

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 15, 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 McNiel – 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

Tracy Lankford, Community
Development Director

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 **15th day of February, 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 upcoming events.
 - o Grand Opening & Ribbon Cutting of City Hall & Library – April 14, 2016.
 - c. Briefing and discussion concerning May 7, 2016 election calendar and polling place.
 - d. Briefing and discussion concerning board and commission vacancies.
 - e. Briefing and discussion concerning existing manufactured home subdivision.
 - f. 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 1:00 AM/PM on February 12, 2016.

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 **15th day of February, 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. Special presentation to the Hewitt Public Library
4. Special presentation by the Friends of the Hewitt Public Library
5. Consider approval of minutes of the City Council Workshop/Regular Meeting of February 1, 2016.
6. 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.*
7. Consider award of bid for 2015 -Warren Park Improvements, Phase 1A to H&B Contractors in the amount of \$397,671.15.
8. Consider a resolution ordering a Special Election in the City of Hewitt on Saturday, May 7, 2016; to submit a proposed amendment to the City Charter; designating the polling place; and providing other matters relating to the Special Election. *(Considere un resolución que ordena una elección especial que se llevaría a cabo el 7 de mayo del 2016; un propuesta enmienda a la Carta de la Ciudad de Hewitt; designación de los lugares de votación; y proveería consideración para otros asuntos relacionados a las elección special.)*
9. Consider an ordinance amending Chapter 78 - Utilities, Article I - In General, Section 78-1 - Payment of Rates and Charges, (d) Re-reads, replacing water meters at customer's request, of the Code of Ordinances of the City of Hewitt; Providing for procedures for customer requests for meter accuracy testing; Providing for rules and procedures related to accuracy of testing water meters; Repealing Sec. 78-1 (d) Re-reads, replacing water meters at customer's request; Establishing Sec. 78-1 (d) Customer request for testing of a water meter; Providing for Severability, Repealing all Ordinances in conflict; Providing an effective date.
10. Consider an ordinance amending Chapter 78 - Utilities, Article III - Wastewater system, Division 1 - Generally, Section 78-94 - Wastewater rate structure and fees for service and Section 78-95 - Customer Choice Wastewater Rate Program for Detached Single Family Residential Customers of the Code of Ordinances of the City of Hewitt; Providing for procedures related to billing for wastewater services; Providing for definitions; Providing for Winter Average billing; Providing for Flat rate billing; Providing for Severability, Repealing all Ordinances in conflict herewith; Providing an effective date.

11. Consider a resolution amending the City of Hewitt Master Fee Schedule; Providing for monthly Standard wastewater rates; Providing for monthly Winter Average wastewater rates; Providing for monthly Flat rate wastewater rates; Providing for water meter testing rates; Providing an effective date.
12. 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 1:00 AM/PM on February 12, 2016.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary



COUNCIL WORKSHOP AGENDA ITEM #2.a



CITY ENGINEER'S REPORT

February 11, 2016

2010 IH-35 Utility Improvements:

At this time, we are waiting on either the third pump to come in or the repaired pump to come in.

Commerce Park Plant Project and Related Projects:

Elevated Storage Tank:

Contractor has been working on punch list items.

Plant Contract:

Contractor has provided the City with an updated construction schedule. They are currently working on the building that will house the electrical components and chemical disinfection systems.

Piping:

The contractor is substantially complete. Spoke with the contractor and we are to provide him with a punch list, so that they may address any issues prior to the final walk through.

2014 Bond Projects:

Old Temple Road Street Improvements:

Adam Miles is to discuss this with the Council.

Warren Park Improvements:

This project is to be considered for award. Please see the letter of recommendation and bid tabulation.

First Street Mill and Overlay / Chapman Rd.

Design work continuous.

City Hall / Library:

Poured another section of the flat work for the parking area. Oral update may be given at the meeting.

HEWITT TEXAS

CITY ENGINEER'S REPORT

February 11, 2016

2015 Bond Projects:

Lift Station No. 5 Removal

I have ordered preliminary topography along the proposed alignment. I will be having to get with the owners of one of the properties along the path to discuss the line.

IH - 35 Waterline

Surveyors are to begin their work shortly.

Lift Station No. 4; Gravity Line Extension

Preliminary topography along the proposed alignment has been ordered.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL WORKSHOP AGENDA ITEM #2.b

2016 Calendar of Events

Event	Location	Date
Spudtacular Business Expo & Car Show	Warren Park	Saturday, March 19th
City Hall & Library Grand Opening	City Hall	Thursday, April 14th
Nacho Daddy's Tex-Mex & Fun Run	Warren Park	Saturday, May 7th
Household Hazardous Waste Day	Waco Solid Waste	Saturday, May 7th
Concert #1 - Summer Concert Series	Warren Park	Thursday, June 2nd
KXXV Movie Night #1	Warren Park	Friday, June 10th
Dog Days Kickoff Party & Concert	Warren Park	Friday, June 17th
Dog Days of Summer	Hewitt Park	Saturday, June 18th
Concert #2 - Summer Concert Series	Warren Park	Thursday, July 7th
KXXV Movie Night #2	Warren Park	Friday, July 8th
Hewitt Hero Day	Hewitt Park	Wednesday, July 20th
National Night Out Kickoff Party	TBD	Thursday, July 28th
KXXV Movie Night #3	Warren Park	Friday, August 5th
Concert #3 - Summer Concert Series	Warren Park	Thursday, August 18th
KXXV Movie Night #4	Warren Park	Friday, September 2nd
Creekside Spooktacular	Warren Park	TBD
Christmas Parade & Tree Lighting	Hewitt Park	TBD



COUNCIL WORKSHOP AGENDA ITEM #2.c



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.
- Tues., Feb. 23:** Last day to file a Declaration of Write-in Candidacy
- 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, **200 Patriot Court, 8:00 a.m. 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 WORKSHOP AGENDA ITEM #2.d

CITY OF HEWITT: COUNCIL, BOARDS, AND COMMISSIONS

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

<u>City Council</u> <u>2 Yr Term - May</u>	<u>Board of Adjustment</u> <u>2 Yr Term - April</u>	<u>Planning & Zoning</u> <u>Commission</u> <u>3 Yr Term - June</u>	<u>Parks & Beautification</u> <u>Committee</u> <u>2 Yr Term - December</u>	<u>Library Board of</u> <u>Directors</u> <u>2 Yr Term - December</u>
1st & 3rd Mon 7 pm	3rd Thurs 7 pm	1st Tues. 7 pm	2nd Thurs 7 pm	Quarterly as needed
Mayor Pro Tem Travis Bailey Ward 1 (05-2017) 412 Oklahoma Avenue 666-1492	Chairman (04-2016) Jim Winton 1136 Heatherwood 857-9436	(06-2016) Kurt Krakowian 804 Pebble Creek Cr. 855-1139	(12-2016) Ray Manzo 1127 S. Haven 315-6561	(12-2016) Eric Ames 249 Fieldcrest Dr. 710-1576
Wilbert (Walky) Wachtendorf Ward 1 (05-2016) 328 Travis 666-3759	(04-2016) Bradley T. Turner 600 Yukon Pass 723-4912	(06-2016) Bobby Wolske 109 Devonshire 366-4743	(12-2017) VACANCY	(12-2017) Gayle H. Shipp 704 Cheyenne Trail 495-1044
Bill Fuller Ward 2 (05-2016) 218 Chelsea/PO Box 568 666-3304	(04-2017) Douglas Bergen 264 Earle Rd. 666-0855	(06-2016) Walter H. Peterson 500 Moss Hill Rd. 757-5128	(12-2017) Kevin Summers 208 Russell 349-2533	Secretary (12-2016) Mary Anna Roch 708 Regina 666-0886
James Vidrine Ward 2 (05-2017) 504 Rowan Oak 666-2115	(04-2017) Charles Howard 155 Ellis Farm Rd. 732-4746	(06-2017) Jonathan Denton Dulus 332 Bowie Ln. 855-4013	(12-2017) Fred Bridger 613 Durango Circle 749-8810	(12-2016) Lydia Dashner 520 Angel Fire Dr. 666-9623
Mayor Ed Passalugo Ward 3 (05-2017) 137 E. Chapman Rd. 420-1926	(04-2017) R. Don Vardeman 432 S First St. 666-2670	(06-2017) Charlie Turner 209 Laredo 666-0087	(12-2016) Lloyd Coffman 807 Attaway 855-3655	Vice President (12-2016) Jerry Waltman 1205 Steamboat Drive 666-9459
Ronnie McNiel Ward 3 (05-2016) 960 Lands End Cove 717-2752	Alternate (04-2016) VACANCY	(06-2017) Michael Lee Hix 336 Bowie Lane 723-5071	(12-2016) Robert Smith 412 Texas Avenue 420-2599	Treasurer (12-2017) Shirlene Lands 217 W. Warren P. O. Box 133 666-3490
Alex Snider At Large (05-2017) 1017 Wind Hill (281) 734-7622	Alternate (04-2016) VACANCY	(06-2017) John J. Baker 317 Bonham Drive 235-0464	(12-2016) Ruth D. Coffman 807 Attaway 855-6883	President (12-2017) Sally Goldman 132 Texas 666-2436

Updated: 2/3/2016



COUNCIL WORKSHOP AGENDA ITEM #2.e



MEMORANDUM

DATE: February 12, 2016
FROM: Tracy Lankford, Community Development Director
TO: Adam Miles, City Manager
RE: Hewitt Mobile Home Park

It has recently been noticed that the Manufactured home district of the Zoning Ordinance is in need of updating. I would like to discuss this with the Council to get direction on how to move forward with updating this ordinance.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Special presentation to the Hewitt Public Library.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Public Library has received the 2015 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association. Out of 556 public library systems in the State of Texas, only 41 received this award. In order to receive this award, the Hewitt Public Library had to demonstrate excellence in ten categories.

Mayor Passalugo will have an award to present to Library Director Waynette Ditto. Our congratulations to Library Director Waynette Ditto and staff for achieving this recognition and making our Library one of the BEST!

ATTACHMENTS:

None



January 20, 2016

Mr. Adam Miles
City Manager
City of Hewitt
105 Tampico
Hewitt, TX 76643

Dear Mr. Miles,

Congratulations are in order to the Hewitt Public Library. You have been awarded the 2015 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association.

Of the 556 public library systems in the State of Texas, only 41 received the 2015 award. The Hewitt Public Library has demonstrated excellence in all ten areas required to qualify.

Please accept our sincere congratulations to a library system that provides quality services and programs for the continued education and personal enrichment of its citizens.

Again, congratulations on this achievement.

Sincerely,

A handwritten signature in blue ink that reads "Cathy Ziegler". The signature is stylized, with the first name "Cathy" written in a cursive-like script and the last name "Ziegler" written in a more blocky, capital-heavy style.

Cathy Ziegler, Plano Public Library System
Achievement of Library Excellence Award Committee
Texas Municipal Library Directors Association
An Affiliate Organization of the Texas Municipal League



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 4

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Special presentation to the Hewitt Public Library from the Friends of the Hewitt Public Library.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Friends of the Hewitt Public Library will present a donation check in the amount of \$13,000 to assist with the purchase of shelving in the new Library facility.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of February 1, 2016.

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 February 1, 2016 - 5:30/7:00 PM

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

Note: Council Member Alex Snider was not present during the workshop; however, he was present for the Regular meeting.

Members absent: Council Member Bill Fuller

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Fire Chief Lance Bracco, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Library Director Waynette Ditto, Public Works Director James Black, Community Services Director Tracy Lankford, Special Projects Coordinator Katie Allgood, and City Secretary Lydia Lopez

Staff absent: 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 updates 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.
 - c. Briefing and discussion concerning upcoming events.
 - d. Grand Opening & Ribbon Cutting of City Hall & Library – April 14, 2016.
 - e. Briefing and discussion concerning May 7, 2016 election calendar and polling place.
 - f. Briefing and discussion concerning Public Safety operations – Police & Fire. Police Chief advised Council of the upcoming Citizen’s Police Academy set to begin on February 23, 2016.
3. Regular meeting agenda items were reviewed.
4. Convene Executive Session at 6:19 PM 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

6. Adjourn. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Council Member Ronnie McNiel to adjourn the Workshop at 6:26 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 ask Mayor Pro Tem Travis Bailey to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF JANUARY 18, 2016.** *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 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. NONE*
5. **CONSIDER AWARD OF BID FOR INSTALLATION OF PRE-CAST FENCE PROJECT FOR CITY HALL & LIBRARY TO ARTISAN PRECAST IN THE AMOUNT OF \$12,985.45.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Ronnie McNiel to approve; all six in favor; motion passed.*
6. **CONSIDER A RESOLUTION APPROVING FINANCING TERMS FOR LIBRARY SHELVING BY BB&T AT 1.67% FOR FOUR YEARS FOR AN ANNUAL PAYMENT IN THE AMOUNT OF \$42,570.91.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Council Member Alex Snider; all six in favor, motion passed.*
7. **CONSIDER A RESOLUTION ORDERING A GENERAL ELECTION IN THE CITY OF HEWITT ON SATURDAY, MAY 7, 2016; DESIGNATING THE POLLING PLACE AND PROVIDING OTHER MATTERS RELATING TO THE GENERAL ELECTION.** *(Consider un resolución que ordena una elección general que se llevaría a cabo el 7 de mayo del 2016; designación de los lugares de votación; y proveería consideración para otros asuntos relacionados a las elección general.) A motion was made by Council Member Alex Snider and seconded by Council Member Wilbert “Walky” Wachtendorf to approve; all six in favor, motion passed.*
8. **CONSIDER A RESOLUTION ORDERING A SPECIAL ELECTION IN THE CITY OF HEWITT ON SATURDAY, MAY 7, 2016; TO SUBMIT A PROPOSED AMENDMENT TO THE CITY CHARTER; DESIGNATING THE POLLING PLACE; AND PROVIDING OTHER MATTERS RELATING TO THE SPECIAL ELECTION.** *(Consider un resolución que ordena una elección especial que se llevaría a cabo el 7 de mayo del 2016; un propuesta enmienda a la Carta de la Ciudad de Hewitt; designación de los lugares de votación; y proveería consideración para otros asuntos*

***relacionados a las elección special.)** A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to table this item; five voted in favor, one (Council Member Wilbert “Walky” Wachtendorf) opposed, motion to table item passed.*

9. **ADJOURN.** *Motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to adjourn the meeting at 7:10 PM, all six in favor, motion passed.*

Approved: February 15, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



ITEM #6 – 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: February 15, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider award of bid for 2015 - Warren Park Improvements, Phase 1A to H&B Contractors the amount of \$397,671.15.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has solicited bids from qualified contractors to make improvements to Warren Park. Three bids were submitted and evaluated. Staff recommends award of this bid to H&B Contractors in the total amount of \$397,671.15.

ATTACHMENTS:

City Engineer recommendation
Bid tabulation

FEBRUARY 11, 2016

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: EMAIL/HAND DELIVERY

RE: 2015 – WARREN PARK IMPROVEMENTS; PHASE 1A

COUNCIL:

BIDS WERE OPENED ON THE ABOVE CAPTIONED PROJECT ON FEBRUARY 11, 2016. THREE BIDS WERE SUBMITTED. THE LOWEST BID WAS SUBMITTED BY **H&B CONTRACTORS, INC.**; IN THE AMOUNT OF **\$397,671.15**. THE BID TABULATION FOR THIS PROJECT SHOULD BE INCLUDED WITHIN YOUR COUNCIL PACKET.

H&B CONTRACTORS, INC. HAS CONSTRUCTED MANY PROJECTS FOR THE CITY OF HEWITT IN THE PAST. THE MOST RECENT PROJECT THAT HAD BEEN CONSTRUCTED BY THEM WOULD BE THE 2015 – OLD TEMPLE ROAD; STREET IMPROVEMENTS PROJECT.

IT IS MY RECOMMENDATION THAT THIS CONTRACT BE AWARDED TO H&B CONTRACTORS, INC. FOR THE AMOUNT CALLED ABOVE.

SINCERELY:



Miles W. Whitney P.E.
MILES W. WHITNEY, P.E.

Base Bid Tabulation

Project	2015 - Warren Park Improvemtns; Phase 1A	Prepared By	MWW
Owner	City of Hewitt, TX	Date	2/11/2016
Component	Bid Tabulation	Reviewed By	MWW

BASE BID TOTALS				Contractor 1		Contractor 2		Contractor 3	
				\$ 397,671.15		\$ 444,819.50		\$ 518,900.00	
				H&B Contractors, Inc.		Barnett Contracting, Inc.		Knife River	
Bid Item	Qty.	Unit	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	
1	1	L.S.	\$ 29,600.00	\$ 29,600.00	\$ 28,000.00	\$ 28,000.00	\$ 29,780.00	\$ 29,780.00	
2	6,385	S.Y.	\$ 1.45	\$ 9,258.25	\$ 4.60	\$ 29,371.00	\$ 2.15	\$ 13,727.75	
3	1,523	L.F.	\$ 9.70	\$ 14,773.10	\$ 10.00	\$ 15,230.00	\$ 14.50	\$ 22,083.50	
4	6,631	S.Y.	\$ 6.60	\$ 43,764.60	\$ 8.00	\$ 53,048.00	\$ 8.15	\$ 54,042.65	
5	4	Ea.	\$ 10,000.00	\$ 40,000.00	\$ 2,500.00	\$ 10,000.00	\$ 8,800.00	\$ 35,200.00	
6	697	L.F.	\$ 29.60	\$ 20,631.20	\$ 26.00	\$ 18,122.00	\$ 30.55	\$ 21,293.35	
7	3	Ea.	\$ 650.00	\$ 1,950.00	\$ 1,200.00	\$ 3,600.00	\$ 985.00	\$ 2,955.00	
8	1	Ea.	\$ 5,650.00	\$ 5,650.00	\$ 7,500.00	\$ 7,500.00	\$ 9,520.00	\$ 9,520.00	
9	1	Ea.	\$ 1,740.00	\$ 1,740.00	\$ 3,500.00	\$ 3,500.00	\$ 4,240.00	\$ 4,240.00	
10	4	Ea.	\$ 285.00	\$ 1,140.00	\$ 500.00	\$ 2,000.00	\$ 390.00	\$ 1,560.00	
11	85	L.F.	\$ 16.00	\$ 1,360.00	\$ 20.00	\$ 1,700.00	\$ 53.00	\$ 4,505.00	
12	1	Ea.	\$ 1,900.00	\$ 1,900.00	\$ 4,200.00	\$ 4,200.00	\$ 4,300.00	\$ 4,300.00	
13	4	Ea.	\$ 1,500.00	\$ 6,000.00	\$ 2,600.00	\$ 10,400.00	\$ 3,500.00	\$ 14,000.00	
14	656	L.F.	\$ 34.50	\$ 22,632.00	\$ 45.00	\$ 29,520.00	\$ 47.50	\$ 31,160.00	
15	1	Ea.	\$ 1,120.00	\$ 1,120.00	\$ 2,000.00	\$ 2,000.00	\$ 2,715.00	\$ 2,715.00	
16	64	L.F.	\$ 73.00	\$ 4,672.00	\$ 100.00	\$ 6,400.00	\$ 135.00	\$ 8,640.00	
17	100	S.F.	\$ 10.00	\$ 1,000.00	\$ 8.00	\$ 800.00	\$ 22.00	\$ 2,200.00	
18	6,385	S.Y.	\$ 1.00	\$ 6,385.00	\$ 1.50	\$ 9,577.50	\$ 1.15	\$ 7,342.75	
19	1	L.S.	\$ 167,000.00	\$ 167,000.00	\$ 169,851.00	\$ 169,851.00	\$ 183,335.00	\$ 183,335.00	
20	1	L.S.	\$ 980.00	\$ 980.00	\$ 10,000.00	\$ 10,000.00	\$ 8,500.00	\$ 8,500.00	
21	1	L.S.	\$ 3,115.00	\$ 3,115.00	\$ 5,000.00	\$ 5,000.00	\$ 10,300.00	\$ 10,300.00	
22	1	L.S.	\$ 13,000.00	\$ 13,000.00	\$ 25,000.00	\$ 25,000.00	\$ 47,500.00	\$ 47,500.00	

Denotes corrected Bid Price



Miles W. Whitney, P.E.

Cayote Consulting, LLC
T.B.P.E. Firm No. F-16387



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 8

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider a resolution ordering a Special Election in the City of Hewitt on Saturday, May 7, 2016; to submit a proposed amendment to the City Charter; designating the polling place; and providing other matters relating to the Special Election. *(Considera un resolución que ordena una elección especial que se llevaría a cabo el 7 de mayo del 2016; un propuesta enmienda a la Carta de la Ciudad de Hewitt; designación de los lugares de votación; y proveería consideración para otros asuntos relacionados a las elección special.)*

STAFF RECOMMENDATION/ITEM SUMMARY:

At direction from the Mayor and City Council, city staff developed a proposed Charter Amendment whereby term limits for City Council members could be enacted by the voters in Hewitt. Approval of this item would call for a Charter Amendment election to be held on May 7, 2016. As proposed, City Council terms would be extended from a two (2) year term to a three (3) year term and a three consecutive term limit would be enacted. In this manner an elected council member could serve up to nine (9) consecutive years.

The proposed language would have the At-Large member, the Ward 1, Place 1 member, the Ward 2, Place 1 member, and the Ward 3, Place 1 member up for election in 2017 and serving a 3 year term. Then, the following year, 2018, the Ward 1, Place 2 member, the Ward 2, Place 2 member, and the Ward 3, Place 2 member would be up for election and serving a 3 year term. Under this scenario there would be no election in 2019 unless an election was called to fill a vacancy during an unexpired term. The backup material includes a copy of the current Charter Language from Section 2.2 of the Charter as well as proposed language for a Charter Amendment relating to Section 2.2.

If approved, city staff would follow State notice requirements concerning elections and include the proposed Charter Amendment on the May 7 ballot.

ATTACHMENTS:

Resolution

CITY OF HEWITT CHARTER - CURRENT LANGUAGE

- Sec. 2.2. - Election of council members, terms and compensation.

The governing body of the city shall consist of a council of seven (7) members elected at large by the qualified voters of the city. They shall run for office by place and be elected for a term of two (2) years, or until their successors are duly elected and qualified, except as herein provided.

The council members shall draw no compensation as such for their duties, but may be reimbursed for any expenditure made in behalf of the city or expenses incurred in the performance of their duties when approved by the council.

The council, by ordinance at least forty-five (45) days prior to the first general city election following the adoption of this charter, shall divide the city into three (3) wards and shall designate two (2) of the council places for each ward and one of the places at large. The present mayor and council members shall complete their original terms of office as council members-at-large. The present mayor shall continue to serve as such until the first meeting following the first general city election when a mayor shall be elected as provided herein. In the event any vacancy should exist on the council then such vacancy shall be filled in accordance with law.

At the first general city election, a council member-at-large and one council member from each ward shall be elected for two (2) year terms. At the second general city election, one council member from each ward shall be elected for a two (2) year term. Thereafter, three (3) council members shall be elected each even-numbered year and four (4) council members shall be elected each odd-numbered year.

CITY OF HEWITT

PROPOSED CHARTER AMENDMENT

- SECTION 2.2 - Election of Council members, terms, and compensation.

The governing body of the City shall consist of a Council of seven (7) members elected at large by the qualified voters of the City. They shall run for office by place and be elected for a term of three (3) years, or until their successors are duly elected and qualified, except as herein provided.

The candidates elected in the May 2017 election for the At Large position, the Ward One, Place One position, the Ward Two, Place One position, and the Ward Three, Place One position, shall serve a three (3) year term. The candidates elected in the May 2018 election for the Ward One, Place Two position, Ward Two, Place Two position, and the Ward Three, Place Two position shall serve a three (3) year term. The 2017 regular election and all subsequent regular elections shall be for a term of office of three (3) years. Starting with the regular election in 2017, no person may serve on the City Council for more than three (3) consecutive full terms. Terms served pursuant to elections conducted before the 2017 regular election shall not count towards the three consecutive term limitation.

The Council members shall draw no compensation as such for their duties, but may be reimbursed for any expenditure made in behalf of the City or expenses incurred in the performance of their duties when approved by the Council.

RESOLUTION NO. 2016-02-15-1
RESOLUCIÓN NO. 2016-02-15-1

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, ORDERING A SPECIAL ELECTION IN THE CITY OF HEWITT ON SATURDAY, MAY 7, 2016 TO SUBMIT A PROPOSED AMENDMENT TO THE CITY CHARTER; DESIGNATING THE POLLING PLACE; PROVIDING OTHER MATTERS RELATING TO THE ELECTION; AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE HEWITT, TEXAS, ORDENANDO QUE SE LLEVEN A CABO ELECCION ESPECIAL EN LA CIUDAD DE HEWITT EL SÁBADO, 7 DE MAYO DE 2016 PARA PRESENTAR UNA PROPUESTA DE ENMIENDA A LA CARTA DE LA CIUDAD; DESIGNACIÓN DE LOS LUGARES DE VOTACIÓN, ESPECIFICACIÓN DE OTROS ASUNTOS RELACIONADOS CON LAS ELECCIONES, Y DETERMINACIÓN DE QUE LA ASAMBLEA EN LA QUE SE APROBÓ LA RESOLUCIÓN ESTABA ABIERTA AL PÚBLICO, TAL COMO LO EXIGE LA LEY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS. EL CONSEJO DE LA CIUDAD DE HEWITT, TEXAS, HA RESUELTO LO SIGUIENTE:

That notice is hereby given that a special election will be held in and throughout the City of Hewitt, Texas, on Saturday, May 7, 2016.

Que se emita esta notificación con respecto a que se llevarán a cabo eleccion especial en la Ciudad de Hewitt, Texas, el sábado, 7 de mayo de 2016.

(Exhibit A) – Order of Election

(Anexo A) – Orden de Elección

That for purposes of the special election there shall be submitted to the qualified resident electors of the City of Hewitt a proposition for a proposed amendment to the City Charter in conformity with the Charter of the City of Hewitt and the laws of the State of Texas; and that the proposed amendment to the City Charter shall be set forth on the ballot substantially in the form contained herein.

Que a los efectos de la eleccion especial, se harán llegar a los electores que sean residentes debidamente calificados de la Ciudad de Hewitt un propuesta de reforma a la Carta de la Ciudad de conformidad con la Carta de la Ciudad de Hewitt y las leyes del Estado de Texas, y que las propuestas enmienda a la Carta se presenten en la boleta de votación, sustancialmente en la forma indicada en esta.

PROPOSED AMENDMENT

propuesta enmienda

SECTION 2.2: ELECTION OF COUNCIL MEMBERS, TERMS AND COMPENSATION

(Seccion 2.2: Elección de miembros de Consejo, términos y compensación)

Shall Article II, Section 2.2 of the charter of the City of Hewitt, Texas be amended to include the following: *Debería modificarse el Artículo II, Sección 2.2, de la Carta de la Ciudad de Hewitt, Texas para incluir los siguientes:*

The governing body of the City shall consist of a Council of seven (7) members elected at large by the qualified voters of the City. They shall run for office by place and be elected for a term of three (3) years, or until their successors are duly elected and qualified, except as herein provided.

El órgano de gobierno de la Ciudad estará compuesto por un Consejo de siete (7) miembros elegidos en grande por los votantes calificados de la Ciudad. Ellos deberán postularse para un cargo por el lugar y ser elegidos por un término de tres (3) años, o hasta que sus sucesores sean debidamente elegidos y calificados, con excepción de lo aquí dispuesto.

The candidates elected in the May 2017 election for the At Large position, the Ward One, Place One position, the Ward Two, Place One position, and the Ward Three, Place One position, shall serve a three (3) year term. The candidates elected in the May 2018 election for the Ward One, Place Two position, Ward Two, Place Two position, and the Ward Three, Place Two position shall serve a three (3) year term. The 2017 regular election and all subsequent regular elections shall be for a term of office of three (3) years. Starting with the regular election in 2017, no person may serve on the City Council for more than three (3) consecutive full terms. Terms served pursuant to elections conducted before the 2017 regular election shall not count towards the three consecutive term limitation.

Los candidatos elegidos en las elecciones de mayo de 2017 respecto de la posición de Gran Al, la Sala Uno, coloque una posición, el Distrito Dos, coloque una posición y el Barrio Tres, coloque una posición, deberá servir a un (3) período de tres años. Los candidatos electos en las elecciones de mayo 2018 para el Distrito Uno, Coloque dos posiciones, la sala dos, Coloque dos posiciones, y el Barrio Tres, Coloque dos posiciones servirá un (3) período de tres años. El 2017 elección regular y todas las elecciones regulares posteriores serán por un mandato de tres (3) años. A partir de la elección regular en 2017, ninguna persona puede servir en el Consejo de la Ciudad por más de tres (3) períodos completos consecutivos. Términos servido en virtud de las elecciones llevadas a cabo antes de la elección regular 2017 no podrá contar para los tres limitación consecutiva plazo.

The Council members shall draw no compensation as such for their duties, but may be reimbursed for any expenditure made in behalf of the City or expenses incurred in the performance of their duties when approved by the Council.

Los miembros del Consejo elaborará ninguna compensación como tal por sus funciones, pero pueden ser reembolsados por los gastos realizados en nombre de la ciudad o de los gastos incurridos en el ejercicio de sus funciones cuando sea aprobado por el Consejo.

_____ FOR (A Favor De)
_____ AGAINST (En Contra De)

That the City Secretary is hereby directed to cause notice (Exhibit B) to be given of said special election by publication in one or more newspapers of the City of Hewitt, Texas, in accordance with the City Charter and the laws of the State of Texas.

Que por medio de la presente se solicita a la Secretaria de la Ciudad que se ocupe de enviar una notificación (Anexo B) sobre la eleccion especial citadas mediante una publicación en uno o más de los periódico de la ciudad de Hewitt, Texas, de conformidad con la Carta de la ciudad y las leyes del Estado de Texas.

That the present boundaries of the City of Hewitt constitute election precincts for said special election, that the polling place for said special election shall be the Hewitt City Hall, 200 Patriot Court, Hewitt, Texas, and that qualified voters may cast their votes during the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 7, 2016.

Que los actuales límites de la Ciudad de Hewitt constituyen un distrito electoral para las citadas eleccion general, que el sitio de votación para las citadas eleccion general será el Ayuntamiento de Hewitt, con domicilio en 200 Patriot Court, Hewitt, Texas; y que los votantes calificados podrán depositar sus votos en el horario de 7:00 a.m. a 7:00 p.m. el sábado, 7 de mayo de 2016.

That early voting by personal appearance shall be conducted on weekdays at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas, from Monday, April 25, 2016, to Tuesday, May 3, 2016; and that early voting by personal appearance shall be conducted from 8:00 a.m. to 5:00 p.m. each weekday, except for the last Monday and Tuesday of the period when qualified voters may cast their votes during the hours of 7:00 a.m. and 7:00 p.m. (*The State requires municipalities to conduct two twelve-hour days of early voting by personal appearance.*)

Que la votación anticipada mediante presentación personal se llevará a cabo de lunes a viernes en el Ayuntamiento de Hewitt, con domicilio en 200 Patriot Court, Hewitt, Texas, desde el lunes, 25 de abril de 2016 hasta el martes, 3 de mayo de 2016, en el horario de 8:00 a.m. a 5:00 p.m. todos los días de la semana, con excepción el último lunes y martes, cuando los votantes calificados podrán depositar sus votos en el horario de 7:00 a.m. a 7:00 p.m. (*El Estado requiere que las municipalidades lleven a cabo dos días de votación anticipada por comparecencia personal de doce horas seguidas*).

That the Early Voting Clerk's Office (City Secretary's Office) shall remain open on Election Day, May 7, 2016, during the hours the polls are open as required by the election laws of the State of Texas.

Que la Secretaría de Votación Anticipada (*Early Voting Clerk's Office*) (Secretaría de la Ciudad) permanecerá abierta el Día de las Elecciones, 7 de mayo de 2016, durante el horario de votación, tal como lo exigen las leyes electorales del Estado de Texas.

That all ballots shall be prepared in accordance with the Texas Election Code, that the system used for voting shall be combination of paper ballots and the "eSlate Direct Recording Electronic Voting System" which has been approved for use by the Secretary of State.

Que todas las boletas de votación se prepararán de conformidad con el Código Electoral del Estado de Texas (*Texas Election Code*), y que el sistema utilizado para la votación será una combinación de boletas de votación en papel y el "Sistema de Votación Electrónica por Registro Directo eSlate" (*"eSlate Direct Recording Electronic Voting System"*), cuyo uso ya aprobó el Secretaria de Estado.

That the City of Hewitt will share polling locations with the Midway Independent School District effective with the May 7, 2016, election.

Que la Ciudad de Hewitt compartirá lugares de votación con el Distrito Escolar Independiente de Midway durante las elecciones del 7 de mayo de 2016.

That January 1, 2016, shall be the first day to accept an application for a voting by mail ballot; that April 22, 2016, the last business day before the beginning of early voting by personal appearance, shall be the last day to receive an application from a voter in person for a ballot to be voted by mail; and that April 26, 2016, shall be the last day to receive an application by mail for a ballot to be voted by mail.

Que el 1 de enero de 2016 será el primer día para aceptar las solicitudes para depositar una boleta

de voto por correo; que el 22 de abril de 2016, el último día hábil antes de que comience la votación anticipada por presentación personal, será el último día que se recibirán la solicitud de un votante en forma personal para votar por correo; y que el 26 de abril de 2016 será el último día en el que se recibirán las solicitudes por correo para una votación por correo.

That April 25, 2016, is the first day for a new illness or disability allowing late application for late (emergency) early voting; and that May 2, 2016, is the first day for a death in the immediate family to qualify for late (emergency) early voting.

Que el 25 de abril de 2016 será el primer día en que una nueva enfermedad o una discapacidad permitirá la presentación tardía (por emergencias) para una votación anticipada, y que el 2 de mayo de 2016 será el primer día para que un fallecimiento en la familia inmediata permita al votante calificado realizar una votación anticipada tardía (por emergencias).

That May 4, 2016, through May 6, 2016, shall be the period to apply for late (emergency) early voting because of a death in the immediate family on May 4, 2016, or later; and that May 4, 2016, through May 7, 2016, shall be the period to apply for late (emergency) early voting because of an illness or disability originating on or after April 25, 2016.

Que del 4 al 6 de mayo de 2016 serán las fechas de solicitud para una votación anticipada tardía (por emergencias) debido a un fallecimiento en la familia inmediata el 4 de mayo de 2016 o con posterioridad a esa fecha, y que del 4 al 7 de mayo de 2016 serán las fechas para de solicitud para una votación anticipada tardía (por emergencias) debido a una enfermedad o discapacidad que se haya originado el 25 de abril de 2016 o con posterioridad a esa fecha.

That Billie Black, Court Clerk, is hereby designated as Deputy Early Voting Clerk for the election, and will perform any duties which are assigned to the Early Voting Clerk (City Secretary) in the absence of the Early Voting Clerk.

Que se designa por la presente a Billie Black, Secretaria de la corte de la Ciudad, como Secretaria Adjunta de Votación Anticipada, quien llevará a cabo las funciones asignadas al Secretaria de Votación Anticipada (Secretaria de la Ciudad) en ausencia de este.

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

Que por medio de la presente se ratifica y determina que la asamblea en la que se aprobó esta resolución estaba abierta al público, según lo exige la ley, y que la notificación al público sobre el lugar y propósito de la citada asamblea se llevó a cabo según lo exige la ley.

PASSED AND APPROVED this the 15th day of February 2016.

APROBADO Y RATIFICADO el 15 de febrero de 2016.

THE CITY OF HEWITT, TEXAS
LA CIUDAD DE HEWITT, TEXAS

Ed Passalugo, Mayor/Alcalde

RESOLUTION/RESOLUCIÓN 2016-02-15-1
Page/Página 5

ATTEST:
EN PRESENCIA DE:

Lydia Lopez, City Secretary/Secretaria de la Ciudad

ORDER OF SPECIAL ELECTION FOR CITY OF HEWITT
ORDEN DE ELECCION ESPECIAL PARA La CIUDAD DE HEWITT

A special election is hereby ordered to be held on May 7, 2016 for the purpose of submitting a proposition for a proposed amendment to the City Charter.

Por la presente se ordena que se llevara a cabo una eleccion especial el 7 de mayo de 2016 con un propuesta enmienda a la Carta de la Ciudad.

Early voting by personal appearance will be conducted each weekday at:
La votacion adelantada en persona se llevara a cabo de lunes a viernes en

Hewitt City Hall, 200 Patriot Court, Hewitt, Texas
(Location) (*sitio*)

Between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 25, 2016 and ending on April 29, 2016.
entre las 8:00 a.m. a 5:00 p.m. empezando el 25 de abril de 2016 y terminando el 29 de abril de 2016.

Between the hours of 7:00 a.m. and 7:00 p.m. beginning on May 2, 2016 and ending on May 3, 2016.
entre las 7:00 a.m. a 7:00 p.m. empezando el 2 de mayo de 2016 y terminando el 3 de mayo de 2016.

Applications for ballot by mail shall be mailed to:
Las solicitudes para boletas que se votaran en ausencia por correo deberan enviarse a:

Lydia Lopez, City Secretary
(Nombre del Secretario(a) de Votacion Adelantada)
P. O. Box 610
(Direccion)
Hewitt, Tx 76643
(Ciudad) (Zona Postal)

Applications for ballot by mail must be received no later than the close of business on:
April 26, 2016.

Las solicitudes para boletas que se votaran en ausencia por correo deberan recibirse para el fin de las horas de negocio el 26 de abril de 2016.

Issued this 15th day of February, 2016
Emitida este dia 15 de febrero, 2016.

Mayor/Alcalde

Council Member/Miembro de Consejo

Council Member/Miembro de Consejo

Council Member/Miembro de Consejo

Council Member/Miembro de Consejo

Council Member/Miembro de Consejo

Council Member/Miembro de Consejo

NOTICE OF SPECIAL ELECTION
(A VISO DE ELECCION ESPECIAL)

To the Registered Voters of the City of Hewitt, Texas:
(A los votantes registrados del Ciudad de Hewitt, Texas:)

Notice is hereby given that the polling place listed below will be open from 7:00 a.m. to 7:00 p.m., on: May 7, 2016 for voting in a special election to submit a proposition for a proposed amendment to the City Charter. *(Notifiquese, por las presente, que las casillas electorale sitados abajo se abriran desde las 7:00 am. hasta las 7: 00 p.m. el 7 de Mayo de 2016 para votar en la Eleccion Especial con un propuesta de reforma a la Carta de la Cuidad.)*

LOCATION OF POLLING PLACE:
(DIRECCION DE LAS CASILLAS ELECTORALE:)

Hewitt City Hall, 200 Patriot Court, Hewitt, Texas 76643
(Location) (sitio)

EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED EACH WEEKDAY AT:
(LA VOTACION ADELANTADA EN PERSONA SE LLEVARA A CABO DE LUNES A VIERNES EN)

Hewitt City Hall, 200 Patriot Court, Hewitt, Texas 76643
(Location) (sitio)

between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 25, 2016 and ending on April 29, 2016; and between the hours of 7:00 a.m. and 7:00 p.m. beginning on May 2, 2016 and ending on May 3, 2016. *(entre las 8:00 a.m. a 5:00 p.m. empezando el 25 de abril de 2016 y terminando el 29 de abril de 2016; y entre las 7:00 a.m. a 7:00 p.m. empezando el 2 de mayo de 2016 y terminando el 3 de mayo de 2016.)*

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas que se votaran en ausencia por correo deberan enviarse a.)

Lydia Lopez, City Secretary
(Name of Early Voting Clerk)
(Nombre del Secretaria de la hotacion Adelantada)
P. O. Box 610
(Address) (Direccion)
Hewitt, Tx 76643
(City) (Ciudad) (Zip Code)(Zona Postal)

Applications for ballot by mail must be received no later than the close of business on: April 26, 2016. *(Las solicitudes p ara boletas que se votaran en ausencia por eorreio deberan recibirse para elfin de las horas de negocio el): 26 de abril de 2016.*

Issued this the 15th day of February 2016.
(Emitada este dia 15 de febero de 2016.)

Ed Passalugo, Mayor



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 9

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider an ordinance amending Chapter 78 - Utilities, Article I - In General, Section 78-1 - Payment of Rates and Charges, (d) Re-reads, replacing water meters at customer's request, of the Code of Ordinances of the City of Hewitt; Providing for procedures for customer requests for meter accuracy testing; Providing for rules and procedures related to accuracy of testing water meters; Repealing Sec. 78-1 (d) Re-reads, replacing water meters at customer's request; Establishing Sec. 78-1 (d) Customer request for testing of a water meter; Providing for Severability, Repealing all Ordinances in conflict; Providing an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff reviewed the current policy relating to customer disputes of water meter accuracy. The current language is out of date and no longer reflects the actual procedures currently followed for water meter testing. Prior to installation, all water meters are certified by a third party, usually the manufacturer. Approval of this Ordinance would amend the City Code to reflect current procedures and provide accuracy standards as a basis for billing adjustments. As a note, the City of Hewitt does not test any water meter. All meters are sent to a third party American Water Works Association (AWWA) certified lab. There is a cost associated with this service. Under the proposed policy, a customer may request testing of their water meter by submitting a written request and paying a testing deposit to cover the cost of the third party testing. A notarized copy of the results are provided to the city and customer once bench testing is complete. As described in the proposed Ordinance, the customer's most recent utility bill will be adjusted according to the results.

ATTACHMENTS:

Proposed ordinance

ORDINANCE NO. 2016-02-15-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS; AMENDING CHAPTER 78, UTILITIES, ARTICLE I - IN GENERAL, SECTION 78-1 - PAYMENT OF RATES AND CHARGES, (D) RE-READS, REPLACING WATER METERS AT CUSTOMER'S REQUEST; PROVIDING FOR PROCEDURES FOR CUSTOMER REQUESTS FOR METER ACCURACY TESTING; PROVIDING FOR RULES AND PROCEDURES RELATED TO ACCURACY OF TESTING WATER METERS; REPEALING SEC. 78-1 (D) RE-READS, REPLACING WATER METERS AT CUSTOMER'S REQUEST; ESTABLISHING SEC. 78-1 (D) CUSTOMER REQUEST FOR TESTING OF A WATER METER; PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION I

That Chapter 78, UTILITIES, Article I. In General, Section 78-1, Payment of Rates and Charges, (d) Rereads, replacing water meters at customer's request is hereby amended and replaced in its entirety to read as follows:

ARTICLE I. - IN GENERAL

Sec. 78-1 (d) - Customer request for testing of a water meter.

- (1) If any customer disputes the accuracy of a water meter the customer may submit a written request for the meter to be tested. Upon submittal of the written request for a meter test to the city, the customer shall pay a meter testing deposit in accordance with the most recently approved fee schedule. The meter in dispute shall be removed from service. A certified meter will be installed in its place. The disputed meter will then be sent to an American Water Works Association (AWWA) certified third-party testing facility for examination and testing. Upon return of the results the customer will be notified and provided a notarized copy of the testing certification.
- (2) After the results are analyzed one of the following will occur:
 - (a) The meter is determined to be accurate: If the testing results in a meter registering actual water usage within 2% or less (for a 1" meter or smaller) or within 3% or less (for a meter greater than 1") the city shall retain the meter testing deposit.

- (b) The meter is determined to be in error in the customer's favor: If the testing results in a meter registering actual water usage in favor of the customer (ie. customer was overcharged for water service) by an amount greater than 2% (for a 1" meter or smaller) or greater than 3% (for a meter greater than 1") the meter testing deposit shall be returned to the customer and the fee for services in the customer's most recent billing cycle will be adjusted to account for the overcharge in water use.
- (c) The meter is determined to be in error in the City's favor: If the testing results in a meter registering actual water usage in favor of the City (ie. customer was undercharged for water service) by an amount greater than 2% (for a 1" meter or smaller) or greater than 3% (for a meter greater than 1") the meter testing deposit shall be retained by the City and the fee for services in the customer's most recent billing cycle may be adjusted to account for the undercharge in water use.

SECTION II

That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION III

That all ordinances, codes, regulations, policies, and guidelines of and in the City of Hewitt, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV

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

SECTION V

That this ordinance shall take effect upon passage and publication in accordance with the City Charter

PASSED AND APPROVED this 15th day of February 2016.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

O. Charles Buenger, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 10

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider an Ordinance Amending Chapter 78 - Utilities, Article III - Wastewater system, Division 1 - Generally, Section 78-94 - Wastewater rate structure and fees for service and Section 78-95 - Customer Choice Wastewater Rate Program for Detached Single Family Residential Customers of the Code of Ordinances of the City of Hewitt; Providing for procedures related to billing for wastewater services; Providing for definitions; Providing for Winter Average billing; Providing for Flat rate billing; Providing for Severability, Repealing all Ordinances in conflict herewith; Providing an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

As a response to concerns expressed by local homeowners relating to the methods by which Hewitt charges for wastewater service, the Consumer Choice Wastewater Rate Program for detached single family residential customers has been proposed. Approval of this Ordinance would provide rules and guidelines for implementation of the Customer Choice program. Detached single family residential customers would have an option as to how the wastewater portion of the monthly utility bill is calculated. By default, all customers are billed according to the Standard wastewater rate structure. This Ordinance provides two additional options for detached single family residential customers to request. One new option is a Winter Average method for billing. This method takes the average water consumption during Winter months and uses that amount as a basis for year round fees for wastewater service. The other new option is the Flat Rate option, whereby a customer may elect to pay a pre-determined fixed rate for sewer service throughout the year. While a customer may choose one of the three options for the bill to be calculated, the actual rates would change over time as approved by the City Council. The proposed rules would require a customer to stay with an option of their own choosing for a minimum of twelve (12) months, or face an early termination fee.

Actual fees are adopted separately as part of Hewitt's Master Fee Schedule and are subject to change. Ultimately, it is the customer's responsibility to monitor water usage and determine which option is best for their own usage patterns and experience. A copy of the proposed ordinance is included in the backup material.

Although there will be insufficient information to determine actual Winter Averages for some customers, implementation will begin on March 1, 2016.

ATTACHMENTS:

Proposed ordinance

ORDINANCE NO. 2015-02-15-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS; AMENDING CHAPTER 78, UTILITIES, SECTION 78-94, WASTEWATER RATE STRUCTURE AND FEES FOR SERVICE AND SECTION 78-95 - CUSTOMER CHOICE WASTEWATER RATE PROGRAM FOR DETACHED SINGLE FAMILY RESIDENTIAL CUSTOMERS OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT; PROVIDING FOR PROCEDURES RELATED TO BILLING FOR WASTEWATER SERVICES; PROVIDING FOR DEFINITIONS; PROVIDING FOR WINTER AVERAGE BILLING; PROVIDING FOR FLAT RATE BILLING; PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION I

That Chapter 78, UTILITIES, Article III. Wastewater System, Division 1, Generally, is hereby amended to read as follows: (Proposed NEW language is underlined)

Sec. 78-94 - Wastewater rate structure and fees for service.

- (a) Any party connected to and using the sanitary sewer system, including those located outside of the city limits of the city, shall be charged fees for services in accordance with the most recently adopted City of Hewitt Master Fee Schedule. The fee schedule for providing sewer service may include dividing sewer customers into different classes of customers with different fees for each class. The schedule shall be on file in the office of the city secretary.
- (b) The sewer use rate for each class of sewer customer may involve water meter consumption times a return flow factor, water meter consumption times a unit rate, a base rate, a Winter averaging method, a minimum flat rate, and/or any other method as authorized by law. Rates for service may include a monthly minimum charge for service as well as administrative fees.
- (c) All charges for sewer service shall be assessed against the person in whose name the water is being provided whether or not the meter is owned by the city or any water district or company furnishing water to any users of the city system. If any person who is connected to or is using the sanitary sewer system of the city and is not connected to either the water of the city or any water

company furnishing water to a user connected to the city sewer system, the charges shall be assessed in the name of the person connected to and using the city's sewer system.

(d) No provision of this division shall be construed as giving any person located, living, or residing outside the corporate limits of the city the right to tie on or to enjoy the sanitary sewer services of the city or the appurtenances, but the city council may contract with any person for sewer service under such terms and conditions as may appear to the city council to be for the best interest of the city.

Sec. 78-95 - Customer Choice Wastewater Rate Program for Detached Single Family Residential Customers

(a) The default method for calculating wastewater fees is the Standard rate. Single Family Detached Residential Customers, located inside the city limits, have the option of selecting one of three methods for calculating wastewater fees. In addition to the Standard rate, a customer may choose the Winter Average method, or the Flat Rate method.

(b) A customer may select in writing, on forms provided by the city, a method by which the wastewater portion of the utility bill is calculated. Actual rates for each method are set by the City Council and subject to change at any time. It will be the responsibility of the customer to contact the City of Hewitt to make changes to their current Wastewater Rate Schedule. A change to the rate calculation method for billing purposes will take effect on the next available billing cycle after the written request is submitted and approved by the city.

(c) Upon selection of a wastewater rate calculation method, a customer must remain on that selected method for a minimum of twelve (12) months. If the account holder decides to change their method of calculation prior to completion of a (12) month period of time, a \$250.00 termination fee will be assessed to the customer and applied to the account.

(d) Single Family Residential account holders that have a temporary account, separate irrigation meter, or other special circumstance will not qualify for Winter Average or Fixed Rate options and will be charged as per the Standard wastewater rate schedule. Where eligibility is in question at a particular location, the City Manager or his designee shall make the final determination.

(e) Winter Average. If an eligible customer chooses this option, the monthly volume charge shall be based on a minimum monthly charge plus the individual customer's water use occurring at a specific location primarily during the previous four (4) Winter months.

(1) For purposes of calculating the Winter average, an account holder's billing cycle where the majority of water is consumed in the months of November, December, January, and February will be used. Billing cycles and actual calendar months will vary.

(2) The amount of water used by the single-family detached residential customer as measured by the customer's water meter at a specific location during the four billing cycles described

above will be used as a basis for determining the Winter average for billing purposes. Water consumption during the four Winter billing cycles will be totaled then divided by four (4) to determine the average monthly water consumption at a specific location. Where data is insufficient to determine an actual Winter Average at a location for a new or transferred customer, an Interim Average of five-thousand gallons of water (5,000 Gallons) will be used.

(3) The account holder's most recently completed Winter billing cycle will be used to determine the monthly volume charge, which will remain the same each month, for the next twelve-month period beginning with the customer's April billing cycle. Actual rates will be subject to change and will be based on the most recently adopted fee schedule.

(4) A customer with excessive water use due to a service line water leak during the Winter months may request for the wastewater Winter average to be adjusted. Adjustments will be considered for approval on a case by case basis. Requests for wastewater rate adjustments for purposes of calculating the Winter average, may be submitted in writing, on forms provided by the city, by an account holder where a customer can establish a verifiable water leak, occurring during any one-month period during the four (4) month winter average period, has been corrected or repaired. There will not be any adjustments or refunds for past billing of wastewater services. A request under this section must be submitted within 90 days of such leak or before April 25. A leak adjustment may be extended across two billing periods as applicable. Evidence by plumber receipts and/or plumbing parts receipts will be required. Only one adjustment will be considered during the Winter average months. Exceptions may be considered for extraordinary circumstances.

(f) Flat Rate. If an eligible customer chooses the Flat Rate option the monthly wastewater charge will be a fixed rate, regardless of water consumption, based on the most recently adopted fee schedule.

Sec. 78-96. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Flat Rate, also known as Fixed Rate, means a method for calculating the fees for wastewater service based on a monthly fixed fee regardless of actual water use or sewage flow.

Operational sewer service means sewer service of a sewer system into which can be introduced domestic or industrial sewage.

Property owner or occupier means a person who actually has a fee interest of any description in real property within the city, or who has a leasehold interest in any such property, or who occupies or exercises control over real property within the city.

Sewer system (public) means the completed sewer system as owned and operated by the city.

Standard Rate means the standard or default method for calculating wastewater service fees based on a minimum monthly charge plus a consumption fee based on monthly water usage.

Winter Average Rate means a method for calculating the fees for wastewater service based on a minimum monthly charge plus a consumption fee based on water usage during the most recent Winter months.

SECTION II

That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION III

That all ordinances, codes, regulations, policies and guidelines of and in the City of Hewitt, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION IV

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

SECTION V

That this ordinance shall take effect upon passage and publication in accordance with the City Charter

PASSED AND APPROVED this 15th day of February 2016.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

O. Charles Buenger, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 15, 2016

AGENDA ITEM #: 11

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider a resolution amending the City of Hewitt Master Fee Schedule; Providing for monthly Standard wastewater rates; Providing for monthly Winter Average wastewater rates; Providing for monthly Flat rate wastewater rates; Providing for water meter testing rates; Providing an Effective Date.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has developed the following proposed fees for service. If approved, these fees for service will be incorporated into the City of Hewitt Master Fee Schedule and will be effective immediately.

The current Customer Monthly Fees for wastewater services will now become known as the monthly Standard wastewater rates. No change to the actual rates are proposed.

The Winter Average monthly Wastewater Rate will be established with a Residential Base Rate (no minimum gallons) of \$18.00 and a Volume Rate of \$2.80 per 1,000 gallons (no maximum).

The Flat Rate monthly wastewater rate will be established with a Residential Rate of \$36.50 per month.

Under Utility Fees, The Meter Testing Fees will be as follows:

Meters up to 1" the Water Meter Testing Deposit is \$50.00

Meters Greater than 1" up to 2" the Water Meter testing Deposit is \$250.00

Meters larger than 2" will be quoted on a per cost basis

ATTACHMENTS:

Resolution

RESOLUTION NO. 2015-02-15-1

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, AMENDING THE “MASTER FEE SCHEDULE”; PROVIDING FOR MONTHLY STANDARD WASTEWATER RATES; PROVIDING FOR MONTHLY WINTER AVERAGE WASTEWATER RATES; PROVIDING FOR MONTHLY FLAT RATE WASTEWATER RATES; PROVIDING FOR WATER METER TESTING RATES; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

Section 1. That the City of Hewitt Master Fee Schedule is hereby amended to implement and/or revise various fees related to City Services described herein.

The current Customer Monthly Fees for wastewater services will now become known as the monthly Standard Wastewater Rates. No change to the actual rates are proposed.

The Winter Average monthly Wastewater Rate will be established with a Residential Base Rate (no minimum gallons) of \$18.00 and a Volume Rate of \$2.80 per 1,000 gallons (no maximum).

The Flat Rate monthly wastewater rate will be established with a Residential Rate of \$36.50 per month.

Under Utility Fees, The Meter Testing Fees will be as follows:

Meters up to 1” the Water Meter Testing Deposit is \$50.00

Meters Greater than 1” up to 2” the Water Meter testing Deposit is \$250.00

Meters larger than 2” will be quoted on a per cost basis

Section 2. That should any section, clause, or provision of this resolution be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution or any other resolution of the City as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That this resolution shall become effective immediately upon passage, and the fees for service will be incorporated into the City of Hewitt Master Fee Schedule and will be effective immediately.

Section 4. That it is hereby officially found and determined that the meeting at which this resolution is adopted was noticed and has been open to the public as required by law.

PASSED AND APPROVED this 15th day of February 2016.

CITY OF HEWITT

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary