



CITY COUNCIL REGULAR MEETING MINUTES

MONDAY – MAY 28, 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 28, 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; 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; Nancy Sawyer; Chief Maverick Campbell; Lieutenant Jeff Ringstaff; Pix Howell; Cim Howell; Patrick Stevens; Todd McCullough; and Julie Houston.

PUBLIC HEARING

Mayor Hall opened the Public Hearing at 6:32 PM stating NOTICE IS HEREBY GIVEN TO ALL INTERESTED PARTIES THAT THE CITY COUNCIL OF LIBERTY HILL WILL CONDUCT A PUBLIC HEARING ON PROPOSED TEMPORARY AMENDMENT OF THE CITY'S ONE-WAY STREET PLAN ON TUESDAY – MAY 28, 2019 – 6:30 PM AT 2801 RANCH ROAD 1869 IN LIBERTY HILL, TEXAS TO DISCUSS DOWNTOWN TRAFFIC FLOW IMPROVEMENTS AND THE ONE-WAY STREET PLAN FOR NARROW STREETS ADOPTED BY CITY COUNCIL IN 2018 WITH SPECIFIC DISCUSSION ON POSSIBLE TEMPORARY AMENDMENT TO TRAFFIC FLOW ON PORTIONS OF BARTON STREET AND MYRTLE STREET, GENERALLY BOUNDED BY RR 1869 TO THE NORTH AND LOOP 332 TO THE EAST; PROVIDING FOR TWO-WAY TRAFFIC ON PORTIONS OF BARTON AND MYRTLE STREETS.

ANY AND ALL INTERESTED PARTIES ARE INVITED TO PARTICIPATE IN THE PUBLIC HEARING AT 2801 RANCH ROAD 1869. ANYONE HAVING QUESTIONS PERTAINING TO THIS SUBJECT MAY CONTACT BARBARA ZWERNEMANN – CITY SECRETARY AT 512-778-5449 – EXTENSION 112 FOR MORE INFORMATION; OR SEND AN EMAIL TO BZWERNEMANN@LIBERTYHILLTX.GOV.

Cathy Cantrell – 601 Stubblefield Lane – stated she would like to go on record in support of the change back to two-way streets. She added that this is the best temporary alternative that will address current traffic issues, and the Police Department can take care of any safety-related concerns.

Chris Kurczewski – member of the community – is in favor of switching back to two-way streets. He lives on RR 1869. He stated traffic was not an issue until October 2018 when one-way streets were implemented. It takes an additional 20-30 minutes for him to take his daughter to and from school. Safety issues can be addressed by the Police Department. Public Hearing was closed at 6:36 PM.

PUBLIC COMMENTS

Chris Pezold – 3603 RR 1869 - stated he votes to halt Stubblefield. He is very proud of what he has built up in the Old Town community. He said his business development has been used as a

divisive tool. He is also stepping down as Chair of Planning and Zoning because of this divisiveness. He requests that all future concerns and complaints be in writing; he will forward those to his attorney. He believes once summer is over and traffic picks up, moving forward to correct and alleviate traffic concerns will be difficult.

Jim Paschall – 751 Stubblefield Lane – stated he has lived here since 2011. He is not happy with what is going on. The Stubblefield extension should not happen. The extension will encroach on property owners and increase traffic. He stated many citizens agree with him. He also feels there is an “us versus them” mentality on both sides of the issue. He addressed Council saying “you may not like each other, but you guys have a lot of work to do; it’s time to get together and get the job done. All you bring something to the table: your heart for service to the community”.

REPORTS TO CITY COUNCIL

Finance Report

Becky Wilkins – Finance Director presented the Monthly Cash and Investment Report for April 2019. Cash at end of April 2019 was \$12,550,491; investments at end of April 2019 were \$8,968,256.

Administrator’s Report

Greg Boatright – City Administrator presented.

- The art festival was a huge success. Thanks go to all volunteers who did a lot to put Liberty Hill on the map as a community, promoting what we have to offer and our lifestyle.
- Clean Up days were a great success. Thanks to all involved. This program helps people who don’t have the resources to do this themselves.
- The City had an inquiry from a developer to the north for wastewater for 2000 LUEs. The City will go through utility evaluation to determine viability.
- Water negotiations continue; the City hopes to expand its water service area.
- Wetzel Park – The City is waiting for the electric plan from PEC so it can respond and get a change order for continuation of the Park. There is a lot going on behind the scenes. Sally McFeron – Director of Planning stated the restroom construction should be delivered by June 26th and the project as a whole is still on track. Mayor Rick Hall asked about the change order. Mr. Boatright stated it will take the electrical from a one-stage to a three-stage system which will be much more efficient. The change order should run around \$2-3,000.

CONSENT AGENDA

Discuss and Take Action on approving the following: (1) minutes of City Council Regular Meeting held Monday – April 22, 2019; (2) minutes of Special Council Meeting held Monday – May 20, 2019 and Site Plan for Jardin Center – Revised – 15399 W. State Highway 29 – City of Liberty Hill, Texas. Outcome: Ron Rhea made a motion to accept consent agenda items. Gram Lankford seconded the motion. Liz Rundzieher – Council member asked about the placement of the detention pond. Sally McFeron – Director of Planning stated the topography mandates the detention pond be placed where it is shown on the diagram. There was a slight revision in that the plans went from two driveways to one driveway after Jardin’s discussions with neighboring residents. The detention pond is designed to capture the water from the drainage flow. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

REGULAR AGENDA

Discuss and Consider Steger & Bizzell Change Order for repairs and road maintenance on Aynesworth Street in the City of Liberty Hill. Outcome: Greg Boatright – City Administrator stated the Change Order is also an Addendum. Patrick Stevens with Steger & Bizzell stated this does not

include geotech; however geotech was recommended for the roundabout. Will do a ribbon curb on these streets. On motion by Liz Rundzieher and second by Steve McIntosh, Council approved Task Order SB 018-52 in the amount of \$35,155 and authorized Greg Boatright to administer funds through Capital Improvement Projects. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider a Resolution of the City of Liberty Hill opposing HB 2439 relating to certain regulations adopted by Governmental Entities for the Building projects, materials, or methods used in the construction of renovation of residential or commercial buildings. Outcome: Dottie Palumbo – City Attorney explained HB 2439 to Council and some of the objections local cities have with it. There is a change to the resolution that needs to be made indicating it is to be sent to the Governor of the State of Texas. On motion by Liz Rundzieher and second by Ron Rhea, the motion to approve Resolution 19-R-30 was approved as amended. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider posting for full-time exempt position for Code Enforcement Officer in the City of Liberty Hill with Texas Municipal League Career Center, Indeed, and other related sites. Liz Rundzieher stated since we no longer have a Code Enforcement Officer, she is asking to have this published to get applications coming in. **Outcome:** On motion by Liz Rundzieher and second by Ron Rhea, Council approved posting for full-time exempt position for Code Enforcement Officer. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider action on a proposed Resolution Approving the Form and Authorizing the Distribution of a Preliminary Limited Offering Memorandum for “City of Liberty Hill, Texas Special Assessment Revenue Bonds, Series 2019 (Liberty Parke Public Improvement District Master Improvement Area Project)”. Dottie Palumbo – City Attorney introduced Julie Houston – Orrick (bond counsel). J. Houston stated Council has in their packets the offering memorandum which is part of the financing plan of 2015 when the City entered into a Liberty Parke PID and Development Agreement. In 2017, the Service and Assessment Plan was adopted. In May 2017, the first series of bonds were released. At that time, there weren’t enough lots on the ground to satisfy the entire issuance but there is now. Council, and staff feel are important for investors to know. Ms. Houston introduced Tripp Davenport – Underwriter, FMS Bonds, Inc. and Todd McCullough – Developer, Randolph Todd for Liberty Parke. Ms. Houston went over the Table of Contents and explained the process for the bonds to Council. Mr. McCullough stated he has been working with the City since 2014 to bring Liberty Parke online. The developer’s vision was to bring affordable houses to the City. Phases 1 and 2 and are completed with phases 3 and 4 in progress for a total of 565 lots. Phase 3 finishes in July-August. Phase 4 finishes in October-November. At that time, phases 3 and 4 will be sold to builder(s). The developer has met all the requirements to issue bonds. Greg Boatright asked if there is an HOA to which Mr. McCullough replied that there is, and those fees cover common areas and amenity center. Once phases 3 and 4 are complete and roads are put in, the trails will be completed. Mr. Boatright asked about the structure of the HOA. Mr. McCullough answered that the HOA is owned by the developer but when there is more than 50% homeownership in the neighborhood, it will revert to the homeowners. He stated the City of Liberty Hill has done a great job of protecting the City’s interests. **Outcome:** Steve McIntosh – Council member signed a Potential Conflict of Interest form because he lives in the Liberty Parke neighborhood. On motion by Ron Rhea and second by Liz Rundzieher, Council approved Resolution 19-R-31. **Motion passed on vote of 3 AYES, 0 NAYS, and 1 ABSTENTION.** Steve McIntosh abstained from voting.

Discuss and Consider hiring two (2) additional Patrol Officers for the City of Liberty Hill Police Department; providing for salaries, benefits, vehicles, and other necessary equipment as stipulated in the Development Agreement with Larkspur Subdivision; providing for \$100,800 for public safety. Outcome: Becky Wilkins – Finance Director presented, stating Mayor Hall asked her to prepare a PowerPoint to explain the expenditures. As part of the Development Agreement with Larkspur, the City is to provide two (2) patrol officers. The estimated impact to the City’s budget for Fiscal Year 2018-2019 is \$31,398. The estimated impact to the City’s budget for Fiscal Year 2019-2020 is 38,817. Larkspur will be providing the remainder of funds needed for each of these fiscal years. Mayor Hall asked Chief Campbell how realistic it is that they will have two officers hired by July 1st. Chief Campbell stated it was a very realistic goal. The officers will be training with other officers and can do that while waiting for purchased vehicles to arrive. Ron Rhea – Council member asked what soft costs are included in the estimate. The estimate includes turnkey vehicle (with the exception of radios), salary, uniforms, and insurance; it is a variable since the officer might want additional insurance for spouse and/or children. On motion by Steve McIntosh and second by Gram Lankford, Council approved hiring two (2) additional patrol officers for the City of Liberty Hill Police Department, providing for salaries, benefits, vehicles, and other necessary equipment as stipulated in the Development Agreement with Larkspur Subdivision; providing for \$100,800 for public safety. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.** Greg Boatright – City Administrator added that the Development Agreement refers to an associated interlocal agreement. This will be brought to Council at the June 10th regular meeting.

Discuss and Consider amending the Ordinance for One-Way Streets in Downtown Liberty Hill; providing for temporary two-way traffic flow on portions of Barton and Myrtle Streets. Outcome: Mayor Hall explained he and Liz Rundzieher added this item. Ms. Rundzieher stated she thinks this is the best possible solution. Ron Rhea stated he is all for it but feels the problem needs to be defined and analyzed. He feels measuring the problem needs to be done to determine if changing back to two ways is a placebo or a band-aid. On motion by Liz Rundzieher and second by Ron Rhea, Council approved amending and updating the current Ordinance for One-Way Streets in Downtown Liberty Hill; providing for temporary two-way traffic flow on portions of Barton and Myrtle Streets; publishing notice in the local paper on Thursday, May 30, 2019, with an effective date. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider approval and implementation of the City of Liberty Hill Budget & Tax Rate Calendar and Procedures for FY 2019 – 2020. Barbara Zwernemann – City Secretary stated her reason for submitting the calendar now is to make sure the new / all council members are aware of the dates/times of budget meetings, some of which require a super majority quorum. The Finance Director stated every thing involved with preparation of the new fiscal year budget has a deadline. Depending on how the Council moves, there could be additional public hearings. **Outcome:** On motion by Liz Rundzieher, and second by Steve McIntosh, Council approved the Calendar and Procedures for FY 2019 – 2020, and implementation thereof. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider initiation of annexation proceedings for the Liberty Hill FSED tract located at the corner of Highway 183 and CR 263 for voluntary annexation into the municipal boundaries of the City of Liberty Hill. Outcome: On motion by Ron Rhea and

second by Gram Lankford, Council accepts the petition for voluntary annexation. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider amending the City’s Employee Handbook providing for supervisory authority of Municipal Officers by the Mayor of the City of Liberty Hill; said Municipal Officers by the Mayor of the City of Liberty Hill; said Municipal Officers being the City Administrator, City Secretary, Municipal Court Judge, Court Administrator, Finance Director, Chief of Police, Code Enforcement Officer and City Attorney. Outcome: Ron Rhea stated he felt there could be a conflict with the Ethics Ordinance and asked Council to table. Mayor Rick Hall stated he had spoken with Dottie Palumbo – City Attorney and she stated Council could proceed and then update ordinances, etc. Ms. Palumbo stated any ordinance that describes positions and authorities thereof would need to be amended as well as the Ethics Ordinance and Employee Handbook. There might be questions about division of powers. She suggested separating the Municipal Court Judge out to consider any conflicts with the Mayor overseeing the Judge. Ron Rhea – Council member asked who would do the day-to-day operations, City Administrator or Mayor. Mayor Hall stated it would be no different than with the former mayor and would simply be a change back to the way it used to be. Greg Boatright – City Administrator provided a point of clarification stating the Code Enforcement Officer is not always an exempt position; until that employee is certified and licensed, they are considered Code Compliance and are non-exempt. Mayor Hall stated the day-to-day operations management would have to be determined at that time. Ron Rhea reminded the new Council members that they can call Dottie Palumbo any time for additional clarification. Liz Rundzieher stated it was her understanding that Council could approve this agenda item and then update Ordinances, etc., later. D. Palumbo responded that this agenda item only addresses updating the handbook. Council could, on a future agenda item, list out which ordinances and contracts that would be affected by the amendment of powers. On motion by Ron Rhea and second by Gram Lankford, Council postponed this item until the next regular Council meeting. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider Task Order #5 between the City of Liberty Hill and Diversified Planning and Development (DP&D) for Project Management. Mayor Hall addressed Council stating DP&D does contract management for the City. Their contract ends September 30, 2019, and the Mayor would like to get Council’s thoughts on renewing that contract. Liz Rundzieher stated he spoke with Greg Boatright and he felt he could carry on with this role. The City Administrator said one issue would be the Shared Use Path from downtown to Hwy. 29 that DP&D has been running point on. This is a very detailed process with TxDOT. He asked Cim Howell – DP&D if he thinks they will be able to get this task to the finish line by September. Cim Howell stated they are on schedule to complete by September 2019. **OUTCOME:** On motion by Liz Rundzieher and second by Steve McIntosh, Council voted to not extend a contract for Diversified Planning and Development (DP&D) for project management. **Motion passed on vote of 3 AYES, 1 NAY, and 0 ABSTENTIONS.** Ron Rhea did not approve the motion.

EXECUTIVE SESSION

Mayor Rick Hall convened City Council to Executive Session at 7:41 PM for Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel and Texas Government Code §551.074 - Personnel Matters and Texas

Government Code §551.072 - Real Property. City Council entertained discussion related to the matters shown below.

- Deliberate purchase, exchange, lease, or value of real property located in Liberty Hill, Texas. (*Real Property* pursuant to Texas Gov't Code §551.072).
- Deliberation regarding personnel matters; providing for renewal of Chief Maverick Campbell's Employment Agreement with the City of Liberty Hill. (*Personnel Matters* pursuant to Texas Gov't Code §551.074).
- Consultation with Legal Counsel regarding Cause No. 19-0722-C26, *Beau Burkett Media, L.P. vs City of Liberty Hill and Liberty Hill Board of Adjustments*, in the 26th Judicial District of Williamson County (*Consultation with City Attorney* pursuant to Texas Gov't Code §551.071).
- Consultation with Legal Counsel concerning Municipal Utility District No. 13 concerning the City's utility rate study. (*Consultation with City Attorney* pursuant to Texas Gov't Code §551.071).

Outcome: No action was taken during Executive Session.

RECONVENE - REGULAR SESSION

Mayor Rick Hall reconvened City Council to Regular Session at 9:01 PM following Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel and Code §551.074 - Personnel Matters and Texas Government Code §551.072 - Real Property. Council will entertain discussion related to the matter shown below.

- Deliberate purchase, exchange, lease, or value of real property located in Liberty Hill, Texas. (*Real Property* pursuant to Texas Gov't Code §551.072). **Outcome:** No action taken.
- Deliberation regarding personnel matters; providing for renewal of Chief Maverick Campbell's Employment Agreement with the City of Liberty Hill. (*Personnel Matters* pursuant to Texas Gov't Code §551.074). **Outcome:** On motion by Steve McIntosh and second by Ron Rhea, Council approved renewing Chief Maverick Campbell's Employment Agreement with the City of Liberty Hill for three years with a two-year auto renewal to include IACP training and removal of relocation monetary assistance. **Motion passed on vote of 4 AYES, 0 NAYS, and 0 ABSTENTIONS.**
- Consultation with Legal Counsel regarding Cause No. 19-0722-C26, *Beau Burkett Media, L.P. vs City of Liberty Hill and Liberty Hill Board of Adjustments*, in the 26th Judicial District of Williamson County (*Consultation with City Attorney* pursuant to Texas Gov't Code §551.071). **Outcome:** No action taken.
- Consultation with Legal Counsel concerning Municipal Utility District No. 13 concerning the City's utility rate study. (*Consultation with City Attorney* pursuant to Texas Gov't Code §551.071). **Outcome:** No action taken.

AGENDA ITEM(S) FROM MAYOR AND COUNCIL

- Strategic Plan and Projects Update for City Council in June 2019 beginning at 8:30 AM at the Liberty Hill Independent School District (LHISD) Administration Building.
 - Because the district closes down on Fridays in Summer, the meeting will be held at the Liberty Hill Learning and Event Center on Friday, June 7th beginning at 8:30 AM.
- Process and timeline for submission of agenda items for all City Council meetings.
 - Mayor Hall stated the deadline for submission of items is noon on Wednesdays but that has been loosely followed. He would like everyone to adhere to this deadline from now on; and in the event submission of an item is requested after the deadline, the City Administrator and/or the Mayor would have to approve. Liz Rundzieher stated she would also like to state that if an agenda item does not have the backup material by the time agendas go out, that item should be postponed until the following regular Council meeting.

ADJOURNMENT

On motion by Liz Rundzieher and second by Ron Rhea, the meeting was adjourned at 9:04 PM.
Outcome: Motion passed on vote of 4 AYES; 0 NAYS; and 0 ABSTENTIONS.

PASSED & APPROVED on the 10th day of JUNE, 2019 by the City Council of Liberty Hill on vote of 5 AYES; 0 NAYS; 0 ABSTENTIONS.

MAYOR

CITY SECRETARY