



City of Hutto

MINUTES

City Council Meeting

Thursday, February 4, 2021 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 Dan Thornton, Councilmember Robin Sutton, Councilmember Mike Snyder, Councilmember Peter Gordon and Councilmember Tanner Rose.

Absent: Councilmember Patti Martinez

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

3. INVOCATION – Led by Pastor Jim Skorzewski, Christ the Rock Church

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

5.1. General Comments from City Council

Tanner Rose: Someone in the community reached out to me and they were having some family issues and they requested I give a shout out to the PD Department, especially Officer Vayaz, Officer Stiget and Officer Wheeler for helping them through some tough times and getting things squared away so I wanted to share that and not only them but all the officers we have and what they do for the community.

Councilmember Sutton: There's a lot of conversations around, on Facebook, and different groups that says this Council is on a witch hunt and trying to destroy people's lives. The Forensic Audit was a request of the citizens. Even if it was a handful of citizens, the citizens came forward, they signed petitions and asked for this to be done. I work for and will always work for the taxpayers, the citizens. They are at the top of the work chart. This council is not responsible for decisions made by individuals that are being affected by digging up dirt. We were not there, they were personal choices that bring us to this night and these situations.

This council has only been sitting here for six months so how are we all responsible for everything that's gone wrong in Hutto. I'm sorry if someone broke in my house and stole something from me, I would want them to be held accountable and that's what this council is doing.

5.2. Council Commission Liaison Reports.

- *None.*

6. PUBLIC COMMENT

- *Dave Claflin*
- *Adam Walz*
- *Scott Morris*
- *George Hyde *via email*
- *Piet Van Waard *via email*
- *Kevin LaFrance *via email*
- *Krystal Kinsey*
- *Carolyn Jane Wrinkle*
- *James Weaver*
- *Idea Weaver*
- *RG Rodriguez*

7. CITY MANAGER COMMENTS

- *None.*

8. CONSENT AGENDA ITEMS

Councilmember Gordon made a motion to approve consent agenda items 8.1, 8.2, 8.3 and 8.4. Councilmember Rose seconded the motion. The motion passed (5:0)

- 8.1. Consideration and possible action on the January 21, 2021 City Council workshop minutes.
- 8.2. Consideration and possible action on the January 21, 2021 Regular City Council meeting minutes.
- 8.3. Consideration and possible action on Resolution No. R-2021-019 accepting the infrastructure improvements for the subdivision known as Hutto Crossing Phase 4 Section 9B. (Tony Host)
- 8.4. Consideration and possible action on Resolution No. R-2021-020 accepting the infrastructure improvements for the subdivision known as Highlands North Phase 1. (Tony Host)

Councilmember Gordon made a motion to move up item 11.8 followed by item 11.7 in the agenda. Councilmember Rose seconded the motion. The motion passed (5:0)

11. OTHER BUSINESS

- 11.8. Discussion and possible action on restrictions placed on City Councilmember's, Board and Commission member's attendance at events not sponsored by the City. (Councilmember Gordon)(Councilmember Rose)

Councilmember Gordon made a motion to rescind the action taken by City Council under item 11.5 on the January 7, 2021 City Council meeting. Councilmember Rose seconded the motion. The motion passed (5:0)

Councilmember Rose made a motion that the City of Hutto will not expend any funds for staff, employees, board and commissions or City Council and sponsorship regarding the Chamber Gala. The motion passed (4:1) with Councilmember Gordon against.

- 11.7. Discussion and possible action on funding any chamber agreements, voiding any chamber agreements or MOUs, and directing City Manager to cease spending funds or staff time for anything related to the chamber. (Councilmember Rose)

Councilmember Rose made a motion to not fund any chamber agreements, void any chamber agreements or MOU's and direct City Manager to cease spending funds or anything related to the chamber and recommend the Hutto EDC/CDC do the same. Councilmember Sutton seconded the motion. The motion failed (3:2) with Councilmember Gordon and Councilmember Thornton against.

Councilmember Snyder made a motion to amend the motion to keep the current membership with the Chamber of Commerce at the \$2,500 level. The motion failed due to no second.

Councilmember Thornton made a motion to request the City Manager to review all existing agreements with the Chamber and come back to Council with recommendations for any changes to those agreements. Councilmember Gordon seconded the motion. The motion passed (5:0)

*10-minute recess taken at 9:03 PM
Returned from break at 9:17 PM*

9. ORDINANCES

- 9.1. Consideration and possible action on Ordinance No. O-2021-002 providing a budget amendment to accommodate the Pro-Rata Share Agreement for Mustang Creek – HISD Improvements between the City of Hutto and Hutto ISD (First Reading) (Misti Hancock)

Councilmember Rose made a motion to approve 9.1 as presented. Councilmember Gordon seconded the motion. The motion passed (5:0)

- 9.2. Consideration and possible action on Ordinance No. O-2021-004 providing a budget amendment to accommodate the Professional Services Agreement between the Hutto CDC and the City of Hutto. (First Reading)(Misti Hancock)
Councilmember Rose made a motion to approve item 9.2 as presented with the amendment to strike the second sentence in Section 2 and clarify that this is only going to change the revenue side of the budget. Councilmember Gordon seconded the motion. The motion passed (5:0)

- 9.3. Consideration of a Public Hearing and possible action on Ordinance No. O-2021-003 amending the City of Hutto Water and Wastewater Impact Fees.(First Reading)(Samuel Ray)

Public hearing opened: 9:37 PM

Public hearing closed: 9:39 PM

Councilmember Gordon made a motion to accept item 9.3 as presented. Councilmember Sutton seconded the motion. The motion passed (5:0)

Councilmember Gordon made a motion to dispense of the second reading for item 9.3. Councilmember Rose seconded the motion. The motion passed (5:0)

- 9.4. Consideration and possible action on Ordinance No. O-2021-005 ordering a special election on proposed amendments to the home rule city charter of the City of Hutto to be held on May 1, 2021; providing for the publication and posting of notice; proposing amendments to the home rule city charter of the City of Hutto; 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.(Second Reading)(City Attorney)

Councilmember Gordon made a motion to approve item 9.4 as presented.

Councilmember Rose seconded the motion. The motion passed (5:0)

10. RESOLUTIONS

- 10.1. Consideration and possible action on Resolution No. R-2021-021 ordering a general election for May 1, 2021, for the purpose of electing City Council, Place 2 and City Council, Place 5, designating election precincts and polling places, providing for early voting and election day voting, providing for performance of required administrative duties, and providing other matters relating to such election. (City Attorney)

Councilmember Gordon made a motion to approve item 10.1 as presented.

Councilmember Rose seconded the motion. The motion passed (5:0)

- 10.2. Consideration and possible action on Resolution No. R-2021-023 supporting the proposed Low-Income Housing Tax Credit project Carver Ridge Apartments, LP (Ashley Lumpkin)

Presentation by Ashley Lumpkin and Sandy Watson.

Public comment:

- Nicole Calderone

- Stephanie Monroe

Councilmember Gordon made a motion to approve item 10.2 as presented. Councilmember Rose seconded the motion. The motion passed (5:0)

11. OTHER BUSINESS

- 11.1. Update on Durango Farms by Bob Wunsch.

Presentation by Kevin Pierce.

No action taken.

- 11.2. Presentation on Temporary Signs (10.410 Signs, Hutto Unified Development Code)(Ashley Lumpkin).

Presentation by Ashley Lumpkin.

Councilmember Snyder requested staff to bring back more information on content-based signs. No action taken.

- 11.3. Consideration and possible action on a presentation regarding Traffic Impact Fees. (Samuel Ray)

Presentation by Samuel Ray.

Councilmember Snyder requested staff to bring back more information regarding potential fees.

No action taken.

- 11.4. Consideration and possible action on a Presentation regarding Water Supply Study. (Samuel Ray, DCS Engineering)

Presentation by Darren Strozewski, DCS Engineering.

No action taken.

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

Councilmember Sutton made a motion to appoint Jane Wrinkle to the ADA Task Force, Commissions Task Force and Ethics Commission. Councilmember Thornton seconded the motion. The motion passed (5:0)

Councilmember Rose made a motion to remove Kevin LaFrance from the Hutto Economic Development Corporation A and B boards. Councilmember Snyder seconded the motion. The motion passed (4:1) with Councilmember Gordon against.

Councilmember Sutton made a motion to remove Laurie Pruser Stockman from the ADA Task Force. The motion failed as no second.

- 11.6. Discussion on FY 2018-2020 Economic Development Corporation and Hutto Community Development Corporation expenditures. (Councilmember Sutton)
Discussion ensued.

Councilmember Rose requested a presentation at the March 4, 2021 City Council meeting from the CDC/EDC on the expenditures over the last two (2) years and what revenue has been generated inside of the city, what projects have been completed, what things have been done to justify the expenditures over the last two (2) years including a project pipeline. No objections.

All additional items tabled until the Special called City Council Meeting on February 10, 2021.

- 11.9. Discussion and possible action on Brushy Creek Amphitheater Noise Issues. (City Manager) (Stacy Schmitt)

12. EXECUTIVE SESSION

- 12.1. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the Durango License Agreement; and deliberate regarding real property involved in Durango License Agreement pursuant to Texas Government Code Section 551.072.
- 12.2. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for Bojorquez Law Firm fee bills.
- 12.3. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for McGinnis Lochridge

memorandum related to the employment of former Councilmember by the Hutto EDC, and relating to the former Councilmember's employment with Hutto EDC.

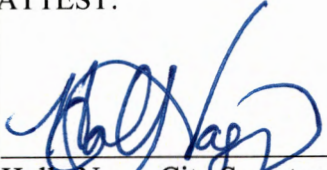
- 12.4. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.5. Discussion pursuant to Texas Government Code Section 551.074 personnel matters relating to Legal Services and City Attorney.

13. ACTION RELATIVE TO EXECUTIVE SESSION

- 13.1. Consideration and possible action on legal advice received relating to the Durango License Agreement; and deliberate regarding real property involved in Durango License Agreement pursuant to Texas Government Code Section 551.072.
- 13.2. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for Bojorquez Law Firm fee bills.
- 13.3. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for McGinnis Lochridge memorandum related to the employment of former Councilmember by the Hutto EDC, and relating to the former Councilmember's employment with Hutto EDC.
- 13.4. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.5. Consideration and possible action on discussions held pursuant to Texas Government Code Section 551.074 personnel matters relating to Legal Services and City Attorney.
- 13.6. Consideration and possible action on 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: 12:37 AM

ATTEST:


Holly Nagy, City Secretary




Mike Snyder, Mayor Pro Tem