

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

April 4, 2016

5:30 PM AND 7:00 PM

CITY HALL, 105 TAMPICO DRIVE

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Travis Bailey – Mayor Pro Tem, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Ronnie 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 **4th day of April, 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. Funding of Capital Improvements
 - c. Water Conservation
 - d. Briefing and discussion concerning upcoming events.
 - o Grand Opening & Ribbon Cutting of City Hall & Library – April 14, 2016, 10:00 am.
 - o Summer Concert Series
 - o Hewitt Dog Days of Summer – June 17-18, 2016
 - e. Briefing and discussion concerning board and commission appointments.
 - o Board of Adjustment
 - f. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
 - Health District Representative –David Litke
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.
 - Pursuant to §551.074 - Personnel Matters. (Council will meet in Executive Session to discuss the annual evaluation of the City Manager.)
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 12:00 AM/PM on April 1, 2016.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **4th day of April, 2016 at 7:00 PM in the City Council Room at Hewitt City Hall, 105 Tampico Drive, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Consider approval of minutes of the City Council Workshop/Regular Meeting of March 21, 2016.
4. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
5. Consider reappointments to the Board of Adjustment.
6. Consider award of Old Depot Building roof repair and replacement to Belfor Property Restoration in the amount of \$16,074.63.
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 12:00 AM/PM on April 1, 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.



COUNCIL WORKSHOP AGENDA ITEM #2.a



CITY ENGINEER'S REPORT

March 31, 2016

2010 IH-35 Utility Improvements:

TxDOT received a claims notice from the contractor. At this time, we are wait for their justification for the claims.

Richie Road Water Plant; Equipment Shed

Oral update may be given at the meeting.

Commerce Park Plant Project and Related Projects:

Elevated Storage Tank;

Contractor will be onsite next week for startup, pending Oncor power gets the transformer installed Friday.

Plant Contract;

Site piping is completed. The contractor has been pushing to finish up the piping and disinfection system so that we can utilize the elevated tank.

2014 Bond Projects:

Warren Park Improvements:

Construction continues. The electrical contractor has been working to install all of their conduit.

First Street Mill and Overlay / Chapman Rd.

Plans are approximately 90% complete. Looking to have this project out to bid mid-May.

City Hall / Library:

Oral update may be given at the meeting.

2015 Bond Projects:

Lift Station No. 5 Removal

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

IH - 35 Waterline

HEWITT TEXAS

CITY ENGINEER'S REPORT

March 31, 2016

Survey documents have been received and will be working on getting easement documents prepared.

Lift Station No. 4; Gravity Line Extension

Preliminary topography along the proposed alignment has been received.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL WORKSHOP AGENDA ITEM #2.d

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 - Holly Tucker	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 - The Damn Torpedoes	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	Hewitt Park	Thursday, July 28th
KXXV Movie Night #3	Warren Park	Friday, August 5th
Concert #3 - Texas Flood	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 AGENDA ITEM FORM

MEETING DATE: April 4, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of March 21, 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 March 21, 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, and Alex Snider

Members absent: Ronnie McNiel

Staff present: City Attorney Charlie Buenger (arrived at 6:58 pm), City Engineer Miles Whitney, 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 Development Director Tracy Lankford, Special Projects Coordinator Katie Allgood, HR Generalist Stephanie Thompson, and City Secretary Lydia Lopez

Staff absent: Police Chief Jim Devlin

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager presented an update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects
 - b. Proposed 2016 CO issuance.
 - c. Briefing and discussion concerning upcoming events.
 - o Grand Opening & Ribbon Cutting of City Hall & Library – April 14, 2016, 10 am.
 - o Summer Concert Series
 - d. Briefing and discussion concerning board and commission appointments.
 - o Parks & Beautification Committee (Conducted interview of prospective member Kathy Krakowian at 6:30 pm.)
 - o Board of Adjustment
 - e. Briefing and discussion concerning Public Safety operations – Police & Fire. (Not Held)
3. The regular meeting agenda items were reviewed.
 - Health District Representative –David Litke (not present)

4. *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider to convene Executive Session at 6:37 PM 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. A motion was made by Council Member Alex Snider and seconded by Council Member Bill Fuller to closed the Executive Session and adjourn the Workshop at 6:58 PM.*
6. *Adjourn. The meeting was adjourned along with the closed session.*

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 Council Member Alex Snider to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF MARCH 7, 2016.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf 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. **PRESENTATION OF AUDIT REPORT AND OPINION BY CHRIS PRUITT, AUDIT PARTNER, PATTILLO BROWN, & HILL, LLP.** Chris Pruitt of Pattillo, Brown & Hill, L.L.P., presented the audit report for Fiscal Year 2014-2015 and responded to questions regarding report. He stated the city received an unmodified opinion/clean opinion.
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. Denny Lessman, 920 Cheyenne Trail, requested a summary regarding bonds and debt issuance for citizens to view on the website.*
6. **CONSIDER APPOINTMENT TO THE PARKS AND BEAUTIFICATION COMMITTEE.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to appoint Kathy Krakowian to the Parks and Beautification Committee; all six in favor, motion passed.*
7. **ADMINISTER OATH OF OFFICE TO THE NEWLY APPOINTED MEMBER OF THE PARKS & BEAUTIFICATION COMMITTEE.** Mayor Passalugo administered the Oath of Office to Mrs. Kathy Krakowian.

8. **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.** *A motion to remove from the table was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey; all six in favor. A brief discussion concerning deadline to approve and the need for a Health District representative to be present to respond to questions. A motion to table this item was made by Council Member James Vidrine and seconded by Council Member Alex Snider to allow staff to contact Health District representative; all six in favor, motion passed.*
9. **ADJOURN.** *Motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to adjourn the meeting at 7:24 PM, all six in favor, motion passed.*

Approved: April 4, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #4 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

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

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

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



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 4, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider reappointments to the Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

Jim Winton and Brad Turner have terms that expire this month on the Board of Adjustment. Both have agreed to serve another term. These members are in good standing and staff recommends approval of this item.

Please note that there are two alternate vacancies that need to be filled. If you have any recommendations, let me know.

ATTACHMENTS:

None

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) Kathy Krakowian 804 Pebble Creek Cr. 424-7192	(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: April 4, 2016

AGENDA ITEM #: 6

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider award of Old Depot Building roof repair and replacement to Belfor Property Restoration in the amount of \$16,074.63.

STAFF RECOMMENDATION/ITEM SUMMARY:

Repairs to the exterior walls of the Chamber Building (Old Depot Building) were authorized by the City Manager and are currently underway. Belfor Property Restoration is the contractor who provided the lowest bid on this project in the amount of \$6,751.52.

The authorized work did not include roof replacement. City staff met with Mark Short with Belfor on site to discuss the project and check on the progress. During that meeting a revised quote for roof repairs was requested by city staff. Belfor submitted a revised quote which includes replacement of the roof with fire resistant wood shakes (wooden shingles) to match the original look of the depot building. Belfor provided an updated quote for the roof repairs in the amount of \$16,074.63. A copy of the proposal is included with the backup material. If approved, the total amount of the entire contract would increase to \$22,826.15.

ATTACHMENTS:

Proposal



BELFOR Property Restoration

4820 IH 35 North - Waco, TX 76705
(254) 799-8400 Tel. - (254) 799-1487 Fax.
Fed ID # 84-1309171

Client: Hewitt Chamber
Property: 101 3rd St
Hewitt, TX 76643

Operator: ANDREW.O

Type of Estimate: <NONE>
Date Entered: 10/7/2015 Date Assigned:

Price List: TXWA8X_JAN16
Labor Efficiency: Restoration/Service/Remodel
Estimate: HEWITT_CHAMBER

We would like to thank you for the opportunity to provide you with this estimate. The total cost for the repairs detailed in the following estimate is **\$22,826.15**.

The attached estimate details the specific work to be completed. Additional work outside of that specified in this estimate will be through separate proposal(s) and/or change order(s) detailing the additional/changed scope of work as well as the terms and pricing of those changes. Repairs will be scheduled after a signed copy of this estimate is received.

Progress payments may be billed at 25%, 50%, 75%, and 90% of completion with the balance due upon substantial completion of this scope of work. Change orders will be billed as completed and credits will be applied to the final contract billing.

Unless noted otherwise, the customer is required to provide heat, water and electricity on-site for the duration of this project. The customer is responsible for providing continuous access to the project area during normal business hours, Monday - Friday, 8:00 am - 5:00 pm. Where an item is being replaced, we will be matching the existing item's quality, color, finish, texture or material as close as possible where applicable unless noted otherwise, there is no guaranty either specified or implied on exact matches. This estimate does not include hazardous material testing or abatement unless specifically detailed in the following estimate.

This estimate is valid for 30 days from 3/30/2016. If you have any questions about this estimate, please contact to discuss those questions.

I/we agree to the terms and conditions of this proposal.

Owner/Authorized signature Date_____

BELFOR Representative Date_____

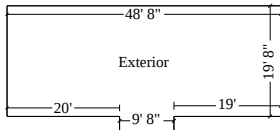


BELFOR Property Restoration

4820 IH 35 North - Waco, TX 76705
(254) 799-8400 Tel. - (254) 799-1487 Fax.
Fed ID # 84-1309171

HEWITT_CHAMBER

Main Level



Exterior

Height: 12'

1,704.00 SF Walls	982.89 SF Ceiling
2,686.89 SF Walls & Ceiling	982.89 SF Floor
109.21 SY Flooring	142.00 LF Floor Perimeter
142.00 LF Ceil. Perimeter	

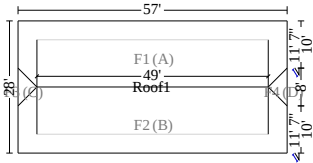
DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Painter - per hour	12.00 HR	0.00	50.49	0.00	121.18	727.06
-Allows two painters for 6 hours each to caulk and prep for paint.						
2. Floor protection - heavy paper and tape	284.00 SF	0.00	0.30	0.00	17.04	102.24
3. R&R 1" x 12" lumber (1 BF per LF)	192.00 LF	0.70	3.35	0.00	155.52	933.12
4. R&R 1" x 2" lumber (.167 BF per LF)	252.00 LF	0.53	1.39	0.00	96.78	580.62
5. R&R 1" x 4" lumber (.333 BF per LF)	15.00 LF	0.59	1.73	0.00	6.98	41.78
6. R&R 2" x 4" lumber (.667 BF per LF)	142.00 LF	0.34	1.74	0.00	59.08	354.44
7. R&R 2" x 6" lumber (1 BF per LF) (fascia)	178.00 LF	0.37	2.00	0.00	84.38	506.24
-We will replace all the fascia except the piece that the power and cable is hooked to. This piece is in good condition and can be repainted.						
8. Exterior - paint two coats	1,704.00 SF	0.00	0.82	0.00	279.46	1,676.74
9. Prime & paint exterior soffit - exposed rafters	568.00 SF	0.00	2.22	0.00	252.20	1,513.16
10. Prime & paint exterior fascia - wood, 6"- 8" wide	178.00 LF	0.00	1.48	0.00	52.68	316.12
Totals: Exterior				0.00	1,125.30	6,751.52
Total: Main Level				0.00	1,125.30	6,751.52

Level 2



BELFOR Property Restoration

4820 IH 35 North - Waco, TX 76705
 (254) 799-8400 Tel. - (254) 799-1487 Fax.
 Fed ID # 84-1309171



Roof1

1,847.70	Surface Area	18.48	Number of Squares
176.31	Total Perimeter Length	49.00	Total Ridge Length
24.48	Total Hip Length		

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
11. Remove Wood shakes - medium (1/2") hand split	18.48 SQ	43.58	0.00	0.00	161.08	966.44
12. Wood shakes - medium (1/2") hand split	18.48 SQ	0.00	639.00	0.00	2,361.74	14,170.46
13. R&R Ridge cap - wood shake shingles	49.00 LF	1.49	5.55	0.00	69.00	413.96
14. R&R Flashing - pipe jack	1.00 EA	4.38	23.26	0.00	5.54	33.18
Totals: Roof1				0.00	2,597.36	15,584.04

General

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
15. Single axle dump truck - per load - including dump fees	1.00 EA	236.23	0.00	0.00	47.24	283.47
16. General clean - up	4.00 HR	0.00	24.40	0.00	19.52	117.12
17. City Permit (approx.)	1.00 EA	0.00	75.00	0.00	15.00	90.00
Totals: General				0.00	81.76	490.59
Total: Level 2				0.00	2,679.12	16,074.63
Line Item Totals: HEWITT_CHAMBER				0.00	3,804.42	22,826.15



BELFOR Property Restoration

4820 IH 35 North - Waco, TX 76705
(254) 799-8400 Tel. - (254) 799-1487 Fax.
Fed ID # 84-1309171

Grand Total Areas:

1,704.00	SF Walls	982.89	SF Ceiling	2,686.89	SF Walls and Ceiling
982.89	SF Floor	109.21	SY Flooring	142.00	LF Floor Perimeter
0.00	SF Long Wall	0.00	SF Short Wall	142.00	LF Ceil. Perimeter
982.89	Floor Area	982.89	Total Area	1,704.00	Interior Wall Area
1,962.67	Exterior Wall Area	142.00	Exterior Perimeter of Walls		
1,847.70	Surface Area	18.48	Number of Squares	352.62	Total Perimeter Length
49.00	Total Ridge Length	24.48	Total Hip Length		



BELFOR Property Restoration

4820 IH 35 North - Waco, TX 76705
(254) 799-8400 Tel. - (254) 799-1487 Fax.
Fed ID # 84-1309171

Summary

Line Item Total	19,021.73
Overhead	1,902.21
Profit	1,902.21
Replacement Cost Value	\$22,826.15
Net Claim	\$22,826.15

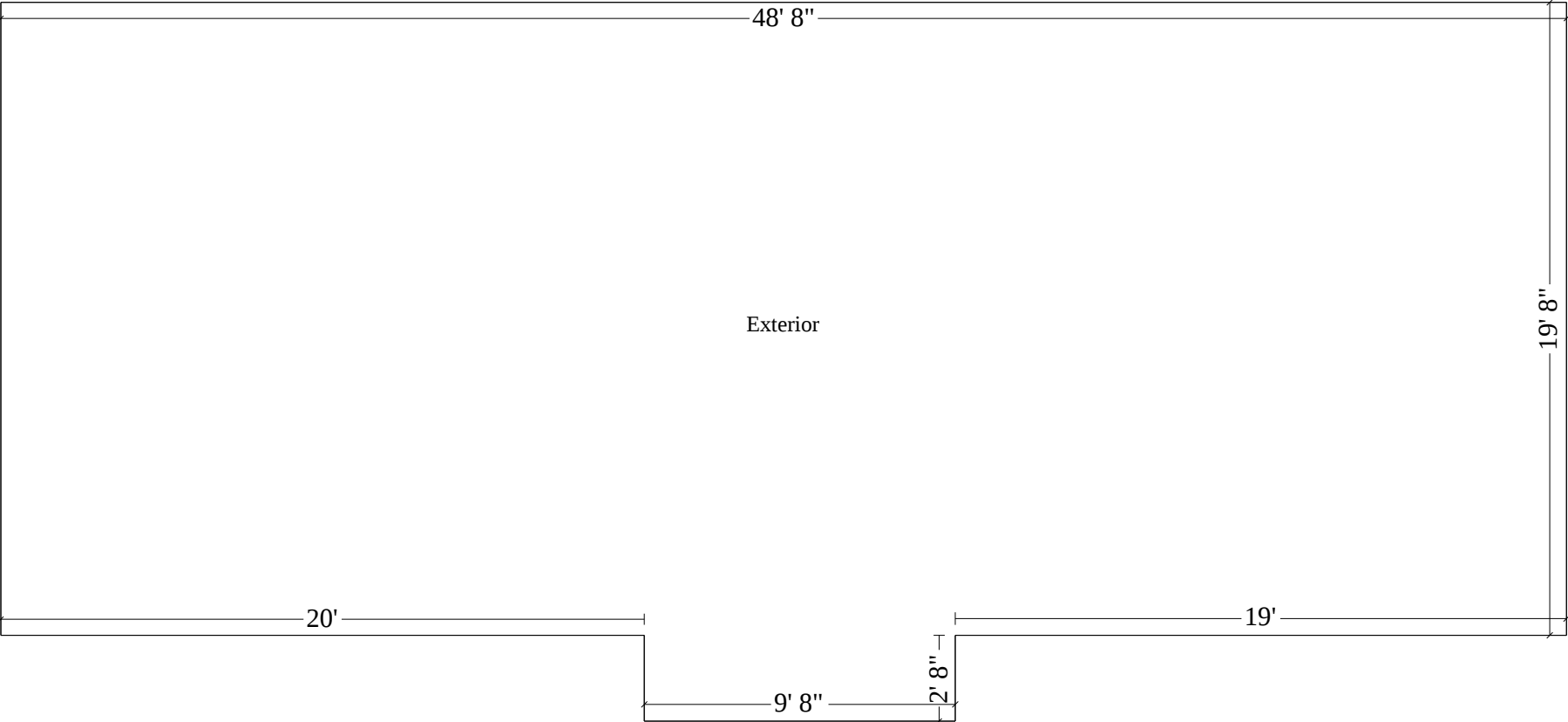


BELFOR Property Restoration

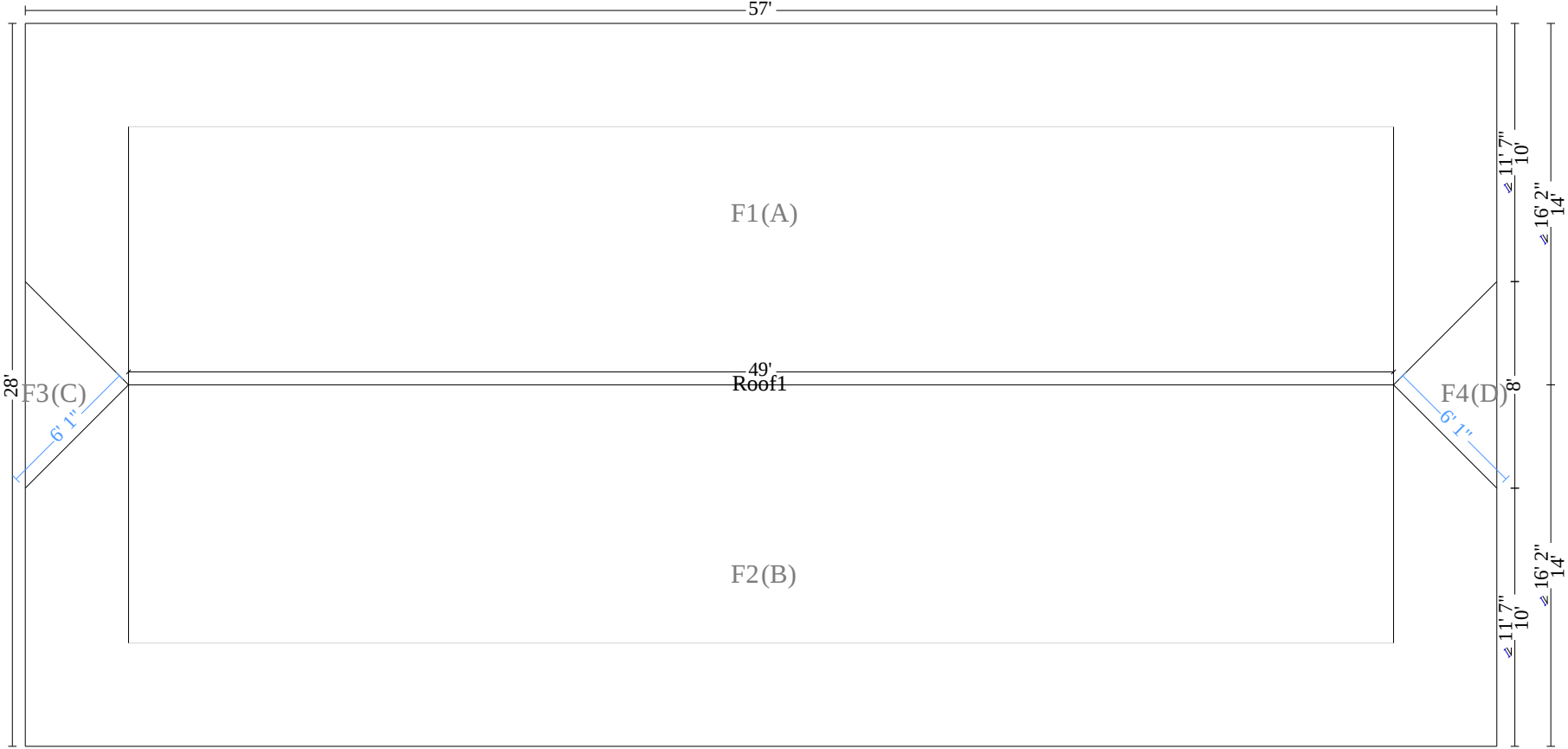
4820 IH 35 North - Waco, TX 76705
(254) 799-8400 Tel. - (254) 799-1487 Fax.
Fed ID # 84-1309171

Recap by Category

O&P Items	Total	%
CLEANING	97.60	0.43%
GENERAL DEMOLITION	1,509.93	6.61%
PERMITS AND FEES	75.00	0.33%
FRAMING & ROUGH CARPENTRY	1,622.51	7.11%
PAINTING	3,612.76	15.83%
ROOFING	12,103.93	53.03%
O&P Items Subtotal	19,021.73	83.33%
Overhead	1,902.21	8.33%
Profit	1,902.21	8.33%
Total	22,826.15	100.00%



Main Level



Level 2



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 4, 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 for severability; providing a savings clause; providing for penalty; providing for the inclusion in the code; providing for an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

This item was tabled at the last Council meeting. Staff has arranged for Health District Representative David Litke to be present to respond to Council questions.

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. 2016-04-04-1

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 FOR SEVERABILITY; 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 4th day of April, 2016:

CITY OF HEWITT, TEXAS

By: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary