

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT November 5, 2018 – 5:30 PM/7:00 PM

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

Staff present: City Attorney Mike Dixon, City Engineer Miles Whitney, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders; Fire Chief Lance Bracco, Managing Director Katie Allgood (arrived at 6:03 PM), Finance Director Lee Garcia, Library Director Waynette Ditto, Community Development Director Tracy Lankford (arrived at 7:00 PM), Utilities Director Kevin Reinke, and City Secretary Lydia Lopez

Staff absent: City Manager Adam Miles

WORKSHOP – 5:30 PM

1. Mayor Ed Passalugo called the meeting to order at 5:30 PM.
2. Open Meetings Act Training – City Attorney Mike Dixon made introductory remarks and introduced Associate Attorney Amy Thomas who presented the training.
3. Adjourn – *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey to adjourn the Workshops at 6:45 PM.*

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 Mr. Bob Potter to lead the Pledge of Allegiance.
3. **PRESENTATION OF REPORT FROM CITY ENGINEER.** This item was not presented due to improper posting.
4. **CONSIDER APPROVAL OF MINUTES OF THE CITY COUNCIL REGULAR MEETING OF OCTOBER 1, 2018.** Council Member Wilbert “Walky” Wachtendorf noted a correction to Item 3 of the meeting minutes. The street name discussed should be corrected to Briarfield as opposed to “Briarleaf”. *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to approve with the correction as noted; all voted 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.*

Bob Potter, 409 W. Wall Street, appeared in support of City Manager Adam Miles and asked the Council to reconsider termination of his contract.

Michael Bancale, 909 Stoneridge Drive, requested Council table the subject of removal of city manager; wait until all investigations have been completed, and follow set procedures.

Ann Schiltz, 1220 Dendron, appeared in support of City Manager Adam Miles and expressed concern with what is happening in the community.

Kurt Krakowian, 804 Pebble Creek Circle, appeared support of terminating the City Manager's employment contract. No one else appeared.

- 6. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2018-16 AND ORDINANCE NO. 2018-17 REZONING OF LAND AND CHANGE IN DESIGNATION IN COMPREHENSIVE PLAN. THE LAND IS LOCATED AT THE SOUTHEAST CORNER OF PANTHER WAY AND EAST LINDENWOOD, O'CAMPO C A-32 TRACT 35, BEING 5.341 ACRES. OWNER: CASSANDRA NUNLEY. ZONING CHANGE: R-1 (SINGLE FAMILY RESIDENTIAL) TO P-R (PLANNED RESIDENTIAL). PLAN CHANGE: LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.** Community Development Director Tracy Lankford presented and responded to Council inquiries. Mayor Ed Passalugo opened the public hearing at 7:28 PM and called for those who wish to speak in favor. Mark Bowles, Project Developer, appeared in support and responded to inquiries. Betty Orton, 912 Steamboat Circle, Stephen Rynerson, 809 Cheyenne Trail, and Al Parker, (address inaudible) appeared to ask questions. No one appeared in opposition. Public hearing closed. *A motion was made by Council Member James Vidrine and second by Mayor Pro Tem Steve Fortenberry to approve the Ordinance No. 2018-16 rezoning; all voted in favor, motion passed. A motion was made by Council Member James Vidrine and second by Council Member Travis Bailey to approve Ordinance No. 2018-17; all voted in favor, motion passed.*

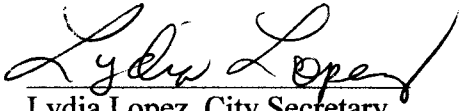
- 7. DISCUSSION AND POSSIBLE ACTION ON APPROVING AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR COOPERATIVE PURCHASING.** *A motion was made by Council Member Wilbert "Walky" Wachtendorf and second by Council Member Travis Bailey to approve; all voted in favor, motion passed.*

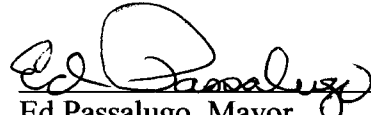
- 8. Executive Session:** A closed meeting was held pursuant to *Section 551.074 of the Government Code (V.C.T.A)* so that the City Council can deliberate the employment and duties of the City Manager; and pursuant to *Section 551.071 of the Government Code (V.C.T.A)* so that the City Council can seek and receive advice and counsel from their attorneys regarding actual or threatened litigation; settlement of claims; legal powers and restrictions, and possible legal exposure; and matters required to be kept confidential by the professional rules which govern the attorney. *A motion was made by Council Member*

Wilbert “Walky” Wachtendorf and second by Council Member Travis Bailey to convene the Executive Session at 7:44 PM on November 5, 2018; five in favor, Mayor Pro Tem Steve Fortenberry opposed, motion passed. Mayor Ed Passalugo reconvened the Regular Session at 9:04 PM.

9. **DISCUSSION AND ACTION ON SEPARATION AGREEMENT BETWEEN THE CITY MANAGER AND THE CITY OF HEWITT MUTUALLY TERMINATING THE CITY MANAGER’S EMPLOYMENT CONTRACT WITH THE CITY OF HEWITT, AUTHORIZING THE EXECUTION THEREOF BY THE MAYOR, AND AUTHORIZING ACTIONS BY STAFF NECESSARY TO CARRY OUT THE CITY’S OBLIGATIONS UNDER THE SEPARATION AGREEMENT.** Council Member Steve Fortenberry inquired whether the termination was effective immediately. He further inquired as to when the City Attorney receive authorization to begin negotiation with the City Manager and expressed concern that the Council was not informed or had any opportunity to provide input. City Attorney Mike Dixon responded that when he was hired he understood that there were issues that needed to be investigated and addressed. Mr. Dixon further noted that the agreement was mutual and was signed by Adam Miles. Council Member Wilbert “Walky” Wachtendorf noted that the City Attorney was hired to handle our legal matters. *A motion was made by Council Member James Vidrine and second by Council Member Wilbert “Walky” Wachtendorf to accept the separation agreement; four voted in favor (Bailey, Wachtendorf, Vidrine, Passalugo), two opposed (Fortenberry and Fuller) motion passed.*
10. **DISCUSSION AND ACTION ON APPOINTING AN ACTING CITY MANAGER.** *A motion was made by Council Member Wilbert “Walky” Wachtendorf and second by Mayor Pro Tem Steve Fortenberry to appoint Police Chief James Devlin as acting city manager in the absence of full time city manager; all voted in favor, motion passed.*
11. **Executive Session:** A closed meeting was held pursuant to *Section 551.071 of the Government Code (V.C.T.A)* so that the City Council can seek and receive advice and counsel from their attorneys regarding actual or threatened litigation; settlement of claims; legal powers and restrictions, and possible legal exposure; and matters required to be kept confidential by the professional rules which govern the attorney: Texas Workforce Commission charges. Mayor Ed Passalugo announced the Council would go back into Executive Session at 9:13 PM on November 5, 2018. *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey, to close the Executive Session at 10:13 PM; all voted in favor, motion passed.*
12. **ADJOURN.** *A motion was made by Council Member Bill Fuller and second by Council Member Travis Bailey, to adjourn the meeting at 10:14 PM; all voted in favor, meeting was adjourned.*

Approved: November 19, 2018


Lydia Lopez, City Secretary


Ed Passalugo, Mayor