



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
February 6, 2020**

A Regular Meeting of the City Council of Hutto, Texas was held on February 6, 2020 in the Council Chambers, City Hall, 500 W. Live Oak, Hutto, Texas 78634, for which proper notice was given.

1. **CALL SESSION TO ORDER**

With a quorum of the members present, Mayor Gaul called the meeting to order at 7:00 p.m.

2. **ROLL CALL**

Members of the City Council present were Mayor Doug Gaul, Mayor Pro Tem Tom Hines, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, and Councilmember Tanner Rose.

Members of staff that were present were Charles W. Daniels, Interim City Manager; Byron Frankland, Assistant City Manager; Paul Hall, Chief of Police; Ashley Lumpkin, Executive Director Infrastructure & Development Services; Jessica Bullock, Director of Economic Development; Ashby Grundman, Development Services Director; Michel Sorrell, Assistant City Manager and CFO; Allison Hosgood, Executive Director of Organizational Development and Human Resources; Stacy Schmitt, Assistant to the City Manager and Appointed City Secretary; Donna Simmons, Director of Communications; Jennifer Atkinson, Communications Specialist; Tony Host, Executive Director of Community Services; Jeff White, Parks and Recreation Director; and Michael Shaunessy, City Attorney.

3. **INVOCATION**

The Invocation was given by Pastor Bernhard Suppan of the New Life Church, Hutto, Texas.

4. **PLEDGE OF ALLEGIANCE**

Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

5. **CITY COUNCIL COMMENTS**

There were no comments from Councilmembers.

6. **PUBLIC COMMENTS**

Comments were received from the following:

Timothy Martin commented related to holding the decorum and having candor during council meetings and in the public view.

Paul Martin commented on adhering to Robert's Rules of Order during meetings.

Jorde Matthews commented on the budget for sidewalks.

Katherine Senn commented on the removal of the city attorney and her dissatisfaction with the master park plan recently approved.

Lucas Evans commented on the Cottonwood Creek final plat and the affect of the development on his property, specifically the location of Carl Stern Road. He suggested a revision of the location of the road near his property and moving some lots.

Nicole Calderone commented on the standards of conduct and financial disclosures enacted by the City.

Robin Sutton commented on options for legal services; notice to the public when cancelling meetings or work sessions; and status of a forensic audit.

7. **EXECUTIVE SESSION**

7.A. 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]*.

The Open Meeting was recessed at 7:24 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code. The Executive Session convened at 7:24 p.m. and adjourned at 8:04 p.m. The Open Meeting was reconvened at 8:04 p.m.

8. **ACTION RELATIVE TO EXECUTIVE SESSION**

8.A. Consideration and possible action regarding Project Electric Daisy.

Motion: Mayor Pro Tem Hines made a motion to authorize the Interim City Manager to negotiate and execute a Chapter 380 development agreement with Project Electric Daisy. Councilmember Scott Rose seconded the motion. After discussion, Mayor Pro Tem Hines withdrew the motion and restated his motion.

Mayor Pro Tem Hines made a motion to authorize the Interim City Manager to execute the agreement with Project Electric Daisy as presented to City Council, with the understanding, should there be any change, he must return to Council for approval. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez

 Nay Councilmember Tanner Rose

Action: The motion carried by a vote of 6 ayes to 1 nay.

9. **CITY MANAGER COMMENTS**

9.A. Presentation announcing the company for Project Electric Daisy.
 It was announced that EDC Moving Systems will be the Project Electric Daisy.

10. **CONSENT AGENDA ITEMS**

- 10.A. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 5 Final Plat, 12.06 acres, more or less, of land, one commercial lot, located on Schneider Boulevard. (Ashley Lumpkin)
- 10.B. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 6 and 7 Preliminary Plat, 15.164 acres, more or less, of land, two commercial lots, located on New Technology Boulevard. (Ashley Lumpkin)
- 10.C. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 6 and 7 Final Plat, 15.164 acres, more or less, of land, two commercial lots, located on New Technology Boulevard. (Ashley Lumpkin)
- 10.D. Consideration and possible action on a resolution approving the Hutto Crossing Industrial Park Preliminary Plat, 125.95 acres, more or less, of land, six commercial lots, located at the southwest corner of SH-130 and US 79 West. (Ashley Lumpkin)
- 10.E. Consideration and possible action on a resolution approving the Star Ranch Section 7 Phase 7 Final Plat, 7.773 acres, more or less, of land, 45 residential lots, located within Hutto's Extraterritorial Jurisdiction (ETJ) on Finstown Street. (Ashley Lumpkin)
- 10.F. Consideration and possible action on a resolution approving the proposed Cottonwood Creek Phase 1 Final Plat, 45.597 acres, more or less, of land, 160 residential lots, located off of CR 199. (Ashley Lumpkin)
- 10.G. Consideration and possible action to approve the January 2, 2020 City Council meeting minutes. (Stacy Schmitt)

Motion: Councilmember Gordon made a motion to remove item 10.F. on the Consent Agenda. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Mayor Pro Tem Hines made a motion to approve items 10.A, 10.B, 10.C, 10.D, 10.E, and 10.G on the Consent Agenda. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

10.F. Consideration and possible action on a resolution approving the proposed Cottonwood Creek Phase 1 Final Plat, 45.597 acres, more or less, of land, 160 residential lots, located off of CR 199. (Ashley Lumpkin)

Additional comments were made by Lucas Evans requesting that the plat be revised to relocate Carl Stern Road and move some of the lots for least effect on his property.

Motion: Mayor Pro Tem Hines made a motion to approve Resolution No. R-20-02-06-10F approving the final plat. for Cottonwood Creek Phase 1. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

11. **RESOLUTIONS**

- 11.A. Consideration and possible action on a resolution authorizing the Interim City Manager to negotiate and execute a Development Agreement by the City of Hutto for the development of the Wilco Ranch Project. (Ashley Lumpkin)

Motion: Mayor Pro Tem Hines made a motion to approve Resolution No. R-20-02-06-11A as presented. Councilmember Gordon seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.B. Consideration and possible action on the proposed Wilco Ranch Revised Preliminary Plat, 89.71 acres, more or less, of land, 457 residential lots, located on CR 199 at Limmer Loop. (Ashley Lumpkin)

Motion: Councilmember Scott Rose made a motion to approve Resolution No. R-20-02-06-11B as presented. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.C. Consideration and possible action on a resolution authorizing the City Manager to execute a professional services agreement with DCS Engineering, LLC for the design of the Lakeside Estates Lift Station Abandonment Interceptor project for an amount not to exceed \$211,975.00.

Motion: Councilmember Gordon made a motion to approve Resolution No. R-20-02-06-11C as presented. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose

Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.D. Consideration and possible action for an Interlocal Agreement between the City of Hutto, Cottonwood Local Government Corporation, and Preston Hollow Capital LLC affirming City support and commitments under the Multi-Party Development Agreement and Master Development Agreement related to the Sports, Health, and Entertainment District project. (Jessica Geray)

Motion: Mayor Pro Tem Hines made a motion to approve the Interlocal Agreement as presented. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

12. **ORDINANCES**

- 12.A. Consideration and possible action on the second and final reading of an ordinance approving the proposed Planned Unit Development (PUD) for 411, 421, 431, 441 Ed Schmidt Boulevard, 4.30 acres, more or less, of land, located on Ed Schmidt Boulevard. (Ashley Lumpkin)

Motion: Councilmember Snyder made a motion to approve Ordinance No. O-20-02-06-12A as presented. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 12.B. Consideration of a public hearing and possible action on the first reading of an ordinance regarding the proposed annexation of Wilco Ranch, 89.71 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on Ed Schmidt Blvd. (Ashley Lumpkin)

Mayor Gaul opened the Public Hearing for comments at 9:21 p.m. Hearing none, the hearing was closed at 9:21 p.m.

Motion: Mayor Pro Tem Hines made a motion to approve Ordinance No. O-20-02-06-12B as presented and to dispense with the requirement for reading this ordinance on 2 separate days. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

13. **OTHER BUSINESS**

- 13.A. Consideration of and possible appointments to City Boards, Commissions, and Task Force. (Stacy Schmitt)

Motion: Councilmember Scott Rose made a motion to appoint Laurie Stockman to the ADA Task Force. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Mayor Pro Tem Hines made a motion to appoint Timothy Martin to the Communications Task Force. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon

Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by 7 ayes and 0 nay.

Motion: Councilmember Tanner Rose made a motion to appoint Jerica Lawyer to the Communications Task Force. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 13.B. Consideration and possible action on a resolution for the appointment of a City Council Member to represent the City of Hutto on the Clean Air Coalition of the Capital Area Council of Governments. (Stacy Schmitt)

Comment by Nicole Calderone, that it would be an honor to represent the City.

Motion: Mayor Pro Tem Hines made a motion to appoint Councilmember Mike Snyder to represent the City on the Clean Air Coalition. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 13.C. Consideration and possible appointments to the Tax Increment Reinvestment Zone (TIRZ) NO. 1 Board (Jessica Geray).

There were 3 seats that needed to be appointed.

Motion: Councilmember Tanner Rose made a motion to appoint Paul Martin to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Councilmember Gordon made a motion to appoint Rick Hudson to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Councilmember Martinez made a motion to appoint Jennifer Burrington to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 13.D. Presentation, consideration and possible action on the Co-Op update. (Bob Wunsch)

Presentation from Bob Wunsch was given to update the Council on the status of construction projects in the Co-Op District.

The Open Meeting was recessed at 10:43 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code. The

Executive Session convened at 10:43 p.m. and adjourned at 11:19 p.m. The Open Meeting was reconvened at 11:19 p.m.

There was no action taken in Executive Session.

- 13.E. Presentation, consideration and possible action to consider possible options for legal services. (Charles Daniels and Stacy Schmitt)

Motion: Councilmember Snyder made a motion to direct staff to issue an RFP for legal services. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

14. **EXECUTIVE SESSION**

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*].

- 14.A. Executive Session as authorized by Texas Government Code, sections 551.071 and 551.074, Consultation with Attorney, regarding lawsuit brought against the City of Hutto by Star Ranch developer currently pending in State District Court in Williamson County Texas.
- 14.B. Executive Session as authorized by Texas Government Code, sections 551.071 and 551.074, Consultation with Attorney, regarding pending litigation between City of Hutto and the Texas Attorney General's Office regarding Public Information Act.
- 14.C. Executive Session as authorized by Texas Government Code, section 551.071 Consultation with Attorney, regarding attorney's fees incurred by the City and Public Information Act requests for unredacted attorney's fee bills.

Comments were received from:

Robin Sutton related to releasing public information copies and information from the attorneys fee bills.

Elizabeth Castillo related to pending litigation with the Star Ranch developer.
Ken Wohleking related to pending litigation with the Star Ranch developer and requested that the Council remember the residents of Star Ranch community as this is considered.

The Open Meeting was recessed at 11:53 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code, Sections 551.071 and 551.074 regarding pending litigation by Star Ranch developer. The Executive Session convened at 11:53 p.m. and adjourned at 12:22 a.m. on February 7, 2020. The Open Meeting was reconvened at 12:22 a.m. on February 7, 2020.

There was no action taken in Executive Session.

The Open Meeting was recessed at 12:26 a.m. on February 7, 2020 to convene in Executive Session in accordance with the authority granted by the Texas Government Code, Sections 551.071 and 551.074, regarding pending litigation with the Texas Attorney General's Office regarding the Public Information Act and attorney's fees for Public Information Act requests. The Executive Session convened at 12:26 a.m. on February 7, 2020 and adjourned at 1:13 a.m. on February 7, 2020. The Open Meeting was reconvened at 1:13 a.m. on February 7, 2020.

There was no action taken in Executive Session.

15. **ACTION RELATIVE TO EXECUTIVE SESSION**

15.A. Consideration and possible action regarding Star Ranch litigation.

Motion: Councilmember Scott Rose made a motion to authorize the City Attorney to bring a lawsuit against the development of Star Ranch. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Councilmember Mike Snyder recused himself due to a conflict of interest.

Action: The motion carried by a vote of 6 ayes, 0 nay.

15.B. Consideration and possible action regarding PIA requests.

Comments from Nicole Calderone in regard to severance and separation agreements made available to the public and to post on website.

Motion: Councilmember Snyder made a motion to direct the release of all severance agreements and post to the website; release fee bills starting from January 1, 2017, redacted as per the Attorney General's office. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

16. **ADJOURNMENT.** Mayor Gaul adjourned the meeting at 1:30 a.m. on February 7, 2020.

Respectfully submitted,

CITY OF HUTTO, TEXAS



Doug Gaul, Mayor

ATTEST:



Stacy Schmitt, Appointed City Secretary

These minutes were approved on 4/2, 2020.

