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. WORK SESSION:
   A work session is conducted for information or educational purposes. No action is taken by
   the Council on items listed.
   6A. Work session regarding the Planning and Zoning Commission annual report.
   6B. Work session regarding the proposed amendments to the SmartCode and the
       Unified Development Code.
7. PRESENTATIONS:
   7A. Presentation of the 2016 City of Hutto Racial Profiling and Uniform Crime Report.
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 the acceptance of the street, drainage, water, and wastewater improvements for Riverwalk Subdivision Phase 3 Section 2.

8B. Consideration and possible action on the second and final reading of an ordinance amending the Fiscal Year 2015-16 Budget to adjust project funds, fund balances, and other miscellaneous items.

8C. Consideration and possible action on the second and final reading of an ordinance amending the Fiscal Year 2016-17 Budget to reallocate capital project funds from the FY16 Budget, organizational restructure and other miscellaneous adjustments.

8D. Consideration and possible action on the meeting minutes for the December 12, 2016 Joint City Council and Williamson County ESD #3 Board meeting, and the December 15, 2016 City Council Regular Meeting.

**REGULAR AGENDA ITEMS**

9. **RESOLUTIONS:**

9A. Consideration and possible action on a resolution concerning a Joint Election Agreement and Contract for Election Services between the City of Hutto, Williamson County, and Williamson County Participating Authorities for the May 6, 2017 General and Special Elections.

9B. Consideration and possible action on a resolution ordering the May 6, 2017 General Election for the purpose of electing City Council, Place 1 and City Council, Place 4.

Consideración y posible acción sobre una resolución ordenando la Elección General del 6 de mayo de 2017 con el propósito de elegir el Concejo de la Ciudad, el Lugar 1 y el Consejo de la Ciudad, Lugar 4.

10. **ORDINANCES:**

10A. Consideration and possible action on the first reading of an ordinance calling a Special Election for May 6, 2017, for the purpose of submitting to voters certain proposed amendments to the Home Rule Charter of the City, designating election precincts and polling places, providing for early voting and election day voting, providing for performance of required administrative duties, and providing for other matters relating to such election.
Consideración y posible acción en la primera lectura de una ordenanza convocando una Elección Especial para el 6 de mayo de 2017, con el propósito de presentar a los votantes ciertas enmiendas propuestas a la Carta de la Ciudad Autónoma, designando los recintos electorales y los lugares de votación, votación y votación del día de las elecciones, prevea el desempeño de las funciones administrativas requeridas y prevé otros asuntos relacionados con dicha elección.

10B. Consideration of a public hearing and possible action on the first reading of an ordinance approving the zoning change for the property known as 2175 Innovation Boulevard, 1.8 acres, more or less, of land, Lot 3 Block A of the 108 Commercial Park Subdivision, from SF-1 (single family residential to LI (light industrial) zoning district.

10C. Consideration of a public hearing and possible action on the first reading of an ordinance approving the zoning change for the property known as 2203 Innovation Boulevard, 1.96 acres, more or less, of land, Lot 4 Block A of the 108 Commercial Park Subdivision, from SF-1 (single family residential to LI (light industrial) zoning district.

10D. Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code, Chapter 4, Section 10.403.4.4: Swimming pools and spas.

11. **EXECUTIVE SESSION:**

11A. Executive Session, as authorized by Section 551.071, Texas Government Code, Consultation with Attorney, concerning Heart of Texas Water Contract.

11B. Executive Session, as authorized by Section 551.071, Texas Government Code, Consultation with Attorney, regarding contract negotiations with Williamson County Emergency Services District # 3.

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

12A. Consideration and possible action on a resolution authorizing the City Manager to enter into a professional services contract, that shall not exceed $200,000, with an engineering firm to perform an independent engineering study of the Heart of Texas Water Suppliers, L.P. water wells.

13. **ADJOURNMENT**
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].

CERTIFICATION

I certify that this notice of the February 16, 2017 Hutto City Council meeting was posted on the City Hall bulletin board of the City of Hutto on Friday, February 10, 2017, at 4:25 p.m.

Seth Gipson, City Secretary

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@hootx.gov for assistance.
AGENDA ITEM NO.: 6A.  AGENDA DATE: February 16, 2017

PRESENTED BY: Helen Ramirez, Executive Director Business/Development Services

ITEM: Work session regarding the Planning and Zoning Commission annual report.

STRATEGIC GUIDE POLICY:

ITEM BACKGROUND: The City Council will meet on an annual basis with each board and commission. The work session will include a discussion on the Commission’s goals, what the Commission is working on and what the Council would like to see from the Commission moving forward.

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.
AGENDA ITEM NO.: 6B.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Helen Ramirez, AICP

ITEM: Work session regarding the proposed amendments to the SmartCode and the Unified Development Code.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:
In the spirit and need to become more developer friendly and the direction staff has received from both the City Council and City Manager, city staff, in concert with a consultant, has been reviewing both the SmartCode and Unified Development Code (UDC) in an effort to make the code easier to read and to have one unified document or UDC, rather than two documents for different areas of the city.

A presentation on the general areas that are being recommended for amendment or deletion will be given, in order to meet the needs of current and future developers and residents, while providing opportunities for flexible codes for historic properties, providing a range of housing options (mixed use, move up housing), preserving the historic Old Town and improving the quality of private open space/amenities. Areas that are being reviewed include the following:

- Eliminating conflicting codes
- Clarifying processes (minor modifications, warrants & amendments)
- Signage (citywide)
- Open space standards
- Landscaping
- Land use categories
- Definitions
- Utility placement
- Neighborhood standards

Furthermore, a proposed time frame for approval will be recommended, to include a meeting with businesses and developers in order to obtain feedback, and work sessions/feedback from Planning and Zoning, Historic Preservation Commission (HPC) and City Council.

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.
AGENDA ITEM NO.: 7A.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Earl Morrison, Chief of Police


STRATEGIC GUIDE POLICY: Public Safety

ITEM BACKGROUND:
Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the Hutto Police Department's governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested subsequent to traffic stops and whether or not those individuals were searched. Chief Morrison will present to the Council the report reflecting this data for the 2016 calendar year.

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:  
1. 2016 Racial Profiling Report
Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested subsequent to traffic stops and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Hutto Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Hutto Police Department revealed the following:

- **A comprehensive review of the Hutto Police Department’s Bias Based Racial Profiling policy shows that the Hutto Police Department is fully in compliance with Article 2.132 of the Texas Code of Criminal Procedure.**

- **A review of the information presented and supporting documentation reveals that the Hutto Police Department is fully in compliance with Texas law on training and education regarding racial profiling.**

- **A review of the documentation produced by the department reveals that the department is fully in compliance with applicable Texas law on the racial profiling complaint process and public education about the complaint process.**

- **Analysis of the data reveals that the department is fully in compliance with applicable Texas law on the collection of racial profiling data.**

- **The analysis of statistical information from Hutto Police Department reveals that there are no methodologically conclusive indications of systemic racial profiling by the department.**

- **The Hutto Police Department is fully in compliance with applicable Texas law concerning the prohibition of racial profiling.**

- **The Hutto Police Department is fully in compliance with applicable Texas law concerning the reporting of information to TCOLE."
Introduction

This report details an analysis of the Hutto Police Department’s policies, training, and statistical information on racial profiling for the year 2016. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Hutto Police Department in 2016. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Hutto Police Department’s bias based racial profiling policy; Hutto Police Department’s training and education on racial profiling; Hutto Police Department’s complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Hutto Police Department’s compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Hutto Police Department Policy on Racial Profiling

A review of Hutto Police Department’s “Bias Based Profiling” policy (2.01) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Hutto Police Department’s bias based racial profiling policy. Hutto Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including dismissal. The policies also provide a very clear statement of the agency’s philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Hutto Police Department regulation.

A COMPREHENSIVE REVIEW OF HUTTO POLICE DEPARTMENT’S BIAS BASED PROFILING POLICY SHOWS THAT THE HUTTO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Hutto Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by the Hutto Police Department reveals that racial profiling training and certification is current for all officers requiring such training.
A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE HUTTO POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Hutto Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Hutto Police Department’s Bias Based Racial Profiling Policy Section V (A) on complaints covers this requirement. The Hutto Police Department also has an easily accessible website (http://www.huttotx.gov/index.aspx?NID=238) which provides clear contact information for citizens who wish to file a complaint. Additionally, Hutto Police Department makes available in the lobby area information relevant to filing a complaint on a racial profiling allegation against a Hutto Police officer.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Hutto Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and arrests pursuant to traffic stops with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also collected. Hutto Police Department submitted statistical information on all citations in 2016 and accompanying information on the race of the person cited. Accompanying this data was the relevant information on searches and arrests.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

The first chart depicts the percentages of people cited by race by Hutto Police Department officers in 2016. 1

White drivers constituted 51.14 percent of all drivers cited, whereas White drivers constituted 50.30 percent of the city population, 62.10 percent of the county population, and 53.90 percent of the regional population. 2 The chart shows that White drivers were cited at a rate that is lower

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1 Native American, Middle Eastern, and “Other” racial/ethnic groups were not charted due to the small number of contacts relative to their population bases. These groups accounted for a total of 18 total contacts, or roughly 1 percent of all contacts in 2016. The total 1,670 includes 1,577 citations, 62 arrests, and 31 citations and arrests. The term citations will be used throughout this document. See the TCOLE forms at the end of this report.

2 City and county population figures are derived from the U.S. Census Bureau’s 2011-2015 American Community Survey 5-Year estimates. The regional population—Austin-Round Rock MSA including the counties of Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, and Williamson—were derived from the 2010-2014
than the percentage of Whites in the county and region population, but slightly higher than the percentage of Whites in the city population. As discussed in detail in the next section of this report, problems with the State’s racial profiling law as currently enacted make it impossible to discern whether or not racial profiling has occurred on the basis of comparisons made to population base-rates.

African-American drivers constituted 18.02 percent of all drivers cited, whereas African-Americans constituted 12.50 percent of the city population, 6.20 percent of the county population and 7.00 percent of the region population. African-American drivers were cited at a rate higher than the percentage African-Americans found in the city, county and region populations. As discussed in detail in the next section of this report, problems with the State’s racial profiling law as currently enacted make it impossible to discern whether or not racial profiling has occurred on the basis of comparisons made to population base-rates.

Hispanic drivers constituted 28.68 percent of all drivers cited, whereas Hispanics constituted 34.40 percent of the city population, 23.80 percent of the county population, and 31.70 percent of the region population. Hispanics were cited at a rate lower than the percentage of Hispanics found in the city and region population, but higher than the percentage of Hispanics in the county population. As discussed in detail in the next section of this report, problems with the State’s racial profiling law as currently enacted make it impossible to discern whether or not racial profiling has occurred on the basis of comparisons made to population base-rates.

Asian drivers constituted 1.08 percent of all drivers cited, whereas Asians constituted 0.90 percent of the city population, 5.40 percent of the county population, and 5.00 percent of the region population. Asian drivers were cited at rates lower than their percentage of the county and region population, but slightly higher than their percentage of the city population. As discussed in detail in the next section of this report, problems with the State’s racial profiling law as currently enacted make it impossible to discern whether or not racial profiling has occurred on the basis of comparisons made to population base-rates.

As previously mentioned, problems with the State’s racial profiling law as currently enacted make it impossible to discern whether or not racial profiling has occurred on the basis of comparisons made to population base-rates. The discussion below will highlight the issues specifically associated with the current racial profiling law in Texas. This section should be viewed as a criticism specific to the existing racial profiling statute rather than the statistics for the Hutto Police Department in particular. As noted in the Executive Summary and in a later section of this report, the Hutto Police Department is fully in compliance with all relevant Texas laws concerning racial profiling. Problems related to the law discussed below include: 1) methodological issues associated with using group-level data to explain individual officer decisions, 2) the lack of objective indicators for the race of the driver that is stopped, 3) the inability to separate discretionary actions from non-discretionary actions, and 4) problems associated with population base-rates that are commonly used as a “benchmark” of comparison.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions
As the chart shows, easy determinations regarding whether or not Hutto police officers have “racially profiled" a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the rates at which agencies collectively stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not individual officers are “racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level
data. In short, one cannot "prove" that an individual officer has "racially profiled" any individual motorist based on the rate at which a department stops any given group of motorists. In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Lack of Objective Indicators for the Race of the Stopped Driver

Additional interpretation problems remain in regards to the specific measurement of "racial profiling" as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within Hutto. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial/ethnic background. In sum, Texas driver's licenses do not identify the race/ethnicity of the person. Therefore, the officer must "guess" the person's race/ethnicity based upon "looks" alone which is not a valid method to determine race/ethnicity.

Issue #3: Inability to Separate Discretionary Actions from Non-Discretionary Actions

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not "profiling" has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not independently make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be "racially profiling" when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In sum, if racial profiling occurs, it is a discretionary action by the officer but non-discretionary actions (e.g., stopping a vehicle due to outstanding warrants on the driver) are included in the analysis since the law requires the collection of this data.

Issue #4: Problems Associated with Population Base-Rates

Finally, there has been considerable debate as to what the most appropriate population "base-rate" is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city, county and regional population base-rates, the outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent Census data available as a population base-rate, this population measure can become quickly outdated and may not keep pace with changes experienced in city, county, and regional population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if
In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population. In addition, stopped motorists who are not residents of the City of Hutto, Williamson County, or the region are not included in the benchmark base-rate.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of persons cited and searched subsequent to being stopped by the Hutto Police Department for traffic offenses in 2016 (1,670). In addition, the table shows the number of consent searches, probable cause searches, and those drivers who were arrested at the conclusion of the stop.

The chart shows that roughly 51 percent of all drivers searched were White (54/107 total searches) and roughly 48 percent were Hispanic (51/107 total searches). It is clear from the table that the vast majority of the total number of drivers cited were not searched, as roughly 94 percent of all drivers who were stopped were not searched (107/1,670).

<table>
<thead>
<tr>
<th>Race and Ethnicity</th>
<th>Contacts</th>
<th>Searches</th>
<th>Consent Searches</th>
<th>PC Searches</th>
<th>Custody Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
<td>N</td>
</tr>
<tr>
<td>White</td>
<td>854</td>
<td>51%</td>
<td>54</td>
<td>51%</td>
<td>17</td>
</tr>
<tr>
<td>African American</td>
<td>301</td>
<td>18%</td>
<td>1</td>
<td>&lt;1%</td>
<td>1</td>
</tr>
<tr>
<td>Hispanic</td>
<td>479</td>
<td>29%</td>
<td>51</td>
<td>48%</td>
<td>26</td>
</tr>
<tr>
<td>Asian</td>
<td>18</td>
<td>1%</td>
<td>1</td>
<td>&lt;1%</td>
<td>1</td>
</tr>
<tr>
<td>Native American</td>
<td>6</td>
<td>&lt;1%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>Middle Eastern</td>
<td>2</td>
<td>&lt;1%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>&lt;1%</td>
<td>0</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,670</td>
<td>100%</td>
<td>107</td>
<td>100%</td>
<td>45</td>
</tr>
</tbody>
</table>
“N” represents the number of motor vehicle related contacts. Total may not equal 100% due to rounding.

The next assessment presents the percentage of drivers that provided consent to search within each racial category. The table above indicates that drivers who were cited were rarely consent searched across the racial categories. In fact, there were only a total of 45 consent searches across more than 1,670 drivers cited, or roughly 3 percent of all drivers were consent searched. Of those consent searches, White drivers constituted roughly 38 percent of all consent searches and Hispanic drivers constituted 58 percent of all consent searches. Of all 107 total searches, it should be noted that 58 percent were probable cause searches.

The table also indicates that arrests were rare. Of the 1,670 total citations, 62 individuals or roughly 4 percent of drivers were arrested at the conclusion of the stop.

Finally, information provided by Hutto Police Department indicates that of the total number of stops in 2016, officers reported knowing the race of the driver prior to the traffic stop in only 10 of 1,670 stops. In other words, in only about \( \frac{1}{2} \) of 1 percent of all stops that resulted in citation, arrest, or both by Hutto Police officers in 2016 did the officer know the race of the driver prior to the traffic stop.

**Analysis of Racial Profiling Compliance by Hutto Police Department**

The foregoing analysis shows that the Hutto Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints in reference to racial profiling for the year 2016.

In addition to providing summary reports and analysis of the data collected by the Hutto Police Department in 2016, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Hutto Police Department as well as police agencies across Texas. The Hutto Police Department should continue its educational and training efforts within the department on racial profiling and the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes required TCOLE reporting information by Texas law enforcement organizations.
Hutto Police Department TCOLE Reporting Forms
Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name: Hutto Police Department
Agency Number: 491206
Chief Administrator Name: EARL MORRISON
Reporting Name: DAVID STIPLING
Contact Number: 512-993-5983
E-mail Address: davorsstripling@hutto.tx.gov

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):
Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

1. Clearly define acts constituting racial profiling;
2. Strictly prohibit peace officers employed by the agency from engaging in racial profiling;
3. Implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
4. Provide public education relating to the agency’s complaint process;
5. Require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency’s policy adopted under this article;
6. Require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
   A. The race or ethnicity of the individual detained;
   B. Whether a search was conducted and, if so, whether the individual detained consented to the search; and
   C. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
7. Require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
   A. The Commission on Law Enforcement Officer Standards and Education; and
   B. The governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

[Signature]
Chief Administrator
01/13/17
Date
Partial Exemption Racial Profiling Reporting
(Tier 1)

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):
☑ all cars regularly used for motor vehicle stops are equipped
with video camera and transmitter-activated equipment and
each motor stop is recorded and the recording of the stop is
retained for at least 90 days after the stop.

OR
☐ In accordance with 2.135(a)(2) the agency has requested and
not received funds to install the recording equipment

I claim this exemption

[Signature]

Chief Administrator

Date: 01/13/17
PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. **1,577** Citation only
2. **62** Arrest only
3. **31** Both

4. **1,670** (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. **301** African
6. **18** Asian
7. **854** Caucasian
8. **479** Hispanic
9. **2** Middle Eastern
10. **6** Native American
    **10** Other

11. **1,670** (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. **10** Yes
13. **1,660** No

14. **1,670** (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. **107** Yes
16. **1,563** No

17. **1,670** (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. **45** Yes
19. **62** No

20. **107** (Total, must equal #15)
Partial Exemption Racial Profiling Reporting
(Tier 1)

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP
(B) require collection of information relating to motor vehicle stops in which a citation is
issued and/or arrests made as a result of those stops, including information relating to:
(A) the race or ethnicity of the individual detained;
(B) whether a search was conducted and, if so, whether the individual detained
consented to the search; and
(C) whether the peace officer knew the race or ethnicity of the individual detained
before detaining that individual; and

This report meets the above requirements

[Signature]
Chief Administrator
01/12/17
Date

Send entire documents electronically to this website

www.tcleose.state.tx.us
Appendix A

Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING.

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.


Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.


Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;
(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
   (A) the race or ethnicity of the individual detained;
   (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
   (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
   (A) the Commission on Law Enforcement Officer Standards and Education; and
   (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this
subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:
   (A) the person's gender; and
   (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;
whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

the reason for the search, including whether:
(A) any contraband or other evidence was in plain view;
(B) any probable cause or reasonable suspicion existed to perform the search; or
(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

the street address or approximate location of the stop; and

whether the officer issued a written warning or a citation as a result of the stop.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education
and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

1. a comparative analysis of the information compiled under Article 2.133 to:
   (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and
   (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

2. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:
   (A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and
   (B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.
(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.


Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.
(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).


Art. 2.138. RULES.

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.


Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of $1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.
Appendix B

Hutto Police Department
Racial Profiling Policy, Public Information, and Training
I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our community, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, sexual orientation, economic status, cultural group, or religion.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment of the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle has or is about to commit an offense.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Bias: Prejudice or partiality which may be based on preconceived ideas, a person’s upbringing, culture, experience, or education.
**Biased Policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

**Ethnicity:** Characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.

**Gender:** Unlike sex, a psychological classification based on cultural characteristics or traits.

**Probable Cause:** Facts or apparent facts and circumstances within an officer’s knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable and prudent person to believe that an offense has been or is about to be committed.

**Race:** A category of people of a particular descent, including African, Asian, Caucasian, Hispanic, Middle Eastern or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.

**Racial profiling:** A law-enforcement initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.

**Reasonable Suspicion:** Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."

**Sex:** A biological classification, male or female, based on physical and genetic characteristics.

**Stop:** The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is an investigative detention.

### IV. PROCEDURES

**A. General Responsibilities**

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. *(TBP 2.01)*
2. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

3. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
   
   a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
   
   b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
   
   a. Personnel shall facilitate an individual’s access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.

   b. All personnel shall accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process when appropriate.

5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on an individual’s well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.

6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.

7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory Responsibilities
1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.

3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical in maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.

4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.

5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

6. Supervisors shall facilitate the filing of any complaints about law enforcement service.

C. Disciplinary Consequences

1. Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBp: 2.61)

1. Officers shall complete all training required by state law regarding bias based profiling.

V. COMPLAINTS

A. The department shall publish complaint procedures and make them available at all city facilities and other public locations throughout the city. The department's complaint process and its bias based profiling policy will be posted on the department's website. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.

B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. RECORD KEEPING

A. The department shall maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made subsequent to a traffic stop pursuant to state law.

B. The information collected above will be reported to the City Council annually.

C. The information will be reported annually to TCOLE in the required format.
Informing the Public on the Process of Filing a Racial Profiling Complaint with the Hutto Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Hutto Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Hutto Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.
Racial Profiling Training

Since 2002, all Hutto Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Hutto Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Hutto has been included in this report.

It is important to recognize that the Chief of the Hutto Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Hutto Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.
Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256
Instructor's Note:
You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract
This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures
An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials
Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our website at http://www.tcleose.state.tx.us.
Racial Profiling 3256
1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:
- Racial profiling CCP 3.05
- Racial profiling prohibited CCP 2.131
- Law enforcement policy on racial profiling CCP 2.132
- Reports required for traffic and pedestrian stops CCP 2.133
- Liability CCP 2.136
- Racial profiling education for police chiefs Education Code 98.841
- Training program Occupations Code 1701.253
- Training required for intermediate certificate Occupations Code 1701.402
- Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies
   1. Definition of what constitutes racial profiling
   2. Prohibition of racial profiling
   3. Complaint process
   4. Public education
   5. Corrective action
   6. Collection of traffic-stop statistics
   7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report
   1. Physical description of detainees: gender, race or ethnicity
   2. Alleged violation
   3. Consent to search
   4. Contraband
   5. Facts supporting probable cause
   6. Arrest
   7. Warning or citation issued
G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling
   1. Police chiefs
   2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001
      (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

   1. Motor vehicle search exemption
   2. Traffic violation acceptable as pretext for further investigation
   3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
   1. Stop & Frisk doctrine
   2. Stopping and briefly detaining a person
   3. Frisk and pat down

C. Other cases

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.
2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.
A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.
A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements.

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling:
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers.
2. The driver and passengers are questioned about things that do not relate to the traffic violation.
3. The driver and passengers are ordered out of the vehicle.
4. The officers visually check all observable parts of the vehicle.
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside.
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)
   1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
   2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
   3. Vehicle is rented
   4. Driver is a young male, 20-35
   5. No visible luggage, even though driver is traveling
   6. Driver was over-reckless or over-cautious in driving and responding to signals
   7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior
   1. Non-standard repainting (esp. on a new vehicle)
   2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
   3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
   4. Unusual circumstances (pulling a camper at night, kids’ bikes with no kids, etc.)

C. Pre-stop indicators
   1. Not consistent with traffic flow
   2. Driver is overly cautious, or driver/passengers repeatedly look at police car
   3. Driver begins using a car- or cell-phone when signaled to stop
   4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior
   1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
   2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources
Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)
Web address for legislation 77R-SB1074:
http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074E.htm
Appendix C

Racial Profiling Laws and Corresponding Department Policies

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AGENDA ITEM NO.: 8A.  AGENDA DATE: February 16, 2017

PRESENTED BY:

ITEM: Consideration and possible action on the acceptance of the street, drainage, water, and wastewater improvements for Riverwalk Subdivision Phase 3 Section 2.

STRATEGIC GUIDE POLICY: Infrastructure

ITEM BACKGROUND: The infrastructure improvements for the residential subdivision, Riverwalk Phase 3 Section 2 have been constructed and are ready to be accepted by the City Council. A final inspection was conducted by the City’s Construction Inspector of all streets, drainage, and wastewater improvements. All items have been constructed according to engineering plans and City codes and standards. The contractor has submitted a warranty bond to cover the materials and workmanship for two years.

BUDGETARY AND FINANCIAL SUMMARY: The total value of the improvements is $967,418.40.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS: Not applicable.

CITY ATTORNEY REVIEW: City Attorney has reviewed and approved the resolution.

STAFF RECOMMENDATION: Staff recommends approval.

SUPPORTING MATERIAL: 1. Resolution 2. Supporting Documents
RESOLUTION NO. _____________

WHEREAS, the infrastructure improvements for the Riverwalk, Phase 3 Section 2 residential subdivision have been constructed and are ready for acceptance; and

WHEREAS, a final inspection was conducted by the City’s Construction Inspector of all wastewater, streets and drainage improvements; and

WHEREAS, all items have been constructed according to engineering plans and City codes and standards; and

WHEREAS, Liberty Civil submitted a warranty bond to cover the materials and workmanship for two years,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS, hereby accepts the infrastructure improvements for the Riverwalk, Phase 3 Section 2 residential subdivision pursuant to section 10.506.5 of the City of Hutto Unified Development Code.

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 16th day of February, 2017.

CITY OF HUTTO, TEXAS

______________________________
Doug Gaul, Mayor

ATTEST:

______________________________
Seth Gipson, City Secretary
ENGINEER'S CONCURRENCE
FOR
PROJECT ACCEPTANCE

PROJECT: Riverwalk Phase 3 Section 2
Street, Drainage, Water & Wastewater Improvements

Date: January 24, 2017

Owner's Name and Address
Continental Homes of Texas, L.P.
(a Texas Limited Partnership)
By: CHTEX of Texas, Inc.
(a Delaware Corporation)
Its General Partner
10700 Pecan Park Blvd., Suite 400
Austin, Texas 78750

Consultant Engineer's Name and Address
Pape-Dawson Engineers, Inc.
7800 Shoal Creek Blvd., Suite 220 West
Austin, Texas 78757

On January 19, 2017, I, the undersigned Professional Engineer in the State of Texas, or my representative, met with representatives of the City of Hutto and the Project Contractor and made a visual inspection of the above referenced project. No discrepancies in approved construction plans or deficiencies in construction were visible or brought to my attention by the parties at the meeting except minor items which were subsequently rectified. I, therefore, recommend acceptance of this project by the City of Hutto once the following listed items are corrected to the satisfaction of the City of Hutto.

________
________
________

Signature
James A. Huffcut, Jr., P.E.
Typed Name
James A. Huffcut, Jr., P.E.
TX Registration No.
55253

(SEAL)

H:\projects\509820\24202 Construction Phase Services\Documents\Project Closeout\Riverwalk 3-2 Engineers Concurrence Letter.docx

Pape-Dawson Engineers, Inc.
7800 Shoal Creek Blvd., Suite 220 West, Austin, TX 78757 T: 512.454.8711 www.Pape-Dawson.com
PROJECT CONSTRUCTION SUMMARY

PROJECT NAME: Riverwalk 3-2

FINAL ACCEPTANCE DATE: ________________________________

INSPECTOR: Anthony Host ________________________________

CONTRACTOR: Liberty Civil ________________________________

<table>
<thead>
<tr>
<th>Maintained By</th>
<th>COH</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

CONSTRUCTION COSTS

STREET IMPROVEMENT COST: $442,121.40

SIDEWALK IMPROVEMENT COST: $33,299.90

SIDEWALK RAMP IMPROVEMENT COST: $11,200.00

BRIDGE IMPROVEMENT COST: ________________________________

POND(S) COST: ________________________________

DRAINAGE IMPROVEMENT COST: $196,690.60

WATER IMPROVEMENT COST: N/A (Manville)

WASTEWATER IMPROVEMENT COST: $268,788.60

EROSION CONTROLS / RESTORATION COST: $15,317.90

TOTAL IMPROVEMENT COST: $967,418.40

PREPARED BY (DESIGN ENGINEER): Dustin Goss, P.E. Pape-Dawson Engineers ________________________________

CHECKED BY (CID SUPERVISOR): ________________________________
### CONSTRUCTION SUMMARY FOR STREETS & SIDEWALKS

#### STREET PAVING

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>Address from</th>
<th>Address to</th>
<th>Pavement Design (Thickness)</th>
<th>Pavement Width (FT)</th>
<th>L (FT)</th>
<th>PRIVATE</th>
<th>ETJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comal Run</td>
<td>606</td>
<td>804</td>
<td>2&quot; / 8&quot;</td>
<td>30</td>
<td>621</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sulphur River Loop</td>
<td>100</td>
<td>149</td>
<td>2&quot; / 8&quot;</td>
<td>30</td>
<td>1250</td>
<td></td>
<td></td>
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#### SIDEWALKS / SIDEWALK RAMPS

<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>Address from</th>
<th>Address to</th>
<th>W (FT)</th>
<th>L (FT)</th>
<th>SIDES 1</th>
<th>CURB RAMP 2</th>
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</thead>
<tbody>
<tr>
<td>Comal Run</td>
<td>700</td>
<td>700</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Comal Run</td>
<td>708</td>
<td>708</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Sulphur River Loop</td>
<td>113</td>
<td>115</td>
<td>5</td>
<td>19</td>
<td>N</td>
<td>-</td>
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<tr>
<td>Sulphur River Loop</td>
<td>117</td>
<td>119</td>
<td>5</td>
<td>15</td>
<td>N</td>
<td>-</td>
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<tr>
<td>Sulphur River Loop</td>
<td>123</td>
<td>125</td>
<td>5</td>
<td>15</td>
<td>E</td>
<td>-</td>
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<tr>
<td>Sulphur River Loop</td>
<td>100</td>
<td>101</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
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<tr>
<td>Sulphur River Loop</td>
<td>148</td>
<td>149</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>STREET NAME AND ADDRESS OR LOCATION</th>
<th>FEATURE CROSSED 1</th>
<th>TYPE 2</th>
<th>DESCRIPTION 3</th>
<th>DECK W (FT) 4</th>
<th>L (FT) 5</th>
<th>COST</th>
<th>PRIVATE</th>
<th>ETJ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

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

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

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

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

5. Deck Length: Measured along the centerline of the roadway.
## CONSTRUCTION SUMMARY FOR PONDS

<table>
<thead>
<tr>
<th>POND TYPE 1</th>
<th>LOCATION (ADDRESS OR LOT / BLOCK #)</th>
<th>SIZE (SY)</th>
<th>DRAINAGE AREA (ACRES)</th>
<th>PRIVATE</th>
<th>ETJ</th>
<th>COST</th>
</tr>
</thead>
</table>

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

2 - Approximate boundary area

3 - Provide copy of recorded agreement for privately maintained ponds
## CONSTRUCTION SUMMARY FOR DRAINAGE

<table>
<thead>
<tr>
<th>STORM DRAIN</th>
<th>MANHOLES</th>
<th>INLETS</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIZE (IN)</td>
<td>QTY</td>
<td>QTY</td>
</tr>
<tr>
<td>18</td>
<td>RCF</td>
<td>581</td>
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<tr>
<td>24</td>
<td>RCF</td>
<td>452</td>
</tr>
<tr>
<td>30</td>
<td>RCF</td>
<td>324</td>
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<table>
<thead>
<tr>
<th>JUNCTION BOXES</th>
<th>OUTFALL STRUCTURES</th>
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<tbody>
<tr>
<td>QTY</td>
<td>SIZE (FT x FT x FT)</td>
</tr>
<tr>
<td>4</td>
<td>4x4</td>
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</table>

<table>
<thead>
<tr>
<th>CHANNEL</th>
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</thead>
<tbody>
<tr>
<td>LENGTH (FT)</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>VALVES INSTALLED</th>
<th>PIPE</th>
<th>FIRE HYDRANTS</th>
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<tbody>
<tr>
<td>SIZE</td>
<td>DESCRIPTION</td>
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<td>6&quot;</td>
<td>Gate Valve</td>
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<table>
<thead>
<tr>
<th>AIR RELEASE</th>
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</thead>
<tbody>
<tr>
<td>SIZE</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SERVICES INSTALLED</th>
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</thead>
<tbody>
<tr>
<td>NO.</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>23</td>
</tr>
</tbody>
</table>

**REMARKS:** Wet Connection (2), Chlorine Injection Point (2)
## CONSTRUCTION SUMMARY FOR WASTEWATER

<table>
<thead>
<tr>
<th>PIPE</th>
<th>MANHOLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIZE</td>
<td>TYPE LENGTH DEPTH MAKE STA. NO. B.C. EYE STREET</td>
</tr>
<tr>
<td>8&quot;</td>
<td>PVC 1847 16.77 Hanson Precast 2+45.02 WW-A No No Comal Run</td>
</tr>
<tr>
<td></td>
<td>9.25 Hanson Precast 5+55.05 WW-A No No Comal Run</td>
</tr>
<tr>
<td></td>
<td>10.00 Hanson Precast 8+11.65 WW-A Yes No</td>
</tr>
<tr>
<td></td>
<td>14.14 Hanson Precast 2+30.00 WW-B No No Sulphur River Loop</td>
</tr>
<tr>
<td></td>
<td>10.76 Hanson Precast 2+85.00 WW-B No No Sulphur River Loop</td>
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<tr>
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<td>10.64 Hanson Precast 5+59.81 WW-B No No Sulphur River Loop</td>
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<td>10.52 Hanson Precast 9+18.70 WW-B No No Sulphur River Loop</td>
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<tr>
<td></td>
<td>8.54 Hanson Precast 4+16.84 WW-C No No Sulphur River Loop</td>
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## SERVICES INSTALLED

<table>
<thead>
<tr>
<th>NO.</th>
<th>TYPEler D</th>
<th>TYPE OF MANHOLE COATING:</th>
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<tbody>
<tr>
<td>6</td>
<td>SINGLE</td>
<td>Spray Wall</td>
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<tr>
<td>23</td>
<td>DOUBLE</td>
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</table>
MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we Liberty Civil Construction, LLC as Principal, and SureTec Insurance Company, a corporation organized under the laws of the State of Texas, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Hutto, Texas as Obligee, in the penal sum of Ninety-six Thousand Seven Hundred Forty-one And 84/100THS ($96,741.84) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has completed, and owner has inspected and accepted as being complete in accordance with applicable design documents (failing which, this bond shall become effective only upon such completion and inspection) that certain work (herein referred to as the “Work”) described as: Riverwalk Phase 3 Section 2 - Street, Drainage and Utility Improvements.

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of 2 year(s) after substantial completion of the Work against defects in workmanship and materials which are the responsibility of the Principal under the contract under which the Work was constructed, and which did not appear prior to the final completion of the Work.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of defective materials or workmanship which may first become apparent, and with respect to which written notice is delivered to Surety, before the expiration of the period of 2 year(s) from and after date of substantial completion of the Work, then this obligation shall be void, otherwise to remain in full force and effect.

This obligation does not cover normal wear and tear of materials, misuse or abuse by the Obligee or third parties, failure of Owner to perform owner-required maintenance, nor
SureTec Insurance Company
LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the “Company”), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Bryan K. Moore, Gary W. Wheatley, Betty J. Reeh, Michael D. Hendrickson, Patricia Ann Lyttle

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Fifteen Million and 00/100 Dollars ($15,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 5/19/2017 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company’s liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and executed by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto be facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 1st day of June, A.D. 2016

SURETEC INSURANCE COMPANY

By: John Knox Jr., President

State of Texas
County of Harris

On this 1st day of June, A.D. 2016 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public
State of Texas
My Commission Exp. 5/18/2017

I, M. Brent Beatty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 26th day of January, 2017, A.D.

M. Brent Beatty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.

For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.
Statutory Complaint Notice

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, Tx 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3-39. You may write the Texas Department of Insurance at

PO Box 149104
Austin, TX 78714-9104
Fax#: 512-475-1771

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

Terrorism Risks Exclusion

The Bond to which this Rider is attached does not provide coverage for, and the surety shall not be liable for, losses caused by acts of terrorism, riot, civil insurrection, or acts of war.

Exclusion of Liability for Mold, Mycotoxins, Fungi & Environmental Hazards

The Bond to which this Rider is attached does not provide coverage for, and the surety thereon shall not be liable for, molds, living or dead fungi, bacteria, allergens, histamines, spores, hyphae, or mycotoxins, or their related products or parts, nor for any environmental hazards, bio-hazards, hazardous materials, environmental spills, contamination, or cleanup, nor the remediation thereof, nor the consequences to persons, property, or the performance of the bonded obligations, of the occurrence, existence, or appearance thereof.
AGENDA ITEM NO.: 8B.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Michel Sorrell, Chief Financial Officer

ITEM: Consideration and possible action on the second and final reading of an ordinance amending the Fiscal Year 2015-16 Budget to adjust project funds, fund balances, and other miscellaneous items.

STRATEGIC GUIDE POLICY: Fiscal and Budgetary

ITEM BACKGROUND: This represents the fourth amendment of the FY16 Budget. The amendment is detailed in the Exhibit A Fund Summaries. The main purpose of the amendment is to adjust project funds, fund balances, and other miscellaneous items.

BUDGETARY AND FINANCIAL SUMMARY: Please see Exhibit A for the financial summary.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS: Not applicable.

CITY ATTORNEY REVIEW: Not applicable.

STAFF RECOMMENDATION: Staff recommends the Council approve the first reading of the ordinance.

SUPPORTING MATERIAL:  
1. FY16 BA#4 Ordinance  
2. FY16 BA#4 Exhibit A
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE FISCAL YEAR 2015-16 BUDGET TO ADJUST PROJECT FUNDS, FUND BALANCES, AND OTHER MISCELLANEOUS ITEMS.

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

SECTION 1: That the appropriations for the fiscal year beginning October 1, 2015, and ending September 30, 2016, for the support of the general government of the City of Hutto, Texas, be amended for said term in accordance with the change in expenditures shown in the attached Exhibit A.

SECTION 2: That the amendment, as shown in words and figures in Exhibit A, is hereby approved in all aspects and adopted as an amendment to the City budget for the fiscal year October 1, 2015, and ending September 30, 2016.

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

SECTION 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If a court of competent jurisdiction to be invalid shall adjudge any provision of this Ordinance, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5: All ordinances or parts of ordinances and sections of the City Code of Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov’t. Code and the City Charter.

SECTION 7: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov’t. Code.

READ and APPROVED on first reading on this the 2nd day of February 2017, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.
READ, APPROVED and ADOPTED on second and final reading this 16th day of February 2017, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

THE CITY OF HUTTO, TEXAS

____________________________
Doug Gaul, MAYOR

ATTEST:

SEAL

____________________________
Seth Gipson, CITY SECRETARY
### CITY OF HUTTO
#### 2015-16 BUDGET
Amendment #4

**GENERAL FUND**

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<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>AMENDED #4</th>
<th>Difference</th>
<th>%Budget</th>
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<td><strong>REVENUES</strong></td>
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<tr>
<td>Property Taxes</td>
<td>5,491,836</td>
<td>5,578,084</td>
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<td>Sales Taxes</td>
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<td>2,580,608</td>
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<td>Franchise Fees</td>
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<td>Building and Development</td>
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<td>Fire</td>
<td>281,300</td>
<td>270,295</td>
<td>281,300</td>
<td>-96.02%</td>
<td></td>
</tr>
<tr>
<td>Interlocal - HSD Reimbursement for SRO</td>
<td>120,358</td>
<td>132,858</td>
<td>120,358</td>
<td>-110.39%</td>
<td></td>
</tr>
<tr>
<td>Park Revenues</td>
<td>10,050</td>
<td>130,522</td>
<td>132,030</td>
<td>98.86%</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>544,918</td>
<td>592,771</td>
<td>539,463</td>
<td>(5,455)</td>
<td>108.78%</td>
</tr>
</tbody>
</table>

**TOTAL REVENUES**

10,454,767 | 11,011,838 | 10,449,312 | (5,455) | 105.33% |

**EXPENDITURES**

**City Administration**
- City Manager's Office: 638,116 | 624,047 | 610,819 | (27,297) | 97.80%
- City Council: 564,380 | 484,678 | 553,800 | (10,780) | 85.85%
- City Secretary's Office: 170,009 | 149,463 | 170,009 | - | 88.02%
- Human Resources: 328,747 | 319,403 | 321,607 | (7,400) | 97.16%
- Downtown: 166,083 | 161,607 | 166,083 | - | 97.31%
- Total City Administration: 1,943,725 | 1,817,578 | 1,900,518 | (43,207) | 93.51% |

**Finance**
- Accounting, Budget & Payroll: 551,161 | 489,838 | 519,571 | (31,590) | 88.87%
- Total Finance: 551,161 | 489,838 | 519,571 | (31,590) | 88.87%

**Development Services**
- Planning: 436,946 | 461,783 | 461,783 | 24,837 | 105.68%
- Inspections & Code Enforcement: 434,627 | 383,160 | 396,351 | (3,200) | 98.16%
- Engineering: 290,448 | 294,833 | 284,594 | (5,854) | 101.51%
- Total Development Services: 1,162,021 | 1,139,775 | 1,142,727 | 682 | 98.09% |

**Public Works**
- Administration: 235,818 | 233,656 | 233,818 | - | 99.08%
- Animal Control: 142,339 | 153,235 | 155,522 | - | 87.84%
- Streets & Drainage: 845,112 | 785,072 | 832,129 | - | 99.49%
- Total Public Works: 1,223,469 | 1,171,963 | 1,223,469 | - | 95.79%

**Public Safety**
- Administration: 801,473 | 665,058 | 801,473 | - | 82.98%
- Patrol: 2,159,195 | 2,134,936 | 2,159,195 | - | 98.88%
- Investigations: 373,611 | 326,596 | 373,611 | - | 97.42%
- Total Public Safety: 3,505,847 | 2,797,856 | 3,505,847 | - | 93.53%

**Parks**
- Administration: 269,463 | 263,154 | 269,463 | - | 97.66%
- Recreation: 248,715 | 222,932 | 228,368 | - | 88.16%
- Total Parks: 936,411 | 922,040 | 936,411 | - | 98.47%

**General Services**
- Administration: 190,421 | 188,833 | 190,421 | - | 99.17%
- Information Technology: 696,586 | 671,756 | 671,848 | (444) | 99.44%
- Municipal Court: 179,803 | 179,485 | 179,803 | - | 99.82%
- Library: 261,177 | 260,312 | 261,177 | - | 99.87%
- Facility Maintenance: 57,745 | 56,999 | 57,745 | - | 99.71%
- Total General Services: 1,385,732 | 1,357,385 | 1,360,994 | (24,708) | 87.95%

**Non-Departmental**
- 423,762 | 376,624 | 379,890 | (3,267) | 88.88%

**TOTAL EXPENDITURES**

11,132,128 | 10,555,061 | 10,969,428 | (142,724) | 94.82%

**OTHER FINANCING SOURCES**
- Transfer In: 370,240 | 370,240 | 370,240 | - | 100.00%
- Transfer Out: (496,340) | (496,340) | (496,340) | (496,340) | 100.00%
- Total Other Financing Sources: (126,100) | (126,100) | (126,100) | - | 100.00%

**NET CHANGE IN FUND BALANCE**

- (803,461) | 300,677 | (646,216) | 11,169 | -41.16%

**Beginning Fund Balance**

- 3,590,125 | 3,590,125 | 3,590,125 | - | -

**Contingency Reserves**
- 2,783,032 | 2,638,765 | 2,742,357 | (40,675) | -

**UNRESERVED ENDING FUND BALANCE**

- 3,692 | 1,282,037 | 201,552 | 51,840 | -
## GENERAL DEBT SERVICE FUND

### REVENUES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>1,157,375</td>
<td>1,174,900</td>
<td>1,174,900</td>
<td>17,525</td>
<td>101.51%</td>
</tr>
<tr>
<td>Interest</td>
<td>1,000</td>
<td>3,493</td>
<td>3,493</td>
<td>2,493</td>
<td>349.33%</td>
</tr>
<tr>
<td>Rental Income</td>
<td>34,557</td>
<td>31,677</td>
<td>34,557</td>
<td>-</td>
<td>91.67%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>1,192,932</td>
<td>1,210,070</td>
<td>1,212,950</td>
<td>20,018</td>
<td>101.44%</td>
</tr>
</tbody>
</table>

Based on actual collections

### EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Reduction</td>
<td>622,900</td>
<td>637,719</td>
<td>637,719</td>
<td>14,819</td>
<td>N/A</td>
</tr>
<tr>
<td>Interest</td>
<td>593,267</td>
<td>556,026</td>
<td>556,027</td>
<td>(37,240)</td>
<td>93.72%</td>
</tr>
<tr>
<td>Paying Agent Fees</td>
<td>1,750</td>
<td>1,379</td>
<td>1,750</td>
<td>-</td>
<td>78.81%</td>
</tr>
<tr>
<td><strong>Total - Debt Service</strong></td>
<td>1,217,917</td>
<td>1,195,124</td>
<td>1,195,496</td>
<td>(22,421)</td>
<td>173%</td>
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</table>

Based on actual debt service payment

### OTHER FINANCING SOURCES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

### NET CHANGE IN FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>(24,985)</td>
<td>17,454</td>
<td>42,439</td>
<td>0.00%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Beginning Fund Balance</th>
<th>Ending Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>83,925</td>
<td>101,379</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>58,940</td>
<td>101,379</td>
<td>42,439</td>
<td>0.00%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### REVENUES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale of Assets</td>
<td>-</td>
<td>11,462</td>
<td>11,462</td>
<td>11,462</td>
<td>N/A</td>
</tr>
<tr>
<td>Interest and Other</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>-</td>
<td>11,462</td>
<td>11,462</td>
<td>11,462</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Based on actual FY16 collections

### EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>YMCA Building Repair &amp; Maint</td>
<td>40,000</td>
<td>2,465</td>
<td>2,465</td>
<td>(37,535)</td>
<td>6.16%</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>40,000</td>
<td>2,465</td>
<td>2,465</td>
<td>(37,535)</td>
<td>6.16%</td>
</tr>
</tbody>
</table>

Roll available funds for YMCA to FY17

### OTHER FINANCING SOURCES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>120,000</td>
<td>120,000</td>
<td>120,000</td>
<td>-</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

### NET CHANGE IN FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>80,000</td>
<td>128,997</td>
<td>128,997</td>
<td>128,997</td>
<td>48,997</td>
<td>161.25%</td>
</tr>
</tbody>
</table>

### BEGINNING FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>570,000</td>
<td>570,000</td>
<td>570,000</td>
<td>570,000</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

### ENDING FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>650,000</td>
<td>698,997</td>
<td>698,997</td>
<td>698,997</td>
<td>48,997</td>
<td></td>
</tr>
<tr>
<td>REVENUES</td>
<td>BUDGET</td>
<td>YTD ACTIVITY</td>
<td>AMENDED #4</td>
<td>DIFFERENCE</td>
<td>%BUDGET</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------</td>
<td>--------------</td>
<td>------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Court Technology Fees</td>
<td>7,000</td>
<td>6,344</td>
<td>6,344</td>
<td>(656)</td>
<td>90.63%</td>
</tr>
<tr>
<td>Court Security Fees</td>
<td>5,100</td>
<td>4,758</td>
<td>4,758</td>
<td>(342)</td>
<td>93.30%</td>
</tr>
<tr>
<td>Court Training Fees</td>
<td>500</td>
<td>405</td>
<td>405</td>
<td>(95)</td>
<td>81.00%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>12,600</td>
<td>11,507</td>
<td>11,507</td>
<td>(1,093)</td>
<td>91.33%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Technology</td>
<td>7,024</td>
<td>693</td>
<td>693</td>
<td>(6,331)</td>
<td>9.87%</td>
<td>Based on actual FY16 expenses</td>
</tr>
<tr>
<td>Court Security</td>
<td>28,652</td>
<td>4,538</td>
<td>4,538</td>
<td>(24,114)</td>
<td>15.84%</td>
<td>Based on actual FY16 expenses</td>
</tr>
<tr>
<td>Court Training</td>
<td>1,939</td>
<td>-</td>
<td>-</td>
<td>(1,939)</td>
<td>0.00%</td>
<td>Based on actual FY16 expenses</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>37,615</td>
<td>5,231</td>
<td>5,231</td>
<td>(32,384)</td>
<td>13.91%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER FINANCING SOURCES</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Total Other Financing Sources</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

| NET CHANGE IN FUND BALANCE       | (25,015)| 6,276        | 31,291     |            |         |                                                                      |
| Beginning Fund Balance           | 30,550 | 30,550       | -          |            |         |                                                                      |
| ENDING FUND BALANCE              | 5,540  | -            | 36,830     | 31,290     |         |                                                                      |
## HOTEL TAX FUND

### REVENUES

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel Occupancy Tax</td>
<td>180,000</td>
<td>234,973</td>
<td>213,664</td>
<td>33,664</td>
<td>130.54%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>180,000</td>
<td>234,973</td>
<td>213,664</td>
<td>33,664</td>
<td>130.54%</td>
</tr>
</tbody>
</table>

### EXPENDITURES

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Museum Curation</td>
<td>10,000</td>
<td>-</td>
<td>-</td>
<td>(10,000)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Contributions to Civic Programs</td>
<td>114,050</td>
<td>38,197</td>
<td>38,197</td>
<td>(75,853)</td>
<td>33.49%</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>124,050</td>
<td>38,197</td>
<td>38,197</td>
<td>(85,853)</td>
<td>30.79%</td>
</tr>
</tbody>
</table>

### OTHER FINANCING SOURCES

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>100.00%</td>
</tr>
<tr>
<td>Total Other Financing Sources</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>(78,240)</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

### NET CHANGE IN FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance</td>
<td>56,718</td>
<td>56,718</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ending Fund Balance</td>
<td>34,428</td>
<td>153,945</td>
<td>41,277</td>
<td>41,277</td>
<td>0.00%</td>
</tr>
<tr>
<td></td>
<td>BUDGET</td>
<td>YTD ACTIVITY</td>
<td>AMENDED #4</td>
<td>DIFFERENCE</td>
<td>%BUDGET</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------</td>
<td>--------------</td>
<td>------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Light Camera Tickets</td>
<td>180,000</td>
<td>259,164</td>
<td>259,164</td>
<td>79,164</td>
<td>143.98%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>180,000</td>
<td>259,164</td>
<td>259,164</td>
<td>79,164</td>
<td>143.98%</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments to ATS</td>
<td>175,000</td>
<td>141,934</td>
<td>190,386</td>
<td>15,386</td>
<td>81.11%</td>
</tr>
<tr>
<td>Remittance to State</td>
<td>11,940</td>
<td>48,452</td>
<td>-</td>
<td>(11,940)</td>
<td>405.80%</td>
</tr>
<tr>
<td>Other Supplies &amp; Materials</td>
<td>-</td>
<td>37,071</td>
<td>37,071</td>
<td>37,071</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>186,940</td>
<td>227,457</td>
<td>227,457</td>
<td>40,517</td>
<td>121.67%</td>
</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES (USES)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Other Financing Sources (Uses)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(6,940)</td>
<td>31,707</td>
<td>38,647</td>
<td>0.00%</td>
<td></td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>70,848</td>
<td>70,848</td>
<td>-</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>63,908</td>
<td>-</td>
<td>102,555</td>
<td>38,647</td>
<td></td>
</tr>
</tbody>
</table>

Remaining fund balance will roll to FY17 and be transferred to General Fund to offset PD expenses in Patrol for vehicle leases.
## PEG FUND

### REVENUES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEG Capital Fees</td>
<td>29,131</td>
<td>32,887</td>
<td>32,887</td>
<td>3,756</td>
<td>112.89%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>29,131</td>
<td>32,887</td>
<td>32,887</td>
<td>3,756</td>
<td>112.89%</td>
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</table>

Based on FY16 Collections

### EXPENDITURES

<table>
<thead>
<tr>
<th></th>
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<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technology Equipment and Supplies</td>
<td>24,287</td>
<td>5,732</td>
<td>5,732</td>
<td>(18,555)</td>
<td>23.60%</td>
</tr>
<tr>
<td>Professional Services</td>
<td>24,190</td>
<td>-</td>
<td>-</td>
<td>(24,190)</td>
<td>0.00%</td>
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<tr>
<td>Communication Services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>48,477</td>
<td>5,732</td>
<td>5,732</td>
<td>(42,745)</td>
<td>11.82%</td>
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Based on FY16 expenditures

### OTHER FINANCING SOURCES

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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### NET CHANGE IN FUND BALANCE

<table>
<thead>
<tr>
<th></th>
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<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(19,346)</td>
<td>27,155</td>
<td>46,501</td>
<td>0.00%</td>
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Beginning Fund Balance: 19,346

**ENDING FUND BALANCE**

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
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<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>-</td>
<td>46,501</td>
<td>46,501</td>
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</table>
## Utility Fund

### Revenues

<table>
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<tr>
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<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Revenues</td>
<td>4,988,006</td>
<td>4,544,563</td>
<td>4,544,563</td>
<td>(443,443)</td>
<td>91.11%</td>
</tr>
<tr>
<td>Wastewater Revenues</td>
<td>3,348,861</td>
<td>3,530,278</td>
<td>3,530,278</td>
<td>181,417</td>
<td>105.42%</td>
</tr>
<tr>
<td>Connection Fees</td>
<td>216,154</td>
<td>225,479</td>
<td>216,154</td>
<td>-</td>
<td>104.31%</td>
</tr>
<tr>
<td>Other</td>
<td>528,740</td>
<td>455,390</td>
<td>528,641</td>
<td>(99)</td>
<td>86.13%</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>9,081,761</td>
<td>8,733,610</td>
<td>8,819,636</td>
<td>(262,125)</td>
<td>96.41%</td>
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</tbody>
</table>

### Expenditures

#### Public Works

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Services</td>
<td>4,430,647</td>
<td>3,965,267</td>
<td>4,321,882</td>
<td>(7,765)</td>
<td>89.50%</td>
</tr>
<tr>
<td>Wastewater Services</td>
<td>1,455,876</td>
<td>1,503,821</td>
<td>1,448,111</td>
<td>(7,765)</td>
<td>103.29%</td>
</tr>
<tr>
<td><strong>Total - Public Works</strong></td>
<td>5,886,523</td>
<td>5,469,088</td>
<td>5,769,993</td>
<td>(15,530)</td>
<td>92.91%</td>
</tr>
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</table>

#### General Services

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Billing</td>
<td>677,117</td>
<td>597,203</td>
<td>660,017</td>
<td>(17,100)</td>
<td>88.20%</td>
</tr>
<tr>
<td><strong>Total - General Services</strong></td>
<td>677,117</td>
<td>597,203</td>
<td>660,017</td>
<td>(17,100)</td>
<td>88.20%</td>
</tr>
</tbody>
</table>

#### Utility Fund CIP

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hwy 79 WW Interceptor Rehab</td>
<td>9,313</td>
<td>-</td>
<td>-</td>
<td>(9,313)</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total - UF CIP</strong></td>
<td>9,313</td>
<td>-</td>
<td>-</td>
<td>(9,313)</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

#### Non-Departmental

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24,665</td>
<td>21,477</td>
<td>24,665</td>
<td>-</td>
<td>87.08%</td>
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</table>

### Total Expenses

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>6,597,618</td>
<td>6,088,128</td>
<td>6,454,675</td>
<td>(41,943)</td>
<td>92.28%</td>
</tr>
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</table>

### Other Financing Sources

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer in (Impact Fees &amp; UF CIP)</td>
<td>1,362,743</td>
<td>1,624,865</td>
<td>1,624,865</td>
<td>262,122</td>
<td>119.23%</td>
</tr>
<tr>
<td>Transfer Out</td>
<td>(3,272,766)</td>
<td>(3,272,766)</td>
<td>(3,272,766)</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>(1,910,023)</td>
<td>(1,647,901)</td>
<td>(1,647,901)</td>
<td>262,122</td>
<td>86.28%</td>
</tr>
</tbody>
</table>

### Net Change in Working Capital

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>574,120</td>
<td>1,019,682</td>
<td>717,060</td>
<td>41,940</td>
<td>177.61%</td>
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</table>

### Beginning Working Capital

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4,862,341</td>
<td>4,862,341</td>
<td>-</td>
<td>-</td>
<td>100.00%</td>
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</table>

### Contingency Reserves

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,979,285</td>
<td>1,936,403</td>
<td>-</td>
<td>(42,882)</td>
<td>100.00%</td>
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### Ending Available Working Capital

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3,457,176</td>
<td>3,642,998</td>
<td>185,822</td>
<td>-</td>
<td>100.00%</td>
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</tbody>
</table>
## Utility Debt Service Fund

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest and Other</td>
<td>500</td>
<td>4,245</td>
<td>4,245</td>
<td>3,745</td>
<td>848.92%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>500</td>
<td>4,245</td>
<td>4,245</td>
<td>3,745</td>
<td>849%</td>
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<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Reduction</td>
<td>1,237,100</td>
<td>1,217,281</td>
<td>1,217,281</td>
<td>(19,819)</td>
<td>98%</td>
</tr>
<tr>
<td>Interest</td>
<td>1,775,509</td>
<td>1,703,675</td>
<td>1,703,676</td>
<td>(71,833)</td>
<td>96%</td>
</tr>
<tr>
<td>Paying Agent Fees</td>
<td>5,000</td>
<td>1,796</td>
<td>1,796</td>
<td>(3,204)</td>
<td>36%</td>
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<tr>
<td>Total - Debt Service</td>
<td>3,017,609</td>
<td>2,922,752</td>
<td>2,922,754</td>
<td>(94,855)</td>
<td>230%</td>
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<td><strong>Other Financing Sources</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Transfers In</td>
<td>2,840,915</td>
<td>2,840,915</td>
<td>2,840,915</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Other Financing Sources</td>
<td>2,840,915</td>
<td>2,840,915</td>
<td>2,840,915</td>
<td>-</td>
<td>100%</td>
</tr>
<tr>
<td><strong>Net Change in Fund Balance</strong></td>
<td>(176,194)</td>
<td>(77,594)</td>
<td>98,600</td>
<td>0.00%</td>
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<tr>
<td>Beginning Fund Balance</td>
<td>396,793</td>
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<td>Ending Fund Balance</td>
<td>220,599</td>
<td>319,200</td>
<td>98,601</td>
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</table>
## IMPACT FEES

<table>
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<tr>
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<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
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<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Impact Fees</td>
<td>694,271</td>
<td>825,509</td>
<td>825,509</td>
<td>131,238</td>
<td>118.90%</td>
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<tr>
<td>Wastewater Impact Fees</td>
<td>668,472</td>
<td>799,356</td>
<td>799,356</td>
<td>130,884</td>
<td>119.58%</td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td>1,362,743</td>
<td>1,624,865</td>
<td>1,624,865</td>
<td>262,122</td>
<td>119.23%</td>
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<tr>
<td><strong>EXPENDITURES</strong></td>
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<td></td>
<td>-</td>
<td>-</td>
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<tr>
<td>Total Expenditures</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
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<tr>
<td><strong>OTHER FINANCING SOURCES</strong></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(1,362,743)</td>
<td>(1,624,865)</td>
<td>(1,624,865)</td>
<td>(262,122)</td>
<td>119.23%</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>(1,362,743)</td>
<td>(1,624,865)</td>
<td>(1,624,865)</td>
<td>(262,122)</td>
<td>119.23%</td>
</tr>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td></td>
<td></td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td></td>
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## CITY OF HUTTO
2015-16 BUDGET
Amendment#4

### UTILITY CIP FUND

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bond Interest</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Contributions</td>
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<td>-</td>
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<td>-</td>
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</tr>
<tr>
<td>Grant Revenue</td>
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<td>-</td>
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</tr>
<tr>
<td>Bond Proceeds</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Water Capital Outlay System</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front St. Waterline</td>
<td>68,000</td>
<td>-</td>
<td>-</td>
<td>(68,000)</td>
<td>0.00%</td>
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<tr>
<td><strong>Wastewater Capital Outlay System</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hutto South WWTP</td>
<td>14,637,939</td>
<td>11,180,466</td>
<td>11,180,465</td>
<td>(3,457,474)</td>
<td>76.38%</td>
</tr>
<tr>
<td>Enclave Pump Force Main</td>
<td>4,316,880</td>
<td>2,692,126</td>
<td>2,692,126</td>
<td>(1,624,754)</td>
<td>62.36%</td>
</tr>
<tr>
<td>Carmel Crossings Wastewater Interceptor</td>
<td>181,851</td>
<td>181,851</td>
<td>181,851</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Other Services and Charges</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bond Issuance Costs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total - Capital Improvements</strong></td>
<td>19,204,670</td>
<td>14,054,443</td>
<td>14,054,442</td>
<td>(5,150,228)</td>
<td>73.18%</td>
</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>181,851</td>
<td>181,851</td>
<td>181,851</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td>Transfers Out</td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>181,851</td>
<td>181,851</td>
<td>181,851</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(19,022,819)</td>
<td>(13,872,591)</td>
<td>5,150,228</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>19,120,110</td>
<td>19,120,110</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>97,290</td>
<td>-</td>
<td>5,247,520</td>
<td>5,150,230</td>
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</table>
### CIP Fund

#### Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Earned</td>
<td>-</td>
<td>257</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Bond Interest</td>
<td>3,000</td>
<td>1,716</td>
<td>3,000</td>
<td>-</td>
<td>57.19%</td>
</tr>
<tr>
<td>Contributions</td>
<td>-</td>
<td>-</td>
<td>360,000</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Grant Revenue</td>
<td>1,238,111</td>
<td>956,477</td>
<td>1,238,111</td>
<td>-</td>
<td>77.25%</td>
</tr>
<tr>
<td>Parkland Fees</td>
<td>29,250</td>
<td>29,520</td>
<td>-</td>
<td>(29,250)</td>
<td>100.92%</td>
</tr>
<tr>
<td>Bond Proceeds</td>
<td>6,560,000</td>
<td>-</td>
<td>6,560,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>7,830,361</td>
<td>987,970</td>
<td>8,161,111</td>
<td>(29,250)</td>
<td>12.62%</td>
</tr>
</tbody>
</table>

#### Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #4</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co-Op Planning &amp; Design</td>
<td>3,446</td>
<td>3,449</td>
<td>3,446</td>
<td>-</td>
<td>100.08%</td>
</tr>
<tr>
<td>Gin Building Improvements</td>
<td>191,622</td>
<td>193,323</td>
<td>193,323</td>
<td>1,701</td>
<td>100.89%</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fencing Arterials</td>
<td>241,678</td>
<td>-</td>
<td>-</td>
<td>(241,678)</td>
<td>0.00%</td>
</tr>
<tr>
<td>FM 685 (Chris Kelley Blvd)</td>
<td>153,890</td>
<td>144,165</td>
<td>144,165</td>
<td>(9,725)</td>
<td>93.68%</td>
</tr>
<tr>
<td>PW Facility Improvements</td>
<td>157,000</td>
<td>14,650</td>
<td>14,650</td>
<td>(142,350)</td>
<td>9.33%</td>
</tr>
<tr>
<td>East St Reconstruction</td>
<td>1,234,000</td>
<td>220,489</td>
<td>220,489</td>
<td>(1,013,511)</td>
<td>17.87%</td>
</tr>
<tr>
<td>Pavement Management</td>
<td>990,000</td>
<td>-</td>
<td>-</td>
<td>(990,000)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Limmer Loop Improvements</td>
<td>100,000</td>
<td>100,000</td>
<td>100,000</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td>Railroad Quiet Zones</td>
<td>100,000</td>
<td>33,825</td>
<td>33,825</td>
<td>(66,175)</td>
<td>33.83%</td>
</tr>
<tr>
<td><strong>Parks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fritz Park Improvements</td>
<td>3,300,000</td>
<td>493,450</td>
<td>493,450</td>
<td>(2,806,550)</td>
<td>14.95%</td>
</tr>
<tr>
<td><strong>Engineering</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FM 1660 N Sidewalks</td>
<td>1,674,535</td>
<td>56,862</td>
<td>56,862</td>
<td>(1,617,674)</td>
<td>3.40%</td>
</tr>
<tr>
<td><strong>Other Services and Charges</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Animal Shelter Expansion</td>
<td>50,000</td>
<td>39,281</td>
<td>39,281</td>
<td>(10,719)</td>
<td>78.56%</td>
</tr>
<tr>
<td>Bond Issuance Costs</td>
<td>52,920</td>
<td>6,495</td>
<td>52,920</td>
<td>-</td>
<td>12.27%</td>
</tr>
<tr>
<td>Debt Services</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total - Capital Improvements</strong></td>
<td>8,249,091</td>
<td>1,305,989</td>
<td>1,352,412</td>
<td>(6,926,679)</td>
<td>15.83%</td>
</tr>
</tbody>
</table>

#### Other Financing Sources

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers In</td>
<td>426,340</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
</tr>
</tbody>
</table>

**Total Other Financing Sources**: 426,340

#### Net Change in Fund Balance

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance</td>
<td>-</td>
</tr>
</tbody>
</table>

**Ending Fund Balance**: 7,610

---

*CITY OF HUTTO
2015-16 BUDGET
Amendment#4*
## SOLID WASTE

<table>
<thead>
<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #4</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solid Waste Franchise</td>
<td>103,483</td>
<td>67,527</td>
<td>67,527</td>
<td>(35,956)</td>
<td>65.25% Adjusted based on FY16 collections</td>
</tr>
<tr>
<td>Late Fees</td>
<td>27,861</td>
<td>26,773</td>
<td>26,773</td>
<td>(1,088)</td>
<td>96.09% Adjusted based on FY16 collections</td>
</tr>
<tr>
<td>Solid Waste User Fees</td>
<td>1,235,342</td>
<td>1,265,230</td>
<td>1,265,230</td>
<td>29,888</td>
<td>102.42% Adjusted based on FY16 collections</td>
</tr>
<tr>
<td>Recycling Cart Fee</td>
<td>24,418</td>
<td>24,423</td>
<td>24,418</td>
<td>-</td>
<td>100.02%</td>
</tr>
<tr>
<td>Other</td>
<td>131,123</td>
<td>131,123</td>
<td>131,123</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>1,522,227</td>
<td>1,515,075</td>
<td>1,515,071</td>
<td>(7,156)</td>
<td>99.53%</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste Management</td>
<td>1,230,341</td>
<td>1,189,332</td>
<td>1,189,332</td>
<td>(41,009)</td>
<td>96.67% Based on actual FY16 expenses</td>
</tr>
<tr>
<td>Bad Debt</td>
<td>7,500</td>
<td>-</td>
<td>7,500</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Capital Lease</td>
<td>175,620</td>
<td>175,620</td>
<td>175,620</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>1,413,461</td>
<td>1,364,951</td>
<td>1,372,452</td>
<td>(41,009)</td>
<td>96.57%</td>
</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(92,000)</td>
<td>(92,000)</td>
<td>(92,000)</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>(92,000)</td>
<td>(92,000)</td>
<td>(92,000)</td>
<td>-</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>16,766</td>
<td>50,619</td>
<td>33,853</td>
<td>0.00%</td>
<td></td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>47,096</td>
<td>47,096</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>63,862</td>
<td>97,715</td>
<td>33,853</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AGENDA ITEM NO.: 8C.  AGENDA DATE: February 16, 2017

PRESENTED BY: Michel Sorrell, Chief Financial Officer

ITEM: Consideration and possible action on the second and final reading of an ordinance amending the Fiscal Year 2016-17 Budget to reallocate capital project funds from the FY16 Budget, organizational restructure and other miscellaneous adjustments.

STRATEGIC GUIDE POLICY: Fiscal and Budgetary

ITEM BACKGROUND:
This represents the first amendment of the FY17 Budget. The amendments are detailed in the Exhibit A Fund Summaries. The main purpose of the amendment is to move allocated funds from FY16 to FY17 that are related to capital projects and adjust for citywide organizational restructure. Fund balances are estimated based on adopted budget and rolled PO's.

BUDGETARY AND FINANCIAL SUMMARY:
Please see Exhibit A for the financial summary.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:
Not applicable.

CITY ATTORNEY REVIEW:
Not applicable.

STAFF RECOMMENDATION:
Staff recommends the Council approve the first reading of the ordinance.

SUPPORTING MATERIAL:
1. FY17 BA#1 Ordinance
2. FY17 BA#1 Exhibit A
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE FISCAL YEAR 2016-17 BUDGET TO REALLOCATE CAPITAL PROJECT FUNDS FROM THE FISCAL YEAR 2015-16 BUDGET, ORGANIZATIONAL RESTRUCTURE AND OTHER MISCELLANEOUS ADJUSTMENTS.

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

SECTION 1: That the appropriations for the fiscal year beginning October 1, 2016, and ending September 30, 2017, for the support of the general government of the City of Hutto, Texas, be amended for said term in accordance with the change in expenditures shown in the attached Exhibit A.

SECTION 2: That the amendment, as shown in words and figures in Exhibit A, is hereby approved in all aspects and adopted as an amendment to the City budget for the fiscal year October 1, 2016, and ending September 30, 2017.

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

SECTION 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If a court of competent jurisdiction to be invalid shall adjudge any provision of this Ordinance, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5: All ordinances or parts of ordinances and sections of the City Code of Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 7: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't. Code.

READ and APPROVED on first reading on this the 2nd day of February 2017, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.
READ, APPROVED and ADOPTED on second and final reading this 16th day of February 2017, at a regular meeting of the City Council of the City of Hutto, there being a quorum present.

THE CITY OF HUTTO, TEXAS

___________________________________
Debbie Holland, MAYOR

ATTEST:

___________________________________
SEAL

Seth Gipson, CITY SECRETARY
### GENERAL FUND

#### YTD ACTIVITY

<table>
<thead>
<tr>
<th>Description</th>
<th>Original</th>
<th>Adjusted</th>
<th>Difference</th>
<th>Difference %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>6,095,403</td>
<td>4,868,565</td>
<td>-1,226,838</td>
<td>-20.13%</td>
</tr>
<tr>
<td>Sales Taxes</td>
<td>2,563,114</td>
<td>677,697</td>
<td>-1,885,417</td>
<td>-73.56%</td>
</tr>
<tr>
<td>Franchise Fees</td>
<td>767,943</td>
<td>119,808</td>
<td>-648,135</td>
<td>-84.00%</td>
</tr>
<tr>
<td>Building &amp; Development</td>
<td>728,120</td>
<td>295,710</td>
<td>-432,410</td>
<td>-57.02%</td>
</tr>
<tr>
<td>Fines</td>
<td>307,092</td>
<td>74,662</td>
<td>-232,430</td>
<td>-75.58%</td>
</tr>
<tr>
<td>Interdepartment Service</td>
<td>350,000</td>
<td>-</td>
<td>-350,000</td>
<td>-100.00%</td>
</tr>
<tr>
<td>Park Revenues</td>
<td>133,500</td>
<td>38,030</td>
<td>-95,470</td>
<td>-71.71%</td>
</tr>
<tr>
<td>Other</td>
<td>371,525</td>
<td>57,897</td>
<td>-313,628</td>
<td>-84.33%</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td>11,319,737</td>
<td>6,138,589</td>
<td>5,181,148</td>
<td>46.14%</td>
</tr>
</tbody>
</table>

#### EXPENDITURES

<table>
<thead>
<tr>
<th>Description</th>
<th>Original</th>
<th>Adjusted</th>
<th>Difference</th>
<th>Difference %</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City Manager's Office</td>
<td>778,242</td>
<td>231,727</td>
<td>-546,515</td>
<td>-70.74%</td>
</tr>
<tr>
<td>City Council</td>
<td>599,560</td>
<td>44,978</td>
<td>-554,582</td>
<td>-92.68%</td>
</tr>
<tr>
<td>City Secretary's Office</td>
<td>193,589</td>
<td>49,843</td>
<td>-143,746</td>
<td>-74.29%</td>
</tr>
<tr>
<td>Human Resources</td>
<td>308,283</td>
<td>87,423</td>
<td>-220,860</td>
<td>-71.33%</td>
</tr>
<tr>
<td>Downtown</td>
<td>182,446</td>
<td>47,011</td>
<td>-135,435</td>
<td>-73.98%</td>
</tr>
<tr>
<td>Communications</td>
<td>-</td>
<td>2,547</td>
<td>2,547</td>
<td>100.00%</td>
</tr>
<tr>
<td>GIS</td>
<td>90,458</td>
<td>29,987</td>
<td>-60,471</td>
<td>-66.92%</td>
</tr>
<tr>
<td><strong>Total City Administration</strong></td>
<td>2,148,378</td>
<td>484,517</td>
<td>1,663,861</td>
<td>77.64%</td>
</tr>
<tr>
<td>Finance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounting, Budget &amp; Payroll</td>
<td>633,186</td>
<td>148,624</td>
<td>-484,562</td>
<td>-76.67%</td>
</tr>
<tr>
<td><strong>Total Finance</strong></td>
<td>633,186</td>
<td>148,624</td>
<td>-484,562</td>
<td>-76.67%</td>
</tr>
<tr>
<td>Development Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown &amp; Taxation</td>
<td>-</td>
<td>3,835</td>
<td>3,835</td>
<td>100.00%</td>
</tr>
<tr>
<td>GIS</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total Development Services</strong></td>
<td>3,835</td>
<td>3,835</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>317,190</td>
<td>80,576</td>
<td>-236,614</td>
<td>-74.60%</td>
</tr>
<tr>
<td>Parks Maintenance</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Animal Control</td>
<td>161,823</td>
<td>31,913</td>
<td>-129,910</td>
<td>-80.41%</td>
</tr>
<tr>
<td>Streets &amp; Drainage</td>
<td>727,323</td>
<td>211,119</td>
<td>-516,204</td>
<td>-70.71%</td>
</tr>
<tr>
<td><strong>Total Public Works</strong></td>
<td>1,006,336</td>
<td>382,808</td>
<td>623,528</td>
<td>61.95%</td>
</tr>
<tr>
<td>Public Safety</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td>467,233</td>
<td>221,359</td>
<td>-245,874</td>
<td>-52.76%</td>
</tr>
<tr>
<td>Parks</td>
<td>2,611,330</td>
<td>655,184</td>
<td>-1,956,146</td>
<td>-74.57%</td>
</tr>
<tr>
<td><strong>Support Services</strong></td>
<td>-</td>
<td>10,270</td>
<td>10,270</td>
<td>100.00%</td>
</tr>
<tr>
<td><strong>Total Public Safety</strong></td>
<td>3,718,046</td>
<td>1,044,048</td>
<td>2,674,000</td>
<td>72.24%</td>
</tr>
<tr>
<td>Engineering</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Inspections</td>
<td>-</td>
<td>10,818</td>
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</tr>
<tr>
<td><strong>Total General Services</strong></td>
<td>1,074,843</td>
<td>340,040</td>
<td>734,803</td>
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<tr>
<td>Non-Departmental</td>
<td>89,149</td>
<td>89,149</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td>11,701,992</td>
<td>3,055,446</td>
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<td>73.88%</td>
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<tr>
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<tr>
<td>Transfer In</td>
<td>537,831</td>
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<tr>
<td><strong>UNRESERVED CASH</strong></td>
<td>92,062</td>
<td>416,992</td>
<td>324,930</td>
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### CITY OF HUTTO 2016-17 BUDGET AMENDMENT #1
## GENERAL DEBT SERVICE FUND

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<th>YTD ACTIVITY</th>
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<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
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<tr>
<td>Property Taxes</td>
<td>1,313,698</td>
<td>1,032,854</td>
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<td>78.62%</td>
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<tr>
<td>Interest</td>
<td>1,000</td>
<td>332</td>
<td>1,000</td>
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<tr>
<td>Rental Income</td>
<td>34,773</td>
<td>11,519</td>
<td>34,773</td>
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<td>Total Revenues</td>
<td>1,349,471</td>
<td>1,044,705</td>
<td>1,349,471</td>
<td>-</td>
<td>77.42%</td>
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<tr>
<td>Principal Reduction</td>
<td>580,950</td>
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<tr>
<td>Interest</td>
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<tr>
<td>Paying Agent Fees</td>
<td>1,750</td>
<td></td>
<td>1,750</td>
<td>-</td>
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<td>Total - Debt Service</td>
<td>1,313,698</td>
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<td>0%</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td></td>
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<td>-</td>
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<td>Total Other Financing Sources</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>35,773</td>
<td>35,773</td>
<td>-</td>
<td>0.00%</td>
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<td>83,925</td>
<td>13,657</td>
<td>-</td>
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<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>106,041</td>
<td>119,698</td>
<td>13,657</td>
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**CITY OF HUTTO**  
**2016-17 BUDGET**  
**AMENDMENT #1**

**CAPITAL REPLACEMENT FUNDS**

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<th>YTD ACTIVITY</th>
<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<td><strong>REVENUES</strong></td>
<td></td>
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<tr>
<td>Sale of Assets</td>
<td>-</td>
<td>8,732</td>
<td>8,732</td>
<td>8,732</td>
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<td>Interest and Other</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
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<td>8,732</td>
<td>8,732</td>
<td>8,732</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>YMCA Building Repair &amp; Maint</td>
<td>37,535</td>
<td>-</td>
<td>57,535</td>
<td>20,000</td>
<td>0.00%</td>
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<td>-</td>
<td>57,535</td>
<td>20,000</td>
<td>0.00%</td>
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<td><strong>OTHER FINANCING SOURCES</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>120,000</td>
<td>-</td>
<td>120,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Other Financing Sources</td>
<td>120,000</td>
<td>-</td>
<td>120,000</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>82,465</td>
<td>8,732</td>
<td>71,197</td>
<td>(11,268)</td>
<td>10.59%</td>
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<td>691,535</td>
<td>698,997</td>
<td>7,462</td>
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<tr>
<td>ENDING FUND BALANCE</td>
<td>774,000</td>
<td>770,194</td>
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<td>(3,806)</td>
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## COURT FEE FUNDS

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<tr>
<th></th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Technology Fees</td>
<td>7,000</td>
<td>1,974</td>
<td>7,000</td>
<td>-</td>
<td>28.19%</td>
</tr>
<tr>
<td>Court Security Fees</td>
<td>5,100</td>
<td>1,491</td>
<td>5,100</td>
<td>-</td>
<td>29.23%</td>
</tr>
<tr>
<td>Court Training Fees</td>
<td>500</td>
<td>95</td>
<td>500</td>
<td>-</td>
<td>19.00%</td>
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<td><strong>Total Revenues</strong></td>
<td>12,600</td>
<td>3,559</td>
<td>12,600</td>
<td>-</td>
<td>28.25%</td>
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<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Technology</td>
<td>13,730</td>
<td>-</td>
<td>12,980</td>
<td>(750)</td>
<td>0.00% Adjusted to balance fund</td>
</tr>
<tr>
<td>Court Security</td>
<td>35,010</td>
<td>2,913</td>
<td>34,003</td>
<td>(1,007)</td>
<td>8.32% Adjusted to balance fund</td>
</tr>
<tr>
<td>Court Training</td>
<td>2,441</td>
<td>-</td>
<td>2,441</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>51,181</td>
<td>2,913</td>
<td>49,424</td>
<td>(1,757)</td>
<td>5.69%</td>
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<td><strong>OTHER FINANCING SOURCES</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(38,581)</td>
<td>(36,824)</td>
<td>1,757</td>
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</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>38,582</td>
<td>36,826</td>
<td>(1,756)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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## CITY OF HUTTO
### 2016-17 BUDGET
#### AMENDMENT #1

### HOTEL TAX FUND

<table>
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<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>% BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel Occupancy Tax</td>
<td>220,000</td>
<td>55,922</td>
<td>220,000</td>
<td>-</td>
<td>25.42%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>220,000</td>
<td>55,922</td>
<td>220,000</td>
<td>-</td>
<td>25.42%</td>
</tr>
</tbody>
</table>

|                      |        |              |            |            |          |
| **EXPENDITURES**     |        |              |            |            |          |
| Historical Restoration & Museums | 10,000 | -            | 10,000     | -          | 0.00%    |
| Convention & Visitor’s Bureau (10-15%) | -    | 3,145        | -          | -          | N/A      |
| Promotion of the Arts (>15%)     | 33,000 | 25,000       | 33,000     | -          | 75.76%   |
| Sporting Event Promotion     | -      | -            | -          | -          | N/A      |
| Sports Facility Rehabilitation | -    | -            | -          | -          | N/A      |
| Signage                      | -      | -            | -          | -          | N/A      |
| **Total Expenses**          | 43,000 | 28,145       | 43,000     | -          | 65.45%   |

|                      |        |              |            |            |          |
| **OTHER FINANCING SOURCES** |      |              |            |            |          |
| Transfers In                | -      | -            | -          | -          | N/A      |
| Transfers Out               | (94,981) | -      | (94,981)   | -          | 0.00%    |
| **Total Other Financing Sources** | (94,981) | -      | (94,981)   | -          | 0.00%    |

<p>| | | | | | |
|                      |        |              |            |            |          |
| <strong>NET CHANGE IN FUND BALANCE</strong> |      |              |            |            |          |
| Beginning Fund Balance | 145,281| 153,945      | 8,664      |            |          |
| <strong>ENDING FUND BALANCE</strong>  | 227,300| 235,964      | 8,664      |            |          |</p>
<table>
<thead>
<tr>
<th>RED LIGHT CAMERAS FUND</th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
</tr>
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<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Light Camera Tickets</td>
<td>30,000</td>
<td>36,401</td>
<td>36,401</td>
<td>6,401</td>
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<td>Total Revenues</td>
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<td>36,401</td>
<td>36,401</td>
<td>6,401</td>
<td>121.34%</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Payments to ATS</td>
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<td>17,324</td>
<td>30,000</td>
<td>-</td>
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<td>Remittance to State</td>
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<td>-</td>
<td>5,000</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>Total Expenses</td>
<td>35,000</td>
<td>17,324</td>
<td>35,000</td>
<td>-</td>
<td>49.50%</td>
</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES (USES)</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Transfers in</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(102,850)</td>
<td>-</td>
<td>(102,850)</td>
<td>-</td>
<td>0.00%</td>
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<td>Total Other Financing Sources (Uses)</td>
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<td>-</td>
<td>(102,850)</td>
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<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(107,850)</td>
<td>(101,449)</td>
<td>6,401</td>
<td>0.00%</td>
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<tr>
<td>Beginning Fund Balance</td>
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<td>102,555</td>
<td>(5,295)</td>
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<td>1,106</td>
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# City of Hutto
## 2016-17 Budget Amendment #1

### PEG Fund

<table>
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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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<tr>
<td><strong>Revenues</strong></td>
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<td>PEG Capital Fees</td>
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<td>8,261</td>
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<td><strong>Total Revenues</strong></td>
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<td>8,261</td>
<td>32,194</td>
<td>-</td>
<td>25.66%</td>
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<td><strong>Expeditures</strong></td>
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<td>Technology Equipment and Supplies</td>
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<td>Professional Services</td>
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<td>37,270</td>
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<tr>
<td><strong>Total Expenses</strong></td>
<td>82,850</td>
<td>341</td>
<td>78,695</td>
<td>(4,155)</td>
<td>0.41%</td>
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</tr>
<tr>
<td>Transfers In</td>
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<td></td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>-</td>
<td></td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Total Other Financing Sources</strong></td>
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<td>-</td>
<td>-</td>
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</tr>
<tr>
<td><strong>Net Change in Fund Balance</strong></td>
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<td>(46,501)</td>
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<td>(4,159)</td>
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### Utility Fund

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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>%Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Water Revenues</td>
<td>4,921,629</td>
<td>1,398,690</td>
<td>4,921,629</td>
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<td>Wastewater Revenues</td>
<td>3,967,591</td>
<td>1,167,280</td>
<td>3,967,591</td>
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<td>Connection Fees</td>
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<td>30,600</td>
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<td>Bond Proceeds</td>
<td>2,300,000</td>
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<td>2,300,000</td>
<td>-</td>
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<tr>
<td>Other</td>
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<td>96,270</td>
<td>556,800</td>
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<td><strong>Total Revenues</strong></td>
<td>11,972,620</td>
<td>2,692,840</td>
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<td>22.49%</td>
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<td></td>
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<tr>
<td><strong>Public Works</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Water Services</td>
<td>4,824,632</td>
<td>1,203,437</td>
<td>4,911,297</td>
<td>86,665</td>
<td>24.94%</td>
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<td>Wastewater Services</td>
<td>2,393,108</td>
<td>558,069</td>
<td>2,413,447</td>
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<td>1,761,506</td>
<td>7,324,744</td>
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<td><strong>General Services</strong></td>
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<td>Utility Billing</td>
<td>669,501</td>
<td>119,136</td>
<td>705,130</td>
<td>35,628</td>
<td>17.79%</td>
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<td>Information Technology</td>
<td>25,455</td>
<td>1,033</td>
<td>26,455</td>
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<td><strong>Total - General Services</strong></td>
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<td>731,585</td>
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<td><strong>Utility Fund - CIP</strong></td>
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<td>Water Capital Outlay System</td>
<td>1,490,000</td>
<td>72,202</td>
<td>1,681,642</td>
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<td>Wastewater Capital Outlay System</td>
<td>50,000</td>
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<td>Avery Lake WW Interceptor</td>
<td>731,000</td>
<td>-</td>
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<td>Hutto South WWTP</td>
<td>-</td>
<td>858,672</td>
<td>3,457,474</td>
<td>3,457,474</td>
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<td>Carmel Crossings</td>
<td>181,851</td>
<td>-</td>
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<td>Enclave Pump Force Main</td>
<td>-</td>
<td>12,630</td>
<td>1,624,754</td>
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<td><strong>Total UF CIP</strong></td>
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<td>943,504</td>
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<td><strong>Non-Departmental</strong></td>
<td>23,624</td>
<td>30,670</td>
<td>31,251</td>
<td>7,627</td>
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<td><strong>Total Expenses</strong></td>
<td>10,390,171</td>
<td>2,855,849</td>
<td>15,814,301</td>
<td>5,424,129</td>
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<td>1,248,852</td>
<td>-</td>
<td>1,248,852</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Transfer Out</td>
<td>(3,852,416)</td>
<td>(3,908,798)</td>
<td>(56,382)</td>
<td>0.00%</td>
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<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>(2,603,564)</td>
<td>(2,659,946)</td>
<td>(56,382)</td>
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<tr>
<td><strong>Net Change in Working Capital</strong></td>
<td>(1,021,115)</td>
<td>(163,009)</td>
<td>(6,501,627)</td>
<td>(5,480,511)</td>
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<td>6,959,130</td>
<td>19,472,755</td>
<td>3,526,120</td>
<td>12,513,625</td>
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<td><strong>Ending Available Working Capital</strong></td>
<td>3,556,819</td>
<td>10,544,854</td>
<td>6,988,035</td>
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## CITY OF HUTTO
### 2016-17 BUDGET
#### AMENDMENT #1

### UTILITY DEBT SERVICE FUND

<table>
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<tr>
<th></th>
<th>BUDGET</th>
<th>YTD ACTIVITY</th>
<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Interest and Other</td>
<td>500</td>
<td>881</td>
<td>500</td>
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<td>176.21%</td>
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<tr>
<td>Total Revenues</td>
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<td>881</td>
<td>500</td>
<td>-</td>
<td>176%</td>
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</tr>
<tr>
<td>Debt Service</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Principal Reduction</td>
<td>2,204,050</td>
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<td>Interest</td>
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<td>1,669,448</td>
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<td>Paying Agent Fees</td>
<td>5,000</td>
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<td>Total - Debt Service</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>3,552,416</td>
<td>-</td>
<td>3,608,798</td>
<td>56,382</td>
<td>0.00%</td>
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<tr>
<td>Transfers Out</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Other Financing Sources</td>
<td>3,552,416</td>
<td>-</td>
<td>3,608,798</td>
<td>56,382</td>
<td>0%</td>
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<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>(325,581)</td>
<td>(269,200)</td>
<td>56,382</td>
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<td>375,581</td>
<td>319,200</td>
<td>(56,381)</td>
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## IMPACT FEES

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<tr>
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<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
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<tr>
<td>Water Impact Fees</td>
<td>654,526</td>
<td>50,750</td>
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<td>Wastewater Impact Fees</td>
<td>594,326</td>
<td>156,412</td>
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<td>207,162</td>
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<td><strong>EXPENDITURES</strong></td>
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</tr>
<tr>
<td><strong>OTHER FINANCING SOURCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(1,248,852)</td>
<td>-</td>
<td>(1,248,852)</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td><strong>Total Other Financing Sources</strong></td>
<td>(1,248,852)</td>
<td>-</td>
<td>(1,248,852)</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td><strong>NET CHANGE IN FUND BALANCE</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Beginning Fund Balance</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
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<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>-</td>
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### REVENUES

<table>
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<tr>
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<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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<tbody>
<tr>
<td>Interest Earned</td>
<td></td>
<td>58</td>
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<td>Bond Interest</td>
<td>3,000</td>
<td>391</td>
<td>3,000</td>
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<tr>
<td>Grant Revenue</td>
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<td>-</td>
<td>1,000,000</td>
<td>-</td>
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<tr>
<td>Parkland Fees</td>
<td>-</td>
<td>103,200</td>
<td>-</td>
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<tr>
<td>Bond Proceeds</td>
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<td>-</td>
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<td><strong>Total Revenues</strong></td>
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<td>103,650</td>
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### EXPENDITURES

#### Public Works

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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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</thead>
<tbody>
<tr>
<td>Fencing Arterials -</td>
<td></td>
<td>-</td>
<td>241,678</td>
<td>241,678</td>
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<tr>
<td>FM 685 (Chris Kelley Blvd)</td>
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<td>4,328</td>
<td>34,878</td>
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<td>PW Facility Improvements</td>
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<td>142,350</td>
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<td>East St Reconstruction</td>
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<td>44,699</td>
<td>1,013,511</td>
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<tr>
<td>Pavement Management</td>
<td>990,000</td>
<td>-</td>
<td>990,000</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>Limmer Loop Improvements</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
<td>-</td>
<td>0.00%</td>
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<tr>
<td>Railroad Quiet Zones</td>
<td>75,000</td>
<td>-</td>
<td>141,175</td>
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<td>TAP Limmer Loop Sidewalks</td>
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<tr>
<td>FM 1660 N Sidewalks</td>
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<td>219,383</td>
<td>1,617,674</td>
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<tr>
<td><strong>Total - Capital Improvements</strong></td>
<td>3,639,667</td>
<td>599,279</td>
<td>5,034,535</td>
<td>16.47%</td>
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#### Parks

<table>
<thead>
<tr>
<th>Description</th>
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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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<td>Fritz Park Improvements</td>
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<td>Brushy Creek GAP Trail</td>
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<td>0.00%</td>
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<tr>
<td><strong>Total - Capital Improvements</strong></td>
<td>3,639,667</td>
<td>599,279</td>
<td>5,034,535</td>
<td>16.47%</td>
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</table>

#### Other Services and Charges

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<tr>
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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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<tbody>
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<td>Animal Shelter Expansion</td>
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<td>224,719</td>
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<td>71,667</td>
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### NET CHANGE IN FUND BALANCE

<table>
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<tr>
<th>Description</th>
<th>Budget</th>
<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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</thead>
<tbody>
<tr>
<td>(1,957,667)</td>
<td>(6,992,202)</td>
<td>(5,034,535)</td>
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<td><strong>Beginning Fund Balance</strong></td>
<td>1,957,667</td>
<td>7,235,039</td>
<td>5,277,372</td>
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### ENDING FUND BALANCE

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<th>YTD Activity</th>
<th>Amended #1</th>
<th>Difference</th>
<th>% Budget</th>
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<tr>
<td>-</td>
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## SOLID WASTE

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<th>YTD ACTIVITY</th>
<th>AMENDED #1</th>
<th>DIFFERENCE</th>
<th>%BUDGET</th>
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<td><strong>REVENUES</strong></td>
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</tr>
<tr>
<td>Solid Waste Franchise</td>
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<td>9,917</td>
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<td>Solid Waste User Fees</td>
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<td>Waste Management</td>
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<td>301,923</td>
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<td></td>
</tr>
<tr>
<td>Transfers In</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Transfers Out</td>
<td>(90,000)</td>
<td>-</td>
<td>(90,000)</td>
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<td>0.00%</td>
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<td><strong>Total Other Financing Sources</strong></td>
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<td>(90,000)</td>
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<td>25,724</td>
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AGENDA ITEM NO.: 8D.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Seth Gipson, City Secretary

ITEM: Consideration and possible action on the meeting minutes for the December 12, 2016 Joint City Council and Williamson County ESD #3 Board meeting, and the December 15, 2016 City Council Regular Meeting.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND: The City Council meeting minutes for the December 12, 2016 Joint City Council and Williamson County ESD #3 Board meeting, and the December 15, 2016 City Council Regular 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 December 12, 2016 Joint City Council and Williamson County ESD #3 Board meeting, and the December 15, 2016, City Council Regular Meetings.

SUPPORTING MATERIAL:
1. Draft - December 12, 2016 Joint City Council & ESD #3 Board Meeting Minutes
2. Draft - December 15, 2016 City Council Meeting Minutes
The Hutto City Council and Williamson County Emergency Services District #3 (ESD #3) met in a Joint Meeting on Monday, December 12, 2016, in the Williamson County ESD #3 Fire Station, 501 Exchange Blvd., Hutto, TX 78634.

CALL SESSION TO ORDER

Mayor Gaul called the session to order at 7:00 p.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 the Williamson County ESD #3 Board that were present were Bill Brown, President, Butch Miller, Vice President, Garry Guthrie, Treasurer, and Mike Cooper, Vice Treasurer. Dan Hejl, Secretary, was absent.

Members of City staff that were present were Odis Jones, City Manager, Micah Grau, Assistant City Manager, Charlie Crossfield, City Attorney, Melanie Melancon, Finance Director, and Seth Gipson, City Secretary.

Members of the Williamson County ESD #3 Staff that were present were Scott Kerwood, Fire Chief, and MaryAnn Buchanan, Administrative Assistant.

AGENDA ITEM

3A. Consideration and possible action on a resolution outlining a framework between the City of Hutto and the Williamson County Emergency Services District #3 related to the provision of fire protection and prevention services.

Odis Jones, City Manager, began by outlining the purpose for this item, which is to initiate discussions on how the governing bodies can leverage their resources to address the ESD #3 facility needs as well as job growth and economic development within and around the city that is mutually beneficial to both organizations and the community.

Discussion ensued between the governing bodies concerning the proposed framework of the interlocal agreement. The framework included adjustments to current sales and use tax allocations, the development and implementation of a Sales and Use Tax Sharing Interlocal Agreement for future annexations, and an outline of roles and responsibilities of the governing bodies concerning the development, financing, and payment of a new ESD #3 fire facility.
There was no action taken on the resolution. The governing bodies decided to further research costs and develop an interlocal agreement that would be presented at a future joint meeting of the boards for further vetting and approval.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:05 p.m.

CITY OF HUTTO, TEXAS

__________________________
Doug Gaul, Mayor

ATTEST:

__________________________
Seth Gipson, City Secretary
The Hutto City Council met in a regular session on Thursday, December 15, 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 Odis Jones, City Manager, Micah Grau, Assistant City Manager, Charlie Crossfield, City Attorney, Randy Barker, General Services Director, Helen Ramirez, Development Services Director, Earl Morrison, Chief of Police, Melanie Melancon, Finance Director, Scot Stroomsness, Public Works Director, and Seth Gipson, City Secretary.

INVOCATION

The invocation was given by Pastor Jorge with Iglesia Nueva Vida

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

5A. Remarks from visitors

- Melissa Meaker – 317 Cockrill St. – Expressed issues with current ordinance regulating pools.
- Bryon Burson – 317 Cockrill St. – Expressed issues with current ordinance regulating pools.
- Michael Cooper – 1305 Creekbend Cove – Acknowledged Micah Grau, Assistant City Manager, for his service to the Hutto Community.
- Lisa Pollard – 4217 Prickly Pear Drive – Requested a compromise between the developer and Ms. Pollard concerning the development on County Road 137, that is located next to her property.

PRESENTATIONS
6A. Presentation by the Williamson County and Cities Health District updating the City on the WCCHD’s efforts to control and mitigate mosquito transmitted diseases.

John Teel, Executive Director WCCHD, and Ehab Kawar, Chairman of the WCCHD Board, made the staff presentations. Mr. Kawar provided an overview of the 2015 WCCHD Services Report.

Mr. Teel continued on by providing a presentation on mosquito born illnesses, specifically the Zika and West Nile Viruses. The presentation included how the viruses are transmitted, symptoms, and complications. Mr. Teel continued on by outlining the current situation in the United States, the lessons that have been learned since these viruses have appeared, their impacts not only on individuals including the economic impact, and what preventative actions can and have been conducted by citizens, the City and the health district.

WORK SESSION

7A. Work session with the Charter Review Commission to review recommendations for the proposed May 2017 Charter Election.

Seth Gipson, City Secretary and members of the Charter Review Commission gave the presentation. Members of the Charter Review Commission that were present were Ray Alba, Chair, Tony Wertz, Commissioner, and Kristian Andrews, Commissioner.

Mr. Gipson, provided an overview of the process that was used by the Charter Review Commission and the time that was taken to carefully review each article. Mr. Gipson continued on by outlining each of the 23 propositions that the Commission recommended to the City Council.

Following the presentation, discussion ensued concerning possible changes and the reasoning behind the propositions.

7B. Work session with City Council and the Planning and Zoning Commission to discuss the Future Land Use Map amendment.

Helen Ramirez, Development Services Director, gave the staff presentation. Mrs. Ramirez began by providing an overview of the process used to update the current Future Land Use Map, which included meetings with the City Council, Planning and Zoning Commission, and Economic Development Corporation.

Mrs. Ramirez went on to discuss how the proposed Future Land Use Map tied into the 2040 Comprehensive Plan and the county’s mobility plan. This led to a discussion on low, mid, and high density residential areas within the map.

The presentation concluded with a comparison of the current and draft Future Land Use Maps. Mrs. Ramirez highlighted the changes in the percentages of land use, the addition of a “raw land” designation, modifications to the legend, controlled access facilities,
regional and community nodes, possible special districts, commercial corridors, and an outline of the next steps that includes further outreach, analysis, and integration of master plans.

CONSENT AGENDA ITEMS

8A. Consideration and possible action on a resolution concerning the proposed Brooklands Preliminary Plat, 151.80 acres, more or less, of land, 628 single family lots, one commercial lot, 13 open space lots, 4 pocket park lots, 10 shared use path lots and one lift station lot, located between CR 163 (east boundary), CR 137 (west boundary), Farley Middle School and Ray Elementary School (north boundary) and Brushy Creek (south boundary).

*Item 8A was pulled from the consent agenda.*

8B. Consideration and possible action on a resolution concerning the proposed Hutto Crossing Phase 4 Section 3 Final Plat, 2.113 acres, more or less, of land, one commercial lot and one open space lot, located at the southwest corner of Chris Kelley Boulevard and Carl Stern Drive.

8C. Consideration and possible action on a resolution concerning the subdivision approval extension request for the Hutto Square Section 5A Final Plat, 11.91 acres, more or less, of land, 50 single family lots, located at Westfield Street and Limmer Loop.

8D. Consideration and possible action on a resolution approving the subdivision approval extension request for the Hutto Crossing Phase 3 Section 1 Final Plat, 41.7620 acres, more or less, of land, 121 single family lots and 7 open space lots, located at Carl Stern Drive and Hereford Loop.

*MOTION:* Councilmember Anne Cano moved to approve items 8B-8D on the consent agenda as presented. Councilmember Nathan Killough seconded the motion.

**VOTE:**

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<th>Ayes</th>
<th>Mayor Doug Gaul</th>
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<td>Mayor Pro-tem Michael Smith</td>
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<td>Abstain:</td>
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<td>Absent:</td>
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**ACTION:** The motion carried with 7 ayes and 0 nays.

8A. Consideration and possible action on a resolution concerning the proposed Brooklands Preliminary Plat, 151.80 acres, more or less, of land, 628 single family lots, one commercial lot, 13 open space lots, 4 pocket park lots, 10 shared use path lots and one lift station lot, located between CR 163 (east boundary), CR 137 (west boundary), Farley Middle School and Ray Elementary School (north boundary) and Brushy Creek (south boundary).
lots, one commercial lot, 13 open space lots, 4 pocket park lots, 10 shared use path lots and one lift station lot, located between CR 163 (east boundary), CR 137 (west boundary), Farley Middle School and Ray Elementary School (north boundary) and Brushy Creek (south boundary).

Charlie Crossfield, City Attorney, briefed the Council on the plat approval process and the requirements mandated by the state law.

Helen Ramirez, Development Services Director, provided an overview of some of the concerns that the neighboring property owner has regarding this development.

Staff was directed to continue working with the owners to make a good faith effort to identify potential solutions.

MOTION: Councilmember Anne Cano moved to approve a resolution concerning the proposed Brooklands Preliminary Plat. 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.

RESOLUTIONS

9A. Consideration and possible action on a resolution concerning an agreement with Cat’s Landscape for right of way mowing.

Scot Stromsness, Public Works Director, gave the staff presentation. In October 2016, City staff bid the mowing service out with a start date of January 1, 2017. The Request for Proposals was released in accordance with state law and City procurement policies. Four companies submitted proposals that were then evaluated by a staff review panel.

Cat’s Landscape Services was the low bid and the most responsive bidder. Cat’s has been performing mowing services with the City of Hutto since 2013 and has on two occasions had to take on additional duties when other mowing contractors stopped performing.

Randy Barker, General Services Director, briefly discussed the process for recovering funds from a contractor who defaults on the contract.
MOTION: Councilmember Anne Cano moved to approve a resolution concerning an agreement with Cat’s Landscape for right of way mowing. Councilmember Bettina Jordan 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.

WORK SESSION

10A. Discussion and update on the Downtown Facade Improvement Grant Program.

Helen Ramirez, Development Services Director, gave the staff presentation. Mrs. Ramirez provided an overview of the program’s purpose and eligibility, qualifying improvements, the application review process, and a list of the eligible applicants.

Mrs. Ramirez highlighted the great interest in the program by residential and commercial property owners in the downtown area. She continued on by outlining the awards process and that the City Council had initially budgeted $10,000 for this pilot program, but there were $34,000 in requests.

It was the consensus of the City Council to add an additional $25,000 to this year’s program budget in order to fund all approved applications.

EXECUTIVE SESSION

11A. Executive Session as authorized by §551.074, Texas Government Code Personnel Matters, regarding appointments to the Hutto Economic Development Corporation Board of Directors, Planning and Zoning Commission, and Zoning Board of Adjustment.

The City Council did not go into executive session.

OTHER BUSINESS:

9A. Consideration and possible action concerning appointments to the Hutto Economic Development Corporation Board of Directors, Ethics Review Commission, Historic Preservation Commission, Library Advisory Board, Parks Advisory Board, Planning and Zoning Commission, and Zoning Board of Adjustments.
MOTION: Mayor Pro-tem Michael Smith moved to reappoint Mario Perez term expiring December 2019, appoint Garry Guthrie to a term expiring December 2019 and Jazlyn Wiles, to an unexpired term expiring December 2017 to the Hutto Economic Development Board of Directors. 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.

MOTION: Councilmember Tom Hines moved to reappoint Larry Straughn and appoint Jim Morris to the Ethics Review Commission for a term that expires in December 2018. Mayor Pro-tem Michael Smith 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 Anne Cano moved to reappoint Ray Alba and Nicholas Linzenmeyer and appoint Curtis Orton to the Historic Preservation Commission for a term that expires in December 2018. Mayor Pro-tem Michael Smith 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 Tom Hines moved to reappoint Stephanie Alba and Bryon Borchers, and appoint Kristen Harrington and Michael Orman to the Planning and Zoning Commission for a term that expires in December 2018. 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.

MOTION: Councilmember Anne Cano moved to reappoint Maureen Rooker and appoint Pedro Perez to the Zoning Board of Adjustment for a term that expires in December 2018. Mayor Pro-tem Michael Smith seconded the motion.

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

MOTION: Councilmember Nathan Killough moved to appoint Katie Weiss and Candi Patschke to the Parks Advisory Board for a term that expires in December 2019. Councilmember Tom Hines seconded the motion.

There was a brief discussion concerning the recommendation that was on the floor.

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 4 ayes and 3 nays.

**EXECUTIVE SESSION**

11A. 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 City Council recessed into executive session at 9:44 p.m.

The City Council reconvened into regular session at 10:30 p.m.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:30 p.m.

CITY OF HUTTO, TEXAS

__________________________
Doug Gaul, Mayor

ATTEST:

__________________________
Seth Gipson, City Secretary
ITEM: Consideration and possible action on a resolution concerning a Joint Election Agreement and Contract for Election Services between the City of Hutto, Williamson County, and Williamson County Participating Authorities for the May 6, 2017 General and Special Elections.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:
This Joint Election Agreement and Contract for Election Services is for the purpose of sharing election equipment, costs, election officials, precinct polling locations, and election ballots with the participating authorities in Williamson County.

This contract sets in place all necessary election actions according to state law including the early voting and election day locations, appointment of election judges, preparation of the ballot, and tabulation of the election results by Williamson County Elections Administrator for the General and Special Elections to be held on May 6, 2017.

By partnering with Williamson County and other entities, the City is able to reduce the cost of holding the election.

BUDGETARY AND FINANCIAL SUMMARY:
The City of Hutto participates in a joint election with participating jurisdictions of Williamson County. The cost of the election is comprised of a base fee of $1000 plus a pro rata share of the of the county-wide election costs not covered by the base fees collected. The approve budgeted amount for city elections is $15,000.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:
Not applicable.
CITY ATTORNEY REVIEW:
Not applicable.

STAFF RECOMMENDATION:
Staff recommends approval of the Joint Election Agreement and Contract for Election Services with the Williamson County participating entities.

SUPPORTING MATERIAL:
1. Resolution - Joint Elections Agreement
2. Joint Elections Contract
RESOLUTION NO.

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES FOR THE MAY 6, 2017 GENERAL ELECTION.

WHEREAS, the City of Hutto wishes to enter into a Joint Election Agreement with Participating Authorities of Williamson County for the May 6, 2017 General Election for the purpose of sharing election equipment, election officials, precinct polling locations, and election ballots where appropriate; and

WHEREAS, the City of Hutto also wishes to enter into a contract with the Williamson County Election Administrator for election services regarding the May 6, 2017 Elections; and

WHEREAS, the Williamson County Elections Administrator has submitted a proposed Joint Election Agreement and Contract for Election Services (“Contract”),

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

That the Mayor is hereby authorized and directed to execute on behalf of the City, a Joint Election Agreement and Contract for Election Services with the Williamson County Elections Administrator and Participating Authorities, a copy of said agreement being attached hereto as Exhibit “A” and incorporated herein for all purposes.

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 16th day of February, 2017.

CITY OF HUTTO, TEXAS

________________________
Doug Gaul, Mayor

ATTEST:

________________________
Seth Gipson, City Secretary
THE STATE OF TEXAS  
COUNTY OF WILLIAMSON  

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES  

THIS Joint Election Agreement and Contract for Election Services (“Contract”) is made by and between the Williamson County Elections Administrator (“Elections Administrator”) and political subdivisions (“Participating Authority” or “Participating Authorities”) located entirely or partially inside the boundaries of Williamson County. The complete list of Participating Authorities will be available after the final day to cancel an election as prescribed by the Secretary of State’s election calendar and will be listed as Attachment A.  

This Contract is made pursuant to Texas Election Code Sections 31.092 and 271.002 and Texas Education Code Section 11.0581 for a joint election to be held on the uniform election date of May 6, 2017, and administered by Christopher Davis, Williamson County Elections Administrator. This Contract supersedes any and all prior contracts and agreements to conduct joint elections between a Participating Authority and the Williamson County Elections Office.  

RECITALS  

WHEREAS, each Participating Authority listed above plans to hold an election on May 6, 2017;  

WHEREAS, Williamson County owns an electronic voting system, the Election System and Software (ES&S) iVotronic/M100/M650 Voting System (Version 3.0.1.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements for persons with disabilities set forth by Texas Election Code Section 61.012. The Participating Authorities desire to use Williamson County’s electronic voting system, to compensate Williamson County for such use, and to share in certain other expenses connected with joint elections, in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended, and  

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED, as follows:  

I. ADMINISTRATION  

The Participating Authorities agree to hold a “Joint Election” with Williamson County and each other in accordance with Chapter 271 of the Texas Election Code and this Contract. The Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this Contract. Each Participating Authority agrees to pay the Elections Administrator for equipment, programming, election personnel, supplies, services, and administrative costs as provided in this Contract. The Elections Administrator shall serve as the Election Officer for the Joint Election; however, each Participating Authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of each Participating Authority as necessary.  

It is understood that other political subdivisions and districts may wish to participate in the use of Williamson County’s electronic voting system and polling places, and it is agreed that the Elections Administrator may enter into other contracts for election services for those purposes, on terms and conditions generally similar to those set forth in this Contract. In such cases, costs shall be pro-rated among the participants according to Section XII of this Contract.  

II. LEGAL DOCUMENTS  

Each Participating Authority shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or the Participating Authority’s governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication of all voting equipment testing notices that are required by the Texas Election Code. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.
Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each Participating Authority, including providing the text in English and Spanish. Each Participating Authority shall provide a copy of their respective election orders and notices to the Elections Administrator.

III. NONPERFORMANCE

The Elections Administrator will inform each Participating Authority of any problems or deficiencies in their respective performance of obligations under this contract, including but not limited to non-adherence to deadlines for requests for information of each Participating Authority by the Elections Administrator, and may set a reasonable period of time to cure or obtain adequate assurance that any such problems or deficiencies will be timely addressed and corrected. The Participating Authority’s failure to cure problems or deficiencies related to its obligations, duties, and responsibilities in accordance with all terms and conditions of this Agreement will be considered in any future contracts with Elections Administrator or Williamson County, and any Participating Authority failing to perform will reimburse Elections Administrator for any additional costs and expenses to Williamson County, including all costs associated with interference of conducting the election.

IV. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all Election Day voting locations. Voting locations shall be compliant with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). The proposed Election Day voting locations are listed in Attachment B of this Contract and may be amended. In the event a voting location is not available or appropriate, the Elections Administrator will arrange for use of an alternate location. The Elections Administrator shall notify the Participating Authorities of any changes from the locations listed in Attachment B.

If polling places for the May 6, 2017 Joint Election are different from the polling place(s) used by a Participating Authority in its most recent election, the Participating Authority agrees to post a notice no later than May 6, 2017 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and listing the Participating Authority’s polling place names and addresses in effect for the May 6, 2017 election. This notice shall be written in both the English and Spanish languages.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Elections Administrator will recruit all election workers.

The Elections Administrator will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve and meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code and meet any requirements to serve as an Election Worker set forth by the Williamson County Commissioners Court.

The Elections Administrator shall arrange for the training and compensation of all election judges, clerks, and election personnel. The Elections Administrator shall arrange for the date, time, and place for the presiding election judges to pick up their election supplies. As set forth in Sec. 32.009 of the Texas Election Code, each presiding election judge and alternate presiding judge shall be given written notice of their appointment. The notice from the Elections Administrator will include the polling location and the number of election clerks the presiding judge may appoint.

Each election judge and clerk will receive compensation at the hourly rate established by Williamson County pursuant to Texas Election Code Section 32.091. The election judge, or his designee, will receive an additional sum of $25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close.

The compensation rates established by Williamson County are:

- Early Voting – Early Voting Supervisor ($12 an hour), Clerks ($10 an hour)
- Early Voting – EV Mobile Team: Supervisor ($14 an hour), Clerks ($12 an hour)
- Election Day – Presiding Judge ($12 an hour), Alternate Judge ($10 an hour), Clerk ($10 an hour)
Election judges and clerks who attend voting equipment and procedures training shall be compensated at the hourly rates listed above.

The Elections Administrator may employ other personnel as necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies during Early Voting and on Election Day, for the efficient tabulation of ballots at the central counting station, and for the post-election processes conducted by warehouse personnel. Part-time personnel working in support of the Early Voting Ballot Board and/or central counting station on Election Night will be compensated at the hourly rate set by Williamson County in accordance with Election Code Sections 87.005, 127.004, and 127.006.

In accordance with Sec. 31.098 of the Texas Election Code, the Elections Administrator is authorized to contract with third persons for election services and supplies. The actual cost of such third-person services and supplies will be paid by the Elections Administrator and reimbursed by the Participating Authorities.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, Williamson County’s electronic voting system and equipment, official ballots, sample ballots, voter registration lists, and all forms, signs, maps and other materials used by the election judges at the voting locations. The Elections Administrator shall ensure availability of tables and chairs at each polling place and shall procure rented tables and chairs for those polling places that do not have a sufficient number of tables and/or chairs. The Elections Administrator shall be responsible for conducting all required testing of the electronic equipment, as required by Chapters 127 and 129 of the Texas Election Code.

Joint participants shall share voting equipment and supplies to the extent possible. A single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place may be used in a joint election. A voter may not be permitted to select a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election.

Each Participating Authority shall furnish the Elections Administrator with a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles of offices and text in both English and Spanish languages). The Participating Authorities are required to submit information in a format or template requested by the Elections Office. Each Participating Authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority’s candidates and/or propositions. Each Participating Authority shall also be responsible for proofing and approving the audio recording of the ballot insofar as it pertains to that authority’s candidates and/or propositions.

In the event a Participating Authority identifies an error after approval of their respective ballot proof(s), and any programming and/or audio files require changes, the Participating Authority approving the original ballot and audio proof will be responsible for the full cost of reprogramming, if required. This will include the cost of reprogramming ballot language and/or audio files for other Participating Authorities as necessary due to software limitations.

Early Voting by Personal Appearance and/or the use of Vote Centers, Texas Election Code Section 43.007, on Election Day shall be conducted exclusively on Williamson County’s iVotronic electronic voting system. Provisional ballots will be cast on paper ballots.

The Elections Administrator shall be responsible for the programming, preparation, testing, and delivery of the voting system equipment for the election as required by the Election Code.

The Elections Administrator shall conduct criminal background checks for relevant election officials, staff, and temporary workers upon hiring as required by Election Code 129.051(g).
VII. EARLY VOTING

The Participating Authorities agree to conduct joint Early Voting and to appoint the Election Administrator as the Early Voting Clerk in accordance with Sections 31.097 and 271.006, Texas Election Code. Each Participating Authority agrees to appoint the Elections Administrator’s permanent county employees as Deputy Early Voting clerks. The Participating Authorities further agree that the Elections Administrator may appoint other Deputy Early Voting clerks to assist in the conduct of Early Voting as necessary, and that these additional Deputy Early Voting clerks shall be compensated at an hourly rate set by Williamson County pursuant to Section 83.052 of the Texas Election Code. Deputy Early Voting clerks who are permanent employees of the Williamson County Elections Administrator may be paid from the election services contract fund for contractual duties performed outside of normal business hours (Sec. 31.100(e), Texas Election Code).

Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment C of this document and may be amended. In the event a voting location is not available or appropriate, the Elections Administrator will arrange for use of an alternate location. The Elections Administrator shall notify the Participating Authorities of any changes from the locations listed in Attachment C. Any Williamson County qualified voter of the Joint Election may vote early by personal appearance at any one of the joint Early Voting locations.

As Early Voting Clerk, the Elections Administrator shall receive applications for Early Voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for Early Voting ballots to be voted by mail received by the Participating Authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address of the Early Voting Clerk is as follows:

Mailing Address
Early Voting Clerk
Williamson County Elections Office
PO Box 209
Georgetown, TX 78627

Physical Location
Early Voting Clerk
301 SE Inner Loop, Suite 104
Georgetown, TX 78626

After the first day of Early Voting, the Elections Administrator shall post on the Williamson County Elections Office webpage, the Early Voting turnout by Early Voting polling location by day and a cumulative final Early Voting turnout report following the close of Early Voting.

VIII. EARLY VOTING BALLOT BOARD

Williamson County shall appoint an Early Voting Ballot Board (EVBB) to process Early Voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the Early Voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The Elections Administrator will take the necessary steps for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this Contract.

The Counting Station Manager or an approved representative shall deliver timely cumulative reports of the election results as precincts report to the central counting station and are tabulated. The Counting Station Manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station and by posting to the Williamson County Elections Office webpage. To ensure the accuracy of reported election returns, results printed on the tapes produced by Williamson County’s voting equipment will not be released to the Participating Authorities at any individual polling locations.
The Elections Administrator will prepare the unofficial canvass reports that are necessary for compliance with Election Code Section 67.004, after all precincts have been counted and will deliver a copy of the unofficial canvass to each Participating Authority as soon as possible after all returns have been tabulated. Each Participating Authority shall be responsible for the official canvass of its respective election(s). The official canvass of election shall not take place before May 9, 2017 and no later than May 17, 2017.

The Elections Administrator will prepare the electronic precinct-by-precinct results reports for uploading to the Secretary of State as required by Section 67.017 of the Election Code. Each Participating Authority agrees to upload these reports.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each Participating Authority and the Secretary of State’s Office.

X. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE WILLIAMSON COUNTY

Williamson County Elections will consider conducting elections in territories outside of Williamson County on a case-by-case basis.

XI. RUNOFF ELECTIONS

Each Participating Authority shall have the option of extending the terms of this Contract through its runoff election, if applicable. In the event of such runoff election, the terms of this Contract shall automatically extend unless the Participating Authority notifies the Elections Administrator in writing within 3 business days of the original election.

Each Participating Authority shall reserve the right to reduce the number of Early Voting locations and/or Election Day voting locations in a runoff election. If necessary, any voting changes made by a Participating Authority between the original election and the runoff election shall be submitted by the authority making the change to the United States Department of Justice for the preclearance required by the Federal Voting Rights Act of 1965, as amended.

Each Participating Authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the May 6, 2017 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each Participating Authority eligible to hold runoff elections after the May 6, 2017 Uniform Election Date agrees that the date of a necessary runoff election shall be held in accordance with the Election Code.

XII. ELECTION EXPENSES AND ALLOCATION OF COSTS

Charges. In consideration for the joint election services provided hereunder by the Elections Administrator, the Participating Authorities will be charged a share of election costs, an administrative fee, and for the lease of voting equipment.

1. Share of Election Costs. Each Participating Authority’s share of election costs will be (i) a base fee of $1,000.00, (ii) plus a pro rata share of the total of all costs incurred by the Elections Administrator in connection with the administration of elections of other entities held at the same time as the election. The sum of the base charges from all Participating Authorities will be subtracted from the total of all costs before allocating the remaining costs to each Participating Authority. Each Participating Authority’s share of the remaining (allocated) costs will be determined as follows: The number of registered voters in each individual Participating Authority will be divided by the number of all registered voters of all Participating Authorities to determine each entity’s pro rata share expressed as a percentage, which will then be multiplied against each of the allocated costs (remaining costs after base charges are subtracted) as itemized on the final Total Cost report/invoice submitted to each Participating Authority after the election.
The end result will be a charge to the Participating Authority of $1,000.00 plus the Participating Authority’s allocated share of county-wide election costs not covered by the sum of all base fees received.

2. Lease of Voting Equipment. Per Texas Election Code Section 123.032(d), the Williamson County Commissioners Court has established the following prices for leasing county-owned voting equipment:

- $309.50 per ADA iVotronic DRE;
- $250.00 per iVotronic DRE;
- $85.00 per iVotronic printer;
- $274.43 per electronic pollbook

The Participating Authority’s share of voting equipment costs will be determined on a pro rata basis. Leasing cost will be calculated once for the Early Voting period and once for Election Day. If the County acquires additional equipment, different voting equipment, or upgrades existing equipment during the term of this Contract, the charge for the use of the equipment may be reset by the Williamson County Commissioners Court.

3. Administrative Fee. Each Participating Authority agrees to pay the Williamson County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs in accordance with Section 31.100(d) of the Texas Election Code.

The Elections Administrator shall deposit all funds payable under this Contract into the appropriate fund(s) within the Williamson County treasury in accordance with Election Code Section 31.100.

XIII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any Participating Authority may withdraw from this Contract and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code.

XIV. RECORDS OF THE ELECTION

The Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records shall be available to each Participating Authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the Elections Administrator or at an alternate facility used for storage of County records. The Elections Administrator shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the Elections Administrator shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each Participating Authority to bring to the attention of the Elections Administrator any notice of pending election contest, investigation, litigation or open records request which may be filed with the Participating Authority.

XV. RECOUNTS OR CONTESTED ELECTION

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting Participating Authority agrees that any recount shall take place at the offices of the Elections Administrator or at a location of the Elections Administrator’s choosing, and that the Elections Administrator shall serve as Recount Supervisor and the Participating Authority’s official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.
In the event of a contested election, the expenses of a new election ordered by a court of competent jurisdiction or Participating Authority will be paid for and by the Participating Authority in accordance with Texas Election Code 221.014.

The Elections Administrator agrees to provide advisory services to each Participating Authority as necessary to conduct a proper recount.

XVI. MISCELLANEOUS PROVISIONS

1. The Elections Administrator shall file copies of this document with the Williamson County Treasurer and the Williamson County Auditor in accordance with Section 31.099 of the Texas Election Code.

2. Nothing in this Contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this Contract or a violation of the Texas Election Code.

3. This Contract shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Williamson County, Texas.

4. In the event that one of more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

5. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.

6. The waiver by any party of a breach of any provision of this Contract shall not operate as or be construed as a waiver of any subsequent breach.

7. Any amendments of this Contract shall be of no effect unless in writing and signed by all parties hereto.

8. Participating Authority agrees to act in good faith in the performance of this agreement, and shall immediately contact and notify the Elections Administrator of any potential problems or issues relevant to the subject matter of this contract.

XVII. COST ESTIMATES AND DEPOSIT OF FUNDS

The total estimated cost for the May 6, 2017 election is $250,000.00 and is based partly on the cost of the May 9, 2015 joint general special election. After the final determination has been made of whom the Participating Authorities will be and the Contracts are fully executed, the Elections Administrator shall provide each Participating Authority with an official cost estimate. Each Participating Authority's percent share of the estimated total cost is based on the number of registered voters and further described in Section XII.1. of this Contract. Each Participating Authority agrees to pay the Williamson County Elections Administrator a deposit of 50% of the estimated obligation no later than 15 days after receiving the official cost estimate. As soon as reasonably possible after the election, the Elections Administrator will submit an itemized invoice to each Participating Authority based on the actual expenses (supported by documentation such as time sheets, compensation forms, and invoices) directly attributable to the services provided by the Elections Administrator. The exact amount of each Participating Authority’s obligation under the terms of this Contract shall be calculated after the election (or runoff election, if applicable); and, if the amount of an Authority’s total obligation exceeds the amount deposited, the authority shall pay to the Elections Administrator the balance due within 30 days after the receipt of the final invoice from the Elections Administrator. However, if the amount of the authority’s total obligation is less than the amount deposited, the Elections Administrator shall refund to the authority the excess amount paid within 30 days after the final costs are calculated.
XVIII. SIGNATURE PAGE

WITNESS BY MY HAND THIS THE _____DAY OF ________________, 2017.

ELECTIONS ADMINISTRATOR:

________________________________________
Christopher Davis, Elections Administrator
Williamson County, Texas

WITNESS BY MY HAND THIS THE _______ DAY OF ________________, 2017

PARTICIPATING AUTHORITY:

Name of Participating Authority: _______________________
By: ______________________________________________
Printed Name: _____________________________________
Official Capacity: ___________________________________

ATTEST:

________________________________________

_______________________________
ATTACHMENT A

(To be provided after the final day to cancel an election as prescribed by the Texas Secretary of State's Election Law Calendar)

List of Participating Authorities (to be determined)
ATTACHMENT B

Election Day voting locations (to be determined)
ATTACHMENT C

Early Voting Schedule with Voting Locations (to be determined)
AGENDA ITEM NO.: 9B.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Seth Gipson, City Secretary

ITEM: Consideration and possible action on a resolution ordering the May 6, 2017 General Election for the purpose of electing City Council, Place 1 and City Council, Place 4.

Consideración y posible acción sobre una resolución ordenando la Elección General del 6 de mayo de 2017 con el propósito de elegir el Concejo de la Ciudad, el Lugar 1 y el Consejo de la Ciudad, Lugar 4.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND:
This resolution calls for a General Election on Saturday, May 6, 2017, to elect Councilmember, Place 1 and Councilmember, Place 4. Early Voting will begin Monday, April 24, 2017, and ends Tuesday, May 2, 2017. The first day to file for a place on the ballot was Tuesday, January 18, 2017, and the last day to file for a place on the ballot is 5:00 p.m. Friday, February 17, 2017. A City Council Candidate Orientation was held on February 11, 2017.

BUDGETARY AND FINANCIAL SUMMARY:
The City of Hutto participates in a joint election with participating jurisdictions of Williamson County. The cost of the election is based on its percentage share of the number of registered voters for the jurisdictions. Staff has budgeted $15,000 to cover costs associated with the election.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS: Not applicable.
CITY ATTORNEY REVIEW:
Not applicable.

STAFF RECOMMENDATION:
Staff recommends approval of the resolution.

SUPPORTING MATERIAL:
1. Resolution - Ordering General Election
2. Notice of General Election
3. Order of General Election
RESOLUTION NO.

A RESOLUTION OF THE CITY OF HUTTO, TEXAS, ORDERING AN ELECTION TO BE HELD ON MAY 6, 2017, FOR THE PURPOSE OF ELECTING CITY COUNCIL PLACE 1 AND PLACE 4; DESIGNATING ELECTION DAY PRECINCTS AND POLLING PLACES; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §§

CITY OF HUTTO §

WHEREAS, pursuant to the provisions of the Texas Election Code (as amended), other related statutes, and its Home Rule Charter, the City Council of the City of Hutto, Texas, is authorized to order a General Election for the purpose of electing City Council members to Place 1 and Place 4; and

WHEREAS, the City Council has determined that Saturday, May 6, 2017, is the appropriate date for holding such election, and that date allows sufficient time to comply with requirements of law; and

WHEREAS, the City Council wishes to encourage all registered voters in the City of Hutto to vote in this election; and

WHEREAS, it is hereby officially found and determined that the written public notice of the date, hour, place, purpose 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 of the Texas Government Code (as amended);

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

SECTION 1 ELECTION DAY

Election Officers. The City Council hereby appoints the Williamson County Elections Administrator and the Hutto City Secretary as the Election Day Officers for the City of Hutto.
**Election Date.** A General Election shall be held jointly, with participating Williamson County political entities/subdivisions, on Saturday, May 6, 2017.

**Precincts and Polling Places.** The City hereby accepts the election precincts and polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court, for such early voting. The designated polling places for said Election Day shall be open from 7:00 am until 7:00 pm. Said locations are listed in Exhibit “A” of this resolution.

**Election Judges.** The Williamson County Elections Administrator will conduct said election for the City pursuant to the terms of an approved Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Williamson County Elections Administrator and approved by the Williamson County Commissioners Court.

The Williamson County Elections Administrator is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

**SECTION 2 EARLY VOTING**

**Early Voting Clerk.** The City Council hereby appoints the Williamson County Elections Administrator as the Early Voting Clerk for the City of Hutto. The Williamson County Elections Administrator shall appoint the presiding judge(s) for each of said Early Voting and Temporary polling places and is hereby further authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

**Times for Early Voting.** During the period in which early voting is required or permitted by law, that being April 24, 2017 through May 2, 2017, the dates and times designated for early voting by personal appearance shall be designated by the Williamson County Elections Administrator. Said locations, dates and times for early voting are listed in Exhibit “A” of this resolution.

**Places for Early Voting.** Early voting shall be conducted by personal appearance at the early voting polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court. Said locations for early voting are listed in Exhibit “A” of this resolution.

After the Williamson County Elections Administrator finalizes contracts with all of the potential political entities/subdivisions wanting to participate in the May 6, 2017 election a Notice of Election will be posted in Spanish and English by the City Secretary.
Listing the approved early voting locations, dates and times on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than the twenty-first (21st) day before the date of the election and shall remain posted through Election Day.

Applications for Ballots by Mail: Applications for ballots by mail must be received, in the office of the Williamson County Elections Administrator, not later than 5:00 p.m. on Tuesday, April 25, 2017. The Early Voting Clerk’s mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Early Voting Clerk  
Williamson County Elections Office  
Post Office Box 209  
Georgetown, TX 78627-0209

SECTION 3 EARLY VOTING BALLOT BOARD

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the Williamson County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

SECTION 4 CUSTODIAN OF ELECTION RECORDS

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator shall be appointed as custodian of voted ballots and the City Secretary of the City of Hutto will serve as the custodian of all other election records.

SECTION 5 CANDIDATE FILING PERIOD

In accordance with Section 143.007 of the Texas Election Code the deadline for filing an application for a place on the ballot, with the City Secretary, is hereby designated as 5:00 p.m. Friday, February 17, 2017.

SECTION 6 VOTERS

All resident, qualified voters of the City shall be entitled to vote at the elections.

SECTION 7 NOTICE

Posting. Notice of this election, including a Spanish translation hereof, shall be posted on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than the twenty-first (21st) day prior to the date of the election and shall remain posted through Election Day.

Publication. Notice of this election, including a Spanish translation hereof, shall be published at least once in a newspaper of general circulation in the City, the publication
to appear not earlier than the thirtieth (30th) day before or not later than the tenth (10th) day prior to the date of the election and shall remain posted through Election Day.

**Authorization to City Secretary.** The City Secretary is hereby authorized and directed to publish and post the required notices in the manner and for the time periods required by law.

**SECTION 8  VOTING DEVICES**

Pursuant to the Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. Said election equipment has been certified by the Texas Secretary of State.

The Williamson County Elections Administrator will utilize a central counting station, as provided by Texas Election Code § 127.000 *et seq.*, as amended, on Election Day.

**SECTION 9  CONDUCT ACCORDING TO STATUTES**

In all substantive respects, the elections shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Hutto’s Home Rule Charter.

**SECTION 10  ELECTION RESULTS**

The Williamson County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 6, 2017. The official canvass, tabulation and declaration of the results of the elections shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.

**SECTION 11  MISCELLANEOUS**

The provisions of this Resolution are severable, and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

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 in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.
RESOLVED on this the 16th day of February, 2017.

CITY OF HUTTO, TEXAS

__________________________
Doug Gaul, Mayor

ATTEST:

__________________________
Seth Gipson, City Secretary
Exhibit A

Voting locations and times will be provided by the Williamson County Elections Administrator.
NOTICE OF GENERAL ELECTION
(AVISOS DE ELECCIÓN GENERAL)

To the registered voters of the City of Hutto, Texas:
(a los votantes registrados del Ciudad de Hutto, Texas):

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on Saturday, May 6, 2017, for voting in a general election to elect City Council members for Place 1 and Place 4.

(Notifíquese, por las presentes, que las casillas electorales sitas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el sábado 7 de mayo de 2017 para votar en la Elección General para elegir Concejales para la Posición 1 y Posición 4.

ELECTION VOTING LOCATIONS, DATES AND TIMES:
(Lugares, fechas y horarios para el día de la elección:

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS, DATES, TIMES ARE ON EXHIBIT “A”:
(Lugares, fechas, horarios, para la votación adelantada en persona son situados en Exhibe "UN":)

ELECTION DAY VOTING BY PERSONAL APPEARANCE LOCATIONS AND TIMES ARE ON EXHIBIT “B”
(Lugares, fechas, horarios, para la votación en persona son situados en Exhibe "B":)

APPLICATIONS FOR BALLOT BY MAIL SHALL BE MAILED TO:
(Las solicitudes para boletas que se votarán por ausencia por correo deberán enviarse a):

Williamson County Elections Administrator
(Administrador de Elecciones de Condado de Williamson)

Post Office Box 209
(El Apartado de correos 209)

Georgetown, TX 78627-0209
(Ciudad de Georgetown, TX 78627-0209)

Applications for ballots by mail must be received no later than the close of business on April 25, 2017.
(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el 25 de abril de 2017.)

ISSUED this the 16th day of February, 2017.
(Emitida este día 16 de febrero, 2017.)

Doug Gaul, Mayor City of Hutto
Alcalde de la ciudad de Hutto, Doug Gaul
Williamson County Early Voting Schedule
Horario de la Votación Adelantada del Condado de Williamson

Joint General and Special Elections – May 6, 2017
Elecciones Generales y Especiales Conjuntas – 6 de mayo del 2017

subject to change       sujeto a cambio
EXHIBIT “B”
(EXHIBE ”B”)
ELECTION DAY VOTING LOCATIONS, DATES, AND TIMES
(Lugares, fechas, horarios, para la votación en persona)

Joint General and Special Elections  Saturday, May 6, 2017
Elecciones generales y especiales conjuntas 6 de mayo del 2017

subject to change
sujeto a cambio
ORDER OF GENERAL ELECTION
CITY OF HUTTO, TEXAS

An Election is hereby ordered to be held on Saturday, May 6, 2017, for the purpose of electing members to the Hutto City Council for Place 1 and Place 4.

Said election for city officers shall be held at the polling places for the precincts designated by the Williamson County as noted in Exhibit “A”, which is made a part hereof for all intents and purposes. The polls at the designated polling places shall be open from 7:00 am to 7:00 pm on Saturday, May 6, 2017.

The City Council appoints the Williamson County Elections Administrator as the Early Voting Clerk for the City of Hutto. The Williamson County Elections Administrator shall appoint the presiding judge(s) for each of said Early Voting and Temporary polling places and is hereby further authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Early voting by personal appearance will be conducted at the locations, dates, and specific times designated by the Williamson County as noted in Exhibit “A”.

Applications for ballots by mail shall be mailed to:

Williamson County Elections Administrator
P.O. Box 209
Georgetown, Texas 78627-0209

Applications for ballots by mail must be received no later than 5:00 p.m. on Tuesday, April 25, 2017.

This Order of Election is issued on the 16th day of February, 2017.

CITY OF HUTTO, TEXAS

________________________
Doug Gaul, Mayor
EXHIBIT A

Voting locations and times will be provided by the Williamson County Elections Administrator.

Lugares y horarios de votación serán proporcionados por el Administrador de Elecciones del Condado de Williamson.
AGENDA ITEM NO.: 10A.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Seth Gipson, City Secretary

ITEM: Consideration and possible action on the first reading of an ordinance calling a Special Election for May 6, 2017, for the purpose of submitting to voters certain proposed amendments to the Home Rule Charter of the City, designating election precincts and polling places, providing for early voting and election day voting, providing for performance of required administrative duties, and providing for other matters relating to such election.

Consideración y posible acción en la primera lectura de una ordenanza convocando una Elección Especial para el 6 de mayo de 2017, con el propósito de presentar a los votantes ciertas enmiendas propuestas a la Carta de la Ciudad Autónoma, designando los recintos electorales y los lugares de votación, votación y votación del día de las elecciones, prevea el desempeño de las funciones administrativas requeridas y prevé otros asuntos relacionados con dicha elección.

STRATEGIC GUIDE POLICY: Leadership

ITEM BACKGROUND: For the past eight months, the Charter Review Commission has worked diligently with staff and legal counsel to review and propose amendments to the City of Hutto Home Rule Charter, which has not been amended since 2009. The Commission developed and presented 23 propositions for the City Council’s approval.

On January 19, 2017, the City Council met during their regular meeting to discuss all of the Charter Review Commission recommendations. The Council addressed each proposition separately and approved 21 of the 23 proposed amendments.

The City must comply with the regulations outlined in the Texas Election Code concerning Charter Amendments. State Law requires that this special election be called by ordinance. The City of Hutto will contract with Williamson County Elections Division to administer this Special Election and it will be held in conjunction with our General Election, as well as the other General and Special Elections being held in Williamson County.
BUDGETARY AND FINANCIAL SUMMARY:
Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:

CITY ATTORNEY REVIEW:
The City's Charter Review Counsel worked with the Charter Review Commission on their recommendations and helped develop the proposition language.

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

SUPPORTING MATERIAL:
1. Ordinance - Ordering the Special Election
2. Notice of Special Election
3. Order of Special Election
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS, ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF HUTTO TO BE HELD ON MAY 6, 2017; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF HUTTO; PROVIDING FOR EARLY VOTING AND ELECTION DAY VOTING; PROVIDING FOR PERFORMANCE OF REQUIRED ADMINISTRATIVE DUTIES; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; CERTIFYING PROVISION OF REQUIRED ACCESSIBLE VOTING SYSTEMS; AND PROVIDING FOR OTHER MATTERS RELATED TO SUCH ELECTION.

WHEREAS, the City Council appointed a Charter Commission to review the City Charter for the purpose of making recommendations to the City Council for appropriate amendments to cause the Charter to be approved by the voters at an election called for such purpose on May 6, 2017; and

WHEREAS, the Charter Commission completed its review and provided a report of recommendations to the City Council for appropriate amendments to the City Charter; and

WHEREAS, the City Council after due consideration desires to conduct an election on proposed amendments to the Charter on the uniform election date of May 6, 2017;

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

SECTION 1     ELECTION DAY

Election Officers. The City Council hereby appoints the Williamson County Elections Administrator and the Hutto City Secretary as the Election Day Officers for the City of Hutto.

Election Date. A General Election shall be held jointly, with participating Williamson County political entities/subdivisions, on Saturday, May 6, 2017.

Precincts and Polling Places. The City hereby accepts the election precincts and polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court, for such early voting. The designated polling places for said Election Day shall be open from 7:00 am until 7:00 pm. Said locations are listed in Exhibit “A” of this Ordinance.

Election Judges. The Williamson County Elections Administrator will conduct said election for the City pursuant to the terms of an approved Election Services Contract. The City Council hereby appoints, for the term of such election, the presiding election judge(s) and alternate election judge(s) as being those designated by the Williamson County Elections Administrator.
and approved by the Williamson County Commissioners Court.

The Williamson County Elections Administrator is hereby authorized to appoint the number of election clerks necessary to assist in the proper conduct of the election. The appointment of such clerks shall include a person fluent in the Spanish language to serve as a clerk to render oral aid in the Spanish language to any voter desiring such aid at the polls on the day of the election.

SECTION 2  EARLY VOTING

Early Voting Clerk. The City Council hereby appoints the Williamson County Elections Administrator as the Early Voting Clerk for the City of Hutto. The Williamson County Elections Administrator shall appoint the presiding judge(s) for each of said Early Voting and Temporary polling places and is hereby further authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Times for Early Voting. During the period in which early voting is required or permitted by law, that being April 24, 2017 through May 2, 2017, the dates and times designated for early voting by personal appearance shall be designated by the Williamson County Elections Administrator. Said locations, dates and times for early voting are listed in Exhibit “A” of this Ordinance.

Places for Early Voting. Early voting shall be conducted by personal appearance at the early voting polling places designated by the Williamson County Elections Administrator, and approved by the Williamson County Commissioners Court. Said locations for early voting are listed in Exhibit “A” of this Ordinance.

After the Williamson County Elections Administrator finalizes contracts with all of the potential political entities/subdivisions wanting to participate in the May 6, 2017 election a Notice of Election will be posted in Spanish and English by the City Secretary

Listing the approved early voting locations, dates and times on the bulletin board used for posting notices of City Council meetings, and same shall be posted not later than the twenty-first (21st) day before the date of the election and shall remain posted through Election Day.

Applications for Ballots by Mail: Applications for ballots by mail must be received, in the office of the Williamson County Elections Administrator, not later than 5:00 p.m. on Tuesday, April 25, 2017. The Early Voting Clerk’s mailing address to which ballot applications and ballots to be voted by mail may be sent is as follows:

Early Voting Clerk  
Williamson County Elections Office  
Post Office Box 209  
Georgetown, TX 78627-0209

SECTION 3  EARLY VOTING BALLOT BOARD

An Early Voting Ballot Board is hereby created to process early voting results, and the City hereby appoints the presiding judge of the Early Voting Ballot Board as appointed by the
Williamson County Elections Administrator. Such presiding judge shall appoint not less than two (2) other qualified members to serve on such Board.

SECTION 4  CUSTODIAN OF ELECTION RECORDS

Pursuant to the Texas Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator shall be appointed as custodian of voted ballots and the City Secretary of the City of Hutto will serve as the custodian of all other election records.

SECTION 5  VOTERS

All resident, qualified voters of the City shall be entitled to vote at the elections.

SECTION 6  NOTICE

That notice of the election on the proposed Charter amendments shall be posted on the bulletin board used to post notice of the City Council meetings, be published in a newspaper of general circulation in the City, and must include a substantial copy of the proposed Charter amendments and include an estimate of the anticipated fiscal impact to the City if the proposed amendments are approved at the election. Said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and before the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 7  VOTING DEVICES

Pursuant to the Election Code and the applicable Election Services Contract, the Williamson County Elections Administrator may use electronic voting systems and corresponding voting devices and equipment in conducting the election. Said election equipment has been certified by the Texas Secretary of State.

The Williamson County Elections Administrator will utilize a central counting station, as provided by Texas Election Code § 127.000 et seq., as amended, on Election Day.

SECTION 8  CONDUCT ACCORDING TO STATUTES

In all substantive respects, the elections shall be conducted in accordance with applicable provisions of the Texas Election Code, any other applicable statutes, and the City of Hutto’s Home Rule Charter.

SECTION 9  ELECTION RESULTS

The Williamson County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on May 6, 2016. The official canvass, tabulation and declaration of the results of the elections shall be conducted by the City Council at a regular or special council meeting held in accordance with provisions of the Texas Election Code.
SECTION 10
Each Charter amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “FOR” or “AGAINST” any amendment or amendments without voting “FOR” or “AGAINST” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Hutto, Texas.

SECTION 11
The ballot propositions for the proposed amendments to the Home Rule Charter are as follows:

PROPOSITION 1:
Shall Sections 2.02, 2.04(b), 3.09, 3.14, 3.16, 4.01(a), 4.01(b), 4.01(c), 4.02, 5.01(b), 5.03(a), 6.02, 6.09(b), 7.03(a), 7.08(b), 7.08(d), 8.13, 8.14, 9.01, 9.02, 9.03, 9.05, 9.07, 10.01(c), 11.01, 11.04(f), 11.04(g), 13.04 and 13.11 of the Hutto City Charter be amended by 1) making corrections to grammar, spelling and punctuation errors throughout all Articles of the Charter; 2) deleting redundant or surplus wording, and deleting outdated or antiquated wording; and 3) making non-substantive vocabulary changes in order to use modern and consistent terminology?

PROPOSITION 2:
Shall Sections 1.03(a), 1.03(d), 2.06, 3.09, 3.12, 5.01(a), 5.02, 5.03(c), 5.03(e), 5.06, 6.02(b), 6.08, 7:03(b)(2), 8.05(a), 8.07(b), 8.07(d), 8.12, 9.04, 9.07, and 13.11 of the Hutto City Charter be amended by updating and correcting references to current state laws, deleting provisions of the Charter that are inconsistent with current law or are preempted by current law, and deleting references to obsolete laws?

PROPOSITION 3:
Shall the Hutto City Charter be amended by deleting the “City of Hutto’s Vision” statement?

PROPOSITION 4:
Shall Section 3.01 of the Hutto City Charter be amended by limiting a person to serving a maximum of two consecutive full terms of office in the position of Mayor or City Council member?

PROPOSITION 5:
Shall Section 3.05 of the Hutto City Charter be amended to provide that the Mayor Pro-Tem shall act as the Mayor, in addition to the disability or absence of the Mayor, when the Mayor fails to carry out the duties of the office?
PROPOSITION 6:
Shall Sections 3.05, 4.01(e), 4.01(f) and 8.11 of the Hutto City Charter be amended to clarify the signatory and contracting authority of the Mayor and City Manager?

PROPOSITION 7:
Shall Section 3.10 of the Hutto City Charter be amended to reduce the number of City Council members necessary to establish a quorum from five (5) to four (4)?

PROPOSITION 8:
Shall Section 3.12 of the Hutto City Charter be amended to require a roll call vote to document all actions of the City Council?

PROPOSITION 9:
Shall Section 3.13 of the Hutto City Charter be amended to delete the requirement that ordinances only be introduced or read at regular City Council meetings?

PROPOSITION 10:
Shall Section 3.14 of the Hutto City Charter be amended to reduce, from five (5) to four (4), the number of affirmative votes of members of the City Council required to adopt an emergency clause for an emergency ordinance and to adopt an emergency ordinance?

PROPOSITION 11:
Shall Section 4.04 of the Hutto City Charter be amended to provide that the City Council, instead of the City Manager, is authorized to appoint the City Attorney?

PROPOSITION 12:
Shall Section 8.04(d) of the Hutto City Charter be amended to delete the mandate that ten percent of the annual budget be placed in a contingency fund to be used for emergency purposes?

PROPOSITION 13:
Shall Section 8.05(b) of the Hutto City Charter be amended to clarify that an amendment to the City’s budget cannot increase authorized expenditures to an amount greater than estimated income and other available funds?

PROPOSITION 14:
Shall Section 8.07(b) of the Hutto City Charter be amended to expand the types of debt instruments that may be issued by the City in situations when emergency appropriations are necessary to meet a public emergency, instead of being limited to only issuing emergency notes in such situations?

PROPOSITION 15:
Shall Section 12.03 of the Hutto City Charter be amended to prohibit a member of a City board or commission from continuing in such position after being elected to a City office, rather than such prohibition being applicable after a board or commission member’s filing for an elective office of the City?
PROPOSITION 16:
Shall Section 13.03(c) of the Hutto City Charter be amended to provide that, in addition to currently being applicable to City employees, the nepotism provisions of the Charter shall apply to appointees of the City?

PROPOSITION 17:
Shall Section 13.03(d) of the Hutto City Charter be amended to clarify that a city official or employee shall comply with the provisions of the Texas Local Government Code, Chapter 171, as amended, regulating conflicts of interest of local public officials?

PROPOSITION 18:
Shall Section 13.04 of the Hutto City Charter be amended to delete language stating that the personnel policies adopted by the City have the full force and effect of law?

PROPOSITION 19:
Shall Section 13.05 of the Hutto City Charter be amended to delete outdated language requiring the adoption of a comprehensive plan within two (2) years after the initial adoption of the Charter, and adding language requiring the City Council to review the comprehensive plan at least every four (4) years?

PROPOSITION 20:
Shall Section 13.12 of the Hutto City Charter be amended by requiring the Charter to be reviewed at least every four (4) years by a Charter Review Commission appointed by the City Council?

PROPOSITION 21:
Shall Section 3.09 of the Hutto City Charter be amended by reducing the number of regular monthly meetings required to be held by the City Council from two (2) to one (1)?

SECTION 12
This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

SECTION 13
The provisions of this Ordinance are severable, and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

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 in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.
READ and APPROVED on the first reading this the 16th day of February 2017.

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 dates was dispensed with.

READ, PASSED, and ADOPTED on the first reading of this 16th day of February, 2017 at a regular meeting of the City Council of Hutto, there being a quorum present.

CITY OF HUTTO

____________________________
Doug Gaul, Mayor

ATTEST

____________________________________
Seth Gipson, City Secretary
NOTICE OF SPECIAL ELECTION
(AVISO DE ELECCIÓN GENERAL)

To the registered voters of the City of Hutto, Texas:
(a los votantes registrados del Ciudad de Hutto, Texas):

Notice is hereby given that a Special Election will be held on May 6, 2017, to consider amendments to the Home Rule City Charter. It is estimated that there will be no anticipated fiscal impact to the City of Hutto for any of the proposed propositions. The text of the propositions are attached as “Exhibit A”. The election shall be administered by the Williamson County Elections Department in accordance with the Texas Election Code, the City of Hutto Charter, and the Contract for Election Services.

ELECTION VOTING LOCATIONS, DATES AND TIMES:
(Lugares, fechas y horarios para el día de la elección:)

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS, DATES, TIMES ARE ON EXHIBIT “B”:
(Lugares, fechas, horarios, para la votación adelantada en persona son situados en Exhibe “B”:)

ELECTION DAY VOTING BY PERSONAL APPEARANCE LOCATIONS AND TIMES ARE ON EXHIBIT “C”
(Lugares, fechas, horarios, para la votación en persona son situados en Exhibe “C”:)

APPLICATIONS FOR BALLOT BY MAIL SHALL BE MAILED TO:
(Las solicitudes para boletas que se votarán por ausencia por correo deberá enviarse a:)

Williamson County Elections Administrator
(Administrator de Elecciones de Condado de Williamson)

Post Office Box 209
(El Apartado de correos 209)

Georgetown, TX 78627-0209
(Ciudad de Georgetown, TX 78627-0209)

Applications for ballots by mail must be received no later than the close of business on April 25, 2017.
(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el 25 de abril de 2017.)

ISSUED this the 16th day of February, 2017.
(Emitida este día 16 de febrero, 2017.)

________________________________
Doug Gaul, Mayor City of Hutto
Alcalde de la ciudad de Hutto, Doug Gaul
EXHIBIT “A”
(EXHIBIT “A”)

PROPOSITION 1:
Shall Sections 2.02, 2.04(b), 3.09, 3.14, 3.16, 4.01(a), 4.01(b), 4.01(c), 4.02, 5.01(b), 5.03(a), 6.02, 6.09(b),
7.03(a), 7.08(b), 7.08(d), 8.13, 8.14, 9.01, 9.02, 9.03, 9.05, 9.07, 10.01(c), 11.01, 11.04(f), 11.04(g), 13.04 and
13.11 of the Hutto City Charter be amended by 1) making corrections to grammar, spelling and punctuation
errors throughout all Articles of the Charter; 2) deleting redundant or surplus wording, and deleting outdated
or antiquated wording; and 3) making non-substantive vocabulary changes in order to use modern and
consistent terminology?

SECTION 2.02. Rights Reserved
All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and
character, which have accrued under the laws in favor of said City, heretofore in force governing the same,
shall belong to and vest in said City and shall not abate by reason of the adoption of this Charter, and shall be
prosecuted and collected for the use and benefit of said City of Hutto and shall not be in any manner affected
by the taking effect of this Charter; but as to all of such rights, the laws under which they shall have accrued
shall be deemed to be in full force and effect.

SECTION 2.04. Other Powers
For greater certainty, the following are hereby especially enumerated and referred to as being among the other
powers which are hereby conferred upon and which may be exercised by the City of Hutto, to-wit:

b) All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by
Section 4 of Chapter 147 Acts of the 33rd Legislature, General Laws Regular Session, at pages 310 to 316,
entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of
the Qualified Voters of said City, at an Election Held for that Purpose to Adopt and Amend their
Charters," etc.; and such powers are hereby conferred upon the City of Hutto as fully and completely as if
each of said mentioned powers were herein separately enumerated; but enumeration of special powers
herein, or in the Statutes referred to, shall not be held or construed to preclude the City from exercising
all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by
special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power
extended by the general laws of cities incorporated thereunder, and to secure to the City of Hutto, all the
powers conferred by the Constitution and Laws of this State upon cities having more than five thousand
inhabitants.

SECTION 3.09  MEETINGS OF THE CITY COUNCIL
The City Council shall hold at least two regular meeting each month and as many additional meetings as it
deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance,
the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the
Mayor or three (3) members of the City Council. Notice of all meetings of the City Council shall be
given in accordance with the provisions of Tex. Gov't Code Ann., Chapter 551, as amended.

SECTION 3.14   EMERGENCY ORDINANCES
To meet a public emergency involving an urgent public necessity or involving an imminent threat to public
health and safety that requires immediate action by the City Council, the City Council may adopt emergency
ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate
charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as
provided in Article 8, Section 8.05. An emergency ordinance shall be introduced in the form and manner
generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of five members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of five members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

SECTION 3.16   INVESTIGATIVE BODY
The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compelling the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

SECTION 4.01   CITY MANAGER
a) Appointment and Qualifications: The City Council, by the affirmative vote of five (5) or more votes of the City Council members shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of such person’s executive and administrative training, experience and ability. The City Manager shall be bonded at City expense in an amount of not less than ten thousand dollars ($10,000) dollars.

b) Compensation: The City Manager shall receive compensation as may be fixed by the City Council according to his or her experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the City Council may change it at their discretion.

c) Term and Removal: The City Manager shall not be appointed for a definitive term but may be suspended or removed at the discretion of the City Council, by the affirmative vote of five (5) or more votes of the City Council members. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.

SECTION 4.02   ADMINISTRATIVE DEPARTMENTS
There shall be such administrative departments as are established by this Charter and may be established by ordinance and, excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager.

The City Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The City Council may discontinue, redesignate, or combine any of the departments and/or administrative offices. No changes shall be made by the City Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council.
The head of each department shall be a director who shall have supervision and control over said department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments.

SECTION 5.01  CITY ELECTIONS
b) Special Elections: The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or Council members or other purposes deemed appropriate by City Council. The City Council will fix the time and place for holding such special elections, and provide all means for holding same.

SECTION 5.03  OFFICIAL BALLOTS
a) Names on Ballot: The name of each candidate nominated for office, except those who have withdrawn, died or became ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

SECTION 6.02  PETITION FOR RECALL
Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of qualified voters as currently certified to by the County Elections Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

a) the signer’s residence address, including the county;
b) the signer’s date of birth and or the signer’s voter registration number;
c) the date of signing; and
d) the signer’s printed name.

SECTION 6.09  BALLOTS IN RECALL ELECTION
Ballots used at recall elections shall conform to the following requirements:

a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (Name of Person) be removed from the office of (Name of Office) by recall?"

b) Immediately below each such question there shall be printed the two following propositions, one above the other, in order indicated:

"FOR the removal of ______________ by recall."
"AGAINST the removal of ______________ by recall."

SECTION 7.03  PETITIONS
a) Number of Signatures: Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of total qualified voters of the
SECTION 7.08   RESULTS OF ELECTION
a) Initiative: If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

b) Repeal or Amendment of an Initiated Ordinance: An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a the affirmative vote of five (5) or more of the City Council members qualified and serving.

c) Referendum: If a majority of the qualified voters voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be considered in effect and petition shall become void.

d) Adoption of an Ordinance Repealed by Referendum: An ordinance repealed by referendum may be re-enacted at any time after the expiration of two (2) years by a the affirmative vote of five (5) or more of the City Council members qualified and serving.

SECTION 8.13   SALE OF REAL PROPERTY
The sale of real property owned by the City of Hutto shall be limited by governed by State Law. In addition, all sales of real property owned by the City of Hutto shall be subject to the approval of the City Council.

SECTION 8.14.  INDEPENDENT AUDIT.
At the close of each fiscal year and at other times as necessary, the City Council shall have a certified public accountant conduct an independent audit of all accounts of the City. The certified public accountant shall have no personal interest in the financial affairs of the City or of its officers. A summary of the results of the completed audit shall be on file in the City Secretary’s office as a public record and as files available for download via the Internet shall be posted on the City’s website.

SECTION 9.01.  TAXATION POWERS
The City Council shall have power to levy taxes to the extent and for all purposes authorized by the laws of the State of Texas and by this Charter, in accordance with the limitations thereon fixed by the Constitution of the State of Texas, and to provide for the mode and manner of levying, assessing and collecting the same, and to apportion such taxes as in the discretion of the City Council shall be deemed to be in the best interest of the City.

SECTION 9.02.  DUTY TO LEVY
It shall be the duty of the City Council annually, to levy, assess and collect such taxes on the assessed valuation of all taxable property within the City as may be necessary for general purpose and current expenses of the City, provided that the rate of taxation shall never exceed the limit prescribed by the Constitution and laws of the State of Texas.
SECTION 9.03. SINKING FUND
The City Council shall have power to annually levy, assess and collect such taxes as may be necessary to pay the
interest on, and create a sinking fund or funds for, the bonded or other indebtedness of the eCity now existing
or hereafter to be created.

SECTION 9.05. COLLECTION OF TAXES
The City Council shall have power to provide by ordinance for the prompt collection of taxes levied, assessed
and imposed under this Charter and the ordinances of said eCity, and it is hereby authorized, and to that end
shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall
make such rules and regulations, ordain and pass such ordinances, as it may consider necessary to the levying,
imposing, assessing and collecting of any and all taxes provided for in this Charter and unless otherwise
provided by ordinance, all property in said eCity liable and subject to taxation shall be assessed, and said taxes
shall be levied and collected, in accordance with the provisions of the general laws of the State of Texas.

SECTION 9.07. FORCED COLLECTION OF TAXES
The eCity Council may provide by ordinance for the prompt collection by suit, sale or otherwise, of all taxes due
the eCity, of every kind. The Council may also provide penalties for the failure to pay taxes by a given date,
provided the penalty shall never exceed that imposed by the State law. The eCity may proceed in the matter of
the enforced collection of taxes in all things as provided by applicable law for the collection of State and county
taxes in this State, insofar as same is applicable, and the City Attorney shall receive for his services in tax suits
the same fees allowed by law for county attorneys for like services.

SECTION 10.01 BORROWING FOR CAPITAL IMPROVEMENTS
b) Revenue Bonds: The City shall have the power to borrow money for the purpose of constructing,
purchasing, improving, extending or repairing of public utilities, recreational facilities or any other
self-liquidating municipal function not prohibited by the eConstitution and laws of the state of
Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be
a charge upon and payable from the properties, or interest therein pledged, or the income therefrom,
or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in
conformity with the laws of the state of Texas and shall be used only for the purpose for which
issued.

SECTION 11.01 POWERS OF THE CITY
In addition to the City’s power to buy, construct, lease, maintain, operate and regulate public utilities and to
manufacture, distribute and sell the output of such utility operations, the City shall have such further powers
as may now or hereafter be granted under the eConstitution and laws of the state of Texas.

SECTION 11.04 RIGHT OF REGULATION
All grants, renewals, extensions or amendments to public utility franchises, whether it be so provided in the
ordinance or not, shall be subject to the right of the City to:

f) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to
the safety, welfare and accommodation of the public; and

g) adopt procedural rules and regulations dealing with public utilities which shall conform to the
requirements of the appropriate state regulatory agencies; and

SECTION 13.04 PERSONNEL POLICY
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 policies and recommend their adoption to the City Council. Upon approval by the Council, such policies shall become effective when approved by the Council and the Council shall act within thirty (30) days upon such proposed personnel policies. Thereafter 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 13.11 SUBMISSION OF CHARTER TO VOTERS
The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the voters of the City at an election to be held for that purpose on February 7, 2004. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each registered voter of the City, as appears from the latest certified list of registered voters. If a majority of the registered voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Hutto, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the Records of the City. The Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the state of Texas and shall show the approval of such Charter by majority vote of the registered voters voting at such election.

PROPOSITION 2:
Shall Sections 1.03(a), 1.03(d), 2.06, 3.09, 3.12, 5.01(a), 5.02, 5.03(c), 5.03(e), 5.06, 6.02(b), 6.08, 7.03(b)(2), 8.05(a), 8.07(b), 8.07(d), 8.12, 9.04, 9.07, and 13.11 of the Hutto City Charter be amended by updating and correcting references to current state laws, deleting provisions of the Charter that are inconsistent with current law or are preempted by current law, and deleting references to obsolete laws?

SECTION 1.03 EXTENSION OF BOUNDARIES
The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

a) Extending Limits in Accordance with Tex. Loc. Gov't Code Ann., Chapter 43, as amended-applicable state law: Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Tex. Loc. Gov't Code Ann., Chapter 43, as amended-applicable state law.

d) Extending Limits by Action of the City Council: The City Council shall have power by ordinance to fix the boundary limits of the City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed as prescribed in Tex. Loc. Gov't Code Chapter 43 applicable state law.

SECTION 2.06 ZONING IN GENERAL
The City Council shall have full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by applicable state law Tex. Loc. Gov't Code Ann., Title 7., Subtitle A. and Title 12., Subtitle A, as now or hereafter amended.

SECTION 3.09   MEETINGS OF THE CITY COUNCIL
The City Council shall 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 shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or three (3) members of the City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of Tex. Gov't Code Ann., Chapter 551, as amended applicable state law.

SECTION 3.12   VOTING
The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with applicable state law Texas Gov't Code Ann., Chapter 551. Voting shall be recorded in the minutes.

All members of the City Council present, including the Mayor, shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

SECTION 5.01   CITY ELECTIONS
a) Schedule: The regular City Election will be held annually on the first Saturday in May, unless a different date is required by state law or as otherwise provided by state law. Elections for candidates who are unopposed may be canceled in accordance with the provisions of Tex. Elec. Code Ann., Chapter 2, Subchapter C applicable state law. The City Council shall be responsible to specify places for holding such election.

SECTION 5.02   FILING FOR OFFICE
a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:

1) be a registered voter of the City;

2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and

3) not be in arrears in the payment of any taxes or other liabilities due the City. “In arrears” is defined herein to mean that payment has not been received within ninety (90) days from due date;

4) be at least eighteen (18) years of age at the time of filing.

SECTION 5.03   OFFICIAL BALLOTS
c) Early Voting Ballots: Procedures for early voting shall be consistent with Title 7., Subtitle A., Texas Election Code applicable state law.

SECTION 5.06  RUN-OFF ELECTION
In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with the Tex. Elect. Code Ann., as amended applicable state law.

SECTION 6.02  PETITION FOR RECALL
Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of qualified voters as currently certified to by the County Election Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

a) the signer’s residence address, including the county;
b) the signer’s date of birth and or the signer’s voter registration number;
c) the date of signing; and
d) the signer’s printed name.

SECTION 6.08  RECALL ELECTION TO BE CALLED
If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the Tex. Elect. Code Ann. applicable state law.

SECTION 7.03  PETITIONS
b) Form and Content: All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

A signature on a petition for initiative or referendum is valid only if the petition includes the following information with respect to each signer:

1) the signer’s residence address, including county;
2) the signer’s date of birth and or voter registration number;
3) the date of signing; and
4) the signer’s printed name.

Section 8.05.  CITY COUNCIL ACTION ON BUDGET.
a) Notice and hearing. The City Council shall publish in one or more newspapers of general circulation in the City and as files available for download via the Internet, the general summary of the budget and a notice stating of the date, time, and location of the public hearing on the budget, in the form and manner as required by applicable state law.
1) the times and places where copies of the message and budget are available for inspection the public, and

2) the time and place, not less than two weeks after such publication, for a public hearing on the budget.

Section 8.07. AMENDMENTS AFTER ADOPTION.

b) Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, or to avoid a material cost or public expense, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of 3.15 3.14 of this Charter. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes. Such notes may be renewed from time to time; however, an emergency note and renewal for any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

d) Transfer of Appropriations. At any time during the fiscal year the City Council may by resolution ordinance transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriations for other departments or major organizational units. The City Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the City Council no later than the next regular City Council meeting.

SECTION 8.12. PURCHASE PROCEDURE.

All purchases made and contracts executed by the City shall be pursuant to requisitions from the heads of the offices, departments or agencies whose appropriations will be charged. No contract or order shall be binding upon the City unless the Finance Officer certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts or purchases of property shall be made in accordance with State law or ordinance provided that the City Council or the City Manager, in such cases as he/she is authorized to contract for the City, shall have the right to reject any and all bids. 

Contracts for personal or professional services are not required to be let on competitive bids.

SECTION 9.04. TAX LIABILITIES

The property of all persons owing any taxes to the City of Hutto is hereby liable for all taxes, whether the same be due upon personal or real property, or both, and a lien is hereby expressly fixed upon all such property to secure the payment of said taxes; and the ad valorem taxes due on any one piece of property shall not be received by the collector from the owner or other person interested therein separately without paying the ad valorem taxes owing by him on other property.

SECTION 9.07. FORCED COLLECTION OF TAXES

The City Council may provide by ordinance for the prompt collection by suit, sale or otherwise, of all taxes due the City, of every kind. The Council may also provide penalties for the failure to pay taxes by a given date, provided the penalty shall never exceed that imposed by the State law. The City may proceed in the matter of the enforced collection of taxes in all things as provided by applicable law for the collection of State and county taxes in this State, insofar as same is applicable, and the City Attorney shall receive for his services in tax suits the same fees allowed by law for county attorneys for like services.
SECTION 13.11 AMENDMENT OF CHARTER
Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by applicable state law Tex. Loc. Gov’t Code Ann., Chapter 9, as amended.

PROPOSITION 3:
Shall the Hutto City Charter be amended by deleting the “City of Hutto’s Vision” statement?

City of Hutto’s Vision:
To provide exemplary public service and to passionately pursue quality comprehensive planning, economic diversity and a self-sustaining environment that will enrich our current quality of life, embrace Hutto’s unique heritage, improve the beauty of our city and where future generations will want to raise their families.

PROPOSITION 4:
Shall Section 3.01 of the Hutto City Charter be amended by limiting a person to serving a maximum of two consecutive full terms of office in the position of Mayor or City Council member?

SECTION 3.01 NUMBER, SELECTION AND TERM
The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and all Council members shall be elected from the City at large and each Council member shall occupy a position on the City Council, such positions being numbered 1 through 6 consecutively. The Mayor and Council members shall be elected in the manner provided in Article 5 of this Charter to serve for three (3) year terms.

The Mayor and City Council members shall be limited to two consecutive full terms in office. A person who has served two consecutive full terms as a City Council member, regardless of place number, or as Mayor may not again hold the same office until at least one year out of office has passed. A person who has served two consecutive terms as a City Council member shall be eligible to be elected to the Office of Mayor for two consecutive terms, but a person who has served two consecutive terms as Mayor shall not be eligible to be elected as a City Council member or Mayor before at least one year out of office has passed.

PROPOSITION 5:
Shall Section 3.05 of the Hutto City Charter be amended to provide that the Mayor Pro-Tem shall act as the Mayor, in addition to the disability or absence of the Mayor, when the Mayor fails to carry out the duties of the office?

SECTION 3.05 MAYOR AND MAYOR PRO-TEM
The Mayor shall be the ceremonial head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be a Council member elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability or absence disability, absence, or failure of the Mayor to carry out the duties of the office, and in this capacity shall have the rights conferred upon the Mayor.
PROPOSITION 6:
Shall Sections 3.05, 4.01(e), 4.01(f) and 8.11 of the Hutto City Charter be amended to clarify the signatory and contracting authority of the Mayor and City Manager?

SECTION 3.05  MAYOR AND MAYOR PRO-TEM
The Mayor shall be the ceremonial head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds, except for the documents which the City Manager is authorized to sign in accordance with Section 4.01(f) of this Charter. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be a Council member elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability or absence, and in this capacity shall have the rights conferred upon the Mayor.

SECTION 4.01  CITY MANAGER

e) Contracts and Purchases: The City Council may by ordinance set a maximum amount for which the City Manager shall be authorized to execute contracts and/or to expend funds for budgeted items; provided here, that all contracts and expenditures must comply with applicable state laws requiring competitive bids or authorizing alternative procurement methods. The City Council may by ordinance establish a dollar amount above which all, or certain types of, contracts, or expenditures must be approved in advance by the City Council.

f) Execution of Documents: The City Manager shall have the authority to execute, on behalf of the City, certain documents, including but not limited to deeds, conveyances, release of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following condition.

1. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property; or to implement other City policies; provided that such project, program, or policy has been approved by the City Council;
2. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
3. That the form of such document shall be approved by the City Attorney.

Section 8.11.  DEPOSITORY.
All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited daily in the City depository or depositories. The City Council shall designate depositories in accordance with regulations and subject to security requirements for deposits and accrued interest as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the City Manager or by the Mayor in the absence of the City Manager and countersigned by a City official designated by the City Council. The City Council may by ordinance authorize the use of machine-imprinted facsimile signatures of the Mayor or City Manager on checks, vouchers and warrants. However, two original signatures shall be required for all checks in excess of $5,000.00.
PROPOSITION 7:
Shall Section 3.10 of the Hutto City Charter be amended to reduce the number of City Council members necessary to establish a quorum from five (5) to four (4)?

SECTION 3.10 QUORUM
Five (5) Four (4) City Council members shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as provided in Section 3.06, shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council.

PROPOSITION 8:
Shall Section 3.12 of the Hutto City Charter be amended to require a roll call vote to document all actions of the City Council?

SECTION 3.12 VOTING
The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with Texas Gov’t Code Ann., Chapter 551. Voting shall be by roll call and shall be recorded in the minutes.

All members of the City Council present, including the Mayor, shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

PROPOSITION 9:
Shall Section 3.13 of the Hutto City Charter be amended to delete the requirement that ordinances only be introduced or read at regular City Council meetings?

SECTION 3.13 ORDINANCES IN GENERAL
Ordinances and resolutions shall be introduced in the City Council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations.

Any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates, shall be read at two regular meetings followed by publication in full or by caption in two successive issues of the official newspaper of the City before the same shall become effective.

All other ordinances shall not be finally passed until they have been read on two separate days not less than twelve (12) hours apart; provided, however, if an ordinance has been introduced at a regular meeting of the City Council, the requirements for reading on two separate days may be dispensed with by affirmative vote of all the City Council members present.

The final reading of each ordinance shall be read in full unless written or printed copy thereof shall have been furnished to each member of the City Council prior to such meeting. The enacting clause of all ordinances shall be: “Be it ordained by the City Council of the City of Hutto, Texas.”

PROPOSITION 10:
Shall Section 3.14 of the Hutto City Charter be amended to reduce, from five (5) to four (4), the number of affirmative votes of members of the City Council required to adopt an emergency clause for an emergency ordinance and to adopt an emergency ordinance?
SECTION 3.14 EMERGENCY ORDINANCES
To meet a public emergency involving an urgent public necessity or involving an imminent threat to public health and safety that requires immediate action by the City Council, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article 8, Section 8.05. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of five members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of five members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

PROPOSITION 11:
Shall Section 4.04 of the Hutto City Charter be amended to provide that the City Council, instead of the City Manager, is authorized to appoint the City Attorney?

SECTION 4.04 CITY ATTORNEY
The City Manager shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall hold office at the pleasure of the City Manager. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Manager, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

PROPOSITION 12:
Shall Section 8.04(d) of the Hutto City Charter be amended to delete the mandate that ten percent of the annual budget be placed in a contingency fund to be used for emergency purposes?

SECTION 8.04 BUDGET.

d) Appropriation. To ensure a higher quality of life and security for the citizens of Hutto, the following appropriations will be mandated in each and every Annual Budget:

1) Ten (10) percent of the Annual Budget shall be placed in a Contingency Fund to be used for Emergency Purposes as outlined in Section 8.05 of the Charter. (amended November 7, 2006: Sections 8.4(d) (1-4) repealed; Section 8.4 (d) (5) renumbered as 8.4 (d) (1)

PROPOSITION 13:
Shall Section 8.05(b) of the Hutto City Charter be amended to clarify that an amendment to the City’s budget cannot increase authorized expenditures to an amount greater than estimated income and other available funds?

SECTION 8.05 CITY COUNCIL ACTION ON BUDGET.

b) Amendment Before Adoption. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, the City Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures
required by law or for debt service or for an estimated cash deficit, provided that no amendment to the
budget shall increase the authorized expenditures to an amount greater than estimated income and other available funds.

PROPOSITION 14:
Shall Section 8.07(b) of the Hutto City Charter be amended to expand the types of debt instruments that may be issued by the City in situations when emergency appropriations are necessary to meet a public emergency, instead of being limited to only issuing emergency notes in such situations?

SECTION 8.07. AMENDMENTS AFTER ADOPTION.

b) Emergency Appropriations. To meet a public emergency affecting life, health, property, or the public peace, or to avoid a material cost or public expense, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of 3.15 of this Charter. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes or other debt instruments. Such notes and debt instruments may be renewed from time to time; however, an emergency note or debt instrument and renewal for any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

PROPOSITION 15:
Shall Section 12.03 of the Hutto City Charter be amended to prohibit a member of a City board or commission from continuing in such position after being elected to a City office, rather than such prohibition being applicable after a board or commission member’s filing for an elective office of the City?

SECTION 12.03 MEMBERS FILING FOR OFFICE
No member of a Board or Commission shall continue in such position after being elected to a City office. filing for an elective office of the City.

PROPOSITION 16:
Shall Section 13.03(c) of the Hutto City Charter be amended to provide that, in addition to currently being applicable to City employees, the nepotism provisions of the Charter shall apply to appointees of the City?

SECTION 13.03. ETHICS.
The City shall implement and maintain an Ethics Ordinance that shall include the following elements and provisions:

c) Nepotism. No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other member of the City Council or to the City Manager shall be employed or appointed by the City. No person so related to the Director of Finance shall be employed or appointed under him/her. This prohibition shall not apply to a person who is a current City employee and has been a City employee or appointee for one (1) year or longer at the time of the election of the Mayor or Council Member or not less than ninety 90 days at the time of the appointment of the City Manager or other appointed City officer.

PROPOSITION 17:
Shall Section 13.03(d) of the Hutto City Charter be amended to clarify that a city official or employee shall comply with the provisions of the Texas Local Government Code, Chapter 171, as amended, regulating conflicts of interest of local public officials?
SECTION 13.03. ETHICS.
The City shall implement and maintain an Ethics Ordinance that shall include the following elements and provisions:

a) **Personal Financial Interest.** No member of the City Council or employee of the City shall participate in a vote, decision or deliberation on any matter involving a business entity or real property in which the official or employee has a substantial interest as provided by state law. Each member of the City Council and each employee of the City shall comply with the provisions of Texas Local Government Code, Chapter 171, as amended, regulating conflicts of interest of local public officials have a financial interest, direct or indirect, in contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved provided such stock ownership amounts to less than one percent (1%) of the corporation stock or as falls within the scope of Tex. Loc. Gov't Code Ann., § 131.903 as now or hereafter amended. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

**PROPOSITION 18:**
Shall Section 13.04 of the Hutto City Charter be amended to delete language stating that the personnel policies adopted by the City have the full force and effect of law?

**SECTION 13.04 PERSONNEL POLICY**
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 policies and recommend their adoption to the City Council. Upon approval by the Council. Such policies shall become effective when approved by the council and the council shall act within thirty (30) days upon such proposed personnel policies. Thereafter 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.**

**PROPOSITION 19:**
Shall Section 13.05 of the Hutto City Charter be amended to delete outdated language requiring the adoption of a comprehensive plan within two (2) years after the initial adoption of the Charter, and adding language requiring the City Council to review the comprehensive plan at least every four (4) years?

**SECTION 13.05 COMPREHENSIVE PLAN**
The purpose of the Comprehensive Plan is to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the City to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the interests of the City of Hutto.

**The Council shall adopt by ordinance a revised comprehensive plan within two (2) years from the date that the Charter is adopted. The plan shall consist of recommendations made by a Comprehensive Plan Steering Committee to be established by the City Council.**

**The City Council shall review the comprehensive plan no later than every 4 years, hereafter.**
PROPOSITION 20:
Shall Section 13.12 of the Hutto City Charter be amended by requiring the Charter to be reviewed at least every four (4) years by a Charter Review Commission appointed by the City Council?

SECTION 13.12  CHARTER REVIEW COMMISSION
The City Council shall appoint a commission no later than every fourth year hereafter, a Charter Review Commission of seven (7) citizens of the City, and each member of the governing body shall appoint one member to the commission.

a) The duties of the Charter Review Commission are as follows:

1. Inquire into the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the Commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
2. Propose any recommendations it may deem desirable to insure compliance with the provisions of the Charter by the departments of the City;
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
4. Report its findings and present its proposed amendments, if any, to the City Council.

b) Action by the City Council. The City Council shall receive and have published in the official newspaper of the City any report presented by the Charter Review Commission, or a summary thereof, shall consider any recommendations made, and if any amendments be presented as of such report, may order such amendment or amendments to be submitted to the voters of the City in a manner provided by applicable state law Tex. Loc. Gov’t Code Ann., Chapter 9, as amended.

c) Term of Office. The term of office of such Charter Review Commission shall be six (6) months, or said term shall expire sooner if a report is presented to the City Council prior to the expiration said six (6) month term of office. If during such six (6) month term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of the City Secretary and shall become public record.

PROPOSITION 21:
Shall Section 3.09 of the Hutto City Charter be amended by reducing the number of regular monthly meetings required to be held by the City Council from two (2) to one (1)?

SECTION 3.09  MEETINGS OF THE CITY COUNCIL
The City Council shall hold at least two one regular meeting each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or three (3) members of the City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of Tex. Gov’t Code Ann., Chapter 551, as amended.
Williamson County Early Voting Schedule
Horario de la Votación Adelantada del Condado de Williamson

Joint General and Special Elections – May 6, 2017
Elecciones Generales y Especiales Conjuntas – 6 de mayo del 2017

Dates and Times for Full-Time Locations:
Fechas y horarios para localidades de tiempo completo

subject to change  sujeto a cambio
EXHIBIT “C”
(EXHIBE "C")

ELECTION DAY VOTING LOCATIONS, DATES, AND TIMES
(Lugares, fechas, horarios, para la votación en persona)

Joint General and Special Elections  Saturday, May 6, 2017
Elecciones generales y especiales conjuntas 7 de mayo del 2016

subject to change
sujeto a cambio
ORDER OF SPECIAL ELECTION
CITY OF HUTTO, TEXAS

A Special Election is hereby ordered to be held on Saturday, May 6, 2017, to consider amendments to the Home Rule City Charter.

Said election for these propositions shall be held at the polling places for the precincts designated by the Williamson County as noted in Exhibit “A”, which is made a part hereof for all intents and purposes. The polls at the designated polling places shall be open from 7:00 am to 7:00 pm on Saturday, May 6, 2017.

The City Council appoints the Williamson County Elections Administrator as the Early Voting Clerk for the City of Hutto. The Williamson County Elections Administrator shall appoint the presiding judge(s) for each of said Early Voting and Temporary polling places and is hereby further authorized to appoint additional election clerks (not less than two and not more than six) to assist in conducting said election.

Early voting by personal appearance will be conducted at the locations, dates, and specific times designated by the Williamson County as noted in Exhibit “A”.

Applications for ballots by mail shall be mailed to:

Williamson County Elections Administrator
P.O. Box 209
Georgetown, Texas 78627-0209

Applications for ballots by mail must be received no later than 5:00 p.m. on Tuesday, April 25, 2017.

This Order of Election is issued on the 16th day of February, 2017.

CITY OF HUTTO, TEXAS

________________________
Doug Gaul, Mayor
EXHIBIT A

Voting locations and times will be provided by the Williamson County Elections Administrator.

Lugares y horarios de votación serán proporcionados por el Administrador de Elecciones del Condado de Williamson.
AGENDA ITEM NO.: 10B.  
AGENDA DATE: February 16, 2017

PRESENTED BY: Helen Ramirez, AICP, Executive Director of Business/Development Services

ITEM: Consideration of a public hearing and possible action on the first reading of an ordinance approving the zoning change for the property known as 2175 Innovation Boulevard, 1.8 acres, more or less, of land, Lot 3 Block A of the 108 Commercial Park Subdivision, from SF-1 (single family residential) to LI (light industrial) zoning district.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND: The subject property consists of approximately 1.74 acres located on the east side of Innovation Boulevard (CR 108) between Hwy. 79 and Limmer Loop. The applicant has requested a zoning change from SF-1 (Single Family Residential) to LI (Light Industrial). The subject parcel was annexed into the City limits in 2012 as part of a larger initiative to annex the East Williamson County Higher Education Center. At the time, the property was assigned an interim zoning designation of SF-1 with the understanding that these properties would be rezoned as they developed or redeveloped.

The applicant has purchased the subject property and the adjacent property to the south with the intent to operate his concrete construction business, Rio Construction. Per UDC Sec. 10.308.8, the proposed use is classified as a Trade Use and is permitted by right in Light Industrial zoning districts. The proposed business will include an outdoor storage of materials and equipment related to the business, which will be accessory to the primary use. All outdoor storage must be screened with a 6 ft. - 8 ft. masonry wall in conformance with Sec. 10.408.5 of the UDC.

The majority of the properties along the east side of Innovation Boulevard are light industrial land uses, which are characterized by metal buildings and outdoor storage. Staff finds that the proposed Light Industrial use of the subject parcel is consistent with the character of the area, and would not have a negative impact on the surrounding properties.

BUDGETARY AND FINANCIAL SUMMARY: Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:
The Planning and Zoning Commission recommended approval to City Council on February 7, 2017.

**CITY ATTORNEY REVIEW:**
Not applicable.

**STAFF RECOMMENDATION:**
The City’s adopted Future Land Use Map designates this area as being intended for Commercial use. However, the proposed Future Land Use Map amendment designates this area as Light Industrial. The proposed Future Land Use Map is scheduled to be reviewed by City Council in Spring 2017. The proposed zoning change is consistent with the proposed amendments to the Future Land Use Map. It is also in keeping with the City’s long-term goal of providing additional Light Industrial property in order to accommodate new businesses in Hutto and promote job creation. Therefore, staff recommends that the City Council approve the proposed zoning change.

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

**SUPPORTING MATERIAL:**
1. Notice - 2175 Innovation Boulevard (1.8 acres) Zoning Change
2. Ordinance - 2175 Innovation Boulevard (1.8 acres) Zoning Change
NOTICE IS HEREBY GIVEN TO
ALL INTERESTED PERSONS
THAT THE HUTTO PLANNING
AND ZONING COMMISSION AND
THE HUTTO CITY COUNCIL
WILL HOLD TWO PUBLIC HEARINGS
REGARDING:

The zoning change for 2175 Innovation Blvd
(1.8 acres) Lot 3 Block A and 2203 Innovation
Blvd (1.96 acres) Lot 4 Block A, both from the
108 Commercial Park, located on Innovation Blvd.
North of US 79 West, from SF-1 (single family
residential) to LI (light industrial) zoning district.

Public hearings will be held on:
February 7, 2017 at 7:00 p.m.
February 16, 2017 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: January 22, 2017
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 2175 INNOVATION BOULEVARD, 1.8 ACRES, MORE OR LESS, OF LAND, LOT 3 BLOCK A OF THE 108 COMMERCIAL PARK SUBDIVISION; IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, FROM SF-1 (SINGLE FAMILY RESIDENTIAL) TO LI (LIGHT INDUSTRIAL) ZONING DISTRICT; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to amend the Official Zoning Map to zone the 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 7th day of February, 2017, and;

WHEREAS, on the 16th day of February, 2017, 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.

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 to now be designated as LI (Light Industrial) 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 16th day of February, 2017 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 16th day of February, 2017 at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

_________________________________
Doug Gaul, Mayor

Attest:

_________________________________
Seth Gipson, City Secretary
AGENDA ITEM NO.: 10C.  AGENDA DATE: February 16, 2017

PRESENTED BY: Helen Ramirez, AICP, Executive Director of Business/Development Services

ITEM: Consideration of a public hearing and possible action on the first reading of an ordinance approving the zoning change for the property known as 2203 Innovation Boulevard, 1.96 acres, more or less, of land, Lot 4 Block A of the 108 Commercial Park Subdivision, from SF-1 (single family residential to LI (light industrial) zoning district.

STRATEGIC GUIDE POLICY: Growth Guidance

ITEM BACKGROUND:
The subject property consists of approximately 2.00 acres located on the east side of Innovation Boulevard (CR 108) between Hwy. 79 and Limmer Loop. The applicant has requested a zoning change from SF-1 (Single Family Residential) to LI (Light Industrial). The subject parcel was annexed into the City limits in 2012 as part of a larger initiative to annex the East Williamson County Higher Education Center. At the time, the property was assigned an interim zoning designation of SF-1 with the understanding that these properties would be rezoned as they developed or redeveloped.

The applicant has purchased the subject property and the adjacent property to the north with the intent to operate his concrete construction business, Rio Construction. There is a residential building located on the property, which the applicant intends to convert to an office building for his business. Per UDC Sec. 10.308.8, the proposed use is classified as a Trade Use and is permitted by right in Light Industrial zoning districts. The proposed business will include an outdoor storage of materials and equipment related to the business, which will be accessory to the primary use. All outdoor storage must be screened with a 6 ft. - 8 ft. masonry wall in conformance with Sec. 10.408.5 of the UDC.

The majority of the properties along the east side of Innovation Boulevard are light industrial land uses, which are characterized by metal buildings and outdoor storage. Staff finds that the proposed Light Industrial use of the subject parcel is consistent with the character of the area, and would not have a negative impact on the surrounding properties.

BUDGETARY AND FINANCIAL SUMMARY:
Not applicable.
RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:
The Planning and Zoning Commission recommended approval to City Council on February 7, 2017.

CITY ATTORNEY REVIEW:
Not applicable.

STAFF RECOMMENDATION:
The City's adopted Future Land Use Map designates this area as being intended for Commercial use. However, the proposed Future Land Use Map amendment designates this area as Light Industrial. The proposed Future Land Use Map is scheduled to be reviewed by City Council in Spring 2017. The proposed zoning change is consistent with the proposed amendments to the Future Land Use Map. It is also in keeping with the City's long-term goal of providing additional Light Industrial property in order to accommodate new businesses in Hutto and promote job creation. Therefore, staff recommends that the City Council approve the proposed zoning change.

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

SUPPORTING MATERIAL:
1. Notice - 2203 Innovation Boulevard (1.8 acres) Zoning Change
2. Ordinance - 2203 Innovation Boulevard (1.96 acres) Zoning Change
NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO PLANNING AND ZONING COMMISSION AND THE HUTTO CITY COUNCIL WILL HOLD TWO PUBLIC HEARINGS REGARDING:

The zoning change for 2175 Innovation Blvd (1.8 acres) Lot 3 Block A and 2203 Innovation Blvd (1.96 acres) Lot 4 Block A, both from the 108 Commercial Park, located on Innovation Blvd. North of US 79 West, from SF-1 (single family residential) to LI (light industrial) zoning district.

Public hearings will be held on:
February 7, 2017 at 7:00 p.m.
February 16, 2017 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: January 22, 2017
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 2203 INNOVATION BOULEVARD, 1.96 ACRES, MORE OR LESS, OF LAND, LOT 4 BLOCK A OF THE 108 COMMERCIAL PARK SUBDIVISION; IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, FROM SF-1 (SINGLE FAMILY RESIDENTIAL) TO LI (LIGHT INDUSTRIAL) ZONING DISTRICT; PROVIDING FOR A PUBLICATION CLAUSE, SEVERABILITY CLAUSE, REPEALING CLAUSE, OPEN MEETING CLAUSE, PENALTY CLAUSE AND EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of Hutto, Texas to amend the Official Zoning Map to zone the 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 7th day of February, 2017, and;

WHEREAS, on the 16th day of February, 2017, 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.

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 to now be designated as LI (Light Industrial) 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 16th day of February, 2017 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 16th day of February, 2017 at a meeting of the Hutto, Texas City Council; there being a quorum present.

THE CITY OF HUTTO, TEXAS

_________________________
Doug Gaul, Mayor

Attest:

_________________________
Seth Gipson, City Secretary
Consideration of a public hearing and possible action on the first reading of an ordinance amending the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code, Chapter 4, Section 10.403.4.4: Swimming pools and spas.

**ITEM BACKGROUND:**
Section 10.403.4.4 of the City’s Unified Development Code currently requires in-ground swimming pools and in-ground or freestanding spas to be located at least 10 feet from the primary structure on a site, and at least 10 feet from all side and rear lot lines. This means that a rear yard swimming pool on a residential lot must be placed at least ten feet from a house. Staff is proposing to amend this section of the UDC in order to allow swimming pools to be located at least three feet from any structure. Staff finds that the current code is more restrictive than many of our surrounding cities, and has proposed to change this provision in order to be more consistent with other municipalities in the area. Recently, several homeowners have expressed concern that the current standards make it infeasible to locate a swimming pool in their backyard. The goal of the proposed amendment is to enable homeowners, especially those homeowners with smaller lots, to be able to build a swimming pool in their backyard.

Staff is proposing a comprehensive revision of the Swimming Pools and Spas standards found in Sec. 10.403.4.4 of the UDC. Below are the proposed changes to this section:

10.403.4.4 Swimming pools and spas
Bulk standards for swimming pools and spas are:

a. Edge of in-ground or above ground pools or and in-ground or freestanding spas:
   - Must be located at least ±0 ft. 3 ft. from primary any freestanding structure; and at least ±0 ft. 5 ft. from all side and rear lot lines;
   - May not be located within a utility easement; and
   - Must be placed in a rear or side yard.

b. Edge of concrete deck:
• Must be located at least 5 ft. from all side and rear lot lines;
• May not be located within a utility easement; and
• Must be placed in a rear yard or side yard.

c. Edge of wood pool deck:

• Same as for accessory structure in underlying zoning district.

BUDGETARY AND FINANCIAL SUMMARY:
Not applicable.

RELATED COUNCIL COMMITTEE OR ADVISORY BOARD RECOMMENDATIONS:
The Planning and Zoning Commission recommended approval on February 7, 2017. The motion passed unanimously.

CITY ATTORNEY REVIEW:
Not applicable.

STAFF RECOMMENDATION:
Staff recommends that the City Council approve the ordinance. City Council may dispense with the second reading of the ordinance.

SUPPORTING MATERIAL:
1. Notice - UDC Amendment (14) Ch. 4 Sec. 10.403.4.4 Swimming pools ans spas
2. Ordinance - Ch. 16, Art. 16.02: UDC Amendment, Ch. 4, Sec. 10.403.4.4
PUBLIC NOTICE
NOTICE OF TWO PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT THE HUTTO CITY COUNCIL AND THE HUTTO PLANNING AND ZONING COMMISSION WILL HOLD TWO PUBLIC HEARINGS REGARDING:

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) CHAPTER 4, SECTION 10.403: BULK, SETBACKS AND BUFFERS, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

A public hearing will be held on February 7, 2017 at 7:00 p.m.
A public hearing will be held on February 16, 2017 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
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HUTTO, TEXAS AMENDING THE CODE OF ORDINANCES (2014 EDITION), CHAPTER 16, ARTICLE 16.02 UNIFIED DEVELOPMENT CODE (UDC) CHAPTER 4, SECTION 10.403.4.4: SWIMMING POOLS AND SPAS, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, an amendment has been presented to the City Council of the City of Hutto, Texas to amend the Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code (UDC), Chapter 4, Section 10.403.4.4: Swimming pools and spas; and;

WHEREAS, on the 7th day of February, 2017, after proper notification, the Planning and Zoning Commission held a public hearing on the proposed amendment, and;

WHEREAS, the Planning and Zoning Commission recommended approval of the proposed amendments on the 7th day of February, 2017, and;

WHEREAS, on the 16th day of February, 2017, after proper notification, the City Council held a public hearing on the proposed amendment, and;

WHEREAS, the City Council determines that the amendments provided for herein promote 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 Code of Ordinances (2014 Edition), Chapter 16, Article 16.02 Unified Development Code Chapter 4, Section 10.403.4.4, entitled Swimming pools and spas, is hereby amended as follows:

Section 10.403.4.4 is hereby deleted in its entirety and replaced with the following:

10.403.4.4 Swimming pools and spas

Bulk standards for swimming pools and spas are:

a. Edge of in-ground or above ground pool, and in-ground spas:
   • Must be located at least 3 ft. from any freestanding structure, and at least 5 ft. from all side and rear lot lines;
   • May not be located within a utility easement; and
   • Must be placed in a rear or side yard.

b. Edge of concrete deck:
   • Must be located at least 5 ft. from all side and rear lot lines;
   • May not be located within a utility easement; and
   • Must be placed in a rear or side yard.

c. Edge of wood pool deck:
   • Same as for accessory structure in underlying 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 16th day of February, 2017 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 on this the 16th day of February, 2017, 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