



City of Hutto

MINUTES

City Council Meeting

Thursday, June 17, 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**

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 Krystal Kinsey.

3. **INVOCATION-Led by Pastor Johnny Brower, Hutto Discovery United Methodist Church**

4. **PLEDGE OF ALLEGIANCE**

5. **CITY COUNCIL COMMENTS**

5.1. General Comments from City Council

Councilmember Villarreal Salvo: I had a great meeting with our local non-profits to the Hutto area and really looking forward to some of the things that will be coming out in our community within the next month or so from our non-profits and I'm excited to see what they will be doing in the area. Office hours are going really well on Fridays, with the community, I usually get 5 to 8 people every Friday. We are getting a lot of work done with resident requests, questions after Council meetings and seeing really good relations building with our City Council and our community.

Councilmember Sutton: I have two items actually. So, the first one is I would like to address the individuals that are behind the public comments that are sent in to two Council meetings and the anonymous letter that was sent into Council members in February. I'm not sure what your intent was on sending the letter in February, however, your public comments were directed at a specific individual that was a candidate for Place 5. Which should have never been read since it's outside of Council jurisdiction. The first one you sent anonymously which also should have not been read. The second you went so far as to forge the signature of Ida Weaver who has been an integral part of our community and bringing awareness to our seniors in Hutto. Both attempts were to tell lies about Nicole and steal the identity of Ida. There are people who say I shouldn't make this comment, but that is not who I am.

To whoever is behind this, I believe I know who you are, you are cowards who stooped so far to commit a crime just to derail an election. You are probably the same cowards that were behind the reexamination of Nicole Calderone's application while running for Place 4 against Peter Gordon. Nicole and Ida have done more for this community than

you have. You have proved it by your actions, you don't care about the citizens of Hutto you only care about winning and bringing Nicole down.

You have something to say, come to this Chamber and address the Council with courage and conviction. Hiding in the dark only shows your weakness. To Nicole, I want to tell you that you should be proud of the fact that you are such an outspoken advocate for Hutto these cowards have to stoop to this level of immaturity to slander you.

My next one, is a request to our attorneys. There was a public comment alleging a Charter violation on me. It was placed on the agenda and the attorney looked into it and gave his legal opinion. Based on the precedent we have already set on alleged violations by citizens I ask that we have our attorney look into Barbara Flannigan's alleged Charter violation by Peter Gordon regarding Odis's Jones separation agreement. I would like to see that put on the July 1st agenda. That's all.

Mayor Snyder: I'll end this with an invite to the public to the Juneteenth celebration that will be held on Saturday. There's information on the internet with the times and kind of schedule, it's open to everybody, I look forward to seeing everyone there.

5.2. City Council Liaison Reports

6. **PUBLIC COMMENT**

- Randal Clark
- Glenn Pierce
- Rudy Perez

7. **CITY MANAGER COMMENTS**

8. **CONSENT AGENDA ITEMS**

- 8.1. Consideration and possible action on approving the June 3, 2021 City Council meeting minutes.
- 8.2. Consideration and possible action on approving the June 7, 2021 Special Called City Council meeting minutes.
- 8.3. Consideration and possible action on acknowledging the assignment of the Development Agreement between the City of Hutto and WMV 1660, LLC, dated April 1, 2021, to Starlight Homes Texas, LLC, in accordance with Section 5.06 of the Development Agreement. (City Attorney- C. Rosas-Grillet)
- 8.4. 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. (Second Reading)

Councilmember Gordon made a motion to approve Items 8.1, 8.2, 8.3 and 8.4.
Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously.
(7:0)

Item 11.3 and 11.5 were moved up at this time. There were no objections.

11.3. Consideration and possible action on awarding the reconstruction/ paving project bid located on Live Oak. (Anthony Host)

Residents that spoke on this item:

- Janice and Steve Fuller
- Rose Sullivan
- Austin Frye
- Billy Gartner
- Charlene Martindale
- Jimmy Pierce
- Robert Clark
- William Thigpen
- Donna Fowler
- Becky Zimmerman
- Emily Gartner
- Mike Fowler
- Henry Gideon

Mayor Snyder made a motion approve the bid as presented by Atlas Construction for \$227,186.51 out of General Fund and \$98,202.83 from the Utility Fund staff to bring back a contract that has a notice to proceed and a termination for convenience clause. Councilmember Gordon amended the motion to direct the City Manager to direct staff to contact Atmos Energy to being moving the gas lines and start doing all the connections for the water lines. MPT Rose seconded the motion. The motion passed (6:1) with Councilmember Kinsey against.

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

Councilmember Villarreal Salvo made a motion to appoint Donna Jones to the Emergency Preparedness Task Force Place 3. MPT Rose seconded the motion. The motion passed unanimously. (7:0)

Councilmember Kinsey made a motion to appoint Stevie Jones to the Emergency Preparedness Task Force. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Kinsey made a motion to appoint Sharon Dyer to the Parks Advisory Board. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Councilmember Kinsey made a motion to appoint Ray Alba to the Zoning Board of Adjustment. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

Councilmember Kinsey made a motion to appoint Randal Clark to the EDC. Councilmember Sutton seconded the motion. The motion passed (6:1) with MPT Rose against.

Councilmember Kinsey made a motion to appoint Havala Merit to the Library Advisory Board. Councilmember Thornton seconded the motion. The motion passed

unanimously. (7:0)

Councilmember Kinsey made a motion to reappoint Abel Landin to the Ethics Commission. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to reappoint Tony Wertz to the Planning and Zoning Commission. Councilmember Kinsey seconded the motion.

Discussion ensued.

The motion failed (4:3) with Mayor Snyder, MPT Rose and Councilmembers Sutton, Villarreal Salvo against.

9. ORDINANCES

- 9.1. Consideration of a public hearing and possible action on an Ordinance No. O-2021-037 regarding the Planned Unit Development (PUD) amendment request for the property known as Cottonwood Creek Planned Unit Development (PUD) Amendment #4, 370.36 acres, more or less, of land, located on CR 199.

Kevin Pierce was present for this item.

Public hearing opened: 9:53 PM

Public hearing closed: 9:53 PM

Discussion ensued.

Councilmember Villarreal Salvo made a motion to accept Item 9.1 as presented with the amendment to preserve existing trees and existing vegetation as shown on the concept plan. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

- 9.2. Consideration and possible action on Ordinance No. O-2021-037 to dispense with second reading.

Councilmember Villarreal Salvo made a motion to dispense with the second reading with the amendment to preserve existing trees and existing vegetation as shown on the concept plan. Councilmember Gordon seconded the motion. (7:0)

- 9.3. Consideration of a public hearing and possible action on Ordinance No. O-2021-038 amending the Unified Development Code, Chapter 2, Sections 10.203, Development Review Process and 10.204.2 Effective Date and Expiration, repealing conflicting ordinances and resolutions and establishing an effective date. (Ashley Lumpkin)

Public hearing opened: 10:06 PM

Public hearing closed: 10:06 PM

Councilmember Gordon made a motion to approve Item 9.3 as presented with the correction to the fence redline that should be there in 10.203.4.2. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

- 9.4. Consideration and possible action on Ordinance No. O-2021-038 to dispense with second reading.

MPT Rose to dispense of the second reading with the correction to the fence redline that should be there in 10.203.4.2. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

- 9.5. Consideration of a public hearing and possible action on Ordinance No. O-2021-039 approving the proposed Specific Use Permit for the Hutto Independent School District Transportation Facility at 4035 FM 1660 North, 165 acres, more or less, of land, to allow a reduction in the required landscaping and building elevations. (Ashley Lumpkin)

Public hearing opened: 10:25 PM

Public hearing closed: 10:25 PM

Discussion ensued. Henry Gideon from the HISD was present for this discussion.

Councilmember Villarreal Salvo made a motion to approve Ordinance No. O-2021-039 approving the proposed Specific Use Permit for the Hutto Independent School District Transportation Facility at 4035 FM 1660 North, 165 acres, more or less, of land, to allow a reduction in the required building elevations. Mayor Snyder seconded the motion. The motion passed unanimously. (7:0)

The landscape portion will be considered at the July 1, 2021 City Council meeting.

- 9.6. Consideration and possible action on Ordinance No. O-2021-039 to dispense with second reading.

Item to come back at the July 1, 2021 City Council meeting.

10. RESOLUTIONS

11. OTHER BUSINESS

- 11.1. Consideration and possible action on presentation on the Emory Farms gate/sign to Innovation Business Park. (Anthony Host)

Discussion ensued.

Councilmember Villarreal Salvo made a motion to approve Item 11.1 to go with the arch option that was presented to council in the next fiscal year. Mayor Snyder seconded the motion with the amendment not to exceed \$40,000. The motion passed unanimously. (7:0)

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

Discussion ensued. No action taken.

- 11.4. Discussion and possible action on Council Liaison duties. (Councilmember Villarreal Salvo)

Discussion ensued. No action taken.

12. EXECUTIVE SESSION- Entered 11:32 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. Deliberate the employment, evaluation, and duties of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters, including performance goals and expectations.
- 12.3. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding legal action necessary in connection with Texas Attorney General Opinion No. LP-0366 and River Creek Development Corporation and the City of Hutto in River Creek Development Corporation and the City of Hutto v. Kenneth Paxton, Jr., et. al Cause No. 21-0759-C425, pending in the 425th District Court in Williamson County, Texas and approving extraordinary expenditures. (City Attorney- D. Palumbo)
- 12.4. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: 21-0128-C368, Longhorn Title Company vs. Preston Hollow Capital, LLC and Cottonwood Development Corporation pending in the 368th District Court in Williamson County, Texas. (City Attorney- D. Palumbo)
- 12.5. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: Case 1:20-cv-01210-LY Jones v. City of Hutto et al pending in the U.S. District Court, Western District, Austin Division. (City Attorney-D.Palumbo)

13. ACTION RELATIVE TO EXECUTIVE SESSION- Reconvened 1:29 AM

- 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.

MPT Rose made a request to city staff and City Attorney to bring a resolution to formally request the working documents from Ross Fischer back to Council.

- 13.2. Consideration and possible action related to deliberation of the employment, evaluation, and duties of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters, including performance goals and expectations.

Tabled until the July 1, 2021 City Council meeting.

- 13.3. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding legal action necessary in connection with Texas Attorney General Opinion No. LP-0366 and River Creek Development Corporation and the City of Hutto in River Creek Development Corporation and the City of Hutto v. Kenneth Paxton, Jr., et. al Cause No. 21-0759-

C425, pending in the 425th District Court in Williamson County, Texas and approving extraordinary expenditures. (City Attorney- D. Palumbo)

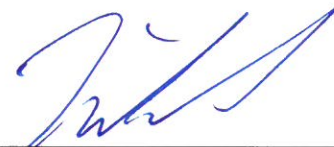
Councilmember Villarreal Salvo made a motion to authorize an additional \$10,000 for litigation support costs. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 13.4. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: 21-0128-C368, Longhorn Title Company vs. Preston Hollow Capital, LLC and Cottonwood Development Corporation pending in the 368th District Court in Williamson County, Texas. (City Attorney- D. Palumbo) – **No action taken.**
- 13.5. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: Case 1:20-cv-01210-LY Jones v. City of Hutto et al pending in the U.S. District Court, Western District, Austin Division.(City Attorney-D.Palumbo) - **No action taken.**

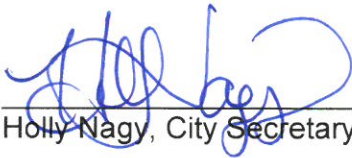
14. ADJOURNMENT- 1:32 AM

Passed and approved this 1st day of July, 2021.

ATTEST:



Mike Snyder, Mayor



Holly Nagy, City Secretary