



CITY COUNCIL REGULAR MEETING MINUTES

MONDAY – MAY 13, 2019 – 6:30 PM

2801 Ranch Road 1869 - Liberty Hill, Texas

CALL TO ORDER

The Regular Meeting of the City Council of Liberty Hill was called to order by Mayor Rick Hall on Monday – May 13, 2019 at 6:30 PM in Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas. Invocation was given by John Jernigan; Pledge of Allegiance and Texas Pledge were recited. Council Members Present: Rick Hall; Liz Rundzieher; Tony DeYoung; Steve McIntosh; Gram Lankford; and Ron Rhea. Staff & Guests Present: Dottie Palumbo – City Attorney; Greg Boatright; Sally McFeron; Becky Wilkins; Wayne Bonnet; Tracy Ventura; Barbara Zwernemann; and Nancy Sawyer.

SPECIAL RECOGNITION

Mayor Rick Hall will recognize Liz Branigan and Troy Whitehead for their hard work and contributions to the City of Liberty Hill. Outcome: This item was postponed as Ms. Branigan and Mr. Whitehead were not in attendance.

PUBLIC HEARING

Mayor Hall opened the Public Hearing at 6:30 PM stating this is a NOTICE OF PUBLIC HEARING FOR ZONING MAP CHANGE. NOTICE IS HEREBY GIVEN that the Planning & Zoning Commission and City Council of Liberty Hill, Texas will conduct PUBLIC HEARINGS to consider a request for zoning map change for property located in the City of Liberty Hill, better described as:

37.090 ACRE TRACT OF LAND LOCATED IN THE JOHN B. ROBINSON SURVEY, ABSTRACT NO. 521, WILLIAMSON COUNTY, TEXAS, BEING THE SAME 37.0928 ACRE TRACT OF LAND CONVEYED TO FALCON/WESTMINSTER-2 PARTNERSHIP LLP, IN A WARRANTY DEED RECORDED IN DOCUMENT NO. 1999032137, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 37.0928 ACRE TRACT OF LAND BEING THE SAME TRACT OF LAND CALLED 37.13 ACRES CONVEYED TO HORSESHOE VILLAGE MHC, LLC, IN A SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2008089655 OF SAID OFFICE

PUBLIC RECORDS, SAID 37.13 ACRE TRACT BEING THE SAME TRACT OF LAND CALLED 37.135 ACRES CONVEYED TO ESTATES OF LIBERTY HILL MHC, LLC, IN A SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2014055130 OF SAID OFFICIAL PUBLIC RECORDS

AND

14.951 ACRES OUT OF THE JOHN B. ROBINSON SURVEY, ABSTRACT NO. 521 SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 67.90 ACRE TRACT CONVEYED TO THOMAS W. MCCOLLUM, BY

DEED OF RECORD IN VOLUME 1891, PAGE 234 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 14.951 ACRES.

The subject tract is better known as The Estates of Liberty Hill located on the east side of HWY 183 just past Seward Junction.

Applicant is proposing zoning change to MH2 upon annexation into the municipal boundaries of the City of Liberty Hill.

The PLANNING & ZONING COMMISSION and CITY COUNCIL of Liberty Hill, Texas will hold PUBLIC HEARINGS on Tuesday - May 7, 2019 at 12 Noon and Monday - May 13, 2019 at 6:30 PM, respectively, to receive comments on the merits of this request at Council Chambers (Municipal Court Building) located at 2801 Ranch Road 1869 in Liberty Hill.

Anyone having interest in this request is invited to attend and present comments to the Planning & Zoning Commission and City Council for consideration at these meetings.

If you have questions pertaining to this zoning request please contact Sally McFeron - Planning Department 512-778-5449 x 105. The Public Hearing was closed at 6:36 PM.

PUBLIC COMMENTS

Mayor Hall introduced Jack Harkrider, resident and Liberty Hill Economic Development Corporation Director. Mr. Harkrider stated he has grown weary of the continuing divide in our society. He chose some Bible verses he stated could act as a guide for Council when working with others. He provided copies to Council.

REPORTS TO CITY COUNCIL

Public Works Report

Wayne Bonnet – Director of Public Works provided his written report to Council and presented.

- Myrtle Street is now fully paved.
- Grange and Monroe should be complete soon.
- The Public Works Department staff all received CPR training and are now certified.
- Working up quotes for additional street maintenance.
- Well 6 is almost complete with its refurbishing.
- TCEQ sent out a consultant and the consultant was impressed with how things are going with the wastewater treatment plant. Mayor Hall corroborated stating he and the City Administrator also heard that from the consultant.

LH Police Department Report

Chief Maverick Campbell presented.

- There was an uptick in traffic accidents, 21, but of those, 19 had no injuries.
- There was an active shooter threat last week at the high school. The PD worked with the County to address this issue. Chief Campbell commended PD staff on their response to this.

- Saturday, May 18th, from 10 AM until 2 PM, there will be a Police Department-sponsored Fun Day at Grace Alive Church. There will be child-centered activities including life skills training.
- Donuts with the Chief is May 30th at Texas Girls and Guns.
- PD has completed a body armor grant which was submitted today.

Administrator's Report

Greg Boatright – City Administrator presented.

- Wetzel Park drainage concerns dictated raising the splash pad up one foot.
- Fowler building is coming along and should be ready for the Art Festival.
- Other projects are moving along.

CANVASSING ELECTION & OATH OF OFFICE

Discuss and Consider a Resolution of the City Council of Liberty Hill, Texas canvassing the May 4, 2019 General Election with votes Certified by the Williamson County Elections Administration shown as EXHIBIT A for Alderman – Place 1; Alderman – Place 3; and Alderman – Place 5 providing for severability; finding and determining that the meeting at which this Resolution was adopted was open to the public as required by law; and establishing an effective date.

Alderman Place 1 - Total # of Votes: 117

Steve McIntosh	74 Votes	63.25%
Troy Whitehead	43 Votes	36.75%

Alderman Place 3 - Total # of Votes: 118

Gram Lankford	72 Votes	61.02%
Liz Branigan	46 Votes	38.98%

Alderman Place 5 - Total # of Votes: 120

Liz Rundzieher	78 Votes	65%
Bill Brannan	42 Votes	35%

Outcome: Barbara Zwernemann provided official election results from Williamson County. On motion by Liz Rundzieher and second by Ron Rhea, Council approved Resolution 19-R-28 canvassing the May 4, 2019 general election for Alderman – Place 1; Alderman – Place 3; and Alderman – Place 5; providing for severability; and establishing an effective date. **Motion passed on vote of 3 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Administer Certificates of Election, Oath of Office and Statement of Officers for the May 4, 2019 General Election as follows for two-year terms each beginning May, 2019 and expiring on May, 2021 for the following Councilmembers.

- Alderman Place 1 – Steve McIntosh**
- Alderman Place 3 – Gram Lankford**
- Alderman Place 5 – Liz Rundzieher**

Outcome: Mayor Rick Hall administered certificates of Election, Oaths of Office, and Statements of Officers for the May 4, 2019 General Election for two-year terms each beginning May 2019 and expiring in May 2021 for Steve McIntosh, Gram Lankford, and Liz Rundzieher.

Following the swearing in of the officers, Steve McIntosh, Gram Lankford, and Liz Rundzieher moved to the dais for the remainder of the meeting.

CONSENT AGENDA

Outcome: On motion by Liz Rundzieher and second by Ron Rhea, consent agenda items, with the exception of the April 22, 2019 minutes which were missing from the agenda packet, were approved. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

REGULAR AGENDA

Discuss and Consider electing a Mayor Pro Tem of the City of Liberty Hill for a one-year (1) term which will begin May 13, 2019 and expire May 7, 2020. Outcome: On motion by Steve McIntosh and second by Gram Lankford, Council approved Liz Rundzieher as Mayor Pro Tem of the City of Liberty Hill for a one- (1) year term which will begin May 13, 2019 and expire May 7, 2020. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider Acceptance of Dedicated Right-of-Way Documents for the Van Alley Parking and Drainage Project. Outcome: Greg Boatright presented stating this adds 18 parking spaces on Van Alley for downtown public parking. Sally McFeron and Pix Howell have been meeting with landowners for the past six (6) months. The City is paying for all costs to make this happen. Mayor Hall agreed that the additional parking is needed. On motion by Ron Rhea and second by Tony DeYoung, Council accepted dedicated right-of-way documents for the Van Alley parking and drainage project and authorized Greg Boatright - City Administrator and Mayor Rick Hall to execute on behalf of the City. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider an Ordinance of the City of Liberty Hill amending the role of the Parks and Recreation Board from advisory to reporting direct to City Council. Dottie Palumbo – City Attorney presented stating this ordinance amends the role of the Parks and Recreation Board while also allowing Council members to serve on the Parks and Recreation Board. Outcome: On motion by Ron Rhea and second by Liz Rundzieher, Council approved Ordinance 19-O-25 amending the role of the Parks and Recreation Board from advisory to reporting directly to City Council. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider Approval of an Interlocal Agreement for CR 200 between the City of Liberty Hill and Williamson County. Outcome: Sally McFeron – Director of Planning presented stating this Agreement is for the improvements to CR 200. The improvements will impact the Park and its drainage. Williamson County will reimburse the City up to \$43,000 and will add 40 feet of culvert. The County has already approved this agreement. On motion by Steve McIntosh and second by Ron Rhea, Council approved the Interlocal Agreement for CR 200 between the City of Liberty Hill and Williamson County. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider a Moratorium on City of Liberty Hill Capital Improvement Projects (CIPs) to be effective immediately. Outcome: Liz Rundzieher – Council Member presented stating she asked for the moratorium on all Capital Improvement Projects because there are three (3) new council members. She would like to have a workshop to discuss each project. She

asked Becky Wilkins – Finance Director to present the summary of projects/costs to Council. Ms. Wilkins stated the summary shows what the City has spent to date. Project subtotals take prior years' expenditures into consideration. Ron Rhea – Council member suggested Council take no action, stating the request does not meet Texas Code for a moratorium: there is no crisis, and the reasoning for the request does not align with the test for a moratorium. Council can still provide a workshop. Dr. Rhea stated a moratorium could potentially affect the City's Double A bond rating in an adverse way. Dottie Palumbo – City Attorney cited Texas Municipal Government Code Section 212.134 which covers moratoriums. Ms. Palumbo stated, in general, moratoriums are reserved for failures in water/sewer or other like crisis. She stated that, further, these are all ongoing projects, some subject to contracts which would leave the City vulnerable to legal consequences. **No action was taken, and the item was postponed.**

Discuss and Consider an amendment to the One-Way Street project; specifically temporarily amending traffic on a portion of Barton and Myrtle Streets from one-way traffic to two-way traffic. Outcome: Liz Rundzieher – Council member would like to temporarily amend the traffic on Barton and Myrtle Streets from one-way to two-way to relieve congestion. Ron Rhea – Council member stated he thought it would be wise to bring in a consultant before making this change. Ms. Rundzieher asked why the City would pay a consultant to tell them what they already know. Steve McIntosh – Council member stated a consultant has already come in. Ron Rhea – Council member stated Chief Campbell and Greg Boatright – City Administrator recommended to Council that the current one-way streets be left alone. Greg Boatright – City Administrator reminded Council that a police officer was placed at the intersection recently which caused more traffic problems and put the officer at risk. Dottie Palumbo – City Attorney stated since a hearing was previously held and no action was taken, Council would have to hold another public hearing and amend the Ordinance. On motion by Liz Rundzieher and second by Ron Rhea, Council postponed this item until May 28, 2019. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider approving a representative from the City of Liberty Hill to serve on the Community Resource Center Advisory Board, which connects people with needs to agencies who provide services in Liberty Hill. Outcome: Barbara Zwernemann – City Secretary stated the CRC is located on Hillcrest. They are becoming active again. Jerri Hall – Executive Coordinator for CRC addressed Council stating the CRC is part of the Texas Housing Foundation, set up so that those in need do not have to go outside the City for assistance. The meetings are quarterly. There are six (6) people on the Board. Mayor Hall stated he feels Lance Dean – Executive Director – Liberty Hill Economic Development Corporation has a history of involvement in the City, therefore; he would be a great person to be on the committee. On motion by Ron Rhea and second by Liz Rundzieher, Council approved Lance Dean as representative from the City of Liberty Hill to serve on the Community Resource Center Advisory Board. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider an Ordinance of the City of Liberty Hill, Texas providing for the extension of the Liberty Hill City Limits by the voluntary annexation of a tract of land that contains an area of approximately 37,090 acre tract and a 14.951 acre tract as depicted herein as the annexation area, located as more particularly described herein, adjacent and contiguous territory into the incorporated municipal boundaries of the City of Liberty Hill, Texas; including the following: Findings of Fact; Effective Date; a Repealer; Severability;

and Proper Notice and Hearing. Outcome: Sally McFeron – Director of Planning addressed Council stating two public hearings were held. The proper time has elapsed. This ordinance covers the Estates of Liberty Hill mobile home community annexation. They are expanding the park and adding in additional sewer line which the developer is paying for. On motion by Ron Rhea and second by Tony DeYoung, Council approved Ordinance 19-O-26 providing for the extension of the Liberty Hill City limits by the voluntary annexation of a tract of land that contains an area of approximately 37,090 acre tract and a 14.951 acre tract as depicted herein as the annexation area. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider an Ordinance of the City Council of the City of Liberty Hill, Texas adopting a change in zoning for The Estates of Liberty Hill from Agriculture (AG) to Multi-Family Residential (MF2) and change in the official zoning map for the City of Liberty Hill, Texas, providing for severability, and establishing an effective date. Outcome: Sally McFeron – Director of Planning presented, explaining the process of rezoning. Planning and Zoning recommends approval of the zoning change. There are currently 90 mobile home spots, and the expansion will bring the total to 209 when complete. Dottie Palumbo – City Attorney stated the zoning change will take place at the same time as annexation. On motion by Ron Rhea and second by Tony DeYoung, Council approved Ordinance 19-O-27 adopting a change in zoning for The Estates of Liberty Hill from AG to MF2 and effecting a change in the official zoning map for the City. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider approval of acknowledgement of the Assignment of the Abbott Tract Development Agreement by 263 Trine Lane LLC to Pulte Homes of Texas LP. Outcome: Dottie Palumbo – City Attorney stated this is a request by the developer to assign the development agreement to Pulte Homes. On motion by Ron Rhea and second by Liz Rundzieher, Council approved acknowledgement of the assignment of the Abbott Tract development agreement by 263 Trine Lane LLC to Pulte Homes of Texas LP. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider approval of the Aegis Group, Inc. Engagement Letter for appraisal of the Butler Farms Public Improvement District (PID) – Liberty Hill, Texas to include authorization for the City Administrator to execute the Engagement Letter. Outcome: Dottie Palumbo – City Attorney stated this is one of the steps for the PID bond. Because the amended letter for this was not included in Council’s packets, this item was postponed. After a few minutes, it was determined the “amended” letter did not differ at all from the original. Ms. Palumbo stated Council could vote on this item. On motion by Ron Rhea and second by Tony DeYoung, Council approved the Aegis Group, Inc. engagement letter for appraisal of the Butler Farms Public Improvement District to include authorization for the City Administrator to execute the Engagement Letter. **Motion passed on vote of 4 AYES, 1 NAY, and 1 ABSTENTION.** Gram Lankford did not approve the item.

Discuss and Consider approval of Work Scope Change Order #2 for the Stubblefield Road Project to include left turn lanes in each direction on RM 1869 and associated environmental requirements and drainage improvements. Outcome: Sally McFeron – Director of Planning presented stating the Change Order amount is \$148,850. A representative of Doucet and Associates said that this work order is driven by State (TxDOT) requirements.

The proposed speed limit for this stretch of road is 40 mph. Liz Rundzieher – Council member stated the church has not agreed to terms with the City yet; she feels this is premature. Greg Boatright stated the City cannot work on acquisitions of right of way until TxDOT has identified the extent of the project. Council discussed various aspects of the project, change order, and associated drainage improvements. On motion by Liz Rundzieher and second by Steve McIntosh, Council postponed a decision on this item. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider approval of the 2nd Quarter Investment Report – FY 2018 – 2019. **Outcome:** Becky Wilkins – Finance Director addressed Council stating this report is a legal requirement. The City is required by law to present quarterly investment fund reports. Each fund is listed on the report. On motion by Ron Rhea and second by Liz Rundzieher, Council approved the 2nd Quarter Investment Report – FY 2018-2019. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider a Change Order Number 2 to the contract with Fonseca for the FY 2018 Street and Utilities for the City of Liberty Hill. **Outcome:** Patrick Hubbard - Steger and Bizzell presented stating this project covers the repairs on Myrtle, Grange, and Monroe, and drainage improvements on Barton. They will be removing item #10 as they are up against the 25% limit. \$8,977 is the total amount of the change order, making the updated contract amount \$389,178.50 and increasing the timeline by 30 days. Wayne Bonnet – Director of Public Works stated old lines are being updated during this work process. On motion by Ron Rhea and second by Tony DeYoung, Council approved Change Order Number 2 to the contract with Fonseca for the FY 2018 Street and Utilities for the City of Liberty Hill. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider a Resolution of the City Council of the City of Liberty Hill, Texas directing the City Administrator to prepare the necessary service plans for areas in the City of Liberty Hill extraterritorial jurisdiction (“ETJ”) to be considered for annexation into the corporate limits of the City of Liberty Hill. **Outcome:** Sally McFeron – Director of Planning presented stating the properties listed on a document handed to Council includes properties the City would like to consider for possible annexation. Dottie Palumbo – City Attorney stated SB 347 which is expected to be ratified virtually eliminates tiered annexation. The provision will not apply, however, if the City already has a service plan. Ms. McFeron stated the City can annex all or some of those properties included in the list. Public hearings are required prior to final adoption. Council members discussed. Ms. McFeron stated if Council approves, she will analyze the listed properties and continue with the process, while keeping Council apprised. She will also produce a map of the subject properties. In addition, Ms. McFeron will provide a complete timeline for Council. The annexation process takes 90 days which includes notifications and public hearings. On motion from Tony DeYoung and second by Liz Rundzieher, Council approved Resolution 19-R-29 directing the City Administrator to prepare the necessary service plans for areas in the City of Liberty Hill extraterritorial jurisdiction (“ETJ”) to be considered for annexation into the corporate limits of the City of Liberty Hill.

EXECUTIVE SESSION

Mayor Rick Hall convened City Council to Executive Session at 7:53 PM for Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel and Code §551.074 - Personnel Matters. City Council will entertain discussion related on the matter shown below.

Deliberate and evaluate the performance of Municipal Officers and Department Directors: (1) Chief of Police; (2) Court Administrator; (3) Director of Planning; (4) Director of Public Works; (5) Finance Director; and (6) City Secretary. (Consultation with City Attorney - Texas Gov't Code §551.071 and Personnel Matters - Texas Gov't Code §551.074).

Consultation and follow-up with Legal Counsel concerning Municipal Utility District No. 13 concerning the City's utility rate study. (Consultation with City Attorney - Texas Gov't Code §551.071). Outcome: No action was taken.

RECONVENE - REGULAR SESSION

Mayor Rick Hall reconvened City Council to Regular Session at 8:46 PM following Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel and Code §551.074 - Personnel Matters. Council will entertain discussion related to the matter shown below.

Discuss and consider the performance of Municipal Officers and Department Directors: (1) Chief of Police; (2) Court Administrator; (3) Director of Planning; (4) Director of Public Works; (5) Finance Director; and (6) City Secretary. (Texas Government Code §551.074 - Personnel Matters; and Texas Government Code §551.071 - Consultation with Attorney.) Outcome: On motion by Liz Rundzieher and second by Ron Rhea, Council approved salary increases and/or merit increases for (1) Chief of Police Maverick Campbell; (2) Court Administrator Tracy Ventura; (3) Director of Planning Sally McFeron; (4) Director of Public Works Wayne Bonnet; (5) Finance Director Becky Wilkins; and (6) City Secretary Barbara Zwernemann in accordance with the evaluations. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Follow-up with Legal Counsel concerning Municipal Utility District No. 13 concerning the City's utility rate study. (Consultation with City Attorney - Texas Government Code §551.071). Outcome: No action taken.

AGENDA ITEM(S) FROM MAYOR AND COUNCIL

- Mayor Hall reminded everyone of the Whimsy and Wonder Art Festival from 6-9 PM this Saturday, May 18.
- Mayor is planning the next Community Update and will have scheduled by next Council meeting.
- In order for the City Secretary to schedule the Budget / CIP / Annexation workshop, Council members should email Barbara Zwernemann their availability.
- On May 30th and 31st, some Council members will be attending a workshop in Bastrop – Core Essentials, hosted and taught by the Bojorquez Law Firm.
- May 24th and 25th are the City's clean-up days.

ADJOURNMENT

On motion by Liz Rundzieher and second by Ron Rhea, the meeting was adjourned at 8:55 PM.

Outcome: Motion passed on vote of 5 AYES; 0 NAYS; and 0 ABSTENTIONS.

PASSED & APPROVED on the 28th day of MAY, 2019 by the City Council of Liberty Hill on vote of ___ AYES; ___ NAYS; ___ ABSTENTIONS.

MAYOR

CITY SECRETARY