



LIBERTY HILL CITY COUNCIL MINUTES MONDAY – JULY 8, 2019 - 6:30 PM

CALL TO ORDER

The Regular Meeting of the City Council of the City of Liberty Hill was called to order by Mayor Rick Hall on Monday – July 8, 2019 at 6:30 PM at 2801 Ranch Road 1869 in Liberty Hill, Texas. Invocation was given followed by Pledge of Allegiance and Texas Pledge. **Council Members:** Mayor Rick Hall; Liz Rundzieher; Tony DeYoung; Steve McIntosh and Gram Lankford. Quorum was met. Ron Rhea was absent. Others present were: Dottie Palumbo; Tad Cleaves; Sally McFeron; Wayne Bonnet; Lance Dean; Tracy Ventura; Robert Fox; Becky Wilkins; Barbara Zwernemann and Guests.

CONDITIONAL USE PERMIT PUBLIC HEARING – 200 CARL SHIPP

Mayor Rick Hall began the Public Hearing at 6:34 PM and stated the following: NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT CLKA Homes, LLC has made application for a Conditional Use Permit for 200 Carl Shipp Dr., better described as 0.42 ac of land out of the Henry Field Survey, Abstract No. 233; No. 233, Williamson County, in the City of Liberty Hill, Texas. The proposed project is described as follows: A request for conditional use permit to build duplexes in the Downtown Commercial/Retail (C2) District off Carl Ship Road. The City of Liberty Hill Planning & Zoning Commission will hold a Public Hearing on this Application on July 2, 2019 at 12:00 Noon at the Liberty Hill Municipal Court Building located at 2801 Ranch Road 1869 in Liberty Hill, Texas and City Council will hold a Public Hearing on this Application on July 8, 2019 at 6:30 PM at the Liberty Hill Municipal Court Building located at 2801 Ranch Road 1869 in Liberty Hill, Texas. A copy of the Application and additional information may be reviewed at Liberty Hill City Hall at 926 Loop 332 in Liberty Hill, Texas between the hours of 8:30 AM to 4:30 PM – Monday through Friday prior to the Public Hearing. Comments regarding the Application for Conditional Use may be emailed to smcferon@libertyhilltx.gov or mailed P.O. Box 1926, Liberty Hill, TX 78642. Participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. **Outcome:** **There were no comments; Public Hearing was closed at 6:35 PM.**

VOLUNTARY ANNEXATION PUBLIC HEARING

Mayor Rick Hall began the Public Hearing at 6:35 PM stating the following: Annexation of a 33.257 Acre Tract of Land Located in John B. Robinson Survey, Abstract 521, Williamson County, Texas, being A TRACT OF LAND CALLED REMAINDER OF A CALLED 117.15 ACRE TRACT, CONVEYED IN A DEED TO PHILIP HOGAN AND WIFE, GINA RAE HOGAN, RECORDED IN DOCUMENT NUMBER 2000007280, IN THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.).

Two PUBLIC HEARINGS will be held by and before the City Council of the City of Liberty Hill, Texas on the following dates / time: MONDAY – JULY 8, 2019 at 6:40 PM at Council Chambers - located at 2801 Ranch Road 1869 in Liberty Hill, Texas AND MONDAY – JULY 22, 2019 at 6:45 PM at Council Chambers - located at 2801 Ranch Road 1869 in Liberty Hill, Texas

Said PUBLIC HEARINGS will be held for all persons interested in the above proposed annexations. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice. **Outcome: The Public Hearing was closed at 6:37 PM.**

PROPOSED ANNEXATION PUBLIC HEARING

Mayor Hall called the public hearing at 6:38 PM, stating: LEGAL NOTICE IS HEREBY GIVEN under the provisions of Chapter 43 of the Texas Local Government Code that the City of Liberty Hill will hold public hearings for the purpose of receiving public comments on the proposed initiation of annexation proceedings for the tracts as indicated below. The hearings will be held on:

Hearing #1 July 8, 2019

Hearing #2 July 22, 2019

Time: 6:45 p.m.

Location: Liberty Hill Municipal Court Building
2801 Ranch Road, Liberty Hill, Texas

A Municipal Service Plan for the areas to be annexed will be presented at the public hearings and copies will be available to the public. The service plan and maps are also available for inspection at City Hall, 926 Loop 332, Liberty Hill, Texas during regular business hours or at www.libertyhill.tx.gov Sally A. McFeron at 512-548-5505. For this Public Hearing there were approximately 60 people in attendance for the Public Hearing with 30 or more individuals expressing their thoughts on the proposed annexation. The Public Hearing continued for one hour and twenty minutes (see attached list of addresses related to individuals giving public comments); hearing closed at 7:59 PM.

CONDITIONAL USE PUBLIC HEARING – 703 LOOP 332

Mayor Hall stated the Public Hearing would begin; time was 8:01 PM, stating: NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS THAT Thomas B Carson has made application for a Conditional Use Permit for property described as 703 Loop 332, better described as Carson Acres Unit 2, Lot 12-11W/PT, 1.134 ac of land, Williamson County, in the City of Liberty Hill, Texas. The proposed project is described as follows: A request for conditional use permit to build residential townhome/condo units in the Downtown Commercial/Retail (C2) District at the address of 703 Loop 332. The City of Liberty Hill Planning & Zoning Commission will hold a Public Hearing on this Application on July 2, 2019 at 12:00 Noon at the Liberty Hill Municipal Court Building located at 2801 Ranch Road 1869 in Liberty Hill, Texas and City Council will hold a Public Hearing on this Application on July 8th at 6:30 PM at the Liberty Hill Municipal Court Building located at 2801 Ranch Road 1869 in Liberty Hill, Texas. A copy of the Application and additional information may be reviewed at Liberty Hill City Hall at 926 Loop 332 in Liberty Hill, Texas between the hours of 8:30 AM to 4:30 PM – Monday through Friday prior to the Public Hearing.

Comments regarding the Application for Conditional Use may be emailed to smcferon@libertyhilltx.gov or mailed P.O. Box 1926, Liberty Hill, TX 78642. Participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. Public Hearing closed at 8:02 PM.

REPORTS TO CITY COUNCIL

LH POLICE DEPARTMENT - Sargent Robert Fox presented the monthly statistics, activities and citations for the period ending June 30, 2019 for the City of Liberty Hill Police Department including criminal activity; miscellaneous activities; traffic enforcement; accidents investigated; arrests – adult; juvenile activity and warrant activity (See attached PD Statistical Report for details).

LHEDC - The Bi-Annual LHEDC Activity Report for the period of January, 2019 through June, 2019 was presented by Lance Dean – Executive Director of Liberty Hill Economic Development Corporation (See attached Activity Report for details).

ADMINISTRATIVE REPORT – City Administrator – Greg Boatright presented updates grant funding; City Park; Wetzel Park; update on success of the Independence Day Celebration; the July and August 2019 Summer Movies at City Park and other pertinent activities.

CONSENT AGENDA

On motion by Liz Rundzieher and second by Gram Lankford, the following consent agenda items were approved as outlined below; vote was 4 AYES; 0 NAYS; 0 ABSTENTIONS.

- Council minutes from June 10, 2019 (Council did not meet Monday - June 24, 2019);
- Appointment of Josh McGinty to the Planning & Zoning Commission effective July, 2019 and ending September, 2019. ;
- Final Plat – Larkspur / Caughfield Subdivision – Section 8 in the City’s ETJ;
- Final Plat for Larkspur / Caughfield Subdivision for Section 5 in the ETJ;
- Amended Plat for Larkspur / Caughfield Subdivision for Section 7B in the ETJ;
- Final Plat for the Wildleaf Subdivision - Phase 2 located off North Hwy 183 within the City Limits;
- Conditional use permit to build duplexes in the Downtown Commercial/Retail (C2) District off Carl Shipp Road;
- Re-zoning of FSED Tract to General Commercial/Retail (C3) upon annexation into the City Limits;
- Appoint Steve Snell – LHISD Superintendent to the LHEDC Board for a term beginning July, 2019 and ending September, 2020;
- Accept the resignation of Bill Chapman as LHEDC President; and
- Appoint LHEDC Officers as follows to complete the remainder of the Officers current terms with an effective date of July 8, 2019: President – Johnny Johnston; Vice President – John Clark; Secretary – Jamie Etzkorn and Treasurer – Eric Baily. All terms expire 9/30/2019.

REGULAR AGENDA

Special presentation by representatives of the Ferguson Company on AMR technology which includes drive-by metering allowing water meter data to be collected instantly on-the-go. Outcome: Representatives of the Ferguson Company gave an in-depth presentation on the latest technology for drive-by meters which allows for water meter data to be collected instantly while in transit and meters with remote capability. Information included options for short-term financing based on repayment through revenue from utility billing. Discussion was held there was concern for the level of expense for purchase of a large amount of additional meters the City would need when the Georgetown customers are given to the. Meters currently in use for the City of Liberty Hill now interface with Georgetown's meters. On motion by Liz Rundzieher and second by Gram Lankford the topic was tabled pending additional information from the Ferguson Company. Tony DeYoung declared Conflict of Interest because he is employed by the Ferguson Company; he completed an Affidavit of Conflict. **Motion passed on vote of 3 AYES; 0 NAYS; 1 ABSTENTION.**

Discuss and Consider purchase of AMR water meters from the Ferguson Company by the City of Liberty Hill for an amount not to exceed \$750,000.00; providing for authorization for execution of a contract between the City and the Ferguson Company. Outcome: Discussion was held; on motion by Liz Rundzieher and second by Gram Lankford the topic was tabled pending additional financial information from Staff and the Ferguson Company. Tony DeYoung declared Conflict of Interest because he is employed by the Ferguson Company; he completed an Affidavit of Conflict. **Motion passed on vote of 3 AYES; 0 NAYS; 1 ABSTENTION.**

Discuss and Consider a proposed Resolution Declaring Intention to Reimburse Project Expenditures from the Proceeds of Tax-Exempt Obligations. Outcome: Discussion was held. On motion by Liz Rundzieher and second by Steve McIntosh, the Resolution was approved as presented. Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.

Discuss and Consider awarding a contract for the trail improvements project at Liberty Hill City Park - CR 200 to Ritter-Botkin Prime Construction Company, Inc. of Pflugerville; providing for base bid amount of \$121,427.70; and for authorization to execute a contract between the City and Ritter-Botkin Prime Construction Company, Inc. Outcome: Brian Binkowski and Greg Boatright gave an overview of the bid process and award for trail improvements at City Park. On motion by Steve McIntosh and second by Tony DeYoung, Council awarded the bid to Ritter-Botkin Prime as outlined above. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider a Resolution of the Liberty Hill City Council for Government Capital Corporation for Purchase of two Police Interceptors for the City of Liberty Hill Police Department. Outcome: Cost and overview on Police Interceptors was presented to Council. Following discussion, on motion by Steve McIntosh and second by Tony DeYoung. **4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider termination of the Williamson County Emergency Services District No. 4 Administrative Services Agreement and giving authorization to the City

Administrator to issue Notice of Termination to same. Outcome: Becky Wilkins – Finance Director reported the payroll for the City and WCEMS No. 4 has increased significantly. In the past it was possible to calculate payroll for both entities in one day, however it now takes 2 to 3 days for payroll. Discussion was held. On motion by Liz Rundzieher and second by Tony DeYoung, Council gave authorization for the City Administrator to issue a Notice of Termination to WCEMS No. 4 effective September 30, 2018. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider an amendment to the Subscription Agreement between the City of Liberty Hill and Tyler Technologies. Outcome: Finance Director - Becky Wilkins presented an amendment to the Subscription Agreement between the City of Liberty Hill and Tyler Technologies which extends the City’s Agreement for use of Incode. On motion by Tony DeYoung and second by Liz Rundzieher, the amendment was approved as presented. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider a recommendation to City Council from the LHEDC Board approving a Façade Grant Application submitted by *The Blue Door Gift Store* – Highway 29 in Liberty Hill. Outcome: Lance Dean – EDC Executive Director presented a Façade Grant Application submitted by *The Blue Door Gift Store* on Highway for matching grant funds to make façade improvements. On motion by Gram Lankford and second by Steve McIntosh, the Façade Matching Grant Funds were approved. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider the City of Liberty Hill supporting the “Law Enforcement Against Drugs and Violence Program (L.E.A.D.)” in partnership with Liberty Hill ISD by contributing an amount not to exceed \$10,000 (minimum \$5,000 / maximum \$10,000) assisting the program to be introduced at additional grade levels. Outcome: Sargent Fox and Mayor Hall gave an overview of the LEAD Program. Chief Maverick Campbell was appointed the representative of the LEAD Program for the State of Texas, which includes start up of other LEAD Programs across Texas. **On motion by Liz Rundzieher and second by Steve McIntosh implementation of the Program in Liberty Hill and the surrounding area was approved. Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider an Interlocal Agreement between the City of Liberty Hill, Texas and Williamson County Emergency Services District No. 4 for wastewater service. Outcome: An overview was presented on an Interlocal Agreement between the WilCo EMS #4 and the City of Liberty Hill for wastewater service at their new location. On motion by Tony DeYoung and second by Steve McIntosh, the Agreement was approved. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider a proposed Resolution Approving Payment of Costs for Contractual Obligations from the Proceeds of the City of Liberty Hill, Texas Tax and Water System Surplus Revenue Certificates of Obligation. Outcome: Resolution approving payment of costs for contractual obligations from the proceeds of the City of Liberty Hill Tax and Water System Surplus Revenue Certificates of Obligation was reviewed and discussed. On motion by Liz

Rundzieher and second by Gram Lankford, the amendment was approved as presented. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider re-scheduling Liberty Hill City Council meetings from the 2nd and 4th Monday of each month to the 2nd and 4th Tuesday of each month. Outcome: Mayor Hall stated this agenda item will be addressed following Executive Session.

Discuss and Consider an Amendment to Development Agreement between The Estates of Liberty Hill and the City of Liberty Hill. Outcome: Sally McFeron – Director of Planning presented an amendment to The Estates of Liberty Hill Development Agreement (see attached Agreement). This amendment will finalize the Agreement. On motion by Tony DeYoung and second by Liz Rundzieher the amendment was approved as presented. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider recommendation from the Planning & Zoning Commission to City Council a request for conditional use permit to build duplexes in the Downtown Commercial/Retail (C2) District on Loop 332. Outcome: Sally McFeron introduced Yorker Construction, developers of duplexes to be constructed on Loop 332 in the Downtown Commercial / Retain (C2) District. The duplexes will be Craftsman style which is becoming a theme in the Downtown area. On motion made by Liz Rundzieher and second by Steve McIntosh the Conditional Use Permit was approved. Tony DeYoung declared a Conflict of Interest; his residence is adjacent to the location of said duplexes. He completed an Affidavit of Conflict. **Motion passed on vote of 3 AYES; 0 NAYS; 1 ABSTENTION.**

Discuss and Consider recommendation from the Planning and Zoning Commission to the City Council regarding LGI Homes Tree Mitigation Plan for 201 and 205 Independence Dr. in the Liberty Parke Subdivision. Outcome: Sally McFeron – Director of Planning presented an overview on mechanisms for tree mitigation of two oak trees in Liberty Parke Subdivision stating City Council needs to take action on the future of the trees (see attached Arborist Plan). Discussion was held; on motion by Liz Rundzieher and second by Tony DeYoung, Council agreed the trees will be monitored as outlined by the Arborist. Steve McIntosh declared a Conflict of Interest since he resides in Liberty Parke Subdivision; he completed an Affidavit of Conflict. **Motion passed on vote of 3 AYES; 0 NAYS; 1 ABSTENTION.**

Discuss and Consider approving job description and Full-Time / Exempt position of Emergency Management Coordinator (EMC) for the City of Liberty Hill; providing for appointment of Casey Cobb to the position of EMC effective August 5, 2019. Outcome: Mayor Hall explained the job description of Emergency Management Coordinator for the City of Liberty Hill and re-introduced Casey Cobb who is a candidate for the position. On motion by Tony DeYoung and second by Steve McIntosh, Casey Cobb was approved to fill the position. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider approval of Change Order No. 3 with M & C Fonseca Construction Company, Inc. for the City of Liberty Hill FY 2018 Street and Utility Rehab Project. Outcome: A change order was presented for the Street and Utility Rehab Project with the vendor, M & C Fonseca Construction (see attached Change Order No. 3). On motion by Liz Rundzieher

and second by Gram Lankford, the change order was approved as presented. **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**

Discuss and Consider the resignation of Council Member Dr. Ron Rhea submitted July 5, 2019. Outcome: Mayor Hall reported that Dr. Ron Rhea resigned due to health reasons. Everyone expressed their disappointment in his resignation, well wishes for his future and appreciation for his service to the citizens of Liberty Hill.

CONVENE - EXECUTIVE SESSION

Mayor Rick Hall will convene City Council to Executive Session at TIME pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel, Code §551.072 – Real Property and Code Section §551.074 – Personnel Matters. Outcome: City Council entertained discussion related to the matters below but no action was taken in Executive Session.

- **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).**
- **Deliberation regarding the recommendation of the LHEDC Board regarding the performance and compensation of the LHEDC Executive Director (Texas Government Code §551.074 – Personnel Matters; and Texas Government Code §551.071 - Consultation with Attorney).**
- **Consultation regarding 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).**
- **Consultation with Legal Counsel concerning the Summerlyn West Public Improvement District Financing Agreement and the Service and Assessment Plan. (Legal Advice pursuant to Tex. Gov’t. Code Sec. §551.071).**
- **Consultation with Legal Counsel concerning City Council Rules of Procedure and amendments to Article 1.03 of the Code of Ordinances of the City of Liberty Hill, Texas. (Legal Advice pursuant to Tex. Gov’t. Code Sec. §551.071).**

RECONVENE - REGULAR SESSION

Mayor Rick Hall will reconvene City Council to Regular Session following Consultation with Legal Counsel pursuant to Texas Government Code §551.071 – Consultation with Legal Counsel, Code §551.072 – Real Property and Code Section §551.074 – Personnel Matters. Council will entertain discussion related to the matters shown below.

- **Follow-up with Legal Counsel concerning Municipal Utility District No. 13 regarding the City’s utility rate study; (Consultation with City Attorney - Texas Government Code §551.071). Outcome:** Mayor Hall stated no action would be taken.
- **Consider a recommendation from the LHEDC Board regarding the performance and compensation of the LHEDC Executive Director (Texas Government Code §551.074 – Personnel Matters; and Texas Government Code §551.071 - Consultation with Attorney). Outcome:** Mayor Hall stated he would entertain a motion regarding compensation of the LHEDC Executive Director. On motion by **Motion passed on vote of 4 AYES; 0 NAYS; 0 ABSTENTIONS.**
- **Consider real property owned by the City of Liberty Hill and possible acquisitions. (Real Property pursuant to Texas Government Code §551.072). Outcome:** Mayor Hall stated to action would be taken.
- **Consider follow-up with Legal Counsel concerning Burkett Media litigation. (Consultation with City Attorney pursuant to Texas Government Code §551.071). Outcome:** Mayor Hall stated to action would be taken.
- **Consider the Summerlyn West Public Improvement District Financing Agreement and the Service and Assessment Plan. (Legal Advice pursuant to Tex. Gov’t. Code Sec. §551.071). Outcome:** Mayor Hall stated to action would be taken.
- **Consider City Council Rules of Procedure and amendments to Article 1.03 of the Code of Ordinances of the City of Liberty Hill, Texas. (Legal Advice pursuant to Tex. Gov’t. Code Sec. §551.071). Outcome:** Mayor Hall stated there would be no change to Article 1.03 regarding a change in meeting dates for City Council. Liz Rundzieher stated she wished to thank Council for leaving Council meetings on the 2nd and 4th Mondays because more citizens are participating; a change in the date of the week might hinder participation.

ADJOURNMENT

On motion by Liz Rundzieher and second by Tony DeYoung, the meeting was adjourned at 9:57 PM. **PASSED AND APPROVED ON THE 22ND DAY OF JULY, 2019 BY THE CITY COUNCIL OF LIBERTY HILL ON VOTE OF ___ AYES; ___ NAYS; ___ ABSTENSIONS.**

RICK D. HALL – MAYOR

**BARBARA ZWERNEMANN
CITY SECRETARY**