

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

March 2, 2020

Workshop/Regular Meeting – 6:30/7:00 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 **2nd day of March, 2020, at 6:30 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 11:00 AM/PM on February 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.

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **2nd day of March, 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. Special presentation of the Life-Saving Award by Fire Chief Lance Bracco.
4. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
5. Briefing and discussion concerning upcoming events:
 - Citizen's Police Academy 2020 – February 18, 2020 thru April 28, 2020
 - March 21, 2020 – Hop into the Hewitt Public Library Spring Event – March 21, 2020
6. Consider approval of minutes of the City Council Workshop/Regular Meeting of February 17, 2020.
7. Conduct interview and consider action on appointment to the Library Board.
8. Administer oath of office to newly appointed member of the Library Board.
9. Authorize the purchase to repair the Hewitt Park playground Pour in Place surface system from Robertson Recreational Surfaces for a total amount of \$34,357.50.
10. Authorize the purchase of a replacement server and Insight Software for the Hewitt Public Safety building video camera to be installed by Extraco Technology in the amount of \$11,646.

11. **Executive Session:** The Council will convene into Executive Session in accordance with the following provisions: A closed meeting will be held pursuant to Section 551.087 of the Government Code (V.T.C.A.) so that the Council may deliberate regarding Economic Development negotiations.
12. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 11:00 AM/PM on February 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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 2, 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 received recommended proposition language prepared by the City Attorney. The questions raised by Council were provided to City Attorney Mike Dixon for research and response. That response was provided to Council via email on February 20, 2020, and is attached to this briefing.

Also provided in your attachments is a sample Article XI. Franchises; Utilities; Use of Streets for consideration and/or discussion.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Memo by City Attorney
Sample language - Article XI. Franchises; Utilities; Use of Streets

To: Bo Thomas, City Manager, for distribution to the Council

From: Mike Dixon, City Attorney

Date: 2-20-2020

Re: Addressing certain questions regarding Charter revisions

Section 2.2 as proposed: The election years for the places were reversed. Corrected Section 2.2 attached.

Section 2.4—can property ownership be imposed as a qualification for candidacy for a Council position?

No. Such a requirement has been held to violate the Equal Protection Clause. *Woodward v. City of Deerfield*, 538 F. 2d 1081 (5th Cir. 1976) (city charter requirement that candidates for city commissioner own property in city held unconstitutional); *Gonzales v. City of Sinton*, 319 F. Supp. 189 (S.D. Tex. 1970) (ordinance requiring candidates for city council to own property and not be delinquent on property taxes held unconstitutional).

There is some language in *Woodward* that suggests that property ownership may possibly be a valid requirement for a special government that only impacts real property. Based on this, many cities included property ownership as a requirement to serve on a planning and zoning commission. However, the fact that this language in *Woodward* was prefaced by the words “the exceptions, if any” is not comforting. Therefore, I propose to remove the requirement for the P&Z commission as well.

2.12 Removal----I believe that I have addressed all the questions in the revised version of the proposed 2.12 attached hereto. I have also removed the reference to general law municipalities as it really does not add much.

3.1 Can the general election be changed to November?

Not at this time but likely in the near future. About every 6 years the legislature amends a section of the *Elections Code* to allow such a change but requires the change to be made by resolution by a certain date. Unfortunately, the current statute (Section 41.0052, *Elections Code*) had a cut-off date of December 31, 2016. The AG has held that a city cannot change the date, even by charter amendment, because the Election Code pre-empts the charter and is the only way a municipality can change the uniform election date. *See* Tex. Atty Gen Op No. GA-0342 (2005).

The statute was amended in 2004, 2010 and 2016. Therefore, in 2022 there will likely be another opportunity to change the date to November. By statute no charter

amendment will be required, only a resolution which, by the statute's terms, supersedes the charter.

The current charter does not have a correct uniform election date, as it refers to April. The date is a carry-over and would be held to necessarily refer to the May uniform election date.

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 2, Ward 2, Place 2, and Ward 3, Place 2 shall be elected. In odd-numbered years council members for Ward 1, Place 1, Ward 2, Place 1, Ward 3, Place 1, 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.

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. The officer made the subject of the removal petition may not vote. A quorum for purposes of removal is the full City Council less the officer made the subject of the removal petition. A majority vote of that quorum is required for removal. **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; or self-dealing to the detriment of the City.

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. At the hearing the officer made the subject of the petition for removal must be allowed to be heard and to present his or her own evidence, subject to reasonable limitations on time.

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 entitled “Removal” 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.

XI.
FRANCHISES; UTILITIES; USE OF STREETS

11.1 Authority. Based on its right of control over the use of public streets, alleys, rights-of-way, and properties, the city shall have the power by ordinance to confer upon any firm or corporation furnishing the general public with public utility services a franchise giving it the right to use streets, alleys, right-of-ways, and other public property controlled by the city for the purpose of providing public utility services. Except as otherwise provided by state law, a public utility must obtain a franchise from the city to operate within the city.

11.2 Franchise Term and Exclusivity. Unless otherwise authorized by state law or regulation, franchises will be granted for a term not longer than 20 years. Unless allowed or provided for by state law, franchises may not be exclusive. A grant to a solid waste and disposal provider by a service contract with the city may be exclusive as provided by Section 364.034 of the *Texas Health & Safety Code*, as amended.

11.3 Rates. The rates charged to public utility customers within the city are subject to the review of the city, which may contest such rates before the applicable state agency as provided by state law. If the rates are set by the council, the franchisee may contest the rate as provided for by state law.

11.4 Franchise Fees. The fees payable to the city for the grant of a franchise shall be a product of negotiation except where otherwise restricted or set by state law or regulation. The franchise fee is based on gross receipts on services rendered within the city.

11.5 Terms and Conditions of Franchise, and Rights of the City thereunder. The terms and conditions of a franchise, and the rights of the city thereunder to investigate, require information, hold hearings and take other actions, up to and including forfeiture of the franchise shall be governed by each separate franchise ordinance except where otherwise provided by state law or regulation.

Shall Article XI “Franchises; Utilities; Use of Streets” of the charter of the City of Hewitt, Texas be amended to reduce the number of sections from sixteen (16) to five (5) sections that address authority of the city to grant franchises, the term and non-exclusivity of franchises except as otherwise allowed by state law, rate regulation, franchise fees, and that terms and conditions of franchises and the city’s rights thereunder are to be provided by ordinance, while removing outdated language and concepts and removing matters that are more appropriately addressed in an ordinance granting a franchise?



AGENDA ITEM #4 – 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.

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COUNCIL AGENDA ITEM FORM

MEETING DATE: March 2, 2020

AGENDA ITEM #: 6

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of February 17, 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 17, 2020 – 6:00 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 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
Human Resource Generalists Jessica Higgins
Library Director Waynette Ditto
Police Chief Jim Devlin
Assistant Police Chief Tuck Saunders
Utilities Director Kevin Reinke

WORKSHOP MEETING – 6:00 PM

1. **CALL MEETING TO ORDER.** Mayor Charlie Turner called the meeting to order at 6:00 PM.
2. **BRIEFING AND DISCUSSION REGARDING CITY CHARTER.** City Manager Bo Thomas announced that City Attorney Mike Dixon would not be in attendance due to a death in the family. Mr. Thomas presented City Attorney’s recommended propositions and reasoning behind his recommendations. General discussion was held concerning removal clause, moving of general elections to November, question raised on requiring council members to own property as required of the Planning & Zoning Commission members, and plans to allow citizen input. Mr. Thomas responded that Council could allow for citizen input in a number of ways to include the following: 1) appointment of a charter review commission to review recommended propositions and provide feedback; 2) conduct public hearings; 3) place recommended propositions on the website and provide copies to citizens upon request.

3. Adjourn.
MOTION: Council Member Bill Fuller moved to adjourn the workshop meeting at 6:57 PM.
SECOND: Council Member Michael Bancale
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.

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. Susan Kelley, 1008 Sweetbriar Rose Lane, Woodway, TX 76712, appeared to announce that she was running for District Judge (19th District) and encouraged citizens to vote in the Primary Election. She announced the early voting times.
4. **Briefing and discussion concerning upcoming events:** (Presented by City Manager Bo Thomas)
 - 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 AND REGULAR MEETING OF FEBRUARY 3, 2020.**
MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf 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. **Discussion and possible action concerning billing dispute raised by Cheryl J. Fraley.** Mayor Charlie Turner announced the agenda item and requested that Ms. Fraley step forward to address the Council. Ms. Cheryl J. Fraley, 945 Crested Butte Drive, summarized her dispute with regards to the city’s billing policies and practices specifically being required to pay a minimum bill for water, sewer and trash services regardless of whether the service is used or not. Mayor Turner provided a response to

justify billing policies and practices. He provided the option of disconnecting service during the time period of her absence. Council Member Erica Bruce stated that she called the cities of Waco, Bryan, College Station, Dallas, Plano and all have similar policies and billing practices. Mayor Pro Tem Wilbert “Walky” Wachtendorf commented that all who have cable services are required to pay for the service whether you turn the television on or not. **NO MOTION OR ACTION WAS TAKEN ON THIS ITEM.**

7. **PUBLIC HEARING ON STORM WATER MITIGATION AS REQUIRED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).** Mayor Turner opened the public hearing. No one appeared. Public hearing closed. **NO ACTION REQUIRED.**

8. **PRESENTATION OF HEWITT POLICE DEPARTMENT’S 2019 RACIAL PROFILING REPORT.** City Manager Bo Thomas presented. Police Chief Jim Devlin stated the total traffic count stops involving Hispanics should be 465 and the total for Whites should be 2310. **NO ACTION REQUIRED.**

9. **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

NO ACTION REQUIRED.

10. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING JANUARY 31, 2020.** City Manager Bo Thomas stated that Finance Director Lee Garcia previously sent the January Financial Statements and asked if council had any questions. No questions were asked. **NO ACTION REQUIRED.**

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.** City Manager Bo Thomas presented.

MOTION: Council Member Steve Fortenberry moved to authorize purchase of rubber mulch from RubbeRecycle in a total amount of \$23,820.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

12. **CONFIRMATION OF REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION – MR. SAM MACKINNON.** City Manager Bo Thomas presented and stated that Mr. MacKinnon was a member in good standing and staff recommended confirmation of his reappointment.

MOTION: Council Member Steve Fortenberry moved to confirm the reappointment of Civil Service Commissioner Mr. MacKinnon for another three year term.

SECOND: Council Member Bill fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

- 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).

MOTION: Council Member Bill Fuller moved to recess the Regular Session and convene the Executive Session at 7:37 PM.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

EXECUTIVE SESSION - ADJOURNMENT

MOTION: Council Member Bill Fuller moved to reconvene the Regular Session 8:25 PM.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

- 14. ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 8:29 PM.

SECOND: Mayor Pro Tem Wilbert “Walky” Wachtendorf

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: March 2, 2020

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Conduct interview and consider action on appointment to the Library Board.

STAFF RECOMMENDATION/ITEM SUMMARY:

Ms. Betty Smith has submitted an application for service on the Library Board. Currently, there is one vacancy. Ms. Smith expressed a desire and willingness to serve.

She 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 Betty Smith as a member on the Library Board for a term ending in December 2021.

ATTACHMENTS:

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

APPLICATION FOR BOARDS & COMMISSIONS TO THE CITY OF HEWITT

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

NAME OF APPLICANT: Betty Jean Smith
HOME ADDRESS: 709 Seminole Trail
DAYTIME TELEPHONE NUMBER: 254-666-7931 E-MAIL ADDRESS: —

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

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

LENGTH OF TIME APPLICANT HAS RESIDED IN THE HEWITT CITY LIMITS: 27 years

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

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

OTHER WAYS YOU SERVE YOUR COMMUNITY: Public School Volunteer. Work in a meal for the homeless and needy at my church. Substitute pianist in two depts. in church.
SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: I love to read and have used Hewitt Public Library since 1993.

OCCUPATION/EMPLOYER: Retired as a teacher in Mart Jr High after 24 years. I also taught prior to Mart in Fort Worth and as a substitute in Bay City.
REFERENCES (MUST BE HEWITT RESIDENTS): Dianne Byford TELEPHONE #: 254-717-3990
Dr. Bill Austin TELEPHONE #: 254-753-6869

SIGNATURE OF APPLICANT: Betty Smith DATE: 02-13-20

Return Application to:
Lydia Lopez, City Secretary
200 Patriot Court
Hewitt, Texas 76643
Phone: 254-666-6171 - Fax: 254-666-6014
Email: citysecretary@cityofhewitt.com

OFFICE USE ONLY

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

Term to expire: _____
Term to expire: _____

Revised: March 2019

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 <u>2 Yr Term - May</u>	Board of Adjustment <u>2 Yr Term - April</u>	Planning & Zoning Commission <u>3 Yr Term - June</u>	Parks & Beautification Committee <u>2 Yr Term - December</u>	Library Board of Directors <u>2 Yr Term - December</u>
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) VACANCY	(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) Royce W. Smith 1128 Regina 652-3099	(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: 02/24/2020

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 2, 2020

AGENDA ITEM #: 8

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

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

STAFF RECOMMENDATION/ITEM SUMMARY:

City Secretary will administer oath to Ms. Betty Smith.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No motion required.

ATTACHMENTS:

Statement of Officer
Oath

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



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, Betty Jean Smith, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Library Board 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: March 2, 2020

AGENDA ITEM #: 9

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Authorize the purchase to repair the Hewitt Park playground Pour in Place surface system from Robertson Recreational Surfaces for a total amount of \$34,357.50.

STAFF RECOMMENDATION/ITEM SUMMARY:

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 full replacement of the surface. The lowest proposal for full replacement has come 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.

Staff has requested alternate proposals to replace approximately half of the surface which shows the most failure and repair the smaller areas on the opposite half which have been identified as repairable. The lowest proposal has come in at \$34,357.50 It carries a 2-year warranty on the new surfaces only. Also, it will come with a roll coat after installation which has never been performed on the surface.

Background: It was brought to staff's attention after the last Council meeting that the installation of the pour in place surface at Hewitt Park was originally part of an arrangement with the local Kiwanis Club in which the Club provided the City with an initial \$20,000 donation intended to help create a surface acceptable for children with disabilities to play on. We have already ordered the rubber mulch for all other areas previously approved.

FISCAL IMPACT:

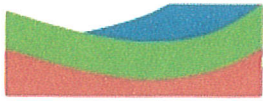
\$60,000 identified "Playground Flooring" Capital Projects Identified 19-20
2016 Certificate of Obligations Bond Fund

SUGGESTED MOTION:

I move to authorize purchase of the TotTurf ReNew RE-Top from Robertson Recreational Surfaces for a total amount of \$34,357.50.

ATTACHMENTS:

2x Robertson Recreational Surfaces Proposal



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: February 20, 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: lbutler@totturf.com

PRICE EXPIRES: 05/20/2020

PRODUCT NAME	DESCRIPTION	QTY	UNIT PRICE	TOTAL
TotTurf ReNew Re-Top	Install 1.5" WearCourse Re-Top on half of pad and Roll Coat additional SF	1	\$34,357.50	\$34,357.50
GRAND TOTAL				\$34,357.50

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

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

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 refer to the credit policy provided by your sales representative.

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

TOTAL PURCHASE AMOUNT: \$34,357.50

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*

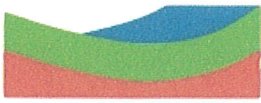
CLICK HERE TO PAY WITH A CREDIT CARD: [PAY NOW!](#)

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*



Robertson

Recreational Surfaces

A PLAYCORE Company

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

Email: lbutler@totturf.com

Fax: (602) 340-0402

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

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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

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Phone: (254) 666-2447

Email: scoleman@cityofhewitt.com

ESTIMATED INSTALL DATE:

04-2020

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☐ CONTRACT to follow ☐ PURCHASE ORDER to follow

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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!](#)

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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: March 2, 2020

AGENDA ITEM #: 10

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Authorize the purchase of a replacement server and Insight Software for the Hewitt Public Safety building video camera to be installed by Extraco Technology in the amount of \$11,646.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Police Department, in the FY 2109/2020 Budget, requested the replacement of the building video camera server (Dell r230XL 20TB Storage-3Yr Warranty) and purchase of Video Insight Software Licenses – based on the recommendation of Extraco Technologies – our current Information Technology provider. The purchase will correct video storage/server issues and place the Hewitt Public Safety Facility on the same video operating system as the rest of the City of Hewitt. This Item was contained in the FY 2019/2020 Police and Fire budget(s) with both organizations splitting the cost for the system as well as installation.

FISCAL IMPACT:

Amount Budgeted – \$12,000 total b/w Police and Fire

Line Item in Budget – Other Equipment and Supplies 10-50235-41-01 & 1050235-56-00

SUGGESTED MOTION:

I move approval of the purchase of (1) Dell r230XL 20TB Storage server with a 3-year warranty– (24) Video Insight Software Licenses and the installation by Extraco Technologies.

ATTACHMENTS:

Quote

NVR



CUSTOMER: City of Hewitt

Attn: Chief Devlin / Tuck

DATE: 13-Nov-18

SALES PERSON: Patrick Johnson

Part	Description	Item #	Price:
NVR: Dell R230XL Server 20TB Storage 3Yr Warranty			\$6,765.00
1 at a unit price of		\$6,765.00	
SOFTWARE: Video Insight Software Licenses			\$3,816.00
24 at a unit price of		\$159.00	
LABOR: Labor for installation and configuration of server.			\$1,000.00
SHIPPING: Shipping and Handling			\$65.00
System Total:			\$11,646.00
System Total with options:			\$11,646.00
Tax:			
System Total + Tax:			\$11,646.00

Hardware Quote Honored for 30 days only.
Shipping & Handling not included.

1704 N Valley Mills Dr - Waco, Texas 76701 - 254.761.2390