

City of Hutto



Agenda

City Council Meeting

Thursday, April 16, 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.

5.1. General Comments from City Council

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 of the minutes for the February 20, 2020 Regular City Council Meeting. | 8 - 14 |
|--|--------|

[20 Feb 2020 minutes](#)

- | | |
|--|---------|
| 9.2. Consideration and Approval of the minutes for the March 26, 2020 Special Called City Council Meeting. | 15 - 20 |
|--|---------|

10. OTHER BUSINESS

10.1. Presentation on Forensic Audit & Scope of Work (Eide Bailey,LLC)

10.2. An update on the results of SGR's Position Profile Interviews with Council Members and Senior Staff regarding the unique culture, needs and desires of the organization and community to assist in the marketing and recruitment of the successor City Manager. (Doug Thomas, SVP Strategic Government Resources) 21

[Agenda Item Report - AIR-20-160 - Pdf](#)

10.3. Consideration and possible action on directing staff to bring back an ordinance pursuant to the City of Hutto Charter Section 3.16, Investigative Body, to adopt procedures for Council to act as an investigative body. (Dottie Palumbo, City Attorney)

10.4. Update on Master Mobility Plan and other Transportation Projects (Ashley Lumpkin, Executive Director Development Services; Samuel Ray, Director of Public Works and Engineering) 22

[Agenda Item Report - AIR-20-164 - Pdf](#)

11. ORDINANCES

11.1. Consideration and possible action on the first reading of an ordinance concerning the first amendment to the Fiscal Year 2019-2020 Budget of the Hutto Economic Development Corporation - Type B (Community Development Corporation). (Michel Sorrell, ACM) 23 - 30

[Agenda Item Report - AIR-20-150 - Pdf](#)

[Ordinance-Amendant EDC Type B through 9-30-2020](#)

[HEDC Amended budget 2019 2020](#)

- 11.2. Consideration and possible action to repeal the Alarm Permit ordinance. 31 - 36
(Dottie Palumbo, City Attorney)

[2020 01-21 Ordinance Amending Alarm System Ordinance FINAL2](#)

[2020 01-21 Ordinance Amending Alarm System Ordinance \(3-19-2020 ag\) bl2](#)

- 11.3. Consideration and possible action amending the Code of Ordinances for the 37 - 39
City of Hutto, **Secs. 24.04.042** of the Utilities Code, to add a provision that
water, sewer and sanitation service will not be disconnected or discontinued
during an order or ordinance declaring a state of emergency within the City of
Hutto. (Dottie Palumbo, City Attorney)

[Hutto COVID Utilities amendment ordinance \(4-13-2020 CLEAN\)](#)

- 11.4. Consideration and possible action on an Ordinance of the City of Hutto, Texas 40 - 54
continuing Ordinance No. O-2020-008 the Mayor's Declaration of Disaster
Order and subsequent emergency orders and providing an effective date.
(Dottie Palumbo, City Attorney)

[Hutto Ordinance Extend Disaster Order Final 4 16 20](#)

- 11.5. Consideration and possible action on the first reading of an ordinance amending 55 - 56
the Fiscal Year 2019-20 Budget to reflect organizational changes, revisions to
capital projects and other miscellaneous adjustments. (Misti Hancock, Budget
Manager)

[ORDINANCE - FY 20 Budget Amendment #1 V1](#)

12. RESOLUTIONS

- 12.1. Consideration and possible action on a resolution of the City of Hutto, Texas, 57 - 68
(‘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. (Michel Sorrell, ACM)

[Agenda Item Report - AIR-20-148 - Pdf](#)

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

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

- 12.2. Consideration and possible action on the acceptance of the street, drainage, water, sidewalk, ADA ramps and wastewater improvements of Hutto Crossing Phase 4 Section 10 Subdivision. (Tony Host, Exec. Director Community Services) 69 - 101

[Agenda Item Report - AIR-20-151 - Pdf](#)

[Resolution hutto crossing 4-10](#)

[Engineers Concurrence Letter](#)

[Hutto Crossing 4-10 Construction Summary 200304](#)

[Maintenance Bond](#)

[Hutto Crossing 4-10 Accept-Coversheet](#)

- 12.3. Consideration and possible action on authorizing the City Manager or Interim City Manager to execute a development fee agreement on behalf of the City of Hutto for payment of review and development expenses incurred by the City of Hutto for development agreements requesting special district financing or economic development incentives. 102 - 111

[Agenda Item Report - AIR-20-162 - Pdf](#)

[Hutto Development Fee Form Agreement](#)

- 12.4. 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, Director of Public Works and Engineering) 112 - 121

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

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. Deliberation regarding Economic Development Negotiations concerning location of a new business prospect within the City of Hutto, Texas, pursuant to Texas Gov't. Code Section 551.087.(Jennifer Burrington, Economic Development Specialist)
- 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 concerning budget amendment; COVID-19 effect on municipal operations and financial compliance and requirements
- 13.5. Receive legal advice from the City Attorney on pending legal matters and Council legal requests.

14. ACTION RELATIVE TO EXECUTIVE SESSION

15. ADJOURNMENT



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
February 20, 2020**

A Regular Meeting of the City Council of Hutto, Texas was held on February 20, 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 David McLain, Bridge 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. **PROCLAMATIONS**

There were none presented.

7. **PUBLIC COMMENTS**

Comments were received from the following:

Debbie Holland announced a newly formed group called “Senior Watch” and those attending wearing red are members. They are here in support of senior citizens.

Robin Sutton thanked Council for recent positive changes on Council and commented on the former City Manager.

Terrence Owens commented that there is an open seat on Williamson County Health District and that Hutto needs to be represented on the Board.

James Weaver commented in support of a cap on property taxes for seniors.

Katherine Senn commented in support of a cap on property taxes for seniors and a change in legal counsel.

Ed Pride commented in support of a cap for seniors on property taxes, the city attorney, and installing sidewalks along FM 1660.

Rudy Perez commented on rising utilities costs and making Hutto affordable to live here.

D. J. McPherson spoke in support of senior property tax relief.

8. **CITY MANAGER COMMENTS**

- 8.A. Presentation of the City Financials for the Month of January as well as the monthly investment report as required by the Fiscal and Budgetary Policy. (Michel Sorrell)

Michele Sorrell discussed the monthly financials with Council. There was no action taken.

- 8.B. Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the year ending 2018. (Michel Sorrell)

Michele Sorrell announced the receipt of the Certificate of Achievement for Excellence in Financial Report for 2018.

9. **CONSENT AGENDA ITEMS**

- 9.A. Consideration and possible action on a resolution authorizing the City Manager to execute a professional services agreement for renewal with Abescape Landscaping, LLC. (Mark Nunez) *[for right-of-way maintenance]*

Motion: Councilmember Snyder made a motion to remove item 9.A from the Consent Agenda and handle it separately. 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.

Motion: Councilmember Martinez made a motion to authorize the Interim City Manager to execute a renewal contract for professional services with Abescape Landscaping for right-of-way maintenance and to approve Resolution No. R-20-02-20-9A. Mayor Pro Tem Hines seconded the motion.

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

 Nays Councilmember Mike Snyder
 Councilmember Tanner Rose

Action: The motion carried by a vote of 5 ayes to 2 nays.

- 9.B. Consideration and possible action on a resolution (Resolution No. R-20-02-20-9B) for the acceptance of street and drainage improvements for the Hutto Square Section 5B subdivision. (Samuel Ray)
- 9.C. Consideration and possible action on a resolution (Resolution No. 20-02-20-9C) for the acceptance of street, drainage, water and wastewater improvements for the Mager Meadows Phase 3 subdivision. (Samuel Ray)
- 9.D. Consideration and possible action on a resolution (Resolution No. R-20-02-20-9D) authorizing the Interim City Manager to execute a termination of Multiple Use Agreement with the Texas Department of Transportation (TXDOT). (Samuel Ray)

Motion: Councilmember Scott Rose made a motion to approve items 9.B, 9.C, and 9.D on the Consent Agenda. 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.

10. ORDINANCES

- 10.A. Consideration and possible action on the second and final reading of an ordinance amending the City of Hutto Code of Ordinances (2014 Edition), Article 1.05, Municipal Court. (Lea Ness) *[for creating new local consolidation fees]*

Motion: Councilmember Scott Rose made a motion to approve Ordinance No. O-20-02-20-10A as presented. 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.

- 10.B. Consideration and possible action on the first reading of an ordinance amending the City of Hutto Code of Ordinances (2014 Edition), Chapter 2 Administration and Personnel, Article 2.06 Finances, Appendix A Fee Schedule, A1.000 Development Services, Engineering and Construction, Article A4.000 Public Facility Rentals, Article A5.000 Utilities, A7.000 Library and A8.000 Miscellaneous Fees (Michel Sorrell)

Original Motion: Mayor Pro Tem Hines made a motion to approve the first reading of the ordinance with the exception of Brushy Creek pavilion. Councilmember Martinez seconded the motion.

Amendment to motion: Councilmember Snyder made a motion that the fee structure for residents pavilion only fees should be at \$0 with deposits at the proposed rate. Councilmember Martinez seconded the motion.

Vote:

Ayes	Mayor Doug Gaul
	Councilmember Mike Snyder
	Councilmember Peter Gordon

Nays	Mayor Pro Tem Tom Hines
	Councilmember Scott Rose
	Councilmember Tanner Rose
	Councilmember Patti Martinez

Action: The amendment to the motion failed by a vote of 3 ayes to 4 nays.

Duane Bochers concerned the project would attract crime, effect property values, what defines low income.

Motion: Councilmember Martinez made a motion to approve Resolution No. R-20-02-20-11A as presented. 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.

Councilmember Patti Martinez was excused at 10:35 p.m.

12. OTHER BUSINESS

- 12.A. Consideration and possible appointments to City Boards and Commissions.(Stacy Schmitt)

There was a discussion with no action taken.

- 12.B. Presentation of General Obligation Bond issuance timeline and bond refunding. (Michel Sorrell and City Financial Advisor)

There was a discussion with no action taken.

- 12.C. Presentation, consideration and possible action on City Manager search firm proposals and Council recommendations on top 3 firms for interviews and selection at the special called Council Meeting on February 27, 2020. (Allison Hosgood)

Allison Hosgood advised that proposals were received from SGR, BakerTilly, Affion Public, and Slavin. Council made recommendations for the top 3 firms make presentations at the February 27 meeting. The 3 firms recommended were SGR, BakerTilly, and Affion Public.

- 12.D. Consideration and possible action relating to recommendations for aesthetic elements of the design of the proposed CR 132 overpass project. (Samuel Ray)

Motion: Councilmember Scott Rose made a motion to table the item to the February 27, 2020 meeting. 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 Tanner Rose

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

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*].

There was no Executive Session held.

14. ACTION RELATIVE TO EXECUTIVE SESSION

There was no action taken.

15. ADJOURNMENT. Mayor Gaul adjourned the meeting at 11:46 p.m.

Respectfully submitted,

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, Interim City Secretary

These minutes were approved on the _____, 2020.



**CITY OF HUTTO, TEXAS
CITY COUNCIL
MEETING MINUTES
March 26, 2020**

A Special Called Meeting of the City Council of the City of Hutto, Texas was held on March 26, 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 7:01 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; Stacy Schmitt, Assistant to the City Manager and Appointed City Secretary; Michel Sorrell; Assistant City Manager (by telephone) and Dorothy Palumbo, City Attorney (by telephone).

3. **INVOCATION.** The Invocation was given by Byron Frankland, Assistant City Manager.

4. **PLEDGE OF ALLEGIANCE.** Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.

5. **PROCLAMATIONS**

There were none presented.

6. **CITY COUNCIL COMMENTS**

Councilmember Snyder stated that he has contacted Williamson County Elections Division for the number of qualified voters in Hutto and certified the numbers for a recall election of Mayor Gaul and Mayor Pro Tem Hines. He stated his dissatisfaction in their leadership of the City.

Councilmember Gordon commented that with these employee layoffs, he is in favor of reducing Council pay or suspending the pay to \$0 for 6 months.

Councilmember Scott Rose stated his concerns with the lack of information provided to Council prior to implementing the layoffs. He would recommend changing the status

from laid off to furloughed so the employees could receive additional benefits. He requested that this be placed on the next agenda.

Councilmember Tanner Rose made a motion with a second Councilmember Scott Rose to table all items on the agenda. Councilmember Tanner Rose withdrew the motion with agreement from Councilmember Scott Rose.

Councilmember Martinez stated her concerns that Council was not provided an opportunity to give input on the layoffs and most of the information she received was after-the-fact. She was very displeased that Council had not been consulted.

Councilmember Snyder also commented that a Task Force for Finance be created at the next Council meeting.

Mayor Gaul recommended that they hold a special called meeting on Monday, March 30, 2020 at 6:00 p.m. relative to the budget and discussions would be between Council and Staff. Councilmembers were all in agreement to the date and time.

7. CITY MANAGER COMMENTS

In light of COVID-19 emergency, in person gatherings of the public should be avoided. Therefore, the Open Meetings requirement was suspended by the Governor and the City instituted that public comments would be submitted by email and would be read aloud during the meeting. The emails were read aloud by Stacy Schmitt, Interim City Secretary.

Comments from Jonathan Wilson related to a pipeline project he is working on and that the work is considered “essential” and will continue working. He is concerned for the health of his family members and himself.

Comments regarding recent employee layoffs specifically the library and concerns with the Animal Control Office were submitted by: Amanda Ewell, Jennifer Darter, Katherine Senn, Phyllis Rahan, Daniel Vasquez, Sue Love, Tabby Blewett, Caitlin Thornhill, Lauren Rank.

General comments and concerns regarding recent employee layoffs were submitted by: Josh McAdams, Chavala Merit, Chris Everett, Ilishia Adler, Steven Adler, Diane Salisbury, Beth Capehart, Jim Smith, Magie Schwartz, Aaron Lovinggood, Veronica Johnson, Miranda Jacobs-Boswell, Stephanie Marie Perez, Heather Johnson, Kyrra Daniel, Tanya Pierce, Doug Douglas, Donna Simmons, Heather Welch, Mercedes Cook, Marci Wagner, Terra Ray, Sharon Parker, M. Hew, Stephanie Mazurkiewicz, Kristen Harrington-Andrews, Becky French, Mike Glass, Terje Revenew.

8. CONSENT AGENDA ITEMS

- 8.A. Consideration and approval for the February 6, 2020 Regular City Council Meeting minutes.

Agenda item tabled to the Special Called Council Meeting on March 30, 2020 at 6:00 p.m.

- 8.B. Consideration and approval for the February 27, 2020 Special Called City Council Meeting minutes.

Agenda item tabled to the Special Called Council Meeting on March 30, 2020 at 6:00 p.m.

9. ORDINANCES

None were presented for consideration.

10. RESOLUTIONS

- 10.A. Consideration and possible action on a resolution to accept the 2018-2019 Comprehensive Annual Financial Reports and Audit. (*Michel Sorrell*)

Agenda item tabled to the Special Called Council Meeting on March 30, 2020 at 6:00 p.m.

- 10.B. Consideration and possible action on a resolution adopting a revised investment policy. (*Michel Sorrell*)

Agenda item tabled to the Special Called Council Meeting on March 30, 2020 at 6:00 p.m.

11. OTHER BUSINESS

There was no Other Business to consider.

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. Receive legal advice from the City Attorney in accordance with Texas Government Code § 551.071(1) involving 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.
- 12.B. Receive legal advice from the City Attorney in accordance with Texas Government 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).

- 12.C. Receive legal advice from the City Attorney in accordance with Texas Government Code § 551.071(2) about legal issues relating to current and former development agreements.

There was no Executive Session held.

13. ACTION RELATIVE TO EXECUTIVE SESSION

13.A. 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.

There was no action taken.

13.B. 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.

There was no action taken.

13.C. 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.

There was no action taken.

A motion was made by Councilmember Scott Rose to move directly to item 14.A. and table all remaining items on the agenda. Mayor Pro Tem Hines seconded the motion. The motion carried by a vote of 6 ayes to 1 nay (Councilmember Snyder).

14. SUPPLEMENTAL EMERGENCY AGENDA ITEM Emergency Addition to Agenda pursuant to Section 551.045(b) of the Texas Government Code.

14.A. Consideration and possible action on an Ordinance of the City of Hutto, Texas continuing the Mayor's Declaration of Disaster Order and providing an effective date.

Motion: A motion was made by Councilmember Scott Rose to approve Ordinance No. O-2020-004 extending the Mayor's Declaration of Disaster, to include a revision to Section 11. G. regarding Animal Control to allow for reinstatement by the City Manager. Councilmember Gordon seconded the motion.

Amended Motion: Councilmember Gordon made a motion to amend the previous motion to include that the declaration be renewed every 7 days. Councilmember Snyder seconded the motion.

Vote: (on amended motion) Ayes Councilmember Scott Rose
Councilmember Mike Snyder
Councilmember Peter Gordon
Councilmember Patti Martinez

Nays Mayor Doug Gaul
Mayor Pro Tem Tom Hines
Councilmember Tanner Rose

Action: The motion carried by a vote of 4 ayes to 3 nays.

Vote: (on original motion which is to include the amendment)
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.

15. **ADJOURNMENT.** There being no further business to be heard, Mayor Gaul adjourned the meeting at 9:32 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: An update on the results of SGR's Position Profile Interviews with Council Members and Senior Staff regarding the unique culture, needs and desires of the organization and community to assist in the marketing and recruitment of the successor City Manager.

Meeting: Regular City Council - 16 Apr 2020

Department: Council

Staff Contact: Stacy Schmitt Interim City Secretary

BACKGROUND INFORMATION:

AIR-20-160 - This information will assist the firm in evaluating applicants and best identify individuals who most closely match the desired background and experience of the final candidates for consideration. SGR will also provide an overview of the recruitment process, including a discussion on the impacts of the COVID-19 pandemic on national recruitments and the firm's response to such.

City Council

AGENDA ITEM REPORT



To: City Council

Subject: Update on Master Mobility Plan and other Transportation Projects (Ashley Lumpkin, Samuel Ray)

Meeting: Regular City Council - 16 Apr 2020

Department: Development Services

Staff Contact: Samuel Ray

BACKGROUND INFORMATION:

This item is for informational purposes and to provide an update on key transportation projects from the Mobility Master Plan and other transportation projects such as City and County bond projects and the impacts of future transportation planning. The Mobility Master Plan is available on the City of Hutto website.

FINANCIAL IMPACT:

Not Applicable

POLICY IMPLICATIONS:

Infrastructure and Growth

RECOMMENDATION:

There is no action to be taken related to this item.

City Council

AGENDA ITEM REPORT



To: Regular City Council

Subject: Consideration and possible action on the first reading of an ordinance concerning the first amendment to the Fiscal Year 2019-2020 Budget of the Hutto Economic Development Corporation - Type B (Community Development Corporation). (Michel Sorrell)

Meeting: Regular City Council - 16 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

AIR-20-150 - The proposed amendment will increase the FY 2019-20 Budget by \$303,640. On April 6, 2020 the Hutto Economic Development Corporation Board - Type B (Community Development Corporation) reviewed and adopted the amended budget. The increase is due to personnel and benefits, as well as an increase in the the small business loan/incentive programs. The increase in small business loans/incentives is to assist local businesses during the COVID 19 pandemic.

The City Council is asked to approve this amendment to comply with Section 501.073 of the Texas Local Government Code which states:

Section 501.073. SUPERVISION BY AUTHORIZING UNIT (a) The corporation's authorizing unit will approve all programs and expenditures of a corporation and annually review any financial statements of the corporation.

FINANCIAL IMPACT:

The proposed amendment will increase the expenditures.

RECOMMENDATION:

The Hutto Economic Development Corporation - Type B (Community Development Corporation) met on April 6, 2020 and approved the first budget amendment of the FY 2019-20 Budget.

Staff recommends that the City Council review and approve the first reading of an ordinance amending the FY 2019-20 Budget as proposed

ATTACHMENTS:

[Ordinance-Amendant EDC Type B through 9-30-2020](#)

[HEDC Amended budget 2019 2020](#)

ORDINANCE NO. O-_____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE APPROPRIATIONS FOR THE SUPPORT OF THE HUTTO ECONOMIC DEVELOPMENT CORPORATION TYPE B, DBA COMMUNITY DEVELOPMENT CORPORATION, FOR THE FISCAL YEAR OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND OPEN MEETING CLAUSE.

WHEREAS, the Hutto Economic Development Corporation budget for the fiscal year October 1, 2019 through September 30, 2020, was duly presented to the City Council.

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

SECTION I.

That the appropriations for the fiscal year October 1, 2019 through September 30, 2020 for the support of the Hutto Economic Development Corporation be fixed and determined for said terms in accordance with the expenditures shown in the CDC's 2020 fiscal year budget, a summary of which is appended hereto as Exhibit A.

SECTION II.

That the budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year October 1, 2019 through September 30, 2020.

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 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 VII.

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

READ and APPROVED on first reading on this the 16th day of April 2020, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

READ, APPROVED and ADOPTED on second and final reading this 7th day of May 2020, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, City Secretary

EXHIBIT A

	Original Budget	Budget Amendment #1	Current Budget	
CDC Budget for FY 2019-2020				
<u>Adopted</u>				
Revenue				
Sales Tax	1,367,325.00		1,367,325.00	
Interest & Other	12,500.00		12,500.00	
	<u>1,379,825.00</u>		<u>1,379,825.00</u>	
<u>EXPENSES</u>				
Personnel & Benefits	212,866.00	3,640.00	216,506.00	Merit Increase
Community Relations	-		-	
Administrative Costs	19,000.00		19,000.00	
Postage	250.00		250.00	
Marketing	30,000.00		30,000.00	
Professional Expenses			-	
Audit	3,600.00		3,600.00	
Legal	5,000.00		5,000.00	
Appraisal Services	-		-	
Training/Conferences	15,000.00		15,000.00	
Membership Dues	12,000.00		12,000.00	
Other	-		-	
<u>INCENTIVE PROGRAMS</u>				
Williamson County Higher Education Payment	125,000.00		125,000.00	
Co-op District <i>(funds to be paid to PID Bonds) Flix</i>				
<i>Southside BBQ</i>				
<i>Others</i>				
AEND	25,000.00		25,000.00	
JRS	25,000.00		25,000.00	
Projects/Incentives	250,000.00	300,000.00	550,000.00	Loan Program
Total Expenditures	<u>722,716.00</u>	<u>303,640.00</u>	<u>1,026,356.00</u>	
Revenues over expenditures	657,109.00		353,469.00	
			(544,994.00)	
<u>OTHER FINANCING SOURCES AND USES</u>				
Bond Revenues				
Debt Service Payment	(544,994.00)			
Total Other Financing Sources (Uses)	<u>(544,994.00)</u>		<u>(544,994.00)</u>	
Net Income	<u>112,115.00</u>		<u>(191,525.00)</u>	
Beginning Fund Balance	743,148.00		1,042,848.00	CAFR fund balance
Ending Fund Balance	855,263.00		851,323.00	

ORDINANCE NO. O-_____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE APPROPRIATIONS FOR THE SUPPORT OF THE HUTTO ECONOMIC DEVELOPMENT CORPORATION TYPE B, DBA COMMUNITY DEVELOPMENT CORPORATION, FOR THE FISCAL YEAR OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2020; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, AND OPEN MEETING CLAUSE.

WHEREAS, the Hutto Economic Development Corporation budget for the fiscal year October 1, 2019 through September 30, 2020, was duly presented to the City Council.

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

SECTION I.

That the appropriations for the fiscal year October 1, 2019 through September 30, 2020 for the support of the Hutto Economic Development Corporation be fixed and determined for said terms in accordance with the expenditures shown in the CDC's 2020 fiscal year budget, a summary of which is appended hereto as Exhibit A.

SECTION II.

That the budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year October 1, 2019 through September 30, 2020.

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 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 VII.

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

READ and APPROVED on first reading on this the 16th day of April 2020, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

READ, APPROVED and ADOPTED on second and final reading this 7th day of May 2020, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, City Secretary

EXHIBIT A

	Original Budget	Budget Amendment #1	Current Budget	
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<u>Adopted</u>				
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<u>EXPENSES</u>				
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Community Relations	-		-	
Administrative Costs	19,000.00		19,000.00	
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Professional Expenses			-	
Audit	3,600.00		3,600.00	
Legal	5,000.00		5,000.00	
Appraisal Services	-		-	
Training/Conferences	15,000.00		15,000.00	
Membership Dues	12,000.00		12,000.00	
Other	-		-	
<u>INCENTIVE PROGRAMS</u>				
Williamson County Higher Education Payment	125,000.00		125,000.00	
Co-op District <i>(funds to be paid to PID Bonds) Flix</i>				
<i>Southside BBQ</i>				
<i>Others</i>				
AEND	25,000.00		25,000.00	
JRS	25,000.00		25,000.00	
Projects/Incentives	250,000.00	300,000.00	550,000.00	Loan Program
Total Expenditures	<u>722,716.00</u>	<u>303,640.00</u>	<u>1,026,356.00</u>	
Revenues over expenditures	657,109.00		353,469.00	
			(544,994.00)	
<u>OTHER FINANCING SOURCES AND USES</u>				
Bond Revenues				
Debt Service Payment				
	<u>(544,994.00)</u>		<u>(544,994.00)</u>	
Total Other Financing Sources (Uses)	<u>(544,994.00)</u>		<u>(544,994.00)</u>	
Net Income	<u>112,115.00</u>		<u>(191,525.00)</u>	
Beginning Fund Balance	743,148.00		1,042,848.00	CAFR fund balance
Ending Fund Balance	855,263.00		851,323.00	

ORDINANCE NO. O-_____

AN ORDINANCE AMENDING CHAPTER 8: ALARM SYSTEMS, OF THE CITY OF HUTTO'S CODE OF ORDINANCES, TO EFFECTIVELY STRIKE THE EXISTING ALARM PERMIT REGULATIONS AND THEIR EXISTING PENALTIES AND FINES, BY ADOPTING AND ENFORCING NEW LANGUAGE TO PHASE OUT SUCH PERMITTING AND ITS ASSOCIATED PENALTIES AND FINES; AND PROVIDING FOR EFFECTIVE DATE, PUBLICATION, SEVERABILITY, REPEAL, OPEN MEETINGS CLAUSE AND ENACTMENT.

WHEREAS, the City has determined that the Alarm Systems Ordinance Chapter 8, Section 8.02, Division One and Division Two, are no longer necessary to enhance the public safety within the City; and

WHEREAS, the City has determined that the ordinance should be phased out and, when phased out, should no longer be in effect; and

WHEREAS, the City Council of the City of Hutto, Texas, finds it to be in the best interest of the public safety, health and general welfare of the City to phase out the alarm permit ordinance so that, once it is phased out, it is no longer in effect;

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 Chapter 8, Alarm Systems, which shall read as follows:

Section 8.02.045. No Additional Applications Accepted.

Commencing thirty (30) days after the date of adoption of this revision to the ordinance on first reading, the City will not accept any additional applications for alarm permits.

Section 8.02.046. Expiration of Existing Alarm Permits.

All existing alarm permits as of the effective date of this amendment shall be allowed to expire and no permit holder shall be required to renew any alarm permit.

Section 8.02.047. Penalties Abolished.

As of the effective date of this amendment, any existing violation and any penalty for such violation is canceled, and no future violations nor penalties shall be issued.

Section 8.02.048. Removal of Ordinance from Code of Ordinances

On the later of thirty (30) days after the expiration of all existing alarm permits or one (1) year after the effective date of this amendment, the alarm systems ordinance, Article 8.02, shall be removed from the City Code of Ordinances.

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.

City Charter Sec. 3.13, Ordinances in General, the requirements for reading on two separate days was dispensed with by affirmative vote of all the City Council members present. Motion made by _____ to dispense with second reading. Motion seconded by _____. (Record the vote)

Adopted by the City Council for the City of Hutto, Texas, on first reading on the ____ day
of _____, 2020.

THE CITY OF HUTTO, TEXAS

By: _____
Doug Gaul, Mayor

By: _____
Stacy Schmitt, City Secretary

(SEAL)

ORDINANCE NO. O-_____

AN ORDINANCE AMENDING CHAPTER 8: ALARM SYSTEMS, ~~SECTIONS 1 AND 2~~, OF THE CITY OF HUTTO'S CODE OF ORDINANCES, TO EFFECTIVELY STRIKE THE EXISTING ALARM PERMIT REGULATIONS AND THEIR EXISTING PENALTIES AND FINES, BY ADOPTING AND ENFORCING NEW LANGUAGE TO PHASE OUT SUCH PERMITTING AND ITS ASSOCIATED PENALTIES AND FINES; AND PROVIDING FOR EFFECTIVE DATE, PUBLICATION, SEVERABILITY, REPEAL, OPEN MEETINGS CLAUSE AND ENACTMENTAMENDMENT TO ALARM SYSTEMS ORDINANCE, DIVISION ONE AND DIVISION TWO.

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WHEREAS, the City has determined that the Alarm Systems Ordinance Chapter 8, Section ~~5~~8.02, Division One and Division Two, are no longer necessary to enhance the public safety within the City; and

WHEREAS, the City has determined that the ordinance should be phased out and, when phased out, should no longer be in effect; and

WHEREAS, the City Council of the City of Hutto, Texas, finds it to be in the best interest of the public safety, health and general welfare of the City to phase out the alarm permit ordinance so that, once it is phased out, it is no longer in effect; and

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 Chapter 8, Alarm Systems, which shall read as follows: **NOW, THEREFORE**, the City Council for the City of Hutto, Texas, adopts the following new sections:

A new Section 8.02.045 is adopted as follows:

Section 8.02.045. No Additional Applications Accepted.

Commencing thirty (30) days after the date of adoption of this revision to the ordinance on first reading, the City will not accept any additional applications for alarm permits.

Section 8.02.046. Expiration of Existing Alarm Permits.

All existing alarm permits as of the effective date of this amendment shall be allowed to expire and no permit holder shall be required to renew any alarm permit.

Section 8.02.047. Penalties Abolished.

As of the effective date of this amendment, any existing violation and any penalty for such violation is canceled, and no future violations nor penalties shall be issued.

Section 8.02.048. Removal of Ordinance from Code of Ordinances

On the later of thirty (30) days after the expiration of all existing alarm permits or one (1) year after the effective date of this amendment, the alarm systems ordinance, Article 8.02, shall be removed from the City Code of Ordinances.

Section 1. — SEVERABILITY.

If any section or part of any section or paragraph of this ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

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.

Section 2. ~~EFFECTIVE DATE.~~

~~This Ordinance shall be effective immediately upon its passage, approval, and publication. City Charter Sec. 3.13, Ordinances in General, the requirements for reading on two separate days was dispensed with by affirmative vote of all the City Council members present. Motion made by _____ to dispense with second reading. Motion seconded by _____. (Record the vote)~~

Adopted by the City Council for the City of Hutto, Texas, on first reading on the ____ day of _____, 2020.

~~THE Adopted by the City Council for the City of Hutto, Texas, on second and final reading on the ____ day of _____, 2020.~~

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CITY OF HUTTO, TEXAS

By: _____
Doug Gaul, Mayor

By: _____
Stacy Schmitt, City Secretary

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING SECTION 24.04 OF THE UTILITIES CODE OF THE CITY OF HUTTO CODE OF ORDINANCES TO CREATE SECTION 24.04.02, PROVIDING THAT WATER, SEWER, AND SANITATION SERVICE WILL NOT BE DISCONNECTED OR DISCONTINUED, AND PROVIDING FOR A WAIVER OF LATE FEES AND PENALTIES DURING AN ORDER OR ORDINANCE DECLARING A STATE OF EMERGENCY WITHIN THE CITY OF HUTTO; AND ALSO PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ADOPTION, ENACTMENT, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, on March 11, 2020 the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster and the President of the United States of America declared a national emergency in relation to COVID-19; and

WHEREAS, on March 14, 2020, Williamson County Judge Bill Gravell declared a local state of disaster for Williamson County and; and

WHEREAS, on March 16, 2020, Mayor of Hutto, Doug Gaul, declared a state of disaster for the City of Hutto (“City”), which has been extended and remains active, in so keeping with the State, National, and Global levels of precaution; and

WHEREAS, under Section 2.01 of the City Charter, the City, a home-rule municipality, has the power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare, and good order of said City and its inhabitants; and

WHEREAS, under Section 11.01 of the City Charter, the City Council has the power to regulate and distribute the output of utility operations as may now or hereafter be granted under the Constitution and laws of the state of Texas; and

WHEREAS, due to the emergency and the circumstances of many being out of work due to related employment issues, the City Council (“Council”) of the City of Hutto believes that said state of disaster requires the emergency measure of suspending the disconnection or discontinuation of water, sewer, and sanitation services; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Executive Order of the Governor Relating to Emergency Management; therefore, the following amendment to the utility code shall take effect immediately and shall remain in effect until the state of disaster is terminated or as otherwise provided herein.

**NOW, THEREFORE, BE IT ORDAINED, PROCLAIMED AND ORDERED BY
THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS THAT:**

SECTION I.

That the findings set forth, above, are incorporated into the body of this Order as if fully set forth herein.

SECTION II.

That the City Council has determined that Section 24.04 of the Code of Ordinances shall be amended to reflect the following creation of Section 24.04.042:

Sec. 24.04.042 NO DISCONNECTION OR DISCONTINUATION DURING
DECLARATION OF DISASTER/EMERGENCY PERTAINING
TO COVID-19

The City ensures its citizens have uninterrupted access to utility services (defined as water, sewer, and sanitation services) during the coronavirus outbreak. The City hereby suspends all residential and commercial disconnects to ensure customers have uninterrupted access to utility services for so long as the City remains in a declared state of emergency. No local utility shall discontinue the provision of water, sewer, and sanitation services to a local resident for lack of payment while this ordinance is in effect, and no late fees shall be imposed.

SECTION III. Severability Clause

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance and those provisions or applications shall remain in full force and effect.

SECTION IV. 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 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 immediately upon its passage allowed by law.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

Attest:

Stacy Schmitt, City Secretary

(SEAL)

READ and **APPROVED** on first reading on the **16th** 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.

ORDINANCE NO. _____

**ORDINANCE OF CITY OF HUTTO, TEXAS, CONTINUING THE MAYOR'S
DECLARATION OF LOCAL DISASTER EXTENDING DECLARATION OF
DISASTER ORDER; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 as a pandemic and urged that all countries take urgent and aggressive action; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency regarding COVID-19; and

WHEREAS, on March 13, 2020, Governor Greg Abbott declared a state of disaster due to COVID-19; and

WHEREAS, on March 14, 2020, Williamson County Judge Bill Gravell declared a local state of disaster for Williamson County; and

WHEREAS, on March 15, 2020, the Centers for Disease Control ("CDC") lowered the recommended number of persons at mass gatherings to 50 persons; and

WHEREAS, on March 16, 2020, Mayor of Hutto, Doug Gaul, declared a state of disaster for the City of Hutto and on March 19, the City Council extended the March 16, 2020 Order for an additional seven (7) days until March 30, 2020; and

WHEREAS, on March 18, 2020, Williamson County Judge Bill Gravell has issued an Order stating community gatherings of 10 people or more anywhere in Williamson County have been prohibited until undisclosed date and any future Order requiring that Williamson County residents shelter in place will be in effect in the City of Hutto, Texas as of the date of the Shelter in Place Order and this order has been superseded by the March 24, 2020 Williamson County Order by Judge Bill Gravell, ("the Stay Home Stay Safe Order"); and

WHEREAS, large gatherings of individuals pose a risk of the spread of COVID-19. COVID-19 spreads between people who are in close proximity to each other through respiratory droplets produced when a person coughs or sneezes. The CDC recommends that persons maintain a distance of six feet from others when possible; and

WHEREAS, limiting large gatherings is essential and proactive to prevent and slow down community spread of COVID-19; and

WHEREAS, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation; and

WHEREAS, the pandemic is forcing the City Council to drastically reduce the City's budget, cutting it to bare bones, eliminating discretionary activities, and devoting all available remaining funds and city staff functions to essential services, emergency activities, and constitutionally mandated expenses; and

WHEREAS, by Ordinance No. 0-2020-004, the City Council extended its Declaration of Disaster on March 26, 2020 to April 2, 2020; and

WHEREAS, on March 30, 2020 the City Council of the City of Hutto, Texas adopted Ordinance No. 0-2020-003 postponing the May 2, 2020 General Election for Municipal Officers until November 3, 2020; and

WHEREAS, on March 31, 2020 Governor Abbot issued Executive Order GA 14, ("Executive Order"), effective 12:01 a.m. on April 2, 2020 continuing through April 30, 2020 subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC on the Whitehouse Coronavirus Task Force that provides that every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gathering and minimize in-person contact with people who are not in the same household; that "Essential Services" as those defined by the Texas Department of Emergency Management according to the U.S. Department of Homeland Security; that people should follow the President's and CDC's hygiene guidelines; that people should avoid eating out, but take advantage of carry out and drive-thru restaurants; and that the "Executive Order" does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household; and that people shall not visit nursing homes, state supported living facilities, assisted living facilities or long term care facilities unless to provide critical assistance through Texas Health and Human Services Commission guidance; and that schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020; and that the Executive Order supersedes any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that the local order restricts essential services as allowed by the Executive Order or allows gatherings prohibited by the "Executive Order"; and

WHEREAS, the City Council amended Ordinance No. 0-2020-004 to provide local restrictions consistent with the Executive Order; and

WHEREAS, On April 12, 2020 Governor Abbott issued a proclamation renewing the declaration of March 13, 2020, declaring a disaster, stating that the novel coronavirus (COVID- 19) poses an imminent threat of disaster for all counties in Texas and presumably extends the March 13, 2020 declaration of disaster for 30 days pursuant to Texas Government Code Section 418.014(c); and

WHEREAS, the disaster declaration is not the same as the Governor's stay home/work home Executive Order GA-14 that expires on April 30, unless renewed.

**NOW, THEREFORE, BE IT ORDAINED, PROCLAIMED AND ORDERED BY
THE CITY OF HUTTO, TEXAS, UNDER THE AUTHORITY OF TEXAS
GOVERNMENT CODE SECTION 418.108:**

SECTION I.

That the findings set forth, above, are incorporated into the body of this Order as if fully set forth, herein.

SECTION II.

That the City Council has determined that extraordinary and immediate measures must be taken to respond quickly to prevent and slow down community spread of COVID-19; that a local state of disaster and public health emergency was declared on March 16, 2020 was declared for the City of Hutto, Texas for seven days and was extended by Council action on March 19, 2020 for an additional seven-day period until March 30, 2020 and was extended consistent with this Ordinance and the Stay Home Stay Safe Order enacted by Williamson County on March 24, 2020 and will remain in effect until repealed by Williamson County or the City Council. The Williamson County Stay Home Stay Safe Order terminates, rescinds and replaces the prior Order Relating to Large Events and Mass Gatherings Under Local State of Disaster issued by Williamson County Judge Bill Gravell, Jr. on March 16, 2020 and the Second Order Relating to Large Events and Mass Gatherings Under Local State of Disaster issued by Williamson County Judge Bill Gravell, Jr. on March 18, 2020 and the Stay Home Stay Safe Order applies to all individuals who live within the City of Hutto and all businesses that operate within the City of Hutto as follows:

- A. The intent of the Stay Home Stay Safe Order is to ensure that the maximum number of people self-isolate in their places of Residence to the maximum extent feasible, while enabling essential services to continue, to reduce the risk to the health and safety of the people to the maximum extent possible. When people need to leave their places of Residence, whether to obtain or perform authorized services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Subsection H below. All provisions of the Stay Home Stay Safe Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Stay Home Stay Safe Order constitutes an imminent threat to public health.
- B. All individuals currently living within Williamson County, Texas ("the County") are ordered to shelter and stay at their place of Residence. To the extent individuals are using shared or outdoor spaces as allowed hereunder, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their Residence. All persons may leave their Residences only for Essential Activities or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in Subsection H. Individuals experiencing homelessness are exempt from this Section but

are strongly urged to obtain shelter and to utilize Social Distancing Requirements. All individuals living within the City of Hutto shall comply with Subsection B.

- C. All businesses operating in the County, except Essential Businesses as defined below in Subsection H, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Subsection H. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e., working from home) without regard to home-owners association restrictions providing otherwise. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Subsection H below, including six-foot social distancing for both employees and the general public. All businesses, except Essential Businesses defined in Subsection H operating within the City of Hutto shall comply with Subsection H.
- D. All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes as expressly permitted herein and defined in Subsection H. Nothing in the Stay Home Stay Safe Order prohibits the gathering of members of the same Residence at their place of Residence.
- E. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Subsection H, is prohibited. People riding on public transit must comply with Social Distancing Requirements as defined in Subsection H below, to the greatest extent feasible. The Stay Home Stay Safe Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
- F. The Stay Home Stay Safe Order is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.
- G. The Stay Home Stay Safe Order also is issued based on known risks to the health and safety to the people of Williamson County and the people of the City of Hutto. The Stay Home Stay Safe Order is necessary to protect the health and safety of the people and to limit the factors creating the risks.
- H. Definitions and Exemptions:
 - 1. Residence. For purposes of the Stay Home Stay Safe Order, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), and hotels, motels, shared rentals, and other related facilities.
 - 2. Covered Businesses and Covered Entities. For the purposes of the Stay Home Stay Safe Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

3. Essential Activities. For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence only to perform any of the following "Essential Activities":
 - (a) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, and visiting a health care professional.
 - (b) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of Residences, and obtaining supplies they need to work from home.
 - (c) To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
 - (d) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Stay Home Stay Safe Order, including Minimum Basic Operations.
 - (e) To care for a family member or pet in another household.
 - (f) To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.
4. Healthcare Operations. For purposes of the Stay Home Stay Safe Order, individuals may leave their Residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise facilities, athletic gyms, exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be

postponed or cancelled based on patient risk considering the emergency need for redirection of resources to the current public health and safety concerns.

5. Essential Critical Infrastructure. For purposes of the Stay Home Stay Safe Order, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Critical Infrastructure," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) and as outlined at <https://www.cisa.gov/critical-infrastructure-sectors>, including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with the Social Distancing Requirements as defined in this Section, including the six foot social distancing, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.
6. Essential Governmental Functions. For purposes of the Stay Home Stay Safe Order, all services provided by the City of Hutto and governmental entities need to ensure the continuing operation of the City of Hutto and the governmental entities to provide for the health, safety, and welfare of the public and are categorically exempt from this Stay Home Stay Safe Order. Further, nothing in the Stay Home Stay Safe Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the City of Hutto or the governmental entity performing those functions. All Essential Governmental Functions provided by the City of Hutto shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible.
7. Essential Businesses. For purposes of this Stay Home Stay Safe Order, "Essential Businesses" means:
 - (a) Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
 - (b) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-

grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences;

- (c) Food cultivation, including farming, livestock, and fishing, and garden centers;
- (d) Residential, transportation and commercial construction;
- (e) Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- (f) Newspapers, television, radio, and other media services;
- (g) Gas stations and fuel suppliers;
- (h) Auto-supply, auto-repair, auto parts, auto-maintenance, vehicle manufacturing, vehicle sales and related facilities;
- (i) Banks and related financial institutions;
- (j) Hardware stores;
- (k) Trash and recycling collection, processing and disposal;
- (l) Cleaning, maintenance and security for facilities;
- (m) Warehouse distribution and fulfillment;
- (n) Storage for Essential Businesses;
- (o) Funeral homes, crematoriums, cemeteries, burial, and related services, provided that Social Distancing Requirements are maintained to the greatest extent possible;
- (p) Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of Residences, Essential Activities, and Essential Businesses, in addition to emergency repairs for facilities of non-essential businesses;
- (q) Certain real estate functions limited to real estate property management, including scheduling necessary repairs that effect the safety and wellbeing of residents, executing and managing leases (commercial and residential), renewal and adjustments of leases (commercial and residential); real estate recordings and transfers, including the execution and documentation of real estate transfers; and real property related services such as permitting, inspections, construction, procurement, representation and title searches;
- (r) Businesses and providers providing mailing and shipping services, including post office boxes;
- (s) Educational institutions-including public and private pre-K establishments, K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- (t) Laundromats, drycleaners, and laundry service providers;

- (u) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Stay Home Stay Safe Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only;
 - (v) Businesses that supply products needed for people to work from home;
 - (w) Businesses that provide Information Technology (IT) services that are necessary to maintain internet and telecommunications systems, including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications and web-based services;
 - (x) Businesses that provide residential and/or commercial moving services and necessary moving supplies;
 - (y) Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
 - (z) Businesses that ship or deliver groceries, food, goods or services directly to Residences;
 - (aa) Any business or manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing products intended to be directly utilized for the COVID-19 response;
 - (bb) Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Stay Home Stay Safe Order;
 - (cc) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - (dd) Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this Stay Home Stay Safe Order to work as permitted. To the extent possible, childcare, daycare and child watch facilities and providers must operate under the following mandatory conditions:
 - (1) Childcare, daycare and child watch be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).
 - (2) Children should not change from one group to another.
 - (3) If more than one group of children is cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
 - (4) Childcare providers should remain solely with one group of children.
8. Minimum Basic Operations. For purposes of the Stay Home Stay Safe Order, "Minimum Basic Operations" include the following, provided that employees

comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

- (a) The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - (b) The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences.
9. Essential Travel. For purposes of the Stay Home Stay Safe Order, "Essential Travel" includes travel for any of the following purposes:
- i. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of Residence from outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

10. Social Distancing Requirements. For purposes of the Stay Home Stay Safe Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- I. Religious and worship services may only be provided by video and teleconference. Religious institutions must limit in-person staff to ten (10) people or less when preparing for or conducting video or teleconference services, and all individuals must follow the Social Distancing Requirements, including the six-foot social distancing.
 - J. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, the Stay Home Stay Safe Order hereby suspends all delivery hour restrictions for transport to or from any entity involved

in the selling or distribution of food products, medicine, or medical supplies in Williamson County for the next 60 days.

- K. Due to increased demand for bath or toilet tissue (toilet paper) resulting from stock up buying and private non-retail individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted in order to allow the supply chain to meet the demand. During the effective period of the Stay Home Stay Safe Order, all sales of toilet paper occurring in the County or the City of Hutto are limited to the greater of (a) twelve (12) rolls per purchase; or (b) one (1) package per purchase.
- L. Nursing homes, retirement, and long-term care facilities are instructed by the order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
- M. The Stay Home Stay Safe Order is issued pursuant to and in accordance with the local state of disaster issued by County Judge Bill Gravell, Jr. for Williamson County, Texas on March 14, 2020, which was thereafter extended on March 18, 2020 by the Williamson County Commissioners Court pursuant to Section 418.108(b) of the Texas Government Code.
- N. Pursuant to Section 418.108(h) of the Texas Government Code, this Stay Home Stay Safe Order shall control the movement of persons and the occupancy of premises in Williamson County, Texas and includes the incorporated and unincorporated areas of Williamson County, Texas; and to the extent of a conflict between this Stay Home Stay Safe Order and any decisions of a Mayor of the City of Hutto in Williamson County, Texas, the orders set out herein of the Williamson County Judge shall prevail.
- O. AS AUTHORIZED BY SECTION 418.173 OF THE TEXAS GOVERNMENT CODE AND AS ADOPTED IN WILLIAMSON COUNTY'S EMERGENCY MANAGEMENT PLAN, A FAILURE TO COMPLY WITH THE WILLIAMSON COUNTY EMERGENCY MANAGEMENT PLAN OR WITH ANY RULE, ORDER OR ORDINANCE ADOPTED UNDER SAID PLAN, INCLUDING, BUT NOT LIMITED TO THIS STAY HOME STAY SAFE ORDER, SHALL BE A CRIMINAL OFFENSE PUNISHABLE BY A FINE THAT DOES NOT EXCEED \$1,000.00 OR CONFINEMENT IN JAIL FOR A TERM NOT TO EXCEED 180 DAYS. THE WILLIAMSON COUNTY SHERIFF'S OFFICE, WILLIAMSON COUNTY CONSTABLES, WILLIAMSON COUNTY FIRE MARSHAL'S OFFICE, AND OTHER LICENSED PEACE OFFICERS ARE HEREBY AUTHORIZED TO ENFORCE THE ORDER AND ORDERS REFERENCED HEREIN.**
- P. If any provision of the Stay Home Stay Safe Order or its application to any person or circumstance is held to be invalid, the remainder of the Stay Home Stay Safe Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Stay Home Stay Safe Order are severable.
- Q. The Stay Home Stay Safe Order will be posted on Williamson County's website at www.wilco.org and filed with the Williamson County Clerk. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Stay Home Stay

Safe Order is strongly encouraged to post a copy of this Stay Home Stay Safe Order onsite and to provide a copy to any member of the public asking for a copy.

- R. The Stay Home Stay Safe Order became effective at 11:59 p.m. on March 24, 2020 and will continue to be in effect until 11:59 p.m. on April 13, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Williamson County Judge.

SECTION III.

Pursuant to §418.108(c) of the Texas Government Code, this Ordinance extending the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

SECTION IV.

Pursuant to §418.108(d) of the Texas Government Code, the Mayor's Order declaring a local state of disaster, as extended, activates the City's Emergency Management Plan and the Emergency Management Plan shall remain active throughout the duration of this disaster declaration. All aspects of the Emergency Management Plan not already activated are hereby activated as provided in the plan to the extent determined by the Interim City Manager to be necessary to respond to the COVID-19 emergency.

SECTION V

Pursuant to Section 418.020(d) of the Texas Government Code, the City of Hutto is authorized to: (1) temporarily or permanently acquire by lease, purchase or other means sites required for installation of temporary housing units, emergency shelters or public health facilities for disaster victims; and (2) enter into arrangements necessary to prepare or equip the sites to use the housing units, emergency shelters or public health facilities, including arrangements for the purchase of temporary housing units, emergency shelters or public health facilities and the payment of transportation charges.

SECTION VI

Pursuant to Section 122.006 of the Texas Health and Safety Code, the City of Hutto is authorized to adopt rules to protect the health of persons in the Hutto, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations, emergency hospitals and other hospitals.

SECTION VII

Effective on April 2, 2020 consistent with Governor Abbot's "Executive Order" GA 14, and continuing until April 30, 2020, the expiration or termination of the "Executive Order" or as may be extended by Governor Abbott and consistent with the Williamson County Stay Home Stay Safe Order of March 24, 2020 all persons who reside in the City of Hutto and all businesses within the City of Hutto shall follow the mandates of the "Executive Order" and the Williamson County Stay Home Stay Safe Order of March 24, 2020 as provided for in Section II, above, until

the Stay Home Stay Safe Order is either repealed or extended by Williamson County, Governor Abbott or by the City of Hutto.

SECTION VIII

Effective on April 12, 2020 consistent with Governor Abbott's proclamation renewing the declaration of March 13, 2020, declaring a disaster, stating that the novel coronavirus (COVID- 19) poses an imminent threat of disaster for all counties in Texas and presumably extends the March 13, 2020 declaration of disaster for an additional 30 days until May 13, 2020 pursuant to Texas Government Code Section 418.014(c).

SECTION IX.

The hoarding of food and other items necessary for daily living is prohibited. The Interim City Manager is authorized to distribute to retailers within Hutto a list containing per-customer limitations on purchases. The City Attorney is authorized to take such action as allowed by law, in coordination with Williamson County and the Texas Attorney General, to enforce prohibitions on price-gouging.

SECTION X

The Interim City Manager and his designees are hereby authorized to exclude from any City of Hutto facility a person whom the Interim City Manager or his designee has reasonable cause to believe is ill with, has been exposed to or is the carrier of the virus that causes the sickness known as COVID- 19 and the following City of Hutto facilities, meetings, programs and May2 General Election are suspended or postponed as follows:

- a. All Parks and Recreation facilities are closed except as allowed by the Executive Order, at which time the closure will be reassessed and may be extended at the discretion of the Interim City Manager.
- b. All library facilities are closed indefinitely, at which time the closure will be reassessed and may be extended at the discretion of the Interim City Manager.
- c. The Hutto Municipal Court is closed indefinitely. The Municipal Court website, www.huttotx.gov/departments/municipalcourt for instructions on contacting the municipal court.
- d. All City of Hutto board and commission meetings, with the exception of City Council, the Planning & Zoning Commission, the Hutto Economic Development Corporation Board, the Hutto Community Development Corporation Board and any other meeting required by law to be held, are postponed for the duration of this disaster declaration.
- e. All youth sports leagues will be suspended during the duration of the Executive Order and the Williamson County Stay Home Stay Safe Order, for practice and play at which

time the closure will be reassessed and may be extended at the discretion of the Interim City Manager.

- f. All City of Hutto-sponsored and permitted special events and public rentals of City owned facilities are cancelled and refunds of deposit and/or fees for events and cancellations/refunds may be extended at the discretion of the Interim City Manager.
- g. All City of Hutto Animal Control Services are suspended except for the services related to dangerous animals or as otherwise, reinstated by the Interim City Manager.
- h. The May 2, 2020 General Election for Municipal Officers is postponed until November 3, 2020 as provided for in Ordinance No. 0-2020-003.
- i. On March 30, 2020 the City Council approved suspending City Council pay for six (6) months.

SECTION XI.

All citizens are encouraged to watch City Council and Planning & Zoning Commission meetings online. For the submission of public comments and public comments for public hearing, please check the agenda posting for instructions. For City Council meetings, members of the public can submit comments of public interest or comments on agenda items electronically to the City of Hutto at comment@HuttoTX.gov. For Planning & Zoning Commission meetings, members of the public can submit comments on agenda items electronically to the City of Hutto at Planning@HuttoTX.gov

SECTION XII.

All public, private, and commercial labs within Hutto are encouraged to report the number of COVID-19 tests conducted on a daily basis to Williamson County and the City of Hutto.

SECTION XIII.

The City Council hereby finds that while in a state of disaster, that certain services, facilities and/or operations may need to be temporarily closed or suspended and that disaster-related events prevent the provision of services and operations during the public health emergency. The City Council hereby authorizes the Interim City Manager to make any staffing and compensation-related decisions necessary to adapt to the rapidly changing environment created by the public health emergency to meet the objectives stated herein and authorizes the expenditure of City funds to accommodate same. Any expenditure of funds beyond that approved in the FY 19-20 budget must come to the City Council for ratification at a City Council meeting, though the expenditure may be made prior to City Council ratification due to the public health emergency.

SECTION XIV.

The City Council hereby finds that for the duration of this disaster declaration, immediate procurement may be necessary to preserve and protect public health and safety. Accordingly, the City Council hereby authorizes the Interim City Manager to purchase goods or services as necessary for ratification by the City Council at a later date as long as the procurement is in compliance with federal and state law requirements.

SECTION XV

The City of Hutto must promptly provide copies of this Ordinance by posting it on the City of Hutto website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Ordinance is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

SECTION XVI

That a violation of this Ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a fine of not less than one dollar (\$1.00) and no more than one thousand dollars (\$1,000.00) pursuant to Government Code Section 418. 108 and no more than two thousand dollars (\$2,000) for a violation of the Texas Health and Safety Code and each day a violation exists shall be a separate offense. That this declaration also hereby authorizes the use of any other lawfully available enforcement tools.

SECTION XVII Severability Clause

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance and those provisions or applications shall remain in full force and effect.

SECTION XVIII 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 XIX Repealing Clause

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

SECTION XX 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 XXI Effective Date

This ordinance shall take effect immediately upon its passage as allowed by law and remain in effect until May 13, 2020 or as may be extended by Governor Abbott, Williamson County or the City of Hutto, Texas.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, City Secretary

(SEAL)

READ and **APPROVED** on first reading on the **16th** 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 and as allowed by **Sec. 3.14 Emergency Ordinances of the City Charter of the City of Hutto, Texas.**

ORDINANCE NO. O-20-XX-XX

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE FISCAL YEAR 2019-20 BUDGET TO REFLECT CHANGES IN REVENUE AND EXPENDITURE PROJECTIONS DRIVEN BY ECONOMIC, ORGANIZATIONAL AND SERVICE LEVEL ADJUSTMENTS.

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

SECTION 1: That the appropriations for the fiscal year beginning October 1, 2019, and ending September 30, 2020, for the support of the general government of the City of Hutto, Texas, be amended for said term in accordance with the change in revenue and expenditures shown in the attached Exhibit A.

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, 2019, and ending September 30, 2020.

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: 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 5: 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 6: 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 7: 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 **first reading** on this the **16th** day of **April 2020**, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

READ, APPROVED and **ADOPTED** on **second and final reading** this **7th** day of **May 2020**, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Stacy Schmitt, Appointed City Secretary

City Council

AGENDA ITEM REPORT



To: Regular City Council

Subject: Consideration and possible action on a resolution of the City of Hutto, 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. (Michel Sorrell)

Meeting: Regular City Council - 16 Apr 2020

Department: Finance

Staff Contact: Michel Sorrell

BACKGROUND INFORMATION:

AIR-20-148 - On or about February 28, 2020 Atmos Energy filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP").

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.

RECOMMENDATION:

Approve a Resolution suspending for 45 days the effective date proposed by Atmos Energy, Corp. -
MidTex Division in its application filed on or about February 28, 2020.

ATTACHMENTS:

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

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

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

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
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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.

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City Council

AGENDA ITEM REPORT



To: Anthony Host

Subject: Consideration and possible action on the acceptance of the street, drainage, water, sidewalk, ADA ramps and wastewater improvements of Hutto Crossing Phase 4 Section 10 Subdivision.

Meeting: Regular City Council - 16 Apr 2020

Department: Community Services

Staff Contact:

BACKGROUND INFORMATION:

AIR-20-151 - The infrastructure improvements for the residential subdivision Hutto Crossing Phase 4 Section 10 have been constructed and are ready to be accepted by the City Council. A final inspection was conducted by the City's Construction and Public Works staff of all streets, drainage, water, sidewalk, ADA ramps, restoration and wastewater improvements. All items have been constructed according to engineering plans and City codes and standards. The contractor has submitted a warranty bond to cover the materials and workmanship for two years.

FINANCIAL IMPACT:

The total cost of the improvements is \$2,457,285.10

ATTACHMENTS:

[Resolution hutto crossing 4-10](#)

[Engineers Concurrence Letter](#)

[Hutto Crossing 4-10 Construction Summary 200304](#)

[Maintenance Bond](#)

RESOLUTION NO. R-

A RESOLUTION ACCEPTING THE INFRASTRUCTURE IMPROVEMENTS FOR THE SUBDIVISION KNOWN AS “HUTTO CROSSING PHASE 4 SECTION 10”; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS

WHEREAS, the infrastructure improvements for Hutto Crossing Phase 4 Section 10 Residential subdivision have been constructed and are ready for acceptance, and;

WHEREAS, a final inspection was conducted by the Cities Construction and Public Works staff of all roads, drainage, sidewalks, ADA ramps, water and wastewater improvements, and;

WHEREAS, all items have been constructed according to the engineered plans and city codes and standards, and;

WHEREAS, Patin Construction, LLC submitted a warranty bond to cover the material and workmanship for two years,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, hereby accepts the infrastructure improvements for Hutto Crossing Phase 4 Section 10. The City Council hereby finds and declares that written notice of the date, hour, place and the 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 required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

CONSIDERED and RESOLVED by the City Council of the City of Hutto on this the **16th** day of **April, 2020**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTESTED:

Stacy Schmitt, Interim City Secretary

ENGINEER'S CONCURRENCE FOR PROJECT ACCEPTANCE

PROJECT: Hutto Crossing Phase 4, Section 10 Street, Drainage, Wastewater and Water Improvements

Owner/Developer's Name and Address

Hutto Option Mezz Holdings, LLC
c/o PCCP, LLC
555 California St., suite 3450
San Francisco, CA 94104

Consultant Engineer's Name and Address

Kenneth W. Martin, P.E.
Murfee Engineering Company, Inc.
1101 Capital of Texas Highway South
Building D
Austin, Texas 78746

This is to certify that I, the undersigned professional engineer, visually reviewed the progress of the aforementioned project on March 24, 2020 and during construction prior to that and the construction appears to be complete in accordance with the approved plans with the exception of Oncor's energizing of the street lights. No other discrepancy or deviation from the approved construction plans exists which may materially affect the usefulness of the work for the purpose and life intended for the project by design. I, therefore, recommend acceptance of the improvements by the City of Hutto.



Kent W. Martin
Signature

3/24/2020
Date

65971
Texas Registration Number



PROJECT CONSTRUCTION SUMMARY

PROJECT NAME: HUTTO CROSSING PHASE 4 SECTION 10

FINAL ACCEPTANCE DATE: _____

INSPECTOR: TODD MEACKER/SLADE HARRIS

CONTRACTOR: PATIN CONSTRUCTION LLC.

Maintained By:	
COH	Other
Boxes checked by COH	

CONSTRUCTION COSTS

STREET IMPROVEMENT COST: \$ 703,427.60

SIDEWALK IMPROVEMENT COST: \$ 58,316.50

SIDEWALK RAMP IMPROVEMENT COST: \$ 18,900.00

BRIDGE IMPROVEMENT COST: N/A

POND(S) COST: N/A

DRAINAGE IMPROVEMENT COST: \$ 899,604.00

WATER IMPROVEMENT COST: \$ 363,456.00

WASTEWATER IMPROVEMENT COST: \$ 356,017.00

RESTORATION COST: \$ 57,564.00

TOTAL IMPROVEMENT COST: \$ 2,457,285.10

*minus temporary E/S controls and dry utilities

PREPARED BY (DESIGN ENGINEER): Ken Martin, P.E., Murfee Engineering

CHECKED BY (CITY INSPECTOR): _____

CONSTRUCTION SUMMARY FOR STREETS & SIDEWALKS

STREET PAVING							
STREET NAME	Address from	Address to	Pavement Design (Thickness) Asphalt / Base	Pavement Width (FT) (foc-foc)	L (FT)	PRIVATE	ETJ
BARLEY FORK LANE			2/9	30	1,399		
QUARRYMAN DRIVE			2/9	30	275		
DUROC DRIVE			2/9	30	1,440		
HAY NEEDLE LOOP			2/9	30	412		

SIDEWALKS / SIDEWALK RAMPS						
STREET NAME	Address from	Address to	W (FT)	L (FT)	SIDES ₁	CURB RAMP ₂
BARLEY FORK LANE			5	326	N/S	6
QUARRYMAN DRIVE			5	-	-	2
DUROC DRIVE			5	412	N	6
HAY NEEDLE LOOP			5	105	N/SE	4
FM 685			5	1,049	NW	
KNOWLES DRIVE			5	211	S	

1 – Designates location of existing sidewalk (E, W, S, N, SE, SW, NE, NW of designated street)
2 – Number of Ramps

CONSTRUCTION SUMMARY FOR BRIDGES

BRIDGES / BRIDGE CLASS CULVERTS / DRAINAGE CULVERTS ACROSS ROW								
STREET NAME AND ADDRESS OR LOCATION	FEATURE CROSSED ¹	TYPE ²	DESCRIPTION ³	DECK		COST	PRIVATE	ETJ
				W (FT) ⁴	L (FT) ⁵			
	NONE							

- 1 – Feature Crossed: Creek name if major creek or branch, or roadway name if overpass.
- 2 – Type: B – Bridge, C – Culvert, P – Pipe. All crossings 20' and wider including multiple box culverts totaling 20' or wider shall be classified as a B – Bridge. Culverts are precast of cast-in-place box culverts. Pipes are smaller drainage pipe crossings with or without headwalls.
- 3 – Description: i.e. 2 spans (Bridge), 2 – 5 X 7' (Culverts), 2 – 24" RCP (Pipes).
- 4 – Deck Width: Use "footprint" of culvert/pipes for width on buried culvert/pipes; include full "out to out" dimension including sidewalks/railings for width of standard bridges.
- 5 – Deck Length: Measured along the centerline of the roadway

CONSTRUCTION SUMMARY FOR PONDS

PONDS						
POND TYPE ₁	LOCATION (ADDRESS OR LOT / BLOCK #)	SIZE (SY) ₂	DRAINAGE AREA (ACRES)	PRIVATE ₃	ETJ	COST
	NONE					

- 1 – BD = Bio-Detention
 D = Detention Only
 DSF = Detention / Sedimentation / Filtration
 F = Filtration Only
 S = Sedimentation Only
 SF = Sedimentation / Filtration
 SFI = Sedimentation / Filtration / Infiltration
 SI = Sedimentation / Irrigation
 WP = Wet Pond

2 – Approximate boundary area

3 – Provide copy of recorded agreement for privately maintained ponds

CONSTRUCTION SUMMARY FOR DRAINAGE

STORM DRAIN			MANHOLES			INLETS		
SIZE (IN)	MATERIAL TYPE	L (FT)	QTY	SIZE (Dia - FT)	MATERIAL TYPE	QTY	SIZE (L - FT)	TYPE ₁
18	RCP	1,568	4	4	CONC.	25	10	CURB
24	RCP	297	7	5	CONC.			
30	RCP	413	1	6	CONC.			
36	RCP	194						
60 x 60	RCB	1,121						
42	RCP	88						

JUNCTION BOXES			OUTFALL STRUCTURES		
QTY	SIZE (FT x FT x FT)	MATERIAL TYPE ₂	QTY	SIZE ₃	DESCRIPTION ₄
8	7 x 7	CONC.	2	30" RCP	CONC. HEADWALL
			1	6:1	WINGWALLS WITH CONC. RIPRAP APRON
			2	42"	DOUBLE SET'S FOR CULVERT - FM 685

CHANNEL			
LENGTH (FT)	BOTTOM WIDTH (FT)	SIDE SLOPE (FT/FT)	LINING MATERIAL TYPE
NONE			

- 1) Grate, Area, Curb, Recessed Curb, Combination, Slotted Drain
- 2) Cast-in-Place, Precast
- 3) Pipe size / Culvert Size
- 4) Headwall, Wing Walls, Gabions

CONSTRUCTION SUMMARY FOR WATER

VALVES INSTALLED			PIPE			FIRE HYDRANTS		
SIZE	DESCRIPTION	NO.	SIZE	TYPE	LENGTH	SIZE	TYPE	NO.
8"	GATE	15	8"	PVC	3,448	5 1/4"		5
			2"	PVC	265			
AIR RELEASE								
SIZE	TYPE	NO.						
1"	ARV	1						
			SERVICES INSTALLED					
			NO.	TYPE				
			40	SINGLE				
			22	DOUBLE				

REMARKS:

465 LF of the total 3,448 LF 8" pipe is restrained.

CONSTRUCTION SUMMARY FOR WASTEWATER

PIPE			MANHOLES					
SIZE	TYPE	LENGTH	DEPTH	MAKE	STA. NO.	B.C.	EYE	STREET
8"	SDR-26	2,339	17.2	CONC	1+00			BARLEY FORK LANE
			15.01	CONC	2+29.49			BARLEY FORK LANE
			12.19	CONC	5+85.48			BARLEY FORK LANE
			10.86	CONC	6+79.33			BARLEY FORK LANE
			9.82	CONC	7+53.84			BARLEY FORK LANE
			8.73	CONC	8+32.44			BARLEY FORK LANE
			9.87	CONC	3+24.71			QUARRYMAN DRIVE
			11.06	CONC	1+07.01			DUROC DRIVE
			15.03	CONC	3+00.63			DUROC DRIVE
			14.53	CONC	3+77.91			DUROC DRIVE
			15.15	CONC	4+38.66			DUROC DRIVE
			17.2	CONC	6+12.09			DUROC DRIVE
			12.26	CONC	1+41.86			DUROC DRIVE
			7.7	CONC	6+35.99			DUROC DRIVE
			8.7	CONC	5+77.10			DUROC DRIVE
			12.62	CONC	3+18.81			DUROC DRIVE
			9.63	CONC	2+06.06			HAY NEEDLE LOOP
			15.83	CONC	2+18.63			BARLEY FORK LANE
			8.71	CONC	4+37.58			BARLEY FORK LANE
			8.56	CONC	4+64.13			BARLEY FORK LANE
			8.72	CONC	6+21.80			BARLEY FORK LANE

SERVICES INSTALLED								
NO.	TYPE - S / D		T8YPE OF MANHOLE COATING:					
11	S							
32	D							

REMARKS:

**LIMITS OF CONSTRUCTION FOR
WATER/WASTEWATER PROJECTS ONLY**

PROJECT NAME _____ WORK ORDER # _____

WWW JOB I.D. _____ SUBDIVISION FILE # _____

LIMITS OF PROJECT WILL BE GIVEN BY ADDRESS OF STREETS LISTED BELOW

STREET NAME	FROM	TO
N/A		

**THIS SHEET MUST BE USED WHEN THERE IS NOT A STREET AND DRAINAGE
SUMMARY INCLUDED.**

Argonaut Insurance Company

Fidelity and Surety Department

Bond No.: SUR00440062

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS, THAT,

Patin Construction, LLC

Hereinafter called Principal, as Principal, and the Argonaut Insurance Company, A corporation organized and existing under the laws of the State of Illinois, with its principal office in the City of Chicago, hereinafter called the Surety, as Surety, are held and firmly bound unto

City of Hutto Public Works

Hereinafter called the Oblige, as Oblige, in the just and full sum of Two Hundred Forty Five Thousand Seven Hundred Twenty Eight Dollars and Fifty One Cents (\$245,728.51) of which sum, well and truly to be made we bind ourselves, and our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal and the Oblige entered in to a written contract for the:
Hutto Crossing Ph. 4 Section 10 (Paving, Wastewater, Water and Storm Improvements)

And
Whereas, said contract provides that the Principal will furnish a Maintenance Bond in the penalty Of Ten-Percent (10%) of the contract price conditioned to guarantee, for the period of Two-Years from the date of final acceptance by City of Hutto Public Works against all defects in workmanship and materials which may become apparent during said period, and, Whereas, the said contract has been substantially completed,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Oblige for all loss that the Oblige may sustain by reason of any defective materials or workmanship which became apparent during the period of Two- Years from the date of Final Acceptance by:

City of Hutto Public Works

from and after this date, then this obligation shall be null and void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED THIS: 16th March, 2020

Patin Construction, LLC
Principal

By: _____

Argonaut Insurance Company
Surety



Canellia Doss
Witness



Kenneth Nitsche
Attorney-In-Fact

Argonaut Insurance Company
Deliveries Only: 225 W. Washington, 24th Floor
Chicago, IL 60606
United States Postal Service: P.O. Box 469011, San Antonio, TX 78246

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the Argonaut Insurance Company, a Corporation duly organized and existing under the laws of the State of Illinois and having its principal office in the County of Cook, Illinois does hereby nominate, constitute and appoint:

Violet Frosch, Gary Nitsche, Kenneth Nitsche, Robert James Nitsche, Robert K. Nitsche, Craig Parker, Nina Smith

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all bonds, contracts, agreements of indemnity and other undertakings in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

\$50,000,000.00

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of Argonaut Insurance Company:

"RESOLVED, That the President, Senior Vice President, Vice President, Assistant Vice President, Secretary, Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the Company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the Argonaut Insurance Company, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Argonaut Insurance Company has caused its official seal to be hereunto affixed and these presents to be signed by its duly authorized officer on the 8th day of May, 2017.



Argonaut Insurance Company

by: 

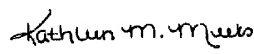
Joshua C. Betz, Senior Vice President

STATE OF TEXAS
COUNTY OF HARRIS SS:

On this 8th day of May, 2017 A.D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICER OF THE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me duly sworn, deposed and said that he is the officer of the said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation, and that Resolution adopted by the Board of Directors of said Company, referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.





(Notary Public)

I, the undersigned Officer of the Argonaut Insurance Company, Illinois Corporation, do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of said Company, on the 16th day of March, 2020.





James Bluzard, Vice President-Surety

THIS DOCUMENT IS NOT VALID UNLESS THE WORDS ARGO POWER OF ATTORNEY ARE IN BLUE. IF YOU HAVE QUESTIONS
ON AUTHENTICITY OF THIS DOCUMENT CALL (210) 321 - 8400.

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Argonaut Insurance Company and its affiliates by telephone for information or to make a complaint:

ARGONAUT INSURANCE COMPANY

Please send all notices of claim on this bond to:

**Argo Surety Claims
(413) 773-6359**

**Deliveries Only: 225 W. Washington, 24th Floor, Chicago, IL 60606
United States Postal Service: P.O. Box 469011, San Antonio, TX 78246**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance:

**P. O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us**

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact your agent or Argo Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND:

This notice is for information only and does not become a part or condition of the attached document and is given to comply with Texas legal and regulatory requirements.

RESOLUTION NO. R-

A RESOLUTION ACCEPTING THE INFRASTRUCTURE IMPROVEMENTS FOR THE SUBDIVISION KNOWN AS “HUTTO CROSSING PHASE 4 SECTION 10”; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS

WHEREAS, the infrastructure improvements for Hutto Crossing Phase 4 Section 10 Residential subdivision have been constructed and are ready for acceptance, and;

WHEREAS, a final inspection was conducted by the Cities Construction and Public Works staff of all roads, drainage, sidewalks, ADA ramps, water and wastewater improvements, and;

WHEREAS, all items have been constructed according to the engineered plans and city codes and standards, and;

WHEREAS, Patin Construction, LLC submitted a warranty bond to cover the material and workmanship for two years,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, hereby accepts the infrastructure improvements for Hutto Crossing Phase 4 Section 10. The City Council hereby finds and declares that written notice of the date, hour, place and the 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 required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

CONSIDERED and RESOLVED by the City Council of the City of Hutto on this the **16th** day of **April, 2020**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTESTED:

Stacy Schmitt, Interim City Secretary

ENGINEER'S CONCURRENCE FOR PROJECT ACCEPTANCE

PROJECT: Hutto Crossing Phase 4, Section 10 Street, Drainage, Wastewater and Water Improvements

Owner/Developer's Name and Address

Hutto Option Mezz Holdings, LLC
c/o PCCP, LLC
555 California St., suite 3450
San Francisco, CA 94104

Consultant Engineer's Name and Address

Kenneth W. Martin, P.E.
Murfee Engineering Company, Inc.
1101 Capital of Texas Highway South
Building D
Austin, Texas 78746

This is to certify that I, the undersigned professional engineer, visually reviewed the progress of the aforementioned project on March 24, 2020 and during construction prior to that and the construction appears to be complete in accordance with the approved plans with the exception of Oncor's energizing of the street lights. No other discrepancy or deviation from the approved construction plans exists which may materially affect the usefulness of the work for the purpose and life intended for the project by design. I, therefore, recommend acceptance of the improvements by the City of Hutto.



Kent W. Martin
Signature

3/24/2020
Date

65971
Texas Registration Number



PROJECT CONSTRUCTION SUMMARY

PROJECT NAME: HUTTO CROSSING PHASE 4 SECTION 10

FINAL ACCEPTANCE DATE: _____

INSPECTOR: TODD MEACKER/SLADE HARRIS

CONTRACTOR: PATIN CONSTRUCTION LLC.

Maintained By:	
COH	Other
Boxes checked by COH	

CONSTRUCTION COSTS

STREET IMPROVEMENT COST: \$ 703,427.60

SIDEWALK IMPROVEMENT COST: \$ 58,316.50

SIDEWALK RAMP IMPROVEMENT COST: \$ 18,900.00

BRIDGE IMPROVEMENT COST: N/A

POND(S) COST: N/A

DRAINAGE IMPROVEMENT COST: \$ 899,604.00

WATER IMPROVEMENT COST: \$ 363,456.00

WASTEWATER IMPROVEMENT COST: \$ 356,017.00

RESTORATION COST: \$ 57,564.00

TOTAL IMPROVEMENT COST: \$ 2,457,285.10

*minus temporary E/S controls and dry utilities

PREPARED BY (DESIGN ENGINEER): Ken Martin, P.E., Murfee Engineering

CHECKED BY (CITY INSPECTOR): _____

CONSTRUCTION SUMMARY FOR STREETS & SIDEWALKS

STREET PAVING							
STREET NAME	Address from	Address to	Pavement Design (Thickness) Asphalt / Base	Pavement Width (FT) (foc-foc)	L (FT)	PRIVATE	ETJ
BARLEY FORK LANE			2/9	30	1,399		
QUARRYMAN DRIVE			2/9	30	275		
DUROC DRIVE			2/9	30	1,440		
HAY NEEDLE LOOP			2/9	30	412		

SIDEWALKS / SIDEWALK RAMPS						
STREET NAME	Address from	Address to	W (FT)	L (FT)	SIDES ₁	CURB RAMP ₂
BARLEY FORK LANE			5	326	N/S	6
QUARRYMAN DRIVE			5	-	-	2
DUROC DRIVE			5	412	N	6
HAY NEEDLE LOOP			5	105	N/SE	4
FM 685			5	1,049	NW	
KNOWLES DRIVE			5	211	S	

1 – Designates location of existing sidewalk (E, W, S, N, SE, SW, NE, NW of designated street)

2 – Number of Ramps

CONSTRUCTION SUMMARY FOR BRIDGES

BRIDGES / BRIDGE CLASS CULVERTS / DRAINAGE CULVERTS ACROSS ROW								
STREET NAME AND ADDRESS OR LOCATION	FEATURE CROSSED ₁	TYPE ₂	DESCRIPTION ₃	DECK		COST	PRIVATE	ETJ
				W (FT) ₄	L (FT) ₅			
	NONE							

1 – Feature Crossed: Creek name if major creek or branch, or roadway name if overpass.

2 – Type: B – Bridge, C – Culvert, P – Pipe. All crossings 20' and wider including multiple box culverts totaling 20' or wider shall be classified as a B – Bridge. Culverts are precast of cast-in-place box culverts. Pipes are smaller drainage pipe crossings with or without headwalls.

3 – Description: i.e. 2 spans (Bridge), 2 – 5 X 7' (Culverts), 2 – 24" RCP (Pipes).

4 – Deck Width: Use "footprint" of culvert/pipes for width on buried culvert/pipes; include full "out to out" dimension including sidewalks/railings for width of standard bridges.

5 – Deck Length: Measured along the centerline of the roadway

CONSTRUCTION SUMMARY FOR PONDS

PONDS						
POND TYPE ₁	LOCATION (ADDRESS OR LOT / BLOCK #)	SIZE (SY) ₂	DRAINAGE AREA (ACRES)	PRIVATE ₃	ETJ	COST
	NONE					

- 1 – BD = Bio-Detention
 D = Detention Only
 DSF = Detention / Sedimentation / Filtration
 F = Filtration Only
 S = Sedimentation Only
 SF = Sedimentation / Filtration
 SFI = Sedimentation / Filtration / Infiltration
 SI = Sedimentation / Irrigation
 WP = Wet Pond

2 – Approximate boundary area

3 – Provide copy of recorded agreement for privately maintained ponds

CONSTRUCTION SUMMARY FOR DRAINAGE

STORM DRAIN			MANHOLES			INLETS		
SIZE (IN)	MATERIAL TYPE	L (FT)	QTY	SIZE (Dia - FT)	MATERIAL TYPE	QTY	SIZE (L - FT)	TYPE ₁
18	RCP	1,568	4	4	CONC.	25	10	CURB
24	RCP	297	7	5	CONC.			
30	RCP	413	1	6	CONC.			
36	RCP	194						
60 x 60	RCB	1,121						
42	RCP	88						

JUNCTION BOXES			OUTFALL STRUCTURES		
QTY	SIZE (FT x FT x FT)	MATERIAL TYPE ₂	QTY	SIZE ₃	DESCRIPTION ₄
8	7 x 7	CONC.	2	30" RCP	CONC. HEADWALL
			1	6:1	WINGWALLS WITH CONC. RIPRAP APRON
			2	42"	DOUBLE SET'S FOR CULVERT - FM 685

CHANNEL			
LENGTH (FT)	BOTTOM WIDTH (FT)	SIDE SLOPE (FT/FT)	LINING MATERIAL TYPE
NONE			

- 1) Grate, Area, Curb, Recessed Curb, Combination, Slotted Drain
- 2) Cast-in-Place, Precast
- 3) Pipe size / Culvert Size
- 4) Headwall, Wing Walls, Gabions

CONSTRUCTION SUMMARY FOR WATER

VALVES INSTALLED			PIPE			FIRE HYDRANTS		
SIZE	DESCRIPTION	NO.	SIZE	TYPE	LENGTH	SIZE	TYPE	NO.
8"	GATE	15	8"	PVC	3,448	5 1/4"		5
			2"	PVC	265			
AIR RELEASE								
SIZE	TYPE	NO.						
1"	ARV	1						
			SERVICES INSTALLED					
			NO.	TYPE				
			40	SINGLE				
			22	DOUBLE				

REMARKS:

465 LF of the total 3,448 LF 8" pipe is restrained.

CONSTRUCTION SUMMARY FOR WASTEWATER

PIPE			MANHOLES					
SIZE	TYPE	LENGTH	DEPTH	MAKE	STA. NO.	B.C.	EYE	STREET
8"	SDR-26	2,339	17.2	CONC	1+00			BARLEY FORK LANE
			15.01	CONC	2+29.49			BARLEY FORK LANE
			12.19	CONC	5+85.48			BARLEY FORK LANE
			10.86	CONC	6+79.33			BARLEY FORK LANE
			9.82	CONC	7+53.84			BARLEY FORK LANE
			8.73	CONC	8+32.44			BARLEY FORK LANE
			9.87	CONC	3+24.71			QUARRYMAN DRIVE
			11.06	CONC	1+07.01			DUROC DRIVE
			15.03	CONC	3+00.63			DUROC DRIVE
			14.53	CONC	3+77.91			DUROC DRIVE
			15.15	CONC	4+38.66			DUROC DRIVE
			17.2	CONC	6+12.09			DUROC DRIVE
			12.26	CONC	1+41.86			DUROC DRIVE
			7.7	CONC	6+35.99			DUROC DRIVE
			8.7	CONC	5+77.10			DUROC DRIVE
			12.62	CONC	3+18.81			DUROC DRIVE
			9.63	CONC	2+06.06			HAY NEEDLE LOOP
			15.83	CONC	2+18.63			BARLEY FORK LANE
			8.71	CONC	4+37.58			BARLEY FORK LANE
			8.56	CONC	4+64.13			BARLEY FORK LANE
			8.72	CONC	6+21.80			BARLEY FORK LANE

SERVICES INSTALLED								
NO.	TYPE - S / D		TYPE OF MANHOLE COATING:					
11	S							
32	D							

REMARKS:

**LIMITS OF CONSTRUCTION FOR
WATER/WASTEWATER PROJECTS ONLY**

PROJECT NAME _____ WORK ORDER # _____

WWW JOB I.D. _____ SUBDIVISION FILE # _____

LIMITS OF PROJECT WILL BE GIVEN BY ADDRESS OF STREETS LISTED BELOW

STREET NAME	FROM	TO
N/A		

**THIS SHEET MUST BE USED WHEN THERE IS NOT A STREET AND DRAINAGE
SUMMARY INCLUDED.**

Argonaut Insurance Company

Fidelity and Surety Department

Bond No.: SUR00440062

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS, THAT,

Patin Construction, LLC

Hereinafter called Principal, as Principal, and the Argonaut Insurance Company, A corporation organized and existing under the laws of the State of Illinois, with its principal office in the City of Chicago, hereinafter called the Surety, as Surety, are held and firmly bound unto

City of Hutto Public Works

Hereinafter called the Oblige, as Oblige, in the just and full sum of Two Hundred Forty Five Thousand Seven Hundred Twenty Eight Dollars and Fifty One Cents (\$245,728.51) of which sum, well and truly to be made we bind ourselves, and our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal and the Oblige entered in to a written contract for the:
Hutto Crossing Ph. 4 Section 10 (Paving, Wastewater, Water and Storm Improvements)

And
Whereas, said contract provides that the Principal will furnish a Maintenance Bond in the penalty Of Ten-Percent (10%) of the contract price conditioned to guarantee, for the period of Two-Years from the date of final acceptance by City of Hutto Public Works against all defects in workmanship and materials which may become apparent during said period, and, Whereas, the said contract has been substantially completed,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Oblige for all loss that the Oblige may sustain by reason of any defective materials or workmanship which became apparent during the period of Two- Years from the date of Final Acceptance by:

City of Hutto Public Works

from and after this date, then this obligation shall be null and void, otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED THIS: 16th March, 2020

Patin Construction, LLC
Principal

By: _____

Argonaut Insurance Company
Surety



Canellia Doss
Witness



Kenneth Nitsche
Attorney-In-Fact

Argonaut Insurance Company
Deliveries Only: 225 W. Washington, 24th Floor
Chicago, IL 60606
United States Postal Service: P.O. Box 469011, San Antonio, TX 78246

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the Argonaut Insurance Company, a Corporation duly organized and existing under the laws of the State of Illinois and having its principal office in the County of Cook, Illinois does hereby nominate, constitute and appoint:

Violet Frosch, Gary Nitsche, Kenneth Nitsche, Robert James Nitsche, Robert K. Nitsche, Craig Parker, Nina Smith

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all bonds, contracts, agreements of indemnity and other undertakings in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

\$50,000,000.00

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of Argonaut Insurance Company:

"RESOLVED, That the President, Senior Vice President, Vice President, Assistant Vice President, Secretary, Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the Company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the Argonaut Insurance Company, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Argonaut Insurance Company has caused its official seal to be hereunto affixed and these presents to be signed by its duly authorized officer on the 8th day of May, 2017.



Argonaut Insurance Company

by: 

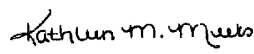
Joshua C. Betz, Senior Vice President

STATE OF TEXAS
COUNTY OF HARRIS SS:

On this 8th day of May, 2017 A.D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICER OF THE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me duly sworn, deposed and said that he is the officer of the said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation, and that Resolution adopted by the Board of Directors of said Company, referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.




(Notary Public)

I, the undersigned Officer of the Argonaut Insurance Company, Illinois Corporation, do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of said Company, on the 16th day of March, 2020.




James Bluzard, Vice President-Surety

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Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us**

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This notice is for information only and does not become a part or condition of the attached document and is given to comply with Texas legal and regulatory requirements.

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.:

AGENDA DATE: April 7, 2020

PREPARED BY: Anthony Host Executive Director of Construction

APPROVED BY: _____
Charles Daniels, City Manager

ITEM: Consideration and possible action on the acceptance of the street, drainage, water, sidewalk, ADA ramps and wastewater improvements of Hutto Crossing Phase 4 Section 10 Subdivision.

STRATEGIC PRIORITY ISSUE NO.: Infrastructure

ITEM BACKGROUND:

The infrastructure improvements for the residential subdivision Hutto Crossing Phase 4 Section 10 have been constructed and are ready to be accepted by the City Council. A final inspection was conducted by the City's Construction and Public Works staff of all streets, drainage, water, sidewalk, ADA ramps, restoration and wastewater improvements. All items have been constructed according to engineering plans and City codes and standards. The contractor has submitted a warranty bond to cover the materials and workmanship for two years.

BUDGETARY AND FINANCIAL SUMMARY:

The total cost of the improvements is \$2,457,285.10

RELATED ADVISORY BOARD RECOMMENDATION:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends approval.

SUPPORTING MATERIALS:

1. Engineer's Concurrence
2. Project Construction Summary
3. Maintenance Bond

City Council

AGENDA ITEM REPORT



To:

Subject: Consideration and possible action on authorizing the City Manager or Interim City Manager to execute a development fee agreement on behalf of the City of Hutto for payment of review and development expenses incurred by the City of Hutto for development agreements requesting special district financing or economic development incentives.

Meeting: Regular City Council - 16 Apr 2020

Department:

Staff Contact: Stacy Schmitt Interim City Secretary

BACKGROUND INFORMATION:

The Development Review Fees Agreement is for applications for Public Improvement Districts, Tax Increment Reinvestment Zones, Special District Financing or economic development incentives. The resolution authorizes the City Manager or Interim City Manager to execute the agreement on behalf of the City and the fee is placed in a fund for the City to pay for legal, engineering, consultant and staff time related to the application.

ATTACHMENTS:

[Hutto Development Fee Form Agreement](#)

[Hutto Crossing 4-10 Accept-Coversheet](#)

**AGREEMENT FOR PAYMENT OF DEVELOPMENT REVIEW FEES INCURRED BY
THE CITY FOR THE _____**

THIS AGREEMENT (“the Agreement”) is entered into this ____ day of _____, 2020, by and between the City of Hutto, Texas, a Home-rule municipal corporation (“the City”), and _____, a _____ (“the Applicant”) (collectively herein referred to as “the Parties”).

WHEREAS, the Applicant owns or is under contract to purchase certain property situated in Williamson County, Texas described in Exhibit A, attached hereto and incorporated herein by reference (“the Property”), which is owned by _____ a _____; and

WHEREAS, the Applicant desires to develop the Property and has made application to the City for the development of the Property pursuant to:

- Chapter 372 of the Texas Local Government Code to create the a Public Improvement District, the (“PID”);
- Chapter 311 of the Texas Tax Code to create a Tax Increment Reinvestment Zone, (“TIRZ”);
- Chapter 380 Economic Development Agreement; or
- Other Special District Financing (describe)_____

WHEREAS, the Parties desire to memorialize their intent regarding Applicant’s agreement to reimburse professional fees, administrative fees and expenses, (“Development Review Fees”) for review of the _____Application for _____by the City and for the Development Review Fees for the development of the Project;

WHEREAS, the Parties hereto recognize that the City will continue to incur professional administrative and other expenses through the entire Application and development process including but not limited to the following: legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, attorney fees, special consultant fees, and fees for administrative time of City staff;

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. For purposes of this Agreement, “Application” shall mean and include all documentation, data, and information submitted to the City in order to seek or obtain the creation of the _____and approval by the City Council of additional documents required for development of the Project.
2. Applicant shall provide the sum of \$_____ to the City to be held in escrow by the City for the Development Review Fees (described in paragraph 4 below) of City for the Application. When the balance in the escrow account reaches \$10,000 and should City need additional funds for the Development Review Fees, City shall notify Applicant in writing and Applicant shall (i) provide the additional amount requested by the City within (30) thirty days to be held in escrow.

3. Except where the law of an agreement with the City provides otherwise, the Applicant may terminate its Application at any time by giving written notice to the City. The City shall take all reasonable steps necessary to terminate the accrual of Development Review Fees to the Applicant and file such notices as are required by the City's regulations. The Applicant shall be liable for all costs incurred by the City in terminating the processing of the Application. The City shall notify the Applicant for any additional Development Review Fees that City may incur.
4. The City will account for all funds expended and incurred by the City as a result of review of the Application. The City will make statements of the Development Review Fees incurred available to the Applicant. Development Review Fees to be charged to the Applicant's account shall include, but shall not be limited to appraisal, legal publications, notices, and reproduction of materials, public hearing expenses, recording of documents, attorney fees, special consultant fees, engineering fees and fees for administrative time of City staff in connection with the Application and development of the Project. The City shall notify the Applicant for any additional Expenses that City may incur in connection with the Application or development of the Project. Applicant's obligation to reimburse the City for Development Review Fees under this Agreement shall expire upon the first to occur of: (i) creation of the _____ and City Council approval of the documents required for the development of the Project, (ii) City denial of any portion of the Application, or (iii) Applicant's withdrawal of the Application, at which time the City will provide the Applicant with a final statement of account and will refund to the Applicant any funds deposited by the Applicant that were not expended by the City, except where the Parties expressly agree to the contrary.
5. Applicant's obligation to provide the Development Review Fess provided for in this Agreement shall exist and continue independent of whether the Application, or any part thereof, is approved, approved with conditions, denied, withdrawn, or terminated by the City or the Applicant prior to a final decision in the process. The Applicant agrees to pay all Development Review Fees regardless of whether the City approves or denies the Application. The City shall not be stopped or otherwise limited or precluded from denial or conditional approval of the Application by the terms, conditions, or obligations of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURES FOLLOW ON NEXT PAGE]

a _____ company,

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

THIS INSTRUMENT is acknowledged before me on this ____ day of _____, 2020, by
_____, as _____ of _____ a
_____ on behalf of said company.

[SEAL]

Notary Public in and for the State of Texas

CITY OF HUTTO, TEXAS:

By: _____
City Manager or Interim City Manager

ATTEST:

By: _____
Stacy Schmitt, City Secretary

EXHIBIT A
Legal Description of Property

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.:

AGENDA DATE: April 7, 2020

PREPARED BY: Anthony Host Executive Director of Construction

APPROVED BY: _____
Charles Daniels, City Manager

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STRATEGIC PRIORITY ISSUE NO.: Infrastructure

ITEM BACKGROUND:

The infrastructure improvements for the residential subdivision Hutto Crossing Phase 4 Section 10 have been constructed and are ready to be accepted by the City Council. A final inspection was conducted by the City's Construction and Public Works staff of all streets, drainage, water, sidewalk, ADA ramps, restoration and wastewater improvements. All items have been constructed according to engineering plans and City codes and standards. The contractor has submitted a warranty bond to cover the materials and workmanship for two years.

BUDGETARY AND FINANCIAL SUMMARY:

The total cost of the improvements is \$2,457,285.10

RELATED ADVISORY BOARD RECOMMENDATION:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends approval.

SUPPORTING MATERIALS:

1. Engineer's Concurrence
2. Project Construction Summary
3. Maintenance Bond

**AGREEMENT FOR PAYMENT OF DEVELOPMENT REVIEW FEES INCURRED BY
THE CITY FOR THE _____**

THIS AGREEMENT (“the Agreement”) is entered into this ____ day of _____, 2020, by and between the City of Hutto, Texas, a Home-rule municipal corporation (“the City”), and _____, a _____ (“the Applicant”) (collectively herein referred to as “the Parties”).

WHEREAS, the Applicant owns or is under contract to purchase certain property situated in Williamson County, Texas described in Exhibit A, attached hereto and incorporated herein by reference (“the Property”), which is owned by _____ a _____; and

WHEREAS, the Applicant desires to develop the Property and has made application to the City for the development of the Property pursuant to:

- Chapter 372 of the Texas Local Government Code to create the a Public Improvement District, the (“PID”);
- Chapter 311 of the Texas Tax Code to create a Tax Increment Reinvestment Zone, (“TIRZ”);
- Chapter 380 Economic Development Agreement; or
- Other Special District Financing (describe)_____

WHEREAS, the Parties desire to memorialize their intent regarding Applicant’s agreement to reimburse professional fees, administrative fees and expenses, (“Development Review Fees”) for review of the _____Application for _____by the City and for the Development Review Fees for the development of the Project;

WHEREAS, the Parties hereto recognize that the City will continue to incur professional administrative and other expenses through the entire Application and development process including but not limited to the following: legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, attorney fees, special consultant fees, and fees for administrative time of City staff;

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. For purposes of this Agreement, “Application” shall mean and include all documentation, data, and information submitted to the City in order to seek or obtain the creation of the _____and approval by the City Council of additional documents required for development of the Project.
2. Applicant shall provide the sum of \$_____ to the City to be held in escrow by the City for the Development Review Fees (described in paragraph 4 below) of City for the Application. When the balance in the escrow account reaches \$10,000 and should City need additional funds for the Development Review Fees, City shall notify Applicant in writing and Applicant shall (i) provide the additional amount requested by the City within (30) thirty days to be held in escrow.

3. Except where the law of an agreement with the City provides otherwise, the Applicant may terminate its Application at any time by giving written notice to the City. The City shall take all reasonable steps necessary to terminate the accrual of Development Review Fees to the Applicant and file such notices as are required by the City's regulations. The Applicant shall be liable for all costs incurred by the City in terminating the processing of the Application. The City shall notify the Applicant for any additional Development Review Fees that City may incur.
4. The City will account for all funds expended and incurred by the City as a result of review of the Application. The City will make statements of the Development Review Fees incurred available to the Applicant. Development Review Fees to be charged to the Applicant's account shall include, but shall not be limited to appraisal, legal publications, notices, and reproduction of materials, public hearing expenses, recording of documents, attorney fees, special consultant fees, engineering fees and fees for administrative time of City staff in connection with the Application and development of the Project. The City shall notify the Applicant for any additional Expenses that City may incur in connection with the Application or development of the Project. Applicant's obligation to reimburse the City for Development Review Fees under this Agreement shall expire upon the first to occur of: (i) creation of the _____ and City Council approval of the documents required for the development of the Project, (ii) City denial of any portion of the Application, or (iii) Applicant's withdrawal of the Application, at which time the City will provide the Applicant with a final statement of account and will refund to the Applicant any funds deposited by the Applicant that were not expended by the City, except where the Parties expressly agree to the contrary.
5. Applicant's obligation to provide the Development Review Fess provided for in this Agreement shall exist and continue independent of whether the Application, or any part thereof, is approved, approved with conditions, denied, withdrawn, or terminated by the City or the Applicant prior to a final decision in the process. The Applicant agrees to pay all Development Review Fees regardless of whether the City approves or denies the Application. The City shall not be stopped or otherwise limited or precluded from denial or conditional approval of the Application by the terms, conditions, or obligations of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURES FOLLOW ON NEXT PAGE]

a _____ company,

By: _____
Name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

THIS INSTRUMENT is acknowledged before me on this ____ day of _____, 2020, by
_____, as _____ of _____ a
_____ on behalf of said company.

[SEAL]

Notary Public in and for the State of Texas

CITY OF HUTTO, TEXAS:

By: _____
City Manager or Interim City Manager

ATTEST:

By: _____
Stacy Schmitt, City Secretary

EXHIBIT A

Legal Description of Property

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 - 16 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. The City has been in coordination with the County for several years regarding this project. The City currently has this road project proposed, albeit with a somewhat different alignment, on the Long Range Planning map as controlled access roads A1 & E1. The City in April of 2019 requested that the County include the Southeast Loop in the Counties 2019 bond program. In addition to alleviating congestion on US 79 through the heart of Hutto, the Southeast Loop project is anticipated to open up economic opportunities providing a corridor for Industrial and Commercial growth within Hutto's city limits and extra territorial jurisdiction.

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](#)

[City_of_Hutto_2040_Future_Land_Use_Map_7_23_2019\(8.5x11\)\(1\)](#)

[Williamson County Bond Program Southeast Loop Email](#)

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

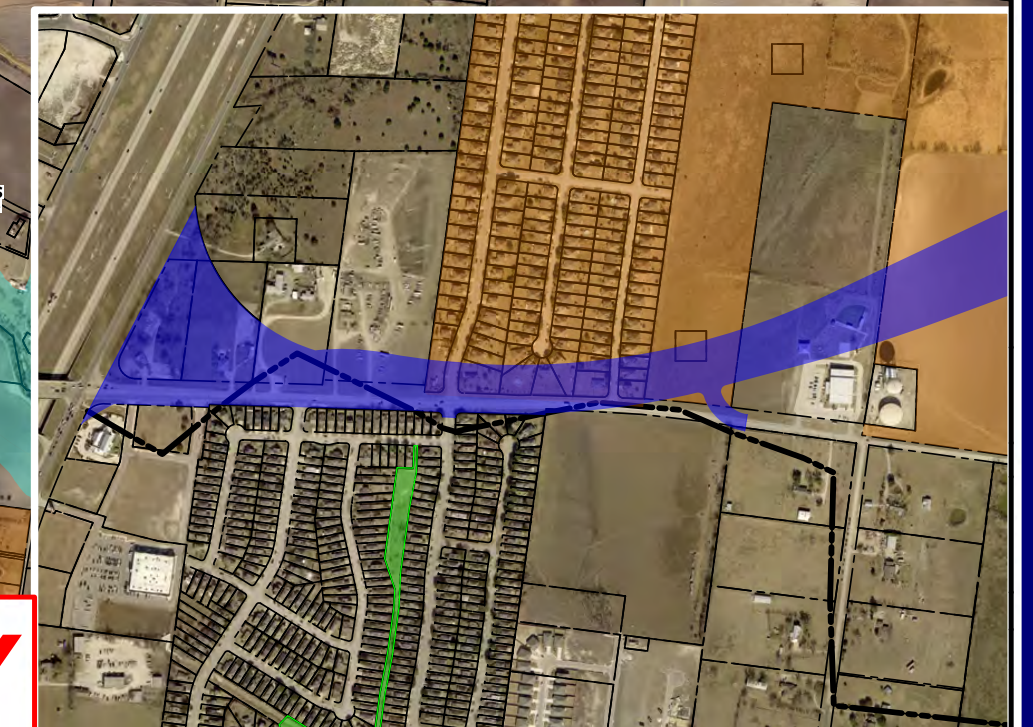
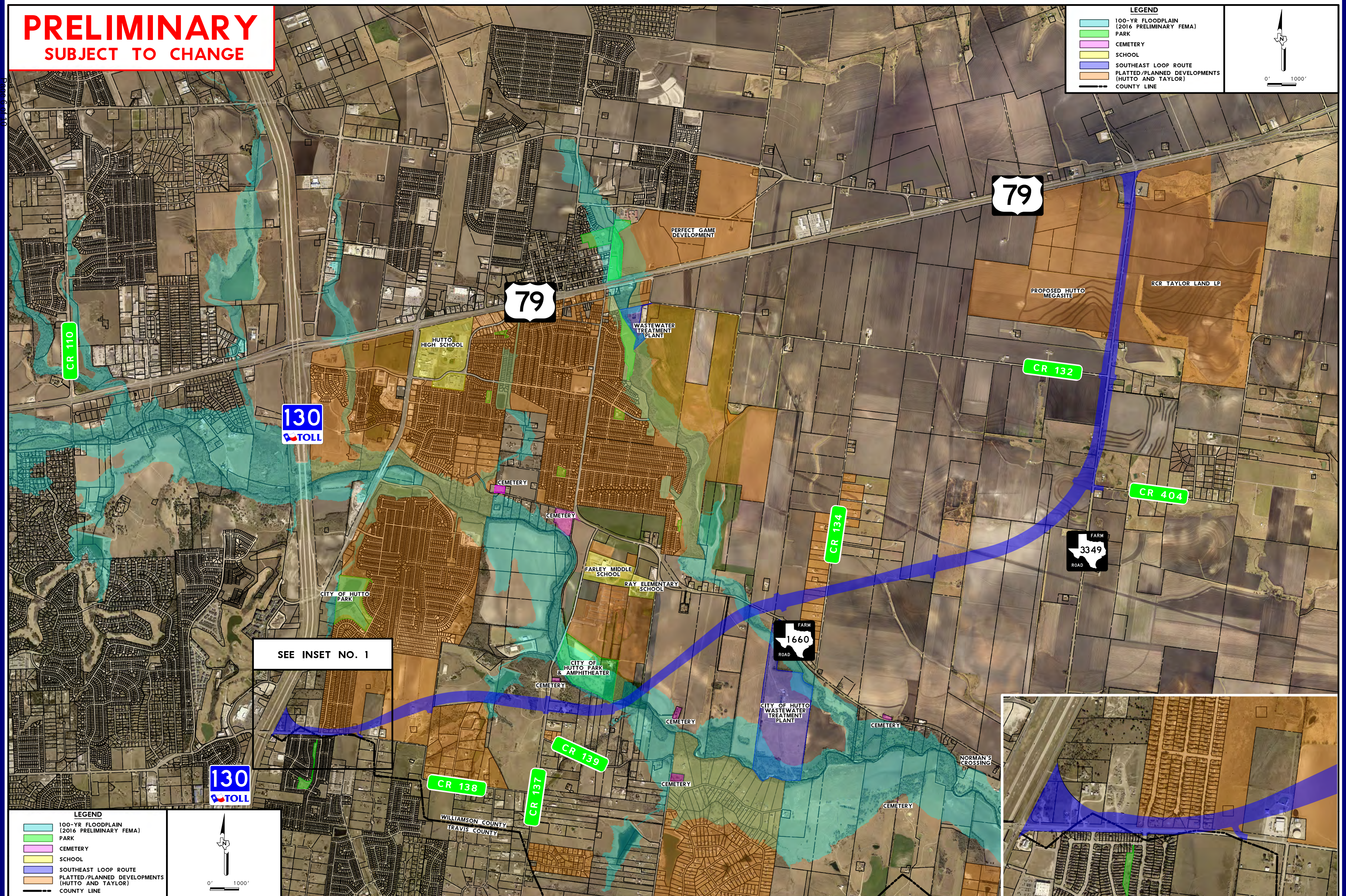
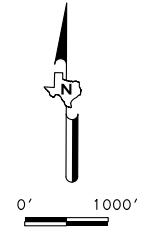
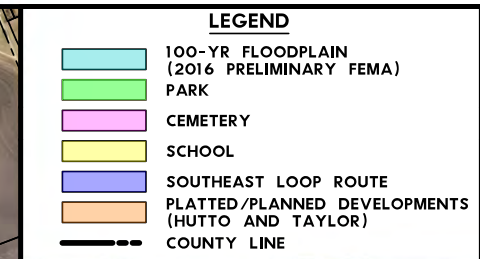
ATTEST:

_____, City Secretary

EXHIBIT “A”

County Project alignment exhibit follows this page

PRELIMINARY
SUBJECT TO CHANGE



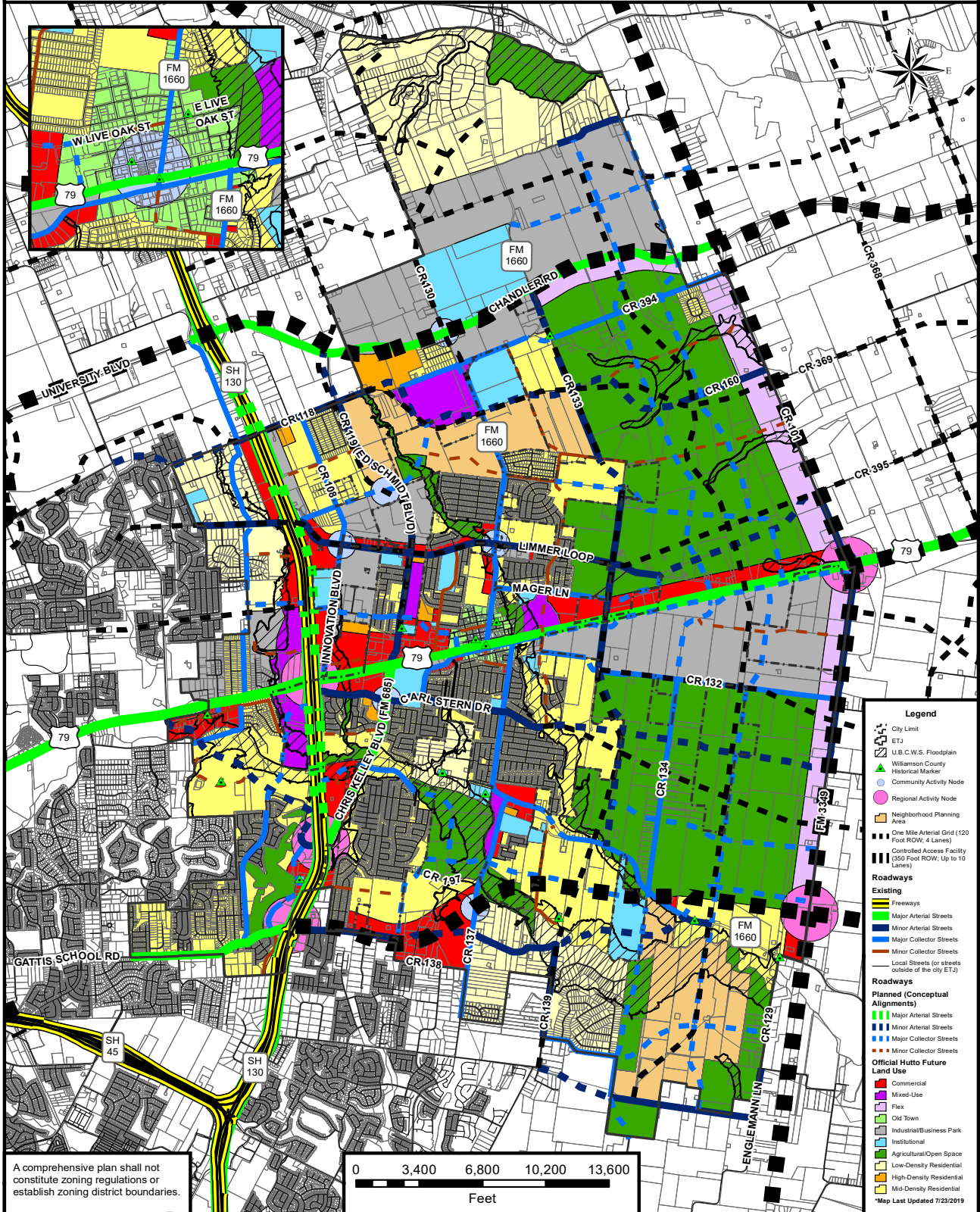
INSET NO. 1

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



PRELIMINARY
SUBJECT TO CHANGE

Hutto 2040 Future Land Use Map



Samuel Ray

From: Bob Daigh <bdaigh@wilco.org>
Sent: Tuesday, April 16, 2019 4:03 PM
To: Christen Eschberger
Subject: Fwd: Wilco 2019 Road Bond Project Application
Attachments: ATT00001.txt

Get [Outlook for iOS](#)

From: MD Hossain <MD.Hossain@HuttoTX.gov>
Sent: Tuesday, April 16, 2019 2:16:59 PM
To: Bob Daigh
Cc: Edena Atmore; Ashley Lumpkin; Beth Gollaher
Subject: RE: Wilco 2019 Road Bond Project Application

Mr. Daigh,

The City of Hutto also like to submit another project for including in the Williamson County Proposed Bond Program. Please add the Corridor A1 and E1 in the project list. Let me know if you've any questions. Thanks much.

Sincerely,



MD Hossain, PE, CFM
Director
Engineering and Public Works Department

T: (512) 759-4038
E: MD.Hossain@Huttotx.gov
W: www.huttotx.gov

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From: Bob Daigh [mailto:bdaigh@wilco.org]
Sent: Friday, April 12, 2019 3:30 PM
To: MD Hossain <MD.Hossain@HuttoTX.gov>
Subject: RE: Wilco 2019 Road Bond Project Application

Thanks, Bob

From: MD Hossain <MD.Hossain@HuttoTX.gov>
Sent: Friday, April 12, 2019 2:32 PM
To: Bob Daigh <bdaigh@wilco.org>
Cc: Christen Eschberger <ceschberger@HNTB.com>; Edena Atmore <Edena.Atmore@HuttoTX.gov>; Ashley Lumpkin <Ashley.Lumpkin@HuttoTX.gov>
Subject: Wilco 2019 Road Bond Project Application

EXTERNAL email: Exercise caution when opening.

Mr. Daigh,

I like to submit the application for projects to be included in the Williamson County Proposed Bond Program. Attached are files including the application form, cost estimates, and required project map.

Please let me know if you've any questions or need clarification. If you want, I'll go to your office to meet with you to explain the scope of the project and our plan and associated details. We'll appreciate your consideration and cooperation. Thanks much for your time.

Sincerely,



MD Hossain, PE, CFM
Director
Engineering and Public Works Department

T: (512) 759-4038
E: MD.Hossain@Huttotx.gov
W: www.huttotx.gov

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From: Christen Eschberger [<mailto:ceschberger@HNTB.com>]

Sent: Friday, March 29, 2019 7:59 AM

To: Wesley Wright <Wesley.Wright@georgetown.org>; Gary Hudder <ghudder@roundrocktexas.gov>; Darwin Marchell <Darwin.Marchell@cedarparktx.us>; Wayne Watts <w.watts@leandertx.gov>; MD Hossain <MD.Hossain@HuttoTX.gov>; Jim Gray - City of Taylor, TX <jim.gray@taylortx.gov>

Subject: Wilco 2019 Road Bond Project Application

Since the email request regarding road bond projects went out to the Mayors and City Managers only, I wanted to make sure that each of you had a copy of the fillable form for your use. Please let me know if you have any questions about the form.

Christen Eschberger, AVP, PE
Williamson County Road Bond Program
Senior Project Manager

Tel (512) 527-6719 Cell (512) 563-1768 Email ceschberger@hntb.com

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