



City of Hutto

Agenda

City Council Meeting

Thursday, May 20, 2021 at 7:00 PM

City Council Chambers

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 huttotx.gov

1. **CALL SESSION TO ORDER**
2. **ROLL CALL**
3. **INVOCATION-Pastor Bobby Pruitt, Hutto Bible Church**
4. **PLEDGE OF ALLEGIANCE**
5. **CITY COUNCIL COMMENTS**

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

5.1. General Comments from City Council

5.2. City Council Liaison Reports

6. **PUBLIC COMMENT**

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes.

Any citizen wishing to speak during public comment may do so after completing the required registration form. Comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on May 20, 2021. The email must include name, address, phone # and email to be recognized properly. Citizens wishing to comment by phone may call:

Toll Free Call In: 1-800-717-4201, Conference ID: 242-3288

Once you are in the conference call press *5 to signal that you are requesting to speak during public comment.

(Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.)

7. CITY MANAGER COMMENTS

7.1. Presentation by the Hutto Police Department

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on approving the May 6, 2021 Work Session minutes.
- 8.2. Consideration and possible action on approving the May 6, 2021 City Council meeting minutes.
- 8.3. Consideration and possible action approving Resolution No. R-2021-077 authorizing the City Manager to execute an Addendum with P3 Works, LLC for administrative services for Cottonwood Creek Public Improvement District. (City Attorney-D.Palumbo)
- 8.4. Consider and possible action on Resolution No. R-2021-080 Accepting the infrastructure improvements for the subdivision Cottonwood Creek Phase 1. (Anthony Host)
- 8.5. Consideration and possible action on Resolution No. R-2021-081 authorizing the City Manager to execute an Interlocal Agreement with Williamson County approving the County to perform construction within City Limits for Segment 1 of the Southeast Loop project. (Samuel Ray)
- 8.6. Consideration and possible action approving Resolution No. R-2021-089 the "RSI Offsite" infrastructure improvements for the Emory Crossing subdivision. (Anthony Host)
- 8.7. Consideration of a request to cancel the public hearing on the proposed zoning change request for Aspen Heights Planned Unit Development (PUD), 36.624 acres, more or less, of land, a single-family residential use PUD, located on FM 1660 South.
POSTPONED AT THE APPLICANT'S REQUEST
- 8.8. Consideration and possible action on Ordinance No. 2021-030 amending Chapter 2, Article 2.02, Sections 2.02.032, 2.02.121, And 2.02.182, altering the terms of members of the Planning and Zoning Commission, the Zoning Board of Adjustment, and The Building and Standards Commission. (City Attorney - C. Rosas-Grillet)
- 8.9. Consideration and possible action on Resolution No. R-2021-082 approving Change Order No. 1 for the Lakeside Estates Lift Station Abandonment Project increasing the total project cost by \$29,543.22. (Samuel Ray)
- 8.10. Consideration and possible action on Resolution No. R- 2021-075 establishing an Emergency Preparedness Task Force; providing eligibility criteria; and adopting the procedural rules for the Emergency Preparedness Task Force to follow in carrying out its duties. (Councilmember Gordon)
- 8.11. Consideration and possible action on Resolution No. R-2021-087 appointing a Deputy City Attorney for the City of Hutto in accordance with Section 4.04 of the Hutto City Charter as approved by the voters on May 1, 2021. (City Attorney - C. Rosas-Grillet)
- 8.12. Consideration and possible action on Resolution No. R-2021-090 approving the first amendment to groundwater lease with Rodney L. Hortenstine and Kay L. Hortenstine dated November 10, 2004.

9. ORDINANCES

- 9.1. Consideration and possible action On Ordinance No. 2021-031 amending Chapter 2 "Administration and Personnel," to amend Article 2.03 "Personnel," section 2.03.041 "Residency Requirement" to modify the residency requirement for the City Manager. (City Attorney - C. Rosas-Grillet)

10. RESOLUTIONS

- 10.1. Consideration and possible action on Resolution No. R-2021-088, approving the First Amendment to the City Manager Employment Agreement dated September 17, 2021.
- 10.2. Consideration and possible action on Resolution No. R-2021-071, authorizing the City Manager to execute a contract with Freese and Nichols in regards to the Hutto 2040 Comprehensive Plan. (Ashley Lumpkin)
- 10.3. Discussion and possible action on the selection of a list of consultants in response to the City of Hutto's Request for Qualifications for On-Demand engineering and planning consultant services. (RFQ 21-01). (Ashley Lumpkin)
- 10.4. Consideration and possible action on Resolution No. R-2021-084 determining costs of authorized improvements for the Cottonwood Creek Public Improvement District and ordering the filing of an assessment roll with the City Secretary to make available to the public in compliance with Texas Local Government Code Chapter 372; calling a public hearing on the levy of assessments on property located within the Cottonwood Creek Public Improvement District to pay such costs and directing the City Secretary to publish and mail notice of the public hearing in accordance with Texas Local Government code Chapter 372; and related matters; and providing an effective date. (City Attorney-D.Palumbo)
- 10.5. Consideration and possible action on Resolution No. R-2021-085 of the City of Hutto, Texas providing the public with information regarding certain litigation involving the city, including Preston Hollow Capital, LLC v. Cottonwood Development Corporation and the City of Hutto, in which all claims against the Corporation and the City have been dismissed in the corporation's and city's favor; Legacy Hutto, LLC v. City of Hutto, in which all claims against the city have been dismissed in the city's favor, and council direction to litigation counsel to continue to evaluate legally questionable transactions performed by and during the former City Manager's tenure and take appropriate legal action to protect and defend the City of Hutto and its residents; providing for severability; providing for repeal and providing an effective date. (Mayor Snyder)
- 10.6. Consideration and possible action on Resolution No. R-2021-086 appointing a Mayor Pro Tem for the City of Hutto in accordance with Section 3.05 of the Hutto City Charter as approved by the voters on May 1, 2021.

11. OTHER BUSINESS

- 11.1. Consideration and possible action on establishing agenda packet review meetings.(Councilmember Gordon)
- 11.2. Consideration and possible action to waive the City Manager residency requirement for a definite period of time in accordance with Section 2.03.041 of the Hutto Code of Ordinances.
- 11.3. Consideration and possible action on reviewing Cottonwood Creek Public Improvement District financing documents and direction to city staff and consultants regarding key terms relating thereto. (City Attorney-D.Palumbo)

- 11.4. Discussion 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.

12. EXECUTIVE SESSION

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 (Litigation/Consultation with Attorney), 551.072 (Deliberations regarding real property), 551.073 (Deliberations regarding gifts and donations), 551.074 (Deliberations regarding personnel matters) or 551.076 (Deliberations regarding deployment/implementation of security personnel or devices) and 551.087 (Deliberations regarding Economic Development negotiations).

- 12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.2. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to the CO-OP Master Development Agreement executed August 17, 2017, as amended and ancillary agreements entered into pursuant to the CO-OP Master Development Agreement executed August 17, 2017, as amended. (City Attorney-D.Palumbo)
- 12.3. Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.
- 12.4. Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for Bojorquez Law Firm Memo regarding alleged charter & ethics code violation dated May 12, 2021.
- 12.5. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the Annual Comprehensive Financial Report for the year ended September 30, 2020 and potential claims against former employees. (City Attorney - C. Rosas-Grillet)
- 12.6. Receive legal advice pursuant to Texas Government Code 551, Section 551.071 to deliberate, seek legal advice and direct Litigation Counsel regarding Jones v. City of Hutto et. al, pending in the U.S. District Court, Western District, Austin Division. (George Hyde)

13. ACTION RELATIVE TO EXECUTIVE SESSION

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.2. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to the CO-OP Master Development Agreement executed August 17, 2017, as amended and ancillary agreements entered into pursuant to the CO-OP Master Development Agreement executed August 17, 2017, as amended. (City Attorney-D.Palumbo)
- 13.3. Consideration and possible action on the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters.
- 13.4. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege for

Bojorquez Law Firm Memo regarding alleged charter & ethics code violation dated May 12, 2021.

- 13.5. Consideration and possible action on legal advice received pursuant to Texas Local Government Code Section 551.071 related to the Annual Comprehensive Financial Report for the year ended September 30, 2020 and potential claims against former employees.
- 13.6. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 related to Jones v. City of Hutto et. al, pending in the U.S. District Court, Western District, Austin Division. (George Hyde)

14. ADJOURNMENT

15. CERTIFICATION

I certify that this notice of the Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on May 17, 2021 at 5:00 P.M.



Holly Nagy

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at City.Secretary@huttox.gov or call (512) 759-4033 for assistance.