

**MINUTES OCTOBER 17, 2017
CITY OF HEARNE COUNCIL MEETING**

The Hearne City Council meeting was called to order on October 17, 2017 at 6:00 p.m. Councilmembers present were Mayor Ruben Gomez, Emmett Aguirre, Lashunda White, Martha Castilleja, Rodrick Jackson, and Margaret Salvaggio. A quorum was present. City Attorney Floyd Akers was also present.

Councilmember Jackson asked that 1(b) to approve accounts payable from October 01, 2017 through October 15, 2017 be removed from the Consent Agenda. Councilmember Aguirre made the motion to accept the Consent Agenda for item 1(a) to approve minutes from the City Council Meeting of October 03, 2017. Councilmember White seconded the motion. Motion passed unanimously. (Motion can be found on recorded minutes for the City of Hearne Council Meeting Audio dated October 17, 2017 1 of 2 at 1:35.)

Councilmember Aguirre made the motion to approve 1(b) to approve Accounts Payable from October 01, 2017 through October 15, 2017. Councilmember Castilleja seconded the motion. Motion passed unanimously. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 1 of 2 at 10:51.)

Donald L. Allman, CPA, gave the 2016 Audit Presentation to the City Council.

Councilmember Jackson made the motion to table the Ground Lease between the City of Hearne and R. J. Chapman Enterprises, L.L.C. and retire into Executive Session. Councilmember Castilleja seconded the motion. Motion passed unanimously. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 1 of 2 at 42:42.)

Councilmember Aguirre made the motion to approve transfer of deed to downtown buildings (202, 204, and 206 West 4th Street, Hearne, Texas) to Hearne Economic Development Board Type B for repair and use and to encourage revitalization of downtown contingent on the buildings being structurally sound, the Board accepting the buildings, and the City of Hearne entering into a 380 Economic Development Agreement with the Type B Board for their renovation and use. Councilmember Jackson seconded the motion. Motion passed unanimously. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 1 of 2 at 1:16:24.)

At 7:18 p.m., the Hearne City Council convened into Executive Session to discuss possible litigation between the City of Hearne and Waste Connections as authorized by the Texas Government Code Section 551.071; to discuss litigation between the City of Hearne and Officer

Jennifer Passmore as authorized by the Texas Government code 551.074; and to discuss the ground lease between the City of Hearne and R. J. Chapman Enterprises, L.L.C. as authorized by the Texas Government Code 551.071.

The Hearne City Council returned into open session at 8:40 p.m.

Councilmember Aguirre made the motion to move that there is a consensus between the City Council that Waste Management not providing a service to the City of Hearne. They have a couple of legal contracts that the City has to deal with. There are a couple of ways for the City of Hearne to have a resolution, and the City Council wants to find out the best way for the City of Hearne to get out of the contract. So the City Council needs to turn it over to the City Manager and the City Attorney to give them time to bring the City Council back the best options for the City Council to be able to deal with the contentious contract termination. Because Waste Management is not in agreement with letting the City of Hearne out of the contract. Councilmember Jackson seconded the motion. Motion passed unanimously. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 2 of 2 at 3:11.)

Councilmember White made the motion to turn it over and put it in the hands of the City Manager, the Mayor, and City Attorney that if anything is owed to Officer Jennifer Passmore, the City Council came into agreement that the City of Hearne needs to pay her.

Councilmember Salvaggio seconded the motion. Motion passed 5 to 1. For—Salvaggio, Jackson, Gomez, Aguirre, and White. Against—Castilleja. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 2 of 2 at 4:29.)

Councilmember Aguirre made the motion to approve the Ground Lease between the City of Hearne and R. J. Chapman Enterprises, L.L.C. Councilmember White seconded the motion. Motion passed 5 to 1. For—Salvaggio, Gomez, Castilleja, Aguirre, and White. Against—Jackson. (Motion can be found on the City of Hearne Council Meeting Audio dated October 17, 2017 2 of 2 at 5:35.)

John Naron, City Manager, gave a short update on the economic development downtown.

There were no public comments on Non-Agenda Items.

Mayor Gomez adjourned the meeting at 8:48 p.m.

**MINUTES OCTOBER 26, 2017
CITY OF HEARNE SPECIAL COUNCIL MEETING**

The Hearne City Special Council meeting was called to order on October 26, 2017 at 6:00 p.m. by Mayor Pro Tem Aguirre. Councilmembers present were Emmett Aguirre, Lashunda White, Martha Castilleja, Rodrick Jackson, and Margaret Salvaggio. Mayor Ruben Gomez was absent. A quorum was present.

Mayor Pro Tem Aguirre announced for the record that the City of Hearne has been sued by Officer Jennifer Passmore in Federal Court in Waco, Texas alleging violations of the Fair Labor Standards Act. TML does not represent the City in cases such as these. And, Mr. Akers, the City Attorney, is not licensed or experienced in Federal Court. The Hearne City Council is going to convene into Executive Session to discuss hiring Joanna L. Salinas, Attorney at Law, as authorized by the Texas Government Code 551.074.

Hearne City Council convened into Executive Session at 6:05.

At 6:32, the Hearne City Council returned into Open Session.

Councilmember Jackson made the motion that the City hire Joanna Salinas to answer the pending litigations with the Civil Action No. 6:17-CV-262 in the United States District Court Western District of Texas Waco Division – Jennifer Passmore vs. City of Hearne, Texas and after she has answered that by November 3, 2017, take no more legal action until the City Council has been updated and notified of the outcome. Councilmember Salvaggio seconded the motion. Motion passed unanimously. (Motion can be found on the City Council Special Meeting Audio for October 26, 2017 at 00:39 2 of 2.)

With no further business, Mayor Pro Tem Aguirre adjourned the meeting at 6:34 p.m.