



**MINUTES OF A CITY COUNCIL
REGULAR MEETING
HEWITT CITY HALL – 200 PATRIOT COURT
September 17, 2018 – 6:00 PM**

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

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

Staff absent: Finance Director Lee Garcia

REGULAR MEETING - 6:00 PM

1. **CALL TO ORDER.** Mayor Ed Passalugo called the meeting to order at 6:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Ed Passalugo asked Mayor Pro Tem Steve Fortenberry to lead the Pledge of Allegiance.
3. **PRESENTATION BY MICHAEL W. DIXON OF HALEY & OLSON, P.C. REGARDING AGENDA ITEMS.** Mike Dixon stated that he had placed for consideration an amendment of the rules for citizen comments with the intent to restore some level of normalcy during the process. He further stated, “Both the Council persons and the citizens need to understand that how meetings are run, taped, or perceived has an effect on how your city is perceived. It detracts from important business on the agenda both by taking the time and focus. You have Council people that need to concentrate on business items and it is very difficult to get a Council person’s attention sometimes when they are still fuming about being called every name in the book, or being called a crook or whatever. They don’t tend to be good listeners after that. So, all I was seeking was a good faith attempt to improve stability and decorum. I would ask the Council not to consider the rule changes because hopefully they will never become necessary, but secondly, they need some further refinement in conjunction with a grievance process. There seems to be a lot of interest in the item on the removal of Charlie Buenger. I also ask the Mayor to move the citizens input item to right after my presentation.”

Mayor Ed Passalugo reorder the agenda as follows:

4. **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, appeared in support of the City Manager Adam Miles, City staff, and City Attorney Charlie Buenger. She stated that the results of the independent investigation and complaints should come to the citizens; employees should receive raises immediately; City officials and Council should come together to work for the betterment of Hewitt and there should be better communication between the citizens and Council.

Michael Bancale, 909 Stoneridge Drive, shared a positive note card to Council; appeared in support of city employees; requested that Council unfreeze employee raises; and asked Council to reconsider the firing of City Attorney Charlie Buenger.

Bob Potter, 409 W. Wall Street, appeared in support of city employee pay increases; opposed the termination of the city attorney and stated the Council should not attempt to terminate the city manager.

Stephen Rynerson, 809 Cheyenne Trail, appeared to suggest that all should be kind to one another.

Charlie Buenger, 3203 Robinson Drive, appeared to express appreciation to citizens for their support and stated that Hewitt was blessed with excellent city staff.

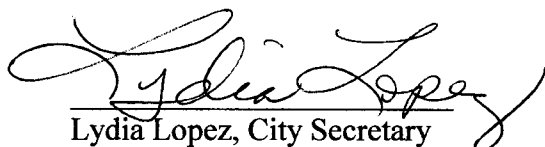
No one else appeared.

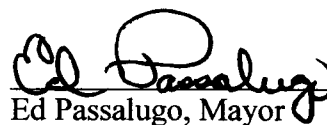
5. **DISCUSSION AND ACTION IN ACCORDANCE WITH THE CITY COUNCIL'S AUTHORITY UNDER ARTICLE II, SECTION 2.8 OF THE HEWITT CITY CHARTER TO REMOVE BUENGER & ASSOCIATES AND CHARLES BUENGER AS CITY ATTORNEY.** Council Member Steve Fortenberry asked Council to utilize this opportunity to do the right thing and support Charlie Buenger. *A motion was made by Council Member James Vidrine and second by Council Member Travis Bailey to remove Buenger & Associates and Charlie Buenger as City Attorney; four voted in favor (Bailey, Vidrine, Wachtendorf, and Passalugo); two in opposition (Fortenberry and Fuller); motion passed.*
6. **Executive Session:** Mayor Ed Passalugo convened a closed meeting at 6:27 PM to be held pursuant to *Section 551.074 of the Government Code (V.T.C.A)* so that the City Council can deliberate the appointment, employment, evaluation, reassignment, duties, grievances against, discipline, or dismissal of an employee or officer: Interview and evaluation of the possible appointment of a City Attorney---Michael W. Dixon of Haley & Olson, P.C.
7. Mayor Ed Passalugo closed the Executive Session at 7:25 PM and reconvened the Regular Meeting.

8. **CONSIDERATION AND POSSIBLE ACTION ON ENGAGING THE FIRM OF HALEY & OLSON, P.C. FOR MICHAEL W. DIXON TO SERVE AS CITY ATTORNEY.** *A motion was made by Council Member James Vidrine and second by Council Member Steve Fortenberry to appoint Michael W. Dixon as City Attorney for the City of Hewitt, Texas; all voted in favor, motion passed.*
9. **OR INTERVIEW AND CONSIDER THE FIRM OF HALEY & OLSON, P.C. AND MICHAEL W. DIXON FOR THE PROVISION OF LEGAL COUNSEL INDEPENDENT OF THE OFFICE OF CITY ATTORNEY AS AN INDEPENDENT CONTRACTOR [OPEN SESSION]. NOT HELD/NO ACTION**
10. **CONSIDERATION AND POSSIBLE ACTION ON ENGAGING THE FIRM OF HALEY & OLSON, P.C. AND MICHAEL W. DIXON TO PROVIDE LEGAL COUNSEL INDEPENDENT OF THE OFFICE OF CITY ATTORNEY. NOT HELD/NO ACTION**
11. **CONSIDER AND POSSIBLE APPROVAL OF CHANGE TO PROCEDURE FOR CITIZEN PARTICIPATION IN MEETINGS TO ADD NO. 6. NOT HELD/NO ACTION**
12. **Hearing of Visitors – moved to item #4.**
13. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL SPECIAL CALLED MEETING OF AUGUST 27, 2018, SPECIAL CALLED MEETING OF SEPTEMBER 4, 2018, AND SPECIAL CALLED MEETING OF SEPTEMBER 10, 2018.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to approve the minutes as submitted but allow for corrections; all six in favor, motion passed.*
14. **PUBLIC HEARING AND ACTION ON AN ORDINANCE REZONING OF O’CAMPO C A-32 ACRES 5.435 LOT 1, BLOCK 1 RABROKER ADDITION, ON THE WEST SIDE OF I-35 +/- 775’ NORTH OF BAXLEY STREET FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-O (OUTDOOR COMMERCIAL DISTRICT); PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.** Mayor Ed Passalugo opened the public hearing at 7:28 PM and asked for those who wished to speak in favor. Kyle Schultz, P.E., Walker Partners, appeared in favor. Mayor Ed Passalugo called for those wishing to speak against. No one appeared. Public hearing was closed at 7:29 PM. Council Member James Vidrine suggested that the Planning & Zoning Plat application be clarified as to the Flood Zone designation. *A motion was made Council Member Bill Fuller and second by Council Member Travis Bailey to approve ordinance; all six in favor, motion passed.*

15. **DISCUSSION AND POSSIBLE ACTION CONCERNING CRACKER BARREL SIGNAGE.** Community Development Director Tracy Lankford sought Council direction with regards to amending the current sign ordinance to allow for a variance for an overhead signs. It was a consensus of the Council to bring forward the amended ordinance allowing the variance at the next meeting.
16. **DISCUSSION AND POSSIBLE ACTION ON BALANCING THE DRAINAGE BUDGET EITHER BY ADOPTING PROPOSED DRAINAGE FEE OR REDUCING THE DRAINAGE BUDGET.** *Motion was made by Council Member James Vidrine and second by Council Member Wilbert "Walky" Wachtendorf to maintain the 2017-2018 Drainage Fees to reduce the Drainage Budget; all voted in favor, motion passed.*
17. **CONSIDERATION OF AND POSSIBLE ACTION ON AN ORDINANCE UNFREEZING THE SALARIES, WAGES, AND BASE PAY OF ALL CITY PERSONNEL (CIVIL SERVICE AND CIVILIAN) TO ALLOW FOR A COST OF LIVING ADJUSTMENT AND MOVEMENT IN THE STEP PAY PLANS AND/OR OTHER POSSIBLE ACTIONS RELATING TO COST OF LIVING ADJUSTMENTS AND/OR RAISES.** Council Member James Vidrine asked City Attorney Mike Dixon to explain what the motion to table means. City Attorney Mike Dixon stated that to table a motion does not mean to deny but rather to defer to a later time. He further advised that the budget adopted includes funds for both step plan and the cost of living. Council Member James Vidrine asked City Manager Adam Miles to explain why cost of living adjustments and raises were not given in the last budget. City Manager Adam Miles stated that the budget adopted last year did not have funds established with the tax rate that was adopted. *A motion was made by Council Member Steve Fortenberry and second by Council Member Bill Fuller to approve; all voted in favor, motion passed.*
18. **CONSIDERATION OF AND POSSIBLE ACTION ON A RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS.** *A motion was made Council Member Bill Fuller and second by Council Member James Vidrine to approve; all voted in favor, motion passed.*
19. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey, all voted in favor, meeting was adjourned at 7:40 PM.*

Approved: October 1, 2018


Lydia Lopez, City Secretary


Ed Passalugo, Mayor