

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

February 18, 2019

Workshop/Regular Meeting - 6:00 PM

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Ed Passalugo – Mayor, Ward 3

Steve Fortenberry – Mayor Pro Tem, Ward 3

Travis Bailey – Council Member, Ward 1

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Erica Bruce – Council Member At-Large

CITY STAFF

Bo Thomas, City Manager

Michael W. Dixon, City Attorney

Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

Katie Allgood, Managing Director

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

Kevin Reinke, Utilities Director

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **18th day of February, 2019, at 6:00 PM in Hewitt City Hall, Council Chambers, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. Briefing and discussion concerning purchasing policy.
3. Briefing and discussion concerning utility fee structure.
4. Briefing and discussion concerning solid waste contract.
5. Briefing and discussion concerning appropriate meeting decorum and Council Meeting Procedures.
6. 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 9:30 AM PM on February 14, 2019.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

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

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 **18th day of February, 2019, at 7:00 PM in Hewitt City Hall, Council Workshop Room/Council Chambers, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed and upon which action may be taken:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Special presentation of proclamation in recognition of the Perry Family for being awarded as the "2018 Special Olympics Texas Family of the Year".
4. Consider approval of minutes of the City Council Regular Meeting of February 4, 2019.
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. Briefing and discussion concerning Financial Statements ending January 31, 2019.
7. Public hearing on Storm Water Mitigation as required by Texas Commission on Environmental Quality (TCEQ).
8. Public hearing and action on ordinances rezoning Lot 1A(Ordinance No. 2019-03) and Lot 2 (Ordinance No. 2019-04) Block 1 Four Seasons Addition, Hewitt, McLennan County, Texas, from R-1 (Single-Family Residential and C-2 General Commercial respectively) to R-4 (Multi-Family Residential).
9. Adjourn

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 9:30 AM/PM on February 14, 2019.

CITY OF HEWITT


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HEWITT TEXAS

COUNCIL WORKSHOP ITEM #2

ORDINANCE OF THE CITY OF HEWITT, TEXAS AMENDING SECTION 2-301
"PURCHASE PROCEDURE", ARTICLE VI "FINANCE" OF THE CITY OF
HEWITT CODE OF ORDINANCES TO COMPLY WITH THE CITY CHARTER

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

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

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

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

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

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

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

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

Sec. 2-301 Purchase Procedure

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

City Charter. The Council re-affirms its intention and election that Chapter 252 of the Texas Local Government Code supersedes any bidding requirements of the City Charter.

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

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

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

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projects, the alternative methods of project delivery provided by Chapter 2269 of the Texas Government Code apply.

d) Quotations. All purchases between \$1,000 and \$5,000 require 3 verbal quotes. Purchases between \$5,001 and \$50,000 require 3 written quotes. Purchases greater than \$50,000 or more require formal competitive bids or 2 comparative prices from state contract or cooperative purchasing agreements (HGAC, Buyboard).

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

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

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

In circumstances where an emergency expenditure is necessary, the City Manager is authorized to make expenditures exceeding \$3,000 (budgeted or unbudgeted) without prior Council approval where funds are available in the budget to do so. The expenditure shall be brought before the Council for ratification at the

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next meeting at which it can be considered. This authorization does not extend to the borrowing of money. Creating a current account balance to be paid out of budgeted funds shall not be deemed borrowing of money. Emergency expenditures are those necessary to protect City property, to prevent imminent disruption of City services, or that are required for the protection of public health or safety from an imminent threat.

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

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

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

grants the City Manager the authority to make such intra-departmental transfers that are in the best interest of the City.

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

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

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HEWITT TEXAS

COUNCIL WORKSHOP ITEM #3



Case & Associates Properties, Inc.

Real Estate Investment * Leasing * Management
4200 E. Skelly Dr., Suite 800
Tulsa, OK 74135-3237
(918) 492-1983
(918) 492-4446 Fax

January 25, 2019

Kevin Reinke
Utilities Director
103 N. Hewitt Drive, Suite C
Hewitt, TX 76643

Re: Utility Rates

To Whom It May Concern,

My name is Scott Case, President of Case & Associates Properties, Inc. We recently opened Icon Hewitt Apartments and enjoy being part of the community, but we are concerned with the fees associated with the water/sewer/drainage. After several months of operations, in a recent internal audit, we discovered that we are paying more than double for water/sewer/drainage in Hewitt in comparison to the remaining Texas market, which includes Amarillo, Corpus Christi, El Paso, Hewitt, Lubbock and Waco.

Attached you will find a schedule breaking down costs for each property over a 12 month period. The average annual water/sewer cost for Hewitt is \$847 per unit compared to an average of \$418 per unit in the other five cities, which represents an additional unexpected annual expense of \$113,000. We are asking that you review the attached schedule and consider reducing our fees so they are consistent with the other markets.

Please feel free to call me to discuss.

Sincerely,

CASE & ASSOCIATES PROPERTIES INC.

A handwritten signature in black ink, appearing to read "R. Scott Case". The signature is fluid and cursive, with the first name "R." being prominent and the last name "Case" following in a similar style.

R. Scott Case
President

Cc: Mayor Ed Passalugo
Steven Fortenberry
Wilbert Wachtendorf
Travis Bailey
James Vidrine
Bill Fuller

Texas Water Sewer 2018

	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Annual Cost / Unit
Amarillo															
Colonies at Hillside	428	8,018.57	6,527.35	6,028.14	6,579.52	7,825.17	13,585.31	11,356.99	12,373.75	10,714.15	9,392.24	8,586.05	4,906.27	105,893.51	247.41
Newport Amarillo	216	2,397.85	4,575.66	4,009.29	3,853.66	4,893.70	6,036.69	6,849.48	7,620.40	6,849.31	8,169.90	6,355.15	3,711.02	65,322.11	302.42
Park at Coulter	262	3,295.63	4,864.66	3,108.52	2,908.86	3,053.47	3,568.15	3,074.42	3,540.35	4,211.57	3,441.72	3,708.04	3,521.28	42,296.67	161.44
Remington Amarillo	288	4,318.84	4,701.09	4,497.44	4,783.53	10,603.33	10,371.52	9,628.09	11,263.53	8,297.30	10,884.51	7,608.35	3,129.46	90,086.99	312.80
Winchester	256	3,842.95	4,178.98	3,891.65	2,898.17	3,161.15	3,735.81	3,765.03	3,662.76	3,326.73	6,648.11	1,207.59	3,965.82	44,284.75	172.99
Total Amarillo	1,450													347,884.03	239.92
Corpus Christi															
Icon at Corpus Christi	304	12,610.05	9,814.40	9,551.95	10,086.15	9,882.26	14,474.08	13,120.48	11,705.99	11,703.85	13,102.37	9,810.88	10,200.45	136,062.91	447.58
Tuscana Bay	228	10,254.94	7,646.12	6,574.85	7,393.47	7,773.73	8,091.16	7,988.23	7,796.80	8,524.08	9,121.84	7,764.28	7,684.43	96,613.93	423.75
Total Corpus	532													232,676.84	437.36
El Paso															
Acadia Park	336	15,251.33	15,530.25	14,157.38	14,925.73	15,244.39	16,735.51	16,177.19	22,501.52	18,601.37	17,331.90	15,830.60	17,289.08	199,576.25	593.98
Chimneys	224	10,771.26	11,315.21	10,738.15	11,498.63	11,515.83	11,771.68	10,212.93	9,946.33	9,787.23	9,828.08	7,143.92	9,900.22	124,429.47	555.49
Crest	232	7,519.75	8,334.25	8,018.67	8,463.10	8,346.66	9,062.10	10,323.99	10,916.93	10,959.52	10,800.05	9,944.72	8,669.21	111,358.95	480.00
Double Tree	284	8,903.12	9,424.19	9,195.60	10,450.23	10,977.03	14,928.98	12,212.03	13,207.86	12,566.70	11,391.91	11,814.92	10,069.85	135,142.42	475.85
High Ridge	296	7,846.85	7,705.56	8,519.75	9,508.75	8,891.70	9,850.60	9,138.95	9,377.60	9,138.95	8,848.70	10,072.34	10,156.19	109,055.94	368.43
Mountain Village	288	10,200.30	10,829.40	10,353.24	10,566.45	10,868.79	11,915.50	13,055.16	14,343.50	13,349.30	14,496.15	13,499.86	9,847.53	143,325.18	497.66
Patriot	320	11,078.68	11,867.83	12,430.12	14,288.81	14,536.42	14,941.53	17,097.01	17,336.82	16,357.98	15,347.79	15,118.47	16,230.28	176,631.74	551.97
Phoenix	336	16,155.62	12,029.04	12,925.14	13,592.31	13,549.64	15,752.96	17,389.35	17,588.46	20,660.29	13,971.97	15,601.64	12,294.27	181,510.69	540.21
Shadow Ridge	352	10,623.34	8,874.10	11,383.16	12,021.28	21,166.55	9,139.95	9,954.47	9,557.92	10,991.92	11,984.91	12,224.49	13,377.33	141,299.42	401.42
Total El Paso	2,668													1,322,330.06	495.63
Lubbock															
Cottages at Abbey Glen	278	7,359.25	9,707.24	8,606.92	8,513.38	11,499.51	10,470.22	12,179.14	14,574.19	12,860.35	9,562.67	8,428.73	10,069.41	123,631.01	445.44
Icon at Lubbock	288	7,250.70	7,168.61	7,431.78	7,407.76	8,267.38	10,907.07	11,551.21	11,557.74	11,579.65	11,638.52	8,452.34	8,286.99	111,499.75	387.15
Tuscany Place	276	15,557.96	14,204.26	15,951.15	8,650.87	11,248.82	14,163.75	14,064.27	13,015.39	13,476.47	10,490.06	9,166.83	10,307.66	150,297.49	544.56
Total Lubbock	842													385,628.25	457.99
Waco															
Tuscany Ranch	260	8,898.20	8,682.93	9,799.00	10,235.05	8,358.38	8,552.59	9,668.98	11,704.52	12,853.63	8,755.03	8,896.14	9,372.96	115,776.41	445.29
Texas Average															
	5,752	182,155.19	177,981.13	177,170.90	178,625.71	201,663.91	218,055.16	218,807.40	233,592.36	226,810.35	215,208.43	191,235.34	182,989.71	2,404,295.59	417.99
Hewitt															
Icon at Hewitt	264						18,252.13	18,100.60	22,332.51	19,697.46	18,305.42	15,231.47		111,919.59	847.88

cost/unit annualized

HEWITT TEXAS

COUNCIL WORKSHOP ITEM #5

COUNCIL MEETING PROCEDURES
FOR THE
CITY OF HEWITT, TEXAS

Adopted April 7, 1997

Revised October 5, 1998

COUNCIL MEETING PROCEDURES FOR THE CITY OF HEWITT, TEXAS

As provided in Section 2-10 of the City of Hewitt Charter and effective immediately following the adoption of this policy by the City Council of the City of Hewitt, the following rules and order of business will be adhered to, and they shall remain in effect unless otherwise changed by the City Council:

A. **MEETINGS** - Three types of meetings are recognized.

1. Regular Meetings will be held on the first and third Monday of each month. These meeting will be held in the council room at the city hall commencing at 7:00 p.m. These meeting may be preceded by dinner meetings beginning at 5:30 p.m.
2. Special Meetings are subject to call by the mayor, city manager, or any council member, subject to majority will. Except in unusual circumstances, these meetings will be held at the city hall, at a stated time. Purpose of such meetings is to act upon matters of an emergency nature which should not be delayed until a regular meeting. Special meetings, as all other meetings, unless meeting specific criteria shall be open to the public. Minutes of such meetings will be maintained as a regular meeting.

Majority will of the council shall be determined by a canvass of all members by telephone or letter, with a majority of council members expressing themselves as able to attend the meeting if called.

3. Workshop Meetings are subject to call by the mayor, city manager or any council member at the majority will. The time, place and purpose will be stated at each instance. The purpose of such meetings shall be to hear reports and to discuss in depth matters of interest to the city, such as a meeting with one of the city's appointed committees, or the council alone may wish to explore a matter in great detail.

Recent policy has been to hold regular workshop meetings at 7:00 p.m. on the Monday of the week preceding the regular meeting. Normally, no official council action will be taken at such meetings and no minutes will be taken. The public is welcome to attend, but will not ordinarily participate in the discussions.

In order to conduct any business or to discuss any matter on the agenda, a quorum (4) of the entire council shall be present at any council meeting.

B. **AGENDA** The following stipulations relate to the agenda for meetings of the council:

**** NO ACTION CAN BE TAKEN ON ANY ITEM UNLESS THAT ITEM HAS BEEN POSTED ON THE AGENDA FOR THAT MEETING AND THE AGENDA POSTED IN A PUBLIC PLACE SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING**

1. All council members may submit agenda items. Agenda items must reach the city manager's office at City Hall by 12:00 noon Thursday of the week prior to the regular Monday meeting. Anyone requesting to place an item on the agenda may do so by letter to the city manager, stating the general subject matter. City manager may delay to the next meeting to research and inform council of all pertinent matters. The city manager will exercise his/her best judgment in determining the most important items received for placing on the agenda and adding other items of business to come before the council. An item not appearing on the agenda shall not be taken up for discussion as a matter of council business during any council meeting. However, the council may receive items as information.

Any member of the city staff wishing to have an item placed on the agenda shall submit that item to the city manager's office, through regular supervisory channels.

2. The agenda packets for all regular meetings will be made up and can be picked up by the council members at the police dept., late Thursday afternoon preceding the meetings. Agenda packets not picked up by 5:30 p.m. will be delivered to the appropriate council member's home on Thursday night. If no one is home, they will be delivered Friday. Council members may call the police dept. to pick-up their packets. This should afford ample time for all council members to inquire into the nature of each matter to be discussed or to personally investigate the matter so as to better inform himself or herself before a council meeting.
3. The city secretary's office will assume responsibility for issuing to any newspaper, radio and television stations who requests, a copy of the agenda advising them of the date, time and place and items to be discussed at all council meetings. The city secretary's office will also assume the responsibility for compliance with the open meetings law and notifying any person requested or required to appear before the council.
4. As it relates to the special meetings, the council will restrict consideration only to the item or items on the agenda. The city secretary will follow the same procedure as above advising the parties concerned. No matter will be accepted by the chair for discussion at any meeting unless it has been posted on the agenda for that meeting; however items may be received as information.

5. Emergency items. In the event that a situation arises in which the mayor, city manager or council members can legitimately classify as an emergency as specified in the statutes, that item may be added to the agenda as late as two hours before a meeting. In such event, the nature of the emergency must be specified in the agenda and notices given to any who have filed a written request for same.

C. COUNCIL PROCEEDINGS

These procedures shall apply to all meetings of the city council. The mayor shall be the presiding officer at all meetings of the city council and a vote in all of its proceedings. Council members shall speak in council meetings only upon being recognized by the presiding officer, whose recognition shall not be unreasonably withheld. In the event of the absence of the mayor, the pro-tem mayor shall be the presiding officer. The mayor pro-tem shall have a vote in all matters as the mayor pro-tem continues to be a council member even when presiding. In the event of the absence of the mayor and pro-tem mayor, the council members in attendance, if constituting a quorum, shall select one of its members to preside over that meeting.

1. **Call to Order** All meetings will begin promptly at the hour stated.
2. **Agenda** Ordinarily the mayor or other presiding officer will follow the agenda as published, however the presiding officer shall have, subject to the approval of the council, the prerogative of addressing items out of order should such change facilitate guests or other factors.
3. **Presentation of Agenda Items** Agenda items scheduled by the city manager or city staff will be presented by the city manager or the city manager may call on a staff member to present the item. Staff members may be invited by the city manager to attend council meetings and be available as resource persons, however they are not to speak on city issues unless directed by the city manager. This does not preclude a staff member representing himself or herself at a meeting, but staff members should be cautious about taking positions that could be contrary to the position of their supervisors, for this could cause questions concerning their ability to follow through with instructions from their supervisors. Agenda items scheduled by others will be presented by the one who asked for the item to be placed on the agenda. It shall be the responsibility of the city secretary to notify each person or organization which has requested a spot on the agenda when the item has been scheduled.
4. **Presentations from the Floor** When a staff member, other than the city manager, or a guest from the audience is recognized for a presentation, that person shall move immediately to the podium and make the presentation from that spot. The speaker shall identify herself or himself by name and address, the agency represented, and the nature of the presentation prior to beginning. For items appearing on the agenda,

after the presentation, discussion by the council may be allowed. The speaker shall remain at the podium until all council questions have been answered and the speaker has been dismissed by the mayor. Speaking from the podium will assure that the presentation is picked up by the recording equipment. Any Council member may ask questions for clarification or information, on the topic being discussed, from any member of the audience during any meeting.

5. **Council Action** After the council has heard all of the facts, reviewed the supporting data, and discussed the arguments for and against each agenda item, it will act by approving or disapproving a motion. In the event that there is no motion or no second to a motion, no action will be deemed taken except in situations in which the presiding officer concludes that there is a consensus among the council and that the issue is one that would not require an official vote.

D. MINUTES OF MEETINGS

Minutes of all meetings will be kept by the city secretary. The secretary will record the proceedings and the tapes will be kept for at least six months unless there have been questions raised which indicate possible need to keep the tapes longer. The tape recordings are to assist the secretary in compiling the minutes and are not to be considered as any indication of official council action. The minutes will record the presence of council members, city staff, and all guests speaking to any agenda item. The minutes will include all areas of discussion and identify each speaker and then, as far as possible, the key point or points that were made. The minutes will not be a verbatim recording of all discussions. The minutes will reflect all motions made, who made and who seconded the motions, and the outcome of each motion including the roll call vote if requested. The minutes will include the key points of any specific comments made by members for the record.

Each agenda item will be identified by sub-headings to facilitate review by council members. It is important that the minutes include the name and address of any guests who address the council as well as the specific subject or request presented. The minutes shall not include verbatim copies of all statements nor any extraneous discussions. Copies of the minutes will be included in the agenda packets distributed to council members prior to the next regular meeting.

E. PARLIAMENTARY PROCEDURE

In regular and special meeting, Robert's Rules of order will be followed. The following commonly used procedures shall be followed: For a more detailed description of Parliamentary Procedure, refer to Robert's Rules of Order.

PARLIAMENTARY QUESTIONS, MOTIONS AND THEIR PRECEDENCE

	<u>Debatable</u>	<u>Amenable</u>	<u>A Majority Vote (of those present)</u>	<u>2/3</u>
1. To Adjourn	NO	NO	YES	NO
2. To take a recess	NO	YES	YES	NO
3. For the previous question	NO	NO	NO	YES
4. To continue to a time certain	YES	YES	YES	NO
5. To commit, refer or recommit	YES	YES	YES	NO
6. To amend	YES	NO	YES	NO
7. To amend an amendment	YES	NO	YES	NO
8. To offer a substitute amendment	YES	NO	YES	NO
9. To amend a substitute amendment	YES	NO	YES	NO
10. To postpone indefinitely	YES	NO	YES	NO
11. Take under advisement	YES	NO	YES	NO
12. For the original question	NO	NO	YES	NO
13. To table	NO	NO	YES	NO

Any council member may call for the question and it shall immediately be put to vote. Passage of the motion to address the previous question shall terminate debate on the motion, amendment or item under discussion and action shall be taken on that item.

The council may agree to limit debate on any business before it. That agreement may be formalized by a majority of the council. The presiding officer shall not entertain any dilatory motions.

F. DECORUM AND DEBATE

IT IS IMPERATIVE THAT THE CHAIRPERSON MAINTAIN ORDER AT ALL TIMES. THE CHAIR MUST NOT PERMIT DEBATE OR COMMENTS FROM ANY WHO HAVE NOT BEEN RECOGNIZED. INTERRUPTIONS MUST BE SILENCED BY VOICE, USE OF THE GAVEL OR OTHER MEANS, AND, IN THE EVENT OF ANY PERSON'S FAILURE TO HEED THE DIRECTIONS OF THE CHAIR, THE CHAIR MAY HAVE THAT INDIVIDUAL REMOVED FROM THE ROOM.

When a measure is presented for consideration to the council, the presiding officer shall recognize the appropriate individual to present the case. When two or more members wish to speak, the presiding officer shall name the member who is to speak first. No member of

the council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege. No member shall speak more than five minutes on any amendment to the question except as further provided in this rule.

No member shall speak more than the time limits provided herein on any subject or amendment, and such member may use his/her time in any combination, in separate speech or comments totaling the number of minutes permitted. The mayor shall not be obligated to recognize any council member for a second comment on the subject or amendment until every council member wishing to speak has been allowed a first comment. Council members shall also have the right to yield a portion of time to another member.

Any member deciding to speak more than five minutes on any question or more than five minutes on any amendment to the question, shall be accorded the privilege only upon motion supported by two-thirds of the council. No member shall be permitted to interrupt while another member is speaking.

No council member shall be permitted to indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold a member of the city council or staff up to contempt.

If a member is speaking or otherwise transgressing the rules of the council, the presiding officer shall, or any council member may, call him or her to order in which case he or she shall immediately be quiet unless permitted to explain. The council shall, if appealed to, decide the case without debate. If the decision is in favor of the member called to order, he/she shall be at liberty to proceed, but not otherwise, and if the disruptions continues, he/she shall be liable to censure or to such punishment as the council deem proper consistent with State Statutes, City Ordinances or City Charter if applicable.

G. CITIZEN PARTICIPATION AT MEETINGS

1. All citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. Many times this will expedite a resolution or allow proper investigation of the matter for presentation to the entire council.

NO CITIZEN NOR STAFF MEMBER MAY SPEAK NOR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask the citizens present if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to do so at the proper time, 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 spokespersons to present their case.
3. Citizens who wish to bring up a matter that pertains to city business or address an item

on the agenda may do so, but only under the agenda item, "Hear Visitors." Citizens must remember that the council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.

4. Total time for presentations on any one item or topic shall be limited to twenty-five minutes. Citizens addressing the city council on items not on the agenda shall be limited to five minutes each. The city council members shall not enter into discussion on any subject not properly placed on the agenda, however the council members may ask questions for clarification purposes.
5. As a general rule, citizens may not participate in the discussion of the council workshop session.

H. DEFINITIONS

Receive - shall generally mean a presentation by a member of the council, staff or a citizen after having been scheduled on the agenda of a meeting. May or may not include action by the council.

Consider - shall generally mean discussion by the council and/or staff and will usually include action by the council.

Public Hearing - shall be a meeting wherein the citizens will be allowed to express concerns, pro or con, on a specific item on the agenda.

Adopted this 7th day of April, 1997.

Revised this 5th day of October, 1998.



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 18, 2019

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Special presentation of proclamation in recognition of the Perry Family for being awarded as the "2018 Special Olympics Texas Family of the Year".

STAFF RECOMMENDATION/ITEM SUMMARY:

A proclamation is being prepared to be presented by the Mayor in recognition of the Perry Family for their outstanding service as volunteers and participants in the Texas Special Olympics. The Perry Family will be present to receive the proclamation.

ATTACHMENTS:

Proclamation

OFFICIAL MAYOR'S PROCLAMATION CITY OF HEWITT, TEXAS

Whereas, the SPECIAL OLYMPICS' mission is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities; and

Whereas, the City of Hewitt supports the SPECIAL OLYMPICS and honors those volunteers and athletes who participate in those events; and

Whereas the City of Hewitt wishes to recognize the hard work and dedication of the PERRY FAMILY (Wesley, Kelli, Haley and Kade), and does hereby congratulate them for being recognized as the 2018 Texas Olympics Family of the Year;

Whereas, the City of Hewitt would especially like recognize Kade Perry for his service as the Special Olympics Athlete Ambassador.

NOW THEREFORE, I, Ed Passalugo, by virtue of the power vested in me as Mayor of the City of Hewitt, Texas do hereby proclaim February 18, 2019, as "*Perry Family Day*" in Hewitt and further resolve that the City of Hewitt is very proud to have the Perry family be apart of our community, and for the great example they set for others.

Signed and sealed this 18th day of February, 2018.

Ed Passalugo, Mayor

Attest:

Lydia Lopez, City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: February 18, 2019

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of February 4, 2019.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

MINUTES OF A CITY COUNCIL SPECIAL CALLED MEETING HEWITT CITY HALL – 200 PATRIOT COURT February 4, 2019 – 7:00 PM

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

Member absent: Council Member James Vidrine

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

Staff absent: City Attorney Mike Dixon and Fire Chief Lance Bracco

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 7:00 PM.
2. **Invocation by Pastor René Maciel, First Woodway Baptist Church**
3. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Ed Passalugo asked City Secretary Lydia Lopez to lead the Pledge of Allegiance.
4. **CITY ENGINEER MILES WHITNEY PRESENTED ENGINEER’S REPORT AND BRIEFED THE COUNCIL ON THE FOLLOWING PROJECTS.**
 - **Update on pending utility projects.**
 - **Update on pending street projects.**
 - **Update on pending drainage projects.**
5. **BRIEFING AND DISCUSSION CONCERNING UPCOMING EVENTS:**
 - **Library Date Night - February 14, 2019, 6-8 PM, Council Chambers, Popcorn & Movie (for ages 16 and up)**
 - **Citizens Police Academy – February 26 – April 30, 2019, Tuesdays at 6:30 PM**
 - **Library Community Cookout with First Woodway Baptist Church – March 11, 2019, 11:30 AM – 1:00 PM, Courtyard**

6. **PRESENTATION OF RACIAL PROFILING REPORT**

Police Chief Jim Devlin presented the report. Council Member Travis Bailey expressed appreciation to Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, and the Hewitt Police Department Honor Guard for their assistance at the 32nd Annual Fishing Event for Very Special People held on Saturday, February 2, 2019 at the Extraco Event Center.

7. **BRIEFING AND DISCUSSION CONCERNING THE DEVELOPMENT OF A CELL PHONE POLICY FOR COUNCIL USE.** City Manager Bo Thomas briefed the Council and advised that the staff had received requests from members of the Council regarding the availability or use of city-issued cell phones. He provided the following options:

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

Mr. Thomas sought direction from Council and stated that these suggestions were brought forward to ensure that all members are treated equitably. Mayor Pro Tem Steve Fortenberry stated that this would be a tool to protect his client's personal data. Council Member Wilbert "Walky" Wachtendorf recommended that all council members used the city-initiated email address to conduct city business and that any city cell phone be returned to the proper department. Council Members Travis Bailey advised that he used the city-initiated emails. Council Member Bill Fuller advised that he did not want a phone; had a city-initiated email but did not use it. Council Member Erica Bruce stated that this would protect her patient information.

8. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING DECEMBER 31, 2018.** Finance Director Lee Garcia was present to respond to any questions.

9. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF JANUARY 7, 2019, AND A SPECIAL CALLED MEETING OF JANUARY 14, 2019.**

MOTION: Council Member Wilbert "Walky" Wachtendorf moved to approve the corrected minutes as presented but allow for corrections.

SECOND: Council Member Travis Bailey

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

NAYES: None

ABSENT: Vidrine

MOTION PASSED.

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

The following citizens appeared to address the Council:

Michael Bancale, 909 Stoneridge Drive, welcomed City Manager Bo Thomas and expressed concern with H.B. 2 and S.B. 2, the property tax reform bill containing a 2.5 percent revenue cap. He further recommended that Council use city assigned emails.

Matthew Mevis, 167 Topaz Circle, appeared to request that council support Texas Municipal League's (TML) opposition of Texas H.B.2 and S.B. 2.

Mayor Ed Passlugo recommended that citizens contact their state representatives and state senators to advise that you are against these bills.

Kurt Krakowian, 804 Pebble Creek Circle, welcomed city manager, expressed support of agenda item #15 relating to approval of an ordinance providing for Special Seniority Pay for newly hired Police Officers, and recommended that the Council use city email and if they desire a cell phone to pay for that out of their own pocket.

No one else appeared.

11. **CONSIDERATION AND ACTION ON APPOINTMENT TO THE BOARD OF ADJUSTMENT.** Applicant Scott Hedges briefly shared why he wanted to serve.

MOTION: Council Member Bill Fuller moved to approve the appointment of Scott Hedges to the Board of Adjustment.

SECOND: Mayor Pro Tem Fortenberry

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

NAYES: None

ABSENT: Vidrine

MOTION PASSED.

12. **CONSIDERATION AND ACTION ON AWARD OF BID FOR 2018 – OLD TEMPLE RD./ATTAWAY RD. STREET IMPROVEMENTS TO WACO PAVING, INC. IN AN AMOUNT \$328,346.59, OR AWARD OF ADDITIVE ALTERNATE BID TO INCLUDE STREET RECLAMATION OF BRIARFIELD STREET WITH A TOTAL AMOUNT OF \$353,725.38.**

MOTION: Council Member Wilbert "Walky" Wachtendorf moved to approve the alternate bid to include the street reclamation of Briarfield Street in the amount of \$353,725.38.

SECOND: Council Member Travis Bailey

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

NAYES: None

ABSENT: Vidrine
MOTION PASSED.

13. **CONSIDERATION AND ACTION ON A RESOLUTION AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE FOR THE CITY OF HEWITT TO THE WACO METROPOLITAN PLANNING ORGANIZATION POLICY BOARD (MPO).**

MOTION: Council Member Bill Fuller moved to approve the resolution.

SECOND: Council Member Travis Bailey

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

NAYES: None

ABSENT: Vidrine

MOTION PASSED.

14. **CONSIDERATION AND ACTION ON A RESOLUTION ORDERING A GENERAL ELECTION FOR THE CITY OF HEWITT TO BE HELD ON SATURDAY, MAY 4, 2019, TO BE HELD AS A JOINT ELECTION WITH MCLENNAN COUNTY; AUTHORIZING A CONTRACT FOR ELECTION SERVICES; DESIGNATING POLLING PLACES AND PROVIDING FOR OTHER MATTERS RELATING TO THE GENERAL ELECTION.** Council Member Erica Bruce noted that the Hewitt Public Safety Facility will not be used as an early vote site and recommended that it be added. City Secretary advised that the cost would be at \$5,000 and an expense to be paid for solely by the City.

MOTION: Council Member Bill Fuller to approve the resolution.

SECOND: Council Member Travis Bailey

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

NAYES: None

ABSENT: Vidrine

MOTION PASSED.

15. **CONSIDERATION AND ACTION ON AN ORDINANCE PROVIDING FOR SPECIAL SENIORITY PAY FOR NEWLY-HIRED POLICE OFFICERS WITH PRIOR FULL-TIME PAID LAW ENFORCEMENT EXPERIENCE; AND PROVIDING FOR AN EFFECTIVE DATE.** Police Chief Jim Devlin summarized his request for this item. General discussion was held concerning impact to existing police officers.

MOTION: Mayor Pro Tem Steve Fortenberry moved to approve the ordinance.

SECOND: Council Member Erica Bruce

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

NAYES: None

ABSENT: Vidrine

MOTION PASSED.

16. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the meeting at 8:10 PM, all six in favor, motion passed.*

Approved: February 18, 2019

Lydia Lopez, City Secretary

Ed Passalugo, Mayor

HEWITT TEXAS

ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

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

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

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

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

HEWITT TEXAS

COUNCIL AGENDA ITEM #6

The Financial Statements ending January 31, 2019, are attached for Council review. Finance Director Lee Garcia will be available to respond to any questions or comments.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 18, 2019

AGENDA ITEM #: 7

SUBMITTED BY: Katie Allgood, Managing Director of Administration

ITEM DESCRIPTION:

Public hearing on Storm Water Mitigation as required by the Texas Commission on Environmental Quality (TCEQ).

STAFF RECOMMENDATION/ITEM SUMMARY:

The City is required by the Texas Commission on Environmental Quality (TCEQ) to hold annual public hearings regarding Storm Water Mitigation as part of our Storm Water Management Plan. The purpose of this public hearing is to give the public the opportunity to apprise the City of issues regarding drainage in natural watersheds that may not be readily known by staff. Also, it is the opportunity for the public to make us aware of additional runoff issues into our creeks and waterways.

ATTACHMENTS:

None.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: February 18, 2019

AGENDA ITEM #: 8

SUBMITTED BY: Tracy Lankford, Community Development Director

ITEM DESCRIPTION:

Public hearing and action on ordinances rezoning Lot 1A (Ordinance No. 2019-03) and Lot 2(Ordinance No. 2019-04) Block 1 Four Seasons Addition, Hewitt, McLennan County, Texas, from R-1 (Single-Family Residential and C-2 General Commercial respectively) to R-4 (Multi-Family Residential).

STAFF RECOMMENDATION/ITEM SUMMARY:

RG Plus LLC. (Russ Davis) submitted a request to rezone property located in the 600 block of E. Panther Way. These two tracts of land are located South of the intersection of E. Panther Way and Frank St. He is requesting the rezoning change of these two tracts of land from R-1 (Single-Family Residential) to R-4 (Multi- Family Residential). The Planning and Zoning Commission met on Tuesday, February 5, 2019, to consider the request. After a public hearing and deliberation, the P&Z Commission recommended to approve the request with a vote of 6 to 0. A map of the property and copy of the minutes is included in the backup material. This request follows a previous request that was seen and approved by council in 2016.

ATTACHMENTS:

P&Z Draft Minutes and supporting documentation
Draft ordinances

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION

February 5th, 2019 – 6:00PM

Members Present: Chairman Charlie Turner, John Baker, Jim Pless, Walter Peterson, Jonathan Dulus, Michael Lee Hix

Members Absent: Bobby Wolske

Staff Present: Tracy Lankford, Community Development Director
Brittney Cantu, Zoning Secretary

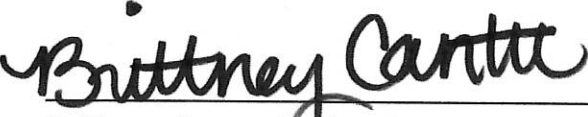
1. **Call of Planning & Zoning Commission Meeting to Order.** *Chairman Charlie Turner Called the meeting to order at 6:00pm.*
2. **Consider Approval for Minutes of past 2 P&Z meetings: September 4th, 2018 and October 2, 2018.** *A motion was made by John Baker to approve meeting minutes, but needing to correct the minutes of October 2, 2018, #5 Adjourn. John Baker stated he did not make the motion to adjourn this meeting, and it was agreed that Jim Pless motioned and Walter Peterson seconded the motion for meeting adjournment. Pending these changes, motion was made by John Baker and seconded by Jonathan Dulus to approve the minutes as submitted but allow for corrections. All five in favor, motion passed.*
3. **Public Hearing: Change the Comprehensive Plan Future Land Use Map & possible zoning designations of Lot 1A, Block 4 Four Seasons Addition from Office Area to High Density Residential, and Lot 2, Block 1 Four Seasons Addition from Low Density Residential to High Density Residential. Both lots are located on Panther Way.** *Speaking in favor: Anthony Tomchesson, engineer for the project, residing at 981 FM 56, Valley Mills, Texas. Mr. Tomchesson states that this project will tie in with the previous project that was passed by P&Z and council in 2016. Russ Davis, owner of RG Plus LLC, general contractor on project and owner of property, residing at 367*

Broughton Dr, Woodway, Texas. Mr. Davis re-iterated what Mr. Tomchesson stated before him. Chairman Charlie Turner called for all of those against the project to come speak, no one came forward. Public hearing closed at 6:08 pm.

4. **Discussion and possible action: Change the Comprehensive Plan Future Land Use Map and possible zoning designations on Lot 1A, Block 1 Four Seasons Addition from Office Area to High Density Residential, and Lot 2, Block 1 Four Seasons Addition from Low Density Residential to High Density Residential. Both lots are located on Panther Way.** *Chairman Charlie Turner asked for the City's recommendation on this project. Tracy Lankford, Director of Community Development, stated that back in June of 2016, the first request by the developer was recommended to Council for approval from Planning & Zoning, council approved request. This second request is for the remaining adjacent tracts that the developer now owns. The City originally had concerns about these landlocked tracts due to traffic, water, and safety concerns. These additional lots addressed concerns those concerns. Jim Pless asked a question regarding the floodplain map that was shown, Tony Tomchesson explained that the previous floodplain map from 2016 showed that property would be in a floodplain, but newer map only shows a tiny sliver of a drive in the floodplain, and Mr. Tomchesson has no issues foreseen with this. A motion was by John Baker to recommend approval, seconded by Jim Pless. All six in favor, motion carries. Recommendation will go before City Council on February 18, 2019.*
5. **Discussion and possible action: Change the Zoning on Lot 1A, Block 1 Four Seasons Addition from R-1 Single-Family Residential to R-4 Multi-Family Residential, and Lot 2, Block 1 Four Seasons Addition from C-2 General Commercial to R-4 Multi-Family Residential. Both Lots are located on Panther Way.** *A motion was made by John Baker to recommend approval, seconded by Jonathan Dulus. All six in favor, motion carries. Recommendation will go before City Council of February 18, 2019.*
6. **Adjourn.** *A motion was made by John Baker and seconded by Jonathan Pless to adjourn the meeting at 6:14 pm. All six in favor, motion passed.*

Chairman

Date Approved



Brittney Cantu, Zoning Secretary

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

Bo Thomas, City Manager

Miles Whitney, City Engineer

Tracy Lankford, Community Development Director

Brittney Cantu, Zoning Secretary

HEWITT TEXAS

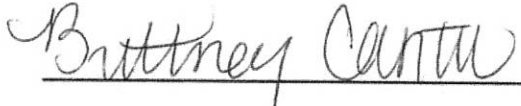
NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION

Notice is given that a **PUBLIC** meeting will be held before the Planning and Zoning Commission of the City of Hewitt, on **Tuesday, February 5, 2019, 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 October 2, 2018, Planning and Zoning Commission regular meeting.
3. **Public Hearing:** Change the Comprehensive Plan Future Land Use Map and possible zoning designations on Lot 1 A Block 4 Four Seasons Addition from Office Area to High Density Residential, and Lot 2, Block 1 Four Seasons Addition from Low Density Residential to High Density Residential, both lots are located on Panther Way.
4. Discussion and possible action: Change the Comprehensive Plan Future Land Use Map and possible zoning designations on Lot 1 A Block 1 Four Seasons Addition from Office Area to High Density Residential, and Lot 2, Block 1 Four Seasons Addition from Low Density Residential to High Density Residential, both lots are located on Panther Way.
5. Discussion and possible action: Change the Zoning on Lot 1 A Block 1 Four Seasons Addition from R-1 Single-family Residential to R-4 Multi-family Residential, and Lot 2, Block 1 Four Seasons Addition from C-2 General Commercial to R-4 Multi-family Residential, both lots are located on Panther Way.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Hewitt, Texas was posted on the Public Notice Board located in front of the City Hall before 5pm on February 1, 2019.

City of Hewitt

A handwritten signature in dark ink, reading "Brittney Cantu", written over a horizontal line.

Brittney Cantu, 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

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 CA-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, on sight 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 (Baker), 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 (Baker), motion carries. Recommendation will go before City Council Meeting on November 5th 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

APPLICATION REVIEW

Z-2019-1

HEARING DATE: February 5, 2019

1. **CASE #** Z-2019-1
PROPERTY ADDRESS: 600 Block E. Panter Way
LEGAL DESCRIPTION: Lots 1A and 2 Block 1 Four Seasons Addition

2. **APPLICANT:** Russ Davis
MAILING ADDRESS: 367 Broughton, Woodway, TX. 76712

When a zoning proposal is received that is not consistent with the Comprehensive Land Use Plan, the City may consider a change in the plan's policies or the Future Land Use Map. The review of the 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

3. REQUEST:

LAND USE DESIGNATION:

From **OFFICE AREA** to **HIGH DENSITY RESIDENTIAL**

ZONING:

From **R-1 SINGLE-FAMILY DISTRICT AND C-2 GENERAL COMMERCIAL** to **R-4 MULTI-FAMILY HIGH DENSITY DISTRICT**

SUMMARY DESCRIPTION OF USES IN R-4: High density multiple-family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters.

Permitted Uses are as shown in Section 2.105(B).

PLANNING SERVICES REVIEW

NEIGHBORHOOD CHARACTER:

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

PLANNING SERVICES RECOMMENDATION:

LAND USE/ 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

Staff recommends **approval** of this request as presented. The adjacent property was rezoned in June of 2016 by the developer and this request is for the remaining surrounding property. This request will allow for the whole development to have a secondary entrance/ exit onto Panther Way

Notices: 12 mailed; 0 returned,

ENGINEERING SERVICES DATA

1. Street condition: Good_____ Acceptable X Needs Reconstruction_____

2. Street width: Existing: ROW 50' Pavement 25'

Required: ROW__ Pavement

3. Curb and Gutter:

Needs to be installed_____ Exists_____ Needs Reconstruction_____

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

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:

No Comments

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: Russ Davis

Owner: Islamic Center of Hewitt Inc. and RG Plus, LLC

HEWITT TEXAS

PLANNING AND ZONING ADMENDMENT OF THE ZONING ORDINANCE

Legal Description of Property: Lot 1A Block 1 Four Seasons 2000011485
620 N. Hewitt Dr., Hewitt TX 76643

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.

landlocked piece of property located behind the
Brookside apartments near the corner of Hewitt Dr. and Panther Way (2.45 acres)

Zoning Change From C2 to R4

Please describe the interest in property:

extend R-4 zoning previously granted on adjoining
property

Existing Building(s) on Property: none

Total square feet of all Buildings on Property: N/A

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): February 5, 2019

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:

RG Plus, LLC

Telephone Number:

254-640-0947

Mailing Address:

367 Broughton Woodway TX 76712

Email Address:

RussDavisHomes@gmail.com

Signature of Property Owner:



Date:

1/9/18

Name of Applicant/Representative:

Russ Davis

Telephone Number:

254-640-0947

Mailing Address:

367 Broughton Woodway TX 76712

Email Address:

RussDavisHomes@gmail.com

Signature of Applicant/Representative:



Date:

1/9/18

HEWITT TEXAS

PLANNING AND ZONING ADMENDMENT OF THE ZONING ORDINANCE

Legal Description of Property: ^{LOT 2, Block 1 Four Seasons 2006031482}
600 E. Panther Way, Hewitt TX 76643

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.

property has frontage on Panther way in between the Brookside
apartments and a row of storage buildings

Zoning Change From R1 to R4

Please describe the interest in property:

Extend R-4 zoning previously granted on adjoining property

Existing Building(s) on Property: none

Total square feet of all Buildings on Property: N/A

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): February 5, 2019

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: _____

Telephone Number: _____

Mailing Address: _____

Email Address: _____

Signature of Property Owner: _____

Date: _____

Name of Applicant/Representative: _____

Telephone Number: _____

Mailing Address: _____

Email Address: _____

Signature of Applicant/Representative: _____

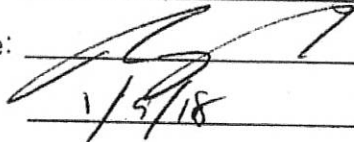
Date: _____

Russ Davis

254-640-0947

367 Broughton Woodway TX 76712

Russ.Davis.Homes@gmail.com



1/5/18

Owner Identification #: 367300

Legal Description: FOUR SEASONS Block 1 Lot 2 Acres 1.882

Abstract:	0339.00S36
Neighborhood:	Corn Hewit City Gen Nbhhd
Appraised Value:	N/A
Jurisdictions:	36, 62, 86, 00, CAD

Name: ISLAMIC CENTER OF HEWITT INC
Exemptions:
DBA: Null

54

of 1

January 11, 2019

Mr. Tracy Lankford
City of Hewitt
200 Patriot Court
Hewitt, Texas 76643

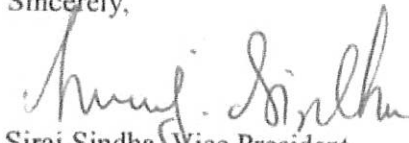
Dear Mr. Lankford,

The Islamic Center of Hewitt, Inc. has entered into a sale contract to convey the property located at 600 E Panther Way to RG Plus, LLC. Please allow this letter to serve as our consent and authorization to approve the following changes to the property:

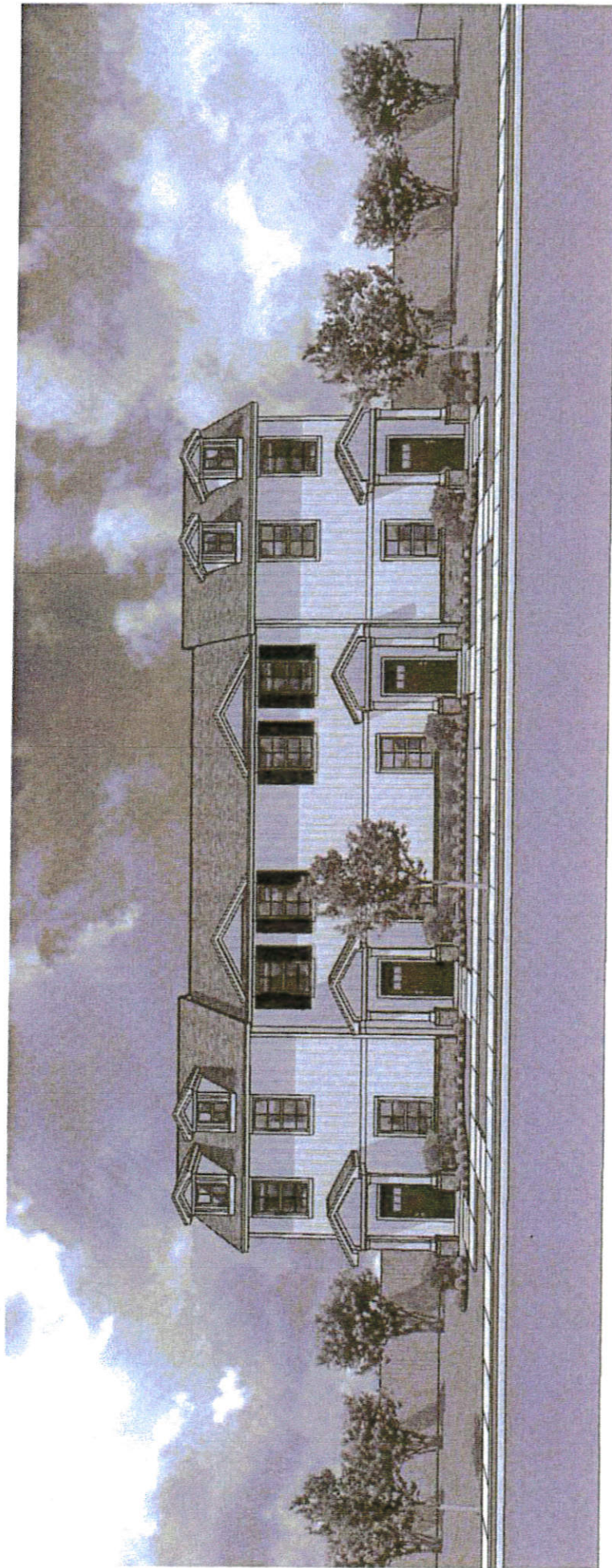
1. Change in zoning from R-1 Single Family to R-4 Multi-Family;
2. Variance allowing the applicant/developer to provide covered parking in lieu of garages;
3. Variance allowing the applicant/developer to utilize 75% stone/brick masonry materials on front elevations and up to 100% *Hardy* siding to side and rear elevations;

Please let us know if you require anything else to further these requests.

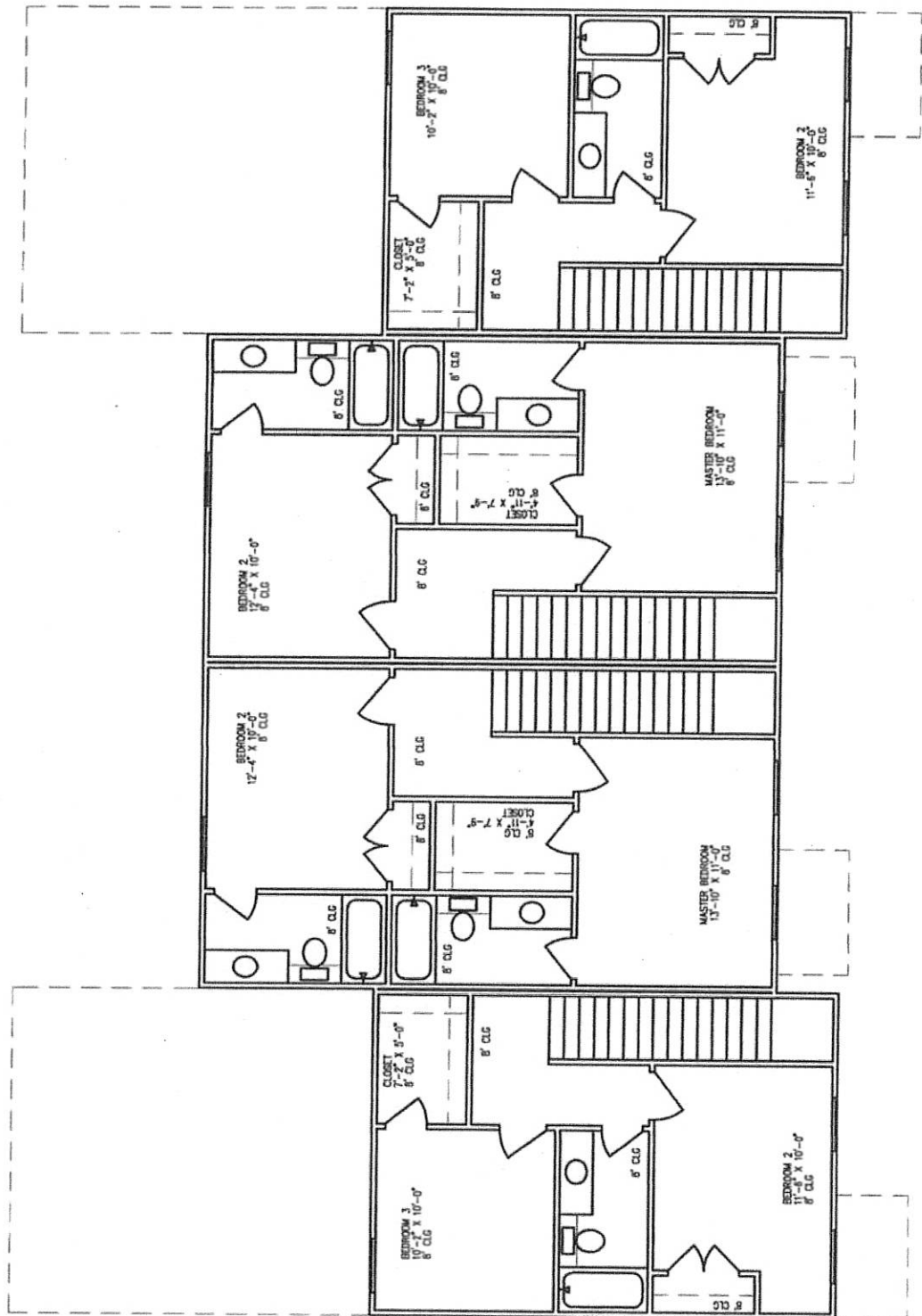
Sincerely,

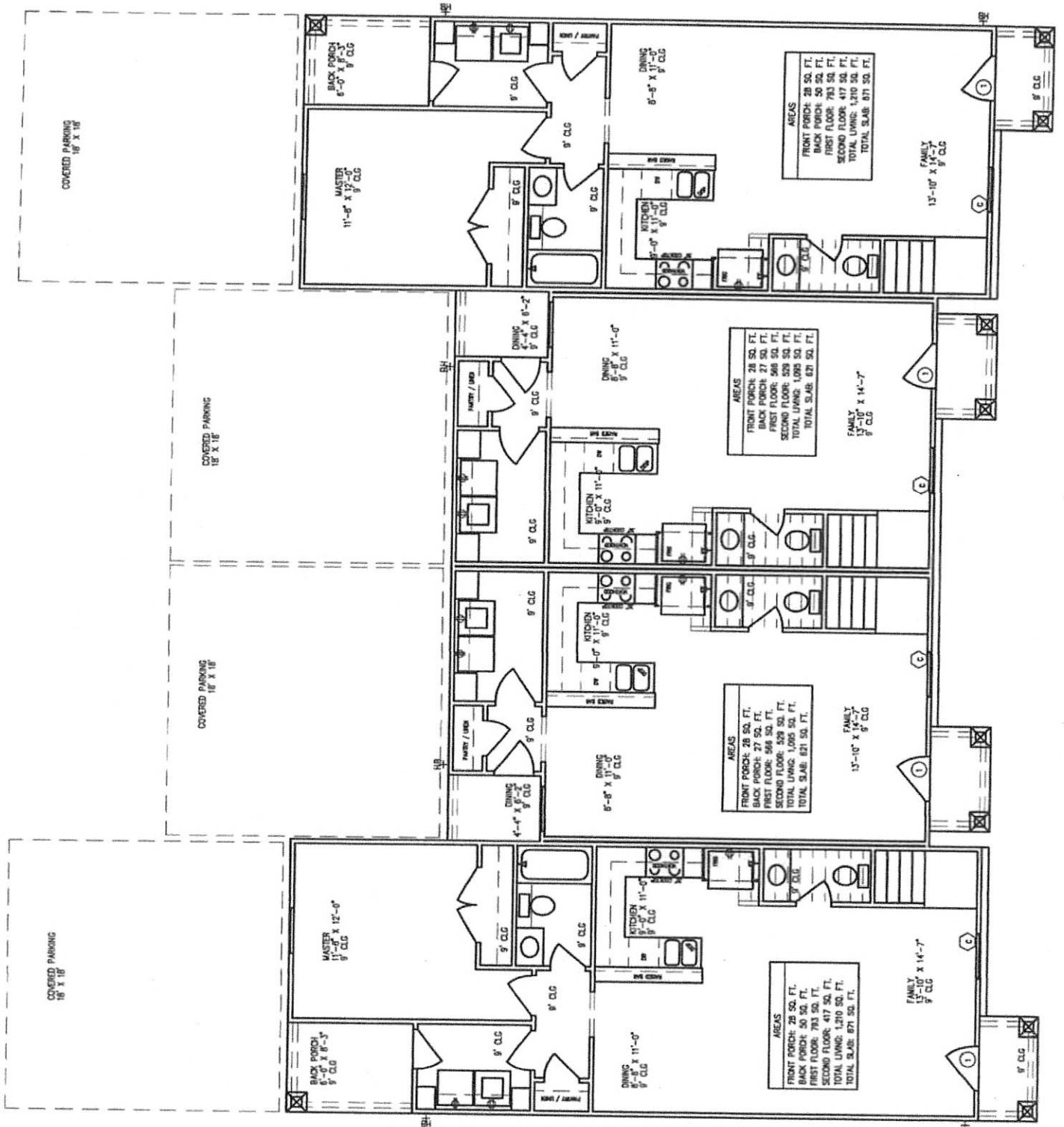


Siraj Sindha, Vice President
Islamic Center of Hewitt, Inc.
317 S Hewitt Drive
Hewitt, Texas 76643









ADVANTAGES TO REZONING

SAFETY

- Two entry/exit locations lessens traffic concentration on single access point
- Exit onto Panther Way allows for outflow to merge with Hewitt Drive via controlled light

BETTER UTILITY FLOW

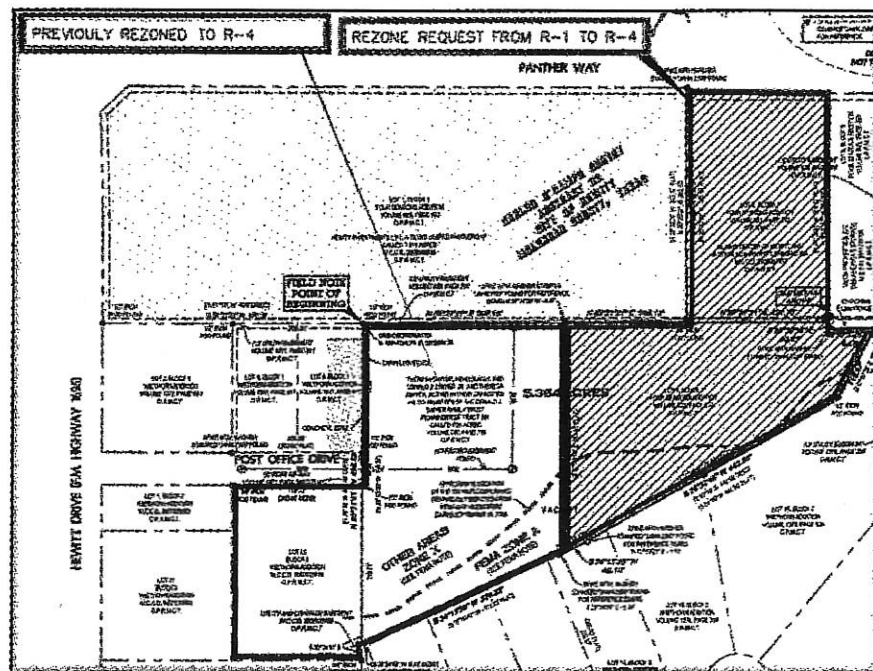
- Looped water line is more efficient (no dead ends)

EMERGENCY ACCESS

- Increased access to property for emergency vehicles (ie. fire, ambulance)

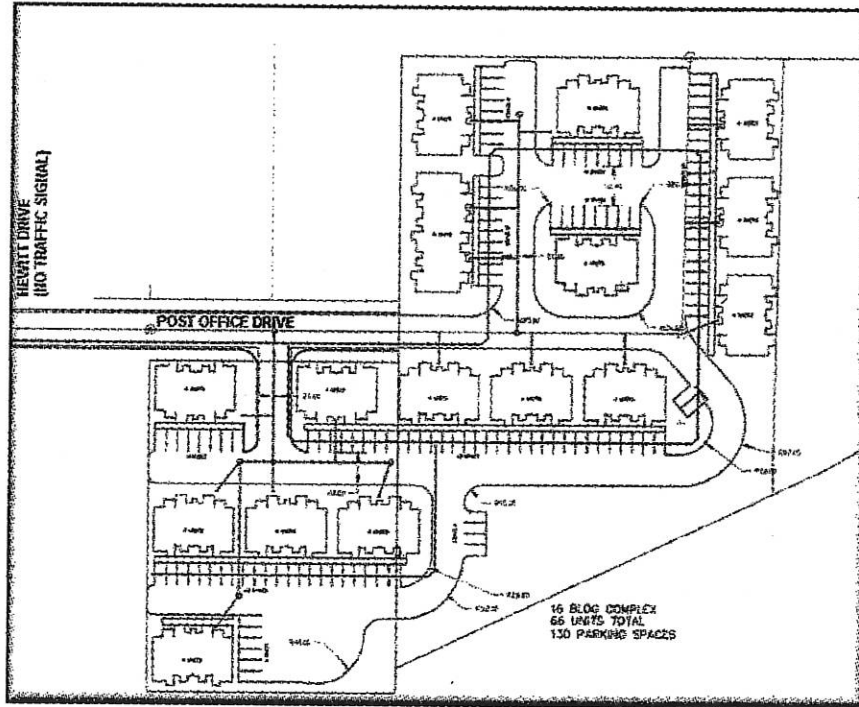
OPTIMIZATION

- Continuing the R-4 zoning allows for better use of a landlocked 2+ acre tract in an area already flanked by commercial and dense residential properties
- Adjoining properties already zoned R-4

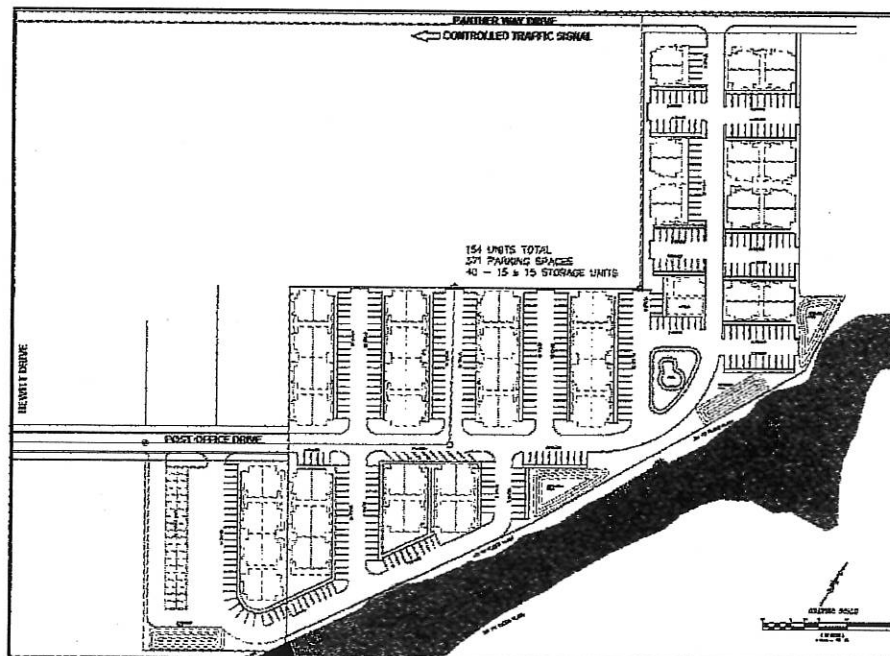


PANTHER WAY / POST OFFICE DRIVE REZONE PROPOSAL

CURRENT



PROPOSED



ORDINANCE NO. 2019-3

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 C-2 (GENERAL COMMERCIAL DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL 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 RG Plus, LLC to rezone Lot 1A, Block 4 Four Seasons Addition, Hewitt, McLennan County, Texas, from **C-2 (General Commercial District) to R-4 (Multi-Family 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 Monday, February 18, 2019, 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, February 5, 2019, 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, known as Lot 1A, Block 4 Four Seasons Addition, Hewitt, McLennan County, Texas, from **C-2 (General Commercial District) to R-4 (Multi-Family 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. 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 18th day of February, 2019, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

ATTEST:

Lydia Lopez, City Secretary

ORDINANCE NO. 2019-4

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-4 (MULTI-FAMILY RESIDENTIAL 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 RG Plus, LLC to rezone Lot 2, Block 4 Four Seasons Addition, Hewitt, McLennan County, Texas, from **R-1 (Single-Family Residential District)** to **R-4 (Multi-Family 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 Monday, February 18, 2019, 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, February 5, 2019, 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, known as Lot 2, Block 4 Four Seasons Addition, Hewitt, McLennan County, Texas, from **R-1 (Single-Family Residential District)** to **R-4 (Multi-Family 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. 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.

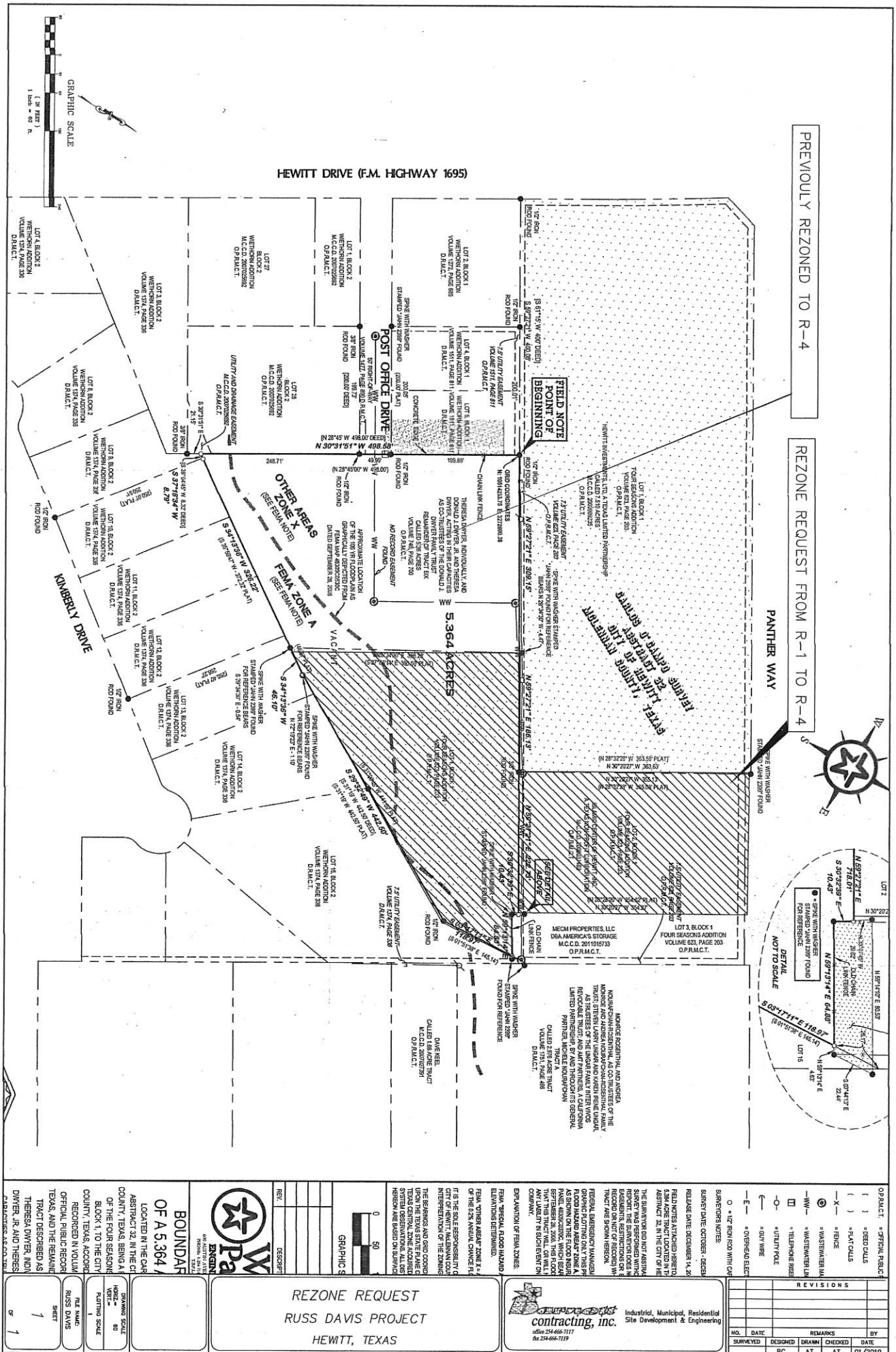
PASSED AND APPROVED this the 18th day of February, 2019 at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: _____
Ed Passalugo, Mayor

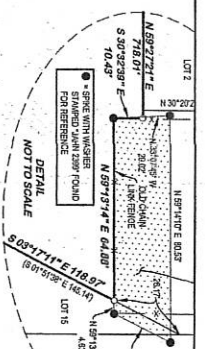
ATTEST:

Lydia Lopez, City Secretary



PREVIOUSLY REZONED TO R-4

REZONE REQUEST FROM R-1 TO R-4



REVISIONS				
NO.	DATE	DESIGNED	CHECKED	BY
1	01/20/19	BC	AT	

contracting, inc.
Industrial, Municipal, Residential
Site Development & Engineering
Office 254-666-7117
Fax 254-666-7119

REZONE REQUEST
RUSS DAVIS PROJECT
HEWITT, TEXAS



BOUNDARY
OF A 5.364
LOCATED IN THE CITY
OF HEWITT, TEXAS BEING A
TRACT DESCRIBED AS
TRACT 1 TO THE CITY
COUNTY, TEXAS, ACCORD
RECORDED IN VOLUME
OFFICIAL PUBLIC RECORDS
TEKAS, AND THE HEWITT
TRACT DESCRIBED AS
DWYER, JR. AND THEREA
CHARACTERS AS CO. 120

GRAPHIC SCALE
1" = 100' 0"

LEGEND
-E- OVERHEAD ELECT.
-U- UTILITY POLE
-W- WATERMAIN
-X- FENCE
-F- FILL TILLS
-I- IRON PILES
-O- OFFSHORE ELEC.