



**CITY COUNCIL REGULAR  
MEETING MINUTES  
MAY 17, 2018**

**AMENDED**

*The Hutto City Council met in a regular session on Thursday, May 17, 2018, in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.*

**CALL SESSION TO ORDER**

*Mayor Gaul called the session to order at 7:00 p.m.*

**ROLL CALL**

*Members of the City Council present were Mayor Doug Gaul, Mayor Pro-tem Tom Hines, Councilmember Scott Rose, Councilmember Nathan Killough, Councilmember Tim Jordan, Councilmember Patti Turner and Councilmember Terri Grimm.*

*Members of staff that were present were Odis Jones, City Manager; Mike Shaunessy, City Attorney; Helen Ramirez, Assistant City Manager; Byron Frankland, Chief of Police; Paul Hall, Assistant Chief of Police; Ashley Lumpkin, Executive Director of Development Services; Robert Sims, City Engineer; Jessica Bullock, Director of Economic Development; Anthony Emadi, CFO; Larry Foos, Director of Parks and Recreation; Anthony Host, Director of Construction; Lynn Trumbul, Assistant City Secretary, and Lisa Brown, City Secretary.*

**PLEDGE OF ALLEGIANCE**

*Mayor Gaul led the Pledge of Allegiance and the Texas Pledge.*

**OTHER BUSINESS**

5A. Consideration and possible action on the appointment of the Mayor Pro-tem position.

Motion: Councilmember Nathan Killough made a motion to re-appoint Tom Hines to the position of Mayor Pro-tem. Councilmember Terri Grimm seconded the motion.

Vote:       Ayes:       Mayor Doug Gaul  
                                  Mayor Pro-tem Tom  
                                  Councilmember Scott Rose  
                                  Councilmember Nathan Killough  
                                  Councilmember Tim Jordan  
                                  Councilmember Patti Turner  
                                  Councilmember Terri Grimm

Nays:           None

Action:       The motion passed with 7 ayes and 0 nays.

### **CONSENT AGENDA**

6A.    Consideration and possible action concerning the amended minutes for April 5, 2018 City Council Regular Meeting, April 30, 2018 City Council and Hutto ISD Board of Trustees Joint Meeting, May 3, 2018 City Council Regular Meeting; and May 3, 2018 City Council and Hutto Economic development Board Type B Special Called Joint Meeting.

6B.    Consideration and possible action on a resolution approving the Texas Local Gov't Code Chapter 380 Agreement for Project Oscar.

6C.    Consideration and possible action on a resolution authorizing the City Manager to enter into and Advanced Funding Agreement (AFA) with Texas Department of Transportation for the purposes of reconstruction of U.S. 79 as required for the Co-Op District.

Motion:    Councilmember Tom Hines made a motion to approve Items 6A through 6C. Councilmember Nathan Killough seconded the motion.

Vote:       Mayor Doug Gaul  
              Mayor Pro-tem Tom Hines  
              Councilmember Scott Rose  
              Council Member Nate Killough  
              Councilmember Tim Jordan  
              Councilmember Patti Turner  
              Councilmember Terri Grimm

Action:     The motion passed 7 ayes, and 0 nays.

### **CITY MANAGER COMMENTS**

7A.    Presentation regarding Project Oscar and the Co-Op District.

*Judge William Gravell, Chairman of the Economic Development Corporation, introduced Matt Silvers addressed the City Council and citizens of Hutto to introduce the newest tenant of the Co-Op. Flix Brewhouse is a Williamson County based company that will be opening a location in the Co-Op District. The project will be approximately 39,000 square feet and will employ 150-200, with a guarantee to employ high school students from Hutto. It is expected an average of 6000-7000 patrons will visit daily.*

*Councilmember Nathan Killough stated adding Flix Brewhouse was a good step to help complete the circle to make Hutto supportive of itself.*

*Councilmember Terri Grimm stated that it was hard to stay quiet about the project.*

*City Manager Odis Jones stated the City Council put a lot of time and effort on this project.*

*Mayor Doug Gaul stated he was excited to have Flix Brewhouse in Hutto.*

**7B. Update on the YMCA foundation and activity.**

*Bryon Borchers presented an update of the activities of the YMCA. He reminded the City Council that the City entered into an MOU with the YMCA in 2007. By entering a partnership with the YMCA the cost to the City to build and maintain the facility is \$6.75M over 30 years as opposed to the \$41M it would have cost the City to build a gym. The citizens of Hutto love the YMCA; however, they are at capacity and need to come up with alternatives. Mr. Borchers assured the Council that the YMCA wants to continue the partnership with the City but the need to expand the facility.*

*Mr. Hines asked what the YMCA Board is looking for from the City from a partnership aspect. Mr. Borchers responded that if the City were to build a recreation center the YMCA would be amenable to running it.*

**7C. Presentation of April Financial Statements and April Investment Report.**

*Anthony Emadi reviewed the monthly financials with the Council. He indicated that the Fund balances are healthy and the budget is on track. Mr. Emadi advised the Council that the collection of sales tax is \$300K over projection - which is 15-16% over the estimate.*

**Motion:** Councilman Nathan Killough made a motion to move Item 12A to be heard at that time. Councilmember Tim Jordan seconded the motion.

**Vote:** Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

**Action:** The motion passed 7 ayes, and 0 nays.

**12A.** Consideration and possible action concerning a resolution changing the name of the Old Hutto Football Stadium to Tevan Lee Nguyen, Sr. Stadium.

*Larry Foos, Director of Parks and Recreation, presented a resolution to change the name of the Old Hutto Football Stadium to honor a citizen of Hutto who graduated from Hutto High School in*

*2007 where he played football. Cpl. Nguyen died in service to his country in Afghanistan. The renaming of the stadium to Tevan Lee Nguyen, Sr. Stadium honors his memory and sacrifice.*

**Motion:** Councilmember Terri Grimm made a motion approve the resolution to rename the Old Hutto Football Stadium to the Tevan Lee Nguyen, Sr. Stadium. Councilmember Nathan Killough seconded the motion.

**Vote:** Ayes: Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

**Action:** The motion passed 7 ayes, and 0 nays.

### **CITY COUNCIL COMMENTS**

*There were no comments from the Council.*

### **PUBLIC COMMENTS**

*Steven R. Harris of 1106 Canoe Cove – Mr. Harris remarked that he is in favor of the proposed budget change. Mr. Harris stated that he is aware of the many hours Councilmembers spend away from their jobs and families. He believes the proposed compensation is reasonable.*

*Tom Brown of 108 Kerley Drive – Mr. Brown says he supports the proposed council compensation. He states 3.04 of the City Charter provides for it. Stated that the City Manager and Council have done more for Hutto in the last year and half than any of those before them. States the citizens voted on the measure four times in the past and passed on it four times.*

*Barbara Flanagan of 6002 Lone Star Court – Mrs. Flanagan states she is opposed to the proposed compensation. She believes that amount should be more modest and should be implemented in increments over time.*

*Bryan Lowe of 1409 Pearsall Lane – Stated he just wanted to thank the City Council for all the hard work they do for the City. He is excited about Flix Brewhouse coming to Hutto.*

*Michael Lambert of 1306 Creek Bend Cove – States that he has lived in Hutto for 18 years and when they recently purchased their dream home it was outside the flood plane, but is about to be moved into the flood plane. He wants to thank Councilmember Jordan for coming to his home to discuss the flooding issues. Wants to know what the City's plans are for the future with regard to flooding in the area. City Manager Odis Jones asked the City Engineer, Robert Sims, to meet with Mr. Lambert.*

Lisa Rucker – withdrew her request to speak.

Mark Taylor of 1309 Creek Bend Cove – He wanted to thank Councilmember Jordan for coming out to talk with him regarding the flooding issue. States he is also in favor of the council compensation.

Raymond Fagan of 101 Lone Star – Wanted to thank the City Council for making the changes the citizens voted for. Says it's hard to work for free,

## **PUBLIC HEARINGS**

- 10A. Open and conduct a public hearing regarding the proposed annexation of the Pollard Tracts, 65.925 acres, more or less, of land, out of the William Gatlin Survey. Abstract No. 271, located on CR 137.

*Ashley Lumpkin, Executive Director of Development Services presented the item to the Council for consideration. This is step three of five in the voluntary annexation process.*

*Mayor Gaul opened the public hearing at 8:09 p.m. There being no public comments the hearing was closed at 8:10 p.m.*

- 10B. Open and conduct a public hearing on the proposed zoning change for the property known as RSI PUD, 315.28 acres, more or less, of land, located between CR 119 (west boundary) and FM 1660 North (east boundary) and the Hutto-parke Subdivision (south boundary), from SF-1 single family residential) to Planned Unit Development (PUD) zoning district.

*Ashley Lumpkin stated that although this item was noticed to be heard during this meeting she has requested a pause in the process in order to allow further negotiations with the developer.*

*City Manager Odis Jones advised the Council that the road that connects RM 1660 to Ed Schmidt will cost \$20M to complete; however, RSI is willing to pay for the improvements. There are statutory requirements needed for the PID that the developer has agreed to, but everything will not be ready until the June 7<sup>th</sup> meeting.*

*Mayor Doug Gaul opened the hearing at 8:13 p.m. There being no public comment the hearing was closed at 8:13 p.m.*

## **ORDINANCES**

- 11A. Consideration and possible action considering a first reading of an ordinance approving a Fiscal Year 2017-1018 Budget Amendment concerning changes in city Council Compensation and Fund Accounts.

*Odis Jones, city Manager, addressed the public in attendance. Mr. Jones stated that contrary to rumor the City Council has never pressured him to bring this issue forward and he has had not discussion, prior to tonight, with any council member until the item was placed on the agenda for*

*this evening. States he was advised by the city attorney that the position of City Councilmember is not a voluntary position. It is the duty of the City Manager to recommend pay for the City Council and to include it in the budget. He cannot speak for previous city managers but the voters approved the measure by an overwhelming majority of 70 % when they voted on the Charter. He stated that the City Council spends anywhere from 100-120 hours a month on City business. In 2004 when the Charter was implemented Hutto had a population of 1200, today it is almost 30,000. Mr. Jones stated he asked his staff to define what is the skill set the citizens want for this position – its and administrative skill set, how much time, and amount of hours and they came up with a range of \$12-17 per hour. Part-time City employees in the Parks Dept. make \$13 an hour and part-time accounts payable clerks make less than that. Mr. Jones says the City Council and the City Manager did not make the determination that they be paid, it arose out of another issue. Whether anyone thinks this is a volunteer position our charter says differently. It is not the Council's position that they be paid.*

*Mike Shaunessy, City Attorney, stated that the word "shall" means it is mandatory, not discretionary, it is a legal obligation. Failure to include the compensation of the Council in the budget is a violation of the law. The Texas Supreme Court states that compensation must be reasonable for the position.*

*Anthony Emadi presented the amended budget – there are three parts: first is to true up the bond proceeds to the actual amount in the utility fund, second is to set up the PID accounts which the City will eventually receive a management fee for, third is the is the compensation for the Council. Once the expenditure is add in it increase from 20% of the budget to 21%, and represents .7% of the total budget for the General Fund. It is only .2% of the entire City Budget not related to Bond Funds. Using a basis of 90-100 hours \$1,200 breaks down to \$12-13.33 an hour for the Council, and \$1,500 breaks down to \$15-16.66 for the Mayor. The Mayor called for comments from the Council.*

*Councilmember Grimm stated that at this time last year before she was elected she thought councilmembers should not be paid, but she has since changed her mind. If you want to attract quality people you need to provide some compensation. She believes that no amount of money can take away the power of the citizens and their vote. This is the citizens' council. Open Record Requests – last year alone approximately \$300K was spent responding to open record requests. This is the taxpayers' money that is being spent to respond to those requests. Mrs. Grimm enumerated the various meeting she has had this week already and that does not include the amount of time she has spent preparing for the meeting. She encourages everyone to read every page in the council package and clock the time. She then asks that they clock the time spend doing research on those subjects. She chastised those people on social media for complaining about this issue and others when all they have to do is reach out to any council member to voice their concerns. She believes the Council should be paid, but she proposes an alternate amount of \$750 for Council and \$900 for the Mayor. She also agrees that a committee of 7 citizens should be formed to re-visit this issue again in a year. If the Council passes the ordinance as it is she hopes that the Councilmembers become more involved in the Boards and Commission.*

*Councilmember Nathan Killough states that not one of the council signed up to receive a salary as a member of the City Council. He says that twice yesterday he was cussed out over this issue,*

*and again this morning while filling his truck up with diesel. He pointed out that one of the individuals responsible for riling up the social media crowd has themselves been responsible for the expenditure of \$6K in taxpayers' money in responding to open record request. That same individual has a relative that has filed a lawsuit against the City. With respect to the amount of work the Council does, Mr. Killlough stated for those who feel \$1200 or \$1500 is too much then he encourages you to have him come pick you up on any Wednesday and Thursday so you can see what goes into preparing for a Council meeting.*

Motion: Councilmember Tom Hines made a motion to accept the ordinance as presented. Councilmember Tim Jordan seconded the motion.

*Mike Shaunessy reminded the Council that Councilwoman Grimm made a motion to amend the ordinance.*

Motion: Councilmember Terri Grimm made a motion to amend the ordinance to pay the Council \$700 and the Mayor \$900 per month. Councilmember Patti Turner seconded the motion.

Vote:

|       |                                                                                                                                 |
|-------|---------------------------------------------------------------------------------------------------------------------------------|
| Ayes: | Councilmember Terri Grimm<br>Councilmember Patti Turner                                                                         |
| Nays: | Mayor Doug Gaul<br>Mayor Pro-tem Hines<br>Councilmember Scott Rose<br>Councilmember Nathan Killough<br>Councilmember Tim Jordan |

Action: The amended motion failed with 2 ayes and 5 nays.

Motion: Councilmember Tom Hines made a motion to accept the ordinance as presented. Councilmember Tim Jordan seconded the motion.

Vote:

|       |                                                                                                    |
|-------|----------------------------------------------------------------------------------------------------|
| Ayes: | Mayor Doug Gaul<br>Mayor Pro-tem Tom Hines<br>Councilmember Scott Rose<br>Councilmember Tim Jordan |
| Nays: | Council Member Nate Killough<br>Councilmember Patti Turner<br>Councilmember Terri Grimm            |

Action: The motion passed 4 ayes, and 3 nay.

- 11B. Consideration of a public hearing and possible action on the adoption of an ordinance approving the Land Use Assumption and 10 Year Impact Fee Capital Improvement Plan and setting a public hearing for impact fees for June 21, 2018.

*Helen Ramirez, Assistant City ~~Attorney~~ **Manager**, advised the Council that the hearing has been changed from June 21, 2018 to July 5, 2018. This is a part of the Mobility Plan that will help improve the traffic circulation, pedestrian traffic and bicycle traffic.*

*Odis Jones also advised the Council that this shifts the burden of the cost of development and infrastructure to the developer and away from the citizens. The development community prefers this process. This will ensure that future developments set aside funds for the improvement of the roads in and around the new areas.*

*Carl Springer discusses the development of a plan how the City will grow over the next 20 years and what roads and infrastructure will be needed. The assumptions will be reviewed again in five years.*

*The 10-year Impact Fee CIP*

| <i>Location</i>          | <i>Number of Projects</i> | <i>Total Project Cost in Service Areas</i> |
|--------------------------|---------------------------|--------------------------------------------|
| <i>North of US 79</i>    | <i>35</i>                 | <i>\$60.1 million</i>                      |
| <i>South of US 79</i>    | <i>30</i>                 | <i>\$65.3 million</i>                      |
| <i>All Service Areas</i> | <i>65</i>                 | <i>\$125.4 million</i>                     |

*Matt Garrett outlined the steps that will need to be followed to adopt the impact fees.*

*Mayor Gaul asked if new roads can be added later. -Mr. Jones advised him the issue would need to go back to the Planning and Zoning commission for a recommendation.*

*Mayor Gaul opened a public hearing at 9:04 p.m. There being no public comments the hearing was closed at 9:04 p.m.*

Motion: Councilmember Tim Jordan made a motion to approve the adoption of an ordinance to approve the Land Use Assumption and 10 Year Impact Fee Capital Improvement Plan and set a public hearing for July 5, 2018. Councilmember Tom Hines seconded the motion.

Vote: Ayes: Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

Nays: None

Action: The motion passed 7 ayes, and 0 nays.

11C. Consideration and possible action on the second reading of an ordinance approving the right-of-way vacation of Short Street, a 50-Foot Right-of-Way, approximately (0.4099 acre) 17,796 square feet in area, located adjacent to the Co-Op District development site on US 79 West.

*Helen Ramirez presented the ordinance for the second reading. Feedback from TxDot is that Short Street must be closed.*

*Bob Wunch, developer of the Co-Op stated that Wag-a-Bag has agreed to an alternate entrance.*

Motion: Councilmember Tim Jordan made a motion approve the ordinance to vacate Short Street. Councilmember Terri Grimm seconded the motion.

Vote: Ayes: Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

Nays: None

Action: The motion passed 7 ayes, and 0 nays.

12B. Consideration and possible action authorizing the City Manager to negotiate and execute a Development Agreement with MK Developments.

*Mitchell Kalogridis of MK Developments made a presentation to the Council of the proposed Master Plan for the 57 acres project adjacent to the Co-Op District named "The Landing." The project will include multi-family living, senior living, single family homes retail, park space and a bio filtration water feature.*

*Odis Jones, stated he has reviewed some of the information with the Council. This project would be a PID where the City stays in a non-recourse position where a third party issues the debt and the City issues an assessment.*

*Councilmember Killough remarked that this is one of his favorite projects, it is very unique.*

Motion: Councilmember Nathan Killough made a motion to authorize the City Manager to negotiate and execute a Development Agreement with MK Developments Councilmember Tim Jordan seconded the motion.

Vote: Ayes: Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

Nays: None

Action: The motion passed 7 ayes, and 0 nays

### **EXECUTIVE SESSION**

13A. Executive Session, as authorized by Texas Government Code, Section 551.071, consultation with an attorney regarding Economic Development Corporation Bylaws, Chamber of Commerce, D.R. Horton, and board member activity.

*The Council recessed at 9:54 p.m. to an Executive Session. The meeting was reconvened at 11:10 p.m.*

### **ACTION RELATIVE TO EXECUTIVE SESSION**

14A. Consideration and possible action regarding Economic Development Corporation Bylaws, Chamber of Commerce, D.R. Horton, and board member activity.

Motion: Councilmember Tom Hines made a motion to appoint Councilmember Terri Grimm to the Boards and Commission former Councilmember Lucio Valdez was previously appointed to. Councilmember Scott Rose seconded the motion.

Vote: Ayes: Mayor Doug Gaul  
Mayor Pro-tem Tom Hines  
Councilmember Scott Rose  
Council Member Nate Killough  
Councilmember Tim Jordan  
Councilmember Patti Turner  
Councilmember Terri Grimm

Nays: None

Action: The motion passed 7 ayes, and 0 nays.

**Motion:** Councilmember Nathan Killough made a motion to authorize the City Manager to negotiate and execute a development agreement with D.R. Horton regarding the Lakeside Lift Station and Gibney tract development.

**Vote:**      **Ayes:**              Mayor Doug Gaul  
                                 Mayor Pro-tem Tom Hines  
                                 Councilmember Scott Rose  
                                 Council Member Nate Killough  
                                 Councilmember Tim Jordan  
                                 Councilmember Patti Turner  
                                 Councilmember Terri Grimm

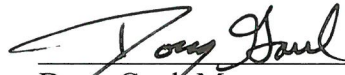
**Nays:**              None

**Action:**              The motion passed 7 ayes, and 0 nays.

## **ADJOURNMENT**

*There being no further business the meeting was adjourned at 11:12 p.m.*

## **CITY OF HUTTO**

  
\_\_\_\_\_  
Doug Gaul, Mayor

## **APPROVED:**

  
\_\_\_\_\_  
Lisa L. Brown, City Secretary