



CITY COUNCIL REGULAR MEETING

March 4, 2024 at 7:00 PM

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

AGENDA

Steve Fortenberry, Mayor, Ward 3

Erica Bruce, Mayor Pro Tem, Ward 3 – **Michael S. Bancale**, Council Member, At-Large

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

Bob Potter, Council Member, Ward 2 – **Brad Turner**, Council Member, Ward 1

The meeting will be streamed live on the City of Hewitt's Facebook page.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

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 to, or acting on any comments or items not properly posted on the agenda. (Note: Members of the public who wish to speak must complete a "Public Comment Form" and present it to the City Secretary before the meeting.)

REGULAR AGENDA ITEMS

1. Approval of minutes for the City Council Special Meeting of February 20, 2024.
2. Presentation of the City Engineer's Report by City Engineer Miles Whitney, P.E.
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
3. Discussion and possible action regarding the authorization of a contract for Slurry Seal services with Viking Construction for the amount of \$124,348.99.

4. Discussion and possible action regarding amending the City of Hewitt's Master Fee Schedule to establish a three-month membership fee of \$10 for out-of-county visitors.
5. Discussion and possible action on proposal award for the Commerce Park Water Plant Improvements - Contract 2 - Commerce Park Ground Storage Tank and Pump Station (GST & PS) Project No.: 1-03655.
6. Discussion and possible action on **Ordinance No. 2024-02** declaring unopposed candidates elected to office and canceling the May 4, 2024 Joint General Election as prescribed in the Texas Election Code.

ADJOURNMENT

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on **February 28, 2024**, by 5:00 PM.

CITY OF HEWITT

Lydia Lopez

Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the Americans 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 accessible 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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 1.

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Approval of minutes for the City Council Special Meeting of February 20, 2024.

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.

ATTACHMENTS:

1. Draft Minutes - February 20, 2024 City Council Special Meeting



CITY COUNCIL SPECIAL MEETING

February 20, 2024 at 7:00 PM

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

MINUTES

Steve Fortenberry, Mayor, Ward 3

Erica Bruce, Mayor Pro Tem, Ward 3 – **Michael S. Bancale**, Council Member, At-Large

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

Bob Potter, Council Member, Ward 2 – **Brad Turner**, Council Member, Ward 1

SPECIAL MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

Mayor Steve Fortenberry called the Special Meeting to order at 7:00 PM, announced all members were present and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Steve Fortenberry led the 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 to, or acting on any comments or items not properly posted on the agenda. (Note: Members of the public who wish to speak must complete a "Public Comment Form" and present it to the City Secretary before the meeting.)

Mayor Fortenberry read the statement above and inquired if the City Secretary received any public comment forms. The City Secretary received no public comment forms.

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

1. Briefing and discussion on the Solar Eclipse 2024.

Assistant City Manager Jim Devlin highlighted the staff's efforts to prepare for the Total Solar Eclipse 2024 that will occur on Monday, April 8, 2024, from 1:37 pm - 1:42 pm (estimated time).

PUBLIC HEARING(S) AND RELATED ACTION

2. Public hearing on Storm Water Mitigation as required by the Texas Commission on Environmental Quality (TCEQ).

City Manager Bo Thomas stated that TCEQ requires this annual public hearing to allow residents to speak about drainage and stormwater issues. Mayor Steve Fortenberry opened the hearing at 7:21 PM and called for those wishing to speak. No one appeared. The public hearing was closed at 7:21 PM.

REGULAR AGENDA ITEMS

3. Approval of the minutes for the City Council Workshop/Regular Meeting of February 5, 2024.

MOTION: Council Member Bob Potter moved to approve the minutes as presented.

SECOND: Mayor Pro Tem Erica Bruce

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

NAYES: None

ABSENT: None

MOTION PASSED.

4. Briefing and discussion concerning Financial Statements ending January 31, 2024.

City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the January Financial Statements electronically for Council review and inquired if the Council had any questions. The Council raised no questions or concerns.

5. Discussion and possible action on the use of Texas Intrastate Fire Mutual Aid System (TIFMAS) funds for equipment purchases.

City Manager Bo Thomas presented requests to use TIFMAS funds to purchase various equipment for the new fire engine. Also, included for replacement were three (3) current Automatic External Defibrillators (AEDs) located in our city facilities. The total amount of funds to expend will not exceed \$65,000.

MOTION: Council Member Michael Bancale moved approval of the use of TIFMAS funds for the purchase of additional equipment and the replacement of the City's AEDs.

SECOND: Council Member Johnny Price

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

NAYES: None

ABSENT: None

MOTION PASSED.

6. Discussion and possible action on **Resolution No. 2024-02** authorizing publication of the Notice of Intention to issue certificates of obligation; and resolving other matters relating to the subject.

City Manager Bo Thomas presented. Mr. Thomas noted the amount was set at \$4 million to allow the Council the flexibility to adjust the amount borrowed in light of any unexpected costs for the Commerce Park Water Plant Improvements - Contract 2 - Ground Storage Tank and Pump Station. Bids will be brought forward for Council consideration either on March 4 or March 18. SAMCO Managing Director Ryan Cunningham was present to respond to Council questions.

MOTION: Council Member Michael Bancale moved approval of **Resolution No. 2024-02** authorizing the publication of the Notice of Intention to issue certificates of obligation and resolving other matters relating to the subject.

SECOND: Council Member Bob Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

ADJOURNMENT

MOTION: Mayor Pro Tem Erica Bruce moved to adjourn at 7:41 PM.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Steve Fortenberry, Mayor



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 2.

SUBMITTED BY: Miles Whitney

ITEM DESCRIPTION:

Presentation of the City Engineer's Report by 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 answer 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:

1. Hewitt-PR-2.26.24



CITY ENGINEER'S REPORT

February 27, 2024

Utility Projects

Chaparral, Crescent, and Will Boleman

Waterlines replacements are complete. The only item left for utilities will be the adjusting of valve stack and MH lids to final road surface.

Commerce Park Plant Improvements

- Well

Well contractor is setting screens, once screens are set, they will gravel pack the voids and begin developing the well.
- Plant
 - Bids were received for the project. Bid award recommendations are forth coming.

Street/Transportation Projects

Chaparral, Crescent, and Will Boleman

The contractor is wrapping up curb/drive replacements, for areas not providing proper drainage. Groundwater is a concern in some locations, so additional sub-grade work may be performed to provide better working conditions/longer street life for the sections.

Contractor, TxDOT, and I are coordinating schedules to determine road milling phases.

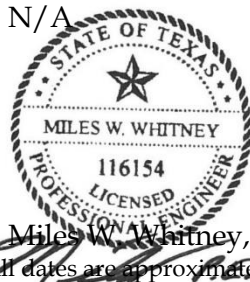
E. Wall and Briarfield

Submitted plans to gas and telecom utility providers for their use in relocations.

Drainage Projects

N/A

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 3.

SUBMITTED BY: Scott Coleman, Director of General Services

ITEM DESCRIPTION:

Discussion and possible action regarding the authorization of a contract for Slurry Seal services with Viking Construction for the amount of \$124,348.99.

STAFF RECOMMENDATION/ITEM SUMMARY:

The purpose of this service is to slurry seal nine (9) streets throughout the City. Slurry sealing helps to smooth and extend the lifespan of the streets. Cracks and surfaces left unsealed will allow water to penetrate the asphalt, which can cause damage to the asphalt and the base beneath it.

For more information regarding the street location and quantities, please see the attached street list and proposal. The proposed pricing is provided through the City of Hewitt and City of Grand Prairie interlocal agreement. There is \$125,000.00 designated for slurry seal in the FY 2023-2024 Budget. This service is part of the City of Hewitt Strategic Plan.

FISCAL IMPACT:

Amount Budgeted -\$125,000.00

Line Item in Budget - 10-10-135 Street Reserve Funds

SUGGESTED MOTION:

I move approval to authorize the contract for Slurry Seal services from Viking Construction for the amount of \$124,348.99.

ATTACHMENTS:

1. Hewitt Slurry Seal 2024 Proposal 2-28-24



PROPOSAL
VIKING CONSTRUCTION
 SLURRY SEAL AND MICROSURFACING
 ASPHALT PAVEMENT PRESERVATION
 2592 SHELL ROAD GEORGETOWN TEXAS
 512-930-5777 OFFICE, 512-966-9106 CELL
 AN EQUAL OPPORTUNITY EMPLOYER

EMAIL
DAN@VCISS.COM

PROPOSAL SUBMITTED TO	Attn:	PHONE	DATE
City of Hewitt, TX	Mr. Scott Coleman	254-666-2447	02/08/24
STREET		JOB NAME	
103 Hewitt Dr.		Hewitt 2024 Slurry Seal	
CITY, STATE AND ZIP CODE		JOB LOCATION	Proposal #
Hewitt, Texas 76643		Various streets	001

Member of Texas Associated General Contractors Association and the International Slurry Surfacing Association

<u>Proposal Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
Slurry Seal Type II material Attachment A: Slurry Seal Street list attached Price includes cleaning the street before surfacing, traffic control, and application of the Slurry Seal mix. Pricing is in accordance with the Inter-local agreement from the City of Grand Prairie, TX Quote does not include any base repair, crack seal, pavement markings or marking removal	38,859.06	SY	\$3.20	\$124,348.99
				\$124,348.99

Attachment A is part of this proposal and agreement

All materials guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, flood, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

AUTHORIZED
SIGNATURE

Dan Welsh

NOTE: This proposal may be withdrawn
by us if not accepted within 10 days.

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions including Attachment A are satisfactory and are hereby accepted. Viking Construction is authorized to do the work as specified. Payment will be made as outlined above.
City of Hewitt, TX to pay for all collection costs if payment is not made as agreed

Date of Acceptance: _____ Name of Firm: City of Hewitt, TX

Please approve proposal to have project scheduled By: _____
Owner or owners representative Title

PROPOSAL SUBMITTED TO	PHONE	DATE
City of Hewitt, TX	254-666-2447	02/08/24
	JOB NAME	PROPOSAL #
Attachment A FOR JOB NAME	Hewitt 2024 Slurry Seal	001

GENERAL CONDITIONS & EXCLUSIONS

Due to the current unstable crude oil prices ALL PRICES ARE BASED ON CURRENT CRUDE OIL PRODUCT PRICES. Market price for oil products including fuel, lubricants, asphalt materials and liquid asphalt are current, are extremely unstable, and are subject to change at any time.

Any increase in oil products and or asphalt prices from date of proposal will be passed on to Owner.

Security, if required, to be furnished by Owner. No retention on the work to be held

Payment shall be made as the work progresses in an amount equal to the value of the work done, less the sum of any previous payments. The entire amount of the contract to be paid within 30 days after completion.

Interest will accrue at the rate of 1.5% per month on any unpaid balance remaining at 60 days from invoice date.

If proposal is accepted, entire proposal including all conditions and exclusions must be made part of contract.

Unit prices shall prevail, Excludes any item not specifically listed above. Excludes removal of hazardous waters if encountered.

Motor oil spots to be scraped or treated but due to the penetration of the oil into the existing asphalt surface the material may not bond to these areas

Proposal to include the following:

1. Slurry Seal to meet VIKING CONSTRUCTION Slurry Seal Material Specifications.
2. Traffic control by work area or road closure and barricading of parking areas by area closure
3. Unit prices to prevail above the minimum amount quoted. Overruns at the unit prices quoted or by dividing the lump sum by the quantity
4. Water and stockpile site for slurry seal operations included
5. Covering of utilities to include metal manhole covers and water valves, owner to locate and mark items to be protected.
- 6 Viking Construction is not responsible for any sub-base problems or any damage to the asphalt or underground items due to the weight of the machinery required to complete the work

Proposal items not included:

1. Any item not specially included
2. Removal or installation of any pavement markings including buttons, markers, reflectors, striping, etc.
3. Testing if required by owner Public Agency Owner Project Quality Control Program and Quality Assurance Programs
4. Traffic control plan and traffic control. Plan and traffic control can be obtained for an additional cost
5. Inspection costs and notifications of agencies or others affected by the work.
6. Surveying, layout, locating underground access valve covers or manhole covers.
7. Complete elimination of any drainage problems, cracking or base failures, asphalt repairs, divot patching, concrete work
8. Removal of vehicles and items from work area.
9. All sweeping and surface cleaning
10. Surface preparations prior to slurry seal

Notes in reference to seal coat and slurry seal

1. The complete elimination of any drainage problems or reflective cracking is not intended or guaranteed.
2. Power steering turning marks are normal and should not be cause for concern
3. The new surface to remain tender for a few weeks and during hot temperatures.
4. Viking Construction is not responsible for damage to finished surface by power steering turning, garbage trucks, landscapers, human, vehicle or animal tracking of the fresh material.
6. Parking stall oil spots to be ground, or other wise treated, but due to penetration of the vehicle oil into the asphalt, adhesion of the slurry seal in these areas cannot be guaranteed.
7. Ravel sweeping and all sweeping and cleaning of the surface are not included
8. Work area to be accessible to slurry equipment and project to be completed while crew is in the area
9. Retention not to be held on Viking Construction portion of the work
10. Owner to keep water off of the new slurry seal surface for 2 hours after setting and dry for traffic

Viking Construction is a non-union contractor and will complete the work on a non-union basis, with non-union open merit shop employees only.

Viking Construction will not sign or become signatory to any union or sign any labor agreements

Viking Construction will not contribute or pay into any organized labor funds

Trash/Recycle

Hewitt 2024 Slurry Seal List

Map	STREETS	FROM	TO	SY	TONS	L	W
	Ivy Ln.	N. Old Temple Rd.	1st St.	12,071.17	126.75	3243	33.5
	W. Warren	State ROW at S. Hewitt Dr.	Narrowing W. of Bonham	11,264.89	118.28	2668	38
	W. Warren	Narrow section W. of Bonha	End of City Maintenance	286.00	3.00	78	33
	Lillard	E. Chapman	Whispering Meadows	1,818.00	19.09	606	27
	Western way	Pvmt Chg at N Old Temple R	Bridle Path (East end)	2,802.00	29.42	934	27
	Western Way	Bridle Path intersection at	East end	1,425.00	14.96	135	95
	Bridle Path	Western Way	Western Way	3,651.00	38.34	1217	27
	Saddlehorn	Bridle Path	Bridle Path	1,941.00	20.38	647	27
	Regina	Steamboat Dr	CDS radius @ 1120 Regina	1,821.00	19.12	607	27
	Alamo	Travis	Bowie	930.00	9.77	310	27
	Mary Lee	Neely	Whispering Meadows	849.00	8.91	283	27
				0.00	0.00		
				<u>38,859.06</u>	<u>408.020083</u>		



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 4.

SUBMITTED BY: Matthew Glaser, Library Director

ITEM DESCRIPTION:

Discussion and possible action regarding amending the City of Hewitt's Master Fee Schedule to establish a three-month membership fee of \$10 for out-of-county visitors.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Library currently charges \$40 for 12 months of membership for non-residents of McLennan County. We often have visitors who are only in the area for a few months and would like to use our services with their families. A solution to this would be to offer a membership option for a quarter of the normal cost and duration.

FISCAL IMPACT:

Amount Budgeted - N/A

Line Item in Budget - N/A

SUGGESTED MOTION:

I move approval to amend the City of Hewitt's Master Fee Schedule to establish a three-month library membership option in the total of \$10 for out-of-county visitors.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 5.

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action on proposal award for the Commerce Park Water Plant Improvements - Contract 2 - Commerce Park Ground Storage Tank and Pump Station (GST & PS) Project No.: 1-03655.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt, through its consulting engineer and City Engineer, went out seeking proposals for the Commerce Park Water Plant Improvements - Contract 2. Proposals were advertised on January 11, 2024. Proposals were received and opened on February 20, 2024. Four proposals were received. An evaluation committee was provided the proposals and evaluated the proposals in accordance with the evaluation criteria set forth in the proposal. The evaluation committee recommends awarding the lowest responsible proposal from TTE, LLC, for an amount of \$4,515,000.

FISCAL IMPACT:

Amount Budgeted - \$4,515,000.00

Line Item in Budget - Combination CO2024 and Unrestricted Utility Fund Reserves.

SUGGESTED MOTION:

I move approval to award the Commerce Park Water Plant Improvements - Contract 2 - Commerce Park Ground Storage Tank and Pump Station - Project No.: 1-03655 to TTE, LLC, for an amount of \$4,515,000.00 plus a 10% contingency.

ATTACHMENTS:

1. 1-03655-GST-LTR to City with Proposal Evaluation Tabulation

February 27, 2024

City of Hewitt
200 Patriot Court
Hewitt, TX 76643

Attn: Bo Thomas – City Manager

Re: Commerce Park Water Plant Improvements – Contract 2 – Commerce Park GST & PS
Engineer's Letter of Recommendation
Project No.: 1-03655

Dear Mr. Thomas:

Four (4) sealed proposals were received for the Commerce Park Water Plant Improvements – Contract 2 – Commerce Park Ground Storage Tank and Pump Station (GST & PS) project on Tuesday, February 20, 2024. A tabulation of proposed project cost for the submitted proposals is attached to this letter.

The two (2) proposers with the lowest-cost bids were evaluated for their qualifications and experience for completing the project. Proposal evaluations were completed by City of Hewitt staff, Cayote Consulting, LLC, and Walker Partners, LLC. A proposal matrix summarizing the results of these evaluations is also attached hereto. According to the scores, the best value base proposal was offered by TTE, LLC of Marble Falls, Texas. Their base proposal consisted of an amount of \$4,515,000.00. The Engineer's Opinion of Probable Construction Cost (EOPC) provided by Walker Partners was \$5,400,000.00.

Walker Partners and Cayote Consulting have both previously worked with TTE, LLC and they have successfully completed similar projects in the past; therefore, Walker Partners recommends award of the project to TTE, LLC for the base proposal amount of \$4,515,000.00.

Sincerely,



Michael Clough, P.E.
Senior Project Manager

MRC:mrc

Attachments: Proposal Evaluation Form, Proposal Tabulation

Email

Cc: Project File

Walker Partners, LLC
Proposal Tabulation

City of Hewitt
Commerce Park Water Plant Imp. Contract 2 - GST & PS
Project No.: 1-03655
2/20/2024 at 2:00 PM

This is a tabulation of the proposed project cost and not a ranking of proposals. Owner will rank Offeror's proposals based on requirements set forth in bidding documents.

Offerers

Item No.	Description	Estimated		TTE, LLC		Barsh Company		lecon, Inc		Associated Construction Partners, LTD	
		Quantities	Measure	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount	Unit Price	Unit Amount
1.00	General Conditions										
1.01	Mobilization and Incidentals	1	LS	450,000.00	450,000.00	59,000.00	59,000.00	250,000.00	250,000.00	250,000.00	250,000.00
1.02	Trench Safety	600	LF	30.00	18,000.00	8.00	4,800.00	30.00	18,000.00	10.00	6,000.00
1.03	Contingency Allowance	1	LS	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00	50,000.00
	Subtotal General Conditions				518,000.00		113,800.00		318,000.00		306,000.00
2.00	GST and Pump Station										
2.01	GST and Pumping Plant	1	LS	3,922,500.00	3,922,500.00	4,455,000.00	4,455,000.00	4,815,394.00	4,815,394.00	5,017,000.00	5,017,000.00
2.02	SCADA Allowance	1	LS	74,500.00	74,500.00	74,500.00	74,500.00	74,500.00	74,500.00	74,500.00	74,500.00
	Subtotal GST and Pump Station				3,997,000.00		4,529,500.00	1	4,889,894.00		5,091,500.00
	TOTAL PROPOSAL AMOUNT				\$4,515,000.00		\$4,643,300.00	2	\$5,207,894.00		\$5,397,500.00

1 leconi, Inc's amount on Bid Form: \$5,207,394.00
2 leconi, Inc's amount on Bid Form: \$5,207,394.00



Walker Partners, LLC

City of Hewitt

Commerce Park Water Plant Improvements - Contract 2 - GST & PS

Project No.: 1-03655

Proposal Opening: Tuesday, February 20, 2024, at 2:00 PM - Proposals Delivered to City Hall (200 Patriot Court, Hewitt, TX 76643)

Proposal Evaluation

Contractor	Base Proposal Amount	Proposed Project Cost (60%)	Experience/Past Performance of Offeror (15%)	Experience / Qualifications of Superintendent on Project (10%)	Ability to Meet Proposed Budget and Time for Construction (10%)	Other Factors (Quality/Safety/Claims) (5%)	Total (100%)
TTE LLC	\$ 4,515,000.00	60.00	14.40	9.60	9.40	4.60	98.00
Barsh Company	\$ 4,643,300.00	58.34	13.80	9.80	9.60	4.60	96.14

Engineer's Estimate \$ 5,400,000.00

Summary of Evaluation



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2024

AGENDA ITEM #: 6.

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Discussion and possible action on **Ordinance No. 2024-02** declaring unopposed candidates elected to office and canceling the May 4, 2024 Joint General Election as prescribed in the Texas Election Code.

STAFF RECOMMENDATION/ITEM SUMMARY:

On February 5, 2024, the Council approved **Ordinance No. 2024-01**, ordering a Joint General Election to elect three (3) council members for Ward 1, Place 2; Ward 2, Place 2; and Ward 3, Place 2. The deadlines for filing for a place on the ballot, February 16, 2024, and filing as a declared write-in, February 20, 2024, have passed. Two incumbents filed for their existing seats (Johnny Stephens, Ward 1, Place 2, and Steve Fortenberry, Ward 3, Place 2). There were no applicants who filed for Ward 2, Place 2; therefore, the position would become vacant at the time the election would have been canvassed. Council Member Johnny Price will serve through May 20, 2024.

Texas Election Code, Section 2.052 and 2.053, requires the city secretary to deliver to the Council a certification (attached) that each candidate in the election is unopposed. Upon receipt of that certification, the governing body, by order or ordinance, may declare each unopposed candidate elected to the office. Candidates Johnny Stephens and Steve Fortenberry had no opposition. The attached ordinance declares the unopposed candidates elected to office, cancels the election and provides the required posting of an Order of Cancellation. The ordinance also states that no applicants filed for Ward 2, Place 2, resulting in a vacancy.

The City Secretary will issue the certificates of elections and administer the oath of office to incoming Council members at the council meeting on May 20, 2024.

FISCAL IMPACT:

Amount Budgeted - N/A

Line Item in Budget - N/A

SUGGESTED MOTION:

I move approval of **Ordinance No. 2024-02** declaring unopposed candidates elected to office and canceling the May 4, 2024 Joint General Election.

ATTACHMENTS:

1. Certification of Unopposed Candidates
2. 2024-02 ORDINANCE CANCELING GENERAL ELECTION

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER POLITICAL
SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL
CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 4, 2024.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 4 de mayo 2024.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Candidate(s) Candidato(s)

Ward 1, Place 2

Distrito Electoral 1, Sitio 2

Johnny Stephens

Johnny Stephens

Ward 2, Place 2

Distrito Electoral 2, Sitio 2

No Candidate filed

Ningún candidato presentado

Ward 3, Place 2

Distrito Electoral 3, Sitio 2

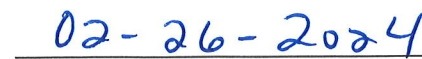
Steve Fortenberry

Steve Fortenberry


Signature (Firma)


Printed name (Nombre en letra de molde)


Title (Puesto)


Date of signing (Fecha de firma)

(Seal) (sello)



ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF HEWITT, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2024 GENERAL ELECTION ELECTED TO OFFICE; CANCELLING THE GENERAL ELECTION SCHEDULED TO BE HELD ON THE 4th DAY OF MAY, 2024; AND PROVIDING DETAILS RELATING TO THE CANCELLATION OF SAID ELECTION.

WHEREAS, ORDINANCE NO. 2024-01 passed on February 5, 2024, called the joint general election of three (3) council members, those being Council Members for a position to serve the full term of two (2) years for Council Member - Ward 1, Place 2, Council Member - Ward 2, Place 2, and Council Member - Ward 3, Place 2, for the City of Hewitt, Texas; and,

WHEREAS, at the deadline to file application for a place on the ballot, February 16, 2024, and the deadline to file as a declared write-in candidate, February 20, 2024, one candidate filed for Council Member - Ward 1, Place 2, and one candidate filed for Council Member - Ward 3, Place 2.

WHEREAS, at the deadline to file application for a place on the ballot, February 16, 2024, and the deadline to file as a declared write-in candidate, February 20, 2024, there were no candidate filings in Ward 2, Place 2. The position will become vacant following the time the election would have been canvassed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, that based on the information received and in accordance with Section 2.053 of the Texas Election Code, the City Council hereby authorizes the cancellation of the general election called for May 4, 2024, and hereby declares the unopposed candidates elected to the office; and,

WHEREAS, the following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Johnny Stephens	Ward 1, Place 2
No Candidate Filed	Ward 2, Place 2
Steve Fortenberry	Ward 3, Place 2

WHEREAS, the unopposed candidates shall be issued a certificate of election following the time the election would have been canvassed.

WHEREAS, there were no candidate filings in Ward 2, Place 2. The position Ward 2, Place 2, will become vacant following the time the election would have been canvassed.

FURTHER, the City Secretary is directed to cause a copy of the Order of Cancellation, attached hereto as Exhibit “A” and incorporated by reference, to be posted on election day at the polling place that would have been used in the election; and,

FURTHER, it is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraph or sections of this ordinance since the City Council would have enacted them without the invalid portion.

FURTHER, this ordinance shall take effect upon its final passage.

PASSED and APPROVED this 4th day of March 2024.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney

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Prescribed by Secretary of State
 Section 2.051 – 2.053, Texas Election Code
 9/2023

**ORDER OF CANCELLATION
 ORDEN DE CANCELACIÓN**

The City of Hewitt hereby cancels the election scheduled to be held on May 4, 2024, in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El ciudad de Hewitt por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 4 de mayo, 2024 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Johnny Stephens <i>Johnny Stephens</i>	Ward 1, Place 2 <i>Distrito Electoral 1, Sitio 2</i>
No Candidate filed <i>Ningún candidato presentado</i>	Ward 2, Place 2 <i>Distrito Electoral 2, Sitio 2</i>
Steve Fortenberry <i>Steve Fortenberry</i>	Ward 3, Place 2 <i>Distrito Electoral 3, Sitio 2</i>

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

 Mayor (*Alcalde*)

 Secretary (*Secretaria*)

(seal)(*sello*)

 Date of adoption (*Fecha de adopción*)