



City of Hutto

MINUTES

City Council Meeting

Thursday, December 15, 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 Tem 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

3. **INVOCATION** – *Mayor Pro Tem Peter Gordon*

4. **PLEDGE OF ALLEGIANCE**

5. **PRESENTATION**

5.1. Diversity & Inclusion Commission Presentation - Diversity, Equity and Inclusion Training for Effective Diversity and Inclusion Commission Leadership – *Kristi Barnes, Community Outreach and Program Manager, presented certificates of completion to D & I Commission members.*

6. **CITY MANAGER COMMENTS**

James R. Earp, City Manager

City Manager Earp provided updates on the following:

- City event recap
- Hutto Comprehensive Plan update
- Capital Improvement updates

7. CITY COUNCIL COMMENTS

7.1. General Comments from City Council –

Councilmember Kinsey and Councilmember Sutton provided general comments.

7.2 City Council Liaison Reports

Councilmember Kolar, Councilmember Sutton, Mayor Pro Tem Gordon, Councilmember Clark and Mayor Snyder provided brief reports.

7.3 Future Agenda Items

- *Mayor Pro Tem Gordon and Mayor Snyder encourages City Council to take the Diversity, Equity and Inclusion Training for Effective Diversity and Inclusion Commission Leadership training recommended by D & I Commission.*
- *Councilmember Sutton requested that Councilmembers send follow up emails to staff when requesting future agenda items*
- *Councilmember Clark requested staff looking into a hippo custom logo on Hutto street signs*

8. PUBLIC COMMENTS

- Mark Lyon (written comment)
- Terrance Owens

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on approving the minutes of the December 1 Special Called Joint City Council and Cottonwood Development Corporation Meeting, December 1 Regular City Council meeting, December 1 Work Session and December 6 Special Called Joint City Council and Cottonwood Development Corporation Meeting (Angela Lewis) .
- 9.2. Consideration and possible action on Resolution No. R-2022-109 authorizing the City Manager to execute an Athletic Facility Use Agreement with Hutto Youth Baseball and Softball Association (Jeff White)
- 9.3. Consideration and possible action to authorize the City Manager to execute a contract with DigDug Construction, LLC for the concrete repair to the Cottonwood Trail in Creekside Park for \$67,877.00 (Jeff White)
- 9.4. Consideration and possible action on Ordinance No. O-2022-058, granting to SiEnergy, L.P., a franchise to construct, maintain, and operate pipelines and equipment in the City for the transportation,

delivery, sale, and distribution of gas in, out of, and through the City. (First Reading) (Legal)

Mayor Snyder pulled Items 9.2 and 9.3.

A motion was made by Councilmember Kinsey and seconded by Councilmember Kolar to approve the balance of the Consent Calendar. The vote passed 7,0.

Discussion of Pulled Items:

- 9.2. Consideration and possible action on Resolution No. R-2022-109 authorizing the City Manager to execute an Athletic Facility Use Agreement with Hutto Youth Baseball and Softball Association (Jeff White)

A motion was made by Councilmember Kinsey and seconded by Councilmember Kolar to approve Item 9.2 as presented. An amended motion was made by Mayor Snyder, seconded by Clark to include an expiration date of August 1, 2023, and directing legal and staff to bring an amended ordinance to the January 5, 2023 meeting. Vote passed 7,0.

- 9.3. Consideration and possible action to authorize the City Manager to execute a contract with DigDug Construction, LLC for the concrete repair to the Cottonwood Trail in Creekside Park for \$67,877.00 (Jeff White)

Mayor Snyder made a motion to table this item until the February 16, 2023 Council meeting and directed staff to change specs. Councilmember Sutton seconded. The vote failed 2,5 (Kinsey, Gordon, Kolar, Clark and Sutton dissenting).

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thornton to approve the contract as presented, and directing the City Manager to request a change order to increase the base to a level recommended by Public Works Department and allowed by state law, as well as adding a 25% potential 25% increase in the bid, to be executed by the City Manager. The vote passed 4,3 (Kolar, Snyder and Sutton dissenting).

At this time, Councilmember Kolar requested moving Item 10.2, and there were no objections.

10. ORDINANCES

10.2. Conduct a public hearing and consider the adoption of Ordinance No. O-2022-060 amending Section 10.609, Parkland and open space dedication, of the Hutto Unified Development Code to update the minimum standards and fees related to parkland and open space dedication requirements (Jeff White)

- Public Hearing: Opened at 9:28 pm. No speakers and public hearing was closed at 9:28 pm.

A motion was made by Councilmember Sutton and seconded by Councilmember Kinsey to approve Ordinance No. O-2022-060. The vote failed 3,4 (Snyder, Gordon, Clark and Thornton dissenting).

A motion was made by Mayor Pro Tem Gordon and seconded by Mayor Snyder to table this item and bring it back with the ordinance attached to the January 5, 2023 meeting. The vote passed 6,1 (Kolar dissenting).

10.1. 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). (Ashley Bailey)

Mark Willoughby, Director of Facilities Planning and Capital Improvements

- Public Hearing: Opened at 10:18 pm. No speakers, and public hearing was closed at 10:18 pm.

A motion was made by Mayor Snyder and seconded by Councilmember Clark to divide the question for individual motions on requested additional items from City Council. The vote passed 7,0.

A motion was made by Mayor Snyder and seconded by Councilmember Thornton to replace trees. Mayor Pro Tem Gordon also requested an inventory of current and future trees. The vote passed 5,2 (Kinsey and Kolar dissenting).

A motion was made by Mayor Snyder and seconded by Councilmember Kolar to request a traffic mitigation plan during current construction. The vote passed 6,1 (Kinsey dissenting).

A motion was made by Mayor Snyder and seconded by Councilmember Clark to require a completed TIA prior to issuing the certificate of occupancy and develop a plan of action with the City. The vote failed 3,4 (Gordon, Sutton, Kolar and Kinsey dissenting).

11. RESOLUTIONS

- 11.1. Presentation, discussion and possible action to accept the Wastewater Master Plan prepared by Garver, Resolution No. R-2022-111 (Wade Benton)

A motion was made by Councilmember Clark and seconded by Councilmember Thornton to approve Resolution No. R-2022-111. The vote passed 7,0.

- 11.2. Presentation, discussion and possible action to accept the Water Master Plan prepared by Freese and Nichols, Resolution No. R-2022-110 (FN) (Wade Benton)

A motion was made by Councilmember Kolar and seconded by Councilmember Clark to approve Resolution No. R-2022-110. The vote passed 6,0 (Sutton out of room).

Item 12.3 was moved at this time.

- 12.3. Discussion and possible action to execute Supplemental Agreement No 1 to the existing professional services agreement with DCS executed August 23, 2019 related to the Shiloh, Noack, and Frame Switch pump station improvement projects in the amount of \$310,640.00 (Wade Benton)

A motion was made by Councilmember Clark and seconded by Councilmember Gordon to approve the supplemental agreement. The vote passed 7,0

A recess was taken from 12:15 AM and City Council reconvened at 12:34 AM.

- 11.3. Consideration and possible action on a resolution to authorize the City Manager to initiate certain Comprehensive Plan, Map and Zoning Amendments, in accordance with the Hutto Unified Development Code, for certain properties owned by the Cottonwood Development Corporation that are located in the Sports, Health and Entertainment District, Resolution No. R-2022-112 (Legal)

A motion was made by Councilmember Kolar and seconded by Councilmember Sutton to approve Resolution No. R-2022-112 as presented. 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.

Councilmember Clark reported that Mandi Villareal Salvo's name needed to be removed from CAPCOG.

Appointees: Mayor Pro Tem Gordon reported that for TIRZ 1, they were appointing Mayor Snyder, Mayor Pro Tem Gordon, Councilmember Kolar, Rick Hudson, and Don Carlson.

A motion was made by Mayor Snyder and seconded by Councilmember Kolar to appoint Mayor Pro Tem Gordon as the Chair of TIRZ 1. The vote passed 7,0.

- 12.2. Presentation and Possible Action to Accept the Financial Report for the Month Ending October 31, 2022 (Christina Bishop)

Tabled until 1.5.23

- 12.4. Consideration and possible action of wording on a rededication plaque for Hutto City Hall (Councilmember Robin Sutton)

Tabled until 1.5.23

- 12.5. Mayor's Discussion on Status of Past Year's Council Actions (Mayor Mike Snyder and Mayor Pro Tem Peter Gordon)

Tabled until 1.5.23

13. EXECUTIVE SESSION – Convened into Executive Session at 12:33 AM

- 13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Pending Litigation, Potential Claims and City Council Legal Requests.
- 13.2. Receive legal advice pursuant to Texas Government Code Section 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.

- 13.3. 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 and at FM 1660/US Hwy 79.
- 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.

No action was taken in Executive Session.

14. ACTION RELATIVE TO EXECUTIVE SESSION – Reconvened at 1:45 AM

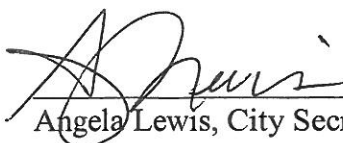
- 14.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Pending Litigation, Potential Claims and City Council Legal Requests. No action
- 14.2. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 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.
- 14.3. 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 and at FM 1660/US Hwy 79.
- 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.

Item 14.3

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to authorize the City Manager to execute right-of-way acquisitions as discussed in Executive Session. The vote passed 6,0 (Thornton absent).

11. ADJOURNMENT – 1:47 AM

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor