

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

September 18, 2017

Workshop/Regular Meeting – 5:30 PM/7:00 PM

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Travis Bailey – Mayor, Ward 1

Ed Passalugo – Mayor Pro Tem, Ward 3

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

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

Katie Allgood, Managing Director

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

HEWITT TEXAS

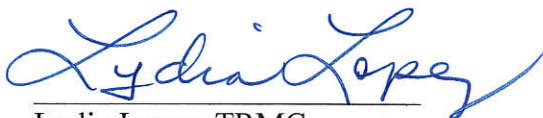
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **18th day of September, 2017, 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 upcoming events:
 - Dog Days (Hewitt Park) – September 30
 - Spooktacular (Warren Park) – October 31 (Greater Hewitt Chamber)
 - c. Briefing and discussion concerning proposed park developments.
 - Dog Park Presentation
 - Splash Pad Presentation
 - d. Briefing and discussion concerning right of way management policy.
 - e. Briefing and discussion concerning proposed social media policy.
 - f. Interview of prospective Parks and Beautification Committee member – Davis Thigpen.
 - g. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 3:30 AM/PM on September 15, 2017.

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 **18th day of September, 2017, 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 and Regular Meeting of August 21, 2017.
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. Special presentation of the Mayor's Reading Awards.
6. Special presentation of the Library's "Build a Better Hewitt project."
7. Consider appointment to the Parks & Beautification Committee.
8. Administer oath of office to newly appointed Parks & Beautification Committee member.
9. Authorize the City Manager to negotiate and execute an agreement with Lewis Concrete Restoration for restoration and re-coating of sanitary sewer manholes in an amount not to exceed \$30,000.
10. Authorize the City Manager to negotiate and execute a utilities encroachment easement as requested by the City of Waco.
11. Authorize the City Manager to negotiate and execute a professional services agreement with Walker Partners in an amount not to exceed \$138,530.
12. Consideration of and action on an ordinance amending Section 70-45, Hotel Occupancy Tax, allowing a discount of 1% for early payment of hotel taxes.
13. 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 3:30 AM/PM on September 15, 2017.

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

COUNCIL WORKSHOP AGENDA ITEM #2.a

HEWITT TEXAS

CITY ENGINEER'S REPORT

September 15, 2017

2015 Bond Projects:

Lift Station No. 5 Removal

Plans are completed for the sewer line portion of the project. I have discussed this project with the property owner and have some concerns that need to be discussed with the City.

IH - 35 Waterline

- Phase 2; Sun Valley to Flat Rock Trailers
 - I am working to complete these plans.
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - I will be ordering topo for this project as soon as the Phase 2 portion plans are completed.

Lift Station No. 4; Gravity Line Extension

Lines are installed just awaiting pressure testing.

2017 Slurry Seal

Final walk through was held and the contractor is to be completing some items that were on their punch list.

Alamo Lift Station (Lift Station No. 7)

I have performed the pump tests and have submitted our findings to the City of Waco for their review. I will check to see if they have any questions or concerns.

Drainage

2016 - Hewitt Park / Park Meadows Drainage Improvements

Contractor is nearly complete; yard fencing has begun.

Flat Creek Tributary Drainage

I have no new update, at this time.

HEWITT TEXAS

CITY ENGINEER'S REPORT

September 15, 2017

209/213 Cross Country Drainage Improvements

I have topography ordered for this project.

Old Temple Rd; Phase 2

A pre-construction meeting has been held and I have begun the review of project submittals.

City Limits Discussions

In the past meetings, we have discussed where we thought the actual city limits, for the City of Hewitt, are in relation to Ritchie Rd.. Through all the data that has been available to myself, I have not found anything that has shown anything other than that our city limits are, more or less, to the centerline of Ritchie Road.

FM 2113 (Spring Valley Rd.)

Awaiting utility conflict analysis from TxDOT.

Ritchie Road Improvements; (From Warren Dr. to Park Place Dr.)

Within your Council packet you should find a proposal from Walker Partner's for the design of Hewitt's portion of the roadway.

By:



Miles W. Whitney P.E.
Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2.e

**A. Purpose**

This Social Media Policy serves to facilitate social media communications between the City of Hewitt and members of the general public. The City encourages the use of social media to further the goals of the City and the mission of its departments, where appropriate.

The City of Hewitt has an expectation and a responsibility in deciding what is "spoken" on behalf of the City. This policy establishes guidelines for the use of City Social Media Sites.

B. Scope

This policy applies to all civil service, full-time regular, part-time, temporary and seasonal employees as defined in the City of Hewitt Employee Policies and Procedures Manual.

C. Definitions

1. SOCIAL MEDIA SITES – Third party websites which allow for the creation of content and dialogue around a specific issue or area of interest, including Facebook, Twitter, and Instagram.
2. CITY SOCIAL MEDIA SITES – Pages, sections, or posting locations in Social Media that are established or maintained by an employee of the City who is authorized to do so as part of the employee's job and that are used to conduct City business, communicate with office holders, or city staff, and/or communicate with or gather feedback from residents and other interested persons.
3. CITY SOCIAL MEDIA CONTENT – Information, images, or photographs posted or provided to a City Social Media Site by a City employee or authorized representative when such activity is a part of the employee's job duties.
4. SOCIAL MEDIA CONTENT -- Content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet

D. Policy**1. CREATION AND MAINTENANCE OF CITY SOCIAL MEDIA SITE**

City Social Media Sites may contain information that represents, or may create the appearance of representing, the City's position on policy issues, and/or the positions of its leadership. Before any employee or department representative creates a City Social Media Site, approval must be sought from the office of the City Manager. The request must state the business necessity for the City Social Media Site. For any City Social Media Sites

currently in existence, the department must submit a request within 30 days of the effective date of this policy.

Once a City Social Media Site is approved by the office of the City Manager, the following information must be shared with the City Manager's office:

- a. All City Social Media Site login and password information (in the case of Facebook, you may make the City Manager's office as an administrator of the site instead of providing the password);
- b. Any changes to the login and password; and
- c. The names of any employees who are authorized to maintain the City Social Media Site or to Post City Social Media Content ("Administrators")

The office of the City Manager may disable a City Social Media and prohibit posting of any City Social Media Content to a site anytime and for any reason, including any violation of this policy, unprofessional use of this resources, lack of use or disinterest by the public, or a department's failure to maintain the site.

2. PUBLIC RECORDS

City Social Media Sites create city records that are subject to the Texas Public Information Act and document retention rules of the state of Texas. Each departmental records administrator shall ensure that such records are retained and archived in conformance with Texas law.

3. POSTING ON CITY SOCIAL MEDIA SITES

Employees creating, maintaining, or posting Social Media Content on the City Social Media Site:

- a. Must at all times conduct themselves as representatives of the City of Hewitt and in accord with all the City of Hewitt Employee Policies and Procedures and other departmental or management rules or directives;
- b. Will follow these guiding principles:
 - i. Unless the employee is posting or responding as the City Social Media Site Administrator, the employee should maintain transparency by using his/her given name and job title and clearly stating the employee's role regarding the subject;
 - ii. Use correct grammar and spelling;
 - iii. Use plain language and avoid jargon;
 - iv. Write and post only about the employee's area of expertise;
 - v. Keep postings factual and accurate;
 - vi. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions or providing comments, do so in a meaningful, respectful, and relevant

- manner;
- vii. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time; all content should be carefully considered;
 - viii. Ensure that Social Media Content does not violate another person's privacy interests;
 - ix. Refrain from posting Social Media Content that is proprietary, copy-righted, attorney-client privileged, subject to state or federal privacy laws, and information not subject to the Texas Public Information Act;
 - x. City Social Media Content should abide by Texas Government Code chapter 551 regarding meetings of governmental bodies.***
 - xi. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the approval of the City Attorney or the City Manager;
 - xii. Refrain from the expression of personal opinions or positions regarding:
 - (a) programs or practices of other public agencies, political organizations, private companies, or non-profit groups;
 - (b) political campaigns; or
 - (c) Religion.

4. DESIGN AND CONTENT OF SOCIAL MEDIA SITES

Membership by the public in a City Social Media Site should not be required in order for the public to post on the site. If this is not possible on a particular City Social Media Site, then a City e-mail contact must be posted as an alternative for posting comments.

City Social Media Sites should be focused and limited in scope and topic. Sites that are limited in scope and topic are "limited forum" sites. Sites that do not limit the topic of discussion are "open forum" sites.

- a. The following should be clearly posted on any City Social Media Site:
 - i. A clear statement of the intent, purpose, and subject matter of the site;
 - ii. City contact information; and
 - iii. The link to the City of Hewitt website.
- b. In addition, City Social Media Sites that permit interactivity with the public, comments, or postings should post clear statements of the following:
 - i. All content and postings are subject to public disclosure;
 - ii. Disclaimer that postings do not necessarily reflect the views or

- position of the City;
 - iii. The site is not monitored 24 hours a day and that in case of an emergency the public should call 911.
 - iv. The City reserves the right to terminate any City social media site at any time without notice.
 - iv. The City reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting that involves:
 - (a) Advertisements or content that is commercial in nature;
 - (b) Obscenity or profanity;
 - (c) Content that promotes, perpetuates, or fosters discrimination on the basis of age, gender, race, religion, color, national origin, physical or mental disability, sexual orientation, marital status, and/or gender identity;
 - (d) Sexual content;
 - (e) Content that implies, promotes, or encourages illegal activity;
 - (f) Content that is contrary to the safety of City employees or the public;
 - (g) Content that opposes or supports political candidates or propositions;
 - (h) Content unrelated to a particular posting by the city; or
 - (i) Content that violates the legal ownership of another party.
 - v. All City social media sites shall adhere to applicable federal, federal, state, and local laws, regulations and policies.
 - vi. Employees representing the City on City social media sites shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies.
- c. In addition, for City Social Media Sites that are limited forum sites and permit interactivity with the public, comments, or postings, the following statement should be clearly posted:

The City reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting unrelated to the purpose and topical scope of the page.

Each posting on a City Social Media Site shall contain a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion.

Links placed on City Social Media Sites should only be to a resource on the City's website, a city-owned website, a local, state or federal government site, an educational website, or an organization with an

official partnership or supportive business relationship with the City. Exemptions to this rule will be at the discretion of the Municipal Information Office.

The provision of links from the City of Hewitt website to other websites does not constitute an endorsement by the City of Hewitt of those websites, or any links or pointers on those websites.

All of the content on City social media sites is subject to oversight by the office of the City Manager.

5. EMPLOYEE TIME SPENT MAINTAINING OR CREATING CITY SOCIAL MEDIA SITES

Non-exempt employees who serve as City Social Media Site Administrators shall work on the City Social Media Site (monitoring, creating, maintaining or posting) only during normal office hours unless specifically pre-approved in writing by the employee's supervisor. Any time spent in excess of a 40-hour work week by a City Social Media Site Administrator monitoring, creating, maintaining or posting on a City Social Media Site will be paid overtime in compliance with federal law and city policy.

6. USE BY BOARDS OR COMMISSIONS

Due to open meetings requirements, individual members of a city board or commission are prohibited from participating in postings or discussion threads on City Social Media Sites created and maintained by the department or group of which they advise. With permission of the City Attorney or the City Manager, a department may set up an online message board or similar Internet application that complies with Texas Government Code Section 551.006: *(a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if: (1) the communication is in writing; (2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and (3) the communication is displayed in real time and displayed on the online message board or similar Internet application to be used for the purposes described in Subsection (a).* If such an online message board or similar Internet application is created and after training of that board and commission on use of the site, members of that board or commission may post on that site in compliance with Texas Government Code Section 551.006.

Failure to comply with any aspect of this policy may result in disciplinary

action up to and including discharge from employment.

E. Responsibilities

1. The office of the City Manager is responsible for:
 - a. Deciding who is authorized to serve as City Social Media Site Administrator and designating appropriate access levels;
 - b. Ensuring that approval is sought from the office of the City Manager prior to the creation of a City Social Media Site.
2. Department Heads are responsible for:
 - a. Ensuring that employees are aware of this policy for creating and maintaining City Social Media Sites;
 - c. Ensuring that content that is inappropriate or violates this Policy is not posted on the City Social Media Site established and maintained by the Department;
3. Employees are responsible for:
 - a. Ensuring that all contributions to City Social Media Sites adhere to this policy.

HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2f.

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: DAVIS D. THIGPEN
HOME ADDRESS: 606 MADISON LR HEWITT, TX 76643
DAYTIME TELEPHONE NUMBER: 254-749-9500 E-MAIL ADDRESS: DDTHIGPEN1@GMAIL.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 yrs (10 yrs before)

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: im on the board of Hewitt CHAMBER COMMERCE

SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: UN. OF HOUSTON
OUTDOOR PERSON DUCKS UNLIMITED

OCCUPATION/EMPLOYER: SELF EMPLOYED

REFERENCES (MUST BE HEWITT RESIDENTS): TRAVIS BAILEY TELEPHONE #: _____
TELEPHONE #: _____

SIGNATURE OF APPLICANT: Davis D Thigpen DATE: 8-21-17

Return Application to:
Lydia Lopez, City Secretary
P.O. Box 610
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: February 2016



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop and Regular Meeting of August 21, 2017.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT August 21, 2017 – 5:30 PM/7:00 PM

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

Members absent: Council Member Alex Snider

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Fire Chief Lance Bracco, Finance Director Lee Garcia, Managing Director Katie Allgood, Utilities Superintendent Kevin Reinke, Library Director Waynette Ditto, Community Development Director Tracy Lankford, Parks/Streets Superintendent Ruben Munguia, Parks & Media Coordinator Cassie Muske, and City Secretary Lydia Lopez

WORKSHOP – 5:30 PM

1. Mayor Travis Bailey called the meeting to order at 5:30 PM.
2. City Manager presented updates on municipal business:
 - a. Report from City Engineer
 - o Ritchie Road Project
 - o Spring Valley Road Project
 - b. Briefing and discussion concerning upcoming events:
 - o Beatlemania 64 (Friends of the Hewitt Public Library) – August 28
 - o Dog Days – September 30
 - c. Briefing and discussion concerning proposed development of a dog park.
 - d. Briefing and discussion concerning proposed formal drainage maintenance policy.
 - e. Discuss cancellation of September 4, 2017, City Council Workshop/Regular Meeting. The next regularly scheduled meeting to be held on September 18, 2017.
 - f. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. The regular meeting agenda items were reviewed.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following: **NOT HELD**
 - Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.
5. Close Executive Session.
6. Adjourn. *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to adjourn the Workshop at 6:51 PM.*

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Travis Bailey called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Travis Bailey asked Managing Director Katie Allgood to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE SPECIAL CALLED CITY COUNCIL REGULAR MEETING OF AUGUST 14, 2017.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Wilbert “Walky” Wachtendorf 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. **SPECIAL RECOGNITION OF COMMUNICATION SPECIALISTS SAMATHA HELMICK AND JANICE CARTER.** Police Chief Jim Devlin read the employee commendation letter written by Corporal Jason Naylor for Ms. Helmick and Ms. Carter regarding their professionalism in handling a critical incident on July 29, 2017.
6. **SPECIAL PRESENTATION OF NEW K-9 OFFICER SHAKA.** Police Chief Jim Devlin and Officer Joshua Hilliard presented the new K-9 Officer Shaka.
7. **CONSIDER AWARD OF BID FOR 2016 - OLD TEMPLE RD. STREET IMPROVEMENTS; PHASE 2, TO HOLY CONTRACTORS, LLC IN THE AMOUNT OF \$1,475,199.47.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member James Vidrine to approve; all six in favor, motion passed.*
8. **CONSIDERATION OF AND ACTION ON AMENDMENTS TO FY 2016-2017 GENERAL AND UTILITY FUND BUDGETS.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Ed Passalugo to approve amendments as presented; all six in favor, motion passed.*
9. **CONSIDERATION OF AND ACTION ON A RESOLUTION REVISING THE OPERATING FUND RESERVE POLICY.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Steve Fortenberry to approve resolution; all six in favor, motion passed.*
10. **CONSIDERATION OF AND ACTION ON AN ORDINANCE ACCEPTING THE 2017 TAX ROLL.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Wilbert “Walky” Wachtendorf to approve the ordinance; all six in favor, motion passed.*

11. **CONSIDERATION OF AND ACTION ON AN ORDINANCE ADOPTING THE 2017 TAX RATE OF .539677.** *A motion was made by Mayor Pro Tem Ed Passalugo who stated, "I move that the property tax rate be increased by the adoption of a tax rate of .539677, which is effectively a 7.42% increase in the tax rate." The motion was seconded by Council Member Bill Fuller. City Secretary Lydia Lopez polled the Council. Council voted as follows: Council Member Bill Fuller – aye; Council Member Steve Fortenberry – aye; Council Member James Vidrine – aye; Council Member Wilbert "Walky" Wachtendorf – aye; Mayor Pro Tem Ed Passalugo – aye; and Mayor Travis Bailey – aye. Motion passed.*
12. **CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING FY 2017-2018 MASTER FEE SCHEDULE.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to approve; all six in favor, motion passed.*
13. **CONSIDER AN ORDINANCE FREEZING THE SALARIES, WAGES, AND BASE PAY OF ALL CITY PERSONNEL (CIVIL SERVICE AND CIVILIAN) DUE TO CURRENT AND FORECASTED ECONOMIC CONDITIONS AFFECTING THE FY 2017-2018 BUDGET.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member James Vidrine to approve; all six in favor, motion passed.*
14. **(A) CONSIDERATION OF AND ACTION ON ORDINANCE ADOPTING THE FY 2017-2018 ANNUAL OPERATING AND CAPITAL BUDGET AND (B) CONSIDERATION AND ACTION ON RATIFICATION OF THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE BUDGET.** *Motion on A- A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to approve; all voted aye, motion passed. Motion on B – A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to approve; all voted aye, motion passed.*
15. **ADDENDUM AGENDA ITEM – CONSIDERATION OF AND ACTION ON PROPOSED 2018 McLENNAN COUNTY APPRAISAL DISTRICT BUDGET.** *Mayor Pro Tem Ed Passalugo read a prepared statement (attached and incorporated into the minutes) qualifying his no vote. Council Member James Vidrine also qualified his 'no' vote by stating that he could not approve a vote on the McLennan County Appraisal District Budget as their proposed budget because included raises for employees and the City's budget did not. A motion was made by Council Member James Vidrine and seconded by Mayor Pro Tem Ed Passalugo to disapprove the 2018 McLennan County Appraisal District budget; all voted aye, motion passed.*
16. **ADJOURN.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to adjourn the meeting at 7:32 PM; all six in favor, motion passed.*

Approved: September 18, 2017

Lydia Lopez, City Secretary

Travis Bailey, 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.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 5

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 certificates and medals to the top 15 children and the top 15 teens that read the most books during the 2017 Summer Reading Program.

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 6

SUBMITTED BY: Lydia Lopez, City Secretary

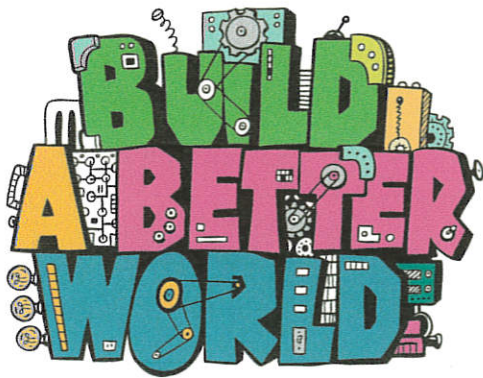
ITEM DESCRIPTION:

Special presentation of the Library's "Build a Better Hewitt project."

STAFF RECOMMENDATION/ITEM SUMMARY:

Build a Better Hewitt is a project that patrons of the library worked together to build all summer. Patrons were encouraged to add buildings they dreamed of or enjoyed to the model city of Hewitt. Library staff challenged patrons with engineering challenges and prompts, and encouraged everyone to use materials from the makerspace cart to build a better Hewitt. By using recycled materials, craft supplies, batteries, and LEDs, patrons built a model that is on display in the library. Library staff Amber Wilhite and Sarah Miller will present model and also speak of what maker education programming the library has planned for the future.

ATTACHMENTS:



HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointment to the Parks & Beautification Committee.

STAFF RECOMMENDATION/ITEM SUMMARY:

Davis D. Thigpen is scheduled to be interviewed during the workshop. If Council chooses to approve this appointment, the Mayor will administer the oath of office following this appointment.

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 8

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Administer oath of office to newly appointed member of the Parks & Beautification Committee.

STAFF RECOMMENDATION/ITEM SUMMARY:

Davis D. Thigpen will be present to be sworn in as a member of the Parks & Beautification Committee.

ATTACHMENTS:

Oath of Office

Form #2204 Rev 9/2017

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I, Davis D. Thigpen, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Parks & Beautification Committee of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

Country of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Printed or Typed Name



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 9

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute an agreement with Lewis Concrete Restoration for restoration and re-coating of sanitary sewer manholes in an amount not to exceed \$30,000.

STAFF RECOMMENDATION/ITEM SUMMARY:

On an ongoing basis, the City of Hewitt Utilities Department conducts restoration work on sanitary sewer manholes throughout the city. City staff contacted various vendors that provide necessary restoration and re-coating services for identified manholes. After review of proposals from three companies, city staff is recommending award to Lewis Concrete Restoration. A copy of the proposals are included in the backup material. Funding is allocated in the maintenance and operation budget of the utilities department. If approved, work would be scheduled in the next few weeks.

ATTACHMENTS:

Bid proposals

LEWIS CONCRETE RESTORATION

Mailing: PO Box 450, Kyle, TX 78640 / Physical: 9209 Williamson Rd, Buda, TX 78610

A Specialty Concrete Coating and Restoration Company

*TX HUB and MWSBE Certified Austin and South Texas *AR, LA, TN, MS Contractor

August 23, 2017

Kevin Reinke
City of Hewitt

RE: Manhole Rehabilitation for Various Locations Hewitt, TX

We are pleased to submit our proposal for the surface preparation, concrete work and coating of the above referenced project.

Scope of Work:

Epoxy Application

Application of Raven 405 at 80-100 mils thickness on 4' diameter manholes..... \$95/VF

Application of Raven 405 at 125 mils thickness on 4' diameter manholes..... \$130/VF

All above scope includes wiping of joints with Hydraulic cement, all live flow coated to the water line

Cementitious Applications

Application of Strong Seal MS-2C at 1/2" thickness on 4' diameter manholes..... \$80/VF

Application of Strong Seal MS-2C at 1" thickness on 4' diameter manholes..... \$115/VF

Additional Manhole Rehabilitation Items

Bench and Invert rebuild (if needed and identified) \$500/EA

Stop of active I&I on manholes (urethane grout with all accessories) \$500/HR

Note: City to provide water source and identification sheet.

Payment: Net Due 30 Days

Lewis Concrete Restoration (LCR) will provide:

All labor, material, equipment, pre-approved insurance, water blaster, scaffolding, and supervision necessary to complete the scope of work. All material will be applied to city specifications. Bypass pumping is not included. LCR warrants workmanship (non-bonded) of scope of work performed for 1 year. Owner or Contractor is responsible for defects and/or changes in substrate caused by owner or acts by nature.

Phone: 512.983.4400

Email: ahoffman@lewisconcreterestoration.com

LEWIS CONCRETE RESTORATION

Mailing: PO Box 450, Kyle, TX 78640 / Physical: 9209 Williamson Rd, Buda, TX 78610

A Specialty Concrete Coating and Restoration Company

**TX HUB and MWSBE Certified Austin and South Texas *AR, LA, TN, MS Contractor*

Client to provide: Payment Bond information required prior to mobilization.

Uninterrupted access to jobsite, suitable water source for waterblasting, Any and all traffic control, dewatering, by-pass pumping or sludge removal, restrooms, contract required or purchase order number needed to proceed, LCR job information form, and Sales Tax Exempt/Resale certificate. All change orders require signed contract or PO prior to commencement of work. Contractor to provide actual field measurements and timely notice within 30 days of LCR's invoice date of discrepancies found.

If you have any questions regarding this quote, please contact Eric Lewis @ 512-923-6724 or Aaron Hoffman @ 512-983-4400

Phone: 512.983.4400

Email: ahoffman@lewisconcreterestoration.com

SPECTRASHIELD

L I N E R S Y S T E M S

Concrete Conservation, Inc.
P.O. Box 24354
Jacksonville, FL 32241
T 904-419-4889
F 904-419-4892
sbales@spectrashield.com

QUOTATION

To: City of Hewitt – Kevin Reinke
From: Steve Bales – 713-817-9401
Re: Manhole Rehabilitation
Location: Hewitt, Texas
Date: August 17, 2017

The cost to rehabilitate manholes in Hewitt, Texas by applying the SpectraShield Liner System is \$215.00 per vertical foot.
This price includes our 10 Year Warranty which covers both material and labor, and is not pro-rated.

The return of this document with an authorized signature will serve as notice that our offer has been accepted.

*Bypass, flow control, M.O.T. and site restoration provided by others
Water supply and debris removal site provided by others
Permits, Temporary Roads and Access to manholes beyond 150 feet provided by others*

Note: Owner shall be responsible for providing a disposal site for all debris during the installation of the Spectrashield Liner System. This debris shall include, but not be limited to sand, chipped concrete, old linings, effluents, etc. In the case of a lift station wetwell or WWTP structure, Owner shall provide a bypassed, washed down structure free of sewage, sludge etc. Our invoices are NET 30 DAYS, no retainage. A 1 ½% interest charge per month for invoices over 30 Days will apply. Invoice will be based on actual field measurements. A site visit may be required prior to mobilization for assessment.

By _____

Company _____

Date _____



FUQUAY, INC.



Certified WBE/DBE

4861 Old Hwy 81, New Braunfels, TX 78132

Phone (830) 606-1882 Fax (830) 606-1885

PROPOSAL

DATE: August 25, 2017

PROJECT: CITY OF HEWITT MANHOLE REHABILITATION 2017

Cured In Place Pipe & Pipeline Rehabilitation, Underground Asset Renewal,
and Water Tank Asset Management #462-14

ITEM 17

Structure (Manhole) Rehabilitation and Corrosion Protection and Corrosion Protection and Additional Associated Items	Unit	Quantity
17101 Condition Standards and Repair Methods - Condition 1 (1/25 MIL ONLY) PRICE PER SF IS EQUIVALENT TO \$173.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
17102 Condition Standards and Repair Methods - Condition 2 (1/2" CEMENTITIOUS / 125 MIL) PRICE PER SF IS EQUIVALENT TO \$280.50 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
17103 Condition Standards and Repair Methods - Condition 3 (1" CEMENTITIOUS / 125 MIL) PRICE PER SF IS EQUIVALENT TO \$427.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
17104 Inflow & Infiltration Repair - Injection of Chemical Grout Material	GAL	1
17105 Inflow & Infiltration Repair - Injection of Chemical Grout Material-Labor & Equipment	HR	1
17106 Manhole Bench and Invert Repair 4" Diameter Base	EA	1
17110 Structure Base Repair (any size)	SOFT	1
17115 Manhole Rehabilitation - Cementitious (CRM) only - 1/2 inch thickness PRICE PER SF IS EQUIVALENT TO \$113.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
17116 Manhole Rehabilitation - Cementitious (CRM) only - 1 inch thickness PRICE PER SF IS EQUIVALENT TO \$176.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
17119 Remove and/or Abrade Existing Coatings within Manhole or Structure	SOFT	1
17120 Provide and Install Internal Drop Assembly, up to 12"	EA	1
17128 Travel and Mobilization- Manhole Rehabilitation Crew from New Braunfels, TX	MILE	142

LIST PRICING

List Price	Total
\$15.50	\$15.50
\$27.50	\$27.50
\$40.50	\$40.50
\$267.50	\$267.50
\$203.50	\$203.50
\$669.00	\$669.00
\$43.00	\$43.00
\$18.00	\$18.00
\$24.50	\$24.50
\$5.50	\$5.50
\$1,872.50	\$1,872.50
\$12.00	\$1,704.00

MEMBER PRICING

7% Discount	Price	Total
-\$1.09	\$14.42	\$14.42
-\$1.93	\$25.58	\$25.58
-\$2.84	\$37.67	\$37.67
-\$18.73	\$248.78	\$248.78
-\$14.25	\$189.26	\$189.26
-\$46.83	\$622.17	\$622.17
-\$3.01	\$39.99	\$39.99
-\$1.26	\$16.74	\$16.74
-\$1.72	\$22.79	\$22.79
-\$0.39	\$5.12	\$5.12
-\$131.08	\$1,741.43	\$1,741.43
-\$0.84	\$11.16	\$11.16

PROJECT SPECIFIC DISCOUNTED PRICING

Discount Price	Total
\$13.75	\$13.75
\$22.00	\$22.00
\$34.00	\$34.00
\$225.00	\$225.00
\$150.00	\$150.00
\$600.00	\$600.00
\$35.00	\$35.00
\$9.00	\$9.00
\$14.00	\$14.00
\$4.75	\$4.75
\$1,550.00	\$1,550.00
\$10.00	\$1,420.00

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED, AND THE WORK TO BE PERFORMED IN ACCORDANCE WITH THE DRAWING AND SPECIFICATIONS SUBMITTED FOR THE ABOVE WORK, AND COMPLETED IN A SUBSTANTIAL WORKMANLIKE MANNER. ANY ALTERATION OR DEVIATION FROM SPECIFICATIONS AND DRAWINGS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDERS AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE QUOTATION. WORKERS COMPENSATION AND PUBLIC LIABILITY INSURANCE ON ABOVE WORK TO BE FURNISHED BY FUQUAY, INC. THERE MAY BE AN ADDITIONAL CHARGE FOR PROVIDING A WAIVER OF SUBROGATION AND/OR BEING LISTED AS AN ADDITIONAL INSURED ON FUQUAY'S INSURANCE. THE CHARGE SHALL BE EQUAL TO THE AMOUNT CHARGED TO FUQUAY FOR SAID SERVICE.

EXCLUSIONS:
SALES TAX
PERMITS, BURDENS, FEES
WASTE HAUL-OFF

BARRICADES, SIGNS, TRAFFIC HANDLING
INFILTRATION REPAIR
DEWATERING



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 10

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute a utilities encroachment easement as requested by the City of Waco.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Waco recently identified a potential encroachment related to underground utility lines crossing over existing Hewitt utility lines. The City of Waco is requesting approval of an encroachment easement to move forward with their planned utility extension project. Our City Engineer has reviewed the documentation and recommends approval of this request from the City of Waco.

ATTACHMENTS:

Encroachment Easement and related documents

September ____, 2017

ENCROACHMENT ON EASEMENT

WHEREAS, the City of Hewitt, Texas, ("City"), is the owner of two easements in McLennan County, Texas, recorded in Clerk's File Document Numbers 2006041074 and 2007024444, of the Official Public Records of McLennan county, Texas ("Easement"); and

WHEREAS, the City of Waco, Texas ("User"), desires permission to construct, operate and maintain an eight (8) inch water line ("Encroaching Facility") within the area or boundaries of the Easement ("Easement Area")

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, City and User do hereby agree as follows:

1. **Location of Encroaching Facility:** User may locate the Encroaching Facility in the Easement Area, but only as described and shown on the attached drawing marked Exhibit "A" through Exhibit "B", incorporated herein. User may not relocate the Encroaching Facility within the Easement Area without the consent and approval of City, which consent and approval shall be at City's sole discretion. User acknowledges and agrees that City holds easement rights on the Easement Area; therefore, User shall obtain whatever rights and permission, other than City's, that are necessary.
2. **Restrictions on Use of Easement Agreement:** User shall use only so much of the Easement Area as may be necessary to construct, maintain, operate and repair the Encroaching Facility. User shall, at its own cost and expense, comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction, prevention and abatement of nuisances in or upon or connected with said Encroaching Facility. At the conclusion of any construction, User shall remove all debris and other materials from the Easement Area and restore the Easement Area to the same condition it was in prior to the commencement of the User's construction thereon or in proximity thereto.
3. **Maintenance of Encroaching Facility:** User, at User's sole expense, shall maintain and operate the Encroaching Facility. City will not be responsible for any costs of construction, reconstruction, operation, maintenance or removal of User's Encroaching Facility.
4. **Risk and Liability:** User assumes all risks and liability resulting or arising from or relating to User's use, existing condition or location, or existing state of maintenance, repair or operation of the Easement Area.
5. **Location of Facilities:** User shall not place its facility within one (1) vertical foot of City's existing water lines and shall maintain five (5) horizontal feet of separation, except in locations where crossing.
6. **Termination:** This agreement shall terminate upon the abandonment of the Easement or Encroaching Facility.

Executed this _____ day of _____, 2017:

City of Hewitt, Texas

By: _____

Name: _____

Title: _____

City of Waco, Texas

By: _____

Name: _____

Title: _____

**THE STATE OF TEXAS §
COUNTY OF McLENNAN §**

BEFORE ME, the undersigned authority, on this day personally appeared _____, City Manager of the City of Hewitt, Texas, known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Hewitt, Texas for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this the _____ day of _____, 2017.

Notary Public, State of Texas
My Commission expires on _____

**THE STATE OF TEXAS §
COUNTY OF McLENNAN §**

BEFORE ME, the undersigned authority, on this day personally appeared Dale A. Fisseler, City Manager of the City of Waco, Texas, known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he executed the same as the act and deed of the City of Waco, Texas for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this the _____ day of _____, 2017.

Notary Public, State of Texas
My Commission expires on _____



EXHIBIT "A"

RITCHIE ROAD

20' UTILITY EASEMENT
CITY OF HEWITT

433 RITCHIE ROAD
IVAN & JUDY GREEN
PID: 341442

PROPOSED PUBLIC
UTILITY EASEMENT

20' LENGTH OF
ENCROACHMENT

PROPOSED 8"
WATER LINE

291 RITCHIE ROAD
PID: 141770
MARTHA MADDUX SMITH

PUBLIC WORKS



ENGINEERING
DIVISION

SPRING VALLEY ROAD WATER LINE PHASE II 8" WATER LINE

Drawn By: B.A.S.

Date: 08-31-17

File Name: 08-31-17

EXHIBIT "B"



20' UTILITY EASEMENT
CITY OF HEWITT

PROPOSED PUBLIC
UTILITY EASEMENT

433 RITCHIE ROAD
IVAN & JUDY GREEN
PID: 363436

433 RITCHIE ROAD
IVAN & JUDY GREEN
PID: 341442

291 RITCHIE ROAD
PID: 141770
MARTHA MADDUX SMITH

PROPOSED 8"
WATER LINE

PROPOSED 8"
WATER LINE

20' LENGTH OF
ENCROACHMENT

PUBLIC WORKS



ENGINEERING
DIVISION

SPRING VALLEY ROAD WATER LINE PHASE II 8" WATER LINE

Drawn By: B.A.S.

Date: 08-31-17

File Name: W1525

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 11

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute a professional services agreement with Walker Partners in an amount not to exceed \$138,530.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt has worked in conjunction with the City of Waco and McLennan County concerning the reconstruction and widening of Ritchie Road. Walker Partners (Engineering Firm) was selected by the City of Waco to design their portion of the project. Right now, the estimated construction cost for the Hewitt-County Portion is \$2,244,217 for roadway and drainage plus \$554,375 for Hewitt Utilities. Walker Partners has submitted a proposal to the City of Hewitt to perform the same services for the portion of the right of way located within Hewitt's City Limits. Likewise, Walker Partners is submitting a proposal to the County for their portion. After research of existing City Survey data, the City Engineer has confirmed that the Hewitt City Limits does include half (1/2) of the width of the Road up to the Southern right-of-way of Warren Street. The agreement with Walker Partners would cover design services for the roadway and related appurtenances, however, utility relocation design and construction administration will be handled by Cayote Consulting. However, the actual utility relocation portion of the project will bid out under one contract with the street reconstruction to prevent complications during construction. A copy of Walker Partner's full proposal is included as backup material. Staff recommends approval of this item.

ATTACHMENTS:

Proposal for Surveying and Engineering Services – Ritchie Road Reconstruction – Walker Partners

EXHIBIT A
Scope of Services



PROPOSAL

To: City of Hewitt
Attn: Adam Miles
From: Jacob Bell, P.E.
Project Name: Ritchie Road Reconstruction (from W. Warren Rd to Park Place Dr)
Project No.: 1-03018.01
Re: Proposal for Surveying and Engineering Services
Date: August 25, 2017 (Revised September 15, 2017)
Xc: Project File

RITCHIE ROAD IMPROVEMENTS (FROM W. WARREN RD TO PARK PLACE DR)

Walker Partners, LLC appreciates this opportunity to submit this Proposal to provide professional surveying and civil engineering services to the City of Hewitt (Owner) in association with the Ritchie Road Reconstruction from W. Warren Road to Park Place Drive (Project). This portion of Ritchie Road is ½ owned by Hewitt and ½ owned by McLennan County (ownership is divided at centerline of road) and therefore, the survey and design fees in this proposal are Hewitt's half of the total fees. In the spirit of full disclosure, the fees for each entity will be shown in the Proposals to Hewitt and the County (Hewitt's fees are slightly higher because of sidewalk design/construction).

This Project is part of a larger project being designed and constructed by City of Waco on Ritchie Road from Panther Way to W. Warren Road. The Waco Portion is approximately 1 mile long; the Hewitt-County Portion is approximately ½ mile long. An Interlocal Agreement is being developed for Waco, Hewitt, and the County to establish its partnership terms for the Overall Project. Walker Partners will assist all three entities during the formation of this Interlocal Agreement. This Proposal assumes that all three entities' portions will be included in one plan set, bid by the City of Waco, and constructed under one construction contract. For uniformity, the design of the Overall Project will be based on City of Waco design requirements and City of Waco construction specifications/standards (TxDOT or AASHTO will be used where Waco's requirements/standards are not applicable), unless determined otherwise during the development of the Interlocal Agreement.

The Waco Portion will be a four lane roadway with curb and gutter. The Hewitt-County Portion will match the Waco Portion near W. Warren Road and transition down to 40' wide to match the existing Ritchie Road pavement near Park Place Drive.

Throughout the length of the Project, there are several existing City of Hewitt utility lines which will be relocated to accommodate construction. While these utilities will be included in the Overall Project plans and construction, they will be designed by Hewitt's City Engineer, Cayote Consulting, and are, therefore, excluded from this proposal.

The estimated construction cost for the Hewitt-County Portion is \$2,244,217 for roadway and drainage plus \$554,375 for Hewitt Utilities.

Walker Partners scope of services for this Project will generally consist of topographic survey, boundary/right-of-way survey, preliminary and final design, bid phase services, and construction administration services. Resident Project Representative Services and Construction Staking Services are

excluded from this proposal. These services may be added later depending on the Owner's needs at the time of construction. Geotechnical services will be handled through a separate contract directly between the Owner and the Geotechnical Engineer. Right-of-Way Acquisition services will be handled within the scope of services as part of this proposal. Based upon preliminary investigation, it is estimated that up to 4 parcels will need to be acquired as part of the Hewitt-County Portion, 2 drainage easements, and up to 12 parcels will require Right of Entry letters for survey, design, and construction. Upon the establishment of the final Right-of-Way envelope and coordination with the Owner, the final number of parcels may require revision. The fees in this proposal do not include land costs which the Owner will need to budget for separately.

The detailed scope of services, schedule, and associated fees that Walker Partners proposes to provide for this Project are outlined below. [All subconsultants shall be approved by Owner.](#)

1.00 SCOPE OF SERVICES

1.01 SURVEYING SERVICES (LUMP SUM)

A. Boundary/Right of Way Survey (Phase 11)

1. Perform Deed Research of Subject Tracts for the purpose of reconciling tract lines.
2. Perform a Boundary Survey based upon North American Datum of 1983 (NAD83) State Plane Coordinates and in accordance with the General Rules of Procedures and Practices as set forth by the Texas Board of Professional Land Surveying and laws of the State of Texas, unless otherwise specified by client. This survey will be used to ensure that proposed design features are within public Right of Way (ROW) and to establish proposed ROW/easement limits.

B. Topographic Survey (Phase 12)

1. Perform an on-the-ground field survey to obtain the topography (terrain data) and other visible and apparent surface features (manmade or natural) such as ditches, swales, channels, embankments, drainage structures, catch basins and inlets, manholes, above-grade utility appurtenances, pavements, significant trees (hardwoods greater than 8 inches in diameter), fences, building structures, water's edge, etc. For underground utilities, Walker Partners will coordinate with Texas 811. The approximate locations of underground utilities will be shown based upon utility locators' markings.
2. Establish vertical control at the site and place benchmarks based upon North American Vertical Datum of 1988 (NAVD88), unless otherwise specified by client.
3. Prepare a topographic map from the topographic survey depicting the physical features as described above and with elevation contours at a 1-foot interval.
4. The topographic survey will be sufficient for Hewitt Utilities design.

C. Establish Horizontal & Vertical Control (Phase 65)

1. Prior to construction, establish horizontal and vertical control points one time, on behalf of the Owner, which, in Engineer's judgment, are necessary to enable the Contractor to lay out the proposed construction work.

1.02 BASIC SERVICES (LUMP SUM)

A. Preliminary Design Phase (Phase 30)

1. Consult with Owner to define and clarify Owner's requirements for the Project and available data.

2. Attend preliminary conferences with the Owner and other interested parties regarding the Project.
3. Advise Owner of any need for Owner to provide data or services of other consultants which are not part of Engineer's Basic Services.
4. Establish the scope of any soil and foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required; assist the Owner in arranging for such work to be done, for the Owner's account.
5. Identify, consult with, and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project designed or specified by Engineer, including but not limited to mitigating measures identified in the environmental investigation.
6. Prepare a preliminary Engineer's Opinion of Probable Cost.
7. Prepare and furnish preliminary design documents (30% submittal) for the Project in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the Owner, including final design criteria, preliminary drawings, an outline of specifications, and setting forth clearly the Engineer's recommendations.
8. Furnish the Owner copies of the preliminary plan, including preliminary layouts and cost estimates.

B. Final Design Phase (Phase 40)

1. Prepare final Drawings and Specifications indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. The Drawings to be prepared with this Phase of the Work, in general, will include the following:
 - a. General Condition Drawings – these Drawings shall be for informational, permitting, and bidding purposes and shall, in general, consist of the following:
 - i) Legends, Abbreviations, and Symbols
 - ii) Temporary Benchmark Table, Horizontal Control Sheet
 - iii) General Notes and Project Specific Notes
 - iv) Overall Project Layout
 - v) Existing and Proposed Typical Sections - The final paving section will be based on recommendations included in the Geotechnical Report to be provided by the Owner.
 - b. Roadway Plan and Profiles – prepare plans, profiles, and details for roadway improvements.
 - c. Intersection Layouts – prepare intersection layouts for intersecting roadway within the project limits, if necessary. Layouts will show existing grades, proposed contours and spot elevations as required.
 - d. Storm Drain Plan and Profiles – prepare storm drainage plans and profiles for the proposed drainage improvements. These drawings will indicate clearly the drainage areas, the drainage area calculations and the proposed drainage structures.
 - e. Pavement Marking and Signage Plans – prepare plans for the proposed striping and signage for the completed roadway.
 - f. Construction Sequence Plan – provide recommended construction sequencing. Traffic Control Notes will be provided. Contractor to prepare and implement Traffic Control Plan utilized during construction.

- g. Details – provide project-specific details, municipality standard details, and state agency (TxDOT) standard details as required for permitting, bidding, and construction purposes.
 - h. Develop cross-sections for use during Contractor's activities.
 - 2. Coordinate with franchise utility companies throughout the design process. Provide proposed plans for the street, drainage, and public utility improvements to be used by the franchise utilities to allow them to successfully move any lines that require relocation. Meet with franchise utilities as necessary.
 - 3. Provide technical criteria, written descriptions, and design data for Owner's use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the Project; assist Owner in consultations with such authorities; and revise the Drawings and Specifications in response to directives from such authorities.
 - 4. Advise Owner of any adjustments to the opinion of probable Construction Cost known to Engineer.
 - 5. Prepare and furnish a 60% Submittal for review by Owner (30% Submittal included with Phase 30). Documents will be in sufficient detail to indicate clearly the Engineer's Project progress.
 - 6. Prepare and furnish Bidding Documents (100%) for review by Owner, its legal counsel, and other advisors, and assist Owner in the preparation of other related documents.
 - 7. Revise the Bidding Documents in accordance with comments and instructions from the Owner, as appropriate, and submit final copies of the Bidding Documents, a revised opinion of probable Construction Cost, and any other deliverables to Owner.
- C. Project Management Phase (Phase 45)**
- 1. Attend meetings with various departments and entities to ensure project is fully coordinated.
 - 2. Provide routine project status updates to the Owner.
 - 3. Participate in Community Outreach / Public Meetings scheduled for this project and/or other regional transportation projects.
 - 4. Coordinate with Owner, the public, and/or other design professionals who have interest in the project or neighboring projects.
- D. Bidding Phase (Phase 50)**
- 1. Assist Owner in advertising for and obtaining bids for the Work through the City of Waco.
 - 2. Attend pre-Bid conference.
 - 3. Assist Owner in issuing Addenda as appropriate to clarify, correct, or change the Bidding Documents.
 - 4. Provide information or assistance needed by Owner during any negotiations with prospective contractors.
 - 5. Consult with Owner as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors for those portions of the Work as to which such acceptability is required by the Bidding Documents.
 - 6. Assist Owner as needed in attending the Bid opening, preparing Bid tabulation sheets, evaluating Bids and in assembling and awarding contracts for the Work.

E. Construction Administration Phase (Phase 60)

1. *Pre-Construction Conference.* Participate in a Pre-Construction Conference prior to commencement of Work at the Site.
2. *Schedules.* Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
3. Make periodic visits to the site (as distinguished from the continuous services of a resident Project Representative) to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents.

In performing these services, the Engineer will endeavor to protect the Owner against defects and deficiencies in the work of the contractor, but he cannot guarantee the performance of the contractor, nor be responsible for the actual supervision of construction operations or for the safety measures that the contractor takes or should take.

4. Consult and advise with the Owner; issue all instructions to the contractor requested by the Owner; and prepare and issue routine change orders with Owner's approval.
5. Review submittals of material and equipment and other data which the contractor submits. This review is for the benefit of the Owner and covers only general conformance with the information given by the Contract Documents. The contractor is to review and stamp his approval on submittals prior to submitting to Engineer, and review by the Engineer does not relieve the contractor of any responsibility such as dimensions to be confirmed and correlated at the job site, appropriate safety measures to protect workers and the public, or the necessity to construct a complete and workable facility in accordance with Contract Documents.
6. Obtain and review monthly and final estimates for payments to contractor. Ensure that Hewitt and County costs are properly divided and documented, per the Interlocal Agreement.
7. Conduct, in company with the Owner, a final inspection of the Project for compliance with the Contract Documents, and submit recommendations concerning project status, as it may affect Owner's final payment to the contractors.
8. Prepare "record" drawings necessary for the successful completion of the construction project. Record Drawings shall be based on information provided by the Contractor and the Owner. Because the Engineer will not have the ability to verify the correctness of construction, the Engineer cannot guarantee the accuracy of the Record Drawings.

1.03 PROPERTY ACCESS/ACQUISITION SERVICES (HOURLY)**A. Property Acquisition Management (Phase 15)**

Provide coordination, leadership, and managerial duties related to the preparation and acquisition of properties. These duties shall include making contact with the property owners and being the liaison between the Owner, each property owner, and subconsultants. Track and schedule the property acquisition process.

B. Easement & ROW Exhibits (Phase 16)

Prepare metes and bounds descriptions along with accompanying drawings (exhibits) for proposed easement and ROW parcels. The descriptions and drawings will be

delivered to the legal counsel for their use in preparing each document for filing for record.

C. Monument Easements & ROW (Phase 17)

Establish permanent field monumentation for proposed permanent Right of Way and/or easements.

D. Title Work (Phase 100) (Subconsultant)

Perform a title search for subject property and prepare a Title Letter (a.k.a. Title Report or Title Run) for easement parcels and a Title Policy (a.k.a. Title Insurance) for ROW parcels. Note: no title opinion will be given.

E. Appraisal Report (Phase 101) (Subconsultant)

If necessary, an Appraisal Report will be prepared based upon the fee simple market value of the subject property. This will be used to assign a value to the proposed easement or ROW parcel.

F. Property Acquisition Negotiator (Phase 102) (Subconsultant)

Perform acquisition duties related to acquiring the parcels necessary for the completion of the project. These duties will involve reviewing the Appraisal District data, performing the deed record checks, making initial contact with the property owners, reviewing the title work, reviewing the plats and property descriptions, providing broker's opinion of costs (if necessary), reviewing Appraisal Reports (if necessary), and negotiating with the property owners.

G. Legal Counsel (Phase 103) (Subconsultant)

Review the Title Letters/Policies and make the determination as to whether any further title work is required to acquire each parcel. Prepare legal documents for each parcel. Final Documents will be subject to Owner's Legal Staff review. Easements and or ROW acquisitions will be filed for record with the County.

H. Right of Entry [Consent Attainment](#) (Phase 80)

1. [Issue](#) Right of Entry forms to be signed by affected property owners to obtain permission to perform survey, design [research](#), and construction work on subject properties.
2. It is anticipated that the types of construction work to be performed on private property included: re-grading, driveway construction, sidewalk construction, revegetation, and other work incidental to these activities. Right of Entry forms will not be sought if the only work required on private property is to reconnect water or wastewater service at the limits of the private property.
3. Develop "Master Spreadsheet" of all properties to track responses. Spreadsheet will be made available to Contractor during Construction Phase.
4. Mail "form" with cover letter describing project (by certified mail) to all properties.
5. Make two additional follow-up attempts on properties that are non-responsive. Any remaining non-responsive properties will be handed over to Owner's staff for additional further action.
6. Owner will be apprised of situation and included regarding any disputes that arise with individual property owners.
7. Provide pertinent Plan & Profile sheet (highlighting the property in question) for properties that request a sketch.
8. Upon the establishment of the final design and coordination with Owner's staff, it is understood that the number of agreements (forms) may require revision from that estimated in this proposal.

1.04 SPECIAL SERVICES (HOURLY)**A. Interlocal Agreement Coordination (Phase 81)**

Provide coordination and leadership related to the preparation of an interlocal agreement for the Overall Project between the City of Waco, City of Hewitt, and McLennan County.

B. TDLR Plan Review & Inspection (Phase 104) (Subconsultant)

1. Register project with Texas Department of Licensing and Registration (TDLR).
2. Review plans for conformance with TDLR and Texas Accessibility Standards (TAS).
3. Perform field inspection of final construction for conformance with TDLR and TAS requirements.
4. This phase of work applies only to the pedestrian elements of the project.

2.00 SCHEDULE FOR SERVICES

Walker Partners acknowledges the importance to the Owner of the project schedule and agrees to put forth its best professional efforts to perform its services under this proposal in a manner consistent that will afford the opportunity to move forward in bidding the project in Summer 2018. It is anticipated that right-of-way acquisition and franchise utility relocation will likely be the critical path items. The Owner understands, however, that Walker Partners' performance must be governed by sound professional practices. If requested, Walker Partners will be pleased to develop a project schedule outlining each of the items included previously described in the scope of services.

3.00 FEES

The proposed fee structure for this project consists of a combination of Lump Sum fees and Hourly (Actual Cost) fees. Invoices will be submitted on a monthly basis at a percentage of the work completed (for Lump Sum phases) and/or the actual work performed (for Hourly phases). Progress for the Hourly phases will be monitored and will not be overrun without prior authorization from the Owner. Please note that actual land costs are not included in this proposal.

The proposed fees for the project are shown below in Table 1.

(see next page)

Table 1: Project Fees

Phase No.	Phase Description	City of Hewitt		McLennan County	
		Lump Sum Fee	Estimated Hourly Fee	Lump Sum Fee	Estimated Hourly Fee
Basic Services					
30	Preliminary Design	\$18,000.00		\$17,000.00	
40	Final Design - Pavement and Drainage	\$54,000.00		\$49,000.00	
45	Project Management	\$4,000.00		\$4,000.00	
50	Bidding	\$2,000.00		\$2,000.00	
60	Construction Administration	\$13,000.00		\$13,000.00	
Basic Services Subtotal		\$91,000.00		\$85,000.00	
Surveying Services					
11	Boundary & ROW Verification	\$3,000.00		\$3,000.00	
12	Topographic Survey	\$5,500.00		\$5,500.00	
65	Establish Horizontal & Vertical Control	\$1,500.00		\$1,500.00	
Surveying Services Subtotal		\$10,000.00		\$10,000.00	
Total Lump Sum Fee		\$101,000.00		\$95,000.00	
Property Access/Acquisition Services					
15	Property Acquisition Management		\$3,312.50		\$3,312.50
16	Easement & ROW Exhibits		\$6,750.00		\$6,750.00
17	Monument Easements & ROW		\$1,675.00		\$1,675.00
80	Right of Entry Forms		\$4,042.50		\$4,042.50
100	Title Work		\$2,250.00		\$2,250.00
101	Appraisal Report		\$10,000.00		\$10,000.00
102	Property Acquisition Negotiator		\$3,500.00		\$3,500.00
103	Legal Counsel		\$1,500.00		\$1,500.00
199	Reimbursables		\$1,000.00		\$1,000.00
Property Access/Acquisition Services Subtotal			\$34,030.00		\$34,030.00
Special Services					
81	Interlocal Agreement Coordination		\$2,500.00		\$2,500.00
104	TDLR Plan Review & Inspection		\$1,000.00		\$0.00
Special Services Subtotal			\$3,500.00		\$2,500.00
Total Estimated Hourly Fees			\$37,530.00*		\$36,530.00*
Total Estimated Project Fees		\$138,530.00		\$131,530.00	

*Total Estimated Hourly Fees will not be exceeded without prior authorization from Owner.

The hourly rates for this project are shown below in Table 2.

Table 2: Hourly Rates

Position	Hourly Rate
Manager I	\$195.00
Survey Manager	\$200.00
Senior Project Surveyor	\$130.00
Project Engineer I	\$110.00
Professional II	\$85.00
Technician II	\$60.00
Technician III	\$75.00
Technician XI	\$150.00
Support Staff II	\$70.00
2 Man Crew	\$135.00
Title Company	\$150.00
Negotiator (Agent)	\$175.00
Legal Counsel	\$200.00

4.00 EXCLUSIONS

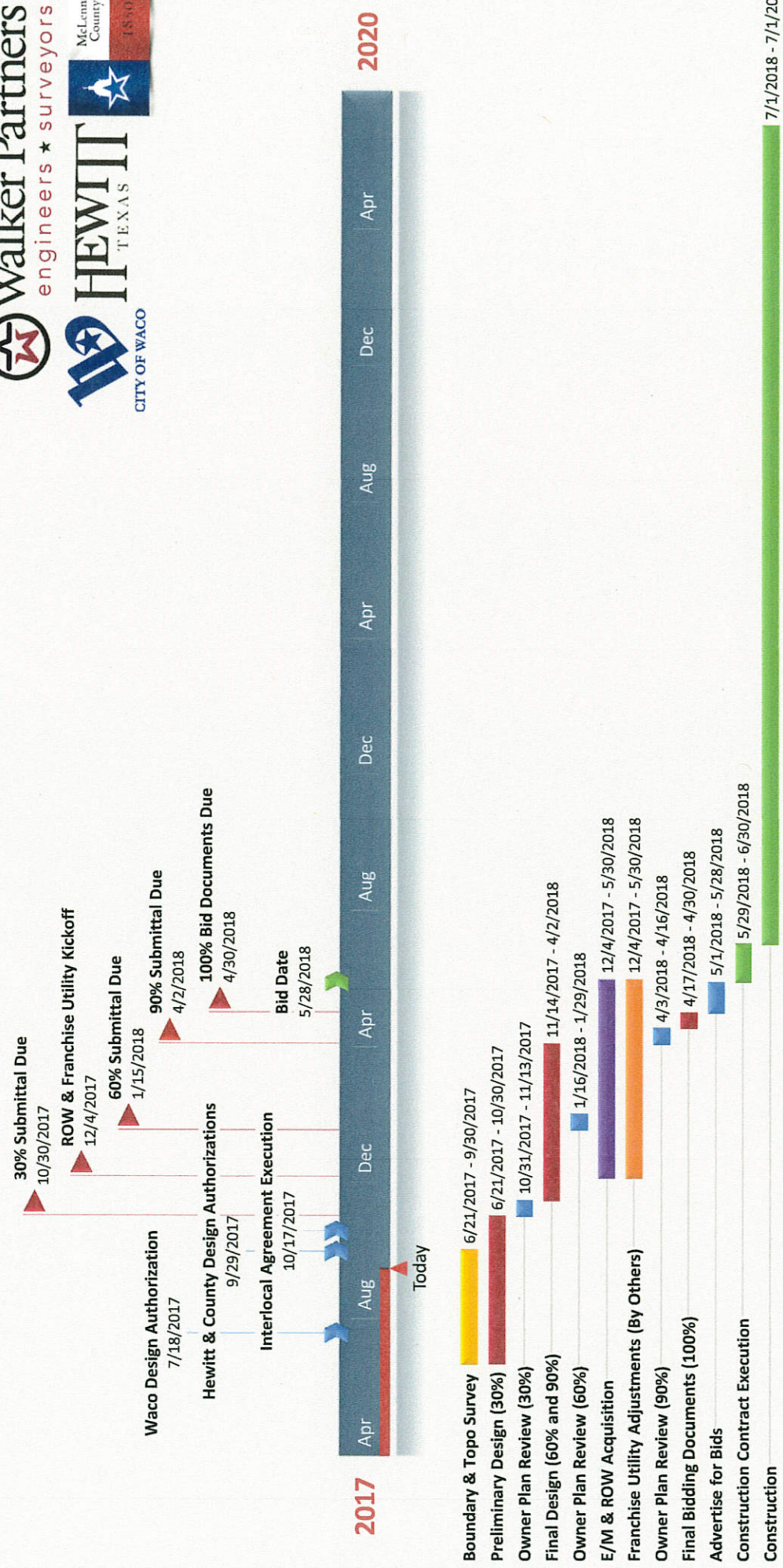
The following items are excluded from this proposal. If there are questions about any other services not listed here, they shall be clarified prior to approval and acceptance of this proposal.

4.01 The proposed engineering services do not include the following:

- Property Condemnation Services – in the event these services become necessary, they will be negotiated at the appropriate time.
- Abandonment of private or public easements; platting; zoning changes.
- Geotechnical Investigation (Contracted by Owner with our assistance)
- Construction Materials Testing (Contracted by Owner with our assistance)
- Environmental Investigation
- Subsurface utility engineering survey
- Design of any “dry” utility facilities (i.e. gas, electric, phone, cable TV, etc.)
- Hewitt Utilities design, bidding oversight, and construction administration
- Off-site street, drainage, water, and/or wastewater design and drawings
- Design Enhancements or Landscape architectural services
- Design of screening walls, transformer/generator pads, or hardscape features/pavers
- Bridge Design and Retaining Wall Design (for walls taller than 4 feet)
- Traffic Impact Analysis
- Illumination Plans
- Traffic Signalization
- Erosion and Sedimentation Control Plan and/or Stormwater Pollution Prevention Plan
- Assistance to the Owner and/or the Contractor in filing the Notice of Intent (NOI)
- Resident Project Representative (Construction Inspection)
- Construction Staking

5.00 ACCEPTANCE OF PROPOSAL

If the Scope of Services, Schedule, and Fees outlined herein are acceptable to the Owner, Walker Partners will work with the Owner's staff to prepare contracts for review, approval, and execution.



Ritchie Road Improvements - Project Schedule

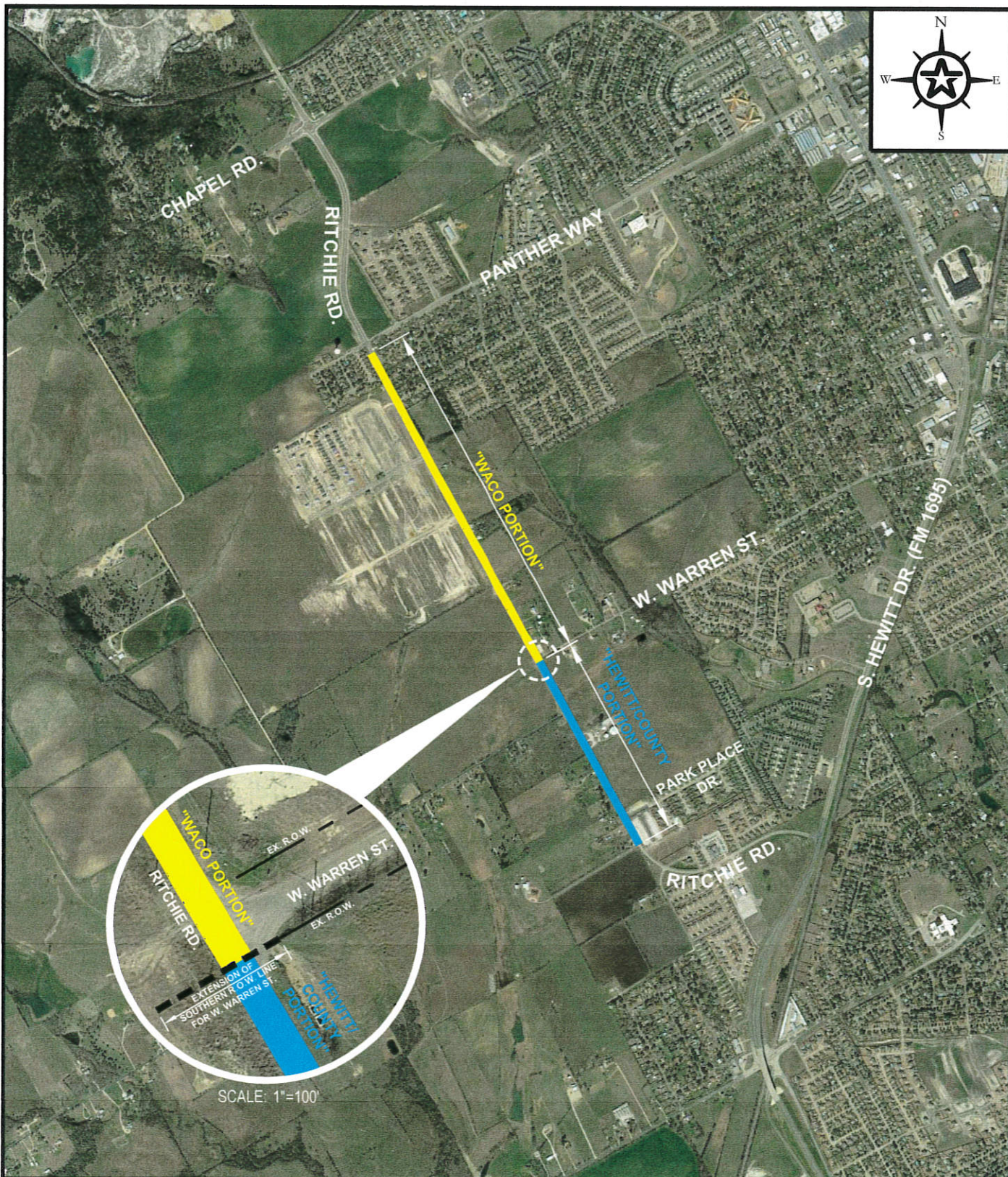


EXHIBIT A - RITCHIE ROAD INTERLOCAL AGREEMENT

SCALE: 1"=2000'

 **Walker Partners**
engineers ★ surveyors

T.B.P.E. Registration No. 8053

CLIENT: CITY OF WACO, CITY OF HEWITT,
McLENNAN COUNTY

PROJECT: RITCHIE ROAD IMPROVEMENTS

PROJECT NUMBER: 1-03018

DATE: 08/24/2017

A



COUNCIL AGENDA ITEM FORM

MEETING DATE: September 18, 2017

AGENDA ITEM #: 12

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Consideration of and action on an Ordinance amending Section 70-45, Hotel Occupancy Tax, allowing a discount of 1% for early payment of hotel taxes.

STAFF RECOMMENDATION/ITEM SUMMARY:

Our current code requires payment of hotel taxes by the end of the month following the month (or quarter) of collection. Staff proposes a 1% discount on total taxes be given for payment that is received by the City on no later than the 16th of the month following the month (or quarter) of collection.

For example: An October monthly tax of \$5,000 would receive a 1% or \$50 early payment discount for payment if Occupancy Tax Form and Payment are received by the City no later than November 16th. If the 16th falls on a weekend, the following Monday would apply.

ATTACHMENTS:

Proposed Ordinance on Section 70-45, Hotel Occupancy Tax
Current City of Hewitt Code of Ordinance-Hotel Occupancy Tax
Current New Owner Package

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HEWITT, TEXAS, AMENDING CITY CODE SECTION 70-45 COLLECTION OF TAX TO INCLUDE A 1% DISCOUNT FOR EARLY PAYMENT AS DESCRIBED BELOW; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, discounts for early payment are acceptable and positive policy for cities and State;

WHEREAS, this discount is within the rights of the City of Hewitt to convey;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS TO AMEND SECTION 70-45 TO READ:

SECTION 70.45. Collection of tax; failure to collect.

- (a) Every person shall collect the tax imposed in section 70-42 hereof for the city. On the last day of the month following each quarterly period, every person required herein to collect the tax imposed in this article shall file a report with the tax assessor-collector (*which for the City of Hewitt would be the City's Finance Director*) showing the consideration paid for all room occupancies in the preceding quarter, the amount of tax collected on such occupancies, and any other information as the *City's Finance Director* may reasonably require. Every person required herein to collect the tax imposed in this article shall pay the amount of tax collected from occupants during the period of the report at the time of filing the report as provided above *and on the form provided to them by the City.*
- (b) *Every person filing their hotel taxes due on the last day of the month following each quarterly period, or monthly period, by the 16th of the month following each quarterly or monthly period, shall be allowed an early payment discount of 1% of the amount of tax collected for the City of Hewitt. Payment must be received by the City no later than the 16th of the month; if the 16th falls on the weekend, the following Monday would apply. If Monday is a Holiday, then the following Tuesday.*
- (c) If any person shall fail to collect the tax imposed in this article, or shall fail to file a report as required by this article, or shall fail to pay the *City's Finance Director* as imposed in this article when such report for payment is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine not to exceed \$500.00. In addition, the city, through an attorney acting for the city, may bring suit against a person who is required to collect the taxes and pay the collection to the city and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the city until the tax is paid or the report filed, as applicable. In addition to the amount of any tax owed, the person shall be liable to the city for the city's reasonable attorney's fees and a penalty equal to 15 percent of the total amount of tax owed.

SECTION 3. That all ordinances of the City of Hewitt in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal or invalid.

SECTION 5. This ordinance shall take effect on October 1, 2017.

PASSED AND APPROVED THIS 18th day of September, 2017.

CITY OF HEWITT, TEXAS

By: _____
Travis Bailey, Mayor

ATTEST:

Lydia Lopez, City Secretary

Hewitt, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 70 - TAXATION >> ARTICLE III.
HOTEL OCCUPANCY TAX >>

ARTICLE III. HOTEL OCCUPANCY TAX

Sec. 70-41. Definitions.

Sec. 70-42. Revenue uses.

Sec. 70-43. Revenue uses.

Sec. 70-44. Supervision of expenditures.

Sec. 70-45. Collection of tax; failure to collect.

Sec. 70-46. Liability for tax.

Sec. 70-41. Definitions.

The following words, terms and phrases are, for the purpose of this article, except where the context clearly indicates a different meaning, defined as follows:

Consideration shall mean the cost of the room, sleeping space, bed or dormitory space or other facilities in such hotel and shall not include the cost of any food served or personal services rendered to the occupant not related to cleaning and readying such room or space for occupancy, and shall not include any tax assessed for occupancy thereof by any other governmental agency.

Hotel shall mean a building in which members of the public obtain sleeping accommodations for consideration. The term shall include a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house or bed and breakfast, but does not include a hospital, sanitarium or nursing home.

Occupancy shall mean the use or possession; or the right to use or possess any room, space or sleeping facility in a hotel for any purpose.

Occupant shall mean anyone, who, for a consideration, uses, possesses, or has a right to use or possess any room or rooms, or sleeping space or facility in a hotel under any lease, concession, permit, right of access, license, contract or agreement for less than 30 days.

Quarterly period shall mean the regular calendar quarters of the year, the first quarter being composed of the months of January, February and March; the second quarter being the months of April, May and June; the third quarter being the months of July, August and September; and the fourth quarter being the months of October, November and December.

Tax assessor-collector shall mean the tax assessor-collector of the city, which is appointed by the city manager, for the purpose of collecting hotel occupancy tax.

(Ord. No. 2005-09-26-1, § 1, 9-26-05)

Sec. 70-42. Revenue uses.

There is hereby levied a tax upon the occupant of any room or space furnished by any hotel where such cost of occupancy is at the rate of \$2.00 or more per day, such tax to be equal to seven percent of the consideration paid by the occupant of such room, space or facility to such hotel, exclusive of other occupancy taxes imposed by other governmental units effective as of January 1, 2006.

Hotel tax exemptions as allowed by Texas law shall apply in the city.

Requests for refunds of hotel occupancy tax shall be subject to a statute of limitations equal to 60 days following the quarter end during which the tax was paid. Requests filed more than 60 days after the quarter end during which the tax was paid will not be considered.

(Ord. No. 2005-09-26-1, § 2, 9-26-05)

Sec. 70-43. Revenue uses.

That all revenue derived from the occupancy tax imposed in section 70-42 hereof will only be used to promote tourism and the convention and hotel industry, and that use is limited to the following:

- (1) The acquisition of sites for the construction, improvements, enlarging, equipping, repairing, operation and maintenance of convention center facilities or visitor information centers, or both;
- (2) The furnishing of facilities, personnel and materials for the registration of convention delegates or registrants;
- (3) Advertising and conducting solicitations and promotional programs to attract tourist and convention delegates or registrants to the city or its vicinity;
- (4) The encouragement, promotion, improvement and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, and other arts related to the presentation, performance, execution and exhibition of these major art forms; and
- (5) Historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourist and convention delegates to visit preserved historic sites or museums:
 - a. At or in the immediate vicinity of convention center facilities or visitor information centers, or
 - b. Located elsewhere in the city or its vicinity that would be frequented by tourist and convention delegates.
- (6) Expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the city or its vicinity.

At least that portion of the hotel occupancy tax equal to one percent of the consideration paid by an occupant of hotel rooms shall be allocated for the purposes specified in subsection (3). No more than 15 percent of the hotel occupancy tax revenue collected by the city may be used for the purposes provided in subsection (4). If the city does not allocate any hotel occupancy tax revenues for the purposes provided in subsection (1) above, then the city may not allocate more than 50 percent of the hotel occupancy tax revenues for the purposes provided by subsection (5) above.

(Ord. No. 2005-09-26-1, § 3, 9-26-05)

Sec. 70-44. Supervision of expenditures.

The city, through its city manager, may manage and supervise expenditures, programs and activities funded with revenue from the tax authorized by this article. Any revenue received from the tax authorized by this article shall be kept in a separate account established for the purposes listed in section 70-43 and may not commingle the revenue with any other money. The city manager shall make periodic reports to the city council at least quarterly listing the revenues and expenditures of this account.

(Ord. No. 2005-09-26-1, § 4, 9-26-05)

Sec. 70-45. Collection of tax; failure to collect.

- (a) Every person shall collect the tax imposed in section 70-42 hereof for the city. On the last day of the month following each quarterly period, every person required herein to collect the tax imposed in this article shall file a report with the tax assessor-collector showing the consideration paid for all room occupancies in the

preceding quarter, the amount of tax collected on such occupancies, and any other information as the tax assessor-collector may reasonably require. Every person required herein to collect the tax imposed in this article shall pay the amount of tax collected from occupants during the period of the report at the time of filing the report as provided above.

- (b) If any person shall fail to collect the tax imposed in this article, or shall fail to file a report as required by this article, or shall fail to pay the tax assessor-collector the tax as imposed in this article when such report for payment is due, or shall file a false report, then such person shall be deemed guilty of a misdemeanor and upon conviction be punished by a fine not to exceed \$500.00. In addition, the city, through an attorney acting for the city, may bring suit against a person who is required to collect the taxes and pay the collection to the city and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the city until the tax is paid or the report filed, as applicable. In addition to the amount of any tax owed, the person shall be liable to the city for the city's reasonable attorney's fees and a penalty equal to 15 percent of the total amount of tax owed.

(Ord. No. 2005-09-26-1, §§ 5, 6, 9-26-05)

Sec. 70-46. Liability for tax.

That if a person who is liable for the payment of an amount under section 70-44 is the owner of the hotel, and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount due until the seller provides a receipt from the tax assessor-collector showing that the amount has been paid or a certificate stating that no amount is due. The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price. The purchaser of a hotel may request that the tax assessor-collector issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The tax assessor-collector shall issue the certificate or statement within 60 days after receiving the request. If the tax assessor-collector fails to mail to the purchaser at the address he provides to the tax assessor-collector, the purchaser is released from the obligation to withhold the purchase price or pay the amount due. The period of limitation during which the tax assessor-collector may assess tax against the purchaser under this section is four years from the date when the former owner of the hotel sells the hotel or when a determination is made against the former owner, whichever event occurs later. At any time within three years after a deficiency determination against the purchaser has become due and payable the tax assessor-collector may bring an action in a district court of McLennan County or a court of any other state of the United States in the name of the City of Hewitt, Texas, to collect the delinquent amounts together with penalties and interest.

(Ord. No. 2005-09-26-1, § 7, 9-26-05)