

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

October 17, 2016

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

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Travis Bailey – Mayor Pro Tem, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Alex Snider – Council Member At-Large

CITY STAFF

Adam Miles, City Manager

Charlie Buenger, City Attorney

Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

James Black, Public Works Director

Tracy Lankford, Community Development
Director

Katie Allgood, Managing Director/Civil
Service Director

Tuck Saunders, Assistant Police Chief

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **17th day of October, 2016 at 5:30 PM** in **Hewitt City Hall, Council Workshop Room, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. City Manager's update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning drainage issues.
 - c. Briefing and discussion concerning residential zoning regulations.
 - d. Briefing and discussion concerning special events.
 - e. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
 - **Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.**
5. Close Executive Session.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 12:30 AM/PM on October 14, 2016.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **17th day of October, 2016 at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Consider approval of minutes of the City Council Workshop/Regular Meeting of September 19, 2016.
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. Authorize purchase of furniture for the Library.
6. Public hearing and action on an ordinance amending Code of Ordinances Appendix A- Zoning, Section 2.101.1 R-1-G (Garden Home District).
7. Public hearing and action on an ordinance rezoning of a 4.66 acre tract of land, located adjacent to the Collier Addition known as O'Campo C Abstract 32 Tracts 1 and 1B from R-1 (Single-Family District) to R-1-G (Garden Home District).
8. 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 12:30 AM/PM on October 14, 2016.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

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



COUNCIL WORKSHOP AGENDA ITEM #2.a

2014 Bond Projects:

First Street Mill and Overlay / Chapman Rd.

The contractor is back onsite and has begun on the Chapman Rd section. Starting Monday they should begin installing the storm sewer.

2015 Bond Projects:

Lift Station No. 5 Removal

The City is meeting with property owners to discuss and acquire

IH – 35 Waterline

- Phase 1; Industrial south side of Castleman Creek
 - Awaiting property Owner's signature and or comments on proposed easements, plans are completed, provided property owners do not have any other requests.
- Phase 2; Sun Valley to Flat Rock Trailers
 - A work order for topography and easement staking has been issued, awaiting information
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - Easement investigations continue.

Lift Station No. 4; Gravity Line Extension

Plans are completed.

2016 Slurry Seal:

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

Drainage

1519 Surveying is working on staking the existing drainage easements, to ensure that the proposed improvements are to be constructed within our existing easements.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL WORKSHOP AGENDA ITEM #2.d

2016 Library Calendar of Events

Date	Time	Event	Location
10/14/2016	3:00-4:00 pm	Music in the Library	Library 200 Patriot Court
10/15/2016	2:00-4:00 pm	Teen Anime Club-celebrating teen week	Library 200 Patriot Court
10/17/2016	10:30 am -12:30 pm	Mayham and Murder Book Club	Library 200 Patriot Court
10/18/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/18/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/18/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
10/19/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/19/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/19/2016	1:00-3:00 pm	Linda's Culinary Club	tbd
10/20/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/20/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/22/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court
10/25/2016	9:30-10:30 am	Toddler Time	Library 200 Patriot Court
10/25/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/25/2016	4:00-5:00 pm	Crafternoon	Library 200 Patriot Court
10/26/2016	9:30-10:15 am	Toddler Time	Library 200 Patriot Court
10/26/2016	10:30-11:15 am	Storytime	Library 200 Patriot Court
10/27/2016	10:30-11:00 am	Babytime	Library 200 Patriot Court
10/27/2016	6:30-7:30 pm	Evening Storytime	Library 200 Patriot Court
10/29/2016	2:00-4:00 pm	Teen Anime Club	Library 200 Patriot Court



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 17, 2016

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop/Regular Meeting of September 19, 2016.

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/MEETING HEWITT CITY HALL – 200 PATRIOT COURT September 19, 2016 - 5:30/7:00 PM

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

Staff present: Assistant City Attorney Kathleen Dow, City Engineer Miles Whitney, City Manager Adam Miles, Fire Chief Lance Bracco, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Finance Director Lee Garcia, Library Director Waynette Ditto, Community Development Director Tracy Lankford, Public Works Director James Black, Special Projects Coordinator Katie Allgood, and City Secretary Lydia Lopez

Staff absent: City Attorney Charlie Buenger and Assistant City Manager Jim Barton

Workshop – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. City Manager presented an update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning drainage issues.
 - c. Briefing and discussion concerning residential lot development sizes. **(Addendum item)**
 - d. Briefing and discussion concerning park usage and fees.
 - e. Briefing and discussion concerning Library furniture.
 - f. Briefing and discussion concerning upcoming events:
 - o State of the City Luncheon – September 20, 2016
 - g. Briefing and discussion concerning Public Safety operations – Police & Fire.
3. The regular meeting agenda items were reviewed.
4. Interview of prospective board or commission members
 - Veronica Molina – Parks and Beautification Committee
 - Jim Pless – Board of Adjustment
5. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following: **Not Held**
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
 - **Pursuant to §551.087 - Deliberation regarding Economic Development Negotiations.**

6. Close Executive Session. **Not Held**
7. Adjourn. *A motion was made by Council Member Bill Fuller and second by Mayor Pro Tem Travis Bailey to adjourn the Workshop at 6:25 PM, all seven in favor, motion passed.*

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Passalugo called the meeting to order at 7:00 PM.

NOT ON THE PRINTED AGENDA: Mayor Passalugo recognized Charlotte Guess from the audience and read a proclamation that proclaimed her Honorary Mayor for the day. He then requested that she join him at the dais to share in the duties and responsibilities of the Mayor.

2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Passalugo invited Honorary Mayor Charlotte Guess to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATIONS OF THE MAYOR’S READING AWARDS.** Mayor Passalugo and Library Director Waynette Ditto presented the Mayor’s Reading Awards to the following young individuals who participated in the Library’s Summer Reading Program:

**Child Summer Reading Winners
(0-7 years old)**

1. Molly Stripling – 311
2. Aariz Veiji – 281
3. Benjamin Dulock – 230
4. Michael Stripling – 221
5. Hudson Kuykendall – 197
6. Alessia Castro – 180
7. Alexander Castro – 150
8. Luke Thompson – 150
9. Benjamin Brown – 150
10. Julie Thompson – 149
11. Kaidan Ryan – 140
12. Kamari Busby – 150
13. Kamrun Busby – 130
14. Kayla Busby – 130
15. Maci McKown – 108

**Teen Summer Reading Winners
(8-18 years old)**

1. Haylee Ryan - 130
2. Arielle Wong - 106
3. Miles Rutherford - 102
4. Thomas Guess - 100
5. Shelby Kuykendall - 98
6. Cris Castro III - 81
7. Briana Castro - 80
8. Hailey Ustick - 80
9. Emone Leveston - 80
10. Kaitori Leveston - 75
11. Serena Stimmel - 75
12. Daniel Miller - 70
13. Ashley Denton - 60
14. Emma Guess - 60
15. Foster Trice - 57

4. **SPECIAL PRESENTATION OF A PROCLAMATION IN RECOGNITION OF “SEPTEMBER LIBRARY MONTH.”** Mayor presented the proclamation to Library Director Waynette Ditto.

5. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL SPECIAL CALLED MEETING OF AUGUST 22, 2016.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and seconded by Mayor Pro Tem Travis Bailey to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
6. **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. Scott Ryan, 613 Sapphire Blvd., appeared to express concern with storm water drainage issues in Imperial Estates and requested the Council consider halting further development and reassessing the drainage flow. Steve Arnold, 149 Houston Drive, expressed concern regarding the maintenance of the creek located behind his property that abuts to Hewitt Elementary.*
7. **CONSIDER APPOINTMENT TO THE BOARD OF ADJUSTMENT.** *A motion was made by Council Member James Vidrine and seconded by Mayor Pro Tem Travis Bailey to appoint Jim Pless to serve as an alternate on the Board of Adjustment, all seven in favor, motion passed.*
8. **CONSIDER APPOINTMENT TO THE PARKS AND BEAUTIFICATION COMMITTEE.** *A motion was made by Council Member James Vidrine and seconded by Council Member Steve Fortenberry to appoint Veronica Molina to serve as member on the Parks and Beautification Committee, all seven in favor, motion passed.*
9. **CONSIDER APPOINTMENT TO THE LIBRARY BOARD OF DIRECTORS.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to appoint Beth Oakley to serve as a member on the Library Board of Directors, all seven in favor, motion passed.*
10. **ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED MEMBERS OF THE BOARD OF ADJUSTMENT, PARKS AND BEAUTIFICATION COMMITTEE AND THE LIBRARY BOARD OF DIRECTORS.** *Mayor Passalugo administered the Oath of Office to the three newly appointed members.*
11. **CONSIDER APPOINTMENT OF KATIE ALLGOOD AS EMERGENCY MANAGEMENT COORDINATOR (EMC) AND TRACY LANKFORD AS ASSISTANT EMERGENCY MANAGEMENT COORDINATOR EFFECTIVE OCTOBER 1, 2016.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Travis Bailey to approve appointments; all seven in favor, motion passed.*
12. **CONSIDERATION AND ACTION ON A RESOLUTION AUTHORIZING A CONTRACT FOR FINES AND FEES COLLECTION SERVICES TO LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR THE COLLECTION OF OUTSTANDING WARRANTS.** *A motion was made by Mayor Pro Tem Travis*

Bailey and seconded by Council Member Bill Fuller to approve; all seven in favor, motion passed.

13. **CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING CHAPTER 78, UTILITIES, ARTICLE X. MUNICIPAL DRAINAGE SYSTEM, DIVISION 2. DRAINAGE UTILITY RATE SCHEDULE, SECTION 78-612, “FEE CALCULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND HAS BEEN OPENED TO THE PUBLIC AS REQUIRED BY LAW.** *A motion was made by Council Member Bill Fuller and seconded by Council Member Alex Snider to approve ordinance; all seven in favor, motion passed.*
14. **ADJOURN.** *A motion was made by Mayor Pro Tem Travis Bailey and seconded by Council Member Bill Fuller to adjourn the meeting at 7:53 PM, all seven in favor, motion passed.*

Approved: October 17, 2016

Lydia Lopez, City Secretary

Ed Passalugo, Mayor



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.

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

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



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 17, 2016

AGENDA ITEM #: 5

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Authorize purchase of furniture for the Library.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff worked with Library Interiors of Texas and Total Office Solutions to prepare the attached quotes for additional furniture to be used in the Library. This is furniture that was originally cut at time of building construction due to budgetary constraints, but has now been funded through the Series 2016 C.O. issuance. Both of these quotes are bid based on State Competitive Purchasing requirements. If approved, city staff will issue purchase orders in the total amount of \$39,741.85. See back-up material for bid summaries.

ATTACHMENTS:

Bid tabulations

Project: Hewitt PL
 Location: Hewitt, TX
 Attention: Waynette Ditto

2016 Additional Furniture
Revision #1

Library Interiors of Texas
 David W. Gaskins

Ref #	Qty.	Description	Product #	List Each	Sell Each	Sell Total
Café Area						
C1	2	48"x48"x31" high, Café Game Table, with 36"x36" inlay of chess/backgammon board, 2" round steel legs in "shredded silver" to match computer table in children's area. Laminate = Blond Echo 7939-18	T2DWG082216	\$2,425.00	\$1,484.62	\$2,969.23
	2	Custom Colors for checkerboard: green/blue	T2DWG090116			\$575.00
	8	Izzy "Hannah" Armless stack chair, choice of all standard colors.	LITXhan001	\$219.00	\$151.62	\$1,212.92
Front Lobby						
FL1	2	"Accompany" Loveseat, 60 degree, inside facing, size 70"x32.5"x31" high Back = CFS Hourglass Meadow #63047 Seat = Manchester English Garden #62850	5965met-IFg10z2	\$3,770.00	\$2,209.10	\$4,418.21
	1	"Accompany" Wedge Table, inside facing, size 36"x28"x13" high Seat = Manchester English Garden #62850 Laminate = FM Natural Maple	5925met-g10z2	\$1,362.00	\$798.09	\$798.09
	1	"Accompany" Round Table/Ottoman, 48" dia., 14.5" high, 16" dia. Laminate top Seat = Manchester English Garden #62850 Laminate = FM Natural Maple	5948met-g10z2	\$2,559.00	\$1,250.00	\$1,250.00
Sewing Room						
SR1	2	42"x42"x31" high "QuikStudy" tables, with fixed steel legs in "shredded silver" to match computer table in children's area. Laminate = Blond Echo 7939-18	T2DWG090116	\$1,394.00	\$857.85	\$1,715.69
SR2	2	Agati "Mesa" Side Chair, wood seat, no arms, maple construction, "Expresso" stain	mes-stg-1000m	\$934.00	\$646.62	\$1,293.23
SR3	2	Power Outlet for above, AC & USB	be03359	\$212.00	\$141.48	\$282.95
SR4	2	Floor Power Chanel for above	T2DWG082216	\$312.00	\$153.85	\$307.69
Teen Room						
TR1	1	Power Outlet for above, AC & USB	be04286	\$414.00	\$308.17	\$308.17
Near Rocketship Area						
NR2	1	Husky Activity Table, clover shape, 48" diameter, adj. 15" to 24"	ss04381	\$363.00	\$279.23	\$279.23
NR3	4	"Flavors" Stack Chair, chose 10" to 12" high	ss11845-47	\$101.00	\$77.69	\$310.77
NR4	1	Rocketship Chair, double faced, 47" high	T2DWG082216	\$2,200.00	\$1,346.15	\$1,346.15
Back Office Storage						
BO1	4	TENNSCO Deluxe Storage Cabinet, size	7818/24WSU	\$636.00	\$454.98	\$1,819.94

Project: Hewitt PL
 Location: Hewitt, TX
 Attention: Waynette Ditto

2016 Additional Furniture
Revision #1

Library Interiors of Texas
 David W. Gaskins

Ref #	Qty.	Description	Product #	List Each	Sell Each	Sell Total
		36"x18"[or 24"] x78"high, locking door				
BO2	3	TENNSCO Wire Shelving Unit, size 36"x24" x75", starter units.	e-362475-4su	\$432.00	\$262.69	\$788.08
BO3	1	TENNSCO Wire Hand Cart, size 36"x24"x 42", on casters, capacity = 300#.	he-362435-2	\$334.00	\$203.09	\$203.09
		Project sub total				\$19,878.45
	1	Freight, Insurance & Delivery to jobsite	Zip = 76643			\$2,683.59
	1	Project Management, Installation & Clean-up				\$2,369.01
		Project Total				\$24,931.06
Notes:	A	We submit invoices via email; please supply name & email address for submission.				
	B	Products available through Choice Partners #14/022CG-07; BuyBoard #503-16.				
	C	Removal of and disposal of any existing furniture not included.				
	D	Removal or relocation of books not included.				
	E	No electrical/data wiring included.				
						</

[illegible]



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 17, 2016

AGENDA ITEM #: 6

SUBMITTED BY: Tracy Lankford, Community Development Director

ITEM DESCRIPTION:

Public hearing and action on an ordinance amending Code of Ordinances Appendix A-Zoning, Section 2.101.1 R-1-G (Garden Home District).

STAFF RECOMMENDATION/ITEM SUMMARY:

This is a request of the Community Development Department to add a maximum to the allowed area of a R-1-G Garden Home District. Currently there is only a minimum to the allowable area of this district. The Planning and Zoning Commission met on Tuesday, October 4, 2016 to consider the request. After a public hearing and deliberation, the P&Z Commission recommended to approve the request with a vote of 5 to 0. A map of the property and copy of the minutes is included in the backup material.

ATTACHMENTS:

P&Z Draft Minutes and supporting documentation
Draft ordinance

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION OCTOBER 4, 2016 – 6:00PM

Members present: Charlie Turner, Kurt Krakowian, Jonathan Dulus, John Baker, Bobby Wolske

Members absent: Walt Peterson, Michael Hix

Staff present: Miles Whitney, City Engineer, Eva Marie Greenup, Zoning Secretary

Item #1. Call Planning and Zoning Commission Meeting to order. *Charlie Turner called the meeting to order at 6:00PM.*

Item #2. Consider Approval of Minutes for the August 2, 2106, Planning and Zoning Commission regular meeting. *A motion was made by John Baker to accept but allow for corrections and seconded by Bobby Wolske. All five in favor, motion passed. Minutes dated August 2, 2016 stand approved.*

Item #3. Discussion and possible action: Change an ordinance of the City of Hewitt, Texas Amending Code of Ordinances Appendix A - Zoning by Amending Section 2.101.1 R-1-G, Garden Home District. Change to amend the land area from three acres to between three and seven acres. *Miles Whitney, City Engineer spoke on behalf of the city. A motion was made by John Baker to approve and seconded by Kurt Krakowian. All five in favor, motion passed. Recommendation will go before City Council Meeting on October 17, 2016.*

PLANNING AND ZONING COMMISSION MINUTES
OCTOBER 4, 2016
PAGE TWO

Item #4. Discussion and possible action: Change the Zoning from R-1 Single Family District to R-1-G Garden Home District on property located in the Collier Addition, O'Campo C Abstract 32 Tract 1 +/- 2.27 Acres and Tract 18 +/- 2.39 Acres. *Public hearing was opened up by Charlie Turner. Those who spoke in favor were: Tony Tomchesson, 981 FM 56, Valley Mills TX. Those who spoke against: None. Motion was made by John Baker to approve and seconded by Bobby Wolske. All five in favor, motion passed.*

Item #5. Adjourn. *A motion was made by John Baker and seconded by Kurt Krakowian to adjourn meeting at 6:09PM, all five in favor, motion passed.*

Chairman

Date Approved


Eva Marie Greenup, Zoning Secretary

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF HEWITT, TEXAS
AMENDING CODE OF ORDINANCES APPENDIX A – ZONING
BY AMMENDING SECTION 2.101.1 R-1-G, GARDEN HOME
DISTRICT; PROVIDING FOR INCLUSION IN THE CODE:
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Chapter 211 of the Texas Local Government Code authorizes the governing body of a municipality to regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures or land; and

WHEREAS, the City of Hewitt Planning and Zoning Commission and City Staff have carefully studied and recommend changes to the Garden Home District; and

WHEREAS, the City of Hewitt Planning and Zoning Commission held a meeting and a public hearing on October 4, 2016 on the proposed amendments, and voted unanimously to recommend approval of the proposed zoning ordinance change; and

WHEREAS, the City Council held a meeting and public hearing on October 17, 2016 to discuss and consider the proposed amendments to the Zoning Ordinance.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2.101.1 R-1-G Garden Home District.

Purpose of district: The purpose of the R-1-G, Garden Home District is to allow for a higher concentration of single-family homes per acre by reducing the minimum lot size and building set back requirements while maintaining quality architectural and landscape design.

A. [Generally.] The R-1-G Garden Home District is intended to be used in conjunction with and complimentary to other residential districts so as to allow development of smaller undeveloped tracts and or larger undeveloped tracts. Any other use of such land or premises shall be unlawful and in violation of the ordinance.

B. [Land area.] The land area for the creation of an R-1-G Garden Home District shall be between three and seven acres unless otherwise recommended by the planning and zoning commission and approved by city council.

C. Land use.

1. Single-family homes.
2. Private community buildings.
3. Private community swimming pools.
4. Private community recreational areas.

D. Minimum lots size is established.

1. Minimum lot area shall be 5,000 square foot.
2. Minimum lot width shall be 50 feet.
3. Minimum lot depth shall be 100 feet.
4. For lots with non-parallel side lot lines a minimum of 40 feet width at front building setback line as defined in section 12.102 of this ordinance.

E. Minimum yard sizes are established.

1. Front and rear yards shall have a minimum of 20 feet measured from the property line.
2. Interior lots shall have a minimum five-foot side yards as measured from the side property lines with a minimum separation between buildings of ten feet.
3. On a corner lot there shall be a side yard along the side street of not less than ten feet.

F. Maximum lot coverage.

1. No residential living unit shall contain less than 1,750 square feet in living area.

G. Other construction requirements.

1. Masonry veneering shall cover 100 percent of all exterior walls excluding doors and windows.
2. Maximum two stories or 37 feet six inches in height.
3. A maximum allowable percentage of opens for opposing exterior walls.
4. Structures shall be required to have an overall average roof pitch of no less than eight to 12.
5. A storm-water collection and dispersal system shall be installed.
6. A minimum of a two-car garage.
7. A minimum of two off-street parking spaces.

Section 3. Severability.

Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Conflicts.

Any ordinance or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. Effective Date.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code*.

Section 6. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tex. Gov't Code*.

PASSED AND APPROVED THIS 17th DAY OF October 2016.

City of Hewitt, Texas

By: _____

ATTEST:

Lydia Lopez, City Secretary

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HEWITT, TEXAS
AMENDING CODE OF ORDINANCES APPENDIX A – ZONING
BY AMMENDING SECTION 2.101.1 R-1-G, GARDEN HOME
DISTRICT; PROVIDING FOR INCLUSION IN THE CODE:
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Chapter 211 of the Texas Local Government Code authorizes the governing body of a municipality to regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures or land; and

WHEREAS, the City of Hewitt Planning and Zoning Commission and City Staff have carefully studied and recommend changes to the Garden Home District; and

WHEREAS, the City of Hewitt Planning and Zoning Commission held a meeting and a public hearing on October 4, 2016 on the proposed amendments, and voted unanimously to recommend approval of the proposed zoning ordinance change; and

WHEREAS, the City Council held a meeting and public hearing on October 17, 2016 to discuss and consider the proposed amendments to the Zoning Ordinance.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2.101.1 R-1-G Garden Home District.

Purpose of district: The purpose of the R-1-G, Garden Home District is to allow for a higher concentration of single-family homes per acre by reducing the minimum lot size and building set back requirements while maintaining quality architectural and landscape design.

A. [Generally.] The R-1-G Garden Home District is intended to be used in conjunction with and complimentary to other residential districts so as to allow development of smaller undeveloped tracts and or larger undeveloped tracts. Any other use of such land or premises shall be unlawful and in violation of the ordinance.

B. [Land area.] The land area for the creation of an R-1-G Garden Home District shall be between three and seven acres unless otherwise recommended by the planning and zoning commission and approved by city council.

C. Land use.

1. Single-family homes.
2. Private community buildings.
3. Private community swimming pools.
4. Private community recreational areas.

D. Minimum lots size is established.

1. Minimum lot area shall be 5,000 square foot.
2. Minimum lot width shall be 50 feet.
3. Minimum lot depth shall be 100 feet.
4. For lots with non-parallel side lot lines a minimum of 40 feet width at front building setback line as defined in [section 12.102](#) of this ordinance.

E. Minimum yard sizes are established.

1. Front and rear yards shall have a minimum of 20 feet measured from the property line.
2. Interior lots shall have a minimum five-foot side yards as measured from the side property lines with a minimum separation between buildings of ten feet.
3. On a corner lot there shall be a side yard along the side street of not less than ten feet.

F. Maximum lot coverage.

1. No residential living unit shall contain less than 1,750 square feet in living area.

G. Other construction requirements.

1. Masonry veneering shall cover 100 percent of all exterior walls excluding doors and windows.
2. Maximum two stories or 37 feet six inches in height.

3. A maximum allowable percentage of opens for opposing exterior walls.
4. Structures shall be required to have an overall average roof pitch of no less than eight to 12.
5. A storm-water collection and dispersal system shall be installed.
6. A minimum of a two-car garage.
7. A minimum of two off-street parking spaces.

Section 3. Severability.

Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Conflicts.

Any ordinance or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. Effective Date.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code*.

Section 6. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tex. Gov't Code*.

PASSED AND APPROVED THIS 17th DAY OF October 2016.

CITY OF HEWITT, TEXAS

By: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 17, 2016

AGENDA ITEM #: 7

SUBMITTED BY: Tracy Lankford, Community Development Director

ITEM DESCRIPTION:

Public hearing and action on an ordinance rezoning of a 4.66acre tract of land, located adjacent to the Collier Addition known as O'Campo C Abstract 32 Tracts 1 and 1B from R-1 (Single-Family District) to R-1-G (Garden Home District).

STAFF RECOMMENDATION/ITEM SUMMARY:

Mr. Curt Liles submitted a request to rezone property located north of and adjacent to the Collier Addition. Mr. Liles is requesting the zone change from R-1 (Single-Family District) to R-1-G (Garden Home District). The Planning and Zoning Commission met on Tuesday, October 4, 2016 to consider the request. After a public hearing and deliberation, the P&Z Commission recommended to approve the request with a vote of 5 to 0. A map of the property and copy of the minutes is included in the backup material.

ATTACHMENTS:

P&Z Draft Minutes and supporting documentation
Draft ordinance



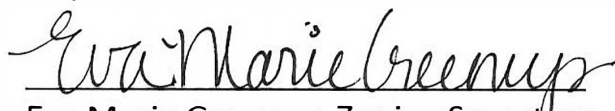
**NOTICE OF MEETING
OF THE PLANNING AND ZONING COMMISSION**

Notice is given that a **PUBLIC** meeting will be held before the Planning and Zoning Commission of the City of Hewitt, on **Tuesday, October 4, 2016, at 6:00PM in the City Council Room at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas** at which time the following subjects will be discussed:

1. Call Planning and Zoning Commission Meeting to order.
2. Consider Approval of Minutes for the August 2, 2016, Planning and Zoning Commission regular meeting.
3. Discussion and possible action: Change an ordinance of the City of Hewitt, Texas Amending Code of Ordinances Appendix A – Zoning by Amending Section 2.101.1 R-1-G, Garden Home District. Change to amend the land area from three acres to between three and seven acres.
4. Discussion and possible action: Change the Zoning from R-1 Single Family District to R-1-G Garden Home District on property located in the Collier Addition, O'Campo C Abstract 32 Tract 1 +/- 2.27 Acres and Tract 18 +/- 2.39 Acres.
5. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the above named City of Hewitt, Texas was posted on the Public Notice Board located in front of the City Hall before 5pm on September 30, 2016.

City of Hewitt


Eva Marie Greenup, Zoning Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Zoning Secretary at (254) 666-6173 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.



PLANNING AND ZONING COMMISSION

Charlie Turner – Chairman

Bobby Wolske

John J. Baker

Kurt Krakowian

Michael Lee Hix

Walter H. Peterson

Jonathan Denton Dulus

CITY STAFF

Adam Miles, City Manager

Miles Whitney, City Engineer

Tracy Lankford, Community Development Director

Eva Marie Greenup, Zoning Secretary

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION AUGUST 2, 2016 – 6:00PM

Members present: Charlie Turner, Walt Peterson, Kurt Krakowian, Michael Hix, Jonathan Dulus, John Baker

Members absent: Bobby Wolske

Staff present: Miles Whitney, City Engineer, Eva Marie Greenup, Zoning Secretary

Item #1. Call Planning and Zoning Commission Meeting to order. *Charlie Turner called the meeting to order at 6:00PM.*

Item #2. Consider Approval of Minutes for the July 12, 2016, Planning and Zoning Commission regular meeting. *A motion was made by John Baker to accept but allow for corrections and seconded by Walt Peterson. No corrections noted; all five in favor, motion passed. Minutes dated July 12, 2016 stand approved.*

Item #3. Discussion and possible action: Change the Comprehensive Plan Future Land Use Map from Low Density Residential to Commercial on property located at the intersection of Old Temple and Spring Valley, more particularly described as, Lot 42 Block 3 Wintergarden Addition, being approximately +/- 1.6 acres. This item was tabled from the July 12, 2016 Planning and Zoning Commission meeting. *Motion was made by Walt Peterson to accept and seconded by Kurt Krakowian. All five in favor, motion passed. Recommendation will go before City Council Meeting on August 15, 2016.*

Item #4. Discussion and possible action: Change the Zoning from C-1 Restricted Commercial to C-O Outdoor Commercial property located at the intersection of Old Temple and Spring Valley, more particularly described as, Lot 42 Block 3 Wintergarden Addition, being approximately +/- 1.6 acres. This item

was tabled from the July 12, 2016 Planning and Zoning Commission meeting. *Those who spoke in favor: Joe Seeber, 506 Sun Valley Boulevard. Those who spoke against: Jerry Haun, 314 April Lane. Motion was made by John Baker to deny request and seconded by Jonathan Dulus. All five in favor, motion passed. Recommendation will go before City Council Meeting on August 15, 2016.*

Item #5. Discussion and possible action: New addition to the Code of Ordinances Appendix A Zoning, 2.107.MH manufactured home park district, to include Nonconforming Mobile Home Parks subsections (A)(B)(C)(D)(E). *Motion was made by Walt Peterson to accept request and seconded by John Baker. All five in favor, motion passed. Recommendation will go before City Council Meeting on August 15, 2016*

Item #6. Adjourn. *A motion was made by John Baker and seconded by Kurt Krakowian to adjourn meeting at 6:34PM, all five in favor, motion passed.*

Chairman

Date Approved


Eva Marie Greenup, Zoning Secretary

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF HEWITT, TEXAS
AMENDING CODE OF ORDINANCES APPENDIX A – ZONING
BY AMMENDING SECTION 2.101.1 R-1-G, GARDEN HOME
DISTRICT; PROVIDING FOR INCLUSION IN THE CODE:
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, Chapter 211 of the Texas Local Government Code authorizes the governing body of a municipality to regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures or land; and

WHEREAS, the City of Hewitt Planning and Zoning Commission and City Staff have carefully studied and recommend changes to the Garden Home District; and

WHEREAS, the City of Hewitt Planning and Zoning Commission held a meeting and a public hearing on October 4, 2016 on the proposed amendments, and voted unanimously to recommend approval of the proposed zoning ordinance change; and

WHEREAS, the City Council held a meeting and public hearing on October 17, 2016 to discuss and consider the proposed amendments to the Zoning Ordinance.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2.101.1 R-1-G Garden Home District.

Purpose of district: The purpose of the R-1-G, Garden Home District is to allow for a higher concentration of single-family homes per acre by reducing the minimum lot size and building set back requirements while maintaining quality architectural and landscape design.

A. [Generally.] The R-1-G Garden Home District is intended to be used in conjunction with and complimentary to other residential districts so as to allow development of smaller undeveloped tracts and or larger undeveloped tracts. Any other use of such land or premises shall be unlawful and in violation of the ordinance.

B. [Land area.] The land area for the creation of an R-1-G Garden Home District shall be between three and seven acres unless otherwise recommended by the planning and zoning commission and approved by city council.

C. Land use.

1. Single-family homes.
2. Private community buildings.
3. Private community swimming pools.
4. Private community recreational areas.

D. Minimum lots size is established.

1. Minimum lot area shall be 5,000 square foot.
2. Minimum lot width shall be 50 feet.
3. Minimum lot depth shall be 100 feet.
4. For lots with non-parallel side lot lines a minimum of 40 feet width at front building setback line as defined in section 12.102 of this ordinance.

E. Minimum yard sizes are established.

1. Front and rear yards shall have a minimum of 20 feet measured from the property line.
2. Interior lots shall have a minimum five-foot side yards as measured from the side property lines with a minimum separation between buildings of ten feet.
3. On a corner lot there shall be a side yard along the side street of not less than ten feet.

F. Maximum lot coverage.

1. No residential living unit shall contain less than 1,750 square feet in living area.

G. Other construction requirements.

1. Masonry veneering shall cover 100 percent of all exterior walls excluding doors and windows.
2. Maximum two stories or 37 feet six inches in height.
3. A maximum allowable percentage of opens for opposing exterior walls.
4. Structures shall be required to have an overall average roof pitch of no less than eight to 12.
5. A storm-water collection and dispersal system shall be installed.
6. A minimum of a two-car garage.
7. A minimum of two off-street parking spaces.

Section 3. Severability.

Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reason thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Conflicts.

Any ordinance or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. Effective Date.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't Code*.

Section 6. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chap. 551, Tex. Gov't Code*.

PASSED AND APPROVED THIS 17th DAY OF October 2016.

City of Hewitt, Texas

By: _____

ATTEST:

Lydia Lopez, City Secretary

APPLICATION REVIEW

Z-2016-6

HEARING DATE: October 04, 2016

1. **CASE #** Z-2016-6
PROPERTY ADDRESS: Collier Addition
LEGAL DESCRIPTION: O'Campo C Abstract 32 Tract 1 +/- 2.27 Acres and Tract 18 +/- 2.39 Acres

2. **APPLICANT:** Curt Liles
MAILING ADDRESS: 3508 Baylor Camp Rd. Crawford, TX. 76638

3. **REQUEST:**

ZONING:

From **R-1 SINGLE-FAMILY DISTRICT** to **R-1-G GARDEN HOME DISTRICT**

SUMMARY DESCRIPTION OF USES IN R-1-G: Garden Home District is to allow for a higher concentration of single-family homes per acre by reducing the minimum lot size and building set back requirements while maintaining quality architectural and landscape design.

Permitted Uses are as shown in Section 2.101.1(C).

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

This property is located within an area of residential uses. The large majority of the surrounding area is residential and commercial in nature.

PLANNING SERVICES RECOMMENDATION:

ZONING

The review and possible approval of this proposal should consider the following criteria:

- Will the proposed change enhance the site and the surrounding area
- Is the proposed change a better use than that recommended by the existing Future Land Use Map
- Will the proposed use impact adjacent residential areas in a negative manner, or will the proposed use be compatible with, and/or enhance adjacent residential areas
- Are the uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility
- Does the proposed change do an equally good job of achieving the Comprehensive Plan's other policies related to livability and growth
- Can the proposed use be served by available public facilities and services
- Does the proposed use present a significant benefit to the public health, safety, and welfare of the community, and would it contribute to the City's long-term economic well-being

Notices: 10 mailed; 0 returned,

ENGINEERING SERVICES DATA

1. Street condition: Good____ Acceptable____ Needs Reconstruction____
2. Street width: Existing: ROW__ Pavement
Required: ROW__ Pavement
3. Curb and Gutter:
Needs to be installed__X__ Exists____ Needs Reconstruction____
4. Drainage facilities will need to be addressed at the time of construction
5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.
6. Sewer is available to the property.

Engineering Department comments and recommendations:

The city is currently working with the developer to acquire additional easements to remove an existing lift station on the property.

INSPECTION SERVICES REVIEW

Comments

No objections.

FIRE DEPARTMENT REVIEW:

ANTICIPATED FIRE RESPONSE TIME:

IS THE FIRE RESPONSE TIME ADEQUATE?: Y (Y) YES (N) NO

Fire Department Comments and Recommendations:

Fire code section D107.1 states that developments where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

HEALTH DEPARTMENT REVIEW

INSPECTION/PERMIT REQUIRED N (Y) YES (N) NO

DATE OF INSPECTION: To be determined

Health Department Comments and Recommendations: None

POLICE DEPARTMENT REVIEW

No Comments

CASE #Z-2016-6

PROPERTY OWNERS LIST

Applicant: Curt Liles

Owner: Curt Liles



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AMENDING ORDINANCE NO. 11-15-99 AND ALL AMENDMENTS THERETO, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF HEWITT, TEXAS, CHANGING THE ZONING CLASSIFICATIONS OF THE HEREIN DESCRIBED PROPERTY FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-1-G (GARDEN HOME DISTRICT) PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Curt Liles to rezone a 2.27-acre tract and a 2.39-acre tract of land, legally known as the Carlos O'Campo Grant Abstract 32 Tracts 1 and 1B as described in Instrument # 2015000882 of the McLennan County Records, McLennan County, Texas, from **R-1 (Single- Family Residential) to R-1-G (Garden Home District)**.

WHEREAS, public notice was given and property owners within 200' were notified of the rezoning request as required by state law, and

WHEREAS, a public hearing in relation thereto at which parties in interest and citizens had an opportunity to be heard was held by the City Council of the City of Hewitt on October 17, 2016, after due notice in the manner provided by law; and

WHEREAS, a public hearing of the Planning and Zoning Commission at which parties in interest and citizens had an opportunity to be heard was held on Tuesday, October 4, 2016, after due notice in the manner provided by law; and

WHEREAS, a site plan of the proposed development was presented and discussed, and

WHEREAS, the said Commission has made a report to the City Council of the City of Hewitt, Texas, recommending approval of this rezoning request by a unanimous vote; and

WHEREAS, the City Council of the City of Hewitt, Texas deems that this rezoning is in accordance with the Comprehensive Land Use Plan and is in the public interest;

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

SECTION ONE. All that certain tract or parcel of land in McLennan County, Texas, being a 4.66 acre tract of land, legally known as the Carlos O'Campo Grant Abstract 32 Tracts 1 and 1B as described in Instrument # 2015000882 of the McLennan County Records, McLennan County, Texas, from **R-1 (Single-Family Residential) to R-1-G (Garden Home District)**

SECTION TWO. A proposed map of area is shown in Exhibit "A".

SECTION THREE. All ordinances, statutes, restrictions and regulations applicable to this property shall be complied with as well as all zoning restrictions and regulations that are applicable to this property.

SECTION FOUR. That all provisions of the ordinances of the City of Hewitt in 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 FIVE. 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 SIX. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION SEVEN. The caption of this Ordinance shall be published within ten (10) days of its passage in a newspaper of general circulation in the City of Hewitt.

SECTION EIGHT. This Ordinance shall become effective ten (10) days after the date of its passage and upon its publication as required by law.

PASSED AND APPROVED this the 17th day of October, 2016 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

