

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

March 4, 2019

Workshop/Regular Meeting - 6:30 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 **Workshop** meeting of the governing body of the City of Hewitt will be held on the **4th day of March, 2019, at 6:30 PM in Hewitt City Hall, Council Chambers, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Briefing and discussion concerning utility fee structure.
3. Briefing and discussion concerning vacancies on various boards, commissions, and committees.
4. 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 27, 2019.

CITY OF HEWITT


Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the American with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in this Council Meeting. To better serve you, request must be made at least 24 hours prior to the meeting. Contact the City Secretary at 254.666.6171 or by fax at 254.666.6014. The building is wheelchair accessible, with handicap parking available at the front of the building.



WORKSHOP AGENDA ITEM #2 – Utility Fee Structure

Current

201 Ritchie (ICON)*	Per Unit Monthly	Per Unit Annually	COMPLEX Monthly Total	COMPLEX Annual Total
Water - AVERAGES	\$30.16	\$361.92	\$7,992.40	\$95,908.80
Sewer - AVERAGES	\$26.57	\$318.84	\$7,041.05	\$84,492.60
Drainage	\$4.35	\$52.20	\$1,152.75	\$13,833.00
TOTALS	\$61.08	\$732.96	\$16,186.20	\$194,234.40

◆ Each separate unit is charged as Single Family Home

*All numbers are based on estimates using rates and available data at the time of calculation.

Option A

201 Ritchie (ICON)*	Per Unit Monthly	Per Unit Annually	COMPLEX Monthly Total	COMPLEX Annual Total
Water - AVERAGES	\$30.16	\$361.92	\$7,992.40	\$95,908.80
Sewer - AVERAGES	\$8.46	\$101.52	\$2,241.90	\$26,902.80
Drainage	\$1.90	\$22.85	\$504.67	\$6,055.99
TOTALS	\$40.52	\$486.29	\$10,738.97	\$128,867.59

- ◆ Water is calculated the same as current
- ◆ Sewer is calculated at the commercial rate (no cap)
- ◆ Drainage is calculated at the commercial rate (based on impervious surface)

ANNUAL SAVINGS (over Current) \$65,366.81

Option B (Master Metered)**

201 Ritchie (ICON)*	Per Unit Monthly	Per Unit Annually	COMPLEX Monthly Total	COMPLEX Annual Total
Water - AVERAGES	\$15.92	\$191.04	\$4,218.80	\$50,625.60
Sewer - AVERAGES	\$8.46	\$101.52	\$2,241.90	\$26,902.80
Drainage	\$1.90	\$22.85	\$504.67	\$6,055.99
TOTALS	\$26.28	\$315.41	\$6,965.37	\$83,584.39

- ◆ Water is calculated at base meter fee plus consumption
- ◆ Sewer is calculated at the commercial rate (no cap)
- ◆ Drainage is calculated at the commercial rate (based on impervious surface)

ANNUAL SAVINGS (over Current) \$110,650.01

**For option B, the ICON would need to install Master Meters to replace their current metering system.



WORKSHOP AGENDA ITEM #3 –Boards, Commissions, and Committees

CITY OF HEWITT: COUNCIL, BOARDS, AND COMMISSIONS

City Hall 666-6171 (Fax 666-6014); Community Services 666-2447; Utility Billing 666-3151 (after hrs emergency 666-6272); Police Adm. 666-1661; Drug Tips 666-3333; Animal Control 666-6272; Library 666-2442; Park Reservations 666-6173; Municipal Court 666-1208; Chamber of Commerce 666-1200. City of Hewitt web site: www.cityofhewitt.com; Email: citysecretary@cityofhewitt.com

<u>City Council</u> 2 Yr Term - May	<u>Board of Adjustment</u> 2 Yr Term - April	<u>Planning & Zoning Commission</u> 3 Yr Term - June	<u>Parks & Beautification Committee</u> 2 Yr Term - December	<u>Library Board of Directors</u> 2 Yr Term - December
1st & 3rd Mon 7 pm	3rd Thurs 7 pm	1st Tues. 7 pm	2nd Thurs 7 pm	Quarterly as needed
Travis Bailey Ward 1 (05-2019) 412 Oklahoma Avenue 666-1492	Chairman (04-2020) Jim Winton 1136 Heatherwood 857-9436	(06-2019) Jim Pless 803 Attaway 855-7762	(12-2020) Jerry Snider 108 Brenda Drive 307-0613	(12-2020) Eric Ames 249 Fieldcrest Dr. 710-1576
Wilbert (Walky) Wachtendorf Ward 1 (05-2020) 328 Travis Lane 666-3759	(04-2020) Bradley T. Turner 600 Yukon Pass 723-4912	(06-2019) Bobby Wolske 109 Devonshire 366-4743	(12-2019) Tom Hernandez 1321 Darbyton Drive (563) 271-8536	(12-2019) Gayle H. Shipp 704 Cheyenne Trail 495-1044
Bill Fuller Ward 2 (05-2020) 218 Chelsea/PO Box 568 666-3304	(04-2019) Douglas Bergen 264 Earle Rd. 666-0855	(06-2019) Walter H. Peterson 500 Moss Hill Rd. 757-5128	(12-2019) Craig D. Smith 209 New Acres Drive 733-7104	(12-2020) Karen Copeland 616 Crestwood Dr. 717-4906
James Vidrine Ward 2 (05-2019) 504 Rowan Oak 666-2115	(04-2019) Charles Howard 155 Ellis Farm Rd. 732-4746	(06-2020) Jonathan Denton Dulus 332 Bowie Ln. 855-4013	(12-2019) VACANCY	Secretary (12-2020) Lydia Dasher 520 Angel Fire Dr. 666-9623
Mayor Ed Passalugo Ward 3 (05-2019) 137 E. Chapman Rd. 420-1926	(04-2019) R. Don Vardeman 432 S First St. 227-4495	(06-2020) Charlie Turner 209 Laredo 666-0087	(12-2020) Davis D. Thigpen 606 Madison Dr. 749-9500	President (12-2020) Beth Oakley 708 Angel Fire Drive 644-3594
Mayor Pro Tem Steve Fortenberry Ward 3 (05-2020) 701 Oakmont Drive 709-0030	Alternate (04-2020) Scott Hedges 613 Willow Creek Dr. 776-9550 x3246	(06-2020) Michael Lee Hix 336 Bowie Lane 723-5071	(12-2020) Veronica Molina 1201 Radisson (434) 531-2014	(12-2019) Justin Scott Anderson 726 Park Meadows 978-0774
Erica Bruce At Large (05-2019) 717 Fieldstone (254) 655-4313	Alternate (04-2019) VACANCY	(06-2020) John J. Baker 317 Bonham Drive 235-0464	(12-2020) VACANCY	Vice President (12-2019) Sally Goldman 132 Texas 666-2436

Updated: 02/15/2019

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 March, 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. Consider approval of minutes of the City Council Workshop/Regular Meeting of February 18, 2019.
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.*
5. Presentation of report from City Engineer.
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
6. Consider and award bid for concrete work to extend parking lot at Community Services facility to Nacho Ruiz Cement, LLC in an amount of \$13,647.50.
7. Consideration and action on Resolution No. 2019-03: 1) amending the Order of General Election to be held on May 4, 2019; 2) amending the early voting and election polling locations/vote centers; 3) appointing election officials; 4) establishing the rate of pay for all election officials therewith; and 5) authorizing the execution of all documents related thereto.
8. Consideration and action on Ordinance No. 2019-05 amending Chapter 2 Administration, Section 2-301 "Purchase Procedure", Article VI "Finance" of the City of Hewitt Code of Ordinances to comply with the City Charter; providing for inclusion in the code, providing for an effective date; providing for a severability clause; and finding and determining that this ordinance was passed at a public meeting as required by law.
9. 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 27, 2019.

CITY OF HEWITT


Lydia Lopez, TRMC/CMC
City Secretary

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2019

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of February 18, 2019.

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

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT February 18, 2019 – 6:00 PM

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

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

Staff absent: City Attorney Mike Dixon and Police Chief Jim Devlin

WORKSHOP – 6:00 PM

1. Mayor Passalugo called meeting to order at 6:00 PM.
2. Briefing and discussion concerning purchasing policy.
3. Briefing and discussion concerning utility fee structure.
4. Briefing and discussion concerning solid waste contract.
5. Briefing and discussion concerning appropriate meeting decorum and Council Meeting Procedures.
6. There being no further business the workshop meeting was adjourned at 6:39 PM.

REGULAR MEETING – 7:00 PM

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 Kade Perry to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION OF PROCLAMATION IN RECOGNITION OF THE PERRY FAMILY FOR BEING AWARDED AS THE “2018 SPECIAL OLYMPICS TEXAS FAMILY OF THE YEAR”.** Mayor Ed Passalugo presented proclamation to Kade Perry and the Perry family for their efforts and contributions to the Special Olympics.

4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF FEBRUARY 4, 2019.**
MOTION: Council Member Bill Fuller moved to approve the minutes as presented but allow for corrections.
SECOND: Council Member Travis Bailey
AYES: Fuller, Bailey, Vidrine, Wachtendorf, Fortenberry, Bruce, Passalugo
NAYES: None
ABSENT: None
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.*
Ann Schiltz, 1220 Dendron, welcomed City Manager Bo Thomas, requested sound be amplified, better communication between Council and citizens, mentioned upcoming election, and suggested social media be a positive source.
6. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING JANUARY 31, 2019.** No questions were raised.
7. **PUBLIC HEARING ON STORM WATER MITIGATION AS REQUIRED BY TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).** Mayor Ed Passalugo opened the public hearing 7:12 PM and called for anyone wishing to speak on this issue. No one appeared. The public hearing was closed at 7:13 PM.
8. **PUBLIC HEARING AND ACTION ON ORDINANCES REZONING LOT 1A (ORDINANCE NO. 2019-03) AND LOT 2 (ORDINANCE NO. 2019-04) BLOCK 1 FOUR SEASONS ADDITION, HEWITT, MCLENNAN COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL AND C-2 GENERAL COMMERCIAL RESPECTIVELY) TO R-4 (MULTI-FAMILY RESIDENTIAL).**
Project Engineer Anthony Tomchesson appeared in support of the request and was available to respond to Council inquiries. Mayor Ed Passalugo opened the hearing and asked for those speaking in favor. He asked for those speaking against. No one appeared. The public hearing was closed at 7:17 PM.

MOTION ON ORDINANCE NO. 2019-03

MOTION: Council Member James Vidrine moved to approve Ordinance No. 2019-03.
SECOND: Council Member Travis Bailey
AYES: Fuller, Bailey, Vidrine, Wachtendorf, Fortenberry, Bruce, Passalugo
NAYES: None
ABSENT: None
MOTION PASSED.

MOTION ON ORDINANCE NO. 2019-04

MOTION: Council Member Travis Bailey to approve Ordinance No. 2019-04.

SECOND: Mayor Pro Tem Steve Fortenberry

AYES: Fuller, Bailey, Vidrine, Wachtendorf, Fortenberry, Bruce, Passalugo

NAYES: None

ABSENT: None

MOTION PASSED.

9. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the meeting at 7:21 PM, all seven in favor, motion passed.*

Approved: March 4, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

AGENDA ITEM #4 – 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.



AGENDA ITEM #5 - City Engineer's Report



CITY ENGINEER'S REPORT

February 25, 2019

Utility Projects

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

Contractor has begun work on the northern portion of the project.

IH - 35 Waterline; Phase 3

Castleman Creek to Glenleigh

- We are set to open bids on this project on March 13th.

Sun Valley Rd.; Waterline

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

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

We are set to open bids on this project on March 13th.

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 been working on the project. They should begin some relocation of our utilities within the coming weeks.

Old Temple Rd. / Attaway Rd; Street Improvements

Contractor is getting bonds and insurance documents prepared for Contract execution.

Boleman Dr. Reclaim

Should be wrapping up design on this shortly.

April/December; Mill and Overlay

Should be wrapping up design on this shortly.

HEWITT TEXAS

CITY ENGINEER'S REPORT

February 25, 2019

2019 Slurry Seal Project

Finishing up project plans on this so that the City's crew can begin street repairs.

Drainage Projects

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

Tentatively scheduled to meet with property owners on 3/1/19 to discuss ongoing concern.

By:



Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2019

AGENDA ITEM #: 6

SUBMITTED BY: Kevin Reinke, Utilities Director

ITEM DESCRIPTION:

Consider and award bid for concrete work to extend parking lot at Community Services facility to Nacho Ruiz Cement, LLC in an amount of \$13,647.50.

STAFF RECOMMENDATION/ITEM SUMMARY:

This extension will add 3300 sq. ft. of concrete parking for staff. It will be located in the area directly in front of the overhead storage tank, from the chain link fence to the service pumps. This will add approximately eight (8) parking slots along the fence.

SUGGESTED MOTION:

"I move approval of bid to Nacho Ruiz Cement, LLC in the amount of \$13,647.50.

ATTACHMENTS:

Quotes and map of area

Nacho Ruiz Cement,LLC

Po Box 2109

Hewitt, TX 76643

254-666-8097Fax 254-666-8094Off 254-379-3654Cell

Date: 10/16/18

Bid Proposal

Reference: City of Hewitt, 103 N Hewitt DR

1. 3,255 sqft add on to concrete parking area, to excavate excess dirt and City will provide dump truck to off. Forms to be set #3 rebar 12" on center each way. Redwood lumber to be used as expansion joints. Concrete to be 4" thick with a mix of 3500 psi.

\$14,647.50

-1,000.00 Discount for the City

\$13,647.50

Acceptance of Proposal: All above prices, specifications and work are hereby accepted. Concrete is a perishable Commodity, We do not guaranty against cracks or color quality. Terms: Balance Due upon completion. If Contractor incurs any costs or expenses in collection or attempting to collect payment due all such costs and expenses include, but are not limited to filing fees, collections costs, and Attorneys fees.

Signature_____Customer

Signature_____Contractor

Date of Acceptance _____

Here is Waco paving estimate Camarillo was 15,500.00 and we have Nacho's
Sent from my iPhone



PROPOSAL

1-888-PAVEMENT



P.O. Box 5247
Waco, TX 76708-0247
Office: 254-752-4081
Fax: 254-752-1483

DATE: 02/18/19 PAGE # 1 OF 1

DESCRIPTION/LOCATION:

New Concrete Parking Lot @ 103 N Hewitt Dr (City of Hewitt)

TO: City of Hewitt
103 North Hewitt Drive
Hewitt, TX 76643

FAX:
PHONE: 254.733.5247
CONTACT: Juan

JOB TYPE: Non-Taxable

We propose to furnish all materials, equipment and labor to complete the following:

BASE BID:

Site mobilization...

Excavate existing pavement/dirt to be replaced and haul off all spoils...

Prepare sub grade for new concrete paving...

Set up and pour (4") new medium duty concrete paving with a broom finish...

\$17,715.00

JOB NOTES:

- * WPI will need full access to the work area during construction...
- * WPI is not responsible for any damage to existing utility/irrigation lines during construction...
- * No taxes are included in this bid...
- * Total area bid is approximately (2,875 SF)...
- * WPI is not responsible for any work not mentioned in this proposal...
- * Cost for any applicable work permits/fees is not included in this bid...
- * Cost for any applicable material testing is not included in this bid...
- * Cost for any applicable certifications, documents, etc. requested by the owner is not included in this bid...
- * This bid does not include striping...
- * WPI is not responsible for proper drainage on site due to existing fixed elevations...
- * WPI is not responsible for any damage to existing concrete parking lot due to construction traffic...
- * Do understand that it is not uncommon to have some surface cracking appear in the future due to the soil conditions and weather extremes in Central Texas...

- * WPI does carry high levels of insurance for your protection while working on your property...
- * WPI is family owned and operated, and has been in business for over 51 years...
- * WPI is an accredited business member of the BETTER BUSINESS BUREAU...

WE PROPOSE hereby to furnish material, equipment and labor – complete in accordance with the above specifications, for the sum of:

SEVENTEEN THOUSAND SEVEN HUNDRED AND FIFTEEN...

dollars

\$17,715.00

PAYMENT TERMS: Ten (10) days net from date of invoice...

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

ACCEPTANCE OF PROPOSAL — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Authorized
Signature:

John D. Bryant

John Bryant

NOTE: This proposal may be withdrawn by us if not
accepted within 30 days.

Signature: _____

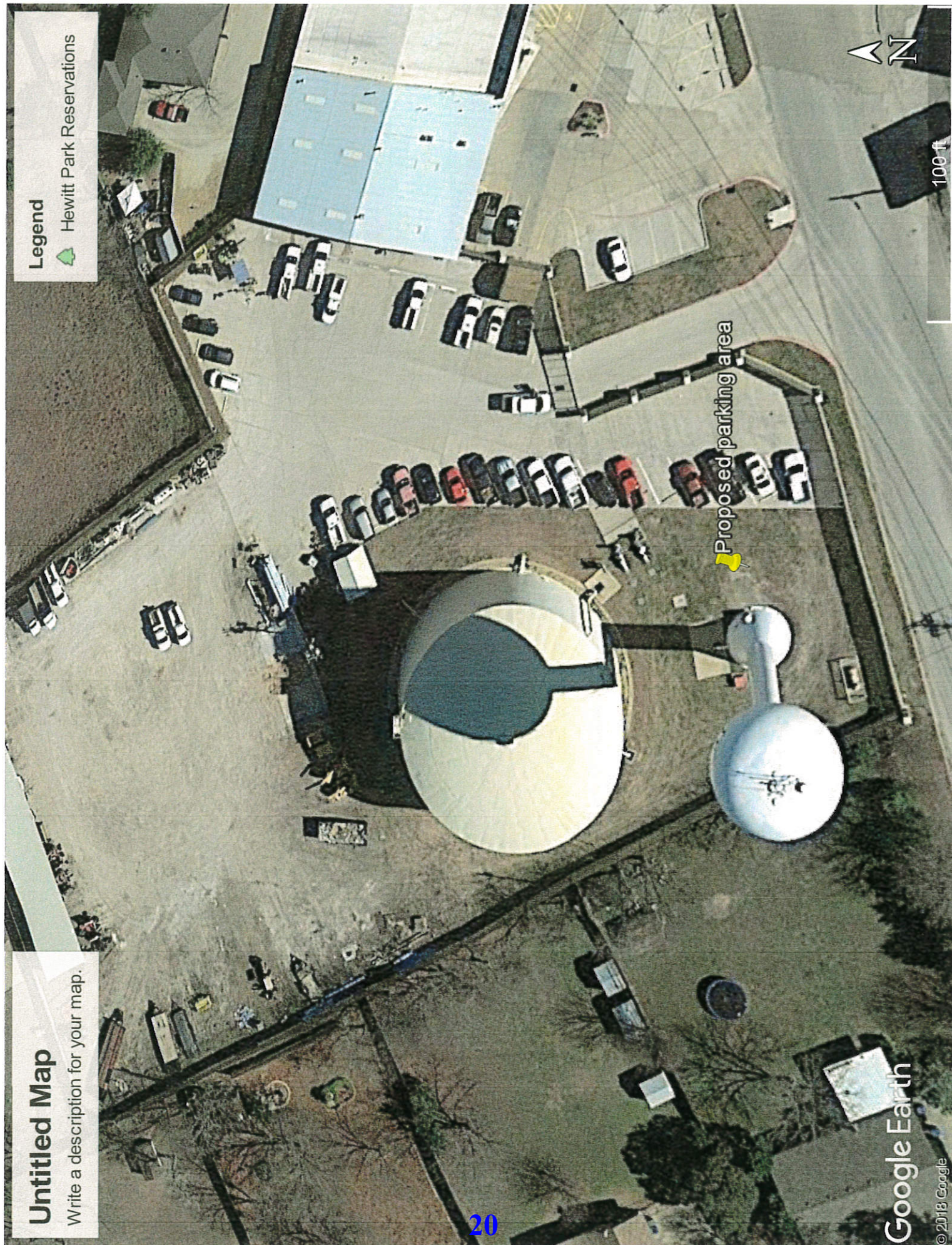
Signature: _____

Untitled Map

Write a description for your map.

Legend

 Hewitt Park Reservations



HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2019

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on Resolution No. 2019-03: 1) amending the Order of General Election to be held on May 4, 2019; 2) amending the early voting and election polling locations/vote centers; 3) appointing election officials; 4) establishing the rate of pay for all election officials therewith; and 5) authorizing the execution of all documents related thereto.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Order of Election that was approved by the Council on February 4, 2019, Resolution No. 2019-02, has been amended. This resolution approves an Amended Order of General Election which is attached as Exhibit A, reflects the removal of other governmental entities that cancelled their elections, and also includes the removal of some of the previously designated Vote Centers due to the cancellation of elections.

This resolution authorizes the appointment of election officials and provides for their compensation. The list of appointments for presiding judges, alternate judges, election clerks, the chair and other members of the signature verification committee, and the presiding judge and other members of the early voting ballot board is attached to the resolution as Exhibit B. Candidates should review the list of election officials to ensure that they are not related to any of the workers.

SUGGESTED MOTION:

"I move approval of Resolution No. 2019-03 amending the Order of General Election to be held on May 4, 2019; appointing election officials and establishing the rate of pay."

ATTACHMENTS:

Resolution
Exhibit A – Amended Order
Exhibit B – Election Officials

RESOLUTION NO. 2019-03

WHEREAS, the City Council, by Resolution No. 2019-02 on February 4, 2019, ordered a General City Election ("Election") to be held on Saturday, May 4, 2019, to be held jointly with other governmental entities in McLennan County; designated polling locations; authorized a contract for election services with McLennan County Elections Administrator; authorized a joint election agreement with several other entities; authorized the City Manager to execute any documents necessary to complete these transactions; and provided for other matters related to the General City Election; and

WHEREAS, the Order of General Election that was approved by Resolution No. 2019-02 has been amended; and

WHEREAS, the City Council, shall approve an Amended Order of General Election ("Amended Order") reflecting the removal of some of the designated polling locations due to the cancellation of elections by other governmental entities; and

WHEREAS, the Amended Order designated five places as polling locations for early voting by personal appearance (also referred to as "early voting sites"), those early voting sites being 1) the McLennan County Elections Administration Office, Records Building, 214 North Fourth Street, Suite 300, Waco, Texas, 76701; 2) First Assembly of God Church, 6701 Bosque Blvd., Waco, Texas, 76710; 3) Robinson Community Center, 106 W Lyndale, Robinson, Texas, 76706; 4) Bellmead City Hall, 3015 Bellmead Drive, Bellmead, Texas, 76705; and 5) Crawford High School, 200 Pirate Drive, Crawford, Texas 76638; and

WHEREAS, it is necessary to appoint various election officials for the May 4, 2019 election and provide for their compensation; and

WHEREAS, the McLennan County Elections Administrator sets the rate of pay for all election officials and other expenses of the election.

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

That the Amended Order of General Election, attached as **Exhibit A** and incorporated by reference herein, for the May 4, 2019, general election is hereby adopted and ordered.

That, in connection with the Joint General Election to be held in McLennan County and the City of Hewitt, Texas, on Saturday, May 4, 2019, the City Council hereby appoints the presiding judges, alternate judges, election clerks, the signature verification committee members (including the chair), and the members for the early voting ballot board (including the presiding judge) that are identified in **Exhibit B** attached hereto, for each of the designated early voting sites and joint general election vote centers.

That the City Council further direct that the Governmental Entities shall bear the full cost or pay a pro-rata share, if applicable, for all election officials in the shared vote centers for the conducting of Early and Election day voting at the following rates: presiding judges shall receive \$12.00 per hour (with an overtime rate of \$18.00 per hour) plus \$25.00 for picking up and delivering election supplies; alternate judges shall receive \$12.00 per hour (with an overtime rate of \$18.00 per hour); election clerks shall receive \$10.00 per hour (with an overtime rate of \$15.00); the chair of the signature verification committee and the presiding judge of the early voting ballot board shall receive \$12.00 per hour (with an overtime rate of \$18.00 per hour); and the remaining members of the signature verification committee and early voting ballot board shall receive \$10.00 per hour (with an overtime rate of \$15.00 per hour), as reflected in the joint election services contract approved on February 4, 2019.

That, in the event a presiding judge, alternate judge or the presiding judge for the early voting ballot board is unable to serve for any reason whatsoever, the McLennan county Elections Administrator shall appoint a replacement as soon as possible.

That, said election shall be held in accordance with the laws of the State of Texas, the Charter of the City of Hewitt and applicable Court decisions, and only duly qualified resident electors of the City of Hewitt shall be qualified to vote for city offices.

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

PASSED AND APPROVED this 4th day of March, 2019.

Ed Passalugo, Mayor
City of Hewitt, Texas

ATTEST:

Lydia Lopez, 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 termino 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

Crawford High School
200 Pirate Drive
Crawford, TX 76638

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)



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
Chalk Bluff Baptist Church
Crawford High School
First Assembly of God Church
Hewitt Public Safety Facility
Lorena First Baptist Church
Mart Community Center
Robinson Community Center
Woodway City Hall

3900 Parrish Street, Waco
5993 Gholson Road, Waco
200 Pirate Drive, Crawford
6701 Bosque Blvd., Waco
100 Patriot Court, Hewitt
307 E. Center Street, Lorena
804 E. Bowie Avenue, Mart
106 W. Lyndale, Robinson
922 Estates Drive, Woodway

**May 4, 2019 City/School Joint General Election
LIST OF EARLY VOTING WORKERS**

EXHIBIT B

EV 1

ROBINSON COMMUNITY CENTER

106 W. LYNDALE AVENUE. ROBINSON. TX 76706

			TELEPHONE	HOME PCT
Presiding Judge	LINDA VRANICH	117 N EMBERWOOD DR, ROBINSON TX 76706	254-744-9658	059
Alternate Judge	DAWN KIRK	4500 KENDALL LN, WACO TX 76705-7704	254-715-4736	017
Data Clerk	ALICE LEDBETTER	526 KRISTI ST, ROBINSON TX 76706	254-644-6648	059
Bilingual Clerk	ALMA CANALES	3717 SANGER AVE, WACO TX 76710	254-753-3407	028

EV 14

CRAWFORD HIGH SCHOOL

200 PIRATE DRIVE. CRAWFORD. TX 76638

			TELEPHONE	HOME PCT
Presiding Judge	FRANCESCA NYQUIST	1100 REDONDO DR, WOODWAY TX 76712	254-315-9228	011
Alternate Judge	NANCY REEDY	1405 AIRBASE RD APT 21, BELLMEAD TX 76705	254-723-1501	086
Bilingual Clerk	JOSEPHINE AMARO	213 WHITE HALL RD, WOODWAY TX 76712	254-776-6707	091

EV 3

FIRST ASSEMBLY OF GOD CHURCH

6701 BOSQUE BOULEVARD. WACO. TX 76710

			TELEPHONE	HOME PCT
Presiding Judge	LINDA HILL	8101 WOODCREEK DR, WOODWAY TX 76712	254-224-6228	091
Alternate Judge	TIMOTHY HOWARD	1300 DENDRON DR, HEWITT TX 76643	254-666-7026	019
Data Clerk	SANDRA CORBETT	524 OLD MILL CREEK DR, WACO TX 76712	254-733-8048	051
Clerk	TERESA JOHNSON	12009 OAK RIDGE DR, WOODWAY TX 76712	254-772-3793	023

EV 5

MCLENNAN COUNTY RECORDS BUILDING

214 N. 4TH STREET. SUITE 300. WACO. TX 76701

			TELEPHONE	HOME PCT
Presiding Judge	SADIE HARPER	1301 SHERMAN ST, WACO TX 76704	254-756-0262	012
Alternate Judge	JAMES REGEN	1228 CIMMARON DR, WACO TX 76712	254-666-1329	051
Data Clerk	DONNA HAWKINS	9519 CHINA SPRING RD, WACO TX 76708	254-366-5948	044
Bilingual Clerk	SARAH ALMANZA	1912 LYLE AVE, WACO, TX 76708	254-262-1866	039

EV 8**BELLMEAD CITY HALL****3015 BELLMEAD DR., BELLMEAD, TX 76705**

			TELEPHONE	HOME PCT
Presiding Judge	JOYCE GREGORY	4325 BLACKWELL ST, BELLMEAD TX 76705	254-349-8339	086
Alternate Judge	BRENDA BUSBY	663 MANCHACA PL, RIESEL TX 76682	254-227-2662	072
Data Clerk	ROSS MCKENZIE	5601 LAKE HIGHLANDS DR, WACO TX 76710	254-717-3051	034
Bilingual Clerk	BETTY ZARAZUA	3725 MANOR DR, WACO TX 76706	254-662-1597	057

May 4, 2019 City/School Joint General Election
List of Election Workers (09 - VOTE CENTERS)

Printed: 2/25/2019
 Data Date: 2/21/2019
 Data Time: 4:49:45PM

Pct(s):	WOODWAY CITY HALL, 922 ESTATES DR., WOODWAY, TX 76712			BCL Required:	☒	Home Precinct:
011						
Presiding Judge	WANDA PETREE	☒ R	3091 ROCKBRIDGE RD, MCGREGOR TX 76657	Phone # 254-848-2802		063
Alternate Judge	<u>LOURDES HAYNEY</u>	☒ D	3025 SADDLEBROOK, WACO TX 76712	Phone # 254-420-3798		062
Pct(s):	FIRST ASSEMBLY OF GOD CHURCH, 6701 BOSQUE BLVD., WACO, TX 76710			BCL Required:	☒ Y	Home Precinct:
032						
Presiding Judge	IRIS CUNNINGHAM	☒ R	800 AUSTIN HINES DR, CHINA SPRING TX 76633	Phone # 254-405-4991		081
Alternate Judge	JENNIFER STERNBERG	☒ D	503 CHADO LN, ROBINSON TX 76706	Phone # 254-744-8376		059
Bilingual Clerk	<u>SANDRA CORBETT</u>		524 OLD MILL CREEK DR, WACO TX 76712	Phone # 254-733-8048		051
Pct(s):	ROBINSON COMMUNITY CENTER, 106 W. LYNDALE, ROBINSON, TX 76706			BCL Required:	☒ Y	Home Precinct:
059						
Presiding Judge	LINDA VRANICH	☒ R	117 N EMBERWOOD DR, ROBINSON TX 76706	Phone # 254-744-9658		059
Alternate Judge	SADIE HARPER	☒ D	1301 SHERMAN ST, WACO TX 76704	Phone # 254-756-0262		012
Bilingual Clerk	<u>ALMA CANALES</u>		3717 SANGER AVE, WACO TX 76710	Phone # 254-753-3407		028
Pct(s):	HEWITT PUBLIC SAFETY FACILITY, 100 PATRIOT COURT, HEWITT, TX 76643			BCL Required:	☒ Y	Home Precinct:
062						
Presiding Judge	FRANCESCA NYQUIST	☒ R	1100 REDONDO DR, WOODWAY TX 76712	Phone # 254-315-9228		011
Alternate Judge	JACQUELINE RHODES	☒ D	4808 LOCHINVAR CT, WACO TX 76710	Phone # 254-644-3267		036
Bilingual Clerk	<u>PATRICIA KNIGHTEN</u>		4100 N 31ST ST, WACO TX 76708	Phone # 254-753-8066		041
Pct(s):	MART COMMUNITY CENTER, 804 E. BOWIE AVE., MART, TX 76664			BCL Required:	☒ Y	Home Precinct:
071						
Presiding Judge	RUSSELL KIRK	☒ R	358 HALL DR, WACO TX 76705	Phone # 254-420-7160		072
Alternate Judge	SHIRLEY BONNER	☒ D	316 STALLION RD, WACO TX 76712	Phone # 254-776-4486		051
Bilingual Clerk	<u>MARY ALMANZA</u>		2421 CONNOR AVE, WACO TX 76706	Phone # 254-292-0157		005
Pct(s):	LORENA FIRST BAPTIST CHURCH, 307 E. CENTER ST., LORENA, TX 76655			BCL Required:	☒ Y	Home Precinct:
075						
Presiding Judge	TIMOTHY HOWARD	☒ R	1300 DENDRON DR, HEWITT TX 76643	Phone # 254-666-7026		019
Alternate Judge	RUSSELL LARKINS	☒ D	1812 EVANS, WACO TX 76705	Phone # 254-366-5436		012
Bilingual Clerk	<u>BETTY ZARAZUA</u>		3725 MANOR DR, WACO TX 76706	Phone # 254-662-1597		057
Pct(s):	CRAWFORD HIGH SCHOOL, 200 PIRATE DRIVE, CRAWFORD, TX 76638			BCL Required:	☒ Y	Home Precinct:
080						
Presiding Judge	LORI WILLIAMS	☒ R	P O BOX 210, CRAWFORD TX 76638	Phone # 254-744-8303		080
Alternate Judge	FRANCIS RALEY	☒ D	2915 ANDERSON LN, CRAWFORD TX 76638	Phone # 254-486-2500		080
Bilingual Clerk	<u>IRENE RAMIREZ</u>		P.O. BOX 154192, WACO TX 76715-0000	Phone # 214-694-3580		086
Pct(s):	CHALK BLUFF BAPTIST CHURCH, 5993 GHOLSON RD., WACO, TX 76705			BCL Required:	☒ Y	Home Precinct:
084						
Presiding Judge	ALFRED CONNALLY	☒ R	116 SPRING LAKE DR., LACY LAKEVIEW TX 76705	Phone # 254-717-3234		058
Alternate Judge	ROSEMARY SMITH	☒ D	4288 GHOLSON RD UNIT C, LACY LAKEVIEW TX 76705	Phone # 254-412-1501		058
Bilingual Clerk	<u>MARIA CRUZ</u>		2200 BAYLOR AVE, WACO TX 76706	Phone # 254-420-9711		005
Pct(s):	BELLMEAD CIVIC CENTER, 3900 PARRISH ST., WACO, TX 76705			BCL Required:	☒ Y	Home Precinct:
087						
Presiding Judge	DR. PEACHES HENRY	☒ R	1337 ROYAL OAKS DR, WACO TX 76710	Phone # 254-733-5261		031
Alternate Judge	DAWN KIRK	☒ D	4500 KENDALL LN, WACO TX 76705-7704	Phone # 254-715-4736		017
Bilingual Clerk	<u>MARTHA CASTILLO</u>		4405 WESTCHESTER DR, WACO TX 76710	Phone # 904-629-8292		052

**MAY 4, 2019 CITY/SCHOOL JOINT GENERAL ELECTION
SIGNATURE VERIFICATION COMMITTEE & BALLOT BOARD**

NAME	ADDRESS	TELEPHONE	HOME PRECINCT
JOSEPHINE AMARO	213 WHITE HALL RD, WOODWAY TX 76712	254-776-6707	091
BOBBIE BILLS	1217 SOUTHWOOD DR, WOODWAY TX 76712	254-722-3855	011
SALLY BROOKS	6266 OLD MEXIA RD, WACO TX 76705	254-723-2130	069
SHELIA BROWN	612 EAGLES NEST DR, HEWITT TX 76643	254-715-4173	061
JAMES BRUNS	701 REGINA DR, HEWITT TX 76643	773-431-5540	019
ROSE BRYSON	3400 ROBINSON DR # 82, WACO TX 76706	254-662-4670	022
ALMA CANALES	3717 SANGER AVE, WACO TX 76710	254-753-3407	028
SHARON CHANDLER	701 REGINA DR, HEWITT TX 76643	254-855-1385	019
LINDA COBBS	2921 CHIMNEY HILL DR, WACO TX 76708	254-754-8584	040
KAREN CURNOCK	4112 ERATH ST, WACO TX 76710	254-755-7558	030
CATHY DOMINGUEZ	365 NORM ST, CHINA SPRING TX 76633	254-761-3176	081
MARYLAINE DRIESE	330 AUSTIN AVENUE #322, WACO TX 76701	254-640-0088	003
DEVVIE DUKE	5010 CASCADE TRL, MCGREGOR TX 76657	254-652-3067	063
LUCY GOODWIN	252 E ROCKET RD, LORENA TX 76655	254-749-1546	059
JOYCE GREGORY	4325 BLACKWELL ST, BELLMEAD TX 76705	254-349-8339	086
COLLEEN HALEY	2518 PARROTT AVE, WACO TX 76707	254-855-1994	009
SADIE HARPER	1301 SHERMAN ST, WACO TX 76704	254-756-0262	012
TAMMIE HARTGROVES	822 COUNTRY LANE DR, MCGREGOR TX 76657	254-848-4488	063
DONNA HAWKINS	9519 CHINA SPRING RD, WACO TX 76708	254-366-5948	044
LINDA HILL	8101 WOODCREEK DR, WOODWAY TX 76712	254-224-6228	091
SHERRI HUTCHINS	4300 LARRY DON LN, WACO, TX 76708	254-349-6172	044
TERESA JOHNSON	12009 OAK RIDGE DR, WOODWAY TX 76712	254-772-3793	023
TERESA KIRK	358 HALL DR, WACO TX 76705	254-715-2065	072
RUSSELL KIRK	358 HALL DR, WACO TX 76705	254-420-7160	072
DAWN KIRK	4500 KENDALL LN, WACO TX 76705-7704	254-715-4736	017
ALICE LEDBETTER	526 KRISTI ST, ROBINSON TX 76706	254-644-6648	059

NAME	ADDRESS	TELEPHONE	HOME PRECINCT
JOHNISHA LIEURANCE	1502 CLOVERLEAF RD #E-5, WACO TX 76708	254-757-0860	086
ELIZABETH MCGUIRE	2912 EDMOND AVE, WACO TX 76707	254-756-1411	008
MARGARET NAROVEC	7903 BOSQUE BLVD, WOODWAY TX 76712	254-399-9226	011
FRANCESCA NYQUIST	1100 REDONDO DR, WOODWAY TX 76712	254-315-9228	011
SHERRY PATTERSON	309 CATALINA DR, WOODWAY TX 76712	254-495-5599	091
HENRY PETREE	3091 ROCKBRIDGE RD, MCGREGOR TX 76657	254-848-2802	063
NANCY REEDY	1405 AIRBASE RD APT 21, BELLMEAD TX 76705	254-723-1501	086
JAMES REGEN	1228 CIMMARON DR, WACO TX 76712	254-666-1329	051
NATALIA SALAZAR	148 PHILLIP CIRCLE, HEWITT TX 76643	254-366-0343	061
KATHLEEN SCHWARTZ	2925 EDMOND AVE, WACO TX 76707	254-756-0765	008
SAMMY SMITH	1800 N 15TH ST, WACO TX 76707	254-754-0069	010
RITA STANDEFER	5801 WESTLAWN DR, WACO TX 76710	719-214-2607	033
JOANN STRINGER	431 CLINTON DR, WOODWAY TX 76712	254-548-1318	023
NANCY SWOR	3512 GREENLEAF DR, WACO TX 76710	254-399-6709	052
PENNY TANNER	2007 CUMBERLAND AVE, WACO TX 76707	254-447-3800	039
LINDA VRANICH	117 N EMBERWOOD DR, ROBINSON TX 76706	254-744-9658	059
BETTY ZARAZUA	3725 MANOR DR, WACO TX 76706	254-662-1597	057



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 4, 2019

AGENDA ITEM #: 8

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and action on Ordinance No. 2019-05 amending Chapter 2 Administration, Section 2-301 "Purchase Procedure", Article VI "Finance" of the City of Hewitt Code of Ordinances to comply with the City Charter; providing for inclusion in the code, providing for an effective date; providing for a severability clause; and finding and determining that this ordinance was passed at a public meeting as required by law.

STAFF RECOMMENDATION/ITEM SUMMARY:

This ordinance will replace all previous ordinances regarding purchasing at the City of Hewitt and bring us into compliance regarding purchasing limitations that exist in the City Charter.

For some time now, the City of Hewitt has purchased under the assumption that it by ordinance could make purchases authorized in the budget up to \$15,000. According to the Charter which restricts the authority levied in state statute purchases \$3,000 or greater require Council approval regardless if they have been authorized in the budget. This ordinance provides the authority which will allow us to function efficiently given the \$3,000 limitation and provides procedures for how we make our purchases, such as: purchases less than \$3,000 require no competitive procurement, purchases between \$3,000 to \$10,000 require three verbal quotes, purchases between \$10,001 to \$50,000 require three written quotes and purchases greater than \$50,000 competitive bidding or state cooperative contract purchasing in accordance with state law. All new purchases \$3,000 or greater will be presented to Council for approval unless it is an emergency purchase which the Council will ratify after the expenditure is authorized at the next most recent Council meeting.

Suggested Motion:

"I move to approve Ordinance 2019-5 and authorize the City Manager to enter into all agreements and procedures accordingly."

ATTACHMENTS:

Ordinance 2019-5

ORDINANCE NO. 2019-5

**ORDINANCE OF THE CITY OF HEWITT, TEXAS
AMENDING CHAPTER 2. ADMINISTRATION, SECTION 2-
301 "PURCHASE PROCEDURE", ARTICLE VI "FINANCE"
OF THE CITY OF HEWITT CODE OF ORDINANCES TO
COMPLY WITH THE CITY CHARTER, PROVIDING FOR
INCLUSION IN THE CODE; PROVIDING FOR AN
EFFECTIVE DATE, PROVIDING A SEVERABILITY
CLAUSE, AND FINDING THAT THIS ORDINANCE WAS
PASSED AT A PUBLIC MEETING AS REQUIRED BY LAW**

WHEREAS, at some point in 1999 the determination was apparently made that a provision of state law that allows a council to elect to have state law govern competitive bidding in place of the Charter could be read to also allow it to override the substantive limitation of the Charter on the dollar amount of purchases that could be made by the city manager without prior approval of the City Council, resulting in the original version of the Code Section amended hereby; and

WHEREAS, the Council by ordinance cannot override the Charter; and

WHEREAS, while Chapter 252 of the Texas Local Government Code allows a council to elect to have Chapter 252 supersede any charter provisions related to when competitive bidding is required and the procedures used, Chapter 252 cannot be read to expressly allow a council to override charter provisions limiting the dollar value of purchases that can be made without prior council approval; and

WHEREAS, the spending limit of \$3,000 is archaic and is harmful to the ability to effectively run a city of the size of Hewitt, but is a matter that must be changed by Charter amendment, not ordinance; and

WHEREAS, a Charter amendment to make the Charter provision comport with operational realities should be pursued as soon as possible; and

WHEREAS, until such time as the Charter can be amended, the City Manager, Council and Department Heads must coordinate carefully to ensure operations are not adversely affected.

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

Section 1. Section 2-301 Purchase Procedure, Article VI Finance of the City of Hewitt Code of Ordinances is amended to read as follows:

Sec. 2-301 Purchase Procedure

a) Re-Adoption of Chapter 252 of the Texas Local Government Code. As authorized by law the City Council has previously adopted and elected that Chapter 252 of the Texas Local Government Code supersedes any bidding requirements of the City Charter. The Council reaffirms its intention and election that Chapter 252 of the Texas Local Government Code supersedes any bidding requirements of the City Charter.

b) Purchases Generally. All purchases proposed to be made and contracts proposed to be executed by the City shall be reviewed by the City Manager and the Finance Director who shall determine that there is to the credit of such office, department or agency a sufficient unencumbered budgeted appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. Exceptions to the requirement of prior review may be made under procedures established by the City Manager for purchases of less than \$1,000.00. Any purchase exceeding \$3,000.00 requires that purchase orders be input by Department Heads into the PO software system as an encumbrance to their account that they wish to expense, to be reviewed by the Finance Director for sufficient unencumbered budgeted appropriation and allotment balance and forwarded for approval by the City Manager (or in his/her absence, the Finance Director).

c) Competitive Procurement. All contracts for expenditures exceeding the statutory threshold of more than \$50,000 for competitive bidding generally applicable to municipalities under Texas law must be competitively let in accordance with available procedures under Texas law unless they would be exempted from competitive acquisition under applicable law, including under cooperative purchasing programs.

If an item is required by law to be competitively procured, the procedures in Chapter 252, or alternative procedures of Section 272.001, of the Texas Local Government Code apply. If the procurement falls under an exemption noted in the statutes, that exemption may be taken. In addition, procurement under a cooperative purchasing program (Section 271.102, Texas Local Government Code) already complies with the bidding requirements and may be utilized in place of Chapter 252 or Section 272.001 of the Texas Local Government Code. In the area of construction projects, the alternative methods of project delivery provided by Chapter 2269 of the Texas Government Code apply.

d) Quotations. All purchases between \$3,000 and \$10,000 require three (3) verbal quotes. Purchases between \$10,001 and \$50,000 require three (3) written quotes. Purchases greater than \$50,000 or more require formal competitive bids or two (2) comparative prices from state contract or cooperative purchasing agreements (i.e. HGAC, Buyboard). For purposes of this section a no response or no quote is considered a quote.

ALL purchases greater than \$3,000 require Council approval.

Competitive purchasing is not necessary if the City Manager determines that: the item is available from only one source; because of the need for compatibility with existing equipment or systems the item that best meets the City's needs is available from only one source; the item is immediately necessary for public health, safety, or welfare or the prevention of the interruption of City services; the item is immediately necessary to protect City property; prior contractual obligations or proprietary restrictions require that a specific vendor be used; or obtaining quotations is impractical under the circumstances.

e. City Manager Authority. The archaic language of the City Charter does not suit the operational realities of running a modern city. However, until the Charter can be amended by election the City Manager and all Department Heads must diligently plan purchases. Under the Charter the City Manager has authority to make budgeted expenditures of up to \$3,000. Expenditures exceeding \$3,000 must be approved in advance by the City Council. Significant advance planning for purchases exceeding \$3,000 will need to be conducted by Department Heads, the Finance Director, and the City Manager to assure that such an expenditure is placed on a City Council agenda before the item or service is needed, including lead times. Unbudgeted expenditures require advance Council approval.

In circumstances where an emergency expenditure is necessary, the City Manager is authorized to make expenditures exceeding \$3,000 (budgeted or unbudgeted) without prior Council approval where funds are available in the budget to do so. The expenditure shall be brought before the Council for ratification at the next meeting at which it can be considered. This authorization does not extend to the borrowing of money. Creating a current account balance to be paid out of budgeted funds shall not be deemed borrowing of money. Emergency expenditures are those necessary to protect City property, to prevent imminent disruption of City services, or that are required for the protection of public health or safety from an imminent threat.

f. Recurring Items/Approved Purchases. Authority is hereby given for payment of all recurring bills or items without prior Council approval regardless of whether they exceed the purchase limit. Examples include debt service, utilities, postage, telephone and data services, software maintenance, or any other required payment that is recurring in nature and necessary to City operations, and any payment that has been effectively pre-approved by the City Councils' approval of an agreement calling for those payments.

g. Failure to Budget for an Item. A department head's failure to budget for an item does not create the option of purchasing the item(s) anyway and ending up with a negative balance for the year in that category of expenditures. A department head must seek a budget change (movement of funds within the department budget or from another area of the existing municipal budget) or a budget amendment (appropriation of additional funds to the department which results in an increase to the overall budget) before purchasing an item that was not budgeted for in the department's budget; both of which require council approval. An amendment (as opposed to a budget change that does not increase the overall budget) requires notice and public hearing. Expenditures must be made in accordance with the adopted budget.

Competitive purchasing is not necessary if the City Manager determines that: the item is available from only one source; because of the need for compatibility with existing equipment or systems the item that best meets the City's needs is available from only one source; the item is immediately necessary for public health, safety, or welfare or the prevention of the interruption of City services; the item is immediately necessary to protect City property; prior contractual obligations or proprietary restrictions require that a specific vendor be used; or obtaining quotations is impractical under the circumstances.

e. City Manager Authority. The archaic language of the City Charter does not suit the operational realities of running a modern city. However, until the Charter can be amended by election the City Manager and all Department Heads must diligently plan purchases. Under the Charter the City Manager has authority to make budgeted expenditures of up to \$3,000. Expenditures exceeding \$3,000 must be approved in advance by the City Council. Significant advance planning for purchases exceeding \$3,000 will need to be conducted by Department Heads, the Finance Director, and the City Manager to assure that such an expenditure is placed on a City Council agenda before the item or service is needed, including lead times. Unbudgeted expenditures require advance Council approval.

In circumstances where an emergency expenditure is necessary, the City Manager is authorized to make expenditures exceeding \$3,000 (budgeted or unbudgeted) without prior Council approval where funds are available in the budget to do so. The expenditure shall be brought before the Council for ratification at the next meeting at which it can be considered. This authorization does not extend to the borrowing of money. Creating a current account balance to be paid out of budgeted funds shall not be deemed borrowing of money. Emergency expenditures are those necessary to protect City property, to prevent imminent disruption of City services, or that are required for the protection of public health or safety from an imminent threat.

f. Recurring Items/Approved Purchases. Authority is hereby given for payment of all recurring bills or items without prior Council approval regardless of whether they exceed the purchase limit. Examples include debt service, utilities, postage, telephone and data services, software maintenance, or any other required payment that is recurring in nature and necessary to City operations, and any payment that has been effectively pre-approved by the City Councils' approval of an agreement calling for those payments.

g. Failure to Budget for an Item. A department head's failure to budget for an item does not create the option of purchasing the item(s) anyway and ending up with a negative balance for the year in that category of expenditures. A department head must seek a budget change (movement of funds within the department budget or from another area of the existing municipal budget) or a budget amendment (appropriation of additional funds to the department which results in an increase to the overall budget) before purchasing an item that was not budgeted for in the department's budget; both of which require council approval. An amendment (as opposed to a budget change that does not increase the overall budget) requires notice and public hearing. Expenditures must be made in accordance with the adopted budget.

h. Moving Funds within Departmental Budget. When an expenditure category in a department's budget would be exhausted by a purchase; the department head may not move money from another cost category within his or her budget to make the purchase without prior approval of the City Manager. The Council hereby grants the City Manager the authority to make such intra-departmental transfers that are in the best interest of the City.

i. Excess Funds in Other Budget Cost Centers Outside of Department. No department head may rely upon or use excess funds in a budgeted cost center outside of their department to make up for a department budget shortfall or to acquire items for their department. ONLY the City Manager can make determinations as to transfers of excess funds. The Council hereby grants the City Manager the authority to make such inter-departmental transfers that are in the best interest of the City. Transfers shall be submitted for ratification at the next Council meeting at which they can be considered. Ratification may only be withheld if the transfer was arbitrary and capricious.

j. Approved Contractual Obligations. Where the Council has approved expenditures exceeding \$3,000 as part of the City's obligations under a contract, no further Council approval is required. The entry into the contract being the Council's knowing approval for payments to be made thereunder which may exceed \$3,000.

Section 2. 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.

Section 3. 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.

Section 4. 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 4th day of March 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 AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney