



City of Hutto

MINUTES

City Council Meeting

Thursday, May 19, 2022 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: Mayor Mike Snyder, Councilmember Robin Sutton, Councilmember Mandi Villarreal Salvo, Mayor Pro Tem Dan Thornton, Councilmember Krystal Kinsey, Councilmember Debbie Holland and Councilmember Peter Gordon.

Absent: None

Members of staff present: Issac Turner, Interim City Manager; Matt Wojnowski, Assistant City Manager; Angela Walton, City Secretary; Wade Benton, Consultant, Ashley Lumpkin, Executive Director of Business and Development; Cristian Rosas-Grillet, Legal Counsel and Gracie Perez, Assistant City Secretary

3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **CITY MANAGER COMMENTS**
Isaac Turner, Interim City Manager:

Mr. Mayor, Members of the Council, Members of the Public. Saturday, May the 21st is Hutto Market Days in Downtown Hutto. This new event will be hosted every third Saturday, on 200 E Street from 9:00 AM to 4:00 PM. The City of Hutto is helping to host the Sunset Block Party at Fritz Park, Friday, May the 27th. The event is from 6:00 to 9:00 PM. Please bring coolers, chairs but no glass. There will be live music, vendors, and children's activities. On Monday, May the 30th, city facilities will be closed for Memorial Day in honor of the nation's fallen. We want to encourage everyone to be careful and safe as they travel and celebrate that holiday. June the 1st, for those who are interested in the downtown and the future of the downtown, there will be a downtown design rodeo which will be a near active way to help design the future of Hutto Downtown. The public is welcome to join these community conversations. The first one will start at 10:00 AM, the second one at 2:00 PM on the 1st, and there will also be some presentations at 5:00 PM at City Hall and an Open House at 6:00 o'clock. And finally, Hutto Juneteenth celebration will be June 18th, from 12:30 to 6:00 PM at the Adam Orgain Park and Chief Yarbrough will be the guest speaker. Thank you.

6. PROCLAMATION

- 6.1. Public Works Week 2022 – *Accepted by the Public Works Department*
- 6.2. National Police Week 2022 – *Accepted by the Chief of Police, Jeff Yarbrough and members of The Hutto Police Department.*

7. CITY COUNCIL COMMENTS

7.1 General Comments from City Council

Mayor Snyder:

Next, we have City Council comments and I was reminded by Mayor Pro Tem Thornton that prior to 7.1. being done, we have it in our Charter that we can't take action on items until the public has had a chance to speak. So, if there's no objections, I'll move 7.1. to after Public Comment.

Councilmember Robin Sutton:

I want to express condolences to the families who lost three young lives at the intersection of Chandler and 1660. It wasn't two months ago when we had a presentation about that intersection and how dangerous it is and before that, there was a meeting with TXDOT. It was on their radar and it was going to be a priority for them. I also express condolences to the families of the injured victims. There are other people that were injured too. I'm happy to hear that in an update that we received that TXDOT is moving this light at that intersection up in their priorities. It was already in the design phase so that we can see a light go in there within six to nine months and hopefully we can save some lives during this time. Anyway, I just want to say thank you to the team that reached out and is bridging the relationship with TXDOT for the City of Hutto and that we get to move forward in this and in other projects.

Councilmember Krystal Kinsey:

I'd like to take just a minute to take a moment of silence. This past week, as a nation, we still continue to struggle with racial inequality. Some tragedies that happened in both Buffalo, NY and then Laguna Woods, CA. So I would appreciate if we could just take a moment to reflect on some of those things that have happened and unfortunately continue to happen. (Moment of silence observed) Thank you for that, thank you guys. In light, not necessarily in light in that but I also wanted to mention what City Manager Turner said the Juneteenth Event will be happening on June 18th, 12:30 to 6 at Adam Orgain Park. They are actively looking for volunteers, so there's a sign up genius link. So, even if you don't necessarily--can't work the whole day, they need help setting up, closing down, wrapping up so it would be a really great event, especially to have a lot of different Hutto citizens out there to support. I will be there. I'm part of the helping to set up, so, I hope to see a lot of familiar faces there. I also wanted to acknowledge that this is Asian American and Pacific Islander Awareness Month as well, and I'm gonna

talk a little bit more about that in my Liaison Report. And I did also want the public to be aware that I have a trip planned to South Carolina for my university reunion, go back to my alma mater, so I will be absent at the June 2nd meeting. That was all.

Councilmember Randal Clark:

I just wanted to say thank you for the people that elected me to be up here, to be a servant, to serve the City of Hutto for next three years. I'm going to do my due diligence to do everything I can help Hutto grow and be the place it needs to be and do so in an honorable way. I also want to thank my opponent for the campaign that we ran against each other, Ida Weaver. I also want to thank my family for supporting me during this time and my wife to take the kids and the time to be able to serve in this capacity. So, thank you.

Mayor Mike Snyder:

I've got an item I'd like to add to the agenda. Coming up, I'll shoot the language over to the City Attorney. So, I guess it has been since first part of May, there were some concerns, I guess someone called disturbing regarding something that happened, so, I think we need to talk about it publicly, it sounds like-- we've spent a lot of legal dollars on it.

The second item entitled consideration, possible action regarding the IBCA Barbecue Cook Off, the Mayor's involvement in the process related to including, but not limited to, the emails, text messages and legal memorandum from and including the City Council, the City Staff and the City Attorney, and to possible interference with Administration, alleged interaction with members of the public, alleged interactions with the City Manager and to release all of the information, completely unredacted. So, I'll give you guys that and you can make sure it's wordsmith to be legal. I'll start off the new session.

7.2. City Council Liaison Reports

Councilmember Krystal Kinsey:

The D&I has scheduled apart from their regularly scheduled meeting (third Tuesday of each month) a special meeting on June 7th at 5:00 PM. They formed a website subcommittee. They also have a few proclamations and acknowledgments that they have put together over the past year. They also passed a code of Ethics for themselves and will be bringing it to Council soon. They have been researching training opportunities and use the \$1000.00.

Mayor Mike Snyder:

Members of the EDC (Director and two members of the board) will be attending a ICSC Convention in Las Vegas beginning Monday morning. On

May 26th, at 11:15 AM at Rio, the EDC has invited the entire commercial broker network in the City of Austin metro area. Austin Title Company will be paying for the lunch.

8. PUBLIC COMMENT

- *Rick Hudson*
- *James Weaver*

7.1. Election of Mayor Pro Tem (City Council) – *Peter Gordon was nominated as the Mayor Pro Tem.*

*Councilmember Krystal Kinsey nominated Peter Gordon
Councilmember Robin Sutton nominated Peter Gordon
Mayor Pro Tem Dan Thornton nominated himself
Councilmember Randal Clark nominated Peter Gordon
Mayor Mike Snyder nominated Dan Thornton
Councilmember Peter Gordon nominated himself
Councilmember Krystal Kinsey nominated Peter Gordon
Councilmember Amberley Kolar nominated Peter Gordon*

The vote was confirmed 7,0 for Peter Gordon as Mayor Pro Tem.

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on Ordinance No. O-2022-019 amending the budget for the fiscal year of October 1, 2021 through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures, in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Second Reading) (Angie Rios)
- 9.2. Consideration and possible action on Ordinance No. O-2022-018 prescribing certain fees for the City of Hutto, Texas, amending all applicable ordinances and other instruments; providing for a schedule of fees and charges. (Second Reading)(Angie Rios)
- 9.3. Consideration and possible action on Ordinance No. O-2022-021 amending Chapter 1, Article 1.07, Division 2, Part II, of the Code of Ordinances to provide for a completeness review period for special event permit applications. (Second Reading) (Cristian Rosas-Grillet, Kristi Robich)
- 9.4. Consideration and possible action on Resolution No. R-2022-047 approving an agreement for a Restroom at Hutto Community Park with Restroom Facilities LTD for an amount not to exceed \$93,616.00 through BuyBoard Contract No. 592-19; and authorizing the Interim City Manager to execute the Agreement. (Jeff White)
- 9.5. Discussion and possible action on Resolution No. R-2022-048 authorizing the receipt of a grant from the Texas Office of the Governor, Criminal Justice Division, Rifle-Resistant Body Armor Grant Program, to provide funding for the Police Department,

to purchase forty-five sets of rifle-resistant body armor for Police Officers, with a total grant value of \$85,950. (Chief Jeff Yarbrough)

- 9.6. Consideration and possible action on Ordinance No. O-2022-022 granting to SiEnergy, its successors and assigns (“Company”), a franchise to construct, maintain, and operate pipelines and equipment in the City of Hutto, Williamson County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; reserving municipal authority; providing for indemnity to the municipality and insurance by company; requiring book and record keeping; providing for the payment of a fee or charge for the use of the city rights-of-way; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing an effective date and term; and repealing all previous gas franchise ordinances. (First Reading) (Legal)
- 9.7. Consideration and possible action on Ordinance No. O-2022-023 granting to Universal Natural Gas, LLC (d/b/a Universal Natural Gas, Inc.), its successors and assigns (“Company”), a franchise to construct, maintain, and operate pipelines and equipment in the City of Hutto, Williamson County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said city for all purposes; reserving municipal authority; providing for indemnity to the municipality and insurance by company; requiring book and record keeping; providing for the payment of a fee or charge for the use of the city rights-of-way; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; providing an effective date and term; and repealing all previous gas franchise ordinances. (First Reading) (Legal)

Councilmember Sutton requested that city staff comment on Items 9.6. and 9.7. first. Matt Wojnowski, Assistant City Manager provided a brief presentation for items 9.6. and 9.7.

A motion was made by Councilmember Kinsey to approve all consent agenda items as presented. Councilmember Clark seconded the motion. The motion passed 7,0.

10. RESOLUTIONS

- 10.1. Consideration and possible action on Resolution R-2022-045 approving the Second Amendment to the Management Agreement with the YMCA of Greater Williamson County; authorizing the Interim City Manager to execute the Agreement. (Angie Rios)
- A motion was made by Mayor Pro Tem Gordon to approve as presented. Councilmember Sutton seconded the motion. The motion passed 7,0.*
- 10.2. Consideration and possible action on Resolution No. R-2022-046 amending the City Council Protocol Policy to establish and clarify procedures for appointments, reappointments and/or removals of members of City boards, committees, and commissions. (Councilmember Peter Gordon, Councilmember Krystal Kinsey)

A motion was made by Mayor Pro Tem Gordon to approve with the change under Item 13 changing City Secretary's Office to City Manager's Office. Councilmember Krystal Kinsey seconded the motion. The motion passed 7,0.

11. ORDINANCES

- 11.1. Hold a public hearing and consider action for the proposed Future Land Use Map revision request for the property known as the Ironwood Tract, 117.64 acres, more or less, of land, located off of Highway 79, from Commercial and High Density Residential to Light Industrial/Business Park. (First Reading) (Ashley Lumpkin)

Public Hearing Open – 8:03 PM, Closed – 8:03 PM

A motion was made by Councilmember Thornton, it was seconded by Mayor Pro Tem Gordon. The motion passed 7,0.

- 11.1. (a) Consideration and possible action on Ordinance No. O-2022-024 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

The second reading was dispensed by a motion made by Councilmember Kinsey, it was seconded by Councilmember Sutton. The motion passed 7,0.

- 11.2. Hold a public hearing and consider action on Ordinance No. O-2022-025 approving the proposed annexation request for the Ironwood tract, approximately 117.64 acres, more or less, of land, described as being out of the Martin Strouse Survey, Abstract No. 587, in Williamson County, Texas and to establish base zoning as General Commercial (B- 2) located off of Highway 79. (First Reading) (Ashley Lumpkin)

Public Hearing Open – 8:09 PM, Closed – 8:09 PM. A motion was made by Mayor Pro Tem Gordon, seconded by Councilmember Kolar. The motion passed 7,0.

- 11.2. (a) Consideration and possible action on Ordinance No. O-2022-025 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

The second reading was dispensed by a motion made by Councilmember Clark and seconded by Mayor Pro Tem Gordon. The motion passed 7,0.

- 11.3. Hold a public hearing and consider action for the zoning change request for the property known as the Ironwood Tract, 117.64 acres, more or less, of land, located off of Highway 79, from (ETJ) to LI (Light Industrial). (First Reading) (Ashley Lumpkin)

A presentation was given by Amanda Brown.

Public Hearing Open – 8:20 PM, Closed 8:21 PM. A motion was made by Councilmember Kinsey to approve as presented and seconded by Councilmember Kolar. The motion passed 7,0.

- 11.3. (a) Consideration and possible action on Ordinance No. O-2022-026 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

A motion was made by Councilmember Thornton to dispense of the second reading,

the motion was seconded by Councilmember Clark. The motion passed 7,0.

- 11.4. Hold a public hearing and consider action for UDC Amendment, amending the Code of Ordinances (2020 Edition, as amended), Chapter 4 Section 10.403.3 Lot Dimensions and Area and 10.406.3 Single household detached and two to four household residence design to amend requirements for garage door width and to add language for residential alleys. (First Reading) (Ashley Lumpkin)

Public Hearing Open – 8:30 PM, Closed 8:30 PM. A motion was made by Councilmember Thornton to accept the amendment to Chapter 4, section 10.406.3 as presented and not accept the other. The motion was seconded by Councilmember Clark. The motion passed 7,0.

- 11.4. (a) Consideration and possible action on Ordinance No. O-2022-027 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

A motion was made by Councilmember Sutton to dispense with the second reading. The motion was seconded by Councilmember Thornton. The vote passed 6,1. Mayor Snyder opposed.

- 11.5. Consideration and possible action on Ordinance No. O-2022-015 amending Article 14.03, Noise, of the Code of Ordinances to establish regulations for permits for concrete installation during non-construction hours. (First Reading) (Ashley Lumpkin)

A public comment was made by Bryan Byrd. Following the presentation, a motion was made by Councilmember Kinsey to approve 11.5. with the amendment of striking “and then only” and replacing with the word “or” in 14.03.003, paragraph 10. The motion was seconded by Councilmember Clark. The motion passed 7,0.

- 11.5. (a) Consideration and possible action on Ordinance No. O-2022-015 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

A motion was made by Councilmember Kinsey to waive the second reading. The motion was seconded by Councilmember Kolar. The motion passed 7,0.

- 11.6. Consideration and possible action on Ordinance No. O-2022-028 establishing an Outside Agency Funding Advisory Committee; and providing for related matters. (City Council)

A motion was made by Mayor Pro Tem Gordon. The motion was seconded by Councilmember Thornton. The motion passed 7,0. City staff will recommend process to Council.

- 11.6. (a) Consideration and possible action on Ordinance No. O-2022-028 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

No action in 11.6. (a)

12. OTHER BUSINESS

- 12.1. Consideration and possible action regarding possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment

Zone Boards, City Council Liaisons, and Area Government appointments.

The following appointments were made:

Councilmember Villarreal Salvo was removed from Cottonwood (Motion by Councilmember Clark, seconded by Councilmember Sutton. Vote 7,0)

Mayor Pro Tem Gordon was appointed to the Board of Directors for Cottonwood Creek LGC. (Motion by Councilmember Thornton, seconded by Mayor Snyder. Vote 7,0)

Councilmember Kolar was appointed as Council Liaison to the Parks and Advisory Board. (Motion by Councilmember Kolar, seconded by Councilmember Clark. Vote 7,0)

Councilmember Sutton appointed as Council Liaison to P&Z (Motion by Mayor Snyder, seconded by Mayor Pro Tem Gordon. Vote 7,0)

Mayor Pro Tem Gordon was appointed as Council Liaison to HPC (Motion by Mayor Pro Tem Gordon, seconded by Mayor Snyder. Vote 7,0)

Item 10.2. was recalled by Mayor Pro Tem Gordon, seconded by Councilmember Thornton. Mayor Pro Tem Gordon amended the City Council Protocols I F and G to remove the reference of LGCs. The motion was seconded by Councilmember Thornton. The motion passed 7,0.

ADA Task Force – Chuck Springs

P&Z - Bart Hutchings

- 12.2. Consideration and possible action to direct staff to amend the TIRZ 2 Project and Financing Plan. (Legal)

A motion was made by Councilmember Thornton directing staff to amend the TIRZ 2 Project and the Finance Plan. The motion was seconded by Councilmember Kolar. The motion passed 7,0.

13. EXECUTIVE SESSION –

A motion was made by Mayor Snyder to pull items 13.5. and 13.6. out of Executive Session. Councilmember Thornton seconded the motion. The motion failed 2,5. Councilmembers in favor: Councilmember Thornton and Mayor Snyder. Councilmembers opposed: Councilmember Kinsey, Councilmember Kolar, Councilmember Thornton, Mayor Pro Tem Gordon, Councilmember Sutton and Councilmember Clark.

Executive Session Entered 9:35 PM.

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).

- 13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.2. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate pursuant to Texas Government Code Sections 551.087 and 551.072 regarding economic development negotiations in and around the Megasite and consideration and conveyance of assignment and assumption agreements conveying Option to Purchase Real Property Agreements to promote economic development.
- 13.3. Deliberate the appointment, employment, evaluation, reassignment, or duties of the Interim City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.
- 13.4. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to *Brooklands Partners, Ltd. v. City of Hutto*, Cause No. 22-0500-C425 pending in the 425th Judicial District Court in Williamson County, Texas.
- 13.5. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to releasing McGinnis Lochridge memorandums regarding the hiring of Larry Gonzales as a consultant for the City dated March 4 (x2), 6 (x2), April 1, July 30, 2019 and executed engagement letter March 6, 2019.
- 13.6. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to waiving the Attorney Client/Attorney Work Product Privilege relating to emails dated November 9 and 17, 2021 from former Council Member Villareal-Salvo to the City Attorney.
- 13.7. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate regarding economic development pursuant to Texas Government Code Section 551.087 to deliberate the offer of a financial or other incentive to business prospects; including deliberations regarding the purchase, sale, exchange or value of real property pursuant to Texas Government Code Section 551.072.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. Consideration 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.

At this time, Mayor Snyder made a public apology to Councilmember Sutton for an inappropriate comment made to her in Executive Session. Mayor Snyder stated that he made an apology in Executive Session as well.

A motion was made by Mayor Snyder made a motion to release EEOC complaint by James Bryson. The motion was seconded by Councilmember Thornton. Motion passed 7,0.

- 14.2. Consideration and possible action related to legal advice received pursuant to Texas

Government Code Section 551.071 relating to *Brooklands Partners Ltd. v. City of Hutto*, Cause No. 22-0500-C425 pending in the 425th Judicial District Court in Williamson County, Texas.

Dottie Palumbo explained that Plaintiff sued the City of Hutto, and he later non-suited. Plaintiff asked for the order to be with prejudice, therefore it cannot be refiled.

- 14.3. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 and deliberations regarding economic development pursuant to Texas Government Code Section 551.087 to deliberate the offer of a financial or other incentive to business prospects; including deliberations regarding the purchase, sale, exchange or value of real property pursuant to Texas Government Code Section 551.072.

No action.

- 14.4. Consideration and possible action related to legal advice pursuant to Texas Government Code Section 551.071 relating to releasing McGinnis Lochridge memorandums regarding the hiring of Larry Gonzales as a consultant for the City dated March 4 (x2), 6 (x2), April 1, July 30, 2019 and executed engagement letter March 6, 2019.

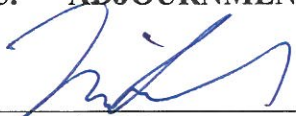
A motion was made by Mayor Snyder to release the memos unredacted. The motion was seconded by Councilmember Sutton. The motion passed 5,2. Councilmember Kolar and Councilmember Kinsey opposed.

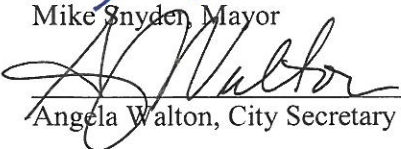
- 14.5. Consideration and possible action related to legal advice pursuant to Texas Government Code Section 551.071 relating to waiving the Attorney Client/Attorney Work Product Privilege relating to emails dated November 9 and 17, 2021 from former Council Member Villareal-Salvo to the City Attorney.

A motion was made by Mayor Snyder to release the memo unredacted. Councilmember Thornton seconded the motion. The motion failed 2:5. Councilmember Kinsey, Councilmember Kolar, Mayor Pro Tem Gordon, Councilmember Sutton and Councilmember Clark all opposed.

A motion was made by Councilmember Sutton directing Legal to compile the information and release with Attorney General's opinion upon receipt. The motion passed 7,0.

15. ADJOURNMENT – 12:01 AM


Mike Snyder, Mayor


Angela Walton, City Secretary