



City of Hutto

MINUTES

City Council Meeting

Thursday, August 3, 2023 at 7:00 PM

City Council Chambers

500 W. Live Oak Street

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 Brian Thompson, Councilmember Dan Thornton, Councilmember Amberley Kolar and Councilmember Dana Wilcott, Councilmember Randal Clark

Absent: None

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

3. INVOCATION –Pastor Johnny Brower of Hutto Discovery United Methodist Church

4. PLEDGE OF ALLEGIANCE

5. PROCLAMATION

- Hutto Farmer's Market Week – August 6-12, 2023 – *Accepted by Daniella and Joseph, managers of Hutto Farmer's Market, and a representative from Keep Hutto Beautiful.*

6. CITY MANAGER COMMENTS

James R. Earp, City Manager

City Manager Earp provided updates on the following:

- Approaching Stage 3 - Current water restrictions and schedules at Stage 2
- National Night Out – October 3rd
- Professional Recognitions and New Hires
- City Manager's one year anniversary 8/3/23

7. PUBLIC COMMENTS

- Ida Weaver
- Aaron King
- Cheryl Stewart

- James Weaver
- Cory Deneena
- Janine Dehart
- Susan Micidi
- Robin Sutton
- Lucas Evans

8. PRESENTATION

- 8.1 Quarterly update from Chamber of Commerce – *Presented by Joe Gonzalez*
- 8.2 Monthly Capital Improvement Projects Update – *Presented by Matt Rector*
- 8.3 Budget Presentation – *Presented by City Manager James R. Earp*

9. BOARDS AND COMMISSIONS

- 9.1 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: None

At this time, City Council took a recess at 9:20 pm and reconvened at 9:27 pm.

10. ORDINANCES

Mayor Snyder asked to move item 10.6 to the beginning of the Ordinance section.

- 10.6 Consideration and possible action approving Ordinance No. O-2023-050 amending Article 14.07, Discrimination, of the Hutto Code of Ordinances to prohibit discrimination based on gender identity or sexual orientation (First Reading) (Councilmember Dan Thornton and Mayor Pro Tem Peter Gordon)

A motion was made by Councilmember Thornton and seconded by Councilmember Thompson to approve Ordinance No. O-2023-050. The vote passed 7,0.

- 10.1 Consideration and possible action on Ordinance No. O-2023-052 creating a Stormwater Management Program (Matt Rector)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to approve Ordinance No. O-2023-052. The vote passed 7,0.

- a. Consideration and possible action dispensing with Second reading pursuant to Section 3.13 of the Hutto City Charter.

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to dispense with the second reading of Ordinance No. O-2023-052. The vote passed 7,0.

- 10.2 Consideration and possible action on Ordinance No. O-2023-046 amending the City Rate Schedule to include fees associated with the Stormwater Management Program (Matt Rector)

A motion was made by Mayor Snyder and seconded by Councilmember Thornton to approve Ordinance No. O-2023-046 with the fees amended to 1600 an acre for single family, 3200 an acre for multi-family, and 4800 an acre for commercial/industrial properties. The vote passed 7,0.

- 10.3 Consideration and possible action amending Chapter 8, Stormwater and Drainage Standards, of the Unified Development Code to provide for cost participation of stormwater and drainage improvements (Legal)

- a. Consideration and possible action dispensing with Second reading pursuant to Section 3.13 of the Hutto City Charter.

No action – Item postponed

- 10.4 Consideration and possible action amending Section 10.615, Road Adequacy Standards, of the Unified Development Code to provide for cost participation of transportation extensions (Legal)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Ordinance No. O-2023-051. The vote passed 7,0.

- a. Consideration and possible action dispensing with Second reading pursuant to Section 3.13 of the Hutto City Charter.

A motion was made by Councilmember Thompson and seconded by Mayor Pro Tem Gordon to dispense with the second reading of Ordinance No. O-2023-051. The vote passed 7,0.

- 10.5 Consideration and possible action approving Ordinance No. O-2023-049 amending Chapter 9, Water & Wastewater Standards, of the Hutto Unified Development Code by adding section 10.905, Developer Cost Participation for extension of water and wastewater main utility extensions (Legal)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve Ordinance No. O-2023-049. The vote passed 7,0.

- a. Consideration and possible action dispensing with Second reading pursuant to Section 3.13 of the Hutto City Charter.

A motion was made by Councilmember Thompson and seconded by Councilmember Kolar to dispense with the second reading of Ordinance No. O-2023-049. The vote passed 7,0.

11. RESOLUTIONS

Public Comment: Robin Sutton

- 11.1 Consideration and possible action on Resolution No. R-2023-175 appointing a Charter Review Commission and providing recommendations for the Charter Review Commission to review (Councilmember Randal Clark, Mayor Pro Tem Peter Gordon)

Appointees:

Place 1 – Beatrice Rodriguez-Bocanegra

Place 2 – Perry Savard

Place 3 – Tony Wertz

Place 4 – Charles Warner

Place 5 – Marshal Hammond

Place 6 – Onnesha Williams

Place 7 – Cory Denena

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to approve Resolution No. R-2023-175 and all appointees. The vote passed 7,0.

12. OTHER BUSINESS

- 12.1 Consideration and possible action relating to Texas Attorney General Opinion AC-0001 relating to whether, under Texas Constitution Article XVI, Section 40, a State employee receiving all or part of their compensation from State funds may also receive compensation as an elected member of the Hutto City Council (Legal)

Public Comment: Robin Sutton

A motion was made by Mayor Snyder and seconded by Councilmember Clark to direct staff to draft a resolution stating their stance on state employee exemptions

for councilmembers, and releasing the legal memo and job description in question. The vote passed 7,0.

- 12.2 Discussion and possible action to reschedule the October 5th City Council meeting (James Earp)

No action was taken. Legal was asked to draft an ordinance for the next meeting authorizing Council to move regular meetings due to an exception.

13. CONSENT AGENDA ITEMS

Mayor Snyder asked to pull items 13.3, 13.4, 13.10, and 13.11 from the Consent Agenda to discuss.

- 13.1 Consider and possible action approving Resolution No. R-2023-180 finding that Oncor Electric Delivery Company LLC 's application to amend its distribution cost recovery factor and update generation riders to increase distribution rates within the City should be denied; authorizing participation with the steering committee of cities served by Oncor; authorizing hiring of legal counsel; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel (Legal)
- 13.2 Consideration and possible action on Resolution R-2023-168 approving an Economic Development Performance Agreement for Project Hutto Hospitality as approved by the Hutto Economic Development Corporation via Resolution R-2023-150 at their meeting on July 10, 2023 (Bob Farley)
- 13.5 Consideration and possible action on Ordinance No. O-2023-038 accepting and approving an annual service plan update to the service and assessment plan and updated assessment rolls for the Cross Creek Public Improvement District (Anne LaMere)
- a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 13.6 Consideration and possible action relating to Ordinance No. O-2023-039 accepting and approving an annual service plan update to the service and assessment plan and updated assessment rolls for the Durango Farms Public Improvement District (Anne LaMere)
- a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter

- 13.7 Consideration and possible action on Ordinance No. O-2023-041 accepting and approving an annual service plan update to the service and assessment plan and updated assessment rolls for the Cottonwood Creek Public Improvement District (Anne LaMere)
a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 13.8 Consideration and possible action on Ordinance No. O-2023-042 accepting and approving an annual service plan update to the service and assessment plan and updated assessment rolls for the Mustang Creek Public Improvement District (Anne LaMere)
a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 13.9 Consideration and possible action on Ordinance No. O-2023-047 accepting and approving an annual service plan update to the service and assessment plan and updated assessment rolls for the Co-Op Public Improvement District (Anne LaMere)
a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 13.12 Consideration and possible action on Ordinance No. O-2023-040 for the proposed Specific Use Permit request for the property known as 3250 Limmer Loop, to allow outdoor recreation facility use (UDC 10.304.6) (Second Reading) (Ashley Bailey)
- 13.13 Consideration and possible action on approving the July 10 Special Called Joint Economic Development Corporation and City Council, July 20 Work Session, July 20 City Council, and July 22 Special Called City Council meeting minutes (Angela Lewis)

A motion was made by Councilmember Thompson and seconded by Councilmember Kolar to approve Consent Agenda Item Nos. 13.1, 13.2, 13.5, 13.6, 13.7, 13.8, 13.9, 13.12 and 13.13 as presented. The vote passed 7,0.

Discussion of pulled items:

- 13.3 Consideration and possible action relating to Resolution No. R-2023-174 of the City of Hutto, Texas, authorizing the City Manager to execute a change order with Associated Construction Partners, Ltd. in the amount of \$119,894.39 related to the Frameswitch 20 Million Gallons per Day (MGD) Pumping Station and 3.0 Million Gallon (MG) Ground Storage Tank (GST) projects (CIP W-01 and W-03) (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve Resolution No. R-2023-174. The vote passed 7,0.

- 13.4 Consideration and possible action relating to Resolution No. R-2023-179 of the City of Hutto, Texas, approving housing reimbursement to the Interim Finance Director; and authorizing the City Manager to provide the reimbursement from budgeted funds and budget amendment (Legal)

A motion was made by Councilmember Kolar and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-179. The vote passed 5,2.

- 13.10 Consideration and possible action approving Resolution No. R-2023-177 approving the amendment to the Interlocal Agreement between Williamson County Radio Communication System (RCS) and the City of Hutto and other “RCS Parties” (Jeff Yarbrough)

A motion was made by Mayor Snyder to deny approving this item. There was no second, and the motion died.

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to approve Resolution No. R-2023-177. The vote passed 4,3.

- 13.11 Consideration and possible action approving Resolution No. R-2023-178 relating to amending the City Manager's Contract, including but not limited to, Section 12 of the Agreement (Mayor Mike Snyder)

A motion was made by Councilmember Thompson and seconded by Councilmember Wilcott to approve Resolution No. R-2023-178. The vote passed 5,2.

14. EXECUTIVE SESSION – *Convened into Executive Session at 11:03 PM.*

- 14.1 Consideration and possible action relating to Resolution No. R-2023-181 of the City of Hutto, Texas, authorizing the City Manager to negotiate and execute an agreement for a Wholesale Water Supply Contract for up to four (4) million gallons per day (MGD) of water supply
- 14.2 Consideration and possible action relating to Resolution No. R-2023-182 of the City of Hutto, Texas, authorizing the City Manager to execute a Groundwater Reservation Agreement to reserve up to five (5) million gallons per day (MGD) of Reserved Water from existing permitted groundwater rights from a Groundwater Source and negotiate a Groundwater Supply Contract from the same provider.
- 14.3 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.

No action was taken in Executive Session.

15. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at 12:13 AM*

15.1. Consideration and possible action on Executive Session Agenda Items

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thompson to approve Resolution No. R-2023-181. The vote passed 7,0.

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve Resolution No. R-2023-182. The vote passed 7,0.

16. CITY COUNCIL COMMENTS

16.1. General Comments from City Council

Councilmember Thompson said thank you to City Manager Earp and city staff for their work on the proposed budget.

16.2. Future Agenda Items

Councilmember Clark requested a road maintenance fee ordinance be brought forth soon.

17. ADJOURNMENT – *August 4th, 2023 at 12:18 AM*

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor