



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
APRIL 2, 2020**

A Regular Session of the City Council of the City of Hutto, Texas was held on April 2, 2020 in the Council Chambers, City Hall, 500 W. Live Oak, Hutto, Texas 78634, for which proper notice was given.

1. CALL SESSION TO ORDER

With a quorum of the members present, Mayor Gaul called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Mayor Pro Tem Tom Hines, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, Councilmember Tanner Rose.

Members of staff that were present were Charles W. Daniels, Interim City Manager; Byron Frankland, Assistant City Manager; Michel Sorrell, Assistant City Manager and CFO (by telephone); Stacy Schmitt, Assistant to the City Manager and Appointed City Secretary; and Dorothy Palumbo, City Attorney (by telephone).

3. INVOCATION. The Invocation was given by Byron Frankland, Assistant City Manager.

4. PLEDGE OF ALLEGIANCE. Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

5. CITY COUNCIL COMMENTS

Councilmember Martinez stated concerns about rumors around that there will be a reduction in the police officers. She wanted to reassure the citizens that was not the intention of the Council. Interim City Manager Charles Daniels confirmed that he had heard the same rumors and that there were no plans to lay off any police officer.

6. PROCLAMATIONS. There were no proclamations presented.

7. PUBLIC COMMENTS

In light of COVID-19 emergency, in person gatherings of the public should be avoided. Therefore, the Open Meetings requirement was suspended by the Governor and the City instituted that public comments would be submitted by email and would be read aloud during the meeting. Also, comments would be received by call-ins. There was only 1 call-

in for public comments. However, the caller was not on the line when the city put the call through. Emails submitted were read aloud by Stacy Schmitt.

Jane Doe stated she was concerned with the possible layoff of any police officers especially during this pandemic.

Mike Glass stated he was concerned with the shortfall of city funds. He asked that the animal control officers, and all employees be reinstated, with back pay. He asked that they do not cut any city services.

Lisa Adler asked who was directly responsible for signing off to spend funds that they city did not have. The residents deserve an answer.

Amanda _____ stated concerns with eminent domain being forced on residents.

Rose _____ stated her concerns and disappointment with city leadership.

David Roark commented on the consulting contract with Paul Martin and requested that the City cancel that contract.

Cheri Berry commented that councilmembers need to provide accountability and oversight for financial decisions.

8. CITY MANAGER COMMENTS.

Interim City Manager Charles Daniels reported that Patrol Officer Wayne Cunningham will reassume his duties on Monday. His sick leave will be reinstated and city tenure.

Stacy Schmitt advised Council that a newsletter is being sent out to community members on the downtown community lists and chamber of commerce providing messaging for organizations working with them.

9. CONSENT AGENDA ITEMS

MOTION: A motion was made by Councilmember Martinez to pull item 9.3 from the Consent Agenda to be dealt with separately. Councilmember Gordon seconded the motion.

VOTE:

	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nay.

9.1. Consideration and Approval for the February 6, 2020 Regular City Council Meeting minutes.

9.2. Consideration and Approval for the February 27, 2020 Regular City Council Meeting minutes.

MOTION: A motion was made by Councilmember Scott Rose to approve items 9.1. and 9.2. on the Consent Agenda as presented. Councilmember Martinez seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

9.3. Consideration and possible action on a resolution consenting to the use of the power of eminent domain by Williamson County within the jurisdiction of Hutto for the Southeast Loop construction project. (*Samuel Ray*)

MOTION: A motion was made by Councilmember Snyder to table the agenda item. Councilmember Scott Rose seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

10. ORDINANCES

10.1. Consideration of a public hearing and possible action on the reading of an ordinance approving the annexation of the Sports and Health District properties, 42.5987 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on Mager Lane and CR 132. (*Ashley Lumpkin*)

Public Hearing: The Mayor opened the public hearing for comments at 7:43 p.m. Hearing none, the public hearing was closed at 7:43 p.m.

MOTION: A motion was made by Councilmember Tanner Rose to approve Ordinance No. O-2020-005 on the first reading to annex 42.5987 acres of the Sports and Health District properties. Councilmember Martinez seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

MOTION: A motion was made by Councilmember Scott Rose to dispense with the second reading of the ordinance. Councilmember Martinez seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

10.2. Consideration and possible action regarding the Request for Qualifications (RFQ) submissions from Certified Public Accounting (CPA) firms to perform forensic audit services related to the City's 2019 Fiscal Year. (*Michel Sorrell*)

MOTION: A motion was made by Councilmember Scott Rose to award the contract to Eide Bailey LLP to conduct a forensic audit. Mayor Pro Tem Hines seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

10.3. Consideration and possible action on the second and final reading of an ordinance to provide a residence homestead exemption for disabled persons. (*Michel Sorrell*)

MOTION: A motion was made by Councilmember Snyder to reduce the amount of the exemption from \$60,000 to \$30,000. The motion failed due to the lack of a motion.

MOTION: A motion was made by Councilmember Scott Rose to approve Ordinance No. O-2020-007 to establish residential homestead for disabled owners. Councilmember Martinez seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes and 0 nays.

10.4. Consideration and possible action on the second and final reading of an ordinance establishing an ad valorem tax ceiling for residential homestead property owners who are 65 or older. (*Michel Sorrell*)

MOTION: A motion was made by Councilmember Scott Rose to approve Ordinance No. O-2020-006 to establish a tax ceiling for residential homestead property owners who are 65 or older. Councilmember Gordon seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro-tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

11. RESOLUTIONS

11.1 Consideration and possible action on an ordinance to suspend the effective date proposed by Atmos Energy Corporation – Mid-Tex Division, to increase rates under the

gas reliability infrastructure program for 45 days and authorize the City's continued participation in a coalition of cities known as the "Atmos Texas Municipalities. (*Michel Sorrell*)

MOTION: A motion was made by Councilmember Gordon to table the agenda item. Councilmember Scott Rose seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

12. **OTHER BUSINESS.** There was no other business.

13. **EXECUTIVE SESSION**

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 as authorized by the Texas Government Code: *Section 551.071 [Litigation/Consultation with Attorney]*, *Section 551.072 [Deliberations regarding real property]*, *Section 551.073 [Deliberations regarding gifts and donations]*, *Section 551.074 [Deliberations regarding personnel matters]*, *Section 551.076 [Deliberations regarding deployment/implementation of security personnel or devices]* and *Section 551.087 [Deliberations regarding Economic Development negotiations]*.

- 13.1. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (1) involving the Declarations of Local, State and National Disaster, Emergency Orders, and related regulatory issues concerning COVID-19 and as related to City of Hutto municipal operations.
- 13.2. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071(1) about pending litigation, to wit: *Brushy Creek, Ltd. V. City of Hutto*, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas).
- 13.3. 13.2. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071(2) about legal issues relating to current and former development agreements; including, without limitation, a certain Master Development Agreement dated September 20, 2019, between the City of Hutto and Legacy Hutto, LLC and a certain Multi-Party Development Agreement dated October 1, 2019, by and among the City of Hutto, Perfect Game Incorporated, Legacy Hutto, LLC, and Sports Facilities Development, LLC, both agreements relating to the development of a public sports and mixed-use district consisting of approximately 242 acres within the City.

- 13.4. Receive legal advice from the City Attorney on pending legal matters, Council legal requests and potential litigation.
- 13.5. Receive legal advice from the City Attorney on any posted agenda item.

The Open Meeting was recessed at 8:08 p.m. to convene an Executive Session at 8:08 p.m. under the authority contained in the Texas Government Code Section 551.071 to consult with the City Attorney relative to items listed above. The Executive Session was adjourned at 9:15 p.m.

There was no action taken during the Executive Session.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. Discuss and consider the Declarations of Local, State and National Disaster, Emergency Orders, and related regulatory issues concerning COVID-19 and as related to City of Hutto municipal operations.

MOTION: A motion was made by Councilmember Snyder to approve Resolution R-2020-015 to extend the suspension of the PIA requirements for an additional 7 days. Councilmember Scott Rose seconded the motion.

AMENDED MOTION: Councilmember Martinez made a motion to amend the previous motion to include in the motion the statement --“in accordance with the Texas Government Code Section 552.233”. Councilmember Scott Rose seconded the motion.

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nays.

Vote on original and amended motion:

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion carried by a vote of 6 ayes to 1 nay.

- 14.2. Discuss and consider current status of pending litigation concerning Brushy Creek, Ltd. V. City of Hutto, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas), and provide direction and authority relating to the same, to the City Manager and City Attorney, including, without limitation, respecting counsel and witnesses.

No action was required.

- 14.3. Discuss and consider current and former development agreements and provide direction to the City Manager and City Attorney, respecting current and former development agreements including, without limitation, a certain Master Development Agreement dated September 20, 2019, between the City of Hutto and Legacy Hutto, LLC and a certain Multi-Party Development Agreement dated October 1, 2019, by and among the City of Hutto, Perfect Game Incorporated, Legacy Hutto, LLC, and Sports Facilities Development, LLC, both agreements relating to the development of a public sports and mixed-use district consisting of approximately 242 acres within the City.

No action was required.

- 14.4. Receive legal advice from the City Attorney on pending legal matters, Council legal requests and potential litigation.

No action was required.

- 14.5. Receive legal advice from the City Attorney on any posted agenda item.

No action was required.

SUPPLEMENTAL EMERGENCY AGENDA ITEM. Emergency Addition to Agenda pursuant to Section 551.045(b) of the Texas Government Code.

- 14.6. Consideration and possible action on an Ordinance of the City of Hutto, Texas continuing Ordinance No. 2020-004 and providing an effective date.

MOTION: A motion was made by Councilmember Snyder to approve Ordinance No. O-2020-008 continuing the Mayor's Declaration order through April 30, 2020. Mayor Pro Tem Hines seconded the motion.

VOTE:

	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines	X			
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried unanimously by a vote of 7 ayes to 0 nay.

15. **ADJOURNMENT.** Mayor Gaul adjourned the meeting at 9:27 p.m. on April 2, 2020.

Respectfully submitted,

/s/

Doug Gaul, Mayor

ATTEST:

/s/

Stacy Schmitt, Interim City Secretary

These minutes were approved on _____ June 4 , 2020.