



City of Hutto

MINUTES

Special Called City Council Meeting
Thursday, August 13, 2020 at 6:00 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 www.huttotx.gov

1. CALL SESSION TO ORDER 6:00 PM
2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Tanner Rose.

Absent: MPT Hines, Councilmember Martinez

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

3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL COMMENTS
 - 5.1. General Comments from City Council

Councilmember Snyder: I would like to see if we could add a couple of things to the next meeting. One being an executive session item called Project Durham. Another one is: Discussion and appropriate action on forming a Charter Review Committee. Neither of which I think staff needs to do anything at this point, just a Council discussion.

6. PUBLIC COMMENT

-Perry Servard
-Rebecca French- via email.
-Nicole Calderone-via email.
-Robin Sutton-via email.
-Glen Pierce-via email.
-Sally Knuedsen-via email.
-James Deeringer-via email.

- Ida Gayle Weaver-via email.
- David Savalla-via email.
- James Weaver-via email.
- Mike Fowler-via email.

7. CITY MANAGER COMMENTS

Mr. Daniels: In light of the several CIP related agenda items on the August 20th agenda, staff recommends that Item 11.1 Update on 1660/CR 132 item scheduled for tonight to be tabled to be discussed with the other CIP projects on next Thursday.

Councilmember S. Rose made a motion to table Item 11.1 until August 20th, Councilmember Snyder seconded the motion. The motion passed unanimously.

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action to approve the July 16, 2020 City Council meeting minutes.
- 8.2. Consideration and possible action to approve the July 23, 2020 Special Called City Council meeting minutes.
- 8.3 Consideration and possible action to approve the July 30, 2020 Special Called City Council meeting minutes.

Councilmember Gordon made a motion to accept Items 8.1, 8.2, and 8.3 as listed in the agenda. Councilmember S. Rose seconded the motion. The motion passed unanimously.

The City Attorney requests that item 9.1 be heard after 10.1. So that you're officially moving your election and then your calling your election by resolution.

Councilmember S. Rose made a motion to move item 9.1 after 10.1, Councilmember Gordon seconded the motion. The motion passed unanimously.

9. RESOLUTIONS

- 9.2. Consideration and possible action on Resolution No. R-2020-069 for a Development Agreement amendment between the City of Hutto and Jerry Wayne Roznovak and Nadine Carole Johnson, for a property being approximately 105 acres, also known as Durango Farms.

Robert Balsar spoke on this item. Kevin Pearce spoke briefly on this item. Discussion ensued.

Councilmember S. Rose made a motion to approve Resolution No. R-2020-069 with a change of wording on 8.14 as discussed eliminating the word TIRZ and changing it to the word PID. Councilmember Gordon 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 carried by a vote of 3 ayes to 2 nay.

Councilmember T. Rose made a motion to move Items 12.1 and 13.1 up. Councilmember Snyder seconded the motion. The motion passed unanimously.

12. EXECUTIVE SESSION Entered: 7:09 PM

- 12.1 Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts.

13. ACTION RELATIVE TO EXECUTIVE SESSION Reconvened 8:34 PM

- 13.1 Discussion and possible action regarding legal advice pursuant to Texas Government Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts.

No action on this item.

Councilmember T. Rose: I do have some comments though, so, I just want to let everyone know that we were back there for about an hour and got some legal briefings from some of our special bond counsel, our financial advisor and PID administrator and just to let the public know, we are continuing to work through some of the concerns and issues regarding the agenda item. I'm hoping to see a final update on September 3rd to get some final closure regarding this situation.

10. ORDINANCES

- 10.1. Consideration and possible action on the second reading of an Ordinance of the City Council of the City of Hutto, Texas, postponing the May 2, 2020 general election for municipal officers until November 3, 2020; and providing for other related matters; and providing an effective date. (City Attorney)(Second Reading)

Discussion ensued. Councilmember S. Rose made a motion to approve Item 10.1. Councilmember Gordon 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 carried by a vote of 3 ayes to 2 nay.

- 9.1. Consideration and possible action on a Resolution of the City of Hutto, Texas, amending Resolution R-20-01-23-8C, ordering an election to be held on November 3, 2020, for the purpose of electing City Council Members for Place 1 and Place 4; designating election day precincts and polling places; providing for early voting and election day voting; providing for performance of required administrative duties; making provisions for the conduct of such election; certifying provision of required accessible voting systems; and providing for other matters related to such election.

*Councilmember S. Rose made a motion to approve Item 9.1 as presented.
Councilmember Gordon 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 carried by a vote of 3 ayes to 2 nay.

- 10.2 Consideration and possible action adopting an Ordinance declaring severance or transition agreements void. (City Attorney)(First Reading)

Discussion ensued.

11. OTHER BUSINESS

- 11.1. Update on 1660/CR 132 overpass. (Samuel Ray) – *Tabled until next meeting.*
- 11.2. Consideration and possible action on the proposed Ad Valorem tax rate, including taking a record vote on the proposed tax rate and setting the date, time and place for a public hearing and adoption of the tax rate.

Councilmember T. Rose made a motion that the proposed 2019-2020 tax rate for the City of Hutto be published at \$0.613817 per \$100 of assessed valuation, that the public tax hearing be scheduled for September 3, 2020 and that the vote on the tax ordinance be scheduled immediately thereafter on September 3, 2020. Councilmember S. Rose seconded the motion. The motion passed unanimously.

- 11.3. Consideration and possible action on selection of community members for City Manager search.

Nicole Calderone was present to speak on this item.

Councilmember Snyder selected Jason Wirth

Mayor Gaul selected Mike Fowler

Councilmember S. Rose selected Scott Kerwood

Mayor Pro Tem Hines selected Brian Matoka (via email to Mayor Gaul)

Councilmember Gordon selected Terrance Owens

Nicole Calderone was selected by Council

Robin Sutton was selected by Council

Councilmembers Martinez and T. Rose will be emailing their choices at a later time.

City Attorney stated that section 3.10 of the Charter requires 5 City Council members to constitute a quorum to transact business and then it goes on to say no action except as provided in section 3.06 which is to fill a vacancy shall be valid or binding unless adopted by the affirmative vote of 4 or more members of the City Council. I know that we've always...if we had a 3-2 vote, we've always said something has passed. But and I don't know why, we don't follow this, but I think that we need to call a special meeting on Monday to reconsider your election ordinances and your resolution calling the election that's the last day that you can do that, and if that doesn't pass by a vote of 4, we will need to call the Secretary of State and ask what we need to do.

Discussion ensued.

Items 9.1, 9.2, 10.1 will need to be reconsidered at the Monday the 17th at 6:00 PM.

14. ADJOURNMENT- *9:30 PM*

PASSED and APPROVED this 17th day of September, 2020.


Doug Gaul, Mayor

ATTEST:

Holly Nagy, City Secretary

