City of Hutto

MINUTES

City Council Meeting
Thursday, March 21, 2024 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: *7:04 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; David Amsler, Assistant to the City Manager; Matt Rector, City Engineer; Cheney Gamboa, Director of Economic Development; Angela Lewis, City Secretary; Alberta Barrett, Finance Director; Jeff White, Parks and Recreation Director; Sara Cervantes, Director of Real Estate Services

3. INVOCATION – None

4. PLEDGE OF ALLEGIANCE

5. PROCLAMATIONS

5.1 Take a Walk in the Park Day – March 30, 2024 – *Accepted by members of the Parks Advisory Board*

5.2 5 Year Celebration of Hutto City Hall – *Accepted by members of City Hall staff*

5.3 Inauguration of Pashupatinath Temple *– Accepted by members of the Pashupatinath Temple*

6. CITY MANAGER COMMENTS

City Manager Earp provided updates on the following:

- Overview of recent Town Hall meeting
- Upcoming State of the City
- Annual Easter Egg Hunt at Adam Orgain Park, March 24
- Public Budget Workshop on April 6 at Cottonwood Elementary
- Public feedback on preliminary design for reconstruction for County Road 199
- Upcoming Solar Eclipse event

7. PUBLIC COMMENTS

- Leah Nolan
- Donna Plowman
- James Weaver (time yielded to Jim Morris)
- Ida Weaver (time yielded to Jim Morris)
- Rachelle Bradley
- Kara Pinelli
- Liz Krainman
- Anusha Choudry

At this time, Councilmember Wilcott requested that Iem 16.1, City Council General Comments are moved up. There were no objections.

16.1 General Comments from City Council

Councilmember Wilcott offered general comments.

8. PRESENTATIONS

8.1 YMCA Proposed Improvements Update Presentation – *Presented by Russell Daniel and Bryon Borchers*

At this time, Councilmember Kolar requested that Item 12.2 was moved up. There were no objections.

12.2 Discussion and possible action on appropriating $1,814,600 from the Durango PID community benefit fees to CIP projects and/or road maintenance fund (Councilmember Amberley Kolar)

A motion was made by Councilmember Clark and seconded by Councilmember Wilcott to approve $500,000 to the YMCA renovations and restore funds to road improvements for repavement of CR 137.

An amendment was made by Mayor Snyder and seconded by Councilmember Thornton to add include the Veterans Memorial project in a not to exceed amount of $500,00. Motion passed 6,1 (Kolar dissenting).

A motion was made by Councilmember Clark and seconded by Councilmember Wilcott to approve the remaining funds to go the 130 Limmer exit. The vote failed 0,7 (all dissenting).

The original motion was made by Councilmember Clark and seconded by Councilmember Wilcott to approve $500,000 to the YMCA renovations and restore funds to road improvements for repavement of CR 137. The vote passed 7,0.

9. PUBLIC HEARINGS AND RELATED ACTION

9.1 Conduct a public hearing and consider action on Ordinance No. O-2024-019 for a Specific Use Permit request for the property known as 2725 Limmer Loop, to allow a car wash in the B-2 (General Commercial) zoning district, as an accessory use to a gas station (Unified Development Code 10.304.6) (First Reading) (Ashley Bailey)

Public Hearing Opened: *9:24 pm*

Public Hearing Closed: *9:24 pm*

Public Speaker: Lena Nolan

A motion was made by Councilmember Kolar and seconded by Councilmember Thompson to postpone Ordinance No. O-2024-019 until the site plan is finalized. The vote passed 7,0.

At this time, Councilmember Kolar requested that Item 12.1 was moved up. There were no objections.

12.1 Consideration and possible action relating to creating a Municipal Court of Record (Legal)

Judge Lucas Wilson addressed this issue to City Council.

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thompson to postpone this item until it can be made part of the 2024 budget. This motion was later rescinded.

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

10. BOARDS AND COMMISSIONS ACTION

10.1 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.

Appointments: None

11. RESOLUTIONS

11.1 Consideration and possible action on Resolution No. R-2024-057 authorizing the City Manager to execute a purchasing agreement with Flock Group, Inc. for a not-to-exceed amount of $66,491.50 for the purchase and service of license plate reader software (Chief Jeffrey Yarbrough)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Thompson to approve Resolution No. R-2024-057. The vote passed 7,0.

12. OTHER BUSINESS

12.3 Consideration and possible action on approval of a funding plan for approved water and wastewater Capital Improvement Projects (CIP) and provide direction to Staff and Bond Counsel to prepare a resolution authorizing the issuance of Certificates of Obligation (Alberta Barrett)

A motion was made by Councilmember Clark and seconded by Mayor Pro Tem Gordon to approve the funding plan for the approved water and wastewater CIP projects. The motion was amended by Councilmember Clark to include $20 million for the Iron project for the 2026 bond issuance. The vote passed 7,0.

12.4 Consideration and possible action on approval of a funding plan for approved transportation Capital Improvement Projects (CIP) and provide direction to Staff and Bond Counsel to prepare a resolution authorizing the issuance of Certificates of Obligation (Alberta Barrett)

A motion was made by Councilmember Clark and seconded by Councilmember Kolar to approve Item 12.4. The vote passed 7,0.

12.5 Consideration and possible action providing direction to staff relating to the Development Agreement and Economic Development Performance Agreement between the City and JRS Company, Inc. dated August 17, 2017 (Councilmember Dan Thornton)

This item was moved to Executive Session.

12.6 Consideration and possible action relating to TPDES Wastewater Permit Applications in the City of Hutto Extraterritorial Jurisdiction (Legal)

A motion was made by Mayor Pro Tem Gordon and seconded by Mayor Snyder to direct staff and legal to draft a letter to present at the next City Council meeting. The vote passed 7,0.

Consent Items were heard at this time.

13. CONSENT AGENDA ITEMS

13.1 Consideration and possible action of Resolution No. R-2024-011 authorizing the City Manager to execute a Guaranteed Maximum Price (GMP) of $277,087 with STR Constructors for Phase 1 of Fritz Park (P02-2023) (Matt Rector)

13.2 Consideration and possible action on Resolution No. R-2024-058 related to approval of a change order and authorizing the City Manager to execute the same for the Frameswitch Pumping Station Improvements project and the Smart Ball Testing project with ACP, LTD in the amount of $261,800 (CIP W02-2023) (CIP W16-2024) (Matt Rector)

13.3 Consideration and possible action on Resolution No. R-2024-063 authorizing the City Manager to execute a Multiple-Use Agreement with the Texas Department of Transportation (TxDOT) to permit installation of license plate readers at US Highway 79, FM 1660 North, FM 1660 South, and Chris Kelley Blvd (Chief Jeffrey Yarbrough)

13.4 Consideration and possible action on Resolution No. R-2024-064 amending the public hearing dates for the limited purpose annexation of 15.513 acres of land, commercial parcel, to the Williamson County Municipal Utility District No. 22 (Star Ranch) (Legal)

13.5 Consideration and possible action on the acceptance of the February 2024 financial report (Alberta Barrett)

13.6 Consideration and possible action on approving the March 7, 2024 City Council Meeting and Work Session minutes and the February 15, 2024 City Council Work Session Minutes (Angela Lewis)

13.7 Consider possible action on Ordinance No. O-2024-017 for the Specific Use Permit request for Hutto Elementary School #8 project on FM 1660 to allow a daycare, and deviations from bulk, setback and buffers, architectural style, language and materials, landscape and parking lot and vehicular screening (Second Reading) (Ashley Bailey)

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Clark to approve Consent Agenda Item Nos. 13.1, 13.2, 13.3, 13.4, 13.5, and 13.6, as presented. The vote passed 7,0.

Item 13.7 was pulled from consent.

Discussion of pulled Items:

13.7 Consider possible action on Ordinance No. O-2024-017 for the Specific Use Permit request for Hutto Elementary School #8 project on FM 1660 to allow a daycare, and deviations from bulk, setback and buffers, architectural style, language and materials, landscape and parking lot and vehicular screening (Second Reading) (Ashley Bailey)

A motion was made by Councilmember Thornton and seconded by Councilmember Clark to approve Item 13.7 to include motorcycle parking. The vote passed 7,0.

Items 12.7 and 12.8 were heard after Executive Session.

12.7 Consideration and possible action relating to City Council meeting decorum and professionalism (Mayor Mike Snyder)

Discussion only. There was no action taken on this item.

12.8 Consideration and possible action of acceptance of appointment of acting City Manager(s) in case of extended city manager absence, per City Manager Absence policy (City Manager, James Earp)

A motion was made by Councilmember Clark and seconded by Councilmember Thompson to approve Assistant City Manager Matt Wojnowski and Assistant to the City Manager David Amsler to serve in an extended City Manager absence. The vote passed 7,0.

14. EXECUTIVE SESSION – *Convened into Executive Session at 12:07 pm.*

12.5 Consideration and possible action providing direction to staff relating to the Development Agreement and Economic Development Performance Agreement between the City and JRS Company, Inc. dated August 17, 2017 (Councilmember Dan Thornton)

14.1 Receive legal advice pursuant to Texas Government Code sections 551.071 relating to the Amended and Restated Kokefest Agreement between the City of Hutto and Texas Music Network, dated March 4, 2024.

14.2 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 including but not limited to: Legacy Hutto, LLC, v. City of Hutto, Texas, et al., Texas Supreme Court Opinion No. 22-0973; Longhorn Title Co. v. Preston Hollow Capital LLC et al., on appeal.

15. ACTION RELATIVE TO EXECUTIVE SESSION – *Reconvened at 1:15 am*

15.1 Consideration and possible action related to Executive Session Items

12.5 Consideration and possible action providing direction to staff relating to the Development Agreement and Economic Development Performance Agreement between the City and JRS Company, Inc. dated August 17, 2017 (Councilmember Dan Thornton)

A motion was made by Councilmember Thornton and seconded by Councilmember Clark to approve Item 12.5 and send a letter of default. The vote passed 7,0.

14.1 Receive legal advice pursuant to Texas Government Code sections 551.071 relating to the Amended and Restated Kokefest Agreement between the City of Hutto and Texas Music Network, dated March 4, 2024.

A motion was made by Mayor Pro Tem Gordon and seconded by Councilmember Kolar to direct staff to renegotiate the Kokefest Agreement. The vote passed 7,0.

14.2 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 including but not limited to: Legacy Hutto, LLC, v. City of Hutto, Texas, et al., Texas Supreme Court Opinion No. 22-0973; Longhorn Title Co. v. Preston Hollow Capital LLC et al., on appeal.

Mayor Snyder made a motion and Councilmember Thornton seconded to direct staff to send Mandi Salvo Villarreal to collections. The vote failed 3,4 (Thompson, Wilcott, Kolar, Clark dissenting).

16. CITY COUNCIL COMMENTS

16.2 Future Agenda Items

Councilmember Kolar – 150 Year Hutto Task Force
Councilmember Thompson – Traffic Safety Fee
Mayor Snyder – Gin bathrooms, Xeroscape, Child Care ordinance, gaming ordinance, Gin fees, policy on contracts for public disclosures, joint meeting with EDC and City Council
Councilmember Thornton -

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

None

18. ADJOURNMENT – *March 22nd, 2024 at 1:22 AM*

ATTEST:

Angela Lewis, City Secretary
Amanda Taylor, Asst.

Mike Snyder, Mayor