The Hutto City Council met in a regular session on Thursday, February 19, 2015 in the Hutto City Council Chamber, 401 W. Front Street, Hutto, TX 78634.

CALL SESSION TO ORDER

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

ROLL CALL

Members of the City Council that were present were Mayor Debbie Holland, Mayor Pro-tem Ronnie Quintanilla-Perez, Councilmember Anne Cano, Councilmember Paul Prince, Councilmember Michael J. Smith, Councilmember Melanie Rios, and Councilmember Max V. Yeste.

Members of staff that were present were Karen Daly, City Manager, Micah Grau, Assistant City Manager, Charlie Crossfield, City Attorney, Melanie Hudson, Finance Director, Will Guerin, Development Services Director, Mike Hemker, Parks and Recreation Director, Randy Barker, General Services Director, and Earl Morrison, Chief of Police.

INVOCATION

The invocation was given by Pastor Marcus Bigott of Hutto Lutheran Church.

PLEDGE OF ALLEGIANCE

Mayor Holland led the Pledge of Allegiance.

PUBLIC COMMUNICATION

5A. Remarks from visitors.

All individuals that registered to address the council wanted to speak on item 9B regarding the proposed Villages at Mager Lane workforce housing development to be located on the south side of Mager Lane at Carol Drive. All comments were given when item 9B was addressed by the City Council.

PRESENTATIONS


Earl Morrison, Chief of Police, gave the staff presentation. All law enforcement agencies throughout the State of Texas are required under House Bill 3389 to keep
records on Racial Profiling. These statistics are gained from citations issued and the number and type of searches conducted. This data is collected and maintained by the Hutto Police Department. In fulfillment of the requirements of House Bill 3389, the data for traffic contacts and searches conducted in 2014 was presented to the City Council.

PUBLIC HEARINGS

7A. Open and conduct a public hearing concerning an amendment to the Code of Ordinances, Chapter 6, Building Regulations, Division 3: Residential Code by adopting Sections R105.2, R301.1.1 and N1101.9 of the International Residential Code.

Mayor Holland opened the public hearing at 7:10 pm. There being no public testimony, the public hearing was closed at 7:11 pm

CONSENT AGENDA ITEMS

All items listed on the consent agenda were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion on any of the items and no items were removed from the consent agenda.

8A. Consideration and possible action on a resolution concerning the acceptance of the water, wastewater, street and drainage improvements of the 301 FM 685 site development.

8B. Consideration and possible action on the City Council meeting minutes for the February 5, 2015 regular session.

MOTION: Councilmember Michael Smith moved to approve all the items on the consent agenda as presented. Councilmember Melanie Rios seconded the motion. The motion carried with 7 ayes and 0 nays.

REGULAR AGENDA ITEMS

RESOLUTIONS

9A. Consideration and possible action on a resolution amending the Fiscal and Budgetary Policy.

Melanie Hudson, Finance Director, gave the staff presentation. The City of Hutto adopted a Fiscal and Budgetary Policy in March 2007, which was amended several times. This policy must be reviewed annually. The proposed amendments to the policy ensured alignment with the City’s Strategic Guide and reflected current practices. The Fiscal and Budgetary Committee reviewed the latest adopted version of the Fiscal and Budgetary policy with the proposed revisions and they accepted those revisions. The committee also provided changes, clarifications, and recommendations to the policy.
Changes were made to ensure the policy reflected City philosophy and not operations. Items which were operational in nature were removed, because they should be established in internal procedures rather than Council policy. The additional changes that were made were to reorganize the sections to provide clarity. Those alterations did not change the content of the policy.

**MOTION:** Councilmember Paul Prince moved to approve the resolution amending the Fiscal and Budgetary Policy. Councilmember Anne Cano seconded the motion. The motion carried with 7 ayes and 0 nays.

9B. Consideration and possible action on a resolution supporting and approving funding assistance for an application from AT Villages at Mager, LP to the Texas Department of Housing and Community Affairs for 2015 Competitive Nine-Percent Housing tax Credits for the Villages at Mager Lane workforce housing development located on the south side of Mager Lane at Carol Drive in the City of Hutto, Texas.

Will Guerin, Development Services Director, gave the staff presentation. The City was approached by Structure Texas, a land planning firm located in Austin, who is representing a multi-family developer AmTex who is seeking to construct an 80-unit development located on the south side of Mager Lane on the east side of Hutto Elementary School. The units would be constructed under the 9% Housing Tax Credits program from the Texas Department of Housing and Community Affairs. The location is zoned Smart Code and allows for the multi-family use. The community’s need for multi-family is generally in line with the City’s long plans such as the Sustainable Places Project, the draft Comprehensive Plan, and Housing Policy.

Mr. Guerin added that the TDHCA Housing Tax Credit (HTC) Program is one of the primary means of directing private capital toward the development and preservation of affordable rental housing for low households. Tax credits are awarded to eligible participants to offset a portion of their federal tax liability in exchange for the production or preservation of affordable rental housing. There are two types of Tax Credits: Competitive (9%) and Non-Competitive (4%). Applications are scored and ranked within their region or set-aside and in accordance with rules and low-income laws outlined in the Qualified Allocation Plan (QAP). Projects developed under the Smart Code zoning would receive 50% off of building permitting fees. A financial contribution from the City would not exceed $15,000 in value. This is based on an estimate of the Smart Code reduction from anticipated building permitting fees. The applicant may consider additional in-kind costs such as the City’s construction improvements to Mager Lane, which amounted to $1,805,327.

Kecia Boulware spoke on behalf of AmTex. She provided an overview of the company’s holdings and reputation and the community that they wish to create in Hutto. Ms. Boulware explained that 30% of the units will be market rate and the remaining will be income based, and that Hutto residents will have priority leasing. She highlighted some of the amenities that would be offered, including afterschool programs and
financial planning training. She also listed the benefits to the City of Hutto which include:

- Commercial Enterprise Recruitment
- 250 new construction jobs + $280,000 in local income
- Diversify & Increase Property Tax Base
- Local Hire & and Priority Leasing
- Livability for all

After the presentation, Mayor Holland called the individuals that had signed up to speak regarding this item.

Richard Hudson – 1207 Rhonda Cove – is opposed to this development at this location. He feels that this development will set the tone for the development in downtown Hutto and that these apartments would be more appropriate located close to the East Williamson County Higher Education Center.

Venina Smith – 508 Carol Drive – is opposed to this development at this location. Her concern is that there is not sufficient infrastructure or public transportation. She wants the City to focus on bringing in better jobs and making Hutto a great place to live.

Lori Ferguson – 510 Carol Drive – is opposed to this development. She loves the sense of community in Hutto and believes that apartments in Hutto do not make sense to the community, because this development will bring in more traffic and the tenants do not make an investment in the community. Another concern, is the increased turnover in tenants and that the number of unknown individuals in the area could prevent parents from letting their children walk or ride their bikes to school.

Amy Sears – 212 Mollie Dr. – is opposed to this development. She enjoys the small town feel of Hutto and wants to see that preserved. Her concern is that this type of development will degrade that small town feel because it will increase traffic in the area and it would change the landscape of the city. There is also concern that a low income development in the area would decrease the property values in the area.

Karen Luttrell – 611 N FM 1660 – is opposed to this development. Her concerns are increased traffic in the area and that the development needs direct entrances and exits to a major roadway.

Jeff Phillips – 608 N FM 1660 – is opposed to this development. He has lived in Hutto for 30 years. He discussed a charrette that occurred in April 2009 that outlined the development of that property and was placed in the SmartCode. He pointed out that single family housing would be placed on the north end of the property and multi-family would be located in the middle of the property. Mr. Phillips wants the SmartCode to be upheld and noted the property will not develop properly with this change. He feels that there are better suited sites for this multi-family development, and pointed out that the break down of income based units should mirror the free and
reduced lunch percentage which is 47% as opposed to the 30% presented. Mr. Phillips asked the City Council not to support this project.

Following the public comment, several councilmembers echoed the concerns of the citizens including the traffic impacts to the area, that there are better locations suited for the development, and the potential gaps in safety even though criminal background checks are conducted and there is a zero tolerance rule. There was also concern that the community was not engaged by the company earlier in the process. It was mentioned that Hutto already has affordable housing and that we are looking for that next step in development.

Sallie Burchett addressed the traffic concern. She stated that with a multi-family development the tenants statistically make less trips per day than single family developments and mentioned that they have worked with the developer to make an exit to HWY 79 in the future.

Sara Andre, with Structure Development, addressed the question if there were other locations in the city that would be better suited and if other sites were considered? Ms. Andre explained the process of selecting the land and mentioned that the seller wants that development on the Mager Lane side of the property.

Kecia Boulware reinforced that the developer wants to dialogue with the community during the application process and develop the site. They would also conduct a traffic study that would show the impact of future growth. If there were any necessary road improvements, the company would implement those.

**MOTION:** Mayor Pro-tem Ronnie Quintanilla-Perez moved to not support the resolution regarding a funding assistance application to the Texas Department of Housing and Community Affairs by AT Villages at Mager, LP for 2015 Competitive Nine-Percent Housing tax Credits for the Villages at Mager Lane workforce housing development located on the south side of Mager Lane at Carol Drive. Councilmember Michael Smith seconded the motion. The motion carried with 7 ayes and 0 nays.

**9C. Consideration and possible action on a resolution concerning Addendum No. 2 to the agreement with American Constructors, Inc. for the Gin Building Rehabilitation.**

Kim McAuliffe, Downtown and Tourism Manager, started the staff presentation by showing a rendering of the finished gin building and discussed some events planned for the site which included Co-op market nights and a music series.

Randy Barker, General Services Director, gave a brief history of the rehabilitation project including fees, budget, the selection of the construction firm and addendum #1 to the contract. Mr. Barker began outlining Addendum #2 to the contract. It will be for construction services and materials to be used in the South Gin Building rehabilitation. American Constructors (ACI) solicited proposals from interested firms with a February 3, 2015, deadline for response. The firm(s) selected for construction services and
materials would serve as subcontractors for ACI with their fees included in the Gross Maximum Price (GMP) that ACI is submitting as Amendment #2. The Total GMP submitted by ACI for the Gin Building Rehabilitation project is $952,775. This amount includes previously approved demolition services as part of the original construction budget of $753,080. Melanie Hudson, Finance Director, outlined the additional funding sources that have been identified in order to successfully complete the project.

Gordon Bingaman with Antenora Architects explained how the initial cost of the rehabilitation was derived and Martin Burger with American Constructors outlined the factors driving the increases in construction costs which are specialized labor, steel and concrete.

MOTION: Councilmember Melanie Rios moved to approve the resolution concerning Addendum No. 2 to the agreement with American Constructors, Inc. for the Gin Building Rehabilitation. Councilmember Anne Cano seconded the motion. The motion carried with 7 ayes and 0 nays.

9D. Consideration and possible action on a resolution of support for the Jonah Water Special Utility District proposed legislation to elect its directors by district.

Karen Daly, City Manager, gave the staff presentation. This legislation is a local bill that has been filed in order to provide the Jonah Water Special Utility District (SUD) with the option of electing its board of directors by district instead of at-large. The purpose of the bill is to prevent a single entity from becoming the majority of the District’s board of directors. Jonah Water is seeking support of this legislation from the City as well as the other local governments within its service area. The Leadership and Legislative Committee met on February 9, 2015, to review the legislation and Bill Brown, a representative from Jonah Water SUD, attended that meeting to answer questions.

The City Council discussed changing the resolution to one of no objection – and to put a clause that the districts must be equal in population size.

MOTION: Councilmember Max Yeste moved to approve the resolution of no objection for the Jonah Water Special Utility District proposed legislation to elect its directors by district, provided that each district is proportional in population size. Mayor Pro-tem Ronnie Quintanilla-Perez seconded the motion. The motion carried with 7 ayes and 0 nays.

9E. Consideration and possible action on a resolution updating the Hutto Public Library Policies and Procedures Manual.

Mike Hemker, Parks and Recreation Director, gave the staff presentation.

In 2008, City Council established the original Library Policies and Procedures Manual for the Hutto Public Library. In order to be accredited, the City must adopt a set of
policies and procedures. The Library Advisory Board began their review of these policies in November. Library staff and the Library Advisory Board worked on updating the policy manual to reflect current operations and best practices for Hutto's library. In the past the City did not charge a non-resident fee in order to receive additional funds through the accreditation process from the Texas State Library Association (TLA). Those grant funds have not been available for several years, and the TLA has now recommended that libraries charge non-residents a fee to use the local library. An additional requirement is to have the policies and procedures, as well as the fines and fees, adopted by the City Council. The Library currently has over 7,000 card holders. There are card holders who are non-city residents but have a Hutto address or live within the Hutto ISD limits. The original proposed change was a clear non-resident fee. The Board revisited the fee during their regular meeting in February.(241,168),(733,267) The new change includes a clarification to allow a free library card for currently enrolled non Hutto ISD students. Non-residents would be responsible for paying the proposed $10 annual fee. The proposed change, if approved, would begin March 1, 2015 and card holders would not be due until the time of library card renewal for all non-residents.

**MOTION:** Councilmember Melanie Rios moved to approve the resolution updating the Hutto Public Library Policies and Procedures Manual. Councilmember Paul Prince seconded the motion. The motion carried with 7 ayes and 0 nays.

**ORDINANCES**

**10A.** Consideration and possible action on the first reading of an ordinance amending the City of Hutto's fee schedule concerning library fees.

Mike Hemker, Parks and Recreation Director, gave the staff presentation. This ordinance is modifying the City's fee schedule to include the $10 non-resident fee that was approved by Resolution R-15-02-19-9E.

**MOTION:** Mayor Pro-temp Ronnie Quintanilla-Perez moved to approve the first reading of the ordinance that amends the City of Hutto's fee schedule concerning library fees. Councilmember Paul Prince seconded the motion. The motion carried with 7 ayes and 0 nays.

**10B.** Consideration and possible action on the first reading of an ordinance amending the Code of Ordinances, Chapter 6, Building Regulations, Division 3: Residential Code by adopting Sections R105.2, R301.1.1 and N1101.9 of the International Residential Code.

Will Guerin, Development Services Director, gave the staff presentation. Cities may adopt the International Code Council (ICC) code books and then make local amendments to them, as long as said amendments are not loosening any requirements. Development Services staff is bringing amendments to Sections N1101.9, Certificate, R105.2 Work Exempt from Permit, and R301.1.1. forward to clearly define the regulations in case of necessary enforcement.
The proposed amendments were recently communicated with the Austin Area Home Builders Association; they expressed no concern.

Mr. Michael Gleason, Senior Building Inspector, was present to help answer any technical questions.

**MOTION:** Councilmember Paul Prince moved to approve the first reading of the ordinance that amends the Code of Ordinances, Chapter 6, Building Regulations-Division 3: Residential Code by adopting Sections R105.2, R301.1.1 and N1101.9 of the International Residential Code. Councilmember Michael Smith seconded the motion. The motion carried with 7 ayes and 0 nays.

**MOTION:** Councilmember Paul Prince moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance that amends the Code of Ordinances, Chapter 6 Building Regulations Division 3: Residential Code by adopting Sections R105.2, R301.1.1 and N1101.9 of the International Residential Code. Councilmember Anne Cano seconded the motion. The motion carried with 6 ayes and 0 nays.

10C. Consideration and possible action on the first reading of an ordinance amending the composition and miscellaneous provisions of Chapter 2, Article 2.02 Boards Commissions and Authorities of the Hutto 2014 Code of Ordinances.

Seth Gipson, Assistant City Secretary, gave the staff presentation. Amendments to this section of the Code of Ordinances were previously adopted on January 22, 2015. Since that time, the Leadership and Legislative Committee met and revisited the attendance requirements for all the Boards and Commissions. The results from that meeting were to recommend an amendment to this section of the Code of Ordinances by clarifying the attendance portion and the residency requirement for members of the Hutto Economic Development Corporation.

**MOTION:** Councilmember Paul Prince moved to approve the first reading of the ordinance that amends the composition and miscellaneous provisions of Chapter 2, Article 2.02 Boards Commissions and Authorities of the Hutto 2014 Code of Ordinances. Councilmember Anne Cano seconded the motion. The motion carried with 7 ayes and 0 nays.

**MOTION:** Councilmember Paul Prince moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance that amends the composition and miscellaneous provisions of Chapter 2, Article 2.02 Boards Commissions and Authorities, Hutto 2014 Code of Ordinances. Councilmember Michael Smith seconded the motion. The motion carried with 7 ayes and 0 nays.
10D. Consideration and possible action on the first reading of an ordinance repealing Ordinance 10-013-01 authorizing the creation of the East Williamson County Higher Education Corporation and authorizing the City Manager to file the necessary documents with the Texas Secretary of State to dissolve the corporation.

Karen Daly, City Manager, gave the staff presentation. The Leadership and Legislative Committee thoroughly reviewed Chapter 2, Article 2.02 Boards, Commissions, and Authorities of the 2014 City Code of Ordinances. During their review, several modifications were made to streamline and provide consistency for certain procedures and expectations related to Boards and Commissions. During that time of review, it was determined that the East Williamson County Higher Education Corporation, that was established in 2010 for the purpose of handling debt for the now East Williamson County Higher Education Center located along SH130, is no longer necessary. It is the desire of the city to dissolve this corporation. This proposed ordinance is one step in the dissolution process.

MOTION: Councilmember Anne Cano moved to approve the first reading of the ordinance that repeals Ordinance 10-013-01 authorizing the creation of the East Williamson County Higher Education Corporation and authorizes the City Manager to file the necessary documents with the Texas Secretary of State to dissolve the corporation. Councilmember Michael Smith seconded the motion. The motion carried with 7 ayes and 0 nays.

MOTION: Councilmember Anne Cano moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance that repeals Ordinance 10-013-01 authorizing the creation of the East Williamson County Higher Education Corporation and authorizes the City Manager to file the necessary documents with the Texas Secretary of State to dissolve the corporation. Councilmember Melanie Rios seconded the motion. The motion carried with 7 ayes and 0 nays.

The City Council took a short recess at 9:46 pm

The City Council reconvened into regular session at 9:53 pm

WORK SESSION

This work session was conducted for information and educational purposes. No action was taken by the Council on the item listed.

11A. Work session regarding the Rental Inspection and Registration Program.

Will Guerin, Development Services Director, gave the staff presentation. The purpose of this work session is to follow up on previous discussion held in September 2014 regarding a rental registration/inspection program for the City. Several programs in other Texas cities were reviewed and staff shared that information with the City
Council. Specific regulations concerning this program will be provided to the City Council for their consideration at a later date.

The City Council discussed:
- What would trigger an interior inspection and what would the inspector be looking for?
- Fees
- Potential partnerships to Clawson Disposal for the removal of excess garbage
- Development Services Staffing
- Enforcement and compliance with the program

EXECUTIVE SESSION - 10:10PM

12A. Executive Session as authorized by §551.074, Texas Government Code, related to the discussion, deliberation, and/or negotiations regarding the quarterly performance evaluation of the City Manager.

The City Council recessed into the City Hall conference room at 10:10 p.m. to address the executive session item and adjourned back into regular session at 10:48 p.m.

ADJOURNMENT

There being no further discussion, the meeting adjourned at 10:48 p.m.

CITY OF HUTTO, TEXAS

Debbie Holland, Mayor

ATTEST:

Christine Martinez, City Secretary