



City of Hutto

MINUTES

City Council Meeting

Thursday, November 17, 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 Dan Thornton, Councilmember Randal Clark, Mayor Pro Term Peter Gordon, Councilmember Krystal Kinsey and Councilmember Amberley Kolar.

Absent:

Members of staff that were present were James Earp, City Manager, Matt Wojnowski, Assistant City Manager, Wade Benton, Consultant, Dottie Palumbo, Legal Counsel, Ashley Bailey, Executive Director of Development Services, Bob Farley, Executive Director, Economic and Development, Angela Lewis, City Secretary; Kate Moriarty, Executive Management Assistant

3. **INVOCATION -Led by Mayor Pro Tem Peter Gordon**

4. **PLEDGE OF ALLEGIANCE**

5. **PRESENTATION**

SkyBox/Prologis – Mike Arismendez introduced Rob Morris of SkyBox Data Centers who made the presentation.

6. **CITY MANAGER COMMENTS**

James Earp, City Manager

City Manager Earp provided updates on the following items:

- City's Check register now on website
- CIP updates
- Blood drive held at City Hall was covered by KVUE and had over 60 donors
- Orange Santa program
- Local seasonal events

7. CITY COUNCIL COMMENTS

7.1. General Comments from City Council

Councilmember Randal Clark:

I just want to wish everyone a Happy Thanksgiving and have safe travels to and from families coming into Hutto and as you're leaving to go other places. It's a time to be thankful for what we have in this country and just everyone be safe on the roads because its high travel time. And since we're now kind of in the second year past Covid I think there's going to be a lot more travel this year. Everybody have a Happy Thanksgiving.

7.2 City Council Liaison Reports

Councilmember Amberley Kolar:

I have one for the Parks Advisory Board. They met last month and unfortunately they did not have a quorum so they didn't take any action last most but we were able to meet last Wednesday. As far as the Veterans Memorial goes, there is no update since the meeting last week. They are also still discussing changes to the parkland development ordinances. So they're still working with P & Z and also legal on really tightening it up so that it can be brought to Council. So that's likely going to be, I think they are hoping for December. But I think that's likely going to be in the new year that we're going to see that come to us. And then also the plan for completing Fritz Park, its kind of being revived so the Parks Board is going to be reviewing that and updating the plan so they can bring that to Council as well.

Councilmember Dan Thornton:

The Library Advisory Board met recently. Unfortunately our Library Administrator has left the city, so today was her last day. So we are going to be in the process of replacing that position in the city. But I know city staff has spent a lot of time reviewing with her before she left all the plans for how to keep the library running, how to keep everything going in the interim until they find a replacement. So everything should keep going as it has been. There will probably be some pause in some of the programs that they provide just because of staffing. But the library hours should not be changed. They have a vision for the library. They decided not to go and really change much because they want to leave it kind of as is. And when they have somebody new in charge of the library, let them come in, see how things are going and then kind of work on any changes they want to make to the vision of the library and the plans for the library from there. We appreciate what Colleen Tierney did while she was here. She came at a very rough time for the city. She built up the programs in a very deliberate manner to get back to where they were. We're at a point now where the library's

being used about as much as it was prior to Covid. I think its actually starting to exceed pre-Covid levels in some of the usage. And so its kind of getting back to normal and that's a testament to what Colleen did while she was here. So we wish her the best of luck in her new position. Good luck to James and city staff finding a quality replacement.

7.3 Future Agenda Items - None

8. PUBLIC COMMENTS

- Ida Weaver

9. CONSENT AGENDA ITEMS

- 9.1 Consideration and possible action on approving the November 3, 2022 City Council meeting and Work Session minutes (Angela Lewis)
- 9.2 Consideration and possible action on Ordinance No. O-2022-053 amending Article 22.07 of the Code of Ordinances to establish a school zone on FM 685 (Chris Kelley Boulevard) (First Reading) (Wayne Watts)
 - a. Consideration and possible action on Ordinance No. O-2022-053 dispensing with second reading in accordance with Hutto City Charter Section 3.13
- 9.3 Discussion and possible action to execute Individual Project Order (IPO) 2022-04 for professional engineering services with Freese & Nichols, Inc. to design the Jonah Water Special Utility District (JWSUD) Water Interconnect Project in the amount of \$640,920.00. (Wade Benton)
- 9.4 Discussion and possible action to execute Task Order (TO) 04 for professional engineering construction phase services with HNTB for construction administration, inspections, engineering, and materials testing in the amount of \$87,402.30.00 for the FM 1660 North at US 79 Project.(Wade Benton)
- 9.5 Discussion and possible action to execute Individual Project Order (IPO) 2022-02 for professional engineering services with K Friese & Associates to design the Megasite gravity wastewater line, dual forcemains, and a lift station in the amount of \$1,611,634.00. (Wade Benton)
- 9.6 Consideration and possible action on an Ordinance of the City of Hutto, Texas amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2022 by appropriating and setting aside funds for separation pay not to exceed \$50,000.00; placing additional restrictions on said funds; finding municipal

purposes; providing for severability; and providing for an effective date.
(First Reading) (Finance)

- 9.7 Consideration and possible action to authorize up to five (5) additional FTE's to fill staffing needs in the Engineering division, (up to two additional Engineers, up to two Project Managers and one Administration Support) to be funded by a corresponding reduction in Professional Services, not to exceed a total budget of \$775,000, and directing a future budget amendment to reflect the actual personnel costs. (James Earp)
- 9.8 Consideration and possible action on Resolution No. R-2022-099, repealing Resolution No. 2022-096 and providing the City Manager authority to execute an agreement with the Management Connection, Inc. of Bryan, Texas to provide City Council professional facilitation for individual and team leadership. (Legal)
- 9.9 Consideration and possible action on Resolution R-2022-100 of the City Council of the City of Hutto, Texas, authorizing the Bojorquez Law Firm to serve as general counsel for Tax Increment Reinvestment Zones created by the City and authorizing the City Manager to execute the engagement agreement; and providing an effective date. (Legal)
- 9.10 Consideration and possible action on Resolution No. R-2022-101, authorizing the City Manager to acknowledge an encroachment agreement between Titan Hutto VI, LLC, and Whitethorn Pipeline Company, LLC, that relates to public utility easements held by the City. (Ashley Bailey)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to approve the Consent Agenda. The vote passed 6,1 (Snyder dissenting).

10. ORDINANCES

- 10.1 Public hearing, discussion, and possible action and approval of the first reading of an ordinance to create Hutto Megasite Tax Reinvestment Zone Number Three, (the "Zone"), for the purpose of promoting redevelopment within the corporate limits of the City of Hutto, providing for the expiration and duration of the Zone, the Board of Directors, the Tax Base and Tax Increment, and TIF Fund. (Legal)

Bob Farley, Economic Development Director, introduced Travis James of TXP, who gave the report and presentation.

Public Hearing Opened 7:36 pm. No speakers. Closed 7:44 pm.

Members of TIRZ 3 were named by Mayor Pro Tem Gordon from the Nominating Committee: TIRZ 3- Randal Clark, Rick Hudson and Shawn Lucas.

Motion was made by Mayor Pro Tem Gordon to approve members, and Councilmember Kolar seconded. Vote was 7,0.

An amended motion was made by Councilmember Kinsey and seconded by Councilmember Clark to add Councilmember Kolar and Councilmember Thornton to TIRZ 3. The vote passed 7,0.

Motion was made by Mayor Pro Tem Gordon to make Councilmember Thornton Chair of TIRZ 3, and Councilmember Clark seconded. Vote was 7,0.

An amended motion was made by Councilmember Kinsey to add Exhibit A to the ordinance, and Mayor Pro Tem Gordon seconded. Vote was 7,0.

A motion was made by Councilmember Kinsey and seconded by Councilmember Clark to approve the ordinance. The vote passed 7,0.

A motion was made by Councilmember Clark and seconded by Councilmember Kinsey to dispense with the second reading. The vote passed 7,0.

11. RESOLUTIONS

- 11.1. Consideration and possible action on a Resolution adopting the Investment Policy Dated November 17, 2022 for the City of Hutto, Texas (Finance)

A motion was made by Councilmember Kinsey and seconded by Councilmember Clark to approve the ordinance. The vote passed 7,0.

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.

Appointees:

Planning & Zoning

Jim Morris to place 2 (expires 2024)

Zoning Board of Adjustments

Suzanne Caulfield to place 2 (expires 2024)

Ed Pride to Place 6 (expires 2024)

Jim Morris move from Place 2 to Alternate A2 (expires 2024)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve the appointments. The vote passed 7,0.

TIRZ 1

County to appoint Seat 1 (expires 2023)

County to appoint Seat 2 (expires 2024)

Amberley Kolar to Seat 3 (expires 2023)

Rick Hudson reappoint to Seat 4 (expires 2024)

Don Carlson to Seat 5 (expires 2023)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve the appointments with the addition of Mayor Pro Tem Gordon and Mayor Snyder to TIRZ 1. The vote passed 7,0.

12.2 Financial Report for the Quarter Ending September 30, 2022 (Finance)

Christina Bishop provided the overview of the financial report. No action was taken.

12.3 Consideration, discussion and possible action relating to potential charter amendments and charter review process (Legal)

Dottie Palumbo, Legal Counsel, recommended areas in the charter to focus on and also recommended a charter review committee is formed. City Council decided to have a charter review as a work session topic on December 15, 2022.

13. EXECUTIVE SESSION – *Entered at 8:46 PM*

- 13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims, Pending Litigation and City Council Legal Requests.
- 13.2. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to City of Hutto's Comments on Preliminary Decision and Draft TPDES Permit No. WQ0016145001 requested by Preserve Hutto, LLC, and Request for Contested Case Hearing.
- 13.3. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to CoOp Development Agreements and related agreements; Durango Farms Amended and Restated Development Agreement as amended and Butler Loan Agreement with Cottonwood Local Government Corporation, including but not limited to default and notice of default.

No action was taken in Executive Session.

14. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at 10:16 PM*

- 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, Pending Litigation and City Council Legal Requests. *No action.*
- 14.2. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to City of Hutto's Comments on Preliminary Decision and Draft TPDES Permit No. WQ0016145001 requested by Preserve Hutto, LLC, and Request for Contested Case Hearing.
- 14.3. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Co-Op Development Agreements and related agreements; Durango Farms Amended and Restated Development Agreement as amended and Butler Loan Agreement with Cottonwood Local Government Corporation, including but not limited to default and notice of default.

Item 14.2

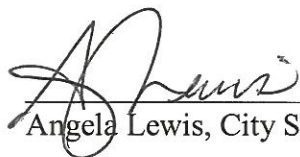
A motion was made by Mayor Snyder to direct legal counsel to request contested case hearing on Item 14.2, Councilmember Sutton seconded. Vote was 7,0.

Item 14.3

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kinsey to authorize the City Manager to send a notice of material default and continue negotiations with regard to this item. The vote passed 7,0.

15. ADJOURNMENT – *10:24 PM*

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor