

# HEWITT TEXAS

## MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT September 16, 2019 – 6:30 PM/7:00 PM

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

**Note:** Matthew Mevis was present in the audience; however, due to submission of his resignation did not participate.

**Staff present:** City Manager Bo Thomas, City Attorney Mike Dixon, City Engineer Miles Whitney, 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, Human Resources Generalist Jessica Higgins, Utilities Director Kevin Reinke, and City Secretary Lydia Lopez

1. Mayor Charlie Turner called the meeting to order at 6:30 PM.
2. **Briefing and discussion concerning Wholesale Water Contract with City of Waco.**  
City Manager Bo Thomas provided a detailed presentation on the new proposed Wholesale Water contract with the City of Waco. He highlighted contract specifications on reservation charges, demand charges for peak and plant expansion and volumetric charges. General discussion was held concerning level of the aquifers, Water Districts, Southern Trinity Groundwater District, and raising the level of the lake. City Manager Bo Thomas advised that the Waco City Council would be acting on the contract tomorrow evening. The current contract expires on September 30, 2019, and this item would be brought forward to Council for action at the next meeting.
3. **Adjourn.**  
**MOTION:** Council Member Bill Fuller moved to adjourn the meeting at 6:50 PM.  
**SECOND:** Council Member Michael Bancale  
**AYES:** Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner  
**NAYES:** None  
**ABSENT:** None  
**MOTION PASSED.**

### REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Charlie Turner called the meeting to order at 7:00 PM.

2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner led the Pledge of Allegiance.

3. **SPECIAL PRESENTATION OF LIBRARY READING AWARDS.**

Library Director Waynette Ditto briefed the audience on the success of the Summer Reading Program. Mayor Charlie Turner assisted with the presentation medals. The following participants received their awards and medals:

**Kids**

Benjamin Dulock  
Olivia Dulock  
Harper Davis  
Charlie Davis  
Harrison Davis  
Macy Pell  
Oakley Powell  
Ava Kirk  
Ethan Pell

**Tweens**

AuroraHope Sara Sickles  
Kordelia Lawson  
Molly Stripling  
Hudson Kuykendall  
Dylan Patel  
Adeline Clark  
Kate Eaton  
Allen Terrell

**Teens**

Abby Neyhard  
Brody Myott  
Emone Leveston

A drawing was held for the Adult Readers for a \$50 gift card to Barnes and Nobles. The winner was Tyrun Busby.

4. **SPECIAL RECOGNITION OF NEWLY HIRED EMPLOYEES.**

HR Generalist Jessica Higgins introduced Fleet Mechanic Richard Enderson  
Utilities Director Kevin Reinke introduced Utilities Field Assistants Edward Stence and Brett Culpepper  
Fire Chief Lance Bracco introduced Firefighter Marco Lozano

5. **CONSIDER APPROVAL OF MINUTES OF THE COUNCIL REGULAR MEETING OF August 26, 2019.**

**MOTION:** Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the minutes as presented but to allow for corrections.

**SECOND:** Council Member Bill Fuller

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

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

**Mayor Charlie Turner reordered the agenda as follows:**

14. **MOTION TO ACCEPT RESIGNATION FROM MATTHEW MEVIS AND OUTLINE A PROCESS TO FILL VACANCY IF DESIRED.**

City Manager Bo Thomas announced that Council Member Matthew Mevis sent an email dated September 6, 2019, submitting his resignation. He then noted the process outlined in the Charter to fill a vacancy. Mr. Thomas further advised that over the weekend that Mr. Mevis sent another email asking to rescind his resignation. After City Attorney Mike Dixon’s extensive research and consulting with McLennan County Elections Office, Secretary of State’s Office, and General Counsel with the Texas Municipal League, it was determined that Mr. Mevis’ resignation could not be rescinded per the Texas

Election Code which states that a resignation is effective within eight days after received. Mayor Charlie Turner inquired on whether the Council had to take action at this time or make an appointment. Mayor Pro Tem Wilbert “Walky” Wachtendorf asked if Mr. Mevis was eligible to be re-appointed to the position he vacated. Mayor Pro Tem Wachtendorf stated his preference was to appoint if possible and avoid the expense of a special election. City Attorney Mike Dixon responded to Council inquiries. Mayor Turner advised that he would be reluctant to support anything without reassurance that the City was complying with the laws. City Attorney to research the ability to reappoint. **No action was taken.**

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, appeared to recommend that the Council accept the resignation of Matthew Mevis and not rescind his resignation. Bob Potter, 409 W Wall Street, appeared to suggest that the Council consider the reappointment of Matthew Mevis. Matthew Mevis, 167 Topaz Circle, expressed appreciation for the ability to serve the city.
7. **PRESENTATION OF REPORT FROM CITY ENGINEER MILES WHITNEY, P.E.**
  - Update on pending utility projects.
  - Update on pending street projects.
  - Update on pending drainage projects.
8. **BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING AUGUST 31, 2019.** City Manager Bo Thomas stated that Finance Director Lee Garcia had distributed the August Financial Statements. No questions were asked.
9. **AUTHORIZE THE PURCHASE OF RIFLE RESISTANT PLATE CARRIERS FOR THE OFFICERS OF THE HEWITT POLICE DEPARTMENT.**

City Manager Bo Thomas and Police Chief Jim Devlin presented.  
**MOTION:** Council Member Michael Bancale moved to approve and authorize the purchase of rifle resistant plate carriers and ballistic armor for all Hewitt Police Officers.  
**SECOND:** Mayor Pro Tem Wilbert “Walky” Wachtendorf  
**AYES:** Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner  
**NAYES:** None  
**ABSENT:** None  
**MOTION PASSED.**
10. **CONSIDER RESOLUTION NO. 2019-14 AMENDING THE RULES OF PROCEDURE ALLOWING FOR AND STIPULATING TO WHEN AND HOW THE COUNCIL MAY BE ADDRESSED PRIOR TO VOTING ON AN ITEM.**

City Manager Bo Thomas presented this item which is in response to passage of HB 2840 that allows citizens the ability to speak on any non-public hearing items on the agenda, includes a slight revision to the Speaker’s Request Form, and allows for three (3) minutes to address the Council. General discussion concerning three minute time limit.

**MOTION:** Council Member Steve Fortenberry moved to approve and authorize Resolution No. 2019-14 amending the City of Hewitt’s rules of procedure subject to amending time limit to five (5) minutes.

**SECOND:** Council Member Michael Bancale

**AYES:** Fuller, Bancale, Fortenberry, Bruce, and Turner

**NAYES:** Wachtendorf

**ABSENT:** None

**MOTION PASSED.**

11. **CONSIDER ORDINANCE NO. 2019-20 AUTHORIZING AMENDMENTS AND MODIFICATIONS TO THE CITY OF HEWITT’S APPENDIX B – SUBDIVISIONS OF THE CODE OF ORDINANCES TO COMPLY WITH HB 3167.** City Manager Bo Thomas and City Attorney Mike Dixon presented amendments. Mr. Thomas noted that a complete copy of the exhibits (Engineering specifications) were not provided in packet but are included.

**MOTION:** Council Member Bill Fuller moved to approve Ordinance 2019-20.

**SECOND:** Council Member Steve Fortenberry

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

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

12. **CONSIDER ORDINANCE NO. 2019-21 AUTHORIZING AMENDMENTS AND MODIFICATIONS TO THE CITY OF HEWITT’S FLOODPLAIN ORDINANCE BASED UPON CHANGES TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** City Manager Bo Thomas presented and advised that the amended language in the ordinance will provide the citizens of Hewitt the ability to maintain their flood insurance at the most advantageous rate. City Engineer Miles Whitney, P.E., noted the changes were specifically recognizing the new rate maps.

**MOTION:** Council Member Bill Fuller moved to approve Ordinance 2019-21.

**SECOND:** Council Member Michael Bancale

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

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

13. **CONSIDER ORDINANCE NO. 2019-22 APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP. MID-TEX DIVISION REGARDING THE COMPANY’S 2019 RATE REVIEW MECHANISM FILING**

City Manager Bo Thomas presented.

**MOTION:** Council Member Bill Fuller moved to approve Ordinance 2019-22.

**SECOND:** Mayor Pro Tem Wilbert “Walky” Wachtendorf

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

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

**ADDENDUM ITEM**

**13. A CONSIDERATION AND APPROVAL OF RESOLUTION NO. 2019-15 PROVIDING FOR ISSUANCE OF CITY-OWNED CELL PHONES TO THE MAYOR AND COUNCILMEMBERS FOR THE CONDUCT OF CITY BUSINESS, AND PROVIDING FOR OTHER RULES AND UNDERSTANDINGS AMONGST THE MAYOR AND COUNCILMEMBERS AS TO USE OF THE CELL PHONES.**

City Manager Bo Thomas presented a summary of rules. City Attorney Mike Dixon recommended Council use these cell phones for city business.

**MOTION:** Council Member Steve Fortenberry moved to approve Resolution No 2019-15 providing issuance of city-owned cell phones to Mayor and Council Members for the conduct of city business.

**SECOND:** Council Member Eric Bruce

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

**NAYES:** None

**ABSENT:** None

**MOTION PASSED.**

- 15. Executive Session:** Mayor Charlie Turner announced the Council would convene to Executive Session at 8:36 PM pursuant to Section 551.074 of the Government Code (V.T.C.A.) so that the Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (City Manager's Evaluation).

The Council recessed the Executive Session at 9:02 PM.

**16. ADJOURN.**

**MOTION:** Council Member Bill Fuller moved to adjourn the meeting at 9:05 PM.

**SECOND:** Council Member Michael Bancale

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

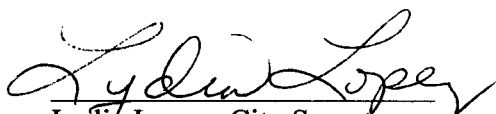
**NAYES:** None

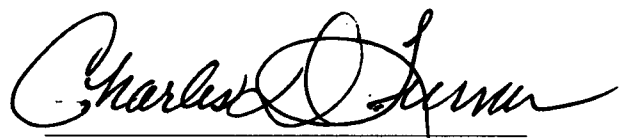
**ABSENT:** None

**MOTION PASSED.**

Approved: 10-07-2019

ATTEST:

  
Lydia Lopez, City Secretary

  
Charles D. Turner, Mayor