

# HEWITT TEXAS

## CITY COUNCIL MEETING AGENDA

**November 5, 2018**  
**Workshop/Regular Meeting – 5:30 PM/7:00 PM**  
**CITY HALL, 200 PATRIOT COURT**  
**HEWITT, TX 76643**

### MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Steve Fortenberry – Mayor Pro Tem, Ward 3

Travis Bailey – Council Member, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Vacant – Council Member At-Large

### CITY STAFF

Adam Miles, 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 **5th day of November, 2018, at 5:30 PM** in **Hewitt City Hall, City Council Chambers, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order
2. Open Meetings Act Training
3. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 3:45 AM/PM on November 2, 2018.

**CITY OF HEWITT**



Lydia Lopez, TRMC  
City Secretary

# HEWITT TEXAS

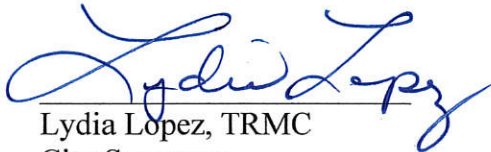
## NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **5th day of November, 2018, 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. Presentation of report from City Engineer.
4. Consider approval of minutes of the City Council Regular Meeting of October 1, 2018.
5. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
6. Public hearing, discussion and possible action on Ordinance No. 2018-16 and Ordinance No. 2018-17 rezoning of land and change in designation in Comprehensive Plan. The land is located at the Southeast corner of Panther Way and East Lindenwood, O'Campo C A-32 Tract 35, being 5.341 acres. Owner: Cassandra Nunley. Zoning Change: R-1 (single family residential) to P-R (planned residential). Plan Change: Low Density Residential to Medium Density Residential.
7. Discussion and possible action on approving an Interlocal Agreement with Dallas County for cooperative purchasing.
8. **Executive Session:** A closed meeting will be held pursuant to *Section 551.074 of the Government Code (V.C.T.A)* so that the City Council can deliberate the employment and duties of the City Manager; and pursuant to *Section 551.071 of the Government Code (V.C.T.A)* so that the City Council can seek and receive advice and counsel from their attorneys regarding actual or threatened litigation; settlement of claims; legal powers and restrictions, and possible legal exposure; and matters required to be kept confidential by the professional rules which govern the attorney.
9. Discussion and action on Separation Agreement between the City Manager and the City of Hewitt mutually terminating the City Manager's employment contract with the City of Hewitt, authorizing the execution thereof by the Mayor, and authorizing actions by staff necessary to carry out the City's obligations under the Separation Agreement.
10. Discussion and action on appointing an acting City Manager.
11. **Executive Session:** A closed meeting will be held pursuant to *Section 551.071 of the Government Code (V.C.T.A)* so that the City Council can seek and receive advice and counsel from their attorneys regarding actual or threatened litigation; settlement of claims; legal powers and restrictions, and possible legal exposure; and matters required to be kept confidential by the professional rules which govern the attorney: Texas Workforce Commission charges.
12. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 3:45 AM/PM on November 2, 2018.

**CITY OF HEWITT**

  
Lydia Lopez, TRMC  
City Secretary



## **COUNCIL AGENDA ITEM FORM**

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**MEETING DATE:** November 5, 2018

**AGENDA ITEM #:** 3

**SUBMITTED BY:** Miles Whitney, City Engineer

**ITEM DESCRIPTION:**

Presentation of report from City Engineer.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Attached is a City Engineer's report dated October 24, 2018.

**ATTACHMENTS:**

City Engineer's Report

# HEWITT TEXAS

## CITY ENGINEER'S REPORT October 24, 2018

### Lift Station No. 5 Removal

We are to open bids for the project on November 15<sup>th</sup>.

### IH - 35 Waterline

- Sun Valley to Flat Rock Trailers
  - We are to open bids for the project on November 15<sup>th</sup>.
- Castleman Creek to Glenleigh
  - Working on plans and acquiring easements. Investigating existing waterline locations for tie in locations.

### Sun Valley Rd.; Waterline

City's crews are stock piling materials to begin their portion. They have pulled of this project and have been working on the road crossings on Attaway to get that one complete.

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

We are to be holding a pre-construction for the project on November 13<sup>th</sup>.

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

The plans and specifications have been sent to TCEQ for project approval.

### Old Temple Rd. / Attaway Rd; Street Improvements

Mill and Overlay Project plans are complete, one area on Attaway will be reclaimed, and we intend to go out for bids as soon as City crews install a waterline sleeve at Castleman Circle and Sun Valley Blvd.

### Boleman Dr. Reclaim

Topo has been ordered.

### April/December; Mill and Overlay

Topo has been ordered.

### Waco Water Contract

We have begun putting the data together to provide Waco with the needed information for the new water contract.

# HEWITT TEXAS II

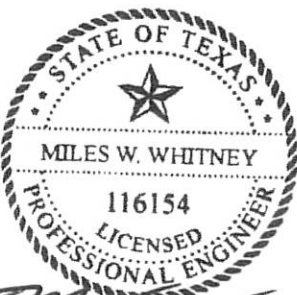
## CITY ENGINEER'S REPORT

October 24, 2018

### Drainage Discussions;

- 920/924 Oakmont Dr.; 36" RCP Storm Sewer
  - We have been monitoring a 36" RCP storm sewer pipe, at the addresses of 920 and 924 Oakmont, that looks to be raising in elevation. On October 19<sup>th</sup>, we took some elevation shots and at this time the data shows that since Sept. 20<sup>th</sup> the top of the pipe has risen around 1". We are to monitor this as the ground begins to dry up, to see if this is being caused by existing soil conditions.

By:



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

Note: All dates are approximate and subject to change.



## **COUNCIL AGENDA ITEM FORM**

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**MEETING DATE:** November 5, 2018

**AGENDA ITEM #:** 4

**SUBMITTED BY:** Lydia Lopez, City Secretary

**ITEM DESCRIPTION:**

Consider approval of minutes of the City Council Regular Meeting of October 1, 2018.

**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 REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT October 1, 2018 – 6:00 PM

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

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

**Staff absent:** Police Chief Jim Devlin

### REGULAR MEETING - 6:00 PM

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 6:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Ed Passalugo asked Council Member Wilbert “Walky” Wachtendorf to lead the Pledge of Allegiance.
3. **PRESENTATION OF REPORT FROM CITY ENGINEER.** City Engineer Miles Whitney presented. Mayor Ed Passalugo inquired if concerns raised by the residents regarding the construction project on Old Temple Road had been addressed. City Engineer reported that Holy Contractors had addressed some of the concerns and the city staff had been mowing the roadside of the ditch. Council Member James Vidrine inquired about the concerns raised on Flintrock and possible solutions. He also inquired about the concerns raised on Briarleaf. City Engineer advised that he planned to include the section in need of repair with the bid for Old Temple Road and Attaway.
4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF SEPTEMBER 17, 2018.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to approve the minutes as submitted but allow for corrections; all voted in favor, motion passed.*

- 5. HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*

Ann Schiltz, 1220 Dendron, appeared to announce the 35<sup>th</sup> Anniversary of the Hewitt Public Library and expressed support of Library staff.

Michael Bancale, 909 Stoneridge Drive, appeared to express concerns with Council transparency, the firing of the City Attorney with little discussion; and votes that have gone against public opinion. Mr. Bancale made the following suggestions: 1) Council should be transparent, 2) explain or qualify votes on items; 3) take citizen's guidance into consideration; and 4) improve communications with constituents.

Matthew Mevis, 167 Topaz Circle, expressed concern that an email appeal he had written regarding doing the right thing for employees would progress to a call from Hewitt Police Department asking for his intent; requested Council be responsible and address issues and concerns that have been raised; and encouraged Council to find people to replace them if they were ready to take a break.

No one else appeared.

- 6. INTERVIEW, AS NEEDED, OF PROSPECTIVE MEMBERS INTERESTED IN SERVING ON THE LIBRARY BOARD AND PARKS AND BEAUTIFICATION BOARD.** Mayor Ed Passalugo called the prospective members (Tom Hernandez, Justin Scott Anderson, and Craig Smith) to the podium for a brief interview. Mayor and Council congratulated prospective members for volunteering their service.
- 7. CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENTS TO THE LIBRARY BOARD AND PARKS AND BEAUTIFICATION BOARD.** *A motion was made by Council Member Wilbert "Walky" Wachtendorf and second by Council Member Travis Bailey to approve the appointments of Tom Hernandez and Craig Smith to the Parks and Beautification Board and Justin Scott Anderson to the Library Board; all voted in favor, motion passed.*
- 8. ADMINISTER OATH OF OFFICE TO THE NEWLY APPOINTED MEMBERS.** City Secretary administered oath of office to the newly appointed members.
- 9. PUBLIC HEARING, CONSIDERATION AND POSSIBLE ACTION ON AN ORDINANCE AMENDING CHAPTER 58- SIGN REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT PROVIDING A VARIANCE PROCESS.** Mayor Ed Passalugo opened the hearing at 6:40 PM and asked for those wishing to speak in favor. Jasen Riherd, P.E. with Elrod Engineering appeared in favor. Michael Bancale appeared in favor. Mayor Ed Passalugo called for those wishing to speak in opposition. No one else appeared. The public hearing was closed at 6:43 PM. *Motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to approve the ordinance; all voted in favor, motion passed.*

10. **CONSIDERATION AND POSSIBLE ACTION ON AMENDMENT TO THE FEE SCHEDULE TO INCLUDE SIGN VARIANCE FEE IN THE AMOUNT OF \$250.** *A motion was made by Council Member Steve Fortenberry and second by Council Member Bill Fuller to approve the sign variance fee of \$250; all voted in favor, motion passed.*
11. **PUBLIC HEARING, CONSIDERATION, AND POSSIBLE ACTION ON AN ORDINANCE GRANTING OR DENYING A SIGN VARIANCE REQUEST MADE BY CRACKER BARREL FOR DEVELOPMENT LOCATED AT 221 ENTERPRISE BLVD., HEWITT, TEXAS.** Mayor Ed Passalugo opened the hearing at 6:45 PM and asked for those wishing to speak in favor. No one appeared. Mayor Passalugo called for those wishing to speak in opposition. No one appeared. The public hearing was closed at 6:46 PM. *A motion was made Council Member Wilbert “Walky” Wachtendorf and second by Council Member James Vidrine to approve; all voted in favor, motion passed.*
12. **CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENT OF MEMBER(S) TO THE MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Mayor Pro Tem Steve Fortenberry to appoint Bret Crook, five voted in favor, Council Member James Vidrine voted no, motion passed.*
13. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey, all voted in favor, meeting was adjourned at 6:48 PM.*

Approved: October 15, 2018

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Lydia Lopez, City Secretary

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Ed Passalugo, Mayor

# HEWITT TEXAS

## ITEM #5 – HEARING OF VISITORS

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### PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select a spokesperson to present their case.
3. Only under the agenda item “Hear Visitors” are citizens permitted to speak regarding matters that pertain to city business or address an item on the agenda. **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**
4. Individual citizens that discuss items not listed on the agenda shall be limited to **five minutes**. If five or more citizens wish to discuss a single item or topic that is not listed on the agenda, then the total presentation will be limited to a maximum of twenty-five minutes. City council members shall **not** enter into discussion on any subject that has not been properly placed on the agenda; however, council members may ask questions for clarification purposes.
5. As a general rule, citizens may not participate or address the council or staff during the workshop session.

**Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.**



## **COUNCIL AGENDA ITEM FORM**

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**MEETING DATE:** November 5, 2018

**AGENDA ITEM #:** 6

**SUBMITTED BY:** Jared DeVries, Community Development Coordinator

**ITEM DESCRIPTION:**

Public hearing, discussion and possible action on Ordinance No. 2018-16 and Ordinance No. 2018-17 rezoning of land and change in designation to the Comprehensive Plan. The land is located at the Southeast corner of Panther Way and East Lindenwood, O'Campo C A-32 Tract 35, being 5.341 acres. Owner: Cassandra Nunley. Zoning Change: R-1 (single family residential) to P-R (planned residential). Plan Change: Low Density Residential to Medium Density Residential.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

This is a request for a zone change and a change to the Comprehensive Plan Future Use Map by Mark Bowles, from R-1 Single Family Residential District to P-R Planned Residential District. The Planning and Zoning Commission met on Tuesday, October 2nd to consider the request. After a public hearing and deliberation, the P&Z Commission recommended to approve the request with a vote of 4 to 1. Attached is a copy of the minutes in the backup material.

**ATTACHMENTS:**

P&Z Draft Minutes and supporting documentation

# HEWITT TEXAS

## MINUTES OF THE PLANNING AND ZONING COMMISSION October 2nd, 2018 – 6:00PM

**Members Present:** John Baker, Bobby Wolske, Jonathan Dulus, Jim Pless, Michael Lee Hix  
**Members Absent:** Walter Peterson, Charlie Turner  
**Staff Present:** Tracy Lankford, Community Development Director, Jared DeVries, Zoning Secretary, Miles Whitney, City Engineer

- 1. Call Planning and Zoning Commission to order.** *John Baker called the meeting to order at 6:00 PM.*
- 2. Consider Approval of Minutes for the September 4th Planning and Zoning Commission regular meetings.** *A motion was made by Michael Lee Hix and seconded by Jim Pless to approve the minutes as submitted but allow for corrections; all five in favor, motion passed.*
- 3. PUBLIC HEARING: Discussion and possible action: Change the Comprehensive Plan Future Land Use Map from R-1 Single Family Residential District to P-R Planned Residential District for the O'Campo C A-32 Tract 35 Acres 5.341, being the southeast corner of Panther Way and East Lindenwood.** *Speaking in favor: Mark Bowles, 1957 Hambleton Drive, Lorena, Texas. Mr. Bowles prepared a presentation for the Commission. Randy Reid, 275 Settlers Creek Trail, Woodway, Texas. Mr. Reid says that he represents the owner of the property and that it makes sense to develop duplexes here.*

*Speaking against: Laura Stevener, 133 Lindenwood Lane North, Hewitt, Texas. Her concerns are overflow parking, trash pick-up, onsite lighting and*

management for the development. Gary Krueger, 141 Lindenwood Lane North, Hewitt, Texas. His main concern is traffic in the area. Brittany Gilton, 149 Lindenwood Lane North, Hewitt, Texas. Her concerns are the lights, potential sanitation issues, and traffic in the area. She is also concerned about the impact on property values. Areli Lopez, 157 Lindenwood Lane North, Hewitt, Texas. Her concerns reflect the adverse impact on neighborhood safety and privacy. She wants to learn more about the development.

Speaking in favor through rebuttal: Mark Bowles, 1957 Hambleton Drive, Lorena, Texas. Says that the development is a \$3 million project and will be professionally managed. The development also accommodates safety and privacy through a privacy fence. Parking will be managed and accounted for. Randy Reid, 275 Settlers Creek Trail, Woodway, Texas. Says that this development will not impact property values and understands concerns.

Speaking against through rebuttal: Laura Stevener, 133 Lindenwood Lane North, Hewitt, Texas. Asks about plans for greenspace, landscaping, noise-management and traffic. Brittany Gilton. Says that she appreciates, though does not agree with [Randy Reid's] opinion on property values.

Speaking in favor, final rebuttal: (NONE). John Baker asks for City recommendation. Miles Whitney, City Engineer, reflects on plat review for rezoning. Garbage pickup has not yet been discussed for the property.

A motion was made by Bobby Wolske to approve and seconded by Jim Pless. Four in favor, one against, motion carries. Recommendation will go before City Council Meeting on November 5th 2018.

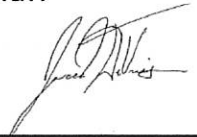
- 4. PUBLIC HEARING: Discussion and possible action: Consider a request of Cassandra Nunley, by Mark Bowles to change the zoning of O'Campo C A-32 Tract 35 Acres 5.341, being the southeast corner of Panther Way and East Lindenwood, from R-1 Single Family Residential District to P-R Planned Residential District, with a variance from the 5 acre minimum area requirement for residential development. Speaking in favor: Randy Reid, 275 Settlers Creek Trail, Woodway, Texas. Requests that the change in zoning is in accordance to the Comprehensive Plan. Speaking against: (NONE).**

*Tracy Lankford, Community Development Director makes a comment that the requested zone change is a two-part sequence for planned developments. If approved, the proceeding would allow the development to proceed further with the plan to be approved by the Planning and Zoning Commission and City Council once final plans are submitted. A motion was made by Bobby Wolske and seconded by Michael Lee Hix. Four in favor, one against, motion carries. Recommendation will go before City Council Meeting on November 5<sup>th</sup> 2018.*

- 5. Adjourn.** *A motion was made by John Baker and seconded by Walter Peterson to adjourn the meeting at 6:39PM. All five in favor, motion passed.*

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date Approved

  
\_\_\_\_\_  
Jared DeVries, Zoning Secretary

# HEWITT TEXAS

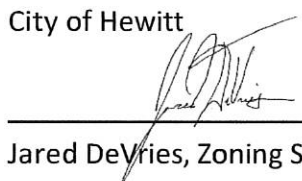
## NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION

Notice is given that a **PUBLIC** hearing will be held before the Planning and Zoning Commission of the City of Hewitt, on **Tuesday, October 2nd, 2018, 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 September 4th, 2018 Planning and Zoning Commission regular meeting.
3. PUBLIC HEARING: Change the Comprehensive Plan Future Land Use Map from R-1 Single Family Residential District to P-R Planned Residential District for the O'Campo C A-32 Tract 35 Acres 5.341, being the southeast corner of Panther Way and East Lindenwood.
4. PUBLIC HEARING: Discussion and possible action: Consider a request of Cassandra Nunley, by Mark Bowles to change the zoning of O'Campo C A-32 Tract 35 Acres 5.341, being the southeast corner of Panther Way and East Lindenwood, from R-1 Single Family Residential District to P-R Planned Residential District, with a variance from the 5 acre minimum area requirement for residential development.
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 14th, 2018.

City of Hewitt



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Jared DeVries, 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.

# HEWITT TEXAS

## **PLANNING AND ZONING COMMISSION**

Charlie Turner – Chairman

Bobby Wolske

Jim Pless

Walter H. Peterson

Michael Lee Hix

John J. Baker

Jonathan Denton Dulus

## **CITY STAFF**

Adam Miles, City Manager

Miles Whitney, City Engineer

Tracy Lankford, Community Development Director

Jared DeVries, Zoning Secretary

# HEWITT TEXAS

## MINUTES OF THE PLANNING AND ZONING COMMISSION

September 4rd, 2018 – 6:00PM

**Members Present:** Bobby Wolske, John Baker, Charlie Turner, Walter Peterson, Jim Pless, Michael Lee Hix  
**Members Absent:** Jonathan Dulus  
**Staff Present:** Tracy Lankford, Community Development Director, Jared DeVries, Zoning Secretary  
Miles Whitney, City Engineer

1. **Call Planning and Zoning Commission to order.** *Charlie Turner called the meeting to order at 6:00 PM.*
2. **Consider Approval of Minutes for the July 3rd Planning and Zoning Commission regular meetings.** *A motion was made by John Baker and seconded by Bobby Wolske to approve the minutes as submitted but allow for corrections; all six in favor, motion passed.*
3. **PUBLIC HEARING: Discussion and possible action: Consider a request of PJC Hewitt, LLC, by Walker Partners, LLC- Marty Polk, RPLS to change the zoning of Lot 1, Block 1 Rabroker Addition, being a portion of the remainder of a called 30.478 acre tract, on the west side of I-35 +/- 775' North of Baxley Street from R-1 Single Family Residential to C-O Outdoor Commercial District.** *Speaking in favor: Kyle Schultz, of Walker Partners, 823 Washington Ave., Waco, Texas. Speaking against: NONE. A motion was made by John Baker to approve and seconded by Bobby Wolske. All six in favor, motion passed. Recommendation will go before City Council Meeting on September 17<sup>th</sup> 2018.*
4. **Adjourn.** *A motion was made by John Baker and seconded by Walter Peterson to adjourn the meeting at 6:08PM. All six in favor, motion passed.*

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date Approved

A handwritten signature in black ink, appearing to read "Jared DeVries", is written over a horizontal line.

\_\_\_\_\_  
Jared DeVries, Zoning Secretary

# HEWITT TEXAS

## PLANNING AND ZONING ADMENDMENT OF THE ZONING ORDINANCE

Legal Description of Property: O'CAMPO CA-32 TRACT 35 ACRES 5.341

Describe the location of the property as submitted by this application. This may be in the form of a street address, general description, or nearest intersection.

SOUTH EAST CORNER OF PANTHER WAY AND EAST LINDENWOOD

Zoning Change From R1 to PR

Please describe the interest in property:

DEVELOPMENT FOR DUPLEX HOUSING.

Existing Building(s) on Property: NONE.

Total square feet of all Buildings on Property: NONE

Please provide the following recording information and a copy of the document(s) listed below with this application:

Ownership (deed): Doc. #/MCC No.: \_\_\_\_\_

Please provide the proposed meeting date for this application to be considered (See Meeting Schedule): \_\_\_\_\_

The rezoning application must be completed along with the following information:

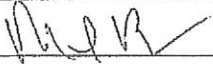
1. A notarized letter from the property owner authorizing applicant to present the request, if the property owner will not be presenting the request and stating reasons for request.
2. Submit one (1) PDF file, one (1) hardcopy, one (1) CAD file of plat for review purposes – Must be in State Plane Coordinates using the Texas Central Zone NAD 83.
3. Submit one (1) copy of building plans, if existing building(s) exist.
4. Non-refundable application fee (see Fee Schedule)
5. Application, fee, documents, etc., in completed form must be submitted to the Planning Department before or no later than 12:00 noon on the deadline date (see schedule).

I attest that the above information is true and correct to the best of my knowledge and I am now or will be fully prepared to present the above proposal at the Planning and Zoning Commission hearing. I understand that if any of the above information is found to be wrong or inaccurate that my application may be removed from consideration prior to the time the application is voted upon by the governing body of the City.

I, understand that in the event the undersigned is not present or represented at the public hearing, the Planning and Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning and Zoning Commission and the City Council.

I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice to the Planning and Zoning Commission shall constitute a denial by the Commission and City Council. I understand that the filing fee is not refundable upon withdrawal of proposal.

Name of Property Owner: Cassandra Nunley  
Telephone Number: 254-716-5747  
Mailing Address: Cnunley0117@yahoo.com  
Email Address: 4900 Bagby Ave. #118 Waco, TX 76711  
Signature of Property Owner:   
Date: Aug. 8, 2018

Name of Applicant/Representative: Mark Bowles  
Telephone Number: 254-715-0638  
Mailing Address: 719 N. New Road Waco, TX 76710  
Email Address: SYNERGYREALTOR@AOL.COM  
Signature of Applicant/Representative:   
Date: 8-7-18

August 8, 2018

Jared Devries  
Community Development Coordinator  
City of Hewitt  
103 N. Hewitt Dr.  
Hewitt, Texas 76643  
RE: O'Campo CA-32 Tract 35, 5.341 Acres

Dear Jared,  
Let this letter serve notice that The Shannon Development Co., Inc. has authorized  
Mark Bowles to pursue a zoning amendment on the above property.

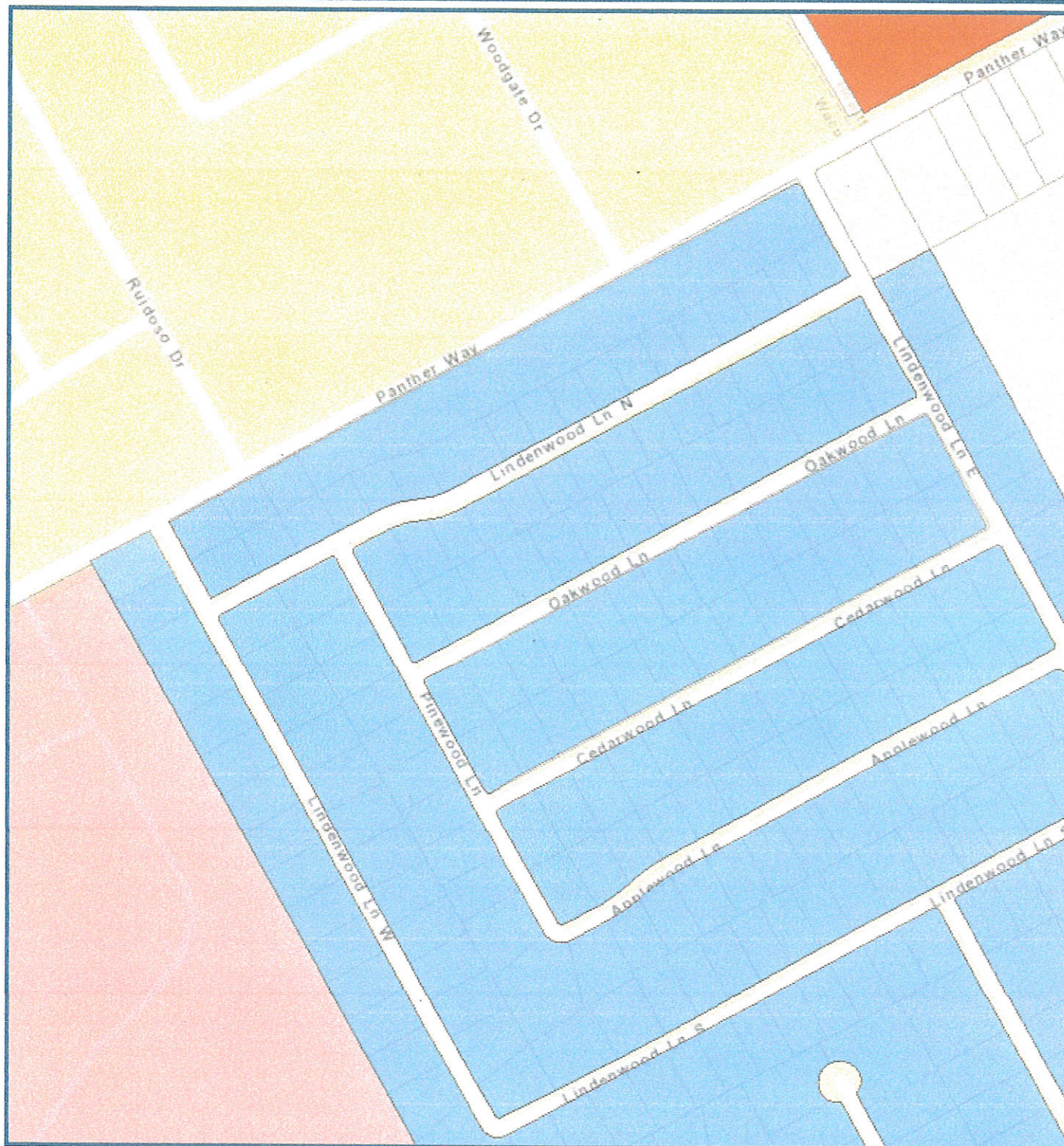
Best Regards

*Michael Bond* - Agent  
The Shannon Development Co., Inc

Notary

*Misty Gauer*  
8/8/18

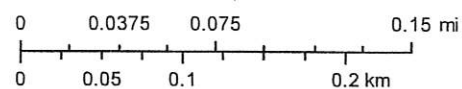




September 12, 2018

1:4,514

- |                          |         |
|--------------------------|---------|
| Low Density Residential  | Parcels |
| High Density Residential | Parcels |
| Vacant                   |         |
| Schools                  |         |



Owner Identification #:71916

Name: SHANNON DEVELOPMENT CO INC  
Exemptions:  
DBA: SHOAL FLATS (PROPOSED)



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The McLennan County Appraisal District expressly disclaims any and all liability in connection herewith.

1 PRELIMINARY SITE LAYOUT

PRELIMINARY ONLY  
 NOT  
 FOR CONSTRUCTION  
 Authorized By Dennis K. Dyke Texas P.E. 52246  
 For Review, Approvals, and/or Estimation Purposes  
 ONLY  
 RELEASED: September 7, 2018

Dennis K. Dwyer  
 52246  
 17 September 2011  
 Athena Engineering, Inc.  
 Tactix Engineering  
 Engineering Firm  
 E-2026

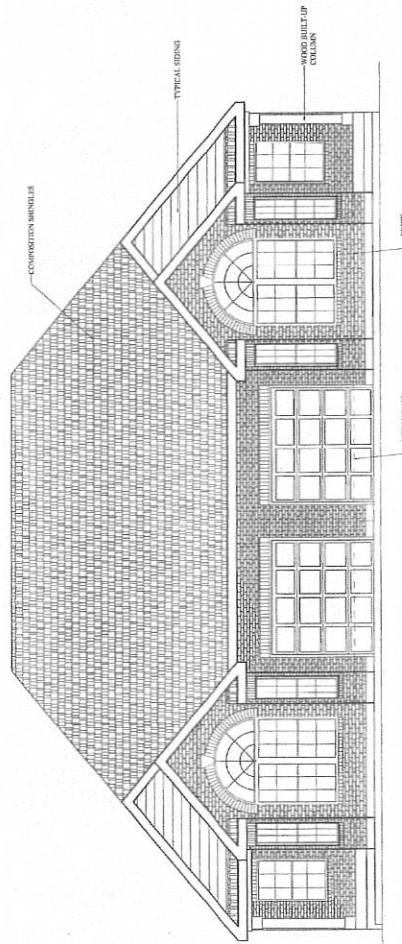


Legend

Shoals Flats II

500 ft

Google Earth



FRONT ELEVATION  
UNITS A & B  
1/4"=1'-0"

CONTRACTOR RESPONSIBILITY TO PROVIDE NOTICE  
IF CONTRACTOR HAS BEEN NOTIFIED BY ANY  
PLANS, CONTRACTOR, BEFORE PROCEEDING WITH ANY  
WORK, CONTRACTOR SHALL BE RESPONSIBLE FOR  
PROVIDING ENGINEER WITH AN OPPORTUNITY TO CORRECT ANY  
SUCH ERROR, OMISSION OR INCONSISTENCY.

PROFESSIONAL ENGINEERING  
& DESIGN SERVICES  
ELECTRICAL  
COMMERCIAL  
INDUSTRIAL  
RESIDENTIAL



DATE: \_\_\_\_\_ REVISIONS: \_\_\_\_\_

THESE DOCUMENTS ARE THE PROPERTY OF  
ABACUS ENGINEERING, INC.  
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PLANS. IN WHOLE OR IN PART  
IS STRICTLY PROHIBITED. ALL  
APPLICABLE COPY RIGHT LAWS APPLY.

FLOOR PLAN & ELEVATIONS

SHOALS PLATS - II  
HEWITT, TEXAS  
AS NOTED

AI

*Abacus Engineering, Inc.*  
7 September 2018

**ABACUS ENGINEERING, INC.**  
TEXAS REGISTERED ENGINEERING FIRM F-3880  
NOT  
FOR CONSTRUCTION  
Authorized P.E. 62948  
For Review, Approval, and Estimation Purposes  
ONLY  
RELEASED: September 7, 2018

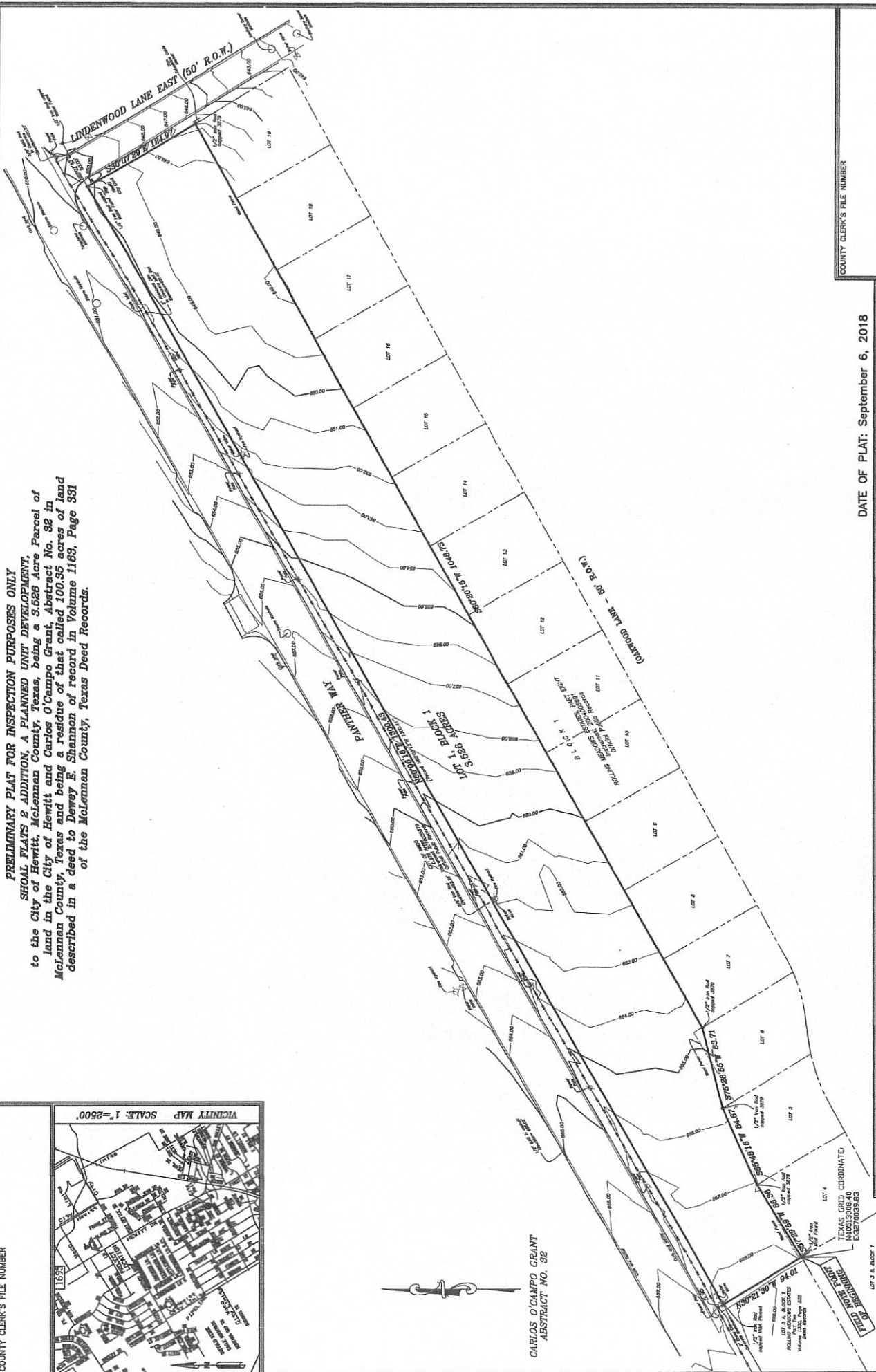
COPYRIGHT © 2018 ABACUS ENGINEERING, INC.

COUNTY CLERK'S FILE NUMBER



**PRELIMINARY PLAT FOR INSPECTION PURPOSES ONLY**  
**SHOAL FLATS 2 ADDITION, A PLANNED UNIT DEVELOPMENT,**  
to the City of Hewitt, McLennan County, Texas, being a 3.526 Acre Parcel of  
land in the City of Hewitt and Carlos O'Campo Grant, Abstract No. 92 in  
McLennan County, Texas and being a residue of that called 100.95 acres of land  
described in a deed to Dewey E. Shannon of record in Volume 1163, Page 331  
of the McLennan County, Texas Deed Records.

CARLOS O'CAMPO GRANT  
ABSTRACT NO. 92



**MITCHELL & ASSOCIATES, INC.**  
**ENGINEERING & SURVEYING**  
600 Austin Ave. Ste. 29, Waco Texas (254) 776-5151  
T. B. P. L. S. FIRM REGISTRATION NO. 10194044

3.526 ACRES  
City of Hewitt  
MCLENNAN COUNTY, TEXAS

Sheet:  
**1 of 2**

SCALE  
0 60 120  
FEET

ADDRESS: PANTHER WAY  
WORK ORDER NO. 18-08-1789  
DATE 09-11-18  
DRAWN BY KOP  
DIGITAL FILE 18-08-1786.dwg, FIELDBOOK/FB

SURVEYOR'S RED SEAL

DATE OF PLAT: September 6, 2018

\*KNOW ALL MEN BY THESE PRESENTS:

That I, Robert E. Mitchell, do hereby certify that I made a survey of the above described land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Hewitt, Texas. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Robert E. Mitchell, R.E.L.S., 5501

SURVEYED: 9/11/2018

COUNTY CLERK'S FILE NUMBER

**FINAL PLAT**  
**SEHOAL FLATS 2 ADDITION A PLANNED UNIT DEVELOPMENT**  
 to the City of Hewitt, McLennan County, Texas, being a 3.526 Acre Parcel of land in the City of Hewitt and Carlos O'Campo Grant Abstract No. 32 in McLennan County, Texas and being a residue of that called 100.95 acres of land described in a deed to Dewey E. Shannon of record in Volume 1163, Page 531 of the McLennan County, Texas Deed Records.



CARLOS O'CAMPO GRANT  
 ABSTRACT NO. 32

PANTHER WAY

LOT 1, BLOCK 1  
 3.526 ACRES

(1/4) 60' - 60' R.O.W.

COUNTY CLERK'S FILE NUMBER

DATE OF PLAT: September 6, 2018

SURVEYORS RED SEAL

**MITCHELL & ASSOCIATES, INC.**  
 ENGINEERING & SURVEYING  
 600 Austin Ave. Ste. 29, Waco Texas (254) 776-5151  
 T. B. P. L. S. FIRM REGISTRATION NO. 10194044



3.526 ACRES  
 City of Hewitt  
 MCLENNAN COUNTY, TEXAS

Sheet:  
**1 of 2**

SCALE  
 0 60 120  
 FEET

ADDRESS: PANTHER WAY  
 WORK ORDER NO. 18-08-1789  
 DRAWN BY: KOP  
 DATE: 08-14-18  
 DIGITAL FILE: 18-08-1789.dwg  
 PLOTTED BY: FELEBOOK/FO  
 INFO: 94/8

SURVEYED: 9/11/2018

\*KNOW ALL MEN BY THESE PRESENTS:  
 That I, Robert E. Mitchell, do hereby certify that I made a correct and true survey of the above described land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Hewitt, Texas.  
 IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my office, this 11th day of September, 2018.  
 ROBERT E. MITCHELL, R.E.L.S., 5801

FOR RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

# APPLICATION REVIEW

## Z-2018-6

HEARING DATE: October 2, 2018

1. **CASE #** Z-2018-6  
**PROPERTY ADDRESS:** West Panther Way Hewitt, Texas 76643  
**LEGAL DESCRIPTION:** O'CAMPO C A-32 Acres 5.341, on the southeast corner of Panther Way and East Lindenwood

2. **APPLICANT:** Mark Bowles  
**MAILING ADDRESS:** 719 N. New Road Waco, Texas 76710

3. **REQUEST:**

**PLANNING AND ZONING AMENDMENT OF THE ZONING ORDINANCE; ZONING CHANGE FROM R-1 SINGLE FAMILY DISTRICT TO P-R PLANNED USE RESIDENTIAL**

**ZONING:**

**P-R PLANNED USE RESIDENTIAL DISTRICT**

**SUMMARY DESCRIPTION OF USES IN P-R:** The purpose of the P-R, Planned Residential District is to permit a planned residential zoning that authorizes a specific use according to prior specifications. Permitted Uses are as shown in Section 2.115.

**R-1 SINGLE-FAMILY DISTRICT**

**SUMMARY DESCRIPTION OF USES IN R-1:** The purpose of the R-1, Single-Family District is to allow for single-family homes, as well as religious institutions. This is the default zoning district for the city. Permitted Uses are as shown in Section 4.101.

**PLANNING SERVICES REVIEW**

**NEIGHBORHOOD CHARACTER:**

This property is located within a Residential use area.

**COMMUNITY DEVELOPMENT RECOMMENDATION:**

Community Development recommends ***APPROVAL*** of this request for a zoning change located at O'CAMPO C A-32 Acres 5.341, on the southeast corner of Panther Way and East Lindenwood based on the following findings:

- 1) The current land configuration would be best suitable for a P-R zoning district.
- 2) The public infrastructure is adequate to provide for uses allowed in P-R zoning district.

**Notices: 43 mailed; returned,**

**ENGINEERING SERVICES DATA**

1. Street condition: Good   X   Acceptable        Needs Reconstruction       

2. Street width: Existing: ROW 12' Pavement 48'

Required: ROW        Pavement       

3. Curb and Gutter:

Needs to be installed        Exists   X   Needs Reconstruction       

4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.

5. Water (6" water line)

6. Sewer is available to 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:** No Comments

**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**

**PROPERTY OWNERS LIST**

Applicant: Mark Bowles

Owner: Shannon Development Co Inc

**ORDINANCE NO. 2018-16**

**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 P-R (PLANNED RESIDENTIAL DISTRICT) PROVIDING SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Mark Bowles to rezone O'Campo C A-32 Tract 35 Acres 5.341 being the southeast corner of Panther Way and East Lindenwood, from **R-1 (Single Family Residential District) to P-R (Planned Residential 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 November 5, 2018, 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, 2018, 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 vote of 4 in approval and 1 in denial; and

**WHEREAS**, the City Council of the City of Hewitt, Texas deems that this rezoning is in accordance with the Comprehensive Land Use Plan as amended; is justified by the shape and size of the property, 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, known as O'Campo C A-32 Tract 35 Acres 5.341 being the southeast corner of Panther Way and East Lindenwood, Hewitt, McLennan County, Texas, from **R-1 (Single Family Residential District) to P-R (Planned Residential 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.** This Ordinance shall become effective upon passage.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of November, 2018, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

**CITY OF HEWITT**

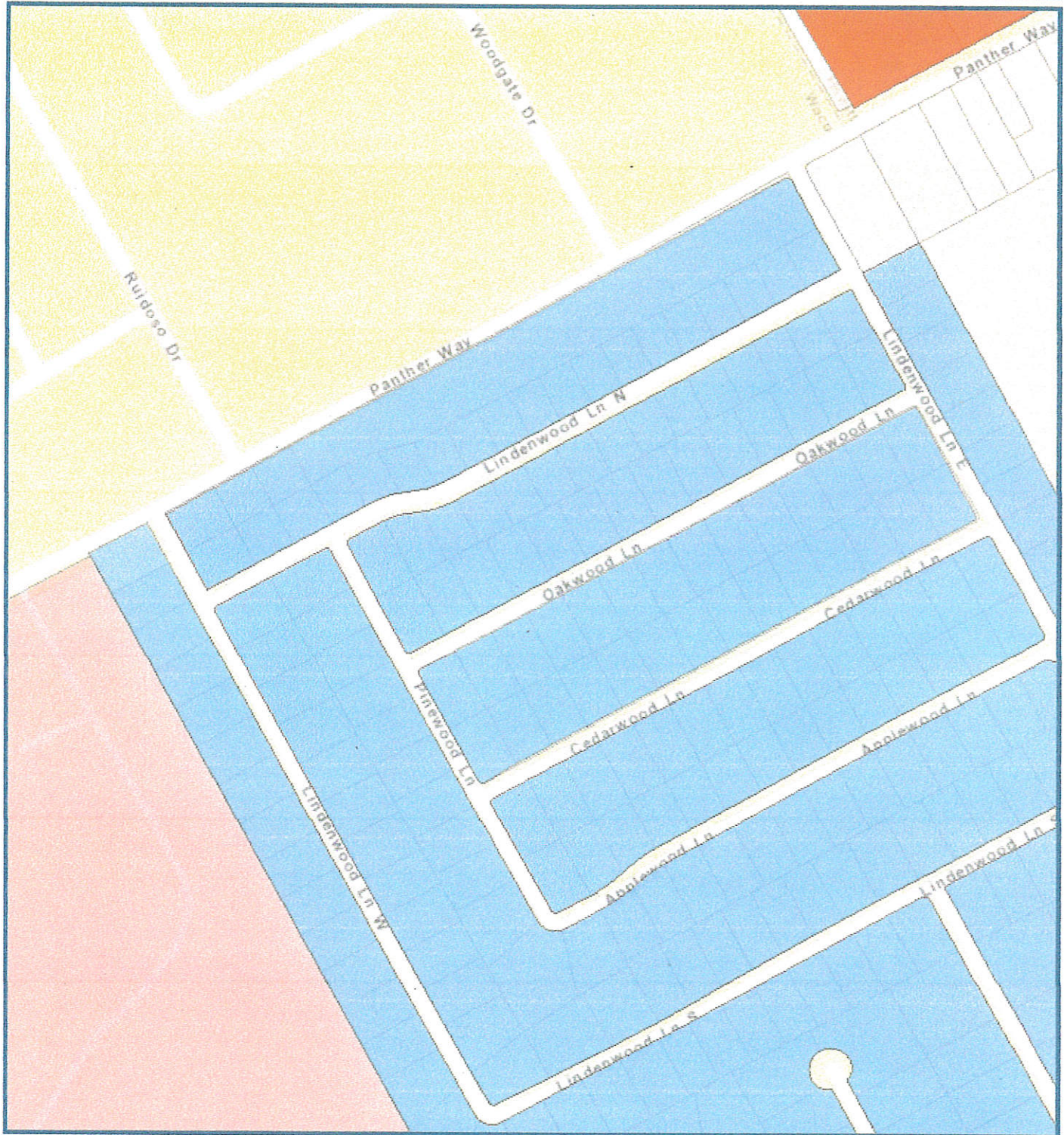
BY: \_\_\_\_\_  
Ed Passalugo, Mayor

ATTEST:

\_\_\_\_\_  
Lydia Lopez, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

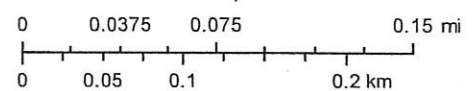
\_\_\_\_\_  
Michael W. Dixon, City Attorney



September 12, 2018

1:4,514

- |                            |         |
|----------------------------|---------|
| Low Density Residential    | Parcels |
| Medium Density Residential | Parcels |
| High Density Residential   |         |
| Schools                    |         |
| Vacant                     |         |



**ORDINANCE NO. 2018-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AMENDING ORDINANCE NO. 2003-04-21 AND ALL AMENDMENTS THERETO, KNOWN AS THE COMPREHENSIVE PLAN 2022 OF THE CITY OF HEWITT, TEXAS, CHANGING THE FUTURE LAND USE PLAN OF THE HEREIN DESCRIBED PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL PROVIDING SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Mark Bowles to rezone O'Campo C A-32 Tract 35 Acres 5.341 being the southeast corner of Panther Way and East Lindenwood, from **Low Density Residential to Medium Density Residential**.

**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 November 5, 2018, 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, 2018, 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 vote of 4 in approval and 1 in denial; and

**WHEREAS**, the City Council of the City of Hewitt, Texas deems that this change complies with the spirit of the Comprehensive Plan, is appropriate for the shape and size of the property, 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, known as O'Campo C A-32 Tract 35 Acres 5.341 being the southeast corner of Panther Way and East Lindenwood, Hewitt, McLennan County, Texas, from **Low Density Residential to Medium Density Residential**.

**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.

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**CITY OF HEWITT**

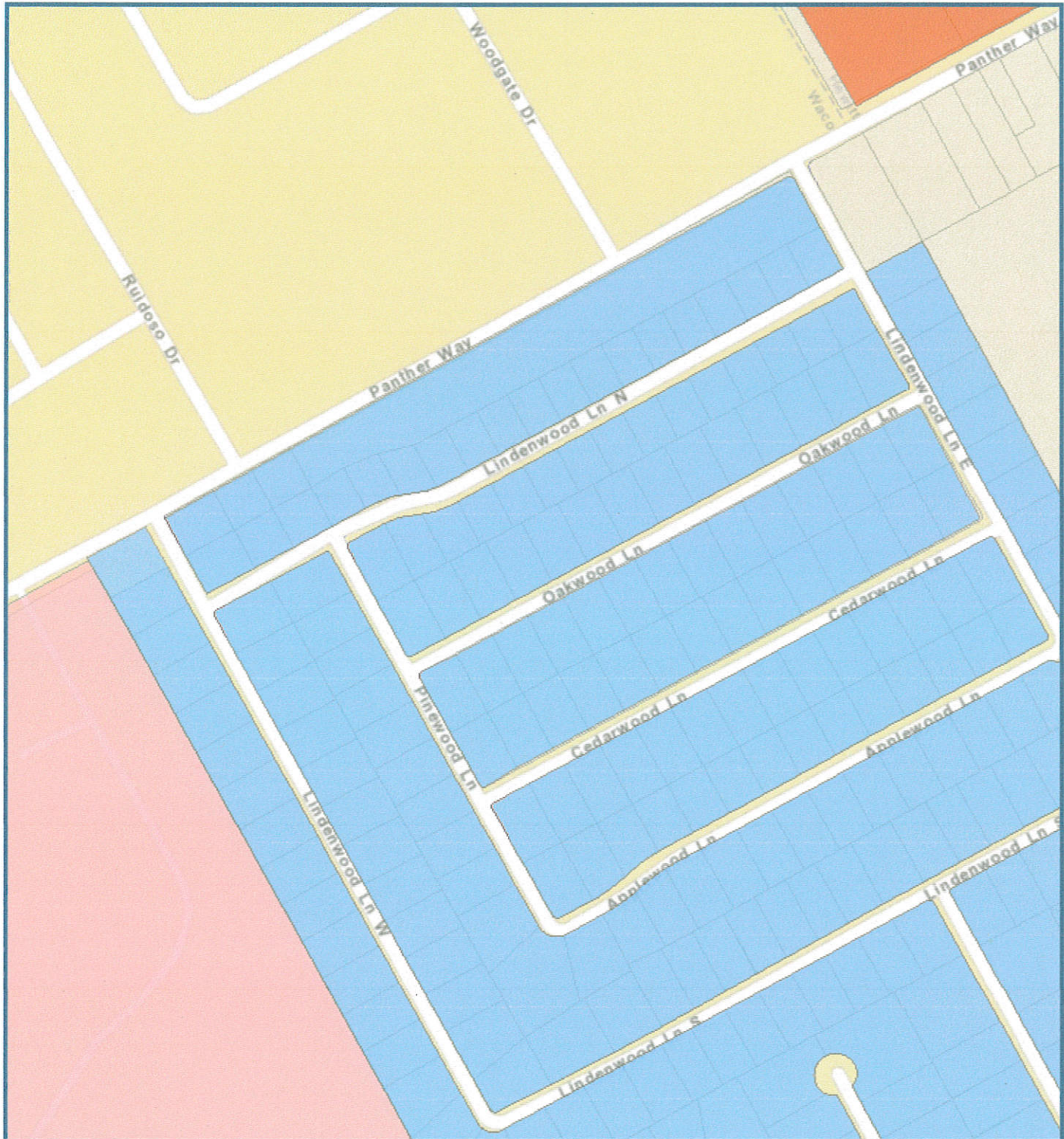
BY: \_\_\_\_\_  
Ed Passalugo, Mayor

ATTEST:

\_\_\_\_\_  
Lydia Lopez, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

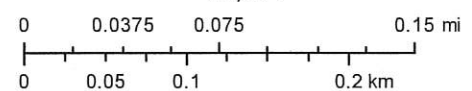
\_\_\_\_\_  
Michael W. Dixon, City Attorney



September 12, 2018

1:4,514

- |                            |         |
|----------------------------|---------|
| Low Density Residential    | Parcels |
| Medium Density Residential | Parcels |
| High Density Residential   |         |
| Schools                    |         |
| Vacant                     |         |





## **COUNCIL AGENDA ITEM FORM**

---

**MEETING DATE:** November 5, 2018

**AGENDA ITEM #:** 7

**SUBMITTED BY:** Lee Garcia, Finance Director

**ITEM DESCRIPTION:**

Discussion and possible action on approving an Interlocal Agreement with Dallas County for cooperative purchasing.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Staff recommends the City's membership in an Interlocal Agreement with Dallas County. The City is a member of several cooperative purchasing agreements and find that membership is a valuable tool to decrease the cost of potential purchases and that often vendors choose to work with a particular group.

Currently the City is a member of TIPS (The Interlocal Purchasing System); TxSmartBuy (State of Texas Cooperative Purchasing Program); HGAC (Houston-Galveston Area Council); The Fort Worth Cooperative Purchasing Agreement and Buyboard.

**ATTACHMENTS:**

Dallas County Interlocal Agreement

Texas Local Government Code, Section 271.102, Cooperative Purchasing Program Participation

## INTERLOCAL AGREEMENT

BETWEEN COUNTY OF DALLAS AND \_\_\_\_\_

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ between the County of Dallas, Texas and \_\_\_\_\_.

Pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791 Texas Government Code providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Sections 791.001-791.029 of the Texas Government Code; and,

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental functions hereunder shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this contract; furthermore, the governing bodies find that the performance of this contract is in the common interest of both parties; and that the division of cost fairly compensates the performing party for the services under this contract.

### I.

\_\_\_\_\_ hereby makes, constitutes and appoints Dallas County its true and lawful purchasing agent for the purchase of various commodities using Annual Contracts (Bids). Dallas County will maintain a listing of Annual Contracts which are available for local entities use. Dallas County will forward a copy of requested Annual Contract to the requesting entity.

\_\_\_\_\_ agrees that Dallas County shall serve as the purchasing agent for selected items, and agrees that the bidding shall be conducted by Dallas County according to its usual bidding procedures and in accordance with applicable State statutes.

II.

\_\_\_\_\_ agrees that all specifications for selected items shall be determined by Dallas County.

III.

\_\_\_\_\_ agrees to pay the supplier for all goods, equipment and products pursuant to this Agreement. The successful bidder or bidders shall bill \_\_\_\_\_ directly for all items purchased, and \_\_\_\_\_ shall be responsible for vendor's compliance with all conditions of delivery and quality of the purchased items.

IV.

\_\_\_\_\_ (name), \_\_\_\_\_ (title) is hereby designated as the official representative to act for \_\_\_\_\_ In all matters relating to this Agreement.

V.

This Agreement shall take effect upon execution by both signatories.

VI.

This Agreement shall be in effect from the date of execution until terminated by either party to the Agreement upon written thirty (30) days notice prior to cancellation

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized officers the day and year first above written.

**DALLAS COUNTY**

**(Entity)** \_\_\_\_\_

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**SPECIFICATIONS IFB No. 2018-008-6701**

advertising, layoff, termination, compensation and selection for training. The successful bidder shall state to all employees and advertisements that all employees and qualified applicants will receive consideration for employment without regard to race, color, age, religion, sex, or natural origin.

36. No official or employee shall have any financial interest, direct or indirect, in any contract with the County or be financially interested, directly or indirectly, in the sale to the County of any land, materials, supplies or services, except on behalf of the County as an official or employee. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the County shall render the contract involved voidable by the Commissioners Court of Dallas County. It is the responsibility of the contractor during all phases of the contract process to notify the County in writing of any potential conflict of interest.
37. In the best interest of the County, as determined by the Dallas County Commissioners Court, any bidder/proposer who is currently involved, either directly or indirectly, with any litigation against or involving Dallas County may be disqualified and/or not considered for an award.
38. Pursuant to Sec. 9.001 of the Texas Business Organization Code, non-Texas entities, including, but not limited to corporations, limited partnerships, and limited liability companies must have an application for registration filed with the Texas Secretary of State and shall provide to Dallas County a Certificate of Status issued by the Texas Secretary of State that serves as official evidence of the entity's existence or authority to transact business in Texas.

To transact business with Dallas County, all entities must be in legal compliance pursuant to applicable laws, and shall provide to Dallas County evidence of said compliance.

39. Vendor hereby assigns to purchaser any and all claims for overcharges associated with this contract which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code, Section 15.01, et seq.
40. Where applicable, MSDS Forms must be provided with delivered products. In addition WITHOUT EXCEPTION, within 30 days after award, the successful bidder(s) MUST furnish Material Safety Data Sheets for all applicable awarded contract items to: Dr. E. Todd, Southwestern Institute of Forensic Sciences/Office of the Medical Examiner Facility, 2355 Stemmons Freeway, Dallas, Texas 75207. Dallas County reserves the right to withhold payments owed and/or terminate the contract due to non-performance if the aforementioned documents are not provided accordingly.

**41. INTERLOCAL AGREEMENT (City/State Participation Program)**

In accordance with Article 791.025 of the Texas Government Code, governmental agencies (local, state) may request to utilize County contract by executing an interlocal agreement with Dallas County to do so. Vendors are to indicate on the bid proposal page whether they are willing to extend pricing from this contract to other governmental agencies in accordance with the outlined specifications. Dallas County is indemnified against any and all claims that may arise from Interlocal Agreements entered into by the Contractor and governmental agencies.

**42. FEDERAL DEBARRED VENDORS**

No products and/or services utilizing Federal funds may be procured from vendors that are listed on the Federal Excluded Parties List. Government requirements for non-procurement suspension and debarment are contained in the OBM guidance 2CFR, part 180 that implements Executive Orders 12549 and 12689 Debarment and Suspension. Dallas County reserves the right to reject from award consideration and/or terminate any contract with any vendor found to be suspended, ineligible and/or debarred as outlined herein.

## Texas Local Government Code

### § 271.102

# Cooperative Purchasing Program Participation

- (a) A local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state.
- (b) A local government that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the signing local government will:
  - (1) designate a person to act under the direction of, and on behalf of, that local government in all matters relating to the program;
  - (2) make payments to another participating local government or a local cooperative organization or directly to a vendor under a contract made under this subchapter, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
  - (3) be responsible for a vendors compliance with provisions relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.
- (c) A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Added by Acts 1995, 74th Leg., ch. 746, Sec. 7, eff. Aug. 28, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 261 (S.B. 1281), Sec. 1, eff. May 29, 2015.

*Location:*[https://texas.public.law/statutes/tex.\\_local\\_gov't\\_code\\_section\\_271.102](https://texas.public.law/statutes/tex._local_gov't_code_section_271.102).

*Original Source:* Texas Legislature Online, § 271.102 — *Cooperative Purchasing Program Participation*, <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.271.htm#271.102> (last accessed Jun. 9, 2018).

# SUPPLEMENTAL INFORMATION

# Hewitt Fire Department

## Incident List by Alarm Date/Time

Alarm Date Between {10/01/2018} And {11/01/2018}

| Incident-Exp#  | Alm Date   | Alm Time | Location                  | Incident Type                    |
|----------------|------------|----------|---------------------------|----------------------------------|
| 18-0000847-000 | 10/01/2018 | 16:25:54 | 603 Aspen Incline DR      | 311 Medical assist, assist EMS c |
| 18-0000848-000 | 10/02/2018 | 06:08:15 | 221 Ivy LN                | 311 Medical assist, assist EMS c |
| 18-0000849-000 | 10/02/2018 | 10:16:46 | 504 W Wall ST             | 321 EMS call, excluding vehicle  |
| 18-0000850-000 | 10/02/2018 | 14:06:37 | 143 Hillside DR           | 321 EMS call, excluding vehicle  |
| 18-0000851-000 | 10/02/2018 | 16:25:37 | 337 Travis LN             | 700 False alarm or false call, O |
| 18-0000852-000 | 10/02/2018 | 19:18:29 | 208 Lindenwood LN E       | 321 EMS call, excluding vehicle  |
| 18-0000853-000 | 10/03/2018 | 10:49:29 | 208 Toluca TRL            | 321 EMS call, excluding vehicle  |
| 18-0000854-000 | 10/03/2018 | 19:04:30 | 144 Lindenwood LN N       | 113 Cooking fire, confined to co |
| 18-0000855-000 | 10/03/2018 | 21:43:55 | 323 W Spring Valley RD    | 321 EMS call, excluding vehicle  |
| 18-0000856-000 | 10/04/2018 | 09:50:43 | 151 Royal LN              | 311 Medical assist, assist EMS c |
| 18-0000857-000 | 10/04/2018 | 19:54:43 | 514 Sun Valley BLVD       | 611 Dispatched & cancelled en ro |
| 18-0000858-000 | 10/04/2018 | 23:37:15 | 778 Sun Valley BLVD       | 554 Assist invalid               |
| 18-0000859-000 | 10/05/2018 | 13:06:22 | Devonshire                | 322 Motor vehicle accident with  |
| 18-0000860-000 | 10/05/2018 | 16:14:16 | 514 Sun Valley BLVD       | 324 Motor Vehicle Accident with  |
| 18-0000861-000 | 10/05/2018 | 20:04:56 | 300 Neely RD              | 311 Medical assist, assist EMS c |
| 18-0000862-000 | 10/07/2018 | 09:09:41 | 620 N Hewitt DR /46/46    | 311 Medical assist, assist EMS c |
| 18-0000863-000 | 10/07/2018 | 11:10:26 | 733 SUN VALLEY BLVD       | 321 EMS call, excluding vehicle  |
| 18-0000864-000 | 10/08/2018 | 13:14:02 | 151 Royal LN              | 611F Dispatched & cancelled en r |
| 18-0000865-000 | 10/08/2018 | 18:31:09 | 679 Alliance PKY          | 700 False alarm or false call, O |
| 18-0000866-000 | 10/08/2018 | 18:49:24 | 125 Oklahoma AVE          | 321 EMS call, excluding vehicle  |
| 18-0000867-000 | 10/09/2018 | 03:35:30 | McLemore CIR              | 311 Medical assist, assist EMS c |
| 18-0000868-000 | 10/09/2018 | 05:17:12 | 509 N Hewitt DR           | 321 EMS call, excluding vehicle  |
| 18-0000869-000 | 10/09/2018 | 15:29:43 | 324 Castleman Creek RD    | 321 EMS call, excluding vehicle  |
| 18-0000870-000 | 10/09/2018 | 16:14:11 | 504 Rolling Hills DR      | 321 EMS call, excluding vehicle  |
| 18-0000871-000 | 10/09/2018 | 22:44:59 | 8836 Mars DR              | 321 EMS call, excluding vehicle  |
| 18-0000872-000 | 10/10/2018 | 10:10:24 | 8836 Mars DR              | 321 EMS call, excluding vehicle  |
| 18-0000873-000 | 10/10/2018 | 18:12:18 | 701 N Old Temple RD       | 311 Medical assist, assist EMS c |
| 18-0000874-000 | 10/10/2018 | 21:29:09 | 778 Sun Valley BLVD       | 321 EMS call, excluding vehicle  |
| 18-0000875-000 | 10/11/2018 | 04:00:00 | 110 Gruver CIR            | 611A Dispatched & cancelled by E |
| 18-0000876-000 | 10/11/2018 | 20:00:23 | 701 N Old Temple RD /205/ | 611A Dispatched & cancelled by E |
| 18-0000877-000 | 10/12/2018 | 13:13:39 | 125 Texas AVE             | 554 Assist invalid               |
| 18-0000878-000 | 10/13/2018 | 03:58:14 | 129 Fannin DR & W WARREN  | 311 Medical assist, assist EMS c |
| 18-0000879-000 | 10/13/2018 | 07:01:34 | 8836 Mars DR              | 321 EMS call, excluding vehicle  |
| 18-0000880-000 | 10/13/2018 | 10:32:49 | 232 Crescent DR           | 321 EMS call, excluding vehicle  |
| 18-0000881-000 | 10/13/2018 | 15:51:16 | Spring Valley BLVD & S Ol | 324 Motor Vehicle Accident with  |
| 18-0000882-000 | 10/13/2018 | 19:05:33 | 125 Texas AVE             | 321 EMS call, excluding vehicle  |
| 18-0000883-000 | 10/14/2018 | 05:01:04 | 224 Lindenwood LN E       | 554 Assist invalid               |
| 18-0000884-000 | 10/14/2018 | 23:02:33 | 141 Ivy LN                | 321 EMS call, excluding vehicle  |
| 18-0000885-000 | 10/15/2018 | 07:12:23 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000886-000 | 10/15/2018 | 16:57:25 | 8836 Mars DR              | 321 EMS call, excluding vehicle  |
| 18-0000887-000 | 10/15/2018 | 20:59:05 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000888-000 | 10/16/2018 | 13:00:31 | 121 N Hewitt DR /Suite B  | 321 EMS call, excluding vehicle  |
| 18-0000889-000 | 10/16/2018 | 18:42:35 | 308 SUNSET BLVD           | 700 False alarm or false call, O |
| 18-0000890-000 | 10/16/2018 | 22:23:27 | 132 TOPAZ CIR             | 321 EMS call, excluding vehicle  |
| 18-0000891-000 | 10/17/2018 | 12:04:33 | 125 Bowie LN              | 321 EMS call, excluding vehicle  |

# Hewitt Fire Department

## Incident List by Alarm Date/Time

Alarm Date Between {10/01/2018} And {11/01/2018}

| Incident-Exp#  | Alm Date   | Alm Time | Location                  | Incident Type                    |
|----------------|------------|----------|---------------------------|----------------------------------|
| 18-0000892-000 | 10/17/2018 | 16:42:49 | 213 Bowie LN              | 321 EMS call, excluding vehicle  |
| 18-0000893-000 | 10/17/2018 | 18:52:50 | 405 Topaz CIR             | 700 False alarm or false call, O |
| 18-0000894-000 | 10/18/2018 | 17:49:19 | 151 Royal LN /508/508     | 321 EMS call, excluding vehicle  |
| 18-0000895-000 | 10/19/2018 | 06:29:48 | 241 W Chapman RD          | 321 EMS call, excluding vehicle  |
| 18-0000896-000 | 10/19/2018 | 11:03:46 | 308 APPLEWOOD LN          | 321 EMS call, excluding vehicle  |
| 18-0000897-000 | 10/19/2018 | 17:18:20 | 301 E Spring Valley RD    | 322 Motor vehicle accident with  |
| 18-0000898-000 | 10/19/2018 | 22:53:27 | 1200 Radisson DR          | 321 EMS call, excluding vehicle  |
| 18-0000899-000 | 10/20/2018 | 18:38:24 | 8200 Mars DR /Waco, TX 76 | 500 Service Call, other          |
| 18-0000900-000 | 10/20/2018 | 20:21:09 | 151 Royal LN              | 311 Medical assist, assist EMS c |
| 18-0000901-000 | 10/20/2018 | 21:43:27 | 151 Royal LN              | 500 Service Call, other          |
| 18-0000902-000 | 10/20/2018 | 23:17:32 | 716 Sapphire BLVD         | 311 Medical assist, assist EMS c |
| 18-0000903-000 | 10/21/2018 | 06:47:26 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000904-000 | 10/21/2018 | 09:50:03 | 928 Snow Mass DR          | 321 EMS call, excluding vehicle  |
| 18-0000905-000 | 10/21/2018 | 11:44:57 | 8836 Mars DR              | 611A Dispatched & cancelled by E |
| 18-0000906-000 | 10/21/2018 | 21:11:00 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000907-000 | 10/22/2018 | 08:28:04 | RADISSON DR & LUMBY ST    | 321 EMS call, excluding vehicle  |
| 18-0000908-000 | 10/22/2018 | 09:40:21 | 603 Aspen Incline DR      | 321 EMS call, excluding vehicle  |
| 18-0000909-000 | 10/23/2018 | 08:07:38 | Sun Valley BLVD & N Old T | 322 Motor vehicle accident with  |
| 18-0000910-000 | 10/23/2018 | 08:59:39 | 800 N Hewitt DR           | 611F Dispatched & cancelled en r |
| 18-0000911-000 | 10/23/2018 | 09:45:02 | 8836 Mars DR /309/309     | 321 EMS call, excluding vehicle  |
| 18-0000912-000 | 10/23/2018 | 15:17:09 | E CHAPMAN RD & BLUE JAY S | 321 EMS call, excluding vehicle  |
| 18-0000913-000 | 10/23/2018 | 15:22:23 | 109 3rd ST                | 321 EMS call, excluding vehicle  |
| 18-0000914-000 | 10/23/2018 | 23:34:04 | 210 Westhill DR           | 321 EMS call, excluding vehicle  |
| 18-0000915-000 | 10/24/2018 | 07:18:25 | 151 Royal LN /512/512     | 321 EMS call, excluding vehicle  |
| 18-0000916-000 | 10/24/2018 | 17:19:41 | 8836 Mars DR              | 611A Dispatched & cancelled by E |
| 18-0000917-000 | 10/24/2018 | 21:46:33 | 104 Virginia DR           | 700 False alarm or false call, O |
| 18-0000918-000 | 10/25/2018 | 02:07:47 | 109 3rd ST                | 321 EMS call, excluding vehicle  |
| 18-0000919-000 | 10/25/2018 | 07:18:15 | 316 W Spring Valley RD    | 321 EMS call, excluding vehicle  |
| 18-0000920-000 | 10/25/2018 | 13:26:33 | 235 Enterprise DR /Walmar | 735 Alarm system sounded due to  |
| 18-0000921-000 | 10/25/2018 | 14:10:55 | 151 Royal LN /LOBBY/LOBBY | 321 EMS call, excluding vehicle  |
| 18-0000922-000 | 10/25/2018 | 14:12:54 | 325 Castleman Creek RD    | 611M Dispatched & cancelled en r |
| 18-0000923-000 | 10/25/2018 | 15:23:07 | 603 Aspen Incline DR      | 311 Medical assist, assist EMS c |
| 18-0000924-000 | 10/26/2018 | 06:27:03 | 151 Royal LN /602/602     | 311 Medical assist, assist EMS c |
| 18-0000925-000 | 10/26/2018 | 13:26:25 | N Old Temple RD & Lancelo | 321 EMS call, excluding vehicle  |
| 18-0000926-000 | 10/26/2018 | 21:10:17 | 241 Bowie LN              | 650 Steam, Other gas mistaken fo |
| 18-0000927-000 | 10/27/2018 | 18:20:17 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000928-000 | 10/27/2018 | 23:32:31 | 1132 South Haven DR       | 321 EMS call, excluding vehicle  |
| 18-0000929-000 | 10/28/2018 | 13:20:15 | 201 Gruver CIR            | 311 Medical assist, assist EMS c |
| 18-0000930-000 | 10/28/2018 | 18:00:59 | 8836 Mars DR /201B/201B   | 311 Medical assist, assist EMS c |
| 18-0000931-000 | 10/28/2018 | 18:05:34 | 151 Royal LN              | 321 EMS call, excluding vehicle  |
| 18-0000933-000 | 10/28/2018 | 19:52:31 | 803 ROSEDALE              | 440 Electrical wiring/equipment  |
| 18-0000932-000 | 10/28/2018 | 19:53:05 | 1012 Tillamook ST         | 321 EMS call, excluding vehicle  |
| 18-0000934-000 | 10/28/2018 | 21:29:46 | 725 S 1st ST              | 554 Assist invalid               |
| 18-0000935-000 | 10/29/2018 | 14:14:17 | 108 BOLEMAN DR            | 311 Medical assist, assist EMS c |
| 18-0000936-000 | 10/29/2018 | 17:16:39 | 620 N Hewitt DR           | 324 Motor Vehicle Accident with  |

Hewitt Fire Department

Incident List by Alarm Date/Time

Alarm Date Between {10/01/2018} And {11/01/2018}

| Incident-Exp#  | Alm Date   | Alm Time | Location                 | Incident Type                    |
|----------------|------------|----------|--------------------------|----------------------------------|
| 18-0000937-000 | 10/30/2018 | 04:46:34 | 233 Oklahoma AVE         | 321 EMS call, excluding vehicle  |
| 18-0000938-000 | 10/30/2018 | 09:33:25 | 124 Texas AVE            | 554 Assist invalid               |
| 18-0000939-000 | 10/30/2018 | 13:01:33 | 285 Alamosa DR           | 321 EMS call, excluding vehicle  |
| 18-0000940-000 | 10/30/2018 | 16:08:43 | 237 Crockett LN          | 321 EMS call, excluding vehicle  |
| 18-0000941-000 | 10/31/2018 | 03:01:42 | 621 Crestwood DR         | 321 EMS call, excluding vehicle  |
| 18-0000942-000 | 10/31/2018 | 08:52:29 | 300 Travis LN            | 321 EMS call, excluding vehicle  |
| 18-0000943-000 | 10/31/2018 | 09:51:51 | 224 Lindenwood LN E      | 554 Assist invalid               |
| 18-0000944-000 | 10/31/2018 | 10:23:02 | 1103 Welsford            | 321 EMS call, excluding vehicle  |
| 18-0000945-000 | 10/31/2018 | 11:18:55 | 151 ROYAL LN /407/407    | 311 Medical assist, assist EMS c |
| 18-0000946-000 | 10/31/2018 | 15:14:40 | 633 Castleman Creek RD   | 321 EMS call, excluding vehicle  |
| 18-0000947-000 | 11/01/2018 | 02:36:36 | 311 Romana CIR /B/B      | 321 EMS call, excluding vehicle  |
| 18-0000948-000 | 11/01/2018 | 08:11:51 | 500 Sun Valley BLVD /A/A | 322 Motor vehicle accident with  |
| 18-0000949-000 | 11/01/2018 | 10:11:51 | 521 Connie DR            | 622 No Incident found on arrival |

Total Incident Count 103