

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 17, 2020
Workshop/Regular Meeting – 6:00/7:00 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. Bancale – 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

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 **17th day of February, 2020, at 6:00 PM in Hewitt City Hall, Council Chambers, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Briefing and discussion regarding City Charter.
3. 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 10:30 AM/PM on 2/12/2020.

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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 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. The City Attorney has provided some proposition language for Council's consideration.

Staff has no recommendation at this time.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Proposition language provided by City Attorney

Proposition 1

Shall the Charter of the City of Hewitt, Texas be amended to remove language included in the original charter for the purpose of transitioning from a General Law City to a Home Rule City, which language is no longer relevant and is outdated and to remove provisions only related to the act of passing the last version of the charter [Section 2.2 (second paragraph relating to procedures after first and second elections following adoption of charter)), 2.12 (Existing Ordinances), 2.14 (Interim Government), 12.15 (Effect on Existing Laws), 12.16 (Continuance of Contracts)]?

Proposition 2

Shall the city charter of the City of Hewitt, Texas be amended to change provisions of the charter which conflict with state law so that they comply with state law, or if a provision is incapable of being changed so that it is compliant with state law, remove the provision. [1.7 Annexation (tie to authority under state law); 2.4 (30 day residency requirement for ward conflicts with state law filing period), 3.2 (30 day filing period where 45 days required by state law), 6.2 Municipal Judge (change to two (2) year term and removal for good cause to comply with state law)] ,

Section 2.2—Election of council members, terms and compensation

[Current Version]

Sec. 2.2. - Election of council members, terms and compensation.

The governing body of the city shall consist of a council of seven (7) members elected at large by the qualified voters of the city. They shall run for office by place and be elected for a term of two (2) years, or until their successors are duly elected and qualified, except as herein provided. The council members shall draw no compensation as such for their duties, but may be reimbursed for any expenditure made in behalf of the city or expenses incurred in the performance of their duties when approved by the council.

The council, by ordinance at least forty-five (45) days prior to the first general city election following the adoption of this charter, shall divide the city into three (3) wards and shall designate two (2) of the council places for each ward and one of the places at large. The present mayor and council members shall complete their original terms of office as council members-at-large. The present mayor shall continue to serve as such until the first meeting following the first general city election when a mayor shall be elected as provided herein. In the event any vacancy should exist on the council then such vacancy shall be filled in accordance with law. At the first general city election, a council member-at-large and one council member from each ward shall be elected for two (2) year terms. At the second general city election, one council member from each ward shall be elected for a two (2) year term. Thereafter, three (3) council members shall be elected each even-numbered year and four (4) council members shall be elected each odd-numbered year.

[Proposed Version]

Sec. 2.2. - Election of council members, terms and compensation.

The governing body of the city shall consist of a council of seven (7) members elected at large by the qualified voters of the city. They shall run for office by place and be elected for a term of two (2) years, or until their successors are duly elected and qualified, except as herein provided. The council members shall draw no compensation as such for their

duties, but may be reimbursed for any expenditure made in behalf of the city or expenses incurred in the performance of their duties when approved by the council.

~~The council, by ordinance at least forty-five (45) days prior to the first general city election following the adoption of this charter, shall divide the city into three (3) wards and shall designate two (2) of the council places for each ward and one of the places at large. The present mayor and council members shall complete their original terms of office as council members at large. The present mayor shall continue to serve as such until the first meeting following the first general city election when a mayor shall be elected as provided herein. In the event any vacancy should exist on the council then such vacancy shall be filled in accordance with law. At the first general city election, a council member at large and one council member from each ward shall be elected for two (2) year terms. At the second general city election, one council member from each ward shall be elected for a two (2) year term. Thereafter, three (3) council members shall be elected each even-numbered year and four (4) council members shall be elected each odd-numbered year.~~

Each of the three (3) wards are assigned two (2) council member places. The seventh (7th) place shall be referred to as the "Council Member at Large Place". Persons filing for positions tied to wards must meet the ward residency requirements. A person filing for the Council Member at Large Place only needs to meet the residency requirement for residing in the City, and not in any particular ward. Despite the existence of wards and ward places, all candidates are elected by an at large vote.

In even-numbered years council members for Ward 1, Place 1, Ward 2, Place 1, and Ward 3, Place 1 shall be elected. In odd-numbered years council members for Ward 1, Place 2, Ward 2, Place 2, Ward 3, Place 2, and the at-large council member position shall be elected.

[Propositions]

Proposition 1--removes outdated language regarding the process to be followed in the first and second general elections following the original adoption of the charter.

Shall Article II "City Council", Section 2.2 of the charter of the City of Hewitt, Texas entitled "Election of council members, terms and compensation" be amended to clarify that each ward has two council member places and the seventh place on the city council is referred to as the "council member at-large" place; and to address wards, places, and residency requirements for those wards in conjunction with at-large election of those positions?

Shall Article II "City Council", Section 2.2 of the charter of the City of Hewitt, Texas entitled "Election of council members, terms and compensation" be amended to remove general language as to the number of council members to be elected in even numbered and odd numbered years and replace the same with language specifically identifying which council member positions are elected in even numbered years and which council member positions are elected in odd numbered years?

Reason: Take out language no longer relevant, clarify the tie between wards and council places and to bring clarification as to which places are up for election in which years.

Section 2.4--Qualifications

[Current Provision]

Sec. 2.4. - Qualifications.

Each council member shall be a citizen of the United States and a qualified voter of the State of Texas and shall be at least eighteen (18) years of age. Each of the council members shall be a resident of the City of Hewitt, and shall have resided in the city for a period of at least one (1) year immediately prior to his election.

In addition, each person filing for election to and each council member occupying one of the places designated for a ward shall be a resident of the ward for which the place is designated for at least thirty (30) days prior to filing for office and remain a resident of that ward during his or her term of office. In the event the council, by ordinance, increases the number of wards to six (6), the council shall at the same time designate one (1) council place for each ward, but the ward residence requirement stated in the foregoing sentence shall not apply to the council members occupying such places during the unexpired portion of the term for which they were elected.

A member of the council ceasing to possess any of the qualifications specified in this section or any other section of this charter, or convicted of a felony while in office, shall immediately forfeit his office. No member of the council shall hold any other elected public office.

[Proposed Provision]

Sec. 2.4. - Qualifications.

Each council member shall be a citizen of the United States and a qualified voter of the State of Texas and shall be at least eighteen (18) years of age. Each of the council members shall be a resident of the City of Hewitt, and shall have resided in the city for a period of at least one (1) year immediately prior to his election.

In addition, each person filing for election to and each council member occupying one of the places designated for a ward shall be a resident of

the ward for which the place is designated for at least ~~thirty (30) days~~ **six (6) months** prior to filing for office and remain a resident of that ward during his or her term of office. In the event the council, by ordinance, increases the number of wards to six (6), the council shall at the same time designate one (1) council place for each ward, but the ward residence requirement stated in the foregoing sentence shall not apply to the council members occupying such places during the unexpired portion of the term for which they were elected.

A member of the council ceasing to possess any of the qualifications specified in this section or any other section of this charter, or convicted of a felony while in office, shall immediately forfeit his office. No member of the council shall hold any other elected public office.

[Proposition]

Proposition 2----removes 30 day ward residency because it does not comply with state law.

Shall Article II "City Council", Section 2.4 of the charter of the City of Hewitt, Texas entitled "Qualifications" be amended to require a person running for a council position tied to a ward to have resided in that ward for at least six (6) months prior to filing for office?

Reason: Current provision is not in compliance with law. Election law requires a person to file an application to be on the ballot at least 45 days before election, but a person only has to be a resident of the ward for 30 days before the election under the charter. If this was the case, he/she could not have applied 45 days out because he or she would not yet qualify. Further, 30 days is too minimal. The idea is for the person to know the ward and its needs—something that really cannot be garnered in 30 days. 6 months is more in keeping with the purpose behind the residency requirement.

Sections 2.12

[Current Versions]

Sec. 2.12. - Adoption and ratification of existing city ordinances and prior city actions.

All ordinances of the city adopted prior to the adoption of this charter and not inconsistent with the provisions of this charter and city limits referred to herein shall remain in full force and effect until altered, amended or repealed.

[Proposed Versions]

~~Sec. 2.12. - Adoption and ratification of existing city ordinances and prior city actions.~~

~~All ordinances of the city adopted prior to the adoption of this charter and not inconsistent with the provisions of this charter and city limits referred to herein shall remain in full force and effect until altered, amended or repealed.~~

Proposition

See Proposition 1

New 2.12

Sec. 2.12 Removal.

A. **Vote Required and Grounds.** A city council member or the mayor may be removed from office by the majority vote of the remaining members of the Council. Grounds for removal are: Habitual failure to attend Council meetings, whether or not consecutive; conviction of a crime involving moral turpitude; intentionally engaging in conduct intended to harm the City or disrupt its operations; continued excessive interference with administration after a formal warning from the Council; self-dealing to the detriment of the City; or any ground for removal provided by law for general law cities.

B. **Petition.** Only a member of the Council may file a petition for removal. The petition must be filed with the city secretary. The petition must state the ground or grounds for removal with specificity. The petition shall be reviewed by the City Attorney. If the City Attorney determines in writing that a proper ground for removal has not been stated by the petition, the petition is considered dismissed.

C. **Procedure.** The hearing on the petition will be at a regular or special-called meeting of the Council. The officer made the subject of the petition for removal must be provided with a copy of the petition, notice of the time, place and date of the hearing, and notice of any evidence expected to be presented at the hearing, at least Ten (10) days prior to the hearing.

D. **Removal.** A vote of removal creates a vacancy in the Council position held by the officer removed.

Proposition

Shall Article II "City Council", of the charter of the City of Hewitt, Texas be amended to add a new Section 2-12 which provides for a removal process for members of the City Council and the grounds for removal?

Reason. A removal process was missing from the charter.

Section 2.14

[Current Provision]

Sec. 2.14. - Interim government.

From and after the date of the adoption of this charter, the then existing five (5) council members and mayor shall complete their terms in office as provided in section 2.2, and the council shall have and possess all of the powers provided by this charter and shall provide, by ordinance, for the orderly transition of the business and affairs of the city from the present form of government to the form of government set forth herein in accordance with this charter.

[Proposed]

~~Sec. 2.14. - Interim government.~~

~~From and after the date of the adoption of this charter, the then existing five (5) council members and mayor shall complete their terms in office as provided in section 2.2, and the council shall have and possess all of the powers provided by this charter and shall provide, by ordinance, for the orderly transition of the business and affairs of the city from the present form of government to the form of government set forth herein in accordance with this charter.~~

See Proposition 1

Sec. 3.1

[Current Provision]

Sec. 3.1. - General elections.

The general city election shall be held annually on the first Saturday in April, at which time officers will be elected to fill those offices which become vacant that year. The council shall adopt an ordinance or resolution for the conduct of the election. Each candidate for the city council shall file for one place and shall be elected to that place by obtaining a majority of the votes cast. Initially, each ward shall consist of two (2) places. The office of council member-at-large shall be so designated.

If the council increases the number of wards to six (6), the offices which become vacant at the next general election shall be moved to the newly created wards.

[Proposed Version]

Sec. 3.1-General Elections.

The General City Election shall be held annually on the first Saturday in May, or such other date as may be specified for a General City Election by the Texas Election Code, at which time Council members will be elected to fill those places which become vacant that year. The election shall be ordered by the Mayor on ordinance of the Council. Notice of elections shall be published as provided by state law. The City Council may contract with the McLennan County Elections Administrator to conduct elections. Where the City contracts with the McLennan County Elections Administrator to conduct elections City election judge and clerk appointments are not necessary, and the election shall be carried out in compliance with the Texas Election Code provisions for contracted elections. If the election is not contracted, the City must comply with the applicable provisions of the Texas Election Code as to appointments of election judges and clerks, and certain other matters that are handled by the Elections Administrator in contracted elections. Voters for City

elections shall be only qualified voters in accordance with the Texas Elections Code.

Proposition

Shall Article III “Elections” Section 3.1 “General Elections” of the city charter of the City of Hewitt, Texas be repealed and replaced by amendment to comply with state law as to the General Election date, provide for flexibility should election dates change by law in the future, recognize current practices which include contracting with the McLennan County Elections Administrator for conducting elections, and to provide for the appointment of election judges and clerks in non-contracted elections and compliance with the Texas Election Code in non-contracted elections?

Reason—Election date is wrong and does not provide for flexibility should dates be changed. The provision does not recognize the modern practice of contracting for elections to be conducted by the County.

Sec 3.2

[Current Provision]

Sec. 3.2. - Filing for office.

Any qualified person who desires to become a candidate for election to the office of city council member shall file with the city secretary, at least thirty (30) days prior to the election date, an application and loyalty affidavit as required by law.

Such application shall be subscribed and sworn to before an officer of the city who is qualified to administer oaths. The date and hour of filing shall be noted on the application by the office of the city secretary.

[Proposed Provision]

Sec. 3.2. Filing as a Candidate

A person filing as a candidate must file for a specific place on the City Council that is up for election. A person shall not file for more than one place on the City Council at any one election. Each place is elected at large. Any person qualified under this Charter and state law who desires to become a candidate for a place on the Council and to have his or her name appear on the ballot shall file with the City Secretary, or his or her representative, during regular office hours and within the filing period prescribed by the Texas Election Code, a signed application, on a form prescribed by the Secretary of State. Before certifying an applicant's name to appear on the ballot, the City Secretary shall verify that the residence stated by the applicant is consistent with the residency qualifications of the office being sought. Should an applicant be found disqualified, the City Secretary shall immediately notify the applicant and the Mayor by certified mail, return receipt requested, of the nature of the disqualification.

Proposition

Proposition 2 removes 30 day period

Shall Article III "Elections" Section 3.2 "Filing for Office" of the city charter of the City of Hewitt, Texas be repealed and replaced by amendment to provide that the filing period for a candidate is governed by the Texas Election Code, limit filing to one place on the Council, provide for the form and filing of an application for a place on the ballot, provide for verification of residency qualifications and procedure related to disqualification?

Reason. The Texas Election Code requires for filing at least 45 days before an election. In addition, the proposed version covers the application process.

New 3.7

3.7 Controlling Law. In the event of a conflict with this charter, state election laws control, and in such cases officers and employees of the City shall follow state law.

Shall Article III "Elections" of the city charter of the City of Hewitt, Texas be amended to add a section 3.7 stating that state election law controls and authorizing employees and officers of the City to comply with state law in the event of conflict between the Charter and state law?

Reason. Creates flexibility should changes in law raise a conflict with the charter.

Sec 6.2

[Current Provision]

Sec. 6.2. - Judge of the municipal court.

The municipal court shall be presided over by the city judge. He shall be an attorney who is licensed to practice law in the State of Texas. The municipal judge shall not be an employee of the city in any other capacity. He shall receive such compensation as may be set by the council.

He shall be appointed by the council for a term of one (1) year, but may be removed upon the affirmative vote of a majority of the council.

In the event the city judge is unable to act for any reason or in the event of a vacancy, the mayor shall appoint a person having the same qualifications as the city judge to act in the place of the city judge until such vacancy shall be filled.

[Proposed Provision]

Sec. 6.2. - Judge of the municipal court.

The municipal court shall be presided over by the city judge. He shall be an attorney who is licensed to practice law in the State of Texas. The municipal judge shall not be an employee of the city in any other capacity. He shall receive such compensation as may be set by the council.

He shall be appointed by the council for a term of **Two (2) years** but may be removed upon the affirmative vote of a majority of the council **for cause**.

In the event the city judge is unable to act for any reason or in the event of a vacancy, the mayor shall appoint a person having the same qualifications as the city judge to act in the place of the city judge until such vacancy shall be filled.

Proposition

See Prop 2---change needed to comply with Chapter 29, Government Code.

Section 7.13

[CURRENT PROVISION]

Sec. 7.13 Purchase Procedure

All purchases made and contracts executed by the city shall be reviewed by the city manager who shall determine that there is to the credit of such office, department or agency, a sufficient unencumbered budgeted appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding three thousand dollars (\$3,000.00). All contracts for expenditures involving more than three thousand dollars (\$3,000.00) must be expressly approved in advance by the council. All contracts or purchases involving more than one thousand dollars (\$1,000.00) shall be let to the lowest bidder as provided by law or ordinance, provided that the council, or the city manager, in such cases as he is authorized to contract for the city, shall have the right to reject any and all bids. Contracts for personal or professional services need not be let on competitive bids.

[Proposed Provision]

Sec. 7.13 Purchase procedure

All purchases proposed to be made and contracts proposed to be executed by the City shall be reviewed by the city manager who shall determine that there is to the credit of such office, or department a sufficient unencumbered budgeted appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. The Council may by ordinance confer upon the City Manager general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding a dollar amount set by the Council in the ordinance. Competitive bidding shall be required for purchases or contracts as provided by applicable state law.

In circumstances where an emergency appropriation is necessary, the City Manager is authorized to make such expenditures without prior Council approval where funds are available in the budget to do so. The expenditure shall be brought before the Council for ratification the next meeting at which it can be considered. This authorization does not extend to the borrowing of money. Creating a current account balance to be paid out of budgeted funds shall not be deemed borrowing of money. Emergency expenditures are those necessary to protect City property, to prevent imminent disruption of City services, or that are required for the protection of public health or safety from an imminent threat.

[PROPOSITIONS REQUIRED]

Shall Article VII, Section 7.13 of the charter of the City of Hewitt, Texas regarding purchasing procedures be amended to remove the outdated dollar limit on budgeted items that the city council may authorize the city manager to purchase without prior city council approval and to give the city council authority to provide by ordinance that budgeted items not exceeding an amount set by the ordinance may be purchased by the city manager without further approval of the city council?

Shall Article VII, Section 7.13 of the charter of the City of Hewitt, Texas regarding purchasing procedures be amended to remove the reference to competitive bidding being required for contracts or purchases involving the expenditure of more than the outdated amount of \$1,000 and replace that language with "competitive bidding shall be required for purchases or contracts as provided by applicable state law."

Shall Article VII, Section 7.13 of the charter of the City of Hewitt, Texas regarding purchasing procedures be amended to provide the city manager with authority to make an unbudgeted emergency expenditure or an emergency expenditure exceeding the city manager's purchase amount limit imposed by ordinance without prior city council approval where funds are available to do so, and the expenditure is necessary to

protect the city's property, prevent the imminent disruption of city services, or to protect the public health and safety from an imminent threat, with the limitation that the city manager cannot borrow money to cover the expenditure?

Reason. Current dollar limitations are archaic and impractical. These cause inefficiencies in operations and delays. Gives the Council control to provide any limitations it believes are needed by ordinance.

An emergency purchase authorization is needed.

9.1

[Current 9.1]

Sec. 9.1. - Department of taxation.

There shall be established a department of taxation to assess and collect taxes, the director of which shall be the city assessor-collector, whose appointment shall be made by the city manager and ratified by the council. The assessor-collector shall give a surety bond for the faithful performance of his duties, in a sum which shall be fixed by the council.

[Proposed Provision]

9.1 Tax Administration.

The City contracts with the McLennan County Central Appraisal District and the McLennan County Tax Assessor-Collector for valuation, assessment and collection of property taxes. In the event that such cooperation is legally unavailable, the City may establish a Department of Taxation to assess and collect taxes, the director of which shall be the City Assessor-Collector whose appointment shall be made by the City Manager and ratified by the Council. The Assessor-Collector shall give a surety bond for faithful performance of his/her duties, in a sum which shall be fixed by the Council. Other (non-property) taxes imposed by the City shall be assessed and collected in accordance with the applicable laws of this State and the ordinances of the City.

[Proposition]

Shall Article IX "Taxation" Section 9.1 of the city charter of the City of Hewitt, Texas entitled "Department of Taxation" be amended to match the modern practice of the City contracting with the McLennan County Appraisal District and the McLennan County Tax Assessor-Collector for the valuation, assessment and collection of property taxes, with there being no Department of Taxation unless such is required in the future, in which case the council may create the department, and providing for the assessment and collection of other non-property taxes imposed by the

City in accordance with the applicable laws of this State and the ordinances of the City.

9.8 New

[Proposed Provision]

9.8 Conflict with State Law. To the extent any of the foregoing provisions conflict with State statute, the State statute shall control, and officers and employees of the City are authorized to act in accordance with the State statute despite conflict thereof with this Charter.

[Proposition]

Shall Article IX "Taxation" of the city charter of the City of Hewitt, Texas be amended to add a new Section 9.8 "Conflict with State Law" which provides that in the event of a conflict between the Charter and Texas statutory law, State statutory law controls and officers and employees of the City are authorized to act in accordance with the State statute despite conflict thereof with this Charter.

[Reason]

Changing other sections would have required too many additional propositions, and most of the provisions are technically correct for property taxes. Adding this provision allows flexibility to deal with future changes in state law as well as any current shortcomings of the charter without charter amendment.

Sec. 10.1

[Current Provision]

Sec. 10.1. - The planning and zoning commission.

There shall be a planning and zoning commission which shall consist of seven (7) citizens of the City of Hewitt who own real property within the city, and such other ex-officio members as are provided herein. The members of the present commission shall continue in office until their term expires. Thereafter, the members of said commission, except the ex-officio members, shall be appointed by the council for a term of three (3) years. Vacancies shall be filled for the unexpired term by the council. The ex-officio members shall include the city manager, and such other ex-officio members as the council shall by ordinance or resolution provide. Ex-officio members shall participate in the work of the commission, but shall not have a vote in its official actions.

The commission shall elect a chairman from its appointed members. A majority of the appointed members shall constitute a quorum.

The commission shall keep minutes of its proceedings, which shall be a public record.

[Proposed Version]

Sec. 10.1. The Planning and Zoning Commission.

The Council shall by ordinance appoint a City Planning and Zoning Commission in accordance with the authority granted by state law and shall by ordinance provide for the number of commission members, which shall not to be less than five (5) nor more than nine (9), and two (2) alternates. Members are appointed by the City Council for two (2) year terms beginning on the first appointment date after the 2020 amendment of this charter. The City Council by ordinance shall establish any procedures and processes necessary for the switch to two (2) year terms. Vacancies are filled by the City Council.

[Proposition]

Shall Article 10 "Planning and Zoning Commission and Board of Adjustment", Section 10.1 of the city charter of the City of Hewitt, Texas entitled "The Planning and Zoning Commission" be repealed and replaced with a new Section 10.1 requiring the City Council by ordinance to appoint a planning and zoning commission and to provide by ordinance for the number of members of the commission not to be less than five (5) nor more than nine (9) members and two (2) alternates, providing for two (2) year terms, providing for the Council to take such action by ordinance as is necessary to accomplish the change to two (2) year terms, and providing for members to be appointed by the City Council and for vacancies to be filled by the City Council?

Reason. Allows flexibility on number of members and expressly provides for alternates. Expressly provides for two (2) year terms instead of three (3) year terms in order to increase interest in serving on the commission. Removes irrelevant language and simplifies the provision.

Sec 10.2

[Current Provision]

Sec. 10.2. - The planning and zoning commission—Powers and duties.

The planning and zoning commission shall be responsible to and act as an advisory body to the council and shall:

- (a) Recommend a city plan for the physical development of the city with amendments thereto;
- (b) Recommend to the council approval or disapproval of proposed changes in the zoning plan;
- (c) Exercise control over platting or subdividing land within the corporate limits of the city and outside said corporate limits to the extent authorized by law;
- (d) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable during the forthcoming five-year period; and
- (e) Have all other powers, duties and responsibilities given it by law.

Proposed Provision

Sec. 10.2. - The planning and zoning commission—Powers and duties.

The City Council shall assign by ordinance or ordinances any powers and duties of the planning and zoning commission beyond those expressly provided for by state law.

Proposition

Shall Article 10 “Planning and Zoning Commission and Board of Adjustment”, Section 10.2 of the city charter of the City of Hewitt, Texas entitled “The Planning and Zoning Commission----Powers and Duties” be repealed and replaced with a new Section 10.2 requiring the City Council

to assign by ordinance or ordinances any powers and duties of the planning and zoning commission beyond those expressly provided for by state law.

Reason: One or more of the listed “powers and duties” are matters that are inconsistent with current practice, and in one instance is not even something a P&Z Commission is equipped or has time to do—submitting a list of recommended capital improvements for the following 5 years. It is a major commitment to show for the meetings and handle the regular business—a project like this would scare off candidates. In addition, creation of the capital plan for council approval is within the authority of the City Manager. This also allows for changes in powers and duties over time without charter amendment. The “powers and duties” are not artfully stated, and the Council by Ordinance can make the powers match actual practice.

Sec. 12.8

[Current Version]

Sec. 12.8. - Bond of contractors.

The council shall require good and sufficient bonds of all contractors, with a cash deposit or with a good corporate surety thereon, acceptable to the council, on all contracts required by law and on all contracts in excess of three thousand dollars (\$3,000.00).

[Proposed Version]

Sec. 12.8. - Bond of contractors.

Performance and Payment Bonds must be provided by contractors on City projects where the expenditure by the City is of an amount that requires performance and payment bonds under Texas statutory law. The council reserves the right to require a bond even if no bond is required under state law.

[Proposition]

Shall Article XII "General Provisions" Section 12.8 of the city charter of the City of Hewitt, Texas be repealed and amended to update its provisions to meet modern practices and law by removing the outdated amount at which performance and payment bonds are required for City contracts for public works and replacing the same by requiring performance and payment bonds where such are required by state statute, but still retaining the authority of the council to require bonds at a lesser threshold.

Reason: Outdated and does not comply with current practice or realities. Requiring bonds at such low levels of expenditure would stifle competition on smaller contracts and make projects more difficult to administer. Still reserves the right to require bonds on smaller contracts where special circumstances may exist.

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 **17th 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:
 - 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 Regular Meeting of February 3, 2020.
6. Discussion and possible action concerning billing dispute raised by Cheryl J. Fraley.
7. Public hearing on Storm Water Mitigation as required by Texas Commission on Environmental Quality (TCEQ).
8. Presentation of Hewitt Police Department's 2019 Racial Profiling Report.
9. Presentation of report from City Engineer
 - Update on pending utility projects
 - Update on pending street projects
 - Update on pending drainage projects
10. Briefing and discussion concerning Financial Statements ending January 31, 2020.

11. Authorize the purchase of 49 tons of rubber mulch from RubbeRecycle Rubber products for use in the City Parks in the amount of \$23,820.
12. Confirmation of reappointment to the Civil Service Commission – Mr. Sam MacKinnon.
13. **Executive Session:** A closed meeting will be held pursuant to Section 551.074 of the Government Code (V.T.C.A.) so that the Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Manager's Evaluation).
14. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 10:30 AM/PM on 2/12/2020.

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.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of February 3, 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
REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
February 3, 2020 – 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

NOTE: The Workshop Meeting was not held and postponed until the next meeting.

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.
NONE

4. **Briefing and discussion concerning upcoming events:** (Presented by City Manager Bo Thomas)
 - 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 COUNCIL WORKSHOP/REGULAR MEETING OF JANUARY 20, 2020.**
MOTION: Council Member Michael Bancale moved approval of the minutes as presented but to allow for corrections.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
6. **CONDUCT INTERVIEW AND CONSIDER ACTION ON APPOINTMENT TO THE BOARD OF ADJUSTMENT.** City Manager Bo Thomas presented prospective board member Mr. Royce W. (Rusty) Smith for service on the Board of Adjustment. A brief interview was held.
MOTION: Council Member Bill Fuller moved to appoint Mr. Smith as an alternate on the Board of Adjustment.
SECOND: Council Member Steve Fortenberry
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
7. **ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED MEMBER TO THE BOARD OF ADJUSTMENT.** City Secretary Lydia Lopez administered the Oath to Mr. Royce W. (Rusty) Smith, newly appointed member to the Board of Adjustment.
8. **BRIEFING AND DISCUSSION CONCERNING PEG (PUBLIC, EDUCATIONAL, AND GOVERNMENTAL) FUNDS AND HEWITTTX TV.** Library Director Waynette Ditto presented information on the development of a public access channel for the city of Hewitt utilizing PEG Funds collected through cable television fees. No action required.
9. **AUTHORIZE THE PURCHASE OF VEGETATION MANAGEMENT SERVICES FROM LANDMARK ES FOR THE CITY OF HEWITT IN THE AMOUNT OF \$6,562.** City Manager Bo Thomas presented.
MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved to authorize Weed Control Services from Landmark ES for a total amount of \$6,562.
SECOND: Council Member Michael Bancale
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None

ABSENT: None

MOTION PASSED.

- 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.** City Manager Bo Thomas presented.

MOTION: Council Member Bill Fuller approve Resolution No. 2020-01 ordering a General & Special Election for the City of Hewitt on Saturday, May 2, 2020.

SECOND: Council Member Erica Bruce

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

NAYES: None

ABSENT: None

MOTION PASSED.

- 11. ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 7:36 PM.

SECOND: Council Member Steve Fortenberry

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

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Charles D. Turner, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 6

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action concerning a billing dispute by Cheryl J. Fraley.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Mayor received a letter from Ms. Fraley expressing concern with the policies and procedures currently in place regarding billing procedures for water utilities. Attached is the documentation leading to the concerns raised by Ms. Fraley. She will be present at the meeting.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Supporting documentation

Cheryl J. Fraley
945 Crested Butte Drive
Hewitt, TX 76643-3679
(254) 224-6963

January 28, 2020

City of Hewitt
Attn: Charles Turner, Mayor
200 Patriot Court
Hewitt, TX 76643

RE: Billing Dispute
Acct. # 014-0008180-025

Dear Mr. Turner:

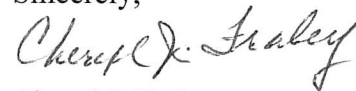
I am writing this letter to your attention in response to the direction of the Public Utility Commission of Texas. As you can see by the attached copy of correspondence to the Public Utility Commission of Texas, I stated I wanted to "bring this dispute to a final resolution". To date, **the issue has not been mutually satisfied** as I have not received any communication or correspondence from my request to the Hewitt City Council dated June 26, 2019 (a copy herewith attached) and find it extremely frustrating.

Am I to assume that, as a citizen of Hewitt, I have to **accept** the policies, procedures and decisions of the City of Hewitt without concern and protection with regards to any dispute?

Perhaps by reviewing the attached copies of correspondences dated April 1, 2019 (directed to the Hewitt City Manager), the response dated April 22, 2019 (from the Hewitt City Manager) and correspondence dated June 26, 2019 (directed to the Hewitt City Council) you can see the reasoning for my frustration and dissatisfaction. I believe this issue has gone on long enough (**nearly a year now**) and it should be resolved.

I greatly appreciate your time, consideration and efforts in assisting me in resolving this issue in a timely manner.

Sincerely,



Cheryl J. Fraley

Enc: copies as stated

DeAnn Walker
Chairman

Arthur C. D'Andrea
Commissioner

Shelly L. Botkin
Commissioner

John Paul Urban
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

9/17/2019

Ms Cheryl Fraley
945 Crested Butte Drive
Hewitt TX 76643

Dear Ms Fraley:

The Customer Protection Division of the Public Utility Commission of Texas has received your concerns regarding the billing issue you have experienced with the City of Hewitt. Unfortunately, the governing body of the municipality has not surrendered its jurisdiction over their utility rate, operations, and services to the commission. Therefore, the Public Utility Commission of Texas has limited jurisdiction over the City of Hewitt, policies and procedures; however, you may contact the Administrator, City Council, or Mayor using the contact information below for further assistance.

City of Hewitt
200 Patriot Ct
Hewitt, TX 76643
254-666-6171

We trust that you will find the above contact information helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Wilson".

Kenneth Wilson
Customer Protection Division
Public Utility Commission of Texas



Cheryl J. Fraley
945 Crested Butte Drive
Hewitt, TX 76643
(254)224-6963

September 5, 2019

Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

Attn: Customer Protection Division

RE: City of Hewitt
Billing Dispute

Dear Sirs/Madam:

I am corresponding with you pertaining to the on-going issue I have with the above referenced subject which, in my opinion, is unfair for the consumer.

I have made numerous attempts to resolve this issue (telephone calls, office visit and written correspondence) and to date it has not been resolved with no response from the Hewitt City Council. I am enclosing copies of all documents pertaining to the issue (correspondence dated April 1, 2019, April 22, 2019 and June 26, along with the Account Statements with Billing Dates of 3/15/19 & 4/22/19) for your review.

I greatly appreciate your assistance in bringing this issue to a final resolution. If you have any questions/concerns or need further information after reviewing the enclosed documents, please do not hesitate to contact me at the above telephone number.

Thank you.

Sincerely,



Cheryl J. Fraley

ENC: as stated

Cheryl J. Fraley
945 Crested Butte Drive
Hewitt, TX 76643-3679
(254) 224-6963

June 26, 2019

City of Hewitt
Attn: City Council Members
200 Patriot Court
Hewitt, TX 76643

RE: Acct.# 014-0008180-025
Dispute of Billing Policy

Dear City Council Members:

I am writing this letter to bring to your attention the ongoing dispute I have with the City of Hewitt billing policy and practices. I have communicated my concerns with staff personnel as well as correspondence to/from City Manager, Bo Thomas (per attached copies of correspondence dated April 1, 2019 and April 22, 2019) and do not find a mutually satisfactory resolution to the unfair billing policy.

While I appreciate receiving a response from Mr. Thomas, his explanations, reasoning/excuses and justification does not resolve the issue. It only presents additional questions and concerns (the City does not have an efficient way of monitoring or accounting for exceptions? - the City would contract for solid waste and pay for services without services being rendered? – sewer billing is based on water usage? etc.) and continues to place the unfair “burden” and costs upon the consumer.

It is my position I have been unfairly billed in the total amount of \$83.50 on my account (per the attached Billing Statements dated 3/15/19 and 4/22/19) and requesting your review, response and resolution to this issue.

Thank you for your time and consideration to this issue.

Sincerely,

Cheryl J. Fraley

Attachments: as stated
Cc: Mr. Bo Thomas, City Manager

HEWITT TEXAS

April 22, 2019

Ms. Cheryl J. Fraley
945 Crested Butte Drive
Hewitt, TX 76643

RE: Account # 014-0008180-025

Dear Ms. Fraley,

I have reviewed your letter and will attempt to make you aware of “why” you and all residents of Hewitt have a minimum billing regardless of usage. The utility services we provide are very similar in nature to your cable or electric utility. These rates are usually structured based upon the fact that if you are attached to the system, you have ability to place demand upon the system. For instance, the cable company does not provide a credit or rebate if you don’t turn on your television. Also for solid waste, we don’t charge based upon the amount of volume of waste generated because each household is different, yet there rate is the same.

To your point, you stated that you were not going to be at your residence for a period of time but we don’t know how many people reside at your home and we don’t have an efficient way at determining those things or accounting for them. Rate structures are designed to try to be as cost efficient as possible for all customers so that they are as fair and equitable as possible without creating undo costs.

I believe if you would have discontinued service, dependent upon the length of time you are away from your home, that may have been a better solution for you. I apologize if this is an inconvenience for you but this is simply the best way for us to provide as cost effective service as possible.

Thank you for writing with your concern and your time to review this response.

Respectfully,



Bo Thomas
City Manager

Cheryl J. Fraley
945 Crested Butte Drive
Hewitt, Texas 76643

April 1, 2019

Mr. Bo Thomas, City Manager
CITY OF HEWITT
200 Patriot Court
Hewitt, TX 76643

RE: Account # 014-0008180-025
Pin # 11316601

Dear Mr. Thomas:

I am writing this letter in reference to the MINIMUM BILLING POLICY set by the Hewitt City Council. It is my opinion that the City Council has set policy that **is unfair and unjust for the consumer**. I cannot understand or justify paying for products or services not purchased or used - **specifically Sewer and Refuse**. I recently moved to the Hewitt area (approximately 8 months ago) and have been taken aback by the billing structure by the City of Hewitt.

My issue is that I was absent from my residence from January 20, 2019 through March 27, 2019. Prior to leaving my residence (January 18th), I telephoned the City of Hewitt Office requesting **to discontinue service for garbage pickup** as I would not be having any garbage until I returned. I was told by Kim of your office that I did not have the option to stop service or billing of this item since the City hires an outside firm to pick up garbage! I disputed this reasoning and explanation and was told I would have to take the issue up with the City Council.

While away from my residence, for the above stated period of time, I had prepaid for a Credit Balance to be on my account, **NO water, sewer or garbage service had been used**; HOWEVER, I received a Billing Statement dated 2/15/19 and called Kim on 2/19/19, as I was expecting a pro-rated bill since the service period of 12/31/18 to 1/31/2019 included the partial month of January when I was absent from my residence. During this conversation with Kim, I was advised that the current bill (the minimum billing as set by the City Council) in the amount of \$79.53 is what I would be paying during the period I was absent – the **only option** would be to turn off the services and pay an additional deposit (could range from \$50.00 to \$160.00) at the time of re-starting service when I returned. Mind you, **I had already paid a deposit of \$70.00 at the time I started services in July 2018!**

On March 22, 2019, I received the emailed Account Statement billing dated 3/15/19 and find the full minimum billing amount of \$79.53 for the period of 1/31/19 to 2/28/19 **(a full month of no services being used)**. On March 27, 2019 I returned to my residence. On April 1, 2019, I went into the City of Hewitt office and conversed with Karen, expressing my concerns about **paying Sewer Fees when not using water, paying refuse fees when not having garbage picked up and having my credit balance disappear**. I stated I could accept paying a minimum fee of \$30.00 per month for water to ensure the water was kept on and eliminate having to pay another deposit; however, I was **disputing all other charges that have appeared on the above mentioned statements during my absence!** She was most helpful in directing me to you for resolution to this issue.

I would greatly appreciate having this issue reviewed and a resolution so the consumer is treated fairly and just!

It remains my opinion that I should not have to pay for unused products or services and will pursue this issue through any means available to me until it is resolved.

Thank you for your time in this matter and look forward to a mutually satisfying resolution.

Sincerely,

Cheryl J. Fraley

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 7

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Public hearing on Storm Water Mitigation as required by the Texas Commission on Environmental Quality (TCEQ).

STAFF RECOMMENDATION/ITEM SUMMARY:

The City is required by the Texas Commission on Environmental Quality (TCEQ) to hold annual public hearings regarding Storm Water Mitigation as part of our Storm Water Management Plan. The purpose of this public hearing is to give the public the opportunity to apprise the City of issues regarding drainage in natural watersheds that may not be readily known by staff. Also, it is the opportunity for the public to make us aware of additional runoff issues into our creeks and waterways.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

No action

ATTACHMENTS:

Affidavit of Public Hearing Notice

Waco Tribune-Herald

Waco, McLennan County,
Texas
Affidavit of Publication

Account Number

1025238

CITY OF HEWITT-CLASSFD
200 PATRIOT COURT
HEWITT, TX 76643

Date	Category	Description	Ad Size	Total Cost
02/05/2020	Legal Notices	PUBLIC HEARING ON STORM WATER MITIGATION	1 x 14.00 CL	60.63

**LEGAL NOTICE
CITY OF HEWITT
NOTICE OF PUBLIC
HEARING**

The City Council of Hewitt, Texas will hold a public hearing on storm water mitigation as required by the Texas Commission on Environmental Quality (TCEQ) on Monday, February 17, 2020, at 7:00 p.m. in the Hewitt City Hall, 200 Patriot Court.

**Publisher of the
Waco Tribune-Herald**

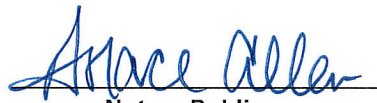
Before me, a notary public, on this day personally appeared Ana Lozano-Harper and after being duly sworn, states that she is a Multi Media Sales Manager of the Waco Tribune Herald, a newspaper published in Waco, McLennan County, Texas, and that the Notice, a copy of which is hereto attached, was published in said newspaper on the following named dates, to-wit:

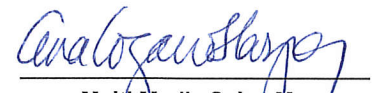
01/30/2020

The First insertion being given ... 01/30/2020

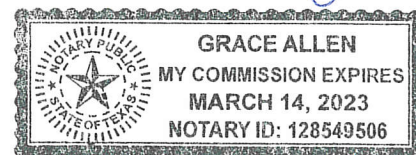
Newspaper reference: 0000624996

Sworn to and subscribed before me this day: 1/30/20


Notary Public


Multi Media Sales Manager

State of Texas
Waco, McLennan County
My Commission expires _____



THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 8

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Presentation of Hewitt Police Department's 2019 Racial Profiling Report.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the Hewitt Police Department's 2019 Racial Profiling Report that was submitted to the Texas Commission on Law Enforcement. The report provides the statistical data required by the State of Texas to determine if a police department is racially profiling people on traffic stops.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

No action required

ATTACHMENTS:

2019 Racial Profiling Report

Racial Profiling Report | Full

Reporting Date: 02/10/2020

Agency Name: HEWITT POLICE DEPT.

TCOLE Agency Number: 309204

Chief Administrator: JAMES W. DEVLIN

Agency Contact Information:

Phone: (254) 666-1661

Email: jdevlin@cityofhewitt.com

Mailing Address:

100 Patriot Court

HEWITT, TX 76643

This Agency filed a full report

HEWITT POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the HEWITT POLICE DEPT. from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the HEWITT POLICE DEPT. if the individual believes that a peace officer employed by the HEWITT POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the HEWITT POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the HEWITT POLICE DEPT. policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
 - a.) the Commission on Law Enforcement; and
 - b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: TUCK M. SAUNDERS, Assistant Chief

Date: 02/10/2020

Total stops: 3357

Gender

Female	1531
Male	1826

Race / Ethnicity

Black	456
Asian / Pacific Islander	115
Hispanic / Latino	2310
White	465
Alaska Native / American	11

Was race or ethnicity known prior to stop?

Yes	43
No	3314

Reason for stop?

Violation of law	5
Preexisting knowledge	6
Moving traffic violation	1755
Vehicle traffic violation	1591

Street address or approximate location of the stop

City street	3357
US highway	0
County road	0
State highway	0
Private property or other	0

Was a search conducted?

Yes	106
No	3251

Reason for Search?

consent	12
contraband	2
probable	57
inventory	21

ncident to arrest	14
Was Contraband discovered?	
Yes	45
No	3312
Description of contraband	
Drugs	20
Currency	0
Weapons	1
Alcohol	8
Stolen property	1
Other	15
Result of the stop	
Verbal warning	2563
Written warning	59
Citation	680
Written warning and arrest	0
Citation and arrest	0
Arrest	55
Arrest based on	
Violation of Penal Code	31
Violation of Traffic Law	3
Violation of City Ordinance	0
Outstanding Warrant	21
Was physical force resulting in bodily injury used during stop?	
Yes	1
No	3356

Submitted electronically to the



The Texas Commission on Law
Enforcement

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 9

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

Presentation of report from City Engineer

- Update on pending utility projects
- Update on pending street projects
- Update on pending drainage projects

STAFF RECOMMENDATION/ITEM SUMMARY:

The City Engineer will present and respond to any questions regarding the Engineer's Report.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No Action Required

ATTACHMENTS:

Report



CITY ENGINEER'S REPORT

February 11, 2020

Utility Projects

FM 2113; Spring Valley Rd.

Received comments back from TxDOT and I am working to address their comments.

Street/Transportation Projects

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

Contactor is finishing up this project in the coming months. They will be working on some added repairs in the coming weeks.

April/December; Mill and Overlay

Contractor has finished most of the work, only has manhole cover raisings and minor project cleanup left to perform.

E. Warren Street Improvements

Survey work has been received, will be working on options for consideration.

Ritchie Rd. Street Improvements (Patriot Court to Hewitt Dr.)

Geotech borings have been performed, in addition topographic surveys will be ordered soon as well.

FM 1695 Sidewalk Project (Panther Way, and Hewitt Dr. Area)

95% complete plans have been submitted to both the City and TxDOT for review. Construction is anticipated to begin late spring/early summer.

Drainage Projects

208/212 Cross Country Drainage Improvements

Surveyor is to be working on exhibits for additional drainage easement requested. Once received we will get them approved and out for signatures. It is then that we will set a bid date for the project.

HEWITT TEXAS II

CITY ENGINEER'S REPORT

February 11, 2020

By:



Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 10

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Briefing and discussion concerning Financial Statements ending January 31, 2019.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Financial Statements ending January 31, 2019, were sent electronically on or before February 13, 2020. Finance Director Lee Garcia will be available to respond to any questions or comments.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No action required

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 11

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Authorize the purchase of 49 tons of rubber mulch from RubbeRecycle Rubber products for use in the City Parks in the amount of \$23,820.

STAFF RECOMMENDATION/ITEM SUMMARY:

This purchase is intended to upgrade the City Park Playgrounds to rubber mulch. Rubber mulch offers a safe play surface with a longer lifespan than conventional wooden mulch. The areas to be re-mulched are Hewitt Park Main Playground, Hewitt Park Swing Station, Hewitt Park Exercise Station, Warren Park Main Playground, & Warren Park Swing Station. Most of these play areas currently use wooden mulch. The wooden mulch breaks down and periodically has to be replaced. A large portion of the mulch currently needs to be replaced.

The large 4876 sq. ft. Hewitt Park Main Playground uses a Pour in Place surface which has failed. It is cracking and falling apart in several different areas. City staff has received several residential complaints concerning the surface safety. Staff has sought proposals for replacement of the surface. The lowest proposal came in at \$52,173.20 It carries a 24-month warranty and will require maintenance roll coats at \$2.47 per sq. ft. (\$12,044) every 2 years. Due to the short lifespan, high initial cost and high maintenance cost it is staff recommendation not to use this product again.

Staff recommends replacing all wooden mulch and the Pour in Place surface with a cost-effective rubber mulch. The rubber mulch carries a 12-year warranty against color fading and will not breakdown and degrade like wood. All labor will be performed by staff. Any removed material that is determined to be re-usable will be saved and stockpiled to be used to mulch flower and tree areas located on various City properties.

FISCAL IMPACT:

\$60,000 identified "Playground Flooring" Capital Projects Identified 19-20
2016 Certificate of Obligations Bond Fund

SUGGESTED MOTION:

I move to authorize purchase of Rubber Mulch from RubbeRecycle in a total amount of \$23,820.

ATTACHMENTS:

RubbeRecycle Proposal Rubber Mulch
Robertson Recreational Surfaces Proposal, Pour In Place



RubbeRecycle • 1985 Rutgers University Blvd • Lakewood, New Jersey 08701
888.436.6846 • Fax: 732.370.4247 • www.rubberecycle.com

QUOTE

Quote # 97584

February 6, 2020

Sales Rep: Sandy Gartner; sandy@rubbermulch.com

Bill To:

City of Hewitt
Attention: Ruben Munguia

Hewitt, TX 76643

Ship To:

all playgrounds
Attention: Ruben Munguia
103 N. Hewitt Drive
Hewitt, TX 76643

Quantity	Product	Special Delivered Price
49	Playsafer Rubber Mulch Brown Super Sack 2,000Lbs.	\$23,820.00

NOTES: 40 lb bags are available at the same cost. _____
areas to cover: 31x60, 62x85, 18x35, 40x55, 30x37 at 4" deep

Available Mulch Colors: Basic Black, Royal Blue, Forest Green, Cocoa Brown, Terra Cotta Red
Playsafer rubber mulch exceeds ASTM Standard F-1292, is ADA Compliant and IPEMA Certified.

Delivery will be via tractor trailer. A large turning area is required for access by tractor trailer.

Customer is responsible to unload 2,000 lb pallets from the trailer, using a forklift and pallet jacket or similar.

Payment Terms: Net 30 Days

Purchase order should be made payable to Rubberecycle.

Preferred Date of Delivery Delivery Contact Person Delivery Contact Phone Alternate Phone

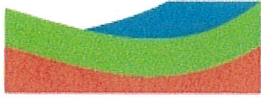
Quote is valid for 30 days.

Customer signature is required to process this quote as an order. Please email or fax to 855-856-5237

Accepted by: _____
Customer name

Customer signature

Prices do not include installation. Rubber mulch should not be stored or placed directly on or near asphalt. The petroleum distillates used in asphalt may adversely affect the pigmentation of the rubber mulch and cause a harmless "bleeding effect". Please check all local & state guidelines, recommendations and applicable laws governing the use of safety surface materials in and around play equipment. Playsafer is guaranteed to be 99.9% free of steel, by weight. All sales final. All deposits are non-refundable. Rubberecycle will not be responsible for any loss or injury resulting from defects in the goods sold or use. Buyer agrees to Rubberecycle harmless of and from any liability which may be asserted against Rubberecycle by virtue of any suit or claim of any kind arising out of, connected with or resulting from the purchase, sale, use of consumption of the goods by the Buyer or any subsequent user of the goods. Buyer shall pay any judgements rendered against Rubberecycle as a result of the foregoing and shall pay all costs and expenses incurred by Rubberecycle in defending any action brought against Rubberecycle as a result thereof, including attorney fees and expenses, expert witness fees, and court costs. The validity, construction and interpretation of these terms and conditions shall be governed and construed in accordance the laws of the State of New Jersey. All overdue accounts are subject to a monthly 2% rate of interest. Buyer will be responsible for a legal costs associated in collecting outstanding debts.



Robertson Recreational Surfaces

A PLAYCORE Company

PROPOSAL # 20-29169

Robertson Industries, Inc.
2414 West 12th Street, Suite 5
Tempe, AZ 85281
(800) 858-0519
FAX: (602) 340-0402
www.totturf.com

Date Issued: January 17, 2020

Project Name: Hewitt Park

Address: 801 S Hewitt Dr, Hewitt, TX 76643

Contact: Scott Coleman Phone: (254) 666-2447
Email: scoleman@cityofhewitt.com

Sales Representative

Name: Lisha Butler
Phone: (210) 385-8261 Fax: (602) 340-0402
Email: lbutter@totturf.com

PRICE EXPIRES: 04/16/2020

PRODUCT NAME	DESCRIPTION	QTY	UNIT PRICE	TOTAL
TotTurf ReNew Re-Top	Option 1 - Install 1.5" WearCourse Re-Top	4,876	\$10.70	\$52,173.20
TotTurf ReNew Re-Top	Option 2 - Install 1.5" WearCourse Re-Top on half of pad \$26,672.50	2,250	\$0.00	\$0.00
TotTurf ReFresh	Option 2 Maintenance Roll Coat and 30 sf repairs \$7685.00	2,626	\$0.00	\$0.00
GRAND TOTAL				\$52,173.20

CONTRACT TYPE: Regular

WAGE TYPE: Non-Prevailing

UNION: ☐

CA GRANT: ☐

DETAILED SCOPE:

TOT TURF 1.5" ReNew Re-Top

- Completely remove 12" width of the perimeter PIP and replace with a new PIP system that is flush with sidewalk tapering up to new PIP surface
- Remove and dispose of loose wear course PIP surfacing
- Remove and dispose of hardened wear course and buffing material where required
- Replace buffing material where removed with proper cushion
- Furnish and install a Tot Turf 1.5" ReNew over entire existing PIP surface material

Option 1 - ReTop Entire Play Pad

4876 sf, 50/50 standard Green/Black EPDM, Aromatic Binder, over existing PIP,

To include TTA @ 5 single slide exits, 3 swing bays, 1 tire swing - 100% Supreme Green - includes 2 year warranty on entire pad

OPT 2- ReTop and Roll Coat - to be completed at 1 mobilization

2250 sf, 1.5" Retop over existing pip

Will include TTA at 4 swing bays

Includes 50/50 std epdm green and black

2626 sf, Aromatic Rollcoat, PLUS 30 sf of misc small wearcourse patch repairs

PLUS, add TTA at 5 single slide exits

Repairs include 50/50 std epdm green and black,

2 year warranty on ReTop side only

*Check sub base at rock climb base

Both options based on good job access, regular wages, no design

Maintenance Roll Coat required at 24 months-Budget approx \$2.47 sf, will reprice for current pricing in 2022

Scheduling/Site Contact: Scott Coleman

Phone: (254) 666-2447

Email: scoleman@cityofhewitt.com

ESTIMATED INSTALL DATE:

04-2020

INITIALS



TERMS & CONDITIONS:

1. Quote is based on the information provided here within and is subject to change based on final installation unless otherwise indicated in writing. Any changes or additions to this proposal will affect pricing.
2. Changes to the proposed scope not agreed to here within or separately in writing may result in additional charges (change order). Work cannot commence until Change Order(s) are fully executed.
3. ANY additional site work not included here within, including sub base, is the responsibility of the owner.
4. Job site access must be at a maximum of 25' for trucks and mixer, with no stairs. Irrigation, sprinkler, and/or water systems must be shut off 24 hours before install and remain off until 24 hours after the installation has completed.
5. Charges for downtime/stand-by may be assessed in the event that installation is delayed due to the site not being ready as scheduled or if installation is interrupted for reasons other than those related to weather or general public emergencies.
6. Security during install and upon completion is the responsibility of the owner, unless specified otherwise in Project Scope.
7. Excess material at the job site upon completion is property of Robertson Industries, Inc., unless otherwise noted here within.
8. Installations scheduled after 90 days of proposal acceptance may be subject to price adjustments.
9. Scheduling and crew deployment is subject to local weather conditions.
10. Warranty will NOT be issued unless "Completion Sheet" is signed.
11. All projects over \$2,500.00 will be issued a preliminary lien.

PROPOSAL ACCEPTANCE:

I agree to the scope and details as provided for the abovementioned proposal as well as the terms outlined in this agreement. I am duly authorized approve and accept this proposal as stated.

☐ CONTRACT to follow ☐ PURCHASE ORDER to follow

PAYMENT TERMS:

Payment may be made via Check, Cash, or Credit Card. Customers requesting a line of credit must submit a credit application and/or a 50% deposit. Credit applications can be obtained from your sales representative.

Please attach a copy of your TAX EXEMPT CERTIFICATE if you or your company is claiming tax exemption.

TOTAL PURCHASE AMOUNT: \$52,173.20

SIGNATURE: _____ **DATE:** _____

Printed Name: _____ **Title:** _____

Company Name: _____

Address: _____

BILLING Contact Name: _____

BILLING Email: _____ **Phone:** _____ **Fax:** _____

Issue all POs, Contracts, and payments to ROBERTSON INDUSTRIES, INC.

Send ALL completed forms back to your Sales Representative:

Lisha Butler: lbutler@totturf.com or Fax: (602) 340-0402

CLICK HERE TO PAY WITH A CREDIT CARD: [PAY NOW!](#)

Robertson Industries, Inc: 2414 West 12th Street, Suite 5, Tempe, AZ 85281 ~ (800) 858-0519, FX: (602) 340-0402

AZ: ROC091920, CLASS L-05 ~ **CA:** 667261, CLASS C/61 D/12 ~ **FL:** CGC 038554 ~ **NV:** 42331, CLASS C25 C40

CALIFORNIA PWC REGISTRATION NUMBER: 1000002700 (DIR#)

The PlayCore Surfacing Division Includes: Robertson Recreational Surfacing (Robertson Industries, Inc.), Sports Surface Specialties, Rubber Designs and American Recycling Center



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 17, 2020

AGENDA ITEM #: 12

SUBMITTED BY: Jessica Higgins, HR Generalists

ITEM DESCRIPTION:

Confirmation of reappointment to Civil Service Commission- Mr. Sam MacKinnon.

STAFF RECOMMENDATION/ITEM SUMMARY:

Civil Service Commissioner Mr. Sam MacKinnon term expired December 2019. Mr. MacKinnon was originally appointed in January 2016, and has agreed to serve another three year term beginning January 1, 2020.

Mr. MacKinnon is in good standing and staff recommends his reappointment.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to confirm the reappointment of Civil Service Commissioner Mr. MacKinnon for another three year term.

ATTACHMENTS:

Civil Service Commission Roster

HEWITT TEXAS

CIVIL SERVICE COMMISSION

Tom Mattern, Vice-Chairman

1204 Ridgeview Cr.

Hewitt, TX 76643

Cell: 254-644-9632

Email: tmattern@hotmail.com

Term Expiration: 12/31/2021

Sam MacKinnon, Member

113 Emmalyn Dr.

Hewitt, TX 76643

Phone: (254) 299-7788

Email: smackinnon.csc@gmail.com

Term Expiration: 12/31/2022

Sammy L. Thomas, Chairman

100 Coventry

Hewitt, TX 76643

Cell: 254-749-0800

Email: texassamthomas@yahoo.com

Term Expiration: 12/31/2020

Jessica Higgins

City of Hewitt – Human Resources Generalist

Office: 254-666-6171

Email: jhiggins@cityofhewitt.com