

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

March 7, 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 **7th day of March, 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 (Note: Engineer Report to be distributed at meeting.)
 - b. Proposed 2016 CO issuance.
 - c. Briefing and discussion concerning upcoming events.
 - o Grand Opening & Ribbon Cutting of City Hall & Library – April 14, 2016.
 - d. Briefing and discussion concerning Farmer's Market.
 - e. Briefing and discussion concerning board and commission appointments.
 - o Parks & Beautification
 - o Board of Adjustment
 - 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.**
 - **Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.**
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 4:00 AM/PM on March 3, 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 **7th day of March, 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 of 2015 Distinguished Budget Presentation Award.
4. Consider approval of minutes of the City Council Workshop/Regular Meeting of February 15, 2016.
5. 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.*
6. Consider a resolution of the City of Hewitt, Texas, canceling the General Election scheduled to be held on the 7th day of May, 2016 in accordance with Section 2.053(a) of the Texas Election Code; Directing the giving of Notice of such cancellation of election; and providing for details relating to the cancellation of such election. *(Considera un resolución de la ciudad de Hewitt, Texas, cancelando la Elección General de funcionarios municipales programada para el día 7 de mayo de 2016 de acuerdo con la sección 2.053(a) del código electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.)*
7. Consider an ordinance amending various Sections of Article III, Health and Human Services, of Chapter 18 – Business, of the Code of Ordinances of the City of Hewitt, Texas to adopt the 2015 Texas Department of State Health Services Texas “Food Establishment Rules;” clarifying and supplementing food establishment permitting requirements, food manager and food handler certification requirements, and appeal procedures; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for the inclusion in the code; providing for an effective date; and finding and determining that the meeting at which this ordinance is passed is open to the public as required by law.
8. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 4:00 AM/PM on March 3, 2016.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary



COUNCIL WORKSHOP AGENDA ITEM #2.c

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
Library Benefit Concert	Warren Park	Saturday, August 27th
KXXV Movie Night #4	Warren Park	Friday, September 2nd
Creekside Spooktacular	Warren Park	TBD
Christmas Parade & Tree Lighting	Hewitt Park	TBD

2016 Library Calendar of Events

Date	Time	Event	Location
3/21/2016	9:30-10:15 am	Baby Time	Library 100 Zuni
3/21/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 100 Zuni
3/22/2016	9:30-10:15 am	Toddler Time	Library 100 Zuni
3/22/2016	10:30-11:15 am	Storytime	Library 100 Zuni
3/22/2016	4:00-5:00 pm	Crafternoon	Library 100 Zuni
3/23/2016	9:30-10:15 am	Toddler Time	Library 100 Zuni
3/23/2016	10:30-11:15 am	Storytime	Library 100 Zuni
3/24/2016	6:30-7:30 pm	Evening Storytime	Library 100 Zuni
3/26/2016	2:00-4:00 pm	Teen Anime Club	Library 100 Zuni
3/28/2016	9:30-10:15 am	Baby Time	Library 100 Zuni
4/13/2016	2:00-4:00 pm	Linda's Book club	Library 100 Zuni
4/14/2016	10:00 am -8:00 pm	Grand Opening	Library 200 Patriot Court
4/14/2016	6:30-8:30 pm	Linda's Book club	TBD
4/16/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
4/18/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
4/18/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
4/19/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
4/19/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
4/19/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
4/20/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
4/20/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
4/20/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
4/21/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
4/23/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
4/25/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
4/25/2016	5:30-7:30 pm	Movie Monday	Library 200 Patriot Court
4/26/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
4/26/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
4/26/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
4/27/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
4/27/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
4/28/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
4/30/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
5/2/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
5/3/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/3/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/3/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
5/4/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/4/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/5/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
5/7/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
5/9/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
5/9/2016	6:00-7:00 pm	Teen Game Night	Library 200 Patriot Court
5/10/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/10/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/10/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
5/11/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court

2016 Library Calendar of Events

5/11/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/11/2016	2:00-4:00 pm	Linda's Book club	Library 200 Patriot Court
5/12/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
5/12/2016	6:30-8:30 pm	Linda's Book club	TBD
5/13/2016	6:30-8:30 pm	Music in the Courtyard	Library 200 Patriot Court
5/14/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
5/16/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
5/16/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
5/17/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/17/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/17/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
5/18/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/18/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/18/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
5/19/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
5/21/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
5/23/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
5/23/2016	5:30-7:30 pm	Movie Monday	Library 200 Patriot Court
5/24/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/24/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/24/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
5/25/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
5/25/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
5/26/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
5/28/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
6/4/2016	2:00-4:00pm	Teen Anime Club	Library 200 Patriot Court
6/8/2016	10:30 am -12:30 pm	Summer Reading Kick Off Party	Hewitt Park
6/8/2016	2:00-4:00 pm	Linda's Book club	Library 200 Patriot Court
6/9/2016	6:30-8:30 pm	Linda's Book club	TBD
6/10/2016	10:00 am -12:00 pm	Art Exhibit	Library 200 Patriot Court
6/11/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
6/13/2016	6:00-7:00 pm	Teen Game Night	Library 200 Patriot Court
6/15/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
6/16/2016	10:30 am -12:30 pm	Kids Movie	Library 200 Patriot Court
6/16/2016	5:30-7:30 pm	Teen Movie	Library 200 Patriot Court
6/17/2016	7:00-10:00 pm	Dog Days Concert in the Park	Warren Park
6/18/2016	9:00 am - 1:00 pm	Dog Days of Summer	Hewitt Park
6/20/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
6/22/2016	10:30 am- 12:00 pm	Todd McKinney Magician Show	Library 200 Patriot Court
6/23/2016	10:30 am -12:30 pm	Kids Movie	Library 200 Patriot Court
6/23/2016	5:30-7:30 pm	Teen Movie	Library 200 Patriot Court
6/25/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
6/27/2016	5:30-7:30 pm	Movie Monday	Library 200 Patriot Court
6/29/2016	10:30 am- 12:00 pm	Funny Farm Day	Library 200 Patriot Court
7/2/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
7/6/2016	10:30 am- 12:00 pm	Margaret Clauder-Mother goose	Library 200 Patriot Court
7/7/2016	10:30 am -12:30 pm	Kids Movie	Library 200 Patriot Court

2016 Library Calendar of Events

7/7/2016	5:30-7:30 pm	Teen Movie	Library 200 Patriot Court
7/8/2016	6:30-7:30 pm	Travel Program	Library 200 Patriot Court
7/9/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
7/11/2016	6:00-7:00 pm	Teen Game Night	Library 200 Patriot Court
7/13/2016	10:30 am- 12:00 pm	Cool School with Ms. Maria	Library 200 Patriot Court
7/13/2016	2:00-4:00 pm	Linda's Book club	Library 200 Patriot Court
7/14/2016	6:30-8:30 pm	Linda's Book club	TBD
7/16/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
7/18/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
7/20/2016	10:30 am -12:30 pm	Hewitt Hero Day	Hewitt Park
7/20/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
7/21/2016	10:30 am -12:30 pm	Kids Movie	Library 200 Patriot Court
7/21/2016	5:30-7:30 pm	Teen Movie	Library 200 Patriot Court
7/23/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
7/25/2016	5:30-7:30 pm	Movie Monday	Library 200 Patriot Court
7/27/2016	10:30 am -12:30 pm	Splash Party	Hewitt Park
7/30/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
8/2/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/2/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/2/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
8/3/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/3/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/4/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
8/6/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
8/8/2016	6:00-7:00 pm	Teen Game Night	Library 200 Patriot Court
8/9/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/9/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/9/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
8/10/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/10/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/10/2016	2:00-4:00 pm	Linda's Book club	Library 200 Patriot Court
8/11/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
8/11/2016	6:30-8:30 pm	Linda's Book club	TBD
8/12/2016	11:30 am -12:30 pm	Author Luncheon	Library 200 Patriot Court
8/13/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
8/15/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
8/16/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/16/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/16/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
8/17/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/17/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/17/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
8/20/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
8/22/2016	5:30-7:30 pm	Movie Monday	Library 200 Patriot Court
8/23/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/23/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/23/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court

2016 Library Calendar of Events

8/24/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
8/24/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
8/27/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
8/27/2016	7:00 - 10:00 pm	Concert in the Park w/ Beatlemania64	Warren Park



COUNCIL WORKSHOP AGENDA ITEM #2.e

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 AGENDA ITEM FORM

MEETING DATE: March 2, 2015

AGENDA ITEM #: 3

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Special presentation of 2015 Distinguished Budget Presentation Award.

STAFF RECOMMENDATION/ITEM SUMMARY:

For the past fourteen years, the City of Hewitt has applied for and received the GFOA's Distinguished Budget Presentation Award. The Government Finance Officer's Association is a non-profit association serving government finance professionals in the U.S. and Canada.

The award represents a significant achievement by the City of Hewitt. It reflects the commitment of the City Council and staff in meeting the highest principles of governmental budgeting. In order to receive the award the City must satisfy guidelines designed to assess how well the City's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Our thanks to Lee Garcia for her efforts in achieving this award! Mayor Ed Passalugo to present Lee with the award.

ATTACHMENTS:

Award



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Hewitt
Texas**

For the Fiscal Year Beginning

October 1, 2015

Jeffrey R. Emen

Executive Director



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 7, 2016

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of February 15, 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



**MINUTES OF A CITY COUNCIL
WORKSHOP/MEETING
HEWITT CITY HALL – 105 TAMPICO DRIVE
February 15, 2016 - 5:30/7:00 PM**

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

Staff present: City Attorney Charlie Buenger, City Manager Adam Miles, Assistant City Manager Jim Barton, Fire Chief Lance Bracco, Assistant Police Chief Tuck Saunders, Finance Director Lee Garcia, 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: City Engineer Miles Whitney and Police Chief Jim Devlin

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager’s update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects (Written report submitted and presented by City Manager in the absence of City Engineer.)
 - 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. 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 Alex Snider and seconded by Mayor Pro Tem Travis Bailey to adjourn the Workshop at 6:34 PM.*

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Passalugo called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Passalugo asked Assistant City Manager Jim Barton to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION TO THE HEWITT PUBLIC LIBRARY.** Mayor Ed Passalugo presented Library Director Waynette Ditto with the 2015 Achievement of Library Excellence Award received through the Texas Municipal Library Directors Association. The award represents a significant achievement because out of 556 public library systems only 41 received this award.
4. **SPECIAL PRESENTATION BY THE FRIENDS OF THE HEWITT PUBLIC LIBRARY.** Members of the Friends of the Hewitt Public Library presented a \$13,000 check to the City to assist with the purchase of shelving for the new Library.
5. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF FEBRUARY 1, 2016.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
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. NONE*
7. **CONSIDER AWARD OF BID FOR 2015 -WARREN PARK IMPROVEMENTS, PHASE 1A TO H&B CONTRACTORS IN THE AMOUNT OF \$397,671.15.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Ronnie McNiel to approve; all seven 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.** *(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.). A motion to remove from the table was made by Council Member James Vidrine and seconded by Council Member Bill Fuller; all seven in favor, motion to remove from the table passed. MOTION ON RESOLUTION: A motion to **deny** the resolution ordering the Special Charter Amendment Election; all seven in favor, motion to **deny** passed.*

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.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve; all seven in favor, motion passed.*
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.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve; all seven in favor, motion passed.*
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.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve; all seven in favor, motion passed.*
12. **ADJOURN.** *Motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Alex Snider to adjourn the meeting at 7:26 PM, all seven in favor, motion passed.*

Approved: March 7, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select a spokesperson to present their case.

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

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



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 7, 2016

AGENDA ITEM #: 6

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider a resolution of the City of Hewitt, Texas, canceling the General Election scheduled to be held on the 7th day of May, 2016 in accordance with Section 2.053(a) of the Texas Election Code; directing the giving of Notice of such cancellation of election; and providing for details relating to the cancellation of such election. (*Considere un resolución de la ciudad de Hewitt, Texas, cancelando la Elección General de funcionarios municipales programada para el día 7 de mayo de 2016 de acuerdo con la sección 2.053(a) del código electoral de Texas; instruyendo que se de aviso de tal cancelación de elección; y proveyendo detalles relativos a la cancelación de tal elección.*)

STAFF RECOMMENDATION/ITEM SUMMARY:

On February 24, 2016, Ward 3 candidate Michael David Kemp filed a Certificate of Withdrawal (attached) to officially withdraw his candidacy from the May 7, 2016 General Election, creating an unopposed election.

Texas Election Code, Section 2.052 and 2.053 requires the city secretary to deliver to the Council a certification (attached) that each candidate in the election is unopposed. Upon receipt of that certification, the governing body, by order or ordinance, may declare each unopposed candidate elected to the office. Our candidates, Wilbert “Walky” Wachtendorf, Bill Fuller, and Steve Fortenberry have no opposition. Attached is a resolution declaring the unopposed candidates elected to office, cancels the election and provides for the required posting of an Order of Cancellation. Staff recommends approval.

Certificates of Election and oath of office will be issued on May 16, 2016 after Election Day.

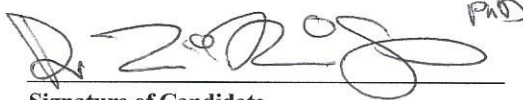
ATTACHMENTS:

Certificate of Withdrawal from Mike Kemp
Certification of Unopposed Candidates
Resolution



CERTIFICATE OF WITHDRAWAL

I, Michael David Kemp, a candidate for the office of
City Council, Ward 3, hereby withdraw my candidacy from the
General election. The election is being conducted by
City of Hewitt and is to be held on May 7, 2016.
(political subdivision/county/party) (date)


Signature of Candidate

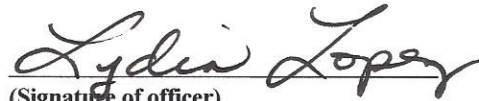
"The State of Texas,

"County of McLennan,

"This instrument was acknowledged before me on February 24, 2016 by
(date)

Michael David Kemp,
(withdrawing candidate)




(Signature of officer)

City Secretary
(Title of officer)

My commission expires: May 14, 2017

*Forma prescrita por la Secretaría de Estado
Fracción 145.001 del Código Electoral de Texas*

CONSTANCIA DE RETIRO DE CANDIDATURA

Yo, _____, candidato/a al cargo de _____, por este
medio retiro mi candidatura de la elección _____. Dicha elección estará a
cargo de _____ y se celebrará el _____.
(subdivisión política/condado/partido) (fecha)

Firma del/de la Candidato/a

"El estado de _____,

"Condado de _____,

"El presente instrumento fue reconocido ante mí el _____ por
(fecha)

(persona que retira su candidatura)

(Seal)

Firma del/de la Oficial

(Título del/de la Oficial)
(Mi cargo se vence el): _____

AW12-1

Prescribed by Secretary of State

Section 2.051 – 2.053, Texas Election Code

2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2016.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 7 de mayo, 2016.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Candidate(s) Candidato(s)

Ward 1, Place 1

Distrito Electoral 1, Sitio 1

Wilbert "Walky" Wachtendorf

Wilbert "Walky" Wachtendorf

Ward 2, Place 1

Distrito Electoral 2, Sitio 1

Bill Fuller

Bill Fuller

Ward 3, Place 1

Distrito Electoral 3, Sitio 1

Steve Fortenberry

Steve Fortenberry



Signature (Firma)

Lydia Lopez *Lydia Lopez*

Printed name (*Nombre en letra de molde*)

City Secretary *Secretaria de la Cuidad*

Title (Puesto)

March 4, 2016 (4 de Marzo 2016)

Date of signing (Seal)

RESOLUTION NO. 2016-03-07-1
RESOLUCIÓN Nro. 2016-03-07-1

A RESOLUTION OF THE CITY OF HEWITT, TEXAS, CANCELING THE GENERAL ELECTION SCHEDULED TO BE HELD ON THE 7TH DAY OF MAY, 2016, IN ACCORDANCE WITH SECTION 2.053(a) OF THE TEXAS ELECTION CODE; DIRECTING THE GIVING OF NOTICE OF SUCH CANCELLATION OF ELECTION; AND PROVIDING DETAILS RELATING TO THE CANCELLATION OF SUCH ELECTION

RESOLUCIÓN DE LA CIUDAD DE HEWITT, TEXAS, CANCELANDO LA ELECCIÓN GENERAL DE FUNCIONARIOS MUNICIPALES PROGRAMADA PARA EL DÍA 7 DE MAYO DE 2016 DE ACUERDO CON LA SECCIÓN 2.053(A) DEL CÓDIGO ELECTORAL DE TEXAS; INSTRUYENDO QUE SE DE AVISO DE TAL CANCELACIÓN DE ELECCIÓN; Y PROVEYENDO DETALLES RELATIVOS A LA CANCELACIÓN DE TAL ELECCIÓN

* * * * *

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS:
EL CONSEJO MUNICIPAL DE LA CIUDAD DE HEWITT, TEXAS, RESUELVE:**

Section 1: It is hereby ordered that the General Election, scheduled to be held in the City of Hewitt on the 7th day of May, 2016, at which election the following officers were to be elected by the qualified voters of the City, is canceled in accordance with Section 2.053(a) of the Texas Election Code.

Sección 1: Por la presente se ordena que la Elección General, programada para celebrarse en la Ciudad de Hewitt el 7 de mayo de 2016, en la cual los votantes calificados de la Ciudad habrían votado para elegir a los siguientes funcionarios, sea cancelada de acuerdo con la sección 2.053(a) del Código Electoral de Texas.

POSITION:	City Council Ward 1, Place 2
POSICIÓN:	<i>Distrito Electoral 1, Sitio 2</i>

City Council Ward 2, Place 2
Distrito Electoral 1, Sitio 2

City Council Ward 3, Place 2

Section 2: The following candidates have been certified as unopposed and are hereby elected as follows:

Sección 2: Los siguientes candidatos han sido certificados como candidatos únicos y por la presente son electos como sigue a continuación:

<u>Candidate</u> <u>Candidato</u>	<u>Office Sought</u> <u>Cargo que aspira ocupar</u>
Wilbert “Walky” Wachtendorf	Ward 1, Place 2
Bill Fuller	Ward 2, Place 2
Steven Fortenberry	Ward 3, Place 2

Section 3: A copy of the Order of Cancellation, attached herein and made part of Resolution No. 2016-03-07-1, will be posted on Election Day at the following polling place, which would have been used in the election:

Sección 3: Una copia de la Orden de Cancelación, adjunta al presente y hecha parte de la Resolución Nro. 2016-03-07-1, será colocada el Día de Elección en el siguiente lugar de votación que se hubiera utilizado en la elección:

POLLING PLACE
LUGAR DE VOTACIÓN

Hewitt City Hall
200 Patriot Court
Hewitt, Texas 76643

PASSED, APPROVED and RESOLVED this 7th day of March, 2016.
PASADA, APROBADA y RESUELTA este día 7 de marzo de 2016.

CITY OF HEWITT, TX

Ed Passalugo, Mayor/*Alcalde*

ATTEST:

Lydia Lopez, City Secretary/*Secretaria de la Cuidad*

AW12-2
 Prescribed by Secretary of State
 Section 2.051 – 2.053, Texas Election Code
 2/14

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City of Hewitt hereby cancels the election scheduled to be held on May 7, 2016, in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El ciudad de Hewitt por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 7 de mayo, 2016 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Wilbert “Walky” Wachtendorf <i>Wilbert “Walky” Wachtendorf</i>	Ward 1, Place 2 <i>Distrito Electoral 1, Sitio 2</i>
Bill Fuller <i>Bill Fuller</i>	Ward 2, Place 2 <i>Distrito Electoral 1, Sitio 2</i>
Steven Fortenberry <i>Steve Fortenberry</i>	Ward 3, Place 2 <i>Distrito Electoral 3, Sitio 2</i>

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (*Alcalde*)

Secretary (*Secretaria*)

(seal)(*sello*)

Date of adoption (*Fecha de adopción*)



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 7, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider an ordinance amending various sections of Article III, Health and Human Services, of Chapter 18 – Business, of the Code of Ordinances of the City of Hewitt, Texas to adopt the 2015 Texas Department of State Health Services “Texas Food Establishment Rules;” clarifying and supplementing food establishment permitting requirements, food manager and food handler certification requirements, and appeal procedures; repealing all ordinances or parts of ordinances in conflict herewith; providing a severability; providing a savings clause; providing for penalty; providing for the inclusion in the code; providing for an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Waco McLennan County Public Health District Board approved revisions to the Food Establishment Model Ordinance during a meeting held on January 27, 2016. The model ordinance aligns with the Texas Food Establishment Rules (TFER) which was repealed and replaced in October 2015 by the Texas Department of State Health Services. Major changes to the current ordinance include adoption of the new rules, revision of food handler and food manager requirements, and clarification of procedures. The model ordinance is what all health district cities have used in the past to update their city ordinance.

With all cities adopting the model ordinance, consistency in requirements and seamless public health protection will be provided for all McLennan County. The attached model is adapted to update our current ordinance as codified.

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO. 2016-03-07-1

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE III. HEALTH AND HUMAN SERVICES, IN CHAPTER 18 – BUSINESS, OF THE CITY OF HEWITT, TEXAS. TO ADOPT THE 2015 TEXAS DEPARTMENT OF STATE HEALTH SERVICES “TEXAS FOOD ESTABLISHMENT RULES;” CLARIFYING AND SUPPLEMENTING FOOD ESTABLISHMENT PERMITTING REQUIREMENTS, AND APPEAL PROCEDURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas Department of State Health Services recently repealed and replaced the Texas Food Establishment Rules; and

WHEREAS, the City Council wishes to adopt the new Texas Food Establishment Rules and to clarify and supplement such rules,

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

Section 1. That Article III entitled “HEALTH AND HUMAN SERVICES”, Sections 18.51 through 18.65 of Chapter 18 - BUSINESS of the Code of Ordinances of the City of Hewitt, Texas shall be and is hereby amended to read as follows:

Sec. 18.51. - Adoption of Texas Food Establishment Rules.

For the purpose of regulating retail food service and retail food service establishments, the *Texas Food Establishment Rules* as currently promulgated by the Texas Department of State Health Services, or as hereinafter amended, copies of which are on file with the office of the City Secretary, are hereby adopted and made a part of this code as if fully set out herein, and the provisions thereof shall govern all matters covered therein within the city, except those provisions which may be in conflict with other provisions of this Code or state law. If any provision of this Chapter conflicts with another provision of this Code, the more stringent provision shall apply.

Sec. 18.52. - Definitions.

In addition to the definitions found in the Texas Food Establishment Rules, the following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

DSHS—Texas Department of State Health Services.

Food establishment—In addition to the definition found in the Texas Food Establishment Rules, a food establishment includes an establishment that contains more than 100 square feet of display space of commercially prepackaged food products; or childcare centers that care for seven or more children and which prepare food for consumption by the children other than ready to eat food for snacks and drinks.

Frozen food—Food kept in a solid frozen state in cooling equipment that maintains an air temperature of zero degrees Fahrenheit or below, except for defrost cycles and brief periods of loading or unloading from the cooling equipment when the food temperature shall not exceed 41 degrees Fahrenheit.

Nonprofit organization—an organization with a 501(c)(3) exemption or an exemption as a "church" in section 170(b)(1)(A)(I) of the Internal Revenue Code.

Regulatory authority—The Waco-McLennan County Public Health District.

TCS—Time/Temperature Controlled for Safety Food as defined in the Texas Food Establishment Rules (formerly Potentially Hazardous Food).

Sec. 18.53. - Restrictions, not proper facilities.

Food service establishments that do not have facilities for the proper cleaning and sanitizing of utensils and food equipment shall not be allowed to prepare, package or dispense any type of unpackaged food (other than raw and uncut fruits and vegetables) or any TCS food or beverage.

Sec. 18.54. - Food transportation.

All food transported or delivered from a food establishment to another place shall be protected from contamination by the use of packaging or covered containers with lids except for raw, uncut fruits and vegetables. All food and food equipment being transported shall meet the applicable requirements of the food establishment rules relating to food protection, food storage, and food temperatures. Food and food equipment may not be transported exposed or open to the elements. The compartment or area inside the vehicle that the food and food equipment is being transported in shall be kept clean, free of accumulation of dust, dirt, food particles, and any other debris. All surfaces of the compartment are to be smooth, durable, nonporous, and easily cleanable. Articles not associated with the food and food equipment being transported are not to be stored in the same compartment containing the food and food equipment.

Sec. 18.55. - Customer restroom facilities.

Restroom facilities, if provided for customers, or required to be provided by law, must meet all of the provisions of the food establishment rules for restroom, toilet, and hand wash facilities. Customers may not enter food preparation, food storage, ware washing, and security sensitive areas of the food establishment to gain access to restroom facilities.

Sec. 18.56. - Hand wash facilities.

Hand wash signs shall be posted and maintained to be easily readable at all hand wash sinks and restroom facilities used by employees of a food establishment. When hand wash facilities are not available at a bulk food display and self service area, customers, upon request, are permitted access to hand washing facilities located in employee rest rooms, provided that access to employee rest rooms do not allow customers into unauthorized areas such as food preparation, ware washing, and security sensitive areas.

Sec. 18.57. - Mobile food establishments and roadside vendors.

In addition to the requirements set forth in the Texas Food Establishment Rules, vehicles used for and as a mobile food establishment or roadside vendor shall comply with the following:

- (a) *Identification.* Each vehicle permitted as a mobile food establishment or roadside vendor shall have printed on each side of the vehicle the name of the owner or assumed name under which the owner operates, together with the owner's telephone number. That lettering shall be not less than two inches in height and not less than 5/16 stroke in width. The lettering must be maintained and legible at all times. The lettering shall be made in a permanent and durable material or manner. If faded or chipped, the lettering shall be replaced or repaired.
- (b) *Food establishment permit; availability and visibility.* A valid food establishment permit is required for each vehicle or mobile unit. The permit must be visible to customers and inspectors at all times. If a mobile food establishment operates its own central preparation facility, the central preparation facility must be permitted separately.
- (c) *Vehicle cleanliness.* All vehicles shall be reasonably free of dirt or rubbish and maintained in a clean and sanitary condition. The compartment(s) of the vehicle carrying food and food equipment and the food contact surfaces and non-food contact surfaces of the food equipment used in and with the vehicle shall be maintained and cleaned in accordance with the Texas Food Establishment Rules.
- (d) *Driver, assistant with driver; food safety certification.* Drivers and assistants with the drivers are to adhere to the same requirements as a food employee and have in their possession a valid food handler certificate. The driver is responsible for maintaining the cleanliness of the vehicle and food equipment as often as is necessary while on duty.
- (e) *Food equipment; design and temperature criteria.* Food equipment shall meet same design criteria and temperature criteria as a regular food establishment. The vehicle shall be equipped with a permanent power supply for the food equipment used for heating, cooking, cooling, refrigeration, freezing and holding of hot and cold foods. Plug in adapters to cigarette lighters are not allowed.
- (f) *Other requirements regarding mobile food establishments and roadside vendors.* Mobile food establishments and roadside vendors including snow cone stands that prepare food on the vehicle or on location must also:
 - (1) Comply with all requirements of a food establishment including hand wash and dishwashing sinks, cleaning operations, hot water and pest control.
 - (2) Must have a letter of permission from the owner of the property upon which the sales are to take place to operate from that location.
 - (3) Must have a letter of permission from the owner of that property or immediately adjacent to the property for use of restroom facilities.
 - (4) Comply with employee food education requirements for food handlers and food managers as appropriate.

Sec. 18.58. - Exemptions for temporary food establishments.

- (a) Provided it is operated in full compliance with the provisions of this article and the Texas Food Establishment Rules, a temporary food establishment permit is not required for events or celebrations that meet one of the following conditions:
- (1) The event is held exclusively for specific identified participants of a specific group or membership and not open to the general public; or
 - (2) The event is operated on the physical property of a permitted food establishment by the permitted food establishment with support facilities for food services operations for use within the permitted food establishment; or
 - (3) A fund raiser for nonprofit organizations that is supervised by a certified food manager or by a minimum of two individuals with food handler's certification who must be in charge and have authority and responsibility to correct problems or violations; or
 - (4) The event provides only commercially prepackaged foods and beverages or dispensed beverages and no TCS foods or beverages; or
 - (5) The meeting, function, event, or celebration is catered from a permitted food establishment and does not require further food preparation on site; or
 - (6) A bake sale is conducted for a nonprofit organization consisting of only non-perishable foods, such as cakes and cookies, but not including pies; or
 - (7) The event provides only whole, uncut, fresh fruits and vegetables; or
 - (8) The food and beverages are provided by a mobile vendor permitted by the Regulatory Authority.

Sec. 18.59. – Re-inspection fees.

If an establishment requires a re-inspection for (i) failure of the establishment to provide immediate correction of inspection report items or imminent health hazards; (ii) failure to correct specific violations identified from any previous inspection; or (iii) when the total cumulative demerit values of an inspection report exceeds 30 demerits; a re-inspection fee will be charged in the amount set out in the fee schedule. Failure to pay the fee to the Regulatory Authority office before the re-inspection is due or within five calendar days if the re-inspection is for imminent health hazard or priority item violations, is a violation of this article.

Sec. 18.60. - Employee food education.

- (a) *Food establishment employees.*

- (1) A food handler certificate must be obtained by any person employed in a food establishment or child care center with duties that require the individual:
 - a. To receive, handle, prepare, cook, display, serve, dispense or store food or drink, whether the food or drink is packaged or unpackaged, TCS or non TCS; or
 - b. To handle, store, or clean food equipment and rooms that contain food used in the food establishment.
- (2) Any person required to obtain a food handler certificate must do so within 30 calendar days of employment. The permit holder or person in charge of a food establishment is responsible to ensure that an individual has obtained the food handler certificate within the required time period.

- (3) Persons not required to obtain a food handler certificate are persons whose only duty is to:
 - a. Cashier;
 - b. Assist customers in carry out of food items;
 - c. Provide direct delivery of a food order;
 - d. Assist children and infants with their foods or meals at a childcare center;
 - e. Volunteer at a temporary event or temporary fund raiser; or
 - f. Volunteer for a particular event or project no more than once a month.
 - (4) Persons possessing a food manager certification accredited by DSHS or the American National Standards Institute ("ANSI") are not required to obtain a food handler certificate.
 - (5) Food establishments selling only prepackaged foods and that do not dispense foods and beverages are not required to have employees with food manager or food handler certificates.
 - (6) To receive a food handler certificate, a person must pay a fee and successfully complete the training class either over the Internet or in an instructor conducted class. The primary purpose of the class is to orient the individual to food establishment operations, sanitation, and employee practices. It is not a substitute for extensive training which is the responsibility of each food establishment's permit holder, manager, or supervisor.
 - (7) If a person holding a food handler certificate does not demonstrate acceptable personal hygiene, food handling, or food safety practices to the satisfaction of the Regulatory Authority, the person may be required to retake the class within seven calendar days.
 - (8) Food handler certificates must be on display in a conspicuous location at the food establishment or readily available for review by the health inspector.
 - (9) Food handler certificates are valid for two years. Renewal requirements are the same as that for the original certification.
- (b) *Food managers.*
- (1) All permanent and mobile food establishments that prepare, cook, serve, or hold TCS foods, packaged or unpackaged, shall have an individual that possesses a valid food manager certification on duty at the food establishment during the hours that the foods are handled, prepared, cooked, or served. The certified food manager shall have authority to oversee and implement procedures, requirements, instructions and other measures to provide for the safe storage, handling, preparation, and serving of all food products and food equipment.
 - (2) A person employed to serve as a food manager who does not possess a food manager certificate must acquire the certificate within 30 calendar days of employment. The food establishment permit holder or person in charge of the food establishment is responsible to ensure that the person has obtained the required certificate within that required time.
 - (3) If a person holding a food manager certificate does not demonstrate acceptable personal hygiene, food handling, or food safety practices to the satisfaction of the Regulatory Authority, the person may be required to retake the class.
 - (4) Certification and re-certification shall meet the criteria established by the Texas Health and Safety Code, Chapter 438, Subchapter G, and requirements established by DSHS.
 - (5) A person who possesses a valid food manager certification is not required to obtain a food handler certificate.

- (6) Food establishments that provide only commercially prepackaged foods (including limited heating, dispensing, and preparing by the consumer) are not required to have a certified food manager.
- (7) A child care center is not required to have a certified food manager.

Sec. 18.61. - Jurisdictions outside of the Regulatory Authority.

Food from food establishments outside the Regulatory Authority may be sold or served within the jurisdiction of the Regulatory Authority, if such food establishments conform to the provisions of this food code and the Texas Food Establishment Rules including permitting and transportation requirements. A valid food establishment permit from the regulatory authorities in other jurisdictions where such food establishment is located must be presented to the Regulatory Authority.

Sec. 18.62. - Food establishment permit requirements (including mobile, temporary, and other).

- (a) Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the Regulatory Authority. Applications will remain valid for six months. If no permit is issued within six months, a new application and applicable fee must be submitted.
 - (1) The application must contain:
 - a. The applicant's full name;
 - b. An indication of whether such applicant is an individual, business, or a corporation;
 - c. The location and type of the proposed food establishment;
 - d. The applicable fee and the signature of the applicant.
 - (2) If the application is for a temporary food establishment, it shall also include the inclusive dates and times of the proposed operation.
 - (3) Failure to provide all information requested by the Regulatory Authority or providing false information may result in denial or revocation of the permit. An incomplete application will not be accepted.
- (b) Renewals of permits are required on an annual basis, except for temporary establishments.
 - (1) It is the responsibility of the applicant, owner, permit holder or person in charge of each food establishment to renew the permit before the expiration date of the permit.
 - (2) The renewal must include any information that has changed from that provided on the original application.
 - (3) Any owner, permit holder or person in charge may be required to cease operations or temporarily close, if found operating without a valid permit.
- (c) Prior to the approval of an initial permit or the renewal of an existing permit, the Regulatory Authority shall inspect the food establishment to determine compliance with these regulations. A permit cannot be issued or renewed if the food establishment has priority item or priority foundation item violations, imminent health hazards, or previously identified violations not corrected. A permit will not be issued, renewed or reissued if required permit fees have not been paid or if any late or delinquency fees have not been paid.
- (d) Before issuing a permit, the Regulatory Authority may require an applicant to provide plans of the food establishment prior to construction, extensive remodeling or conversion of an existing structure.

The plans must indicate the proposed layout, equipment arrangement, mechanical plans, construction of materials of work areas, and the type and model of proposed fixed equipment and facilities.

- (e) The Regulatory Authority may charge and collect a fee for permits and permit renewals at the time of application in accordance with the approved fee schedule.
 - (1) Failure to submit an application with the required fee for a temporary food establishment at least five working days prior to the event or celebration will result in the assessment of a late fee double the amount of the normal fee amount.
 - (2) Food establishment application permit fees are non-transferrable and non-refundable and shall be due as follows:
 - a. Temporary Food Establishments: upon receipt;
 - b. All other Food Establishments: upon commencement of the onsite inspection.
- (f) A food establishment, except for a temporary food establishment, is not required to obtain more than one permit for each location. Food establishments operating at one location with different management or ownership or franchise are required to obtain separate permits. Permits are required for each temporary establishment at each location.
- (g) A permit shall be for a specific food establishment at a specific location. Permits are not transferable from person to person. Permits are not transferable from location to location, except for mobile and roadside food establishments.
- (h) If an application for a permit is denied, the Regulatory Authority shall send written notice to the permit applicant of the reasons for such denial. The denial may be appealed in accordance with this Article.

Sec. 18.63. - Suspension or revocation of permit.

- (a) *Suspension of permits.* A permit may be suspended temporarily by the Regulatory Authority for failure of the permit holder or person in charge of the food establishment to comply with the requirements of these regulations.
 - (1) Whenever a permit holder or person in charge of a food establishment has failed to comply with any notice issued under the provisions of these regulations, the permit holder or person in charge of the food establishment shall be notified in writing that the permit is, immediately suspended upon service of the notice and that all food service operations of the affected food establishment must immediately cease.
 - (2) Whenever the Regulatory Authority determines in its sole judgment that conditions in the operation of a food establishment constitute a substantial or imminent health hazard, the Regulatory Authority may issue a written notice to the permit holder or person in charge of the food establishment citing such conditions, specifying the corrective actions to be taken, and, if deemed necessary, stating that the permit is suspended and that all food service operations of the affected food establishment must immediately cease.
 - (3) Any permit holder or person in charge of a food establishment to whom a suspension notice is issued shall comply immediately therewith.
 - (4) The holder of a suspended permit will be provided with an opportunity for a hearing if a written request for a hearing is filed with the Regulatory Authority no later than the fifth calendar day after receipt of notice of the suspension. A request for a hearing does not relieve the permit holder

of the duty to comply with the suspension fully and continuously until the date of the hearing. If a hearing is not requested as provided herein, the permit holder shall fully and continuously comply with the suspension order until the permit is reinstated.

- (b) *Reinstatement of suspended permits.* Any permit holder or person in charge of a food establishment for which the permit has been suspended, after making all corrections, may request a re-inspection to be performed during normal business hours of the Regulatory Authority, for the purpose of determining if the permit shall be reinstated.
 - (1) A re-inspection fee in accordance with the approved fee schedule must be paid to the office of the Regulatory Authority before the re-inspection will be performed.
 - (2) The Regulatory Authority will arrange a time with the permit holder or person in charge of the food establishment to perform the re-inspection.
 - (3) If the permit holder or person in charge of the food establishment is found to have complied with the requirements of these regulations, the permit shall be reinstated.
- (c) *Revocation of permits.* For serious or repeated health hazards and violations of any of the requirements of these regulations, or for interference with the Regulatory Authority in the performance of its duties, the permit may be revoked.
 - (1) Prior to revocation, the Regulatory Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be revoked on the fifth calendar day after service of such notice, unless a written request for a hearing is filed with the Regulatory Authority by the permit holder no later than the fifth calendar day after receipt of the notice.
 - (2) A permit may be suspended pending its revocation or revocation hearing.”

Section 2. That Section 18.64 of Chapter 18 of the Code of Ordinances of the City of Hewitt, Texas entitled “Suspension, or revocation of permit.” shall be and is hereby amended by adding the following section:

“Section 18.64 Appeal of Denial, Suspension or Revocation of Permit.”

(a) *Notice of Appeal.*

- (1) The initial decision and notice by an inspector to suspend or revoke a permit may be appealed to the supervisor over the inspector by giving written notice to the supervisor no later than the fifth calendar day after receipt of the written notice of the decision. The supervisor may uphold, reverse, or modify the decision of the inspector. If an appeal is not filed as provided herein, the decision of the inspector is final and no further appeal will be considered.
- (2) The initial denial of a permit, or the decision of the supervisor over the inspector following an appeal of the inspector’s decision to suspend or revoke a permit as provided in (1) above, may be appealed to the Director of the Regulatory Authority by filing a written notice of appeal with the Director no later than the fifth day after receipt of written notice of the initial or appeal decision. The Director of the Regulatory Authority may uphold, reverse, or modify the decision to deny, suspend or revoke the permit. If an appeal is not filed as provided herein, the initial or appeal decision is final and no further appeal will be considered.
- (3) The decision of the Director may be appealed to the City Manager by filing notice of the appeal with the City Manager no later than the fifth calendar day after receipt of written notice of the Director's decision. The City Manager may uphold, reverse, or modify the decision of the

Director. If an appeal is not filed as provided herein, the decision of the Director is final and no further appeal will be considered.

(4) The decision of the City Manager is final.

(b) *Hearings.*

(1) A hearing provided for in this section shall be conducted at a time and place designated by the party conducting the hearing. A hearing shall be conducted as soon as possible after a written request for a hearing.

(2) Based upon the record and information and evidence presented during the hearing and these regulations, the party conducting the hearing shall make a finding and shall uphold, reverse or modify the prior decision to deny, suspend or revoke the permit.

(3) Written notice of the hearing decision shall be furnished to the permit holder.

(4) If the decision results in revocation of the permit, the permit holder may not apply for a new permit for one calendar year from the date of the decision at any location within the city.

(c) *Counting days.* When counting the calendar day time period specified in this section, if the final day is a Saturday, Sunday, or holiday for the Regulatory Authority, then the time period ends on the next day that is not a Saturday, Sunday, or holiday for the Regulatory Authority. In determining a date that occurs after a certain event, the first day to be counted is the calendar day after the day of the event.”

Section 2. That Section 18.65 “Violation; penalty” of Chapter 18 of the Code of Ordinances of the City of Hewitt, Texas is hereby amended to read as follows:

Section 18.65 Penalty.

That a violation of any provision of this Chapter shall be a Class C misdemeanor and the penalty for violation shall be a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day a violation exists shall be a separate offense.”

Section 4. Conflict with other ordinances.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Hewitt not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5. Severability.

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 6. Savings Clause.

That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 7. Inclusion in the Code.

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be part of the Code of Ordinances of the City of Hewitt, Texas, and that sections of this ordinance be renumbered or re-lettered to accomplish such intention.

Section 8. Compliance with the Texas Open Meetings Act.

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

Section 9. Effective Date.

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

PASSED AND APPROVED THIS 7th day of March, 2016:

CITY OF HEWITT, TEXAS

By: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary