



City of Hutto

Agenda

City Council Meeting

Thursday, April 6, 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. PROCLAMATIONS

5.1. Child Abuse Prevention and Awareness Month

5.2. Sexual Assault Awareness Month

6. CITY MANAGER COMMENTS

7. 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 April 6, 2023. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

8. PUBLIC HEARING

8.1. Conduct a public hearing on Ordinance No. O-2023-025 Approving the Annexation of the CTC Emory Tract, 56.3 Acres, more or less of Land and to Establish the Base Zoning as MF (Multi-Family) located on the southeast corner of Ed Schmidt Blvd and Emory Crossing. (First Reading) (Ashley Bailey)

8.2. Conduct a public hearing on Ordinance No. 2023-020 approving the Planned Unit Development (PUD) zoning ordinance request for the property known as CTC at Emory Crossing Planned Unit Development (PUD), 56.3 acres, more or less, of land, located on Ed Schmidt Boulevard/CR119. (First Reading) (Ashley Bailey)

8.3. Conduct a public hearing on Ordinance No. O-2023-021 Approving the Annexation of the Upper Schmidts Creek Tract, 40.8 Acres, more or less of Land and to Establish the

Base Zoning as MF (Multi-Family) located at the southeast corner of Ed Schmidt Blvd and Limmer Loop. (First Reading) (Ashley Bailey)

- 8.4. Conduct a public hearing on Ordinance No. O-2023-022 Approving the Annexation of the Stillwater Tract, 50.850 Acres, more or less of Land and to Establish the Base Zoning as LI (Light Industrial) located on County Road 108. (First Reading) (Ashley Bailey)
- 8.5. Conduct a public hearing on Ordinance No. O-2023-023 Approving the Annexation of the Alta Ed Schmidt Tract, 77.881 Acres, more or less of Land and to Establish the Base Zoning as MF (Multi-Family) located on Ed Schmidt Blvd east of Emory Crossing. (First Reading) (Ashley Bailey)
- 8.6. Conduct a public hearing on the Planned Unit Development (PUD) zoning ordinance request for the property known as Upper Schmidts Creek Planned Unit Development (PUD), 40.8 acres, more or less, of land, located at the southeast corner of Ed Schmidt Blvd. and Limmer Loop (Ashley Bailey)

9. PRESENTATION

- 9.1. Monthly CIP Update (Matt Rector)
- 9.2. Townwest Commons Phase 2 Announcement (Austin Alvis, President of NewQuest)

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.

11. 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).

- 11.1. 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.
- 11.2. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to Cause No. 22-0259-C368, City of Hutto, Texas, Cottonwood Development Corporation, and River Creek Development Corporation Plaintiffs v. McGinnis Lochridge, LLP, William H. Bingham, Jr., and Michael A. Shaunessy Defendants, in the 368th District Court of Williamson County, Texas.
- 11.3. Receive legal advice pursuant to Texas Government Code Section 551.071 in regards to construction defects in public improvements in Brooklands Sections 1 & 2.
- 11.4. 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.
- 11.5. Executive Session in accordance with Texas Government Code Section 551.074 (Personnel Matters): Closed Meeting to deliberate the appointment, employment,

evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - City Manager, relating to the City Manager's 6- month evaluation.

- 11.6. Receive legal advice and discuss potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to acquisitions, including by use of eminent domain if necessary, of real property interests as part of the Glenwood Interceptor wastewater project.
- 11.7. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate pursuant to Texas Government Code 551.087 regarding economic development negotiations related to pending economic development projects, including Skybox economic development projects

12. ACTION RELATIVE TO EXECUTIVE SESSION

- 12.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims, Pending Litigation, Potential Litigation, and City Council Legal Requests.
- 12.2. Discuss and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 relating to Cause No. 22-0259-C368, City of Hutto, Texas, Cottonwood Development corporation, and River Creek Development Corporation Plaintiffs v. McGinnis Lochridge, LLP, William H. Bingham, Jr., and Michael A. Shaunessy Defendants, in the 368th District Court of Williamson County, Texas.
- 12.3. Consideration and possible action on legal advice received pursuant to Texas Government Code Section 551.071 relating to construction defects in public improvements in Brooklands Sections 1 & 2.
- 12.4. 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.
- 12.5. Consideration and possible action related to Executive Session in accordance with Texas Government Code Section 551.074 (Personnel Matters): Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Manager, relating to the City Manager's 6 month-evaluation.
- 12.6. 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 acquisitions, including by use of eminent domain if necessary, of real property interests as part of the Glenwood Interceptor wastewater project.
- 12.7. Consideration and possible action relating to legal advice received pursuant to Texas Government Code Section 551.071 and deliberations pursuant to Texas Government Code Section 551.087 regarding economic development negotiations related to pending economic development projects, including Skybox economic development projects.

13. RESOLUTIONS

- 13.1. Consideration and possible action on Resolution No. R-2023-044 to accept the Investment Report for quarter ended 12/31/22 and accept investment strategy by opening brokerage account with Hilltop Securities, opening account with Wells Fargo as holding agent, and purchase of T-Bills. (Anne LaMere).

- 13.2. Consideration and possible action for Resolution no. R-2023-078 regarding the 2023 Consumer Price Index (CPI) adjustment to Municipal Telecommunications Right of Way Access Line Rates (Anne LaMere)
- 13.3. Consideration and possible action regarding Resolution no. R-2023-077 for a fiscal year 2023 cleaning contract with PBS of Texas, LLC in the amount of \$81,000 for the custodial services for all city hall buildings. (Rick Coronado)
- 13.4. Consideration and possible action on Resolution No. R-2023-079, approving the municipal services agreement for the proposed annexation of the CTC Emory Crossing tract, 56.3 Acres, more or less of land located at the southeast corner of Ed Schmidt Blvd and Emory Crossing. (Ashley Bailey)
- 13.5. Consideration and possible action on Resolution No. R-2023-080, approving the municipal services agreement for the proposed annexation of the Upper Schmidts Creek tract, 40.8 Acres, more or less of land located at the southeast corner of Ed Schmidt Blvd and Limmer Loop. (Ashley Bailey)
- 13.6. Consideration and possible action on Resolution No. R-2023-081, approving the municipal services agreement for the proposed annexation of the Stillwater tract, 50.850 Acres, more or less of land located along Ed Schmidt Blvd north of Emory Crossing. (Ashley Bailey)
- 13.7. Consideration and possible action on Resolution No. R-2023-082, approving the municipal services agreement for the proposed annexation of the Alta Ed Schmidt tract, 77.881 Acres, more or less of land located along Ed Schmidt Blvd west of Emory Crossing. (Ashley Bailey)
- 13.8. Consideration and possible action on Resolution No. R-2023-087 taking a position on proposed legislation affecting South Fork Ranch Municipal Utility District (Legal)

14. ORDINANCES

- 14.1. Consideration and possible action on Ordinance No. O-2023-025 Approving the Annexation of the CTC Emory Tract, 56.3 Acres, more or less of Land and to Establish the Base Zoning as MF (Multi-Family) located on the southeast corner of Ed Schmidt Blvd and Emory Crossing. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-025 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 14.2. Consideration and possible action on Ordinance 2023-020 approving the Planned Unit Development (PUD) zoning ordinance request for the property known as CTC at Emory Crossing Planned Unit Development (PUD), 56.3 acres, more or less, of land, located on Ed Schmidt Boulevard/CR119. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-020 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 14.3. Consideration and possible action on Ordinance No. O-2023-021 Approving the Annexation of the Upper Schmidts Creek Tract, 40.8 Acres, more or less of Land and to Establish the Base Zoning as MF (Multi-Family) located at the southeast corner of Ed Schmidt Blvd and Limmer Loop. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-021 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)

- 14.4. Consideration and possible action on Ordinance No. O-2023-022 Approving the Annexation of the Stillwater Tract, 50.850 Acres, more or less of Land and to Establish the Base Zoning as LI (Light Industrial) located on County Road 108. (First Reading) (Ashley Bailey)
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- 14.5. Consideration and possible action on Ordinance No. O-2023-023 Approving the Annexation of the Alta Ed Schmidt Tract, 77.881 Acres, more or less of Land and to Establish the Base Zoning as MF (Multi-Family) located on Ed Schmidt Blvd east of Emory Crossing. (First Reading) (Ashley Bailey)
 - a. Consideration and possible action on Ordinance No. O-2023-023 to dispense with the second reading pursuant to Hutto City Charter Article 3, Section 3.13. (Legal)
- 14.6. Consideration and possible action on Ordinance No. O-2023-024 to amend Article 2.05, Financial Disclosure and Standards of Conduct of the Hutto City Code to provide for the Financial Disclosure Form to be filed by Elected and Appointed Officials. (First Reading) (Legal)

15. OTHER BUSINESS

- 15.1. Discussion and possible action to request Diversity & Inclusion (D&I) Commission review of and recommendations for changes to Article 14.07 in the city Code of Ordinances to address LGBTQ+ discrimination, and request the city attorney to bring back proposed updates to Article 14.07 for council review and approval (Mayor Pro Tem Peter Gordon, Councilmember Dan Thornton)

16. CONSENT AGENDA ITEMS

- 16.1. Consideration and possible action related to the award of a construction contract to Associated Construction Partners, Ltd. for the Frame Switch Pump Station and Ground Storage Tank (GST) #2, CIP Projects W1 and W3 respectively of the approved Capital Improvement Plan, funded with Certificates of Obligation Series 2022, for the Total Alternate bid amount of \$17,651,287. (Matt Rector)
- 16.2. Consideration and possible action to approve the amendment to the Individual Project Order (IPO) 2022-03 with K Friese and Associates for professional services to include the design of water, wastewater, drainage, and detention improvements in the design of the Megasite East - West Spine Road Project (Capital Improvement Project T7) in the amount of \$489,171.20. (Matt Rector)
- 16.3. Discussion and possible action to execute Individual Project Order (IPO) 2023-17 for professional services with Garver, LLC to perform a geotechnical investigation and pavement design for approximately 800 linear feet of CR 199 (Capital Improvement Project T13) from the Brushy Creek low water crossing to bend due east, in the amount of \$20,338.00. (Matt Rector)
- 16.4. Consideration and possible action designating the Hutto Animal Control Officer as the Local Rabies Control Authority pursuant to Texas Health & Safety Code Section 826.017. (Dwain Jones)
- 16.5. Consideration and possible action on Resolution No. R-2023-086, authorizing the City Manager to execute the application for the Victim Assistance Grant (Chief Jeff Yarbrough)

- 16.6. Consideration and possible action on approving the March 23 Work Session and March 23 City Council meeting minutes. (Angela Lewis)
- 16.7. Consideration and possible action on Ordinance O-2023-018 to enact a new Article 22.08 of the Code of Ordinances, establishing routes and procedures for the transportation of non-radioactive hazardous materials (NRHM), creating offenses and establishing a penalty, in compliance with the approval of SH 130 within the city limits as a NRHM route by the Texas Department of Transportation (Second Reading) (Legal)
- 16.8. Consideration and possible action on Ordinance No. O-2023-014 prescribing certain fees for the City of Hutto, Texas, amending all applicable ordinances and other instruments; providing for a schedule of fees and charges (Second Reading) (David Amsler)
- 16.9. Consideration and possible action on Ordinance O-2023-019 to amend the budget for the participation in the design and construction costs related to Segment 3 of the Southeast Loop (FM 3349) Waterline County Project next to the Frame Switch Pump Station, and authorizing the City Manager to execute change orders. This action would budget \$2,022,366 for this project from American Rescue Plan Act (ARPA) funds. (Second Reading) (Matt Rector)

17. 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.

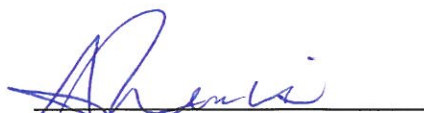
- 17.1. General Comments from City Council
- 17.2. City Council Liaison Reports
- 17.3. Future Agenda Items

18. ADJOURNMENT

19. CERTIFICATION

I certify that this notice of the April 6, 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 April 3, 2023 before 5:00 P.M.




Angela Lewis