



City of Hutto

Minutes

City Council Meeting
Thursday, May 20, 2021 at 7:00 PM
City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

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

2. **ROLL CALL**

Members of the Council present: Mayor Mike Snyder, Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Mike Arismendez, Councilmember Tanner Rose

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE**

5. **CITY COUNCIL COMMENTS**

5.1. General Comments from City Council

Councilmember Villarreal Salvo: Congratulations to the Seniors at Hutto High School that have their last day tomorrow.

Councilmember Sutton: I second that. I would like to make a motion to put an item on the next agenda to discuss the continued violations of the road blocks entering into construction areas, it's still going on at Durango. I'm hoping we can come up with some solutions that I know it's in the beginning phases and I know that there's a lot of construction coming in that will be in the beginning phases but if we can set some protocol now we can stop trucks going in anyway they want.

Councilmember Gordon: One item of community interest. Some questions from several citizens about what the city is doing throughout the city in marking their coming out of their houses and seeing spray paint on their sidewalks in front of their houses. I did some investigation and found out that it's the Hutto ISD is doing a project where they are upgrading all of their campuses with fiber and they are trying to get it all set up and ready to go so they can do remote learning if they have to or whatever they are doing. So, it's a project from the ISD, they are the ones doing it. I talked to them yesterday, they put a press release out on Facebook on their Facebook page. So, I thought if maybe Stacy or somebody, if we can help get the word out so people are aware of what's going on. They can be aware.

Councilmember Sutton: There is one other. I got an email today from a citizen who is concerned about people coming in and soliciting neighborhoods that have no soliciting policies, that maybe we can look at an ordinance where people found soliciting in those

neighborhoods have a fine attached so they can stop that. That may be something in the future that we can look at.

5.2. City Council Liaison Reports- **None.**

6. PUBLIC COMMENT

-Michael Lambert *via email
-Shirley Peek * via email
-Troy McMillin
-Steven Harris
-Terrance Owens

7. CITY MANAGER COMMENTS

7.1. Presentation by the Hutto Police Department

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on approving the May 6, 2021 Work Session minutes.
- 8.2. Consideration and possible action on approving the May 6, 2021 City Council meeting minutes.
- 8.3. Consideration and possible action approving Resolution No. R-2021-077 authorizing the City Manager to execute an Addendum with P3 Works, LLC for administrative services for Cottonwood Creek Public Improvement District. (City Attorney-D.Palumbo)
- 8.4. Consider and possible action on Resolution No. R-2021-080 Accepting the infrastructure improvements for the subdivision Cottonwood Creek Phase 1. (Anthony Host)
- 8.5. Consideration and possible action on Resolution No. R-2021-081 authorizing the City Manager to execute an Interlocal Agreement with Williamson County approving the County to perform construction within City Limits for Segment 1 of the Southeast Loop project. (Samuel Ray)
- 8.6. Consideration and possible action approving Resolution No. R-2021-089 the "RSI Offsite" infrastructure improvements for the Emory Crossing subdivision. (Anthony Host)
- 8.7. Consideration of a request to cancel the public hearing on the proposed zoning change request for Aspen Heights Planned Unit Development (PUD), 36.624 acres, more or less, of land, a single-family residential use PUD, located on FM 1660 South.
POSTPONED AT THE APPLICANT'S REQUEST
- 8.8. Consideration and possible action on Ordinance No. 2021-030 amending Chapter 2, Article 2.02, Sections 2.02.032, 2.02.121, And 2.02.182, altering the terms of members of the Planning and Zoning Commission, the Zoning Board of Adjustment, and The Building and Standards Commission. (City Attorney - C. Rosas-Grillet)
- 8.10. Consideration and possible action on Resolution No. R- 2021-075 establishing an Emergency Preparedness Task Force; providing eligibility criteria; and adopting the procedural rules for the Emergency Preparedness Task Force to follow in carrying out its duties. (Councilmember Gordon)

- 8.12. Consideration and possible action on Resolution No. R-2021-090 approving the first amendment to groundwater lease with Rodney L. Hortenstine and Kay L. Hortenstine dated November 10, 2004.

Mayor Snyder pulled Item 8.12 for review at a later time. Councilmember Sutton pulled Item 8.9. Councilmember Gordon pulled Item 8.11.

Councilmember Villarreal Salvo made a motion to approve Consent Agenda Items 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.10, Councilmember Arismendez seconded the motion. The motion passed unanimously. (7:0)

- 8.9. Consideration and possible action on Resolution No. R-2021-082 approving Change Order No. 1 for the Lakeside Estates Lift Station Abandonment Project increasing the total project cost by \$29,543.22. (Samuel Ray)

Discussion ensued. Councilmember Villarreal Salvo made a motion to approve Item 8.9 as presented. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 8.11. Consideration and possible action on Resolution No. R-2021-087 appointing a Deputy City Attorney for the City of Hutto in accordance with Section 4.04 of the Hutto City Charter as approved by the voters on May 1, 2021. (City Attorney - C. Rosas-Grillet)

Discussion ensued. Councilmember Gordon made a motion to approve Item 8.11 as presented. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to dispense of the second reading for Item 8.8, Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

Councilmember Villarreal Salvo made a motion to move Item 11.4 up on the agenda. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

- 11.4. Discussion and Possible Action regarding Possible Appointments, Re-appointments and/or Removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment Zone Boards.

-Rick Hudson spoke on this item.
-Bryan Lee spoke on this item.

Discussion ensued.

Mayor Snyder made a motion to appoint himself to the Economic Development Corporation. Councilmember Rose seconded the motion. The motion passed (6:1) with Councilmember Gordon against.

Councilmember Gordon made a motion to request an item on the next meeting agenda that the EDC consider amending their Bylaws to prevent Councilmembers from serving as officers on EDC.

Councilmember Gordon reappointed Robert Lykins to the Historic Preservation Commission. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Councilmember Thornton made a motion to reappoint Jon Stephenson to the Historic Preservation Commission. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to reappoint Wendell Teltow to the Zoning Board of Adjustment. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

9. ORDINANCES

- 9.1. Consideration and possible action On Ordinance No. 2021-031 amending Chapter 2 "Administration and Personnel," to amend Article 2.03 "Personnel," section 2.03.041 "Residency Requirement" to modify the residency requirement for the City Manager. (City Attorney - C. Rosas-Grillet)

Councilmember Villarreal Salvo made a motion to approve Item 9.1 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously. (7:0)

Councilmember Rose made a motion to dispense of the second reading for Item 9.1, Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

Item 11.2 was moved up in the agenda at this time with no objection.

- 11.2. Consideration and possible action to waive the City Manager residency requirement for a definite period of time in accordance with Section 2.03.041 of the Hutto Code of Ordinances.

Mayor Snyder made a motion to extend the residency requirement that the City Manager has to live in the city limits of Hutto by June 1, 2022 contingent upon him signing the first amendment to the employment agreement. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

10. RESOLUTIONS

- 10.1. Consideration and possible action on Resolution No. R-2021-088, approving the First Amendment to the City Manager Employment Agreement dated September 17, 2021.

Discussion ensued.

City Manager Hutmacher requested that the June 1, 2022 provision mentioned in Item 11.2 be added into the first amendment to the City Manager employment agreement.

Councilmember Arismendez made a motion to approve Resolution No. R-2021-088 with the stipulation that we amend the agreement to also include the waiver of June 1, 2022 for residency requirement within the City of Hutto. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

10-minute break was taken at this time.

- 10.2. Consideration and possible action on Resolution No. R-2021-071, authorizing the City Manager to execute a contract with Freese and Nichols in regards to the Hutto 2040 Comprehensive Plan. (Ashley Lumpkin)

Councilmember Villarreal Salvo made a motion to approve Item 10.2 as presented. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

- 10.3. Discussion and possible action on the selection of a list of consultants in response to the City of Hutto's Request for Qualifications for On-Demand engineering and planning consultant services. (RFQ 21-01). (Ashley Lumpkin)

Councilmember Villarreal Salvo made a motion to approve Item 10.3 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously. (7:0)

- 10.4. Consideration and possible action on Resolution No. R-2021-084 determining costs of authorized improvements for the Cottonwood Creek Public Improvement District and ordering the filing of an assessment roll with the City Secretary to make available to the public in compliance with Texas Local Government Code Chapter 372; calling a public hearing on the levy of assessments on property located within the Cottonwood Creek Public Improvement District to pay such costs and directing the City Secretary to publish and mail notice of the public hearing in accordance with Texas Local Government code Chapter 372; and related matters; and providing an effective date. (City Attorney-D.Palumbo)

Item 11.3 will be considered along with this item. No objections were given.

This item will come back for Public Hearing on June 3, 2021.

Councilmember Gordon made a motion to approve Item 10.4 and 11.3 as presented. Councilmember Arismendez seconded the motion. The motion passed (5:2) with Councilmembers Rose and Sutton against.

- 10.5. Consideration and possible action on Resolution No. R-2021-085 of the City of Hutto, Texas providing the public with information regarding certain litigation involving the city, including Preston Hollow Capital, LLC v. Cottonwood Development Corporation and the City of Hutto, in which all claims against the Corporation and the City have been dismissed in the corporation's and city's favor; Legacy Hutto, LLC v. City of Hutto, in which all claims against the city have been dismissed in the city's favor, and council direction to litigation counsel to continue to evaluate legally questionable transactions performed by and during the former City Manager's tenure and take appropriate legal action to protect and defend the City of Hutto and its residents; providing for severability; providing for repeal and providing an effective date. (Mayor Snyder)

Councilmember Rose made a motion to approve R-2021-085 as written. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 10.6. Consideration and possible action on Resolution No. R-2021-086 appointing a Mayor Pro Tem for the City of Hutto in accordance with Section 3.05 of the Hutto City Charter as approved by the voters on May 1, 2021.

Councilmember Sutton made a motion to appoint Councilmember Tanner Rose as Mayor Pro Tem. Councilmember Thornton seconded the motion. The motion passed (5:2) with Councilmembers Gordon and Villarreal Salvo against.

11. OTHER BUSINESS

- 11.1. Consideration and possible action on establishing agenda packet review meetings.(Councilmember Gordon)

This item will be brought back at the July 2, 2021 City Council meeting.

- 11.3. Consideration and possible action on reviewing Cottonwood Creek Public Improvement District financing documents and direction to city staff and consultants regarding key terms relating thereto. (City Attorney-D.Palumbo)

12. EXECUTIVE SESSION - Entered: 10:39 PM

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).

- 12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.2. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to the CO-OP Master Development Agreement executed August 17, 2017, as amended and ancillary agreements entered into pursuant to the CO-OP Master Development Agreement executed August 17, 2017, as amended. (City Attorney-D.Palumbo)
- 12.3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.
- 12.4. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for Bojorquez Law Firm Memo regarding alleged charter & ethics code violation dated May 12, 2021.
- 12.5. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the Annual Comprehensive Financial Report for the year ended September 30, 2020 and potential claims against former employees. (City Attorney - C. Rosas-Grillet)
- 12.6. Receive legal advice pursuant to Texas Government Code 551, Section 551.071 to deliberate, seek legal advice and direct Litigation Counsel regarding Jones v. City of Hutto et. al, pending in the U.S. District Court, Western District, Austin Division. (George Hyde)

13. ACTION RELATIVE TO EXECUTIVE SESSION-Reconvened: 11:48 PM

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

No action taken.

- 13.2. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to the CO-OP Master Development Agreement executed August 17, 2017, as amended and ancillary agreements entered into pursuant to the CO-OP Master Development Agreement executed August 17, 2017, as amended. (City Attorney-D.Palumbo)

Mayor Snyder made a motion to authorize staff to post a meeting for River Creek Development Corporation to consider developers default for failure to complete public infrastructure. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

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

No action taken.

- 13.4. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for Bojorquez Law Firm Memo regarding alleged charter & ethics code violation dated May 12, 2021.

Councilmember Gordon made a motion to waive the attorney client privilege for the Bojorquez Law Firm Memo regarding alleged charter & ethics code violation dated May 12, 2021. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

- 13.5. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 related to the Annual Comprehensive Financial Report for the year ended September 30, 2020 and potential claims against former employees.

Moved to the first meeting in June.

- 13.6. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 related to Jones v. City of Hutto et. al, pending in the U.S. District Court, Western District, Austin Division. (George Hyde)

Mayor Snyder made a motion to direct litigation Counsel to deny the request of Odis O. Jones's attorneys request for a mediation settlement of the Jones v. City of Hutto lawsuit. Councilmember Rose seconded the motion.

Mayor Snyder: As many may remember Odis O. Jones was the City Manager for the Hutto from roughly 2017 to the end of 2019. Odis's employment ended on November 21, 2019 while I was in Costa Rica.

Later in 2020 it was determined by our legal counsel that they felt the agreement to end Odis's employment was not handled correctly and his separation agreement was

invalid. The City Council took steps to correct this action.

Odis, subsequently slandered and defamed the City of Hutto, myself and others by filing a law suit in federal court claiming the City of Hutto was discriminatory in our asking for payment that was made to him that had not been voted on that was not appropriated or other wise approved to be paid for by the City Council.

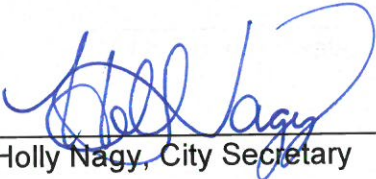
With all that this City has been through, all the law suits that were a result of invalid and void agreements that Odis entered into without City Council approval, I personally cannot in good conscience agree to any type of settlement with Odis O. Jones. Odis was in charge of the City and the City Council and its agenda when his agreement was looked at.

Odis had the ability to handle things lawfully and correctly. Unfortunately, he did with his agreement what he had done with other agreements, acted unilaterally and not have things follow state law and to be approved and voted on by City Council.

The motion passed unanimously. (7:0)

14. ADJOURNMENT- 12:08 AM

Passed and approved this 3rd day of June, 2021.



Holly Nagy, City Secretary



Mike Snyder, Mayor

