



City of Hutto

MINUTES

City Council Meeting
Thursday, August 17, 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, Councilmember Dana Wilcott (remotely), 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. CITY MANAGER COMMENTS

James R. Earp, City Manager

City Manager Earp provided updates on the following:

- Public Hearing on proposed budget and upcoming special meetings
- Tax rate setting
- Water Conservation update
- Emergency Preparedness Fair at Church of Jesus Christ of Latter Day Saints
- Upcoming special events
- Closure of City Hall on Labor Day, September 4

6. PUBLIC COMMENTS

- Perry Savard
- James Weaver

7. PRESENTATION

- 7.1 Emergency Preparedness Task Force Presentation – *Presented by Tom Quoma*

8. PUBLIC HEARINGS AND RELATED ACTION

- 8.1 Conduct a public hearing and possible action on FY 2024 Proposed Budget that is posted on the City website (James Earp)

Public hearing was opened at 7:41pm. There were no speakers, and the hearing was closed at 7:41 pm.

- 8.2 Consideration and possible action on Resolution No. R-2023-176 calling and setting up a public hearing on September 7, 2023, at 7:00 PM on the proposed tax rate for fiscal year 2023-2024 and determining the proposed tax rate to be included in the hearing notice (Anne LaMere)

8.1 and 8.2 were heard jointly.

A motion was made by Mayor Snyder and seconded by Councilmember Thornton to approve Resolution No. R-2023-176. The vote passed 4,3 (Thompson, Gordon and Kolar dissenting).

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.

- 9.2 Consideration and possible action regarding Emergency Preparedness Task Force (Mayor Mike Snyder)

A motion was made by Councilmember Thompson and seconded by Mayor Pro Tem Gordon to arrange a workshop for this Task Force with a draft of a proposal of how it would look as a Commission. The vote passed 7,0.

10. ORDINANCES

- 10.1 Consideration and possible action on Ordinance No. O-2023-057 amending the Hutto Code of Ordinances, Appendix A, Fee schedule, Article A1.000 Development services, engineering and construction, Sec. A1.003, Subdivision fees and A.1005, Site plan fees (First Reading) (Matt Rector)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve Ordinance No. O-2023-057. The vote passed 7,0.

- 10.2 Consideration and possible action on Ordinance No. O-2023-058 creating a Street Maintenance Fee (Matt Rector)

Councilmember Thornton made an amendment to adopt a rate with a 2-tiered fee structure with the proper numbers, and Mayor Snyder seconded. The vote passed 4,3 (Kolar, Thompson, Wilcott dissenting).

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Ordinance No. O-2023-058. The vote passed 4,3 (Kolar, Thompson, Wilcott dissenting).

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

To be held until after budget is approved.

At this time, City Council recessed at 9:07 PM and reconvened at 9:16 PM.

11. OTHER BUSINESS

- 11.1 Consideration and possible action to adopt a formal process for annual and semiannual reviews of the City Manager (Councilmember Peter Gordon)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to approve this item with the addition of budget measures to the City Manager review. The vote passed 7,0.

- 11.2 Discussion and possible action on putting on the website Council/staff financial statements and/or campaign finance items (Mayor Snyder)

Dottie Palumbo, City Attorney, will research this matter and bring it back to the September 7 Council meeting.

- 11.3 Consideration and possible action relating to request to the County Attorney for the submittal of a Request for Opinion to the Texas Attorney General on behalf of the City of Hutto regarding whether the term “written verification” as used in three Government Code sections, Section 2271.002 (no boycotting Israel), Section 2276.002 (no boycotting energy companies), and Section 2274.002 (no discriminating against firearm entities or firearm trade associations) respecting government contracts for goods or services require a verification under oath or only a statement in writing (Legal)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thompson to approve this item. The vote passed 7,0.

12. CONSENT AGENDA ITEMS

- 12.1 Consideration and possible action relating to Resolution No. R-2023-111 approving the Interlocal Agreement between the City of Taylor, the City of Hutto and Williamson County for the construction of Wastewater Facilities (CIP Project WW11 SE Loop WW Interceptor) with a request for funding provided by Williamson County's authorization of American Rescue Plan Act funding in the amount of Ten Million Dollars, (\$10,000,000.00) and authorizing the Mayor to execute the Interlocal Agreement (James Earp)
- 12.2 Consideration and possible action relating to Resolution No. R-2023-144 of the City of Hutto, Texas, approving a Subrecipient Agreement between Williamson County and the City of Hutto in the amount of up to \$10 million dollars for the SE Loop Wastewater Interceptor project (Legal)
- 12.3 Consideration and possible action on Ordinance No. O-2023-055 amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2023 for Water Reservation and Solid Waste budget amendment (First Reading) (Anne LaMere)
- 12.4 Consideration and possible action on Resolution No. R-2023-184 authorizing the City Manager to execute an agreement with Archer Western for Construction Manager At Risk (CMAR) services associated with the South Wastewater Treatment Plant (S WWTP) expansion to 6.0 MGD in the amount of \$1,175,133 (CIP WW-06) (Matt Rector)
- 12.5 Consideration and possible action relating to Resolution No. R-2023-188 of the City of Hutto, Texas, authorizing the City Manager to execute a change order with Aaron Concrete Contractors LP in the amount of \$111,771.54 related to the FM 1660 and US 79 turn lane project (CIP T-01) (Matt Rector)
- 12.6 Consideration and possible action on Resolution No. R-2023-189 awarding a contract to Nyle Maxwell Taylor Dealership in an amount not to exceed \$90,000, from approved FY23 vehicles budget, to purchase used vehicles (Jeffrey Yarborough)
- 12.7 Consideration and possible action on Resolution No. R-2023-183 authorizing the City Manager to execute a Benefits Package with Blue Cross and Blue Shield of Texas for Fiscal Year 2024 (Irene Talioaga)

- 12.8 Consideration and possible action on Ordinance No. O-2023-053 repealing curfews due to new state legislation (Chief Jeffrey Yarbrough)
- a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 12.9 Consideration and possible action on Ordinance No. O-2023-056 approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2023 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC’s reasonable rate making expenses (First Reading) (Legal)
- 12.10 Consideration and possible action accepting the July Financial Statements (Anne LaMere)
- 12.11 Consideration and possible action on approving the August 3, 2023 Work Session and August 3, 2023 City Council meeting minutes (Angela Lewis)
- 12.12 Consideration and possible action on Resolution No. R-2023-154 finding that Hutto City Charter Subsection 3.04 (b) is unenforceable against a state employee serving as a council member and such council member must decline per meeting compensation per Attorney General Opinion AC-0001 (Legal)
- a. Consideration and possible action waiving the Attorney/Client Privilege and authorizing release of the legal memorandum, affected councilmembers' state job description, and Attorney General Opinion No. KC-0211
- 12.13 Consideration and possible action relating to Ordinance No. O-2023-054 amending Article 1.02, Division 2 meetings, Section 1.02.033, Additional Meetings, of the Hutto Code of Ordinances to authorize the rescheduling or adding regular meetings to be held on the second and fourth Thursday because of school holidays, council approved holidays, educational conferences or because of state law or Hutto City Charter requirements (Legal)
- a. Consideration and possible action dispensing with Second Reading pursuant to Section 3.13 of the Hutto City Charter
- 12.14 Consideration and possible action on Ordinance No. O-2023-046 amending the City Rate Schedule to include fees associated with the Stormwater Management Program (Second Reading) (Matt Rector)

- 12.15 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 (Second Reading) (Councilmember Dan Thornton and Mayor Pro Tem Peter Gordon)

Mayor Snyder pulled Consent Items 12.4, 12.7 and 12.14 for discussion.

A motion was made by Councilmember Thompson and seconded by Councilmember Clark to approve Consent Agenda Item Nos. 12.1, 12.2, 12.3, 12.5, 12.6, 12.8, 12.9, 12.10, 12.11, 12.12, 12.13, and 12.15 as presented. The vote passed 7,0.

Discussion on pulled items:

- 12.4 Consideration and possible action on Resolution No. R-2023-184 authorizing the City Manager to execute an agreement with Archer Western for Construction Manager At Risk (CMAR) services associated with the South Wastewater Treatment Plant (S WWTP) expansion to 6.0 MGD in the amount of \$1,175,133 (CIP WW-06) (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve this item. The vote passed 7,0.

- 12.7 Consideration and possible action on Resolution No. R-2023-183 authorizing the City Manager to execute a Benefits Package with Blue Cross and Blue Shield of Texas for Fiscal Year 2024 (Irene Talioaga)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve this item. The vote passed 7,0.

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

A motion was made by Mayor Snyder and seconded by Councilmember Clark to approve this item with the amended fees of \$800 for residential, \$1600 for multifamily, and \$2400 for commercial. The vote passed 7,0.

13. EXECUTIVE SESSION – Convened into Executive Session at 10:52 PM.

- 13.1 Receive legal advice pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) related to Resolution No. R-2023-186 authorizing the City Manager to execute the First Amendment to the Second Amended and Restated Development Agreement for Durango Farms between MA Partners, LLC, and the City of Hutto, Texas

- 13.2 Receive legal advice pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) and deliberate as allowed by Texas Government Code Section 551.087 (Deliberation Regarding Economic Development Negotiations) relating to Resolution No. R-2023-190 providing for the waiver of or reduction of development fees relating to Project 1101
- 13.3 Receive legal advice pursuant to Texas Government Code Section 551.071 relating to reconsideration of Resolution No. R- 2023-181 authorizing the city manager to negotiate and execute a groundwater reservation or similar agreement for a contract for the wholesale delivery and sale of potable water with Recharge Water, L.P.
- 13.4 Receive legal advice pursuant to Texas Government Code Sec. 551.071 relating to Resolution No. R-2023-185 of the City of Hutto, Texas authorizing the Amended and Restated Interlocal Agreement between the City of Hutto, Texas and the Williamson County Emergency Services District No. 3 (Legal)
- 13.5 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.

14. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at AM/PM*

14.1. Consideration and possible action on Executive Session Agenda Items

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to remove the term on Item 13.4. The vote passed 6,0 (Wilcott absent).

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve Resolution R-2023-190 in Item 13.2. The vote passed 6,0 (Wilcott absent).

15. CITY COUNCIL COMMENTS

15.1. General Comments from City Council

None.

15.2. Future Agenda Items

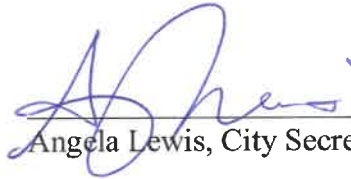
Mayor Pro Tem Gordon announced that he will have a new appointee to Charter Review Commission at the next meeting.

15.3 Future Additional or Rescheduled meetings as allowed by Hutto City Code Section 1.02.033 Additional or Rescheduled Meetings

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve moving the October 6 meeting to October 12. The vote passed 6,0 (Wilcott absent).

16. ADJOURNMENT – *August 18th, 2023 at 12:53 AM.*

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor