

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

January 7, 2019
Regular Meeting – 7:00 PM
CITY HALL, 200 PATRIOT COURT
HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Steve Fortenberry – Mayor Pro Tem, Ward 3

Travis Bailey – Council Member, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Erica Bruce – Council Member At-Large

CITY STAFF

Jim Devlin, Acting City Manager

Michael W. Dixon, City Attorney

Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Lee Garcia, Finance Director

Waynette Ditto, Library Director

Tracy Lankford, Community Dev. Director

Kevin Reinke, Utilities Director

Jim Devlin, Police Chief

Lance Bracco, Fire Chief

Katie Allgood, Managing Director

Tuck Saunders, Assistant Police Chief

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 **7th day of January, 2019, at 7:00 PM in Hewitt City Hall, Council Workshop Room/Council Chambers, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed and upon which action may be taken:

1. Call meeting to order
2. Pledge of Allegiance to the U.S. Flag
3. Administer Oath of Office to newly elected Council Member – At-Large Erica Bruce.
4. Presentation of report from City Engineer.
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
5. Acceptance of Depository Selection Calendar of Events from Finance.
6. Attorney report on status of Reports to the Council regarding complaints filed by employees, and other matters.
7. Consider approval of minutes of the City Council Regular Meeting of December 17, 2018, and a Special Called Meeting of December 21, 2018.
8. 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.*
9. Public hearing, consideration and possible action on Ordinance No. 2019-01, amending Chapter 78 Utilities of the City of Hewitt Code of Ordinances to clarify or expand the right of entry to administer the Use Regulations applicable to the City's Sanitary Sewer System to include City of Waco inspectors or employees acting under cooperative agreements or joint programs with the City [Section 78-480 (b)].
10. Consideration and possible action on reappointments to the Library Board and Parks and Beautification Board.
11. Consider appointment of Municipal Court Judge.
12. 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 3:00 AM/PM on January 4, 2019.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 7, 2019

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Administer the oath of office to newly elected Council Member, At-Large.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Council approved Resolution No. 2018-16 declaring the results of the Runoff Election held on December 15, 2018, and announced the winner Erica Bruce. Congressman Bill Flores will administer the ceremonial oath of office.

Council Member At-Large Erica Bruce will take her place at the Council dais after signing official oath.

ATTACHMENTS:

Oath

Form #2204 Rev 9/2017

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
FAX 512-463-5569
Filing Fee: None



OATH OF OFFICE

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Erica D. Bruce, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of Council Member At-Large of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

Certification of Person Authorized to Administer Oath

State of _____

County of _____

Sworn to and subscribed before me on this _____ day of _____, 20____.

(Affix Notary Seal,
only if oath
administered by a
notary.)

Signature of Notary Public or
Signature of Other Person Authorized to Administer An
Oath

Lydia Lopez

Printed or Typed Name



COUNCIL AGENDA ITEM #4
City Engineer's Report

HEWITT TEXAS II

CITY ENGINEER'S REPORT

January 4, 2019

Utility Projects

Lift Station No. 5 Removal / I-35 Waterline Replacement; Phase 1

Pre-Construction was held 1/3/19; then will be working through submittals.

IH - 35 Waterline; Phase 3

Castleman Creek to Glenleigh

- Finalizing plans, should be submitting to TxDOT for their review within the coming week.

Sun Valley Rd.; Waterline

City's crews are to begin work once conditions improve.

Plant No. 1; Chemical Disinfectant Building; (Community Services)

I just need to finalize the contract documents.

Waco Water Contract

We have begun putting the data together to provide Waco with the needed information for the new water contract. Working on three different scenarios for the City's consideration.

FM 2113; Spring Valley Rd.

I have met with and discussed this project with TxDOT over the past few weeks. I have received their project files and have been working on a preliminary layout of relocated utilities. TxDOT is pushing for our portion of the project to get underway as soon as possible, for they intend to send their portion out for bids Nov. of 2019. This will be very challenging time wise.

Street Projects

Ritchie Road Improvements; (From Warren Dr. to Park Place Dr.)

Contractor has been mobilizing for the start of this project.

Old Temple Rd. / Attaway Rd; Street Improvements

HEWITT TEXAS II

CITY ENGINEER'S REPORT

January 4, 2019

We are set to open bids for this project on Jan. 17th. Placed portion of Briarfield into the project as an additive alternate.

Boleman Dr. Reclaim

Topo has been received.

April/December; Mill and Overlay

Topo has been received.

Drainage Projects

920/924 Oakmont Dr.; 36" RCP Storm Sewer

We are still taking periodic measurements of the RCP to track changes in elevation. I have spoken to both property owners to keep them up to speed.

By:



Miles W. Whitney, P.E.
Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM #5 Depository Selection Calendar

**CITY OF HEWITT, TEXAS
PRIMARY DEPOSITORY BANK SERVICES PROJECT
CALENDAR OF EVENTS**

TARGET DATE		DESCRIPTION OF EVENTS
Tuesday, November 6, 2018		Establish draft calendar.
Wednesday, November 7, 2018		Email draft calendar to City staff for review.
Thursday, November 8, 2018		Discuss first draft of calendar and process with staff.
Thursday, November 8, 2018		Request <u>October 2018</u> bank statements and history of account analysis.
Thursday, November 15, 2018		Valley View receives bank statements and account analysis.
Tuesday, December 11, 2018		First draft of Primary Depository Bank RFA emailed to staff.
Wednesday, December 12, 2018		Discuss draft of Primary Depository Bank RFA with staff.
Wednesday, December 19, 2018		Finalize proofing of final RFA documents.
Friday, January 4, 2019		Deadline for legal notice submission to <i>Waco Tribune-Herald</i> . Deadline is Noon
Monday, January 7, 2019	1st Notice	Advertise the Primary Depository Bank notice in the official publication newspaper. (1st notice) <i>Waco Tribune-Herald</i>
Monday, January 7, 2019		Advertise the Primary Depository Bank notice in financial publication. (1st notice only)
Monday, January 7, 2019		RFA distributed and available via City website with email notice sent to prospective financial institutions.
Monday, January 14, 2019	2nd Notice	Advertise the Primary Depository Bank notice in the official publication newspaper. (2nd notice) <i>Waco Tribune-Herald</i>
Tuesday, January 29, 2019		Host a non-mandatory pre-application conference at City Hall offices to review RFA and answer questions at 11:00 a.m.
Friday, February 1, 2019		Deadline for questions and requests for additional information from financial institutions by 5:00 p.m.
Wednesday, February 6, 2019		Deadline for City's response to questions and request for additional information by 5:00 p.m.
Friday, February 15, 2019	RFA Due	City receives applications from interested financial institutions submitted to the City's Finance Office by 3:00 p.m.
Monday, March 4, 2019		Call will be discussion of side by side analysis prepared by Valley View from received applications. Call time TBD
Wednesday, March 6, 2019		Verify references (if required).
Monday, March 11, 2019		Applicant demonstrations (if required).
Thursday, March 21, 2019		Finalize staff recommendations (if required). Call time TBD.
Monday, April 1, 2019		Notify recommended applicant of recommendation.
Monday, April 1, 2019		Deadline for inclusion of primary depository bank recommendations in City Council meeting agenda and councilmember packets.
Monday, April 15, 2019		City Council Workshop Session at 5:30 p.m.
Monday, April 15, 2019	Award Depository	City Council Regular Meeting - consider award of the primary depository bank contract at 7:00 p.m.
Tuesday, April 16, 2019		Return good faith checks of unsuccessful applicants.
Tuesday, April 16, 2019		Begin implementation with review of new primary depository agreements and legal review (prior to signing) and the processing of opening new accounts if a new primary depository was awarded.
Monday, July 1, 2019		New Primary Depository Bank Contract period begins.
Monday, July 1, 2019		Return good faith check of successful applicant.

HEWITT TEXAS

COUNCIL AGENDA ITEM #6 CITY ATTORNEY REPORT

Lydia Lopez

From: Mike Dixon <mdixon@haleyolson.com>
Sent: Friday, January 04, 2019 12:30 PM
To: Lydia Lopez
Cc: James Devlin
Subject: Backup for agenda item

Mayor and Council:

Due to a variety of factors the reports will not be ready for presentation by Monday. Not only is there much information to sort through—the holidays did not help. In addition, I must coordinate with TML attorneys as they want to make sure nothing in the reports creates potential liability.

I could have them ready for a special called meeting on January 14, 2019 or a later date, or they could be presented at the next regular meeting. I would suggest doing it at a special called meeting at an earlier date.

Michael W. Dixon



100 Ritchie Road, Suite 200
Waco, Texas 76712
Phone: 254-776-3336
Fax: 254-776-6823
Email: mdixon@haleyolson.com

 Please consider the environment before printing.

Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated.

CONFIDENTIALITY NOTICE: This communication (including any attached document) may contain information that is confidential, proprietary and/or privileged. The information is intended for the sole use of the indicated e-mail addressee(s). If you are not an intended recipient of this communication, please be advised that any disclosure, copying, distribution or other use of this communication or any attached document is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please notify me immediately by reply e-mail or by telephone at 254-776-3336 and promptly destroy all electronic and printed copies of this communication and any attached document. Thank you.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 7, 2019

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of December 17, 2018, and a Special Called Meeting of December 21, 2018.

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 REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT December 17, 2018 – 7:00 PM

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

Staff present: City Attorney Mike Dixon, Acting City Manager/Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders; Fire Chief Lance Bracco; Managing Director Katie Allgood, Community Development Director Tracy Lankford, Library Director Waynette Ditto, and Utilities Director Kevin Reinke and City Secretary Lydia Lopez

Staff absent: Finance Director Lee Garcia

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Ed Passalugo asked Michael Bancale to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE SPECIAL CALLED MEETING OF DECEMBER 4, 2018, AND THE SPECIAL CALLED MEETING OF DECEMBER 5, 2018.** *A motion was made by Council Member James Vidrine and second by Council Member Travis Bailey to approve the minutes as presented but to allow for corrections; all six in favor, motion passed. Note:* Before the vote, Mayor Pro Tem Steve Fortenberry noted that a portion of the Hear Visitors were missing (Page 2 of 3). City Secretary noted error and advised that the missing page was inadvertently not scanned into packet.
4. **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.*

Michael Bancale, 909 Stoneridge Drive, expressed appreciation to those who serve in the military for giving citizens the freedom to speak, in particular, Council Member Travis Bailey’s son and suggested all citizens remember their responsibility to civility and providing factual information when given the opportunity to speak.

Lisa Corbett, 618 Park Meadows Drive, appeared to request assistance with speeding in the area. She suggested a speed limit sign or speed bumps. Police Chief Jim Devlin asked her to meet with him after the meeting.

Kurt Krakowian, 804 Pebble Creek Circle, congratulated incoming Council Member Dr. Erica Bruce and suggested with respect to agenda items 8 and 9 that all information be released to the public. No one else appeared.

5. **Executive Session:** A closed meeting will be held pursuant to *Section 551.074 of the Government Code (V.C.T.A)* so that the City Council can deliberate the appointment, employment, and duties of the position of City Manager. **NOT HELD.**
6. **RECONVENE REGULAR MEETING. (No Executive Session was held.)**
7. **DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CITY MANAGER AGREEMENT BETWEEN THE CITY OF HEWITT, TEXAS AND EVERETT “BO” THOMAS, III.** City Attorney Mike Dixon presented the major points of the agreement. Mayor Pro Tem Steve Fortenberry expressed concern with voting on the agreement because it was not placed in the packet prior to the Council meeting. He further suggested that the item be tabled for further discussion. City Attorney Mike Dixon explained that he did not feel it was appropriate to publish the agreement as Mr. Thomas was still employed. Council Member Bill Fuller also expressed concern with voting on the contract hastily. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Council Member Travis Bailey to take a recess to give Mayor Pro Tem Fortenberry time to read the contract; four voted in favor (Vidrine, Wachtendorf, Bailey, and Passalugo), two opposed (Fuller and Fortenberry).* A brief recess was taken. Mayor Ed Passalugo reconvened the meeting. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and a second by Council Member James Vidrine to approve the contract; five in favor (Fuller, Vidrine, Bailey, Wachtendorf, and Passalugo), one opposed (Fortenberry), motion passed.*
8. **CONSIDERATION AND ACTION ON AUTHORIZING THE CITY ATTORNEY TO PROVIDE A REPORT AND INFORMATION REGARDING EMPLOYEE COMPLAINTS MADE AGAINST ONE OR MORE CITY COUNCILPERSONS IN 2018; ON PAST CITY PRACTICES; ORGANIZATIONAL STRUCTURE OF THE CITY AND ITS HISTORICAL DEVELOPMENT; CONCERNS RAISED BY INFORMATION REVIEWED; AND MATTERS RELEVANT TO ANY OF THE FOREGOING.** City Attorney Mike Dixon presented. *A motion was made by Council Member James Vidrine and second by Council Member Wilbert “Walky” Wachtendorf to approve; all six voted in favor, motion passed.*

9. **AS TO EMPLOYEE COMPLAINTS REGARDING CITY COUNCIL MEMBERS FROM MAY 2018 FORWARD—APPROVAL OF THE WAIVER OF THE EXCEPTION PROVIDED BY §552.103 OF THE TEXAS PUBLIC INFORMATION ACT FOR THE EMPLOYEE COMPLAINTS ONLY; AND AUTHORIZING THE CITY ATTORNEY TO INCLUDE THOSE COMPLAINTS IN HIS REPORT.** City Attorney Mike Dixon presented. *A motion was made by Council Member James Vidrine and second by Council Member Travis Bailey to approve; all six voted in favor, motion passed.*
10. **AUTHORIZING THE CITY ATTORNEY TO INCLUDE INFORMATION IN THE REPORT THAT MAY INCLUDE CORRESPONDENCE BETWEEN A CITY EMPLOYEE OR OFFICIAL AND THE FORMER CITY ATTORNEY, BUT ONLY TO BE EXTENT NECESSARY TO SUPPORT THE REPORT.** Mayor Pro Tem Steve Fortenberry expressed concern of the liability of a law suit with approval of this item as there is a separation agreement in place. Mayor Pro Tem Steve Fortenberry requested itemized billing from City Attorney Mike Dixon. *A motion was made by Council Member James Vidrine and second by Council Member Wilbert “Walky” Wachtendorf to approve; five voted in favor (Fuller, Vidrine, Bailey, Wachtendorf, and Passalugo), one opposed (Fortenberry), motion passed.*
11. **AUTHORIZING THE CITY ATTORNEY TO INCLUDE IN THE REPORT INFORMATION FROM INTERVIEWS CONDUCTED BY THE GANNAWAY FIRM.** Mayor Pro Tem Steve Fortenberry expressed concern with City Attorney Mike Dixon presenting a report on this item as he was not present nor working for the City during those interviews. City Attorney Mike Dixon advised that the he was able to obtain the recordings of the individual interviews. *A motion was made by Council Member Travis Bailey and second by Council Member Vidrine to approve; four in favor (Vidrine, Bailey, Wachtendorf, and Passalugo); two opposed (Fuller and Fortenberry), motion passed.*
10. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the meeting at 7:46 PM, all six in favor, motion passed.*

Approved: January 7, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

**MINUTES OF A CITY COUNCIL
SPECIAL CALLED MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
December 21, 2018 – 5:30 PM**

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

Staff present:, Acting City Manager/Police Chief Jim Devlin, Fire Chief Lance Bracco, Library Director Waynette Ditto, and City Secretary Lydia Lopez

Staff absent: City Attorney Mike Dixon, Managing Director Katie Allgood, Finance Director Lee Garcia, Community Development Director Tracy Lankford, Assistant Police Chief Tuck Saunders and Utilities Director Kevin Reinke

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. **CANVASS ELECTION RETURNS OF THE CITY’S RUNOFF ELECTION – DECEMBER 15, 2018.** Mayor Ed Passalugo appointed Council Members Bill Fuller and Wilbert “Walky” Wachtendorf along with City Secretary to review and verify election results presented by McLennan County Elections Administrator Kathy Van Wolfe. Council Member Wilbert “Walky” Wachtendorf presented the report and announced the votes cast were as follows: Betty Orton – 252 (34.33%), Erica Bruce – 482 (65.67%). He stated the winner of the runoff election was Erica Bruce.
3. **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2018-16 DECLARING THE RESULTS OF THE CITY’S RUNOFF ELECTION HELD ON DECEMBER 15, 2018.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Bill Fuller to approve the resolution; all six in favor, motion passed.*
4. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the meeting at 5:35 PM, all six in favor, motion passed.*

Approved: January 7, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #8 – 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.
3. 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.**
4. 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.
5. As a general rule, citizens may not participate or address the council or staff during the workshop session.

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.



COUNCIL AGENDA ITEM FORM

MEETING DATE: January 7, 2019

AGENDA ITEM #: 9

SUBMITTED BY: Kevin Reinke, Director of Utilities

ITEM DESCRIPTION:

Public hearing, consideration and possible action on Ordinance No. 2019-01, amending Chapter 78 Utilities of the City of Hewitt Code of Ordinances to clarify or expand the right of entry to administer the Use Regulations applicable to the City's Sanitary Sewer System to include City of Waco inspectors or employees acting under cooperative agreements or joint programs with the City [Section 78-480 (b)].

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft ordinance amending Chapter 78-480(b) to allow entry of City of Waco inspectors or employees per our cooperative agreement. Staff recommends approval.

ATTACHMENTS:

Draft ordinance

ORDINANCE NO. 2019-01

ORDINANCE OF THE CITY OF HEWITT, TEXAS AMENDING DIVISION 2 SANITARY SEWER USE REGULATIONS OF ARTICLE IX INDUSTRIAL WASTE IN CHAPTER 78 UTILITIES OF THE CITY OF HEWITT CODE OF ORDINANCES BY THE AMENDMENT OF SECTION 78-480 ADMINISTRATION, SUBSECTION(b) RIGHT OF ENTRY TO INCLUDE EMPLOYEES OR INSPECTORS OF THE CITY OF WACO, TEXAS WHERE THE CITY OF WACO'S ASSISTANCE IS PROVIDED FOR BY COOPERATIVE AGREEMENT AND THE INDUSTRIAL PRE-TREATMENT PROGRAM, PROVIDING AN EFFECTIVE DATE, PROVIDING A SEVERABILITY CLAUSE, AND FINDING THAT ORDINANCE WAS PASSED AT A PUBLIC MEETING

WHEREAS, the City of Hewitt is served by the Waco Metropolitan Area Regional Sewer System ("WMARSS"); and

WHEREAS, to assist cities with identifying problem waste generators adversely affecting both the City's sanitary sewer system and the regional system, the City of Waco and the WMARSS cities have entered into a cooperative agreement establishing an Industrial Pretreatment Program and Assigning Responsibilities under which Waco will conduct inspections/review of certain types of sewage generating businesses from time to time; and

WHEREAS, this assistance is valuable to the City because of the knowledge and resources of Waco in this area; and

WHEREAS, as the operator of the WMARSS System, the City of Waco has an interest in preventing prohibited waste from entering the City's sanitary sewer system as the system flows into the WMARSS System; and

WHEREAS, to assure that the right of entry to administer the sewer regulations includes inspectors or employees of the City of Waco performing such services for the City under cooperative agreement or joint program the amendment provided for herein is in the best interest of the city and its citizens.

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

1. The recitals above are incorporated herein and made findings of act.
2. Chapter 78, Article IX, Division 2, Subdivision 1 is amended as set forth herein.

3. Section 78-480(b) is amended to read as follows:

(b) *Right of entry.* The city manager and any other duly authorized employee of the city, bearing proper credentials and identifications, shall be permitted to enter upon all properties for the purpose of inspection, records examination and copying, observation, measurement, sampling, and testing, in accordance with the provisions of this article. This right of entry shall also apply to any official or employee of the City of Waco assisting the City under agreement or program. As the operator of the regional sanitary sewer collection, treatment and disposal system, the City of Waco has an important interest in keeping prohibited wastes from entering the City's system because such wastes ultimately flow into the regional system. Under cooperative agreements between the City of Waco and other cities, including the City of Hewitt, and the programs adopted thereunder, Waco assists in inspection, records examination and copying, observation, measurement, sampling, and testing, in accordance with the provisions of this article which matches Waco's regulations. However, any enforcement action based on violations found is to be taken by the City.

4. That all provisions of the ordinances of the City of Hewitt in direct conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hewitt not in conflict with the provisions of this Ordinance shall remain in full force and effect.

5. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

6. This Ordinance shall become effective when the caption is published by the City Secretary in the official newspaper.

7. It is found and declared that the City Council meeting at which this Ordinance has been adopted was open to the public and was noticed and held in accordance with Chapter 551 of the Government Code.

PASSED AND APPROVED this the 7th day of January 2019, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

Michael W. Dixon, City Attorney

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 7, 2019

AGENDA ITEM #: 10

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider reappointments to the Parks & Beautification Committee and the Library Board of Directors.

STAFF RECOMMENDATION/ITEM SUMMARY:

Parks and Beautification Committee members Jerry Snider, Davis D. Thigpen, and Veronica Molina have terms that expired December 31, 2018. Library Board of Directors Eric Ames, Karen Copeland, Lydia Dashner and Beth Oakley have terms that expired December 31, 2018. All have agreed to serve another term. These members are in good standing and staff recommends approval of this item.

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 7, 2019

AGENDA ITEM #: 11

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointment of Municipal Court Judge.

STAFF RECOMMENDATION/ITEM SUMMARY:

Per the City Charter the Municipal Court Judge must be appointed each year. Dan Francis has agreed to serve if reappointed. Dan has been our Judge for many years; he does an excellent job and has a great working relationship with our Court personnel.

Staff recommends approval of his appointment.

ATTACHMENTS:

None