

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT October 7, 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

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, Finance Director Lee Garcia, Library Director Waynette Ditto, Human Resources Generalist Jessica Higgins, Utilities Director Kevin Reinke, and City Secretary Lydia Lopez

Staff absent: Community Development Director Tracy Lankford

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, Wachtendorf, Fortenberry, Bruce, Turner
2. **SPECIAL PRESENTATION BY MIDWAY ISD SUPERINTENDENT DR. GEORGE KAZANAS REGARDING THE MIDWAY ISD 2019 BOND ELECTION.**
Midway ISD Superintendent Dr. George Kazanas, 301 Appaloosa Trail, Waco, TX, 76712, presented information regarding the Midway ISD bond election to be held on November 5, 2019. Mayor Charlie Turner requested that Dr. Kazanas provide a copy of the presentation.
3. **ADJOURN.**
MOTION: Council Member Bill Fuller moved to adjourn the meeting at 6:57 PM.
SECOND: Council Member Erica Bruce
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. City Secretary Lydia Lopez polled the Council for attendance.
ALL PRESENT: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, Turner

2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.** Mayor Charlie Turner asked Temple Police Chief Floyd Mitchell to lead the Pledge of Allegiance.
3. **SPECIAL PRESENTATION TO THE HEWITT POLICE DEPARTMENT FOR ACHIEVING DESIGNATION AS TEXAS BEST PRACTICES RECOGNIZED AGENCY BY THE TEXAS POLICE CHIEFS ASSOCIATION.** Temple Police Chief Floyd Mitchell, 209 E Avenue A, City of Temple, TX, representing the Texas Police Chiefs Association presented a certificate to Police Chief Jim Devlin and Hewitt Police Department for achieving the designation as a Texas Best Practices Recognized Agency.
4. **CONSIDER APPROVAL OF MINUTES OF THE COUNCIL WORKSHOP/REGULAR MEETING OF SEPTEMBER 16, 2019.**
MOTION: Mayor Pro Tem Wilbert “Walky” Wachtendorf moved approval of the minutes as presented but to allow for corrections.
SECOND: Council Member Michael Bancale
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and 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, appeared to congratulate the Library for providing the following events: Deaf Awareness event, Dog Days, (Upcoming events) Game Night for Persons with Special Needs – October 17, 2019, November 1, 2019 Arbor Day, and November 6, 2019 – Salute to the Veterans Ceremony.
6. **CONDUCT INTERVIEWS AND CONSIDER APPOINTMENT(S) TO THE PARKS & BEAUTIFICATION COMMITTEE.**
City Manager Bo Thomas stated that two applications were received from Conway Briscoe and Jamie McKinney who expressed an interest in serving on the Parks & Beautification Committee. A brief interview was held with Conway Briscoe, 602 Madison Circle and Jamie McKinney, 411 Karen Street. Council Members expressed appreciation for their interest in serving.
MOTION: Council Member Michael Bancale moved approval of the appointment of Conway Briscoe and Jamie McKinney to the Parks and Beautification Committee.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.

- 7. ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED MEMBERS TO THE PARKS & BEAUTIFICATION COMMITTEE.** City Secretary Lydia Lopez administered the Oath of Office to newly appointed members to the Parks & Beautification Committee Conway Briscoe and Jaime McKinney.
- 8. TO AUTHORIZE AND RATIFY THE PURCHASE OF A REPLACEMENT HEAT PUMP UNIT FOR THE TRAINING ROOM OF THE HEWITT PUBLIC SAFETY FACILITY.** City Manager Bo Thomas presented. A brief discussion was held concerning the warranty of existing unit and specifications of replacement unit.
MOTION: Council Member Steve Fortenberry moved approval of the purchase of a replacement heat pump unit for the Training Room of the Public Safety Facility in an amount of \$12,400.
SECOND: Council Member Bill Fuller
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
MOTION PASSED.
- 9. CONSIDER RESOLUTION NO. 2019-16 SUBMITTING CANDIDATE NOMINATIONS FOR THE MCLENNAN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEARS 2020-2021.**
City Manager Bo Thomas presented. A brief discussion was held to seek volunteer. Council Member Michael Bancale offered to submit his name as a candidate.
MOTION: Council Member Erica Bruce moved approval of Resolution No. 2019-16 submitting candidate nomination of Michael Bancale for the McLennan County Appraisal District (McCAD) Board of Directors.
SECOND: Council Member Bill Fuller
AYES: Fuller, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None
ABSENT: None
ABSTAINED: Bancale
MOTION PASSED.
- 10. CONSIDER RESOLUTION NO. 2019-17 AUTHORIZING AN AGREEMENT FOR THE RESERVATION OF RAW WATER AND SALE & DELIVERY OF TREATED WATER – WHOLESALE CUSTOMER WITH THE CITY OF WACO, TEXAS THROUGH SEPTEMBER 30, 2045, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO COMPLETE TRANSACTION.** City Manager Bo Thomas summarized details of agreement and advised that the Waco City Council approved the agreement on September 17, 2019.
MOTION: Council Member Michael Bancale moved to approve Resolution No. 2019-17 authorizing an Agreement for Reservation of Raw Water and Sale & Delivery of Treated Water with the City of Waco, Texas through September 30, 2045.
SECOND: Mayor Pro Tem Wilbert “Walky” Wachtendorf
AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce, and Turner
NAYES: None

ABSENT: None

MOTION PASSED.

11. CONSIDER AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR ELECTRIC RATES FOR A TERM OF 90 MONTHS THRU HUDSON ENERGY, AS BROKERED BY EMEX.

City Manager Bo Thomas presented. Mayor Pro Tem Wilbert “Walky” Wachtendorf inquired about service addresses at 200 Chama Drive and 105 Tampico Drive. Mr. Thomas advised that all service addresses would be verified. Council Member Steve Fortenberry inquired on the terms of the current contract.

MOTION: Council Member Bill Fuller moved to approve.

SECOND: Council Member Michael Bancale

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

NAYES: None

ABSENT: None

MOTION PASSED.

12. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON WARD 2 CITY COUNCIL VACANCY, INCLUDING BUT NOT LIMITED TO: ACTION, IF ANY, TO BE TAKEN TO FILL VACANCY; APPOINTMENT; APPOINTMENT PROCESSES; AND OTHER MATTERS RELATING TO ANY OF THE ABOVE.

City Manager Bo Thomas stated that this item was back on the agenda based on the question raised at the last Council meeting. He further summarized an email response from the City Attorney advising that there is no prohibition to appointing the person who created the vacancy. Mr. Thomas advised that the Council still had the option to come up with a process to appoint to fill the vacancy or seek interest from the community or as stated in the Charter may, ‘not shall’, fill vacancy. City Attorney Mike Dixon provided his legal opinion advising that he could find no law prohibiting the Council from considering the appointment of the person creating the vacancy.

Lengthy discussion was held. Mayor Charlie Turner expressed that he would recommend that the Council leave the position vacant. Council Member Michael Bancale inquired about the length of the term and expressed concern with a split Council decision. Mayor Pro Tem Wilbert “Walky” Wachtendorf also expressed concern with a split Council decision; presented several ways to remedy which included to appoint someone, conduct a special election which he opposed to because of the cost; or take application and interview to make an appointment. Mayor Pro tem Wachtendorf stated that he had spoken with a former Council Member (James Vidrine) who would serve until the next election in May. Council Member Bill Fuller suggested that the Council seek interested applicants and appoint at the next Council Meeting. Council Member Erica Bruce expressed her concern with the Council making an appointment as it would take the voter out of the equation and the last appointment made by Council did not go well. She agreed with the Mayor that the Council should wait to fill the vacancy. Council Member Steve Fortenberry recommended that the citizens be allowed to make the decision. Council Member Bancale also stated that he had received a call from Mr. Bob Potter who voiced an interest in serving.

MOTION: Council Member Michael Bancale moved to table this decision and discuss at the next Council meeting.

SECOND: Council Member Steve Fortenberry

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

NAYES: Wachtendorf

ABSENT: None

MOTION PASSED.

Mayor Charlie Turner convened to the following Executive Sessions at 8:09 PM.

13. **Executive Session:** The Council will convene into Executive Session at 8:09 PM in accordance with the following provisions: A closed meeting will be held pursuant to Section 551.087 of the Government Code (V.T.C.A.) so that the Council may deliberate regarding Economic Development negotiations AND Section 551.074 of the Government Code (V.T.C.A.) so that Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (Council Vacancy – Ward 2).

The Council recessed the Executive Session and reconvened the Regular Meeting at 8:57 PM.

14. **ADJOURN.**

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 9:01 PM.

SECOND: Council Member Michael Bancale

AYES: Fuller, Bancale, Wachtendorf, Fortenberry, Bruce

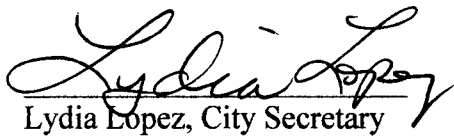
NAYES: Turner

ABSENT: None

MOTION PASSED.

Approved: 10-21-2019

ATTEST:


Lydia Lopez, City Secretary


Wilbert Wachtendorf, Mayor Pro Tem