

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 1, 2021

Regular Meeting – 7:00 PM

Hewitt 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

Bob Potter – 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 Manager/Civil Service Director

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 **1st day February, 2021 at 7:00 PM** in **Hewitt City Hall, Council Chamber, 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>.

Citizens who wish to address the Council may submit written comments on any 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. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
4. Consider approval of minutes of the City Council Regular Meeting of January 18, 2021.
5. Presentation of report from City Engineer
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
6. Consideration and action on **Resolution No. 2021-01** approving the submission of a grant application for Homeland Security Grant funding to upgrade/replace the City of Hewitt's Outdoor Warning Siren System.
7. Consideration and action on **Ordinance No. 2021-03** ordering a General Election to elect Council Members to the City of Hewitt City Council and a Special Election for the qualified electors of the City of Hewitt, Texas to vote on proposed amendments to the City Charter of the City of Hewitt, approving Joint Election, approving a Joint Election Agreement and the execution thereof, and establishing Early Voting And Election Day Vote Centers and dates/times of operation.
8. Discussion and briefing concerning the Coronavirus (COVID-19) and any actions necessary thereto.
9. Discussion concerning Economic Development in the City.
10. Discussion concerning revision of the Park plan.

11. **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).
12. Consideration and possible action regarding the subject matter set forth in the Executive Session (if needed).
13. 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 2:00 AM/PM on January 27, 2021.

CITY OF HEWITT



Lydia Lopez, TRMC/CMC
City Secretary

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



AGENDA ITEM #3 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

Due to the public health crisis (COVID-19) and social distancing guidelines, all City Council Meetings, will not be opened to the public; however, the meetings will be streamed live on the City of Hewitt's website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

Citizens who wish to address the Council on any item on the agenda or under this hearing of visitors, 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 into the record during the meeting.

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: February 1, 2021

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of January 18, 2021.

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
January 18, 2021 – 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	☐	☒	
Bob Potter	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
Police Chief Jim Devlin
Library Director Waynette Ditto

Note: The meeting was live-streamed for view by the public on the Hewitt TX TV page. Citizens could submit written comments online.

REGULAR MEETING – 7:00 PM

- 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.
PRESENT: Bancale, Fuller, Potter, Fortenberry, Bruce, Wachtendorf, and Turner
ABSENT: None
- 2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner asked Council Member Bob Potter 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 via the city’s website. **No public comment forms were submitted via the city’s website.**

4. CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF JANUARY 4, 2021.

MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the minutes as presented but allow for corrections.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

5. CONSIDERATION AND ACTION ON ORDINANCE NO. 2021-2 APPROVING OF THE FORM OF PROPOSED PROPOSITIONS FOR AMENDMENT OF THE CITY CHARTER OF THE CITY OF HEWITT TO BE SUBMITTED TO THE ELECTORATE. City Manager Bo Thomas recognized Charter Review Committee Members Johnny Stephens, Julie Lastrape, Betty Orton, Brad Turner, Rusty Smith, and J.D. Copeland. He presented the final list of proposed propositions as reviewed and recommended by the Charter Review Committee. Mayor and Council expressed appreciation to the members of the Charter Committee for their assistance.

MOTION: Council Member Michael Bancale moved approval of Ordinance No. 2021-2.

SECOND: Council Member Bob Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

6. BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING DECEMBER 31, 2020. City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the November Financial Statements electronically on January 8, 2021, and inquired if Council had any questions. There were no questions or concerns raised. No action required.

7. CONSIDERATION AND ACTION ON APPROVAL OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2020.

City Manager Bo Thomas presented a summary of investment report prepared by Valley View Consulting, L.L.C.

MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the Quarterly Investment Report as of December 31, 2020.

SECOND: Council Member Steve Fortenberry

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

NAYES: None

ABSENT: None

MOTION PASSED.

8. **AUTHORIZE THE CITY MANAGER TO ENGAGE WILLDAN FINANCIAL SERVICES TO PERFORM AND PROVIDE WATER AND WASTEWATER RATE STUDY IN THE AMOUNT OF \$26,000.** City Manager Bo Thomas presented.
MOTION: Council Member Steve Fortenberry moved to authorize the City Manager to engage Willdan Financial to perform a rate study in an amount of \$26,000.
SECOND: Council Member Erica Bruce
AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
9. **DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO.** City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved to approve the Order dated January 19, 2021.
SECOND: Council Member Bob Potter
AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
10. **DISCUSSION CONCERNING THE INCLUSION OF PRAYER BEFORE THE PLEDGE ON THE COUNCIL AGENDA.** City Manager Bo Thomas stated this item was brought forth for discussion by Council Member Michael Bancale. He further advised the Council to consider including a moment of silence. City Attorney Mike Dixon cited legal concerns and also recommended the best option would be a moment of silence. Council Member Michael Bancale and Mayor Charlie Turner both concurred with their recommendation of a moment of silence. No other comments were made and no action was taken.
11. **DISCUSSION CONCERNING THE DEVELOPMENT OF A FIVE-YEAR PLAN.** Council Member Michael Bancale stated that he requested this item so that residents would have some idea of future expenses and needs of the City (i.e. Fire Substation, potential water well). City Manager Bo Thomas suggested that the city staff could put together a modified version of the Capital Improvement Plan with a shorter time span, more description, and identifying funding sources or potential funding sources. No action was taken.
- Mayor Charlie Turner recessed the Regular Meeting to convene to the following Executive Session at 8:10 PM.
12. **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).

Mayor Charlie Turner reconvened the Regular Meeting at 8:57 PM.

13. ADJOURN.

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 9:01 PM.

SECOND: Council Member Steve Fortenberry

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

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Charles D. Turner, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 1, 2021

AGENDA ITEM #: 5

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:

There is no action required.

ATTACHMENTS:

Report



CITY ENGINEER'S REPORT

January 26, 2021

Utility Projects

FM 2113; Spring Valley Rd.

Contractor continues to work on the water portion of the project. Traffic detours and delays are to remain a necessity. The City is also discussing project finalization procedures with TxDOT given that the roadway work has been postponed.

Street/Transportation Projects

E. Warren Street Improvements

Finalizing utility alignments and discussing the location of the FM 2063 road bore. City to be potholing utility lines on the north side of Sun Valley for location verifications.

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

Contractor has begun the second phase of the roadway construction should be milling up the existing roadway on the 27th/28th, provided weather conditions allow it.

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

The City has sent TxDOT our punch list items.

2020 - Warren Park Improvements

Holding a pre-construction meeting 2/2/21.

Drainage Projects

208/212 Cross Country Drainage Improvements

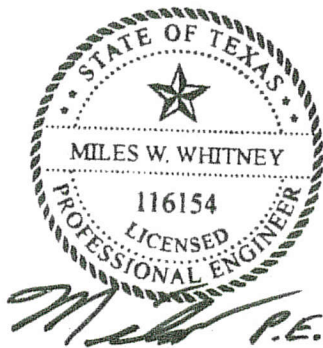
Project is advertising for bids, we are to open bids 2/11/21.

HEWITT TEXAS II

CITY ENGINEER'S REPORT

January 26, 2021

By:



Miles W. Whitney P.E.

Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 4, 2021

AGENDA ITEM #: 6

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Consideration and action on **Resolution No. 2021-01** approving the submission of a grant application for Homeland Security Grant funding to upgrade/replace the City of Hewitt's Outdoor Warning Siren System.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt's Outdoor Warning Siren system is dated and components are past their technological end-of-life. We are applying for a State Funded Homeland Security grant to fund the repair of two of the four existing sirens and upgrade the system by installing a CentraAlert system that allows text/email capabilities to citizens warning them of impending hazards.

FISCAL IMPACT:

H.S. Grant Funded / No Match – \$49,935.00

SUGGESTED MOTION:

I move approval of Resolution No. 2021-01 approving the submission of a grant application for Homeland Security Grant Funding.

ATTACHMENTS:

Resolution
Estimates

RESOLUTION NO. 2021-01

WHEREAS, the Hewitt City Council finds it in the best interest of the citizens of Hewitt, TX that the Hewitt Outdoor Warning Siren Project be operated for the year 2021; and

WHEREAS, the Hewitt City Council agrees to provide applicable matching funds if required for the said project as required by the FY 2021 State Homeland Security Program grant application; and

WHEREAS, the City of Hewitt agrees that in the event of loss or misuse of the Office of Governor funds, the Hewitt City Council assures that the funds will be returned to the to the Office of the Governor in full.

WHEREAS, the Hewitt City Council designates the Hewitt City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Hewitt City Council approves submission of the grant application for Hewitt Outdoor Warning Siren Project to the Office of the Governor.

PASSED AND APPROVED this 1st day of February, 2021.

THE CITY OF HEWITT, TEXAS

Charles D. Turner, Mayor

ATTEST:

Lydia Lopez, TRMC/CMC
City Secretary



American Communications
2321 Solona St., Ste. B
Fort Worth, TX 76117
817-831-3865

Estimate

Date	Estimate #
1/19/2021	58459E

Name / Address
City of Hewitt, TX 200 Patriot Court Hewitt, TX 76643

Ship To
City of Hewitt, TX Attn: Tracy Lankford 200 Patriot Court Hewitt, TX 76643

PO #	Ticket #	Rep

Item	Description	Qty	Cost	Total
CASA001-S2	CENTRALERT C-DAC			
SASOS001	CentrAlert Standalone CDAC + 2 Core Modules	1	10,237.50	10,237.50
NOW!NOAA	Siren Control Module	1	0.00	0.00
	NOW! Engine NOAA Polygon	1	0.00	0.00
CASCL-RA-E	OPTIONAL ENCRYPTION CentrAlert Single Communications Link (SCL) - Analog Radio / Secure Communications Configuration	1	1,033.50	1,033.50
CASCI-RA-E	CentrAlert Single Communications Interface With Encryption - Analog Radio Configuration (need one per siren) NOTE: Does not include radio. Radio to be provided by others. Radio does not need to be an encryption type radio as the SCI cards will handle the encryption. Please provide radio details prior to ordering to ensure compatibility	4	2,073.50	8,294.00
INSTALL	Install, configure, test C-DAC system	32	125.00	4,000.00
TRAVEL CHARG...	MAY INCLUDE, BUT NOT LIMITED TO: AIRFARE, RENTAL CAR, TOLLS, ETC.	1	1,000.00	1,000.00
LABOR- ONSITE	Training users on new system	8	125.00	1,000.00
CAMBA-LIC	OPTIONAL MOBILE APP CentrAlert Mobile Application Software Module (includes one download)	1	903.50	903.50
CAMBA-DWN	CentrAlert Mobile Application Download (each additional download)	1	617.50	617.50
CPM-R	ANNUAL FEES CentrAlert Premium Support Agreement	1	1,943.50	1,943.50
CAMBA-ALC	CentrAlert Mobile Application Annual License Per Download (Waived with valid Platinum Support Plan)	0	50.70	0.00
Total				



American Communications
2321 Solona St., Ste. B
Fort Worth, TX 76117
817-831-3865

Estimate

Date	Estimate #
1/19/2021	58459E

Name / Address
City of Hewitt, TX 200 Patriot Court Hewitt, TX 76643

Ship To
City of Hewitt, TX Attn: Tracy Lankford 200 Patriot Court Hewitt, TX 76643

PO #	Ticket #	Rep

Item	Description	Qty	Cost	Total
CANOW-LIC	Annual NOW! Hosting Fee	1	1,293.50	1,293.50
			Total	\$30,323.00



American Communications
2321 Solona St., Ste. B
Fort Worth, TX 76117
817-831-3865

Estimate

Date	Estimate #
12/30/2020	58449E

Name / Address
City of Hewitt, TX 200 Patriot Court Hewitt, TX 76643

Ship To
City of Hewitt, TX Attn: Tracy Lankford 200 Patriot Court Hewitt, TX 76643

PO #	Ticket #	Rep

Item	Description	Qty	Cost	Total
FPU4004	WPS4004 Front Panel Upgrade for Type II Control Cabinet includes (4) Single 400 Watt Output Amplifiers, ESC2030 Siren Controller and 115 VAC 10A 24VDC Output AC Battery Charger (Batteries Not Included)	2	4,850.00	9,700.00
PLYSUBKT	Old Style Polyphaser Substitute Kit, Replaces VHF50HN-B Polyphaser in All Radio Options with IS-50UX-CO Polyphaser (Required for all Siren Cabinets Designed for IS-50US-CO Polyphaser Mounting. NO CHARGE		0.00	0.00
C2030NU3	WPS4000 Series Two-Way Controller: Two-Way 10 Digit DTMF Narrow Band UHF 450-470 MHz Radio Option, includes Radio with Interface, Radio to Antenna Lightning Arrestor Cable, Antenna Lightning Arrestor, 35' of RG58 Antenna Cable and 5db Gain Omni-Directional 450-470 MHz Antenna	2	1,730.00	3,460.00
RDVM1G	Digital Voice Option (Include Voice Board, 2 Standoffs and 2 #6x32 1/4" Screws)(Supports up to 28 Messages for an additional charge) No Additional Charge if using Customer Messages on File (Customer to verify and Supply Message List to be Used)	2	1,821.00	3,642.00
INTRU	Intrusion Alarm for Type 1 Cabinet and FPU Only		150.00	150.00
LABOR	Drive Time to and from Hewitt	4	90.00	360.00
LABOR-SIRENS	Estimated Labor	16	125.00	2,000.00
SHP	Estimated Customer Shipping	2	150.00	300.00

Thank you for your business!	Total	\$19,612.00
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Prices quoted in this estimate are good for 60 days from date above.
Written approval is required to begin project.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 1, 2021

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on **Ordinance No. 2021-03** ordering a General Election to elect Council Members to the City of Hewitt City Council and a Special Election for the qualified electors of the City of Hewitt, Texas to vote on proposed amendments to the City Charter of the City of Hewitt, approving Joint Election, approving a Joint Election Agreement and the execution thereof, and establishing Early Voting And Election Day Vote Centers and dates/times of operation.

STAFF RECOMMENDATION/ITEM SUMMARY:

Pursuant to provisions of the Texas Election Code and the Charter of the City of Hewitt, **Ordinance No. 2021-03** orders the General Election and the Special Election for May 1, 2021.

The **General Election** will be conducted to elect a Council Member for Ward 1, Place 1; a Council Member for Ward 2, Place 1; Council Member for Ward 3, Place 1 and Council Member At-Large for a term ending in not later than two years therefrom in conformity with the valid provisions of the Charter of the City of Hewitt and the laws of the State of Texas.

The **Special Election** will be held for the qualified electors to vote on the proposed amendments to the City Charter. The Council approved the form of proposed amendments at the Regular meeting on January 18, 2021.

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

Staff recommends approval of this Ordinance No. 2021-03 ordering the General and Special Election.

FISCAL IMPACT:

Amount Budgeted – \$7,000

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

SUGGESTED MOTION:

I move to Ordinance No. 2021-03 ordering the City's General & Special Election.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2021-03

AN ORDINANCE ORDERING A GENERAL ELECTION TO ELECT COUNCIL MEMBERS TO THE CITY OF HEWITT CITY COUNCIL AND A SPECIAL ELECTION FOR THE QUALIFIED ELECTORS OF THE CITY OF HEWITT, TEXAS TO VOTE ON PROPOSED AMENDMENTS TO THE CITY CHARTER OF THE CITY OF HEWITT, APPROVING JOINT ELECTION, APPROVING A JOINT ELECTION AGREEMENT AND THE EXECUTION THEREOF, AND ESTABLISHING EARLY VOTING AND ELECTION DAY VOTE CENTERS AND DATES/TIMES OF OPERATION

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

Section 1. An election is hereby ORDERED to be held on May 1, 2021, for voting in a General Election to elect one (1) person for each position to serve the full term of two (2) years for four (4) City Council Members (Ward 1 Place 1, Ward 2 Place 1, Ward 3 Place 1, and At-Large).

Section 2. A Special Election is hereby ORDERED to be held on May 1, 2021, to vote on proposed amendments to the City Charter of the City of Hewitt, Texas.

Section 3. The execution of a Joint Election Agreement with Bellmead, Beverly Hills, Crawford, Gholson, Hewitt, Lacy Lakeview, Lorena, Mart, McGregor, Hewitt, Waco, Woodway, Bosqueville ISD, Connally ISD, Crawford ISD, Gholson ISD, La Vega ISD, Lorena ISD, Mart ISD, McGregor ISD, Midway ISD, Waco ISD, and McLennan Community College is hereby authorized and approved.

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

Section 4. That the ballot propositions to be voted upon at the Special Election shall read as follows:

PROPOSITION 1/PROPOSICIÓN 1

Shall the Charter of the City of Hewitt, Texas be amended to remove language included in the original charter or its prior amendment that is no longer needed [Examples: Section 2.2 (second paragraph) relating to procedures after first and second elections following adoption of charter, 2.12 Existing Ordinances, 2.14 Interim Government, 12.15 Effect on Existing Laws, 12.16 Continuance of Contracts, 12.18 Submission of Charter to Voters on April 3, 1982]?

¿Deberá emendarse el estatuto de la Ciudad de Hewitt, Texas para eliminar el lenguaje incluido en el estatuto original o en su enmienda anterior que ya no sea necesario [Ejemplos: Sección 2.2 (segundo párrafo) relacionado con los procedimientos después de la primera y segunda elección después de la adopción del estatuto, 2.12 Ordenanzas en Existencia, 2.14 Gobierno Interino, 12.15 Efecto Sobre las Leyes Vigentes, 12.16 Continuidad de Contratos, 12.18 Presentación del Estatuto a los Votantes el 3 de abril de 1982]?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 2/PROPOSICIÓN 2

Shall the city charter of the City of Hewitt, Texas be amended to change provisions of the charter which conflict with state law so that they comply with state law, or if a provision is incapable of being changed so that it is compliant with state law, to remove the provision. [Examples: 1.7 Annexation, 2.4 (30 day residency requirement for ward conflicts with state law filing period), 3.2 "Filing for Office" (filing period for a candidate is governed by the Texas Election Code), 3.2 "Filing for Office" (30 day filing period where 45 days required by state law), 6.2 Municipal Judge- - change to two (2) year term and removal for good cause to comply with state law, 10.1 Planning and Zoning Commission, illegal requirement of property ownership]?

¿Deberá emendarse el estatuto de la Ciudad de Hewitt, Texas para cambiar las disposiciones del estatuto que conflictan con la ley del estado para que cumplan con la ley del estado, o si una disposición no se puede cambiar para que cumpla con la ley del estado, para eliminar la disposición [Ejemplos: 1.7 Anexión, 2.4 (requisito de residencia de 30 días para conflictos del distrito electoral en el período de presentación de la ley del estado), 3.2 "Presentación Para el Cargo" (el período de presentación de un candidato se rige por el Código Electoral de Texas), 3.2 "Solicitud Para el Cargo" (Período de presentación de 30 días donde la ley del estado requiere 45 días), 6.2 Juez Municipal-- cambio a un período de dos (2) años y remoción por una buena causa para cumplir con la ley del estado, 10.1 Comisión de Planificación y Zonificación, requisito ilegal de propiedad]?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 3/PROPOSICIÓN 3

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

¿Deberá emendarse el estatuto de la Ciudad de Hewitt, Texas para hacer que otras secciones del estatuto sean consistentes con un cambio en una sección del estatuto hecho por esta elección para que sea uniforme en el efecto o significado del cambio, para re -numerar las disposiciones según sea necesario, corregir errores gramaticales y sustituir el lenguaje de género neutro o inclusivo por un lenguaje específico de género?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 4/PROPOSICIÓN 4

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

¿Deberá emendarse el Artículo II “Consejo de la Ciudad”, Sección 2.4 del estatuto de la Ciudad de Hewitt, Texas titulado “Calificaciones” para requerir que una persona que se postule para un cargo en el Concejo vinculado a un distrito donde resida en ese distrito durante al menos seis (6) meses antes de solicitar el cargo?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 5/PROPOSICIÓN 5

Shall Article III “Elections” Section 3.1 “General Elections” of the city charter of the City of Hewitt, Texas be repealed and replaced by amendment to comply with state law as to the General Election date and provide for flexibility should election dates change by state law (or where approved by state law, by ordinance) in the future?

¿Deberá emendarse el Artículo III "Elecciones" Sección 3.1 "Elecciones General" del estatuto de la Ciudad de Hewitt, Texas ser derogado y reemplazado por una enmienda para cumplir con la ley del estado en cuanto a la fecha de la elección general y proporcionar flexibilidad en caso de que las fechas de las elecciones cambien por la ley del estado (o donde sea aprobado por la ley del estado, por ordenanza) en el futuro?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 6/PROPOSICIÓN 6

Shall Article III “Elections” Section 3.1 “General Elections” of the city charter of the City of Hewitt, Texas be repealed and replaced by amendment to recognize current practices which include contracting with the McLennan County Elections Administrator for conducting elections, and to provide for compliance with the Texas Election Code in non-contracted elections?

¿Deberá emendarse el Artículo III " Elecciones " Sección 3.1 "Elecciones Generales" del estatuto de la Ciudad de Hewitt, Texas ser derogados y reemplazados por una enmienda para reconocer las prácticas actuales que incluyen la contratación con el Administrador de Elecciones del Condado de McLennan para suministrar a cabo elecciones, y para garantizar el cumplimiento del Código Electoral de Texas en las elecciones no contratadas?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 7/PROPOSICIÓN 7

Shall Article III "Elections" Section 3.2 "Filing for Office" of the city charter of the City of Hewitt, Texas be amended to provide that the candidate application process, qualification and disqualification are governed by the Texas Elections Code?

¿Deberá emendarse el Artículo III "Elecciones" Sección 3.2 "Solicitud Para Un Cargo" del estatuto de la Ciudad de Hewitt, Texas para disponer que el proceso de solicitud de candidatos, la calificación y la descalificación se rigen por el Código de Electoral de Texas?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 8/PROPOSICIÓN 8

Shall Article VII, Section 7.13 of the charter of the City of Hewitt, Texas regarding purchasing procedures be amended to update the three (\$3,000) thousand dollar limit on budgeted items that the city council may authorize the city manager to purchase without prior city council approval and to give the city council authority to provide by ordinance that budgeted items not exceeding an amount set by the ordinance may be purchased by the city manager without further approval of the city council?

¿Deberá emendarse el Artículo VII, Sección 7.13 del estatuto de la Ciudad de Hewitt, Texas con respecto a los procedimientos de compra para actualizar el límite de tres (\$3,000) mil dólares en artículos presupuestados que el ayuntamiento puede autorizar al administrador de la ciudad a comprar sin la aprobación previa del ayuntamiento y otorgar autoridad al concejo municipal para que disponga por ordenanza que el administrador de la ciudad pueda comprar artículos presupuestados que no excedan la cantidad establecida por la ordenanza sin la aprobación adicional del concejo municipal?

PROPOSITION 9/PROPOSICIÓN 9

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

¿Deberá emendarse el Artículo VII, Sección 7.13 del estatuto de la Ciudad de Hewitt, Texas con respecto a los procedimientos de compra para actualizar la referencia a la licitación competitiva que se requiere para contratos o compras que involucren un gasto de más de \$1,000 y reemplazar ese lenguaje con “licitación competitiva deberá ser requerido para compras o contratos según lo dispuesto por la ley del estado aplicable”?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 10/PROPOSICIÓN 10

Shall Article VII, Section 7.13 of the charter of the City of Hewitt, Texas regarding purchasing procedures be amended and updated to provide that only when the expenditure is necessary to protect the city’s property, prevent the imminent disruption of city services, or to protect the public health and safety from an imminent threat, the city manager shall have authority to make an unbudgeted emergency expenditure or an emergency expenditure exceeding the city manager’s purchase amount limit imposed by ordinance without prior city council approval where funds are available to do so, with the limitation that the city manager cannot borrow money to cover the expenditure?

¿Deberá emendarse y actualizarse el Artículo VII, Sección 7.13 del estatuto de la Ciudad de Hewitt, Texas con respecto a los procedimientos de compra para disponer que solo cuando el gasto sea necesario para proteger la propiedad de la ciudad, prevenir la interrupción inminente de los servicios de la ciudad o para proteger la salud pública y la seguridad de una amenaza inminente, el administrador de la ciudad tendrá autoridad para realizar un gasto de emergencia no presupuestado o un gasto de compra del administrador de la ciudad impuesto por ordenanza sin la aprobación previa del ayuntamiento cuando hay fondos disponibles para hacerlo, con la limitación de que el administrador de la ciudad no puede pedir prestado para cubrir los gastos?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 11/PROPOSICIÓN 11

Shall Article IX “Taxation” Section 9.1 of the city charter of the City of Hewitt, Texas entitled “Department of Taxation” be amended to match the modern practice of the City contracting with the McLennan County Appraisal District and the McLennan County Tax Assessor-Collector for the valuation, assessment, and collection of property taxes, with there being no city Department of Taxation?

¿Deberá emendarse el Artículo IX "Impuestos" Sección 9.1 del estatuto de la Ciudad de Hewitt, Texas, titulado "Departamento de Impuestos" para que coincida con la práctica moderna de la Ciudad contratando con el Distrito de Tasación del Condado de McLennan y el Asesor-Recaudador de Impuestos del Condado de McLennan para la valoración, tasación y recaudación de impuestos a la propiedad, sin que exista un Departamento de Impuestos de la ciudad?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 12/PROPOSICIÓN 12

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

¿Deberá derogarse el Artículo 10 “Comisión de Planificación y Zonificación y Junta de Ajuste”, Sección 10.1 del estatuto de la Ciudad de Hewitt, Texas, titulada “La Comisión de Planificación y Zonificación” y reemplazarse por una nueva Sección 10.1 que requiera que el Concejo de la Ciudad por ordenanza nombrar una comisión de planificación y zonificación y disponer por ordenanza que el número de miembros de la comisión no sea menor de cinco (5) ni mayor de nueve (9) miembros y dos (2) suplentes para servir por dos (2) términos anuales con vacantes a cubrir por el consejo de la ciudad?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 13/PROPOSICIÓN 13

Shall Article 10 “Planning and Zoning Commission and Board of Adjustment”, Section 10.2 of the city charter of the City of Hewitt, Texas entitled “The Planning and Zoning Commission-- Powers and Duties” be repealed and replaced with a new Section 10.2 “The Planning and Zoning Commission---Organization, Meetings, and Powers and Duties” requiring the City Council to provide by ordinance or ordinances for the organization of the commission, the frequency and conduct of commission meetings, and any powers and duties of the commission beyond those expressly provided for by state law?

¿Deberá derogarse el Artículo 10 “Comisión de Planificación y Zonificación y Junta de Ajuste”, Sección 10.2 del estatuto de la Ciudad de Hewitt, Texas, titulada “La Comisión de Planificación y Zonificación ---- Poderes y Deberes” y reemplazarse por una nueva Sección 10.2 “La Comisión de Planificación y Zonificación --- Organización, Reuniones y Poderes y Deberes” requiriendo que el consejo de la ciudad provea por ordenanza u ordenanzas para la organización de la comisión, la frecuencia y conducción de las reuniones de la comisión, y cualquier poder y deberes de la comisión más allá de las previstas expresamente por la ley del estado?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 14/PROPOSICIÓN 14

Shall Article 10 “Planning and Zoning Commission and Board of Adjustment”, Section 10.3 of the city charter of the City of Hewitt, Texas entitled “Board of Adjustment” and “Board of Adjustment—Duties and powers” be repealed and replaced with a new Section 10.3 entitled “Board of Adjustment” requiring the City Council by ordinance to appoint a board of adjustment having the powers given to it by state law and city ordinance, and to provide by ordinance for the number of members of the board not to be less than five (5) nor more than seven

(7) members and two (2) alternates to serve for two (2) year terms with vacancies to be filled by the City Council?

¿Deberá derogarse el Artículo 10 “Comisión de Planificación y Zonificación y Junta de Ajuste”, Sección 10.3 del estatuto de la Ciudad de Hewitt, Texas, titulada “Junta de Ajuste” y “Junta de Ajuste — Deberes y poderes” y reemplazarse por una nueva Sección 10.3 titulada "Junta de Ajuste" que requiere que el Consejo de la Ciudad por ordenanza designe una junta de ajuste que tenga los poderes que le otorgan la ley del estado y la ordenanza de la ciudad, y que disponga por ordenanza que el número de miembros de la junta no sea menor de cinco (5) ni más de siete (7) miembros y dos (2) suplentes para servir por términos de dos (2) años con las vacantes que cubrirá el Consejo de la Ciudad?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 15/PROPOSICIÓN 15

Shall Article XI “Franchises; Utilities; Use of Streets” of the charter of the City of Hewitt, Texas be amended to contain a single section, being section 11.01, which reads, “Based on its control of its streets and rights-of-way the city has the power to confer franchises to public utilities on terms set by ordinance except as otherwise provided by state law,” thereby reducing Article XI from 16 sections to 1 section?

¿Deberá modificarse el Artículo XI “Franquicias; Utilidades; Uso de Las Calles ”del estatuto de la Ciudad de Hewitt, Texas, se modifique para que contenga una sola sección, siendo la sección 11.01, que lea: “ Basado en el control de sus calles y derechos de paso, la ciudad tiene el poder de conferir franquicias a servicios públicos en los términos establecidos por ordenanza, excepto que la ley del estado disponga lo contrario, ”reduciendo así el Artículo XI de 16 secciones a 1 (una) sección?

☐ For (*A favor*) ☐ Against (*En contra*)

PROPOSITION 16/ PROPOSICIÓN 16

Shall Article XII “General Provisions” Section 12.8 of the city charter of the City of Hewitt, Texas be repealed and amended to update its provisions to meet modern practices and law by removing the \$3,000 amount at which performance and payment bonds are required for City contracts for public works and replacing the same by requiring performance and payment bonds where such are required by state statute, but still retaining the authority of the council to require bonds at a lesser threshold?

¿Deberá derogarse y enmendarse el Artículo XII “Disposiciones Generales” Sección 12.8 del estatuto de la Ciudad de Hewitt, Texas para actualizar sus disposiciones para cumplir con las prácticas y leyes modernas mediante la eliminación de la cantidad de \$3,000 en la que se requieren bonos de cumplimiento y pago para los contratos de la Ciudad para obras públicas y reemplazar las mismas exigiendo bonos de cumplimiento y pago cuando así lo exija el estatuto del estado, pero aún conservando la autoridad del consejo para exigir bonos a un umbral menor?

☐ For (*A favor*) ☐ Against (*En contra*)

Section 5. The Mayor is hereby directed to issue the Order of General and Special Elections as required by the Texas Election Code in the form provided by the McLennan County Election Administrator.

Section 6. The General and Special Elections to be held on May 1, 2021, will be administered by the McLennan County Election Administrator pursuant to a joint election agreement and a contract for Election Services. The City Manager is hereby authorized to execute a contract for election services with the McLennan County Elections Administrator.

Section 7. The locations of Early Voting Vote Centers and information on dates/hours of operations, as provided for by the Joint Election Agreement, are as follows:

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

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

**Early Voting Sites:
(Lugares de votación adelantada)**

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

Robinson Community Center
106 W. Lyndale Avenue
Robinson, TX 76706

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

West Waco Library
5301 Bosque Boulevard
Waco, TX 76710

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

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

Monday (lunes)	April 19, 2021 (19 de abril de 2021)	8:00 AM - 5:00 PM
Tuesday (martes)	April 20, 2021 (20 de abril de 2021)	8:00 AM - 5:00 PM
Wednesday (miércoles)	April 21, 2021 (21 de abril de 2021)	8:00 AM - 5:00 PM
Thursday (jueves)	April 22, 2021 (22 de abril de 2021)	8:00 AM - 5:00 PM
Friday (viernes)	April 23, 2021 (23 de abril de 2021)	8:00 AM - 5:00 PM
Saturday (sabado)	April 24, 2021 (24 de abril de 2021)	7:00 AM - 7:00 PM
Monday (lunes)	April 26, 2021 (26 de abril de 2021)	7:00 AM - 7:00 PM
Tuesday (martes)	April 27, 2021 (27 de abril de 2021)	7:00 AM - 7:00 PM

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

McLennan County Elections Administration
P.O. Box 2450
Waco, Texas 76703-2450
ballotbymail@co.mclennan.tx.us

Applications for ballot by mail must be received no later than the close of business on April 20, 2021:
(Las solicitudes para votar por correo tendrán que ser recibidas antes del fin del día laboral el 20 de abril 2021:)

Section 8. On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m. Election Day Vote Centers are established as follows:

MAY 1, 2021 ELECTION DAY VOTE CENTERS
(1 de mayo de 2021 Centros de Voto Para el Día de las Elecciones)

Axtell School Athletic Meeting Room
Bellmead Civic Center
Cesar Chavez Middle School
Chalk Bluff Baptist Church
China Spring ISD Administration Bldg.
Crawford High School
Dewey Community Center

312 W. Seley, Axtell
3900 Parrish Street, Waco
700 S. 15th Street, Waco
5993 Gholson Road, Waco
12166 Yankie Road, China Spring
200 Pirate Drive, Crawford
925 N. 9th Street, Waco

Fellowship Bible Church
H. G. Isbill Junior High
Heart of Texas Council of Governments
Hewitt City Hall/Library
Lacy Lakeview Civic Center
Lake Shore United Methodist Church
Lorena First Baptist Church
Mart Community Center
Robinson Community Center
South Waco Library
St. Louis Activity Center
University High School
Waco Multi-Purpose Community Center
West Community Center
West Waco Library
Woodway City Hall

5200 Speegleville Road, McGregor
305 S. Van Buren Street, McGregor
1514 S. New Road, Waco
200 Patriot Court, Hewitt
505 E. Craven Avenue, Waco
3311 Park Lake Drive, Waco
307 E. Center Street, Lorena
804 E. Bowie Avenue, Mart
106 W. Lyndale Avenue, Robinson
2737 S. 18th Street, Waco
2415 Cumberland Avenue, Waco
3201 S. New Road, Waco
1020 Elm Avenue, Waco
200 Tokio Road, West
5301 Bosque Blvd, Waco
922 Estates Drive, Woodway

Section 9. Voting on the date of the Election and early voting shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code (“Code”), as amended. The specific voting machines to be used shall be provided by McLennan County in accordance with the Joint Election Agreement and Contract for Elections Services with the McLennan County Elections Administrator.

Section 10. Notice of the elections hereby ordered shall be given in accordance with Texas state law. The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be published and/or posted in connection with the conduct of these elections.

PASSED and APPROVED this ____ day of February 2021.

CITY OF HEWITT, TEXAS

Charles D. Turner, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 1, 2021

AGENDA ITEM #: 8

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:

This is a continuation of past Council practice of order issuance for Safety and Health policies for local businesses specifically mask requirements.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to authorize the Order dated February 2, 2021.

ATTACHMENTS:

Order

ORDER OF THE CITY COUNCIL, OF THE CITY OF HEWITT, TEXAS
DATE ORDER ISSUED: February 2, 2021

WHEREAS, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

WHEREAS, on March 18, 2020, Mayor Charles D. Turner, of the City of Hewitt, TX declared a local state of disaster and public health emergency after determining that extraordinary and immediate measures had to be taken to respond quickly to prevent and slow down community spread of COVID-19; and

WHEREAS, on June 3, 2020, Governor Abbott issued GA-26 to allow additional openings in the state of Texas; and

WHEREAS, on June 30, 2020, there are 159,986 persons confirmed to have COVID-19 in Texas, with 957 of those residing in McLennan County; with nine deaths in McLennan County; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, on June 20, 2020 the Mayor issued an order requiring commercial entities to create health and safety policies, including the wearing of face coverings; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and the City Council of the City of Hewitt, Texas has adopted the McLennan County Commissioners Court declaration of a state of disaster which has been extended through February 28, 2021; and

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY THE CITY COUNCIL, OF THE CITY OF HEWITT, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108:

1. A state of disaster and public health emergency is hereby declared for and in the City of Hewitt, Texas in accordance with McLennan County's Order that extends the state of disaster and public health emergency through February 28, 2021.

2. That pursuant to §418.108(b) of the Texas Government Code, this Order shall continue for a period of not more than fourteen days from February 2, 2021, unless continued or renewed by the City Council of the City of Hewitt.

3. **Health and Safety Policy – Commercial Entities.**

- a. From the date of this Order, every commercial entity in the City of Hewitt providing goods or services directly to the public must develop and implement a health and safety policy (**“Health and Safety Policy”**).
- b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity’s business premises or other facilities wear face covering when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.
- c. The Health and Safety Policy required to be developed and implemented by the Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings.
- d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of its Health and Safety Policy.
- e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order on or before 12:01 a.m. on June 25, 2020 may result in a fine not to exceed \$1,000.00. Each day on or after June 25, 2020 for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.
- f. It is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

“Commercial entity” as used herein does not include: outdoor operations where social distancing is generally followed; offices of other governmental entities; churches; or health providers that already have policies in place that have been medically vetted.

“Face Covering” as used herein means a cloth or paper mask, or a bandana or scarf, that covers the mouth and nose and fits tightly to the face (and does not merely hang over the mouth and nose).

4. That all provisions of this Order should be interpreted to effectuate this intent. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.

5. In accordance with the limitations contained in the executive orders of the Texas Governor, that any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.
6. That this Order shall become effective at 12:01 a.m. on June 27, 2020.
7. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
8. That any violation of this Order can be enjoined by a suit filed in the name of the City of Hewitt in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Hewitt, Texas.
9. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any prior act, ordinance, order, declaration, or resolution of the City Council of the City of Hewitt; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Order.
10. That the City of Hewitt must promptly provide copies of this Order by posting it on the City of Hewitt website.
11. That if any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or application of this Order.

ORDERED this the 2nd day of February, 2021

Charles D. Turner, Mayor

Attest:

Lydia Lopez, City Secretary