



City of Hutto

Agenda

City Council Meeting

Thursday, January 6, 2022 at 7:00 PM

City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. CITY MANAGER COMMENTS

6. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

6.1. General Comments from City Council

6.2. City Council Liaison Reports

7. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on August 19, 2021. The email must include name, address, phone # and email to be recognized properly. Written comments will be provided to Council.

8. CONSENT AGENDA ITEMS

8.1. Consideration and possible action on approving the November 18, 2021 City Council meeting minutes.

- 8.2. Consideration and possible action on December 2, 2021, City Council meeting minutes.
- 8.3. Consideration and possible action on December 2, 2021, Special Called City Council meeting minutes.
- 8.4. Consideration and possible action on approving the December 9, 2021, Special Called meeting minutes.
- 8.5. Consideration and possible action on Ordinance No. O-2021-077 an ordinance amending the budget for the fiscal year of October 1, 2021, through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Second Reading)(Angie Rios)
- 8.6. Consideration and possible action on approval of the 2022 Holiday Calendar. (Irene Talioaga)
- 8.7. Consideration and possible action on Resolution No. R-2022-001 designating the Taylor Press as the official newspaper of record for all official City publications. (Legal)
- 8.8. Consideration and possible action on Resolution No. R-2022-002 changing the duties of the Acting City Manager to the Assistant City Manager and providing an effective date. (Legal)
- 8.9. Consideration and possible action on Resolution No. R-2022-003 regarding Council Protocols. (Legal)

9. OTHER BUSINESS

- 9.1. Consideration and possible action regarding possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment Zone Boards, City Council Liaisons, Area Government appointments, Advisory Committees and City of Hutto's representative on the Central Texas Clean Air Coalition (CAC).
- 9.2. Presentation on the review and update to the City's personnel policy. (Irene Talioaga)
- 9.3. Consideration and possible action on potential agreements regarding various subdivision drainage ditches. (Councilmember Villarreal Salvo)
- 9.4. Consideration and possible action regarding the Certificate of Occupancy/Temporary Certificate of Occupancy process with a focus on the Hutto ISD facilities but not limited to only those for discussion. (MPT Rose)
- 9.5. Consideration and possible action on Resolution No. R-2022-004 approving the First Amendment to the Chapter 380 Economic Development Agreement between the City of Hutto and CB TIBP Investments, LLC
- 9.6. Discussion and possible action to consider a Chamber of Commerce Annual Gala table sponsorship. (Council Member Villareal Salvo)

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on Ordinance No. O-2022-001 for the proposed Planned Unit Development (PUD) zoning request for the property known as NorthStar Hutto Planned Unit Development (PUD), 11.74 acres, more or less, of land, located off of Exchange Boulevard. The land use proposal is active adult 55+ multi-family use. (Ashley Lumpkin)

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution No. R-2021-184 authorizing the Mayor to execute an Interlocal Agreement with Williamson County, Texas for a waterline relocation and appropriating funds. (Legal)
- 11.2. Consideration and possible action on Resolution No. R-2022-005 accepting the dedication of approximately 3.4 acres of parkland, more particularly described as Lot 26, Block A, DURANGO FARMS PHASE 1, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2020131845, Official Public Records of Williamson County, Texas, pursuant to the Second Amended and Restated Development Agreement between the City of Hutto and MA Durango Farms, LLC.

12. EXECUTIVE SESSION

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 (Litigation/Consultation with Attorney), 551.072 (Deliberations regarding real property), 551.073 (Deliberations regarding gifts and donations), 551.074 (Deliberations regarding personnel matters) or 551.076 (Deliberations regarding deployment/implementation of security personnel or devices) and 551.087 (Deliberations regarding Economic Development negotiations).

- 12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.2. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberation regarding economic development negotiations pursuant to Texas Government Code 551.087 to deliberate the offer of a financial or other incentive to a business prospect, Project Acropolis.
- 12.3. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the creation of the Harvest Farms Municipal Utility District.
- 12.4. Deliberate pursuant to Texas Government Code Section 551.074 Personnel Matters – the duties of the Interim City Manager.

13. ACTION RELATIVE TO EXECUTIVE SESSION

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.2. Consideration and possible action relating to legal advice pursuant to Texas Government Code Section 551.071 and deliberation regarding economic development negotiations pursuant to Texas Government Code 551.087 to deliberate the offer of a financial or other incentive to a business prospect, Project Acropolis.
- 13.3. Consideration and possible action relating to the creation of the Harvest Farms Municipal Utility District.
- 13.4. Consideration and possible action relating to the duties of the Interim City Manager.

14. ADJOURNMENT

15. CERTIFICATION

I certify that this notice of the Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on 1/3/2022 at 5:00 P.M.



Holly Nagy

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at Gracie.Perez@huttotx.gov or call (512) 759-4033 for assistance.



City of Hutto

Minutes

City Council Meeting

Thursday, November 18, 2021 at 7:00 PM

City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER – 7:02 PM

2. ROLL CALL

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

3. INVOCATION – Led by Father Piega

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

5.1. General Comments from City Council

Mandi Villarreal Salvo

“OK bear with me if I take a little longer tonight. So, nine days on November 27th is our shop small Saturday throughout all of Hutto, along with our downtown tree lighting. So, it's a vital importance that our city does everything we can to promote our small businesses and our local economy, so I'm really excited about this event coming up and all that we're doing as a city to promote the event and I look forward to seeing the community out there shop small on the 27th and at the tree lighting. Thank you to The Studio for my hair care for poofy hair, it's very nice – to all of our downtown businesses for feeding me and to Bless this Nest for keeping my pocketbook empty. Alright, so looking forward to also joining our community at the Santa Claus Crawl and that's coming up December 4th. It's gonna be a lot of fun that night so if you had a lucky chance to get a ticket, I look forward to seeing you there. I want to invite everybody to join us at the Holidays in Hutto Festival at the Brushy Creek Amphitheater, or excuse me, The Brushy Creek at Amphitheater at Adam Morgan Park. It's gonna be a really great event and that's on December 11th. And then if you haven't yet, please swing by City Hall anytime during our open hours to look at our Women Air Service Patrol exhibit, they're here until December 3rd, and it's on loan to us from the museum. It's a really great exhibit and we have a lot of staff that are very knowledgeable about the exhibit itself. Thank you Hutto ISD for hosting another great Hippo Nation University, it's been an awesome experience we're participating in. I hope that we can do something similar on the City side one day. It's very educational, a lot of resources that I'm learning for the edification of partnerships between us and the ISD, so, if you have a chance public to apply for that program in the future, I strongly suggest it. Mr. Mayor, I'd like to see an executive agenda item before the end of the calendar year for us to discuss our relationship with our city attorneys and their working relationship with our city staff. Finally, I want to strongly encourage my colleagues-- to those

that are on the Council Protocol Subcommittee, to please make it a priority to meet as soon as possible. It seems to be that there's a lot of issues occurring with us internally that's preventing us from doing our best work for the city that can simply be alleviated by some process and protocols, and as of now, some councilmembers seem to have a more important voice than others. We need to remember our role as a policymaking arm of government, not judicial or executive. Too often, over the past months, that line has been crossed and I've made the mistake not saying anything and that ends tonight. We are legislative body and that's what we took an oath to do-- and that's all I have to say. So, thank you."

Peter Gordon

"Mayor, I've got just two items. One is, I was going to ask for us to be put on the agenda a discussion about the protocols, we had originally talked about doing it outside of this meeting, but I think scheduling it will kind of force the issue and make us get it done-- unless we want to schedule maybe 6:00 PM, something early or something like that. And then the other item that I had was --I attended a roundtable today hosted by the Central Texas Water Coalition; that's a volunteer-driven, nonprofit organization, dedicated to protecting the water supply of Central Texas. I learned a lot about the water supply or the lack thereof in central TX and the people that were there were actually very interested and very impressed with the work that we're doing in Hutto, as it relates to our aquifer storage and recovery system. They expressed a lot of interest in that and a lot of other local elected officials from the region kind of talk to me about that. They said they were really curious about how we were doing it and kind of what we're doing in Hutto to make things work --so, it seems like we're doing the right thing here."

Krystal Kinsey

"I know we don't have another meeting before Thanksgiving, so, Happy Thanksgiving to all of Hutto and just as a reminder the Hutto Resource Center is still collecting canned goods and you can donate those to the library and in lieu of fines or for someone else you can pay it forward for their library fines as well. I did have an -- it's not really my idea--it actually came from the D&I --was doing-- possibly how we did spotlights on councilmembers to doing spotlights on boards and commissions because that's really something that's important to me, is getting the people involved in filling those positions on our boards and commissions. And, how do we get people involved-- and a lot of times we find that, oh I didn't know that existed or well, how do I get involved ---so that might be something interesting for --I don't know what that causes city to film and have the videographer do those spotlights but that would be something that I personally would like to see, if possible and also for the agenda that would be really pressing for I believe it's the December 2nd meeting. We are trying to put together a booth at the Hutto Holidays --Holidays in Hutto and we want to have a booth and we're going to try and have all of the different chairs, not just the chairs with all the different boards, have a presence and maybe take shifts --so we're going to put a booth together the only reason why I want to agenda item is Councilmember Villarreal Salvo has volunteered to make the literature and the flyer for that it's kind of an all-encompassing of here's our boards here's the commissions kind of just a small blurb so just the printing costs that that would incur is really what I want to see and of course that's up for discussion and if we don't want to do that we don't want to do that but I feel like it would really we really need to start shifting back to our boards and commissions and just overall I've been hearing a lot from our boards and commissions that they necessarily don't feel like they're getting a lot of traction or a whole lot of attention so I want it I want to right that. And, I know that it's come up in several previous meetings and I didn't know if we can get an update on that making City Hall, especially, accessible to all-- so just want to see some follow up on that. What do we need, what would it cost would it to get where we need it to be to be accessible. I definitely agree we need to have those council protocols. I personally would be moving to have a

parliamentarian, which may be another volunteer from one of our residents --that would be amazing. You can get certified to be a Parliamentarian and I think that that can really aid the city in acting in a more having more decorum I think would really help the city overall. Nobody-- I don't think any of us on here are official parliamentarians, so, I think that having that as a Hutto resident really might be a good idea. It is in my opinion that what city council's purpose is starting to become --it's starting to become blurred and we are overreaching our capacities council members we are the legislative body, not the judicial and we're not the HR of city staff. On a community post, a resident who's in the room, Mr. Jim Weaver, pointed out that we are elected to represent how to at large not just our own pocket of supporters I challenge every member of this body to ask themselves how does this help Hutto as a whole, how does this benefit Hutto as a whole. What will this cost Hutto and is it worth that cost. Think about those questions when we're posting on social media and when we are bringing up agenda items. We all have equal importance and we all have the ability to right this ship and I think that that's something that we really need to bring into focus, so, thank you Mr. Jim Weaver for your post on that. I enjoyed reading your comments."

Robin Sutton

"This might be a little long winded but it's about time the podium Robin makes an appearance. It's been a really long time since I felt passionate about making a public comment since the last time I stood at that podium. When I was elected, the most common advice that I received was don't change who you are. It seems the underlying meaning is don't change, unless you don't agree with my view or opinion. So, here I am. In my opinion, the word transparency has become an excuse to bring out personal agendas, public interrogation, humiliation and air dirty laundry. There are items on the agenda tonight that several councilmembers wanted to have removed, the items remain. These items have been addressed by legal and staff. I see no benefit to the city, to city staff and to council by discussing these items tonight in public. But mostly, I see no benefit to my hometown's reputation. When I walked into this chamber, I walked in fighting for Hutto. Now I'm fighting for a better Hutto. But, don't confuse me with the new version of fight for a better Hutto. My vision for a better Hutto is this, we have to drop the us versus them mentality. And, I do believe Scott Rose said that on the dais, that he didn't want to resign because they would be winning. And when I say this I'm talking to both sides. From the podium I did have-- what some would say was my side, the us. When I sat in this seat, I had to drop the us mentality. Now I represent the all, everyone. That is my job. A better Hutto also means better leadership, leadership that does not use Facebook as a battleground, leadership that does not post a personal email from our ex-city manager to his staff and include his personal contact information. If we truly care about what is best for Hutto we would be more concerned about our reputation, more than winning and being right. If we aren't concerned about our city's reputation, how are we going to recruit and retain quality staff and top talent. How do we get big businesses to come and grow with us? How do we build the relationships that we need to help us move forward? It is time to grow up and look at the big picture. Our role as a councilmember is not to get involved with the day-to-day business in the City Hall. Our job is to make the best decisions on behalf of those who call Hutto home and those who will call it home in the future. Our job is to represent Hutto with humility, discernment and gratitude because we are blessed to be sitting in this role. Our job is to improve the quality of life for everyone. A better Hutto reflects unity between all organizations that can make Hutto better and great. If we can set aside our personal agendas and work together to find solutions, everyone wins. If everyone wins, our citizens win and Hutto wins. I guess the real question is do you want to be part of the problem or do you want to be part of the solution. Yes, we have a lot of messes to clean up. We are on that path. We don't have to keep picking at the scab and exposing the wound every chance we

get. And this is where I'm going to get real folks ---comments have been made and communicated about the way female councilmembers are being treated on the dais- - when I am asked what is going on, why is the Mayor talking down to y'all and treating y'all like 5th graders---it calls to question. I don't even know how to respond other than we actually questioned him and stood up to him. Come to find out, I'm not the only one who's been contacted with the same observations. I will no longer tolerate being talked down to, talked over and marginalized. I will no longer tolerate being yelled at and belittled out here or back there. No matter how loud you can yell I'm the mayor doesn't mean you have sovereign power over the rest of us or the city. You are equal. You are a presiding officer. We are not a Mayor-strong city. We, as a body, should be part of the decision making and negotiations on behalf of the city. Mayor, you are a figurehead of the city-- for the city. You hold no more power than I do. We have all heard stories about how awful it was being in the back with the previous ex-C.M., not Warren. The yelling and the screaming, the other councilmembers being privy to information you didn't have. The hypocrisy that is being displayed is ridiculous. The way you have spoke to the women and the things you said in the back to us were inappropriate and unprofessional. The interrogation tactic you took with councilmembers about discussions with our recent ex-C.M. was appalling. I am happy that we are recording executive sessions now. The behavior you exhibited was not the one of the leader. I am saying, on the record, that it needs to stop. It is not a good look for you for the governing body or the city."

5.2. City Council Liaison Reports

Mandi Villarreal Salvo

The Parks Advisory Board met. They are each going to go to their assigned parks and look at safety issues and bring them back to the City Council for repairs.

Peter Gordon

The Communications Taskforce met. They discussed a number of items. One is the potential of combining their taskforce with the ADA Taskforce. They would like to focus on three different areas. One will be improving access to information and resources among those with disabilities. Another is adding broadband capability to the community as well as producing videos promoting the quality of life.

Krystal Kinsey

Shared the emblem designed by the D&I Commission. They will begin training, completing one course a month.

Thanked the Mayor for locating the line item for the money appropriated in the budget for training (10-010-002-6481)

6. PUBLIC COMMENT

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

also be sent to comments@huttotx.gov PRIOR to 4:00 pm on August 19, 2021. The email must include name, address, phone# and email to be recognized properly. Written comments will be provided to Council.

- Austin Fry
- Nicole Calderon

7. ASSISTANT CITY MANAGER COMMENTS

7.1. General Assistant City Manager Comments –

Thanked the councilmembers for sharing about the food for fines at the Library as well as the exhibit at City Hall. The City of Hutto has a newsletter, named “Hey Hutto” that is distributed every two weeks, there are currently approximately ten thousand subscribers. He encouraged everyone that is interested to subscribe to the newsletter. He also thanked those that attended the Arbor Day event, held on November 5th in partnership with Texas A&M Forest Service. The City of Hutto gave away over fifty native Texas trees. The Arbor Day event will help us apply for the Tree City designation.

7.2. Introduction of Padma Patla, Public Works Director.

7.3. Presentation of Scenic City Award.

8. PROCLAMATIONS

8.1. Proclamation No. 2021-018: Proclaiming November 27, 2021, as Shop Small Saturday.

Items 10.8. and 10.10. followed as requested by Councilmember Robin Sutton with no objections.

10.8. Consideration and possible action regarding potential violations by a Councilmember, pertaining to but not limited to dual office holding and possible action requesting county or district attorney or others for a formal AG opinion. (MPT Rose)

Mayor Mike Snyder called a point of order. He advised that the person that added the agenda item speaks first. Legal Counsel Dottie Palumbo requested that the record reflect that Councilmember Mandi Salvo filed an affidavit abstaining from this discussion. She added that the Ethics Ordinance indicates that someone may abstain if may have a financial interest.

Councilmember Robin Sutton made a point of inquiry regarding this item. A discussion ensued.

Councilmember Robin Sutton then made a motion to table the item indefinitely, Councilmember Krystal Kinsey seconded the motion. A discussion ensued. Councilmember Peter Gordon raised a point of order. Mayor Snyder denied the point of order. Councilmember Peter Gordon appealed. Councilmember Sutton seconded the appeal. A vote was called on the appeal. Councilmember Mandi Villarreal Salvo abstained. Mayor Snyder and Mayor Pro Tem Rose voted against it. The appeal failed 4:2.

- 10.10. Consideration and possible action regarding the Certificate of Occupancy/Temporary Certificate of Occupancy process with a focus on the Hutto ISO facilities but not limited to only those for discussion. (MPT Rose)

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on approving the October 18, 2021 Joint City Council & Hutto Economic Development Corporation meeting minutes.
- 9.2. Consideration and possible action on the November 4, 2021, Special Called City Council meeting minutes.
- 9.3. Consideration and possible action on the November 4, 2021, City Council meeting minutes.
- 9.4. Consideration and possible action on Resolution No. R-2021-168 accepting the infrastructure improvements for the subdivision known as Cottonwood Creek Phase 3 (Padma Patla)
- 9.5. Consideration and possible action on Resolution No. R-2021-169 accepting the infrastructure improvements for the subdivision known as Cross Creek Subdivision Phase 3&4 (Padma Patla)
- 9.6. Consideration and possible action on Resolution No. R-2021-170 accepting the infrastructure improvements for the subdivision known as Highlands North Section 2 (Padma Patla)
- 9.7. Consideration and possible action on Resolution No. R-2021-171 accepting the infrastructure improvements for the subdivision known as Wilco Ranch Phase 1 (Padma Patla)
- 9.8. Consideration and possible action on Resolution No. R-2021-172 accepting the infrastructure improvements for the subdivision known as Wilco Ranch Phase 3 Section 1 (Padma Patla)
- 9.9. Consideration and possible action on Ordinance No. 0-2021-066 amending Chapter 2, Article 2.02, Division 5, Section 2.02.121 of the City of Hutto Code of Ordinances providing for procedural and organizational rules for the Zoning Board of Adjustment. (First Reading) (Ashley Lumpkin)
- 9.10. Consideration and possible action on Resolution No. R-2021-173 authorizing the City to participate in the Texas Class Investment Pool. (Angie Rios)
- 9.11. Consideration and possible action on Resolution No. R-2021-175 acknowledging the conveyance of approximately 118.569 acres of land from Hutto 372, Ltd. to Lennar Homes of Texas and Land Construction, Ltd.

Motion to approve all consent items as presented by Councilmember Mandi Villarreal Salvo, seconded by Councilmember Peter Gordon (7:0)

10. OTHER BUSINESS

- 10.1. Consideration and possible action regarding possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment Zone Boards, City Council Liaisons, Area Government appointments, and Advisory Committees.

Motion to appoint Councilmember Robin Sutton to the second available position on Capital Area Council of Governments, also known as CAPCOG by Councilmember Mandi Villarreal Salvo. Seconded by Councilmember Peter Gordon (7:0)
Councilmember Robin Sutton mentioned that there was a complaint against one of the Commissioners of the Planning and Zoning Commission. A discussion ensued.

- 10.2. Presentation from GFO Homes on the proposed Estates of Hutto subdivision and Public Improvement District.

- 10.3. Presentation from Columnar on the proposed Meadow Brook subdivision and Public Improvement District.

- 11.3. Consideration and possible action on Ordinance No. 0-2021-070 approving the proposed annexation of the Hanson - Tasto Tract, 30.3 acres, more or less, of land, and to establish the base zoning for the property as SF-R (Single-Family Residential -Rural Estate). (First Reading)(Ashley Lumpkin).

Part 1 of 2 – Request by Ashley Lumpkin to move to Item 11.4 to discuss development and PUD standards first before proceeding with this agenda item.

- 11.4. Consideration of a public hearing and possible action on Ordinance No. 0-2021-071 on the proposed Planned Unit Development (PUD) zoning request for the property known as Schmidt's Creek Planned Unit Development (PUD), 30.3 acres, more or less, of land, located on Ed Schmidt Boulevard. The land use proposal is detached and attached residential and commercial uses. (First Reading) (Ashley Lumpkin)

Part 1 of 2 –
Public Hearing Open at 9:44 PM
Public Hearing Closed at 9:44 PM

- 11.3. Consideration and possible action on Ordinance No. 0-2021-070 approving the proposed annexation of the Hanson - Tasto Tract, 30.3 acres, more or less, of land, and to establish the base zoning for the property as SF-R (Single-Family Residential -Rural Estate). (First Reading)(Ashley Lumpkin).

Part 2 of 2 –
Motion by Councilmember by Mandi Villarreal Salvo to approve 0-2021-070 as presented, seconded by Councilmember Krystal Kinsey (7:0)

- 11.4. Consideration of a public hearing and possible action on Ordinance No. 0-2021-071 on the proposed Planned Unit Development (PUD) zoning request for the property known as Schmidt's Creek Planned Unit Development (PUD), 30.3 acres, more or less, of land, located on Ed Schmidt Boulevard. The land use proposal is detached and attached residential and commercial uses. (First Reading) (Ashley Lumpkin)

Part 2 of 2 – Councilmember Peter Gordon motioned to approve the item with the recommendation as presented by Planning and Zoning. Councilmember Mandi Villarreal-Salvo seconded the motion. (7:0)

A ten-minute break was announced by Mayor Snyder at 9:48 PM, the meeting resumed at 9:59 PM.

- 10.4. Presentation of the City Financials for the Month of October as well as the Monthly Investment Report as Required by the Fiscal and Budgetary Policy.

- 10.5. Consideration and possible action regarding Chamber of Commerce membership dues. (MPT Rose)

Motion by Councilmember Kinsey to renew membership at \$1200.00, seconded by Councilmember Villarreal Salvo. (6:1) Mayor Pro Tem Rose voted against it.

- 10.6. Consideration and possible action on a survey of the residents of Hutto. (Councilmember Kinsey)

No action until staff is able to provide more recommendations.

- 10.7. Consideration and possible action on Task Force meeting requirements, including quorum, compliance with the Texas Open Meetings Act, role of officers, notice of meetings, and rules of procedure, and the possibility of combining the Communications Task Force and the ADA Task Force. (Councilmember Gordon)

No action

- 10.9. Consideration and possible directing City Staff, bond counsel, financial advisors, and others to draft documents related to the potential sale of 2018 GO Bonds. (MPT Rose)

No action

- 10.11. Consideration and possible action regarding Bojorquez Law firm with discussions surrounding, but not limited to, legal expenses. (MPT Rose)

No action

10.12. Consideration and possible action on establishing a personnel handbook committee.

Motion by Councilmember by Mandi Villarreal Salvo to form a personnel handbook committee that will be comprised of Council Krystal Kinsey, Councilmember Mandi Villarreal Salvo and Mayor Snyder to meet as needed, not subject to the Open Meetings Act to provide input to city staff before presented to the City Council. (7:0)

10.13. Discussion with possible action acknowledging disclosure of potential conflict of interest regarding representation by Bojorquez Law Firm of Strategic GovernmentResources; and authorizing the Mayor to execute the acknowledgment letter.

Motion by Mayor Pro Tem Rose to acknowledge as presented, seconded by Councilmember Peter Gordon. (7:0)

11. ORDINANCES

11.1. Consideration and possible action on Ordinance No. 0-2021-068 an ordinance amending the budget for the fiscal year of October 1, 2021, through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (FirstReading) (Angie Rios)

Motion by Councilmember Mandi Villarreal Salvo to approve as presented, seconded by Councilmember Robin Sutton. (7:0)

11.2. Consideration and possible action on Ordinance No. 0-2021-069 electing to readoptArticle 20.04 Reinvestment Zones And Tax Abatement Agreements, as amended herein, authorizing the participation in tax abatement agreements, establishing guidelines and criteria governing tax abatement projects to encourage economic development in the City of Hutto; and provide for severability, repeal and an effective date.

Motion by Councilmember Peter Gordon to approve as presented, seconded by Councilmember Mandi Villarreal Salvo. (7:0)

11.5. Consideration and possible action on Ordinance No. 0-2021-072 altering the prima facie speed limits established for vehicles under section 545.356 of the Texas Transportation Code upon various streets located within the corporate limits of the City of Hutto; amending Chapter 22, Traffic and Vehicles, Article 22.07, Traffic Schedules,Section 22.07.001 Speed Limits, of the Code of Ordinances.

Motion by Councilmember Mandi Villarreal Salvo to table the item until January, seconded by Councilmember Dan Thornton. (5:2) Mayor Pro Tem Rose and Councilmember Robin Sutton voted against it.

12. RESOLUTIONS

- 12.1. Consideration and possible action on Resolution No. R-2021-165A approving an interlocal agreement between the City of Hutto and Williamson County regarding participation in the design and construction related to Segment 3 of the Southeast Loop(FM 3349) Construction Project; and repealing Resolution No. R-2021-165. (Wade Benton)

Motion by Councilmember Mandi Villarreal Salvo to approve as presented, seconded by Councilmember Robin Sutton. (7:0)

13. EXECUTIVE SESSION - Entered 12:48 AM

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 (Litigation/Consultation with Attorney), 551.072 (Deliberations regarding real property), 551.073 (Deliberations regarding gifts and donations), 551.074 (Deliberations regarding personnel matters) or 551.076 (Deliberations regarding deployment/implementation of security personnel or devices) and 551.087 (Deliberations regarding Economic Development negotiations).

- 13.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.2. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to meet and confer.
- 13.3. Executive session in accordance with Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee
- Acting City Manager, Interim City Manager.

Reconvened 2:40 AM, No action taken.

14. ACTION RELATIVE TO EXECUTIVE SESSION –

- 14.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims, and City Council Legal Requests.
- 14.2. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to meet and confer.

Motion by Mayor Snyder to direct staff or City Attorney to look at any provision in the submitted ordinance that could be put into a second section into the personnel policy, seconded by Councilmember Mandi Villarreal Salvo. (7:0)

- 14.3. Consideration and possible action on Executive Session in accordance with Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Acting City Manager, Interim City Manager.

Motion by Councilmember Robin Sutton to appoint Matt Wojnowski as Interim City Manager with a ten percent pay increase, seconded by Councilmember Mandi Villarreal Salvo. (7:0)

15. ADJOURNMENT – 2:44 AM on November 19, 2021.

PASSED and APPROVED this the _____th day of December, 2021.

ATTEST:

Mike Snyder, Mayor

Gracie Perez, Asst City Secretary

AGENDA ITEM REPORT

8.2.



To: City Council
Subject: Consideration and possible action on December 2, 2021, City Council meeting minutes.
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. CC Minutes 12.2.21



City of Hutto

MINUTES

City Council Meeting

Thursday, December 2, 2021, at 7:00 PM

City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER – 7:00 PM

2. ROLL CALL

Members of the Council present:

Councilmember Robin Sutton, Councilmember Dan Thornton, Councilmember Mandi Villarreal Salvo, Councilmember Peter Gordon, Councilmember Krystal Kinsey, MPT Tanner Rose, Mayor Mike Snyder

3. INVOCATION – Piet Van Waarde

4. PLEDGE OF ALLEGIANCE

5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governing body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizens, 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 an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

5.1. General Comments from City Council

Councilmember Mandi Villarreal-Salvo

"So, it's been a great two weeks here in Hutto since our last council meeting. City staff was able to move pretty quickly with some requests from our downtown business owners that came my way. We've got a Now Entering Historic Downtown Hutto signage. It's going to be going up. I'm really excited for them-- as well as some wayfinding signs for right off of East Street for our businesses that aren't on the beaten path-- that's regularly seen. So, these were requests that were made numerous times over the past years and I'm glad that staff and council and community were able to get it done-- it's really exciting. Had a fruitful meeting with our Meritage Homes representatives on their Project Harvest Farms right after our last council meeting. It was pretty disappointing to hear that they've been receiving some misinformation from the city side and council side on why their projects have been delayed, essentially since October, on getting in front of council. Thankfully, we were able to meet with our acting city manager and necessary staff members to find out project details and help answer the frustrations they're having. This is an example of a project that because there is stress getting to staff from either council members or from legal, a lot of important details are falling through the cracks. Then, when the developer asks us why there's a delay, people are throwing staff under the bus rather than explaining the actual reasons why there's delay. A further example of details not being reviewed by staff but incorrectly being communicated by city legal and city council, is the community benefit fee from the Durango Farms PID. So, regardless of the intent behind that \$2 million that our former city manager agreed to in October of 2019 and then staff --or excuse me-- city council agreed to in January 2021 --the \$2 million fee will be used only within the boundaries of the Durango Farms PID. So that means what we've been saying for months now of how we can use that money to assist with infrastructure repair in Old Town, actually cannot happen. It has to all be used within the brand-new development of Durango Farms. So, I mean we can use that towards the park that we now own but it can't be used for the intent that it was originally used to serve. These are but two examples of why council members need to stay in their lane as legislators and policymakers. City attorneys need to stop interfering and pressuring our city staff and we need to empower and support our staff experts to do their jobs not throw them under the bus because you don't know the answer to a question and can't handle saying I don't know. Finally, it was an awesome day today that began with Coffee With A Cop with our Hutto Police Department at our Hutto Starbucks. I'm so glad our officers are making themselves available on a regular basis to the community. I had great conversation with our interim chief thanking him for working this week hand in hand with our ISD Superintendent and their teams on how to fix some of the pick-up and drop off safety issues that are coming at our school pickup and drop off lines. The teamwork between our two organizations is vital to healthy smart and expedited problem solving and that's why relationships between the City Council and other constituencies and taxing entities is extremely important. This morning ended with groundbreaking for a new business in Hutto, Taco Casa. We're really excited about them they're exactly the kind of commercial business partner that Hutto needs because of their love for small towns, dedication to quality and respect and gratitude shown to emergency service workers. Kelly Franklin of Taco Casa and our Mayor said some wonderful words about the people of Hutto. Specifically, our Mayor said that Hutto was like a big family how we

can all get together for Thanksgiving and it may not go exactly as planned but at the end of the day we're family and we support one another. I can only hope that after the Mayor and the Mayor Pro Tem are done attacking me for something I didn't do wrong that any and all of us can all truly come together and support and move forward for the betterment of Hutto. Leadership isn't about being the best it's about empowering and making other people around us better. I don't fear offending or disappointing man. It is not the least bit concerning to me. I am human. I know I'll disappoint you. I know I will offend you, that is a guarantee. That guarantee will not keep me quiet. I serve an audience of one and that's God, not many. Be bold and speak your truth. Thank you"

Councilmember Peter Gordon

"I just had one general comment. So, I went on a ride-along with one of our police officers about a month ago and had a brief conversation with our assistant chief last night. And he thanked me for going and he said really you know you don't know how much that means to us to come out and to go. And so I wanted to extend that and make sure that all the citizens in Hutto know you can go on ride-alongs with any of our police officers. If you want to get to know them, you're gonna find out the hard work they do—the kind of people that they are. I encourage you to go. Our policy says that you can go four times a year and so you can go and all you gotta do is just contact the Police Department, they'll get you the proper paperwork to fill out. You can send it in and go with them. I'm gonna go more often because apparently, it means a lot more to them than I realized. And so I'm gonna do that more and I encourage all of our citizens to sign up and get to know our officers. That would be a great thing."

Councilmember Krystal Kinsey

"I just had a few reminders so December 4th is the sold out Santa Claus Crawl downtown, woohoo.... I've seen a couple of people on Facebook kind of asking for tickets, so, awesome for those. I think it was 500 tickets sold that there's apparently a really awesome cup and a really good goodie bag with lots of stuff inside of it. And then also December 11th is the Holidays in Hutto Event that will be at the Brushy Creek Amphitheater or I guess it's the Adam Orgain park and Brushy Creek Amphitheater so I think that's going to be a really awesome community event. So, I hope that everyone in Hutto will come out."

Mayor Pro Tem Rose

"I've got one. Since I haven't done one in a long time and so I feel odd so if you'll just indulge me for a minute while I share with you a few things. A councilmember brought up at the last meeting why some items aren't handled by an email or taken to the backroom and that transparency is for personal vendettas. Well, the position I was voted into was a public official, emphasis on the public part of the job. I've told people since I took this position I do my work every first and third Thursday at 7:00 PM with the lights and the cameras on. If we want to turn everything into going into the backroom and doing that stuff in the back, I might as well just invite Doug, Tom, Scott and Patty back up here to sit with me. However, I'll continue to do all my work on the dais, in the public for everyone to see. My job, in my opinion, is to present and ask questions so all the facts are presented and for the citizens to make their own determinations, not drive a

narrative, by, in my opinion, lying and misleading them to believe what I want them to believe or what I want them to hear. I really enjoyed the use of Robert's Rules last week in an attempt to limit discussion. The best part was when all the sections that needed rules to control the discussion whenever it was time to motion to suspend the rules only to then vote against suspending the rules because I guess no one wanted the real debates in the open. I hope everyone is enjoying the response from the public on the games being played, that is being seen right through. I love going back to 2019 council, again at the meetings, we were much more fun at that time for I guess everyone else. You all wanna talk about oppressing the abuse of office and other things but all I really see is it's focused on me for the things that I'm doing up here. People are requesting my agenda items be blocked to remove from the agenda immediately tabling of items point of inquiries and orders to interrupt the discussion. I feel that myself, maybe the Mayor, are the only ones who get targeted for these types of actions but I don't do that to anyone else. I love for everyone to have any item they want on the agenda to discuss no matter how I feel about it. Usually those crying about what is happening the loudest is really the ones who are performing the actions like it is here. I'm just going to keep doing what I'm doing and if you don't like the conversation or the items, feel free to skip council meetings like the previous group did in 2019 to limit discussion. In closing, we all need to start focusing on the job and not the optics of what we're doing. We're not here to be friends or make friends. If you're worried about the optics of what is happening then maybe you shouldn't be doing all the things that don't look good trying to play cover up and mislead the public is what got us in all these lawsuits in the first place back in the day. The sooner everyone gets on the up and up, the sooner we won't have to worry about the optics."

5.2. City Council Liaison Reports

6. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes. Any citizen wishing to speak during public comment may do so after completing the required registration form. Written comments for this meeting may also be sent to comments@huttotx.gov PRIOR to 4:00 pm on August 19, 2021. The email must include name, address, phone# and email to be recognized properly. Written comments will be provided to Council.

- Elliot Jones
- Ida Weaver
- James Weaver
- Dana Wilcox

7. ASSISTANT CITY MANAGER COMMENTS

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on Ordinance No. 0-2021-068 an ordinance amending the budget for the fiscal year of October 1, 2021, through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Second Reading)(Angie Rios)
- 8.2. Consideration and possible action on Ordinance No. 0-2021-069 electing to readopt Article 20.04 Reinvestment Zones And Tax Abatement Agreements, as amended herein, authorizing the participation in tax abatement agreements, establishing guidelines and criteria governing tax abatement projects to encourage economic development in the City of Hutto; and provide for severability, repeal and an effective date. (Second Reading)(George Hyde)
- 8.3. Consideration and possible action on Resolution No. R-2021-177 authorizing the Acting City Manager to execute an Athletic Facility Use Agreement with Hutto Youth Baseball and Softball Association for 2022. (Matt Wojnowski)
- 8.4. Consideration and possible action to appropriate funds not to exceed \$100 for Boards and Commission booth at Holidays in Hutto. (Councilmember Kinsey)
- 8.5. Consideration and possible action on Resolution No. R-2021-179 a joint resolution of the City of Hutto, Texas, the Cottonwood Development Corporation, and the River Creek Development Corporation, approving a contingent fee engagement agreement with the Kassab Law Firm for representation in asserting claims of legal malpractice; making required findings; providing for an effective date. (George Hyde)
- 8.6. Consideration and possible action on Ordinance No. 0-2021-070 approving the proposed annexation of the Hanson - Tasto Tract, 30.3 acres, more or less, of land, and to establish the base zoning for the property as SF-R (Single-Family Residential -Rural Estate). (Second Reading)(Ashley Lumpkin).
- 8.7. Consideration of a public hearing and possible action on Ordinance No. 0-2021-071 on the proposed Planned Unit Development (PUD) zoning request for the property known as Schmidt's Creek Planned Unit Development (PUD), 30.3 acres, more or less, of land, located on Ed Schmidt Boulevard. The land use proposal is detached and attached residential and commercial uses. (Second Reading) (Ashley Lumpkin)
- 8.8. Consideration and possible action on Ordinance No. 0-2021-066 amending Chapter 2, Article 2.02, Division 5, Section 2.02.121 of the City of Hutto Code of Ordinances providing for procedural and organizational rules for the Zoning Board of Adjustment. (Second Reading) (Ashley Lumpkin)

City Attorney Dottie Palumbo requested that Item 8.5 be postponed. She advised that the LGC had to cancel their meeting due to a posting problem. Councilmember Mandi Villarreal Salvo made a motion to approve Items 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 & 8.8 as presented. The motion was seconded by Councilmember Krystal Kinsey. (7:0)

12. EXECUTIVE SESSION – Entered 7:34PM

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).

12.3. Receive legal advice pursuant to Section 551.072 deliberation regarding offer of acquisition of City-owned property.

12.4. Receive legal advice pursuant to Texas Government Code Section 551.071 relating to prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.

No action

13. ACTION RELATIVE TO EXECUTIVE SESSION - Reconvened at 9:18 PM

13.3. Consideration and possible action pursuant to Section 551.072 deliberation regarding offer of acquisition of City-owned property.

No action

13.4. Consideration and possible action relating to prior expenditure of City long-term debt proceeds and any related action by the City in response thereto.

No action

9. OTHER BUSINESS -

9.1. Consideration and possible action regarding possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment Zone Boards, City Council Liaisons, Area Government appointments and Advisory Committees. (City Council)

A motion was made by Councilmember Mandi Villarreal Salvo for Emma Peters to be appointed to serve on the Library Advisory Board. The motion was seconded by Councilmember Robin Sutton. (7:0)

9.2. Consideration and possible action regarding Spanish closed captioning services not to exceed \$27,136.00 to be payable out of PEG funds and to authorize the Acting City Manager to execute agreement. (City Council)

A motion was made by Mayor Snyder to approve Item 9.2. as presented. The motion was seconded by Councilmember Peter Gordon (7:0)

9.3. Discussion and possible action regarding possible violation of Article XVI, Section 40 of the Texas State Constitution by City Councilmember Place 3, potential common-law of incompatibility of City Councilmember Place 3, and ability to ask for

City Council Meeting Minutes 12/2/21

an opinion from the Texas Attorney General regarding the possible violations and whether repayment of funds received in violation of the Texas State Constitution Article XVI, Section 40 is required. (MPT Rose)

A motion was made by Councilmember Mandi Villarreal Salvo to waive executive privilege and release the memo that was distributed on this date by Legal. The motion was seconded by Robin Sutton. Attorney Dottie Palumbo added for the record that the memo referenced by Councilmember Mandi Villarreal Salvo is the memo dated, 12/1/21. Mayor Snyder asked to amend the motion to release all three memos. Attorney Dottie Palumbo explained that the 10/29 memo was incorporated into the 11/10 memo. At the 11/18 meeting, the memo dated 11/10 was authorized for release. Councilmember Peter Gordon seconded the amended motion. (7:0)

A motion was made by Mayor Snyder to release all three legal memos dated 10/29, 11/10 and 12/1. (7:0)

A motion was made by Mayor Snyder directing the City Attorney to contact the County or District Attorney to submit a letter to the Attorney General for an opinion. The City Attorney will present a draft to Council before submission. The motion was seconded by MPT Tanner Rose. (7:0)

10. ORDINANCES

- 10.1. Consideration of a public hearing and possible action on Ordinance No. 0-2021-073 approving the proposed annexation of the Prose Tracts, 16 acres, more or less, of land, and to establish the base zoning for the property as MF (Multi-Family Residential). (First Reading)(Ashley Lumpkin).

Public Hearing Opened at 10:24PM, closed at 10:25PM

A motion was made by Councilmember Mandi Villarreal Salvo. The motion was seconded by Councilmember Peter Gordon. (7:0)

- 10.2. Consideration and possible action on Ordinance No. 0-2021-073 to dispense with second reading pursuant to Hutto City Charter Article 3, Section 3.13.

A motion was made by Councilmember Krystal Kinsey. The motion was seconded by Councilmember Peter Gordon. (7:0)

- 10.3. Consideration and possible action on presentation on the Utility Rate Study and approval of Ordinance No. 0-2021-074 prescribing certain fees for the City of Hutto, Texas, amending all applicable ordinances and other instruments; providing for a schedule of fees and charges. (First Reading)(Angie Rios)

A motion was made by Councilmember Mandi Villarreal Salvo to approve as presented. The motion was seconded by Councilmember Robin Sutton. A discussion ensued. The motion was amended by Councilmember Krystal Kinsey to add in and take into consideration the general discussion of changes.

Mayor Snyder, Councilmember Mandi Villarreal Salvo, Councilmember Dan

Thornton voted against it. The motion passed 4:3.

11. RESOLUTIONS

- 11.1. Consideration and possible action on Resolution R-2021- 178 approving an amendment to the Hortenstine Family Trust Groundwater Lease. (Legal)
Tabled for 12/16/21 meeting
- 12.2. Receive legal advice pursuant to Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee- City Attorney; Assistant City Attorneys. (Councilmember Villarreal Salvo)
A motion by Mayor Snyder was made to pull the item out of the executive session was made. It was seconded by Councilmember Dan Thornton (7:0) A discussion ensued.

12. EXECUTIVE SESSION – Second Executive Session entered on 12/3/21 at 12:24 AM.

- 12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.5. Executive session in accordance with Texas Open Meetings Act Section 551.074 Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Acting City Manager, Interim City Manager.

13. ACTION RELATIVE TO EXECUTIVE SESSION – Reconvened 12/3/21 at 1:06 AM

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.5. Consideration and possible action on Executive Session in accordance with Texas Open Meetings Act Section 551.074, Personnel Matters: Closed Meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - Acting City Manager, Interim City Manager.

Councilmember Dan Thornton made a motion to call a special meeting on Thursday, December 9th for the purpose of interviewing Interim City Manager with an executive session item to deliberate, followed by an item allowing possible action to hire an Interim City Manager. The motion was seconded by Councilmember Peter Gordon. Councilmember Krystal Kinsey advised that she will be out of the country and will not be able to attend the meeting. (7:0)

14. ADJOURNMENT – 1:10AM on 12/3/21

PASSED AND APPROVED this _____ day of January 2022.

ATTEST:

Mike Snyder, Mayor

Gracie Perez, Assistant City Secretary

AGENDA ITEM REPORT

8.3.



To: City Council
Subject: Consideration and possible action on December 2, 2021, Special Called City Council meeting minutes.
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. 12-2-21 Special Minutes



City of Hutto

MINUTES

Special Called City Council Meeting Thursday, December 2, 2021 at 6:00 PM City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER

2. ROLL CALL

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

Councilmember Sutton arrived at 6:03 PM.

Councilmember Kinsey arrived at 6:02 PM.

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT- None.

5. OTHER BUSINESS

5.1. Consideration and possible action regarding Council Protocols.

Discussion ensued regarding Council Protocols. The City Attorney will bring back edits no later than the January 6, 2022 meeting.

6. ADJOURNMENT- 6:56 PM

Passed and approved January 6, 2022.

ATTEST:

Mike Snyder, Mayor

Gracie Perez, Asst. City Secretary

AGENDA ITEM REPORT

8.4.



To: City Council
Subject: Consideration and possible action on approving the December 9, 2021, Special Called meeting minutes.
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Spec. Called CC Minutes 12-9-21



City of Hutto

MINUTES

Special Called City Council Meeting Thursday, December 9, 2021 at 7:00 PM City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at huttotx.gov

1. CALL SESSION TO ORDER- 7:00 PM

2. ROLL CALL

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

Absent: Councilmember Krystal Kinsey

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT – Terrance Owens

MPT Rose made a motion to move item 6.1 up into open session. Mayor Snyder seconded the motion. The motion failed (5:1) with Mayor Snyder and Councilmembers Gordon, Sutton, Villarreal Salvo, Thornton against.

5. OTHER BUSINESS

5.1. Interview of Terry Roberts for the Interim City Manager position.

Interview ensued.

5.2. Interview of Isaac Turner for the Interim City Manager position.

Interview ensued.

6. EXECUTIVE SESSION- Entered: 8:33 PM

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 (Litigation/Consultation with Attorney), 551.072 (Deliberations regarding real property), 551.073 (Deliberations regarding gifts and donations), 551.074 (Deliberations regarding personnel matters) or 551.076 (Deliberations regarding deployment/implementation of security personnel or devices) and 551.087 (Deliberations regarding Economic Development negotiations).

6.1. Receive legal advice pursuant to Texas Government Code Section 551.071 and Deliberate pursuant to Texas Government Code Section 551.074, Personnel Matters – Deliberation on the appointment of Interim City Manager and setting compensation.

7. ACTION RELATIVE TO EXECUTIVE SESSION - Reconvened: 8:51 PM

7.1. Discussion and possible action on the appointment of an Interim City Manager and authorizing the Acting City Manager to execute an agreement for City Management Services.

MPT Rose made a motion to appoint Isaac Turner as Interim City Manager and to have the Mayor execute the agreement for City Management Services.

Councilmember Thornton seconded the motion.

Discussion ensued.

Councilmember Villarreal Salvo made a motion to table the motion and the item. Councilmember Sutton seconded the motion. The motion failed (3:3) with Councilmember Thornton, Mayor Snyder and MPT Rose against.

Consideration of original motion. Discussion ensued.

Councilmember Gordon called for a Point of Order. Mayor Snyder denied.

Councilmember Gordon called for a motion to appeal the ruling of the chair. Councilmember Villarreal Salvo seconded the motion. Councilmember Gordon, Sutton, Villarreal Salvo, Thornton voted no. Motion passes (4:2)

Discussion ensued.

Consideration of original motion. The motion failed (3:3) Councilmembers Gordon, Villarreal Salvo, and Sutton against.

8. ADJOURNMENT- 9:01 PM

Passed and approved this 6th day of January, 2022.

Mike Snyder, Mayor

ATTEST:

Gracie Perez, Asst. City Secretary

9. CERTIFICATION

I certify that this notice of the Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on December 6, 2021 at 5:05 P.M.



Holly Nagy

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at City.Secretary@huttox.gov or call (512) 759-4033 for assistance.

AGENDA ITEM REPORT

8.5.



To: City Council
Subject: Consideration and possible action on Ordinance No. O-2021-077 an ordinance amending the budget for the fiscal year of October 1, 2021, through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Second Reading)(Angie Rios)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Budget Amendment O-2021-077
2. Budget Amendments 12-16-21 updated

ORDINANCE NO. O-2021-077

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022, BY APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS FOR ADDITIONAL EXPENDITURES, IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; FINDING MUNICIPAL PURPOSES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Hutto adopted the City's Fiscal Year 2021-2022 Budget in September of 2021; and

WHEREAS, pursuant to Texas Local Government Code, Section 102.010, the City Council has determined that it is necessary to amend the City's FY 2021-2022 Budget, and that the budget amendment serves a municipal purpose.

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

SECTION 1. That the appropriations for the fiscal year beginning October 1, 2021, and ending September 30, 2022, for the support of the general government of the City of Hutto, Texas, be amended as shown in 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, 2021 through September 30, 2022.

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

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

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

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

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

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

READ and APPROVED on the first reading this the **16th** day of **December 2021**.

READ, PASSED, and ADOPTED on the second reading of this ___ day of **January, 2022** at a regular meeting of the City Council of Hutto, there being a quorum present.

CITY OF HUTTO

Mike Snyder, Mayor

ATTEST

City Secretary

EXHIBIT A
Budget Amendments
12/16/2021

General Services - Operating Fund (Fund 10)

Division	Original Budget	Proposed Budget Amendment	Revised Budget
Human Resources			
Salaries 10-010-004-6001	225,000	20,000	245,000
FICA/Medicare 10-010-004-6051	17,784	1,530	19,314
TMRS 10-010-004-6053	27,501	1,400	28,901
Worker's Comp Ins 10-010-004-6054	923	82	1,005
To adjust the budget to hire the HR Coordinator in January			
Police			
Vehicles 10-050-001-6602	360,000	300,000	660,000
Building and Facility Development 10-050-001-6612	-	30,000	30,000
To adjust the budget for police cars ordered in FY 2021 that will be received in FY 2022 and to add funds to hire an engineer to design police evidence room upgrades.			
City Secretary			
Software Licensing 10-060-003-6412	30,000	10,000	40,000
To adjust the budget for an upgrade to the website for secure forms creation			

Park Improvement Fund (Fund 40)

Division	Original Budget	Proposed Budget Amendment	Revised Budget
Park Improvements & Structures 40-060-032-6681	-	1,000,000	1,000,000
To adjust the budget for park improvements directed by council			

EXHIBIT A
Budget Amendments
12/16/2021

CDC/EDC

Division	Original Budget	Proposed Budget Amendment	Revised Budget
Professional Services	320,000	200,000	520,000
To adjust the budget for amendments approved by the EDC board for the Comp plan and possible litigation.			

AGENDA ITEM REPORT

8.6.



To: City Council
Subject: Consideration and possible action on approval of the 2022 Holiday Calendar.
(Irene Talioaga)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. 2022 Holidays
2. 2022 Payroll Calendar with Holidays



2022 Holidays

Friday, December 31, 2021
Monday, January 17, 2022
Monday, February 21, 2022
Friday, April 15, 2022
Monday, May 30, 2022
Monday, July 4, 2022
Monday, September 5, 2022
Friday, November 11, 2022
Thursday, November 24, 2022
Friday, November 25, 2022
Friday, December 23, 2022
Monday, December 26, 2022

New Year's Day
MLK Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Thanksgiving Friday
Christmas Eve
Christmas Day



2022

	Bank Holiday
	Bank & COH Holiday
	COH Holiday

	Time Sheets Due
	Pay Date
	Council Meeting

January						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
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July						
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24	25	26	27	28	29	30
31						

October						
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23	24	25	26	27	28	29
30	31					

February						
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27	28					

May						
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29	30	31				

August						
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28	29	30	31			

November						
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27	28	29	30			

March						
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June						
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26	27	28	29	30		

September						
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December						
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				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
1	2	3	4	5	6	7

AGENDA ITEM REPORT

8.7.



To: City Council
Subject: Consideration and possible action on Resolution No. R-2022-001 designating the Taylor Press as the official newspaper of record for all official City publications. (Legal)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. R-2022-001 Taylor Press Official Paper 1-6-22

RESOLUTION NO. R-2022-001

**A RESOLUTION DESIGNATING TAYLOR PRESS AS THE OFFICIAL
NEWSPAPER OF THE CITY OF HUTTO.**

WHEREAS, pursuant to Sections 13.02 and 3.13 of the City Charter and to applicable statutes of the Texas Local Government Code, the City Council of the City of Hutto, Texas, does by this Resolution hereby designate a public newspaper of general circulation in the City as the official newspaper of the City, such designation to continue until another is duly designated, and

WHEREAS, the City of Hutto shall cause to be published therein all ordinances, notices and other matter as required and, in the manner, required by the City Charter, by the ordinances of the City, or by the constitution and laws of the State of Texas, and

WHEREAS, the City of Hutto shall publish in full or by caption in two successive issues of the official newspaper of the City any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates; and

WHEREAS, *Taylor Press* is a widely circulated newspaper covering the area including the City of Hutto and has a large subscriber base within the City;

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

That the City Council of the City of Hutto hereby designates *Taylor Press* as the official newspaper of the City of Hutto for all official city publications.

CONSIDERED and RESOLVED on this the 6th day of January 2022.

ATTEST:

Mike Snyder, Mayor

Gracie Perez, Asst. City Secretary

AGENDA ITEM REPORT

8.8.



To: City Council
Subject: Consideration and possible action on Resolution No. R-2022-002 changing the duties of the Acting City Manager to the Assistant City Manager and providing an effective date. (Legal)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. R-2022-002

RESOLUTION NO. R-2022-002

A RESOLUTION OF THE CITY OF HUTTO, TEXAS, CHANGING THE DUTIES OF THE ACTING CITY MANAGER TO THE ASSISTANT CITY MANAGER AND SETTING COMPENSATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council appointed Matt Wojnowski Acting City Manager on November 18, 2021 with an increase in compensation; and

WHEREAS, on December 16, 2021, the City Council appointed Isaac Turner as the Interim City Manager; and

WHEREAS, the City Council desires to change the duties of the Acting City Manager to the Assistant City Manager at the budgeted compensation amount in FY21/FY22 budget.

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

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: That the Hutto City Council hereby changes the duties of the Acting City Manager to the Assistant City Manager at the budgeted compensation amount in FY21/FY22 budget.

SECTION 3: 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 6th day of January, 2022.

Mike Snyder, Mayor

ATTEST:

Holly Nagy, City Secretary

AGENDA ITEM REPORT

8.9.



To: City Council
Subject: Consideration and possible action on Resolution No. R-2022-003 regarding Council Protocols. (Legal)
Meeting: Thursday, January 6, 2022
Department: Legal /
Staff Contact:

BACKGROUND INFORMATION:

Council Protocols were reviewed by Council Member Gordon and made recommendations. After two Council reviews and additions and edits at previous meetings, legal has reviewed and updated accordingly.

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

With approval this will reestablish City Council protocols with a resolution of approval.

ATTACHMENTS:

1. Hutto Resolution Council Protocols 1.4.22
2. Hutto Council Protocol 1.2.22 A

RESOLUTION NO. R-2022-003

**RESOLUTON ADOPTING A CITY COUNCIL PROTOCOL
POLICY FOR THE CITY OF HUTTO, TEXAS; REPEALING
ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS
INCONSISTENT OR IN CONFLICT HEREWITH; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Hutto City Council desires to provide clear, transparent, comprehensive rules of procedure, which are vital to the efficient administration of City matter; and

WHEREAS, the City Council Protocol Policy shall serve as a source of information about procedures for accomplishing important responsibilities such as appointing accountable and productive members of advisory committees, placing items on Council agendas, scheduling workshops and meetings, and disseminating internal and public information; and

WHEREAS, the City Council desires to adopt a City Council Protocol Policy; and

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

Section 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. That the City Council hereby approves and adopts the City of Hutto City Council Protocol Policy attached hereto as **Exhibit A**.

Section 3. City of Hutto resolutions or parts of resolutions inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. That 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.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Hutto, and it is accordingly so resolved.

RESOLVED this 6th day of January, 2022.

CITY OF HUTTO, TEXAS

Mike Snyder, Mayor

ATTEST:

City Secretary

Approved as to Form:

Dorothy Palumbo
City Attorney

By: _____
Cristian Rosas-Grillet
Assistant City Attorney



City Council Protocol Policy Adopted

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- e) Strategic Guide 2035
- f) Hutto 2040 Comprehensive Plan
- g) Master Planning Documents

1 Overview of Roles and Responsibilities

a) Role of the Mayor

The Mayor shall:

- 1) Act as the official head of the City for all ceremonial purposes.
- 2) Chair Council meetings and Work Sessions of the City Council.
- 3) Vote on propositions that come before the City Council but shall have no power to veto.
- 4) When authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.
- 5) Recognize comments from citizens at public meetings.
- 6) Call for special meetings.
- 7) Select substitute for City representation when Mayor cannot attend.
- 8) Make judgment calls on proclamations, special presentations, etc.
- 9) Recommend subcommittees as appropriate for Council approval.
- 10) Lead the Council into an effective, cohesive working team..
- 11) Work with City Manager to prepare Council agenda.
- 12) Appoint Council Subcommittees.
- 13) Perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

b) Role of Mayor Pro-Tem

The Mayor Pro-Tem shall be elected by the City Council at the first regular City Council meeting following each regular City election. If the Mayor Pro-Tem position becomes vacant or the Mayor Pro-Tem is removed by forfeiture of office, the Mayor Pro-Tem shall be elected at the next regular City Council meeting to fill the remainder of the term of the Mayor Pro-Tem

The Mayor Pro-Tem shall:

- 1) Act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

c) Role of a Council Member

All members of the City Council, including those serving as Mayor and Mayor Pro-Tem, have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect.

All Council members shall:

- 1) Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.

- 2) Prepare in advance of Council meetings and be familiar with issues on the agenda. Stay focused and act efficiently during public meetings.
- 3) Represent the City at ceremonial functions at the request of the Mayor.
- 4) Be respectful of other people's time. Serve as a model of leadership and civility to the community.
- 5) Inspire public confidence in Hutto government.
- 6) Provide contact information to the City Manager's Office in case an emergency or urgent situation arises while a Council member is out of town.
- 7) Demonstrate honesty and integrity in every action and statement.
- 8) Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Council Protocol Policy.

d) Meeting Chair's Responsibilities

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tem or another Council member is designated as Chair of a specific meeting. This individual maintains order, decorum, and the fair and equitable treatment of all speakers and keeps discussion and questions focused on the specific agenda item under consideration.

e) Parliamentary Authority

Robert's Rules of Procedure, 12th Edition, 2021, shall be the parliamentary authority for City Council meetings.

- 1) Rules and procedures may be adopted that conflict with Robert's Rules and shall take precedence.
- 2) When rules and procedures are silent on an issue, Robert's Rules prevail.
- 3) When Robert's Rules conflict with statutes, the Charter, ordinances, resolutions, or motions of the City Council, the latter shall prevail.

The 12th edition of Robert's Rules shall be the parliamentary authority until the 13th or other successive edition is designated by the City Council.

f) -Process for Appointment to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force

The City Council is responsible for making appointments to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force. To promote a process that is efficient, transparent, and that allows input from the entire City Council, the following process shall be used to make appointments to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force:

- 1) The City Secretary shall collect applications.

- 2) After receipt of application, the City Secretary will verify that each applicant meets the qualifications for serving on the desired board or commission.
- 3) The list of applicants and vacancies will be sent to the Nominating Committee for consideration. (Applications will be available in drop box for review by the entire Council).
- 4) The Nominating Committee will consist of three (3) Council Members who will serve for one year, beginning January 1st of each year, and the chair of the board or commission whose vacancy is being considered. Council Members with odd-numbered seats (1, 3, 5) will begin service in odd numbered years, and Members with even-numbered seats (2, 4, 6) will begin service in even numbered years. The Mayor does not serve on the Nominating Committee.
- 5) The Chair of each Board, Commission, Committee, EDC, LGC, TIRZ or Task Force, if applicable, will also participate in the Nominating Committee when considering appointments to their specific Board, Commission, Committee, EDC, LGC, TIRZ or Task Force.
- 6) The Nominating Committee will review applications, interview applicants and present recommendations to the full City Council at the next Council meeting held after the meeting.
- 7) All Board, Commission, Committee, EDC, LGC, TIRZ or Task Force appointments must be confirmed by a vote of the City Council.
- 8) No person can be appointed to a City created Board, Commission, Committee, EDC, LGC, TIRZ or Task Force unless that person has filled out and submitted an appropriate application to the City Secretary before the meeting at which they are appointed by the City Council. An application does not need to be submitted for a person being re-appointed to a position.
- 9) Appointments to the Economic Development Corporation, Local Government Corporations and TIRZ Boards will follow the process as outlined in the Bylaws governing those organizations.

g) Charge from the Mayor and Council.

- 1) The Mayor and Council shall adopt a “charge” for every appointed commission, board, or committee.
- 2) The charge shall be recommended by the appropriate City staff liaison designated by the City Manager.
- 3) The charge by definition establishes the direction, boundaries, and intended accomplishments of a commission, board, or committee and includes appropriate elements, such as the following:
 - a) General powers and duties
 - b) Vision and/or mission statements
 - c) Goals, responsibilities
 - d) Officers, members
 - e) Qualifications
 - f) Ethics and standards of performance
 - g) Training requirements
 - h) Timeline, schedule, reporting dates

- i) Meeting requirements
- j) Accountability to Mayor and Council
- k) Accessibility and accountability to public
- l) Liaison with City staff
- 4) The charge shall be reviewed in required orientation and subsequent training.
- 5) The City Secretary shall develop a template for committee charges from the Mayor and Council.

2 Meetings

a) Agenda Development, Review, and Posting

The agenda of each City Council meeting is prepared as a joint effort between the Mayor, City Manager, City Secretary, and department directors.

The Mayor may consult with the City Manager regarding proposed agenda items to be included in the agenda of a regular or special meeting of the Council. The review may be waived by the Mayor or other presiding officer. If not waived, the review should be an update regarding the agenda, recommended actions, and other developments. The review shall focus on the agenda and related written materials and shall not constitute a briefing. The review shall not be subject to the posting requirements of the Texas Open Meetings Act, unless attended by additional Council Members.

Any two members of City Council may place items on the agenda by submitting them to the City Manager or City Secretary no later than noon on the Tuesday of the week prior to the Thursday Council Meeting. The request should state the nature of the item, the desired action by city council and include any supporting material. Once finalized, the proposed agenda and packet are placed into the City Council Dropbox account on the Friday before the scheduled meeting date. Council members have until noon on the Monday before the scheduled meeting date to propose changes or corrections to the proposed agenda and packet. The agenda items placed by the members of the City Council are not subject to review by the Mayor, other Council Member, City Manager, or other City staff member, nor is an agenda item subject to editing without the approval of the member of the Council who submitted it. The final agenda is posted on the city hall bulletin board and on the city's website in accordance with the TOMA.

b) Meeting Schedule

Regular meetings are held the first and third Thursdays of each month at 7:00 p.m., in the City Hall Council Chambers, 500 W. Live Oak Street, Hutto, Texas. Other meetings may arise on an as needed basis, such as budget work sessions. A schedule of regular meetings is determined in December for the upcoming year. At times, scheduling conflicts will arise and a regular meeting may be rescheduled to another day.

c) Work Sessions

Work Sessions have several purposes:

- (1) to discuss pending items for the Council agenda;
- (2) to discuss items that staff needs to bring to Council's attention;
- (3) to receive progress reports on current projects and
- (4) to hear regular updates from members of appointed Boards, Commissions, or TaskForces.

Overall, the purpose of the work session is for Council and staff to meet and discuss various items in an informal manner where questions may be asked of each other and in-depth discussion can take place. No official action on City business is taken in work sessions except for motions to direct staff or to place an item on a future City Council agenda.

Work sessions are not held regularly and the location and times vary. All work session agendas are posted in compliance with the TOMA and are always open to the public.

Work sessions are attended by all members of the City Council, the City Manager, Assistant City Manager, and City Secretary. Depending on the agenda items, the city attorney, department directors, other staff members, consultants, board members, etc. will be invited.

d) Emergency Meetings

Special rules allow for posting notice of emergency meetings and for supplementing a posted notice with emergency items. These rules affect the timing and content of the notice but not its physical location. Section 551.045, Texas Government Code, provides:

- 1) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted is sufficient if it is posted for at least one hour before the meeting is convened.
- 2) An emergency or urgent public necessity exists only if immediate action is required of a governmental body because of:
 - a) An imminent threat to public health and safety; or
 - b) A reasonably unforeseeable situation
- 3) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice.
- 4) A person who is designated or authorized to post notice of a meeting by a governmental body shall post the notice stating the governmental body's reason for the emergency or urgent public necessity.
- 5) The sudden relocation of a larger number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseen situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to the members of the news media as provided

by Section 551.047 not later than one hour before the meeting.

The public notice of an emergency meeting must be posted at least one hour before the meeting is scheduled to begin. A government body may decide to consider an emergency item during a previously scheduled meeting instead of calling a new emergency meeting. The governmental body must post notice of the subject added as an item to the agenda at least one hour before the meeting begins.

In addition to posting the public notice of an emergency meeting or supplementing a notice with an emergency item, the governmental body must give special notice of the emergency meeting or emergency item to the news media who have previously (1) filed a request with the governmental body, and (2) agreed to reimburse the governmental body for providing the special notice. The notice to members of the news media is to be given by telephone, facsimile transmission or electronic mail.

Because Section 551.045 provides for a one-hour notice only for emergency meetings or for adding emergency items to the agenda, a governmental body adding a nonemergency items to its meeting agenda must satisfy the general notice period of Section 551.043 or Section 551.044, as applicable, regarding the subject of that item.

The public notice of an emergency meeting or emergency item must “clearly identify” the emergency or urgent public necessity for calling the meeting or for adding the item to the agenda of a previously scheduled meeting. The Act defines “emergency for purposes of emergency meetings and emergency items.

A governmental body’s determination that an emergency exists is subject to judicial review. The existence of an emergency depends on the facts in a given case.

e) Public Comments

The City Council encourages and solicits public input on all matters both in and out of City Council meetings. Members of the public wishing to make general announcements, address a topic that is not included on the agenda, or address specific agenda items must do so under the “Public Comments” agenda item at the beginning of the meeting

At each regular meeting, the Council will set aside time at the beginning of a meeting to afford the public an opportunity to speak to the City Council regarding matters of concern or interest to the public regarding City affairs. This time may be extended, or additional time may be permitted for public comment at other points during the meeting. Members of the public wishing to address the city council speak in-person or by telephone must fill out the required sign-in form. The required sign-in form will be provided at the meeting location and online. Sign-in forms provided at the meeting location must be turned in to the City Secretary prior to the meeting being convened and online forms must be completed at least fifteen (15) minutes before the meeting.

Public comment about non-agenda items. Members of the public signing up to speak

about non-agenda items shall, when recognized by the presiding officer, have three (3) minutes to speak regarding non-agenda items. Comments on non-agenda items shall not be used by citizens as an additional comment period for agenda items. The presiding officer shall not be obligated to recognize a speaker for a second comment regarding non-agenda items.

Public comment about agenda items. Members of the public signing up to speak about agenda items shall, when recognized by the presiding officer, have three (3) minutes to speak regarding agenda items, regardless of the number of agenda items. Each member of the public who desires to address the City Council regarding an item on an agenda item shall have the option to address the council at the beginning of the meeting or during the City Council's consideration of the item. Speakers may express their opinions or viewpoints on an issue but are not permitted to participate in the debate on an issue. The time limit for public comments about agenda items may be extended to answer questions from members of the City Council.

Members of the public wishing to read a letter from another member of the public will be allowed only three (3) minutes to read the letter and address their own comments.

Members of the public addressing the Council through a translator or needing additional time due to a disability shall be allowed six (6) minutes. The City Secretary is the designated timekeeper.

Any person, including persons in the audience, who acts in an inappropriate or disruptive manner may be asked to leave the City Council chambers or may be removed as allowed by law

No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the city council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the city council are permitted.

Once public comment has been received, the City Council may proceed to other business.

The audience and the viewers are reminded that the comments of the speakers reflect the speaker's positions or opinions.

Council member's responses to any comment made by a speaker during public comment are restricted by law. The Council and its members are prohibited from discussing or acting upon any matter that was not listed under the action item portion of the agenda and not included on the posted notice, other than to provide statements of fact or to request that an item be put on a future agenda for discussion and/or possible action. A lack of a response from Council members does not indicate agreement or approval of the comments.

However, the City Manager, City Attorney and City staff are not prohibited by law or City policy from responding as is deemed appropriate to comments made in the public

comment portion of this meeting.

The Mayor or person chairing the City Council meeting may read this policy prior to the commencement of the Public Comments portion of the meeting.

f) City Council Comments

City Council Comments shall be limited to items of community interest as defined by TOMA and requests to place subjects on the agenda for a future meeting. The City Council may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

g) Public Hearings

The staff member that is responsible for the public hearing will make a brief presentation on the item and the Mayor will open the hearing for public comment. Individuals may sign up to speak, by completing a public comment card and submitting to the City Secretary. Each speaker will have three minutes to speak. The Mayor will close the public hearing when public comment has concluded.

h) Video and Streaming of Meetings

City Council meetings held at 500 West Live Oak St., except for some work sessions and those meetings or portions of meetings conducted in Executive Session, are web streamed live, made available on the local Community Access Channel and archived on the City's website. Videos and audio are archived on the City's website for up to five years for the sole purpose of being able to rebroadcast the meetings on the Community Access Channel and the web. Both forms of broadcasted meetings are for the convenient viewing by Hutto citizens, and are not the permanent record of City Council proceedings.

i) Proclamations

The Mayor issues proclamations as a way to give special recognition by the City to an individual, event, issue, etc. All requests for proclamations must go through the City Secretary's Office and be approved by the Mayor. Proclamations may be presented at a City Council meeting (or other meetings as approved by the Mayor) or prepared and mailed to the requester. If it is to be presented at a City Council meeting, there must be a representative at the meeting to receive the document or arrangements made to provide the proclamation to the representative.

j) Executive Session

Where possible, documents to be discussed in Executive Session will be made available

to City Council members before the meeting at which the Executive Session is held. Executive Sessions will be audio recorded as allowed by the TOMA.

k) Texas Open Meetings Act

Every meeting of the City Council and Boards, Commissions, Committee, EDC, LGC, or TIRZ must be conducted in accordance with Chapter 551 of the Government Code, commonly referred to as the Texas Open Meetings Act (“TOMA”). City Task Forces are exempt from this requirement. The Act is based on the notion that public officials should discuss and vote on public business under public scrutiny, so that the public will have the opportunity to know what their public officials are doing. The Act contains criminal penalties for violations. To help educate government officials on the Act requirements, each elected or appointed member of a governing body must take at least one hour of training in the TOMA. The training must be completed no later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.

The Attorney General’s Office allows the requirement to be met in at least two ways:

- 1) A video is available to view online on the Attorney General’s webpage concerning open government.
- 2) Certification of other entities such as the Texas Municipal League, to provide the training.

The training needs to be conducted in coordination with the City Secretary who is responsible for certifying that all elected and appointed officials are in compliance with the requirements under TOMA.

l) Format of Meetings

The City Council, City Boards, Commissions, Committee, EDC, LGC, TIRZ or Task Force will follow Robert’s Rules of Order in conducting public meetings. The presiding officer will use the following guidelines when addressing each agenda item.

- 1) Announce the item. The presiding officer should clearly announce the item number and read the entire item as listed on the agenda.
- 2) Receive a Report. The staff or Council Member who was responsible for adding the item to the agenda should provide background information or a report so the governmental body has a clear understanding of the item.
- 3) Receive Citizen Input. If any citizens have signed-up to speak on the item, they should be given an opportunity to speak. They may speak either before or after the staff report is given.
- 4) Allow Discussion. The presiding officer invites members of the Council, Board, Commission, Committee, EDC, LGC, or TIRZ to discuss the item or ask any questions of staff. Each Member will speak in turn until all members of the governing body have had a chance to speak, unless otherwise allowed-for under Robert’s Rules of Order. The presiding officer will rotate which member speaks first from item to item.

- 5) Make Motions. Once all members have had an opportunity to speak, the presiding officer will accept any motions and allow for discussions on the motion, following the same procedure as above. The presiding officer will repeat the motion (with any amendments) and call for a vote.
- 6) Voting. The vote will be recorded by the City Secretary and will be announced by the presiding officer.
- 7) The City Attorney (or another person designated by the City Council) shall serve as parliamentarian for City Council meetings and shall ensure Robert's Rules of Order are followed.

m) Use of Digital Media During the Meeting

The City Council is prohibited from using text messages, e-mail, social media posts or other means of electronic messaging during a public meeting except in cases where they are being notified of something of a personal nature, or are being forwarded information by city staff regarding an item under consideration. The use of such messaging could constitute a violation of the TOMA.

n) Violations of Protocols

Any Council Member may be disciplined for violation of this Protocol Policy, or if a Council Member acts in a manner that causes embarrassment or disgrace to the City of Hutto.

For discipline to be considered, an item shall be placed on a City Council agenda by at least two members of City Council for discussion in Executive Session unless the Council Member requests the item to be heard in Open Session.

Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in their absence, unless the Council Member requests the item to be heard in Open Session.

After discussion in executive session, the City Council may choose to discipline the offending member as follows, and if required by law, shall be made publicly in open session in accordance with TOMA:

- 1) No Action. The City Council chooses to take no action.
- 2) Private Censure. The City Council may choose to, leave their comments to the offending member left in the confines of Executive Session.
- 3) Assignments. Temporary removal from Committee or Liaison assignments for a specified period of time by supermajority vote.
- 4) Public Censure. The City Council may choose to publicly censure the offending member through a resolution passed by a supermajority vote and entered into

the public record.

3 Financial Matters

a) Budget

The budget is the City's financial plan that presents the services to be provided to the community over the coming year and the funds necessary to perform these services. Hutto operates under a fiscal year that begins on October 1 and ends September 30. In early spring, staff begins the process of estimating anticipated revenues, identifying and evaluating potential expenditures and preparing a recommended budget. Special budget workshops will be scheduled with the Council throughout the summer, as needed, for the City Manager to present the recommended budget on or before August 15 of each fiscal year. Public hearings are typically held on the budget in August, with the Council considering the budget at a September Council meeting. For more information, please reference the City of Hutto Fiscal and Budgetary Policy.

b) Training and Education

There are training opportunities for council members offered by various organizations such as the Texas Municipal League and the National League of Cities. During the budget process, City Council Members are asked to submit a training plan for the upcoming year. The City Manager's Office will assist any council member with registration, travel arrangements and forms that are required by the Finance Department.

c) Travel and Reimbursement

City Council members shall follow the City's Travel and Reimbursement Policy that is outlined in the City of Hutto Employee Manual.

d) Council Campaign Disclosures

Generally, candidates and officeholders are required to file reports of contributions and expenditures by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. These reports must be filed even if there is no activity to report for the period covered. (<https://www.ethics.state.tx.us/data/forms/coh/coh.pdf>).

An "Appointment of a Campaign Treasurer by a Candidate Form" (Form CTA) must be filed with City Secretary before accepting contributions or making expenditures (<https://www.ethics.state.tx.us/data/forms/coh/cta.pdf>). It is recommended that this form be filed at the time the candidate application is filed. A candidate that does not intend to accept more than \$940 (or other amount designated by the Texas Ethics Commission) in political contributions or make more than \$940 (or other amount

designated by the Texas Ethics Commission) in political expenditures should sign page 2 of the form declaring “Modified Reporting” thereby eliminating the election reporting requirements, January 15 and July 15.

More information regarding campaign financial disclosures can be found at www.ethics.state.tx.us/resources/cf/

4 Ethics

a) Conflicts of Interest

- 1) No city official or appointee shall intentionally or knowingly disclose any confidential information gained by reason of said official’s or appointee’s position concerning the property, operations, policies or affairs of the city, or use such confidential information for the pecuniary gain of said official or appointee, or others.
- 2) No city official or appointee shall intentionally or knowingly use one’s official position or city-owned facilities, equipment, or supplies for the pecuniary gain or advantage of said official or appointee, or use city-owned vehicles, printing facilities, postage facilities or long-distance telephone service for personal reasons, for pecuniary gain or advantage, or in any political campaign.
- 3) Except as otherwise specifically authorized by ordinance, no city official or appointee shall intentionally or knowingly appear before the body of which the official is a member while representing himself, or any other person, group, association, interest, or business entity.
- 4) No city official or appointee shall intentionally or knowingly represent directly or indirectly any private person, group, or interest other than himself or a family member before any department, agency, commission or board of the city for economic benefit or pecuniary gain.
- 5) No city official or appointee shall vote on or participate in any decision-making process if the official or appointee has a direct financial interest in the outcome of the matter under consideration. No city official or appointee shall vote on or participate in any decision-making process on any matter concerning real property or a business entity if the city official or appointee has a substantial interest in the business entity or real property.
- 6) None of the foregoing shall be construed to prohibit any city official or appointee from representing his interest in his owner-occupied homestead before the council, board, commission or any department except for the body of which the official or appointee is a member.

- 7) In any action or proceeding in the municipal court of the city which was instituted by a city official or appointee in the course of official duties, no city official shall knowingly represent anyone other than himself or a family member. If a Council member elects to have a trial in municipal court, the city council, without the participation of the affected Council member, shall appoint a special judge to preside over the trial.
- 8) No city official or appointee shall act as a surety for any person or business entity that has any contract with the city, or on any bond required by the city for any city official or appointee.

b) Disclosure of Interest

- 1) If any city official or appointee has a substantial interest in any real property or business entity involved in any decision pending before the body of which the city official or appointee is a member, the city official or appointee shall not vote or otherwise participate in the consideration of the matter.
- 2) In the case of a city official or appointee, the city official or appointee shall publicly disclose, verbally or in writing, the nature and extent of such interest to the body on which the city official or appointee serves prior to any discussion or determination of the matter to be considered or immediately upon discovery of the conflict of interest. The statement of disclosure shall be included in the official minutes of the body.

c) Financial Disclosure

- 1) No later than April 30th of each year, each city official shall file a sworn financial disclosure statement with the City Secretary reflecting the financial situation of the city official as of December 31st of the previous year. Notwithstanding any other term or provision of these Council protocols, as used in this section:
 - a. The term “family member” shall include only the city official and the spouse and the minor children of the city official.
 - b. The term “substantial interest” shall include only the interests of the city official and the spouse and minor children of the city official.
- 2) A newly appointed city official shall file a sworn financial disclosure statement with the City Secretary within thirty (30) days from the date the position with the city is assumed. Said statement shall reflect the financial situation as of date of employment or appointment and for the previous twelve (12) months.
- 3) Each person required to file a financial disclosure statement shall do so on the PFS-LOCAL form designated by the Texas Ethics Commission, supplied by the City Secretary.

- 4) The City Secretary shall maintain all financial disclosure statements required to be filed herein as public records and retain them for the period required by the Texas State Library and Archives Commission retention schedule GR1050-33, after which statements shall be destroyed.

d) Gifts

No city official or appointee shall intentionally or knowingly solicit or accept any contribution, gift, or economic benefit with actual or constructive knowledge that same is:

- 1) Offered or given with intent to influence the judgment or discretion of such official; or
- 2) Given in consideration of the favorable exercise of such official's judgment or discretion in the past.

5 Communications

a) Correspondence To/From Council

The City Secretary receives and processes the City Council's incoming mail. All mail to the mayor and council members is reviewed and placed in the mailboxes located in the Council Executive Conference Room. All invitations are scanned and sent to the council members via email for action and the City Secretary will take care of confirming the members' attendance at an event and, if necessary, schedule the event on their calendar and post a potential quorum notice, in accordance with the TOMA.

All mail to the Mayor is opened and reviewed as to priority for response, copies needed for city staff and/or city council, notation of upcoming events, etc. All important letters addressed to the Mayor are copied to the Mayor and an original is kept in the official files in the City Secretary Office.

All needed responses to letters are coordinated between the Mayor, City Manager, and City Secretary.

b) Media Relations

The media frequently contacts council members for information and quotes. The Mayor is the designated representative of the Council to present and speak on the official city position. If the media contacts an individual council member, the council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Below are three things to remember when dealing with the press.

- 1) Never go "off the record"

- 2) Choose words carefully and cautiously
- 3) Remember the media lives by tight deadlines

All official city statements that will be sent out as a press release will go through the City Manager's Office for distribution. The Public Information Officer maintains up-to-date

contact information for all local media outlets. In order to ensure that all media outlets are treated fairly, all news releases should be submitted to the Public Information Officer for review and distribution.

c) Social Media

Individuals are encouraged to positively promote the City and share information on their own social media websites. However, council members along with board, commission, Committee, EDC, LGC, TIRZ or Task Force members should exercise caution when commenting or responding to other posts. Only factual information should be provided to city related topics as personal views may not reflect that of the entire Council, board or City. In addition, unless authorized by state law, you should carefully check to ensure that no other council members or board or commission members have responded on the same discussion thread to avoid a possible violation of the TOMA.

In general, responses should be referred to and handled by the City's Public Information Officer ("PIO"). In certain circumstances, the City Manager, PIO, and/or Mayor may determine that it is appropriate for someone else to respond directly.

d) Public Information Act

Texas Government Code, Chapter 552, known as the Texas Public Information Act, requires that most City records, including those in the possession of council members, be open to the public for inspection.

"Public Records" are broadly defined under the act to include "the portion of all documents, writings, letters, memoranda, or other written materials which contain public information." "Public information" includes "all information collected, assembled, or maintained by or for governmental bodies pursuant to law or ordinance or in connection with the transaction of official business."

Certain information is specifically excluded from the requirements of the Texas Public Information Act. While the list of exempt materials is too long to recite here, it includes such items as working papers being used to draft ordinances or resolutions, certain personnel records, information that would, if released, give an advantage to bidders, documents protected because of attorney-client relationships, and documents related to pending or ongoing litigation.

Despite the narrow exemptions established in the law, its effect is to require that most of

the written material used or produced by council members be made available upon request, to the news media and other members of the public. If it is felt that certain records are exempt from the requirements of the law, and there has been no previous determination that particular types of records are exempt, the City Secretary's Office will request an opinion from the Attorney General's Office, within the deadlines provided by the Texas Public Information Act.

If an Attorney General's opinion is requested, and the opinion subsequently holds that the information is public, and the City official has not released it, Section 552.324(b), Gov't Code, requires that a suit by a governmental body be brought no later than the 30th calendar day after the governmental body receives the decision it seeks to challenge. The City shall not appeal an Attorney General ruling without first receiving consent of the City Council.

The City of Hutto has designated the City Manager as the PIO in regard to the Public Information Act. Therefore, all requests made under the Public Information Act shall be directed to the City Manager.

Requests by Councilmembers in their official capacity

An official of the City who, in an official capacity, requests information held by the City does not act as a member of the public in doing so. Thus, the exceptions requiring public disclosure under the Act do not control the right of access of an official of the City to information maintained by the City. Accordingly, information may be released to City officials requesting the information in their official capacity in compliance with the following policy:

- 1) Requests for information from a city official must be submitted to the City Secretary and the City Manager in writing.
- 2) The City Secretary shall promptly provide notice of the request to the remaining members of the Council.
- 3) As soon as possible, but no later than ten (10) business days from the receipt of the request, the City Secretary will respond to the request from the city official with either copies of the requested information, notice that the information is available for inspection, or notice that the request will be added to the next council agenda for consideration and direction.
- 4) Information provided in response to a request by a member of the Council will be made available to all members of the Council, unless they waive their right to receive the specific material.
- 5) Members of the Council will not be charged for information sought in their official capacity.
- 6) Information that is protected by confidentiality laws and/or common law privacy laws that has no relationship to the transaction of official business, such as individuals' dates of birth, social security numbers and personal financial information, will be redacted prior to release.
- 7) The City Secretary will mark all information provided in response to a request from a member of the Council as "Confidential – For Official Eyes Only."

For more information regarding the Public Information Act, please refer to the City of Hutto Public Information Policy – Ordinance No. 2020-022.

e) Communication with City Staff

The City Council or its members shall deal with City officers and City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

1) Information requests

A) The Mayor and Council Members may request information from City staff, especially while following-up to Council's directives and concerns expressed by constituents, so long as such inquiries are not attempts to "deal with" or to "give orders" to City staff and, therefore, are consistent with the Charter.

- 1) These requests may relate to securing information or determining the status of work assigned in response to Council directives.
- 2) Such requests shall not be considered "management directives," but, simply, legitimate information requests allowed by the Charter.
- 3) City staff members shall inform the City Manager of any such contacts.
- 4) If the City Manager or City staff members have questions about the propriety of providing information requested, they shall direct their concerns to the Mayor and Council for their decision, rather than decline to provide it.

2) Communication with City Staff

A) The City Manager shall assist the Mayor and Council Members in developing and implementing methods for facilitating communication and interaction with City staff members, especially department directors.

- 1) This may include scheduling presentations by department directors and their staffs to the Mayor and Council.
- 2) Such presentations shall be duly posted and may be scheduled before regular Council business meetings.
- 3) Department presentations may be combined with staff reports, constituent requests, and queries about the status of projects and responses to Council directives.

B. The Mayor and Council Members may interact freely and communicate with City staff members at town hall meetings, budget hearings, workshops, and committee meetings.

C. City staff members shall make every effort to facilitate cooperative efforts with the Mayor and Council Members to meet the needs of constituents.

6 General Policies and Documents

a) Technology and Equipment Use & Electronic Communications and Systems Access Use

City-issued Smart Phones

The City implemented electronic distribution of agendas, reports, budget documents, etc. In order to access and use such documents, a City-issued electronic smart phone will be provided for each Council member. City-issued electronic smartphones are for official City business only; personal use is prohibited.

The City does not pay for any accessories for any of the smart phones, such as cases, styluses, screen covers, personal applications, etc.

When Council members complete their term of office, all City-issued equipment shall be returned to the City Manager.

E-mail account

Each Council member is assigned an individual City e-mail address with the huttotx.gov domain. E-mails to the entire Council can be sent to citycouncil@huttotx.gov. The City's e-mail system shall be used for the communication and exchange of information related to City business. City e-mail may not be used for personal or political purposes.

Council members can access their e-mail from their computer, phone, iPad, etc. through a web-based client; IT staff will assist with the set-up.

There should be no expectation of privacy when using City e-mail.

Please note, Council members are subject to the City's Technology and Equipment Use Policy..

b) Political Activity

Council members have the right to endorse candidates for all Council seats or other elected offices. However, to mention endorsements during Council meetings or at other official city meetings may violate Texas election laws

c) City Charter

The City of Hutto Charter is a written document that establishes the basic governmental structure, form of government, corporate boundaries, and municipal powers. In this respect, it is similar to a state or national constitution. As such, amendments to the City charter require an election and approval of the citizens of Hutto. The copy of the charter can be retrieved at www.huttotx.gov or in the City Secretary's Office.

d) Code of Ordinances

The City Code of Ordinances is the compilation of local laws that have been adopted and codified by the City Council. The City Code covers a wide range of areas, including taxes, court, environmental regulations, alcoholic beverages, business regulations, etc. Amendments to the City Code must be adopted by the Council. A copy of the code of ordinances can be found at www.huttotx.gov or in the City Secretary's Office.

e) Council Liaison Duties

The City Council may choose to designate a City Council member or Mayor as a liaison between the Council and a Board, Commission or Task Force. Appointments are made by vote of the Council.

Council Liaison duties and expectations for the board, commission or task force to which they are assigned:

- a. Liaisons should attend the meetings of the board, commission or task force whenever possible, but have no voting authority. Interactions should be limited to an advisory role.
- b. Liaisons are encouraged to become subject matter experts in the area to which they are assigned, becoming a resource to the other members of Council.
- c. The Liaison may also meet with the chair as well as the staff members assigned to support the board, commission or task force. These meetings should focus on helping to coordinate the work, get items on City Council agendas, or otherwise be their advocate to the rest of Council.
- d. Liaisons should take the opportunity at the beginning of each City Council meeting to report on activities of their assigned board, commission or task force that would be beneficial for the other members of Council to know about.



City Council Protocol Policy Adopted

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1 Overview of Roles and Responsibilities

a) Role of the Mayor

The Mayor shall:

- 1) Act as the official head of the City for all ceremonial purposes.
- 2) Chair Council meetings and Work Sessions of the City Council.
- 3) Vote on propositions that come before the City Council but shall have no power to veto.
- 4) When authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds.
- 5) Recognize comments from citizens at public meetings.
- 6) Call for special meetings.
- 7) Select substitute for City representation when Mayor cannot attend.
- 8) Make judgment calls on proclamations, special presentations, etc.
- 9) Recommend subcommittees as appropriate for Council approval.
- 10) Lead the Council into an effective, cohesive working team..
- 11) Work with City Manager to prepare Council agenda.
- 12) Appoint Council Subcommittees.
- 13) Perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

b) Role of Mayor Pro-Tem

The Mayor Pro-Tem shall be elected by the City Council at the first regular City Council meeting following each regular City election. If the Mayor Pro-Tem position becomes vacant or the Mayor Pro-Tem is removed by forfeiture of office, the Mayor Pro-Tem shall be elected at the next regular City Council meeting to fill the remainder of the term of the Mayor Pro-Tem

The Mayor Pro-Tem shall:

- 1) Act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

c) Role of a Council Member

All members of the City Council, including those serving as Mayor and Mayor Pro-Tem, have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect.

All Council members shall:

- 1) Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- 2) Prepare in advance of Council meetings and be familiar with issues on the

agenda. Stay focused and act efficiently during public meetings.

- 3) Represent the City at ceremonial functions at the request of the Mayor.
- 4) Be respectful of other people's time. Serve as a model of leadership and civility to the community.
- 5) Inspire public confidence in Hutto government.
- 6) Provide contact information to the City Manager's Office in case an emergency or urgent situation arises while a Council member is out of town.
- 7) Demonstrate honesty and integrity in every action and statement.
- 8) Participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Council Protocol Policy.

d) Meeting Chair's Responsibilities

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tem or another Council member is designated as Chair of a specific meeting. This individual maintains order, decorum, and the fair and equitable treatment of all speakers and keeps discussion and questions focused on the specific agenda item under consideration.

e) Parliamentary Authority

Robert's Rules of Procedure, 12th Edition, 2021, shall be the parliamentary authority for City Council meetings.

- 1) Rules and procedures may be adopted that conflict with Robert's Rules and shall take precedence.
- 2) When rules and procedures are silent on an issue, Robert's Rules prevail.
- 3) When Robert's Rules conflict with statutes, the Charter, ordinances, resolutions, or motions of the City Council, the latter shall prevail.

The 12th edition of Robert's Rules shall be the parliamentary authority until the 13th or other successive edition is designated by the City Council.

f) -Process for Appointment to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force

The City Council is responsible for making appointments to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force. To promote a process that is efficient, transparent, and that allows input from the entire City Council, the following process shall be used to make appointments to a City Board, Commission, Committee, EDC, LGC, TIRZ or Task Force:

- 1) The City Secretary shall collect applications.
- 2) After receipt of application, the City Secretary will verify that each applicant meets the qualifications for serving on the desired board or commission.
- 3) The list of applicants and vacancies will be sent to the Nominating Committee

for consideration. (Applications will be available in drop box for review by the entire Council).

- 4) The Nominating Committee will consist of three (3) Council Members who will serve for one year, beginning January 1st of each year, and the chair of the board or commission whose vacancy is being considered. Council Members with odd-numbered seats (1, 3, 5) will begin service in odd numbered years, and Members with even-numbered seats (2, 4, 6) will begin service in even numbered years. The Mayor does not serve on the Nominating Committee.
- 5) The Chair of each Board, Commission, Committee, EDC, LGC, TIRZ or Task Force, if applicable, will also participate in the Nominating Committee when considering appointments to their specific Board, Commission, Committee, EDC, LGC, TIRZ or Task Force.
- 6) The Nominating Committee will review applications, interview applicants and present recommendations to the full City Council at the next Council meeting held after the meeting.
- 7) All Board, Commission, Committee, EDC, LGC, TIRZ or Task Force appointments must be confirmed by a vote of the City Council.
- 8) No person can be appointed to a City created Board, Commission, Committee, EDC, LGC, TIRZ or Task Force unless that person has filled out and submitted an appropriate application to the City Secretary before the meeting at which they are appointed by the City Council. An application does not need to be submitted for a person being re-appointed to a position.
- 9) Appointments to the Economic Development Corporation, Local Government Corporations and TIRZ Boards will follow the process as outlined in the Bylaws governing those organizations.

g) Charge from the Mayor and Council.

- 1) The Mayor and Council shall adopt a “charge” for every appointed commission, board, or committee.
- 2) The charge shall be recommended by the appropriate City staff liaison designated by the City Manager.
- 3) The charge by definition establishes the direction, boundaries, and intended accomplishments of a commission, board, or committee and includes appropriate elements, such as the following:
 - a) General powers and duties
 - b) Vision and/or mission statements
 - c) Goals, responsibilities
 - d) Officers, members
 - e) Qualifications
 - f) Ethics and standards of performance
 - g) Training requirements
 - h) Timeline, schedule, reporting dates
 - i) Meeting requirements
 - j) Accountability to Mayor and Council
 - k) Accessibility and accountability to public
 - l) Liaison with City staff

- 4) The charge shall be reviewed in required orientation and subsequent training.
- 5) The City Secretary shall develop a template for committee charges from the Mayor and Council.

2 Meetings

a) Agenda Development, Review, and Posting

The agenda of each City Council meeting is prepared as a joint effort between the Mayor, City Manager, City Secretary, and department directors.

The Mayor may consult with the City Manager regarding proposed agenda items to be included in the agenda of a regular or special meeting of the Council. The review may be waived by the Mayor or other presiding officer. If not waived, the review should be an update regarding the agenda, recommended actions, and other developments. The review shall focus on the agenda and related written materials and shall not constitute a briefing. The review shall not be subject to the posting requirements of the Texas Open Meetings Act, unless attended by additional Council Members.

Any two members of City Council may place items on the agenda by submitting them to the City Manager or City Secretary no later than noon on the Tuesday of the week prior to the Thursday Council Meeting. The request should state the nature of the item, the desired action by city council and include any supporting material. Once finalized, the proposed agenda and packet are placed into the City Council Dropbox account on the Friday before the scheduled meeting date. Council members have until noon on the Monday before the scheduled meeting date to propose changes or corrections to the proposed agenda and packet. The agenda items placed by the members of the City Council are not subject to review by the Mayor, other Council Member, City Manager, or other City staff member, nor is an agenda item subject to editing without the approval of the member of the Council who submitted it. The final agenda is posted on the city hall bulletin board and on the city's website in accordance with the TOMA.

b) Meeting Schedule

Regular meetings are held the first and third Thursdays of each month at 7:00 p.m., in the City Hall Council Chambers, 500 W. Live Oak Street, Hutto, Texas. Other meetings may arise on an as needed basis, such as budget work sessions. A schedule of regular meetings is determined in December for the upcoming year. At times, scheduling conflicts will arise and a regular meeting may be rescheduled to another day.

c) Work Sessions

Work Sessions have several purposes:

- (1) to discuss pending items for the Council agenda;
- (2) to discuss items that staff needs to bring to Council's attention;

- (3) to receive progress reports on current projects and
- (4) to hear regular updates from members of appointed Boards, Commissions, or Task Forces.

Overall, the purpose of the work session is for Council and staff to meet and discuss various items in an informal manner where questions may be asked of each other and in-depth discussion can take place. No official action on City business is taken in work sessions except for motions to direct staff or to place an item on a future City Council agenda.

Work sessions are not held regularly and the location and times vary. All work session agendas are posted in compliance with the TOMA and are always open to the public.

Work sessions are attended by all members of the City Council, the City Manager, Assistant City Manager, and City Secretary. Depending on the agenda items, the city attorney, department directors, other staff members, consultants, board members, etc. will be invited.

d) Emergency Meetings

Special rules allow for posting notice of emergency meetings and for supplementing a posted notice with emergency items. These rules affect the timing and content of the notice but not its physical location. Section 551.045, Texas Government Code, provides:

- 1) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted is sufficient if it is posted for at least one hour before the meeting is convened.
- 2) An emergency or urgent public necessity exists only if immediate action is required of a governmental body because of:
 - a) An imminent threat to public health and safety; or
 - b) A reasonably unforeseeable situation
- 3) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice.
- 4) A person who is designated or authorized to post notice of a meeting by a governmental body shall post the notice stating the governmental body's reason for the emergency or urgent public necessity.
- 5) The sudden relocation of a larger number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseen situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to the members of the news media as provided by Section 551.047 not later than one hour before the meeting.

The public notice of an emergency meeting must be posted at least one hour before the meeting is scheduled to begin. A government body may decide to consider an emergency item during a previously scheduled meeting instead of calling a new emergency meeting. The governmental body must post notice of the subject added as an item to the agenda

at least one hour before the meeting begins.

In addition to posting the public notice of an emergency meeting or supplementing a notice with an emergency item, the governmental body must give special notice of the emergency meeting or emergency item to the news media who have previously (1) filed a request with the governmental body, and (2) agreed to reimburse the governmental body for providing the special notice. The notice to members of the news media is to be given by telephone, facsimile transmission or electronic mail.

Because Section 551.045 provides for a one-hour notice only for emergency meetings or for adding emergency items to the agenda, a governmental body adding a nonemergency items to its meeting agenda must satisfy the general notice period of Section 551.043 or Section 551.044, as applicable, regarding the subject of that item.

The public notice of an emergency meeting or emergency item must “clearly identify” the emergency or urgent public necessity for calling the meeting or for adding the item to the agenda of a previously scheduled meeting. The Act defines “emergency for purposes of emergency meetings and emergency items.

A governmental body’s determination that an emergency exists is subject to judicial review. The existence of an emergency depends on the facts in a given case.

e) Public Comments

The City Council encourages and solicits public input on all matters both in and out of City Council meetings. Members of the public wishing to make general announcements, address a topic that is not included on the agenda, or address specific agenda items must do so under the “Public Comments” agenda item at the beginning of the meeting

At each regular meeting, the Council will set aside time at the beginning of a meeting to afford the public an opportunity to speak to the City Council regarding matters of concern or interest to the public regarding City affairs. This time may be extended, or additional time may be permitted for public comment at other points during the meeting. Members of the public wishing to address the city council speak in-person or by telephone must fill out the required sign-in form. The required sign-in form will be provided at the meeting location and online. Sign-in forms provided at the meeting location must be turned in to the City Secretary prior to the meeting being convened and online forms must be completed at least fifteen (15) minutes before the meeting.

Public comment about non-agenda items. Members of the public signing up to speak about non-agenda items shall, when recognized by the presiding officer, have three (3) minutes to speak regarding non-agenda items. Comments on non-agenda items shall not be used by citizens as an additional comment period for agenda items. The presiding officer shall not be obligated to recognize a speaker for a second comment regarding non-agenda items.

Public comment about agenda items. Members of the public signing up to speak about

agenda items shall, when recognized by the presiding officer, have three (3) minutes to speak regarding agenda items, regardless of the number of agenda items. Each member of the public who desires to address the City Council regarding an item on an agenda item shall have the option to address the council at the beginning of the meeting or during the City Council's consideration of the item. Speakers may express their opinions or viewpoints on an issue but are not permitted to participate in the debate on an issue. The time limit for public comments about agenda items may be extended to answer questions from members of the City Council.

Members of the public wishing to read a letter from another member of the public will be allowed only three (3) minutes to read the letter and address their own comments.

Members of the public addressing the Council through a translator or needing additional time due to a disability shall be allowed six (6) minutes. The City Secretary is the designated timekeeper.

Any person, including persons in the audience, who acts in an inappropriate or disruptive manner may be asked to leave the City Council chambers or may be removed as allowed by law

No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the city council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the city council are permitted.

Once public comment has been received, the City Council may proceed to other business.

The audience and the viewers are reminded that the comments of the speakers reflect the speaker's positions or opinions.

Council member's responses to any comment made by a speaker during public comment are restricted by law. The Council and its members are prohibited from discussing or acting upon any matter that was not listed under the action item portion of the agenda and not included on the posted notice, other than to provide statements of fact or to request that an item be put on a future agenda for discussion and/or possible action. A lack of a response from Council members does not indicate agreement or approval of the comments.

However, the City Manager, City Attorney and City staff are not prohibited by law or City policy from responding as is deemed appropriate to comments made in the public comment portion of this meeting.

The Mayor or person chairing the City Council meeting may read this policy prior to the commencement of the Public Comments portion of the meeting.

f) City Council Comments

City Council Comments shall be limited to items of community interest as defined by

TOMA and requests to place subjects on the agenda for a future meeting. The City Council may not prohibit public criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This subsection does not apply to public criticism that is otherwise prohibited by law.

g) Public Hearings

The staff member that is responsible for the public hearing will make a brief presentation on the item and the Mayor will open the hearing for public comment. Individuals may sign up to speak, by completing a public comment card and submitting to the City Secretary . Each speaker will have three minutes to speak. The Mayor will close the public hearing when public comment has concluded.

h) Video and Streaming of Meetings

City Council meetings held at 500 West Live Oak St., except for some work sessions and those meetings or portions of meetings conducted in Executive Session, are web streamed live, made available on the local CommunityAccess Channel and archived on the City's website. Videos and audio are archived on the City's website for up to five years for the sole purpose of being able to rebroadcast the meetings on the Community Access Channel and the web. Both forms of broadcasted meetings are for the convenient viewing by Hutto citizens, and are not the permanent record of City Council proceedings.

i) Proclamations

The Mayor issues proclamations as a way to give special recognition by the City to an individual, event, issue, etc. All requests for proclamations must go through the City Secretary's Office and be approved by the Mayor. Proclamations may be presented at a City Council meeting (or other meetings as approved by the Mayor) or prepared and mailed to the requester. If it is to be presented at a City Council meeting, there must be a representative at the meeting to receive the document or arrangements made to provide the proclamation to the representative.

j) Executive Session

Where possible, documents to be discussed in Executive Session will be made available to City Council members before the meeting at which the Executive Session is held. Executive Sessions will be audio recorded as allowed by the TOMA.

k) Texas Open Meetings Act

Every meeting of the City Council and Boards, Commissions, Committee, EDC, LGC, or TIRZ must be conducted in accordance with Chapter 551 of the Government Code, commonly referred to as the Texas Open Meetings Act ("TOMA"). City Task Forces are exempt from this requirement. The Act is based on the notion that public officials should discuss and vote on public business under public scrutiny, so that the public will have the opportunity

to know what their public officials are doing. The Act contains criminal penalties for violations. To help educate government officials on the Act requirements, each elected or appointed member of a governing body must take at least one hour of training in the TOMA. The training must be completed no later than 90 days after the member takes the oath of office or assumes the responsibilities of the office.

The Attorney General's Office allows the requirement to be met in at least two ways:

- 1) A video is available to view online on the Attorney General's webpage concerning open government.
- 2) Certification of other entities such as the Texas Municipal League, to provide the training.

The training needs to be conducted in coordination with the City Secretary who is responsible for certifying that all elected and appointed officials are in compliance with the requirements under TOMA.

l) Format of Meetings

The City Council, City Boards, Commissions, Committee, EDC, LGC, TIRZ or Task Force will follow Robert's Rules of Order in conducting public meetings. The presiding officer will use the following guidelines when addressing each agenda item.

- 1) Announce the item. The presiding officer should clearly announce the item number and read the entire item as listed on the agenda.
- 2) Receive a Report. The staff or Council Member who was responsible for adding the item to the agenda should provide background information or a report so the governmental body has a clear understanding of the item.
- 3) Receive Citizen Input. If any citizens have signed-up to speak on the item, they should be given an opportunity to speak. They may speak either before or after the staff report is given.
- 4) Allow Discussion. The presiding officer invites members of the Council, Board, Commission, Committee, EDC, LGC, or TIRZ to discuss the item or ask any questions of staff. Each Member will speak in turn until all members of the governing body have had a chance to speak, unless otherwise allowed-for under Robert's Rules of Order. The presiding officer will rotate which member speaks first from item to item.
- 5) Make Motions. Once all members have had an opportunity to speak, the presiding officer will accept any motions and allow for discussions on the motion, following the same procedure as above. The presiding officer will repeat the motion (with any amendments) and call for a vote.
- 6) Voting. The vote will be recorded by the City Secretary and will be announced by the presiding officer.
- 7) The City Attorney (or another person designated by the City Council) shall serve as parliamentarian for City Council meetings and shall ensure Robert's Rules of Order are followed.

m) Use of Digital Media During the Meeting

The City Council is prohibited from using text messages, e-mail, social media posts or other means of electronic messaging during a public meeting except in cases where they are being notified of something of a personal nature, or are being forwarded information by city staff regarding an item under consideration. The use of such messaging could constitute a violation of the TOMA.

n) Violations of Protocols

Any Council Member may be disciplined for violation of this Protocol Policy, or if a Council Member acts in a manner that causes embarrassment or disgrace to the City of Hutto.

For discipline to be considered, an item shall be placed on a City Council agenda by at least two members of City Council for discussion in Executive Session unless the Council Member requests the item to be heard in Open Session.

Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session to answer any questions asked by members of the City Council or make other statements as he or she may desire. If the offending member refuses to attend the Executive Session, the remaining members of the City Council may proceed in their absence, unless the Council Member requests the item to be heard in Open Session.

After discussion in executive session, the City Council may choose to discipline the offending member as follows, and if required by law, shall be made publicly in open session in accordance with TOMA:

- 1) No Action. The City Council chooses to take no action.
- 2) Private Censure. The City Council may choose to, leave their comments to the offending member left in the confines of Executive Session.
- 3) Assignments. Temporary removal from Committee or Liaison assignments for a specified period of time by supermajority vote.
- 4) Public Censure. The City Council may choose to publicly censure the offending member through a resolution passed by a supermajority vote and entered into the public record.

3 Financial Matters

a) Budget

The budget is the City's financial plan that presents the services to be provided to the community over the coming year and the funds necessary to perform these services. Hutto operates under a fiscal year that begins on October 1 and ends September 30. In early spring, staff begins the process of estimating anticipated revenues, identifying and evaluating potential expenditures and preparing a recommended budget. Special budget workshops will be scheduled with the Council throughout the summer, as needed, for the

City Manager to present the recommended budget on or before August 15 of each fiscal year. Public hearings are typically held on the budget in August, with the Council considering the budget at a September Council meeting. For more information, please reference the City of Hutto Fiscal and Budgetary Policy.

b) Training and Education

There are training opportunities for council members offered by various organizations such as the Texas Municipal League and the National League of Cities. During the budget process, City Council Members are asked to submit a training plan for the upcoming year. The City Manager's Office will assist any council member with registration, travel arrangements and forms that are required by the Finance Department.

c) Travel and Reimbursement

City Council members shall follow the City's Travel and Reimbursement Policy that is outlined in the City of Hutto Employee Manual.

d) Council Campaign Disclosures

Generally, candidates and officeholders are required to file reports of contributions and expenditures by January 15 and July 15 of each year. The reports filed on these dates are known as semiannual reports. These reports must be filed even if there is no activity to report for the period covered. (<https://www.ethics.state.tx.us/data/forms/coh/coh.pdf>).

An "Appointment of a Campaign Treasurer by a Candidate Form" (Form CTA) must be filed with City Secretary before accepting contributions or making expenditures (<https://www.ethics.state.tx.us/data/forms/coh/cta.pdf>). It is recommended that this form be filed at the time the candidate application is filed. A candidate that does not intend to accept more than \$940 (or other amount designated by the Texas Ethics Commission) in political contributions or make more than \$940 (or other amount designated by the Texas Ethics Commission) in political expenditures should sign page 2 of the form declaring "Modified Reporting" thereby eliminating the election reporting requirements, January 15 and July 15.

More information regarding campaign financial disclosures can be found at www.ethics.state.tx.us/resources/cf/

4 Ethics

a) Conflicts of Interest

- 1) No city official or appointee shall intentionally or knowingly disclose any confidential information gained by reason of said official's or appointee's position concerning the property, operations, policies or affairs of the city, or use such confidential

information for the pecuniary gain of said official or appointee, or others.

- 2) No city official or appointee shall intentionally or knowingly use one's official position or city-owned facilities, equipment, or supplies for the pecuniary gain or advantage of said official or appointee, or use city-owned vehicles, printing facilities, postage facilities or long-distance telephone service for personal reasons, for pecuniary gain or advantage, or in any political campaign.
- 3) Except as otherwise specifically authorized by ordinance, no city official or appointee shall intentionally or knowingly appear before the body of which the official is a member while representing himself, or any other person, group, association, interest, or business entity.
- 4) No city official or appointee shall intentionally or knowingly represent directly or indirectly any private person, group, or interest other than himself or a family member before any department, agency, commission or board of the city for economic benefit or pecuniary gain.
- 5) No city official or appointee shall vote on or participate in any decision-making process if the official or appointee has a direct financial interest in the outcome of the matter under consideration. No city official or appointee shall vote on or participate in any decision-making process on any matter concerning real property or a business entity if the city official or appointee has a substantial interest in the business entity or real property.
- 6) None of the foregoing shall be construed to prohibit any city official or appointee from representing his interest in his owner-occupied homestead before the council, board, commission or any department except for the body of which the official or appointee is a member.
- 7) In any action or proceeding in the municipal court of the city which was instituted by a city official or appointee in the course of official duties, no city official shall knowingly represent anyone other than himself or a family member. If a Council member elects to have a trial in municipal court, the city council, without the participation of the affected Council member, shall appoint a special judge to preside over the trial.
- 8) No city official or appointee shall act as a surety for any person or business entity that has any contract with the city, or on any bond required by the city for any city official or appointee.

b) Disclosure of Interest

- 1) If any city official or appointee has a substantial interest in any real property or business entity involved in any decision pending before the body of which the city official or appointee is a member, the city official or appointee shall not vote or otherwise participate in the consideration of the matter.

- 2) In the case of a city official or appointee, the city official or appointee shall publicly disclose, verbally or in writing, the nature and extent of such interest to the body on which the city official or appointee serves prior to any discussion or determination of the matter to be considered or immediately upon discovery of the conflict of interest. The statement of disclosure shall be included in the official minutes of the body.

c) Financial Disclosure

- 1) No later than April 30th of each year, each city official shall file a sworn financial disclosure statement with the City Secretary reflecting the financial situation of the city official as of December 31st of the previous year. Notwithstanding any other term or provision of these Council protocols, as used in this section:
 - a. The term “family member” shall include only the city official and the spouse and the minor children of the city official.
 - b. The term “substantial interest” shall include only the interests of the city official and the spouse and minor children of the city official.
- 2) A newly appointed city official shall file a sworn financial disclosure statement with the City Secretary within thirty (30) days from the date the position with the city is assumed. Said statement shall reflect the financial situation as of date of employment or appointment and for the previous twelve (12) months.
- 3) Each person required to file a financial disclosure statement shall do so on the PFS-LOCAL form designated by the Texas Ethics Commission, supplied by the City Secretary.
- 4) The City Secretary shall maintain all financial disclosure statements required to be filed herein as public records and retain them for the period required by the Texas State Library and Archives Commission retention schedule GR1050-33, after which statements shall be destroyed.

d) Gifts

No city official or appointee shall intentionally or knowingly solicit or accept any contribution, gift, or economic benefit with actual or constructive knowledge that same is:

- 1) Offered or given with intent to influence the judgment or discretion of such official; or
- 2) Given in consideration of the favorable exercise of such official’s judgment or discretion in the past.

5 Communications

a) Correspondence To/From Council

The City Secretary receives and processes the City Council's incoming mail. All mail to the mayor and council members is reviewed and placed in the mailboxes located in the Council Executive Conference Room. All invitations are scanned and sent to the council members via email for action and the City Secretary will take care of confirming the members' attendance at an event and, if necessary, schedule the event on their calendar and post a potential quorum notice, in accordance with the TOMA.

All mail to the Mayor is opened and reviewed as to priority for response, copies needed for city staff and/or city council, notation of upcoming events, etc. All important letters addressed to the Mayor are copied to the Mayor and an original is kept in the official files in the City Secretary Office.

All needed responses to letters are coordinated between the Mayor, City Manager, and City Secretary.

b) Media Relations

The media frequently contacts council members for information and quotes. The Mayor is the designated representative of the Council to present and speak on the official city position. If the media contacts an individual council member, the council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Below are three things to remember when dealing with the press.

- 1) Never go "off the record"
- 2) Choose words carefully and cautiously
- 3) Remember the media lives by tight deadlines

All official city statements that will be sent out as a press release will go through the City Manager's Office for distribution. The Public Information Officer maintains up-to-date contact information for all local media outlets. In order to ensure that all media outlets are treated fairly, all news releases should be submitted to the Public Information Officer for review and distribution.

c) Social Media

Individuals are encouraged to positively promote the City and share information on their own social media websites. However, councilmembers along with board, commission, Committee, EDC, LGC, TIRZ or Task Force members should exercise caution when commenting or responding to other posts. Only factual information should be provided to city related topics as personal views may not reflect that of the entire Council, board or City. In addition, unless authorized by state law, you should carefully check to ensure that no other council members or board or commission members have responded on the same discussion thread to avoid a possible violation of the TOMA.

In general, responses should be referred to and handled by the City's Public Information Officer ("PIO"). In certain circumstances, the City Manager, PIO, and/or Mayor may determine that it is appropriate for someone else to respond directly.

d) Public Information Act

Texas Government Code, Chapter 552, known as the Texas Public Information Act, requires that most City records, including those in the possession of council members, be open to the public for inspection.

"Public Records" are broadly defined under the act to include "the portion of all documents, writings, letters, memoranda, or other written materials which contain public information." "Public information" includes "all information collected, assembled, or maintained by or for governmental bodies pursuant to law or ordinance or in connection with the transaction of official business."

Certain information is specifically excluded from the requirements of the Texas Public Information Act. While the list of exempt materials is too long to recite here, it includes such items as working papers being used to draft ordinances or resolutions, certain personnel records, information that would, if released, give an advantage to bidders, documents protected because of attorney-client relationships, and documents related to pending or ongoing litigation.

Despite the narrow exemptions established in the law, its effect is to require that most of the written material used or produced by council members be made available upon request, to the news media and other members of the public. If it is felt that certain records are exempt from the requirements of the law, and there has been no previous determination that particular types of records are exempt, the City Secretary's Office will request an opinion from the Attorney General's Office, within the deadlines provided by the Texas Public Information Act.

If an Attorney General's opinion is requested, and the opinion subsequently holds that the information is public, and the City official has not released it, Section 552.324(b), Gov't Code, requires that a suit by a governmental body be brought no later than the 30th calendar day after the governmental body receives the decision it seeks to challenge. The City shall not appeal an Attorney General ruling without first receiving consent of the City Council.

The City of Hutto has designated the City Manager as the PIO in regard to the Public Information Act. Therefore, all requests made under the Public Information Act shall be directed to the City Manager.

Requests by Councilmembers in their official capacity

An official of the City who, in an official capacity, requests information held by the City does not act as a member of the public in doing so. Thus, the exceptions requiring public disclosure under the Act do not control the right of access of an official of the City to

information maintained by the City. Accordingly, information may be released to City officials requesting the information in their official capacity in compliance with the following policy:

- 1) Requests for information from a city official must be submitted to the City Secretary and the City Manager in writing.
- 2) The City Secretary shall promptly provide notice of the request to the remaining members of the Council.
- 3) As soon as possible, but no later than ten (10) business days from the receipt of the request, the City Secretary will respond to the request from the city official with either copies of the requested information, notice that the information is available for inspection, or notice that the request will be added to the next council agenda for consideration and direction.
- 4) Information provided in response to a request by a member of the Council will be made available to all members of the Council, unless they waive their right to receive the specific material.
- 5) Members of the Council will not be charged for information sought in their official capacity.
- 6) Information that is protected by confidentiality laws and/or common law privacy laws that has no relationship to the transaction of official business, such as individuals' dates of birth, social security numbers and personal financial information, will be redacted prior to release.
- 7) The City Secretary will mark all information provided in response to a request from a member of the Council as "Confidential – For Official Eyes Only."

For more information regarding the Public Information Act, please refer to the City of Hutto Public Information Policy – Ordinance No. 2020-022.

e) Communication with City Staff

The City Council or its members shall deal with City officers and City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

1) Information requests

- A) The Mayor and Council Members may request information from City staff, especially while following-up to Council's directives and concerns expressed by constituents, so long as such inquiries are not attempts to "deal with" or to "give orders" to City staff and, therefore, are consistent with the Charter.
 - 1) These requests may relate to securing information or determining the status of work assigned in response to Council directives.
 - 2) Such requests shall not be considered "management directives," but, simply, legitimate information requests allowed by the Charter.
 - 3) City staff members shall inform the City Manager of any such contacts.
 - 4) If the City Manager or City staff members have questions about the propriety of providing information requested, they shall direct their concerns to

the Mayor and Council for their decision, rather than decline to provide it.

2) Communication with City Staff

- A) The City Manager shall assist the Mayor and Council Members in developing and implementing methods for facilitating communication and interaction with City staff members, especially department directors.
 - 1) This may include scheduling presentations by department directors and their staffs to the Mayor and Council.
 - 2) Such presentations shall be duly posted and may be scheduled before regular Council business meetings.
 - 3) Department presentations may be combined with staff reports, constituent requests, and queries about the status of projects and responses to Council directives.
- B. The Mayor and Council Members may interact freely and communicate with City staff members at town hall meetings, budget hearings, workshops, and committee meetings.
- C. City staff members shall make every effort to facilitate cooperative efforts with the Mayor and Council Members to meet the needs of constituents.

6 General Policies and Documents

a) Technology and Equipment Use & Electronic Communications and Systems Access Use

City-issued Smart Phones

The City implemented electronic distribution of agendas, reports, budget documents, etc. In order to access and use such documents, a City-issued electronic smart phone will be provided for each Council member. City-issued electronic smartphones are for official City business only; personal use is prohibited.

The City does not pay for any accessories for any of the smart phones, such as cases, styluses, screen covers, personal applications, etc.

When Council members complete their term of office, all City-issued equipment shall be returned to the City Manager.

E-mail account

Each Council member is assigned an individual City e-mail address with the huttotx.gov domain. E-mails to the entire Council can be sent to citycouncil@huttotx.gov. The City's e-mail system shall be used for the communication and exchange of information related to City business. City e-mail may not be used for personal or political purposes.

Council members can access their e-mail from their computer, phone, iPad, etc. through

a web-based client; IT staff will assist with the set-up.

There should be no expectation of privacy when using City e-mail.

Please note, Council members are subject to the City's Technology and Equipment Use Policy..

b) Political Activity

Council members have the right to endorse candidates for all Council seats or other elected offices. However, to mention endorsements during Council meetings or at other official city meetings may violate Texas election laws

c) City Charter

The City of Hutto Charter is a written document that establishes the basic governmental structure, form of government, corporate boundaries, and municipal powers. In this respect, it is similar to a state or national constitution. As such, amendments to the City charter require an election and approval of the citizens of Hutto. The copy of the charter can be retrieved at www.huttotx.gov or in the City Secretary's Office.

d) Code of Ordinances

The City Code of Ordinances is the compilation of local laws that have been adopted and codified by the City Council. The City Code covers a wide range of areas, including taxes, court, environmental regulations, alcoholic beverages, business regulations, etc. Amendments to the City Code must be adopted by the Council. A copy of the code of ordinances can be found at www.huttotx.gov or in the City Secretary's Office.

e) Council Liaison Duties

The City Council may choose to designate a City Council member or Mayor as a liaison between the Council and a Board, Commission or Task Force. Appointments are made by vote of the Council.

Council Liaison duties and expectations for the board, commission or task force to which they are assigned:

- a. Liaisons should attend the meetings of the board, commission or task force whenever possible, but have no voting authority. Interactions should be limited to an advisory role.
- b. Liaisons are encouraged to become subject matter experts in the area to which they are assigned, becoming a resource to the other members of Council.
- c. The Liaison may also meet with the chair as well as the staff members assigned to support the board, commission or task force. These meetings should focus on helping to coordinate the work, get items on City Council agendas, or otherwise be their advocate to the rest of Council.

- d. Liaisons should take the opportunity at the beginning of each City Council meeting to report on activities of their assigned board, commission or task force that would be beneficial for the other members of Council to know about.

AGENDA ITEM REPORT

9.1.



To: City Council
Subject: Consideration and possible action regarding possible appointments, re-appointments and/or removals to City Boards, Commissions, Task Forces, Economic Development Corporations, Local Government Corporations and Tax Increment Reinvestment Zone Boards, City Council Liaisons, Area Government appointments, Advisory Committees and City of Hutto's representative on the Central Texas Clean Air Coalition (CAC).
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. CAC Bylaws Revised 2019-05-08

Central Texas Clean Air Coalition of the Capital Area Council of Governments

Article I – Name, Purpose, Responsibilities

The Central Texas Clean Air Coalition, herein after known as the “CLEAN AIR COALITION”, is a voluntary, unincorporated association which became linked with the Capital Area Council of Governments (CAPCOG) by a resolution that was adopted November 13, 2002.

The purpose of the CLEAN AIR COALITION is:

- To develop, adopt and implement a clean air plan to achieve and maintain compliance with federal air quality standards in Bastrop, Caldwell, Hays, Travis and Williamson Counties;
- To establish and monitor a regional effort toward the improvement of air quality;
- To develop policies and strategies that will provide guidance for each of its independent governing bodies about actions that will achieve clean air in Central Texas;
- To work cooperatively to achieve clean air standards that will protect public health and yet allow local governments and other organizations the flexibility to select measures best-suited to their needs and resources; and
- To provide the CAPCOG Executive Committee with recommendations for administering funding provided by local sources for the purpose of supporting the regional air quality plan or program implementation, assessment, and improvement activities in Central Texas.

Article II – Membership

Members

CLEAN AIR COALITION members are organizations that support the regional effort toward improvement of air quality in the Metropolitan Statistical Area (MSA) for the Austin Urbanized Area, as defined by the Office of Management and Budget (OMB).

Membership Categories

There are two categories of membership for the CLEAN AIR COALITION: general members and supporting members.

General members shall be local governments or Independent School Districts (ISDs) within the MSA for the Austin Urbanized Area. The governing boards of general members must ratify the current clean air plan and commit to implementing selected emission reduction measures.

Supporting members shall act within their individual organizations to support the purpose of the CLEAN AIR COALITION and report their actions to the CLEAN AIR COALITION or CAPCOG liaison upon request.

CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BYLAWS

Supporting members are not required to appoint a representative to the CLEAN AIR COALITION meetings and are not allowed to vote.

While organizations other than local governments or school districts in the MSA may be supporting members, only local governments or ISDs in the MSA may participate in the CLEAN AIR COALITION as general members.

Changes in Membership Categories

Members may change their membership category if they meet eligibility requirements and are endorsed by a majority vote of the CLEAN AIR COALITION.

Representatives

Representatives to the CLEAN AIR COALITION will include elected officials appointed by governing bodies of the general members of the CLEAN AIR COALITION. Each general member's governing body appoints by resolution one elected official to serve on the Coalition and shall provide written notification to the CAPCOG staff liaison.

Terms

1. The term of appointment for a representative shall begin on the date of appointment by the representative's governing body, and will terminate December 31st in odd numbered years.
2. There is no limit to the number of times that a representative may be re-appointed. In the case of a vacancy, the CAPCOG staff liaison shall notify the representative's governing body and that body shall appoint a replacement

Vacancy

A vacancy occurs when:

1. A representative dies;
2. A representative's term expires and the representative is not reappointed;
3. A representative is no longer an elected official;
4. A representative resigns in writing to the Committee Chair with notification to the CAPCOG liaison; or
5. A representative is removed.

Attendance

1. Representatives are expected to attend all meetings; attendance records will be maintained.
2. If within one calendar year a representative misses (and does not send a proxy) two (2) consecutive meetings the member's governing body will be notified in writing. The representative's governing body will have the option of replacing the member, if appropriate.
3. A representative may designate a proxy to attend regular and special meetings in that representative's place. The proxy's attendance will be credited for the representative's annual

CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BYLAWS

attendance but will not be counted toward the quorum. The designated proxy will not be eligible to vote, but may participate in discussion as needed to communicate the support, concerns, or questions of the organization being represented.

4. If a representative is unable to attend a scheduled meeting, notification must be made to the CAPCOG Committee liaison at least two business days prior to the meeting for an absence to be excused.

New Members

CLEAN AIR COALITION membership may be expanded by majority vote of the CLEAN AIR COALITION. If a new member is eligible for more than one membership category, it may choose the membership category under which it wishes to participate.

Article III - Officers

Election

Election of a Chair and up to two (2) Vice-Chairs will occur at the first meeting of the calendar year, with the following representation:

- At least one (1) officer from a local governing bodies in Travis County;
- At least one (1) officer from a local governing body in either Williamson or Hays Counties; and
- Up to one (1) additional officer from a local governing body in any of the MSA counties.

If a city or ISD crosses county boundaries, it will be considered located in the county where the largest number of its residents reside.

Terms

1. Officers serve one-year terms.
2. Officers may serve a maximum of two (2) consecutive terms.
3. An officer may serve one-half of an unexpired term or less without it counting as a full term for the purposes of calculating term limits.

Vacancy

In the event an Officer is unable to fulfill his/her term, the CLEAN AIR COALITION may elect a replacement at the next regular meeting to serve the remainder of the term.

Duties

1. The Chair shall preside at all meetings of the CLEAN AIR COALITION.
2. Vice-Chairs shall perform all the duties of the Chair in the case of absence or disability and such other duties as may arise, from time to time, when required or requested by the CLEAN AIR COALITION.
3. In case the Chair and Vice-Chairs are absent or unable to perform their duties, the CLEAN AIR COALITION may appoint a Chair pro tem.

Other Officers

CLEAN AIR COALITION OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS BYLAWS

The CLEAN AIR COALITION may elect other Officers from time to time to carry out its responsibilities. This may be done by a simple majority vote of the CLEAN AIR COALITION members at any regularly scheduled meeting where a quorum is present.

Article IV - Meetings

Regular Meetings

1. The CLEAN AIR COALITION shall meet on a day, time and place specified by the Chair of the CLEAN AIR COALITION.
2. Written notice, including an agenda, of each regular meeting shall be prepared by the CAPCOG liaison and mailed, or electronically transmitted, or hand-delivered to each CLEAN AIR COALITION representative at least five (5) business days before the meeting date.
3. The Chair has the discretion to allow meetings to be conducted via teleconference or video conference.

Special Meetings

1. The CLEAN AIR COALITION shall meet specially, if called by the CLEAN AIR COALITION Chair or requested in writing by at least one-third of the representatives, excluding vacancies.
2. A request by the membership for a special meeting must be in writing, addressed to the Chair, and describing the purpose or purposes of the meeting. Only business reasonably related to the purpose or purposes described in the request may be conducted at a special meeting.
3. Notice of any special meeting shall be given at least 72 hours prior to the special meeting.

Quorum and Action

1. Appointed representatives from jurisdictions located in three Counties constitute a quorum for conducting CLEAN AIR COALITION business.
2. A majority vote of the appointed representatives present at an established quorum meeting is necessary for action by the CLEAN AIR COALITION for the entire meeting.

Open Meetings and Records

1. All meetings of the CLEAN AIR COALITION shall be open to the public. It is the intention of the CLEAN AIR COALITION that meetings be open to the public.
2. Minutes or meeting notes of the CLEAN AIR COALITION meetings, documents distributed and other records are the property of CAPCOG and will be maintained in accordance with CAPCOG's Records Retention Schedule. These materials are available for public view, at the CAPCOG offices, upon receipt of a written request by the interested party.
3. Except where these bylaws require otherwise, *Robert's Rules of Order* shall govern the conduct of CLEAN AIR COALITION meetings.

Professional Conduct

CLEAN AIR COALITION representatives should maintain objectivity and professionalism when carrying out business of the CLEAN AIR COALITION. Committee members will not discriminate based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age. In the event that a Committee member acts in a manner which brings the work of the Committee into question or

controversy, it shall be the responsibility of the CAPCOG Executive Director to address the incident and if appropriate, to recommend removal from the committee.

Sub-Committees:

The CLEAN AIR COALITION may create ad hoc committees or technical sub-committees as deemed appropriate.

Article V – Amendments by the Clean Air Coalition

Authority of the CLEAN AIR COALITION

CLEAN AIR COALITION may amend these bylaws at a regular or specially called meeting. The written text of a proposed amendment must be included with the notice of the meeting at which the amendment will be considered.

Effective Date

An Amendment to the bylaws takes effect when approved by the CLEAN AIR COALITION unless the amendment specifies a later effective date. Copies of amended bylaws will be distributed to CLEAN AIR COALITION representatives by the CAPCOG liaison.

Bylaws History

Adopted January 9, 2002

Amended October 15, 2003

Amended June 26, 2009

Amended May 8, 2013

Amended February 10, 2016

Amended May 8, 2019

AGENDA ITEM REPORT

9.2.



To: City Council
Subject: Presentation on the review and update to the City's personnel policy. (Irene Talioaga)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. table of contents
2. Personnel Policies & Procedures Timeline

Personnel Policies & Procedures

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(This policy manual supersedes all previous manuals, letters, memoranda and understandings).

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- 019. AMERICANS WITH DISABILITIES
- 020. EQUAL EMPLOYMENT OPPORTUNITY
- 021. JOB POSTING
- 022. RECRUITING AND SELECTION
- 023. CONFLICTS OF INTEREST IN EMPLOYMENT
- 024. EMPLOYMENT OF MINORS
- 025. REHIRES
- 026. NEW EMPLOYEE RELOCATION
- 027. INTERNSHIPS
- 030. INTRODUCTORY PERIOD
- 040. PERSONNEL RECORDS AND PRIVACY
- 041. HEALTH INFORMATION PRIVACY
- 050. ID BADGES
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100. WAGE AND SALARY ADMINISTRATION

- 110. EXEMPT/NON-EXEMPT EMPLOYEE STATUS
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200. HOURS OF WORK AND PAYROLL PRACTICES

- 210. HOURS OF WORK AND PAYDAYS
- 211. STANDBY PAY
- 212. TRAVEL TIME
- 220. OVERTIME: NON-EXEMPT EMPLOYEES
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- 610. EMPLOYEE DEVELOPMENT
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700. SAFETY AND HEALTH

- 710. DRUG AND ALCOHOL FREE WORK ENVIRONMENT
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- 730. ACCIDENTS/INJURIES REPORTING
- 731. MODIFIED DUTY
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- 750. EMERGENCIES AFFECTING REGULAR BUSINESS OPERATIONS
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800. SEPARATION

- 810. EMPLOYEE SEPARATION
- 820. EXIT INTERVIEWS

Personnel Policies & Procedures

Timeline

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- December 13, 2021: Inventory and proposed changes
- December 20, 2021: HR team work session
- February 28, 2022: Employee Benefits, Training and Leave Administration
- April 29, 2022: Employment, Wage and Salary, Payroll and Compensation
- June 30, 2022: Training & Development, Safety & Health
- August 31, 2022: Standards of Conduct, Employee Communications, Employee Discipline, Transfers and Separations
- September 15, 2022 - Present the final draft to Council

AGENDA ITEM REPORT

9.3.



To: City Council
Subject: Consideration and possible action on potential agreements regarding various subdivision drainage ditches. (Councilmember Villarreal Salvo)
Meeting: Thursday, January 6, 2022
Department: Public Works /
Staff Contact: Wade Benton

BACKGROUND INFORMATION:

Presentation and report regarding various drainage facilities are required to be maintained by the City of Hutto. The City is responsible for maintenance of drainage facilities within (11) eleven subdivisions. The city maintained parcels total approximately 120 acres and include drainage ditches, detention ponds and other miscellaneous uses.

SUBDIVISION NAME	PONDS (ACREAGE)	DITCHES (ACREAGE)	OTHER (ACREAGE)
BRUSHY CREEK MEADOWS	3.2		
CAROL MEADOWS	4.0	0.9	
COUNTRY ESTATES	6.3	2.2	0.3
COUNTRY ESTATES II		0.4	0.8
CREEK BEND	3.1		
CREEKSIDE ESTATES	2.2		0.3
EMORY FARMS	8.6		
HUTTO PARKE			2.5
LEGENDS OF HUTTO	17.0	23.9	
THE ENCLAVE AT BRUSHY CREEK	6.4		0.4
THE PARK AT BRUSHY CREEK		36.6	
TOTAL	50.8	64.0	4.3



No action requested

Staff conducted an inventory of all existing subdivisions within the City limits. Existing maintenance agreements and/or plat notes were reviewed to determine if the City was the primary party responsible for maintenance of drainage ditches or ponds.

None

INTERLOCAL AGREEMENT

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF WILLIAMSON

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

WITNESSETH:

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

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

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

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

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

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

GOALS/PURPOSE

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

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

SITE SELECTION PROCESS

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

PREDEVELOPMENT, DEVELOPMENT AND BUILDING PERMIT PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

- Trips to be generated by the proposed development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LANDSCAPING

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

LANDSCAPE PLANTING GUIDELINES

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

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

SPRINKLER IRRIGATION

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

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

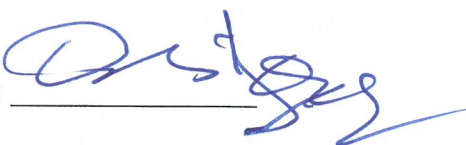
Facility Lighting. Exterior lighting of any educational facilities of the District shall be directed away from existing residential uses and public streets to the extent reasonably practical. Any outdoor competition facilities of the District, including, but not limited to, football, baseball or soccer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

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

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

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

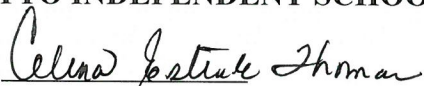
CITY OF HUTTO

By: 

Name: Odis Jones, City Manager

Date: 2/21/19

HUTTO INDEPENDENT SCHOOL DISTRICT

By: 

Name: Celina Estrada-Thomas, Superintendent

Date: 2/14/19

AGENDA ITEM REPORT

9.5.



To: City Council
Subject: Consideration and possible action on Resolution No. R-2022-004 approving the First Amendment to the Chapter 380 Economic Development Agreement between the City of Hutto and CB TIBP Investments, LLC
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. R-2022-004 Hutto Resolution 1st Amend 380 1.5.22

RESOLUTION NO. R-2022-004

**A RESOLUTION OF THE CITY OF HUTTO, TEXAS,
APPROVING THE FIRST AMENDMENT TO THE
CHAPTER 380 ECONOMIC DEVELOPMENT
AGREEMENT BETWEEN THE CITY OF HUTTO AND CB
TIBP INVESTMENTS, LLC; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Parties entered into the Agreement dated January 23, 2019, regarding the completion of improvements to the property more particularly described on Exhibit “A” to the Agreement (the “Property”);

WHEREAS, the Agreement further provided for the City’s reimbursement to Company of 45% of ad valorem property tax levied on the Property and improvements on the Property (the “Incentive”) for a period of ten (10) years (the “Incentive Period”);

WHEREAS, the Agreement’s provisions regarding the commencement of the Incentive Period and duration of the Incentive Payments are not entirely consistent;

WHEREAS, the Parties desire to enter into this First Amendment to clarify their intent with respect to the commencement of the Incentive Period and the duration of the Incentive Payments;

WHEREAS, the Hutto City Council desires to approve the First Amendment to the Chapter 380 Economic Development Agreement between the City of Hutto and CB TIBP Investments, LLC (“First Amendment”); and

WHEREAS, the City Council desires to authorize the Interim City Manager to execute the First Amendment, attached hereto as Exhibit A.

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

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: The Hutto City Council hereby approves and authorizes the Interim City Manager to execute the First Amendment, a copy of same being attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION 3: 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 6th day of January, 2022.

Mike Snyder, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Dorothy Palumbo
City Attorney

By:_____
Cristian Rosas-Grillet
Assistant City Attorney

CB TIBP INVESTMENTS, LLC AND

CITY OF HUTTO, TEXAS

AMENDMENT TO CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT

This Amendment (the “Amendment”) to Chapter 380 Economic Development Agreement (the “Agreement”) is entered into effective this ____ day of _____, 2022 (the “Effective Date”), by and between the City of Hutto, Texas, a Texas home rule municipal corporation (the “City”), and CB TIBP Investments, LLC, its successors and assigns (the “Company”), with each of the City and the Company referred to herein as a “Party” and collectively, the “Parties”.

WHEREAS, the Parties entered into the Agreement dated January 23, 2019, regarding the completion of improvements to the property more particularly described on Exhibit “A” to the Agreement (the “Property”);

WHEREAS, the Agreement further provided for the City’s reimbursement to Company of 45% of ad valorem property tax levied on the Property and improvements on the Property (the “Incentive”) for a period of ten (10) years (the “Incentive Period”);

WHEREAS, the Agreement’s provisions regarding the commencement of the Incentive Period and duration of the Incentive Payments are not entirely consistent; and

WHEREAS, the Parties desire to enter into this Amendment to clarify their intent with respect to the commencement of the Incentive Period and the duration of the Incentive Payments;

NOW, THEREFORE, and in consideration of the foregoing premises and mutual covenants hereinafter set forth, the Parties agree as follows:

Section 4.1 shall be replaced with the following:

- 4.1 Incentive Period. The Incentive Period will (a) commence on January 1, 2021, (b) extend for 108 consecutive months thereafter, and (c) terminate as of close of business on December 31, 2029.

IT IS FURTHER AGREED that Section 4.2 shall be replaced with the following:

4.2 Incentive Payments. For the first year, conditioned upon the payment by the Company of City-imposed ad valorem property taxes on the Property and improvements on the Property, within thirty (30) days after receipt of the Property tax payment, commencing on January 1, 2021, the City will pay to the Company ninety percent (90%) of the ad valorem taxes levied by the City. For tax year 2021, the ad valorem taxes levied by the City were Twenty-Two Thousand Six Hundred Thirty-Seven and 18/100 Dollars (\$22,637.18). The payment for the first year of the Incentive Period shall be Twenty Thousand Three Hundred Seventy-Three and 46/100 Dollars (\$20,373.46). For the remainder of the Incentive Period, conditioned upon the payment by the Company of City-imposed ad valorem property taxes on the Property and improvements on the Property, within thirty (30) days after receipt of the Property tax payment, commencing on January 1, 2022, the City will pay to the Company forty-five percent (45%) of ad valorem taxes levied by the City on the Property and improvements on the Property. The payments will continue until the Company has received payments for a period of nine (9) years, commencing with the first year

payment is received. These payments are conditioned upon the Company commencing construction prior to January 1, 2020, paying each year City ad valorem tax payments and complying with the Company Covenants and other provisions of this Agreement.

IT IS FURTHER AGREED that Article 5, Miscellaneous, shall be amended to add Sections 5.18 through 5.23 to read as follows:

- 5.18 No Boycott of Israel. If applicable, if the Company employs 10 or more full-time employees and the contract has a value of \$100,000 or more, Company shall comply with the provisions of Section 2271.002(b), Government Code that the Company does not boycott Israel or that during the term of the contract will not boycott Israel.
- 5.19 HB 1295 Compliance. Section 2252.908 of the Texas Government Code requires that for certain types of contracts, you must fill out a conflict-of-interest form (“Disclosure of Interested Parties”) at the time you submit your signed contract to the City. For further information please go to the Texas Ethics Commission website via the following link. https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. The City has no obligation under this Agreement until such form is accurately completed and properly submitted, and any City obligation is conditioned on such proper completion and submission.
- 5.20 Employment of Undocumented Workers. This Section is required by Chapter 2264, Tex. Gov. Code and governs over any conflicting provisions of this Agreement. The Company will not knowingly employ undocumented workers as that term is defined in Section 2264.001, Tex. Gov. Code. If the Company is convicted of a violation under 8 U.S.C. Section 1324a (f), the conviction is a breach of this Agreement and the City Manager of the City will send Company written notice that the Company has violated this paragraph and that the Agreement terminates 30 calendar days from the date of the notice. It is further understood and agreed by the parties that if Company is convicted of a violation under 8 U.S.C. Section 1324a (f), Company will reimburse City the full amount paid to the Company pursuant to this Agreement within 120 days after the City notifies the Company of the violation.
- 5.21 Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire. Company represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.
- 5.22 Verification Regarding Energy Company Boycotts. To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002, Texas Government Code, (as added by Senate Bill 13, 87th Texas Legislature, Regular Session) as amended, the Company hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any, do not boycott energy companies and, will not boycott energy companies during the term of this Agreement. The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, “boycott energy companies” shall have the meaning assigned to the term “boycott energy company” in Section 809.001, Texas Government Code. The Company understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Company and exists to make a profit.

5.23 Verification Regarding Discrimination Against Firearm Entity or Trade Association. To the extent this Agreement constitutes a contract for the purchase of goods or services for which a written verification is required under Section 2274.002, Texas Government Code, (as added by Senate Bill 19, 87th Texas Legislature, Regular Session), as amended, the Company hereby verifies that it and its parent company, wholly- or majority- owned subsidiaries, and other affiliates, if any,

- (1) do not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and
- (2) will not discriminate during the term of this Agreement against a firearm entity or firearm trade association.

The foregoing verification is made solely to comply with Section 2274.002, Texas Government Code, as amended, to the extent Section 2274.002, Texas Government Code does not contravene applicable Texas or federal law. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” shall have the meaning assigned to such term in Section 2274.001(3), Texas Government Code (as added by SB 19). The Company understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Company and exists to make a profit.

All other provisions of the Agreement, to the extent not amended herein, shall remain in full force and effect.

Remainder of Page Left Intentionally Blank.

EXECUTED to be effective as of this _____ day of _____, 2022.

CB TIBP INVESTMENTS, LLC,
A Texas limited liability company

By: _____
Cory Brymer, Manager

CITY OF HUTTO, TEXAS
A home rule city and municipal corporation

By: _____
Printed Name: _____
Title: _____

AGENDA ITEM REPORT

9.6.



To: City Council
Subject: Discussion and possible action to consider a Chamber of Commerce Annual Gala table sponsorship. (Council Member Villareal Salvo)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

The cost to be evaluated is \$1250. The table seats 10 attendees. No Chamber membership levels include discounts, a table, or complimentary tickets. Attached is the graphic with the pricing information.

SUMMARY OF REQUEST:

Council Member Villareal Salvo requested this item to approve a sponsorship for a Chamber of Commerce Gala table.

STAFF REVIEW:

FINANCIAL IMPACT:

There is currently \$500 in the City Council budget for events and awards, so if approved there will need to be a budget amendment to increase the line item by \$750.

POLICY IMPLICATIONS:

ATTACHMENTS:

1. Image



THE
Big Easy

MASQUERADE GALA

TICKETS AVAILABLE

TABLES-\$1250

SEATS-\$125

AGENDA ITEM REPORT

10.1.



To: Planning and Zoning Commission

Subject: Consideration of a public hearing and possible action on Ordinance No. O-2022-001 for the proposed Planned Unit Development (PUD) zoning request for the property known as NorthStar Hutto Planned Unit Development (PUD), 11.74 acres, more or less, of land, located off of Exchange Boulevard. The land use proposal is active adult 55+ multi-family use. (Ashley Lumpkin)

Meeting: Thursday, January 6, 2022

Department: Development Services

Staff Contact: Ashley Lumpkin

BACKGROUND INFORMATION:

The proposal consists of an 11.74 acre parcel that is part of the Landing Subdivision, more particularly Lot 3, Block A that was preliminary platted in December 2020. The property is zoned Multi-family (MF). The applicants met with staff and it was determined their unique product type would not be able to meet the multi-family design standards and density. Staff recommended they pursue the Planned Unit Development (PUD) option to present the deviations and additions to the UDC requirements and request approval.

WEST: ETJ, Church and Schmidt's Creek PUD, Proposed Residential
NORTH: Multi-Family, Vacant
EAST: Local Business, Vacant
SOUTH: Commercial PUD, Home Depot

SUMMARY OF REQUEST:

NorthStar Hutto (the "Project") is a proposed "active adult" community seeking a rezoning of its property from Multi-Family (MF) Zoning to a Multi-Family PUD zoning designation.

The overall site is approximately 11.74 acres in size. It is constrained with a 50' drainage easement on the west, a 40' drainage easement on the south and a 30' drainage easement along east property boundaries. This lot also includes West Live Oak Street R.O.W. dedication that will be finalized with platting. The net usable acreage is approximately 9.06 acres.

The Multi-Family district is a setting for development of multi-unit residential structures and developments, such as apartment and condominium complexes, garden and courtyard multifamily residential buildings, and residential loft buildings. Density must range from 14 to 20 dwelling units per acre net density, depending on the context of the development.

The proposed net density for the NorthStar Hutto PUD is 23.84 or 216 units. However, a developer participation agreement with the City in January of 2021 for the entire Landing project permits density based on gross acreage (20 per acre). The proposed density is acceptable and will be counted against the Landing projects maximum units of 920.

AGENDA ITEM REPORT

10.1.



The property will be mostly utilized by residents over the age of 55. Per the applicant, the average resident age is approximately 70. The proposal includes unique design elements which are necessary to accommodate a specific demographic who will reside at the project. The proposal consists of 4 large Class A, 3-story buildings. The larger size facilitates elevator access, which is not typically provided in all multi-family projects.

The applicants followed our new PUD submittal application (attached) designed to better determine what they meet, will not meet and exceed. The UDC deviations in the North Star PUD include the following:

- Building length will exceed 200' up to 260'
- Minimum building roof pitch will be 4:12 instead of 6:12
- 30% masonry, stone and or brick is proposed instead of the required 50%
- Proposing 1 large tree per 500 sq. ft. landscape area instead of 2 large trees. (net loss of approximately 166 trees) 332 are required per UDC.
- Vehicular use areas (parking lots) are to be screened by an 8' deep landscape area OR a 6' stained wood screen fence. (added fence option)

The development will be responsible for dedicating R.O.W. and constructing their portion of the extension of Live Oak (collector) as shown on the City's mobility Plan per UDC requirements. The development will provide amenities including a pool and cabana, dog park, fitness center, clubhouse, and detached garages. The main entry will feature architectural pavers drives and enhanced landscaping.

STAFF REVIEW:

Property owners within 600' were notified of the request and to date staff has received one in favor.

The PUD request meets the PUD criteria as outlined below:

- The PUD is consistent with the spirit of the community, neighborhood and other applicable land use and development plans, compatible with the character of adjacent development or recommended land uses, it would not adversely affect property near the site, and it achieves the benefits of improved design.
- The PUD will not adversely affect land with significant historical, cultural, recreational or aesthetic value.
- The PUD will give benefits through providing open space, parks, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design.
- The benefits of preserving land for open space, parks or other public amenities outweigh the potential impact from more intense or dense development on the site.

AGENDA ITEM REPORT

10.1.



- The PUD controls external effects on nearby land uses such as movement and congestion of traffic; lighting; trash accumulation and litter; noise, air and water pollution; and other factors affecting public health, welfare, safety and convenience.
- The PUD will be served by adequate facilities including streets, fire protection, water and sanitation.
- The PUD does not have a significantly greater burden on the city's existing infrastructure, public improvements and services than development at a density permitted under the current zoning or suggested under community, neighborhood and other applicable land use and development plans, or that arrangements are made to mitigate impacts.
- PUD architectural design, landscaping, hardscaping and signage parameters must give evidence of compatibility with adjacent development, internal consistency of design, and conformance to city design standards.

Staff recommends approval of the Proposed NorthStar PUD. Planning and Zoning Commission recommends with a vote of 6-0 with the amendment to increase the maximum units allowed to 234 and that trees will be calculated not by number, but rather by caliper; 3" per 500 sq. ft. landscape area, (thus allowing flexibility to provide fewer, but larger trees).

FINANCIAL IMPACT:

None at this time.

POLICY IMPLICATIONS:

None at this time.

ATTACHMENTS:

1. NorthStar Hutto- PUD Zoning Change Application Form
2. NorthStarPUD(Ord)
3. Legal Description
4. Live Oak ROW Description
5. NorthStar Hutto - Statement of Intent and UDC Compliance 11.03.2021
6. NorthStar Hutto - Supporting Site Plan and Exhibits 11.03.2021
7. NorthStar Hutto Buffer Map
8. Adjacent Property Owner Response



PUD ZONING CHANGE
APPLICATION

Must be accompanied by a
Master Application

City of Hutto Development Services
500 W. Live Oak Street Hutto TX 78634
512-759-3479 Planning
512-846-2640 Permits & Inspections
512-759-4038 Engineering
planning@huttotx.gov
building@huttotx.gov
www.huttotx.gov

PROJECT NAME: NorthStar Hutto

PROPERTY ADDRESS: 30°32'43.3"N 97°33'25.5"W

Current Zoning District (s): MF - Multi Family Proposed Zoning District(s): PUD - MF

Current Use: Undeveloped Proposed Use: Multi Family

Total Acreage: 11.74 Total # of Lots: 1 Future Land Use Map Designation High Density Residential

Current zoning: North of property: MF - Multi Family South of property: PUD Commercial

East of property: B-1 - Local Business West of property: Not Zoned / Development Agreements

FEES ☐ All required fees may be provided by cash, credit card or check made payable to: City of Hutto

REQUIRED FOR PUD (PLANNED UNIT DEVELOPMENT) ZONING SUBMITTAL

All items listed must be included with application, unless otherwise noted.

- ☐ Complete Master application and PUD Zoning Change application.
- ☐ Pre-application meeting with Development Services staff and WCESD#3 (Fire District) staff. **(Mandatory)**
- ☐ PUD Statement of Intent
- ☐ PUD Development Standards
- ☐ PUD Development Plan - Digital and one 24x36 Color copy of complete plan.
- ☐ Proof of ownership (copy of deed).
- ☐ Sketch of property by a registered professional land surveyor on (1) 8 1/2" x 11".
- ☐ List of all property owners within 600-ft of subject property boundary and mailing labels. Data to be obtained from the WCAD website. List and labels shall be of the property owner's 'mailing' address not the 'property' address.
- ☐ All submittal documents provided in digital format. On a CD (disk), electronic storage device, or emailed link to files.
- ☐ On-site public hearing notification sign(s) required. See Ordinance No. O-19-12-19-9A.

PROCESSING

- ☐ Application intake, staff review and determination that it is complete, meeting scheduling, public notification (mailed/published/website notification).
- ☐ Notification required 16 days prior to scheduled meeting date (published/mailed).
- ☐ All final documents related to commission(s) action are required 10 days prior to scheduled meeting date.
- ☐ All final documents related to city council action are required 10 days prior to scheduled meeting date.

FOR DEPARTMENT USE ONLY:

Submittal date	Date accepted for review	Payment type	Fees paid	HPC Mtg. date	PZ Mtg. date	CC Mtg. date

October 2021



MASTER APPLICATION

Must accompany all application types
Unless otherwise indicated

City of Hutto Development Services
500 W. Live Oak Street Hutto TX 78634
512-759-3479 Planning
512-846-2640 Permits & Inspections
512-759-4038 Engineering
planning@huttotx.gov
building@huttotx.gov
www.huttotx.gov

PROJECT NAME: NorthStar Hutto APPLICATION TYPE: PUD Zoning Change

APPLICANT INFORMATION (property owner or authorized agent) This will be the City's official contact

Name: Austin Dove
Company Name: The Sage Group
Address: 6106 Broadway, San Antonio, TX 78209
Phone: 210-493-3747 Email: adove@thesagegroup.net

PROPERTY INFORMATION

Address: _____
Legal Description: Lot(s) 3 Block A Subdivision Nathaniel Edwards Survey, A-225
Deed Reference: Volume _____ Page(s) _____ or Document No. 2021154181
City Limits or ETJ: City Limits Current Zoning District: MF

PROPERTY OWNER INFORMATION

Name: Justin Walker
Company Name: ~~Chalk Hill Ventures~~ HUTTO LANDING 3 Property owner LP
Address: 6601-E Hillcrest Avenue, Suite 212, Dallas, TX 75205
Phone: 214-274-4951 Email: justin@chalkhillventures.com

PROPERTY OWNER CONSENT/AGENT AUTHORIZATION

By my signature I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the submittal of this application. Additionally, my signature below indicates my awareness of the fee(s) required at the time of application submittal and that this fee(s) is non-refundable even in the event of application withdrawal or if reviewed and denied.

By signing this form, the owner of the property authorizes the City of Hutto to begin proceedings in accordance with the process for the type of application indicated on page one of this application. The owner further acknowledges that submittal of an application does not in any way obligate the City to approve the application and that although City staff may make certain recommendations regarding this application, the City Council may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

Justin Walker
Property Owner Signature

Justin Walker, Manager
Property Owner Printed Name

11/16/21
Date

THE STATE OF TEXAS

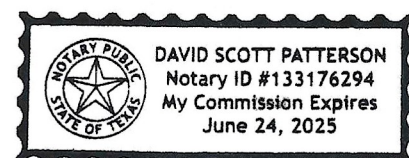
COUNTY OF Dallas

Before me, the undersigned authority, on this day personally appeared Justin Walker, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office this 16th day of November, 20 21 A.D.

David Patterson
Notary Public Signature

David Patterson
Notary Public Printed Name



If there are multiple property owners attach separate page(s) with notarized signature(s)

March 2020

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

A PUD plan and PUD development standards are required for a parcel that will be developed as a PUD. PUD plans and development standards are evaluated using all the following criteria.

Include a PUD statement of intent as to how the proposed PUD meets the PUD criteria.

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

Include a PUD plan and PUD development standards that address the following site criteria (The form and content of the development plan shall be in sufficient detail to enable the city to evaluate the proposal and ascertain that it meets all criteria.)

IO.203.I2 Plan Amendment – Does the proposed PUD comply with the Future Land Use Map _____
If no, provide detailed summary stating why the proposed PUD is more appropriate than the FLUM as adopted per the criteria found in IO.203.I2.3.

IO.403 Bulk, Setbacks and Buffers – MEETS / DOES NOT MEET / EXCEEDS / NA

- ☐ IO.403.3 Lot Dimensions and Area
- ☐ IO.403.4 Building Envelope
- ☐ IO.403.4.3 Riparian Setbacks
- ☐ IO.403.4.5 Setback Encroachments and Exceptions
- ☐ IO.403.6 Bufferyard
- ☐ IO.403.7 Residential Adjacency

IO.404 Site Design – MEETS / DOES NOT MEET / EXCEEDS / NA

- ☐ IO.403.7 Siting and Orientation
- ☐ IO.403.7.3 Common Open Space
- ☐ IO.403.8 Siting and Orientation: non-residential sites and structures
- ☐ IO.403.9 Sidewalks
- ☐ IO.403.10 Internal Pedestrian Circulations
- ☐ IO.403.11 Signature Elements
- ☐ IO.403.12 Public Transit Facilities
- ☐ IO.403.13 Service Areas
- ☐ IO.403.14 Water Bodies and Retention

- ☐ IO.403.I5 Land Disturbance
- ☐ IO.403.I6 Defensible Space

☐ IO.405 Parking and Access - MEETS / DOES NOT MEET / EXCEEDS / NA

IO.406 Architectural Design - MEETS / DOES NOT MEET / EXCEEDS / NA

- ☐ IO.406.3 Single household detached and two to four household residence design
- ☐ IO.406.4 Single household attached and multiple household residence design
- ☐ IO.406.6 Commercial, office, public, institutional and mixed-use building design
- ☐ IO.406.7 Industrial building design

IO.407 Landscaping - MEETS / DOES NOT MEET / EXCEEDS / NA

- ☐ IO.407.3 General Standards
- ☐ IO.407.4 Required Landscaping: single, two, three and four household dwellings
- ☐ IO.407.5 Required Landscaping: non-residential and 5+ household residential development
- ☐ IO.407.6 Materials, Maintenance and Replacement
- ☐ IO.407.7 Irrigation
- ☐ IO.407.8 Tree Preservation and Removal
- ☐ IO.407.9 Tree Protection During Construction
- ☐ IO.407.10 Required Site Furniture

☐ IO.408 Fences and Walls - MEETS / DOES NOT MEET / EXCEEDS / NA

☐ IO.409 Outdoor Lighting - MEETS / DOES NOT MEET / EXCEEDS / NA

☐ IO.410 Signs - MEETS / DOES NOT MEET / EXCEEDS / NA

Chapter 6 Subdivision Standards - MEETS / DOES NOT MEET / EXCEEDS / NA

- ☐ IO.602 Applicability and exceptions
- ☐ IO.603 – IO.608 Lot Division and Adjustment Processes
- ☐ IO.609 Parkland and open space dedication
- ☐ IO.610 Pedestrian and Bicycle Facilities
- ☐ IO.611 Street Classification
- ☐ IO.612- IO.613 Street Design
- ☐ IO.614 Driveway and Easements
- ☐ IO.615 Road Adequacy Standards

☐ Chapter 7 Historic Preservation - MEETS / DOES NOT MEET / EXCEEDS / NA

ORDINANCE NO. 2022-0

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HUTTO, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO CHANGE THE ZONING FOR 11.74 ACRES, MORE OR LESS, OF LAND, TO BE KNOWN AS NORTH STAR PLANNED UNIT DEVELOPMENT (PUD) BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

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

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendment on the 7th day of December, 2021, and;

WHEREAS, on the 6th day of January, 2022, after proper notification, the City Council held a public hearing on the requested amendment, and;

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

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

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

SECTION I.

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

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

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

That the Official Zoning Map of the City of Hutto, Texas, is hereby amended so that the zoning classification of the property described in **Exhibit "A"**, attached hereto and incorporated herein shall be, and is hereafter changed from SF-1 (Single Family Residential) Zoning District to now be designated as PUD (Planned Unit Development) Zoning District and is designated as the North Star Planned Unit Development (PUD), this includes the Development Plan described in **Exhibit "B"** attached hereto and incorporated herein.

SECTION II. Publication Clause

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

SECTION III. Severability Clause

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

SECTION IV. Repealing Clause

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

SECTION V. Open Meeting Clause

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

SECTION VI. Effective Date

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

READ and **APPROVED** on second reading on this the **6th** day of **January, 2022** at a meeting of the Hutto, Texas City Council; there being a quorum present.

By motion duly made, seconded and passed with an affirmative vote of all the Councilmembers present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED and **ADOPTED** on second reading of ordinance this **6th** day of **January, 2022** at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

Mike Snyder, Mayor Pro Tem

Attest:

Holly Nagy, City Secretary

SURVEYOR'S NOTES:

- Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00011.
- Monuments are found unless specifically designated as set.
- Elevations (if shown) are North American Vertical Datum of 1988 (NAVD '88).

NOTE REGARDING UTILITIES

Source information from plans and markings will be combined with observed evidence of utilities pursuant to Section S.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response, in which case the surveyor shall note on the plat or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

Utility locations are per observed evidence.

ALTA/NSPS NOTES

- Regarding Table "A" Item 2: Property address: "HWY 79, HUTTO, TX 78634" according to Williamson County Appraisal District.
- Regarding Table "A" Item 7(a): No buildings were observed at time of survey
- Regarding Table "A" Item 14: The southeast corner of the site is approximately 810 feet northwest of the intersection of 79 and Exchange Boulevard.
- PARKING SUMMARY**

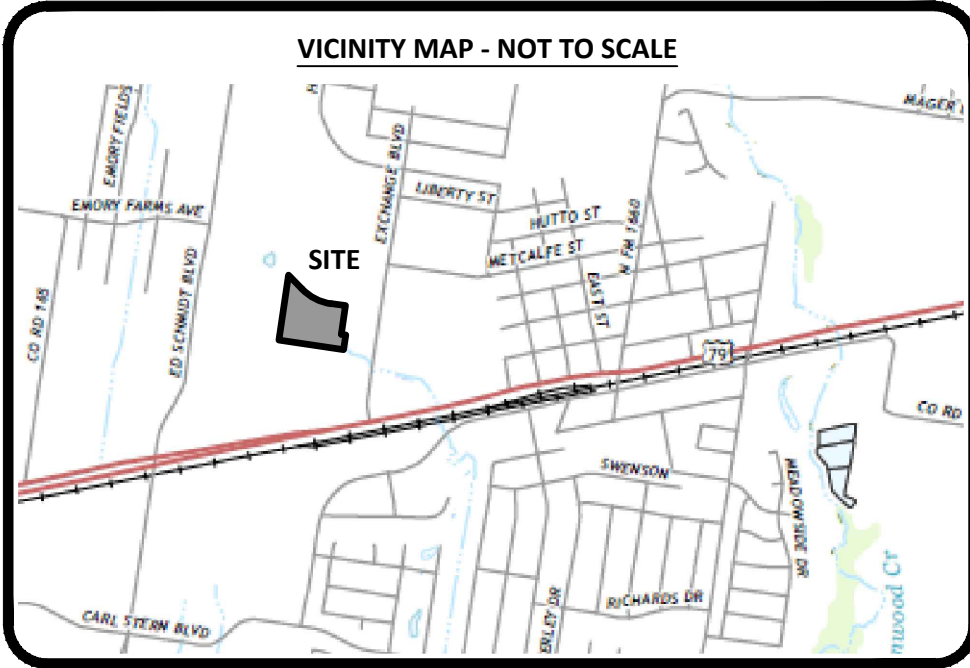
STRIPED UNMARKED SPACES: 0
STRIPED HANDICAP-MARKED SPACES: 0

LEGEND OF ABBREVIATIONS

- D.R.W.C.T. DEED RECORDS, WILLIAMSON COUNTY, TEXAS
- P.R.W.C.T. PLAT RECORDS, WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS
- DOC.# DOCUMENT NUMBER
- C.M. CONTROLLING MONUMENT
- SQ. FT. SQUARE FEET
- ROW RIGHT OF WAY
- CRS CAPPED REBAR SET

ALTA/NSPS LAND TITLE SURVEY

A TRACT SITUATED IN THE
NATHANIEL EDWARDS SURVEY, ABSTRACT #225
CITY OF HUTTO
WILLIAMSON COUNTY, TEXAS



PROPERTY DESCRIPTION

BEING a tract of land out of the Nathaniel Edwards Survey, Abstract Number 225, Williamson County, Texas, and being a portion of that tract of land described by deed to Kalogridis and Kalogridis Development, LLC, as recorded under Document Number 2017118415, Official Public Records of Williamson County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83)):

BEGINNING at a 1/2 inch rebar with cap stamped "CUNNINGHAM" found in the west line of said Kalogridis tract, same being the northwest corner of the herein described tract;

THENCE through the interior of said Kalogridis tract, the following calls:

- South 44 degrees 24 minutes 09 seconds East, a distance of 243.69 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found at the beginning of a curve to the left, having a radius of 641.50 feet, with a delta angle of 38 degrees 49 minutes 22 seconds, whose chord bears South 63 degrees 48 minutes 50 seconds East, a distance of 426.40 feet;
- Along said curve to the left, an arc length of 434.67 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;
- South 83 degrees 13 minutes 31 seconds East, a distance of 189.19 feet to a 1/2 inch rebar with a cap stamped "CUNNINGHAM" found in the east line of said Kalogridis tract;

THENCE with the perimeter and to the corners of said Kalogridis tract:

- South 07 degrees 32 minutes 33 seconds West, a distance of 374.18 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;
- South 83 degrees 14 minutes 43 seconds East, a distance of 58.08 feet to a 1/2 inch rebar found;
- South 07 degrees 45 minutes 08 seconds West, passing at a distance of 165.26 feet a 1/2 inch rebar found, and continuing a total distance of 192.33 feet to a 1/2 inch rebar with an illegible cap found;
- North 82 degrees 26 minutes 48 seconds West, passing at a distance of 257.82 feet a 1/2 inch rebar with an illegible cap found, and continuing a total distance of 843.60 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;
- North 07 degrees 37 minutes 11 seconds East, passing at a distance of 19.11 feet a 1/2 inch rebar with cap stamped "CUNNINGHAM" found, passing at an additional distance of 260.28 feet to a 1/2 inch rebar with cap stamped "R" found, and continuing a total distance of 849.54 feet to the **POINT OF BEGINNING** and enclosing 11.744 acres (511,556 square feet) of land, more or less.

TITLE COMMITMENT NOTES

This survey was prepared with the benefit of a commitment for title insurance provided by Chicago Title Insurance Company, G.F. Number CTA-19A-CTA2101168ha, Effective Date May 23, 2021. This commitment was relied upon for encumbrance research, and the surveyor has performed no independent title search. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey. The following exceptions from Schedule "B" were addressed as follows:

Item 10(h): intentionally not addressed on survey per client request

Item 10(i): Easement as recorded under Volume 239, Page 90, Deed Records of Williamson County, Texas. (easement is centered on a pipeline not located at time of survey (no surface evidence))

Item 10(k): Easement as recorded under Volume 282, Page 425, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(l): Easement as recorded under Volume 282, Page 479, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(m): Easement as recorded under Volume 292, Page 69, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(n): Easement as recorded under Volume 309, Page 230, Deed Records of Williamson County, Texas. (easement contains a description which includes the subject property)

Item 10(o): Easement as recorded under Volume 355, Page 257, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(p): Easement as recorded under Volume 423, Page 62, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(q): Easement as recorded under Volume 466, Page 138, Deed Records of Williamson County, Texas. (unable to locate easement / affected tract due to ambiguous description)

Item 10(t): Easement as recorded under Volume 832, Page 108, Deed Records of Williamson County, Texas. (easement is centered on a pipeline not located at time of survey (no evidence))

Item 10(w): Easement as recorded under Document Number 2005072780, Official Public Records of Williamson County, Texas. (easement crosses the subject property, shown hereon)

Item 10(aa): Easement as recorded under Document Number 2020160115, Official Public Records of Williamson County, Texas. (easement crosses the subject property, shown hereon)

Item 10(ab): Easement as recorded under Document Number 2002050183, Official Public Records of Williamson County, Texas. (easement contains a description which includes the subject property)

SURVEYOR'S CERTIFICATE

To: CH Ventures, LLC

Chicago Title Insurance Company (G.F.# CTA-19A-CTA2101168ha)

Hutto Landing 3 Property Owner LP

BancorpSouth Bank

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, & 14 of Table A thereof. The fieldwork was completed on May 21, 2021.

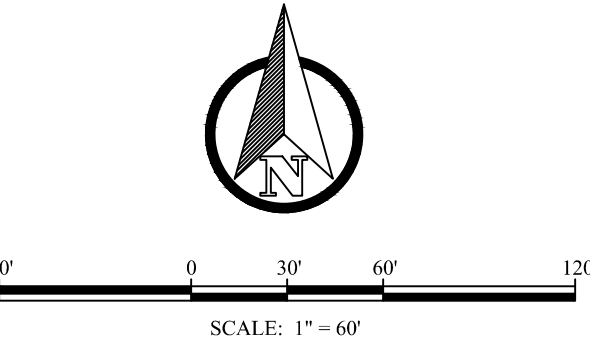
Date of Plat or Map: June 3, 2021



John H. Barton III, RPLS# 6737

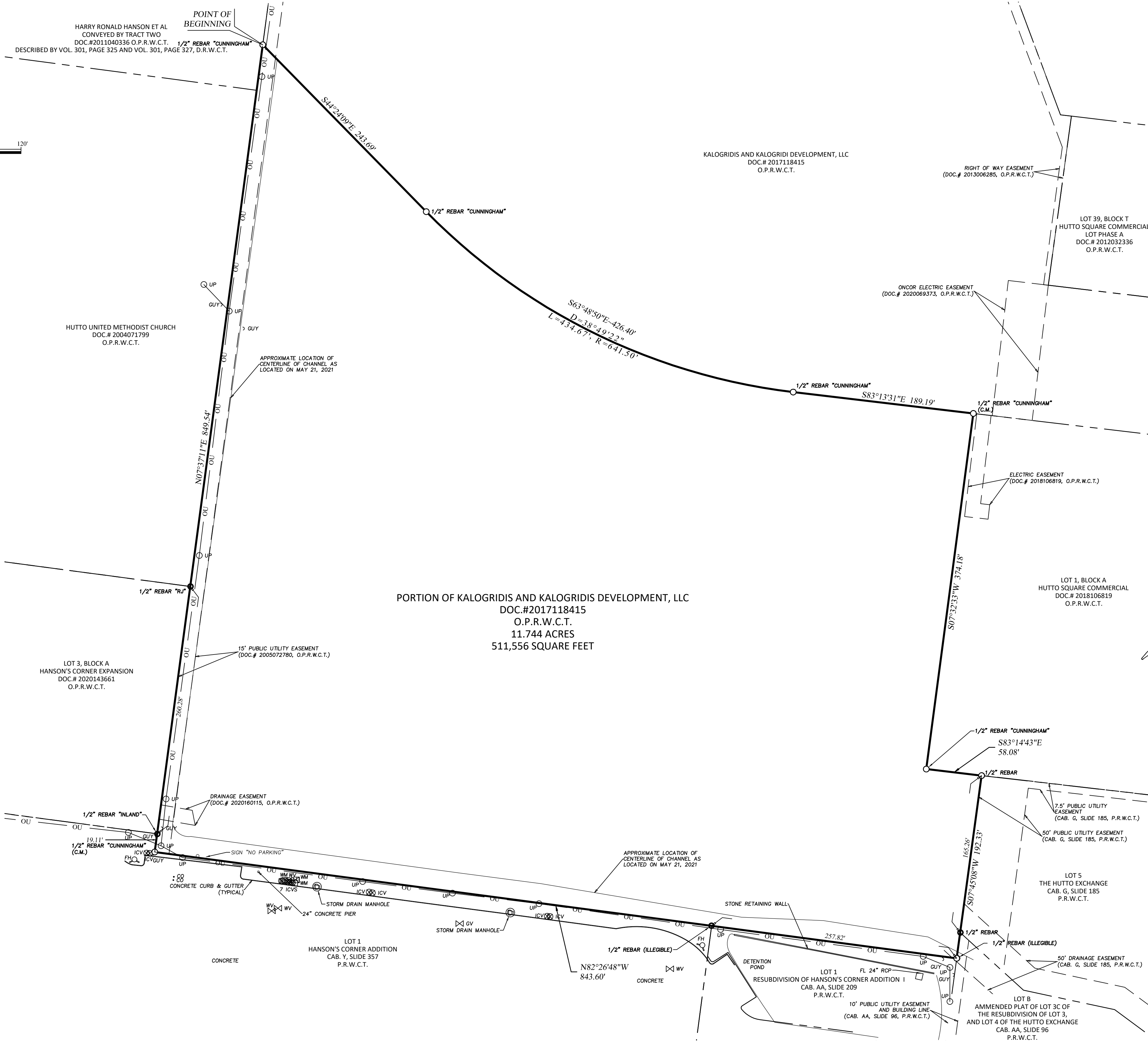
TERMS OF ACCEPTANCE OF SURVEY

This survey is issued pursuant to a real estate transaction and is appurtenant to the title commitment referenced in the "Title Commitment Notes" This survey is issued for use in such transaction. Notwithstanding any of the above statements, the surveyor has a contractual relationship with one client or entity. Review/requested revisions by other parties must be received by or through such entity. Client is responsible for reviewing survey (including, but not limited to: notations; existence or lack of spelling/grammatical/typographical errors; certified parties; dates; instruments) within thirty (30) days of the date of plat or map. After such time has passed, client accepts survey as issued, and further revisions are not embraced by the above certification. Additional or altered commitments for title insurance will require a new or re-issued survey. Please feel free to request pricing for this at info@bcsdw.com, or call (817) 864-1957.



LEGEND OF SYMBOLS

- air conditioning unit
- irrigation control valve
- cable tv
- electric meter
- fence or guardrail
- fire dept. connection
- fire hydrant
- bollard
- area drain
- grate inlet
- gas valve
- gas meter
- gas well
- sign
- sanitary sewer manhole
- storm water manhole
- telephone manhole
- tank fill lid
- telephone pedestal
- traffic signal pole
- utility clean out
- comm. utility cabinet
- electric utility cabinet
- comm. utility vault
- elect. utility vault
- water utility vault
- utility/service pole
- utility sign
- water shutoff
- water valve
- well
- water meter
- cable tv riser
- air release valve
- utility markings
- tree
- shrub/decorative tree or tree with diameter < 4 in.
- contour lines



5200 State Highway 121
Colleyville, TX 76034
Phone: 817-488-4960

JOB NO. 2021.001.192

DRAWN: BCS

CHECKED: JHB

TABLE OF REVISIONS

DATE SUMMARY

HUTTO 11 ACRES

CITY OF HUTTO,
TEXAS

SHEET:

VO1

ALTA/NSPS LAND
TITLE SURVEY

"W. LIVE OAK STREET"

Hutto, Texas

2.314 Acres

BEING a tract of land out of the Nathaniel Edwards Survey, Abstract Number 225, Williamson County, Texas, and being a portion of that tract of land described by deed to Kalogridis and Kalogridis Development, LLC, as recorded under Document Number 2017118415, Official Public Records of Williamson County, Texas, the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD '83):

BEGINNING at a 1/2 inch rebar with cap stamped "CUNNINGHAM" for the easternmost southeast corner of said Kalogridis tract and the herein described tract, same being the easternmost northeast corner of Lot 1 in Block 1 of Hutto Square Commercial, an addition in Williamson County, Texas according to plat recorded in Document Number 2018106819 of the Official Public Records Williamson County, Texas;

THENCE North 36 degrees 52 minutes 25 seconds West, with the northeast line of said Lot 1, a distance of 28.93 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;

THENCE North 83 degrees 13 minutes 31 seconds West, with the north line of said Lot 1 passing at a distance of 312.66 a 1/2 inch rebar with cap stamped "CUNNINGHAM" found for the northwest corner of said Lot 1 and continuing through the interior of said Kalogridis tract a total distance of 501.85 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found at the beginning of a tangent curve to the right having a radius of 641.50 feet, with a delta angle of 38 degrees 49 minutes 22 seconds, whose chord bears North 63 degrees 48 minutes 50 seconds West a distance of 426.40 feet;

THENCE Through the interior of said Kalogridis tract and along said tangent curve to the right an arc length of 434.67 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;

THENCE North 44 degrees 24 minutes 09 seconds West, through the interior of said Kalogridis tract a distance of 243.69 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found in the west line thereof;

THENCE North 07 degrees 37 minutes 11 seconds East, with the west line of said Kalogridis tract, a distance of 105.30 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;

THENCE South 44 degrees 24 minutes 09 seconds East, through the interior of said Kalogridis tract, a distance of 308.48 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found at the beginning of a tangent curve to the left having a radius of 558.50 feet, with a delta angle of 38 degrees 49 minutes 22 seconds, whose chord bears South 63 degrees 48 minutes 50 seconds East, a distance of 371.23 feet;

THENCE Through the interior of said Kalogridis tract and along said tangent curve to the left, an arc length of 378.43 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;

"W. LIVE OAK STREET"

Hutto, Texas

2.314 Acres

THENCE South 83 degrees 13 minutes 31 seconds East, through the interior of said Kalogridis tract, a distance of 501.85 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found;

THENCE North 50 degrees 25 minutes 23 seconds East, through the interior of said Kalogridis tract, a distance of 38.01 feet to a 1/2 inch rebar with cap stamped "CUNNINGHAM" found in the east line of said Kalogridis tract;

THENCE South 09 degrees 30 minutes 23 seconds West, with the east line of said Kalogridis tract, a distance of 131.59 feet to the **POINT OF BEGINNING** and enclosing 2.314 acres (100,779 square feet) of land, more or less.


9/23/2021
John H. Barton III, RPLS# 6737



Planned Unit Development (PUD) NorthStar Hutto Apartments

Statement of Intent

NorthStar Hutto (the “Project”) is a proposed “active adult” community seeking a rezoning of its property from Multi-Family (MF) Zoning to a Multi-Family PUD (MF/PUD) zoning designation. This designation request is being made on the basis that some of the design requirements may not be translatable to the design of this development type (i.e., active adult community) and would most appropriately be developed as a Planned Unit Development constructed under modified development guidelines unique to the property use. Once complete, the Project will provide attractive housing for a currently underserved demographic within the City of Hutto.

The proposed Project is a multi-family (high density) development that will be utilized mostly by residents over the age of 55. As per our experience on other active adult 55+ projects, the likelihood is that the average resident age will be approximately 70 years of age (with general range from 55 to 80). The Project will incorporate unique design elements which are necessary to accommodate and provide a living experience which has been tailored to both the desires and needs of the demographic who will reside at the Project. The most prevalent attributes seek to facilitate (1) affordability, (2) accessibility and (3) access to amenities (all of which necessitate some slight modifications to the current MF Zoning designation).

The Project is proposed as a Class-A, 3-story project comprised of 4 large buildings. In some instances, the Project’s buildings are larger than normal (as compared to conventional multifamily projects) to help facilitate convenient elevator access throughout the Project. The requested modifications to the current MF zoning designation will assist the developer in controlling construction costs (which are normally higher than a conventional multifamily project) so that the Project remains viable and ultimately allows for rents to be lower.

While there are several deviations requested from the original zoning guidelines, it should be noted that the request does not deviate from most of the PUD criteria outlined by the City of Hutto.

The PUD request meets many of the PUD criteria as outlined below:

1. The PUD is (a) consistent with the spirit of the community, neighborhood and other applicable land use and development plans, (b) compatible with the character of adjacent development or recommended land uses, (c) would not adversely affect properties near the site, and (d) achieves the benefits of improved design.
2. The PUD will not adversely affect land with significant historical, cultural, recreational, or aesthetic value.
3. The PUD, while a site-specific use, will provide benefits for its residents by providing social and recreational elements as part of the project development.
4. The PUD does not impose an extensively dense development that would affect nearby land uses, congestion of traffic, excessive lighting, trash accumulation and litter, noise, air and water pollution, and other factors affecting the public health, safety, welfare, and convenience.

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

As part of this request, it should be underscored that this Project will be developed with the utmost sensitivity to architectural and landscape design. The outline of the Plan Amendments, set forth by this request, will not diminish the requirements set forth in the City's development standards to provide a quality architecturally distinctive project that is a benefit to the City, as well as the residents of the community.

City of Hutto UDC / Site Criteria

10.403 Bulk, Setbacks and Buffers

- ☒ 10.403.3 Lot Dimensions and Area- **MEETS**
- ☒ 10.403.4 Building Envelope- **MEETS**
- ☒ 10.403.4.3 Riparian Setbacks- **MEETS**
- ☒ 10.403.4.5 Setback Encroachments and Exceptions- **MEETS**
- ☒ 10.403.6 Buffer yard- **MEETS**
- ☒ 10.403.7 Residential Adjacency- **MEETS**

10.404 Site Design

- ☒ 10.403.7 Siting and Orientation- **MEETS**
- ☒ 10.403.7.3 Common Open Space- **MEETS**
- ☒ 10.403.8 Siting and Orientation: non-residential sites and structures- **N/A**
- ☒ 10.403.9 Sidewalks- **MEETS**
- ☒ 10.403.10 Internal Pedestrian Circulation- **MEETS**
- ☒ 10.403.11 Signature Elements- **PROPOSED NEW**

Existing UDC

Primary vehicular entrances to businesses, office and industrial parks, shopping and commercial centers, and development in MF and MH districts, on sites at least 10 acres, must include one or more signature elements. A signature element may include:

- ☐ *Public Art, with a theme unrelated to the primary use(s) of the site.*
- ☐ *Water Feature such as water fountain or waterfall.*
- ☐ *Clock or Bell Tower.*

Proposed PUD (shown bold)

Primary vehicular entrances to businesses, office and industrial parks, shopping and commercial centers, and development in MF and MH districts, on sites at least 10 acres, must include one or more signature elements. A signature element may include:

- ☐ *Public Art, with a theme unrelated to the primary use(s) of the site.*
- ☐ *Water Feature such as water fountain or waterfall.*
- ☐ *Clock or Bell Tower.*
- ☐ ***Unique signature architectural building element.***
- ☐ ***Entry Motor court with architectural paver drives and enhanced landscaping.***

- ☒ 10.403.12 Public Transit Facilities- **N/A**
- ☒ 10.403.13 Service Areas- **MEETS**
- ☒ 10.403.14 Water Bodies and Retention- **N/A**
- ☒ 10.403.15 Land Disturbance - **MEETS**
- ☒ 10.403.16 Defensible Space - **MEETS**

10.406 Architectural Design

- ☒ 10.406.3 Single household detached and two to four household residence design- **N/A**
- ☒ 10.406.4 Single household attached and multiple household residence design-
MEETS in all areas with exception of:

10.406.4.4.3 Long walls and facades

Existing UDC

- o *The Maximum length of a multifamily residential building as 200 ft.*
- o *Wall and roof plans must have offsets or setbacks with differential in horizontal plane of at least 4 ft. every no more than 50 ft.*
- o *Up to six townhouse units may be attached in a single row.*

Proposed PUD (shown bold) / See 'Exhibit B'

- o *The Maximum length of a multifamily residential building as **(260 ft.)***
- o *Wall and roof plans must have offsets or setbacks with differential in horizontal plane of at least 4 ft. every no more than 50 ft.*
- o *Up to six townhouse units may be attached in a single row.*

10.406.4.4.7 Building Roofs

Existing UDC

- o *On buildings with pitched roofs, the minimum roof pitch is 6:12.*
- o *On building where flat roofs are the predominate roof type, parapet walls must vary in height and/or shape at least once every no more than 50 ft. along a wall.*
- o *On buildings where sloping roofs are the predominant roof type, each building must have a variety of roof forms.*
- o *Roof forms must be designed to correspond and denote building elements and functions such as entrances and arcades.*

Proposed PUD (shown bold) / See 'Exhibit A'

- o *On buildings with pitched roofs, the minimum roof pitch is **4:12**.*
- o *On building where flat roofs are the predominate roof type, parapet walls must vary in height and/or shape at least once every no more than 50 ft. along a wall.*
- o *On buildings where sloping roofs are the predominant roof type, each building must have a variety of roof forms.*
- o *Roof forms must be designed to correspond and denote building elements and functions such as entrances and arcades.*

10.406.4.5.1 Building Materials

Existing UDC

- o *Predominant building exterior materials must be high quality, and used in their natural contact and color. Masonry, stone and/or brick must be used as dominant (at least 50% of exterior surface area) exterior materials. Wood, fiber-cement siding and stucco are examples of appropriate secondary exterior materials.*
- o *A waiver to building material standards may be considered for buildings designed in a modern or postmodern architectural style.*
- o *T1-11 and other plywood-based siding materials are prohibited.*
- o *Prefabricated and pre-engineered building are prohibited.*

Proposed PUD (shown bold) / See Exhibit 'A'

- *Predominant building exterior materials must be high quality, and used in their natural contact and color. Masonry, stone and/or brick must be used as dominant (at least **30%** of exterior surface area) exterior materials. Wood, fiber-cement siding and stucco are examples of appropriate secondary exterior materials.*
- *A waiver to building material standards may be considered for buildings designed in a modern or postmodern architectural style.*
- *T1-11 and other plywood-based siding materials are prohibited.*
- *Prefabricated and pre-engineered building are prohibited.*

- ☒ 10.406.6 Commercial, office, public, institutional, and mixed-use building design- **N/A**
- ☒ 10.406.7 Industrial building design- **N/A**

10.407 Landscaping

- ☒ 10.407.3 General Standards- **MEETS**
- ☒ 10.407.4 Required Landscaping: single, two, three and four household dwellings- **N/A**
- ☒ 10.407.5 Required Landscaping: non-residential and 5+ household residential development- **MEETS in all areas with exception of:**

10.407.5.1.2 Minimum Percentages

Existing UDC

Tree and shrub requirement for commercial, multifamily, office and professional, and institutional and civic uses.

For every 500 square feet of landscaping required, or portion thereof, as least two (2) large trees and four (4) shrubs are required. Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.

Proposed PUD (shown bold) / See Exhibit 'C'

*Tree and shrub requirement for commercial, multifamily, office and professional, and Institutional and civic uses. For every 500 square feet of landscaping required, or portion thereof, as least **one (1) large tree** and four (4) shrubs are required. Two (2) small ornamental trees may be substituted for one (1) required large tree, not to exceed 50% of the required large trees.*

10.407.5.2 Parking lot and vehicular use screening

Existing UDC

The perimeter of all vehicular use areas included parking areas, drive aisles, and loading areas shall be screened as follow:

- *Vehicular use areas shall be screened from all abutting rights-of-way by a continuous landscaped area not less than 10 ft. deep.*
- *Vehicular use areas shall be screened from all abutting private property by a continuous landscaped area not less than 8 ft. deep.*
- *Landscape screening shall contain one (1) large tree per thirty (30) linear feet, or portion thereof, and a continuous hedge not less than 3 ft. in height.*
- *In addition to the required vehicular use screening, all outdoor parking shall have landscaping islands within the parking area equal to not less than 7% of the gross parking lot area.*

- *Landscape islands shall be required on both ends of all parking aisles, if such spaces are not adjacent to another landscaped area or entry throat.*
- *Not more than ten (10) consecutive parking spaces shall be provided without a landscaped island. • Landscape islands shall be a minimum of 9 ft. wide and 18 ft. deep, and shall contain at least one (1) large tree and four (4) shrubs.*
- *Driveways and entry throats shall contain at least one (1) large tree and five (5) shrubs on each side.*
- *Required parking lot landscaping may be counted toward the minimum landscaped area required in Section 10.407.5.1.*

Proposed PUD (shown bold)

The perimeter of all vehicular use areas included parking areas, drive aisles, and loading areas shall be screened as follow:

- *Vehicular use areas shall be screened from all abutting rights-of-way by a continuous landscaped area not less than 10 ft. deep.*
- *Vehicular use areas shall be screened from all abutting private property by a continuous landscaped area not less than 8 ft. deep **or utilization of 6 ft stained wood screen fence.***
- *Landscape screening shall contain one (1) large tree per thirty (30) linear feet, or portion thereof, and a continuous hedge not less than 3 ft. in height.*
- *In addition to the required vehicular use screening, all outdoor parking shall have landscaping islands within the parking area equal to not less than 7% of the gross parking lot area.*
- *Landscape islands shall be required on both ends of all parking aisles, if such spaces are not adjacent to another landscaped area or entry throat.*
- *Not more than ten (10) consecutive parking spaces shall be provided without a landscaped island. • Landscape islands shall be a minimum of 9 ft. wide and 18 ft. deep, and shall contain at least one (1) large tree and four (4) shrubs.*
- ⊕ *Driveways and entry throats shall contain at least one (1) large tree and **SOD.***
- *Required parking lot landscaping may be counted toward the minimum landscaped area required in Section 10.407.5.1.*

- ☒ 10.407.6 Materials, Maintenance and Replacement- **MEETS**
- ☒ 10.407.7 Irrigation- **MEETS**
- ☒ 10.407.8 Tree Preservation and Removal- **MEETS**
- ☒ 10.407.9 Tree Protection During Construction- **MEETS**
- ☒ 10.407.10 Required Site Furniture- **N/A**
- ☒ 10.408 Fences and Walls- **MEETS in all areas with exception of:**

Existing UDC:

Permitted fence in 3+ household residential area to be no more than 3.5' height in front yard.

Proposed PUD (shown bold):

Permitted fence in 3+ household residential area to be **6' maximum** height in front yard.

- ☒ 10.409 Outdoor Lighting- **MEETS**

Chapter 6 - Subdivision Standards

- ☒ 10.602 Applicability and exceptions- **MEETS**
- ☒ 10.603-10.608 Lot Division and Adjustment Processes- **MEETS**
- ☒ 10.609 Parkland and open space dedication- **MEETS**
- ☒ 10.610 Pedestrian and Bicycle Facilities- **MEETS**
- ☒ 10.611 Street Classification- **MEETS**
- ☒ 10.612- 10.613 Street Design- **N/A**
- ☒ 10.614 Driveway and Easements- **MEETS**
- ☒ 10.615 Road Adequacy Standards- **MEETS**

- ☒ **Chapter 7 – Historic Preservation- N/A**

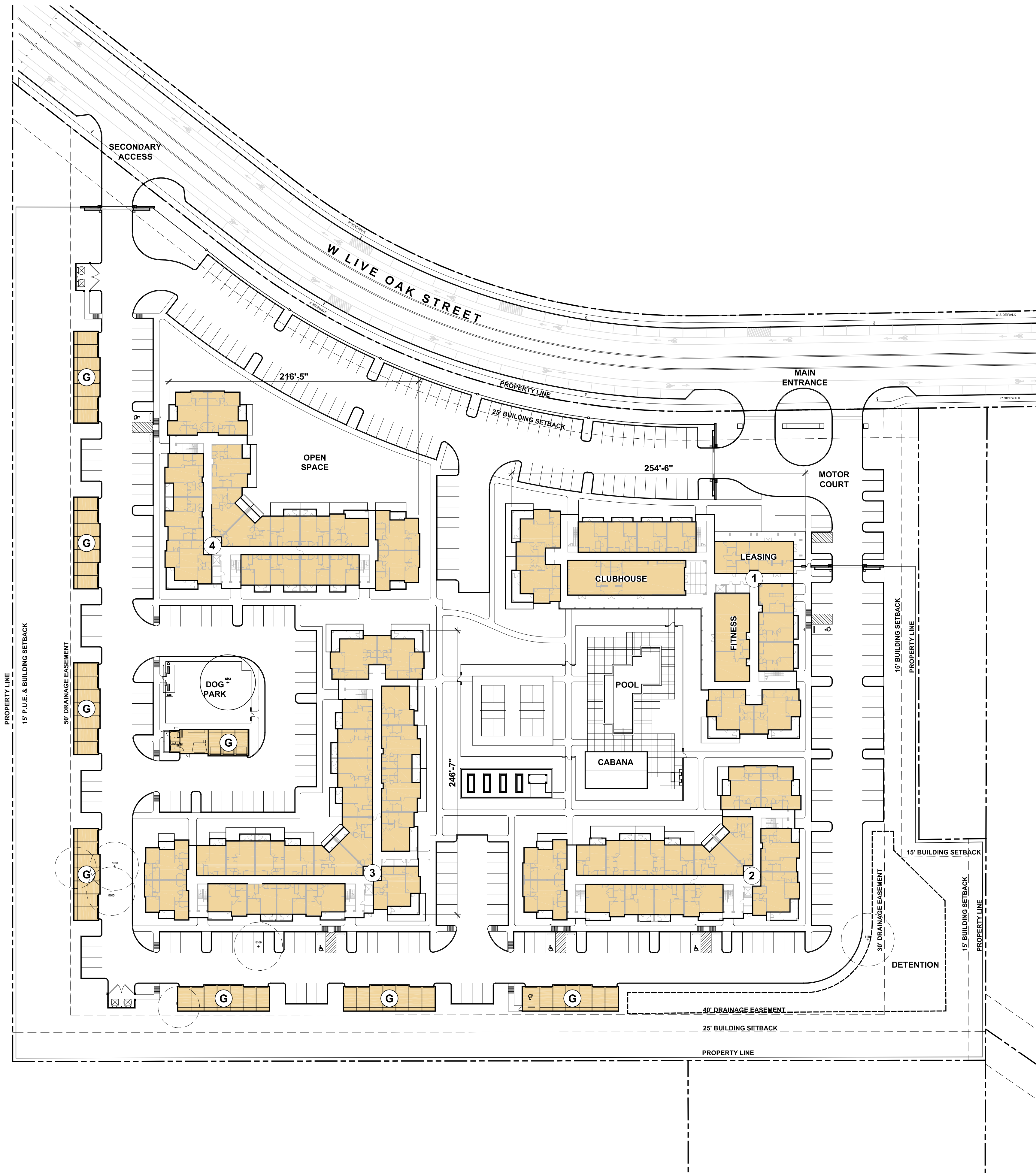
NORTHSTAR HUTTO - PUD APPLICATION EXHIBIT



CONCEPT PERSPECTIVE

NORTHSTAR HUTTO

HUTTO, TEXAS
11.05.2021

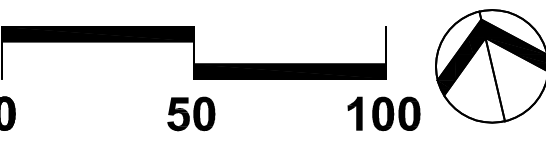


SITE TABULATIONS

TOTAL ACRES	NET USEABLE ACRES	TOTAL UNITS	NET DENSITY
11.74	9.06	216	23.84

PARKING TABULATIONS

SURFACE	DETACHED GARAGE	TOTAL PARKING	PARKING RATIO
314	52	366	1.69



PUD DEVELOPMENT PLAN - EXHIBIT B

NORTHSTAR HUTTO

HUTTO, TEXAS
11.05.2021



SITE TABULATIONS

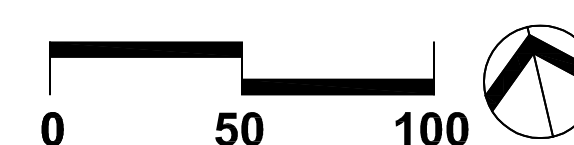
TOTAL ACRES	NET USEABLE ACRES	TOTAL UNITS	NET DENSITY
11.74	9.06	216	23.84

PARKING TABULATIONS

SURFACE	DETACHED GARAGE	TOTAL PARKING	PARKING RATIO
314	52	366	1.69

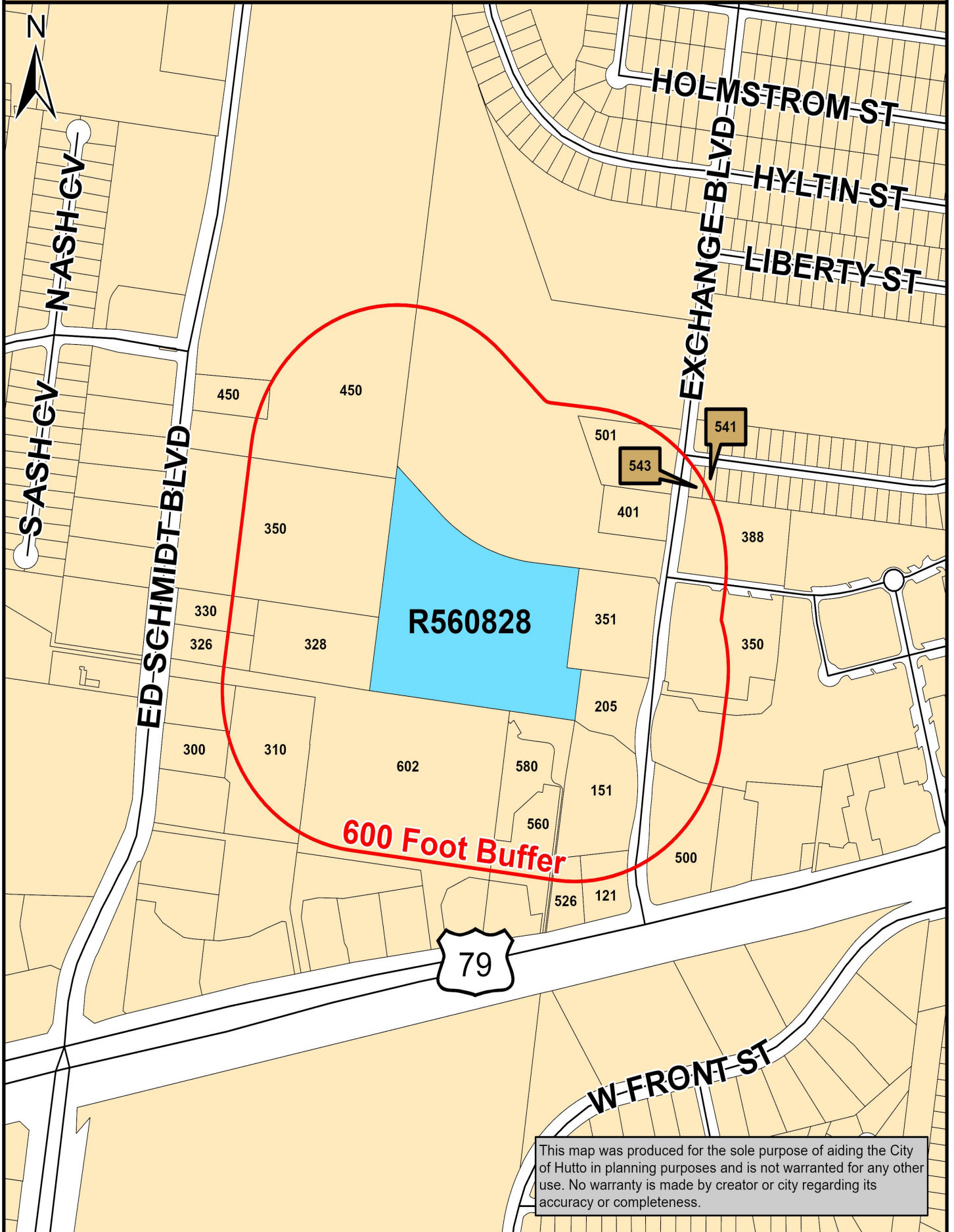
LANDSCAPE DESIGN GUIDELINES

- PROPOSED PUD TREE REQUIREMENTS
- a. 1 Large Trees for every 500sf of Landscaping Required
 - $413,782 \div 0.2 = 82,756$
 - $82,756 \div 500sf = 166$ Trees
 - 166 Large Trees Proposed
 - Exhibit does not reflect ornamental trees. Per UDC, two ornamental trees equals one large tree.



PROPOSED PUD TREE DENSITY - EXHIBIT C

NorthStar Hutto PUD



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



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

PLANNING & ZONING COMMISSION ON: **DECEMBER 7, 2021**
CITY COUNCIL ON: **JANUARY 6, 2022**
MEETING LOCATION: **500 W. Live Oak St. – City Hall**
MEETING TIME: **7:00 PM**

Notice is hereby given to all interested persons that the **HUTTO PLANNING AND ZONING COMMISSION** and **HUTTO CITY COUNCIL** will hold two separate public hearings regarding the proposed zoning change request for the property known as **NorthStar Hutto Planned Unit Development (PUD)**, 11.74 acres, more or less, of land, located off of Exchange Boulevard. The land use proposal is active adult 55+ multi-family use.

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

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

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

=====

SURROUNDING PROPERTY OWNER'S RESPONSE

Project Name: Zoning change request for the property known as **NorthStar Hutto Planned Unit Development (PUD)**, 11.74 acres, more or less, of land, located off of Exchange Boulevard.

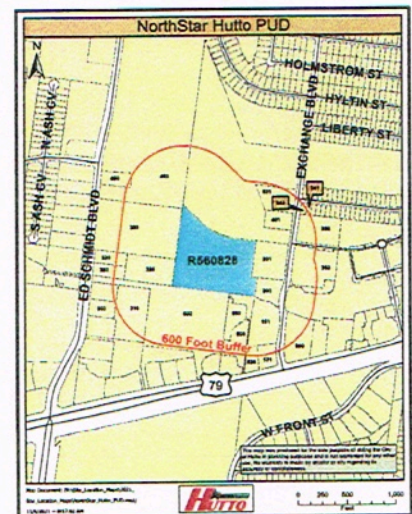
Name: 21044 SHERMAN WAY, LLC - STEVE McCoy
Address: 560 US-79

☒ **I AM IN FAVOR**

☐ **I OBJECT**

Write comments below, attach additional pages if needed.

SITE LOCATION MAP



AGENDA ITEM REPORT

11.1.



To: City Council
Subject: Consideration and possible action on Resolution No. R-2021-184 authorizing the Mayor to execute an Interlocal Agreement with Williamson County, Texas for a waterline relocation and appropriating funds. (Legal)
Meeting: Thursday, January 6, 2022
Department: City Secretary /
Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. R-2021-184 Hutto Resolution Approving WilCo ILA
2. ILA Relocation of Hutto Water line Improvements CR 404
3. 20210910-Hutto-Waterline-ILA-Exhibit

RESOLUTION NO. R-2021-184

A RESOLUTION OF THE CITY OF HUTTO, TEXAS, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HUTTO AND WILLIAMSON COUNTY; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to enter into an Interlocal Agreement with Williamson County for completing design services and construction related to relocation of Hutto water line improvements along County Road 404; and

WHEREAS, the City Council desires to authorize the Acting City Manager to execute the Agreement, attached as Exhibit A.

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

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: That the Hutto City Council hereby approves and authorizes the Acting City Manager to execute the Interlocal Agreement, attached as Exhibit A, a copy of same being attached hereto and incorporated herein for all purposes.

SECTION 3: 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 6th day of January, 2022.

Mike Snyder, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

DOROTHY PALUMBO
CITY ATTORNEY

BY: _____
CRISTIAN ROSAS-GRILLET
ASSISTANT CITY ATTORNEY

**INTERLOCAL AGREEMENT
FOR COMPLETING DESIGN SERVICES AND CONSTRUCTION
RELATED TO RELOCATION OF HUTTO WATER LINE IMPROVEMENTS
ALONG COUNTY ROAD 404 (“CR 404”)**

THE STATE OF TEXAS	§	
	§	
COUNTY OF WILLIAMSON	§	KNOW ALL BY THESE PRESENTS:

THIS INTERLOCAL AGREEMENT REGARDING RELOCATION OF WATER SYSTEM IMPROVEMENTS (“Agreement”) is entered into between the City of Hutto, Texas, a Texas municipal corporation (the “**City**” or “**Hutto**”) and Williamson County, a political subdivision of the State of Texas (the “**County**”). In this Agreement, the City and the County are sometimes individually referred to as a “**Party**” and collectively referred to as the “**Parties**”.

WHEREAS, the County is in the process of re-aligning CR 404 (the “County Project”); and

WHEREAS, a portion of the existing CR 404 includes an 16” City of Hutto Transmission Water Line (the “Waterline”) located within the current CR 404 right-of-way; and

WHEREAS, in connection with the construction of the County Project, the County desires to relocate a portion of the Waterline (the “Waterline Relocation”); and

WHEREAS, the City desires to cooperate with the County to facilitate the construction of the County Project and the Waterline Relocation; and

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

**I.
PURPOSE**

1.01 General. The purpose of this Agreement is to provide for the County’s relocation and construction of the Waterline required by the County Project, based on the terms and conditions as stated herein.

1.02 Continuation of Service. The County agrees that the County Project shall be undertaken so as to minimize any disruption of water service to existing City customers and will not result in the permanent loss of water service to any such customers.

II.

CONSTRUCTION OF WATERLINE RELOCATION

2.01 County Obligations. The County shall be responsible for the preliminary and final design, construction bidding, project management and construction of the Waterline Relocation. The Waterline Relocation will be bid and constructed concurrently with, or prior to, the County Project, with construction to be complete by December 30, 2022.

2.02 Construction Plans. The County will submit the plans and specifications related to the Waterline Relocation to the City for its review and approval prior to contract award. Any changes or modifications to the plans will be submitted to the City for review and approval prior to commencing construction. The Waterline Project requires the replacement of an existing 16" waterline with a new 18" or larger waterline and associated appurtenances located within the new right-of-way of CR 404. The approximate location of the new CR 404 is as shown on **Exhibit A**, attached hereto.

2.03 Inspection, Testing, and Maintenance. The City shall inspect the Waterline Relocation during construction and perform any required testing. Upon receipt of notification from the City that the City's inspectors determine the construction by the County is not in accordance with the approved project plans, the County shall cease construction until the deficiency can be identified and a corrective plan of construction implemented with the agreement of the City. After acceptance, the City shall own and operate the Waterline.

2.04 Permits. The County shall be responsible for obtaining permits, if any, required for the construction of the Project.

2.05 Insurance, Bonds and Warranties. The County shall require the contractor for the Project to name the City as an additional insured on any policies related to the Waterline Relocation. The County shall require the contractor to provide performance bonds, payment bonds and maintenance bonds in favor of the City for the Waterline Relocation in amounts satisfactory to the City. The County shall transfer any warranties for the Waterline Relocation to the City upon final completion and acceptance of the project.

2.06 Prior Rights. The City's Waterline will be relocated into an easement furnished by the County. Because the existing water line lies within the existing CR 404 right-of-way, the City does not have any prior rights in said Waterline. The City agrees to take any action required by the County to abandon the current waterline easement held by the City.

2.07 City Obligations. The City shall reimburse the County the actual cost of design, which is currently estimated as \$150,000.00 and construction, which has been determined to be \$2,897,639.00 based on the lowest project bidder of the Waterline ("City Participation"). The City Participation shall be due and owing to the County in ten (10) equal annual payments, with no interest, commencing the year the City accepts the Waterline. The Parties agree that no payment under this Section will occur unless and until the Waterline has been accepted by the City. The City shall remit the first annual payment not later than the 30th day after the date of acceptance.

However, if the City receives any federal, state or county grants for the Waterline Relocation, the City will remit to the County all grant payments received within three (3) months receipt of said grant or grants. After acceptance by the City, the City will assume responsibility for the ownership and operation of the Waterline.

III. DISPUTES

3.01 Material Breach; Notice and Opportunity to Cure.

(a) In the event that one Party believes that another Party has materially breached one of the provisions of this Agreement, the non-defaulting Party will make written demand to cure and give the defaulting Party up to 30 days to cure such material breach or, if the curative action cannot reasonably be completed within 30 days, the defaulting Party will commence the curative action within 30 days and thereafter diligently pursue the curative action to completion. Notwithstanding the foregoing, any matters specified in the default notice which may be cured solely by the payment of money must be cured within 10 days after receipt of the notice. This applicable time period must pass before the non-defaulting Party may initiate any remedies available to the non-defaulting Party due to such breach.

(b) Any non-defaulting Party will mitigate direct or consequential damage arising from any breach or default to the extent reasonably possible under the circumstances.

(c) The Parties agree that they will negotiate in good faith to resolve any disputes and may engage in non-binding mediation, arbitration or other alternative dispute resolution methods as recommended by the laws of the State of Texas.

3.02 Equitable Relief. In recognition that failure in the performance of the Parties' respective obligations could not be adequately compensated in money damages alone, the Parties agrees that after providing notice and an opportunity to cure in accordance with Section 4.01 above, the Parties shall have the right to request any court, agency or other governmental authority of appropriate jurisdiction to grant any and all remedies which are appropriate to assure conformance to the provisions of this Agreement. The defaulting Party shall be liable to the other for all costs actually incurred in pursuing such remedies, including reasonable attorney's fees, and for any penalties or fines as a result of the failure to comply with the terms including, without limitation, the right to obtain a writ of mandamus or an injunction requiring the governing body of the defaulting Party to levy and collect rates and charges or other revenues sufficient to pay the amounts owed under this Agreement.

3.03 Agreement's Remedies Not Exclusive. The provisions of this Agreement providing remedies in the event of a Party's breach are not intended to be exclusive remedies. The Parties retain, except to the extent released or waived by the express terms of this Agreement, all rights at law and in equity to enforce the terms of this Agreement.

IV. GENERAL PROVISIONS

4.01 Authority. This Agreement is made in part under the authority conferred in Chapter 791, *Texas Government Code*.

4.02 NO LIABILITY OR WARRANTY OF SERVICES. HUTTO AGREES AND ACKNOWLEDGES THAT WILLIAMSON COUNTY DOES NOT ASSUME ANY LIABILITY FOR, OR WARRANT THE SERVICES THAT A THIRD PARTY PROVIDES PURSUANT TO THIS AGREEMENT OR CONSTRUCTION AGREEMENT. HUTTO AGREES AND ACKNOWLEDGES THAT WILLIAMSON COUNTY SHALL NOT BE LIABLE FOR ANY CLAIM OR CAUSE OF ACTION THAT HUTTO MAY HAVE NOW OR IN THE FUTURE AGAINST AN ENGINEER OR THIRD PARTY OR ANY DAMAGES OF ANY NATURE WHATSOEVER ALLEGEDLY SUSTAINED BY HUTTO, OR ANYONE HAVING A CLAIM BY, THROUGH OR UNDER HUTTO RELATED IN ANY WAY, DIRECTLY OR INDIRECTLY, WITH THE SERVICES PROVIDED BY A THIRD PARTY PURSUANT THIS AGREEMENT.

4.03 Term. This Agreement shall commence upon execution of this Agreement and shall end upon the completion of the Waterline Relocation and acceptance of the public improvements by Hutto.

4.04 Severability. The provisions of this Agreement are severable and, if any provision of this Agreement is held to be invalid for any reason by a court or agency of competent jurisdiction, the remainder of this Agreement will not be affected and this Agreement will be construed as if the invalid portion had never been contained herein.

4.06 Payments from Current Revenues. Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose.

4.07 Cooperation. The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

4.08 Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter.

4.09 Amendments. Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

4.10 Applicable Law; Venue. This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be in Williamson County, Texas.

4.11 Notices. Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below:

HUTTO:

Telephone: (____) _____
Email: _____

COUNTY:

710 S. Main Street, Georgetown, Texas 78626
Attn: William Gravell, Jr.
Telephone: (512) 943-1550
Facsimile: (512) 943-1662

4.12 Counterparts; Effect of Partial Execution. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

4.13 Authority. Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

4.14 Effective Date. This Agreement is executed to be effective on the date the last Party signs this Agreement.

(SIGNATURES ON FOLLOWING PAGE)

CITY OF HUTTO, TEXAS

By: _____
Mike Snyder, Mayor

ATTEST:

By: _____
_____, _____ City Secretary

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2022, by Mike Snyder as Mayor of the City of Hutto, a Texas home-rule city, on behalf of said city.

Notary Public, State of Texas

WILLIAMSON COUNTY, TEXAS

By: _____
William Gravell, Jr., County Judge

ATTEST:

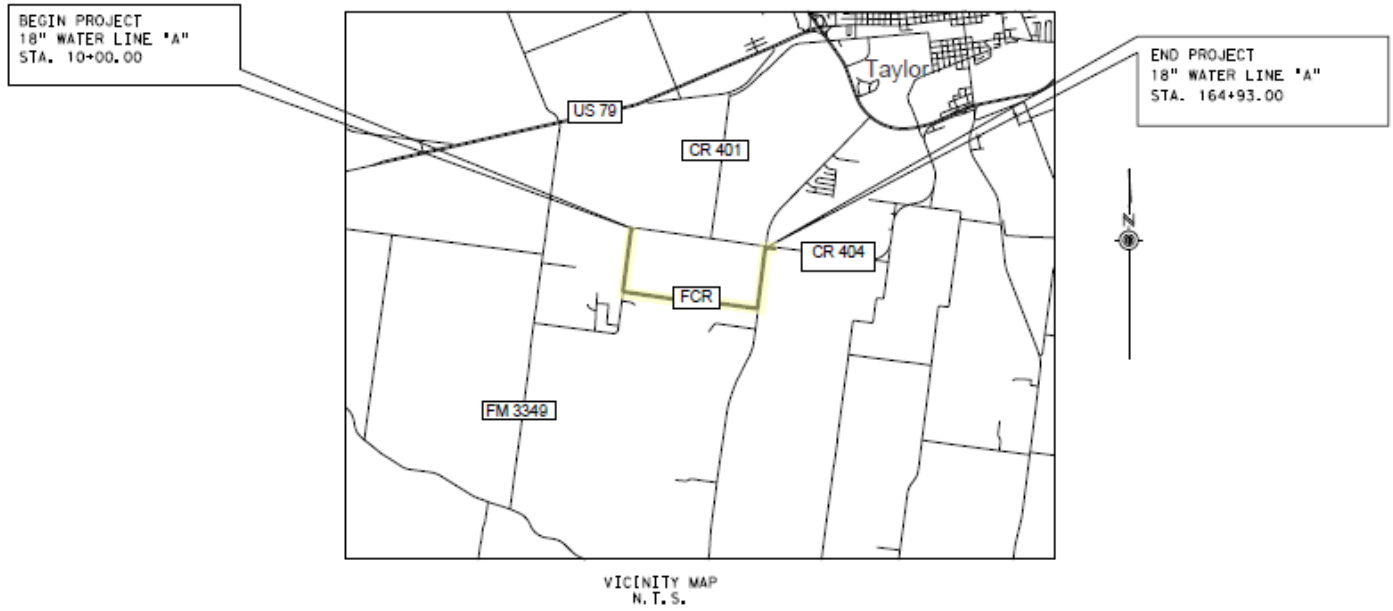
By: _____
Nancy Rister, County Clerk

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2022, by William Gravell, Jr., County Judge of Williamson County, Texas, on behalf of said County.

Notary Public, State of Texas

EXHIBIT A
APPROXIMATE LOCATION OF WATERLINE RELOCATION



AGENDA ITEM REPORT

11.2.



To: City Council

Subject: Consideration and possible action on Resolution No. R-2022-005 accepting the dedication of approximately 3.4 acres of parkland, more particularly described as Lot 26, Block A, DURANGO FARMS PHASE 1, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2020131845, Official Public Records of Williamson County, Texas, pursuant to the Second Amended and Restated Development Agreement between the City of Hutto and MA Durango Farms, LLC.

Meeting: Thursday, January 6, 2022

Department: City Secretary /

Staff Contact:

BACKGROUND INFORMATION:

SUMMARY OF REQUEST:

STAFF REVIEW:

FINANCIAL IMPACT:

POLICY IMPLICATIONS:

ATTACHMENTS:

1. R-2021- Hutto Resolution Accepting Parkland Dedication 1.4.22

RESOLUTION NO. R-2021-

A RESOLUTION OF THE CITY OF HUTTO, TEXAS, ACCEPTING THE DEDICATION OF APPROXIMATELY 3.4 ACRES OF PARKLAND, MORE PARTICULARLY DESCRIBED AS LOT 26, BLOCK A, DURANGO FARMS PHASE 1, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 2020131845, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, PURSUANT TO THE SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HUTTO AND MA DURANGO FARMS, LLC; AUTHORIZING THE MAYOR TO EXECUTE THE DEDICATION DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Hutto City Council approved the Second Amended and Restated Development Agreement by and between the City of Hutto, Texas, and MA Durango Farms, LLC (the “Development Agreement”); and

WHEREAS, Section 4.3(g) of the Development Agreement provides that Owner shall dedicate to the City, or to a designee of the City, approximately 3.4 acres of parkland as described on Exhibit E of the Development Agreement; and

WHEREAS, pursuant to the terms of the Development Agreement, maintenance of the parkland shall be the responsibility of the City or City’s designee that the parkland is dedicated to; and

WHEREAS, the City Council desires to accept the dedication of approximately 3.4 acres of parkland, more particularly described as Lot 26, Block A, DURANGO FARMS PHASE 1, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2020131845, Official Public Records of Williamson County, Texas, pursuant to the Second Amended and Restated Development Agreement between the City of Hutto and MA Durango Farms, LLC, and to authorize the Mayor to execute the Dedication Deed.

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

SECTION 1: The findings set forth in the recitals of this Resolution are hereby found to be true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: That the Hutto City Council hereby accepts the dedication of approximately 3.4 acres of parkland, more particularly described as Lot 26, Block A, DURANGO FARMS PHASE 1, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2020131845, Official Public Records of Williamson County, Texas, pursuant to the Second Amended and Restated Development

Agreement between the City of Hutto and MA Durango Farms, LLC; and authorizes the Mayor to execute the Dedication Deed attached as Exhibit A, a copy of same being attached hereto and incorporated herein for all purposes, and any documents necessary to effectuate this Resolution.

SECTION 3: 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 6th day of January, 2022.

Mike Snyder, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Dorothy Palumbo
City Attorney

By: _____
Cristian Rosas-Grillet
Assistant City Attorney

Exhibit A

DEDICATION DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WILLIAMSON §

THAT, **MA DURANGO FARMS, LLC**, a Texas limited liability company (***Grantor***), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other consideration paid to Grantor by THE CITY OF HUTTO, TEXAS (***Grantee***), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, GIVEN, DEDICATED AND CONVEYED, and by these presents hereby does GRANT, GIVE, DEDICATE AND CONVEY unto Grantee, a municipal corporation under the laws of the State of Texas, that certain parcel of land (***Land***) situated in Williamson County, Texas, and more particularly described as:

Lot 26, Block A, DURANGO FARMS PHASE 1, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document No. 2020131845, Official Public Records of Williamson County, Texas.

together with Grantor's interest, if any, in (i) any improvements, rights and appurtenances belonging or pertaining thereto, (ii) any easements, leases, rights of way, rights of ingress or egress or other interests in any land, street or road abutting, adjoining or benefiting said Land, (iii) any strips and gores between the Land and any abutting properties, and (iv) any land lying in or under the bed of any creek, stream or waterway across, abutting or adjacent to the Land, but specifically excluding all oil, gas and other minerals lying in, on or under the Land (collectively, the '***Property***'). This conveyance is made and accepted subject to the terms, conditions and provisions hereof and further subject to all easements, conditions, reservations, covenants, mineral or royalty interests, surface waivers, utility conveyances, liens, encumbrances, regulations or orders of municipal and/or other governmental authorities, if any, or other matters of record against the Property in Williamson County, Texas (***Permitted Exceptions***), to the extent the Permitted Exceptions are validly existing and applicable to the Property.

As a dedication of the Property by Grantor to Grantee, the Property is to be used only as a passive park and only with such downward directional lighting as needed for safety and accents. Grantor further excepts and reserves unto itself and its successors and assigns, the right of access, ingress and egress across, along, and over the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee and its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend all and singular the Property unto Grantee and its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through, or under

Grantor, but not otherwise, subject, however, to the Permitted Exceptions, to the extent such Permitted Exceptions are valid and subsisting and affect the Property.

Taxes for the current year have been or will be paid by Grantor.

GRANTOR HAS EXECUTED AND DELIVERED THIS DEED AND HAS CONVEYED THE PROPERTY AND GRANTEE HAS RECEIVED AND ACCEPTED THIS DEED AND HAS ACCEPTED THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" AND WITHOUT REPRESENTATIONS OR WARRANTIES WHATSOEVER, EXPRESS OR IMPLIED, WRITTEN OR ORAL.

[Signatures on following pages]

EXECUTED as of the ____ day of January, 2022.

GRANTOR:

MA DURANGO FARMS, LLC,
a Texas limited liability company

By: MA Partners, LLC,
a Texas limited liability company, its Manager

By: _____
Wyatt Henderson, Manager

THE STATE OF TEXAS §

COUNTY OF _____ §

Acknowledged before me on January __, 2022, by Wyatt Henderson, Manager of MA Partners, LLC, a Texas limited liability company, as manager of MA Durango Farms, LLC, a Texas limited liability company, on behalf of such entity.

My Commission Expires:

Notary Public in and for the State of Texas

[SEAL]

Typed or Printed Name of Notary

GRANTEE:

THE CITY OF HUTTO,
a municipal corporation

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS

§
§
§

COUNTY OF WILLIAMSON

This instrument was acknowledged before me on January ___, 2022, by _____,
the _____ of The City of Hutto, on behalf of such entity.

My Commission Expires:

Notary Public in and for the State of Texas

[SEAL]

Typed or Printed Name of Notary

ADDRESS OF GRANTEE:

City of Hutto

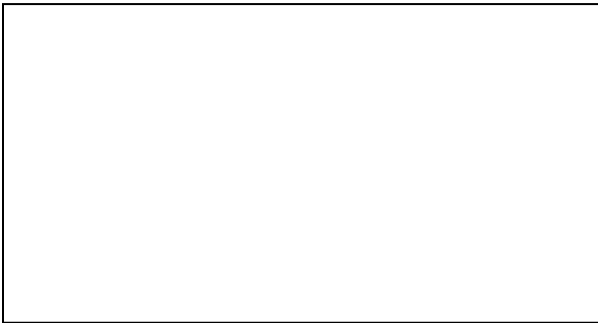
_____, Suite ____
Hutto, Texas _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest and real property conveyed by this dedication instrument the 6th day of January, 2022, from MA DURANGO FARMS, LLC, to the CITY OF HUTTO, has been duly accepted subject to all terms and conditions contained therein, and the City Council has consented to recordation of such dedication instrument by its duly authorized officer.

Dated

SEAL



Mayor, CITY OF HUTTO

ATTEST:

City Secretary

AFTER EXECUTION BY
GRANTOR, PLEASE RETURN
ORIGINAL TO:

CITY OF HUTTO
C/o City Secretary
500 W Live Oak Street
Hutto, TX 78634

AFTER RECORDING, PLEASE
RETURN ORIGINAL TO:

CITY OF HUTTO
C/o City Secretary
500 W Live Oak Street
Hutto, TX 78634