



CITY COUNCIL REGULAR MEETING MINUTES

MONDAY – JUNE 10, 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 – June 10, 2019 at 6:30 PM in Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas. Invocation was given by Dawn Slack of Grace Alive Church; Pledge of Allegiance and Texas Pledge were recited. **Council Members Present:** Rick Hall; Liz Rundzieher; Steve McIntosh; Gram Lankford; Tony DeYoung; and Ron Rhea. **Staff & Guests Present:** Alan Bojorquez – City Attorney; Greg Boatright; Sally McFeron; Becky Wilkins; Wayne Bonnet; Tracy Ventura; Barbara Zwernemann; Zach Gil; Nancy Sawyer; Chief Maverick Campbell; Todd McCullough; and Julie Houston.

PUBLIC COMMENTS

Chris Pezold – 3603 RR 1869 – addressed Council stating Liberty Hill has always had a volunteer Mayor and Council Members, stating he feels the Mayor is attempting to take control over all City officers. For his next step, he will be asking for a salary. Mr. Pezold claims the Mayor and new and reelected Council members ran on City staff and other Council and board members being “stupid and corrupt”. Mr. Pezold stated he wants someone to file an official complaint against him so that there will be an investigation to show the truth.

REPORTS TO CITY COUNCIL

Public Works

Wayne Bonnet – Director of Public Works provided an overview of May 2019 departmental activity, with a handout for Council of same.

- Street rehab should be complete soon.
- Average wastewater treatment in May was 756,000 gallons per day.
 - 24-hour peak flow treatment was 941,000 gallons per day.
- Re-use station at the plant is almost complete.
 - Need to set rates
- Discussion with the City Administrator regarding curbing along the loop from Hwy. 29 to Hwy. 29.
- The department will begin to look at the next stage of fire flow.
- Cleaned up outfall on South San Gabriel River.

Greg Boatright asked if Fonseca had finished up on the four (4) fire hydrants. Mr. Bonnet stated one of the fire hydrants was cracked which required repair, but they are now back on track to complete soon.

Police Department Report

Chief Maverick Campbell reported to Council that May’s petty theft numbers were up compared to April. There were three (3) injury accidents in May. The department held a traffic initiative. The department is now focusing on crime trends.

Administrator's Report

Greg Boatright – City Administrator stated:

- There has been a lot of activity in the parks. The swim center should be underway soon.
- Wetzel Park – Activity should begin this week. The target date for completion is the end of July.
- Aaron Laughlin with Steger and Bizzell is here to discuss the next phase for the wastewater treatment plant.
- July 3 is the City's Independent Day Celebration
- Summer movies in the park has begun. This is a great community builder and important offering for the citizens of Liberty Hill.

CONSENT AGENDA

Discuss and Take Action on approving the following: minutes of City Council Regular Meeting held Tuesday – May 28, 2019. Outcome: Liz Rundzieher stated there is a correction needed on page 5, last paragraph of the minutes, it was she who spoke with Greg Boatright, not Ron Rhea. Ron Rhea made a motion to approve the minutes of May 28, 2019 as amended. Liz Rundzieher seconded the motion. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

REGULAR AGENDA

Discuss pricing summary for the City's Special Assessment Revenue Bonds, Series 2019 (Liberty Parke Public Improvement District Master Improvement Area Project). Outcome: Dan Wegmiller of Specialized Public Finance / Finance Director for the City of Liberty Hill reported the bonds went on the market today and were very well received. FMS is the underwriter and stated at 4.418%, this offering was the second lowest PID interest rate since FMS has been working PID bonds. Final maturity is 2046. The Financial Advisor recommends accepting the bid. Ron Rhea – Council member asked if the low rate was attributed to the City's S&P AA rating; the reply was that although this is a non-rated bond purchase, the credit quality of the City / region are taken into some consideration. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider Action on a proposed Ordinance of the City Council of Liberty Hill Authorizing the Issuance of the "City of Liberty Hill, Texas Special Assessment Revenue Bonds, Series 2019 (Liberty Parke Public Improvement District Master Improvement Area Project)"; Approving and Authorizing an Amended and Restated Indenture of Trust, a Bond Purchase Agreement, a Limited Offering Memorandum, a Continuing Disclosure Agreement, and Other Documents in Connection Therewith; Making Findings with Respect to the Issuance of such Bonds; and Providing an Effective Date. Julie Houston – Bond Counsel addressed council and introduced a representative of FMS Bonds. The FMS Bonds representative stated they are excited about the offering this morning; these bonds are non-recourse. Ultimately, the City's land, development, and positive growth influenced the successful bond offering. Ms. Houston explained the Indenture, Bond Purchase Agreement, and Continuing Disclosure Agreement. The City will go with BOKF, the trustee used with the Series 2017 Bonds. Each homeowner in Liberty Parke will receive an assessment based on individual value on an annual basis as part of their regular tax assessment. The principal amount of the two-term bonds is \$1,965,000. The City will have annual payments. Mayor Hall asked Alan Bojorquez if Council member Steve McIntosh, who lives in Liberty Parke, needs to complete another Conflict of Interest Affidavit, to which he stated the original form signed two weeks ago by McIntosh suffices for the duration of discussion regarding the bonds. **Outcome:** On motion by Ron Rhea and second by Liz Rundzieher, Council approved Ordinance 19-O-33 authorizing issuance of "City of Liberty Hill, Texas

Special Assessment Revenue Bonds, Series 2019 (Liberty Parke Public Improvement District Master Improvement Area Project)”. **Motion passed on vote of 4 AYES, 0 NAYS, and 1 ABSTENTION.**

Discuss and Consider Action on a proposed Ordinance of the City Council of the City of Liberty Hill, Texas Accepting and Approving an Annual Service Plan Update to the Service and Assessment Plan and an Updated Neighborhood Improvement Area #1 Assessment Roll and Updated Master Improvement Area Assessment Roll for the Liberty Parke Public Improvement District; Making and Adopting Findings; Providing a Cumulative Repealer Clause; and Providing an Effective Date.

Outcome: Julie Houston – Bond Counsel stated the proposed ordinance serves as an annual update, as required, explaining the property had four parcels. There was an error made in the original Service and Assessment Plan which assumed 149 lots for Phase 2 with 165 lots. Homeowners were notified of assessment amounts at closing. This basically lowered the assessment but the City felt they should not adjust based on this error. This required lowering the assessment amounts for phases 3 and 4 as well, to be consistent. This document approves that reduction. Jon Snyder with P3 Works, PID Administrator stated the PID is going well. Greg Boatright – City Administrator asked why the reduction did not affect Phase 1. Julie Houston stated Phase 1 was under the original bond issuance. On motion by Liz Rundzieher and second by Tony DeYoung, Council approved Ordinance 19-O-34 accepting and approving an Annual Service Plan Update and an updated Neighborhood Improvement Area #1 Assessment Roll and updated Master Improvement Area Assessment Roll for the Liberty Parke PIC. **Motion passed on vote of 4 AYES, 0 NAYS, and 1 ABSTENTION.** Steve McIntosh – Council member abstained from discussion and voting because he lives in the Liberty Parke Subdivision.

Discuss and Consider awarding a bid for the City of Liberty Hill South Fork Wastewater Treatment Plant – 1.2 MGD Expansion – Steger Bizzell Job No. 22632 to Cunningham Constructors & Associates, Inc. of Georgetown; providing for an amount not to exceed \$9,868,345.00; and providing for authorization for a City representative to execute said contract with the provision that if City Council should fail to appropriate funds for this contract, said contract shall be deemed null and void. **Outcome:** Aaron Laughlin – Steger & Bizzell presented to Council stating the City received a total of four (4) bids, as shown in Council’s packet, ranging from \$9,868,345.00 to \$14,891,750.29. The low bid is from Cunningham Constructors and Associates, Inc. of Georgetown. Tony DeYoung – Council member asked about the timeframe. Aaron Laughlin stated the estimate time is 480 days, so completion should occur toward the end of 2020. On motion by Steve McIntosh and second by Tony DeYoung, Council awarded the South Fork Wastewater Treatment Plant – 1.2 MGD Expansion – Steger Bizzell Job No. 22632 to Cunningham Constructors & Associates, Inc. for an amount not to exceed \$9,868,345.00; and execution of the agreement with contingency that should the City fail to appropriate funds, said contract shall be deemed null and void. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider amending the City’s Employee Handbook (and other documents as needed) providing for supervisory authority of 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:** Mayor Hall stated the positions of Municipal Court Judge and City Attorney need to be stricken from any motion. Mayor Hall asked Steve McIntosh who, with Liz Rundzieher, brought the agenda item to Council, if he wished to speak to the proposed amendment. Mr. McIntosh stated the item speaks for itself. Ron Rhea – Council member stated he has called TML many times over the last six years. Furthermore, he considers Alan Bojorquez one of the best legal minds. TML provided Dr. Rhea with an AG opinion from John Cornyn – JC-0371 which speaks to incompatibility in office holding. Dr. Rhea stated Council appointed the City Administrator. He feels this will be a conflict of interest as

well as incompatibility with the Mayor overseeing everyone. Dr. Rhea stated there is a rumor that the previous mayor had authority over municipal officers but that rumor is not true. Dr. Rhea stated that Council can ignore the legal opinion if they wish and in his opinion there will be many legal issues if we adopt this, and the City needs separation of powers. He stated no one should have dual office in the City. He feels this is a reckless agenda item. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Mayor Hall stated there is no worry about separation of powers since a mayor cannot direct the municipal court judge. He stated the City website states that the Court Administrator, Financial Director and Chief of Police were under the Mayor previously. There is an actual ordinance that states these officers report to the Mayor and Council with the Mayor overseeing. Tony DeYoung – Council member asked how the broad statement of supervisory authority translates into day-to-day operations. Mayor Hall stated no one can be hired or fired without Council approval. Currently, if the City Administrator has a question, he has to wait until the next Council meeting. With this change, if something comes up, a municipal officer can receive an answer that day. Dr. Rhea stated it's been that way all along and that the City Administrator is supposed to meet with the mayor on a weekly basis. On motion by Liz Rundzieher and second by Steve McIntosh, Council approved amending the City's Employee Handbook (and other documents as needed) providing for supervisory authority of 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. Tony DeYoung and Ron Rhea were opposed to the motion. **Motion passed on vote of 3 AYES, 2 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider an amendment to the Ethics Ordinance to allow for direct supervision by the Mayor of the following Municipal Officers, City Administrator, City Secretary, Municipal Court Administrator, Finance Director, Police Chief and Code Enforcement Officer (Ethics Ordinance amendment). **Outcome:** On motion by Liz Rundzieher and second by Gram Lankford, Council approved an amendment to the Ethics Ordinance to allow for direct supervision by the Mayor of the following Municipal Officers, City Administrator, City Secretary, Municipal Court Administrator, Finance Director, Police Chief and Code Enforcement Officer (Ethics Ordinance amendment). Tony DeYoung did not approve the motion. **Motion passed on vote of 4 AYES, 1 NAY, and 0 ABSTENTIONS.** .

Discuss and Consider an amendment to Article 1.04, City Officers, of the Code of Ordinances of the City of Liberty Hill to provide for direct supervision by the Mayor of the following Municipal Officers, City Administrator, City Secretary, Municipal Court Administrator, Finance Director, Police Chief and Code Enforcement Officer (City Officer Supervision). **Outcome:** On motion by Liz Rundzieher and second by Steve McIntosh, Council approved an amendment to Article 1.04, City Officers, of the Code of Ordinances of the City of Liberty Hill to provide for direct supervision by the Mayor of the following Municipal Officers, City Administrator, City Secretary, Municipal Court Administrator, Finance Director, Police Chief and Code Enforcement Officer (City Officer Supervision). Tony DeYoung did not approve the motion. **Motion passed on vote of 4 AYES, 1 NAY, and 0 ABSTENTIONS.**

Discuss and Consider amendments to Division 4, Code Compliance Officer of the Code of Ordinances of the City of Liberty Hill to provide for a Code Enforcement Officer (Code Enforcement Officer Amendment). **Outcome:** Mayor Hall stated that Council member Liz Rundzieher felt strongly that the City needed a Code Enforcement Officer, not a Code Compliance Officer. On motion by Tony DeYoung and second by Gram Lankford, Council approved an amendment to Division 4, Code Compliance Officer of the Code of Ordinances of the City of Liberty Hill to provide for a Code Enforcement Officer (Code Enforcement Officer Amendment). **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider amendments to the Code of Ordinances of the City of Liberty Hill to amend Section 1.03.034, Administration, to provide for communications to be provided to the City Council (Communications Ordinance). **Outcome:** Mayor Hall stated this amendment would make it such that if any City Council member or the Mayor contacts legal counsel, then that communication will be shared with the City Secretary who will send out to all Council members as well as the Mayor. On motion by Tony DeYoung and second by Gram Lankford, Council approved amendments to the Code of Ordinances of the City of Liberty Hill to amend Section 1.03.034, Administration, to provide for communications to be provided to the City Council (Communications Ordinance). Ron Rhea did not approve the motion. **Motion passed on vote of 4 AYES, 1 NAY, and 0 ABSTINENCES.**

Discuss and Consider a Professional Services Proposal between the City of Liberty Hill and Microdyn MBR for professional services related to training and technical support to the City of Liberty Hill WWTP including routine and emergency services supporting operators to optimize performance. **Outcome:** Mayor Hall stated the City is ramping up for the expansion to the wastewater treatment plant. These services will include 20 weeks of onsite training and provision of a training manual, including weekly meetings with the wastewater treatment plant staff. Mayor Hall stated his opinion is that this would be money well spent. Greg Boatright stated this will help with the first phase and will carry over into the second phase; the technology that we are having to acquire is well above neighboring cities; this is a good investment for the City and its employees. Mark Parli – Microdyn MBR was introduced. Tony DeYoung – Council member asked if the training would be effective immediately. Mr. Parli stated the training materials will be tailored to the City; these take 50-70 hours to prepare. However, they can be implemented within a couple of weeks. Liz Rundzieher – Council member asked why the City wasn't doing this with the first wastewater treatment plant. Mayor Hall responded he and Greg Boatright were made aware of this and wanted to take advantage of it. On motion by Liz Rundzieher and second by Tony DeYoung, Council approved a Professional Services Proposal between the City of Liberty Hill and Microdyn MBR for professional services related to training and technical support to the City of Liberty Hill WWTP including routine and emergency services supporting operators to optimize performance. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

Discuss and Consider an Interlocal agreement between the City of Liberty Hill and Williamson County Municipal Utility Districts (MUD) No. 31 and 32 for police protection services. **Outcome:** Greg Boatright – City Administrator stated this is the actual implementation of the Development Agreement of 2016 with Larkspur. Now that the City is at the maximum amount of the contract (over 250 homes), the need for an interlocal agreement was triggered. This addresses the police department patrolling and reporting. Chief Campbell was asked if he was comfortable with the wording in the interlocal agreement. Chief Campbell stated, since the addition of “applicable by law” to the agreement, he is comfortable with the wording. Chief Campbell stated some applications have been received for the available positions and the next step will be testing. On motion by Ron Rhea and second by Gram Lankford, Council approved an Interlocal Agreement between the City of Liberty Hill and Williamson County Municipal Utility Districts (MUDs) No. 31 and 32 for police protection services. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**

EXECUTIVE SESSION

Mayor Rick Hall convened City Council to Executive Session at 7:37 PM for Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – *Consultation with Legal Counsel; Real Property* - Texas Government Code §551.072 and *Personnel Matters* – Texas Government Code §551.074). City Council will entertain discussion related to matters shown below. No action will be taken in Executive Session.

- Consultation with City Attorney regarding continuation of legal services, including city council evaluation of legal team's performance, review of duties, and discussion of preferred attorney-client communications. (*Consultation with City Attorney* pursuant to Texas Government Code §551.071 and *Personnel Matters* pursuant to Texas Government Code §551.074).
- Consider real property owned by the City of Liberty Hill and possible acquisitions. (*Real Property* pursuant to Texas Government Code §551.072).
- Consultation and follow-up with Legal Counsel concerning the Burkett Media litigation. (*Consultation with City Attorney* pursuant to Texas Government Code §551.071).

Outcome: No action was taken during Executive Session.

RECONVENE - REGULAR SESSION

Mayor Rick Hall reconvened City Council to Regular Session at 9:07 PM pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel; *Real Property* Pursuant - Texas Government Code §551.072 and *Personnel Matters* – Texas Government Code §551.074. Council will entertain discussion related to matters shown below.

- Consider continuation of legal services, including city council evaluation of legal team's performance, review of duties, and discussion of preferred attorney-client communications. (*Consultation with City Attorney* – pursuant to Texas Government Code §551.071 and *Personnel Matters* – pursuant to Texas Government Code §551.074). **Outcome:** Mayor Hall stated no action was taken.
- Consider real property owned by the City of Liberty Hill and possible acquisitions. (*Real Property* pursuant to Texas Government Code §551.072). **Outcome:** On motion by Ron Rhea and second by Tony DeYoung, Council authorized the Mayor and City Administrator to enter into a real estate representation agreement with Tony Dale Commercial Real Estate Group to negotiate the possible purchase of land on behalf of the City. **Motion passed on vote of 5 AYES, 0 NAYS, and 0 ABSTENTIONS.**
- Consider Burkett Media litigation. (*Consultation with City Attorney* pursuant to Texas Government Code §551.071). **Outcome:** Mayor Hall stated no action was taken.

AGENDA ITEM(S) FROM MAYOR AND COUNCIL

- **Update on the 2019 Orientation & CIP Update held June 7th.**
 - Mayor Hall stated during the meeting, the group produced a preliminary prioritization of projects. They will provide this to Council at the July 8th Council meeting.
- **Upcoming training opportunities for Elected City Officials and 2019 TML Annual Conference & Exhibition – San Antonio, Texas (Zwernemann).**
 - Barbara Zwernemann – City Secretary reported the Conference is in October and will be held in San Antonio.
- **Councilmembers' overview of meeting dates, budget and tax rate timeline and workshops outlined in calendars for June 1st through November 1st (Zwernemann).**
 - Barbara Zwernemann – City Secretary addressed Council stating she provided Council with calendars for June through November.
- Steve McIntosh stated he would like to insure that there are ethics statements on file for Council, boards, and department heads. Barbara Zwernemann – City Secretary reported the revised ethics statements will be made available for signatures.

- Mayor Hall stated that since he and Liz Rundzieher will be on vacation, there will be no Council meeting previously scheduled for June 24th.

ADJOURNMENT

On motion by Liz Rundzieher and second by Ron Rhea, the meeting was adjourned at 9:12 PM.

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

MAYOR

CITY SECRETARY