



City of Hutto

Agenda

City Council Meeting

Thursday, December 17, 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

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1. CALL SESSION TO ORDER

2. ROLL CALL

3. INVOCATION

Led by Bishop Stewart- The Church of Jesus Christ of Latter-day Saints.

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governance 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.

5.1. General Comments from City Council

5.2. City Council Commission 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. Comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on December 17, 2020. The email must include name, address, phone # and email to be recognized properly.

Citizens wishing to comment by phone may call:

Toll Free Call In: 1-800-717-4201

Conference ID: 242-3288

Once you are in the conference call press *5 to signal that you are requesting to speak during public comment.

[Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.]

7. CITY MANAGER COMMENTS

8. CONSENT AGENDA ITEMS

- | | | |
|------|--|---------|
| 8.1. | Consideration and possible action on approval of the November 5, 2020 City Council meeting minutes.
November 5, 2020 City Council Minutes | 8 - 12 |
| 8.2. | Consideration and possible action on approval of the November 19, 2020 City Council meeting minutes.
November 19, 2020 City Council Minutes | 13 - 19 |
| 8.3. | Consideration and possible action on approval of the December 3, 2020 City Council meeting minutes.
December 3, 2020- City Council Minutes | 20 - 24 |
| 8.4. | Consideration and possible action on a resolution approving the proposed Star Ranch Apartments Final Plat, 13.925 acres, more or less, of land, one multifamily lot, located on Star Ranch Boulevard.(Ashley Lumpkin)
Agenda Item Report - AIR-20-413 - Pdf | 25 - 29 |
| 8.5. | Consideration and possible action on approving Resolution No. R-2020-134 authorizing the City Manager to accept the infrastructure improvements for the Hutto Highlands Section 2 Phase 2 Subdivision. (Anthony Host)
Agenda Item Report - AIR-20-428 - Pdf
Hutto Highlands 2-2 Completion Letter S&S 10-01-20
hutto Highlands 2-2 Final Cost and Quantities
Hutto Highlands 2-2 Final Subdivision Check list
Hutto Highlands 2-2 Letter of Concurrence - sealed
Hutto Highlands 2-2 Maintenance Bond
Hutto Highlands Lift Station Concurrence letter
Hutto Highlands 2-2 Project Construction Summary
Hutto Highlands Section 2 Phase 2 TAS Inspection Report 20-012
Hutto Highland Section 2 Phase 2 acceptance resolution | 30 - 76 |
| 8.6. | Consideration and possible action on approving Resolution No. R-2020-136 authorizing the City Manager to accept the infrastructure improvements for the 1660 retail center. (Anthony Host)
Agenda Item Report - AIR-20-430 - Pdf
1660 Final subdivision Checklist | 77 - 95 |

[Limmer OPC ROW Estimate 10.6.2020](#)
[1660 Maintenance Bond](#)
[Concurrence Letter 1 PSCE- Limmer FM 1660- Engineers](#)
[3 FM 1660 Retail Cost & Quantity PSCE](#)
[TAS2019015846CR](#)
[FM 1660 Retail Center acceptance resolution](#)

9. ORDINANCES

- | | | |
|------|---|-----------|
| 9.1. | Consideration and possible action on Ordinance No. O-2020-048 amending the Fiscal year 2020-21 Budget to reflect grant funding awarded through the Governor's Office, Coronavirus Emergency Supplemental (CESF) Program. (First Reading)(Misti Hancock) | 96 - 100 |
| | Ord. No. O-2020-048 with Exhibit | |
| 9.2. | Consideration and possible action on Ordinance No. O-2020-047 providing a budget amendment to accommodate the revised wholesale wastewater rate for Wastewater Service Agreement between the City of Hutto and Kelly Lane Utility Company Addendum No. 2. (First Reading)(Samuel Ray) | |
| 9.3. | Consideration and possible action on Ordinance No. O-2020-033 accepting and approving Annual Service and Assessment Plan Update for Co-Op Public Improvement District. (First Reading)(City Attorney) | 101 - 142 |
| | 2020-12-17 HUT Co-Op 2020 SAP Update | |
| | Hutto - Ordinance Approving 2020 SAP Annual Update for Co-Op PID | |

10. RESOLUTIONS

- | | | |
|-------|---|-----------|
| 10.1. | Consideration and possible action on Resolution No. R-2020-146 authorizing the City Manager to execute the Wastewater Service Agreement between the City of Hutto and Kelly Lane Utility Company Addendum No. 2. providing a six-month extension and updated wholesale rate to the Wholesale Wastewater Service Agreement.(Samuel Ray). | 143 - 148 |
| | Agenda Item Report - AIR-20-441 - Pdf | |
| | Res. No. R-2020-146 - Pflugerville Wastewater Contract 12-17-20 | |
| | Addendum No. 2 Hutto Pflugerville Wastewater Exhibit A | |
| 10.2. | Consideration and possible action on Resolution R-2020-144A for the first of two readings as required by Texas Local Government Code Section 505.158(b) authorizing the establishment of a project related to Holidays in Hutto event after two separate readings; providing for repeal; providing for severability; and providing an effective date. (First Reading)(EDC Attorney). | 149 - 150 |
| | Res. No. R-2020-144A -Holidays in Hutto Project 12-17-20 | |
| 10.3. | Consideration and possible action on Resolution R-2020-144A for the second of two readings as required by Texas Local Government Code Section 505.158(b) authorizing the establishment of a project related to Holidays in Hutto after two separate readings; providing for repeal; providing for severability; and providing an effective date. (Second Reading)(EDC Attorney). | 151 - 152 |
| | Res. No. R-2020-144A -Holidays in Hutto Project 12-17-20 | |
| 10.4. | Consideration and possible action on Resolution R-2020-111A approving the second amended and restated bylaws of the Hutto Economic Development | 153 - 154 |

Corporation, Type B dba Hutto Community Development Corporation. (EDC Attorney)

[Res. No. R-2020-111A- HCDC Type B Bylaws 12-17-20](#)

- 10.5. Consideration and possible action to approve Resolution No. R-2020-140 of the City of Hutto, Texas, ordering a special election to be held on March 6, 2021, for the purpose of filling a vacancy Council Place 3; 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. 155 - 170

[Res. No. R-2020-140 Calling Special Election Place 3 -12-17-20](#)

- 10.6. Consideration and possible action on Resolution No. R-2020-147 approving an Amended and Restated Development Agreement by and between the City of Hutto, Texas and WLH Communities -Texas, LLC, for Emory Crossing, formerly Hutto 315 by amending that Development Agreement dated September 21, 2017 between, RSI Communities – Texas, LLC, the Developer’s predecessor-in-interest and the City of Hutto, Texas and authorizing the City Manager to execute the Amended and Restated Agreement.(City Attorney) 171 - 172

[Res. No. R-2020-147 Approving Amended and Restated Emory DA](#)

- 10.7. Consideration and possible action on Resolution R-2020-149 approving the Public Improvement District Reimbursement Agreement for Emory Crossing Improvement Area #1 between the City of Hutto, Texas and WLH Communities-Texas, LLC; and authorizing the City Manager to execute the Public Improvement District Reimbursement Agreement for Emory Crossing Improvement Area #1. 173

[Res. No. R-2020-149 Approving PID Reimbursement Agreement](#)

- 10.8. Consideration and possible action on Resolution R-2020-150 approving the Emory Crossing Financing and Reimbursement Agreement by and between the City of Hutto, Texas and WLH Communities-Texas, LLC; authorizing the City Manager to execute the Public Improvement District Financing and Reimbursement Agreement. 174

[Res. No. R-2020-150 Approving Financing Agreement](#)

- 10.9. Consideration and possible action on Resolution No. R-2020-148 approving a Consent Agreement between the City of Hutto, Texas and Harris & Staub, LLC creating Williamson County Municipal Utility District No. 35 and authorizing the City Manager to execute the Consent Agreement, (Wallin Tract).(City Attorney) 175 - 181

[Wallin Consent Agreement Presentation](#)

11. OTHER BUSINESS

- 11.1. Consideration of and possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, and Local Government Corporations.(City Secretary). 182 - 185

[Boards Commissions List 11-30-20](#)

- 11.2. Presentation of Forensic Audit Report by Eide Bailly Auditor, with

discussion and possible action.

11.3. Update on the progress of the Charter Review Commission.

11.4. Durango Farms Update (Bob Wunsch)

12. 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].

12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 from the City Attorney on Pending Legal Matters, Potential Litigation, Council Legal Requests and pending litigation, to wit: Legacy Hutto, LLC. V. City of Hutto , pending in the District Court of Williamson County, Texas and Preston Hollow Capital, LLC v. Cottonwood Development Corporation, et al; pending in the United States District Court for the Western District of Texas, Austin Division.

12.2. Receive legal advice pursuant to Texas Government Code Section 551.071 to seek legal advice from its attorneys and assign legal counsel pertaining to Case No. 1:20-cv-1210, Odis Jones v. City of Hutto, et. al. filed in the U.S. District Court for the Western District of Texas, Austin Division.

12.3. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to the Forensic Audit Report.

12.4. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

13. ACTION RELATIVE TO EXECUTIVE SESSION

13.1. Consider and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 from the City Attorney on Pending Legal Matters, Potential Litigation, Council Legal Requests and pending litigation, to wit: Legacy Hutto, LLC. V. City of Hutto , pending in the District Court of Williamson County, Texas and Preston Hollow Capital, LLC v. Cottonwood Development Corporation, et al; pending in the United States District Court for the Western District of Texas, Austin Division.

13.2. Consider and possible action on legal advice received from its attorneys and assign legal counsel pertaining to Case No. 1:20-cv-1210, Odis Jones v. City of Hutto, et. al. filed in the U.S. District Court for the Western District of Texas, Austin Division.

13.3. Consider and possible action on legal advice pursuant to Texas Local Government Code Section 551.071 relating to the Forensic Audit Report.

13.4. Consider 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. ADJOURNMENT

15. CERTIFICATION

I certify that this notice of the **December 17, 2020** Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on **December 14, 2020** at **5:09 P.M.**



Holly Nagy

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 City.Secretary@huttox.gov or call (512) 759-4033 for assistance.