



City of Hutto

Agenda

City Council Meeting

Thursday, June 17, 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-Led by Pastor Johnny Brower, Hutto Discovery United Methodist 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 June 17, 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

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on approving the June 3, 2021 City Council meeting minutes.
- 8.2. Consideration and possible action on approving the June 7, 2021 Special Called City Council meeting minutes.
- 8.3. Consideration and possible action on acknowledging the assignment of the Development Agreement between the City of Hutto and WMV 1660, LLC, dated April 1, 2021, to Starlight Homes Texas, LLC, in accordance with Section 5.06 of the Development Agreement. (City Attorney- C. Rosas-Grillet)
- 8.4. Consideration and possible action on Ordinance No. O-2021-035 amending the budget for the fiscal year of October 1, 2020 through September 30, 2021, in accordance with existing statutory requirements. (Second Reading)

9. ORDINANCES

- 9.1. Consideration of a public hearing and possible action on a Ordinance No. O-2021-037 regarding the Planned Unit Development (PUD) amendment request for the property known as Cottonwood Creek Planned Unit Development (PUD) Amendment #4, 370.36 acres, more or less, of land, located on CR 199.
- 9.2. Consideration and possible action on Ordinance No. O-2021-037 to dispense with second reading.
- 9.3. Consideration of a public hearing and possible action on Ordinance No. O-2021-038 amending the Unified Development Code, Chapter 2, Sections 10.203, Development Review Process and 10.204.2 Effective Date and Expiration, repealing conflicting ordinances and resolutions and establishing an effective date. (Ashley Lumpkin)
- 9.4. Consideration and possible action on Ordinance No. O-2021-038 to dispense with second reading.
- 9.5. Consideration of a public hearing and possible action on Ordinance No. O-2021-039 approving the proposed Specific Use Permit for the Hutto Independent School District Transportation Facility at 4035 FM 1660 North, 165 acres, more or less, of land, to allow a reduction in the required landscaping and building elevations. (Ashley Lumpkin)
- 9.6. Consideration and possible action on Ordinance No. O-2021-039 to dispense with second reading.

10. RESOLUTIONS

11. OTHER BUSINESS

- 11.1. Consideration and possible action on presentation on the Emory Farms gate/sign to Innovation Business Park. (Anthony Host)
- 11.2. Consideration and possible action regarding the policy and procedure for submitting outside agency funding to Council. (Councilmember Rose)
- 11.3. Consideration and possible action on awarding the reconstruction/ paving project bid located on Live Oak.(Anthony Host)

- 11.4. Discussion and possible action on Council Liaison duties. (Councilmember Villarreal Salvo)
- 11.5. Discussion and Possible Action regarding Possible Appointments, Re-appointments and/or Removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations, Tax Increment Reinvestment Zone Boards, City Council Liaisons and Area Government appointments.

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. Deliberate the employment, evaluation, and duties of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters, including performance goals and expectations.
- 12.3. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding legal action necessary in connection with Texas Attorney General Opinion No. LP-0366 and River Creek Development Corporation and the City of Hutto in River Creek Development Corporation and the City of Hutto v. Kenneth Paxton, Jr., et. al Cause No. 21-0759-C425, pending in the 425th District Court in Williamson County, Texas and approving extraordinary expenditures. (City Attorney- D. Palumbo)
- 12.4. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: 21-0128-C368, Longhorn Title Company vs. Preston Hollow Capital, LLC and Cottonwood Development Corporation pending in the 368th District Court in Williamson County, Texas. (City Attorney- D. Palumbo)
- 12.5. Receive legal advice pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: Case 1:20-cv-01210-LY Jones v. City of Hutto et al pending in the U.S. District Court, Western District, Austin Division.(City Attorney-D.Palumbo)

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 related to deliberation of the employment, evaluation, and duties of the City Manager pursuant to Texas Government Code Section 551.074, Personnel Matters, including performance goals and expectations.
- 13.3. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding legal action necessary in connection with Texas Attorney General Opinion No. LP-0366 and River Creek Development Corporation and the City of Hutto in River Creek Development Corporation and the City of Hutto v. Kenneth Paxton, Jr., et. al Cause No. 21-0759-C425, pending in the 425th District Court in Williamson County, Texas and approving extraordinary expenditures. (City Attorney- D. Palumbo)

- 13.4. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: 21-0128-C368, Longhorn Title Company vs. Preston Hollow Capital, LLC and Cottonwood Development Corporation pending in the 368th District Court in Williamson County, Texas. (City Attorney- D. Palumbo)
- 13.5. Consideration and possible action on legal advice received pursuant to Texas Government Code Sec. 551.071 and deliberate regarding Case: Case 1:20-cv-01210-LY Jones v. City of Hutto et al pending in the U.S. District Court, Western District, Austin Division.(City Attorney-D.Palumbo)

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



City of Hutto

MINUTES

City Council Meeting

Thursday, June 3, 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 - 7:00 PM

2. ROLL CALL

Members of the Council present: Mayor Mike Snyder, MPT Tanner Rose Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Mike Arismendez.

3. INVOCATION- Led by Councilmember Gordon

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

Councilmember Arismendez: I have a comment I'd like to say. I think that for all the citizens we have agenda item 9.4 is a consideration by this Council on tax exemptions for disabled veterans. I think coming off the Memorial Day that we just celebrated, I think it's only fitting that we recognize as those individuals have given their life for this Country. I told a few folks that the short time I'm here, I may not do much but the one thing I do want to do is to make sure we recognize our veterans.

Through that there will be an action item today for us to be able to consider property tax exemption for veterans and also surviving spouses and it will also be based on your impairment rating which is apart of what the state statute says and I appreciate Cristian going out and doing a lot of research and finding it and making sure we have it set up so I do want to point that out. This is in honor of our veterans who have given themselves up so that we can be able to come together tonight and debate issues about things but yet we are able to do that in a free Country. I just wanted to point that out.

Councilmember Villarreal Salvo: I would like to make a request for the agenda duties of the Chairs of all of the city boards and commissions a report detailing all their duties from that meeting to City Council. So that would be on our June 17th meeting.

Councilmember Gordon: To clarify, is this a report your asking from the Chairs to report on what they're doing or a report from staff on the expectations of the chair?

Councilmember Villarreal Salvo: No, it would be from the Chairs. The Board Chairs to Council.

Mayor Snyder: We might have to split that up over a couple of meetings.

Councilmember Villarreal Salvo: That's fine.

Mayor Snyder: I'd like to thank our City Council for what's about to happen next. We called two special called meetings for the public to know, one is to be held on Monday, June 7, 2021, that's going to be a joint meeting with the EDC it will start at 7:00 PM for the City Council. The regular EDC meeting will be at 6:00 PM that's a joint meeting we've been trying to get together for some time, we cleared the log jam, what was it Friday? Or a week ago Friday? So, we have that coming up. Then also on June 10th, we have a joint meeting with the Hutto ISD. Concerning a couple of topics of joint agency interests, so that will be held at 6:00, here in the Council Chambers. I have another item that I'd like to read.

I want to alert the public to what was marked as Exhibit 2 and attached to Odis Jones' ADR Report filed in the public records held within the pending Federal Court lawsuit. It criticizes the unanimous vote of the City Council to not entertain the spending of time and money to engage in a useless mediation with Odis when it is obvious that all Odis wants is to demand even more money, this time to dismiss his lawsuit. Apparently, the challenged separation agreement valued over \$400,000 and the consulting agreement valued at approximately \$90,000 was not enough, as he filed this lawsuit to only six months ago to keep what he took from the city, and then seek more money by making false and unsubstantiated claims that the City Council of the City of Hutto made a decision based on racial animus against persons of African descent and that certain city representatives made allegedly false statements about him.

Mr. Jones, I want you to know that from my point of view as Mayor, you don't get to allege that me or others on council are racists and then get paid by the city for doing so. Just look at the issues now exposed to the public by your lawyers by publicly filing Mr. Hyde's email. It suggests that the discovery in this case will show that you have a history of manipulation of local government and hold an evil intent to take from the public. Are you afraid of being placed under oath before a Federal Judge and be questioned about the true reasons why your contract was rescinded and why you were terminated by the City of Hutto, in a public court room? Are you seeking mediation and settlement to avoid letting the public know how you intimidated the city council of this city into illegally delegating its legislative authority to spend millions city dollars without City Council oversight, and selected an attorney that would allow you to do it? Haven't your attorneys told you that none of that authority is valid as a matter of law and how your actions have not only hurt the city, but every person and organization you involved into your activities? Why don't you want the city to speak to your prior employers, co-employees and investigative reporters who have previously investigated you? Why are

you afraid of our attorneys taking the testimony of employees and representatives of the City of Missouri City, where you used City of Missouri government resources to post your personal information about this lawsuit on the city's website? Why do you now want to seek a settlement? Is it to avoid the public knowing about the sexual harassment and sexual assault allegations made against you while City Manager? And to avoid the public from knowing about the information and findings of the independent third-party investigator made immediately prior to your termination? All of these things will show at the end of the day, that the City Council held an abundance of non-discriminatory, non-retaliatory reasons to terminate your employment and rescind the separation agreement for your failing to follow the legal requirements necessary to establish a valid contract in Texas, among other criticisms of the agreement, and that the individuals sued in this case are immune because your attorney made an "irrevocable" election to only sue the city for those claims and which are wholly improper and are false claims anyway.

The City Council wants to take the opportunity you provided by bringing this lawsuit the to know the true and real circumstances regarding your tenure and departure and will use this opportunity to be transparent, instead of using it to pay you any more money. That money tree has been picked bare and there is nothing for you here. And, if any person or organization that interacted with Odis Jones while City Manager of the City of Hutto wants to come forward to volunteer their "experiences" with Mr. Jones, which may lead to the discovery of relevant evidence in this case, please contact our legal counsel in this case, Mr. George Hyde of Russell Rodriguez Hyde Bullock, LLP at ghyde@txlocalgovlaw.com. Thank you.

Councilmember Sutton: I do have a comment as well. There are a lot of people in this fight before I stepped into this Council Chamber. I just want to share a little bit about Hippos. Hippos are amongst the most dangerous in the world due to its highly aggressive and unpredictable nature. They are threatened by habitat loss. Over time Hippos have developed a very defensive response to invaders that have made their way into their territory. Mr. Jones made his way into our territory. Hippos are the third largest land animals. Hippos are famous for their bad tempers. As you all saw, if you watch past meetings I was at. They are not afraid of humans and they will attack every person that enters their territory. So, Mr. Jones I just want to say to you, we're not giving up without a fight.

5.2. City Council Liaison Reports-

Mayor Snyder: We had an EDC meeting, and we came up with having a joint meeting. There's a pretty big agenda list coming up, so that's all we had on the EDC one.

6. PUBLIC COMMENT

- Barbara Flannigan * via email.
- Ida G. Weaver * via email.

7. CITY MANAGER COMMENTS

- 7.1. Recognition of J. Ashby Grundman for becoming a member of the American Institute of Certified planners.
- 7.2. Recognition of Holly Nagy, Honoree of the 2021 Municipal Clerks Honor Roll.

8. PROCLAMATIONS

- 8.1. Proclamation No. 2021-006: Proclaiming the City of Hutto a No Place for Hate.

8.2. Proclamation No. 2021-007: Proclaiming Saturday, June 19, 2021 as Juneteenth.

9. **CONSENT AGENDA ITEMS**

- 9.1. Consideration and possible action on approving the May 12, 2021 Special Called City Council meeting minutes.
- 9.2. Consideration and possible action on approving the May 20, 2021 City Council meeting minutes.

Councilmember Gordon pulled Item 9.4. Councilmember Sutton pulled Item 9.3.

Councilmember Villarreal Salvo made a motion to approve Items 9.1 and 9.2 as presented. Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

- 9.3. Consideration and possible action relating to a Public Improvement District, ("PID") Administrative Fee reimbursement from DPFPG, Development Planning & Financing Group, Inc. for the Co-OP PID, Cross Creek PID and Mustang Creek PID. (City Attorney-D. Palumbo)

City Attorney Dorothy Palumbo spoke on this topic. Rick Rosenberg was present to speak on this topic.

Discussion ensued.

Excess fee of \$64,750.00 between the three PIDS.

Mr. Rosenberg agrees to reimburse the City \$68,550.

Mayor Snyder made a motion to approve the Administrative Fee reimbursement from DPFPG in the amount of \$68,550 payable by June 8, 2021. Councilmember Arismendez seconded the motion. The motion passed unanimously (7:0).

- 9.4 Consideration and possible action on tax exemptions for disabled veterans. (Councilmember Arismendez)

Councilmember Gordon looking for clarification on what they will be voting on.

Discussion ensued. Informational item. No action required from the Council at this time.

Mayor Snyder moved Item 12.3 up. There were no objections.

- 12.3. 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, City Council Liaisons and Area Government appointments.

-Randal Clark spoke on this item.

-Ida Weaver spoke on this item.

Councilmember Gordon made a motion to appoint Thomas Quoma to the Emergency Preparedness Task Force. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder made a motion to reappoint Susanna Boyer to the Planning and Zoning Commission for a one-year term. Councilmember Peter Gordon seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder made a motion to appoint Councilmember Villarreal Salvo as the Council Liaison to the Parks Advisory Board. Councilmember Sutton seconded the motion. Councilmember Thornton would like to wait until the Council person for Place 5 is sworn in before a Council Liaison is appointed. Discussion ensued. This item will be addressed at the July 1, 2021 meeting.

Mayor Snyder made a motion John Marines to the Zoning Board of Adjustment to the Place 1 spot, Councilmember Sutton agrees. Councilmember Gordon seconded the motion. The motion passed unanimously. (7:0)

Councilmember Thornton made a motion to reappoint Mike Arismendez to the EDC Type A and CDC Type B Board for a two-year term starting July 1, 2021. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

Mayor Snyder appointed Councilmember Villarreal Salvo to the CAPCOG Clean Air Collation.

10. ORDINANCES

- 10.1. Consideration and possible action on Ordinance No. O-2021-035 amending the budget for the fiscal year of October 1, 2020 through September 30, 2021, in accordance with existing statutory requirements.

Councilmember Villarreal Salvo made a motion to approve Item 10.1 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously (7:0).

- 10.2. Consideration and possible action on Ordinance No. O-2021-032 opening a public hearing on the levy of assessments on property within Cottonwood Creek Public Improvement District Improvement Area #1 and Approving Levying Special Assessments For, And Apportioning The Costs Of, Certain Improvements To Property In And For The Emory Crossing Public Improvement District Improvement Area #1; Fixing A Charge And Lien Against All Properties Within The District, And The Owners Thereof; Providing For The Manner And Method Of Collection Of Such Assessments; Making A Finding Of Special Benefit To Property In The District And The Real And True Owners Thereof; Approving A Service And Assessment Plan; Providing A Severability Clause; and Providing An Effective Date. (City Attorney-D.Palumbo)

Public Hearing Opened: 8:16 PM Closed: 8:16 PM

Item 11.6 was moved up at this time.

11.6. Consideration and possible action on Resolution No. R-2021-093 authorizing the City of Hutto's execution and entering into multiple agreements regarding the development of the Cottonwood Creek Public Improvement District, including a financing agreement, a reimbursement agreement, a landowner agreement, a consenting party landowner agreement; ordering other matters in connection with the foregoing and providing an effective date. (City Attorney-D.Palumbo)

Bart Fowler and Kevin Pierce were present to speak on this item. Discussion ensued.

Councilmember Gordon made a motion to approve Item 11.6 as presented.
Councilmember Arismendez seconded the motion. The motion passed (6:1) with MPT Rose against.

10.3. Consideration and possible action on Ordinance No. O-2021- 032 adopting an ordinance levying special assessments for, and apportioning the costs of, certain improvements to property in and for the Cottonwood Creek Public Improvement District Improvement Area #1; fixing a charge against all properties within the District, and the Owners thereof; providing for the manner and method of collection of such assessments; making a finding of special benefit to property in the district and the real and true owners thereof; approving a service and assessment plan; providing a severability clause; and providing an effective date.(City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Item 10.3 as presented.
Councilmember Gordon seconded the motion. The motion passed (6:1) with MPT Rose against.

10.4. Consideration and possible action on Ordinance No. O-2021-032 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13. (City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Ordinance No. O-2021-032 as presented. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

10.5. Consideration and possible action on Ordinance No. O-2021-034 amending Chapter 18, Streets and Public Places; establishing Article 18.03, Right of Way Management, to provide for regulations related to the placement and removal of facilities in the right-of-way; and amending Appendix A, Fee Schedule, Article A1.000, Development Services, Engineering and Construction, of the Hutto Code of Ordinances to establish the fees for permit applications and all rents for use of the public rights-of-way by network providers. (City Attorney)

Councilmember Gordon made a motion to approve Item 10.5 as presented.
Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

10.6. Consideration and possible action on Ordinance No. O-2021-034 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13. (City Attorney-D. Palumbo)

Councilmember Arismendez made a motion to approve Item 10.4 as presented.
Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

A 10-minute recess was taken at this time.

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution No. R-2021-099 approving a proposed compensation study. (Lee Ann Huddleston)

Councilmember Villarreal Salvo made a motion to approve Item 11.1 as presented. Councilmember Sutton seconded the motion. The motion passed unanimously. (7:0)

- 11.2. Consideration and possible action on Resolution No. R-2021-098 approving the first amendment to the agreement between the City of Hutto and Legends of Hutto Home Owners Association to deed over ownership of the subdivisions drainage lots to the City of Hutto. (City Attorney)

Status update only. No action required at this time.

- 11.3. Consideration and possible action on Resolution No. R-2021-036 Amending the Lease Agreement between the City of Hutto and YMCA of Greater Williamson County dated December 15, 2011, as amended, for operations of the Hutto Family YMCA. (City Attorney)

Status update only. No action required at this time.

- 11.4. Consideration and possible action on Resolution No. R-2021-037 Amending the Management Agreement between the City of Hutto and YMCA of Greater Williamson County dated December 15, 2011, regarding the Lease of a Building Constructed by the City for Recreational Purposes. (City Attorney)

Status update only. No action required at this time.

- 11.5. Consideration and possible action on Resolution No. R-2021-095 authorizing continued participation with the Steering Committee of Cities served by ONCOR; and authorizing the payment of seven cents per capita to the Steering Committee to fund regulatory and legal proceedings and activities related to ONCOR Electric Delivery Company, LLC.

Councilmember Arismendez made a motion to approve Resolution No. R-2021-095 as presented. Councilmember Thornton seconded the motion. The motion passed (6:1) with Mayor Snyder against.

- 11.7. Consideration and possible action on Resolution No. R-2021-096 finding that ONCOR Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with OCSC; authorizing the hiring of legal counsel and consulting services; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

Councilmember Gordon made a motion to approve Item 11.7 Resolution No. R-2021-096 as presented. Councilmember Arismendez seconded the motion. The motion passed unanimously. (7:0)

- 11.8. Consideration and possible action on Resolution No. R-2021-094 approving the Comprehensive Development and Consent Agreement between the City of Hutto and

Hutto 525 Development Partners LP, creating the South Fork Ranch Municipal Utility District; authorizing the City Manager to execute the Development and Consent Agreement; repealing Resolution no. 2009-021-00 and providing an effective date. (City Attorney-D.Palumbo)

Councilmember Gordon made a motion to approve Item 11.8 as presented. Councilmember Villarreal Salvo seconded the motion. Mayor Snyder made an amendment to the motion to add a landfill disclosure. The motion passed unanimously. (7:0)

Item 11.10 was moved up with no objection.

11.10. Consideration and possible action on Resolution R-2021-069 of the City Council of the City of Hutto, Texas, consenting to the creation of a Municipal Utility District to be known as South Fork Ranch Municipal Utility District and the inclusion of approximately 164.29 acres of land, and annexation of approximately 362.47 acres of land, into the district; and providing an effective date.

Councilmember Villarreal Salvo made a motion to approve Resolution R-2021-069 as presented. Councilmember Thornton seconded the motion. The motion passed unanimously. (7:0)

11.9. Consideration and possible action on Resolution R-2021-097 approving the amendment of the bylaws of the Hutto Economic Development Corporation, Type A; providing for repeal; providing for severability; and providing an effective date. (EDC Attorney)

No action required at this time. Will come back at July 15h meeting.

12. OTHER BUSINESS

12.1. Consideration and possible action regarding the policy and procedure for submitting outside agency funding to Council. (Councilmember Rose)

This item will be brought back for further discussion and possible action.

12.2. Discussion regarding continued barricade violations at Durango Farms. (Councilmember Sutton)

Discussion ensued. No action taken.

13. EXECUTIVE SESSION – Tabled. No action taken.

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).

13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. 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.

15. ADJOURNMENT 10:46 PM

Passed and approved this 17th day of June, 2021.

Mike Snyder, Mayor

ATTEST:

Holly Nagy, City Secretary

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on approving the June 7, 2021 Special Called City Council meeting minutes.
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. June 7, 2021- Special Called Minutes



City of Hutto

MINUTES

City Council Meeting Monday, June 7, 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 7:02 PM

2. ROLL CALL

Members of the Council present: Mayor Mike Snyder, MPT Tanner Rose Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Mike Arismendez.

3. PLEDGE OF ALLEGIANCE

4. 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.

4.1. General Comments from City Council- **None**

5. PUBLIC COMMENT

-None

6. CITY MANAGER COMMENTS

7. CONSENT AGENDA ITEMS

8. ORDINANCES

9. RESOLUTIONS

10. OTHER BUSINESS

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.

Councilmember Thornton made a motion to appoint Bryan Lee to Place 2 place on the Zoning Board of Adjustment. Councilmember Villarreal Salvo seconded the motion. The motion passed unanimously. (7:0)

11. EXECUTIVE SESSION- Entered: 7:08 PM

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 and City Council Legal Requests.
- 11.2. Joint Executive Session with the Hutto Economic Development Corporation and Community Development Corporation pursuant to Sections 551.071 and 551.087 to deliberate and seek legal advice regarding economic development incentive negotiations, involving update on all projects, BCL administered Disaster Relief Program, KTONIC, LLC and funding agreement regarding potential Downtown Plan project.

12. ACTION RELATIVE TO EXECUTIVE SESSION- Reconvened: 8:43 PM

- 12.1. Consider 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. - **No action taken.**
- 12.2. Consideration and possible action on legal advice received during joint Executive Session with the Hutto Economic Development Corporation and Community Development Corporation pursuant to Sections 551.071 and 551.087 to deliberate and seek legal advice regarding economic development incentive negotiations, involving update on all projects, BCL administered Disaster Relief Program, KTONIC, LLC and funding agreement regarding potential Downtown Plan project. - **No action taken.**

13. ADJOURNMENT 8:44 PM

Passed and approved on this 17th day of June, 2021.

Mike Snyder, Mayor

ATTEST:

Holly Nagy, City Secretary

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on acknowledging the assignment of the Development Agreement between the City of Hutto and WMV 1660, LLC, dated April 1, 2021, to Starlight Homes Texas, LLC, in accordance with Section 5.06 of the Development Agreement. (City Attorney- C. Rosas-Grillet)
Meeting: Thursday, June 17, 2021
Department: Legal
Staff Contact: Cristian Rosas-Grillet

BACKGROUND INFORMATION:

On April 1, 2021, the City Council adopted Resolution R-2021-052 authorizing the City Manager to execute a Development Agreement between the City of Hutto and WMV 1660, LLC. The purpose of the development agreement was to outline several development items not otherwise contemplated in the Unified Development Code (cost sharing for a wastewater line, future license agreement for signage and access to floodplain, and water/wastewater commitments for the development) for the Gola Tract (197.82 acres).

Section 5.06 of the Development Agreement authorizes assignment with respect to all or a portion of the Property from time to time, without the prior written consent of the City, to an affiliate of Owner or so long as: (i) the assignment is in writing to an entity that is not delinquent in the payment of taxes; that is not in default in a development agreement with the City and has the experience and financial capacity to perform the obligations of this Agreement; (ii) the assignment provides that the assignee assumes such assigned rights and obligations without modification or amendment; (iii) the assignment is executed by Owner and the assignee; and (iv) Owner provides a copy of the fully executed assignment to the City within fifteen (15) business days after the effective date of the assignment.

Starlight Homes Texas, LLC, has acquired the property covered by the Development Agreement. In accordance, with Section 5.06 WMV 1660, LLC, assigned its obligations under the Development Agreement to Starlight Homes Texas, LLC, effective May 18, 2021 and has provided notice of the assignment.

SUMMARY OF REQUEST:

STAFF REVIEW:

Staff recommends approval of this item.

FINANCIAL IMPACT:

N/A

AGENDA ITEM REPORT



POLICY IMPLICATIONS:

N/A

ATTACHMENTS:

1. Hurst Savage Vanderburg- Starlight Homes Texas LLC DA COH-WMV 1660 (003)

HURST SAVAGE & VANDERBURG, L.L.P.

ATTORNEYS AT LAW
814 WEST TENTH STREET
AUSTIN, TEXAS 78701-2005
512.474.8400
FAX: 512.435.0117

ANN E. VANDERBURG
BOARD CERTIFIED, COMMERCIAL REAL ESTATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

WRITER'S DIRECT NUMBER:
512.474.8401
E-MAIL ADDRESS:
avanderburg@hsvllp.com

May 28, 2021

RECEIVED

JUN 03 2021

Ms. Holly Nagy
500 W. Live Oak Street
Hutto, Texas 78634

City Secretary
Hutto, TX

Via Certified Mail
Return Receipt Requested
7019 2970 0000 2261 9953

Re: Development Agreement (the "**Agreement**") dated as of April 1, 2021, between the City of Hutto ("**City**") and WMV 1660, LLC ("**Assignor**"), recorded under Document No. 2021058913, Official Public Records of Williamson County, Texas

Dear Ms. Nagy:

This letter provides the notice to the City required under Section 5.06 of the Agreement. Starlight Homes Texas L.L.C. ("**Starlight**") has acquired the property that is covered by the Agreement and Assignor has assigned the Agreement to Starlight effective May 18, 2021 (a copy of which assignment is enclosed with this letter). Starlight meets the criteria set out in 5.06(i) of the Agreement.

Starlight's addresses for notices under the Agreement are:

Starlight Homes Texas L.L.C.
10721 Research Blvd, Suite B-210
Austin, Texas 78759
Attn: Keith Pearson
Telephone: (512) 610-7000
Email: keith.pearson@ashtonwoods.com

With copies to:

Ashton Woods
3820 Mansell Road, Suite 400
Alpharetta, Georgia 30022
Attn: Christine Ryan
Telephone: (678) 782-2278
Email: christine.ryan@ashtonwoods.com

Ms. Holly Nagy
May 28, 2021
Page 2

Hurst, Savage & Vanderburg, LLP
814 W. Tenth Street
Austin, Texas 78701
Attn: Ann Engles Vanderburg
Telephone: (512) 474-8401
Email: avanderburg@hsvllp.com

Please let us know of any questions regarding the assignment of the Agreement to Starlight.

Sincerely yours,



Ann Engles Vanderburg

cc: Steven Pierce (via email)
Christine Ryan (via email)
Jason Gorman (via email)

ASSIGNMENT OF DEVELOPMENT AGREEMENT

THIS ASSIGNMENT OF DEVELOPMENT AGREEMENT (this "Assignment") is dated as of May 18, 2021 and is by and between **WMV 1660, LLC**, a Texas limited liability company ("Assignor"), and **STARLIGHT HOMES TEXAS L.L.C.**, a Delaware limited liability company ("Assignee").

BACKGROUND

A. Assignor entered into a Development Agreement dated as of April 1, 2021 (the "Development Agreement") with the City of Hutto, Texas (the "City"), a home rule city organized under the laws of the State of Texas, a copy of which is recorded under Document No. 2021058913, Official Public Records of Williamson County, Texas. The Development Agreement governs the development of approximately 197.82 acres more particularly described therein (the "Property").

B. Concurrently with the execution of this Assignment, Assignee has acquired the Property and Assignor wishes to assign all its right, title and interest in and to the Development Agreement to Assignee so that Assignee may develop a residential subdivision on the Property in accordance with the terms, conditions and limitations set forth in the Development Agreement.

C. Assignee is not delinquent in the payment of taxes; is not in default under any development agreement with the City and has the experience and financial capacity to perform the obligations of the Owner under the Development Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Recitals. The parties confirm the above Recitals are true and correct and are incorporated into this Agreement for all purposes.
2. Assignment. Assignor hereby assigns to Assignee all of Assignor's obligations, right, title and interest, as "Owner," in and to the Development Agreement.
3. Assumption of Obligations. Assignee agrees to assume and perform all obligations and duties of Assignor, as "Owner," under the Development Agreement, without modification or amendment. Assignor agrees to deliver a copy of this Assignment to the City within 15 business days after the date of this assignment.

4. Governing Law. This Assignment shall be governed by, interpreted under, and construed and enforceable in accordance with, the laws of the State of Texas.

5. Counterparts. This Assignment may be executed in one or more counterparts, which shall be construed together as one document. A telecopy or electronic delivery [i.e., the transmission by either party of its signature on an original or any copy of this instrument via fax machine or over the internet in electronic photostatic format (e.g., .pdf Adobe)] shall be deemed to be the delivery by such party of its original signature hereon.

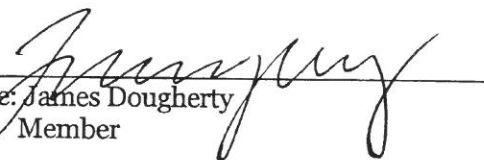
[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto make and execute this Assignment of Development Agreement to be effective on the date first-above written.

Assignor:

WMV 1660, LLC, a Texas limited liability company

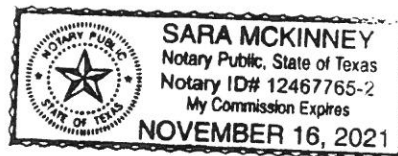
By: WayMaker Ventures, LLC., a Texas limited liability company, its sole member:

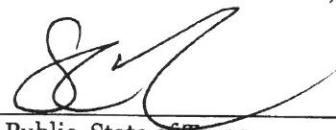
By: 
Name: James Dougherty
Title: Member

STATE OF TEXAS §
 §
COUNTY OF Travis §

This instrument was acknowledged before me on May 18, 2021, by **James Dougherty**, Member of **WayMaker Ventures, LLC**, sole member of **WMV 1660, LLC**, a Texas limited liability company.

(SEAL)




Notary Public, State of Texas

Assignee:

STARLIGHT HOMES L.L.C.,
a Delaware limited liability company

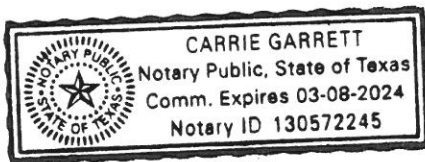
By: Michael G. Ringel
Name: Michael G. Ringel
Title: VP Finance

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on May 17th, 2021, by
Michael G. Ringel, VP Finance of
STARLIGHT HOMES TEXAS L.L.C., a Delaware limited liability company.

(SEAL)

[Signature]
Notary Public, State of Texas



AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on Ordinance No. O-2021-035 amending the budget for the fiscal year of October 1, 2020 through September 30, 2021, in accordance with existing statutory requirements. (Second Reading)
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact:

BACKGROUND INFORMATION:

Ordinance No. O-2021-035 amends the City's FY 2020-2021 budget as follows:

- By Closing the Solid Waste Fund assets and liabilities into the General Fund on October 1, 2020. Budgeted Solid Waste revenues and expenditures will be recorded in the General Fund;
- By Eliminating the Solid Waste Fund \$141,500 Transfer to the Utilities Fund; By Closing the Red Light Camera Fund assets and liabilities into the General Fund on October 1, 2020;
- By Closing the Streets Improvement Fund assets and liabilities into the General Fund on October 1, 2020. Drainage Fees will be recorded as General Fund Revenues beginning October 1, 2020;
- By Creating a Grants Fund. Appropriations of Grants revenue will be presented to City Council as grants are awarded;
- By Eliminating the transfer from Hotel Occupancy Fund to the General Fund and creating an expenditure budget within the Hotel Occupancy Tax Fund for allowable expenditures.

On June 3, 2021, the City Council read and approved Ordinance O-2021-035 on the first reading.

SUMMARY OF REQUEST:

STAFF REVIEW:

Staff recommends that this ordinance be adopted.

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

AGENDA ITEM REPORT



ATTACHMENTS:

1. Budget Amendment Ordinance 05252021
2. Budget Amendment June 2021 - Solid Waste Fund Red Light Camera Fund Street Improvement Fund 5.27.21 (2)



Mayor
Mike Snyder

May 25, 2021

Mayor Mike Snyder and Members of
the City Council

Council Members

Robin Sutton, Place 1
Dan Thornton, Place 2
Mandi Villarreal Salvo, Place 3
Peter Gordon, Place 4
Mike Arismendez, Place 5
Tanner Rose, Place 6

RE: Budget Amendment Ordinance

City Manager
Warren A. Hutmacher

This Budget Amendment Ordinance includes five items to resolve and clarify certain budgeting and accounting practices that were reflected in the September 30, 2020 Annual Comprehensive Financial Report (ACFR) and in the Adopted FY20/21 Operating Budget.

My first recommendation is that we eliminate the Solid Waste Fund beginning October 1, 2020. The revenues and expenditures will be recorded in the General Fund. This will allow the General Fund to increase its Fund Balance by \$395,457 on October 1, 2020 and to continue increasing each month as Solid Waste fees exceed Solid Waste contract payments. I anticipate that for FY20/21 Solid Waste fees will total over \$2.2 million while Solid Waste contract payments will total close to \$1.8 million. I'm also recommending that the Transfer to Utilities Funds of \$141,500 be eliminated. Franchise Fee Trash Collection will be recorded as revenue in the General Fund, where it should have been in the first place. With these changes, the General Fund balance at this fiscal year's end should improve by over \$900,000.

My second recommendation is the closure of the Red Light Camera Fund into the General Fund on October 1, 2020. The Texas Legislature prohibited the use of red light cameras in June 2019. This will add \$99,245 to the General Fund.

Third, I recommend the next changes in order to resolve the negative Unassigned Fund Balance of \$744,442 in the Streets Improvement Fund by closing the fund's assets and liabilities into the General Fund. The Due To and Due From amounts in this fund will be eliminated at October 1, 2020. Drainage Fees will be recorded as General Fund Revenues beginning October 1, 2020.

Fourth, I recommend the creation of a Grants Fund. Appropriations of Grants revenue will be presented to City Council as grants are awarded. This will make grants tracking more concise.

Fifth, I recommend that the transfer from Hotel Occupancy Tax Fund to the General Fund be eliminated and to create an expenditure budget within the Hotel Occupancy Tax Fund for allowable expenditures. This will assure that these expenditures are managed and reported in compliance with the Texas Tax Code Sections 351.005 and 351.101 et seq. The \$300,000 transfer will now become a budgeted expenditure within the Hotel Occupancy Tax Fund, and will be spent only as revenues are available above the fund balance policy which was \$43,750 at September 30, 2020.



Lee Ann Huddleston
Interim CFO

CITY OF HUTTO, TEXAS
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
September 30, 2020

Page 1 of 2

	Business-Type Activities - Enterprise Funds		Total
	Utility System	Solid Waste	
Assets			
Current assets:			
Cash and cash equivalents	\$ 27,588,806	\$ 308,736	\$ 27,897,542
Accounts receivable, net	1,613,356	382,221	1,995,577
Restricted cash - bond funds	1,872,664	-	1,872,664
Inventories	56,133	-	56,133
Total Current Assets	31,130,959	690,957	31,821,916
Non-current assets:			
Net pension asset	10,600	-	10,600
Capital assets not being depreciated:			
Land	4,594,475	-	4,594,475
Construction in progress	7,232,766	-	7,232,766
Other capital assets, net of depreciation:			
Intangible assets	33,856,539	-	33,856,539
Buildings and improvements	2,990,145	-	2,990,145
Plant and equipment	9,548,946	-	9,548,946
Distribution and collection system	109,047,534	-	109,047,534
Less accumulated depreciation	(43,742,974)	-	(43,742,974)
Total Non-Current Assets	123,538,031	-	123,538,031
Total Assets	154,668,990	690,957	155,359,947
Deferred Outflows of Resources			
Deferred charge on refunding	407,316	-	407,316
Deferred outflows related to pension activities	84,801	-	84,801
Deferred outflows related to OPEB activities (SDBF)	6,300	-	6,300
Deferred outflows related to OPEB activities (RHCP)	2,551	-	2,551
Total Deferred Outflows of Resources	500,968	-	500,968

CITY OF HUTTO, TEXAS
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
September 30, 2020

Page 2 of 2

	Business-Type Activities - Enterprise Funds		Total
	Utility System	Solid Waste	
Liabilities			
Current liabilities:			
Accounts payable	\$ 383,697	\$ 268,846	\$ 652,543
Due to other governments	-	26,654	26,654
Accrued wages payable	23,080	-	23,080
Accrued expenses	895,072	-	895,072
Accrued interest payable	811,089	-	811,089
Customer deposits payable	454,961	-	454,961
Capital lease obligation - current portion	21,205	-	21,205
Bonds, notes and loans payable - current portion	2,672,388	-	2,672,388
Total Current Liabilities	<u>5,261,492</u>	<u>295,500</u>	<u>5,556,992</u>
Non-current liabilities:			
Compensated absences	36,884	-	36,884
Bonds, notes and loans payable	135,433,730	-	135,433,730
Total OPEB liability (SDBF)	21,800	-	21,800
Total OPEB liability (RHCP)	32,446	-	32,446
Total Non-Current Liabilities	<u>135,524,860</u>	<u>-</u>	<u>135,524,860</u>
Total Liabilities	<u>140,786,352</u>	<u>295,500</u>	<u>141,081,852</u>
Deferred Inflows of Resources			
Deferred inflows related to pension activities	118,800	-	118,800
Deferred inflows related to OPEB activities (SDBF)	1,200	-	1,200
Deferred inflows related to OPEB activities (RHCP)	3,660	-	3,660
Total Deferred Inflows of Resources	<u>123,660</u>	<u>-</u>	<u>123,660</u>
Net Position			
Net investment in capital assets	(1,293,908)	-	(1,293,908)
Restricted for debt service	3,731,413	-	3,731,413
Restricted for capital projects	5,390,590	-	5,390,590
Unrestricted	6,431,851	395,457	6,827,308
Total Net Position	<u>\$ 14,259,946</u>	<u>\$ 395,457</u>	<u>\$ 14,655,403</u>



City of Hutto, TX

Budget Report Account Summary

For Fiscal: 2020-2021 Period Ending: 05/31/2021

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 70 - Solid Waste Fund							
Revenue							
70-5025	Franchise Fee Trash Collection	100,000.00	100,000.00	0.00	52,813.67	-47,186.33	47.19 %
70-5052	Late Fees	25,000.00	25,000.00	2,627.33	8,464.74	-16,535.26	66.14 %
70-5204	Waste Management Fees	1,675,000.00	1,675,000.00	159,126.12	1,123,655.51	-551,344.49	32.92 %
	Revenue Total:	1,800,000.00	1,800,000.00	161,753.45	1,184,933.92	-615,066.08	34.17 %
Expense							
70-080-010-6461	Waste Management Services	1,650,000.00	1,650,000.00	0.00	872,234.88	777,765.12	47.14 %
70-080-010-6592	Bad Debt	10,000.00	10,000.00	0.00	0.00	10,000.00	100.00 %
70-100-000-6750	Transfer to Fund 50	141,500.00	141,500.00	0.00	0.00	141,500.00	100.00 %
	Expense Total:	1,801,500.00	1,801,500.00	0.00	872,234.88	929,265.12	51.58 %
	Fund: 70 - Solid Waste Fund Surplus (Deficit):	-1,500.00	-1,500.00	161,753.45	312,699.04	314,199.04	0.946.60 %
	Report Surplus (Deficit):	-1,500.00	-1,500.00	161,753.45	312,699.04	314,199.04	0.946.60 %

eliminate

CITY OF HUTTO, TEXAS
COMBINING BALANCE SHEET
NON-MAJOR GOVERNMENTAL FUNDS
September 30, 2020

Page 1 of 3

	Municipal Court Fees	Hotel Tax	Police Seizure Fund	Red Light Camera	PEG Capital Fees
Assets					
Cash and cash equivalents	\$ 27,341	\$ 143,389	\$ 18,299	\$ 99,245	\$ 66,706
Receivables, net of allowance	-	22,582	-	-	10,115
Due from other funds	-	-	-	-	-
Total Assets	<u>\$ 27,341</u>	<u>\$ 165,971</u>	<u>\$ 18,299</u>	<u>\$ 99,245</u>	<u>\$ 76,821</u>
Liabilities					
Accounts payable	\$ 79	\$ -	\$ -	\$ -	\$ -
Due to other funds	-	-	-	-	-
Accrued wages payable	-	-	-	-	-
Total Liabilities	<u>79</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund Balances					
Restricted:					
Capital projects	-	-	-	-	-
Economic development	-	165,971	-	-	76,821
Police and traffic safety	-	-	18,299	99,245	-
Municipal court	27,262	-	-	-	-
Unassigned	-	-	-	-	-
Total Fund Balances	<u>27,262</u>	<u>165,971</u>	<u>18,299</u>	<u>99,245</u>	<u>76,821</u>
Total Liabilities, Deferred Inflows, and Fund Balances	<u>\$ 27,341</u>	<u>\$ 165,971</u>	<u>\$ 18,299</u>	<u>\$ 99,245</u>	<u>\$ 76,821</u>

CITY OF HUTTO, TEXAS
COMBINING BALANCE SHEET
NON-MAJOR GOVERNMENTAL FUNDS
September 30, 2020

Page 3 of 3

	Park Improvements	Street Improvement Fund	Total Capital Projects	Total Non-Major Governmental Funds
Assets				
Cash and cash equivalents	\$ 693,769	\$ 592,143	\$ 1,285,912	\$ 3,626,672
Receivables, net of allowance	-	70,924	70,924	311,121
Due from other funds	-	667,989	667,989	667,989
Total Assets	<u>\$ 693,769</u>	<u>\$ 1,331,056</u>	<u>\$ 2,024,825</u>	<u>\$ 4,605,782</u>
Liabilities				
Accounts payable	\$ -	\$ 60,534	\$ 60,534	123,483
Due to other funds	-	1,995,950	1,995,950	2,164,650
Accrued wages payable	-	19,014	19,014	31,411
Total Liabilities	<u>-</u>	<u>2,075,498</u>	<u>2,075,498</u>	<u>2,319,544</u>
Fund Balances				
Restricted:				
Capital projects	693,769	-	693,769	693,769
Economic development	-	-	-	2,192,105
Police and traffic safety	-	-	-	117,544
Municipal court	-	-	-	27,262
Unassigned	-	(744,442)	(744,442)	(744,442)
Total Fund Balances	<u>693,769</u>	<u>(744,442)</u>	<u>(50,673)</u>	<u>2,286,238</u>
Total Liabilities, Deferred Inflows, and Fund Balances	<u>\$ 693,769</u>	<u>\$ 1,331,056</u>	<u>\$ 2,024,825</u>	<u>\$ 4,605,782</u>

September 30, 2020 ACFR

September 30, 2020 ACFR					After Budget Amendments			
	General Fund	Capital Improvements	Streets Improvement	Total	General Fund	Capital Improvements	Streets Improvement CLOSED	Total
Assets								
Cash & cash equivalents	1,925,115	563,777	592,143	3,081,035	2,517,258	563,777		3,081,035
Receivables net of allowance	1,306,780		70,924	1,377,704	1,377,704	-		1,377,704
Due from other funds HEDC	168,700			168,700	168,700	-		168,700
Due from other funds Streets	1,995,950			1,995,950	-	-		-
Due from other funds Capital Improvements			667,989	667,989	-	-		-
Due from other funds Perfect Game	1,365,978			1,365,978	1,365,978	-		1,365,978
Prepaid items	14,752			14,752	14,752	-		14,752
Land held for sale		7,339,882		7,339,882	-	7,339,882		7,339,882
Total Assets	6,777,275	7,903,659	1,331,056	16,011,990	5,444,392	7,903,659		13,348,051
Liabilities								
Accounts payable	1,276,829	94,591	60,534	1,431,954	1,337,363	94,591		1,431,954
Due to other funds Streets		667,989		667,989	-	-		-
Due to other funds GF			1,995,950	1,995,950	-	-		-
Due to other govts	45,344			45,344	45,344	-		45,344
Accrued wages payable	310,586		19,014	329,600	329,600	-		329,600
Accrued liabilities	611,593			611,593	611,593	-		611,593
Deposits payable	15,305			15,305	15,305	-		15,305
Unearned revenue	10,401			10,401	10,401	-		10,401
Total Liabilities	2,270,058	762,580	2,075,498	5,108,136	2,349,606	94,591		2,444,197
Unavailable revenues (property taxes)	20,042	-	-	20,042	20,042	-		20,042
Fund Balances								
Nonspendable	14,752			14,752	14,752	-		14,752
Capital Projects		7,141,079		7,141,079	-	7,141,079		7,141,079
Unassigned	4,472,423		(744,442)	3,727,981	3,059,992	-		3,727,981
	4,487,175	7,141,079	(744,442)	10,883,812	3,074,744	7,141,079		10,883,812
	6,777,275	7,903,659	1,331,056	16,011,990	5,444,392	7,235,670		13,348,051



City of Hutto, TX

Budget Report Account Summary

For Fiscal: 2020-2021 Period Ending: 05/31/2021

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 24 - Hotel Tax Fund							
Revenue							
24-5009	Occupancy Tax	175,000.00	175,000.00	0.00	77,857.41	-97,142.59	55.51 %
	Revenue Total:	175,000.00	175,000.00	0.00	77,857.41	-97,142.59	55.51 %
Expense							
24-020-000-6710	Transfers Out (General Fund)	300,000.00	300,000.00	0.00	0.00	300,000.00	100.00 %
24-020-006-6565	Convention & Visitor's Bureau (10-1	5,000.00	5,000.00	0.00	0.00	5,000.00	100.00 %
	Expense Total:	305,000.00	305,000.00	0.00	0.00	305,000.00	100.00 %
Fund: 24 - Hotel Tax Fund Surplus (Deficit):		-130,000.00	-130,000.00	0.00	77,857.41	207,857.41	159.89 %
Report Surplus (Deficit):		-130,000.00	-130,000.00	0.00	77,857.41	207,857.41	159.89 %

ORDINANCE NO. 2021-035

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021, IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; FINDING MUNICIPAL PURPOSES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Hutto adopted the City's Fiscal Year 2020-2021 Budget in September of 2020; and

WHEREAS, pursuant to Texas Local Government Code, Section 102.010, the City Council has determined that it is necessary to amend the City's FY 2020-2021 Budget, and that the budget amendment serves a municipal purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HUTTO, TEXAS, THAT:

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2020, and ending September 30, 2021, for the support of the general government of the City of Hutto, Texas, be amended as follows:

- a. By Closing the Solid Waste Fund assets and liabilities into the General Fund on October 1, 2020. Budgeted Solid Waste revenues and expenditures will be recorded in the General Fund.
- b. By Eliminating the Solid Waste Fund \$141,500 Transfer to the Utilities Fund.
- c. By Closing the Red Light Camera Fund assets and liabilities into the General Fund on October 1, 2020.
- d. By Closing the Streets Improvement Fund assets and liabilities into the General Fund on October 1, 2020. Drainage Fees will be recorded as General Fund Revenues beginning October 1, 2020.
- e. By Creating a Grants Fund. Appropriations of Grants revenue will be presented to City Council as grants are awarded.
- f. By Eliminating the transfer from Hotel Occupancy Fund to the General Fund and creating an expenditure budget within the Hotel Occupancy Tax Fund for allowable expenditures.

SECTION 2. That the amendment, as shown in words and figures in Exhibit "A", is hereby approved in all aspects and adopted as an amendment to the City budget for the fiscal year October 1, 2020 through September 30, 2021.

SECTION 3. The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this Ordinance in the manner and for the length of time prescribed by law and the City Charter.

SECTION 4. A copy of the amended budget shall be placed in the office of the Williamson County Clerk as required by Tex. Loc. Gov't. Section 102.011.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If a court of competent jurisdiction to be invalid shall adjudge any provision of this Ordinance, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. All ordinances or parts of ordinances and sections of the City Code of Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 8. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter. 551, Tex. Gov't. Code

READ and APPROVED on the first reading this the __th day of **June 2021**.

READ, PASSED, and ADOPTED on the second reading of this __th day of **June, 2021** at a regular meeting of the City Council of Hutto, there being a quorum present.

CITY OF HUTTO

Mike Snyder, Mayor

ATTEST

Holly Nagy, City Secretary

EXHIBIT A

Original Budget		Budget Amendment	
Solid Waste Fund		General Fund	
Revenues		Revenues	
Franchise Fee Trash	100,000	Franchise Fee Trash	100,000
Late Fees	25,000	Late Fees	25,000
Waste Management Fees	1,675,000	Waste Management Fees	1,675,000
Expenditures		Expenditures	
Waste Management Services	1,650,000	Waste Management Services	1,650,000
Bad Debt	10,000	Bad Debt	10,000
Transfer to Utilities	141,500		
		Solid Waste Fund	
		Expenditures	
		Transfer to Utilities	-
Streets Drainage Fund		General Fund	
Revenue		Revenue	
Drainage Fees	425,000	Drainage Fees	425,000
Expenditures		Expenditures	
Drainage Repair & Maintenance	250,000	Drainage Repair & Maintenance	-
Contract Labor	100,000	Contract Labor	-
Machinery & Equipment	50,000	Machinery & Equipment	-
Hotel Occupancy Tax Fund		General Fund	
Expenditures		Expenditures	
Transfer to General Fund	300,000	Transfer to General Fund	-
		Hotel Occupancy Tax Fund	
		Nondepartmental HOT projects	300,000

AGENDA ITEM REPORT



To: City Council
Subject: Consideration of a public hearing and possible action on a Ordinance No. O-2021-037 regarding the Planned Unit Development (PUD) amendment request for the property known as Cottonwood Creek Planned Unit Development (PUD) Amendment #4, 370.36 acres, more or less, of land, located on CR 199.
Meeting: Thursday, June 17, 2021
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

Description:

Cottonwood Creek is approximately 370 acres south of CR199 and west of CR132 and currently being developed. The property has an approved Preliminary Plat with 987 single-family lots.

Current Zoning: Planned Unit Development for single-family with a Development Agreement (DA)

Proposed Zoning: Planned Unit Development

Surrounding Zoning:

North: Extra-territorial Jurisdiction (ETJ)

East: Extra-territorial Jurisdiction (ETJ) with an existing single-family home

South: Single Family 1 (SF 1) Glenwood Subdivision and Extra-territorial Jurisdiction (ETJ)

West: Planned Unit Development and Single-Family-1 (Cross Creek and Glenwood Subdivisions)

SUMMARY OF REQUEST:

The base zoning district for the PUD is residential (single family and attached residential/townhouse) and local commercial (B-1) for the non-residential. The PUD was originally approved in 2006, with the approval waiving a Traffic Impact Analysis. The PUD was amended in 2019 to allow for more diversity in the housing types, including 40-70ft width lots, allowing for a townhome product, and additional open space/parkland. The purpose of this request is to amend several sections to mimic the amended and restated Development Agreement, reflect current UDC language, and modify architectural standards.

The applicant is proposing to use the development standards of the following two residential categories, as defined within the UDC:

AGENDA ITEM REPORT



- Single family detached, as defined in the Unified Development Code (UDC), Section 10.306.10: “building with a single dwelling unit not attached to another dwelling (except an approved accessory dwelling unit per Section 10.306.5) or building”,
- Single family attached, as defined in the UDC, Section 10.306.9: “dwelling unit with no units above, below or behind; but with one or two shared walls with other single household attached dwellings. Access is from a private entrance, and not a hall, stairway or balcony shared with other units. Single household attached dwellings include townhouses, row houses, and terraced houses.”

Any non-residential uses shall conform to the local/neighborhood commercial (B-1 district), however, the only non-residential uses proposed with the land use exhibit are recreational areas, amenity centers, and potential schools sites.

The amended PUD includes enhanced landscaping along the main roadways, a dedication of a minimum of 80 acres of land along the Cottonwood Creek corridor, and a includes a section to preserve existing trees and vegetation to the greatest extent possible.

The amended PUD provides for 50% masonry, such as native stone, rock, stucco, or brick, although state law currently prohibits a city from requiring a minimum masonry component in an ordinance.

STAFF REVIEW:

The Planned Unit Development (PUD) process and zoning designation allows creativity, innovation and flexibility in land use, density, site planning and design for a parcel that would result in a project more appropriate and desirable than what would result from strict application of the UDC. Development standards are required for a parcel that would be developed as a PUD. Staff has reviewed the proposed PUD development standards against the required criteria.

1. *The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design.*

The proposed PUD amendments are generally consistent with the desired flexibility guidelines of the existing Cottonwood Creek PUD district, yet provide additional guidelines and regulations to continue the patterns and growth within the district. However, the language to provide a garage-forward design is in direct conflict with the spirit of the UDC, in which all garage setbacks are equal to or greater than the front yard setback of a garage (Sec. 10.403.4 Building Envelope) with an allowance of up to 6ft of a forward protrusion, and no more than a 50% linear frontage of the overall home width. The UDC language is clear in that the intent is to “avoid front elevations resulting in a streetscape dominated by the sight of garage doors” (Sec. 10.406.3.3).

In addition to the concern with garage-forward design, in staff’s estimation the intent of the smaller lots is to have a traditional village setting modeled on New Urbanism. The smallest lot allowed in the UDC currently is a 45-foot lot, thus the allowance of a 40-foot lot is already a variance to the minimum code standard. As proposed the allowance of a garage-forward design on the smaller lots is not more innovative than the UDC minimum standards.

2. *The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value.*

The area of the proposed development has been historically agricultural, with farmland and floodplain areas. The proposed development was first approved in 2006, with a PUD and preliminary plat, that has since been changed to provide for a more curvilinear streetscape and additional open spaces. The development will provide more housing for Hutto’s growing population.

AGENDA ITEM REPORT



3. The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design.

The Cottonwood Creek site is approximately 370 acres in size, with more than 80 acres designated as open space for detention needs or parks. The open space provided will satisfy the requirements of parkland dedication.

4. The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development of the site.

This PUD has an abundance of recreational/open space tracts within the development area that will remain open space, including but not limited to the drainage area on the west/southwest side. In return for the open space, additional density was provided with concise standards having been included in the PUD.

5. The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience.

The proposed development is a single-family development that is located adjacent to other residential neighborhoods. The proposed street connectivity and streetscapes are designed to minimize hazards while promoting connectivity. The proposed connectivity is in substantial conformance with the Mobility Master Plan, adopted in 2018 although provides for a more curvilinear street design in an effort to not further bisect the development with the extension of CR132, a proposed five lane width minor arterial, to the southern city limits. It does not appear that development will negatively affect the health, safety, and general welfare of the community.

6. The PUD will be served by adequate facilities including streets, fire protection, water and sanitation.

The proposed street layout provides for the extension of Carl Stern Drive as well as a future extension of CR132 running north/south along the property's northeastern side. The new street layout provides adequate coverage for fire protection. Existing infrastructure will serve the site, with extensions as needed provided by the developer.

7. The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or that arrangements are made to mitigate impacts.

The property has been slated for residential development since 2006. Thus, the proposed PUD will not have a greater burden on city services as this has been anticipated for more than a decade. The development includes over 80 acres of floodplain and open space, extensions of existing infrastructure at developer's expense, and other design features to mitigate impacts.

8. PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.

New construction must conform to the approved PUD. The guidelines are a blend of existing UDC guidelines and new features, which are compatible with most of the existing development standards. The uses within the existing PUD will not change. The Cottonwood Creek Development does not adversely affect the land or City of Hutto.

However, there is still concern the proposal of garage-forward design. The PUD already provides a variance for up to 55% of a home width comprised of a garage without any additional creativity in housing design proposed. Detached garages, alley-loaded product, tandem garages, and even side-loaded garages with shared driveways are a few examples of how the intent of the ordinance could be met without allowing a protruding garage. As proposed the allowance of a garage-forward design is not more innovative than the UDC standards.

All property owners within 600 feet have been notified by mail of the proposed zoning change. At the time of writing the staff report, staff has received only a few responses - one in favor, one neutral to the development but desire to see the creek and treeline remain intact, one objection, and one request for clarification about the proposed changes.

Staff finds that the proposed PUD for the Cottonwood Creek Development meets the intent of nearly all provisions for PUD Review Criteria as listed in Section 10.203.10.3 of the UDC, save and except the garage-protrusion as discussed. After extensive discussion at the Planning and Zoning Commission meeting, the Commission recommends the PUD amendment with the following conditions:

AGENDA ITEM REPORT



1. No more than 10% of the smaller lots can have a garage protrusion of more than 12feet
2. Upgraded garage and front doors for the smaller width lots.
3. Three inch caliper tree in the front yard of all 40ft lots.

FINANCIAL IMPACT:

The property is currently under development, thus development review fees and impact fees will be collected by the City for the development.

POLICY IMPLICATIONS:

The proposed roadways meeting the Mobility Master Plan and the land use is in conformance with the Future Land Use Map.

ATTACHMENTS:

1. Cottonwood Creek PUD Ord
2. Exhibit A - Legal Description
3. Exhibit A- Proposed PUD
4. Exhibit B - PUD Amendment #4
5. Exhibit B-Annotated.6.8.Updated.
6. redacted responses
7. PH Response

ORDINANCE NO. O-2021-037

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTTO, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO CHANGE THE ZONING FOR 370.36 ACRES, MORE OR LESS, OF LAND, TO BE KNOWN AS THE COTTONWOOD CREEK PLANNED UNIT DEVELOPMENT (PUD) BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to amend the Official Zoning Map to zone the property described in **Exhibit "A"** being hereto and incorporated herein, and;

WHEREAS, the Planning and Zoning Commission recommended approval with conditions of the proposed amendment on the 1st day of June, 2021, and;

WHEREAS, on the 17th day of June, 2021, after proper notification, the City Council held a public hearing on the requested amendment, and;

WHEREAS, the City Council determines that the zoning ordinance amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Article 14.02.002, Code of Ordinances (2007 Edition), City of Hutto, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

That the City Council has considered and made findings on the following matters regarding the proposed amendment:

- 1) The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design; and
- 2) The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value; and
- 3) The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design; and
- 4) The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development on the site; and
- 5) The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience; and

- 6) The PUD will be served by adequate facilities including streets, fire protection, water and sanitation; and
- 7) The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or arrangements are made to mitigate impacts; and
- 8) PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.

That the Official Zoning Map of the City of Hutto, Texas, is hereby amended so that the zoning classification of the property described in **Exhibit "A"**, attached hereto and incorporated herein shall be, and is hereafter changed from B-1 (Local Business) Zoning District to now be designated as PUD (Planned Unit Development) Zoning District and is designated as the 411, 421, 431, 441 Ed Schmidt Boulevard Planned Unit Development (PUD), this includes the Development Plan described in **Exhibit "B"** attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Mike Snyder, Mayor

Attest:

Holy Nagy, City Secretary

LEGAL DESCRIPTION

FIELD NOTES FOR A 9.487 ACRE TRACT OF LAND OUT OF THE WILLIAM GATLIN SURVEY, ABSTRACT NO. 271, AND THE JAMES HICKMAN SURVEY, ABSTRACT NO. 291, WILLIAMSON COUNTY, TEXAS; CONSISTING OF THE EXISTING RIGHT-OF-WAY OF BRANSON BOULEVARD (ROW ~ 90') AND LOT 1, BLOCK "A" AS SHOWN ON THE PLAT OF MEADOWS AT COTTONWOOD CREEK, PHASE ONE, AS RECORDED IN DOCUMENT NUMBER 2009067576 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 9.487 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap stamped "BASELINE INC" found on the south right-of-way line of County Road 199 (R.O.W. ~ varies) no reference found, at the most northerly northeast corner of the remainder of 367.15 acre tract of land (Exhibit "A") as conveyed unto Hutto 372, LTD in Document Numbers 2003097296, 2003097297, and 2003097298, all recorded in the Official Public Records of Williamson County, Texas, at the northwest corner of said Branson Boulevard, the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, S 82°20'52" E, coincident with the south right-of-way line of said County Road 199 and the north right-of-way line of said Branson Boulevard, a distance of 54.98 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set on the west right-of-way line of County Road 132 (ROW ~ Varies), no reference found, at the northeast corner of the right-of-way of said Branson Boulevard, the northeast corner of the herein described tract;

THENCE, departing said south right-of-way line of County Road 199, coincident with said west right-of-way line of County Road 132, same being the east right-of-way line of said Branson Boulevard, the following three (3) courses:

- 1) S 07°35'33" W, a distance of 609.30 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set, an angle point of the herein described tract;
- 2) S 08°57'58" W, a distance of 29.75 feet to a 5/8-inch iron rod found, a re-entrant corner of the herein described tract;
- 3) S 81°13'49" E, a distance of 20.77 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the northwest corner of a called 50 acre tract of land conveyed to Leschber Investment, LP in the Special Warranty Deed recorded in Document Number 2010007504 of the Official Public Records of Williamson County, Texas, an easterly corner of the herein described tract;

THENCE, S 07°57'27" W, coincident with the east right-of-way line of Branson Boulevard and the west line of said 50 acre tract, passing at a distance of 2,477.07 feet the southwest corner of said 50 acre tract, same being the northwest corner of a called 4.855 acre tract of land conveyed to Audrey Evans in Document Number 2010004677 of the Official Public Records of Williamson County, Texas, and continuing coincident with the east right-of-way line of Branson Boulevard and the west line of said 4.855 acre tract, a total distance of 2,675.76 feet to a 1/2-inch iron rod with cap stamped "BGE INC" set at the common westerly corner of the 4.855 acre tract and Lot 1, Block "A" as shown on the aforementioned subdivision plat of Meadows at Cottonwood Creek, Phase One, being a point of curvature of said right-of-way line and an angle point of the herein described tract;

THENCE, in an easterly direction coincident with the common line of said Lot 1 and the 4.855 acre tract, the following three (3) courses;

- 1) S 26°27'39" E, a distance of 238.46 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 2) S 82°12'22" W, a distance of 270.89 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 3) N 52°49'21" E, a distance of 84.62 feet to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found on the easterly line of the remainder of a called 5.57 acre tract of land (Exhibit "B") as described in Document Numbers 2003097296, 2003097297, and 2003097298 of the Official Public Records of Williamson County, Texas, at the most easterly corner of Lot 1, the most easterly corner of the herein described tract

THENCE, S 46°27'34" W, coincident with the common line of the remainder of said 5.57 acre tract and said Lot 1, passing at a distance of 76.59 feet the common corner of the remainder of the 5.57 acre tract and the remainder of the 367.15 acre tract and continuing coincident with the common line of the remainder of the 367.15 acre tract and said Lot 1, passing at a distance of 532.25 feet the common corner of Lot 1 and the most easterly corner of the right-of-way line of said Branson Boulevard and continuing coincident with the common line of the remainder of the 367.15 acre tract and the terminal end of the right-of-way line of Branson Boulevard, a total distance of 631.51 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the south corner of said right-of-way line, the south corner of the herein described tract;

THENCE, in a northerly direction, coincident with the common line of the remainder of the 367.15 acre tract and the west right-of-way line of Branson Boulevard the following eight (8) courses;

- 1) N 18°35'56" W, a distance of 57.25 feet to a 1/2-inch iron rod found (disturbed), a point of curvature of the herein described tract;
- 2) Curving to the right, having a radius of 1,295.00 feet, an arc distance of 600.23 feet, a central angle of 26°33'23", a chord bearing of N 05°19'14" W, and a chord distance of 594.87 feet to a 1/2-inch iron rod found (disturbed), a point of tangency of the herein described tract;
- 3) N 07°57'27" E, a distance of 2,675.72 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set, a point of curvature of the herein described tract;
- 4) Curving to the right, having a radius of 1,545.00 feet, an arc distance of 173.21 feet, a central angle of 06°25'24", a chord bearing of N 11°10'09" E, and a chord distance of 173.12 feet to a 1/2-inch iron rod found (disturbed), a point of tangency of the herein described tract;
- 5) N 14°22'51" E, a distance of 130.41 feet to a 1/2-inch iron rod found (disturbed), a point of curvature of the herein described tract;

- 6) Curving to the left, having a radius of 1,955.00 feet, an arc distance of 231.22 feet, a central angle of $06^{\circ}46'35''$, a chord bearing of $N 10^{\circ}59'34'' E$, and a chord distance of 231.08 feet to a 1/2-inch iron rod found (disturbed), a point of tangency of the herein described tract;
- 7) $N 07^{\circ}36'16'' E$, a distance of 81.03 feet to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found, a point of curvature of the herein described tract;
- 8) Curving to the left, having a radius of 25.00 feet, an arc distance of 39.25 feet, a central angle of $89^{\circ}57'08''$, a chord bearing of $N 37^{\circ}22'18'' W$, and a chord distance of 35.34 feet to the POINT OF BEGINNING and containing 9.487 acres of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by employees of BGE, Inc and are true and correct to the best of my knowledge. The Basis of Bearing recited herein is the Texas State Plane Coordinate System, Central Zone, NAD 83. A sketch accompanies this description.



Dion P. Albertson RPLS No. 4963
BGE, Inc.
7330 San Pedro Ave, Suite 202
San Antonio TX 78216
Telephone: 210-581-3600
TBPLS Licensed Surveying Firm No. 10194490

Date

10/16/19



Client: Lennar
Date: October 16, 2019
Job No: 6104-00

LEGAL DESCRIPTION

FIELD NOTES FOR A 46.713 ACRE TRACT OF LAND OUT OF THE WILLIAM GATLIN SURVEY ABSTRACT NO. 271, WILLIAMSON COUNTY, TEXAS; BEING A CALLED 46.2 ACRE TRACT OF LAND WITH 17% INTEREST CONVEYED UNTO MYRON THOMAS JOHNSTON, II IN DOCUMENT NUMBER 2011057142 AND A CALLED 46.14 ACRE TRACT OF LAND WITH A 5/6 INTEREST CONVEYED UNTO LESCHBER INVESTMENTS, LP IN DOCUMENT NUMBER 2010007503, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 46.713 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a 1/2-inch iron rod with cap stamped "Baseline Inc." found on the south right-of-way line of County Road 199 (R.O.W. Varies) no reference found, at the common corner of said 46.2 acre tract and a called 167.461 acre tract of land conveyed unto Meritage Homes of Texas, LLC in Document Number 2018105406, Official Public Records of Williamson County Texas and the northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, S 81°07'22" E, coincident with the common line of the 46.2 acre tract and said south right-of-way line, a distance of 781.88 feet (Record S 79°03'00" E, 764.04 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the common corner of the 46.2 acre tract and the remainder of a 367.15 acre tract of land (Exhibit "A") conveyed unto Hutto 372, LTD in Document Numbers 2003097296, 2003097297 and 2003097298, all recorded in Official Public Records of Williamson County, Texas, the northeast corner of the 46.2 acre tract and the herein described tract, from which a 1/2-inch iron rod with cap stamped "Baseline Inc." found on the south right-of-way line of said County Road 199, at the northwest end of the curve return from the west right-of-way line of Branson Boulevard as shown in Document Number 2009067576, Official Public Records of Williamson County, Texas bears S 82°20'52" E, a distance of 722.73 feet;

THENCE, S 07°42'37" W, departing said common line coincident with the common line of the 46.2 acre tract and the remainder of said 367.15 acre tract, a distance of 2603.60 feet (Record S 10°00'00" W, 2,598.44 feet) to a 1/2-inch iron rod (bent) found at the common corner of the 46.2 acre tract and the remainder of the 367.15 acre tract, the southeast corner of the herein described tract;

THENCE, N 80°26'51" W, continuing coincident with said common line, a distance of 784.53 feet (Record N 79°30'00" W, 781.39 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set on the east line of the aforementioned 167.461 acre tract at the common corner of the 46.2 acre tract and the remainder of the 367.15 acre, the southwest corner of the herein described tract, from which a 5/8"-inch iron rod found at an angle point in the east line of the 167.461 acre tract bears S 07°45'48" W, a distance of 1,563.00 feet;

THENCE, N 07°45'48" E, coincident with the common line of the 46.2 acre tract and said 167.461 acre tract, a distance of 2594.31 feet (Record N 10°23'00" E, 2,604.35 feet) to the POINT OF BEGINNING and containing 46.713 acres of land more or less.

I hereby certify that these notes were prepared from a survey made on the ground by employees of BGE, Inc and are true and correct to the best of my knowledge. The Basis of Bearing recited herein is the Texas State Plane Coordinate System, Central Zone, NAD 83. A sketch accompanies this description.



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San Antonio TX 78216
Telephone: 210-581-3600
TBPLS Licensed Surveying Firm No. 10194490



Client: Lennar
Date: August 29, 2019
Job No: 6104-00

LEGAL DESCRIPTION

FIELD NOTES FOR A 314.112 ACRE TRACT OF LAND OUT OF THE WILLIAM GATLIN SURVEY ABSTRACT NO. 271 AND THE JAMES HICKMAN SURVEY, ABSTRACT NO. 291, WILLIAMSON COUNTY, TEXAS; BEING THE REMAINING PORTION OF A CALLED 367.15 ACRE TRACT OF LAND (EXHIBIT "A") AND THE REMAINING PORTION OF A 5.57 ACRE TRACT OF LAND (EXHIBIT "B") AS CONVEYED UNTO HUTTO 372, LTD IN DOCUMENT NUMBERS 2003097296, 2003097297 AND 2003097298 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 314.112 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a 1/2-inch iron rod with cap stamped "Baseline Inc." found on the south line of a called 87.81 acre tract of land conveyed unto Larry W. Leschber in Volume 2430, Page 332, Official Public Records of Williamson County Texas at the northwest corner of a called 143.5 acre tract of land conveyed unto LPL Investments, LP in Document Number 2010007498, Official Public Records of Williamson County Texas, an easterly corner of the remainder of said 367.15 acre tract and the **POINT OF BEGINNING** of the herein described tract;

THENCE, S 07°51'01" W, coincident with the common line of said 143.5 acre tract and the remainder of the 367.15 acre tract, a distance of 3370.40 feet (Record S 10°48'00" W, 3,369.65 feet) to a 1/2-inch iron rod with cap stamped "BASELINE INC." found at the common corner of the remainder of the 367.15 acre tract and a called 45.77 acre tract of land (Tract 2) conveyed unto Swindoll Investments, LP in Document Number 2008093458, Official Public Records of Williamson County Texas, an easterly corner of the herein described tract;

THENCE, N 82°47'03" W, coincident with the common line of the remainder of the 367.15 acre tract, said 45.77 acre tract and a 34.17 acre tract of land (Tract 3) conveyed unto Swindoll Investments, LP in said Document Number 2008093458, a distance of 848.98 feet (Record N 79°53' W, 848.80 feet) to a 5/8-inch iron rod found, a corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 07°41'41" E, coincident with the common line of the 367.15 acre tract and said 34.17 acre tract, a distance of 516.58 feet (Record N 10°38' E, 516.45 feet) to a 5/8-inch iron rod found (disturbed) at the most northeasterly corner of the 34.17 acre tract, a re-entrant corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 82°32'58" W, continuing coincident with said common line a distance of 185.35 feet (Record N 79°37'30" W, 185.35 feet) to a 1/2-inch iron rod with cap stamped "BASELINE INC." found at the common corner of the 34.17 acre tract and a called 28.435 acre tract of land (Tract B) conveyed unto Claudia Ann Crislip in Document Number 2018083501, Official Public Records of Williamson County Texas, and angle point of the remainder of the 367.15 acre tract and the herein described tract ;

THENCE, N 82°47'28" W, coincident with the common line of the remainder of the 367.15 acre tract and said 28.435 acre tract, a distance of 385.56 feet (Record N 79°52' W, 385.56 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the common corner of the 28.435 acre tract and the remainder of a called 50.00 acre tract of land (Tract A) as conveyed unto Claudia Ann Crislip in said Document Number 2018083501, an angle point of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 82°44'28" W, coincident with the common line of the remainder of the 367.15 acre tract and the remainder of the 50.00 acre tract, a distance of 717.71 feet (Record N 79°49' W, 717.56 feet) to a 5/8-inch iron rod found (disturbed) at the northwest corner of the remainder of the said 50.00 acre tract, a re-entrant corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, S 07°38'02" W, coincident with the common line of the remainder of the 367.15 acre tract and the remainder of the 50.00 acre tract, a distance of 2,275.38 feet (Record S 10°33'30" W, 2,275.32 feet) to a 5/8-inch iron rod found at the southwest corner of the remainder of the 50.00 acre tract, a re-entrant corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, S 82°52'10" E, continuing coincident with said common line, a distance of 89.67 feet (Record S 79°20'30" E, 88.93 feet) to a 5/8-inch iron rod found at the northwest corner of a 1.54 acre tract of land (Tract C) conveyed unto Claudia Ann Crislip in said Document Number 2018083501, an angle point of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, in a southeasterly direction, coincident with the common line of the remainder of the 367.15 acre tract and said 1.54 acre tract the following four (4) courses;

- 1) S 30°02'22" E, a distance of 303.35 feet (Record S 27°20' E, 303.05 feet) to a 5/8-inch iron rod found, an angle point of the herein described tract;
- 2) S 08°06'32" W, a distance of 47.67 feet (Record S 11°02' W, 47.67 feet) to a 5/8-inch iron rod found, an angle point of the herein described tract;
- 3) S 24°41'28" E, a distance of 97.74 feet (Record S 21°46' E, 97.74 feet) to a 5/8-inch iron rod found, an angle point of the herein described tract;
- 4) S 05°33'25" W, a distance of 132.75 feet (Record N 08°23' 30" W, 132.90 feet) to a 1/2-inch iron rod found on the north line of the remainder of a called 41 acre tract of land (Tract 3) as conveyed unto Wallin Farm and Ranch Partnership, LTD. in Document Number 2004043044, Official Public Records of Williamson County, Texas, the southwest corner of the 1.54 acre tract and the southeast corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 82°40'21" W, coincident with the common line of the remainder of the 367.15 acre tract and said remainder of the 41 acre tract, a distance of 882.65 feet (Record N 79°45'00" W, 882.21 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 82°25'26" W, continuing coincident with said line, a distance of 222.64 feet (Record N 79°14'30" W, 222.64 feet) to a 1/2-inch iron rod with a cap stamped "MCANGUS SURVEYING" at the southeast corner of Glenwood, Phase 4B Final Plat as shown in Document Number 2007051616, Official Public Records of Williamson County Texas, the southwest corner of the 367.15 acre tract and the herein described tract;

THENCE, departing said common line, in a northerly direction, coincident with the common line of the remainder of the 367.15 acre tract and said Glenwood, Phase 4B Final Plat the following eight (8) courses;

- 1) N 47°40'09" E, passing at a distance of 215.64 feet a 1/2-inch iron rod found at the common corner of Lot 5 and Lot 6, said Glenwood, Phase 4B and continuing a total distance of 393.88 feet (Record N 50°08'25" E, 393.88 feet) to a 1/2-inch iron rod with a cap stamped "VARA LAND SURVEY", an angle point of the herein describe tract;
- 2) N 09°52'12" W, a distance of 402.95 feet (Record N 07°23'56" W, 402.86 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 3) N 08°21'28" E, passing a distance of 184.17 feet to a 1/2-inch iron rod found at the common corner of the right-of-way of Fishbaugh Lane (R.O.W. ~ 60') as shown on said plat of Glenwood, Phase 4B and Lot 1A, Amending Plat of Lot 14, Block C, Glenwood, Phase 4A And Lot 1, Block C, Glenwood, Phase 4B as recorded in Document Number 2008041948, Official Public Records of Williamson County Texas, and continuing coincident with the common line of the 367.15 acre tract and said Amending Plat a total distance of 618.28 feet (Record N 10°49'44" E, 618.14 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 4) N 23°37'35" W, a distance of 253.00 feet (Record N 21°09'19" W, 252.94 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 5) N 37°47'11" W, passing at a distance of 130.91 feet a 1/2-inch iron rod with a cap (not readable) found at the common corner of said Amending Plat and said Glenwood, Phase 4B Final Plat and continuing coincident with the common of the remainder of the 367.15 acre tract and said Glenwood Phase 4 Final Plat, a total distance of 300.83 feet (Record N 35°18'55" W, 300.76 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 6) N 36°44'56" E, a distance of 33.82 feet (Record N 39°13'12" E, 33.81 feet) to a 1/2-inch iron rod with a cap stamped "VARA LAND SURVEYING" found (disturbed), an angle point of the herein described tract;
- 7) N 09°45'43" E, a distance of 105.17 feet (Record N 12°13'59" E, 105.15 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;

- 8) N 03°49'57" W, a distance of 80.55 feet (Record N 01°21'41" W, 80.12 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, at the common corner of said Glenwood, Phase 4B Final Plat and Glenwood Subdivision Phase 2A recorded in Document Number 2005009450, Official Public Records of Williamson County, Texas, an angle point of the herein described tract;

THENCE, N 68°36'49" E, coincident with the common line of the remainder of the 367.15 acre tract and said Glenwood Subdivision Phase 2A, passing at a distance of 130.56 feet a 1/2-inch iron rod with a cap stamped "DIAMOND SURVEYING" found at the common corner of said Glenwood Subdivision Phase 2A and Final Subdivision Plat of Glenwood, Phase 5 recorded in Document Number 2015064417, Official Public Records of Williamson County, Texas and continuing coincident with the common line of the remainder of the 367.15 acre tract and said Final Subdivision Plat of Glenwood, Phase 5, a total distance of 131.68 feet (Record N 71°05'48" E, 131.68 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;

THENCE, in a northerly direction, coincident with the common line of the remainder of the 367.15 acre tract and said Final Subdivision Plat of Glenwood, Phase 5 the following nine (9) courses;

- 1) N 35°27'01" E, a distance of 261.78 feet (Record N 37°56'07" E, 261.78 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 2) N 18°05'26" E, a distance of 168.87 feet (Record N 20°34'32" E, 168.87 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 3) N 23°30'07" E, a distance of 193.50 feet (Record N 25°59'13" E, 193.50 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 4) N 12°03'26" E, a distance of 351.52 feet (Record N 14°32'32" E, 351.52 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 5) N 20°06'10" E, a distance of 239.67 feet (Record N 22°35'16" E, 239.67 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 6) N 09°10'51" E, a distance of 262.53 feet (Record N 11°39'57" E, 262.53 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 7) N 23°02'13" W, passing at a distance of 131.52 feet a 1/2-inch iron rod with a cap (unreadable) found and continuing a total distance of 501.47 feet (Record N 20°33'07" W, 501.47 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 8) N 63°11'02" W, a distance of 263.49 feet (Record N 60°41'56" W, 263.49 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;

- 9) N 65°23'04" W, a distance of 103.10 feet (Record N 62°53'58" W, 103.10 feet) to a 1/2-inch iron rod with a cap stamped "DIAMOND SURVEYING" found on the east line of a called 167.461 acre tract of land conveyed unto Meritage Homes of Texas, LLC in Document Number 2018105406, Official Public Records of Williamson County Texas, the most northerly corner of said Final Subdivision Plat of Glenwood, Phase 5, a westerly corner of the herein described tract;

THENCE, N 07°33'56" E, coincident with the common line of the 367.15 acre tract and said 167.461 acre tract a distance of 643.54 feet (Record N 07°33'56" E, 643.67 feet) to a 5/8-inch iron rod found, an angle point of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 07°45'48" E, continuing coincident with said common line a distance of 1563.00 feet (Record N 10°38'30" E, 1,565.39 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the southwest corner of a called 46.2 acre tract of land with 17% interest conveyed unto Myron Thomas Johnston, II in Document Number 2011057142 and a called 46.14 acre tract of land with a 5/6 interest conveyed unto Leschber Investments, LP in Document Number 2010007503, Official Public Records of Williamson County, Texas, a corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, S 80°26'51" E, coincident with the common line of the remainder of the 367.15 acre tract and said 46.2 acre tract a distance of 784.53 feet (Record S 77°21'00" E, 785.62 feet) to a 1/2-inch iron rod found (bent) for the southeast corner of said 46.2 acre tract, a re-entrant corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 07°42'37" E, continuing coincident with said common line, a distance of 2603.60 feet (Record N 10°37'00" E, 2,602.65 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set on the south right-of-way line of County Road 199 (R.O.W. Varies) no reference found, at the common corner of the remainder of the 367.15 acre tract and the 46.2 acre tract, the most northwesterly corner of the herein described tract, from which a 1/2-inch iron rod with a cap stamped "BASELINE INC" found at the northwest corner of the 46.2 acre tract bears N 81°07'22" W, a distance of 781.88 feet;

THENCE, S 82°20'52" E, coincident with the common line of the remainder of the 367.15 acre tract and said south right-of-way line a distance of 722.73 feet (Record S 79°31'00" E, 722.73 feet) to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found at the northwest end of the curve return from the west right-of-way line of Branson Boulevard as shown in Document Number 2009067576, Official Public Records of Williamson County, Texas, a point of curvature of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, curving to the right, coincident with said curve return, an arc distance of 39.25 feet, a radius of 25.00 feet, a central angle of 89°57'08" and a chord bearing of S 37°22'18" E, (Record S 37°22'37" E) and a chord distance of 35.34 feet to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found at a point of tangency of the remainder of the 367.15 acre tract and the herein described tract;

THENCE in a southerly direction, coincident with the common line of the remainder of the 367.15 acre tract and the west right-of-way line of said Branson Boulevard the following seven (7) courses;

- 1) S 07°36'16" W, a distance of 81.03 feet (Record S 07°35'57" W, 81.02 feet) to a 1/2-inch iron rod found (disturbed), a point of curvature of the herein described tract;
- 2) Curving to the right, an arc distance of 231.22 feet, a radius of 1955.00 feet, a central angle of 06°46'35", a chord bearing of S 10°59'34" W, (Record S 10°59'15" W) and a chord distance of 231.08 feet to a 1/2-inch iron rod found (disturbed), a point of tangency of the herein described tract;
- 3) S 14°22'51" W, a distance of 130.41 feet (Record S 14°22'32" W, 130.41 feet) to a 1/2-inch iron rod found (disturbed), a point of curvature of the herein described tract;
- 4) Curving to the left, an arc distance of 173.21 feet, a radius of 1545.00 feet, a central angle of 06°25'24", a chord bearing of S 11°10'09" W, (Record S 11°09'50" W) and a chord distance of 173.12 feet to a 1/2-inch iron rod with a cap stamped "BGE INC" set, a point of tangency of the herein described tract;
- 5) S 07°57'27" W, a distance of 2,675.72 feet (Record S 07°57'08" E, 2,675.72 feet) to a 1/2-inch iron rod found (disturbed), a point of curvature of the herein described tract;
- 6) Curving to the left, an arc distance of 600.23 feet, a radius of 1295.00 feet, a central angle of 26°33'23", a chord bearing of S 05°19'14" E, (Record S 05°19'44" E) a chord distance of 594.87 feet to a 1/2-inch iron rod found (disturbed), a point of tangency of the herein described tract;
- 7) S 18°35'56" E, a distance of 57.25 feet (Record S 18°36'15" E, 57.25 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set at the south corner of said right-of-way, a re-entrant corner of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, N 46°27'34" E, coincident with the common line of the remainder of the 367.15 acre tract, the southeast end of said right-of-way and Lot 1, Block A, Meadows At Cottonwood Creek Phase One as shown on Document Number 2009067576, Official Public Records of Williamson County, Texas, a distance of 631.51 feet (Record N 46°27'15" E, 631.51 feet) to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found at angle point of a 4.855 acre tract of land conveyed unto Audrey Evans in Document Number 2010004677 and described in Document Number 2003097300 both recorded in the Official Public Records of Williamson County Texas, an angle point of the remainder of the 367.15 acre tract and the herein described tract;

THENCE, in a northeasterly direction, coincident with the common line of the remainder of the 367.15 acre tract and said 4.855 acre tract the following five (5) courses;

- 1) N 52°49'21" E, a distance of 19.89 feet (Record N 52°57'35" E, 20.26 feet) to a 1/2-inch iron rod with a cap stamped "BASELINE INC" found, an angle point of the herein described tract;

- 2) N 49°15'10" E, a distance of 102.08 feet (Record N 48°41'59" E, 101.22 feet) to a 1/2-inch iron rod with a cap stamped "MCANGUS SURVEYING" found, an angle point of the herein described tract;
- 3) N 38°02'42" E, a distance of 96.62 feet (Record N 38°03'07" E, 96.62 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, an angle point of the herein described tract;
- 4) N 37°41'23" E, a distance of 125.99 feet (Record N 37°41'48" E, 125.99 feet) to a 1/2-inch iron rod with a cap stamped "MCANGUS SURVEYING" found, an angle point of the herein described tract;
- 5) N 66°38'01" E, a distance of 102.61 feet (Record N 66°38'26" E, 102.61 feet) to a 1/2-inch iron rod with a cap stamped "BGE INC" set, on the south line of a called 50 acre tract (Third Tract) as conveyed unto Leschber Investments, LP in Document Number 2010007504, Official Public Records of Williamson County, Texas, an angle point of the herein described tract corner;

THENCE, S 82°13'58" E, coincident with the common line of the remainder of the 367.15 acre tract, said 50 acre tract, a called 43.34 acre tract of land conveyed unto Leschber Investments, LP in said Document Number 2010007504 and the aforementioned called 87.71 acre tract a distance of 1001.06 feet (Record S 79°15'00" E, 1,002.16 feet) to the **POINT OF BEGINNING** and containing 314.112 acres of land, more or less.

I hereby certify that these notes were prepared from a survey made on the ground by employees of BGE, Inc and are true and correct to the best of my knowledge. The Basis of Bearing recited herein is the Texas State Plane Coordinate System, Central Zone, NAD 83. A sketch accompanies this description.


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Client: Lennar
Date: August 29, 2019
Job No: 6104-00



Meadows of Cottonwood Creek Planned Unit Development

**City of Hutto, Texas
Planned Unit Development (PUD)**

**Exhibit A
Development Plan**

June 17th, 2021

Applicant:

**Lennar Homes of Texas Land and Construction, Ltd.
Chase Kohlhoff
12401 Research Blvd
Building 1, Suite 300**

Prepared by:

**MetcalfE Wolff Stuart & Williams
221 W. 6th Street
Suite 1300
Austin, TX 78701**

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1. GENERAL PROVISIONS

1.1 Title

This ordinance is known as the “Meadows of Cottonwood Creek” Planned Unit Development Ordinance and may be cited as “Cottonwood Creek” PUD.

1.2 Purpose and Intent

The purpose of this Plan is to ensure a PUD that creates a residential development that is: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is consistent with the spirit of the community and compatible with the character of adjacent development, and 4) will be developed and maintained so as to preserve land for open space, parks, and other public amenities.

1.3 Applicability of City Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this PUD Plan. All aspects not specifically covered by this Plan shall be regulated by the UDC “Unified Development Code of the City of Hutto, Texas” (“UDC”) in effect on the date of adoption of this ordinance. In those cases where in conflict, this PUD shall take precedence over the UDC.

1.4 Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

1.5 Amendments to Ordinance

Technical, site planning or engineering considerations that meet the intent of this PUD may call for minor modifications from the approved PUD. The Development Services Director may approve minor modifications if they promote flexibility in design and are consistent with the intent of the original PUD approval.

Modifications to the PUD shall be administered as follows:

Modifications of the Land Use Plan pertaining to (a) roadway and trail alignments; (b) changes in the density of specific sections or phases shown on the Land Use Plan that do not increase the overall density of development on the Land, and (c) changes of less than ten percent (10%) in the size of any section or phase shown on the Land Use Plan, shall be considered “Minor Modifications” over which the City’s Development Services Director has final review and decision-making authority. In addition, the City may request modifications to the Land Use Plan relating to roadway and trail alignments if necessary due to topography, terrain, floodplains and floodways, alignment with connections to adjoining portions of roadways, trails, or utilities on adjacent properties, and similar situations, all of which shall be considered Minor Modifications over which the City’s Development Services Director has final review and decision-making authority.

All other changes to the Land Use Plan that are not Minor Modifications shall be considered “Major Modifications.” Major Modifications to the Land Use Plan must be approved as an amendment to this PUD Ordinance by the City Council. After approval by the City in accordance with these requirements, all Minor Modifications and Major Modifications to the Land Use Plan shall be recorded by the City at the Property owner’s expense in the Official Records of Williamson County, and thereafter, all references in this Development Plan to the Land Use Plan shall mean and refer to the then most current approved and recorded Land Use Plan.

Minor Modifications to the Land Use Plan allowed by this Development Plan shall not be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code. All Major Modifications to the Land Use Plan shall be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code, and the provisions of the UDC and all other applicable laws and regulations in effect at the time of such Major Modifications shall apply unless the City agrees otherwise.

Approval of this Development Plan does not constitute plat or site plan approval, and all development related approvals required by the UDC are still required. The request for an amendment to the PUD Ordinance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

1.6 Definitions

Definitions set forth in the UDC, including general abbreviations, terms definitions and conditions for use indicated throughout this ordinance shall apply to this PUD.

2. DEVELOPMENT PLAN and LAND USES

2.1 Permitted Uses in the PUD

The purpose of the Plan is to provide an amenitized residential development including single family residential uses, as well as ample parks and open space uses as well as civic uses. **Exhibit C** illustrates the location of the Plan area and the proposed land use blocks.

For the purpose of addressing any development regulation not modified within this PUD, the following City of Hutto UDC base zoning districts shall be utilized for the following uses:

Single Family: SF-1

Dwelling: Single Household Attach (Townhouse): SF-2

Non Residential: B-1

Permitted uses within the boundaries of the PUD are as listed in the below land use table:

PERMITTED USES

Use
<u>Residential</u>
Dwelling: Single Household Attached (townhouse)
Single Family residential
<u>Non-Residential</u>
Park
Amenity/Recreation Center
School: at least 6 students

Temporary Uses

Temporary uses	
-----------------------	--

Construction equipment storage lot	
Construction field office	
Portable storage container	
Temporary building	

Accessory Uses

Accessory uses	
Antenna, non residential use: other	
Satellite dish	

2.2 Use Descriptions and Standards

Unless otherwise modified within this PUD, refer to the UDC for definitions of uses and standards for residential uses and civic uses, temporary uses and accessory uses.

Prohibited Uses

Uses not listed in the “Permitted Use” table in section 2.1 shall be deemed prohibited unless determined to be appropriate under the conditions outlined for “New and Undefined Uses”.

New and Undefined Uses

As commerce and technology evolve, new types of land uses will develop and forms of land use not anticipated may seek locations in the Meadows at Cottonwood Creek PUD. To provide for contingencies, the Development Services Director will consider the appropriateness of an undefined use within the PUD area. Approval criteria include:

- Impacts of the use, including externalities and use of public services and infrastructure,
- The use is similar in nature and impact to a use listed and defined as a permitted use in the PUD.
- The use is consistent with the intent of the PUD district.
- The use conforms to the intent of the PUD, UDC and applicable plans
- The interpretation does not lower the protection given to the public by the PUD and UDC.
- The use does not have the potential to create a dynamic that would harm the vitality or future development potential of surrounding commercial, industrial and residential areas.

3. DEVELOPMENT STANDARDS

3.1 General Standards

3.1.1 Lot dimensions and area. Lots in the Project shall be consistent with the table below:

A)	MINIMUM LOT SIZE:	40' to 49.99'	50' to 59.99'	60'+
	1) Min. Lot Area:	4,400 to 5,300 S.F.	5,500 to 6,600 S.F.	7,200+ S.F.
	2) Min. Lot Frontage:	40'; 50' corner	50'; 60' corner	60'; 70' corner
	3) Min. Lot Depth:	110 ft.	110 ft.	120 ft.
B)	Building Placement & Size			
	1) Max. Impervious Cover:	75%	75%	75%
	2) Min. Residential Unit Size:	1000 S.F. gfa ¹	1,200 S.F. gfa	1,500 S.F. gfa
	3) Max. Bldg. Height:	42' – 2 stories	42' – 2 stories	42' – 2 stories
C)	Building Setbacks:			
	1) Min. Front Yard:	15'	20'	20'
	2) Min. Garage Setback:	18'	25'	25'
	3) Min. Side Yard:	5'	5'	5'
	4) Min. Rear Yard:	10'	10'	10'
	5) Min. Street Side Yard:	15'	15'	15'
D)	Lot Type Ratio	15%-35%	45%-65%	15%-20%

3.1.2 Setbacks

Front setback lines along the street shall be varied to encourage a variation of street appearance. The front porches and second stories of residences may encroach into the front building setback a maximum of three (3') feet for lots with a 20 foot building setback line and eight (8) feet for lots with a twenty five (25') or greater front setback line. All other setbacks are set forth and shown in 3.1.1 above.

10' PUE's are prohibited on rear lot lines.

¹ Gross Floor Area in living space.

3.2 Architectural Standards

3.2.1 Design Guidelines

Building design within the PUD shall comply with the architectural design criteria outlined in the City of Hutto Unified Development Code (UDC) in place on November 21st, 2019 except as provided herein.

In addition to the requirements of the City UDC, the Owner has established an Architectural Control Committee for the project in order to maintain a comprehensive and complementary architectural style throughout the PUD area pursuant to the Declaration of Covenants, Conditions and Restrictions filed in the Williamson County Deed Records under document ID# 2021054908.

3.2.2 All residential structures shall be a minimum of 50% masonry such as native stone, rock, stucco, or brick.

3.2.3 Chapter 4; 10.406.4.4.5 of the UDC is hereby modified for the Project to read as follows:

“Front-loading garage doors may comprise no more than 55% of the total length of the front facade of a multiple household residential buildings front facade.”

3.2.4 Chapter 4; 10.406.3.3.1 of the UDC is hereby modified for the Project to read as follows:

“A front-loading garage door may comprise no more than 55% of the house linear frontage, and may protrude no more than 6 ft. from the longest front wall, except that a garage on a house that is on a lot less than 41’ in width at build line may protrude no more than 15’ ft. from the longest front wall.”

3.2.4.1 No more than 10% of the total lots at full build out of the Project that are less than 41’ in width at build line shall contain a front-loading garage door that protrudes more than 12’ from the longest front wall.

3.2.5 In order to provide for homes that do not result in a streetscape dominated by the sight of garage doors, all houses on lots that are less than 41’ in width at build line shall have enhanced garage doors, which shall include glass inserts and upgraded handles and hinges, or any similarly improved upgrades to garage doors that provides for a more visually appealing streetscape.

3.2.6 All houses on lots that are less than 41’ in width at build line shall be

constructed with upgraded wood front doors rather than traditional six panel doors.

3.3 Landscaping

3.3.1 General Standards

3.3.1.1 A minimum of two (2) trees shall be planted within the front yard area.

Street trees shall be planted at intervals of 25-feet to 40-feet apart. Street trees shall have a minimum caliper size of 2-inches and shall be selected from the approved list in the UDC.

3.3.1.1.1 In order to mitigate the appearance of garage doors in streetscapes within the Project, all lots that are on a lot less than 41' in width at build line shall have at least one tree (of the minimum two identified in Section 3.3.1.1 above) that has an upgraded minimum caliper size of 3 inches.

3.3.1.2 All areas of a platted lot, for which a Certificate of Occupancy has been issued, and which do not contain residential buildings, structures, parking, sidewalks, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. Utility easements, not used for parking, will be landscaped consistent with other landscape areas where allowed by the respective utility company and shall be selected from the approved list in the UDC.

3.3.1.3 Along both sides of the Branson Pass within the Project trees shall be planted a maximum of 75 feet apart and shall be of the same species as listed above. Street trees shall have a minimum caliper size of 3-inches, measured 3' above final grade at the base of the tree.

3.3.1.4 Existing trees and vegetation should be left in their natural state to the greatest extent possible, in the sound discretion of the developer.

3.3.1.5 There shall be a landscape area not less than five (5) feet in width to be left as vegetative and landscape area to enhance the Branson Pass corridor.

3.3.1.6 Areas within public right-of-way must be landscaped only in accordance with a plan and a license agreement reasonably approved by the City and Developer.

3.4 Streets

3.4.1 Street Design

The streets within the Project shall be constructed pursuant to City standards and shall

conform to the design shown below. All right-of-way shown shall be dedicated to the public by recordation of the final plats for each approved section or phase or by separate instrument.

Right of Way Width:

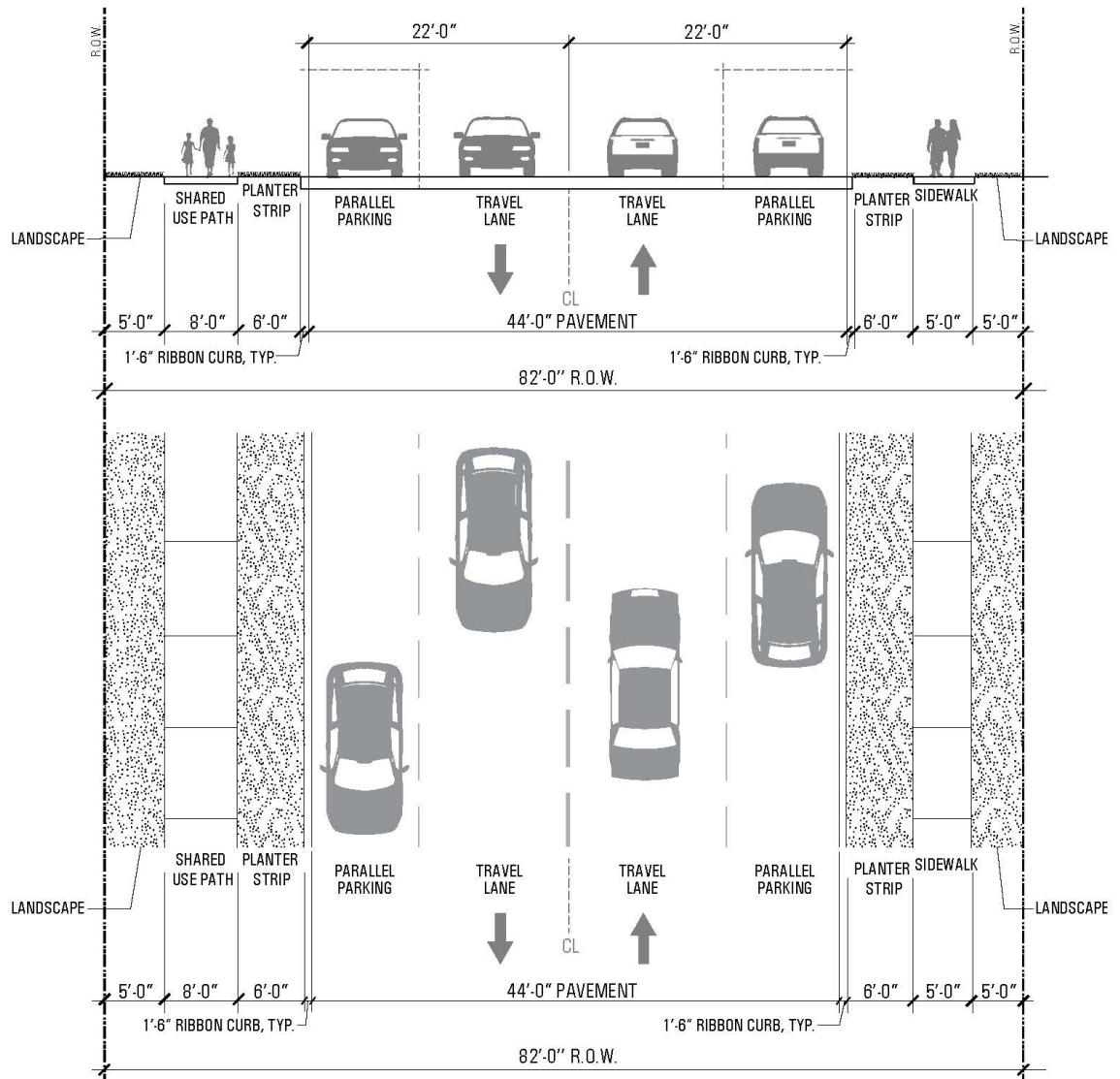
Residential Streets:	50'
Residential Collector Streets:	60'
Carl Stern Drive:	80'
Branson Pass:	80'

Pavement Width:

Residential Streets:	30' B-B ²
Residential Collector Streets:	40' B-B
Carl Stern Drive	44' B-B
Branson Pass	44' of asphalt paving (See Figure A)

Figure A [Subject to update]

² "B-B" - back of curb to back of curb for measuring the pavement width.



Note:
No parallel parking at intersections to provide for turn lane.

Alignment of shared use path and sidewalk may vary within landscape areas.

Street design may be modified as necessary during final design.



exhibit A
cottonwood
creek PUD

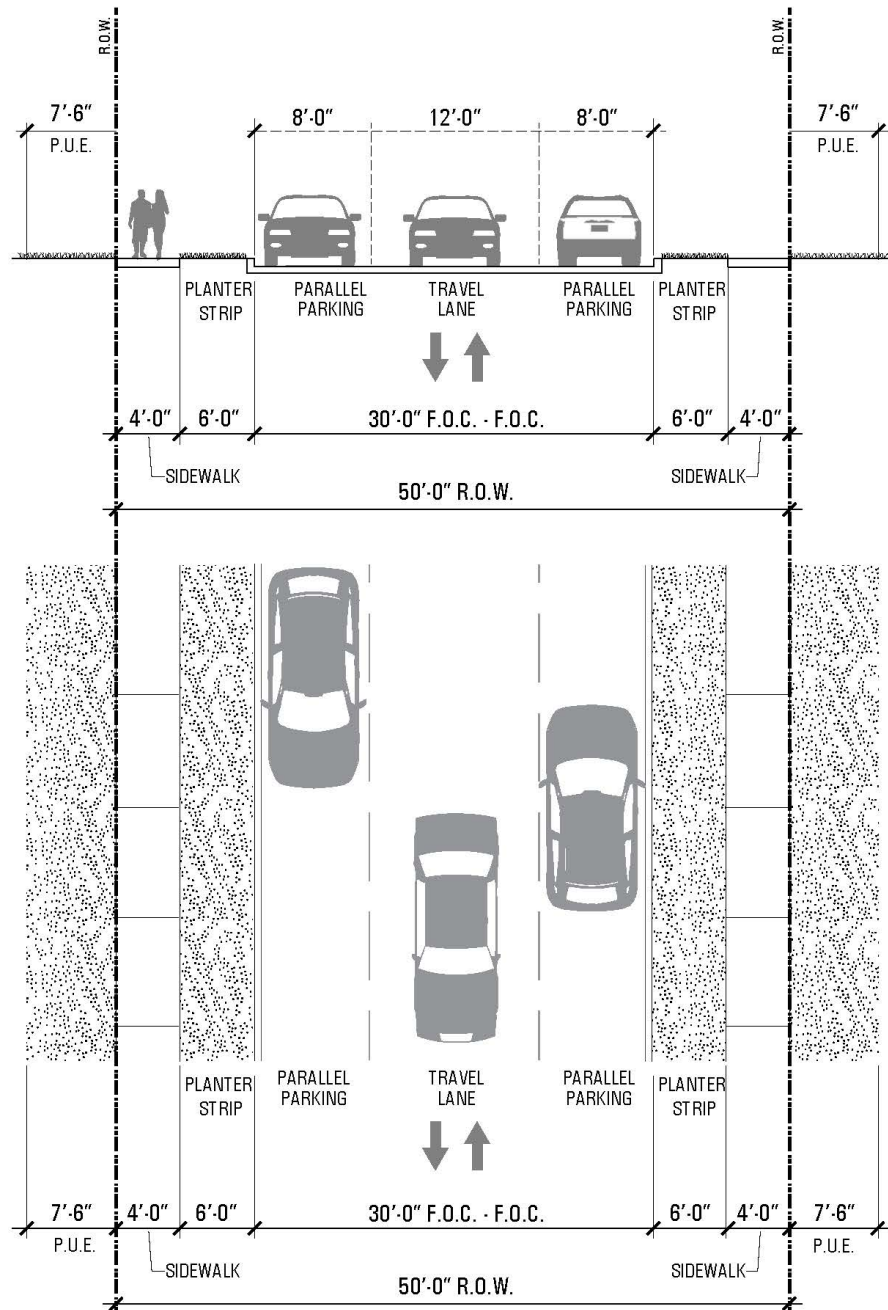
branson pass -
typical 82' R.O.W.
street section

Hutto, Texas
08/12/19
Lennar

TBG
17166 Springdale Dr.
Suite 500
Austin, Texas 78751
(512) 927-0111
tbg@tbg.com

The information shown is based on
the best information available and is
subject to change without notice.

not to scale



Note:
Street design may be modified as
necessary during final design.



exhibit B
cottonwood
creek PUD

local residential -
typical 50' R.O.W.
street section

Hutto, Texas
08/12/19
Lennar

TBG
1716 Springdale Dr.
Suite 500
Austin, Texas 78701
(512) 327-0111
tbg@aaron.com

The information shown is based on
the best information available and is
subject to change without notice.

not to scale

3.4.2 Pavement Design

- 3.4.2.1 Streets, Drainage and Utility facilities serving this Project shall be designed in accordance with the City of Hutto design standards as of December, 2002, as amended.
- 3.4.2.2 The pavement design thickness shall be approved by the City Engineer upon the review of the recommendations of a Registered Professional Engineer qualified in the field of geotechnical engineering and pavement design.
- 3.4.2.3 A connection to Waterway Avenue from the Cross Creek Project shall be provided in the approximate location shown on the Land Use Plan attached as **Exhibit “C”**.
- 3.4.2.4 Sidewalks will be provided on both sides of all streets.
- 3.4.2.5 Each phase of the Project, as identified on the Land Use Plan, shall have two immediate points of access.
- 3.4.2.6 15’ of additional ROW along CR 199 will be dedicated. In addition, sixty-eight (68) feet of additional ROW along CR 132 and the easternmost boundary line of the property will be dedicated; provided however the exact dimensions may be adjusted as necessary for alignment and topography and will be addressed in the final design of the roadway, but will be substantially 68’ of additional ROW.

3.5 Common Open Space / Parkland

3.5.1 Common Open Space

Notwithstanding any provisions in the City Code to the contrary, it is agreed that the parkland dedication requirements for the Property shall be met in full by providing the following:

The developer agrees to offer for dedication a minimum of 80 acres of land along and adjacent to the portion of Cottonwood Creek located within the Property to the City. The Developer shall additionally designate approximately 8 acres of land from the offered 83 acres for the purposes of multi-purpose fields.

The surface area contained within pipeline and other easements, which are left in a vegetative state, and shall be counted towards open space requirements.

3.6 Underground Utility Services

- 3.6.1** All subdivision utility lines installed must be underground to connection points, except for those providing temporary service, to the extent the underground lines can be provided by the utility service provider.

3.7 Walls and Fencing

3.7.1 Required walls

There shall be a minimum six (6') foot high fence along the rear lot lines of all residential lots that back up to the portion of Branson Pass shown within the Property. Where required in this section, fencing along Branson Pass shall be constructed of masonry or wrought iron with stone or brick columns. All columns shall be set in concrete to ensure a sturdy and durable fence and shall be located every 50 feet. Fencing in yards other than street yards shall be constructed of wood, woodcrete, masonry or wrought iron. All fence posts shall be either masonry, rust resistant steel, treated wood or similar material set in concrete. The finished side of all perimeter fencing shall face the street.

3.8 Subdivision Regulations

3.8.1 Subdivision Regulation Modifications

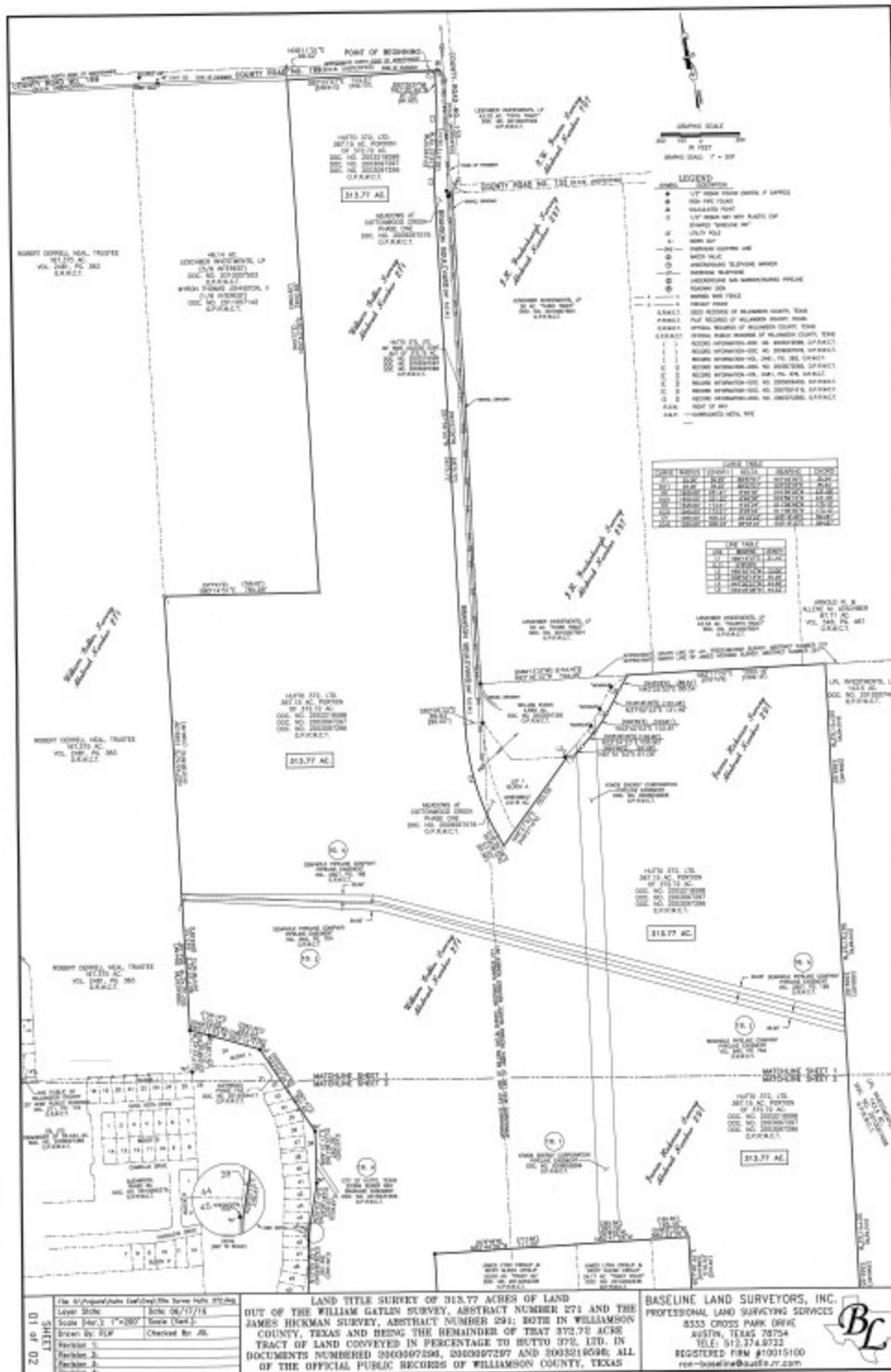
The following modifications are made to the City of Hutto Codes of Ordinances, Chapter 6, Section 10.613:

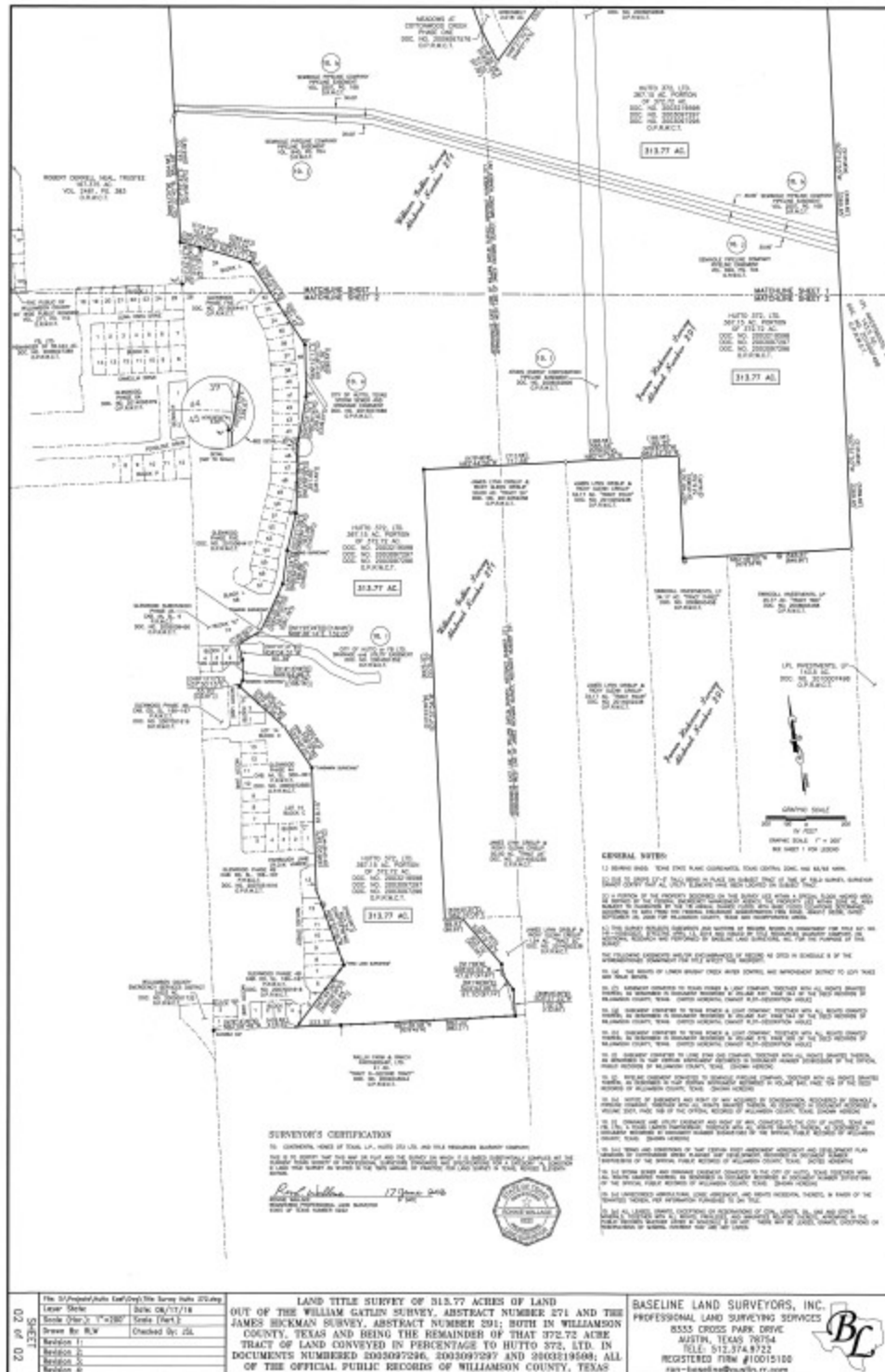
- 3.8.1.1 Street stub-outs, intended for future connection, are considered as links in the connectivity index calculations.
- 3.8.1.2 Block lengths must be no more than 1900', except along major arterials, common open space lots, and parkland.

4. Exhibits

Legal Description – Exhibit A
Land Use Plan-Exhibit B

Exhibit A – Legal Description





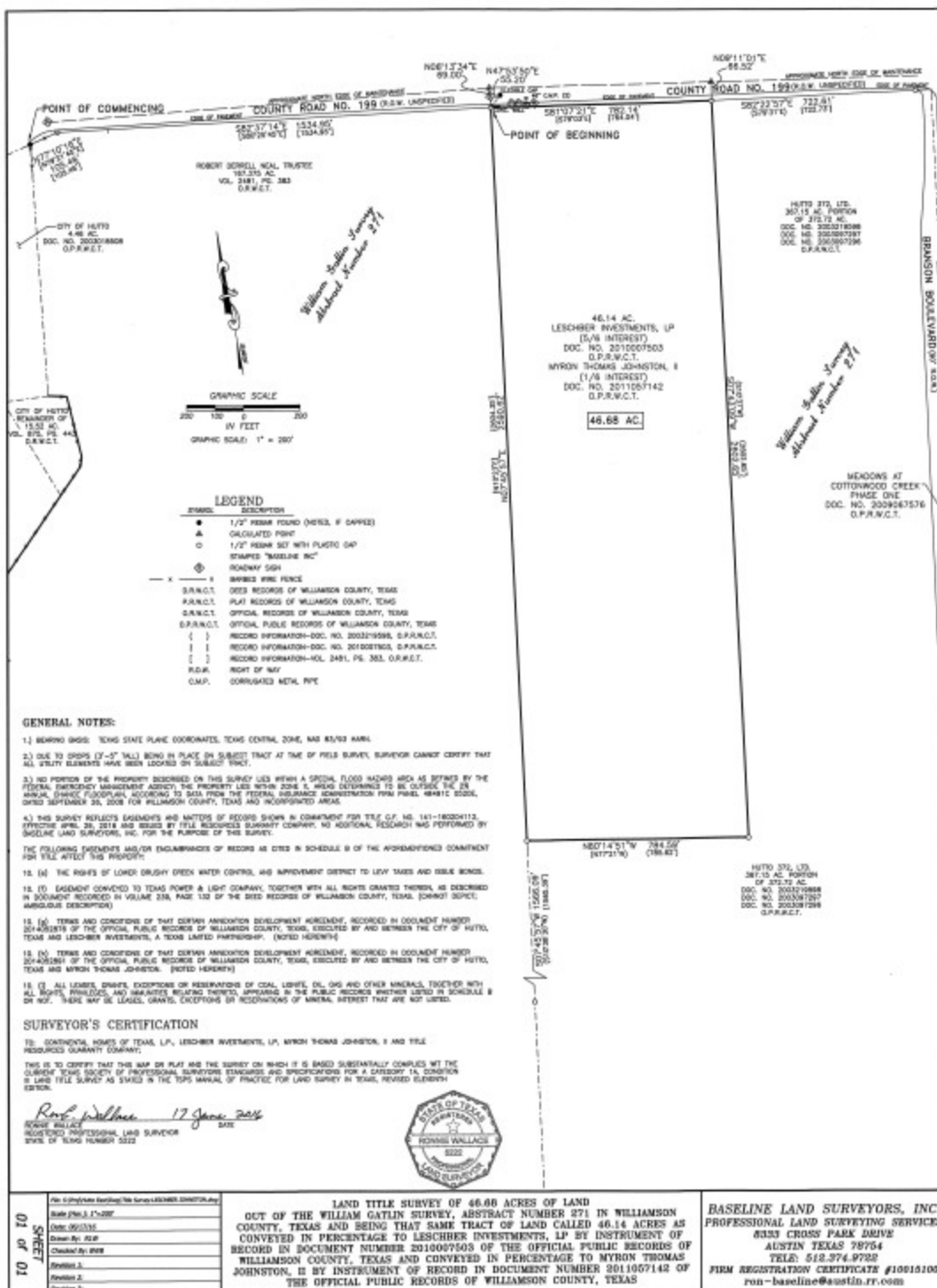


Exhibit B – Land Use Plan

Draft 6.8.21

Meadows of Cottonwood Creek Planned Unit Development

Commented [KP1]: One critical change in this PUD is the reformatting to remove the “contractual” format of the existing PUD, which could be construed as an unlawful zoning by contract.

**City of Hutto, Texas
Planned Unit Development (PUD)**

**Exhibit A
Development Plan**

June 17th, 2021

Applicant:

**Lennar Homes of Texas Land and Construction, Ltd.
Chase Kohlhoff
12401 Research Blvd
Building 1, Suite 300**

Prepared by:

**Metcalf Wolff Stuart & Williams
221 W. 6th Street
Suite 1300
Austin, TX 78701**

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3.8	Subdivision.....

4. Exhibits

Legal Description – Exhibit B
Land Use Plan - Exhibit C

1. GENERAL PROVISIONS

1.1 Title

This ordinance is known as the “Meadows of Cottonwood Creek” Planned Unit Development Ordinance and may be cited as “Cottonwood Creek” PUD.

1.2 Purpose and Intent

The purpose of this Plan is to ensure a PUD that creates a residential development that is: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is consistent with the spirit of the community and compatible with the character of adjacent development, and 4) will be developed and maintained so as to preserve land for open space, parks, and other public amenities.

1.3 Applicability of City Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this PUD Plan. All aspects not specifically covered by this Plan shall be regulated by the UDC “Unified Development Code of the City of Hutto, Texas” (“UDC”) in effect on the date of adoption of this ordinance. In those cases where in conflict, this PUD shall take precedence over the UDC.

1.4 Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

1.5 Amendments to Ordinance

Technical, site planning or engineering considerations that meet the intent of this PUD may call for minor modifications from the approved PUD. The Development Services Director may approve minor modifications if they promote flexibility in design and are consistent with the intent of the original PUD approval.

Modifications to the PUD shall be administered as follows:

Commented [KP2]: Changed from existing PUD – provides for clear process consistent with recently approved PUDs.

Modifications of the Land Use Plan pertaining to (a) roadway and trail alignments; (b) changes in the density of specific sections or phases shown on the Land Use Plan that do not increase the overall density of development on the Land, and (c) changes of less than ten percent (10%) in the size of any section or phase shown on the Land Use Plan, shall be considered “Minor Modifications” over which the City’s Development Services Director has final review and decision-making authority. In addition, the City may request modifications to the Land Use Plan relating to roadway and trail alignments if necessary due to topography, terrain, floodplains and floodways, alignment with connections to adjoining portions of roadways, trails, or utilities on adjacent properties, and similar situations, all of which shall be considered Minor Modifications over which the City’s Development Services Director has final review and decision-making authority.

All other changes to the Land Use Plan that are not Minor Modifications shall be considered “Major Modifications.” Major Modifications to the Land Use Plan must be approved as an amendment to this PUD Ordinance by the City Council. After approval by the City in accordance with these requirements, all Minor Modifications and Major Modifications to the Land Use Plan shall be recorded by the City at the Property owner’s expense in the Official Records of Williamson County, and thereafter, all references in this Development Plan to the Land Use Plan shall mean and refer to the then most current approved and recorded Land Use Plan.

Minor Modifications to the Land Use Plan allowed by this Development Plan shall not be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code. All Major Modifications to the Land Use Plan shall be deemed to be changes to the Project under Chapter 245 of the Texas Local Government Code, and the provisions of the UDC and all other applicable laws and regulations in effect at the time of such Major Modifications shall apply unless the City agrees otherwise.

Approval of this Development Plan does not constitute plat or site plan approval, and all development related approvals required by the UDC are still required. The request for an amendment to the PUD Ordinance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

1.6 Definitions

Definitions set forth in the UDC, including general abbreviations, terms definitions and conditions for use indicated throughout this ordinance shall apply to this PUD.

Commented [KP3]: Definitions are now tied to current code, not 2005 code.

2. DEVELOPMENT PLAN and LAND USES

2.1 Permitted Uses in the PUD

The purpose of the Plan is to provide an amenitized residential development including single family residential uses, as well as ample parks and open space uses as well as civic uses. **Exhibit C** illustrates the location of the Plan area and the proposed land use blocks.

For the purpose of addressing any development regulation not modified within this PUD, the following City of Hutto UDC base zoning districts shall be utilized for the following uses:

Single Family: SF-1

Dwelling: Single Household Attach (Townhouse): SF-2

Non Residential: B-1

Permitted uses within the boundaries of the PUD are as listed in the below land use table:

PERMITTED USES

Use
<u>Residential</u>
Dwelling: Single Household Attached (townhouse)
Single Family residential
<u>Non-Residential</u>
Park
Amenity/Recreation Center
School: at least 6 students

Commented [KP4]: List of permitted uses is now more explicit and easily identifiable. Generally consistent with previous PUD regarding residential, but also identifies non-residential uses for multi-use fields and potential school site.

Temporary Uses

Temporary uses	
-----------------------	--

Construction equipment storage lot	
Construction field office	
Portable storage container	
Temporary building	

Accessory Uses

Accessory uses	
Antenna, non residential use: other	
Satellite dish	

2.2 Use Descriptions and Standards

Unless otherwise modified within this PUD, refer to the UDC for definitions of uses and standards for residential uses and civic uses, temporary uses and accessory uses.

Prohibited Uses

Uses not listed in the “Permitted Use” table in section 2.1 shall be deemed prohibited unless determined to be appropriate under the conditions outlined for “New and Undefined Uses”.

New and Undefined Uses

As commerce and technology evolve, new types of land uses will develop and forms of land use not anticipated may seek locations in the Meadows at Cottonwood Creek PUD. To provide for contingencies, the Development Services Director will consider the appropriateness of an undefined use within the PUD area. Approval criteria include:

- Impacts of the use, including externalities and use of public services and infrastructure,
- The use is similar in nature and impact to a use listed and defined as a permitted use in the PUD.
- The use is consistent with the intent of the PUD district.
- The use conforms to the intent of the PUD, UDC and applicable plans
- The interpretation does not lower the protection given to the public by the PUD and UDC.
- The use does not have the potential to create a dynamic that would harm the vitality or future development potential of surrounding commercial, industrial and residential areas.

Commented [KP5]: New concept pulled from other PUDs, gives guidance and City control to address new and undefined uses that could not be anticipated at time of approval.

3. DEVELOPMENT STANDARDS

3.1 General Standards

3.1.1 Lot dimensions and area. Lots in the Project shall be consistent with the table below:

A)	MINIMUM LOT SIZE:	40' to 49.99'	50' to 59.99'	60'+
	1) Min. Lot Area:	4,400 to 5,300 S.F.	5,500 to 6,600 S.F.	7,200+ S.F.
	2) Min. Lot Frontage:	40'; 50' corner	50'; 60' corner	60'; 70' corner
	3) Min. Lot Depth:	110 ft.	110 ft.	120 ft.
B)	Building Placement & Size			
	1) Max. Impervious Cover:	75%	75%	75%
	2) Min. Residential Unit Size:	1000 S.F. gfa ¹	1,200 S.F. gfa	1,500 S.F. gfa
	3) Max. Bldg. Height:	42' – 2 stories	42' – 2 stories	42' – 2 stories
C)	Building Setbacks:			
	1) Min. Front Yard:	15'	20'	20'
	2) Min. Garage Setback:	18'	25'	25'
	3) Min. Side Yard:	5'	5'	5'
	4) Min. Rear Yard:	10'	10'	10'
	5) Min. Street Side Yard:	15'	15'	15'
D)	Lot Type Ratio	15%-35%	45%-65%	15%-20%

Commented [KP6]: Property owners have increased to increase minimum residential unit size on all lots of this type, up from 750 S.F. in existing PUD.

Commented [KP7]: Ratios added to provide clarity and certainty as to the mixture of lot types.

3.1.2 Setbacks

Front setback lines along the street shall be varied to encourage a variation of street appearance. The front porches and second stories of residences may encroach into the front building setback a maximum of three (3') feet for lots with a 20 foot building setback line and eight (8) feet for lots with a twenty five (25') or greater front setback line. All other setbacks are set forth and shown in 3.1.1 above.

10' PUE's are prohibited on rear lot lines.

¹ Gross Floor Area in living space.

3.2 Architectural Standards

3.2.1 Design Guidelines

Building design within the PUD shall comply with the architectural design criteria outlined in the City of Hutto Unified Development Code (UDC) in place on November 21st, 2019 except as provided herein.

Commented [KP8]: Locks in architectural minimums, whereas current PUD is silent.

In addition to the requirements of the City UDC, the Owner has established an Architectural Control Committee for the project in order to maintain a comprehensive and complementary architectural style throughout the PUD area pursuant to the Declaration of Covenants, Conditions and Restrictions filed in the Williamson County Deed Records under document ID# 2021054908.

Commented [KP9]: Locked in declaration requirement to ensure quality is maintained, whereas current PUD does not reference.

3.2.2 All residential structures shall be a minimum of 50% masonry such as native stone, rock, stucco, or brick.

Commented [KP10]: List of masonry requirements made more explicit and comprehensive.

3.2.3 Chapter 4; 10.406.4.4.5 of the UDC is hereby modified for the Project to read as follows:

“Front-loading garage doors may comprise no more than 55% of the total length of the front facade of a multiple household residential buildings front facade.”

3.2.4 Chapter 4; 10.406.3.3.1 of the UDC is hereby modified for the Project to read as follows:

“A front-loading garage door may comprise no more than 55% of the house linear frontage, and may protrude no more than 6 ft. from the longest front wall, except that a garage on a house that is on a lot less than 41’ in width at build line may protrude no more than 15’ ft. from the longest front wall.”

Commented [KP11]: Primary request of property owner for PUD modification. Original intent was to have this in current PUD.

3.2.4.1 No more than 10% of the total lots at full build out of the Project that are less than 41’ in width at build line shall contain a front-loading garage door that protrudes more than 12’ from the longest front wall.

Commented [KP12]: Per June 3 P&Z meeting, Property Owner has agreed to limit number of houses with front loading garage doors extending beyond 12’ to no more than 10% of all 40’ lots in return for UDC modification.

3.2.5 In order to provide for homes that do not result in a streetscape dominated by the sight of garage doors, all houses on lots that are less than 41’ in width at build line shall have enhanced garage doors, which shall include glass inserts and upgraded handles and hinges, or any similarly improved upgrades to garage doors that provides for a more visually appealing streetscape.

Commented [KP13]: Per June 3 P&Z, in return for UDC modification, garage doors will be upgraded and enhanced on all 40’ lots, even those garage doors that aren’t covered by UDC modification.

3.2.6 All houses on lots that are less than 41’ in width at build line shall be

constructed with upgraded wood front doors rather than traditional six panel doors.

Commented [KP14]: Per June 3 P&Z, in return for UDC modification, houses on 40' lots will have upgraded wood front doors, regardless of whether or not UDC modification is applicable.

3.3 Landscaping

3.3.1 General Standards

3.3.1.1 A minimum of two (2) trees shall be planted within the front yard area.

Street trees shall be planted at intervals of 25-feet to 40-feet apart. Street trees shall have a minimum caliper size of 2-inches and shall be selected from the approved list in the UDC.

3.3.1.1.1 In order to mitigate the appearance of garage doors in streetscapes within the Project, all lots that are on a lot less than 41' in width at build line shall have at least one tree (of the minimum two identified in Section 3.3.1.1 above) that has an upgraded minimum caliper size of 3 inches.

Commented [KP15]: Per June 3 P&Z, in return for UDC modification, all 40' houses will have at least one tree that is improved beyond 2 inch caliper minimum, regardless of whether or not UDC modification is applicable.

3.3.1.2 All areas of a platted lot, for which a Certificate of Occupancy has been issued, and which do not contain residential buildings, structures, parking, sidewalks, site furniture or other improvements, including, but not limited to, front, side and rear building set back areas, and all areas between the curb line and the property line, must be planted, landscaped, and maintained in good condition. Utility easements, not used for parking, will be landscaped consistent with other landscape areas where allowed by the respective utility company and shall be selected from the approved list in the UDC.

3.3.1.3 Along both sides of the Branson Pass within the Project trees shall be planted a maximum of 75 feet apart and shall be of the same species as listed above. Street trees shall have a minimum caliper size of 3-inches, measured 3' above final grade at the base of the tree.

3.3.1.4 Existing trees and vegetation should be left in their natural state to the greatest extent possible, in the sound discretion of the developer.

Commented [KP16]: New addition based on previous city council feedback, property owner has agreed to preserve existing trees and vegetation as much as possible.

3.3.1.5 There shall be a landscape area not less than five (5) feet in width to be left as vegetative and landscape area to enhance the Branson Pass corridor.

3.3.1.6 Areas within public right-of-way must be landscaped only in accordance with a plan and a license agreement reasonably approved by the City and Developer.

3.4 Streets

3.4.1 Street Design

The streets within the Project shall be constructed pursuant to City standards and shall

conform to the design shown below. All right-of-way shown shall be dedicated to the public by recordation of the final plats for each approved section or phase or by separate instrument.

Right of Way Width:

Residential Streets:	50'
Residential Collector Streets:	60'
Carl Stern Drive:	80'
Branson Pass:	80'

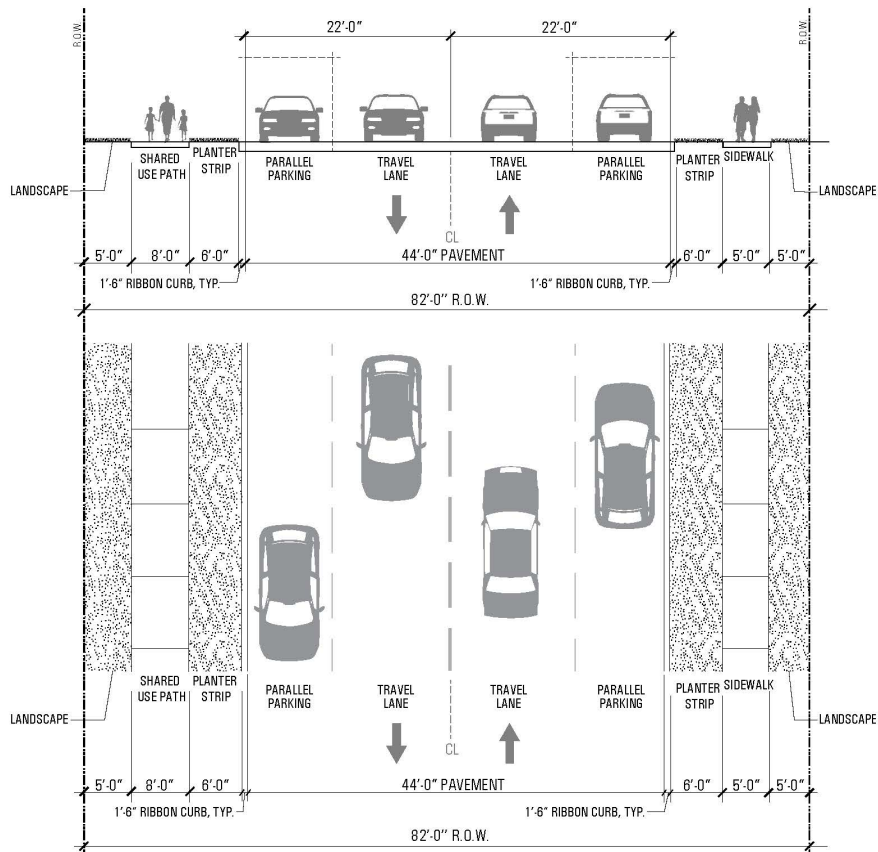
Commented [KP17]: ROW Widths were made consistent with approved plats and plans.

Pavement Width:

Residential Streets:	30' B-B ²
Residential Collector Streets:	40' B-B
Carl Stern Drive	44' B-B
Branson Pass	44' of asphalt paving (See Figure A)

Figure A [Subject to update]

² "B-B" - back of curb to back of curb for measuring the pavement width.



Note:
No parallel parking at intersections to provide for turn lane.
Alignment of shared use path and sidewalk may vary within landscape areas.
Street design may be modified as necessary during final design.



exhibit A
cottonwood
creek PUD

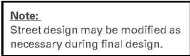
branson pass -
typical 82' R.O.W.
street section

Hutto, Texas
08/12/19
Landscape

TBG
7705 S. Highway 91
Suite 100
Hutto, Texas 76788
(817) 301-1011
hutto@tbgs.com

This information is based on
the best information available and is
subject to change without notice.

not to scale



local residential -
typical 50' R.O.W.
street section

T&E
1705 Gourdland Dr.
Suite 600
Austin, Texas 78706
[512] 327-1511
thomson@tandem.com

not to scale

3.4.2 Pavement Design

- 3.4.2.1 Streets, Drainage and Utility facilities serving this Project shall be designed in accordance with the City of Hutto design standards as of December, 2002, as amended.
- 3.4.2.2 The pavement design thickness shall be approved by the City Engineer upon the review of the recommendations of a Registered Professional Engineer qualified in the field of geotechnical engineering and pavement design.
- 3.4.2.3 A connection to Waterway Avenue from the Cross Creek Project shall be provided in the approximate location shown on the Land Use Plan attached as **Exhibit “C”**.
- 3.4.2.4 Sidewalks will be provided on both sides of all streets.
- 3.4.2.5 Each phase of the Project, as identified on the Land Use Plan, shall have two immediate points of access.
- 3.4.2.6 15’ of additional ROW along CR 199 will be dedicated. In addition, sixty-eight (68) feet of additional ROW along CR 132 and the easternmost boundary line of the property will be dedicated; provided however the exact dimensions may be adjusted as necessary for alignment and topography and will be addressed in the final design of the roadway, but will be substantially 68’ of additional ROW.

3.5 Common Open Space / Parkland

3.5.1 Common Open Space

Notwithstanding any provisions in the City Code to the contrary, it is agreed that the parkland dedication requirements for the Property shall be met in full by providing the following:

The developer agrees to offer for dedication a minimum of 80 acres of land along and adjacent to the portion of Cottonwood Creek located within the Property to the City. The Developer shall additionally designate approximately 8 acres of land from the offered 83 acres for the purposes of multi-purpose fields.

The surface area contained within pipeline and other easements, which are left in a vegetative state, and shall be counted towards open space requirements.

Commented [KP18]: Open Space requirements not consistent with Amended and Restated Development Agreement.

3.6 Underground Utility Services

- 3.6.1 All subdivision utility lines installed must be underground to connection points, except for those providing temporary service, to the extent the underground lines can be provided by the utility service provider.

3.7 Walls and Fencing

3.7.1 Required walls

There shall be a minimum six (6') foot high fence along the rear lot lines of all residential lots that back up to the portion of Branson Pass shown within the Property. Where required in this section, fencing along Branson Pass shall be constructed of masonry or wrought iron with stone or brick columns. All columns shall be set in concrete to ensure a sturdy and durable fence and shall be located every 50 feet. Fencing in yards other than street yards shall be constructed of wood, woodcrete, masonry or wrought iron. All fence posts shall be either masonry, rust resistant steel, treated wood or similar material set in concrete. The finished side of all perimeter fencing shall face the street.

3.8 Subdivision Regulations

3.8.1 Subdivision Regulation Modifications

The following modifications are made to the City of Hutto Codes of Ordinances, Chapter 6, Section 10.613:

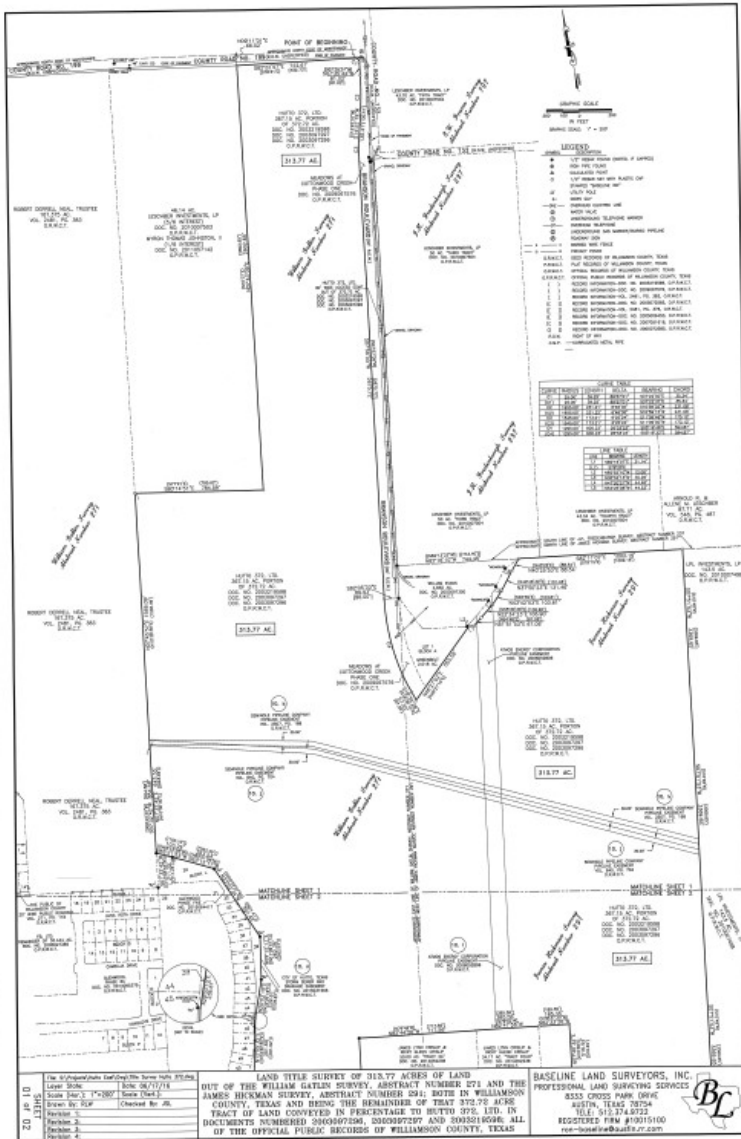
- 3.8.1.1 Street stub-outs, intended for future connection, are considered as links in the connectivity index calculations.
- 3.8.1.2 Block lengths must be no more than 1900', except along major arterials, common open space lots, and parkland.

4. Exhibits

Legal Description – Exhibit A
Land Use Plan-Exhibit B

Draft 6.8.21

Exhibit A – Legal Description







Draft 6.8.21

Exhibit B – Land Use Plan

Yvette Glover

From: Heather Held [REDACTED]
Sent: Tuesday, May 18, 2021 9:42 AM
To: Planning
Subject: In favor vote - Cottonwood Creek Amendment #4

Hello,

Case name: Cottonwood Creek Planned Unit Development (PUD) Amendment #4
Public hearing date: planning and zoning, 6/1/21 and city council 6/17/21
My name: Heather E. Held
Address: 1011 Corolla Ct, Hutto, TX 78634

I am in favor of the proposed amendment.

Thanks,
Heather

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Yvette Glover

From: Chavala Merit [REDACTED]
Sent: Sunday, May 16, 2021 8:27 PM
To: Planning
Subject: Cottonwood Creek PUD Amendment #4

Hello,

This email is in regards to the Cottonwood Creek PUD Amendment #4, which will be heard by P&Z on June 1st, 2021, and by City Council on June 17th, 2021.

My name and address are as follows-
Havala Merit
708 Luna Vista Dr
Hutto, TX, 78634

As a resident who resides within 600ft of this development, I would like to chime in. I do not have an opposition to the development or the types of architecture that it will contain. As has always been my issue, I would like a commitment that the creek and treeline will remain intact. The developer had stated previously that the treeline and the creek would remain the same, and I wanted to reaffirm that this is still true. Anything taking down that treeline or interfering with the creek would be a disaster and that would directly impact the value of my home.

Addressing these concerns with the neighbors in the Glenwood development across the creek would greatly reduce tensions and fears about the Cottonwood Creek Development within the community.

Thank you,
Havala Merit
[REDACTED]

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PROPERTY OWNER NOTICE OF TWO PUBLIC HEARINGS
TO BE HELD AT THE

PLANNING & ZONING COMMISSION ON: JUNE 1, 2021
CITY COUNCIL ON: JUNE 17, 2021
MEETING LOCATION: 500 W. Live Oak St. – City Hall
MEETING TIME: 7:00 PM

Notice is hereby given to all interested persons that the **HUTTO PLANNING AND ZONING COMMISSION AND CITY COUNCIL** will hold two separate public hearings regarding the proposed Planned Unit Development (PUD) zoning ordinance amendment request for the property known as **Cottonwood Creek Planned Unit Development (PUD) Amendment #4**, 370.36 acres, more or less, of land, located on CR 199.

The purpose of the proposed amendment is to more explicitly describe the range of housing types within the project and the architectural standards and update building size/dimension/layout regulations

As one of the owners of property located within 600 feet of the subject properties, you are invited to attend this meeting to voice your support or opposition. Detailed information will be available on the City of Hutto website under Planning and Zoning Commission agenda/packet information at least 72-hours before the meeting date here: http://www.huttotx.gov/residents/services/planning_and_zoning_commission_agendas_and_minutes.php. You may also do one of the following before the meeting date:

1. Mail this form to: Development Services, 500 W. Live Oak, Hutto, TX 78634.
2. Email your response to: planning@huttotx.gov Include case name, public hearing date, your name and address, and if you are in favor or against the rezoning including comments.

For additional information you may contact the Development Services-Planning staff at (512) 759-3479 or planning@huttotx.gov.

=====

SURROUNDING PROPERTY OWNER'S RESPONSE

Project Name: Planned Unit Development (PUD) zoning ordinance amendment request for the property known as **Cottonwood Creek Planned Unit Development (PUD) Amendment #4**, 370.36 acres, more or less, of land, located on CR 199.

Name:

Robin Cavender

Address:

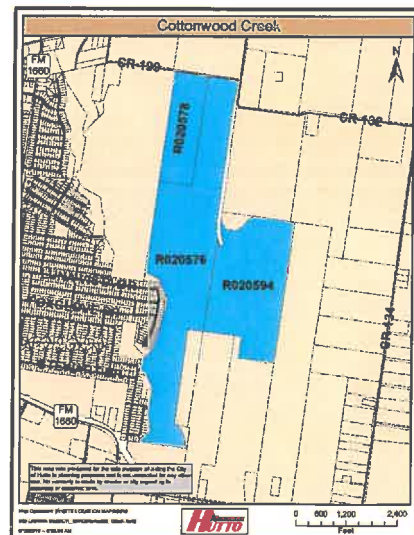
713 Luna Vista Dr. Hutto TX 78634

☐ I AM IN FAVOR

☒ I OBJECT

Write comments below, attach additional pages if needed.

SITE LOCATION MAP





PROPERTY OWNER NOTICE OF TWO PUBLIC HEARINGS
TO BE HELD AT THE

PLANNING & ZONING COMMISSION ON:
CITY COUNCIL ON:
MEETING LOCATION:
MEETING TIME:

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For additional information you may contact the Development Services-Planning staff at (512) 759-3479 or planning@huttotx.gov.

=====

SURROUNDING PROPERTY OWNER'S RESPONSE

Project Name: Planned Unit Development (PUD) zoning ordinance amendment request for the property known as **Cottonwood Creek Planned Unit Development (PUD) Amendment #4**, 370.36 acres, more or less, of land, located on CR 199.

Name:

Courtney Lopez

Address:

312 Mitchell Dr.

☐ I AM IN FAVOR

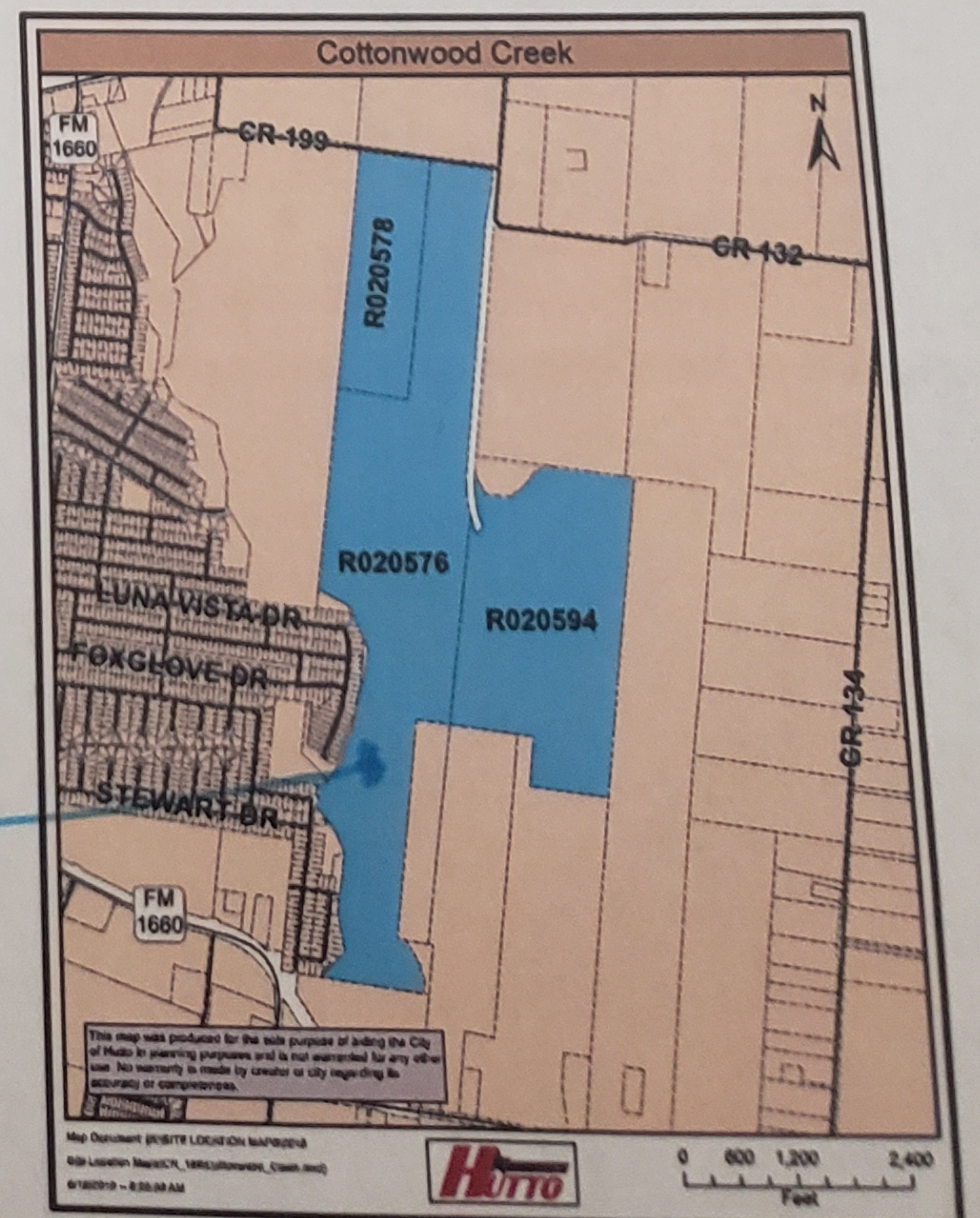
☒ I OBJECT

Write comments below, attach additional pages if needed.

SITE LOCATION MAP

I don't want them to
ruin my view of
the trees. I assume they
will cut them down.
I am against this development.

Trees



From: [Felicia frierson-ladd](#)
To: [Planning](#)
Subject: Cottonwood Creek Planned Development Amendment #4
Date: Tuesday, June 8, 2021 7:06:18 PM

To Hutto City Council

Regarding:

Planned Unit Development (PUD) zoning ordinance amendment request for property known as Cottonwood Creek Planned Unit Development (PUD) Amendment #4, 370.36 acres, more or less, of land, located on CR 199.

From:
Felicia Frierson Ladd
705 Luna Vista Drive
Hutto Texas 78634

I OBJECT

I picked my home site which sits behind a green belt because I was told that it was a "protected green belt" that would not be development. We have large trees (and a small creek) behind our property and had to pay our builder (DR HORTON) an extra \$4000 because our home is next to the green belt. I object to having those trees cut down behind my property. If you can leave a strip of trees between our property and the new development, this would work for us but I DO NOT want to have another home right behind my back yard when I had to pay extra because of the so called "protected green belt". If this new development plans on cutting down the trees behind our property, we should be compensated in the amount no less than the extra \$4000 that we all had to pay for our homes on that side of Luna Vista Dr.

Thank You
Felicia Frierson Ladd


Yvette Glover

From: Hudson Evans [REDACTED]
Sent: Tuesday, June 1, 2021 9:12 AM
To: Planning
Subject: In regards to Cottonwood Creek PUD

Hudson Evans
3750 CR 132 S.
Hutto, Tx 78634
6/1/21

In regards to rezoning of Cottonwood Creek PUD, Amendment #4. Meeting to be held 6/1/21.

Planning and Zoning commission & City Council,

I have been a resident of 3750 CR 132 my whole life and would like the Zoning commission & City Council to consider the following concerning the 30 to 40 acres adjacent to my family's property. The other 320 some odd acres to my understanding will be homes. I believe a park or Blackland Prairie wildlife preserve would be centrally located to these homes and serve as a buffer to flooding in the area. Having a green space in this area would benefit the new home owners and make Hutto a more appealing place to live.

Furthermore, as the commission & council already know, my family's home is a historic Hutto landmark and I feel the addition of greenspace near the property would again add to the appeal of living in the Cottonwood Creek neighborhood. If a proper fence could be built by the home builders or the city around the 3750 CR 132 property it would be greatly appreciated and serve as a buffer between private and public space.

I understand the property will be rezoned and would hope this addition can be included.

Thank you for your time and consideration,
Hudson Evans

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Yvette Glover

From: [REDACTED]
Sent: Tuesday, June 1, 2021 5:34 PM
To: Planning
Subject: Cottonwood Creek Planned Unit Dev Amendment#4

Irene & David Holmes
507 Luna Vista Dr
Hutto TX 78634
Case Name: Cottonwood Creek Planned Unit Dev Amendment#4
Public Hearing Date: June 17, 2021

We are not in favor of the rezoning.

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Ashby Grundman

From: Lucas Evans
Sent: Wednesday, June 9, 2021 10:24 AM
To: Ashley Lumpkin; Ashby Grundman
Subject: Attractive Walls

Howdy Ashley and Ashby,

I appreciate y'all working with us through this journey. At the last planning and zoning meeting my family wrote in a comment regarding the need for a significant brick wall around the west and south side of our property, it was not read. These are common place in most every thoughtful development. Based on the last conversation and lennars desire to make this a unique and attractive neighborhood, a wall separating our property from the much different architectural cadence of the greater neighborhood is critical. We are making significant investment in our house and property to provide a sense of place and history to those surrounding. I hope we can add this to the councils agenda for Thursday and get this established. We plan to be here for.... awhile and want this to blend well with the fabric of the city as it expands. The cedar fence that was offered will be monotonous and out of place cutting through the field, unattractive. Thank you again and talk soon. I'm happy to follow up and do anything y'all need.

Regards
Lucas

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AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on Ordinance No. O-2021-037 to dispense with second reading.
Meeting: Thursday, June 17, 2021
Department: Development Services
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

Staff recommends that City Council dispense of second reading and adopt Ordinance No. O-2021-037.

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

None

AGENDA ITEM REPORT



To: City Council
Subject: Consideration of a public hearing and possible action on Ordinance No. O-2021-038 amending the Unified Development Code, Chapter 2, Sections 10.203, Development Review Process and 10.204.2 Effective Date and Expiration, repealing conflicting ordinances and resolutions and establishing an effective date. (Ashley Lumpkin)
Meeting: Thursday, June 17, 2021
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

Staff is proposing a Unified Development Code text amendment to conform to the charter amendment that was voted on in the May 2021 election giving final platting approval authority to the Planning and Zoning Commission.

SUMMARY OF REQUEST:

See attached for the proposed UDC text amendment redline provided.

STAFF REVIEW:

Staff and the Planning and Zoning Commission recommend approval of the proposed UDC amendment to City Council.

FINANCIAL IMPACT:

Not applicable.

POLICY IMPLICATIONS:

This amendment would give the Planning and Zoning Commission final approval authority on all subdivision plats per the Hutto Charter amendment that was voted on and passed in May 2021.

ATTACHMENTS:

1. (Ord)UDCAmend(26)Ord
2. UDC redlined

ORDINANCE NO. O-2021-038

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2020 EDITION, AS AMENDED), CHAPTER 2 SECTION 10.203, DEVELOPMENT REVIEW PROCESS AND 10.204.2 EFFECTIVE DATE AND EXPIRATION, REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Code of Ordinances (2020 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC), incorporating amendments into Chapter 2, Section 10.203 and 10.204, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 1st day of June, 2021, and;

WHEREAS, on the 17th day of June, 2021, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

1.

That the Code of Ordinances (2020 Edition), Chapter 16, Article 16.02 Hutto Unified Development Code (UDC), Chapter 2, Section 10.203 and 10.204 is hereby amended to include the changes described in **Exhibit "A"** attached hereto and incorporated herein.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

READ, PASSED and **ADOPTED** on second reading of ordinance this **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Mike Snyder, Mayor

Attest:

Holly Nagy, City Secretary

10.203 Development review process

10.203.1 Applicability

This section applies in the following areas.

Process	City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town zoning district	Hutto extraterritorial jurisdiction (ETJ)
Amended plat	Yes	Yes	Yes	Yes
Annexation	No	No	No	Yes
Building permit and certificate of occupancy	Yes	Yes	Yes	No: Williamson County
Certificate of appropriateness	Yes: historic district	Yes: historic district	Yes: historic district	No
Demolition permit	Yes	Yes	Yes	No: Williamson County
Major subdivision	Yes	Yes	Yes	Yes
Plan amendment	Yes	Yes	Yes	Yes
Plan amendment: future land use map	Yes	Yes	Yes	Yes
Planned unit development	Yes	No	Yes; OT-5C only	No
Plat vacation	Yes	Yes	Yes	Yes
Right-of-way construction permit	Yes	Yes	Yes	No
Right-of-way vacation	Yes	Yes	Yes	Yes
Short form subdivision	Yes	Yes	Yes	Yes
Sign permit	Yes	Yes	Yes	Yes
Site plan review	Yes	Yes	Yes	No
Site plan: initial	Yes	Yes	Yes	No
Special exception	Yes	No: see Chapter 5	No: see Chapter 5	No
Street name change	Yes	Yes	Yes	Yes
UDC amendment	n/a	n/a	n/a	n/a
Variance	Yes	Yes	Yes	Yes: subdivisions
Zoning map amendment	Yes	Yes	Yes	No

The following is a general review structure for this Section:

Type of: Application / Permit / Request	Planning	Engineering	Building	HPC	PZ	CC	ZBA
Administrative interpretation	Issued	Issued	Issued				A ***
Amended plat	RV/D	RV *			R D	D	
Annexation	RV †					D	
Appeals: all						Bldg codes, CoA, Sign variance	Administrative decision and interpretations
Building code interpretation			RV/D			A	
Building plan review–residential/commercial: new construction			RV/D				
Building plan review–residential/commercial: Remodel			RV/D				
Building plan review–residential/commercial: Repair			RV/D				

Type of: Application / Permit / Request	Planning	Engineering	Building	HPC	PZ	CC	ZBA
Building plan review– residential/commercial: Addition			RV/D				
Building permit – residential/commercial: new construction (incl. inspections)			I/D				
Building permit – residential/commercial: remodel (incl. inspections)			I/D				
Building permit – residential/commercial: repair (incl. inspections)			I/D				
Building permit – residential/commercial: addition (incl. inspections)			I/D				
Certificate of appropriateness	RV		RV	D		A	
Certificate of occupancy/tenant change			I/D				
Comprehensive plan amendment	RV	RV		R††	R	D	
Comprehensive plan land use map amendment	RV				R	D	
Conditional certificate of completion (commercial)			RV/I/D				
Delay request (waiver of rights) for plats	RV/D						
Demolition permit: residential/commercial			I/D	D **			
Development agreement	RV/D					D	
Development assessment (subdivision)	RV/D	RV					
Drainage easement vacation	RV	RV				D	
Hot tub/spa permit (incl. insp.)			D				
HUD code manufactured home permit			D				
HVAC permit			D				
Irrigation permit (incl. insp.)(landscape irrigation)			D				
Legal lot determination letter	D						
Major subdivision: prelim & final plat	RV	RV			RD	D	
Minor Modification – FBC zoning district	RV†††				R	D	
Minor Modification – OT zoning district	RV†††				D	A	
Minor (short form) subdivision: final plat	RV	RV			RD	D	
Move-in (modular structure) permit			D				
Plat Vacation	RV	RV			RD	D	
Public utility easement vacation (PUE)	RV	RV				D	
Recordation processing (final plat)	RV/D						
Right-of-way (ROW) construction permit		D					
Right-of-way (ROW) vacation	RV	RV				D	
Sign master plan	RV		RV		R	D	
Sign permit	RV		RV/D				
Site plan review (incl. inspections)	RV	RV	RV/D				
Form Based Code amendment	RV				R	D	
Specific use permit (incl. amendment)	RV		RV		R	D	
Street name change	RV					D	
Subdivision improvements		RV/I/D				Acceptance	

Type of: Application / Permit / Request	Planning	Engineering	Building	HPC	PZ	CC	ZBA
construction plan review & inspection							
Subdivision plat approval extension	D****	RV			R**** D****	D****	
Temporary job/construction trailer			D				
Temporary use permit			D	**			
Tree removal permit (protected trees)	RV		RV/D			D	
Variance (sign) – Sign	RV		RV		D	A	
Variance (zoning) – Site design	RV						D ***
Variance (zoning) – FBC and OT zoning districts	RV						D ***
Variance (subdivision) – Subdivision	RV				R-D	D	
Water heater permit			I/D				
Water softener permit			I/D				
UDC amendment	RV				R	D	
Zoning change request	RV				R	D	
Zoning change request – PUD	RV	RV			R	D	
Zoning change request – Form Based Code	RV	RV			R	D	
Zoning map amendment	RV				R	D	
Zoning verification letter	D						

A=Appeal D=Decision I=Inspection R=Recommendation RV=Review

* = If there are public improvements on site

** = If structure is within the 1911 historic district the HPC makes final decision

*** = Appeals to ZBA are made to District Court

**** = Planning Staff can administratively approve the first extension, second extension requires **City Council Planning and Zoning Commission** approval

† = Includes review for services by: City Engineer, Public Works, Police

†† = If amendment to Comprehensive Plan/GGP affects the Historic District

††† = See Section 10.203.9 for administrative approval requirements

10.203.2 Amended plat

Subdivision standards are detailed in Chapter 6 (Subdivision standards).

10.203.2.1 Intent

An amended plat is required for error correction on a recorded plat, boundary changes between adjacent lots where no new lots would be created; and lot consolidation between two or more lots, where an entire plat will not be vacated.

10.203.2.2 Applicability

The amended plat process is used for the following in the city and its extraterritorial jurisdiction:

- Adjust or relocate the boundary or lot lines between one or more adjacent lots on an approved plat, where the number of lots will not increase.
- Join two or more adjacent lots on an approved plat, where the entire plat will not be vacated.
- Correct an error or omission on an approved plat.
- Show monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments.
- Show the proper location or character of monuments that have been changed in location, character, or shown incorrectly on an approved plat.

“Quitclaiming” land to adjacent property owners without approval through a formal subdivision review

process is prohibited.

10.203.2.3 Criteria

Amended plat requests are evaluated using all the following criteria:

- New lots will not be created.
- Resulting lots will meet the required minimum lot size and lot width of the underlying zoning district. If any lots are non-conforming because they do not meet lot size or width standards, the replat cannot increase the non-conformity.
- It will not create a non-conforming setback for any existing building.
- It is not intended to “cut away” a nonconforming use from adjacent lots to increase its lifespan.
- It will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.
- Covenants or deed restrictions for the original lots must also apply to the resultant lots and be noted on the final plat.

10.203.2.4 Process

- Refer to development application.

10.203.2.5 Conditions

The Planning and Zoning Commission ~~and/or City Council~~ may impose conditions on an amended plat.

10.203.3 Annexation

10.203.3.1 Intent

All land in Hutto’s current or future extraterritorial jurisdiction area should eventually become part of the city, so it can more effectively guide growth and regulate the quality of the built environment.

10.203.3.2 Applicability

The annexation process is used to annex unincorporated land into the city.

10.203.3.3 Criteria

Annexation and initial zoning requests are evaluated using all the following criteria:

- The request is consistent with community, neighborhood and other applicable land use and development plans.
- The property is in the extraterritorial jurisdiction (ETJ).
- The property does not have any Unified Development Code or Williamson County code violations.
- The annexation request conforms to state law.

10.203.3.4 Process

Refer to development application.

10.203.3.5 Conditions

- Development Services staff, and/or City Council may impose conditions on an annexation request, to ensure conformance to this code and any community, neighborhood and other applicable land use and development plans.
- A building permit cannot be issued for recently annexed land until initial city zoning is established.
- Initial zoning is established through a zoning map amendment (rezoning), which must be processed at the same time as the annexation request. Initial zoning must conform to the comprehensive plan. Standard rezoning fees will apply.

10.203.4 Building permit and certificate of occupancy

10.203.4.1 Purpose

A building permit is needed when an owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge,

alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the IFC or ICC or to cause any such work to be done.

10.203.4.2 Applicability

A building permit application is required for any construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, and maintenance of buildings or structure except:

- Movable cases, counters, and partitions, not over 5 feet 9 inches (1,753 mm) in height.
- Painting, papering, and similar finish work.
- Temporary motion picture, television, and theater stage sets and scenery.
- Play equipment accessory to residential use, including swing sets, jungle gyms, slides and trampolines.
- Antennas and/or their supporting structures other than buildings accessory to residential use, at least 10 ft. high and below the maximum building height in the underlying zoning district.
- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 sq. ft.
- Fences ~~not~~ over 6 ft. (1,829 mm) high.
- Oil derricks.
- Retaining walls that are not over 4 ft. (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
- Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
- Sidewalks and driveways not more than 30 in. (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 in. (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- Window awnings supported by an exterior wall that do not project more than 54 in. (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

Building permit applications are also required for change of use, occupancy, tenancy, ownership or name of business for a non-residential building or tenant space.

10.203.4.3 Criteria

Building permit requests are evaluated using all the following criteria:

- The project conforms to this code, the Building Code, the Fire Code, and other applicable regulations.
- The parcel does not have any violations of this code or other applicable city or state regulations.
- A site plan was approved for the project, if applicable.
- The site is a legally platted building lot, unless site is on a lot located in the 1911 Historic District and has not been altered since the 1911 Historic District was created.

The Development Services Department may accept applications for building permits for individual lots in approved subdivisions as follows:

Footing and foundation permits for new construction will be accepted only after the following have occurred:

- Final grading of drainage easements and the installation of the stormwater drainage system is complete, and the city engineer has inspected and approved the grading and installation; and
- Construction of the street subgrade and installation of the aggregate base course, or other all-weather surface, for the street serving the project is completed and inspected and approved by the city or county engineer, and acceptable density tests for subgrade and utility trenches are submitted to and approved by the city engineer.

- Street signs are properly installed at intersections.

Full building permits for new construction will be accepted only after the following have occurred:

- Street surfacing at least through aggregate base course or plant mix bituminous base application is complete; the city engineer has inspected and approved the surfacing and density tests for applied material.
- Public water and sewer systems are completely constructed, and evidence of acceptance by the appropriate water, sewer and fire protection providers is submitted to the city engineer.

Building permits will not be issued for proposals violating proposed amendments to this code (text or maps) pending before the Commission, from time of first public notice until final disposition, up to six months from first public notice.

A building permit will not be accepted for processing on property with a valid application pending for review of a variance, special exception, rezoning, subdivision, or general development plan.

A building permit will not be approved on property with an outstanding property maintenance violation, zoning violation, or other code violation unless the permit is to remedy the violation.

10.203.4.4 Process

- Refer to development application.

10.203.4.5 Conditions

A building permit shall become invalid unless work has commenced within 180 days from issuance date, or if a CO is not issued within 2 years from the issuance date.

10.203.5 Certificate of appropriateness

Historic preservation standards are detailed in Chapter 7 (Historic preservation).

A building permit must still be obtained for projects authorized by a certificate of appropriateness.

10.203.5.1 Purpose

A certificate of appropriateness is required for certain types of alterations and changes to historic structures and sites, to help ensure historic preservation goals and objectives are being met.

10.203.5.2 Applicability

A certificate of appropriateness is required for the following changes to the exterior of a structure with designated or pending historic designation:

- Visible change to the exterior of a designated contributing structure.
- Addition to a designated contributing structure in a historic district.
- Demolition or relocation of a designated contributing structure. The Historic Preservation Commission may require the owner to conform to a salvage plan as a condition for approving a certificate of appropriateness.
- Construction of a new, detached structure in a historic district.

Work not involving a change to material, configuration, dimension, or outward appearance will be considered in-kind repair and does not require a certificate of appropriateness.

Exceptions

The following changes do not require a certificate of appropriateness.

- Work that does not involve a change to material, configuration, dimension, or outward appearance, such as ordinary maintenance and repair, changes in paint color, and replacement of existing

materials, will be considered in-kind repair and does not require a certificate of appropriateness.

- Work that is required for a property to come into compliance with federal and state laws pertaining to persons with disabilities.

10.203.5.3 Criteria

Certificate of appropriateness requests are evaluated using all the following criteria:

- The structure or site will be used for its historic purpose or be placed in a new use that is permitted under this code. The use will require minimal change to the defining characteristics of the structure, property, site and environment.
- The historic character of a structure or site will be kept and preserved. Removal of historic materials or alteration of features and spaces characterizing a structure or property will be avoided.
- The structure and/or site remains as a physical record of its time, place and use. Changes will not create a false sense of historical development, such as adding conjectural features or architectural elements from other structures or property.
- Most structures and property change over time; changes that acquired historic significance in their own right will be kept and preserved.
- Distinctive features, finishes and construction techniques or examples of craftsmanship characterizing a structure or property will be preserved in the limits permitted by applicable regulations.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture and other visual qualities; and, where possible, materials, if they meet other applicable codes and ordinances. Replacement of missing features will be proven by documentary, physical or pictorial evidence.
- Chemical or physical treatments that could damage historic materials are prohibited. Surface cleaning of structures, if appropriate, must be undertaken using the gentlest method possible.
- New additions, exterior alterations, or related new construction will not destroy historic materials characterizing the structure or property. New work will be differentiated from the old and will be compatible with the massing, size, scale and architectural features to protect the historic integrity of the structure or property and its environment.
- New additions and adjacent or related new construction will be undertaken in a way that the essential form and integrity of the historic structure or property and its environment will be unimpaired if it is removed in the future.
- New construction taking place after demolition or removal of a structure or property in an historic district will conform to the design guidelines for the district.

10.203.5.4 Process

- Refer to development application.

10.203.5.5 Approval conditions

The Historic Preservation Commission and/or City Council may impose conditions on a general development plan.

10.203.6 Demolition permit

10.203.6.1 Intent

Development Services staff will review demolition permits to ensure work will take place according to applicable rules.

10.203.6.2 Applicability

A demolition permit is required to tear down any structure.

10.203.6.3 Criteria

Demolition permit requests are evaluated using the following criteria:

- The structure or site is not designated as a historic structure by any government agency. If it is designated, it must be shown the building cannot be saved, and the demolition was authorized subject to federal, state, county or local agency processes and rules.
- The structure or site must be reviewed by the fire department for compliance with FireCode requirements.

10.203.6.4 Process

- Refer to development application.

10.203.6.5 Conditions

- Development Services staff must inspect the site before demolition starts. Utilities must be disconnected and properly capped, meter sizes notated, with utility company verification given.
- Demolition of buildings shall follow and be regulated by the Texas Asbestos Health Protection Act (TAHPA) EXCEPT single family dwelling or an apartment complex of 4 units or less that will continue to be used as a residence or apartment complex of 4 or less units.
- Hazardous materials (including asbestos) must be removed and disposed of properly. TCEQ notification is required if excessive amounts of asbestos are removed.
- Fugitive dust mitigation is required at demolition sites.
- Debris must be removed from the site and recycled or disposed at a landfill.
- A demolition permit is valid for 90 days from the time of approval. Demolition must take place over a 30 day period, or 90 days for “green demolition” where the building is carefully deconstructed and the bulk of materials are recycled and/or reused.

10.203.7 Form Based Code (FBC)

10.203.7.1 Form Based Code Zoning Structure

The following plans establish the structure within which the details of the Form Based Code Zoning District are calibrated to a specific development. The Form Based Code Zoning District shall be composed of Transect Zones from the most undeveloped, natural zone (T-1) to the highest intensity mixed use zones (T-5). Section 10.1002.1 provides a general description of the Transect Zones' intended character and intensity.

10.203.7.1.1 Zoning Change Application and Transect Framework Plan (TFP) - In conjunction with an application for zoning change (per Section 10.203.25), a Transect Framework Plan shall also be submitted. The TFP shall establish the general allocation of Transect Zones, major street network, and major open space network in addition to establishing the Transect Zone Development Standards per Section 10.203.7.3.

10.203.7.1.2 Regulating Plan – Based on a previously approved Transect Framework Plan, a Regulating Plan shall be required for all or a portion of the area included in the Transect Framework Plan prior to, or submitted with, the Preliminary Plat application. The submittal requirements for a Regulating Plan are included in Section 10.203.7.3.

10.203.7.1.3 Site Plans and Plot Plans – Site plans (for non-single family residential) and Plot Plans (for single-family residential) shall be the lot and building level plans that shall be required for individual lots and/or buildings prior to building permit approval for all development. They shall meet the submittal standards in Section 10.203.7.3.

10.203.7.2 Authority for Approval

10.203.7.2.1 Transect Framework Plans and Transect Zone Development Standards may only be approved by City Council after recommendation by the Planning and Zoning Commission. The process for Zoning Change applications in Section 10.203.25 of the UDC shall be followed.

Modifications to adopted TFPs may also be processed in conjunction with Regulating Plan applications per Section 10.203.7.2.2 below.

10.203.7.2.2 Regulating Plans: maybe approved administratively as long as they are consistent with previously approved Transect Framework Plan and Transect Zone Development Standards. Minor modifications to approved TFPs per Table in Section 10.203.7.3.2.3 may also be approved administratively. Any Regulating Plans that are not consistent with previously approved TFPs or are over the minor modification threshold shall be processed as a revision to a TFP and may only be approved by City Council after a recommendation by the Planning and Zoning Commission. In considering such a request, the Planning and Zoning Commission and the City Council may use all the following criteria that may be applicable:

1. The extent to which the proposed modifications to street layout and/or transect zones impact adjoining properties with respect to continuity and adjacency predictability;
2. The overall purpose and intent of the Form Based Code District;
3. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
4. The extent to which the proposal provides public benefits such as usable civic and open spaces, trails, livable streets, housing choice, shared parking, and similar amenities; and
5. The extent to which the proposal does not hinder future opportunities for higher intensity development.

10.203.7.2.3 Site Plans: may be approved administratively as long as they are consistent with previously approved Regulating Plan, Transect Framework Plan and Transect Zone Development Standards. Minor modifications to approved Regulating Plans and TFPs per in Section 10.203.7.3.2.3 may also be approved administratively. Any Site Plans that are not consistent with previously approved Regulating Plans and TFPs or are over the minor modification threshold may only be considered as revisions to previously approved plans and shall be processed accordingly. In considering such a request, the Planning and Zoning Commission and the City Council may use all the following criteria that may be applicable:

1. The extent to which the proposed modifications to street layout and/or transect zones impact adjoining properties with respect to continuity and adjacency predictability;
2. The overall purpose and intent of the Form Based Code District;
3. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
4. The extent to which the proposal provides public benefits such as usable civic and open spaces, trails, livable streets, housing choice, shared parking, and similar amenities; and
5. The extent to which the proposal does not hinder future opportunities for higher intensity development.

10.203.7.3 Application Requirements

This section shall establish the application requirements for Transect Framework Plans and Transect Zone Development Standards, Regulating Plans, and Site Plans.

10.203.7.3.1 Transect Framework Plans Requirements:

10.203.7.3.1.1. Minimum Acreage Required: The minimum acreage required for any new Form Based Code District Transect Framework Plan shall be 50 acres. There shall be no limitation on acreage added to previously approved Form Based Code Districts.

10.203.7.3.1.2. In addition to any information required with a zoning change application, the Transect Framework Plan shall include the following information:

1. Location map of the property with major roadways and adjoining neighborhoods;
2. General location of neighborhood units shown in ¼ mi. radius pedestrian zones;
3. A conceptual level plan for the Form Based Code neighborhood proposed which depicts general location of transect zones to be included within the framework plan and/or neighborhood unit and any transitions to adjoining neighborhoods and roadway corridors. This concept plan shall meet the standards in the Neighborhood Organizing Principles, Section 10.502.1;
4. General location of land uses to be accommodated within the development including mix and density/intensity by transect zone or neighborhood unit;
5. General location of major roadway network within the Form Based Code district including connections to existing roadway network, possibly connections to the city's future roadway network (Mobility Plan) and adjoining undeveloped land;
6. Include a palette of proposed street types within the development with associated cross-sections and street classifications for the proposed TFP area (or for each transect zone) specifying right-of-way width, minimum pavement width, on-street parking, approximate location of street trees, bikeways and sidewalks (Appendix A-6 through A-13 Thoroughfare Assemblies, Institute of Transportation Engineers' Designing Walkable Urban Thoroughfares manual or NACTO's Urban Street Design Guide shall be used to guide the development of the proposed cross sections in lieu of the current street standards).
7. A conceptual level plan for the accommodation of multifunctional areas for open space, creek preservation, and stormwater drainage and detention for the Form Based Code District in addition to water, sewer infrastructure and general location of major open space such preservation of environmentally sensitive areas or farmland conservation areas;
8. Any other information that illustrates the general design direction of the Form Based Code District.

10.203.7.3.1.3. The Transect Framework Plan shall be accompanied by the Transect Zone Development Standards. The Transect Zone Development Standards shall specify all required standards for all the major elements of the development per Section 10.502.1 Neighborhood Organizing Principles.

10.203.7.3.2 Regulating Plan Requirements:

10.203.7.3.2.1 The minimum area to be included in a Regulating Plan shall be a minimum of 20 acres. There shall be no limitation on acreage added to previously approved Regulating Plans.

10.203.7.3.2.2 The Regulating Plan shall specify the following elements and meet the Transect Zone development standards established with the Transect Framework Plan:

1. Transect zone allocation (acreage and percentage)
2. Lot and block layout
3. 'A' and 'B' Grid designations
4. Street layout and specifications (cross sections and streetscape)
5. Open space locations and types
6. Special Requirements (retail frontages, vista terminus) and
7. Any minor modifications to the approved Transect Framework Plan

10.203.7.3.2.3 A Regulating Plan application may be submitted in lieu of a Transect Framework Plan at the time of Zoning Change application if the Regulating Plan includes all the information

required with a Transect Framework Plan. It may be submitted in conjunction with a Preliminary Plat. The Regulating Plan application shall include the following information:

1. Demonstrate compliance with the approved Transect Framework Plan, purpose, intent, and development standards of the Form Based Code District;
2. Include exhibits meeting all the standards of the Form Based Code District and approved TFP include the following:
 - a. Delineation of the Transect Zones per the adopted TFP (including any modifications to adopted TFP elements);
 - b. The layout of proposed blocks, major and minor streets, bikeways, sidewalks, and trails;
 - c. the location and acreage of open space areas and whether each will be privately owned, a common area for residents only or dedicated to public use;
 - d. 'A' and 'B' Grid frontages based on the standards in the approved TFP;
 - e. A detailed plan for the accommodation of stormwater drainage and detention and other major water and sewer infrastructure elements for the overall area included in the Regulating Plan;
 - f. the location and area of retail, office, residential (including type of residential uses), civic, and open space uses;
 - g. the approximate shape, size, and placement of buildings;
 - h. the general parking location relative to streets and buildings and approximate parking count, with indication of parking lot landscape areas; and
 - i. any minor modifications to adopted TFP elements per table below

Minor Modifications Table		
<i>Transect Framework Plan Element</i>	<i>Extent of Minor Modification Permitted</i>	<i>Criteria</i>
a. Area/boundary of a Transect Zone	Area/boundary of a specific Transect Zone may be adjusted 15% or less of what was established in the TFP.	i. Shall not eliminate any required Transect Zone ii. Modified area shall be contiguous with the corresponding Transect zone that is changed. iii. Boundary modifications may be due to physical constraints on the property, or shifting of internal roadways or to better align with ownership boundaries.
b. Location of any Required Street	Location may be shifted no more than 150' in any direction	i. Shall maintain the connectivity intended by the Transect Framework Plan ii. Shall maintain the continuation and/or connectivity with any existing streets or driveways, where possible iii. Shall be reviewed by the Director of Development Services or designee and the City Engineer for compliance with i. and ii. above.
c. Area of any Required Civic/Open Space	May be reduced by no more than 10%	i. Shall not reduce the overall percentage of open space required in the development. ii. Area may be adjusted to accommodate shifting of any new

Minor Modifications Table		
<i>Transect Framework Plan Element</i>	<i>Extent of Minor Modification Permitted</i>	<i>Criteria</i>
		Required Streets or any required easements only.

10.203.7.3.2.4 Include a Street Classification Master Plan with associated cross-sections and street classifications for the proposed Regulating Plan area per the palette of thoroughfare and street assemblies approved with the TFP.

10.203.7.3.2.5 Include a report in the form of text, statistical information, tables, guidelines, and graphics that includes:

1. A statement of the purpose and intent of the proposed development's consistency with the vision of the Form Based Code District, approved TFP and its Transect Zones;
2. A description of the mix of land uses and the factors which ensure compatibility both within the development site, with adjacent land uses, and compliance with any recommendations of the adopted elements of the Comprehensive Plan;
3. Any special standards for signage in the form of a Master Sign Plan application that provides a design palette addressing the location, size, type, lighting, colors, and materials for all signage in the proposed development unless meeting the Sign Regulations in Chapter 4 of the UDC;
4. Statistical information including:
 - a. gross acreage of the site, and net acreage of the site excluding jurisdictional wetlands, regulatory floodplains, and slopes over 20%;
 - b. the amount of land devoted to open space, both in acres and as a percentage of the gross acreage of the site;
 - c. the amount of land devoted to retail, office, industrial, residential, and civic uses, both in acres and as a percentage of the gross acreage of the site;
 - d. a plan for pedestrian, bicycle, and vehicular circulation describing the general design capacity of the system as well as access points to any regional trail system;
 - e. a daily and peak hour trip generation and directional distribution report by use, unless the City Engineer finds that the traffic to be generated by the proposed development does not warrant the preparation and submission of a study;
 - f. the maximum allowable building coverage and height; and
 - g. the minimum and maximum building setbacks for all transect zones included in the Regulating Plan.

10.203.7.3.2.6 Compliance with Neighborhood Organizing Principles and all development standards adopted with the TFP.

10.203.7.3.2.7 Building design and general architectural design standards that meet Sections of this District in terms of specifying general materials and configurations permitted for facades, roofs, and openings.

10.203.7.3.2.8 Special Requirements identified in Section 10.502.1.4 if applicable.

10.203.7.3.2.9 A landscape plan that includes the design for streetscapes and civic/open spaces types.

10.203.7.3.2.10 a non-binding schedule for the entire development (or for each phase, if it is to be developed by phases), which shall show generally how the applicant will complete the project containing the following information:

1. The proposed order of construction by section delineated on the Regulating Plan;
2. The proposed schedule for construction of improvements to open space areas; and
3. The proposed schedule for the installation of required public streets, utilities improvements and the dedication of public rights-of-way and/or easements.

10.203.7.3.3 Site Plan Requirements: A Site Plan meeting the requirements of this District, approved TFP and Regulating Plan shall be approved prior to building permit issuance for all non single-family residential development within the District. Applications for Site Plans shall meet the submittal requirements in Section 10.203.19 in addition to the standards in this District.

10.203.7.3.3.1. The Planning Director or designee may approve minor changes to a previously approved Regulating Plan or Site Plan with the applicant's written justification for such changes. Any significant changes to and deviations from approved plans shall be regarded as an amendment to that particular plan and may be reviewed by the Director of Development Services or designee and processed per the standards established in this District. The Director of Development Services or designee shall make the determination as to whether a proposed change is minor or significant, based upon consideration of the following facts:

1. Whether the proposed change substantially alters the arrangement of component transect zones, buildings or changes the use of building space designated on the Regulating Plan;
2. Whether there is an increase in the number of residential dwelling units beyond the threshold established in the approved TFP or Regulating Plan;
3. Whether the proposed change substantially alters vehicular circulation or the placement/ arrangement of parking areas; or
4. Whether the proposed change will reduce or lessen the effectiveness of open space, landscape buffers, and edges.

10.203.7.3.4 Plot Plan Requirements: All single-family development shall refer to the development application.

10.203.8 Major subdivision (requiring both preliminary and final plat)

Subdivision standards are detailed in Chapter 6 (Subdivision standards).

10.203.8.1 Intent

A major subdivision permits the division of a parcel into two or more lots and/or tracts where public improvements such as streets will be required.

10.203.8.2 Applicability

The major subdivision process is used to subdivide legal lots, if the subdivision is not eligible for the short form subdivision (minor subdivision) process in Section 10.203.17. A Subdivision Plat is required under Section 212.004 of the Texas Local Government Code.

10.203.8.3 Criteria

Major subdivision requests are evaluated using all the following criteria:

- The newly created parcels will meet minimum lot size standards. For uses with a significant public benefit, such as a fire station, ~~City Council~~ Planning and Zoning Commission may waive the minimum lot size and minimum lot width standards if the proposed use meets minimum setbacks and sewage disposal standards.

- The newly created parcels meet minimum access standards.
- The subdivision does not “cut away” a non-conforming use from an adjacent lot to increase its lifespan.
- The subdivision is compatible with existing and permitted land uses in the surrounding area.
- The subdivision preserves and/or enhances the character of Hutto.
- A conceptual plan or preliminary plat is approved for the parcel, if applicable.

10.203.8.4 Process

Refer to development application.

10.203.8.5 Conditions

The Planning and Zoning Commission ~~and/or City Council~~ may impose conditions on a major subdivision.

10.203.8.6 Extension

The Planning Department may grant a 1-year extension on the plat expiration. After the first extension, the Planning and Zoning Commission ~~and City Council~~ may grant up a second 1-year extension of the expiration date for major subdivisions.

10.203.9 Minor Modification

10.203.9.1 FBC Form Based Code

Minor Modification requirements are detailed above in section 10.203.7.3.2.3

10.203.9.2 OT Old Town

10.203.9.2.1 Definition

A minor modification shall be a small modification to any established standard that still meets the purpose and intent of the District but is needed to address a site specific condition or context.

10.203.9.2.2 Approval Authority

10.203.9.2.1.1 Staff Approval: Any minor modification that is 10% or less of a numerical standard shall be reviewed and approved by the Planning Director or designee.

10.203.9.2.1.2 Planning and Zoning Commission Approval: All other types of minor modifications, such as use, shall be considered by the Planning and Zoning Commission (PZ) subject to the criteria below. PZ may impose conditions on a minor modification.

Minor Modification Criteria (shall meet all the criteria below):

- The proposed use will not generate traffic levels that are higher than the adjacent roadways are designed for;
- The proposed use will not disturb nearby uses with excessive noise, lighting, or obnoxious odors;
- For new construction and redevelopment, the densities proposed and scale of the building will not conflict with that of the surrounding area;
- The proposed building and use meets the Purpose and Intent of this District, the Old Town Hutto Master Plan, and Building Design and Architectural Standards, and other adopted city policies;

- Where applicable, a Certificate of Appropriateness has been approved or is being considered by the Historic Preservation Commission.

10.203.9.2.3 If the minor modification is specific to use, its approval does not run with the land and expires at the end of the approved use.

10.203.9.2.4 Appeals: All appeals to a determination made on a minor modification request by Development Services or PZ shall be made to the City Council.

10.203.9.2.5 Revocation for Minor Modifications: A minor modification for a use may be revoked if it is found the use violates the conditions imposed by PZ.

10.203.9.2.6 Minor Modifications over 10% of a numerical development standard, shall be processed as Variances per Section 10.203.24 of the UDC.

10.203.10 Old Town (OT)

10.203.10.1 Components of the Old Town Hutto District

The Old Town Hutto District shall be composed of the Old Town Hutto Regulating Plan and development standards as applicable.

10.203.10.2 The Regulating Plan

The Old Town Regulating Plan map (herein known as the Regulating Plan) is hereby adopted as the official zoning map for Old Town Hutto. Within any area subject to the approved Regulating Plan, this Section becomes the exclusive and mandatory regulation unless specified in this section. It shall establish the following development standards for all properties within the Regulating Plan:

10.203.10.2.1 Establishment of Old Town Transect Zones – The Old Town Hutto district is distinguished into different “Transect Zones”. Each Transect Zone is intended to create a distinct urban form based on the redevelopment vision in the Heart of Hutto Old Town Master Plan. Each Transect Zone shall establish use and building form standards including standards for building height, bulk, location, functional design, and parking. The Regulating Plan classifies all lots within Old Town Hutto into one of following six (6) Transect Zones per Section 10.1003.1.

10.203.10.2.2 Special Requirements – The Old Town Hutto Regulating Plan shall also establish the following Special Requirements:

10.203.10.2.1.1 ‘A’ and ‘B’ grid Streets: All Streets in Old Town shall be either designated as A-Grid or B-Grid Streets. Buildings along the A-Grid shall be held to the highest standard of this Section in support of pedestrian activity. Buildings along the B-Grid may be more readily considered for allowing automobile-oriented standards.

10.203.10.2.1.2 Designations for Required and Recommended Commercial Frontage: Standards that either require or advise that a building provide a Shopfront at sidewalk level along the entire length of its Private Frontage. The glazing requirements for Shopfronts shall be established by the Old Town Architectural Design Standards in in Section 10.503.6, Building Design and Architectural Standards. Standards for Required Commercial Frontage shall be per Section 10.503.6.

10.203.10.2.1.3 Designations for Required and Recommended Terminated Vista locations: establishing the requirements for the building to be designed as a feature building as described in Section 10.503.6, Building Design and Architectural Standards.

10.203.10.3 Using this district

The following basic steps should be followed to determine the uses and development standards applicable on property within the Old Town Hutto District:

10.203.10.3.1 Locate the subject property on Old Town Hutto Regulating Plan.

10.203.10.3.2 Identify on the Regulating Plan:

1. The Transect Zone in which the property is located;
2. The Street Grid ('A' or 'B' Grid) designation along all street frontages of the property; and
3. Any required or recommended Special Requirements.

10.203.10.3.3 Review the Old Town Permitted Use Tables by Transect Zone as listed in Section 10.304 to determine allowed uses.

10.203.10.3.4 Examine the corresponding transect zone standards in the Building Form and Development Standards in Section 10.503 to determine the applicable standards.

10.203.10.3.5 Refer to Section 10.503 for Civic and Open Space Standards, Site Development Standards and Architectural and Building Design Standards, Street Design Standards, and Streetscape and Landscaping Standards. Refer to section and Section 10.401 for Old Town Sign Standards.

The above list provides the basic steps to be followed in order to determine the uses and development standards applicable on property within the Old Town Hutto District during Site Plan Review and during Building Permit Review.

The information in the sections listed above explain where the building will sit on the lot, the limits on its physical form, the range of uses, and the palette of materials that will cover it. For more specific dimensions and standards applicable to a particular property, consult with Planning Department Staff.

10.203.10.4 Development Review Process:

10.203.10.4.1 Site Plan Required: A Site Plan per Section 10.203.19 shall be required for all non single-family residential development within the Old Town district.

10.203.10.4.2 Site plan review process shall be per the standards in Section 10.203.19 of the UDC subject to standards for Minor Modifications Section 10.203.9.

10.203.10.4.3 Any alterations to historic structures shall meet the requirements in Chapter 7 and obtain a Certificate of Appropriateness per Section 10.704, as applicable.

10.203.10.4.4 Specific Use Permits shall be per standards in Section 10.203.21.

10.203.11 Plan amendment**10.203.11.1 Intent**

Community, neighborhood and other applicable land use and development plans and other plans are subject to change and revision, to reflect changing conditions in the city and region, good planning practice, and the vision of the city's leaders and citizens.

10.203.11.2 Applicability

A plan amendment is required to change, add to or delete any part of a community, neighborhood or other applicable land use and development plan adopted by the city. A plan amendment may be requested by a property owner or representative if it is more than 12 months since they were last involved in a request before the Zoning Board of Adjustment or Planning and Zoning Commission.

10.203.11.3 Criteria

Plan amendments are evaluated using all the following criteria:

- The amendment is consistent with the comprehensive plan.
- The text, map or chart is in need of the amendment.
- The amendment is not contrary to the intent and purpose of the subject plan.
- The amendment is consistent with generally accepted principles of good planning practice.

10.203.11.4 Process

- Refer to development application.

10.203.12 Plan amendment – future land use map**10.203.12.1 Intent**

The future land use map designation for a parcel might not permit a use most appropriate for the site, given the goals of community, neighborhood and other applicable land use and development plans, and good land use practice, and is subject to change periodically.

10.203.12.2 Applicability

A future land use map amendment is required to consider a request to change the future land use designation of a parcel. The city may request a future land use map amendment at any time.

10.203.12.3 Criteria

- Future land use map amendments are evaluated using all the following criteria:
- The proposed future land use is consistent with, and will not conflict with the goals of community, neighborhood and other applicable land use and development plans.
- The proposed future land use will not conflict with proposed, permitted or existing land uses in the future land use map or zoning map.
- There is enough physical and social infrastructure to serve the proposed future land use.
- The site and its conditions are suited for and appropriate to the proposed future land use.
- The proposed future land use does not threaten the public health, safety, and welfare.
- The proposed future land use does not create a public nuisance, or have an adverse impact on surrounding properties or the natural environment.
- The proposed future land use does not threaten scenic, natural or historic resources.
- The proposed future land use addresses a community need.
- The proposed future land use corrects a clerical or administrative error on the future land use map.
- The proposed future land use results in a logical and orderly development pattern.
- The proposed future land use is not merely intended to confer a benefit to the property owner.
- The site is a legal building lot.

10.203.12.4 Process

- Refer to development application.

10.203.12.5 Conditions

The Planning and Zoning Commission and/or City Council may impose conditions on a future land use map amendment.

10.203.13 Planned Unit Development (PUD)

10.203.13.1 Intent

The Planned Unit Development (PUD) process and zoning designation allows creativity, innovation and flexibility in land use, density, site planning and design for a parcel, that would result in a project more appropriate and desirable than what would result from strict application of this code.

Applying Form Based Code to a parcel is preferred to the Planned Unit Development process.

10.203.13.2 Applicability

A PUD plan and PUD development standards are required for a parcel that will be developed as a PUD.

10.203.13.3 Criteria

- PUD plans and development standards are evaluated using all the following criteria:
- The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design.
- The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value.
- The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design.
- The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development on the site.
- The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience.
- The PUD will be served by adequate facilities including streets, fire protection, water and sanitation.
- The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or that arrangements are made to mitigate impacts.
- PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.

10.203.13.4 Process

- Refer to development application.

10.203.13.5 Approval conditions

- The Planning and Zoning Commission and/or City Council may impose conditions on the PUD request.

10.203.13.6 Amendments

- Technical or engineering considerations may call for minor deviations from the approved PUD. Development Services staff may approve minor deviations if they conform to this code, and are consistent with the intent of the original PUD approval.
- Changes to approved PUD plans that Development Services staff finds are not minor deviations, including changes to density, permitted use, provision of parks and open space, and imposed conditions, require a new application and approval through the PUD process.

10.203.14 Plat vacation

Subdivision standards are detailed in Chapter 5 (Subdivision standards).

10.203.14.1 Intent

Plat vacation provides for vacation of an entire subdivision plat if development will not occur consistent with the approved plat.

10.203.14.2 Applicability

Subject to review criteria, the owner of all contiguous lots shown on a final plat of record in the city or its extraterritorial jurisdiction may request the lots be vacated resulting in a single, unplatted parcel.

10.203.14.3 Criteria

- Plat vacation requests are evaluated using all the following criteria:
- It will not leave any lots without adequate utility or drainage easements.
- It will not create a landlocked parcel, or vacate street rights-of-way or access easements needed to access other property.
- It will not inhibit the provision of adequate public facilities or services to other property.
- It is consistent with community, neighborhood and other applicable land use and development plans.
- The plat vacation is requested before improvements covered by guarantees are installed.

10.203.14.4 Process

- Refer to development application.

10.203.14.5 Conditions

The Planning and Zoning Commission ~~and/or City Council~~ may impose conditions on a plat vacation.

10.203.15 Right-of-way construction permit**10.203.15.1 Intent**

A right-of-way construction permit allows construction of certain improvements in the public right-of-way.

10.203.15.2 Applicability

A right-of-way construction permit is required for construction of improvements in the public right-of-way.

10.203.15.3 Criteria

- Right-of-way construction permit requests are evaluated using all the following criteria:
- Conformance to this code and applicable building codes and design standards.
- Proof of adequate insurance coverage and provision of a performance bond, as specified in the construction specifications of the city on the date when it is granted.
- Evidence the contractor who will perform the construction meets the standards of this subsection.
- The city engineer administers design and material standards for placement or replacement of pavements, curbs, gutters, sidewalks, inlets, water lines, wastewater lines or other public facility included in or disturbed by construction.

10.203.15.4 Process

- Refer to development application.

10.203.15.5 Conditions

- The city engineer may impose conditions on a right-of-way construction permit, including:
- Restrictions on construction timing that, in their opinion, are reasonable measures to protect the safety and convenience of the general public.
- Placement of traffic control devices that are, in their opinion, reasonable measures to protect the safety of the general public and of workers performing the construction.

An application for a public right-of-way construction permit may be denied for the following reasons, which are not subject to appeal:

- Contents of the application do not fulfill the standards outlined in this article and/or as prescribed in the city right-of-way construction policies and procedures as administered by the city engineer.
- Design and/or materials proposed for execution of the construction do not meet the City's design and construction standards.

10.203.16 Right-of-way and PUE vacation

Subdivision standards are detailed in Chapter 6 (Subdivision standards).

10.203.16.1 Intent

A right-of-way or PUE vacation permits the vacation of rights-of-way and easements that are no longer needed.

10.203.16.2 Applicability

Subject to review criteria, City Council may grant a right-of-way or easement vacation for a right-of-way or easement of record over which the City has jurisdiction. Right-of-way vacation results in a new lot configuration, and also requires an amended plat.

10.203.16.3 Criteria

- Right-of-way and PUE vacation requests are evaluated using all the following criteria:
- Approval of the vacation request will not leave land adjoining the right-of-way or easement without an established public street or private access easement connecting the land with another established public street, or without utility or drainage services.
- Appropriate agencies were notified of the proposed vacation and none have objected.
- The right-of-way or easement will be divided equally between the lots on each side, unless it can be proved the entire right-of-way was originally taken from one parcel. In that case, the right-of-way or easement will be returned to that parcel. Property owners on each side of the right-of-way or easement may agree to divide the vacated right-of-way or easement differently but must sign deeds to transfer ownership after City Council approves the vacation.

10.203.16.4 Process

- Refer to development application.

10.203.16.5 Conditions

- The Planning and Zoning Commission and/or City Council may impose conditions on a right-of-way or PUE vacation.
- A right-of-way vacation implies a change to the current and future land use maps of community, neighborhood and other applicable land use and development plans on the affected part of former right-of-way, with new land use designations assigned according to the rules used to interpret zoning district boundaries.

10.203.17 Short form subdivision (short form final plat, minor subdivision)

Subdivision standards are detailed in Chapter 6 (Subdivision standards).

10.203.17.1 Intent

A short form subdivision provides for timely review of proposed land division not discernibly impacting surrounding properties, environmental resources, city character or public facilities; and simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

10.203.17.2 Applicability

- The short form subdivision process is used for the following land divisions in the city and its extraterritorial jurisdiction:
- Division of an unplatted lot into up to four lots with no improvements that would be needed, with the condition that further subdivision must be approved through the major subdivision process.
- Division of existing legal uses with separate utilities, except nonconforming uses. This process cannot be used to divide accessory uses from principal uses or create an opportunity for more principal uses.
- Divisions of land for public utilities, open space, schools or other public uses.

10.203.17.3 Criteria

- Short form subdivision requests are evaluated using all the following criteria:
- No new public street will be necessary for each lot to access a public street.
- No off-site improvements to the city's infrastructure will be necessary (except division of land for public utilities, open space, schools or other public uses).
- No drainage improvements will be necessary.
- The newly created parcels will meet minimum lot size standards in the underlying zoning district. For uses resulting in a significant public benefit, ~~City Council~~ Planning and Zoning Commission may waive the minimum lot size and minimum lot width standards if the proposed use meets minimum setbacks and sewage disposal standards.
- The newly-created parcels meet minimum access standards.
- Approval will not result in impacts greater than those of existing uses. Impacts from increased traffic to a public use may be offset by the public benefit derived from the use.
- The subdivision does not "cut away" a non-conforming use from an adjacent lot to increase its lifespan.

10.203.17.4 Process

- Refer to development application.

10.203.17.5 Conditions

The Planning and Zoning Commission ~~and/or City Council~~ may impose conditions on a short form subdivision.

10.203.14.6 Extension

The Planning and Zoning Commission ~~and City Council~~ may grant up to two 1-year extensions of the expiration date for short-form subdivisions.

10.203.18 Sign permit

Sign standards are detailed in Section 10.410.

10.203.18.1 Intent

A sign permit ensures signs conform to this code, and provides a record of signage built in the city.

10.203.18.2 Applicability

- Sign permits are required for the following types of signs in the city and extraterritorial jurisdiction:
- New permanent signs, excluding window signs.
- New development signs.
- New real estate, construction and temporary development signs at least 16 sq. ft.
- Temporary displays.
- Expansion to the face area or height, or change in the dimensions of an existing sign otherwise requiring a permit.
- Change in the location of an existing sign otherwise requiring a permit.
- Change in the logo, name or message displayed on an existing sign otherwise requiring a permit, except altering the copy on changeable copy faces.

Sign permits are not required for the following types of signs:

- Excepted signs listed in Section 10.410.4
- Window signs.

10.203.18.3 Review criteria

Sign permit applications are evaluated using all the following criteria:

- Proposed signage conforms to this code and other applicable codes, and the underlying approved site plan if applicable.
- The parcel does not have any Unified Development Code violations.
- The site is a legal building lot.

10.203.18.4 Process

- Refer to development application.

10.203.18.5 Conditions

A sign permit will not be issued for businesses or locations where any signs are displayed in violation of this ordinance, except to replace an illegal sign with a legal sign.

10.203.19 Site plan review

Site planning and architectural standards are detailed in Chapter 4 for conventional zoning districts and in Chapter 5 for the OT and FBC zoning districts..

10.203.19.1 Intent

Formal site plan review ensures proposed structures, modifications and uses conform to this code, compatible with nearby properties and consistent with the spirit of any applicable plans.

10.203.19.2 Applicability

Site plan review is required for:

- New manufactured housing outside of the MH district.
- Mobile home parks.
- Multiple household development in the MF district.
- New non-residential structures, or major additions to non-residential structures, unless noted.
- Freestanding wireless facilities unless noted.

- Utility substations.
- Development perimeter walls.
- Other uses designated as requiring site plan approval.

Formal site plan review is not required for:

- New single household and two household dwellings.
- Additions to single household and two household dwellings.
- Establishment of an initial site plan for an existing multi-household or non-residential use legally established without a site plan.
- Non-habitable structures with no significant external effects on surrounding properties.
- Attached wireless facilities unless noted.
- Other projects requiring a building permit, but do not require formal site plan approval.

10.203.19.3 Criteria

Site plan requests are evaluated using all the following criteria:

- *Consistency with Unified Development Code and applicable plans.* All aspects of the proposed development are consistent with this code and spirit of any applicable plans, it would not adversely affect property near the site, and it achieves the benefits of improved design.
- *Aesthetics.* Architectural design, landscaping, and signage conform to this code and complements adjacent development.
- *Compatibility with surrounding uses.* The proposed development is compatible with the character of adjacent development uses (compatibility includes but is not limited to size, scale, mass, architectural design, landscaping, and external effects).
- *Impact on existing infrastructure and public improvements.* The proposed development does not adversely affect the city's existing infrastructure and public improvements, or that arrangements are made to mitigate impacts.
- *Internal efficiency of design.* The proposed design achieves internal efficiency for its residents and/or visitors, adequacy of recreation, public access, safety and other factors, including but not limited to storm drainage, sewer and water, grades, dust control and matters relating directly to public health and convenience.
- *Control of external effects.* The proposed development controls external effects on nearby land uses, movement and congestion of traffic, noise generated, arrangement of signs and lighting to prevent nuisances, landscaping, features to prevent littering or accumulation of trash, and other factors affecting public health, welfare, safety and convenience.
- *Adequacy of traffic and circulation plans.* Designs and efficiency of the traffic plan, vehicular and pedestrian circulation, adequacy and convenience of parking, design of streets, and linkage of collector streets to the arterials street system are adequate.
- The site is a legal building lot.

10.203.19.4 Process

Refer to development application.

10.203.19.5 Conditions

Development Services staff or the Planning and Zoning Commission may impose conditions on a site plan, to ensure conformance to this code, and resolve existing violations.

10.203.19.6 Amendments

- Technical or engineering considerations may call for minor deviations from approved site plans. Development Services staff may approve minor deviations if they conform to this code, and are consistent with the intent of the original site plan approval. Deviations include minor changes in architectural façade treatments, landscaping, hardscaping, signage and other elements that do not alter the character or intensity of the development and do not affect conformance to this code.
- Changes to approved site plans not considered minor require a new application and approval through the formal site plan review process.

- Changes to existing structures and sites lawfully established without a site plan require establishment of an initial site plan.

10.203.20 Site plan: initial

Site planning and architectural standards are detailed in Chapter 4 for conventional zoning districts and in Chapter 5 for the OT and FBC zoning districts..

10.203.20.1 Intent

An initial site plan establishes a site plan for a site lawfully developed without a site plan.

10.203.20.2 Applicability

An initial site plan is required when a proposed use is limited to existing structures lawfully constructed without a site plan, or when changes are proposed to structures and sites lawfully developed without a site plan.

10.203.20.3 Criteria

Initial site plan requests are evaluated using all the following criteria:

- The site must be consistent with this code, and meet the criteria for legal nonconforming uses and structures if applicable.
- The site does not have any Unified Development Code violations.
- The site is a legal building lot.

10.203.20.4 Process

Refer to development application.

10.203.20.5 Conditions

Development Services staff may impose conditions on an initial site plan, to ensure conformance to this code, and resolve existing violations.

10.203.20.6 Amendments

- Development Services staff may approve minor deviations if they conform to this code, and are consistent with the intent of the original approval. Deviations include minor changes in architectural façade treatments, landscaping, hardscaping, signage and other elements that do not alter the character or intensity of the development and do not affect conformance to this code.
- Changes to approved initial site plans not considered minor deviations require approval through the formal site plan process, requiring a new application.

10.203.21 Specific use permit

Permitted use and location standards are detailed in Chapter 3 (Land use standards).

10.203.21.1 Intent

Some land uses may be appropriate in a certain zoning district or essential for providing a public service, but they require special attention to find if they will have an adverse affect on the surrounding area. Uses permitted by specific use review are not uses by right, but uses that may be approved if the applicant shows the proposed use is appropriate at a certain location.

10.203.21.2 Applicability

Specific use permit approval is required for uses this code designates as considered subject to special review in a certain zoning district. Designation of a use as a specific use permit does not guarantee a request will be approved. Expansion of a previously approved specific use permit also requires specific use permit review and approval.

10.203.21.3 Criteria

Specific use permit requests are evaluated using all the following criteria:

- The proposed use conforms to this code and is consistent with the comprehensive, neighborhood and other applicable land use and development plans.
- The proposed use is compatible with existing and permitted uses in the surrounding area and would not adversely affect property near the site.
- The site is a legal building lot.

10.203.21.4 Process

- Refer to development application.

10.203.21.5 Conditions

- The Planning and Zoning Commission and/or City Council may impose conditions on a specific use permit.
- Specific use permit approval does not run with the land, and expires with the end of the approved use.

10.203.21.6 Amendments

- Technical or engineering considerations during construction may call for minor deviations from approved specific use permits. Development Services staff may approve minor deviations if they conform to this code, and are consistent with the intent of the original specific use permit approval.
- Changes to approved specific use permits that Development Services staff finds are not minor deviations, including Planning and Zoning Commission imposed conditions, require approval through the specific use permit process, requiring a new application.

10.203.22 Street name change

Street naming standards are detailed in Chapter 6 (Subdivision standards).

10.203.22.1 Intent

Some street names may be confusing or inconvenient, or cannot reflect local history or values. The street name change process offers a way to update street names to improve public safety, or recognize people or events that played an important role in shaping local history.

10.203.22.2 Applicability

The street name change process is used to change the name of a public or private street.

10.203.22.3 Criteria

Street name change requests are evaluated using all the following criteria:

- The existing street name is confusing or inconvenient, or warrants change to acknowledge a person or event that played an important role in the city's history.
- The proposed street name does not duplicate or cause confusion with other street names in Williamson County and areas of Travis County in ten miles of the outer extent of the extraterritorial jurisdiction boundary.
- Williamson County 911 Addressing approved the proposed street name.

10.203.22.4 Process

- Refer to development application.

10.203.22.5 Conditions

The party initiating the street name request is responsible for the cost of changing street signs.

10.203.23 Unified Development Code amendment**10.203.23.1 Intent**

This code is subject to change, to stay in conformance to community, neighborhood and other applicable land use and development plans; good planning practice; and the vision of the city's leaders and citizens.

10.203.23.2 Applicability

- A Unified Development Code amendment is required to change, add or delete rules or language in this code.
- Addition of graphics, illustrations, photos and notes intended to describe and clarify concepts presented by this code does not require a formal amendment, unless they are referenced in the code body.

10.203.23.3 Criteria

Unified Development Code amendments are evaluated using all the following criteria:

- The text is in need of the amendment.
- The amendment is not contrary to the intent and purpose of the code.
- The amendment is consistent with the comprehensive, neighborhood and other applicable land use and development plans.
- The amendment reflects good contemporary planning practice.
- The amendment is integrated into the organizational structure of the code.
- The amendment is not solely intended to benefit an individual property owner.

10.203.23.4 Process

Refer to development application.

10.203.24 Variance**10.203.24.1 Intent**

An exceptional condition on a parcel such as topography, shape or other physical properties may pose practical difficulty to its development. A property owner may request a variance to certain Unified Development Code standards, when there are exceptional practical difficulties or an unnecessary non-financial hardship in carrying out the strict application of a dimensional or numerical requirement.

10.203.24.2 Applicability

The Zoning Board of Adjustment may grant variances to numerical or dimensional standards in the land use standards and site design standards of this code, subject to review criteria in this subsection. The Zoning Board of Adjustment may also consider appeals of Development Services staff decisions or code interpretations. City Council may grant variances to numerical or dimensional standards in the subdivision standards of this code, subject to review criteria in this subsection.

10.203.24.3 Criteria

- A variance may be granted if all the following findings are made.
- There are unique conditions peculiar to the parcel, such as an unusual shape, that do not exist on adjacent parcels.
- Strict application of this code deprives the applicant of rights commonly enjoyed by other land in the area or land with a similar zoning designation.
- The variance is in harmony with the spirit of this code and community, neighborhood and other applicable land use and development plans, and will not adversely affect property near the subject site.
- Conditions resulting in the request are not self-created by disregard or ignorance of this code.
- The variance does not confer special privilege that this code does not permit on other lands, structures or buildings in the same zoning district.
- The variance is the minimum necessary to grant relief.

- The following types of variances will not be considered.
- Requests to permit uses normally prohibited or not specifically permitted in a zoning district, development plan, or OT or FBC transect zone. A variance is not a substitute for a zone change, special exception approval, or UDC amendment.
- Requests to change the application of standards approved as conditions of an approved siteplan, subdivision, or development plan.
- Reasons that are not grounds for a variance include, but are not limited to, the following.
- Personal and/or economic hardship.
- Misrepresentation of property conditions or permitted uses by a seller or agent.
- Errors made by a surveyor, contractor or builder.
- Desire to increase visibility; or compensate for a poorly chosen, less trafficked, less accessible or less visible site.
- Accommodation of corporate, franchise, personal or cultural standards, preferences, policy or tradition.
- Lowering site development costs.
 - Increasing the profit, income or competitive advantage of the applicant.
 - Additional expense needed to comply with this code.
 - Longevity of residence or business operation in the city, or participation in local government, civic organizations, places of worship, or charitable groups.
 - Increase in property value or profit if a variance is approved, or decrease if denied.
 - Promise of an increase to the city tax base if a variance is granted.
 - Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

10.203.24.4 Process

Refer to development application.

10.203.24.5 Conditions

The Zoning Board of Adjustment [and/or the Planning and Zoning Commission](#) may impose conditions on a variance.

Approved variances run with the land unless there are special approval conditions.

Variance approval does not set a precedent for future approval of similar variances.

The minor modification process used in the OT and FBC districts does not apply outside of transect zones.

10.203.25 Zoning map amendment (rezoning/zoning change/zoning change request)

Zoning standards are detailed in Chapter 3 (Land Use Standards).

10.203.25.1 Intent

The zoning designation for a parcel does not always permit the most appropriate use for the site. A property owner may request a zoning map amendment, to change the zoning designation of a parcel.

10.203.25.2 Applicability

A zoning map amendment is required to consider a request to change the zoning of a parcel. A zoning map amendment may be requested by a property owner or representative if it is more than 12 months since they were last involved in a request before the Zoning Board of Adjustment or Planning and Zoning Commission.

10.203.25.3 Criteria

Zoning map amendment requests are evaluated using the following criteria:

- The proposed zoning is consistent with the comprehensive plan and any community, neighborhood and other applicable land use and development plans.
- The proposed zoning is compatible with existing and permitted uses on properties in the neighborhood.
- Conditions in the neighborhood have changed to the extent the proposed zoning is necessary.
- The proposed zoning does not have an adverse impact on surrounding properties or the natural environment.
- The proposed zoning corrects a clerical or administrative error on the zoning map.
- The proposed zoning results in a logical and orderly development pattern.
- The proposed zoning is not merely intended to confer an economic benefit to the property owner.
- The site is a legal building lot.

Rezoning of a small parcel, intended to confer a benefit to the property owner by permitting land uses not available to, and possibly incompatible with and detrimental to surrounding properties, is prohibited.

10.203.25.4 Process

- Refer to development application.

10.203.25.5 Conditions

The Planning and Zoning Commission and/or City Council may impose conditions on a zoning map amendment. Conditional zoning or contract zoning, where the permitted land use for a lot is restricted to the use the rezoning was sought, is prohibited.

10.204 Vested development rights

10.204.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town Zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	Yes

10.204.2 Effective date and expiration

Vested development right establishment and expiration dates are as follows.

Process	Date Granted	Permit Expiration
Building permit	Date of complete application submittal	180 days
Certificate of appropriateness	Date of approval by Historic Preservation Commission	180 days
Final plat	Date of approval by City Council Planning and Zoning Commission	2 years, unless recorded, fiscal surety has been posted, and/or extension has been granted. 1 year extension allowed administratively, then Planning and Zoning Commission approval required.
Preliminary plat	Date of approval by City Council Planning and Zoning Commission	1 year, unless final plat has been filed and/or extension has been granted.

Process	Date Granted	Permit Expiration
Sign permit	Date of approval by Development Services Staff	180 days
Site plan	Date of approval by Development Services staff, or Planning and Zoning Commission if appealed	1 year
Specific use permit	Date of approval by City Council	1 year
Subdivision Improvements Construction Plan	Date of approval by City Council Engineering	1 year, unless fiscal surety has been posted.
Variance	Date of approval by Zoning Board of Adjustment or Planning and Zoning Commission	1 year

If there is an amendment to the approved development request, the approval date of the original development request is considered the effective date of vesting.

10.204.3 Minor administrative amendments

Minor administrative amendments to approved plans for a development request do not create vested development rights.

10.204.4 Conceptual plans

Conceptual site plans shown on an approved PUD plan or Form Based Code community scale plan, or for adjacent properties on a site plan, are considered non-binding and do not create vested development rights.

10.204.5 Nonconforming elements on plans

Elements shown on a site plan, approved PUD plan, or concept plan not conforming with the development regulations in effect when the plan was approved are considered non-binding and do not create vested development rights.

10.205 Internal review procedures

10.205.1 Applicability

This section applies in the following areas.

City of Hutto conventional zoned areas	City of Hutto FBC Form Based Code zoning district	City of Hutto OT Old Town Zoning district	Hutto extraterritorial jurisdiction (ETJ)
Yes	Yes	Yes	Yes

10.205.2 Submittal requirements

Refer to development applications.

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on Ordinance No. O-2021-038 to dispense with second reading.
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

None

AGENDA ITEM REPORT



To: City Council
Subject: Consideration of a public hearing and possible action on Ordinance No. O-2021-039 approving the proposed Specific Use Permit for the Hutto Independent School District Transportation Facility at 4035 FM 1660 North, 165 acres, more or less, of land, to allow a reduction in the required landscaping and building elevations. (Ashley Lumpkin)
Meeting: Thursday, June 17, 2021
Department: Development Services
Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The proposed specific Use Permit is for the Hutto ISD Maintenance Facility on the northeastern portion of the 165 acre tract.

Property Owner: Hutto Independent School District

Current Zoning: Residential

Current Land Use: Hutto ISD Campus (9th Grade Center, Ag Barn, Maintenance/Transportation Facility)

Future Land Use Designation: Institutional

SUMMARY OF REQUEST:

The property is approximately 165 acres of land and currently zoned Single-family Residential (SF-1), which allows for the school and ancillary school uses. Currently there is a 9th Grade Center, Ag Barn and Transportation Facility all under construction at the site. The proposed Transportation Facility needs a Specific Use Permit for a reduction in the required landscaping and for the building elevations. Per the Interlocal Agreement between the City of Hutto and Hutto ISD, they are allowed to apply for a Specific Use Permit for specific code deviations, including development related items.

The building elevations do not comply with section 10.406.6.4.4 of the UDC.

10.406.6.4.4 Exterior walls

Exterior walls cannot have a blank, uninterrupted length greater than 30 ft. without including two or more of these features: change in plane, change in texture or masonry pattern, windows, or other equivalent element(s) that subdivide the wall into human scale proportions. Side or rear walls may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations, only when actual doors and windows are not possible because of the building use.

Although the building elevations do not comply with the above cited section, staff recommends approval of the elevations because of the internal configuration of the building and uses within. However, the trees could still be planted on the property along FM1660S to provide an alternative application of the ordinance while not having trees within a largely vehicular-oriented site.

AGENDA ITEM REPORT



Public Notice:

Per Section 10.203 of the UDC, all property owners within 600 feet of the site were notified. As of the writing of this staff report, there have been no responses.

STAFF REVIEW:

Staff and Planning and Zoning Commission recommend approval of the proposed Specific Use Permit with the condition that trees be planted along the FM 1660 frontage of the maintenance facility.

FINANCIAL IMPACT:

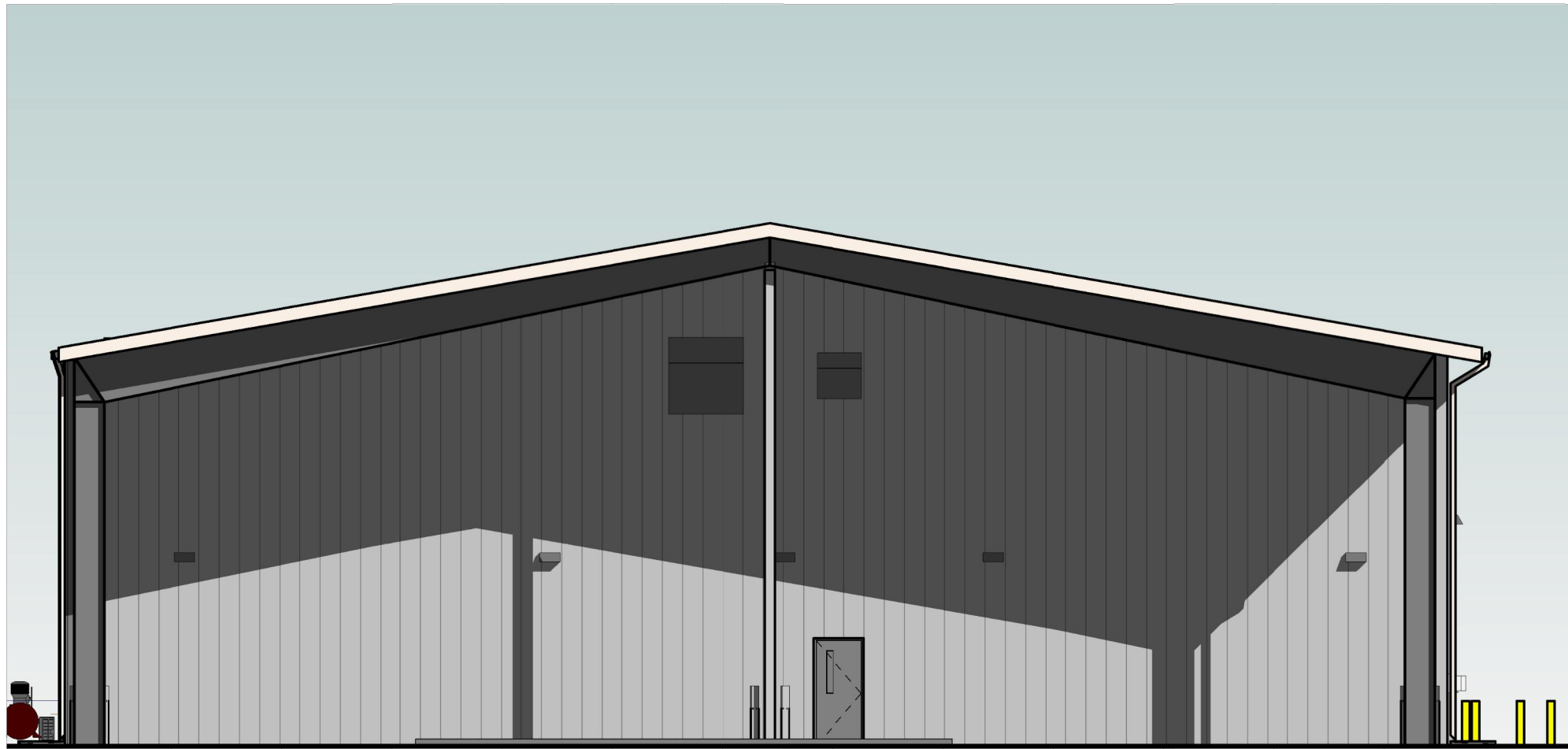
Not applicable.

POLICY IMPLICATIONS:

Not applicable.

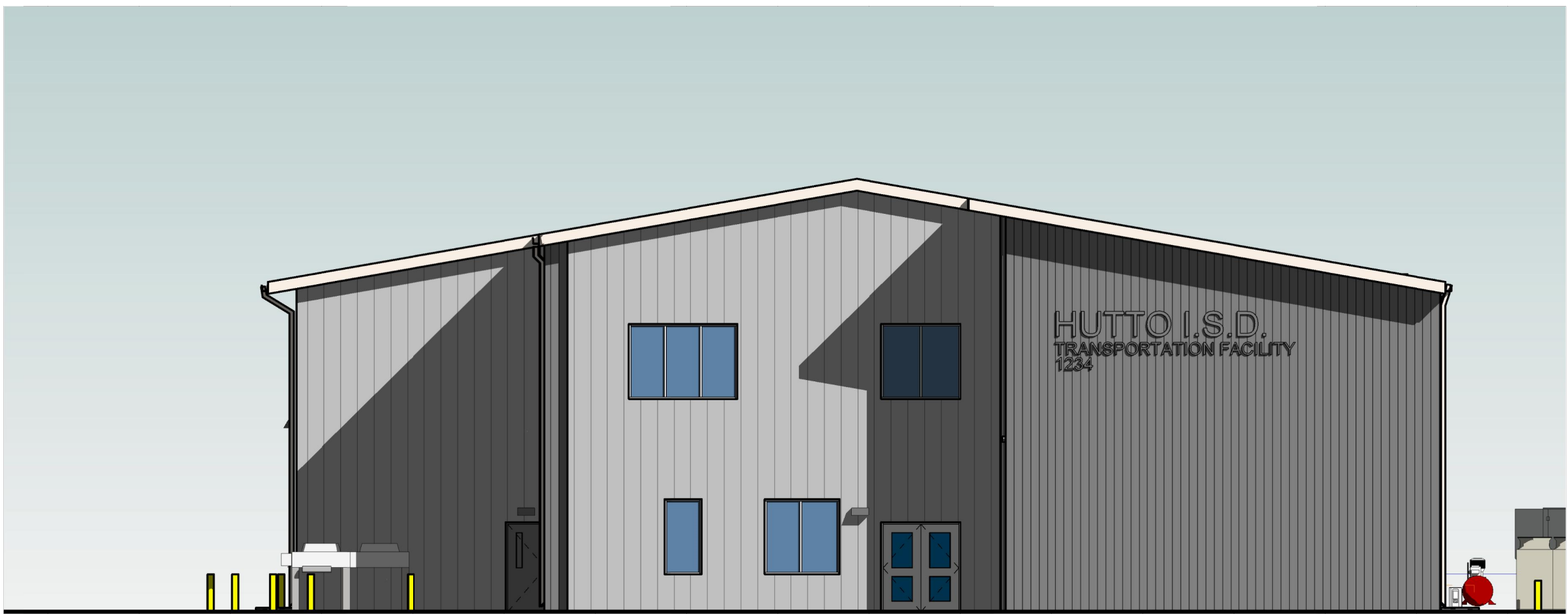
ATTACHMENTS:

1. Elevations
2. SitePlan
3. LOI
4. Resolution-R-2019-02-21-10B-Resolution Approving Interlocal Agreement between COH and Hutto ISD to Establish Land Development Standards and Procedures
5. HISD_North_9th_Grade_Campus
6. (Ord)4035FM1660N(HISD)-SUP



WEST ELEVATION - COLOR
SCALE: 1/8" = 1'-0"

4



EAST ELEVATION - COLOR
SCALE: 1/8" = 1'-0"

3



- LIGHT GRAY COLOR IN RENDERINGS TO MATCH METAL PANEL COLOR AT SUPPORT SERVICES BUILDING
- GALVALUME METAL ROOF TO MATCH SUPPORT SERVICES BUILDING
- GUTTERS, DOWNSPOUTS, AND FASCIA TRIM TO MATCH SUPPORT SERVICES BUILDING



MBCI COLOR "CHARCOAL GRAY"

DARKER METAL PANEL SHALL BE SIMILAR TYPE, BUT DARKER COLOR THAN FIELD. SIMILAR TO SWATCH SHOWN

TINTED, INSULATED GLAZING AT WINDOWS & DOORS



NORTH ELEVATION - COLOR
SCALE: 1/8" = 1'-0"

2



SOUTH ELEVATION - COLOR
SCALE: 1/8" = 1'-0"

1

Received 4/20/2021



pfluger

Office: 512.478.4840 | Fax: 512.478.4899
209 E. Riverside Drive Austin, Texas 78704
pflugerarchitects.com

HUTTO ISD TRANSPORTATION FACILITY

HUTTO, TX 78634

HUTTO INDEPENDENT SCHOOL DISTRICT

200 COLLEGE STREET
HUTTO, TX 78634

INTERIM FOR REVIEW ONLY
THIS DOCUMENT IS INCOMPLETE AND CANNOT BE USED FOR REGULATORY APPROVAL, PERMITTING, BIDDING OR CONSTRUCTION.
ARCHITECT: BRAD D. PFLUGER
ARCHITECT REG. NO.: 12132
DATE: 12/8/2020

PROJECT NO.: 19-076
DATE: 09/24/2020
DRAWN BY: Author
CHECKED BY: Designer
REVISIONS:

PERMITTING
G0.05
COLOR ELEVATIONS



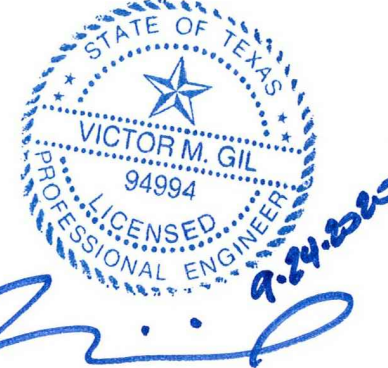
GIL ENGINEERING
CONSULTING ENGINEERS - PLANNERS - SURVEYORS - DESIGNERS
504 E. BRAKER LANE, AUSTIN TEXAS 78753
PHONE (512) 835-4203 FAX (512) 835-4407

PROJECT TITLE: HUTTO I.S.D. TRANSPORTATION FACILITY

SHEET TITLE: BUILDING ELEVATIONS

DATE: 9-24-2020

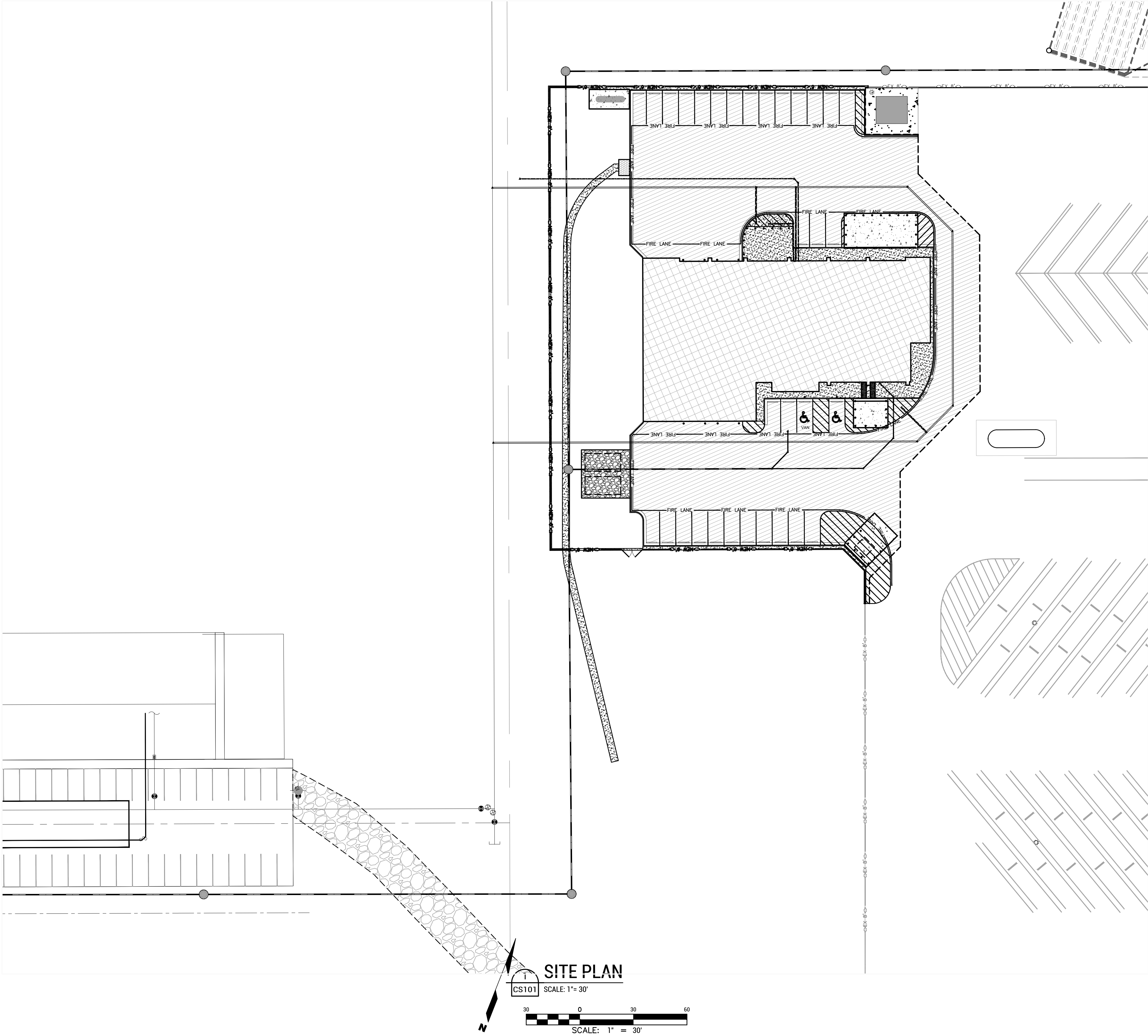
DRAWN:



REVISIONS:

SHEET NUMBER

CS103



SEQUENCE OF CONSTRUCTION

- A. AFTER THE ACQUISITION OF ALL REQUIRED PERMITS, NOTIFY THE ENGINEER AND OWNER DEPARTMENT FOR A PRE-CONSTRUCTION CONFERENCE 3 DAYS IN ADVANCE.
- B. INSTALL THE TEMPORARY EROSION/SEDIMENTATION CONTROLS.
- C. ROUGH GRADE THE DETENTION POND FOR A SEDIMENTATION TRAP
- D. DEMOLITION AND ROUGH GRADING.
- E. CONSTRUCTION OF STORM WATER SYSTEM.
- F. FINISH GRADING. INSTALL INLET SILT PROTECTION FOR THE STORM SEWER SYSTEM AFTER THE INLET IS CONSTRUCTED.
- G. PLACEMENT OF PARKING SURFACE MATCHING NEW GRADE.
- H. INSTALL PERMANENT EROSION CONTROLS.
- I. OBTAIN CONCURRENCE LETTER FROM ENGINEER, AND THE FINAL INSPECTION WILL BE SCHEDULED UPON RECEIPT OF THE LETTER
- J. REMOVE TEMPORARY EROSION CONTROLS AFTER ACCEPTANCE OF THE PERMANENT CONTROLS.

PARKING CALCULATION TABLE

EXISTING BUILDING

OFFICE SPACE	REQUIRED SPACES
14,809 S.F. G.F.A.	1 per 400 s.f. G.F.A.
	37 SPACES REQUIRED

NEW BUILDING

OFFICE SPACE	REQUIRED SPACES
12298 S.F. G.F.A.	1 per 400 s.f. G.F.A.
	31 SPACES REQUIRED
VEHICLE STORAGE	REQUIRED SPACES
80 STORED VEHICLES	1 per stored vehicle
	82 SPACES REQUIRED
TOTAL PARKING REQUIRED	150
PARKING PROVIDED	179
HANDICAPPED SPACES REQUIRED	6 CAR
	2 VAN
HANDICAPPED SPACES PROVIDED	7 CAR
	3 VAN

TRANSPORTATION PARKING TOTALS

EXISTING PARKING TOTAL	
BUS	82
CAR	149
IMPROVEMENTS PARKING TOTAL	
BUS	82
CAR	179

Fire Department Notes

1. An all weather driving surface must be installed in locations shown on the site plan to be fire lanes, prior to any building construction beyond the foundation phase.
2. The four and one half-inch steamer opening must face the driveway or street with three to six feet set backs from the curb line(s). No obstruction is allowed within three (3) feet of any fire hydrant, and the four and one half opening must be totally unobstructed from the street/driveway.
3. All pervious/decorative pavements shall be engineered and installed for 75,000 lb. live-vehicle loads. The District must approve any pervious/decorative paving within 100 ft. of any building.
4. Commercial dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within ten- (10) ft. of openings, combustible walls, or combustible eave lines.
5. Vertical clearance required for fire apparatus is 13 feet, 6 inches, for the full 25 feet width of all access drives and routes for internal circulation. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
6. Fire lanes shall be stenciled "FIRE LANE-TOW AWAY ZONE" in white letters three inches tall, at intervals not to exceeding 35 feet. Curbs along the fire lanes shall be painted red in areas as indicated on the site plan. Where no curb and gutter exists, fire apparatus access roads shall be marked with permanent FIRE LANE- TOW AWAY ZONE signs at intervals not exceeding 50 feet. Signs shall have a minimum dimension of 12 inches wide and 18 inches high and have red letters on a white reflective background. Signs shall be posted on one side or both sides of the fire apparatus road as required by local amendments.

Impervious Cover Table												
Description	Existing Impervious Cover			Removed Impervious Cover			Proposed Impervious Cover			Total Net Impervious Cover		
	Sq. Ft.	Acres	% of Site	Sq. Ft.	Acres	% of Site	Sq. Ft.	Acres	% of Site	Sq. Ft.	Acres	% of Site
Buildings	14809	0.34	1%	0	0.00	0%	12298	0.28	1%	27107	0.62	2%
Concrete	3956	0.09	0%	0	0.00	0%	6300	0.14	0%	10256	0.24	1%
Asphalt	275730	6.33	17%	8020	0.18	0%	26103	0.60	2%	293813	6.75	18%
Totals	294495	6.76	18%	8020	0.18	0%	44701	1.03	3%	331176	7.60	21%
Site Totals	1608409	36.924	100%									

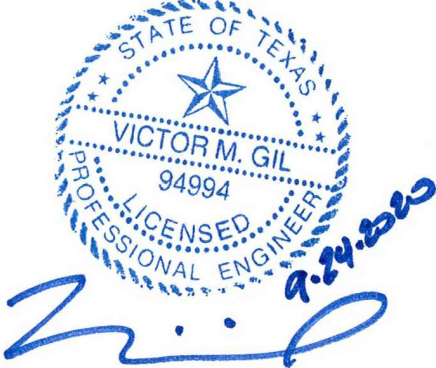
Received 4/20/2021



GIL ENGINEERING
CONSULTING ENGINEERS - PLANNERS - SURVEYORS - DESIGNERS
504 E. BRAKER LANE, AUSTIN TEXAS 78763
PHONE (512) 835-4203 FAX (512) 835-4407
Texas Registered Engineering Firm 10022506

PROJECT TITLE: HUTTO I.S.D. TRANSPORTATION FACILITY

SHEET TITLE: SITE PLAN



REVISIONS:

SHEET NUMBER

CS101



ATTN: City of Hutto

Letter of Intent

To Whom it may concern,

We write this letter to inform the City of Hutto that this specific use permit is being submitted for the construction of a new transportation facility for Hutto Independent School District. This SUD application process is in keeping with the interlocal agreement between the City of Hutto and Hutto ISD. This project is located at FM 1660, Hutto, Texas 78634.

If at any point during the review of the documents contained within there arise any issues, please contact Desmon Odunusi with Pfluger Architects to resolve them.

In keeping with the requirements of the SUP application, a list of the property owners within 200ft of the above referenced property, as listed by WCAD are listed below:

1. KRUGER, RICKY D & BRENDA K SLADEK & TIMOTHY R KRUGER
2. SLADEK, HOWARD
3. PETERSON HILDA J TR OF PETERSON FAMILY TRUST DECEDENTS TRUST B

Best,

Desmon Odunusi
Pfluger Architects 512.476.4040
Assistant Project Manager

RESOLUTION NO. R- 2019-02-21-10B

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF HUTTO, TEXAS, A TEXAS AND HUTTO INDEPENDENT SCHOOL DISTRICT TO ESTABLISH LAND DEVELOPMENT STANDARDS AND PROCEDURES FOR CONSTRUCTION OF FACILITIES.

WHEREAS, Section 212.902 of the TEX. LOC. GOV'T CODE authorizes a school district and a municipality to enter into an agreement with the board of trustees of the school district to establish review fees, review periods, and land development standards ordinances and to provide alternative water pollution control methodologies for school buildings constructed by the school district; and;

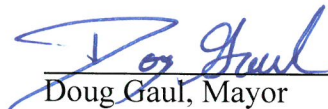
WHEREAS, the City of Hutto and Hutto Independent School District have agreed to establish mutually acceptable land development standards and procedures for the construction of the District's educational facilities which will provide predictability and reduced costs while insuring that the public health, safety and welfare are protected;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

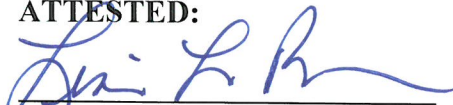
That the City Council of the City of Hutto authorizes the Interlocal Agreement between the City of Hutto and Hutto Independent School District

CONSIDERED and RESOLVED by the City Council of the City of Hutto on this the **21st** day of **February 2019**.

THE CITY OF HUTTO, TEXAS


Doug Gaul, Mayor

ATTESTED:


Lisa L. Brown, City Secretary

INTERLOCAL AGREEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

This Interlocal Agreement (this “agreement”) is entered into effective as set forth below, by and between the City of Hutto (the “City”), a home rule municipality organized and existing under and in accordance with Texas law, and the Hutto Independent School District (the “District), an independent school district organized and existing under and in accordance with Texas Law.

WITNESSETH:

WHEREAS, the City through its ordinances and regulations maintains land use controls and site development regulations for the protection of the public health, safety and welfare of its citizens;

WHEREAS, the District is an independent political subdivision of the State of Texas charged with the public education of children within its boundaries, which has its own funding source and elected governing body separate from the City;

WHEREAS, a portion of the boundaries of the District lie within the corporate limits and extraterritorial jurisdiction of the City;

WHEREAS, the District must meet certain construction standards and occupancy deadlines due to state mandated educational facility requirements and public fiduciary obligations regardless if any portion of the boundaries of the district lie within the limits and extraterritorial jurisdiction of the City;

WHEREAS, the City and the District desire to establish mutually acceptable land development standards and procedures for the construction of the District's educational facilities which will provide predictability and reduced costs while insuring that the public health, safety and welfare are protected;

NOW THEREFORE; in consideration of the mutual covenants contained herein and pursuant to Section 212.902 of the Texas Local Government Code, the City and the District hereby agree that the future development, construction, and expansion of education facilities of the District within the corporate limits and extraterritorial jurisdiction of the City shall be in accordance with objectives, standards, and procedures set forth in this Agreement.

GOALS/PURPOSE

1. Establish consistent land development standards
2. Establish consistent review procedures and review periods for educational facilities constructed by the District within the City's corporate limits or extraterritorial jurisdiction, as applicable and appropriate.
3. Provide cost-effective educational facilities as well as provide safety to the citizens and children of the District and the City.
4. To the greatest extent possible minimize site review fees and review periods.
5. Establish regular effective communication and maintain a cooperative working relationship with the goal of enhancing public education

The District acknowledges its legal obligation to comply with all applicable state, local and federal regulations relating to land development and construction.

SITE SELECTION PROCESS

- Development standards should be a guideline for the selection and/or designation of land as a site for an educational facility to be built.
- The District agrees to formally meet with the City and regularly communicate to discuss applicable site selection and development issues prior to the District finalizing property acquisition. More importantly, the District and the City will work jointly to make the site and/or expansion of a proposed educational facility operationally safe and cost effective.
- To the extent feasible, the District and the City will identify potential future school sites as part of prudent, long range planning, as has been a recent practice, as the City discusses development projects or accepts development applications from owners or developers of land in the immediate vicinity of an identified potential school needs, the City will request that the owner or developer meet with representatives of the District to discuss development plans with the hopes of locking in school site set-asides.

PREDEVELOPMENT, DEVELOPMENT AND BUILDING PERMIT PROCEDURES

Predevelopment Meeting. Representatives of the District and the City, including any professionals engaged by either party, or their designees, shall meet at least 60 days prior to the submittal of any development permit application by the District. Consideration should be given to various development issues, including:

- a) driveway locations
- b) school zone limits
- c) potential deviations from the standards of development ordinances and rules
- d) potential off-site improvements required and responsibilities to provide such improvements
- e) processing concurrent applications, as applicable, to reduce development processing timeframes.

Once the City and the District agree on development codes that are applicable to a particular permit application during the predevelopment meeting, the development issues shall be put in written form and submitted as part of the District's development applications so that the District develops the site in accordance with the development codes discussed at the predevelopment meeting.

The District will provide a schematic plan of the site to the City at the predevelopment meeting. The schematic plan will be reviewed to allow discussions on the layout and articulation of the project. It is anticipated that the City will recommend school site zoning that is residential and then under the provisions of the Specific Use Permit (SUP) process, zoning and uses of a school site can be tailored to support the educational mission of the district. It is the intent of the City to provide flexibility through the SUP process.

Platting. The District should comply with the City's Subdivision Ordinance unless reasonable deviations are considered and approval is provided by the City in writing. The City should notify the District within 10 working days of submittal and indicate any application's deficiencies. The City agrees to review all subdivision applications within 10 working days.

After the District's receipt of written comments from the City, the District shall submit written responses to the City's comments within 15 working days of receipt. In the event all such comments indicate that additional matters remain unresolved, the City Manager and HISD Superintendent, or their representatives, shall meet to resolve the remaining issues preventing approval.

A Preliminary Plat and Final Plat approval must be obtained prior to issuance of a site plan and Certificate of Occupancy by both the City and the ESD#3. However, the District reserves the right to request a temporary certificate of occupancy in accordance with City ordinances and ESD requirements to both the City and ESD#3 for approval.

Building and Site Development Permits. The District shall obtain a Site Development Permit and a Building Permit, as applicable, from the City prior to commencement of construction.

Fees. Utility impact fees for city water and wastewater are not permissible in the law with respect to public school site development and therefore these are waived as per the City Ordinance process. Other utility fees and other Development fees will be paid, as applicable.

Annexation. The property will be annexed within 120 days of ownership or a minimum of 60 days prior to the first permit application through contiguity of property or through continuity of development agreements, as applicable.

Traffic Impact Analysis (TIA). In the event the District acquires a site and such site is not part of a subdivision (existing or planned) for which a TIA has already been approved, or the approved TIA does not include traffic generated by the educational facility proposed to be located at such site, then the District recognizes it shall be required to prepare a TIA to accompany the development and be responsible for traffic improvement costs, as applicable.

The TIA will determine boundary and off-site transportation improvements needed as a result of projected traffic to be generated by all proposed facilities on a total site area under the control of the District. If more than one school and/or if a site is to be multi-phased, all associated facilities will be reflected in the TIA. However, a phasing plan for the construction of educational facilities will be proposed by the District which will be considered in the TIA and affect transportation improvements phasing as determined by the District's traffic consultant.

The district's registered professional engineer and the City will meet to determine the geographic area to be included and will include the following:

- Trips to be generated by the proposed development

- Assignment of such trips to the road network analyzed
- The capacity of affected roadways before and after the proposed development
- Specific recommendations for roadway improvements and traffic control modifications needed to mitigate the traffic from the proposed development
- The project's proportionate share of improvements and modifications.

In the event the District is responsible for 100 percent of the proportionate share of the improvements and modifications described in the TIA approved as set forth above, the District will install all improvements and make necessary public dedications as recommended by the approved TIA. In the event that the District's proportionate share of improvements does not cover all referenced improvements and modifications, the City and District shall meet to discuss possible solutions, including construction of the required improvements by a third-party developer. In no event shall the District be responsible for installing more roadway improvements than are required.

With respect to right of way dedication, the Board of Trustees of the District may not give public school property away. It must either be sold via formal appraisal and competitive bidding post a resolution to do so and/or justification of a dedication of right of way must be clearly articulated so as to avoid legal jeopardy of a gift of public funds. The District will work with the City in good faith to provide the necessary justification to avoid having the City pay for Right of Way dedication.

Utilities. The District or developer will be responsible for extending utilities, if such extension is necessary, to serve any new educational facilities developed. Wherever and whenever possible, the District wants to avoid reimbursement situations. Construction funds are finite and if the district must bear any portion of a utility infrastructure, the District prefer that it is the actual cost of the District's portion of a utility extension if there are other end-users and developers involved.

However, where this may not be possible and if the District extends utilities, the District shall be reimbursed the proportionate amount of any connections by any third parties made on such extension of impact fee eligible lines. This will need to be memorized in a separate agreement with the Developer.

If District extends utilities and the City desires to oversize such utilities, then the construction cost shall be shared proportionately by the District and the City.

Sidewalks. The District shall install six foot wide concrete sidewalks along all arterial streets and five foot wide concrete sidewalks along collector or local streets that are on-site sidewalks on the District's property or within the right-of-way immediately abutting the District's property and run generally parallel and adjacent to the public road frontage. The sidewalks shall be built according to City standards.

Improvements within the City Right of Way (ROW). The City may administratively approve any improvements within City ROW required for school and related facility construction.

School Traffic Control Plan. To the extent reasonably discernable at the time the TIA is approved, the District will submit plan details of District's ingress/egress, pedestrian pathways, off-site sidewalks and traffic control plan in conjunction with the site plan review process. The District shall submit Traffic Control Plan as well as the information required in City Ordinance 22.03.034. and will comply with the City's School Zone Ordinance.

Masonry/Facade Requirements.. The City will review, through the Specific Use Permit process architectural design review to allow for flexibility on the school site.

Parking Needs. The City will review plans for compliance with off-street parking requirements, however the Specific Use Permit can allow for flexibility in terms of parking requirements. The City will work with the District with assessing parking needs and providing for off-street parking.

Inspections. The City can provide inspections, or alternatively will accept third party inspections that will be submitted to the City for the building permit record file and in compliance with City adopted Codes. The City will conduct inspections for all improvements to City's Right-of-way.

In lieu of the City performing full building inspections, the City will accept sealed engineer's and architect's letters certifying compliance with the approved building inspections. The District may use the City or an independent certified inspection company. In no event shall the City be responsible for defects from the approved plans that might normally be discovered during the normal course of full inspections had the City otherwise performed such inspections instead of a certified inspection company. However, the District will submit their inspection reports for inclusion in the City's School Building Permit Record File.

Fire inspections in the building and compliance process will be handled by ESD #3, as applicable.

Minor Revisions to Approved Development Plan Prior to or During Construction. The District may submit to the City minor revisions, as applicable, to an approved development plan prior to or during construction.

Fiscal Surety. In the event the District constructs or intends to construct any street, drainage, or utility lines or facilities which are to be dedicated or conveyed to the City for ownership and operation (a "Public Improvement"), the District shall not be required to post any escrow, letter of credit, bond or other form of financial guarantee so long as the District otherwise delivers to the City a letter of agreement from the Superintendent in a form agreeable to the City agreeing on behalf of the District to construct such Public Improvements. The District shall construct all improvements required by City ordinance and TIA as a condition of approval of a Site Plan, Building Permit, or recordation of Final Plat, as applicable. In the event such Public Improvements are constructed by any individual.

The District will provide the standard two year warranty/maintenance bond (part of construction warranty and bond requirements the District will have in place in regards to its Construction Manager.) as required by City Ordinance.

LANDSCAPING

City Landscape Regulations. Because the District has specific requirements for security at its educational facilities and since the District provides adequate landscaping and tree protection for its educational facilities, the City will provide a review of plans for compliance with the City's landscape and tree ordinance pertaining to interior landscaping that can be approved and modified through the SUP process. The District will submit for review all landscaping within the City's rights of way.

LANDSCAPE PLANTING GUIDELINES

- Preserve existing trees where practical, as determined by the District.
- Plant material is hardy to the area climate and local soils.
- Plant material is to be low in water requirements
- All planting beds and tree pits are to be mulched with shredded wood or decomposed granite to retain soil moisture and reduce weed growth

- Do not plant shrubs at building entrances and parking areas for security reasons.
- Stake trees to prevent wind damage.
- Use plant materials and trees native or adapted to the area. (the District has a set of landscaping standards based on urban forestry planning for Central Texas to include a variety of practical specimens that we can include as an attachment)
- Plant trees a minimum of 2-1/2" caliper in size
- Provide a watering ring around each tree pit.
- Plant all trees in native soil amended only with compost.

SPRINKLER IRRIGATION

- Irrigate play and athletic fields and high traffic areas, as determined by the District.
- Irrigation system will be operated with an automatic controller capable of multiple programs and start times.
- Irrigation system will have a "rain and freeze" detection switch.
- Adjustable flow controls will be used in areas of high pressure.
- Backflow prevention as per local codes will be installed.
- Sprinkler heads will be nozzled to produce minimal overspray and runoff.
- Turf will be sectioned separately from shrub and bed areas. Check valves will be used to prevent low head drainage.

LIGHTING, SIGNS, CONSTRUCTION/CONCRETE POURS, DAMAGE TO PUBLIC FACILITIES

Facility Lighting. Exterior lighting of any educational facilities of the District shall be directed away from existing residential uses and public streets to the extent reasonably practical. Any outdoor competition facilities of the District, including, but not limited to, football, baseball or soccer stadiums, which provide public seating shall be reviewed for lighting requirements set forth in the City's Codes and Ordinances, and will not be unreasonably withheld by the City. Residential uses shall include existing and any planned uses for future residential use.

Sign Permits. A sign that will be included within a new educational facility site shall be reviewed by the City and shall require a separate sign permit to be applied for or issued to ensure signs are placed safely, particularly if it includes an electronic reader board, and one that might obstruct visual clearance. Small signs on the building or small directional signs may be exempted.

Construction/Concrete Pours. The District shall not be exempt from any regulation or ordinance regarding the time or day that construction is undertaken and/or concrete/or similar material is poured, laid or constructed at any construction site. In the event the District proposes to undertake "early" morning concrete pours, it will first obtain specific approval from the City Manager through the applicable permit. If such approval is obtained, the District will post a temporary sign or signs on the District's property in the best location to notify the citizens of the surrounding area of such pours and shall take all reasonable precautions to assure that such activities will minimize any nuisance(s) to any of the adjacent residents.

Damage to Public Facilities. Any utilities, curbs, pavement, sidewalks, structures, or any public facility, etc., on City property or public ROW within City limits that are damaged or removed during construction shall be repaired or replaced by the District at no cost to the City.

CITY OF HUTTO

By: _____

Name: Odis Jones, City Manager

Date: _____

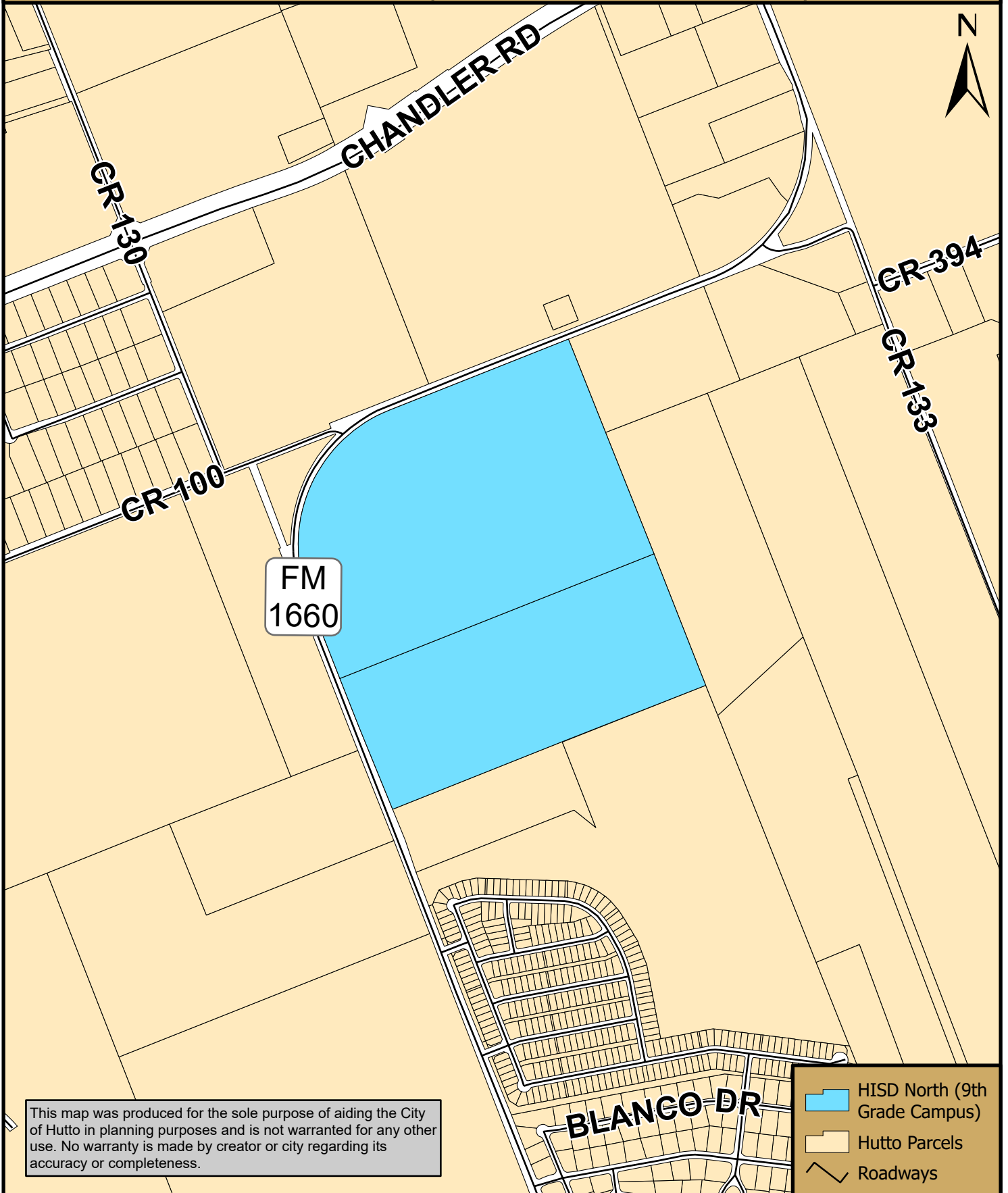
HUTTO INDEPENDENT SCHOOL DISTRICT

By: _____

Name: Celina Estrada-Thomas, Superintendent

Date: _____

HISD North (9th Grade Campus)



ORDINANCE NO. O-2021-039

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT TO ALLOW A REDUCTION IN THE REQUIRED LANDSCAPING AND BUILDING ELEVATION AT 4035 FM 1660 NORTH, 165 ACRES, MORE OR LESS, OF LAND, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to grant a Specific Use Permit to allow a reduction in the required landscaping and building elevations at the property known as the Hutto ISD Transportation Facility at 4035 FM 1660 North, described in Exhibit "A", being attached hereto and incorporated herein, and;

WHEREAS, on the 1st day of June, 2021, after proper notification, the Planning and Zoning Commission held a public hearing on the proposed Specific Use Permit request, and;

WHEREAS, the Planning and Zoning Commission recommended approval with conditions of the proposed Specific Use Permit request on the 1st day of June, 2021, and;

WHEREAS, on the 17th day of June, 2021, after proper notification, the City Council held a public hearing on the proposed Specific Use Permit request, and;

WHEREAS, the City Council determines that the regulations provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and;

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Article 14.02.002, Code of Ordinances (2007 Edition), City of Hutto, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

SECTION I.

1.

In accordance with the Unified Development Code Sections 10.203.18 and 10.204.2, the City Council has considered and made findings on the following matters regarding the proposed Specific Use Permit request:

10.203.18.3 Criteria

- The proposed use conforms to the Unified Development Code and is consistent with the comprehensive, neighborhood and other applicable land use and development plans.
- The proposed use is compatible with existing and permitted uses in the surrounding area and would not adversely affect property near the site.
- The site is a legal building lot.

10.203.18.5 Conditions

- The Planning and Zoning Commission and/or City Council may impose conditions on a specific use permit.

- Specific use permit approval does not run with the land, and expires with the end of the approved use.

10.203.18.6 Amendments

- Technical or engineering considerations during construction may call for minor deviations from approved specific use permits. Development Services staff may approve minor deviations if they conform to City regulations, and are consistent with the intent of the original specific use permit approval.
- Changes to approved specific use permits that Development Services staff finds are not minor deviations, including Planning and Zoning Commission imposed conditions, require approval through specific use permit review process, requiring a new application.

10.204.2 Effective date and expiration

- Specific use permits expire one (1) year from the date of approval by City Council.

2.

This Specific Use Permit request is subject to the conditions as identified by the City Council and incorporated herein. No permits shall be issued unless all of the following requirements are satisfied:

- Any future development, other than the use specified for this request, on the lot is required to obtain City Council approval prior to permitting.

SECTION II. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION III. Severability Clause

The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION IV. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION V. Open Meeting Clause

The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VI. Effective Date

This ordinance shall take effect and be in force from and after its passage.

READ and **APPROVED** on first reading on this the **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

By motion duly made, seconded and passed with an affirmative vote of all the Councilmembers present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED and **ADOPTED** on first reading of ordinance this **17th** day of **June, 2021** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Mike Snyder, Mayor

Attest:

Holly Nagy, City Secretary

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on Ordinance No. O-2021-039 to dispense with second reading.
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

None

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on presentation on the Emory Farms gate/sign to Innovation Business Park. (Anthony Host)
Meeting: Thursday, June 17, 2021
Department: Public Works
Staff Contact: Anthony Host

BACKGROUND INFORMATION:

The presentation is a request of council to come up with a conceptual drawing of a deterrent for the trucks going thru Emory Farms residential area.

SUMMARY OF REQUEST:

review and give comments

STAFF REVIEW:

Staff has researched and found that the height of the sign should be no lower than 13'. This will allow all garbage, delivery services, and fire trucks will be able to access.

FINANCIAL IMPACT:

waiting on response

POLICY IMPLICATIONS:

n/a

ATTACHMENTS:

1. Emory Farms Arch



AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action regarding the policy and procedure for submitting outside agency funding to Council. (Councilmember Rose)
Meeting: Thursday, June 17, 2021
Department: City Council
Staff Contact: Stacy Schmitt

BACKGROUND INFORMATION:

The City begins putting out applications by July 1st with an August 2nd deadline.

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

Dependent on approved budget.

POLICY IMPLICATIONS:

ATTACHMENTS:

1. FY21 Approved Funding OAF Requests
2. FY21 City of Hutto Outside Agency Funding Application

City of Hutto
Outside Agency Funding
Fiscal Year 2021

	Entity	FY 2020 Award	FY 2021 Requested	\$ Change 2021 vs. 2020	Council Approved Funding
1	Hutto Resource Center	68,000	46,000	(22,000)	46,000
2	Hutto Education Foundation - Building Growth	15,000	25,000	10,000	25,000
3	Hutto Education Foundation - Teacher & Faculty	-	25,000	25,000	0
4	TSTC Foundation	25,000	25,000	-	25,000
5	Hutto Young Life	-	20,000	20,000	19,000
6	Opportunities for WBC - Meals on Wheels	10,000	15,000	5,000	15,000
7	Hutto Lutheran Church - Feeding the 5000	15,000	15,000	-	15,000
8	Sandbox at Madeline's Place	16,000	12,000	(4,000)	12,000
9	A Legends Lyfe Foundation	5,000	10,000	5,000	10,000
10	Round Rock Area Serving Center	10,000	10,000	-	10,000
11	Hutto Family YMCA - Annual Campaign	10,000	10,000	-	10,000
12	Hutto Family YMCA - Senior Services	5,000	5,000	-	5,000
TOTAL		\$ 179,000.00	\$ 218,000.00	\$ 39,000.00	192,000.00

NOTE(s):

Applications submitted after the July 2, deadline - Legends Lyfe Foundation; Hutto Young Life-First time applicants since 2010



Outside Agency Funding Application FY 2020-21

Applications due no later than **5 pm on July 2, 2020.**

**Incomplete applications and/or applications submitted after the deadline
will not be considered.**

Organization: _____

Instructions:

1. Review all funding criteria and documentation requirements prior to completing the application.
2. Complete application.
3. Compile required attachments
 - a. Current Board Members (name and profession)
 - b. Board Policy
 - c. Articles of Incorporation
 - d. Financial Audit (most recent), Management Letter & Response
 - e. IRS Letter of Tax Status
 - f. IRS Form 990 (most recent)
 - g. Current Year Balance Sheet (indicate ending month)
 - h. Prior Year Balance Sheet
 - i. Volunteer Policies
 - j. Staff Organizational Chart
 - k. Organizational Evaluation Tool and/or Performance Measures
 - l. Letters of Support (Optional)

If unable to provide any of the above attachments, a narrative must be provided as to why the attachment(s) cannot be submitted.

4. Submit two (2) copies of the funding application and two sets of attachments.
 - One copy should be submitted unbound and unstapled.
 - The second copy should be an electronic version of the application and all supporting documents.

Packets will be distributed to Council Members and City staff for review. Make sure all required attachments are included.

Completed application packets should be directed to:

City of Hutto
Attention: Misti Hancock
500 W. Live Oak
Hutto, TX 78634
512-759-4059

Misti.Hancock@HuttoTX.gov

Questions regarding the application and/or application process should be directed to Misti Hancock at the email address noted above.

Organization: _____

City of Hutto Outside Agency Funding Criteria

Outside Agency Funding – The City Council may fund a number of outside agencies and organizations that provide core services for the citizens of Hutto. The amount of funding received by each agency depends upon Council direction and the availability of funds. The City Council may fund up to 1.0% of the estimated General Fund revenues during the budget process.

Funding Process - All agencies shall have a standardized process for application, review, monitoring, and reporting. All agencies are required to submit applications for funding to the City during the budget process. Applications will include the following:

- a. Information about the organization including organization's purpose, charter, board of directors, etc.
- b. Copy of organization's financial policies.
- c. Copy of prior year's tax filing demonstrating non-profit status.
- d. Copy of prior year's audit or financial review for organizations whose operating budget exceeds \$100,000 annually.
- e. Agencies will need to provide a list and description of what the funding from the prior year was used for and program measures that indicate the increased success of the program due to the funding.

Funding of non-profit agencies through public funds require enhanced guidelines for spending and operations which shall include:

- a. Funding will typically be used for specific programs, rather than for general operating costs, and demonstrates the program's sustainability beyond a three-year funding period.
- b. The City shall have the ability to review financial reports to monitor how public funds are utilized by an organization.
- c. Other items may be addressed by the City Council as specified in each organization's Outside Agency Funding Agreement.

The Williamson County Crisis Center (Hope Alliance), Williamson County Children's Advocacy Center, and the Williamson County and Cities Health District will be considered a budgeted line-item. All other outside agencies and organizations will go through the Outside Agency Funding process.

The City Council will review requests from other agencies and award based upon available funding. Applications will be evaluated on the following criteria:

- a. Number of Hutto citizens served by the organization;
- b. Type of service provided and whether other organizations in the community provide the service;
- c. Availability of other funding sources for the organization;
- d. Demonstration of ability to adhere to the guidelines outlined by this policy;
- e. The City Council prefers to allocate funding based upon the following guideline:
 - 1) Education
 - 2) Quality of Life
 - 3) Social Services
 - 4) Public Health and Safety – The City Council may provide additional funding above the designated 1.0% to support governmental organizations that provide public health and safety services to the Hutto Community. An example includes membership in the Williamson County and Cities Health District.

All funded agencies shall be required to submit quarterly reports with performance data unless otherwise specified.

Strategic Guide

Vision

Hutto, Texas is a family-friendly community that provides superior public safety, outstanding fiscal responsibility, diversified economy, and an exceptional quality of life.

Values

Responsible – We expect those acting on behalf of the organization to consistently show responsibility. Being responsible entails being trustworthy to do what is in the best interest of the community and the City organization and being accountable for our own individual actions.

Safe – We expect those acting on behalf of the organization to consistently have a high regard for the safety of all involved, including our residents, visitors, volunteers, employees, and their property. The value of safety includes actions taken to promote the safety of the public (i.e., police services, fire services, emergency medical services and the like) as well as design of our infrastructure, operational policies, and the working conditions provided to our employees. Recognizing that some elements of the work of the City of Hutto come with a level of inherent danger, our goal is to mitigate that danger to the extent reasonable.

Authentic – We expect those acting on behalf of the organization to act with authenticity. Hutto is a unique community with a particular history, culture and character, and being authentic entails being genuine in both words and deeds to both the individual character and the character of the community as a whole.

Progressive – We expect those acting on behalf of the City of Hutto to seek creative solutions to problems. Being progressive entails making use of new or different methods, opportunities, and ideas with the intention of advancing the practice or outcome farther and faster than it would under the status quo.

Strategic Focus Areas

- Public Safety
- Well Balanced & Diversified Economy
- Infrastructure & Growth
- Fiscal Responsibility
- Quality of Life & Services

Objectives

- *Generate a strategic path forward for enhancing the public safety apparatus, including police, fire and emergency medical services*
- *Create an aggressive, progressive economic development strategy for the community*
- *Create an “open for business” culture throughout the organization*
- *Maintain a positive and inspired workforce*
- *Enhance mobility within the city*
- *Implement a quality city-wide customer service program*
- *Enhance the overall governance of the community*
- *Construct and maintain infrastructure at the desired levels of service*
- *Ensure responsible fiscal stewardship through transparency and reporting*
- *Maintain an environment and quality of life that encompasses a safe, friendly, and entertaining atmosphere for all ages*

Organization: _____

City of Hutto Outside Agency Funding Application

Organization _____ Date _____
Proposal Writer _____ Title _____
Contact Person _____
Mailing Address _____
Street Address _____
Email _____ Fax _____
Contact Phone _____

Category (select one) ☐ Education ☐ Quality of Life ☐ Social Services

Funding Request Summary

Program/Agency Name: _____

Amount Requested (\$): _____

Other Funding Sources (\$):

Summary of Request (30 words or less):

Has your organization received outside funding before? How much and how was the money spent?

.....
(For Staff/Committee Review Notes)

Received by: _____ Department: _____ Date: _____

Reviewed by: _____ Department: _____ Date: _____

Review Comments: _____

Recommendation(s): _____

Organization: _____

Part One: Agency Overview

Part 1A. Mission Statement and Overview of Organization

1. Provide the Mission Statement of the Organization:

1. Provide an organizational overview and list the general goals and objectives of the organization:
(75 words or less):

Part 1B. Non-Profit Status & Board Members

1. List all members on the Board of Directors of the Agency, and indicate the member's position on the board, term, profession and City of residence (*attach Board Policy*):

2. List the provider of accounting/audit services to the organization (*attach the latest financial audit*):

3. Is the organization incorporated as a non-profit under the laws of the State of Texas? If so, please provide the date of incorporation (*attach Articles of Incorporation*):

Organization: _____

4. Is the agency tax exempt under Internal Revenue Code Section 501(c)(3)?
(attach copy of IRS status letter):

--

Part 1C. Organizational Programs

1. List all current programs the organization operates. Include a brief description of each program and list the intended benefits of each program. (List current programs only. Please do not include new program(s) reflected in the funding being requested.)

--

2. Of the total number of people you serve, what percentage are from the following residency areas:

Hutto

--

Williamson County

--

Outside Williamson County

Part 1D. Community Resources & Support

1. Describe community financial support received. Include in-kind contributions such as donated goods or services.

--

Organization: _____

2. Describe your organization's volunteer base (*number, total volunteer hours, duties performed, recruitment*):

3. Describe any collaboration with other organizations (*formal agreements, memorandum of understanding, etc.*):

--

4. List fundraising events and the outcomes for the past year.

Fundraising Event and Date

Amount Raised

--

--

--

--

--

--

--

--

Total Raised

Organization: _____

5. Describe planned events and their anticipated outcome for the next year.

<u>Fundraising Event and Date</u>	<u>Projected Revenue</u>
Total Projected Revenues	

6. Will the agency be able to continue to deliver service in the future without City funding? Describe the impact that a denial or reduction in City funding would have on the organization.

7. Is this organization the sole provider of this service in Hutto? List any entities that provide comparable services.

Organization: _____

Part Two: Funding Request

Part 2A. Funding Proposal

1. Describe how the agency proposes to use City funds. Be specific and detail how this funding will impact the citizens of Hutto. How does the funding request relate to the City's Strategic Vision?

--

Part 2B. Estimated City-Funded Expenditures for Program or Agency

1. List itemized expenditures by category for this grant request. Be specific. This information will be used to compile funding agreements for approved grants.

<u>Category</u>	<u>Amount</u>
Personnel	
Equipment	
Utilities	
Other expense categories (list):	
Total Request	

2. Is this a one-time request? ☐ Yes ☐ No

Organization: _____

3. Describe anticipated ongoing costs of this program for which funds may be requested in the future.

--

4. Is the organization requesting funds from other governmental entities, agencies, or other sources? If so, list all funding applied for and amount.

--

Organization: _____

Part 2C. Income Statement

FISCAL YEAR	
Revenue Source	Agency Actual
Income	
Fees	
Net Sales	
Contributions	
Individual	
Board	
Foundations/Trusts	
Special Events	
Organizations	
Civic	
Corporate	
Government Revenue	
City of Hutto	
Williamson County	
Federal	
State	
School district	
Other Local Sources	
Investment Income	
Other	
In-kind contributions	
Total Income	

Organization: _____

Part 2D. Expense Report

Expenses	Agency Actual
Salaries & Benefits	
Supplies	
Maintenance	
Purchased Services	
Capital Outlay	
Other	
In-kind Expenses	
Total Operating Expenses	
	<u>Surplus or (Deficit)¹</u>
Fiscal Year	Agency Actual
Income – Expenses=	

Explain Income Statement deficits

Organization: _____

Part 2E. Balance Sheet

	Current Fiscal Year _____	Prior Fiscal Year _____
<u>Current Assets</u>		
Cash & Cash Equivalents		
Investments		
Receivables		
Prepaid Expenses		
Total Current Assets		
<u>Property & Equipment</u>		
Property and Equipment		
Accumulated depreciation		
Total Property & Equipment		
<u>Other Assets</u>		
Total Assets		
<u>Current Liabilities</u>		
Accounts Payable		
Current portion of long-term debt		
Deferred Revenue		
Total Current Liabilities		

Organization: _____

Long Term Debt, less current portion

--	--	--

--	--	--

Total Liabilities

Fund Balance

Unrestricted

--	--

Temporarily restricted

--	--

Permanently restricted

--	--

Total Fund Balance

--	--

Total Liabilities & Fund Balance

--	--

("TOTAL ASSETS" must equal "TOTAL LIABILITIES & FUND BALANCE")

Part 2F.

Provide organization's most current balance sheet and indicate ending month.

Part 2G.

Provide organization's balance sheet as of the end of the prior year.

Additional Information

Certification:

I certify that all information reported in this application and attached is true, accurate and complete to the best of my belief and knowledge. I certify that I am authorized to make application on behalf of _____

(organization) and have been designated as such by the Board of Directors. I will provide written notice of any changes or additions to this information. I understand the agency may need to provide additional information during the application process and if funded. I understand a written agreement will be required between the organization and City upon award of funds.

Date:

Signature:

Title:

AGENDA ITEM REPORT



To: City Council
Subject: Consideration and possible action on awarding the reconstruction/ paving project bid located on Live Oak.(Anthony Host)
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact: Anthony Host

BACKGROUND INFORMATION:

Project was originally a complete upgrade of the infrastructure and addition of sidewalk, curb & gutter as well as a storm drain system on Live Oak from Park Street to West Street . The staff has installed 50% of the water line and some of the water services from 1660 North to West Street. Staff had to stop the work due to a reduction of staff and a pandemic.

SUMMARY OF REQUEST:

Staff recommends the acceptance of the main bid for Live Oak and have council consider the add alternate of the completion of the water line. Staff recommends the water line due to some of it needs to be complete before we do the mill and overlay of Live Oak from 1660 to West Street. Also recommend a 20% contingency amount of contract total in case we run into issues that we cannot plan for or see.

STAFF REVIEW:

Staff has reviewed the bid and contractor has met all requirements of the bid process.

FINANCIAL IMPACT:

main bid -\$172,954.95 add alt. -\$98,202.83 contingency if approved 20% - \$54,231.56 **TOTAL- \$325,389.34**

POLICY IMPLICATIONS:

N/A

ATTACHMENTS:

1. 2.0 Addendum 1 & 2
2. 2.1 Attachment A
3. 2.2 Attachment B
4. 2.3 Attachment C - Bid Sheet
5. 2.4 Bid Bond
6. 2.5 PoA

AGENDA ITEM REPORT





May 26, 2021

RE: Addendum No. 1
Request for Bid 21-02
Live Oak Mill & Overlay

Dear Offeror:

This notice shall serve as Addendum No. 1 to the aforementioned Request for Bid ("RFB") and shall for all purposes become part of the original RFB. This Addendum must be included in your Bid Submittal to the City of Hutto by the Bid submittal date.

Please note the following notifications, clarifications, questions and answers:

This is a notification that the questions and answer period has been extended an additional week from the original close date of May 21, 2021 to May 28, 2021. If you have question pertaining to RFB 21-02. Please submit them to Procurement@Huttotx.gov before 3:00 P.M. May 28, 2021 so that the answers can be posted to Bidnet.com by close of business. This RFB WILL still close at 3:00 P.M. June 2, 2021.

Addendum No. 1

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1



May 26, 2021

**RE: Addendum No. 2
Request for Bid 21-02
Live Oak Mill & Overlay**

Dear Offeror:

This notice shall serve as Addendum No. 2 to the aforementioned Request for Proposal ("RFB") and shall for all purposes become part of the original RFB. This Addendum must be included in your Proposal Submittal to the City of Hutto by the proposal submittal date.

Please note the following notifications, clarifications, questions and answers:

1. Question: Will there be a bid bond required for this project?

Answer: Yes. 5%

2. Question: Are bids required to be hand delivered or will this be submitted online and read aloud virtually?

Answer: In person.

3. Question: Do you have CAD for this job that you can provide us with?

Answer: No.

4. Question: The Waterline can be bid separately from the street work?

Answer: Yes. The waterline can be bid separately from the street work but is contingent on the street being bid.

5. Question: The COH has all pipe materials required for the project?

Answer: Yes. The COH has all materials required for the waterline.

6. Question: The portion of work to be bid for the waterline is all the pipe highlighted in orange on the plans?

Answer: Yes.

7. Question: Does the waterline contractor have to include street repair in the trench?

Answer: Yes

8. Question: Does the waterline contractor have to repair other items such as driveways, sidewalks, sod, landscaping that are disturbed by the waterline construction?

Addendum No. 2

1



Answer: Yes. Backfill holes per city standards

9. **Question:** Is there any materials required for trench backfill above the pipe embedment when the waterline is installed in the street?

Answer: Yes. Backfill to City standards.

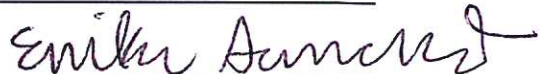
Attachment A

Execution of Bid

By submitting its bid, Bidder represents and certifies each of the following statements: (a) that it has reviewed the Terms and Conditions as contained in the sample contract, Scope of Work (if applicable), and all other documents herein; (b) that the signatory has the authority to bind the company to the formal legal offer; (c) that through its authorized personnel it has personally examined the location of the proposed work and has determined the amount and character of the proposed work and the supervision, labor, tools, material as identified, and equipment necessary to complete the same in compliance with the specification and contract documents (if applicable); (d) that prior to the submission of this bid, and prior to the award of any contract resulting from this bid, neither the Bidder, nor any of its subcontractors, nor their agents, nor employees have or will: (1) offer or give gratuities to any City of Hutto's employees or officials, (2) pay a kickback to obtain favorable treatment in connection with City's contract, (3) "buy-in" to obtain a contract with the City, (4) participate in practices which unlawfully eliminate competition or restrain trade such as collusive bidding or negotiating, follow the leader pricing, rotation of low bids, collusive price estimating, or sharing of business with other Bidders, and (5) commit bribery to obtain favorable treatment by the City; (e) that either (1) no delinquent corporate franchise taxes are owed the State of Texas under Chapter 171, Tax Code or (2) the Bidder is not subject to the corporate franchise tax in Texas; (f) that it has never been debarred or suspended from doing business with the federal government; and (g) that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization.

Company Name: Atlas Construction, Corp. Title: Corporate Secretary

Print Name: Erika Sanchez

Signature: 

Date: 6/1/21

Email Address: atlasconstructioncorp@gmail.com

Address: 316 Sunset Drive

City/State/ZIP: Granite Shoals TX 78654

Form of Business Entity (check one)

☒ (X) Texas corporation () Texas non-profit corporation () Out-of-State corporation

() Texas professional corporation

State of incorporation: _____

Check one: _____profit _____non-profit

() Texas general partnership () Texas limited partnership () Out-of-State partnership

State where partnership is legally registered: _____

() Individual doing business as _____

() Texas limited liability company

() Other (describe) _____

List the full name of each Officer of the Company:

PRESIDENT: HERIBERTO SANCHEZ

VICE PRESIDENT: JUANA SANCHEZ

SECRETARY: ERIKA SANCHEZ

TREASURER: JUANA SANCHEZ

Who is legally authorized to sign and execute contracts? HERIBERTO SANCHEZ, JUANA SANCHEZ & ERIKA SANCHEZ

Who, if anyone, is required to witness contract signatures? NA

Attachment B

Prevailing Wage Rates Information

Texas Government Code, Chapter 2258.021 Right to be Paid Prevailing Wage Rates

- A. A worker employed on a public work by or on behalf of the State or a political subdivision of the State shall be paid:
 - 1. Not less than the general prevailing wage rate of per diem wages for work of a similar character in the locality in which the work is performed; and
 - 2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.
- B. Subsection (a) does not apply to maintenance work.
- C. A worker is employed on a public work for the purposes of this section if a Contractor or Subcontractor in the execution of this contract for the public work with the State, a political subdivision of the State or any officer or public body of the State or a political subdivision of the State, employs the worker.

Texas Government Code 2258.023 Prevailing Wage Rates to be Paid by Contractor and Subcontractor

A. Compliance with the Law:

The Contractor and Subcontractors shall comply with all applicable federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Contract, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations effective at the time of this Contract. When required, the Contractor and Subcontractors shall furnish the City with satisfactory proof of compliance.

B. Prevailing Wage Requirements:

- 1. **General:** Contractor agrees under this Contract to comply with Texas Government Code Chapter 2258 and to pay (and ensure Subcontractors pay) prevailing wage rates to any workers and laborers used in connection with the services stipulated under this Contract. This includes paying at least the applicable prevailing wage rates for public work activities performed under this Contract, complying with overtime and working hour requirements, complying with apprenticeship obligations, and complying with payroll record keeping requirements or other obligations as required by law. Contractor and Subcontractors agree to use the wage rates as determined by the locality in which the work is being performed.

Chapter 2258.023

- A. The Contractor who is awarded a contract by a public body, or a Subcontractor of the Contractor, shall pay not less than the rates determined under Section 2258.022 to a worker employed by it in the execution of the contract.
- B. A Contractor or Subcontractor who violates this section shall pay to the State or a political subdivision of the State on whose behalf the contract is made, \$60 for each worker employed for each calendar day that the worker is paid less than the wage rates stipulated in the contract. A public body awarding a contract shall specify this penalty in the contract.
- C. A Contractor or Subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates, and specify the rates as provided by section 2258.022.
- D. The public body shall use any money collected under this section to offset the costs incurred

in the administration of this chapter.

- E. A municipality is entitled to collect a penalty under this section only if the municipality has a population of more than 10,000.

Applicable Wage Rates: The City of Hutto currently uses Williamson County rates as determined by the Department of Labor found at beta.sam.gov. Such wage rates shall be used throughout the duration of the Contract.

Construction Types:

Heavy (Sewer, Water Treating Plant and Sewer/ Incidental to Highway)-
beta.sam.gov/wage-determination/TX20210023

Heavy and Highway – beta.sam.gov/wage-determination/TX20210007

Building–beta.sam.gov/wage-determination/TX20210275

2. **Classification Not Provided:** If a classification is to be used, which is not listed in the above wage rates, Contractor shall submit to the City rates and classifications proposed for use, **prior** to performance of work.
3. **Payment of Wages:** All laborers and mechanic performing work for this Contract shall be paid unconditionally and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act, Title 29 CFR, Part 3, as applicable) full wages accrued and when due, computed at rates not less than wage rates bound herein pertaining to type of work being performed.
4. **Multiple Work Types:** When work is of such a nature that both Building and Heavy and Highway wage scales are incorporated into the Contract, Contractor shall pay wage rates to mechanics or laborers performing work in more than one classification at the rate indicated for each classification for time actually worked as determined by area practice applicable to type (Site Construction Crafts or Building Construction Crafts) of work being performed without regards to skill.
5. **Salaried Specialists:** Salaried specialists (contract superintendent and administrative personnel only) in permanent employment of Contractor do not fall under any Wage Classification. A supervisor/foreman who is not exempt under 29 CFR Part 541 and who spends more than a substantial amount of time (20%) in a given workweek as a laborer or mechanic must be paid the applicable Wage Rate for the classification of work performed for all hours engaged in such work as a laborer or mechanic.
6. **Posting of Wage Rates:** Wage rates shall be posted by Contractor in easily accessible and conspicuous places, where it can be seen and understood by all workers.
7. **Overtime:** No Contractor or Subcontractor contracting for any part of this Contract work, which may require or involve the employment of laborers or mechanics, shall require or permit any laborer or mechanic in any workweek in which he is employed on such work, to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic pay rate of pay for all hours in excess of forty hours in such workweek. Overtime wages must be calculated using the Adjusted Wage Rate specified in the Wage Rate Determination or actual basic rate of pay, whichever is higher.
8. **Paying above Prevailing Wage Rates:** Chapter 2258 does not prohibit Contractors or

Subcontractors from paying at rates that exceed the prevailing wage rates.

9. **Apprentices:** For locally and federally funded contracts, the terms "journeyman" and "apprentice" apply to both union and independent workers, and are not intended to imply that these positions are union workers only. Apprentices and Trainees will be permitted to work as such only when they are registered, individually, under a bona fide Apprenticeship or Trainee program listed with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of Apprentices or Trainees to journeyman in any craft classification shall not be greater than the ratio permitted to Contractor as stated in the registered Apprenticeship program standards. Any employee listed on a payroll at an Apprentice or Trainee wage rate, who is not registered as above, shall be paid the wage rate provided in the Contract for work employee actually performed. Contractor or Subcontractor shall furnish to the City written evidence of registration of his program for Apprentices and Trainees as well as of the appropriate ratios and wage rates, for the area of construction **prior** to using any Apprentices or Trainees in this Contract.
10. **Electronic Access:** Contractor and Subcontractors further agree to make payroll records electronically available during reasonable business hours so that the City may ensure prevailing wages are being paid in connection to this Contract. If physical copies of records are requested by the City, Contractor shall provide such documents within (2) working days. Payrolls relating to this work shall be maintained during the term of this Contract and for a period of three (3) years thereafter by Contractor for all laborers and mechanics performing work under this Contract.
11. **Duty to Hear Complaints and Withhold Payment:** Upon notice of a violation of Chapter 2258, the City shall conduct an investigation to determine whether there is good cause to believe that a violation of Chapter 2258 has occurred.

2258.051 Duty of Public Body to Hear Complaints and Withhold Payment

A public body awarding a contract, and an agent or officer of the public body shall:

- A. Take cognizance of complaints of all violations of this Chapter committed in the execution of the contract; and
 - B. Withhold money forfeited or required to be withheld under this Chapter from the payments to the Contractor under the contract, except that the public body may not withhold money from other than the final payment without determination by the public body that there is good cause to believe that the Contractor has violated this Chapter.
12. **Failure to Pay Prevailing Wage Rates; Penalties:** By signing a contract with the City, Contractor and Subcontractors understand and agree that failure to pay workers and laborers may result in criminal and civil penalties, the payment to the City of a sixty dollar (\$60.00) fine for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates required under law, and/or the City withholding payment of entire compensation amounts under the Contract for the time the City determines whether a violation of Chapter 2258 has occurred. Contractor and Subcontractors understand that any fees collected by the City may be used to offset any costs associated with the administration of Chapter 2258. The City may also withhold or cause to be withheld from Contractor as much of the accrued payments as necessary to pay laborers and mechanics employed by Contractor or Subcontractors the amount of wages required to comply with the Contract.

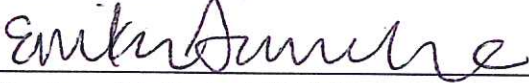
Certification of Compliance with Wage Payment Statutes

The bidder hereby certifies that, within the three-year period immediately preceding this bid solicitation dated [DATE], the bidder is not willfully or has not willfully and/or knowingly violated any provision of 40 U.S.C. Section 3141(2) (the Davis-Bacon Act) or Government Code 2258, as applicable, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

ATLAS CONSTRUCTION, CORP

Bidder's Business Name



Signature of Authorized Official*

ERIKA SANCHEZ

Printed Name

CORPORATE SECRETARY

Title

6/1/21

Date

GRANITE SHOALS

City

TEXAS

State

Check One:

Sole Proprietorship ☐ Partnership ☐ Joint Venture ☒ Corporation ☐

State of Incorporation, or if not a corporation, State where business entity was formed:

TEXAS

If a co-partnership, give firm name under which business is transacted:

* If a corporation, proposal must be executed in the corporate name by the president or vice president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner.

Attachment C
RFB PRICE BID SHEET

Bid Item	Spec Item	Description	Unit	Estimated Quantity	Unit Bid Price in Dollars and Words	Amount Bid	Notes
1	351	Flexible Pavement Structure Repair (*See Note Below) ¹	SY	4900	26.23	128,527	
2	502	Furnish, install and maintain traffic control plan and traffic control devices in accordance to TMUTCD latest version	LS	1	3740.65	3740.65	
3	500	Mobilization	LS	1	7893.01	7893.01	
4	401	As needed Patch Areas: Replace Base Failure with Flowable Fill	CY	1	160.43	160.43	
5	340	As needed Patch Areas: HMAC Surface Treatment Type C	SY	1	52.21	52.21	
6	SD-04	Remove & Replace Residential Driveway	LS	1	6124.38	6124.38	
7	SD-04	Remove & Replace Concrete Curb	LF	500	38.64	19320	
8	SD-06	Remove & Replace Sidewalk	LF	450	12.53	5638.50	
9	668	Type C Pavement Markings Stop Bar	EA	6	240.17	1441.02	
10	672	Raised Pavement Markers Class B, type II Blue-Blue	EA	3	19.25	57.75	

TOTAL BASE PROPOSAL (ITEMS 1-10): 172,954.95

¹ Note Clarification: Item 1 is bid to include 3" Depth Milling for the entire street to remove existing asphalt and repaving with 3" of Hot Mix Asphalt (3" "Type C")

CITY OF HUTTO
2021 LIVE OAK WATER LINE ADD ALTERNATE BID
PROPOSAL FORM

Bid Item	Spec Item	Description	Unit	Estimated Quantity	Unit Bid Price in Dollars and Words	Amount Bid	Notes
1		Relocate & reconnect 1-inch water service line per city standard details. *(SEE BELOW) ²	EA	16	1015.32	16245.12	
2		Install NEW 1-inch water service line per city standard details.	EA	1	1015.32	1015.32	
3		Install 8-inch PVC C900 DR14 waterline per city standard specifications	LF	1400	24.64	34496	
4		Install 8-inch gate valve per city standard specifications	EA	8	694.83	5558.64	
5		Install 6-inch ductile iron CL 350 (fire hydrant lead)	LF	30	22.06	661.80	
6		Install standard new City of Hutto fire hydrant including 6" gate valve per city standard specifications	EA	1	2283.99	2283.99	
7		Install 6" restrained plug on exist waterline to be abandon in this project.	EA	4	801.57	3206.28	
8		Install 2" restrained plug on existing waterline to be abandon in this project.	EA	2	534.38	1068.76	
9		Furnish, install, maintain and remove filter fabric fence per specifications, complete in place	LF	1400	2.67	3738	

Bid Item	Spec Item	Description	Unit	Estimated Quantity	Unit Bid Price in Dollars and Words	Amount Bid	Notes
10		Furnish, install and maintain traffic control plan and traffic control devices in accordance to TMUTCD latest version	EA	1	3740.65	3740.65	
11		Cleaning, flushing, disinfection and pressure testing waterlines including installation and removal of temporary flushing valves and piping;	LS	1	3208.61	3208.61	
12		Mobilization	LS	1	21375.12	21375.12	
13		Pollution prevention implementation including SWPPP, maintenance, permitting, inspections and reporting for all pollution prevention measures	LS	1	1604.54	1604.54	

² Note Clarification: The City of Hutto has already purchased all pipe and fittings for the project. Contractor will need to provide all bedding material. Staging area will be provided

STATEMENT OF SEPARATE CHARGES:	BASE BID: 172,954.95 - ADD ALTERNATE: 98,202.83 0 *TOTAL: 271,157.78 -
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*Note: This total must be the same amount as shown above for "Total Base Proposal."



Philadelphia Indemnity Insurance Company
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004

BID BOND

KNOW ALL PERSONS BY THESE PRESENTS,

That we, Atlas Construction, Corp. Principal,
and **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, a corporation authorized to
transact a general surety business in the State of Texas, as Surety, are held an firmly bound
unto City of Hutto, 500 W. Live Oak St., Hutto, TX 78634

(hereinafter called the Obligee) in the full and just sum of Five-Percent of Greatest Amount Bid
(\$ 5% GAB) for the payment whereof in
lawful money of the United States, we bind ourselves, our heirs, administrators, executors,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said PRINCIPAL has submitted the accompanying bid for:

Live Oak Street Mill and Overlay with Water Line Improvement

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal
shall enter into a Contract with the Obligee in accordance with the terms of such bid, or in
the event of the failure of the Principal to enter such Contract, if the Principal shall pay to
the Obligee the difference not to exceed the penalty hereof between the amount specified in
said bid and such larger amount for which the Obligee may in good faith contract with
another party to perform the Work covered by said bid, then this obligation shall be null and
void, otherwise to remain in full force and effect.

Signed and Sealed this 2nd day of June, 2021.

Atlas Construction, Corp.

Heriberto Sanchez
Principal (Seal)

PHILADELPHIA INDEMNITY INSURANCE COMPANY

Kenneth Nitsche
Kenneth Nitsche

Attorney-In-Fact (Seal)

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Robert James Nitsche, Craig Parker, Kenneth Nitsche, Nina Smith, Gary Nitsche, Robert Nitsche, Randy Croix and/or David Ferguson of The Nitsche Group**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **PHILADELPHIA INDEMNITY INSURANCE COMPANY** on the 14th of November, 2016.

RESOLVED:

That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER
RESOLVED:**

That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, **PHILADELPHIA INDEMNITY INSURANCE COMPANY** HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27TH DAY OF OCTOBER, 2017.

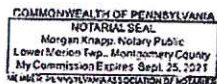
(Seal)



Robert D. O'Leary Jr.

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

Morgan Knapp

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of **PHILADELPHIA INDEMNITY INSURANCE COMPANY**,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 2nd day of June, 20 21.



Edward Sayago

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

STATUTORY DURABLE POWER OF ATTORNEY

ATLAS CONSTRUCTION CORPORATION
Texas Secretary of State (SOS) File No. 0801171433

appointing

Erika Sanchez
“Contracting Agent”

This POA is *Immediately Effective* for contract purposes.

(Financial Matters)

NOTICE: POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, §752 ET. SEQ. ESTATES CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT IS INTENDED FOR CORPORATE FINANCIAL PURPOSES ONLY. IT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS. CORPORATE DIRECTORS/SHAREHOLDERS MAY REVOKE THIS POWER OF ATTORNEY ANY TIME IN WRITING.

You should select someone you trust to serve as your Agent (Attorney-in-Fact). Unless you specify otherwise, generally the Agent's (Attorney-in-Fact's) authority will continue until:

- (1) you die (the entity terminates) or revokes the Power-of-Attorney;
- (2) your Agent (Attorney-in-Fact) resigns or is unable to act for you; or
- (3) a Guardian (or Trustee) is appointed for your estate (to manage the entity).

I.

APPOINTMENT OF ATTORNEY-IN-FACT

I, HERIBERTO SANCHEZ, DOB 09/05/68, Last Three SSN 201, PRESIDENT/DIRECTOR, ATLAS CONSTRUCTION CORPORATION, 316 Sunset Drive, Granite Shoals, Texas USA 78654 (Burnet County), acting under governance of a Corporate Resolution, appoint, **ERIKA SANCHEZ**, DOB 06/25/90, Last Three SSN 915, SECRETARY/CONTRACTING AGENT, ATLAS CONSTRUCTION CORPORATION, 316 Sunset Drive, Granite Shoals, Texas USA 78654 (Burnet), as a

Page 1 of 6

"Contracting Agent" aka *"Agent"* or (*"Attorney-in-Fact"*) to act for me and/or the corporation in any lawful way with respect to all of the following powers that I have initialed below.

1. **TO GRANT ALL OF THE FOLLOWING POWERS**, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS LISTED IN (A) THROUGH (M).

2. **TO GRANT A POWER**, YOU MUST INITIAL THE LINE IN FRONT OF THE POWER YOU ARE GRANTING.

3. **TO WITHHOLD A POWER**, DO NOT INITIAL THE LINE IN FRONT OF THE POWER. YOU MAY, BUT DO NOT NEED TO, CROSS OUT EACH POWER WITHHELD.

_____ (A) Real property transactions;

_____ (B) Tangible personal property transactions;

_____ (C) Stock and bond transactions;

_____ (D) Commodity and option transactions;

_____ (E) Banking and other financial institution transactions;

_____ (F) Business operating transactions;

_____ (G) Insurance and annuity transactions;

_____ (H) Estate, trust, and other beneficiary transactions;

_____ (I) Claims and litigation;

_____ (J) Personal and family maintenance;

_____ (K) Benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;

_____ (L) Retirement plan transactions;

_____ (M) Tax matters;

HS (N) ALL OF THE POWERS LISTED IN (A) THROUGH (M). YOU DO NOT HAVE TO INITIAL THE LINE IN FRONT OF ANY OTHER POWER IF YOU INITIAL LINE (N).

N/A = Not Applicable

II.
SPECIAL INSTRUCTIONS (SPINS)

NO GIFTS. THE CORPORATION, BY THIS POWER OF ATTORNEY, DOES NOT AUTHORIZE GIFTING BY THE APPOINTED AGENT. ALL FINANCIAL TRANSACTIONS MUST BE MADE BY THE AGENT IN THE BEST INTERESTS OF THE CORPORATION.

ADDITIONAL INSTRUCTIONS. ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

THE AGENT IS AUTHORIZED TO TAKE ANY ACTION SUBSCRIBED IN THIS POWER OF ATTORNEY SO LONG AS IT IS IN THE BEST INTERESTS OF THE CORPORATION. THIS APPOINTMENT IS AUTHORIZED BY CORPORATE RESOLUTION AND SHALL HAVE THE SAME VALIDITY, FORCE, AND EFFECT AS IF TAKEN OR ADOPTED BY THE DIRECTOR ON BEHALF OF THE CORPORATION.

III.
LIMITATIONS

THIS STATUTORY DURABLE POWER OF ATTORNEY IS TO BE IMMEDIATELY EFFECTIVE AND INCORPORATED INTO THE COMPANY RECORDS UNTIL SUCH A TIME AS IT IS REVOKED IN WRITING. THE EXTENT OF POWERS IS LIMITED ONLY BY THE DIRECTOR'S SELECTION OF PROVISIONS IN SECTION I. THIS POWER OF ATTORNEY IS TO BE READ IN CONJUNCTION WITH THE TERMS AND PROVISIONS OF THE TEXAS STATUTE.

THE AGENT MAY CONTRACT WITH ANY THIRD PARTY WHO RECEIVES A COPY OF THIS DOCUMENT AND VERIFIES THE AGENT'S IDENTITY. REVOCATION OF THE STATUTORY DURABLE POWER OF ATTORNEY IS NOT EFFECTIVE AS TO A THIRD PARTY UNTIL THE THIRD PARTY RECEIVES ACTUAL NOTICE OF THE REVOCATION. THE CORPORATION AGREES TO INDEMNIFY AND HOLD HARMLESS THE THIRD PARTY FOR ANY CLAIMS THAT ARISE AGAINST THE THIRD PARTY BECAUSE OF RELIANCE ON THIS POWER OF ATTORNEY.

THE IDENTITY OF THE AGENT MUST BE VERIFIED BY A THIRD-PARTY CUSTOMER, CONTRACTOR, OR INDIVIDUAL PRIOR TO BINDING THE CORPORATION TO ANY CONTRACT OR ACT ON ITS BEHALF.

IV.
ALTERNATE APPOINTMENTS

If any Agent named by me dies, becomes legally disabled, resigns, or refuses to act or qualify, resigns or otherwise becomes unable to serve as my Attorney-in-Fact, I then appoint my *Juana Sanchez*, DOB 2/13/69, Last Three SSN 102, VICE PRESIDENT,

Page 3 of 6

316 Sunset Drive, Granite Shoals, Texas USA 78654 (Burnet County), as the First Successor Attorney-in-Fact, who, by corporate resolution and position in the corporation is already empowered to take action on contractual matters, but by this document is made clear that she can act to complete, revoke, amend, or otherwise conclude any open financial matters conducted by the Agent so long as the action taken is in the best interests of the corporation.

V.
OATH & EXECUTION

OATH: I certify that I am of sound mind and competence and that I intend this to be a viable legal instrument made for ATLAS CONSTRUCTION CORPORATION designating a Contracting Agent as Attorney-in-Fact and Alternate(s) by my signature this 7 day of October year 2019 at Burnet County, Texas USA.

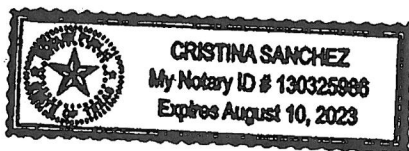
I REVOKE ANY PRIOR STATUTORY DURABLE POWER OF ATTORNEY GRANTED BY ME.

FOR ATLAS CONSTRUCTION CORPORATION
SECRETARY OF STATE FILE #0801171433

Heriberto Sanchez
HERIBERTO SANCHEZ, Principal
President/Director/Shareholder

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

SUBSCRIBED & SWORN before me by the Principal **Jane Doe**, signed on 7 day of October month 2019 year and properly evidenced and identified by Texas Jane Doeivers License.



Cristina Sanchez
NOTARY PUBLIC, State of Texas
My Commission Expires:

VI.
IMPORTANT INFORMATION FOR AGENT (ATTORNEY IN FACT)

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

Agent's Duties

When you accept the authority granted under this power of attorney, you establish a "fiduciary" relationship with the principal. This is a special legal relationship that imposes on you legal duties that continue until you resign or the power of attorney is terminated or revoked by the principal or by operation of law. A fiduciary duty generally includes the duty to:

- (1) act in good faith;
 - (2) do nothing beyond the authority granted in this power of attorney;
 - (3) act loyally for the principal's benefit;
 - (4) avoid conflicts that would impair your ability to act in the principal's best interest;
- and

(5) disclose your identity as an agent or attorney in fact when you act for the principal by writing or printing the name of the principal and signing your own name as "agent" or "attorney in fact" in the following manner:

(Principal's Name) by (Your Signature) as Agent (or as Attorney in Fact)

In addition, the Durable Power of Attorney Act (Subtitle P, Title 2, Estates Code) requires you to:

- (1) maintain records of each action taken or decision made on behalf of the principal;
- (2) maintain all records until delivered to the principal, released by the principal, or discharged by a court; and
- (3) if requested by the principal, provide an accounting to the principal that, unless otherwise directed by the principal or otherwise provided in the Special Instructions, must include:
 - (A) the property belonging to the principal that has come to your knowledge or into your possession;
 - (B) each action taken or decision made by you as agent or attorney in fact;

(C) a complete account of receipts, disbursements, and other actions of you as agent or attorney in fact that includes the source and nature of each receipt, disbursement, or action, with receipts of principal and income shown separately;

(D) a listing of all property over which you have exercised control that includes an adequate description of each asset and the asset's current value, if known to you;

(E) the cash balance on hand and the name and location of the depository at which the cash balance is kept;

(F) each known liability;

(G) any other information and facts known to you as necessary for a full and definite understanding of the exact condition of the property belonging to the principal; and

(H) all documentation regarding the principal's property.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. An event that terminates this power of attorney or your authority to act under this power of attorney includes:

(1) the principal's death;

(2) the principal's revocation of this power of attorney or your authority;

(3) the occurrence of a termination event stated in this power of attorney;

(4) if you are married to the principal, the dissolution of your marriage by court decree of divorce or annulment;

(5) the appointment and qualification of a permanent guardian of the principal's estate; or

(6) if ordered by a court, the suspension of this power of attorney on the appointment and qualification of a temporary guardian until the date the term of the temporary guardian expires.

Liability of Agent

The authority granted to you under this power of attorney is specified in the Durable Power of Attorney Act (§752 et. seq.). If you violate the Durable Power of Attorney Act or act beyond the authority granted, you may be liable for any damages caused by the violation or subject to prosecution for misapplication of property by a fiduciary under Chapter 32 of the Texas Penal Code.

AGENDA ITEM REPORT



To: City Council
Subject: Discussion and possible action on Council Liaison duties. (Councilmember Villarreal Salvo)
Meeting: Thursday, June 17, 2021
Department: City Secretary
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

None

BOARDS AND COMMISSIONS MASTER LIST as of 6/14/21					
			Term Ends		
Council Member Place 1		Robin Sutton	May-23		
Council Member Place 2		Dan Thornton	May-24		
Council Member Place 3		Mandi Villarreal Salvo	May-22		
Council Member Place 4		Peter Gordon	May-23		
Council Member Place 5		Krystal Kinsey	May-24		
Council Member Place 6		Tanner Rose	May-22		
Mayor		Mike Snyder	May-22		
Planning & Zoning Commission					
Meets: 1st Tuesday @ 7:00 p.m. of each month in City Council Chambers					
2 year terms per Charter					
Staff Liasion: Ashley Lumpkin					
Council Liasion: Peter Gordon					
				Appointed	Term Ends
Place 1	Rick	Hudson	Vice-Chair	6/18/20	6/30/22
Place 2	Randal	Clark	Commissioner	6/18/20	6/30/22
Place 3	Brian	Lee	Commissioner	6/10/21	6/30/22
Place 4	Tony	Wertz	Chair	7/3/19	6/30/21
Place 5	Jerica	Lawyer	Commissioner	7/2/20	6/30/22
Place 6	James	Weaver	Commissioner	8/20/20	6/30/21
Place 7	Susanna	Boyer	Commissioner	6/3/21	6/30/22
After June 30, 2021, the Commissioners for Place 6 and Place 7 (Mayor) shall be appointed to a one-year term, and the Commissioner for Place 4 shall be appointed to a two-year term. After June 30, 2022, the Commissioner for Place 1 shall be appointed to a one-year term, the Commissioners for Place 2 and Place 5 shall be appointed to two-year terms, and the Commissioners for Place 3, Place 6, and Place 7 (Mayor) shall be appointed to three-year terms.					
Parks Advisory Board					
Meets: 2nd Wednesday @ 7:00 p.m. of each month in City Council Chambers					
3 year terms					
Staff Liasion: Tony Host					
Council Liasion:					
				Appointed	Term Ends
Place 1	Katie	Weiss	Vice Chair	9/30/18	6/20/21
*Place 2	Wendel	Teltow	Member	1/23/20	6/30/24
*Place 3	David	Meyer	Member	9/17/20	6/30/22
*Place 4	Vacant		Member	7/2/20	6/30/23
*Place 5	Christina	Bastos	Member	11/15/20	6/30/21
Place 6	Rose	McMillin	Member	6/20/19	6/30/22
Place 7	Perry	Savard	Chair	6/20/19	6/30/22
* Filled unexpired term					

Library Advisory Board					
Meets: Quarterly @ 6:00 p.m. in City Council Chambers					
3 year terms					
Staff Liasion: Kristi Robich					
Council Liasion: Tanner Rose					
				Appointed	Term Ends
Place 1	Christina	Garza	Member	5/16/19	6/30/23
Place 2	Dwight	Baker	Chair	9/20/18	6/30/21
Place 3	Tara	Chappell	Vice Chair	7/3/19	6/30/22
Place 4	Scott	Rose	Member	9/17/20	6/30/23
**Place 5	Havala	Merit	Member	5/16/19	6/30/21
Place 6	David	Westbrook	Member	11/7/19	6/30/22
*Place 7	Brian	Thompson	Member	2/27/20	6/30/22
*Filled unexpired term	** Reappt Application in folder.				
Zoning Board of Adjustment					
Meets: 4th Weds @ 7:00 p.m. of each month in City Council Chambers					
2 year terms per LGC Sect. 211.008(b)					
Staff Liasion: Ashby Grundman					
Council Liasion:					
				Appointed	Term Ends
Place 1	John	Marines	Member	6/3/21	6/30/22
Place 2	Brian	Lee	Member	6/7/21	6/30/24
Place 3	David	Meyer	Member	7/3/19	6/30/22
Place 4	Wendell	Teltow	Member	5/20/21	6/30/23
Place 5	Vacant		Member		6/30/21
Place 6	Maureen	Rooker	Member	6/20/19	6/30/22
Place 7	Randal	Clark	Member	9/19/19	6/30/22
Historic Preservation Commission					
Meets: 4th Tuesday @ 6:30 p.m. of each month in City Council Chambers					
3 year terms					
Staff Liasion:					
Council Liasion: Tanner Rose					
				Appointed	Term Ends
Place 1	DeAnne	Worley	Commissioner	7/3/19	6/30/23
Place 2	Jon	Stephenson	Commissioner	5/20/21	6/30/24
Place 3	Curtis	Orton	Commissioner	9/20/18	6/30/22
Place 4	Robert	Lykins	Commissioner	5/20/21	6/30/23
Place 5	Vacant		Commissioner		6/30/21
Place 6	Travis	Allen	Commissioner	6/20/19	6/30/22
Place 7	Vacant		Commissioner		

Building and Standards Commission					
Meets: As Needed in City Council Chambers (at least once a year)					
2 year terms per LGC Sect. 54.033					
Staff Liasion: Ashley Lumpkin					
Council Liasion: None					
				Appointed	Term Ends
*Place 1	Troy Manella	Commissioner	1/3/19	6/30/21	
Place 2	Vacant	Commissioner	9/20/18	6/30/21	
Pending Registration	Place 3 Kendrick	Whittington	Commissioner	8/2/18	6/30/22
	Place 4	Vacant	Commissioner	6/20/19	6/30/23
	Place 5	Tom Brown	Commissioner	9/20/18	6/30/21
	Place 6	Maureen Rooker	Commissioner	6/20/19	6/30/22
	Place 7	Richard Hudson	Commissioner	6/20/19	6/30/22
* Filled unexpired term					
Ethics Review Commission					
Meets: As needed in City Council Chambers (at least once a year)					
3 year terms					
Staff Liasion: City Secretary					
Council Liasion: None					
				Appointed	Term Ends
* Place 1	Jane Wrinkle	Member	2/4/21	6/30/23	
** Place 2	Lori Brown-Duncan	Vice Chair	9/20/18	6/30/21	
Place 3	Bill Kohl	Member	7/11/19	6/30/22	
Place 4	Christina Garza	Member	12/17/20	6/30/23	
*Place 5	Abel Landin	Member	9/19/19	6/30/21	
Place 6	April Willis	Member	8/15/19	6/30/22	
Place 7	Krystal Kinsey	Member	11/21/19	6/30/22	
*Filled unexpired term	** Reappt Application in folder.				
Economic Development Corporation					
Meets: 1st Monday at 6:30 p.m. of each month in City Council Chambers					
Staff Liasion: Stacy Schmitt					
Council Liasion: Mike Snyder					
				Appointed	Term Ends
Place 1	Marqueta Grant	Member	2/25/21	6/30/21	
Place 2	Mike Arismendez	Chair	6/3/21	6/30/23	
Place 3	Shawn Lucas	Member	6/10/21	6/30/23	
Place 4	Don Carlson	Vice Chair	7/3/19	6/30/21	
Place 5	Vacant		5/20/21	6/30/21	
Place 6	Victor Henry	Member	5/6/21	6/30/21	
Place 7	Mike Snyder	Member	5/20/21	6/30/21	

Communications/Technology Task Force					
Meets once a month.					
1 year term- appts in Feb.					
Council Liasion: Peter Gordon					
				Appointed	Term Ends
Place 1	Jane	Wrinkle	Member	2/4/21	2/3/22
Place 2	Vacant				2/4/22
Place 3	Vacant		Member		2/3/22
Place 4	Andrew	Ingrassia	Member	6/10/21	2/1/22
Place 5	Vacant				
Place 6	Jerica	Lawyer	Member	2/6/20	2/6/21
Place 7	Dana	Wilcott	Member	8/27/20	2/1/21
ADA/Electronic and Information Resource Task Force					
Meets once a month					
1 year term-Appts in Feb					
Council Liasion: Dan Thornton					
				Appointed	Term Ends
Place 1	Jane	Wrinkle	Member	2/4/21	2/4/22
Place 2	Laurie	Stockman	Member	2/25/21	2/4/22
Place 3	Vacant		Member		
Place 4	Vacant		Member		2/6/22
Place 5	Vacant		Member		
Place 6	Vacant		Member		
Place 7	Vacant		Member		
Diversity and Inclusion Commission					
Meets monthly					
3 yr terms					
Council Liasion:				Appointed	Term Ends
Place 1	Ana	Gonzales	Member	11/19/21	6/30/24
Place 2	Tara	Spoons	Member	9/17/20	6/30/23
Place 3	Vanessa	Henry	Member	11/5/20	6/30/24
Place 4	Brian	Thompson	Member	8/27/20	6/30/23
Place 5	Onnesha	Williams	Member	8/20/20	6/30/23
Place 6	Beatriz	Rodriguez	Member	11/5/20	6/30/24
Place 7	Nakeenya	Wilson	Member	11/19/20	6/30/24
Tax Increment Reinvestment Zone (TIRZ) #1					
3 appts from City					
2 appts from County *+					
2 yr terms				Appointed	Term Ends
	Russ	Boles	Member	2/14/20	2/14/22
*+	Scott	Heselmeyer	Member	3/2/21	3/2/23
	VACANT		Chair		2/1/22
	Rick Hudson		Member	2/10/20	2/10/22
	Mandi Villarreal Salvo		Member	4/1/21	2/1/22
Emergency Preparedness Task Force					
Meets _____					
3 year terms					
Council Liasion:				Appointed	Term Ends
Place 1	Vacant		Member		6/30/23
Place 2	Vacant		Member		6/30/23
Place 3	Vacant		Member		6/30/23
Place 4	Thomas	Quoma	Member	6/3/21	6/30/24
Place 5	Vacant		Member		6/30/24
Place 6	Vacant		Member		6/30/24
Place 7	Vacant		Member		6/30/24