

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

June 15, 2020

Regular Meeting – 7:00 PM

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Charlie Turner – Mayor, Ward 1

Wilbert Wachtendorf – Mayor Pro Tem, Ward 1

Bill Fuller – Council Member, Ward 2

Vacant – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Erica Bruce – Council Member, Ward 3

Michael S. 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 **Regular** meeting of the governing body of the City of Hewitt will be held on the **15th day of June, 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 accordance with social distancing guidelines, the City Council meeting will not be open to the public. Some council members may attend, while others may call in to participate. The meeting will be streamed live on the city's website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

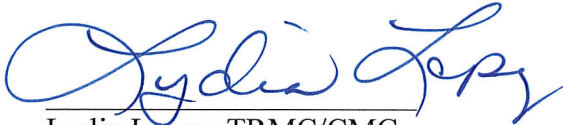
There will be an opportunity for the public to submit written comments on items listed on the agenda or under the hear visitors. Complete a [Public Comment form](#) available online and submit via email to the City Secretary. Comments must be received no later than **noon** on the date of the meeting.

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Special presentation of Lifesaving Award by Police Chief Jim Devlin and 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. Consider approval of minutes of the City Council Regular Meeting of June 1, 2020.
6. 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
7. Consider reappointments to the Planning & Zoning Commission.
8. Briefing and discussion of preliminary worksheet for property tax rate calculations.
9. Briefing and discussion concerning Financial Statements ending May 31, 2020.
10. Briefing and discussion concerning City of Hewitt Code of Ordinances Chapter 50 – Peddlers and Solicitors.
11. Consider award of bid for slurry seal and crack sealing services to Viking Construction, Inc., in an amount of \$225,050.40.
12. Authorize the City Manager to negotiate and execute an agreement with Lewis Concrete Restoration for restoring and coating of sanitary sewer manholes in an amount not to exceed \$45,000.00.
13. Consideration and action on adoption of an Interlocal Agreement with McLennan County for purposes of readjusting maintenance responsibilities for portions of East Panther Way and Ritchie Road.
14. Discussion and briefing concerning the Coronavirus (COVID-19) and any actions necessary thereto.

15. Consideration and action on **Resolution No. 2020-06**; granting a salary adjustment to the City Manager and approving an addendum to the City Manager's agreement to reflect the salary adjustment.
16. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 10:00 AM/PM on June 10, 2020.

CITY OF HEWITT



Lydia Lopez, TRMC/CMC
City Secretary

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



AGENDA ITEM #4 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

Due to social distancing guidelines, the upcoming City Council Meeting on Monday, June 15, 2020, at 7:00 PM will be held online at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

In order to address the Council on any item including this hearing of visitors, you must complete and submit the [Public Comment Form](#) via email to the [City Secretary](#) or in person at Hewitt City Hall, 200 Patriot Court by **NOON** on the day of the meeting. Your comments will be read during the meeting at that time.

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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: June 1, 2020

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of June 1, 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
June 1, 2020 – 7:00 PM**

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

Staff present:

City Manager Bo Thomas
City Secretary Lydia Lopez
Library Director Waynette Ditto
Police Chief Jim Devlin

In accordance with social distancing guidelines, the City Council meeting was not opened to the public; however, the meeting was live-streamed for view by the public on the city’s website at www.cityofhewitt.com.

- 1. CALL MEETING 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, and Turner
- 2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner asked Mayor Pro Tem Wilbert “Walky” Wachtendorf to lead 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. NOTE: The public was offered the opportunity to submit written comments on items listed on the agenda or under the hear visitors. **No public comment forms were submitted.**

4. CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF MAY 18, 2020.

MOTION: Council Member Bill Fuller moved approval of the minutes as presented.

SECOND: Mayor Pro Tem Wilbert “Walky” Wachtendorf

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

NAYES: None

ABSENT: None

MOTION PASSED.

5. PUBLIC HEARING AND ACTION ON ORDINANCE NO. 2020-11; GRANTING OR DENY A VARIANCE REQUEST TO THE SIGN ORDINANCE BY GUY HATCHER FOR DEVELOPMENT LOCATED AT 875 S. HEWITT DRIVE. City

Manager Bo Thomas presented. Mayor Charlie Turner explained the format for the public hearing and announced that citizens were given the opportunity to complete a public comment form via the city’s website should a citizen wish to make any comments to the Council. He confirmed with the City Secretary that no public comments forms were submitted. Mayor Turner opened the hearing for those speaking in favor. Mayor called for those speaking against. No one appeared. Public hearing was closed.

MOTION: Council Member Steve Fortenberry moved to approve Ordinance No. 2020-11; granting the variance request to the sign ordinance for property located at 875 S. Hewitt Drive for a 13 foot tall monument sign as presented.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

6. CONSIDERATION AND POSSIBLE ACTION ON THE CITY OF HEWITT’S VOTE FOR JIM DEVLIN FOR SEAT TWO OF THE MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT BOARD OF MANAGERS. City Manager Bo Thomas presented and recommended Council submit Police Chief Jim Devlin as the city’s nominee.

MOTION: Council Member Michael Bancale moved to approve the City of Hewitt’s vote for Police Chief Jim Devlin for Seat Two of the McLennan County 9-1-1 Emergency Assistance District Board of Managers.

SECOND: Council Member Bill Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

7. CONSIDERATION AND ACTION ON RESOLUTION NO. 2020-04; IN SUPPORT OF THE SUBMISSION OF A GRANT APPLICATION (CARE'S ACT GRANT).

City Manager Bo Thomas presented and stated the City's 20% allocation would be \$166,859.

MOTION: Council Member Steve Fortenberry moved to approve Resolution No. 2020-04; in support of the submission for a grant application for the 20% grant funds available through the Coronavirus Relief Fund.

SECOND: Council Member Erica Bruce

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

NAYES: None

ABSENT: None

MOTION PASSED.

8. DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO. City Manager Bo Thomas presented a brief update and advised that no action was needed currently. **No action taken.**

Mayor Charlie Turner announced the executive session.

9. 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).

MOTION: Council Member Bill Fuller moved to close the Regular Session and convene the Executive Session at 7:32 PM.

SECOND: Council Member Erica Bruce

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

NAYES: None

ABSENT: None

MOTION PASSED.

ADJOURN THE EXECUTIVE SESSION AND RECONVENED THE REGULAR SESSION.

MOTION: Council Member Bill Fuller moved to close the Executive Session and convene the Regular Session at 7:52 PM.

SECOND: Mayor Pro Tem Wilbert "Walky" Wachtendorf

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

NAYES: None

ABSENT: None

MOTION PASSED.

10. CONSIDERATION AND POSSIBLE ACTION REGARDING THE SUBJECT MATTER SET FORTH IN THE EXECUTIVE SESSION (IF NEEDED). No action was taken.

11. ADJOURN.

MOTION: Council Member Bill Fuller moved to adjourn the Regular meeting at 7:54 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



COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 6

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

Presentation of report from City Engineer

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

STAFF RECOMMENDATION/ITEM SUMMARY:

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

FISCAL IMPACT:

Amount Budgeted – N/A

Line Item in Budget – N/A

SUGGESTED MOTION:

No Action Required

ATTACHMENTS:

Report

HEWITT TEXAS

CITY ENGINEER'S REPORT

June 9, 2020

Utility Projects

FM 2113; Spring Valley Rd.

Contractor has mobilized and has begun working on the project. Should be bringing a standard reimbursement agreement before the Council shortly, so the City can recoup some monies being spent on the project.

Street/Transportation Projects

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

Project is substantially complete, all that remains is punch list items.

E. Warren Street Improvements

Will be ordering geotechnical investigations shortly.

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

Roadway design has begun.

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

Working on obtaining Construction Licenses from the property owners. Project is supposed to start in June/July.

Drainage Projects

208/212 Cross Country Drainage Improvements

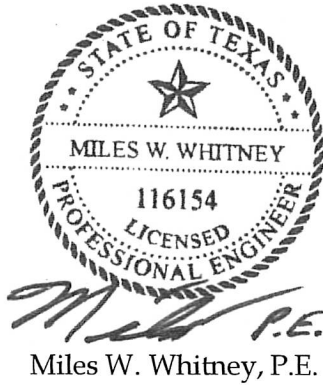
The easement has been submitted to property owner for their consideration, once signed and files we can begin to advertise this project for bidding. Received word from property owner's representative that he is to go over the easement with the owner this week.

HEWITT TEXAS

CITY ENGINEER'S REPORT

June 9, 2020

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider reappointments to the Planning and Zoning Commission.

STAFF RECOMMENDATION/ITEM SUMMARY:

Bobby Drake, Michael Lee Hix, and John Baker have terms that expire this month on the Planning and Zoning Commission. All are eligible for reappointment and have agreed to serve another three-year term. These members are in good standing and staff recommends approval of this item.

Johnathan Dulus whose term expires as well has declined to be reappointed due to conflicts in work schedule. If you have a recommendation to replace Mr. Dulus, please forward that information to me.

SUGGESTED MOTION:

I move to approve the reappointment of Planning and Zoning Commission members Bobby Drake, Michael Lee Hix, and John Baker for a three-year term ending in June 2023.

ATTACHMENTS:

Council, Boards, and Commissions Roster

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 (04-2022) 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	(04-2022) 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) Betty J. Smith 709 Seminole Trail 666-7931
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 (04-2022) 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: 06/09/2020

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 8

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Briefing and discussion of preliminary worksheet for property tax calculations.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the preliminary worksheet regarding the current property tax rate establishing the no new revenue (NNR), the sales tax adjustment rate and the voter approval rate including sales tax adjustment. This is part of the new tax rate calculation with the imposition of revenue caps from the most recent legislative session. The no new revenue rate is what used to be the effective tax rate, the voter approval rate used to be called the rollback rate but now there is a calculation for the De minimis rate which applies to cities with a population less than 30,000.

FISCAL IMPACT:

Amount Budgeted – \$0

Line Item in Budget – FY '20-'21 budget.

SUGGESTED MOTION:

No action required at this time but if Council would like to identify anything regarding the upcoming budget, now would be a good time.

ATTACHMENTS:

Worksheet from McLennan County Tax Office

2020 Tax Rate Calculation Worksheet

Preliminary
Worksheet

Form 50-856

Taxing Units Other Than School Districts or Water Districts

City of Hewitt

Taxing Unit Name

254-296-5604

Phone (area code and number)

200 Patriot Court, Hewitt, TX 76643

Taxing Unit's Address, City, State, ZIP Code

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

Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet for School Districts*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate (No New Taxes)

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	2019 total taxable value. Enter the amount of 2019 taxable value on the 2019 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (will deduct taxes in Line 14). ¹	\$ 1,000,225,948.C
2.	2019 tax ceilings. Counties, cities and junior college districts. Enter 2019 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2019 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$ _____
3.	Preliminary 2019 adjusted taxable value. Subtract Line 2 from Line 1.	\$ 1,000,225,948.C
4.	2019 total adopted tax rate.	\$.539677 /\$100
5.	2019 taxable value lost because court appeals of ARB decisions reduced 2019 appraised value. A. Original 2019 ARB values: \$ _____ B. 2019 values resulting from final court decisions: \$ _____ C. 2019 value loss. Subtract B from A. ³	\$ _____
6.	2019 taxable value subject to an appeal under Chapter 42, as of July 25. A. 2019 ARB certified value: \$ _____ B. 2019 disputed value: \$ _____ C. 2019 undisputed value. Subtract B from A. ⁴	\$ _____
7.	2019 Chapter 42 related adjusted values. Add Line 5 and Line 6.	\$ _____
8.	2019 taxable value, adjusted for court-ordered adjustments. Add Line 3 and Line 7.	\$ 1,000,225,948.C

¹ Tex. Tax Code § 26.012(14)

² Tex. Tax Code § 26.012(14)

³ Tex. Tax Code § 26.012(13)

⁴ Tex. Tax Code § 26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
9.	2019 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2019. Enter the 2019 value of property in deannexed territory. ⁵	\$ _____
10.	2019 taxable value lost because property first qualified for an exemption in 2020. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2020 does not create a new exemption or reduce taxable value. A. Absolute exemptions. Use 2019 market value: \$ <u>2,595,630.00</u> B. Partial exemptions. 2020 exemption amount or 2020 percentage exemption times 2019 value: + \$ <u>4,476,697.00</u> C. Value loss. Add A and B. ⁶	\$ <u>7,072,327.00</u>
11.	2019 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2020. Use only properties that qualified in 2020 for the first time; do not use properties that qualified in 2019. A. 2019 market value: \$ _____ B. 2020 productivity or special appraised value: \$ _____ C. Value loss. Subtract B from A. ⁷	\$ _____
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	\$ <u>7,072,327.00</u>
13.	Adjusted 2019 taxable value. Subtract Line 12 from Line 8.	\$ <u>993,153,621.00</u>
14.	Adjusted 2019 total levy. Multiply Line 4 by Line 13 and divide by \$100.	\$ <u>5,359,822.00</u>
15.	Taxes refunded for years preceding tax year 2019. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2019. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2019. This line applies only to tax years preceding tax year 2019. ⁸	\$ <u>37,556.00</u>
16.	Taxes in tax increment financing (TIF) for tax year 2019. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2020 captured appraised value in Line 18D, enter 0. ⁹	\$ _____
17.	Adjusted 2019 levy with refunds and TIF adjustment. Add Lines 14, and 15, subtract Line 16. ¹⁰	\$ <u>5,397,378.00</u>
18.	Total 2020 taxable value on the 2020 certified appraisal roll today. This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. ¹¹ A. Certified values: \$ <u>1,040,292,244.00</u> B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$ _____ C. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: \$ _____ D. Tax increment financing: Deduct the 2020 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2020 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below. ¹² \$ _____ E. Total 2020 value. Add A and B, then subtract C and D.	\$ <u>1,040,292,244.00</u>

⁵ Tex. Tax Code § 26.012(15)⁶ Tex. Tax Code § 26.012(15)⁷ Tex. Tax Code § 26.012(15)⁸ Tex. Tax Code § 26.012(13)⁹ Tex. Tax Code § 26.03(c)¹⁰ Tex. Tax Code § 26.012(13)¹¹ Tex. Tax Code § 26.012, 26.04(c-2)¹² Tex. Tax Code § 26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	Total value of properties under protest or not included on certified appraisal roll. ¹³	
A.	2020 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. ¹⁴ \$ _____	
B.	2020 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. ¹⁵ + \$ _____	
C.	Total value under protest or not certified. Add A and B.	\$ _____
20.	2020 tax ceilings. Counties, cities and junior colleges enter 2020 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2019 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁶	\$ _____
21.	2020 total taxable value. Add Lines 18E and 19C. Subtract Line 20. ¹⁷	\$ 1,040,292,244.C
22.	Total 2020 taxable value of properties in territory annexed after Jan. 1, 2019. Include both real and personal property. Enter the 2020 value of property in territory annexed. ¹⁸	\$ _____
23.	Total 2020 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2019. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2019 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2020. ¹⁹	\$ 13,493,064.00
24.	Total adjustments to the 2020 taxable value. Add Lines 22 and 23.	\$ 13493064
25.	Adjusted 2020 taxable value. Subtract Line 24 from Line 21.	\$ 1,026,799,180
26.	2020 NNR tax rate. Divide Line 17 by Line 25 and multiply by \$100. ²⁰	\$.5256507 /\$100
27.	COUNTIES ONLY. Add together the NNR tax rates for each type of tax the county levies. The total is the 2020 county NNR tax rate. ²¹	\$ _____ /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- Maintenance and Operations (M&O) Tax Rate:** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	2019 M&O tax rate. Enter the 2019 M&O tax rate.	\$ 0.32
29.	2019 taxable value, adjusted for court-ordered adjustments. Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 1,000,225,948.C
30.	Total 2019 M&O levy. Multiply Line 28 by Line 29 and divide by \$100	\$ 3,166,585.00

¹³ Tex. Tax Code § 26.01(c) and (d)

¹⁴ Tex. Tax Code § 26.01(c)

¹⁵ Tex. Tax Code § 26.01(d)

¹⁶ Tex. Tax Code § 26.012(6)(B)

¹⁷ Tex. Tax Code § 26.012(6)

¹⁸ Tex. Tax Code § 26.012(17)

¹⁹ Tex. Tax Code § 26.012(17)

²⁰ Tex. Tax Code § 26.04(c)

²¹ Tex. Tax Code § 26.04(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
31.	Adjusted 2019 levy for calculating NNR M&O rate. Add Line 31F to Line 30.	\$ 4,111,247.00
A.	2019 sales tax specifically to reduce property taxes. For cities, counties and hospital districts, enter the amount of additional sales tax collected and spent on M&O expenses in 2019, if any. Other taxing units, enter 0. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent. + \$ 922,631.00	
B.	M&O taxes refunded for years preceding tax year 2019. Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2019. This line applies only to tax years preceding tax year 2019. + \$ 22,031.00	
C.	2019 junior college levy. Enter the amount of taxes the governing body dedicated to a junior college district in 2019. ²² + \$	
D.	2019 taxes in TIF. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2020 captured appraised value in Line 18D, enter 0. - \$	
E.	2019 transferred function. If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in F below. The taxing unit receiving the function will add this amount in F below. Other taxing units enter 0. +/- \$	
F.	2019 M&O levy adjustments. Add A, B, and C then subtract D. For taxing unit with E, subtract if discontinuing function and add if receiving function. \$ 944,662.00	
32.	Adjusted 2020 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 1,026,799,180.00
33.	2020 NNR M&O rate (unadjusted). Divide Line 31 by Line 32 and multiply by \$100.	\$.400394 /\$100
34.	Rate adjustment for state criminal justice mandate. ²³ Enter the rate calculated in C. If not applicable, enter 0.	\$ 0 /\$100
A.	2020 state criminal justice mandate. Enter the amount paid by a county to the Texas Department of Criminal Justice in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. \$	
B.	2019 state criminal justice mandate. Enter the amount paid by a county to the Texas Department of Criminal Justice in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies. \$	
C.	Subtract B from A and divide by Line 32 and multiply by \$100. \$ /\$100	
35.	Rate adjustment for indigent health care expenditures. ²⁴ Enter the rate calculated in C. If not applicable, enter 0.	\$ 0 /\$100
A.	2020 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2019 and ending on June 30, 2020, less any state assistance received for the same purpose. \$	
B.	2019 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2018 and ending on June 30, 2019, less any state assistance received for the same purpose. \$	
C.	Subtract B from A and divide by Line 32 and multiply by \$100. + \$ /\$100	

²² Tex. Tax Code § 26.012(12)²³ Tex. Tax Code § 26.044²⁴ Tex. Tax Code § 26.0442

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	Rate adjustment for county indigent defense compensation. ²⁵ Enter the lessor of C and D. If not applicable, enter 0. A. 2020 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals for the period beginning on July 1, 2019 and ending on June 30, 2020, less any state grants received by the county for the same purpose..... \$ _____ B. 2019 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals for the period beginning on July 1, 2018 and ending on June 30, 2019, less any state grants received by the county for the same purpose. \$ _____ C. Subtract B from A and divide by Line 32 and multiply by \$100..... \$ _____ /\$100 D. Multiply B by 0.05 and divide by Line 32 and multiply by \$100..... \$ _____ /\$100	\$ _____ 0 /\$100
37.	Rate adjustment for county hospital expenditures. ²⁶ Enter the lessor of C and D, if applicable. If not applicable, enter 0. A. 2020 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2019 and ending on June 30, 2020. \$ _____ B. 2019 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2018 and ending on June 30, 2019. \$ _____ C. Subtract B from A and divide by Line 32 and multiply by \$100..... \$ _____ /\$100 D. Multiply B by 0.08 and divide by Line 32 and multiply by \$100..... \$ _____ /\$100	\$ _____ 0 /\$100
38.	Adjusted 2020 NNR M&O rate. Add Lines 33, 34, 35, 36, and 37.	\$ _____ .400394 /\$100
39.	2020 voter-approval M&O rate. Enter the rate as calculated by the appropriate scenario below. Special Taxing Unit. If the taxing unit qualifies as a special taxing unit, multiply Line 38 by 1.08. - or - Other Taxing Unit. If the taxing unit does not qualify as a special taxing unit, multiply Line 38 by 1.035. - or - Taxing unit affected by disaster declaration. If the taxing unit is located in an area declared as disaster area, the governing body may direct the person calculating the voter-approval rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval rate in this manner until the earlier of 1) the second year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, and 2) the third tax year after the tax year in which the disaster occurred. If the taxing unit qualifies under this scenario, multiply Line 38 by 1.08. ²⁷	\$ _____ .414407 /\$100
40.	Total 2020 debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year, and (4) are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. Enter debt amount. \$ _____ 2239182 B. Subtract unencumbered fund amount used to reduce total debt. \$ _____ C. Subtract certified amount spent from sales tax to reduce debt (enter zero if none) \$ _____ D. Subtract amount paid from other resources \$ _____ E. Adjusted debt. Subtract B, C and D from A.	\$ _____ 2239182
41.	Certified 2019 excess debt collections. Enter the amount certified by the collector. ²⁸	\$ _____ 0.00

²⁵ Tex. Tax Code § 26.0442²⁶ Tex. Tax Code § 26.0443²⁷ Tex. Tax Code § 26.04(c-1)²⁸ Tex. Tax Code § 26.012(10) and 26.04(b)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
42.	Adjusted 2020 debt. Subtract Line 41 from Line 40E.	\$ 2,239,182.00
43	2020 anticipated collection rate. If the anticipated collection rate in A is lower than actual collection rates in B, C or D, enter the lowest collection rate from B, C or D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%. ²⁹	100%
	A. Enter the 2020 anticipated collection rate certified by the collector. ³⁰	100%
	B. Enter the 2019 actual collection rate.	99%
	C. Enter the 2018 actual collection rate.	99.5%
	D. Enter the 2017 actual collection rate.	99%
44.	2020 junior college levy. Enter the amount of taxes the governing body proposes to dedicate to a junior college district in 2020. ³¹	
45.	2020 debt adjusted for collections. Divide Line 42 by Line 43, then add Line 44.	\$ 2239182
46.	2020 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	1,040,292,244
47.	2020 debt rate. Divide Line 45 by Line 46 and multiply by \$100.	\$.215245 /\$100
48.	2020 voter-approval tax rate. Add Lines 39 and 47.	\$.629652 /\$100
49.	COUNTIES ONLY. Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2020 county voter-approval tax rate.	\$ _____ /\$100

SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
50.	Taxable Sales. For taxing units that adopted the sales tax in November 2019 or May 2020, enter the Comptroller's estimate of taxable sales for the previous four quarters. ³² Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2019, skip this line.	\$ _____
51.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ³³ Taxing units that adopted the sales tax in November 2019 or in May 2020. Multiply the amount on Line 50 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ³⁴ - or - Taxing units that adopted the sales tax before November 2019. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ 922,631.00
52.	2020 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 1,040,292,244.C
53.	Sales tax adjustment rate. Divide Line 51 by Line 52 and multiply by \$100.	\$.088689 /\$100
54.	2020 NNR tax rate, unadjusted for sales tax. ³⁵ Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$.5256507 /\$100
55.	2020 NNR tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November 2019 or in May 2020. Subtract Line 53 from Line 54. Skip to Line 56 if you adopted the additional sales tax before November 2019.	\$ _____ /\$100

²⁹ Tex. Tax Code § 26.04(h), (h-1) and (h-2)

³⁰ Tex. Tax Code § 26.04(b)

³¹ Tex. Tax Code § 26.012(5)

³² Tex. Tax Code § 26.041(d)

³³ Tex. Tax Code § 26.041(i)

³⁴ Tex. Tax Code § 26.041(d)

³⁵ Tex. Tax Code § 26.04(c)

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
56.	2020 voter-approval tax rate, unadjusted for sales tax. ³⁶ Enter the rate from Line 48 or 49, as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ <u>.629652</u> /\$100
57.	2020 voter-approval tax rate, adjusted for sales tax. Subtract Line 53 from Line 56.	\$ <u>.540963</u> /\$100

SECTION 4: Voter-Approval Rate Adjustment for Pollution Control

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
58.	Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ³⁷ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ³⁸	\$ _____
59.	2020 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ _____
60.	Additional rate for pollution control. Divide Line 58 by Line 59 and multiply by \$100.	\$ _____/\$100
61.	2020 voter-approval tax rate, adjusted for pollution control. Add Line 60 to one of the following lines (as applicable): Line 48, Line 49 (counties) or Line 57 (taxing units with the additional sales tax).	\$ _____/\$100

SECTION 5: Voter-Voter-Approval Tax Rate Adjustment for Unused Increment Rate

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate before the unused increment rate for the prior three years.³⁹ In a year where a special taxing unit adopts a rate above the voter-approval tax rate by applying any portion of the unused increment rate, the unused increment rate for that year would be zero. Consult with legal counsel to ensure appropriate calculation of the unused increment rate.

For each tax year before 2020, the difference between the adopted tax rate and voter-approval rate is considered zero, therefore the unused increment rate for 2020 is zero.⁴⁰

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.⁴¹

Line	Unused Increment Rate Worksheet	Amount/Rate
62.	2019 unused increment rate. Subtract the 2019 actual tax rate and the 2019 unused increment rate from the 2019 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2020, enter zero.	\$ _____/\$100
63.	2018 unused increment rate. Subtract the 2018 actual tax rate and the 2018 unused increment rate from the 2018 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2020, enter zero.	\$ _____/\$100
64.	2017 unused increment rate. Subtract the 2017 actual tax rate and the 2017 unused increment rate from the 2017 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2020, enter zero.	\$ _____/\$100
65.	2020 unused increment rate. Add Lines 62, 63 and 64.	\$ _____/\$100
66.	2020 voter-approval tax rate, adjusted for unused increment rate. Add Line 65 to one of the following lines (as applicable): Line 48, Line 49 (counties), Line 57 (taxing units with the additional sales tax) or Line 61 (taxing units with pollution control).	\$ _____/\$100

SECTION 6: De Minimis Rate

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.⁴²

This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.⁴³

Line	De Minimis Rate Worksheet	Amount/Rate
67.	Adjusted 2020 NNR M&O tax rate. Enter the rate from Line 38 of the <i>Voter-Approval Tax Rate Worksheet</i>	\$ <u>.400394</u> /\$100

³⁶ Tex. Tax Code § 26.04(c)

³⁷ Tex. Tax Code § 26.045(d)

³⁸ Tex. Tax Code § 26.045(i)

³⁹ Tex. Tax Code § 26.013(a)

⁴⁰ Tex. Tax Code § 26.013(c)

⁴¹ Tex. Tax Code § 26.063(a)(1)

⁴² Tex. Tax Code § 26.012(8-a)

⁴³ Tex. Tax Code § 26.063(a)(1)

Line	De Minimis Rate Worksheet	Amount/Rate
68.	2020 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 1,040,292,244.00
69.	Rate necessary to impose \$500,000 in taxes. Divide \$500,000 by Line 68 and multiply by \$100.	\$.0480634/\$100
70.	2020 debt rate. Enter the rate from Line 47 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$.215245/\$100
71.	De minimis rate. Add Lines 67, 69 and 70.	\$.6637024/\$100

SECTION 7: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

No-new-revenue tax rate. \$.525650/\$100
 As applicable, enter the 2020 NNR tax rate from: Line 26, Line 27 (counties), or Line 55 (adjusted for sales tax).

Voter-approval tax rate. \$.540963/\$100
 As applicable, enter the 2020 voter-approval tax rate from: Line 48, Line 49 (counties), Line 57 (adjusted for sales tax),
 Line 61 (adjusted for pollution control), or Line 66 (adjusted for unused increment).

De minimis rate. \$.663702/\$100
 If applicable, enter the de minimis rate from Line 71.

SECTION 8: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have calculated the tax rates in accordance with requirements in Tax Code.⁴⁴

print
here ➡

Printed Name of Taxing Unit Representative

sign
here ➡

Taxing Unit Representative

Date

⁴⁴ Tex. Tax Code § 26.04(c)



COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 9

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Briefing and discussion concerning Financial Statements ending May 31, 2020.

STAFF RECOMMENDATION/ITEM SUMMARY:

The financial statements ending May 31, 2020, were sent electronically on June 5, 2020 for Council's review. This is an opportunity for the council to ask any questions or make comments.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No action required.

ATTACHMENTS:

None.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 10

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Briefing and discussion concerning the City of Hewitt Code of Ordinances Chapter 50 – Peddlers and Solicitors Ordinance.

STAFF RECOMMENDATION/ITEM SUMMARY:

This information is being provided for discussion particularly with regards to the strict prohibition to not allow Commercial for profit door to door solicitation. Based upon the information provided to the City of Hewitt on June 5, 2020, the City Council should seek consultation from the City Attorney with regard to possible change or amendment of the current ordinance. In the meantime via email, I can advise the law firm representing Active Environmental that the City will not be enforcing the prohibition.

FISCAL IMPACT:

Amount Budgeted – N/A

Line Item in Budget – N/A

SUGGESTED MOTION:

There is no action required at this time but if Council would provide some direction to myself and/or the City Attorney, we would bring back the appropriate amendment for the July 6th meeting.

ATTACHMENTS:

Chapter 50 Peddlers and Solicitors

Letter from Lynn, Pinker, Hurst & Schwegmann, LLP

Chapter 50 - PEDDLERS AND SOLICITORS

Footnotes:

--- (1) ---

Cross reference— *Businesses, ch. 18; noise regulations, § 30-136 et seq.*

ARTICLE I. - IN GENERAL

Sec. 50-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable solicitations campaign means any course of conduct whereby any person shall solicit property or financial assistance of any kind or sell or offer to sell any article, tag, service, emblem, publication, ticket, advertisement, subscription or any thing of value on the plea or representation that such sale or solicitation or the proceeds therefrom are for a charitable, educational, patriotic or philanthropic purpose.

Commercial enterprises means any property intended for the conduct of business, whether for profit or not, including but not limited to office buildings, private offices, factories, markets, shopping centers and shopping malls.

Commercial solicitation means any course of conduct whereby any person shall solicit orders for the sale of goods, wares, merchandise, services or anything of value or shall attempt to dispose of such, whether in exchange for payment or not, to an individual or a commercial entity.

Private residence means any dwelling place, including but not limited to homes, duplexes, roominghouses, apartments and condominiums.

Religious solicitations, solicitations for a religious purpose means any course of conduct on the streets, in any office building or any other public or private place, by house-to-house canvassing or by telephone, whereby any person solicits property or financial assistance of any kind or sells or offers for sale any article, tag, service, emblem, publication, ticket, advertisement, subscription or any thing of value on the plea or representation that such sale or solicitation is or the proceeds therefrom are for a religious purpose.

Roadway has the meaning given that term in Chapter 541, Texas Transportation Code.

Vehicle has the same meaning given that term in Chapter 541, Texas Transportation Code.

(Code 1984, § 8-30; Ord. No. 2017-01-16-2, § 1, 1-16-17)

Cross reference— Definitions generally, § 1-2.

Sec. 50-2. - Application of article.

This article shall apply to all solicitors and peddlers, regardless of whether they are required to obtain a permit or to register to solicit.

(Code 1984, § 8-31)

Sec. 50-3. - Location and manner of permissible solicitation.

- (a) Commercial solicitation to private residences or commercial enterprises, by persons paid or employed primarily for that purpose, shall not be permitted. This subsection shall not apply where, at a private residence, the solicitor is on the property by express, prior invitation of the person residing on the premises. Where the property is a commercial enterprise, this subsection shall not apply where the solicitor is on the property by express, prior invitation of the owner or someone with apparent authority to act for the owner.
- (b) Noncommercial solicitation to private residences shall occur between the hours of 9:00 a.m. and 8:00 p.m., unless otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This subsection shall not apply where the solicitor is on the property by permission of the person residing on the premises. The following types of solicitation are expressly deemed to be noncommercial:
 - (1) Solicitations for a charitable or religious purpose as defined in section 50-1.
 - (2) The distribution of any printed matter for a charitable or religious purpose, whether in exchange for payment or not.
 - (3) Solicitations for the purpose of obtaining political contributions for a candidate, as permitted by V.T.C.A., Election Code ch. 251.
 - (4) The distribution of any printed matter for the purpose of expressing political views, whether in exchange for payment or not.
 - (5)

Solicitations for the purpose of encouraging union membership or the distribution of printed matter pertaining thereto, whether in exchange for payment or not.

(c) Solicitations on public property are permissible except that solicitors may not:

- (1) Solicit in public streets or rights-of-way or from medians in the streets or in any way block, obstruct or unduly hinder passage on public streets and rights-of-way.
- (2) Block, obstruct or unduly hinder passage on public sidewalks or passageways.
- (3) A person commits an offense if, while occupying any public property adjacent to any public roadway in the city, he knowingly conducts a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(a) It is a defense to prosecution under subsection (c) that the person was:

- (1) Summoning aid or requesting assistance in an emergency situation; or
- (2) A law enforcement officer in the performance of official duties.

(Code 1984, § 8-32; Ord. No. 2017-01-16-2, § 1, 1-16-17)

Sec. 50-4. - Prohibited conduct generally.

A person engaged in solicitation shall not:

- (1) Make physical contact with the person being solicited, unless that person's permission is obtained;
- (2) Misrepresent the purpose of the solicitation;
- (3) Misrepresent the affiliation of those engaged in the solicitation;
- (4) Continue efforts to solicit from an individual once that individual informs the solicitor that such individual does not wish to give anything or to buy anything from that solicitor; or
- (5) Represent the issuance of any permit or registration under this chapter as an endorsement or recommendation of the solicitation.

(Code 1984, § 8-33)

Sec. 50-5. - Minors soliciting.

No person under six years of age shall solicit nor shall any organization holding a permit to solicit allow persons under six years of age to solicit.

(Code 1984, § 8-34)

Sec. 50-6. - Prohibited methods of charitable or religious solicitation.

Charitable or religious solicitation shall be prohibited within the city when the solicitation is by means of coin or currency boxes or receptacles, except when:

- (1) Each such box or receptacle is serially numbered and the city secretary is advised of the number and location of each;
- (2) Each such box or receptacle is the responsibility of a bona fide member, agent or solicitor of the soliciting organization;
- (3) Such person is required to pick up each box or receptacle at the end of the solicitation period; and
- (4) The use of such boxes and receptacles in the solicitation is expressly authorized by the city secretary.

(Code 1984, § 8-35; Ord. No. 2002-10-21-1, § 1, 10-21-02)

Sec. 50-7. - Permits nontransferable.

Any permit issued under this chapter shall be personal to the applicant and shall not be assigned or transferred to any other person. Any attempted assignment or transfer shall render the permit void.

(Code 1984, § 8-40)

Sec. 50-8. - Revocation of permits.

- (a) If, after issuance of a solicitation permit, it is determined that the applicant has knowingly given false or misleading information on the application, any solicitation permit issued upon such application shall be revoked.

- (b) If a solicitor holding some permit under this chapter is convicted of theft or fraud or a violation of any state penal law in connection with the solicitation for which the permit was issued, that solicitor's permit to solicit shall be revoked.
- (c) If a solicitor holding some permit under this chapter violates any section of this chapter, that solicitor's permit to solicit shall be revoked.

(Code 1984, § 8-41)

Sec. 50-9. - Appeal from denial or revocation of permits.

Under this chapter, if an applicant shall be denied a permit or shall have a permit revoked, such applicant may appeal that action to the city council by submitting a letter to the mayor's office within ten days of the action complained of. A hearing on the denial will then be scheduled for the next regular meeting of the city council or a special meeting of the city council, to be held within 15 days of the appeal. The city council will render a decision on the appeal within ten days of the hearing.

(Code 1984, § 8-42)

Secs. 50-10—50-90. - Reserved.

ARTICLE II. - CHARITABLE SOLICITATIONS

DIVISION 1. - GENERALLY

Sec. 50-91. - Report of campaign.

Every person issued a permit under division 2 of this article shall furnish to the city secretary, within 30 days after the charitable solicitations campaign has been completed, a detailed report and financial statement showing the amount of funds raised by the charitable solicitations campaign; the amount expended in collecting such funds, including a detailed report of the wages, fees, commissions and expenses paid to any person in connection with such solicitation; and the disposition of the balance of the funds collected by the campaign. However, the city secretary may extend the time for filing the report required by this section for an additional period of 30 days upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder. The permit holder shall make available to the city

secretary or to any person designated in writing by the city secretary as the city secretary's representative for such purpose all books, records and papers whereby the accuracy of the report required by this section may be investigated.

(Code 1984, § 8-52)

Sec. 50-92. - Agents and solicitors for permit holders.

- (a) Every person to whom a permit has been issued under division 2 of this article shall furnish proper credentials to his agents and solicitors for such charitable solicitations campaign. Such credentials shall include the name of the permit holder; the date; a statement describing the holder's charitable, educational, patriotic or philanthropic activity; a description of the purpose of the solicitation; the signature of the permit holder or of the holder's chief executive office; the name, address, age, sex, and signature of the solicitor to whom such credentials are issued; and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. No person shall solicit under any such permit without the credentials required by this section and a facsimile copy of the permit in such person's possession. The credentials and facsimile copy of the permit shall be shown, upon request, to all persons solicited and to any police officer.
- (b) No agent or solicitor shall conduct or participate in any charitable solicitations campaign except under a valid permit issued in compliance with this article.

(Code 1984, § 8-53)

Sec. 50-93. - Responsibility for acts of solicitors.

The recipient of a permit for a charitable solicitations campaign shall be responsible for the acts of such permittee's authorized representatives in connection with such campaign.

(Code 1984, § 8-54)

Secs. 50-94—50-115. - Reserved.

DIVISION 2. - PERMIT

Sec. 50-116. - Required; exceptions.

It shall be unlawful to conduct any charitable solicitations campaign on the streets, in any office building or in or on any other public or private place, by house-to-house canvas or by telephone, in the city unless the person conducting the campaign and responsible therefor shall first have obtained a permit in compliance with this article; provided, however, this section shall not apply to:

- (1) Any organization which solicits funds solely from its own members or from its own assemblies, not using public streets or public places for such purposes;
- (2) Any public school which controls the solicitation of funds by parent-teacher association organizations and the solicitation of funds by other activity groups which may be sponsored by the public school or by an association or club, the primary purpose of which is to sponsor certain student and parent activities for the benefit of such association, club or activity;
- (3) Any solicitation for the benefit of an individual or family who has suffered a personal tragedy resulting from personal injury, illness or the loss of housing; and
- (4) Any solicitations campaign conducted through the use of television or radio as to those activities directly related to the use of television or radio.

(Code 1984, § 8-48)

Sec. 50-117. - Application.

Application for a permit to conduct a charitable solicitations campaign on the streets or in any public place or by house-to-house canvass in the city shall be filed in duplicate with the city secretary's office not less than three working days prior to the initiation of the proposed charitable solicitations campaign. If the application is mailed to the mayor's office, it must be received three days prior the initiation of the proposed charitable solicitations campaign. Such application shall be sworn to by the applicant, who shall provide personal identification to include driver's license, passport, military identification card or other acceptable photographic identification. The application shall contain at least the following information:

- (1)

The full name of the organization applying for a permit to solicit and the address of the headquarters in the city; if the organization is a chapter or other affiliate of an organization having its principal office outside the city, the name and address of the parent organization.

- (2) The names and addresses of all officers and directors or trustees of the organization and the name and city of residence of all officers, directors or trustees of the parent organization, if any.
- (3) The purposes for which the gross receipts derived from such solicitations or other activities are to be used.
 - a. The name of the person by whom the receipts of such solicitation shall be disbursed; if the receipts are transmitted to a parent organization for further disbursement, detailed information on the methods of handling and disbursement of all funds and a detailed and complete financial statement of the parent organization for the last preceding fiscal year.
 - b. The names and addresses of the persons who will be in charge of conducting the charitable solicitations campaign.
 - c. An outline of the methods to be used in conducting the charitable solicitation campaign.
 - d. The period within which such charitable solicitations campaign shall be conducted, including the proposed dates for the beginning and ending of such campaign.
 - e. The total amount of funds proposed to be raised.
 - f. The amount of all salaries, wages, fees, commissions, expenses and costs to be expended or paid to anyone in connection with such campaign, together with the manner in which such wages, fees, commissions, expenses and costs are to be expended and the maximum percentage of funds collected which are to be used to pay such expenses of solicitation and collection.
 - g. A detailed and complete statement of the funds, if any, collected by the applicant during the preceding year from solicitations or other activities described in section 50-116, which were the same or substantially the

same as those for which the applicant is seeking a permit, such statement to show the gross amount collected, all costs of collection or solicitation, and the final distribution thereof.

- h. A full statement of the character and extent of the charitable, educational, patriotic or philanthropic work done by the applicant within the city during the last preceding year.
- i. If the applicant is a charitable corporation or other organization, proof of its current status as an organization to which contributions are tax deductible for federal income tax purposes.

(Code 1984, § 8-49; Ord. No. 2002-10-21-1, § 2, 10-21-02)

Sec. 50-118. - Issuance; causes for denial.

Upon receipt of a proper application for the permit required under this division, the city secretary shall issue a permit unless the city secretary determines that:

- (1) One or more of the statements made in the application are not true.
- (2) The applicant or person in charge of the charitable solicitations campaign has made or caused to be made false statements or misrepresentations to any member of the public with regard to the charitable solicitations campaign or other activities described in the permit or has made or caused to be made false statements or misrepresentations in the application or has in any way publicly represented that the permit granted under this division is an endorsement or recommendation of the cause for which the charitable solicitations campaign is being conducted or has otherwise violated any of the terms of the permit or this chapter.
- (3) The applicant's fundraising expense in any charitable solicitations campaign conducted by it during any of the three years immediately preceding the date of application exceeded 25 percent of the gross amount collected, and the expected fundraising expense of the applicant in the campaign for which application is made will exceed 25 percent of the gross amount collected based upon data concerning prior campaigns of the applicant and such other data as may be adduced.
- (4)

Under a prior permit obtained from the city, the applicant failed to submit the required reports at the end of the solicitations campaign or, upon investigation of the applicant's financial records, the financial report submitted was found to be false.

(Code 1984, § 8-50)

Sec. 50-119. - Duration

A permit issued under this division shall be for a three-month period. At the end of that time, the applicant may apply for an extension of the permit on a form supplied to the applicant by the city secretary's office. This form may require the submission of the same information that was required in the original application or only portions of that information.

(Code 1984, § 8-51)

Secs. 50-120—50-145. - Reserved.

ARTICLE III. - RESERVED.

Editor's note— Ord. No. 2002-10-21-1, § 3, adopted Oct. 21, 2002, deleted art. III, §§ 50-146—50-172, in its entirety. Former §§ 50-146—50-172 pertained to religious solicitation and derived from Code 1984, §§ 8-55 through 8-57.

LYNN PINKER HURST SCHWEGMANN.

KENT KRABILL, PLLC
Partner

D 214 981 3831
F 214 981 3839
kkrabill@lynnllp.com

Lynn Pinker Hurst & Schwegmann, LLP
2100 Ross Avenue
Suite 2700
Dallas, Texas 75201
lynnllp.com

June 5, 2020

Via Electronic Mail: mdixon@haleyolson.com

Mr. Michael Dixon
City Attorney
100 N. Ritchie Road, Suite 200
Waco, TX 76712

Re: Hewitt, TX – Unconstitutional Solicitation Ban and Curfew

Dear Mr. Dixon:

My firm represents Aptive Environmental, LLC (“Aptive”), which provides regular pest control services to thousands of satisfied customers throughout Texas. Aptive’s initial sales are made primarily through door-to-door solicitation. Indeed, through extensive industry experience and research, Aptive has found door-to-door interactions to be the most effective means of winning new customers and strengthening its bonds with existing residential clients.

Aptive understands and appreciates the desire of the City of Hewitt (the “City”) to create and maintain rules governing door-to-door solicitation. Aptive believes such regulations – when reasonably drawn – provide important assurances that solicitation efforts in the City will be safe and free from abusive practices. As such, Aptive places the highest priority on its compliance with such rules. But when these regulations cross a constitutional line – by, for instance, enforcing unconstitutional solicitation bans or conditioning licenses on burdensome prior restraints – Aptive must insist that these improper regulations be repealed. Not only are such regulations unconstitutional – both facially and as applied – but they also have a direct and substantial impact on Aptive’s business viability and profits. To protect Aptive’s First Amendment freedoms, and to remedy the harm caused by the City’s unconstitutional solicitation ordinance and regulations, Aptive has retained my firm.

Aptive has recently attempted to apply for commercial solicitation licenses in Hewitt, only to be informed that the City will not issue any licenses and has banned this form of speech pursuant to City of Hewitt Municipal Code § 50-3(a). The City’s current ban on door-to-door commercial solicitation within § 50-3(a) and 8:00 p.m. curfew within § 50-3(b) violate the First and Fourteenth Amendments of the United States Constitution. Federal courts have consistently struck down curfews and bans which abridge any amount of daylight solicitation activity. Such restrictions fail the narrow tailoring required under *Central Hudson* and fail to advance any important governmental interest.

Several federal courts have recently addressed solicitation curfews and bans, uniformly finding them unconstitutional. Last July, our firm secured a preliminary injunction in federal court

against the Village of East Rockaway, New York, enjoining enforcement of that municipality's solicitation curfew and moratorium on issuing licenses (a de facto ban). *See* Doc. 24, Preliminary Injunction, attached hereto. And in June of 2018, a client of our firm filed suit against the Borough of Woodcliff Lake, NJ to challenge a 6:00 p.m. solicitation curfew. The U.S. District Court for the District of New Jersey enjoined the solicitation curfew and granted our client a temporary restraining order. *See Aptive Environmental, LLC v. Borough of Woodcliff Lake, New Jersey*, No. 2:18-cv-10891-SDW-LDW (D.N.J. June 22, 2018). *See also* Order to Show Cause, attached hereto. The Court granted these injunctions because our clients showed irreparable harm to constitutional freedoms caused by the abridgement of daylight commercial speech, without an evidentiary showing by that municipality that the restriction was *necessary* to advance substantial governmental interests. These injunctions also entitled our client to a full award of attorneys' fees under 42 U.S.C. §§ 1983 and 1988.

Most cities have opted to suspend these unconstitutional bans and curfews and amend their ordinances. However, some have chosen to proceed to trial. On March 22, 2018, in the lawsuit captioned *Aptive Environmental, LLC v. Town of Castle Rock, Colorado*, the United States District Court for the District of Colorado invalidated the Town of Castle Rock, Colorado's 7:00 p.m. solicitation curfew—a ***curfew less restrictive than the outright ban of Hewitt and similar to its codified 8:00 p.m. curfew***—holding that the curfew was an unconstitutional restriction on purely commercial speech. Our firm initiated, prosecuted, and tried this case on behalf of a national pest control client, and our client was awarded over \$530,000 dollars in fees as the prevailing party. Notably, the Court struck this curfew despite Castle Rock's purported justifications of protecting residents' privacy and safety. To give you a more complete overview of the case law a municipality defending a ***pre-9:00 p.m.*** curfew must contend with, I have attached the summary judgment briefing in the *Castle Rock* case. The U.S. Court of Appeals for the Tenth Circuit has now affirmed this verdict in an 83-page published opinion. *See* Opinion, attached hereto.

The Tenth Circuit's opinion in the *Castle Rock* case is consistent with what five federal circuit courts have uniformly held: that municipal ordinances prohibiting door-to-door solicitation during daylight hours before 9:00 p.m. are unconstitutional. *See Project 80's Inc. v. City of Pocatello*, 942 F. 2d 635 (9th Cir. 1991) (rejecting total ban on commercial solicitation); *City of Watseka v. Illinois Public Action Council*, 479 U.S. 1048 (1987) (affirming that 5:00 p.m. curfew was unconstitutional); *Ohio Citizen Action v. City of Englewood*, 671 F.3d 564 (6th Cir. 2012) (invalidating 6:00 p.m. curfew); *City of Watseka v. Illinois Public Action Counsel*, 796 F.2d 1547 (7th Cir. 1986) (invalidating 5:00 p.m. curfew); *New Jersey Citizen Action v. Edison Township*, 797 F.2d 1250 (3d Cir. 1986) (invalidating 5:00 p.m., 6:00 p.m. and sunset curfews); *Wisconsin Action Coalition v. City of Kenosha*, 767 F.2d 1248 (7th Cir. 1985) (invalidating 8:00 p.m. curfew); and *Association of Community Organizations for Reform v. City of Frontenac*, 714 F.2d 813 (8th Cir. 1983) (invalidating 6:00 p.m. curfew). The holdings of these cases clearly indicate that the solicitation ban of Hewitt is unconstitutional. And this ban further violates the right of Hewitt citizens to receive information, which is another protected First Amendment freedom. *Bd. Of Educ., Island Trees Union Free Sch. Dist. Number 26 v. Pisco*, 457 U.S. 853, 867 (1982); *Project 80's, Inc. v. City of Pocatello*, 942 F.2d 635, 638–39 (9th Cir. 1991). Aptive will not hesitate to file suit against Hewitt if it persists in maintaining its unconstitutional solicitation ban.

Aptive's damages from the unconstitutional commercial solicitation ban and curfew are significant. In 2020, Aptive expects more than \$2 million in door-to-door sales in Texas, with nearly all its initial sales occurring through door-to-door interactions. Aptive is thus losing thousands of dollars in sales every day it is prohibited by the ban from soliciting in Hewitt. Federal law entitles Aptive to recover damages incurred due to the City's enforcement of the unconstitutional solicitation ordinance and regulations. Federal law also entitles Aptive to recover attorney's fees and costs in any suit brought to remedy the City's constitutional violations, pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988. For your information, my hourly rate is \$600.

If Aptive is forced to litigate this matter with the City of Hewitt, it will seek recovery of the full extent of its damages, including its lost profits and attorneys' fees. We sincerely hope, however, that this outcome can be avoided. Our client is accordingly willing to forgo its right to seek the recovery of its lost profits, provided the City agrees to immediately allow all Aptive salespeople to conduct door-to-door solicitation in Hewitt immediately and onward between Monday – Saturday, during the hours of 9:00 a.m. – dusk.

To this end, we request that you provide us with the City's written assurances, as soon as possible, but by no means later than **June 9, 2020**, that Hewitt has complied, or is taking immediate steps to fully comply with, our request. Each day that these unconstitutional restrictions are enforced costs Aptive thousands of dollars in lost profits. Accordingly, should the City elect to maintain its commercial solicitation ban and curfew, Aptive will have no choice but to bring suit in the U.S. District Court for the Western District of Texas and seek immediate injunctive and compensatory relief.

As noted above, Aptive's sincere desire is to resolve this matter without the need for litigation. If, however, Hewitt refuses to suspend and repeal these restrictions and suit becomes necessary, be advised that any subsequent settlement of this matter must include payment of Aptive's lost profits, as well as its attorneys' fees in connection with filing suit – to which Aptive is entitled under 42 U.S.C. § 1983 and 42 U.S.C. § 1988.

We sincerely hope that you will understand Aptive's need and determination to vigilantly protect its valuable First Amendment freedoms. We are willing, and hopeful, that we will be able to resolve this dispute in an amicable manner. Accordingly, if you believe it would be productive to discuss a mutually agreeable compromise that adequately protects Aptive's First Amendment rights, please do not hesitate to contact me, and I would be happy to arrange such a conversation at a mutually convenient time. This letter is written without prejudice to Aptive's rights and remedies, all of which are hereby expressly reserved. Please direct all future correspondence related to the issues in this letter to me and my colleagues, Clint Cowan and Natalie Washington.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent D. Krabill".

Kent D. Krabill, PLLC



COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 11

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Consider award of bid for slurry seal and crack sealing services to Viking Construction in the amount of \$225,050.40.

STAFF RECOMMENDATION/ITEM SUMMARY:

The purpose of this service is to crack and slurry seal 12 streets throughout the City. Sealing helps extend the lifespan of the street. Cracks allow water to penetrate the asphalt which can cause damage to the base beneath it. Any cracks in the street that are wider than ¼ inch will be crack sealed. After crack sealing, the identified streets will be slurry sealed. The streets identified for this project are:

- Barton Creek Dr
- Willow Creek
- Pebble Creek Dr
- Circle Creek Dr
- Houston Dr
- Fannin Dr (from 221 to Houston)
- Travis Ln (from Alamo to Houston)
- Crockett Ln (100 & 300 blocks)
- Bonham Dr (from 308 to Houston)
- Bowie (from 200 to Houston)
- South Haven Dr (from 1109 to Oakmont)
- West Panther Way (from City limits to new pavement at Hewitt Dr)

On May 20, 2020, the City published a request for proposals for slurry & crack seal services. The request closed on June 1, 2020. We received two bids, one from Intermountain Slurry Seal Inc. for \$338,250.00 and the other from Viking Construction for \$225,050.40

FISCAL IMPACT:

Amount Budget - \$225,050.40
Line Item in Budget – Bond Funds

SUGGESTED MOTION:

I move to award the bid for slurry and crack sealing services to Viking Construction Inc. in the amount of \$225,050.40.

ATTACHMENTS:

- Photograph example of before and after crack/slurry sealing
- Location maps identifying project areas
- Bid Tabulation





Proposal Tabulation Sheet

Project Name: Slurry Seal 2020

Project #: RFP# 2020-1

Location: City of Hewitt Streets

Proposals Due: 6-1-2020; 2:00 PM

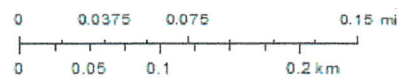
NOTE:

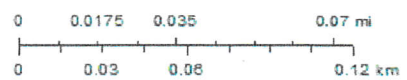
Bidder	Total Option 1	Total Option 2	Comments
Intermountain Slurry Seal Lewisville, Tx	No Bid	\$338,250.00	
Viking Construction Inc. Georgetown, Tx	\$186,152.80	\$225,050.40	



3/2/2020, 12:28:07 PM

1:4,514

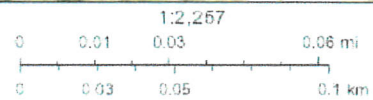




Slurry Seal 2020



5/12/2020, 3:17:09 PM



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Source: Esri, HERE, Garmin, FAO, NOAA, USGS, and the GIS User Community

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COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 12

SUBMITTED BY: Kevin Reinke, Utilities Director

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute an agreement with Lewis Concrete Restoration for restoring and coating of sanitary sewer manholes in an amount not to exceed \$45,000.00.

STAFF RECOMMENDATION/ITEM SUMMARY:

On an ongoing basis, the City of Hewitt Utilities Department conducts restoration work on sanitary sewer manholes throughout the city. I contacted various vendors that provide the necessary coating services for identified manholes. After review of proposals from three companies, staff is recommending award to Lewis Concrete Restoration. A copy of the proposals are included in the backup material. Funding is allocated in the maintenance and operation budget of the Utilities Department. If approved, the work would be scheduled in the next few weeks.

FISCAL IMPACT:

Amount Budget - \$45,000.00
Line Item in Budget – 20 50372 91 00

SUGGESTED MOTION:

I move to authorize the City Manager to negotiate and execute an agreement with Lewis Concrete Restoration for restoring and coating of sanitary sewer manholes in an amount not to exceed \$45,000.00.

ATTACHMENTS:

Bid proposals

LEWIS CONCRETE RESTORATION

Physical: 9209 Williamson Rd, Buda, TX 78610

A Specialty Concrete Coating and Restoration Company

**TX HUB and MWSBE Certified Austin and South Texas *AR, LA, TN, MS Contractor*

May 18, 2020

Ryan Bell
City of Hewitt

RE: Manhole Coating with Raven 405 2020
City of Hewitt

We are pleased to submit our proposal for the surface preparation and coating of the above referenced project.

Scope of Work:

Application of Raven 405 at 125 mils on 4' Diameter manholes..... \$155/VF
Price includes rubbing of joints and penetrations
Minimum call out of \$1,750

Note: Coordination of manholes prior to Mobilization

Payment: Net Due 30 Days

Lewis Concrete Restoration (LCR) will provide:

All labor, material, equipment, pre-approved insurance, water blaster, scaffolding, and supervision necessary to complete the scope of work. All material will be applied to city specifications. Water infiltration is not included. Bypass pumping is not included. LCR warrants workmanship (non-bonded) of scope of work performed for 1 year. Owner or Contractor is responsible for defects and/or changes in substrate caused by owner or acts by nature.

Client to provide: Payment Bond information required prior to mobilization.

No bypass pumping supplied by LCR. Plugs or other devices utilized for diverting water will be charged accordingly. Uninterrupted access to jobsite, suitable water source for waterblasting, Any and all traffic control, dewatering, by-pass pumping or sludge removal, restrooms, contract required or purchase order number needed to proceed, LCR job information form, and Sales Tax Exempt/Resale certificate. All change orders require signed contract or PO prior to commencement of work. Contractor to provide actual field measurements and timely notice within 30 days of LCR's invoice date of discrepancies found.

If you have any questions regarding this quote, please contact Eric Lewis @ 512-923-6724 or Aaron Hoffman @ 512-983-4400

Phone: 512.983.4400

Email: ahoffman@lewisconcreterestoration.com

Ryan,

I think you would be safe if you used a budget number of \$230 to \$250 per vertical foot.

In addition to the application of the SpectraShield Liner System, this price would cover mobilization, surface prep, minor leak mitigation, and our 10 year warranty.

Let me know if you have any questions,

Steven T. Bales

Texas/Oklahoma Business Development Mgr



Concrete Conservation, LLC

CCI Spectrum, LLC

PH: 713-817-9401

FX: 904-419-4892

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RYAN BELL

Utilities Operations Manager

254.666.3151

rbell@cityofhewitt.com

103 N. Hewitt Drive • Hewitt, Texas 76643



FUQUAY, INC.



4801 Old Hwy 81, New Braunfels, TX 78132

Phone: (830) 686-1862 Fax: (830) 686-1865

PROPOSAL

DATE: June 9, 2020
PROJECT: CITY OF HEWITT 2020 MH COATING PRICING

Cured In Place Pipe CIPP for Pipeline Rehabilitation #555-18

ITEM 20

Section #	Item	Structure (Manhole) Rehabilitation and Corrosion Protection and Corrosion Protection and Additional Associated Items	Unit	Quantity
20	20101	Condition Standards and Repair Methods - Condition 1 (125 MIL ONLY) PRICE PER SF IS EQUIVALENT TO \$173.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
20	20102	Condition Standards and Repair Methods - Condition 2 (1/2" CEMENTITIOUS / 125 MIL) PRICE PER SF IS EQUIVALENT TO \$285.50 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
20	20103	Condition Standards and Repair Methods - Condition 3 (1" CEMENTITIOUS / 250 MIL) PRICE PER SF IS EQUIVALENT TO \$427.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
20	20104	Inflow & Infiltration Repair - Injection of Chemical Grout Material	GAL	1
20	20105	Inflow & Infiltration Repair - Injection of Chemical Grout Material-Labor & Equipment	HR	1
20	20106	Manhole Borehole and Invert Repair 4" Diameter Bore	EA	1
20	20107	Structure Repair (only size)	SOFT	1
20	20108	Manhole Rehabilitation - Cementitious CRM only - 1/2 inch thickness PRICE PER SF IS EQUIVALENT TO \$113.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
20	20109	Manhole Rehabilitation - Cementitious CRM only - 1 inch thickness PRICE PER SF IS EQUIVALENT TO \$176.00 PER VF ON 4" INSIDE DIAMETER MHS	SOFT	1
20	20110	Remove and/or Abrade Existing Coatings within Manhole or Structure	SOFT	1
20	20111	Provide and Install Internal Drop Assembly, up to 12"	EA	1
20	20112	Travel and Mobilization- Manhole Rehabilitation Crew from New Braunfels, TX	MILE	142

1.) JOB NOTES:
A MINIMUM OF 40 VF WILL BE PROVIDED TO FUQUAY FOR EACH MOBILIZATION.

ALL MATERIALS ARE QUANTIFIED TO BE AS SHOWN, AND THE WORK TO BE PERFORMED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS STATED FOR THE PROJECT. THE WORKMANSHIP AND MATERIALS SHALL BE LIKE MANNER, ANY ALTERATION OR DEVIATION FROM SPECIFICATIONS AND DRAWINGS INVOLVING EXTRA COSTS WILL BE EXECUTED ONLY UPON WRITTEN ORDER, AND WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE QUOTATION. WORKERS COMPENSATION AND PUBLIC LIABILITY INSURANCE ON ABOVE WORK TO BE FURNISHED BY FUQUAY, INC. LISTED AS AN ADDITIONAL INSURER ON FUQUAY'S INSURANCE. THE CHARGE SHALL BE EQUAL TO THE AMOUNT CHARGED TO FUQUAY FOR SAID SERVICE.

EXCLUSIONS:
BOND, SALES TAX, AND OCT
PERMITS, RI REPORTS, FEES
WASTE HAUL-OFF
TRUCKS
SITE CLEARING

TERMS

PAYMENT FOR SERVICES SHALL BE DUE AND PAYABLE WITHIN THIRTY DAYS OF THE DATE MONTH THE WORK IS PERFORMED. THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN THIRTY DAYS.

RESPECTFULLY SUBMITTED,

FUQUAY, INC.

COMPANY:

NAME:

TITLE:

BARRICADES, SIGNS, TRAFFIC HANDLING
INFILTRATION REPAIR
DEWATERING
CUTTING, PATCHING, AND PIPE REPAIRING
PROTECTING AND/OR PERFORMING ANY TESTING

ACCEPTED BY:

PROJECT SPECIFIC DISCOUNTED PRICING

Discount Price	Total
\$13.75	\$13.75
\$22.00	\$22.00
\$34.00	\$34.00
\$25.00	\$25.00
\$150.00	\$150.00
\$900.00	\$900.00
\$35.00	\$35.00
\$0.00	\$0.00
\$14.00	\$14.00
\$4.75	\$4.75
\$1,550.00	\$1,550.00
\$500.00	\$500.00
\$10.00	\$1,420.00

MEMBER PRICING

7% Discount	Price	Total
-\$1.19	\$15.81	\$15.81
-\$2.03	\$26.97	\$26.97
-\$3.01	\$39.99	\$39.99
-\$18.73	\$248.78	\$248.78
-\$14.25	\$189.26	\$189.26
-\$46.83	\$222.17	\$222.17
-\$3.26	\$44.64	\$44.64
-\$1.26	\$16.74	\$16.74
-\$1.72	\$22.78	\$22.78
-\$0.60	\$7.91	\$7.91
-\$31.08	\$1,741.43	\$1,741.43
-\$59.92	\$798.08	\$798.08
-\$0.98	\$13.02	\$1,448.84

LIST PRICING

List Price	Total
\$17.00	\$17.00
\$29.00	\$29.00
\$43.00	\$43.00
\$267.50	\$267.50
\$203.50	\$203.50
\$669.00	\$669.00
\$46.00	\$46.00
\$16.00	\$16.00
\$24.50	\$24.50
\$6.50	\$6.50
\$1,872.50	\$1,872.50
\$856.00	\$856.00
\$14.00	\$1,988.00

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 13

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and action on adoption of an Interlocal agreement with McLennan County for purposes of readjusting maintenance responsibilities for portions of East Panther Way and Ritchie Road.

STAFF RECOMMENDATION/ITEM SUMMARY:

In April 2014, the City and County entered into a joint resolution to exchange maintenance responsibilities for East Panther Way and Ritchie Road. Since that time, Ritchie Road has been completely rehabilitated in the section of roadway belonging to the City but maintained by the County and the City has spread 32 tons of asphalt to Panther Way and is in a state of being ready to be rebuilt to County standards. The initial purpose of this exchange was for convenience to both the City and County but now is inequitable. Therefore, the County will rehab Panther Way and will do so every 3-4 years. The City will do minor maintenance to Panther Way such as pothole repair and utility cuts. Ritchie Road will revert back to our respective responsibilities for maintenance but with joint cooperation.

FISCAL IMPACT:

Amount Budgeted – \$0
Line Item in Budget – FY '20-'21 budget.

SUGGESTED MOTION:

I move to authorize the City Manager to execute the Interlocal Cooperation agreement between McLennan County and the City of Hewitt to readjust the maintenance responsibilities of East Panther Way and Ritchie Road.

ATTACHMENTS:

Interlocal Cooperation agreement between McLennan County and City of Hewitt
Joint Resolution dated 4-1-14.

INTERLOCAL COOPERATION AGREEMENT BETWEEN McLENNAN COUNTY AND THE CITY OF HEWITT TO READJUST MAINTENANCE RESPONSIBILITIES FOR PORTIONS OF EAST PANTHER WAY AND RITCHIE ROAD

This Interlocal Cooperation Agreement is entered into by and between McLennan County, Texas ("County") and the City of Hewitt, Texas ("City").

RECITALS

WHEREAS, for good and sufficient purposes as authorized by law the County and the City agreed in 2014 by a Joint Resolution to an exchange of maintenance responsibilities whereby the County accepted maintenance of a portion of Ritchie Road (half of which is in the City's jurisdiction) in return for the City accepting maintenance for a portion of East Panther Way (within the County's jurisdiction) as shown on the exhibit to the Joint Resolution which exhibit is appended hereto as Exhibit A;

WHEREAS, changes in circumstances have created the need to readjust the previously agreed maintenance exchange;

WHEREAS, at the joint expense of the County and the City, Ritchie Road has been rebuilt and will not require maintenance for years. Further, when maintenance is required, neither the County or the City have the equipment to perform such maintenance, and a private contractor will do the work;

WHEREAS, at the same time East Panther Way has been deteriorating at a rate that cannot be fixed by the City's maintenance and the City does not have the capability to re-build the road;

WHEREAS, the best interests of the citizens and the traveling public require that the former exchange be modified.

NOW, THEREFORE, the parties agree as follows:

1. The recitals above are incorporated herein and made findings of fact.
2. Ritchie Road. The maintenance responsibility for the subject portion of Ritchie Road will revert to its original status, with the City being responsible for one-half of the road and the County being responsible for one-half of the road with the understanding that any future maintenance will require cooperation in the engagement of a private contractor.
3. East Panther Way. For the subject portion of East Panther Way, the City will be responsible for routine maintenance only (filing potholes, repairing line cuts, etc.). The County will be responsible to rebuild the road (re-work and add to the base and chip-seal the surface) on a recurring basis (every 3 to 4 years as needed). However, due to the spreading of asphalt by the City on the road, the first "re-build" of the subject portion of East Panther Way will only require a new chip-sealed surface, and will take place before or during the Summer of 2020.

4. The expenditures and costs undertaken by each party will be from then-current revenues available to the party.

5. This Agreement shall be for a term of one (1) year, to renew and extend for an additional one (1) year period at the end of the initial or any renewal term unless either party terminates this Agreement as set forth below.

6. Either party may terminate this Agreement at any time on 60 days written notice.

7. This Agreement replaces and cancels the prior Joint Resolution for Exchange of Road Maintenance Responsibilities.

8. This Agreement has been approved by the governing bodies of both parties.

SIGNED as dated below.

McLENNAN COUNTY, TEXAS

ATTEST:

J.A. "Andy" Harwell,
McLennan County Clerk
or Designated Deputy Clerk

By _____
Scott M. Felton
County Judge

County Clerk or Deputy Clerk

Date: _____

CITY OF HEWITT, TEXAS

Bo Thomas, City Manager

Date: _____

Attest:

Lydia Lopez, City Secretary

**JOINT RESOLUTION FOR EXCHANGE OF ROAD
MAINTENANCE RESPONSIBILITIES BETWEEN MCLENNAN
COUNTY AND THE CITY OF HEWITT
FOR PORTIONS OF E PANTHER WAY AND RITCHIE ROAD**

WHEREAS, E Panther Way from Old Hewitt Road to its dead end is a part of the County Road System within McLennan County ("the County"); and as such, is currently under the maintenance responsibility of McLennan County; and

WHEREAS, this portion of E Panther Way is completely landlocked by annexed areas of both the City of Hewitt ("the City") and the City of Waco, and creates an isolated and inconvenient area of road maintenance responsibility for McLennan County; and

WHEREAS, Ritchie Road from W Warren Road to approximately 500' northwest of the Devonshire Road intersection has a jurisdictional split down its approximate center of the roadway; such jurisdictions are the City of Hewitt on the east half of the roadway, and McLennan County on the west half of the roadway; and

WHEREAS, both portions of the aforementioned roads (E Panther Way and Ritchie Road) create an unusual and impractical road maintenance issue for both the County and the City; and

WHEREAS, it would be more efficient, economical, and convenient for both the City and the County if maintenance responsibilities for E Panther Way were accepted by the City, while maintenance responsibilities for the east half of Ritchie Road were accepted by the County; and

WHEREAS, Section 251.012 of the Texas Transportation Code provides that, with the approval of the governing body of a municipality, the commissioners court of a county may spend county money to finance the construction, improvement, maintenance, or repair of a street or alley in the county that is located in the municipality, including the provision of: (1) necessary roadbed preparation or material; (2) paving or other hard covering of the street or alley; (3) curbs, gutters, bridges, or drainage facilities; and

WHEREAS, the City Council of the City of Hewitt deems it in the best interest of the City of Hewitt by the required approval by this joint resolution in order that the City will repair and maintain portions of public roads adjacent, but outside their municipal limits, in exchange for the County to maintain portions of a roadway within the City's municipal limits;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS COURT OF MCLENNAN COUNTY, TEXAS, AND THE CITY OF HEWITT, TEXAS:

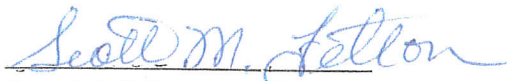
That all of the recitals and preambles herein above stated are found to be true and correct and are incorporated herein and made a part of this resolution.

That McLennan County and the City of Hewitt agree that the exchange of road maintenance responsibilities described herein is mutually and equally beneficial for both parties, and as of the execution date listed below, the City will assume maintenance responsibility for E Panther Way from Old Hewitt Road to its dead end, and the County will assume maintenance responsibility for the entire right-of-way width of Ritchie Road from W Warren Road to approximately 500' north of the Devonshire Road intersection.

That this resolution may be rescinded by mutual written consent from both parties.

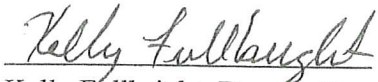
This resolution may be executed in multiple counterparts, each of which constitutes an original.

EXECUTED on this the 1st day of APRIL, 2014.



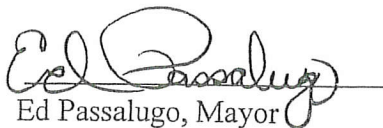
Scott M. Felton, County Judge

ATTEST:



Kelly Fullbright, Deputy County Clerk

EXECUTED on this the 17 day of March, 2014.


Ed Passalugo, Mayor

ATTEST:

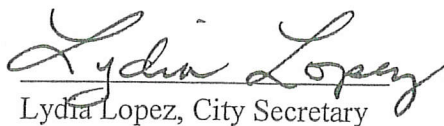
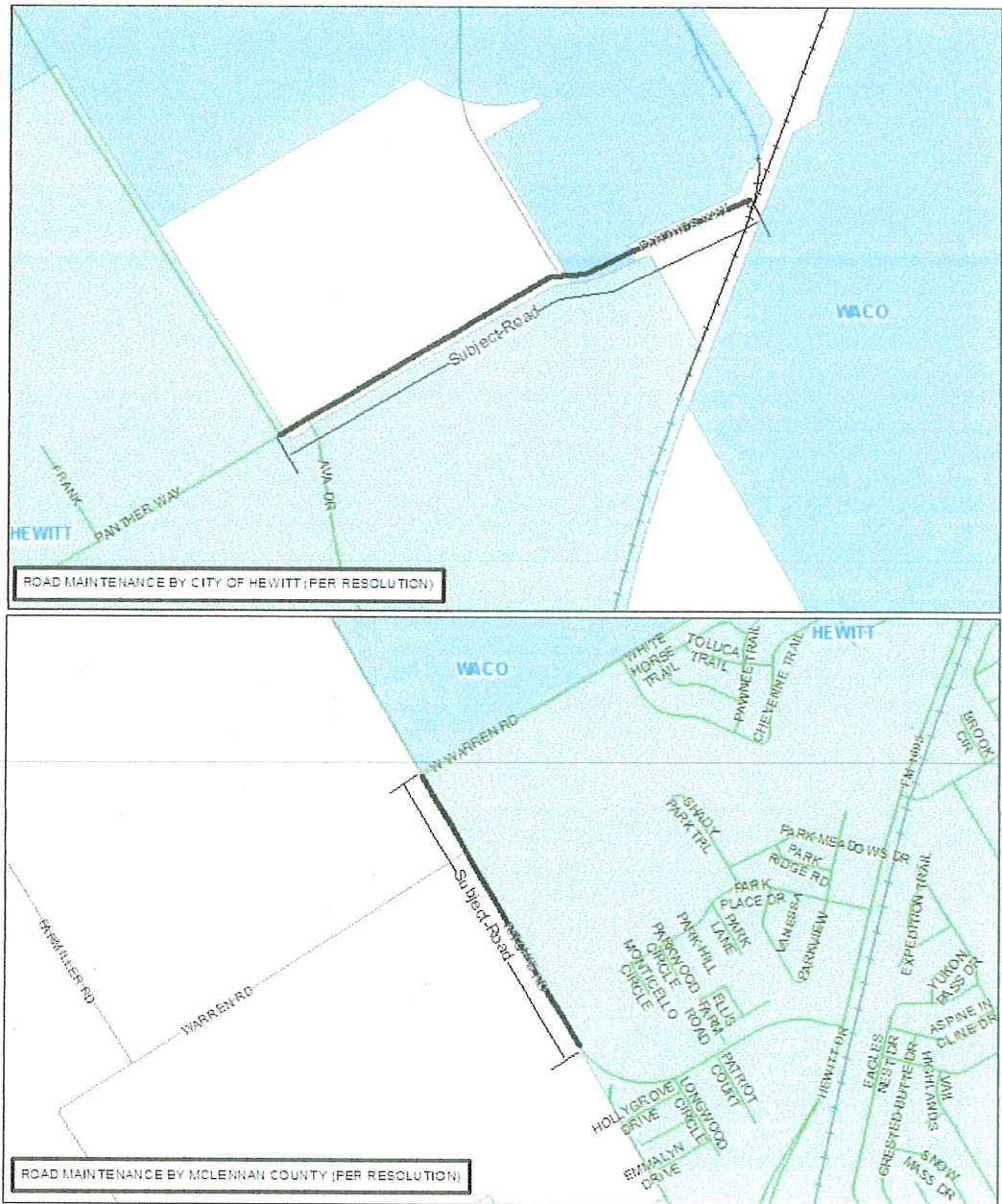

Lydia Lopez, City Secretary



EXHIBIT A





COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 14

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and briefing concerning the Coronavirus (COVID-19) and any actions necessary thereto.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the last action taken by the Council on the Coronavirus (COVID-19). This agenda item is included so that the City Manager may provide updates to the Council.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

None at this time.

ATTACHMENTS:

Ordinance No. 2020-10

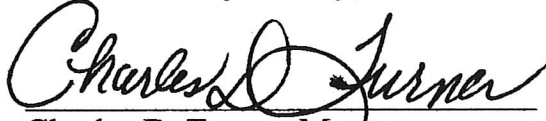
ORDINANCE NO. 2020-10

ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HEWITT, TEXAS DECLARING THE EXISTENCE OF A STATE OF DISASTER AND PUBLIC HEALTH EMERGENCY IN HEWITT, TEXAS DUE TO THE COVID-19 PANDEMIC; ADOPTING THE AMENDMENTS TO THE ORDER OF MCLENNAN COUNTY TO DATE AND THOSE TO BE MADE IN THE FUTURE; AND RECOGNIZING THE GOVERNOR'S EXECUTIVE ORDERS AS CONTROLLING

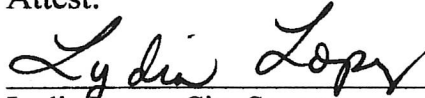
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

1. The COVID-19 pandemic continues to create a worldwide state of emergency;
2. The threat of the spread of COVID-19 in Hewitt, Texas is a real and immediate danger;
3. This Council declares that the state of disaster and public health emergency caused by the COVID-19 pandemic still exists in Hewitt, Texas and has determined that this state of disaster declaration shall continue through June 11, 2020.
4. On April 28, 2020 the McLennan County Commissioners Court adopted its new COVID-19 regulations to address changes made by the Governor's Executive Order GA 18.
5. McLennan County's Regulations were adopted as the regulations of the City of Hewitt.
6. The Governor has issued additional Executive Orders, and the County has amended its Order and is expected to amend its Regulations further to address the changes made by new Executive Orders released on 5-18-2020.
7. The Council ADOPTS the amendments to McLennan County's Regulations made to date, and those to be made in the future.
8. Notwithstanding the foregoing, to the extent of any conflict between the Amended Regulations of McLennan County and the Governor's Executive Orders, the Governor's Executive Orders shall control and represent the position of the City of Hewitt on the matter from a regulatory and enforcement standpoint.

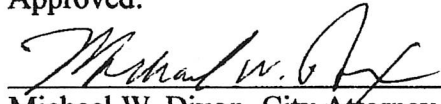
PASSED, APPROVED, AND ADOPTED this 18th day of May, 2020.


Charles D. Turner, Mayor

Attest:


Lydia Lopez, City Secretary

Approved:


Michael W. Dixon, City Attorney



HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 15, 2020

AGENDA ITEM #: 15

SUBMITTED BY: Mike Dixon, City Attorney

ITEM DESCRIPTION:

Consideration and action on **Resolution No. 2020-06**; granting a salary adjustment to the City Manager and approving an addendum to the City Manager's agreement to reflect the salary adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Council, at its June 1, 2020 Council meeting, had an opportunity to discuss in Executive Session consideration of the city manager's agreement. No action was taken at the last meeting as the Mayor wanted to consult with the City Attorney prior to taking formal action.

Attached for Council's consideration is a resolution approving an addendum to the City Manager's agreement to reflect the salary adjustment.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I move approval of Resolution No. 2020-06 granting a salary adjustment to the City Manager and approving the addendum to the City Manager's agreement.

ATTACHMENTS:

Draft resolution

RESOLUTION NO. 2020-06

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEWITT,
TEXAS GRANTING A SALARY ADJUSTMENT TO THE CITY
MANAGER AND APPROVING ADDENDUM TO THE CITY MANAGER
AGREEMENT TO REFLECT THE SALARY ADJUSTMENT**

WHEREAS, Bo Thomas, the City Manager of the City of Hewitt has served the City well in such capacity, and

WHEREAS, his salary is not in line with similarly situated City Managers in the area; and

WHEREAS, pursuant to Section 3.2 of the City Manager Agreement between Mr. Thomas and the City of Hewitt, the City Council has the authority, by resolution, to provide a raise to the City Manager, and

WHEREAS, the City Council finds that a raise in the City Manager's base salary is in order.

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

1. Pursuant to Section 3.2 of the City Manager Agreement, the City Council adjusts the salary of Bo Thomas, City Manager from \$153,000 to \$ 163,000 to be effective on the next full pay period.

2. Pursuant to Section 3.2 of the City Manager Agreement, the City Council approves the attached "Addendum to City Manager Agreement" which the Mayor is authorized to sign on behalf of the City. Once fully executed the Addendum to the City Manager Agreement will be attached to the existing City Manager Agreement in the City's records.

Passed and approved this ____ day of June, 2020.

CITY OF HEWITT, TX

Charles D. Turner, Mayor

Attest:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Mike Dixon, City Attorney

ADDENDUM TO CITY MANAGER AGREEMENT

This Addendum to City Manager Agreement is entered into by and between the City of Hewitt, Texas and Everett W. (Bo) Thomas III, and amends that certain City Manager Agreement dated December 19, 2018 between the parties by amending Section 3.1 of the City Manager Agreement to remove the reference to a salary of \$153,000 and replace the same with a salary of \$163,000. The parties agree to the amendment of the City Manager Agreement as set forth above. This Addendum shall be attached to the existing City Manager Agreement in the City's records.

CITY OF HEWITT, TEXAS

CITY MANAGER

By: _____
Charles D. Turner

Everett W. (Bo) Thomas III

Date: _____

Date: _____

Attest:

Lydia Lopez, City Secretary

Approved:

Mike Dixon, City Attorney