



**CITY COUNCIL
MEETING MINUTES
APRIL 18, 2019**

The Hutto City Council met in a regular session on Thursday, April 18, 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 Scott Rose, Councilmember Nathan Killough, Councilmember Patti Turner and Councilmember Terri Grimm.

Members of staff that were present were Odis Jones, City Manager; Edena Atmore, Assistant City Manager; City Attorney Cara Hanna; Byron Frankland, Chief of Police; Michel Sorrell, Chief Financial Officer; Ashley Lumpkin, Executive Director Infrastructure & Development Services; Jessica Bullock, Director of Economic Development; Eliska Padilla, Assistant to the City Manager; Emily Parks, Public Information Officer; Tony Host, Executive Director of Community Services; Allison Hosgood, Executive Director of Talent Development & Human Resources; Lisa Brown, City Secretary; and Lynn Trumbul, Sr. Assistant City Secretary.

INVOCATION

The invocation was given by Taylor Choate of The Bridge Church, Hutto, Texas.

PLEDGE OF ALLEGIANCE

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

CITY COUNCIL COMMENTS

Motion: Councilmember Nathan Killough made a motion to pull Item 10H from the Consent Agenda and for it to be heard after Item 9B. Mayor Pro-tem Tom Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines

Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

Motion: Councilmember Nathan Killough made a motion that Items 14A, 7B and 8A be moved up on the agenda to be heard after Council comments. Mayor Pro-tem Tom Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

COUNCIL ACTION

7B. Consideration and possible action approving an ordinance directing the City Manager and City Attorney to exercise the right of eminent domain for the purposes of acquiring for public use approximately 209 acres of land, generally located near the intersection of US Highway 79 and CR 132.

Odis Jones, City Manager – stated this item is needed to move forward with public infrastructure improvements along the CR 132 and US 79 corridor, and acquire the right of way to build an underpass, pursuant to bonds, parks, and two public safety facilities. Bill Bingham, City Attorney, most of the land can be acquired by negotiation, but this ordinance will allow the City to proceed with eminent domain proceedings if necessary, should negotiations break down.

Mayor Pro-tem Hines wanted to know if there have already been discussions with the land owners. Bill Bingham, City Attorney, answered yes, all of them, and the City is continuing discussions.

Mike Shaunessy, City Attorney, this allows the City to move forward if negotiations are unsuccessful so Council does not have to come back at a later time and address the issue.

Motion: Mayor Pro-tem Tom Hines made a motion to accept 7B as presented.
Councilmember Nathan Killough seconded the motion.

Councilwoman Grimm wanted to know if the Council would be notified of the outcome of the negotiations – City Manager Jones stated the Council will be kept informed.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

City Manager Odis Jones requested the Council consider waiving the second reading of the ordinance.

Motion: Councilmember Scott Rose made a motion to waive the second reading of the ordinance. Councilmember Nathan Killough seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

14A. Consideration and possible action regarding Project Expansion.

Odis Jones, City Manager, requested the Council authorize him to negotiate and execute the final agreements associated with Project Expansion.

Motion: Councilmember Nathan Killough made a motion to authorize the City Manager to negotiate and execute any and all issues regarding Project Expansion. Mayor Pro-tem Tom Hines seconded the motion.

Councilwoman Grimm wanted clarification regarding this action item related to the Executive Session. Mayor Gaul reminded her that it pertained to items discussed in the previous Executive Work Session.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

The Council recessed at 7:10 p.m. to conduct a press conference to announce Project Expansion.

8A. Presentation announcing the project and lead tenant for Project Expansion.

A press conference was held to announce a development agreement to construct a mixed-use development in Hutto, at or near the intersection of US Highway 79 and CR 132. Mayor Gaul recognized several elected officials in attendance: Commissioner Russ Boles, Hutto ISD Trustees Connie Gooding and Terrence Owens, HISD Superintendent Dr. Selena Estrada Thomas, Former State Representative Larry Gonzales, State Representative James Talarico, County Judge Bill Gravell, CDC Board Members Steven Harris and Dan Thornton. Mayor Gaul also recognized the efforts of State Senator Charles Schwertner and State Representative Talarico, as well as City staff.

The mixed-use development will be anchored by the single largest amateur baseball scouting services in the world, Perfect Game.

The City has been able to leverage the \$50 million development to an \$800 million-community investment, creating a development that will include baseball fields, multi-purpose fields, a recreation center, an indoor sports facility, residential, retail and office complexes. The original plans included 10 City baseball fields, 4 multipurpose fields, and 1 recreation center. Residents will have access to 30 ballfields, including 10 City turf ballfields, 6 City grass fields, improvements to 4 existing fields and an additional new grass field 5 multipurpose fields, as well as a recreation center and a Family Event Center. All City Community Parks will be improved.

Council reconvened at 8:09 p.m.

PUBLIC COMMENT

Heidi Clifton 409 Rio Grande Ave. – lives in Rivers Crossing and, speaking to Item 10H, is concerned regarding the possible increased traffic on Red River with the development of the Mustang Creek subdivision.

Kelly Olsen 415 Rio Grande Ave – lives in Rivers Crossing and is a member of the Board. Speaking to Item 10H, she is concerned about safety on Red River and a direct connection with the Mustang Creek subdivision.

Mayor Pro-tem Hines asked if the presentation on 10H could be made and then let everyone who wishes to speak on the issue do so at that time. Mayor Gaul agreed to hear those public comments after the presentation.

Aaron Kyle Lovinggood 1005 Louren Way – Believes the citizens were misled regarding the use of the Park at Brushy Creek. What is the return-on-investment for this, why did the City decide to take this route, and were there any park-specific studies done? He would like an updated Parks and Recreation Plan.

Mike Shaunessy, City Attorney, stated that because the issue of the parks is not on the agenda, the questions cannot be answered but can be addressed at a future meeting.

Mayor Gaul advised those individuals who signed up to speak regarding individual Consent Agenda items, other than Item 10H which was pulled, will not be addressed separately; however, he will allow Tanner Rose to speak regarding his items before the Consent Agenda is heard.

Greg Varney of CastleRock Builders, Division Manager – Confusion regarding the Smartcode toward the Brooklands Subdivision. There are questions regarding the intent to eliminate single-story homes. The last offer from the City to CastleRock Communities and Pacesetter Homes was to allow 20% of the homes to be one-story with a minimum of 2,000 sq. ft. and for CastleRock Communities and Pacesetter Homes to fund a \$475,000.00 splash pad to receive the variance. That size home will not fit on those lots, and there is no financial path forward to invest that amount of money to supply single-story homes.

- 7A. Consideration of a public hearing and possible action on the first reading of an ordinance approving the Planned Unit Development (PUD) zoning ordinance amendment for the Hutto Crossings PUD, 465.00 acres, more or less, of land, located at the southwest corner of Chris Kelley Boulevard and US 79 West.

Ashley Lumpkin, Executive Director of Infrastructure & Development Services, explained the amendment of the PUD would allow for the construction of an architecturally integrated self-storage facility and allow for additional uses along Highway 130.

Two responses to the public hearing were received – one in favor and one opposed. The Planning & Zoning Commission reviewed the proposal and recommends approval.

A public hearing was opened at 8:30 p.m. With no public comments the public hearing was closed at 8:31 p.m.

Mayor Pro-tem Hines wanted to know where the entrance and exit for area D (the industrial) will be and who will be responsible for construction. There is an existing entrance off US 79 that will need to be improved and on the east side along 130, there is an area for a roadway. The developer will have to secure those approvals through TxDOT and the County and build them.

Councilwoman Patti Turner wanted to know if they will be able to put up a fence instead of landscaping or have both as a buffer. Ashley Lumpkin responded that, in some areas, they can enhance the fence and have less landscaping, but they usually have both.

Motion: Mayor Pro-tem Hines made a motion to accept the first reading of the ordinance. Councilmember Nathan Killough seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough

Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

Ashley Lumpkin requested a waiving of the second reading of the ordinance.

Motion: Councilmember Scott Rose made a motion to waive the second reading of the ordinance. Councilwoman Terri Grimm seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

8B. Presentation of the City Financials for the Month of March as required by the fiscal and budgetary policy.

Michel Sorrell, Chief Financial Officer, presented an overview of the City financials for the month of March.

PUBLIC HEARINGS:

9A. Open and conduct the second public hearing regarding the proposed annexation of the HISD Tract, 65.00 acres, more or less, of land located on the east side of FM 1660 North.

Ashley Lumpkin presented the second reading of an ordinance for the voluntary annexation of the Hutto Independent School District 65.00 acre tract.

A public hearing was opened at 8:47 p.m.

Mike Hemker 410 Rio Grande – made a formal request to pull from the consent agenda for Council to take a record vote.

The hearing was closed at 8:48 p.m.

9B. Open and conduct the second public hearing regarding the proposed annexation of the HISD Tract, 100.00 acres, more or less, of land located on the east side of FM 1660 North.

Ashley Lumpkin presented the second reading of an ordinance for the voluntary annexation of the HISD 100.00 acre tract.

A public hearing was opened at 8:49 p.m.

Mike Hemker 410 Rio Grande - made a formal request to pull from the consent agenda or Council to take a record vote.

The hearing was closed at 8:50 p.m.

10H. Consideration and possible action on a resolution approving the proposed Mustang Creek Preliminary Plat, 170.655 acres, more or less, of land, 506 residential lots, 1 commercial lot, 1 church lot, 1 lift station lot and 54 open space/greenlink lots, located on FM 100 North.

Mayor Gaul stated it is his understanding the homeowners met with the developers earlier in the week to discuss their concerns and the developers have some updates.

Scott Rempe with Packsaddle Partners, the developer for Mustang Creek, and Dustin Goss with Pape-Dawson Engineers, stated a couple of items have been identified that concern the residents: 1) traffic on Red River, and 2) water drainage between the two sites. They will be taking water from the Rivers Crossing subdivision and dispersing it in the creek in a more efficient manner.

With regard to the connection from Mustang Creek to Rivers Crossing via Red River, the developer has agreed to install an access gate with a Knox lockbox that only Fire and Police will be able to access.

Randall Pick 108 Brazos – Came to ask for more time to address the connection of Rivers Crossing and Mustang Creek via Red River, but after hearing the solutions and compromise by the developer he is satisfied the issue is resolved.

Mike Hemker 410 Rio Grande – Their concerns are safety for the residents, parks and fees and drainage impact. Requested that before the final plat for this section is approved, the Rivers Crossing residents be able to have a conversation with the City and the developer.

Justin Olsen 415 Rio Grande – Believes Rivers Crossing received little or no consideration before the approval of the Mustang Creek, Hutto Highlands and the William Lyons developments without infrastructure improvements.

Rebecca Brown Acosta 105 Brazos Drive – Very concerned for the safety of the neighborhood. Concerned that the gate actually does happen.

Councilmember Scott Rose stated he is very familiar with Rivers Crossing. He believes their concerns are valid with regard to safety on the narrow roads. Appreciates the developer's efforts to work with the residents and address their concerns.

Councilmember Nathan Killough asked for confirmation that there are parks and greenspace in the new development. Scott Rempe confirmed that there will be a parkland with amenities in the Phase 1 development.

Mayor Doug Gaul stated he believes the Council and the developer have listened to the concerns of the River Crossings residents.

Mayor Pro-tem Tom Hines stated the access gate with the Knox lock box addresses the safety issue and the issue of drainage has been appropriately addressed. There will be better drainage than there is now.

Motion: Councilwoman Terri Grimm made a motion to approve the proposed Mustang Creek Preliminary Plat, 170.655 acres, more or less, of land, 506 residential lots, 1 commercial lot, 1 church lot, 1 lift station lot and 54 open space/greenlink lots, located on FM 100 North, with the stipulation that there be an access gate installed on Red River between the two subdivisions with a Knox lock box. Councilwoman Patti Turner seconded the motion.

Mayor Doug Gaul clarified that the location is on FM 1660, and not FM 100.

Ashley Lumpkin, Executive Director Infrastructure & Development Services, described the efforts the City has made and will continue to make to keep the residents informed of the development, including discussion of the Knox lock box and draining concerns.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed with 6 ayes, 0 nays.

Public Comment by Tanner Rose 207 Watergate Way – Wanted to know what the budget is for the property that is the subject of the eminent domain. On Consent Items 10C and 10J: why was the budget for phosphates cut from \$70,000.00 to \$20,000.00, and where are the funds going to come from? With the addition of an in-house City Attorney, who reports to the City Manager, why does the appointment have to be approved by Council, and where is the funding for salary coming from.

CONSENT AGENDA

10A. Consideration and possible action approving the minutes of the April 4, 2019 Regular Council Meeting and April 11, 2019 Special Called City Council Meeting.

- 10B. Consideration and possible action on the second and final reading of an ordinance regarding the proposed annexation of the HISD Tract, 65.0 acres, more or less, of land located on the east side of FM 1660 North.
- 10C. Consideration and possible action on a resolution authorizing the City Manager to enter into a contract with NAPCO Chemical Company for the purchase of Phosphates.
- 10D. Consideration and possible action on a resolution authorizing the Creekside Park Improvements, Task Order #4, related to the Proposition C Bond park projects.
- 10E. Consideration and possible action on the second and final reading of an ordinance regarding the proposed annexation of the HISD Tract, 100.0 acres, more or less, of land located on the east side of FM 1660 North.
- 10F. Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Revised Preliminary Plat, 24.24 acres, more or less, of land, 87 residential lots, 7 open space lots, located at the southwest corner of Chris Kelley Boulevard and US 79 West.
- 10G. Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 10 Final Plat, 24.242 acres, more or less, of land, 87 residential lots, located at Knowles Drive and Duroc Drive.
- 10I. Consideration and possible action on a resolution approving the proposed Star Ranch Parcel 13B Final Plat, 0.453 acres, more or less, of land, 1 commercial lot, located within Hutto's extraterritorial jurisdiction (ETJ) on Klattenhoff Lane.
- 10J. Consideration and possible action to appoint Cara Hanna as in-house City Attorney, and setting executive pay as determined by the City Manager.

Motion: Councilmember Nathan Killough made a motion to accept the Consent Agenda items as presented. Councilwoman Patti Turner seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed 6 ayes, 0 nays.

RESOLUTIONS:

- 11A. Consideration and possible action on a resolution adopting the Hutto Strategic Plan.

Eliska Padilla, Assistant to the City Manager, presented the 2020 Hutto Strategic Plan to the Council for approval.

Councilwoman Terri Grimm wanted to know if the slides for the plan could be uploaded to the website or Facebook – she was advised it would be done.

Motion: Councilmember Nathan Killough made a motion to accept the resolution adopting the Hutto Strategic Plan. Councilwoman Terri Grimm seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed 6 ayes, 0 nays.

11B. A resolution of the City Council of the City of Hutto, Texas, in support of the creation of a Municipal Management District to be known as Hutto Municipal Management District No. 1.

Eliska Padilla advised the Council that Wolverine Interests requested the formation of a Municipal Management District as a mechanism to finance public improvements.

Motion: Mayor Pro-tem Hines made a motion that we support the creation of a Municipal Management District to be known as Hutto Municipal Management District No. 1. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed 6 ayes, 0 nays.

11C. Consideration and possible action on a resolution denying an administrative variance request by CastleRock.

Ashley Lumpkin advised the Council that several years ago, the City had a Smartcode that had pieces that were very confusing. One of them was in the transec zone adopted with the Brooklands development that requires you only have two-story homes; single-story homes were added as a “one-off” warrant process, an administrative variance. The developer of the Brooklands agreed

at the time. The Smartcode has since been replaced with the UDC. The request came in to allow up to 65% one-story homes which was too much.

Odis Jones, City Manager, stated that the Code of Ordinances defers to the discretion of the City Manager. Smartcode stifled growth in the City and did not bring in new business. The Council Members, the Planning & Zoning Commission, business owners and the Chamber, and local builders worked together and eliminated the Smartcode.

The City Manager stated that he dislikes the hateful threats that have been lodged against the City, the residents, City employees and the police officers as a result of a video that was posted by the homebuilder's employee. The City Manager would like to exercise his authority, with the support of the Council, to deny the variance due to the threats of violence that required involvement by the FBI.

Councilmember Scott Rose stated he lives in a CastleRock home and had a positive experience with the builder. He was asked to attempt to resolve this matter due to his experience. He has serious issues when he watches the video and reads hateful emails from individuals in hate groups across the country threatening the police officers.

Councilwoman Patti Turner stated she works in the construction industry and has never seen such unprofessionalism and discord toward our officers, including a threat of shooting at the City Hall and individuals indicating they would commit a traffic violation and shoot the first officer who pulled them over. The City Manager and the City Attorney have requested CastleRock ask their employee to remove the video, and they have refused. Councilwoman Turner stated she takes the matter seriously and requested the others do the same.

Councilwoman Terri Grimm stated the entire situation was over the pettiest issue she has ever seen.

Motion: Mayor Pro-tem Tom Hines made a motion to support the City Manager and his authority to deny an administrative variance request by CastleRock. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Mayor Pro-tem Tom Hines
Councilmember Nathan Killough
Councilmember Patti Turner
Councilmember Terri Grimm

Action: The motion passed 6 ayes, 0 nays.

OTHER BUSINESS

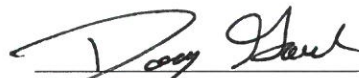
10A. Consideration of and possible appointments to City Boards and Commissions.

There were no appointments made.

ADJOURNMENT

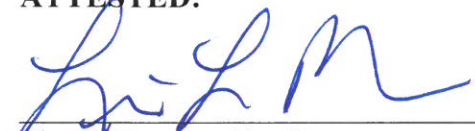
There being no further business to be heard, the meeting was adjourned at 9:41 p.m.

CITY OF HUTTO



Doug Gaul, Mayor

ATTESTED:



Lisa L. Brown, City Secretary