



**CITY OF HUTTO, TEXAS
REGULAR CITY COUNCIL MEETING
THURSDAY, AUGUST 18, 2016 AT 7:00 PM
CITY HALL - CITY COUNCIL CHAMBERS
401 WEST FRONT STREET**

CITY COUNCIL

Doug Gaul, Mayor
Anne Cano, Place 1
Tom Hines, Place 2
Nathan Killough, Place 3
Michael J. Smith, Place 4, Mayor Pro-tem
Lucio Valdez, Place 5
Bettina Jordan, Place 6

AGENDA

1. **CALL SESSION TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **PUBLIC COMMENT**
 - 5A. Remarks from visitors. (*Three-minute time limit*)
6. **PRESENTATIONS:**
 - 6A. Presentation on the 2016 Citizen Survey results.
7. **PUBLIC HEARINGS:**
 - 7A. Open and conduct the second public hearing regarding the proposed annexation of the Malone Tract, located on 63.46 acres more or less, of land located on CR 136, southwest of the intersection of FM 1660 South and CR 163.
 - 7B. Open and conduct the first public hearing to hear testimony regarding the proposed ad valorem tax rate.
8. **CONSENT AGENDA ITEMS:**

All items listed on the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered as a regular agenda item.

- 8A. Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 2 Final Plat, 15.788 acres, more or less, of land, 1 multifamily lot, located on Carl Stern Drive.
- 8B. Consideration and possible action on the second and final reading of an ordinance adopting the Downtown Facade Improvement Grant Program.
- 8C. Consideration and possible action on the meeting minutes for the July 7, 2016 City Council Regular Meeting and the July 9, 2016 Special Called City Council meeting.
- 8D. Consideration and possible action on a resolution concerning Hotel Occupancy Tax Funding allocations and authorizing the City Manager to execute the Hotel Occupancy Tax Agreement for the 2016-17 Fiscal Year.

REGULAR AGENDA ITEMS

9. ORDINANCES:

- 9A. Consideration of a public hearing and possible action on the first reading of an ordinance concerning the zoning change for the property known as the Farley Tract, 7.0 acres, more or less, of land, out of the William Gatlin Survey, Abstract No. 271, located on CR 137 south of FM 1660 S., from B-2 (general commercial) to MF (multifamily) zoning district.
- 9B. Consideration and possible action on the first reading of an ordinance amending Chapter 2: Administration and Personnel; Article 2.03: Personnel; Section 2.03.002: Employee Policies and Procedures of the City of Hutto 2014 Code of Ordinances.
- 9C. Consideration and possible action on the first reading of an ordinance changing the date of the October 6, 2016 City Council meeting to October 13, 2016, to allow the City Council Members to attend the Texas Municipal League Annual Conference.

10. RESOLUTIONS:

- 10A. Consideration and possible action on a resolution updating the 2035 Strategic Guide.
- 10B. Consideration and possible action on a resolution concerning the amended bylaws of the Hutto Economic Development Corporation.

- 10C. Consideration and possible action on a resolution concerning an amendment to the Williamson County Regional Animal Shelter Interlocal Agreement.
- 10D. Consideration and possible action on a resolution concerning a fee waiver for impact fees associated with the development of new residential construction at 700 Main Street.
- 10E. Consideration and possible action on a resolution concerning an Interlocal Agreement for in school officers with Hutto Independent School District.

11. **OTHER BUSINESS:**

- 11A. Consideration and possible action on recommendations from the Board Selection Committee for appointments to the Charter Review Commission and the Bond Election Committee

12. **WORK SESSION:**

A work session is conducted for information or educational purposes. No action is taken by the Council on items listed. It is the policy of the City Council that public comment will not be allowed for work session items.

- 12A. Work session on the City of Hutto's 2017 legislative agenda.
- 12B. Presentation and discussion concerning the Proposed Fiscal Year 2016-17 Annual Operating Budget.

13. **EXECUTIVE SESSION:**

- 13A. Executive Session as authorized by §551.087, Texas Government Code regarding deliberations concerning Economic Development Negotiations: Project Monkey.
- 13B. Consideration and possible action related to the Executive Session as authorized by §551.074, Texas Government Code, Personnel Matters, to deliberate the appointment, employment, evaluation, or duties of public officer or employees: City Manager.

14. **ACTION RELATIVE TO EXECUTIVE SESSION:**

- 14A. Action relative to executive session item 13B.

15. **ADJOURNMENT**

CERTIFICATION

I certify that this notice of the August 18, 2016 Hutto City Council meeting was posted on the City Hall bulletin board of the City of Hutto on Friday, the 12th day of August 2016 at 5:35pm.



Seth Gipson, City Secretary

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

The City of Hutto is committed to comply with the American with Disabilities Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special communications or accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at (512) 759-4033 or seth.gipson@huttotx.gov for assistance.

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 6A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Micah Grau, Interim City Manager

ITEM: Presentation on the 2016 Citizen Survey results.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:

The City of Hutto contracted with the Center for Research, Public Policy and Training through Texas State University to conduct the 2016 Citizen Survey. Unlike in previous years, the citizen survey was conducted as a broader region survey with other communities also participating. In doing so, the communities will be able to benchmark and compare results with one another and it reduced the cost for each entity to participate in the study.

The survey looked at satisfaction with core services and asked for input on future priorities and initiatives for the community. The results are used by Council and staff in strategic planning and in the annual budget process to better connect resources where they are needed in the community.

The 2016 Citizen Survey was re-calibrated to utilize performance metrics standardized through the International City/County Management Association (ICMA).

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The survey tool was approved by the Leadership and Legislative Council Committee.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Not applicable.

SUPPORTING MATERIAL:

1. [2016 Citizen Survey Report](#)

2016 City of Hutto Survey of Residents



2016 City of Hutto Survey of Residents July 2016

Report prepared by:

Thomas Longoria, Ph.D. and Jayce Farmer, Ph.D.

Center for Policy, Research, and Training

Texas State University
601 University Dr.
San Marcos, TX 78666

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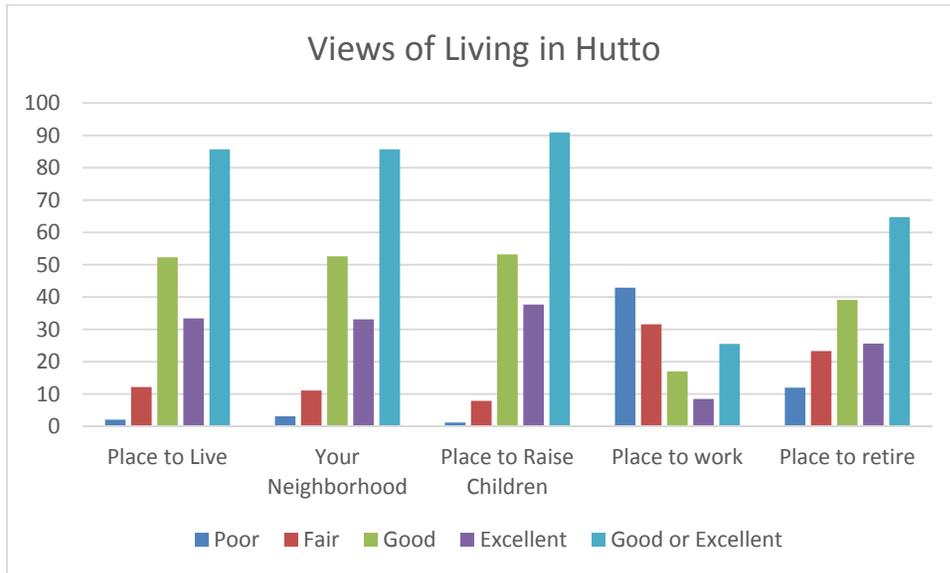
Methodology

The Center for Public Policy, Research, and Training (CPPRT) at Texas State University conducted the survey in April and May of 2016. The survey relies on a random sample of 2100 homes drawn from 4500 utility accounts. The surveys were mailed out by the CPPRT along with a postage-paid return envelope back to Texas State University. In addition, an online option was provided to selected homes. At no time did City of Hutto staff or employees have access to the surveys.

A total of 297 usable surveys were completed. The response rate is 14%. A typical response rate for mail surveys is proximally 10%. Based on the sample size, margin of error is about $\pm 5.5\%$. In other words, the true population value of any percentage reported in the findings is plus or minus 5.5% of that value. Participation in the survey is anonymous and voluntary and the completed surveys are stored in a secure file cabinet at the CPPRT. The survey and the report were conducted with the assistance of graduate students to facilitate and advance public management education. Proceeds from this survey will be used to support graduate student research on other projects to advance knowledge helpful to local governments in the region.

The survey relies on typical questions on the level of satisfaction with public services, quality of life, protective services, etc. as well as open and closed-ended questions specific to Hutto. Given differences in question wording, order of questions, and response categories, caution should be exercised in making comparisons to other survey results. Respondents are asked to answer demographic questions to determine if the sample is representative of households in the city.

Views toward Living in Hutto

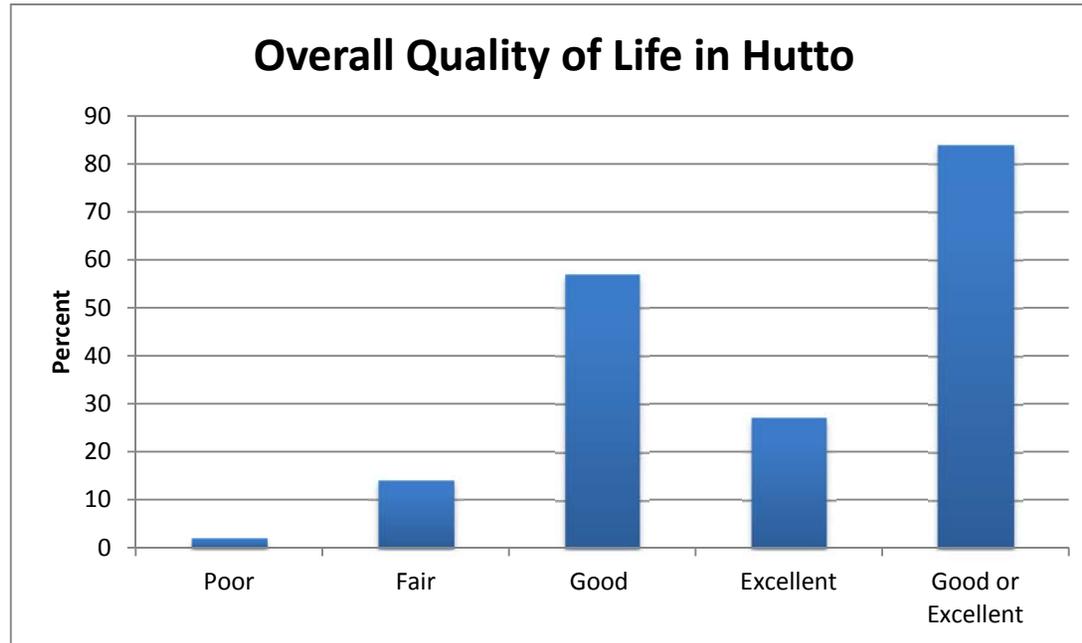


Residents think that the city is a great place to live and raise children. Over 90% of residents think the city is a good or excellent place to raise children and over 85% rate Hutto as a good or excellent place to live.

Residents do not view the city as a good or excellent place to work (25.5%) or retire (64.7%).

	Poor	Fair	Good	Excellent	Good or Excellent
Place to Live	2.1	12.2	52.3	33.4	85.7
Your Neighborhood	3.1	11.1	52.6	33.1	85.7
Place to Raise Children	1.2	7.9	53.2	37.7	90.9
Place to work	42.9	31.6	17	8.5	25.5
Place to retire	12	23.3	39.1	25.6	64.7

Overall Quality of Life



84% of respondents rate the overall quality of life in Hutto as either good or excellent.

Only 2% of respondents rate the overall quality of life in Hutto as poor.

Business, Employment, and Housing in Hutto



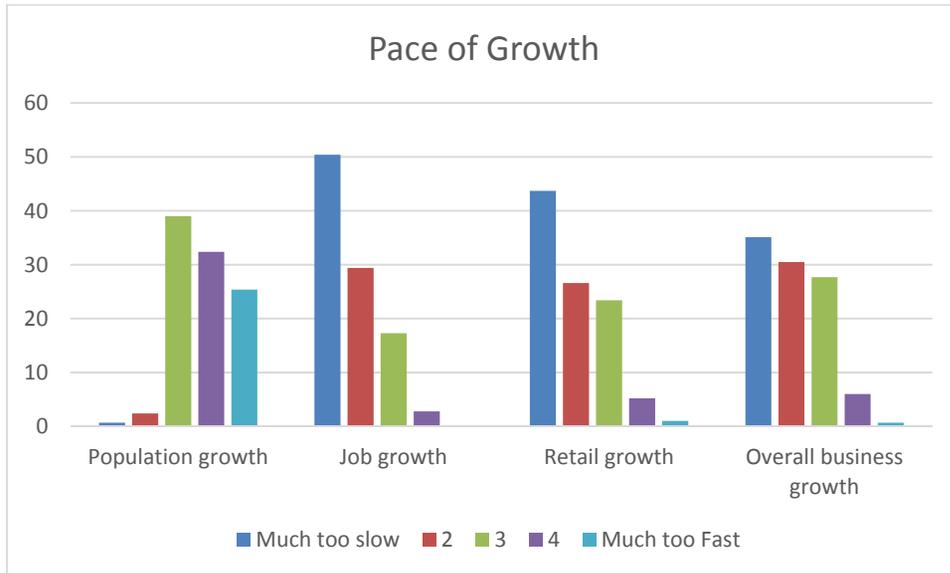
Residents rate the overall quality of life in Hutto very highly. 84% of residents rate the overall quality of life as good or excellent.

Respondents also rate housing opportunities highly with 76.6% rating housing opportunities as good or excellent.

Over 90% of residents rate the availability of employment opportunities in Hutto as Poor or Fair.

	Poor	Fair	Good	Excellent	Good or Excellent
Overall Quality of Life	1.4	14.4	57.2	27	84.2
Quality of New Development	12.3	31.9	43.5	12.3	55.8
Quality Businesses and Services	18.8	37.6	34.8	8.7	43.5
Availability of businesses and services	30.4	42.7	23.1	3.8	26.9
Employment opportunities	57.1	33.5	9	0.4	9.4
Housing opportunities	7.6	15.8	52.5	24.1	76.6

Views toward Pace of Growth



25% of residents believe that the pace of population growth is “much too fast.”

Just over 50% of residents say that the pace of job growth is “much too slow.”

Respondents generally rate the pace of job growth, retail growth, and overall business growth as too slow as each of these areas have mean scores below 3 (pace of growth “about right”).

	Much too slow	2	3	4	Much too Fast	Mean/ Std. Dev
Population growth	0.7	2.4	39.0	32.4	25.4	3.8/.87
Job growth	50.4	29.4	17.3	2.8	0.0	1.7/.84
Retail growth	43.7	26.6	23.4	5.2	1.0	1.9/.98
Overall business growth	35.1	30.5	27.7	6.0	0.7	2.1/.96

Citizen Satisfaction: Streets and Sidewalks



61% of respondents rate street lighting as “good” or “excellent” and 63% rate street cleaning as good or excellent.

60% of respondents rate sidewalk/trail maintenance as good or excellent.

54% of residents rate street repair as “good” or “excellent.”

	Poor	Fair	Good	Excellent	Good or Excellent
Street repair	14.1	31.8	45.5	8.7	54.2
Street cleaning	14.0	22.9	50.0	13.2	63.2
Street lighting	10.0	29.5	50.5	10.0	60.5
Sidewalk/trail maintenance	14.6	25.0	47.3	13.1	60.4

Citizen Satisfaction: Water, Sewer, and Garbage



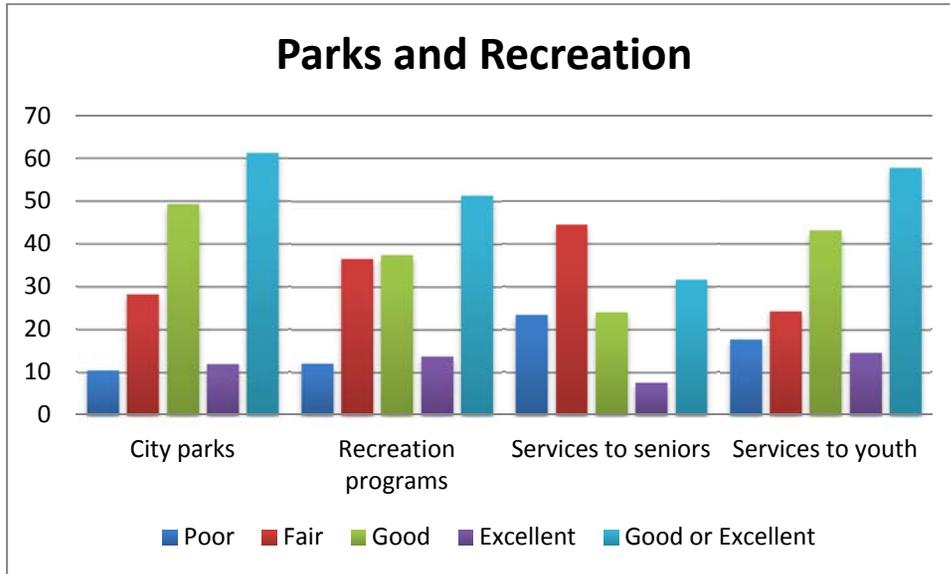
Over 90% of respondents rate the quality of garbage collection and recycling as good or excellent.

Over 80% of respondents rate the quality of sewer services and yard waste pick up as good or excellent.

68% of respondents rate the quality of storm drainage as good or excellent.

	Poor	Fair	Good	Excellent	Good or Excellent
Garbage collection	1.7	5.2	40.8	52.2	93.0
Recycling	2.1	4.2	42.3	51.4	93.7
Yard waste pickup	8.5	9.7	45.6	36.3	81.9
Storm drainage	12.9	19.1	43.2	24.8	68.0
Sewer	4.1	15.2	53	27.8	80.8

Citizen Satisfaction: Parks and Recreation



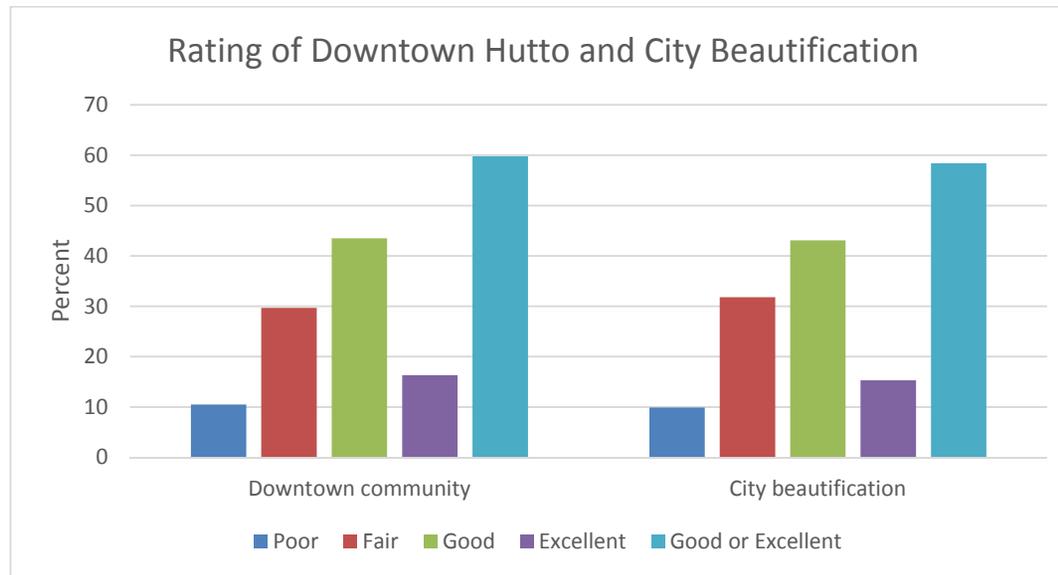
61% of residents rate city parks as either “good” or “excellent” and only 10% rate city parks as “poor.”

Just over 50% of residents rate recreation programs as good or excellent and nearly 60% rate services to youth as “good” or “excellent.”

Only 31% of respondents rate services to seniors and either “good” or “excellent.”

	Poor	Fair	Good	Excellent	Good or Excellent
City parks	10.5	28.2	49.2	12.0	61.2
Recreation programs	12.1	36.6	37.5	13.8	51.3
Services to seniors	23.4	44.5	24.1	7.6	31.7
Services to youth	17.8	24.4	43.1	14.7	57.8

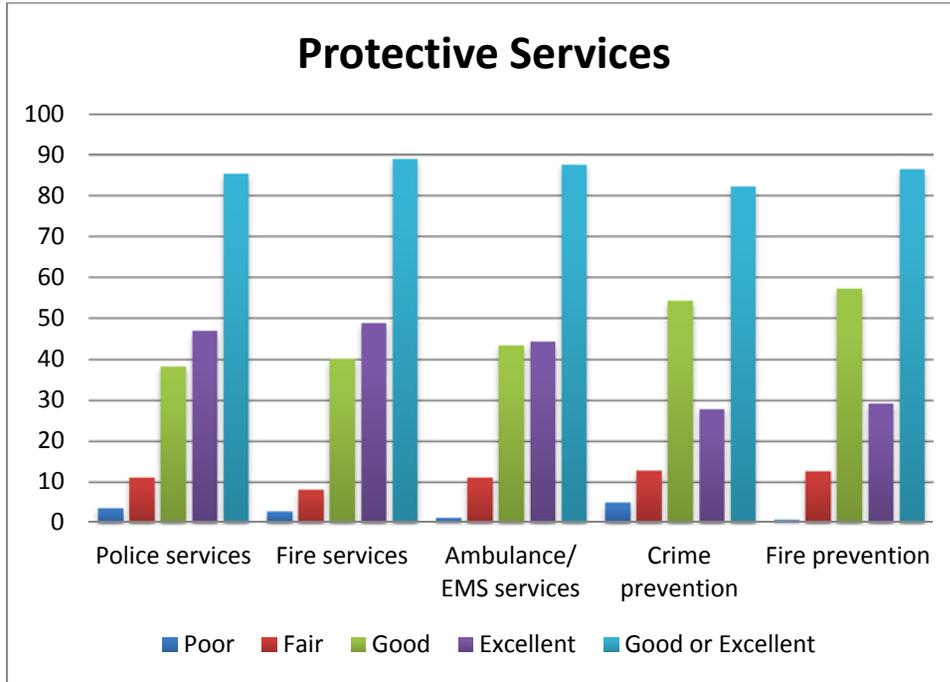
Quality of Downtown and Beautification Efforts



60% of respondents rate downtown Hutto as good or excellent.

Nearly 60% of respondents rate city beautification as good or excellent.

Protective Services

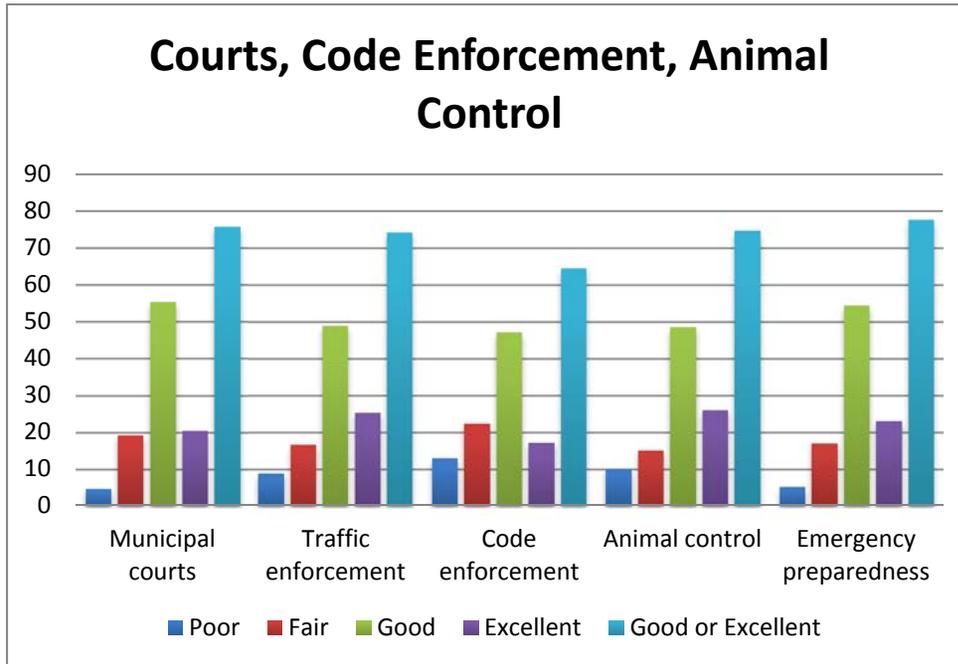


Over 80% of respondents rate each of the areas of protective services as good or excellent.

18% of respondents report crime prevention efforts as fair or poor.

	Poor	Fair	Good	Excellent	Good or Excellent
Police services	3.7	11.1	38.4	46.9	85.3
Fire services	2.9	8.2	40.2	48.8	89.0
Ambulance/ EMS services	1.3	11.1	43.4	44.2	87.6
Crime prevention	5.0	12.8	54.3	27.9	82.2
Fire prevention	0.8	12.7	57.2	29.2	86.4

Courts, Code Enforcement, Animal Control

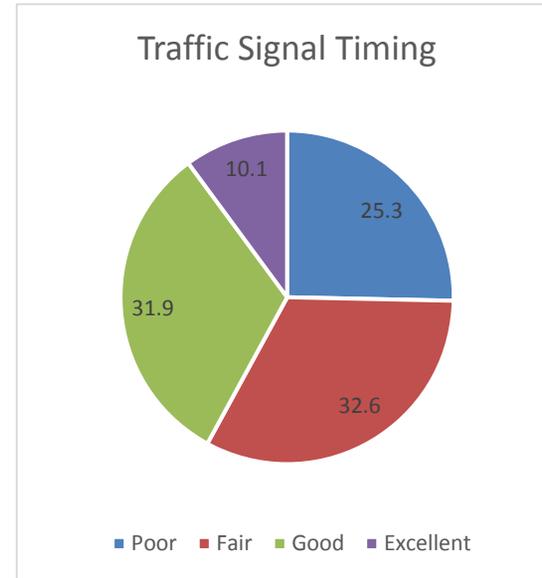
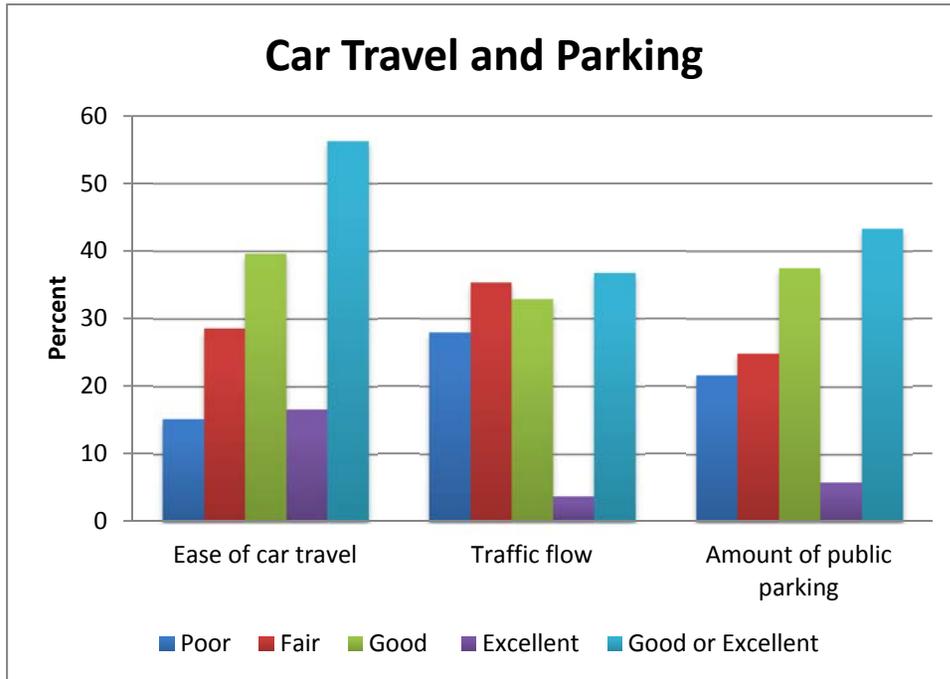


Over 74% of respondents rate the quality of municipal courts, traffic enforcement, animal control and emergency preparedness as good or excellent.

65% of respondents rate the quality of code enforcement as good or excellent.

	Poor	Fair	Good	Excellent	Good or Excellent
Municipal courts	4.8	19.3	55.4	20.5	75.9
Traffic enforcement	8.9	16.7	49.0	25.3	74.3
Code enforcement	13.0	22.5	47.2	17.3	64.5
Animal control	10.2	15.1	48.6	26.1	74.7
Emergency preparedness	5.2	17.1	54.5	23.2	77.7

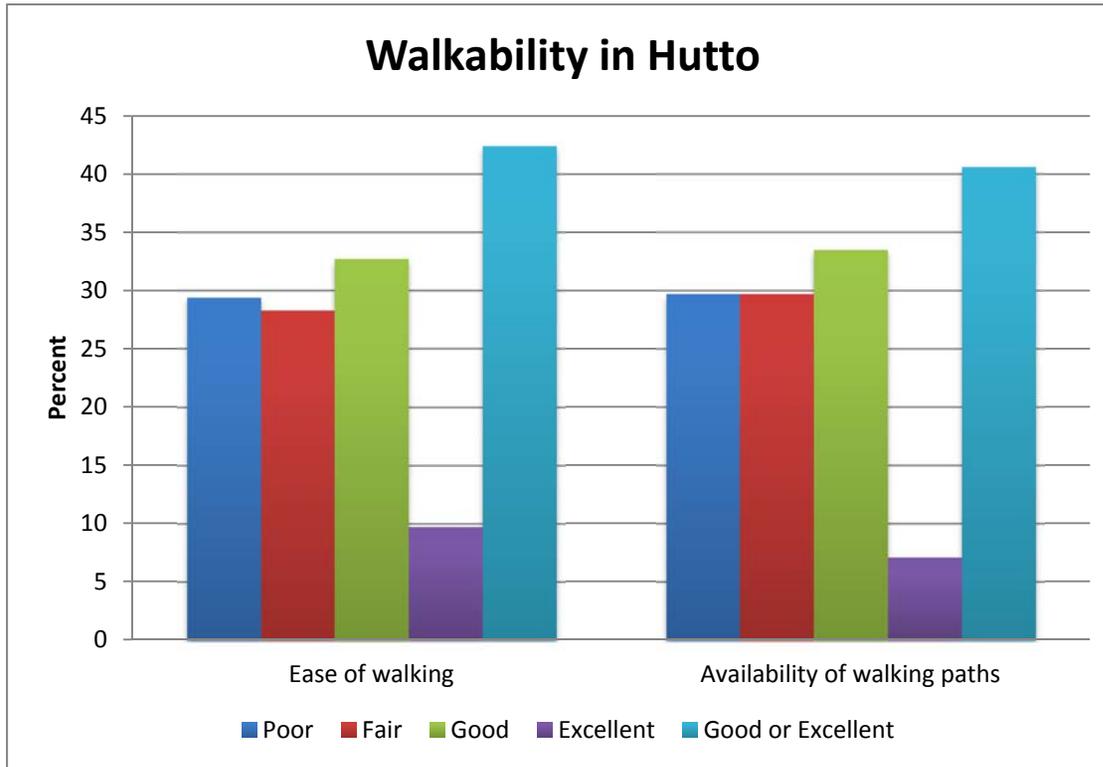
Car Travel and Parking



42% of respondents rate traffic signal timing as good or excellent. 37% report the flow of traffic as good or excellent. 56% rate the ease of car travel as good or excellent.

	Poor	Fair	Good	Excellent	Good or Excellent
Ease of car travel	15.2	28.6	39.7	16.6	56.3
Traffic flow	28.0	35.3	32.9	3.8	36.7
Amount of public parking	21.6	24.9	37.5	5.9	43.4

Walkability in Hutto



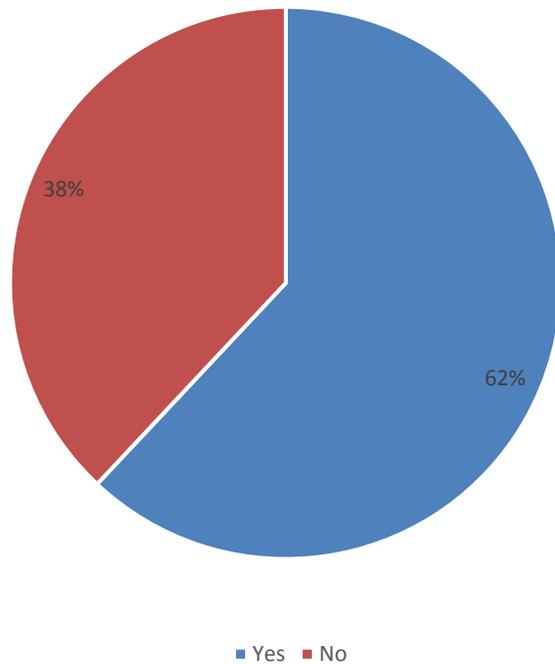
42% of respondents rate the ease of walking in Hutto as good or excellent.

41% of respondents rate the availability of walking paths and trails as good or excellent.

	Poor	Fair	Good	Excellent	Good or Excellent
Ease of walking	29.4	28.3	32.7	9.7	42.4
Availability of walking paths	29.7	29.7	33.5	7.1	40.6

Citizen-Initiated Contacting

Had contact with City of Hutto Employee in last 12 months



62% of respondents reported contacting (in-person, phone, email, or social media) an employee of the City of Hutto in the last 12 months.

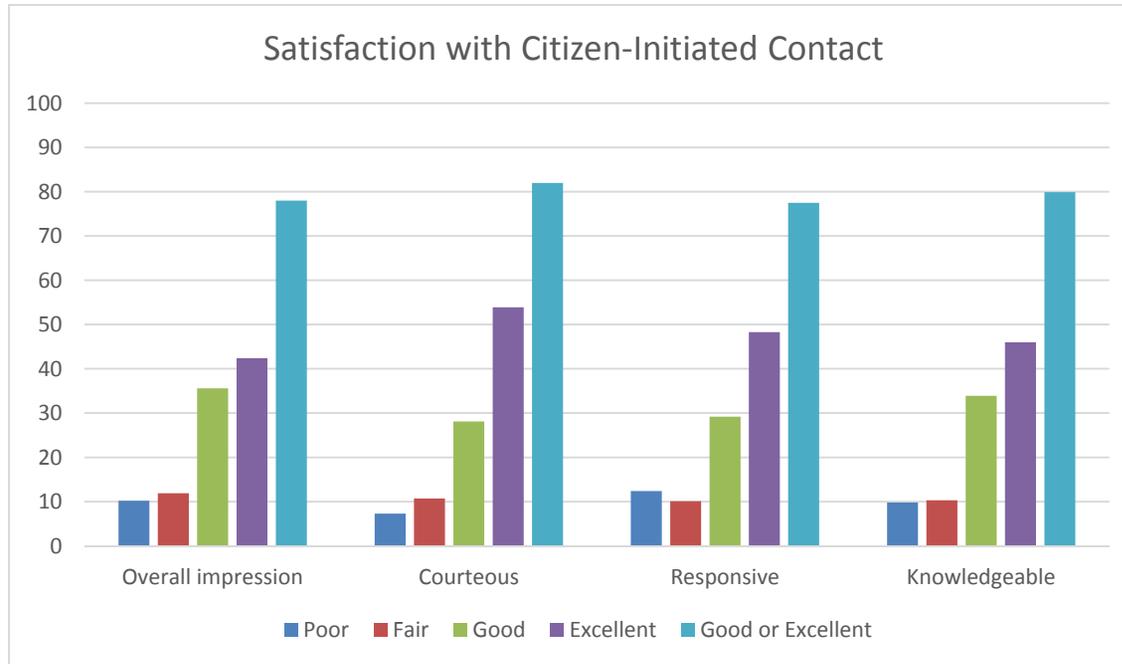
Top three listed contacts:

Police (22%)

Utilities (16%)

“City Government” (10.7%)

Satisfaction with Citizen-Initiated Contact



	Poor	Fair	Good	Excellent	Good or Excellent
Overall impression	10.2	11.9	35.6	42.4	78.0
Courteous	7.3	10.7	28.1	53.9	82.0
Responsive	12.4	10.1	29.2	48.3	77.5
Knowledgeable	9.8	10.3	33.9	46.0	79.9

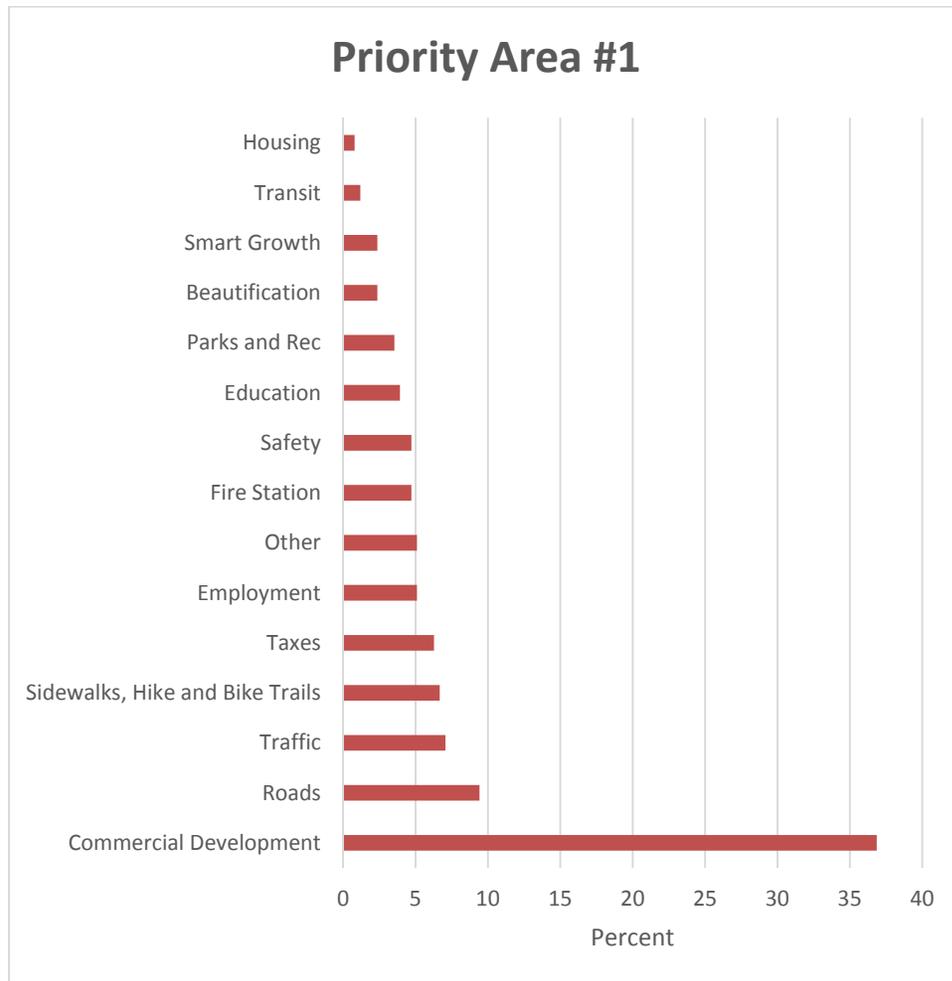
78% of respondents rate the city employee as good or excellent overall.

82% report the city employee's courteousness as good or excellent.

80% rate the city employee's knowledge about the reason for the contact as good or excellent.

78% rate the city employee's responsiveness as good or excellent.

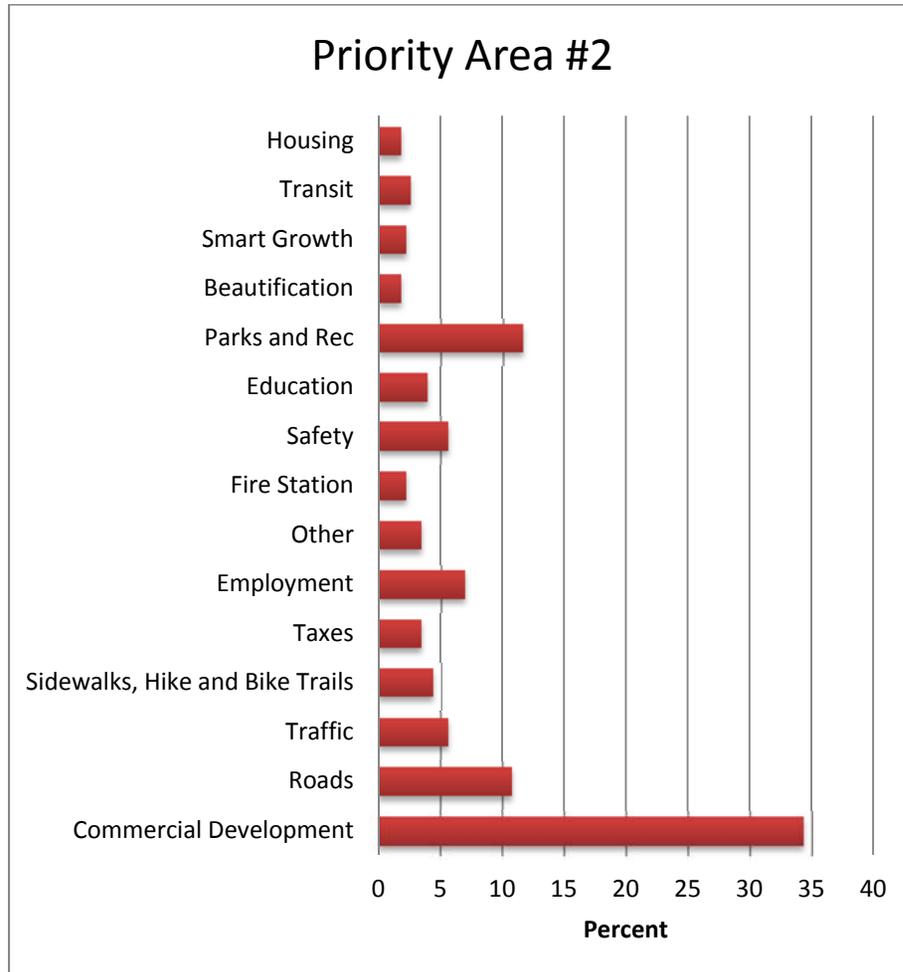
Top Priority Areas #1 (coded open-ended responses)



The most common response provided in the first space included different aspects of commercial and retail development including grocery stores, retail and business.

The next three categories listed include comments about road conditions, then traffic conditions, followed by sidewalks, hike, and bike trails.

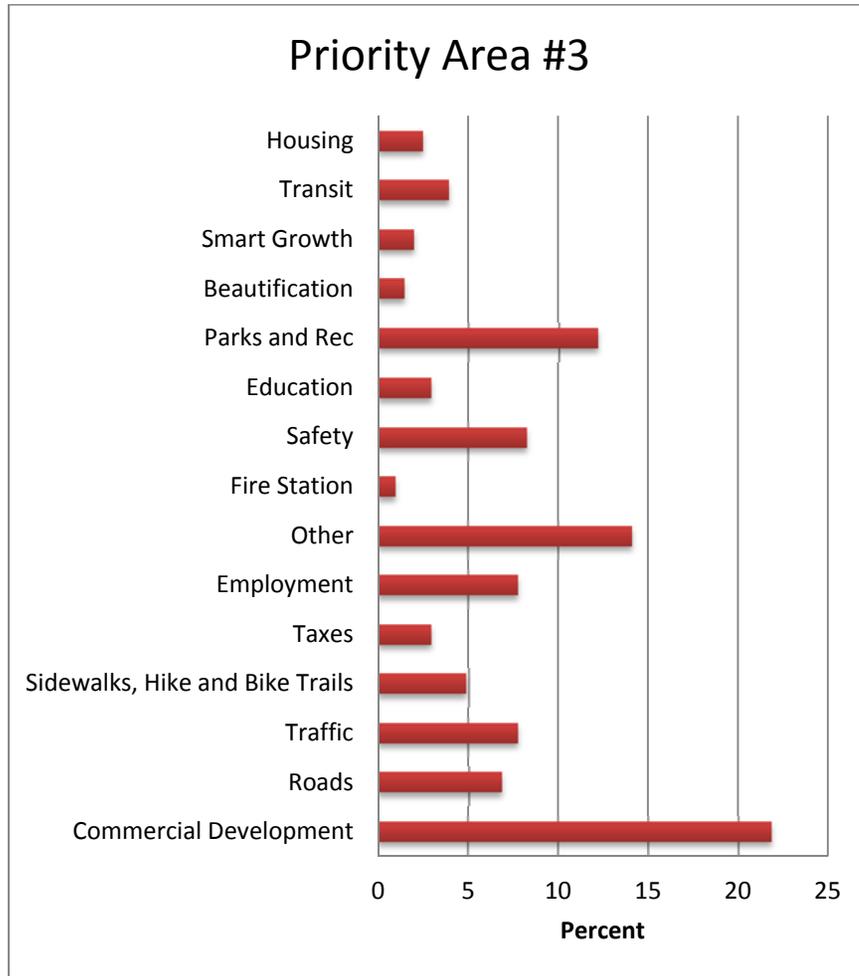
Top Priority Areas #2 (coded open-ended responses)



The most common response provided in the second space included different aspects of commercial and retail development including grocery stores, retail and business.

Parks and Recreation related programs and facilities was the second most common response followed by roads and more employment opportunities.

Top Priority Areas #3 (coded open-ended responses)



The most common response provided in the third space included different aspects of commercial and retail development.

“Other” emerged as the second most common answer for the third space. “Other” includes general statements like “get the word out about Hutto,” “better city government,” “animal shelter,” and “clean up the smell from the dump.”

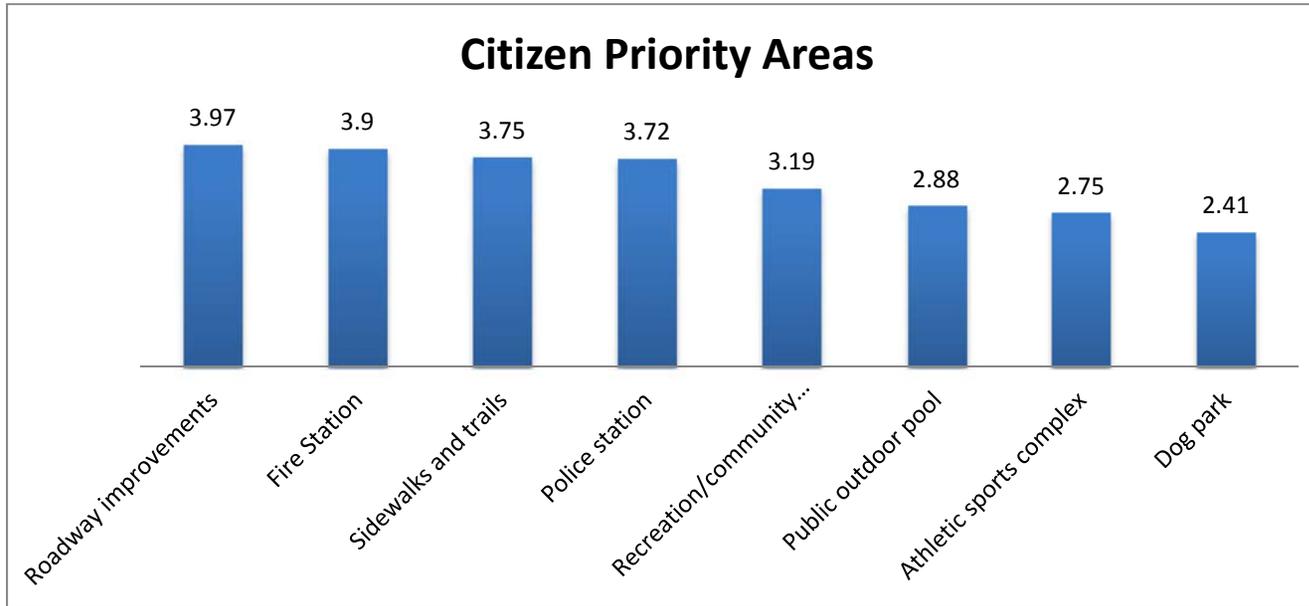
Parks and Recreation programs and facilities was the third most common response provided.

Weighted Citizen Priorities

In order to summarize citizen priorities, a weighting system was used. The first priority was weighted with a value of 3, the second with a value of 2, and the third a value of 1. In other words, the response is weighted in terms of importance. Based on this weighting, we find that the top three priorities are commercial development, roads, and employment. This analysis highlights that the only item with broad consensus is more commercial development.

Rank	Priority	Weighted Priority
1	Commercial Development	456
2	Roads	138
3	Employment	100
4	Traffic	90
5	Parks and Recreation	84
6	Taxes	80
7	Sidewalks, Hike, and Bike Trails	77
8	Education	73
9	Safety	68
10	Fire Station	63
11	Other	57
12	Smart Growth	36
13	Beautification	30
14	Transit	26
15	Housing	14

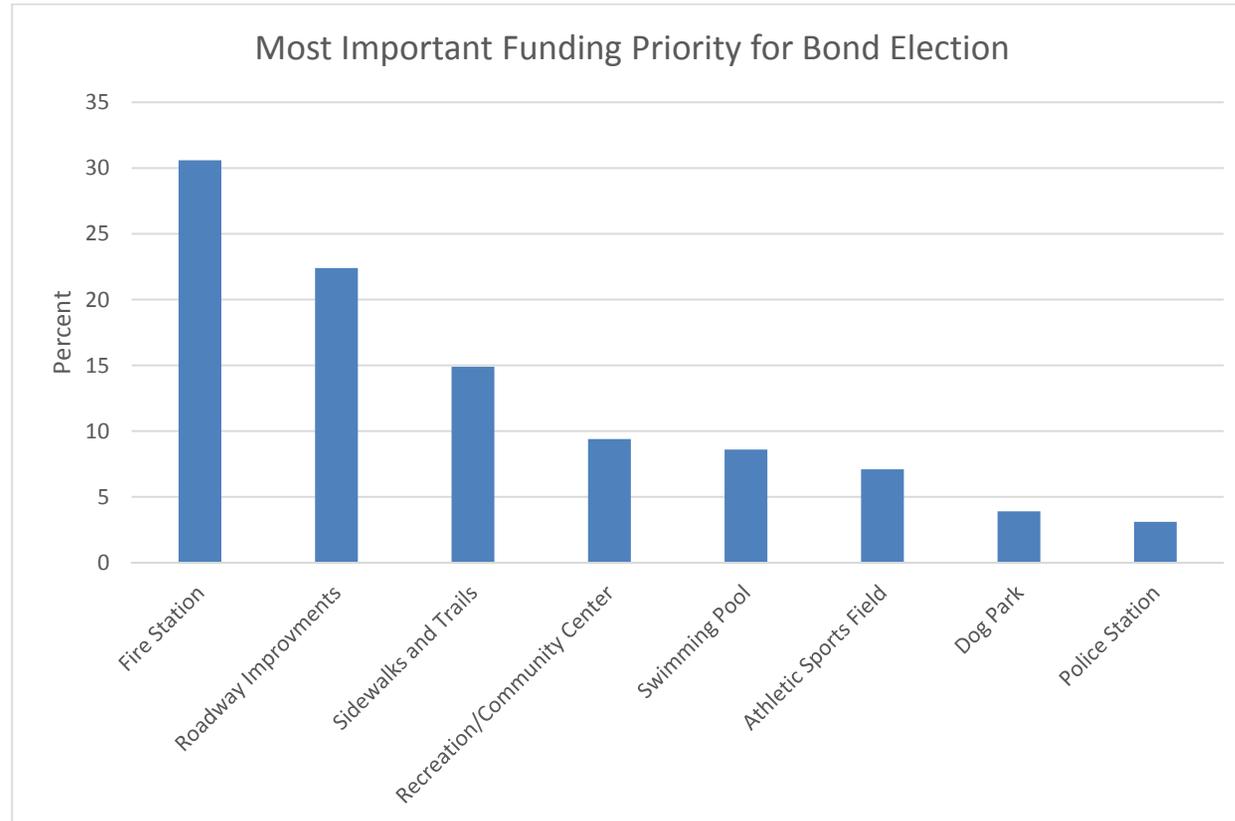
Citizen Priority Areas



When respondents rank priority areas from 1 to 5, where 5 is extremely important, the average score is highest for roadway improvements, followed by the fire station, sidewalks and trails, and police station.

	Not important at all	2	3	4	Extremely important	Rank
Athletic sports complex	27.3	18.6	20.6	16.3	17	7
Public outdoor pool	23.7	18.7	23	14.1	20.5	6
Recreation/community center	13.5	18.8	23.8	22	22	5
Fire Station	8.1	5.6	16.2	26.4	43.7	2
Roadway improvements	4.2	5.7	19.4	28.6	42	1
Sidewalks and trails	5.3	9.2	23.8	27.3	34.4	3
Dog park	40.8	15.2	19.9	8.9	15.2	8
Police station	7.8	10.2	19.8	27.6	34.6	4

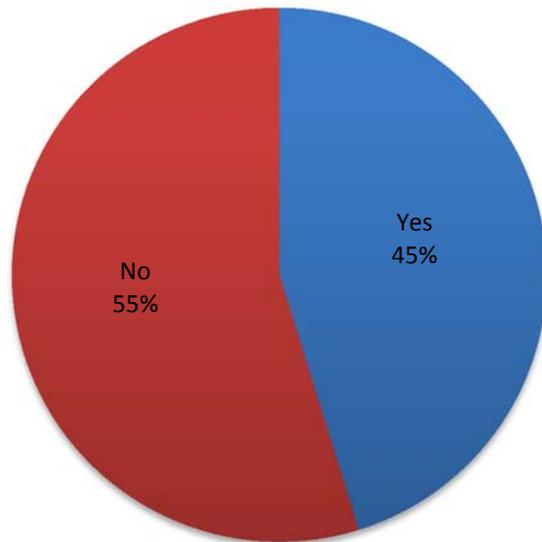
Most Important Priority for Bond Election



When respondents are asked if only one project could be funded by a bond election, 31% selected fire station, followed by roadway improvements and sidewalks and trails.

Support for and Increase in Property Taxes for Additional Fire Services

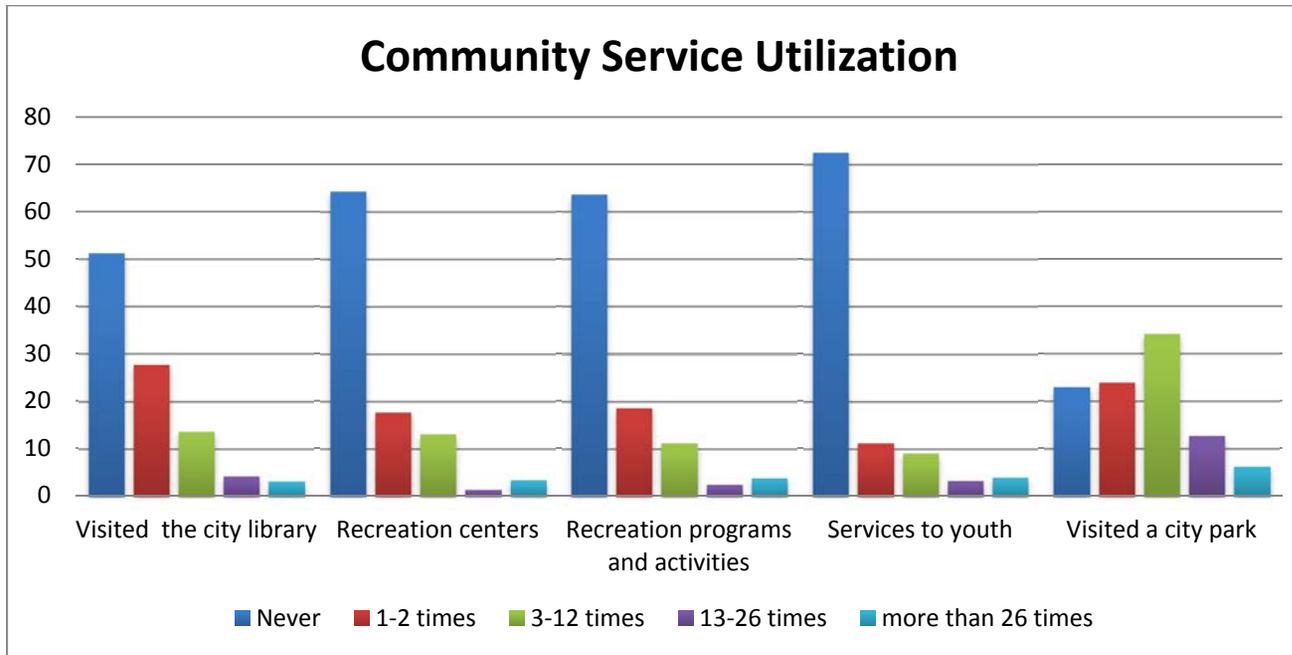
Support for Property Tax Increase for Additional Fire Services



As noted above, a plurality of respondents rate a new fire station as the most important funding priority if a bond election were to be held.

A narrow majority, however, do not support a property tax increase funding for fire services in Hutto.

Community Service Utilization



77% of respondents have used a city park at least once in the last 12 months.

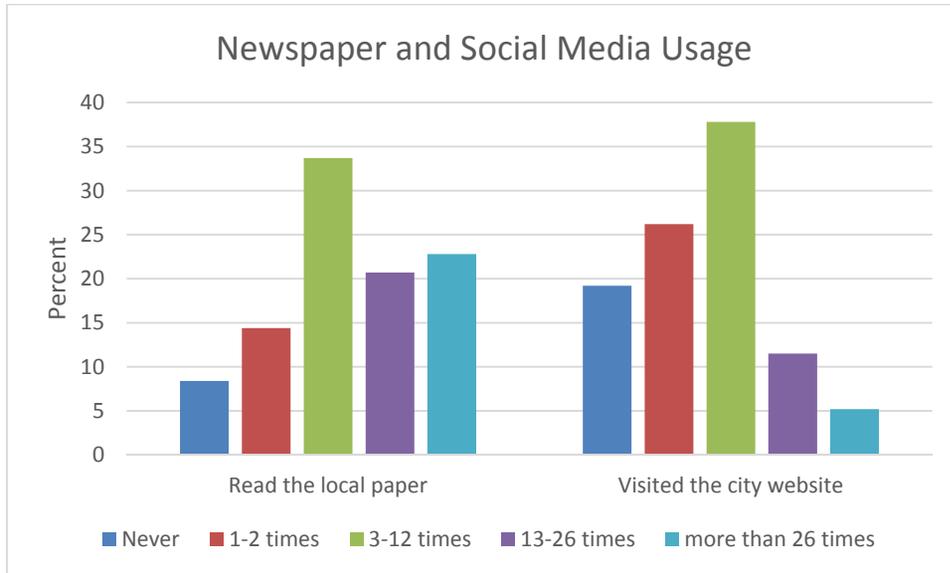
1 in 5 people visit city parks at a rate of more than once per month.

49% of respondents visited the city library at least once in the last 12 months.

82% of respondents report using a recreation center or participating in a recreation program or activity 2 times or less in the last 12 months.

	Never	1-2 times	3-12 times	13-26 times	More than 26 times
Visited the city library	51.2	27.7	13.7	4.2	3.2
Recreation centers	64.3	17.7	13.1	1.4	3.5
Recreation programs and activities	63.6	18.7	11.3	2.5	3.9
Services to youth	72.5	11.2	9.1	3.3	4
Visited a city park	22.9	23.9	34.2	12.7	6.3

Media and Social Media Usage



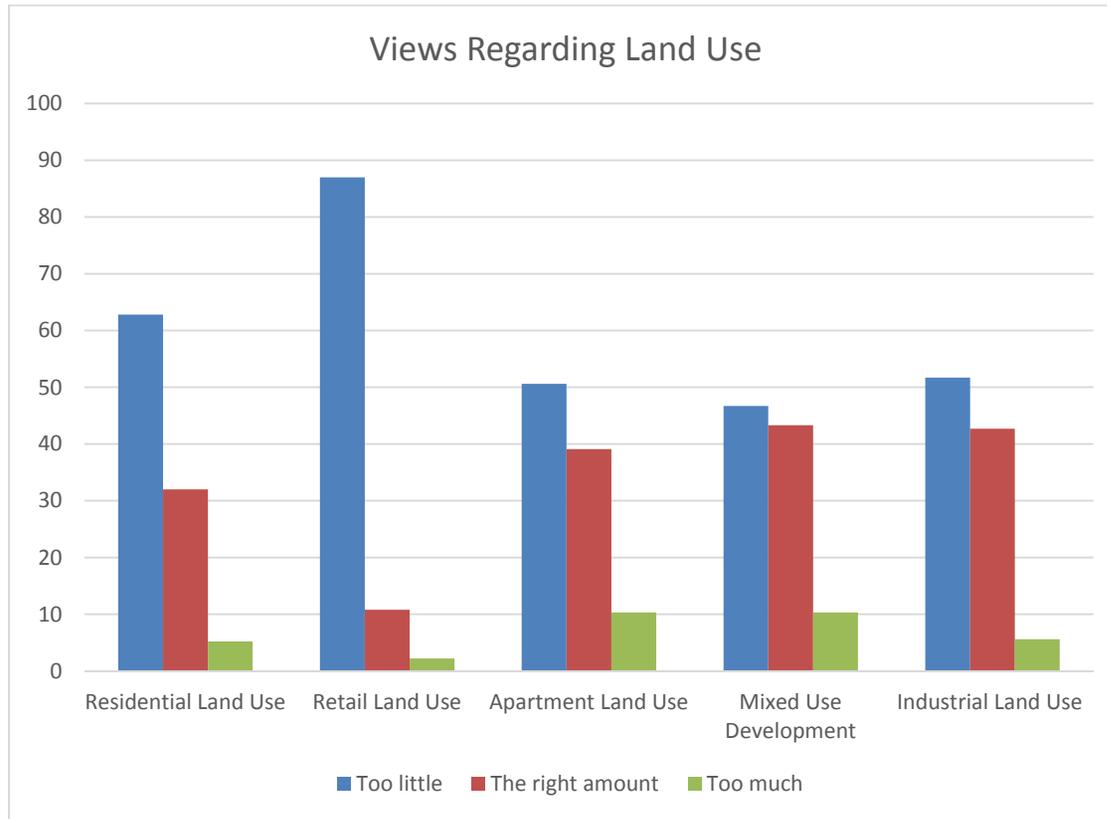
23% of respondents have read the newspaper more than 26 times in the last 12 months compared to 5 percent who have visited the city website more than 26 times in the last 12 months.

17% of residence have visited the city website at average of once per month or more in the last we months.

1 in 5 respondents report never visiting the city website in the last 12 months.

	Never	1-2 times	3-12 times	13-26 times	more than 26 times
Read the local paper	8.4	14.4	33.7	20.7	22.8
Visited the city website	19.2	26.2	37.8	11.5	5.2

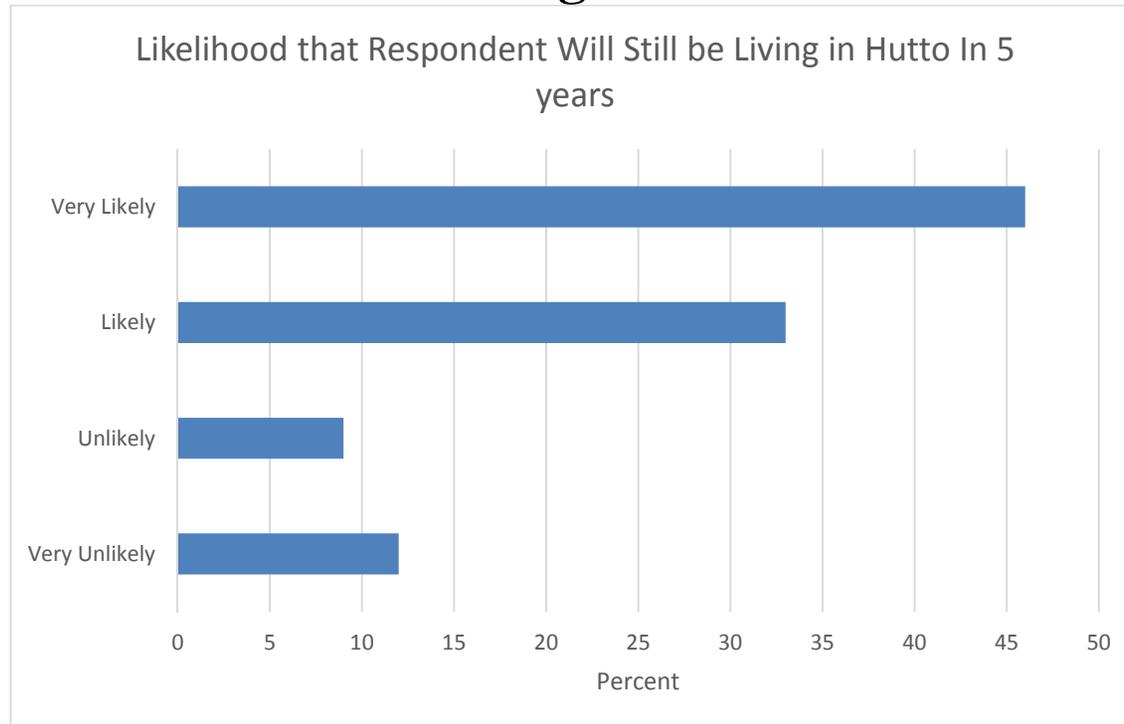
Views Regarding Land Use in Hutto



87% of report that they would like to see more retail land use in Hutto.

Only 5% of respondents report too much land use for residential purposes and 2% of respondents report too much land use for retail use.

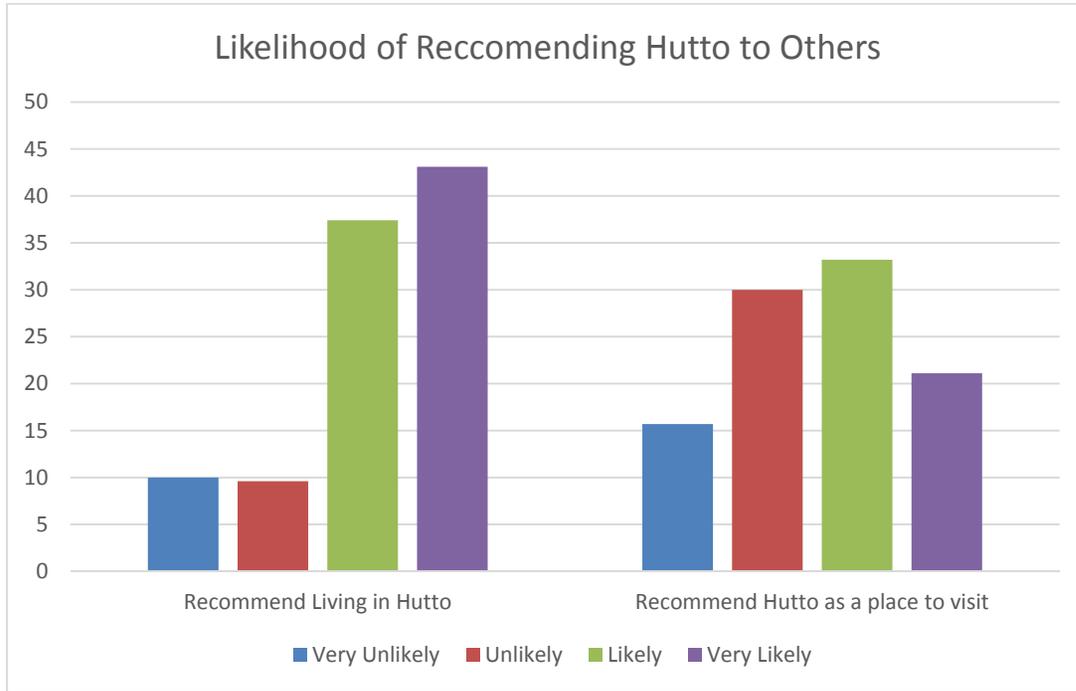
Likelihood of Living in Hutto in 5 Years



79% of respondents report that they are likely or very likely to be living in Hutto in 5 years.

12% report that they are very unlikely to believing in Hutto in 5 years, but many of these respondents are nearing retirement age and may plan to retire elsewhere.

Recommendation of Hutto to Others



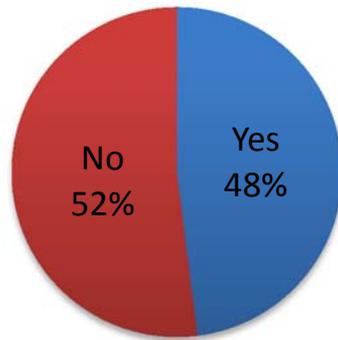
80% of respondents are likely or very likely to recommend living in Hutto to others.

54% of respondents are likely or very likely to recommend Hutto as a place to visit.

	Very Unlikely	Unlikely	Likely	Very Likely
Recommend Living in Hutto	10	9.6	37.4	43.1
Recommend Hutto as a place to visit	15.7	30	33.2	21.1

Utilization of a Park-and-Ride Bus to Downtown Austin

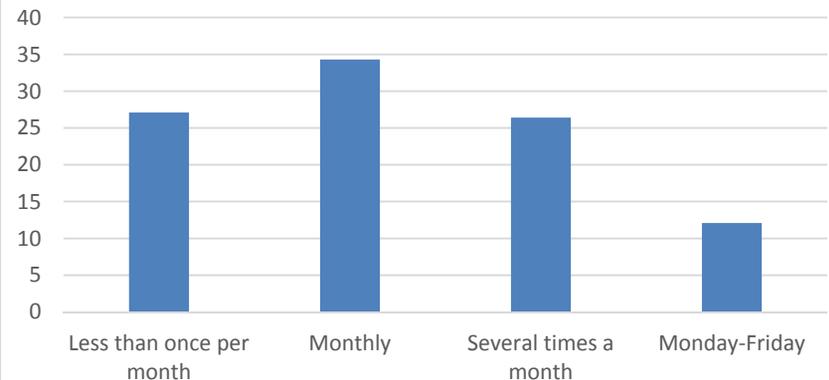
Possible Utilization of a Park-and-Ride Route to Downtown Austin



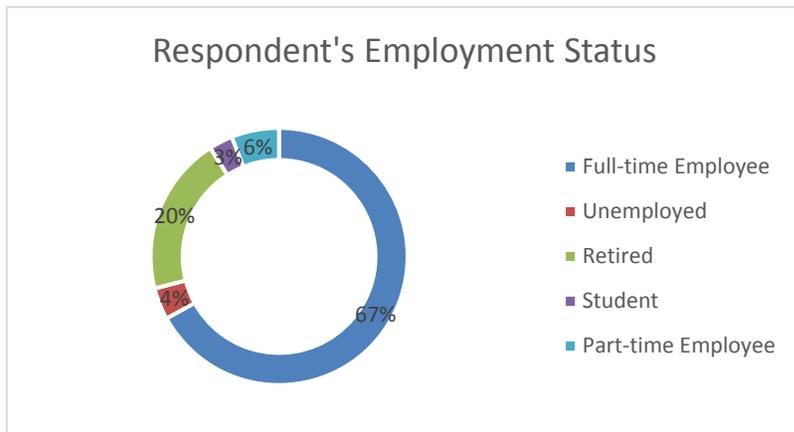
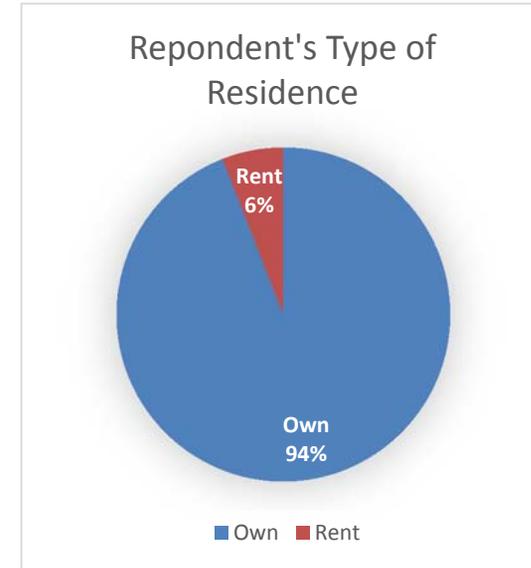
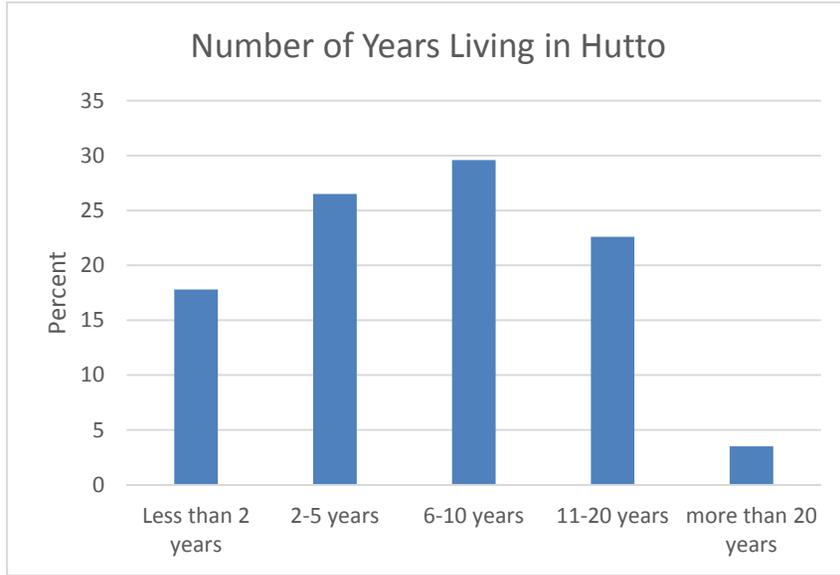
48% of residence reported that they would utilize a park-and-ride bus transit route to downtown Austin.

Nearly 75% of those that said they would utilize a park-and-ride to Austin said they would use the service at least once per month.

Estimated Frequency of Park-and-Ride Use



Household Tenure and Employment

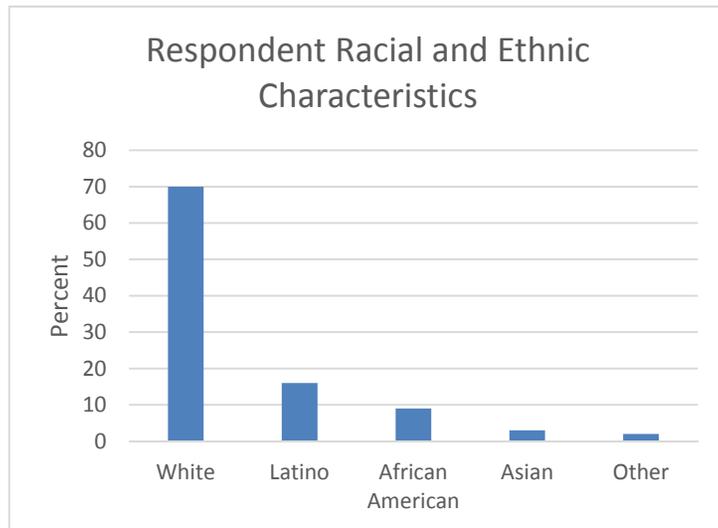
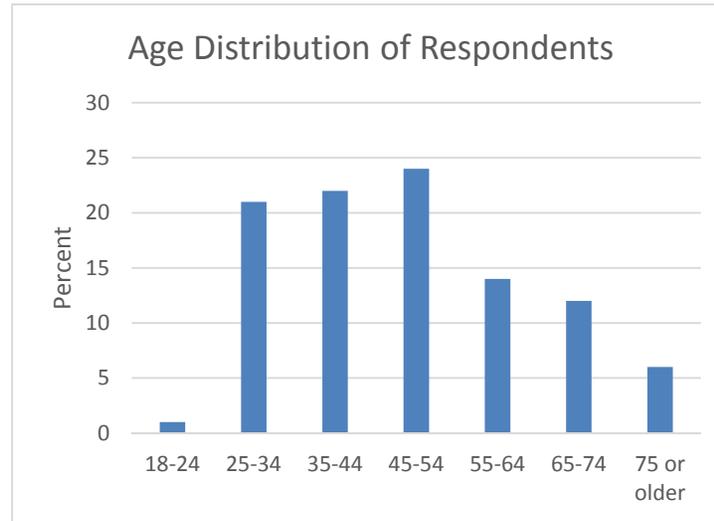


44% of respondents report that they have lived in the city less than 5 years.

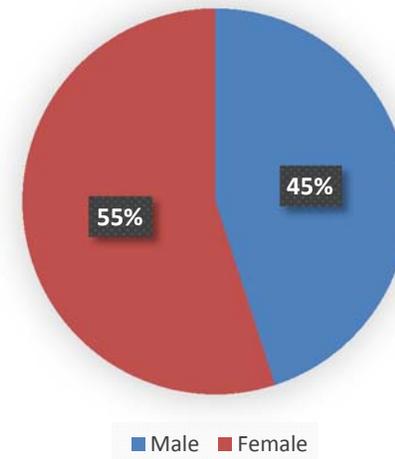
94% of respondents report owning their home.

67% of respondents work full time and 20% of respondents are retired.

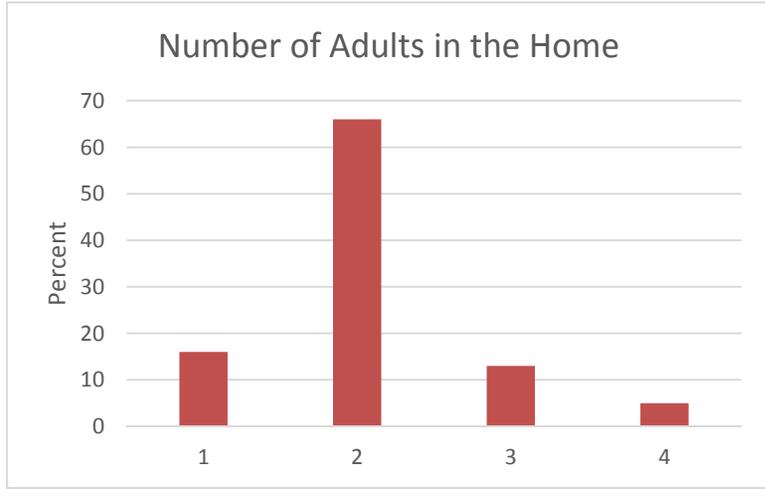
Demographics



Gender of Respondents



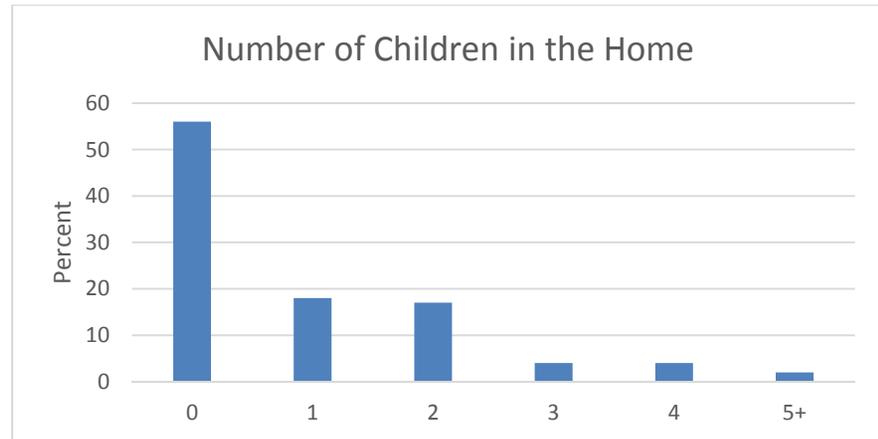
Household Composition



16% of respondents live in a home with no other adults.

66% of respondents live in a home with two adults over the age of 18.

56% of respondents report that there are no children under the age of 18 in the home.



**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 7A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Helen Ramirez, AICP, Director,
Development Services

ITEM: Open and conduct the second public hearing regarding the proposed annexation of the Malone Tract, located on 63.46 acres more or less, of land located on CR 136, southwest of the intersection of FM 1660 South and CR 163.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:

A Municipal Service Plan (MSP) has been drafted per the Council's directive from their regularly scheduled meeting on July 21, 2016.

Notice was published in the Taylor Daily Press and has also been posted on the City of Hutto website.

The next step in the annexation process is to conduct two readings of the annexation ordinances. An annexation ordinance requires a second reading prior to final approval.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

The City Attorney has approved the process as to form.

STAFF RECOMMENDATION:

Staff recommends that the Council open the public hearing, and then close it following any public comment.

SUPPORTING MATERIAL:

1. [Notice - Malone Tract Annexation Public Hearing Notice](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL WILL HOLD A PUBLIC HEARING REGARDING:

The proposal to institute annexation proceedings to enlarge and extend the city limits boundary of said City to include the following described properties consisting of approximately 63.46 acres heretofore referred to as the Malone Tract, to-wit:

Malone Tract (63.46 acres) described as being situated in the William Gatlin Survey, Abstract No. 271, being a portion of a remnant portion of the remainder of a called 46.92 acre tract described in Volume 601, Page 328, Official Public Records, Williamson County, Texas, also being a portion of a remainder of 133.7 acres described in Volume 466, Page 352, Official Public Records, Williamson County, Texas, also being all of a called 5.00 acres tract described in Volume 1617, Page 572, Official Public Records, Williamson County, Texas, and also being of a called said 63.46 acre tract.

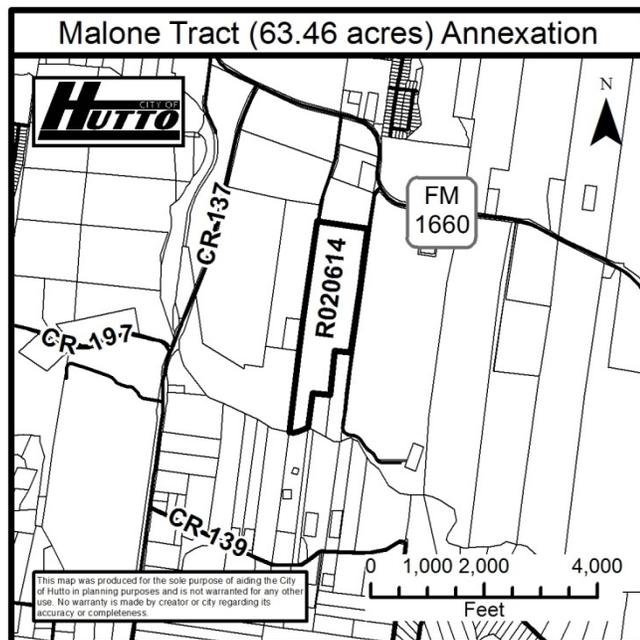
At said time and place all such persons interested shall have the right to appear and be heard. Of all said matters and things, all persons interested in the subject matter herein mentioned shall take notice.

A public hearing will be held on August 18, 2016 at 7:00 p.m.

Hutto City Hall
401 W. Front St., Hutto, Texas

For additional information the public may contact Development Services at 512-759-3479 or planning@huttotx.gov

Publication Date: August 2, 2016



**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 7B. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Melanie Hudson, Finance Director

ITEM: Open and conduct the first public hearing to hear testimony regarding the proposed ad valorem tax rate.

STRATEGIC GUIDE POLICY: Fiscal and Budgetary

ITEM BACKGROUND:

Two public hearings are required under Truth in Taxation, as the City of Hutto is proposing a tax rate over the effective tax rate for Fiscal Year 2016.

Tax rates, per \$100 of taxable value, are as follows:

2015-16 (current year) tax rate: \$0.528500

Formula: Assessed Valuation/100 x tax rate = taxes paid

2016-17 (upcoming year) effective rate: \$0.480395

Effective rate formula: Last year's total tax revenue ÷ this year's tax base (after subtracting value of new property)

2016-17 (upcoming year) rollback rate: \$0.520443

Rollback rate formula: Last year's **operating** tax revenue ÷ this year's tax base (after subtracting value of new property) x 1.08% + this year's debt rate

This is the highest rate the Council may consider without a potential voter petitioned roll-back election.

2015-16 (upcoming year) proposed rate: \$0.558500

This year's proposed rate is the current years M&O of \$0.467393 plus the I&S rate of \$0.091107.

The maximum tax rate that the City Council may consider is the proposed tax rate of \$0.558500 based on the action taken by Council on August 4th.

BUDGETARY AND FINANCIAL SUMMARY:

The budget for the General Fund and Debt Service (I&S - Interest and Sinking) Fund are funded in part based on the property tax rate.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends Council open and conduct the public hearing for the proposed ad valorem tax rate.

SUPPORTING MATERIAL:

1. [Effective Tax Rate Calculation \(County\)](#)
2. [Public Hearing Notice](#)

2016 Effective Tax Rate Worksheet

City of Hutto

See pages 13 to 16 for an explanation of the effective tax rate.

1.	2015 total taxable value. Enter the amount of 2015 taxable value on the 2015 tax roll today. Include any adjustments since last year's certification; exclude Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in line 2) and the captured value for tax increment financing (will deduct taxes in line 14). ¹	\$1,265,563,641
2.	2015 tax ceilings. Counties, Cities and Junior College Districts. Enter 2015 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other units enter "0" If your taxing units adopted the tax ceiling provision in 2015 or prior year for homeowners age 65 or older or disabled, use this step. ²	\$0
3.	Preliminary 2015 adjusted taxable value. Subtract line 2 from line 1.	\$1,265,563,641
4.	2015 total adopted tax rate.	\$0.528500/\$100
5.	2015 taxable value lost because court appeals of ARB decisions reduced 2015 appraised value. A. Original 2015 ARB values: \$1,699,366 B. 2015 values resulting from final court decisions: - \$1,625,782 C. 2015 value loss. Subtract B from A. ³	\$73,584
6.	2015 taxable value, adjusted for court-ordered reductions. Add line 3 and line 5C.	\$1,265,637,225
7.	2015 taxable value of property in territory the unit deannexed after January 1, 2015. Enter the 2015 value of property in deannexed territory. ⁴	\$0
8.	2015 taxable value lost because property first qualified for an exemption in 2015. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, "goods-in-transit" exemptions. A. Absolute exemptions. Use 2015 market value: \$300 B. Partial exemptions. 2016 exemption amount or 2016 percentage exemption times 2015 value: + \$1,224,514 C. Value loss. Add A and B. ⁵	\$1,224,814

1 Tex. Tax Code § 26.012(14)

2 Tex. Tax Code § 26.012(14)

3 Tex. Tax Code § 26.012(13)

4 Tex. Tax Code § 26.012(15)

5 Tex. Tax Code § 26.012(15)

2016 Effective Tax Rate Worksheet (continued)

City of Hutto

9.	2015 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2016. Use only those properties that first qualified in 2016; do not use properties that qualified in 2015. A. 2015 market value: \$2,388,710 B. 2016 productivity or special appraised value: - \$59,417 C. Value loss. Subtract B from A. ⁶	\$2,329,293
10.	Total adjustments for lost value. Add lines 7, 8C and 9C.	\$3,554,107
11.	2015 adjusted taxable value. Subtract line 10 from line 6.	\$1,262,083,118
12.	Adjusted 2015 taxes. Multiply line 4 by line 11 and divide by \$100.	\$6,670,109
13.	Taxes refunded for years preceding tax year 2015. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2015. Types of refunds include court decisions, Tax Code § 25.25(b) and (c) corrections and Tax Code § 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. ⁷	\$1,630
14.	Taxes in tax increment financing (TIF) for tax year 2015. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2016 captured appraised value in Line 16D, enter "0". ⁸	\$0
15.	Adjusted 2015 taxes with refunds and TIF adjustment. Add lines 12 and 13, subtract line 14. ⁹	\$6,671,739
16.	Total 2016 taxable value on the 2016 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in line 18). These homesteads includes homeowners age 65 or older or disabled. ¹⁰ A. Certified values only: \$1,408,266,374 B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$0	

6 Tex. Tax Code § 26.012(15)

7 Tex. Tax Code § 26.012(13)

8 Tex. Tax Code § 26.03(c)

9 Tex. Tax Code § 26.012(13)

10 Tex. Tax Code § 26.012(15)

2016 Effective Tax Rate Worksheet (continued)

City of Hutto

16. (cont.)	<p>C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property: - \$0</p> <p>D. Tax increment financing: Deduct the 2016 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2016 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in line 21 below.¹¹ - \$0</p> <p>E. Total 2016 value. Add A and B, then subtract C and D. \$1,408,266,374</p>	
17.	<p>Total value of properties under protest or not included on certified appraisal roll.¹²</p> <p>A. 2016 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value.¹³ \$33,648,135</p> <p>B. 2016 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included at appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value.¹⁴ + \$0</p>	

11 Tex. Tax Code § 26.03(c)

12 Tex. Tax Code § 26.01(c)

13 Tex. Tax Code § 26.04 and 26.041

14 Tex. Tax Code § 26.04 and 26.041

2016 Effective Tax Rate Worksheet (continued)

City of Hutto

17. (cont.)	C. Total value under protest or not certified. Add A and B.	\$33,648,135
18.	2016 tax ceilings. Counties, cities and junior colleges enter 2016 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter "0". If your taxing units adopted the tax ceiling provision in 2015 or prior year for homeowners age 65 or older or disabled, use this step. ¹⁵	\$0
19.	2016 total taxable value. Add lines 16E and 17C. Subtract line 18.	\$1,441,914,509
20.	Total 2016 taxable value of properties in territory annexed after January 1, 2008. Include both real and personal property. Enter the 2016 value of property in territory annexed. ¹⁶	\$0
21.	Total 2016 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2015. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after January 1, 2015 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2016. ¹⁷	\$53,112,769
22.	Total adjustments to the 2016 taxable value. Add lines 20 and 21.	\$53,112,769
23.	2016 adjusted taxable value. Subtract line 22 from line 19.	\$1,388,801,740
24.	2016 effective tax rate. Divide line 15 by line 23 and multiply by \$100. ¹⁸	\$0.480395/\$100
25.	COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2016 county effective tax rate. ¹⁹	\$/\$100

15 Tex. Tax Code § 26.012(6)

16 Tex. Tax Code § 26.012(17)

17 Tex. Tax Code § 26.012(17)

18 Tex. Tax Code § 26.04(c)

19 Tex. Tax Code § 26.04(d)

A county, city or hospital district that adopted the additional sales tax in November 2015 or in May 2016 must adjust its effective tax rate. *The Additional Sales Tax Rate Worksheet* on page 39 sets out this adjustment. Do not forget to complete the *Additional Sales Tax Rate Worksheet* if the taxing unit adopted the additional sales tax on these dates.

2016 Rollback Tax Rate Worksheet

City of Hutto

See pages 17 to 21 for an explanation of the rollback tax rate.

26.	2015 maintenance and operations (M&O) tax rate.	\$0.436464/\$100
27.	2015 adjusted taxable value. Enter the amount from line 11.	\$1,262,083,118
28.	<p>2015 M&O taxes.</p> <p>A. Multiply line 26 by line 27 and divide by \$100. \$5,508,538</p> <p>B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2015. Enter amount from full year's sales tax revenue spent for M&O in 2015 fiscal year, if any. Other units, enter "0." Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent. + \$768,894</p> <p>C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other units, enter "0." + \$0</p> <p>D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another unit by written contract, enter the amount spent by the unit discontinuing the function in the 12 months preceding the month of this calculation. If the unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the unit operated the function. The unit discontinuing the function will subtract this amount in H below. The unit receiving the function will add this amount in H below. Other units, enter "0." +/- \$0</p>	

2016 Rollback Tax Rate Worksheet (continued)

City of Hutto

28. (cont.)	<p>E. Taxes refunded for years preceding tax year 2015: Enter the amount of M&O taxes refunded during the last budget year for tax years preceding tax year 2015. Types of refunds include court decisions, Section 25.25(b) and (c) corrections and Section 31.11 payment errors. Do not include refunds for tax year 2015. This line applies only to tax years preceding tax year 2015. + \$1,341</p> <p>F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance. + \$0</p> <p>G. Taxes in tax increment financing (TIF): Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2016 captured appraised value in Line 16D, enter "0." - \$0</p> <p>H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G. \$6,278,773</p>	
29.	2016 adjusted taxable value. Enter line 23 from the Effective Tax Rate Worksheet.	\$1,388,801,740
30.	2016 effective maintenance and operations rate. Divide line 28H by line 29 and multiply by \$100.	\$0.452100/\$100
31.	2016 rollback maintenance and operation rate. Multiply line 30 by 1.08. (See lines 49 to 52 for additional rate for pollution control expenses.	\$0.488268/\$100

2016 Rollback Tax Rate Worksheet (continued)

City of Hutto

32.	Total 2016 debt to be paid with property taxes and additional sales tax revenue. "Debt" means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the unit's budget as M&O expenses. A: Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service.	
	\$1,313,698	
	B: Subtract unencumbered fund amount used to reduce total debt.	-\$0
	C: Subtract amount paid from other resources.	-\$0
	D: Adjusted debt. Subtract B and C from A.	\$1,313,698
33.	Certified 2015 excess debt collections. Enter the amount certified by the collector.	\$0
34.	Adjusted 2016 debt. Subtract line 33 from line 32.	\$1,313,698
35.	Certified 2016 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.000000%
36.	2016 debt adjusted for collections. Divide line 34 by line 35.	\$1,313,698
37.	2016 total taxable value. Enter the amount on line 19.	\$1,441,914,509
38.	2016 debt tax rate. Divide line 36 by line 37 and multiply by \$100.	\$0.091107/\$100
39.	2016 rollback tax rate. Add lines 31 and 38.	\$0.579375/\$100
40.	COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2016 county rollback tax rate.	\$/\$100

A taxing unit that adopted the additional sales tax must complete the lines for the *Additional Sales Tax Rate*. A taxing unit seeking additional rollback protection for pollution control expenses completes the *Additional Rollback Protection for Pollution Control*.

Additional Sales Tax Rate Worksheet City of Hutto

41.	Units that adopted the sales tax in August or November 2015, or in January or May 2016. Enter the Comptroller's estimate of taxable sales for the previous four quarters. Units that adopted the sales tax before August 2015, skip this line.	\$0
42.	<p>Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue.</p> <p>UNITS THAT ADOPTED THE SALES TAX IN AUGUST OR NOVEMBER 2015, OR IN JANUARY OR MAY 2016. Multiply the amount on line 41 by the sales tax rate (.01, .005, or .0025, as applicable) and multiply the result by .95.</p> <p style="text-align: center;">-OR-</p> <p>UNITS THAT ADOPTED THE SALES TAX BEFORE AUGUST 2015. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.</p>	\$849,758
43.	2016 total taxable value. Enter the amount from line 37 of the <i>Rollback Tax Rate Worksheet</i> .	\$1,441,914,509
44.	Sales tax adjustment rate. Divide line 42 by line 43 and multiply by \$100.	\$0.058932/\$100
45.	2016 effective tax rate, unadjusted for sales tax. Enter the rate from line 24 or 25, as applicable, on the <i>Effective Tax Rate Worksheet</i> .	\$0.480395/\$100
46.	<p>2016 effective tax rate, adjusted for sales tax.</p> <p>UNITS THAT ADOPTED THE SALES TAX IN AUGUST OR NOVEMBER 2015, OR IN JANUARY OR MAY 2016. Subtract line 45 from line 46.</p> <p style="text-align: center;">-OR-</p> <p>UNITS THAT ADOPTED THE SALES TAX BEFORE AUGUST 2015. Enter line 46, do not subtract.</p>	\$0.480395/\$100
47.	2016 rollback tax rate, unadjusted for sales tax. Enter the rate from line 39 or 40, as applicable, of the rollback tax rate worksheet.	\$0.579375/\$100
48.	2016 rollback tax rate, adjusted for sales tax. Subtract line 44 from line 47.	\$0.520443/\$100

If the additional sales tax rate increased or decreased from last year, contact the Comptroller's office for special instructions on calculating the sales tax projection for the first year after the rate change.

**2016 Notice of Effective Tax Rate
Worksheet for Calculation of Tax Increase/Decrease**

Entity Name: City of Hutto

Date: 07/26/2016

1. 2015 taxable value, adjusted for court-ordered reductions. Enter line 6 of the Effective Tax Rate Worksheet.	\$1,265,637,225
2. 2015 total tax rate. Enter line 4 of the Effective Tax Rate Worksheet.	0.528500
3. Taxes refunded for years preceding tax year 2015. Enter line 13 of the Effective Tax Rate Worksheet.	\$1,630
4. Last year's levy. Multiply Line 1 times Line 2 and divide by 100. To the result, add Line 3.	\$6,690,523
5. 2016 total taxable value. Enter Line 19 of the Effective Tax Rate Worksheet.	\$1,441,914,509
6. 2016 effective tax rate. Enter line 24 of the Effective Tax Rate Worksheet or Line 47 of the Additional Sales Tax Rate Worksheet.	0.480395
7. 2016 taxes if a tax rate equal to the effective tax rate is adopted. Multiply Line 5 times Line 6 and divide by 100.	\$6,926,885
8. Last year's total levy. Sum of line 4 for all funds.	\$6,690,523
9. 2016 total taxes if a tax rate equal to the effective tax rate is adopted. Sum of line 7 for all funds.	\$6,926,885
10. Tax Increase (Decrease). Subtract Line 8 from Line 9.	\$236,362

NOTICE OF 2016 TAX YEAR PROPOSED PROPERTY TAX RATE FOR

City of Hutto

A tax rate of \$0.558500 per \$100 valuation has been proposed by the governing body of City of Hutto. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Hutto proposes to use revenue attributable to the tax rate increase for the purpose of providing revenue to continue current services and voter approved debt.

PROPOSED TAX RATE	\$0.558500 per \$100
PRECEDING YEAR'S TAX RATE	\$0.528500 per \$100
EFFECTIVE TAX RATE	\$0.480395 per \$100
ROLLBACK TAX RATE	\$0.520443 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Hutto from the same properties in both the 2015 tax year and the 2016 tax year.

The rollback tax rate is the highest tax rate that City of Hutto may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Deborah M Hunt, CTA
Williamson County Tax Assessor/Collector Tax Assessor-Collector
904 S Main St Georgetown, TX 78626
512-943-1603
proptax@wilco.org
<http://wilco.org/CountyDepartments/TaxAssessorCollector/>

You are urged to attend and express your views at the following public hearings on proposed tax rate:

First Hearing: 08/18/2016 7:00 PM at Hutto City Hall - Council Chambers, 401 W Front St., Hutto, TX 78634

Second Hearing: 08/25/2016 7:00 PM at Hutto City Hall - Council Chambers, 401 W Front St., Hutto, TX 78634



CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 8A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Helen Ramirez, AICP, Director,
Development Services

ITEM: Consideration and possible action on a resolution approving the proposed Hutto Crossing Phase 4 Section 2 Final Plat, 15.788 acres, more or less, of land, 1 multifamily lot, located on Carl Stern Drive.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:

The Hutto Crossings Phase 4, Section 2 Final Plat is a proposed one lot subdivision comprised of 15.788 acres located in the Hutto Crossings development. The proposed plat is part of the larger Hutto Crossings Phase 4 Preliminary Plat, which was reviewed by the Planning & Zoning Commission on February 2, 2016, and approved by City Council on February 18, 2016.

The proposed lot is an L-shaped lot with frontage on the south side of Carl Stern Drive and the west side of FM 685. The proposed lot will serve as the location of a proposed 310 unit apartment complex, which will offer market rate apartments ranging from studios to 3-bedroom units.

The proposed lot is relatively consistent with the approved Preliminary Plat. However, the size and shape of the proposed multi-family lot has been modified, which means that the total number of commercial/multi-family lots in Hutto Crossings, Phase 4 may increase slightly. The approved Phase 4 Preliminary Plat showed two commercial/multi-family lots on the southwest corner of Carl Stern Drive and FM 685. The proposed L-shaped multi-family lot means that there will ultimately be the one multi-family lot, plus at least two commercial lots on that corner. In addition, the area to the west of the proposed multi-family lot will be reserved for possible single-family, commercial, or civic use.

The proposed site plan for the apartment complex will be reviewed by Development Services staff for conformance with all provisions outlined in the PUD document, including landscaping, architectural standards, and parking requirements.

A Traffic Impact Analysis has been prepared for the overall Hutto Crossings development. The TIA is based upon the following land uses:

- 713 dwelling units of Single-Family Detached Housing
- 310 dwelling units of Apartments
- 245,000 square feet of Shopping Center

- 180,000 square feet of Supermarket

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The Planning and Zoning Commission recommended approval to City Council on July 5, 2016. The motion passed unanimously.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Other staff comments regarding the proposed plat were minor, and have been addressed. Therefore, staff recommends that the Commission recommend approval of the proposed Final Plat to City Council.

SUPPORTING MATERIAL:

1. [Resolution - Hutto Crossing Phase 4 Section 2 Final Plat](#)
2. [Exhibit A - Hutto Crossing Phase 4 Section 2 Final Plat](#)

RESOLUTION NO.

A RESOLUTION APPROVING THE FINAL PLAT KNOWN AS "HUTTO CROSSING PHASE 4 SECTION 2"; IN THE CITY OF HUTTO, WILLIAMSON COUNTY, TEXAS.

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the Planning and Zoning Commission to take action to recommend to the City Council whether or not to approve or disapprove a subdivision plat within thirty (30) days of the date an application is accepted, and;

WHEREAS, the Texas Local Government Code Chapter 212 and the City of Hutto Subdivision Ordinance requires the City Council take action to approve or disapprove a subdivision plat within thirty (30) days of the date of presentation at Planning and Zoning Commission, and;

WHEREAS, the Development Services Department and the City Engineer have reviewed the above referenced plat for compliance with statute and engineering standards, and;

WHEREAS, if City Council fails to take action on this plat within the prescribed thirty (30) day period, the plat is granted statutory approval, Now therefore,

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

that the Hutto City Council hereby approves the resolution for the final plat known as "Hutto Crossing Phase 4 Section 2", a copy of same being attached hereto as "Exhibit A" and incorporated herein for all purposes.

CONSIDERED and RESOLVED on this the 18th day of the month **August, 2016**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

HUTTO CROSSING PHASE 4, SECTION 2 FINAL PLAT

OWNER'S CERTIFICATION

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

THAT HUTTO OPTION MEZZ HOLDINGS LLC, OWNER OF THAT CERTAIN 15.788 ACRE TRACT OF LAND SHOWN HEREON AND DESCRIBED AS A PORTION OF 51.979 ACRE TRACT, DESCRIBED AS TRACT 5 AND A PORTION OF 64.428 ACRE TRACT, DESCRIBED AS TRACT 7, CONVEYED TO HUTTO OPTION MEZZ HOLDINGS, LLC BY DEED RECORDED IN DOCUMENT NO. 2009018029 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 15.788 ACRE TRACT, IN ACCORDANCE WITH CHAPTER 212 OF THE TEXAS LOCAL GOVERNANCE CODE. THIS SUBDIVISION IS TO BE KNOWN AS HUTTO CROSSING PHASE 4, SECTION 2. AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON UNLESS OTHERWISE INDICATED. SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

TO CERTIFY WHICH, WITNESS by my hand this ___ day of _____, 2016.

Aaron Giovara, Owner
Hutto Option Mezz Holdings LLC
10100 Santa Monica Blvd., Suite 1000
Los Angeles, CA 90067

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED AARON GIOVARA, OF HUTTO OPTION MEZZ HOLDINGS LLC. 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 CONSIDERATION THEREIN EXPRESSED, IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL of office this the ___ day of _____, 2016 A.D.

Notary Public in and for the State of _____

ENGINEER'S CERTIFICATION { KNOW ALL MEN BY THESE PRESENTS
STATE OF TEXAS {
COUNTY OF WILLIAMSON {

I, KENNETH W. MARTIN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SUBDIVISION ORDINANCES AND STORMWATER DRAINAGE POLICY ADOPTED BY THE CITY OF HUTTO, TEXAS.

Kenneth W. Martin 6/28/2016
KENNETH W. MARTIN
Registered Professional Engineer No. 65971
State of Texas
1101 Capital of Texas Highway South
Building D, Suite 210
Austin, Texas 78746



SURVEYOR'S CERTIFICATION
STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, BLAINE J. MILLER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF AN ON-THE-GROUND SURVEY MADE UNDER MY SUPERVISION DURING THE MONTHS OF NOVEMBER/DECEMBER 2013, THAT ALL CORNER MONUMENTS WERE RECOVERED OR SET IN THE POSITIONS INDICATED IN COMPLIANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF HUTTO, TEXAS.

Blaine J. Miller 05/20/2016
BLAINE J. MILLER
Registered Professional Surveyor No. 5121
State of Texas
Firm Registration No. 101267-0
925 Capital of Texas Highway South
Building B, Suite 115
Austin, Texas 78746



GENERAL NOTES;

1. NO BUILDING, FENCING LANDSCAPING OR STRUCTURES ARE ALLOWED WITHIN ANY DRAINAGE EASEMENT UNLESS EXPRESSLY PERMITTED BY THE CITY OF HUTTO.
2. BUILDING SETBACKS SHALL CONFORM TO PUD REQUIREMENTS.
3. THE PROPOSED IMPERVIOUS COVER WILL CONFORM TO THE REQUIREMENTS OF THE PUD.
4. A TEN (10') FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ALONG AND ADJACENT TO ALL STREET SIDE PROPERTY LINES.
5. A THREE (3') FOOT PUBLIC UTILITY EASEMENT (PUE) IS HEREBY DEDICATED ON EACH SIDE OF ALL LOT LINES.
6. SIDEWALKS, FIVE (5') WIDE, SHALL BE PROVIDED ON BOTH SIDES OF ALL STREETS WITHIN AND BOUNDING THIS SUBDIVISION. SIDEWALKS SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
7. WATER AND WASTEWATER WILL BE AVAILABLE THROUGH THE CITY OF HUTTO AFTER THE APPROPRIATE WATER AND WASTEWATER SYSTEMS ARE INSTALLED TO THIS SITE. THE CITY OF HUTTO ASSUMES NO OBLIGATIONS FOR INSTALLING ANY WATER AND WASTEWATER IMPROVEMENTS REQUIRED TO SERVE THIS SITE.
8. UTILITY PROVIDERS FOR THIS DEVELOPMENT ARE: WATER: CITY OF HUTTO; WASTEWATER: CITY OF HUTTO; ELECTRIC: ONCOR ENERGY.
9. NO PORTION OF THIS TRACT IS ENCLOSED BY SPECIAL FLOOD HAZARD AREAS INUNDATED BY THE 1% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP (FLOOD INSURANCE RATE MAP) COMMUNITY PANEL NUMBER 48494C0515E, EFFECTIVE DATE SEPTEMBER 26, 2008, FOR WILLIAMSON COUNTY, TEXAS.
10. DEVELOPMENT OF THIS SUBDIVISION CONFORMS WITH THE CONCLUSIONS OF "DETERMINATION OF THE HYDROLOGIC IMPACT OF PROPOSED HUTTO CROSSING DEVELOPMENT USING UPPER BRUSHY CREEK WCID WATERSHED MODEL", DATED NOVEMBER 10, 2013 AND ADDENDUM DATED JANUARY 16, 2014.
11. STREET TREES ARE REQUIRED IN ACCORDANCE WITH SEC. 4.9.5 OF THE PUD, AND SHALL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.

APPROVAL
CITY OF HUTTO

DATE: _____

DATE: _____

This plat was approved for recording by the city council on the ___ day of _____, 2016.

Mayor, City of Hutto, Doug Gaul

City Secretary, Seth Gipson

STATE OF TEXAS { KNOW ALL MEN BY THESE PRESENTS
COUNTY OF WILLIAMSON {

I, Nancy Rister, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record in my office on the ___ day of _____, A.D., at ___ o'clock, ___M. and duly recorded on the ___ day of _____, 2016, A.D., at ___ o'clock, ___M., in the Official Public Records of said County under Document No. _____.

TO CERTIFY WHICH, WITNESS my hand and seal at the County Court of said County, at my office in Georgetown, Texas, the date last shown above written.

Nancy Rister, Clerk County Clerk
of Williamson County, Texas

By: _____, Deputy

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

FIELDNOTE DESCRIPTION of a 15.788 acre tract out of the Nathaniel Edwards Survey No. 21, Abstract No. 225, Williamson County, Texas, being out of the remainder of that certain 51.979 acre tract, described as Tract 5, and the remainder of that certain 64.428 acre tract, described as Tract 7, conveyed to Hutto Option Mezz Holdings LLC, by deed recorded in Document No. 2009018029 of the Official Public Records of Williamson County Texas; the said 15.788 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod, with plastic cap marked "Loomis" found, for the northeast corner of Lot 1, Block A, Hutto Crossing Phase 1, Section 2, a subdivision recorded in Document No. 2014055969 of the said Official Public Records, being on the south right-of-way (ROW) line of Carl Stern Drive as dedicated by plat of Hutto Crossing, Phase One, Section One, a subdivision recorded in Document No. 2015108027 of said Official Public Records;

THENCE, leaving the easterly line of said Lot 1, with the southerly ROW line of Carl Stern Drive and across the remainder of said Tract 5, the following three (3) courses:

- 1) S62°35'02"E, 175.70 to a 1/2" iron rod, with plastic cap marked "Capital Surveying Company, Inc." found, for a point of curvature of a curve to the left;
- 2) With said curve to the left, having a central angle of 19°53'13", a radius of 543.50 feet, a chord distance of 187.70 feet (chord bears S72°31'39"E), for an arc distance of 188.64 feet to an 'X' cut in concrete for a point of tangency;
- 3) S82°28'15"E, 8.93 feet to an 'X' cut in concrete for the most northerly northeast corner of the herein described tract;

THENCE, leaving the southerly ROW line of Carl Stern Drive and continuing across the remainder of said Tract 5 and Tract 7, the following four (4) courses:

- 1) S07°33'42"W, 507.00 feet to a 1/2" iron rod set;
- 2) S82°16'03"E, 13.74 feet to a 1/2" iron rod set;
- 3) S07°43'57"W, at a distance of 178.45 feet pass a calculated point on the common south line of aforesaid Tract 5 and north line of Tract 7, for a total distance of 269.13 feet to a 1/2" iron rod set;
- 4) S82°18'19"E, 273.69 feet to a 1/2" iron rod set on the westerly ROW line of FM 685, being 1.399 acre tract, described as Exhibit "C", described by deed recorded in Document No. 2013045468 of the said Official Public Records, from which an iron rod with aluminum TxDOT cap found bears, N07°35'46"E, 18.28 feet and an iron rod with aluminum TxDOT cap found at the northwest corner of said Exhibit "C" and southwest corner of a 3.315 acre tract, described as Exhibit "B", described by deed recorded in Document No. 201304568 of the Official Public Records, bears N07°35'46"E, 72.90 feet;

THENCE, S07°35'46"W, with the westerly ROW line of FM 685 same being the said 1.399 acre tract, across the said Tract 7, for a distance of 432.68 feet to a 1/2" iron rod set, from which an iron rod with aluminum TxDOT cap found bears, S07°35'46"W, 621.29 feet;

THENCE, leaving the westerly line of FM 685 and across said Tract 7 and Tract 5, the following five (5) courses:

- 1) N81°11'31"W, 585.19 feet to a 1/2" iron rod set;
- 2) N44°43'14"W, 351.29 feet to a 1/2" iron rod set;
- 3) N07°50'43"E, 222.98 feet to a 1/2" iron rod set;
- 4) N48°14'48"E, at a distance of 97.09 feet pass a calculated point on the common south line of aforesaid Tract 5 and north line of Tract 7, for a total distance of 107.61 feet to a 1/2" iron rod set;
- 5) N07°50'56"E, 256.74 feet to a 1/2" iron rod set on the south line of aforesaid Lot 1, from which the southwest corner of the said Lot 1 bears, N82°09'04"W, 331.21 feet;

THENCE, continuing across said Tract 5, with the south and east line of said Lot 1, the following two (2) courses:

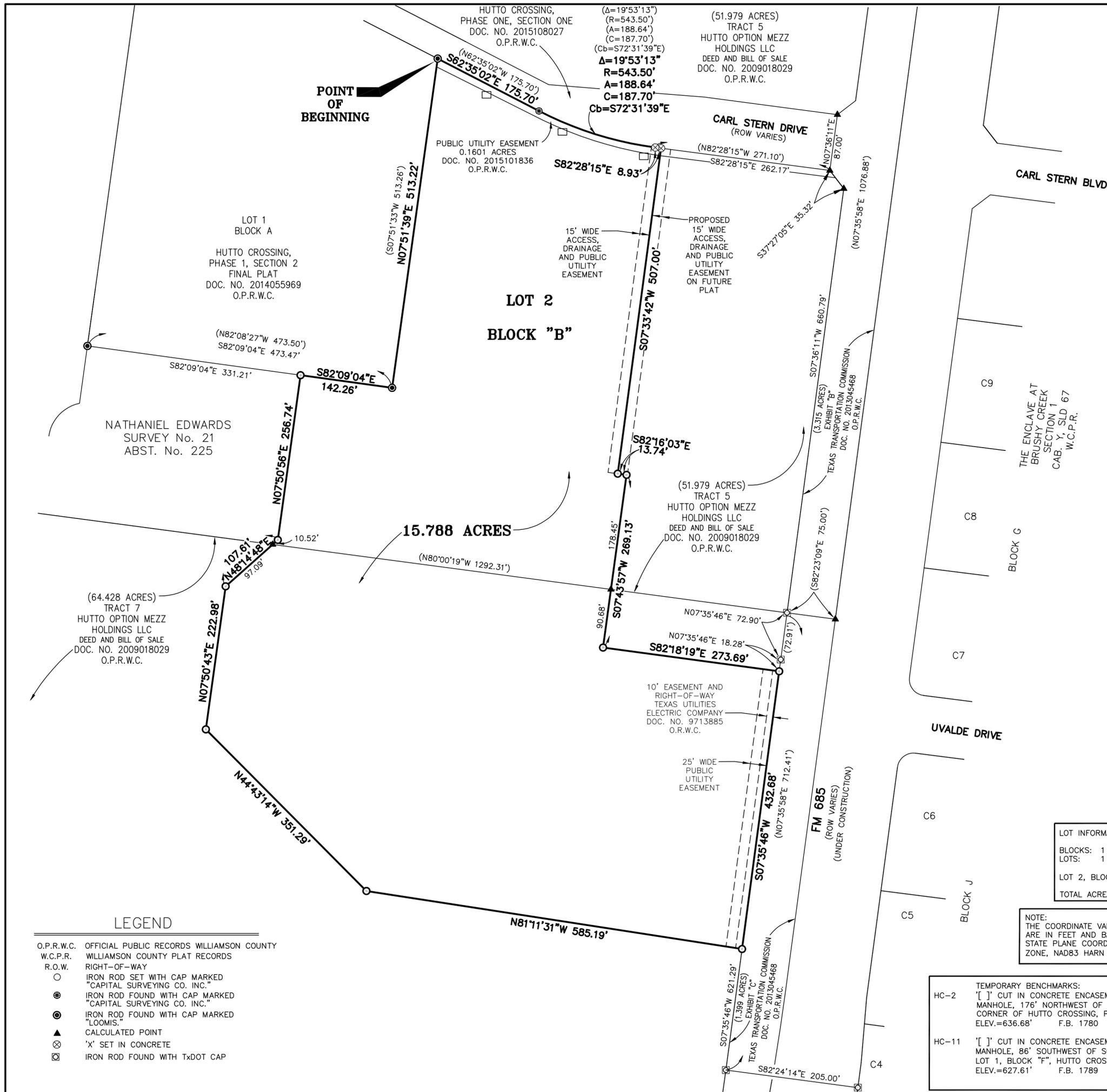
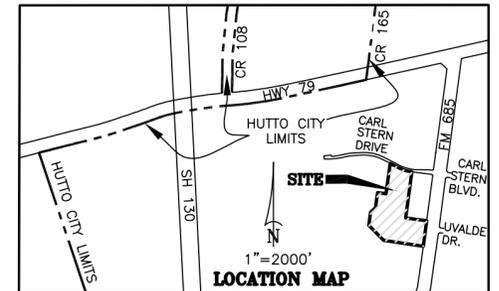
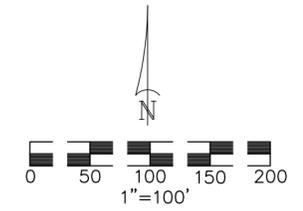
- 1) S82°09'04"E, 142.26 feet to a 1/2" iron rod, with plastic cap marked "Loomis", found for the southeast corner of the said Lot 1;
- 2) N07°51'39"E, for a distance of 513.22 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 15.788 acres of land area.

Note: "1/2" iron rod set" denotes a 1/2" iron rod set with a plastic cap marked "Capital Surveying Company, Inc."

HUTTO CROSSING PHASE 4, SECTION 2 FINAL PLAT

CSCI		CAPITAL SURVEYING COMPANY INCORPORATED	
925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006		FIRM REGISTRATION No. 101267-0	
DRAWN BY: BJM	SCALE: 1" = 100'	F.B.	SHEET NO.:
JOB NO.: 16509.20	DATE: APRIL 29, 2016	1 OF 2	
DRAWING NO.: 16509P1	CRD #: 16509		

HUTTO CROSSING PHASE 4, SECTION 2 FINAL PLAT



LOT INFORMATION	
BLOCKS:	1
LOTS:	1
LOT 2, BLOCK "B":	MULTI-FAMILY
TOTAL ACREAGE:	15.788 ACRES

NOTE:
THE COORDINATE VALUES SHOWN HEREON
ARE IN FEET AND BASED ON THE TEXAS
STATE PLANE COORDINATE SYSTEM, CENTRAL
ZONE, NAD83 HARN DATUM (GRID)

TEMPORARY BENCHMARKS:	
HC-2	['] CUT IN CONCRETE ENCASEMENT OF WASTEWATER MANHOLE, 176' NORTHWEST OF THE NORTHWEST CORNER OF HUTTO CROSSING, PHASE 2. ELEV.=636.68' F.B. 1780 P. 20
HC-11	['] CUT IN CONCRETE ENCASEMENT OF WASTEWATER MANHOLE, 86' SOUTHWEST OF SOUTHWEST CORNER OF LOT 1, BLOCK "F", HUTTO CROSSING, PHASE 2. ELEV.=627.61' F.B. 1789 P. 54

LEGEND	
O.P.R.W.C.	OFFICIAL PUBLIC RECORDS WILLIAMSON COUNTY
W.C.P.R.	WILLIAMSON COUNTY PLAT RECORDS
R.O.W.	RIGHT-OF-WAY
○	IRON ROD SET WITH CAP MARKED "CAPITAL SURVEYING CO. INC."
⊗	IRON ROD FOUND WITH CAP MARKED "CAPITAL SURVEYING CO. INC."
⊙	IRON ROD FOUND WITH CAP MARKED "LOOMIS."
▲	CALCULATED POINT
⊗	'X' SET IN CONCRETE
⊠	IRON ROD FOUND WITH TxDOT CAP

HUTTO CROSSING PHASE 4, SECTION 2 FINAL PLAT



925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78746 (512) 327-4006		FIRM REGISTRATION No. 101267-0	
DRAWN BY:	BJM	SCALE:	1" = 100'
JOB NO.:	16509.20	DATE:	APRIL 29, 2016
DRAWING NO.:	16509P1	CRD #:	16509
			F.B. SHEET NO.: 2 OF 2

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 8B. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Helen Ramirez, AICP, Director,
Development Services

ITEM: Consideration and possible action on the second and final reading of an ordinance adopting the Downtown Façade Improvement Grant Program.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:

At the meeting on May 24, 2016, the Historic Preservation Commission voted to recommend approval of three proposed financial incentives for the Historic District. On June 2, 2016, the proposed incentives were presented to City Council for final approval. At that meeting, the Council voted to approve the proposed amendment to the Tax Rebate Program and the proposed Historic Preservation Tax Freeze Program. However, Council noted some questions regarding the proposed Façade Improvement Grant Program and voted to table the proposal pending more information. It was requested that staff provide additional information about how the program will be structured and how decisions will be made regarding how funds will be distributed. It was also requested that the Historic Preservation Commission have the opportunity to review the updated proposal before it is presented to Council.

Since that time, staff has prepared additional guidelines for the Façade Improvement Grant Program, which we hope will address the Council's concerns. Changes to the proposed program were presented to the Historic Preservation Commission on June 28th and include amending the review committee to include a member of the Historic Preservation Commission.

The program will continue to be structured as a 50/50 matching grant for building improvements that are visible from a public street. This incentive would also continue to be available to all properties located within the Historic District, including both commercial and residential properties. Eligible facade improvement expenses would include major facade restoration, such as repointing brick or restoring original wood windows, as well as fresh paint and signage.

Lastly, staff is proposing to implement an application deadline, which will allow the review committee to more equitably evaluate the grant requests when making decisions regarding how the funds will be distributed. Decisions about how funds will be allocated will be based primarily on the greatest overall need and/or urgency of a proposed project. Other factors that will be considered in the decision making process include whether the property is contributing structure, whether it is

occupied by the owner, whether there are any outstanding code violations, and whether the applicant is currently receiving any other City initiated financial incentives.

The proposed facade improvement grant program is a three-year pilot program, which may either be renewed or discontinued at the end of three years. The allocated amount approved by the City Council is \$10,000 per year, for a total of three years.

BUDGETARY AND FINANCIAL SUMMARY:

The proposed City investment is in the amount of \$10,000 per year, with a second and third renewal in the amount of \$10,000 each. The program includes matching grants of up to \$5,000 for major facade repair projects, up to \$2,000 for fresh paint, and up to \$500 for new signage. If approved, the proposed facade improvement grant program would be a three-year pilot program, which may either be renewed or discontinued at the end of three years.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The proposed incentive program was reviewed by the Growth Guidance Committee on March 21, 2016, and the Committee was supportive of the proposal.

The proposed incentive program was reviewed by the Historic Preservation Commission May 24, 2016 and June 28, 2016. The Commission was supportive of the proposal and is recommending that the City Council consider gradually increasing the total amount of available funds allotted to the Façade Improvement Program to \$10,000 for the First Year, \$12,500 for the Second Year, and \$15,000 for the Third Year.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

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

SUPPORTING MATERIAL:

1. [Ordinance - Downtown Facade Improvement Grant Program](#)
2. [Facade Improvement Grant Application](#)

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS ADOPTING THE DOWNTOWN FAÇADE IMPROVEMENT GRANT PROGRAM, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City of Hutto desires to enhance economic development activity within the City's historic center by creating a Downtown Façade Improvement Grant Program for building improvements that are highly visible from a public street, and;

WHEREAS, the Program would be available to all properties located within the City's Historic District, including both commercial and residential, and;

WHEREAS, the City will dedicate funds to reimburse eligible property owners at fifty (50) percent of the cost for eligible improvements upon satisfactory completion of said improvements, and;

WHEREAS, the investment for the City is \$10,000 per year and the Program is a three (3) year pilot program, which may be renewed or discontinued at the end of three (3) years, and;

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

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

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

SECTION I.

That Chapter 1, Article 1.06, Division 2, Code of Ordinances (2014 edition) of the City of Hutto, Texas entitled Downtown Incentive Programs, is hereby amended to read as follows:

Section 1.06.033 – Downtown Façade Improvement Grant Program

Eligibility

The Downtown Façade Improvement Grant Program is available to all properties located within the City's Historic District, including commercial and residential, provided that the improvements are visible from a public right-of-way.

Qualifying Improvements

Qualifying expenses eligible for reimbursement shall include repairs and improvements to the exterior of the building which are visible from a public-right-of-way. Qualifying improvements may include, but are not limited to, repairs to exterior siding or roofing, repointing brick, restoring original wood windows, fresh paint, and historically appropriate signage.

Application Review

The Downtown Façade Improvement Grant Program application shall be reviewed by a four (4) member committee to include: one (1) member of the Historic Preservation Commission, the Historic Preservation Officer, the Downtown Manager, and the Director of Development Services. Application deadline for projects is September 1st of each year. Priority will be given to:

- Projects that demonstrate the greatest overall need/urgency.
- Contributing structures.
- Owner occupied buildings.
- Permanent structures.
- Buildings with high visibility or large frontages.
- Buildings with no outstanding code violations.

Reimbursement

The Façade Improvement Grant Program is a 50/50 matching grant. Upon satisfactory completion of the approved work, grant recipients shall be reimbursed at a rate of fifty (50) percent of the cost of eligible building improvements.

Maximum City match of funds is as follows:

- Façade restoration (brick and/or siding): up to \$5,000.
- New paint: up to \$2,500.
- Signage: up to \$750.

Qualifying improvements shall meet the following requirements upon completion:

- Prior to beginning work, the project shall be reviewed by the Historic Preservation Officer.
- All work must comply with Chapter 6 of the Unified Development Code (UDC) and the Secretary of the Interior's Standards for Rehabilitation.
- Paint colors shall be chosen from the approved list of historically appropriate paint colors.
- The applicant must provide receipts for all work.

SECTION II. Publication Clause

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

SECTION III. Severability Clause

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

SECTION IV. Repealing Clause

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

SECTION V. Open Meeting Clause

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

SECTION VI. Effective Date

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

READ and **APPROVED** on first reading on this the **4th** day of **August, 2016** at a meeting of the Hutto, Texas City Council; there being a quorum present.

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

READ, PASSED and **ADOPTED** on first reading of ordinance this **18th** day of **August, 2016** at a meeting of the Hutto, Texas City Council; there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary



<u>Advisory Board Review</u>	
Approved:	_____
Denied:	_____
Date:	_____

Old Town Façade Improvement Grant Application

SECTION 1:

Applicant Name: _____ Date: _____

Applicant Address: _____

Business Name (if applicable): _____

Property Address: _____

Phone: _____ Email: _____

Building Owner (if different than applicant): _____

Building Owner Address: _____

Type of work (check all that apply):

- | | | |
|--|---|--|
| Fresh Coat of Paint <input type="checkbox"/> | Siding: Repair / Replacement <input type="checkbox"/> | Masonry: Cleaning / Paint Removal <input type="checkbox"/> |
| Masonry: Repointing <input type="checkbox"/> | Roof Repair / Replacement <input type="checkbox"/> | Window Repair / Replacement <input type="checkbox"/> |
| Awning or Canopy Repair / Replacement <input type="checkbox"/> | New Sign <input type="checkbox"/> | Other (please describe below) <input type="checkbox"/> |

SECTION 2:

What is the current use of the property? _____

What year was the structure built? (if known) _____

What is the assessed value of the structure? (see Williamson County Appraisal District) _____

	YES	NO
Is the property a designated contributing structure?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property currently owner-occupied?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property owner currently receiving or planning to submit an application for any other City initiated financial incentives?	<input type="checkbox"/>	<input type="checkbox"/>
Are there any outstanding code violations for this property?	<input type="checkbox"/>	<input type="checkbox"/>
Is the property owner currently eligible for, or receiving any Federal Assistance?	<input type="checkbox"/>	<input type="checkbox"/>

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 8C. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Seth Gipson, City Secretary

ITEM: Consideration and possible action on the meeting minutes for the July 7, 2016 City Council Regular Meeting and the July 9, 2016 Special Called City Council meeting.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:

The City Council meeting minutes for the July 7, 2016 City Council Regular Meeting and the July 9, 2016 Special Called City Council meeting have been drafted for the City Council's review and consideration.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends approval of the City Council meeting minutes for the July 7, 2016 City Council Regular Meeting and the July 9, 2016 Special Called City Council meeting.

SUPPORTING MATERIAL:

1. [Draft - July 7, 2016 City Council Meeting Minutes](#)
2. [Draft - July 9, 2016 Special Called City Council Meeting Minutes](#)



**CITY COUNCIL
MEETING MINUTES
JULY 7, 2016**

The Hutto City Council met in a regular session on Thursday, July 7, 2016, in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.

CALL SESSION TO ORDER

Mayor Gaul called the session to order at 7:00p.m.

ROLL CALL

Members of the City Council that were present were Mayor Doug Gaul, Mayor Pro-tem Michael J. Smith, Councilmember Anne Cano, Councilmember Tom Hines, Councilmember Nathan Killough, Councilmember Lucio Valdez, and Councilmember Bettina Jordan.

Members of staff that were present were Micah Grau, Interim City Manager, Brian Knowles, City Attorney, Helen Ramirez, Development Services Director, Earl Morrison, Chief of Police, Melanie Melancon, Finance Director, Scot Stromsness, Public Works Director, Randy Barker, General Services Director, Mike Hemker, Parks Development Manager, and Seth Gipson, City Secretary.

INVOCATION

The invocation was given by Pastor Brian Black with The Fellowship of Hutto.

PLEDGE OF ALLEGIANCE

Mayor Gaul led the Pledge of Allegiance and the Texas Pledge.

PUBLIC COMMENT

5A. Remarks from visitors

There was no individuals that signed up to speak.

PRESENTATIONS

6A. Recognition of Cayleigh Hunt by the Hutto Police Department, Hutto Fire Rescue, the Hutto ISD Police Department and Williamson County EMS for her heroic act which saved the life of a three year old.

Earl Morrison, Police Chief, introduced Cayleigh and her family. Presentations were made by the Hutto Police Department, Hutto ISD Police Department, Williamson County

ESD #3, Williamson County EMS, and the Williamson County Sheriff's Department recognizing Cayleigh for her quick thinking and bravery.

WORK SESSION

7A. Work session on municipal bonds.

Micah Grau, Interim City Manager, introduced Carol Pumbo with McCall, Parkhurst, and Horton, the City's Bond Counsel. Ms. Pumbo provided an overview of types of municipal bonds, the process for issuing bonds, market options, some history concerning the 2009 bond election, and the process to conduct bond elections.

CONSENT AGENDA ITEMS:

All items listed on the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered as a regular agenda item.

8A. Consideration and possible action on the second and final reading of an ordinance amending the Code of Ordinances (2014 edition), Chapter 14, Article 14.03: Noise.

8B. Consideration and possible action on the second and final reading of an ordinance amending the Unified Development Code (UDC) Chapter 3, Section 10.312.7: Noise.

8C. Consideration and possible action on a resolution concerning the acceptance of the water, wastewater, street and drainage improvements of the Emory Farms Section 7 subdivision.

MOTION: Councilmember Anne Cano moved to approve items 8A-8C on the consent agency as presented. Councilmember Tom Hines seconded the motion.

VOTE:

<i>Ayes:</i>	<i>Mayor Doug Gaul</i>
	<i>Mayor Pro-tem Michael Smith</i>
	<i>Councilmember Anne Cano</i>
	<i>Councilmember Tom Hines</i>
	<i>Councilmember Nathan Killough</i>
	<i>Councilmember Lucio Valdez</i>
	<i>Councilmember Bettina Jordan</i>
<i>Nays:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

ACTION: The motion carried with 7 ayes and 0 nays.

ORDINANCES

9A. Consideration of a public hearing and possible action on the first reading of an ordinance amending the Unified Development Code (UDC) Chapter 4, Section 10.407: Landscaping.

Helen Ramirez, Development Services Director, gave the staff presentation. The City's Unified Development Code (UDC) requires landscaping to be provided on all new development sites in Hutto in accordance with the standards in Section 10.407. These standards help to create an urban tree canopy, which reduces the urban heat island effect, provides shade and climate control, improves property values, reduces air pollution, provides wildlife habitat, and reduces erosion and storm water runoff. Required landscaping also contributes to the aesthetic quality of new development in Hutto and helps to ensure that these developments are attractive for both residents and visitors to Hutto.

Mrs. Ramirez stated that this is a staff-initiated proposal for a comprehensive revision of the landscape standards found in Sec. 10.407.5 of the Unified Development Code (UDC). The proposed changes would affect new nonresidential developments, including commercial, office, industrial, and civic uses, as well as multi-family dwellings with more than five units. The reason for the proposed change is that both developers and staff have found the City's current landscape standards to be somewhat impractical and difficult to achieve. The existing standards, specifically those found in Sec. 10.407.5.1, often require more landscaping than can reasonably fit on a developing site. In addition, because so many trees are required, designers and landscape architects have found it difficult to comply with the code, particularly with regard to the placement of trees. The current required number of both large and small trees do not allow for sufficient space for them to mature.

The proposed changes to the landscape standards are intended to address these difficulties and provide new standards that require an appropriate number of plantings relative to the size of each site. The revised standards are designed to provide developers with increased flexibility with regard to the specific placement of trees within their site, while still maintaining certain standards for landscaping that are currently in place. By replacing the table found in Section 10.407.5.1 with concise bullet points, staff hopes to make the landscape requirements easier for developers and nonresidential multifamily landscape architects to interpret and implement. The new standards are also intended to allow for adequate spacing and planting areas for trees, in order to ensure their long-term health and viability.

Mayor Doug Gaul opened the public hearing at 7:55p.m.

There being no public comment.

Mayor Doug Gaul closed the public hearing at 7:55p.m.

MOTION: Councilmember Tom Hines moved to approve the first reading of an ordinance amending the Unified Development Code (UDC) Chapter 4, Section 10.407: Landscaping. Councilmember Lucio Valdez seconded the motion.

Nays: None
Abstain: None
Absent: None

ACTION: *The motion carried with 7 ayes and 0 nays.*

- 9D. Consideration and possible action on the first reading of an ordinance concerning the establishment of a Charter Review Commission for the consideration of amendments to the City Charter.

Seth Gipson, City Secretary, made the staff presentation. Mr. Gipson provided a brief history of the City Charter and the process of a Charter Review Election.

The ordinance before the Council for consideration provides for a seven-member Charter Revision Commission that consists of seven (7) citizens of Hutto that meet the qualification of members as outlined in Section 2.02.001 of the Code of Ordinances (2014 Edition). The City Manager, or designee, and the City Attorney, or designee, shall be ex-officio, non-voting members of the Charter Review Commission.

MOTION: *Councilmember Tom Hines moved to approve the first reading of an ordinance concerning the establishment of a Charter Review Commission for the consideration of amendments to the City Charter. Councilmember Lucio Valdez seconded the motion.*

VOTE: Ayes: Mayor Doug Gaul
Mayor Pro-tem Michael Smith
Councilmember Anne Cano
Councilmember Tom Hines
Councilmember Nathan Killough
Councilmember Lucio Valdez
Councilmember Bettina Jordan
Nays: None
Abstain: None
Absent: None

ACTION: *The motion carried with 7 ayes and 0 nays.*

MOTION: *Councilmember Lucio Valdez moved to dispense with the second reading of an ordinance concerning the establishment of a Charter Review Commission for the consideration of amendments to the City Charter. Councilmember Tom Hines seconded the motion.*

VOTE: Ayes: Mayor Doug Gaul
Mayor Pro-tem Michael Smith
Councilmember Anne Cano
Councilmember Tom Hines
Councilmember Nathan Killough
Councilmember Lucio Valdez
Councilmember Bettina Jordan

Nays: None
Abstain: None
Absent: None

ACTION: *The motion carried with 7 ayes and 0 nays.*

RESOLUTIONS

10A. Consideration and possible action on a resolution concerning a contract with STR Constructors, Ltd. for the 2009 bond project for construction improvements at Fritz Park.

Mike Hemker, Parks Development Manager, made the staff presentation. Mr. Hemker provided an overview of the history of Fritz Park, existing conditions of the structures, the new design concept, and the impacts of the project.

The Fritz Park Master Plan improvements were approved by voters in 2009 on Bond Referendum #2 for \$3.3 million. The project includes renovations to the Old Hippo Stadium and Holmstrom field and a new accessible restroom/concession facility as the major design changes. Construction document design began in FY14 with the anticipated construction to begin in FY16.

Accessibility for the overall project has been reviewed and is in compliance with State of Texas and ADA regulations. Once the project is complete the project will be inspected for construction compliance.

The construction project was advertised for bid on April 6, 2016 and April 13, 2016. A non-mandatory pre-bid meeting was held on April 15, 2016. Bids were received and opened on April 29, 2016. Three companies submitted competitive sealed line item bids for the project. The resolution is to approve the contract for construction services from STR Constructors, Ltd. to construct the project for \$2,677,194.42. Additional approved funds will be used to purchase items for the project through cooperative purchasing programs.

Discussion ensued about amenities that were modified to bring the project in budget, the purpose of the design, façade materials, areas where additional costs can be reduced, and the possibility of reducing the project and using funds to create additional fields.

Bryan McKowsky, with Halff Associates, was able to answer questions regarding the façade materials and if there would be any costs savings.

MOTION: *Mayor Pro-tem Michael Smith moved to approve the resolution concerning a contract with STR Constructors, ltd. for the 2009 bond project for construction improvements at Fritz Park. Councilmember Bettina Jordan seconded the motion.*

VOTE: Ayes: Mayor Doug Gaul
 Mayor Pro-tem Michael Smith

Councilmember Anne Cano
Councilmember Bettina Jordan

Nays: Councilmember Tom Hines
Councilmember Nathan Killough
Councilmember Lucio Valdez

Abstain: None

Absent: None

ACTION: The motion carried with 4 ayes and 3 nays.

10B. Consideration and possible action on a resolution concerning a Grounds Maintenance and Right of Way mowing contract with Cat's Landscape Services.

Scot Stromsness, Public Works Director, made the staff presentation. Mr. Stromsness provided a history of the city's mowing contracts and the interactions with several commercial landscape companies. Also, he outlined the obstacles that the City has experienced with WCD Enterprises throughout the past year.

MOTION: Councilmember Tom Hines moved to approve the resolution concerning a Grounds Maintenance and Right of Way mowing contract with Cat's Landscape Services. Councilmember Nathan Killough seconded the motion.

VOTE: Ayes: Mayor Doug Gaul
Mayor Pro-tem Michael Smith
Councilmember Anne Cano
Councilmember Tom Hines
Councilmember Nathan Killough
Councilmember Lucio Valdez
Councilmember Bettina Jordan

Nays: None

Abstain: None

Absent: None

ACTION: The motion carried with 7 ayes and 0 nays.

10C. Consideration and possible action on a resolution concerning a contract with Chasco Contractors for the repair and restoration of roadway located near 2400 Innovation Blvd.

Scot Stromsness, Director of Public Works, made the staff presentation. On May 28, 2016, a vehicle traveling on Innovation Blvd. lost control and struck a fire hydrant belonging to the City of Hutto. When the fire hydrant was hit by the vehicle, the force of the incident broke the water line that supplied the fire hydrant with water. The water lifted the pavement and eroded the road base material under the asphalt. Public works on-call employees were dispatched to the scene and were able to isolate the damaged section of pipe.

Chasco Contractors had the lowest bid at \$77,415.00 to repair the road as well as the curb and gutter section that was washed out during the event.

MOTION: *Councilmember Anne Cano moved to approve the resolution concerning a contract with Chasco Contractors for the repair and restoration of roadway located near 2400 Innovation Blvd. Councilmember Tom Hines seconded the motion.*

VOTE:

<i>Ayes:</i>	<i>Mayor Doug Gaul Mayor Pro-tem Michael Smith Councilmember Anne Cano Councilmember Tom Hines Councilmember Nathan Killough Councilmember Lucio Valdez Councilmember Bettina Jordan</i>
<i>Nays:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

ACTION: *The motion carried with 7 ayes and 0 nays.*

- 10D. Consideration and possible action on a resolution establishing a General Obligation Bond Election Committee, for the City of Hutto, Texas to review potential municipal projects that include but are not limited to street and drainage improvements, park improvements and municipal facilities and to make recommendations to the City Council regarding a proposed bond election to be held on May 6, 2017.

Seth Gipson, City Secretary, made the staff presentation. Mr. Gipson provided some history on when the last bond election was held and the purpose and duties of the bond election committee.

MOTION: *Councilmember Anne Cano moved to approve the resolution establishing a General Obligation Bond Election Committee. Mayor Pro-tem Michael Smith seconded the motion.*

VOTE:

<i>Ayes:</i>	<i>Mayor Doug Gaul Mayor Pro-tem Michael Smith Councilmember Anne Cano Councilmember Tom Hines Councilmember Nathan Killough Councilmember Lucio Valdez Councilmember Bettina Jordan</i>
<i>Nays:</i>	<i>None</i>
<i>Abstain:</i>	<i>None</i>
<i>Absent:</i>	<i>None</i>

ACTION: *The motion carried with 7 ayes and 0 nays.*

WORK SESSION

- 11A. Work session on a proposal from the YMCA of Greater Williamson County to jointly develop recreation fields to serve the Hutto community.

Micah Grau, Interim City Manager, made the staff presentation. Sport fields continue to be a need in this community as youth and adults search for recreation and athletic opportunities. Creating additional soccer and baseball/softball fields was ranked as a high priority in the 2015 adopted Parks Master Plan.

The YMCA of Greater Williamson County first approached the City in 2014 to discuss a partnership to jointly develop sport fields located along Innovation Blvd. At that time, the City Council was unable to provide a direct monetary contribution to the project. Staff continued to work with the YMCA and has developed a Memorandum of Understanding with the YMCA to construct the fields. The City can pursue a Local Parks Non-Urban Recreation grant totaling \$500,000 from the Texas Parks and Wildlife to match a contribution from the YMCA of \$500,000 to build additional sport fields.

Following the presentation, discussion ensued concerning maintenance, lease agreements with Texas State Technical College, field uses, and facilities.

EXECUTIVE SESSION

- 12A. Executive session as authorized by §551.074, Texas Government Code, Personnel Matters, to deliberate the appointment, employment, evaluation, or duties of public officer or employees: City Manager.

The Hutto City Council recessed into executive session at 9:52 p.m.

The Hutto City Council reconvened into regular session at 10:32 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:32 p.m.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary



**CITY COUNCIL
SPECIAL CALL MEETING MINUTES
JULY 9, 2016**

The Hutto City Council met in a special session on Saturday, July 9, 2016, in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.

CALL SESSION TO ORDER

Mayor Gaul called the session to order at 9:00 a.m.

ROLL CALL

Members of the City Council that were present were Mayor Doug Gaul, Mayor Pro-tem Michael J. Smith, Councilmember Anne Cano, Councilmember Tom Hines, Councilmember Nathan Killough, Councilmember Lucio Valdez, and Councilmember Bettina Jordan.

Members of staff that were present were Micah Grau, Interim City Manager, and Amy McGlothlin, Human Resources Director.

AGENDA ITEMS

- 3A. **Interview, discussion, and possible action concerning the selection of an executive search firm for the recruitment of a City Manager.**

The City Council Members heard presentations from the three following executive search firms.

- *SGR*
- *JD Gray Group*
- *Waters Consulting*

The City Council took a break following the SGR presentation at 9:48am and reconvened at 9:55am.

The City Council took another break following the JD Gray Group presentation at 10:42am and reconvened at 10:51 am.

Following the Waters Consulting presentation, the City Council discussed each of the presentations that have been given.

MOTION: *Councilmember Tom Hines moved to hire JD Gray Group for the recruitment of a City Manger. Councilmember Nathan Killough seconded the motion.*

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 8D. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Kim McAuliffe, Downtown & Tourism
Manager

ITEM: Consideration and possible action on a resolution concerning Hotel Occupancy Tax Funding allocations and authorizing the City Manager to execute the Hotel Occupancy Tax Agreement for the 2016-17 Fiscal Year.

STRATEGIC GUIDE POLICY: Fiscal and Budgetary

ITEM BACKGROUND:

The Hutto Area Chamber of Commerce has requested HOT funds to be used for promoting the event to visitors outside of Hutto to this two-day event featuring unique entertainment, vendors, and a look at the city's past. The event will be held in the Downtown Commercial District and is expected to attract an estimated 25,000 visitors. The Outside Agency Funding Committee recommends approval of this request.

A second proposal was also submitted by the Hutto Area Chamber of Commerce to reconfigure the Chamber's office building to better serve as a Visitor's Center. The Outside Agency Funding Committee did not recommend approval of this request.

BUDGETARY AND FINANCIAL SUMMARY:

The amount requested is \$25,000 to be used on lights, sound and stage, and live music entertainment. These expenditures fall under Chapter 351, Section 3 and 4 of the Texas Tax Code, the application of the arts, including instrumental and vocal music, and also including motion pictures. A copy of the funding application request is attached.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The Outside Agency & Hotel Occupancy Tax Funding Committee meet on Monday, July 11, 2016, to review applications and hear presentations from the Outside Agency and Hotel Occupancy Tax Funding applicants. The Committee recommends approval of the \$25,000 funding request.

CITY ATTORNEY REVIEW:

The City Attorney has approved the standard contract form.

STAFF RECOMMENDATION:

Not applicable.

SUPPORTING MATERIAL:

1. [Resolution - HOT Funding for Chamber of Commerce](#)
2. [Application](#)

RESOLUTION NO.

A RESOLUTION AUTHORIZING A HOTEL TAX FUNDING AGREEMENT (AGREEMENT), MADE AND ENTERED INTO BY AND BETWEEN THE CITY OF HUTTO, TEXAS (CITY) AND HUTTO AREA CHAMBER OF COMMERCE (ORGANIZATION).

WHEREAS, Hutto Area Chamber of Commerce (ORGANIZATION) is an association made of area businesses that seeks to promote Hutto to residents and visitors; and

WHEREAS, Hutto Area Chamber of Commerce (ORGANIZATION) is promoting the 31st Annual Olde Tyme Days Festival in the downtown historic district to visitors from outside of Hutto to this two-day event; and

WHEREAS, the goal of this AGREEMENT is to attract overnight visitors to the City of Hutto, thus directly enhancing and promoting tourism as outlined in Chapter 351 of the State of Texas Tax Code and the City of Hutto's Hotel Occupancy Tax Use Policy; and

WHEREAS, the City Council of the City of Hutto desires to provide Hotel Occupancy Tax revenues to the ORGANIZATION in accordance with Exhibit A.

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

that the Hutto City Council hereby authorizes the Hotel Occupancy Tax Funding recommendations as presented in Exhibit A; and that the City Manager is hereby authorized and directed to execute an Interlocal Agreement with the approved organizations on behalf of the City.

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 18th day of August, 2016.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

2016-2017

HOT Funds Proposal I



City of Hutto
Downtown & Tourism Department



HOT Funding Application
FY 2016-2017

**401 W. Front Street
Hutto, Texas 78634
512-759-4029**

Support Considerations Checklist

Name of Event Hutto Olde Tyme Days

Year Applying 2016

XX

The event "directly enhances and promotes tourism AND the convention and hotel industry." (Tax Code, Section 351.101) **(This is a requirement)**

XX

The event qualifies under AT LEAST ONE of the following categories:
(Please circle category number)

- (1) the establishment, improvement, or maintenance of a convention center or visitor information center
- (2) the facilitation of convention registration
- (3) advertising, solicitations and promotions that attract tourists and convention delegates to Hutto

NOTE: If applying under this category, legitimate media must be utilized IN ADVANCE of the event (examples include direct mail, postage, newspapers, magazines, radio, television, billboards, newsletters, brochures and other collateral material).

- (4) the encouragement, promotion, improvement and application of the arts -
NOTE: Must be a viable art form (examples include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording)
- (5) the enhancement of historical restoration and preservation projects
- (6) funding costs in certain counties to hold sporting events that substantially increase hotel activity: (cities within counties of under 1 million population)
- (7) the enhancement or upgrading of existing sports facilities or sports fields for certain municipalities
- (8) funding transportation systems for tourists

XX

The application is filled out thoroughly and completely with all requested documentations attached.

XX

The Post Event Analysis for last year's event have been previously submitted.
(Write "N/A" if you did not receive support last year)

XX

It has been determined how the event will track out-of-town guests, demonstrating that the event will attract tourists that will support the convention and hotel industry.

Local Hotel Occupancy Tax (HOT) Use Guidelines HOT Grant Application

Organization/Business Information

Today's Date: 05/13/16 Event Date: 10/14/16-10/15/16

Name of Organization/Business: Hutto Area Chamber of Commerce

City, State, Zip: Hutto, TX 78634

Contact Name: John Darby

Contact Phone Number: 512-759-4400 Email: john@huttochamber.com

Status of organization: Non-Profit Private/For Profit Govt. Agency

Tax ID #: 74-2444394

Purpose of your organization/business:

The Hutto Area Chamber of Commerce provides the business community with the tools, support and connects to help their businesses grow and enjoy greater success.

Event or Expenditure Description

Please answer all items that apply to your request.

Name of your event/expenditure: Hutto Olde Tyme Days

Website address of your event/expenditure: Hutto.org

Date(s) of event/expenditure: 10/14-10/15

How will the funds be used to promote hotels and overnight stay(s) in Hutto?

Attracting attendees and vendors from outside of Hutto to participate in this two day event that features unique entertainment, a multitude of vendor offerings, and a look at our city's past.

List other means of financial support including in-kind support

<u>Name</u>	<u>Amount to receive</u>
<u>Sponsorships</u>	<u>\$30,000</u>
<u>Vendor Registrations</u>	<u>\$14,000</u>
<u>Event Sales</u>	<u>\$16,000</u>

City of Hutto



HOT Funding Agreement Form

I fully understand the HOT Funding Application process, rules governing the application and the process established by the City Council. I intend to use this grant for the aforementioned event to forward the efforts of the City of Hutto in directly enhancing and promoting tourism and the convention and hotel industry by attracting visitors from outside Hutto into the city.

JD initial

I have read the HOT Fund Grant Application process including the rules governing the application and the reimbursement process.

JD initial

I understand that if I am awarded HOT Funding by the City, any deviation from the approved project or from the rules governing the application may result in the partial or total withdrawal of the HOT Fund Grant.

JD initial

I understand all the records that relate to the use of the HOT funds shall be kept by Chamber, subject to Chapter 351 of the Texas Tax Code as amended and Chapter 552 of the Texas Government Code as amended. Records of Chamber concerning HOT Funds are public and the City shall, upon written request, have the right to inspect and or obtain all books and records pertaining to the fulfillment of this Agreement.

JD initial

I understand that the City may terminate this Agreement by giving the other party notice in writing of such termination sixty (60) days in advance. Any municipal hotel occupancy tax proceeds, not used, shall revert to the City upon the termination of this Agreement.

JD initial

Business/Organization Name Hutto Area Chamber of Commerce

Applicant's Signature _____

JD

Date 5.13.16

2016-2017

P&L from previous year's program



Hutto Area Chamber of Commerce
Profit & Loss Budget vs. Actual

October 1, 2015 through May 13, 2016

TOTAL

Oct 1, '15 - May 13, 16

Income

4100 · Olde Tyme Days

4105 · OTD Beverage Sales	10,966.75
4110 · OTD Booths	
4115 · OTD Electricity Fee	100.00
4120 · OTD Car Show Entrance Fees	740.00
4125 · OTD Event Entry Fees	7,778.00
4145 · OTD Sponsorships	0.00
4150 · OTD Booths 2015	
Food	1,125.00
Non-Food Informational	3,750.00
Non-Profit	775.00
OTD Member Discount	-100.00
4150 · OTD Booths 2015 - Other	0.00
Total 4150 · OTD Booths 2015	5,550.00
4155 · OTD 2015 Sponsorships	31,018.00
4160 · OTD 2015 Pageant Entry Fees	846.00
4165 · OTD Event Items	499.85
Total 4100 · Olde Tyme Days	57,498.60

Expense

6500 · OTD Expenses

6505 · OTD- Advertising	343.25
6510 · OTD- Beverage Purchases	3,792.20
6515 · OTD- Contract Labor	
OTD Contract Labor Staff	2,360.00
OTD Security	1,755.00
6515 · OTD- Contract Labor - Other	0.00
Total 6515 · OTD- Contract Labor	4,115.00
6525 · OTD- Equipment Rentals	8,184.80
6530 · OTD- Facilities & Equipment	2,665.25
6535 · OTD- Food Service	0.00
6540 · OTD- Miscellaneous	1,996.06
6545 · OTD- Supplies	908.96
6550 · OTD- 2015 OTD Entertainment	13,968.34
6555 · OTD- Commission & Bonus	8,204.85
6500 · OTD Expenses - Other	0.00
Total 6500 · OTD Expenses	44,178.71

Net Income

13,319.89

PROJECTED BUDGET

INCOME

Sponsorship	\$30,000
Vendors	
Food	\$4,000
Craft	\$10,000
Sales	
Beer	\$4,000
Water	\$500
Soda	\$500
Friday Street Dance Attendance (300 @ \$15)	\$4,500
Saturday Street Dance Attendance (300 @ \$15)	\$4,500
Kid Zone	\$2,000
	\$60,000

EXPENSES

Insurance	\$1,500
Radio	\$4,000
Television	\$5,000
Website	\$200
Entertainment	\$18,000
Stage & Lighting	\$5,000
Sound Equipment	\$1,500
Tents	\$750
Table & Chairs	\$400
Bathrooms	\$1,000
Beverages	\$2,500
Ice	\$500
Breakfast	\$100
Permits	\$300
Fencing	\$1,000
Generator	\$1,500
Misc	\$2,500
Staffing	\$4,000
Security	\$2,000
Electrician	\$500
Printing	\$500
Kid Zone	\$5,000
	\$57,750

2016-2017

Projected budget for entire program



2016-2017

Itemized, detailed list of expenditures relevant for HOT revenue use



Expenditures Relevant for HOT Revenue Use

Item	Cost	Purpose
Lights, Sound, Stage, Power, Fen	\$10,000	Entertainment Venue; Per Chapter 351, Section 4 of the Texas Tax Code, the "application of the arts, including instrumental and vocal music"
Live Music Entertainment	\$15,000	Big name act to play Friday or Saturday night; Per Chapter 351, Section 4 of the Texas Tax Code, the "application of the arts, including instrumental and vocal music"
TOTAL APPLICABLE FUNDS	\$25,000	

2016-2017

Advertising/Marketing Plan

Including target audience





Hutto Olde Tyme Days 2016 Marketing Plan

2015 marks the 31st anniversary of Hutto Olde Tyme Days. This annual event brings thousands of visitors – with an estimated 15,000 in 2015 alone - to downtown Hutto from throughout the region and state. In addition to raising the profile of the entire city of Hutto, the festival seeks to provide local businesses exposure to thousands of potential customers.

The Hutto Area Chamber of Commerce provides local businesses the tools and profitable connections to help their businesses grow and enjoy greater success.

Olde Tyme Days is a landmark event for the Hutto community and chamber. Even as Hutto has grown from a small town of 630 residents in 1990 to more than 22,500 today, Olde Tyme Days is synonymous with Hutto and we intend to put on another outstanding festival worthy of that reputation.

In order to attract another large crowd of individuals from throughout Texas to the event, Olde Tyme Days will feature a large number of outstanding food, retail and information booths, as well as entertainment for children and adults.

Key marketing efforts to carry out aforementioned objectives:

Advertising Avenue	Target Audience	Budget
Time Warner Cable	Residents in Central Texas, from Georgetown to San Marcos, will designate funds Houston and San Antonio metro areas	\$5,000
KOKE FM	Listeners throughout Central Texas, including Austin, Thorndale and points beyond	\$3,000
Facebook/Twitter/Instagram *utilize Chamber, Chamber members, partners, entities promoting events, etc.	Individuals in Texas using social media to find events in Central Texas	\$2,500
Online marketing *Chamber and other high-profile sites	Individuals in Texas using websites to find events in Central Texas	\$2,500
Promotional Flyers	Individuals in Hutto & Central Texas	\$500

2016-2017

List of Board of Directors

With contact phone numbers



Role	Name, Employer	Email, Job Title	Phone Number	Term Up
Chairman	Seth Noble Simmons New Life Hutto	sethnoblesimmons@gmail.com Minister	(512) 779-0026	2017
Past Chairman	Amy Ellsworth Community Impact News	aellsworth@impactnews.com General Manager	(512) 610-1750	2016
Treasurer	Hollis Bone Rbank	jhbone@rbanktexas.com Banking Center President	(512) 600-8105	2017
Vice Chairman	Matt Chidester Chidester Law PLLC	mchidester@chidester-law.com Attorney	(214) 727-2783	2016
Chair Elect	James Guzman Christian Brothers	james.guzman@cbauto.net Owner	(512) 759-3760	2018
Secretary	Lisa Koen YMCA	lkoen@ymcawilliamsonco.org Facility Manager	(512) 846-2360	2017
Director	Doug Killian Hutto ISD	douglas.killian@hutto.txed.net Supertinedent	512-759-3771	2018
Director	Tanyan Clawson ACDI	tanya.clawson@clawsondisposal.c Owner	(512) 746-2000	2018
Director	Ehab Kwar Kind Helath	ehab@kindhealth.co Controller	(512) 520-6440	2016
Director	Dr Sean Hensley Hutto Vision Care	SMHensleyOD@aol.com Owner	979-220-8892	2016
Director	Edgar Padilla TSTC	edgar.padilla@tstc.edu Provost	(512) 759-5900	2018
Director	Michael Smith City of Hutto	mjs5652@gmail.com Councilman	512-846-1030	2016
Director	Tim Craig First State Bank	timc@fsbcentex.com President	(512) 846-1442	2017
Director	Scott Kerwood Emergency Services District	sdkerwood@huttofirerescue.org Fire Chief	(512) 759-2616	2017
Director	Bill Bambrick Chasco Constructors	bill@chasco.com Project Manager	(412) 244-0600	2018

2016-2017

Schedule of activities relating To event/expenditure





Hutto Olde Tyme Days 2016 Schedule of Events

Friday, October 16

4:00 pm – 11:00 pm

Vendor Booths Open to Public

Carnival/Children's Play Area Open to Public

7:30 pm

30th OTD organizers reunion

Hippopotofus Reunion

8:30 pm – 11:00 pm

Live Music Performance featuring Cory Morrow

Saturday, October 18

8:00 am (tentative)

Breakfast to tie in with city of Hutto fun run

8:00 am

Vendor Booths Open to Public (close at 7pm)

Carnival/Children's Play Area Open to Public (close at midnight)

Antique Car Show (close at 2pm)

10:00 am

Parade

11:00 am

Pie Eating Contest

Throughout the Day

***Various Demonstrations (i.e. roping, cotton farming, shoot out)**

4:30 pm

Ms. Hutto Pageant

7:30 pm – 11:00 pm

Live Music Performance

2016-2017

Copy of Tax Exempt certificate



Internal Revenue Service

Date: October 14, 2003

Hutto Chamber of Commerce
Box 99
Hutto, TX 78634-0099Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201**Person to Contact:**S. Katherine Converse 31-07823
Customer Service Specialist**Toll Free Telephone Number:**8:00 a.m. to 8:30 p.m. EST
877-829-6500**Fax Number:**

513-263-3756

Federal Identification Number:

74-2444394

Dear Sir or Madam:

This is in response to your request of October 14, 2003 regarding your organization's tax-exempt status.

In October 1987 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(6) of the Internal Revenue Code.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is also liable for tax under the Federal Unemployment Tax Act for each employee to whom it pays \$50 or more during a calendar quarter if, during the current or preceding calendar year, it had one or more employees at any time in each of 20 calendar weeks or it paid wages of \$1,500 or more in any calendar quarter.

If your organization's character, method of operation, or purposes change, please let us know so we can consider the effect of the change on the organization's exempt status. Also, your organization should inform us of all changes in its name or address.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$50 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

Because your organization is not an organization described in section 170(c) of the Code, donors may not deduct contributions made to your organization. You should advise your contributors to that effect.

TEXAS SALES AND USE TAX RESALE CERTIFICATE

Name of purchaser, firm or agency as shown on permit Hutto Area Chamber of Commerce	Phone (Area code and number) 512-759-4400
Address (Street & number, P.O. Box or Route number) 122 East Street / PO Box 99	
City, State, ZIP code Hutto, TX 78634	
Texas Sales and Use Tax Permit Number (must contain 11 digits) <div style="border: 1px solid black; padding: 2px; display: inline-block; margin-top: 5px;"> 1 7 4 2 4 4 4 3 9 4 7 </div>	
Out-of-state retailer's registration number or Federal Taxpayers Registry (RFC) number for retailers based in Mexico <div style="border: 1px solid black; width: 200px; height: 20px; margin-top: 5px;"></div> (Retailers based in Mexico must also provide a copy of their Mexico registration form to the seller.)	

I, the purchaser named above, claim the right to make a non-taxable purchase (for resale of the taxable items described below or on the attached order or invoice) from:

Seller: _____

Street address: _____

City, State, ZIP code: _____

Description of items to be purchased on the attached order or invoice:

Description of the type of business activity generally engaged in or type of items normally sold by the purchaser:

The taxable items described above, or on the attached order or invoice, will be resold, rented or leased by me within the geographical limits of the United States of America, its territories and possessions or within the geographical limits of the United Mexican States, in their present form or attached to other taxable items to be sold.

I understand that if I make any use of the items other than retention, demonstration or display while holding them for sale, lease or rental, I must pay sales tax on the items at the time of use based upon either the purchase price or the fair market rental value for the period of time used.

I understand that it is a criminal offense to give a resale certificate to the seller for taxable items that I know, at the time of purchase, are purchased for use rather than for the purpose of resale, lease or rental, and depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

Purchaser 	Title	Date
--	-------	------

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 9A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Helen Ramirez, AICP, Director,
Development Services

ITEM: Consideration of a public hearing and possible action on the first reading of an ordinance concerning the zoning change for the property known as the Farley Tract, 7.0 acres, more or less, of land, out of the William Gatlin Survey, Abstract No. 271, located on CR 137 south of FM 1660 S., from B-2 (general commercial) to MF (multifamily) zoning district.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:

The subject property consists of approximately seven acres located on the southwest quadrant of the parcel located south of FM 1660 South between and CR 137 and Swindoll Lane (see attached location map). The applicant has requested a zoning change from B-2 (General Commercial) to MF (Multi-Family). The proposed zoning change would be applicable only to the southwest quadrant of the Farley tract (R448286), while the remaining portion of the parcel would remain zoned as B-2.

The subject property is bounded to the west by CR 137, to the north and east by the remainder of the Farley tract (to remain zoned B-2), and to the south by Farley Middle School (zoned SF-1). Located across the street from the proposed development on the west side of CR 137 is the Narrows Planned Unit Development, which allows for a mixture of uses including single family, multi-family, and light industrial.

The applicant, a residential development company called State Street Housing, intends to develop an 80 unit apartment complex for senior citizens, which will be known as the Havens of Hutto. The proposed development would be constructed under the 9% Housing Tax Credits program from the Texas Department of Housing and Community Affairs. The tax credits were awarded for this development on July 28, 2016. The proposed apartment complex will offer a mixture of affordable and market rate apartments for senior citizens. On February 18, 2016, City Council approved a resolution of support for the proposed project.

The City's adopted Future Land Use Map identifies the subject area as being intended for future commercial development. However, staff finds that the proposed multi-family development is in keeping with the City's goal of providing a diverse range of housing options for residents and would be compatible with the future commercial growth to the north and east of the subject property. The

City has plans to make comprehensive revisions to the Future Land Use Map over the next several months. If the zoning change request is approved by Council, the Future Land Use Map would be amended to reflect the change from commercial to multi-family as part of the comprehensive revisions to the Future Land Use Map.

All property owners within 200 feet have been notified by mail of the proposed zoning change. Notice was published in the Taylor Daily Press. Notice has also been posted on the City of Hutto website.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

This item will go before the Planning and Zoning Commission at a special called meeting on August 16, 2016. Staff will provide their recommendation during the Council meeting.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff finds that the proposed Multi-Family zoning is appropriate for the proposed location, and would have no negative impacts on the surrounding properties. It is also in keeping with the City's long-term goal of providing additional types of housing opportunities in Hutto. Therefore, staff recommends approval of the proposed zoning change to City Council. The Council may dispense with the second reading of this ordinance.

SUPPORTING MATERIAL:

1. [Notice - Farley Tract Zoning Change Public Hearing Notice](#)
2. [Ordinance - Farley Tract \(7.0 acres\) Zoning Change](#)
3. [Exhibit A - Farley Tract \(7.0 acres\) Zoning Change](#)

PUBLIC NOTICE NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO
ALL INTERESTED PERSONS
THAT THE HUTTO CITY COUNCIL
WILL HOLD A PUBLIC HEARING
REGARDING:

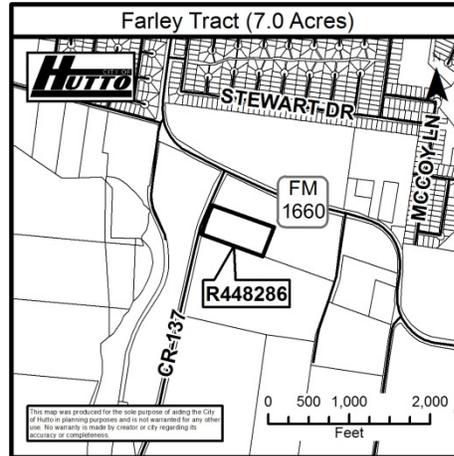
The zoning change for the Farley Tract, approximately 7.0 acres, out of the Wm. Gatlin Survey, Abstract No. 271, located on CR 137 south of FM 1660 S., from B-2 (general commercial) to MF (multifamily) zoning district.

A public hearing will be held on
August 18, 2016 at 7:00 p.m.

Hutto City Hall
401 W. Front St., Hutto, Texas

For additional information the public
may contact Development Services at
512-759-3479 or planning@huttotx.gov

Publication Date: July 31, 2016



ORDINANCE NO.

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 THE PROPERTY KNOWN AS THE FARLEY TRACT, 7.0 ACRES, MORE OR LESS, OF LAND, OUT OF THE WILLIAM GATLIN SURVEY, ABSTRACT NO. 271; IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FROM B-2 (GENERAL COMMERCIAL) TO MF (MULTIFAMILY) ZONING DISTRICT; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, AND OPEN MEETING CLAUSE.

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 properties described in Exhibit "A" being attached hereto and incorporated herein, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed change in zoning on the 16th day of August, 2016, and;

WHEREAS, on the 18th day of August, 2016, after proper notification, the City Council held a public hearing on the requested amendment, and;

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

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

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

SECTION I.

1.

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

- 1) Consistency (or lack thereof) with the Comprehensive Plan; and
- 2) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and
- 3) Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment; and

- 4) Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment; and
- 5) Availability of water, wastewater and stormwater facilities suitable and adequate for the proposed use.

That the Official Zoning Map of the City of Hutto, Texas, is hereby amended so that the zoning classification of the property described in the Exhibit "A", attached hereto and incorporated herein shall be, and is hereafter changed from B-2 (general commercial) to now be designated as MF (multifamily) Zoning District.

SECTION II. Publication Clause

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

SECTION III. Severability Clause

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

SECTION IV. Repealing Clause

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

SECTION V. Open Meeting Clause

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

SECTION VI. Effective Date

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

READ and **APPROVED** on **first reading** on this the **18th** day of **August, 2016** at a meeting of the Hutto, Texas City Council; there being a quorum present.

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

READ, PASSED and **ADOPTED** on **first reading** of this **18th** day of **August, 2016**, at a regular meeting of the City Council of Hutto, there being a quorum present.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

FIELD NOTES

Being a tract of land located in the William Gatlin Survey, Abstract No. 271, in Williamson County, Texas. Said 7.0226 acres being out of a called 28.58 acre tract of land recorded in the name of Stuart Gregory Farley in Document Number 2006040534 of the Official Public Records of Williamson County Texas (O.P.R.W.C.), said 7.0226 acre tract of land being more particularly described by metes and bounds description as follows (bearings and distances are based on the Texas State Plane Coordinate System (NAD83), Central Zone, based on GPS observations);

BEGINNING at a 1/2-inch iron rod found for the southwest corner of said 28.58 acre tract, said iron rod being the northwest corner of a called 35.67 acre tract of land recorded in the name of Hutto Independent School District in Document Number 2003108291, O.P.R.W.C., said iron rod also being on the easterly Right-of-Way (R.O.W.) line of County Road 137 (80-foot R.O.W.);

THENCE, with the westerly line of said 28.58 acre tract and the easterly R.O.W. line of said County Road 137, the following two (2) courses and distances;

1. 294.76 feet along the arc of a curve to the right, said curve having a central angle of $08^{\circ} 37' 00''$, a radius of 1,960.00 feet and a chord that bears $N 20^{\circ} 20' 19'' E$, a distance 294.49 feet to a 1/2-inch iron rod set;
2. $N 24^{\circ} 43' 26'' E$, a distance of 85.71 feet, to a 1/2-inch iron rod set, from which, a 5/8-inch iron rod found for an angle point on the westerly line of said 28.58 acre tract and the easterly R.O.W. line of said County Road 137, bears $N 24^{\circ} 43' 26'' E$, a distance of 213.29 feet;

THENCE, through and across said 28.58 acre tract the following two (2) courses and distances;

1. $S 70^{\circ} 28' 25'' E$, a distance of 800.00 feet to a 1/2-inch iron rod set;
2. $S 21^{\circ} 19' 36'' W$, a distance of 380.00 feet to a 1/2-inch iron rod set on the southerly line of said 28.58 acre tract, said iron rod being on the northerly line of the aforesaid 35.67 acre tract, from which, a 5/8-inch iron rod found for the southeasterly corner of said 28.58 acre tract bears, $S 70^{\circ} 28' 25'' E$, a distance of 922.50 feet;

Thence, with the southerly line of said 28.58 acre tract and the northerly line of said 35.67 acre tract, $N 70^{\circ} 28' 25'' W$, a distance of 800.00 feet to the POINT OF BEGINNING and containing 7.0226 acre of land, more or less.

I hereby certify that the field notes were prepared by Hejl, Lee & Associates, Inc., from a survey made on the ground in February of 2016 under my supervision.

Prepared by Hejl, Lee & Associates, Inc. (TBPLS Firm No. 10058500)

Chien Y. Lee
Registered Professional Land Surveyor No. 5771
Date: March 1, 2016



SKETCH TO ACCOMPANY FIELD NOTES

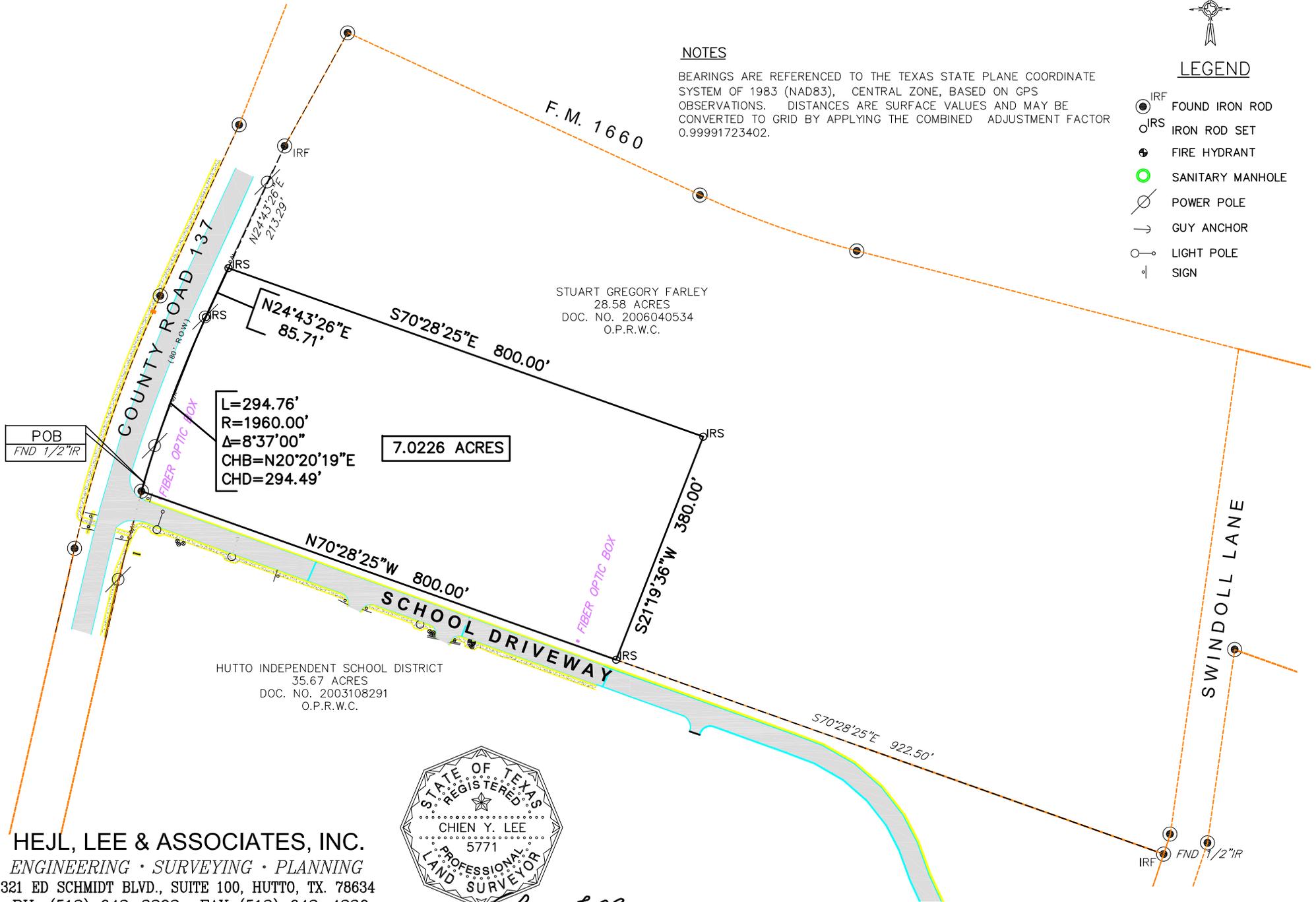


NOTES

BEARINGS ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (NAD83), CENTRAL ZONE, BASED ON GPS OBSERVATIONS. DISTANCES ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY APPLYING THE COMBINED ADJUSTMENT FACTOR 0.99991723402.

LEGEND

- IRF FOUND IRON ROD
- IRS IRON ROD SET
- FIRE HYDRANT
- SANITARY MANHOLE
- POWER POLE
- GUY ANCHOR
- LIGHT POLE
- SIGN

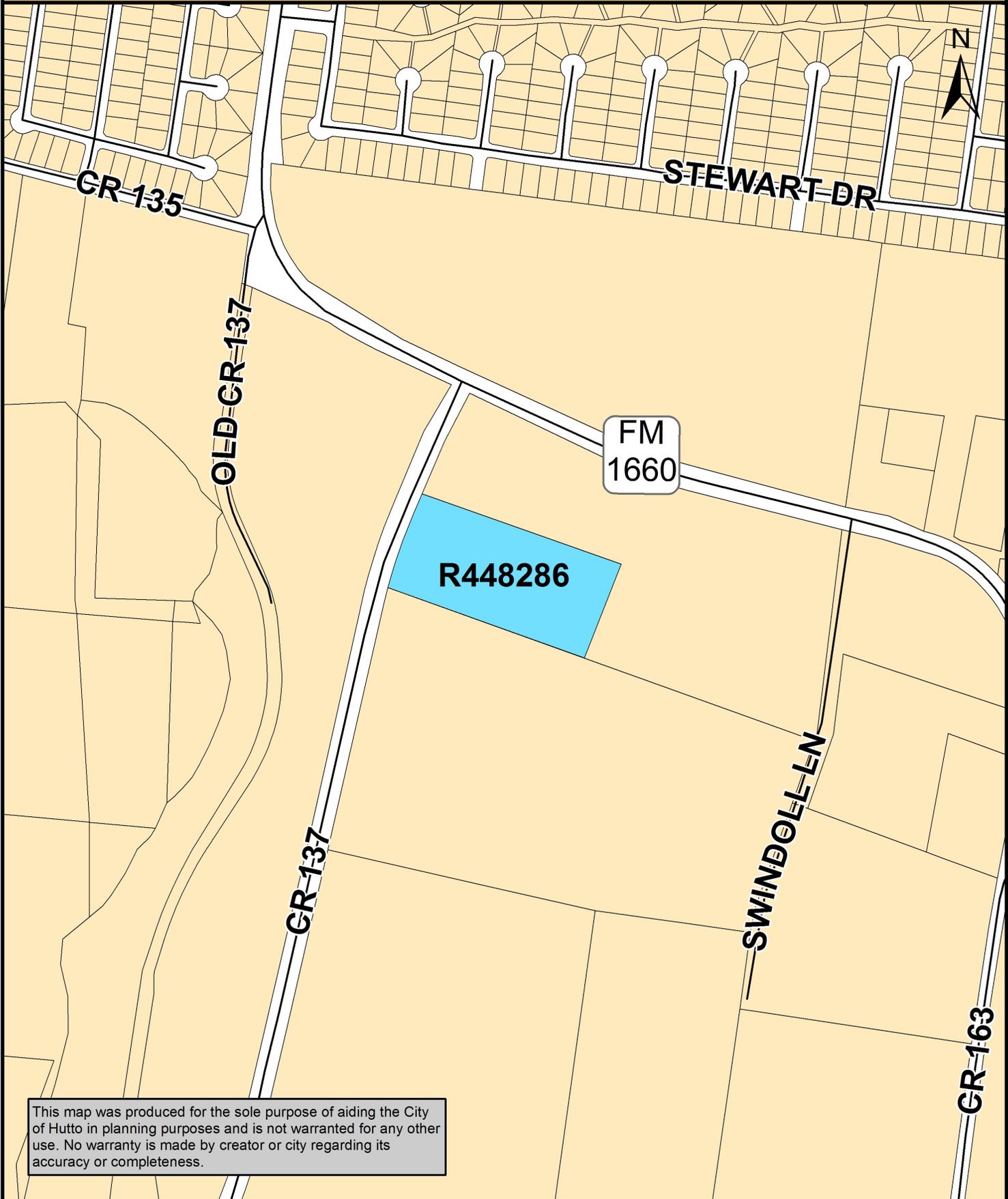


HEJL, LEE & ASSOCIATES, INC.
ENGINEERING · SURVEYING · PLANNING
321 ED SCHMIDT BLVD., SUITE 100, HUTTO, TX. 78634
PH. (512) 642-3292 FAX (512) 642-4230
TBPE FIRM #F-755, TBPLS FIRM #10058500

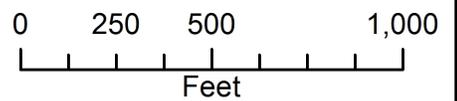


Chien Lee
3-1-16

Farley Tract (7.0 Acres)



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.



CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 9B. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Amy McGlothlin, Human Resources
Director

ITEM: Consideration and possible action on the first reading of an ordinance amending Chapter 2: Administration and Personnel; Article 2.03: Personnel; Section 2.03.002: Employee Policies and Procedures of the City of Hutto 2014 Code of Ordinances.

STRATEGIC GUIDE POLICY: Organizational Development

ITEM BACKGROUND:

Periodically, it is necessary to amend the Employee Policies and Procedures Handbook to reflect changes in policy to ensure the fair and equitable treatment of employees as well as to ensure the overall operational efficiency of the organization. Staff recommends the changes to the City of Hutto Employee Policies and Procedures Handbook as attached in Exhibit A. Major changes include:

- Addition of Tobacco Surcharge policy
- Attendance and Work Hours
- Cell Phone Use in the Workplace
- Core Values
- Family and Medical Leave Act
- Holidays
- Injury Leave (On the Job)
- Payroll
- Sick Leave
- Travel

Additional changes were made for housekeeping purposes.

The Council may dispense with the second reading of this ordinance.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Catherine Fryer, legal counsel for the City on employment matters, has reviewed the changes.

STAFF RECOMMENDATION:

Staff recommends the Council approve the Ordinance.

SUPPORTING MATERIAL:

1. [Employee Handbook Ordinance](#)
2. [Employee Handbook revisions](#)

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2: ADMINISTRATION AND PERSONNEL; ARTICLE 2.03; PERSONNEL; SECTION 2.03.002: EMPLOYEE POLICIES AND PROCEDURES OF THE CITY OF HUTTO 2014 CODE OF ORDINANCES; TO AMEND AND UPDATE THE EMPLOYEE POLICIES AND PROCEDURES HANDBOOK; PROVIDING FOR A SEVERABILITY CLAUSE AND REPEALING CLAUSE.

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

SECTION I.

Pursuant Section 13.04 Personnel Policy of the Hutto City Charter the administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies." The City Manager or his/her designee shall prepare such polices and recommend their adoption to the City Council. Such policies shall become effective when approved by the City Council.

SECTION II.

That the City Manager or his/her designee shall have power to recommend additions to, modifications of, or deletions from such policies to the City Council in the same manner used for adoption of the original policies. All policies adopted shall have the force and effect of law.

SECTION III.

A red-line copy of changes and additions to the Employee Policies and Procedures Handbook dated September 18, 2014 is attached as Exhibit "A."

SECTION III.

That Chapter 2: Administration and Personnel; Article 2.03: Personnel; Section 2.03.002: Employee Policies and Procedures Handbook of the City of Hutto dated June 5, 2006, as amended November 6, 2006, November 6, 2008, November 5, 2009, August 18, 2011, May 23, 2013, September 18, 2014 and October 1, 2015 is hereby adopted by reference as though it was copied fully herein and replaced in it's entirety by the Employee Policies and Procedures Handbook dated August 18, 2016. Once adopted, a copy of the current personnel polices and procedures manual, as amended, shall be maintained in the office of the city secretary.

SECTION III. Publication Clause

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

SECTION IV. Severability Clause

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

SECTION V. Repealing Clause

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

SECTION VI. Effective Date

This ordinance shall become effective on the date of its adoption by the Hutto City Council and shall become effective upon the final reading of the ordinance from which this section derives. Any other personnel policies adopted by the city council are no longer effective after the date of the final reading of the ordinance from which this section derives.

SECTION VII. 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.

READ and **APPROVED** the first reading of the ordinance on the 18th day of August, 2016 at a meeting of the Hutto City Council.

READ, APPROVED, and ADOPTED this **18th** day of **August, 2016**.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary



**City of Hutto
Employee Policies & Procedures
Handbook**

Adopted by the City Council on ~~October 1, 2015~~DATE

ATTENDANCE AND WORK HOURS

A. Regular Work Hours – Non-exempt employees of the City normally work 40 hours in a seven-day work week. Exempt employees may be required to work in excess of 40 hours in certain weeks and are required to work a minimum of 80 hours in a two week pay period. The work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. the following Sunday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m. although employees in some departments may have different work hours. (For example, most non-exempt police officers work a 12-hour shift.) In times of disaster or emergency, work hours shall be determined by the City Manager.

B. Adjustment to Work Hours - In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and includes that he/she will be available to do such work. If an employee works a schedule that is different than the standard eight-hour work day (excluding police officers in the Patrol Division who work shifts), that schedule must be submitted in writing to the Department Director for consideration. Upon Department Director consideration, the request is forwarded to the City Manager for approval on a case-by-case basis focusing on providing enhanced service to the customers. A copy of the approved schedule must be forwarded to the Human Resources Division to be placed in the employee's personnel file.

C. Meal Periods - Full-time employees (excluding most non-exempt police officers) are normally provided a one-hour unpaid meal break near the middle of the work day. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

D. Breaks - Employees who work a minimum of eight hours per day may, depending on individual departmental work schedules and at the discretion of their supervisor, take up to two fifteen minute paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Part-time employees who work a minimum of four hours per day may, depending on individual departmental work schedules and at the discretion of their supervisor, take one fifteen minute paid break each day.

E. Attendance

1. Attendance Records - Employees are expected to be at their workstations and ready to work at their scheduled start time. All employees are required to record the **actual** number of hours worked each day. **All hours worked must be recorded. Absences from work as well as times that the employee arrives late to work or leaves early must be reflected on their timesheet. Supervisors are responsible for reviewing employee timesheets and approving them as being accurate.**

2. Attendance and Punctuality - To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on coworkers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must notify his/her supervisor (or designee) as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her supervisor the reason for the absence or tardiness and the date and time of his/her anticipated arrival. For absences of a day or more the employee must notify his/her supervisor (or designee) on each day of his/her absence unless the supervisor expressly waives this requirement. The requirement of the employee to notify his/her supervisor (or designee) may only be waived in a situation deemed to be a medical emergency or in a situation where the employee is physically unable to give such notification. The supervisor is required to submit documentation of such a waiver to the Human Resources Division to be included in the employee's personnel file.

In most instances, an employee who fails to properly notify his/her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of five days or more will have voluntarily resigned his/her employment.

F. Absent From Work in excess of 180 Days – Any employee who is absent from work on a leave of absence for a period of 180 calendar days, regardless of the reason, and is unable to return to work after 180 calendar days **within a 12-month period** will be terminated. See the Unpaid Leave of Absence Policy. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act and USERRA.

Also see the section entitled Separations, paragraph (C) (2).

CELL PHONE USE IN THE WORKPLACE

The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a coworker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including termination.

~~Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls but must reimburse the City for all personal use.~~ Minimal personal use of a City-issued cell phone is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. International long-distance phone calls are not allowed.

Use of personal cell phones while operating City vehicles or equipment is prohibited.

CORE VALUES

The City of Hutto, Texas embraces these core values:

~~Fairness — Consistent just treatment while allowing for due consideration of unique circumstances.~~

~~Role Modeling/Mentoring — Provide leadership that develops individuals who understand the decision-making processes which inspire achievement and growth.~~

~~Open Communication — The authority and responsibility of individual employees to identify issues and propose actions up, down and parallel within the organizational structure.~~

~~Service Minded — Commitment to long-term success through a willingness to sacrifice for the public good through achievement of organizational goals.~~

~~Trust — Trust must be valued, earned and demonstrated at all levels of the organization every day.~~

Adaptable

Creative

Integrity

Service

Team Player

FAMILY AND MEDICAL LEAVE ACT

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave each calendar year for specified family and medical reasons. Eligible employees may take up to 26 weeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

All governmental entities are covered by FMLA, regardless of the number of employees. However, an employee is eligible to take FMLA leave only if employed by an employer that has 50 or more employees within a 75 mile radius. The City of Hutto employed 50 employees on **March 20, 2006** so as of this date, City of Hutto employees may take FMLA leave if they meet all eligibility requirements as set out herein.

A. FMLA Leave Runs Concurrently With Other Types of Leave - If an employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee's absence is covered by the City's sick leave policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee's immediate family will follow the guidelines set out in the sick leave policy. If the absence is not covered by the City's Sick Leave Policy or if an employee exhausts accrued sick leave, an employee on FMLA leave will be required to exhaust any accrued vacation leave concurrently with the FMLA leave. Disability leave also runs concurrently with FMLA leave, but if the employee is receiving short or long term disability benefits while on leave, the employee will not be required to exhaust accrued sick and/or vacation leave at the same time. FMLA leave will also run concurrently with any time off from work covered by workers' compensation when the on-the-job injury qualifies as FMLA leave. Whenever an employee is substituting paid leave for FMLA leave, the employee must comply with the City's existing notice and procedural requirement for the type of paid leave being used. Employees are not allowed to work from home or to perform work for any other employer while on FMLA leave. Any employee on FMLA leave will have access to their City email and computer accounts disabled. Access will be restored after the employee returns to work at the conclusion of FMLA leave.

B. Employee Eligibility - To be eligible for FMLA leave, an employee must have worked for the City:

- For at least 12 months, and
- For at least 1,250 hours during the 12 months preceding the start of the leave.

An employee's 12 months of service with the City need not be consecutive months. However, the City will not recognize employment that preceded a 7-year break in service except in limited circumstances required by the FMLA.

The protections afforded by the Uniformed Services Employment and Reemployment Rights Act (USERRA) extend to all military members (covered active duty and reserve), and all periods of

absence from work due to or necessitated by USERRA covered service is counted in determining an employee's eligibility for FMLA leave.

C. Leave Entitlement - Eligible employees may take FMLA leave for one or more of the following reasons:

- for the birth or placement of a child for adoption or foster care;
- to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- when the employee is unable to perform the functions of his/her position because of his/her own serious health condition;
- because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty). Covered active duty requires deployment to a foreign county; or
- to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

To determine eligibility for leave for most qualifying events, the 12-month period used by the City is the calendar year starting in January. Leave to care for a covered servicemember with a serious injury or illness is determined by a 12-month period that begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

D. Employee's Notice Requirements - In order for the City to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both his/her Department Director and the Human Resources Division with at least 30 days advance notice when the leave is foreseeable for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member of the employee, or the planned medical treatment for a serious injury or illness of a covered servicemember. If 30 days notice is not practicable (for example, because of a medical emergency), then notice must be given as soon as practicable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, notice should be provided the same day or the next business day. If requested to do so, the employee must provide an explanation of why 30 days notice of foreseeable leave could not be given. If the leave is not foreseeable, an employee is expected to provide both his/her Department Director and the Human Resources Division with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the City's operations.

Absent unusual circumstances, employees must comply with the City's normal notice and procedural requirements for requesting leave. In requesting leave, the employee must provide sufficient information for the City to reasonably determine whether the FMLA applies to the leave request.

All supervisors must immediately notify both their Department Director and the Human Resources Division if they have reason to believe an employee's absence is due to an FMLA-covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

E. Medical Certification and Other Required Documentation - An employee must provide the City with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, son, daughter, or parent or due to a qualifying exigency or to care for a covered servicemember with a serious injury or illness. The medical certification form must be filled out in all material respects and must be complete and sufficient to allow the City to make a determination of the need for leave. In addition, the certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. In some cases, the City may require a second or third medical certification (at the City's expense) and periodic recertification of the serious health condition. Forms are available from the Human Resources Division.

An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return to work, and will be required to submit a "fitness-for-duty" certification before the employee can return to work when the absence was due to the employee's own serious health condition. A fitness for duty certification must certify that the employee is able to resume work and must specifically address the employee's ability to perform the essential functions of the employee's job. A list of the essential functions of the employee's job will be provided by the City. Restoration to employment may be delayed until the required fitness-for-duty certification is submitted. If an employee fails to provide any required certification within 15 days, the City may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

When leave is taken to care for a covered servicemember with a serious injury or illness, a special medical certification form must be completed by the servicemember's health care provider. The City will provide the appropriate form. A servicemember's health care provider may be a United States Department of Defense ("DOD") health care provider, a United States Department of Veterans Affairs ("VA") health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or a health care provider not affiliated with the DOD, VA, or TRICARE. Second and third opinions regarding a covered servicemember's serious injury or illness and recertifications may be required for certifications that are completed by health care providers who are not affiliated with DOD, VA, or TRICARE. An employee may be required to provide confirmation of covered family relationship to the seriously injured or ill servicemember. Invitational travel orders (ITOs) or Invitational Travel Authorizations (ITAs) will be accepted in lieu of medical certification.

F. Intermittent Leave - An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only in those situations required by the FMLA or otherwise approved by the Department Director. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The City may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for FMLA leave. FMLA leave, as with all other types of paid leave, may be taken in quarter-hour increments.

G. Leave for a Qualifying Exigency – When the need for leave because of a qualifying exigency arises out of the covered active duty or call to covered active duty status of a military member, the employee requesting leave must provide a copy of the military member's covered active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or a contingency operation, and the dates of the military member's covered active duty service. An employee requesting leave for a qualified exigency will be required to provide a certification on DOL Form WH-384 which will be provided by the City. This certification must be complete and sufficient to enable the City to determine the need for leave.

A "qualifying exigency" includes:

- **Short-notice deployment.** To address any issue that arises from the fact that a military member is notified of an impending call or order to covered active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date a military member is notified of an impending call or order to covered active duty in support of a contingency operation;
- **Military events and related activities.** To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of a military member and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a military member;
- **Childcare and school activities.** To arrange for alternative childcare, provide childcare, enroll in or transfer child(ren) to a new school or day care facility, or to attend meetings with school or daycare staff as authorized by the FMLA;
- **Parental care:** Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility;

- **Financial and legal arrangements.** To make or update financial or legal arrangements to address the military member’s absence while on covered active duty or call to covered active duty status;
- **Counseling.** To attend counseling provided by someone other than a health care provider for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under 18 or 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of a military member;
- **Rest and recuperation.** To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation. A copy of the military member’s Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member’s leave is required certification for a qualifying exigency;
- **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the military member’s covered active duty status; and to address issues that arise from the death of a military member while on covered active duty status;
- **Additional activities.** To address other events which arise out of the military member’s covered active duty or call to covered active duty status provided that the City and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

A “military member” is the employee’s spouse, son, daughter, or parent on covered active duty or call to covered active duty status.

H. Leave to Care for a Servicemember with a Serious Injury or Illness –An eligible employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. If an eligible employee does not take all 26 workweeks during the 12-month period, the remaining part of the 26 weeks is forfeited. An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the “single 12-month period” described in this section provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following qualifying events: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee’s own serious health condition; or because of a qualifying exigency.

A husband and wife who are both employed by the City and who are both eligible for FMLA leave are limited to a combined total of 26 workweeks of leave during the “single 12-month period” described in this section if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, to care for the employee’s parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

The “serious injury or illness” of a covered servicemember is an injury or illness incurred in the line of duty on covered active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating. This also includes injuries or illnesses that existed before the beginning of the member’s active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

A “serious injury or illness” for a covered veteran (see definition in subsequent paragraph) means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; OR
- A physical or mental condition for which the covered veteran has received a Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
- A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
- An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient therapy, or is otherwise on the temporary disability retired list, for a serious injury or illness. “Covered servicemember” also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A “covered veteran” is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The City may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship.

I. Benefits During FMLA Leave - During any period of FMLA leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on FMLA leave. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

J. TMRS - Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Division and completing the necessary paperwork.

K. Job Restoration After FMLA Leave - Upon return from FMLA leave, an employee will be restored to his/ her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

L. Leave Due To Birth/Adoption - FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.

M. FLSA Considerations. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

N. Other Employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment as defined in the Outside Employment Policy.

O. Other Provisions. The FMLA does not affect any federal or state law prohibiting discrimination. This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If additional information is needed on the FMLA, please contact the Human Resources Division. When an employee gives notice of the need for FMLA leave, the employee will be given additional information as to his or her rights and responsibilities under the FMLA. Employees on FMLA leave are required to check-in to the Human Resources Division on a weekly basis to

keep the City informed of an employee's situation unless the employee is medically unable to call-in.

P. Definition of Serious Health Condition. For purposes of this policy, incapacity refers to the inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore, or recovery therefrom. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care, which is an overnight stay in a hospital, hospice, or residential medical-care facility and includes any period of incapacity or any subsequent treatment in connection with such inpatient care; or

2. Continuing treatment by a health care provider, which includes any one or more of the following:

(A) Incapacity and treatment, which is a period of incapacity of **more than three consecutive, full calendar days** and any subsequent treatment or period of incapacity relating to the same condition that also involves:

(i). Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(ii). Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen); Or

For purposes of this section, "treatment by a health care provider" means an in-person visit to a health care provider, the first of which treatment visit must take place within seven (7) days of incapacity.

(B) Any period of incapacity due to pregnancy or for prenatal care. For example, an employee who is pregnant may be unable to report to work because of severe morning sickness.

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits (at least twice per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(D) A period of incapacity which is **permanent or long-term due to a condition for which treatment may not be effective**. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(E) Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(F) Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(G) Absences attributable to incapacity for pregnancy or prenatal care are for chronic conditions even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may not be able to report to work because of severe morning sickness.

Q. Examples of Situations that are NOT Serious Health Conditions.

1. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop.
2. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.
3. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids,

exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

4. "Treatment" does not include routine physical examinations, eye examinations, or dental examinations.
5. Restorative dental or plastic surgery after an injury or removal of a cancerous growth would be considered a serious health condition if all other conditions of this policy are met.

R. Notice -- In addition to this policy, please read the following notice of Employee Rights and Responsibilities Under the Family and Medical leave Act:

**EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT
THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION**

Basic Leave Entitlements

~~FMLA requires~~ Eligible employees who work for a covered employers ~~to provide~~ can take up to 12 weeks of unpaid, job-protected leave in a 12-month period ~~to eligible employees~~ for the following reasons:

- ~~• For incapacity due to pregnancy, prenatal medical care or child birth;~~
- ~~• To care for the employee's child after birth, or placement for adoption or foster care;~~
- ~~• To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or~~
- ~~• For a serious health condition that makes the employee unable to perform the employee's job.~~
- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Military Family Leave Entitlements

~~Eligible employees whose spouse, son, daughter or parent on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.~~

~~FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*, or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.~~

~~*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".~~

Benefits and Protections

~~During FMLA leave, the employer must maintain the employee's health coverage under "group health plan" on the same terms as if the employee had continued to work. While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.~~

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it ~~their original or equivalent positions~~ with equivalent pay, benefits, and other employment terms and conditions.

~~Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.~~

Eligibility Requirements

~~Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.~~

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;

- Have at least 1,250 hours of service in the last 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

***Special "hours of service" eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- ▲ ~~Interfere with, restrain, or deny the exercise of any right provided under FMLA;~~
- ▲ ~~Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.~~

Enforcement

~~An e~~Employees may file a complaint with the U.S. Department of Labor, **Wage and Hour Division**, or may bring a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any ~~S~~state or local law or collective bargaining agreement ~~which that~~ provides greater family or medical leave rights.

~~FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. §825.300(a) may require additional disclosures.~~

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

HOLIDAYS

The City provides paid holidays to regular part-time and regular full-time employees. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Friday	Fourth Friday in November
Christmas Eve Day	December 24
Christmas Day	December 25

Holidays - A holiday is a period of 8 hours, paid at the employee's regular rate in the case of a regular full-time employee. For a regular part-time employee, a holiday is a period of 4 hours, paid at the employee's regular rate.

Scheduling of Holiday - Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Eligibility for Holiday Pay - Regular full-time employees are eligible for holiday pay.

Regular Part-time Employees - Regular part-time employees who work 20 hours or more per week are eligible to receive holiday pay in the amount of 4 hours.

Temporary and Seasonal Employees - Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees required to work on a Holiday – Regular full-time non-exempt employees required to work on a holiday will be paid 8 hours for the holiday at their regular rate of pay in addition to the hours worked.

Sworn Personnel and Banking Holidays – Non-exempt, sworn personnel in the Police Department may opt either for holiday pay or for the time equivalent to the holiday to be added to their accrued holiday bank. **Any sworn personnel who work on a City holiday and take vacation leave in the same week will have their vacation leave offset by the number of hours worked on the holiday.** Banked holiday time shall expire **on September 30th of each year.** Employees shall be permitted by the employee's supervisor to use such time within a reasonable

period after making the request, provided the banked holiday time does not unduly disrupt the operations of the city. Any unused banked holiday time will be paid out to the employee on September 30th of each year.

Employees Scheduled “Off Duty” on a Holiday - When a holiday and an employee’s regularly scheduled day off occur on the same day, regular full-time employees will be paid 8 hours for the holiday at their regular rate of pay and regular part-time employees will be paid 4 hours at their regular rate of pay.

Ineligibility for Holiday Pay - Employees on unpaid leave are not eligible for holiday pay. Likewise, non-exempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

Holiday Occurring During Vacation Leave - A holiday that falls within an employee’s vacation period will be counted as holiday in lieu of a day of vacation.

Separating Employees - Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Paid Leave Status - An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays - To be supportive and respectful of diversity in the workplace, employees may request to substitute a designated holiday and opt to observe alternate holidays for religious purposes.

Holiday Pay During Workers’ Compensation Leave - An employee on worker’s compensation leave will not receive holiday pay. However, an employee on injury leave will receive holiday pay.

INJURY LEAVE (ON THE JOB)

An employee injured in the line of duty shall receive workers' compensation or injury leave benefits under the terms and conditions prescribed in the applicable programs and as required by law.

A. Procedures - Injury leave will run concurrently with FMLA leave (see the section entitled Family and Medical Leave). An employee must report any job-related injury, however minor, to his/her supervisor as soon as possible, but no later than 24 hours (see the section entitled Accident Reporting). Time lost because of a substantiated and documented work related injury sustained during the course of employment shall not be charged against the employee's sick leave. During such absence, sick leave and vacation shall continue to accumulate.

The Human Resources Department shall contact the employee's physician to determine whether the injury will allow an employee to perform modified work or other duties.

B. Programs

1. Workers' Compensation - Workers' Compensation Law provides that an employee who suffers a disability that results in lost duty days due to an injury while in the course of their employment is entitled to "Income Benefits." These income benefits are calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for at least seven (7) days to be eligible for income benefits.

2. City Injury Leave Benefit - This benefit provides employees injured on the job the added security of receiving no reduction or interruption in salary for 13 weeks. Injury leave granted to an employee will be put in writing and forwarded to the Human Resource Division for proper payroll processing and placement in the employee's confidential medical file. Injury leave benefits will begin from the time an employee begins to lose time due to an on-the-job injury and will continue for 91 calendar days (13 weeks). **Injury leave benefits will stop when an employee has received a full medical release from their doctor.** An employee on injury leave will continue to collect full salary payment from the City. An employee on injury leave may be required to undergo regular examinations by a physician of the City's choice. The employee may be assigned to light duty. **An employee on injury leave is required to turn over to the city all checks paid to him/her for income benefits from Workers' Compensation.** The City will monitor payments made to the employee by the workers' compensation insurance carrier to insure that all disbursed salary related checks have been turned over to the City.

Any failure by the employee to turn over the checks paid to him/her for workers' compensation income benefits while receiving the City injury leave benefit will result in the City withholding any injury leave pay due the employee and the employee will, by such action, forfeit any and all further injury leave pay or benefits.

OUTSIDE AND SELF-EMPLOYMENT

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager (or designee) on the City's Outside and Self-Employment Form. Department Directors must also receive written approval from the City Manager prior to engaging in outside or self-employment.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his or her job with the City are also prohibited.

An employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an ~~unpaid~~ **approved** leave of absence, **whether paid or unpaid**, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an ~~unpaid~~ **approved** leave of absence, **whether paid or unpaid**, engage in outside or self-employment.

For purposes of this policy, outside or self-employment includes a job, activity or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization such as United Way, Girl Scouts, American Heart Association, faith based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

PAYROLL

A. Payroll Deductions - The following deductions are authorized for payroll deductions:

- Social Security and Medicare contributions;
- Federal income tax withholding;
- Contributions to the Texas Municipal Retirement System;
- Contributions to the United Way;
- Contributions to the established deferred compensation (457) plan;
- Contributions to the established defined contribution 401(a) plan;
- Presently authorized medical insurance premiums;
- Presently authorized “other insurance” premiums;
- Hutto Police Officer Association (HPOA) membership dues;
- Tobacco surcharge for employees enrolled in the City’s medical plan who use tobacco products.
- Wage garnishments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law.

B. Payroll Errors - Errors regarding payroll, including vacation and sick usage, must be reported to Finance in writing within 60 days after pay day. Corrections will be made effective the next regular pay date following report of error(s). If the error is not reported to Finance within the 60-day period, no correction will be made. The Finance Department reserves the right to make any necessary correction to payroll at any time to ensure accurate accounting records.

C. Direct Deposit Required - Employees are required to complete ~~and deliver to the Finance Department the City's~~ a direct deposit form **in the financial software system** so that payroll can be credited to the employee's bank account to facilitate an efficient and accurate payroll process. **Seasonal employees may be required to complete and turn in to Human Resources or the Finance Department a paper direct deposit form.** Any changes to an employee's direct deposit will be processed the next payroll after Finance has received the updated form.

SEPARATIONS

The City designates all employee separations as one of the following types:

A. Resignation - An employee who intends to resign is requested to notify his/her supervisor and/or the Human Resources Division in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Human Resources Division.

B. Retirement - An employee who intends to retire must notify his/her immediate supervisor, Department Director and the Human Resources Division in writing, 30 days prior to the date of retirement. This 30 day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS). The City shall offer employees retiring with the City the option to purchase continued health benefits coverage, as outlined in Texas Local Government Code §§ 175.001 et seq., as amended.

C. Dismissal/Termination – City employees are at-will employees. Employment may be terminated by the employee or by the City for any reason or for no reason. At its discretion, the City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures. City employees who are terminated or who resign in lieu of termination due to unsatisfactory performance or conduct and /or violation of City policies or procedures, are not eligible for rehire without approval of the City Manager.

Dismissal may also occur for the following:

1. Job Abandonment - If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will consider the employee to have abandoned his/her employment, and he/she will be terminated.

2. Long-Term Absence - Any employee who is unable to return to full time work after an absence of ~~six months~~ 180 calendar days in 12-month period will be terminated from employment with the City. Brief appearances at work during an overall absence of ~~six months~~ 180 calendar days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work but is unable to perform the duties of his or her actual position after a period of 180 calendar days will be terminated. The City may elect to end the employee's employment before the expiration of ~~six months~~ 180 calendar days if it is unlikely that the employee will be able to return to full-time active duty at the end of ~~six months~~ 180 calendar days or if the employee advises the City that he or she will be unable to return to full-time active duty at the end of ~~six months~~ 180 calendar days. An employee who has a paid leave balance remaining at the end of ~~six months~~ 180 calendar days will be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

3. Reductions-in-Force/Reorganization - An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

D. Death - If a City employee dies, his/her estate will be paid all earned pay and payable benefits.

SICK LEAVE

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents him/her from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

A. Eligibility - All full-time employees begin accruing paid sick leave on the date of hire. Part-time, temporary and seasonal employees do not accrue sick leave. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will not be eligible for paid sick leave benefits unless otherwise required by law.

B. Accrual Rate - Sick leave for employees shall be computed on the basis of 96 hours annually which is 3.69 hours per pay period. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

C. Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 1,040 hours.

D. Authorized Use of Sick Leave.

1. For the employee - Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, or injury that prevents him/her from working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

2. For the employee's immediate family - Sick leave may also be used for absences when the employee is needed to care for a member of his or her immediate family who is ill or injured. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

E. Unauthorized Use of Sick Leave - Sick leave may not be used after vacation leave and/or compensatory time has been exhausted when the leave taken does not qualify as sick leave. In such circumstance, the employee is required to take unpaid leave.

EF. Minimum Increments - Sick leave must be taken in minimum increments of one hour. If less than one hour is required, the time should be made up within the same work week instead of using sick leave.

FG. Failure to Report Absence/Abuse of Sick Leave - Supervisors are required to monitor the use of sick leave. It is anticipated that employees using paid City sick time for their

own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence. Requesting to use sick leave when the requested time off is not actually needed for a bona fide personal illness, accident, injury, or medical or dental appointment is an abuse of sick leave.

GH. Other Employment During Sick Leave - Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from the City Manager to work a second job. See Outside Employment Policy for additional guidance.

HI. Use of Other Leave - If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees may use accrued vacation leave or leave of absence without pay if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex his/her work schedule to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet. For non-exempt employees, flexing the work schedule must be accounted for within the same work week. For exempt employees, flexing the work schedule must be accounted for within the same work cycle or pay period. Under no circumstances (1) can flexing the work schedule extend beyond the affected work week for non-exempt employees or pay period for exempt employees and (2) the total of a non-exempt employee's sick leave time plus hours worked cannot exceed forty (40) hours within the same work week

IJ. Documentation - An employee must present satisfactory proof of illness/injury that prevents him/her from working whenever the employee uses sick leave for 3 or more consecutive work days, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Whenever an employee has been away from work for more than five (5) days due to a physical or mental condition, the employee is required to provide the Human Resources Division with a doctor's statement that he or she is fit to return to duty without restrictions or listing any restrictions. Abuse of sick leave may result in discipline up to and including termination of employment.

JK. Family and Medical Leave Act Leave - Any absence that qualifies for both Family and Medical Leave Act leave and sick leave will follow the guidelines set out in this policy and will typically be counted as both and run concurrently.

KL. Payment For Unused Sick Leave - No employee shall be entitled to payment in lieu of using sick leave time.

LM. Disability and Accumulated Sick Leave – The City of Hutto does not provide paid disability leave but makes disability insurance benefits available to its employees. The City of Hutto prohibits an employee from receiving both sick leave and disability benefits simultaneously. Payment of disability benefits is done in accordance with the terms of the disability policy. It will be at the employee’s discretion whether or not to utilize accumulated sick leave or receive disability funds in the amount of 60% of their salary if the employee is eligible for disability benefits.

MN. Sick Leave Pool -- The City of Hutto Sick Leave Pool provides a benefit to eligible employees who have exhausted accrued vacation and sick leave by virtue of a Catastrophic Injury or Illness of their own or that of an Immediate Family Member. The Sick Leave Pool will be administered by the Human Resources Department of the City.

1. Eligibility for Participation in the Sick Leave Pool.

A. All full-time regular employees who have been employed by the City for six months or longer are eligible to participate in the Sick Leave Pool. Only employees contributing at least eight (8) hours during the Open Enrollment period (as defined below) are eligible to make withdrawals from the Sick Leave Pool.

B. Employees who are out on leave due to a work-related injury and who are receiving workers’ compensation benefits and those who are on disability leave for any reason and receiving disability benefits may not withdraw leave from the Sick Leave Pool if the combination of sick leave and benefits (workers’ compensation or disability) exceeds the employee’s pre-injury or pre-illness compensation.

2. Contributions to the Sick Leave Pool.

A. Contributions to the Sick Leave Pool may be made only during the Open Enrollment Period(s).

B. Eligible employees desiring to donate time to the Sick Leave Pool must complete a Sick Leave Pool Donation form, which will be provided by Human Resources. The Open Enrollment Periods will be held during the first two weeks of February and August each year. However, the inaugural Open Enrollment period will be October 5, 2015 to October 16, 2015.

C. All donations to the Sick Leave Pool must be in increments of eight (8) hours and may not exceed forty (40) hours per fixed 12 month period. Example, if an employee donates forty (40) hours in February, the employee would not be eligible to make another donation until February of the following year. **An employee must have a balance of at least forty (40) hours of sick leave after donating to the Sick Leave Pool.**

D. After a Sick Leave Pool Donation form is received by Human Resources, the number of hours donated will be credited to the Sick Leave Pool and deducted from the accrued sick leave of the employee making the contribution.

E. When an employee is retiring from the City or voluntarily terminating his or her employment with the City, the employee may contribute up to ten hours of accrued sick leave to the Sick Leave Pool.

F. Contributions to the Sick Leave Pool may not be earmarked for the benefit of a particular employee.

3. Withdrawals from the Sick Leave Pool.

A. An employee may obtain leave from the Sick Leave Pool if the employee or an employee's Immediate Family Member has experienced a Catastrophic Injury or Illness resulting in the exhaustion of all of the employee's accrued vacation and sick leave.

B. An employee requesting leave from the Sick Leave Pool must complete a Sick Leave Pool Withdrawal Request form, which may be obtained from Human Resources. If an employee is unable to complete a Sick Leave Pool Withdrawal Request form due to the employee's own catastrophic injury or illness, the employee's Department Director may submit the request form to Human Resources on behalf of the employee. In the event the employee has not previously provided the City with a Medical Certification supporting the Catastrophic Injury or Illness underlying the need for the leave, such a Medical Certification must be submitted with the Withdrawal Form. All medical information obtained pursuant to this Policy will be maintained as confidential information by the City to the extent allowed by law.

C. A determination that an employee or an employee's Immediate Family Member has a Catastrophic Injury or Illness under the Sick Leave Policy does not mean that the employee or the employee's Immediate Family Member has a "serious health condition" under the FMLA or a "disability" under the ADA. The Human Resources Division will make the decision regarding approval or denial of a request by any employee to make withdrawals from the Sick Leave Pool. If an employee's request to make withdrawals from the Sick Leave Pool is denied by Human Resources, the employee may make an appeal to the City Manager. The appeal must be made in writing to the City Manager within five (5) business days after the denial decision is made by Human Resources. The City Manager will have up to five (5) business days to approve or deny the employee's appeal. The City Manager's decision is final and will be communicated in writing to the employee and Human Resources.

D. An employee is limited to one withdrawal request per fixed 12 month period and may not withdraw an amount of sick leave that exceeds the lesser of sixty (60) work days or one-third (1/3) of the total amount of time in the Sick Leave Pool **or until the employee is eligible for Long Term Disability benefits. Per the Long Term Disability policy, a 90 calendar day elimination period must first pass before benefits become effective.** Example, if an employee makes a withdrawal request from the Sick Leave Pool in February, the employee would not be eligible to make another withdrawal until February of the following year (eligibility for participation in the Sick Leave Pool will apply).

E. Employees who have contributed leave to the Sick Leave Pool may not withdraw donated time unless they become eligible to withdraw leave from the Sick Leave Pool pursuant to this Policy and are approved to withdraw time.

F. Employees do not accrue any form of paid leave while using leave from the Sick Leave Pool. An employee who is out on leave from the Sick Leave Pool will be treated in all other respects as an employee who is out on regular sick leave.

G. Requests for withdrawal of leave time from the Sick Leave Pool should be submitted as soon as the need for such leave is realized by the employee. Requests for withdrawal of leave are handled by Human Resources on a first come, first serve basis with all decisions being made within ten (10) working days of receipt of the written request.

H. If an employee returns to work **in a full duty capacity** without having used all of the leave time obtained from the Sick Leave Pool, all unused leave time must be returned to the Sick Leave Pool. **However, if an employee returns to work on a reduced schedule or with limitations, the employee may continue to make already approved withdrawals from the Sick Leave Pool for tests, treatment, therapy, or illness so long as the withdrawals are for the same medical reason for which access to the Sick Leave pool was granted. The City may require a doctor's statement to verify the reason for the need for leave.**

I. The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the Sick Leave Pool.

J. Leave time to which the employee is entitled (ADA and FMLA) is not extended by the availability of paid leave from the Sick Leave Pool.

4. Definitions.

A. "Catastrophic Injury or Illness" is a serious health condition that affects the employee or the employee's Immediate Family Member which is unanticipated, non-job related, not self-inflicted, requires the services of a licensed medical doctor for a prolonged period of time, and forces the employee to exhaust all accrued leave. A catastrophic Injury or Illness must be an illness or accident that requires confinement in a hospital for at least one full 24-hour period. Cancer will be considered to be a Catastrophic Injury or Illness even if no hospital confinement is required. The uncomplicated delivery of a child at the conclusion of a pregnancy, unforeseeable medical care rendered as a result of something other than injury or disease, and elective surgery are not considered to be a Catastrophic Injury or Illness.

B. "Immediate Family Member" means parent, child, or spouse of the employee and includes step-parents and step-children as well as foster children certified by the Texas Department of Child Protective and Regulatory Services.

TOBACCO SURCHARGE

A. Introduction/Purpose: Statistics show that tobacco users incur significantly higher healthcare costs than do non-users. Because of this, the City of Hutto has implemented a **tobacco surcharge for each employee** on the medical plan who uses any tobacco products, effective September 1, 2016. The City of Hutto is committed to helping employees achieve their best health and will provide and pay for a Tobacco Cessation Program for employees.

B. Definitions:

- **Tobacco Product:** Any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product. This includes, but is not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and other smokeless tobacco products. Under this policy, e-cigarettes and vaporizers are also considered a tobacco product.
- **Tobacco Cessation Program:** An online program offered through the City's group medical plan and/or Employee Assistance Program (EAP) that is designed to educate and provide support to individuals who are trying to change tobacco-related habits.
- **Tobacco User:** An individual who has smoked, inhaled (excluding second-hand smoke), snuffed, chewed or otherwise ingested any tobacco product (as defined above) more than once within the prior 90 days before completing an attestation during the Annual Enrollment period. It is the responsibility of employees to notify Human Resources if their tobacco use status has changed.
- **Tobacco Surcharge:** An additional health plan contribution that is charged to an employee based on his/her tobacco use.

C. Surcharge Amount: Tobacco users enrolled in the City's medical plan will pay a semi-monthly surcharge of \$25.00.

D. Initial Surcharge Eligibility Determination:

- **Annual Open Enrollment:** Employees will be required to attest to whether they meet the definition of tobacco user as defined within this policy during Annual Open Enrollment. The Annual Open Enrollment Period is during the month of August, with an effective date of September 1. Attestations will be collected by

Human Resources upon the completion of enrollment elections. Employees who do not provide an attestation during the Annual Open Enrollment period will be subject to the tobacco surcharge as an enrollment default.

- **New Hires and Mid-Year Medical Plan Enrollments:** New employees and current employees who previously chose to waive coverage, but then enroll in the City's medical plan mid-year because of a qualified life event, will not be required to complete an attestation until the following Annual Open Enrollment period.

E. Verification of Attestations: The City of Hutto reserves the right to request documentation and to have employees complete a cotinine test that detects the presence of nicotine in the body to support the validity of an employee's enrollment attestation. If it is determined that an employee is a tobacco user as defined within this policy and that employee has previously attested the he/she is not a tobacco user during the Annual Open Enrollment period, then that employee will be subject to the tobacco surcharge. The employee may also be subject to disciplinary action, up to and including termination of employment, for providing false information on a City of Hutto document. It is the responsibility of employees to notify Human Resources if their tobacco usage status has changed.

F. Surcharge Eligibility Updates: A tobacco surcharge may be removed if an employee stops using tobacco (as defined in this policy) for a period of 90 consecutive days, or if an employee requests and completes an alternative standard (see below). If an employee stops using tobacco for a period of 90 consecutive days, the employee will be required to complete and submit to Human Resources a new attestation by March 31 in order for the tobacco surcharge to be removed.

- **Alternative Standard:**

- i. **Definition:** The City of Hutto provides an alternative standard through which a tobacco user can reverse his/her tobacco surcharge. The alternative standard will be available to employees when this policy becomes effective. For additional information about completing the alternative standard, a tobacco user should contact Human Resources.

- ii. **Process:** After a tobacco user completes the alternative standard, he/she will be eligible to have the Tobacco Surcharge removed. In order for the Tobacco Surcharge to be removed, the tobacco user will be required to submit documentation to Human Resources that he/she has successfully

completed the alternative standard. Such documentation must be submitted to Human Resources by March 31.

- iii. **Payroll:** Based upon the tobacco attestations provided during the Annual Open Enrollment, Payroll will apply the Tobacco Surcharge amount defined in the Surcharge Amount section of this policy to tobacco users, effective September 1. The Tobacco Surcharge will not be deducted in a single lump sum; rather, the Surcharge will be deducted in semi-monthly installments between September 1 and August 31.

If the tobacco user submits documentation to Human Resources that he/she has successfully completed the alternative standard, Payroll will remove the Tobacco Surcharge the first pay period following documentation being submitted to Human Resources. Surcharge amounts deducted year-to-date (starting September 1) as of the successful completion of the alternative standard will also be refunded back to the employee, provided that the employee submits documentation to Human Resources by March 31. If documentation is submitted to Human Resources after March 31, the tobacco surcharge will not be removed, nor will any surcharge amounts previously deducted (starting September 1) be refunded to the employee.

G. Enrollment Corrections:

- **Default Enrollments:**

- i. **Process:** As described in the Initial Surcharge Eligibility Determination section of this policy, employees who fail to attest to their tobacco status during the Annual Open Enrollment period will be subject to the Tobacco Surcharge as an enrollment default. In such circumstance, an employee may request an enrollment correction to revise their tobacco attestation. Annual Open Enrollment correction request must be made in writing via the “Tobacco Surcharge Request Form” and submitted to Human Resources before March 31. All requests are subject to approval by Human Resources.
- ii. **Deadline:** Annual Open Enrollment correction requests must be received by March 31 in order to be considered for processing. All correction requests submitted after the applicable deadline will be denied.

iii. Payroll: When a correction request is received and approved by Human Resources, Payroll will be notified to discontinue the Tobacco Surcharge the first following pay period. Surcharge amounts deducted between the effective date of the annual enrollment and the date of the correction will not be refunded back to the employee.

H. Notice: If any employee is unable to meet the requirements of this policy, they should contact Human Resources for a reasonable alternative standard. The contact information for Human Resources is:

- Amy McGlothlin, Human Resources Director: Amy.McGlothlin@huttotx.gov
- Tyler Jarl, Human Resources Generalist: Tyler.Jarl@huttotx.gov

TRAVEL

The City shall pay actual necessary transportation and living expenses for an employee or City official traveling on City business. It is the City's policy to pay for, or reimburse, all **reasonable and necessary** expenses incurred by an employee when the employee travels on City-related business in accordance with this policy. Travel reimbursement and per diem will be made in accordance with the current travel and relocation policy of the United States General Services Administration (GSA).

A. Transportation - The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile, equivalent to the current rate paid by the State to its employees, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. Reimbursement for mileage will be determined based on the distance from the employee's home or office, whichever is closer to the travel destination. Employees shall submit a map demonstrating travel distance in order to receive reimbursement for mileage.

In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

When employees travel on the same dates with the same itinerary, they must coordinate travel. When four or fewer employees travel on the same itinerary, only one may be reimbursed for mileage. When more than four employees travel on the same itinerary, only one out of every four may be reimbursed for mileage, unless authorized in writing by the City Manager.

B. Travel Approval and Cash Advances – All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. Requests for travel advances should be submitted in writing to the Finance Department at least 10 calendar days prior to departure.

C. Lodging - Lodging is allowed only for multi-day events where the travel status would exceed 12 hours.

Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided including an itemization for any room service charges to be paid/ reimbursed by the City.

D. Meal Allowance - Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. If an employee is requesting to be reimbursed for actual costs, a detailed receipt (a credit card receipt listing the total amount due is not considered a detailed receipt) must accompany the request for reimbursement. In lieu of

itemized receipts for meals, a base per diem allowance is authorized. Employees may reference www.gsa.gov/perdiem to determine per diem rates based on the area of travel. If your seminar or training event includes the provision for a meal, the appropriate deduction will be made from your per diem or allowable reimbursement.

Meals may be reimbursed using the actual expense method if meals are procured at a prearranged place where a meeting, conference or training session is held or if approved by the City Manager.

Meal and lodging per diem will only be paid to employees whose travel status exceeds 12 hours in a given day. Only $\frac{3}{4}$ of meal per diem will be paid on the first and last day of travel.

E. Non-Allowable Expenses - Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

1. In-hotel pay television and movies;
2. Dry cleaning and laundry;
3. Health club and spas;
4. Expenses of a spouse or any person not on City business;
5. Alcoholic beverages;
6. Personal long distance telephone calls;
7. Excess baggage charge for personal belongings; and
8. Other items of a personal nature.

F. Request for Reimbursement and Return of Unexpended Funds - Upon return to the City, the employee may submit a reimbursement for parking and other authorized charges. A detailed receipt must accompany the request for reimbursement. Any receipts for charges applied to the city procurement card must be detailed and submitted to Finance.

Any advance funds received by an employee for travel purposes must be immediately reimbursed to the City if the trip is cancelled for any reason. The employee is also required to reimburse any allowance received for a meal which was provided by the seminar or training event. If a City P-Card is used to pay for meals, the employee shall reimburse any amount charged in excess of the allowable amount for that meal.

G. Travel to Training - The current mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities unless the employee receives a vehicle allowance. Reimbursement will be made only for the difference in miles from the normal work location to the further training location.

H. Expenses Not Covered in Policy - The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

I. Compliance - Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

J. Vehicle Allowance – At the discretion of the City Manager, certain employees may be eligible to receive a monthly vehicle allowance in lieu of receiving actual mileage reimbursement. The monthly vehicle allowance is intended to cover expenses of driving a vehicle on City business in the Hutto/Austin area. For travel outside of the Hutto area (50 mile radius from City Municipal Building to destination and 50 mile radius from destination to City Municipal Building), mileage will be reimbursed at the rate paid to state employees.

K. Mileage Reimbursement – An employee (excluding any employee who receives a vehicle allowance) may request mileage reimbursement when the employee uses their personal vehicle for City business that is related to the performance of their regular job duties.

- Mileage will only be reimbursed for the actual miles driven by the employee in their personal vehicle.
- Travel from home to work and from work to home is not eligible for reimbursement.
- Mileage will be reimbursed based upon the Business Standard Mileage Rates established by the I.R.S.
- Mileage reimbursement must be submitted to the Finance Department within 60 days after the first qualifying reimbursement event occurs. Any mileage reimbursement submitted to the Finance Department after 60 days will be denied.
- Employees should use a City vehicle when possible.

KL. FLSA “Hours Worked”—For purposes of computing the total number of hours worked by an employee during a single work week:

- Time spent commuting to and from work are not “hours worked.”
- Any time spent traveling during the employee’s normal work day is “hours worked.”
- When an employee is requested to travel from his or her normal workplace during a single business day, all of the time spent in travel and work on that day is counted as “hours worked” except for the lunch hour (unless work is actually performed at that time) and time spent in commuting to and from the normal workplace if the employee is required to begin and/or end the day trip at the normal workplace.
- When an employee makes an overnight trip for the City, time spent traveling to and from the airport or other means of public transportation as well as time spent as a passenger in traveling on an airplane, train, boat, bus, or automobile will not count as “hours worked” unless the time spent is during the employee’s normal work day.
- If an overnight trip requires the employee to travel on a Saturday or Sunday, hours spent in travel during what would be the employee’s normal working hours will be considered “hours worked.” For example, if an employee normally works from 8:00 a.m. to 5:00 p.m. Monday through Friday and is required to travel during those hours on a Saturday or Sunday in order to go to or return from an

overnight trip for the City, travel time during those hours will be counted as “hours worked” on the Saturday or Sunday.

- If an employee requests to be able to drive a personal vehicle instead of taking public transportation when requested to travel away from home, the City will count as “hours worked” the same amount of time that would have been counted as “hours worked” if the employee had taken the public transportation.
- If an employee makes an overnight trip to a destination for which there is no public transportation available, time spent driving to and from the destination that is outside of the employee’s normal work day will be counted as “hours worked.” Time spent traveling as a **passenger** in a personal automobile is not counted as “hours worked” unless the hours are within the normal work day.

UNPAID EXTENDED LEAVE OF ABSENCE

In extraordinary circumstances, the City may grant employees an ~~unpaid extended~~ leave of absence (LOA). All requests for LOA must be authorized by the City Manager. The employee may seek extensions of leave, up to a maximum of ~~six months~~ 180 calendar days away from work. ~~A LOA may not exceed 180 calendar days in a single 12-month period that begins on the first day of the LOA. A return to work for a period of 90 calendar days or less will not result in the commencement of a new 12-month period.~~ This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act. A LOA will not be authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved leave period.

A. Use of All Other Available Leave – All accrued leave, ~~approved sick leave pool withdrawals,~~ compensatory time, and FMLA leave (if applicable) must be exhausted and runs concurrently with an authorized ~~LOA leave of Absence.~~ The ~~six-month~~ 180 calendar day maximum absence includes all paid and unpaid days of leave.

B. Criteria - Factors considered by the City in granting a LOA include the reason for the leave; departmental work requirements; the employee's length of service, work performance and disciplinary history.

C. Reasons for LOA - A LOA may be considered in the following circumstances:

1. Recovery from extended illness, injury or temporary disability.
2. Extended care for immediate family members.
3. Educational purposes when successful completion will contribute to the work of the City.
4. Public service assignment.
5. Personnel exchange programs which emphasize intergovernmental relations.

D. Documentation - Requests for LOA ~~without pay~~ must be made in writing to the employee's Department Director as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Department Director, who will forward the request to the City Manager's office and the Human Resources Division. The need for a medical LOA must be supported by documentation acceptable to the City, including but not limited to a doctor's explanation of why the employee cannot perform his/her duties, when he/she is expected to return to work, and periodic updates regarding the employee's ability or inability to return to work. The Department Director and/or City Manager may require that the employee on leave periodically contact a designated supervisor to report on his/her condition or status. Before returning to work from a medical LOA, the employee may be required to submit a letter from his or her doctor stating that the employee is able to resume his or her normal job duties. The City may also impose additional return to work requirements as set out in the City's Health/Fitness policy.

E. Other Employment During Leave - Under no circumstances may an employee on an authorized LOA ~~without pay~~ work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Director and the Human Resources Division.

F. Reinstatement - Employees returning from a LOA will be reinstated to their same position if the position is available. If the employee's previous position is not available, the City will use its best efforts to place the employee in a position of similar pay and status. If the same job or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. If reinstatement to an employee's previous position is required by law, the City will comply with the law. An employee who fails to return to work at the conclusion of an approved LOA will be considered to have voluntarily resigned his or her employment with the City.

G. Benefits/Premium Payments - All LOA's are unpaid except for any period in which accrued, paid leave ~~or approved sick leave pool withdrawals is are~~ used during the LOA. Vacation, sick leave, holiday pay, and other benefits do not accrue during ~~an~~ the unpaid ~~portion of a~~ LOA. Any benefit continuation during a LOA must be approved in advance by the Human Resources Division and the City Manager.

Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will not be paid by the City beginning the first day of the month following the starting date of an unpaid LOA. ~~For purposes of this policy, an employee receiving short-term disability or long-term disability benefits will not be counted as being on an unpaid LOA.~~ Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a LOA. An employee's failure to pay either his or her or the City's portion of insurance premiums during a LOA may result in cancellation of coverage.

H. Revocation - The City Manager may revoke an authorized ~~leave without pay~~ LOA at any time. Failure to return to work after the expiration of an authorized LOA or failure to provide required medical status reports, physician's statements, or to contact the City per the required schedule, will likely result in revocation of the LOA and/or disciplinary action up to and including dismissal.

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 9C. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Seth Gipson, City Secretary

ITEM: Consideration and possible action on the first reading of an ordinance changing the date of the October 6, 2016 City Council meeting to October 13, 2016, to allow the City Council Members to attend the Texas Municipal League Annual Conference.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:

The Charter of the City of Hutto requires that the City Council hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council, pursuant to the Charter directions, set the first and third Thursdays of each month as the two regular monthly meetings.

The Texas Municipal League Annual Conference is being held in Austin, Texas on October 5-7, 2016. This conference conflicts with the first regularly scheduled council meeting in October. We are requesting to move the October 6, 2016 City Council Meeting to Thursday, October 13, 2016, so that the Council is able to attend this training and networking opportunity.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends the approval of the first reading of the ordinance and dispensing with the second reading of the ordinance.

SUPPORTING MATERIAL:

1. [Ordinance - Changing the Meeting Dates for first council meeting in October 2016](#)

ORDINANCE NO.

AN ORDINANCE RESCHEDULING THE FIRST REGULAR MEETING OF THE HUTTO CITY COUNCIL FOR THE MONTH OF OCTOBER 2016; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the first regularly scheduled October meeting of the Hutto City Council falls during the Texas Municipal League Annual Conference; and

WHEREAS, the Charter of the City of Hutto requires that the City Council hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens, and the City Council has, pursuant to the Charter directions, set the first and third Thursdays of each month as the two regular monthly meetings, and

WHEREAS, because of the conflict with the Texas Municipal League Annual Conference, the Council deems it necessary to reschedule the first regularly scheduled meeting for the month of October 2016 so the City Council can participate in this training opportunity; and

WHEREAS, that this Ordinance is effective only for the month of October 2016.

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

I.

That the first regularly scheduled meeting for the month of October, 2016, is hereby rescheduled to the 13th of October, 2016, at 7:00 P.M.; and

II.

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

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

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

READ and APPROVED on first reading this the **10th** day of **August, 2016**.

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

READ, APPROVED, and ADOPTED on first reading this **10th** day of **August 2016**.

CITY OF HUTTO, TEXAS

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Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 10A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Doug Gaul, Mayor

ITEM: Consideration and possible action on a resolution updating the 2035 Strategic Guide.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:

On June 17-18, 2016, the City Council convened for a planning retreat facilitated by Mayor Doug Gaul. The retreat concentrated on reaffirming and updating the 2035 Strategic Guide for the City and the Council's priorities for the upcoming year. The policies were discussed and reaffirmed and some goals were modified while others were deleted. The Strategic Guide for 2035 has incorporated all of those changes and is proposed for Council consideration.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Staff recommends the City Council approve the resolution adopting the updated 2035 Strategic Guide.

SUPPORTING MATERIAL:

1. [Resolution - Adopting the revised 2035 Strategic Guide](#)
2. [Strategic Guide - 2035 - Updated August 2016](#)

RESOLUTION NO.

WHEREAS, in 2007, the Hutto City Council began the development of a strategic guide that would provide direction for the community as it develops during the next twenty years; and

WHEREAS, the City Council reviews the 2035 Strategic Guide each year at their annual work session and, if necessary, revises or modifies the guide; and

WHEREAS, at the annual work session held on June 17-18, 2016, the Council made adjustments to the policy statements and objectives of the 2035 Strategic Guide,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, hereby adopts the revised 2035 Hutto Strategic Guide dated September 17, 2015.

RESOLVED on this the **18th** day of **August, 2016**.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

CITY OF HUTTO

STRATEGIC GUIDE



2035

REVISED AUGUST 2016

VISION

To passionately serve the public through innovation, sustainability, and diversity for the enrichment of current and future generations.

MISSION

Maintain an effective organization that supports and meets the needs of the community.

VALUES

We believe in...

- Protecting our neighborhoods.
- Being good stewards of natural resources.
- Enhancing community's appearance.
- Embracing diversity.
- Creating a special quality of life for our citizens.
- Providing a positive experience for our visitors.
- Encouraging economic development.
- Respecting the heritage of our community.
- Treating everyone fairly and with respect.



2016 CITY COUNCIL

Mayor Doug Gaul
Michael J. Smith, Mayor Pro Tem
Anne Cano, Place One
Tom Hines, Place Two
Nate Killough, Place Three
Lucio Valdez, Place Five
Bettina Jordan, Place Six

COUNCIL RELATIONS POLICY

The Council Relations Policy, including the Leadership Expectations Framework, reflects the expectations of the Hutto City Council in defining the behaviors, manners, and courtesies that are suitable for various occasions. It is also designed to make public meetings and the process of governance run more smoothly.

LEADERSHIP EXPECTATIONS FRAMEWORK

Council to Council Expectations

- Respect each other when giving and receiving honest and constructive feedback.
- Be professional and show proper decorum on and off the Dais.
- Have scheduled opportunities to discuss significant policies, issues and projects.
- Establish and follow a social media and public communication policy.
- Develop clear council critical communications standards.

Council Expectations of the City Manager

- Provide daily updates of matters of importance.
- Open and Honest Communication.
- The Council desires preparation of change before it happens in order to educate and inform the public.
- Be visible in involvement at City events and organizations.
- Provide the council with sufficient information and advice to help the Council chart the best direction for the City and the Council.

City Manager Expectations of the Council

- Provide a clear direction through the Strategic Guide.
- Give the City Manager the opportunity to answer Council's questions and concerns.
- Support the staff through respectful dialogue and questions.
- Represent the Council to residents, customers and the world.

ECONOMIC DEVELOPMENT POLICY

It is the desire of the Hutto City Council to develop business diversity consistent with the Comprehensive Plan to maintain an economic base that is sustainable and adaptable.

Strategic Goals:

- Recruit, retain, and expand desired businesses that will continue to enhance the quality of life and attract high-skilled, high-waged jobs for Hutto
- Encourage business development that promotes quality of place.
- Invest to revitalize under-utilized areas for business opportunities.
- Define a competitive framework for attracting economic development, with appropriate incentive policies
- Develop long term funding options with WCESD #3 that doesn't impact Economic Development Corporation funding
- Evaluate investment of public funds in the Extraterritorial Jurisdiction.
- Enhance Economic Development Corporation and City Council relationship
- Develop a framework and roadmap for the future of the Economic Development Corporation.
- Review and update building codes and ordinances that will promote business growth.
- Target retail development and growth within the city.
- Streamline the development process and create a "one stop shop" for development.
- Evaluate investment options of public funds in the Extraterritorial Jurisdiction

LEADERSHIP POLICY

It is the desire of the City Council to provide honest, ethical, and effective guidance in the development and structure of leadership for the City.

Strategic Goals:

- Focus on Council leadership and development through ongoing continuing education opportunities
- Cultivate, maintain, and promote relationships with critical partners delivering services within the community.
- Align the Comprehensive Plan, the Strategic Guide, Comprehensive Improvement Plan, Master Plans and Council priorities.
- Cultivate, maintain, and promote relationships internally.
- Cultivate, maintain, and promote relationships externally.
- Review and update city charter to meet state laws and city needs.
- Pre-election orientation for prospective candidates.
- Identify and maintain a qualified group of community leaders.
- Review and update council committee structure and usage

PUBLIC SAFETY POLICY

It is the desire of the Hutto City Council to ensure the safety and well-being of the residents, businesses and visitors in the City.

Strategic Goals:

- Maintain a well-trained, highly effective police force.
- Ensure that citizens have access to quality and sufficient Fire and EMS services.
- Develop and implement a plan with WCESD#3 that meets the fire and EMS needs of the community.
- Maintain strong relationships between the Police Department and the community.
- Recruit, maintain, and retain a highly effective police force.
- Improve communication between Police Department and Council.
- Maintain strong relationships with other public safety organizations.
- Ensure Emergency Management Coordinator is properly trained.

INFRASTRUCTURE POLICY

It is the desire of the Hutto City Council to provide and maintain a quality infrastructure system to meet the vision as set out in the Comprehensive Plan.

Strategic Goals:

- Proactively expand infrastructure system to optimize cost saving opportunities and funding partnerships.
- Continue to develop high quality standards in conjunction with regional partners.
- Design and select materials to minimize on-going maintenance and replacement costs.
- Invest in technology to assess and monitor infrastructure conditions.
- Execute and fund the Comprehensive and master plans.

GROWTH GUIDANCE POLICY

It is the desire of the Hutto City Council to achieve the orderly growth and development of the City by maintaining and following the Comprehensive Plan which promotes beneficial and appropriate land uses and supporting infrastructure.

Strategic Goals:

- Maintain a Comprehensive Plan specifically designed to meet Hutto's current and future needs.
- Engage the community in developing and maintaining the Comprehensive Plan.
- Review, evaluate and update Development Codes to meet City needs.
- Review and amend future land use map.
- Identify, evaluate, and remove barriers to growth.
- Increase involvement of the Planning and Zoning Commission.
- Integrate City of Hutto master plans, strategic guide, and comprehensive plan so that they are complimentary.

EDUCATION POLICY

It is the desire of the Hutto City Council to develop a cooperative relationship with the Hutto Independent School District, East Williamson County Higher Education Center, and other education entities to enhance the quality of education.

Strategic Goals:

- Proactively support educational needs for the community.
- Increase awareness of educational programs.
- Nurture and sustain strategic educational partnerships.
- Pursue cooperative agreements with educational entities.

FISCAL AND BUDGETARY POLICY

It is the desire of the Hutto City Council to achieve and maintain a long-term, stable, and positive financial condition and provide guidelines for the day-to-day planning and operations of the City's financial affairs.

Strategic Goals:

- Provide responsible fiscal stewardship.
- Make the City economically competitive to draw and sustain businesses through competitive rates, taxes, and user fees.
- Provide funding for infrastructure to sustain growth.
- Stabilize and control program costs.
- Maintain reserves to recognized standards.
- Improve bond rating.
- Continue to recognize and fund all long-term liabilities.
- Pursue a bond election by May 2017
- Explore non-traditional funding mechanisms.

ORGANIZATION DEVELOPMENT POLICY

It is the desire of the Hutto City Council to maintain a qualified staff that will continue to move the City in a positive, progressive, and productive direction.

Strategic Goals:

- Hire City Manager.
- Provide continuing education opportunities for all employees
- Provide competitive compensation packages.
- Create and maintain a positive and inspired workforce through recruitment, environment, development, and retention.
- Develop career development plans for employees.

SERVICE DELIVERY POLICY

It is the desire of the Hutto City Council to deliver programs and services in a manner that best reflects the makeup of the community and the needs of the citizens.

Strategic Goals:

- Ensure quality city-wide customer service in all departments.
- Create a new website that is relevant and up to date
- Provide a “one stop shop” for development process.
- Provide on-going and consistent citizen communication.
- Embrace the use of technology to enhance or reduce the cost of service delivery.
- Coordinate with HOAs to improve the quality of neighborhood communication and supports.
- Ensure the City’s permit process is consistent.

LEGISLATIVE AGENDA POLICY

It is the desire of the Hutto City Council to actively pursue legislative agenda(s) related to our city, county, region, state, and federal levels for the benefit of our community.

Strategic Goals:

- Nurture and sustain strategic partnerships with county, state and neighboring local government officials/staff to address common issues.
- Review/amend legislative agenda at least annually to decide which issues need to be addressed.
- Advocate for Hutto's legislative agenda.

QUALITY OF LIFE POLICY

It is the desire of the Hutto City Council to create a city that engages citizens by providing programs and services beyond their basic needs.

Strategic Goals:

- Solid waste recycling available to 100% of residents and businesses.
- Continue efforts supporting City-wide tree planting and care program.
- Support the preservation of green space.
- Maintain an environment that encompasses a safe, friendly, and an entertaining atmosphere for all ages.
- Support and encourage beautification efforts within the City.
- Create and maintain a system of parks, trails, and recreation programs.
- Explore a robust cultural arts and historical preservation program.

MOBILITY POLICY

It is the desire of the Hutto City Council to ensure the safe mobility of citizens through various modes of transportation.

Strategic Goals:

- Adopt a Transportation Master Plan.
- Develop, maintain, and follow the Transportation Master Plan.
- Maintain and follow the Pedestrian Mobility Master Plan.
- Pedestrian access crossing and access along Highway 79.
- Opportunity for sidewalk partnership with ISD.
- Integrate the Thoroughfare Master Plan with regional partners.
- Work in conjunction with regional transportation entities to plan for public transportation.

CITY OF HUTTO AWARDS & RECOGNITION 2015-16

Gold Level – Recertified Scenic City

National Night Out Award 2015

Named Second Best City to Live in Texas 2016 by Best Places Now

Named Second Safest City in Texas 2016 by Wide Open Country

Named Seventh Safest City in Texas by Safewise

Named Seventh Safest City in Texas 2016 by Credit Donkey

Named Seventh Fastest Growing Small City in America by Zippia

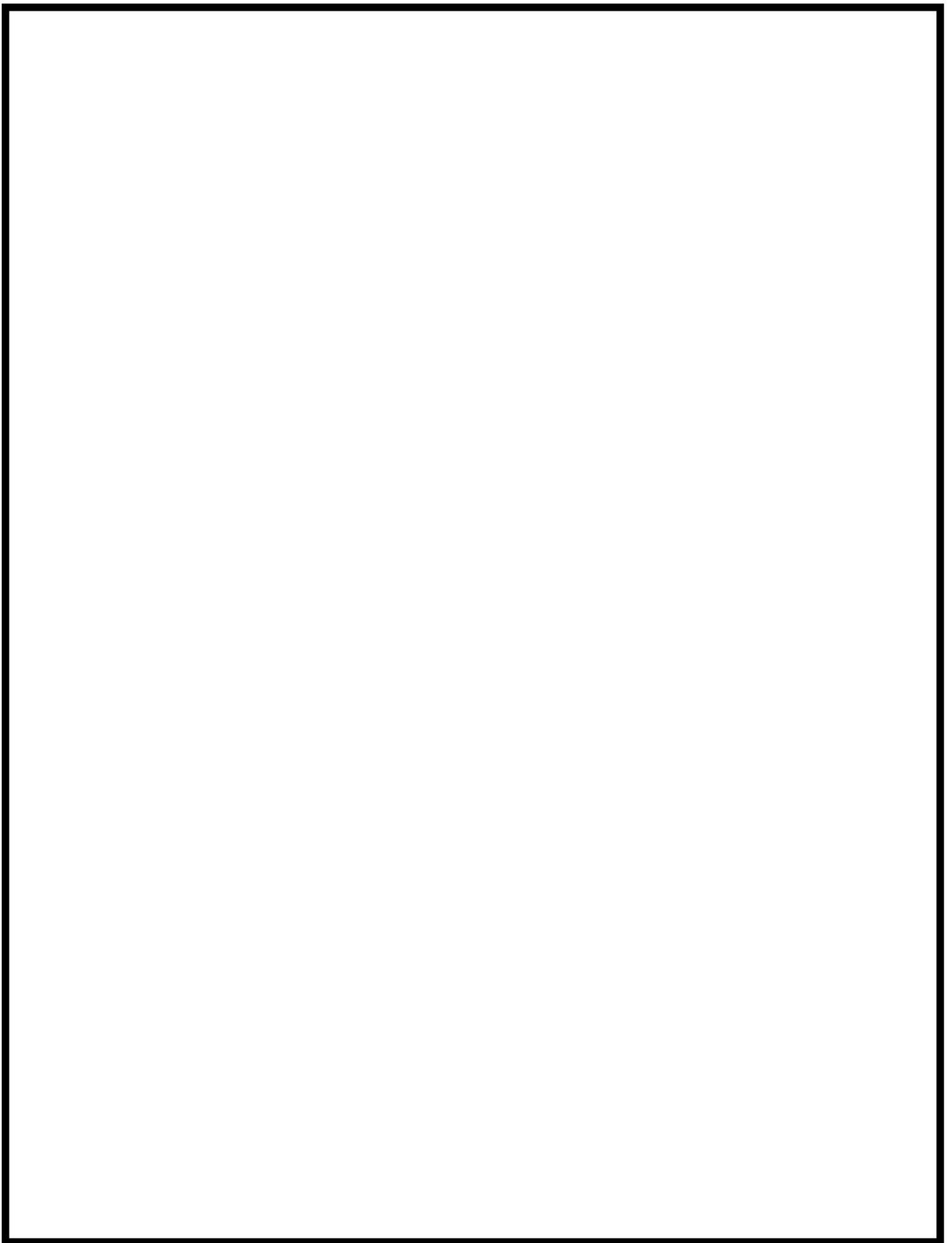
Named Fourth Safest and Peaceful Place to Live in Texas by Onlyinyourstate

Upgraded from a Bronze to a Gold Level Scenic City by Scenic City Advisory
Committee

2015 Achievement of Library Excellence Award from the Texas Municipal
Library Directors Association

2016 CITY STAFF

Micah Grau, Interim City Manager
Randy Barker, General Services Director
Charlie Crossfield, City Attorney
Helen Ramirez, Development Services Director
Melanie Hudson, Finance Director
Seth Gipson, City Secretary
Amy McGlothlin, Human Resources Director
Earl Morrison, Chief of Police
Scot Stromsness, Director of Public Works



CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 10B. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Tim Chase, President/CEO of the Hutto
EDC

ITEM: Consideration and possible action on a resolution concerning the amended bylaws of the Hutto Economic Development Corporation.

STRATEGIC GUIDE POLICY: Economic Development

ITEM BACKGROUND:

The Hutto Economic Development Corporation Board of Directors has reviewed and is recommending changes to its By-Laws. The By-Laws were last amended in 2013. The Board adopted the proposed changes at their meeting on July 19, 2016. Amendments to the By-Laws also requires approval by the City Council.

The proposed changes are shown in the red-lined version that is attached. The existing By-Laws are also included for reference.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The Hutto EDC Board of Directors approved the changes on July 19, 2016.

CITY ATTORNEY REVIEW:

The By-Laws were reviewed by the Hutto EDC's attorney. The City Attorney has also reviewed the proposed changes.

STAFF RECOMMENDATION:

Not applicable.

SUPPORTING MATERIAL:

1. [Resolution - Updating the EDC By-laws](#)
2. [Current By-laws](#)
3. [Red Lined Version of Proposed By Laws](#)

RESOLUTION NO.

A RESOLUTION UPDATING THE BY-LAWS OF THE HUTTO ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the Hutto Economic Development Corporation Board of Directors wishes to make several updates to their current by-laws; and

WHEREAS, the Hutto Economic Development Corporation Board of Directors is respectfully asking for the City Council's approval of the updates that were presented and approved by the Hutto Economic Development Board of Directors at their regular meeting held on July 19, 2016.

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

That the Hutto City Council hereby accepts and approves the updates to the Hutto Economic Development Corporation's By-Laws as presented.

RESOLVED on this the **18th** day of **August, 2016**.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

By-Laws
of
The Hutto Economic Development Corporation
As Amended Effective February 19, 2013

Article I: Powers and Purposes

Section 1.1: Corporate Identity; Offices. The name of the corporation is The Hutto Economic Development Corporation (the “Corporation”). The principle office of the Corporation was initially at Hutto City Hall, 102 Highway 79 East, Hutto, TX 78634. The Corporation may relocate such principle office and have such other offices as the Board of Directors shall determine. Currently the principle office of the Corporation is at 321 Ed Schmidt Boulevard, Ste 200, Hutto, TX 78634.

Section 1.2: Powers, Purposes and Authority. In order to implement the purposes for which the Corporation was formed, as set forth in its Articles of Incorporation, the Corporation shall have all the authority and powers of every nature and kind whatsoever, both expressed and implied, which are authorized or permitted by the terms of the Development Corporation Act of 1979, Article 5190.6, Tex. Rev. Civ. Stat., as amended (the “Act”). The Corporation shall have and may exercise each power and authority enumerated in the Act as if such power and authority were specifically set forth herein; provided that the Corporation shall be governed by Section 4A and any other term or provision of the Act, Section 4A shall govern and prevail. The Corporation shall have the power and authority to undertake any lawful action not inconsistent with the Act and it shall undertake the promotion of economic development to promote and encourage employment and the public welfare in the City of Hutto (the “City”). The powers of the Corporation shall include the authority to contract and be contracted with and, absent a conflict with Section 4A, the power to purchase, lease, sell and mortgage real estate, and to issue obligations for or otherwise finance all or part of the cost of one or more Projects as defined in the Act.

Section 1.3: Annual Corporate Budget. At least sixty (60) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed budget of anticipated revenues and proposed expenditures for the next ensuing fiscal year. The budget shall contain such classifications as shall be in such form as may be prescribed from time to time by the City Council. The budget shall not be effective until same has been approved by the City Council. The Corporation’s fiscal year shall start on October 1 and end on September 30th of the following year and may be changed by action of the Board and approval of the City Council.

Section 1.4: Books and Records: Review of Financial Statements. The Corporation shall keep correct and complete books and records of *all* accounts and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. All books and records of the Corporation may be inspected by any director or his or her agent or attorney at a reasonable time; and at all times the City Council of the City (the “City Council”) will have access to the books, records and financial statements of the Corporation. At the direction of the City Council, the books, records, accounts and financial statements may be maintained for the Corporation by the staff of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services.

Section 1.5: Powers in General. The Corporation may exercise all powers granted under the Act consistent with its Articles of Incorporation, these By-Laws and the Resolutions, Orders and Ordinances of the City Council.

Article II: Board of Directors

Section 2.1: Appointment, Powers, Number and Term of Office. The Board of Directors shall exercise all of the powers of the Corporation, subject to the restrictions imposed by law, the Articles of Incorporation and these By-Laws.

The business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors (the "Board"), appointed by the Hutto City Council and subject to the applicable limitations imposed by the Texas Economic Development Corporation Act of 1979 as amended, other applicable legislation and these by-laws. The Board may, by contract, resolution or otherwise, give general or limited or special powers and authority to the Officers and employees of the Corporation.

The Board may plan and direct its work through the President who will be charged with the responsibility of carrying out the Corporation's programs as adopted and planned by the Board.

The Board of Directors shall consist of seven (7) persons who shall each be appointed by the City Council. The term of each directorship will be for three (3) years. Those filling vacancies shall serve out the term of those seats.

Any Director, or all Directors, may be removed from office at any time by majority vote of the City Council, for cause or at will. Any vacancy occurring on the Board of Directors shall be filled by appointment by majority vote of the City Council.

Section 2.2: Meetings of Directors in General. The Board shall meet at least once each month and any member of the Board may request that an item be placed on the agenda by providing same in writing, to the Secretary no later than 10 days prior to the date of the Board meeting. The Board of Directors may hold its meetings at any place authorized by the Act and as the Board of Directors may from time to time determine; provided that, in the absence of any such determination by the Board of Directors, the meeting shall be held at the principle office of the Corporation or at the City Council Chambers of the City. The Board of Directors shall conduct its meetings in accordance with the requirements of the Act and Art. 6252-17, Tex. Rev. Civ. Stat. as amended.

Section 2.3: Regular Meetings. Regular meetings of the Board of Directors shall be held at such times and places as shall be designated, from time to time, by resolution of the Board of Directors. Notice of regular meetings need not be given to each of the Directors, but public notice of each meeting shall be given in the manner prescribed by law.

Section 2.4: Special Meetings. Special meetings of the Board of Directors shall be held whenever called by the Chairperson, by the Secretary or by a majority of the Directors then in office, or upon advice of or by request of the City Council.

The Secretary or his/her designee shall give or cause public notice to be given of each special meeting. Special notice of each special meeting shall also be given to each Director either by mail, telephone, electronically or in person, at least two (2) hours before the meeting. Notice

required by law to be given to any other person or entity shall be given in the manner prescribed by law. Except as otherwise provided by law or unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting. At any meeting at which every Director is present, even though without any notice, any matter pertaining to the purposes of the Corporation may be considered and acted upon, except as otherwise provided by law.

Section 2.5: Quorum. A majority of the Directors fixed by these By-Laws shall constitute a quorum for the consideration of matters pertaining to the purposes of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law. Any member of the Board may request a record vote on any matter to come before the Directors and that record vote will become a part of the minutes.

Section 2.6: Conduct of Business. At the meetings of the Board of Directors, matters pertaining to the purposes of the Corporation shall be considered in such order from time to time the Board of Directors may determine.

Section 2.7: Compensation of Directors. Compensation of Directors. Directors shall not receive any compensation for their services as Directors except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties.

Article III: Officers

Section 3.1: Titles and Terms of Office. The Officers of the Corporation shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, and such person may hold more than one office, except the Chairperson shall not hold the office of Secretary. The Chairperson and each other Officer of the Company, except the President, shall be appointed by a majority vote of the Directors then in office and shall hold office for a term of three (3) years or until his or her successor is elected or appointed.

All Officers shall be subject to removal from office with or without cause at any time by a majority vote of the Directors then in office.

A vacancy in any office shall be filled by appointment by a majority vote of the Directors then in office.

Section 3.2: Chairperson. The Chairperson shall be the Chief Executive Officer of the Corporation, and, subject to the control of the Board of Directors, the Chairperson shall be in general charge of the properties and affairs of the Corporation. The Chairperson shall preside at all meetings of the Board of Directors in furtherance of the purposes of this Corporation; the Chairperson may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, notes and other instruments in the name of the Corporation.

The Chairperson shall have the authority to appoint standing committees to aid and assist the Board in its business undertakings or matters incidental to the operation and functions of the Board. The Chairperson shall have the authority to appoint AD-HOC committees which may address issues of a temporary nature of concern or which have a temporary affect on the business of the Board.

Section 3.3: Vice Chairperson. The Vice Chairperson shall have such powers and duties as may be assigned by the Board of Directors and shall exercise the powers of the Chairperson during the Chairperson's absence or inability to act. Any action taken by the Vice Chairperson in the performance of the duties of the Chairperson shall be with conclusive evidence of the absence or inability of the Chairperson to act at the time such action was taken.

Section 3.4: Treasurer. The Treasurer shall have custody of all the funds and securities of the Corporation that come in to his or her hands. When necessary, or proper, the Treasurer may sign or endorse, on behalf of the Corporation for collection or payment checks, notes and other obligations and shall deposit any funds received to the credit of the Corporation in such bank or banks or depositories as shall be designated by the Board of Directors. Whenever required by the Board of Directors, the Treasurer shall enter or cause to be entered regularly in the books of the corporation to be kept by the Treasurer for that purpose full and accurate amounts of all monies received and paid out on account of the Corporation. The Treasurer shall perform all acts incident to the position of the Treasurer subject to the control of the Board of Directors. The Treasurer, if required by the Board of Directors, shall give such bond for the faithful discharge of his/her duties in such form as the Board of Directors may require.

Section 3.5: Secretary. The Secretary shall keep or shall cause to be kept the minutes of all meetings of the Board of Directors, its committees and those of Executive Sessions in books provided for that purpose. The Secretary shall attend to giving and serving notices in furtherance of the corporate purposes. The Secretary may attest or sign with the Chairperson, in the Corporation's name, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation. The Secretary shall have charge of the corporate books, records, and all records of the securities of which the Treasurer shall have custody, and such other books and papers as the Board of Directors may direct, all of which shall during business hours be open to inspection at the office of the Corporation; and the Secretary shall in general perform all duties incident to the office of Secretary subject to the control of the Board of Directors.

In the absence of the Secretary, the Chairperson may appoint any other person to act as Secretary during such absence.

Section 3.6: Compensation. Officers of the Board shall not receive any compensation for their services as Officers except that they may be reimbursed for their actual expenses incurred in the performance of their official duties.

Section 3.7: President. The President shall report to the Chairperson of the Board of Directors, shall serve as the Chief Administrative Officer of the Corporation and shall oversee all administrative functions of the Corporation. The President shall develop policies and procedures for the Corporation including financing, accounting, personnel, and purchasing policies and procedures which shall be approved by the Board prior to submission to the City Council for their approval. The President shall represent the Corporation where and when appropriate or as directed by the Board.

The President shall implement the current EDC Strategic Plan and shall keep the Board informed of all development and activities concerning business retention, expansion and recruitment efforts.

Article IV: Provisions Regarding By-Laws

Section 4.1: Effective Date. These By-Laws shall become effective only upon the occurrence of the following events:

- (1) the adoption of these By-Laws by the Board of Directors; and
- (2) the approval of these By-Laws by the City Council.

Section 4.2: Amendments to By-Laws. These By-Laws may be amended at any time and from time to time by majority vote of the Directors then in office, but only with approval of the City Council.

Section 4.3: Interpretation of By-Laws. These By-Laws shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these By-Laws, or the application thereof to *a* person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these By-Laws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these By-Laws to any other person or circumstance shall not be affected thereby.

Article V: General Provisions

Section 5.1: Principle Office. The current principle office of the Corporation is at 321 Ed Schmidt Boulevard, Suite 200, Hutto, Texas, 78634. The Corporation may relocate such principle office and have such other offices as the Board shall determine.

Section 5.2: Seal. The seal of the Corporation shall be as determined by the Board of Directors.

Section 5.3: Notice and Waiver of Notice. Whenever any notice whatsoever is required to be given to the Board of Directors under the Act, the Articles of Incorporation or these By-Laws, such notices shall be deemed to be sufficient if given by depositing it for mailing in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Corporation, and such notice shall be deemed given on the day of such mailing.

Attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the sole purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A written waiver of notice, signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Neither the business to be transacted nor the purpose of any regular or special meeting of the Board of Directors need be set forth in any notice to a Director of such meeting, unless required by the Board of Directors.

Any notice whatsoever that may be required to be given to the public by law, shall be given in the manner prescribed by law.

Section 5.4: Resignations. Any Director or Officer may resign at any time. Any such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the Chairperson or the Secretary. Absent a written notice of the resignation, the City Council of the City shall cause a notice of the resignation to be provided. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation. Notwithstanding the effective date, a resigning Director shall serve until such time as her or her successor takes office.

Section 5.5: Approval of the City Council. To the extent these By-Laws refer to any approval or action to be taken by the City, such shall be evidenced by a certified copy of a Resolution, Ordinance, Order or Motion duly adopted by the City Council.

Section 5.6: Organizational Control. The City Council may, at its sole discretion and at any time, alter or change the structure, organization or activities of the Corporation (including the termination of the Corporation), subject to the Act and any limitation on the impairment of contracts.

Section 5.7: Dissolution of the Corporation. Upon dissolution of the Corporation, title to or other interest in any real or personal property then owned by the Corporation shall vest in the City except and unless as authorized by the City Council.

Adopted and approved this the _____ day of February, 2013.

Board of Directors

Chairman

Secretary

Vice Chairman

Treasurer

Director

Director

Director

By-Laws
of
The Hutto Economic Development Corporation By-Laws
As Amended Effective

Article I: Powers and Purposes

Section 1.1: Corporate Identity; Offices. The name of the corporation is ~~The~~ Hutto Economic Development Corporation (the "Corporation"). ~~The principle office of the Corporation was initially at Hutto City Hall, 102 Highway 79 East, Hutto, TX 78634. The Corporation may relocate such principle office and have such other offices as the Board of Directors shall determine. Currently the principle office of the Corporation is at 321 Ed Schmidt Boulevard, Ste 200, Hutto, TX 78634.~~

Section 1.2: Powers, Purposes and Authority. In order to implement the purposes for which the Corporation was formed, as set forth in its Articles of Incorporation, the Corporation shall have all the authority and powers of every nature and kind whatsoever, both expressed and implied, ~~which are authorized or permitted by the terms of the Development Corporation Act of 1979, Article 5190.6, Tex. Rev. Civ. Stat., as amended (the "Act"). The Corporation shall have and may exercise each power and authority enumerated in the Act as if such power and authority were specifically,~~ which are authorized or permitted for Type A corporations as set forth herein; and provided that for in the applicable provisions of Texas Local Government Code chapters 501 through 504 (hereinafter referred to as the "Code"). The Corporation shall be governed by ~~Section 4A~~the Code and any other term or provision of the Act, ~~Section 4A shall govern and prevail~~Code or other law, as provided by the Code. The Corporation shall have the power and authority to undertake any lawful action not inconsistent with the ~~Act~~Code and it shall undertake the promotion of economic development to promote and encourage employment and the public welfare in the City of Hutto (the "City"). The powers of the Corporation shall include the authority to contract and be contracted with and, absent a conflict with ~~Section 4A~~the Code, the power to purchase, lease, sell and mortgage real estate, and to issue obligations for or otherwise finance all or part of the cost of one or more Projects as defined in the ~~Act~~Code.

Section 1.3: Fiscal Year and Annual Corporate Budget. ~~The Corporation's fiscal year shall start on October 1 and end on September 30th of the following year. At least thirty (30) days prior to the commencement of each fiscal year of the Corporation, the Board shall adopt a proposed and subsequently present to City Council for approval, an annual budget illustrating anticipated revenues and proposed expenditures for the next ensuing fiscal year, and reconciling expenditures for the prior year. City Council members are entitled to participate in any Board discussion during its budget process.~~ The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council. The budget ~~shall not be~~ effective ~~until same has been only after City Council's approval in accordance with Texas Local Government Code §501.073.~~ All Corporation expenditures must be approved by the City Council. ~~City Council's participation in Board.~~ Only budgeted amendments that increase the total annual expenditures shall require City Council approval. Reallocations of expenditures in excess of \$5,000 per line item account and which deviate from the annual budget must be approved by the Corporation Board and all such changes are to be reported to the City Council. ~~During the budget process is welcomed. Only budget amendments which year, if the Corporation has a revenue increase total annual expenditures shall require City Council approval. Reallocation~~

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~~of expenditures or short fall, or experiences an expenditure, either separately or in excess of \$5,000 must be combination, that numerically results in a deviation from the approved by the EDC Board. Actual budget by more than ten percent (10%), then the Board shall present an amended budget to the City Council for approval, illustrating adjustments necessary to the budget and expenditures which deviate from to reallocate budgeted amounts in excess of \$5,000 must be approved by the Board of Directors. The Corporation's fiscal year shall start on October 1 and end on September 30th of the following year and may be changed by action of the Board and approval of the City Council funds for approval in accordance with Texas Local Government Code §501.073.~~

Section 1.4: Books and Records: Review of Financial Statements. The Corporation shall keep correct and complete books and records of *all* accounts and shall also keep minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. All books and records of the Corporation may be inspected by any director or his or her agent or attorney at a reasonable time; ~~and at all times the~~. The City Council of the City (the "City Council") will have access to the books, records and financial statements of the Corporation at all times. At the direction of the City Council, the books, records, accounts and financial statements may be maintained for the Corporation by the staff of the City. In such event, the Corporation shall pay to the City reasonable compensation for such services.

~~The financial records of the EDC Corporation shall be independently audited annually by a firm selected by the Board of Directors. However, this provision does not prohibit, nor require the Board from using the same independent auditing firm selected by the City of Hutto.~~

Section 1.5: Powers in General. The Corporation may exercise all powers granted under the ~~Act~~ Code consistent with its Articles of Incorporation, these By-Laws and the Resolutions, Orders and Ordinances of the City Council.

Article II: Board of Directors

Section 2.1: ~~Appointment, Corporate Powers, Number and Term of Office.~~ The Board of Directors shall exercise all of the powers of the Corporation, subject to the restrictions imposed by law, the Articles of Incorporation and these By-Laws.

~~The~~ business and affairs of the Corporation and all corporate powers shall be exercised by or under authority of the Board of Directors (the "Board"), appointed by the Hutto City Council and subject to the applicable limitations imposed by the ~~Texas Economic Development Corporation Act of 1979 as amended~~ Code, other applicable legislation and these by-laws. The Board may, by contract, resolution or otherwise, give general ~~or~~ limited or special powers and authority to the Officers and employees of the Corporation, not in conflict with the Code or other law.

~~The~~ **Section 2.2: Board shall** **Composition, Term, Appointment and Removal:** The Board of Directors shall consist of seven (7) persons who shall each be appointed as a director by the City Council for a three (3) year term. Each director if eligible, may be considered for reappointment in the discretion of the City Council at the end of each term. Any person appointed to fulfill a full term, or fill a vacancy in an unexpired term, unless ineligible by law, shall remain as a director after the term expires, until replaced by the City Council.

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The City Council may shall consider including the Board of Directors in the selection process for board members. The Board should generally consist of directors with demonstrable experience in real estate, finance (including lending and investing), national marketing, legal, accounting and/or business if candidates with such experience are available to the City Council for appointment.

A majority vote of the City Council may also remove a director for cause or at will. Directors serve without compensation, but are entitled to reimbursement for actual expenses expended in the performance of the director's duties.

Section 2.3: Appointment of President and Chief Executive Officer. The Board shall plan and direct its work through the appointment of a President & Chief Executive Officer ("CEO") appointed by the Board, who will be charged with the responsibility of carrying out the Corporation's operations, programs and projects as adopted and planned/directed by the Board as provided by Section ~~3.73.6~~ below.

The Board of Directors shall consist of seven (7) persons who shall each be appointed by the City Council. The term of each directorship will be for three (3) years. Those filling vacancies shall serve out the term of those seats.

In the selection process the City Council shall appoint Board members with demonstrable experience in at least two of the following areas: Real Estate, Finance (including lending and investing), National Marketing, Legal, Accounting, and/or General Business Acumen. First priority will be given to citizens of Hutto including the ETJ. Eligibility to serve on the EDC Board may be extended to business owners and senior managers from adjacent cities.

Section 2.1a: Within the first three (3) months of his or her appointment all Board of Directors

Section 2.4: Training. All directors and employees of the Corporation shall complete state approved training to comply with the Texas Open Meeting/Meetings Act and the Public Information Act training. It is strongly recommended that Board Members attend a Basic Economic Development Course accredited by the International Economic Development Council (IEDC) within the first 30 days of appointment. Board members shall attend an initial training course within 12 months of being appointed. Such Course appointment and again at least once in each 24 month period thereafter, regarding the Basics of Economic Development, which is typically offered 2-3 times per year routinely provided by the Texas Economic Development Council. The Hutto EDC will cover the cost of the course, travel, and expenses. Additionally, all Board members shall read and acknowledge the IEDC's Conflict of Interest Policy annually in accordance with Texas Local Government Code §502.101.

Section 2.5: Liability Insurance and Indemnification. The corporation shall indemnify a director or officer of the corporation for necessary expenses and costs, including attorney's fees, actually incurred by the director or officer in connection with a claim asserted against the director or officer, by action in court or another forum, by reason of the director's or officer's being or having been a director or officer of the corporation. However, the corporation shall not indemnify a director or officer for a matter in which the director or officer is guilty of negligence or misconduct. See Texas Local Government Code §501.066. The corporation shall also provide liability insurance to cover acts and omissions of the corporation to protect the corporation, its directors, employees and agents. See Texas Local Government Code § 501.067.

~~**Section 2.6:** Any Director, or all Directors, may be removed from office at any time by majority vote of the City Council, for cause or at will. Any vacancy occurring on the Board of Directors shall be filled by appointment by majority vote of the City Council.~~

~~**Section 2.2: Board Independence.** All board members and employees of the corporation are required to conduct themselves in accordance with the corporation's conflict of interest policy and are prohibited from participating in financial transactions with economic development prospects where terms and conditions of any transaction are not openly offered and made available to the general public at the same price (i.e. the public sale of goods or services at a fee by a business that demonstrates no special benefit are excluded from this prohibition).~~

~~**Section 2.7: Meetings of Directors in General.** The Board shall meet at least twelve (12) times per calendar year and any monthly at Regular Meetings scheduled by the board. The Board may elect to cancel a meeting. Any member of the Board may request that an item be placed on the agenda by providing same a request in writing, to the Secretary and the CEO no later than 10 days prior to the date of the Board meeting, or ask for an item to be placed on the next, or a future, regular meeting. The subject matter may be modified from that provided to the extent necessary to comply with the Texas Open Meetings Act. The Board of Directors may hold its meetings at any place authorized by the Act Code and as the Board of Directors may from time to time determine; provided that, in the absence of any such determination by the Board of Directors, the meeting shall be held at the principle office of the Corporation or at the City Council Chambers of the City. The Board of Directors shall conduct its meetings in accordance with the requirements of the Act and Art. 6252-17, Tex. Rev. Civ. Stat. as amended Texas law.~~

Section 2.38: Regular Meetings. Regular meetings of the Board of Directors shall be held at such times and places as shall be designated, from time to time, by resolution of the Board of Directors. Notice of regular meetings need not be given to each of the Directors, but public notice of each meeting shall be given in the manner prescribed by law.

Section 2.49: Special Meetings. Special meetings of the Board of Directors shall be held whenever called by the Chairperson or CEO, by the Secretary or by a majority of the Directors then in office, or upon advice of or by request of the City Council.

The Secretary or his/her designee shall give or cause public notice to be given of each special meeting, and email notice to board members. Special notice of each special meeting shall also be given to each Director either by mail, telephone, electronically or in person, at least two (2) hours before the meeting, a special meeting. Delivery of notice, whether read or not, constitutes notice. Notice required by law to be given to any other person or entity shall be given in the manner prescribed by law. Except as otherwise provided by law or unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special meeting. At any meeting at which every Director is present, even though without any notice, any matter pertaining to the purposes of the Corporation may be considered and acted upon, except as otherwise provided by law, any meeting.

Section 2.510: Quorum. A majority of the Directors directors fixed by these By-Laws shall constitute a quorum for the consideration of matters pertaining to the purposes of the Corporation. The act of a majority of the Directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board of Directors, unless the act of a greater number is required by law. Any member of the Board may request a record vote on any matter to come before the Directors and that record vote will become a part of the minutes.

~~Section 2.5a: **Voting by Unanimous Written Consent** In the absence of a quorum the Corporation may take action by circulating the proposed action to each board member, and having each sign and return the written action to the board secretary. Returning the written action may be in the form of a scanned, FAXED or bonafide signature system. All documents used to confirm a Unanimous Written Consent must have the Board members' signature.~~

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~~Section 2.6: **Conduct of Business.** At the meetings of the Board of Directors, matters pertaining to the purposes of before the Corporation shall be considered in such order from time to time the Board of Directors presiding officer may determine, absent an objection by a board member. In the event of an objection, the Board may determine the order of consideration by consensus or by motion.~~

~~Section 2.7: **Compensation of Directors.** Compensation of Directors. Directors shall not receive any compensation for their services as Directors except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties.~~

Article III: Officers

Section 3.1: Titles and Terms of Office. The Officers of the Corporation shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer, ~~and.~~ Any such person may hold more than one office, except the Chairperson shall not hold the office of Secretary. The Chairperson and each other Officer of the ~~Company shall~~ Company Corporation shall be elected by a majority vote of the Directors then in office at the first duly called meeting of the calendar year, and shall hold office for a term of one (1) -year or until his or her successor is elected or appointed.

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~~All~~ Any or all Officers shall be subject to removal from office with or without cause at any time by a majority vote of the Directors then in office.

~~A~~ A vacancy in any office shall be filled by appointment by a majority vote of the Directors then in office.

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Section 3.2: Chairperson. Subject to the control of the Board of Directors, the Chairperson shall be in general charge of the properties and affairs of the Corporation. The Chairperson shall preside at all meetings of the Board of Directors in furtherance of the purposes of this Corporation; the Chairperson may sign and execute all contracts, conveyances, franchises, bonds, deeds, assignments, notes and other instruments in the name of the Corporation.

~~The~~ Chairperson shall have the authority to appoint standing committees to aid and assist the Board in its business undertakings or matters incidental to the operation and functions of the Board. The Chairperson shall have the authority to appoint AD-HOC committees which may address issues of a temporary nature of concern or which have a temporary ~~affect~~ effect on the business of the Board.

Section 3.3: Vice Chairperson. The Vice Chairperson shall have such powers and duties as may be assigned by the Board of Directors and shall exercise the powers of the Chairperson during the Chairperson's absence or inability to act. Any action taken by the Vice Chairperson in the performance of the duties of the Chairperson shall be with conclusive evidence of the absence or inability of the Chairperson to act at the time such action was taken.

Section 3.4: Treasurer. The Treasurer or his/her corporate designee under his/her supervision and control shall have custody of all the funds and securities of the Corporation that come in to his-~~er~~/ her hands. When necessary, or proper, the Treasurer may sign or endorse, on behalf of the Corporation for collection or payment checks, notes and other obligations and shall deposit any funds received to the credit of the Corporation in such bank or banks or depositories as shall be designated by the Board of Directors. Whenever required by the Board of Directors, the Treasurer or his/her corporate designee shall enter or cause to be entered regularly in the books of the corporation to be kept by the Treasurer or his/her corporate designee for that purpose full and accurate amounts of all monies received and paid out on account of the Corporation. The Treasurer or his/her corporate designee shall perform all acts incident to the position of the Treasurer subject to the control of the Board of Directors. The Treasurer, if required by the Board of Directors, shall give such bond for the faithful discharge of his/her duties in such form as the Board of Directors may require.

Section 3.5: Secretary. The Secretary or his/her corporate designee under his/her supervision and control shall keep or shall cause to be kept the minutes of all meetings of the Board of Directors, its committees and those of Executive Sessions in books provided for that purpose. The Secretary or his/her corporate designee shall attend to giving and serving notices in furtherance of the corporate purposes. The Secretary may attest or sign with the Chairperson, in the Corporation's name, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation. The Secretary or his/her corporate designee shall have charge of the corporate books, records, and all records of the securities of which the Treasurer shall have custody, and such other books and papers as the Board of Directors may direct, all of which shall during business hours be open to inspection at the office of the Corporation; and the Secretary shall in general perform all duties incident to the office of Secretary subject to the control of the Board of Directors.

In the absence of the Secretary, the Chairperson may appoint any other person to act as Secretary during such absence.

Section 3.6: Compensation. ~~Officers of the Board shall not receive any compensation for their services as Officers except that they may be reimbursed for their actual expenses incurred in the performance of their official duties.~~

~~**Section 3.7: President & CEO/Chief Executive Officer.** The President ~~& CEO/Chief Executive Officer~~ ("CEO") shall be appointed by majority vote of the Board of Directors ~~in accordance with an applicable employment contract. The President & CEO~~ shall report to the Chairperson of the Board of Directors, shall serve as the Chief ~~Executive Officer~~ of the ~~Corporation~~ corporation and shall oversee all administrative functions of the Corporation. The ~~President & CEO~~ shall develop policies and procedures for the ~~Corporation~~ corporation covering topics including but not limited to financing, accounting, personnel, and purchasing ~~policies and procedures~~ which shall be ~~approved~~ presented for approval by the Board ~~prior to submission and presented as necessary for approval~~ to the City Council ~~for their approval. The President & CEO~~ shall represent the Corporation where and when appropriate or as directed by the Board.~~

The ~~President & CEO~~ shall implement the ~~current EDC~~ Corporation's Strategic Plan and shall keep the Board informed of all development and activities concerning business retention, expansion and recruitment efforts.

Article IV: Provisions Regarding By-Laws

Section 4.1: Effective Date. These By-Laws shall become effective only upon the occurrence of the following events:

- (1) the adoption of these By-Laws by the Board of Directors; and
- (2) the approval of these By-Laws by the City Council.

Section 4.2: Amendments to By-Laws. These By-Laws may be amended at any time and from time to time by majority vote of the Directors then in office, ~~but only with approval of approving proposed amendments, which are subsequently approved by~~ the City Council.

Section 4.3: Interpretation of By-Laws. These By-Laws shall be liberally construed to effectuate the purposes set forth herein. If any word, phrase, clause, sentence, paragraph, section or other part of these By-Laws, or the application thereof to a person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of these By-Laws and the application of such word, phrase, clause, sentence, paragraph, section or other part of these By-Laws to any other person or circumstance shall not be affected thereby.

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Article V: General Provisions

Section 5.1: Principle Office. The current principle office of the Corporation is at 321 Ed Schmidt Boulevard, Suite 200, Hutto, Texas, 78634. The Corporation may ~~relocate such principle office and have such~~ establish other offices as the Board of Directors shall determine.

Section 5.2: Seal. The seal of the Corporation shall be as determined by the Board of Directors.

Section 5.3: Notice and Waiver of Notice. Whenever any notice whatsoever is required to be given to the Board of Directors under the ~~Act~~ Code, the Articles of Incorporation or these By-Laws, such notices shall be deemed to be sufficient if given by electronic mail or depositing it for mailing in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Corporation, and such notice shall be deemed given on the day of such mailing.

~~Any notice whatsoever that may be required to be given to the public by law, shall be given in the manner prescribed by law. — Attendance of a Any Director at who either attends a meeting shall constitute a, or issues a written waiver after the time of notice of such a meeting, except where waives any notice requirement for that meeting by conduct, unless a Director attends a meeting for the sole purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened. A written waiver of notice, signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.~~

—Neither the business to be transacted nor the purpose of any regular or special meeting of the Board of Directors need be set forth in any notice to a Director of ~~such a~~ meeting, unless required by the Board of Directors.

~~Any notice whatsoever that may be required to be given to the public by law, shall be given in the manner prescribed by law.~~

Section 5.4: Resignations. Any Director or Officer may resign at any time ~~with or without cause~~. Any such resignation shall be made orally at a meeting of the board or in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the Chairperson or the Secretary. Absent a written notice of ~~the~~ resignation, the City Council of the City shall cause a notice of the resignation to be provided and shall seek to fill the vacancy created by the resignation within 90 days. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation. Notwithstanding the effective date, a resigning Director shall serve until such time as her or her successor takes office.

Section 5.5: Approval of the City Council. To the extent these By-Laws refer to any approval or action to be taken by the City, such shall be evidenced by a certified copy of a Resolution, Ordinance, Order or Motion duly adopted by the City Council.

Section 5.6: Organizational Control. The City Council may, at its sole discretion and at any time, alter or change the structure, organization or activities of the Corporation (including the termination of the Corporation), subject to the Act and any limitation on the impairment of contracts.

Section 5.7: Dissolution of the Corporation. Upon dissolution of the Corporation, title to or other interest in any real or personal property then owned by the Corporation shall vest in the City except and unless as authorized by the City Council.

Adopted and approved this the ____ day of _____ in
20____, 2016.

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Board of Directors

Chairman

Secretary

Vice Chairman

Treasurer

Director

Director

Director

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 10C. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Micah Grau, Interim City Manager

ITEM: Consideration and possible action on a resolution concerning an amendment to the Williamson County Regional Animal Shelter Interlocal Agreement.

STRATEGIC GUIDE POLICY: Service Delivery

ITEM BACKGROUND:

The City of Hutto along with the cities of Cedar Park, Leander, Round Rock, and Williamson County, joined together in 2006 to create the Williamson County Regional Animal Shelter to address the cumulative animal care and sheltering needs of the partner cities and county. The shelter opened in 2007 and was immediately at full capacity.

Growth in the member cities and the County's overall population has stretched the capacity of the shelter. The Williamson County Regional Animal Shelter Board, acting through Williamson County, engaged the services of Jackson & Ryan Architects in 2014 to look at the future service needs of the shelter and to conduct facility planning through 2035 and 2050.

The proposed expansion will construct new dog and cat kennel space on the site, address drainage and HVAC issues within the existing kennels, and expand the surgery and veterinary care space within the shelter.

The Regional Board has proposed an amendment to the Interlocal Agreement to guide the process related to the expansion of the shelter and to clean up other miscellaneous language.

Hutto Interim City Manager Micah Grau serves as Hutto's representative on the Shelter Board.

The interlocal amendment has been approved by Williamson County and the cities of Cedar Park and Round Rock thus far.

BUDGETARY AND FINANCIAL SUMMARY:

The proposed amendment to the interlocal agreement provides the process for expansion of the Williamson County Regional Animal Shelter. Each entity will pay their proportional share of the expansion cost based on the number of animals they input into the shelter annually. The total estimated cost of the expansion and remodel is \$10,092,078. Hutto's portion is 4.88% of the total

cost which equates to \$487,179. This amount will be paid out over the course of three fiscal years.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The Shelter's Advisory Board has approved the interlocal agreement amendment.

CITY ATTORNEY REVIEW:

The amended interlocal agreement was prepared with input by the City Attorney.

STAFF RECOMMENDATION:

Staff recommends approval.

SUPPORTING MATERIAL:

1. [Resolution - 1st Amendment to Wilco Animal Shelter Interlocal Agreement](#)
2. [First Amendment to the Williamson County Regional Animal Interlocal Agreement](#)

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN AMENDMENT TO THE
WILLIAMSON COUNTY REGIONAL ANIMAL SHELTER
INTERLOCAL AGREEMENT.**

WHEREAS, Williamson County and the cities of Cedar Park, Leander, Round Rock, and Hutto joined together in 2006 through an interlocal agreement to develop a regional approach to meet the long term animal shelter needs of the area; and

WHEREAS, the Williamson County Regional Animal Shelter opened in 2007 to serve the member organizations; and

WHEREAS, the growth in the member communities and in Williamson County has prompted the need to expand the Williamson County Regional Animal Shelter; and

WHEREAS, Texas Government Code, Chapter 791, the Interlocal Cooperation Act provides that any one or more public agencies may contract with each other for the performance of governmental functions and for the joint use of facilities or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the Parties; and,

WHEREAS, each of the Parties has previously approved an Interlocal Agreement (the “Agreement”) regarding the operation and maintenance of the Williamson County Regional Animal Shelter (the “Regional Shelter”), and,

WHEREAS, the Parties now desire to amend the Agreement as stated in this First Amendment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, that the Hutto City Council hereby approves an amendment to the First Amendment to the Williamson County Regional Animal Shelter Interlocal Agreement.

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 on this the **21st** day of the month of **July, 2016**.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

**FIRST AMENDMENT TO THE
WILLIAMSON COUNTY REGIONAL
ANIMAL CONTROL SHELTER INTERLOCAL AGREEMENT**

THIS FIRST AMENDMENT TO THE WILLIAMSON COUNTY REGIONAL ANIMAL SHELTER INTERLOCAL AGREEMENT (“first Amendment”) is made and entered into effective this _____, by and between WILLIAMSON COUNTY; the CITY OF CEDAR PARK; the CITY OF HUTTO; the CITY OF LEANDER; the CITY OF ROUND ROCK; all of which are political subdivisions of the State of Texas (“the Parties”).

WITNESSETH:

WHEREAS, Texas Government Code, Chapter 791, the Interlocal Cooperation Act provides that any one or more public agencies may contract with each other for the performance of governmental functions and for the joint use of facilities or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the Parties; and,

WHEREAS, each of the Parties has previously approved an Interlocal Agreement (the “Agreement”) regarding the operation and maintenance of the Williamson County Regional Animal Shelter (the “Regional Shelter”), and,

WHEREAS, the Parties now desire to amend the Agreement as stated in this First Amendment;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Parties agree to this first amendment to the Williamson County Regional Animal Shelter Interlocal Agreement as follows:

I.

That Article II, Section 1 is hereby amended by deleting the following highlighted phrase:

1. **BOARD REPRESENTATION:** The business and affairs of the Regional Shelter shall be conducted by a board consisting of one (1) representative from each Party signing this Agreement. Each representative shall be appointed by the governing body of the respective Party;

II.

1. That Article III, Section 1 is hereby amended by changing the time for the preparation of the status report of the Regional Shelter operations to be on an annual basis rather than on a semi-annual basis.
2. That Article III, Section 1 is hereby amended by adding a new sub-section (f), which shall read as follows:
 - f. The Parties are jointly and severally liable for any and all expenses incurred in connection with claims against the Regional Shelter, its personnel, and the Board, in the same proportion as stated in Article V, Section 2 of the Agreement. No Party may settle any claim or incur any costs to settle any claim against the Shelter without the consent of the other Parties. If any Party declines to participate in a settlement of a claim, that Party reserves the right to withdraw from this Agreement pursuant to the conditions stated in Section 3 herein.
3. That Article III, Section 3 is hereby amended by changing the beginning of the budget process from April 1st of each year to May 1st of each year.
4. That Article III, Section 5 is hereby amended by changing the monthly budget status report to a quarterly budget status report.

III.

That Article IV is hereby amended by adding a new Section 7, which shall read as follows:

7. Under the Agreement, the County was responsible for acquiring, owning and maintaining the Regional Shelter. The Parties now desire to share an undivided ownership interest in the Regional Shelter real property, including the building(s) and all improvements. The undivided interest shall be as follows:

Williamson County	48.96 %
Cedar Park	10.21 %
Hutto	4.88 %

Leander	8.72 %
Round Rock	27.23 %

After the First Amendment is approved, the County shall prepare a Special Warranty Deed conveying the above-described undivided ownership interests to each Party. The conveyance of the undivided ownership interests is specifically conditioned upon approval of each and every Party.

IV.

1. That Article V, Section 3 is hereby amended to change the reimbursements to the Parties for all license fees and animal reclamation fees from a quarterly basis to an annual basis.

2. That Article V is hereby amended by adding a new Sections 6 and 7, which shall read as follows:

6. **NEW EXPANSIONS:** The construction of an expansion of the Regional Animal Shelter is planned (the "Expansion"). Notwithstanding any provision contained herein, each Party shall contribute its pro rata share of the cost of the design and construction of the Expansion (the "Expansion Costs"). The pro rata share of the Expansion Costs shall be determined by the average of the past three (3) fiscal years' ratio of the annual number of animals delivered to the Regional Shelter by each Party, as compared to the total number of animals delivered to the Regional Shelter by all Parties. The Board may not award a design and construction contract for the Expansion until the Expansion Costs have been approved by the governmental entities of all Parties. Once a construction agreement is approved, any increase in the contract price must be approved by each party.

7. **PAYMENT FOR NEW EXPANSIONS.** The County shall contract for all design and engineering costs related to any Expansion, subject to reimbursement from the Parties pursuant to this Section 7. As stated in Section 6, above, each Party shall be responsible for a pro-rata share of the Expansion Costs. Fifty (50%) percent of each Parties' pro-rata share of Expansion Costs related to construction will be due to the County within 30 days after receipt of notice from the County that a bid has been awarded for the Expansion. The remaining Fifty (50%) percent of each Parties' pro-rata share of the Expansion Costs related to construction will be due to the County within 30 days after receipt of notice from the County that the Expansion Costs have been paid in full by the County. Any funding remaining after the completion of an Expansion Project shall be proportionately refunded to each Party.

V.

That the agreement is hereby amended by adding a new Article VI, which shall read as follows:

VI. ADMISSION OF NEW PARTIES:

1. This Agreement may be amended to add other municipalities (“New Party”) located within Williamson County as Parties, conditioned upon the following and subject to approval of the Board:
 - a. The New Party must agree to conform to and abide by all conditions in this Agreement.
 - b. Prior to admission, the New Party and the Board shall agree on the New Party’s share of capital costs (Equity Buy-in Fee) and M&O Expenses. The New Party will be required to pay the Equity Buy-in Fee as set by the Board at the time the New Party joins this Agreement. M&O Expenses will be reviewed and adjusted annually.
 - c. The Equity Buy-in Fee is non-refundable once the New Party first utilizes the Shelter.
 - d. New Parties will be responsible for their portion of the shared M & O Expenses and future Expansion Costs, as defined in Article V(2) and V(6), respectively.
 - e. A new Party, satisfying all other requirements to join the Shelter, shall appoint a representative as defined in Article II (Board Representation).
 - f. If a New Party joins this Agreement, the apportionment of the M & O Expenses and Expansion Costs for the remaining Parties will be reapportioned.

VI.

MISCELLANEOUS

1. The Parties agree that in the event any provision of this First Amendment is held by a court of competent jurisdiction to be in contradiction of any laws of the State of the Texas, the Parties will immediately rectify the offending portions of this Agreement. The remainder of the Agreement shall be in full force and effect.
2. This First Amendment constitutes the entire amendment if the Agreement between the Parties hereto, and supersedes all their oral and written negotiations, agreements, and understandings of every kind. The Parties understand, agree, and declare that no promise, warranty, statement, or representation of any kind whatsoever, which is not expressly stated in this this First Amendment of the Agreement, has been made by any Party hereto or its officer, employees, or other agents to induce execution of this First Amendment.
3. This First Amendment shall be performable in Williamson County, Texas.
4. All other terms and conditions of the Agreement as previously approved by the Parties shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have set their hands the day and year first above written.

(The rest of this page left intentionally blank)

WILLIAMSON COUNTY
Commissioners Court

ATTEST:

By: _____
DAN GATTIS
County Judge -
Williamson County, Texas

By: _____
NANCY RISTER
County Clerk

CITY OF ROUND ROCK
City Council

ATTEST:

By: _____
ALAN McGRAW
Mayor - Round Rock, Texas

By: _____
SARA WHITE
City Clerk

CITY OF LEANDER
City Council

ATTEST:

By: _____
CHRIS FIELDER
Mayor - Leander, Texas

By: _____
DEBBIE HAILE
City Secretary

CITY OF CEDAR PARK
City Council

ATTEST:

By: _____
MATT POWELL
Mayor - Cedar Park, Texas

By: _____
LEANN QUINN
City Secretary

CITY OF HUTTO
City Council

ATTEST:

By: _____
DOUG GAUL
Mayor - Hutto, Texas

By: _____
SETH GIPSON
City Secretary

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 10D. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Helen Ramirez, Director of Development Services

ITEM: Consideration and possible action on a resolution concerning a fee waiver for impact fees associated with the development of new residential construction at 700 Main Street.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:

Request:

The City of Hutto has received a request from Rob and Shirley Peek for a waiver of all impact fees related to the new construction of a residential home located at 700 Main Street in the OT-3 District of Old Town. The home that is proposed to be built is a one-story residence, reminiscent of Victorian style. A Certificate of Appropriateness (CoA) was approved by the Historic Preservation Commission on April 28, 2015. Staff agrees that this home will be an asset to the community and to the City's Historic Old Town District.

Required Infrastructure:

With regard to infrastructure, in order to reduce costs for Mr. Peek, the City is only requiring the property owner to extend the water line to serve his property and to connect to a sewer line that has been stubbed out for his property. With regard to streets and sidewalks, the City typically requires new development to build sidewalk fronting their property, however we are not requiring Mr. Peek to build new sidewalk, which translates into a cost savings.

Background on Incentives in Old Town for residential and commercial development:

The City of Hutto approved a development fee reduction incentive program designed to offer a 50% reduction in development related fees for all new (residential and commercial) construction, with the exception of impact fees, within a two (2) year program timeframe of August 15, 2013 through August 15, 2015. Mr. Peek's project was eligible to participate in the fee reduction program at the time the home was approved by HPC.

Although the abovementioned program has expired, City staff has initiated an amendment to the Smartcode that would allow for a 50% reduction in building permits for new construction in Old

Town. This amendment was recommended for approval by Planning & Zoning on August 9th and, upon Council approval anticipated to be in September, Mr. Peek will once again be eligible for a 50% reduction in building permit fees.

Impact Fee Waivers:

In recent years, the City has not approved a 100% waiver of impact fees to a specific project in old town or in the rest of the City. However, the City approved a partial reduction of impact fees and connection fees that was requested by DMA for the construction of the City's first Senior Housing Project, the Trails at Carmel Creek, that consists of 61 affordable senior apartments. The reduction totaled \$115,000, and was approved in February of 2013 and an additional \$32,098 was approved in August of 2015. One of the reasons the fees were reduced was due to the nature of the funding for the project that included the use of 2013 Low Income Housing Tax Credit Program which requires a local government match and the need to put a city waterline throughout the development.

BUDGETARY AND FINANCIAL SUMMARY:

The City has received a request to waive 100% of the following impact fees, associated with the construction of the home:

Water Meter- \$ 4,363

Wastewater Meter- \$1,068

The applicant has also requested that the following connection fees be waived:

Water Connection fee- \$ 600

Wastewater Connection fee - \$ 300

For a total of \$6,331

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not Applicable.

CITY ATTORNEY REVIEW:

Not Applicable.

STAFF RECOMMENDATION:

What are Impact Fees?

Impact fees represent a calculation of the impact that the development of land has on the City's public infrastructure system. The basic premise of impact fees is that development of land for residential, commercial or industrial use will have a measureable capacity impact on the City's water and wastewater system. The resulting financial impact of this new capacity should be funded by the development itself and not burden existing taxpayers or ratepayers to fund the cost of new development through higher rates or taxes. Impact fees are collected with the issuance of the building permit.

Impact fee waivers approved by the City

The City Council has not approved impact fees waivers for single family residential because it places a burden on existing taxpayers, therefore staff recommends that rather than approve an impact fee waiver for one property, the City approve the reduction of 50% of building permit fees for all new construction in Old Town as identified in the amendment to the Smartcode that has been recommended by Planning & Zoning on August 9th and will go to the Council in September.

SUPPORTING MATERIAL:

1. [Resolution approving Impact Fee Waiver](#)
2. [Fee Waiver Request for 700 Main Street in Hutto](#)

RESOLUTION NO.

A RESOLUTION APPROVING THE FEE WAIVER FOR DEVELOPMENT FEES ASSOCIATED WITH THE RESIDENTIAL DEVELOPMENT LOCATED AT 700 MAIN STREET IN HUTTO, TEXAS.

WHEREAS, Rob Peek has made a request to the City of Hutto to grant a waiver for impact fees associated with the residential development located at 700 Main Street, and;

WHEREAS, the proposed residential development fees comprise of \$5,431.00 for Water and Wastewater impact fees and \$900.00 for Water and Wastewater connections fees. The request from the applicant is to waive one hundred percent (100%) of the outstanding balance, for a total of \$6,331.

WHEREAS, the City Council of Hutto hereby 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.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, that the Hutto City Council hereby approves the resolution to authorize the Mayor of Hutto to grant approval of a development fee waiver in the amount of \$6,331 for the residential development located at 700 Main Street in the City of Hutto, Williamson County, Texas.

CONSIDERED and RESOLVED on this the 18th day of the month of **August, 2016**.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

Rob & Shirley Peek:
110 Brazos Dr.
Hutto, Texas 78634

August 3, 2016

Mr. Micah Grau:
Acting City Manager
City of Hutto
401 W. Front St.
Hutto, TX 78634

Dear Mr. Grau,

This letter is to officially request that an agenda item be added to the next available city council meeting to discuss the possible waiver of fees and or other costs associated with the residential construction project at 700 Main Street Hutto, TX 78634. Specifically I am interested in the Council waiving:

- Impact Fees
 - Water Meter - \$4363
 - Wastewater Meter - \$1,056
- Connection Fees
 - Water connection fee - \$800
 - Wastewater connection fee - \$750 (city install)

I am requesting that these fees associated with the construction of our home, as well as any other fees the council may see fit, be waived for the following reasons.

- **Assisting in the City's mission of revitalizing the OT-3 neighborhood**

We hope to build a Victorian home on our property. Our plans are consistent with the goals set forth in the City's Master Plan for Historic Preservation, enhancing the attractiveness of city neighborhoods to visitors and prospective residents, encouraging appropriate land uses that respect the historic character of neighborhoods, promoting the preservation and conservation of Hutto's heritage, architecture, and culture, and encouraging the stabilization, restoration and improvement of property and property values. Our house plans have been submitted and approved by the City's Historic Preservation Commission whose members praised them and commented that the home was exactly what they are looking for in their effort to help revitalize the neighborhood while preserving the neighborhood's historic nature.

- **Extending the City's infrastructure**

Although our property has been platted and located within the city limits for many years, the City has never extended water service to the property. As such, per city regulation, we are being held responsible for installation of an 8 inch city water main extension across at least 90 feet of our property. The cost of this city water main extension is estimated to be approximately \$16,000.

- **Tax Base**

Currently the property we wish to build on is a vacant somewhat of an eyesore lot appraised at \$39,000. Our local property taxes are calculated based upon this appraisal. Should our home be built, we anticipate the value of the property to be appraised at \$275,000 thus significantly increasing the local property taxes levied. Additionally it should be expected that as the neighborhood improves the tax appraisals of the other properties in the neighborhood should increase as well.

Without assistance the \$16,000 water main construction cost is prohibitive and will prevent us from moving forward.

We are aware that the City Council may adopt resolutions to waive fees on specific developments if there is a finding that the proposed waivers will result in substantial economic benefit to the City. We believe that our home will result in substantial economic benefit and therefore request the Hutto City Council waive the fees in question.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob & Shirley Peek'. The signature is written in a cursive style with a large, looping initial 'R' and 'S'.

Rob & Shirley Peek

CITY OF HUTTO CITY COUNCIL AGENDA

AGENDA ITEM NO.: 10E. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Earl Morrison, Chief of Police

ITEM: Consideration and possible action on a resolution concerning an Interlocal Agreement for in school officers with Hutto Independent School District.

STRATEGIC GUIDE POLICY: Public Safety

ITEM BACKGROUND:

The current Interlocal Agreement with the Hutto Independent School District (HISD) for School Resource Officers expired on June 3, 2016. Since that time, HISD has been working to develop and implement their own police force. The City of Hutto Police Department (HPD) and HISD have been working together to make this transition successful. Late this summer, HISD and HPD began discussing creating a hybrid department that would include HISD police officers and City police department administration.

This interlocal agreement outlines the terms for which HPD will provide administrative oversight with an Interim Chief of Police and one (1) Police Sergeant assigned to HISD. If approved, both the Chief and the Sergeant will be dual commissioned by HPD and HISDPD to be able to perform duties within HPD's jurisdiction as well as HISD's jurisdiction.

The agreement would be reviewed at the end of the 2016-17 school year to determine future direction.

BUDGETARY AND FINANCIAL SUMMARY:

The District agrees to pay the City for the salary and benefits of one (1) Sergeant and an administrative fee to compensate for services provided by HPD Chief and staff. The total amount due to the City annually is \$125,000.00. (\$95,000.00 Sgt. Salary and benefits; \$30,000 administrative costs).

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

That City Attorney has reviewed the interlocal agreement.

STAFF RECOMMENDATION:

Staff recommends approval of the resolution.

SUPPORTING MATERIAL:

1. [Resolution - Interlocal Agreement with HISD for Administrative Oversight](#)

RESOLUTION NO.

**A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT
BETWEEN THE CITY OF HUTTO AND THE HUTTO INDEPENDENT
SCHOOL DISTRICT (HISD) FOR IN SCHOOL OFFICERS.**

WHEREAS, V.T.C.A., Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties, and

WHEREAS, the City of Hutto and the Hutto Independent School District (HISD) deem that it is mutually beneficial to provide administrative oversight to the District (Interim Chief of Police) and one (1) Police Sergeant, assigned to the District. Both the Chief and the Sergeant will be dual commissioned by Hutto Police Department (HPD) and Hutto ISD Police Department to be able to perform duties within HPD's jurisdiction as well as HISD's jurisdiction.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HUTTO, TEXAS that the Hutto City Council hereby authorizes the Mayor to execute the Interlocal Agreement between the City of Hutto and the Hutto Independent School District to provide administrative oversight to the District.

RESOLVED on this the **18th** day of the month of **August, 2016**.

CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Seth Gipson, City Secretary

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 11A.

AGENDA DATE: August 18, 2016

PRESENTED BY:

ITEM: Consideration and possible action on recommendations from the Board Selection Committee for appointments to the Charter Review Commission and the Bond Election Committee

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:

The Board Selection Committee met on Monday, August 1, 2016, to review applications and discuss a recommendation of appointments to the Charter Review Commission and General Obligation Bond Election Committee. A recommendation will be provided at the City Council Meeting.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

The Board Selection Committee will make a recommendation to the City Council.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

It is recommended that the City Council make appointments to the Charter Review Commission and the General Obligation Bond Election Committee.

SUPPORTING MATERIAL:

There are no supporting documents.

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 12A. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Micah Grau, Interim City Manager

ITEM: Work session on the City of Hutto's 2017 legislative agenda.

STRATEGIC GUIDE POLICY:

ITEM BACKGROUND:

The 85th Texas Legislative session will begin in 2017. This workshop is intended to be the first of multiple opportunities to discuss the legislative needs and concerns for the Hutto community. Furthermore, the Coordination Committee made up of representatives from the City, ISD, EDC, EWCHEC, Chamber, and WCESD#3, has suggested creating a unified legislative agenda for the Hutto community.

BUDGETARY AND FINANCIAL SUMMARY:

Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Not applicable.

SUPPORTING MATERIAL:

There are no supporting documents.

**CITY OF HUTTO
CITY COUNCIL AGENDA**

AGENDA ITEM NO.: 12B. **AGENDA DATE:** August 18, 2016

PRESENTED BY: Micah Grau, Interim City Manager

ITEM: Presentation and discussion concerning the Proposed Fiscal Year 2016-17 Annual Operating Budget.

STRATEGIC GUIDE POLICY: Fiscal and Budgetary

ITEM BACKGROUND:

Information on the proposed Fiscal Year 2016-17 annual operating budget will be presented. The work session will include a discussion on the City Manager's Office, Finance, Development Services, and Police Departments proposed budget.

BUDGETARY AND FINANCIAL SUMMARY:

The presented information is still preliminary.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

Not applicable.

CITY ATTORNEY REVIEW:

Not applicable.

STAFF RECOMMENDATION:

Not applicable.

SUPPORTING MATERIAL:

There are no supporting documents.