



City of Hutto

Agenda

City Council Meeting

Thursday, April 7, 2022 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

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. CITY MANAGER COMMENTS

6. PROCLAMATIONS

6.1. National Public Safety Telecommunicator Week — April 10 through 16

6.2. Sexual Assault Awareness Month - April 2022

7. 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 citizen, 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 imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

7.1. General Comments from City Council

7.2. City Council Liaison Reports

8. 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 4/7/22. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on approving the March 3, 2022 City Council meeting minutes.
- 9.2. February 2022 Financial Report (Angie Rios)
- 9.3. Discussion and Possible Action on Resolution No. R-2022-028 authorizing the Interim City Manager to Execute a Joint Election Agreement and Contract with Williamson County for Election Services for the May 7, 2022 General/Special Election (Angela Walton)
- 9.4. Consider and possible action adopting Resolution No. R-2022-029 authorizing the Interim City Manager to execute documents, conveyances, easements, right-of-way agreements, joint use agreements, and other similar documents approved as to form by the City Attorney related to FM 1660 intersection improvements at Limmer Loop and US Highway 79 (Wade Benton)
- 9.5. Consider and possible action adopting Resolution No. R-2022-030 authorizing the Interim City Manager to execute documents, conveyances, easements, right-of-way agreements, joint use agreements, and other similar documents approved as to form by the City Attorney related to the US 79 Waterline easements (Wade Benton)
- 9.6. Consideration and possible action approving a Resolution of the City Council of the City Of Hutto, Texas authorizing the Kassab Law Firm to take all appropriate legal action to assert claims against McGinnis Lochridge, Partner Michael A. Shaunessy, Partner Bill Bingham, and others as necessary to recover damages resulting from their wrongdoing in the course of providing the City of Hutto with legal services; authorizing the Interim City Manager to enter into and execute the Joint Contingent Fee Engagement Agreement so that it may be submitted for approval by the Texas Attorney General's Office. The public notice required under Texas Local Government Code Section 2254.1036 is attached hereto and incorporated by reference as Exhibit "A". (Legal)

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on Ordinance No. O-2022-010 for the Specific Use Permit for the property known as Hutto ISD 9th Grade Center on FM 1660 to allow a parking lot with reduced landscaping (First Reading) (Ashley Lumpkin)
- 10.2. Consideration of a public hearing and possible action on Ordinance No. O-2022-011 for the proposed Hutto Landing Planned Unit Development (PUD), 31.9 acres, more or less, of land, located off of Exchange Boulevard (First Reading) (Ashley Lumpkin)
- 10.3. Consideration of a public hearing and possible action on Ordinance No. O-2022-012 for a Future Land Use Map (FLUM) revision for the property known as the Waymaker Stromberg Tract, 390 acres, more or less, of land, from Agricultural/Open Space to Mid-Density Residential and Commercial, located south of CR 132 (First Reading) (Ashley Lumpkin)
- 10.4. Consideration and possible action on Ordinance No. O-2022-013 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. (First Reading) (Angie Rios)
- 10.5. Consideration of a public hearing and possible action on Ordinance No. O-2022-009 approving a Specific Use Permit for the property known as Hippo Café, 109 East Front

Street, to allow a drive-thru window and approach. (Second Reading) (Ashley Lumpkin)

- 10.6. Consideration and possible action on Ordinance No. O-2022-001 for the proposed Planned Unit Development (PUD) zoning request for the property known as NorthStar Hutto Planned Unit Development (PUD), 11.74 acres, more or less, of land, located off of Exchange Boulevard. The land use proposal is active adult 55+ multi-family use. (Second Reading) (Ashley Lumpkin).

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution R-2022-033 approving the Transportation Impact Fee Credit and Developer Participation Agreement between the City of Hutto and MA Durango Farms, LLC, in the amount of \$1,017,080.00; and authorizing the Interim City Manager to execute the agreement. (Matt Wojnowski, Legal)
- 11.2. Consideration and possible action on Resolution R-2022-034 prohibiting and condemning sexual assault and sexual harassment; prohibiting the nonreporting of sexual assault and sexual harassment; requiring training and providing an effective date (Mayor Snyder, Legal)
- 11.3. Consideration of a public hearing and possible action on Resolution No. R-2022-035 supporting the proposed Low-Income Housing Tax Credit project by the Harvest Ridge at Brushy Creek, LP on a tract of land zoned Multi-Family (MF) Zoning District. (Ashley Lumpkin)
- 11.4. Consideration and possible action on Resolution R-2022-017 authorizing the City to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Hutto and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits (Legal)

12. OTHER BUSINESS

- 12.1. 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, and Area Government appointments.
- 12.2. Discussion and possible action regarding Development Services Credit Card Fees (Angie Rios)
- 12.3. Update on the Hutto Arterial (CR132 Overpass) project. (Wade Benton)
- 12.4. Discuss and consider action on transitioning Executive Director from city employee to HEDC employee (Mike Arismendez)
- 12.5. Discuss and consider action on the creation of EDC Manager position (Mike Arismendez)
- 12.6. Discussion regarding bonding capacity and future debt issuances of the City of Hutto or the Hutto Economic Development Corporation (Jim Sabonis, Angie Rios)
- 12.7. Discussion of mandatory Sexual Harassment Training with City Attorney for City Council and City Staff by June 1, 2022 (Mayor Snyder, Legal)
- 12.8. Discussion and possible action on developing a policy regarding noncompliance of reporting of workplace harassment by City Council members (Mayor Snyder)

- 12.9. Discussion on Workplace Harassment policies and procedures (Interim City Manager Turner)

13. 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).

- 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.
- 13.2. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the prior expenditure of City long-term debt proceeds, future debt issuances of the City of Hutto or the Hutto Economic Development Corporation and any related action by the City in response thereto.(Jim Sabonis, Angie Rios)
- 13.3. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate pursuant to Texas Government Code Sections 551.087 and 551.072 regarding economic development negotiations in and around the Megasite and consideration and conveyance of assignment and assumption agreements conveying Option to Purchase Real Property Agreements to promote economic development.
- 13.4. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate regarding economic development pursuant to Texas Government Code Section 551.087 to deliberate the offer of a financial or other incentive to business prospects; including deliberations regarding the purchase, sale, exchange or value of real property pursuant to Texas Government Code Section 551.072.
- 13.5. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision.
- 13.6. Pursuant to 551.071, to deliberate and receive legal advice from legal counsel regarding the pursuit of legal claims against McGinnis Lochridge and its attorneys.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 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.
- 14.2. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to the prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.
- 14.3. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 and deliberations regarding economic development pursuant to Texas Government Code Section 551.087 to deliberate the offer of a financial or other incentive to business prospects; including deliberations regarding the purchase, sale, exchange or value of real property pursuant to Texas Government Code Section 551.072.
- 14.4. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision.

15. ADJOURNMENT

16. CERTIFICATION

I certify that this notice of the Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on April 4, 2022 at 5:00 P.M.



Angela Walton

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at Gracie.Perez@huttotx.gov or call (512) 759-4033 for assistance.

CITY OF HUTTO CITY COUNCIL

TEXAS LOCAL GOVERNMENT CODE SECTION 2254.1036. POLITICAL SUBDIVISION: CONTRACT NOTICE; APPROVAL BY GOVERNING BODY.

This notice is being given before or at the time of giving the written notice required by Texas Local Government Code Section 551.041 for a meeting of the City Council. (Tex. Gov't Code § 2254.1036(a)(1))

The City of Hutto ("City"), subject to the approval of its governing body, the City Council, is pursuing legal malpractice claims against its former attorneys and law firm seeking monetary damages for their failure to properly render legal services. The City's desired outcome is the recovery of all monetary damages to which they are entitled, including monies spent in subsequent lawsuits which were a consequence of the legal malpractice suffered. (Tex. Gov't Code § 2254.1036(a)(2))

Two local government corporations, the Cottonwood Development Corporation ("CDC") and the River Creek Development Corporation ("RCDC"), join the City in the proposed contingent fee contract as all three governing bodies have claims that overlap. The governing bodies for each of the three entities asked their mutual Chief Litigation Attorney to conduct an evaluation of available legal services in order to expedite the selection process. The Chief Litigation Attorney recommended the Kassab Law Firm based upon their qualifications.

The Kassab Law Firm has the necessary competence, qualifications, and experience to provide the legal services needed by the City, CDC and RCDC. Kassab is a full-service boutique law firm staffed with legal malpractice lawyers concentrating solely on plaintiffs' legal malpractice law. The firm is located in Houston, Texas but represents both corporate entities and individuals in legal malpractice cases nationwide. Lance Christopher Kassab is Board Certified Diplomate of the American Board of Professional Liability Attorneys in Legal Professional Liability. Lance the founder of the firm, has over 23 years of experience handling and trying legal malpractice claims and has successfully handled well over two thousand (2,000) legal malpractice claims, many involving multi-million-dollar damages. The Kassab Law Firm is a family-run business as Lance is joined by his nephew David Eric Kassab, who together have represented hundreds of victims of legal malpractice for nearly a decade. (Tex. Gov't Code § 2254.1036(a)(1)(B))

The attorneys and law firm selection have had no prior relationship with the City, CDC or RCDC. The Chief Litigation Attorney also had no prior relationship with the attorneys or the firm before this instance. (Tex. Gov't Code § 2254.1036(a)(1)(C))

The City, CDC and RCDC are serviced by contract attorneys and do not have full-time in-house legal support and the current contract attorneys do not have the requisite experience to pursue the claims involved. (Tex. Gov't Code § 2254.1036(a)(1)(D))

Due to the nature of the claims, it is in the best interest of the residents of the City of Hutto to pursue the claims on a contingent fee basis rather than pay by the hour. In doing so, the City's claims can be pursued without a financial obligation on the members of the public, no matter the outcome. (Tex. Gov't Code § 2254.1036(a)(1)(E) and (F))

At this meeting the City Council will consider action to approve the contingent fee contract with the Kassab Law Firm in an open meeting called for the purpose of considering the matters outlined in this notice, in accordance with Tex. Gov't Code § 2254.1036(a)(1) and Tex. Gov't Code § 2254.1036(a)(2).

On approval of the proposed contingent fee contract, the City Council shall by resolution find that (1) there is a substantial need for the legal services; (2) the legal services cannot be adequately performed by the attorneys and supporting personnel of the City, CDC, and RCDC; and (3) the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because the City, CDC, and RCDC do not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees. (Tex. Gov't Code § 2254.1036(b))