARY:

City Staff has worked with Southwest Telecom (and Extraco Technology) to develop the security camera system for the new City Hall & Library facility. This quote includes material, labor, and equipment needed for installation of the system. A summary of the new equipment is included in the back-up material. Staff recommends approval of this item.

ATTACHMENTS:

Quote



Job Quote

PO BOX 185 Crawford Texas 76638

Phone (254) 848-4422 Fax (254) 848-4423

Name / Address

City of Hewitt
Accounts Payable
P.O. Box 610
Hewitt, Texas 76643

		Date	Quote #
		12/20/2015	2010
Description	Qty	Rate	Total
City of Hewitt New CCTV Camera Systems Southwest Telecom will provide labor and materials for the installation of the following camera locations - New City Hall and Library Materials Quoted - 18 - Advidia A-34W Indoor Dome Cameras 10 - Advidia A-35 Outdoor Bullet Cameras 1- Misc Labor and Materials	1	14,860.00	14,860.00
		Subtotal	\$14,860.00
		Sales Tax (0.0%)	\$0.00
		Total	\$14,860.00



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 8

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize short term financing for library shelving for the new Library project in the total amount of \$163,404.83.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has worked with Dave Gaskins of Library Interiors of Texas to develop a long term solution for library shelving at the new Library. Multiple options were proposed and reviewed. Use of the existing shelving was analyzed and included in the proposals, however even in that scenario approximately \$110,000 would be spent on new shelving as well as retrofit and transportation of the older shelving. With this in mind, city staff is recommending approval of all new shelving in the total amount of \$163,404.83. This price does include materials and labor for installation. The Friends of the Library Board endorses purchase of new shelving and has committed \$13,000 towards the purchase of new shelving. Approval of this item would authorize purchase of library shelving through short term financing.

ATTACHMENTS:

Quote

Project: Hewitt Public Library
Location: Hewitt, TX
Attention: Waynette Ditto

Shelving:
All New

Library Interiors of Texas
David W. Gaskins

Ref #	Area	Qty.	Description	Product #	List Each	Sell Each	Sell Total
SD1260	Large Print	19	24"x66"x36" Shelving, DF, IB	wfib62120	\$756.00	\$448.18	\$8,515.46
SD1260-mob	Teen	9	Mobile Shelving Kit, for above, height =~71"]	X-EMC6636add	\$619.00	\$291.67	\$2,625.00
	Large & Teen	19	Canopy Top, Steel	ctd3624	\$81.00	\$48.02	\$912.37
SD1260C	Intermediate	24	24"x66"x36" Shelving, DF, IB	wfib62120	\$756.00	\$448.18	\$10,756.37
SD1260C-mob	Intermediate	24	Mobile Shelving Kit, for above, height =~71"]	X-EMC6636add	\$619.00	\$291.67	\$7,000.00
	Intermediate	24	Canopy Top, Steel	ctd3624	\$81.00	\$48.02	\$1,152.47
SD1272	Adult	47	24"x78"x36" Shelving, DF, IB	wfib72120	\$883.00	\$523.47	\$24,603.18
		47	Canopy Top, Steel	ctd3624	\$81.00	\$48.02	\$2,256.92
SS1090	Catalog/Work	4	10"x90"x36" Shelving, DF, IB	wfib91120	\$587.00	\$347.99	\$1,391.97
SS1266	Quiet Reading	6	12"x78"x36" Shelving, SF, IB	wfib61120	\$519.00	\$307.68	\$1,846.08
		6	Canopy Top, Steel	ctd3624	\$81.00	\$48.02	\$288.12
SS1266-MagBox	Quiet Reading	24	Periodical Storage/Display, MagBox, std.	3Bx3521	\$35.00	\$35.00	\$840.00
X-SS1248-mob	Tot's Area	12	24"x42"x36" Shelving, DF, IB	wf1b42120	\$507.00	\$300.57	\$3,606.80
X-221260-mob	Tot's Area	12	Mobile Shelving Kit, for above, height =~47"	X-EMC6636add	\$619.00	\$291.67	\$3,500.00
		12	Canopy Top, Steel	ctd3624	\$81.00	\$48.02	\$576.23
ED1060T	Teen	6	End Panel <u>Chrysalis</u> Gaia SW116	T2DWG-Custom		\$626.38	\$3,758.31
		6	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$2,307.69
ED1248C	Tot's Area	6	End Panel <u>Chrysalis</u> Groovy S-1112	T2DWG-Custom		\$626.38	\$3,758.31
		6	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$2,307.69
ED1260	Large Print	4	End Panel <u>LumiCor</u> Mystery Meander	T2DWG-Custom		\$1,261.54	\$5,046.15
		4	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$1,538.46
ED1260C	Intermediate	12	End Panel <u>Chrysalis</u> Groovy S-1112	T2DWG-Custom		\$670.32	\$8,043.88
		12	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$4,615.38
ED1272-1	Adult	8	End Panel <u>LumiCor</u> Mystery Meander	T2DWG-Custom		\$1,261.54	\$10,092.31
		8	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$3,076.92
ED1272-2	Adult	8	End Panel <u>LumiCor</u> Wedgewood	T2DWG-Custom		\$923.08	\$7,384.62
		8	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$3,076.92
ES1266	Quiet Reading	2	End Panel <u>LumiCor</u> Wedgewood	T2DWG-Custom		\$923.08	\$1,846.15
		2	End Panel Brkts., Top/Bottom, standoffs	T2DWG102915		\$384.62	\$769.23
ES1272	Adult	2	End Panel <u>LumiCor</u> Mystery Meander	T2DWG-Custom		\$923.08	\$1,846.15

Library Interiors of Texas
David W. Gaskins

Shelving:
All New

[illegible]



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2016

AGENDA ITEM #: 9

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider and act upon adoption of an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the city of Hewitt, McLennan County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.

STAFF RECOMMENDATION/ITEM SUMMARY:

City of Hewitt gas franchise agreement with Atmos Energy Corporation, Mid-Tex Division, expired on December 31, 2015. This ordinance grants Atmos Energy, the non-exclusive right to use and occupy rights-of-way within the City of Hewitt for the construction and operation of a gas transmission and distribution system. This agreement is for a term of 24 years and expires on December 31, 2040. The ordinance continues the franchise fee at five percent (5%) gross revenues.

The proposed franchise is a standard agreement. Staff recommends approval.

ATTACHMENTS:

Draft ordinance

ORDINANCE NO: _____

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF HEWITT, MCLENNAN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

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

SECTION 1. GRANT OF AUTHORITY: The City of Hewitt, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending December 31, 2040.

SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION & RELOCATION OF ATMOS ENERGY FACILITIES:

- A. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot

otherwise be resolved, City or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.

- B. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. In the event that the City does not provide sufficient written notice to Atmos Energy as set forth in this paragraph, the

City shall be responsible for fifty percent (50%) of the cost of the removal or relocation of Atmos Energy's facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.

- C. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
- D. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 3. INDEMNITY & INSURANCE: In the event of injury to any person or damage to any property by reason of Atmos Energy's construction, operation, maintenance, or replacement of Atmos Energy's pipeline system within Public Rights-of-Way, Atmos Energy shall indemnify and keep harmless City from any and all liability in connection therewith, except to the extent such injury or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or

omissions. Atmos Energy's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

SECTION 5. PAYMENTS TO CITY:

- A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st day of April, 2016 and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 1st day of April, 2040, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues, as defined in 5.B below, received by Atmos Energy during the preceding calendar year.
- B. "Gross Revenues" shall mean:
 - (1) all revenues received by Atmos Energy from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
 - (2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
 - (3) the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and

(4) "Gross Revenues" shall also include fees collected pursuant to this agreement and the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.

(5) "Gross Revenues" shall not include:

- (a) revenues billed but not ultimately collected or received by Atmos Energy;
- (b) contributions in aid of construction;
- (c) the revenue of any affiliate or subsidiary of Atmos Energy;
- (d) sales tax paid to the City;
- (e) interest or investment income earned by Atmos Energy; and
- (f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.

C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2016, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise *in toto*. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

E. Atmos Energy Franchise Fee Recovery Tariff

- (1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Atmos Energy.
- (3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.

F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the

City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 6. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 7. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 8. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of January 1, 2016.

PASSED AND APPROVED on this the _____ day of _____, 2016.

ATTEST:

Lydia Lopez, City Secretary

Ed Passalugo, Mayor
City of Hewitt, Texas

STATE OF TEXAS §
COUNTY OF MCLENNAN §
CITY OF HEWITT §

I, Lydia Lopez, City Secretary of the City of Hewitt, McLennan County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Hewitt, Texas, at a _____ session, held on the _____ day of _____, 2016, as it appears of record in the Minutes in Book _____, page _____.

WITNESS MY HAND AND SEAL OF SAID CITY, this the ____ day of _____,
2016.

Lydia Lopez, City Secretary
City of Hewitt, Texas