



CITY COUNCIL REGULAR MEETING
MINUTES
Monday, May 24, 2021 – 6:30 PM
2801 Ranch Road 1869, Liberty Hill, Texas

Liz Branigan, Mayor
Kathy Canady, Place 2
Tony DeYoung, Place 4

Chris Pezold, Place 1
Crystal Mancilla, Place 3
Angela Jones, Place 5

CALL TO ORDER

The meeting was called to order by Mayor Liz Branigan at 6:38 PM. In attendance were Liz Branigan, Mayor; Chris Pezold, Kathy Canady, Crystal Mancilla, Tony DeYoung, and Angela Jones. Quorum was established.

The Invocation was provided, and Pledge of Allegiance, and Texas Pledge were recited.

PRESENTATIONS

Donna Leonard with the Dark Skies Initiative presented to Council and provided Councilmembers with a packet of information. She stated that most businesses' lights are left on all night long; there is no scientific evidence to show that crime is decreased because of this. Pam Turner also presented stating she would like Liberty Hill to be the first community in Williamson County to be designated as an International Dark Skies Community.

Connie Fuller, former Mayor of Liberty Hill also spoke providing some history during her time in office.

PUBLIC COMMENTS

Brian Williams, 121 Gabriels Loop, addressed Council regarding agenda item 7.g. He stated he has been in Planning and Zoning for around four years. Mr. Williams is a civil engineer who lives in the school district but not in city limits. He asked Council to consider qualified candidates who do not necessarily live within city limits as viable candidates to Planning and Zoning.

Steve Messana, 146 River View road, addressed Council regarding agenda item 7.g. stating the Ordinances related to Planning and Zoning are virtually the same other than having more

commissioners appointed who live within city limits. He discussed the number of applicants versus the number of applicants who live within City limits versus the number of applicants who expressed Planning and Zoning as their primary interest. He emphasized Council choosing qualified applicants. Mr. Messina presented the City Secretary with a paper copy of his comments for inclusion with the minutes, attached herein.

EXECUTIVE SESSION

City Council was convened to Executive Session at 7:28 PM for discussion of the following items pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), Section 551.072(Deliberations about Real Property), Section 551.073 (Deliberations about Gifts and Donations), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), and Section 551.087 (Development).

Section 551.071 Consultation with Attorney

Consultation with Attorney to seek legal advice regarding pending or contemplated litigation, a settlement offer, or a matter on which the City Attorney has a duty to advise the City Council, including posted agenda items.

- Consultation on the Annexation and Development Agreement with The Hills Development
- Consideration of possible amendment to Butler Farms Development Agreement
- Consideration of possible amendment to Omega Ranch Development Agreement
- Consideration of possible amendment to the development agreement between the City of Liberty Hill and MREC MAG Morningstar
- Update regarding threatened Clean Water Act lawsuit

Section 551.087 Development

- Introduction to and update from Matt Powell, Executive Director of the Liberty Hill Economic Development Corporation.

Section 551.072 Deliberation Regarding Real Property

- Consideration on real estate acquisition for infrastructure projects.

Chris Pezold stepped out of this portion of the Session due to possible conflict of interest. No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 9:40 PM for deliberation of the following items pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), Section 551.072(Deliberations about Real Property), Section 551.073 (Deliberations about Gifts and Donations), Section 551.074 (Personnel Matters), Section 551.076 (Deliberations about Security Devices), and Section 551.087 (Development).

Section 551.071 Consultation with Attorney

Consultation with Attorney to seek legal advice regarding pending or contemplated litigation, a settlement offer, or a matter on which the City Attorney has a duty to advise the City Council,

including posted agenda items.

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Section 551.087 Development

- Introduction to and update from Matt Powell, Executive Director of the Liberty Hill Economic Development Corporation.

Section 551.072 Deliberation Regarding Real Property

- Consideration on real estate acquisition for infrastructure projects.

On return to REGULAR SESSION, the following motions were made:

On motion by Kathy Canady and second by Chris Pezold, Council approved the amended Development Agreements for the Omega and Butler Farms developments.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

On motion by Kathy Canady and second by Tony DeYoung, Council authorized Lacie Hale, City Administrator, to execute the Morningstar Development Agreement based on the terms discussed in Executive Session.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

CONSENT AGENDA

On motion by Kathy Canady and second by Angela Jones, Council approved Consent Agenda items as presented.

- Discuss and consider approval of City Council minutes of meeting held May 10, 2021.
- Discuss and consider approval of City Council minutes of Special Called Canvassing Meeting held May 12, 2021.
- Discuss and consider approval of extension of Right of Entry Agreement for the CR 260 / CR 266 Wastewater Project related to:
 - 900 CR 266, Georgetown, Texas 78628
 - 910 CR 266, Georgetown, Texas 78628

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

REGULAR AGENDA

DISCUSS AND CONSIDER ACTION ON STEGER BIZZELL TASK ORDER NO. SB 021-64 FOR LIFT STATION #12 AND FORCE MAIN #12 IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$233,200.

Curtis Steger, Steger Bizzell addressed Council stating this is a task order to modify the existing lift station to add additional services for Morningstar and Rancho Sienna neighborhoods for additional capacity. This affects MUDs 12 and 19. Impact Fees will fund the work.

On motion by Kathy Canady and second by Chris Pezold, Council approved Task Order SB 021-64.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION ON DOWNTOWN CROSSWALKS.

Curtis Steger provided Council with an update on the project and cost estimate of around \$20,000 to complete it.

On motion by Tony DeYoung and second by Kathy Canady, Council approved using up to \$20,000 from the unused mayoral stipend to pay for the crosswalk safety project.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER ACTION TO APPOINT MAYOR PRO TEM FOR THE CITY OF LIBERTY HILL FOR A ONE- YEAR TERM BEGINNING MAY 25, 2021 AND ENDING MAY 2022.

Kathy Canady made a motion to appoint Tony DeYoung as Mayor Pro Tem.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER TEMPORARILY SUSPENDING THE CITY'S OUTDOOR BURNING ORDINANCE.

Mayor Branigan stated this is in response to a request by Luther Lucko from Crosstracks Church seeking to burn brush.

Following discussion, **Crystal Mancilla made a motion to suspend the City's Outdoor Burning Ordinance for two weeks, ending June 8th, for those citizens with a permit to burn issued by the fire department. Chris Pezold seconded the motion.**

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE REGARDING CITIZEN COMMENTS AT CITY COUNCIL MEETINGS.

Mayor Branigan addressed Council stating Council recently changed the Public Comments Ordinance, and it is very troublesome to her. She stated people have been contacting her with requests for zoning changes and crosswalks, among other items. Tony DeYoung stated he felt Council had "gotten into the weeds" while working on the ordinance previously; he feels the 30-day wait time needs to be lifted along with the Tuesday deadline.

On motion by Tony DeYoung and second by Kathy Canady, Council approved going back to the original ordinance with the removal of the 15-minute total comments rule as it goes against state statute.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER DIRECTING THE CITY TREASURER TO PROVIDE AN UP-TO-DATE BUDGET REVIEW TO BE INCLUDED IN EACH COUNCIL PACKET AND USING EASILY READABLE FORMAT.

Mayor Branigan presented stating this subject came up in December, but Council did not want to talk about it then. The Mayor said anyone could print the report, not just Becky, with a click of the mouse, in Incode.

Chris Pezold made a motion to have Becky Wilkins, Finance Director, provide a revenue – expense report for each month for Council.

Tony DeYoung asked Ms. Wilkins how extensive this report would be. Ms. Wilkins stated it is around fifty pages. Mayor Branigan stated the Revenue and Expense Report in the Budget Workshop PowerPoint is what she is looking for. However, Ms. Wilkins stated this was just an abbreviated example. As part of the transparency program, the monthly check register is online. Council discussed the departmental budget meetings that will be happening over the next few weeks. Mayor Branigan stated that the monthly budget reports in Council packets these days are very very abbreviated, and the previous finance director did always include a report that was easy to read and easy to follow. Ms. Wilkins stated she can bring some options for the requested report to the next regular meeting.

Councilman Pezold recalled his previous motion.

On motion by Chris Pezold and second by Crystal Mancilla, Council directed the Finance Director to bring back to Council some examples of revenue – expense reports for Council to review.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER ACTION ON DRAFT ORDINANCE SETTING THE COMPOSITION AND TERM OF OFFICE FOR THE PLANNING AND ZONING COMMISSION.

Mick McKamie, Interim City Attorney addressed Council stating that Council had previously discussed previously amending the bylaws for the Planning and Zoning Commission to have only five members. The question tonight is if all members must be city limits residents, ETJ, ISD, etc. The term of office for commissioners is two years.

Tony DeYoung made a motion to have five commissioners with at least one commissioner who resides within city limits and four others who may reside either in city limits, the ETJ, or the ISD. Angela Jones seconded the motion.

There was discussion of applicants and their qualifications. Kathy Canady said one of the reasons people do not sign up is from comments on Facebook about getting the best and the brightest who are “not found in city limits”. She said that just because someone has served, it does not guarantee continuation on that commission. Ms. Canady said “those that are within City limits are the best” because they live here and have to abide by what is done here. “If their intent is to serve, they deserve that opportunity first and foremost.”

Mayor Branigan said she has been meeting with the Planning and Zoning Commission for a couple of months and has been very impressed by the quality of their dedication. “At this time, this is the fastest growing city in the United States, it would be foolish for us to throw out these people who do so well and work together so well. It would be fool hardy to do so. I support Tony’s [Tony DeYoung] idea.”

Discussion followed on what the makeup of the board should be.

Motion passed on vote of 4 ayes, 0 nays, and 1 abstention. Kathy Canady opposed the motion.

DISCUSSION AND POSSIBLE ACTION REGARDING THE WASTEWATER TREATMENT PLANT MASTER PLAN BUDGET AND FUNDING SCHEDULE.

Aaron Laughlin presented stating this project will increase the capacity of the plant. The existing plant is struggling to keep up with increasing demands.

Lacie Hale stated that ultimately, the City will need three wastewater treatment plants.

No action was taken.

CONSIDERATION AND POSSIBLE ACTION ON A RESOLUTION ADOPTING A RATE REVIEW MECHANISM TARIFF WITH ATMOS ENERGY.

Lacie Hale presented stating last month, Council heard from Atmos Energy and approved a franchise agreement. The tariff is now before Council.

Following questions by Chris Pezold, Randy Hartford with Atmos Energy said cities have original authority on what rates are. If the City and Atmos do not agree, the protest would go before the Railroad Commission.

There was extensive discussion.

On motion by Tony DeYoung and second by Kathy Canady, Council postponed this item.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE FACILITY USE AGREEMENT WITH THE LIBERTY HILL FOOTBALL AND CHEER YOUTH LEAGUE.

Lacie Hale presented to Council stating this is an agreement staff has been working on with the youth leagues for the last six or so months. One change the Parks and Recreation Board requested was to move the 15 hours listed in the agreement to 16 hours. The football league is in agreement with the agreement.

On motion by Kathy Canady and second by Crystal Mancilla, Council approved execution of the Facility Use Agreement with the Liberty Hill Football and Cheer Youth League as amended.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE THE MAINTENANCE CONTRACT FOR THE FOOTBALL FIELD AT THE CITY PARK ON COUNTY ROAD 200.

Lacie Hale presented stating the budget for this comes from a vacant streets and maintenance position. The leagues have been using this company and approve of them.

On motion by Tony DeYoung and second by Chris Pezold, Council authorized the City Administrator to execute the maintenance contract for the football field.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

CONSIDER ACCEPTANCE OF A PETITION FOR ANNEXATION, AND DIRECT STAFF TO DEVELOP A SERVICE PLAN AND COMMENCE ANNEXATION PROCEDURES.

Chris Pezold stepped out of this portion of the meeting due to possible conflict of interest. Lacie Hale presented stating Council has received an updated resolution for 1.293 acres coming into City limits by voluntary annexation. There is one required public hearing set for June 14th.

On motion by Kathy Canady and second by Angela Jones, Council directed staff to develop a service plan and commence annexation procedures.

Motion passed on vote of 4 ayes, 0 nays, and 1 abstention. Chris Pezold abstained.

CONSIDERATION AND POSSIBLE ACTION ON SETTING THE DATE FOR THE JULY 2021 CITY COUNCIL RETREAT.

Following discussion, Council directed staff to see if July 24th work for the proposed facilitator.

DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION TO APPROVE A RESOLUTION PROVIDING SIGNATURE AUTHORITY ON CITY ACCOUNTS AT CLASSIC BANK, REPEALING CONFLICTING RESOLUTIONS AND ESTABLISHING AN EFFECTIVE DATE.

Becky Wilkins, City Treasurer, stated that with the loss of Ms. Rundzieher, bank cards need updating.

On motion by Kathy Canady and second by Chris Pezold, Council approved a Resolution providing signature authority on City accounts at Classic Bank with the addition of Tony DeYoung following his appointment to Mayor Pro Tem.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER ACTION ON ORDINANCE 14-O-15, SPECIFICALLY AMENDING SECTION 1.03.031, MOVING CITY REGULAR COUNCIL MEETINGS TO WEDNESDAY NIGHTS, PROVIDING FOR SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND ESTABLISH AN EFFECTIVE DATE OF JUNE 1ST, 2021.

Tony DeYoung stated he has researched and talked with staff. He believes one weekend is not enough time to prepare for Council meetings and believes moving meetings to Wednesdays will allow much needed preparation time.

On motion by Chris Pezold and second by Tony DeYoung, Council approved amending Ordinance 14-O-15 to move Council meetings to Wednesdays effective June 9, 2021.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER ADDING SIGNAGE RELATED TO CELL PHONE USAGE IN COUNCIL AND MEETING CHAMBERS.

Kathy Canady stated she would like to see a couple of signs placed in Council chambers with a reminder to turn phones to silent.

After discussion, Council directed staff to place two more signs in Council chambers with reminders to silence cell phones during meetings.

No other action was taken.

DISCUSSION AND POSSIBLE ACTION TO FILL POSITIONS ON THE PLANNING AND ZONING COMMISSION.

On motion by Kathy Canady and second by Chris Pezold, Council approved filling the vacant position on Planning and Zoning with Diane Williams.

Angela Jones asked if there was a process for talking to and screening applicants. She stated her experience was that someone is recommended, and then voted on. She stated she would like to see a screening process begun.

Tony DeYoung stated that ideally, Council would do this, but there is a need for appointing one person to the Commission for Planning and Zoning to be able to make quorum.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

NATIONAL POLICE WEEK IN MAY; ACKNOWLEDGEMENT AND APPRECIATION OF THE CITY OF LIBERTY HILL POLICE DEPARTMENT.

Kathy Canady stated she wanted to make a public acknowledgement of Council's appreciation of their Police Department.

DISCUSS AND CONSIDER RE-SETTING DATE FOR POSTPONED WORKSHOP REGARDING RULES OF DECORUM AND PROCEDURES FOR COUNCIL MEETINGS.

Kathy Canady stated that in the recent past, Council talked about establishing Rules of Decorum and Procedure. However, quorum was not met for that to happen.

Following discussion, the item was postponed until the next regular meeting.

UPDATE FROM IT DIRECTOR RANDY HODGES ON PROCUREMENT AND INSTALLATION OF NEW A/V EQUIPMENT FOR THE MUNICIPAL COURT CHAMBERS.

Tony DeYoung stated he wanted to hear an update.

Randy Hodges, IT Director stated he has received all the equipment. There is \$2500 held back to cover anything else that might be needed during or after installation. He and the City Secretary will be testing the equipment with the Granicus agenda software next week.

UPCOMING MEETINGS AND EVENTS

and

MAYOR AND COUNCIL FUTURE AGENDA ITEMS

Meetings were discussed with the caveat that Council has moved from Mondays to Wednesdays.

ADJOURNMENT

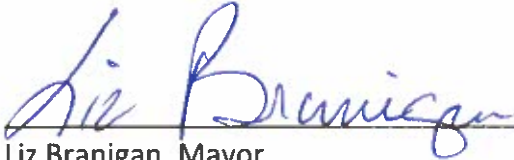
On motion by Kathy Canady and second by Chris Pezold, Council was adjourned at 11:59 PM.

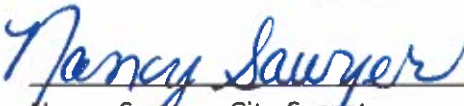
Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

PASSED AND APPROVED by the City Council of the City of Liberty Hill, Texas on Wednesday, June 23, 2021 on vote of 5 ayes, 0 nays, and 0 abstentions.



[seal]


Liz Branigan, Mayor


Nancy Sawyer, City Secretary

Steve Messana

After comparing the current codified ordinance in Franklin with the one to be discussed tonight I think it is important to note that while the language between the two is different, the new ordinance offers nothing different than what is already in place. All along council has had the ability to place whomever they want on the commission. So if it is councils desire to have more representation from citizens within the city limits, this could have been accomplished at any time over the past 8 months rather than kicking this down the road for as long as it has. In doing so the city has wasted time and money addressing a non-issue. Couldn't city administration and lawyers time have been better spent on other more pressing issues than this one?

In the past it has proven difficult to find 5 qualified residents willing to serve on the commission which is why the ordinance was changed in 2012 to expand the range from the city limits to the ETJ and the ISD. I would also like to point out that through this process that started in September of 2020 (8 months ago) you have asked three members of the commission who's terms expired in October to remain on the commission and while they have happily done so without complaint, you have never addressed the commission, met with the commission or thanked the commissioners for their voluntary support, and now that we have hung in there for these 8 months, it feels to me like you are casting us aside as if our service isn't valuable.

After reviewing tonight's council packet I would like to point out a few things that clearly illustrate this problem.

You have a total of 20 applicants that have submitted interest in serving the city. Three of these applications date back to 2019. Two of the applicants currently serve on P&Z. Of the other 18 applicants seven have listed P&Z and their first interest and of those seven, three are in the city and of those three one has had an application in since July of last year, the other two just submitted applications two weeks ago. The point I am driving at is that you had the opportunity to add a citizen from the city last October. The other point is that over the past 8 months while you were debating the issue and were assumedly trying to get the citizens more involved you only collected a total of 13 applicants and of those 13 applicants only 4 of them live in the city limits and only 2 of them expressed P&Z as their primary interest.

Just because members of the commission do not live in the city limits doesn't mean they aren't qualified and capable of helping the city achieve its goals. The current make-up of the commission seems well rounded with professionals that have skills that appear relevant. You have an architect, an engineer, two business owners and until Cheryl resigned, a real estate professional. I believe stacking the commission with only city residents without regard to their qualifications is a mistake and limits the ability to have the diversity and expertise that exists today.