



City of Hutto

Minutes

City Council Meeting Thursday, August 19, 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 7:20 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 Krystal Kinsey.

3. **INVOCATION-** Danny Cook, Legacy Church
4. **PLEDGE OF ALLEGIANCE**
5. **CITY COUNCIL COMMENTS**

5.1. General Comments from City Council

Councilmember Villarreal Salvo: I'd like to take a quick second to recognize our SWAT (Seniors With Available Time), I think I saw Ms. Little in tonight. Our SWAT group worked on a project on behalf of themselves as well as the Chamber, the area Chamber for Hutto and our City of Hutto. They produced a really cool thing called 2021 Hutto Hippo Tour Map and our Seniors With Available Time went all around to our local area businesses that have hippos that are decorated and painted, and they made maps that you can go tour around.

There's a virtual map that our GIS team here at the City is working putting together and it's a really cool way to bring all of our local economic development and the story of the Hippo together. A collaboration effort truly between the Chamber and the City of Hutto, all brought with SWAT and I wanted to say thank you for taking that initiative, Jean and the rest of you all, and bringing together these two entities that haven't always worked great together but are starting on a good footing and a lot of that is because of you guys. The beautification you did of Henrietta also out on East Street is really awesome.

So, thank you, guys, for the community work you brought, the true passion you have for our hippos and what makes Hutto special. These are at all of our local area hotels in hard copy, Kalahari has them to help drive some tourists over here. We also have obviously the virtual and it will be on our website. We also have a cool QR Code on the back, so anyway, they didn't a really great job with it and again just wanted to say thank you. So, thanks Jean.

Lowe's and Home Depot donated lots of mulch and supplies for the beautification of Henrietta and all the projects you guys are doing. That's not easy to go and ask for things like that, working with our businesses locally. Everybody cares about our hippos. Thank you, very much.

- 5.2. City Council Liaison Reports
- Councilmember Villarreal Salvo attended Parks Advisory Board.
 - Councilmember Kinsey attended Diversity and Inclusion Commission.

6. PUBLIC COMMENT

- Jimmy Pierce
- James Weaver
- Onnesha Williams
- Vanessa Henry
- Troy McMillian

7. CITY MANAGER COMMENTS

- 7.1. Introduction of Matt Wojnowski, Assistant City Manager.

8. PROCLAMATIONS

- 8.1. Proclamation No. 2021-011- A proclamation celebrating the life of Rev. Fred B. Warren, Jr.

9. CONSENT AGENDA ITEMS

- 9.4. Consideration and possible action on Resolution No. R-2021-136 authorizing the City Manager to enter into an Emergency Shelter Agreement with the YMCA.
- 9.5. Consideration and possible action on Resolution No. R-2021-135 authorizing the City Manager to execute the Standard Master Agreement between the City of Hutto and Garver, LLC for Continuing Professional Services. (City Attorney - C. Rosas-Grillet)

Councilmember Villarreal Salvo pulled Item 9.1. Councilmember Kinsey pulled Item 9.2. Councilmember Gordon pulled Item 9.3.

Councilmember Villarreal Salvo made a motion to approve consent Items 9.4 and 9.5. Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

- 9.1. Consideration and possible action on approving the August 5, 2021 City Council meeting minutes.

Councilmember Villarreal Salvo made a motion to amend the minutes to add Helen Coffman and Beatriz Rodriguez to Public Comment. Councilmember Kinsey seconded the motion. The motion passed unanimously. (7:0)

- 9.2. Discussion and possible action on Ordinance No. O-2021-044 approving the proposed zoning change request for Aspen Heights Planned Unit Development (PUD) from SF-1 (Single Family) to PUD (Planned Unit Development) for single-family detached condo, 36.624 acres, more or less, of land, located on FM 1660 South. (Second Reading)(Ashley Lumpkin)

Discussion ensued. Councilmember Villarreal Salvo made a motion to approve Item 9.2. Councilmember Gordon seconded the motion. The motion passed (5:2) with Councilmembers Kinsey and Sutton against.

- 9.3. Consideration and possible action on Ordinance No. O-2021-047 amending section 2.02.003 of the Hutto City Code to provide for resignation procedures for members of City boards and commissions, establish the date a vacancy is created in the event of a resignation, and modify the nomination procedures for City boards and commissions. (Councilmember Gordon). (First Reading)

Was tabled until after Item 12.9.

Item 12.2 was moved up at this time. There were no objections.

- 12.2. Consideration and possible action on facts related to amended legal claims brought by the city in the pending litigation involving the City of Hutto and others arising out of Project Expansion.(Legal-G.Hyde)

Mayor Snyder made a motion to direct bond counsel to engage the Attorney General's office in terms of what's transpired and try to work out some solutions to bring back to Counsel. If they find they need to issue an EMMA notice that they do so. MPT Rose seconded the motion. The motion passed unanimously. (7:0)

Item 12.9 was moved up at this time. There were no objections.

- 12.9 Consideration 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.

Councilmember Sutton made a motion to remove Marqueta Grant from the EDC. MPT Rose seconded the motion. The motion passed unanimously. (7:0)

Councilmember Sutton made a motion to appoint Cheney Gamboa to the EDC. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to appoint Deborah McPherson to the Parks Advisory Board. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Councilmember Villarreal Salvo made a motion to appoint Robert Balcer to the Zoning Board of Adjustments. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Kinsey made a motion to appoint Kelly Lewis to the Ethics Board. Mayor Snyder seconded the motion. The motion passed unanimously. (7:0)

- 9.3. Consideration and possible action on Ordinance No. O-2021-047 amending section 2.02.003 of the Hutto City Code to provide for resignation procedures for members of City boards and commissions, establish the date a vacancy is created in the event of a resignation, and modify the nomination procedures for City boards and commissions. (Councilmember Gordon). (First Reading)

Councilmember Villarreal Salvo made a motion to approve Item 9.3 as presented.
Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Gordon made a motion to dispense of the second reading.
Councilmember Villarreal Salvo seconded the motion the motion passed unanimously.
(7:0)

First nominating committee: Councilmembers Sutton, Villarreal Salvo, and Kinsey with
term ending August 19, 2022.

10. ORDINANCES

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution No. R-2021-136 approving a Second Amended and Restated Development Agreement between the City of Hutto and MA Durango, LLC for a property being approximately 105 acres, also known as Durango Farms. (D. Palumbo)

Postponed until September 2, 2021 Council meeting.

- 11.2. Consideration and possible action on Resolution No. R-2021-131 authorizing the City of Hutto's execution and entering into the Durango Farms Public Improvement District Financing and Reimbursement Agreement; ordering other matters in connection with the foregoing and providing an effective date.

Councilmember Gordon made a motion to approve transferring the funds at building permit and transfer to a third party. Councilmember Villarreal Salvo seconded the motion. The motion passed (4:3) with MPT Rose and Councilmembers Kinsey, Sutton against.

- 11.3. Consideration and possible action on Resolution No. R-2021-132 authorizing the City of Hutto's execution and entering into the Durango Farms Public Improvement District Landowner Agreement and Notice of Special Assessments; ordering other matters in connection with the foregoing and providing an effective date.

Councilmember Villarreal Salvo made a motion to approve Item 11.3 as presented.
Councilmember Gordon seconded the motion. The motion passed (6:1) with MPT Rose against.

- 11.4. Consideration and possible action on Resolution No. R-2021-124 determining costs of authorized improvements for the Durango Farms 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 Durango Farms 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)

Councilmember Villarreal Salvo made a motion to approve Item 11.4 as presented.
Mayor Snyder seconded the motion. The motion passed (6:1) with MPT Rose against.

- 11.5. Consideration and possible action on Resolution No. R-2021-134 of the City of Hutto declaring void a Pro Rata Share Agreement with Meritage Homes dated September 21, 2018, including any amendments, in the alternative rescinding said agreement including any amendments; and in the further alternative authorizing the City Manager to terminate said agreement and any amendments; providing for an accounting and pro rata share analysis; and providing an effective date.

Mayor Snyder made a motion to direct staff and City Attorney to perform the accounting and bring back an agreement by September 2, 2021. MPT Rose seconded the motion. The motion passed unanimously.

12. OTHER BUSINESS

- 12.1. Presentation by Williamson County and Cities Health District.

Presentation given by Derrick Neil.

MPT Rose requested to move Item 13.2 and 14.3 up. There were no objections.

- 13.2. Receive legal advice pursuant to Texas Government Code Sections 551.087 and 551.071, to deliberate and seek legal advice regarding economic development negotiations with OVIVO Inc. and project Darwin.

Council entered Executive Session at 10:51 PM on Item 13.2. No action taken.

Council reconvened from executive session at 11:35 PM.

Recessed the regular meeting at 11:37 PM.

Reconvened the regular meeting at 11:38 PM.

- 14.2. Consideration and possible action on legal advice received pursuant to Texas Government Code Sections 551.087 and 551.071, to deliberate and seek legal advice regarding economic development negotiations and incentives related to project Darwin.

No action taken.

- 14.3. Discussion and possible action approving an Economic Development Performance Agreement and related expenditures between the Hutto Community Development Corporation and OVIVO, INC. in connection with the creation of a manufacturing facility and numerous jobs in the City of Hutto, Texas. (Legal-G.Hyde)

Councilmember Gordon made a motion to accept the Economic Development Performance Agreement and related expenditures between the Hutto Community Development Corporation and OVIVO, INC. as discussed in executive session.

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

Item 12.8 was moved up at this time. There were no objections.

- 12.8. Consideration and possible action on appointing members to the Comprehensive Plan Action Committee.

Ashley Lumpkin presented. Formal Ordinance will be presented at the September 2, 2021 City Council meeting.

- 12.3. Consideration and possible action regarding the plaque on the front of City Hall, including but not limited to the materials to be used in any replacement plaque. (Councilmember Gordon)

Discussion ensued. Mayor Snyder have the City Manager remove the plaque and destroy it. Councilmember Sutton seconded the motion. The motion passed (5:2) with Councilmembers Gordon and Kinsey against.

MPT Rose made a motion that if and when the funds become available, either through appropriations or through donations the replacement plaque be bronze quality or better. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

- 12.4. Consideration and possible action relating to the procedures to set speed limits within the City of Hutto.(Councilmember Sutton)

Discussion ensued. This item will be brought back to the September 16, 2021 City Council meeting.

- 12.5. Consideration and possible action on closing requirements for Legends of Hutto drainage ditches.

No action taken.

- 12.6. Consideration and possible action on amendments to the City's purchasing policy. (Mayor Snyder)

Item will be brought back at the beginning of the fiscal year.

- 12.7. Consideration and possible action relating to Truck Traffic in Old Town.

Discussion ensued. Item will be brought back at the October 7, 2021 City Council meeting.

13. EXECUTIVE SESSION Entered: 12:24 AM

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 Reconvened: 12:41 AM

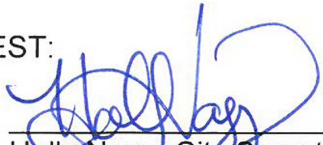
- 14.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

No action taken. All text messages reviewed during deposition released to City Council members.

15. ADJOURNMENT- 12:43 AM

PASSED AND APPROVED this 2ND day of September, 2021.

ATTEST:


Holly Nagy, City Secretary




Mike Snyder, Mayor