



City of Hutto

MINUTES

City Council Meeting

Thursday, September 17, 2020 at 7:00 PM

City Council Chambers

1. **CALL SESSION TO ORDER – 7:00 PM**

2. **ROLL CALL**

Members of City Council present were Mayor Doug Gaul, Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mike Snyder, Councilmember Peter Gordon and Councilmember Tanner Rose.

Members of staff present were Byron Frankland, Assistant City Manager; Ashley Lumpkin, Executive Director of Development Services; Stacy Schmitt, Assistant to City Manager; Holly Nagy, City Secretary and Dorothy Palumbo, City Attorney.

Absent: Councilmember Patti Martinez

3. **INVOCATION – Led by Gary Guthrie**

4. **PLEDGE OF ALLEGIANCE**

5. **CITY COUNCIL COMMENTS**

5.1. General Comments from City Council

Councilmember Snyder: So first I'd like to say that I view my primary job as representing the people of Hutto. I primarily do that through sharing the management of the city manager and the management of the city's finances with the rest of the city council. In my opinion, part of representing the citizens is making sure that the City of Hutto has a workforce that has the ability to provide the services that are being requested by our citizens. In my experience, this is done through the hard-working employees of the City of Hutto between paying competitive salary and benefits and the proper treatment of employees. Hutto should be able to achieve the wishes of those who are bosses, who are the tax paying citizens of the City of Hutto. While we know our problems of the past is becoming more and more apparent that we continue to have problems with professionalism and the treatment of our employees. Things like yelling, cussing people out and the like are in no way representative of a professional workplace. When this City Council passes new workplace rules or policies, it is my opinion that those rules, those

new rules, guidelines or policies are to be followed per the wishes of the City Council period, end of story. We all need to remember that we are here to serve the public. The public is pretty upset with the city overall. We're moving in a new direction, if you're on board with that, that's awesome. If your primary focus is your pay, you like to yell at subordinates or prefer to treat people unprofessionally, then I would say this council unlike previous City Councils has people on this council that will not tolerate an environment where people are continually treated poorly. Now I'm not saying everyone needs to be perfect, but it's obvious who this is directed at. Those that it is better get on the bus or move on. Lastly, for those employees who have reached out to me in the past and especially those most recently, I'm sorry that you were let down by the City Council on looking out for you. I want us to move faster and rectify on how we manage people. So, it's without said, I'm asking for an item on an upcoming agenda for a discussion and possible action on the hiring of an outside third-party firm who can discretely and most importantly confidentially survey our current employees and our recently past employed. These results would come directly to the City Council, not the executive staff. We need to change the culture at city hall, we need this to happen immediately in my opinion. The cost to our reputation and the constant hiring and training of new employees is way more than the cost of the third-party work that I'm asking for.

Councilmember Gordon:

I'll second that if you need a second Mayor.

Mayor Gaul: Okay.

Councilmember Gordon: I like that. Most of you know I work for Dell and Dell does an anonymous Tell Dell survey every year. I think that's done a lot to help Dell become the company that it is. The senior management has no clue who's responding and how we're responding and I think it works great. It's something that I asked for last October and didn't go anywhere. I'd love to be able to have some kind of anonymous survey so we can really see what's going on. Thanks.

5.2. Council Commission Liaison Reports

- *None.*

6. **PUBLIC COMMENT**

- Jackie Corbiere
- Rick Hudson
- Jacoby Schakonsky
- Robert Clark
- Robert Vossler *via email
- Elaine Prout *via email
- The Black Families of Hutto Community Group *via email
- Terra Ray *via email
- Diane Hinmond *via email

- Barbara McMillin *via email

7. **CITY MANAGER COMMENTS**

Councilmember Gordon made a motion to move agenda item 12.3 up. Councilmember Snyder seconded the motion. The motion passed. (5:1) with Councilmember Rose against.

12. **EXECUTIVE SESSION: *Entered: 7:30 PM***

12.3 Deliberation on the appointment and compensation of a City Manager from the finalists selected by the City Council for the position of City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.

Reconvened: 8:13 PM

No action taken.

8. **CONSENT AGENDA ITEMS**

Councilmember Snyder made a motion to approve the consent agenda. Councilmember Thornton seconded the motion. The motion passed unanimously.

8.1. Consideration and possible action on a resolution approving the proposed Mustang Creek Phase 5 Final Plat, 19.868 acres, more or less, of land, 102 residential lots, located on FM 1660 North. (Ashley Lumpkin)

8.2. Consideration and possible action on a resolution approving the proposed Hutto 15 - 23 Crossing Industrial Park Final Plat, 125.977 acres, more or less, of land, 6 commercial lots, located at US 79 West and the SH-130 SB Frontage Road. (Ashley Lumpkin)

8.3. Consideration and possible action on August 6, 2020 Regular City Council meeting minutes.

8.4. Consideration and possible action on August 11, 2020 Special Called City Council meeting minutes.

8.5. Consideration and possible action on August 13, 2020 Special Called City Council meeting minutes.

8.6. Consideration and possible action on August 17, 2020 Special Called City Council meeting minutes.

9. **OTHER BUSINESS**

Mayor Doug Gaul requested to move agenda item 9.2 as to recuse himself from item 9.1.

9.2 Consideration and possible action on appointing a Mayor Pro Tem.

Councilmember Rose made a motion to approve Councilmember Snyder as Mayor Pro Tem. Councilmember Sutton seconded this motion. The motion passed unanimously.

9.1. Discussion and possible action on awarding the Outside Agency Funding requests of: Hutto Resource Center, Hutto Education Foundation- Building Growth, Hutto Education Foundation- Teacher & Faculty, TSTC Foundation, Hutto Young Life, Opportunities for WBC- Meals on Wheels, Hutto Lutheran Church-Feeding the 500, Sandbox at Madeline's Place, A Legends Lyfe Foundation, Round Rock Area Servicing Center, Hutto Family YMCA- Annual Campaign, Hutto Family YMCA-Senior Services. (Kristi Robich)

Discussion ensued.

Councilmember Thornton made a motion to accept the original amounts requested with the removal the Hutto Education Foundation – Teacher & Faculty \$25,000 grant completely and reduction of Hutto Young Life by \$1,000. Councilmember Gordon seconded the motion. The motion passed unanimously.

Mayor Doug Gaul recused himself from this item as his daughter works for the YMCA.

9.3. Review plan of finance to be presented by City's financial advisor for proposed refinancing of certain of the City's outstanding bonds and certificates of obligation, and consider giving direction to staff and City's financial advisor to take all actions needed to execute such refinancing for debt service savings pursuant to the proposed plan of finance. (Misti Hancock)

Jim Sabonis with Hilltop Securities presented. Discussion ensued.

Councilmember Gordon made a motion to direct staff and finance advisors to move forward with the plan with finance to execute bond refinancing's for debt service savings. Councilmember Snyder seconded this motion. The motion passed unanimously.

9.4. Consideration and Possible Appointments, Re-appointments and/or Removals to City Boards and Commissions. (City Secretary)

Councilmember Snyder made a motion to nominate Shawn Lucas for the EDC Board. Councilmember Rose seconded this motion. The motion passed unanimously.

Councilmember Snyder made a motion to nominate David Myer to the Parks Advisory Board. Councilmember Gordon seconded this motion. The motion passed unanimously.

Councilmember Snyder made a motion to nominate Sandy Jackson to the Diversity and Inclusion Commission. Councilmember Gordon seconded this motion. The motion passed unanimously.

Councilmember Gordon made a motion to nominate Scott Rose to the Library Advisory Board. Councilmember Snyder seconded this motion. The motion passed unanimously.

Councilmember Thornton made a motion to nominate Mike Arismendez Jr. to the EDC Board. Councilmember Snyder seconded this motion. The motion passed unanimously.

Councilmember Thornton made a motion to nominate Tara Spoons to the Diversity and Inclusion Commission. Councilmember Snyder seconded this motion. The motion passed unanimously.

Councilmember Snyder made a motion to move item 11.9 up followed by item 13.3. Councilmember Thornton seconded this motion. The motion passed unanimously.

- 11.9 Consideration and possible action on Ordinance No. O-2020-032-amending Chapter 2 of the Hutto City Code by amending Section 2.03.041 of Article 2 to require that the City Manager reside within the Hutto City Limits and providing that a prospective City Manager establish a residence with the City Limits within six months after accepting the City Manager position. (City Attorney)
Councilmember Gordon made a motion to approve this amendment. Councilmember Sutton seconded this motion. This motion passed unanimously.

Councilmember Rose made a motion to dispense with the second reading. Councilmember Thornton seconded this motion. The motion passed unanimously.

- 13.3 Discussion and possible action on appointment and compensation of a City Manager from the finalists selected by the City Council for the position of City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.
Discussion ensued.

Councilmember Rose made a motion to appoint Warren Hutmacher as the new City Manager with the terms in the contract as presented to the Council today with an effective start date of September 28, 2020. Councilmember Gordon seconded the motion. The motion passed unanimously.

- 9.5. Consideration and possible action to set the date for a hearing to be held under Section 3.16 investigation regarding separation, severance and transition agreements for the purpose of conducting an investigation, to identify the relevant

witnesses and to issue or cause to be issued the subpoenas or other directions to appear and testify. (City Attorney)

Councilmember Snyder made a motion to hold a hearing on October 8, 2020 under Section 3.16. Councilmember Rose seconded this motion. The motion passed (4:2)with Mayor Gaul and Councilmember Gordon against.

- 9.6. Discussion and possible action regarding the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. (City Secretary)
Councilmember Snyder made a motion to recommend a vote for Place 1 Robert Herrera, Place 2 John Fullen, Place 3 George Hyde and Place 4 Robert Hauck. Councilmember Thornton seconded the motion. The motion passed unanimously.

10. RESOLUTIONS

- 10.1. Discussion and possible action on Resolution No. R-2020-083 appointing a Charter Review Commission in accordance with Section 13.12 of the Hutto City Charter. (Councilmember Snyder)

Discussion ensued.

Councilmember Rose made a motion to appoint a Charter Review Commission. Councilmember Gordon seconded the motion. The motion passed unanimously.

10 - minute recess at 9:35 PM.

11. ORDINANCES

Returned from break at 9:45 PM

- 11.1. Consideration and possible action on the second reading of an ordinance making appropriations to support the City of Hutto during Fiscal Year 2021 from October 1, 2020 through September 30, 2021, and adopting the annual budget of the City of Hutto for Fiscal Year 2021. (Misti Hancock)

Councilmember Snyder made a motion to move the second reading of an ordinance making appropriations to support the City of Hutto during Fiscal Year 2021 from October 1, 2020 through September 30, 2021 and adopt the annual budget as presented for Fiscal Year 2021. Councilmember Gordon seconded the motion. The below amendments were presented and approved. The motion passed unanimously.

Councilmember Rose made a motion to amend the motion to reduce the vehicle allowance to \$500.00 a month. Councilmember Snyder seconded the motion. The motion passed unanimously.

Councilmember Snyder made a motion to amend the budget to add a 10% increase in pay for the positions of Sargent, Patrol Officer, Detectives, Warrant

Officer and Animal Control effective October 1, 2020. The motion passed unanimously.

Councilmember Snyder made a motion to amend the budget to keep the Chief and Assistant Chief of Police at the current salary. Councilmember Sutton seconded the motion. The motion passed. (5:1) with Mayor Gaul against.

Councilmember Snyder made a motion to amend the budget to add a position of Financial Auditor with a pay scale up to \$117,000 in total pay and benefits and increase the headcount to 124 and 1/2. Councilmember Thornton seconded the motion. The motion passed unanimously.

- 11.2. Consideration and possible action on the second reading of an ordinance levying Ad Valorem taxes for the use and support of the municipal government for the City of Hutto for the Tax Year 2020. (Misti Hancock)

Councilmember Snyder made a motion to levying Ad Valorem taxes for the use and support of the municipal government for the City of Hutto for the Tax Year 2020 at 60 cents even. Councilmember Thornton seconded the motion. The motion passed unanimously.

- 11.3. Consideration and possible action on the second reading of an ordinance ratifying an Ad Valorem tax increase for the 2020-2021 Fiscal Year for the use and support of the municipal government for the City of Hutto for the Tax Year 2020. (Misti Hancock)

Councilmember Rose made a motion for the second reading of an ordinance ratifying an Ad Valorem tax increase for the 2020-2021 Fiscal Year for the use and support for the City of Hutto for the Tax Year 2020 that this tax rate will raise the total property value taxes than last year's budget by \$128, 874 or a negative 0.975%, and of that amount \$817,677 is tax revenue to be raised from new property added to tax roll this year based on an ad valorem rate of \$0.600 on each \$100.00 valuation of property. Councilmember Gordon seconded the motion. The motion passed unanimously.

- 11.4. Consideration and possible action on the second reading of an ordinance concerning the adoption of the Community Development Corporation Fiscal Year 2020-2021 Budget. (Misti Hancock)

Councilmember Gordon made a motion to approve item 11.4. Councilmember Rose seconded the motion. The motion passed unanimously

- 11.5. Consideration and possible action on the second reading of an Ordinance repealing Ordinance O-2020-011 to reinstate water, sewer, and sanitation service disconnections, late fees, and penalties; and also providing for the following: findings of fact, adoption, enactment, repealer, severability, and effective date. (Misti Hancock)

Councilmember Gordon made a motion to approve item 11.5. Councilmember Sutton seconded the motion. The motion passed unanimously

Councilmember Snyder made a motion to move items 11.10 and 11.11 up. Councilmember Rose seconded the motion. The motion passed unanimously

- 11.10 Consideration and possible action on amending Article 22.05, Truck Traffic, of the Hutto City Code to provide for the use of a photographic traffic enforcement system for heavy trucks entering a “No Truck” zone.
(Councilmember Snyder)

Councilmember Snyder made a motion to request City Staff to prepare additional options for the traffic issue and present at the October 15 Regular City Council meeting. Councilmember Gordon seconded the motion. The motion passed unanimously.

- 11.11 Consideration and possible action on Ordinance No. O-2020-029 declaring severance or transition agreements void. (Second Reading) (City Attorney)
Councilmember Sutton made a motion to approve item 11.11. Councilmember Snyder seconded the motion.

Councilmember Snyder made an amendment to strike the NDA (Non-Disclosure Agreement) portion of the agreements. The motion passed (4:2) with Councilmember Gordon and Mayor Gaul against.

- 11.6. Consideration and possible action on Ordinance No. O-2020-033 accepting and approving Annual Service and Assessment Plan Update for Co-Op Public Improvement District.

Councilmember Snyder made a motion to table this item and direct staff to verify the PID was set up in compliance with state statutes, verify Guarantee Agreement and have developer sign a reassessment plan to take the church out of reassessment. Councilmember Rose seconded the motion. The motion passed unanimously.

Councilmember Rose made a request to add an agenda item for the next regular scheduled meeting for discussion and possible action to put the master developer of the Co-Op in default of the agreement(s).

- 11.7. Consideration and possible action on Ordinance No. O-2020-034 accepting and approving Annual Service and Assessment Plan Update for Mustang Creek Public Improvement District.

Councilmember Gordon made a motion to approve this item. Councilmember Rose seconded the motion. The motion passed unanimously.

- 11.8. Consideration and possible action on Ordinance No. O-2020-035 accepting and approving Annual Service and Assessment Plan Update for Cross Creek Public Improvement District.

Councilmember Snyder made a motion to approve this item. Councilmember Gordon seconded the motion. The motion passed unanimously.

Councilmember Snyder made a motion to also discuss item 12.1 out of Executive Session. Councilmember Rose seconded the motion. Motion passed (5:1) with Mayor Gaul against.

- 12.1 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

Discussion ensued outside Executive Session. No action taken.

12. **EXECUTIVE SESSION:** *Entered: 12:35 AM*

- 12.1. 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.

- 12.2. Discussion and deliberation regarding potential business prospects seeking to locate, stay, or expand in or near the territory of the City of Hutto and with which economic development proposals, negotiations, deliberations, offers of a financial or other incentive may be provided by the City of Hutto.

- 12.4. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Interim City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.

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

13. **ACTION RELATIVE TO EXECUTIVE SESSION:** *Reconvened: 2:05 AM*

- 13.1. Possible action on legal advice received 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.

Councilmember Snyder made a motion to not seek an extension regarding the Purchase and Sale Agreement. Councilmember Gordon seconded the motion. The motion passed unanimously.

- 13.2. Potential action regarding potential business prospects seeking to locate, stay, or expand in or near the territory of the City of Hutto and with which economic development proposals, negotiations, deliberations, offers of a financial or other incentive may be provided by the City of Hutto. [Tex. Gov't Code Sec. 551.087, Deliberations regarding Economic Development Negotiations].

- *No action.*

- 13.4. Discussion and possible action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Interim City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.

- *No action.*

- 13.5. Possible action on legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

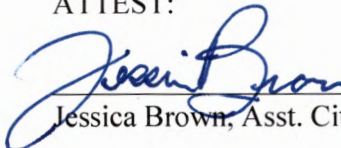
- *No action.*

14. **ADJOURNMENT-** *2:07 AM*



Mike Snyder, Mayor Pro Tem

ATTEST:


Jessica Brown, Asst. City Secretary