City of Hutto

MINUTES

City Council Meeting
Thursday, August 1, 2024 at 7:00 PM
City Council Chambers
Hutto City Hall
500 W. Live Oak Street

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 Amberley Kolar, Councilmember Evan Porterfield

Members of staff that were present: James Earp, City Manager; Dottie Palumbo, Legal Counsel; Matt Wojnowski, Assistant City Manager; David Amsler, Director of Strategic Operations; Ashley Bailey, Executive Director of Development Services; Kristi Barnes, Community & Culture Officer; Alberta Barrett, Finance Director; Christina Bishop, Controller; Sara Cervantes, Director of Real Estate Services; Rick Coronado, Public Works Director; Cheney Gamboa, Director of Economic Development; Laura Hallmark, City Secretary; Jake Isbell, Director of Emergency Management; Dwain Jones, Assistant Police Chief; Shayna Jung, Communications Manager; William Kelly, Budget Analyst; Kate Moriarty, Assistant to City Manager; Kristin Phillips, Library Director; Matt Rector, City Engineer; David Reeves, IT Manager; Anna Rodriguez, Executive Management Assistant; Ethan Sims, Management Specialist; Kristiana Spencer, Human Resources Manager; Irene Talioaga, Director of Human Resources; Jeff White, Parks and Recreation Director; Jeffrey Yarbrough, Police Chief

3. **INVOCATION –** *Karl Beeston, Church of Jesus Christ of Latter Day Saints*

4. **PLEDGE OF ALLEGIANCE**

5. **PROCLAMATIONS**

5.1 Purple Heart City Proclamation

Mayor Snyder presented the proclamation to members of the Capitol Chapter of the Military Order of the Purple Heart and the American Legion.

6. CITY MANAGER COMMENTS

City Manager James Earp presented new hires Nathaniel Martin and Zachary Lopez – Streets and Drainage Technicians and promotions for Steven Lopez – Street Technician II and Amy Anderson – Accounting Clerk.

- *Positive West Nile Virus test in management area 4 – spraying will occur Friday and Saturday, August 2nd and 3rd after 9:00 PM.*
- *City Council will host a Town Hall gathering regarding the budget and CIP planning on Saturday, August 3rd at 6:00 PM at Fritz Park.*
- *Budget meetings each Thursday through its adoption on September 12th.*

7. PUBLIC COMMENT

1. *Robin Sutton*
2. *Rick Hudson*
3. *Mike Fowler*
4. *Steven Harris*
5. *Debbie Holland*

Councilmember Porterfield requested to move up item 16.1.

16.1. General Comments from City Council

Councilmember Porterfield encouraged the public's attendance at the meeting on Saturday.

Councilmember Kolar stressed the importance of communication from the public and encouraged them to reach out to any of the Councilmembers with questions or comments. She stated she recently attended social media training sponsored by the Texas Municipal League, which she found informative.

Mayor Pro Tem Gordon requested to move up item 9.1 for members of the public who were in attendance.

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.

Mayor Pro Tem Gordon presented the slate of proposed attendees. Council discussion regarding the process and methodology for these appointments.

Motion by Mayor Pro Tem Gordon, second by Councilmember Kolar, to approve the slate of appointments as presented. Continued Council discussion regarding the process for these appointments.

Point of Order by Councilmember Kolar – Chair to keep order.

Point of Order by Councilmember Clark – protocol for discussion after the motion.

Motion by Councilmember Clark, second by Mayor Pro Tem Gordon, to call the vote. Motion passed 4:3 (Porterfield, Thornton, Snyder).

Point of Order by Mayor Pro Tem Gordon – clarification of member absences.

Original motion passed 5:2 (Porterfield, Snyder).

Appointments as follows:

Candidate	Board/Commission	Seat #	Term
Erin Clancey	Economic Development Corporation	2	Re-appointment to 2-year term
Henry Gideon	Economic Development Corporation	4	New appointment to 2-year term (filling Don Carlson's expired term)
Kelli McLaughlin	Economic Development Corporation	6	New appointment to 2-year term (filling Marcus Coleman's expired term)
Jim Morris	Ethics Review Commission	5	New appointment to 3-year term (filling a vacancy)
Keith Jones	Zoning Board of Adjustments	5	New appointment to 1-year term (filling unexpired term)
Suzanne Caulfield	Zoning Board of Adjustments	2	Re-appointment to 2-year term
Suzanne Caulfield	Diversity & Inclusion Commission	5	New appointment to 3-year term (filling a vacancy)

Motion by Mayor Snyder, second by Councilmember Porterfield to move up items 12.3 and 12.2.

Point of Order by Councilmember Kolar – handle City business first.

Original motion passed 6:1 (Kolar).

12.3 Consideration and possible action on City Council Place 5 regarding compliance with Resolution R-2023-022 and Section 3.02 of the Hutto City

Charter; declaring Council Place 5 per Section 3.06(a) and 3.06(b)(1) of the Hutto City Charter vacant for failure of Council Member for Place 5 to meet the qualifications of office; and if necessary, setting date for the filling of vacancy per Section 3.06(c) of the Hutto City Charter (Councilmember Randal Clark)

Councilmember Clark provided information on this item. Councilmember Porterfield provided additional information. Council discussion regarding residency requirements.

Motion by Councilmember Kolar, second by Councilmember Thompson, to table item 12.3. Motion failed 2:5 (Kolar, Thompson).

Public Comment: Nicole Calderone

Point of Order by Councilmember Clark – discontinue personal question. Point of Order overruled by the Mayor.

Motion by Councilmember Clark, second by Mayor Pro Tem Gordon, to appeal the Mayor's overruling of Point of Order. Motion passed 4:3 (Porterfield, Snyder, Thornton).

Point of Order by Mayor Snyder – seeking legal advice from the City Attorney.

Motion by Mayor Snyder, second by Councilmember Porterfield, to suspend the rules of procedure. Motion failed 3:4 (Snyder, Thornton, Porterfield).

Motion by Mayor Snyder, second by Councilmember Thompson, to confirm Councilmember Porterfield's qualifications of office. Motion passed 7:0.

12.2 Consideration and possible action on City Council Place 3 regarding compliance with Resolution R-2023-022 and Section 3.02 of the Hutto City Charter; declaring Council Place 3 per Section 3.06(a) and 3.06(b)(1) of the Hutto City Charter vacant for failure of Council Member for Place 3 to meet the qualifications of office; and if necessary, setting date for the filling of vacancy per Section 3.06(c) of the Hutto City Charter (Mayor Mike Snyder)

Motion by Councilmember Kolar, second by Councilmember Thompson, to table item 12.2. Motion failed 2:5 (Kolar, Thompson).

Mayor Snyder presented information for this item. Councilmember Clark provided additional information. Council discussion regarding residency requirements.

Point of Order by Councilmember Clark – accusatory statement.

Point of Order by Mayor Pro Tem Gordon – unproven statement.
Motion by Mayor Snyder, second by Councilmember Porterfield, to declare City Council Place 3 vacant due to failure to meet residency requirements. Motion failed 3:4 (Porterfield, Thornton, Snyder).

Motion by Councilmember Kolar, second by Councilmember Thompson, to confirm Councilmember Clark's qualifications for office. Motion passed 4:3 (Snyder, Thornton, Porterfield).

City Attorney Dorothy Palumbo requested items 10.1 and 11.1 be moved up.

10. ORDINANCES

10.1 Consideration and possible action on Ordinance No. O-2024-029 amending the Hutto Code of Ordinances by amending Article 1.05 of Chapter 1 "General Provisions" of the Hutto Code of Ordinances which is entitled "Municipal Court," by amending DIVISION 1 GENERALLY; Article 1.05 to establish a Municipal Court of Record No. 1 for criminal matters; AMENDING Division 2. Judge to provide for the appointment of a Municipal Court JUDGES FOR THE MUNICIPAL COURT OF RECORD NO. 1 AND NO. 2; TO PROVIDE FOR the appointment of a court clerk for the Municipal Court of Record No. 1 and No. 2; amending Division 3 Fines, Costs and Special Expenses to provide for the collection in the Municipal Court of Record No. 1; establishing a Municipal Court of Record No. 2 for Civil matters, BY ADDING Division 4 Civil action; adding Division 5 Alternative Enforcement and providing an effective date of September 1, 2024. (Legal)

Ms. Palumbo presented the information for this item. Judge Lucas Wilson provided additional information.

Motion by Councilmember Thompson, second by Councilmember Clark, to approve the item as presented. Motion passed 7:0.

11.1 Consideration and possible action on Resolution No. R-2024-162 appointing Judge Lucas Wilson as the Administrative Hearing Officer of Municipal Court of Record No. 2. (Legal)

Ms. Palumbo presented the information for this item.

Motion by Councilmember Thompson, second by Councilmember Kolar, to approve the item as presented. Motion passed 7:0.

8. PRESENTATIONS

8.1 Budget Presentation for Fiscal Year 2024-2025 (City Manager James Earp)

Mr. Earp introduced the staff members comprising the Budget Team: Matt Wojnowski, Assistant City Manager; Alberta Barrett, Finance Director; Christina Bishop, Controller; Gabriel Kihiro, Senior Financial Analyst; David Amsler, Director of Strategic Operations; Shayna Jung, Communications Manager; Kate Moriarty, Assistant to City Manager; Ethan Sims, Management Specialist; William Kelly, Budget Analyst; and Matt Rector, City Engineer.

Presentation of budget video providing synopsis of budget.

Mr. Earp presented details of the key budget initiatives in keeping with the City's four Strategic Pillars. The initiatives included: 2024 Water/Wastewater CO bond projects, Road Maintenance and Reconstruction, Mental Health – Public Safety, Sidewalk and Drainage Repair, Performance Optimization, Increased Quality of Services, Economic Development and Quality of Life. He then reviewed property tax rates – current, historical and relation to comparison cities.

Presentation continued with an overview of City funds; significant changes; proposed new personnel and reclassifications; new equipment; General Fund overview; Utility Fund overview; Capital Improvement Program (CIP) projects for transportation, water/wastewater, parks, and facilities and drainage; other key funds; and a review of the budget calendar with meeting dates and opportunities for public input.

11. RESOLUTIONS

11.2 Consideration and possible action on Resolution No. R-2024-163 approving a 3-year engagement with Brooks Watson & Co as the City's financial auditors for an amount not to exceed $177,000, with option to renew each additional year for two years.

Alberta Barrett, Finance Director, presented the information for this item.

Motion by Councilmember Clark, second by Councilmember Thompson, to approve the item as presented. Motion passed 7:0.

11.3 Consideration and possible action on Resolution R-2024-164 approving a two-year contract with Valley View Consulting to serve as the City's investment advisors for an amount not to exceed $117,500.

Alberta Barrett, Finance Director, presented the information for this item. Jamie Hobbs, with Valley View Consulting, provided additional information.

Motion by Councilmember Clark, second by Councilmember Thompson, to approve the item as presented. Motion passed 6:1 (Snyder).

11.4 Consideration and possible action relating to Resolution No. R-2024-165 setting two public hearings for the limited purpose annexation of 4.881 acres of land, commercial parcel, in the Williamson County Water, Sewer, Irrigation and Drainage District No. 3.

Sara Cervantes, Director of Real Estate Services, presented the information for this item.

Motion by Councilmember Clark, second by Councilmember Thompson, to approve the item as presented. Motion passed 7:0.

12. OTHER BUSINESS

12.1 Consideration and possible action relating to Texas Pollutant Discharge Elimination System (TPDES) Wastewater Permit Applications in the City of Hutto Extraterritorial Jurisdiction (Legal)

Matt Rector, City Engineer, presented the information for this item. Council discussion regarding the possible placement of City limit/services signs in the rights-of-way. There was no action on this item.

13. CONSENT AGENDA ITEMS

13.1 Consideration and possible action to approve Resolution No. R-2024-166 to award the Northwest Transmission Main Waterline Project to the lowest responsive bidder, Nelson Lewis, Inc., in the amount of $2,687,050 and authorizing the City Manager to execute the construction contract with Nelson Lewis, Inc (CIP Project W03-2023) (Matt Rector)

13.2 Consideration and possible action on Resolution No. R-2024-167 authorizing the City Manager to execute a task order with Terracon in the amount of $24,076 for construction materials testing related to the Northwest Transmission Main Waterline project (CIP W03-2023) (Matt Rector)

13.4 Consideration and possible action on Resolution No. R-2024-169 authorizing the City Manager to execute a task order with Arias in the amount of $15,875.00 for construction materials testing related to the Exchange at Limmer Intersection Improvements project (CIP T14-2024) (Matt Rector)

13.5 Consideration and possible action on Resolution R-2024-170 authorizing the City Manager to execute an agreement with Telesystem for Primary Managed Lit Dedicated Fiber Services in the amount of $237,600.00 (David Reeves)

13.6 Consideration and possible action on Resolution No. R-2024-171 authorizing the City Manager to execute a task order with Raba Kistner in the amount of $235,728.90 for construction materials observation and testing services related to the South Wastewater Treatment Plant Expansion project (CIP WW-06-2023) (Matt Rector)

13.7 Consideration and possible action on Resolution No. R-2024-172 authorizing the City Manager to terminate the July 7, 2005 lease agreement between the City of Hutto and the Hutto Independent School District for the property located at 400 East Front Street, 0.654 acres, Hutto, Texas (Legal)

13.8 Consideration and possible action on approval of Ordinance No. O-2024-041 regarding Blanket Purchase Orders for consumable goods and services by adding a vendor, Consilio, for Cold Storage Litigation (Alberta Barrett)

13.9 Consideration and possible action on Resolution R-2024-173 approving the First Amendment to Cooperation Agreement for Williamson County Urban County Program Fiscal Years 2025-2027 and authorizing the Mayor to execute the Agreement on the City's behalf.

13.11 Consideration and possible action on approving the following City Council meeting minutes: July 11, 2024 - amended, July 13, 2024 Special Meeting, July 18, 2024 Work Session, and July 18, 2024.

Motion by Councilmember Thompson, second by Councilmember Kolar, to approve the Consent Agenda as presented above. Motion passed 7:0.

The following items were pulled from the Consent Agenda for Individual Consideration:

13.3 Consideration and possible action to approve Resolution No. R-2024-168 to award the Exchange at Limmer Intersection Project to the lowest responsive bidder, Jerdon Enterprise, LP., in the amount of $1,019,189.55 and authorizing the City Manager to execute the construction contract with Jerdon Enterprise, LP. (CIP Project T14-2024).

Mr. Rector presented the information for this item. Council discussion regarding Hutto ISD participation and the possibility of a crossing guard at this location.

Motion by Councilmember Clark, second by Councilmember Thornton, to approve the item as presented. Motion passed 7:0.

13.10 Consideration and possible action on acceptance of the investment report for the period ended June 30, 2024.

Ms. Barrett presented the information for this item. No action necessary – provided for informational purposes

14. EXECUTIVE SESSION – Time in: *10:49 PM*

14.1 Receive legal advice pursuant to Texas Government Code Sec. 551.071, (Consultation with Attorney), related to pending and/or Council legal requests relating to (a) releasing attorney notes related to the Report to the City Council relating to the Investigation of Mike Snyder dated November 7, 2019; (b) the release of separation agreements of former executive staff members, Assistant City Manager, Assistant to the City Manager, Director of Human Resources and the Certified Financial Officer and any affidavits or documents relating thereto; (c) the review of the Urbana Limmer Loop development agreement; (d) Alta Ed Schmidt Cost Participation Agreement; (e) potential claims and pending litigation, including but not limited to *Hutto et al v. McGinnis Lochridge, LLP, et al.,* Cause No.22-0259-C368 in the 480th Judicial District Court of Williamson County, Texas.

14.2 Receive legal advice and deliberate potential lease of real estate pursuant to Texas Government Code sections 551.071, (Consultation with Attorney) and 551.072, (Deliberation Regarding Real Property), related to solar land lease and carbon leasing.

Item 14.1(a) will be postponed to a future meeting.

15. ACTION RELATIVE TO EXECUTIVE SESSION – Time out: *12:03 AM*

15.1 Possible action related to items discussed in Executive Session.

Item 14.1(d): Motion by Mayor Snyder, second by Councilmember Porterfield, to direct staff to review the agreement with Schmidt and relay the developer needs to pay the maximum cost that the agreement states or what is appropriate. Motion passed 7:0.

Item 14.2: Motion by Mayor Snyder, Second by Councilmember Clark, to direct staff to bring back options for solar land lease and carbon leasing. Motion passed 7:0.

16. CITY COUNCIL COMMENTS

Mayor Snyder asked to resume item 16.1 General Comments from City Council.

16.1 General Comments from City Council

Mayor Snyder displayed the Purple Heart City designation street sign that will be posted at a location as yet to be determined.

16.2. Future Agenda Items

Councilmember Porterfield: Resolution R-2023-022 be brought back to review the wording for Section 306 A3 and A4.

Councilmember Thornton: a workshop to discuss the strategy for the streets in Hutto Old Town.

Mayor Snyder: ride share programs/subsidized rides; placement of City limit/services signs; budget amendment on salaries for open positions – breakdown of funds and possible reallocation to next year's budget.

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

Motion by Mayor Pro Tem Gordon, second by Councilmember Thompson, to cancel the Special Meeting scheduled for Saturday, August 3rd.

Council discussion regarding lack of a quorum and alternative dates.

Mayor Pro Tem Gordon amended the motion to notify the public there will be no meeting on August 3rd due to lack of a quorum. Councilmember Thompson accepted the amendment. Motion passed 4:3 (Porterfield, Thornton, Snyder).

Mayor Snyder called a Special Meeting – "Town Hall with Possible Quorum" to be held on Saturday, August 17th at 6:00 PM in the City Hall foyer.

17. ADJOURNMENT: Time – *12:34 AM*

ATTEST:

Laura Hallmark

Laura Hallmark, City Secretary

Mike Snyder, Mayor