



# City of Hutto

## MINUTES

### City Council Meeting

Thursday, March 3, 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](http://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: Isaac 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 – Led by Pastor Skorzewski of Christ the Rock Church
4. PLEDGE OF ALLEGIANCE
5. CITY MANAGER COMMENTS – Isaac Turner

5.1. Mr. Mayor, Members of the Council, Members of the Public, on behalf of the City of Hutto Team that is assisting with the recruitment of a police chief, we're assisting SGR, the executive firm. I would like to announce that on March the 21<sup>st</sup>, in the evening, sometime between 4:00 and 6:30, we will have a meet—and-greet for police chief candidates. The public is invited to that. We'll have the exact time within a week or so, but we want to go ahead and have everyone put that on their calendars. It will be here at City Hall and you'll get a chance to meet and speak with the police chief candidates. Also, for the Council, on March the 22<sup>nd</sup> at 7:30, there will be a get-together prior to the interview, starting with the senior staff-- City Council Members, you're welcome to come and attend. So, the 21<sup>st</sup> around 4:30 to 6:30 and the 22<sup>nd</sup> at around 7:30 in the morning--- and we'll give you that location at a later date for the 730 one. The meet-and-greet will be here at City Hall, in the council chambers. Thank you.

## 6. CITY COUNCIL COMMENTS

### 6.1. Councilmember Debbie Holland:

I like to just report on the Amplify Austin Day of Caring that was yesterday and today, it's over now, at 6:00 PM, but it was held at Stockade Kitchen and there were-- I'm not exactly sure how many nonprofits, but maybe about twelve that were there. We had raffles. It was just a--it was a great evening of kind of, first of all, just everybody being out and about and having conversation and learning about the different nonprofits that are here in town. Thank you.

### 6.2. Councilmember Mandi Villarreal Salvo:

On Monday St. Patrick Catholic Church hosted a community-wide, a prayer vigil for Ukraine and just peace throughout the community and we had really nice attendance from the community, both our English and Spanish speaking members and it was really a beautiful evening. The Mayor, Mayor Pro Tem and I were in attendance. It was a great night for everyone to come together and pray for peace. So, thank you all to those that came out with the rest of the community members and for thinking about our brothers and sisters on the other side of the world with what they're going through right now. Thank you.

### 6.3. Mayor Mike Snyder:

I have an announcement of some matters of Community Interest that need to be shared by the City with the public, before KXAN does.

After Odis Jones was hired in December 2016, the City of Hutto began to change. It's long time and respected City Attorney, Charlie Crossfield, was let go and in February of the next year Bill Bingham and Michael Shaunessey of McGinnis Lochridge started doing the legal work of the city "as directed by Odis Jones".

Almost immediately, Jones had conflicts with many long-term employees, terminating some, with others resigning, leaving the city with vacancies for two assistant city managers, the police chief and the director of human resources, among others, within months of taking the City Manager position.

Foreshadowing the November 2019 disturbing report, in 2017, three long-time and trusted female employees of the city, filed gender harassment complaints against Jones with the Equal Employment Opportunity Commission and the Texas Workforce Commission. The claims were initially sustained by attorney Judy Osborn, serving as an independent third party investigator, who was terminated upon providing the findings of her report and again came McGinnis Lockridge, the City Attorney, who is in this case referred to as an "outside law firm" and therefore being disguised as independent, quickly came in and determined that Jones did "nothing wrong". After which all three women obtained settlements despite the asserted lack of Jones' wrongdoing.

After so many issues, problems, the lack of transparency and accountability, I decided to run and was elected May 4<sup>th</sup>, 2019 on a platform of creating transparency, ensuring accountability and to see that things that were not being done correctly at City Hall would be corrected. And, I promised to work hard to

make corrections, and I am still working hard on correcting the mistakes by our leaders in the past.

Being one to “rock the boat”, by August of 2019, just 2 months in office, I was being investigated by the City Attorney (Shaunessey) at the request of a group of City Council members for something that was undisclosed to me and “too disturbing” to discuss in public. This was used at bait by the other council members, offering to disclose this “disturbing issue” to me if I agreed to go into the back in an Executive Session to discuss it, so ***their statements would not be made in public***. Well, we know now that investigation was a ruse and an attempt to roadblock the truth from being told.

However, this was not the first time Odis Jones had the Hutto Council take this kind of action. KXAN reported in its December 16, 2019 story about Hutto that: McGinnis and Lockridge’s attorney billing started in February 2017. It was engaging at least two attorneys, Bill Bingham and Michael Shaunessey, plus McGinnis Lochridge paralegals to ***solely work “to provide advice in connection with economic development,”*** according to a Feb. 15, 2017 “Engagement Letter” between the city and McGinnis Lochridge.

However, the billing obtained by KXAN showed one of the law firm’s first documented tasks was a March 13, 2017 job Shaunessey performed to open an investigation into a council member’s “interference with work of City Manager” Odis Jones and other “personnel” matters.

So, Jones used the tactic in 2017 and now that I was elected, tried again in 2019, but I didn’t blink. Being one to demand transparency and accountability, the Odis Jones’ use of “economic development” attorneys to perform City Councilmember investigations, an issue which was outside of the scope of their engagement and an act immediately against a councilmember, speaks volumes to the ploy being used by McGinnis and Jones to usurp control over the city and the city council and hide the truth from the public. Hutto regrettably was such a victim, but no more on my watch.

Moving on, the city had a “Council Retreat” in San Antonio in June 2019. The unfolding of events there have not been made public, yet. The happenings in San Antonio, in my opinion, has led to much of the infighting in Hutto. Anyone interested can file a PIA request for a letter dated 11.13.19, from Howard Kobelan to our then City Attorney, Michael Shaunessey and find out for yourself.

This letter led to a never before called Special Council Meeting on the morning of Saturday 11.16.19, while I was preparing to go out of the country with my family on vacation. The City Council received a report about workplace allegations against the City Manager relating back to the Council Retreat. They were very disturbing allegations involving the City Manager, to say the least, however, our then legal counsel, McGinnis Lochridge, did not disclose that the written allegations, were not only disturbing, but criminal.

I left the next morning for a pre-planned trip to Costa Rica with my family on 11.17.19. Knowing I was unavailable to attend a Council Meeting, some of the then Council, quickly worked out a plan to take place on November 21<sup>st</sup>, 2019, where members of the City Council voted to discontinue the employment of City Manager Odis Jones and provide him with severance pay of over \$400,000, just 6 days after receipt of the Kobelan letter. Keep in mind, a few of the council members were as clueless as the public as to what was going to happen on November 21. The agenda posting was illegally vague, the vote that occurred was legally defective and took place around 2am which appeared to be a means to avoid transparency as was the modus-operandi while Odis was employed. When I returned from vacation, it was upsetting that the City Council voted to terminate the City Manager “without, cause” and pay him hundreds of thousands of dollars, without conducting a 3<sup>rd</sup> party investigation into the allegations made. Terminating him without cause is something I had nothing to do with and took place almost entirely behind closed doors. Since that time, certain former council members and other associates of theirs, have taken EVERY effort to discredit anyone willing to speak out on what went on, on that June night in San Antonio or why the Jones separation was so rushed.

On December 16, 2019, KXAN reported about Hutto during Odis Jones’s reign as City Manager, titled, “Hutto Secrecy: Small town second only to Dallas in lawsuits blocking public records.” After reading it, I knew my transparency goal was under fire from the beginning. The story reveals that: “Within four months, [of his hire] Shaunessy filed the first lawsuit that Hutto has ever filed against the attorney general’s office to block the release of public records!”

In 17 different letter rulings — which are essentially legal opinions — the attorney general’s Open Records Division told Odis that the city had to release at least some part of the requested information sought to be withheld. The city manager disagreed with every ruling and apparently told the City Attorney, Mike Shaunessy to file lawsuits against the attorney general, to continue to prevent the disclosure of the information and to ask a Trial judge to second guess the Texas Attorney General’s rulings. All at the expense of the taxpayer to the tune of hundreds of thousands of dollars. When asked by KXAN about these lawsuits and what the TX AG had ruled, Shaunessy stated “We contend the AG’s office got it wrong”.

In this story, now, Councilmember Sutton was quoted as stating “It’s time to clean house” and held a main complaint about the city’s lack of transparency with city records and how the city dealt with complaints concerning outgoing city manager Odis Jones.

So, the lack of transparency and open record fights for Hutto didn’t start until Jones and Shaunessy’s arrival, in the middle of 2017!

It wasn’t long after that, that the puzzle pieces started to fall in place.

Accusations, unapproved and unfunded employee severance agreements with gag

provisions preventing the employee from saying anything about the severance, contractual issues, development issues, Federal lawsuits, State lawsuits, Bond fund complications, accusations against the City and a number of members of the City Council, and City Council members resigning and forfeiting office. What a crazy 2020.

Now, I believe I can share why. And, because a long-lasting litigation attempt by Odis Jones to keep records secret and out of the public view, failed, it is now available for the public to see.

I'm sorry that it takes time to get to the truth, especially when people bury it so deep it takes great effort to dig it out. And, we have all heard or felt litigation fatigue. But now, after all the time, effort and expense, we must get to the truth, ensure accountability for those, so that perhaps we never have to be in this kind of litigation again. The city will outlive all of us.

While it has taken until now, over two-years later as shown by the January 28, 2020, Austin American Statesmen bread crumb trail when it reported that:

"...the Hutto City Council approved a \$115,000 settlement with former employee who filed a discrimination claim against the city. A memorandum about the settlement agreement has been released to the public but does not say why the claim was made.

When the council approved the agreement Thursday, it also voted to ask the Texas attorney general for a ruling about whether it could release more details about it, said Stacy Schmitt, a city spokeswoman and assistant to the city manager.

The Texas Municipal League will pay \$60,000 of the total settlement and the city will pay the rest,..."

And yet, we still couldn't disclose the details of the claim. And that Texas Attorney General ruling, which we requested, was attacked by Odis Jones in Travis County District Court. And now, finally, it is over. It took 2 years, but here we are, finally able to expose the truth! So, litigation is a marathon, not a sprint. So, the announcement is: It's all coming out now! EVERY detail of the allegations. Also, EVERY decision that the City Council made during this time. The people on the outside that say "where's the proof", "just a bunch of lies", well, all that was asked by some of us, was to do what we felt was right, and conduct a 3<sup>rd</sup> party investigation of the allegations. But the payout was quicker, quieter, and in my opinion, swept the matter under the rug, to be forgotten by those that do not have the necessary morals or ethics to get the truth. There is a wonderful thing about Public Information, sooner or later, the information will come out. I have waited over four years to be able to let the people know. So now you know!

As your Mayor, I bring no joy in talking about this. But I am one who believes that to make amends for things in the past, first, I feel that one must admit what happened, hold those responsible for actions taken, and hopefully, learn from the experience so we can move forward with respect. This city has paid over 15 people settlement payments because of behavior in City Hall. But many want to downplay that. We can't ignore the truth anymore because the legal process has made a win for those who have been wronged.

On January 25<sup>th</sup>, 2022, Cause NO. D-1-GN-20-002207 was ruled on. The presiding judge, granted the Defendants (Attorney Ken Paxton and the City of Hutto), Motion for Summary Judgment and denied Odis Jones Motion for Summary Judgement in the appeal brought by Mr. Jones, appealing the decision requesting the city be able to withhold this information. Based on the Texas Attorney General's Letter Ruling this information should have been publicly available within 10 business days after its request, with only the victim's name redacted from the report. So, when Shaunessy stated that "We contend the AG's office got it wrong, OK", in reality, it appears that it was Shaunessy who got it wrong.

So, again, as your Mayor, I do not want this information coming from KXAN first and then something from the City of Hutto. There are people here now, who were here then who may have some explaining to do with the public. That is not on me. That is on them, I am confident, that when the Hutto history books are written, history will be on the side of a couple of councilmembers who did not like the way this was taken care of. But due to being outvoted, harassed, intimidated and sued, we felt like it was only a matter of time before the truth came out, and had the tenacity to see it through. I feel that is my commitment to you as mayor, to see it through and to not compromise my values, Hutto's values. And, as said in John 8:32, "The Truth shall set you free".

7. PUBLIC COMMENT

- *None*

**8. CONSENT AGENDA ITEMS**

- 8.1. An ordinance of the City of Hutto, Texas, amending the budget for the fiscal year of October 1, 2021 through September 30, 2022, by appropriating and setting aside the necessary funds for additional expenditures, in accordance with existing statutory requirements; finding municipal purposes; providing for a severability clause; and providing for an effective date. (Angie Rios) (Second Reading)
- 8.2. Consideration and possible action on Resolution No. R-2022-018 accepting the infrastructure improvements for the subdivision known as Hutto Crossing Phase 4 Section 11 (Padma Patla)

- 8.3. Consideration and possible action on Resolution No. R-2022-022 amending the City Council Protocol Policy to provide for a nominating and voting process for positions not subject to the Nominating Committee recommendations under Section 2.02.003 of the Code of Ordinances. (City Council)

*Councilmember Gordon made the motion to approve the Consent Agenda as presented, and Councilmember Villarreal Salvo seconded. Motion passed 7,0.*

## **9. ORDINANCES**

- 9.1. 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).

*After extensive discussion, no action was taken. Item will be brought back to the March 17 meeting.*

- 9.2. Consideration of a public hearing and possible action on Ordinance No. O-2022-007 approving a Specific Use Permit for the property known as 208 West Austin Avenue and 201 West Front Street, to allow a warehouse use (UDC 10.304.7). (Ashley Lumpkin)

*After discussion, no action was taken. Item will be brought back to a future meeting.*

- 9.3. 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)

*Councilmember Villarreal Salvo made the motion to approve Ordinance No. O-2022-008 with staff recommendations, and Councilmember Holland seconded. Motion passed 7,0.*

- 9.4. Consideration of a public hearing and possible action on Ordinance No. O-2022-009 approving a Specific Use Permit for the property known as Hippo Café, 109 East Front Street, to allow a drive-thru window and approach. (Ashley Lumpkin)

*Councilmember Gordon made the motion to approve Ordinance No. O-2022-009 with staff recommendations, and Councilmember Villarreal Salvo seconded. Motion passed 6,1.*

- 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)

*Councilmember Villarreal Salvo made the motion to approve Ordinance No. O-2022-006, and Councilmember Sutton seconded. Motion passed 7,0.*

## **10. RESOLUTIONS**

- 10.1. Consideration and possible action on Resolution No. R-2022-019 authorizing the City Manager to enter into an agreement for engineering and design services of the Lakeside Estates Phase 1 sidewalk project. (Angie Rios, Wade Benton)

*Councilmember Villarreal Salvo made the motion to approve Resolution No. R-2022-019, and Councilmember Kinsey seconded. Motion passed 7,0.*

*Recess – 9:46 pm.*

*Reconvened – 10:01 pm.*

At this time, Mayor Snyder moved Item 11.2 up in the agenda. There were no objections.

- 11.2. Discussion regarding Racial Profiling results. (Dr. Alex Del Carmen)

*Dr. Del Carmen presented the results from 2020 and 2021 to the City Council.*

- 10.2. Consideration and possible action on Resolution No. R-2022-020 approving an agreement for installation of generators between Waukesha-Pearce Industries Inc. and the City of Hutto, in an amount not to exceed six hundred sixty-eight thousand two hundred fourteen dollars and forty-five cents (\$668,214.45) through Buyboard contract no. 579-19 for the purchase and installation of generators for City facilities; authorizing the Interim City Manager to execute the agreement; and providing an effective date.

*Councilmember Villarreal Salvo made the motion to approve Resolution No. R-2022-020, and Councilmember Gordon seconded. Motion passed 7,0.*

- 10.3. Consideration of a public hearing and possible action on Resolution No. R-2022-021 authorizing and creating the Estates of Hutto Public Improvement District within the City of Hutto pursuant to Chapter 372 Texas Local Government Code, providing an effective date, and related matters thereto. (Legal)

*Public Hearing was opened at 10:38 pm. and was adjourned at 10:41 pm. No action was taken at this time.*

## **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 Brad Walker, who formerly served on the COMP2040 committee, has moved out of the area. The Nominating Committee advised that they were looking for a member from Parks to join. Councilmember Gordon also discussed the need to track the terms of all appointments. Councilmember Kinsey advised that they still need members to serve on the ADA Task Force. She also mentioned the need for a protocol to address complaints, removals etc. for Commission members. Mayor Snyder advised that the protocol item will be added to a future meeting agenda.*

*Councilmember Villarreal Salvo volunteered joining the ADA Task Force.*

- 11.3. Present the Budget Calendar for the FY 2023 budget and receive budget guidelines from the City Council. (Angie Rios)

*Chief Financial Officer Angie Rios presented the budget calendar for FY 2023 and received budget considerations from City Council.*

- 11.4. Discussion regarding developers presenting outside of the development process. (City Council)

*City Council discussed at length developing a streamlined process that will improve the current development process. No action was taken.*

## **12. EXECUTIVE SESSION: 11:53 p.m.**

- 12.1. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 12.2. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the creation of the Estates of Hutto Public Improvement District.
- 12.3. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the request for wastewater services pertaining to the Corespaces site.

## **13. ACTION RELATIVE TO EXECUTIVE SESSION**

- 13.1. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to Pending Legal Requests, Potential Claims and City Council Legal Requests.
- 13.2. Consideration and possible action related to legal advice received pursuant to Texas Government Code Sec. 551.071 related to the creation of the Estates of Hutto Public Improvement District.

- 13.3. Consideration and possible action related to the request for wastewater services pertaining to the Corespaces site pursuant to Texas Government Code Sec. 551.071.

*Reconvened at 12:24 a.m. No action was taken in Executive Session.*

*Mayor Snyder recalled Item 10.3.*

- 10.3. Consideration of a public hearing and possible action on Resolution No. R-2022-021 authorizing and creating the Estates of Hutto Public Improvement District within the City of Hutto pursuant to Chapter 372 Texas Local Government Code, providing an effective date, and related matters thereto. (Legal)

*Councilmember Villarreal Salvo made the motion to adjourn this item to June 2, 2022 City Council meeting with updated community benefits, and Councilmember Gordon seconded. Motion passed 4,3.*

*Councilmember Villarreal Salvo requested as a future agenda item a review and update of PID policy.*

*Mayor Snyder called Item 13.3.*

- 13.3. Consideration and possible action related to the request for wastewater services pertaining to the Corespaces site pursuant to Texas Government Code Sec. 551.071.

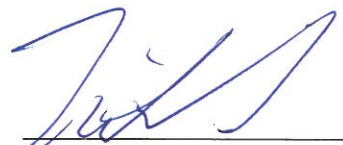
*Councilmember Sutton made the motion to not pursue dual CCN certification, and Councilmember Holland seconded. Motion passed 7,0.*

**14. ADJOURNMENT: 12:31 p.m.**

ATTEST:

  
Angela Walton, Interim City Secretary



  
Mike Snyder, Mayor