

HEWITT TEXAS

CITY COUNCIL REGULAR MEETING

January 03, 2022 at 7:00 PM

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

AGENDA

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.

WORKSHOP MEETING - 6:30 PM

WORKSHOP DECLARATION OF A QUORUM AND CALL TO ORDER

WORKSHOP AGENDA

1. Briefing and discussion concerning recruitment and retention of Field Assistants.

WORKSHOP ADJOURNMENT

REGULAR MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

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

2. 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.

3. Public hearing and possible action on **Ordinance No. 2022-02** to change the zoning of a portion of James Prowl Survey, Ab 817, being an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr., from R-1 Single Family Residential District to C-2 General Commercial District.

REGULAR AGENDA ITEMS

4. Approval of minutes of the Workshop/Regular Meeting of December 6, 2021.
5. 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.
6. Briefing and discussion concerning Financial Statements ending November 30, 2021.
7. Discussion and action on reappointments to the Library Board and the Parks & Beautification Committee.
8. Discussion and possible action to ratify the expenditure of \$131,346 for the emergency service of Well #7 to Jurgensen Pump, LLC.
9. Discussion and possible action to authorize the City Manager to execute an Amendment to the Interlocal Agreement with the City of Waco for participation in the 2022 Household Hazardous Waste event and allocate funding in an amount of \$11,250 for the cost of participation.
10. Discussion and possible action regarding the recommendation from the selection committee for Engineering Services regarding the City of Hewitt's American Rescue Act funds.
11. Discussion and possible action on rescheduling the Council meeting of January 17, 2022, due to city holiday.

EXECUTIVE SESSION: Notice is given that a closed meeting will be held pursuant 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).

ADJOURNMENT

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on December 29, 2021 by 5:00 PM.

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 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 WORKSHOP AGENDA ITEM #1

HEWITT TEXAS

On November 17th, we had the following vacant Field Assistant positions:

- 3 positions in the Utilities Department
- 1 position in the Parks Department
- 1 position in the Drainage Department
- 2 positions in the Streets Department

The fiscal year '21-'22 budget added one position in Streets and one position in Parks, while the other four positions have been vacant since August of 2020.

Also, a 4% market adjustment was instituted for these positions with the new budget for the fiscal year '21-'22.

The following chart indicates the number of applicants for the September and October job posting. Several applicants apply for multiple positions, so they are counted twice. Regardless, our applicant pool remains low in numbers.

VACANT POSITION	SEPTEMBER POSTING	CURRENT POSTING
FIELD ASSISTANT-DRAINAGE	4	0
FIELD ASSISTANT-STREETS	8	3
FIELD ASSISTANT-PARKS	12	6
FIELD ASSISTANT-UTILITIES	19	4

The vacant Field Assistant positions were posted in January, April, June, September, and October on the City’s website, Facebook, and the Texas Workforce website.

- The number of people that applied for each job was quite low. Department Directors would interview candidates from a small pool. Many times, not having a selection to make a conditional job offer.

Another stumbling block has been selected applicants who confirmed their interviews but would not show up.

- Three job offers were made to qualified and employable candidates, but all three were turned down.

On November 1, 2021, we received a resignation of an existing General Services Field Assistant and on November 16, 2021, we received a resignation of the only Utilities Field Assistant.

Therefore, given the lack of success in recruiting and now retaining existing Field Assistants, I am proposing the following:

- 4 % increase for all current Field Assistants and Equipment Operators. The following chart listing current Field Assistants in the Drainage, Streets, Parks, and Utilities Departments with the proposed increase. The proposed increase for Equipment Operators is to prevent salary compression.

FIELD ASSISTANTS							
Department	Name	Pay Grade	Pay Level	Current Pay Rate	4 % Increase	Difference	Annual Increase
DRAINAGE	ANDREWS, JAMES	G10	05	16.66	17.33	.67	1386.11
PARKS	VANOUS, JAYSON	G10	03	16.02	16.66	.64	1332.86

STREETS	FRAZIER, TRAVIS	G10	02	15.70	16.33	.63	1306.24
UTILITIES	CULPEPPER, BRETT	G10	04	16.34	16.99	.65	1359.49
							\$4025.21
EQUIPMENT OPERATORS							
Department	Name	Pay Grade	Pay Level	Current Pay Rate	4 % Increase	Difference	Annual Increase
GENERAL SERVICES	SHAEFFER, GARY	G12	02	17.97	18.69	.72	1495.11
UTILITIES	WINDER, DALE	G12	06	19.84	20.63	.79	1650.69
UTILITIES	HOLT, CODY	G12	02	18.33	19.06	.73	1525.06
UTILITIES	STENCE, EDWARD	G12	03	18.70	19.44	.74	1555.84
							\$6226.69

- Funding: The City set aside money in the budget for one new position in the Streets Department, one new position in the Parks Department, and the

other positions have been vacant for over one month of the new fiscal year. By having a position vacant for one month, the City has an additional amount of \$3,000 for each budgeted position.

- Sign-on Incentive of \$750 for qualified Field Assistants candidates. The qualified new employee would receive \$500 on their first check, \$125 paid upon completion of a successful 6 months of employment, and \$125 paid upon completion of a successful introductory period (1-year) of employment.
 - Totaling \$4,500
 - Funding: In the budget, we allocated \$10,000 for sign-on incentives.
- Utilities Stand-by pay: Each week (Friday-Friday), the Utilities Department has one on-call employee and one stand-by employee. The on-call employee receives compensation and a take home vehicle to check stations and service emergency water and sewer callouts. Currently, the employees do not receive any additional compensation unless they are called out to assist or emergency situations. The on-call and stand-by employee must respond to emergencies within 30 minutes, which limits their ability to plan activities outside of work.
 - I am proposing an extra 30 minutes a day incentive along with the option to take home a city provided vehicle for the stand-by employee.
 - Funding: Funds from the vacant positions. Based off the October Financial Report, the City has a saved amount of \$19330.87 for personnel.

As of December 28th, we still have the following vacant Field Assistant positions:

- 2 positions in the Utilities Department
- 1 position in the Parks Department
- 1 position in the Streets Department

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 2

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.

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:

P&Z Minutes and supporting documents
Ordinance No. 2022-01

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 # 131085

Existing Property Use: Undeveloped Proposed Property Use: Commercial

Existing Zoning: R-1 Proposed Zoning: C-2

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): _____

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.

Turner Behringer Development, LLC
Name of Property Owner: _____ Phone No: 254-759-8027

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

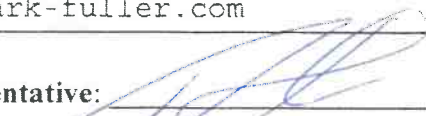
Email Address: cody@tbretexas.com

Signature of Property Owner:  Date: 9/28/21

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: 9/27/21

Page 2 of 2

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 # 131085

Existing Property Use: Undeveloped Proposed Property Use: Garden Homes

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.

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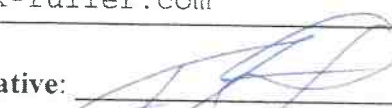
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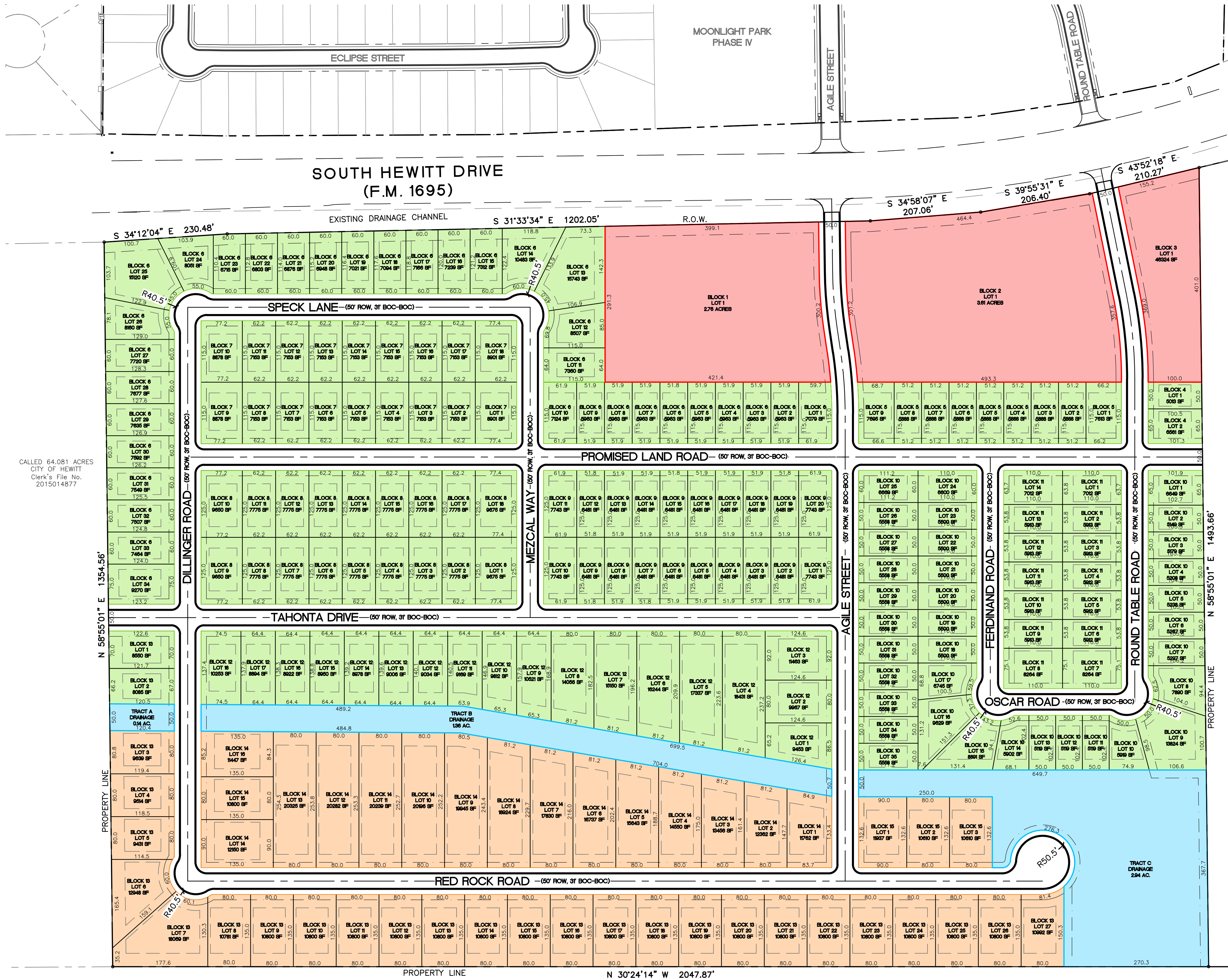
Signature of Property Owner:  Date: 7/29/2021

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

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

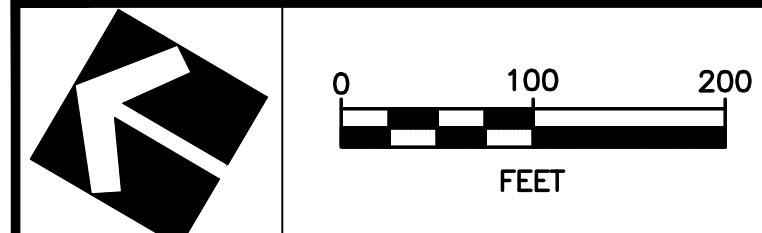
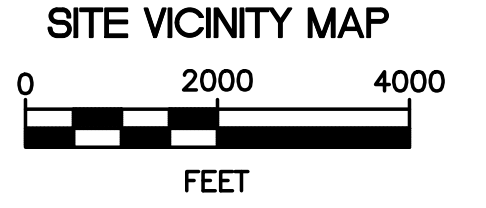
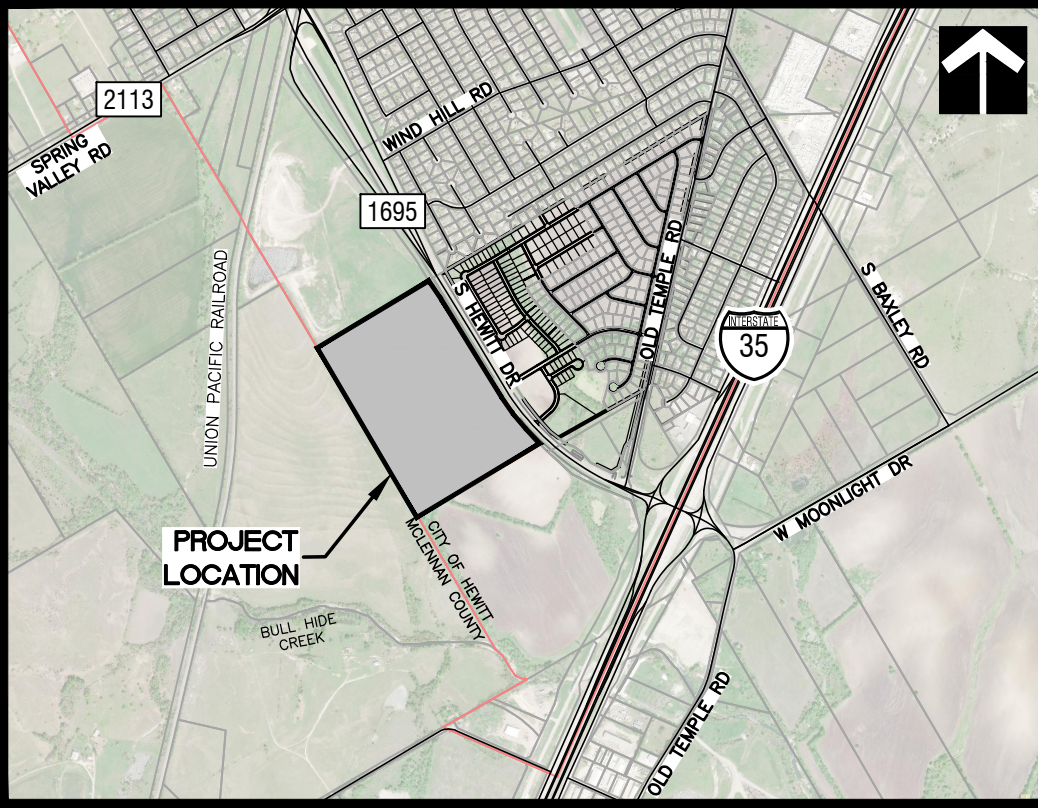
Email Address: jfuller@clark-fuller.com

Signature of Applicant/Representative:  Date: 9/27/21



CALLED 64.081 ACRES
CITY OF HEWITT
Clerk's File No.
2015014877

CALLLED 134 ACRES
"SECOND TRACT"
H. B. WARREN
Vol. 670, Pg. 287



LEGEND

- R-1 LOTS
- R-1-G LOTS
- C-2 LOTS
- DRAINAGE TRACTS

EASEMENTS AND BUILDING LINES

R-1:

- FRONT BUILDING LINE = 25'
- SIDE STREET BUILDING LINE = 15'
- SIDE BUILDING LINES = 5' LT/15' RT
- REAR BUILDING LINE = 25'

R-1-G:

- FRONT BUILDING LINE = 20'
- SIDE STREET BUILDING LINE = 10'
- SIDE BUILDING LINES = 5'
- REAR BUILDING LINE = 20'

(UNLESS OTHERWISE NOTED)

10' UTILITY EASEMENT ALONG ALL ROAD FRONTAGE

DEVELOPMENT STATISTICS:

TOTAL ACREAGE:	65.58 ACRES
EXISTING ZONING:	R-1
PROPOSED ZONING:	R-1, R-1-G, C-2
LOT COUNT:	
R-1 LOTS	= 44
R-1-G LOTS	= 170
C-2 LOTS	= 3
TOTAL	= 217

FLOOD PLAIN NOTES

NO PORTION OF THE FEMA 100-YR FLOOD PLAIN BOUNDARY APPEARS TO BE LOCATED IN THIS AREA BASED ON INFORMATION AVAILABLE FROM THE FEMA FIRM RATE MAP NUMBERED 48309C0500C, DATED SEPTEMBER 26, 2008 AND IS APPROXIMATE.

OWNER/DEVELOPER:

TURNER BRENINGER DEVELOPMENT, LLC
8416 OLD MCGREGOR ROAD
WACO, TEXAS 76712
254-732-5288

REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC.
4330 S 5TH STREET
TEMPLE, TEXAS 76502
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN ST.
TEMPLE, TEXAS 76501
254-899-0899

STATE OF TEXAS
COUNTY OF MCLENNAN

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.



Justin B. Fuller
JUSTIN B. FULLER
REGISTRATION NUMBER 100183
9-27-2021

Revisions

Date:	Remarks:
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**MOONLIGHT PARK
PHASE V
NEW RESIDENTIAL SUBDIVISION
HEWITT, TEXAS**

PRELIMINARY PLAT

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER, P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

FOR CONSTRUCTION
FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	212267.00
Plot Date	9-27-2021

1

PRELIMINARY PLAT FOR
INSPECTION PURPOSES ONLY

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 3rd day of January 2022, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT, TEXAS

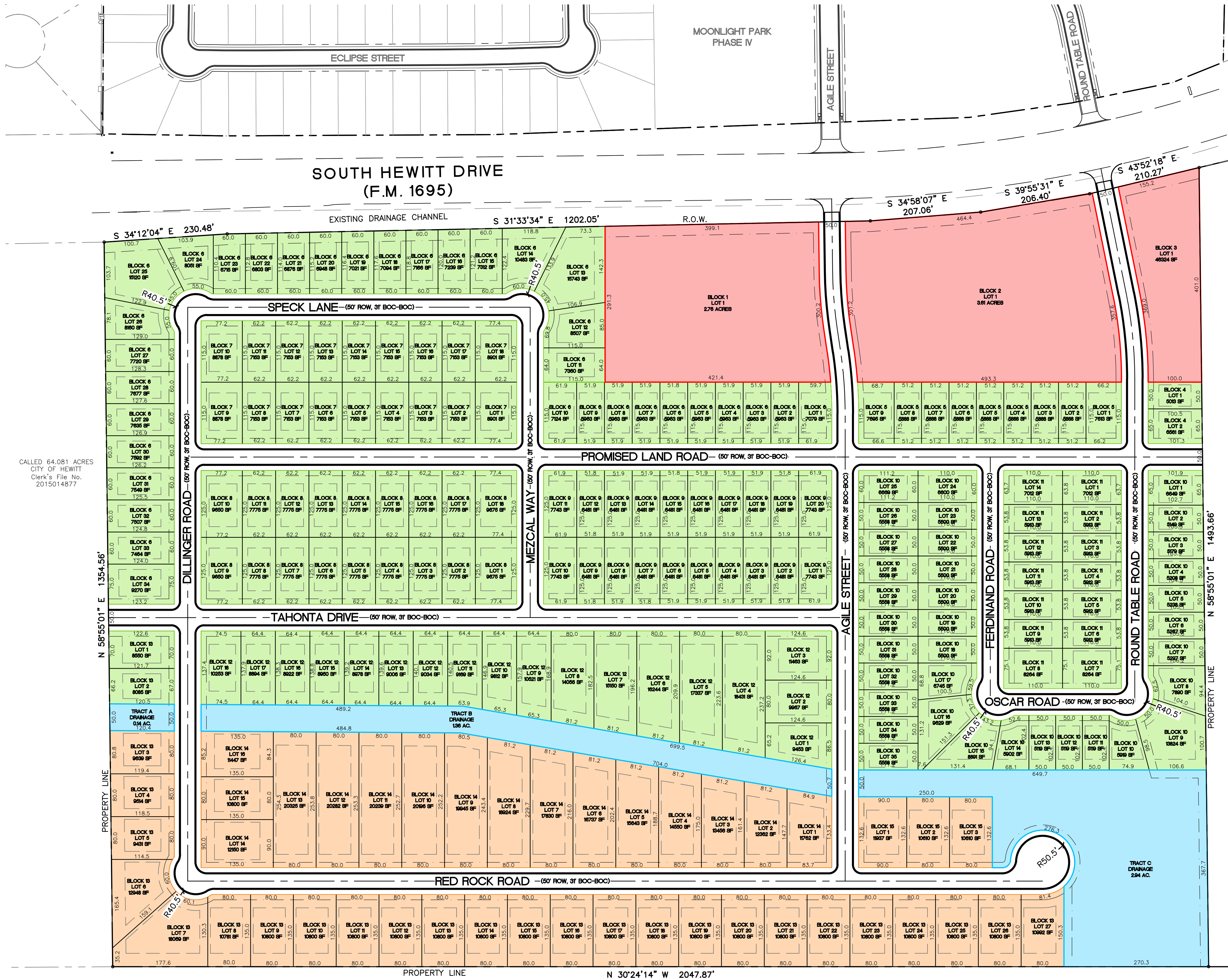
Steve Fortenberry, Mayor

Attest:

Lydia Lopez, City Secretary

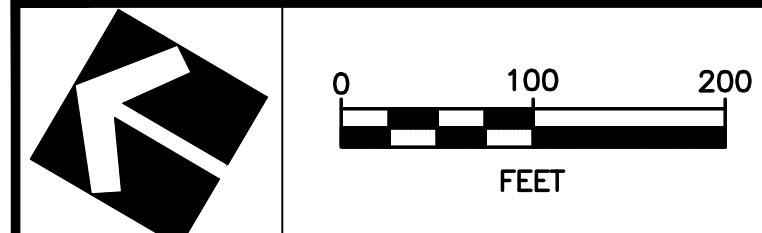
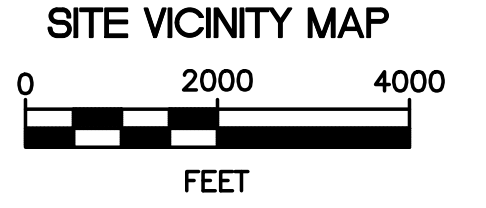
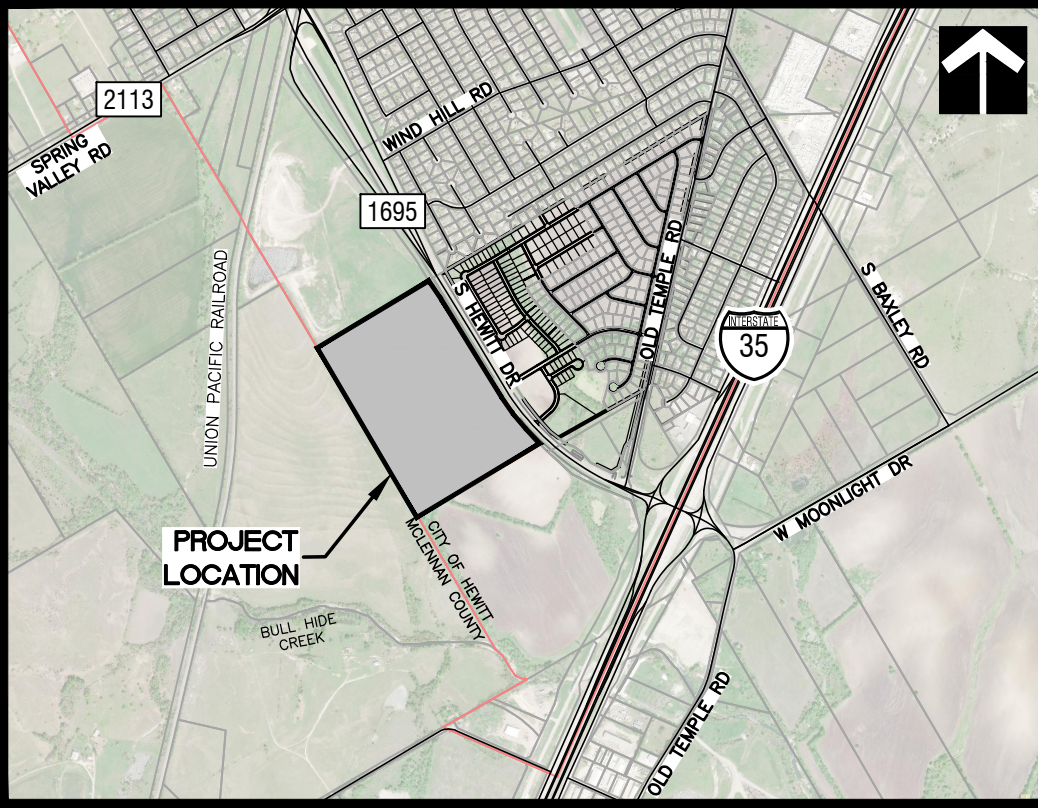
APPROVED AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney



CALLED 64.081 ACRES
CITY OF HEWITT
Clerk's File No.
2015014877

CALLLED 134 ACRES
"SECOND TRACT"
H. B. WARREN
Vol. 670, Pg. 287



LEGEND

- R-1 LOTS
- R-1-G LOTS
- C-2 LOTS
- DRAINAGE TRACTS

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254-732-5288

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ALL COUNTY SURVEYING, INC.
4330 S 5TH STREET
TEMPLE, TEXAS 76502
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN ST.
TEMPLE, TEXAS 76501
254-899-0899

STATE OF TEXAS
COUNTY OF MCLENNAN

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.



Justin B. Fuller
9-27-2021
JUSTIN B. FULLER
REGISTRATION NUMBER 100183

Revisions

Date:	Remarks:
-------	----------



**MOONLIGHT PARK
PHASE V
NEW RESIDENTIAL SUBDIVISION
HEWITT, TEXAS**

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FOR CONSTRUCTION
FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	212267.00
Plot Date	9-27-2021

1

PRELIMINARY PLAT FOR
INSPECTION PURPOSES ONLY

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 3

SUBMITTED BY: Tracy Lankford, Community Development Director

ITEM DESCRIPTION:

Public hearing and possible action on **Ordinance No. 2022-02** 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.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I move to approve Ordinance 2022-02 rezoning property known as a portion of James Prowl Survey, Ab 817, being an 8.192-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:

P&Z draft minutes and supporting documents
Ordinance No, 2022-02

HEWITT TEXAS

MINUTES OF THE PLANNING AND ZONING COMMISSION

December 7, 2021 – 6:00PM

Members Present: Chairman Walt Peterson, Travis Bailey, Dustin Crawford, Bobby Drake, Mike Hix, Paul Lasater

Members Absent: none

Staff Present: Tracy Lankford, Community Development Director
Miles Whitney, City Engineer
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 June 6, 2021 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 six in favor, motion passed.*
- 3. Public Hearing: Consider a request of Turner Behringer Development, LLC, 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.** *Public hearing opened at 6:01PM. Speaking for rezoning Justin Fuller, representative of Clark and Fuller PLLC located at 215 N. Main St, Temple, TX. Mr. Fuller stated this is a new development across Hewitt Drive from other Moonlight Park subdivisions. There will be residential homes, garden residential homes, and commercial lots. Miles Whitney and Tracy Lankford both stated everything at this time is fine on the City's end. No one else spoke for or against request.*
- 4. Public Hearing: Consider a request of Turner Behringer Development, LLC, to change the zoning of a portion of James Prowl Survey, Ab 817, being an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, from R-1 Single Family Residential District to C-2 General Commercial District.** *Miles Whitney, City Engineer, stated that the commercial lots are a mirror image of the other side of Hewitt Drive. No one else spoke for or against request. Public hearing closed at 6:05PM.*

- 5. **Discussion and possible action: Consider a request of Turner Behringer Development, LLC, 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.** *A motion was made by Travis Bailey, seconded by Mike Hix, to approve the rezone request. All six in favor, motion to go before City Council on January 3, 2022.*
- 6. **Discussion and possible action: Consider a request of Turner Behringer Development, LLC, to change the zoning of a portion of James Prowl Survey, Ab 817, being an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, from R-1 Single Family Residential District to C-2 General Commercial District.** *Paul Lasater asked if this will be a strip center; per Clark and Fuller this will not necessarily be a strip center, they are selling pads out to the developer. A motion was made by Paul Lasater, seconded by Travis Bailey, to approve the rezone request. All six in favor, motion to go before City Council on January 3, 2022.*
- 7. **Discussion, consideration, action if any: The Preliminary Plat of Moonlight Park Phase V.** *Questions were asked regarding safety at the intersection of the new subdivision and Hewitt Drive. Miles Whitney stated they are working with TxDot regarding this issue. Mr. Whitney also stated that the City is good with the preliminary plat, however, there are two contingencies that are working towards a resolution. Utilities will have to be brought over to this site. It was also stated that this plat will be renamed to Bullhide Estates instead of Moonlight Park Phase V. A motion was made by Paul Lasater, seconded by Travis Bailey, to approve the preliminary plat of Bullhide Estates, formerly known as Moonlight Park Phase V. All six in favor, preliminary plat approved.*
- 8. **Adjourn.** *A motion was made by Travis Bailey, seconded by Bobby Drake, to adjourn meeting. All six in favor, meeting adjourned at 6:16PM.*

Chairman

Date Approved

Brittney Cantu, City of Hewitt Zoning Secretary

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 # 131085

Existing Property Use: Undeveloped Proposed Property Use: Commercial

Existing Zoning: R-1 Proposed Zoning: C-2

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): _____

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: 9/28/21

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: 9/27/21

Page 2 of 2

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 # 131085

Existing Property Use: Undeveloped Proposed Property Use: Garden Homes

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.

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

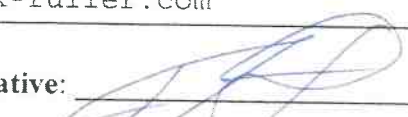
Email Address: cody@tbretexas.com

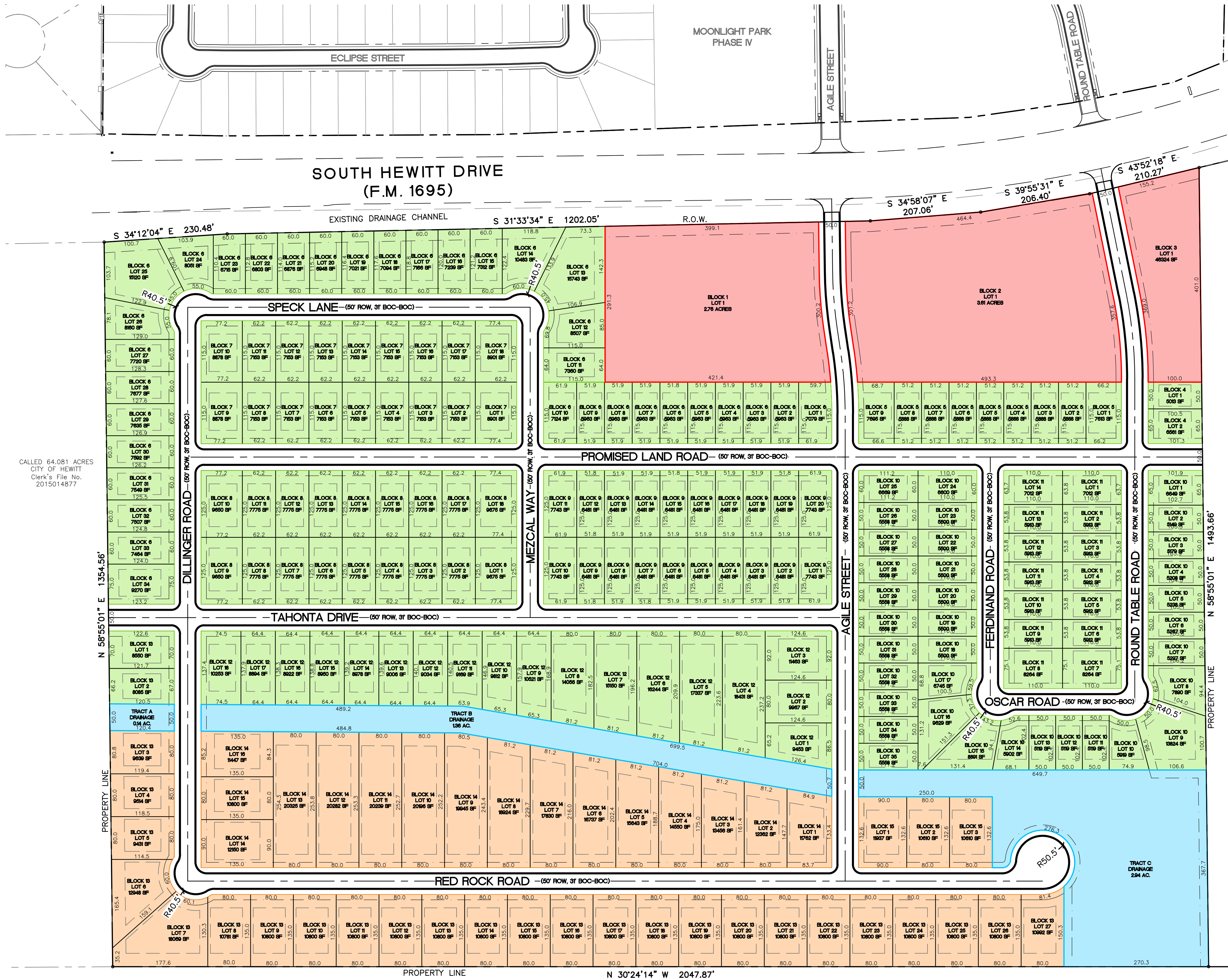
Signature of Property Owner:  Date: 7/29/2021

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

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

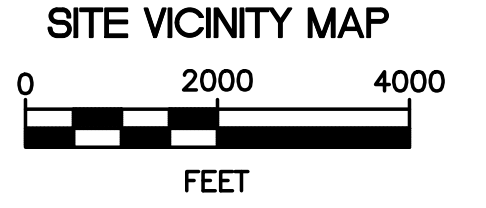
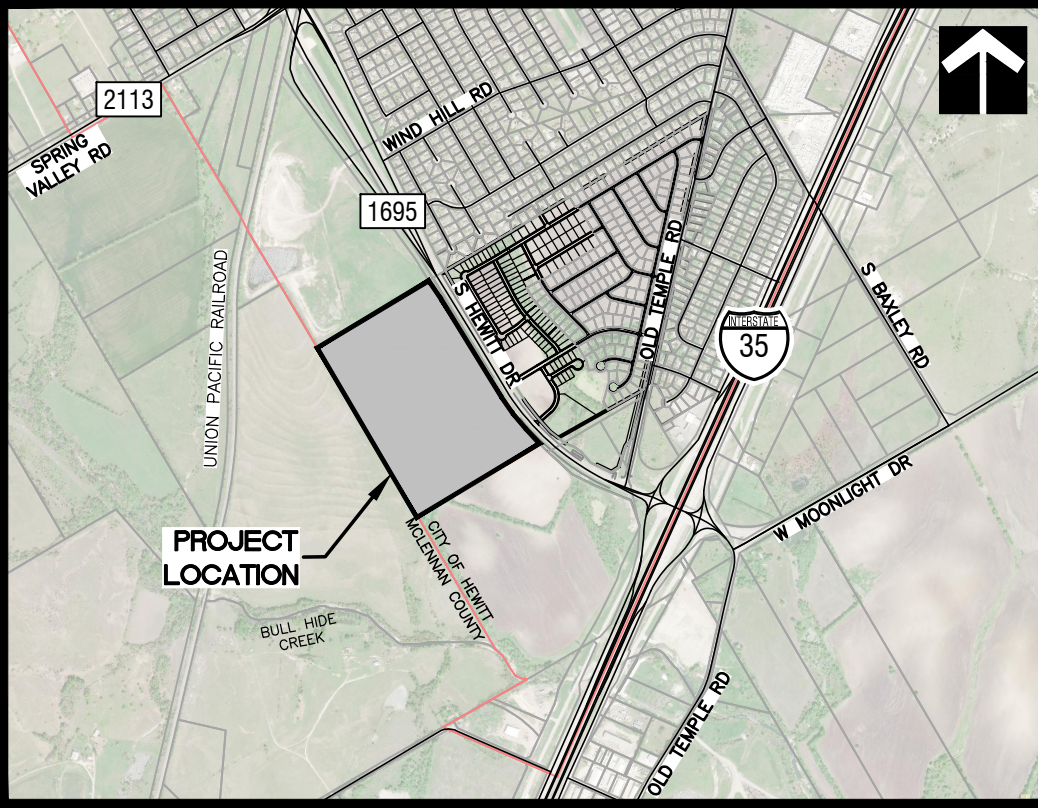
Email Address: jfuller@clark-fuller.com

Signature of Applicant/Representative:  Date: 9/27/21



CALLED 64.081 ACRES
CITY OF HEWITT
Clerk's File No.
2015014877

CALLLED 134 ACRES
"SECOND TRACT"
H. B. WARREN
Vol. 670, Pg. 287



LEGEND

- R-1 LOTS
- R-1-G LOTS
- C-2 LOTS
- DRAINAGE TRACTS

EASEMENTS AND BUILDING LINES

R-1:

FRONT BUILDING LINE = 25'

SIDE STREET BUILDING LINE = 15'

SIDE BUILDING LINES = 5' LT/15' RT

REAR BUILDING LINE = 25'

R-1-G:

FRONT BUILDING LINE = 20'

SIDE STREET BUILDING LINE = 10'

SIDE BUILDING LINES = 5'

REAR BUILDING LINE = 20'

(UNLESS OTHERWISE NOTED)

DEVELOPMENT STATISTICS:

TOTAL ACREAGE: 65.58 ACRES

EXISTING ZONING: R-1

PROPOSED ZONING: R-1, R-1-G, C-2

LOT COUNT:

R-1 LOTS = 44

R-1-G LOTS = 170

C-2 LOTS = 3

TOTAL = 217

FLOOD PLAIN NOTES

NO PORTION OF THE FEMA 100-YR FLOOD PLAIN BOUNDARY APPEARS TO BE LOCATED IN THIS AREA BASED ON INFORMATION AVAILABLE FROM THE FEMA FIRM RATE MAP NUMBERED 48309C0500C, DATED SEPTEMBER 26, 2008 AND IS APPROXIMATE.

OWNER/DEVELOPER:

TURNER BEHRENGER DEVELOPMENT, LLC
8416 OLD MCGREGOR ROAD
WACO, TEXAS 76712
254-732-5288

REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC.
4330 S 5TH STREET
TEMPLE, TEXAS 76502
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN ST.
TEMPLE, TEXAS 76501
254-899-0899

STATE OF TEXAS
COUNTY OF MCLENNAN

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.



Justin B. Fuller 9-27-2021
JUSTIN B. FULLER
REGISTRATION NUMBER 100183

Revisions

Date:	Remarks:



**MOONLIGHT PARK
PHASE V
NEW RESIDENTIAL SUBDIVISION
HEWITT, TEXAS**

PRELIMINARY PLAT

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER, P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

FOR CONSTRUCTION
FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	212267.00
Plot Date	9-27-2021

PRELIMINARY PLAT FOR
INSPECTION PURPOSES ONLY

ORDINANCE NO. 2022-02

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 C-2 GENERAL COMMERCIAL 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 an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, Hewitt, McLennan County, Texas, from **R-1 Single Family Residential District to C-2 General Commercial 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 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 an 8.192-acre tract located in the 1400 Block of S. Hewitt Dr, from R-1 Single Family Residential District to C-2 General Commercial 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 3rd day of January 2022, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

CITY OF HEWITT

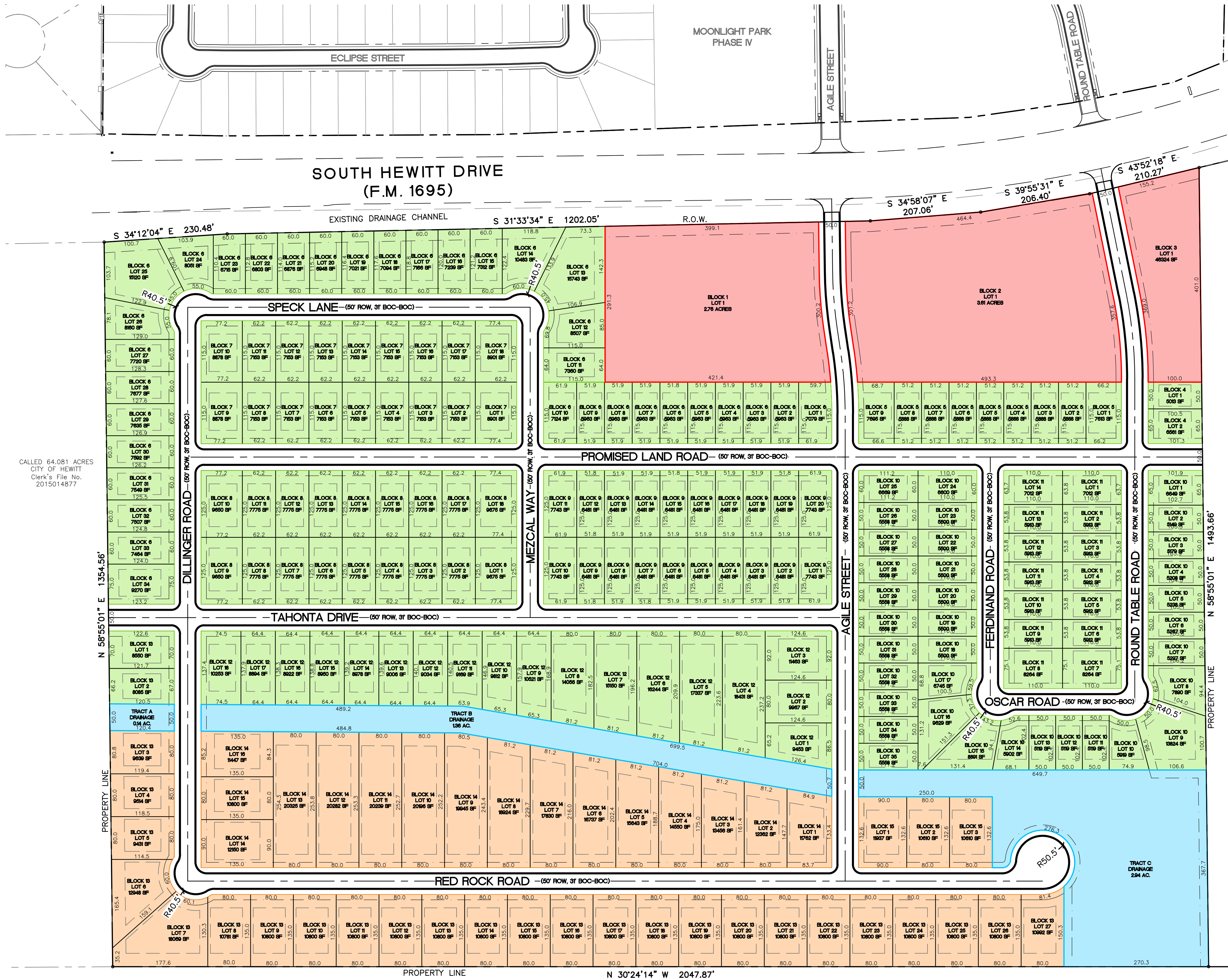
BY: _____
Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

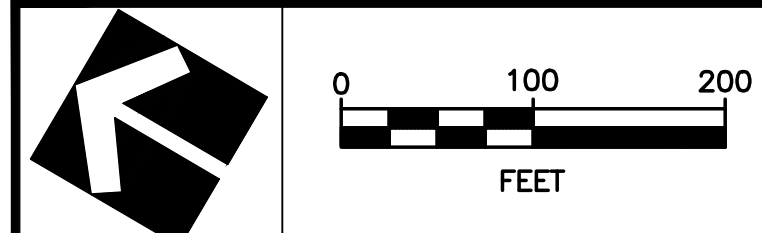
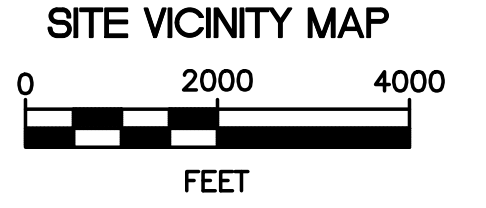
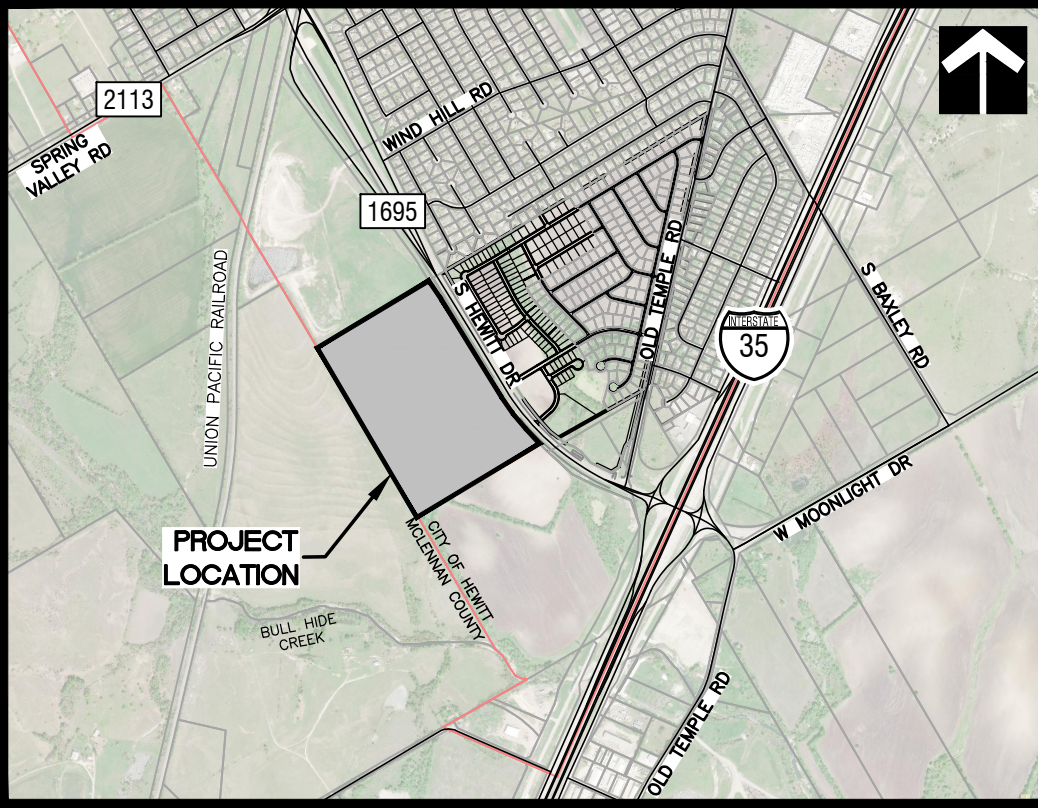
APPROVED AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney



CALLED 64.081 ACRES
CITY OF HEWITT
Clerk's File No.
2015014877

CALLED 134 ACRES
"SECOND TRACT"
H. B. WARREN
Vol. 670, Pg. 287



- LEGEND**
- R-1 LOTS
 - R-1-G LOTS
 - C-2 LOTS
 - DRAINAGE TRACTS

EASEMENTS AND BUILDING LINES

R-1:

FRONT BUILDING LINE	= 25'
SIDE STREET BUILDING LINE	= 15'
SIDE BUILDING LINES	= 5' LT/15' RT
REAR BUILDING LINE	= 25'

R-1-G:

FRONT BUILDING LINE	= 20'
SIDE STREET BUILDING LINE	= 10'
SIDE BUILDING LINES	= 5'
REAR BUILDING LINE	= 20'

(UNLESS OTHERWISE NOTED)

10' UTILITY EASEMENT ALONG ALL ROAD FRONTAGE

DEVELOPMENT STATISTICS:

TOTAL ACREAGE:	65.58 ACRES
EXISTING ZONING:	R-1
PROPOSED ZONING:	R-1, R-1-G, C-2
LOT COUNT:	
R-1 LOTS	= 44
R-1-G LOTS	= 170
C-2 LOTS	= 3
TOTAL	= 217

FLOOD PLAIN NOTES

NO PORTION OF THE FEMA 100-YR FLOOD PLAIN BOUNDARY APPEARS TO BE LOCATED IN THIS AREA BASED ON INFORMATION AVAILABLE FROM THE FEMA FIRM RATE MAP NUMBERED 48309C0500C, DATED SEPTEMBER 26, 2008 AND IS APPROXIMATE.

OWNER/DEVELOPER:

TURNER BRENINGER DEVELOPMENT, LLC
8416 OLD MCGREGOR ROAD
WACO, TEXAS 76712
254-732-5288

REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC.
4330 S 5TH STREET
TEMPLE, TEXAS 76502
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN ST.
TEMPLE, TEXAS 76501
254-899-0899

STATE OF TEXAS
COUNTY OF MCLENNAN

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.



Justin B. Fuller
9-27-2021
JUSTIN B. FULLER
REGISTRATION NUMBER 100183

Revisions

Date:	Remarks:
-------	----------



**MOONLIGHT PARK
PHASE V
NEW RESIDENTIAL SUBDIVISION
HEWITT, TEXAS**

PRELIMINARY PLAT

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER, P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

<input checked="" type="checkbox"/> FOR REVIEW	Designed	JBF
<input checked="" type="checkbox"/> FOR CONSTRUCTION	Drafted	ECB
<input type="checkbox"/> FOR CONSTRUCTION	Project No	212267.00
<input type="checkbox"/> FINAL DRAWINGS	Plot Date	9-27-2021

PRELIMINARY PLAT FOR
INSPECTION PURPOSES ONLY

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Approval of minutes of the Workshop and Regular Meeting of December 6, 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

CITY COUNCIL REGULAR MEETING

December 06, 2021 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 Charles D. Turner

Council Member Bob Potter

Council Member Wilbert Wachtendorf

Council Member Bill Fuller

Council Member Dr. Erica Bruce

The meeting was streamed live on the city’s website at www.cityofhewitt.com/790/Hewitt-TX-TV.

DECLARATION OF A QUORUM AND CALL TO ORDER

Mayor Steve Fortenberry called the Regular Meeting to order at 7:00 PM and noted all Council Members were in attendance.

PLEDGE OF ALLEGIANCE

Mayor Steve Fortenberry led the Pledge of Allegiance.

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

- 1. PRESENTATION OF NEWLY APPOINTED POLICE OFFICERS TYLER M. ECKBLAD AND SANTIAGO SUAREZ.** Police Chief Jim Devlin introduced the newly appointed officers and administered the ceremonial oath of office.

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.]

Mayor Steve Fortenberry inquired if anyone had requested to address the Council. City Secretary Lydia Lopez noted no one submitted any public comment forms. No one appeared.

REGULAR AGENDA

2. APPROVAL OF MINUTES OF THE WORKSHOP/REGULAR MEETING OF NOVEMBER 15, 2021.

MOTION: Council Member Turner moved approval of the meeting minutes as presented but to allow for corrections.

SECOND: Council Member Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

3. DISCUSSION AND POSSIBLE ACTION ON THE PURCHASE OF A 2021 FORD F-150 4X4 SUPERCREW CAB FOR UTILITIES SERVICES FROM CHASTANG FORD IN THE AMOUNT OF \$35,282. City Manager Bo Thomas presented.

MOTION: Council Member Turner moved to approve the purchase of a Ford F-150 XL 4x4 SuperCrew Cab truck from Chastang Ford in the amount of \$35,282.

SECOND: Council Member Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

4. DISCUSSION AND POSSIBLE ACTION CONCERNING AWARD FROM THE LITERACY ACCESS FUND FOR \$10,000. City Manager Bo Thomas presented. Council Member Turner commended Library Director and staff for their efforts in seeking grants to fund library services.

MOTION: Council Member Turner moved to approve the acceptance of the Literacy Access Fund in the amount of \$10,000.

SECOND: Council Member Fuller

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

NAYES: None

ABSENT: None

MOTION PASSED.

5. DISCUSSION AND POSSIBLE ACTION ON RENEWAL OF AN AGREEMENT WITH VALLEY VIEW CONSULTING, L.L.C. FOR A PERIOD OF TWO YEARS ENDING DECEMBER 31, 2023, WITH THE OPTION TO EXTEND IN ADDITIONAL ONE OR TWO-YEAR INCREMENTS. City Manager Bo Thomas presented.

MOTION: Council Member Turner moved that the Agreement with Valley View Consulting, L.L.C. be renewed for a period of two years ending December 31, 2023, with the option to extend in additional one or two-year increments.

SECOND: Council Member Fuller

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

NAYES: None

ABSENT: None
MOTION PASSED.

- 6. DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO EXECUTE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) STANDARD UTILITY AGREEMENT FOR THE FM 2113 SPRING VALLEY UTILITY RELOCATION PROJECT.** City Manager Bo Thomas presented.
MOTION: Council Member Wachtendorf moved to authorize the City Manager to execute the Utility agreement with TxDOT for the FM 2113 utility relocation project.
SECOND: Mayor Pro Tem Michael Bancale
AYES: Bruce, Turner, Fuller, Potter, Wachtendorf, Bancale, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
- 7. DISCUSSION AND POSSIBLE ACTION ON AN INTERLOCAL AGREEMENT BETWEEN THE MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT AND THE CITY OF HEWITT FOR THE PURCHASE OF AND REIMBURSEMENT OF (\$15,000) FOR AN EVENTIDE VOICE AND LINE RECORDER IN THE AMOUNT OF \$23,793.** City Manager Bo Thomas presented.
MOTION: Mayor Pro Tem Michael Bancale moved to authorize the Interlocal Agreement with the McLennan County Emergency Assistance District for the purchase and reimbursement of \$15,000 for an Eventide Voice and Phone line recorder for the total cost of \$23,793.
SECOND: Council Member Wachtendorf
AYES: Bruce, Turner, Fuller, Potter, Wachtendorf, Bancale, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
- 8. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-11 AMENDING AND ADOPTING THE CITY OF HEWITT'S INVESTMENT POLICY.** City Manager Bo Thomas presented and noted the changes to the policy.
MOTION: Council Member Turner moved to approve **Resolution No. 2021-11** amending and adopting the City of Hewitt's Investment Policy.
SECOND: Mayor Pro Tem Michael Bancale
AYES: Bruce, Turner, Fuller, Potter, Wachtendorf, Bancale, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
- 9. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-12 CASTING VOTES TO ELECT THE DIRECTORS FOR THE MCLENNAN COUNTY APPRAISAL DISTRICT FOR 2022-2023.** City Manager Bo Thomas presented.
MOTION: Council Member Turner moved to approve **Resolution No. 2021-12** casting 59 votes for Michael Bancale.
SECOND: Council Member Bill Fuller
AYES: Bruce, Turner, Fuller, Potter, Wachtendorf, and Fortenberry
NAYES: None

ABSENT: None
ABSTAINED: Bancale
MOTION PASSED.

- 10. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-13 OPTING INTO THE GLOBAL OPIOID SETTLEMENT; ADOPTING THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET AND AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT PARTICIPATION FORMS ON BEHALF OF THE CITY OF HEWITT, TX.** City Manager Bo Thomas presented.

MOTION: Council Member Turner moved to approve **Resolution No. 2021-13.**

SECOND: Council Member Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

- 11. DISCUSSION AND POSSIBLE ACTION ON RESOLUTION NO. 2021-14 ADOPTING THE AMENDED EMPLOYEE POLICIES AND PROCEDURES MANUAL.** City Manager Bo Thomas presented and noted the only fiscal impacts were relative to the additional holiday and the sick leave donation policy. Mayor Fortenberry commended City Attorney Mike Dixon, Assistant City Attorney Amy Thomas, and Human Resources Manager Jessica Higgins for all their effort on updating the employee policies and procedures.

MOTION: Council Member Turner moved to approve **Resolution No. 2021-14.**

SECOND: Mayor Pro Tem Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

- 12. DISCUSSION AND POSSIBLE ACTION ON CANCELLING THE COUNCIL MEETING SCHEDULED FOR DECEMBER 20, 2021.** City Manager Bo Thomas advised that the Council meeting scheduled for December 20, 2021 could be cancelled if Council desired.

MOTION: Mayor Pro Tem Bancale moved to approve the cancellation of the council meeting scheduled for December 20, 2021.

SECOND: Council Member Turner

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

NAYES: None

ABSENT: None

MOTION PASSED.

ADJOURNMENT

MOTION: Council Member Fuller moved to adjourn at 7:35 PM.

SECOND: Council Member Potter

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

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Steve Fortenberry, Mayor

DRAFT

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 5

SUBMITTED BY: Miles Whitney, P.E.

ITEM DESCRIPTION:

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.

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:

No action is required.

ATTACHMENTS:

Report

HEWITT TEXAS

CITY ENGINEER'S REPORT

December 28, 2021

Utility Projects

FM 2113; Spring Valley Rd.

Project closeout paperwork is being processed.

Agreement paperwork will be submitted to TxDOT once the minutes of the previous meeting is approved.

Street/Transportation Projects

E. Warren Street Improvements

Franchise utilities have indicated that they have been relocated. Working to update files accordingly and then will be getting prepared to advertise for bids shortly.

Ritchie Rd. Street Improvements

Contractor is re-sealing areas that were damaged with the grinding process. The roadway striping is supposed to begin 1/4/22.

Drainage Projects

N/A

By:



Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 6

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Briefing and discussion concerning Financial Statements ending November 30, 2021.

STAFF RECOMMENDATION/ITEM SUMMARY:

The financial statements ending November 30, 2021, were sent electronically on December 15, 2021. 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

MEETING DATE: January 3, 2022

AGENDA ITEM #: 7

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Discussion and action on reappointments to the Library Board and the Parks & Beautification Committee.

STAFF RECOMMENDATION/ITEM SUMMARY:

The following members have terms that expire December of 2021: Library Board members Betty Smith, Ryan Erck, and Sally Goldman; Parks & Beatification Committee members Shayla Wicks, Casey Lowrey, and Ann E. Schiltz. All have agreed to serve another two-year term and are in good standing.

Staff recommends approval.

FISCAL IMPACT:

Amount Budgeted – NA
Line Item in Budget- NA

SUGGESTED MOTION:

I move to approve the following reappointments: Betty Smith, Ryan Erck, and Sally Goldman to the Library Board and Shayla Wicks, Casey Lowrey, and Anne Schiltz to the Parks & Beautification Committee with terms expiring in December of 2023.

ATTACHMENTS:

Current list of Council, Boards, Committees, and Commissions Board

CITY OF HEWITT: COUNCIL, BOARDS, COMMITTEES, AND COMMISSIONS

City Hall 666-6171 (Fax 666-6014); Community Services 666-2447; Utility Billing 666-3151 (after hrs emergency 666-6272); Police Adm. 666-1661; Drug Tips 666-3333; Animal Control 666-6272; Library 666-2442; Park Reservations 666-6173; Municipal Court 666-1208; Chamber of Commerce 666-1200. City of Hewitt web site: www.cityofhewitt.com; Email: citysecretary@cityofhewitt.com

<u>City Council</u> <u>2 Yr Term - May</u>	<u>Board of Adjustment</u> <u>2 Yr Term - April</u>	<u>Planning & Zoning</u> <u>Commission</u> <u>2 Yr Term - June</u>	<u>Parks & Beautification</u> <u>Committee</u> <u>2 Yr Term - December</u>	<u>Library Board of</u> <u>Directors</u> <u>2 Yr Term - December</u>
1st & 3rd Mon 7 pm	3rd Thurs 6 pm	1st Tues. 6 pm	3rd Wed. 6 pm	Quarterly as needed
Charlie Turner Ward 1 (05-2023) 209 Laredo Dr. (254) 709-3614	Chairman (04-2022) Jim Winton 1136 Heatherwood (254) 857-9436	(06-2022) Paul D. Lasater 1112 Heatherwood (254) 716-0025	(12-2022) Jerry Snider 108 Brenda Drive (254) 307-0613	(12-2022) Jerry Snider 108 Brenda Drive (254) 307-0613
Wilbert (Walky) Wachtendorf Ward 1 (05-2022) 328 Travis Lane (254) 709-3989	(04-2022) Bradley T. Turner 425 W. Chapman (254) 723-4912	(06-2022) VACANCY	(12-2021) Shayla Wicks 1054 Hesselridge (254) 366-5839	(12-2021) Betty J. Smith 709 Seminole Trail (254) 666-7931
Bill Fuller Ward 2 (05-2022) 218 Chelsea/PO Box 568 (254) 709-3998	(04-2023) Douglas Bergen 264 Earle Road (254) 666-0855	(06-2022) Walter H. Peterson 500 Moss Hill Road (254) 757-5128	(12-2021) Casey Lowrey 700 Wind Hill Drive (254) 424-1266	(12-2022) Julie Holcomb 112 Travis Ln. (972) 935-4528
Bob Potter Ward 2 (05-2023) 409 W Wall Street (254) 709-3666	(04-2023) Charles Howard 155 Ellis Farm Road (254) 732-4746	(06-2023) Dustin Crawford 1001 December Dr. (903) 754-1204	(12-2021) Ann E. Schiltz 1220 Dendron Drive (254) 666-4291	(12-2022) Lydia Dashner 520 Angel Fire Drive (254) 666-9623
Erica Bruce Ward 3 (05-2023) 717 Fieldstone (254) 709-4050	(04-2023) R. Don Vardeman 432 S First Street (254) 227-4495	(06-2023) Bobby Drake 107 Westchester Way (254) 772-7440	(12-2022) Vernon Bailey 301 Tampico Drive (512) 797-6377	(12-2022) Jennifer Hunt 228 Cross Country Drive (254) 498-0102
Mayor Steve Fortenberry Ward 3 (05-2022) 701 Oakmont Drive (254) 709-0030	Alternate (04-2022) VACANCY	(06-2023) Michael Lee Hix 336 Bowie Lane (254) 723-5071	(12-2022) Hunter Edmundson 444 W Lindenwood Ln. (404) 518-6290	(12-2021) Ryan Erck 816 Pawnee Trl. (254) 485-6563
Mayor Pro Tem Michael S. Bancale At-Large (05-2023) 909 Stoneridge Drive (254) 709-3522	Alternate (04-2023) Royce W. Smith 1128 Regina (254) 652-3099	(06-2023) Travis Bailey 412 Oklahoma Ave. (254) 666-1492	(12-2022) VACANCY	(12-2021) Sally Goldman 132 Texas (254) 666-2436

Updated: 11/16/2021

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 8

SUBMITTED BY: Kevin Reinke, Utilities Director

ITEM DESCRIPTION:

Discussion and possible action to ratify the expenditure of \$131,346 for the emergency service to Well #7 to Jurgensen Pump, LLC.

STAFF RECOMMENDATION/ITEM SUMMARY:

This item is to seek ratification for expenses to replace the well pump, motor, and other materials related to the job at Well #7 located at the end of Coventry Rd. The Variable Frequency Drive for Well #7 would trip out on “under load”. Jurgensen Pump was contacted to investigate the cause. It was determined the pump had failed and possibly caused holes in the column piping. Jurgensen Pump determined the pump needed to be replaced.

FISCAL IMPACT:

Amount Budgeted – \$150,000.00
Line Item in Budget – 20-50367-91-00

SUGGESTED MOTION:

I move to ratify the expenditure of \$131,346 to Jurgensen Pump, LLC for repairs at well #7.

ATTACHMENTS:

Estimate attached



JURGENSEN PUMP, LLC
PO Box 710
Valley Mills, TX 76689

Phone # 254-932-6251 Fax # 254-932-6770

Date	Estimate #
12/15/2021	4437

REGULATED BY THE TEXAS
 DEPARTMENT OF LICENSING &
 REGULATIONS PO BOX 12157
 AUSTIN, TX 78711
 LICENSE #54576

Name / Address
City of Hewitt P.O. Box 219 Hewitt, TX 76643

WARRANTY: New well equipment is covered by
 Manufacturer's Warranties and these warranties are
 the responsibility of the Manufacturers.
 LABOR WARRANTY: Is 30-days from
 installation of new well equipment

Project
Well #7

Description	Qty	Cost	Total
Well #7 13" Casing: 0 - 1,920 FT Perforations: 1,719 - 1,882 FT Total Well Depth = 1,920 FT SWL = 810 FT PWL = 1,120 FT Pump Setting = 1,289 FT (6" Pipe)			
Baker Hughes 675 HC20000-16 Stage Pump - 500 GPM @ 1,200 FT TDH	1	18,710.00	18,710.00
Baker Hughes 513 Series Seal	1	9,720.00	9,720.00
Baker Hughes 562 Series Motor 250HP 2505V 61A	1	25,040.00	25,040.00
Baker Hughes Motor Lead - 70 FT	1	3,150.00	3,150.00
5" 8R X 6" 8R Crossover	1	4,330.00	4,330.00
(21) 6" X 42' Black Pipe 8R w/API Collars per foot	882	40.00	35,280.00
#2 5kV Poly Submersible Pump Cable per foot	1,350	12.00	16,200.00
6" DI Surge Valve 8R	2	1,350.00	2,700.00
(2) 1/4" Toro Airline	2,620	0.30	786.00
Misc: HTH, SS Bands & Buckles, Splice Material, etc	1	650.00	650.00
Baker Hughes Service Tech at Install	1	4,350.00	4,350.00
Hot Shot freight to Jobsite	1	1,850.00	1,850.00
Labor 60-T Rig to Pull / Install / Start-Up Well Pump	24	350.00	8,400.00
Mileage 60-T Rig	30	6.00	180.00
Note: - Reuse 407 FT of 6" 8R Pipe			

Quote valid for 30 days!	Subtotal	\$131,346.00
	Sales Tax (0.00)	\$0.00
	Total	\$131,346.00

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 9

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action to authorize the City Manager to execute an Amendment to the Interlocal Agreement with the City of Waco for participation in the 2022 Household Hazardous Waste event and allocate funding in an amount of \$11,250 for the cost of participation.

STAFF RECOMMENDATION/ITEM SUMMARY:

Every year, the City of Hewitt participates in Waco's annual Household Hazardous Waste event. Approval of this item would authorize the City Manager to execute an interlocal agreement with Waco allowing for Hewitt residents to participate in this year's event.

Additionally, approval would authorize the allocation of up to \$11,250 for participation. Funding is set aside in our current budget for this purpose.

The event is tentatively scheduled to take place on Saturday, March 25, 2022.

FISCAL IMPACT:

Amount Budgeted – \$10,000
Line Item in Budget – 10-50425-61-00

SUGGESTED MOTION:

I move approval of this item to authorize the City Manager to execute an Interlocal Agreement with the City of Waco for participation in the 2022 Household Hazardous Waste event and allocate funding for the cost of participation.

ATTACHMENTS:

Interlocal Agreement

HEWITT TEXAS

January 3, 2022

Charles A “Chuck” Dowdell
Director of Solid Waste Services
PO Box 2570
Waco, TX 76702-2570

RE: 2022 Household Hazardous Waste (HHW) Event

Dear Mr. Dowdell:

The City of Waco will be hosting an HHW Event, tentatively set for March 26, 2022. The event will be held at the following location:

Waco Solid Waste Services Main Office
501 Schroeder Rd
Waco, TX 76710

The City of Hewitt wishes to participate in this Event and will enter an interlocal agreement for Waco to conduct the Event as stated above. As the event coordinator, Waco will purchase the services of a disposal firm and administer a regional household hazardous waste collection event.

The City of Hewitt agrees to pay the cost for **Hewitt** residents estimated at **\$11,250**. Given the estimate of cost per participating household of **\$90**, this funding will provide for approximately **125 households** to participate. The City of Hewitt also agrees to have representatives present at the HHW Event to monitor the number of citizens from its city who bring household hazardous waste to the Event, so that the representative can turn away any citizens once the **City of Hewitt** funding limit is reached.

We appreciate the opportunity to have this event and should you need more information please contact me or The City of Hewitt.

Sincerely,

Bo Thomas
City Manager

waste pursuant to this Agreement, or the existence of a violation of environmental requirements pertaining to same, other than any imposed by Waco, and including without limitation:

1. Damages for personal injury and death or injury to property or natural resources;
2. Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories, and all other costs incurred in connection with the investigation or remediation of such wastes or violation of environmental requirements, including but not limited to, the preparation of any feasibility studies, or reports, or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration, or monitoring work required by any federal, state, or local governmental agency or political subdivision, other than as imposed by Waco, or otherwise expended in connection with the existence of such waste or violation of environmental requirements, including without limitation, any attorney's fees, costs and expenses incurred in enforcing this contract, or collecting any sums due hereunder; and
3. Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced in subparagraph (2) herein.

B. Environmental requirements shall mean all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, or bureaus of the United States, states, and political subdivisions thereof (other than any imposed by Waco), and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including without limitation:

1. All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of hazardous or toxic substances, materials, or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, storm water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and,
2. All requirements pertaining to the protection of the health and safety of employees or the public (other than imposed by Waco).

C. Force majeure shall include decrees of, or restraints by, a governmental instrumentality, acts of God, work stoppages due to labor disputes or strikes, failure of Waco's contractor(s) to perform pursuant to their agreements with

Waco for the conduct of the Event, fires, explosions, epidemics, pandemics, riots, war, rebellion, and sabotage.

- D. Household hazardous waste shall mean any solid waste generated in a household by a consumer which, except for the exclusion provided for in 40 CFR sec. 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261. The term has the same meaning as "hazardous household waste" and may also be referred to as "HHW."
- E. Participating Cities shall mean the Cities of Waco, Woodway, Hewitt, Lacy-Lakeview, and Bellmead.
- F. Person shall mean an individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity.
- G. Waste, depending on the context, shall refer to the material presented for collection at the event and/or the actual materials accepted at the event.

2. PURPOSE

The purpose of this Agreement is to enter into an agreement between the Participating Cities whereby, subject to the terms and conditions specified below, Waco agrees to purchase the services of a household hazardous waste disposal firm and administer and supervise a regional Event that will be available to households within the corporate limits of the Participating Cities.

3. DUTIES OF WACO

Waco will serve as the Event coordinator and agrees to perform the following duties:

- A. Designate one of its employees to serve on the Event planning committee;
- B. Recruit its citizens to volunteer as workers at the Event;
- C. Coordinate Event advertising targeted to its own citizens as well as some advertising designed to alert citizens within all of the Participating Cities;
- D. Administer and supervise an Event on **SATURDAY, MARCH 26, 2022** in the parking lot of the City of Waco Solid Waste Operations Center at 501 Schroeder Drive. If weather does not permit the Event to be held on March 26, 2022, then the Event will be held on **Saturday, April 23, 2022**;
- E. Chair a planning committee comprised of Participating Cities;
- F. Provide a centrally located collection site within Waco for the Event;
- G. Employ personnel, perform administrative activities, and provide administrative services necessary to perform this Agreement;
- H. Cause the Event to be advertised in the local media;
- I. Enter into a contract with a household hazardous waste disposal firm ("contractor") for the handling, collection, transportation, storage, disposal,

treatment, recovery, and/or reuse of household hazardous waste collected at the Event. Such contractor shall be required pursuant to the contract:

1. to assume generator status for the waste collected at the Event, excluding materials recycled pursuant to subsection J. below;
 2. to use the storage, recycling, treatment and disposal sites set forth in the contract in performing its services under the contract. All storage, treatment, recycling and disposal sites used by the contractor shall be licensed by the EPA and/or TCEQ as required by law;
 3. to indemnify all Participating Cities; and,
 4. to name all Participating Cities as additional insureds;
- J. Arrange for recycling vendors for used oil, used oil filters, automobile batteries, household batteries, LED and fluorescent bulbs, and anti-freeze for Participating Cities;
- K. Attempt to reduce the overall expenditures of the event by implementing cost saving measures that may include bulking oil-based paint and arranging for local reuse of usable latex paint;
- L. During the term of this Agreement is in force, Waco shall provide appropriate documentation that funding has been committed and will be available to pay disposal, set up, and transportation costs as required by the contract with the contractor;
- M. This Agreement is conditioned upon Waco funding the expenditures set forth herein in Waco's budget.

4. DUTIES OF CITIES OTHER THAN WACO

Cities participating in this Event (except Waco, whose duties are set out above) agree to perform the following duties:

- A. Designate one of its employees, and another as an alternate, to act as its household hazardous waste collection Operational Contact whom Waco may communicate with in advance of the Event.
- B. For the day of the event, provide at least three (3) adults (either volunteers or employees paid by the employing city) for each two hour shift to work at the collection site on the day of the Event. The preference is to have at least one person from the city on site throughout the duration of the event, rather than having all of the people working at the same time. At least one person present from the city shall be responsible for monitoring the number of citizens from that city who bring HHW to the Event and determine when the funding commitment per household from the city has been met. The person from the city shall then be responsible for explaining to citizens from that city why their materials cannot be accepted.
- C. Coordinate and fund advertising targeted to its own citizens related to the Event. This advertising may include such things as inclusion in water, sewer, and/or garbage bills.

Such advertising shall include the type of wastes that will be accepted at the HHW Day, the requirement of proof of residency, and date, location and hours of operation.

5. RIGHT OF REFUSAL OF WASTE

Waco and its contractor shall have the right to refuse to accept waste at the Event from any individual if, in their reasonable judgment, Waco or its contractor, determine that:

- A. The waste is not household hazardous waste;
- B. The waste fails to meet other criteria established for the Event;
- C. The individual does not have sufficient identification to establish that he/she is in fact a resident of any of the Participating Cities; or
- D. The waste or the resident presents a hazard to the Event or to persons or property at the Event.

Participating Cities shall provide instructions to residents regarding preparation of the hazardous household waste materials to be brought for disposal to the Event. Details concerning acceptable disposable materials and proper preparation of disposing of such materials shall be provided by the contractor.

6. COMPENSATION

- A. Waco shall provide the Participating Cities with detailed statements of all expenses incurred for the Event. The sum due Waco under this paragraph shall be an amount calculated on a per household cost basis. With the execution of this Agreement, each city shall provide Waco with a letter stating its level of participation in dollars. Those letters shall be attached to the executed agreement as Exhibits A through D and shall be incorporated herein as though set out in their entirety. Reimbursement of such expenses shall be paid to Waco no later than thirty (30) calendar days following receipt of said expenses by the Participating Cities.
- B. The above sum is based upon an estimated eight hundred (800) total households from the Participating Cities taking part in the Event, provided, if, after the conclusion of the Event, there remains unexpended, committed Event funds as set out above from Participating Cities, the sum agreed to be paid above shall be reduced on a pro rata basis, provided the actual cost for the number of households from the Participating Cities did not exceed the sum agreed to be paid above.
- C. The cost accounting provided by Waco shall include figures for the total number of households participating in the Event, the number of households from each participating city, the total waste collected at the Event, and the amount of grant funds expended for the Event.
- D. Within thirty (30) calendar days of receipt of the final invoice from the contractor, Waco shall separately account for all expenses on an itemized basis

and shall provide a final accounting of the pro rata share of expenses of all Participating Cities.

7. WAIVER OF CLAIMS

- A. **Waiver of Claims:** Each of the Participating Cities agrees to waive any and all claims against the other Participating Cities to the extent of the liability limits under the Texas Tort Claims Act, as amended.
- B. **Environmental Waiver**
1. To the extent of its allocated liability as set forth in paragraph (B)(3) below, each of the Participating Cities does hereby release, waive any and all claims, against the other Participating Cities and their officers, agents, employees, and volunteers, against any and all environmental damages resulting from the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse, by any person, of waste which was collected pursuant to Event.
 2. To the extent of its allocated liability as set forth in paragraph (B)(3) below, each of the Participating Cities does hereby release, waive any and all claims, against the Participating Cities and their officers, agents, employees, and volunteers, against any and all violations by any person of any environmental requirements pertaining to the handling, collection, transportation, storage, disposal, treatment recovery, and/or reuse of waste collected pursuant to the Event.
 3. Participating Cities recognize that it will not be practical to distinguish between the HHW collected at the Event once the waste has been aggregated. They further recognize that it is necessary to create an equitable allocation of liability among the Participating Cities for the waste collected at the Event. Therefore, the Participating Cities agree that the allocated liability of each of the Participating Cities under this paragraph (B) shall be calculated as follows:
 - (a) The actual number of a participating city's households contributing waste to the Event divided by the actual number of total households contributing waste to the event = X percent.
 - (b) Participating Cities' Allocated Liability = X percent multiplied by the total volume of waste collected at the Event.
- C. The individual obligation of each Participating City under this Agreement shall be limited to the burden and expense of defending only itself against all claims, suits and administrative proceedings and conducting all negotiations of any description, and paying and discharging, when and as the same become due, any and all judgments, penalties or other sums due and owing against the said respective city.

8. IMMUNITY

It is expressly understood and agreed that, in the execution of this Agreement none of the Participating Cities waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, and that the services described in this Agreement are a governmental function.

9. FORCE MAJEURE

A delay or failure of Waco to perform services pursuant to this Agreement shall be excused to the extent that the delay or failure to perform resulted from a force majeure event, and the delay or failure was beyond the control of Waco and not due to its gross negligence. Waco will make reasonable efforts to reschedule the Event if possible with the Contractor and the Participating Cities. The Participating Cities shall not have, and hereby waive, any and all claims whatsoever for any damages resulting from delays or failure to perform caused by a force majeure event.

10. TERMINATION

The Participating Cities shall each have the individual right to terminate this Agreement upon thirty (30) calendar days written notice to the other Participating Cities, but such termination shall apply only to that Participating City giving such written notice.

11. NOTICE

Any notice given under this Agreement shall be delivered to those listed in Exhibit E incorporated by reference herein for all intents and purposes.

12. ENTIRETY

This Agreement contains all commitments and agreements of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein.

13. SEVERABILITY

In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

14. VENUE

Should any action arise out of the terms and conditions of this Agreement, venue for said action shall be in McLennan County, Texas.

15. AUTHORITY

This Agreement is made by the Participating Cities as an Interlocal Agreement, pursuant to Texas Government Code, Chapter 791.

16. AUTHORIZATION

The undersigned officers and/or agents of the Participating Cities hereto are properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.

EXECUTED in multiple counterparts, each intended as an original.

[Remainder of page intentionally left blank]

CITY OF WACO, TEXAS

By: _____
Bradley Ford, City Manager

ATTEST:

Esmeralda Hudson, City Secretary

Date Signed: _____

APPROVED AS TO FORM & LEGALITY

Jennifer Richie, City Attorney

[Remainder of page intentionally left blank]

CITY OF WOODWAY

By: _____
Dr. Shawn Oubre, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED:

City Attorney

[Remainder of page intentionally left blank]

CITY OF HEWITT

By: _____
Bo Thomas, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED:

City Attorney

[Remainder of page intentionally left blank]

CITY OF LACY-LAKEVIEW

By: _____
Keith Bond, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED:

City Attorney

[Remainder of page intentionally left blank]

CITY OF BELLMEAD

By: _____
Yost Zachary, City Manager

ATTEST:

City Secretary

Date Signed: _____

APPROVED:

City Attorney

Exhibit A

Letter from Woodway stating its level of participation in dollars

Exhibit B

Letter from Hewitt stating its level of participation in dollars

Exhibit C

Letter from Lacy Lakeview stating its level of participation in dollars

Exhibit D

Letter from Bellmead stating its level of participation in dollars

EXHIBIT E

Waco: Bradley Ford, City Manager
P. O. Box 2570
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HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 10

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action regarding the recommendation of the selection committee for Engineering Services regarding the City of Hewitt's American Rescue Act funds.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City through Grantworks initially advertised for Engineering Services on October 22, 2021, with a submission deadline of November 2, 2021. The City only received two proposals. Therefore, the committee met and discussed the necessity to perform its due diligence; we needed to evaluate three proposals.

Therefore, we readvertised on November 17, 2021, with a submission deadline of December 15, 2021. This time the committee received three proposals for consideration. The committee evaluated the submissions individually and met on December 28, 2021, to combine the scoring for recommendation to City Council.

The categories evaluated included Experience, Work Performance, and Capacity to Perform. As a result, the committee recommends City Council engage the services of Walker Partners, LLC to provide engineering services for the City of Hewitt's American Rescue Plan Act funds and project.

FISCAL IMPACT:

Amount Budgeted – \$1,800,000

Line Item in Budget – FY '21-'22 Budget

SUGGESTED MOTION:

I move to approve the recommendation of the selection committee and authorize the City Manager to execute all documents to engage the services of Walker Partners, LLC.

ATTACHMENTS:

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: January 3, 2022

AGENDA ITEM #: 11

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action concerning rescheduling the Council meeting of January 17, 2022.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Council recently approved the inclusion of Martin Luther King Day as an official city holiday. Due to the necessity of having a second meeting, staff is asking the Council to consider whether to have the Council meeting as scheduled for January 17, 2022, or consider rescheduling the meeting to January 18, 2022.

FISCAL IMPACT:

Amount Budget - NA
Line Item in Budget - NA

SUGGESTED MOTION:

None

ATTACHMENTS:

None