

City of Hutto

MINUTES

City Council Meeting

Thursday, June 3, 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, MPT Tanner Rose Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Mike Arismendez.

3. INVOCATION- Led by Councilmember Gordon

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

5.1. General Comments from City Council

Councilmember Arismendez: I have a comment I'd like to say. I think that for all the citizens we have agenda item 9.4 is a consideration by this Council on tax exemptions for disabled veterans. I think coming off the Memorial Day that we just celebrated, I think it's only fitting that we recognize as those individuals have given their life for this Country. I told a few folks that the short time I'm here, I may not do much but the one thing I do want to do is to make sure we recognize our veterans.

Through that there will be an action item today for us to be able to consider property tax exemption for veterans and also surviving spouses and it will also be based on your impairment rating which is apart of what the state statute says and I appreciate Cristian going out and doing a lot of research and finding it and making sure we have it set up so I do want to point that out. This is in honor of our veterans who have given themselves up so that we can be able to come together tonight and debate issues about things but yet we are able to do that in a free Country. I just wanted to point that out.

Councilmember Villarreal Salvo: I would like to make a request for the agenda duties of the Chairs of all of the city boards and commissions a report detailing all their duties from that meeting to City Council. So that would be on our June 17th meeting.

Councilmember Gordon: To clarify, is this a report your asking from the Chairs to report on what they're doing or a report from staff on the expectations of the chair?

Councilmember Villarreal Salvo: No, it would be from the Chairs. The Board Chairs to Council.

Mayor Snyder: We might have to split that up over a couple of meetings.

Councilmember Villarreal Salvo: That's fine.

Mayor Snyder: I'd like to thank our City Council for what's about to happen next. We called two special called meetings for the public to know, one is to be held on Monday, June 7, 2021, that's going to be a joint meeting with the EDC it will start at 7:00 PM for the City Council. The regular EDC meeting will be at 6:00 PM that's a joint meeting we've been trying to get together for some time, we cleared the log jam, what was it Friday? Or a week ago Friday? So, we have that coming up. Then also on June 10th, we have a joint meeting with the Hutto ISD. Concerning a couple of topics of joint agency interests, so that will be held at 6:00, here in the Council Chambers. I have another item that I'd like to read.

I want to alert the public to what was marked as Exhibit 2 and attached to Odis Jones' ADR Report filed in the public records held within the pending Federal Court lawsuit. It criticizes the unanimous vote of the City Council to not entertain the spending of time and money to engage in a useless mediation with Odis when it is obvious that all Odis wants is to demand even more money, this time to dismiss his lawsuit. Apparently, the challenged separation agreement valued over \$400,000 and the consulting agreement valued at approximately \$90,000 was not enough, as he filed this lawsuit to only six months ago to keep what he took from the city, and then seek more money by making false and unsubstantiated claims that the City Council of the City of Hutto made a decision based on racial animus against persons of African descent and that certain city representatives made allegedly false statements about him.

Mr. Jones, I want you to know that from my point of view as Mayor, you don't get to allege that me or others on council are racists and then get paid by the city for doing so. Just look at the issues now exposed to the public by your lawyers by publicly filing Mr. Hyde's email. It suggests that the discovery in this case will show that you have a history of manipulation of local government and hold an evil intent to take from the public. Are you afraid of being placed under oath before a Federal Judge and be questioned about the true reasons why your contract was rescinded and why you were terminated by the City of Hutto, in a public court room? Are you seeking mediation and settlement to avoid letting the public know how you intimidated the city council of this city into illegally delegating its legislative authority to spend millions city dollars without City Council oversight, and selected an attorney that would allow you to do it? Haven't your attorneys told you that none of that authority is valid as a matter of law and how your actions have not only hurt the city, but every person and organization you involved into your activities? Why don't you want the city to speak to your prior employers, co-employees and investigative reporters who have previously investigated you? Why are

you afraid of our attorneys taking the testimony of employees and representatives of the City of Missouri City, where you used City of Missouri government resources to post your personal information about this lawsuit on the city's website? Why do you now want to seek a settlement? Is it to avoid the public knowing about the sexual harassment and sexual assault allegations made against you while City Manager? And to avoid the public from knowing about the information and findings of the independent third-party investigator made immediately prior to your termination? All of these things will show at the end of the day, that the City Council held an abundance of non-discriminatory, non-retaliatory reasons to terminate your employment and rescind the separation agreement for your failing to follow the legal requirements necessary to establish a valid contract in Texas, among other criticisms of the agreement, and that the individuals sued in this case are immune because your attorney made an "irrevocable" election to only sue the city for those claims and which are wholly improper and are false claims anyway.

The City Council wants to take the opportunity you provided by bringing this lawsuit the to know the true and real circumstances regarding your tenure and departure and will use this opportunity to be transparent, instead of using it to pay you any more money. That money tree has been picked bare and there is nothing for you here. And, if any person or organization that interacted with Odis Jones while City Manager of the City of Hutto wants to come forward to volunteer their "experiences" with Mr. Jones, which may lead to the discovery of relevant evidence in this case, please contact our legal counsel in this case, Mr. George Hyde of Russell Rodriguez Hyde Bullock, LLP at ghyde@txlocalgovlaw.com. Thank you.

Councilmember Sutton: I do have a comment as well. There are a lot of people in this fight before I stepped into this Council Chamber. I just want to share a little bit about Hippos. Hippos are amongst the most dangerous in the world due to its highly aggressive and unpredictable nature. They are threatened by habitat loss. Over time Hippos have developed a very defensive response to invaders that have made their way into their territory. Mr. Jones made his way into our territory. Hippos are the third largest land animals. Hippos are famous for their bad tempers. As you all saw, if you watch past meetings I was at. They are not afraid of humans and they will attack every person that enters their territory. So, Mr. Jones I just want to say to you, we're not giving up without a fight.

5.2. City Council Liaison Reports-

Mayor Snyder: We had an EDC meeting, and we came up with having a joint meeting. There's a pretty big agenda list coming up, so that's all we had on the EDC one.

6. **PUBLIC COMMENT**

- Barbara Flannigan * via email.
- Ida G. Weaver * via email.

7. **CITY MANAGER COMMENTS**

- 7.1. Recognition of J. Ashby Grundman for becoming a member of the American Institute of Certified planners.
- 7.2. Recognition of Holly Nagy, Honoree of the 2021 Municipal Clerks Honor Roll.

8. **PROCLAMATIONS**

- 8.1. Proclamation No. 2021-006: Proclaiming the City of Hutto a No Place for Hate.

8.2. Proclamation No. 2021-007: Proclaiming Saturday, June 19, 2021 as Juneteenth.

9. **CONSENT AGENDA ITEMS**

- 9.1. Consideration and possible action on approving the May 12, 2021 Special Called City Council meeting minutes.
- 9.2. Consideration and possible action on approving the May 20, 2021 City Council meeting minutes.

Councilmember Gordon pulled Item 9.4. Councilmember Sutton pulled Item 9.3.

Councilmember Villarreal Salvo made a motion to approve Items 9.1 and 9.2 as presented. Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

- 9.3. Consideration and possible action relating to a Public Improvement District, ("PID") Administrative Fee reimbursement from DPF, Development Planning & Financing Group, Inc. for the Co-OP PID, Cross Creek PID and Mustang Creek PID. (City Attorney-D. Palumbo)

City Attorney Dorothy Palumbo spoke on this topic. Rick Rosenberg was present to speak on this topic.

Discussion ensued.

Excess fee of \$64,750.00 between the three PIDs.

Mr. Rosenberg agrees to reimburse the City \$68,550.

Mayor Snyder made a motion to approve the Administrative Fee reimbursement from DPF in the amount of \$68,550 payable by June 8, 2021. Councilmember Arismendez seconded the motion. The motion passed unanimously (7:0).

- 9.4 Consideration and possible action on tax exemptions for disabled veterans. (Councilmember Arismendez)

Councilmember Gordon looking for clarification on what they will be voting on.

Discussion ensued. Informational item. No action required from the Council at this time.

Mayor Snyder moved Item 12.3 up. There were no objections.

- 12.3. 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, City Council Liaisons and Area Government appointments.

-Randal Clark spoke on this item.

-Ida Weaver spoke on this item.

Councilmember Gordon made a motion to appoint Thomas Quoma to the Emergency Preparedness Task Force. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder made a motion to reappoint Susanna Boyer to the Planning and Zoning Commission for a one-year term. Councilmember Peter Gordon seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder made a motion to appoint Councilmember Villarreal Salvo as the Council Liaison to the Parks Advisory Board. Councilmember Sutton seconded the motion. Councilmember Thornton would like to wait until the Council person for Place 5 is sworn in before a Council Liaison is appointed. Discussion ensued. This item will be addressed at the July 1, 2021 meeting.

Mayor Snyder made a motion John Marines to the Zoning Board of Adjustment to the Place 1 spot, Councilmember Sutton agrees. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Thornton made a motion to reappoint Mike Arismendez to the EDC Type A and CDC Type B Board for a two-year term starting July 1, 2021. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder appointed Councilmember Villarreal Salvo to the CAPCOG Clean Air Collation.

10. ORDINANCES

- 10.1. Consideration and possible action on Ordinance No. O-2021-035 amending the budget for the fiscal year of October 1, 2020 through September 30, 2021, in accordance with existing statutory requirements.

Councilmember Villarreal Salvo made a motion to approve Item 10.1 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously (7:0).

- 10.2. Consideration and possible action on Ordinance No. O-2021-032 opening a public hearing on the levy of assessments on property within Cottonwood Creek Public Improvement District Improvement Area #1 and Approving Levying Special Assessments For, And Apportioning The Costs Of, Certain Improvements To Property In And For The Emory Crossing Public Improvement District Improvement Area #1; Fixing A Charge And Lien Against All Properties Within The District, And The Owners Thereof; Providing For The Manner And Method Of Collection Of Such Assessments; Making A Finding Of Special Benefit To Property In The District And The Real And True Owners Thereof; Approving A Service And Assessment Plan; Providing A Severability Clause; and Providing An Effective Date. (City Attorney-D.Palumbo)

Public Hearing Opened: 8:16 PM Closed: 8:16 PM

Item 11.6 was moved up at this time.

- 11.6. Consideration and possible action on Resolution No. R-2021-093 authorizing the City of Hutto's execution and entering into multiple agreements regarding the development of the Cottonwood Creek Public Improvement District, including a financing agreement, a reimbursement agreement, a landowner agreement, a consenting party landowner agreement; ordering other matters in connection with the foregoing and providing an effective date. (City Attorney-D.Palumbo)

Bart Fowler and Kevin Pierce were present to speak on this item. Discussion ensued.

Councilmember Gordon made a motion to approve Item 11.6 as presented.

Councilmember Arismendez seconded the motion. The motion passed (6:1) with MPT Rose against.

- 10.3. Consideration and possible action on Ordinance No. O-2021- 032 adopting an ordinance levying special assessments for, and apportioning the costs of, certain improvements to property in and for the Cottonwood Creek Public Improvement District Improvement Area #1; fixing a charge against all properties within the District, and the Owners thereof; providing for the manner and method of collection of such assessments; making a finding of special benefit to property in the district and the real and true owners thereof; approving a service and assessment plan; providing a severability clause; and providing an effective date.(City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Item 10.3 as presented.

Councilmember Gordon seconded the motion. The motion passed (6:1) with MPT Rose against.

- 10.4. Consideration and possible action on Ordinance No. O-2021-032 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13. (City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Ordinance No. O-2021-032 as presented. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

- 10.5. Consideration and possible action on Ordinance No. O-2021-034 amending Chapter 18, Streets and Public Places; establishing Article 18.03, Right of Way Management, to provide for regulations related to the placement and removal of facilities in the right-of-way; and amending Appendix A, Fee Schedule, Article A1.000, Development Services, Engineering and Construction, of the Hutto Code of Ordinances to establish the fees for permit applications and all rents for use of the public rights-of-way by network providers. (City Attorney)

Councilmember Gordon made a motion to approve Item 10.5 as presented.

Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 10.6. Consideration and possible action on Ordinance No. O-2021-034 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13. (City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Item 10.4 as presented.

Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

A 10-minute recess was taken at this time.

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution No. R-2021-099 approving a proposed compensation study. (Lee Ann Huddleston)

Councilmember Villarreal Salvo made a motion to approve Item 11.1 as presented. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 11.2. Consideration and possible action on Resolution No. R-2021-098 approving the first amendment to the agreement between the City of Hutto and Legends of Hutto Home Owners Association to deed over ownership of the subdivisions drainage lots to the City of Hutto. (City Attorney)

Status update only. No action required at this time.

- 11.3. Consideration and possible action on Resolution No. R-2021-036 Amending the Lease Agreement between the City of Hutto and YMCA of Greater Williamson County dated December 15, 2011, as amended, for operations of the Hutto Family YMCA. (City Attorney)

Status update only. No action required at this time.

- 11.4. Consideration and possible action on Resolution No. R-2021-037 Amending the Management Agreement between the City of Hutto and YMCA of Greater Williamson County dated December 15, 2011, regarding the Lease of a Building Constructed by the City for Recreational Purposes. (City Attorney)

Status update only. No action required at this time.

- 11.5. Consideration and possible action on Resolution No. R-2021-095 authorizing continued participation with the Steering Committee of Cities served by ONCOR; and authorizing the payment of seven cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC.

Councilmember Arismendez made a motion to approve Resolution No. R-2021-095 as presented. Councilmember Thornton seconded the motion. The motion passed (6:1) with Mayor Snyder against.

- 11.7. Consideration and possible action on Resolution No. R-2021-096 finding that ONCOR Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with OCSC; authorizing the hiring of legal counsel and consulting services; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

Councilmember Gordon made a motion to approve Item 11.7 Resolution No. R-2021-096 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously. (7:0)

- 11.8. Consideration and possible action on Resolution No. R-2021-094 approving the Comprehensive Development and Consent Agreement between the City of Hutto and

Hutto 525 Development Partners LP, creating the South Fork Ranch Municipal Utility District; authorizing the City Manager to execute the Development and Consent Agreement; repealing Resolution no. 2009-021-00 and providing an effective date. (City Attorney-D.Palumbo)

Councilmember Gordon made a motion to approve Item 11.8 as presented. Councilmember Villarreal Salvo seconded the motion. Mayor Snyder made an amendment to the motion to add a landfill disclosure. The motion passed unanimously. (7:0)

Item 11.10 was moved up with no objection.

11.10. Consideration and possible action on Resolution R-2021-069 of the City Council of the City of Hutto, Texas, consenting to the creation of a Municipal Utility District to be known as South Fork Ranch Municipal Utility District and the inclusion of approximately 164.29 acres of land, and annexation of approximately 362.47 acres of land, into the district; and providing an effective date.

Councilmember Villarreal Salvo made a motion to approve Resolution R-2021-069 as presented. Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

11.9. Consideration and possible action on Resolution R-2021-097 approving the amendment of the bylaws of the Hutto Economic Development Corporation, Type A; providing for repeal; providing for severability; and providing an effective date. (EDC Attorney)

No action required at this time. Will come back at July 15h meeting.

12. OTHER BUSINESS

12.1. Consideration and possible action regarding the policy and procedure for submitting outside agency funding to Council. (Councilmember Rose)

This item will be brought back for further discussion and possible action.

12.2. Discussion regarding continued barricade violations at Durango Farms. (Councilmember Sutton)

Discussion ensued. No action taken.

13. EXECUTIVE SESSION – Tabled. No action taken.

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).

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

14. ACTION RELATIVE TO EXECUTIVE SESSION

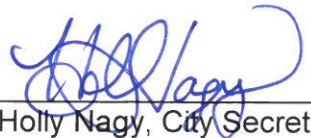
- 14.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

15. ADJOURNMENT 10:46 PM

Passed and approved this 17th day of June, 2021.


Mike Snyder, Mayor

ATTEST:


Holly Nagy, City Secretary

