

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

April 2, 2018

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

Kurt Krakowian – 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

Kevin Reinke, Utilities Director

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **2nd day of April, 2018, 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:
 - Earth Day Celebration – April 21, 2018
 - Citizens Police Academy – February 20, 2018 – April 24, 2018
 - Nacho Daddy (Greater Hewitt Chamber Event) – May 12, 2018
 - Household Hazardous Waste Day – May 19, 2018
 - c. Briefing and discussion concerning financial reports.
 - d. Briefing and discussion concerning Waco-McLennan County Public Health District.
 - e. Briefing and discussion concerning Residential Electricity Aggregation Program.
 - f. Briefing and discussion concerning Semi-Permanent Cosmetic.
 - g. Briefing and discussion concerning Waco Metropolitan Area Regional Sanitary Sewerage System (WMARSS).
 - h. Briefing and discussion concerning vacancies and appointments.
 - i. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. 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 §551.074 - Personnel Matters (City Manager's Annual Evaluation).
4. Close Executive Session.
5. 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 5:00 AM/PM on March 29, 2018.

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 **2nd day of April, 2018, 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 March 19, 2018.
4. Special presentation to the Parks Department from the Texas Sports and Social Club.
5. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
6. Consider award of bid for 2017 Sun Valley Blvd. Road Bores Project to TTG Utilities, L.P., in the amount of \$152,295.00.
7. Authorize Waco Metropolitan Area Regional Sanitary Sewerage System (WMARSS) Project Agreement "MLK at Herring - Sinkhole #2" in the total amount of \$128,264.80.
8. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 5:00 AM/PM on March 29, 2018

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.



COUNCIL WORKSHOP AGENDA ITEM #2.a

HEWITT TEXAS II

CITY ENGINEER'S REPORT

March 29, 2018

2015 Bond Projects:

Lift Station No. 5 Removal

Signed easements for the American Sales lot have been received and are to be recorded within the coming week. Will discuss other updates within the meeting.

IH - 35 Waterline

- Phase 2; Sun Valley to Flat Rock Trailers
 - Plans to be submitted to TxDOT for permitting shortly, pending Lift Station No. 5 issues.
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - Will begin design in the coming months.

Sun Valley Rd.; Waterline Bores.

Bids were received, and you should find the Bid Tabulation and my Letter of Recommendation for the Council's consideration of award.

2018 Street Improvements; Slurry Seal

This project is currently being advertised for bidding. We are to open bids on April 11, 2018 at 10 a.m.

Alamo Lift Station (Lift Station No. 7)

Will provide update at meeting, if any.

Drainage

209/213 Cross Country Drainage Improvements

This project is currently being advertised for bidding. We are to open bids on April 11, 2018 at 10:30 a.m.

Old Temple Rd; Phase 2

Contractor has been pouring ribbon curb and driveways for the northern portion of the project.

HEWITT TEXAS

CITY ENGINEER'S REPORT March 29, 2018

FM 2113 (Spring Valley Rd.)

Will provide update at meeting, if any.

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

We are finalizing plans.

Hewitt Dr. and Panther Way

Comments have been received and discussed revisions are being made. I anticipate having this project out to bid in the coming weeks. However, we will not issue a Notice to Proceed until Midway ISD lets out for summer.

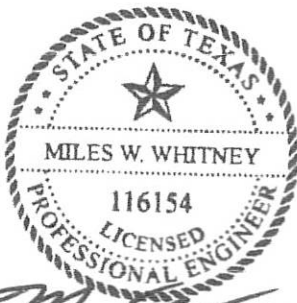
Sierra Slope / Angel Fire Intersection Repair

Bids for this project are to be opened April 26, 2018 at 10:00 a.m. The Utility Dept. is to replace the waterline crossing at this intersection prior to reconstruction of the street intersection.

Stormwater Ordinance

A draft ordinance was presented in our last meeting's packet. This is to go before P&Z on April 3, 2018.

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.d



MEMORANDUM

FROM: Adam Miles, City Manager
TO: Mayor and City Council 
DATE: March 29, 2018
RE: Waco - McLennan County Public Health District

The Waco - McLennan County Public Health District provides a multitude of services specifically related to improving the overall health and wellness of McLennan County residents. Most residents are aware of the health inspections and permits for food establishments and restaurants. Many residents, however, are not aware of the Epidemiological Services, Public Health Nursing Services, immunizations, and HIV/STD rendered annually to Hewitt residents.

Hewitt is a funding partner of the Waco - McLennan County Public Health District. The amount of funds Hewitt pays is currently based on the current rate of \$1.50 per resident. For reference Hewitt's population was estimated at 14,166, which equals our budgeted \$21,249 for the current Fiscal Year.

For the past year, a task force as well as the Public Health District Board have met intermittently to discuss future funding of the District. While several cities and the County currently pay an annual fee for these services, the City of Waco pays a disproportionately large share of the overall operations cost. In other words, the City of Waco currently subsidizes the cost of services to other cities in McLennan County.

The task force has looked at multiple options to remedy this disparity, however, in all scenarios, the cost allocation for the cities (other than Waco) will increase over time. For the upcoming FY 2018-19 Budget, the District is proposing a cost increase of \$0.30 per resident. This cost increase would translate to Hewitt's annual cost going up to approximately \$25,499. The current proposal indicates this cost would continue to increase over the next few years until all partner cities are sharing proportionately (based on populations) in the overall cost of District operations.

In light of this ongoing conversation we recently requested a summary of services received by Hewitt residents from the Public Health District. Sherry Williams, Director of the Public Health District, provided the attached letter and summary of services provided to Hewitt residents. While the funding partners have access to aggregated information, the City cannot receive detailed information (names, addresses) due to Health Insurance Portability and Accountability Act (HIPPA) medical information privacy law.



Waco-McLennan County Public Health District

Sherry Williams, APRN, Director
225 W. Waco Drive, Waco, Texas 76707
Phone 254-750-5459
Fax: 254-750-5452
sherryw@ci.waco.tx.us

City of Bellmead

City of Beverly Hills

City of Bruceville-Eddy

City of Crawford

City of Gholson

City of Golinda

City of Hallsburg

City of Hewitt

City of Lacy-Lakeview

City of Leroy

City of Lorena

City of Mart

City of McGregor

City of Moody

City of Riesel

City of Robinson

City of Ross

City of Waco

City of West

City of Woodway

McLennan County

March 15, 2018

Mr. Adams Miles
City of Hewitt
200 Patriot Court
Hewitt, TX 76643

Dear Mr. Miles,

The City of Hewitt has been a member of the Waco-McLennan County Public Health District since 1988, in an effort to provide an effective local public health program for the residents of McLennan County as authorized by Chapter 121 of the Texas Health and Safety Code, Local Public Health Reorganization Act.

I want to thank you, the Hewitt City Council and residents of Hewitt, Texas for your support over the years. As has been discussed, the current Cooperative Agreement expires on September 30, 2018. A proposed change to the Cooperative Agreement is the funding level agreed to by participating cities and the county, which is being recommended by the board to address widening inequity in the District's budgeted revenue sources.

The recommended change that the board deems acceptable and reasonable to all partners, would be a tiered increase in the contribution level of \$0.30 per year for each city (from the current base of \$1.50), and an increase of \$0.25 per year for the county (from a current base of \$1.00) over the five-year term of the agreement. The City of Waco would continue to bear all responsibility for any additional budgetary increases and capital costs associated with the District's facilities. You may not be aware, but contributions assessed to members of the District have not increased since 2007.

The information below is being provided to help inform the decision of the proposed increase. Included, you will also find a list of what is considered a unit of service. The information is outlined by program to include number of households (WIC only), number of clients and units of service. The data is for October 1, 2016 through September 30, 2017.

Please let me know if you have any other questions.

Sincerely,

Sherry Williams, APRN
Director

Services Provided to the City of Hewitt, Texas

Women, Infant and Children (WIC)

- Number of Households 682
- Number of Clients 1,047

Vital Statistics

- Number of Birth Certificates sold 431
- Number of Death Certificates sold 14

HIV/STD

HIV Case Management

- Number of Clients 8
- Units of Service 22

HIV Prevention

- Number of Clients 11
- Units of Service 11

STD

- Number of Clients 38
- Units of Service 38
- Pregnancy Tests 1

Environmental Health

Food Safety

- Food Handlers Class 12
- Food Manager Class 2

Food Establishment

- Permit & Inspection 105
- Follow-up 7
- Closures 1
- Complaints/Other 12

Pool/Spa

- Inspections 8
- Follow-up 7
- Closures 4

On-Site Sewage Facility (OSSF)

- Applications Processed 2
- Permits 2
- Compliances Written 1
- Complaints Investigated 1

Public Health Nursing

• Preparedness Attendees	2
• Immunization Clients	217
• Vaccines Administered	401
• Consults/Other Services	190
• Epidemiological Investigations	30
• Tuberculosis Clients	30

There are other services provided such as health education to community groups, schools, churches, etc., worksite wellness program development, coalition building, and attendance at numerous meetings by various staff that are performed but not listed above.

Unit of Service

- Client Visit -office or home (TB Clinic, Chest x-Ray, DOT, STD Clinic, Lab, HIV Testing/Counseling, HIV Case Management, WIC)
- Immunizations (each shot)
- Selling Birth Certificate
- Selling Death Certificate
- Food establishment inspection
- Other inspections (child care facility, septic system, swimming pools and spas, etc.)
- Enforcement actions (citations, closures, written notices, permit revocations, etc.) of ordinances, rules, regulations and Health Safety Code
- Food handler classes
- Notarizing documents
- Completing Acknowledgement of Paternity (AOP) paperwork
- Completing paperwork to amend birth or death certificates
- Investigating and responding to complaints
- Community/Health Education (groups, health care community, schools, immunization outreach etc.)
- Epidemiology (disease investigation, reporting to State or CDC, data collection and evaluation, Community Health Needs Assessment, etc.)
- Public Health Emergency Preparedness (developing response plans, responding to public health emergencies/events, etc.)
- Billing/Cashier (collecting and depositing money, working with billing agency, completing reports, etc.)

HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2.e

HEWITT TEXAS

MEMORANDUM

FROM: Adam Miles, City Manager 
TO: Mayor and City Council
DATE: March 29, 2018
RE: Residential Electricity Aggregation Program

Last year, the City of Waco worked with iChoosr on a residential electricity purchase aggregation project designed to save homeowners and residents on the cost of purchasing electricity. The idea behind the aggregation project is simple, together residents have more leverage in the market to get the best average “bulk” pricing for electricity. Now, iChoosr has approached the City of Hewitt to consider partnering with the same program.

The program is straightforward. partnering with the City of Hewitt, iChoosr would ask Hewitt residents to sign up or “opt in” to be part of the aggregation list and included in a reverse auction for providing retail electric service. iChoosr does some analysis for each potential customer (some customers may be under an existing contract) and uses customer data in taking the package to market. On the average, iChoosr asserts most customers would save over their current REP contract.

Leveraging the buying power of the aggregated residents, iChoosr then provides the residents with the final pricing quote from a vetted retail electric provider (REP). The resident would then decide whether to sign up with the winning REP or stay with their current provider (again, some customers may be under an existing contract and would have to consider the cost of an early termination with their current REP).

If the resident chooses to sign up they would sign a one (1) year contract with the new provider. As the broker, iChoosr would make a commission off of the final number of customers who sign up with the new REP. Obviously, iChoosr would be interested in making this a long term relationship.

One of the criticisms of the program is that it might be possible for a resident to purchase “cheaper” electricity on their own. This is true, however, a resident would need to be very active in managing their electricity usage and evaluating the different offerings from REP’s on a regular basis. One of the primary resources for this is found at www.powertochoose.com. Most people simply don’t do this. They sign up with a provider, and then forget about it for an extended period of time.

The City’s role in all of this is merely to facilitate the flow of information for iChoosr. While there are cost-revenue sharing models available, as currently discussed, the City would not have a direct financial benefit from this agreement. Our main role would be to serve as a marketing conduit, for the overall project which is intended to save on the cost of electricity for our residents.



Texas Power Switch

executive summary



MANY RESIDENTS PAY TOO MUCH FOR ELECTRICITY

For many Texas households the monthly energy bill is one of the biggest expenses, especially in the hot summer months. Many households have a choice in power providers. However, most families do not shop regularly for better rates because they find energy matters complex or lack the time to research the overload of options available. In addition, consumers don't know whom to trust.

To help families interested in saving money on their electricity bills in an easy way, iChoosr has developed a model called "Residential Electricity Aggregation Program". In order to build trust, iChoosr works with *towns, cities, communities and organizations*— entities that are known and trusted by consumers as being on their side.

With help of the City/Organization, like-minded residents form a group and iChoosr navigates the complex energy market on behalf of these residents. This is an opt-in approach that is free for your residents/members, without any obligation to accept the rate offered.

iChoosr organizes an energy auction among electric providers to get a cheap one-year fixed rate, which is explained in straight-forward language to your residents. This auction-winning rate does not have complex usage-based tiered pricing and usage-based penalties, which could lead to surprises when a customer's usage changes. This way the City/Organization not only offers an affordable rate but also one that is fair and transparent too.

USE CASE: FATE POWER SWITCH

The City of Fate, 30 miles east of Dallas, wants to help its residents in trying to keep total costs for families down. Fate's City Manager Michael Kovacs explains, *'The City of Fate is committed to help its residents save on their electric bills, which is why we launched the Fate Power Switch. The electric bill may be one of the biggest monthly bills for households, especially in the hot summer months. A lower fixed rate can help lower bills year round. This program is the first of its kind in Texas and the results have been astonishing.'*

'Together with iChoosr we have organized two programs in 2017. A total of 3,500 households were targeted in Fate and 1 in 4 households have sign-up to the two editions of the Fate Power Switch. Over 70% of registered households indicated that have not switched in the last 3 years. Of these 791 households, 259 have switched to the auction-winning rate (33%). Switched households save on average \$350-450 a year in comparison with similar plans in the market today. This means that all together these Fate families will save approx. \$90,000 or more on their electric bills and this money that will stay in the local community'

'A customer survey among participants of the program tells us that 81% of residents thinks it is a good idea for the City to help residents to save money on their electric bills and 78% thinks we should organize more of these programs.'

EXPERT IN RESIDENTIAL AGGREGATION PROGRAM

The City of Fate and Waco have already has teamed up with iChoosr LLC. iChoosr currently partners with 200 municipalities across the Netherlands, Belgium, Great Britain and Texas. Since 2008, iChoosr has saved more than a 1.4 million households a total of more than \$250 million on their energy bills. Fate and Waco are have already run successful campaigns and are currently working on their third and second campaign respectively.

The City/Organization and iChoosr jointly promote the program, while iChoosr takes care of customer service, provider management, auction, platform & project management. Please find a 60 seconds explainer video here: <https://www.youtube.com/watch?v=VUCPcfqPT4I>

iChoosr LLC
401 Congress Avenue, Suite 1540
Austin, Texas 78701

filip.vissers@ichoosr.com
(512)687-3439
www.ichoosr.net

iChoosr LLC is an associate member of TML and is registered as an aggregator at the Public Utility Commission of Texas under number #80419

Group Energy Switching for residential consumers in partnership with Local Government

1. SIGN UP FOR FREE
2. AUCTION
3. PERSONAL OFFER
4. ACCEPT OR DECLINE

Why consumers currently pay more...

- High electricity prices place a burden on household budgets
- Deregulation has given consumers choice, but many are not aware that they can change or do not act
- Consumers find energy complex. Many providers have tiered rates with penalties that are confusing
- Additional fees are hidden which can cause high bills
- Consumers don't know who to trust

Who is iChoosr?

- iChoosr is a 75+ employee company with offices in Amsterdam, Antwerp, London, Houston and soon in Japan
- Since 2008 we have saved over a 1.7 million Belgian, Dutch, British and Texas households
- Last year we ran two successful programs in the cities of Waco and Fate. We started the March 2018 campaign with Waco, Fate, Dickinson, Wilmer and Seadrift.
- Richland Hills, Webster and Lake Dallas will be joining us in the July round.

Some "big providers" use gimmicks

Free Nights are Back and Better than Ever.

Now choose what time your Free Nights start. After that? Nine blissful hours of free electricity.

You choose when.

START SAVING >

- TXU 'Free Nights' customers pay \$1.930 / year
- TXU 'Simple Rate' customers pay \$1,561 / year

What we do...

- iChoosr hosts an Electrical Aggregate for residents in cities across Texas
- We use *Group Buying Power* to save residents within a city \$300-450 dollars annually on their energy bill
- Residents are offered an easy to understand competitive and fair rate, without obligation to take it
- The community benefits from this positive service, while accumulated savings stay in the local economy
- iChoosr has a Texas broker registration with PUCT (#80419)

Electricity Facts Label (EFL)

Tiered pricing means you need a spreadsheet just to figure out what you would pay.

Power companies use all sorts of terms to describe charges and fees to keep the client confused and they count on customers to avoid the fine print.

An example might be the potential termination fee of a whopping \$200.

Power to Choose (Not a great choice)

The way these rates are listed are deceiving

Shop. Compare. Choose.

The screenshot shows a complex interface with multiple columns for different providers like PG&E, DISCOUNT POWER, and pc. Each provider lists various plan details including price per kWh, contract length, and early termination fees. The information is presented in a way that makes direct comparison difficult for consumers.

Benefits to the City

- The city creates a sense of "taking care" of its residents. A positive service that offers an opportunity for them to save money.
- This is money that will stay in the local economy.
- Little obligation from the city and zero liability.

How do we address these problems?

- iChoosr works with providers that offer an easy to understand rate structure (no usage based complex price tiers and low early termination fees)
- We will provide an affordable and fair energy deal for the City's residents
- Easy to understand language and completely transparent
- We vet and select providers
- iChoosr partners with the City to offer its endorsement which gives their residents the confidence to switch

Aggregated results from our first two Programs

- Registrations: 1,816
- Switchers: 584 (32%)
- Average savings per household: \$350
- Savings that stay in local economy: \$203,000
- Winning providers: Discount Power & Champion Energy

Project cycle is 2-3 months

Education & Registration (1-2 months)

Auction (1 Day)

Decision (2-3 weeks)

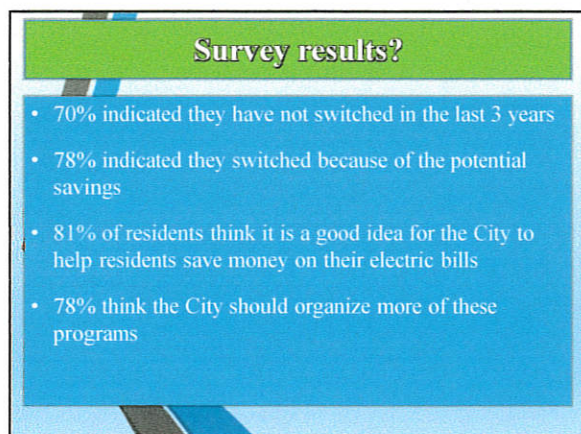
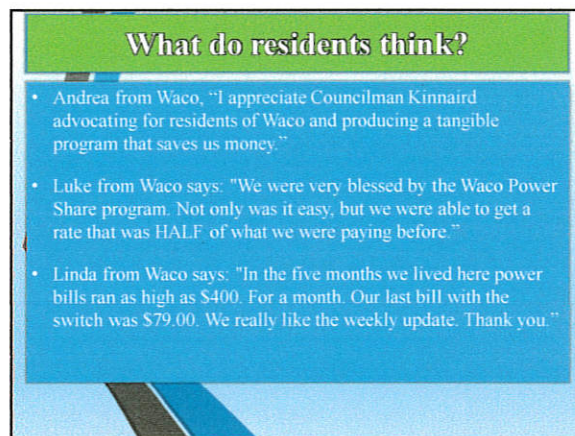
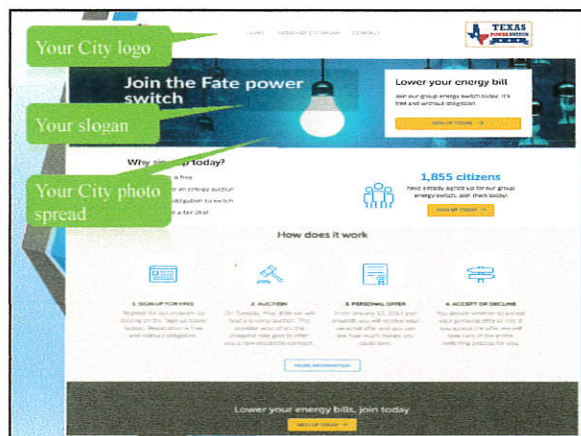
Close out & support

Who does what?

- The City and iChoosr jointly promote the program
- iChoosr does the rest: customer service, provider management, auction, platform & project management

Examples of Communication Channels for promoting the campaign

- Communication approach for Texas cities that works:
 - Utility bill insert
 - Use City Social Media (ex. Facebook, Twitter etc.)
 - Bulk letter/postcard
 - Partner with local Chambers of Commerce and HOA's
 - Getting local press involved
 - "Bring your bill day"
 - Work with local media (ex. TV, Newspapers Local Radio Stations)



HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2f.

HEWITT TEXAS

MEMORANDUM

FROM: Adam Miles, City Manager 
TO: Mayor and City Council
DATE: March 29, 2018
RE: Semi Permanent or Intradermal Cosmetics

From time to time Hewitt's Zoning Regulations are updated to take new uses into account. Recently, we were asked about allowing the application of semi-permanent cosmetics via "Microblading". After taking time to better understand the process, city staff learned microblading is a form of cosmetic application where licensed personnel apply micro-injections of pigment to the dermal layer of skin. This process is actually regulated under the Texas Department of State Health Services and is also known as Intradermal Cosmetics.

According to the State, "Intradermal cosmetic studios (sometimes referred to as permanent makeup studios) are becoming more and more common in Texas. The permanent makeup is generally applied to the eyebrows, eyelids, and lips. Some studios use traditional tattoo equipment, while others use devices that work on the same principle, but are smaller and look like pens. Generally, the components of the pen-type machine come pre-sterilized from the manufacturer and are disposable (one time use) items." Intradermal Cosmetics is a different use than tattooing and may be regulated differently.

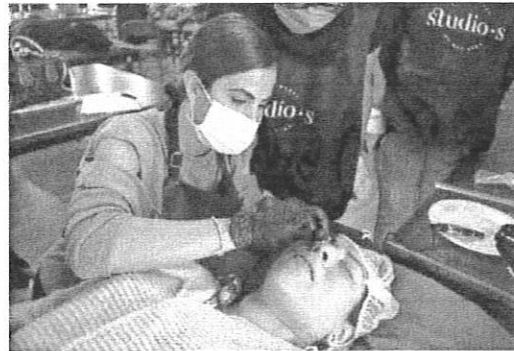
In an effort to include this new use and associated regulations in Hewitt's Code of Ordinances (ie. allowing this use along with traditional beauty shops), this item has been placed on the Planning and Zoning Commission's April 3 calendar for consideration. This information is being presented to the City Council for discussion and informational purposes at this time.

Item #4

Barbers and Beauty Shops

MICROBLADING

SEMI-PERMANENT COSMETIC MAKE-UP SHOP. An establishment where licensed personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a semi-permanent basis. This does not include a tattoo parlor.



Microblading is a semi-permanent cosmetic procedure that enhances the depth and vitality of eyebrows. During the microblading procedure, a thin layer of pigment is sliced into the surface layers of the skin. It is semi-permanent, usually lasting between 1-3 years. Microblading is becoming very popular and reflects a growing trend in cosmetic beautification. Microblading is not tattooing because the transmission of pigment is different by way of a specialized pen/pigment and customers are restricted to the enhancement/modification of eyebrows and features exclusive to the face.

Our Code of Ordinances do not currently account for "Semi-Permanent Cosmetic Make-Up Shop", which would cover Microblading and microblading procedures. Our Code of Ordinances currently covers "barber and beauty shops" but does not explicate the meaning of either. Community Development has received inquiries for the implementation of new language to accommodate the growing microblading market. I propose a change to the Code of Ordinances that would accommodate the "Beauty shop," as an establishment that provides non-permanent and semi-permanent cosmetic services. The included definition would provide the definition of "beauty shop", is intended to specify the scope of semi-permanent cosmetics and differentiates from tattooing, which would require a separate amendment to the ordinance.

Beauty shop: An establishment in which hairdressing, makeup, and similar non-permanent and semi-permanent cosmetic services are carried out professionally

Barber: An establishment that cuts, dresses, grooms, styles and shaves hair on the face and head

2.109. C-1 restricted commercial district.

The regulations set forth in this section, or as set forth elsewhere in this ordinance when referred to in this section, are the regulations of the "C-1 restricted commercial district."

Purpose and intent. The purpose and intent of the "C-1 restricted commercial district" is to provide for compatible land, building and structure uses primarily oriented to select retail convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers; select low intensity office uses; and select community facility uses. The locational characteristics of this district are generally confined to limited intersection locations of collector streets and thoroughfare streets; within residential "planned unit development" projects; and as a transition district between residential districts and higher intensity commercial and industrial districts. In the C-1 districts:

A. Uses.

1. Banks and other financial institutions.

2. Barber and beauty shops.

3. Business or professional offices.

4. Churches, convents, parish houses.

5. Commercial or private schools.

6. Convalescent or rest homes.

7. Dressmaking, millinery, tailor shops, shoe repair shops and similar shops.

8. Existing residential dwelling units used as such on the effective date of this ordinance.

9. Hospitals other than veterinary.

10. Nursery, kindergarten and other special schools.

11. Public office buildings used by schools, city, county, state or federal governments.

12. Public and private schools

13. Religious, educational and philanthropic institutions, but not animal care.

14. Retail bakery shop.

15. Retail candy shop.

16. Retail sales, excluding automobiles, trucks, motorcycles, farm machinery, construction machinery and equipment, building materials and agricultural and farm supplies, and subject to the following conditions:

(a) That all uses or activities be conducted wholly within an enclosed building.

(b) That yards be not used for display, sale, or storage of merchandise, for service to customers, or for the storage of vehicles, equipment, containers or waste materials.

(c) That all merchandise be firsthand and be sold at retail on the premises except merchandise considered to be antiques.

(d) That such use be not objectionable because of odor, excessive light, vapor, dust, steam or other airborne material, pollutants, presence of vermin or rodents, or similar nuisances.

17. Studies [studios] of artists and photographers.

18. Telephone exchange.

B. *[C-1 district regulations.]*

1. All structures, except accessory buildings, shall face a major street.

2. Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet. All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

3. No structure or part of a structure shall have in excess of 20 percent of the floor area of the structure used for storage or warehousing; all articles, merchandise, or commodities stored upon a premises shall be sold at retail or fabricated upon the premises.

4. For any newly constructed building or any remodeling or structural changes on an existing building exceeding 75 percent of its fair market value, in addition to paved parking and driving areas, at least ten percent of the lot in front of the building line shall be maintained in landscaped open areas. If all of a portion of the parkway is maintained in landscaped open area, such landscaped portion will reduce the amount of landscaped area on the lot at the rate of two square feet of landscaped parkway area for each required one square foot of landscaping on the lot.

5. All metal buildings shall meet the following minimum requirements:

(a) The exterior shall be of baked enamel;

(b) For any newly constructed building or any remodeling or structural changes on an existing building exceeding 50 percent of its fair market value, 75 percent, excluding doors and windows, of each exterior wall shall be covered with a material other than metal; and

(c) The building shall comply with all zoning and construction codes of the city.

Section 12.102. - Definitions.

The following definitions shall apply to the textual provisions of this ordinance:

1. *Accessory building*: A separate building devoted to an accessory use.
2. *Accessory use*: A use the same as or subordinate to the primary use of the main building or to the primary use of the premises.
3. *Administrative official*: The officer or other designated authority charged with the administration and enforcement of this ordinance, or his duly authorized representative.
4. *Alley*: Land dedicated to public use and devoted to secondary access to lots.
- 4A. *Assisted living facility*: A facility for people needing assistance with activities of daily living. This includes facilities that bridge the gap between independent living and nursing homes, as well as nursing homes.
5. *Automobile sales area*: An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises.
6. *Automobile wrecker service area*: An open area used for the temporary storage of vehicles transported by a business licensed as a wrecker service by the State of Texas. Such areas shall be permanently screened from public view by a solid fence which shall be maintained by the property owner.
7. *Automobile wrecking yard*: A place for the dismantling, storage, trading or buying and selling of disabled, dismantled and damaged vehicles. Damaged vehicles shall include any vehicle which has been involved in a collision in which reinspection is required by state law.
8. *Barber*: An establishment that cuts, dresses, grooms, styles and shaves hair on the face and head
9. *Basement/cellar*: The part of a building from one floor to the next floor above which as part of but less than one-half its height below grade. If a basement/cellar is subdivided and used for dwelling purposes, it is counted as a story.
10. *Beauty shop*: An establishment in which hairdressing, makeup, and similar non-permanent and semi-permanent cosmetic services are carried out professionally
11. *Board*: The board of adjustment established by the Hewitt City Charter.
12. *Build*: To erect, convert, enlarge, reconstruct, or structurally alter a building or structure.
13. *Buildable width*: The width of lot left to be built upon after the side yards are provided.
14. *Building*: Any structure designed for the use of persons, property or animals.
15. *Building line*: A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.
- 15A. *Carport*: Carport shall mean a structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension.

16. *City:* City of Hewitt, Texas.

16-68.

HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2h.

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

City Council 2 Yr Term - May	Board of Adjustment 2 Yr Term - April	Planning & Zoning Commission 3 Yr Term - June	Parks & Beautification Committee 2 Yr Term - December	Library Board of Directors 2 Yr Term - December
1st & 3rd Mon 7 pm	3rd Thurs 7 pm	1st Tues. 7 pm	2nd Thurs 7 pm	Quarterly as needed
Mayor Travis Bailey Ward 1 (05-2019) 412 Oklahoma Avenue 666-1492	Chairman (04-2018) Jim Winton 1136 Heatherwood 857-9436	(06-2019) VACANCY	(12-2018) Jerry Snider 108 Brenda Drive 307-0613	President (12-2018) Eric Ames 249 Fieldcrest Dr. 710-1576
Wilbert (Walky) Wachtendorf Ward 1 (05-2018) 328 Travis Lane 666-3759	(04-2018) Bradley T. Turner 600 Yukon Pass 723-4912	(06-2019) Bobby Wolske 109 Devonshire 366-4743	(12-2019) Kathy Krakowian 804 Pebble Creek Cr. 424-7192	(12-2019) Gayle H. Shipp 704 Cheyenne Trail 495-1044
Bill Fuller Ward 2 (05-2018) 218 Chelsea/PO Box 568 666-3304	(04-2019) Douglas Bergen 264 Earle Rd. 666-0855	(06-2019) Walter H. Peterson 500 Moss Hill Rd. 757-5128	(12-2019) VACANCY	(12-2018) Karen Copeland 616 Crestwood Dr. 717-4906
James Vidrine Ward 2 (05-2019) 504 Rowan Oak 666-2115	(04-2019) Charles Howard 155 Ellis Farm Rd. 732-4746	(06-2017) Jonathan Denton Dulus 332 Bowie Ln. 855-4013	(12-2019) Fred Bridger 613 Durango Circle 749-8810	Secretary (12-2018) Lydia Dashner 520 Angel Fire Dr. 666-9623
Mayor Pro Tem Ed Passalugo Ward 3 (05-2019) 137 E. Chapman Rd. 420-1926	(04-2019) R. Don Vardeman 432 S First St. 666-2670	(06-2017) Charlie Turner 209 Laredo 666-0087	(12-2018) Davis D. Thigpen 606 Madison Dr. 749-9500	(12-2018) Beth Oakley 708 Angel Fire Drive 644-3594
Steve Fortenberry Ward 3 (05-2018) 701 Oakmont Drive 744-1697	Alternate (04-2018) Jim Pless 803 Attaway 855-7762	(06-2017) Michael Lee Hix 336 Bowie Lane 723-5071	(12-2018) Veronica Molina 1201 Radisson (434) 531-2014	(12-2019) VACANCY
Kurt Krakowian At Large (05-2019) 804 Pebble Creek Cr. 224-1202 (cell)	Alternate (04-2019) VACANCY	(06-2017) John J. Baker 317 Bonham Drive 235-0464	(12-2018) VACANCY	Vice President (12-2019) Sally Goldman 132 Texas 666-2436

Updated: 03/21/2018



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 2, 2018

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop and Regular Meeting of March 19, 2018.

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 March 19, 2018 – 5:30 PM/7:00 PM

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

Member absent: James Vidrine

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, Community Development Director Tracy Lankford, Managing Director Katie Allgood, Finance Director Lee Garcia, Library Director Waynette Ditto, Utilities Director Kevin Reinke, Parks & Media Coordinator Caz Muske, and City Secretary Lydia Lopez

Parks & Beautification Committee Members Present: Fred Bridger, Veronica Molina, and Kathy Krakowian

WORKSHOP – 5:30 PM

1. Mayor Travis Bailey called the meeting to order at 5:30 PM.
2. City Manager presented update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning upcoming events:
 - o Earth Day Celebration – April 21, 2018
 - o Citizens Police Academy – February 20, 2018 – April 24, 2018
 - o Household Hazardous Waste Day – May 19, 2018
 - o Nacho Daddy (Greater Hewitt Chamber Event) – May 12, 2018
 - c. Briefing and discussion concerning financial reports.
 - d. Briefing and discussion concerning Library events.
 - e. Briefing and discussion concerning street sweeping schedule.
 - f. Briefing and discussion concerning vacancies and appointments. (Not discussed)
 - g. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. **JOINT MEETING WITH PARKS & BEAUTIFICATION COMMITTEE**
 - a. Briefing and discussion concerning Recycling App.
 - b. Briefing and discussion concerning Earth Day Celebration.

- c. Briefing and discussion concerning Parks & Beautification Master Plan. Parks & Beautification Committee Vice Chair Veronica Molina presented a PowerPoint presentation.
4. Review regular meeting agenda items.
5. *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to convene Executive Session at 6:41 PM pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:*
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
 - **Pursuant to §551.074 - Personnel Matters (Council Member – At-Large).**
6. Close Executive Session/Adjourn. *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Bill Fuller to close the Executive Session and adjourn the Workshop at 6:48 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 Kurt Krakowian to lead the Pledge of Allegiance.

SPECIAL PRESENTATION – NOT LISTED ON THE PRINTED AGENDA – Police Chief Jim Devlin presented a plaque to Council Member Steve Fortenberry for volunteering to get tased during the Citizens Police Academy.

3. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP AND REGULAR MEETING OF MARCH 5, 2018.** *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 five 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. **MOTION TO ACCEPT THE FISCAL YEAR 2016-2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR).** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Mayor Pro Tem Ed Passalugo to accept; all five in favor, motion passed.*
6. **MOTION TO ACCEPT RESIGNATION LETTER FROM ALEX SNIDER AND DECLARE A VACANCY FOR COUNCIL MEMBER, AT-LARGE.** *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Bill Fuller to accept the resignation; all five in favor, motion passed. Mayor Pro Tem Ed Passalugo stated that Mr. Snider was transferred by his employer to Greenville, Texas.*

7. **CONSIDER APPOINTMENT TO FILL THE UNEXPIRED TERM OF COUNCIL MEMBER, AT-LARGE PER SECTION 2.6 OF THE HEWITT CITY CHARTER.** *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Bill Fuller to appoint Kurt Krakowian to fill the unexpired term contingent upon his resignation from the Planning & Zoning Commission; all five in favor, motion passed. Note:* Letter of resignation from service of the Planning & Zoning Commission was submitted to the City Secretary.
8. **ADMINISTER THE OATH OF OFFICE TO THE COUNCIL APPOINTMENT, COUNCIL MEMBER, AT-LARGE.** City Attorney Charlie Buenger administered the oath of office to the newly appointed Council Member, At-Large Kurt Krakowian. Council Member Kurt Krakowian took his seat at the dais and voted on the next agenda item.
9. **CONSIDER A RESOLUTION AWARDING A NO SUBSIDY CONTRACT FOR EMERGENCY MEDICAL SERVICES TO AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC. D/B/A AMERICAN MEDICAL RESPONSE (AMR) FOR A TERM OF FIVE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THIS TRANSACTION.** *A motion was made by Mayor Pro Tem Ed Passalugo and second by Council Member Bill Fuller to approve; all six in favor, motion passed.*
10. **ADJOURN.** *A motion was made by Council Member Kurt Krakowian and seconded by Council Member Steve Fortenberry to adjourn the regular meeting at 7:12 PM; all seven in favor, motion passed.*

Approved: April 2, 2018

Lydia Lopez, City Secretary

Travis Bailey, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: April 2, 2018

AGENDA ITEM #: 4

SUBMITTED BY: Katie Allgood, Managing Director

ITEM DESCRIPTION:

Special presentation to the Parks Department from the Texas Sports and Social Club.

STAFF RECOMMENDATION/ITEM SUMMARY:

Through their Adult Easter Egg Hunt on March 24th, Texas Sports and Social Club raised funds for the renovation of Hewitt Park's sand volleyball pit. The City of Hewitt has partnered with Tanisha Johnson and Texas Sports and Social Club on various projects and events, and the City is thankful for their ongoing contributions to our city parks.

ATTACHMENTS:

None

HEWITT TEXAS

ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

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

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

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



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 2, 2018

AGENDA ITEM #: 6

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider award of bid for 2017 – Sun Valley Blvd.; Road Bores to TTG Utilities L. P. in the amount of \$152,295.

STAFF RECOMMENDATION/ITEM SUMMARY:

After bid solicitation, four bids were received and opened on March 29, 2018. TTG Utilities, L.P., provided the lowest bid in the amount of \$152,295.00. City staff recommends award of this project to TTG Utilities, L.P.

ATTACHMENTS:

Letter from City Engineer
Bid Tabulation

MARCH 29, 2018

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: E-MAIL

RE: 2017 - SUN VALLEY BLVD.; ROAD BORES

COUNCIL:

BIDS WERE OPENED ON THE ABOVE CAPTIONED PROJECT ON MARCH 29, 2018. FOUR BIDS WERE SUBMITTED. THE LOWEST BID WAS SUBMITTED BY TTG UTILITIES, L.P. IN THE AMOUNT OF \$152,295.00. THE BID TABULATION FOR THIS PROJECT SHOULD BE INCLUDED WITHIN YOUR COUNCIL PACKET.

WHILE I DO NOT BELIEVE THAT TTG UTILITIES, L.P. HAS WORKED WITH THE CITY OF HEWITT BEFORE, I HAVE HAD PROJECTS WITH THEM FOR OTHER ENTITIES, AND ALL HAVE BEEN COMPLETED TO THE SATISFACTION OF THEIR RESPECTIVE OWNERS.

IT IS MY RECOMMENDATION THAT THIS CONTRACT BE AWARDED TO TTG UTILITIES, L.P..

SINCERELY:



Miles W. Whitney P.E.
MILES W. WHITNEY, P.E.

Base Bid Tabulation

Project: 2017 - Sun Valley Blvd., Road Bores
 Owner: City of Hewitt, TX
 Component: Bid Tabulation

Prepared By: MWW
 Date: 3/29/2018

BASE BID TOTALS			Contractor 1		Contractor 2		Contractor 3		Contractor 4	
			TTG Utilities, LP		B&L Construction Co.		Whitney Underground U.		Black Rock Construction	
Item	Qty.	Unit	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price
1 12" C-900; DR18 PVC Pipe with Tracer Wire; Installed	9	L.F.	\$ 290.00	\$ 2,610.00	\$ 85.00	\$ 765.00	\$ 70.00	\$ 630.00	\$ 225.00	\$ 2,025.00
2 8" C-900; DR18 PVC Pipe with Tracer Wire; Installed	16	L.F.	\$ 175.00	\$ 2,800.00	\$ 75.00	\$ 1,200.00	\$ 60.00	\$ 960.00	\$ 275.00	\$ 4,400.00
3 Dry Bore and Install; 20" Steel Encasement, Including 12" C-900, DR18, PVC, RJ, Carrier Pipe; Installed	93	L.F.	\$ 335.00	\$ 31,155.00	\$ 390.00	\$ 36,270.00	\$ 440.00	\$ 40,920.00	\$ 545.00	\$ 50,685.00
4 Dry Bore and Install; 20" Steel Encasement, Including 8" C-900, DR18, PVC, RJ, Carrier Pipe; Installed	287	L.F.	\$ 315.00	\$ 90,405.00	\$ 375.00	\$ 107,625.00	\$ 435.00	\$ 124,845.00	\$ 467.00	\$ 134,029.00
5 12" Gate Valve, Box, Cap and Marker; Installed	1	L.F.	\$ 2,350.00	\$ 2,350.00	\$ 3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00
6 8" Gate Valve, Box, Cap and Marker; Installed	6	L.F.	\$ 1,250.00	\$ 7,500.00	\$ 1,800.00	\$ 10,800.00	\$ 3,000.00	\$ 18,000.00	\$ 1,360.00	\$ 8,160.00
7 Connect New 12" Pipe To Existing 12" Gate Valve; Complete	1	L.F.	\$ 2,000.00	\$ 2,000.00	\$ 6,500.00	\$ 6,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00
8 Project Re-Sodding or Hydro-Mulching; Installed	1	L.S.	\$ 1,400.00	\$ 1,400.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
9 Trench Safety System Design and Implementation	25	L.F.	\$ 15.00	\$ 375.00	\$ 10.00	\$ 250.00	\$ 100.00	\$ 2,500.00	\$ 50.00	\$ 1,250.00
10 SWPP Development and Implementation	1	L.S.	\$ 1,600.00	\$ 1,600.00	\$ 3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00
11 Traffic Control Plan Development and Implementation	1	L.S.	\$ 2,600.00	\$ 2,600.00	\$ 3,500.00	\$ 3,500.00	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00
12 Mobilization (Not to Exceed 10% of Total Project Bid)	1	L.S.	\$ 7,500.00	\$ 7,500.00	\$ 18,000.00	\$ 18,000.00	\$ 10,000.00	\$ 10,000.00	\$ 8,000.00	\$ 8,000.00

Denotes corrected Bid Price



Miles W. Whitney, P.E.

Cayote Consulting, LLC
 T.B.P.E. Firm No. F-16387



COUNCIL AGENDA ITEM FORM

MEETING DATE: April 2, 2018

AGENDA ITEM #: 7

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize Waco Metropolitan Area Regional Sanitary Sewerage System (MARSS) Project Agreement "MLK at Herring - Sinkhole #2" in the total amount of \$128,264.80.

STAFF RECOMMENDATION/ITEM SUMMARY:

Hewitt co-owns a portion of the overall wastewater collection system which includes waste interceptors in other cities and areas of the County. As has been discussed previously, the sinkhole near Martin Luther King (MLK) Boulevard resulted in major damage to the 42" sewer interceptor in that area. The total cost of repair and reconstruction totals \$2,911,800. Based on Hewitt's percentage ownership in the overall system, Hewitt's share of the repair is \$128,264.80. If approved, repair is expected to be completed in November of 2018.

ATTACHMENTS:

WMARSS Project Agreement



WMARSS PROJECT AGREEMENT MLK at Herring - Sinkhole #2

This Project Agreement is made and entered into by the City of Waco (a co-owner of WMARSS) acting in its capacity as the operator of WMARSS (hereinafter Waco), and the City of Hewitt, Texas (hereinafter City, unless context indicates otherwise). This Agreement is intended to serve as an Addendum to the interlocal agreements governing the relationships between the cities comprising WMARSS and said interlocal agreements shall govern except to the extent this Agreement specifically provides otherwise.

The City hereby obligates itself to pay Waco said City's proportionate share of the project expenditure as set forth herein.

Project Description: Rehabilitation of 42-inch wastewater interceptor			
Estimated Project Schedule: Completion expected by November 2018		Type: ☒ Upgrades / Repairs ☐ Expansion / Storage	
Cost Estimate for Total Project	Engineering:	\$ 105,300.00	
	Construction:	\$ 2,806,500.00	
	Other Expenses:	\$ -----	
	TOTAL	\$2,911,800.00	
Cost Shares Based on:	☒ Annual Operation & Maintenance Expense, (using FY16 O&M%) ☐ Capacity (treatment / storage) amount city acquiring - _____		
Estimated Project Cost Share for city:	\$ 128,264.80	4.405% of Total	
Identify Sources of Funding:			

Periodic invoices will be prepared by Waco during the process of planning, designing, and constructing or installing the project improvements, upgrades, repairs, or closures. Payments shall be made within 20 days of receiving an invoice from Waco. Said invoices will be based on estimates payable from the contractor performing the work on the project.

If said City fails to make its payments in a timely manner and fails to make payment within thirty (30) days of receiving the invoice from Waco:

- (a) Waco shall send notice to the defaulting City (with a copy to the other cities) giving the defaulting city thirty (30) days to cure the default.
- (b) A payment made after the payment is due begins to accrue interest on the 31st day after receiving the invoice from Waco. The interest rate shall be determined as provided in Chapter 2251 of the Texas Government Code.
- (c) The defaulting City may request an extension to pay its share by filing a request with the WMARSS Board. In the request, the defaulting City must explain the reason it is unable to pay its share and provide a timeline for when it will be able to make the payments. The extension request must be approved by the Board (either at a meeting or thru other written communications). Since the failure to pay by the defaulting City may result in another city having to pay a larger portion of the costs in order to stay current on payments to contractors, suppliers, etc., the defaulting City may be required to sign an agreement stating the approved payment schedule and providing for a penalty amount or interest payment on the funds. The city or cities paying the deficit amount to stay current on the payments to contractors, suppliers, etc., shall share the penalty and/or interest amount in proportion to what they pay.
- (d) If the default is not cured (or an extension request filed as provided above), a meeting of the WMARSS Board shall be held within fourteen (14) days of the end of the thirty (30) day cure period to discuss the breach as provided in the Interlocal Agreement governing WMARSS.
- (e) If the project involves increasing the capacity (treatment or storage) of WMARSS, another city may offer to make the payments of the defaulting City to obtain ownership of the capacity to the extent of those payments. The WMARSS Board must approve and accept said offer.

CITY OF HEWITT, TEXAS

BY: _____
City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

City Attorney

CITY OF WACO, TEXAS

BY: _____
Wiley Stem III, City Manager

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

APPROVED:

Jennifer Richie, City Attorney

Lisa Tyer, Director of Water Utilities