

HEWITT TEXAS II

**MINUTES OF A CITY COUNCIL
WORKSHOP/REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
May 21, 2018 – 6:30 PM/7:00 PM**

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

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders; Fire Chief Lance Bracco, Community Development Director Tracy Lankford, Managing Director Katie Allgood, Finance Director Lee Garcia, Library Director Waynette Ditto, Utilities Director Kevin Reinke, and City Secretary Lydia Lopez

WORKSHOP – 6:30 PM

1. Mayor Ed Passalugo called the meeting to order at 6:30 PM.
2. The City Council convened an Executive Session at 6:32 PM pursuant to the Texas Open Meetings Act, Chapter 551, Government Code to discuss the following:
 - **§551.074 a (2) - Personnel Matters to hear a complaint against an officer or employee:**
 - **Confidential formal complaints against Mayor Ed Passalugo**
 - **Complaint of official misconduct by Mayor Ed Passalugo**

Mayor Ed Passalugo requested that the Executive Session be discussed in open session. The closed Executive Session recessed briefly at 6:41 PM to convene in open session. Mayor Ed Passalugo reconvened the Executive Session in open session at 6:43 PM. City Attorney Charlie Buenger stated, “The City of Hewitt has received four complaints to date and as an employer we are under the obligation to investigate those complaints.” He further requested that the Council authorize the City to hire Lynn, Ross & Gannaway LLP to conduct the investigation.

NOTE: The following was not listed on the printed agenda but entered into the record as requested by Council Member Kurt Krakowian.

Council Member Kurt Krakowian stated “I was just handed this piece of paper by our attorney here. It’s a formal complaint against myself, Kurt Krakowian. I would like to

enter this into the record. It says, To Whom It May Concern, I, Katie Allgood, hereby filing a formal complaint against Kurt Krakowian. Mr. Krakowian....negative rhetoric regarding my reputation... on his official City Facebook page...false rumors....and behavior toward himself and his wife. So, she brought my wife into it. This matter will be presented to my attorney, and further actions will be taken.

Cheryl G. Martin made a comment on Facebook about tonight's meeting. I feel it is due diligence to have the citizens of Hewitt know there is a meeting here. This is not just about one person. It is about the community. All I did was share a Facebook post that one of my constituents that lives here in Hewitt and she presents me with a paper. I did not put in there that this person did this. All I simply did was I shared a posting about our meeting tonight and I get formally accused of things that I haven't even done. Now, is this right? Is this America? No, it's a dictatorship. It's against all of our privileges and rights as citizens. You should be able to wear green, blue, orange....be able to say anything you want on social media without getting in trouble for... and my wife...which has nothing to do with this! Just because she questions a few things cause she is on the Parks Board. Now, she is coming after us. I question a few things about other situations which I feel may be or may not be correct. I don't know. But, just because I shared Cheryl G Martin and she is in the audience. Thank you for posting it but all I did was share it. I don't know if her statement is correct or not. But I really believe that if we start censoring what we are just sharing...we have lost our constitutional rights to the United States of America. And that is all I have to say, Mr. Mayor."

3. Closed Executive Session/Adjourn. *A motion was made by Kurt Krakowian and second by Council Member Travis Bailey to close the Executive Session and adjourn the Workshop at 6:47 PM, all seven in favor.*

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 Police Chief Jim Devlin to lead the Pledge of Allegiance.

Not listed on the printed agenda.

Council Member Travis Bailey stated that "Armed Forces Day" was just celebrated. His youngest son Anthony served in the military for 13 years. He asked that citizens keep all military in their thoughts and prayers. "They are the reason we can meet like this in a free country. So, anytime you get a chance, thank a military person for their service and these officers and firemen too."

3. **SPECIAL RECOGNITION FOR OUTSTANDING SERVICE TO FIRST RESPONDERS AND PUBLIC SAFETY PERSONNEL CONCERNING A CALL FOR SERVICE ON APRIL 11, 2018.** Police Chief Jim Devlin along with Fire Chief Lance Bracco recognized Dispatcher Lauren Alumbaugh, Police Officer Martina Sims and Firefighters Trent Barker and Justin Parker for their actions in response to a call for service on April 11, 2018.

4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL WORKSHOP AND REGULAR MEETING OF MAY 7, 2018.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member James Vidrine to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
5. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*

Dianne and Carlos A. Guerra, 136 E. Chapman, appeared in support of Mayor Ed Passalugo.

Michael Bancale, 909 Stone Ridge Drive, appeared in support of due process to resolve the complaints received. He further suggested an impartial investigation.

Kathy Krakowian, 804 Pebble Creek Cr., appeared in support of due process, open records, and involving Texas Rangers to review. She further stated she did not think it was necessary to have an attorney from Ft. Worth to look into our own city business; she believed in the integrity of the Council; and supported her husband in taking care of Hewitt’s citizens. No one else appeared.

6. **CONSIDER AND TAKE APPROPRIATE ACTION TO ENGAGE THE LAW FIRM OF LYNN, ROSS, & GANNAWAY, LLP TO CONDUCT A THIRD PARTY IMPARTIAL INVESTIGATION CONCERNING COMPLAINTS AGAINST MAYOR ED PASSALUGO.** Kurt Krakowian stated, “Before I cast my vote, I just want to make a statement. It is nothing against anyone personally here but one of the people in question that filed suit against the city has a relationship with our city manager. Number one (1), I believe our city manager needs to step away until this matter has been resolved; Number two (2), is to have the Texas Rangers investigate this; I do not want an attorney from outside Ft. Worth or Burleson; and number three (3), this is going to cost a lot of money; all the great officers and firemen and city employees that are sitting here...this is going to cost the city a lot of money and I apologize for this. This was not the intention at all. When we met at those Wednesday groups, we had fun. We talked about pride. We talked about all great topics and it has turned into a mess. I sat with a lot of you at the tables. I got to know you. We have a great Police Department, great Firemen, and great city workers. We have a great dispatcher that takes calls and you hear her on the scanner and she is very calm. But then you have, that if you don’t agree with the topics...you don’t rubber stamp it, they are going to come after you. This is why I want to serve the great people of Hewitt. Now, that being said, I’m going to be voting no for this attorney for outside of our area. I’ll be in agreement with having the Texas Rangers investigate it.”

Mayor Pro Tem Steve Fortenberry inquired whether the Texas Rangers only dealt with criminal, not civil cases. City Attorney Charlie Buenger confirmed that the Texas Rangers only deal with criminal cases and they have to receive a request from the District Attorney.

Council Member James Vidrine stated, “Mr. Mayor, I was elected by the citizens to create policies and watch tax payers money and cast their vote for them in the best interest of the people of Hewitt. I helped build this city and it hurts me to see its name drug through the mud. I feel somewhat rushed. I’ll yield back to the Mayor and I would like to hear any other comments from any other council members.” City Attorney reiterated that the City has a legal obligation to do an independent investigation.

Council Member Bill Fuller stated, “The quicker that we can get this thing rolling and get it behind us. And get somebody that is not connected like this firm. Get it done. It is out of our hands. They come back and say yay or nay. I would like to see it done quickly.”

Council Member James Vidrine commented that a Special Called Meeting could be held. Mayor Pro Tem Steve Fortenberry stated that he agreed with the last two speakers regarding due process and obtaining a third party to investigate. Council Member Kurt Krakowian asked for more details on the law firm being considered. City Attorney responded that the firm specializes in civil service and human resource issues. City Manager Adam Miles advised that the city has worked with this firm on civil service matters. Council Member Kurt Krakowian expressed objection to hiring this law firm and stated he would like to find another law firm that is totally impartial. City Attorney Charlie Buenger responded that he recommended this firm because he has worked with this firm in other cities and they do a good job.

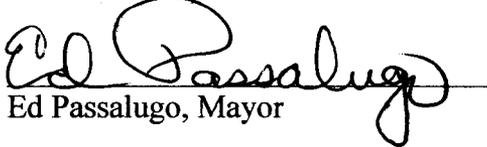
Council Member Wilbert “Walky” Wachtendorf stated, “I would like to make a comment. I have sat here and listened to people make positive comments and negative comments. This is a situation where nobody is going to win. All of us, the citizens and everybody will end up losing. *I’m going to make a motion that what we do is authorize the City Manager to contact this law firm with our City Attorney and go ahead and do an independent investigation so that we can get this behind us and go back to our normal routines in the city. Whether we find something against Mr. Passalugo or we don’t.*” *Second was made by Council Member Bill Fuller.*

Mayor Ed Passalugo stated, “I would just like to say that much like the reason why I asked for an open session here instead of an Executive Session behind closed doors...I want to get everything out in the open. I want a thorough investigation. I want the citizens of Hewitt to know what is going on; to know that we are working for their good; and when a roadblock comes in front of us, we don’t just stop. We want to continue to make sure that it is an affordable, livable place; safe for our citizens and safe for our employees that work for our city. I would recommend that we consider this law firm and go forth.” Council Member James Vidrine asked when the law firm could start and if the process could be expedited. City Attorney responded affirmatively. **Vote:** All voted aye, (Fuller – Aye; Fortenberry – Aye; Vidrine – Aye; Wachtendorf – Aye; Bailey – Aye; Passalugo – Aye) except Council Member Kurt Krawkowan voted no. Motion passed.

7. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the regular meeting at 7:30 PM; all seven in favor, motion passed.*

Approved: June 4, 2018


Lydia Lopez, City Secretary


Ed Passalugo, Mayor