



City of Hutto

MINUTES

City Council Meeting

Thursday, December 2, 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:

Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Krystal Kinsey, MPT Tanner Rose, Mayor Mike Snyder

3. **INVOCATION – Piet Van Waarde**

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 citizens, 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 an 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 Mandi Villarreal-Salvo

"So, it's been a great two weeks here in Hutto since our last council meeting. City staff was able to move pretty quickly with some requests from our downtown business owners that came my way. We've got a Now Entering Historic Downtown Hutto signage. It's going to be going up. I'm really excited for them-- as well as some wayfinding signs for right off of East Street for our businesses that aren't on the beaten path-- that's regularly seen. So, these were requests that were made numerous times over the past years and I'm glad that staff and council and community were able to get it done-- it's really exciting. Had a fruitful meeting with our Meritage Homes representatives on their Project Harvest Farms right after our last council meeting. It was pretty disappointing to hear that they've been receiving some misinformation from the city side and council side on why their projects have been delayed, essentially since October, on getting in front of council. Thankfully, we were able to meet with our acting city manager and necessary staff members to find out project details and help answer the frustrations they're having. This is an example of a project that because there is stress getting to staff from either council members or from legal, a lot of important details are falling through the cracks. Then, when the developer asks us why there's a delay, people are throwing staff under the bus rather than explaining the actual reasons why there's delay. A further example of details not being reviewed by staff but incorrectly being communicated by city legal and city council, is the community benefit fee from the Durango Farms PID. So, regardless of the intent behind that \$2 million that our former city manager agreed to in October of 2019 and then staff --or excuse me-- city council agreed to in January 2021 --the \$2 million fee will be used only within the boundaries of the Durango Farms PID. So that means what we've been saying for months now of how we can use that money to assist with infrastructure repair in Old Town, actually cannot happen. It has to all be used within the brand-new development of Durango Farms. So, I mean we can use that towards the park that we now own but it can't be used for the intent that it was originally used to serve. These are but two examples of why council members need to stay in their lane as legislators and policymakers. City attorneys need to stop interfering and pressuring our city staff and we need to empower and support our staff experts to do their jobs not throw them under the bus because you don't know the answer to a question and can't handle saying I don't know. Finally, it was an awesome day today that began with Coffee With A Cop with our Hutto Police Department at our Hutto Starbucks. I'm so glad our officers are making themselves available on a regular basis to the community. I had great conversation with our interim chief thanking him for working this week hand in hand with our ISD Superintendent and their teams on how to fix some of the pick-up and drop off safety issues that are coming at our school pickup and drop off lines. The teamwork between our two organizations is vital to healthy smart and expedited problem solving and that's why relationships between the City Council and other constituencies and taxing entities is extremely important. This morning ended with groundbreaking for a new business in Hutto, Taco Casa. We're really excited about them they're exactly the kind of commercial business partner that Hutto needs because of their love for small towns, dedication to quality and respect and gratitude shown to emergency service workers. Kelly Franklin of Taco Casa and our Mayor said some wonderful words about the people of Hutto. Specifically, our Mayor said that Hutto was like a big family how we

can all get together for Thanksgiving and it may not go exactly as planned but at the end of the day we're family and we support one another. I can only hope that after the Mayor and the Mayor Pro Tem are done attacking me for something I didn't do wrong that any and all of us can all truly come together and support and move forward for the betterment of Hutto. Leadership isn't about being the best it's about empowering and making other people around us better. I don't fear offending or disappointing man. It is not the least bit concerning to me. I am human. I know I'll disappoint you. I know I will offend you, that is a guarantee. That guarantee will not keep me quiet. I serve an audience of one and that's God, not many. Be bold and speak your truth. Thank you"

Councilmember Peter Gordon

"I just had one general comment. So, I went on a ride-along with one of our police officers about a month ago and had a brief conversation with our assistant chief last night. And he thanked me for going and he said really you know you don't know how much that means to us to come out and to go. And so I wanted to extend that and make sure that all the citizens in Hutto know you can go on ride-alongs with any of our police officers. If you want to get to know them, you're gonna find out the hard work they do—the kind of people that they are. I encourage you to go. Our policy says that you can go four times a year and so you can go and all you gotta do is just contact the Police Department, they'll get you the proper paperwork to fill out. You can send it in and go with them. I'm gonna go more often because apparently, it means a lot more to them than I realized. And so I'm gonna do that more and I encourage all of our citizens to sign up and get to know our officers. That would be a great thing."

Councilmember Krystal Kinsey

"I just had a few reminders so December 4th is the sold out Santa Claus Crawl downtown, woohoo.... I've seen a couple of people on Facebook kind of asking for tickets, so, awesome for those. I think it was 500 tickets sold that there's apparently a really awesome cup and a really good goodie bag with lots of stuff inside of it. And then also December 11th is the Holidays in Hutto Event that will be at the Brushy Creek Amphitheater or I guess it's the Adam Orgain park and Brushy Creek Amphitheater so I think that's going to be a really awesome community event. So, I hope that everyone in Hutto will come out."

Mayor Pro Tem Rose

"I've got one. Since I haven't done one in a long time and so I feel odd so if you'll just indulge me for a minute while I share with you a few things. A councilmember brought up at the last meeting why some items aren't handled by an email or taken to the backroom and that transparency is for personal vendettas. Well, the position I was voted into was a public official, emphasis on the public part of the job. I've told people since I took this position I do my work every first and third Thursday at 7:00 PM with the lights and the cameras on. If we want to turn everything into going into the backroom and doing that stuff in the back, I might as well just invite Doug, Tom, Scott and Patty back up here to sit with me. However, I'll continue to do all my work on the dais, in the public for everyone to see. My job, in my opinion, is to present and ask questions so all the facts are presented and for the citizens to make their own determinations, not drive a

narrative, by, in my opinion, lying and misleading them to believe what I want them to believe or what I want them to hear. I really enjoyed the use of Robert's Rules last week in an attempt to limit discussion. The best part was when all the sections that needed rules to control the discussion whenever it was time to motion to suspend the rules only to then vote against suspending the rules because I guess no one wanted the real debates in the open. I hope everyone is enjoying the response from the public on the games being played, that is being seen right through. I love going back to 2019 council, again at the meetings, we were much more fun at that time for I guess everyone else. You all wanna talk about oppressing the abuse of office and other things but all I really see is it's focused on me for the things that I'm doing up here. People are requesting my agenda items be blocked to remove from the agenda immediately tabling of items point of inquiries and orders to interrupt the discussion. I feel that myself, maybe the Mayor, are the only ones who get targeted for these types of actions but I don't do that to anyone else. I love for everyone to have any item they want on the agenda to discuss no matter how I feel about it. Usually those crying about what is happening the loudest is really the ones who are performing the actions like it is here. I'm just going to keep doing what I'm doing and if you don't like the conversation or the items, feel free to skip council meetings like the previous group did in 2019 to limit discussion. In closing, we all need to start focusing on the job and not the optics of what we're doing. We're not here to be friends or make friends. If you're worried about the optics of what is happening then maybe you shouldn't be doing all the things that don't look good trying to play cover up and mislead the public is what got us in all these lawsuits in the first place back in the day. The sooner everyone gets on the up and up, the sooner we won't have to worry about the optics."

5.2. City Council Liaison Reports

6. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on August 19, 2021. The email must include name, address, phone# and email to be recognized properly. Written comments will be provided to Council.

- Elliot Jones
- Ida Weaver
- James Weaver
- Dana Wilcox

7. ASSISTANT CITY MANAGER COMMENTS

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on Ordinance No. 0-2021-068 an ordinance amending the budget for the fiscal year of October 1, 2021, through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Second Reading)(Angie Rios)
- 8.2. Consideration and possible action on Ordinance No. 0-2021-069 electing to readopt Article 20.04 Reinvestment Zones And Tax Abatement Agreements, as amended herein, authorizing the participation in tax abatement agreements, establishing guidelines and criteria governing tax abatement projects to encourage economic development in the City of Hutto; and provide for severability, repeal and an effective date. (Second Reading)(George Hyde)
- 8.3. Consideration and possible action on Resolution No. R-2021-177 authorizing the Acting City Manager to execute an Athletic Facility Use Agreement with Hutto Youth Baseball and Softball Association for 2022. (Matt Wojnowski)
- 8.4. Consideration and possible action to appropriate funds not to exceed \$100 for Boards and Commission booth at Holidays in Hutto. (Councilmember Kinsey)
- 8.5. Consideration and possible action on Resolution No. R-2021-179 a joint resolution of the City of Hutto, Texas, the Cottonwood Development Corporation, and the River Creek Development Corporation, approving a contingent fee engagement agreement with the Kassab Law Firm for representation in asserting claims of legal malpractice; making required findings; providing for an effective date. (George Hyde)
- 8.6. Consideration and possible action on Ordinance No. 0-2021-070 approving the proposed annexation of the Hanson - Tasto Tract, 30.3 acres, more or less, of land, and to establish the base zoning for the property as SF-R (Single-Family Residential -Rural Estate). (Second Reading)(Ashley Lumpkin).
- 8.7. Consideration of a public hearing and possible action on Ordinance No. 0-2021-071 on the proposed Planned Unit Development (PUD) zoning request for the property known as Schmidt's Creek Planned Unit Development (PUD), 30.3 acres, more or less, of land, located on Ed Schmidt Boulevard. The land use proposal is detached and attached residential and commercial uses. (Second Reading) (Ashley Lumpkin)
- 8.8. Consideration and possible action on Ordinance No. 0-2021-066 amending Chapter 2, Article 2.02, Division 5, Section 2.02.121 of the City of Hutto Code of Ordinances providing for procedural and organizational rules for the Zoning Board of Adjustment. (Second Reading) (Ashley Lumpkin)

City Attorney Dottie Palumbo requested that Item 8.5 be postponed. She advised that the LGC had to cancel their meeting due to a posting problem. Councilmember Mandi Villarreal Salvo made a motion to approve Items 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 & 8.8 as presented. The motion was seconded by Councilmember Krystal Kinsey. (7:0)

12. EXECUTIVE SESSION – Entered 7:34PM

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).

12.3. Receive legal advice pursuant to Section 551.072 deliberation regarding offer of acquisition of City-owned property.

12.4. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.

No action

13. ACTION RELATIVE TO EXECUTIVE SESSION - Reconvened at 9:18 PM

13.3. Consideration and possible action pursuant to Section 551.072 deliberation regarding offer of acquisition of City-owned property.

No action

13.4. Consideration and possible action relating to prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.

No action

9. OTHER BUSINESS -

9.1. 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, Area Government appointments and Advisory Committees. (City Council)

A motion was made by Councilmember Mandi Villarreal Salvo for Emma Peters to be appointed to serve on the Library Advisory Board. The motion was seconded by Councilmember Robin Sutton. (7:0)

9.2. Consideration and possible action regarding Spanish closed captioning services not to exceed \$27,136.00 to be payable out of PEG funds and to authorize the Acting City Manager to execute agreement. (City Council)

A motion was made by Mayor Snyder to approve Item 9.2. as presented. The motion was seconded by Councilmember Peter Gordon (7:0)

9.3. Discussion and possible action regarding possible violation of Article XVI, Section 40 of the Texas State Constitution by City Councilmember Place 3, potential common-law of incompatibility of City Councilmember Place 3, and ability to ask for

City Council Meeting Minutes 12/2/21

an opinion from the Texas Attorney General regarding the possible violations and whether repayment of funds received in violation of the Texas State Constitution Article XVI, Section 40 is required. (MPT Rose)

A motion was made by Councilmember Mandi Villarreal Salvo to waive executive privilege and release the memo that was distributed on this date by Legal. The motion was seconded by Robin Sutton. Attorney Dottie Palumbo added for the record that the memo referenced by Councilmember Mandi Villarreal Salvo is the memo dated, 12/1/21. Mayor Snyder asked to amend the motion to release all three memos. Attorney Dottie Palumbo explained that the 10/29 memo was incorporated into the 11/10 memo. At the 11/18 meeting, the memo dated 11/10 was authorized for release. Councilmember Peter Gordon seconded the amended motion. (7:0)

A motion was made by Mayor Snyder to release all three legal memos dated 10/29, 11/10 and 12/1. (7:0)

A motion was made by Mayor Snyder directing the City Attorney to contact the County or District Attorney to submit a letter to the Attorney General for an opinion. The City Attorney will present a draft to Council before submission. The motion was seconded by MPT Tanner Rose. (7:0)

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on Ordinance No. 0-2021-073 approving the proposed annexation of the Prose Tracts, 16 acres, more or less, of land, and to establish the base zoning for the property as MF (Multi-Family Residential). (First Reading)(Ashley Lumpkin).

Public Hearing Opened at 10:24PM, closed at 10:25PM

A motion was made by Councilmember Mandi Villarreal Salvo. The motion was seconded by Councilmember Peter Gordon. (7:0)

- 10.2. Consideration and possible action on Ordinance No. 0-2021-073 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13.

A motion was made by Councilmember Krystal Kinsey. The motion was seconded by Councilmember Peter Gordon. (7:0)

- 10.3. Consideration and possible action on presentation on the Utility Rate Study and approval of Ordinance No. 0-2021-074 prescribing certain fees for the City of Hutto, Texas, amending all applicable ordinances and other instruments; providing for a schedule of fees and charges. (First Reading)(Angie Rios)

A motion was made by Councilmember Mandi Villarreal Salvo to approve as presented. The motion was seconded by Councilmember Robin Sutton. A discussion ensued. The motion was amended by Councilmember Krystal Kinsey to add in and take into consideration the general discussion of changes.

Mayor Snyder, Councilmember Mandi Villarreal Salvo, Councilmember Dan

Thornton voted against it. The motion passed 4:3.

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution R-2021- 178 approving an amendment to the Hortenstine Family Trust Groundwater Lease. (Legal)
Tabled for 12/16/21 meeting
- 11.2. Receive legal advice pursuant to Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee- City Attorney; Assistant City Attorneys. (Councilmember Villarreal Salvo)
A motion by Mayor Snyder was made to pull the item out of the executive session was made. It was seconded by Councilmember Dan Thornton (7:0) A discussion ensued.

12. EXECUTIVE SESSION – Second Executive Session entered on 12/3/21 at 12:24 AM.

- 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.
- 12.5. Executive session in accordance with Texas Open Meetings Act Section 551.074 Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Acting City Manager, Interim City Manager.

13. ACTION RELATIVE TO EXECUTIVE SESSION – Reconvened 12/3/21 at 1:06 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.
- 13.5. Consideration and possible action on Executive Session in accordance with Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Acting City Manager, Interim City Manager.

Councilmember Dan Thornton made a motion to call a special meeting on Thursday, December 9th for the purpose of interviewing Interim City Manager with an executive session item to deliberate, followed by an item allowing possible action to hire an Interim City Manager. The motion was seconded by Councilmember Peter Gordon. Councilmember Krystal Kinsey advised that she will be out of the country and will not be able to attend the meeting. (7:0)

14. ADJOURNMENT – 1:10AM on 12/3/21

PASSED AND APPROVED this 6th day of January 2022.

ATTEST:



Mike Snyder, Mayor

Gracie Perez, Assistant City Secretary