



CITY OF HUTTO

MINUTES

City Council Meeting
Thursday, July 16, 2020- 7:00 PM

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 www.huttotx.gov

1. CALL SESSION TO ORDER: 7:00 PM

2. ROLL CALL

Members of the City Council present were: Mayor Doug Gaul, MPT Tom Hines (via video conference) Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, (via video conference) Councilmember Tanner Rose.

Members of staff that were present were: Charles W. Daniels, Interim City Manager, Byron Frankland, Assistant City Manager; Stacy Schmitt, Assistant to the City Manager; Holly Nagy, City Secretary and; Dorothy Palumbo, City Attorney.

3. INVOCATION – Led by Mayor Doug Gaul

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

5.1. General Comments from City Council

- None

6. PUBLIC COMMENT

-Rudy Perez

-Kevin Peirce

*-Jonathan Wesley Spradley * via email*

*-Thomas Cook *via email*

*-Sheryl Ray * via email*

*-Barbara Clype *via email*

7. CITY MANAGER COMMENTS

-August 3, 2020 Ronne Huerta returning as Code Enforcement.

Councilmember Snyder made a motion to move 12.7, 12.1 then 12.4 up due to importance of items as they correlate to the rest of agenda, 13.7 and 13.1 and 13.4. Councilmember Gordon seconded the motion. The motion passed unanimously.

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].

Entered: 7:20 PM

7.1. Receive legal advice pursuant to Texas Government Code Section 551.071(1) and (2) relating to the Hutto Sports, Health and Entertainment District; the Multi-Party Development Agreement; the Preston Hollow Capital, LLC Loan Agreement with Cottonwood Development Corporation and deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District pursuant to Texas Government Code Section 551.072.

Reconvened: 10:05 PM

7.2. Discussion and possible action relating to legal advice pursuant to Texas Government Code Section 551.071(1) and (2) relating to the Hutto Sports, Health and Entertainment District; the Multi-Party Development Agreement; the Preston Hollow Capital, LLC Loan Agreement with Cottonwood Development Corporation and deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District pursuant to Texas Government Code Section 551.072.

No action taken.

13.7. Discuss and possible action relating to waiver of City privileges and related matters.

Councilmember T. Rose made a motion that the City Attorney be authorized to negotiate and enter into agreements for the waiver of city privileges and related matters. Councilmember Snyder seconded the motion. The motion passed unanimously.

13.1. Discussion and possible action relating to legal advice pursuant to Texas Government Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts, including but not limited to the Co-Op District.

Councilmember T. Rose made a motion that Norton Rose Fulbright special Bond Counsel to continue the review of the PID transactions as needed with the River Creek Corporation and contact the proper authorities as needed. Councilmember Martinez seconded the motion. The motion passed unanimously.

13.4. Discussion and possible action relating to deliberate the appointment, duties and/or removal of liaisons on any Boards or Commissions pursuant to Texas Government Code Sec. 551.074(1).

Discussion ensued.

Councilmember S. Rose made a motion to call to question. Councilmember Martinez seconded the motion.

Stop discussion and continue the vote.

Call to Vote for question:

<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 **failed** by a vote of 3 ayes to 4 nays.

Discussion continued. MPT Hines called for a point of order.

Councilmember S. Rose made a motion to eliminate the liaisons MPT Hines seconded the motion. The motion passed.

<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 **failed** by a vote of 4 ayes to 3 nays.

Councilmember S. Rose made a request that an item be placed on every agenda that the council member give an update on the meeting that they attended. Councilmember Martinez seconded the motion. The motion passed unanimously.

8. CONSENT AGENDA

Councilmember Snyder pulled 8.2, 8.6, 8.7, 8.8, 8.9, 8.10, and 8.11. Councilmember T. Rose seconded the motion. The motion passed.

<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 **passed** by a vote of 5 ayes to 2 nays.

Councilmember Martinez made a motion to approve Items 8.1, 8.3, 8.4, and 8.5. Councilmember T. Rose seconded the motion. The motion passed unanimously.

8.2. Consideration and approval of the July 2, 2020 City Council meeting minutes.

Councilmember Snyder stated that on item 13.1 there was no vote record. Councilmember Snyder believes that it was a 3:3 vote and asks that Item 8.2 be tabled and the voting record be verified. Councilmember Gordon seconded the motion. The motion passed unanimously.

8.6. Consideration and possible action on Resolution No. R-2020-058 authorizing the Interim City Manager to execute an annexation development agreement between the City of Hutto and Frankie and Judy Limmer for 29.191 acres of land, located on FM 1660 South.

Discussion ensued regarding forcible annexation.

Mayor Gaul made a motion to table Items 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, Councilmember Snyder seconded the motion. The motion passed.

<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 **passed** by a vote of 5 ayes to 2 nays.

9.1. Consideration of a public hearing and possible action on the first and final reading of Ordinance No. O-2020-019 approving the proposed annexation of the Wahrmund Tracts, 8.448 acres, more or less, of land, and to establish the base zoning for the property as B-2 (General Commercial).

Opened: 10:53 PM Closed: 10:54 PM

Councilmember S.Rose made a motion to approve Ordinance No. O-2020-019. Councilmember Gordon seconded the motion. The motion passed unanimously.

9.2. Consideration of a public hearing and possible action on the first reading of Ordinance No. O-2020-020 approving the zoning change request for the properties to be known as the Wahrmund/Dugger Tracts (3 tracts), 3.710 acres, more or less, of land, from SF-1 (Single Family Residential) to B-2 (General Commercial) zoning district, located on the northwest corner of Limmer Loop and CR 119.

Opened: 10:56 PM Closed: 10:56 PM

Councilmember S. Rose made a motion to approve Ordinance No. O-2020-020. MPT Hines seconded the motion. The motion passed unanimously.

9.3. Consideration and possible action on the first reading of Ordinance No. O-2020-018 approving a Community Development Corporation budget amendment and expenditure approved by the Community Development Corporation Board of Directors in the amount of \$300,000 to fund program administration and loans made available through the Small Business Loan and Disaster Relief Project and \$50,000 to fund General Counsel legal services to the Corporation.

Councilmember T. Rose made a motion to table this item until the next council meeting. Councilmember Snyder seconded the motion. The motion passed.

<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 **passed** by a vote of 4 ayes to 3 nays.

10.2. Consideration and possible action on Resolution No. R-2020-064 for the first of two readings as required by Texas Local Government Code Section 501.158(b) approving a Resolution authorizing the Community Development Corporation's Small Business Loan and Disaster Relief Project.

No action taken.

10.3. Consideration and possible action on Resolution No. R-2020-064 for the second of two readings as required by Texas Local Government Code Section 501.158(b) adopting a Resolution authorizing the Community Development Corporation's Small Business Loan and Disaster Relief Project.

No action taken.

9.5. Consideration and Possible Action on Ordinance No. O-2020-021 Establishing a Diversity and Inclusion Commission.

Councilmember Snyder made a motion to approve Ordinance No. O-2020-021 with possible change to the 5th whereas, taking out the registered voter and 12 month living requirements the ability to remove someone with the majority of council and that the meetings be recorded and or live streamed. Councilmember Martinez seconded the motion. The motion passed unanimously. Councilmember S. Rose made a motion to dispense with the second reading, the motion was seconded by MPT Hines. The motion passed unanimously.

9.4 Consideration and possible action on repealing Ordinance No. O-2020-016 Amending Article 2.04 Police, Section 2.04.002 Police Department to be in compliance with the Charter.

Councilmember S.Rose made a motion to approve Ordinance No. O-2020-016, MPT Hines seconded the motion. The motion passed unanimously.

Councilmember T.Rose made a motion to dispense with the second reading, Councilmember S. Rose seconded the motion. The motion passed unanimously.

Recess at 11:36 PM

Return from recess at 11:45 PM

10.1. Discuss and consider approval of a Public Improvement District Policy.

Mr. Kevin Pearce spoke briefly on topic. Councilmember S. Rose made a motion to approve the Public Improvement District Policy. MPT Hines seconded the motion. The motion was unanimous.

11.1. Consideration and Possible Appointments, Re-appointments and/or Removals to City Boards and Commissions.

Councilmember Gordon nominated Councilmember Martinez as the liaison to the Diversity and Inclusion Commission. Councilmember Snyder seconded the motion. The motion passed unanimously.

Councilmember Gordon appointed Ms. Ida Weaver to the Communications Task Force. Councilmember Martinez seconded the motion. The motion passed unanimously.

Councilmember T. Rose made a motion to request an agenda item on the July 30 meeting for Patti Martinez to bring forth the signed documents stating whatever Councilmember Snyder said during Executive Session and present that evidence as an item since he hasn't gotten a copy of any physical documents that's been given to council but has been discussed out here. Councilmember Snyder seconded the motion.

Councilmember T. Rose requested a copy of that document since it should be public record as it was discussed here the request has been formally made to Interim City Manager Charles Daniels and City Attorney to have this document presented to all of Council prior to the meeting.

11.2. Update on Drainage Ditches Legends of Hutto.

Samuel Ray presented the update.

11.3. Consideration and possible action to open a 316 investigation regarding the release of separation, severance and transition agreements and giving the Council the ability to subpoena witnesses as necessary.

Councilmember T. Rose made a motion to open a 316 investigation, Councilmember Snyder seconded the motion. The motion passed.

<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 **passed** by a vote of 5 ayes to 2 nays.

12. EXECUTIVE SESSION

Entered: 12:51 AM

12.2 Deliberate the evaluation of the City Attorney pursuant to Texas Government Code Sec. 551.074(1).

12.6 Receive legal advice pursuant to Texas Government Code Sec. 551.071 regarding agreement with GAR Broadcasting, LLC.

Reconvened: 1:52 AM

13.3. Discussion and possible action regarding commercial or financial information received from EDC Moving Systems and deliberate the offer of a financial or other incentive to EDC Moving Systems pursuant to Texas Government Code Section 551.087.

Councilmember T. Rose made a motion to tentatively approve the new terms of the EDC benefits and direct staff and city management to bring back the updated terms to the next scheduled City Council meeting to review with the citizens for final approval. Councilmember Gordon seconded the motion. The motion passed unanimously.

13.6. Discussion and possible action on action relating to legal advice pursuant to Texas Government Code Sec. 551.071 regarding agreement with GAR Broadcasting, LLC.

Councilmember T.Rose made a motion for Council to support Kokefest and authorize the Interim City Manager to make any necessary modifications allowed by the agreement due to the pandemic and resolve any outstanding issues to the event. Councilmember Martinez seconded the motion with the amendment that the Interim City Manager bring back a comprehensive review prior to approval. The motion passed unanimously.

ADJOURNED: *1:58 AM*

PASSED and APPROVED this 13th of August, 2020

/s/

Doug Gaul, Mayor

ATTEST:

/s/

Holly Nagy, City Secretary

