



City of Hutto

MINUTES

**Special Called City Council Meeting
Thursday, August 27, 2020 at 6:00 PM
City Council Chambers**

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at www.huttotx.gov

1. CALL SESSION TO ORDER *6:00 PM*
2. ROLL CALL

Members of the City Council present were: Mayor Doug Gaul, MPT Tom Hines (via video conference) Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, Councilmember Tanner Rose.

Members of staff that were present were: Byron Frankland, Assistant City Manager; Stacy Schmitt, Assistant to the City Manager; Holly Nagy, City Secretary and; Dorothy Palumbo, City Attorney.

3. CITY COUNCIL COMMENTS

3.1. General Comments from City Council

Councilmember T. Rose: I wanted to address some stuff, there's a lot of discussion in the public surrounding the ability to yield time and not yield time during the public comment section of it, and so I was curious where, we always allowed people to yield time, where was the decision made not to yield time? That can go to the City Manager, the City Attorney, the Mayor, whoever can answer it. Because we've always done it, then all of sudden we weren't doing it, I don't recall any wording saying it wasn't allowed. I'm assuming you can yield time then? Who said we weren't going to yield time? Who made the decision? You Mayor? (Inaudible)

Mayor Gaul: No, it was the City Attorney that made the decision. Since we had two email requests we've not had...we've yielded time before when someone's been here in public, and we consulted with the City Attorney and she advised we didn't have.....

City Attorney: Your prior practices said that the person had to be there to yield the time, so we went with the prior practice.

Councilmember T. Rose: Yeah but we don't have to be here now, so why would it.... I mean yeah under previous circumstances it seems to make sense, we don't have to be here...

Councilmember Snyder: Your saying the prior practice has changed.

Councilmember T. Rose: Yeah. No one has to be here, so why would we not... I guess my problem is, we voted on how to do public comment, there's no direction on yielding time, then we don't allow it and here we are..this week I see things out there saying we can't yield time, and yet, unless I missed a vote or a discussion somewhere that I wasn't apart of, and I haven't missed a meeting since then, I've missed one and it wasn't discussed then, at least that I know of...so I'm curious how the rules changed, when Council sets the public comment standard and as far as I know Council hasn't changed it...unless I'm mistaken somewhere?

City Attorney: Do you want to put that on for discussion and to add that as your procedure?

Councilmember T. Rose: I mean, I don't care if people yield time or not.

City Attorney: I think staff was just following procedure that was set by Council that the people had to be in attendance in order to yield time.

Councilmember T. Rose: I guess my issue is that we put out something without any sort of discussion. So...

Mayor Gaul: So if we are going to have discussion on it, we need to have it as a separate agenda item at the next meeting...

City Attorney: Correct....(inaudible)

Mayor Gaul: Council comment allows Council to make a comment without debate and discussion...

Councilmember T. Rose:(inaudible) get answers.

Mayor Gaul: If you want discussion and debate we need to have it at the next meeting.

Councilmember T. Rose: I just wanted answers for the public since it seems like we are just doing things by the seat of our pants and changing stuff without votes. So I just wanted to make sure everyone understands how those decisions were made so....

Councilmember Snyder: I second that agenda item, sounds like we need that, I'm confused as much...(inaudible) you can't even yield it if in person. So...

Mayor Gaul: So, we want an agenda item for next Council meeting.

Councilmember T. Rose: If people want to yield time it should be allowed unless Council wants to take some action.

Mayor Gaul: We will put that on the agenda for next Thursday.

Councilmember Snyder: Only comment I have is I'd like to say the Pledge of Allegiance prior to starting the meeting.

Mayor Gaul: Ok.

Councilmember T. Rose: and the Texas Pledge?

Councilmember Snyder: and the Texas Pledge. As long as it doesn't break any OMA rules?

City Attorney: No.

Councilmember T. Rose: I don't think so.

Pledge of Allegiance and Texas Pledge was said at this time.

4. PUBLIC COMMENT

Jackie Corbiere

Robin Sutton

James Weaver * via email

Ida Weaver * via email

Councilmember Martinez joined the meeting at this time. 6:10 PM

5. ORDINANCES

5.1 Consideration and possible action on Ordinance No. O-2020-022 Public Information Act Policy. (Second Reading).

MPT Hines made a motion to approve Ordinance No. O-2020-022, Councilmember S.Rose seconded the motion.

Councilmember Snyder made an amendment to the motion, to add language that before suing the attorney general to block information, it must first come before Council to get a vote. Councilmember T. Rose seconded the motion. The motion for the amendment passed unanimously. (7:0)

MPT Hines made a motion to approve Ordinance No. O-2020-022, with the amendment. Councilmember S.Rose seconded the motion. The motion passed unanimously. (7:0)

5.2 Consideration and possible action on Ordinance No. O-2020-025 Amending City Code and Creating the Right of Setoff.(Second Reading)(City Attorney).

Councilmember S. Rose made a motion to approve Ordinance No. O-2020-025, Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

5.3 Consideration and possible action on Ordinance No. O-2020-029 declaring severance or transition agreements void.(Second Reading)(City Attorney)

Councilmember T. Rose made a motion to approve Ordinance No. O-2020-029, Councilmember Snyder seconded the motion, with an amendment.

"That we do not ask for the money back from the employees, the money is paid and should something come up in the forensic audit we can address it at that point and time."

Discussion ensued.

Councilmember Snyder made a motion to table this item until the September meeting brought back an ordinance that specifically lists every separation, severance and termination agreements the ones that are valid, the ones that are not valid. The status of the NDA on each one and whether the money needs to be paid back or not. We can debate the items, and if we don't want the money back we can put that in there on each one. Councilmember T. Rose seconded the motion. The motion passed with MPT Hines and Councilmembers S.Rose and Martinez against. (4:3)

6. RESOLUTIONS

6.1 Consideration and possible action on Resolution No. R-2020-075 waiving the a attorney-client privilege concerning McGinnis Lochridge law firm's attorney fee bills in response to R000706-073019. (City Attorney)

Discussion ensued.

Councilmember Snyder made a motion to Resolution No. R-2020-075, with the amendment to redact the Lealco Waste Transfer items. Councilmember T. Rose seconded the motion. The motion failed with Mayor Gaul, MPT Hines, Councilmembers S. Rose and Martinez against. (4:3)

Discussion ensued.

Councilmember Gordon made a motion to direct the City Attorney to release all non-privileged information from the McGinnis Lockridge files no later than October 1, 2020.

Councilmember Snyder made an amendment to the motion to release all non-privileged information to be released by the first meeting in October.

Councilmember Gordon made a motion to direct the City Attorney to release all non-privileged information from the McGinnis Lockridge files no later than October

1, 2020. Councilmember Snyder seconded the motion. The motion passed unanimously (7:0)

City Attorney stated that for the record the request is for the invoices dated January 1, 2017 thru July 30, 2019.

6.2. Consideration and possible action on a Resolution on Council pay.

Discussion ensued. Councilmember Snyder made a motion that the Council pay goes as follows:

Place 1 - 800

Place 2 - 800

Place 3 - 600

Mayor – 1,000

Place 4 - 800

Place 5 - 600

Place 6 -600

Councilmember T. Rose seconded the motion.

Councilmember S. Rose amended the motion for a 50% cut in pay across the board. Councilmember Martinez seconded the motion. The motion passed unanimously. (7:0)

Councilmember Snyder made a motion that the Council receive a 50% cut in pay across the board. Councilmember T. Rose seconded the motion. The motion passed unanimously (7:0)

6.3 Consideration and Possible Action on a Resolution Authorizing the Interim City Manager to Execute A Chapter 380 Agreement Providing for Economic Incentives for The Benefit of Electronic Data Carriers, Inc. (Ad Valorem Reimbursement)

Councilmember Snyder made a motion to approve Item 6.3, Councilmember S. Rose seconded the motion. The motion passed unanimously (7:0)

6.4 Consideration and Possible Action on a Resolution Authorizing the Interim City Manager to Execute A Chapter 380 Agreement Providing for Economic Incentives for The Benefit of Electronic Data Carriers, Inc. (Sales Tax Reimbursement)

Councilmember Snyder made a motion to approve Item 6.3, Councilmember S. Rose seconded the motion. The motion passed unanimously (7:0)

7. OTHER BUSINESS

10-minute recess taken at 7:24 PM

7.1. Budget and Tax Rate Review and Discussion.

Misti Hancock presented. Discussion ensued.

7.2. Discussion and possible action on Capital Improvement Plan and current projects including but not limited to:

- Lakeside Estates Lift Station
- Timeline of taking over ditches in the Legends of Hutto Subdivision.

Councilmember Snyder made a motion to

A.) Direct staff to enter into access easements with the residents of Legends of Hutto starting with the Herra Trail ditch. B.) Enter into access easement with the HOA C.) Go ahead and get bids and survey property.

Councilmember S. Rose seconded the motion. The motion passed unanimously. (7:0)

7.3 Consideration and Possible Appointments, Re-appointments and/or Removals to City Boards and Commissions.

Councilmember Gordon made a motion to appoint Brian Thompson to the Diversity and Inclusion Commission. Councilmember S. Rose seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to appoint Andrew Ingrassia, Ross Barber, Dana Wilcott to the Communications Task Force. Councilmember S. Rose seconded the motion. The motion passed unanimously. (7:0)

8. EXECUTIVE SESSION *Entered: 9:34 PM*

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

8.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

- 8.2. Receive legal advice pursuant to Texas Government Code Section 551.071(1) and (2) relating to the Hutto Sports, Health and Entertainment District; and deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District pursuant to Texas Government Code Section 551.072.

9. ACTION RELATIVE TO EXECUTIVE SESSION *Reconvened: 10:26 PM*

- 9.1. Discussion and possible action relating to legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

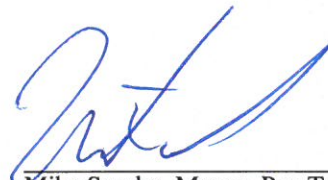
Councilmember T. Rose made a motion to direct staff to add agenda item to next Tuesday's (September 1) meeting for Interim City Manager. Councilmember Snyder seconded the motion. The motion passed unanimously. (7:0)

- 9.2. Discussion and possible action relating to legal advice pursuant to Texas Government Code Section 551.071(1) and (2) relating to the Hutto Sports, Health and Entertainment District; and deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District pursuant to Texas Government Code Section 551.072.

No action.

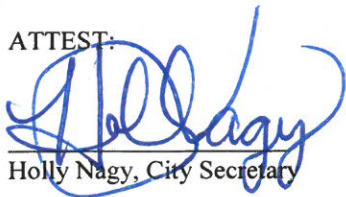
10. ADJOURNMENT *10:24 PM*

PASSED and APPROVED October 1, 2020.



Mike Snyder, Mayor Pro Tem

ATTEST:


Holly Nagy, City Secretary