



City of Hutto

MINUTES

City Council Meeting

Thursday, November 16, 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 Randal Clark

Absent: Councilmember Dana Wilcott

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; Angela Lewis, City Secretary; Kate Moriarty, Management Analyst; Matt Rector, City Engineer

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

4. PLEDGE OF ALLEGIANCE

5. PROCLAMATIONS

5.1 Native American Heritage Month - Accepted by Charles Holland of the Chicksaw Nation

6. CITY MANAGER COMMENTS

City Manager Earp provided updates on the following:

- Special City Hall and Library hours during the holidays
- Upcoming special City events
- Drone Show
- Downtown Christmas Tree is now up
- Upcoming Library activities
- Brushy Creek Amphitheater Upcoming Music Event
- Parks and Recreation Winter Camp for kids
- Community Survey will be sent out to residents
- Academy Grand Opening

7. PUBLIC COMMENTS

- Jimmy Pierce
- Enrique Diaz

8. PRESENTATIONS

- 8.1 Emergency Management Task Force Transition Presentation (Bill Zito)
- 8.2 Project Skybox Update Presentation (Cheney Gamboa, Haynes Strader)
- 8.3 Downtown Hutto Business Association (Evan Porterfield, Chairman)

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.

Appointees: Jeff Ebner was appointed to Zoning Board of Adjustment and Building and Standards, and Olin Petke was appointed to Building and Standards.

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve the appointments. The vote passed 6,0.

A motion was made by Councilmember Clark and seconded by Councilmember Thornton for Councilmember Kolar to be appointed as Vice Chair of TIRZ 3. The vote passed 6,0.

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to dissolve the Emergency Task Force and form a support group. After discussion, City Council decided to make this an agenda item on the December 7 agenda, and motion was rescinded.

10. ORDINANCES

- 10.1 Consideration and possible action on Ordinance No. O-2023-075 amending Chapter 18, Streets and Public Places, Article 18.03 to provide for construction requirements, insurance, bonding, enforcement and penalties; repealing ordinance in conflict and providing for an effective date (First Reading) (Legal)

A motion was made by Councilmember Kolar and seconded by Mayor Pro Tem Gordon to approve Ordinance No. O-2023-075. The vote passed 6,0.

11. RESOLUTIONS

- 11.1 Consideration and possible action on Resolution No. R-2023-313 to amend the City Council Protocol Policy adopted on November 2, 2023 (Mayor Pro Tem Peter Gordon, Councilmember Brian Thompson)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve the protocols. The vote passed 6,0.

12. OTHER BUSINESS

- 12.1 Consideration and possible action relating to the Emory Farms Intersection Improvements project (CIP T11-2023) (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to move forward with the CIP project. The vote passed 6,0.

- 12.2 Discussion and possible action regarding Diversity, Equity, and Inclusion (DE&I) training options (Irene Talioaga)

A motion was made by Councilmember Kolar to approve the Pamela Benson Owen training. There was no second, and motion died.

A motion was made by Councilmember Thornton to approve the Stan Kimer proposal and to have staff set training. The vote passed 6,0.

- 12.3 Consideration and possible action relating to disclosure of pending litigation (Legal)

This item was moved to be held after Executive Session.

- 12.4 Discussion and possible action on Ordinance No. 06-021-00 regarding Williamson County Water, Sewer, Irrigation and Drainage District No. 22 including but not limited to amending the Strategic Partnership Agreement Between The City of Hutto and The Williamson County Municipal Utility District No. 22 (Mayor Mike Snyder)

A motion was made by Mayor Snyder, seconded by Councilmember Thornton to rescind the Service Extension Request and direct staff to disengage regarding any utility service to the municipal utility district. The vote failed 2,4 (Gordon, Kolar, Thompson, Clark dissenting).

13. CONSENT AGENDA ITEMS

- 13.1 Consideration and possible action on Resolution No. R-2023-306 approving the purchase of a Schwarze A7 Tornado Regenerative Air Street Sweeper, from the approved FY 2024 budget, from Texan Waste Equipment Inc. DBA Heil of Texas

in the amount of \$305,700 through Houston-Galveston Area Council Purchasing Cooperative HGAC (Rick Coronado)

- 13.2 Consideration and possible action on Resolution No. R-2023-308 authorizing the City Manager to execute an amendment to the agreement with DCS in the amount of \$196,320 related to the Glenwood Interceptor project (WW01-2023) (Matt Rector)
- 13.3 Consideration and possible action on Resolution R-2023-301 approving an amendment to the Funding and Refunding Agreement between the Hutto Economic Development Corporation and Williamson County for an increase of up to \$30,000 for the construction of the right-turn lane from southbound 3349 onto the Spine Road at the Megasite (Cheney Gamboa)
- 13.4 Consideration and possible action on Resolution No. R-2023-314 authorizing the City Manager to execute an amendment to the agreement with HNTB Corporation in the amount of \$25,620.69 related to the FM 1660 and US 79 Improvements Project (CIP T01-2023) (Matt Rector)
- 13.5 Consideration and possible action on Resolution No. R-2023-315 authorizing the City Manager to execute a 3-year contract in an amount not to exceed \$75,000 with GovWell Technologies, Inc. for permitting, inspection, project, and code enforcement software solutions (Ashley Bailey)
- 13.6 Consideration and possible action on Resolution No. R-2023-316 amending the MUD policy to add a process for an application to add land to an existing MUD and an applicant that requests an agreement between the applicant City and an existing MUD; provides for development fee agreement not to exceed \$100,000 (Legal)
- 13.7 Consideration and possible action on Resolution No. R-2023-307 authorizing the City Manager to execute an Interlocal Agreement with Jonah Special Utility District for the FM 1660 N at Limmer Loop intersection project (CIP T03-2023) (Matt Rector)
- 13.8 Consideration and possible action relating to Resolution No. R-2023-302 of the City of Hutto, Texas appointing a Capital Improvements Advisory Committee to update the Water and Wastewater Impact Fee (Matt Rector)
- 13.9 Consideration and possible action relating to Resolution No. R-2023-303 of the City of Hutto, Texas appointing a Capital Improvement Advisory Committee to update the Roadway Impact Fee, and directing them to provide recommendations to City Council for updating the Mobility Master Plan (Matt Rector)

- 13.10 Consideration and possible action on Resolution No. R-2023-317 authorizing the City Manager to submit an application to the Capital Area Metropolitan Planning Organization (CAMPO) to add the CR 132 Project to the Regional Mobility Plan (Matt Rector)
- 13.11 Consideration and acceptance of the October Monthly Financial Statement (Anne LaMere)
- 13.12 Consideration and possible action on approving the November 2, 2023 Work Session and City Council meeting minutes (Angela Lewis)

Councilmember Thornton pulled Item 13.1, Mayor Snyder pulled Item 13.2, and Councilmember Thompson pulled Item 13.10

A motion was made by Councilmember Thompson and seconded by Councilmember Kolar to approve Consent Agenda Item Nos. 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 13.11, and 13.12, as presented. The vote passed 6,0.

Discussion of pulled items:

- 13.1 Consideration and possible action on Resolution No. R-2023-306 approving the purchase of a Schwarze A7 Tornado Regenerative Air Street Sweeper, from the approved FY 2024 budget, from Texan Waste Equipment Inc. DBA Heil of Texas in the amount of \$305,700 through Houston-Galveston Area Council Purchasing Cooperative HGAC (Rick Coronado)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve Resolution No. R-2023-306 as presented. The vote passed 4,2 (Snyder and Thornton dissenting).

- 13.2 Consideration and possible action on Resolution No. R-2023-308 authorizing the City Manager to execute an amendment to the agreement with DCS in the amount of \$196,320 related to the Glenwood Interceptor project (WW01-2023) (Matt Rector)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-308 as presented. The vote passed 6,0.

- 13.10 Consideration and possible action on Resolution No. R-2023-317 authorizing the City Manager to submit an application to the Capital Area Metropolitan Planning Organization (CAMPO) to add the CR 132 Project to the Regional Mobility Plan (Matt Rector)

A motion was made by Councilmember Thompson and seconded by Councilmember Clark to approve Resolution No. R-2023-306 as presented. The vote passed 6,0.

At this time, Mayor Snyder made a motion to pull Executive Session Items 14.1 and 14.2 to open session, and Councilmember Thornton seconded. The vote failed 2,4 (Gordon, Kolar, Thompson, Clark dissenting).

14. EXECUTIVE SESSION – Convened into Executive Session at 10:11 pm

12.3 Consideration and possible action relating to disclosure of pending litigation (Legal)

14.1 Receive legal advice pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), relating to the Petition of 705 Limmer Loop JV, LLC, pursuant to the provisions of Senate Bill No. 2038, establishing Sections 42.101 through 42.105 of the Texas Local Government Code, for the release from the City's Extraterritorial Jurisdiction ("ETJ") of 19.4 acres of land and a Petition of Limmer Holdings, LLC for the release from the City's Extraterritorial Jurisdiction ("ETJ") of approximately 111.851 acres of land

14.2 Receive legal advice pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), relating to the selection of a law firm to represent the City for petitions pursuant to the provisions of Senate Bill No. 2038, establishing Sections 42.101 through 42.105 of the Texas Local Government Code, for the release from the City's Extraterritorial Jurisdiction ("ETJ")

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 11:12 pm

12.3 Consideration and possible action relating to disclosure of pending litigation (Legal)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to release the litigation update provided on 11-16-23. The vote passed 6,0.

15.1 Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 (Consultation with Attorney) relating to the Petition of 705 Limmer Loop JV, LLC, pursuant to the provisions of Senate

Bill No. 2038, establishing Sections 42.101 through 42.105 of the Texas Local Government Code, for the release from the City's Extraterritorial Jurisdiction ("ETJ") of 19.4 acres of land and a Petition of Limmer Holdings, LLC for the release from the City's Extraterritorial Jurisdiction ("ETJ") of approximately 111.851 acres of land

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to deny the petitions to remove property from the City's Extraterritorial Jurisdiction due to Bill 2038 being unconstitutional delegation of legislative authority and it conflicts with the Texas Local Government Code Section 42.023. The vote passed 6,0.

- 15.2 Consideration and possible action selecting a law firm to represent the City for petitions pursuant to the provisions of Senate Bill No. 2038, establishing Sections 42.101 through 42.105 of the Texas Local Government Code, for the release from the City's Extraterritorial Jurisdiction ("ETJ")

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to hire Messer Forte to represent the city and join other cities in the Grand Prairie litigation contesting the constitutionality of laws relating to the release of Extraterritorial Jurisdiction in an amount not to exceed \$5,000. The vote passed 6,0.

At this time, Mayor Snyder recalled Item 12.3 to ask a question to legal counsel regarding sexual harassment or discrimination regarding any member of City Council.

- 15.3 Consideration and possible action on Executive Session Items

None.

16. CITY COUNCIL COMMENTS

- 16.1 General Comments from City Council

Councilmember Thompson and Councilmember Clark provided comments.

- 16.2 Future Agenda Items

*Mayor Pro Tem Gordon - Food truck hours in Old Town
Councilmember Clark – Emergency Preparedness Task Force
Councilmember Clark – secondary contract for City Attorney*

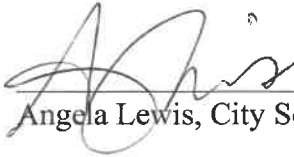
- 16.3 Future Additional or Rescheduled meetings as allowed by Hutto City Code Section

1.02.033 Additional or Rescheduled Meetings

Mayor Snyder reminded the public of the upcoming meetings on December 7, December 14 and January 4.

17. ADJOURNMENT – November 16th, 2023 at 11:20 PM

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor