

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

September 19, 2016

Workshop - 5:30 PM and Regular Meeting - 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

Steve Fortenberry – 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

Tracy Lankford, Community
Development Director

Katie Allgood, Special Projects Coordinator

Tuck Saunders, Assistant Police Chief

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 **19th day of September, 2016 at 5:30 PM in Hewitt City Hall, Council Workshop Room, 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
 - b. Briefing and discussion concerning drainage issues.
 - c. Briefing and discussion concerning park usage and fees.
 - d. Briefing and discussion concerning Library furniture.
 - e. Briefing and discussion concerning upcoming events:
 - State of the City Luncheon – September 20, 2016
 - f. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
4. Interview of prospective board or commission members
 - Veronica Molina – Parks and Beautification Committee
 - Jim Pless – Board of Adjustment
5. 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.
6. Close Executive Session.
7. 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 11:00 AM/PM on September 16, 2016

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

ADDENDUM

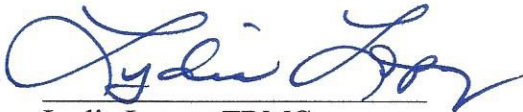
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **19th day of September, 2016 at 5:30 PM in Hewitt City Hall, Council Workshop Room, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Briefing and discussion concerning residential lot development sizes.

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 1:45 AM/PM on September 16, 2016

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

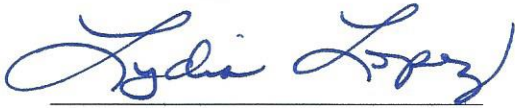
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **19th day of September, 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. Special presentations of the Mayor's Reading Awards
4. Special presentation of a proclamation in recognition of "September Library Card Sign-up Month"
5. Consider approval of minutes of the Special Called Meeting of August 22, 2016.
6. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
7. Consider appointments to the Board of Adjustment.
8. Consider appointment to the Parks and Beautification Committee.
9. Consider appointment to the Library Board of Directors.
10. Administer Oath of Office to newly appointed members of the Board of Adjustment, Parks and Beautification Committee and the Library Board of Directors.
11. Consider appointment of Katie Allgood as Emergency Management Coordinator (EMC) and Tracy Lankford as Assistant Emergency Management Coordinator effective October 1, 2016.
12. Consideration and action on a resolution authorizing a contract for fines and fees collection services to Linebarger Goggan Blair & Sampson, LLP for the collection of outstanding warrants.
13. Consideration and action on an ordinance amending Chapter 78, Utilities, Article X. Municipal Drainage System, Division 2. Drainage Utility Rate Schedule, Section 78-612, "Fee Calculations" of the Code of Ordinances of the City of Hewitt; providing for severability; establishing an effective date; and finding and determining that the meeting at which this ordinance is passed was noticed and has been opened to the public as required by law.
14. 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 11:00 AM/PM on September 16, 2016

CITY OF HEWITT

A handwritten signature in blue ink, reading "Lydia Lopez", is written over a horizontal line.

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

2010 IH-35 Utility Improvements:

On September 7, 2016 the contract was considered complete, in regards to the City of Hewitt's portion.

2014 Bond Projects:**First Street Mill and Overlay / Chapman Rd.**

Contractor has finished the First Street mill and overlay and was waiting on AT&T to finish the relocation on one of their lines so that they may begin the storm sewer installation process along Chapman.

2015 Bond Projects:**Lift Station No. 5 Removal**

Working to obtain easement for the installation of the proposed gravity line.

IH - 35 Waterline

- Phase 1; Industrial south side of Castleman Creek
 - Awaiting property Owner's signature and or comments on proposed easements
- Phase 2; Sun Valley to Flat Rock Trailers
 - A work order for topography and easement staking has been issued, awaiting information
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - Easement investigations continue.

Lift Station No. 4; Gravity Line Extension

I have begun working on the final design of this project. This project will most likely coincide with Phase 1 of the IH-35 Waterline project.

2016 Slurry Seal:

Will complete the plans and have them ready for bid for the late spring early summer of 2017

Drainage

1519 Surveying is working on staking the existing drainage easements, to ensure that the proposed improvements are to be constructed within our existing easements.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL WORKSHOP AGENDA ITEM #2.e

2016 Library Calendar of Events

Date	Time	Event	Location
9/16/2016	1:30-2:30 pm	Senior Game day	Library 200 Patriot Court
9/17/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
9/19/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
9/20/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
9/20/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
9/20/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
9/21/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
9/21/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
9/21/2016	1:00-3:00 pm	Linda's Culinary Club	The Catch Waco
9/22/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
9/22/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
Staff to participate in Corner Store			
9/23/2016	All day	Run as support for donation to library	Ft. Worth
9/24/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
9/25/2016	All Week	Celebrating Banned Book Week	Library 200 Patriot Court
9/27/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
9/27/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
9/27/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
9/28/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
9/28/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
9/29/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
9/29/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
9/30/2016	1:30-2:30 pm	Music in the City Council Room	Library 200 Patriot Court
10/1/2016	9:30-1:30 pm	Senior Driving Class	Library 200 Patriot Court
10/1/2016	10:00-2:00 pm	Midway Book Festival	Midway Middle School
10/1/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
9:30-12:00 pm & 4:00-			
10/4/2016	7:00 pm	Vision Screening	Library 200 Patriot Court
10/4/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/4/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/4/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
9:30-12:00 pm & 4:00-			
10/5/2016	7:00 pm	Vision Screening	Library 200 Patriot Court
10/5/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/5/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/6/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/6/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/7/2016	1:00-2:30 pm	Senior Game day and Speaker	Library 200 Patriot Court
Eric Ames Guest speaker and book			
10/8/2016	1:00-3:00 pm	signing	Library 200 Patriot Court
10/8/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
10/9/2016	All week	Celebrating Teen Week	Library 200 Patriot Court
10/10/2016	7:00 PM	Board Mtg.	City Council
10/11/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/11/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court

2016 Library Calendar of Events

10/11/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
10/12/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/12/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/12/2016	2:00-4:00 pm	Linda's Book club	Library 200 Patriot Court
10/13/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/13/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/14/2016	3:00-4:00 pm	Music in the Library	Library 200 Patriot Court
10/15/2016	2:00-4:00 pm	Teen Anime Club-celebrating teen week	Library 200 Patriot Court
10/17/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
10/18/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/18/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/18/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
10/19/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/19/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/19/2016	1:00-3:00 pm	Linda's Culinary Club	tbd
10/20/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/20/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/22/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
10/25/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/25/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/25/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
10/26/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/26/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/27/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/27/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/29/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court



COUNCIL WORKSHOP AGENDA ITEM #4.

APPLICATION FOR BOARDS & COMMISSION TO THE CITY OF HEWITT

The City of Hewitt appreciates your interest in serving the community. A listing of the boards and commissions is found behind your application. Appointments are made during the year as vacancies occur. This is great opportunity for to play a vital role in shaping your community.

NAME OF APPLICANT: Veronica Molina

HOME ADDRESS: 1201 Radisson Drive

DAYTIME TELEPHONE NUMBER: 434-531-2014 E-MAIL ADDRESS: veronica.molina2@marriott.com

PLEASE CHECK APPROPRIATE STATEMENTS: ☒ I reside within the city limits of Hewitt, Texas.*
☐ I do ☒ I do not . . . own property located in Hewitt, Texas.

* **IMPORTANT** - - By checking this box and signing this form, you are indicating that your legal residence or domicile - your home and fixed place of habitation to which you intend to return after any temporary absence - is located within the city limits of Hewitt, Texas.

LENGTH OF TIME APPLICANT HAS RESIDED IN THE HEWITT CITY LIMITS: 2 years

PLEASE INDICATE BELOW HOW YOU WOULD LIKE TO SERVE THE CITY OF HEWITT. (**IMPORTANT**: IF MORE THAN ONE AREA IS INDICATED, **NUMBER YOUR PREFERENCES** WITH "1" BEING YOUR FIRST CHOICE, "2" BEING YOUR SECOND CHOICE, ETC.). PLEASE SEE REVERSE SIDE FOR DESCRIPTIVE INFORMATION.

- ☐ Board of Adjustment (must be resident and owner of property in Hewitt)
☐ Civil Service Commission (must be resident of Hewitt)
☐ Library Board (must be resident of Hewitt)
☒ Parks and Beautification Committee (must be resident of Hewitt)
☐ Planning and Zoning Commission (must be resident and owner of property in Hewitt)

OTHER WAYS YOU SERVE YOUR COMMUNITY: 15 year member Marriott Spirit to Serve Committee

SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: _____
see other experience below

OCCUPATION/EMPLOYER: Marriott Intl; Team Leader; Revenue Management Remote Solutions

REFERENCES (MUST BE HEWITT RESIDENTS): Ray Manzo TELEPHONE #: 512-757-9883
Candace Hammond TELEPHONE #: 254-723-7342

SIGNATURE OF APPLICANT: Veronica Molina DATE: 18-Aug-2016

Return Application to:
Lydia Lopez, City Secretary
200 Patriot Court
Hewitt, Texas 76643
(Fax # 254-666-6014)

OFFICE USE ONLY

Date Interviewed by Council: _____
Date appointed by Council: _____
Date sworn in by Council: _____
Reappointed: _____

Term to expire: _____
Term to expire: _____

Revised: August 2016

Other Experience: Marriott ONE Austin Chapter 2014-2016, San Antonio and Austin Area Food Bank Volunteer 2011-2016, UVA Children's Hospital Corporate Committee 2003-2011, Marriott Torch Relay Steering Committee 2006-2008, UVA CMN Walk for Kids Committee 2004- 2011

APPLICATION FOR BOARDS & COMMISSION TO THE CITY OF HEWITT

The City of Hewitt appreciates your interest in serving the community. A listing of the boards and commissions is found behind your application. Appointments are made during the year as vacancies occur. This is great opportunity for to play a vital role in shaping your community.

NAME OF APPLICANT: James R. Pless

HOME ADDRESS: 803 Attaway Rd. Hewitt

DAYTIME TELEPHONE NUMBER: 254-855-7762 E-MAIL ADDRESS: jim.pless1@yahoo.com

PLEASE CHECK APPROPRIATE STATEMENTS: ☒ I reside within the city limits of Hewitt, Texas.*
☐ I do ☐ I do not . . . own property located in Hewitt, Texas.

* **IMPORTANT** - - By checking this box and signing this form, you are indicating that your legal residence or domicile - your home and fixed place of habitation to which you intend to return after any temporary absence - is located within the city limits of Hewitt, Texas.

LENGTH OF TIME APPLICANT HAS RESIDED IN THE HEWITT CITY LIMITS: 20 yrs.

PLEASE INDICATE BELOW HOW YOU WOULD LIKE TO SERVE THE CITY OF HEWITT. (**IMPORTANT**: IF MORE THAN ONE AREA IS INDICATED, **NUMBER YOUR PREFERENCES** WITH "1" BEING YOUR FIRST CHOICE, "2" BEING YOUR SECOND CHOICE, ETC.). PLEASE SEE REVERSE SIDE FOR DESCRIPTIVE INFORMATION.

- ☒ Board of Adjustment (must be resident and owner of property in Hewitt)
☐ Civil Service Commission (must be resident of Hewitt)
☐ Library Board (must be resident of Hewitt)
☐ Parks and Beautification Committee (must be resident of Hewitt)
☐ Planning and Zoning Commission (must be resident and owner of property in Hewitt)

OTHER WAYS YOU SERVE YOUR COMMUNITY: _____

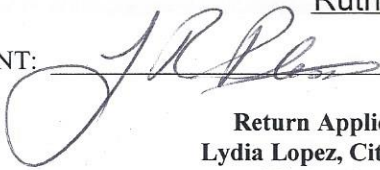
SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: _____

Construction Background, Retired Military

OCCUPATION/EMPLOYER: Engineering Technician VA Hospital Waco.

REFERENCES (MUST BE HEWITT RESIDENTS): Lloyd Coffman TELEPHONE #: 855-3655

Ruth H. Coffman TELEPHONE #: 855-6883

SIGNATURE OF APPLICANT:  DATE: 8/16/16

Return Application to:
Lydia Lopez, City Secretary
200 Patriot Court
Hewitt, Texas 76643
(Fax # 254-666-6014)

OFFICE USE ONLY

Date Interviewed by Council: _____

Date appointed by Council: _____

Date sworn in by Council: _____

Reappointed: _____

Term to expire: _____

Term to expire: _____

Revised: August 2016



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Special presentation of the Mayor's Reading Awards

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Public Library has an annual Summer Reading Program. For the finale of the program, the Mayor will present reading medals to the top 15 children and the top 15 teens that read the most books during the 2016 Summer Reading Program.

ATTACHMENTS:

Program Flyer

Hewitt's Mayors Reading Award
Sign Up begins June 1st!



Mayor, Ed Passalugo and the Hewitt Public Library will present reading medals to the top 15 children and top 15 teens that read the most books during the 2016 Summer Reading Program.

Contact the library for details.



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Special presentation of proclamation in recognition of "September Library Card Sign-up Month".

STAFF RECOMMENDATION/ITEM SUMMARY:

The purpose of this proclamation is to promote the Library and encourage residents of Hewitt to sign up for a Library Card and take advantage of the services offered by the Library. Library Director Waynette Ditto will be present to receive this proclamation.

ATTACHMENTS:

Proclamation

OFFICIAL MAYOR'S PROCLAMATION CITY OF HEWITT, TEXAS

- Whereas, the library card is the most important school supply of all; and
- Whereas, libraries play an important role in the education and development of children;
- Whereas library programs range broadly from getting every child ready to read and school preparedness, to homework help and building research skills, to GED classes and access to financial aid resources; and
- Whereas, librarians offer digital and traditional literacy training to help students of all ages; and
- Whereas, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve; and
- Whereas, a library card is the “smartest card you can own.

NOW THEREFORE, I, Ed Passalugo, by virtue of the power vested in me as Mayor of the City of Hewitt, Texas do hereby proclaim the month of September as “*September Library Card Sign-up Month*” in Hewitt and encourage all citizens to sign-up for the “smartest card” at the Hewitt Public Library.

Signed and sealed this 19th day of September, 2016.

Ed Passalugo, Mayor

Attest:

Lydia Lopez, City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the Special Called Meeting of August 22, 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
SPECIAL CALLED MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
August 22, 2016 - 7:00 PM**

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

Member absent: Council Member Alex Snider

Staff present: City Manager Adam Miles, Assistant City Manager Jim Barton, Fire Chief Lance Bracco, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Finance Director Lee Garcia, Library Director Waynette Ditto, Special Projects Coordinator Katie Allgood, HR Generalist Stephanie Thompson and City Secretary Lydia Lopez

Staff absent: City Attorney Charlie Buenger, City Engineer Miles Whitney, Community Development Director Tracy Lankford, and Public Works Director James Black

SPECIAL CALLED 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 Mayor Pro Tem Travis Bailey to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL SPECIAL CALLED MEETING OF AUGUST 15, 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. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. NONE*
5. **CONSIDERATION OF AND ACTION CONCERNING THE MCLENNAN COUNTY APPRAISAL DISTRICT BUDGET.** *A motion was made by Council Member Bill Fuller and seconded by Council Member Steve Fortenberry to approve; two in favor (Fuller and Fortenberry); four in opposition (Passalugo, Bailey, Wachtendorf, Vidrine), motion to approve failed.*

6. **CONSIDERATION OF AND ACTION ON AN ORDINANCE ACCEPTING THE 2016 TAX ROLL.** *A motion was made by Council Member Bill Fuller and seconded by Council Member Wilbert “Walky” Wachtendorf to accept the 2016 tax roll, all voted aye, motion passed.*
7. **CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE 2016 TAX RATE OF .539677.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded Council Member Wilbert “Walky” Wachtendorf to approve the 2016 tax rate of .539677; all six in favor, motion passed.*
8. **CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING FY 2016-2017 MASTER FEE SCHEDULE.** *City Manager Adam Miles summarized the changes. A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Wilbert “Walky” Wachtendorf to approve; all six in favor, motion passed.*
9. **(A) CONSIDERATION OF AND ACTION ON ORDINANCE ADOPTING THE FY 2016-2017 ANNUAL OPERATING AND CAPITAL BUDGET AND (B) CONSIDERATION AND ACTION ON RATIFICATION OF THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE BUDGET.**

Motion on Item (A): *Mayor Pro Tem Travis Bailey stated, “I move to approve the ordinance adopting the 2016-2017 Annual Operating and Capital Budget.” Council Member James Vidrine seconded the motion to approve ordinance, all six in favor, motion passed.*

NOTE: Council Member Bill Fuller made a motion to adjourn; however, the motion was withdrawn to complete the vote on Item B.

Motion on Item (B): *Mayor Pro Tem Travis Bailey stated, “I move to ratify the property tax increase reflected in the fiscal year 2016-2017 Budget.” Council Member James Vidrine seconded the motion to ratify; all six in favor, motion passed.*

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

Approved: September 19, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



ITEM #6 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

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

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

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



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointments to the Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Board of Adjustment currently has two alternate vacancies. This board meets as needed; however, due to the infrequent meetings it is often difficult to obtain a quorum. Filling these two alternate positions will help alleviate that issue. Mr. Kevin Summers, a member of the Parks and Beautification Committee, has expressed his interest to serve. The Council approved an amendment to the Policy for Administration of Board, Commissions, and Committees to allow Board of Adjustment positions to be filled with members of the Library Board or Parks and Beautification Committee on May 2, 2016. An application was submitted by Mr. James R. Pless who will be interviewed during the Workshop. This agenda item allows you to make those appointments.

ATTACHMENTS:

Board and Commission Roster

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 (04-2018) 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 (05-2018) 328 Travis 666-3759	(04-2018) 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 (05-2018) 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
Steve Fortenberry Ward 3 (05-2018) 701 Oakmont Drive 744-1697	Alternate (04-2018) VACANCY	(06-2017) Michael Lee Hix 336 Bowie Lane 723-5071	(12-2016) VACANCY	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 (04-2017) 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: 5/18/2016



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 8

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointment to the Parks & Beautification Committee.

STAFF RECOMMENDATION/ITEM SUMMARY:

Ms. Veronica Molina is scheduled to be interviewed during the workshop. If Council chooses to approve this appointment, the Mayor will administer the oath on agenda item #10.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 9

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointment to the Library Board of Directors.

STAFF RECOMMENDATION/ITEM SUMMARY:

Library Director Waynette Ditto received a resignation from Mr. Jerry Waltman on September 3, 2016. Beth Oakley, current member of the Friends of the Hewitt Public Library and past member of the Library Board of Directors has expressed an interest to serve on the Board. Waynette is recommending this appointment as the Board needs this position to be filled by an experienced Board member as some of the longtime members will be retiring off the board in the near future. Mary Anna Roch will be retiring off the Board in December 2016 and thereby leaving a vacancy.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 10

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Administer Oath of Office to newly appointed members of the Board of Adjustment, Parks and Beautification Committee and Library Board of Directors.

STAFF RECOMMENDATION/ITEM SUMMARY:

Kevin Summers and Jim Pless will be present to be sworn in as alternate members of the Board of Adjustment. Veronica Molina will be present to be sworn in as a member of the Parks and Beautification Committee and Beth Oakley will be present to be sworn in as a member of the Library Board of Directors.

ATTACHMENTS:

Oath of Office



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 11

SUBMITTED BY: Katie Allgood, Special Projects Coordinator

ITEM DESCRIPTION:

Consider appointment of Katie Allgood as Emergency Management Coordinator (EMC) and Tracy Lankford as Assistant Emergency Management Coordinator effective October 1, 2016.

STAFF RECOMMENDATION/ITEM SUMMARY:

Texas Government Code requires the City to appoint an Emergency Management Coordinator (EMC) to head the City's emergency management program. Approval of these appointments would satisfy this requirement.

NOTE: Assistant City Manager Jim Barton currently serves as the Emergency Management Coordinator for the City of Hewitt.

ATTACHMENTS:

Appointment notification form.

EMERGENCY MANAGEMENT DIRECTOR/COORDINATOR NOTIFICATION

Section 418.101 of the Texas Government Code states: “*The presiding officer of the governing body of each political subdivision will notify the Division of Emergency Management of the manner in which the political subdivision is providing or securing an emergency management program, identify the person who heads the agency responsible for the program, and furnish additional pertinent information.*” This form is used to make the required notification to TDEM.

The information on this form may be released to those inquiring about local emergency management programs pursuant to the Texas Open Records Act. Hence, TDEM recommends that you provide business addresses and telephone numbers rather than home addresses and telephone numbers.

COUNTY:		(Required)
Jurisdiction:		(City or County Name)
Official's Title:		(Mayor/Judge)
Name:		(First & Last Name)
Mailing Address:		(The best address to receive mail)
City, State, Zip:		
Office Number:		
Cell Number:		
Fax Number:		
E-mail:		(Please include – this is a back up for mailing)

EMERGENCY MANAGEMENT PROGRAM APPOINTMENT STATUS

- ☐ I HAVE NOT appointed an Emergency Management Coordinator and will personally direct the local emergency management program.
- ☒ I HAVE appointed/re-appointed the Emergency Management Coordinator identified below to conduct the emergency management program for this jurisdiction. **The effective date of the appointment is:** _____
- ☐ We share our EMC with _____ (name of jurisdiction).

If the COUNTY Emergency Management Coordinator has been appointed to other jurisdictions within the county, the County Judge and the participating City Mayors must sign this form. (See second page for additional signature blocks.)

EMERGENCY MANAGEMENT COORDINATOR

	Coordinator	Asst Coordinator
Name:		
Mailing Address:		
City, State, Zip:		
Office Phone:		
Cell Number:		
Fax Number:		
E-mail Address:		
Emergency Operations Center Number:		

Judge's or Mayor's Signature

Date

PLEASE RETURN TO:

Texas Division of Emergency Management



PO Box 4087
Austin, TX 78773-0220

Phone: (512) 424-2208

Email: soc@dps.texas.gov

FOR SHARED EMC USE ONLY

By signing this form, you agree the appointed Emergency Management Coordinator (EMC) listed on the first page is also your EMC. If you have a separate EMC, you must submit the first page for your jurisdiction.

	Mayor
City:	
Name:	
Mailing Address:	
City, State, Zip	
Office Phone:	
Cell Phone:	
Fax Number:	
E-mail Address:	
Signature:	

	Mayor
City:	
Name:	
Mailing Address:	
City, State, Zip	
Office Phone:	
Cell Phone:	
Fax Number:	
E-mail Address:	
Signature:	

	Mayor
City:	
Name:	
Mailing Address:	
City, State, Zip	
Office Phone:	
Cell Phone:	
Fax Number:	
E-mail Address:	
Signature:	



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 12

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Consideration and action on a resolution authorizing a contract for fines and fees collection services to Linebarger Goggan Blair & Sampson, LLP for the collection of outstanding warrants.

STAFF RECOMMENDATION/ITEM SUMMARY:

Linebarger Goggan Blair & Sampson, LLP collects a wide array of receivables for government clients, but one of their primary focuses is the collection of outstanding warrants. The firm successfully collects 85-87% of outstanding warrant fees. Court Administrator Patty Laxson recommends approval of this item.

ATTACHMENTS:

Resolution
Contract for Fines and Fees Collection Services

RESOLUTION NO. _____

RESOLUTION AUTHORIZING COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR:

- 1) AS PROMISED UNDER SUBCHAPTER A, CHAPTER 543, TRANSPORTATION CODE, OR OTHER LAW;
- 2) IN COMPLIANCE WITH A LAWFUL WRITTEN NOTICE TO APPEAR ISSUED UNDER ARTICLE 14.06(b), TEXAS CODE OF CRIMINAL PROCEDURE, OR OTHER LAW;
- 3) IN COMPLIANCE WITH A LAWFUL SUMMONS ISSUED UNDER ARTICLE 15.03(b), TEXAS CODE OF CRIMINAL PROCEDURE;
- 4) IN COMPLIANCE WITH A LAWFUL ORDER OF A COURT SERVING THE CITY; OR
- 5) AS SPECIFIED IN A CITATION, SUMMONS, OR OTHER NOTICE AUTHORIZED BY SECTION 682.002, TRANSPORTATION CODE, THAT CHARGES THE ACCUSED WITH A PARKING OR STOPPING OFFENSE,

WHEN SUCH DEBTS, ACCOUNTS RECEIVABLE AND AMOUNTS ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR OTHER VENDOR FOR COLLECTION.

_____ introduced the resolution and made a motion that the same be adopted. _____ seconded the motion for adoption of the resolution. The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

AYES:	_____
NAYS	_____
:	
ABSTENTIONS:	_____

The Mayor thereupon announced that the motion had duly and lawfully carried and that the resolution had been duly and lawfully adopted. The resolution thus adopted follows:

WHEREAS, the City of Hewitt wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines and fees between said City and a collection firm as authorized under the provisions of Article 103.0031, Texas Code of Criminal Procedure;

WHEREAS, under said article, the governing body of said City is empowered to authorize the addition of 30% on each debt and account receivable, including fines and fees, and on each amount in cases in which the accused has failed to appear, when each is more than 60 days past due and has been referred for collection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: (a) A COLLECTION FEE IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE, SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY WHEN SUCH DEBT OR ACCOUNT RECEIVABLE IS MORE THEN 60 DAYS PAST DUE AND HAS BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR COLLECTION; AND

(b) A COLLECTION FEE IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY ARTICLE 103.0031, TEXAS CODE OF CRIMINAL PROCEDURE, IN THE AMOUNT OF 30% OF AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR:

(1) AS PROMISED UNDER SUBCHAPTER A, CHAPTER 543, TRANSPORTATION CODE, OR OTHER LAW;

(2) IN COMPLIANCE WITH A LAWFUL WRITTEN NOTICE TO APPEAR ISSUED UNDER ARTICLE 14.06 (b) OR OTHER LAW;

(3) IN COMPLIANCE WITH A LAWFUL SUMMONS ISSUED UNDER ARTICLE 15.03(b), TEXAS CODE OF CRIMINAL PROCEDURE;

(4) IN COMPLIANCE WITH A LAWFUL ORDER OF A COURT SERVING THE CITY; OR

(5) AS SPECIFIED IN A CITATION, SUMMONS, OR OTHER NOTICE AUTHORIZED BY SECTION 682.002, TRANSPORTATION CODE, THAT CHARGES THE ACCUSED WITH A PARKING OR STOPPING OFFENSE,

WHEN SUCH AMOUNTS ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR COLLECTION.

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

Contract for Fines and Fees Collection Services

STATE OF TEXAS

COUNTY OF McLENNAN

THIS CONTRACT (hereinafter "AGREEMENT") is made and entered into by and between the City of Hewitt, acting herein by and through its governing body, hereinafter styled "CLIENT", and Linebarger Goggan Blair & Sampson, LLP, hereinafter styled "FIRM".

Article 1

Nature of Relationship and Authority for Contract

1.1 The parties hereto acknowledge that this AGREEMENT creates an attorney-client relationship between CLIENT and FIRM.

1.2 The CLIENT hereby employs the FIRM to provide the services hereinafter described for compensation hereinafter provided.

1.3 This AGREEMENT is entered into pursuant to and as authorized by Subsection (a) of ART. 103.0031, Texas Code of Criminal Procedure.

Article 2

Scope of Services

2.1 CLIENT agrees to employ and does hereby employ FIRM to provide specific legal services provided herein and enforce the collection of delinquent court fees and fines that are subject to this AGREEMENT, pursuant to the terms and conditions described herein. Such legal services shall include but not be limited to recommendations and legal advice to CLIENT to take legal enforcement action; representing CLIENT in any dispute or legal challenge over authority to collect such court fees and fines; defending CLIENT in litigation or challenges of its collection authority; and representing CLIENT in collection interests in bankruptcy matters as determined by FIRM and CLIENT. This AGREEMENT supersedes all prior oral and written agreements between the parties regarding court fees and fines, and can only be amended if done so in writing and signed by all parties. Furthermore, this contract cannot be transferred or assigned by either party without the written consent of all parties.

2.2 The CLIENT may from time-to-time specify in writing additional actions that should be taken by the FIRM in connection with the collection of the fines and fees that are subject to this AGREEMENT. CLIENT further constitutes and appoints the FIRM as CLIENT's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to pursue collection of the CLIENT's claims.

2.3 Fines and fees that are subject to this AGREEMENT are those that are more than sixty (60) days past due as of the effective date hereof and those that become more than sixty (60) days past due during the term hereof. As used in this section, "more than 60 days past due" has that meaning assigned by Subsection (f) of Art. 103.0031, Texas

Code of Criminal Procedure [as amended by Senate Bill 782, 78th Legislature (2003), effective June 18, 2003]. The meaning assigned to the phrase "more than 60 days past due" shall, for the term and purposes of this AGREEMENT, survive any future amendments to, or repeal of, Article 103.0031, Texas Code of Criminal Procedure, or any parts thereof.

2.4 The CLIENT agrees to provide to the FIRM data regarding any fines and fees that are subject to this AGREEMENT. The data shall be provided by electronic medium in a file format specified by the FIRM. The CLIENT and the FIRM may from time-to-time agree in writing to modify this format. The CLIENT shall provide the data to the FIRM not less frequently than monthly.

2.5 The FIRM, in all communications seeking the collection of fines and fees, shall direct all payments directly to the CLIENT at an address designated by the CLIENT. If any fines and fees are paid to the FIRM, said payments shall be expeditiously turned over to the CLIENT.

Article 3

Compensation

3.1 The CLIENT agrees to pay the FIRM as compensation for the services required hereunder:

(a) Zero (0%) percent of all the fines and fees subject to the terms of this AGREEMENT as set forth in Section 2.03 above that are collected by the CLIENT during the term of this AGREEMENT and that were incurred under Art. 103.0031(a)(2), Texas Code of Criminal Procedure, as a result of the commission of a criminal or civil offense committed before June 18, 2003; and

(b) thirty (30%) percent of the total amount of all other fines and fees [exclusive of any collection fee assessed by the CLIENT pursuant to Subsection (b) of Article 103.0031, Texas Code of Criminal Procedure] subject to the terms of this AGREEMENT as set forth in Section 2.03 above that are collected by the CLIENT during the term of this AGREEMENT.

All compensation shall become the property of the FIRM at the time payment of the fines and fees is made to the CLIENT.

3.2 The CLIENT shall pay the FIRM by the twentieth day of each month all compensation earned by the FIRM for the previous month as provided in this Article 3. The CLIENT shall provide an accounting showing all collections for the previous month with the remittance.

Article 4

Intellectual Property Rights

4.1 The CLIENT recognizes and acknowledges that the FIRM owns all right, title and interest in certain proprietary software that the FIRM may utilize in conjunction with performing the services provided in this AGREEMENT. The CLIENT agrees and hereby

grants to the FIRM the right to use and incorporate any information provided by the CLIENT ("CLIENT Information") to update the databases in this proprietary software, and, notwithstanding that CLIENT Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the CLIENT shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the CLIENT shall be entitled to obtain a copy of such data that directly relates to the CLIENT's accounts at any time.

4.2 The FIRM agrees that it will not share or disclose any specific confidential CLIENT Information with any other company, individual, organization or agency, without the prior written consent of the CLIENT, except as may be required by law or where such information is otherwise publicly available. It is agreed that the FIRM shall have the right to use CLIENT Information for internal analysis, improving the proprietary software and database, and generating aggregate data and statistics that may inherently contain CLIENT Information. These aggregate statistics are owned solely by the FIRM and will generally be used internally, but may be shared with the FIRM's affiliates, partners or other third parties for purposes of improving the FIRM's software and services.

Article 5

Costs

5.1 The FIRM and CLIENT recognize that certain costs may be incurred in the process of providing any additional services contemplated in Section 2.02 above or in providing any special litigation services. The CLIENT agrees that all such costs shall be billed to the CLIENT, but that the FIRM will either (i) advance such costs on behalf of the CLIENT or, (ii) when possible, arrange with the vendor or agency providing the service that the costs of services will not be paid unless and until such costs are recovered by the CLIENT from the debtor.

5.2 The CLIENT acknowledges that the FIRM may provide such services with its own employees or with other entities or individuals who may be affiliated with the FIRM, but the FIRM agrees that any charges for such services will be reasonable and consistent with what the same services would cost if obtained from a third party.

5.3 The CLIENT agrees that upon the recovery of such costs, the CLIENT will (i) pay the FIRM for any such costs that have been advanced by the FIRM or performed by the FIRM and (ii) pay any third party agency or vendor owed for performing such services.

Article 6

Term and Termination

6.1 This AGREEMENT shall be effective September __, 2016 (the "Effective Date") and shall expire on June 30, 2019 (the "Expiration Date") unless extended as hereinafter provided.

6.2 Unless prior to sixty (60) days before the Expiration Date, the CLIENT or the FIRM notifies the other in writing that it does not wish to continue this AGREEMENT beyond its initial term, this AGREEMENT shall be automatically extended for an additional one year period without the necessity of any further action by either party. In the absence of

any such sixty (60) day notice by either the CLIENT or the FIRM, the AGREEMENT shall continue to automatically renew for additional and successive one-year terms in the same manner at the end of each renewal period.

6.3 If, at any time during the initial term of this AGREEMENT or any extension hereof, the CLIENT determines that the FIRM's performance under this AGREEMENT is unsatisfactory, the CLIENT shall notify the FIRM in writing of the CLIENT's determination. The notice from the CLIENT shall specify the particular deficiencies that the CLIENT has observed in the FIRM's performance. The FIRM shall have sixty (60) days from the date of the notice to cure any such deficiencies. If, at the conclusion of that sixty (60) day remedial period, the CLIENT remains unsatisfied with the FIRM's performance, the CLIENT may terminate this AGREEMENT effective upon the expiration of thirty (30) days following the date of written notice to the FIRM of such termination ("Termination Date").

6.4 Whether this AGREEMENT expires or is terminated, the FIRM shall be entitled to continue to collect any items and to pursue collection of any claims that were referred to and placed with the FIRM by the CLIENT prior to the Termination Date or Expiration Date for an additional ninety (90) days following termination or expiration. The CLIENT agrees that the FIRM shall be compensated as provided by Article 3 for any such item or pending matters during the ninety (90) day period.

6.5 The CLIENT agrees that the FIRM shall be reimbursed for any costs advanced and shall be paid for any services performed pursuant to Article 5 when such costs are recovered by or on behalf of the CLIENT, regardless of the date recovered. It is expressly agreed that neither the expiration nor the termination of this AGREEMENT constitutes a waiver by the FIRM of its entitlement to be reimbursed for such costs and to be paid for such services. It is further expressly agreed that the expiration of any ninety (90) day period under Section 6.04 does not constitute any such waiver by the FIRM.

Article 7

Miscellaneous

7.1 Subcontracting. The FIRM may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the FIRM will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

7.2 Arbitration. Any controversy between the parties to this AGREEMENT involving the construction or application of any of the terms, covenants, or conditions of this AGREEMENT shall, on the written request of one party served on the other, be submitted to arbitration, and such arbitration shall comply with and be governed by the provisions of the Texas General Arbitration Act.

7.3 Integration. This AGREEMENT contains the entire AGREEMENT between the parties hereto and may only be modified in a written amendment, executed by both parties.

7.4 Representation of Other Governmental Entities. The CLIENT acknowledges and consents to the representation by the FIRM of other governmental entities that may be seeking the payment of fines and fees or other claims from the same person(s) as the CLIENT.

7.5 Notices. For purposes of sending any notice under the terms of this contract, all notices from CLIENT shall be sent to FIRM by certified United States mail, or delivered by hand or by courier, and addressed as follows:

Linebarger Goggan Blair & Sampson, LLP
Attention: Director of Client Services
P.O. Box 17428
Austin, Texas 78760-7428

All notices from the FIRM to the CLIENT shall be sent to CLIENT by certified United States mail, or delivered by hand or by courier, and addressed as follows:

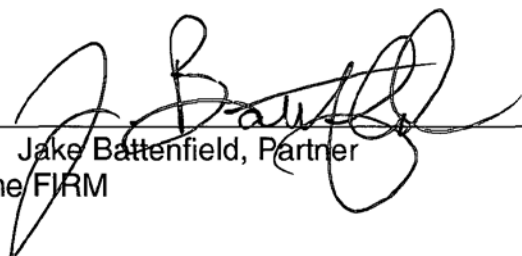
City of Hewitt
200 Patriot Court
Hewitt, Tx 76643

EXECUTED ON the _____ day of September, 2016.

City of Hewitt

By: _____
Ed Passalugo, Mayor

Linebarger Goggan Blair & Sampson, LLP

By:  _____
Jake Battenfield, Partner
For the FIRM



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 19, 2016

AGENDA ITEM #: 13

SUBMITTED BY: Katie Allgood, Special Projects Coordinator

ITEM DESCRIPTION:

Consideration and action on an ordinance amending Chapter 78, Utilities, Article X. Municipal Drainage System, Division 2. Drainage Utility Rate Schedule, Section 78-612, "Fee Calculations" of the Code of Ordinances of the City of Hewitt; providing for severability; establishing an effective date; and finding and determining that the meeting at which this ordinance is passed was noticed and has been opened to the public as required by law.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has worked to remove all references to fees in the Code of Ordinances to save expenses related to codification. Currently, drainage rates are listed in the drainage ordinance. Passage of this ordinance would remove the rates from the ordinance and list the current Master Fee schedule as the most up to date drainage rate schedule. Staff recommends approval of this ordinance.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2016-09-19-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS; AMENDING CHAPTER 78, UTILITIES, ARTICLE X. MUNICIPAL DRAINAGE SYSTEM, DIVISION 2. DRAINAGE UTILITY RATE SCHEDULE, SECTION 78-612, FEE CALCULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT; PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS NOTICED AND OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION I

That Chapter 78, UTILITIES, Article X. Drainage Utility Rate Schedule, Division 2, Section 78-612. Fee Calculations, is hereby amended to read as follows: (Proposed NEW language is underlined)

Sec. 78-612 – Fees for service.

All drainage rates for residential and commercial customers shall be established as part of the city's annual budget, or by resolution of the city council as part of the City of Hewitt Master Fee Schedule, which shall be on file in the office of the city secretary and on the city's website.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

PASSED AND APPROVED this 19th day of September 2016.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

O. Charles Buenger, City Attorney