

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

April 18, 2016

5:30 PM AND 7:00 PM

CITY HALL, 200 PATRIOT COURT

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 **18th day of April, 2016 at 5:30 PM in Hewitt City Hall, Council Chambers, 200 Patriot Court**, 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 Summer Concert Series
 - o Hewitt Dog Days of Summer – June 17-18, 2016
 - e. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.
 - 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 1:00 AM/PM on April 15, 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 **18th day of April, 2016 at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court, 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 April 4, 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 and take appropriate action concerning replacement of the roof at the Old Depot Building.
6. Consider an resolution directing **ONCOR ELECTRIC DELIVERY COMPANY, LLC TO** file certain information with the City of Hewitt; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the city's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Hewitt's rate case expenses; setting a public hearing for the purposes of determining if the existing rates of Oncor Electric Delivery Company are unreasonable or in any way in violation of any provision of law and the determination by the City of Hewitt of just and reasonable rates to be charged by Oncor Electric Delivery Company, LLC; noting compliance with open meetings law; providing notice of passage.
7. Consider an ordinance regulating the rate and speed of motor vehicles on a certain section of FM 1695; setting the maximum speed limits as specified herein; providing penalty for violation and declaring an emergency.
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 1:00 AM PM on April 15, 2016.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary



COUNCIL WORKSHOP AGENDA ITEM #2.a



CITY ENGINEER'S REPORT

April 14, 2016

2010 IH-35 Utility Improvements:

TxDOT has received and forwarded on the contractor's claim to us. At this time, we are reviewing the information and will begin compiling our response.

Richie Road Water Plant; Equipment Shed

The City is discussing options.

Commerce Park Plant Project and Related Projects:

Elevated Storage Tank;

Contractor is to be on site Monday for tank disinfection and to begin filling the tank.

Plant Contract;

As soon as bac-t samples pass the lines can then be use to fill the tank. Fence is to be going up shortly.

2014 Bond Projects:

Warren Park Improvements:

Construction continues, the electrical contractor is running power to the existing restroom facilities. H&B has placed gravel in the parking area.

First Street Mill and Overlay / Chapman Rd.

Plans are approximately 95% complete. Looking to have this project out to bid mid-May.

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

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

Lift Station No. 4; Gravity Line Extension

HEWITT TEXAS II

CITY ENGINEER'S REPORT

April 14, 2016

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
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
4/16/2016	2:00-4:00 pm	Teen Anime Club	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	9:30-10:15 am	Baby Time	Library 200 Patriot Court
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	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	9:30-10:15 am	Baby Time	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
5/3/2016	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	9:30-10:15 am	Baby Time	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	6:00-8:00 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
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	9:30-10:15 am	Baby Time	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	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

2016 Library Calendar of Events

5/18/2016	1:00-3:00 pm	Linda's Culinary Club	TBD
5/19/2016	9:30-10:15 am	Baby Time	Library 200 Patriot Court
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	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	9:30-10:15 am	Baby Time	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	6:00-8:00 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	Hewitt Park
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
6/29/2016	10:30 am- 12:00 pm	Funny Farm Day	Hewitt Park
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	Hewitt Park
7/7/2016	10:30 am -12:30 pm	Kids Movie	Library 200 Patriot Court
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
7/13/2016	10:30 am- 12:00 pm	Cool School with Ms. Maria	Hewitt Park
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

2016 Library Calendar of Events

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	4:00-5:00 pm	Crafternoon	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	6:00-8:00 PM	Teen Game Night	Library 200 Patriot Court
8/9/2016	4:00-5:00 pm	Crafternoon	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	4:00-5:00 pm	Crafternoon	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	4:00-5:00 pm	Crafternoon	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 18, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of April 4, 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
April 4, 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, Ronnie McNiel, and Alex Snider

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Assistant City Manager Jim Barton, Police Chief Jim Devlin, 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, and City Secretary Lydia Lopez

Staff absent: Fire Chief Lance Bracco

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. Funding of Capital Improvements
 - c. Water Conservation information will be distributed to water customers.
 - 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. Council recommended staff revise policy to allow for service on more than one board or commission.
 - o Board of Adjustment
 - f. Briefing and discussion concerning Public Safety operations – Police & Fire. (No Fire report)

3. The regular meeting agenda items were reviewed.
 - Health District Representative –David Litke (There was a question and answer session regarding agenda item #7 – Ordinance updating Food Establishment Rules.)
4. A motion was made by Council Member Alex Snider and seconded by Council Member Ronnie McNiel to convene Executive Session at 6:37 PM pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
 - **Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.**A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to recess the Executive Session at 6:51 PM. **NOTE:** The remaining Executive Session item was conducted at the conclusion of the Regular Meeting.

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 City Secretary Lydia Lopez to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF MARCH 21, 2016.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
4. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. Pam Watts, 264 Oakwood Lane, McGregor, TX, appeared to introduce herself as a candidate for Midway ISD Board of Trustees, Place 5.*
5. **CONSIDER REAPPOINTMENTS TO THE BOARD OF ADJUSTMENT.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Alex Snider to reappoint Jim Winton and Brad Turner to the Zoning Board of Adjustment; all seven in favor, motion passed.*
6. **CONSIDER AWARD OF OLD DEPOT BUILDING ROOF REPAIR AND REPLACEMENT TO BELFOR PROPERTY RESTORATION IN THE AMOUNT OF \$16,074.63.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to table for additional estimates; all seven in favor, motion to table passed.*

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.** *A motion to remove from the table was made by Council Member James Vidrine and seconded by Council Member Alex Snider; all seven in favor to remove from table. A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Bill Fuller to approve the ordinance; all seven in favor, motion passed.*
8. **ADJOURN.** *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider to adjourn the meeting at 7:09 PM, all seven in favor, motion passed.*

EXECUTIVE SESSION – Continued.

- **Pursuant to §551.074 - Personnel Matters.** (Council will meet in Executive Session to discuss the annual evaluation of the City Manager.)
Close Executive Session. A motion was made by Council Member Alex Snider and seconded by Council Member Bill Fuller to close the Executive Session at 7:49 PM.

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 18, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider and take appropriate action concerning replacement of the roof at the Old Depot Building.

STAFF RECOMMENDATION/ITEM SUMMARY:

As directed during the City staff worked with Mark Short at Belfor Property Restoration to provide alternative quotes related to the Old Depot Building roof (Greater Hewitt Chamber of Commerce Building). Here is a simple rundown of the revised estimates:

Original Work was \$6,751.52. If approved the total cost of the contract would increase depending upon he chosen alternative.

- (A) Wood shake shingles, the total cost estimate went up to \$22,826.15 (\$16,074.63 increase)
- (B) Standing Seam Metal with lifetime warranty the estimate went up to \$26,501.04 (\$19,749.52 increase)
- (C) R-LOC (R-Panel) metal roof (lower quality - limited warranty) the estimate went up to \$20,197.06 (\$13,445.54 increase)
- (D) Composite Residential Grade Shingle Roof the estimate went up to \$21,656.59 (\$14,905.07 increase)
- (D) Aluminum Shake Architectural Shingle the estimate went up to \$31,721.87 (\$24,970.35 increase)

Note: For all options there is approximately \$3,455.48 for removal of existing roof included with the estimate.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 18, 2016

AGENDA ITEM #: 6

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider an resolution directing **Oncor Electric Delivery Company, LLC** to file certain information with the City of Hewitt; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the city's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Hewitt's rate case expenses; setting a public hearing for the purposes of determining if the existing rates of Oncor Electric Delivery Company are unreasonable or in any way in violation of any provision of law and the determination by the City of Hewitt of just and reasonable rates to be charged by Oncor Electric Delivery Company, LLC; noting compliance with open meetings law; providing notice of passage.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt is part of the Steering Committee of Cities served by Oncor. The Steering Committee is recommending approval of the attached resolution initiating a rate case against Oncor with the aim of reducing the rates customers within the City of Hewitt pay for electric delivery rates. Included as backup are a model staff report and resolution. City Staff has reviewed and recommend approval.

ATTACHMENTS:

Model Staff Report
Resolution

Model Staff Report to Support Resolution Directing Oncor Concerning Just and Reasonable Rates

Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

Whereas Clauses Explained

Cities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders.

As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced.

The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988.

The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

Resolved Sections Explained

Section 1, provides notice to Oncor that it is compelled to file information that would otherwise be required if the Company filed a request to increase rates at the Commission by September 1, 2016. This Section requires that historic data from calendar year 2015 be filed to demonstrate that its rates should not be reduced.

Section 2 authorizes Cities’ representatives to file requests for information which shall be answered by Oncor within 15 days of receipt.

Sections 3 and 4 set other dates critical to the procedural process for rate setting. Cities’ report will be due on October 13, 2016 and the Oncor rebuttal will be due November 10, 2016.

Section 5 establishes that a hearing will occur and final order will be issued between November 15, 2016 and December 15, 2016.

Section 6 provides that the procedural schedule may be amended by the City and that other orders may be extended. For example, once the REIT conversion is finalized, Cities may enter interim orders requiring a sharing of tax savings that benefit ratepayers.

Section 7 authorizes the hiring of legal counsel and authorizes the Executive Committee to hire consultants.

Section 8 confirms that Cities will seek reimbursement of their rate making expenses from Oncor.

Section 9 confirms that the resolution was passed in compliance with Open Meeting laws.

RESOLUTION NO. 2016-04-18-1

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE CITY OF HEWITT; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF HEWITT'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF HEWITT OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.; NOTING COMPLIANCE WITH OPEN MEETINGS LAW; PROVIDING NOTICE OF PASSAGE

WHEREAS, the City of Hewitt is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

WHEREAS, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

WHEREAS, the City of Hewitt has reason to believe that Oncor is over-earning and its rates are excessive; and

WHEREAS, the City of Hewitt is a member of the Steering Committee of Cities Served by Oncor; and

WHEREAS, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and

WHEREAS, the City of Hewitt, and the City Council of the City of Hewitt desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and

WHEREAS, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from Oncor, the filing of an analysis of such information by the City, the filing of rebuttal information from

Oncor, and a public hearing at which time the City shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

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

SECTION 1. This resolution constitutes notice of the City's intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the City of Hewitt information that demonstrates good cause for showing that Oncor's transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the City of Hewitt information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor's cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

SECTION 2. City's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

SECTION 3. City's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

SECTION 4. Oncor shall file any rebuttal to the analysis of City's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

SECTION 5. A public hearing shall be conducted by the City Council for the City of Hewitt during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the City of Hewitt's consultants will each be allowed to address the City Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the City Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the City of Hewitt, Texas.

SECTION 6. The City Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

SECTION 7. Subject to the right to terminate employment at any time, the City of Hewitt hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the City of Hewitt in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The

Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

SECTION 8. Fees and expenses of attorneys and consultants assisting the City in the Steering Committee's review of the reasonableness of Oncor's rates will be processed through the Steering Committee but the City reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

SECTION 9. That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

SECTION 10. That a copy of this Resolution shall be sent to E. Allen Nye, Jr., Senior Vice President, General Counsel and Secretary, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Geoffrey Gay, General Counsel to the Steering Committee of Cities Served by Oncor, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

AND IT IS SO ORDERED.

The above and foregoing resolution was passed and approved on this the ____ day of _____, 2016, by the following vote:

Ayes:

Nays:

Abstentions:

At regular meeting _____, 2016.

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

Charlie Buenger, City Attorney

1669/-/7071297



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 18, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider an ordinance regulating the rate and speed of motor vehicles on a certain section of FM 1695; setting the maximum speed limits as specified herein; providing penalty for violation and declaring an emergency.

STAFF RECOMMENDATION/ITEM SUMMARY:

Texas Department of Transportation (TxDOT) has requested the City update the ordinance setting certain speed zone for FM 1695 (Hewitt Drive). This update includes the extension of the school zone limit for Midway Middle School as recommended by TxDOT Safety Engineers. Staff recommends approval of the attached ordinance.

ATTACHMENTS:

TxDOT Letter
Map
Ordinance

ORDINANCE NO. 2016-04-18-1

AN ORDINANCE REGULATING THE RATE AND SPEED OF MOTOR VEHICLES ON A CERTAIN SECTION OF FM 1695; PROVIDING FOR PENALTIES; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPENED TO THE PUBLIC AS REQUIRED BY LAW.

Whereas, in Hewitt, Texas, an engineering and traffic investigation has been made to determine the reasonable and safe prima facie maximum speed of motor vehicles on a certain section of FM 1695.

Whereas, it has been determined by the engineering studies and traffic investigation that the reasonable and safe prima facie maximum speed for motor vehicles on said section of the herein above mentioned highway in Hewitt, Texas, should be as set out hereinafter,

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF HEWITT, TEXAS, ACTING BY AND THROUGH ITS CITY COUNCIL:

Section 1: The section of highway described as follows:

Starting at FM 2113, proceeding north of FM 1695, the speed limit shall be 55 MPH for a distance of 1.491 miles. The speed limit shall then be 45 MPH for a distance of 1.766 miles. Except in times of ingress and egress, the speed limit shall then be 30 MPH when flashing in the school zone for a distance of 0.435 miles ending at the Hewitt north city limits.

is hereby regulated as to the speed of motor vehicles traveling within said section in any direction as evidenced by the attached plan which is hereby approved and made a part of this ordinance, and it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

Section 2: Any person violating any provision of this ordinance shall upon conviction be fined in any sum not exceeding Two Hundred and no/100 Dollars.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 4: That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required and that public notice of said meeting was given as required by law.

Section 5: The fact that the City of Hewitt at the present time has no adequate ordinance governing the speed of motor vehicles on the Section of FM 1695. herein above described, and the fact that a traffic and engineering survey has been made on said section of that facility which has determined that this ordinance establishing the speed regulations herein above set forth should be passed, creates an urgency and an imperative public necessity which, for the immediate preservation of public peace, health, safety, and welfare necessitates that the rule requiring the reading of ordinances on three separate days be suspended, and such rule is suspended and this ordinance shall take effect immediately upon its passage, and it is so enacted.

PASSED AND APPROVED this 18TH day of April, 2016.

Ed Passalugo, Mayor
City of Hewitt, Texas

ATTEST:

Lydia Lopez, City Secretary