

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 3, 2020
Regular Meeting - 7:00 PM
CITY HALL, 200 PATRIOT COURT
HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Charlie Turner – Mayor, Ward 1

Wilbert Wachtendorf – Mayor Pro Tem, Ward 1

Bill Fuller – Council Member, Ward 2

Vacant – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Erica Bruce – Council Member, Ward 3

Michael S. Bancalé – Council Member, At-Large

CITY STAFF

Bo Thomas, City Manager
Michael W. Dixon, 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

Tracy Lankford, Community Dev. Director

Kevin Reinke, Utilities Director

Scott Coleman, General Services Director

Tuck Saunders, Assistant Police Chief

Jessica Higgins, HR Generalist



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: Workshop Item-2

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Briefing and discussion regarding City Charter.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City Council has identified the need for a Charter review as a priority. At the last Council workshop, the Council by consensus provided myself and the City Attorney some direction regarding proposition questions for items such as purchasing, grammatical errors or misspellings and conflicts with state or federal law.

At this workshop the City Attorney would like to discuss Council's preference regarding the structure of the Council, how and whom a member may represent (Ward, Place, District, etc.) and the continuation of at large voting and the need for run offs. These items are mainly located in Articles 2 and 3 of the City Charter.

Staff has no recommendation at this time.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Outline of potential items for Charter Review.

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 **3rd day of February, 2020, at 7:00 PM in Hewitt City Hall, Council Chambers, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed and upon which action may be taken:

In order to address the Council on any item, you must complete a Speaker's Request Form and submit to the City Secretary prior to the start of the Council meeting. Comments on non-agenda items must be made only during the citizens' comments agenda item. Council may not comment publicly on issues raised during citizen comments that are not listed on the Agenda but may direct the City Manager to resolve or request the matter to be placed on a future agenda. Such public comments shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended.

Pursuant to HB 2840, effective September 1, 2019: For all non-public hearing items that are on the agenda, citizens can speak immediately prior to the time that the item is considered by the Council. However, in order for the Presiding Officer to recognize your request to speak on that agenda item, you must have identified that agenda item on the Speaker Request Form turned into the City Secretary.

All comments must be directed to the Presiding Officer, rather than an individual Council Member or city staff. Comments are limited to five (5) minutes and must pertain to the subject matter listed on the Speaker's Request Form.

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. 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.*
4. Briefing and discussion concerning upcoming events:
 - Coffee With A Cop – Cefco on Ritchie Rd. – February 7, 2020
 - Citizen's Police Academy 2020 – February 18, 2020 thru April 28, 2020
 - C.R.A.S.E. – Civilian Response to Active Shooter Events – February 22, 2020
 - March 21, 2020 – Hop into the Hewitt Public Library Spring Event – March 21, 2020
5. Consider approval of minutes of the City Council Workshop/Regular Meeting of January 20, 2020.
6. Conduct interview and consider action on appointment to the Board of Adjustment.
7. Administer Oath of Office to newly appointed member to the Board of Adjustment.
8. Briefing and discussion concerning PEG (Public, Educational, and Governmental) Funds and HewittTX TV.
9. Authorize the purchase of Vegetation Management Services from Landmark ES for the City of Hewitt in the amount of \$6,562.

10. Consideration and action on a **Resolution No. 2020-01** ordering a General Election and Special Election for the City of Hewitt on Saturday, May 2, 2020, to be held as a joint election with McLennan County; authorizing a contract for election services; designating polling places and providing for other matters relating to the general election.
11. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 12:00 AM/PM on January 26, 2020.

CITY OF HEWITT



Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the American with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in this Council Meeting. To better serve you, request must be made at least 24 hours prior to the meeting. Contact the City Secretary at 254.666.6171 or by fax at 254.666.6014. The building is wheelchair accessible, with handicap parking available at the front of the building.



AGENDA ITEM #3 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

In order to address the Council on any item, you must complete a Speaker's Request Form and submit to the City Secretary prior to the start of the Council meeting. Comments on non-agenda items must be made only during the citizens' comments agenda item. Council may not comment publicly on issues raised during citizen comments that are not listed on the Agenda but may direct the City Manager to resolve or request the matter to be placed on a future agenda. Such public comments shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended.

Pursuant to HB 2480, effective September 1, 2019: For all non-public hearing items that are on the agenda, citizens can speak immediately prior to the time that the item is considered by the Council. However, in order for the Presiding Officer to recognize your request to speak on that agenda item, you must have identified that agenda item on the Speaker Request Form turned into the City Secretary.

All comments must be directed to the Presiding Officer, rather than an individual Council Member or city staff. Comments are limited to five (5) minutes and must pertain to the subject matter listed on the Speaker's Request Form.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of January 20, 2020.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

I move approval of the minutes as presented but to allow for corrections.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

**MINUTES OF A CITY COUNCIL
WORKSHOP/REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
January 20, 2020 – 6:30 PM/7:00 PM**

Attendee Name	Title	Absent	Present	Arrived
Charles D. Turner (presiding)	Mayor, Ward 1	☐	☒	
Wilbert “Walky” Wachtendorf	Mayor Pro Tem, Ward 1	☐	☒	
Bill Fuller	Council Member, Ward 2	☐	☒	
Vacancy	Council Member, Ward 2	☐	☐	
Michael S. Bancale	Council Member, At-Large	☐	☒	
Steve Fortenberry	Council Member, Ward 3	☐	☒	
Erica Bruce	Council Member, Ward 3	☐	☒	

Staff present:

City Manager Bo Thomas
City Attorney Mike Dixon
City Engineer Miles Whitney
City Secretary Lydia Lopez
Community Development Director Tracy Lankford
Finance Director Lee Garcia
Fire Chief Lance Bracco
General Service Director Scott Coleman
Library Director Waynette Ditto
Police Chief Jim Devlin
Assistant Police Chief Tuck Saunders
Utilities Director Kevin Reinke

WORKSHOP MEETING – 6:30 PM

- 1. CALL TO ORDER.** Mayor Charlie Turner called the meeting to order at 6:30 PM. City Secretary Lydia Lopez polled the Council for attendance.
ALL PRESENT: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, Turner
- 2. BRIEFING AND DISCUSSION CONCERNING CHARTER REVIEW.** City Manager Bo Thomas presented a review of proposed Charter amendments from an operational perspective. Mr. Thomas distributed and briefly shared a copy of the ballot presented to the City of Woodway residents regarding proposed Charter Amendments from their Special Election held in May of 2012. City Attorney Mike Dixon advised that changes would be made to any areas in conflict with state law, purchasing policy and procedures, emergency expenditures, taxation, contractor bonding requirements, fixing grammatical error, and gender neutrality. Mr. Dixon stated that he would be presenting some proposed language on the recommended changes in the near future.

3. **ADJOURN.** There being no further discussion, the Workshop was adjourned at 6:56 PM.

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Charlie Turner called the meeting to order at 7:00 PM. City Secretary Lydia Lopez polled the Council for attendance.
ALL PRESENT: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, Turner
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner led the Pledge of Allegiance.
3. **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. Ann Schiltz, 1220 Dendron, appeared to express appreciation to city employees, Council and volunteers for the work being done throughout the city. She also wanted to recognize city staff and volunteers for the library event – All in with Jerry - 5K Fun Run Benefit and Community Health Fair; and upcoming Greater Hewitt Chamber Banquet.
4. **Briefing and discussion concerning upcoming events:** (Presented by City Manager Bo Thomas)
 - TML Region 9 Meeting – January 23, 2020
 - Greater Hewitt Chamber of Commerce Banquet – January 30, 2020
 - Coffee With A Cop – Cefco on Ritchie Rd. – February 7, 2020
 - Citizen’s Police Academy 2020 – February 18, 2020 thru April 28, 2020
 - C.R.A.S.E. – Civilian Response to Active Shooter Events – February 22, 2020
 - March 21, 2020 – Hop into the Hewitt Public Library Spring Event – March 21, 2020
5. **PUBLIC HEARING AND ACTION ON ORDINANCE NO. 2020-01 CHANGING THE LAND USE DESIGNATION OF PROPERTY KNOWN AS O’CAMPO C A-32 TRACT 1 LOCATED AT 508 SUN VALLEY BLVD. FROM LOW DENSITY RESIDENTIAL TO RETAIL.** City Manager Bo Thomas presented. Mayor Charlie Turner explained the format for the public hearing. Mayor Turner called for those speaking in favor. David Hodson, 508C Sun Valley Blvd., appeared in favor. Mayor Turner called for those speaking against. No one appeared. Public hearing was closed. Council Member Michael Bancale inquired whether the City had any regulations on short-term rentals. General discussion concerning zoning designation. City Attorney Mike Dixon advised that the developing an ordinance regulating short-term rentals to ensure that the city is receiving occupancy taxes. Council Member Bancale also inquired whether area residents were notified. Mr. Thomas confirmed that residents within 200 feet were notified.
MOTION: Council Member Steve Fortenberry moved the approval of Ordinance No. 2020-01 changing the Comprehensive Future Land Use Map for property located at 508 Sun Valley Blvd. from Low Density Residential to Retail.
SECOND: Council Member Erica Bruce
AYES: Fuller, Bancale, Fortenberry, and Bruce

NAYES: Wachtendorf, Turner

ABSENT: None

MOTION PASSED.

6. **PUBLIC HEARING AND ACTION ON ORDINANCE NO. 2020-02 CHANGING THE ZONING DESIGNATION OF PROPERTY KNOWN AS O'CAMPO C A-32 TRACT 1 LOCATED AT 508 SUN VALLEY BLVD. FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-1 RESTRICTED COMMERCIAL.** City Manager Bo Thomas presented. Mayor Charlie Turner explained the format for the public hearing. Mayor Turner called for those speaking in favor. David Hodson, 508C Sun Valley Blvd., appeared in favor and advised of plans to build a fourth structure. Mayor Turner called for those speaking against. Jeanne Passalugo, 327 E Chapman, stated that she was neither for or against; however, she also expressed concern with the city receiving the occupancy tax and lowering the appraised value of the surrounding residential property. Mrs. Passalugo suggested the city consider adopting an ordinance regulating these establishments. Beth Oakley, 708 Angel Fire, expressed concern with no regulations in place for these establishments. Mayor Turner allowed applicant time for rebuttal. Mr. Hodson appeared to rebut. There were no other rebuttals. Public hearing was closed. City Attorney Mike Dixon recommended Council approve the zone change designation as recommended. He further stated that staff was working on an ordinance regulating short-term rentals. Council Member Bancale inquired whether there were any concerns expressed by the residents in the area, concern with the additional building; expressed concern with no regulations for short-term rentals.
- MOTION:** Council Member Erica Bruce moved the approval of Ordinance No. 2020-02 changing the Zoning designation of property located at 508 Sun Valley Blvd. from R-1 Single-Family Residential to C-1 Restricted Commercial.
- SECOND:** Council Member Steve Fortenberry
- AYES:** Wachtendorf, Fortenberry, and Bruce
- NAYES:** Fuller, Bancale, and Turner
- ABSENT:** None
- MOTION NEITHER PASSED/NOR FAILED – TIED VOTE.**

7. **CONSIDER APPROVAL OF MINUTES OF THE COUNCIL REGULAR MEETING OF DECEMBER 16, 2019.**
- MOTION:** Council Member Bill Fuller moved approval of the minutes as presented but to allow for corrections.
- SECOND:** Mayor Pro Tem Wilbert “Walky” Wachtendorf
- AYES:** Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
- NAYES:** None
- ABSENT:** None
- MOTION PASSED.**

8. **PRESENTATION OF REPORT FROM CITY ENGINEER MILES WHITNEY, P.E.**
- Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.

- 9. AUTHORIZE A CONTRACT FOR STREET SWEEPING SERVICES FROM SOUTHWEST MAINTENANCE FOR THE CITY OF HEWITT IN THE AMOUNT OF \$6,650.** City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved to authorize a contract for street sweeping services from Southwest Maintenance for the City of Hewitt in the amount of \$6,650.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
- 10. AUTHORIZE THE CONSTRUCTION OF A 25'X25' BUILDING FOR THE UTILITIES SERVICES VACTOR SEWER TRUCK TO RICE INSPECTION INC., IN THE AMOUNT OF \$47,956.** City Manager Bo Thomas presented.
MOTION: Council Member Steve Fortenberry moved to authorize the construction of a 25'X25' Building for the Utilities Services Vactor Sewer Truck to Rice Inspection Inc., in the amount of \$47,956.
SECOND: Council Member Michael Bancale
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
- 11. AUTHORIZE THE LANDSCAPE SERVICES FOR THE BUTTERFLY GARDEN ROCK BED LOCATED IN THE EXTERIOR COURTYARD TO BARRERA'S NURSERY AND LANDSCAPE IN THE AMOUNT OF \$6,465.** City Manager Bo Thomas presented.
MOTION: Council Member Steve Fortenberry moved to authorize the landscape services for the Butterfly Garden Rock Bed located in the exterior courtyard to Barrera's Nursery and Landscape in the amount of \$6,465.
SECOND: Council Member Erica Bruce
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
- 12. BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING DECEMBER 31, 2019.** City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the December Financial Statements and asked if Council had any questions. No questions were asked.
- 13. CONSIDERATION AND ACTION ON APPROVAL OF QUARTERLY INVESTMENT REPORT ENDING DECEMBER 31, 2019.** City Manager Bo Thomas presented a summary of report prepared by Valley View Consulting L.L.C.
MOTION: Council Member Michael Bancale moved approval of the Quarterly Investment Report ending December 31, 2019.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None

ABSENT: None

MOTION PASSED.

- 14. CONSIDER APPOINTMENT OF MUNICIPAL COURT JUDGE AS REQUIRED BY THE CITY CHARTER FOR A MONTHLY STIPEND OF \$1,110.** City Manager Bo Thomas presented and noted that there was a typographical error on the amount of the monthly stipend. **The correct amount is \$1,100.**

MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the appointment of Municipal Court Judge Dan Francis for a monthly stipend of \$1,100.

SECOND: Council Member Michael Bancale

AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

- 16. ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 8:32 PM.

SECOND: Council Member Steve Fortenberry

AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce

NAYES: Turner

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Charles D. Turner, Mayor



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 6

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Conduct interview and consider action on appointment to the Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

Mr. Royce W. (Rusty) Smith has submitted an application for service on the Civil Service Commission or the Board of Adjustment. Currently, there is no vacancy at this time on the Civil Service Commission only an alternate position on the Board of Adjustment. Mr. Smith expressed a desire and willingness to serve as an alternate on the Board of Adjustment.

He will be present at the meeting should Council wish to conduct a brief interview before consideration of action.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to appoint Rusty Smith as an alternate on the Board of Adjustment for a term ending in April 2021.

ATTACHMENTS:

Application for board service
Current list of Council, Boards, Committees & Commissions

CITY OF HEWITT: COUNCIL, BOARDS, COMMITTEES 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 6 pm	1st Tues. 6 pm	3rd Wed. 6 pm	Quarterly as needed
Mayor Charlie Turner Ward 1 (05-2021) 209 Laredo Dr. 709-3614	Chairman (04-2020) Jim Winton 1136 Heatherwood 857-9436	(06-2022) Paul D. Lasater 1112 Heatherwood 716-0025	(12-2020) Jerry Snider 108 Brenda Drive 307-0613	(12-2020) Eric Ames 249 Fieldcrest Drive 710-1576
Mayor Pro Tem Wilbert (Walky) Wachtendorf Ward 1 (05-2020) 328 Travis Lane 709-3989	(04-2020) Bradley T. Turner 425 W. Chapman 723-4912	(06-2022) Bobby Wolske 109 Devonshire 366-4743	(12-2021) Tom Hernandez 1321 Darbyton Drive (563) 271-8536	(12-2021) VACANCY
Bill Fuller Ward 2 (05-2020) 218 Chelsea/PO Box 568 709-3998	(04-2021) Douglas Bergen 264 Earle Road 666-0855	(06-2022) Walter H. Peterson 500 Moss Hill Road 757-5128	(12-2021) Casey Lowrey 700 Wind Hill Drive 424-1266	(12-2020) Karen Copeland 616 Crestwood Drive 717-4906
VACANCY Ward 2 (05-2021)	(04-2021) Charles Howard 155 Ellis Farm Road 732-4746	(06-2020) Jonathan Denton Dulus 332 Bowie Ln. 855-4013	(12-2021) Ann E. Schiltz 1220 Dendron Drive 666-4291	Secretary (12-2020) Lydia Dashner 520 Angel Fire Drive 666-9623
Erica Bruce Ward 3 (05-2021) 717 Fieldstone 709-4050	(04-2021) R. Don Vardeman 432 S First Street 227-4495	(06-2020) Bobby Drake 107 Westchester Way 772-7440	(12-2020) Conway Briscoe 602 Madison Circle (972) 750-1378	President (12-2020) Beth Oakley 708 Angel Fire Drive 644-3594
Steve Fortenberry Ward 3 (05-2020) 701 Oakmont Drive 709-0030	Alternate (04-2020) Scott Hedges 613 Willow Creek Dr. 776-9550 x3246	(06-2020) Michael Lee Hix 336 Bowie Lane 723-5071	(12-2020) Veronica Molina 542 Shady Park Trl (434) 531-2014	(12-2021) Ronald G. Smith 305 Cedarwood Lane 666-7460
Michael S. Bancale 909 Stoneridge Drive 709-3522 At Large (05-2021)	Alternate (04-2021) VACANCY	(06-2020) John J. Baker 317 Bonham Drive 235-0464	(12-2020) Jamie McKinney 411 Karen Street (713) 824-4003	Vice President (12-2021) Sally Goldman 132 Texas 666-2436

Updated: 01/29/2020

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Administer oath of office to the newly appointed member of the Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

City Secretary will administer oath to Mr. Royce W. (Rusty) Smith.

FISCAL IMPACT:

Amount Budgeted – NA

Line Item in Budget – NA

SUGGESTED MOTION:

No motion needed.

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, Royce W. (Rusty) Smith, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Board of Adjustment 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 _____

County 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

Lydia Lopez

Printed or Typed Name

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 8

SUBMITTED BY: Waynette Ditto, Library Director

ITEM DESCRIPTION:

Briefing and discussion concerning PEG (Public, Educational, and Governmental) Funds and HewittTX TV.

STAFF RECOMMENDATION/ITEM SUMMARY:

PEG Channels in the United States

You have likely flipped to the public, educational and governmental (PEG) channel that broadcasts community events, town hall meetings, public service announcements and other local original programming. There are over 5000 PEG channels in the US.

Every U.S. city has the right to collect a cable television franchise fee from the cable TV companies that serve its community. (Cable Communications Act of 1984 (Section 622). These franchise fees, which are based on a percentage of cable operators' gross revenues, can generate huge sums of PEG funding for municipalities, for instance as much as \$142 million for Dallas in 2007 and \$140 million for New York in the fiscal year of 2010. Hewitt collected \$37,180.01 in 2019 and has a fund balance of \$394,643.94 ending December 2019.

Pursuant to Section 611 of the Communications Act, local franchising authorities (cities) may require cable operators to set aside channels for public, educational, or governmental ("PEG") use.

- Public access channels are available for use by the general public. They are usually administered either by the cable operator or by a third party designated by the franchising authority.
- Educational access channels are used by educational institutions for educational programming. Time on these channels is typically allocated among local schools, colleges and universities by either the franchising authority or the cable operator.
- **Governmental access channels** are used for programming by local governments. In most jurisdictions, the local governments directly control these channels.

PEG channels are not mandated by federal law, rather they are a right given to the franchising authority, which it may choose to exercise.

How the City of Hewitt may use the funds:

PEG funds are designated only for capital expenditures that finance day-to-day operations of public-access channels. But within those regulations, PEG funds can be used for various types of purchases.

Examples of Capital Expenditures:

- Video production/streaming equipment
- Computer/technology
- TV monitoring technology
- Vehicle for broadcasting or transport
- Renovation and construction of facilities
- Office furniture

FISCAL IMPACT:

Hewitt collected \$37,180.01 in 2019 and has a fund balance of \$394,643.94 ending December 2019.

SUGGESTED MOTION:

No action required.

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 9

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Authorize the purchase of Vegetation Management Services from Landmark ES for the City of Hewitt in the amount of \$6,562.00

STAFF RECOMMENDATION/ITEM SUMMARY:

The purpose of this service is to spray City of Hewitt Drainage ditches and creeks to aid in the control of vegetation overgrowth. The areas selected have been deemed by staff as inaccessible or unsafe to mow using City mowing equipment.

An overgrowth of vegetation in creeks or ditches could potentially impede the flow of storm water. During a heavy rain event impeded flow could potentially cause flooding of residential areas.

FISCAL IMPACT:

Amount Budgeted – \$6562.00

Line Item in Budget – 12-50360-12-00 Drainage Maintenance

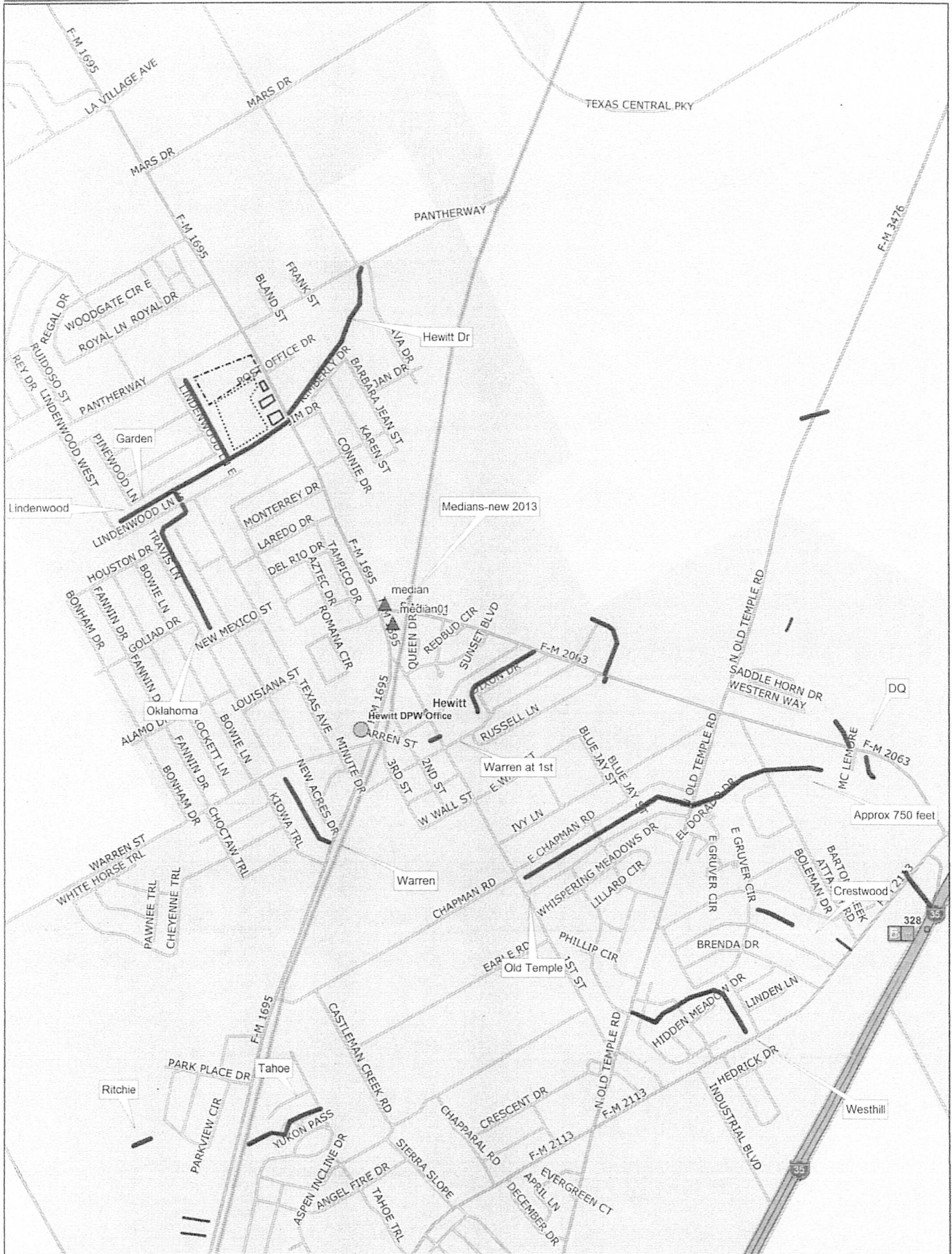
SUGGESTED MOTION:

I move to authorize Weed Control Services from Landmark ES for a total amount of \$6562.00.

ATTACHMENTS:

Spraying Maps, Cost Quotation

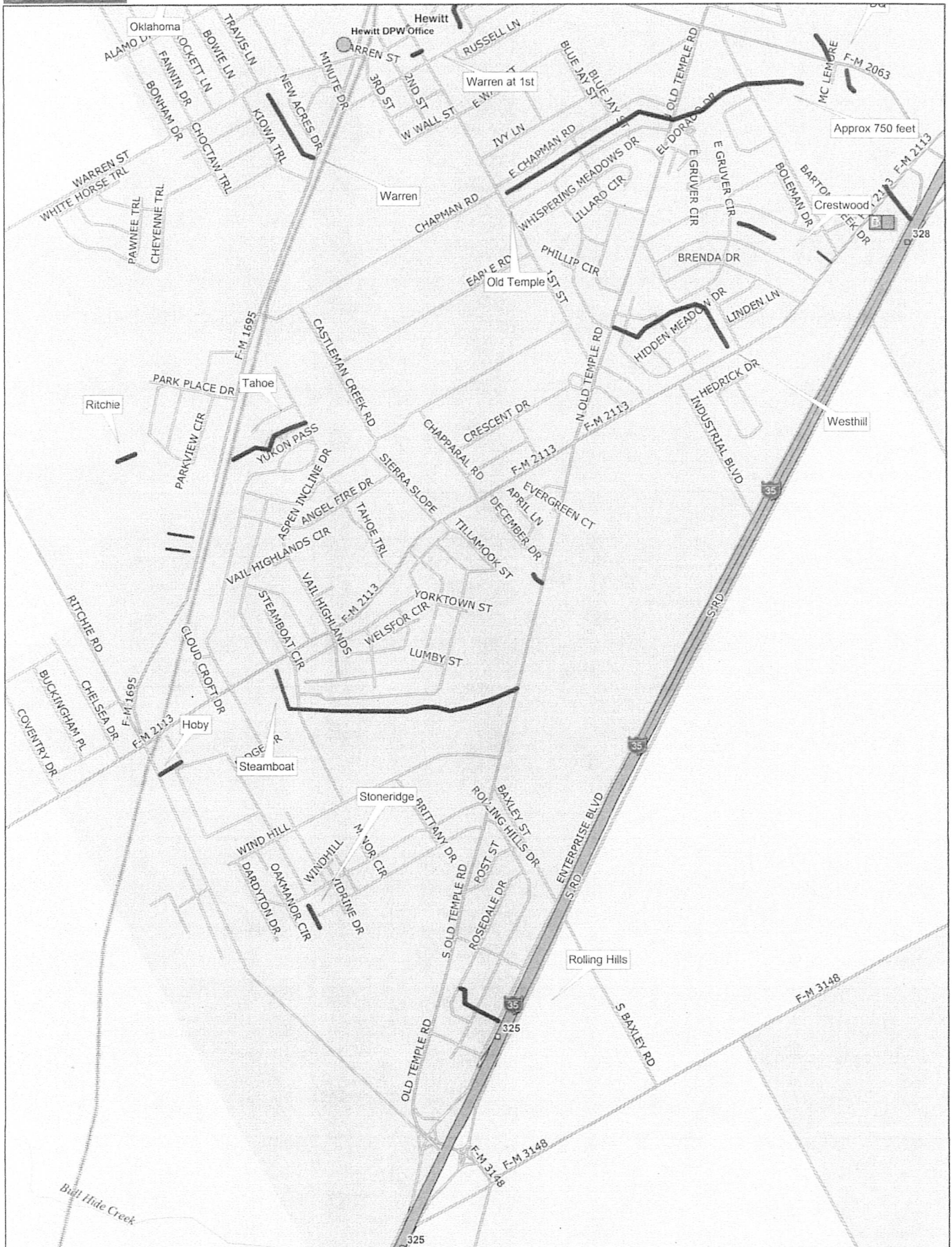




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www.delorme.com

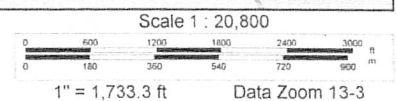


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Landmark Earth Services, LLC.

January 13, 2020

Mr. Ruben Munguia
City Of Hewitt
P.O. Box 219
Hewitt, Texas 76643

RE: WEED CONTROL SERVICES

Dear Mr. Munguia:

Thank you for your business in 2019. I'm pleased to submit the following quotation to provide vegetation management services 2020.

Landmark Earth Services will provide all necessary materials, labor, equipment and insurance to treat all specified drainage channels with two (2) complete spraying applications.

Our contract pricing for 2020 is \$6,562.00.

Thank you for the opportunity to submit our pricing. With more than 34 years of vegetation management experience, I can assure confidence in the services provided by Landmark Earth Services.

Please contact me at (817) 727-2789, if I may provide any additional information.

Sincerely,

Landmark Earth Services, LLC.

A handwritten signature in black ink that reads "William Ansley". The signature is written in a cursive, flowing style.

William Ansley
General Manager

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 3, 2020

AGENDA ITEM #: 10

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on a **Resolution No. 2020-01** ordering a General Election for the City of Hewitt on Saturday, May 2, 2020, to be held as a joint election with McLennan County; authorizing a contract for election services; designating polling places and providing for other matters relating to the general election.

STAFF RECOMMENDATION/ITEM SUMMARY:

This resolution orders the City's General & Special Election to be held on May 2, 2020. There are three (3) Council positions expiring this year with terms expiring in May 2022, and one (1) Council vacancy with a term expiring in May 2021. The filing officially began on January 15, 2020, and the deadline is Friday, February 14, 2020.

The City will contract with the McLennan County Elections Administrator to conduct the election. This contract allows the City to share election expenses with other entities. The entities will pay a pro-rata share of the election cost; however, the cost for each entity may increase depending on election cancellations.

Our Hewitt Public Safety Facility will be used for Election Day voting only. There has been a change this year to the early voting location as the First Assembly Church located at 6701 Bosque Blvd., Waco, TX is **not** available for use. The McLennan County Elections Administrator Kathy Van Wolfe inquired if the City had space available to use as an early voting site for this election. The Public Safety Facility has been utilized in the past; however, both Chiefs have expressed concern with the use of their facility due to parking issues and the inability to use their training room as needed. City Manager Bo Thomas suggested using the Workshop room and directing voters through the Library as an alternate location. The County agreed that would work. Hewitt City Hall/Library are tentatively scheduled for use as the Early Voting location.

The estimated cost for the City's share is \$1,993.63. As explained above, the cost may increase as other entities may cancel their election.

Staff recommends approval of this resolution.

FISCAL IMPACT:

Amount Budgeted – \$7,000.00

Line Item in Budget – 10-50210-61-00 & 20-50210-93-00

SUGGESTED MOTION:

I move to approve Resolution No. 2020-01 ordering a General & Special Election for the City of Hewitt on Saturday, May 2, 2020, to be held as a joint election with McLennan County; authorizing a contract for election services; designating polling places and providing for other matters relating to the general and special election.

ATTACHMENTS:

Resolution No. 2020-01 and supporting documents

RESOLUTION NO. 2020-01

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

That notice is hereby given that a General & Special Election is ordered and will be held in the City of Hewitt, Texas on Saturday, May 2, 2020, at which time there shall be submitted to the duly qualified resident electors of the City as to the election of a Council Member for Ward 1, Place 2; a Council Member for Ward 2, Place 2; Council Member for Ward 3, Place 2 for a term ending in not later than two years therefrom in conformity with the valid provisions of the Charter of the City of Hewitt and the laws of the State of Texas; and a **Special Election** to elect one (1) person for Council Member for Ward 2, Place 1 for a term ending in May 2021.

That the Order of Election, attached as **Exhibit "A"** and incorporated by reference herein, is hereby adopted and ordered.

That applications to have the name of a candidate placed on the ballot may not be filed earlier than thirty (30) days before the deadline prescribed by the Texas Election Code for filing application with the City Secretary and that the earliest date for a candidate to file same will be Wednesday, January 15, 2020, at 8:00 A.M., with the last day of filing to be Friday, February 14, 2020, at 5:00 P.M., in accordance with Texas Election Code Sections 143.006 and 143.007.

That the Mayor is hereby authorized to execute a contract for election services with the McLennan County Elections Administrator in connection with the 2020 Joint General Election to be held on May 2, 2020. These services shall include, but not limited to, those services specified in the said contract, including the utilization of county polling locations pursuant to Section 43.007 of the Texas Election Code.

That the early voting locations are attached as **Exhibit "B"** and the polling location (referred to as "voting centers") are attached as **Exhibit "C"**, and incorporated by reference herein and hereby are respectively designated for the election on May 4, 2019.

That in accordance with Section 122.031–122.039 and 122.091 of the Texas Election Code, the County owns the HART eSlate electronic voting system that has been duly approved by the Secretary of State and that is hereby adopted to be used for the election on May 2, 2020.

That the Elections Administrator shall process all applications for early voting by mail as referenced in the order of election and appoint all necessary election officials, judges and clerks to administer the election.

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that Public Notice of the place and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 3rd day of February, 2020.

THE CITY OF HEWITT, TEXAS

Charles D. Turner, Mayor

ATTEST:

Lydia Lopez, TRMC/CMC
City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney

EXHIBIT “A”

ORDER OF GENERAL AND SPECIAL ELECTIONS (ORDEN DE LA ELECCIONES GENERAL Y ESPECIAL)

An election is hereby ordered to be held on May 2, 2020, for voting in a General Election to elect one (1) person for each position to serve the full term of two (2) years for three (3) City Council positions (Ward 1, Place 2; Ward 2, Place 2 and Ward 3, Place 2) and a Special Election to elect one (1) person for the unexpired term of office for one (1) City Council position (Ward 2, Place 1) for the City of Hewitt.

(Se ordena que se celebre una elección el 2 de mayo de 2020, para votar en una Elección General para elegir a una (1) persona para cada puesto para servir el término completo de dos (2) años por tres (3) puestos del Consejo de la Ciudad (Ward 1, Lugar 2; Ward 2, Lugar 2 y Ward 3, Lugar 2) y para votar en una Elección Especial elegir a una (1) persona para cada puesto para servir el por término no completo para un (1) posición en el Ayuntamiento (Ward 2, Lugar 1) para la ciudad de Hewitt.)

The execution of a Joint Election Agreement with Bellmead, Crawford, Gholson, Hewitt, Lacy Lakeview, Lorena, Mart, McGregor, Waco, Woodway, Bosqueville ISD, Crawford ISD, La Vega ISD, Lorena ISD, Mart ISD, Midway ISD and Waco ISD is hereby authorized and approved.

(La ejecución de un acuerdo de elección conjunta con Bellmead, Crawford, Gholson, Hewitt, Lacy Lakeview, Lorena, Mart, McGregor, Waco, Woodway, Bosqueville ISD, Crawford ISD, La Vega ISD, Lorena ISD, Mart ISD, Midway ISD y Waco ISD se autoriza y aprueba.)

LOCATION(S) OF POLLING PLACES (DIRECCIÓN(ES) DE LAS CASILLAS ELECTORALES)

**See attached List
(Véase la lista adjunta)**

Early Voting by personal appearance will be conducted at:
(La votación adelantada en persona se llevará a cabo todos los días en:)

Early Voting Sites: (Lugares de votación adelantada)

McLennan County Elections Administration Office
Records Building
214 North 4th Street, Suite 300
Waco, Texas 76701

Bellmead City Hall
3015 Bellmead Drive
Bellmead, TX 76705

Hewitt City Hall/Library
200 Patriot Court
Hewitt, TX 76643

Waco Multi-Purpose Community Center
1020 Elm Street
Waco, TX 76704

EXHIBIT "A"

The dates and times of Early Voting are:
(Los días y horas de votación adelantada son:)

Monday (lunes)	April 20, 2020 (20 de abril de 2020)	8:00 AM - 5:00 PM
Tuesday (martes)	April 21, 2020 (21 de abril de 2020)	8:00 AM - 5:00 PM
Wednesday (miércoles)	April 22, 2020 (22 de abril de 2020)	8:00 AM - 5:00 PM
Thursday (jueves)	April 23, 2020 (23 de abril de 2020)	8:00 AM - 5:00 PM
Friday (viernes)	April 24, 2020 (24 de abril de 2020)	8:00 AM - 5:00 PM
Saturday (sabado)	April 25, 2020 (25 de abril de 2020)	7:00 AM - 7:00 PM
Monday (lunes)	April 27, 2020 (27 de abril de 2020)	7:00 AM - 7:00 PM
Tuesday (martes)	April 28, 2020 (28 de abril de 2020)	7:00 AM - 7:00 PM

Applications to vote by mail should be mailed to:
(Las solicitudes para poder votar por deben ser enviadas a:)

Kathy E. Van Wolfe
McLennan County Elections Administrator
P.O. Box 2450
Waco, Texas 76703-2450
kathy.vanwolfe@co.mclennan.tx.us

Applications for ballot by mail must be received no later than the close of business on April 20, 2020:
(Las solicitudes para votar por correo tendrán que ser recibidas antes del fin del día laboral el 20 de abril 2020:)

Issued this the _____ day of _____, 2020.
(Emitada el día _____ de _____ 2020.)

Mayor, City of Hewitt
(alcalde, ciudad de Hewitt)

May 2, 2020 JOINT GENERAL ELECTION

EARLY VOTING

Locations:

McLennan County Elections Administration Office
Records Building
214 North 4th Street, Suite 300
Waco, TX 76701

Bellmead City Hall
3015 Bellmead Drive
Bellmead, TX 76705

Hewitt City Hall/Library
200 Patriot Court
Hewitt, TX 76643

Waco Multi-Purpose Community Center
1020 Elm Street
Waco, TX 76704

The dates and times of Early Voting are:

Monday, April 20, 2020 through Friday, April 24, 2020	8:00 AM - 5:00 PM
Saturday, April 25, 2020	7:00 AM - 7:00 PM
Monday, April 27, 2020 through April 28, 2020	7:00 AM - 7:00 PM

Applications for ballot by mail should be mailed to:

Kathy E. Van Wolfe
McLennan County Elections Administrator
P.O. Box 2450
Waco, Texas 76703-2450
ballotbymail@co.mclennan.tx.us

Applications for ballot by mail must be received no later than the close of business on April 20, 2020:

First day to apply for an annual Ballot by Mail is January 1, 2020.

Last Day to Register to Vote is April 2, 2020.

McLennan County Election's website and phone number:

www.mclennanvotes.com 254-757-5043

EXHIBIT “C”

MAY 2, 2020 ELECTION DAY VOTE CENTERS (Centros de Voto Para el Día de las Elecciones para 2 de mayo 2020)

Bellmead Civic Center
Chalk Bluff Baptist Church
Crawford High School
Dewey Community Center
Episcopal Church of the Holy Spirit
Fellowship Bible Church
Heart of Texas Council of Governments
Hewitt Public Safety Facility
H. G. Isbill Junior High
Lacy Lakeview Civic Center
Lorena First Baptist Church
Mart Community Center
MCC Conference Center
South Waco Library
Waco Multi-Purpose Community Center
Woodway City Hall

3900 Parrish Street, Waco
5993 Gholson Road, Waco
200 Pirate Drive, Crawford
925 N. 9th Street, Waco
1624 Wooded Acres Drive, Waco
5200 Speegleville Road, McGregor
1514 S. New Road, Waco
100 Patriot Court, Hewitt
305 S. Van Buren Street, McGregor
505 E. Craven Avenue, Waco
307 E. Center Street, Lorena
804 E. Bowie Avenue, Mart
4601 N. 19th Street, Waco
2737 S. 18th Street, Waco
1020 Elm Street, Waco
922 Estates Drive, Woodway