



City of Hutto

AMENDED Agenda

City Council Meeting

Thursday, January 5, 2023 at 7:00 PM

City Council Chambers

Hutto City Hall

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 huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. PROCLAMATION

5.1. Rev. Dr. Martin Luther King, Jr. Day Proclamation (Diversity & Inclusion Commission)

6. CITY MANAGER COMMENTS

7. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

7.1. General Comments from City Council

7.2. City Council Liaison Reports

7.3. Future Agenda Items

8. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on 1.5.23. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on Resolution No. R-2023-001 approving Project NQ2, an economic development performance agreement between the Hutto Economic Development Corporation Type B and A-S 64 CR 119-Hwy 79, L.P., a Texas limited partnership, in support of the Townwest Commons Commercial Facilities, providing for a City of Hutto funding agreement; providing for repeal and providing an effective date. (Legal)
- 9.2. Consider approval of a resolution of the City Council approving Project V; authorizing an Economic Development Performance Agreement between the Hutto Economic Development Corporation Type B and Es Vedras Cinemas Hutto, LLC in support of the development of Destination Retail in Hutto, Texas; providing for a Texas Local Government Code Chapter 380 Sales Tax Grant Funding Agreement between the City of Hutto, Texas and the Corporation in support of the Townwest Commons Commercial Facilities; providing for repeal and providing an effective date. (Legal)
- 9.3. Consideration and possible action on Ordinance No. O-2022-062 of the City of Hutto, Texas, approving a Second Amendment for Solid Waste and Recycling Services between the City of Hutto and Al Clawson Disposal, Inc. to provide for a two-year extension and providing an effective date. (First Reading)(Legal)
- 9.4. Consideration and possible action to execute an amendment to the Individual Project Order (IPO) 2022-03 for professional services with Freese & Nichols (FN) related to the Frame Switch Ground Storage Tank #2 (GST#2) Project in the amount of a \$120,682.00 reduction.
- 9.5. Consideration and possible action to execute Supplement 04 to Task Order (TO) 03 for professional services with HNTB for design modifications to the FM 1660 South and US 79 Project (HNTB Project No. 3) in the amount of \$98,157.22.
- 9.6. Consideration and possible action to accept the City Manager's report on an executed separation agreement with the former Chief Financial Officer. (City Manager Earp)
- 9.7. Consideration and possible action on Ordinance No. O-2023-002 amending Chapter 18, Article 18.02, Division 1 of the Code of Ordinances to update the rules and regulations related to City Parks. (Jeff White)
 - a. Consideration and possible action on Ordinance No. O-2023-002 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)
- 9.8. Consideration and possible action on the adoption of Ordinance No. O-2023-003 amending Section 10.609, Parkland and open space dedication, of the Hutto Unified Development Code to update the minimum standards related to parkland and open space dedication requirements. (First Reading) (Jeff White)
 - a. Consideration and possible action on Ordinance No. O-2023-003 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 9.9. Consideration and possible action on Ordinance 2023-004 terminating the franchise granted to Acadian Ambulance Services of Texas, LLC because Acadian has withdrawn its request for the franchise. (First Reading) (Legal)
- 9.10. Consideration and possible action on approving minutes of the December 15 Work Session, December 15 Joint City Council/Cottonwood Development Corporation meeting, and the December 22 Special Called Joint City Council and Hutto Economic Development Corporation Type A and Hutto Economic Development Corporation Type B Boards of Directors meeting. (Angela Lewis)

10. RESOLUTIONS

- 10.1. Consideration and possible action to approve Resolution No. R-2023-005, approving the advance funding agreement for an on-system improvement project at FM 1660 South at US 79; and authorizing the City Manager to execute the agreement on behalf of the City of Hutto. (Wade Benton)
- 10.2. Consideration and possible action to approve Resolution No. R-2023-006 to award the FM 1660 North at US 79 Operational Improvements Project (CSJ No. 1566-01-017) to the lowest responsive bidder, Aaron Concrete Contractors, in the amount of \$637,042.00 and authorizing the City Manager to execute the construction contract with Aaron Concrete Contractors. (Wade Benton).

11. PUBLIC HEARINGS/ORDINANCES

- 11.1. Conduct a Public Hearing and take possible action on Ordinance No. 2023-005 approving a Revised Planned Unit Development (PUD) zoning ordinance request for the property known as 411, 421, 431 and 441 Ed Schmidt Boulevard Planned Unit Development (PUD), 4.30 acres, more or less, of land, Lots 2, 3, 4 and 5 of the Emory Farms Commercial Subdivision, located on Ed Schmidt Boulevard. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-005 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 11.2. Conduct a Public Hearing and take possible action on Ordinance No. 2023-006 approving a Revised Planned Unit Development (PUD) zoning ordinance request for the property known as NorthTown Commons Planned Unit Development (PUD), 28.449 acres, more or less, of land located along Limmer Loop east of FM1660 North. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-006 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 11.3. Conduct a Public Hearing and take possible action on Ordinance No. O-2022-059 approving the proposed Specific Use Permit for the Hutto Independent School District at 573 Chris Kelley Boulevard (Hutto High School), 76.135 acres, more or less, of land, to allow a reduction in the required landscaping (UDC 10.407.5), required parking (10.405.9) and roof-mounted mechanical equipment (10.406.6.8). (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2022-059 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)

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. (City Council)
- 12.2. Presentation and possible action to accept the financial report for the month ending October 31, 2022 (Christina Bishop)
- 12.3. Consideration and possible action on proposed Charter Amendments. (Legal)
- 12.4. Discussion of wording on a rededication plaque for Hutto City Hall (Councilmember Sutton)

- 12.5. Discussion of City Sponsorship at Chamber Gala (Councilmember Kinsey)
- 12.6. Discussion of Status of Past Year's Council Actions (Mayor Snyder and Mayor Pro Tem Gordon)
- 12.7. Discussion and possible action regarding the qualifications of City Council member Place 5 as described in the Hutto Charter section 3.02 and any related action per the charter in accordance with Section 3.06(b)(1) including but not limited to forfeiture of office (Mayor Snyder)

13. 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).

- 13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims, Pending Litigation, Potential Litigation, and City Council Legal Requests.
- 13.2. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the selection of a law firm to represent the City in personnel matters, including but not limited to employee appeals.
- 13.3. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to Cause No. 22-0259-C368, City of Hutto, Texas, Cottonwood Development Corporation, and River Creek Development Corporation Plaintiffs v. McGinnis Lochridge, LLP, William H. Bingham, Jr., and Michael A. Shaunessy Defendants, in the 368th District Court of Williamson County, Texas.
- 13.4. 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 related to pending economic development projects
- 13.5. Pursuant to 551.071 (legal consultation), 551.072 (Real Property) and 551.087 (Economic Development), to deliberate and seek legal advice regarding structure and funding of economic development real property acquisition by the Hutto Economic Development Corporation.
- 13.6. Receive legal advice and discuss potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to right of way acquisitions at FM 1660/Limmer Loop.

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, Pending Litigation, Potential Litigation, and City Council Legal Requests.
- 14.2. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to the selection of a law firm to represent the City in personnel matters, including but not limited to employee appeals.
- 14.3. Discuss and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to Cause No. 22-0259-C368, City of Hutto, Texas, Cottonwood Development Corporation, and River Creek Development Corporation Plaintiffs v. McGinnis Lochridge, LLP, William H. Bingham, Jr., and Michael

A. Shaunessy Defendants, in the 368th District Court of Williamson County, Texas.

- 14.4. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 and deliberations pursuant to Texas Government Code Sections 551.087 and 551.072 regarding economic development negotiations related to pending economic development projects.
- 14.5. Discuss and consider action to approve a Resolution of the City Council, authorizing the Hutto Economic Development Corporation to both acquire funds and expend funds to acquire real estate and certain real estate contracts currently owned by Cottonwood Development Corporation; approving a funding agreement between the City and the Hutto Economic Development Corporation to provide for an economic development program in compliance with Texas Local Government Code Section 380.002(b); authorizing the City Manager to fulfill the contract obligations and execute the funding agreement.
- 14.6. Consideration and possible action related to legal advice received and discussion of potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to right of way acquisitions at FM 1660/Limmer Loop.

15. ADJOURNMENT

16. CERTIFICATION

I certify that this notice of the Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on December 31, 2022 by 8:15 P.M.



Angela Lewis

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at Angela.Lewis@huttotx.gov or call (512) 759-4033 for assistance.