



City of Hutto

MINUTES

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

1. CALL SESSION TO ORDER: *7:00 PM*

2. ROLL CALL

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

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

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

5.1. General Comments from City Council

None.

5.2. City Council Commission Liaison Reports.

Councilmember Snyder gave an update on the Economic Development Corporation.

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

6. PUBLIC COMMENT

- Jimmy Pierce

- Travis Allen (via email)

- Robert Vossler (via email)

7. CITY MANAGER COMMENTS

8. CONSENT AGENDA ITEMS

Councilmember Gordon made a motion to accept items 8.1, 8.2, 8.3, 8.4 as presented. Councilmember Sutton seconded the motion. The motion passed unanimously.

8.1. Consideration and possible action on approval of the November 5, 2020 City Council meeting minutes.

8.2. Consideration and possible action on approval of the November 19, 2020 City Council meeting minutes.

8.3. Consideration and possible action on approval of the December 3, 2020 City Council meeting minutes.

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)

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)

Councilmember Thornton made a motion to accept item 8.5 as presented. Councilmember Gordon seconded the motion. The motion passed unanimously.

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)

Councilmember Gordon made a motion to accept item 8.6 as presented. Councilmember Thornton seconded the motion. The motion passed unanimously.

Councilmember Snyder made a requested to move item 11.3 followed by item 9.3 up on the agenda. No objections.

11. OTHER BUSINESS

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

Tony Wertz provided an update and requested a work session with City Council at a later date.

9. ORDINANCES

- 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)

Michael Hall provided a public comment on this item.

Councilmember Sutton made a motion to table item 9.3 until the January 7, 2021 meeting. Councilmember Martinez seconded the motion. The motion passed unanimously.

- 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)

Councilmember Martinez made a motion to accept item 9.1 as presented.

Councilmember Rose seconded the motion. The motion passed unanimously.

- 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)

Councilmember Gordon made a motion to accept item 9.2 as presented.

Councilmember Rose seconded the motion. The motion passed unanimously.

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).

Councilmember Rose made a motion to accept item 10.1 as presented.

Councilmember Martinez seconded the motion. The motion passed unanimously.

- 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).

Councilmember Gordon made a motion to approve item 10.2 as presented.

Councilmember Thornton seconded the motion. The motion passed unanimously.

- 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).

Councilmember Gordon made a motion to accept 10.3 as presented.

Councilmember Thornton seconded the motion. The motion passed unanimously.

- 10.4. Consideration and possible action on Resolution R-2020-111A approving the second amended and restated bylaws of the Hutto Economic Development Corporation, Type B dba Hutto Community Development Corporation. (EDC Attorney)

Councilmember Gordon made a motion to approve item 10.4 as presented.

Councilmember Thornton seconded the motion. The motion passed (5:1) with Councilmember Sutton against.

- 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.

Councilmember Sutton made a motion to approve item 10.5 as presented.

Councilmember Rose seconded the motion. The motion passed unanimously.

- 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)

Councilmember Gordon made a motion to approve 10.6 as presented.

Councilmember Snyder seconded the motion. The motion passed unanimously.

10-minute recess taken at 9:02 PM

Returned from break at 9:13 PM

- 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.

Councilmember Snyder asked this item to be tabled. No objections.

- 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.

Councilmember Gordon made a motion to approve item 10.8 as presented with the amendment to set the equivalent tax rate at \$3.10 over 35 years and have the construction of the amenities center have a commencement starting with Phase 3 and be completed by the commencement of Phase 4. Councilmember Rose seconded the motion. The motion passed unanimously.

- 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)

Councilmember Sutton made a motion to table item 10.9 until January 7, 2020. Councilmember Gordon seconded the motion. The motion passed unanimously.

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).

Councilmember Gordon made a motion to appoint Christina Garza to the Ethics Review Commission. Councilmember Rose seconded the motion. The motion passed unanimously.

Councilmember Rose requested to move item 11.4 up. No objections.

- 11.4. Durango Farms Update (Bob Wunsch)

Public comment from Wyatt Henderson (via email.)

Discussion ensued.

No action taken.

- 11.2. Presentation of Forensic Audit Report by Eide Bailly Auditor, with discussion and possible action.

Item 11.2 was tabled at the recommendation of City Attorney with no objections.

12. EXECUTIVE SESSION: 10:22 PM

- 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: 12:55 AM

- 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.

No action taken.

- 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.

Councilmember Thornton made a motion to approve engaging George Hyde and his firm Russel Rodriguez Hyde Bullock LLP to represent the City of Hutto and its officers and employees in their official and individual capacities for all offensive claims and defensive claims in Jones v. City of Hutto, et al. and authorize the City Manager to execute the agreement. Councilmember Martinez seconded the motion. The motion passed unanimously.

Councilmember Thornton made a motion to approve the execution of the legal Conflict Consent and Waiver required by the Texas State Bar Rules for joint representation of all defendants of Mr. Hyde and his firm Russel Rodriguez Hyde Bullock LLP and authorize the City Manager to execute the agreement on behalf of the City of Hutto, Texas. Councilmember Sutton seconded the motion. The motion passed unanimously.

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

No action taken.

- 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.

No action taken.

14. ADJOURNMENT: *1:00 AM*

ATTESTED:



Jessica Brown, Assistant City Secretary



Mike Snyder, Mayor Pro Tem

