

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

March 1, 2021

Regular Meeting – 7:00 PM

Hewitt City Hall, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Charlie Turner – Mayor, Ward 1

Wilbert Wachtendorf – Mayor Pro Tem, Ward 1

Bill Fuller – Council Member, Ward 2

Bob Potter – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Erica Bruce – Council Member, Ward 3

Michael S. Bancalé – 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

Tracy Lankford, Community Dev. Director

Kevin Reinke, Utilities Director

Scott Coleman, General Services Director

Tuck Saunders, Assistant Police Chief

Jessica Higgins, HR Manager/Civil Service Director

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **1st day March, 2021, at 7:00 PM** in **Hewitt City Hall, Council Chamber, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed and upon which action may be taken:

In accordance with social distancing guidelines, the City Council meeting will not be open to the public. Some council members may attend, while others may call in to participate. The meeting will be streamed live on the city's website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

Citizens who wish to address the Council may submit written comments on any items listed on the agenda or under the hear visitors. Complete a [Public Comment form](#) available online and submit via email to the [City Secretary](#). Comments must be received no later than **noon** on the date of the meeting.

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. 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.*
4. Consider approval of minutes of the City Council Regular Meeting of February 1, 2021.
5. Public hearing and action on **Ordinance No. 2021-04** rezoning the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.
6. Public hearing on Storm Water Mitigation as required by the Texas Commission on Environmental Quality (TCEQ).
7. Presentation of Hewitt Police Department's 2019-2020 Racial Profiling Report.
8. Presentation of report from City Engineer
 - Update on pending utility projects.
 - Update on pending street projects.
 - Update on pending drainage projects.
9. Briefing and discussion concerning Financial Statements ending January 31, 2021.
10. Authorize the purchase of Vegetation Management Services from Landmark ES for the City of Hewitt in the amount of \$6,694.
11. Consider award of bid for 208/212 Cross Country Dr. Drainage Improvements to HCS Inc. Commercial General Contractors in the amount of \$57,611.

12. Consideration and action on acceptance of "Certificate of Unopposed Candidates" and on **Ordinance No. 2021-05**, declaring unopposed candidates in the May 1, 2021 General Election to be elected to office and cancelling the General Election as prescribed in the Texas Election Code.
13. Discussion and briefing concerning the Coronavirus (COVID-19) and any actions necessary thereto.
14. 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 11:00 AM/PM on February 24, 2021

CITY OF HEWITT


Lydia Lopez, TRMC/CMC
City Secretary

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



AGENDA ITEM #3 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

Due to the public health crisis (COVID-19) and social distancing guidelines, all City Council Meetings, will not be opened to the public; however, the meetings will be streamed live on the City of Hewitt's website at <https://www.cityofhewitt.com/790/Hewitt-TX-TV>.

Citizens who wish to address the Council on any item on the agenda or under this hearing of visitors, must complete and submit the [Public Comment Form](#) via email to the [City Secretary](#) or in person at Hewitt City Hall, 200 Patriot Court by **NOON** on the day of the meeting. Your comments will be read into the record during the meeting.

Council may not comment publicly on issues raised during citizen comments that are not listed on the Agenda but may direct the City Manager to resolve or request the matter to be placed on a future agenda. Such public comments shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Regular Meeting of February 1, 2021.

STAFF RECOMMENDATION/ITEM SUMMARY:

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

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

I move approval of the minutes as presented but to allow for corrections.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

**MINUTES OF A CITY COUNCIL
REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
February 1, 2021 – 7:00 PM**

Attendee Name	Title	Absent	Present	Arrived
Charles D. Turner (presiding)	Mayor, Ward 1	☐	☒	
Wilbert “Walky” Wachtendorf	Mayor Pro Tem, Ward 1	☐	☒	
Bill Fuller	Council Member, Ward 2	☐	☒	
Bob Potter	Council Member, Ward 2	☐	☒	
Michael S. Bancale	Council Member, At-Large	☐	☒	
Steve Fortenberry	Council Member, Ward 3	☐	☒	
Erica Bruce	Council Member, Ward 3	☐	☒	

Staff present:

City Manager Bo Thomas
City Secretary Lydia Lopez
Fire Chief Lance Bracco
Police Chief Jim Devlin
Library Director Waynette Ditto
City Attorney Mike Dixon
City Engineer Mile Whitney

Note: The meeting was live-streamed for view by the public on the Hewitt TX TV page. Citizens could submit written comments online.

REGULAR MEETING – 7:00 PM

- 1. CALL MEETING TO ORDER.** Mayor Charlie Turner called the meeting to order at 7:00 PM. City Secretary Lydia Lopez polled the Council for attendance.
PRESENT: Bancale, Fuller, Potter, Fortenberry, Bruce, Wachtendorf, and Turner
ABSENT: None
- 2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner asked Mayor Pro Tem Wilbert “Walky” Wachtendorf to lead the Pledge of Allegiance.

3. **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. **NOTE:** The public was offered the opportunity to submit written comments on items listed on the agenda or under the hear visitors via the city's website. **No public comment forms were submitted via the city's website.**
4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF JANUARY 18, 2021.**
MOTION: Mayor Pro Tem Wilbert "Walky" Wachtendorf moved approval of the minutes as presented but allow for corrections.
SECOND: Council Member Michael Bancale
AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
5. **PRESENTATION OF REPORT FROM CITY ENGINEER MILES WHITNEY, P.E.**
 - Update on pending utility projects
 - Update on pending street projects
 - Update on pending drainage projects
6. **CONSIDERATION AND ACTION ON RESOLUTION NO. 2021-01 APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR HOMELAND SECURITY GRANT FUNDING TO UPGRADE/REPLACE THE CITY OF HEWITT'S OUTDOOR WARNING SIREN SYSTEM.** City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved approval of Resolution No. 2021-01 approving the submission of a grant application for Homeland Security Grant Funding.
SECOND: Council Member Bob Potter
AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
7. **CONSIDERATION AND ACTION ON ORDINANCE NO. 2021-03 ORDERING A GENERAL ELECTION TO ELECT COUNCIL MEMBERS TO THE CITY OF HEWITT CITY COUNCIL AND A SPECIAL ELECTION FOR THE QUALIFIED ELECTORS OF THE CITY OF HEWITT, TEXAS TO VOTE ON PROPOSED AMENDMENTS TO THE CITY CHARTER OF THE CITY OF HEWITT, APPROVING JOINT ELECTION, APPROVING A JOINT ELECTION AGREEMENT AND THE EXECUTION THEREOF, AND ESTABLISHING EARLY VOTING AND ELECTION DAY VOTE CENTERS AND DATES/TIMES OF OPERATION.** City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved approval of Ordinance No. 2021-03 ordering the City's General and Special Election.

SECOND: Mayor Pro Tem Wilbert “Walky” Wachtendorf

AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

8. **DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO.** City Manager Bo Thomas presented.

MOTION: Council Member Bob Potter moved to approve the Order dated February 2, 2021.

SECOND: Council Member Steve Fortenberry

AYES: Fuller, Potter, Bancale, Fortenberry, Bruce, Wachtendorf, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

9. **DISCUSSION CONCERNING ECONOMIC DEVELOPMENT IN THE CITY.** City Manager Bo Thomas stated this item was brought forth for discussion by Council Member Michael Bancale. Council Member Michael Bancale stated his purpose to bring forth this discussion was so that the Council could be more proactive and look at ways to increase sales tax revenue to offset the need for future tax increases by encouraging growth of new businesses. He further suggested the possibly of establishing a new committee to build on the efforts. Mr. Thomas reminded the Council that the economic incentives recently passed have proved to be effective in bringing in new businesses. General discussion was held concerning possible role of the new committee (if established), relationships with the Greater Hewitt Chamber of Commerce and the Greater Waco Chamber of Commerce. Council Member Bancale noted that he was pleased with the efforts brought forth, but would like to see a more proactive approach and increased communications with Chambers. No action was taken.

10. **DISCUSSION CONCERNING REVISION OF THE PARK PLAN.** Council Member Michael Bancale stated that he requested this item to discuss the revision of the Park Plan which included a dog park. General discussion concerning land donated and dedicated as Glaze Park. City Manager Bo Thomas suggested that the Council consider taking care of existing parks before future development was considered. He further suggested the inclusion of parks with the proposed five year plan discussed at the last meeting. The tentative date to present this plan to Council is set for March 15, 2021. No action was taken.

Mayor Charlie Turner recessed the Regular Meeting to convene to the following Executive Session at 7:58 PM.

11. **EXECUTIVE SESSION:** A closed meeting will be held pursuant to Section 551.074 of the Government Code (V.T.C.A.) so that the Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (City Manager).

MOTION TO ADJOURN EXECUTIVE SESSION:

MOTION: Council Member Bob Potter moved to adjourn executive session at 8:47 PM.

SECOND: Council Member Steve Fortenberry

AYES: Fuller, Potter, Bancalé, Fortenberry, Bruce, Wachtendorf, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

Mayor Charlie Turner reconvened the Regular Meeting at 8:47 PM.

12. CONSIDERATION AND POSSIBLE ACTION REGARDING THE SUBJECT MATTER SET FORTH IN THE EXECUTIVE SESSION (IF NEEDED).

MOTION: Council Member Erica Bruce moved to approve an additional year extension for the City Manager's contract and a performance increase of 4.9%.

SECOND: Council Member Steve Fortenberry

AYES: Fuller, Potter, Bancalé, Fortenberry, Bruce, Wachtendorf, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

13. ADJOURN.

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 8:56 PM.

SECOND: Council Member Steve Fortenberry

AYES: Fuller, Potter, Bancalé, Fortenberry, Bruce, Wachtendorf, and Turner

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Charles D. Turner, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 5

SUBMITTED BY: Tracy Lankford, Community Development Director

ITEM DESCRIPTION:

Public hearing and action on **Ordinance No. 2021-04** rezoning the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.

STAFF RECOMMENDATION/ITEM SUMMARY:

Mr. Fuller submitted a request to change the zoning designation for the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes. The Planning and Zoning Commission met on Tuesday, February 2, 2021, 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 0.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

I move to approve Ordinance 2021-04 rezoning property known as a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.

ATTACHMENTS:

P&Z Draft minutes and supporting documents
Ordinance No. 2021-04

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION

February 2, 2021 – 6:00PM

Members Present: Chairman Walt Peterson, Travis Bailey, Bobby Drake, Paul Lasater

Members Absent: Mike Hix

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

1. **Call Planning and Zoning Commission Meeting to order.** *Chairman Walt Peterson called the meeting to order at 6:00PM.*
2. **Consider approval of minutes for the October 6, 2020 Planning and Zoning Commission regular meeting.** *A motion was made by Travis Bailey, seconded by Paul Lasater, to approve the minutes as submitted but allow for corrections. All four in favor, motion passed.*
3. **Public Hearing:** *Public Hearing is opened at 6:01PM.*
Consider a request of Jacob Fuller with Clark & Fuller on behalf of Turner Behringer Development to rezone the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes. *No one came forward to speak for or against the rezone request. Public Hearing is closed at 6:02PM.*
4. **Discussion and possible action: Consider a request of Jacob Fuller with Clark & Fuller on behalf of Turner Behringer Development to rezone the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.** *Tracy Lankford, Community Development Director, stated the City is good with the rezone request. Original plan for this area was for commercial, but due to issues with TXDOT not allowing drive access, it was decided to be included into the Moonlight Park subdivisions. A motion was made by Paul Lasater, seconded by Travis Bailey, to approve the rezone request. All four in favor, motion to go before City Council February 15, 2021.*

5. **Adjourn.** *A motion was made by Travis Bailey, seconded by Paul Lasater, to adjourn meeting. All four in favor, meeting adjourned at 6:04PM.*

Chairman

Date Approved

Brittney Cantu, City of Hewitt Zoning Secretary

HEWITT TEXAS

PLANNING AND ZONING COMMISSION

Walter H. Peterson - Chairman

Travis Bailey

Paul Lasater

Bobby Drake

Vacant Seat

Michael Lee Hix

Vacant Seat

CITY STAFF

Bo Thomas – City Manager

Miles Whitney – City Engineer

Tracy Lankford – Community Development Director

Brittney Cantu – Zoning Secretary

Planning and Zoning meetings are held as needed on the first Tuesday of each month at 6PM in the City of Hewitt Council Chambers located at 200 Patriot Court, Hewitt, Texas 76643.

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 2, 2021 at 6:00PM in the City Council Chambers at Hewitt City Hall, located at 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 December 1, 2020 Planning and Zoning Commission regular meeting.
3. **Public Hearing:** Consider a request of Jacob Fuller with Clark & Fuller on behalf of Turner Behringer Development to rezone the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.
4. Discussion and possible action: Consider a request of Jacob Fuller with Clark & Fuller on behalf of Turner Behringer Development to rezone the future subdivision of Moonlight Park Phase 4, a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land from R-1 Single Family Residential to R-1-G Single Family Residential Garden Homes.
5. Adjourn.

In accordance with social distancing guidelines, the Planning and Zoning meeting will not be open to the public.

There will be an opportunity for the public to submit written comments on items listed on the agenda. Complete a Public Comment form available online and submit via email to the City Secretary. Comments must be received no later than noon on the date of the meeting.

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 a Public Notice Board located in front of City Hall before 5:00PM on January 29, 2021.

Brittney Cantu, City of Hewitt 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 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

ZONING AND SPECIAL PERMIT APPLICATION

Case: _____ Applicant: _____ Date: _____

Property Address: Hewitt Drive

Legal Description: (Submit certified field notes, if not subdivided with lot and block description)

Lot(s): _____ Block: _____ Addition: _____

Ownership (Deed): Doc. #/MCC #. MCC# 128936

Existing Property Use: Undeveloped Proposed Property Use: Garden Home

Existing Zoning: R-1 Proposed Zoning: R-1-G

Existing Special Permit: _____ Proposed Special Permit: _____

Site Plan. All applications for special permits must be accompanied by development plans that includes a site plan, parking layout, existing and proposed utilities, topographic map, building plans, and other information about surrounding property developments as required by Part 4 of the Zoning Ordinance.

Please provide the proposed meeting date for this application to be considered (see Meeting Schedule): February 2021

The Application must be completed along with the following required 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.
2. 1 PDF and 1 hard copy of plat in State Plane Coordinates NAD 83.
3. Submit 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 no later than 5:00 PM on the deadline date (see Meeting Schedule).

I attest that the above information is true and correct to the best of my knowledge. That I am now or will be fully prepared to present the above proposal at the Planning & 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.

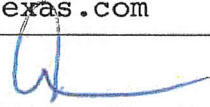
I understand that in the event the undersigned is not present or represented at the public hearing, the Zoning Commission shall have the power to dismiss this proposal either at the call of the case or after hearing and such dismissal shall constitute a denial by both the Planning & Zoning Commission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

I reserve the right to withdraw this proposal. However, written withdrawals filed at any time after the giving of notice of the Planning & Zoning Commission hearing 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: Turner Behringer Development, LLC Phone No: 254-759-8027

Mailing Address: 1224 Austin Ave Ste 330 City: Waco State: TX

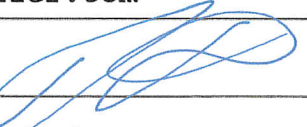
Email Address: cody@tbretexas.com

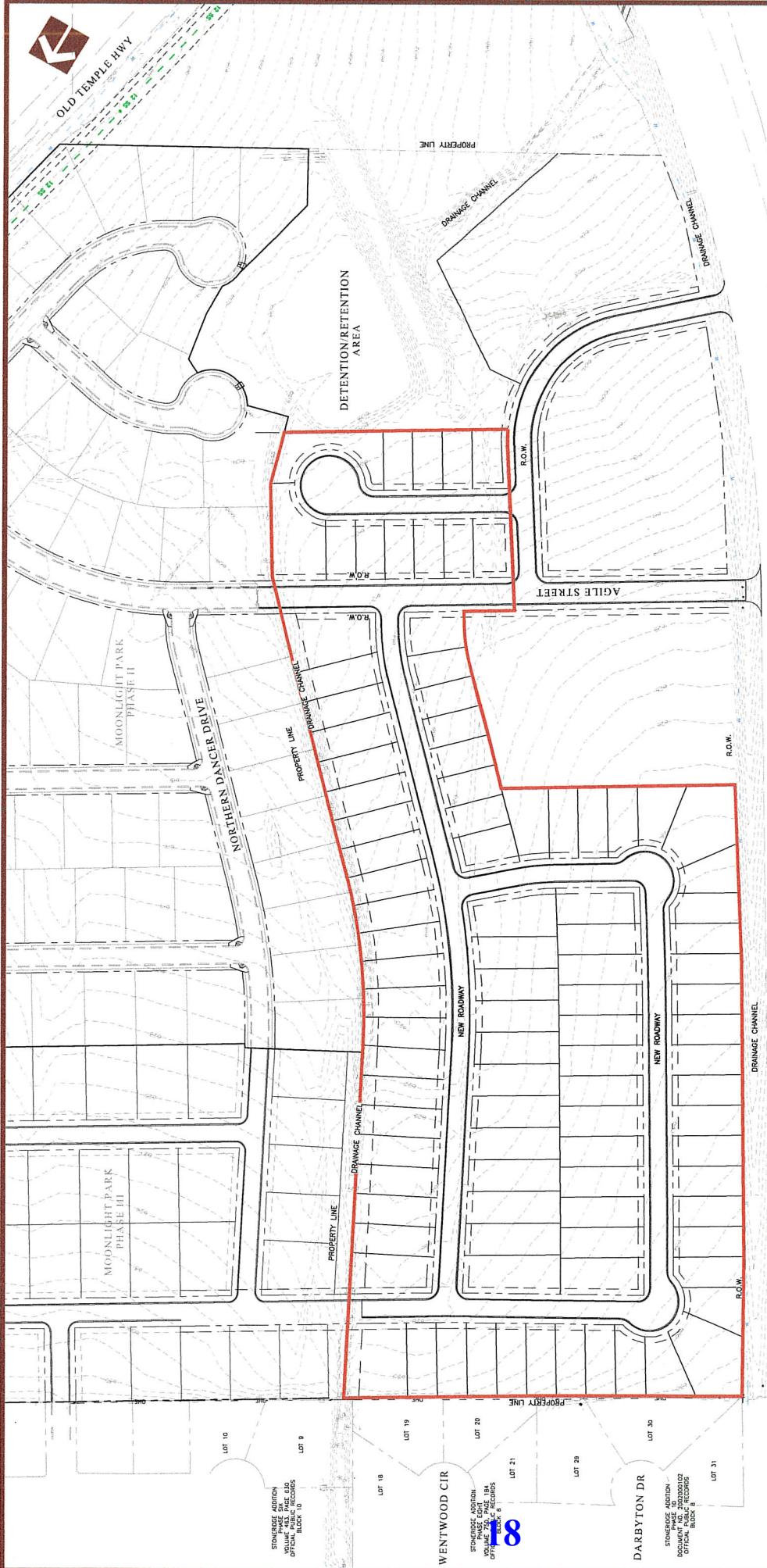
Signature of Property Owner:  Date: 1/5/2021

Name of Applicant/Representative: Clark & Fuller, PLLC Phone No: 254-899-0899

Mailing Address: 215 N. Main St City: Temple State: TX

Email Address: jfuller@clark-fuller.com

Signature of Applicant/Representative:  Date: 1/7/21



NOT FOR CONSTRUCTION

THIS DOCUMENT IS RELEASED FOR THE
 AUTHORITY OF JUSTIN B. FULLER, P.E. 10083
 AS PER DATE ON DRAWING. IT IS NOT TO BE
 USED FOR BIDDING OR CONSTRUCTION.

1-7-2021



MOONLIGHT PARK PHASE IV CONCEPT PLAN

S HEWITT DRIVE/FM 1695

R.O.W.



CLARK & FULLER
 CIVIL ENGINEERING • DESIGN • PLANNING
 254.899.9899 www.clarkfuller.com P 10384

STANDARD ADDITION
 VOLUME 145, PAGE 630
 OFFICIAL PUBLIC RECORDS
 BLOCK 10

STANDARD ADDITION
 VOLUME 150, PAGE 184
 OFFICIAL PUBLIC RECORDS
 BLOCK 8

STANDARD ADDITION
 VOLUME 150, PAGE 184
 OFFICIAL PUBLIC RECORDS
 BLOCK 8

Exhibit A

EXHIBIT FOR REZONING PURPOSES ONLY

BOUNDARY SURVEY SHOWING A 20.398 ACRE TRACT OF LAND, LOCATED IN THE CARLOS OCAMPO SURVEY, ABSTRACT NO. 32, MCLENNAN COUNTY, TEXAS, SAID 20.398 ACRE TRACT, BEING A REMAINING PORTION OF THAT CALLED 106.408 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 2017023208, OFFICIAL PUBLIC RECORDS, MCLENNAN COUNTY, TEXAS.

NOTES:
1) FIELD WORK PERFORMED ON: DECEMBER 2020
2) PREPARED BY: TURNER BEHRINGER DEVELOPMENT LLC
3) ADDRESS: HEWITT DR., HEWITT, TX
4) BASE OF BEARING: TEXAS STATE PLANE, CENTRAL ZONE, NAD83
5) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL REVISIONS AND AMENDMENTS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
6) A METES AND BOUNDS DESCRIPTION WAS PREPARED BY A SEPARATE DOCUMENT.
7) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR MCLENNAN COUNTY, TEXAS, THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X. THIS FLOOD PLAIN, THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP IS FOR USE IN ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM. IT DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING, PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE OR ALL AREAS SUBJECT TO FLOODING FROM OTHER SOURCES. THE FLOOD INSURANCE RATE MAP DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES LOCATED THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THE FLOOD HAZARD AREA IS SUBJECT TO CHANGE AS DETAILED STUDIES OCCUR AND/OR WATERBODIES OF CHANNEL CONDITIONS CHANGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

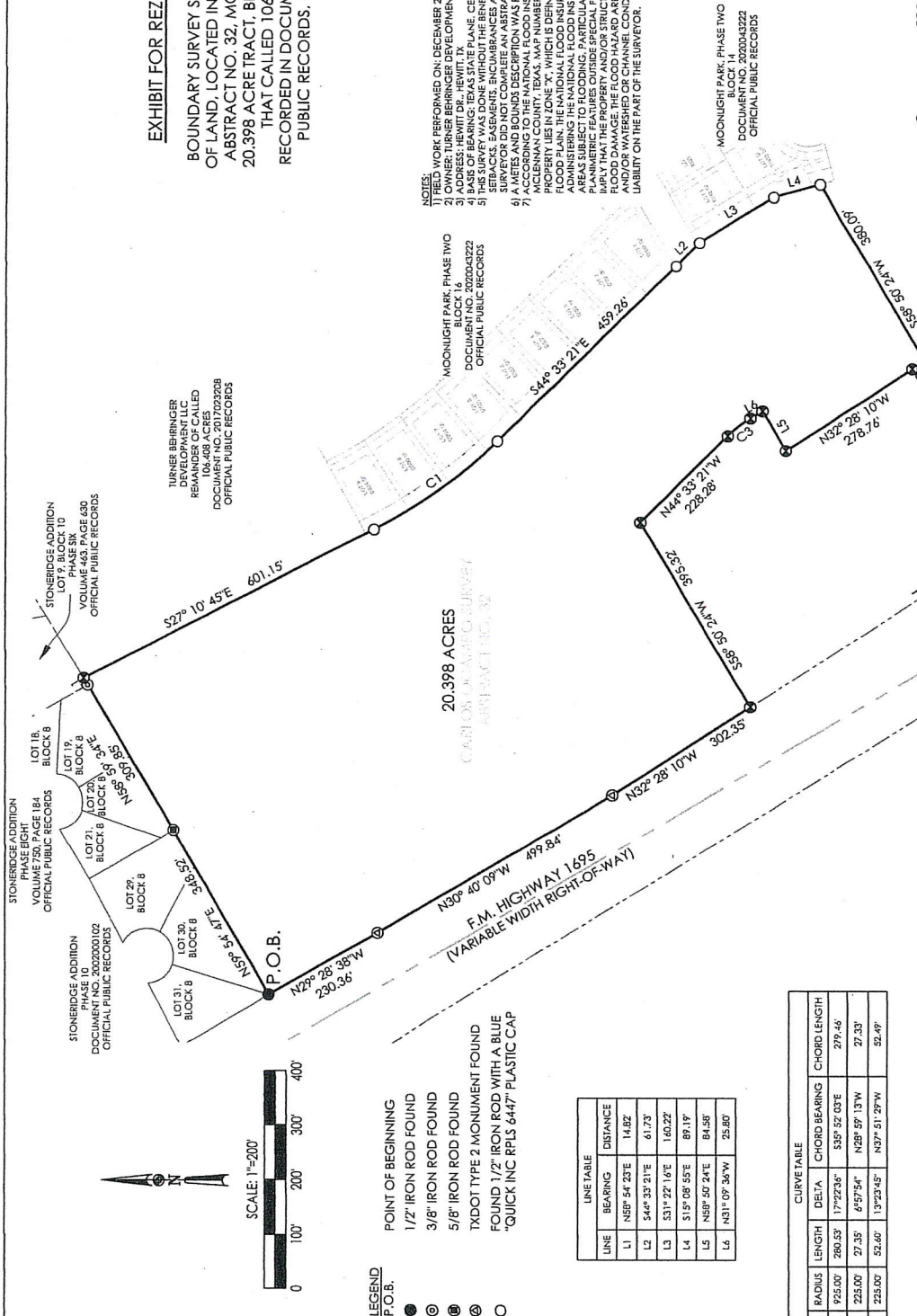
FOR REZONING PURPOSES ONLY

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT THE RESULTS OF MY FIELD AND BELIEFS ARE CORRECTLY REPRESENTED BY THE FACTS FOUND AT THE TIME OF THIS SURVEY.

TRAVIS L. QUICKSALL
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6447
JOB NO. 17-00381 PHASE 1



TURNER BEHRINGER
DEVELOPMENT LLC
REMAINDER OF CALLED
DOCUMENT NO. 2017023208
OFFICIAL PUBLIC RECORDS



LEGEND
P.O.B.
● 1/2" IRON ROD FOUND
○ 3/8" IRON ROD FOUND
⊙ 5/8" IRON ROD FOUND
⊗ TxDOT TYPE 2 MONUMENT FOUND
○ FOUND 1/2" IRON ROD WITH A BLUE "QUICK INC RPLS 6447" PLASTIC CAP

LINE	BEARING	DISTANCE
L1	N89°54'23"E	14.82
L2	S44°33'21"E	61.73
L3	S31°22'16"E	143.22
L4	S15°08'55"E	89.19
L5	N50°50'24"E	84.58
L6	N31°07'34"W	25.60

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	925.00	269.53	17°22'34"	S35°52'03"E	279.46
C2	225.00	27.35	64°57'54"	N28°59'13"W	27.33
C3	225.00	52.40	13°23'45"	N37°51'29"W	52.49

Quick Inc.
Land Surveying, Land Planning, Consulting.
P.O. Box 10194104
1430 N. Robertson Road, Salado, Texas 76781



Land Surveying. Land Planning. Consulting.

Firm: 10194104 512-915-4950

1430 N. Robertson Road, Salado, Texas 76571

DESCRIPTION FOR REZONING PURPOSES ONLY
FIELD NOTES FOR A 20.398 ACRE TRACT OF LAND:

BEING A 20.398 ACRE TRACT OF LAND, LOCATED IN THE CARLOS OCAMPO SURVEY, ABSTRACT NO. 32, MCLENNAN COUNTY, TEXAS; SAID 20.398 ACRE TRACT, BEING A REMAINING PORTION OF THAT CALLED 106.408 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 2017023208, OFFICIAL PUBLIC RECORDS, MCLENNAN COUNTY, TEXAS; SAID 20.398 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod located in the northeast right-of-way line of F.M. Highway 1695, being the northwest corner of the remainder of said 106.408 acre tract, the southwest corner of that called Lot 30, Block 8, of Stoneridge Addition, Phase 10, according to the plat of record in Document No. 2002000102, Official Public Records, McLennan County, Texas, said point being the northwest corner of the herein described tract of land;

1. **Thence**, departing the northeast right-of-way line of F.M. Highway 1695, with a northwest line of the remainder of said 106.408 acre tract, the southeast line of Block 8 of Stoneridge Addition, Phase 10, **N 59° 54' 47" E**, a distance of **348.52'**, to a 5/8" iron rod located for an angle point of the remainder of said 106.408 acre tract, being the southeast corner of that called Lot 29, Block 8, of said Stoneridge Addition, Phase 10, the southwest corner of that called Lot 20, Block 8, of Stoneridge Addition, Phase Eight, according to the plat of record in Volume 750, Page 184, Official Public Records, McLennan County, Texas, said point being an angle point of the herein described tract of land;
2. **Thence**, with a northwest line of the remainder of said 106.408 acre tract, the southeast line of Block 8 of Stoneridge Addition, Phase Eight, **N 58° 59'**

34" E, a distance of **309.85'**, to a 3/8" iron rod located for an angle point of the remainder of said 106.408 acre tract, being the southeast corner of that called Lot 19, Block 8, of said Stoneridge Addition, Phase Eight, the southwest corner of that called Lot 9, Block 10, of Stoneridge Addition, Phase Six, according to the plat of record in Volume 463, Page 630, Official Public Records, McLennan County, Texas, said point being an angle point of the herein described tract of land;

3. **Thence**, with a northwest line of the remainder of said 106.408 acre tract, the southeast line of said Lot 9, Block 10, **N 58° 54' 23" E**, a distance of **14.82'**, to a point in a northwest line of the remainder of said 106.408 acre tract, the southeast line of said Lot 9, Block 10, said point being the northeast corner of the herein described tract of land;

4. **Thence**, across the remainder of said 106.408 acre tract, **S 27° 10' 45" E**, a distance of **601.15'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located in a northeast line of the remainder of said 106.408 acre tract, being the beginning of a curve of Block 16 of Moonlight Park, Phase Two, according to the plat of record in Document No. 2020043222, Official Public Records, McLennan County, Texas, said point being the beginning of a curve to the left of the herein described tract of land;

Thence, with the southwest lines of said Moonlight Park, Phase Two, the following five (5) courses and distances:

5. with said curve to the left containing a radius of 925.00', a central angle of 017°22'36", a chord which bears S 35° 52' 03" E, a chord distance of 279.46', a total **curve length** of **280.53'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located for a point of tangency of the herein described tract of land;

6. **S 44° 33' 21" E**, a distance of **459.26'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located for an angle point of the herein described tract of land;

7. **S 44° 33' 21" E**, a distance of **61.73'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located for an angle point of the herein described tract of land;

8. **S 31° 22' 16" E**, a distance of **160.22'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located for an angle point of the herein described tract of land;
9. **S 15° 08' 55" E**, a distance of **89.19'**, to a 1/2" iron rod with a blue "QUICK INC RPLS 6447" plastic cap located in a northeast line of the remainder of said 106.408 acre tract, a southwest line of Lot 12, Block 14, of said Moonlight Park, Phase Two, said point being the southeast corner of the herein described tract of land;

Thence, across the remainder of said 106.408 acre tract, the following eight (8) courses and distances:

10. **S 58° 50' 24" W**, a distance of **380.09'**, to a point for an exterior corner and the beginning of a curve to the left of the herein described tract of land;
11. with said curve to the left containing a radius of 225.00', a central angle of 006°57'54", a chord which bears N 28° 59' 13" W, a chord distance of 27.33', a total **curve length** of **27.35'**, to a point for a point of tangency of the herein described tract of land;
12. **N 32° 28' 10" W**, a distance of **278.76'**, to a point for an exterior corner of the herein described tract of land;
13. **N 58° 50' 24" E**, a distance of **84.58'**, to a point for an interior corner of the herein described tract of land;
14. **N 31° 09' 36" W**, a distance of **25.80'**, to a point for the beginning of a curve to the left of the herein described tract of land;
15. with said curve to the left containing a radius of 225.00', a central angle of 013°23'45", a chord which bears N 37° 51' 29" W, a chord distance of 52.49', a total **curve length** of **52.60'**, to a point for a point of tangency of the herein described tract of land;
16. **N 44° 33' 21" W**, a distance of **228.28'**, to a point for an interior corner of the herein described tract of land;

17. S 58° 50' 24" W, a distance of **395.32'**, to a point in the northeast right-of-way line of F.M. Highway 1695, a southwest line of the remainder of said 106.408 acre tract, said point being an exterior corner of the herein described tract of land;

Thence, with the northeast right-of-way line of F.M. Highway 1695, the southwest lines of the remainder of said 106.408 acre tract, the following three (3) courses and distances:

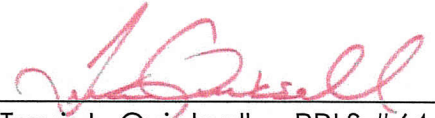
18. N 32° 28' 10" W, a distance of **302.35'**, to a TxDOT Type 2 concrete monument located for an angle point of the herein described tract of land;

19. N 30° 40' 09" W, a distance of **499.84'**, to a TxDOT Type 2 concrete monument located for an angle point of the herein described tract of land;

20. N 29° 28' 38" W, a distance of **230.36'**, to the **POINT OF BEGINNING** containing **20.398 acres** of land.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, Central Zone, 4203, US Survey Foot, Grid. A survey plat was prepared by a separate document.




Travis L. Quicksall RPLS #6447
Date: 01/11/2021
Job #17-2038.PHASE 4

ORDINANCE NO. 2021-04

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

WHEREAS, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Jacob Fuller to rezone property known a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land also known as the future Phase IV Moonlight Park Addition, Hewitt, McLennan County, Texas, from **R-1 Single Family Residential District to R-1-G Single Family Residential Garden Home District.**

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

WHEREAS, a public hearing in relation thereto at which parties in interest and citizens had an opportunity to be heard was held by the City Council of the City of Hewitt on March 1, 2021, 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 2, 2021, 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. A portion of that certain tract or parcel of land in McLennan County, Texas, known as a 20.398-acre tract of Carlos O'Campo A-32 being a remaining portion of that called 106.408-acre tract of land also known as Moonlight Park Addition Phase IV from R-1 Single Family Residential to R-1-G Single Family Residential Garden Home District, Hewitt, McLennan County, Texas.

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 1st day of March 2021, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

BY: _____
Charlie Turner, Mayor

ATTEST:

Lydia Lopez, City Secretary

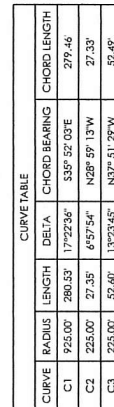
26

BOUNDARY SURVEY SHOWING A 20.398 ACRE TRACT OF LAND, LOCATED IN THE CARLOS OCAMPO SURVEY, ABSTRACT NO. 32, MCLENNAN COUNTY, TEXAS, SAID 20.398 ACRE TRACT, BEING A REMAINING PORTION OF THAT CALLED 106.408 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 20170323208, OFFICIAL PUBLIC RECORDS, MCLENNAN COUNTY, TEXAS.

- 41 4) BASIS OF BEARING: TEXAS STATE PLANE, CENTRAL ZONE, NAD83
- 42 5) SURVEY: THIS SURVEY WAS CONDUCTED FOR THE BENEFIT OF A CURRENT TITLE COMMITMENT. THEREFORE, ALL
- 43 6) ENCUMBRANCES, EASEMENTS, AND OTHER INTERESTS ARE SHOWN, BUT NOT NECESSARILY BEHEEN, THE
- 44 7) SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
- 45 8) A METES AND BOUNDS DESCRIPTION WAS PREPARED BY A SEPARATE ABSTRACT.
- 46 9) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR
- 47 10) PROPERTY LIES IN ZONE "X", WHICH IS DERNED AS AREAS DETERMINED TO BE OUTSIDE OF THE 100-
- 48 11) FLOOD PLAN. THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP IS FOR
- 49 12) ADMINISTERING THE NATIONAL FLOOD INSURANCE PROGRAM; IT DOES NOT NECESSARILY DENOTE
- 50 13) PLANIMETRIC FEATURES OUTSIDE FLOOD HAZARD AREAS. THE FLOOD STATEMENT DROES
- 51 14) IMPLY THAT THE PROPERTY AND/OR STRUCTURES LOCATED THEREON WILL BE FREE FROM FLOODING
- 52 15) FLOOD DAMAGE. THE FLOOD HAZARD AREA IS SUBJECT TO CHANGE AS DETAILED STUDIES OCCUR
- 53 16) AND/OR CLIMATE CHANGE. THIS FLOOD STATEMENT SHALL NOT BE A BASIS FOR LIABILITY ON THE PART OF THE SURVEYOR.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

TRAVIS L. QUICKSALL DATE: JANUARY 11, 2020
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6447
JOB NO. 17-2038-PHASE 4



Quick Inc.
Land Surveying, Land Planning, Consulting.
Firm: 10194104 512-915-4950
1430 N. Robertson Road, Salado, Texas 76571



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 6

SUBMITTED BY: Scott Coleman, General Services Director

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.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

No action required

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 7

SUBMITTED BY: Jim Devlin, Police Chief

ITEM DESCRIPTION:

Presentation of Hewitt Police Department's 2019-2020 Racial Profiling Report.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is the Hewitt Police Department's 2019-2020 Racial Profiling Report that was submitted to the Texas Commission on Law Enforcement. The report provides the statistical data required by the State of Texas to determine if a police department is racially profiling people on traffic stops.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

No action required

ATTACHMENTS:

2019-2020 Racial Profiling Report



HEWITT POLICE

James W. Devlin
Chief of Police

2019-2020 Racial Profiling Generalizations and Summary of Data Reported

- **Percentage of Traffic Stops / Gender**

- Male 58.38%
- Female 41.62%

- **Race/Ethnicity of Total Stops**

Alaska-Native/American-Indian = 2	(0.07 %)
Asian/Pacific-Islander = 82	(3.02 %)
Black = 487	(17.94 %)
White = 1781	(65.60 %)
Hispanic/Latino = 363	(13.37 %)

- **Primary reason for Traffic Stops**

Moving Traffic Violation = 1844

-

- **Search(s) Conducted / Reason**

Yes – 134 No – 2581

Probable Cause – 84

Inventory – 23

Consent – 14

Incident to Arrest – 14

Contraband – 3

- **Contraband Located**

Drugs – 25

Alcohol – 21

Weapons – 1

Stolen Property – 2

Other – 15

- **Total Traffic Stops**

Total Stops – 2715

Citations – 439

Written Warning – 5

Verbal Warning – 2149

- **Arrests**

P.C. Violation – 42

Viol. Traffic – 5

Warrant - 17



HEWITT POLICE

James W. Devlin
Chief of Police

1. Total Traffic Stops by Hewitt Police Department = Total = **2715** = (100%)

2. Location of Stop:

- a. City Street = 2640
- b. US Highway = 75
- c. County Road = 0
- d. State Highway = 0
- e. Private Property or Other = 0

Total = 2715

3. Was Race known prior to Stop: **2715** = (100%)

- a. NO = 2700 (99.45%)
- b. YES = 15 (0.55%)

Total = 2715

4. Race or Ethnicity: **2715** = (100%)

- a. Alaska-Native/American-Indian = 2 (0.07 %)
- b. Asian/Pacific-Islander = 82 (3.02 %)
- c. Black = 487 (17.94 %)
- d. White = 1781 (65.60 %)
- e. Hispanic/Latino = 363 (13.37 %)

Total = 2715

5. Gender: Female: = 1130 = (100%)

- a. Alaska Native/American Indian = 0 (0.00 %)
- b. Asian/Pacific Islander = 26 (2.30 %)
- c. Black = 177 (15.66%)
- d. White = 790 (69.91 %)
- e. Hispanic/Latino = 137 (12.12%)



HEWITT POLICE

James W. Devlin
Chief of Police

Gender: Male: = 1585 = (100%)

- a. Alaska Native/American Indian = 2 **(0.13 %)**
- b. Asian/Pacific Islander = 56 **(3.05 %)**
- c. Black = 310 **(19.56%)**
- d. White = 991 **(62.52%)**
- e. Hispanic/Latino = 226 **(14.20%)**

Total = 2715

6. Reason for Stop:

a. Violation of Law: = 8

- i. Alaska Native/American Indian = 0 **(0.00%)**
- ii. Asian/Pacific Islander = 0 **(0.00%)**
- iii. Black = 1 **(12.5%)**
- iv. White = 6 **(75.00%)**
- v. Hispanic/Latino = 1 **(12.5%)**

b. Pre-Existing Knowledge: = 10

- i. Alaska Native/American Indian = 0 **(0.00%)**
- ii. Asian/Pacific Islander = 0 **(0.00%)**
- iii. Black = 3 **(30.00%)**
- iv. White = 3 **(30.00%)**
- v. Hispanic/Latino = 4 **(40.00%)**

c. Moving Traffic Violation: = 1844

- i. Alaska Native/American Indian = 1 **(0.05%)**
- ii. Asian/Pacific Islander = 65 **(3.52%)**
- iii. Black = 313 **(16.97%)**
- iv. White = 1222 **(66.27%)**
- v. Hispanic/Latino = 243 **(13.18%)**



HEWITT POLICE

James W. Devlin
Chief of Police

d. Vehicle Traffic Violation = 853

i. Alaska Native/American Indian = 1	(0.12%)
ii. Asian/Pacific Islander = 17	(1.99%)
iii. Black = 170	(19.93%)
iv. White = 550	(64.48%)
v. Hispanic/Latino = 115	(13.48%)

Total = 2715

7. Was a Search Conducted:

a. NO = 2581

i. Alaska Native/American Indian = 2	(0.08%)
ii. Asian/Pacific Islander = 78	(3.02%)
iii. Black = 448	(17.36%)
iv. White = 1709	(66.21%)
v. Hispanic/Latino = 334	(12.94%)

b. YES = 134

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 4	(2.99%)
iii. Black = 39	(29.10%)
iv. White = 72	(53.73%)
v. Hispanic/Latino = 19	(14.18%)

Total = 2715



HEWITT POLICE

James W. Devlin
Chief of Police

8. Reason for Search:

a. Consent = **14**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 2	(14.29%)
iv. White = 10	(71.43%)
v. Hispanic/Latino = 2	(14.29%)

b. Contraband in Plain View = **3**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 0	(0.00%)
iv. White = 3	(100.00%)
v. Hispanic/Latino = 0	(0.00%)

c. Probable Cause = **84**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 2	(2.04%)
iii. Black = 32	(38.10%)
iv. White = 37	(44.05%)
v. Hispanic/Latino = 13	(15.48%)

d. Inventory = **23**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 5	(21.70%)
iv. White = 16	(69.60%)
v. Hispanic/Latino = 2	(8.70%)



HEWITT POLICE

James W. Devlin
Chief of Police

e. Incident to Arrest = 10

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 1	(10.00%)
iv. White = 8	(80.00%)
v. Hispanic/Latino = 1	(10.00%)

Total = 134

9. Was Contraband Discovered:

a. **YES** =68

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian Pacific/Islander 2	(2.90%)
iii. Black = 21	(30.90%)
iv. White = 37	(54.4%)
v. Hispanic/Latino = 8	(11.80%)

Total = 68

b. **NO** = 2647

i. Alaska Native/American Indian = 2	(0.08%)
ii. Asian/Pacific Islander = 80	(3.00%)
iii. Black = 466	(17.60%)
iv. White = 1744	(65.90%)
v. Hispanic/Latino = 355	(13.41%)

Total = 2647



HEWITT POLICE

James W. Devlin
Chief of Police

10. Description of Contraband:

a. Drugs = 25

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(4.00%)
iii. Black = 7	(28.00%)
iv. White = 14	(56.00%)
v. Hispanic/Latino = 3	(12.00%)

b. Currency = 0

c. Weapons = 1

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 1	(100.00%)
iv. White = 0	(0.00%)
v. Hispanic/Latino = 0	(0.00%)

d. Alcohol = 21

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(4.80%)
iii. Black = 7	(33.33%)
iv. White = 11	(52.40%)
v. Hispanic/Latino = 2	(9.50%)

e. Stolen Property = 2

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 1	(50.00%)
iv. White = 1	(50.00%)
v. Hispanic/Latino = 0	(0.00%)



HEWITT POLICE

James W. Devlin
Chief of Police

f. Other = 15

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(7.00%)
iii. Black = 3	(20.00%)
iv. White = 11	(73.00%)
v. Hispanic/Latino = 0	(0.00%)

Total = 68

11. Result of Stop:

a. Verbal Warning = 2149

i. Alaska Native/American Indian = 1	(0.04%)
ii. Asian/Pacific Islander = 53	(2.46%)
iii. Black = 358	(16.66%)
iv. White = 1508	(70.17%)
v. Hispanic/Latino = 229	(10.66%)

b. Written Warning = 53

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(1.88%)
iii. Black = 15	(28.03%)
iv. White = 32	(60.37%)
v. Hispanic/Latino = 5	(9.43%)

c. Citation = 439

i. Alaska Native/American Indian = 1	(0.22%)
ii. Asian/Pacific Islander = 12	(2.73%)
iii. Black = 97	(22.09%)
iv. White = 249	(56.71%)
v. Hispanic/Latino = 80	(18.22%)

d. Written Warning and Arrest = 0 (0.00%)



HEWITT POLICE

James W. Devlin
Chief of Police

e. Citation and Arrest = 0 (0.00%)

f. Arrest = 64

i. Alaska Native/American Indian = 0 (0.00%)

ii. Asian/Pacific Islander = 1 (1.56%)

iii. Black = 16 (25.00%)

iv. White = 40 (62.50%)

v. Hispanic/Latino = 7 (10.93%)

Total = 2715

12. Arrest Based On:

a. Violation of Penal Code = 42

i. Alaska Native/American Indian = 0 (0.00%)

ii. Asian/Pacific Islander = 0 (0.00%)

iii. Black = 12 (28.57%)

iv. White = 25 (59.52%)

v. Hispanic/Latino = 5 (11.90%)

b. Violation of Traffic Law = 5

i. Alaska Native/American Indian = 0 (0.00%)

ii. Asian/Pacific Islander = 0 (0.00%)

iii. Black = 0 (0.00%)

iv. White = 5 (100.00%)

v. Hispanic/Latino = 0 (0.00%)

c. Violation of City Ordinance = 0 (0.00%)

d. Outstanding Warrant = 17

i. Alaska Native/American Indian = 0 (0.00%)

ii. Asian/Pacific Islander = 1 (5.88%)

iii. Black = 4 (23.53%)

iv. White = 10 (58.82%)

v. Hispanic/Latino = 2 (11.76%)

Total = 64



HEWITT POLICE

James W. Devlin
Chief of Police

13. Was Physical Force Used:

a. **NO** = 2714

i. Alaska Native/American Indian = 2	(0.07%)
ii. Asian/Pacific Islander = 82	(3.02%)
iii. Black = 487	(17.94%)
iv. White = 1780	(65.58%)
v. Hispanic/Latino = 363	(13.38%)

b. **YES** = 1

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 0	(0.00%)
iv. White = 1	(100.00%)
v. Hispanic/Latino = 0	(0.00%)

13a.

Physical Force Resulting in Bodily Injury to Suspect = 0

Physical Force Resulting in Bodily Injury to Officer = 0

Physical Force Resulting in Bodily Injury to Both = 0

14. Total number of Racial Profiling complaints received = 1

a. Complaint was found to be unsubstantiated

Report Date Compiled: 02/09/2021

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 8

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

Presentation of report from City Engineer

- Update on pending utility projects
- Update on pending street projects
- Update on pending drainage projects

STAFF RECOMMENDATION/ITEM SUMMARY:

The City Engineer will present and respond to any questions regarding the Engineer's Report.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

There is no action required.

ATTACHMENTS:

Report

HEWITT TEXAS

CITY ENGINEER'S REPORT

February 23, 2021

Utility Projects

FM 2113; Spring Valley Rd.

Contractor continues to work on the water portion of the project, the Contractor is working to finish up the last two roadway crossings. Once completed they will begin the process of performing pressure tests and collecting bac-t samples prior to connections to the water distribution system. Still waiting on TxDOT for final agreement approvals.

Street/Transportation Projects

E. Warren Street Improvements

City to be potholing utility lines on the north side of Sun Valley for location verifications once utilities are located.

Ritchie Rd. Street Improvements (Patriot Court to Hewitt Dr.)

Contractor is preparing to begin the pours on the second half of Phase 1.

2020 - Warren Park Improvements

Pre-construction was held, Contractor to be getting submittal data to the City of review.

Drainage Projects

208/212 Cross Country Drainage Improvements

Bids were received on 2/11/21. This is to be presented to the Council, for their consideration of award.

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 9

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Briefing and discussion concerning Financial Statements ending January 31, 2021.

STAFF RECOMMENDATION/ITEM SUMMARY:

The financial statements ending January 31, 2021, were sent electronically to city council on February 10, 2021. This agenda item is an opportunity for the council to ask any questions or make comments.

FISCAL IMPACT:

Amount Budgeted – n/a
Line Item in Budget – n/a

SUGGESTED MOTION:

No action required.

ATTACHMENTS:

None



COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 10

SUBMITTED BY: Scott Coleman, General Services Director

ITEM DESCRIPTION:

Authorize the purchase of Vegetation Management Services from Landmark ES for the City of Hewitt in the amount of \$6,694.

STAFF RECOMMENDATION/ITEM SUMMARY:

The purpose of this service is to spray City of Hewitt Drainage ditches and creeks to aid in the control of vegetation overgrowth. The areas selected have been deemed by staff as inaccessible or unsafe to mow using City mowing equipment.

An overgrowth of vegetation in creeks or ditches could potentially impede the flow of storm water. During a heavy rain event impeded flow could potentially cause flooding of residential areas.

This expenditure will be split between the Drainage Funds Chemical and Drainage Maintenance line items in the amount of \$3,347 in each.

FISCAL IMPACT:

Amount Budgeted – \$15,000

Line Items in Budget – 12-50205-12-00 Chemicals \$5,000

12-50360-12-00 Drainage Maintenance \$10,000

SUGGESTED MOTION:

I move to authorize Weed Control Services from Landmark ES for a total amount of \$6694.

ATTACHMENTS:

Cost Quotation and Spraying Maps

January 26, 2021

Mr. Scott Coleman
City Of Hewitt
P.O. Box 219
Hewitt, Texas 76643

RE: WEED CONTROL SERVICES

Dear Mr. Coleman:

Thank you for your business in 2020. I'm pleased to submit the following quotation to provide vegetation management services 2021.

Landmark Earth Services will provide all necessary materials, labor, equipment and insurance to treat all specified drainage channels with two (2) complete spraying applications.

Our contract pricing for 2021 is \$6,694.00.

Thank you for the opportunity to submit our pricing. With more than 34 years of vegetation management experience, I can assure confidence in the services provided by Landmark Earth Services.

Please contact me at (817) 727-2789, if I may provide any additional information.

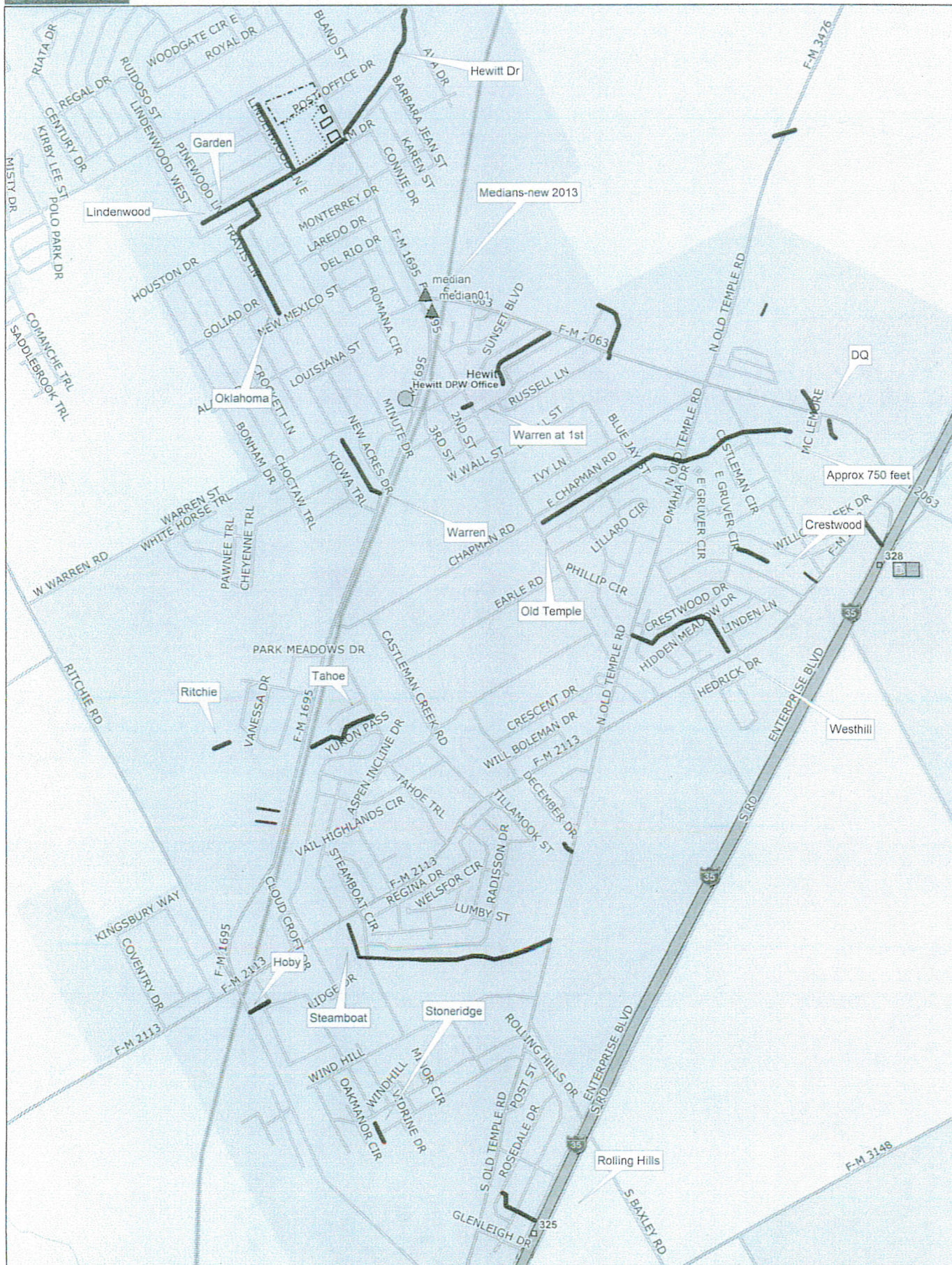
Sincerely,

Landmark Earth Services, LLC.



William Ansley
General Manager

P.O. Box 154222 Irving, Texas 75015 (817) 727-2789





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COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 11

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

Consider award of bid for 208/212 Cross Country Dr. Drainage Improvements to HCS Inc. Commercial General Contractors in the amount of \$57,611.

STAFF RECOMMENDATION/ITEM SUMMARY:

After bid solicitation, two bids were received and opened on February 11, 2021. HCS Inc. Commercial General Contractors provided the lowest base bid in the amount of \$57,611.

City staff recommends award of this project as recommended by City Engineer.

FISCAL IMPACT:

Amount Budgeted – \$80,000

Line Item in Budget – 12-50625-12-00

SUGGESTED MOTION:

I move approval of the bid for 208/212 Cross Country Dr.; Drainage Improvements to HCS Inc. Commercial General Contractors in the amount \$57,611.

ATTACHMENTS:

Letter from City Engineer
Bid Tabulation

FEBRUARY 23, 2021

CITY COUNCIL

CITY OF HEWITT, TEXAS

VIA: EMAIL

RE: 208 / 212 CROSS COUNTRY DR.; DRAINAGE IMPROVEMENTS

COUNCIL:

BIDS WERE OPENED ON THE ABOVE CAPTIONED PROJECT ON FEBRUARY 11, 2021. TWO BIDS WERE SUBMITTED. THE LOWEST BASE BID WAS SUBMITTED BY HCS INC. COMMERCIAL GENERAL CONTRACTORS; IN THE AMOUNT OF \$57,611.00. THE BID TABULATION FOR THIS PROJECT SHOULD BE INCLUDED WITHIN YOUR COUNCIL PACKET.

HCS INC. COMMERCIAL GENERAL CONTRACTORS HAS NOT WORKED WITH THE CITY IN THE PAST, BUT I HAVE REACHED OUT AND CONTACTED SOME ENTITIES AND ENGINEERING FIRMS THAT HAVE WORKED WITH THEM IN THE PAST AND HAVE BEEN TOLD THAT THEIR WORK THUS FAR HAS BEEN TO THEIR RESPECTIVE SATISFACTION.

IT IS MY RECOMMENDATION THAT THIS CONTRACT BE AWARDED TO HCS INC. COMMERCIAL GENERAL CONTRACTORS.

SINCERELY:



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

Base Bid Tabulation

Project	208 / 212 Cross Country Dr.; Drainage Improvements	Prepared By	MWW
Owner	City of Hewitt, TX	Date	2/11/2021
Component	Bid Tabulation	Reviewed By	MWW

BASE BID TOTALS				Contractor 1		Contractor 2	
				\$ 57,611.00		\$ 103,330.00	
				HCS Inc.		Barnett Contracting	
Bid Item	Qty.	Unit	Unit Price	Bid Price	Unit Price	Bid Price	
1 Unclassified Excavation, Gravel Filling, Grading, and Compaction of Various Depths.	1	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 28,000.00	\$ 28,000.00	
2 6" Thick Reinforced Concrete Channel Lining; Includes Fill/Excavation; Installed	1,315	S.F.	\$ 12.00	\$ 15,780.00	\$ 20.00	\$ 26,300.00	
3 8" Wide x 3'-6" Deep, Reinforced Concrete Toe Wall, Includes Fill/Excavation; Installed	220	L.F.	\$ 45.00	\$ 9,900.00	\$ 70.00	\$ 15,400.00	
4 Non-Connection 1/2" Expansion Joint Material, Installed	12	L.F.	\$ 55.00	\$ 660.00	\$ 100.00	\$ 1,200.00	
5 Connect to Existing Concrete Culvert and Lining; Includes Drilling, Dowels, Expansion Joint Material; Installed	25	L.F.	\$ 34.00	\$ 850.00	\$ 100.00	\$ 2,500.00	
6 1' Thick Stone Rubble Rip Rap; Installed	25	S.F.	\$ 64.00	\$ 1,600.00	\$ 50.00	\$ 1,250.00	
7 Biodegradable Erosion Control Blanket, Including Seeding and Watering; Installed	217	S.Y.	\$ 13.00	\$ 2,821.00	\$ 40.00	\$ 8,680.00	
8 SWPP Development and Implementation	1	L.S.	\$ 1,500.00	\$ 1,500.00	\$ 5,000.00	\$ 5,000.00	
9 Traffic Control Plan Development and Implementation	1	L.S.	\$ 4,500.00	\$ 4,500.00	\$ 10,000.00	\$ 10,000.00	
10 Mobilization (Not to Exceed 10% of Total Project Bid)	1	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	

Denotes corrected Bid Price



Miles W. Whitney, P.E.

Cayote Consulting, LLC
T.B.P.E. Firm No. F-16387

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 12

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consideration and action on acceptance of "Certificate of Unopposed Candidates" and on **Ordinance No. 2021-05**, declaring unopposed candidates in the May 1, 2021 General Election to be elected to office and cancelling the General Election as prescribed in the Texas Election Code.

STAFF RECOMMENDATION/ITEM SUMMARY:

On February 1, 2021, the Council approved Ordinance No. 2021-03 ordering a General Election to elect four (4) council members for Ward 1, Place 1, Ward 2, Place 1, Ward 3, Place 1, and At-large. The deadline to file for place on the ballot and the deadline to file as a declared write-in have passed. Only one candidate filed to run for each position.

Texas Election Code, Section 2.052 and 2.053 requires the city secretary to deliver to the Council a certification (attached) that each candidate in the election is unopposed. Upon receipt of that certification, the governing body, by order or ordinance, may declare each unopposed candidate elected to the office. Candidates Charles D. "Charlie" Turner, Bob Potter, Erica D. Bruce, and Michael S. Bancalé have no opposition. Attached is an ordinance declaring the unopposed candidates elected to office, cancels the election and provides for the required posting of an Order of Cancellation.

Certificates of Election and oath of office will be issued after the election date. This cancellation does not affect the Special Election on the Charter Amendments. Staff recommends approval.

FISCAL IMPACT:

Amount Budgeted – \$7,000

Line Item in Budget – 10-50210-61-00/20-50210-93-00

SUGGESTED MOTION:

I move to Ordinance No. 2021-05 cancelling the City's General Election and declaring unopposed candidates elected to office.

ATTACHMENTS:

Certification of Unopposed Candidates
Ordinance and Exhibits

AW12-1

Prescribed by Secretary of State

Section 2.051 – 2.053, Texas Election Code

2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 1, 2021.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 1 de mayo, 2021.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Candidate(s) Candidato(s)

Ward 1, Place 1

Distrito Electoral 1, Sitio 1

Charles D. "Charlie" Turner

Charles D. "Charlie" Turner

Ward 2, Place 1

Distrito Electoral 2, Sitio 1

Bob Potter

Bob Potter

Ward 3, Place 1

Distrito Electoral 3, Sitio 1

Erica D. Bruce

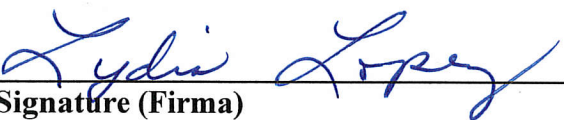
Erica D. Bruce

Ward, At Large

Distrito Electoral, En General

Michael S. Bancale

Michael S. Bancale


Signature (Firma)

Lydia Lopez *Lydia Lopez*

Printed name (Nombre en letra de molde)

City Secretary *Secretaria de la Ciudad*

Title (Puesto)

February 19, 2021 (19 de febrero 2021)

Date of signing (Seal)

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF HEWITT, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 1, 2021 GENERAL ELECTION ELECTED TO OFFICE; CANCELLING THE GENERAL ELECTION SCHEDULED TO BE HELD ON THE 1ST DAY OF MAY, 2021; AND PROVIDING DETAILS RELATING TO THE CANCELLATION OF SAID ELECTION.

WHEREAS, ORDINANCE NO. 2021-03 passed on February 1, 2021, called the general election of four (4) council members, those being Council Members for a position to serve the full term of two (2) years for Council Member - Ward 1, Place 1, Council Member - Ward 2, Place 1, Council Member - Ward 3, Place 1, and Council Member - At-Large for the City of Hewitt, Texas; and,

WHEREAS, at the deadline to file application for a place on the ballot and the deadline to file as a declared write-in candidate, only one candidate filed to run for each position (Council Member - Ward 1, Place 1, Council Member - Ward 2, Place 1, Council Member - Ward 3, Place 1, and Council Member - At-Large).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, that based on the information received and in accordance with Section 2.053 of the Texas Election Code, the City Council hereby authorizes the cancellation of the general election called for May 1, 2021, and hereby declares the unopposed candidates elected to the office; and,

WHEREAS, the following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate</u>	<u>Office Sought</u>
Charles D. "Charlie" Turner	Ward 1, Place 1
Bob Potter	Ward 2, Place 1
Erica D. Bruce	Ward 3, Place 1
Michael S. Bancale	Ward, At-Large

FURTHER, the City Secretary is directed to cause a copy of the Order of Cancellation, attached hereto as Exhibit "A" and incorporated by reference, to be posted on election day at the polling place that would have been used in the election; and,

FURTHER, it is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraph or sections of this ordinance since the City Council would have enacted them without the invalid portion.

FURTHER, this ordinance shall take effect upon its final passage.

PASSED and APPROVED this 1st day of March 2021.

CITY OF HEWITT, TEXAS

Charles D. Turner, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney

AW12-2
 Prescribed by Secretary of State
 Section 2.051 – 2.053, Texas Election Code
 2/14

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City of Hewitt hereby cancels the election scheduled to be held on May 1, 2021, in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El ciudad de Hewitt por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 1 de mayo, 2021 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
Charles D. "Charlie" Turner <i>Charles D. "Charlie" Turner</i>	Ward 1, Place 1 <i>Distrito Electoral 1, Sitio 1</i>
Bob Potter <i>Bob Potter</i>	Ward 2, Place 1 <i>Distrito Electoral 2, Sitio 1</i>
Erica Bruce <i>Erica Bruce</i>	Ward 3, Place 1 <i>Distrito Electoral 3, Sitio 1</i>
Michael S. Bancale <i>Michael S. Bancale</i>	At-Large <i>Distrito Electoral, En General</i>

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

 Mayor (*Alcalde*)

 Secretary (*Secretaria*)

(seal)(*sello*)

 Date of adoption (*Fecha de adopción*)

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: March 1, 2021

AGENDA ITEM #: 13

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and briefing concerning the Coronavirus (COVID-19) and any actions necessary thereto:

STAFF RECOMMENDATION/ITEM SUMMARY:

This is a continuation of past Council practice of order issuance for Safety and Health policies for local businesses specifically mask requirements.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget – NA

SUGGESTED MOTION:

I move to authorize the Order dated March 2, 2021.

ATTACHMENTS:

Order

ORDER OF THE CITY COUNCIL, OF THE CITY OF HEWITT, TEXAS
DATE ORDER ISSUED: MARCH 2, 2021

WHEREAS, in December 2019, a novel coronavirus, now designated Coronavirus disease 2019 (COVID-19), was detected in Wuhan City, Hubei Province, China; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

WHEREAS, on March 18, 2020, Mayor Charles D. Turner, of the City of Hewitt, TX declared a local state of disaster and public health emergency after determining that extraordinary and immediate measures had to be taken to respond quickly to prevent and slow down community spread of COVID-19; and

WHEREAS, on June 3, 2020, Governor Abbott issued GA-26 to allow additional openings in the state of Texas; and

WHEREAS, on June 30, 2020, there are 159,986 persons confirmed to have COVID-19 in Texas, with 957 of those residing in McLennan County; with nine deaths in McLennan County; and

WHEREAS, this Order is issued based on evidence of increasing occurrence of COVID-19 within the City and throughout the Central Texas area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, on June 20, 2020 the Mayor issued an order requiring commercial entities to create health and safety policies, including the wearing of face coverings; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease; and the City Council of the City of Hewitt, Texas has adopted the McLennan County Commissioners Court declaration of a state of disaster which has been extended through March 31, 2021; and

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED BY THE CITY COUNCIL, OF THE CITY OF HEWITT, TEXAS, UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108:

1. A state of disaster and public health emergency is hereby declared for and in the City of Hewitt, Texas in accordance with McLennan County's Order that extends the state of disaster and public health emergency through March 31, 2021.

2. That pursuant to §418.108(b) of the Texas Government Code, this Order shall continue for a period of not more than fourteen days from March 2, 2021, unless continued or renewed by the City Council of the City of Hewitt.

3. **Health and Safety Policy – Commercial Entities.**

- a. From the date of this Order, every commercial entity in the City of Hewitt providing goods or services directly to the public must develop and implement a health and safety policy (**“Health and Safety Policy”**).
- b. The Health and Safety Policy must require, at a minimum, that every employee or visitor to the commercial entity’s business premises or other facilities wear face covering when in an undivided room or area with coworkers or the public or while performing an activity which necessarily involves or is reasonably likely to involve close proximity to coworkers or the public such that six feet of separation is not feasible.
- c. The Health and Safety Policy required to be developed and implemented by the Order may also include the implementation of other mitigating measures designed to control and reduce the transmission of COVID-19 such as temperature checks or health screenings.
- d. The commercial entity must post the Health and Safety Policy required by this Order in a conspicuous location sufficient to provide notice to employees and visitors of its Health and Safety Policy.
- e. Failure to develop, conspicuously place, and implement the Health and Safety Policy required by this Order on or before 12:01 a.m. on June 25, 2020 may result in a fine not to exceed \$1,000.00. Each day on or after June 25, 2020 for which a Health and Safety Policy is not developed, conspicuously placed, and implemented shall be a separate offense.
- f. It is a defense to prosecution that the commercial entity operated a restaurant or bar and did not require a patron to wear a face covering while eating or drinking when the patron was at least six feet away from persons not in his or her party.

“Commercial entity” as used herein does not include: outdoor operations where social distancing is generally followed; offices of other governmental entities; churches; or health providers that already have policies in place that have been medically vetted.

“Face Covering” as used herein means a cloth or paper mask, or a bandana or scarf, that covers the mouth and nose and fits tightly to the face (and does not merely hang over the mouth and nose).

4. That all provisions of this Order should be interpreted to effectuate this intent. To the greatest extent possible, this Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of

the executive orders of the Texas Governor either existing or subsequently issued, and which are made applicable to all jurisdictions by law, shall be automatically incorporated into and constitute terms of this Order, and shall be enforceable as if set forth herein without the necessity for the issuance of any further orders.

5. In accordance with the limitations contained in the executive orders of the Texas Governor, that any peace officer, code enforcement officer, health official, or other person with lawful authority is hereby authorized to enforce the provisions of this Order in accordance with the authority granted under the Texas Disaster Act of 1975.
6. That this Order shall become effective at 12:01 a.m. on June 27, 2020.
7. That failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
8. That any violation of this Order can be enjoined by a suit filed in the name of the City of Hewitt in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Order or in the Code of Ordinances, City of Hewitt, Texas.
9. That nothing in this Order shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any prior act, ordinance, order, declaration, or resolution of the City Council of the City of Hewitt; nor shall any legal right or remedy of any character be lost, impaired, or affected by this Order.
10. That the City of Hewitt must promptly provide copies of this Order by posting it on the City of Hewitt website.
11. That if any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or application of this Order.

ORDERED this the 2nd day of March, 2021

Charles D. Turner, Mayor

Attest:

Lydia Lopez, City Secretary