

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 4, 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

Bo Thomas, City Manager
Michael W. Dixon, 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

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

Kevin Reinke, Utilities Director

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 **4th day of February, 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. Invocation by Pastor René Maciel, First Woodway Baptist Church
3. Pledge of Allegiance to the U.S. Flag
4. Presentation of report from City Engineer.
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
5. Briefing and discussion concerning upcoming events:
 - Library Date Night - February 14, 2019, 6-8 PM, Council Chambers, Popcorn & Movie (for ages 16 and up)
 - Citizens Police Academy – February 26 – April 30, 2019, Tuesdays at 6:30 PM
 - Library Community Cookout with First Woodway Baptist Church – March 11, 2019, 11:30 AM – 1:00 PM, Courtyard
6. Presentation of Racial Profiling Report
7. Briefing and discussion concerning the development of a cell phone policy for Council use.
8. Briefing and discussion concerning Financial Statements ending December 31, 2018.
9. Consider approval of minutes of the City Council Regular Meeting of January 7, 2019, and a Special Called Meeting of January 14, 2019.
10. 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.*
11. Consideration and action on appointment to the Board of Adjustment.
12. Consideration and action on award of bid for 2018 – Old Temple Rd./Attaway Rd. Street Improvements to Waco Paving, Inc. in an amount \$328,346.59, or award of additive alternate bid to include street reclamation of Briarfield Street with a total amount of \$353,725.28.
13. Consideration and action on a resolution authorizing the appointment of a representative for the City of Hewitt to the Waco Metropolitan Planning Organization Police Board (MPO).
14. Consideration and action on a resolution ordering a General Election for the City of Hewitt to be held on Saturday, May 4, 2019, 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.

15. Consideration and action on an ordinance providing for Special Seniority Pay for Newly-Hired Police Officers with prior Full-Time Paid Law Enforcement Experience; and providing for an effective date.
16. 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 4:00 AM/PM on February 1, 2019.

CITY OF HEWITT

A handwritten signature in blue ink, appearing to read "Lydia Lopez".

Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

COUNCIL AGENDA ITEM #4 **City Engineer's Report**



CITY ENGINEER'S REPORT

January 30, 2019

Utility Projects

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

Contractor has begun mobilization.

IH - 35 Waterline; Phase 3

Castleman Creek to Glenleigh

- Plans have been submitted to TxDOT for review of the portions within R.O.W.

Sun Valley Rd.; Waterline

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

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

Will be advertising for bids shortly.

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.

The City has been in discussions with TxDOT working towards finalizing the scope of the projected utility relocations.

Street Projects

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

Contractor has begun the process of locating existing utilities on Waco'

Old Temple Rd. / Attaway Rd; Street Improvements

Bids were opened on the 17th of January. Please find the bid tabulations and my letter of recommendation of award for the Council's consideration of award.

HEWITT TEXAS II

CITY ENGINEER'S REPORT

January 30, 2019

Boleman Dr. Reclaim

Topo has been received. Looking into the possibility of getting a geotech report performed on portion of this project.

April/December; Mill and Overlay

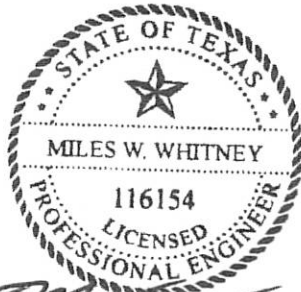
Topo has been received.

Drainage Projects

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

We are still taking periodic measurements of the RCP to track changes in elevation.

By:



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

Note: All dates are approximate and subject to change.



COUNCIL AGENDA ITEM #6
Racial Profiling Report

Racial Profiling Report | Full report

Agency Name:	Hewitt Police Department
Reporting Date:	01/23/2019
TCOLE Agency Number:	309204
Chief Administrator:	James Devin
Agency Contact Information:	
Phone:	254-666-6272
Email:	jdevlin@cityofhewitt.com
Mailing Address:	100 Patriot Court Hewitt Texas 76643

This Agency filed a full report

Hewitt Police Department has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the Hewitt Police Department from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Hewitt Police Department if the individual believes that a peace officer employed by the Hewitt Police Department has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the Hewitt Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Hewitt Police Department's policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:

- a.) the Commission on Law Enforcement; and
- b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: James Devin

Chief Administrator

Hewitt Police Department

Date: 01/23/2019

Total stops: 3249

Gender

Female: 1378

Male: 1871

Race or ethnicity

Black: 451

Asian/Pacific Islander: 154

White: 2317

Hispanic/Latino: 325

Alaska Native/American Indian: 2

Was race or ethnicity known prior to stop?

Yes: 51

No: 3198

Reason for stop?

Violation of law: 29

Pre existing knowledge: 2

Moving traffic violation: 1888

Vehicle traffic violation: 1330

Street address or approximate location of the stop

City street: 3249

US highway: 0

State highway: 0

County road: 0

Private property or other: 0

Was a search conducted?

Yes: 82

No: 3167

Reason for Search?

Consent: 20

Contraband: 0

Probable cause: 52

Inventory: 6

Incident to arrest: 4

Was Contraband discovered?

Yes: 54

No: 28

Description of contraband

Drugs: 25

Currency: 1

Weapons: 0

Alcohol: 15

Stolen property: 1

Other: 12

Result of the stop

Verbal warning: 2597

Written warning: 40

Citation: 563

Written warning and arrest: 0

Citation and arrest: 0

Arrest: 49

Arrest Total

Total: 13

Arrest based on

Violation of Penal Code: 18

Violation of Traffic Law: 13

Violation of City Ordinance: 2

Outstanding Warrant 16

Was physical force resulting in bodily injury used during stop

Yes: 8

No: 3241

Submitted electronically to the



The Texas Commission on Law Enforcement

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 7

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion regarding development of a cell phone policy specifically for City Council use.

STAFF RECOMMENDATION/ITEM SUMMARY:

Recently, staff has experienced requests from members of Council regarding availability of or use of City issued cell phones. Based upon the types of information that may be kept on cell phones and the aspects of the Open Records Act, some may not want certain confidential, proprietary or personal information subject to the Act. In addition, the Council does receive a substantial amount of calls and the staff is only wanting to be consistent with all members of Council. Therefore, we are asking for your direction.

We are not making a recommendation at this time but rather seeking your input and direction. The Council has several options:

- 1) Do nothing.
- 2) Flip phones Verizon = \$15.72 per month.
- 3) I phones Verizon = \$49.50 per month.
- 4) I phones AT&T = \$43.17 per month.
- 5) Provide a monthly stipend = \$25-\$40.

This is only a suggestion so that all members are treated equitably. Based on Council direction, staff will prepare the appropriate resolution for Council approval.

ATTACHMENTS:



COUNCIL AGENDA ITEM #8

The Financial Statements ending December 31, 2018, were sent electronically on January 15, 2019, for Council review. Finance Director Lee Garcia will be available to respond to any questions or comments.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 9

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of January 7, 2019, and a Special Called Meeting of January 14, 2019.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

ATTACHMENTS:

Draft minutes



**MINUTES OF A CITY COUNCIL
REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
January 7, 2019 – 7:00 PM**

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

Members absent: Council Members Bill Fuller and James Vidrine

Staff present: City Attorney Mike Dixon, Assistant Police Chief Tuck Saunders, Fire Chief Lance Bracco, Managing Director Katie Allgood, Community Development Director Tracy Lankford, Finance Director Lee Garcia, Library Director Waynette Ditto, Utilities Director Kevin Reinke and City Secretary Lydia Lopez

Staff absent: Acting City Manager/Police Chief Jim Devlin

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 led the Pledge of Allegiance.
3. **ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBER – AT-LARGE ERICA BRUCE.** Congressman Bill Flores administered the ceremonial oath of office to Council Member Erica Bruce.
4. **PRESENTATION OF REPORT FROM CITY ENGINEER.** City Engineer Miles Whitney presented a report on the following:
 - 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.** Finance Director Lee Garcia briefed the Council. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to accept the calendar as presented, all voted aye, motion passed.*

6. **ATTORNEY REPORT ON STATUS OF REPORTS TO THE COUNCIL REGARDING COMPLAINTS FILED BY EMPLOYEES, AND OTHER MATTERS.** City Attorney Mike Dixon advised that report was not complete and expected that he would be prepared to present on Monday if the Council desired to call a Special Meeting. Mayor Pro Tem Steve Fortenberry suggested that the report be presented at a regular meeting so as not to incur additional cost. He further directed the questions to City Attorney Mike Dixon.
7. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF DECEMBER 17, 2018, AND THE SPECIAL CALLED MEETING OF DECEMBER 21, 2018.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to approve the minutes as presented but to allow for corrections; all five in favor, motion passed.*
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.*

Michael Bancale, 909 Stoneridge Drive, expressed concern with report being prepared by City Attorney Mike Dixon. He suggested that the Gannaway firm be brought back to present findings of the initial report.

Mike Field, 113 Dendron, expressed concern with the process for selection of new city manager.

Ann Schiltz, 1220 Dendron, expressed concern with decisions being made by the Council with regards to the firing of the former city manager and city attorney and the hiring process of the new city manager.

Bob Potter, expressed concern with the process for selection the new city manager.

Ellie Mevis, 167 Topaz Circle, appeared to suggest Gannaway firm be brought forward to present reports on complaints and that any report brought back from City Attorney Mike Dixon would be subject to “cherrying picking” and an attempt to prevent the truth from being brought out.

Betty Orton, 912 Steamboat, congratulated newly elected Council Member Erica Bruce; expressed appreciation to her (Ms. Orton) supporters in the campaign for Council Member – At-Large; expressed appreciation to the council members who have served and volunteered their time on the Council; encouraged members of the audience to seek service on the council at the next election; and suggested those considering the possibility of serving on the council to become a part of the solution, make wise decisions and make the City great again.

No one else appeared.

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)].** Utilities Director Kevin Reinke made a brief presentation. Mayor Ed Passalugo opened the hearing. He asked for those wishing to speak in favor and those wishing to speak against. No one appeared. The public hearing was closed. *A motion was made by Mayor Pro Tem Steve Fortenberry and second by Council Member Travis Bailey, all voted in favor, motion passed.*
10. **CONSIDERATION AND POSSIBLE ACTION ON REAPPOINTMENTS TO THE LIBRARY BOARD AND PARKS AND BEAUTIFICATION BOARD.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey.*
11. **CONSIDER APPOINTMENT OF MUNICIPAL COURT JUDGE.** *A motion was made by Council Member Travis Bailey and a second by Council Member Wilbert “Walky” Wachtendorf to approve; all voted aye, motion passed.*

Council Member Travis Bailey invited all to the 32nd Annual Fishing Event for Very Special People, HOT Fair Complex, on February 2, 2019.
12. **ADJOURN.** *A motion was made by Council Member Travis Bailey and second by Mayor Pro Tem Steve Fortenberry to adjourn the meeting at 7:52 PM, all five in favor, motion passed.*

Approved: February 4, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



**MINUTES OF A CITY COUNCIL
SPECIAL CALLED MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
January 14, 2019 – 7:00 PM**

Members present: Mayor Ed Passalugo (presiding), Mayor Pro Tem Steve Fortenberry, Council Members, Wilbert “Walky” Wachtendorf, Bill Fuller, James Vidrine, 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, Finance Director Lee Garcia, Library Director Waynette Ditto, Utilities Director Kevin Reinke and City Secretary Lydia Lopez

Staff absent: Managing Director Katie Allgood

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 led the Pledge of Allegiance.
3. **PRESENTATION BY CITY ATTORNEY OF REPORT ON EMPLOYEE COMPLAINTS, CITY ORGANIZATIONAL STRUCTURE, HISTORY OF HOW STRUCTURE CAME ABOUT, CITY MANAGEMENT, POLICY VIOLATIONS, AND RESULTS OF INVESTIGATION OF THE FOREGOING AND RELATED MATTERS, AS WELL AS RECOMMENDATIONS.** City Attorney Mike Dixon presented a PowerPoint presentation that was to culminate the findings of the Gannaway report. He further stated that Ms. Julia Gannaway participated and signed off on the report. Council Member Steve Fortenberry directed questions to City Attorney Mike Dixon and Council Member Erica Bruce noted some exceptions and concerns to the report via a prepared statement. **NOTE:** Full report on file in the City Secretary’s Office.
4. **CITIZENS COMMENTS.**
The following citizens appeared to address the Council:
Michael Bancale, 909 Stoneridge Drive, expressed his frustrations with regards to actions by members of the audience and Council, perception with past actions of the Council, and expenses incurred as a result.

Mike Field, 1413 Dendron Drive, stated that the report may have been misleading in that only one side was presented, announced that he was considering running for Council and encouraged others to run, and suggested that the City Manager be allowed to make his own professional judgements with regards to employees and the organizational structure.

Ann Schiltz, 1220 Dendron, expressed concern with actions of the City Attorney and cited the following examples: Council's action with regard to contract with the new City Manager, approval of items with limited time to review documents prior to Council action; need to hear all sides, and stated she would like to see full Gannaway report. Ms. Schiltz also noted the City Attorney's fees were excessive in her opinion.

Kurt Krakowian, 804 Pebble Creek Circle, apologized for his outburst at the May 21, 2018 Council Meeting, suggested that City move forward, congratulated the Chief for serving as Acting City Manager, and welcomed the incoming city manager.

Patty Laxson, 12982 Chapel Rd., appeared to express her concerns from an employee's perspective and emphasized the work environment was very difficult since all these events had transpired. (**Note:** Ms. Laxson is the Court Administrator and has been employed with the City for 20 Years.)

No one else appeared.

5. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the meeting at 8:23 PM, all seven in favor, motion passed.*

Approved: February 4, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #10 – 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.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 11

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider appointment to the Board of Adjustment.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Board of Adjustment currently has two alternate vacancies. This board meets as needed; however, due to the infrequent meetings it is often difficult to obtain a quorum. Filling this alternate position will help alleviate that issue. An application was submitted by Mr. Scott Hedges who will be available during the Council meeting.

Staff recommends approval.

ATTACHMENTS:

Board and Commission Roster

APPLICATION FOR BOARDS & COMMISSIONS TO THE CITY OF HEWITT

The City of Hewitt appreciates your interest in serving the community. A listing of the boards and commissions is found behind your application. Appointments are made during the year as vacancies occur. This is great opportunity for you to play a vital role in shaping your community.

NAME OF APPLICANT: Scott Hedges
HOME ADDRESS: 613 Willow Creek Dr Hewitt TX 76643
DAYTIME TELEPHONE NUMBER: 774-9550 E-MAIL ADDRESS: shedges@gencofell.org
x 3246

PLEASE CHECK APPROPRIATE STATEMENTS: ☒ I reside within the city limits of Hewitt, Texas.*
☒ I do ☐ I do not . . . own property located in Hewitt, Texas.

* **IMPORTANT** -- By checking this box and signing this form, you are indicating that your legal residence or domicile - your home and fixed place of habitation to which you intend to return after any temporary absence - is located within the city limits of Hewitt, Texas.

LENGTH OF TIME APPLICANT HAS RESIDED IN THE HEWITT CITY LIMITS: 30 yrs

PLEASE INDICATE BELOW HOW YOU WOULD LIKE TO SERVE THE CITY OF HEWITT. (**IMPORTANT**: IF MORE THAN ONE AREA IS INDICATED, **NUMBER YOUR PREFERENCES** WITH "1" BEING YOUR FIRST CHOICE, "2" BEING YOUR SECOND CHOICE, ETC.). PLEASE SEE REVERSE SIDE FOR DESCRIPTIVE INFORMATION.

- 1 Board of Adjustment (must be resident and owner of property in Hewitt)
Civil Service Commission (must be resident of Hewitt)
Library Board (must be resident of Hewitt)
3 Parks and Beautification Committee (must be resident of Hewitt)
2 Planning and Zoning Commission (must be resident and owner of property in Hewitt)

OTHER WAYS YOU SERVE YOUR COMMUNITY: real estate re-development, Board Hewitt Coc, active member at Brazos Meadows & run food pantry/apr ministry

SPECIAL INTERESTS/SKILLS/EXPERIENCE/EDUCATION YOU FEEL MAY BE HELPFUL: Banking, Finance, Business Acumen, Real Estate & Deeply connected to our City

OCCUPATION/EMPLOYER: Branch Manager / Genco Fell - 22 years

REFERENCES (MUST BE HEWITT RESIDENTS): _____ TELEPHONE #: _____

TELEPHONE #: _____

SIGNATURE OF APPLICANT: Scott Hedges DATE: 1-17-19

Return Application to:
Lydia Lopez, City Secretary
200 Patriot Court
Hewitt, Texas 76643
Phone: 254-666-6171
Fax: 254-666-6014

OFFICE USE ONLY
Date interviewed by Council: _____
Date appointed by Council: _____
Date sworn in by Council: _____
Reappointed: _____
Term to expire: _____
Term to expire: _____

Revised: August 2018

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 12

SUBMITTED BY: Miles Whitney, City Engineer

ITEM DESCRIPTION:

Consideration and action on award of bid for 2018 – Old Temple Rd./Attaway Rd. Street Improvements to Waco Paving, Inc. in an amount \$328,346.59, or award of additive alternate bid to include street reclamation of Briarfield Street with a total amount of \$353,725.28.

STAFF RECOMMENDATION/ITEM SUMMARY:

After bid solicitation, four bids were received and opened on January 17, 2019. Waco Paving Inc. provided the lowest bid in the amount of \$328,346.59 and also submitted an additive alternate bid for street reclamation of Briarfield Street for a total base bid of \$353,725.38. City staff recommends award of this project as recommended by City Engineer.

ATTACHMENTS:

Letter from City Engineer
Bid Tabulation

JANUARY 30, 2019

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: EMAIL

RE: 2018 - OLD TEMPLE RD. / ATTAWAY RD; STREET IMPROVEMENTS

COUNCIL:

BIDS WERE OPENED ON THE ABOVE CAPTIONED PROJECT ON JANUARY 17, 2019. FOUR BIDS WERE SUBMITTED. THE LOWEST BASE BID WAS SUBMITTED BY WACO PAVING, INC.; IN THE AMOUNT OF \$328,346.59. THE BID TABULATION FOR THIS PROJECT SHOULD BE INCLUDED WITHIN YOUR COUNCIL PACKET.

THERE WAS ALSO AN ADDITIVE ALTERNATE BID INCLUDED WITHIN THIS PROJECT FOR SOME STREET RECLAMATION OF BRIARFIELD ST.; WACO PAVING, INC.'S ADDITIVE ALTERNATE BID TOTAL EQUALS \$25,378.79, IF THE COUNCIL DESIRES TO INCLUDE THE AWARD OF THE ADDITIVE ALTERNATE. THE TOTAL BASE BID PLUS THE ADDITIVE ALTERNATE TOTAL EQUALS \$353,725.38.

WACO PAVING, INC. HAS CONSTRUCTED PROJECTS WITHIN THE CITY OF HEWITT IN THE PAST, THAT HAVE BEEN TO THE SATISFACTION OF THE CITY. THE MOST RECENT PROJECT BEING 2018 - PANTHER WAY PAVEMENT MARKINGS IMPROVEMENTS.

IT IS MY RECOMMENDATION THAT THIS CONTRACT BE AWARDED TO WACO PAVING, INC.

SINCERELY:



Miles W. Whitney P.E.
MILES W. WHITNEY, P.E.

Project	Owner	City of Hewitt	Prepared By
2018 - Old Temple Rd./Alway Rd. Street Improvements			MMW
		City of Hewitt	Date
		Sid. Tabulation	1/17/2019

ADDITIVE ALTERNATE BID TOTALS										
Additive Alternate Bid Items			Contractor 1 Weiss Paving, Inc.		Contractor 2 Holy Contractors, LLC		Contractor 3 Kniier River Corporation		Contractor E Texas Materials	
		Qty.	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price	Unit Price	Bid Price
A1	Recycle "C" material of existing Asphalt Surface & Base, with 36 lbs./c.y. of Cement, including Bidding at Edge-to-Depth Crown, with Compaction and Curing Costs; Installed	439	\$ 15.38	\$ 6,749.04	\$ 25.45	\$ 11,172.55	\$ 18.40	\$ 7,199.60	\$ 15.00	\$ 7,024.00
A2	1.5" Compacted Thickness: Non-Mixed, Asphaltic Concrete Surface (Thick) To Crushed Stone Aggregate and Tack Coat; Installed	439	\$ 10.41	\$ 4,569.99	\$ 11.39	\$ 5,000.21	\$ 16.80	\$ 7,287.40	\$ 11.00	\$ 4,829.00
A3	Drainage Ditch Re-grading, Including Excavation, Top Soil Replacement, Chained Stabilization, and Other Required Construction	8	\$ 364.32	\$ 2,914.56	\$ 650.00	\$ 5,200.00	\$ 670.00	\$ 5,360.00	\$ 120.00	\$ 960.00
A4	Soil Replacement to Match Existing Grass Type Berms or etc.	236	\$ 21.20	\$ 1,151.20	\$ 4.50	\$ 2,367.00	\$ 8.90	\$ 4,759.80	\$ 8.00	\$ 4,200.00

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COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 13

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on a resolution authorizing the appointment of a representative for the City of Hewitt to the Waco Metropolitan Planning Organization Policy Board (MPO).

STAFF RECOMMENDATION/ITEM SUMMARY:

Please find attached the resolution appointing City Manager Bo Thomas as the MPO representative for the City of Hewitt.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-01

**RESOLUTION OF THE CITY COUNCIL OF HEWITT,
TEXAS, AUTHORIZING THE APPOINTMENT OF A
REPRESENTATIVE FOR THE CITY OF HEWITT TO THE
WACO METROPOLITAN PLANNING ORGANIZATION
POLICY BOARD WITH CERTAIN DUTIES AND POWERS
TO ENACT BOARD BUSINESS**

WHEREAS, the City of Hewitt is a Governmental Agency, with the authority to enact Ordinances and Resolutions, assign Boards and Commissions, and appoint members and representatives to serve on said boards and commissions and,

WHEREAS, the Waco Metropolitan Planning Organization was created by Federal Law to identify the long term transportation needs for the Waco Urbanized Area and,

WHEREAS, all projects utilizing Federal Highway or Transit funds within the Waco Urbanized Area must be included as part of continuous, comprehensive and cooperative planning process administered by the Waco Metropolitan Planning Organization and,

WHEREAS, the City of Hewitt has an interest in decisions involving the use of Federal Highway and Transit funds and,

WHEREAS, the City of Hewitt recognizes the need for a representative with special knowledge and expertise in conducting the business of the Waco Metropolitan Planning Organization Policy Board and,

WHEREAS, the bylaws of the Waco Metropolitan Planning Organization Policy Board provides the City of Hewitt one voting representative on said board.

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

Bo Thomas, City Manager of the City of Hewitt is hereby appointed as the representative for the City of Hewitt on the Waco Metropolitan Planning Organization Policy Board with all the powers, duties, and voting privileges granted to members of this board.

PASSED AND APPROVED this the 4th day of February, 2019.

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, TRMC/CMC
City Secretary

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 14

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 4, 2019, 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 4, 2019. There are four (4) Council positions expiring this year. The filing deadline is Friday, February 15, 2019.

The City will contract with the McLennan County Elections Administrator to conduct the election. 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 depending on election cancellations.

Our Hewitt Public Safety Facility will be used for election day voting only. The County reviewed the statistics and determined that the numbers did not warrant opening the site as an early vote center. The cost to open a site is around \$5,000. If the City desires that the facility be utilized, the City will have to pay that additional costs. The estimated cost for the City's share is \$1,269.67. As explained above, the cost may increase as other entities may be able cancel their election.

Staff recommends approval of this resolution.

ATTACHMENTS:

Resolution w/supporting documents

RESOLUTION NO. 2019-02

**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 4, 2019, 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, Place 1; a Council Member for Ward 2, Place 1; Council Member for Ward 3, Place 1; 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 Wednesday, January 16, 2019, at 8:00 A.M., with the last day of filing to be Friday, February 15, 2019, at 5:00 P.M., in accordance with Texas Election Code Sections 143.006 and 143.007.

That the Mayor is hereby authorized to execute a contract for election services with the McLennan County Elections Administrator in connection with the 2019 joint general election to be held on May 4, 2019. 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 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 4, 2019.

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 4, 2019.

That the Elections Administrator shall process all applications for early voting by mail as referenced in the order of election and appoint all necessary election officials, judges and clerks to administer the 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 4th day of February, 2019.

THE CITY OF HEWITT, TEXAS

Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, TRMC/CMC
City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney

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

An election is hereby ordered to be held on May 4, 2019, for voting in a 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.

(Por la presente se ordena que se llevará a cabo una elección el 4 de mayo de 2019, para votar en una elección general para elegir una (1) persona para que sirvan los terminos completos de dos (2) años para las cuatro (4) posiciones para la ciudad de Hewitt.)

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

(La ejecución de un acuerdo de elección conjunta con Bellmead, Crawford, Gholson, Hewitt, Lacy Lakeview, Lorena, Mart, Waco, Woodway, Bosqueville ISD, Crawford ISD, Gholson ISD, La Vega ISD, Lorena ISD, Mart ISD, Midway ISD, Robinson ISD, Waco ISD y distrito de colegio del condado de McLennan 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 4th Street, Suite 300
Waco, Texas 76701

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

Robinson Community Center
106 W. Lyndale
Robinson, TX 76706

Bellmead City Hall
3015 Bellmead Drive
Bellmead, TX 76705

EXHIBIT A

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

Monday (lunes)	April 22, 2019 (22 de abril de 2019)	8:00 AM - 5:00 PM
Tuesday (martes)	April 23, 2019 (23 de abril de 2019)	8:00 AM - 5:00 PM
Wednesday (miércoles)	April 24, 2019 (24 de abril de 2019)	8:00 AM - 5:00 PM
Thursday (jueves)	April 25, 2019 (25 de abril de 2019)	8:00 AM - 5:00 PM
Friday (viernes)	April 26, 2019 (26 de abril de 2019)	8:00 AM - 5:00 PM
Saturday (sabado)	April 27, 2019 (27 de abril 2019)	7:00 AM - 7:00 PM
Monday (lunes)	April 29, 2019 (29 de abril de 2019)	7:00 AM - 7:00 PM
Tuesday (martes)	April 30, 2019 (30 de abril de 2019)	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 23, 2019:
(Las solicitudes para votar por correo tendrán que ser recibidas antes del fin del día laboral el 23 de abril 2019:)

Issued this the _____ day of _____, 2019.
(Emitada el día _____ de _____ 2019.)

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

MAY 4, 2019 JOINT GENERAL ELECTION
Polls are open from 7:00 AM to 7:00 PM on Election Day

EARLY VOTING

Locations:

McLennan County Elections Administration Office
Records Building
214 North 4th Street, Suite 300
Waco, TX 76701

Robinson Community Center
106 W. Lyndale
Robinson, TX 76706

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

Bellmead City Hall
3015 Bellmead Drive
Bellmead, TX 76705

The dates and times of Early Voting are:

Monday, April 22, 2019 through Friday, April 26, 2019	8:00 AM - 5:00 PM
Saturday, April 27, 2019	7:00 AM – 7:00 PM
Monday, April 29, 2019 through Tuesday, April 30, 2019	7:00 AM - 7:00 PM

Applications for ballot by mail should be mailed to:

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 23, 2019.

First day to apply for an annual Ballot by Mail is January 1, 2019.

Last Day to Register to Vote is April 4, 2019.

McLennan County Election's website and phone number:
www.mclennanvotes.com 254-757-5043

JOINT GENERAL ELECTION VOTE CENTERS
(Los Centros de Votación para las Elección General Conjunta)
May 4, 2019 (4 de mayo 2019)

ELECTION DAY VOTE CENTERS
(Centros de Voto Para el Día de las Elecciones)

Bellmead Civic Center	3900 Parrish Street, Waco
Cesar Chavez Middle School	700 S. 15 th Street, Waco
Crawford High School	200 Pirate Drive, Crawford
China Spring ISD Administration Bldg.	12166 Yankie Road, China Spring
Dewey Community Center	925 N. 9 th Street, Waco
Epsicopal Church of the Holy Spirit	1624 Wooded Acres Drive, Waco
Fellowship Bible Church	5200 Speegleville Road, McGregor
First Assembly of God Church	6701 Bosque Blvd., Waco
Hewitt Public Safety Facility	100 Patriot Court, Hewitt
Lacy Lakeview Civic Center	505 E. Craven Avenue, Waco
Lake Shore United Methodist Church	3311 Park Lake Drive, Waco
Lorena First Baptist Church	307 E. Center Street, Lorena
Mart Community Center	804 E. Bowie Avenue, Mart
MCC Conference Center	4601 N. 19 th Street, Waco
Robinson Community Center	106 W. Lyndale, Robinson
South Waco Library	2737 S. 18 th Street, Waco
University High School	3201 S. New Road, Waco
Waco Convention Center	100 Washington Avenue, Waco
Woodway City Hall	922 Estates Drive, Woodway

**THE STATE OF TEXAS
COUNTY OF MCLENNAN**

**CONTRACT FOR ELECTION SERVICES BETWEEN THE MCLENNAN COUNTY
ELECTION ADMINISTRATION DEPARTMENT AND THE CITY OF HEWITT.**

THIS CONTRACT, made by and between the City of Hewitt, acting by and through its City Council, hereinafter referred to as the "City," and Kathy E. Van Wolfe, Elections Administrator of McLennan County, Texas, hereinafter referred to as the "Contracting Officer," and by authority of Section 31.092 (a), Texas Election Code for the conduct and supervision of the May 4, 2019 Joint General Election for the selection of elected officials for the full term of office of two (2) years for four (4) City Council positions.

THIS CONTRACT is subject to the approval of all participating parties and shall be binding on said parties upon written approval.

WITNESSETH:

WHEREAS, the City is holding an election for the selection of elected officials for the full term of office of two (2) years for four (4) City Council positions (at the expense of the City) on May 4, 2019; and

WHEREAS, the voting precincts of the City which lie within the boundaries of the City, have been established by the City as their voting precincts; and

WHEREAS, the Vote Centers in the Joint General Election are the Election Day voting places for the City; and

WHEREAS, the County owns the HART eSlate electronic voting system, which has been duly approved by the Secretary of State, pursuant to the Texas Election Code, (Section 122.031-122.039, Section 122.091); and

WHEREAS, the City desires to use the County's electronic voting system in their elections and to compensate the County for such use and to share in certain other expenses connected with such elections in accordance with the provisions of Section 31.098 of the Texas Election Code; and

NOW, THEREFORE, in consideration of the mutual covenants, agreements and benefits to the parties, IT IS AGREED as follows:

I.

In all of the City's voting precincts, the Contracting Officer shall conduct the City's election in accordance with this contract. The City shall bear the full cost or pay a pro-rata share of the voting centers and election judges, alternates and clerks, if applicable, to be used for the election.

II.

Judges' Booth Controllers (JBCs), eSlates and Disabled Accessible Units (DAUs), owned by the County, shall be used for the City's election.

III.

The City agrees to appoint the Contracting Officer as the Clerk for Early Voting and shall furnish wording on the ballots and Election Order necessary for Early Voting in the election to be held at the expense of the City.

The City agrees that the shared locations for Early Voting will be the McLennan County Elections Administration Office, located in the Records Building at 214 North 4th St., Suite 300, Waco, TX 76701; Robinson Community Center, located at 106 W. Lyndale Ave., Robinson, TX 76706; Bellmead City Hall, located at 3015 Bellmead Drive, Waco, TX 76705 and First Assembly of God Church, located at 6701 Bosque Blvd., Waco, TX 76710.

The above-mentioned wording on the ballot(s) and Election Order(s) shall be delivered to the Elections Administrator upon completion of the ballot drawing for a place on the ballot, prior to the commencement of Early Voting, in the election to be held at the expense of the City. The Contracting Officer/McLennan County shall bear the full cost for the Early Voting locations' personnel, at an hourly rate of \$12.00 and an overtime rate of \$18.00 per hour for Presiding Judges and Alternate Judges and an hourly rate of \$10.00 and an overtime rate of \$15.00 for Clerks; and a \$25.00 pick-up and delivery fee for Early Voting supplies.

The City will forward any requests received for a ballot by mail to the McLennan County Elections Administrator for processing. The City shall pay to the County the actual cost incurred for materials and postage for the distribution of ballots by mail.

The Contracting Officer shall provide to the City one (1) copy of the Early Voting report via email on a daily basis and a cumulative final Early Voting report following the election.

IV.

The Contracting Officer shall have the City's sample ballots, printed to cover the City's election, in accordance with Texas Election Code, Section 124.004. In all of the City's voting precincts, which lie within the boundaries of the City, the ballots shall include the selection of elective officers for the City.

V.

In all instances covered by Article I of this contract, the Contracting Officer shall cause the HART eSlate voting equipment to be delivered to the Election Day voting places and Early Voting places at least one (1) hour before the time set for opening the polls in each vote center, pursuant to Texas Election Code, Sections 125.001, 125.004, 125.061, 127.032-.065.

VI.

The City shall bear the full cost of the rent or pay a pro-rata share, if applicable, for all voting places contemplated by Article I of this contract.

VII.

The City shall bear the full cost or pay a pro-rata share, if applicable, for any equipment as deemed necessary and/or desirable for the holding of said election and cause same to be delivered to the voting places of the City.

VIII.

The City shall bear the full cost or pay a pro-rata share, if applicable, for the employment and/or use of such personnel as the Contracting Officer deems necessary or desirable to prepare for and conduct Early Voting.

IX.

The City shall bear the full cost or pay a pro-rata cost for the employment and/or use of such personnel as the Contracting Officer deems necessary to program and operate the automatic tabulating equipment in accordance with Texas Election Code, Sections 124.066, 127.001-.006, 127.121-122.

X.

The City shall appoint, bear the full cost of or pay a pro-rata share for the Presiding Judges and Clerks in the voting precincts, which lie within the limits of the City, including the cost for the election personnel to attend an election school held by the designated Contracting Officer for the training of Election Day Judges and Alternate Judges pursuant to the Texas Election Code, Sections 32.091 - .093 and 271.013, for their services in connection with the election to be held at the expense of the City. The election school will not exceed four (4) hours in length. Election Day personnel will be compensated at an hourly rate of \$12.00 for Presiding Judges and Alternate Judges and an hourly rate of \$10.00 for Clerks; and a \$25.00 pick-up and delivery fee for Election Day supplies.

The Contracting Officer shall appoint the Presiding Judge and Clerks of the Early Voting Ballot Board to process Early Voting results pursuant to Texas Election Code, Sections 87.001 - .025, 87.101, and 87.103. The City shall pay a pro-rata cost for the Presiding Judge and Clerks of the Early Voting Ballot Board.

XI.

The Contracting Officer will provide the preparation of programs and test materials for tabulation of voting equipment and of ballot by mail materials, supervision of handling and disposition of election returns and preparation of the tabulation for the official canvass in accordance with Tex. Elec. Code, Section 31.094.

XII.

The Contracting Officer will provide advisory services in connection with decisions to be made and actions to be taken by the responsible parties of the City.

XIII.

The City shall pay to the County an Administrative Fee of ten (10) percent of the total amount of the contract for administering the election.

XIV.

It is understood that the County will incur costs and expenses in connection with the making of arrangements and preparations for the election, and that in the event the election to be held at the City is enjoined or canceled or if for any reason whatsoever the City shall decide not to proceed with the election to be held at the expense of the City or if the date of the election to be held by the respective parties is postponed or otherwise changed, the City shall be obligated to pay the County for the amount specified in Article XIII of this contract, which is agreed to be a fair and reasonable estimate of the costs and expenses incurred, or to be incurred, by the County in making such arrangements and preparations and the loss of damage to be sustained by the County in such event.

XV.

In connection with the performance of this contract, neither McLennan County nor the Administrator shall be liable to third parties for any default of the City in connection with the holding of the joint election, including the failure by such entities to pay any expenses hereunder, and such Entities shall not be liable to third parties for any default of the Administrator in connection with the holding of the joint election.

XVI.

Except as herein expressly provided otherwise, each party hereto shall do all things that may be required in connection with the election to be held at its expense. The City shall be responsible for the preparation of election resolutions and other pertinent documents for the adoption or execution by the proper officer of said party, and no party hereto shall have the responsibility or duty in connection with such preparations by any other party thereto. The Contracting Party will prepare the Joint Notice of Election and submit the documents to the entities for execution by the proper officers. The City shall likewise be responsible for posting or publication of election notices, and no party hereto shall be responsible for the posting or publication by any other party hereto.

XVII.

It is understood that, to the extent space is available, other cities and political subdivisions may wish to participate in the use of the above-mentioned election equipment and voting places, and it is agreed that the Contracting Officer may contract with such other cities or political subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the City under this contract.

XVIII.

It is estimated that the City's obligation there under shall not exceed one thousand two hundred sixty-nine dollars and sixty-seven cents (\$1,269.67) and the City agrees to pay a deposit of fifty (50) percent of said amount to McLennan County for an amount of six hundred thirty-four dollars and eighty-four cents (\$634.84) within five (5) days after the City's execution of this contract.

The exact amount of the actual cost of the City's obligation, hereunder, shall be calculated after the May 4, 2019 Joint General Election, and if the amount of the City's obligation exceeds the amount deposited, then, in the event, the City shall pay to McLennan County the balance due within thirty (30) days after the receipt of the bill from the Contracting Officer detailing actual costs. However, if the amount of the City's obligation is less than the amount deposited, then and in that event, McLennan County shall refund to the City the excess amount paid within thirty (30) days after a final bill detailing the cost of the election has been provided to the City.

In TESTIMONY HEREOF, the contract, is multiple originals all of equal force, has been executed on behalf of the parties hereto as follows, to wit:

a) It has on the _____ day of _____, 2019 been executed on behalf of McLennan County by the Elections Administrator, pursuant to the Texas Election Code, so authorizing;

b) It has on the _____ day of _____, 2019 been executed on behalf of the City by its Mayor, pursuant to the authority of the City Council, so authorizing;

ATTEST:

CITY OF HEWITT

By: _____
Mayor Ed Passalugo, City of Hewitt

Lydia Lopez, City Secretary

CONTRACTING OFFICER

Kathy E. Van Wolfe
Elections Administrator, McLennan County

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 4, 2019

AGENDA ITEM #: 15

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Consideration and action on an ordinance providing for Special Seniority Pay for Newly-Hired Police Officers with prior Full-Time Paid Law Enforcement Experience; and providing for an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Police Department currently operates under Section 143 of the Texas Local Government, otherwise known as the City of Hewitt Police Officers' Civil Service Commission Rules and Regulations. Section 143 of the TLGC is the legal standard for how Police Officers with the Hewitt Police Department are hired. Under the current law, "newly" hired Hewitt Police Officers, regardless of past law enforcement experience, must enter into the employee pay scale at the entry level position. To attract and hire certified and experienced police officers, Civil Service organizations through City Council action, can adopt by ordinance a "Seniority Pay – Lateral Entry". This ordinance would allow the Hewitt Police Department to recruit and hire experienced, certified Police Officers bringing them in at a higher level in the pay scale that is commensurate with the officer's experience.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2010-02

AN ORDINANCE PROVIDING FOR SPECIAL SENIORITY PAY FOR NEWLY-HIRED POLICE OFFICERS WITH PRIOR FULL-TIME PAID LAW ENFORCEMENT EXPERIENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hewitt has adopted Chapter 143 of the Local Government Code, or "Civil Service"; and

WHEREAS, the City Council has the authority as the "Governing Body," under Chapter 143 and specifically §143 Subchapter C - Compensation, to set extra pay types by ordinance as defined in that section for classified police positions; and

WHEREAS, the City of Hewitt recognizes that recruiting persons with prior full time paid law enforcement experience is an asset to the City of Hewitt Police Department and to the citizens; and

WHEREAS, authorizing this extra pay helps the City remain competitive in the market for recruitment and retention efforts; and

WHEREAS, the City Council adopts the Hewitt Police Department Step Plan Pay Scale and all other pay annually as part of the City's Budget, and this ordinance is intended to explicate and supplement the Step Plan Pay Scale ordinance;

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

SECTION 1.

That the City Council hereby finds the statements made in the preamble are true and correct.

SECTION 2.

1. That the City Council authorizes the types of extra pay for Police Officers as defined in Section 3 herein.
2. Changes in the actual pay amount shall be made through an ordinance amending such.

SECTION 3.

Eligible pay types are authorized by City Council below for Police Officers:

1. **Seniority Pay - Lateral Entry (prior Police Experience):**

- a. Seniority Pay is authorized by Texas Local Government Code Section 143.041(c) (1).
- b. Applicants for police officer positions who are hired after _____ shall be eligible for Special Seniority pay for lateral entry if they have at least two (2) years' continuous service as a paid, full-time certified peace officer with the authority to enforce laws, investigate crimes, make arrests, respond to calls for service, carry a firearm, and use discretion as part of their assigned duties, and who has been employed as such with an agency which serves or has served the McLennan County area, federal law enforcement or law enforcement agencies which serve a population of 10,000 or more. A lateral entry applicant shall not have more than a three (3)-year break in service from the time the applicant left the prior law enforcement agency and the time the applicant applied with the Hewitt Police Department.

c. Starting Pay:

The starting pay for lateral entry officers with prior law enforcement experience of at least two (2) years shall be placed at the step in the police pay schedule commensurate with their qualified complete years of experience up to, but not exceeding, the rate of pay specified in the City's top step of the police officer step pay plan.

Previous Hewitt Police Officers who are re-appointed as Police Officers are ineligible for Special Seniority Pay as described above, and if reappointed, he or she will be placed in the same salary step they held at the time of their resignation.

- d. Departmental Seniority Impact: The Lateral Entry Program described in this Sub-section is for seniority pay purposes only to determine placement into the existing pay schedule. Actual work experience in another law enforcement agency will not be considered for promotional eligibility requirements, departmental seniority or transfers. Departmental seniority for lateral officers and re-appointed officers will begin on their most recent Civil Service hire date with the Hewitt Police Department.

SECTION 4.

The effective date of this ordinance is _____, 2019 and will be effective until repealed by the City Council or amended by a subsequent Ordinance.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS on this _____, 2019.

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED:

Michael W. Dixon, City Attorney

DRAFT