



City of Hutto

MINUTES

City Council Meeting

Thursday, November 19, 2020 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 www.huttotx.gov

1. CALL SESSION TO ORDER - 7:00 PM
2. ROLL CALL

Members of City Council present were Councilmember Mike Snyder, Councilmember Dan Thornton, Councilmember Robin Sutton, Councilmember Peter Gordon, Councilmember Tanner Rose and Councilmember Patti Martinez (via telephone.)

Members of staff present were Warren Hutmacher, City Manager; Byron Frankland, Assistant City Manager; Stacy Schmitt, Assistant to City Manager; Samuel Ray, Director of Engineering; Holly Nagy, City Secretary and Cristian Rosas-Grillet, City Attorney.

3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL COMMENTS

5.1. General Comments from City Council

Councilmember Gordon requested an agenda item for a future meeting to discuss and take possible action on considering adding a packet review meeting with the Council before each Council meeting.

Councilmember Snyder gave an update on COVID within Williamson County.

5.2. Council Commission Liaison Reports.

Councilmember Rose gave an update on the Library Advisory Board.

Councilmember Martinez gave an update on the Diversity and Inclusion Commission.

Councilmember Thornton gave an update on the ADA/Electronic and Information Resource Task Force.

6. PUBLIC COMMENT

*Trudy Williams – via email
Lauren Dowdy – via email
Doug Gaul – via email
Doug Forinash
Jennifer Larsen*

7. CITY MANAGER COMMENTS

*- Amphitheatre project update
- Police ride along project update*

8. CITY ATTORNEY COMMENTS

8.1. RQ-0384-KP. Questions Relating to the Use of Public Improvement District Assessments to Pay Certain Costs and the Necessity of Attorney General Review of Promissory Notes issued by a Local Government Corporation.

Christian-Rosas-Grillet provided an update.

Councilmember Rose made a motion to move items 12.7, 11.3, 11.5, 13.1, 12.2, 12.3, 14.1 up on the agenda. The motion was seconded by Councilmember Sutton. The motion passed unanimously.

12. OTHER BUSINESS

12.7. Consideration and possible action on appointing a Mayor Pro Tem.

Councilmember Sutton made a motion to appoint Councilmember Snyder as Mayor Pro-Tem. Councilmember Rose seconded the motion. The motion passed (5-1) with Councilmember Martinez against.

11. RESOLUTIONS

11.3. Consider and take action on a Resolution declaring the Office of the Mayor vacant.

Councilmember Rose made a motion to declare the Office of the Mayor vacant as effective November 19, 2020. Councilmember Sutton seconded the motion. The motion passed (5-1) with Councilmember Gordon against.

11.5. Consideration and possible action to direct staff to prepare a Resolution calling a special election for the purpose of filling a vacancy for Mayor in accordance with Section 3.06 of the City Charter.

Councilmember Rose made a motion to have an agenda item at the next regularly scheduled City Council meeting for consideration and possible action on a Resolution calling for a special election for the purpose of filling a vacancy for

Mayor in accordance with Section 3.06 of the City Charter. Councilmember Martinez seconded the motion. The motion passed.

13. EXECUTIVE SESSION: *Entered: 7:54 PM*

- 13.1. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to the Forensic Audit Report and Forensic Audit Report for the Transition, Severance and Separation Agreements; including any retention agreements.

Reconvened: 9:43 PM

No action taken.

12. OTHER BUSINESS

- 12.2. Presentation of Forensic Audit Report by Eide Bailly Auditor.

Brett Johnson with Eide Bailly presented the report.

- 12.3. Presentation of Forensic Audit Report for the Transition, Severance and Separation Agreements, including any retention agreements, by Eide Bailly Auditor.

Brett Johnson with Eide Bailly presented the report.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. Consider and possible action on legal advice pursuant to Texas Local Government Code Section 551.071 relating to the Forensic Audit Report and Forensic Audit Report for the Transition, Severance and Separation Agreements, including any retention agreements.

Councilmember Snyder made a motion to direct the City Manager and City Attorney to take all necessary action in relation to the forensic audit examining severance and settlement payments and to report any violations of law to the appropriate authorities as required by law including the Williamson County district attorney Shawn Dick and any state or federal investigative authorities and to release the final report Examination of Severance Settlement Payments to the public by posting it on the website. Councilmember Sutton seconded the motion. The motion passed unanimously.

Councilmember Snyder made a motion to move items 11.1 and 11.2 to the Consent Agenda. No objections.

9. CONSENT AGENDA ITEMS

Councilmember Gordon made a motion to approve items 9.1, 9.2, 9.3, 9.4, 9.5, 9.5, 9.6, 9.7, 9.8, 11.1 and 11.2. Councilmember Martinez seconded the motion. The motion passed unanimously.

- 9.1. Consideration and possible action on approval of the September 8, 2020 Special Called City Council meeting minutes.
- 9.2. Consideration and possible action on approval of the September 17, 2020 City Council meeting minutes.
- 9.3. Consideration and possible action on approval of the October 1, 2020 City Council meeting minutes.
- 9.4. Consideration and possible action on the approval of the October 15, 2020 City Council meeting minutes.
- 9.5. Consideration and possible action on a resolution declaring void the June 19, 2019 Development Agreement and the June 19, 2019 Prorata Share Agreement for the Covered Bridge Development Project and Related Alternative Action.
- 9.6. Consideration and possible action to approve Resolution No. R- 2020-106 approving and authorizing the City Manager to execute contract documents with Bell Contractors, Inc. for the Lakeside Estates Lift Station decommissioning project. (Samuel Ray)
- 9.7. Consideration and possible action to approve Resolution No. R- 2020-107 approving and authorizing the City Manager to execute a cost sharing agreement with Nexus Private Capital for the installation of an offsite wastewater line related to the Lakeside Estates Lift Station decommissioning project. (Samuel Ray).
- 9.8. Consideration and possible action to approve Resolution No. R- 2020-108 approving and authorizing the City Manager to execute a cost sharing agreement with Harris & Straub, LLC, for the installation of an offsite wastewater line related to the Lakeside Estates Lift Station decommissioning project. (Samuel Ray).
- 9.9. Consideration and possible action to approve Resolution No. R- 2020-109 approving and authorizing the City Manager to execute a cost sharing agreement with Developer for The Bridge Community Church for the installation of an offsite wastewater line related to the Lakeside Estates Lift Station decommissioning project. (Samuel Ray).
Councilmember Snyder asked this item to be tabled. No objections.
- 11.1. Consideration and possible action on Resolution R-2020-124 approving the amendments to the bylaws of the River Creek Development Corporation.
- 11.2. Consideration and possible action on Resolution R-2020-125 approving the amendments to the bylaws of the Cottonwood Development Corporation.

10. ORDINANCES

- 10.1. Consideration and possible action on an "ordinance authorizing the issuance, sale and delivery of the "city of Hutto, Texas general obligation refunding bonds, series 2020a"; authorizing the levy of an ad valorem tax in support of said bonds; and approving and authorizing the execution of a paying agent/registrar agreement, an escrow agreement, an official statement and all other instruments and procedures related thereto"(City Attorney)

*Councilmember Gordon made a motion to approve item 10.1 as presented.
Councilmember Thornton seconded the motion. The motion passed unanimously.*

- 10.2. Consideration and possible action on an "ordinance authorizing the issuance, sale and delivery of the "city of Hutto, Texas general obligation refunding bonds, taxable series 2020b"; authorizing the levy of an ad valorem tax in support of said bonds; and approving and authorizing the execution of a paying agent/registrar agreement, an escrow agreement, an official statement and all other instruments and procedures related thereto"(City Attorney)

*Councilmember Martinez made a motion to accept item 10.2 as presented.
Councilmember Gordon seconded the motion. The motion passed unanimously.*

11. RESOLUTIONS

- 11.4. Consideration and possible action on Resolution R-2020-111 approving the second amended and restated bylaws of the Hutto Economic Development Corporation, Type B dba Hutto Community Development Corporation.

No action taken.

12. OTHER BUSINESS

- 12.1. Update on School Zone speed limits. (Byron Frankland)

Presentation by Byron Frankland.

10-minute recess taken at 11:11 PM

Returned from break at 11:21 PM

- 12.4. Consideration and possible action on approving the purchase of a wastewater easement from KMHR LP ET AL located on Chris Kelley Blvd., Hutto TX to support the Lakeside Estates Lift Station Abandonment project in the amount of \$56,644.

*Councilmember Gordon made a motion to accept item 12.4 as presented.
Councilmember Martinez seconded the motion. The motion passed unanimously.*

- 12.5. Presentation of land use assumptions and capital improvements plan for the 2021 update to the City of Hutto Water and Wastewater Impact Fee and request for a public hearing.

Councilmember Martinez made a motion to request a public hearing for the 2021 update to the City of Hutto Water and Wastewater Impact Fee as for the proposed schedule presented at the meeting. Councilmember Gordon seconded the motion. The motion passed unanimously.

- 12.6. Consideration of and possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, and Local Government Corporations. (City Secretary)

Councilmember Thornton made a motion to appoint Nakeenya Wilson to the Diversity and Inclusion commission. Councilmember Martinez seconded the motion. The motion passed unanimously.

Councilmember Martinez made a motion to appoint Christina Bastos to the Parks Advisory Board. Councilmember Thornton seconded the motion. The motion passed unanimously.

Councilmember Rose made a motion to remove Councilmember Martinez from the Cottonwood Development Corporation and the River Creek Development Corporation. Councilmember Martinez seconded the motion. The motion passed unanimously.

Councilmember Rose made a motion to appoint Mike Arismendez to the Cottonwood Development Corporation and the River Creek Development Corporation. Councilmember Sutton seconded the motion. The motion passed unanimously.

- 12.8. Consideration and possible action on appointing a Assistant City Manager.

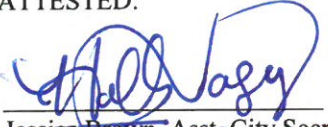
City Manager Warren Hutmacher requested to appoint Byron Frankland as Assistant City Manager. Councilmember Snyder made a motion to deny the appointment of Byron Frankland as Assistant City Manager. Councilmember Rose seconded the motion. The motion passed (4-2) with Councilmember Gordon and Councilmember Martinez against.

13. EXECUTIVE SESSION: *Entered at: 11:58 PM*

- 13.2. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to Development Agreement with RSI Communities-Texas LLC executed September 17, 2017.

- 13.3. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to the Hutto CO-OP Pubic Improvement District 2020 Annual Service Plan Update.
- 13.4. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
14. ACTION RELATIVE TO EXECUTIVE SESSION: *Reconvened at: 12:23 AM*
- 14.2. Consider and possible action on legal advice pursuant to Texas Local Government Code Section 551.071 relating to Development Agreement with RSI Communities-Texas LLC executed September 17, 2017.
Councilmember Gordon made a motion to direct the City Manager and City Attorney to contact RSI Communities-Texas LLC to amend and restate the Development Agreement that was previously approved on August 17, 2017. Councilmember Sutton seconded the motion. The motion passed unanimously.
- 14.3. Consider and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to the Hutto CO-OP Pubic Improvement District 2020 Annual Service Plan Update.
No action taken.
- 14.4. 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.
No action taken.
15. ADJOURNMENT: *12:25 AM*

ATTESTED:


Jessica Brown, Asst. City Secretary


Holly Nagy, City Secretary



Mike Snyder, Mayor Pro Tem

