

HEWITT TEXAS

MINUTES OF A CITY COUNCIL SPECIAL CALLED MEETING HEWITT CITY HALL – 200 PATRIOT COURT August 12, 2019 – 6:30 PM

Members present: Mayor Charlie Turner (presiding), Mayor Pro Tem Wilbert “Walky” Wachtendorf, Council Members Bill Fuller, Michael S. Bancale, Matthew Mevis, Steve Fortenberry, and Erica Bruce

Staff present: City Engineer Miles Whitney, 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, Utilities Director Kevin Reinke, and City Secretary Lydia Lopez

Staff absent: City Attorney Mike Dixon

1. Mayor Charlie Turner called the meeting to order at 6:30 PM. City Secretary Lydia Lopez polled the Council for attendance.
ALL PRESENT: Fuller, Bancale, Mevis, Wachtendorf, Fortenberry, Bruce, Turner
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner asked Ann Schiltz to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION IN RECOGNITION OF OUTSTANDING SERVICE.** City Manager Bo Thomas introduced Kim Sutter, President of the Texas Municipal Clerks Association, Inc. President Sutter announced the selection of the 2019 Texas Municipal Clerk of the Year as City Secretary Lydia Lopez. Each year Texas municipal clerks nominate one of their peers for this prestigious state Municipal Clerk of the Year Award recognizing outstanding achievements as an exemplary public servant, mentor, and advocate for city secretaries. Also present were: Trustee Christi Shivers, Central Texas Chapter Members Wanda Brook, and Sandie Polk.
4. **CONSIDER APPROVAL OF MINUTES OF THE COUNCIL WORKSHOP/REGULAR MEETING OF JULY 15, 2019, SPECIAL CALLED WORKSHOP MEETING OF JULY 22, 2019, AND SPECIAL CALLED MEETING OF JULY 29, 2019.**
MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the minutes as presented but to allow for corrections.
SECOND: Council Member Matthew Mevis
AYES: Fuller, Bancale, Mevis, Wachtendorf, Fortenberry, Bruce, Turner
NAYES: None
ABSENT: None
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. Ann Schiltz, 1220 Dendron, expressed appreciation for the following two community events – Truck 1 Wash Down Ceremony, National Night Out in Warren Park and Hero Day in Hewitt Park. Jeanne Passalugo, 137 E. Chapman Road, appeared to express concern with budget expenditures on a dog park or splash pad and encouraged Council to spend funds on infrastructure and bringing in new businesses. Debra Beaumont, 1055 Waverly, signed in to talk about the budget; however, was not present when called.
No one else appeared.
6. **CONDUCT PUBLIC HEARING ON THE FISCAL YEAR 2019-2020 PROPOSED BUDGET.** Mayor Charlie Turner set the rules for the public hearing. He called for those speaking in favor. No one appeared. Mayor Turner called for those speaking against. No one appeared. The public hearing was closed.
7. **CONDUCT FIRST OF TWO PUBLIC HEARINGS ON 2019 TAX RATE.** Mayor Charlie Turner called for those wishing to speak in favor. No one appeared. Mayor Turner called for those wishing to speak against. The public hearing was closed.
8. **MOTION TO ANNOUNCE THAT AUGUST 26, 2019, AT 6:30 P.M. AT THE HEWITT CITY HALL, 200 PATRIOT COURT, AS THE DATE TO VOTE ON THE 2019 TAX RATE.**
MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved to announce that August 26, 2019, at 6:30 PM at Hewitt City Hall, 200 Patriot Court, as the date to vote on the 2019 Tax Rate.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Mevis, Wachtendorf, Fortenberry, Bruce, Turner
NAYES: None
ABSENT: None
MOTION PASSED.
9. Public hearing and action on **Ordinance No. 2019-15;** granting a variance to the drainage ordinance for Moonlight Park subdivision. **NOTE:** This public hearing must be held at 7:00 PM as published.

NOTE: Mayor Charlie Turner reordered the agenda to comply with the time set (7:00 PM) for the above hearing.
10. **DECLARING FIRE DEPARTMENT’S 1993 INTERNATIONAL E-1 AERIAL-1 TRUCK AS SURPLUS EQUIPMENT TO ALLOW FOR THE SALE OF THIS APPARATUS.** City Manager advised this equipment was surplus and ready for sale. Mayor Charlie Turner inquired whether he could purchase. Mayor Pro Tem Wilbert “Walky” Wachtendorf inquired who would be allowed to purchase and how much would

it be sold for. Fire Chief Bracco responded that they would attempt to sale to another Fire Department and it would be appraised prior to sale.

MOTION: Council Member Michael Bancale moved to approve that Aerial-1 Truck, 1993 International E-1 be classified as surplus equipment so that the apparatus may be put up for sale to anyone but the Mayor.

SECOND: Council Member Mevis

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

NAYES: None

ABSENT: None

MOTION PASSED.

11. **AUTHORIZE THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION ACT AGREEMENT WITH MCLENNAN COUNTY FOR SLURRY SEAL OF SELECTED PUBLIC ROADS IN MCLENNAN COUNTY ROAD SYSTEM, PRECINCT 4.** City Manager Bo Thomas presented. Council Member Matthew Mevis inquired whether allowing the County to piggyback on this agreement would save tax payer dollars. City Manager responded affirmatively.

MOTION: Council Member Bill Fuller to approve.

SECOND: Council Member Matthew Mevis

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

NAYES: None

ABSENT: None

MOTION PASSED.

12. **AUTHORIZE THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN MIDWAY INDEPENDENT SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICERS (SROS).** City Manager Bo Thomas presented.

MOTION: Council Member Matthew Mevis moved to authorize the City Manager to execute the Interlocal Cooperation Agreement with Midway ISD to provide School Resource Officers.

SECOND: Council Member Steve Fortenberry

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

NAYES: None

ABSENT: None

MOTION PASSED.

13. **CONSIDERATION AND ACTION ON RESOLUTION NO. 2019-11; APPROVING THE RENEWAL OF AN EXISTING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WACO AND THE CITIES OF BELLMEAD, HEWITT AND MCGREGOR FOR THE PURPOSE OF REGIONAL TOURISM MARKETING THROUGH THE WACO CONVENTION & VISITORS BUREAU'S REGIONAL MARKETING PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY IN CONNECTION THEREWITH.**

City Manager Bo Thomas presented. Council Member Matthew Mevis stated that he had filed an Affidavit of Significant Interest form and would abstain from discussing or voting on this item.

MOTION: Council Member Steve Fortenberry moved to approve Resolution No. 2019-11; to continue marketing Hewitt in the Regional Marketing Plan.

SECOND: Council Member Bill Fuller

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

NAYES: None

ABSTAINED: Mevis

ABSENT: None

MOTION PASSED.

Mayor Charlie Turner resumed to agenda item #9 below at 7:00 PM.

9. **PUBLIC HEARING AND ACTION ON ORDINANCE NO. 2019-15; GRANTING A VARIANCE TO THE DRAINAGE ORDINANCE FOR MOONLIGHT PARK SUBDIVISION. NOTE:** This public hearing must be held at 7:00 PM as published.

Mayor Charlie Turner opened the public hearing and called for those speaking in favor. Justin Fuller, P.E., Clark & Fuller, PLLC, representing developer, 215 N. Main Street, Temple, TX 76501, appeared in favor. He further stated that the subdivision requires that the drainage channel to be lined with concrete; however, it has been determined that the existing channel to be Jurisdictional Waters of the U.S. and therefore, would be in violation of Federal law.

Betty Orton, 912 Steamboat Circle, inquired whether this variance request should be heard by the Board of Adjustment.

City Manager Bo Thomas and City Engineer Miles Whitney responded that the Subdivision outlines the process for variance to be held before the Planning & Zoning Commission.

Mayor Charlie Turner called for those wishing to speak in opposition. No one appeared. Public hearing closed.

Council Member Michael Bancale inquired about concerns expressed by citizens in Stoneridge Addition regarding drainage. City Engineer Miles Whitney advised that the plans presented by the developer demonstrate there would be no adverse effect to the homes upstream. Council Member Michael Bancale further inquired whether there was a choice to grant this variance. City Manager Bo Thomas stated that not acting could result in a lawsuit.

MOTION: Council Member Matthew Mevis moved to approve Ordinance No. 2019-15 granting a variance to the drainage ordinance for Moonlight Park subdivision.

SECOND: Mayor Pro Tem Wilbert “Walky” Wachtendorf

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

NAYES: None

ABSENT: None

MOTION PASSED.

14. **CONSIDERATION AND ACTION ON ORDINANCE NO. 2019-16; AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH WACO METROPOLITAN AREA REGIONAL SEWERAGE SYSTEM (WMARSS) INCLUDING A BILL OF SALE, BLANKET CONVEYANCE AND A QUIT CLAIM DEED IN ORDER TO CONVEY WMARSS AND MOST OF ITS ASSETS TO THE CITY OF WACO AND INCLUDING A QUIT CLAIM DEED IN ORDER TO CONVEY THE REMAINDER OF WMARSS ASSETS (EASEMENTS) TO THE CITY OF WACO. IN ADDITION, AUTHORIZE THE CITY MANAGER TO EXECUTE A WHOLESALE WASTEWATER CONTRACT WITH THE CITY OF WACO.**

City Manager Bo Thomas presented a summary of the plans or options deliberated by the WMARSS Board which would be to leave the entity as is, create a public utility authority, and the last option would be for the City of Waco to take over the assets and liability of WMARSS. He further stated that the WMARSS member cities representatives have determined that it is in the best interest of the ratepayers to allow one entity (being the City of Waco) to be responsible for the assets, liabilities, all possible financing arrangements such as bonding, grants, low interest loans, capacities, future permitting, and TCEQ compliance. He highlighted the proposed Ordinance No. 2019-16 which authorizes 1) WMARSS 2019 Agreement terminating the existing Operations and Management Agreements and conveying assets to the City of Waco; 2) approving Wholesale Wastewater Contract with the City of Waco; and execute all other instruments approving the conveyances effective October 1, 2019. Mr. Thomas also noted Wastewater Treatment Capacities for the Central Plant and the Bullhide Creek Plant (Exhibit A); Final Payoff of Funding Agreements (Exhibit F); Schedule of Unfunded Construction Projects (Exhibit G) and Schedule of "Reserve Funds" (Exhibit H). Council Member Matthew Mevis stated that he had filed an Affidavit of Significant Interest form and would abstain from discussing or voting on this item.

Mayor Charlie Turner inquired what type of checks and balances were available to make certain that fees do not become unreasonable or are there provisions in place for termination of contract. City Manager Bo Thomas stated that the City would maintain oversight based on the ratemaking mechanism in place with the Wholesale Wastewater Contract and that the WMARSS Advisory Board will continue to exist.

Council Member Steve Fortenberry inquired how remaining funds from reserve funds are reimbursed or utilized. City Manager advised that City of Waco would reimburse within 30 days or funds could go towards payment of ongoing approved projects.

MOTION: Council Member Michael Bancale moved to approve Ordinance No. 2019-16 as read by Mayor Charlie Turner.

SECOND: Mayor Pro Tem Wilbert "Walky" Wachtendorf

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

NAYES: None

ABSTAINED: Mevis

ABSENT: None

MOTION PASSED.

15. **ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 7:38 PM.

SECOND: Council Member Matthew Mevis

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

NAYES: None


ABSENT: None

MOTION PASSED.

Approved: 8-26-2019

ATTEST:


Lydia Lopez, City Secretary


Charles D. Turner, Mayor