



City of Hutto

MINUTES

City Council Meeting
Thursday, December 14, 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 Randal Clark, Councilmember Dana Wilcott, Councilmember Amberley Kolar

Absent:

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; Cheney Gamboa, Director of Economic Development; Amanda Taylor, Assistant City Secretary; Anne LaMere, Interim Finance Director

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

4. PLEDGE OF ALLEGIANCE

5. CITY MANAGER COMMENTS

City Manager Earp provided updates on the following:

- City Managers Office staff recognition with a video presentation
- Brushy Creek Amphitheatre update – there will be upcoming discussions on future uses of the space
- City Hall Holiday closures – Christmas and New Years

6. PUBLIC COMMENTS

- Beatriz Bocanegra
- Keith Olander (Written Comment and spoke)

7. BOARDS AND COMMISSIONS ACTION

- 7.1 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 Action

8. RESOLUTIONS

- 8.1 Consideration and possible action relating to Resolution No. R-2023-336 City relating to authorizing the City Manager to update the City's Capital Improvement Plan and identify available funding for the Capital Improvement Projects (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve Resolution No. R-2023-336. The vote passed 7,0.

- 8.2 Consideration and possible action relating to Resolution No. R-2023-338 authorizing the City Manager to notify Jonah Water Special Utility District of the wholesale waste water rate increase to \$60.38 from \$23.87 per location per month pursuant to Section 5.01 of the Agreement for Wholesale Wastewater Service (Anne LaMere)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-338. The vote passed 7,0.

Meeting recessed at 8:04 pm. Reconvened at 8:08 pm.

- 8.3 Consideration and possible action on Resolution R-2023-340, a resolution adopting the City of Hutto Water Service and Development policy and authorizing the City Manager to enter into Water Capacity Agreements (Matt Rector)

A motion was made by Mayor Snyder and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-340. After discussion, the motion was rescinded.

- 8.4 Consideration and possible action approving Resolution No. R-2023-342 approving the First Amendment to the Second Amendment to the Durango Farms Development Agreement (Matt Rector)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve Resolution No. R-2023-342. The vote passed 7,0.

9. OTHER BUSINESS

- 9.1 Consideration and possible action regarding the Management Agreement between City of Hutto and Directors of Chaos, LLC and any management agreements involving the Brushy Creek Amphitheater (Mayor Mike Snyder)

A motion was made by Councilmember Wilcott and seconded by Councilmember Clark to amend the agreement with Directors of Chaos per the Mayors suggestions. Sections 6, 10, and 13 were mentioned. Councilmember Clark asked to amend the motion to provide 60-day notice to DOC to discuss the requested changes. Councilmember Thompson asked to amend the motion to provide 60-day notice to DOC with the intent to negotiate the changes requested. The vote passed 7,0.

- 9.2 Consideration and possible action relating to City Manager delegation of authority when out of office or out due to disability (Mayor Mike Snyder)

A motion was made by Mayor Snyder and seconded by Mayor Pro Tem Gordon to direct City Manager to work with City Attorney to draft a policy outlining the delegation of authority when the City Manager is out-of-office. The vote passed 5,2, Thompson and Wilcott dissenting.

- 9.3 Consideration and possible action relating to review of City Attorney legal services provided by the Bojorquez Law Firm, PC (Mayor Mike Snyder)

A motion was made by Mayor Snyder and seconded by Councilmember Kolar to continue on with Bojorquez Law Firm. Motion was amended to by Mayor Pro Tem Gordon to have Dottie take the oath of office officially at the first meeting in January. The vote passed 7,0.

- 9.4 Consideration and possible action on development a City game room ordinance (Mayor Mike Snyder)

A motion was made by Councilmember Thompson and seconded by Councilmember Wilcott to direct staff and City Attorney to create an Ordinance regulating game rooms. The vote passed 6,1, Kolar dissenting.

10. CONSENT AGENDA ITEMS

- 10.1 Consideration and possible action on Resolution No. R-2023-332 authorizing the City Manager to execute an Individual Project Order (IPO) with MWM DesignGroup, Inc. in the amount Not to Exceed (NTE) \$12,169 for the Hippo Way project (Matt Rector)
- 10.2 Consideration and possible action relating to Resolution No. R-2023-337 of the City of Hutto, Texas, authorizing the City Manager to execute a deductive change order with Aaron Concrete Contractors LP in the amount of \$57,666.09 related to the FM 1660 and US 79 turn lane project (CIP T-01) (Matt Rector)
- 10.3 Consideration and possible action regarding Resolution R-2023-330 to approve a second amendment to the Funding and Refunding Agreement between the City of Hutto and the Hutto Economic Development Corporation (HEDC) for the Spine Road Construction Project to include the release of all related design and

construction documents and information pertaining to the Project from the City to the HEDC and providing for timely cure of any design defects as per the associated contracts and agreements between the City of Hutto and K Friese (Cheney Gamboa)

- 10.6 Consideration and possible action on approving the December 7, 2023 City Council work session and meeting minutes (Angela Lewis)
- 10.7 Consider possible action on Ordinance No. O-2023-082 for Durango Farms Planned Unit Development (PUD) zoning ordinance amendment to add Section 3.10 Riparian Setback (Second Reading) (Ashley Bailey)

A motion was made by Mayor Snyder and seconded by Councilmember Thornton to pull Consent Agenda Item Nos. 10.4, 10.5, 10.8 and 10.9. The vote passed 7,0.

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve Consent Agenda Item Nos. 10.1, 10.2, 10.3, 10.6, and 10.7, as presented. The vote passed 7,0.

Discussion of pulled items:

- 10.4 Consideration and acceptance of November 2023 Monthly Financial Statement. (Anne LaMere)

No Action taken

- 10.5 Consideration and Possible action relating to Resolution No. R- 2023-339 approving the First Amendment to the Contract for the Wholesale Delivery and Sale Of Potable Water Effective September 12, 2023, between City of Hutto and Recharge Water, L.P. to provide additional time to secure financing (City Manager James Earp)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Resolution No. R-2023-339. The vote passed 7,0.

- 10.8 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 (Second Reading) (Legal)

A motion was made by Councilmember Clark and seconded by Councilmember Wilcott to approve Ordinance No. O-2023-075. The vote passed 7,0.

- 10.9 Consideration and possible action on Ordinance No. O-2023-079 amending the Fee Schedule of the City of Hutto, Appendix A, of the Hutto Code of Ordinances to add Section A1.010 to include a schedule of fees and charges for use of the Public Right-of-Way (Second Reading) (David Amsler)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve Ordinance No. O-2023-079. The vote passed 7,0

11. EXECUTIVE SESSION – *Convened into Executive Session at 10:27 pm*

- 11.1 Receive legal advice pursuant to Texas Government Code Section 551.071, (Consultation with Attorney), relating to acceptance of the Gin Site and Gin Lot pursuant to the dedication and conveyance required under Section 3.06 of the Hutto Co-Op District Amended and Restated Master Development Agreement executed on May 4, 2023
- 11.2 Receive legal advice pursuant to Texas Government Code Section 551.071, (Consultation with Attorney) relating to the lawsuit, Cause No. 02-059-C 363, City of Hutto and Cottonwood Development Corporation, (“CDC”) v. McGinnis Lochridge pending in the 368th District Court of Williamson County, Texas
- 11.3 Receive legal advice pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), and deliberate pursuant to Texas Government Code Section 551.087, (Economic Development Negotiations), relating to the evaluation of available Hutto Economic Development Funds for incentives and current and potential incentive agreements
- 11.4 Receive legal advice pursuant to Texas Government Code Section 551.071, (Consultation with Attorney), relating to a development agreement for Olander Farms development
- 11.5 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.

There was no action taken in Executive Session.

12. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at 11:54 pm*

- 12.1 Consideration and possible action on Executive Session Items
- 11.1 Receive legal advice pursuant to Texas Government Code Section 551.071, (Consultation with Attorney), relating to acceptance of the Gin Site and Gin Lot pursuant to the dedication and conveyance required under Section 3.06 of the Hutto

Co-Op District Amended and Restated Master Development Agreement executed on May 4, 2023

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to authorize the City Manager to execute an acknowledgment of the special warranty deed and any other closing documents for the Gin Lot. The vote passed 7,0.

13. CITY COUNCIL COMMENTS

13.1 General Comments from City Council

Councilmembers Clark and Thompson provided comments.

13.2 Future Agenda Items

Jan 4th – Fritz Park Update

Jan 18th – Brushy Creek Amphitheatre discussion for guidelines

Councilmember Thornton requested an item on Jan 18th regarding a fee schedule for the parks rentals, and for the Gin building specifically.

Feb meeting - Community building discussion

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

16.4 Discussion and possible action related to Work Session topics

A motion was made by Mayor Snyder and seconded by Councilmember Clark to direct staff to bring back the food truck ordinance with the discussed changes from the 6pm work session to the first meeting in February. Vote passed 7,0

17. ADJOURNMENT – *December 15th, 2023 at 12:01 AM*

ATTEST:


Angela Lewis, City Secretary




Mike Snyder, Mayor