

# HEWITT TEXAS

## CITY COUNCIL SPECIAL CALLED MEETING

February 22, 2022 at 7:00 PM

Hewitt Public Safety Facility, 100 Patriot Court, Hewitt, TX 76643

### AGENDA

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**Steve Fortenberry**, Mayor, Ward 3

**Michael S. Bancale**, Mayor Pro Tem, At-Large – **Charlie Turner**, Council Member, Ward 1

**Wilbert Wachtendorf**, Council Member, Ward 1 – **Bill Fuller**, Council Member, Ward 2

**Bob Potter**, Council Member, Ward 2 – **Erica Bruce**, Council Member, Ward 3

The meeting will be streamed live on the city's website at [www.cityofhewitt.com/790/Hewitt-TX-TV](http://www.cityofhewitt.com/790/Hewitt-TX-TV).

#### DECLARATION OF A QUORUM AND CALL TO ORDER

#### PLEDGE OF ALLEGIANCE

#### SPECIAL PRESENTATION(S) AND RECOGNITION(S)

1. Presentation of newly hired employee Wanda Brooks, Administrative Assistant to the City Manager.
2. Presentation of Hewitt Police Department's 2021 Racial Profiling Report.

#### PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. [Note: Prior to the meeting, the citizen must complete a "Public Comment Form" and present it to the City Secretary.]

#### PUBLIC HEARINGS AND RELATED ACTION

3. Public hearing and possible action on **Ordinance No. 2022-01** to change the zoning of a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from R-1 Single Family Residential District to R-1-G Garden Home District.

#### REGULAR AGENDA ITEMS

4. Approval of minutes of the Regular Meeting of February 7, 2022.
5. Briefing and discussion concerning Financial Statements ending January 31, 2022.
6. Discussion and possible action concerning the reappointment of members to the McLennan County 9-1-1 Emergency Assistance District.

7. Discussion and possible action on **Resolution 2022-01** authorizing an extension to the 380 agreement between the City of Hewitt and BDC Limited Family Partnership.

## **ADJOURNMENT**

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on February 16, 2022, by 5:00 PM.

## **CITY OF HEWITT**

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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 City Council meetings. The facility is wheelchair accessible, with handicap parking available at the front of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the City Secretary at 254.296.5602 or by fax at 254.666.6014.

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

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**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 2

**SUBMITTED BY:** Jim Devlin, Police Chief

**ITEM DESCRIPTION:**

Presentation of Hewitt Police Department's 2021 Racial Profiling Report.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Attached is the Hewitt Police Department's 2021 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:**

2021 Racial Profiling Report



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

1. Total Traffic Stops by Hewitt Police Department = Total = **6942** = (100%)

2. Street address or approximate location of the stop:

- a. City Street = 6749
- b. US Highway = 193
- c. County Road = 0
- d. State Highway = 0
- e. Private Property or Other = 0

**Total = 6942**

3. Was Race or Ethnicity known prior to stop: **6942** = (100%)

- a. Yes = 49 **(0.70%)**
- b. No = 6893 **(99.3%)**

**Total = 6942**

4. Race or Ethnicity: **6942** = (100%)

- a. Alaska-Native/American-Indian = 47 **(0.68 %)**
- b. Asian/Pacific-Islander = 183 **(2.63 %)**
- c. Black = 1211 **(17.4 %)**
- d. White = 4647 **(67.00 %)**
- e. Hispanic/Latino = 854 **(12.29 %)**

**Total = 6942**

5. Gender: Female: = **2805** = (100%)

- a. Alaska Native/American Indian = 14 **(0.50 %)**
- b. Asian/Pacific Islander = 56 **(2.01 %)**
- c. Black = 474 **(16.9%)**
- d. White = 1987 **(70.83%)**
- e. Hispanic/Latino = 274 **(9.76%)**



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

Gender: Male: = **4137** = (100%)

- a. Alaska Native/American Indian = 33      **(0.8 %)**
- b. Asian/Pacific Islander = 136              **(3.29 %)**
- c. Black = 769                                      **(18.59%)**
- d. White = 2592                                   **(62.65%)**
- e. Hispanic/Latino = 607                      **(14.67%)**

Total = 6942

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 = 7    **(87.5%)**
- v. Hispanic/Latino = 0                              **(0.00%)**

b. Pre-Existing Knowledge: = **12**

- i. Alaska Native/American Indian = 0              **(0.00%)**
- ii. Asian/Pacific Islander = 0                      **(0.00%)**
- iii. Black = 4    **(33.3%)**
- iv. White = 5    **(41.7%)**
- v. Hispanic/Latino = 3                              **(25.00%)**

c. Moving Traffic Violation: = **4318**

- i. Alaska Native/American Indian = 28              **(0.65%)**
- ii. Asian/Pacific Islander =138                      **(3.19%)**
- iii. Black = 709                                      **(16.43%)**
- iv. White = 2899                                   **(67.13%)**
- v. Hispanic/Latino = 544                          **(12.6%)**



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

d. Vehicle Traffic Violation = **2604**

- i. Alaska Native/American Indian = 19                   **(0.73%)**
- ii. Asian/Pacific Islander = 45                           **(1.73%)**
- iii. Black = 497   **(19.08%)**
- iv. White = 1736    **(66.66%)**
- v. Hispanic/Latino = 307                                   **(11.8%)**

**Total = 6942**

7. Was a Search Conducted:

a. **YES = 504**

- i. Alaska Native/American Indian = 1                   **(0.19%)**
- ii. Asian/Pacific Islander = 3                             **(0.59%)**
- iii. Black = 140   **(27.8%)**
- iv. White = 293   **(58.13%)**
- v. Hispanic/Latino = 67                                     **(13.29%)**

b. **NO = 6438**

- i. Alaska Native/American Indian = 46               **(0.71%)**
- ii. Asian/Pacific Islander = 180                         **(2.8%)**
- iii. Black = 1071    **(16.64%)**
- iv. White = 4354    **(67.63%)**
- v. Hispanic/Latino = 787                                 **(12.22%)**

**Total = 6942**



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

## 8. Reason for Search:

### a. Consent = **100**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(1.00%)
iii. Black = 15	(15.00%)
iv. White = 67	(67.00%)
v. Hispanic/Latino = 17	(17.00%)

### b. Contraband = **5**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 2	(40.00%)
iv. White = 3	(60.00%)
v. Hispanic/Latino = 0	(0.00%)

### c. Probable Cause = **315**

i. Alaska Native/American Indian = 1	(0.31%)
ii. Asian/Pacific Islander = 1	(0.31%)
iii. Black = 100	(31.75%)
iv. White = 172	(54.61%)
v. Hispanic/Latino = 41	(13.02%)

### d. Inventory = **38**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 13	(34.22%)
iv. White = 22	(57.89%)
v. Hispanic/Latino = 3	(7.89%)



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

e. Incident to Arrest = **46**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(2.17%)
iii. Black = 10	(21.74%)
iv. White = 29	(63.05%)
v. Hispanic/Latino = 6	(13.04%)

Total = 504

9. Was Contraband Discovered:

a. **YES = 226**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian Pacific/Islander 0	(0.00%)
iii. Black = 69	(30.53%)
iv. White = 123	(54.43%)
v. Hispanic/Latino = 34	(15.04%)

b. **NO = 278**

i. Alaska Native/American Indian = 1	(0.36%)
ii. Asian/Pacific Islander = 3	(1.08%)
iii. Black = 71	(25.54%)
iv. White = 170	(61.15%)
v. Hispanic/Latino = 33	(11.87%)

Total = 504

10. Description of Contraband:

a. **Drugs = 156**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 44	(28.20%)
iv. White = 91	(58.34%)
v. Hispanic/Latino = 21	(13.46%)



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

b. Currency = 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%)

c. Weapons = 4

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 2	(50.00%)
iv. White = 1	(25.00%)
v. Hispanic/Latino = 1	(25.00%)

d. Alcohol = 51

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 16	(31.37%)
iv. White = 26	(50.99%)
v. Hispanic/Latino = 9	(17.64%)

e. Stolen Property = 0

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



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

f. Other = **34**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 7	(20.59%)
iv. White = 20	(58.82%)
v. Hispanic/Latino = 7	(20.59%)

**Total = 246**

11. Result of Stop:

a. Verbal Warning = **5502**

i. Alaska Native/American Indian = 38	(0.69%)
ii. Asian/Pacific Islander = 162	(2.95%)
iii. Black = 887	(16.12%)
iv. White = 3797	(69.01%)
v. Hispanic/Latino = 618	(11.23%)

b. Written Warning = **113**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 2	(1.77%)
iii. Black = 29	(25.67%)
iv. White = 66	(58.40%)
v. Hispanic/Latino = 16	(14.16%)

c. Citation = **1126**

i. Alaska Native/American Indian = 9	(0.8%)
ii. Asian/Pacific Islander = 18	(1.6%)
iii. Black = 243	(21.59%)
iv. White = 661	(58.70%)
v. Hispanic/Latino = 195	(17.31%)



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

d. Written Warning and Arrest = <u>6</u>	(0.00%)
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 2	(33.33%)
iv. White = 3	(50.00%)
v. Hispanic/Latino = 1	(16.67%)
e. Citation and Arrest = <u>15</u>	(0.00%)
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 6	(40.00%)
iv. White = 8	(53.33%)
v. Hispanic/Latino = 1	(6.67%)
f. Arrest = <u>180</u>	
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(0.56%)
iii. Black = 44	(24.44%)
iv. White = 112	(62.22%)
v. Hispanic/Latino = 23	(12.78%)

**Total = 6942**

## 12. Arrest Based On:

a. Violation of Penal Code = <u>150</u>	
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 1	(0.78%)
iii. Black = 32	(18.60%)
iv. White = 100	(68.99%)
v. Hispanic/Latino = 17	(11.63%)
b. Violation of Traffic Law = <u>6</u>	
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 1	(16.67%)



# HEWITT POLICE

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iv. White = 5	(83.33%)
v. Hispanic/Latino = 0	(0.00%)
<b>c. Violation of City Ordinance = 0</b>	<b>(0.00%)</b>
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 0	(0.00%)
iv. White = 0	(0.00%)
v. Hispanic/Latino = 0	(0.00%)
<b>d. Outstanding Warrant = 45</b>	
i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 19	(42.22%)
iv. White = 18	(40.00%)
v. Hispanic/Latino = 8	(17.78%)

**Total = 180**

13. Was Physical Force Used:

a. **YES = 0**

i. Alaska Native/American Indian = 0	(0.00%)
ii. Asian/Pacific Islander = 0	(0.00%)
iii. Black = 0	(0.00%)
iv. White = 0	(0.00%)
v. Hispanic/Latino = 0	(0.0%)

b. **NO = 6942**

i. Alaska Native/American Indian = 47	(0.68%)
ii. . Asian/Pacific Islander = 183	(2.64%)
iii. Black = 1211	(17.44%)
iv. White = 4647	(66.94%)
v. Hispanic/Latino = 854	(12.30%)

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



# HEWITT POLICE

James W. Dev Item 2.  
Chief of Police

14. Number of complaints of racial profiling:

Total = 0

Resulted in disciplinary action = 0

Did not result in disciplinary action = 0

Report Date Compiled: 01/10/2022

# Racial Profiling Analysis Report

Item 2.

## HEWITT POLICE DEPT.

01. Total Traffic Stops:	6942	
02. Location of Stop:		
a. City Street	6749	97.22%
b. US Highway	193	2.78%
c. County Road	0	0.00%
d. State Highway	0	0.00%
e. Private Property or Other	0	0.00%
03. Was Race known prior to Stop:		
a. NO	6893	99.29%
b. YES	49	0.71%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	47	0.68%
b. Asian/ Pacific Islander	183	2.64%
c. Black	1211	17.44%
d. White	4647	66.94%
e. Hispanic/ Latino	854	12.30%
05. Gender:		
a. Female	2805	40.41%
i. Alaska/ Native American/ Indian	14	0.20%
ii. Asian/ Pacific Islander	56	0.81%
iii. Black	474	6.83%
iv. White	1987	28.62%
v. Hispanic/ Latino	274	3.95%
b. Male	4137	59.59%
i. Alaska/ Native American/ Indian	33	0.48%
ii. Asian/ Pacific Islander	136	1.96%
iii. Black	769	11.08%
iv. White	2592	37.34%
v. Hispanic/ Latino	607	8.74%
06. Reason for Stop:		
a. Violation of Law	8	0.12%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%

# Racial Profiling Analysis Report

Item 2.

iii. Black	1	12.50%
iv. White	7	87.50%
v. Hispanic/ Latino	0	0.00%
b. Pre-Existing Knowledge	12	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	33.33%
iv. White	5	41.67%
v. Hispanic/ Latino	3	25.00%

c. Moving Traffic Violation	4318	62.20%
i. Alaska/ Native American/ Indian	28	0.65%
ii. Asian/ Pacific Islander	138	3.20%
iii. Black	709	16.42%
iv. White	2899	67.14%
v. Hispanic/ Latino	544	12.60%

d. Vehicle Traffic Violation	2604	37.51%
i. Alaska/ Native American/ Indian	19	0.73%
ii. Asian/ Pacific Islander	45	1.73%
iii. Black	497	19.09%
iv. White	1736	66.67%
v. Hispanic/ Latino	307	11.79%

## 07. Was a Search Conducted:

a. NO	6438	92.74%
i. Alaska/ Native American/ Indian	46	0.71%
ii. Asian/ Pacific Islander	180	2.80%
iii. Black	1071	16.64%
iv. White	4354	67.63%
v. Hispanic/ Latino	787	12.22%
b. YES	504	7.26%
i. Alaska/ Native American/ Indian	1	0.20%
ii. Asian/ Pacific Islander	3	0.60%
iii. Black	140	27.78%
iv. White	293	58.13%
v. Hispanic/ Latino	67	13.29%

## 08. Reason for Search:

a. Consent	100	1.44%
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# Racial Profiling Analysis Report

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i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.00%
iii. Black	15	15.00%
iv. White	67	67.00%
v. Hispanic/ Latino	17	17.00%
b. Contraband in Plain View	5	0.07%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	40.00%
iv. White	3	60.00%
v. Hispanic/ Latino	0	0.00%
c. Probable Cause	315	4.54%
ii. Alaska/ Native American/ Indian	1	0.32%
i. Asian/ Pacific Islander	1	0.32%
iii. Black	100	31.75%
iv. White	172	54.60%
v. Hispanic/ Latino	41	13.02%
d. Inventory	38	0.55%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	13	34.21%
iv. White	22	57.89%
v. Hispanic/ Latino	3	7.89%
e. Incident to Arrest	46	0.66%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.17%
iii. Black	10	21.74%
iv. White	29	63.04%
v. Hispanic/ Latino	6	13.04%

## 09. Was Contraband Discovered:

YES	226	3.26%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	1	0.44%
Finding resulted in arrest - YES	1	
Finding resulted in arrest - NO	0	
iii. Black	20	8.85%

# Racial Profiling Analysis Report

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Finding resulted in arrest - YES	20	
Finding resulted in arrest - NO	0	
iv. White	58	25.66%
Finding resulted in arrest - YES	56	
Finding resulted in arrest - NO	2	
v. Hispanic/ Latino	13	5.75%
Finding resulted in arrest - YES	13	
Finding resulted in arrest - NO	0	
b. NO	278	4.00%
i. Alaska/ Native American/ Indian	1	0.36%
i. Asian/ Pacific Islander	2	0.72%
iii. Black	120	43.17%
iv. White	235	84.53%
v. Hispanic/ Latino	54	19.42%

## 10. Description of Contraband:

a. Drugs	156	2.25%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	44	28.21%
iv. White	91	58.33%
v. Hispanic/ Latino	21	13.46%
b. Currency	1	0.01%
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%
c. Weapons	4	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	50.00%
iv. White	1	25.00%
v. Hispanic/ Latino	1	25.00%
d. Alcohol	51	0.73%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	16	31.37%
iv. White	26	50.98%

# Racial Profiling Analysis Report

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v. Hispanic/ Latino	9	17.65%
e. Stolen Property	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
f. Other	34	0.49%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	7	20.59%
iv. White	20	58.82%
v. Hispanic/ Latino	7	20.59%

## 11. Result of Stop:

a. Verbal Warning	5502	79.26%
i. Alaska/ Native American/ Indian	38	0.69%
ii. Asian/ Pacific Islander	162	2.94%
iii. Black	887	16.12%
iv. White	3797	69.01%
v. Hispanic/ Latino	618	11.23%
b. Written Warning	113	1.63%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	1.77%
iii. Black	29	25.66%
iv. White	66	58.41%
v. Hispanic/ Latino	16	14.16%
c. Citation	1126	16.22%
i. Alaska/ Native American/ Indian	9	0.80%
ii. Asian/ Pacific Islander	18	1.60%
iii. Black	243	21.58%
iv. White	661	58.70%
v. Hispanic/ Latino	195	17.32%
d. Written Warning and Arrest	6	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	33.33%
iv. White	3	50.00%
v. Hispanic/ Latino	1	16.67%

# Racial Profiling Analysis Report

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e. Citation and Arrest	15	0.22%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	6	40.00%
iv. White	8	53.33%
v. Hispanic/ Latino	1	6.67%
f. Arrest	180	2.59%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	0.56%
iii. Black	44	24.44%
iv. White	112	62.22%
v. Hispanic/ Latino	23	12.78%
12. Arrest Based On:		
a. Violation of Penal Code	150	2.16%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	0.67%
iii. Black	32	21.33%
iv. White	100	66.67%
v. Hispanic/ Latino	17	11.33%
b. Violation of Traffic Law	6	0.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	16.67%
iv. White	5	83.33%
v. Hispanic/ Latino	0	0.00%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	45	0.65%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	19	42.22%
iv. White	18	40.00%
v. Hispanic/ Latino	8	17.78%

# Racial Profiling Analysis Report

Item 2.

## 13. Was Physical Force Used:

a. NO	6942	100.00%
i. Alaska/ Native American/ Indian	47	0.68%
ii. Asian/ Pacific Islander	183	2.64%
iii. Black	1211	17.44%
iv. White	4647	66.94%
v. Hispanic/ Latino	854	12.30%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

14. Total Number of Racial Profiling Complaints Received: 0

REPORT DATE COMPILED 01/12/2022

# Racial Profiling Report | Full

Item 2.

Agency Name: HEWITT POLICE DEPT.  
Reporting Date: 01/12/2022  
TCOLE Agency Number: 309204

Chief Administrator: JAMES W. DEVLIN

Agency Contact Information:  
Phone: (254) 666-1661  
Email: jdevlin@cityofhewitt.com

Mailing Address:  
100 PATRIOT COURT  
HEWITT, TX 76643-0610

This Agency filed a full report

HEWITT POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the HEWITT POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the HEWITT POLICE DEPT. if the individual believes that a peace officer employed by the HEWITT POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the HEWITT POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the HEWITT POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
  - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The HEWITT POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: TUCK M. SAUNDERS  
Assistant Chief

Item 2.

Date: 01/12/2022

# Total stops: 6942

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## Street address or approximate location of the stop

City street	6749
US highway	193
County road	0
State highway	0
Private property or other	0

## Was race or ethnicity known prior to stop?

Yes	49
No	6893

## Race / Ethnicity

Alaska Native / American Indian	47
Asian / Pacific Islander	183
Black	1211
White	4647
Hispanic / Latino	854

## Gender

<b>Female</b>	<b>2805</b>
Alaska Native / American Indian	14
Asian / Pacific Islander	56
Black	474
White	1987
Hispanic / Latino	274
<b>Male</b>	<b>4137</b>
Alaska Native / American Indian	33
Asian / Pacific Islander	136
Black	769
White	2592
Hispanic / Latino	607

## Reason for stop?

<b>Violation of law</b>	<b>8</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	7

Hispanic / Latino	0
<b>Preexisting knowledge</b>	<b>12</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	5
Hispanic / Latino	3
<b>Moving traffic violation</b>	<b>4318</b>
Alaska Native / American Indian	28
Asian / Pacific Islander	138
Black	709
White	2899
Hispanic / Latino	544
<b>Vehicle traffic violation</b>	<b>2604</b>
Alaska Native / American Indian	19
Asian / Pacific Islander	45
Black	497
White	1736
Hispanic / Latino	307
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>504</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	3
Black	140
White	293
Hispanic / Latino	67
<b>No</b>	<b>6438</b>
Alaska Native / American Indian	46
Asian / Pacific Islander	180
Black	1071
White	4354
Hispanic / Latino	787
<b>Reason for Search?</b>	
<b>Consent</b>	<b>100</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	15
White	67

Hispanic / Latino	17
<b>Contraband</b>	<b>5</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	3
Hispanic / Latino	0
<b>Probable</b>	<b>315</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	100
White	172
Hispanic / Latino	41
<b>Inventory</b>	<b>38</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	13
White	22
Hispanic / Latino	3
<b>Incident to arrest</b>	<b>46</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	10
White	29
Hispanic / Latino	6
<b>Was Contraband discovered?</b>	
<b>Yes</b>	<b>226</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	20
White	58
Hispanic / Latino	13
<b>No</b>	<b>278</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	120
White	235
Hispanic / Latino	54

<b>Did the finding result in arrest?</b>			
(total should equal previous column)			
Yes	0	No	0
Yes	1	No	0
Yes	20	No	0
Yes	56	No	2
Yes	13	No	0

<b>Description of contraband</b>	
<b>Drugs</b>	<b>156</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	44
White	91
Hispanic / Latino	21
<b>Weapons</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	1
<b>Currency</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Alcohol</b>	<b>51</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	16
White	26
Hispanic / Latino	9
<b>Stolen property</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Other</b>	<b>34</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	20
Hispanic / Latino	7
<b>Result of the stop</b>	
Verbal warning	<b>5502</b>

Alaska Native / American Indian	38
Asian / Pacific Islander	162
Black	887
White	3797
Hispanic / Latino	618
<b>Written warning</b>	<b>113</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	29
White	66
Hispanic / Latino	16
<b>Citation</b>	<b>1126</b>
Alaska Native / American Indian	9
Asian / Pacific Islander	18
Black	243
White	661
Hispanic / Latino	195
<b>Written warning and arrest</b>	<b>6</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	3
Hispanic / Latino	1
<b>Citation and arrest</b>	<b>15</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	6
White	8
Hispanic / Latino	1
<b>Arrest</b>	<b>180</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	44
White	112
Hispanic / Latino	23
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>150</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1

Black	32
White	100
Hispanic / Latino	17
<b>Violation of Traffic Law</b>	<b>6</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	5
Hispanic / Latino	0
<b>Violation of City Ordinance</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>45</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	19
White	18
Hispanic / Latino	8

**Was physical force resulting in bodily injury used during stop?**

<b>Yes</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Resulting in Bodily Injury To:</b>	
Suspect	0
Officer	0
Both	0
<b>No</b>	<b>6942</b>
Alaska Native / American Indian	47
Asian / Pacific Islander	183
Black	1211
White	4647
Hispanic / Latino	854

**Number of complaints of racial profiling**

Item 2.

Total 0  
Resulted in disciplinary action 0  
Did not result in disciplinary action 0

**Comparative Analysis**

Use TCOLE's auto generated analysis   
Use Department's submitted analysis

**Optional Narrative**

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

---

**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 3

**SUBMITTED BY:** Tracy Lankford, Community Development Director

**ITEM DESCRIPTION:**

Public hearing and possible action on **Ordinance No. 2022-01** to change the zoning of a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from R-1 Single Family Residential District to R-1-G Garden Home District.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

Mr. Fuller submitted a request to change the zoning designation of a portion of the future subdivision of Moonlight Park Phase 5/ Bullhide Estates, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr, from R-1 Single Family Residential District to R-1-G Garden Home District. The Planning and Zoning Commission met on Tuesday, December 7, 2021, 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.

This item was presented to you at the two previous meeting with no decision made.

**FISCAL IMPACT:**

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

**SUGGESTED MOTION:**

I move to approve Ordinance 2022-01 rezoning property known as a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr, from R-1 Single Family Residential District to R-1-G Garden Home District.

**ATTACHMENTS:**

Ordinance No, 2022-01

**ORDINANCE NO. 2022-01**

**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 as, a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from **R-1 Single Family Residential District to R-1-G Single Family Residential Garden Home District**, Hewitt, McLennan County, Texas.

**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 January 3, 2022, 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, December 7, 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 portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from R-1 Single Family Residential District to R-1-G Garden Home District.

**SECTION TWO.** A proposed map of area is shown in Exhibit “A”.

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

**SECTION FOUR.** That all provisions of the ordinances of the City of Hewitt in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hewitt not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION FIVE.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

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

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

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

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_ 2022, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

**CITY OF HEWITT, TEXAS**

\_\_\_\_\_  
Steve Fortenberry, Mayor

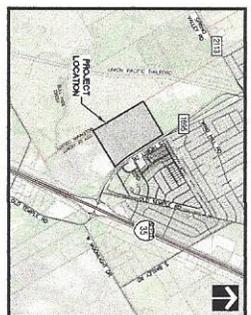
Attest:

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

**APPROVED AS TO FORM AND LEGALITY:**

---

Michael W. Dixon, City Attorney



**DEVELOPMENT STATISTICS:**

TOTAL ACRES: 65.58 ACRES  
 EXISTING ZONING: R-1  
 PROPOSED ZONING: R-1, R-1-D, C-2

LOT COUNT:

R-1 LOTS	44
R-1-D LOTS	170
C-2 LOTS	3
<b>TOTAL</b>	<b>217</b>

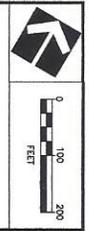
**FLOOD PLAN NOTES**  
 NO PORTION OF THE CLIENT-PROVIDED FLOOD PLAN SCENARIO APPEARS TO BE LOCATED IN THIS AREA. BASED ON INFORMATION AVAILABLE FROM THIS REVIEW, THE CLIENT HAS NOT PROVIDED ADEQUATE FLOOD PLAN INFORMATION TO THE ENGINEER FOR ADEQUATE ANALYSIS OF FLOODING POTENTIAL.  
 OWNER/DEVELOPER: MOONLIGHT PARK PHASE V DEVELOPMENT LLC  
 2600 TEXAS HWY 7878  
 SUITE 200  
 FORT WORTH, TEXAS 76104  
 REGISTERED PROFESSIONAL LAND SURVEYOR: ALI CANTY ARSERRAL LLC  
 4500 8TH AVENUE  
 SUITE 200  
 FORT WORTH, TEXAS 76102  
 (817) 777-8277  
 REGISTERED PROFESSIONAL ENGINEER: CLARE A. FULLER LLC  
 2610 N MAIN ST  
 SUITE 200  
 FORT WORTH, TEXAS 76104  
 (817) 499-0888

STATE OF TEXAS  
 COUNTY OF TARRANT  
 I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER DIMENSIONAL CONFORMANCE HAS BEEN MAINTAINED THROUGHOUT THE ENTIRE PROJECT.  
 CLARE A. FULLER  
 REGISTERED PROFESSIONAL ENGINEER  
 9-27-2021  
 REGISTRATION NUMBER 100193



ALISTIN B. FULLER  
 REGISTRATION NUMBER 100193

PRELIMINARY PLAT FOR  
 INSPECTION PURPOSES ONLY



**EASEMENTS AND BUILDING LINES**

R-1-1	FRONT BUILDING LINE	= 25'
R-1-1	SIDE SHEET BUILDING LINE	= 10'
R-1-1	REAR BUILDING LINE	= 5' LT/15' RT
R-1-1-D	FRONT BUILDING LINE	= 20'
R-1-1-D	SIDE SHEET BUILDING LINE	= 10'
R-1-1-D	REAR BUILDING LINE	= 5'
	(UNLESS OTHERWISE NOTED)	

10' FINISH EASEMENT ALONG ALL ROAD FRONTAGE

**REVISIONS**

Date	Revisions



MOONLIGHT PARK  
 PHASE V  
 NEW RESIDENTIAL SUBDIVISION  
 HEWITT, TEXAS

**PRELIMINARY PLAT**

DRAWING STATUS

Prepared	JDF
Checked	ECB
Reviewed	2/22/20/20
Approved	9-27-2021

1

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

---

**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 4

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

**ITEM DESCRIPTION:**

Consider approval of minutes of the Regular Meeting of February 7, 2022.

**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

## CITY COUNCIL REGULAR MEETING

February 07, 2022 at 7:00 PM

Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

## MINUTES

---

**Steve Fortenberry**, Mayor, Ward 3

**Michael S. Bancale**, Mayor Pro Tem, At-Large – **Charlie Turner**, Council Member, Ward 1

**Wilbert Wachtendorf**, Council Member, Ward 1 – **Bill Fuller**, Council Member, Ward 2

**Bob Potter**, Council Member, Ward 2 – **Erica Bruce**, Council Member, Ward 3

### MEMBERS PRESENT:

Mayor Steve Fortenberry

Mayor Pro Tem Michael Bancale

Council Member Bob Potter

Council Member Wilbert Wachtendorf

Council Member Bill Fuller

Council Member Charles D. Turner

### MEMBER ABSENT:

Council Member Dr. Erica Bruce

The meeting will be streamed live on the city's website at [www.cityofhewitt.com/790/Hewitt-TX-TV](http://www.cityofhewitt.com/790/Hewitt-TX-TV).

### REGULAR MEETING - 7:00 PM

### DECLARATION OF A QUORUM AND CALL TO ORDER

Mayor Steve Fortenberry called the meeting to order at 7:00 PM and announced that all Council Members were present, except for Council Member Erica Bruce who was absent.

### PLEDGE OF ALLEGIANCE

Mayor Steve Fortenberry led the Pledge of Allegiance.

### PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding to, or acting on any comments or items incorrectly posted on the agenda. [Note: Citizens must complete a "Public Comment Form" and present it to the City Secretary before the meeting begins.]

Mayor Steve Fortenberry called for any public comment forms. City Secretary Lydia Lopez responded that she received no public comment forms.

**REGULAR AGENDA ITEMS**

1. Consider approval of the City Council Special Called Workshop/Meeting minutes of January 18, 2022.  
**MOTION:** Council Member Turner moved approval of the meeting minutes as presented but to allow for corrections.  
**SECOND:** Council Member Potter  
**AYES:** Turner, Fuller, Potter, Wachtendorf, Bancale, and Fortenberry  
**NAYES:** None  
**ABSENT:** Bruce  
**MOTION PASSED.**
  
2. **PRESENTATION OF THE REPORT FROM CITY ENGINEER MILES WHITNEY, P.E.**  
Update on pending utility projects.  
Update on pending street projects.  
Update on pending drainage projects.
  
3. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING DECEMBER 31, 2021.**  
City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the December Financial Statements electronically on January 18, 2022, and inquired if Council had any questions. The Council raised no questions or concerns. No action was required.
  
4. **DISCUSSION AND ACTION ON APPROVAL OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2021.**  
City Manager Bo Thomas presented a summary of the investment report prepared by Valley View Consulting, L.L.C. Council Member Potter inquired about interest rates with the Money Market Account at Southside Bank. Mr. Thomas advised that staff could contact Valley View to solicit interest rates.  
**MOTION:** Council Member Turner moved approval of the Quarterly Investment Report as of December 31, 2021.  
**SECOND:** Council Member Fuller  
**AYES:** Turner, Fuller, Potter, Wachtendorf, Bancale, and Fortenberry  
**NAYES:** None  
**ABSENT:** Bruce  
**MOTION PASSED.**
  
5. **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2022-03 ORDERING A JOINT GENERAL ELECTION; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACT WITH THE MCLENNAN COUNTY ELECTIONS ADMINISTRATOR AND ESTABLISHING EARLY VOTING AND ELECTION DAY VOTE CENTERS AND DATES/TIMES OF OPERATION.**

**MOTION:** Council Member Turner moved approval of **Ordinance No. 2022-03** ordering the Joint General Election to be held on May 7, 2022.

**SECOND:** Council Member Wachtendorf

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

**NAYES:** None

**ABSENT:** Bruce

**MOTION PASSED.**

**6. DISCUSSION AND POSSIBLE ACTION ON RESCHEDULING THE COUNCIL MEETING OF FEBRUARY 21, 2022, DUE TO THE CITY HOLIDAY.**

City Manager Bo Thomas presented and suggested the movement of the meeting to Tuesday, February 22, 2022. By consensus, the Council moved the meeting date to February 22, 2022.

**7. DISCUSSION REGARDING A CHANGE IN SOLID WASTE RATES DUE TO AN INCREASE IN TIPPING FEES AT THE CITY OF WACO LANDFILL.**

City Manager Bo Thomas presented and proposed the City subsidize the additional cost per month until Republic comes back to request a Consumer Price Index (CPI) increase in July; at that time, those costs could be added. The Council concurred with Mr. Thomas' plan of action.

Mayor Steve Fortenberry adjourned the Regular Meeting at 7:24 PM to convene the Executive Session at 7:26 PM.

**EXECUTIVE SESSION:** Notice is given that a closed meeting will be held according to Section 551.072 of the Texas Government Code (V.T.C.A.) so that the Council may deliberate the purchase, exchange, lease, or value of real property.

**EXECUTIVE SESSION:** Notice is given that a closed meeting will be held according to Section 551.074 of the Texas Government Code (V.T.C.A.) so that the Council may discuss personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. **(City Manager)**

Mayor Steve Fortenberry adjourned the Executive Session at 9:18 PM and reconvened the Regular Session at 9:20 PM.

**8. DISCUSSION AND POSSIBLE ACTION ON EVALUATION/EMPLOYMENT OF CITY MANAGER (IF NEEDED).**

**MOTION:** Mayor Pro Tem Bancale moved to provide Mr. Thomas with an increase of 7% effective January 1, 2022.

**SECOND:** Council Member Turner

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

**NAYES:** None

**ABSENT:** Bruce

**MOTION PASSED.**

**ADJOURNMENT**

**MOTION:** Council Member Fuller moved to adjourn the meeting at 9:24 PM.

**SECOND:** Council Member Turner

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

**NAYES:** None

**ABSENT:** Bruce

**MOTION PASSED.**

Approved: \_\_\_\_\_

ATTEST:

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

\_\_\_\_\_  
Steve Fortenberry, Mayor

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

---

**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 5

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

**ITEM DESCRIPTION:**

Briefing and discussion concerning Financial Statements ending January 31, 2022.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

The financial statements ending January 31, 2022, were sent electronically on February 10, 2022. This 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

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

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**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 6

**SUBMITTED BY:** Bo Thomas, City Manager

**ITEM DESCRIPTION:**

Discussion and possible action concerning the reappointment of members to the McLennan County 9-1-1 Emergency Assistance District.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

The McLennan County 9-1-1 Board of Managers are appointed to serve a two-year term. The municipalities within the district jointly appoint these two (2) members in even-number years.

Bret Crook and James Devlin hold these respective appointments and both are willing to serve again. According to the District, the attached nomination form must be returned by **March 29, 2022**.

Staff recommends the reappointment of Bret Crook and James Devlin.

**FISCAL IMPACT:**

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

**SUGGESTED MOTION:**

I move to approve the nominations of Bret Crook and Jim Devlin to the McLennan County 9-1-1 Emergency Assistance District.

**ATTACHMENTS:**

Supporting documents



# McLennan County 9-1-1 Emergency Assistance District

Item 6.

*Proudly serving the citizens of McLennan County for over 30 years!*

February 10, 2022

Mr. James Devlin  
Member, MCEAD Board of Managers  
100 Patriot Ct.  
Hewitt, TX 76643

Re: Appointment of 9-1-1 Board Members

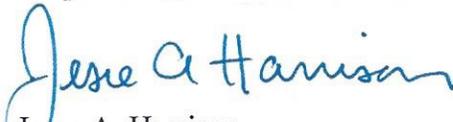
Dear Mr. Devlin:

In alternating years, members of the McLennan County 9-1-1 Emergency Assistance District Board of Managers are appointed to serve a two-year term, as stated in the Texas Health & Safety Code section 772.306 Board of Managers. The municipalities (incorporated cities) within the district jointly appoint these two (2) members in even-numbered years.

Currently, Bret Crook and James Devlin hold these respective appointments. Both have expressed their desire to continue to serve on the Board of Managers. If your city would like to nominate one of the above or a different individual(s), please do so by using the attached nomination form and returning it to the 9-1-1 District office.

If there are any questions, please feel free to call this office.

Respectfully,

  
Jesse A. Harrison  
Executive Director

Enclosure

cc: MCEAD 9-1-1 Board of Managers

**\* TIME SENSITIVE NOMINATION FORM**

**McLennan County 9-1-1  
Emergency Assistance District**

**9-1-1 Board Nominations**

Each municipality may re-nominate the current Board Members or may submit a new nominee for each seat (no more than one nomination per seat per municipality):

**Seat One** (Currently held by Bret Crook, seeking re-appointment)

(Nomination) \_\_\_\_\_

**Seat two** (Currently held by James Devlin, seeking re-appointment)

Nomination \_\_\_\_\_

Please return this completed nomination form to:

McLennan County 9-1-1 Emergency Assistance District  
Attention: Jesse A. Harrison, Executive Director  
107 Burnett Ct.  
Woodway, TX 76712

either by U S Postal Service,  
or by fax to (254) 732-0544,  
or by e-mail to [rguest@mcead911.org](mailto:rguest@mcead911.org).

*If an election is necessary each city will receive a ballot to cast votes.*

**\* Please return nomination form so that it is received at the above address no later than Tuesday, March 29, 2022.**

City of \_\_\_\_\_

Mayor or designee please sign: \_\_\_\_\_

Date: \_\_\_\_\_

# HEWITT TEXAS

## COUNCIL AGENDA ITEM FORM

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**MEETING DATE:** February 22, 2022

**AGENDA ITEM #:** 7

**SUBMITTED BY:** Bo Thomas, City Manager

**ITEM DESCRIPTION:**

Discussion and possible action on **Resolution No. 2022-01** authorizing an extension to the 380 agreement between the City of Hewitt and BDC Limited Family Partnership.

**STAFF RECOMMENDATION/ITEM SUMMARY:**

This is a resolution of the City of Hewitt granting an extension to the 380 agreement between the City and BDC Family Limited Partnership. The City entered into a 380 agreement with BDC Family Limited Partnership on December 8, 2020. At the time, the agreement called for an Operations date of January 1, 2022. Due to circumstances beyond BDC's control they have asked Council to grant them an extension. Paragraph 5.4 of the 380 agreement provides for those conditions for granting an extension.

**FISCAL IMPACT:**

Amount Budgeted – \$0  
Line Item in Budget – FY '20-'21 budget.

**SUGGESTED MOTION:**

I move to approve Resolution #2022-01 authorizing an extension to the 380 agreement with BDC Limited Family Partnership.

**ATTACHMENTS:**

Resolution  
Letter from BDC Limited Family Partnership  
380 agreement

**RESOLUTION NO. 2022-01**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS GRANTING AN EXTENSION TO THE 380 AGREEMENT BETWEEN THE CITY OF HEWITT AND BDC FAMILY LIMITED PARTNERSHIP**

**WHEREAS**, the City Council passed Resolution No. 2020-16 approving a Chapter 380 Agreement with BDC Family Limited Partnership to develop a Rosa's Café store in Hewitt; and

**WHEREAS**, the agreement allowed for an extension to the 380 Agreement should there be extenuating circumstances beyond the control of the business; and

**WHEREAS**, BDC Family Limited has provided the attached letter describing the factors necessitating the need for the extension; and

**WHEREAS**, this resolution is to grant an extension to the 380 Agreement between the City of Hewitt and BDC Family Limited Partnership; and

**WHEREAS**, the extension is for 45 days to the operations date in the agreement of January 1, 2022, to February 15, 2022; and

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

**SECTION 1.** The City Council of the City of Hewitt, Texas approves the 45-day extension as requested.

**SECTION 2.** It is hereby officially found and determined that the meeting at which this resolution is passed was noticed and has been open to the public required by law.

**PASSED AND APPROVED** on this the 22nd day of February, 2022.

**CITY OF HEWITT, TEXAS**

\_\_\_\_\_  
Steve Fortenberry, Mayor

ATTEST:

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

**APPROVED AS TO FORM & LEGALITY:**

---

Michael W. Dixon, City Attorney

Augustus Plaza  
5000 Overton Plaza, Suite 300  
Fort Worth, Texas 76109  
(817) 377-6200 • Fax (817) 377-6201

February 12, 2022

Mr. Bo Thomas  
City Manager  
City of Hewitt  
200 Patriot Court  
Hewitt, Texas 76643

Re: Details as to the time frame on the Rosa's Restaurant project

Dear Bo:

I just got off the phone with our In-house Rosa's building contractor and as you and I discussed on the phone a couple of days ago, we had projected both verbally and in the "**Project Performance Agreement Between the City of Hewitt and BDC Family Limited Partnership**" that we should have a Rosa's on the ground by the first of 2022. In the scope of 2019 events, I am happy to say that I am very excited that we were able to open the store February the 4<sup>th</sup>.

In addition, I would also like to express our thanks to both the City and Community for your support and let you know that we have experienced a great opening with this store. This store has gotten off to a great start and we are confident this is going to continue down this road. I know this is a little late in coming and that our agreement did allow for an extension in the event of matters clearly beyond our control. If I would have been more timely, I would have asked for a sixty (60) day extension and we would have still opened almost thirty (30) days earlier than that extended date.

In addition to items that will need to be addressed within the next few weeks, I will provide you with information regarding such things as documenting our:

- Total capital Investment (Including our Land Cost and Construction Cost)
- Reports on our projected sales for the future
- Total number of employees to include
  - Management
  - Full time labor
  - Part time labor

AVERAGE WAGES FOR THESE POSITIONS

I will be corresponding with you regularly over the next week or two to make sure that we provide you with the information that you will need and that we agreed to provide. Again, to provide you with some of the major factors that we feel were beyond our control were as follows:

Mr. Bo Thomas  
February 12, 2022  
Page Two:

1. Like everyone In Texas we started out 2021 with one of the worst winters with ice and power outages that I can remember
2. In addition to a bad start with weather, I can't think of a single business that we deal with and tenants in our commercial properties that didn't suffer greatly from Covid
3. We were delayed with almost all of our construction and building materials across the board.
4. We were delayed specifically with our doors, windows, steel, make up air conditioning units that got to the site two weeks before we opened.
5. Roofing materials were also delayed significantly

Fortunately , we were blessed in all of our stores with drive-thus that allowed us to deal with the Covid crisis during this time. Again, I apologize that this request for the extended time to get the store open by January 1, 2022 is late in coming, but considering the events of 2021, we feel very fortunate that we only missed our goal by a few days.

The Bobby Cox Companies again want to let you know how much we appreciate you as the City Manager, The City Council and how you have worked with us to make this happen. We also want to thank the community in showing us such great support and we look forward to being a part of Hewitt.

Sincerely,



Gerald Borron  
Real Estate Director  
Bobby Cox Companies, Inc.  
500 Overton Plaza, Suite 300  
Fort Worth, Texas 76109

**PROJECT PERFORMANCE AGREEMENT BETWEEN  
THE CITY OF HEWITT AND BDC FAMILY LIMITED PARTNERSHIP**

This Project Performance Agreement is entered into by and between the City of Hewitt, Texas (hereinafter "City") and BDC Family Limited Partnership (hereinafter "Business").

1. Program Project

1. The Business proposes to construct and operate an Rosa's Café store at 703 W. Hewitt in Hewitt, McLennan County, Texas, and being more specifically described as set forth in Exhibit "A" attached hereto and incorporated herein (hereinafter "Property"). Business will make a capital investment of at least \$2,750,000 (hereinafter "Project").

The Business proposes that the Store will start operations by January 1, 2022; barring extensions required by matters beyond its control (hereinafter "Operations Date").

The store is expected to employ a mixture of at least 60 full and part-time positions with an average wage of \$12.50 per hour.

Projected sales revenues from the store are \$5,000,000 annually.

2. Commitment and Incentives. Business agrees to construct the Project and to begin operations by the Operations Date (hereinafter "Development Requirements"). In return for the Business' agreement to meet the Development Requirements, the City agrees to pay an economic development grant to the Business as authorized by Chapter 380 of the *Texas Local Government Code* and the City's Chapter 380 Economic Development Program. The Grant is further described in Sections 3 and 4 below. The primary purpose of the grant is to fund the demolition of the existing bank building which is not laid out for other business uses and is an impediment to economic development.

3. Grant

3.1 Definitions.

"Grant" means a Chapter 380 Economic Development grant as authorized by Chapter 380 of the *Texas Local Government Code* and the City's Chapter 380 Economic Development Program. This Grant is not a sales tax rebate, rather, the amount of the grant is tied to a percentage of sales taxes generated by the Business and received by the City for purposes of providing a logical calculation.

"Agreement Year" means a calendar year within the term of this Agreement.

"Base Year" means the calendar year when this Agreement is signed-2020.

"Base Year Amount" means the total City sales tax collected by operations on the Project Premises during the Base Year. Given that there are no ongoing operations, the base year amount

is \$0.

“City’s Sales Tax Rate” The current aggregate sales tax rate in the City as of the Effective Date is eight and one-quarter percent (8.25%), of which one and one-half percent (1.5%) represents the City’s sales tax rate.

“Net Sales Tax Revenues” means the City sales tax revenues collected by the Business in excess of the Base Year Amount, less any refunds by the Business or required to be made by the City.

“Annual Grant Amount” is the amount of the grant to be paid to the Business at the end of the Agreement Year.

“Total Grant Amount” is the not-to-exceed total of all grant funds that the Business is eligible to receive under this Agreement, which is not to exceed \$100,000. The Grant shall end when the not to exceed \$100,000 cap is reached, regardless of whether additional time remains on the Grant Term. If the not to exceed \$100,000 cap is reached during an Agreement Year, the Annual Grant Amount payable to the Business will be pro-rated.

“Grant Percentage” means the percentage provided in this Agreement to be applied in each Agreement Year to the Net Sales Tax Revenues to arrive at the Grant Amount.

“Grant Period” means the total number of Agreement Years during which the Business is eligible for a grant, which is a period of seven (7) calendar years following the start of the Business’ operations.

### 3.2 Calculation.

City Sales Tax Collections attributable to the Business in Agreement Year – Base Amount and refunds = Net Sales Tax Revenues x Grant Percentage = Annual Grant Amount.

If the Business begins operations during an Agreement Year, the Annual Grant Amount will be determined on a prorated basis for the remainder of that Agreement Year, which shall count as the first Agreement Year against the Grant Period. By written election provided to the City the Business may elect to have the Grant Period start on the next January 1 instead of during a partial calendar year. If such an election is made, Business will not be entitled to any Grant Amount for the partial year.

3.3 Payment. The Annual Grant Amount for an Agreement Year does not become payable until the City receives full payment from the state comptroller of its share of sales taxes for the calendar year constituting the Agreement Year. Payment shall be made to the Business by the City within 30 days after receipt of payment in full of the City’s share of sales taxes for the Agreement Year. The total of all Annual Grant Amounts shall not exceed the Total Grant Amount.

3.4 Compliance with Development Requirements. Payment to Business of any Grant funds under this Agreement is subject to the Business complying with its Development

Requirements. The effect of non-compliance is addressed in Section 6 below.

4. Grant Period and Percentage. The economic development grant provided to the Business by the City under this Agreement shall:

- a) Be for a Grant Period of seven (7) years; and
- b) Be at a Grant Percentage of seventy (70%) percent per year.

The Grant Period is subject to when the Total Grant Amount of not to exceed \$100,000 is reached. Once the Total Grant Amount is reached the Grant ends, even if years remain under the Grant Period. In no circumstance will the total of all Annual Grant Amounts paid to the Business exceed the Total Grant Amount. If the Total Grant Amount is reached during an Agreement Year, the Grant does not apply to the rest of the year.

5. Reporting and Provision of Information.

5.1 General. The Business would necessarily have to meet its Development Requirements for the Grant to begin, it is important that the City receive information during the Project, and before the Operations Date.

5.2 Reports During Development and Construction. At least quarterly during the development and construction of the Project, the Business shall provide a written report to the City Manager showing the percentage of completion of the Project, the estimated completion date of the Project, and whether the Business is still on target for the Operations Date.

5.3 Capital Investment Verification. Prior to the Operations Date the Business shall provide the City Manager with a reasonably itemized summary of Project costs to verify that the capital investment promised has been made by the Business. The City Manager or his/her designee shall have the right to inspect records supporting the cost summary upon reasonable request.

5.4 Extension of Operations Date. The Operations Date is fixed as set forth above and shall only be extended when required due to matters clearly outside of the control of the Business. The Business must submit a written request for extension to the City Council which identifies in detail the reasons that the extension is needed. The City Council will not unreasonably withhold an extension however, it may deny an extension if the Business fails to show that the matter(s) requiring the extension were clearly beyond its control. The total of all extensions may not exceed 180 days.

6. Breach by Business.

6.1 General. If the Business builds nothing and/or never begins operations the Grant never begins and that is the remedy for the breach, therefore, the breaches addressed hereunder are less than complete breaches. These are:

- a. failure to meet the \$2,750,000 capital investment requirement;
- b. failure to begin operations by the Operations Date (including any extensions)

- granted);
- c. failure to provide required reports; and/or
- d. failure to provide a Project cost summary to verify capital investment or to allow a review of supporting documents as required herein.

In the instance of one or more of these breaches the Total Grant Amount will be reduced on a set pro-rata basis. For (a), failure to provide at least 75% of the capital investment is a complete breach and shall result in cancellation of the Grant.

6.2 Breach of Capital Investment Requirement. Failure to provide at least 75% of the capital investment is a complete breach and shall result in cancellation of the Grant. Reductions in the Total Grant Amount for capital investment equal to or more than 75% of the required capital investment, but less than 100% will be addressed by reducing the Total Grant Amount by the percentage deficiency in capital investment. For example, if the Business achieves 90% of its capital investment requirement, the Total Grant Amount is reduced by 10%.

6.3 Failure to Begin Operations by the Operations Date (including any extensions granted). Failure to meet the Operations Date (plus approved extensions) will result in reductions to the Total Grant Amount as follows:

- a. 1-12 months of delay—reduction of 1% per month; and
- b. Delay exceeding 12 months---reduction of 5% per month.

6.4 Failure to Provide Reports. The City Manager and the Business shall set a date when the first report is due. Thereafter, a report is due every three months. The City Manager shall send the business a notice that its report is due at least 10 days before the due date. If the Business has been given the notice and still fails to provide a report, a warning will be given in writing to the Business by the City Manager that if it fails to provide a report within 10 days of the warning, a 1% reduction will be made to the Total Grant Amount. If the Business still fails to provide a report, a 1% reduction is made to the Total Grant Amount.

6.5 Failure to Provide Cost Summary Verification or Allow Review of Supporting Documents. If the Business fails to provide a Project cost summary verifying its capital investment or refuses to allow the City Manager or designee to review the supporting documents on reasonable request, the Grant shall be suspended until such time as the Business complies.

6.6 Reductions are Cumulative. The reductions to the Total Grant Amount set forth above are cumulative of one another.

7. Additional Requirements and Terms.

- 7.1 Business shall keep the Project insured against loss or damage by fire or any other casualty.
- 7.2 Inventory does not count as capital investment.

7.3 The City, by approving this Agreement, assumes no liability or responsibility therefore or for any defect in said Project. The relationship between parties at all times shall NOT be deemed a partnership or joint venture for purposes of this Agreement, or any other purpose.

7.4 If on account of any breach or breach by Business of its obligations under the terms, conditions, or covenants of this Agreement, it shall be necessary for City to employ or engage an attorney or attorneys to enforce or defend any of the rights or remedies hereunder, and should City prevail, City shall be entitled to any reasonable attorney's fees, costs, or expenses it incurs in connection herewith.

7.5 If any provision of this Agreement is held to be illegal, invalid, or unenforceable under the present or future laws effective while this agreement is in effect, such provision shall be automatically deleted from this agreement and the legality, validity and enforceability of the remaining provisions of this agreement shall not be affected thereby.

7.6 This Agreement shall be construed under and in accordance with the laws of the State of Texas and all obligations of the parties created hereunder are performable in McLennan County, Texas. Venue of any dispute under or arising out of this Agreement shall be in a court of competent jurisdiction in McLennan County, Texas.

7.7 This Agreement and its attachments constitute the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter hereof. No representations outside of this Agreement are being relied upon by the parties.

7.8 No amendment, modification or alteration of the terms hereof shall be binding unless the same shall be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

7.9 The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

7.10 This Agreement is binding on the parties and their respective successors, heirs and assigns.

7.11 This agreement may be executed in multiple counterparts, each of which constitutes an original.

7.12 The City acknowledges that Business has completed and submitted to the City a Form 1295 as required by Section 2252.908 of the Government Code and agrees to acknowledge such receipt on the Texas Ethics Commission website.

7.13 As required by Chapter 2264 of the Government Code Business has executed the certification regarding the hiring of undocumented aliens attached hereto as Exhibit "B", the terms

of which are incorporated herein,

7.14 As provided by Section 2270.002, Government Code, Business certifies that it does not boycott Israel, Business acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

7.15 Pursuant to Subchapter F, Chapter 2252, Texas Government Code, Business certifies Business (1) is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Business acknowledges this Agreement may be terminated and payment withheld if this certification is inaccurate.

7.16 This Agreement shall be considered a "contract subject to his subchapter" under Section 271.152 of the Local Government Code for purposes of enforcement of this Agreement.

**AGREED:**

**BDC Family Limited Partnership**

BY: *Britt Lane*  
BRITT LANE

ITS: PRESIDENT

DATE: *11/30/20*

**Also by and through its General Partner:**

**Bobby and Leona Cox, LLC**

By: *Bobby Cox*  
Bobby Cox

Date: *11/30/20*

**City of Hewitt, Texas**

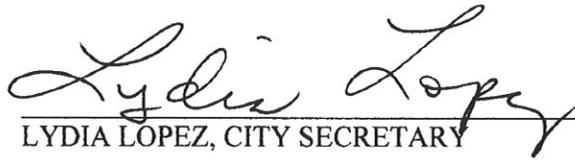
BY:  \_\_\_\_\_

BO THOMAS  
ITS: CITY MANAGER

DATE: 12-8-2020



Attest:

 \_\_\_\_\_  
LYDIA LOPEZ, CITY SECRETARY

**EXHIBIT "A"**

## Legal Description of the Property

TRACT 1: BEING Lot One (1), in Block One (1), of the ROYALTON ADDITION, an addition in the City of Hewitt, McLennan County, Texas, according to the plat of record in Volume 1443, Page 160, Deed Records of McLennan County, Texas.

## TRACT 2:

BEING a 1.334 ACRE tract, situated in the B. B. B. & C. RAILROAD CO. SURVEY, ABSTRACT 153, McLennan County, Texas, embracing all of a called 1.33 Acre tract conveyed to National Bank in Volume 1779, Page 571, Deed Records of McLennan County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the southwest corner of said 1.33 Acre tract, same being the southeast corner of Lot 2, Block 1, Stoney Brook, an addition in the City of Hewitt, McLennan County, Texas, according to the plat of record in Clerk's File No. 2010024405, Official Public Records of McLennan County, Texas, and being on the north line of Panther Way, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the eastern line of said Lot 2, Block 1, N 29° 54' 48" W - 290.88' (Rec. N 29° 55' 36" W - 290.88'), to a 5/8" iron rod found on the south line of Lot 2, Block 1, said Stoney Brook, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Lot 2, Block 1, N 62° 34' 58" E - 199.96' (Rec. N 62° 37' 07" E - 200.00'), to a 5/8" iron rod found at the northwest corner of Lot 1, Block 1 Royalton Addition, an addition in the City of Hewitt, McLennan County, Texas, according to the plat of record in Volume 1443, Page 160, Deed Records of McLennan County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Lot 1, Royalton Addition, S 29° 57' 12" E - 290.75' (Rec. S 29° 55' 36" E - 290.88'), to a 5/8" iron rod with cap stamped "ACS" set on the north line of said Panther Way, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Panther Way, S 62° 32' 36" W - 200.16' (Rec. S 62° 37' 07" W - 200.00'), to the POINT OF BEGINNING and containing 1.334 Acre of Land.