

# HEWITT TEXAS

**MINUTES OF A CITY COUNCIL  
SPECIAL CALLED MEETING  
HEWITT CITY HALL – 200 PATRIOT COURT  
May 13, 2019 – 7:00 PM**

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

**Members absent:** James Vidrine

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

## **REGULAR MEETING – 7:00 PM**

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Ed Passalugo asked Council Member Travis Bailey to lead the Pledge of Allegiance.
3. **SPECIAL PROMOTIONAL PRESENTATION BY HEWITT POLICE DEPARTMENT.** Police Chief Jim Devlin announced the promotion of Sergeant Kim Henderson. Mayor Ed Passalugo administered a ceremonial oath of office.
4. **PRESENTATION OF REPORT FROM CITY ENGINEER MILES WHITNEY**
  - Update on pending utility projects.
  - Update on pending street projects.
  - Update on pending drainage projects.
5. **BRIEFING AND DISCUSSION CONCERNING UPCOMING EVENTS:**
  - Elected Officials Orientation – May 22, 2019, 10:30 a.m. – 1:30 pm, Council Chambers
  - Household Hazardous Waste Day – June 1, 2019, 7 am – 1 pm, 501 Schroeder Drive

- 6. HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*  
Beth Oakley, 708 Angel Fire Drive, stated that there was no reason to terminate the previous City Attorney Charlie Buenger and requested the resignation of City Attorney Mike Dixon. **No one else appeared.**
- 7. CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP/REGULAR MEETING OF APRIL 15, 2019.**  
**MOTION:** Council Member Bill Fuller moved to approve the minutes as presented but allow for corrections.  
**SECOND:** Council Member Travis Bailey  
**AYES:** Fuller, Bailey, Wachtendorf, Fortenberry, Bruce, Passalugo  
**NAYES:** None  
**ABSENT:** Vidrine  
**MOTION PASSED.**
- 8. CONSIDER AWARD OF BID FOR 2019 – VARIOUS STREET IMPROVEMENTS; SLURRY SEAL TO VIKING CONSTRUCTION, INC., IN THE AMOUNT OF \$247,798.15.**  
**MOTION:** Council Member Wilbert “Walky” Wachtendorf moved to approve award of bid for 2019 –Various Street Improvements to Viking Construction, Inc., in the amount of \$247,798.15.  
**SECOND:** Council Member Travis Bailey  
**AYES:** Fuller, Bailey, Wachtendorf, Fortenberry, Bruce, Passalugo  
**NAYES:** None  
**ABSENT:** Vidrine  
**MOTION PASSED.**
- 9. PUBLIC HEARING AND ACTION ON ORDINANCE NO. 2019-07;REZONING OF A 5.251 ACRE TRACT OF LAND, LOCATED AT 1725 W. SPRING VALLEY RD., HEWITT, MCLENNAN COUNTY, TEXAS, ALSO KNOWN AS SPROWLES J TRACT 1 FROM R-1 (SINGLE-FAMILY DISTRICT) TO C-2 (GENERAL COMMERCIAL DISTRICT).**  
Mayor Ed Passalugo opened the public hearing at 7:15 PM and called for those wishing to speak in favor and for those wishing to speak against. Keith and Marie Billings, 1731 Spring Valley Road, inquired what the property owners were going to construct on the property. Tracy Lankford advised that plans have not been submitted. Planning and Zoning Commission Chairman Charlie Turner referred the Billings to property owner Mr. Chuck Walker. Applicant was not present.  
**MOTION:** Mayor Pro Tem Steve Fortenberry moved to table this item to the next meeting.  
**SECOND:** Council Member Bill Fuller  
**AYES:** Fuller, Fortenberry, Bruce, Passalugo  
**NAYES:** Wachtendorf, Bailey  
**ABSENT:** Vidrine  
**MOTION PASSED.**

10. **CONSIDER AN ORDINANCE NO. 2019-08; GRANTING ALLIED WASTE SYSTEMS, INC. AN EXCLUSIVE FRANCHISE FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL, COMMERCIAL SOLID WASTE COLLECTION AND DISPOSAL, INDUSTRIAL SOLID WASTE COLLECTION AND DISPOSAL, AND RESIDENTIAL COLLECTION OF RECYCLABLE MATERIALS WITHIN THE CORPORATE LIMITS OF THE CITY OF HEWITT, TEXAS; ESTABLISHING THE TERM OF THE FRANCHISE; REQUIRING THAT ALL OCCUPIED RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UNITS IN THE CITY BE SERVED WITH SOLID WASTE COLLECTION AND DISPOSAL SERVICES AND SUBSCRIBE THERETO; PROHIBITING ANY PERSON OTHER THAN THE FRANCHISEE FROM CONDUCTING OR ATTEMPTING TO CONDUCT THE BUSINESS OF SOLID WASTE COLLECTION AND DISPOSAL SERVICES WITHIN THE CITY OF HEWITT; APPROVING THE MUNICIPAL SOLID WASTE AGREEMENT BETWEEN THE CITY AND ALLIED WASTE SYSTEMS, INC. AND INCORPORATING THE SAME HEREIN; REPEALING AND REPLACING CHAPTER 62 – SOLID WASTE, ARTICLE II – COLLECTION AND DISPOSAL OF THE CODE OF ORDINANCES CONFLICTING PROVISIONS IN CHAPTER 62 OF THE CITY OF HEWITT CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**MOTION:** Council Member Wilbert “Walky” Wachtendorf moved to approve Ordinance No. 2019-08 amending Chapter 62, Article II – Collection and Disposal of the Code of Ordinances and approving the contract agreement between the City of Hewitt and Allied Waste Systems, Inc., for a term of five years, effective July 1, 2019-June 30, 2024.

**SECOND:** Mayor Pro Tem Steve Fortenberry

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

**NAYES:** None

**ABSENT:** Vidrine

**MOTION PASSED.**

11. **CONSIDERATION AND ACTION ON A RESOLUTION NO. 2019-04; AMENDING THE FY 2018-2019 MASTER FEE SCHEDULE TO INCLUDE THE UPDATED SOLID WASTE RATES PER THE CONTRACT AGREEMENT WITH REPUBLIC SERVICES.** City Manager Bo Thomas presented.

**MOTION:** Council Member Wilbert “Walky” Wachtendorf moved to amend the FY 2018-2019 Master Fee Schedule to include the new solid waste rates per the contract agreement with Republic Services.

**SECOND:** Council Member Travis Bailey

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

**NAYES:** None

**ABSENT:** Vidrine

**MOTION PASSED.**

- 12. CONSIDER AN ORDINANCE NO. 2019-09;AMENDING CHAPTER 78, UTILITIES, ARTICLE II – WATER, DIVISION 1 – GENERALLY, SECTION 78-29 – NUMBER OF WATER METERS PER OCCUPANCY OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT; PROVIDING FOR PROCEDURES RELATED TO THE SHARING OF WATER METERS; PROVIDING FOR PROCEDURES RELATED TO BILLING FOR WATER; PARTIALLY REPEALING SECTION 78-29 (B) COMMERCIAL AND INDUSTRIAL CUSTOMERS; ESTABLISHING SECTION 78-29 (D) MASTER METERED HIGH-DENSITY MULTIFAMILY; ESTABLISHING SECTION 78-29 (E) HIGH-DENSITY MULTIFAMILY DEVELOPMENTS; ESTABLISHING SECTION 78-29 (F) MASTER METER; PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.** City Manager Bo Thomas noted that these two ordinance were drafted to establish the rate classification for multi-family developments. Managing Director Katie Allgood noted that the effective date is October 1, 2019.  
**MOTION:** Council Member Bill Fuller moved to approve Ordinance No. 2019-09.  
**SECOND:** Council Member Travis Bailey  
**AYES:** Fuller, Bailey, Wachtendorf, Fortenberry, Bruce, Passalugo  
**NAYES:** None  
**ABSENT:** Vidrine  
**MOTION PASSED.**
- 13. CONSIDER AN ORDINANCE NO. 2019-10;AMENDING CHAPTER 78, UTILITIES, ARTICLE III – WASTEWATER SYSTEM, DIVISION 1 – GENERALLY, SECTION 78-98 – NUMBER OF SEWER CONNECTIONS PER OCCUPANCY OF THE CODE OF ORDINANCES OF THE CITY OF HEWITT; PROVIDING FOR PROCEDURES RELATED TO THE SHARING OF SEWER CONNECTIONS; PROVIDING FOR PROCEDURES RELATED TO BILLING FOR WASTEWATER; PARTIALLY REPEALING SECTION 78-98 (B) COMMERCIAL AND INDUSTRIAL CUSTOMERS; ESTABLISHING SECTION 78-98 (D) HIGH-DENSITY MULTIFAMILY; PROVIDING FOR SEVERABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.**  
**MOTION:** Council Member Bill Fuller move to approved Ordinance No. 2019-10.  
**SECOND:** Council Member Travis Bailey  
**AYES:** Fuller, Bailey, Wachtendorf, Fortenberry, Bruce, Passalugo  
**NAYES:** None  
**ABSENT:** Vidrine  
**MOTION PASSED.**
- 14. ELECTION PROCESS**
- a.** Canvass Election Results – City Secretary Lydia Lopez reviewed the election returns as certified by the McLennan County Elections Administrator Kathy Van Wolfe. Totals votes cast (Early and Election Day) were:

<b>CANDIDATE</b>	<b>NUMBER OF VOTES</b>
<b>Council Member – Ward 1</b>	
Travis Bailey	263
Charles D. “Charlie” Turner	406
<b>Council Member – Ward 2</b>	
Matthew Mevis	497
<b>Council Member – Ward 3</b>	
A.C. “Tony” Martinez	153
Erica Bruce	556
<b>Council Member – At-Large</b>	
Adam Miles	73
Betty Orton	184
Michael S. Bancala	245
Mike Field	197
Kurt Krakowian	29

**City Secretary noted the following received the majority of the votes cast to be elected:**

Council Member Ward 1 - Charles D. “Charlie” Turner, Council Member Ward 2 – Matthew Mevis, Council Member Ward 3 – Erica Bruce

**No candidate received the majority vote for the Council Member – At-Large;** therefore the Charter requires a runoff election be held of the top two candidates receiving the highest number of votes – Michael S. Bancala and Mike Field.

- b. CONSIDER RESOLUTION NO. 2019-05; CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE JOINT GENERAL ELECTION MAY 4, 2019, AND OTHER MATTERS RELATED THERETO.**

**MOTION:** Council Member Bill Fuller

**SECOND:** Council Member Wilbert “Walky” Wachtendorf

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

**NAYES:** None

**ABSENT:** Vidrine

**MOTION PASSED.**

- c. CONSIDER RESOLUTION NO. 2019-06; ORDERING A RUN-OFF ELECTION TO BE HELD ON JUNE 8, 2019, AND OTHER MATTERS RELATED THERETO.**

**MOTION:** Council Member Bill Fuller

**SECOND:** Council Member Travis Bailey

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

**NAYES:** None

**ABSENT:** Vidrine

**MOTION PASSED.**

- d. **ADMINISTERING THE OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBERS.** City Secretary administered the oath to the following officials: Charlie Turner, Matthew Mevis, and Erica Bruce.
- e. **CERTIFICATES OF ELECTION WERE PRESENTED TO THE NEWLY ELECTED OFFICIALS.**
- f. **SPECIAL PRESENTATION TO OUTGOING COUNCIL MEMBERS.** City Manager Bo Thomas presented awards to outgoing Council Members Ed Passalugo and Travis Bailey. Council Member James Vidrine was not present for the meeting.

City Manager Bo Thomas advised that the Charter requires the selection of a Mayor and Mayor Pro Tem after the election.

Mayor Pro Tem Steve Fortenberry recessed the regular session to convene the following Executive Session at 7:42 PM.

**EXECUTIVE SESSION**

The City Council shall convene in executive session pursuant to §551.074 of the Texas Government Code to deliberate the evaluation and appointment of officers (Councilpersons) to serve in the positions of MAYOR and MAYOR PRO TEM.

Mayor Pro Tem Steve Fortenberry reconvened the regular meeting at 8:00 PM.

- g. **SELECTION OF MAYOR AND MAYOR PRO TEM**
  - 1. Discussion and action on the selection of Mayor.  
**MOTION:** Mayor Pro Tem Steve Fortenberry nominated Charles Turner as Mayor of the City of Hewitt.  
**SECOND:** Council Member Erica Bruce  
**AYES:** Fuller, Mevis, Wachtendorf, Fortenberry, Bruce  
**NAYES:** None  
**ABSENT:** None  
**ABSTAINED:** Turner  
**MOTION PASSED.**
  - Mayor Pro Tem Steve Fortenberry relinquished the Chair to newly appointed Mayor Charlie Turner.
  - 2. Discussion and action on the selection of Mayor Pro Tem  
**MOTION:** Mayor Charlie Turner nominated Wilbert “Walky” Wachtendorf as Mayor Pro Tem.  
**SECOND:** Council Member Matthew Mevis  
**AYES:** Fuller, Mevis, Wachtendorf, Fortenberry, Bruce, Turner  
**NAYES:** None  
**ABSENT:** None  
**MOTION PASSED.**

**14. ADJOURN.**

**MOTION:** Council Member Bill Fuller moved to adjourn the meeting at 8:04 PM.

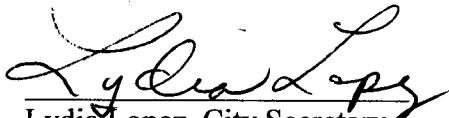
**SECOND:** Council Member Steve Fortenberry

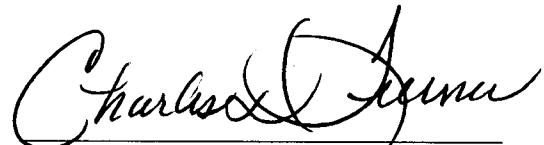
**AYES:** Fuller, Mevis, Wachtendorf, Fortenberry, Bruce, Turner

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

  
Lydia Lopez, City Secretary

  
Charles D. Turner, Mayor