

HEWITT TEXAS

CITY COUNCIL REGULAR MEETING

November 01, 2021 at 7:00 PM

Hewitt Public Safety Facility - Training Room, 100 Patriot Court, Hewitt, TX 76643

AGENDA

Steve Fortenberry, Mayor, Ward 3

Michael S. Bancale, Mayor Pro Tem, At-Large – **Charlie Turner**, Council Member, Ward 1

Wilbert Wachtendorf, Council Member, Ward 1 – **Bill Fuller**, Council Member, Ward 2

Bob Potter, Council Member, Ward 2 – **Erica Bruce**, Council Member, Ward 3

The meeting will be streamed live on the city's Facebook page at www.facebook.com/CityofHewitt/.

DECLARATION OF A QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. [Note: Prior to the meeting, the citizen must complete a "Public Comment Form" and present it to the City Secretary.]

REGULAR AGENDA

1. Approval of minutes of the Regular Meeting of October 18, 2021.
2. Discussion and possible action on appointment of an audit firm for the fiscal year ending September 2022 thru 2024 with the option of auditing for the next two subsequent fiscal years.
3. Discussion and possible action on an **Ordinance No. 2021-16** amending Ordinance No. 2021-01, establishing two additional police officer positions, and authorizing the number of employees in each classification.
4. Discussion and possible action on **Ordinance No. 2021-17** authorizing field training officer assignment pay for members of the police department who are assigned to and perform the duties and responsibilities of the field training officers' program; such assignment pay to be in the amount of one hundred dollars (\$100.00) per pay period in addition to the regular pay received by such members of the police department; and establishing an effective date.

EXECUTIVE SESSION: The City Council will convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

A closed meeting will be held pursuant to Section 551.072 of the Texas Government Code (V.T.C.A.) so that the Council may deliberate the purchase, exchange, lease, or value of real property.

ADJOURNMENT

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on October 27, 2021 by 5:00 PM.

CITY OF HEWITT

Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the American with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in City Council meetings. The facility is wheelchair accessible, with handicap parking available at the front of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the City Secretary at 254.296.5602 or by fax at 254.666.6014.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 1, 2021

AGENDA ITEM #: 1

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Approval of minutes of the Regular Meeting of October 18, 2021.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

I move approval of the minutes as presented but to allow for corrections.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

**MINUTES OF A CITY COUNCIL
REGULAR MEETING
HEWITT PUBLIC SAFETY FACILITY – TRAINING ROOM
100 PATRIOT COURT
October 18, 2021 – 7:00 PM**

Attendee Name	Title	Absent	Present	Arrived
Steve Fortenberry (presiding)	Mayor, Ward 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Michael S. Bancala	Mayor Pro Tem, At-Large	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bill Fuller	Council Member, Ward 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bob Potter	Council Member, Ward 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wilbert "Walky" Wachtendorf	Council Member, Ward 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Charles D. Turner	Council Member, Ward 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Erica Bruce	Council Member, Ward 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Staff present:

City Manager Bo Thomas
City Attorney Michael W. Dixon
City Engineer Miles Whitney
City Secretary Lydia Lopez
Evidence Tech Lindsey Barlett
Fire Chief Lance Bracco
Police Chief Jim Devlin

Note: The meeting was open to the public and live-streamed for view on the City’s FaceBook page. Citizens had the opportunity to speak in person or submit written comments to the City Secretary.

REGULAR MEETING – 7:00 PM

CALL MEETING TO ORDER.

Mayor Steve Fortenberry called the Regular Meeting to order at 7:00 PM and noted all Council Members were in attendance, except for Council Member Wilbert "Walky" Wachtendorf.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.

Mayor Steve Fortenberry led the Pledge of Allegiance.

PUBLIC COMMENTS. The City Council invites citizens to speak to the Council on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding to, or acting on any comments or items not posted on the agenda. **NOTE:** Citizens had the opportunity to submit written comments on items listed on the agenda or any topic. Mayor Steve Fortenberry inquired if anyone had requested to address the Council. City Secretary Lydia Lopez noted no one submitted any public comment forms. No one appeared.

REGULAR AGENDA

1. CONSIDER APPROVAL OF MINUTES OF THE REGULAR MEETING OF OCTOBER 4, 2021.

MOTION: Council Member Charlie Turner moved approval of the meeting minutes as presented but to allow for corrections.

SECOND: Council Member Bill Fuller

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

NAYES: None

ABSENT: Wachtendorf

MOTION PASSED.

2. PRESENTATION OF THE REPORT FROM CITY ENGINEER MILES WHITNEY, P.E.

- **Update on pending utility projects.**
- **Update on pending street projects.**
- **Update on pending drainage projects.**

General discussion concerning Ritchie Road/Concrete Paving Project. This item will be brought back for further action if needed.

3. BRIEFING AND DISCUSSION CONCERNING FINANCIAL STATEMENTS ENDING SEPTEMBER 30, 2021. City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the September Financial Statements electronically on October 11, 2021, and inquired if Council had any questions. There were no questions or concerns raised. **No action required.**

4. DISCUSSION AND ACTION ON APPROVAL OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2021. City Manager Bo Thomas presented a summary of report prepared by Valley View Consulting, L.L.C.

MOTION: Council Member Charlie Turner moved approval of the Quarterly Investment Report as of September 30, 2021.

SECOND: Council Member Bob Potter

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

NAYES: None

ABSENT: Wachtendorf

MOTION PASSED.

- 5. DISCUSSION AND ACTION ON RESOLUTION NO. 2021-09 APPROVING FINANCING TERMS WITH BRANCH BANK & TRUST COMPANY, NOW TRUIST BANK.** City Manager Bo Thomas presented.
MOTION: Council Member Charlie Turner moved to approve **Resolution No. 2021-09** approving financing with Branch Banking & Trust Company, now Truist Bank, for a term of four years at 1.23%.
SECOND: Council Member Bill Fuller
AYES: Fuller, Potter, Bruce, Turner, Bancale, and Fortenberry
NAYES: None
ABSENT: Wachtendorf
MOTION PASSED.
- 6. DISCUSSION AND POSSIBLE ACTION CONCERNING CORONAVIRUS (COVID-19) MEASURES, PROTOCOLS, AND MITIGATION EFFORTS.** City Manager Bo Thomas stated there was nothing new to report.

EXECUTIVE SESSION

Mayor Steve Fortenberry announced the City Council would recess the Regular Meeting to convene into executive session at 7:43 PM pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

7. A closed meeting will be held pursuant to *Section 551.071 of the Government Code (V.C.T.A.)* so that the City Council can seek and receive legal advice and counsel from its attorneys regarding pending or threatened litigation, settlement offers, resolution of claims, or other matters for which the attorneys’ duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct conflicts with the Open Meetings Act.

Mayor Steve Fortenberry reconvened the Regular Meeting and adjourned the Executive Session.

ADJOURNMENT.

MOTION: Council Member Bill Fuller moved to adjourn the meeting at 7:29 PM.
SECOND: Council Member Charlie Turner
AYES: Fuller, Potter, Bruce, Turner, Bancale, and Fortenberry
NAYES: None
ABSENT: Wachtendorf
MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Steve Fortenberry, Mayor

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 1, 2021

AGENDA ITEM #: 2

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Discussion and possible action on the appointment of an audit firm for the fiscal year ending September 2022 thru 2024 with the option of auditing for the next two subsequent fiscal years.

STAFF RECOMMENDATION/ITEM SUMMARY:

The city is required by charter to have an annual audit by an independent certified public accounting firm. The current agreement with Jaynes, Reitmeier, Boyd & Therrell, P.C. expires after the completion of the September 30, 2021 audit. The City has advertised in the Tribune Herald on October 15th and 22nd. Requests for Proposals were sent to 7 firms with an additional request sent on the 18th. Bids were received from 4 firms. City staff is recommending Pattillo, Brown & Hill, L.L.P.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

“I move to appoint the audit firm of Pattillo, Brown & Hill, L.L.P. as the city auditors for the fiscal years ending September 2022 thru 2024 with the option of auditing for the next two subsequent fiscal years.”

ATTACHMENTS:

Audit RFP worksheet

Audit RFP Email list

		Prior Bids	Notice posted 10/15 & 10/22	RFP Emailed;Due Monday 10/25	Bid Results
1	BrooksWatson & Co., PLLC Michael Brooks, Partner 14950 Heathrow Forest Pkwy, Ste 530 Houston, Texas 77032 281-907-9223 MBrooks@BrooksWatsonCPA.com	Bid in 2016		10/15/2021	Yes
2	Belt Harris Pechacek, LLLP 3210 Bingle Road, Suite 300 Houston, TX 77055 713-263-1123 info@txauditors.com			10/15/2021	No Response
3	BKD, LLP Kevin Kemp, Partner 14241 Dallas Parkway, Ste 1100 Dallas, TX 75254-2961 <a href="mailto:Kemp, Kevin <kkemp@bkd.com>">Kemp, Kevin <kkemp@bkd.com>	Bid in 2016		10/15/2021	Not enough response time; declined 10/15 Please keep them in mind for other opportunities.
4	Weaver https://weaver.com/industries/government https://weaver.com/contact-us			10/15/2021	No Response
5	Pattillo, Brown & Hill, LLP Greg Shropshire. Partner Corporate Audit Division Jaime Yoakum, Audit Administrator 401 W State Highway 6 Waco, TX 76710 254-772-4901 gshropshire@pbhcpa.com	Bid in 2016		10/15/2021 10/18/2021	Yes
6	Jaynes, Reitmeier, Boyd and Therrell Diana Ward, Shareholder 5400 Bosque Blvd., Ste. 600 Waco, TX 76710 254-776-4190 diana_ward@jrbt.com	Won in 2016		10/15/2021	Yes
7	Brockway, Gersbach, Franklin & Niemeier PC 3520 SW H K Dodgen Loop #6838 Temple, TX 76504 254.773.9907 Christine Graham Wells bgfnpc@templecpa.com			10/15/2021	Much discussion. Declined; not available in Spring.
8	Beasley, Mitchell & Co Carmen Jimenez 609 S. Main St., Suite A Las Cruces, NM 88001 575-528-6700 carmen@bmc-cpa.com			10/18/2021	Yes

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 1, 2021

AGENDA ITEM #: 3

SUBMITTED BY: Jessica Higgins, HR Manager/Civil Service Director

ITEM DESCRIPTION:

Discussion and possible action on an **Ordinance No. 2021-16** amending Ord. No. 2021-01, establishing two additional police officer positions, and authorizing the number of employees in each classification.

STAFF RECOMMENDATION/ITEM SUMMARY:

Chapter 143 of the Local Government states the governing body by ordinance shall prescribe the number of positions in each classification. The attached Strength of Force Ordinance has been updated to match the Staffing Plan in the FY 21/22 approved budget.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – N/A

SUGGESTED MOTION:

I move to approve Ordinance No. 2021-16.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AMENDING ORD. 2021-01, ESTABLISHING TWO ADDITIONAL POLICE OFFICER POSITIONS, AUTHORIZING THE NUMBER OF EMPLOYEES IN EACH CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hewitt has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police Department employees; and

WHEREAS, pursuant to Chapter 143, the City Council shall establish the classifications of employees and prescribe the number of positions in each classification pursuant to Section 143.021(a) of the Texas Local Government Code; and

WHEREAS, the City Council is amending and superseding Ordinance No. 2021-01; and

WHEREAS, the City Council has determined that to further its lawful purposes of providing efficient and effective law enforcement staffing, that it should establish two additional Police Officer positions; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, THAT

ARTICLE I.

The classifications and number of positions in each classification in the Police Department were previously as follows:

- Police Chief—1
- Assistant Police Chief-1¹
- Lieutenant-4
- Sergeant--6
- Police Officer—15

Total Authorized Force: 27

The classifications and number of positions in each classification in the Police Department shall now be, as of the effective date of this Ordinance, as follows:

¹See footnote 1.

Police Chief—1
Assistant Police Chief-1²
Lieutenant-4
Sergeant--6
Police Officer—17

Total Authorized Force: 29

ARTICLE II.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

ARTICLE III.

Repealer: All other ordinances, section, or parts of ordinances heretofore adopted by the City of Hewitt in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

ARTICLE IV.

This ordinance shall become effective immediately upon passage.

ARTICLE V.

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

PASSED AND APPROVED on this _____ day of _____, _____.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

²See footnote 1.

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: November 1, 2021

AGENDA ITEM #: 4

SUBMITTED BY: Jessica Higgins, HR Manager/Civil Service Director

ITEM DESCRIPTION:

Discussion and possible action on an **Ordinance No. 2021-17** authorizing field training officer assignment pay for members of the police department who are assigned to and perform the duties and responsibilities of the field training officers' program; such assignment pay to be in the amount of one hundred dollars (\$100.00) per pay period in addition to the regular pay received by such members of the police department; and establishing an effective date.

STAFF RECOMMENDATION/ITEM SUMMARY:

Chapter 143 of the Local Government Code states the governing body of a municipality may authorize assignment pay for field training officers. The assignment pay is in an amount and is payable under conditions set by ordinance and is in addition to the regular pay received by members of the police department.

FISCAL IMPACT:

Amount Budgeted – N/A
Line Item in Budget – 10-50100-41-02

SUGGESTED MOTION:

I move to approve Ordinance No.2021-17.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AUTHORIZING FIELD TRAINING OFFICER ASSIGNMENT PAY FOR MEMBERS OF THE POLICE DEPARTMENT WHO ARE ASSIGNED TO AND PERFORM THE DUTIES AND RESPONSIBILITIES OF THE FIELD TRAINING OFFICERS' PROGRAM; SUCH ASSIGNMENT PAY TO BE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) PER PAY PERIOD IN ADDITION TO THE REGULAR PAY RECEIVED BY SUCH MEMBERS OF THE POLICE DEPARTMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hewitt has adopted Civil Service, Chapter 143 of the Texas Local Government Code for its Police Department employees; and

WHEREAS, Section 143.043 of the Local Government Code provides for Field Training Officers' assignment pay to be paid to members of a police department who are assigned to and perform the duties and responsibilities of the Field Training Officers' program; and

WHEREAS, the City Council agrees that members of the Police Department who are assigned to and perform the duties and responsibilities of the Field Training Officers' program shall receive additional compensation in the amount of One Hundred dollars (\$100.00) per pay period while performing such duties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, THAT

Section 1. The City Council of the City of Hewitt agrees members of the Police Department of the City of Hewitt, who are assigned to and perform the duties and responsibilities of the Field Training Officers' program should receive additional compensation in addition to the regular pay received by members of the Police Department while performing the duties of a Field Training Officer.

Section 2. A "Field Training Officer" means a member of the Police Department who is assigned to and performs the duties and responsibilities of the Field Training Officers' program.

Section 3. While performing the duties and responsibilities of the Field Training Officers' program, a Field Training Officer shall be paid assignment pay in the amount of One Hundred dollars (\$100.00) per pay period in addition to regular pay received by such members of the Police Department.

Section 4. The effective date of this ordinance is _____, 2021 and will be effective until repealed or amended by the City Council.

PASSED AND APPROVED on this ____ day of _____, 2021.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney