



City of Hutto

MINUTES

City Council Meeting

Thursday, March 17, 2022 at 7:00 PM

City Council Chambers

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

1. **CALL SESSION TO ORDER: 7:00 PM**

2. **ROLL CALL**

Members of City Council present: Mayor Mike Snyder, Councilmember Robin Sutton, Councilmember Mandi Villarreal Salvo, Mayor Pro Tem Dan Thornton, Councilmember Krystal Kinsey, Councilmember Debbie Holland and Councilmember Peter Gordon.

Absent: None

Members of staff present: Issac Turner, Interim City Manager; Matt Wojnowski, Assistant City Manager; Stacy Schmitt, Assistant to City Manager; Angela Walton, Interim City Secretary; Padma Patla, Director of Engineering, Wade Benton, Consultant, Ashley Lumpkin, Executive Director of Business and Development; Cristian Rosas-Grillet, Legal Counsel and Gracie Perez, Assistant City Secretary

3. **INVOCATION**

4. **PLEDGE OF ALLEGIANCE**

5. **CITY MANAGER COMMENTS**

Isaac Turner, Interim City Manager:

Mayor, Members of the Council, members of the Public. I would like to acknowledge the successful event of Pet-A-Truck. Thanks to Matt Wojnowski, whose idea it was. To the Marketing, Communications and Marketing Team for getting the word out, to the Police Department and the Fire ESD and Public Works for bringing the equipment. It was a wonderful event, a lot of the kids and us older folks out there too, it was really great. Also, just a reminder to the Public and to the Council there's a Meet-and-Greet for the Police Chief Semi-Finalists on Monday the 21st in the Lobby here at City Hall from 4:30 to 6:30 and there is a Downtown Business Roundtable, March 24th from 8:30 to 9:30 in the morning at the Texan Café. Thank you, Sir.

6. **PROCLAMATION – Women's History Month – Diversity and Inclusion Commission**
Chairman Brian Thompson and Commissioner Marlise Prieto were both present accompanied by Councilmember Krystal Kinsey.

7. CITY COUNCIL COMMENTS

7.1. General Comments from City Council

Mandi Villarreal – Salvo:

So, the D&I Commission Chair asked me also to say some words real quick about Women's History Month. So, I did prepare something very quick, but this month serves as an international reminder of the importance of promoting women's equality and dignity and embracing our femininity that sets us apart. It's a privilege to be an educated woman with a voice to make changes with choices, a freedom to vote and the incredible privilege to serve my community as an elected official. Women's History Month reminds me both of the sacrifices made in order for me and my colleagues on the dais to have these privileges, and of the terrible injustices still prevalent in much of the world. I ask Citizens in Hutto to join me in celebrating the strong women in your lives, our mothers, our daughters, our sisters of Hippo Nation. So, thank you again to the D&I Commission for this proclamation today and for Council member Kinsey, for, you know, being our liaison. So, thank you. Also, just since we're on to council member comments, I want to say a hearty congratulations to Hutto Police Department, Lieutenant Bohmer, who retired this past week and after 30 years of service to the community. He is definitely an inspiration and not a lot of our officers are able to make it that long and so I'm really proud of our officers and Lieutenant Bohmer's, leadership and perseverance in the face of a lot of change that we've had in our City. He's been a constant for a lot of our new officers and I'm wishing him the best in his future endeavors in retirement. We also had a great time at the Pet-A-Truck Event so, thank you again to the City for hosting that. I know it was a quick put together and a lot of families are excited about doing that in the future again. It was wonderful to see literally hundreds of children descend upon City Hall and get really excited about water trucks and our vac trucks and of course our fire truck and police cars. And then all of our staff that was out there as well as Al Clawson Disposal that came with their trucks. Kids love trucks and so do parents. And it was just a beautiful day otherwise and a beautiful community showing with a lot of--a lot of great people there. So, thank you all for everybody participating and the staff for putting that together so quickly for spring break. That's it.

Robin Sutton:

I would like to thank Assistant City Manager, Wojnowski for his Friday letters. I think it provides Council with real vital information that we need to have that maybe we don't really realize that we're missing. And then, in this week, in particular, he actually added a couple things that I would like to see if we can put them on the website or make them more available to the public--and that was the permit information, and then also the fourth-quarter reports from the ISD on growth and projected growth and growth and school districts over the years. I think that would be good information for the public to have access to because I

found it very informative on a permit side and what we did on you know in 2021 and I'm also seeing that the school district is having to manage after the approval of all the rooftops that are coming in.

I would also like to thank staff for coordinating my interview with Community Impact today. It was an honor to be selected to represent Downtown Hutto and it's history and this article that's being put together by Carson and it's going to include Pflugerville and Round Rock's Downtown Districts. I really look forward to-- I really enjoyed discussing the history and sharing the opportunities we have to grow it and bring more attention to the downtown area. And I really look forward to highlighting our downtown area and getting people interested in wanting to come out and support our businesses and look forward to that article in April. So, thank you again, Allison, Carson and also Stacy.

Krystal Kinsey:

I just want to put two events out there. We've already talked about the Hutto Alliance, that's happening on April 30th. That's 5K that you can join online. And there's also on March 21st, the Chris Kelly Fundraiser at Rio Grande at evening. So, I believe it's 20% of the proceeds are going to the Chris Kelly Foundation. This was a Hutto Police Officer that was killed in line of action--the line of duty, that's the correct way to say it. And also March 26th is Casino Night. So, The Hutto Athletic Booster Club is putting this on. It was originally supposed to be in February but with all the heightened COVID numbers, it got moved March 26, so that would be a great way to come out and support the Hutto Athletics as well. Thank you.

Peter Gordon:

At the March 3, 2022 City Council meeting, Mayor Snyder made an announcement that public information regarding allegations of misconduct by former Hutto City Manager Odis Jones, previously requested in 2020 by a then-employed reporter with KXAN was finally able to be released, as directed by the Texas Attorney General. The information was in the form of a notice and demand letter alleging the misconduct written by the alleged victim's attorney and sent to then-City Attorney Mike Shaunessy dated November 13, 2019.

In order to ensure full transparency, I feel compelled to provide some clarification to the public after the Mayor's comments made at the last meeting, regarding the circumstances before me, the Mayor, and the rest of City Council in November and December 2019.

A special City Council meeting was called for November 16, 2019 in response of the City being notified of the allegations, to enable the City Council to deliberate and seek the advice of the then City Attorney. The City Attorney did not share the details or severity of the allegations made against the City Manager at this meeting, apparently intentionally withholding crucial information from the City Council.

It was abundantly clear that an internal investigation was initiated immediately upon notification of the allegations to determine whether the allegations were supported by any evidence. It appeared that the City's HR Director and the City Attorney were jointly responsible for the investigation.

During the next regular City Council meeting held five days later, on November 21, 2019, the City Council was provided with the findings of this internal investigation, including a detailed report and accompanying backup material and supporting evidence that the report was based upon. It was only then that the Council was made aware of the severity of the allegations against Odis Jones, which were detailed in the November 13, 2019 letter. Then-Councilmember Snyder was out of the country and did not attend this meeting. The Council elected to respond in the way that it did to the allegations based on review of the results of the investigation, and the City Council relied on the advice of the then City Attorney in making its decisions on what response was necessary and appropriate.

Based on the advice of the then City Attorney (advice which we are now seeking compensation for in court) upon exiting executive session, the City Council voted to end Odis Jones's contract without declaring its termination was "for cause", entered into a separation agreement, and ended his employment effective December 31, 2019.

Two weeks later the City Council, having enough discomfort as to the investigation being conducted internally, authorized a second investigation into the allegations, this time to be done by an "independent" investigator; however, looking back today, the "independent" investigator was selected by the then City Attorney. The independent investigator presented the findings of her investigation to Council on December 19, 2019, in Executive Session. Also in attendance was the City Attorney and an attorney assigned by the Texas Municipal League Intergovernmental Risk Pool, who had been assigned to represent the city in the event of litigation.

After this information was reviewed and discussed in Executive Session, the City Council considered item 11M on that agenda which read: "Consideration and possible action regarding the City Manager's Contract."

During that item, any council member had the authority to propose any action on the status of the City Manager's employment, including a motion to rescind the separation agreement, or modify the separation to be "for cause," or to accept the decision made at the prior meeting, based upon information known to us at the time. There was no action to alter the prior action. Instead, then-Councilmember Snyder motioned to place the City Manager on administrative leave, with pay, through December 31, 2019. This was seconded by former Councilmember Tanner Rose and the item passed unanimously.

At the end of last week's [3/3/22] Council Meeting, I requested an item to be placed on tonight's [3/17/22] Council Meeting agenda for "Discussion and possible action to release to the public the contents of the two investigations conducted into the City Manager's office in November and December 2019." These two investigation reports contain valuable context and detail into what the Council heard on November 21st and December 19th of 2019 regarding the investigations into the allegations, and which prompted the Council to not rescind the separation agreement and fire the City Manager for cause, but to instead put him on administrative leave.

We relied on the then City Attorney and his recommended independent investigator to provide us with candid evidence regarding the matter. That information is what the City Council had before us to make our decisions. There was a lot back then that we were not told, about what we could or couldn't do. With our new attorneys, we have discovered that the City Council has a great deal more authority than what we understood at the time, and we now intend to use it to keep the city prosperous and growing.

If we were told by the then City Attorney that the internal investigation revealed proof of misconduct, I would have voted against the 'no cause' separation agreement. If the independent investigator's report showed evidence supporting the allegations, I would have voted to fire the City Manager for cause and would have made the motion if no one else did. My actions and decisions in this regard were made relying on the legal advice and disclosure of the information gathered in the investigations and provided by the then City Attorney, the independent investigator, the Texas Municipal League Intergovernmental Risk Pool attorney, and the City HR Director.

Could the City Council have been given bad or limited advice regarding the possible options available to us with regard to actions we could have taken? In hindsight, the answer is probably yes, based on all the other issues we have discovered about that time, and how the City Manager and City Attorney misled us in other things. But, did I believe we were being manipulated at the time? No. I made the best decisions I could, with the information provided to me. I trusted our appointed attorneys, and I believe this is yet another example of where they let us down.

7.2 City Council Liaison Reports

Mandi Villarreal Salvo:

So, this last week, the Parks and Recreation Advisory Board --this last weekend, they actually went on a tour of all of our parks with our park Supervisor, Mr Jeff White. And as this is just another part of them, making sure that the priorities are bringing to Council for maintenance, repair and new additions is in line with what they're actually seeing out there, and so they all got to drive around together and go park to park. So, that was really great. And they had great ideas and they met

this last week on Wednesday and continued with --forward with conversations on what they're going to be recommending to Council for --to finish out this budget season and then our next budget season since it's coming up forward. And there's a lot of things happening there and some surprise, fun cool things coming to the community that I'm really excited about. So, good parks meeting.

Robin Sutton:

I just wanted to provide an update from the Historical Preservation Commission. I've said before that they're in the process of writing the history of Hutto and we were hoping to have more updates to this point. I did get an update today and we actually had two resignations on the writing committee and because of COVID and other things going on, it was kind of hard to coordinate. There are chapters that are being worked on now therefore, they are still working to get this together and if anybody out there that's listening that loves the City of Hutto and loves to write, you can reach out to myself and let me know if you're interested in participating in that.

Krystal Kinsey:

I'll update on the Diversity and Inclusion Commission, which we've heard a lot about that tonight. So, they have been working home proclamations and things of that nature. But, they approved their banner which I think you guys are really gonna like whenever you see it, they put so much thought and effort into that. If you go back and listen to or watch any of the D&I meetings, I would strongly suggest that that be the one. It was just a genuine, great meeting, a lot of work and it just was very—it was just really exciting to be there at the meeting and see the progress that they're making and leaps and bounds. And, so, they're gonna be coming to us with recommendations as well for speakers and training--and there is an agenda item that I would like to potentially move up as those Commission members are here to 11.5 whenever we after we approve consent, if we can end up 11.5, I would appreciate that.

Mayor Mike Snyder:

Alright, I've got one for EDC. We met. We talked about some economic deals coming. I know there's some wanting updates. I can't share more than we talked about some deals coming our way. So hopefully we get to know that soon. We did have our first on another board. We did have our first Emergency Preparedness meeting. We have four members; Matt Selby, Tom Quoma, Marcus Coleman and Donna Jones. Interestingly enough, they bring all different experience levels from different areas to the board. We started on an objective and we agreed to an objective, so I'll share that with the city and the Council. The objective of this committee is to make an action plan to aid the citizens of Hutto in the event of a natural disaster or MCI, Mass Casualty Incident in the City of Hutto. This committee is to formulate a plan and oversee its implementation. The plan must follow all state and local laws and be within FEMA guidelines to help the city residents to better cope with the emergency. This emergency action plan is to be all inclusive to all residents of Hutto and miss administered equally. We started on

the first thing that we're working on is communication, so that if there is an incident that happens like we had a year ago. The goal that we're trying to do is get it to where our Police and Fire are working on the Police and Fire should be working on. And, so, what do we do as the rest of the population, who helps each other, we can't all 30,000 have been on the city to handle that. And so we're working on communication, some ideas that came out of that or and I didn't know hand radios were still around but. Hand radios. They basically look like cell phones. And they operate completely off any emergency channel, so they don't interfere with that. They came up with a 30-60 -90 day action plan on the communication. We're also looking for more members to add into this, some other ideas for a city map, and incase entire communication systems went down and you couldn't get online. How do we know to go to different places. Like in terms of, if we had to shut off our water, due to some contamination. That happened. What would we-- what would we do then? So if you've any interest in this whatsoever and getting to be part of this, please reply. Right now, we're meeting on Tuesdays. Our next meeting is--oh, they're gonna be mad at me--it's coming up- and I apologize--oh, next meeting is March 29th, 6:30 PM. Emergency Preparedness.

8. PUBLIC COMMENT

Carolyn Cadenhead, submitted online. All Members of the Council are in receipt of a copy.

9. CONSENT AGENDA ITEMS

- 9.1. Consideration and possible action on approving the February 10, 2022, February 17, 2022, and February 24, 2022 City Council meeting minutes.
- 9.2. Consideration and possible action on Resolution R-2022-017 authorizing the City to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Hutto and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits. (Second reading)
- 9.3. Consideration and possible action on Resolution R-2022-024 authorizing the Interim City Manager to execute the authorized signer document for Enterprise Fleet Management; authorizing the listed individuals to sign lease agreements with Enterprise. (Angie Rios)
- 9.4. Consideration of a public hearing and possible action on Ordinance No. O-2022-008 approving a Specific Use Permit for the property known as 3250 Limmer Loop, to allow outdoor recreation facility use (UDC 10.304.6). (Ashley Lumpkin)
- 9.5. Consideration of a public hearing and possible action on Ordinance No. O-2022-006

approving a Specific Use Permit for the property known as 106 Taylor Street, to allow a medical office (dental) and associated parking. (Ashley Lumpkin)

- 9.6 Consideration and possible action on Resolution No. R-2022-023 accepting the infrastructure improvements for the subdivision known as Brooklands Subdivision, Section 5 (Padma Patla)

Councilmember Kinsey requested pulling Item 9.6 and Mayor Snyder pulled Item 9.2 from the Consent Agenda.

Councilmember Kinsey made the motion to approve the balance of the Consent Agenda, and Councilmember Holland seconded. Motion passed 7,0.

At this time, Councilmember Kinsey requested moving Item 11.5 up in the agenda.

- 11.5 Presentation and possible action regarding diversity and inclusion training. (Council Member Kinsey)

Chairman Brian Thompson and Commissioner Marlise Prieto were both present. They provided recommendations to the Council regarding a free Diversity and Inclusion training offered by Jim Tokaji with the ESSEC Business School.

10. ORDINANCES

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

Councilmember Villarreal Salvo made the motion to approve Ordinance No. O-2022-001, and Councilmember Kinsey seconded.

Councilmember Gordon made a motion to amend, requesting that conditional language is added to the ordinance and that the ordinance is provided with each lease. Mayor Pro Tem Thornton seconded. Motion passed 7,0.

11. OTHER BUSINESS

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

Councilmember Gordon advised that all members of the Communications Task Force will have to be reappointed. Two members informed Councilmember Gordon that they are not interested in being reappointed as they are no longer able to commit. Five of the seven members would be reappointed, leaving two vacancies. The members reappointed would be Andrew Ingrassia, Dana Wilcott, Jane Wrinkle, Sydnee Johnson, and Justin Shepherd. For the Library Advisory Board, Susanne Caufield and Bruce Anderson were nominated. For the Emergency Preparedness Task Force, Pete Palumbo was nominated. For the Comprehensive Plan Committee, Perry Savard was nominated. A motion was made by Councilmember Gordon to nominate the above members, Mayor Pro Tem Thornton seconded. Motion passed 7,0.

- 11.2. Consideration and possible action on Resolution No. R-2022-025 authorizing the City Manager to enter into an agreement for police overtime assignment services by Off Duty Management (Police Chief Jim Stuart)

Councilmember Villarreal Salvo made the motion to approve, and Councilmember Sutton seconded. Motion passed 7,0.

- 11.3. Update on Downtown projects (Bob Farley, Kristi Robich)

No action was taken. Staff was requested to bring back a priority list as a future agenda item after meeting with local business owners.

- 11.4 Discussion and possible action to create a Business Board (Mayor Snyder)

City Councilmembers briefly discussed the formation of a business board. Staff was instructed to come back with recommendations.

12. EXECUTIVE SESSION:

- 12.1. Receive legal advice pursuant to Texas Government Code Section 551.071 and deliberate pursuant to Texas Government Code Sections 551.087 and 551.072 regarding economic development negotiations in and around the Megasite and consideration and conveyance of assignment and assumption agreements conveying Option to Purchase Real Property Agreements to promote economic development.
- 12.2. Receive legal advice pursuant to Texas Government Code Section 551.071 in connection with Longhorn Title Co. v. Preston Hollow Corporation, LLC et al, pending in Williamson County District Court; Preston Hollow Capital LLC v. Nuveen Asset Management LLC, pending in the U.S. District Court for the Southern District of New York in connection with non-party discovery matters.
- 12.3. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.

- 12.4 Receive legal advice pursuant to Texas Government Code Section 551.071 relating to the Amended and Restated Utility Service Area Agreement between the City of Hutto, Texas and Jonah Water Special Utility District.
- 12.5 Receive legal advice pursuant to Texas Government Code Section 551.071 relating to authorizing city staff to negotiate and execute Non-Disclosure Agreements on behalf of the City in relation to economic development projects with other entities.
- 12.6 Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege and releasing to the public with certain redactions the results of the two investigations conducted by Sheila Gladstone and the City of Hutto into purported City Manager misconduct in 2019.
- 12.7 Receive legal advice pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege and releasing to the public with certain redactions the results of the two investigations conducted by Judy Osborn and McGinnis Lochridge into purported City Manager misconduct in 2017.
- 12.8 Receive legal advice pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision.

Reconvened at 12:07 a.m. No action was taken in Executive Session.

13. ACTION RELATIVE TO EXECUTIVE SESSION

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 and deliberations pursuant to Texas Government Code Sections 551.087 and 551.072 regarding economic development negotiations in and around the Megasite and consideration and conveyance of assignment and assumption agreements conveying Option to Purchase Real Property Agreements to promote economic development. – *No action*
- 13.2. Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 in connection with Longhorn Title Co. v. Preston Hollow Corporation, LLC et al, pending in Williamson County District Court; Preston Hollow Capital LLC v. Nuveen Asset Management LLC, pending in the U.S. District Court for the Southern District of New York in connection with non-party discovery matters. – *No action*
- 13.3. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests. – *No action*
- 13.4 Consideration and possible action related to legal advice received pursuant to Texas

Government Code Section 551.071 relating to the Amended and Restated Utility Service Area Agreement between the City of Hutto, Texas and Jonah Water Special Utility District.

Councilmember Gordon moved to ratify the June 18 agreement, and a resolution will be drafted. Councilmember Villarreal Salvo seconded. Motion passed 7,0.

- 13.5 Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 relating to authorizing city staff to negotiate and execute Non-Disclosure Agreements on behalf of the City in relation to economic development projects with other entities.

Councilmember Kinsey made the motion to approve as presented, and Councilmember Holland seconded. Motion passed 7,0.

- 13.6 Consideration and possible action related to legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege and releasing to the public with certain redactions the results of the two investigations conducted by Sheila Gladstone and the City of Hutto into purported City Manager misconduct in 2019.

Councilmember Gordon make the motion to approve releasing the report with proper redactions, and Councilmember Kinsey seconded. Motion passed 7,0.

- 13.7 Consideration and possible action related to legal advice received pursuant to Texas Local Government Code Section 551.071 relating to waiving the attorney-client privilege and releasing to the public with certain redactions the results of the two investigations conducted by Judy Osborn and McGinnis Lochridge into purported City Manager misconduct in 2017.

Councilmember Gordon make the motion to approve releasing the report with proper redactions, and Councilmember Kinsey seconded. Motion passed 7,0.

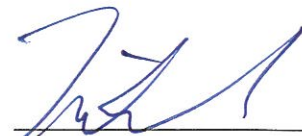
- 13.8 Consideration and possible action related to legal advice received pursuant to Texas Government Code Section 551.071 relating to construction defects in the Brooklands Subdivision. – *No action*

14. ADJOURNMENT: 12:23 a.m.

ATTEST:


Angela Walton, Interim City Secretary




Mike Snyder, Mayor