

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

March 16, 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

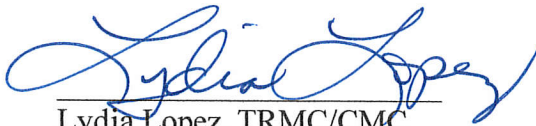
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **16th day of March, 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. Presentation and discussion concerning FY 2018-2019 Audit Report by Diana L. Ward, CPA Shareholder, Jaynes, Reitmeier, Boyd & Therrell, P.C.
3. Briefing and discussion regarding City Charter.
4. 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 March 11, 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 **16th 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.

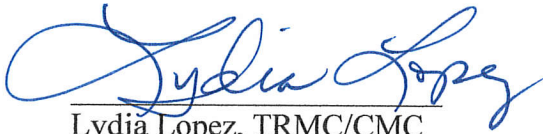
All comments must be directed to the Presiding Officer, rather than an individual Council Member or city staff. Comments are limited to five (5) minutes and must pertain to the subject matter listed on the Speaker's Request Form.

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. 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:
 - March 12-20, 2020 - 2020 Census initial invitations to respond will be mailed out
 - March 21, 2020 – Hop into the Hewitt Public Library Spring Event – March 21, 2020
5. Consider approval of minutes of the City Council Workshop/Regular Meeting of March 2, 2020.
6. Public hearing and action on **Resolution No. 2020-02** approving a request for a special permit to be located at 400 Barbara Jean, Hewitt, McLennan County, Texas, for the installation of a 120- foot tall cellular tower.
7. Motion to accept the Fiscal Year 2018-2019 Comprehensive Annual Financial Report (CAFR).
8. Briefing and discussion concerning Financial Statements ending February 29, 2020.
9. Authorize the emergency purchase of two submersible pumps to Jurgensen Pump, LLC in the amount of \$11,239.
10. Authorize the purchase of video production equipment including labor so that public meetings in the City Council Chambers may be video and web streamed. This includes an upgrade to the City's indoor and outdoor wireless network.

11. Consideration and action on appointment and/or reappointment of member(s) to the McLennan County 9-1-1 Emergency Assistance District.
12. Consideration and action approving **Resolution No. 2020-03** authorizing the City Manager to enter into a 380 agreement for economic development with Atwood Ranch and Home.
13. **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 **(if needed)**.
14. Consideration and possible action regarding the subject matter set forth in the Executive Session **(if needed)**.
15. 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 March 11, 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 WORKSHOP AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: Workshop Item-2

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Presentation and discussion of the FY 2018-2019 audit report by Diana Ward, Jaynes, Reitmeier, Boyd & Therrell.

STAFF RECOMMENDATION/ITEM SUMMARY:

Diana Ward, of Jaynes, Reitmeier, Boyd & Therrell, P.C. will present the Fiscal Year 2018-2019 Comprehensive Annual Financial Report to the City Council. Council will be provided the opportunity to ask questions and make comments.

The report was distributed to Council at the March 2, 2020 Council meeting. **Please note that you may want to bring your copy of the Audit Report for the formal presentation and discussion.**

FISCAL IMPACT:

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

SUGGESTED MOTION:

No motion at this time.

ATTACHMENTS:

Council has been provided with the 2019 CAFR report.

JAYNES, REITMEIER, BOYD & THERRELL, P.C.



City of Hewitt, Texas

Report to City Council

March 16, 2020

Certified Public
Accountants

Audit Scope and Results

Management's Discussion and Analysis

Basic Financial Statements

- Government-wide financial statements
- Fund financial statements
 - Governmental funds
 - Proprietary funds
- Notes to Financial Statements

Required Supplementary Information

- Budget, Pension and OPEB-related schedules

Audit Scope and Results



Responsibilities

Management is responsible for the preparation and presentation of the comprehensive annual financial report (CAFR).

Our responsibility is to conduct an audit of those financial statements in accordance with generally accepted auditing standards, and express opinions on those financial statements based on our audit.



Audit Scope and Results



Plan and perform audit to provide reasonable assurance that financial statements are free of material misstatement. Procedures selected, depending on the auditor's judgment including assessment of the risk of material misstatement, include:

- Obtaining and examining evidence, on a test basis, supporting the amounts and disclosures in the basic financial statements
- Evaluating significant accounting principles used and reasonableness of estimates made by management
- Evaluating the overall financial statement presentation



Audit Scope and Results

JRBT

As a result of our audit procedures, in our opinion, . . .

. . . the financial statements do present fairly, in all material respects, the financial position . . . as of September 30, 2019, and the changes in financial position and cash flows . . . for the year then ended in accordance with accounting principle generally accepted in the United States of America.



Net Position



Government-Wide Financial Statements

	Governmental Activities	Business- Type Activities	Total
Net position, beginning of year	\$ 4,820,881	11,965,049	16,785,930
Change in net position	2,208,554	1,466,031	3,674,585
Net position, end of year	\$ 7,029,435	13,431,080	20,460,515



Compliance With Budget



General Fund – Budgetary Basis

	Final Budget	Actual	Variance
Revenues	\$ 8,980,139	9,207,728	227,589
Expenditures	(9,918,687)	(9,548,648)	370,039
Other financing sources (uses)	955,000	955,000	-
Net change in fund balance	\$ 16,452	614,080	597,628



Fund Balance



General Fund

Fund balance, beginning of year	\$ 4,365,246
Net change in fund balance	843,782
Fund balance, end of year	\$ 5,209,028
Restricted	\$ 584,334
Unassigned	4,624,694
Fund balance	\$ 5,209,028

(Unassigned fund balance equals 173 days
of 2019 operating expenditures)



Operating Results



Proprietary Funds

	2019	2018
Operating revenue	\$9,360,706	9,220,189
Operating expense	(7,638,698)	(7,518,498)
Operating income	1,722,008	1,701,691
Nonoperating revenue (expense)	(555,977)	(673,631)
Contributions	1,255,000	314,516
Transfers out	(955,000)	(980,000)
Change in net position	\$1,466,031	362,576



Internal Control



Considered internal controls to design audit procedures, but not to express opinion on the effectiveness of controls.

No material weaknesses identified.



JAYNES, REITMEIER, BOYD & THERRELL, P.C.



City of Hewitt, Texas

Report to City Council

March 16, 2020

A close-up photograph of a hand holding a silver pen, poised to write on a document. The document contains several numbers, including 12,114, 7,494, and 6,373, which are part of a financial report. The background is slightly blurred, showing a keyboard and other documents.

12,114	11,385
7,494	6,373
169	476

Certified Public
Accountants



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: Workshop Item-3

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Briefing and discussion regarding City Charter.

STAFF RECOMMENDATION/ITEM SUMMARY:

City Attorney Mike Dixon has provided the attached proposition language for discussion. Staff is seeking direction from the Council with respect to the next steps in this Charter review process. The following options have been discussed and could be considered as the starting point for discussion on the next steps.

- 1) Appointment of a Charter Review Commission to review the recommended propositions and provide feedback
- 2) Conduct public hearings
- 3) Place recommended propositions on the website and provide copies to citizens upon request to allow for citizen input

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Proposed Proposition Language

PROPOSITIONS---VERSION 2-26-20

Prop. 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 [Examples: 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]?

Prop. 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, to remove the provision. [Examples: 1.7 Annexation, 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]

Prop. 3

Shall the city charter of the City of Robinson, Texas be amended to make other sections of the charter consistent with a change to a section of the charter so as to be uniform in the effect or meaning of the change, to re-number provisions as necessary, correct grammatical errors, and to substitute gender-neutral or gender-inclusive language for gender-specific language?

Prop. 4

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 and places, in conjunction with at-large election of those positions?

Prop. 5

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?

Prop. 6

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?

Prop. 7

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?

Prop. 8

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, provide for the appointment of election judges and clerks in non-contracted elections and compliance with the Texas Election Code in non-contracted elections?

Prop. 9

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?

Prop. 10

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?

Prop. 11

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.”

Prop. 12

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?

Prop. 13

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.

Prop. 14

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?

Prop. 15

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 entitled "The Planning and Zoning Commission---Organization, Meetings, and Powers and Duties" requiring the City Council to provide by ordinance or ordinances for the organization of the commission, the frequency and conduct of commission meetings, and any powers and duties of the commission beyond those expressly provided for by state law.

Prop. 16

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?

Prop. 17

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?

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of March 2, 2020.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

FISCAL IMPACT:

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

SUGGESTED MOTION:

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

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

**MINUTES OF A CITY COUNCIL
WORKSHOP/REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
March 2, 2020 – 6:30 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 Generalist Jessica Higgins
Library Director Waynette Ditto
Police Chief Jim Devlin
Utilities Director Kevin Reinke

WORKSHOP MEETING – 6:30 PM

- CALL MEETING TO ORDER.** Mayor Charlie Turner called the meeting to order at 6:00 PM. City Secretary Lydia Lopez polled the Council for attendance.
ALL PRESENT: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, Turner
- BRIEFING AND DISCUSSION REGARDING CITY CHARTER.** City Manager Bo Thomas stated that City Attorney Mike Dixon provided a memo dated February 20, 2020, in their packet addressing the questions raised at the last Workshop of February 17, 2020. Mr. Thomas deferred discussion and presentation to City Attorney Mike Dixon. Mr. Dixon began the discussion by asking whether there were any questions regarding any of the proposed provisions or propositions presented. Mr. Dixon summarized recommended propositions and reasoning behind his recommendations. General discussion was held concerning majority vote versus plurality vote. 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 Bancala

AYES: Fuller, Bancala, 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, Bancala, Wachtendorf, Fortenberry, Bruce, Turner

2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner led the Pledge of Allegiance.

3. **SPECIAL PRESENTATION OF THE LIFE-SAVING AWARD BY FIRE CHIEF LANCE BRACCO.** Fire Chief Lance Bracco presented award to C-shift firefighters: Captain Cody Richardson, Corey LeBourgeois, Marco Lozano, Enrique Rocha, and Brad Langford for a CPR life-saving procedure to an individual at the Hewitt Walmart on November 3, 2019.

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. Betty Orton, appeared to request the Council provide information on the proposed propositions regarding amendments to the City Charter and that public hearings be held to allow for public comment.

5. **Briefing and discussion concerning upcoming events:** (Presented by Police Chief Jim Devlin and Library Director Waynette Ditto)

- 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 COUNCIL WORKSHOP AND REGULAR MEETING OF FEBRUARY 17, 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, Bancala, Wachtendorf, Fortenberry, Bruce, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

7. **CONDUCT INTERVIEW AND CONSIDER ACTION ON APPOINTMENT TO THE LIBRARY BOARD.** City Manager Bo Thomas presented prospective applicant Mrs. Betty Jean Smith for service on the Library Board of Directors.
MOTION: Council Member Michael Bancale moved approval of the appointment of Betty J. Smith as a member on the Library Board for a term ending in December 2021.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
8. **ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED MEMBER OF THE LIBRARY BOARD.** City Secretary Lydia Lopez administered the oath of office to the Mrs. Betty J. Smith to 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.** City Manager Bo Thomas prefaced the discussion with a summary of why this item was being brought back for Council consideration. He stated that it was brought to the attention of staff that the local Kiwanis Club provided a \$20,000 donation intended to make the playground surface accessible to children with disabilities. The rubber mulch previously approved at the last meeting would not meet those requirements; therefore, this item would rectify the concerns with the surface and repair it to its original condition. General discussion was held concerning whether there was a written agreement with regards to the purpose of the donation and the binding of future councils.
MOTION: Council Member Michael Bancale moved approval to authorize the purchase of the TotTurf ReNew Re-Top from Robertson Recreational Surfaces for a total amount of \$34,357.50.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
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.** City Manager Bo Thomas presented. General discussion was held concerning backup and recovering data.
MOTION: Council Member Steve Fortenberry moved approval of the purchase of (1) Dell r230XL 20TB Storage service with a three year warranty- (24) Video Insight Software Licenses and the installation by Extraco Technology in an amount of \$11,646.
SECOND: Council Member Michael Bancale
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.

Mayor Charlie Turner recessed the Regular Meeting to convene the following Executive Session at 7:32 PM.

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.

MOTION: Council Member Michael Bancale moved to recess the Regular Session and convene the Executive Session at 7:32 PM.

SECOND: Council Member Steve Fortenberry

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

NAYES: None

ABSENT: None

MOTION PASSED.

EXECUTIVE SESSION - ADJOURNMENT

MOTION: Council Member Michael Bancale moved to reconvene the Regular Session 8:06 PM and adjourn the Executive Session.

SECOND: Council Member Erica Bruce

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

NAYES: None

ABSENT: None

MOTION PASSED.

12. **ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 8:07 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: March 16, 2020

AGENDA ITEM #: 6

SUBMITTED BY: Tracy Lackford, Community Development Director

ITEM DESCRIPTION:

Public hearing and action on **Resolution No. 2020-02** approving a request for a special permit to be located at 400 Barbara Jean, Hewitt, McLennan County, Texas, for the installation of a 120-foot-tall cellular tower.

STAFF RECOMMENDATION/ITEM SUMMARY:

Mr. Brandt Dozier, on behalf of AT&T, submitted a request to build a telecommunication tower on property located at 400 Barbara Jean. City ordinance requires that all telecommunication towers go through the special permit process. The property is zoned Industrial and the proposed use is allowed in this zoning district. The Planning and Zoning Commission met on Tuesday, March 3, 2020, to consider the request. After a public hearing and deliberation, the P&Z Commission recommended to approve the request with a vote of 6 to 0.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I move to approve Resolution No. 2020-02 approving a request for a special permit to construct a 120-foot telecommunication tower at 400 Barbara Jean.

ATTACHMENTS:

P&Z Draft Minutes and supporting documentation
Draft resolution

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION

March 3, 2020 – 6:00PM

Members Present: Chairman Walt Peterson, John Baker, Bobby Drake, Michael Hix, Paul Lasater, Bobby Wolske

Members Absent: Jonathan Dulus

Staff Present: Tracy Lankford, Community Development Director
Miles Whitney, City Engineer
Brittney Cantu, Zoning Secretary

1. **Call Planning and Zoning Commission Meeting to order.** *Chairman Walt Peterson called the meeting to order at 6:00PM.*
2. **Consider approval of minutes for the January 7, 2020 Planning and Zoning Commission regular meeting.** *A motion was made by John Baker, seconded by Mike Hix, to approve the minutes as submitted but allow for corrections. All six in favor, motion passed.*
3. **Discussion, consideration, action if any: The Final Plat of The Garden Homes of Warren Park Addition.** *Miles Whitney, City Engineer, addressed the commission stating that all issues from previous plats have been addressed, and that he recommends approval. Motion made by John Baker, seconded by Paul Lasater, to approve the Final Plat of The Garden Homes of Warren Park. All six in favor, motion passed.*
4. **Public Hearing: Consider a request of Brandt Dozier with Jacobs Engineering C/O AT&T for approval of a special permit request to place a telecommunication tower in an Industrial zoning district located at 400 Barbara Jean.** *Public Hearing opened at 6:03PM. Speaking in favor: Brandt Dozier with Jacobs Engineering, C/O AT&T. Mr. Dozier is the engineer of this project, and states that this tower will be a 120' monopole erected in the back corner of the property where equipment is stored. This tower is considered a "fill in" tower, meaning there have been many complaints*

within a one-mile to three-mile radius of project location about signal strength and overall coverage of AT&T by its users. This tower will solve issues for these customers. The expected timeline is a year to year and a half to get all of the permits required to build. The actual erect time will be approximately three weeks. No one speaking against, Public Hearing closed at 6:10PM.

- 5. Discussion and possible action:** Consider a request of Brandt Dozier with Jacobs Engineering C/O AT&T for approval of a special permit request to place a telecommunication tower in an Industrial zoning district located at 400 Barbara Jean. Tracy Lankford and Miles Whitney asked if they would recommend approval of project, both state they recommend approval. A motion was made by John Baker, seconded by Paul Lasater, to recommend approval. All six in favor, motion to go before City Council March 16, 2020.
- 6. Adjourn.** A motion was made by John Baker, seconded by Michael Hix, to adjourn the meeting at 6:16PM. All six in favor, motion passed.

Walt Peterson, Chairman

Date Approved

Brittney Cantu, City of Hewitt Zoning Secretary



**Federal Communications Commission
Washington, DC 20554**

Informational Notice of Section 106 Filings

Date: 02/19/2020
Reference Number: 1084440

Adam Miles
City of Hewitt Planning & Community Development
103 North Hewitt Drive, Suite E
Hewitt, TX 76643

TRACY
FYI
Bo

The following new Section 106 filing has been submitted:

FILE NUMBER: 0008977043
TCNS Number: 197125
Purpose: New Tower Submission Packet

Notification Date: 7AM EST 02/18/2020

Applicant: AT&T Mobility, LLC
Consultant: Environmental Corporation of America
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Barbara Jean
Site Address: 400 Barbara Jean Drive
Detailed Description of Project:
Site Coordinates: 31-28-21.7 N, 097-11-49.1 W
City: Hewitt
County: MCLENNAN
State: TX
Lead SHPO/THPO: Texas Historical Commission

Consultant Contact Information:
Name: Dina Bazzill
Title: MA, RPA - Principal Investigator
PO Box:
Address: 1375 Union Hill Industrial Court
Suite A
City: Alpharetta
State: GA
Zip: 30004
Phone: (770) 667-2040
Fax:
Email: dina.bazzill@eca-usa.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

HEWITT TEXAS

ZONING AND SPECIAL PERMIT APPLICATION

Case: _____ Applicant: Jacobs Eng C/O AT&T Date: 01/09/2020

Property Address: 400 Barbara Jean, Hewitt, TX 76643

Legal Description: (Submit certified field notes, if not subdivided with lot and block description)

Lot(s): 12 Block: 6 Addition: Wiethorn Addition

Ownership (Deed): Doc. #/MCC #. JLA Rentals Inc.

Existing Property Use: Fenced Yard Storage Proposed Property Use: _____

Existing Zoning: _____ Proposed Zoning: _____

Existing Special Permit: _____ Proposed Special Permit: _____

Site Plan. All applications for special permits must be accompanied by development plans that includes a site plan, parking layout, existing and proposed utilities, topographic map, building plans, and other information about surrounding property developments as required by Part 4 of the Zoning Ordinance.

Please provide the proposed meeting date for this application to be considered (see Meeting Schedule): March 5, 2020

The Application must be completed along with the following required information:

1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request.
2. 1 PDF and 1 hard copy of plat in State Plane Coordinates NAD 83.
3. Submit 1 copy of building plans, if existing building(s) exist.
4. Non-refundable application fee (see Fee Schedule).
5. Application, fee, documents, etc., in completed form must be submitted to the Planning Department no later than 5:00 PM on the deadline date (see Meeting Schedule).

I attest that the above information is true and correct to the best of my knowledge. That I am now or will be fully prepared to present the above proposal at the Planning & Zoning Commission hearing. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the governing body of the City.

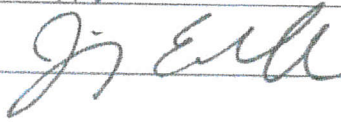
I understand that in the event the undersigned is not present or represented at the public hearing, the Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning & Zoning Commission and the City Council.

I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice of the Planning & Zoning Commission hearing shall constitute a denial by the Commission and City Council. I understand that the filing fee is not refundable upon withdrawal of proposal.

Name of Property Owner: Jimmy Eubank Phone No: (254) 379-7339

Mailing Address: 400 Barbara Jean City: Hewitt State: TX

Email Address: jeubank@irrigationsupplyinc.com

Signature of Property Owner:  Date: 1/9/2020

Name of Applicant/Representative: Brandt Dozier Phone No: (832) 729-8200

Mailing Address: 3819 Knollcrest Drive City: Montgomery State: TX

Email Address: brandt.dozier@jacobs.com

Signature of Applicant/Representative: Brandt S. Dozier Digitally signed by Brandt S. Dozier, DN: cn=Brandt S. Dozier, o=US, ou=Jacobs, ou=ATS, email=brandt.dozier@jacobs.com, Date: 2020.01.09 09:56:03 -0500 Date: 1.15.2020



at&t

SITE NAME:
SITE NUMBER:
STRUCTURE TYPE:
FA CODE:

DXL06177
DXL06177
MONOPOLE TOWER
14698069

PREPARED FOR:



AT&T MOBILITY
180 VALLEY VIEW LANE
FARMERS BRANCH, TX 75234

CONSULTANT:



PROJECT INFORMATION

SITE NAME: DXL06177
SITE NUMBER: DXL06177
SITE ADDRESS: 400 BARBARA JEAN
HEWITT, TX 76643
LATITUDE: 31.4726917
LONGITUDE: -97.1969005
GROUND ELEVATION: 634.37 AMSL
JURISDICTION: CITY OF HEWITT
STRUCTURE TYPE: MONOPOLE TOWER

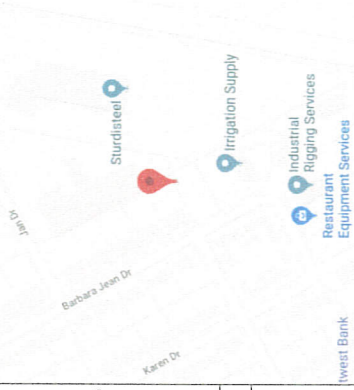
2019 NSB PTN: 3021A0HYBR

THESE DRAWINGS ARE BASED ON RFDS DATED 05/02/2019
GENERAL CONTRACTOR TO VERIFY AND INCORPORATE MOST RECENT VERSION
OF THE RFDS WITH CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION.

DRIVING DIRECTIONS

FROM DFW INTERNATIONAL AIRPORT,
TAKE I-35E S AND I-35 S TO N INTERSTATE 35
FRONTAGE RD IN MCLENNAN COUNTY. TAKE EXIT 32B
FROM I-35 S. MERGE ONTO N INTERSTATE 35
FRONTAGE RD. TURN RIGHT ONTO SUN VALLEY BLVD. TURN
RIGHT ONTO N HEWITT DR. TURN RIGHT ONTO LISA
DR. SITE IS AT 400 BARBARA JEAN HEWITT, TX 76643

VICINITY MAP



SHEET INDEX

SITE GENERAL ARRANGEMENT PLANS	
T1.0	COVER SHEET
N1.0	GENERAL NOTES
N1.1	GENERAL NOTES
N1.2	GENERAL NOTES
ARCHITECTURAL / CIVIL PLANS	
A0.0	SURVEY (FOR REFERENCE)
A0.0	OVERALL AREA PLAN
A1.0	PROPOSED COMPOUND PLAN
A1.1	PROPOSED EQUIPMENT PLAN
A2.0	PROPOSED TOWER ELEVATION AND ANTENNA PLAN
A2.1	ANTENNA CONFIGURATION
A2.2	PLUMBING DIAGRAM
A3.0	EQUIPMENT DETAILS
A3.1	EQUIPMENT DETAILS
A3.2	FENCE DETAILS
A3.3	EQUIPMENT DETAILS
A3.4	EQUIPMENT DETAILS
A3.5	ANTENNA PLATFORM DETAILS
ELECTRICAL PLANS	
E1.0	ELECTRICAL AND TELCO PLAN
E1.1	ELECTRICAL DETAILS
E2.0	ANTENNA GROUNDING PLAN & ONE-LINE DIAGRAM
E2.1	COMPOUND GROUNDING PLAN
E3.0	GROUNDING DETAILS
E4.0	ELECTRICAL SPECIFICATIONS

NOTE:
DRAWING SCALES ARE FOR 22"x34" SHEETS UNLESS OTHERWISE
NOTED.

3 SCOPE OF WORK

THE WIRELESS COMMUNICATIONS FACILITY IS NOT INTENDED FOR
BROADBAND OCCUPANCY

1. INSTALLATION OF (6) NHH-65B-R4 ANTENNAS AND (3) SBHH-1065B ANTENNAS
2. INSTALLATION OF (3) NEW RRUS-4478 B1.4 (1 PER SECTOR)
3. INSTALLATION OF (3) NEW RRUS-8843 B2/B6A (1 PER SECTOR)
4. INSTALLATION OF (3) NEW RRUS-4415 B30 (1 PER SECTOR)
5. INSTALLATION OF (3) NEW RRUS-4448 B5/B12 (1 PER SECTOR)
6. INSTALLATION OF (3) NEW RRUS-4448 B5/B12 (1 PER SECTOR)
7. INSTALLATION OF (2) NEW FIBER CABLES (7/16")
8. INSTALLATION OF NEW ANTENNA PLATFORM
9. INSTALLATION OF (2) NEW DCB-48-60-18-BC (DC & FIBER)
10. INSTALLATION OF (1) NEW DELTA ESOF03-HU01 CABINET AND (1) NEW GENERAC 50030 30KW GENERATOR ON 87"x165" EM PLATFORM WITH HELICAL ANCHORS

CONTACTS

APPLICANT:
AT&T MOBILITY
6000 LAS COLINAS BLVD
IRVING, TEXAS 75039

PROPERTY OWNER:
JACOBS ENGINEERING GROUP, INC.
400 BARBARA JEAN
HEWITT, TX 76643

CONSULTANT:

JACOBS ENGINEERING GROUP, INC.
777 GARDEN HILL AVE.
DES PLAINES, IL 60016
CONTACT: CHRISTINE JOHNSON
SITE DEVELOPMENT PROJECT MANAGER
PHONE: 484.903.6796
EMAIL: christine.johnson@jacobs.com

ARCHITECT/ENGINEER:

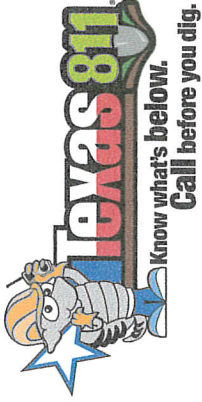
LEVEL 5 CONSULTING ENGINEERS
19315 FM 2252, SUITE 301
GARDEN HILL, TX 75042
PHONE: 210-542-5911

FIBER COMPANY:

POWER COMPANY:

APPLICABLE CODES & STANDARDS

- INTERNATIONAL BUILDING CODE, 2012 EDITION AS ADOPTED BY LOCAL JURISDICTION.
- NATIONAL ELECTRICAL CODE, 2008 EDITION AS ADOPTED BY LOCAL JURISDICTION.
- INTERNATIONAL MECHANICAL CODE, 2012 EDITION AS ADOPTED BY LOCAL JURISDICTION.
- INTERNATIONAL ENERGY CONSERVATION CODE, 2012 EDITION AS ADOPTED BY LOCAL JURISDICTION



19315 FM 2252, STE 301
GARDEN HILL, TX 75042
PH: (210) 542-5911
F: 1346

DRAWN BY: JS

APPROVED BY: TH

DATE DRAWN: 05/24/19

REVISION

NO DESCRIPTION

BY DATE

A ISSUED FOR REVIEW JS 05/24/19

0 ISSUED FOR CONSTRUCTION AA 8/28/19

SHEET TITLE:

COVER SHEET

SHEET NUMBER:

T1.0



PREPARED FOR:



CONSULTANT:



8600 W BRYN MAWR
CHICAGO, IL 60631
Tel: (773) 360-3800 Fax: (773) 893-0850

SITE NAME:

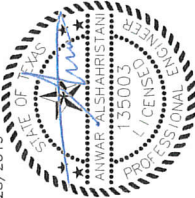
DXL06177

SITE NUMBER:

DXL06177

SITE ADDRESS:
400 BARBARA JEAN
HEWITT, TX 76643
MCLENNAN COUNTY

8/28/2019



DRAWN BY: JUS

APPROVED BY: TH

DATE DRAWN: 05/24/19

REVISION

NO	DESCRIPTION	BY	DATE
A	ISSUED FOR REVIEW	JUS	05/24/19
B	ISSUED FOR CONSTRUCTION	MA	8/28/19

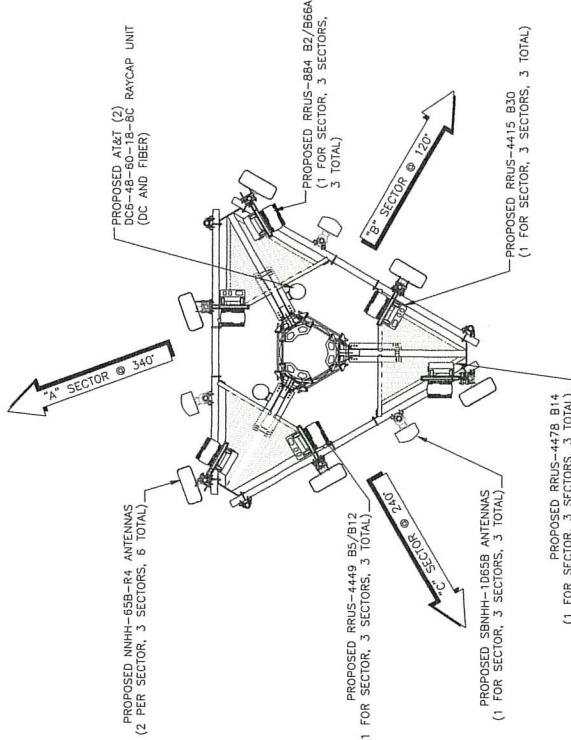
SHEET TITLE:

TOWER ELEVATION

SHEET NUMBER:

A2.0

COLLOCATION NOTE:
STRUCTURAL ANALYSIS PERFORMED BY MANUFACTURER.
CONTRACTOR TO THOROUGHLY REVIEW AND ADHERE TO
THE STRUCTURAL ANALYSIS FOR STRUCTURAL INFORMATION
AND TO PROVIDE THE MANUFACTURER WITH THE ANTENNA
ANTENNA DETAILS AND HEIGHTS, CABLE ROUTING, ETC.
ANY DISCREPANCY BETWEEN THE DRAWINGS AND
STRUCTURAL ANALYSIS, AND/OR TOWER PLANS SHOULD BE
BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER
PRIOR TO BIDDING AND INSTALLATION.



2 PROPOSED ANTENNA PLAN

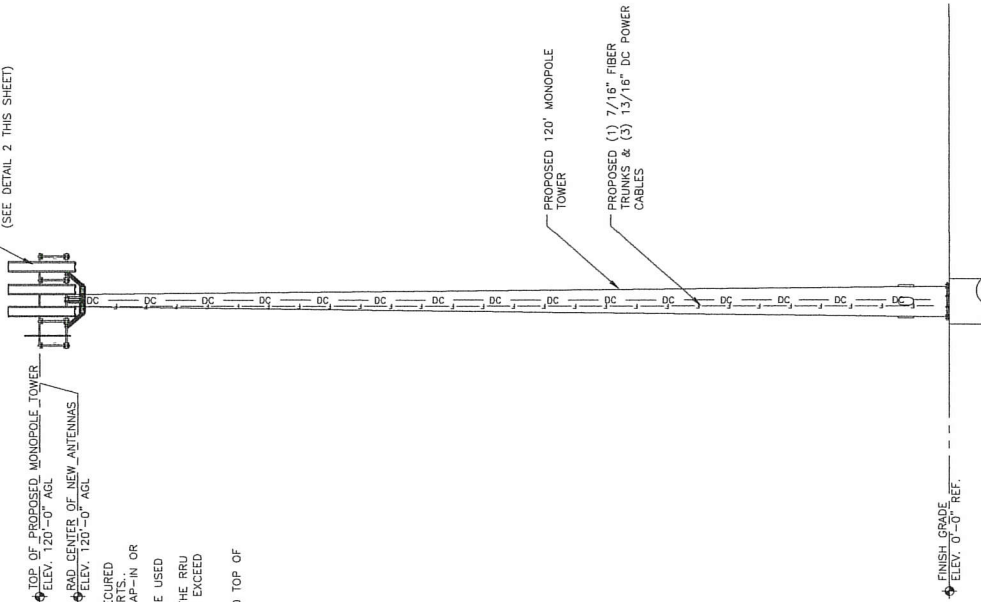
FULL SIZE PLOT SCALE: 3/8" = 1'-0"

HALF SIZE PLOT SCALE: 3/16" = 1'-0"

TRUE NORTH

0 2' 4' 8'

PROPOSED ANTENNAS AND EQUIPMENT
(SEE DETAIL 2 THIS SHEET)



1 PROPOSED TOWER ELEVATION

SCALE: N.T.S.

ANTENNA CABLE NOTES:

1. ALL FIBER AND DC CABLES SHALL BE SECURED TO THE TOWER BY THE MANUFACTURER APPROVED SUPPORTS, CLAMP HANGERS, OR VAPOR WRAP WILL BE USED
2. WHERE APPLICABLE, VAPOR WRAP WILL BE USED TO SEAL ALL CONNECTIONS.
3. ALL SURFACES TO WHICH ANTENNAS FROM THE REU WILL BE 1/2" JUMPERS AND SHALL NOT EXCEED 6'-0".
4. UPON COMPLETION, PROVIDE A HEIGHT VERIFICATION DEPICTING RAD CENTER AND TOP OF ANTENNA.

ANTENNA MOUNTING NOTES:

1. ALL AZIMUTHS ARE TO BE ESTABLISHED CLOCKWISE FROM THE TRUE NORTH HEADING.
2. CONTRACTOR SHALL VERIFY PROPOSED ANTENNA RAD CENTER AND ORIENTATIONS WITH AT&T PRIOR TO INSTALLATION OF ANTENNAS.
3. PRIOR TO ATTACHING ANTENNAS AND TOWER FOUNDATION MUST BE ANALYZED BY A LICENSED STRUCTURAL ENGINEER TO VERIFY TOWER IS CAPABLE OF SUPPORTING THE PROPOSED LOADS. REFER TO STRUCTURAL ANALYSIS BY OTHERS.
4. CONTRACTOR SHALL REFER TO TOWER STRUCTURAL CALCULATIONS FOR ANTENNA MOUNTING REQUIREMENTS (WHERE APPLICABLE) OR MODIFICATION OF TOWER SHALL BE MADE WITHOUT APPROVAL OF STRUCTURAL ENGINEER.
5. DESIGN AND CONSTRUCTION OF ANTENNA MOUNTS SHALL CONFORM TO CURRENT ANSI/TIA/EIA-222-F OR APPLICABLE LOCAL CODES.
6. ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123, UNLESS NOTED OTHERWISE.
7. ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153, UNLESS NOTED OTHERWISE.
8. DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
9. ALL ANTENNA MOUNTS SHALL BE INSTALLED PER MANUFACTURER SPECIFICATIONS.
10. MINIMUM HORIZONTAL SPACING SHALL BE 3'-0" BETWEEN ANTENNAS.

PREPARED FOR:



AT&T MOBILITY
1801 VALLEY VIEW LANE
FARMERS BRANCH, TX 75234

CONSULTANT:



8800 W. BRYN MAWR
CHICAGO, IL 60631
Tel: (773) 380-3800 Fax: (773) 693-0850

SITE NAME:

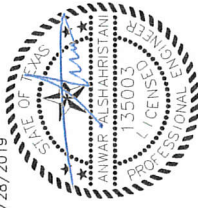
DXL06177

SITE NUMBER:

DXL06177

SITE ADDRESS:
400 BARBARA JEAN
HEWITT, TX 76643
MCLENNAN COUNTY

8/28/2019



19315 FM 2352, STE. 301
GARDEN RIDGE, TX 75846
PH: (214) 542-5911
F: 134-46

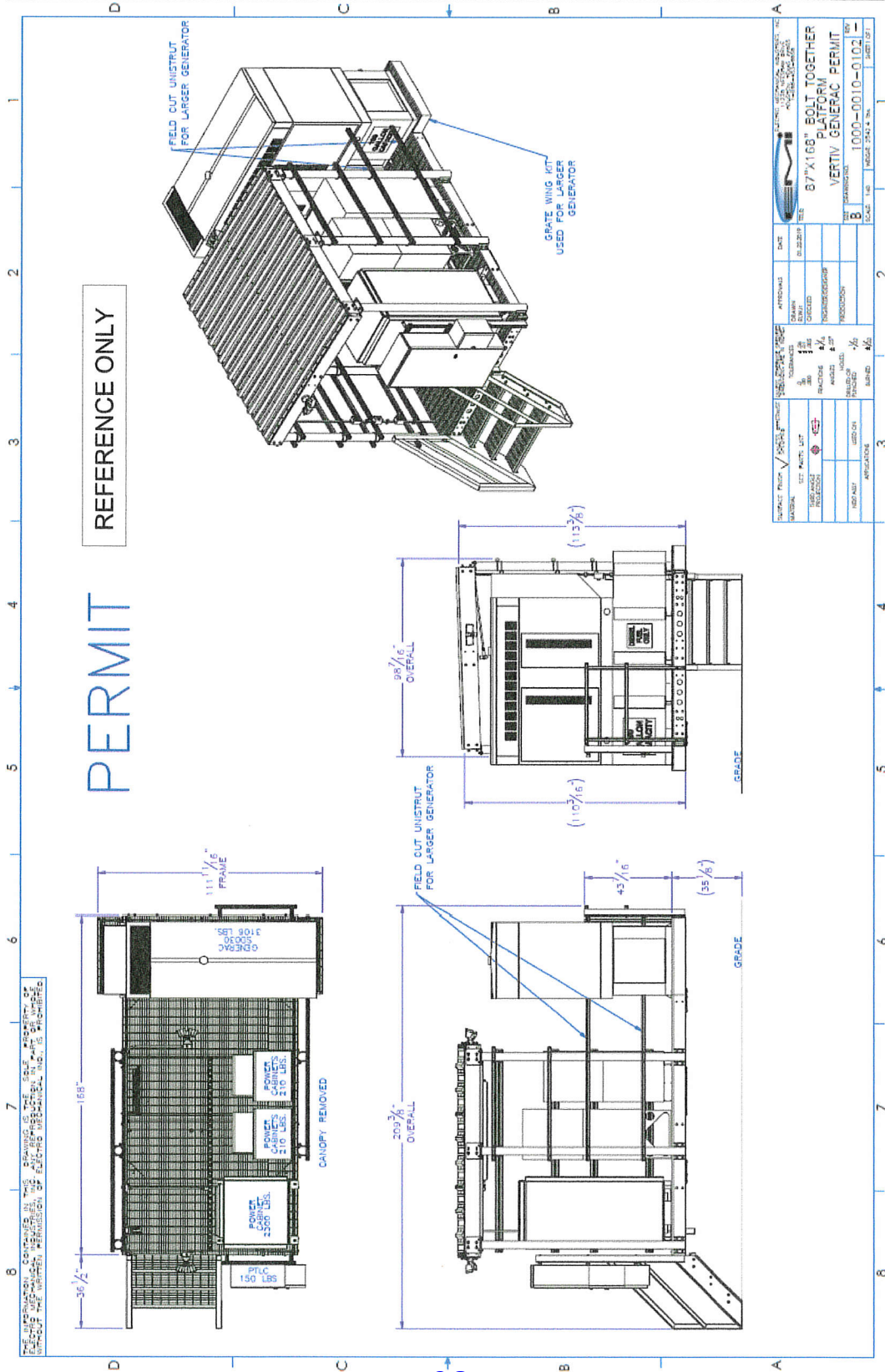
DRAWN BY:	JS
APPROVED BY:	TH
DATE DRAWN:	05/24/19
REVISION	
NO DESCRIPTION	BY DATE
A. ISSUED FOR REVIEW	JS 05/24/19
0. ISSUED FOR CONSTRUCTION	AA 8/28/19

SHEET TITLE:

EQUIPMENT DETAILS

SHEET NUMBER:

A3.4



Resolution No. 2020-02

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

That the City Council hereby grants a special permit for a Wireless Telecommunications Tower on property located at 400 Barbara Jean, Hewitt, McLennan County, Texas and described as Lot 17 Block 6, Wiethorn Addition (Case Z-2020-3), subject to the special provisions and conditions attached hereto as **Exhibit "A"**.

That the City Council finds that said special permit is warranted based on the following findings:

1. That the proposed use is consistent with the comprehensive plan and the purposes and intent of the Zoning Ordinance.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or other use characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required law and that public notice of the time, and purpose of said meeting was given as required.

PASSED AND APPROVED this 16th day of March, 2020.

Charles D. Turner, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney

EXHIBIT "A"

Case #Z-2020-3

SPECIAL PROVISIONS AND CONDITIONS FOR WIRELESS COMMUNICATION TOWER

1. The permit hereby granted is to AT&T Mobility, LLC and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, use of the property listed as the location for the permit shall conform to the use for which it is zoned under the City of Hewitt Zoning Ordinance. The wireless communication tower shall be removed from the site at the owner's expense within 90 days from the date it ceases to be used.
3. This permit is for the specific location designated herein and shall not be transferred to another location.
4. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due and owing the State or any political subdivision of the State, or for a violation of any ordinance of the City of Hewitt, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
5. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Hewitt.
6. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
7. The facility shall be developed in accordance with the approved plans.
8. The permit shall be amendable through the normal process of public hearings before the Plan Commission and City Council.
9. The tower height shall be a maximum of 120 feet, additional height will be subject to obtaining a variance through the Board of Adjustment.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 7

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Motion to accept the Fiscal Year 2018-2019 Comprehensive Annual Financial Report (CAFR).

STAFF RECOMMENDATION/ITEM SUMMARY:

Having had the presentation by Diana Ward, JRB&T, of the FY 2018-2019 audit report, the audit is now being submitted to the City Council for formal acceptance.

The CAFR will then be posted on the city's website and submitted to the Municipal Securities Rulemaking Board, Electronic Municipal Market Access dataport along with required Continuing Disclosure data. This is a website used by the public and investors to research bond information.

We will also be applying once more to the Government Finance Officer's Association for award consideration.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to accept the Fiscal Year 2018-2019 Comprehensive Annual Financial Report as presented.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 8

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Briefing and discussion concerning Financial Statements ending February 29, 2020.

STAFF RECOMMENDATION/ITEM SUMMARY:

The financial statements ending February 29, 2020 were sent electronically on March 11, 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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 9

SUBMITTED BY: Kevin Reinke, Utilities Director

ITEM DESCRIPTION:

Authorize the emergency purchase of two submersible pumps to Jurgensen Pump, LLC, in the amount of \$11,239.

STAFF RECOMMENDATION/ITEM SUMMARY:

Purchase two new submersible pumps with electrical panel upgrades that will support the demand of the larger pumps and motors for Lift #2-9. The existing pumps are no longer able to be repaired due to manufacturer discontinuing parts for our current equipment in service. This lift station serves the Wal-Mart area.

FISCAL IMPACT:

Amount Budgeted – \$40,000.00

Line Item in Budget – 20-50375-91-00

SUGGESTED MOTION:

I move to authorize the city manager to purchase two new pumps and electrical equipment from Jurgensen Pump, LLC, in the amount of \$11,239.00.

ATTACHMENTS:

Quote



JURGENSEN PUMP, LLC
PO Box 710
Valley Mills, TX 76689

Phone # 254-932-6251 Fax # 254-932-6770

Estimate

Date	Estimate #
2/6/2020	3252

REGULATED BY THE TEXAS
 DEPARTMENT OF LICENSING &
 REGULATIONS PO BOX 12157
 AUSTIN, TX 78711
 LICENSE #54576

Name / Address
City of Hewitt P.O. Box 219 Hewitt, TX 76643

WARRANTY: New well equipment is covered by
 Manufacturer's Warranties and these warranties are
 the responsibility of the Manufacturers.
 LABOR WARRANTY: Is 30-days from
 installation of new well equipment

			Project
Description	Qty	Cost	Total
Lift Station 2-9 10HP / 3PH / 230V			
K4RN100M4-23 Submersible Solids Handling Pump with Vortex Impeller and 40' Power Cord and New Diaphragm Gasket. Reuse Customers Sealing Flange and Lifting Chain	2	4,673.00	9,346.00
Field Service for Panel Mfg to Change out Starters and Overloads for Both Pumps in Panel for Upsize to 10HP.	1	1,095.00	1,095.00
Field Service to Install, Wire up and Start-up New Pumps Note: Price includes labor and mileage	1	798.00	798.00
Note: Pumps to Reuse existing sealing flanges and lifting chains / cable			
Quote valid for 30 days!		Subtotal	\$11,239.00
		Sales Tax (0.00)	\$0.00
		Total	\$11,239.00

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 10

SUBMITTED BY: Waynette Ditto, Library Director

ITEM DESCRIPTION:

Authorize the purchase of video production equipment including labor so that public meetings in the City Council Chambers may be video and web streamed. This includes an upgrade to the City's indoor and outdoor wireless network.

STAFF RECOMMENDATION/ITEM SUMMARY:

At the February 3, 2020 City Council meeting the Council received a report regarding the use of PEG Funds for the purchase and installation of equipment that would allow the City to video and web stream City Council meetings and other programming that the City provides. This project is being coordinated from and through the Hewitt Public Library.

Staff recommends that the City Council approve quotes to move forward with the HewittTX Media project funded by the Public, Education, and Government (PEG) Fund for the total amount of \$ 15,048.30 eligible expenses.

3,731.00 ExtraCo Technology
11,317.30 KHT Electronics

FISCAL IMPACT:

Amount Budgeted – \$0

Line Item in Budget – PEG Fund Balance - \$394,643.94 as of 12-31-2019

SUGGESTED MOTION:

I move to authorize the purchase and use of PEG Funds in an amount of \$3,731.00 to ExtraCo Technology and \$11,317.30 to KHT Electronics.

ATTACHMENTS:

Proposals (Extraco/KHT Electronics)



P O Box 8560
Waco, TX 76714
254.761.2390

Quotation For:

Hewitt Library
Attn: Waynette

Quotation

DATE 3/6/2020

Quotation valid until: 4/5/2020

Indoor Wireless / Network Equipment Proposal

QUANTITY	DESCRIPTION	UNIT PRICE	TAXABLE?	AMOUNT
9	Ubiquiti Indoor Wireless Access Point	\$ 155.00	N	\$ 1,395.00
1	Ubiquiti Outdoor Wireless Access Point	\$ 199.00	N	\$ 199.00
2	Ubiquiti 8 Port POE Switch	\$ 199.00	N	\$ 398.00
1	Ubiquiti Cloud Key	\$ 199.00	N	\$ 199.00
1	Labor for installation & configuration	\$ 1,500.00	N	\$ 1,500.00
1	Shipping and Handling	\$ 40.00	N	\$ 40.00
SUBTOTAL				\$ 3,731.00
TAX RATE				8.25%
SALES TAX				\$ -
OTHER				\$ -
TOTAL				\$ 3,731.00

Accepted by:

Accepted Date

THANK YOU FOR YOUR BUSINESS!

PROPOSAL

Hewitt Library - Video Production for City Council Room

Hewitt Library

200 Patriot Ct
Hewitt, TX 76643

Revision: 0
Modified: 2/25/2020



Presented By:

KHT Electronics

813 Lake Air Dr
Waco, TX 76710 US
254-340-0548
<https://www.khtwaco.com/>



<https://www.khtwaco.com/>

Distributed Video

	1	Evolution EVEXKVM1 HDMI KVM Extender 1080p USB 2.0 165ft/50m PoE	\$321.65
	300	General Cable 7131800 GenSPEED 6 Category 6 Pull Pac II Plenum Cable - Blue	\$135.00
	1	LUXUL XFS-1084P 8-Port Fast Ethernet Switch w/ 4 PoE Ports	\$120.00
	1	MSTR BRAND HDS-3ST 3.3ft Slim SnugTite Grip HDMI Cable	\$16.98
	1	MSTR BRAND HDS-6ST 6.6ft Slim SnugTite Grip HDMI Cable	\$18.33
	1	PTZOptics HCM-1-WH Ceiling Mount for camera, white	\$99.00
	1	PTZOptics PT-CM-1-WH Small Universal Ceiling Mount for PTZ Camera, white	\$66.00
	1	PTZOptics PT-PRODUCERPLUS-12X 12x-SDI Gen2 Live Streaming Producer+ Kit	\$5,752.00
	1	PTZOptics PT-PRODUCERPLUS-ADD12X 12x-SDI Gen2 Live Streaming Add-On Camera for Producer+ Kit	\$2,087.00
	1	W Box 0E-28LED4K2 28" Ultra HD 4K Pro-Grade Color Monitor; 3860 X 2160P 4K Resolution; VGA, HDMI, BNC	\$466.65

Distributed Video Total

\$9,082.61

Council Room Total

\$9,082.61

Project Subtotal:

\$9,082.61

* Price Includes Accessories

PROJECT SUMMARY

Equipment:	\$9,082.61
Labor:	\$2,234.69

Grand Total:	\$11,317.30
---------------------	--------------------

Client: **Waynette Ditto**

Date

Contractor: **KHT Electronics**
 B03041201

Date

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 11

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and action on appointment and/or reappointment of member(s) to the McLennan County 9-1-1 Emergency Assistance District.

STAFF RECOMMENDATION/ITEM SUMMARY:

The McLennan County 9-1-1 Emergency Assistance District has two seats up for appointment or reappointment to the members of the Board of Managers. Municipalities within the district jointly appoint these two members in even-numbered years. Currently seated members up for reappointment are Bret Crook and Dr. John Knue. Mr. Bret Crook has expressed his desire to continue his service; however, Dr. Knue is not seeking reappointment.

Each municipality is entitled to nominate an individual. The nomination form must be returned no later than **Monday, April 13, 2020**. Staff recommends the reappointment of Mr. Bret Crook and would like to submit our nomination of Police Chief James Devlin to replace Dr. Knue.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to re-nominate the position held by Bret Crook for seat one and to submit the nomination of James Devlin for seat two.

ATTACHMENTS:

Letter/Nomination Form



McLennan County 9-1-1 Emergency Assistance District

Proudly serving the citizens of McLennan County for over 30 years!

February 26, 2020

City of Hewitt
The Honorable Charlie Turner
200 Patriot Court
Hewitt, TX 76643

Re: Appointment of 9-1-1 Board Members

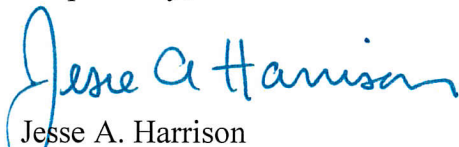
Dear Mayor Turner:

In alternating years, members of the McLennan County 9-1-1 Emergency Assistance District Board of Managers are appointed to serve a two-year term, as stated in the *Texas Health & Safety Code section 772.306 Board of Managers*. The municipalities (incorporated cities) within the district jointly appoint these two (2) members in even-numbered years.

Currently, Bret Crook and Dr. John Knue hold these respective appointments. Mr. Crook has expressed his desire to continue to serve on the Board of Managers; however, Dr. Knue has announced that he will not seek re-appointment. If your city would like to nominate one of the above or a different individual(s), please do so by using the attached nomination form and returning it to the 9-1-1 District office.

If there are any questions, please feel free to call this office.

Respectfully,


Jesse A. Harrison
Executive Director

Enclosure

cc: MCEAD 9-1-1 Board of Managers

*** TIME SENSITIVE NOMINATION FORM**

**McLennan County 9-1-1
Emergency Assistance District**

9-1-1 Board Nominations

Each municipality may re-nominate the current Board Members or may submit a new nominee for each seat (no more than one nomination per seat per municipality):

Seat One (Currently held by Bret Crook, seeking re-appointment)

(Nomination) _____

Seat two (Currently held by Dr. John Knue, not seeking re-appointment)

Nomination _____

Please return this completed nomination form to:

McLennan County 9-1-1 Emergency Assistance District
Attention: Jesse A. Harrison, Executive Director
107 Burnett Ct.
Woodway, Texas 76712

If an election is necessary each city will receive a ballot to cast votes.

*** Please return nomination form so that it is received at the above address no later than Monday, April 13, 2020.**

City of _____

Mayor or designee please sign: _____

Date: _____



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 16, 2020

AGENDA ITEM #: 12

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and action approving **Resolution No. 2020-03** authorizing the City Manager to enter into a 380 agreement for economic development with Atwood Ranch and Home.

STAFF RECOMMENDATION/ITEM SUMMARY:

Council previously in executive session authorized the City Manager and City Attorney the ability to negotiate a 380 agreement to secure an Atwood Ranch and Home store in Hewitt. The agreement that is proposed is for a sales tax grant as provided by state statute. Its term is capped based upon the performance of sales tax at the store up to \$500,000.

FISCAL IMPACT:

Amount Budgeted – \$0
Line Item in Budget – \$0

SUGGESTED MOTION:

I move to approve Resolution No. 2020-03 authorizing the City Manager to enter into a 380 agreement with Atwood Ranch and Home.

ATTACHMENTS:

Resolution/380 agreement

Resolution No. 2020-03

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEWITT,
TEXAS APPROVING CHAPTER 380 PROGRAM PROJECT
AGREEMENT BETWEEN THE CITY OF HEWITT AND ATWOOD
DISTRIBUTING, LP D/B/A ATWOOD’S RANCH AND HOME**

WHEREAS, the City Council passed an Ordinance in accordance with Chapter 380 of the Texas Local Government Code to allow the City to utilize economic development incentives to stimulate, encourage and develop business location and commercial activity in the City of Hewitt; and

WHEREAS, Atwood Distributing, LP d/b/a Atwood’s Ranch and Home (hereinafter “Atwood’s Ranch and Home”), approached the City about economic development incentives for its possible location of an Atwood’s store in Hewitt; and

WHEREAS, \$4,000,000 of capital investment, new jobs, greatly increased sales taxes, and serving as an anchor for other development are some of the benefits to the City; and

WHEREAS, Atwood’s Ranch and Home is willing to enter into a Program Project Agreement for the promised development in return for an economic development grant to be paid over time based on the volume of sales achieved by the store; and

WHEREAS, the City Council finds that the proposed project will develop and diversify the economy and commerce of Hewitt and this State, eliminate unemployment or underemployment, and spur additional growth as an anchor store; and

WHEREAS, the City Council finds that the proposed Program Project Agreement will stimulate, encourage and develop the location of business and commercial activity in the City of Hewitt.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

1. The foregoing recitals are incorporated herein and made findings of the City Council;
2. The proposed Chapter 380 Program Project Agreement with Atwood Distributing, LP d/b/a Atwood’s Ranch and Home is APPROVED; and
3. The City Manager is authorized to execute the Project Performance Agreement on the City’s behalf.

Passed this ____ day of March, 2020.

CITY OF HEWITT, TEXAS

Charles D. Turner, Mayor

Attest:

Lydia Lopez, City Secretary

Approved:

Michael W. Dixon, City Attorney

**PROJECT PERFORMANCE AGREEMENT BETWEEN
THE CITY OF HEWITT AND ATWOOD RANCH & HOME**

This Project Performance Agreement is entered into by and between the City of Hewitt, Texas (hereinafter "City") and Atwood Distributing, LP d/b/a Atwood Ranch & Home (hereinafter "Business").

1. **Program Project** The Business proposes to construct and operate an Atwood's Store on an approximately _____ acre tract of land located in Commerce Park facing Alliance Parkway in Hewitt, McLennan County, Texas, and being more specifically described as set forth in Exhibit "A" attached hereto and incorporated herein (hereinafter "Property"). The Store shall be _____ square feet, and the capital investment of the Business in developing and constructing the Store shall be at least \$4,000,000 (hereinafter "Project").

1.1 The Business proposes that the Store will start operations by _____ barring extensions required by matters beyond its control (hereinafter "Operations Date").

2. **Commitment and Incentives.** Should Business construct the Project and begin operations by the Operations Date (hereinafter "Development Requirements") then in return for such performance, the City agrees to pay an economic development grant to the Business as authorized by Section 380.001 of the *Texas Local Government Code* and the City's Chapter 380 Economic Development Program. The Grant is further described in Sections 3 and 4 below.

3. **Grant**

3.1 **Definitions.**

"Grant" means a Chapter 380 Economic Development grant as authorized by Section 380.001 of the *Texas Local Government Code* and the City's Chapter 380 Economic Development Program to be made in annual payments as provided herein. This Grant is not a sales tax rebate, rather, the amount of the grant is tied to a percentage of sales taxes generated by the Business and received by the City for purposes of providing a logical calculation.

"Agreement Year" means a calendar year within the term of this Agreement.

"Base Year" means the calendar year when this Agreement is signed.

"Base Year Amount" means the total City sales tax collected by operations on the Project Premises during the Base Year.

"City's Sales Tax Rate" The current aggregate sales tax rate charged in the City as of the Effective Date is eight and one-quarter percent (8.25%), of which one and one-half percent (1.5%) represents the City's sales tax rate.

"Net Sales Tax Revenues" means the City sales tax revenues generated from sales tax collected by the Business in each Agreement Year in excess of the Base Year Amount, less any refunds by the Business or required to be made by the City.

"Annual Grant Amount" is the amount of the grant to be paid to the Business at the end of the Agreement Year.

"Total Grant Amount" is the not-to-exceed total of all grant funds that the Business is eligible to receive under this Agreement, which is \$500,000. The Grant shall end when the \$500,000 cap is reached, regardless of whether additional time remains on the Grant Term. If the \$500,000 cap is reached during an Agreement Year, the Annual Grant Amount payable to the Business will be pro-rated.

"Grant Percentage" means the percentage provided in Section 4 of this Agreement to be applied in each Agreement Year to the Net Sales Tax Revenues to arrive at the Annual Grant Amount.

"Grant Period" means the total number of Agreement Years during which the Business is eligible for a grant, which is a period of seven (7) calendar years following the start of the Business' operations.

3.2 Calculation.

Upon satisfaction of the Development Requirements, City shall commence making the annual grant payments of the Annual Grant Amount to Business calculated as follows:

City Sales Tax Collections attributable to the Business in Agreement Year - Base Amount and refunds = Net Sales Tax Revenues x Grant Percentage = Annual Grant Amount.

If the Business begins operations during an Agreement Year, the Annual Grant Amount will be determined on a prorated basis for the remainder of that Agreement Year, which shall count as the first Agreement Year against the Grant Period. By written notice provided to the City, the Business may elect to have the Grant Period start on the next January 1 instead of during a partial calendar year. If such an election is made, Business will not be entitled to any Grant Amount for the partial year.

3.3 Payment. The Annual Grant Amount for an Agreement Year does not become payable until the City receives full payment from the state comptroller of its share of sales taxes for the calendar year constituting the Agreement Year. Payment shall be made to the Business by the City within 30 days after receipt of payment in full of the City's share of sales taxes for the Agreement Year. The total of all Annual Grant Amounts shall not exceed the Total Grant Amount.

3.4 Compliance with Development Requirements. Payment to Business of any Grant funds under this Agreement is subject to the Business complying with its Development Requirements. The effect of non-compliance is addressed in Section 6 below.

4. Grant Period and Percentage. The economic development grant provided to the Business by the City under this Agreement shall:

- a) Be for a Grant Period of seven (7) years; and
- b) Be at a Grant Percentage of One-hundred (100%) percent.

The Grant Period is subject to when the Total Grant Amount of \$500,000 is reached. Once the Total Grant Amount is reached the Grant ends, even if years remain under the Grant Period. In no circumstance will the total of all Annual Grant Amounts paid to the Business exceed the Total Grant Amount. If the Total Grant Amount is reached during an Agreement Year, the Grant does not apply to the rest of the year.

5. Reporting and Provision of Information.

5.1 General. The Business would necessarily have to meet its Development Requirements for the Grant to begin, it is important that the City receive information during the Project, and before the Operations Date.

5.2 Reports During Development and Construction. At least quarterly during the development and construction of the Project, the Business shall provide a written report to the City Manager showing the percentage of completion of the Project, the estimated completion date of the Project, and whether the Business is still on target for the Operations Date.

5.3 Capital Investment Verification. Prior to the Operations Date the Business shall provide the City Manager with a reasonably itemized summary of Project costs to verify that the capital investment promised has been made by the Business. The City Manager or his/her designee shall have the right to inspect records supporting the cost summary upon reasonable request.

5.4 Extension of Operations Date. The Operations Date is fixed as set forth above and shall only be extended when required due to matters clearly outside of the control of the Business. The Business must submit a written request for extension to the City Council which identifies in detail the reasons that the extension is needed. The City Council will not unreasonably withhold an extension however, it may deny an extension if the Business fails to show that the matter(s) requiring the extension were clearly beyond its control. The total of all extensions may not exceed 180 days.

6. Breach by Business.

6.1 General. If the Business builds nothing and/or never begins operations the Grant never begins and that is the sole consequence. The breaches addressed hereunder are for less than complete failure to meet the Development Requirements. These are:

- a. failure to meet the \$4,000,000 capital investment requirement;
- b. failure to begin operations by the Operations Date (including any extensions granted);
- c. failure to provide required reports; and/or
- d. failure to provide a Project cost summary to verify capital investment or to allow a review of supporting documents as required herein.

In the instance of one or more of these breaches the Total Grant Amount will be reduced on a set pro-rata basis described below. For (a), failure to provide at least 75% of the capital investment shall also result in cancellation of the Grant.

6.2 Breach of Capital Investment Requirement. Reductions in the Total Grant Amount for capital investment equal to or more than 75% of the required capital investment, but less than 100% will be addressed by reducing the Total Grant Amount by the percentage deficiency in capital investment. For example, if the Business achieves 90% of its capital investment requirement, the Total Grant Amount is reduced by 10%.

6.3 Failure to Begin Operations by the Operations Date (including any extensions granted). Failure to meet the Operations Date (plus approved extensions) will result in reductions to the Total Grant Amount as follows:

- a. 1-12 months of delay- reduction of 1% per month; and
- b. Delay exceeding 12 months---reduction of 5% per month.

6.4 Failure to Provide Reports. The City Manager and the Business shall set a date when the first report is due. Thereafter, a report is due every three months. The City Manager shall send the business a notice that its report is due at least 10 days before the due date. If the Business has been given the notice and still fails to provide a report, a warning will be given in writing to the Business by the City Manager that if it fails to provide a report within 10 days of the warning, a 1% reduction will be made to the Total Grant Amount. If the Business still fails to provide a report, a 1% reduction is made to the Total Grant Amount.

6.5 Failure to Provide Cost Summary Verification or Allow Review of Supporting Documents. If the Business fails to provide a Project cost summary verifying its capital investment or refuses to allow the City Manager or designee to review the supporting documents on reasonable request, the Grant shall be suspended until such time as the Business complies.

6.6 Reductions are Cumulative. The reductions to the Total Grant Amount set forth above are cumulative of one another.

7. Additional Requirements and Terms.

7.1 Business shall keep the Project insured against loss or damage by fire or any other casualty.

7.2 Inventory does not count as capital investment.

7.3 The City, by approving this Agreement, assumes no liability or responsibility therefore or for any defect in said Project. The relationship between parties at all times shall NOT be deemed a partnership or joint venture for purposes of this Agreement, or any other purpose.

7.4 If on account of any breach or breach by Business of its obligations under the terms, conditions, or covenants of this Agreement, it shall be necessary for City to employ or engage an attorney or attorneys to enforce or defend any of the rights or remedies hereunder, and should City prevail, City shall be entitled to any reasonable attorney's fees, costs, or expenses it incurs in connection herewith.

7.5 If any provision of this Agreement is held to be illegal, invalid, or unenforceable under the present or future laws effective while this agreement is in effect, such provision shall be automatically deleted from this agreement and the legality, validity and enforceability of the remaining provisions of this agreement shall not be affected thereby.

7.6 This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in McLennan County, Texas. Venue of any dispute under or arising out of this Agreement shall be in a court of competent jurisdiction in McLennan County, Texas.

7.7 This Agreement and its attachments constitute the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter hereof. No representations outside of this Agreement are being relied upon by the parties.

7.8 No amendment, modification or alteration of the terms hereof shall be binding unless the same shall be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

7.9 The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7.10 This Agreement is binding on the parties and their respective successors, heirs and assigns.

7.11 This agreement may be executed in multiple counterparts, each of which constitutes an original.

7.12 The City acknowledges that Business has completed and submitted to the City a Form 1295 as required by Section 2252.908 of the Government Code and agrees to acknowledge such receipt on the Texas Ethics Commission website.

7.13 As required by Chapter 2264 of the Government Code Business has executed the certification regarding the hiring of undocumented aliens attached hereto as **Exhibit "B"**, the terms of which are incorporated herein,

7.14 As provided by Section 2270.002, Government Code, Business certifies that it does not boycott Israel. Business acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

7.15 Pursuant to Subchapter F, Chapter 2252, Texas Government Code, Business certifies Business (1) is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Business acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

7.16 This Agreement shall be considered a "contract subject to his subchapter" under Section 271.152 of the Local Government Code for purposes of enforcement of this Agreement.

AGREED:

Atwood Distributing, LP d/b/a Atwood Ranch & Home
BY: Atwood Distributing GP, LLC
ITS: General Partner

Signed by: _____
Brian Atwood, Manager

Date: _____

City of Hewitt, Texas

Signed by: _____
Bo Thomas, City Manager

Date: _____

Attest:

Lydia Lopez, City Secretary

Exhibit “A”

Property

Exhibit “B”

Certification Regarding Hiring of Undocumented Aliens

Chapter 2264 of the Texas Government Code, enacted by House Bill 1196 (80th Texas Legislature), relates to restrictions on the use of certain public subsidies. Atwood Distributing, LP (“Company”) hereby certifies that Company, and any branches, divisions, or departments of Company, does not and will not knowingly employ an undocumented worker, as that term is defined by Section 2264.001(4) of the Texas Government Code.

In the event that Company, or any branch, division, or department of Company, is convicted of a violation under 8 U.S.C. Section 1324a(f) (relating to federal criminal penalties and injunctions for a pattern or practice of employing unauthorized aliens), subject to any appellate rights that may lawfully be available to and exercised by Company, Company must repay, within one hundred twenty (120) calendar days following receipt of written demand from the City, the amount of funds received by Company from the City pursuant to the economic development agreement being negotiated with the City, if any, plus Simple Interest at a rate of four percent (4%) per annum. For the purposes of this Agreement, “Simple Interest” is defined as a rate of interest applied only to an original value, in this case the amount of funds received. This rate of interest can be applied each year, but will only apply to the amount of the funds received and is not applied to interest calculated. For example, if the aggregate amount of funds received by Company is \$10,000 and it is required to be paid back with four percent (4%) interest five years later, the total amount would be $\$10,000 + [5 \times (\$10,000 \times 0.04)]$, which is \$12,000.

This certification does not apply to convictions of any Affiliate of Company, any franchisees of Company, or any person or entity with whom Company contracts.

By: _____

Its: _____