

HEWITT TEXAS

CITY COUNCIL REGULAR MEETING AGENDA

June 7, 2021

Regular Meeting – 7:00 PM

**Hewitt City Hall, 200 PATRIOT COURT
HEWITT, TX 76643**

MAYOR AND CITY COUNCIL

Steve Fortenberry – Mayor, Ward 3

Michael S. Bancalé – Mayor Pro Tem, At-Large

Charlie Turner – Council Member, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

Bob Potter – Council Member, Ward 2

Erica Bruce – Council Member, Ward 3

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 **Monday, June 7, 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:

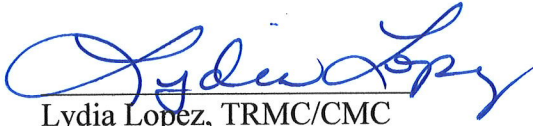
In accordance with social distancing guidelines, the City Council meeting will not be open to the public. Some council members may attend, while others may call in to participate. The meeting will be streamed live on the city's website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

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 Special Called Workshop and Special Called Meeting of May 24, 2021.
5. Presentation of report from City Engineer
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
6. Authorize a change order to the 2019 – FM 2113; Utility Improvements contract with Bell Contractors, Inc., in the amount not to exceed \$23,641.61.
7. Authorize the City Manager to expend funds to purchase two (2) Dodge Charger patrol vehicles from Defender Supply in a total amount \$74,962.
8. Consideration and action on **Ordinance No. 2021-07**; adopting the City's 2021 Water Conservation and Drought Contingency Plan in Chapter 78 - Utilities of the Code of Ordinances of the City of Hewitt, Texas.
9. Consideration and action on **Ordinance No. 2021-08**; adopting the amended City Charter as approved at the May 1, 2021 Charter Amendment Election.
10. Briefing and discussion concerning Coronavirus (COVID-19) measures, protocols, and mitigation efforts.
11. 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 1:00 AM/PM on June 2, 2021.

CITY OF HEWITT

A handwritten signature in blue ink, appearing to read 'Lydia Lopez', is written over a horizontal line.

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: June 7, 2021

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the Special Called Workshop and Special Called Meeting of May 24, 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
SPECIAL CALLED WORKSHOP & SPECIAL CALLED MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
May 24, 2021 – 6:15/7:00 PM**

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

Staff present:

City Manager Bo Thomas
City Secretary Lydia Lopez
Fire Chief Lance Bracco
Police Chief Jim Devlin
Library Director Waynette Ditto
City Engineer Miles Whitney
Utilities Director Kevin Reinke
Utility Analyst Karen Sexton
City Attorney Mike Dixon (arrived at 6:49 PM)

Note: The meeting was live-streamed for view by the public on the City of Hewitt’s website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>. Citizens could submit written comments to the City Secretary.

WORKSHOP – 6:15 PM

- 1. CALL MEETING TO ORDER.** Mayor Steve Fortenberry called the Workshop to order at 6:15 PM.
- 2. PRESENTATION OF WATER AND WASTEWATER RATE STUDY BY DAN V. JACKSON, VICE PRESIDENT, AND JASON GRAY, PRINCIPAL CONSULTANT, WITH WILLDAN FINANCIAL SERVICES.**

Mr. Dan Jackson and Mr. Jason Gray presented the study that highlighted the city's water and wastewater rate background, customers and volumes, current and forecast cost of service, debt service, and rate plan proposals. City Manager Bo Thomas stated that this information was brought forward to aid the Council in planning for future demands of the city with regards to water and wastewater. Mr. Jackson advised that the Council could approve a single ordinance that would implement an incremental rate plan.

MOTION TO ADJOURN WORKSHOP

MOTION: Council Member Charlie Turner moved to adjourn the Workshop at 6:57 PM.

SECOND: Council Member Bill Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

SPECIAL CALLED MEETING – 7:00 PM

1. **CALL MEETING TO ORDER.** Mayor Steve Fortenberry called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Steve Fortenberry led the Pledge of Allegiance.
3. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. **NOTE:** The public was offered the opportunity to submit written comments on items listed on the agenda or under the hear visitors. Mayor Steve Fortenberry inquired if any public comments were received. **City Secretary responded no public comment forms were submitted.**
4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL SPECIAL CALLED WORKSHOP AND SPECIAL CALLED MEETING OF MAY 10, 2021.**
MOTION: Council Member Charlie Turner moved approval of the minutes as presented but to allow for corrections.
SECOND: Council Member Bob Potter
AYES: Fuller, Potter, Bancale, Turner, Bruce, Wachtendorf, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
5. **AUTHORIZE THE CITY MANAGER TO EXPEND FUNDS TO REPAIR AND UPGRADE TWO OF THE CITY'S OUTDOOR WARNING SIREN SYSTEMS TO AMERICAN COMMUNICATIONS IN THE TOTAL AMOUNT OF \$19,762.** City Manager Bo Thomas presented.

MOTION: Council Member Charlie Turner moved to authorize the City Manager to expend the funds to repair and upgrade two of the City's Outdoor Warning Siren systems to American Communications in the total amount of \$19,762.

SECOND: Council Member Bill Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

6. **AUTHORIZE THE CITY MANAGER TO PARTICIPATE IN THE CONSTRUCTION OF THE NEW SEWER LINE FOR MIDWAY ISD ELEMENTARY SCHOOL #7 IN AN AMOUNT NOT TO EXCEED \$28,000.** City Manager Bo Thomas presented.

MOTION: Council Member Bob Potter moved to authorize the expenditure not to exceed \$28,000 to participate in the sewer line construction for Midway ISD elementary school #7.

SECOND: Council Member Charlie Turner

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

NAYES: None

ABSENT: None

MOTION PASSED.

7. **CONSIDERATION AND ACTION ON RESOLUTION NO. 2021-02 SUPPORTING THE CITY OF WACO'S APPLICATION TO TEXAS COMMISSION OF ENVIRONMENTAL QUALITY (TCEQ) FOR CERTIFICATION OF A MUNICIPAL SETTINGS DESIGNATION (MSD) FOR TIF ZONES 1, 2, AND 3 IN THE CITY OF WACO.** City Manager Bo Thomas presented. General discussion concerning the area of contamination (Brazos River Alluvium) and the types of contaminants. Council Member Erica Bruce requested for a copy of the list of contaminants.

MOTION: Council Member Charlie Turner moved to approve **Resolution No. 2021-02.**

SECOND: Mayor Pro Tem Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

8. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING APRIL 30, 2021.** City Manager Bo Thomas stated that Finance Director Lee Garcia previously sent the April Financial Statements for their review and asked if Council had any questions. No questions were asked. **No action required.**

9. **BRIEFING AND DISCUSSION CONCERNING THE 2021 WATER CONSERVATION & DROUGHT CONTINGENCY PLAN.** Utilities Director Kevin Reinke briefed the Council on the requirements to update the Water Conservation and Drought Contingency Plan every five years, summarized the changes in the plan, and provided an opportunity for Council to ask any questions or comment. **No action was required.**
10. **BRIEFING AND DISCUSSION CONCERNING COUNCIL DIRECTION FOR IMPLEMENTING THE STRATEGIC PLAN 2021-2026.** City Manager Bo Thomas stated this item was placed on the agenda to give Council the opportunity to provide direction to staff on the next steps for implementation. Mayor Pro Tem Michael Bancale expressed appreciation to staff for preparing and presenting plan. He stated that he would like to see the Council set priorities with regards to the safety and security of residents and city employees. Council Member Charlie Turner concurred with setting safety as priority and ask all to be mindful of the increase in property valuations when considering tax rate. Council Member Erica Bruce stated that she would like Department Heads to prioritize their requests and inform the Council if there are other external funding sources such as grants.
11. **BRIEFING AND DISCUSSION CONCERNING COUNCIL PRIORITIES FOR BUDGET PREPARATION.** City Manager Bo Thomas stated that staff was in the process of preparing budgets with a conservative approach and capital projects were either currently on the Capital Improvements List or would be part of the requests made in the strategic plan. Mr. Thomas noted that preliminary assessed valuations were in and property tax revenue had increased substantially; however, the valuations are still pending tax protests. He also briefed the Council on the process for tax calculations and how valuations impact tax rate.
12. **BRIEFING AND DISCUSSION CONCERNING CORONAVIRUS (COVID-19) MEASURES, PROTOCOLS, AND MITIGATION EFFORTS.** City Manager Bo Thomas stated that the Open Meetings Act rules were still suspended per the Governor; however, staff had arranged the Council Chambers for a visual on how the room would be setup should Council decide to open the meetings to citizens with safety protocol regarding social distancing. Mayor Pro Tem Michael Bancale stated that his initial request to open the meetings was prior to the Governor's removal of masks requirement. He further stated that if the meetings still cannot be open safely, he would like staff to prepare a process to allow citizens to address the Council in person for public hearings on the budget and tax rate.
 - Consideration and action on opening up the Council meetings to the public. **No action taken.**

ADDENDUM AGENDA

EXECUTIVE SESSION

The Council will convene into Executive Session in accordance with the following provisions: A closed meeting will be held pursuant to Section 551.087 of the Government Code so that the Council may deliberate regarding Economic Development – Project Black Box.

MOTION: Council Member Charlie Turner moved to recess the Special Called Meeting and convene the Executive Session at 7:41 PM.

SECOND: Mayor Pro Tem Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED

MOTION: Council Member Bill Fuller moved to adjourn the Executive Session and convene the Special Called Meeting at 8:05 PM.

SECOND: Council Member Bob Potter

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

NAYES: None

ABSENT: None

MOTION PASSED

12. ADJOURN.

MOTION: Council Member Bill Fuller moved to adjourn the Special Called Meeting at 8:06 PM.

SECOND: Mayor Pro Tem Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Steve Fortenberry, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 7, 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

HEWITT TEXAS

CITY ENGINEER'S REPORT

June 1, 2021

Utility Projects

FM 2113; Spring Valley Rd.

Contractor is finishing up the individual street tie ins, as pressure tests and bac-t samples are passed, they should be moving on the street repairs once weather allows.

I have had some contact with TxDOT regarding the final agreement approvals.

Street/Transportation Projects

E. Warren Street Improvements

City's design is completed. The franchise utilities (telephone and natural gas) preparing for the relocation of their conflicting lines.

Ritchie Rd. Street Improvements

Contractor has one section to finalize the north western portion, once completed they will proceed to the south western portion. Weather and a few other items have delayed the completion project.

2020 - Warren Park Improvements

Contractor has poured half of the concrete valley gutter and was supposed to have poured the other section, but weather has delayed the pour. They are trying to schedule the pour for the week of 5/31/21.

Drainage Projects

208/212 Cross Country Drainage Improvements

Contractor completed the channel work, and this project is to be finalized in the coming weeks.

HEWITT TEXAS

CITY ENGINEER'S REPORT

June 1, 2021

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL AGENDA ITEM FORM

MEETING DATE: June 7, 2021

AGENDA ITEM #: 6

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Authorize a change order to the 2019 – FM 2113; Utility Improvements contract with Bell Contractors, Inc., in the amount not to exceed \$23,641.61.

STAFF RECOMMENDATION/ITEM SUMMARY:

Please see the attached letter from City Engineer Miles Whitney, Cayote Consulting, LLC, explaining the need for the change order on the project.

FISCAL IMPACT:

Amount Budgeted – \$1,887,840.47
Line Item in Budget – 25 50845 96 23

SUGGESTED MOTION:

I move to authorize a change order to the contract with Bell Contractors, Inc., in an amount not to exceed \$23,641.61.

ATTACHMENTS:

Letter from City Engineer w/exhibit

JUNE 1, 2021

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: EMAIL

RE: 2019 - FM 2113; UTILITY IMPROVEMENTS

COUNCIL:

ON MAY 28TH, BELL CONTRACTOR PROVIDED THE CITY OF HEWITT A PRICE TO PERFORM SOME REVISIONS TO PROJECT MANHOLES 9, 12, AND 13. THESE MANHOLES WERE INSTALLED AT A FINISHED GRADE TO ACCOMMODATE TXDOT'S FM 2113 ROADWAY PROJECT. HOWEVER, WITH THE DELAYED CONSTRUCTION OF TXDOT'S PROJECT, THE CITY OF HEWITT HAS REQUESTED FOR THEM TO BE INSTALLED AT THE GRADE OF THE EXISTING STREETS. THE PRICING IS AS FOLLOWS BELOW.

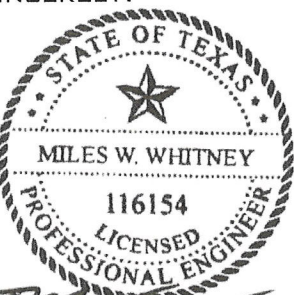
- A. VAIL HIGHLANDS; MH9;
 - A. \$8,351.25
- B. CRESTED BUTTE DR.; MH12
 - A. \$7,570.36
- C. EAGLES NEST DR.; MH13
 - A. \$7,720.00

THE TOTAL AMOUNT OF THESE REVISIONS: \$23,641.61, THIS PRICE INCLUDES, LABOR MATERIAL, EQUIPMENT, AND TRAFFIC CONTROL.

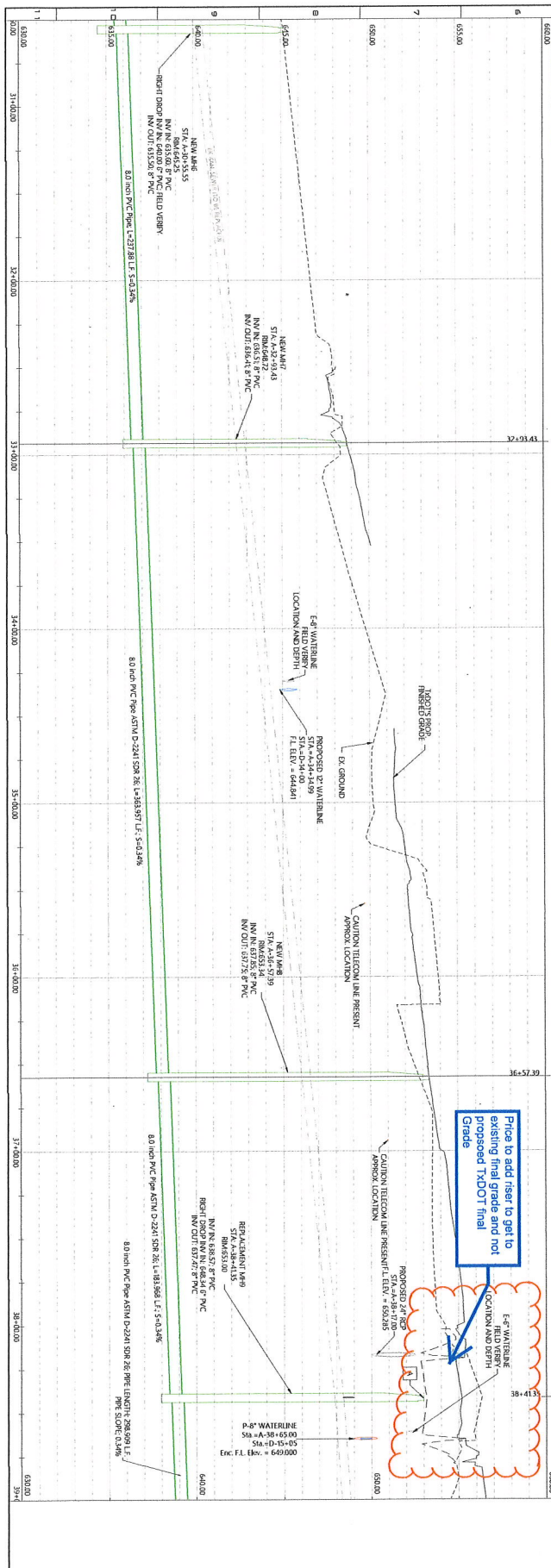
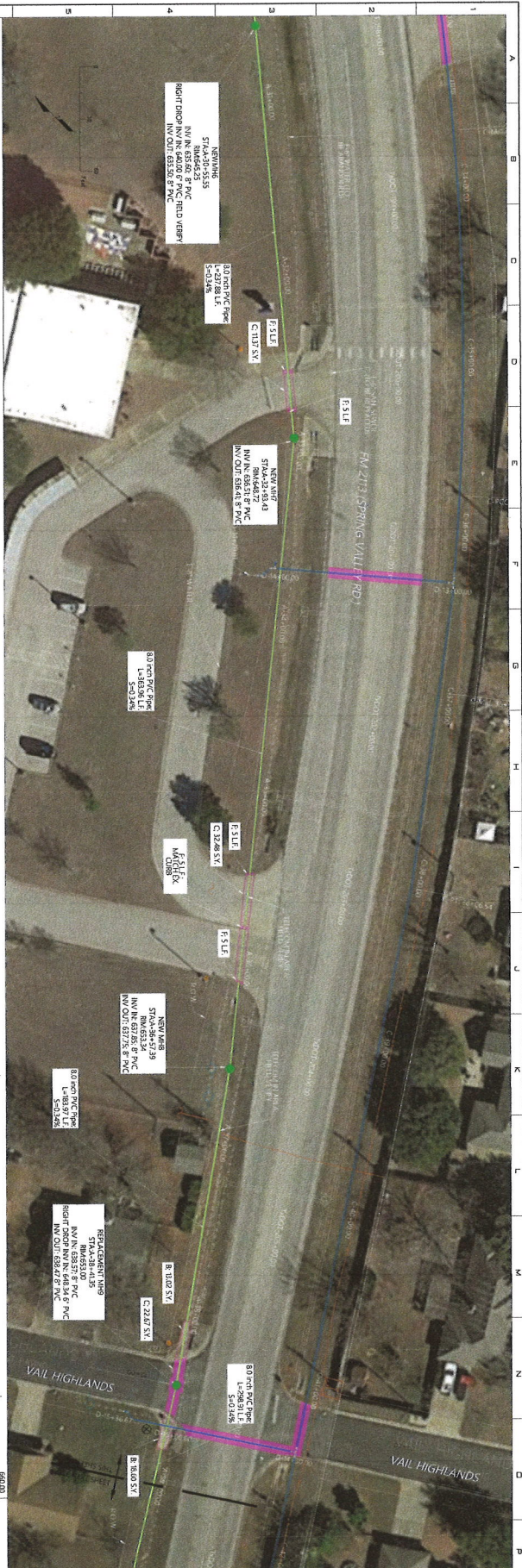
TXDOT, AT THE TIME OF THE CONSTRUCTION OF THEIR PROJECT, WILL HAVE TO GO BACK AND LOWER THESE THREE MANHOLES TO ACCOMMODATE THE FINAL GRADE OF THE PROPOSED ROADWAY.

ATTACHED TO THIS LETTER IS AN EXHIBIT SHOWN THE LOCATIONS OF THE POTENTIAL ADDITIONAL WORK.

SINCERELY:

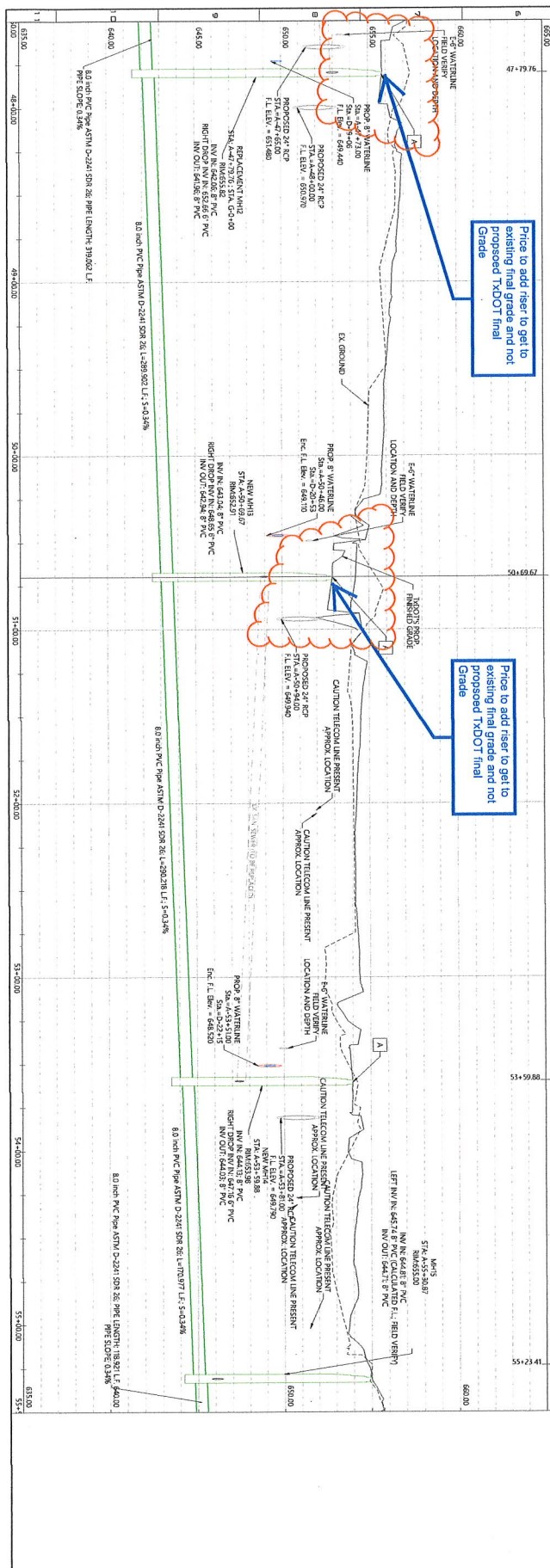
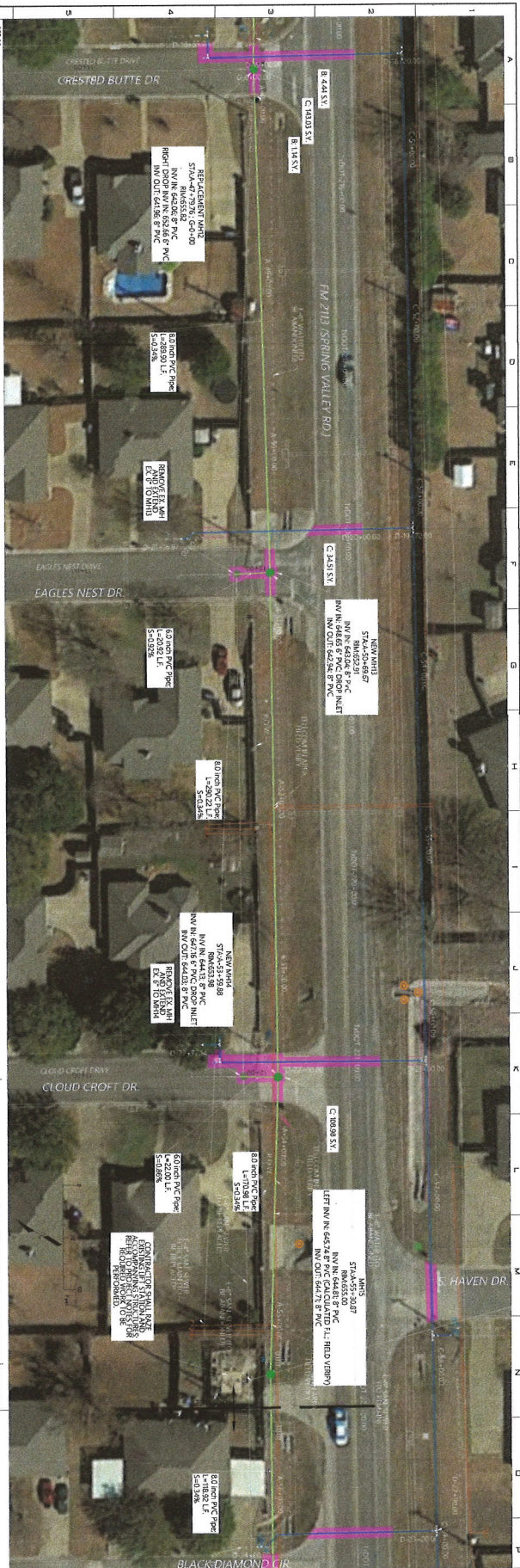


MILES W. WHITNEY, P.E.



Price to add riser to get to existing final grade and not proposed TxDOT final grade

CAYOTE CONSULTING, LLC T.B.P.E. F-16387 P.O. Box 24189 Waco, TX 76702 Ph. 254-744-3439	APPROVED: _____ DATE: 07/16/2020 DESIGN: JMW DRAWN: JMW C.D.: JMW S.E.A.L.: _____	CITY OF HEWITT MCLENNAN COUNTY, TEXAS 2019 - FM 2113 UTILITY RELOCATIONS SAN SEWER; STA. A-30+50 TO A-39+00	<table border="1"> <thead> <tr> <th>REVISION DESCRIPTION</th> <th>DATE</th> <th>BY</th> <th>CHKD</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REVISION DESCRIPTION	DATE	BY	CHKD																																								
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HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 7, 2021

AGENDA ITEM #: 7

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Authorize the City Manager to expend funds to purchase two (2) Dodge Charger patrol vehicles from Defender Supply in a total amount \$74,962.

STAFF RECOMMENDATION/ITEM SUMMARY:

In the latter part of March 2021, the Hewitt Police Department was involved in a multi-vehicle crash while providing a funeral escort for a fallen Officer. The investigation revealed that Hewitt PD employees were responsible for the crash and that the City of Hewitt would have to file damage claims with its own insurance carrier. We ask that the Council approve the purchase of two Dodge Charger police vehicles from Defender Supply as replacement vehicles lost in the vehicle crash.

FISCAL IMPACT

Amount Budgeted – \$80,487.50 - Insurance Settlement
Line Item in Budget – 10 50635 41 02

SUGGESTED MOTION:

I move to authorize the City Manager to expend funds to purchase two (2) Dodge Charger patrol vehicles from Defender Supply in the total amount of \$74,962.

ATTACHMENTS:

Vehicle purchase estimate

Date	5/20/2021
Estimate #	31186
Estimate By	Mike Hewitt
	mike@defendersupply.com
	903-771-1089



Bill To
Hewitt Police Department

Customer Contact	
Customer Phone	
Customer E-mail	jdevlin@cityofhewitt.com

Description	Location	Qty	Price	Total
SLICKTOP				
2021 Dodge Charger Pursuit Vehicle, RWD with 5.7L HEMI V8 Engine, 8 Speed Auto Transmission, High Speed Engine Controller, Engine Oil Cooler, 800CCA Maintenance-Free Battery, 220 Amp Alternator, Performance Exhaust, P225/60R18 Performance BSW Tires, HD Suspension, Vinyl Trunk Liner & Cover, Cruise Control w/Steering Wheel Controls, Uconnect w/Bluetooth Wireless Phone Connectivity, Heavy Duty Cloth Seats, Vinyl Floor Covering, Power Windows / Door Locks & Full Size Spare Tire. (Purchased on Tarrant County Cooperative Contract thru Holiday Chrysler Dodge Jeep Ram).		1	26,154.00	26,154.00T
Holiday Chrysler Dodge Jeep RAM 1609 Highway 380 ByPass Graham, TX 76450				
X5X9 Vinyl Rear Seat GUK Power Heated Mirrors LNF Black Left Spot Lamp MDA Front License Plate Bracket CW6 Deactivate Rear Doors/Windows GXQ Additional Non-Key Alike Fobs 6 key fobs				
BLACK Exterior				
2 Year Texas State Inspection Certificate		1	7.00	7.00T
4 Door Wrap		1	0.00	0.00
Door Wrap & Installation on 4 Door Vehicle		1	577.00	577.00T

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.

Vehicle & Emergency Equipment Total

Signature

Date	5/20/2021
Estimate #	31186
Estimate By	Mike Hewitt
	mike@defendersupply.com
	903-771-1089



Bill To
Hewitt Police Department

Customer Contact	
Customer Phone	
Customer E-mail	jdevlin@cityofhewitt.com

Description	Location	Qty	Price	Total
Defender Supply CHARGER Marked Patrol Slicktop Base Package - Full Function Dual Color LED Low Profile Visor Light Bar with Full Across Take Down, Progressing Flash Patterns with Slide Switch, Cruise, Low Power (R/W, B/W). - Core Controller, SYNC Module, OBDII Canport Harness, Output Expansion Module, 100 Watt Speaker and Bracket. Wired and Programmed to Defender Supply Standard. - Steel Push Bumper with Textured Coating and 6 Tri Color Super LED Light Heads (R/B/W), 4 in the Top Channel Cutouts and 2, on Each Side with 45° Brackets. Take Down, Alley Lighting, Progressing Flash Patterns with Slide Switch, Cruise and Low Power Capabilities. - 2 Tri Color Super LED Light Heads (R/B/W) Mounted on Rear License Plate Bracket. Reverse / Brake Lighting, Progressing Flash Patterns with Slide Switch, Cruise and Low Power Capabilities. - Tail light Flasher Module. - 1 Trunk Mounted Dome Light. - Contoured Police Console With Dual Cup Holder, Arm Rest and 2 Mic Clips. - Defender Supply Wiring Harnesses and Power Distribution Block. - Includes Installation.		1	6,555.00	6,555.00T

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.

Vehicle & Emergency Equipment Total

Signature

Date	5/20/2021
Estimate #	31186
Estimate By	Mike Hewitt
	mike@defendersupply.com
	903-771-1089



Bill To
Hewitt Police Department

Customer Contact	
Customer Phone	
Customer E-mail	jdevlin@cityofhewitt.com

Description	Location	Qty	Price	Total
Defender Supply CHARGER Traffic Advisor Package				930.00T
- 1 Eight Dual Color Module Super LED Full Function Light Stick (R/A, B/A) with Progressing Flash Patterns with Slide Switch, Cruise, Low Power Functions Mounted on Rear Deck Behind Glass with Vehicle Specific Shroud and Brackets. ...				
- 2, Dual Color Super LED Light Heads (R/B), Mounted Horizontally Under the Trunk on Each Corner, Rear Facing When Open. Includes Installation.				
Defender Supply Charger Mirror Lighting Package 1 - Includes Two Tri-Color Super LED Light Heads Mounted Under Mirror (R/B/W) with 180° Light Spread and integrated Alley Function. Includes Installation.		1	748.00	748.00T
Defender Supply CHARGER Equipment Tray. Includes Shipping and Installation.		1	430.00	430.00T
Defender Supply CHARGER Prisoner Partition with Full Across Poly Window with Center Slider, Recessed Center and Lower Kick Panels. Includes Shipping and Installation.		1	762.00	762.00T
Defender Supply CHARGER Plastic Prisoner Seat with Center Pull Seat Belt System. Includes Shipping and Installation.		1	836.00	836.00T
Defender Supply Two-Way (800) Radio Antenna and Coaxial Cable. Includes Installation.		1	145.00	145.00T
Installation Customer Supplied Digital Ally Video and Kustom Raptor Radar		1	337.00	337.00T
TOTAL for 2 UNITS: \$74,962.00				
Texas Government or Municipality - No Sales Tax			0.00%	0.00

Final sale amount may be subject to state and local sales tax. PLEASE NOTE: Once this estimate has been approved, either by signature on this form, written approval referencing the estimate number or the issuance of purchase order, any changes or cancellations of parts made by the customer are subject to a 25% restocking fee. Any additional customer-requested parts/services will be added to the total amount of the sale.

Vehicle & Emergency Equipment Total \$37,481.00

Signature _____

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 7, 2021

AGENDA ITEM #: 8

SUBMITTED BY: Kevin Reinke, Utilities Director

ITEM DESCRIPTION:

Consideration and action on **Ordinance No. 2021-07** adopting the City's 2021 Water Conservation and Drought Contingency Plan in Chapter 78 - Utilities of the Code of Ordinances of the City of Hewitt, Texas.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Texas Commission on Environmental Quality (TCEQ) requires all wholesale and retail public water suppliers serving 3,300 connections or more to update both their Water Conservation Plan and Drought Contingency Plan every five years.

Staff has totally revised both plans according to guidelines and requirements set by TCEQ. Water data for the past five years for all data tables located in the Plan have been updated, including water supply and demand, high volume retail customers, water loss, and seasonal use. Specific and quantified five and ten year targets have been updated as required by the Texas Administrative Code.

The changes to the Plan were presented at the last Council meeting. The Council must approve and adopt the Plan prior to submittal to TCEQ. Staff recommends approval of this ordinance.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move approval of Ordinance No. 2021-07 adopting the City's 2021 Water Conservation and Drought Contingency Plan in Chapter 78 – Utilities of the Code of Ordinances of the City of Hewitt, Texas.

ATTACHMENTS:

Ordinance 2021-07 w/Exhibit A

ORDINANCE NO. 2021-07

AN ORDINANCE ADOPTING THE 2021 WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF HEWITT AND AMENDING THE CITY OF HEWITT CODE OF ORDINANCES, CHAPTER 78, ARTICLE VI, DIVISIONS 1, 2, and 3, WATER DROUGHT CONTINGENCY PLAN TO ADOPT SAID PLAN, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A PENALTY NOT TO EXCEED \$2,000, PROVIDING THAT EACH DAY OF VIOLATION IS A SEPARATE OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) requires all wholesale and retail public water suppliers serving 3,300 connections or more to update both the Water Conservation Plan (30 TAC §288.30 [1]) and Drought Contingency Plan (30 TAC §288.30 [5]) every five years; and

WHEREAS, City staff has updated the Plan to show updated water data and wastewater tables for the past five years; and

WHEREAS, the City Council has reviewed the proposed 2021 City of Hewitt Water Conservation & Drought Contingency Plan,

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

Section 1. That the Hewitt City Council adopts the 2021 Water Conservation & Drought Contingency Plan for the City of Hewitt, as attached hereto as Exhibit "A".

Section 2. That Article VI, Water Management/Conservation and Emergency Water Management Plan, Divisions 1, 2, 3, of Chapter 78, Utilities, of the Code of Ordinances shall be amended in its entirety to read as follows:

Article VI. Adoption of Water Conservation and Drought Contingency Plan.

- a) That a copy of the 2021 Water Conservation & Drought Contingency Plan shall be on file and available for inspection in the office of the City Secretary, the Director of Utilities, and also available on the city's website.
- b) It shall be the responsibility of the city manager or their designee to review the plan and the provisions within this division at least every five years and make recommendations for needed changes.
- c) The provisions of the plan and this division shall apply to persons, customers, and property served by the city wherever situated, including customers such as water supply

corporations, municipal corporations, and any others that receive water from the city on a contract basis.

- d) Nothing in the plan or this division shall be interpreted to limit the authority of the mayor, the city council, or the city manager to seek emergency relief under the provisions of any state or federal disaster relief regulations.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part thereof.

Section 5. That it is the intention of the City Council and is hereby ordained that the provision of this ordinance shall become and be a part of the Code of Ordinances of the City of Hewitt, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 6. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be provided for in Section 1-12 of the Code of Ordinances of the City of Hewitt, Texas, which shall be a fine not exceeding \$2,000, and each day a violation exists shall be a separate offense.

Section 7. It is found that an emergency and urgent public necessity exists which requires the immediate passage of this ordinance.

Section 8. This ordinance shall be in full force and effect from and after its date of passage.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney

EXHIBIT A



2021

**Water Conservation
&
Drought Contingency
Plan**

A – 2021 Water Conservation Plan

B – 2021 Drought Contingency Plan

A



City of Hewitt

2021

Water Conservation Plan

The City of Hewitt Water Conservation Plan is intended to enable the city to meet or exceed its own water conservation goals, including: quantified 5- and 10-year GPCD targets and in general, reduce consumption, loss, waste and peak demand while improving water use efficiency and extending the life of the water supply and system.

CITY OF HEWITT WATER CONSERVATION PLAN

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Appendix A – City of Hewitt Ordinance No. 2021-07

Appendix B – Copy of Transmittal Letter to Brazos G Regional Planning Group



INTRODUCTION AND OBJECTIVES

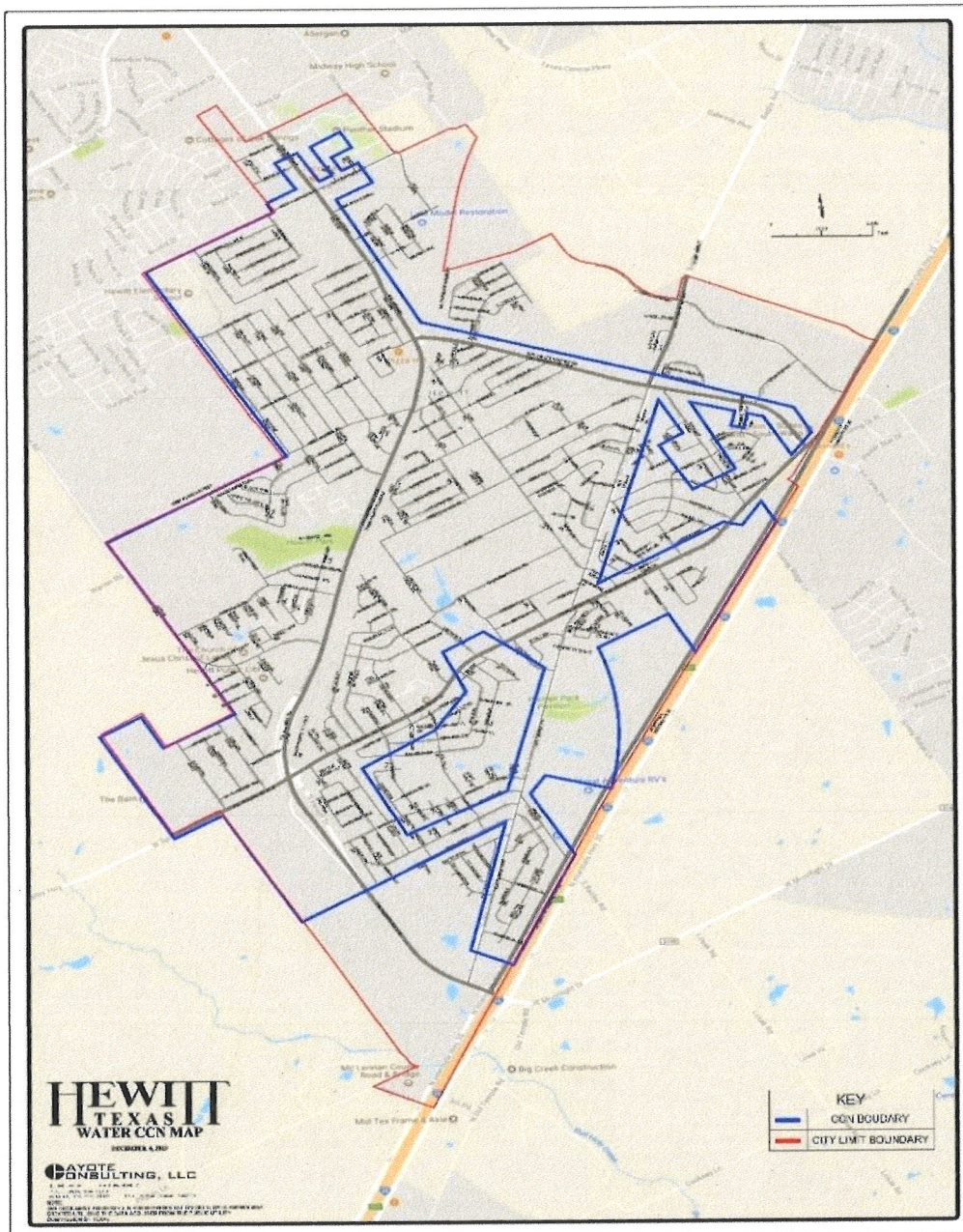
Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development in Region G have led to growing demands for water. The city recognizes the value of the city's water supply resources; efforts to avoid water loss and to conserve using reasonable and cost-effective measures are proposed in the plan. A complete evaluation of the city's water system and customer use characteristics is provided in the water conservation utility profile. The city's water conservation plan has a five-year planning horizon. The conservation measures and initiatives of the city are proposed for achieving the future conservation goals and water use targets. Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. The City of Hewitt has prepared and adopted this Water Conservation and Drought Contingency Plan pursuant to TAC Title 30, Part 1, Chapter 288. The objectives of the water conservation plan are:

- To reduce water consumption
- To reduce the loss and waste of water
- To reduce summertime peak demand
- To improve efficiency in the use of water
- To extend the life of current water supplies

UTILITY PROFILE

POPULATION AND SERVICE AREA DATA

SERVICE AREA SIZE (IN SQUARE MILES): 6.803





Texas Commission On Environmental Quality

**By These Presents Be It Known To All That
City of Hewitt**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 10038

to provide continuous and adequate water utility service to that service area or those service areas in McLennan County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 36717-C are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of City of Hewitt to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this **September 14, 2012**


For the Commission

RETAIL POPULATION AND PROJECTED DATA

CURRENT RETAIL POPULATION SERVED FOR WATER:

16,988

WASTEWATER: N/A

HISTORICAL RETAIL POPULATION:

Year	Population
2020	16,988
2019	16,764
2018	16,648
2017	16,596
2016	16,437

PROJECTED RETAIL POPULATION:

Year	Population
2030	19,949
2040	22,225
2050	24,514
2060	26,795
2070	29,034

PROJECTED YEARLY PROJECTED POPULATIONS & DEMANDS

Year	Population	Water Demand (Gallons)
2021	17,241	998,864,964
2022	17,493	1,010,725,956
2023	17,746	1,022,586,948
2024	17,999	1,034,447,940
2025	18,252	1,046,308,932
2026	18,504	1,058,169,924
2027	18,757	1,070,030,916
2028	19,010	1,081,891,908
2029	19,262	1,093,752,900
2030	19,949	1,105,613,892

It is anticipated that the population growth of this community, located along IH-35 and adjacent to the City of Waco, will continue to be significant for the long-term future. The average projected annual population growth rate developed by the TWDB from 2010-2070 is 1.16%. Prudent planning for future use on a conservative basis will be essential to ensure that the City of Hewitt does not have a shortfall in its water supplies for the future. Based on historical population numbers from the City of Hewitt and projected populations from the State Water Plan, Hewitt's Population within the city water service area has been charted above. As previously described, the City of Hewitt's water service area extends beyond the City Limits. To better estimate the total true population the City of Hewitt should expect to serve, the State Water Plan's predicted growth rate for the City of Hewitt has been applied to the population currently served by City water and is represented in the table above.

WATER SOURCES AND SUPPLY DATA

CURRENT WATER SUPPLY SOURCES AND THE AMOUNTS AUTHORIZED (IN ACRE FEET) WITH EACH.

Water Type	Source	Amount Authorized
Surface Water	City of Waco	1,960.2543
	City of Lorena	273.1313
Groundwater	Hosston Branch of Trinity Aquifer	2083.2675
Other	N/A	N/A

TREATMENT AND DISTRIBUTION SYSTEM

DESIGN DAILY CAPACITY OF SYSTEM (MGD): 5.07

STORAGE CAPACITY (MGD): 6.95

ELEVATED (MGD): 1.85

GROUND (MGD): 5.10

IF SURFACE WATER, DO YOU RECYCLE FILTER BACKWASH TO THE HEAD OF THE PLANT?

☐ YES ☒ NO IF YES, APPROXIMATE AMOUNT (MGD): N/A

HISTORICAL SYSTEM INPUT

Year	Self-Supplied In Gallons	Imported In Gallons	Total System Input	Exported In Gallons	Total GCPD
2020	414,606,000	171,433,000	586,039,000	0	94.5
2019	423,306,000	138,595,000	561,901,000	488,000	91.8
2018	411,207,000	192,633,000	603,840,000	389,000	98.6
2017	399,860,200	157,720,000	557,580,200	0	90.4
2016	408,188,600	139,590,000	547,778,600	5,418,000	90.4
Historic Average	5 Yr. 411,433,560	159,994,200	571,427,760	1,259,000	93.1

Historical water use data reflects treated water, determined from master meters at the point where treated water enters the distribution system.

CUSTOMER DATA

CURRENT NUMBER OF ACTIVE CONNECTIONS. CHECK WHETHER MULTI-FAMILY SERVICE IS COUNTED AS ☒ RESIDENTIAL OR ☐ COMMERCIAL?

TREATED WATER USERS

YR 2020	Metered	Non-Metered	Totals
Single-Family	4472	0	4472
Multi-Family	1653	0	1653
Commercial	341	0	341
Industrial/Mining	0	0	0
Institutional	68	0	68
Agriculture	0	0	0
Other/Wholesale	1	0	1

NUMBER OF NEW CONNECTIONS PER YEAR FOR MOST RECENT THREE YEARS.

Year	2020	2019	2018
Treated Water Users			
Single-Family	55	36	31
Multi-Family	30	1	0
Commercial	8	3	8

LIST OF ANNUAL WATER USE FOR THE FIVE HIGHEST VOLUME CUSTOMERS.

Customer	Use (1,000 gal/year)	Treated or Raw Water
The Icon of Hewitt	9,808,300	Treated
Brookside Apartments	6,464,500	Treated
Finish Line Car Care	4,754,200	Treated
Senior Care Centers	3,611,200	Treated
CBOC Texas, LLC	2,098,600	Treated

WATER USE DATA FOR SERVICE AREA - WATER ACCOUNTING DATA

AMOUNT OF WATER USE FOR THE PREVIOUS FIVE YEARS.

THIS IS ☐ DIVERTED ☒ TREATED WATER.

Year	2020	2019	2018	2017	2016
Month					
January	32,924,000	32,065,000	33,09,000	31,759,200	33,943,000
February	25,595,000	29,062,000	28,210,000	33,955,000	39,162,400
March	34,132,000	36,755,000	37,703,000	36,513,000	35,824,500
April	37,066,000	36,816,000	44,681,000	37,441,000	38,510,700
May	45,783,000	39,069,000	54,962,000	51,968,000	36,414,400
June	62,079,000	44,406,000	74,289,000	52,533,000	45,788,200
July	76,771,000	65,856,000	92,995,000	69,105,000	83,590,500
August	94,379,000	85,850,000	84,347,000	59,003,000	61,170,400
September	49,356,000	69,707,000	47,475,000	63,621,000	52,307,200
October	52,773,000	54,623,000	40,127,000	49,869,000	50,830,500
November	40,955,000	32,150,000	34,225,000	38,176,000	33,918,200
December	30,226,000	35,542,000	31,757,000	33,637,000	30,318,600
Totals	586,039,000	561,901,000	603,840,000	557,580,200	547,778,600

The above figures were determined (e.g., from a master meter located at the point of a diversion from the source or located at a point where raw water enters the treatment plant, or from water sales).

***METERED AT WELL HEAD**

Raw water diversions are metered, calculated, and tracked at least daily as part of the treatment process, control, and reporting. A spreadsheet of water use is updated on a daily basis.

**AMOUNT OF WATER DELIVERED/SOLD AS RECORDED BY THE FOLLOWING ACCOUNT TYPES
FOR THE PAST FIVE YEARS.**

Year	2020	2019	2018	2017	2016
Account Types					
Single-Family	404,411,300	386,682,900	420,546,500	381,806,500	373,705,000
Multi-Family	72,135,800	71,989,900	69,828,300	55,497,900	53,754,600
Commercial	39,101,000	35,568,700	40,900,400	44,190,600	42,708,100
Industrial/Mining	0	0	0	0	0
Institutional	25,550,500	26,814,200	25,151,600	21,769,000	22,517,900
Agriculture	0	0	0	0	0
Other/Wholesale	0	488,000	389,000	0	5,418,000
TOTAL	541,198,600	521,543,700	556,815,800	503,264,000	498,103,600

**PREVIOUS RECORDS FOR WATER LOSS FOR THE PAST FIVE YEARS (THE DIFFERENCE BETWEEN WATER
DIVERTED OR TREATED AND WATER DELIVERED OR SOLD).**

Year	Amount (gallons)	Percent %
2020	44,840,400	7.65
2019	40,357,300	7
2018	47,024,200	7.79
2017	54,316,200	9.74
2016	49,675,000	9.07

WATER SUPPLY SYSTEM DATA

QUANTIFIED 5-YEAR AND 10-YEAR GOALS FOR WATER SAVINGS:

	Historic 5-year Average	Baseline	5-year goal for year 2026	10-year goal for year 2031
Total GPCD	93.60	91	90	90
Residential GPCD	81	69	80	80
Water Loss GPCD	7.73	9	7.5	7.5
Water Loss Percentage	9.36	10.4	9.0	9.0

Notes: Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365

Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365

Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

PROJECTED WATER DEMANDS BY 2021 REGIONAL WATER PLAN

Projected water supply demands from the Regional Water Planning Group for the next ten years. population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

**2021 Regional Water Plan - Population Projections for 2020-2070
for Water User Groups by Region, County, and Basin in Texas**

Region G									
Region	County	WUG Name	Basin	2020	2030	2040	2050	2060	2070
G	MCLENNAN	BELLMEAD	BRAZOS	10,398	11,037	11,602	12,170	12,736	13,292
G	MCLENNAN	BIROME WSC	BRAZOS	471	502	522	543	560	573
G	MCLENNAN	BOLD SPRINGS WSC	BRAZOS	1,780	1,920	2,040	2,162	2,282	2,399
G	MCLENNAN	BRUCEVILLE EDDY	BRAZOS	4,522	4,879	4,907	5,207	5,506	5,799
G	MCLENNAN	CENTRAL BOSQUE WSC	BRAZOS	556	925	985	1,045	1,105	1,164
G	MCLENNAN	CHALK BLUFF WSC	BRAZOS	2,646	2,646	2,646	2,646	2,646	2,646
G	MCLENNAN	CORYELL CITY WATER SUPPLY DISTRICT	BRAZOS	763	915	1,049	1,184	1,319	1,451
G	MCLENNAN	COUNTY-OTHER, MCLENNAN	BRAZOS	9,914	8,377	7,334	6,003	4,688	3,404
G	MCLENNAN	CRAWFORD	BRAZOS	727	739	749	759	769	779
G	MCLENNAN	CROSS COUNTRY WSC	BRAZOS	2,503	2,540	2,571	2,603	2,636	2,667
G	MCLENNAN	EAST CRAWFORD WSC	BRAZOS	967	1,044	1,111	1,179	1,247	1,314
G	MCLENNAN	ELM CREEK WSC	BRAZOS	1,807	2,069	2,300	2,532	2,764	2,992
G	MCLENNAN	EDL WSC	BRAZOS	1,394	2,044	2,177	2,311	2,443	2,574
G	MCLENNAN	GHOLSON WSC	BRAZOS	1,760	1,956	2,129	2,302	2,476	2,645
G	MCLENNAN	H & H WSC	BRAZOS	1,607	1,734	1,846	1,961	2,073	2,182
G	MCLENNAN	HEWITT	BRAZOS	17,373	19,949	22,225	24,514	26,795	29,034

**2021 Regional Water Plan - Water Demand Projections for 2020-2070
Municipal Water User Group Summary in Acre-Feet**

EntityID	WUG Name	Region	County	Basin	2020	2030	2040	2050	2060	2070
935	HEWITT	G	MCLENNAN	BRAZOS	3,029	3,393	3,721	4,071	4,442	4,811
HEWITT Total Water Demand					3,029	3,393	3,721	4,071	4,442	4,811

Texas Water Development Board

March 28, 2019

WATER CONSERVATION PLAN

IMPLEMENTATION

- Metering and measuring the amount of raw water pumped will continue as an essential part of the City's treatment process control and reporting requirements. Metering device(s) will be tested and calibrated within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
- Increased water accounting, including a record management system of monthly production, meter consumption, and water losses that is desegregated by the customer class;
- The plan includes a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement. The meter replacement program will be maintained, testing/replacing meters once they reach 2.5 million gallons of consumption. Accuracy of meters and fail rates will be continually monitored and appropriate adjustments made to the replacement program;
- Annual water audits to determine water loss will continue to be conducted. The city will work towards reducing water loss by continued repairs and preplacement of aged distribution mains. The city will continue maintaining accurate records of leaks, repairs, flushing, construction and firefighting;
- Leaking water lines will continue to be repaired or replaced as quickly as is possible. On-call, after-hours crews will continue responding to leaks at all hours;
- The city will continue efforts to inform and educate the public on water conservation issues. In addition to year-round efforts, each year, as the high-use season of summer approaches, these efforts will be increased and expanded. Just prior to and during the summer months, the city will encourage the conservation of water through media, mail-outs and other avenues;
- The current non-promotional, inclining block rate will continue to be the rate structure for the City of Hewitt. The rate structure will be evaluated on an ongoing basis and considerations for adjustments will be made as appropriate.

- Continued compliance with the State's plumbing code requirements and the City's use of the International Plumbing Code

RECORD MANAGEMENT SYSTEM

METHOD FOR TRACKING IMPLEMENTATION AND EFFECTIVENESS

Overall progress toward conservation goals of reducing consumption, loss, waste and peak demand and improving efficiency of usage will be evaluated annually when the water conservation annual report is completed. The following methods will be used to evaluate individual portions of the plan:

- Records regarding meter replacement will be maintained and examined annually. Failure rates, along with "re-read" work orders (orders to re-read a meter are automatically generated whenever there is a high or low discrepancy outside normal variance), leaks and meter model/make will be compared in order to evaluate the replacement cycle.
- Water loss accounting will be evaluated by periodically examining multi-year loss trends, with the specific goal of identifying any discrepancies or variances and determining the cause.
- Leak detection and repair will be evaluated annually by examining comprehensive records showing number of leaks, locations, time before repair, estimated loss of water through leak, estimated loss of water through flushing. This information will be compared to water loss information for the same time period.
- Public information and education efforts will be evaluated by documenting actions, such as: number of press releases issued, number of stories written or produced, number of interviews given, number of bill inserts sent, number of presentations given and number and location of advertisements placed. This information will then be evaluated with consumption during the same time period and compared against data from previous years.
- The city's water rate structure will continue to be evaluated by examining consumption trends. Records will be kept on consumption for each rate class. This information will be compared, along with cost-of-service considerations, with historic trends and adjustments will be made to the rate structure as appropriate.
- The Plan will be reviewed and updated, as appropriate, based on an assessment of previous five-year targets and any other new or updated information.

NON-PROMOTIONAL WATER RATE STRUCTURE:

Hewitt's conservation water rate is an increasing block rate, which increases as the quantity used increases. Prices per thousand gallons increase at specific "tiers" in consumption. Each tier of the rate structure is designed to send a price signal to the consumers as their discretionary consumption of water increases.

Residential, Commercial, Institutional, and Builders- Base Rate 1 st 3,000 Gal	
5/8"	\$30
1"	\$63
1.5 – 2"	\$190
3" – 4"	\$380
6"	\$570
Volume Rate- Per 1,000 Gal	
3,001 – 7,000 Gal	\$4.85
7,001 – 12,000 Gal	\$5.40
12,001 + Gal	\$5.85

QUANTIFIED 5-YEAR AND 10-YEAR GOALS FOR WATER SAVINGS:

	Historic 5-year Average	Baseline	5-year goal for year 2026	10-year goal for year 2031
Total GPCD	94	91	90	90
Residential GPCD	81	69	80	80
Water Loss GPCD	7.73	9	7.5	7.5
Water Loss Percentage	9.36	10.4	8	8

- Notes: Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
- Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
- Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365
- Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

CONSERVATION MEASURES AND QUANTIFICATION OF POTENTIAL SAVINGS

The water usage reduction goals from 94 GPCD to 90 GPCD by the year 2025 and to maintain this level based on the City's conservation efforts. These efforts are described generally in the Plan. The quantity of savings can be estimated by identifying an appropriate water saving in GPCD based on guidance information and historical data. As part of the City's water management efforts further quantification with respect to the City's conservation applications and results will be documented to support future adjustments to the conservation goals.

WHOLESALE WATER CONTRACT PROVISIONS:

All wholesale water contracts entered into, renewed or extended after adoption of this plan, shall include a provision that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, § 11.039.

COORDINATION WITH REGIONAL WATER PLANNING GROUPS:

The service area of the City of Hewitt Water Utility is located within the Brazos G Water Planning Group. The City of Hewitt Water Utility will provide a copy of this Plan to the Brazos G Water Planning Group upon approval by City Council.

AGRICULTURAL WATER USE:

Agricultural use is for golf course and sports field irrigation, not for irrigation in the production of crops, so no production process is applicable to the City of Hewitt's Plan.

IMPLEMENTATION AND ENFORCEMENT:

Upon the completion and review of the Water Conservation Plan, the City Council will be asked to approve the Plan by resolution.

Contact Information

Name of Water Supplier:	City of Hewitt	
Address:	103 N Hewitt Dr. / PO Box 219	
Telephone Number:	(254) 666-2447	Fax: (254) 666-3741
Water Right No.(s):	1550031	
Regional Water Planning Group:	Brazos G Regional Planning Group	
Water Conservation Coordinator <i>(or person responsible for implementing conservation program)</i> :	Karen Sexton	Phone: (254) 296-5686
Form Completed by:	Karen Sexton	
Title:	Utility Analyst	
Signature:	Karen Sexton	Date: 04/01/2021

APPENDIX A

CITY OF HEWITT ORDINANCE No. 2021-07

DRAFT

APPENDIX B

Copy of Transmittal Letter to Brazos G Regional Planning Group



May 1, 2021

Wayne Wilson, Chair – Brazos G RWPD
CIO
Trey Buzbee
Brazos River Authority
PO Box 7555
Waco, TX 76714

Re: Amended City of Hewitt Water Conservation Plan Information for the Region G Planning Group

Dear Wayne,

Recently, the City of Hewitt amended its Water Conservation Plan for the 5-year update. The Drought Contingency Plan was updated also. This plan is consistent with the water supply planning in Region G and meets the standards for water conservation planning in TAC, Chapter 28.

Enclosed you will find copies of the amended Water Conservation and Drought Contingency Plan.

If any additional information is needed for the Planning Group, please contact the City of Hewitt Water Utilities Department at 254-666-3151.

Sincerely,

A handwritten signature in blue ink that reads "Karen Sexton".

Karen Sexton
Water Conservation Coordinator
City of Hewitt Water Utility Department

P.O. Box 219 • Hewitt, Texas 76643-0610

B



City of Hewitt

2021

Drought Contingency Plan

The City of Hewitt Drought Contingency Plan is intended to conserve the available water supply and protect the integrity of water supply facilities, with particular regard to domestic water use, to sanitation and fire protection, and to protect and preserve public health, welfare and safety to minimize the adverse impacts of water supply shortage or to other water supply emergency conditions.

CITY OF HEWITT WATER DROUGHT CONTINGENCY PLAN

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CITY OF HEWITT DROUGHT CONTINGENCY PLAN:

SECTION I: DECLARATION OF POLICY, PURPOSE, AND INTENT

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard to domestic water use, to sanitation and fire protection, and to protect and preserve public health, welfare, and safety to minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Hewitt hereby adopts the following regulation and restriction on the delivery and consumption of water through Ordinance No. 2021 – 07. A copy is attached as appendix A.

Water uses regulated or prohibited under this drought contingency plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortages or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in section IX of this plan.

SECTION II: PUBLIC INVOLVEMENT

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Hewitt by means of a public meeting and by publishing the Plan on the city's website (www.cityofhewitt.com). A public notice was provided regarding a public meeting, which was held to accept input on The Plan. Additionally, citizens were invited to send comments electronically after viewing the Plan online.

SECTION III: PUBLIC EDUCATION AND NOTIFICATION

The City of Hewitt will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, bill inserts, website updates and other outreach methods as appropriate. Upon implementation and/or termination of any stage of the Plan, the public will be notified through local media and website updates.

SECTION IV: WHOLESALE CONTRACT PROVISIONS

All wholesale water contracts entered into, renewed or extended after adoption of this plan, shall include a provision that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, § 11.039.

SECTION V: COORDINATION WITH REGIONAL WATER PLANNING GROUPS

The service area of the City of Hewitt is located within the Brazos G Regional Water Planning Group. The City of Hewitt has provided a copy of this Plan to the Brazos G Regional Water Planning Group.

SECTION VI: AUTHORIZATION

The City Manager or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

SECTION VII: APPLICATION

The provisions of this Plan shall apply to all person, customers, and property utilizing water provided by the City of Hewitt. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

SECTION VIII: DEFINITIONS

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use, which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those [triggering conditions] practices, techniques, and technologies greater than the baseline conservation practices, that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that

a supply is conserved and made available for future or alternative uses. Baseline conservation practices are those actions expected from customers as good citizens; including, but not limited to:

- Turning off or re-programming automatic sprinkler systems during precipitation events or in soil-saturated conditions;
- Implementing landscape irrigation to maximize impact, e.g., not irrigating in the afternoon or highest evaporative loss hours;

Customer: any person, company, or organization using water supplied by the City of Hewitt.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Mean Sea Level (msl): the level of the ocean's surface, especially the level halfway between high and low tide, used as a standard in reckoning land elevation or sea depths.

Non-essential water use: water uses that are neither essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi- type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Water shortage emergency: a condition in which the ordinary water demands and requirements of the City's wholesale and retail customers cannot be met such that there would be insufficient water for human consumption, public health (sanitation), and fire protection. A water shortage emergency may be limited in either areal or temporal extent.

SECTION IX: EMERGENCY RELIEF

Nothing in the Plan shall be interpreted to limit the authority of the mayor, the city council, or the city manager to seek emergency relief under the provisions of any state or federal disaster relief regulations.

SECTION X: CRITERIA FOR INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES

The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

Criteria triggering the implementation of various stages of the Drought Contingency Plan, include, but are not limited to, the following:

1. General, geographical, or weather-related condition or emergency, including but not limited to drought conditions resulting in a decrease in the Lake Waco reservoir level;
2. Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failures, failures of storage tanks or other equipment, treatment plant breakdown, and water contamination);
3. An inability to recover approximately ninety (90) percent of water stored in all Storage facilities within a defined period;
4. A catastrophic decrease in the Lake Waco reservoir level, loss of a well, and/or delivery capabilities resulting in an inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for the public health and welfare;
5. Contamination of one or more of the city's well(s) or one of the Waco connections, by accidental or intentional means. The City of Hewitt emergency response plan shall initiate in any contamination occurrence.

The level of the Lake Waco reservoir shall be determined based on the official reading by the U.S. Army Corps of Engineers and stated as an elevation above mean sea level (msl).

TRIGGERING STAGES, RESPONSES AND GOALS

Generally. Should a water shortage emergency occur, the City Manager may exercise his or her discretion to: 1) request special voluntary water restrictions, 2) initiate Stages 1 - 4 mandatory restrictions, and/or 3) prohibit wastage and restrict certain uses of water deemed nonessential during the emergency. Initiation of a specific Stage is dependent on climatic and water system conditions, and does NOT necessarily require a progression from Stage One through Stage Three to reach Stage Four.

Pro rata curtailment of water delivery to wholesale water customers, as provided in Texas Water Code, §11.039, may be triggered by criteria within or without the plan and may be implemented during in any stage of the plan.

The City of Hewitt has alternative sources of limited water through the City of Waco and the City of Lorena, from which to draw or make use of as a water supply management measure during a water shortage. If the City of Waco implements any drought response stages, the City of Hewitt is REQUIRED to implement the same drought response stages.

Stage 1 Triggers – MILD Water Shortage

1. Criteria for implementation of Stage 1.

The City manager shall implement stage 1 restrictions when:

- (a) The Lake Waco reservoir level decreases to 455 msl (at which the reservoir is at about 72% of its capacity).
 - (b) There is an inability to recover approximately ninety (90) percent of water stored in all storage facilities within a twenty-four (24) hour period.
 - (c) Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.
- 2. Upon recommendation of the City Manager, Stage 2 response procedures shall become effective.**
- 3. A Stage may be upgraded or downgraded at any time by the City Manager.**
- 4. Criteria for termination - Stage 1 shall be terminated at the discretion of the City Manager.**

Stage 1 Responses

Mandatory restrictions – Criminal penalties do not apply during Stage 1 restrictions.

Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

- 1. The city shall limit use of water for municipal purposes to those activities necessary to maintain the public health, safety and welfare and any computer-controlled irrigation systems that incorporate evapotranspiration data in setting irrigation run times.**

2. The city shall monitor “excessive watering” and issue notifications to customers. “Excessive watering” occurs where run-off extends for a distance greater than ten (10) feet from the customer’s property or where there is washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking surfaces or other paved surfaces.

Stage 1 Goal

Reduction of previous three-year average daily use by 1%

Stage 2 Triggers – MODERATE Water Shortage

1. Criteria for implementation of Stage 2. The city manager shall implement stage 2 restrictions when:
 - (a) The Lake Waco reservoir level decreases to 452 msl (at which the reservoir is at about 60% of its capacity)
 - (b) There is an inability to recover approximately ninety (90) percent of water stored in all storage facilities within a twenty-four (24) hour period.
 - (c) Weather forecasts and stream flow conditions, in the opinion of the City Manager, warrant restrictions on the use of water.
2. Upon recommendation of the City Manager, Stage 2 response procedures shall become effective.
3. A Stage may be upgraded or downgraded at any time by the City Manager.
4. Criteria for termination - Stage 2 shall be terminated at the discretion of the City Manager.

Stage 2 Responses

Mandatory restrictions – Criminal penalties do apply during Stage 2 restrictions.

Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. All landscape and other outdoor water usage at each service address shall be limited to two days a week based on the last digit in the meter service address or the type of

connection; however, landscape and outdoor water usage is prohibited from 6:00 A.M. to 7:00 P.M.

Last Digit Address Residential:	Allowed Landscape Water Days
Odd	Tuesday and Saturday
Even	Wednesday and Sunday
All Non-Residential accounts	Monday and Friday

Thursday – No Watering, Storage Recovery day

2. Apartments, office building complexes, or other properties containing multiple addresses, will be identified by the lowest physical street address number. Where there are no numbers, a number will be assigned by the Building Official.
3. Watering of newly installed landscaping is exempt from Stage 2 restrictions for no more than one month from the date of planting. After the first month, the landscape water day's schedule and hourly restrictions must be followed.

Stage 2 Goal

Reduction of previous three-year average daily use by 5%

Stage 3 Triggers – SEVERE Water Shortage

1. Criteria for implementation of Stage 3. The city manager shall implement stage 3 restrictions when:
 - (a) The Lake Waco reservoir level to 449 msl (at which the reservoir is at about 50% of its capacity) or inability to recover approximately ninety (90) percent of water stored in all storage facilities within a thirty (30) hour period.
 - (b) Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.
 - (c) The total amount of water available, as determined by the Utilities Director, to the city from its developed water sources is less than a 24-month supply.

2. Upon recommendation of the City Manager, Stage 3 response procedures shall become effective.
3. A Stage may be upgraded or downgraded at any time by the City Manager.
4. Criteria for termination - Stage 3 shall be terminated at the discretion of the City Manager.

Stage 3 Responses

Mandatory restrictions – Criminal penalties do apply during Stage 3 restrictions.

Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. All landscape and outdoor water usage at each service address shall continue according to the landscape water days schedule identified below; however, landscape and outdoor water usage is prohibited from 6:00 A.M. to 7:00 P.M.

Last Digit Address:	Allowed Landscape Water Day
0, 1	Monday
2, 3	Tuesday
4, 5	Wednesday
6, 7	Thursday
8, 9	Friday

Saturday and Sunday – No Watering, Storage Recovery days

2. Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical address number. Where there are no numbers, a number will be assigned by the Building Official.
3. Existing swimming pools, hot tubs, spas, ornamental ponds and fountains may be replenished with a hand-held hose to maintain operational purposes only.
4. Permitting of new swimming pools, hot tubs, spas, ornamental ponds or fountain construction is prohibited, except that those previously permitted or under construction

at the time Stage 3 restrictions are initiated may complete construction and may be filled one time only. Filling occurs when an amount of water equal to at least seventy-five (75) percent of the water capacity is placed in the structure or facility.

5. Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Run-off is excessive when it extends for a distance greater than ten (10) feet from the customer's property.
6. Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.

Exceptions:

- (a) Commercial landscape nurseries are exempt from Stage 3 restrictions (*except for restrictions on hours when watering may occur*), but all such nurseries shall cease using water to clean pavement and sidewalk areas except for health and safety reasons.
- (b) Commercial full-service or self-service car wash facilities, including those at service stations and automobile dealership facilities, shall cease using water to clean pavement and sidewalk areas except for health and safety reasons and are exempt from Stage 3 restrictions if they meet one or more of the following conditions:
 - (i) Commercial car wash facilities using conveyORIZED, touchless, and / or rollover in-bay technology if they reuse a minimum of fifty percent of water from previous vehicle rinses in subsequent washes.
 - (ii) Commercial car wash facilities using reverse osmosis to produce water rinse with a lower mineral content if they incorporate the unused concentrate in subsequent vehicle washes.
 - (iii) Self-service spray wands used that emit no more than three gallons of water per minute.

- (c) Golf course landscape watering is exempt from Stage 3 restrictions so long as golf course irrigation systems are operated with a computer-controlled irrigation system that incorporates evapotranspiration data in setting irrigation run times.

Stage 3 Goal

Reduction of previous three-year average daily use by 7%

Stage 4 Triggers – EMERGENCY Water Shortage

1. Requirements for implementation of Stage 4. The City Manager shall implement stage 4 restrictions when:
 - (a) The Lake Waco reservoir level to 445 msl (at which the reservoir is at about 40% of its capacity)
 - (b) There is a determination by the City Manager that catastrophically decreasing lake reservoir levels and/or delivery capabilities with an inability to recover to provide services necessary for public health, safety, and welfare exist.
 - (c) Weather forecasts and stream flow conditions, in the opinion of the city manager, warrant restrictions on the use of water.
 - (d) The total amount of water available, as determined by the Utilities Director, to the city from its developed water sources is less than a 12-month supply.
2. Upon recommendation of the City Manager, Stage 4 response procedures shall become effective.
3. A Stage may be upgraded or downgraded at any time by the City Manager.
4. Criteria for termination - Stage 4 shall be terminated at the discretion of the City Manager.

Stage 4 Responses

Mandatory restrictions – Criminal penalties do apply during Stage 4 restrictions.

Upon implementation by the city, the following restrictions shall apply unless specifically exempted:

1. Any and all outdoor/landscaping water usage is prohibited until the emergency is alleviated. This applies to all metered water users using the city's public water supply and includes all residential (single or multi-family), commercial (car wash, nurseries, business), recreational (public/private golf courses, parks, athletic fields), religious, health care, school and municipal entities.
2. Use of water for municipal purposes shall be limited to only those activities necessary to maintain the public health, safety and welfare, as determined by the city.
3. Use of water from fire hydrants is prohibited except for firefighting and health and safety related activities.

Stage 4 Goal

Reduction of previous three-year average daily use by 10%

SECTION XI: ENFORCEMENT

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1. No person shall intentionally, knowingly, recklessly or with criminal negligence allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Division or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the city, in accordance with provisions of this Division.
 2. Any person, including a person classified as a water customer of the city, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this plan and that the parent could not have reasonably known of the violation. Proof that the notices required under Section 26- 94 have been given shall constitute a rebuttal
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presumption that the person has knowledge of and/or is aware of the declaration of a drought or emergency contingency stage, but such presumption may be rebutted by evidence that the person was out of city at the time of the declaration and could not reasonably have become aware of the declaration since returning to the city.

3. Any person who violates this Division is guilty of a misdemeanor and upon conviction shall be punished by a fine as provided in Section 1-14, General Penalty. Each day that one or more of the provisions in this plan is violated shall constitute a separate offense.
4. If a person is observed violating a Stage 2 or greater restriction, including but not limited to vehicle washing, landscape watering, or construction water use, for a second time, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.
5. If a person is convicted of three (3) or more distinct violations of this Division, the city shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur.
6. Services discontinued under such circumstances shall be restored only upon payment of reconnection charge established by city policy and any other costs incurred by the city in discontinuing service. In addition, suitable assurance must be given to the city that the same action shall not be repeated while the plan is in effect.
7. The City is entitled to pursue all other criminal and civil remedies to which it is entitled under statutes or other ordinances. Compliance with this Division may also be sought through injunctive relief in the district court.

SECTION XII: VARIANCES

1. A customer may file an application for a variance from this plan for the property receiving water service with the City Manager. The City Manager may determine the proper information and require that the applicant provide such information to evaluate the variance request.

2. The City Manager may grant a variance from the Plan upon his/her determination that special circumstances exist that upon strict enforcement of the plan will adversely affect the health, sanitation, or fire protection for the public or the applicant.
3. Variances granted under this section will expire upon escalation of the plan to the next higher phase or termination of the plan.

SECTION XIII: STATE MANDATED WATER RESTRICTIONS

1. If a State agency with jurisdiction over water rights and use lawfully orders that drought response restrictions on water usage be imposed, the water restrictions shall be implemented, regardless of whether any of the criteria for implementation stated in Sec. 26-97 or Sec. 26-98 have been met.
2. The city manager shall notify the public of the implementation of the state mandated restrictions as provided in Sec. 26-94. Said notice shall set out the specific restrictions to be implemented.
3. No person shall intentionally, knowingly, recklessly, or with criminal negligence allow the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner:
 - (a) Contrary to the notice issued under subsection 2 above; or
 - (b) Contrary to the state mandated restriction; or
 - (c) In excess of state mandated usage limits.
4. If a violation of the mandated restriction occurs, notice of the violation may be given as provided in Sec. 26-95 and the violation may be punished as provided in Sec. 26-96.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 7, 2021

AGENDA ITEM #: 9

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and action on **Ordinance No. 2021-08**; adopting the amended City Charter as approved at the May 1, 2021 Charter Amendment Election.

STAFF RECOMMENDATION/ITEM SUMMARY:

On May 1, 2021, the voters approved sixteen (16) charter amendments. On May 10, 2021, the Council approved Ordinance No. 2021-06 canvassing the returns of the election. The City Attorney has revised the current Charter to include these amendments. This ordinance officially adopts the City Charter as amended.

Staff recommends approval of this ordinance.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move approval of Ordinance No. 2021-08 adopting the amended City Charter.

ATTACHMENTS:

Ordinance 2021-08 w/Exhibit A

ORDINANCE NO. 2021-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HEWITT, TEXAS ADOPTING THE AMENDED CITY
CHARTER.**

WHEREAS, an appointed Charter Commission and staff presented to the City Council proposed amendments to the City Charter; and

WHEREAS, the City Council called and ordered a Special Charter Amendment Election to be held on May 1, 2021 to consider sixteen (16) proposed amendments to the City Charter; and

WHEREAS, as a result of the election all sixteen (16) charter amendments passed, and the results thereafter canvassed and certified; and

WHEREAS, §9.005(b) of the *Texas Local Government Code* provides that the amendment to the charter does not take effect until the City Council enters an order adopting the Amended City Charter.

NOW, THEREFORE, BE IT ORDAINED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

1. The Amended Charter of the City of Hewitt, Texas, attached as Exhibit "A" hereto is ADOPTED;
2. It is DECLARED that the Amended City Charter shall be effective from this date forward;
3. This Ordinance is effective on the date passed.

PASSED this ____ day of _____, 2021.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

Attest:

Lydia Lopez, City Secretary

Approved:

Michael W. Dixon, City Attorney

EXHIBIT A

HEWITT TEXAS

City Charter

PART I - CHARTER

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Sec. 1.1. - Incorporation.

The inhabitants of the City of Hewitt in McLennan County, Texas, within the corporate limits as now established, or hereafter established in the manner prescribed by this charter, shall be and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Hewitt."

Sec. 1.2. - Form of government.

The municipal government provided by this charter shall be known as the "Council-Manager" government. All powers of the city shall be vested in this council, except as otherwise provided by law or this charter. The council shall appoint the city manager, who shall execute the laws and administer the government of the city in accordance with the policies and budget adopted by the council.

Sec. 1.3. - General powers of the city.

The city shall have all the powers granted to municipalities by the constitution and laws of the State of Texas, as now or hereafter adopted, enacted or amended, together with all of the implied powers necessary to carry into execution such granted powers. The city may use a corporate seal; may sue and be sued; may contract and be contracted with; may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the government of the State of Texas, or any agency or any political subdivision thereof, or with the federal government, or any agency thereof, or with any state or agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety and convenience of the city and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this charter, may sell, lease, mortgage, hold, manage, improve or control such property as may now or hereafter be owned by it; provided however, the city shall not sell, convey, mortgage or otherwise alienate any public utilities without prior approval of the qualified voters of the city; may exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this charter, or by the constitution and laws of the State of Texas; may adopt ordinances and enact such regulations as may be expedient for the maintenance of the city and the welfare, health, morals, comfort, safety and convenience of its inhabitants.

Subject only to the limitations imposed by law and this charter, the city shall have, without the necessity of express enumeration in this charter, each and every power which, by virtue of law, the people are empowered by election to grant or to confer upon the city by expressly and specifically granting and enumerating the same herein.

The powers of the city under this charter shall be construed liberally in favor of the city, and specific mention of particular powers in this charter shall not be construed as limiting in any way the general powers stated in this article.

State Law reference— Home rule, Texas Const., art. XI, § 5; home rule powers, V.T.C.A., Local Government Code § 51.071 et seq.

Sec. 1.4. - Streets and public property.

The city shall have exclusive dominion, control and jurisdiction in, upon, over and under the public streets, sidewalks, alleys, highways, public squares and public ways within the corporate limits of the city, and in, upon, over and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate limits of the city, the city shall have the power to establish, maintain, improve, alter, abandon or vacate the same; to

regulate the use thereof; and to abate and remove in a summary manner any encroachment or nuisance thereon.

State Law reference— Authority regarding streets, V.T.C.A., Transportation Code § 311.001; closing streets, V.T.C.A., Transportation Code § 311.007.

Sec. 1.5. - Street development and improvement.

The city shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways and other public ways within the corporate limits of the city by laying out, opening, narrowing, widening, straightening, extending, lighting and establishing building lines along the same, by purchasing, condemning and taking property therefor; by filling, grading, raising, lowering, paving, repaving and repairing the same; and by constructing, reconstructing, altering, repairing and realigning curbs, gutters, drains, sidewalks, culverts and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove, or any combination or parts thereof.

State Law reference— Authority regarding street improvement, V.T.C.A., Transportation Code § 311.001(b)(3).

Sec. 1.6. - Boundaries.

The boundaries and limits of the city, until changed in the manner herein provided, shall be the same as have heretofore been established and exist on the date of the adoption of this charter, which boundaries are more fully set out and described by metes and bounds in a book called "Official Record Describing the Metes and Bounds of the City of Hewitt," which is now and shall hereafter be kept in the office of the city secretary.

Sec. 1.7. - Annexation.

The City Council shall have all powers of annexation provided by state law pursuant to the applicable procedures required by state law.

State Law reference— Annexations, V.T.C.A., Local Government Code § 43.001 et seq.

Sec. 1.8. - Disannexation.

The City Council shall have all powers of disannexation provided by state law pursuant to the applicable procedures required by state law.

State Law reference— Disannexation, V.T.C.A., Local Government Code § 43.141 et seq.

ARTICLE II. - CITY COUNCIL^[2]

Footnotes:

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State Law reference— Form of government, V.T.C.A., Local Government Code § 26.101 et seq.

Sec. 2.1. - City divided into wards.

The city shall be divided into three (3) wards. The territory included in such wards shall be established by ordinance and may be changed from time to time by ordinances as the interest of the city may demand. In the event the limits of the city are extended, annexed territory shall become a part of the ward to which it adjoins until changed by ordinance; and in the event any annexed tract adjoins two (2) or more wards, the ward line or lines intersecting the original city limits shall be considered extended so that such annexed territory shall become parts of such adjoining wards until changed by ordinance. The boundary lines for the wards shall be initially drawn, and adjusted from time to time, so that each ward

shall contain approximately the same number of qualified voters. By ordinance, the council may increase the number of wards to six (6).

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

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

Sec. 2.3. - Prohibiting holding or running for other office.

No person elected to the council shall, during the term for which they were elected, be appointed to any office or position in the service of the city. No salaried officer or employee of the city shall become a candidate for nomination or election to any publicly elected office of the city.

Sec. 2.4. - Qualifications.

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

In addition, each person filing for election to and each council member occupying one of the places designated for a ward shall be a resident of the ward for which the place is designated for at least six (6) months prior to filing for office and remain a resident of that ward during their term of office.

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

State Law reference— Eligibility of candidates, V.T.C.A., Election Code § 141.001 et seq.

Sec. 2.5. - Council to be the judge of the qualification of its own members.

The council shall be the judge of the qualifications of its own members, and for such purpose shall have power to subpoena witnesses and require the production of records.

Sec. 2.6. - Vacancies.

Vacancies occurring on the council may be filled as follows:

- (a) The council may fill a vacancy by appointment only once in any twelve (12) month period. Any additional vacancies occurring within said twelve (12) month period must be filled by special election unless said vacancy occurs less than one hundred twenty (120) days before a regular city election, in which event such vacancy or vacancies may be filled by appointment to serve until the next regular city election.

Sec. 2.7. - Mayor/mayor pro tem.

At its first meeting following each regular election of council members, the council shall by election designate one of its members as mayor and another of its members as mayor pro tem, each of whom shall serve in such capacity for a term of one (1) year. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process and for emergency purposes, and for military or police purposes, but shall have no administrative duties. The mayor, as a member of the council, shall be

entitled to vote upon all affairs considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

Sec. 2.8. - City attorney.

The council shall appoint a city attorney, who shall serve at the pleasure of the council and who shall be a competent attorney, licensed to practice law in the State of Texas. The city attorney shall be legal advisor of and attorney for all officers of the city and shall represent the city in all litigation and legal proceedings.

Sec. 2.9. - Meetings of the council.

The council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, to be designated by resolution, which resolution shall be published at least one time following the adoption of the resolution, in the official newspaper of the city. The council may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens.

State Law reference— Open Meetings Law, V.T.C.A., Government Code § 551.001 et seq.

Sec. 2.10. - Rules of procedure.

The council shall determine its own rules of procedure and order of business and may compel the attendance of its members. Four (4) members of the council shall constitute a quorum to do business and the affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to adopt any ordinance or resolution unless otherwise required by law or this charter. All meetings of the council shall be open to the public, except as provided by law, and minutes of all open proceedings shall be kept, to which any citizen may have access at all reasonable times. The vote upon the passage of all ordinances and resolutions shall be taken by ayes and nays and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the city secretary. At the first meeting of the council following the annual municipal election, the council shall adopt their rules of procedure.

Sec. 2.11. - Procedure to enact legislation.

The council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Hewitt".

The city attorney shall approve as to the legality thereof all ordinances adopted by the council. Every ordinance enacted by the council shall be signed by the mayor or mayor pro tem attested to by city secretary, and shall be filed with and recorded by the city secretary. Prior to adoption, all ordinances enacted by the council shall be read in open meeting of the council at one regular or special meeting. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect immediately.

ARTICLE III. - ELECTIONS

Sec. 3.1. - General elections.

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

member-at-large shall be so designated. The City may contract with the McLennan County Elections Administrator to conduct its elections. Whether contracted or non-contracted the election must comply with the Texas Election Code.

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

State Law reference— Dates for holding elections, V.T.C.A., Election Code § 41.001 et seq.

Sec. 3.2. - Filing for office.

Filing for office is governed by the Texas Election Code, including the required time and procedure. The application process and qualification or disqualification of a candidate are governed by the Texas Election Code, except as to additional qualifications added by this Charter.

Sec. 3.3. - Official ballot.

The official ballot shall be drawn up by the city secretary and approved by the council and will contain the names of all candidates for office, except those who may have been withdrawn, deceased or become ineligible. The ballot shall have the designation of the particular office and under the appropriate designation shall appear the applicable place numbers. Names will be placed under each place without party designation, and position will be determined by a drawing conducted by the city secretary. The official ballot shall be printed not less than twenty-one (21) days before the date of the election.

Sec. 3.4. - Canvassing the elections.

As required by the Texas Election Code after a regular or special election, either at a called meeting of said council, called for that purpose, or at the next regular meeting, the city council shall canvass the returns and declare the results of such election. Returns of every municipal election shall be recorded in the minutes of the council. The candidates for election to the places of council members, who receive a majority of the legal votes cast for each place shall be declared elected.

Sec. 3.5. - Runoff election and tie votes.

A runoff election shall be held whenever any candidate does not receive a majority of the legal votes cast for the place to which they are a candidate. Such election shall be held on a date provided by the Texas Election Code after the date of the general election. The date of the runoff shall be fixed by the council and notice of the election and conduct thereof shall be the same as for the general city election.

Notwithstanding other provisions of this charter relative to general elections, in the event there be an equal number of votes given to two (2) or more persons for the same office, such candidates may by agreement draw lots to determine the winner; otherwise, the council shall declare such election void as to such office and shall order a runoff election between the two (2) or more candidates, only, who have tied.

Sec. 3.6. - Special elections.

The council may, by ordinance or resolution, call such special elections as are authorized by law and this charter.

ARTICLE IV. - INITIATIVE, REFERENDUM AND RECALL

Sec. 4.1. - Power of initiative.

The citizens of Hewitt reserve the power of direct legislation by initiative, and in the exercise of such power, may propose any ordinance not in conflict with this charter, or law, except an ordinance appropriating money or authorizing the levy of taxes or an ordinance repealing an ordinance appropriating

money or levying taxes. Any initiated ordinance may be submitted to the council by a petition which must be signed by qualified voters of the city equal in number to at least twenty (20) per cent of the number of registered voters at the last general election of the city, or such petition must be signed by four hundred (400) qualified voters, whichever is greater.

Sec. 4.2. - Power of referendum.

The people reserve the power to approve or reject at the polls any ordinance enacted by the council which is subject to the initiative process under this charter, except an ordinance authorizing the issuance of bonds or other evidence of indebtedness. Prior to or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the city, equal in number to at least twenty (20) per cent of the number of votes cast at the last general election of the city, or signed by four hundred (400) qualified voters, whichever is greater, may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Sec. 4.3. - Form of petition.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. The signatures to the initiative or referendum need not be all appended to one paper, but each signer shall sign their name in ink or indelible pencil and shall add their place of residence by street and number. One of the signers of each separate paper petition shall make an affidavit that the person and that person only, personally circulated such petition and that each signature appended thereto was made in that person's presence and is the genuine signature of the person whose name it purports to be, and further that no signature shall have been placed thereon more than forty-five (45) days prior to the filing of such petition.

Sec. 4.4. - Filing, examination and certification of petition.

Within ten (10) days after an initiative or referendum petition is filed, the city secretary shall determine whether the same is signed by the requisite number of qualified voters. The city secretary shall declare void any petition paper which does not have an affidavit attached thereto as required by section 4.3 of this article. After completing examination of the petition, the city secretary shall certify the results thereof to the council at its next meeting, stating the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the city secretary shall show an initiative or referendum petition to be insufficient, the city secretary shall notify the person filing the petition, and it may be amended within ten (10) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within ten (10) days after such amendment is filed, the city secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient, the city secretary shall return the petition to the person filing same, without prejudice to the filing of a new petition for the same purpose; provided however, that upon finding the amended petition to be insufficient, no new petition covering the same subject matter shall be file until six (6) months shall have elapsed from the date of filing of the original petition.

Sec. 4.5. - Council consideration and submission to voters.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the council; or

- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held within sixty (60) days after the date of the certification to the council;
- (c) At such election, submit said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the council.

When the council receives an authorized referendum petition certified by the city secretary to be sufficient, the council shall reconsider the referred ordinance, and if upon reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be more than sixty (60) days after the date of the certification to the council. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Sec. 4.6. - Ballot form and results of election.

The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: "For the Ordinance" and "Against the Ordinance."

An initiated ordinance and an alternative ordinance proposed by the council which are submitted at the same election shall be appropriately identified as the initiated or referred ordinance and as the ordinance proposed by the council.

Any number of ordinances may be voted upon at the same election in accordance with the provisions of this article. An ordinance submitted and receiving an affirmative majority of the votes cast, shall thereupon be effective as an ordinance of the city. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by a five-sevenths (5/7) vote of the council. A referred ordinance which is not approved by a majority of the votes cast shall be deemed thereupon repealed.

Sec. 4.7. - Power of recall.

The people of the city reserve the power to recall any member of the council and may exercise such power by filing with the city secretary a petition, signed by qualified voters of the city equal in number to at least thirty (30) per cent of the number of registered voters at the last general election of the city, demanding the removal of a member of the council. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

Sec. 4.8. - Recall election.

Within fifteen (15) days after the date of the filing of the recall petition, the city secretary shall present such petition to the council.

It shall be the duty of the council to order an election and fix a date for holding such recall election. The date of such election shall not be less than forty-five (45) days, nor more than sixty (60) days, from the date such petition was presented to the council.

Sec. 4.9. - Recall ballot.

Ballots used at recall elections shall conform to the following requirements:

- (a) With respect to each person whose removal is sought the question shall be submitted "Shall (name) be removed from the office of City Council Member?"

- (b) Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in the order indicated:
"For the removal of (name)"
"Against the removal of (name)".

Sec. 4.10. - Results of a recall election.

If a majority of the votes cast at such election shall be for the removal of the individual named on the ballot, the council shall immediately declare the office vacant and such vacancy shall be filled in accordance with the provisions of this charter.

Sec. 4.11. - Limitations on recall.

No recall petition shall be filed against any officer of the city within three (3) months after their election, or within six (6) months after an election for such officer's recall.

ARTICLE V. - ADMINISTRATIVE ORGANIZATION

Sec. 5.1. - The city manager.

The council shall appoint a city manager who shall serve at the pleasure of the council. The city manager shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of the person's executive and administrative training, experience, ability and character. The city manager need not, when appointed, be a resident of the City of Hewitt, but shall reside in the city within six (6) months of the appointment and remain a resident of said city during their employment. No member of the council shall, during the term for which elected, nor within one (1) year thereafter, be chosen as city manager. The city manager shall receive such compensation as may be fixed by the council.

Sec. 5.2. - Powers and duties of the city manager.

The city manager shall be responsible to the council for the proper administration of all the affairs of the city. The powers herein conferred upon the city manager shall include, but shall not be limited to, the following:

- (a) To appoint and remove any officer or employee of the city, except those officers or employees whose appointment or removal is otherwise provided for by law or this charter; however, nothing herein shall prevent the city manager from authorizing the head of a department to appoint and remove subordinates in such department;
- (b) To prepare and submit to the council an annual budget and be responsible for its administration after adoption;
- (c) To prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the preceding year;
- (d) To keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to the city manager desirable;
- (e) To perform such other duties as may be prescribed by this charter or required of the city manager by the council, not inconsistent with this charter; and
- (f) To attend all meetings of the council, except when the city manager is under discussion, with the right to take part in the discussion, but having no vote; and the city manager shall be notified of all special meetings of the council.

Sec. 5.3. - Investigation by the city council.

The council shall have power to inquire into the conduct of any office, department, agency, officer or employee of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence.

Sec. 5.4. - Council not to interfere in city manager's appointments or removals.

No individual member of the council shall direct or request the appointment of any person to or their removal from office by the city manager or by any of the city manager's subordinates. However, the council may consult and advise the city manager, make inquiry regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the city manager, the council and its members shall deal solely through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager, either privately or publicly.

Sec. 5.5. - Absence of the city manager.

The city manager, by letter filed with the city secretary, may designate another officer of the city to perform the city manager's duties during the city manager's temporary absence or disability. In the event of failure of the city manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the city manager until the city manager shall return or the city manager's disability shall cease.

Sec. 5.6. - Administrative departments.

There shall be such administrative departments as are established by this charter and such other administrative departments as may be deemed necessary by the council and as are established by ordinance, all of which shall be under the control and direction of the city manager. The council may, by ordinance, abolish or combine one or more departments created by it and may assign or transfer duties of any department of the city from one department to another by ordinance.

Sec. 5.7. - Directors of departments.

At the head of each department there shall be a director. Two (2) or more departments may be headed by the same individual, and the city manager may head one or more department. The city manager may require department directors to reside within the City of Hewitt.

Sec. 5.8. - The city secretary.

The city manager shall appoint the city secretary. The city secretary shall give notice of council meetings, shall keep the minutes of the proceedings of such meetings, shall be the official custodian of the records of the city, shall authenticate by their signature and record in full in a book kept and indexed for that purpose, all ordinances and resolutions, and shall perform such other duties as the city manager shall assign to said secretary, and those elsewhere provided in this charter or by ordinance.

ARTICLE VI. - MUNICIPAL COURT⁽³⁾

Footnotes:

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State Law reference— Municipal court, V.T.C.A., Government Code § 29.001 et seq.

Sec. 6.1. - Municipal court.

There shall be a court known as the Municipal Court of Hewitt, Texas, with such jurisdiction, powers and duties as are given and prescribed by the laws of the State of Texas.

Sec. 6.2. - Judge of the municipal court.

The municipal court shall be presided over by the municipal judge. The municipal judge shall be an attorney who is licensed to practice law in the State of Texas. The municipal judge shall not be an

employee of the city in any other capacity. The municipal judge shall receive such compensation as may be set by the council.

The municipal judge shall be appointed by the council for a term of two (2) years, but may be removed upon the affirmative vote of a majority of the council for good cause.

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

State Law reference— Municipal judge, V.T.C.A., Government Code § 29.004; term of office, V.T.C.A., Government Code § 29.005.

Sec. 6.3. - Clerk of the municipal court.

There shall be a clerk of the municipal court who shall be appointed by the city manager. The clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court, and conducting the business thereof.

ARTICLE VII. - FINANCE^[4]

Footnotes:

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State Law reference— Financial matters, V.T.C.A., Local Government Code § 101.021 et seq.

Sec. 7.1. - Fiscal year.

The fiscal year of the city shall begin on October first of each calendar year and will end on September thirtieth of the following calendar year. The fiscal year will also be the accounting and budget year. All funds collected by the city during any fiscal year including both current and delinquent revenue shall belong to such fiscal year and, except funds derived to pay interest and create a sinking fund on any indebtedness of the city, may be applied to the payment of the expenses incurred during such fiscal year. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

State Law reference— Fiscal year, V.T.C.A., Local Government Code § 101.022.

Sec. 7.2. - Preparation and submission of budget.

The city manager, prior to August first of each year, shall prepare and submit a proposed budget, covering the next fiscal year, to the council, which shall contain the following information:

- (a) The proposed financial policies for the next year with explanations of any change from previous years in expenditures and any major changes of policy and a complete statement regarding the financial condition of the city;
- (b) An estimate of all revenue from taxes and other sources, including the present tax structure rates and property evaluation for the ensuing year, together with tax levies and collections for the last five (5) years;
- (c) A carefully itemized list of proposed expenses by office, department, agency, employee, project and an unallocated reserve fund for the budget year, as compared to actual expenses of the last ended fiscal year, and the present year-to-day;
- (d) A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the city has incurred and which has not been paid;
- (e) A statement proposing any capital expenditures deemed necessary during the next budget year and recommended provisions for financing;

- (f) A projected list of capital projects which should be undertaken within the five (5) next succeeding years; and
- (g) Such other information as may be requested by the council.

State Law reference— Budget preparation and adoption procedure, V.T.C.A., Local Government Code § 102.001 et seq.; circumstances under which charter controls, V.T.C.A., Local Government Code § 102.011.

Sec. 7.3. - Proposed budget a public record.

The proposed budget shall be filed with the city secretary and shall be available for public inspection.

State Law reference— Filing proposed budget for public inspection, V.T.C.A., Local Government Code § 102.005.

Sec. 7.4. - Public hearing on proposed budget.

At the council meeting at which the proposed budget is submitted the council shall name the date and place of a public hearing to be held thereon and shall cause to be published in the official newspaper of the city the time and place of such hearing, which will be not less than fifteen (15) days after the date of the notice. At this hearing, interested citizens may express their opinions concerning the proposed budget.

State Law reference— Public hearing on budget, V.T.C.A., Local Government Code § 102.006.

Sec. 7.5. - Proceeding on adoption of proposed budget.

After public hearing, the council shall analyze the proposed budget, making any additions or deletions which it feels appropriate, and shall, at least ten (10) days prior to the beginning of the next fiscal year, adopt a budget by a majority vote. Should the council take no final action on or prior to such date, the then existing budget, together with its tax-levying ordinance and its appropriation ordinance shall be deemed to have been finally adopted by the council. No budget shall be adopted or appropriations made unless the total of estimated income and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this article.

State Law reference— Adoption of proposed budget, V.T.C.A., Local Government Code § 102.007.

Sec. 7.6. - Appropriation.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this article, no funds of the city shall be expended, nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided by this article. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The council may transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another, at any time. The city manager shall have authority, without council approval, to transfer appropriation balances from one expenditure account to another within a single office, department or agency of the city.

Sec. 7.7. - Emergency appropriations.

At any time in any fiscal year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than regular or recurring requirements, to protect the public health, safety or welfare. Such appropriation shall be by ordinance adopted by the favorable votes of three-fourths ($\frac{3}{4}$) of the council members qualified and serving. The

total amount of all emergency appropriations made in any fiscal year shall not exceed two and one-half (2½) per cent of the tax levy for that fiscal year. Should the unappropriated and unencumbered revenues, income and available funds of the city for such fiscal year be insufficient to meet the expenditures under the appropriation authorized by this section, thereby creating a deficit, the council shall include the amount of such deficit in its budget for the following fiscal year, during which such deficit shall be paid off and discharged.

State Law reference— Expenditure of funds under budget, V.T.C.A., Local Government Code § 102.009.

Sec. 7.8. - Borrowing to meet emergency appropriations.

In the absence of unappropriated available revenues or other funds to meet emergency appropriations under the provisions of the next preceding section, the council may by resolution authorize the borrowing of money to meet such deficit by the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed, but all such notes and any renewals thereof shall mature and be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made, as provided in the last preceding section.

Sec. 7.9. - Depository.

All moneys received by any person, department or agency of the city for or in connection with affairs of the city shall be deposited in the city depository or depositories, which shall be designated by the council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be provided by law. All checks, vouchers or warrants for the withdrawal of money from the city depositories shall be signed by two (2) individuals as prescribed by ordinance.

Sec. 7.10. - Budget filed with city secretary.

A copy of the adopted budget shall be filed with the city secretary and shall be available for public inspection.

State Law reference— Adopted budget a public record, V.T.C.A., Local Government Code § 102.008.

Sec. 7.11. - Defect shall not invalidate the tax levy.

Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.

Sec. 7.12. - Independent audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the council shall direct that an independent audit be made of all accounts of the city by a certified public accountant. The certified public accountant shall have no personal interest in the financial affairs of the city.

State Law reference— Annual audit, V.T.C.A., Local Government Code § 103.002.

Sec. 7.13. - Purchase procedure.

All purchases made and contracts executed by the city shall be reviewed by the city manager who shall determine that there is to the credit of such office, department or agency, a sufficient unencumbered budgeted appropriation and allotment balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. The council may by ordinance confer upon the city manager general authority to contract for expenditures without further approval of the council for all budgeted items not exceeding the amount set by the council in its ordinance. All contracts for expenditures exceeding the amount set by the council in its ordinance must be expressly approved in

advance by the council. Competitive bidding shall be required for purchases or contracts as provided by applicable state law.

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.

State Law reference— State law may supersede charter provision, V.T.C.A., Local Government Code § 252.002.

ARTICLE VIII. - BONDS, CERTIFICATES OF OBLIGATION, WARRANTS AND OTHER EVIDENCE OF INDEBTEDNESS

Sec. 8.1. - Powers to issue.

The city shall have the power to borrow money for any public purpose not prohibited by law, and shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, certificates of obligation, time warrants and other evidence of indebtedness as authorized by law.

Sec. 8.2. - Sale of bonds.

All bonds and other evidences of indebtedness of the city having been issued and sold in accordance with the terms of this article, and having been delivered to purchasers thereof, shall thereafter be incontestable, and all bonds issued to refund outstanding bonds previously issued shall be incontestable.

Sec. 8.3. - Interest and sinking funds.

The council shall levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the city. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on all such bonds issued by the city.

Sec. 8.4. - Revenue bonds.

The city shall have power to borrow money for the purpose of constructing, acquiring, improving, extending or repairing all public utilities, recreational facilities or any other property or facility not prohibited by law and issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the revenues, pledges to payment thereof or the properties, or interest therein acquired and the income therefrom, and shall never be a debt of the city. Revenue bonds issued by the city may, within discretion of the city council, be submitted for approval by a majority of qualified voters, voting at an election held for such purpose. The council shall have authority to provide for the terms and force of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds, and the acquisition and operation of any property or interest.

Sec. 8.5. - Execution and registration of bonds.

All bonds, and other evidences of indebtedness, shall be signed by the mayor, countersigned by the city secretary, and sealed with the seal of the city in the manner provided by law, and shall be payable not more than forty (40) years from their date. The mayor shall forward such issued bonds to the attorney general of the State of Texas for approval and for registration by the comptroller of public accounts.

ARTICLE IX. - TAXATION^[5]

Footnotes:

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State Law reference— Taxes, V.T.C.A., Tax Code § 1.01 et seq.

Sec. 9.1. - Taxation.

The city shall contract with the McLennan County Appraisal District and the McLennan County Tax Assessor-Collector for the valuation, assessment, and collection necessary for property taxation.

Sec. 9.2. - Powers of taxation.

The city's power to levy, assess and collect taxes of every character and type for any municipal purpose shall be limited to those permitted by law. Taxation shall be consistent with the Texas Tax Code and other applicable state laws providing for municipal taxes.

Sec. 9.3. - Assessment of property for tax purposes.

Assessment for property tax purposes is conducted by the McLennan County Appraisal District.

Sec. 9.5. - When due and payable.

All taxes are due on dates provided for in the Texas Tax Code, or other state law as to non-property taxes.

Sec. 9.6. - Tax lien and liability.

A special lien is hereby created on all taxable property, located in the city, in favor of the city for all taxes, ad valorem, occupational or otherwise. Said lien shall exist from January first in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, can ever defeat such lien, but the assessor-collector can pursue such property, and whenever found may, by judicial writ, seize and sell enough thereof to satisfy such taxes.

Sec. 9.7. - The city council may delegate.

Where lawful, the city council may delegate any or all responsibilities, duties or powers under this article to any other agency, party or authority.

ARTICLE X. - PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT⁽⁶⁾

Footnotes:

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State Law reference— Zoning commission, V.T.C.A., Local Government Code § 211.007; board of adjustment, V.T.C.A., Local Government Code § 211.008.

Sec. 10.1. - The planning and zoning commission.

The city council shall by ordinance appoint a planning and zoning commission and provide by ordinance that the number of members on the commission not be less than five (5) nor more than nine (9) members with two (2) alternates to serve two (2) year terms with vacancies to be filled by the city council.

Sec. 10.2. - The planning and zoning commission—Organization, Meetings, Powers and Duties.

The city council shall provide by ordinance or ordinances for the organization of the commission, the frequency and conduct of commission meetings, and any powers or duties of the commission beyond those expressly provided for by state law.

Sec. 10.3. - Board of adjustment.

The city council shall by ordinance appoint a board of adjustment having the powers given to it by state law and city ordinance. The number of members shall not be less than five (5) nor more than seven (7), with two (2) alternates, with members to serve for two (2) year terms, and vacancies to be filled by the city council.

State Law reference— Board of adjustment, V.T.C.A., Local Government Code § 211.008.

Sec. 10.4. - Board of adjustment—Duties and powers.

The board of adjustment shall have all powers, duties and responsibilities given it by law.

State Law reference— Powers and duties of board of adjustment, V.T.C.A., Local Government Code § 211.008.

ARTICLE XI. - FRANCHISES; UTILITIES; USE OF STREETS⁷

Footnotes:

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State Law reference— Franchise to use public streets, V.T.C.A., Transportation Code § 311.071 et seq.

Sec. 11.1. - Franchises and public utilities.

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.

ARTICLE XII. - GENERAL PROVISIONS

Sec. 12.1. - Public records of the city.

Every ordinance or resolution, upon its becoming effective, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and attested by the city secretary, which book shall be kept at the city hall and a duplicate copy thereof shall be kept in a fireproof city depository. All public records of every office, department or agency of the city shall be open to inspection by any citizen at all reasonable times, provided that the police records and any other records closed to the public by law, shall not be considered public records for the purpose of this section.

State Law reference— Public records act, V.T.C.A., Government Code § 552.001 et seq.; records management, V.T.C.A., Local Government Code § 203.001 et seq.

Sec. 12.2. - Personal interest in city contracts.

No officer or employee of the city, nor any person related within the first degree by blood or marriage to such officer or employee, shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, material, supplies or services, except on behalf of the city as an officer or employee; provided, however, that this section shall

not apply in any instance where the interest of the officer or employee and/or relative as set out above does not exceed ten (10) per cent of the total stock or ownership of the corporation or entity involved, provided further, that such officer or employee shall disclose such interest of ten (10) per cent or less and shall refrain from voting upon or otherwise participating in their capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit their office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation contracted with or making a sale to the city shall render the contract or sale voidable by the council.

State Law reference— Conflict of interest, V.T.C.A., Local Government Code § 171.001 et seq.

Sec. 12.3. - Nepotism.

No person related within the second degree by marriage, or the third degree by blood, to any member of the council or the city manager or any department head shall be appointed to any paid office, position, clerkship or other service of the city. This prohibition shall not apply, however, to any person who shall have been continuously employed by the city for two (2) years or more prior to the election of the council member, or appointment of the city manager, or the department head, so related to them.

State Law reference— Nepotism, V.T.C.A., Government Code § 573.001 et seq.

Sec. 12.4. - Conduct of officers or employees.

No officer or employee of the city shall accept, directly or indirectly, any gift, favor, privilege or employment from any person, firm or corporation doing business with, or seeking to do business with, the city during the term of office of such officer or during the employment of such employee of the city and in connection with such office or employment, except as may be authorized by ordinance or on behalf of the city and for its benefit. No officer or employee of the city who is employed, directly or indirectly, by any person, firm or corporation doing business with, or seeking to do business with, the city shall in any manner participate in any discussion or decision of any agency, board, commission or instrumentality of the city having to do with the business done or sought to be done with the city by such person, firm or corporation. Any employee or officer of the city who shall willfully violate the provisions of this section shall be guilty of a misdemeanor and shall be punishable by such fine as may be prescribed by ordinance for this offense.

No person who holds a compensated appointive office, or who is employed by the city, shall make, solicit or receive any contribution to the campaign funds of any candidate for the city council, or take any part in the management, affairs or political campaign of any such candidate, provided further, nothing herein shall infringe the constitutional rights of such officer or employee to express their opinions and to cast their vote.

State Law reference— Conflicts of interest, V.T.C.A., Local Government Code § 171.001 et seq.

Sec. 12.5. - Notice of claims.

Before the city shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, the person injured, if living, or their representatives, if dead, or the owner of the property damaged or destroyed, shall give the city secretary notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within thirty (30) days after same has been sustained, stating specifically in such written notice when, where and how the death, injury, damage or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the city secretary within the time and manner specified

herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer or employee of the city shall waive compliance or estop the city from requiring compliance with the provisions of this section as to notice, but such provisions may be waived by resolution of the council, made and passed before the expiration of the thirty-day period herein provided, and evidenced by minutes of the council.

State Law reference— Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code § 101.101 et seq.

Sec. 12.6. - Suits by or against the city.

It shall not be necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security, including supersedeas bond, to be demanded or executed by or on behalf of the city. The city shall have all remedies of appeal provided by law to all courts in this state without bond or security or [of] any kind, but shall be liable in the same manner and to the same extent as if such bond, undertaking or security had actually been executed or given.

Sec. 12.7. - Assignment, execution and garnishment.

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to the city, in the hands of any person, be liable to garnishment on account of any debt the city may owe or funds the city may have on hand due any person, nor any of its officers or agents shall be required to answer any writ of garnishment on any account whatsoever, nor shall the city be liable to the assignee of any wages of any officer, agent or employee, whether earned or unearned, upon any claim or account whatsoever, and any such attempted assignment shall be absolutely void as to the city.

Sec. 12.8. - Bond of contractors.

Performance and payment bonds are required for city public works projects at the dollar thresholds established by state law and in the amounts established by state law. The city council reserves the right to require a bond at a lower threshold in its discretion.

Sec. 12.9. - Pools, ponds and lakes.

The city shall have power to control or prohibit the construction of pools, ponds or lakes receiving water from a recognizable stream, creek, branch or natural drainage. The city may control location, construction, height of structure, depth and size of body of water to be impounded. No pool, pond or lake receiving water from recognizable stream, creek, branch or natural drainage shall be constructed without first obtaining a permit issued by the city.

Sec. 12.10. - Bonds of city officials, employees or department directors.

The council may require any city official or employee, before entering upon their duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the council; as surety thereon, said bond to be in such amount as the council may demand, payable to the city and conditioned for the faithful performance of the duties of their office, premium of such bond to be paid by the city.

Sec. 12.11. - Amendment of the charter.

Amendments to this charter may be framed and submitted to the voters of the city in the manner provided by V.T.C.A., Local Government Code § 9.001 et seq.

Sec. 12.12. - Separability clause.

If any section or part of a section of this charter is held to be invalid, such invalidity shall not invalidate or impair the validity, force or effect of any other section or part of a section of this charter.

Sec. 12.13. - Rearrangement and renumbering.

The council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this charter, or any amendments thereto, and to correct any typographical errors or incorrect reference or term, and upon the passage of such ordinance, a copy thereof, certified by the city secretary and filed with a copy of this charter, shall be forwarded to the secretary of the State of Texas for filing, as well as certified copies of such ordinance being filed with any other appropriate offices.

Sec. 12.14. - Effective date of charter.

This charter, when adopted, shall become effective after the votes cast at the election at which it is submitted shall have been counted and the result of said election declared and an ordinance passed declaring it adopted.

Sec. 12.17. - Construction of charter.

Unless otherwise expressly provided herein, the masculine, feminine or neuter gender shall each include the other.