



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
MAY 21, 2020**

A Regular Session of the City Council of the City of Hutto, Texas was held on May 21, 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 7:02 p.m.

2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez (via teleconference), Councilmember Tanner Rose.

Absent: MPT Hines

Members of staff that were present were Byron Frankland, Assistant City Manager; Michel Sorrell, Assistant City Manager and CFO; Stacy Schmitt, Assistant to the City Manager, Holly Nagy, City Secretary and; Dorothy Palumbo, City Attorney.

3. INVOCATION The Invocation was given by Councilmember Peter Gordon.

4. PLEDGE OF ALLEGIANCE Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

5. CITY COUNCIL COMMENTS

Councilmember Snyder stated that on May 14th, a sworn ethics complaint was filed against him with the Texas Ethics Commission regarding a consulting agreement. Item was dismissed by the Texas Ethics Commission on May 19th. Councilmember Snyder wanted to let the citizens know this happened in full transparency. Councilmember Gordon recognized the parents of Hutto graduating seniors who put on the parade. It was an impressive show of solidarity and support for kids. Mayor Gaul expressed condolences on the loss of Adrian Herran.

6. PROCLAMATIONS There were no proclamations presented.

7. **PUBLIC COMMENTS**

In light of COVID-19 emergency, in person gatherings of the public should be avoided. Therefore, the Open Meetings requirement was suspended by the Governor and the City instituted that public comments would be submitted by email and would be read aloud during the meeting. Emails submitted were read aloud by Stacy Schmitt.

Ms. Robin Sutton: RE: Proposed adjournment time-concerned regarding citizens being heard.

Ms. Shirley Peek (via email): RE: Old Town Hutto congested roads, neighborhood streets. Forcing traffic through neighborhoods.

8. **CITY MANAGER COMMENTS.**

- None

9. **CONSENT AGENDA ITEMS**

Councilmember Snyder made a motion to pull items 9.3 and 9.9 from the Consent Agenda. Councilmember S. Rose seconded the motion. The motion passed unanimously.

- 9.1. Consideration and action on a resolution regarding Oncor Electric Delivery Company and its filed application for approval of a Distribution Cost Recovery Factor ("DCRF").
- 9.2. Consideration and possible action on a resolution approving the proposed Brooklands Section Four Final Plat, 15.7896 acres, more or less, of land, 88 residential lots, located at Swindoll Lane at Brooklands Boulevard.
- 9.4 Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 12 Final Plat, 12.25 acres, more or less, of land, one commercial lot, located at Carl Stern Drive at Cyril Drive.
- 9.5 Consideration and possible action on a resolution approving the proposed Highlands North Section 2 Final Plat, 36.040 acres, more or less, of land, 100 residential lots, located at CR 132 and Panico Road.
- 9.6 Consideration and possible action on a resolution approving the proposed Highlands North Revised Preliminary Plat, 204.298 acres, more or less, of land, 480 residential lots, located at CR 132 and CR 133.
- 9.7 Consideration and possible action on a resolution approving the proposed Mustang Creek Phase 4 Final Plat, 27.290 acres, more or less, of land, 107 residential lots, located on FM 1660 North.

- 9.8 Consideration and possible action on an Ordinance of the City of Hutto, Texas amending Article 1.02, City Council, Division 1. Generally, of the Hutto City Code by adding Section 1.02.001, Investigations by City Council; providing for penalties and an effective date. (Second Reading)

Councilmember Gordon made a motion to approve items 9.1, 9.2, 9.4, 9.5, 9.6, 9.7 and 9.8 on the Consent Agenda as presented. Councilmember S. Rose seconded the motion. The motion passed unanimously.

Councilmember Martinez stated that in the past she has recused herself from voting during the Brookland sections. Councilmember Martinez wishes to note for the record that she no longer works for the company in which she had relations in the subdivision for. Councilmember Martinez wishes to clear the air and let Council know why she didn't recuse herself from that item.

- 9.3. Consideration and possible action on a resolution approving the proposed Durango Farms Phase 1 Final Plat, 72.391 acres, more or less, of land, 138 residential lots, one multifamily lot, and one commercial lot, located on FM 1660 North at Mager Lane.

Ms. Robin Sutton spoke regarding the project.

- left turning lane FM 79 and FM 1660.

-concerned that the roads can't accommodate drainage or traffic.

- where is traffic analysis?

Councilmember S. Rose made a motion to approve item 9.3 as presented. Councilmember Gordon seconded the motion. The motion passed. (4:2)

VOTE:

	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose	X			
Councilmember Mike Snyder		X		
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion carried by a vote of 4 ayes to 2 nays.

- 9.9 Consideration and possible action on an Ordinance of the City of Hutto, Texas continuing the Ordinance continuing the Declaration of Local Disaster extending the Declaration of Disaster to be consistent with Governor Abbott's Executive Orders and providing an effective date.

Councilmember Snyder made a motion to allow the ordinance to expire. Councilmember T. Rose seconded the motion. The motion passed. (5:1)

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose		X		
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried by a vote of 5 ayes to 1 nays.

10. ORDINANCES

- 10.1. Consideration and possible action on an Ordinance to amend section 2.04.002- Police Department.

Councilmember Snyder made a motion to table item 10.1 to clarify information and bring back whole ordinance to Council. Councilmember Gordon seconded the motion. The motion passed unanimously

- 10.2. Consideration and possible action to approve an Ordinance adopting an adjournment time for City Council meetings.

Councilmember Snyder made a motion to deny item 10.2 as written. Councilmember T. Rose seconded the motion.

Councilmember Gordon made a motion to table item 10.2 until after there is a discussion regarding online message boards as a Council. Councilmember Martinez seconded the motion. Motion failed. (3:3)

VOTE:

	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose		X		
Councilmember Mike Snyder		X		
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion failed by a vote of 3 ayes to 3 nays.

Councilmember S. Rose made a motion to table item 10.2 with an amendment that it takes a super majority to continue past 11 pm. Councilmember Martinez seconded the motion.

VOTE:

	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul		X		
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose	X			
Councilmember Mike Snyder		X		
Councilmember Peter Gordon		X		
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion failed by a vote of 2 ayes to 5 nays.

11. RESOLUTIONS

- 11.1. Public hearing, consideration and possible action to adopt a Resolution of the City of Hutto, Texas, authorizing and creating the Durango Farms Public Improvement District within the City of Hutto pursuant to Chapter 372 Texas Local Government Code.

Public hearing opened: 8:55 pm.

Public hearing closed: 8:55 pm.

No one spoke.

Presentation only. Item will come back to June 18, 2020 City Council Meeting.

- 11.2 Consideration and possible action authorizing the City to pursue alternative funding sources to respond to and recover from the Coronavirus (COVID 19) pandemic.

Councilmember T. Rose made a motion to approve item 11.2 as presented. Councilmember S. Rose seconded the motion. The motion passed unanimously.

12. OTHER BUSINESS.

12.1 Presentation of 2019 Crime Statistics.

12.2 Approval of Amended City Council Meeting Minutes of September 19, 2019.

Councilmember T. Rose made a motion to approve item 12.2. Councilmember S. Rose seconded the motion. The motion passed unanimously.

13. EXECUTIVE SESSION *Entered: 9:36 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 as authorized by the Texas Government Code: *Section 551.071 [Litigation/Consultation with Attorney], Section 551.072 [Deliberations regarding real property], Section 551.073 [Deliberations regarding gifts and donations], Section 551.074 [Deliberations regarding personnel matters], Section 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and Section 551.087 [Deliberations regarding Economic Development negotiations].*

13.1. Receive legal advice concerning the Hutto Sports, Health and Entertainment District in accordance with Tex. Govt. Code § 551.071 and deliberations regarding Economic Development negotiations pursuant to Tex. Govt. Code § 551.087 concerning a Grant Agreement pursuant to Texas Loc. Govt. Code Chapter 380 for an Alternative Project Grant pursuant to the Loan Agreement between Cottonwood Development Corporation and Preston Hollow Capital, LLC dated February 13, 2020.

13.2. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071(1) about pending litigation, to wit: Brushy Creek, Ltd. V. City of Hutto, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas).

13.3. Receive legal advice relating to Special District Financing pursuant to Tex. Govt. Code. § 551.071.

13.4. Receive legal advice from the City Attorney on pending legal matters and Council legal requests pursuant Tex. Govt. Code § 551.071.

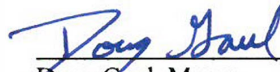
14. ACTION RELATIVE TO EXECUTIVE SESSION *Reconvened: 11:17 PM*

14.1. Receive legal advice concerning the Hutto Sports, Health and Entertainment District in accordance with Tex. Govt. Code § 551.071 and deliberations regarding Economic Development negotiations pursuant to Tex. Govt. Code § 551.087 concerning a Grant Agreement pursuant to Texas Loc. Govt. Code Chapter 380 for an Alternative Project Grant pursuant to the Loan Agreement between Cottonwood Development Corporation and Preston Hollow Capital, LLC dated February 13, 2020.

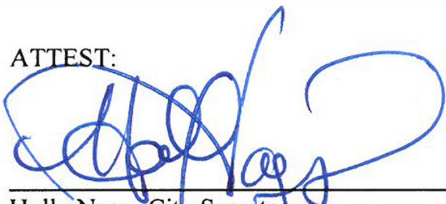
- 14.2. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071(1) about pending litigation, to wit: Brushy Creek, Ltd. V. City of Hutto, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas).
- 14.3. Receive legal advice relating to Special District Financing pursuant to Tex. Govt. Code. § 551.071.
- 14.4. Receive legal advice from the City Attorney on pending legal matters, Council legal requests and potential litigation.

No action taken on items 14.1, 14.2, 14.3, and 14.4.

- 15. **ADJOURNMENT.** Mayor Gaul adjourned the meeting at 11:19 p.m. on May 21, 2020.


Doug Gaul, Mayor

ATTEST:


Holly Nagy, City Secretary

PASSED AND APPROVED 6/4, 2020.

