



City of Hutto

Agenda

City Council Meeting

Thursday, April 2, 2020 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 www.huttotx.gov.

Page

1. CALL SESSION TO ORDER
2. ROLL CALL
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governance 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.

6. PROCLAMATIONS

7. PUBLIC COMMENT

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

[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.]

8. CITY MANAGER COMMENTS

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and approval for the February 06, 2020 Regular City Council Meeting minutes. 6 - 17

[Regular City Council - 06 Feb 2020 - Minutes](#)

- 9.2. Consideration and approval for the February 27, 2020 Regular City Council Meeting minutes. 18 - 22

[Special Called City Council Meeting -27- Feb 2020 - Minutes](#)

- 9.3. Consideration and possible action on a resolution consenting to the use of the power of eminent domain by Williamson County within the jurisdiction of Hutto for the Southeast Loop construction project. (Samuel Ray) 23 - 28

[Agenda Item Report - AIR-20-141 - Pdf](#)

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on the reading of an ordinance approving the annexation of the Sports and Health District properties, 42.5987 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on Mager Lane and CR 132. (Ashley Lumpkin) 29 - 38

[Agenda Item Report - AIR-20-119 - Pdf](#)

- 10.2. Consideration and possible action regarding the Request for Qualifications (RFQ) submissions from Certified Public Accounting (CPA) firms to perform forensic audit services related to the City's 2019 Fiscal Year. (Michel Sorrell) 39

[Agenda Item Report - AIR-20-146 - Pdf](#)

- 10.3. Consideration and possible action on the second and final reading of an ordinance to provide a residence homestead exemption for disabled persons. (Michel Sorrell) 40 - 44

[Agenda Item Report - AIR-20-143 - Pdf](#)

- 10.4. Consideration and possible action on the second and final reading of an ordinance establishing an ad valorem tax ceiling for residential homestead property owners who are 65 or older. (Michel Sorrell) 45 - 50

[Agenda Item Report - AIR-20-142 - Pdf](#)

11. RESOLUTIONS

- 11.1. Consideration and possible action on an ordinance to suspend the effective date proposed by Atmos Energy Corporation – Mid-Tex Division, to increase rates under the gas reliability infrastructure program for 45 days, and authorize the City's continued participation in a coalition of cities known as the "Atmos Texas Municipalities". (Michel Sorrell) 51 - 56

[Agenda Item Report - AIR-20-147 - Pdf](#)

12. OTHER BUSINESS

13. 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].

- 13.1. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551 .071 (1) involving the Declarations of Local, State and National Disaster, Emergency Orders, and related regulatory issues concerning COVID19 and as related to City of Hutto municipal operations.
- 13.2. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071(1) about pending litigation, to wit: *Brushy Creek, Ltd. V. City of Hutto*, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas).
- 13.3. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (2) about legal issues relating to current and former development agreements; including, without limitation, a certain Master Development Agreement dated September 20, 2019, between the City of Hutto and Legacy Hutto, LLC and a certain Multi-Party Development Agreement dated October 1, 2019, by and among the City of Hutto, Perfect Game Incorporated, Legacy Hutto, LLC, and Sports Facilities Development, LLC, both agreements relating to the development of a public sports and mixed-use district consisting of approximately 242 acres within the City.
- 13.4. Receive legal advice from the City Attorney on pending legal matters, Council legal requests and potential litigation.
- 13.5. Receive legal advice from the City Attorney on any posted agenda item.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. Discuss and consider the Declarations of Local, State and National Disaster, Emergency Orders, and related regulatory issues concerning COVID-19 and as related to City of Hutto municipal operations.
- 14.2. Discuss and consider current status of pending litigation concerning Brushy Creek, Ltd. V. City of Hutto, Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas), and provide direction and authority relating to the same, to the City Manager and City Attorney, including, without limitation, respecting retaining counsel and witnesses.
- 14.3. Discuss and consider current and former development agreements and provide direction to the City Manager and City Attorney, respecting current and former development agreements including, without limitation, a certain Master Development Agreement dated September 20, 2019, between the City of Hutto and Legacy Hutto, LLC and a certain Multi-Party Development Agreement dated October 1, 2019, by and among the City of Hutto, Perfect Game Incorporated, Legacy Hutto, LLC, and Sports Facilities Development, LLC, both agreements relating to the development of a public sports and mixed-use district consisting of approximately 242 acres within the City.
- 14.4. Receive legal advice from the City Attorney on pending legal matters, Council legal requests and potential litigation.
- 14.5. Receive legal advice on any posted agenda item.

15. ADJOURNMENT



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
February 6, 2020**

A Regular Meeting of the City Council of Hutto, Texas was held on February 6, 2020 in the Council Chambers, City Hall, 500 W. Live Oak, Hutto, Texas 78634, for which proper notice was given.

1. **CALL SESSION TO ORDER**

With a quorum of the members present, Mayor Gaul called the meeting to order at 7:00 p.m.

2. **ROLL CALL**

Members of the City Council present were Mayor Doug Gaul, Mayor Pro Tem Tom Hines, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, and Councilmember Tanner Rose.

Members of staff that were present were Charles W. Daniels, Interim City Manager; Byron Frankland, Assistant City Manager; Paul Hall, Chief of Police; Ashley Lumpkin, Executive Director Infrastructure & Development Services; Jessica Bullock, Director of Economic Development; Ashby Grundman, Development Services Director; Michel Sorrell, Assistant City Manager and CFO; Allison Hosgood, Executive Director of Organizational Development and Human Resources; Stacy Schmitt, Assistant to the City Manager and Appointed City Secretary; Donna Simmons, Director of Communications; Jennifer Atkinson, Communications Specialist; Tony Host, Executive Director of Community Services; Jeff White, Parks and Recreation Director; and Michael Shaunessy, City Attorney.

3. **INVOCATION**

The Invocation was given by Pastor Bernhard Suppan of the New Life Church, Hutto, Texas.

4. **PLEDGE OF ALLEGIANCE**

Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

5. **CITY COUNCIL COMMENTS**

There were no comments from Councilmembers.

6. **PUBLIC COMMENTS**

Comments were received from the following:

Timothy Martin commented related to holding the decorum and having candor during council meetings and in the public view.

Paul Martin commented on adhering to Robert's Rules of Order during meetings.

Jorde Matthews commented on the budget for sidewalks.

Katherine Senn commented on the removal of the city attorney and her dissatisfaction with the master park plan recently approved.

Lucas Evans commented on the Cottonwood Creek final plat and the affect of the development on his property, specifically the location of Carl Stern Road. He suggested a revision of the location of the road near his property and moving some lots.

Nicole Calderone commented on the standards of conduct and financial disclosures enacted by the City.

Robin Sutton commented on options for legal services; notice to the public when cancelling meetings or work sessions; and status of a forensic audit.

7. **EXECUTIVE SESSION**

7.A. 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]*.

The Open Meeting was recessed at 7:24 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code. The Executive Session convened at 7:24 p.m. and adjourned at 8:04 p.m. The Open Meeting was reconvened at 8:04 p.m.

8. **ACTION RELATIVE TO EXECUTIVE SESSION**

8.A. Consideration and possible action regarding Project Electric Daisy.

Motion: Mayor Pro Tem Hines made a motion to authorize the Interim City Manager to negotiate and execute a Chapter 380 development agreement with Project Electric Daisy. Councilmember Scott Rose seconded the motion. After discussion, Mayor Pro Tem Hines withdrew the motion and restated his motion.

Mayor Pro Tem Hines made a motion to authorize the Interim City Manager to execute the agreement with Project Electric Daisy as presented to City Council, with the understanding, should there be any change, he must return to Council for approval. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Mayor Pro Tem Tom Hines
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez

 Nay Councilmember Tanner Rose

Action: The motion carried by a vote of 6 ayes to 1 nay.

9. **CITY MANAGER COMMENTS**

9.A. Presentation announcing the company for Project Electric Daisy.
 It was announced that EDC Moving Systems will be the Project Electric Daisy.

10. **CONSENT AGENDA ITEMS**

- 10.A. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 5 Final Plat, 12.06 acres, more or less, of land, one commercial lot, located on Schneider Boulevard. (Ashley Lumpkin)
- 10.B. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 6 and 7 Preliminary Plat, 15.164 acres, more or less, of land, two commercial lots, located on New Technology Boulevard. (Ashley Lumpkin)
- 10.C. Consideration and possible action on a resolution approving the Titan Innovation Business Park Lot 6 and 7 Final Plat, 15.164 acres, more or less, of land, two commercial lots, located on New Technology Boulevard. (Ashley Lumpkin)
- 10.D. Consideration and possible action on a resolution approving the Hutto Crossing Industrial Park Preliminary Plat, 125.95 acres, more or less, of land, six commercial lots, located at the southwest corner of SH-130 and US 79 West. (Ashley Lumpkin)
- 10.E. Consideration and possible action on a resolution approving the Star Ranch Section 7 Phase 7 Final Plat, 7.773 acres, more or less, of land, 45 residential lots, located within Hutto's Extraterritorial Jurisdiction (ETJ) on Finstown Street. (Ashley Lumpkin)
- 10.F. Consideration and possible action on a resolution approving the proposed Cottonwood Creek Phase 1 Final Plat, 45.597 acres, more or less, of land, 160 residential lots, located off of CR 199. (Ashley Lumpkin)
- 10.G. Consideration and possible action to approve the January 2, 2020 City Council meeting minutes. (Stacy Schmitt)

Motion: Councilmember Gordon made a motion to remove item 10.F. on the Consent Agenda. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Mayor Pro Tem Hines made a motion to approve items 10.A, 10.B, 10.C, 10.D, 10.E, and 10.G on the Consent Agenda. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

10.F. Consideration and possible action on a resolution approving the proposed Cottonwood Creek Phase 1 Final Plat, 45.597 acres, more or less, of land, 160 residential lots, located off of CR 199. (Ashley Lumpkin)

Additional comments were made by Lucas Evans requesting that the plat be revised to relocate Carl Stern Road and move some of the lots for least effect on his property.

Motion: Mayor Pro Tem Hines made a motion to approve Resolution No. R-20-02-06-10F approving the final plat. for Cottonwood Creek Phase 1. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

11. **RESOLUTIONS**

- 11.A. Consideration and possible action on a resolution authorizing the Interim City Manager to negotiate and execute a Development Agreement by the City of Hutto for the development of the Wilco Ranch Project. (Ashley Lumpkin)

Motion: Mayor Pro Tem Hines made a motion to approve Resolution No. R-20-02-06-11A as presented. Councilmember Gordon seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.B. Consideration and possible action on the proposed Wilco Ranch Revised Preliminary Plat, 89.71 acres, more or less, of land, 457 residential lots, located on CR 199 at Limmer Loop. (Ashley Lumpkin)

Motion: Councilmember Scott Rose made a motion to approve Resolution No. R-20-02-06-11B as presented. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.C. Consideration and possible action on a resolution authorizing the City Manager to execute a professional services agreement with DCS Engineering, LLC for the design of the Lakeside Estates Lift Station Abandonment Interceptor project for an amount not to exceed \$211,975.00.

Motion: Councilmember Gordon made a motion to approve Resolution No. R-20-02-06-11C as presented. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose

Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 11.D. Consideration and possible action for an Interlocal Agreement between the City of Hutto, Cottonwood Local Government Corporation, and Preston Hollow Capital LLC affirming City support and commitments under the Multi-Party Development Agreement and Master Development Agreement related to the Sports, Health, and Entertainment District project. (Jessica Geray)

Motion: Mayor Pro Tem Hines made a motion to approve the Interlocal Agreement as presented. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

12. **ORDINANCES**

- 12.A. Consideration and possible action on the second and final reading of an ordinance approving the proposed Planned Unit Development (PUD) for 411, 421, 431, 441 Ed Schmidt Boulevard, 4.30 acres, more or less, of land, located on Ed Schmidt Boulevard. (Ashley Lumpkin)

Motion: Councilmember Snyder made a motion to approve Ordinance No. O-20-02-06-12A as presented. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 12.B. Consideration of a public hearing and possible action on the first reading of an ordinance regarding the proposed annexation of Wilco Ranch, 89.71 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on Ed Schmidt Blvd. (Ashley Lumpkin)

Mayor Gaul opened the Public Hearing for comments at 9:21 p.m. Hearing none, the hearing was closed at 9:21 p.m.

Motion: Mayor Pro Tem Hines made a motion to approve Ordinance No. O-20-02-06-12B as presented and to dispense with the requirement for reading this ordinance on 2 separate days. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

13. **OTHER BUSINESS**

- 13.A. Consideration of and possible appointments to City Boards, Commissions, and Task Force. (Stacy Schmitt)

Motion: Councilmember Scott Rose made a motion to appoint Laurie Stockman to the ADA Task Force. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Mayor Pro Tem Hines made a motion to appoint Timothy Martin to the Communications Task Force. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon

Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by 7 ayes and 0 nay.

Motion: Councilmember Tanner Rose made a motion to appoint Jerica Lawyer to the Communications Task Force. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 13.B. Consideration and possible action on a resolution for the appointment of a City Council Member to represent the City of Hutto on the Clean Air Coalition of the Capital Area Council of Governments. (Stacy Schmitt)

Comment by Nicole Calderone, that it would be an honor to represent the City.

Motion: Mayor Pro Tem Hines made a motion to appoint Councilmember Mike Snyder to represent the City on the Clean Air Coalition. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

- 13.C. Consideration and possible appointments to the Tax Increment Reinvestment Zone (TIRZ) NO. 1 Board (Jessica Geray).

There were 3 seats that needed to be appointed.

Motion: Councilmember Tanner Rose made a motion to appoint Paul Martin to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Councilmember Gordon made a motion to appoint Rick Hudson to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Mayor Pro Tem Hines seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

Motion: Councilmember Martinez made a motion to appoint Jennifer Burrington to the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

13.D. Presentation, consideration and possible action on the Co-Op update. (Bob Wunsch)

Presentation from Bob Wunsch was given to update the Council on the status of construction projects in the Co-Op District.

The Open Meeting was recessed at 10:43 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code. The

Executive Session convened at 10:43 p.m. and adjourned at 11:19 p.m. The Open Meeting was reconvened at 11:19 p.m.

There was no action taken in Executive Session.

- 13.E. Presentation, consideration and possible action to consider possible options for legal services. (Charles Daniels and Stacy Schmitt)

Motion: Councilmember Snyder made a motion to direct staff to issue an RFP for legal services. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

14. **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*].

- 14.A. Executive Session as authorized by Texas Government Code, sections 551.071 and 551.074, Consultation with Attorney, regarding lawsuit brought against the City of Hutto by Star Ranch developer currently pending in State District Court in Williamson County Texas.

- 14.B. Executive Session as authorized by Texas Government Code, sections 551.071 and 551.074, Consultation with Attorney, regarding pending litigation between City of Hutto and the Texas Attorney General's Office regarding Public Information Act.

- 14.C. Executive Session as authorized by Texas Government Code, section 551.071 Consultation with Attorney, regarding attorney's fees incurred by the City and Public Information Act requests for unredacted attorney's fee bills.

Comments were received from:

Robin Sutton related to releasing public information copies and information from the attorneys fee bills.

Elizabeth Castillo related to pending litigation with the Star Ranch developer.
Ken Wohleking related to pending litigation with the Star Ranch developer and requested that the Council remember the residents of Star Ranch community as this is considered.

The Open Meeting was recessed at 11:53 p.m. to convene in Executive Session in accordance with the authority granted by the Texas Government Code, Sections 551.071 and 551.074 regarding pending litigation by Star Ranch developer. The Executive Session convened at 11:53 p.m. and adjourned at 12:22 a.m. on February 7, 2020. The Open Meeting was reconvened at 12:22 a.m. on February 7, 2020.

There was no action taken in Executive Session.

The Open Meeting was recessed at 12:26 a.m. on February 7, 2020 to convene in Executive Session in accordance with the authority granted by the Texas Government Code, Sections 551.071 and 551.074, regarding pending litigation with the Texas Attorney General's Office regarding the Public Information Act and attorney's fees for Public Information Act requests. The Executive Session convened at 12:26 a.m. on February 7, 2020 and adjourned at 1:13 a.m. on February 7, 2020. The Open Meeting was reconvened at 1:13 a.m. on February 7, 2020.

There was no action taken in Executive Session.

15. **ACTION RELATIVE TO EXECUTIVE SESSION**

15.A. Consideration and possible action regarding Star Ranch litigation.

Motion: Councilmember Scott Rose made a motion to authorize the City Attorney to bring a lawsuit against the development of Star Ranch. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Councilmember Mike Snyder recused himself due to a conflict of interest.

Action: The motion carried by a vote of 6 ayes, 0 nay.

15.B. Consideration and possible action regarding PIA requests.

Comments from Nicole Calderone in regard to severance and separation agreements made available to the public and to post on website.

Motion: Councilmember Snyder made a motion to direct the release of all severance agreements and post to the website; release fee bills starting from January 1, 2017, redacted as per the Attorney General's office. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 7 ayes to 0 nay.

16. **ADJOURNMENT.** Mayor Gaul adjourned the meeting at 1:30 a.m. on February 7, 2020.

Respectfully submitted,

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, Appointed City Secretary

These minutes were approved on _____, 2020.



**CITY OF HUTTO, TEXAS
SPECIAL CALLED
CITY COUNCIL MEETING
February 27, 2020**

A Special Called Meeting of the City Council of Hutto, Texas was held on February 27, 2020 in the Council Chambers, City Hall, 500 W. Live Oak, Hutto, Texas 78634, for which proper notice was given.

1. CALL SESSION TO ORDER

With a quorum of the members present, Mayor Gaul called the meeting to order at 5:01 p.m.

2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, and Councilmember Tanner Rose. It was noted that Mayor Pro Tem Tom Hines was not in attendance.

Members of staff that were present were Charles W. Daniels, Interim City Manager; Byron Frankland, Assistant City Manager; Paul Hall, Chief of Police; Ashley Lumpkin, Executive Director Infrastructure & Development Services; Jessica Bullock, Director of Economic Development; Ashby Grundman, Development Services Director; Michel Sorrell, Assistant City Manager and CFO; Allison Hosgood, Executive Director of Organizational Development and Human Resources; Stacy Schmitt, Assistant to the City Manager and Appointed City Secretary; Donna Simmons, Director of Communications; Jennifer Atkinson, Communications Specialist; Tony Host, Executive Director of Community Services; Jeff White, Parks and Recreation Director; and Michael Shaunessy, City Attorney.

3. PLEDGE OF ALLEGIANCE

Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

4. WORK SESSION

A work session is conducted for information and education purposes. No action is taken by Council on items listed.

- 4.A. Work Session regarding current tax revenues, exemptions, and potential legislative impact to the definition of a digital tax. Speakers include Larry Gaddes, Williamson County Tax Assessor/Collector; Michel Sorrell, City of

Hutto CFO/ACM; Jennifer Burrington, City of Hutto Economic Development Specialist; Larry Gonzales, Consultant and former State Representative.

There was discussion with no action being taken.

5. **CITY COUNCIL COMMENTS**

5.A. General Comments from City Council. Councilmember Gordon requested that on a future meeting date to discuss setting a policy on consulting agreements.

6. **PROCLAMATIONS**

There were no Proclamations presented.

7. **PUBLIC COMMENT**

Comments were received from:

Robin Sutton spoke in support of property tax relief for seniors 65 and over.

David Roark spoke in support of property tax relief for seniors 65 and over and exemptions for veterans with disabilities.

James Weaver spoke in support of tax relief for seniors.

Catherine Breley commented on transparency of council and the role of the executive sessions.

Jean Little spoke that many have limited finances and ask that the council vote to give property tax relief to seniors.

Louise Howell stated she is in favor of tax relief from increasing property rates for seniors.

Paul Martin thanked Council for the job that they do, pointed to the seniors in attendance and encouraged them to support this Council.

8. **CITY MANAGER COMMENTS**

There were no comments from the City Manager's office.

9. **CONSENT AGENDA ITEMS**

9.A. Consideration and possible action to approve the January 16 and January 23, 2020 Regular City Council minutes. (Stacy Schmitt)

Motion: Councilmember Tanner Rose made a motion to approve item 9.A. on the Consent Agenda. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

10. RESOLUTIONS

10.A. Consideration and possible action on a resolution approving the 2019 Co-Op District Tax Increment Reinvestment Zone (TIRZ) Annual Project and Financing Report (Michel Sorrell).

Motion: Councilmember Scott Rose made a motion to approve Resolution No. R-20-02-27-10A as presented. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes and 0 nay.

11. OTHER BUSINESS

11.A. Update, discussion and possible action on City Legal Services and City Attorney (Charles Daniels, Stacy Schmitt)

Original Motion: Councilmember Snyder made a motion to phase out the agreement with McGinnis and Lochridge and authorize the Interim City Manager to begin working with the Bojorquez Law Firm. Councilmember Tanner Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

Amended Motion: Councilmember Gordon made a motion to amend the previous motion to appoint the Bojorquez Law Firm as City Attorney effective immediately. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
 Councilmember Scott Rose
 Councilmember Mike Snyder
 Councilmember Peter Gordon
 Councilmember Patti Martinez
 Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

11.B. Consideration and possible appointments to City Boards and Commissions, City Council Liaisons, and Wilco Health District. (Stacy Schmitt)

Motion: Councilmember Gordon made a motion to appoint Laurie Pruser Stockman to the Communications Task Force. Councilmember Snyder seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

Motion: Mayor Gaul made a motion to appoint Brian Thompson to the Library Advisory Board. Councilmember Scott Rose seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

Motion: Mayor Gaul made a motion to appoint Terrence Owens to the Wilco Health District. Councilmember Gordon seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

There was discussion of the Council liaisons for the various boards and commissions. The following assignments were made by agreement:

Mayor Doug Gaul – Zoning Board of Adjustment
Councilmember Scott Rose – Library Advisory Board
Councilmember Mike Snyder – Economic Development/CDC
Councilmember Peter Gordon – Planning & Zoning and Communications/IT Task Force
Councilmember Patti Martinez – Parks Advisory Board
Councilmember Tanner Rose – Historic Preservation Commission

11.C. Interviews for City Manager search firms and selection of a firm to engage in conducting the search. (Allison Hosgood)

Motion: Councilmember Gordon made a motion to engage SGR to conduct the search for a City Manager. Councilmember Martinez seconded the motion.

Vote: Ayes Mayor Doug Gaul
Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez
Councilmember Tanner Rose

Action: The motion carried unanimously by a vote of 6 ayes to 0 nay.

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.A. Consideration and Possible Action from Executive Session.

There was no Executive Session held.

13. ADJOURNMENT. Mayor Gaul adjourned the meeting at 9:56 p.m.

Respectfully submitted,
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, Interim City Secretary

These minutes were approved on _____, 2020.

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration and possible action on a resolution consenting to the use of the power of eminent domain by Williamson County within the jurisdiction of Hutto for the Southeast Loop construction project. (Samuel Ray)

Meeting: Regular City Council - 02 Apr 2020

Department: Engineering

Staff Contact: Samuel Ray

BACKGROUND INFORMATION:

AIR-20-141- Williamson County is in the process of designing the Southeast Loop project from the intersection of CR 138 and SH 130 to the intersection of CR 3349 and US 79. The proposed alignment of the Southeast Loop crosses into City of Hutto jurisdiction in a few locations particularly parts of the existing Lakeside Estates residential subdivision as well as the proposed Covered Bridge and Riverwalk South developments. Consent from the City is required for the County to utilize the power of eminent domain within city limits if needed for the progress of the project.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

Approval of the resolution signifies that the City of Hutto desires to cooperate with the County and is in support of the proposed Southeast Loop project.

RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

[SELOOP--Resolution consenting to County use of ED for project](#)

[SELOOP--SoutheastLoop_Route_Exhibit for ED consent resolution](#)

RESOLUTION NO. R-2020-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS
CONSENTING TO THE USE OF THE POWER OF EMINENT DOMAIN BY WILLIAMSON
COUNTY WITHIN THE JURISDICTION OF THE MUNICIPALITY FOR THE SOUTHEAST
LOOP CONSTRUCTION PROJECT**

WHEREAS, Williamson County (“County”) is and has been in the process of designing the Southeast Loop from the current terminus of CR 138 at SH 130 to the intersection of FM 3349 and US 79, the approximate location and alignment being shown on Exhibit “A”, attached hereto, (the “County Project”); and

WHEREAS, the City of Hutto (“City”) desires to cooperate with the County to facilitate the construction of the County Project; and

WHEREAS, it is necessary to establish procedures, consent and approvals for completing acquisition of the public or private real property (“Property”) required for construction of the County Project.

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

Section 1. Pursuant to the provisions of Tex. Transp. Code §251.101, the City Council hereby finds, determines and consents to the County exercising its power of eminent domain within the boundaries of the municipality to condemn and acquire real property, a right-of-way, or an easement in public or private real property that the County commissioners court determines is necessary or convenient to the County Project, or will form a connecting link in the County road system or in a state highway.

Section 2. It is the intent of the City Council that this resolution authorizes the condemnation of all property interests required to complete the construction and maintenance of the County Project and associated public purposes. If it is later determined that there are any errors in the descriptions contained herein, or if later surveys contain more accurate revised descriptions, the County is

SELOOP--Resolution consenting to County use of ED for project (DC 3.12.20) (00441622xA08F8) (003)

authorized to have such errors corrected or revisions made without the necessity of obtaining a new resolution of the City Council consenting to the use of the power of eminent domain by the County.

Section 3. The findings of fact, recitations of provisions set in the preamble of this Resolution are adopted and made a part of the body of this Resolution, as fully as if the same were set forth herein.

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

RESOLVED this _____ day of _____, 2020.

DOUG GAUL, Mayor
City of Hutto, Texas

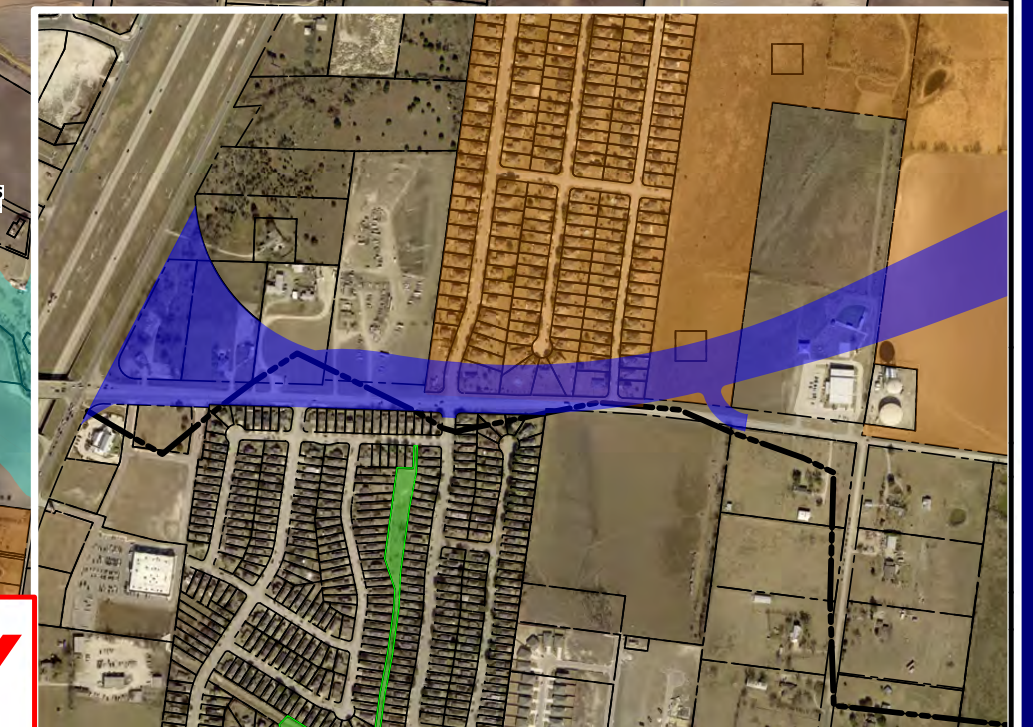
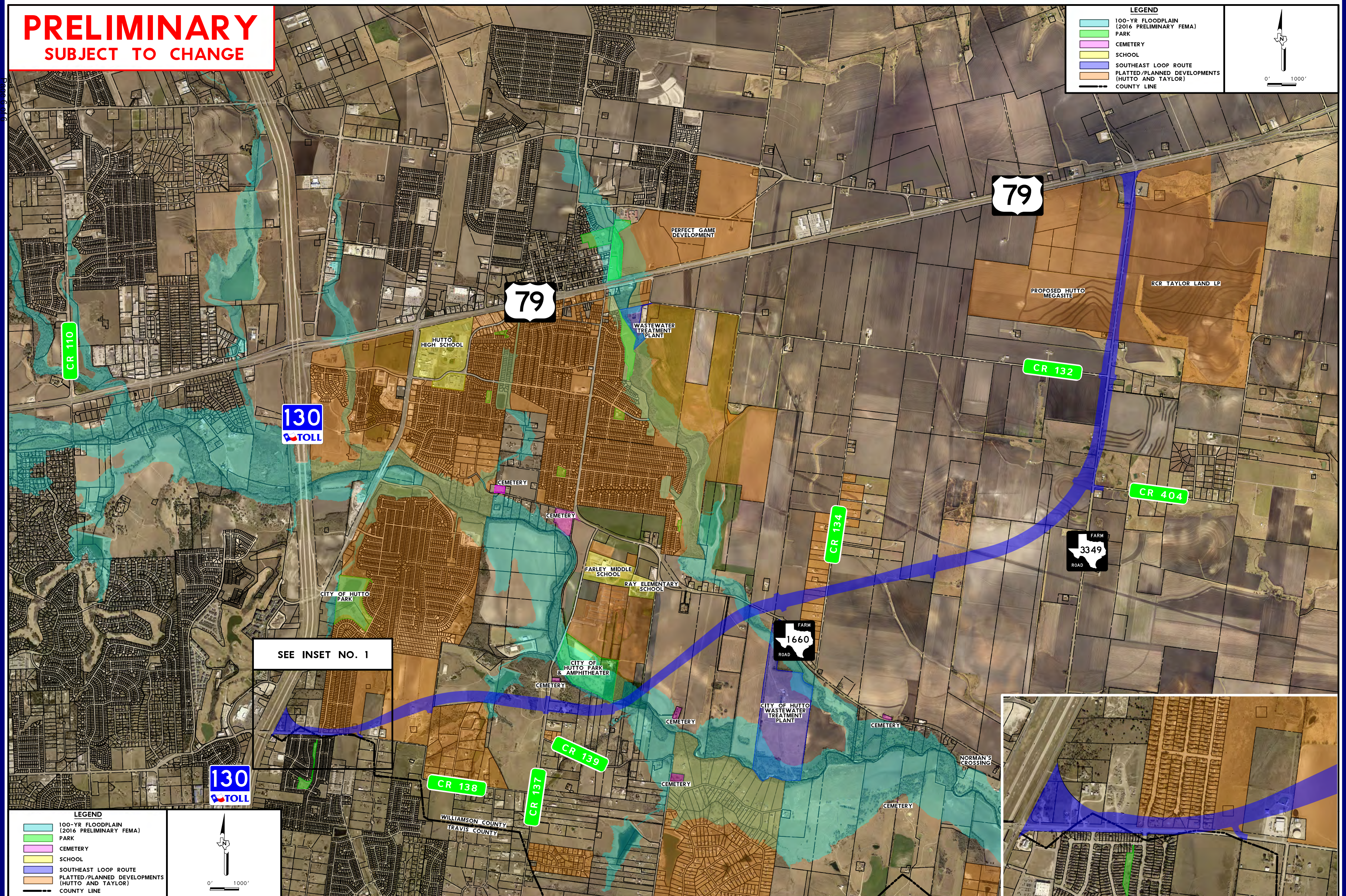
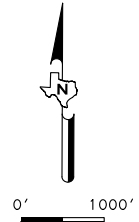
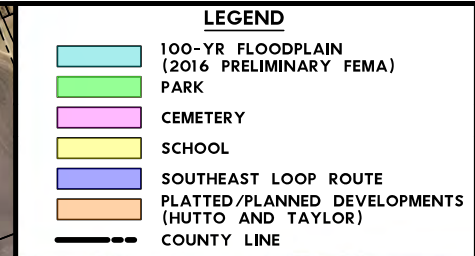
ATTEST:

_____, City Secretary

EXHIBIT “A”

County Project alignment exhibit follows this page

PRELIMINARY
SUBJECT TO CHANGE



INSET NO. 1

**SOUTHEAST LOOP ROUTE
FROM SH 130 TO US 79**



PRELIMINARY
SUBJECT TO CHANGE

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration of a public hearing and possible action on the reading of an ordinance approving the annexation of the Sports and Health District properties, 42.5987 acres, more or less, of land, and to establish base zoning as SF-1 (Single Family Residential), located on Mager Lane and CR 132. (Ashley Lumpkin)

Meeting: Regular City Council - 02 Apr 2020

Department: Development Services

Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

AIR-20-119 - The annexation process has been revised in response to recent legislative changes. The voluntary annexation process only requires one (1) public hearing and one (1) reading of the ordinance. Both actions may occur on the same date and at the same meeting.

This annexation includes three (3) properties:

Tract 1 - R362998 - 41.274 acres;

Tract 2 - R020271 - 0.3247 acres;

Tract 3 - R300258 - 1.0 acres;

All properties are contiguous to existing city limits and the annexation is in conformance with all annexation laws.

All properties, upon annexation, are zoned in conformance with the Future Land Use Map. This tract will be zoned Single-Family Residential (SF-1) in conformance with the residential land use designation. If the property was not annexed and remained in the ETJ, the property could develop without development review from the City of Hutto, thus annexing and zoning property allows the City of Hutto to guide development and execute its adopted long-range plans.

Specifically, SF-1 District is defined as:

Single household residential development of a medium density suburban or village character, with support facilities and services that are compatible with single household residences. Density must range from four to eight dwelling units per acre net density, depending on the context of the development.

FINANCIAL IMPACT:

Not applicable.

POLICY IMPLICATIONS:

Not applicable.

RECOMMENDATION:

Staff recommends that the Council approve the first and final reading of the ordinance.

ATTACHMENTS:

[\(Ord\)SHDAnnex-42.5987ac\(Ord\)Complete](#)

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO WIT: 42.5987 ACRES, MORE OR LESS, OF LAND, DESCRIBED IN EXHIBIT "A", ALL OF SAID PROPERTY BEING SITUATED IN WILLIAMSON COUNTY, TEXAS, AND ALL ADJACENT ROADWAYS BEING FOR ANNEXATION; EXTENDING THE BOUNDARY LIMITS OF HUTTO SO AS TO INCLUDE SAID PROPERTY WITHIN HUTTO'S CITY LIMITS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH PROPERTY SHALL BECOME A PART OF THE CITY OF HUTTO AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY NOW IN EFFECT AND THOSE WHICH ARE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Hutto, Texas (the "City") is a duly constituted home-rule municipality and, as such, is authorized to annex territory subject to the laws of the State of Texas and subject to its Charter, and;

WHEREAS, pursuant to Section 43.0671 of the Texas Local Government Code, the owners of three (3) tracts of land containing a combined total of 42.5987 acres, more or less, of land, approximately 41.274 acres being out of the William Gatlin Survey, Abstract No. 271, and approximately 0.3247 acres and approximately 1.0 acre being out of the Josias B. Bealle Survey, Abstract No. 97 in Williamson County, Texas, and being more particularly described in **Exhibit "A"** attached hereto and made part hereof by reference for all purposes, have petitioned the City Council in writing to annex the Property, and;

WHEREAS, the procedures prescribed by the Charter of the City of Hutto and the applicable laws of the State of Texas have been duly followed with respect to the Property, and;

WHEREAS, such Property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside, and;

WHEREAS, after considering the public testimony received at each hearing, the City Council of the City of Hutto determines that annexation of the Property is proper in all respects and that such action is in the best interests of the community and its citizens, and;

WHEREAS, 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, and;

WHEREAS, the City Council of the City of Hutto determines that the Property for annexation which is more fully described in **Exhibit "A"** should become annexed.

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

SECTION I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this ordinance.

SECTION II.

That the Property described in the attached **Exhibit "A"**, together with adjacent roadways, be and is hereby annexed and brought within the corporate city limits of the City of Hutto, Texas, and same is hereby made an integral part hereof; and that the boundary limits of the City of Hutto be the same are hereby extended to include the above described territory within the city limits of the City of Hutto, and the same shall hereinafter be included within the territorial limits of the City of Hutto, Texas and designated as SF-1 (Single Family Residential) Zoning District.

SECTION III.

That the owners and present and future inhabitants of the area herein annexed be entitled to all rights and privileges of other citizens and property owners of the City of Hutto, and hereby bound by all acts, ordinances, resolutions and regulations of the City, and all other legal actions now in full force and effect and all those which may be hereafter adopted.

SECTION IV.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official maps and boundaries of the City of Hutto, heretofore adopted and amended, so as to include the aforementioned territory hereby annexed, be and are hereby amended as part of the City of Hutto, Texas, as required by law.

SECTION V.

That the City Secretary is hereby directed and authorized to file a certified copy of this ordinance in the Office of the County Clerk of Williamson County, Texas.

SECTION VI.

If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional or if any portion of said Property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this ordinance and would have annexed the valid Property without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VIII.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are hereby expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. That 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 matter thereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION IX.

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

READ and **APPROVED** on first reading on this the **2nd** day of **April, 2020** 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 **2nd** day of **April, 2020** at a meeting of the Hutto, Texas City Council; there being a quorum present.

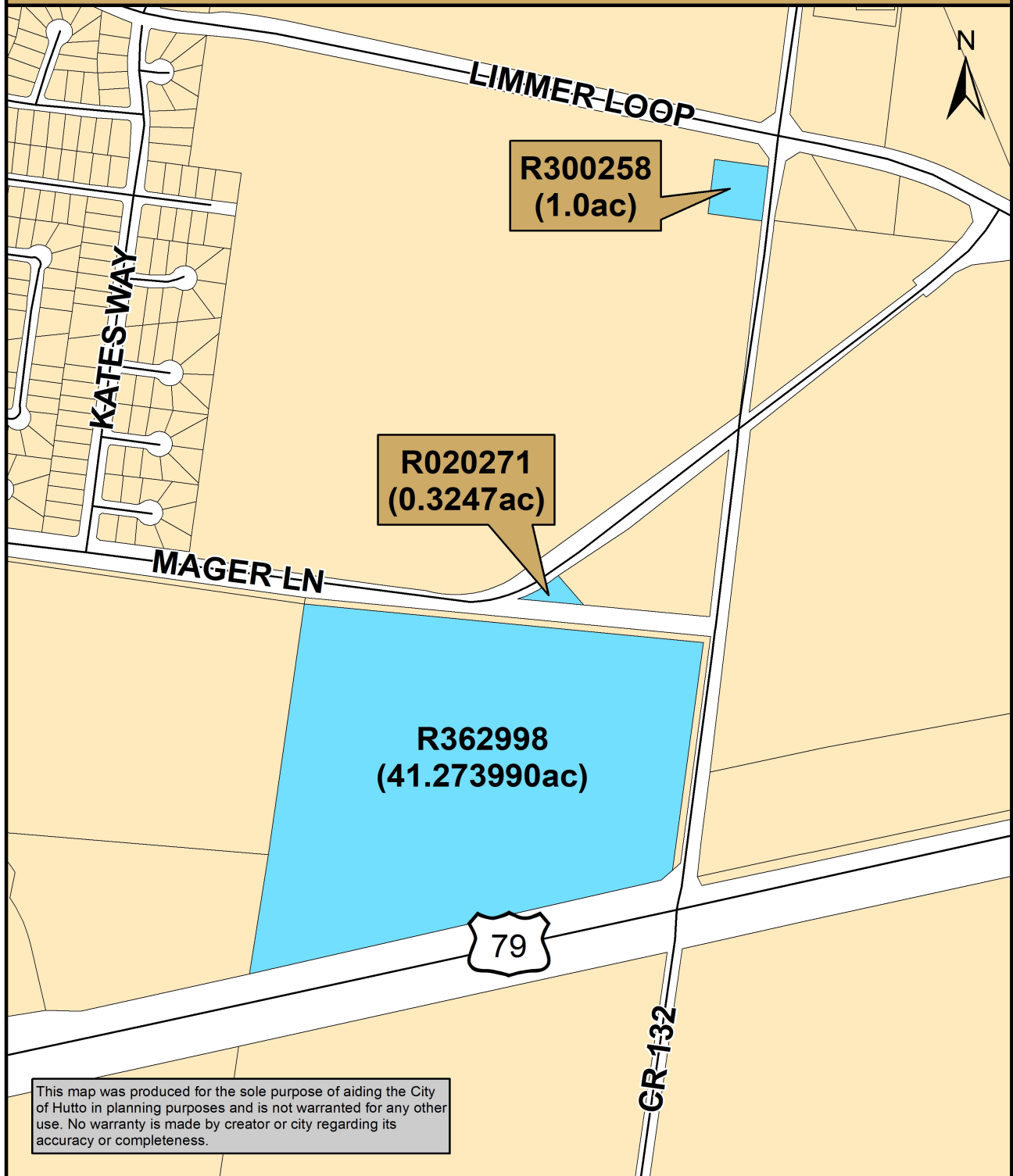
CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

City Secretary

R020271 (0.3247ac), R300258 (1.0ac), and R362998 (41.273990ac)



This map was produced for the sole purpose of aiding the City of Hutto in planning purposes and is not warranted for any other use. No warranty is made by creator or city regarding its accuracy or completeness.

Map Document: (K:\Site_Location_Maps\2020_Site_Location_Maps\R020271_R300258_and_R362998.mxd)

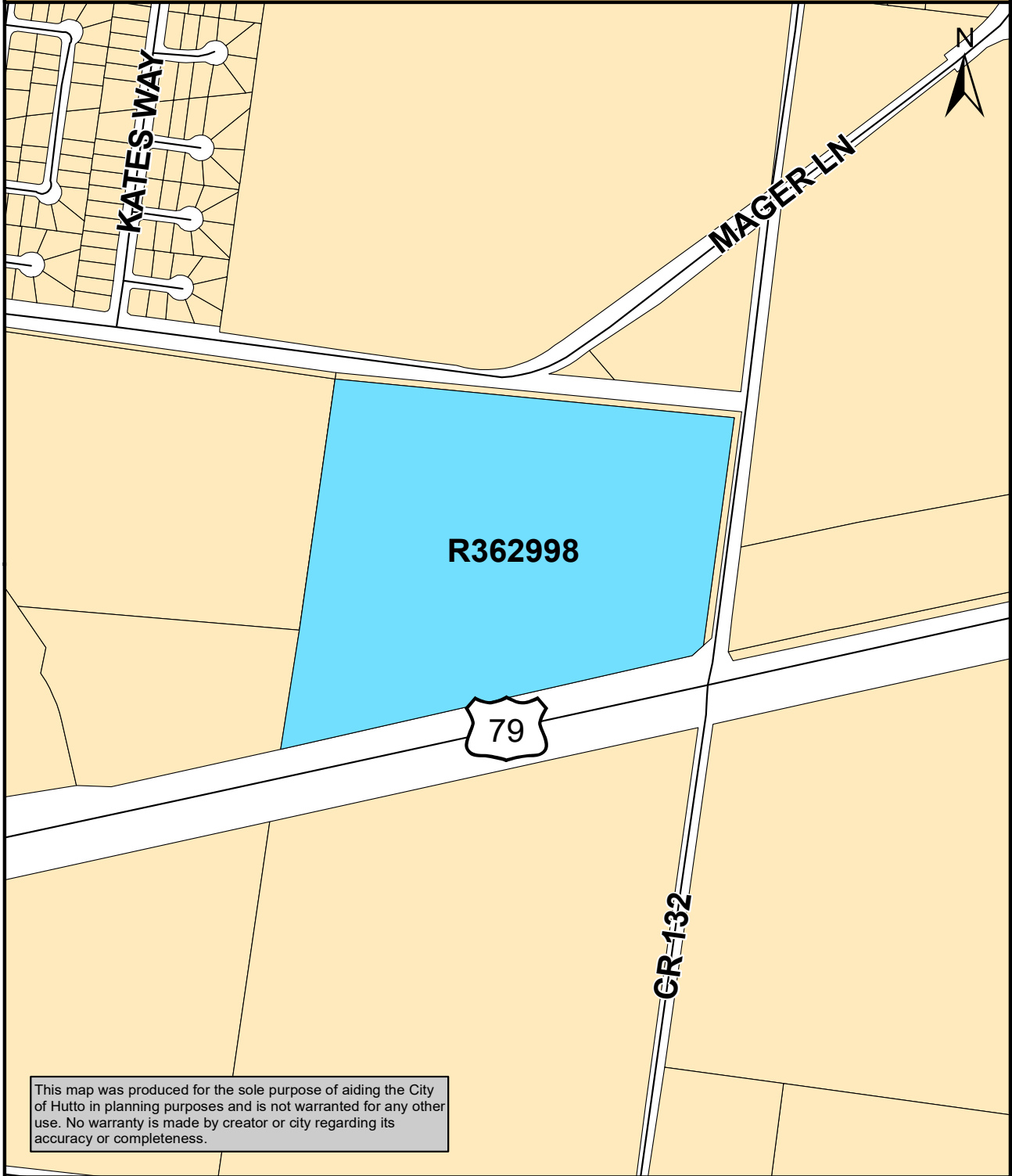
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Page 6 of 10



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City of Hutto

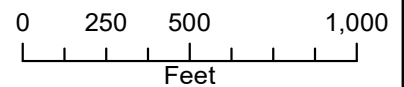


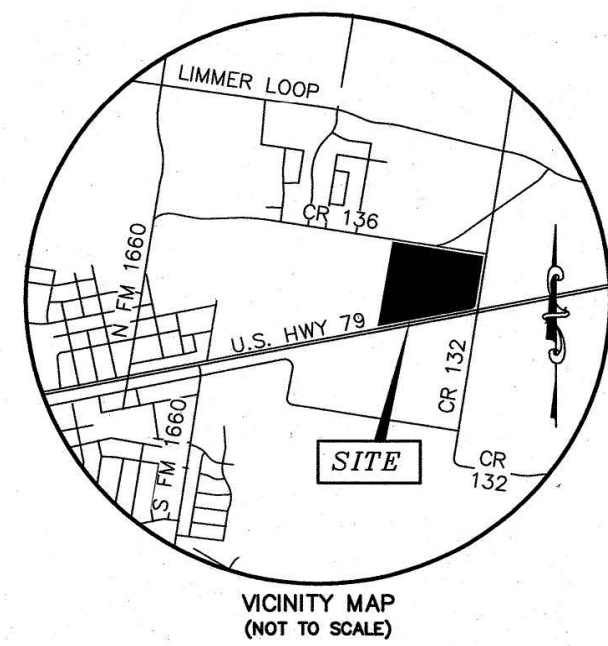
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Page 7 of 10





FIELD NOTE DESCRIPTION

BEING A 42.457 ACRE TRACT OF LAND OUT OF THE WILLIAM GATLIN SURVEY, ABSTRACT NO. 271, IN WILLIAMSON COUNTY, TEXAS; SAID 42.457 ACRE TRACT BEING THE REMAINING PORTION OF THAT CERTAIN CALLED 50.79 ACRE TRACT OF LAND (FIRST TRACT) DESCRIBED IN AN EXECUTOR'S DEED TO REBECCA LYNN TEICHELMAN BORGNE, ROXANA RUTH TEICHELMAN AND TIMOTHY DON TEICHELMAN, AS RECORDED IN DOCUMENT NO. 2015039011 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.); SAID 42.457 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 3/4-inch iron pipe found marking the northwest corner of said 50.79 acre remainder tract and the herein described tract, some being the northeast corner of that certain called 49.55 acre tract of land described in a Special Warranty Deed With Vendor's Lien to Cottonwood Development Corporation, as recorded in Document No. 2019066428, O.P.R.W.C.T., said iron pipe also being on the south right-of-way (R.O.W.) line of County Road 136 - also known as Mager Lane (having a variable width);

THENCE South 82° 23' 21" East, with the north line of said 50.79 acre remainder tract, and partway with the south R.O.W. line of said County Road 136, a distance of 1,544.09 feet to a 1/2-inch iron rod with (illegible) orange cap found for the northeast corner of the herein described tract, said point also being on the west R.O.W. line of County Road 132 (having a variable width);

THENCE South 07° 04' 28" West, with the common east line of the herein described tract and the west R.O.W. line of said County Road 132, a distance of 868.82 feet to a TxDOT Type II monument found for the easternmost southeast corner of the herein described tract, said monument marking the northerly end of a corner clip at the intersection of the west R.O.W. line of said County Road 132 and the north R.O.W. line of U.S. Highway No. 79 (having a variable width);

THENCE South 47° 28' 51" West, with the southeast line of the herein described tract and with said corner clip, a distance of 65.10 feet to a TxDOT Type II monument found for the westernmost southeast corner of the herein described tract, said monument marking the southerly end of said corner clip at the intersection of the south R.O.W. line of said County Road 132 and the north R.O.W. line of said U.S. Highway No. 79;

THENCE South 77° 19' 11" West, with the common south line of the herein described tract and the north R.O.W. line of said U.S. Highway No. 79, a distance of 1,619.27 feet to a 5/8-inch iron rod with yellow plastic cap stamped "CP&Y" set for the southwest corner of the herein described tract;

THENCE North 07° 55' 54" East, with the west line of said 50.79 acre remainder tract and the herein described tract, and with the east line of said 49.55 acre tract, a distance of 1,480.32 feet to the **POINT OF BEGINNING** and containing 42.457 acres of land, more or less.

Bearings are based on the Texas Central Zone Coordinate System, NAD '83 (HARN '93), which is based on the Trimble RTKNet, Allterra VRS Network.

LEGEND

- = 1/2" IRON ROD WITH ORANGE CAP ILLEGIBLE FOUND (UNLESS OTHERWISE NOTED)
- = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CP&Y" SET
- = TxDOT TYPE II MONUMENT FOUND
- O.P.R.W.C.T. = OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS
- D.R.W.C.T. = OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS
- D.R.W.C.T. = DEED RECORDS, WILLIAMSON COUNTY, TEXAS
- (BRG - DIST) = RECORD CALL PER DEED RECORDED IN DOCUMENT NO. 2015039011, O.P.R.W.C.T.
- (BRG - DIST) = RECORD CALL PER DEED RECORDED IN DOCUMENT NO. 2019066428, O.P.R.W.C.T.
- (BRG - DIST) = RECORD CALL PER DEED RECORDED IN DOCUMENT NO. 2011024630, O.P.R.W.C.T.
- = SIGN
- ⊗ = WATER VALVE
- ⊕ = FIRE HYDRANT
- ⊙ = UTILITY POLE
- = GUY WIRE
- ⊞ = TELEPHONE RISER
- ⊕ = WASTEWATER MANHOLE
- = ASPHALT EDGE
- E — = OVERHEAD ELECTRIC

GENERAL NOTES:

1. THE SURVEYOR HAS NOT CONDUCTED AN ABSTRACT OF THE SUBJECT TRACT.
2. ALL CORNERS SHOWN HEREON ARE CONTROL MONUMENTS.
3. SUBJECT TO ANY AND ALL COVENANTS, RESTRICTIONS, EASEMENTS AND CONDITIONS THAT MAY BE APPLICABLE.

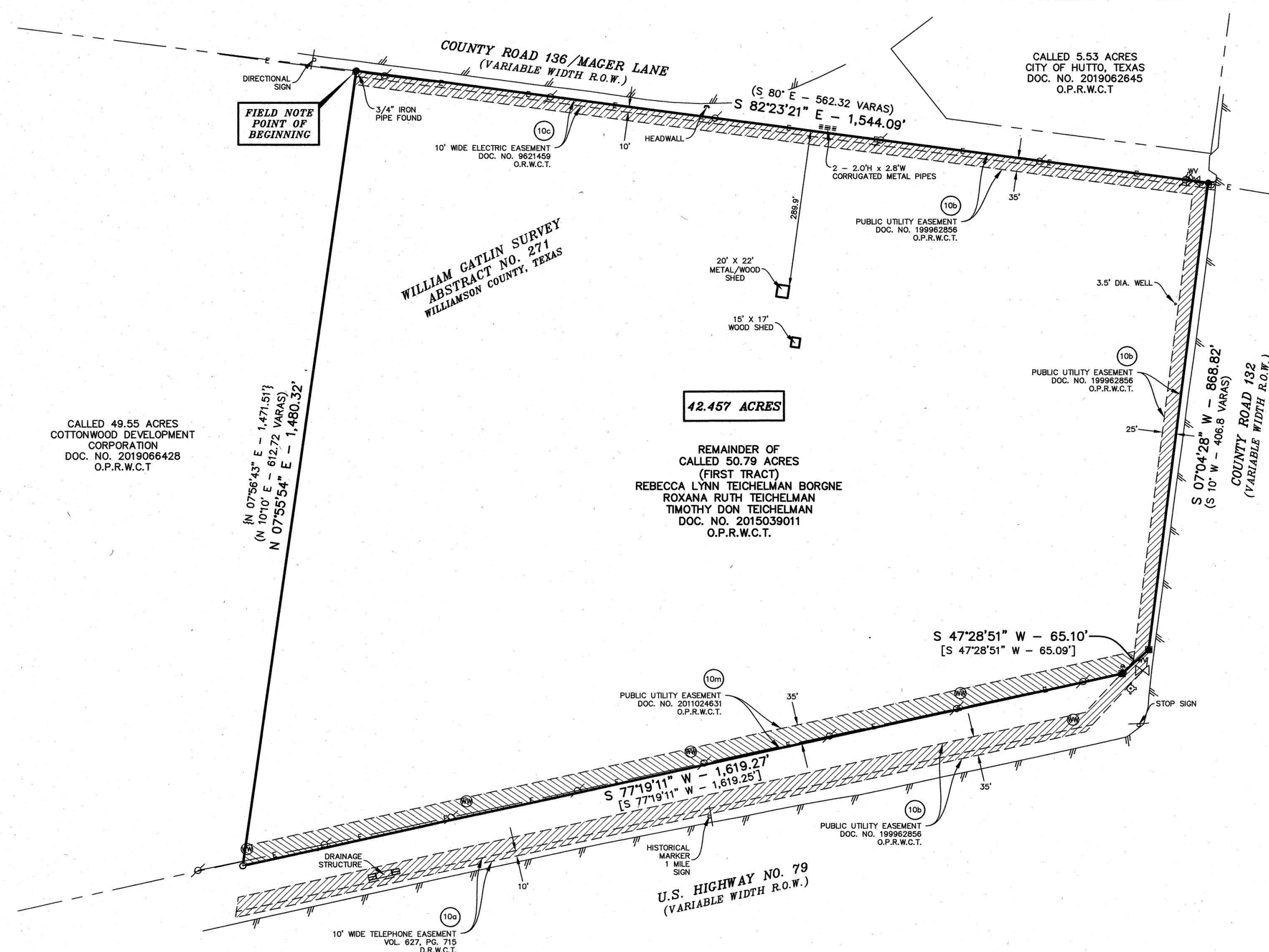
BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS CENTRAL ZONE STATE PLANE COORDINATE SYSTEM, NAD'83, (HARN'93), WHICH IS BASED ON THE TRIMBLE RTKNET, ALLTERRA VRS NETWORK.

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN A NON-SHADED ZONE "X" - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 484603020E FOR WILLIAMSON COUNTY, TEXAS AND UNINCORPORATED AREAS, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SCALE: 1" = 150'



TITLE COMMITMENT NOTE:

ONLY THOSE EASEMENTS AND THAT INFORMATION LISTED IN NATIONAL INVESTORS TITLE INSURANCE COMPANY TITLE COMMITMENT HAVING A G.F. NUMBER 19058022, EFFECTIVE DATE DECEMBER 5, 2019, ISSUED DATE DECEMBER 13, 2019 AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER EASEMENT RESEARCH WAS PERFORMED BY CP&Y, INC.

SCHEDULE B ITEMS:

- 10a. EASEMENT FOR UNDERGROUND FACILITIES DATED FEBRUARY 3, 1976, EXECUTED BY EDWIN TEICHELMAN AND MADELINE TEICHELMAN TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 627, PAGE 715, DEED RECORDS, WILLIAMSON COUNTY, TEXAS. - NOT ON SUBJECT TRACT
- 10b. PUBLIC UTILITY EASEMENT DATED JULY 9, 1998, EXECUTED BY EDWIN C. TEICHELMAN AND MADELINE TEICHELMAN TO THE CITY OF HUTTO, TEXAS, RECORDED UNDER DOCUMENT NO. 199962866, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. - AFFECTS AS SHOWN
- 10c. EASEMENT AND RIGHT OF WAY DATED APRIL 22, 1996, EXECUTED BY EDWIN C. TEICHELMAN AND MADELINE TEICHELMAN TO TEXAS UTILITIES ELECTRIC COMPANY, RECORDED UNDER DOCUMENT NO. 9621459, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. - AFFECTS AS SHOWN
- 10m. PUBLIC UTILITY EASEMENT DATED APRIL 13, 2011, EXECUTED BY MADELINE DECKER TEICHELMAN AND REBECCA LYNN TEICHELMAN BORGNE, TRUSTEE OF THE EDWIN CARL TEICHELMAN TESTAMENTARY TRUST TO THE CITY OF HUTTO, TEXAS, RECORDED UNDER DOCUMENT NO. 2011024631, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS. - AFFECTS AS SHOWN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR CATEGORY 1A, CONDITION II SURVEY.

FIELD WORK WAS COMPLETED: 12-16-2019

Daniel M. Flaherty, R.P.L.S. #5004
CP&Y, INC.
ONE CHISHOLM TRAIL, SUITE 130
ROUND ROCK, TEXAS 78681
TBPLS FIRM NO. 10194125
PHONE: (512) 248-0065
WORK ORDER NO. 2000215



12-16-2019
DATE

LAND TITLE SURVEY
OF
A 42.457 ACRE TRACT OF LAND
OUT OF THE WILLIAM GATLIN SURVEY,
ABSTRACT NO. 271, IN WILLIAMSON COUNTY, TEXAS,
AND BEING THE REMAINING PORTION OF THAT
CERTAIN CALLED 50.79 ACRE TRACT OF LAND
DESCRIBED IN AN EXECUTOR'S DEED TO
REBECCA LYNN TEICHELMAN BORGNE, ROXANA RUTH TEICHELMAN
AND TIMOTHY DON TEICHELMAN,
AS RECORDED IN DOCUMENT NO. 2015039011 OF THE
OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS

PREPARED FOR:
CITY OF HUTTO
500 W. LIVE OAK STREET
HUTTO, TEXAS 78634

PREPARED BY:
CP&Y

1 Chisholm Trail, Suite 130, Round Rock, Texas 78681 512.248.0065
TEXAS REGISTERED ENGINEERING FIRM F-1741
TBPLS 10194125

TAB = D-2271

REF = N/A

© PROJECT: 2000215R - Survey & Mapping Pro. A/E - City of Hutto, TX, 12/16/2019 - 10:46am
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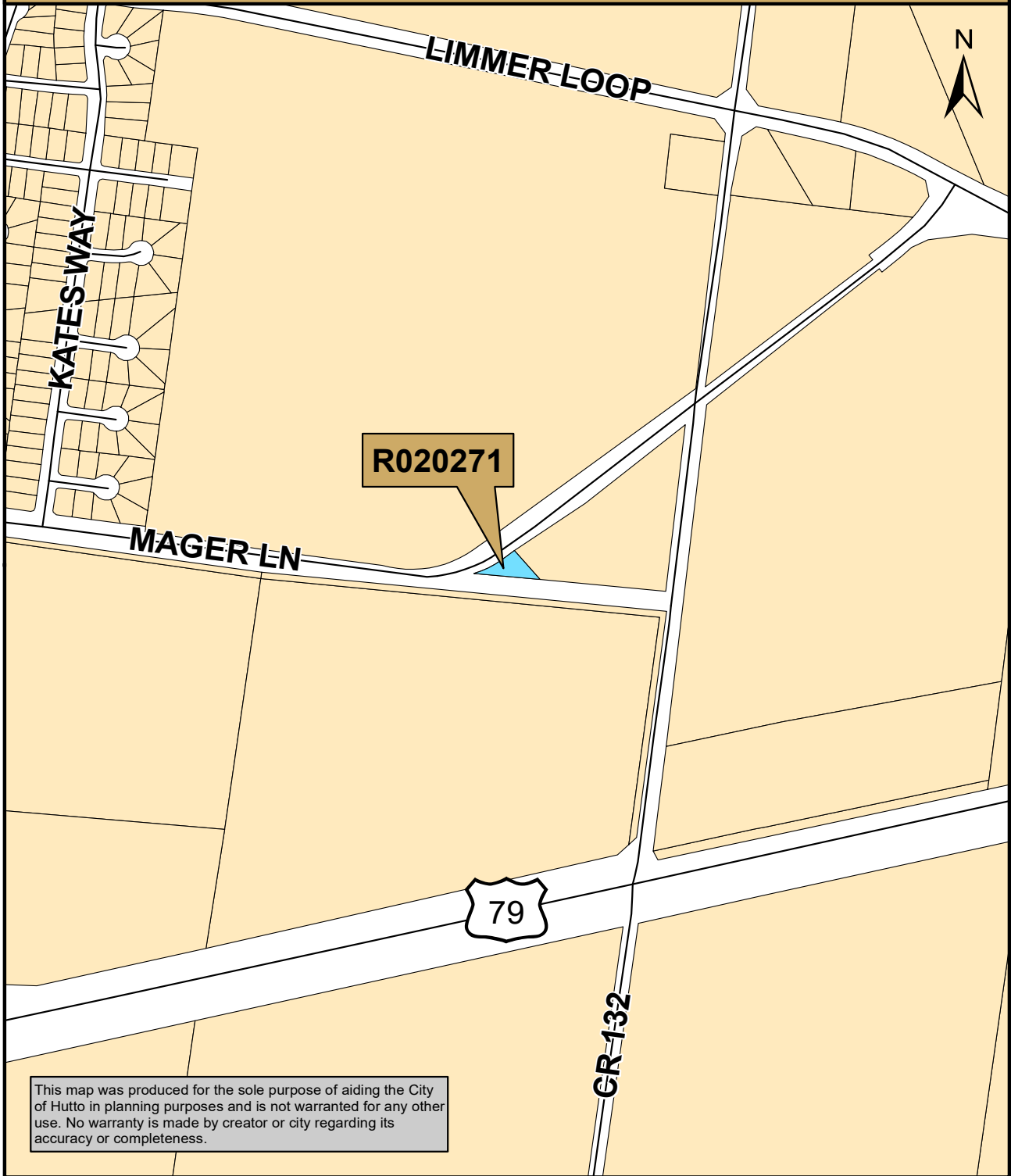
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City of Hutto



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City of Hutto



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City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration and possible action regarding the Request for Qualifications (RFQ) submissions from Certified Public Accounting (CPA) firms to perform forensic audit services related to the City's 2019 Fiscal Year. (Michel Sorrell)

Meeting: Regular City Council - 02 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

AIR-20-146 - The City of Hutto accepted sealed qualifications from qualified and experienced Certified Public Accounting (CPA) firms to obtain forensic audit services for performance of an audit for the Fiscal Year 2019 which commenced on October 1, 2018 and ended September 30, 2019. The purpose of the requested services is to conduct a forensic audit to review the spending habits of the city council, city manager's office, and city in general.

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration and possible action on the second and final reading of an ordinance to provide a residence homestead exemption for disabled persons. (Michel Sorrell)

Meeting: Regular City Council - 02 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

AIR-20-143 - The City Council of the City of Hutto (the "City Council") has the authority conferred by the Texas Constitution and Section 11.13(d) of the Texas Tax Code to provide an exemption from ad valorem taxes levied by the City for an eligible disabled person or the surviving spouse aged fifty-five (55) years or older at the time of the individual's death.

The City Council wishes to provide an exemption from ad valorem taxes levied by the City of \$60,000 of the assessed taxable value of the residence homestead, as defined by law effective tax year 2020.

FINANCIAL IMPACT:

The financial impact of the disabled person proposed exemption of \$60,000 would be a taxable value loss of \$9,240,000, with a revenue impact of \$58,336.83. The number of residents eligible at this time would be 154. The financial information was provided by the Williamson County Tax Assessor-Collector.

RECOMMENDATION:

Staff recommends consideration and possible action on the second and final reading of the ordinance.

ATTACHMENTS:

[Hutto 2020_Property Tax Exemptions Disabled option Final 3 10 20](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS IMPLEMENTING SECTION 11.13(D) OF THE TEXAS TAX CODE TO PROVIDE A RESIDENCE HOMESTEAD EXEMPTION FOR DISABLED PERSONS OR SURVIVING SPOUSES AGED FIFTY-FIVE YEARS OR OLDER, IN ACCORDANCE WITH THE TEXAS CONSTITUTION AND SECTION 11.13(D) OF THE TEXAS TAX CODE; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hutto (the "City Council") has the authority conferred by the Texas Constitution and Section 11.13(d) of the Texas Tax Code to provide an exemption from ad valorem taxes levied by the City for an eligible disabled person or the surviving spouse aged fifty-five (55) years or older at the time of the individual's death; and

WHEREAS, the City Council finds and determines that an exemption for residences of an eligible disabled person or the surviving spouse aged fifty-five (55) years or older at the time of the individual's death should be granted in accordance with Section 11.13(d) of the Texas Tax Code.

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

SECTION I.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION II.

That the Code of Ordinances of the City of Hutto, is hereby amended by amending Article 20.02, by adding a new Section 20.02.003, entitled "Partial exemption for ad valorem taxes imposed on the disabled," which shall read as follows:

"Sec. 20.02.003. Partial exemption for ad valorem taxes imposed on the disabled.

- (a) An individual who is disabled is entitled to an exemption from ad valorem taxes levied by the City of \$60,000 of the assessed taxable value of the residence homestead, as defined by law effective tax year 2020. Pursuant to Texas Tax Code Section 11.13(h), an eligible disabled person who is 65 or older may not receive both a disabled and an elderly residence homestead exemption from the same taxing unit in the same year but may choose either.
- (b) If the person who is disabled dies in a year in which the person received a residence homestead exemption, the total amount of ad valorem taxes imposed on the residence homestead shall not be increased while it remains the residence homestead of that person's

surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death.

- (c) Notwithstanding subsections (a) and (b) ad valorem taxes on the residence homestead may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements.
- (b) The provisions of Section 11.13 of the Texas Tax Code applicable to exemptions shall govern the exemption granted in this section."

SECTION III. 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 IV. 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 V. Repealing Clause

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

SECTION VI. Open Meetings 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 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VII. Effective Date

This ordinance shall take effect and be in force from and after the date of the second publication of the ordinance in the official newspaper of the City of Hutto.

READ and **APPROVED** on first reading on the **19th** day of **March**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

READ and **APPROVED** on second reading on the **2nd** day of **April**, 2020, at a meeting of the

City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Stacy Schmitt, City Secretary

(SEAL)

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration and possible action on the second and final reading of an ordinance establishing an ad valorem tax ceiling for residential homestead property owners who are 65 or older. (Michel Sorrell)

Meeting: Regular City Council - 02 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

Article VIII, Section I-b, Subsection (h) of the Texas Constitution allows municipalities to establish an ad valorem tax ceiling within each respective taxing unit's jurisdiction on resident homesteads for individuals age sixty-five (65) years or older or for disabled individuals and surviving spouses aged fifty-five (55) years or older.

The City Council finds and determines that providing a tax ceiling on the amount of ad valorem taxes on the homesteads for individuals age sixty-five (65) years or older or disabled individuals and surviving spouses aged fifty-five (55) years or older, beginning with tax year 2020 will provide property tax relief for those individuals.

FINANCIAL IMPACT:

Per discussion with the Williamson County Tax Assessor-Collector it is very difficult to project the impact on revenue if the City chooses the option to add a tax ceiling for the Over-65.

RECOMMENDATION:

Staff recommends the consideration and possible action on the second and final reading of the ordinance.

ATTACHMENTS:

[O-2020-006 Ad Valorem tax ceiling ordinance Final 040220](#)

CITY OF HUTTO, TEXAS
ORDINANCE NO. O-2020-006

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS ESTABLISHING AN AD VALOREM TAX CEILING FOR RESIDENTIAL HOMESTEAD PROPERTY OWNERS OF THE CITY OF HUTTO, TEXAS WHO 65 YEARS OF AGE OR OLDER OR WHO ARE DISABLED AND SURVIVING SPOUSES AGED 55 YEARS OR OLDER; PROVIDING FOR DEFINITIONS; PROVIDING FOR SAVINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section I-b, Subsection (h) of the Texas Constitution allows municipalities to establish an ad valorem tax ceiling within each respective taxing unit's jurisdiction on resident homesteads for individuals age sixty-five (65) years or older or for disabled individuals and surviving spouses aged fifty-five (55) years or older; and

WHEREAS, Section 11.261 of the Texas Tax Code governs the procedure under which a municipality may implement an ad valorem tax ceiling; and

WHEREAS, the City Council of the City of Hutto, Texas finds and determines that providing a tax ceiling on the amount of ad valorem taxes on the homesteads for individuals age sixty-five (65) years or older or disabled individuals and surviving spouses aged fifty-five (55) years or older, beginning with tax year 2020 as outlined below:

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

SECTION I.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION II.

That the Code of Ordinances of the City of Hutto, is hereby amended by amending Article 20.02, by adding a new Section 20.02.004, entitled "Residence Homestead Tax Ceiling for Elderly or Disabled.

"Sec. 20.02.004. Residence Homestead Tax Ceiling for Elderly or Disabled

(a) Definitions.

- (1) Disabled has the same meaning as set forth in the Texas Tax Code Section 11.13(m)(1) as it currently exists or may be amended.
 - (2) Residence Homestead has the same meaning as set forth in the Texas Tax Code Section 11.13(j)(1) as it currently exists or may be amended.
 - (3) Tax Code means the Texas Tax Code, as it currently exists or may be amended.
 - (4) Tax Ceiling shall mean the limitation of increases on the total amount of ad valorem taxes imposed by the City of Hutto on residential homesteads for individuals age sixty-five (65) years or older or disabled individuals and surviving spouses aged fifty-five (55) years or older, beginning with tax year 2020.
- (b) A Tax Ceiling on the amount of property taxes is imposed by the City of Hutto, Texas on the Residence Homesteads of individuals age sixty-five (65) years or older or disabled individuals and surviving spouses aged fifty-five (55) years or older, which shall be governed by Section 11.261 of the Tax Code, as may be amended, as follows:
- (1) The Tax Ceiling shall become effective beginning with the 2020 tax year and shall remain effective for each successive tax year until otherwise amended or repealed by the City Council, referendum or judicial decision.
 - (2) The total amount of ad valorem taxes imposed on the Residence Homesteads of a person who qualified that Residence Homestead for the exemption in accordance with the Tax Code as that of a person who is sixty-five (65) years of age or older or is disabled or shall not be increased while it remains the Residence Homestead of that person or that person's surviving spouse who is fifty-five (55) years of age or older.
 - (3) If the person who is sixty-five (65) years of age or older or disabled or dies in a year in which the person received a Residence Homestead exemption, the total amount of ad valorem taxes imposed on the Residence Homestead shall not be increased while it remains the Residence Homestead of that person's surviving spouse if (i) the surviving spouse is fifty-five (55) years of age or older at the time of the person's death; (ii) the Residence Homestead of the deceased person is also the Residence Homestead of the surviving spouse on the date of the person's death; and (iii) the Residence Homestead remains the Residence Homestead of the surviving spouse.
 - (4) Notwithstanding anything contained herein, ad valorem taxes on the Residence Homestead may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements.

- (5) A person may not receive the Tax Ceiling for more than one Residence Homestead, no matter where located, in the same year. A person may designate a new Residence Homestead within the City in accordance with the Tax Code.
- (c) The limitation on taxes provided by this ordinance may expire in accordance with Section 11.261(d) the Texas Tax Code. If a tax limitation is erroneously allowed, back taxes may be assessed in accordance with Section 11.261(e) of the Tax Code.

SECTION III. 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 IV. 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 V. Repealing Clause

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

SECTION VI. Open Meetings 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 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION VII. Effective Date

This ordinance shall take effect and be in force from and after the date of the second publication of the ordinance in the official newspaper of the City of Hutto.

READ and **APPROVED** on first reading on the **19th** day of **March**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

READ and **APPROVED** on second reading on the **2nd** day of **April**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Stacy Schmitt, City Secretary

(SEAL)

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Consideration and possible action on an ordinance to suspend the effective date proposed by Atmos Energy Corporation – Mid-Tex Division, to increase rates under the gas reliability infrastructure program for 45 days, and authorize the City’s continued participation in a coalition of cities known as the "Atmos Texas Municipalities". (Michel Sorrell)

Meeting: Regular City Council - 02 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

AIR-20-147

ATTACHMENTS:

[Atmos-GRIP-2020-MidTex-ATM-SUSPENSION-RESOLUTION-AIS-031020](#)

[Atmos-GRIP-2020-MidTex-ATM-SUSPENSION-RESOLUTION-031020](#)

AGENDA INFORMATION SHEET
AGENDA ITEM NO. _____

**ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY
ATMOS ENERGY CORPORATION – MIDTEX DIVISION, TO
INCREASE RATES UNDER THE GAS RELIABILITY
INFRASTRUCTURE PROGRAM FOR 45 DAYS, AND AUTHORIZE THE
CITY’S CONTINUED PARTICIPATION IN A COALITION OF CITIES
KNOWN AS THE "ATMOS TEXAS MUNICIPALITIES"**

ATMOS TEXAS MUNICIPALITIES

The City is a member of the Atmos Texas Municipalities (“ATM”). The ATM group was organized by a number of municipalities served by Atmos Energy Corporation – MidTex Division (“Atmos Energy”) and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy.

“GRIP” RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between general rate cases. This section of GURA is commonly referred to as the “GRIP” statute, that is, the “Gas Reliability Infrastructure Program.”

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between general rate cases by applying for an interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility’s filings to ensure compliance with the GRIP statute and the Railroad Commission’s rules, and that it is within the Railroad Commission’s authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

ATMOS ENERGY’S “GRIP” APPLICATION

On or about February 28, 2020 Atmos Energy filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”). Atmos Energy’s application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedule	Current Customer Charge	Proposed 2018 Interim Rate Adjustment	Adjusted Customer Charge	Increase Per Bill
Rate R – Residential Sales	\$21.74 per customer per month	\$4.71 per customer per month	\$26.45 per customer per month	\$4.71
Rate C – Commercial Sales	\$52.26 per customer per month	\$14.54 per customer per month	\$66.80 per customer per month	\$14.54
Rate I (Industrial) & Rate T (Transportation)	\$939.80 per customer per month	\$261.93 per customer per month	\$1,201.73 per customer per month	\$261.93

Atmos Energy’s application, if approved by the Railroad Commission, will result in a systemwide increase in Atmos Energy’s revenue of about \$113.06 million, of which ATM’s portion is about \$11.15 million. Atmos Energy proposed an effective date of April 28, 2020.

REVIEW AND ACTION RECOMMENDED

In light of the Texas Supreme Court’s opinion, the City’s ability to review and effectuate a change in Atmos Energy’s requested increase is limited. Nonetheless, to allow for a limited review of Atmos Energy’s GRIP application, it is recommended that the City suspend Atmos Energy’s proposed effective date of April 28, 2020 for forty-five days as allowed by state law, so that the City may evaluate whether the data and calculations in Atmos Energy’s rate application are correctly done.

Therefore, ATM’s Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending Atmos Energy’s proposed effective date for 45 days. Assuming a proposed effective date of April 28, 2020 Atmos Energy’s proposed effective date is suspended until June 12, 2020.

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF _____, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF ATMOS ENERGY CORPORATION – MIDTEX DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ATMOS TEXAS MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about February 28, 2020 Atmos Energy Corporation – MidTex Division (“Atmos Energy”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), which if approved, results in an increase in the monthly customer charges as follows:

Rate Schedule	Current Customer Charge	Proposed 2018 Interim Rate Adjustment	Adjusted Customer Charge	Increase Per Bill
Rate R – Residential Sales	\$21.74 per customer per month	\$4.71 per customer per month	\$26.45 per customer per month	\$4.71
Rate C – Commercial Sales	\$52.26 per customer per month	\$14.54 per customer per month	\$66.80 per customer per month	\$14.54
Rate I (Industrial) & Rate T (Transportation)	\$939.80 per customer per month	\$261.93 per customer per month	\$1,201.73 per customer per month	\$261.93

WHEREAS, Atmos Energy’s application, if approved by the Railroad Commission, will result in a systemwide increase in Atmos Energy’s revenue of about \$113.06 million, of which ATM’s portion is about \$11.15 million; and

WHEREAS, the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by Atmos Energy is complex; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in Atmos Energy's rate application are correctly done and are in conformity with section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS, the effective date proposed by Atmos Energy is April 28, 2020 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 12, 2020.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by Atmos Energy for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Atmos Texas Municipalities ("ATM").

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with Atmos Energy's application to increase rates.

Section 5. To the extent Atmos Energy's application to increase rates under section 104.301 of the Gas Utility Regulatory Act ("GURA") is considered a ratemaking proceeding, Atmos Energy is ordered to reimburse the City's reasonable rate case expenses incurred in response to Atmos Energy's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. A copy of this resolution shall be sent to Mr. Christopher A. Felan, Vice President, Rates & Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite

1862, Dallas, Texas 75240; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Pkwy., Austin, Texas 78756.

Section 7. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this **2nd** day of **April** 2020.

DOUG GAUL, MAYOR

ATTEST:

STACY SCHMITT, CITY SECRETARY