

HEWITT TEXAS

CITY COUNCIL WORKSHOP/REGULAR MEETING

June 06, 2022 at 6:00 PM

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

AGENDA

Steve Fortenberry, Mayor, Ward 3

Michael S. Bancale, Mayor Pro Tem, At-Large – **Charlie Turner**, Council Member, Ward 1

Johnny Stephens, Council Member, Ward 1 – **Johnny Price**, Council Member, Ward 2

Bob Potter, Council Member, Ward 2 – **Erica Bruce**, Council Member, Ward 3

The meeting will be streamed live on the city's website at www.cityofhewitt.com/790/Hewitt-TX-TV.

WORKSHOP MEETING - 6:00 PM

WORKSHOP DECLARATION OF A QUORUM AND CALL TO ORDER

WORKSHOP AGENDA

1. Elected Officials Orientation

WORKSHOP ADJOURNMENT

REGULAR MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. [Note: Prior to the meeting, the citizen must complete a "Public Comment Form" and present it to the City Secretary.]

REGULAR AGENDA ITEMS

2. Consider approval of minutes of the Regular Meeting of May 16, 2022.
3. Presentation of the report from City Engineer Miles Whitney, P.E.

- Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
4. Discussion and possible action on reappointments to the Planning & Zoning Commission.
 5. Briefing and discussion concerning Cyber Security training mandated by House Bill (HB) 3834.
 6. Briefing and discussion concerning Texas Open Meetings Act Training.
 7. Discussion and possible action authorizing the adoption of a **Resolution No. 2022-07** directing publication of notice of intention to issue combination tax and limited surplus revenue certificates of obligation.
 8. Discussion and possible action regarding traffic pattern change at Old Temple Road and S. Hewitt Drive.
 9. Discussion and possible action authorizing the City Manager to engage the services of HdL Companies to provide Hotel and Short-Term Rental Administration Services.
 10. Briefing and discussion concerning Budget Calendar.

ADJOURNMENT

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on June 01, 2022, by 5:00 PM.

CITY OF HEWITT

Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the American with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in City Council meetings. The facility is wheelchair accessible, with handicap parking available at the front of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the City Secretary at 254.296.5602 or by fax at 254.666.6014.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the Regular Meeting of May 16, 2022.

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

CITY COUNCIL REGULAR MEETING

May 16, 2022 at 7:00 PM

Hewitt Public Safety Facility - Training Room, 100 Patriot Court, Hewitt, TX 76643

MINUTES

Steve Fortenberry, Mayor, Ward 3

Michael S. Bancale, 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

MEMBERS PRESENT:

Mayor Steve Fortenberry

Mayor Pro Tem Michael Bancale

Council Member Erica Bruce

Council Member Bill Fuller

Council Member Bob Potter

Council Member Charles D. Turner

Council Member Wilbert Wachtendorf

INCOMING MEMBERS:

Johnny Price

Johnny Stephens

REGULAR MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

Mayor Steve Fortenberry called the meeting to order at 7:00 PM and announced all members were present.

PLEDGE OF ALLEGIANCE

Mayor Fortenberry led the Pledge of Allegiance

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

1. Presentation of Department Spotlight
Human Resource Manager Jessica Higgins presented the staff of the Parks Department and highlighted some of the department's accomplishments and responsibilities.
2. Special presentation of proclamation in recognition of "National Police Week".
Mayor Fortenberry presented the proclamation to Police Chief Jim Devlin and staff.

PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. Mayor Fortenberry recognized Jeanne Passalugo, 137 E. Chapman Rd., who suggested Council consider resident only voting in their Ward during the redistricting process. No one else appeared.

REGULAR AGENDA ITEMS

3. CONSIDER APPROVAL OF MINUTES OF THE WORKSHOP/REGULAR MEETING OF MAY 2, 2022.

MOTION: Council Member Turner moved approval of the meeting minutes as presented but to allow for corrections.

SECOND: Council Member Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

4. DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

City Manager Bo Thomas presented prospective applicant Brian Dalrymple. A brief interview was held.

MOTION: Council Member Turner moved to approve the appointment of Brian Dalrymple to the Planning and Zoning Commission with a term expiring in June 2024.

SECOND: Council Member Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

5. BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING APRIL 30, 2022.

City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the April Financial Statements electronically on May 5, 2022, and inquired if Council had any questions. The Council raised no questions or concerns. No action was required.

6. DISCUSSION AND POSSIBLE ACTION REGARDING SURPLUS INVENTORY.

City Manager Bo Thomas presented a proposed list of surplus items ready for liquidating.

MOTION: Council Member Wachtendorf moved approval of surplus items list for release to auction.

SECOND: Council Member Turner

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

NAYES: None

ABSENT: None

MOTION PASSED.

7. AUTHORIZE THE CITY MANAGER TO EXECUTE A MASTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF GRAND PRAIRIE FOR THE PURPOSE OF CONTRACTING SLURRY SEAL SERVICES OR OTHER STREET MAINTENANCE SERVICES.

City Manager Bo Thomas presented.

MOTION: Council Member Fuller moved approval to authorize the City Manager to enter into a Master Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie for the purpose of contracting slurry seal services from Viking Construction, Inc.

SECOND: Council Member Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

8. AUTHORIZE A CONTRACT FOR SLURRY SEAL SERVICES WITH VIKING CONSTRUCTION, INC., \$123,034.16.

City Manager Bo Thomas presented.

MOTION: Mayor Pro Tem Bancale moved to authorize the purchase of slurry seal services from Viking Construction, Inc., \$123,034.16

SECOND: Council Member Turner

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

NAYES: None

ABSENT: None

MOTION PASSED.

9. AUTHORIZE A CONTRACT FOR SLURRY SEAL SERVICES FOR THE PARKING LOTS AT HEWITT AND WARREN PARKS WITH VIKING CONSTRUCTION, INC., \$37,724.60.

City Manager Bo Thomas presented.

MOTION: Council Member Wachtendorf moved to authorize the purchase of slurry seal services from Viking Construction, Inc., \$37,724.60.

SECOND: Council Member Turner

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

NAYES: None

ABSENT: None

MOTION PASSED.

10. DISCUSSION AND POSSIBLE ACTION REGARDING REDISTRICTING CITY OF HEWITT WARDS.

City Manager Bo Thomas recapped Mike Morrison’s presentation at the May 2nd City Council meeting and requested Council provide direction on the proposed redistricting of the wards as presented by Mike Morrison.

MOTION: Council Member Wachtendorf moved approval of the proposed boundaries as outlined by Mr. Morrison to review for federal and state requirements and further compliance with City Charter.

SECOND: Council Member Turner

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

NAYES: None
ABSENT: None
MOTION PASSED.

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Mayor Fortenberry recognized outgoing Council Members Bill Fuller and Wilbert “Walky” Wachtendorf who served as members of the Hewitt City Council for terms of 20 years and 16 years respectively. City Manager Bo Thomas presented them with crystal awards engraved with their years of service.

OATH OF OFFICE AND CERTIFICATES OF ELECTION FOR NEWLY ELECTED OFFICIALS

11. ADMINISTER OATH OF OFFICE AND ISSUE CERTIFICATES OF ELECTION TO ELECTED COUNCIL MEMBERS.

City Secretary Lydia Lopez administered the Oath of Office and issued Certificates of Election to the newly elected Council. The newly elected Council Members took their seat.

Mayor Fortenberry recessed the regular meeting to convene the following Executive Session at 7:52 PM

EXECUTIVE SESSION: Notice is given that a closed meeting will be held pursuant to Section 551.074 of the Texas Government Code (V.T.C.A.) so that the Council may discuss personnel matters regarding the appointment of officers (Council Members) to serve in the positions of Mayor and Mayor Pro Tem.

Mayor Fortenberry reconvened the regular meeting at 8:02 PM.

ELECTION OF MAYOR AND MAYOR PRO TEM

12. DISCUSSION AND POSSIBLE ACTION ON THE SELECTION OF MAYOR AND MAYOR PRO TEM.

Mayor Fortenberry called for nominations for the selection of Mayor.

MOTION: Council Member Turner moved to nominate Steve Fortenberry as Mayor.

SECOND: Council Member Johnny Price

AYES: Bruce, Turner, Price, Potter, Stephens, Bancale, and Fortenberry

NAYES: None

ABSENT: None

MOTION PASSED.

Mayor Fortenberry called for nominations for the selection of Mayor Pro Tem.

MOTION: Council Member Turner moved to nominate Michael Bancale as Mayor Pro Tem.

SECOND: Council Member Johnny Price

AYES: Bruce, Turner, Price, Potter, Stephens, Bancale, and Fortenberry

NAYES: None

ABSENT: None

MOTION PASSED.

ADJOURNMENT

MOTION: Council Member Price moved to adjourn the Regular Meeting at 8:04 PM.

SECOND: Council Member Erica Bruce

AYES: Bruce, Turner, Price, Potter, Stephens, Bancala, 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 6, 2022

AGENDA ITEM #: 3

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

Presentation of the report from City Engineer Miles Whitney, P.E.

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

STAFF RECOMMENDATION/ITEM SUMMARY:

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

FISCAL IMPACT:

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

SUGGESTED MOTION:

No action is required.

ATTACHMENTS:

Report

HEWITT TEXAS

CITY ENGINEER'S REPORT
May 31, 2022

Utility Projects

See E. Warren St. Imp.

Street/Transportation Projects

E. Warren Street Improvements

Contractor is to be setting barricades and mobilizing 6/1/2022. Property owners have been notified, of the roadway closures and thru traffic will be detoured. First items to be installed are the replacement utilities, then roadway/drainage work will follow.

Drainage Projects

N/A

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Discussion and possible action on reappointments to the Planning & Zoning Commission.

STAFF RECOMMENDATION/ITEM SUMMARY:

Walter H. Peterson and Paul D. Lasater have terms that expire this month on the Planning and Zoning Commission. Both are eligible for reappointment and have agreed to serve another three-year term. These members are in good standing and staff recommends approval of this item.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to reapprove the reappointment of Planning and Zoning Commission members Walter H. Peterson and Paul D. Lasater for a three-year term ending in June 2025.

ATTACHMENTS:

Council, Boards, and Commission Roster

CITY OF HEWITT: COUNCIL, BOARDS, COMMITTEES, AND COMMISSIONS

City Hall 666-6171 (Fax 666-6014); Community Services 666-2447; Utility Billing 666-3151 (after hrs emergency 666-6272); Police Adm. 666-1661; Drug Tips 666-3333; Animal Control 666-6272; Library 666-2442; Park Reservations 666-6173; Municipal Court 666-1208; Chamber of Commerce 666-1200. City of Hewitt web site: www.cityofhewitt.com; Email: citysecretary@cityofhewitt.com

<u>City Council</u> 2 Yr Term - May	<u>Board of Adjustment</u> 2 Yr Term - April	<u>Planning & Zoning</u> <u>Commission</u> 2 Yr Term - June	<u>Parks & Beautification</u> <u>Committee</u> 2 Yr Term - December	<u>Library Board of</u> <u>Directors</u> 2 Yr Term - December
1 st & 3 rd Mon. @ 7 pm	3 rd Thurs. @ 6 pm	1 st Tues. @ 6 pm	3 rd Wed. @ 6 pm	Quarterly as needed
Charlie Turner Ward 1 (05-2023) 209 Laredo Dr. (254) 709-3614	Chairman (04-2022) Jim Winton 1136 Heatherwood (254) 857-9436	(06-2022) Paul D. Lasater 1112 Heatherwood (254) 716-0025	(12-2022) Jerry Snider 108 Brenda Drive (254) 307-0613	(12-2022) Jerry Snider 108 Brenda Drive (254) 307-0613
Johnny Stephens Ward 1 (05-2024) 305 Travis Lane (254) 709-3989	(04-2022) Bradley T. Turner 425 W. Chapman (254) 723-4912	(06-2024) Brian Dalrymple 821 Sunny's Halo Dr. (254) 744-9711	(12-2023) Shayla Wicks 1054 Hesselridge (254) 366-5839	(12-2023) Betty J. Smith 709 Seminole Trail (254) 666-7931
Johnny Price Ward 2 (05-2024) 115 Westchester Way (254) 709-3998	(04-2023) Douglas Bergen 264 Earle Road (254) 666-0855	(06-2022) Walter H. Peterson 500 Moss Hill Road (254) 757-5128	(12-2023) Casey Lowrey 700 Wind Hill Drive (254) 424-1266	(12-2022) Julie Holcomb 112 Travis Ln. (972) 935-4528
Bob Potter Ward 2 (05-2023) 409 W Wall Street (254) 709-3666	(04-2023) Charles Howard 155 Ellis Farm Road (254) 732-4746	(06-2023) Dustin Crawford 1001 December Dr. (903) 754-1204	(12-2023) Ann E. Schiltz 1220 Dendron Drive (254) 666-4291	(12-2022) Lydia Dashner 520 Angel Fire Drive (254) 666-9623
Erica Bruce Ward 3 (05-2023) 717 Fieldstone (254) 709-4050	(04-2023) R. Don Vardeman 432 S First Street (254) 227-4495	(06-2023) Bobby Drake 107 Westchester Way (254) 772-7440	(12-2022) Vernon Bailey 301 Tampico Drive (512) 797-6377	(12-2022) Jennifer Hunt 228 Cross Country Drive (254) 498-0102
Mayor Steve Fortenberry Ward 3 (05-2024) 701 Oakmont Drive (254) 709-0030	Alternate (04-2022) VACANCY	(06-2023) Michael Lee Hix 336 Bowie Lane (254) 723-5071	(12-2022) Hunter Edmundson 444 W Lindenwood Ln. (404) 518-6290	(12-2023) Ryan Erck 816 Pawnee Trl. (254) 485-6563
Mayor Pro Tem Michael S. Bancale At-Large (05-2023) 909 Stoneridge Drive (254) 709-3522	Alternate (04-2023) Royce W. Smith 1128 Regina (254) 652-3099	(06-2023) Travis Bailey 412 Oklahoma Ave. (254) 666-1492	(12-2022) VACANCY	(12-2023) Sally Goldman 132 Texas (254) 666-2436

Updated: 5/31/2022

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 5

SUBMITTED BY: Jessica Higgins, HR Manager/Civil Service Director

ITEM DESCRIPTION:

Briefing and discussion concerning Cyber Security training mandated by House Bill (HB) 3834.

STAFF RECOMMENDATION/ITEM SUMMARY:

Acknowledge the email sent on Monday, May 23, 2022, to Mayor and Council Members regarding the cyber security training required by all elected officials. The email contained the instructions and deadline for completing the certified cyber security training program.

Please complete the training by June 30, 2022. If you need assistance, please do not hesitate to contact me.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No action is needed.

ATTACHMENTS:

Email sent on Monday, May 23, 2022.

Jessica Higgins

From: Jessica Higgins
Sent: Monday, May 23, 2022 10:13 AM
To: Michael Bancale; Charlie Turner; Bob Potter; Johnny Stephens; Erica Bruce; Steve Fortenberry; Johnny Price
Cc: Bo Thomas; Wanda Brooks
Subject: CITY OF HEWITT: CYBER SECURITY TRAINING

Mayor and Council Members,

House Bill (HB) 3834 requires all local government employees and officials to complete a certified cyber security training program. This year, the City is utilizing SGR for the training.

To complete the training, follow the steps below:

1. By the end of the week, you will receive two emails from SGR Bridge (notifications@hewittx-sgrondemand.bridgeapp.com). If you do not receive the emails, please check your spam/junk folder.
 - a. The first email subject line will state:
 - i. *Welcome! Learning awaits!* with instructions on how to set up the password.

Welcome! Learning Awaits  

Bridge notifications@demos-sgrondemand.bridgeapp.com via governmentresource.com to training =

This message has been deleted. [Restore message](#)

Welcome sgrdemo49!

SGR Content Demos has set up an account for you to a our modern, intuitive, mobile learning platform.

Sign in using Login ID: sgrdemo49

You just need to set a password and you'll be well on yc to a new learning experience!

[SET A PASSWORD](#)

- b. The second email subject line will state:
 - i. *You're enrolled in Hewitt TX Cyber Security Training 2022.*
2. Once you have logged in, you will click on the Cyber Security Training, and training will begin.
 - a. You only have to complete the Cyber & Information Security - City of Hewitt, TX 2022 course.
3. To avoid any issues, you must use a desktop computer or laptop to complete the training.
4. Please complete training by June 30, 2022.

Please let me know if you have any questions.

Thanks,

Jessica Higgins, MSHRM, IPMA-CP
Human Resources Manager

City of Hewitt
200 Patriot | Hewitt, Texas 76643
(P) 254.296.5650 | (F) 254.870.5211
jhiggins@cityofhewitt.com | www.cityofhewitt.com

ATTENTION PUBLIC OFFICIALS: a "Reply to All" of this email could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

CONFIDENTIALITY NOTICE: This email, including any attachments, contains information which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this email in error, please notify the sender immediately by "reply to sender only" message and destroy all electronic and hard copies of the communication, including attachments.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 7

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action authorizing the adoption of a **Resolution No. 2022-07** directing publication of notice of intention to issue combination tax and limited surplus revenue certificates of obligation.

STAFF RECOMMENDATION/ITEM SUMMARY:

Working with our Financial Advisors at SAMCO Capital Markets, Inc., staff has proposed a \$5 million C.O. issuance. If approved, staff and our Financial Advisors would provide the appropriate notices and move forward with a C.O. sale on August 8th, 2022.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I move to approve adoption of a resolution directing publication of notice of intention to issue combination tax and limited surplus revenue certificates of obligation.

ATTACHMENTS:

Timetable
Resolution authorizing publication of notice of intent to issue certificates of obligation



\$5,000,000*
CITY OF HEWITT, TEXAS
COMBINATION TAX AND LIMITED SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2022

June							July							August							September							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
			1	2	3	4						1	2			1	2	3	4	5	6					1	2	3
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30		
							31																					

Date	Action Required
Monday, June 6, 2022	City Council authorizes the Notice of Intention Resolution (“NOI”) to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022 (the “Certificates”) and authorizes SAMCO, Bond Counsel and City officials to proceed with the issuance process (7:00 PM)
Wednesday, June 8, 2022	SAMCO Capital Markets, Inc., (“SAMCO”) submits Request for Information to City officials
Thursday, June 9, 2022	City posts NOI to the City’s formal internet website (at least 45 days prior to ordinance adoption)
Wednesday, June 15, 2022	Requested information due back to SAMCO
Thursday, June 16, 2022	First Publication of Notice of Intention published in the City’s newspaper
Monday, June 20, 2022	1 st Draft of Notice of Sale (NOS) and Preliminary Official Statement (POS) to Bond Counsel for review and comments
Thursday, June 23, 2022	Second Publication of Notice of Intention published in the City’s newspaper
Monday, June 27, 2022	SAMCO receives 1 st Draft comments on NOS/POS from Bond Counsel
Monday, July 11, 2022	2 nd draft of POS to Issuer, Bond Counsel, Rating Agency and Bond Insurer’s for review and comments
Thursday, July 14, 2022	Final POS/NOS comments due to SAMCO
Week of July 18th	Schedule rating conference all with S&P
Thursday, July 27, 2022	Post POS/NOS and electronically distribute POS/NOS website link to potential bidders
Wednesday, August 3, 2022	Received S&P underlying rating
Monday, August 8, 2022	<ul style="list-style-type: none"> • Receive electronic bids for the COs (11:00 AM) via Internet and the “i-Deal LLC Parity” • Regular Council meeting to review bids for the Certificates and adopt the Ordinance authorizing and selling the Certificates (7:00 PM)
Friday, August 12, 2022	Post the FOS to SAMCO website and email link to distribution list
Wednesday, August 31, 2022	SAMCO notifies all parties of closing/delivery instructions
Wednesday, September 7, 2022	Payment for and delivery of the Certificates. Funds wired to City’s depository bank

*Preliminary; subject to change.



3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED ON JUNE 6, 2022.

City Secretary

Mayor

(CITY SEAL)

RESOLUTION NO. 2022-07

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, this City Council deems it advisable to give notice of intention to issue certificates of obligation of the City of Hewitt, Texas, as hereinafter provided; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. Attached hereto is a form of the Notice of Intention to issue Certificates of Obligation (the "Notice"), the form and substance of which is hereby adopted and approved.

Section 2. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of said City, once a week for two consecutive weeks, with the date of the first publication to be before the forty-fifth (45th) day before the date tentatively set for the passage of the ordinance authorizing the issuance of the certificates, and, if the City maintains an Internet website, continuously on the City's website for at least forty-five (45) days before the date tentatively set for the passage of the ordinance authorizing the issuance of the certificates.

Section 3. The facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the attached Notice of Intention.

Section 4. This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this the 6th day of June 2022.

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
CITY OF HEWITT, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Hewitt, Texas, at its special meeting to commence at 7:00 P.M. on August 8, 2022, at the City of Hewitt City Hall, 200 Patriot Court, Hewitt, Texas, tentatively proposes to adopt one or more ordinances authorizing the issuance of interest bearing certificates of obligation, in one or more series, in an amount not to exceed \$5,000,000 for paying all or a portion of the City's contractual obligations incurred in connection with: (i) constructing, reconstructing and improving streets, roads, and sidewalks, including related drainage, utility relocation, signalization, landscaping, lighting and signage; (ii) the construction, installation and equipment of park and recreational improvements in the City, including parking and related infrastructure; (iii) the construction, improvement and equipment of public safety facilities in the City, including the purchase of fire apparatuses and (iv) legal, fiscal and engineering fees in connection with such projects. The City proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a pledge of limited surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

In accordance with the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended ("Chapter 271"), the following information has been provided by the City: (i) the principal amount of all outstanding debt obligations of the City is \$41,165,000.00; (ii) the current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$52,745,675.28; (iii) the maximum principal amount of the certificates of obligation to be authorized is \$5,000,000.00; (iv) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$7,392,910.42; (v) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (vi) the maximum maturity date of the certificates of obligation to be authorized is July 1, 2042.

CITY OF HEWITT, TEXAS

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 8

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action regarding traffic pattern change at Old Temple Road and S. Hewitt Drive.

STAFF RECOMMENDATION/ITEM SUMMARY:

City Engineer Miles Whitney has provided the attached detailed memo outlining options regarding the traffic pattern change and possible future realignment of Old Temple Road.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to authorize the traffic pattern change at Old Temple Road and S. Hewitt Drive making Old Temple Road a right turn only onto S. Hewitt Drive

ATTACHMENTS:

Letter from City Engineer and supporting documents

MAY 31, 2022

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: EMAIL

RE: OLD TEMPLE ROAD INTERSECTION DISCUSSION

COUNCIL:

BACK IN OCTOBER OF 2021, THE CITY WAS PROVIDED A TRAFFIC IMPACT ANALYSIS THAT WAS PREPARED FOR THE MOONLIGHT PHASE 4 DEVELOPMENT. WITHIN THIS STUDY IT WAS A RECOMMENDATION THAT SOME SORT OF REVISION BE MADE TO THE OLD TEMPLE RD/HEWITT DRIVE (OTR/HWT) INTERSECTION, TO IMPROVE THE PROJECTED FUTURE LEVEL-OF-SERVICE (LOS) RATING, ACCOUNTING FOR THE BUILD OUT OF THE OF MOONLIGHT SUBD. AND OVERALL GROWTH OF THE CITY. IT WAS A RECOMMENDATION OF THIS STUDY TO CONSIDER THE INSTALLATION OF A TRAFFIC SIGNAL AT THE OTR/HWT INTERSECTION, ON THE BASIS THAT DURING THE PM PEAK HOUR DATA, THIS INTERSECTION WOULD ACHIEVE A LOS RATING THAT WOULD WARRANT A TRAFFIC SIGNAL.

MOVING FORWARD WITH THAT DESIRE, IT WAS THEN DISCOVERED THE SPACING BETWEEN OTR/HWT AND THAT OF IH 35 AT FM 1695/FM 3148 INTERCHANGE WAS NOT SUFFICIENT TO ALLOW THE INSTALLATION OF A TRAFFIC SIGNAL GIVEN THE POSSIBILITY THAT TRAFFIC IN QUE AT THE OTR/HWT INTERSECTION COULD STACK UP INTO THE IH 35 AT FM 1695/FM 3148 INTERSECTION. FROM THAT TXDOT BEGAN TO SUGGEST OTHER OPTIONS. 1.) RE-ALIGN OTR, 2.) MAKE OTR A CUL-DE-SAC, AND 3.) PERFORM TRAFFIC PATTERN CHANGES TO THE INTERSECTION.

IN LOOKING AT THE OPTIONS BEFORE US THE CITY WORKED TOWARDS EITHER A RE-ALIGNMENT OR TRAFFIC PATTERN CHANGE.

- RE-ALIGNMENT DISCUSSION:
 - ULTIMATELY, I BELIEVE THAT THIS OPTION WOULD BE THE DESIRE OF THE CITY BUT DUE TO LAND USES AND BUDGETING REASONS THIS MAY NOT BE ACHIEVABLE AT THIS TIME. PLEASE REFER TO A POSSIBLE SCHEMATIC OF A REALIGNMENT ATTACHED FOLLOWING THIS MEMO.

- TRAFFIC PATTERN CHANGES:
 - CURRENTLY THIS OPTION IS ACHIEVABLE WITH THE INSTALLATION OF THE IMPROVEMENTS TO BE PERFORMED BY THE MOONLIGHT SUBD. DEVELOPMENT. PLEASE SEE THE ATTACHED EXHIBIT WITH THIS TRAFFIC PATTERN CHANGES ILLUSTRATED. THIS OPTION WOULD REMOVE THE

POSSIBILITY OF HAVING TRAFFIC ON OTR TURN LEFT ONTO HEWITT DR., THUS MEANING THAT THAT TYPICAL TRAFFIC WILL HAVE TO USE ALTERNATE ROUTES, SUCH AS BAXLEY ST. BUT WILL ALSO MEAN THAT TRAFFIC MAY BEGIN TO UTILIZE OTHER RESIDENTIAL STREETS AS WELL TO GAIN ACCESS BACK TO IH-35, SUCH AS GLENLEIGH DR., MERRIFIELD DR. AND THE NEW AGILE ST. WITHIN THE MOONLIGHT SUBD. THIS WOULD BE A CONCERN OF THE CITY DUE TO THE WIDTHS AND METHODS OF CONSTRUCTION USED. BY THIS I MEAN THAT WHAT WAS ONCE A TRUE RESIDENTIAL STREET, MAY NOW SEE LARGER TRAFFIC AMOUNTS AND TYPES, THUS MEANING MAINTENANCE COSTS WOULD INCREASE TO THOSE AREAS.

TxDOT IS REQUIRING SOME SORT OF ACTION BE TAKEN AT THIS INTERSECTION, AND SINCE MOONLIGHT SUBD. IS PROVIDING THE FUNDS AND LABOR TO PERFORM THEM, TxDOT AND MOONLIGHT SUBD. HAVE ENTERED INTO A DONATION AGREEMENT THAT WILL REQUIRE MOONLIGHT SUBD. FOLKS TO COMPLETE THIS WORK. HOWEVER, SINCE THIS IS AN EXISTING CITY STREET, THE COUNCIL MUST APPROVE THESE MEASURES PRIOR TO THEM BEGINNING THE WORK. IF APPROVED, THIS WORK WOULD BEGIN WITHIN THE MONTH.

I WOULD RECOMMEND APPROVING THIS TRAFFIC PATTERN CHANGE, BUT WORK TOWARDS A FUTURE REALIGNMENT OF OTR, TO INCLUDE PROPERTY PURCHASES/DONATIONS.

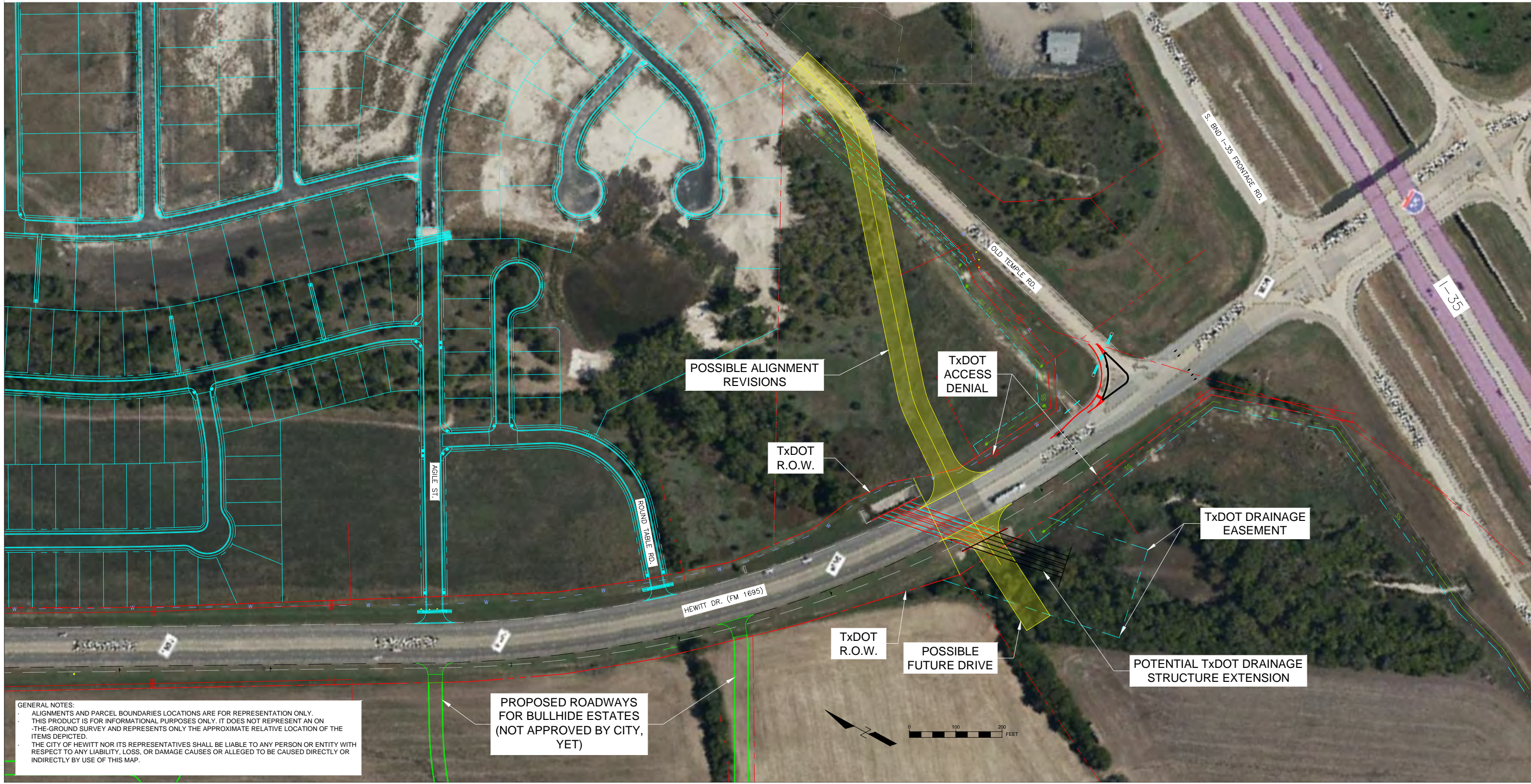
ATTACHMENTS/EXHIBITS:

- POSSIBLE REALIGNMENT OF OLD TEMPLE RD. OPTION
- TRAFFIC PATTERN CHANGE PLAN SHEET FROM DEVELOPMENT.
- MOONLIGHT SUBD./ TxDOT DONATION AGREEMENT

SINCERELY:

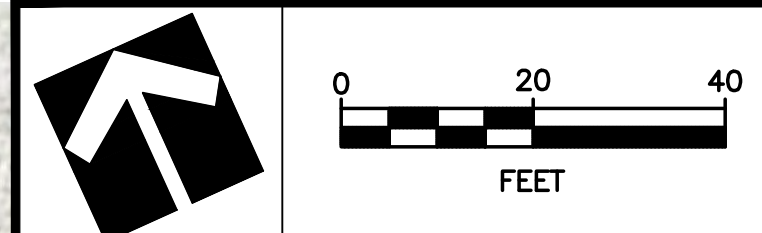
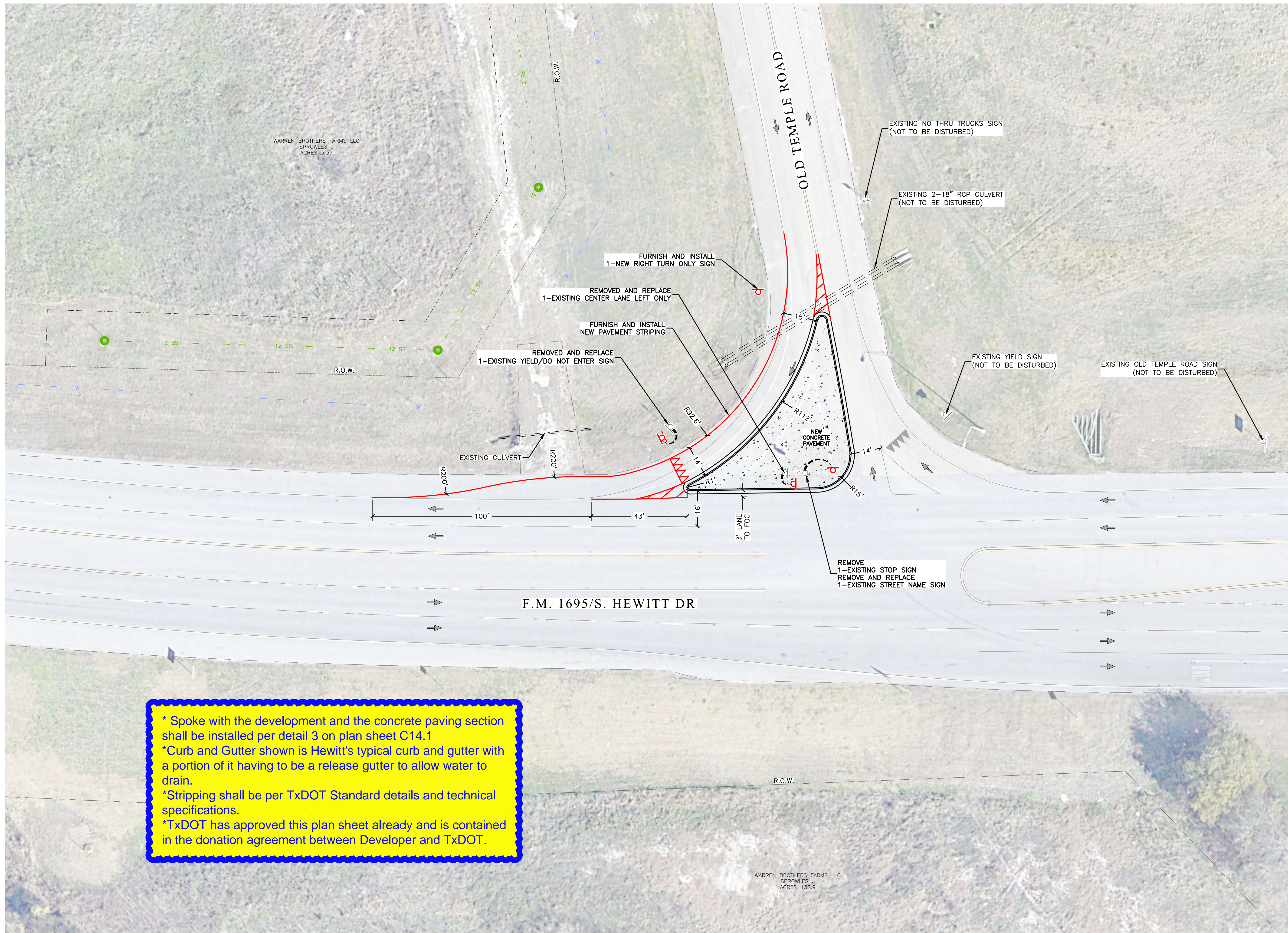

MILES W. WHITNEY, P.E.

DRAFT REALIGNMENT OPTION



GENERAL NOTES:
 - ALIGNMENTS AND PARCEL BOUNDARIES LOCATIONS ARE FOR REPRESENTATION ONLY.
 - THIS PRODUCT IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT AN ON-THE-GROUND SURVEY AND REPRESENTS ONLY THE APPROXIMATE RELATIVE LOCATION OF THE ITEMS DEPICTED.
 - THE CITY OF HEWITT NOR ITS REPRESENTATIVES SHALL BE LIABLE TO ANY PERSON OR ENTITY WITH RESPECT TO ANY LIABILITY, LOSS, OR DAMAGE CAUSED OR ALLEGED TO BE CAUSED DIRECTLY OR INDIRECTLY BY USE OF THIS MAP.

PROPOSED ROADWAYS FOR BULLHIDE ESTATES (NOT APPROVED BY CITY, YET)



LEGEND

- TRAFFIC FLOW ARROWS (FOR INFORMATIONAL PURPOSES ONLY)
- NEW SIGN
- NEW REINFORCED CONCRETE PAVEMENT SECTION
- NEW CONCRETE CURB AND GUTTER

* Spoke with the development and the concrete paving section shall be installed per detail 3 on plan sheet C14.1
 *Curb and Gutter shown is Hewitt's typical curb and gutter with a portion of it having to be a release gutter to allow water to drain.
 *Stripping shall be per TxDOT Standard details and technical specifications.
 *TxDOT has approved this plan sheet already and is contained in the donation agreement between Developer and TxDOT.



**MOONLIGHT PARK
 PHASE IV
 NEW RESIDENTIAL SUBDIVISION
 HEWITT, TEXAS**

**OLD TEMPLE ROAD
 AND HEWITT DRIVE
 NEW INTERSECTION EXHIBIT
 DRAWING STATUS**

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO: F-10384.
 FOR REVIEW: THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.
 FOR CONSTRUCTION: FINAL DRAWINGS

	1-14-2022	Designed	MLC
		Drafted	ECB
		Project No	171750.05
		Plot Date	1-14-22
2			

WARREN BROTHERS FARMS LLC
 SPOWLES J
 ACRES 132.9

Donation #: CS-22-DON-46305
Log No. 46305
Project Name: Moonlight Hewitt LLC

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT TO ACCEPT DONATION
FROM OWNER OF LAND ADJACENT TO STATE HIGHWAY SYSTEM
FOR IMPROVING ACCESS TO OWNER’S LAND**

THIS AGREEMENT is entered between the State of Texas and the Donor, shown below as Contracting Parties, under Government Code, Chapter 575.

I. Contracting Parties:

The State: The Texas Department of Transportation
The Donor: Moonlight Hewitt LLC

II. Background:

Texas Transportation Code, §223.049, authorizes the State to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right-of-way that is directly related to improving access to or from the owner’s land.

Texas Transportation Code §201.103, authorizes the State to plan and make policies for the location, construction, and maintenance of a comprehensive system of state highways and public roads.

Texas Transportation Code, §201.206, authorizes the State to accept, from any source, a donation or contribution in any form, including realty, personalty, money, materials, or services, for the purpose of carrying out its functions and duties.

Texas Government Code, Chapter 575, requires the governing board of a state agency, not later than the 90th day after a donation valued at \$500 or more is accepted, to acknowledge the acceptance of the donation by majority vote at an open meeting and prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

To provide guidance on when a donation may be accepted by the State, the Texas Transportation Commission has adopted rules relating to the State acceptance of donations, codified as 43 TAC §§1.500-1.506.

Acceptance of donations must be approved by the State’s Executive Director or his designee. The State’s Executive Director has authorized the State to accept the donation. The State and the Donor must execute a donation agreement if the donation is valued at more than \$1,500.00.

Donation #: CS-22-DON-46305
Log No. 46305
Project Name: Moonlight Hewitt LLC

Item 8.

III. Agreement:

The Donor agrees to donate and the State agrees to accept services, tangible personal property, and performance of highway improvement work on State highway right of way that is adjacent to the Donor's land that is directly related to improving access to the Donor's land (the "Project").

The Project consists of the design and construction of a concrete pavement to allow for a right-in/right-out/left-in for vehicle traffic off Old Temple Road onto Hewitt Drive in Hewitt, McLennan County, Texas. The Project is generally located as described in Exhibit A, Project Location Map, which is attached to this agreement. All design and construction work will be provided by the Donor, its consultant, or its contractor.

The estimated value of the donation is \$52,000.

All monetary donations shall be made by check or warrant made payable to the "Texas Department of Transportation Trust Fund" and mailed or delivered to the Texas Department of Transportation at the State address provided in XXV: Notices below.

IV. Representations and Warranties:

- A. The Donor represents and warrants that it has unrestricted use of the property and items described above and that by signing this agreement it relinquishes and transfers all rights and interest in and use to the State.
- B. The State does not approve and is not responsible for any representations made by the Donor for tax purposes.
- C. The Donor acknowledges that the State will act in reliance on and in consideration of the promises made by the Donor in this agreement.

V. Donation Accepted for Limited Purposes:

- A. Acceptance of the donation does not bind the State to a course of action or promise of performance except as specifically described in this Agreement above.
- B. No benefit will accrue to the Donor as a result of the State's acceptance of the donation except as specifically described in this Agreement above.

VI. Public Information:

- A. This agreement is public information and will be furnished to a requestor under the Public Information Act, Government Code, Chapter 552.
- B. The Donor is required to make any information created or exchanged with the state pursuant to this contract, and not otherwise excepted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state.

VII. Right of Access:

The Donor shall permit the State or its authorized representative access to sites owned by the donor that are used for performance of the work. The Donor will provide for all necessary right of way and utility adjustments or relocations in compliance with State utility accommodation policy needed for performance of the work on sites not owned or to be acquired by the State.

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VIII. Hold Harmless:

The Donor shall save harmless the State and its officers and employees from all claims and liability due to its materials or activities of itself, its agents, or employees, performed under this contract and that are caused by or result from error, omission, or negligent act of the Donor or of any person employed by the Donor. The Donor shall also save harmless the State from any and all expense, including, but not limited to, attorney fees that may be incurred by the State in litigation or otherwise resisting the claim or liabilities that may be imposed on the State as a result of such activities by the Donor, its agents, or employees.

IX. Pre-Construction Funding:

Upon execution of this agreement, the Donor shall remit to the State a check or warrant in an amount equal to \$0, made payable to the State in accordance with this Agreement. This amount is estimated to be the total of all pre-construction costs, including indirect costs that will be incurred by the State prior to the Donor's receipt of the construction bids.

X. Preliminary Project Development:

The Donor will prepare the preliminary schematic designs for access improvements and submit them to the State for review and approval.

The State, with assistance from the Donor, will conduct any public hearing or meetings required by the State's public involvement processes.

XI. Design:

The Donor will prepare the construction plans, specifications, and cost estimates. The construction plans shall be in a format prescribed by the State and in accordance with the State's current design standards as detailed in the *Highway Design Division Roadway Design Manual*. The specifications shall be the State's *2014 Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* or its currently approved revisions and any special specifications and provisions as provided by the State. The State will furnish to the Donor the pavement design and any standard design details as may be appropriate for the Project.

The State shall review the plans, specifications, and estimates provided by the Donor upon completion or at any time deemed necessary by the State. Should the State determine that the complete plans, specifications, and estimates are unacceptable, the Donor shall correct the design documents to the State's satisfaction. Should additional specifications or data be required by the State, the Donor shall redesign the plans and specifications to the State's satisfaction. The costs for additional work on the plans, specifications, and estimates shall be borne by the Donor.

The final construction plans furnished to the State shall be in electronic .pdf format and reproducible tracings.

XII. Utility Adjustments/Relocations:

The Donor will provide for all utility adjustments or relocations required by construction of the Project, and adjustments and relocations shall conform to the State Utility Accommodation Policy.

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If the Project requires the adjustment, removal, or relocation of utility facilities, the Donor and the State will establish the necessary utility work and the Donor will notify the utility owners of this necessity. The Donor shall be responsible for all costs associated with the adjustment, removal, or relocation of utility facilities, and the adjustment, removal, or relocation shall be in accordance with applicable State law, regulations, policies, and procedures. If additional utilities are required to be adjusted, removed, or relocated during the construction of the Project, the Donor will be responsible for all costs associated with the additional work. Utilities will adjust joint use agreements and attach the plan of adjustment.

XIII. Construction Funding:

The State will provide written notification to the Donor outlining the estimated funding necessary for the State's construction inspection and oversight of the Project, including the costs to be incurred by the State to provide any required construction engineering oversight and management services and indirect costs. Within thirty (30) days from receipt of the State's notification, the Donor shall remit to the State a check or warrant for the estimated amount, made payable to the State in accordance with III. Agreement above.

XIV. Design and Construction:

All aspects of the Project shall be carried out in compliance with applicable federal and state laws and regulations. The Project shall be designed and constructed in accordance with the latest state policies, procedures, standards, and guidelines. The Donor shall award and manage all construction work.

XV. State Construction Management:

The State will provide oversight and inspect all work performed and provide whatever engineering inspection and testing services may be required to ensure that the construction is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor will be the sole responsibility of the Donor under the oversight and with the concurrence of the State.

Upon completion and acceptance of the Project, the State will issue to the Donor a "Final Construction Inspection Report," acknowledging that the Project has been constructed in accordance with the approved plans, specifications, and estimates.

XVI. Maintenance, Control, and Ownership of the Project:

After completion of construction, the Project will be an integral part of the State Highway System and thus under the ownership, control, and jurisdiction of the State. The State will assume full and complete control and operation of the Project. The State does not purport to convey or assign any interest or right of ownership in the completed highway facility to the Donor, its successors, or assigns. The Project may be modified, relocated, closed, or removed at the State's sole discretion. The State will not be held responsible to the Donor for any reimbursement if the Project is modified, relocated, closed, or removed.

XVII. Insurance:

The Donor shall furnish to the State a completed Certificate of Insurance (Form 1560-CS) and shall maintain the insurance in full force and effect during the period that the Donor or its agents are performing work on the State's right of way. The certificate of insurance must be received by the State before this Agreement is fully executed.

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For actual construction of the roadway and its appurtenances, the Donor and its contractors shall furnish a completed Certificate of Insurance and shall maintain the insurance in full force and effect until the construction is completed.

Self-insurance documentation acceptable to the State may be substituted for all or part of the coverage's required above for the Donor, but not for its agents or contractors.

XVIII. Performance and Payment Bonds:

The Donor shall furnish to the State a performance bond if the estimated value of the donation is in excess of \$100,000 and a payment bond if the estimated value of the donation is in excess of \$25,000. The bonds must be provided before work begins and must be received by the State before this Agreement is fully executed. Bonds must be executed by a corporate surety authorized to do business in this state and licensed by this state to execute the bonds as surety. Bonds must be payable to the State on forms approved by the Attorney General.

If the estimated value of the project increases, the Donor shall notify the State immediately. The State reserves the right to require the donor increase the value of the bonds.

The performance bond is solely for the protection of the State, in the amount of the estimated value of the donation as stated in this Agreement, and conditioned on the faithful performance of the work in accordance with the State-approved plans, specifications and contract documents.

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the Donor to supply public work labor or material and is in the amount of the estimated value of the donation as stated in this Agreement.

The bonds must clearly and prominently display on the bond or on an attachment to the bond:

1. The name, mailing address, physical address, and telephone number, including the area code, of the surety company to which any notice of claim should be sent; or
2. The toll-free telephone number maintained by the Texas Department of Insurance under Subchapter B, Chapter 521, Insurance Code, and a statement that the address of the surety company to which any notice of claim should be sent may be obtained from the Texas Department of Insurance by calling the toll-free telephone number.

XIX. Final Accounting:

On completion of the Project, the State will make a final accounting in accordance with its established accounting procedures. Any funds previously deposited by the Donor and not expended for the cost of the work covered under this agreement will be returned to the Donor.

XX. Document and Information Exchange:

The Donor agrees to deliver to the State all general notes, specifications, copies of all contract documents, and related documentation electronically in a Microsoft® Word or similar document. If requested by the State, the Donor will use the State's document template.

XXI. Interest:

The State will not pay interest on funds provided by the Donor. Funds will be deposited into and retained in the State Treasury.

Donation #: CS-22-DON-46305
 Log No. 46305
 Project Name: Moonlight Hewitt LLC

Item 8.

XXII. Increased Costs:

If the State determines at any time that the funding provided by the Donor will be insufficient to cover the State's current cost for oversight of the Donor's work, the Donor will pay to the State the additional funds necessary to cover the anticipated additional cost. The State shall send the Donor a written notification stating the amount of additional funding needed and stating the reasons for the needed additional funds. The Donor shall pay the funds to the State within 30 days of the written notification, unless otherwise agreed to by all parties to this agreement. If the Donor cannot pay the additional funds, the State may terminate the contract.

XXIII. Termination:

If the Donor withdraws from the Project after the agreement is executed, it shall be responsible for all direct and indirect Project costs incurred by the State for the portion of the Project in which the State was participating. Except for the hold harmless provision and as otherwise provided in this paragraph, the termination of this agreement shall extinguish all rights, duties, obligations and liabilities of the State and the Donor under this agreement. If the termination of this agreement is due to the failure of the Donor to fulfill its contractual obligations, the State will notify the Donor that breach of contract has occurred. Within sixty (60) days from the State's written notification, the Donor must remedy the breach as outlined by the State. If the Donor does not remedy the breach, the State may make a claim against the surety under the Performance Bond or take over the Project and prosecute the work to completion. In such case, the Donor shall continue to be liable to the State for the cost of the Project and any additional costs incurred by the State.

XXIV. Sole Agreement:

If the terms of the agreement are in conflict with the provisions of any other existing agreements between the Donor and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

XXV. Notices:

All notices to either party by the other party will be delivered personally or sent by U.S. Mail, postage prepaid, to the following addresses:

Donor	State
Moonlight Hewitt LLC Attn: Mr. Jonathan Garza, Manager 1224 Austin Ave., Suite 330 Waco Texas., 76701	Texas Department of Transportation Attn: District Engineer 100 S. Loop Drive Waco, TX, 76704

The notice shall be received by the addressee on the date delivered or deposited in the mail. Either party may change its address by sending written notice of the change to the other in the manner provided.

Donation #: CS-22-DON-46305
Log No. 46305
Project Name: Moonlight Hewitt LLC

Each party is signing this agreement on the date stated under that party's signature.

THE STATE

THE DONOR

Executed for the Executive Director and approved by the Texas Transportation Commission for the purpose and effect of carrying out the orders, established policies, or work programs approved and authorized by the Texas Transportation Commission.

The undersigned signatory warrants that he or she is an official representative of the organization making the donation described and is authorized to make the donation and to enter into this agreement on behalf of the organization.

Texas Department of Transportation

Moonlight Hewitt LLC

BY: 
F1CDA80FDB8C4B6...

AUTHORIZED SIGNATURE

BY: 
B9507F0644144BA...

AUTHORIZED SIGNATURE

Kenneth Stewart
Director of Contract Services

TYPED OR PRINTED NAME AND TITLE

Cody Turner
Manager

TYPED OR PRINTED NAME AND TITLE

DATE: 4/8/2022

DATE: 3/1/2022

EXHIBITS:
A – Project Location Map

EXHIBIT A PROJECT LOCATION MAP



HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 9

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action authorizing the City Manager to engage the services of HdL Companies to provide Hotel and Short-Term Rental Administration Services.

STAFF RECOMMENDATION/ITEM SUMMARY:

The city staff has reviewed three proposals, and while they were slightly different in service levels, HdL was the most cost-effective proposal. HdL assists with locating short-term rentals (STRs) in the city by educating lodging providers on registration, online payment processing, compliance monitoring, and reporting. HdL also offers a Customer Support Center. The proposal cost of these services is \$7,500 annually. In addition, HdL has waived the \$5,000 fee for set-up.

FISCAL IMPACT:

Amount Budgeted – Hotel Fund. Dues & Subscriptions.
Line Item in Budget – 40-50-404-40

SUGGESTED MOTION:

I move to approve the authorization of the City Manager to engage the services of HdL Companies to provide Hotel and Short-Term Rental Administration Services.

ATTACHMENTS:

HdL Hotel and Short-Term Rental Administration Proposal

City of Hewitt, TX

Tax & Fee Administration Services

May 17, 2022

HdL  Companies

SUBMITTED BY
HdL Companies
120 S. State College Blvd., Suite 200
Brea, CA 92821
hdlcompanies.com

CONTACT
Connor Duckworth
T: 714-879-5000
E: cduckworth@hdlcompanies.com

Dear Lee,

Thank you for the opportunity to present this proposal for HdL’s Services:

- HdL Hotel Occupancy Tax (HOT) and Short-Term Rental (STR) Administration Services

Please be advised that we maintain a busy implementation schedule throughout the year. Your position in the implementation schedule will be determined when a signed agreement is received.

This proposal is valid until: **July 31, 2022**. Should you have any questions, please contact me at 888.861.0220 or by email at cduckworth@hdlcompanies.com.

Tax and Fee Services

Service	Compensation
Hotel Occupancy Tax Administration and Short-Term Rental (Includes Audits)	\$7,500.00/year + CPI
Implementation Fee	Waived, a \$5,000.00 value!

Hotel Occupancy Tax Administration Services

HdL’s hotel occupancy tax administration service goes beyond scheduled cyclical audits, providing compliance monitoring of each return as it is filed while unburdening the City from the day-to-day administration of the HOT revenue program. Continual monitoring of returns is the optimal way to increase compliance while maintaining positive relations with the City’s lodging providers.

The program is education focused, ensuring that lodging providers are clear on reporting requirements and methodology. HdL’s tax administration professionals are available as needed to support both the City’s team and the City’s lodging providers. The City is kept up to date, with 24x7 online access to HdL’s client portal containing real time access to registration and filing data, and management reporting. HdL’s HOT administration service incorporates all of the following:

Tax Registration Database Management – HdL will transfer the City’s existing databases as they relate to HOT into HdL’s internal administration tools. HdL will maintain the data, software, online filing portal for lodging providers, and online client portal for the City.

Return Processing – HdL will process HOT filings within 5 days of submission. Accounts will receive all applicable forms necessary to complete the renewal process.

New Account Processing – HdL will process any new HOT registrations for Lodging Establishments that change hand or newly offered properties.

Payment Posting / Processing – HdL will process all payments made for new and existing lodging providers. Accounts will be updated with payment information and revenues will be remitted to the City net HdL's fees on no less than a monthly basis.

On-Line Filing & Payment Processing – With input from the City, HdL crafts a customized website and domain for the City's taxpayers to submit online forms, returns, and payments along with other customer support related items.

Compliance Monitoring & Lodging Provider Audits – HdL will ensure accurate filings of HOT returns by consistently monitoring returns and educating lodging providers on filing requirements. HdL will also provide cyclical compliance audits as mutually agreed to by the City and HdL, ensuring all providers are audited at least once every three years. The compliance audit process is described above in Option 1.

Reports – HdL's HOT administration service includes a variety of standard reports demonstrating account activity and filing trends. During service implementation HdL will work with the City to identify reporting requirements and frequency/method of delivery and will supplement our standard service with custom reports as needed to meet the City's requirements.

Progress Payments – HdL's HOT administration service is billed monthly based on activity completed during the prior month. If standalone audits are conducted, they are billed only upon completion of the audit.

Customer Support Center – HdL will provide lodging providers with multiple support options for registering, filing returns, making payments and for general inquiries. A toll-free number will be provided to businesses in order to access one of our tax specialists. Lodging providers will also have access to support via e-mail, fax, and the online Business Support Center.

Annual Audit Plan – During implementation, HdL gathers all the historical data available from the City and leverages internal data sources and expertise to provide an analysis of all lodging providers, along with a recommended audit schedule. This allows HdL to work cooperatively with the City to identify the entities that require attention first. HdL works directly with the City to ensure consensus on the audit schedule for the program.

Short Term Rental Administration

The Short-Term Rental (STR) Program provided by HdL takes a unique approach in ensuring compliance and educating lodging providers, including short term rental hosts (STR Hosts), in transient occupancy tax regulations and filing procedures, regulatory permits and licensing, and other City specific goals and objectives. HdL's program involves a modular, customer service centric approach, which reduces City administrative costs and provides the City with assurances of future compliance and reporting practices from the City's short-term rental lodging industry.

HdL's modular approach starts with a detailed analysis of STR listing on a variety of published methods, including Airbnb, Home Away, VRBO, etc. This process creates a full inventory of short-term rentals within the City's proscribed geographic boundary, including the full name of the owner and the physical address of the unit. Each STR is tracked and updated nightly with valuable data that can include items such as number of nights rented, average occupancy rates, room rates, as well as trend and usage reporting.

Following identification, HdL conducts a targeted education and compliance campaign designed to inform STR Hosts of their obligations to file and remit taxes and other requisite licenses and permits as may be needed. Each lodging provider is provided a full overview of the requirements and how to best comply both in the present and the future. During the registration process, HdL offers a variety of support options to the community including online filing, file-by-phone, email, and registration via standard mail. HdL tax and license specialists are available throughout the process to provide support to the STR community and to assist in the registration process.

Once registered, accounts move into a standard administration process. HdL manages the filing of tax returns and other prerequisites on a quarterly or monthly basis, depending on City requirements. This includes mailing of tax returns, processing of payments, customer support, delinquency follow up, and the development and management of an online portal for registration, filing, payments, and other support related needs.

STR Identification & Monitoring

HdL compiles a list of all actively posted short term rentals available from a wide array of sources. Lists are compiled and aggregated to accommodate duplicate listings from various sites. During the identification and monitoring process, HdL will:

- Scan over 20 different rental sites, including global aggregators like HomeAway/VRBO Airbnb, Turnkey.com, and Booking.com, national aggregators like Vacasa and Turnkey and small, local property management firms.
- Match Listings to specific parcels using GIS and property tax assessor data.
- Create comparison reports to determine which properties may already be compliant or registered and paying taxes.
- Provide visual map of all listings within the City.
- Record listing details such as start date, various sites linked to, other information necessary for documenting evidence of STR activity; and
- Continually monitor activity to identify and record new listings and closures to ensure accurate real-time identification and monitoring.

Education, Registration, and Compliance

Using the list of active STR listings, HdL conducts a series of City approved education-based programs ranging from mailers to direct phone contacts. Each packet contains all the information necessary to obtain registration and comply with local requirements. HdL assists STR hosts throughout the program with information and support with all aspects of becoming compliant. During this program, HdL will:

- Validate listing to ensure proper identification and filter out records that may lead to erroneous contacts.
- Notify non-compliant entities with a series of education-based packets designed to garner compliance.
- Provide a support center for assistance with general questions, support, and assistance with filing and paying returns.
- Provide online portal with links to FAQs, education packets, and support for registering, filing returns, and making payments online.
- Follow up with non-compliant accounts to obtain registration
- Work with City to identify additional requirements and ensure collection of data necessary to enforcement procedures.
- Establish optional implementation items such as amnesty programs, back tax and penalty provisions, and other pre-registration programs.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: June 6, 2022

AGENDA ITEM #: 10

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Briefing and discussion concerning FY 2022-2023 Budget Calendar.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the FY 2022-2023 Budget Calendar setting the timeline for the upcoming budget process.

FISCAL IMPACT:

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

SUGGESTED MOTION:

No action needed.

ATTACHMENTS:

FY 2022-2023 Budget Calendar

City of Hewitt, Texas
BUDGET CALENDAR
 Annual Budget 2022-2023

Date	CREATION OF BUDGET
4/29	PRELIMINARY TAX ROLL RECEIVED
4/4 & 4/18	STRATEGIC PLAN City Council, City Manager, City Engineer and required staff, update the Strategic Plan to identify upcoming Capital Projects. Sources of funding for identified projects is discussed.
5/3	BUDGET CREATION BEGINS City Manager gives direction for the budget year. Department Heads begin work on their departmental budgets. HR begins work on Proposed Salary Schedules, changes to Titles, Promotions & Pay Adjustments. If needed, Department heads also prepare New Personnel Requests and Capital Outlay Requests. Department heads also update fees for the Master Fee Schedule.
5/16	COUNCIL BUDGET EXPECTATIONS Council gives budget direction to City Manager for upcoming budget year.
6/3	DEADLINE FOR BUDGET REQUESTS In advance to compiling proposed budgets, City Manager reviews proposed Salary Schedules and any proposed changes to Titles, Promotions, & Pay Adjustments. City Manager reviews with Department Heads individually their proposed budgets including Personnel Requests and Capital Outlay Requests. City Manger also reviews Revenue estimates. The department reviews include General Fund, Utility Fund and Drainage Fund. The Master Fee Schedule is reviewed for changes proposed by Department Heads.
6/14	DEADLINE FOR REVIEW WITH CITY MANAGER After final review with department heads, the City Manager prepares the Proposed Budget to present to City Council. The Proposed Budget includes a Statement regarding the Financial Condition of the City, Tax Information, Debt Information, Reserves, Capital Expenditures with provisions for financing, if needed, a Five Year Capital Projects and Personnel Information including Staffing by Fund and Department, PD & FD Step Charts, & Salary Schedule.
7/5 & 7/18	COUNCIL MEETINGS - PROPOSED BUDGET City Manager presents his Proposed Budget for Council discussion. City Council makes changes to Proposed Budget, if any, in preparation for Record Vote.

(continued)

Calendar for April 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Calendar for May 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Calendar for June 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Calendar for July 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

City of Hewitt, Texas
BUDGET CALENDAR
 Annual Budget 2022-2023

Date	BUDGET AND TAX RATE ADOPTION PROCESS BEGINS
7/25	CERTIFIED TAX VALUES DEADLINE
	Deadline to receive Certified Tax Values from Appraisal District.
7/25	TAX ASSESSOR CALCULATES CERTIFIED RATES
	Tax Assessor calculates Rates for No New Revenue (effective), Voter Approval (rollback), I&S (debt) and No New Revenue M&O (operations).
7/25	PUBLISH Required BUDGET NOTICE
	* "Notice of Public Hearing" in paper (Budget Notice). Per Charter, must publish 15 days prior to public hearing on budget (8/8). * "Notice of Public Hearing" on website (Budget Notice).
8/1	Proposed Budget available for public view in City Secretary's office and on website by August 1st per Charter.
8/1	Tax Assessor shall submit rates to governing body.
8/1	COUNCIL MEETING- TAKE RECORD VOTE
	* Council takes record vote on tax rate AND * Announces date and place for public hearing on the Proposed Budget. (8/8) * Announce date and place for public hearing on the Tax Rate. (8/8 & 8/15)
8/8	COUNCIL MEETING - PUBLIC HEARING ON BUDGET & TAX RATE
	* Public Hearing on the Budget. * Public Hearing on Tax Rate. * Announce date for Council to vote on Budget and Tax Rate. (8/15) * On website, add public hearing and tax rate adoption dates. (8/8 & 8/15) * Also, put Tax Notice on website.
8/9	TAX ASSESSOR publishes Required TAX NOTICE
	* Notice of public hearing in newspaper (published by Tax Assessor). (Public hearing on tax rate adoption at least 5 days from notice publishing.)
8/15	COUNCIL MEETING-ADOPT TAX RATE & BUDGET
	* Public Hearing on Tax Rate (At least 5 days from published Tax Notice.) * Ordinance accepting & approving Tax Roll. * Ordinance Levying a tax rate; special wording on increase in M&O tax revenue and \$\$ on \$100k home. * Ordinance adopting revised Master Fee Schedule. * Ordinance adopting and appropriating Budgets.
8/15	Council signs paperwork from Tax Assessor setting rates.
8/16	Web Publishing of Adopted Budget.
10/1	BUDGET BECOMES EFFECTIVE

Calendar for July 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Calendar for August 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOTE: Council Meeting for Public Hearing on the Budget and Tax Rate can be the same meeting where the Budget and Tax Rate are adopted.

NOTE: August 22nd is the deadline for calling for November 8th election if proposed rate exceeds de minimum rate. (78 days prior to Nov 8th election.)
Tax Code 26.05(a)