



City of Hutto

MINUTES

City Council Meeting

Thursday, April 7, 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: Isaac Turner, Interim City Manager; Matt Wojnowski, Assistant City Manager; Stacy Schmitt, Assistant to City Manager; Angela Walton, Interim City Secretary; Padma Patla, Director of Engineering, Wade Benton, Consultant, Ashley Lumpkin, Executive Director of Business and Development; Cristian Rosas-Grillet, Legal Counsel and Gracie Perez, Assistant City Secretary

3. **INVOCATION – Led by Councilmember Peter Gordon**

4. **PLEDGE OF ALLEGIANCE**

5. **CITY MANAGER COMMENTS**

Isaac Turner, Interim City Manager:

Mr. Mayor, Members of the Council, as well as Members of the Public, obviously, as you know, we've had some disruptions in our Internet service is due to a cut in the cable line. We will not be able to broadcast, although we will be able to record and air it later. We also have no e-mail. Which actually may be a blessing in some ways.

Just a reminder for those of us who absolutely love food, Hutto Crawfish Festival, April the 9th and downtown Hutto. We have a civility training here in the Council Chambers on April the 13th and you must register to be a part of that. It goes from 9:00 o'clock to 1:00 o'clock. And on April the 15th and April the 16th, the Hutto Hop Up, Pop Up in downtown Hutto for those who love to do Easter Egg Hunt. And I have a special announcement today. Our newest employee for the City of Hutto is in the chambers. She comes to us from previously being City Clerk in San Jacinto, CA. She has a Masters degree in business from Walden University. She has several Municipal Clerk

certifications in California and nationally, and she is working on her municipal clerk certification for Texas. We are very pleased to announce that Angela Walton is our new City secretary and welcome to Team Hutto.

6. PROCLAMATIONS

- National Public Safety Telecommunicator Week – April 10-16, 2022 - accepted by Amy Swanson
- Sexual Assault Awareness Month – April 2022 – Read by Mayor Mike Snyder

7. CITY COUNCIL COMMENTS

7.1. General Comments from City Council

Councilmember Mandi Villarreal Salvo:

I like to say thank you to Williamson County Emergency Department Hutto during the storms on March 24th. We were not hit as majorly as Round Rock was. However, there was a lot of damage to homes along the path of the tornado and talking with the County commissioner the night of the tornadoes and then the next day, I'm appreciative of him and Mr. Brian Borchers, who is a community member working pretty diligently and quickly to establish Hutto Cares. So, for those in the community that had damage to your home shingles, roofs, the fence lines, whatever it might be--and might need help financially Hutto Cares has been established is taking applications in a few weeks. This is being thankfully put together through Round Rock Cares, they're assisting us through the process on the back end, but all the money is being raised for Hutto specifically. And so I'm just very thankful to the County Commissioner for seeing a need for that and getting it off the ground for us. Additionally, we had our first Farmers Market this past Wednesday. Yesterday, it was really successful. First farmers market out there. With Farmer George hosting it, it'll be every Wednesday. There were a lot of vendors from all over the region and it was a really nice time for the community to come out and another opportunity to get together buy things, sell things and just enjoy downtown. Thank you.

Councilmember Krystal Kinsey:

I just wanted to echo what City Manager Turner already said about the Crawfish Festival this Saturday, 10 to 6. We sold out early last year. And it's a great event. It's great to see those—kind of the first event after the big COVID spike that I remember going to. So, I expect the crowd to be bigger. So I hope that the Chamber is ready and I hope to see a lot of you guys out there.

Councilmember Robin Sutton:

I would like to say I enjoyed going out to the Farmers Market yesterday. I was a little bit late, but I got some great spinach and some great onions. I would've loved to have had the asparagus, but now I know I need to get off earlier to get down there earlier to get that. I do have a couple of things, Mayor that I would like to see on the agenda-- is the right time to do that? I would like to see an update from staff on the capital equipment that asked the City Manager the time to go ahead and sell it. I'd like to see what the appraised value is at this time. It's been sitting there, probably depreciating as we've sat

and waited on that. I would also like an update on the Senior Center that we were working on. Mayor, I think you put that your campaign letter that we're working on a Senior Center, so, I'd like the Council to be briefed on where we are on that. The other thing, and I know I've brought it up before—there on Ed Schmidt. The other thing and I brought it up before the speed limit there on Ed Schmidt I know we want to do a study all the way up to Limmer Loop and it was my understanding that the city has control over that area in front of Lowe's and Home Depot to be able to change that speed limit may be that's some low hanging fruit that we can take care of in the short term before we can do that study all the way to Limmer so that we can make that area a little bit more safe for those coming in southbound into town and for people trying to get from Lowes to Home Depot.

Councilmember Mandi Villarreal Salvo:

That reminded me of an item I forgot to ask about it and it's an item on impact fees. Please get a breakdown of when that fee schedule which recent developments are under that and which developments are still under the whole fee schedule and I spoke with City Manager about this earlier so he'll have the information specifically.

Mayor Mike Snyder:

This afternoon at 4:00 o'clock, several members of City Council met just off East Street. There's some pictures up here. I've got a proclamation for April being Child Abuse Awareness Month. There will be a pinwheel display everybody in the public is welcome to go down bring their children see this play take a pinwheel and kind of enjoy the weather it would be a good opportunity this weekend with the Crawfish Festival for other members of the community to see our involvement in the important awareness item such as this.

7.2 City Council Liaison Reports

Mayor Mike Snyder:

I did have one for the EDC we've lately been meeting. I think it feels like almost every 72 hours we're meeting. We have a lot going on in the city. We're able to talk about some more of this as it's coming up. Some of the projects we have. Acropolis pipeline project. We've been working on the Megasite. A downtown tourism incentive. And as these projects become more able to talk about specifics, we'll be more than happy to discuss them then things that you hear in the public. Most of that is rumors you'll know because when it's true, because the City will be the first one to tell you, because we're excited. Also had our Economic Development Director, Bob Farley, this is his first time back at what they call an ICC event. It's changed names. I don't remember what that stands for. Innovating Commerce. Serving communities used to be International Conference of Shopping Centers. So Bob went to that in Dallas, The Red River. It was great, was actually a great meeting last night. Councilmember Villarreal Salvo was there to be able to hear all the things that are coming up. We met with six or seven different retail consulting groups. Our big push is to bring retail into the city, and EDC's really taken a push to get this done, Bob reported. There's already three making plans to come to Hutto in the next week, whether it be special to specialty retailers, entertainment and

restaurants. So there's the old adage that commercial follows rooftops. We obviously know we have a ton of rooftops and now we're seeing the commercial start to come. So there'd be more of those come up in front of us. We also had one last issue, a little bit of a legal issue. I think the term is there could have been some self-dealing by a bank that we as an EDC had hired for business loans. And so we had a big meeting on that. A lot of it for the first time has been public. We were trying to get records out of bccl and for whatever reason they can't seem to find the records that we need to continue that. So our legal counsel has been working on that, but that pretty much sums up to EDC. If you have questions about the economic development chances of the city of Hutto, I invite you to go to an EDC meeting. would be a lot of time in the back, but when you come out, what you're hearing is the projects. We're working on the incentives. You're hearing a very strategic approach to how we're trying to build those tax base, diversify it, but not do it at a detriment to the city.

So I welcome everybody to go to an EDC meeting and they're published the same way that City Council meetings are.

8. PUBLIC COMMENT

- Art Anderson
- Jackie Corbieri

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on approving the March 3, 2022 City Council meeting minutes.
- 9.2. February 2022 Financial Report (Angie Rios)
- 9.3. Discussion and Possible Action on Resolution No. R-2022-028 authorizing the Interim City Manager to Execute a Joint Election Agreement and Contract with Williamson County for Election Services for the May 7, 2022 General/Special Election (Angela Walton)
- 9.4. Consider and possible action adopting Resolution No. R-2022-029 authorizing the Interim City Manager to execute documents, conveyances, easements, right-of-way agreements, joint use agreements, and other similar documents approved as to form by the City Attorney related to FM 1660 intersection improvements at Limmer Loop and US Highway 79 (Wade Benton)
- 9.5. Consider and possible action adopting Resolution No. R-2022-030 authorizing the Interim City Manager to execute documents, conveyances, easements, right-of-way agreements, joint use agreements, and other similar documents approved as to form by the City Attorney related to the US 79 Waterline easements (Wade Benton)

Mayor Snyder requested pulling Item 9.6 and Councilmember Sutton seconded.

Councilmember Gordon made the motion to approve the balance of the Consent Agenda, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.

- 9.6. Consideration and possible action approving a Resolution of the City Council of the City Of Hutto, Texas authorizing the Kassab Law Firm to take all appropriate legal action to assert claims against McGinnis Lochridge, Partner Michael A. Shaunessy, Partner Bill Bingham, and others as necessary to recover damages resulting from their wrongdoing in the course of providing the City of Hutto with legal services; authorizing the Interim City Manager to enter into and execute the Joint Contingent Fee Engagement Agreement so that it may be submitted for approval by the Texas Attorney General's Office. The public notice required under Texas Local Government Code Section 2254.1036 is attached hereto and incorporated by reference as Exhibit "A". (Legal)

Mayor Snyder addressed his issues regarding wanting to discuss this issue publicly and there was brief discussion.

Councilmember Gordon made the motion to approve Consent Item 9.6, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on Ordinance No. O-2022-010 for the Specific Use Permit for the property known as Hutto ISD 9th Grade Center on FM 1660 to allow a parking lot with reduced landscaping (First Reading) (Ashley Lumpkin)

Public Hearing opened at 7:54 pm.

One speaker: Nicole Calderone

Public Hearing closed at 7:56 pm

Councilmember Villarreal Salvo made the motion to approve Ordinance No. O-2022-010, and Councilmember Kinsey seconded. Motion passed 7,0.

Councilmember Kinsey made the motion to waive the second reading of this ordinance, and Councilmember Holland seconded. Motion passed 7,0.

- 10.2. Consideration of a public hearing and possible action on Ordinance No. O-2022-011 for the proposed Hutto Landing Planned Unit Development (PUD), 31.9 acres, more or less, of land, located off of Exchange Boulevard (First Reading) (Ashley Lumpkin)

Councilmember Gordon filed an affidavit to abstain from voting on this item.

Amanda Brown representing Kinley Horn made a presentation on this proposed PUD.

Public Hearing opened at 8:14 pm.

No speakers

Public Hearing closed at 8:14 pm

Councilmember Villarreal Salvo made the motion to approve Ordinance No. O-2022-011, and Councilmember Thornton seconded. Motion passed 6,0.

- 10.3. Consideration of a public hearing and possible action on Ordinance No. O-2022-012 for a Future Land Use Map (FLUM) revision for the property known as the Waymaker Stromberg Tract, 390 acres, more or less, of land, from Agricultural/Open Space to Mid-Density Residential and Commercial, located south of CR 132 (First Reading) (Ashley Lumpkin)

Public Hearing opened at 8:39 pm.

No speakers

Public Hearing closed at 8:39 pm

Councilmember Gordon made the motion to approve Ordinance No. O-2022-012, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.

Councilmember Kinsey made the motion to waive the second reading of this ordinance, and Councilmember Holland seconded. Motion passed 7,0.

- 10.4. Consideration and possible action on Ordinance No. O-2022-013 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. (First Reading) (Angie Rios)

Councilmember Gordon made the motion to approve Ordinance No. O-2022-013, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.

- 10.5. Consideration of a public hearing and possible action on Ordinance No. O-2022-009 approving a Specific Use Permit for the property known as Hippo Café, 109 East Front Street, to allow a drive-thru window and approach. (Second Reading) (Ashley Lumpkin)

The applicant requested postponement of this item – TABLED, NO ACTION

- 10.6. Consideration and possible action on Ordinance No. O-2022-001 for the proposed Planned Unit Development (PUD) zoning request for the property known as NorthStar Hutto Planned Unit Development (PUD), 11.74 acres, more or less, of land, located off of Exchange Boulevard. The land use proposal is active adult 55+ multi-family use. (Second Reading) (Ashley Lumpkin).

Councilmember Kinsey made the motion to approve Ordinance No. O-2022-001 with one amendment, and Councilmember Villarreal Salvo seconded. Motion passed 6,1 (Snyder opposed).

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution R-2022-033 approving the Transportation Impact Fee Credit and Developer Participation Agreement between the City of Hutto and MA Durango Farms, LLC, in the amount of \$1,017,080.00; and authorizing the Interim City Manager to execute the agreement. (Matt Wojnowski, Legal)

Councilmember Villarreal Salvo made a motion to table this item until historical information may be gathered, and Councilmember Sutton seconded. No objections from Council.

- 11.2. Consideration and possible action on Resolution R-2022-034 prohibiting and condemning sexual assault and sexual harassment; prohibiting the nonreporting of sexual assault and sexual harassment; requiring training and providing an effective date (Mayor Snyder, Legal)

Public comment: Cheryl Stewart

Councilmember Villarreal Salvo made the motion to approve Resolution R-2022-034, and Councilmember Sutton seconded. Motion passed 7,0.

- 11.3. Consideration of a public hearing and possible action on Resolution No. R-2022-035 supporting the proposed Low-Income Housing Tax Credit project by the Harvest Ridge at Brushy Creek, LP on a tract of land zoned Multi-Family (MF) Zoning District. (Ashley Lumpkin)

Councilmember Villarreal Salvo made the motion to approve Resolution R-2022-035, and Councilmember Holland seconded. Motion passed 7,0.

- 11.4. Consideration and possible action on Resolution R-2022-017 authorizing the City to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Hutto and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits (Legal)

This item was tabled to a future meeting for further review.

At this time City Council recessed; reconvened at 10:31 pm

Councilmember Kinsey requested moving Items 12.4 and 12.5 up in the agenda; no objections from Council.

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.

No action.

- 12.4. Discuss and consider action on transitioning Executive Director from city employee to HEDC employee (Mike Arismendez)

Councilmember Gordon requested tabling this item. No objections from Council.

- 12.5. Discuss and consider action on the creation of EDC Manager position (Mike Arismendez)

Mayor Pro Tem Thornton made the motion to approve the development and review of job description for EDC Manager and necessary budget amendments, and Councilmember Holland seconded. Motion passed 7,0.

- 12.3. Update on the Hutto Arterial (CR132 Overpass) project. (Wade Benton)

No action; Mr. Benton will come back to a future meeting with a specific plan on moving forward on this project.

- 12.2. Discussion and possible action regarding Development Services Credit Card Fees (Angie Rios)

Councilmember Sutton made the motion to approve raising fees for development services 3%, and Councilmember Kinsey seconded. Motion passed 7,0.

- 12.6. Discussion regarding bonding capacity and future debt issuances of the City of Hutto or the Hutto Economic Development Corporation (Jim Sabonis, Angie Rios)

Jim Sabonis of Hilltop Securities provided an overview of the bonding capacity and future debt issuances. No action.

- 12.7. Discussion of mandatory Sexual Harassment Training with City Attorney for City Council and City Staff by June 1, 2022 (Mayor Snyder, Legal)

No action; City Attorney Cristian Rosas-Grillet will arrange dates for training.

- 12.8. Discussion and possible action on developing a policy regarding noncompliance of reporting of workplace harassment by City Councilmembers (Mayor Snyder)

No action.

- 12.9. Discussion on Workplace Harassment policies and procedures (Interim City Manager Turner)

Interim City Manager Turner requested tabling this item to have it further developed. No objection from Council.

13. EXECUTIVE SESSION – Time in: 1:05 am

- 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.

City Attorney Cristian Rosas-Grillet commented that there would be nothing to report on this item.

- 13.2. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the prior expenditure of City long-term debt proceeds, future debt issuances of the City of Hutto or the Hutto Economic Development Corporation and any related action by the City in response thereto.(Jim Sabonis, Angie Rios)

- 13.3. 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.

- 13.4. 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.

- 13.5. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision.

- 13.6. Pursuant to 551.071, to deliberate and receive legal advice from legal counsel regarding the pursuit of legal claims against McGinnis Lochridge and its attorneys.

Priorly addressed with Item 9.6.

14. ACTION RELATIVE TO EXECUTIVE SESSION - *Reconvened at 2:15 am*

- 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. *No action.*

- 14.2. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to the prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.

Bart Fowler, Bond Counsel with McCall Parkhurst and Horton presented this report to Council.

- 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 received pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision.

Councilmember Gordon made the motion to accept improvements of Brooklands Phase 5 repair, contingent upon repair of sections 1 & 2, and possibly section 3, and conditions provided in 2-year maintenance bond, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.

15. **ADJOURNMENT:** 2:35 am

ATTEST:

Mike Snyder, Mayor

Angela Walton, City Secretary

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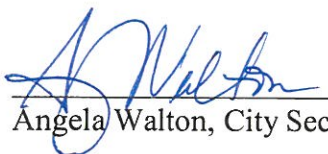
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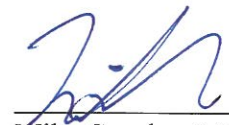
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15. **ADJOURNMENT:** 2:35 am

ATTEST:


Angela Walton, City Secretary


Mike Snyder, Mayor

