



CITY OF HUTTO, TEXAS

CITY COUNCIL MEETING MINUTES APRIL 16, 2020

A Regular Session of the City Council of the City of Hutto, Texas was held on April 16, 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 (by video conference), Councilmember Scott Rose (by video conference), 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); Jennifer Burrington, Economic Development Specialist; Samuel Ray, Director of Public Works and Engineering; Ashley Lumpkin, Executive Director Development Services; 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 Councilmember Gordon.
4. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was led by Mayor Gaul.
5. **CITY COUNCIL COMMENTS.** There were no comments.
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.

Call-in: Nicole Calderone commented that all city matters must follow the city charter and state law. She stated concerns on financial management of the city, salaries, and item 10.1 on forensic audit and investigations.

Emails submitted were read aloud by Stacy Schmitt:

Tanya Pierce commented on items on the agenda 10.2 hiring of a new City Manager; 10.3 council investigations; 11.1 she commented on recent layoffs and concern with the budget amendment and where did the \$300,000 come from; 11.4 should be before 11.3; 11.5 should come before 11.1; 12.4 she is not in favor of the use of eminent domain; and asked what is the status of the forensic audit and the resignations of council members that have been requested.

Kelly Lewis commented on 12.4 concerned with the construction project for the Southeast Loop.

Alicia Ever stated she is waiting for someone to take responsibility for the current financial situation of the City.

Jorde Matthews is concerned with the use of eminent domain and instead should get the house in order first.

8. **CITY MANAGER COMMENTS.** Interim City Manager Charles Daniels advised that staff was requesting that agenda item 12.4 to be tabled.

MOTION: A motion was made by Councilmember Tanner Rose to table agenda item 12.4. Councilmember Snyder 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 nay.

9. **CONSENT AGENDA ITEMS**

9.1. Consideration and Approval of the minutes for the February 20, 2020 Regular City Council Meeting.

MOTION: A motion was made by Councilmember Snyder to pull Consent Agenda item 9.1 from the Consent Agenda and deal with it separately. Councilmember Tanner 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.

Councilmember Snyder stated his concerns regarding the tabling of items 9.1 and 12.4 on when an item has been tabled to state the date it will be on a future agenda.

MOTION: A motion was made by Councilmember Snyder to table the item to the May 7, 2020 Council Meeting. 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.

9.2. Consideration and Approval of the minutes for the March 26, 2020 Special Called City Council Meeting.

MOTION: A motion was made by Councilmember Martinez to approve item 9.2. on the Consent Agenda as presented. 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.

Councilmember Tanner Rose requested the recall of the September 19, 2019 minutes and place it on the agenda for the next meeting.

10. OTHER BUSINESS

10.1. Presentation on Forensic Audit & Scope of Work (Eide Bailey, LLC)

There was discussion with no action taken. The presentation was given by Doug Cash and Brett Johnson with Eide Bailey. A finalization of the agreement with not to exceed amounts and direct contact information will be considered at the May 7, 2020 Council meeting.

10.2. An update on the results of SGR's Position Profile Interviews with Council Members and Senior Staff regarding the unique culture, needs and desires of the organization and community to assist in the marketing and recruitment of the successor City Manager. *(Doug Thomas, SVP, Strategic Government Resources)*.

Doug Thomas with SGR (Strategic Government Resources) made a presentation and update on the recruiting process. There was discussion with no action taken. At the May 7, 2020 Council meeting the Council will review the survey questions and the brochure.

10.3. Consideration and possible action on directing staff to bring back an ordinance pursuant to the City of Hutto Charter Section 3.16, Investigative Body, to adopt procedures for Council to act as an investigative body. *(Dottie Palumbo, City Attorney)*

There was discussion on the procedural process as well as ability to enforce subpoena powers for witnesses.

MOTION: A motion was made by Councilmember Snyder to direct staff and the city attorney to draft an ordinance to allow the city council to act as an investigative body per the City Charter Sec. 3.16 adopting procedures to compel witnesses as needed. 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 nays.

10.4. Update on Master Mobility Plan and other Transportation Projects (*Ashley Lumpkin, Executive Director Development Services; Samuel Ray, Director of Public Works and Engineering*).

Ashley Lumpkin and Samuel Ray briefed the Council on the status of the projects. There was discussion with no action taken.

11. ORDINANCES

11.1. Consideration and possible action on the first reading of an ordinance concerning the first amendment to the Fiscal Year 2019-2020 Budget of the Hutto Economic Development Corporation – Type B (Community Development Corporation). (*Michel Sorrell, ACM*)

Michel Sorrell briefed the Council on the budget amendment details.

MOTION: A motion was made by Mayor Pro Tem Hines to accept the first reading concerning the first amendment to Fiscal Year 2019-2020 budget of the Hutto Economic Development Corporation – Type B. 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 by a vote of 5 ayes to 2 nays.

AMENDED MOTION: Councilmember Martinez made an amendment to the motion to remove the merit increases. Councilmember Snyder 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 by a vote of 5 ayes to 2 nays.

Council has requested that the Chair and Vice Chair of the EDC Board come to the May 7th meeting to discuss this budget amendment.

11.2. Consideration and possible action to repeal the Alarm Permit ordinance. (*Dottie Palumbo, City Attorney*)

MOTION: A motion was made by Councilmember Scott Rose to approve Ordinance No. O-2020-010 repealing the Alarm Permit ordinance. Mayor Pro Tem Himes 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 Mayor Pro Tem Hines to dispense with the second reading. 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.

11.3. Consideration and possible action amending the Code of Ordinances for the City of Hutto, Secs. 24.04.042 of the Utilities Code, to add a provision that water, sewer and sanitation service will not be disconnected or discontinued during an order or ordinance declaring a state of emergency within the City of Hutto. (*Dottie Palumbo, City Attorney*)

MOTION: A motion was made by Councilmember Martinez to approve Ordinance No. O-2020-011 as written. 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.

MOTION: A motion was made by Mayor Pro Tem Hines to dispense with the second reading. 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.

11.4. Consideration and possible action on an Ordinance of the City of Hutto, Texas continuing Ordinance No. O-2020-008 the Mayor's Declaration of Disaster Order and subsequent emergency orders and providing an effective date. (Dottie Palumbo, City Attorney)

MOTION: A motion was made by Councilmember Snyder to approve Ordinance No. O-2020-013 extending the Declaration to May 13, 2020 and to amend item 10.H. regarding the moving of the May election to November to include "or as otherwise allowed by law". 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.

11.5. Consideration and possible action on the first reading of an ordinance amending the Fiscal Year 2019-20 Budget to reflect organizational changes, revisions to capital projects and other miscellaneous adjustments. (Misti Hancock, Budget Manager)

Misti Hancock briefed the Council on the details of the budget amendment.

MOTION: A motion was made by Councilmember Scott Rose to approve the first reading of the ordinance amending the fiscal year 2019-2020 budget reflecting organizational changes, revisions to the capital projects and other miscellaneous adjustments. 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 by a vote of 5 ayes to 2 nays.

12. **RESOLUTIONS**

12.1. Consideration and possible action on a resolution of the City of Hutto, Texas, ('City') responding to the application of Atmos Energy Corporation -Midtex Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities;" determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings act; making such other findings and provisions related to the subject; and declaring an effective date. (*Michel Sorrell, ACM*)

MOTION: A motion was made by Mayor Pro Tem Hines to approve Resolution No. R-2020-007 to allow for the increase of rates under the gas reliability infrastructure program for 45 days and continue in the Atmos Texas Municipalities coalition of cities. Councilmember Tanner 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.

12.2. Consideration and possible action on the acceptance of the street, drainage, water, sidewalk, ADA ramps and wastewater improvements of Hutto Crossing Phase 4 Section 10 Subdivision. *(Tony Host, Exec. Director Community Services)*

MOTION: A motion was made by Councilmember Martinez to accept the street, drainage, water, sidewalk, ADA ramps and wastewater improvements of Hutto Crossing Phase 4 Section 10 Subdivision. 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.

12.3. Consideration and possible action on authorizing the City Manager or Interim City Manager to execute a development fee agreement on behalf of the City of Hutto for payment of review and development expenses incurred by the City of Hutto for development agreements requesting special district financing or economic development incentives.

MOTION: A motion was made by Mayor Pro Tem Hines to authorize the City Manager or Interim City Manager to execute a development fee agreement on behalf of the City for payment of review and development expenses incurred by the City for development agreements requesting special financing or economic development incentives. 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.

12.4. 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, Director of Public Works and Engineering*)

This item was tabled.

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 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*].

13.1 Deliberation regarding Economic Development Negotiations concerning location of a new business prospect within the City of Hutto, Texas, pursuant to Texas Gov't. Code Section 551.087. (*Jennifer Burrington, Economic Development Specialist*)

MOTION: A motion was made by Councilmember Snyder to move item 13.1 up on the agenda. Councilmember Tanner 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.

The Open Meeting was recessed at 10:14 p.m. to convene an Executive Session at 11:41 p.m. under the authority contained in the Texas Government Code Section 551.087

regarding Economic Development negotiations to discuss the location of a new business prospect within the City of Hutto. The Executive Session was adjourned at 11:41 p.m.

There was no action taken in Executive Session.

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. 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 concerning budget amendment: COVID-19 effect on municipal operations and financial compliance and requirements.

13.5. Receive legal advice from the City Attorney on pending legal matters and Council legal requests.

The Open Meeting was recessed at 2:49 a.m. on April 17, 2020 to convene an Executive Session at 2:49 a.m. under the authority contained in the Texas Government Code Section 551.071 to consult with the City Attorney relative to items 13.2, 13.3, 13.4, and 13.5 listed above. The Executive Session was adjourned at 4:19 a.m. on April 17, 2020.

There was no action taken during the Executive Session.

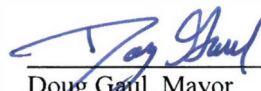
14. ACTION RELATIVE TO EXECUTIVE SESSION

There was no action required on items discussed in Executive Session.

15. ADJOURNMENT. There being no further business, Mayor Gaul adjourned the meeting at 4:23 a.m. on Friday, April 17, 2020.

Respectfully submitted,

CITY OF HUTTO, TEXAS



Doug Gaul, Mayor

ATTEST:

/s/

Stacy Schmitt, Interim City Secretary

These minutes were approved on 6/18/, 2020.

