



City of Hutto

Agenda

City Council Meeting

Thursday, March 2, 2023 at 7:00 PM

City Council Chambers

Hutto City Hall

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 huttotx.gov

- 1. CALL SESSION TO ORDER**
- 2. ROLL CALL**
- 3. INVOCATION**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CITY MANAGER COMMENTS**
- 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. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on March 2, 2023. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

7. PRESENTATIONS

- 7.1. 2022 City Services & Culture Survey Presentation of Results. (Allison Strupeck)
- 7.2. Capital Improvement Plan Updates. (Matt Rector)

8. 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).

- 8.1. Receive legal advice pursuant to Texas Government Code Section 551.071 in regards to Hutto Charter Section 3.16 and an investigation and/or a criminal referral regarding Texas Local Government Code Section 551.104, missing recordings of closed meetings and the preservation of such.
- 8.2. Receive legal advice pursuant to Texas Government Code Section 551.071 in regards

to consideration and possible action on Resolution No. R-2023-026, a Resolution accepting the infrastructure improvements for the subdivision known as Brooklands Section 6, and regarding construction defects in Sections 1 & 2.

- 8.3. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to Case No. 1:20-cv-1210, Odis Jones v. City of Hutto, et. al. filed in the U.S. District Court for the Western District of Texas, Austin Division.
- 8.4. Receive legal advice pursuant to Texas Government Code Section 551.071 and 551.072 regarding Cottonwood Development Corporation v. Preston Hollow Capital et.al. and In Re Cottonwood Development Corporation, an original proceeding, both pending in the Texas Third District Court of Appeals, and the Cottonwood Land Sale by the Hutto Economic Development Corporation Type B.
- 8.5. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Groundwater Lease with Rodney L. Hortenstine and Kay L. Hortenstine.
- 8.6. Receive legal advice and discuss potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to right of way acquisitions at FM 1660/Limmer Loop.
- 8.7. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Hutto City Code Article 2.05, Division 2, Financial Disclosure, relating to preemption by state law or suspension of the application of filing a financial disclosure while reviewing necessary amendments. (Legal)
- 8.8. 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.

9. ACTION RELATIVE TO EXECUTIVE SESSION

- 9.1. Consideration and possible action regarding legal advice received pursuant to Texas Government Code Section 551.071 in regards to Hutto Charter Section 3.16 and an investigation and/or a criminal referral regarding Texas Local Government Code Section 551.104, missing recordings of closed meetings and the preservation of such.
- 9.2. Consideration and possible action on legal advice received pursuant to Texas Government Code Section 551.071 in regards to Resolution No. R-2023-026, a Resolution accepting the infrastructure improvements for the subdivision known as Brooklands Section 6, and regarding construction defects in Sections 1 & 2.
- 9.3. Consider and possible action relating to legal advice pursuant to Texas Government Code Section 551.071 relating to Case No. 1:20-cv-1210, Odis Jones v. City of Hutto, et. al. filed in the U.S. District Court for the Western District of Texas, Austin Division.
- 9.4. Consideration and possible action regarding legal advice received pursuant to Texas Government Code Section 551.071 and 551.072 regarding Cottonwood Development Corporation v. Preston Hollow Capital et.al., In Re Cottonwood Development Corporation, an original proceeding, both pending in the Third District Court of Appeals, and the Cottonwood Land Sale, to approve an increase of up to \$500,000 to the funding refunding agreement between the City and the Hutto Economic Development Corporation Type B, authorizing the expenditure pursuant to Texas Local Government Code Section 501.073a; approving an agreement to release deeds of trust on Cottonwood Development Corporation property and to secure contingent fee award in the trial court, authorizing an amendment to the Funding and Refunding agreement between the City of Hutto and the Hutto Economic Development Corporation Type B and reflecting the increase and authorizing the City Manager to execute all related documents on behalf of the City.

- 9.5. Consider and possible action relating to legal advice pursuant to Texas Government Code Section 551.071 relating to Groundwater Lease with Rodney L. Hortenstine and Kay L. Hortenstine.
- 9.6. Consideration and possible action related to legal advice received and discussion of potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to right of way acquisitions at FM 1660/Limmer Loop.
- 9.7. Consideration and possible action regarding legal advice received pursuant to Texas Government Code Sec. 551.071 related to Hutto City Code Article 2.05, Division 2, Financial Disclosure, relating to preemption by state law or suspension of the application of filing a financial disclosure while reviewing necessary amendments. (Legal)
- 9.8. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims, Pending Litigation, Potential Litigation, and City Council Legal Requests.

10. ORDINANCES

- 10.1. Consideration and possible action on Ordinance No. O-2023-016, moving the March 16, 2023, regular Council meeting to March 23, 2023. (Councilmember Randal Clark)
 - a. Consideration and possible action on Ordinance No. O-2023-016 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13 (Legal)

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution No. R-2023-056, calling a public hearing to consider an amendment to the Project and Financing Plan of Tax Increment Reinvestment Zone No. Two. (Legal)
- 11.2. Consideration and possible action on Resolution No. R-2023-036 approving the revised Fiscal and Budgetary Policy and increasing the operating reserve requirement (Anne LaMere)

12. OTHER BUSINESS

- 12.1. 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.

13. CONSENT AGENDA ITEMS

- 13.1. Consideration and possible action for the adoption of Ordinance No. O-2023-017, amending the Budget for the Fiscal Year of October 1, 2022 through September 30, 2023 by appropriating and setting aside funds in the amount of \$250,000 for municipal purposes related to debris removal and disposal in response to the recent severe winter weather. (First Reading) (Richard Rodriguez)
 - a. Consideration and possible action approving Resolution No. R-2023-057 awarding a contract for Curbside Brush Cleanup to CTC Disaster Response, Inc, for an amount not to exceed \$250,000. (Richard Rodriguez)
- 13.2. Consideration and possible action on Resolution R-2023-058 authorizing continued participation with the Atmos Cities Steering Committee and authorizing payment of \$1,542.75 to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation (Legal)
- 13.3. Consideration and possible action on Resolution No. R-2023-059, a Resolution

accepting the Durango Farms Phase 3 Drainage and Wastewater improvements (Richard Rodriguez)

- 13.4. Consideration and possible action related to proposed amendments to the terms of the City Manager's employment contract. (Legal)
- 13.5. Consideration and possible action on the dissolution of the Accessibility Task Force while continuing its purpose through the existing Diversity and Inclusion Commission (Matt Wojnowski)
- 13.6. Consideration and possible action to accept the financial report for the month ended January 31, 2023. (Anne LaMere)
- 13.7. Consideration and possible action on approving the February 16 Work Session and February 16 City Council meeting minutes (Angela Lewis)
- 13.8. Possible Action on Ordinance No. O-2023-013 Approving the Annexation of the Titan Mega 144 Tract, 143.576 Acres, more or less of Land and to Establish the Base Zoning as LI (Light Industrial) located on the south side of US 79. (Second Reading) (Ashley Bailey)
- 13.9. Possible Action on Ordinance No. 2023-006 approving a Revised Planned Unit Development (PUD) zoning ordinance request for the property known as NorthTown Commons Planned Unit Development (PUD), 28.449 acres, more or less, of land located along Limmer Loop east of FM1660 North. (Second Reading) (Ashley Bailey)
- 13.10. Possible Action on Ordinance No. O-2023-012 Approving the Annexation of the Titan 44 Trelia Tract, 44.029 Acres, more or less of Land and to Establish the Base Zoning as LI (Light Industrial) located on the south side of US 79. (Second Reading) (Ashley Bailey)

14. 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.

- 14.1. General Comments from City Council
- 14.2. City Council Liaison Reports
- 14.3. Future Agenda Items

15. ADJOURNMENT

16. CERTIFICATION

I certify that this notice of the March 2, 2023 Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on February 27, 2023 before 5:00 P.M.



Angela Lewis

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 Angela.Lewis@huttotx.gov or call (512) 759-4033 for assistance.