# City of Hutto

**MINUTES**

**City Council Meeting**
**Thursday, February 2, 2023 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, Mayor Pro Tem Peter Gordon, Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Randal Clark, Councilmember Krystal Kinsey and Councilmember Amberley Kolar.*

   *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**

4. **PLEDGE OF ALLEGIANCE**

5. **PROCLAMATION**

   5.1 Black History Month – *Read by Mayor Snyder, accepted by Kristi Barnes*
   5.2 World Hippo Day - *Read by Mayor Snyder, accepted by Kristi Barnes*

6. **PRESENTATIONS**

   6.1. Monthly Presentation for Capital Improvement Projects for Fiscal Year 2023 (Matt Rector)

7. **CITY MANAGER COMMENTS**

   **James R. Earp, City Manager**

   City Manager Earp provided an overview on the following items:

   - *The recent weather emergency and City efforts addressing the freeze*
   - *City Hall closure during the emergency; City Hall reopening on Friday, February 3*
   - *Emergency Management response*
   - *Community debris drop-off event on Saturday, February 11*
   - *Filing period for City Council candidacy ends February 17*

- *World Hippo Day celebration on February 15, 4 -6 pm at City Hall*
- *Chief Jeff Yarbrough recognition on KVUE*
- *Professional recognitions and new hires*

## 8. CITY COUNCIL COMMENTS

8.1. General Comments from City Council

*Councilmember Sutton, Councilmember Clark, Councilmember Kinsey, and Mayor Snyder provided comments.*

8.2. City Council Liaison Reports

*Mayor Pro Tem Gordon provided a brief report.*

- 8.3. Future Agenda Items
  1. *Mayor Snyder – Would like to add financial disclosures to the February 16 meeting for discussion and to add the wastewater line with Taylor for March meeting.*

## 9. PUBLIC COMMENTS

- Rick Hudson
- Ida Weaver
- James Weaver
- Rudy Perez
- Nicole Calderone
- Cheryl Stewart

*At this time Item 12.2 was moved up in the agenda.*

12.2. Conduct a public hearing and possible action on the Hutto Soar 2040 Comprehensive Plan and approving Ordinance No. O-2023-009 (First Reading) (Ashley Bailey)

*Public Hearing was opened at 9:25 pm. There were no speakers and Public Hearing was closed at 9:26 pm.*

*A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kinsey to accept the Hutto Soar 2040 Comprehensive Plan and approving Ordinance No. O-2023-009. The vote passed 7,0.*

a. Consideration and possible action on Ordinance No. O-2023-009 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

*Mayor Snyder requested the second reading occurs at the February 16, 2023 Council meeting, and there were no objections.*

## 10. CONSENT AGENDA ITEMS

10.1. Discussion and possible action authorizing the City Manager to execute Individual Project Order 2023-09 for continuing professional services with Freese & Nichols Inc.

(FNI) for engineering and design of the Lakeside Estates Phase 2 Sidewalk Project, from the approved FY 22-23 budget, in the not-to-exceed amount of $85,220.00. (Matt Rector)

10.2. Consideration and possible action on Resolution No. R-2023-020, a Resolution accepting the infrastructure improvements for the subdivision known as Covered Bridge Phase 1 (Richard Rodriguez)

10.3. Consideration and possible action on Ordinance No. O-2023-010 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) (First Reading) a. Consideration and possible action on Ordinance No. O-2023-010 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

10.4. Presentation and possible action to accept the financial report for the month ending November 30, 2022. (Anne LaMere)

10.5. Consideration and possible action on approving the January 19, 2023 City Council and January 19, 2023 Work Session meeting minutes (Angela Lewis)

10.6. Consideration and possible action regarding Ordinance No. O-2023-008 to amend Section 2.03.042 of the Code of Ordinances to provide a definition of residency for the city manager residency requirement. (Mayor Snyder) a. Consideration and possible action on Ordinance No. O-2023-008 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

10.7. Authorize release of January 27, 2023 Memo relating to Texas Constitutional Holdover Provision in a Home-Rule Municipality (Mayor Pro Tem Peter Gordon, Legal)

10.8. Consideration and possible action on Ordinance No. O-2023-011 amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2023 by appropriating and setting aside funds in the amount of $6,000,000.00 for municipal purposes; providing for severability; and providing for an effective date. (First Reading) (Legal)

*Mayor Snyder pulled Item Nos. 10.1 and 10.4 for discussion. Councilmember Sutton pulled Item No. 10.8.*

*A motion was made by Councilmember Clark and seconded by Councilmember Kinsey to approve Consent Agenda Item Nos. 10.2, 10.3, 10.5, 10.6, and 10.7. The vote passed 7,0.*

*Discussion of pulled items:*

10.1. Discussion and possible action authorizing the City Manager to execute Individual Project Order 2023-09 for continuing professional services with Freese & Nichols Inc. (FNI) for engineering and design of the Lakeside Estates Phase 2 Sidewalk Project, from the approved FY 22-23 budget, in the not-to-exceed amount of $85,220.00. (Matt Rector)

*A motion was made by Councilmember Clark and seconded by Councilmember Sutton to approve Item 10.1. The vote passed 7,0.*

10.4. Presentation and possible action to accept the financial report for the month ending November 30, 2022. (Anne LaMere)

*A motion was made by Councilmember Clark and seconded by Councilmember Sutton to approve Item 10.4 and accept the financial report. The vote passed 7,0.*

10.8. Consideration and possible action on Ordinance No. O-2023-011 amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2023 by appropriating and setting aside funds in the amount of $6,000,000.00 for municipal purposes; providing for severability; and providing for an effective date. (First Reading) (Legal)

*Moved to after Executive session to discuss with Item 14.6.*

## 11. RESOLUTIONS

11.1. Consideration and possible action on Resolution R-2023-021, a Resolution approving the appointment of William Zito Jr. as the Emergency Management Coordinator for the City of Hutto, Texas (City Manager James Earp)

*A motion was made by Councilmember Sutton and seconded by Councilmember Kolar to approve Resolution R-2023-021. The vote passed 7,0.*

11.2. Consideration and possible action regarding the adoption of Resolution R-2023-022, providing an interpretation for the meaning of residing within the City of Hutto, Texas, related to Hutto City Charter Sections 3.02 and 3.06(b)(1). (Mayor Snyder)

*A motion was made by Councilmember Clark and seconded by Councilmember Sutton to approve Resolution R-2023-022. 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 there were 4 vacancies on Zoning Board of Adjustment. No action was taken.*

12.3. Discussion and Possible Action on Financial Reserve Requirement Limits (Councilmember Randal Clark, Mayor Pro Tem Peter Gordon)

*A motion was made by Mayor Snyder to direct staff to bring back a change to the policy that brings the minimum reserves to 30% for 2023, 40% for 2024, and 45% for 2025, and the motion was seconded by Councilmember Thornton. The vote passed 5-2 (Sutton and Kinsey dissenting).*

## 13. EXECUTIVE SESSION – *Convened into Executive Session at 10:34 PM.*

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 pending EEOC claims of former employee Stacy Schmitt.

13.3. Pursuant to Texas Government Code Sections 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 and road construction by the Hutto Economic Development Corporation.

*No action was taken in Executive Session.*

**14. ACTION RELATIVE TO EXECUTIVE SESSION** – *Reconvened at 12:08 AM.*

10.8. Consideration and possible action on Ordinance No. O-2023-011 amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2023 by appropriating and setting aside funds in the amount of $6,000,000.00 for municipal purposes; providing for severability; and providing for an effective date. (First Reading) (Legal)

*A motion was made by Councilmember Clark and seconded by Councilmember Thornton to approve the item as presented. The vote passed 7,0.*

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.

*A motion was made by Councilmember Sutton to authorize the City Manager to take any and all action including execution of documents as discussed in executive session relating to the final terms of the settlement agreement with Spectrum. The motion was seconded by Councilmember Kinsey. The vote passed 6,1 (Snyder dissenting).*

14.2. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to pending EEOC claims of former employee Stacy Schmitt.

*No action was taken.*

14.3. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sections 551.071 (legal consultation), 551.072 (Real Property) and 551.087 (Economic Development), regarding structure and funding of economic development real property acquisition by the Hutto Economic Development Corporation.

*No action was taken.*

*Mayor Snyder brought forward Item Nos. 14.4, 14.5, 14.6 simultaneously.*

14.4. Discuss and consider a Resolution approving Cottonwood Development Corporation's sale of the approximate 250 acres of property owned by the Corporation, under duress, accepting the Hutto Economic Development Corporation's offer to purchase the property as contained in the Bill of Sale issued by Hutto Economic Development Corporation Type B, under duress.

14.5. Discuss and consider a Resolution approving the Hutto Economic Development Corporation's related expenditures to purchase the Cottonwood Development Corporation property, as contained in the Bill of Sale issued by Hutto Economic Development Corporation Type B, under duress.

14.6. Approve a Resolution approving a city sales tax funding and refunding agreement between the Hutto Economic Development Corporation and the City of Hutto, Texas in the amount of $6,000,000 to acquire 250 acres of land for economic development use which is currently owned by and being sold under duress by the Cottonwood Development Corporation.

*A motion was made by Councilmember Thornton in regards to Item Nos. 14.4, 14.5, and 14.6 to approve the Resolution presented under duress and to continue the appeal minimizing risk to the Cottonwood Development Corporation, approving the funding and refunding agreement, authorizing the City Manager to execute the agreement and approving the Hutto Economic Development Corporation and Cottonwood Development Corporations purchase and sale agreement conveying the 250 acres as presented. The motion was seconded by Councilmember Clark. The vote passed 7,0.*

## 15. ADJOURNMENT

*The Hutto City Council Meeting was adjourned on February 3 at 12:12 AM.*

ATTEST:

Angela Lewis, City Secretary

THE CITY OF HUTTO
INCORPORATED 1911

Mike Snyder, Mayor