



**CITY COUNCIL
MEETING MINUTES
DECEMBER 5, 2019**

The Hutto City Council met in regular session on Thursday, December 5, 2019, in Council Chambers, City Hall, 500 W. Live Oak, Hutto, TX 78634.

CALL SESSION TO ORDER

Mayor Gaul called the session to order at 7:00 p.m.

ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Mayor Pro Tem Tom Hines, Councilmember Peter Gordon, Councilmember Patti Martinez and Councilmember Tanner Rose.

Members of staff that were present were Odis Jones, City Manager; Michel Sorrell, Assistant City Manager; Byron Frankland, Assistant City Manager; Paul Hall, Chief of Police; Michel Sorrell, Chief Financial Officer; Ashley Lumpkin, Executive Director Infrastructure & Development Services; Jessica Bullock, Director of Economic Development; Stacy Schmitt, Assistant to the City Manager; and Lacie Hale, City Secretary.

INVOCATION

Invocation was given by Pastor James Skorzewski from Christ the Rock Church.

PLEDGE OF ALLEGIANCE

Mayor Gaul led the Pledge of Allegiance and the Texas Pledge.

CITY COUNCIL COMMENTS

Councilmember Scott Rose thanked City Manager Odis Jones and city staff for their hard work and dedication. It is time for the City to heal and City Council to work together.

PUBLIC COMMENTS

Mike Fowler reminded the City Council that the Holmstrom House is still for sale. He would like to see Hutto keep growing and one way to do that would be to have a point person on staff to work primarily with the developers in growth issues.

Ted Smith shared that he is a Labor and Employment Attorney and his presence at the meeting is for agenda items regarding Mr. Jones agreement and employment.

Michelle Berry shared that the sidewalks for Lakeside Estates will cut into their driveway and people will be in violation of parking over a sidewalk. Neighbors have installed landscaping and irrigation because they were told that sidewalks would not be put in. She asked Council to take into consideration, maybe drive through the neighborhood one weekend morning and see already the number of cars parked in the street because driveways are so short, and more cars would be parked in the street.

Glen Pierce thanked Odis and his family. He apologized for the negative comments and shared that Hutto is a divided community.

Austin Fry thanked Council for their service. He graduated high school in Hutto. Impressed with the growth and supports it. Hopes Hutto grows and becomes a viable economy.

Terri Grimm thanked Council for everything they do. Shared that Council should be ashamed for how they are speaking to people. It is citizens' rights to share how they feel.

Nicole Calderone appreciated Mrs. Grimm's comments. Reiterated House Bill 2840. The agenda items today are a culmination of something that has been a long time coming. Asked for an EDC investigation update. Shared how Hutto needs smart growth.

Susan Allman deferred her time to Robin Sutton. Ms. Sutton shared that the roads cannot handle this growth. Wished Mayor Pro Tem Hines and Mayor Gaul would resign. She declared that she will be running for Council in May.

Robin Sutton requested an updated on the EDC investigation. Shared how the City needs to grow responsibly.

Kyle Lovinggood shared that Odis Jones has done a lot for the City and that when legal gets involved it impacts transparency. Shared that he is pro-growth but just wants it done right. Citizen transparency should be the number one item.

Gabby Breda asked Council to accommodate disabilities by using their microphones better and also look into closed captioning.

7. 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].

7.A. Executive Session, as authorized by Texas Government Code, Section 551.071, consultation with attorney, regarding threat of litigation.

Nicole Calderone shared that another potential lawsuit to the city, just settle one and there's another one coming. What she sees is a pattern of behavior is why she filed ethics complaints. Questioned those who hold the duties of office are holding people accountable.

Robyn Sutton shared that no one knows what this threat of litigation is and questioned how money is being spent on lawsuits.

7.B. Executive Session, as authorized by Texas Government Code, Section 551.074, Deliberations regarding Personnel Matters City Manager.

Nicole Calderone shared how Council's allegiance to the city manager questions implicates themselves. She can't look away until elected officials put the residents first and discipline those who fail to abide by the standards.

Motion: Councilmember Tanner Rose motioned to move agenda item 8C up to now and Councilmember Mike Snyder requested to amend the motion to move 8C, 8A and 8B prior to executive session. Councilmember Tanner Rose agreed with the amendment and Councilmember Snyder seconded the motion.

Vote: Ayes Councilmember Peter Gordon
 Councilmember Snyder
 Councilmember Tanner Rose

 Nays Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Patti Martinez

Action: The motion failed with 3 ayes, 4 nays

Prior to going into Executive Session, Councilmember Tanner Rose stated if they had sufficient information regarding threat of litigation, what, by who, by whom, it's pretty vague and he has nothing in a packet, in emails regarding it, so feels like he's walking to the back blind just like the people are. Councilmember Snyder commented they've spent a lot of time on this. City Attorney walked through the analysis of open session.

Motion: Councilmember Snyder motioned to discuss items 7A and 7B in open session. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Councilmember Snyder
 Councilmember Tanner Rose

 Nays Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose

Councilmember Peter Gordon
Councilmember Patti Martinez

Action: The motion failed with 5 ayes, 2 nays

Council adjourned into Executive Session from 8:01 pm to 9:55 pm. No action was taken in Executive Session.

8. OTHER BUSINESS

8.A. Consideration and possible action regarding amendment to City Manager's contract.

Motion: Councilmember Snyder motioned to table item 8A to a later date. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez

Nay Councilmember Tanner Rose

Action: The motion passed with 6 ayes, 1 nay

8.B. Consideration and possible action regarding consulting agreement with City Manager.

Motion: Councilmember Snyder motioned to table item 8B to December 19, 2019. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez

Nay Councilmember Tanner Rose

Action: The motion passed with 6 ayes, 1 nay

8.C. Consideration and possible action to open a Chapter 3.16 investigation regarding personnel matters regarding the office of City Manager.

Motion: Councilmember Snyder motioned to direct the action City Manager or Mayor to engage a third party to review the policies and procedures of the office of City Manager. Councilmember Gordon seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

 Nay Mayor Pro Tem Tom Hines

Action: The motion passed with 6 ayes, 1 nay

- 8.D. Consideration of and possible appointments to City Boards and Commissions. (Lacie Hale)

Robin Sutton questioned the legality of the River Creek and Cottonwood Local Government Corporation and the appointments.

No Council action was taken.

- 8.E. Discussion and Possible Action on Construction of Sidewalk for Lakeside Estates Subdivision. (Samuel Ray)

Jorde Matthews shared the safety concerns for Lakeside Estates since traffic is coming.

Motion: Councilmember Scott Rose motioned to engage in design and engineering with a phased implementation, and 2 proposals that include 4 feet and 5 feet sidewalks for Lakeside Estates. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

- 8.F. Consideration and possible action to appoint an interim City Manager as of January 2, 2020.

Nicole Calderone shared that based on the vetting for the current City Manager she does not have faith or confidence in Council to hire someone who is qualified for this position.

Motion: Councilmember Snyder motioned to authorize the Mayor to contact TML to engage a City Manager during the hiring process, have two candidates' come back to the December 19 Council meeting, and the candidate will start as soon as possible. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

8.G. Consideration and possible action on recordings of executive session.

Motion: Councilmember Snyder motioned to direct staff to have a plan at the December 19, 2019 meeting to implement in January. Councilmember Gordon seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

9. CITY MANAGER COMMENTS

9.A. Final Comments (Signing Off)

Motion: Councilmember Snyder motioned to table agenda item 9A. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez

Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

10. CONSENT AGENDA ITEMS

10.B. Consideration and possible action on a resolution approving the proposed Cross Creek Phase 2 Final Plat, 21.33 acres, more or less, of land, 107 residential lots, located off of CR 199. (Ashley Lumpkin)

Motion: Councilmember Martinez motioned to pull items 10A and 10C from the consent agenda. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

Motion: Councilmember Snyder motioned to approve item 10B on the consent agenda. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

10.A. Consideration and possible action on a resolution approving the proposed Mustang Creek Revision #1 Preliminary Plan, 170.655 acres, more or less, of land, 507 residential lots, located on FM 1660 North. (Ashley Lumpkin)

Motion: Mayor Pro Tem Hines motioned to approve item 10A. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder

Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

10.C. Consideration and possible action approving the minutes of the November 16, 2019 Special Council Meetings and the November 21, 2019 Regular Council Meeting.

Motion: Councilmember Tanner Rose motioned to amend the minutes to include the motion that died in the November 21, 2019 minutes. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

11. ORDINANCES

11.A. Consideration of a public hearing and possible action on the first reading of an ordinance approving the proposed 415 Ed Schmidt Boulevard Planned Unit Development (PUD), 2.247 acres, more or less, of land, located on CR 138. (Ashley Lumpkin)

Public hearing was held from 11:07 pm to 11:07 pm. No one spoke.

Motion: Councilmember Tanner Rose motioned to table item 11A to the next meeting. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

Motion: Councilmember Tanner Rose motioned to move items 12A and 12B up on the agenda. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

12.A. Consideration and possible action to adopt a resolution of the City of Hutto, Texas, authorizing and creating the Covered Bridge Public Improvement District within the City of Hutto pursuant to Chapter 372 Texas Local Government Code. This follows the October 17 setting but omits the reference to the hearing that was already conducted.

Rick Rosenberg provided a brief history of the project.

Krystal Kinsey doesn't understand why the project is so large and how it can hold the density.

Motion: Councilmember Tanner Rose motioned to table items 12A and 12B. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

12.B. Consideration and possible action to adopt a resolution of the City of Hutto, Texas, accepting a preliminary service and assessment plan for the Covered Bridge Public Improvement District, setting and approving the publication of notice of a public hearing to consider an ordinance levying assessments on property located within the public improvement district that is specially benefited by the improvements being financed; directing the publication and mailing of notice of the public hearing; resolving other matters incident and related thereto; and providing an effective date.

Item was tabled.

11.B. Consideration of a public hearing and possible action on the proposed Unified Development Code (UDC) ordinance amendment to the Code of Ordinances (2014 Edition, as amended), Chapter 16, Article 16.02 Unified Development Code (UDC)

Chapter 2 Section 10.201 General Rules by adding notification language. (Ashley Lumpkin)

Public hearing was held from 12:28 am to 12:28 am. No one spoke.

Motion: Councilmember Gordon motioned to accept the ordinance with changes identified by amending the unified development code. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

11.C. Consideration of a public hearing and possible action on the first reading of an ordinance approving a specific use permit for the property located at 300 Ed Schmidt Boulevard, 1.064 acres, more or less, of land, Lot 2, Block A of the Shops At Hanson's Corner Addition Subdivision, allowing a carwash in the B-2 (General Commercial) zoning district. (Ashley Lumpkin)

Public hearing was held from 12:32 am to 12:32 am. No one spoke.

Motion: Councilmember Scott Rose motioned to approve 11C as presented. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

Motion: Mayor Pro Tem Hines motioned to dispense of the second reading for item 11C. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Snyder
 Councilmember Peter Gordon

Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

11.D. Consideration and possible action on the second and final reading of an ordinance amending the City of Hutto Code of Ordinances (2014 Edition) Chapter 2 (Administration and Personnel) regarding financial disclosure.

Motion: Councilmember Snyder motioned to approve 11C as written with the addition of LGC and TIRZ boards for the full financial disclosure form and property. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

12. RESOLUTIONS

12.C. Consideration and possible action on a resolution approving the budgets for the fiscal year beginning October 1, 2018 and ending September 30, 2019 and for the fiscal year beginning October 1, 2019 and ending September 30, 2020 for the River Creek Development Corporation and the Cottonwood Development Corporation.

Robin Sutton asked how a board is made up and doesn't understand why it was developed.

Motion: Councilmember Snyder motioned to table item 12C to the December 19, 2019 meeting. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion passed with 7 ayes, 0 nay

ADJOURNMENT

There being no further business to be heard, the meeting was adjourned at 1:16 a.m. on Friday, December 6, 2019.

CITY OF HUTTO

Doug Gaul, Mayor

ATTEST:

City Secretary

These minutes were approved on December 19, 2019.