

HEWITT TEXAS

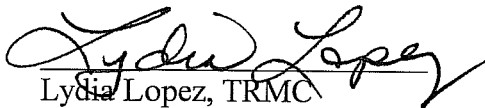
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Dinner Workshop** meeting of the governing body of the City of Hewitt will be held on the **17th day of March, 2014 at 5:30 PM in Hewitt City Hall, 105 Tampico Drive, Hewitt, Texas**, at which time the following subjects will be discussed:

1. City Manager's update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects.
 - b. Briefing and discussion concerning future facilities including update from RDBR, PLLC, Architects.
 - c. Briefing and discussion concerning Public Safety Facility including update from RDBR, PLLC, Architects and K4 Construction.
 - d. Briefing and discussion concerning Public Safety operations – Police & Fire.
2. Review regular meeting agenda items.
3. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - Pursuant to § 551.087 – Deliberation regarding Economic Development Negotiations.
 - Pursuant to § 551.071(1)(A) - Consultation with Attorney regarding pending or contemplated litigation.
4. Close Executive Session.
5. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 9:30 AM/PM on March 14, 2014.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **17th day of March, 2014 at 7:00 PM in the City Council Room at Hewitt City Hall, 105 Tampico Drive, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Pledge of Allegiance to the U.S. Flag
2. Consider approval of minutes of the Council Dinner Workshop/Regular Meeting of February 3, 2014 and Council Regular/Dinner Workshop of February 17, 2014.
3. Hear visitors on matters pertaining to city business.
4. Presentation of audit report and opinion by Chris Pruitt, Audit Partner, Patillo, Brown, & Hill, LLP.
5. Consider a joint resolution for exchange of road maintenance responsibilities between McLennan County and the City of Hewitt for portions of E Panther Way and Ritchie Road.
6. Consider a resolution amending the fee schedule relating to park rental fees.
7. Consider a resolution accepting the donation by the Veterans of Foreign Wars (VFW) Post 6008 of a Veterans Memorial monument for placement in Hewitt Park.
8. Consider an ordinance cancelling the Special Election in the City of Hewitt to be held on Saturday, May 10, 2014 to submit a proposed amendment to the City Charter. (*Considerare una ordenanza cancelando la elección especial de la ciudad de Hewitt que se llevaría a cabo el 10 de mayo del 2014 para presentar un propuesta enmienda a la Carta de la ciudad de Hewitt.*)
9. Consider an ordinance declaring unopposed candidates in the May 10, 2014, General City Election elected to office; cancelling the election; providing a severability clause; and providing an effective date. (*Considerare una ordenanza declarando que los candidatos elegidos para los puestos en la elección general de la ciudad del 10 de mayo, 2014, no tienen oposición; cancelando la elección; proporcionando una cláusula de divisibilidad; y proporcionando una fecha de entrada en vigencia.*)
10. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 9:30 AM/PM on March 14, 2014.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary



WORKSHOP ITEM #1.a



CITY ENGINEER'S REPORT

March 13, 2014

Note: All schedules, dates and references to completion dates are approximate and subject to change.

Street Improvements:

Devonshire Street & Drainage Improvements

All substantial construction is complete; on the final walk through a few items of clean-up were noted.

I-35 Widening - Utility Adjustments:

All substantial construction is complete. The contractor is currently working on finishing up the final punch list, after its completion we will do a final walk through. This project is under contract with TXDOT as is the completion timeline. We are having to put a lot of pressure on TxDOT to get them to force the contractor to finish this project up.

Water Utility Improvements:

Commerce Park Water Plant:

Elevated Storage Tank; We are still in the submittal phase of the project. The contractor is currently working on a construction schedule for this project. This project is called to be completed on April 15, 2015.

Ritchie Road Plant and Well Electrical System Improvements:

The electrical engineer is working on his portion of the project; they hope to wrap up design within the coming weeks.

Wastewater Utility Improvements:

Lift Station No. 2 Replacement:

The electrician is currently working on getting everything wired in. When this is completed, all that will remain is testing and decommissioning the existing lift station, installing SCADA components, constructing site fencing, and cleanup.

Patriot Court – Street, Drainage and Water/Sewer Utilities:

The contractor has completed the rough excavation of the sub-grade for Patriot Court and has started installation of the sewer and water lines.

A portion of Ritchie Road has been closed for to allow the removal of the existing asphalt pavement and construction of reinforced concrete pavement. The contractor has put out flyers to all the affected residents and has been in contact with the Church of Latter Day Saints explaining the project and the detour routes. There will be

HEWITT TEXAS II

considerable signage and no one will be blocked from access to their property, but there will be some inconvenience. This project is scheduled to be completed mid-May 2014.

By:

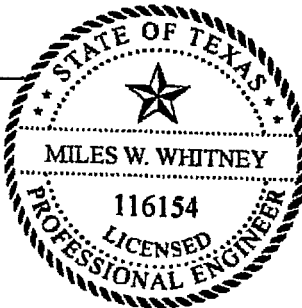
 P.E.

William E. Aston, P.E.



 P.E.

Miles W. Whitney, P.E.





COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 2

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the Council Dinner Workshop/Regular Meeting of February 3, 2014 and Council Regular/Dinner Workshop Meeting of February 17, 2014.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached are draft copies of the meeting minutes. Please review and advise if any corrections are needed.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

MINUTES OF A CITY COUNCIL DINNER WORKSHOP/MEETING HEWITT CITY HALL – 105 TAMPICO DRIVE February 3, 2014 - 5:30/7:00 PM

Members Present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Wilbert “Walky” Wachtendorf; Council Members Bill Fuller, James Vidrine, Ronnie McNiel, and Alex Snider

Members Absent: Council Member Travis Bailey

Staff Present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Assistant City Manager James Barton, Library Director Waynette Ditto, Police Chief Jim Devlin, Fire Chief Lance Bracco, Director of Community Development Russ Sheffield, HR/Civil Service Director Susana Garcia-Gilmore, Utilities Director James Black, Finance Director Lee Garcia, Deputy Police Chief Tuck Saunders, Building Inspector Roy Cole and City Secretary Lydia Lopez

Workshop – 5:30 PM

1. City Manager presented an update on municipal business:
 - a. Report from City Engineer including review and discussion of Capital Improvement Projects.
 - b. Briefing and discussion was held concerning March 1, 2014 enforcement of the 2012 International Building Code (IBC), International Residential Code (IRC), International Energy Conservation Code (IECC) and 2012 International Fire Code (IFC).
 - c. Briefing and discussion was held concerning Public Safety operations – Police & Fire.
 - o Police Chief Devlin presented Hewitt Police Department Racial Profiling Report.
 - o Chief Devlin presented an update on the Student Resource Officer (SRO) Program.
 - o Chief Devlin presented an update concerning K-9 Unit.
 - o Chief Devlin announced the 2014 Citizen Police Academy was scheduled for February 25, 2014 and invited all to participate.
 - d. Briefing and discussion was held concerning Water Conservation Micro-grant Pilot Program.
2. The regular meeting agenda items were reviewed.

3. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following: **NOT HELD**
 - Pursuant to § 551.087 – Deliberation regarding Economic Development Negotiations.
 - Pursuant to § 551.071(1)(A) - Consultation with Attorney regarding pending or contemplated litigation.
4. Close Executive Session.
5. Adjourn. *A motion was made by Bill Fuller and seconded by Alex Snider to adjourn the Dinner Workshop at 6:55 pm.*

REGULAR SESSION – 7:00 PM

1. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Ed Passalugo led the Pledge of Allegiance.
2. **CONSIDER APPROVAL OF MINUTES OF THE COUNCIL DINNER WORKSHOP/MEETING OF JANUARY 20, 2014.** *A motion was made by Alex Snider and seconded by James Vidrine to approve the minutes as submitted but allow for corrections; all six in favor, motion passed.*
3. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** NONE
4. **CONSIDER A RESOLUTION AMENDING THE FEE SCHEDULE RELATING TO BUILDING PERMITS FOR WINDOW REPLACEMENT.** *Motion by Bill Fuller and seconded by Ronnie McNiel to approve resolution; all six in favor, motion passed.*
5. **CONSIDER A RESOLUTION ORDERING A SPECIAL ELECTION IN THE CITY OF HEWITT ON SATURDAY, MAY 10, 2014; TO SUBMIT A PROPOSED AMENDMENT TO THE CITY CHARTER; DESIGNATING THE POLLING PLACE; AND PROVIDING OTHER MATTERS RELATING TO THE SPECIAL ELECTION.** *(Considere un resolución que ordena una elección especial que se llevaría a cabo el 10 de mayo del 2014; un propuesta enmienda a la Carta de la Ciudad de Hewitt; designación de los lugares de votación; y proveería consideración para otros asuntos relacionados a las elección special.). A motion was made by Ronnie McNiel and seconded by Alex Snider to approve resolution, five in favor, one opposed (Bill Fuller), motion passed.*
6. **CONSIDER A RESOLUTION ORDERING A GENERAL ELECTION IN THE CITY OF HEWITT ON SATURDAY, MAY 10, 2014; DESIGNATING THE POLLING PLACE; AND PROVIDING OTHER MATTERS RELATING TO THE GENERAL ELECTION.** *(Considere un resolución que ordena una elección general que se llevaría a cabo el 10 de mayo del 2014; designación de los lugares de votación; y proveería consideración para otros asuntos relacionados a las elección general.). Motion by Wilbert “Walky” Wachtendorf and seconded by Bill Fuller to approve resolution, all six in favor, motion passed.*

7. **CONSIDER AN ORDINANCE OF THE CITY OF HEWITT, TEXAS VACATING AND ABANDONING A RIGHT OF WAY EASEMENT ON 70.11 ACRES OF LAND MORE PARTICULARLY DESCRIBED IN VOL. 1163, PAGE 671, DEED RECORDS OF MCLENNAN COUNTY TEXAS; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.** *A motion was made by Bill Fuller and seconded by Alex Snider to approve ordinance; all six in favor, motion passed.*
8. **CONSIDER AN ORDINANCE AMENDING CHAPTER 58: SIGNS, SECTION 58.7 SIGN REQUIREMENTS FOR NON-RESIDENTIAL USES AND SECTION 58.11 GENERAL STANDARDS FOR OFF-PREMISES SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT, REGULATING THE SIZE, HEIGHT, TYPE AND NUMBER OF SIGNS IN THE CITY OF HEWITT; PROVIDING AN EFFECTIVE DATE.** *A motion was made by Ronnie McNiel and seconded by Bill Fuller to approve ordinance; all six in favor, motion passed.*
9. **ADJOURN.** *A motion was made by Ronnie McNiel and seconded by Bill Fuller to adjourn to the meeting at 7:09 p.m., all six in favor, motion passed.*

Approved: March 17, 2014

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

MINUTES OF A CITY COUNCIL REGULAR/DINNER WORKSHOP HEWITT CITY HALL – 105 TAMPICO DRIVE February 17, 2014 - 5:30 PM

Members Present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Wilbert “Walky” Wachtendorf; Council Members Bill Fuller, James Vidrine, Ronnie McNiel, Travis Bailey, and Alex Snider

Staff Present: City Attorney Charlie Buenger, City Engineer Bill Aston, City Engineer Miles Whitney, City Manager Adam Miles, Assistant City Manager James Barton, Library Director Waynette Ditto, Police Chief Jim Devlin, Fire Chief Lance Bracco, Director of Community Development Russ Sheffield, Utilities Director James Black, Finance Director Lee Garcia, Deputy Police Chief Tuck Saunders, and City Secretary Lydia Lopez

Staff Absent: HR/Civil Service Director Susana Garcia-Gilmore

Regular Meeting – 5:30 PM

1. Mayor Passalugo called the meeting to order.
2. Mayor Passalugo recessed the Regular meeting to convene to the following Executive Session at 5:32 p.m. pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - Pursuant to § 551.071(1)(A) - Consultation with Attorney regarding pending or contemplated litigation.
3. Close Executive Session. *A motion was made by Bill Fuller and seconded by Alex Snider to adjourn the Executive Session at 6:07 pm.*
4. Reconvene Regular Meeting. *A motion was made by Alex Snider and seconded by Ronnie McNiel to reconvene the Regular Meeting at 6:10 pm.*
5. Consider and take appropriate action concerning pending or contemplated litigation. *A motion was made by Ronnie McNiel and seconded by Alex Snider to approve the settlement arrangements; five in favor (McNiel, Snider, Fuller, Wachtendorf, Bailey), two opposed (Passalugo/Vidrine), motion passed.*
6. Adjourn. *A motion was made by Bill Fuller and seconded by James Vidrine to adjourn the Regular meeting at 6:10 p.m.*

Dinner Workshop

1. A review and discussion of Capital Improvement Projects was held.
2. Adjourn. *A motion was made by Bill Fuller and seconded by James Vidrine to adjourn the meeting at 7:09 p.m., all seven in favor, motion passed.*

Approved: March 17, 2014

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



ITEM #3 – HEARING OF VISITORS

CITIZEN PARTICIPATION AT MEETINGS

1. All citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. Many times this will expedite a resolution or allow proper investigation of the matter for presentation to the entire council.

NO CITIZEN NOR STAFF MEMBER MAY SPEAK NOR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask the citizens present if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to do so at the proper time, when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select spokespersons to present their case.
3. Citizens who wish to bring up a matter that pertains to city business or address an item on the agenda may do so, but only under the agenda item "Hear Visitors." **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**
4. **Citizens addressing the city council on items not on the agenda shall be limited to five minutes each. Total time for presentations on any one item or topic shall be limited to twenty-five minutes. The city council members shall not enter into discussion on any subject not properly placed on the agenda; however, the council members may ask questions for clarification purposes.**
5. As a general rule, citizens may not participate in the discussion of the council workshop session.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 4

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Presentation of audit report and opinion by Chris Pruitt, Audit Partner, Patillo, Brown & Hill, L.L.P.

STAFF RECOMMENDATION/ITEM SUMMARY:

Annual audit for fiscal year 2012-2013 has been completed with an unqualified opinion.

ATTACHMENTS:

None – Audit Report to be distributed at the meeting.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consider a joint resolution for exchange of road maintenance responsibilities between McLennan County and the City of Hewitt for portions of E Panther Way and Ritchie Road.

STAFF RECOMMENDATION/ITEM SUMMARY:

This joint resolution provides for an exchange of road maintenance responsibilities between McLennan County and the City of Hewitt for portions of E Panther Way and Ritchie Road. The City will assume maintenance responsibilities for E Panther Way from Old Hewitt Road to its dead end and the County will assume maintenance responsibility of the entire right-of-way width of Ritchie Road from W Warren Road approximately 500' north of Devonshire Road. This exchange will provide a more efficient, economical and convenient means for maintenance of both roadways. Staff recommends approval of this joint resolution.

ATTACHMENTS:

Draft resolution

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

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTED on this the _____ day of _____, 2014.

Scott M. Felton, County Judge

ATTEST:

Kelly Fullbright, Deputy County Clerk

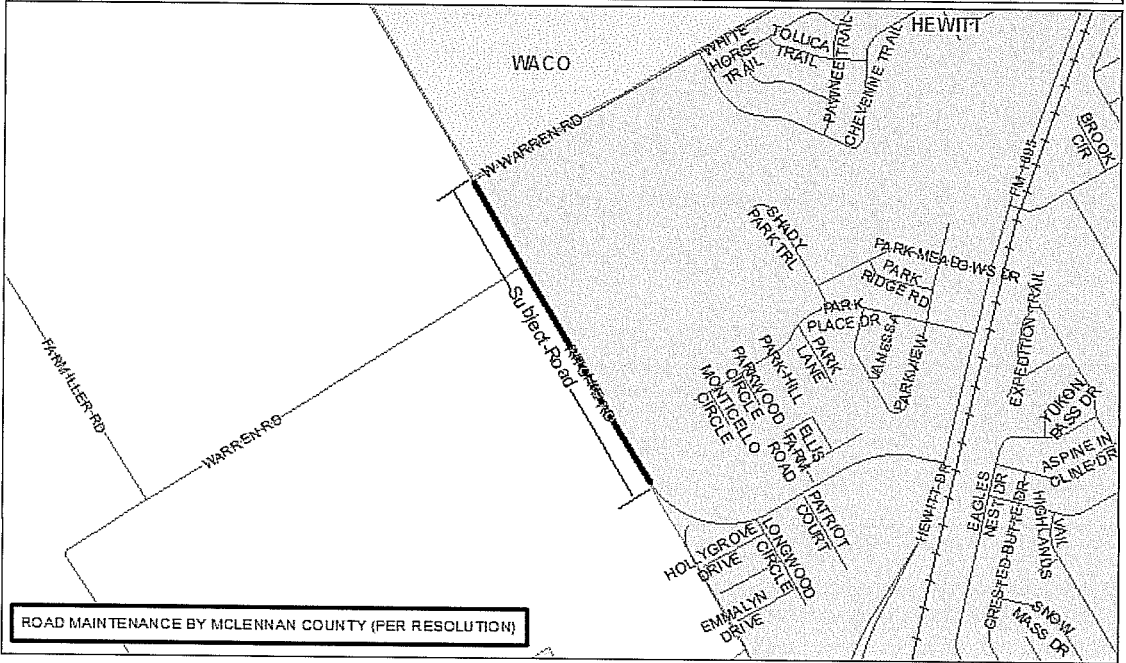
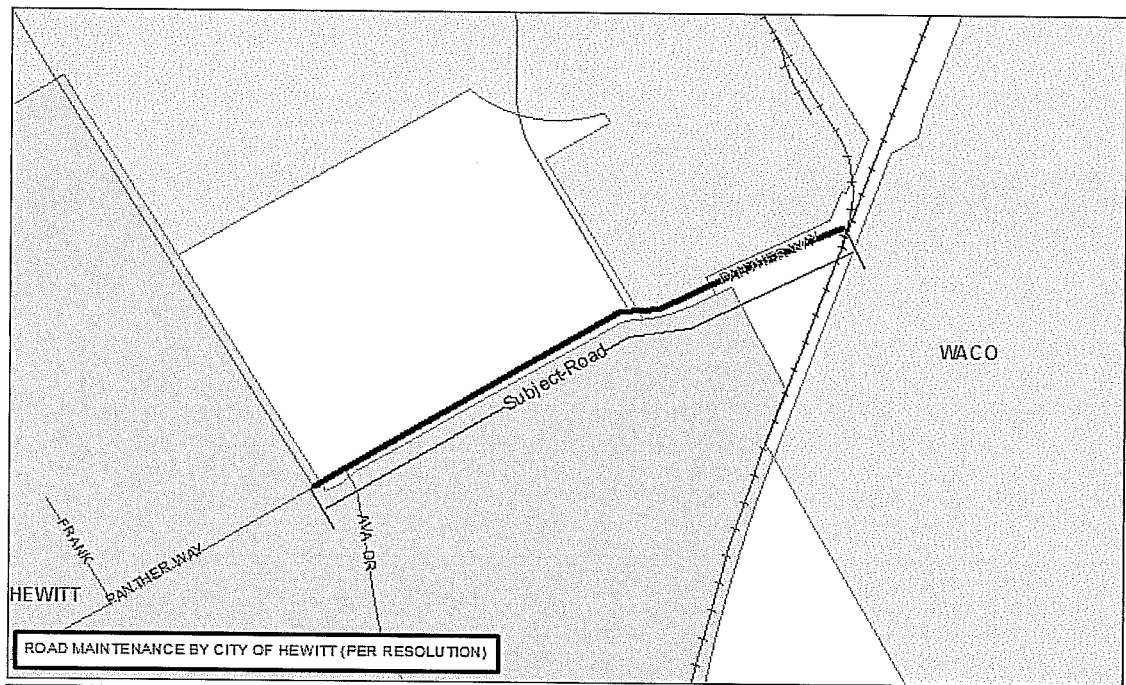
EXECUTED on this the _____ day of _____, 2014.

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

EXHIBIT A





COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 6

SUBMITTED BY: Jim Barton, Assistant City Manager

ITEM DESCRIPTION:

Consider a resolution amending the fee schedule relating to park rental fees.

STAFF RECOMMENDATION/ITEM SUMMARY:

Staff is recommending an increase in the fee for renting the park pavilions. Currently the fee is \$25.00 with a minimum of 2 hours. The fee would be increased to \$40.00, with a minimum of 2 hours for groups with an attendance of 150 or more. The fee will stay at \$25.00, minimum of 2 hours, for groups up to 150. The increase is to cover the cost of time it takes city crews to clean the area after the event. It takes at least 2 employees and sometimes 3 for large groups. The Parks Board has voted unanimously to approve this rate change.

ATTACHMENTS:

Draft resolution

RESOLUTION NO. 2014-03-17-2

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

The City of Hewitt, Texas hereby amends the current Fee Schedule relating to park rental fees as listed below and imposes the fees set forth for the services, activities, events, materials and supplies that are described therein. These rates are effective with the passage of this resolution and subject to be reviewed and amended as deemed necessary.

Hewitt & Warren Park Rental Fees - Pavilions

\$25.00 per hour, minimum of two hours for groups up to 150

\$40.00 per hour, minimum of two hours for groups over 150

PASSED AND APPROVED this the 17th day of March, 2014.

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 7

SUBMITTED BY: Jim Barton, Assistant City Manager

ITEM DESCRIPTION:

Consider a resolution accepting the donation by the Veterans of Foreign Wars (VFW) Post 6008 of a Veterans Memorial monument for placement in Hewitt Park.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt VFW Post 6008 has requested a small parcel at Hewitt Park to place a Veteran Memorial monument. This monument will be engraved in memory of all U.S. Veterans. It will be placed in front of the flag pole at Hewitt Park. Starting in 2015, the VFW will hold its annual Memorial Day service at the memorial. This event is currently held at a cemetery, however, the membership at the VFW want to move the service to a more public area with more space for attendees and a memorial monument for viewing throughout the year. The event usually has up to 300 people attending. Staff supports this request as it will bring more of the community out to Hewitt Park. The Park & Beautification Committee has also agreed to support the request at their last meeting.

ATTACHMENTS:

Draft resolution

RESOLUTION No. 2014-03-17-3

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

That the City Manager is hereby authorized to accept the donation of a Veterans Memorial monument presented by the Veterans of Foreign Wars (VFW) Post 6008 for placement in Hewitt Park and the City Manager is further authorized to facilitate the installation of said monument and other matters related thereto.

That it is hereby officially found and determined that the meeting at which this resolution is passed is opened to the public as required by law, and that the public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED this 17th day of March, 2014.

THE CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

O. Charlie Buenger, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 8

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider an ordinance cancelling the Special Election in the City of Hewitt to be held on Saturday, May 10, 2014 to submit a proposed amendment to the City Charter.

(Considere una ordenanza cancelando la elección especial de la ciudad de Hewitt que se llevaría a cabo el 10 de mayo del 2014 para presentar un propuesta enmienda a la Carta de la ciudad de Hewitt.)

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached for your consideration is an ordinance cancelling the Special Election.

ATTACHMENTS:

Draft Ordinance

ORDINANCE No. 2014-03-17-1
ORDENANZA No. 2014-03-17-1

AN ORDINANCE CANCELLING THE SPECIAL ELECTION IN THE CITY OF HEWITT WHICH WAS TO BE HELD ON SATURDAY, MAY 10, 2014 TO SUBMIT A PROPOSED AMENDMENT TO THE CITY CHARTER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

UNA ORDENANZA CANCELANDO LA ELECCIÓN ESPECIAL DE LA CIUDAD DEL 10 DE MAYO, 2014; PARA PRESENTAR UN PROPUESTA ENMIENDA A LA CARTA DE LA CIUDAD DE HEWITT; PROPORCIONANDO UNA CLÁUSULA DE DIVISIBILIDAD; Y PROPORCIONANDO UNA FECHA EFECTIVA.

WHEREAS, Resolution No. 2014-02-03-2 passed on February 3, 2014, called the special election for the purposes of submitting to the qualified resident electors of the City of Hewitt a proposition for a proposed amendment to the City Charter; and,

CONSIDERANDO QUE, la Resolución No. 2014-02-03-2 aprobada el 3 de febrero, 2014, convocó la elección especial para presentar a los residentes calificados un propuesta enmienda a la Carta de la ciudad de Hewitt, Texas; y,

WHEREAS, The City Council has determined that it is in the best interest of the citizens of Hewitt to postponed said special election; and,

CONSIDERANDO QUE, el Concilio ha determinado que es en el mejor interés de los residentes de Hewitt aplazada dijo elección especial; y,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, hereby authorizes the cancellation of the special election called for May 10, 2014.

AHORA, POR CONSIGUIENTE SEA ORDENADO por el Concilio de la Ciudad de Hewitt, Texas, por medio de la presente, autoriza la cancelación de la elección especial convocada para el 10 de mayo, 2014.

FURTHER, the City Secretary is directed to cause a copy of this ordinance to be posted on election day at the polling place that would have been used in the election; and,

ADICIONALMENTE, se le ha indicado a la Secretaria de la Ciudad que haga que una copia de esta ordenanza sea colocada, el día de la elección, en el lugar de votación que hubiera sido utilizado durante la elección; y,

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, paragraphs or sections of this ordinance since the City Council would have enacted them without the invalid portion.

ADICIONALMENTE, es declarado que la intención del Concilio de la Ciudad, es que las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza son divisibles, y si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza es declarado sin validez por fallo o decreto de un tribunal de jurisdicción competente, la invalidez no deberá afectar ninguna de las frases, cláusulas, oraciones, párrafos o secciones remanentes de esta ordenanza, ya que el Concilio de la Ciudad las habría promulgado sin la porción inválida.

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

ADICIONALMENTE, esta ordenanza tomará efecto al ser finalmente aprobada.

PASSED AND APPROVED this the 17th day of March 2014.

PASADA Y APROBADA este día 17 de marzo, 2014.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor
Ed Passalugo, Alcalde

ATTEST:

Lydia Lopez, City Secretary
Lydia Lopez, Secretaria de la Ciudad

APPROVED AS TO FORM:
Aprobado en su forma:

O. Charlie Buenger, City Attorney
O. Charlie Buenger, Abogado de la Ciudad

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 17, 2014

AGENDA ITEM #: 9

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider an ordinance declaring unopposed candidates in the May 10, 2014, General City Election elected to office; cancelling the election; providing a severability clause; and providing an effective date. *(Considerare una ordenanza declarando que los candidatos elegidos para los puestos en la elección general de la ciudad del 10 de mayo, 2014, no tienen oposición; cancelando la elección; proporcionando una cláusula de divisibilidad; y proporcionando una fecha de entrada en vigencia.)*

STAFF RECOMMENDATION/ITEM SUMMARY:

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. Our candidates, Wilbert “Walky” Wachtendorf, Bill Fuller, and Ronnie McNiel did not have any opposition. Attached is an ordinance declaring the unopposed candidates elected to office, cancels the election and provides for the required posting of a Notice of Cancellation. Staff recommends approval.

Certificates of Election and oath of office will be issued on May 19, 2014 after Election Day.

ATTACHMENTS:

Certification of Unopposed Candidates
Draft Ordinance

**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

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 10, 2014.

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 10 de mayo, 2014

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 1

Distrito Electoral 1, Sitio 1

Wilbert “Walky” Wachtendorf

Wilbert “Walky” Wachtendorf

Ward 2, Place 1

Distrito Electoral 2, Sitio 1

Bill Fuller

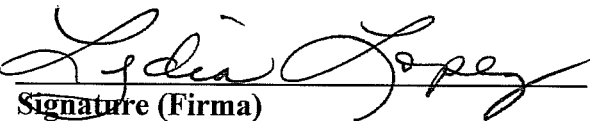
Bill Fuller

Ward 3, Place 1

Distrito Electoral 3, Sitio 1

Ronnie McNiel

Ronnie McNiel


Signature (Firma)

Lydia Lopez *Lydia Lopez*

Printed name (Nombre en letra de molde)

City Secretary *Secretaria de la Cuidad*

Title (Puesto)

March 5, 2014 (5 de Marzo 2014)

Date of signing (Seal)

ORDINANCE No. 2014-03-17-2
ORDENANZA No. 2014-03-17-2

**AN ORDINANCE DECLARING UNOPPOSED
CANDIDATES IN THE MAY 10, 2014,
GENERAL CITY ELECTION ELECTED TO
OFFICE; CANCELLING THE ELECTION;
PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.**

*UNA ORDENANZA DECLARANDO QUE LOS
CANDIDATOS ELEGIDOS PARA LOS PUESTOS
EN LA ELECCIÓN GENERAL DE LA CIUDAD
DEL 10 DE MAYO, 2014, NO TIENEN
OPOSICIÓN; CANCELANDO LA ELECCIÓN;
PROPORCIONANDO UNA CLÁUSULA DE
DIVISIBILIDAD; Y PROPORCIONANDO UNA
FECHA DE ENTRADA EN VIGENCIA.*

WHEREAS, Resolution No. 2014-02-03-3 passed on February 3, 2014, called the general election of three (3) Councilmembers, those being one Councilmember for Ward 1, Place 1, one Councilmember for Ward 2, Place 1, and one Councilmember for Ward 3, Place 1 for the City of Hewitt, Texas; and,

CONSIDERANDO QUE, la Resolución No. 2014-02-03-3 aprobada el 3 de febrero, 2014, convocó la elección general de tres (3) Concejales ante el Consejo esto es: un Concejal para el Distrito Electoral 1, Sitio 1; un Concejal para el Distrito Electoral 2, Sitio 1; y un Concejal para el Distrito Electoral 3, Sitio 1 para la ciudad de Hewitt, Texas; y,

WHEREAS, at the deadline to file application for a place on the ballot and the deadline to file as a declared write-in candidate, only one candidate had filed to run for such positions:

CONSIDERANDO QUE, al cumplirse el plazo para presentar la solicitud para un lugar en la boleta electoral; y al cumplirse el plazo para presentar solicitud como Otro Candidato Declarado, solamente un candidato se ha registrado para postularse para cada uno de dichos puestos:

WHEREAS, as prescribed in the Texas Election Code, the City Secretary has certified that:

- 1) Each candidate whose name is to appear on the ballot is unopposed;
- 2) No candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law; and
- 3) No proposition will appear on the ballot.

CONSIDERANDO QUE, según lo prescrito en la Código Electoral de Texas, la Secretaria de la ciudad ha certificado que:

- 1) *Cada candidato cuyo nombre debe aparecer en la boleta electoral no tiene oposición;*
- 2) *No hay nombre para ser colocado en la lista de Otro Candidato Declarado para los puestos descritos anteriormente bajo las leyes aplicables;*
- 3) *No aparecerá opositor en la boleta electoral.*

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, that based on 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 10, 2014, and hereby declares the unopposed candidates elected to the office; and,

AHORA, POR CONSIGUIENTE SEA ORDENADO por el Concilio de la Ciudad de Hewitt, Texas, que basados en la información recibida y en cumplimiento de la Sección 2.053 del Código de Elección de Tejas, el Concilio de la Ciudad, por medio de la presente, autoriza la cancelación de la elección del miembro del Concilio del Distrito Sureste y miembro del Concilio del Distrito Suroeste, convocada para el 10 de mayo, 2014, y por medio de la presente, declara a los candidatos sin oposición, electos al puesto; y,

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,

ADICIONALMENTE, se le ha indicado a la Secretaria de la Ciudad que haga que una copia de esta resolución sea colocada, el día de la elección, en el lugar de votación que hubiera sido utilizado durante la elección; y,

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, paragraphs or sections of this ordinance since the City Council would have enacted them without the invalid portion.

ADICIONALMENTE, es declarado que la intención del Concilio de la Ciudad, es que las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza son divisibles, y si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza es declarado sin validez por fallo o decreto de un tribunal de jurisdicción competente, la invalidez no deberá afectar ninguna de las frases, cláusulas, oraciones, párrafos o secciones remanentes de esta ordenanza, ya que el Concilio de la Ciudad las habría promulgado sin la porción inválida.

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

ADICIONALMENTE, esta ordenanza tomará efecto al ser finalmente aprobada.

PASSED AND APPROVED this the 17th day of March 2014.

PASADA Y APROBADA este día 17 de marzo, 2014.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor
Ed Passalugo, Alcalde

ATTEST:

Lydia Lopez, City Secretary
Lydia Lopez, Secretaria de la Ciudad

APPROVED AS TO FORM:
Aprobado en su forma:

O. Charlie Buenger, City Attorney
O. Charlie Buenger, Abogado de la Ciudad

AW12-2

Prescribed by Secretary of State

Section 2.051 – 2.053, Texas Election Code

2/14

**ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN**

The City of Hewitt hereby cancels the election scheduled to be held on May 10, 2014, 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 10 de mayo, 2014 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)
Wilbert “Walky” Wachtendorf <i>Wilbert “Walky” Wachtendorf</i>	Ward 1, Place 1 <i>Distrito Electoral 1, Sitio 1</i>
Bill Fuller <i>Bill Fuller</i>	Ward 2, Place 1 <i>Distrito Electoral 1, Sitio 1</i>
Ronnie McNiel <i>Ronnie McNiel</i>	Ward 3, Place 1 <i>Distrito Electoral 3, Sitio 1</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*)