



## CITY OF UHLAND

### Minutes of Umland City Council Regular Meeting Wednesday, January 6, 2021 at 6:00 p.m.

City Hall Council Chambers, 15 North Old Spanish Trail, Umland, Texas

**Notice is hereby given that the City Council of the City of Umland, Texas will hold a meeting 100% via Zoom Conference. Attendees may attend the meeting remotely by web or telephone. Meeting login details may be found below.**

*On March 16, 2020, and until further notice or until the state disaster declaration expires, the Governor of the State of Texas has suspended certain sections of the Texas Open Meetings Act. Therefore, this meeting is hereby posted and will be held in accordance with those sections of the Texas Open Meetings Act in effect as of the date of the posting of this agenda.*

**A. CALL TO ORDER on a Zoom Meeting at 6:04 pm.**

- 1. Roll Call Mayor Pro-Tem Schrock conducted the meeting due to the Mayor having surgery, Mark Garonzik, Brian Heideman, Daniel Heideman, Jessica Hodge all present on Zoom also in attendance was Amy Akers Legal, Karen Gallaher City Administrator and Kim Weatherford Umland Assistant.**
- 2. Declaration of Quorum was established meeting proceeded via zoom.**

**B. PUBLIC COMMENTS**

All participants and speakers are hereby reminded of the City's Decorum and Public Comment Policy. Due to the remote nature of this meeting all public comment speakers must submit public comments to the City Administrator at [city@uhlandtx.us](mailto:city@uhlandtx.us) by providing their name, and contact information they wish to be made public, as well as the name and date of the meeting and each topic they wish to speak about no later than one (1) hour **PRIOR** to the start of the scheduled meeting. All speakers will be allowed to speak for three (3) minutes on each topic for which they properly submitted.

Public comments on agenda items will be taken at the time each topic is called.

At this time, public comments will be taken from the audience on any topic NOT listed on the agenda. **No discussion or formal action will be taken at this meeting on topics not on the agenda.** Inquiries about matters not listed on the agenda should be directed to City Staff following the meeting.

**C. PUBLIC HEARING**

Public hearings are for public information and input ONLY. No formal action will be taken at this meeting on the items discussed under this heading unless such action is otherwise listed on this agenda as an action item. The hearing(s) will be opened to receive an introduction / report / information from City Staff, then the applicant (if applicable) will be given an opportunity to speak, and then any other interested person(s) will be given an opportunity to provide comment on the hearing topic.

1. El Camino Ranch RV Resort Planned Development District (PDD) public hearing opened at 6:06 pm closed at 6:07 pm. **no comments.**

**D. CONSENT AGENDA**

The following routine, clerical, and administrative items require no public hearing and are anticipated to require little or no individualized discussion by the City Council. It is intended that these items will be acted upon with a single motion as a collective, singular item. A City Council Member may request separate deliberation for a specific item or items at which time that item or items will be removed from the consent agenda for discussion as a regular agenda item. Prior to a vote, the City Council may add to the consent agenda an item or items listed elsewhere on the regular agenda.

1. December 2, 2020 Regular City Council Meeting Minutes
2. Financials of November 2020  
**Motion made by Mark Garonzik to approve the consent agenda seconded by Brian Heideman, all ayes.**

**E. ANNOUNCEMENTS**

Announcements include items of community interest, including expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees, or other citizens; reminders on upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public's health and safety which have arisen after the posting of the agenda. No action will be taken, or in-depth discussion will occur on any announcement.

1. County Line SUD Monthly Report - **Daniel Heideman, General manager gave the update for the CLSUD.**

**F. CITY STAFF REPORTS**

Staff reports include briefings on pending matters from City officials or City staff.

**Coming Up 2021:**

- Emergency Management Planning
- Review of Subdivision Ordinance
- Amendment to Fee Schedule

**G. DISCUSSION ONLY ITEMS**

Items listed under this heading are for discussion purposes ONLY. No formal action will be taken at this meeting on the items discussed under this heading.

1. Cluster Mailboxes - **Mark Garonzik requested the item, individual mailbox are causing obstructions in the City of Umland, City Staff will reach out to Postmaster and bring back to City Council.**

**H. DISCUSSION AND POSSIBLE ACTION ITEMS**

Items listed under this heading are for discussion and possible action.

1. Ordinance Repealing and Replacing El Camino Ranch RV Resort Planned Development District (PDD) Ordinance No. 240. **Thomas Rhodes was the consultant for the Project and was okay to proceed with Ordinance as well as Hugo Elizondo, City Engineer. All public hearings have been held for the Development. Motion made by Jessica Hodge to repeal and replace Ordinance No. 240 Mark Garonzik seconded. Public Comment by Rosie, Thomas Rhodes gave an update to Rosie as to the commercial acreage changing from 1 acre to 3 acres. All Ayes. Ordinance passed.**
2. Deposit Agreement for professional fees related to the Watermill Public Improvement District and PDD. **Paige Saenz presented the agreement to Council, Scott Miller noted this is for the 88-acre development on SH21 and Grist Mill Road and the development would be bringing utilities to the area. Motion made to approve the deposit agreement for professional fees for the for Watermill PID was made by Mark Garonzik seconded by Brian Heideman. All Ayes. Deposit agreement accepted.**

3. Amendment to Engagement Letter for legal services with The Knight law Firm, LLP. **Paige Saenz presented the amendment for professional service agreement for Municipal Utility Districts to be included in the agreement as an amendment, City Legal did recommend approval. Motion made by Brian Heideman seconded by Jessica Hodge. All ayes, Amendment to agreement passed.**
  
4. Action to authorize the issuance of a request for qualifications for financial advisor services. **Motion to have staff proceed with posting the RFQ presented by Paige Saenz was made by Brian Heideman seconded by Mark Garonzik. All ayes. RFQ to be posted.**

**After moving to discuss items 6, 7, & 8 before Executive Session Chris Elizondo with Cuatro Consultants spoke out of turn and called upon Mayor Pro Tem Schrock. Then he directed a question to the City Legal Akers about a topic on the approval of the Final Plat for Millcreek Phase 3. Akers stated that it's not on the agenda and that if engineering did not have any other recommendations other than to approve, then the city will not have to call a special meeting and would just be allowed to be auto approved through the deadline process. Then Chris stated "Do you want me to go ahead and speak on it now." Akers stated again "It's not on the agenda so we can't discuss it".**

5. Personnel Matters:
  - i. Discipline/Removal/Dismissal of Traci McGinley
  - ii. Repeal of Ordinance No. 247

**Council entered Executive Session at 7:03 p.m. Zoom login was sent to council by Uhland Legal Akers. Mayor Pro-Tem announced City Council out of Executive Session at 8:16 p.m. No action was taken in Executive Session.**

**Note to add for executive session being breached.**

*Executive Session was left open by City Secretary, Traci McGinley on her personal device; all of the public attending the zoom meeting could hear executive session while she was logged into Uhland Legal Executive Session on another personal device.*

**Council entered back into the City Council meeting at 8:16.**

**Motion was made by Brian Heideman to provide documentation to the Personal file of Traci McGinley per the amended personnel policy to include documentation of everything in the administrative leave letter due to poor performance and to keep**

*the employment of Traci McGinley Motioned did not carry, Motion died, legal advised Mayor Pro Tem Schrock to call the motion dead. Mayor Pro Tem stated Motion dead. Daniel Heideman inquired into the contents of Traci's personnel file and Legal then advised Daniel Heideman that with his questions City Council should return to executive session. Jessica Hodge then regretfully made the motion to move forward with the termination of Traci McGinley motion seconded by Naomi Schrock who believes enough has been presented in executive session for termination, Naomi Schrock also believes that it was provided or shown that Amy Akers, City Attorney wouldn't have let it go on this far. Daniel Heideman, Brian Heideman, and Mark Garonzik voted nays Jessica Hodge and Naomi Schrock voted Yea. Motion failed. Legal then stated if no motion to succeed and the item remains as an agenda item, Jessica Hodge then asked what happens to her employment with the City, the administration leave letter expires today she can return to work tomorrow. Naomi Schrock then asked Traci if she was returning to work Thursday, January 7<sup>th</sup> Traci McGinley response was "No I am not, not if the City Administrator is there I'm concerned for my physical wellbeing". Brian Heideman then stated to keep her on and to present the items in the letter and for her to acknowledge the items in the letter and to add all documents to her file, legal advised that Traci had received the letter and acknowledge it. Mark Garonzik seconded the motion. Discussion was initiated by Jessica Hodge and joined by Brian H. regarding the status of Traci's employment if she does not return to work and unexcused absences. Legal advised if she does not return to work it would be considered termination via resigned for not returning to work. Traci was asked if she understood and she stated "I believe so". Motion passes unanimously for Traci to return to work and for documentation to be put in her personal file for her acknowledgement. Traci was asked if she was returning to work Thursday and she stated "I would have to put that under consideration".*

6. Amendment to Personnel Policies

Legal presented to include additional details to management practices and structure and discipline and termination procedures.

**Legal presented a redline document presented to council. Personnel Policy to include Employee Relation Committee. Employee Relation Committee will include The Mayor, Mayor Pro-Tem, Legal, and City Administrator. Motion to amend the personnel policy as presented and approve was made by Brian Heideman seconded by Jessica Hodge. All ayes**

7. Action to approve Ordinance for providing the participation in the Texas Municipal Retirement System and the supplemental death benefits fund (TMRS), and to make current service and prior service contributions.

**Motion to table for staff to bring back to next council meeting and to include a representative of TMRS. Motion to table was made by Brian Heideman seconded by Mark Garonzik. All ayes to table.**

8. Action to approve Client Engagement Agreement between the Uhland Economic Development Corporation and the law Office of Victor Garza PLLC "Law Firm".

**Uhland legal Reviewed and recommends approval. Motion to approve Client Engagement Agreement with Victor Garza was made by Jessica Hodge seconded by Daniel Heideman. All Ayes, Agreement passed.**

#### **I. EXECUTIVE SESSION**

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purposes of 1) consultation with *legal* counsel pursuant to Chapter 551.071 of the Texas Government Code, 2) deliberation regarding *real property* pursuant to Chapter 551.072 of the Texas Government Code, 3) deliberation about *Gifts and Donations* pursuant to Chapter 551.073 of the Texas Government Code, 4) discussion of *personnel matters* pursuant to Chapter 551.074 of the Texas Government Code, 5) deliberation regarding the deployment, or specific occasions for implementation of *security* personnel or devices pursuant to Chapter 551.076 of the Texas Government Code, 6) deliberation regarding *economic development* negotiations pursuant to Chapter 551.087 of the Texas Government Code. **Action, if any, on topics discussed will be taken in open session.**

#### **J. ATTENDANCE BY OTHER ELECTED OR APPOINTED OFFICIALS**

It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission and/or committee subject to the Texas Open Meetings Act.

**K. ADJOURNMENT**

**Meeting was adjourned at 8:29 p.m.**

**Minutes approved February 3, 2021 \_\_\_\_\_**