



**CITY COUNCIL  
MEETING MINUTES  
MARCH 7, 2019**

*The Hutto City Council met in a regular session on Thursday, March 7, 2019, in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.*

**CALL SESSION TO ORDER**

*Mayor Gaul called the session to order at 7:00 p.m.*

**ROLL CALL**

*Members of the City Council present were Mayor Doug Gaul, Mayor Pro-tem Tom Hines, Councilmember Scott Rose, Councilmember Nathan Killough, Councilmember Patti Turner and Councilmember Terri Grimm.*

*Members of staff that were present were Odis Jones, City Manager; Edena Atmore, Assistant City Manager; Byron Frankland, Chief of Police; Michel Sorrel, Chief Financial Officer; Ashley Lumpkin, Executive Director Business Development, Jessica Bullock, Director of Economic Development; Reena O'Brien, Director of Communications; Eliska Padilla, Executive Director of Communications and Marketing; MD Hossain, city Engineer; Bill Bingham, City Attorney; Mike Shaunessy, City Attorney and Lisa Brown, City Secretary.*

**INVOCATION**

*The invocation was given by Pastor Bobby Pruitt – Hutto Bible Church.*

**PLEDGE OF ALLEGIANCE**

*Mayor Gaul led the Pledge of Allegiance and the Texas Pledge.*

**CITY COUNCIL COMMENTS**

*There were no comments by Council*

**PUBLIC COMMENT**

*There was no public comment.*

**Motion:** - Councilmember Nate Killough made a motion to move Item 10B before Item 7A. Councilmember Patti Turner seconded the motion.

**Vote:**       Ayes       Mayor Doug Gaul  
                                  Mayor Pro-tem Tom Hines  
                                  Councilmember Scott Rose  
                                  Council Member Nate Killough  
                                  Councilmember Patti Turner  
                                  Councilmember Terri Grimm

*Council recessed to Executive Session at 7:03 p.m. to discuss the following:*

### **EXECUTIVE SESSION**

10B. Executive Session, as authorized by Texas Government Code Section 551.087, Consultation with Attorney, regarding potential litigation involving the police department, and default by CRU Construction.

*Council reconvened at 7:35 p.m. No action was taken in Executive Session.*

### **CONSENT AGENDA**

7A. Consideration and possible action approving the minutes of the February 21, 2019 Regular City Council Meeting.

7B. Consideration and possible action on a resolution authorizing the City Manager to execute a purchase agreement with Associated Supply Company, Inc. for the purchase of a Motor Grader.

**Motion:**       Councilmember Killough made a motion to accept the items on the Consent Agenda as presented. Mayor Pro-tem Hines seconded the motion.

**Vote:**       Ayes       Mayor Doug Gaul  
                                  Mayor Pro-tem Tom Hines  
                                  Councilmember Scott Rose  
                                  Council Member Nate Killough  
                                  Councilmember Patti Turner  
                                  Councilmember Terri Grimm

### **REGULAR AGENDA ITEMS**

### **ORDINANCES**

8A. Consideration and possible action on the first reading of an ordinance amending the Fiscal Year 2018-2019 Budget to reflect organizational changes, revision and addition of

CIP projects, the inclusion of special events, the purchase of capital equipment, the recording of additional revenue, and other miscellaneous adjustments.

*Michel Sorrell, Chief Financial Officer, reviewed the need for increases and adjustments in various areas of the budget to include necessary funds for items like special events, salaries, purchase of equipment, etc.*

**Motion:** Mayor Pro-tem Hines made a motion to accept the first reading of the ordinance. Councilmember Killough seconded the motion.

**Vote:** Ayes Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Patti Turner  
Councilmember Terri Grimm

**Action:** The motion passed 6 ayes, and 0 nays

### **OTHER BUSINESS**

9A. Consideration of and possible appointments to City Boards and Commissions, including the Economic Development Corporations.

*There were no appointments.*

9B. Consideration of and possible action concerning Charter regulations.

*Councilmember Terri Grimm recused herself from the discussion because the matter to be discussed was directly related to her previous actions. Mrs. Grimm retires from Council Chambers.*

*Mike Shaunessy, City Attorney, addressed the Council and the Charter provision that states all Council members shall vote unless they recuse themselves and state a reason for the recusal. He stated that there is an assertion that Councilwoman Grimm violated the Charter when she did not vote on an issue on February 7, 2019, nor recuse herself. The Charter does not provide an option for not voting if you are not ready. Councilwoman Grimm wanted to bring this issue to the Council for a decision on how to handle the matter because she technically violated the Charter.*

*The Charter does not provide an express consequence for abstaining instead of voting. Nothing in the Charter directs how the matter should be handled. The penalties provided in the Charter do not apply in this instance.*

*The question at hand is: does the Council need to take any action for the technical violation created when Councilwoman Grimm failed to vote.*

*Councilmember Killough wanted to know what does the Council need to do to the Charter to provide the option for a Councilmember to abstain on a vote. – Shaunessy recommended that this issue be addressed at the next Charter review in 2021.*

*In the last revision of the Charter there were a list of prohibited activities included in 13.09(a) and the consequences are listed in 13.09(b); however, that section refers to a completely different section that is not relevant.*

*Mayor Pro-tem Hines recommended that the next work session the city attorney review this particular section with the Council and after the election if when there are new Council members.*

*Councilmember Killough wanted to make a motion to revisit the item awarding the contract to Burditt.*

*Councilmember Scott Rose commented that all of this came under scrutiny when there was talk about comparing her minor violation against a former Council member's violation which was an ineligibility. It's like comparing apples to oranges. He believes Mrs. Grimm had no intent of violating the Charter. She felt at the time she was making the right decision at the time.*

*Councilmember Killough wanted to bring the item in question back for further consideration to give Mrs. Grimm an opportunity to review the information and make a vote.*

*Bill Bingham suggested a motion could be made to bring the item back at a future Council meeting for further consideration.*

**Motion:** Councilmember Killough made a motion to bring back Item 10B from the February 7, 2019 for further consideration. Councilwoman Turner seconded the motion.

**Vote:**

|        |                                                                               |
|--------|-------------------------------------------------------------------------------|
| Ayes   | Mayor Doug Gaul<br>Council Member Nate Killough<br>Councilmember Patti Turner |
| Nays   | Mayor Pro-tem Tom Hines<br>Councilmember Scott Rose                           |
| Absent | Councilmember Terri Grimm                                                     |

**Action:** The motion passed 3 ayes, and 2 nays

*Councilwoman Grimm rejoined the meeting.*

9C. Consideration of and possible action concerning Council Protocol.

*Councilmember Scott Rose recommended that all newly elected Council members be required to attend the Texas Municipal League training for new Council members and the Council protocol should be amended to make it mandatory.*

**Motion:** Councilmember Rose made a motion to amend the Council Protocol to require newly elected members to attend Texas Municipal League training. Councilmember Killough seconded the motion

**Vote:**

|      |                                                                                                           |
|------|-----------------------------------------------------------------------------------------------------------|
| Ayes | Mayor Doug Gaul<br>Councilmember Scott Rose<br>Council Member Nate Killough<br>Councilmember Patti Turner |
| Nays | Mayor Pro-tem Tom Hines<br>Councilmember Terri Grimm                                                      |

**Action:** The motion passed 4 ayes, and 2 nays

*The Council recessed to executive session at 8:08 p.m. and reconvened at 9:27 p.m.*

#### **ACTION RELATIVE TO EXECUTIVE SESSION**

11A. Consideration and possible action regarding Amphitheater Construction.

*No action was taken in Executive Session.*

**Motion:** Councilmember Rose made a motion authorizing the City Manager to enter into a contract regarding the amphitheater construction not to exceed \$4,000,000.00. Councilmember Killough seconded the motion.

**Vote:**

|      |                                                                                                                                                                   |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ayes | Mayor Doug Gaul<br>Mayor Pro-tem Tom Hines<br>Councilmember Scott Rose<br>Council Member Nate Killough<br>Councilmember Patti Turner<br>Councilmember Terri Grimm |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Action:** The motion passed 6 ayes, and 0 nays

*Mayor Gaul stated that it was important to note that the construction being approved includes 1,000 parking spaces.*

11B. Consideration and possible action regarding default by CRU Construction.

**Motion:** Councilmember Killough made a motion that due to the default by the contractor on the Innovation Business Park project for infrastructure improvements, the City Manager is authorized to enter into a new contract to complete the project provided that only funds approved by the City Council for the existing project be utilized. Councilmember Grimm seconded the motion

**Vote:**       Ayes       Mayor Doug Gaul  
                              Mayor Pro-tem Tom Hines  
                              Councilmember Scott Rose  
                              Council Member Nate Killough  
                              Councilmember Patti Turner  
                              Councilmember Terri Grimm

**Action:**               The motion passed 6 ayes, and 0 nays

11C.   Consideration and possible action regarding Titan Development Agreement.

*No action.*

11D.   Consideration and possible action regarding Amphitheater Management.

**Motion:**   Councilmember Killough made a motion to authorize the City Manager to negotiate and enter into an amphitheater management agreement. Mayor Pro-tem Hines seconded the motion.

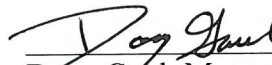
**Vote:**       Ayes       Mayor Doug Gaul  
                              Mayor Pro-tem Tom Hines  
                              Councilmember Scott Rose  
                              Council Member Nate Killough  
                              Councilmember Patti Turner  
                              Councilmember Terri Grimm

**Action:**               The motion passed 6 ayes, and 0 nays

### **ADJOURNMENT**

*There being no further business to be heard, the meeting was adjourned at 9:30 p.m.*

**CITY OF HUTTO**

  
\_\_\_\_\_  
Doug Gaul, Mayor

**ATTESTED:**

  
\_\_\_\_\_  
Lisa L. Brown, City Secretary