



City of Hutto

MINUTES

City Council Meeting

Thursday, November 2, 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, 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; Kate Moriarty, Management Analyst; Matt Rector, City Engineer; Amanda Taylor, Assistant City Secretary

3. INVOCATION –Pastor Arthur Spence from Little Ebenezer Baptist Church

4. PLEDGE OF ALLEGIANCE

5. PROCLAMATIONS

5.1 Veterans Day - November 11, 2023 – *accepted by members of the local American Legion*

5.2 Arbor Day Proclamation – *accepted by members of the PARD department and board*

5.3 Shop Small Saturday Proclamation - November 25, 2023 – *accepted by members of the Community Outreach team and local small business owners*

6. CITY MANAGER COMMENTS

- Moving from Stage 3 to Stage 2 watering restrictions
- Special Events – Arbor Day Saturday Nov. 4
- Shop Small Saturday – Nov. 25
- Roll out of new downtown gift cards good at many downtown Hutto locations
- Directors of Chaos holding their first concert – The Floozies
- Dec 8-9, Spirit of Orgain concert series being held at Brushy Creek Amphitheatre
- Veterans Day City Hall closures Friday Nov. 10th and Saturday, Nov. 11th
- Nov. 17th City Hall closure for staff to attend a Thanksgiving luncheon from 11-2
- New Hires – Brianna Finney, Brandon Muniz, Cheryl Dickens, and Andre Smith

- Promotions – Shay Jung, Taylor Arrington, Bill Zito

7. PUBLIC COMMENTS

- Heather Mack
- Milt Reichel
- James Weaver
- Evan Porterfield

8. PRESENTATIONS

- 8.1 Quarterly update from Chamber of Commerce (Joe Gonzalez)
- 8.2 Fidelis Presentation (Ashley Bailey) – Presented by Kevin O’neil
- 8.3 Capital Improvements Projects Presentation (Matt Rector)

At this time, Mayor Pro Tem Gordon requested moving up item 12.1

- 12.1 Consideration and possible action on approval of Resolution No. R-2023-294 amending the City Council Protocol Policy adopted on May 19, 2022 (City Council)

A motion was made by Councilmember Thornton and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-294 with the change of “Public comment should not be used for personal attacks”. The vote passed 7,0.

9. BOARDS AND COMMISSIONS ACTION

- 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.

No appointments were made.

10. ORDINANCES

- 10.1 Consideration and possible action on Ordinance No. O-2023-072 authorizing the issuance of City of Hutto, Texas General Obligation Bonds, Series 2023A for Fritz Park Renovations; Authorizing the levy of an ad valorem tax in support of the bonds; Awarding the sale of the bonds; Approving an official statement, a paying agent/registrant agreement, and other matters relating to the issuance of the bonds (Anne LaMere, Jim Sabonis, Bart Fowler)

A presentation was made by Jorge Delgado from Hilltop Securities.

A motion was made by Councilmember Kolar and seconded by Councilmember Thompson to approve Ordinance No. O-2023-072. The vote passed 6,1 (Snyder dissenting).

11. RESOLUTIONS

- 11.1 Consideration and possible action relating to Resolution No. R-2023-296 designating STR Constructors, LLC, Liberty Hill, Texas as the Construction Manager at Risk in accordance with Texas Government Code §2269.056(a), as the Most Qualified Firm and authorizing the City Manager to negotiate an agreement with STR Constructors, LLC, Liberty Hill, Texas for “Construction Manager at Risk” services associated with the Fritz Park Improvement Project (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve Resolution No. R-2023-296. The vote passed 7,0.

- 11.2 Consideration and possible action relating to Resolution No. R-2023-287 authorizing the City Manager to submit an application to the Texas Historical Commission for its untold historical marker program regarding the Shiloh Black Cemetery (Councilmember Dana Wilcott, Councilmember Brian Thompson)

A motion was made by Councilmember Wilcott and seconded by Councilmember Thompson to approve Resolution No. R-2023-287. The vote passed 7,0.

- 11.3 Consideration and possible action on Resolution No. R-2023-297 authorizing the purchase of a 36' tall holiday tree for a total of \$64,465 from Holiday Outdoor Decor (Kristi Barnes)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve Resolution No. R-2023-297. The vote passed 7,0.

- 11.4 Consideration and possible action on Resolution No. R-2023-298 authorizing the City Manager to execute an Interlocal Agreement for the Allocation of Sales Tax Revenue between Williamson County Emergency Services District NO. 3 and the City of Hutto, Texas (Legal)

A motion was made by Councilmember Clark and seconded by Councilmember Thornton to approve Resolution No. R-2023-298 with a request to amend the agreement to address Economic Development concerns. The vote passed 7,0.

12. OTHER BUSINESS

- 12.2 Consideration and possible action relating to a determination of whether Mayor Mike Snyder had a conflict of interest relating to Ordinance No. O-2023-033 approving a Specific Use Permit for a drive through facility located at 901 Ed Schmidt Boulevard, Hutto, Texas (Mayor Mike Snyder)

A motion was made by Mayor Snyder and seconded by Councilmember Thornton to direct Legal to create and release a legal memo regarding attorney opinion DM-130 relating to Mayor Snyders potential conflict of interest. The vote failed 2,5. (Thompson, Clark, Gordon, Wilcott, and Kolar dissenting)

Councilmember Kolar requested pulling items 13.1, 13.2 and 13.3 from Consent.

13. CONSENT AGENDA ITEMS

- 13.4 Consideration and possible action on Resolution No. R-2023-286 authorizing the City Manager to execute an agreement with STR Constructors for \$33,000 for pre-construction services for Fritz Park (Matt Rector)
- 13.5 Consideration and possible action on Resolution No. R-2023-295 authorizing the City Manager to settle a claim with Emory Stromberg for \$1000 for damages to crops during the construction of the US 79 Transmission line project (Matt Rector)
- 13.6 Consideration and possible action on Resolution No. R-2023-292 approving an Interlocal Agreement with the Texas Division of Emergency Management for the provision of City Hall work spaces (Bill Zito)
- 13.7 Consideration and possible action to approve Resolution No. R-2023-293 for acceptance of infrastructure improvements related to the North Forest Office Spaces at 351 Exchange Blvd (Rick Coronado)
- 13.8 Consideration and possible action on Resolution No. R-2023-290 authorizing the City Manager to execute an Athletic Facility Use Agreement with Hutto Youth Baseball and Softball Association for 2024 (Jeff White)
- 13.9 Consideration and possible action on approval of Resolution No. R-2023-291 to allow the City Manager to execute a Facility Use Agreement with Sting Soccer Foundation for 2024 (Jeff White)
- 13.10 Consideration and possible action relating to Ordinance No. O-2023-074 amending Hutto City Code Chapter 2, Article 2.02, BOARDS, COMMISSIONS AND AUTHORITIES, Division 4, Library Advisory Board, by adding Section 2.02.94 Quorum and Section 2.02.95 Board Action (City Council)

- a. Consideration and possible action on Ordinance No. O-2023-074 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13
- 13.11 Consideration and possible action relating to Ordinance No. O-2023-073 amending Hutto City Code Chapter 2, Article 02, Division 8, Diversity and Inclusion Commission, by amending the membership boundary to include the HISD boundary, providing for a Quorum of 3 of the 7 members and 3 votes to approve an action (City Council)
 - a. Consideration and possible action on Ordinance No. O-2023-073 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13
- 13.12 Consideration and possible action on approving the October 19, 2023 Work Session and City Council meeting minutes (Angela Lewis)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Consent Agenda Item Nos. 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 13.10, 13.11, and 13.12, as presented. The vote passed 7,0.

Discussion of pulled items:

- 13.1 Consideration and possible action on Resolution No. R-2023-299 regarding use of Utility Fund Balance in the amount of \$4,203,940 for the Megasite Water Lines Project (Anne LaMere)
- 13.2 Consideration and possible action to approve Resolution No. R-2023-288 to award the Megasite Water Lines Project to the lowest responsive bidder, Spiess Construction Co, Inc., in the amount of \$9,767,050 and authorizing the City Manager to execute the construction contract with Spiess Construction Co, Inc (CIP Projects W6A, W10A, and W16) (Matt Rector)

A motion was made by Councilmember Kolar and Mayor Pro Tem Gordon to approve items 13.1 and 13.2 together. The vote passed 7,0.

- 13.3 Consideration and possible action on Resolution No. R-2023-219 authorizing the City Manager to execute an Individual Project Order (IPO) with WSB LLC in the amount of \$346,500 for the Ed Schmidt Improvements (T-10) project (Matt Rector)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thompson to approve R-2023-219. The vote passed 7,0.

A motion was then made by Mayor Snyder and seconded by Councilmember Thornton to recall item 12.1. The vote passed 4,3. (Thompson, Gordon, and Clark dissenting)

A motion was then made by Mayor Snyder and seconded by Councilmember Thornton to remove from section 2.L.4 of the Council Protocols Manual the line relating to the 5-minute talking time limit. The vote failed 0,7.

14. EXECUTIVE SESSION – *Convened into Executive Session at 10:03 pm*

- 14.1 Receive legal advice pursuant to Texas Government Code Sec. 551.071 (Consultation with Attorney) regarding Texas Local Government Code Chapter 42, Subchapters D and E, and matters related to the extraterritorial jurisdiction
- 14.2 Receive legal advice pursuant to Texas Government Code Sec. 551.071 (Consultation with Attorney) related to Pending Legal Requests, including but not limited to Missing Executive Session Tapes and releasing a portion of Executive Session and Potential Claims, Pending Litigation, Potential Litigation, and City Council Legal Requests
- 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.

There was no action taken in Executive Session.

15. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at 10:57 pm*

No action was taken

16. CITY COUNCIL COMMENTS

- 16.1 General Comments from City Council

Mayor Pro Tem Gordon stated Council is invited to an Inspirational Luncheon at the Hutto YMCA on Nov. 14th from 11:30-1.

- 16.2 Future Agenda Items

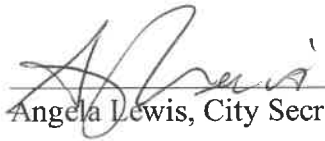
*Councilmember Clark requested a road bond item at the Dec 7th meeting
Councilmember Wilcott requested an item for having a table at the Chamber of Commerce Gala at the Nov. 16th meeting.
Councilmember Thornton requested an item for parades focusing on safety in February.*

- 16.3 Future Additional or Rescheduled meetings as allowed by Hutto City Code Section

1.02.033 Additional or Rescheduled Meetings

17. **ADJOURNMENT** – *November 2nd, 2023 at 11:01 PM*

ATTEST:


Angela Lewis, City Secretary


Mike Snyder, Mayor

