

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 6, 2017

Workshop - 5:30 PM and Regular Meeting - 7:00 PM

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Travis Bailey – Mayor Pro Tem, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Alex Snider – Council Member At-Large

CITY STAFF

Adam Miles, City Manager

Charlie Buenger, City Attorney

Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

Katie Allgood, Managing Director/Civil
Service Director

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **6th day of February, 2017 at 5:30 PM in Hewitt City Hall, Council Workshop Room, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. City Manager's update on municipal business:
 - a. Introduction of Civil Service Commission members (**Note:** A quorum of the Commission may be present; however, the Commission will not take any action.)
 - b. Report from City Engineer
 - c. Briefing and discussion concerning upcoming events.
 - April 22, 2017 – Hounds and Sounds (Warren Park)
 - May 6, 2017 - Household Hazardous Waste Day
 - July 29, 2017 – National Night Out (Warren Park)
 - September 30, 2017 – Dog Days
 - d. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - Pursuant to §551.071 – Consultation with Attorney
 - Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.
 - Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.
5. Close Executive Session.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 2:00 AM/PM on February 3, 2017.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

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 **6th day of February, 2017 at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Consider approval of minutes of the City Council Workshop/Regular Meeting of January 16, 2017.
4. Special Presentation of the Distinguished Budget Presentation Award.
5. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
6. Public hearing on storm water mitigation.
7. Public hearing and action on an ordinance amending Chapter 46 "Parks and Recreation" of the City of Hewitt, Texas Code of Ordinances; repealing this Chapter in its entirety; replacing said chapter per Exhibit "A"; providing for inclusion in the code; providing for severability; declaring an emergency and providing for an effective date.
8. Authorize the City Manager to negotiate and execute the 2017 Interlocal Agreement for Household Hazardous Waste Collection.
9. Consideration and action on a resolution of the City Council of the City of Hewitt, Texas, designating the Official Newspaper for publication of matters pertaining to the city.
10. Consideration and action on a resolution ordering a General Election for the City of Hewitt on Saturday, May 6, 2017, to be held as a joint election with McLennan County; authorizing a contract for election services; designating polling places and providing for other matters relating to the general election.
11. Consideration and action on a resolution in support of the submission of a grant application for the City of Hewitt Police Department Body Camera Project to the Office of the Governor, Criminal Justice Division.
12. Consideration and action on an ordinance amending Ordinance No. 2012-02-06-1, creating two additional sergeant positions and abolishing two corporal positions, authorizing the number of employees in each classification; providing for a severability; providing for a repealer; and establishing an effective date.
13. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 2:00 AM/PM on February 3, 2017.

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.



COUNCIL WORKSHOP AGENDA ITEM #2.b



CITY ENGINEER'S REPORT

February 1, 2017

2014 Bond Projects:

First Street Mill and Overlay / Chapman Rd.

The contractor should be completing pouring the last driveways shortly. The next step will be the pouring of the stormsewer inlet tops and bringing the manholes, within the street, to grade before the placement of the cement stabilized base.

2015 Bond Projects:

Lift Station No. 5 Removal

Received topo for this area but have yet to receive the easement surveys.

IH - 35 Waterline

- Phase 1; Industrial south side of Castleman Creek
 - City crews have begun the installation of the 16" waterline.
- Phase 2; Sun Valley to Flat Rock Trailers
 - Topography has been received.
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - Preliminary alignment work is being done.

Lift Station No. 4; Gravity Line Extension

Plans are completed, awaiting adjoining property owners' decisions.

2017 Slurry Seal (formally known as 2016 Slurry Seal):

Will complete the plans and have them ready for bid for the late spring early summer of 2017.

Alamo Lift Station (Lift Station No. 7)

We have begun talks with the City of Waco to discuss the possibility of gravity flowing the sewer that goes to Hewitt's Lift Station No. 7 to a City of Waco's development that will tie into Alamo Dr, thus potentially getting rid of Lift Station No. 7.

Drainage

Park Meadows plans have been completed. Oncor and Grande Comm. have begun the design of their relocations.

HEWITT TEXAS II

CITY ENGINEER'S REPORT

February 1, 2017

City crews began work on a constructing a drainage channel on Wentwood Circle.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 6, 2017

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of January 16, 2017.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

ATTACHMENTS:

Draft minutes



**MINUTES OF A CITY COUNCIL
WORKSHOP/REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
January 16, 2017 - 5:30/7:00 PM**

Members present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Travis Bailey, Council Members Wilbert “Walky” Wachtendorf, Bill Fuller, James Vidrine, Alex Snider, and Steve Fortenberry

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Fire Chief Lance Bracco, Library Director Waynette Ditto, Community Development Director Tracy Lankford, Managing Director of Administration/Civil Service Director Katie Allgood, Human Resources Generalist Stephanie Thompson and City Secretary Lydia Lopez

Staff absent: Finance Director Lee Garcia

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager presented an update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning upcoming events.
 - o January 25, 2017 – Walmart Grand Opening (7:30 am)
 - o January 26, 2017 – Hewitt Chamber Banquet (6pm -8 pm)
 - Waco Convention Center – Brazos Room
 - o April 22, 2017 – Hounds and Sounds (Warren Park)
 - o July 29, 2017 – National Night Out (Warren Park)
 - o September 30, 2017 – Dog Days
 - c. Briefing and discussion concerning update on public transportation.
 - d. Briefing and discussion concerning contracting with McLennan County for the City’s general election.
 - e. Briefing and discussion concerning Public Safety operations – Police & Fire.
 - f. Interview of prospective Library Board member. Ms. Karen Copeland was present for a brief interview.
3. The regular meeting agenda items were reviewed.
4. *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to convene the Executive Session at 6:50 PM pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:*
 - **Pursuant to §551.071 – Consultation with Attorney**
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
 - **Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.**

5. Close Executive Session. *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to close the Executive Session and adjourn the Workshop at 6:58 PM, all seven in favor, motion passed.*

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Passalugo called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Ed Passalugo asked Managing Director of Administration Katie Allgood to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION TO THE HEWITT PUBLIC LIBRARY.** Mayor Ed Passalugo presented a grant award check in the amount of \$10,000 from CST Brands Corner Store Country Fun Run to Library Director Waynette Ditto for use in the children's area.
4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP AND REGULAR MEETING OF DECEMBER 5, 2016.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
5. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. NONE*
6. **PRESENTATION OF POLICE OFFICER BALENTINA JAIMES.** Police Chief Jim Devlin presented Officer Balentina Jaimes to the Mayor and Council. Mayor Ed Passalugo administered the ceremonial oath of office.
7. **CONSIDER APPOINTMENT TO THE LIBRARY BOARD OF DIRECTORS.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve the appointment of Karen Copeland to the Library Board of Directors, all seven in favor, motion passed.*
8. **ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED MEMBER OF THE LIBRARY BOARD OF DIRECTORS.** Mayor Ed Passalugo administered the oath of office to Karen Copeland.
9. **CONSIDER REQUEST FOR TWO PERCENT (2%) RATE INCREASE BY ALLIED WASTE SYSTEMS, INC. IN ACCORDANCE WITH CHANGES TO THE CENTRAL TEXAS CONSUMER PRICE INDEX (CPI).** *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider; all seven in favor, motion passed.*

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- 10. CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING CHAPTER 10 “ANIMALS” OF THE CITY OF HEWITT CODE OF ORDINANCES; ESTABLISHING REGULATIONS RELATING TO THE TETHERING OF ANIMALS; DECLARING PENALTIES; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Travis Bailey to approve ordinance; all seven in favor, motion passed.*
- 11. CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING CHAPTER 50 “PEDDLERS AND SOLICITORS” OF THE CITY OF HEWITT CODE OF ORDINANCES; DECLARING PENALTIES; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve ordinance; all seven in favor, motion passed.*
- 12. ADJOURN.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Bill Fuller to adjourn the meeting at 7:33 PM, all seven in favor, motion passed.*

Approved: February 6, 2017

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 6, 2017

AGENDA ITEM #: 4

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Special presentation of 2016 Distinguished Budget Presentation Award.

STAFF RECOMMENDATION/ITEM SUMMARY:

For the past fifteen years, the City of Hewitt has applied for and received the Government Finance Officer's Association's (GFOA) Distinguished Budget Presentation Award. The GFOA is a non-profit association serving government finance professionals in the U.S. and Canada.

The award represents a significant achievement by the City of Hewitt. It reflects the commitment of the City Council and staff in meeting the highest principles of governmental budgeting. In order to receive the award the City must satisfy guidelines designed to assess how well the City's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Our thanks to Lee Garcia for her efforts in achieving this award! Mayor Ed Passalugo to present Lee with the award.

ATTACHMENTS:

Award



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Hewitt
Texas**

For the Fiscal Year Beginning

October 1, 2016

Executive Director



ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

1. Citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. This will allow the matter to be properly investigated before it is presented to the entire council and will often expedite a resolution.

NO CITIZEN OR STAFF MEMBER MAY SPEAK OR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and 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 a spokesperson to present their case.

Only under the agenda item “Hear Visitors” are citizens permitted to speak regarding matters that pertain to city business or address an item on the agenda. **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**

3. Individual citizens that discuss items not listed on the agenda shall be limited to **five minutes**. If five or more citizens wish to discuss a single item or topic that is not listed on the agenda, then the total presentation will be limited to a maximum of twenty-five minutes. City council members shall **not** enter into discussion on any subject that has not been properly placed on the agenda; however, council members may ask questions for clarification purposes.
4. As a general rule, citizens may not participate or address the council or staff during the workshop session.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 6, 2017

AGENDA ITEM #: 6

SUBMITTED BY: Katie Allgood, Managing Director of Administration

ITEM DESCRIPTION:

Public Hearing on Storm Water Mitigation.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City is required by the Texas Commission on Environmental Quality (TCEQ) to hold annual public hearings regarding Storm Water Mitigation as part of our Storm Water Management Plan.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 6, 2017

AGENDA ITEM #: 7

SUBMITTED BY: Katie Allgood, Managing Director of Administration

ITEM DESCRIPTION:

Public hearing and action on an ordinance amending Chapter 46 "Parks and Recreation" of the City of Hewitt, Texas Code of Ordinances; repealing this Chapter in its entirety; replacing said Chapter per Exhibit "A" (attached); providing for inclusion in the code; providing for severability; declaring an emergency and providing for an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

City Staff has worked with the Parks & Beautification Committee to revise and update basic park regulations for Hewitt's expanding park system. The proposed ordinance keeps many of the older provisions of the current code, while establishing new regulations moving forward. The revisions are based on current practices and more clearly states rules and regulations of the park. The Parks & Beautification Committee met on January 17, 2017, and voted 4 to 0 recommending adoption of this ordinance. If approved, the proposed new language would replace the current language in the Code of Ordinances.

ATTACHMENTS:

Draft ordinance

Parks & Beautification Committee Minutes – January 17, 2017

ORDINANCE NO. 2016-02-06-

AN ORDINANCE OF THE CITY OF HEWITT, TEXAS, AMENDING CHAPTER 46 “PARKS AND RECREATION” OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT BY REPEALING THIS CHAPTER IN ITS ENTIRETY; REPLACING SAID CHAPTER PER EXHIBIT “A” (ATTACHED); PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Hewitt, Texas has previously adopted Chapter 46 “Parks and Recreation” of the Code of Ordinances with the provisions of which have been codified as Chapter 46 of the Hewitt City Code; and

WHEREAS, the City staff has worked with the Parks and Beautification Committee to update and amend Chapter 46; and

WHEREAS, the Parks and Beautification Committee met on January 16, 2017 to review recommended changes and approved the changes presented with a 4-0 vote; and

WHEREAS, the City Council will hold a public hearing prior to the vote on the amendment.

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

Section 1: That Chapter 46 “Parks and Recreation” of the City of Hewitt Code of Ordinances is hereby amended and shall be read as set forth in Exhibit “A,” attached hereto and incorporated by reference herein, which shall replace in full the regulations contained in the current Chapter 46, “Parks and Recreation” of the City of Hewitt Code of Ordinances.

Section 2: This ordinance shall be cumulative of all provisions of ordinances of the City of Hewitt, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3: It is hereby declared to be the intention 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5: All rights and remedies of the City of Hewitt are expressly saved as to any and all violations of the provisions of Chapter 46 of the Hewitt City Code, or any other ordinances affecting the regulation thereof which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6: The City Secretary of the City of Hewitt is hereby directed to publish the ordinance or its caption and penalty together in the official City newspaper one time within ten days after passage of this ordinance, as required by the Charter of the City of Hewitt.

Section 7: This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Section 8: That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED this 6th day of February, 2017.

CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Charlie Buenger, City Attorney

EXHIBIT “A”

Chapter 46 - PARKS AND RECREATION^[1]

Footnotes:

--- (1) ---

Cross reference— Streets, sidewalks and other public places, ch. 66.

ARTICLE I. - IN GENERAL

Secs. 46-1—46-25. - Reserved.

ARTICLE II. - PARK RULES

Sec. 46-26. – Compliance; Violation

Compliance with the rules of this article is a condition of the use of the park and recreation areas of the city, and all peace officers shall have the right and power to arrest any person who may violate any of the rules, regulations, orders or requirements of the city council or any ordinance or general law relating to the maintenance of the park and recreation areas of the city.

Sec. 46-27. - Prohibited acts.

Within the limits of any public parks, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:

- (a.) To discharge any firearm or possess firecrackers, rockets, torpedoes, or any other fireworks, air guns, paint ball guns, BB guns, bow and arrows, or slingshots without license or permit.
- (b.) To damage, cut, break, injure, deface, or disturb any tree, shrub, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property; or to pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower; or to mark, write upon, paint, or deface any building, monument, fence, bench, or other structure.
- (c.) To swim, bathe, wade, or pollute the water of any fountain, pond, lake, stream, creek, or any body of water in any city park facility.
- (d.) To make or kindle a fire, except in picnic stoves, fire pits, or designated areas provided for that purpose.
- (e.) To wash dishes or empty waste liquids elsewhere than in sinks provided for that purpose.
- (f.) To leave garbage, cans, bottles, papers, or other refuse elsewhere than in receptacles provided for that purpose.
- (g.) To possess or use glass containers in any public park.

- (h.) To participate or engage in any activity on any public park area when that activity will create a danger to the public or maybe considered a public nuisance. The City may designate particular locations within park areas for specific activities.
- (i.) To prevent any person from using the park or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use
- (j.) To use or speak any threatening, abusive, insulting, or indecent language in any public park.
- (k.) To commit any obscene, lewd, or indecent act, or to create any nuisance in any public park.
- (l.) To disturb any picnic, meeting, service, concert, exercise, or exhibition in any manner.
- (m.) To distribute, post, place, or erect any advertising handbill, circular, bill, notice, paper, or other advertising device in any park without prior permission of the City Manager.
- (n.) To practice, carry on, conduct, or solicit, for any trade, occupation, business, profession, or belief system, or to circulate any petition without approval of the City Manager.
- (o.) To sell, or offer for sale, any food, drinks, confections, merchandise, or services without a written agreement or permit issued by the City Manager.
- (p.) Remain, stay or loiter without a special permit issued by the city manager, between the hours of 9:00 p.m. and 6:00 a.m. of the following day during the months of November through February or between the hours of 11:00 p.m. and 6:00 a.m. of the following day during the months of March through October.
- (q.) It is unlawful to operate a public address system, amplified music speaker system or other means of amplified sound in any park areas without written permit by the City Manager.
- (r.) Ride or drive any horse or other animal, outside of designated areas, without special permit issued by the City Manager.
- (s.) Camp overnight on any park property, except by special permit issued by the City Manager.
- (t.) Smoking and the use of all tobacco products are banned on all park property.

Sec. 46-28. – Motor Vehicles; traffic and parking restrictions.

- (a.) No vehicle shall be driven over or across the curbs, sidewalks, grass, or lawn within any park area unless signs permit. All vehicular traffic is restricted to established roadways or parking lots when provided.
- (b.) Parking is to be done in areas set aside for this purpose only. In areas having no parking set aside, all parking will take place outside of the boundary or curb line, where existing.
- (c.) Where parking stalls have been designated, all vehicles shall be parked on those lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line.
- (d.) No vehicle shall be parked or left behind any other vehicle in the parking line or back of the parking line in any manner so as to obstruct, block, or hinder ingress or egress from the line.
- (e.) No vehicle shall be parked or remain parked on any park property when the park is closed.
- (f.) Officers of the police department shall issue to violators of this subsection traffic tickets or notices to answer to charges in the manner prescribed by the applicable ordinances, and the officers shall proceed in accordance with such applicable sections. When a vehicle is parked or left in violation of this subsection in such a manner as to obstruct or block traffic and the owner or operator of the vehicle cannot be found, police officers may move the vehicle so that traffic will not be impeded. No variation of the requirements of this subsection shall be allowed, except by special permit issued by the city manager.

Sec. 46-29. – Permits for Park Usage

- (a.) Groups, rallies, or assemblies may be permitted in any city park where facilities are adequate, and where such activities will not conflict in any way with normal park usage. Permission for such activities must be obtained from the city in advance. Permission for use of loudspeakers must also be obtained from the city.
- (b.) It is unlawful for any person to hold, sponsor, or participate in any formal gathering in any city park facility designated as “Reservation Only” without a prior reservation and permit.
 - i) “Reservation Only” facilities include, but are not limited to:
 - (1) Pavilions that are 40’ x 60’ or larger
 - (2) Playing Fields that are groomed and are regulation football/soccer field size
 - (3) Amphitheaters

- ii) All other facilities are to be used on a “first come first serve” basis except by special permit by the City Manager.
- (c.) All reservations are subject to the availability of facilities.
- (d.) A permit is required to use any water, electric, etc. hookups in any city park.
- (e.) A permit is required for any food truck or any other such vendor to operate in any city park.
- (f.) Adults must be present and responsible at all assemblies of minors throughout the entire function.
- (g.) Any individual or group who wishes to reserve a city park facility shall be required to pay a park reservation fee that shall be established as part of the city's annual budget or by resolution of the city council as part of the City of Hewitt *Master Fee Schedule* which shall be on file in the office of the city secretary and on the city's website.
 - a. The entire fee may be refunded if the reservation is cancelled at least three days prior to the event except for the Creekside Amphitheatre, which requires at least 30 days notice.
 - b. If the park facilities are closed due to severe weather, a reservation can be changed to the next available time or fully refunded.
 - c. For a total party of 350 or more people including guests, servers, players, spectators, etc. at Hewitt Park, reservation of the entire park is required.
 - d. The party size may be limited at the discretion of the City Manager.
- (h.) Wherever alcohol is sold, served, or otherwise made available, arrangements for security shall be coordinated at the discretion at the Hewitt Police Department.
- (i.) Parks and facilities may be closed at any time as deemed appropriate by the City Manager.
- (j.) The misuse of a park facility or the failure to conform to the regulations, the instructions of department employees, or the conditions of a permit will be sufficient reason for denying any future permits.

Sec. 46-30. – Conditions for Issuance of Permit

- (a.) The proposed activity of the park facilities will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (b.) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation;

- (c.) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime, or disorderly conduct;
- (d.) The facilities desired have not been reserved for other use at the day and hour required in the application;
- (e.) The conduct of such activity will not require the diversion of so great a number of police officers of the City to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the City;
- (f.) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (g.) Such activity is not to be held for the sole purpose of advertising any product, goods, or events, and is not designed to be held purely for private profit;
- (h.) Such activity is not a duplication of service offered by the City;
- (i.) Furthermore, no one person or organization will be permitted use of park facilities for more than three consecutive days or be permitted to reserve park facilities on more than three occasions in a calendar month without special permission from the City Manager.

Sec. 46-31. – Rules and Regulations for Amphitheater

- (a.) No person shall make any speeches, conduct any musical program or festivals, or engage in, participate in, aid, form, or organize any assembly or group of people unless that person has applied for and obtained a permit from the City of Hewitt.
- (b.) No amusement for gain, or for which charge is made, can be conducted in the park without consent of the City Manager, and such amusement must be conducted in accordance with any ordinance pertaining thereto.
- (c.) No audio or visual reproduction of any portion of a presentation is permitted without the express written consent of the City Manager
- (d.) A limited number of listening devices for the hearing-impaired are available at Community Services. A valid Texas Driver's License or state issued ID card is required for deposit.
- (e.) Chapter 30, Article V of the Code of Ordinances of the City of Hewitt applies.
- (f.) Cancellations are determined at the discretion of the City Manager.

Sec. 46-32. – Applications for Use of Creekside Amphitheater

Applications for an amphitheater permit shall be filed with the City of Hewitt. Such application shall include:

- (a.) The name of the person or organization wishing to conduct such activity;
- (b.) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
- (c.) The name, address, and telephone number of the person who will be the chair of such activity and who will be responsible for its conduct;
- (d.) The name, address, and telephone number of the person or organization to which the permit shall be issued;
- (e.) The date when such activity shall be conducted;
- (f.) An estimate of the anticipated attendance;
- (g.) The day and hour when such activity will start and terminate;
- (h.) Whether or not alcoholic beverages will be served.
- (i.) Additional information that may be required by the office of the City Manager.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 7, 2017

AGENDA ITEM #: 5

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize City Manager to negotiate and execute the 2017 Interlocal Cooperation Agreement for Household Hazardous Waste Collection.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the agreement for the HHW Collection day. The city has participated in this event for the last 16 years. This year's event will be held on May 6, 2017, from 9 a.m. to 3 p.m. Our 2016-2017 Budget for this event is \$12,000 which is the maximum set forth in the agreement. Staff recommends approval of this item.

ATTACHMENTS:

Interlocal Cooperation Agreement

STATE OF TEXAS §
§
COUNTY OF McLENNAN §

2017 INTERLOCAL AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION

THIS AGREEMENT ("agreement") is entered into by and between the City of Waco, Texas ("Waco"), the City of Woodway, Texas ("Woodway"), the City of Hewitt, Texas ("Hewitt"), the City of Lacy-Lakeview ("Lacy-Lakeview"), and the City of Lorena ("Lorena"), acting herein by and through their duly authorized City Managers and collectively known and referred to herein as the "Participating Cities".

WHEREAS, Texas Government Code, Chapter 791, authorizes the formulation of interlocal cooperation agreements between and among municipalities and counties; and

WHEREAS, Texas Government Code, sec. 791.011 provides that a local government may contract with another to perform governmental functions and services, and sec. 791.003(3)(H) defines waste disposal as a governmental function and service; and

WHEREAS, Texas Government Code sec. 791.025 provides that a local government may contract with another local government to purchase services; and

WHEREAS, the Participating Cities desire to enter into an interlocal agreement whereby Waco will purchase the services of a disposal firm and administer a regional household hazardous waste collection event ("Event"); and

WHEREAS, each city agrees to pay the cost provided in this agreement and will have representatives present at the event to monitor the number of citizens from their respective cities who bring household hazardous waste to the event, so that the representative can turn away any citizens once the city's funding limit is reached; and

WHEREAS, the participating cities mutually desire to be subject to the provisions of Texas Government Code, Chapter 791, also known as the Interlocal Cooperation Act;

NOW THEREFORE, it is agreed as follows:

1. DEFINITIONS

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

- A. Environmental Damages shall mean all claims, judgments, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs, and expenses of investigation and defense of any claim, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or unmatured, foreseeable or unforeseeable, including without limitation reasonable attorney's fees and disbursements and consultant's fees, any of which are incurred subsequent to the execution of this agreement as a result of the handling, collection, transportation, storage, disposal, treatment, recovery,

and/or reuse of waste pursuant to this agreement, or the existence of a violation of environmental requirements pertaining to same, other than any imposed by Waco, and including without limitation:

1. Damages for personal injury and death or injury to property or natural resources;
2. Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories, and all other costs incurred in connection with the investigation or remediation of such wastes or violation of environmental requirements, including but not limited to, the preparation of any feasibility studies, ore reports, or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration, or monitoring work required by any federal, state, or local governmental agency or political subdivision, other than as imposed by Waco, or otherwise expended in connection with the existence of such waste or violation of environmental requirements, including without limitation, any attorney's fees, costs and expenses incurred in enforcing this contract, or collecting any sums due hereunder; and
3. Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced in subparagraph (b) herein.

B. Environmental requirements shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, or bureaus of the United States, states, and political subdivisions thereof (other than any imposed by Waco), and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including without limitation:

1. All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of hazardous or toxic substances, materials, or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, storm water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and,
2. All requirements pertaining to the protection of the health and safety of employees or the public (other than imposed by Waco).

C. Force majeure shall include decrees of, or restraints by, a governmental instrumentality, acts of God, work stoppages due to labor disputes or strikes, failure of Waco's contractor(s) to perform pursuant to their agreements with

Waco for the conduct of the Event, fires, explosions, epidemics, riots, war, rebellion, and sabotage.

- D. Household hazardous waste shall mean any solid waste generated in a household by a consumer which, except for the exclusion provided for in 40 CFR sec. 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261. The term has the same meaning as "hazardous household waste" and may also be referred to as "HHW."
- E. Participating cities shall mean the Cities of Waco, Woodway, Hewitt, Lorena, Robinson, and Lacy-Lakeview.
- F. Person shall mean an individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity.
- G. Waste, depending on the context, shall refer to the material presented for collection at the event and/or the actual materials accepted at the event.

2. PURPOSE

The purpose of this agreement is to enter into an agreement between the Participating Cities whereby, subject to the terms and conditions specified below, Waco agrees to purchase the services of a household hazardous waste disposal firm and administer and supervise a regional Event that will be available to households within the corporate limits of the participating cities.

3. DUTIES OF WACO

Waco will serve as the Event coordinator and agrees to perform the following duties:

- A. Designate one of its employees to serve on the Event planning committee;
- B. Recruit its citizens to volunteer as workers at the Event;
- C. Coordinate Event advertising targeted to its own citizens as well as some advertising designed to alert citizens within all of the participating cities;
- D. Administer and supervise an Event on **SATURDAY, MAY 06, 2017** in the parking lot of the City of Waco Solid Waste Operations Center at 501 Schroeder Drive;
- E. Chair a planning committee comprised of participating cities;
- F. Provide a centrally located collection site within Waco for the Event;
- G. Employ personnel, perform administrative activities, and provide administrative services necessary to perform this agreement;
- H. Cause the Event to be advertised in the local media;
- I. Enter into a contract with a household hazardous waste disposal firm ("contractor") for the handling, collection, transportation, storage, disposal,

treatment, recovery, and/or reuse of household hazardous waste collected at the Event. Such contractor shall be required pursuant to the contract:

1. to assume generator status for the waste collected at the Event, excluding materials recycled pursuant to subsection J. below;
 2. to choose a disposal site (other than the City of Waco landfill) for the waste subject to Waco's approval;
 3. to indemnify all participating cities; and,
 4. to name all participating cities as additional insureds;
- J. Arrange for recycling vendors for used oil, used oil filters, automobile batteries, automobile tires, and anti-freeze for participating cities;
- K. Attempt to reduce the overall expenditures of the event by implementing cost saving measures that may include bulking oil-based paint and arranging for local reuse of usable latex paint;
- L. During the term of this agreement is in force, Waco shall provide appropriate documentation that funding has been committed and will be available to pay disposal, set up, and transportation costs as required by the contract with the contractor;
- M. This agreement is conditioned upon Waco funding the expenditures set forth herein in Waco's budget.

4. DUTIES OF CITIES OTHER THAN WACO

Cities participating in this Event (except Waco, whose duties are set out above) agree to perform the following duties:

- A. Designate one of its employees, and another as an alternate, to act as its household hazardous waste collection Operational Contact whom Waco may communicate with in advance of the Event.
- B. For the day of the event, provide at least three (3) adults (either volunteers or employees paid for the employing city) for each two hour shift to work at the collection site on the day of the Event. The preference is to have at least one person from the city on site throughout the duration of the event, rather than having all of the people working at the same time. At least one person present from the city shall be responsible for monitoring the number of citizens from that city who bring HHW to the Event and determine when the funding commitment per household from the city has been met. The person from the city shall then be responsible for explaining to citizens from that city why their materials cannot be accepted.
- C. Coordinate and fund advertising targeted to its own citizens related to the Event. This advertising may include such things as inclusion in water, sewer, and/or garbage bills. Such advertising shall include the type of wastes that will be accepted at the HHW Day, the requirement of proof of residency, and date, location and hours of operation.

5. RIGHT OF REFUSAL OF WASTE

Waco and its contractor shall have the right to refuse to accept waste at the Event from any individual if, in their reasonable judgment, Waco or its contractor, determine that:

- A. The waste is not household hazardous waste;
- B. The waste fails to meet other criteria established for the Event;
- C. The individual does not have sufficient identification to establish that he/she is in fact a resident of any of the participating cities; or
- D. The waste or the resident presents a hazard to the Event or to persons or property at the Event.

Participating cities shall provide instructions to residents regarding preparation of the hazardous household waste materials to be brought for disposal to the Event. Details concerning acceptable disposable materials and proper preparation of disposing of such materials shall be provided by the contractor.

6. COMPENSATION

- A. Waco shall provide the participating cities with detailed statements of all expenses incurred for the Event. The sum due Waco under this paragraph shall be an amount calculated on a per household cost basis. With the execution of this agreement, each city shall provide Waco with a letter stating its level of participation in dollars. Those letters shall be attached to the executed agreement as exhibits and shall be incorporated herein as though set out in their entirety. Reimbursement of such expenses shall be paid to Waco no later than thirty (30) calendar days following receipt of said expenses by the participating cities.
- B. The above sum is based upon an estimated one-thousand (1,000) total households from the participating cities taking part in the Event, provided, if, after the conclusion of the Event, there remains unexpended, committed Event funds as set out above from participating cities, the sum agreed to be paid above shall be reduced on a pro rata basis, provided the actual cost for the number of households from the participating cities did not exceed the sum agreed to be paid above.
- C. The cost accounting provided by Waco shall include figures for the total number of households participating in the Event, the number of households from each participating city, the total waste collected at the Event, and the amount of grant funds expended for the Event.
- D. Within thirty (30) calendar days of receipt of the final invoice from the contractor, Waco shall separately account for all expenses on an itemized basis and shall provide a final accounting of the pro rata share of expenses of all participating cities.

7. WAIVER OF CLAIMS

- A. **Waiver of Claims:** Each of the Participating Cities agrees to waive any and all claims against the other Participating Cities to the extent of the liability limits under the Texas Tort Claims Act, as amended.
- B. **Environmental Waiver**
1. To the extent of its allocated liability as set forth in paragraph (B)(3) below, each of the Participating Cities does hereby release, waive any and all claims, against the other Participating Cities and their officers, agents, employees, and volunteers, against any and all environmental damages resulting from the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse, by any person, of waste which was collected pursuant to Event.
 2. To the extent of its allocated liability as set forth in paragraph (B)(3) below, each of the Participating Cities does hereby release, waive any and all claims, against the Participating Cities and their officers, agents, employees, and volunteers, against any and all violations by any person of any environmental requirements pertaining to the handling, collection, transportation, storage, disposal, treatment recovery, and/or reuse of waste collected pursuant to the Event.
 3. Participating cities recognize that it will not be practical to distinguish between the HHW collected at the Event once the waste has been aggregated. They further recognize that it is necessary to create an equitable allocation of liability among the Participating Cities for the waste collected at the Event. Therefore, the Participating Cities agree that the allocated liability of each of the Participating Cities under this paragraph (B) shall be calculated as follows:
 - (a) The actual number of a participating city's households contributing waste to the Event divided by the actual number of total households contributing waste to the event = X percent.
 - (b) Participating Cities' Allocated Liability = X percent multiplied by the total volume of waste collected at the Event.
- C. The individual obligation of each participating city under this agreement shall be limited to the burden and expense of defending only itself against all claims, suits and administrative proceedings and conducting all negotiations of any description, and paying and discharging, when and as the same become due, any and all judgments, penalties or other sums due and owing against the said respective city.

8. IMMUNITY

It is expressly understood and agreed that, in the execution of this Contract, none of the Participating Cities waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, and that the services described in this agreement are a governmental function.

9. FORCE MAJEURE

A delay or failure of Waco to perform services pursuant to this agreement shall be excused to the extent that the delay or failure to perform resulted from a force majeure event, and the delay or failure was beyond the control of Waco and not due to its gross negligence. Waco will make reasonable efforts to reschedule the Event if possible with the Contractor and the Participating Cities. The Participating Cities shall not have, and hereby waive, any and all claims whatsoever for any damages resulting from delays or failure to perform caused by a force majeure event.

10. TERMINATION

The participating cities shall each have the individual right to terminate this agreement upon thirty (30) calendar days written notice to the other participating cities, but such termination shall apply only to that participating city giving such written notice.

11. NOTICE

Any notice given under this agreement shall be delivered to those listed in Attachment "A," incorporated by reference herein for all intents and purposes.

12. ENTIRETY

This agreement contains all commitments and agreements of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein.

13. SEVERABILITY

In the event any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

14. VENUE

Should any action arise out of the terms and conditions of this agreement, venue for said action shall be in McLennan County, Texas.

15. AUTHORITY

This agreement is made by the participating cities as an Interlocal Agreement, pursuant to Texas Government Code, Chapter 791.

16. AUTHORIZATION

The undersigned officers and/or agents of the participating cities hereto are properly authorized officials and have the necessary authority to execute this agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.

EXECUTED in multiple counterparts, each intended as an original.

[Remainder of page intentionally left blank]

CITY OF WACO, TEXAS

By: _____
Dale A. Fisseler, P.E., City Manager

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney

[Remainder of page intentionally left blank]

CITY OF WOODWAY

By: _____
Yost Zakhary, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

City Attorney

[Remainder of page intentionally left blank]

CITY OF HEWITT

By: _____
Adam Miles, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

City Attorney

[Remainder of page intentionally left blank]

CITY OF LORENA

By: _____
Joseph R. Pace, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

City Attorney

CITY OF LACY-LAKEVIEW

By: _____
Keith Bond, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY:

City Attorney

Exhibits

Letters from cities stating their level of participation in dollars

Woodway

Hewitt

Lorena

Lacy Lakeview



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 7, 2017

AGENDA ITEM #: 9

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on a resolution of the City Council of the City of Hewitt, Texas, designating the Official Newspaper for publication of matters pertaining to the city.

STAFF RECOMMENDATION/ITEM SUMMARY:

Texas Government Code, Section 2051.044, requires the City Council to annually designate a public newspaper of general circulation in the City as the official newspaper for all legal notices-ordinances, public hearing notices, election notices, and other matters required to be published by the Charter, state or federal laws. *Hometown News* is our current official newspaper. I received notice from the office manager advising of their plans to close their offices effective January 31, 2017. The ability to publish official legal notices is important. Attached is a resolution that would name the *Waco Tribune Herald* as our new official newspaper. The *Waco Tribune Herald* meets all legal requirements.

Staff recommends approval of this designation.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2017-02-06-

**A RESOLUTION OF THE CITY COUNCIL
DESIGNATING AN OFFICIAL NEWSPAPER
FOR THE CITY OF HEWITT, TEXAS, FOR
THE PUBLICATION OF THE CITY'S LEGAL
NOTICES FOR FISCAL YEAR 2017-2018.**

WHEREAS, Section 52.004 of the Local Government Code requires municipalities to contract, by ordinance or resolution, with a public newspaper of the municipality to be the municipality's official newspaper.

WHEREAS, the City Council finds that the *Waco Tribune Herald* is a paper of general circulation within the City of Hewitt; and

WHEREAS, the City Council finds that the *Waco Tribune Herald* is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Hewitt; and

WHEREAS, the governing body shall publish in the official newspaper each ordinance, notice or other matter required by law or ordinance to be published.

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

That *Waco Tribune Herald* is designated as the official newspaper for the City of Hewitt for the Fiscal Year 2017-2018.

That this resolution is effective immediately upon passage through the end of the current fiscal year (ending September 30, 2018); and the agreement shall renew for four additional terms of one year each on the same terms and conditions as agreed to on the date of award; and if either entity wishes not to exercise the automatic renewal option, written notice shall be provided to the other entity at least sixty days prior to the expiration of the initial or any renewal term then in effect.

That this resolution does not restrict the City of Hewitt from placing advertisements and notices in other newspapers when larger circulation is desired, when it is the best interest of the citizens of Hewitt or when necessary or desired to comply with Federal, State and local laws, rules, regulations or policies.

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

PASSED AND APPROVED this 6th day of February, 2017.

CITY OF HEWITT

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Charlie Buenger, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 7, 2017

AGENDA ITEM #: 10

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on a resolution ordering a General Election for the City of Hewitt on Saturday, May 6, 2017, to be held as a joint election with McLennan County; authorizing a contract for election services; designating polling places and providing for other matters relating to the general election.

STAFF RECOMMENDATION/ITEM SUMMARY:

This resolution orders the City's General Election to be held on May 6, 2017. There are four (4) Council positions expiring this year. The filing deadline is Friday, February 17, 2017.

The City will contract with the McLennan County Elections Administrator to conduct the election this year. Vote Centers will be utilized to allow voters to cast their vote at any vote center location on election day. This contract allows the City to share election expenses with other entities. The entities will pay a pro-rata share of the election cost; however, the cost for each entity may increase or decrease depending on election cancellations. The County will be ordering a special election; therefore, all entities are required to use their polling locations. As a result, our Hewitt Public Safety Facility will be used for early voting as well as election day voting.

Staff recommends approval of this resolution.

ATTACHMENTS:

Resolution

Order of Election

List of Polling Locations/Vote Centers

RESOLUTION NO. _____

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

That notice is hereby given that a General Election is ordered and will be held in the City of Hewitt, Texas on Saturday, May 6, 2017, at which time there shall be submitted to the duly qualified resident electors of the City as to the election of a Council Member for Ward 1; a Council Member for Ward 2; Council Member for Ward 3 and Council Member At-Large; for a term ending not later than two years therefrom in conformity with the valid provisions of the Charter of the City of Hewitt and the laws of the State of Texas.

That the Order of Election, attached as **Exhibit “A”** and incorporated by reference herein, is hereby adopted and ordered.

That applications to have the name of a candidate placed on the ballot may not be filed earlier than thirty (30) days before the deadline prescribed by the Texas Election Code for filing application with the City Secretary and that the earliest date for a candidate to file same will be January 18, 2017, at 8:00 A.M., with the last day of filing to be February 17, 2017, at 5:00 P.M., in accordance with Texas Election Code Sections 143.006 and 143.007.

That the City Manager is hereby authorized to execute a contract for election services with the McLennan County Elections Administrator in connection with the 2017 joint general election to be held on May 6, 2017. These services shall include, but not limited to, those services specified in the said contract, including the utilization of county polling locations pursuant to Section 43.007 of the Texas Election Code.

That the City of Bellmead, the City of Gholson, the City of Hewitt, the City of Lacy Lakeview, the City of Lorena, the City of Waco, the City of Woodway, the Gholson Independent School District; the LaVega Independent School District; the Lorena Independent School District; the Midway Independent School District; the Waco Independent School District, and the McLennan County Junior College District shall hold a joint general election on May 6, 2017 during the hours of 7:00 A.M. to 7:00 P.M.

That the City Manager is authorized to enter into a joint agreement with City of Bellmead, the City of Gholson, the City of Hewitt, the City of Lacy Lakeview, the City of Lorena, the City of Waco, the City of Woodway, the Gholson Independent School District; the LaVega Independent School District; the Lorena Independent School District; the Midway Independent School District; the Waco Independent School District and the McLennan County Junior College District to hold a joint election on May 6, 2017.

That the early voting locations are attached as **Exhibit “B”**, and the polling location (referred to as “voting centers”) are attached as **Exhibit “C”**, and incorporated by reference herein and hereby are respectively designated for the election on May 6, 2017.

That in accordance with Section 122.031–122.039 and 122.091 of the Texas Election Code, the County owns the HART eSlate electronic voting system that has been duly approved by the Secretary of State and that is hereby adopted to be used for the election on May 6, 2017.

That personal appearance early voting shall be held by the Election Administrator at the:

- McLennan County Elections Administration Office, 214 N 4th Street, Suite 300, Waco, Texas 76701
- Robinson Community Center, 106 W. Lyndale, Robinson, Texas 76706
- Waco Multi-Purpose Community Center, 1020 Elm St., Waco, Texas 76704
- First Assembly of God Church, 6701 Bosque Blvd., Waco, Texas 76710
- Hewitt Public Safety Facility, 100 Patriot Court, Hewitt, Texas 76643

That the Elections Administrator shall process all applications for early voting by mail as referenced in the order of election.

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that Public Notice of the place and purpose of said meeting was given as required by law.

PASSED AND APPROVED this 6th day of February, 2017.

THE CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, TRMC
City Secretary

APPROVED AS TO FORM & LEGALITY:

Charles Buenger
City Attorney

**ORDER OF JOINT GENERAL ELECTION
(ORDEN DE LA ELECCIÓN GENERAL CONJUNTA)**

An election is hereby ordered to be held on May 6, 2017, for voting in a Joint General Election to elect one (1) person for each position to serve the full term of two (2) years for four (4) positions for the City of Hewitt.

(Una elección la presente se ordena que se celebrará el 6 de mayo de 2017, para votar en una elección general conjunta para elegir una (1) persona para que sirvan los termino completos de dos (2) años para las cuatro (4) posiciones de la ciudad de Hewitt.)

The execution of a Joint Election Agreement with Bellmead, Gholson, Hewitt, Lacy Lakeview, Lorena, Waco, Woodway, Gholson ISD, La Vega ISD, Lorena ISD, Midway ISD, Waco ISD, McLennan County Junior College District and McLennan County is hereby authorized and approved.

(La ejecución de un acuerdo de elección conjunta con Bellmead, Gholson, Hewitt, Lacy Lakeview, Lorena, Waco, Woodway, Gholson ISD, La Vega ISD, Lorena ISD, Midway ISD, Waco ISD, McLennan County Junior College District and McLennan County se autoriza y aprueba.)

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

**See attached List
(Véase la lista adjunta)**

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

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

McLennan County Elections Administration Office
Records Building
214 North Fourth Street, Suite 300
Waco, Texas 76701

Robinson Community Center
106 W. Lyndale
Robinson, TX 76706

Waco Multi-Purpose Community Center
1020 Elm St.
Waco, Texas 76704

First Assembly of God Church
6701 Bosque Blvd.
Waco, Texas 76710

Hewitt Public Safety Facility
100 Patriot Court
Hewitt, TX 76643

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

Monday (lunes)	April 24, 2017 (24 de abril de 2017)	8:00 AM - 5:00 PM
Tuesday (martes)	April 25, 2017 (25 de abril de 2017)	8:00 AM - 5:00 PM
Wednesday (miércoles)	April 26, 2017 (26 de abril de 2017)	8:00 AM - 5:00 PM
Thursday (jueves)	April 27, 2017 (27 de abril de 2017)	8:00 AM - 5:00 PM
Friday (viernes)	April 28, 2017 (28 de abril de 2017)	8:00 AM - 5:00 PM
Saturday (sábado)	April 29, 2017 (29 de abril de 2017)	7:00 AM – 7:00 PM
Monday (lunes)	May 1, 2017 (1 de mayo de 2017)	7:00 AM - 7:00 PM
Tuesday (martes)	May 2, 2017 (2 de mayo de 2017)	7:00 AM - 7:00 PM

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

Kathy E. Van Wolfe
McLennan County Elections Administrator
P.O. Box 2450
Waco, Texas 76703-2450
kathy.vanwolfe@co.mclennan.tx.us

Applications for ballot by mail must be received no later than the close of business on April 25, 2017:
(Las solicitudes para votar por correo tendrán que ser recibidas antes del fin del día laboral el 25 de abril 2017:)

Issued this the _____ day of _____, 2017.
(Emitada el día _____ de _____ 2017.)

Mayor, City of Hewitt
(alcalde, ciudad de Hewitt)

JOINT GENERAL ELECTION VOTE CENTERS

(LOS CENTROS DE VOTACIÓN PARA LAS ELECCIÓN GENERAL CONJUNTA)

ON SATURDAY, MAY 6, 2017, REGISTERED VOTERS WILL BE ABLE TO CAST THEIR ELECTION DAY BALLOTS AT **ANY** OF THE VOTE CENTERS LISTED BELOW FROM 7:00 AM - 7:00 PM

(El sábado, 6 de mayo 2017, los votantes incritos podrán emitir su voto el día de elecciones en **CUALQUIERA** de los Centros de Votación que se indican a continuación de 7:00 AM - 7:00 PM)

AXTELL SCHOOL ATH. MEETING ROOM	312 W. Seley, Axtell
BELLMEAD CIVIC CENTER	3900 Parrish St., Waco
BRUCEVILLE-EDDY ISD SPECIAL EVENTS CENTER	1 Eagle Drive, Eddy
CESAR CHAVEZ MIDDLE SCHOOL	700 S. 15th Street, Waco
CHALK BLUFF BAPTIST CHURCH	5993 Gholson Road, Waco
CHINA SPRING ISD ADMINISTRATION BLDG.	12166 Yankie Road, China Spring
CRAWFORD HIGH SCHOOL	200 Pirate Drive, Crawford
DEWEY COMMUNITY CENTER	925 N. 9th Street, Waco
FELLOWSHIP BIBLE CHURCH	5200 Speegleville Rd., McGregor
FIRST ASSEMBLY OF GOD CHURCH	6701 Bosque Blvd., Waco
G.W. CARVER MIDDLE SCHOOL	1601 J.J. Flewellen Road, Waco
HEWITT FIRST BAPTIST CHURCH	301 S. 1st Street, Hewitt
HEWITT PUBLIC SAFETY FACILITY	100 Patriot Court, Hewitt
H.G. ISBILL JUNIOR HIGH	305 S. Van Buren St., McGregor
LACY LAKEVIEW CIVIC CENTER	505 E. Craven Ave., Waco
LAKE SHORE METHODIST CHURCH	3311 Park Lake Dr., Waco
LORENA FIRST BAPTIST CHURCH	307 E. Center St., Lorena
MART COMMUNITY CENTER	804 E. Bowie Ave., Mart
MCC CONFERENCE CENTER	4601 N. 19th Street, Waco
MHMR CENTER FOR DEV. SERVICES	3420 W. Waco Drive, Waco
MOODY CITY HALL	600 Ave E, Moody
RIESEL ISD ADMINISTRATION BLDG.	600 Frederick Street, Riesel
ROBINSON COMMUNITY CENTER	106 W. Lyndale, Robinson
SOUTH WACO LIBRARY	2737 S. 18th Street, Waco
SPEEGLEVILLE BAPTIST CHURCH	469 Speegle Road, Waco
TENNYSON MIDDLE SCHOOL	6100 Tennyson Drive, Waco
UNIVERSITY HIGH SCHOOL	3201 S. New Road, Waco
WACO CONVENTION CENTER	100 Washington Ave., Waco
WACO HIGH SCHOOL (Performing Arts Center)	2020 N. 42nd St., Waco
WACO MULTI-PURPOSE COMMUNITY CENTER	1020 Elm Street, Waco
WEST COMMUNITY CENTER	200 Tokio Road, West
WOODWAY CITY HALL	922 Estates Drive, Woodway



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 7, 2017

AGENDA ITEM #: 11

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Consideration and action on a resolution in support of the submission of a grant application for the City of Hewitt Police Department Body Camera Project to the Office of the Governor, Criminal Justice Division.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Police Department is seeking matching grant funding from the Office of the Governor (OOG) for body worn video cameras for our police officers. This grant requires a resolution from the City Council in order for us to formally apply. We are seeking a grant in the total amount of \$27,236 which will provide all patrol officers with this technology. The OOG will require a local match from Hewitt in the amount of \$6,895. These funds are currently budgeted and available for this purpose. If approved the application will be submitted to the OOG for consideration.

Staff recommends approval of this resolution.

ATTACHMENTS:

Resolution

RESOLUTION NO. _____

WHEREAS, the Hewitt City Council finds it in the best interest of the citizens of Hewitt, that the Hewitt Body Camera Project be operated for the 2016/2017 (Year); and

WHEREAS, the Hewitt City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

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

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

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

PASSED AND APPROVED this 6th day of February, 2017.

THE CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, TRMC
City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 7, 2017

AGENDA ITEM #: 12

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Consideration and action on an ordinance amending Ordinance No. 2012-02-06-1, creating two additional sergeant positions and abolishing two corporal positions, authorizing the number of employees in each classification; providing for a severability; providing for a repealer; and establishing an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

This past November, four (4) Corporals in the Police Department were considered for promotion to Sergeant. This item, if approved, will authorize the Strength of Force of the Police Department to be increased by two (2) Sergeants and reduced by two (2) Corporals. The FY 2016-17 Annual Budget includes funding for the difference in salary for the two (2) Sergeant positions. This is a formal procedure required by Texas Civil Service statutes in order for these promotions to take place. The Civil Service Commission is scheduled to meet to discuss this same action, prior to the City Council meeting, on Monday, February 6, 2017, at 5:00 p.m.

Staff recommends approval of this ordinance.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2017-02-06-1

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, AMENDING ORD. 2012-02-06-1, CREATING TWO ADDITIONAL SERGEANT POSITIONS AND ABOLISHING TWO CORPORAL POSITIONS, AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hewitt has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to Section 143.021(a) of the Texas Local Government Code; and

WHEREAS, the City Council is amending and superseding Ordinance No. 2012-02-06-1; and

WHEREAS, the City Council has determined that to further its lawful purposes of providing efficient and effective law enforcement staffing, that it should create two (2) sergeant positions, and abolish two (2) corporal positions; and

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

ARTICLE I.

The classifications and number of positions in each classification in the Police Department were previously as follows:

Police Chief—1
Assistant Police Chief-1¹
Sergeant--4
Corporal--4
Police Officer—16

Total Authorized Force: 26

¹The occupant of this rank/classification is appointed by the Department Head, and will continue to serve in an “at will” capacity according to §143.014 of the Texas Local Government Code. The occupant possesses no civil service protection in that rank.

The classifications and number of positions in each classification in the Police Department shall now be, as of the effective date of this Ordinance, as follows:

Police Chief—1
Assistant Police Chief-1²
Sergeant--6
Corporal--2
Police Officer—16

Total Authorized Force: 26

ARTICLE II.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

ARTICLE III.

Repealer: All other ordinances, section, or parts of ordinances heretofore adopted by the City of Hewitt in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

ARTICLE IV.

This ordinance shall become effective immediately upon passage.

ARTICLE V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

²See footnote 1.

PASSED AND APPROVED on this _____ day of _____, 2017.

CITY OF HEWITT, TEXAS

Ed. Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM:

Charlie Buenger, City Attorney