



CITY COUNCIL REGULAR MEETING
MINUTES
Wednesday, June 9, 2021 – 6:30 PM
2801 Ranch Road 1869, Liberty Hill, Texas

Liz Branigan, Mayor	Chris Pezold, Place 1
Kathy Canady, Place 2	Crystal Mancilla, Place 3
Tony DeYoung, Place 4 / Mayor Pro Tem	Angela Jones, Place 5

CALL TO ORDER

The meeting was called to order by Mayor Liz Branigan at 6:31 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.

PUBLIC COMMENTS

None.

Chris Pezold made a motion to move the Executive Session to the end of the meeting. Mayor Branigan stated there is a reason we are going into Executive Session First.

EXECUTIVE SESSION

City Council was convened to Executive Session at 6:33 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.

- Update regarding Campbell v. City of Liberty Hill et al

No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 7:28 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.

- Update regarding Campbell v. City of Liberty Hill et al

No action was taken.

CONSENT AGENDA

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

- DISCUSS AND CONSIDER ACCEPTANCE OF APRIL 2021 DEPARTMENTAL REPORTS SUBMITTED TO COUNCIL MAY 24, 2021.
- DISCUSS AND CONSIDER APPROVAL OF MAY 24, 2021 SPECIAL BUDGET WORKSHOP MINUTES.
- DISCUSS AND CONSIDER APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF MAY 24, 2021.

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

REGULAR AGENDA

- CONSIDERATION AND POSSIBLE ACTION ON APPOINTING THE BOJORQUEZ LAW FIRM AS THE INTERIM CITY ATTORNEY.

Lacie Hale, City Administrator provided a brief history of the Bojorquez Law Firm as they have assisted the City previously as well as certain current areas they are helping with city with. She explained that the current interim attorney is unable to attend Wednesday evening Council meetings. Cost for services will be \$285 / hour.

Following discussion, Kathy Canady made a motion to appoint the Bojorquez Law Firm as the interim city attorney at an hourly rate of \$285.00. Tony DeYoung seconded the motion.

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

- UPDATE, TIMELINE, AND DIAGRAM(S) FROM PUBLIC WORKS ON POTENTIAL SOLUTION TO ODORS EMITTING FROM WASTEWATER TREATMENT PLANT.

Angela Jones brought this item forth, asking Lacie Hale and others to offer possible solutions. Ms. Hale provided a PowerPoint overview of the site explaining headworks boxes as well. Thus far, the City has installed metal sheets to enclose the MBR headworks box; installed odor mister system and air scrubber unit near the Kusters and headworks box; installed plastic curtain in the headworks box. In three weeks, the plant will be offline.

The plan going forward is to study where the source of the odor is; measure the odor constituents and strengths; and develop a comprehensive plan to address the problem areas. The study would

run around \$5,000.

The City is working to communicate with the local residents regarding the City's plans including a mailed letter.

Councilman Pezold added that putting red-tip photinias on the berm would help as well.

Council suggested putting these options in place and then, if needed, they would consider a study.

EXECUTIVE SESSION

City Council was convened to Executive Session at 7:49 PM for discussion of the following items pursuant to Texas Government Code Section 551.071 (Consultation with Attorney).

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.

- CONSIDERATION AND POSSIBLE ACTION TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LIBERTY HILL, MREC MAG MORNINGSTAR, AND GAIDA LAND, LLC

No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 8:01 PM for deliberation of the following items pursuant to Texas Government Code Section 551.071 (Consultation with Attorney)

- CONSIDERATION AND POSSIBLE ACTION TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LIBERTY HILL, MREC MAG MORNINGSTAR, AND GAIDA LAND, LLC

No action was taken.

- b) DISCUSS AND CONSIDER ACTION ON BOWMAN CONSTRUCTION CHANGE ORDER IN THE AMOUNT OF \$8,500 IN THE FORM OF HOURLY RATES AS ACCRUED, FOR CONSTRUCTION ADMINISTRATION SUPPORT THROUGH COMPLETION AND CLOSE OUT OF DOWNTOWN BIKE-PEDESTRIAN LOOP PROJECT.

Mia Hernandez and Nick Kehl with Bowman Construction were introduced by Ms. Hale. Ms. Hale stated this change order would be the amount to finish out the project, scheduled for some time in September. The time frame for the project lasted much longer than originally anticipated. 75% of the project is being funded through TxDOT and 25% is the City's cost. This is the second change order. The first one covered guard rails. Councilmember Pezold expressed his concerns that the cost seemed higher than it should. There was extensive deliberation on the costs. The Bowman representatives provides a brief background on what the budget covers and the work involved.

On motion by Chris Pezold and second by Kathy Canady, Council postponed this item until June 23, 2021 for reevaluation.

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

- c) DISCUSSION AND POSSIBLE ACTION TO APPROVE A WESTAR CONSTRUCTION CHANGE ORDER #2 IN THE AMOUNT OF \$6,228 FOR DRAINAGE IMPROVEMENTS AT DRIVEWAY 12, JUST PAST THE RAILROAD CROSSING ON LOOP 332,

FOR THE LIBERTY HILL BIKE AND PEDESTRIAN LOOP PROJECT.

Ms. Hernandez and Mr. Kehl with Bowman Construction explained this item covers drainage improvements, including the addition of culverts. Mr. Pezold expressed concerns of subcontractor pricing for this project.

Following discussion of additional concerns of pricing, Kathy Canady made a motion to postpone this item until June 23, 2021 to allow for reevaluation. Chris Pezold seconded the motion.

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

d) DISCUSSION AND POSSIBLE ACTION ON PROPER USE OF FEES IN LIEU OF PARKLAND.

Mayor Branigan presented to Council stating the Parks Board needs some money and the document she handed out to Council quoting from the Development Code. Mayor Branigan stated that in the recent past, this money has not been put into a separate fund. She proposed that it should be placed in a separate budget and in the upcoming budget, Council insure this is paid to Parks. The Mayor stated she felt like that those monies seemed to have disappeared and she believes the funds were absorbed by the general fund. Chris Pezold stated that developers know that 8% is going to be sued for acquisition of improvement of parks in the city. Kathy Canady stated the city spends around \$252,000 per year on parks. She stated Council needs a definition of parks improvements and "proper use". Chris Pezold also stated clarification is needed for maintenance as well in regard to the development code.

Mayor Branigan stated this is why she is proposing that these funds which are now at \$155,000 go into a separate fund. She stated it should be supervised by the Parks Board.

Ms. Hale stated she will review other comparable entities and bring back potential models based on that.

e) DISCUSSION AND POSSIBLE ACTION TO REIMBURSE THE TREE MITIGATION FUND IN THE AMOUNT OF \$15,000 FROM THE GENERAL FUND.

Mayor Branigan presented stating the tree mitigation fund is paid by people who cut heritage trees. She stated in the past couple of years, that was absorbed into the general fund.

City Treasurer Becky Wilkins stated that as she has explained in the past, the City does not have a tree mitigation policy. The city cannot legally collect on items we do not have a policy for.

Mayor Branigan asked if it does not exist, how is it in the budget. Ms. Wilkins responded that without a policy, there is no basis for collecting it. She explained that the \$15,000 is a budget projection. Crystal Mancilla stated that in order to rectify this, the UDC will have to be amended.

Ms. Hale stated staff will be working with the attorney to amend the UDC.

f) DISCUSS AND CONSIDER RESCINDING RESOLUTION 21-R-04.26-03 FOR THE PURCHASE OF A POLICE DEPARTMENT "COMMAND VEHICLE" PICK-UP TRUCK.

Becky Wilkins, City Treasurer, addressed Council stating due to time constraints, staff would like to switch out a truck for a Tahoe through a new resolution.

On motion by Tony DeYoung and second by Chris Pezold, Council rescinded Resolution 21-R-04.26-03.

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

g) DISCUSS AND CONSIDER APPROVING A RESOLUTION TO PURCHASE A 2022 TAHOE AND EQUIPMENT FOR 3 VEHICLES AT A TOTAL COST OF \$101,018.

Becky Wilkins, City Treasurer presented.

Following brief discussion, Kathy Canady made a motion to approve Resolution 21-R-06.09-01 to purchase a 2022 Tahoe and equipment for 3 vehicles at a total cost of \$101,018. Tony DeYoung seconded the motion.

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

- h) DISCUSS AND CONSIDER RECOMMENDATION FROM THE LIBERTY HILL ECONOMIC DEVELOPMENT CORPORATION TO APPROVE THE INVEST (INVESTMENT, EXTERIOR, SIGNAGE, AND TARGETED GROWTH) INCENTIVE PROGRAM.
- i) DISCUSS AND CONSIDER RECOMMENDATION FROM THE LIBERTY HILL ECONOMIC DEVELOPMENT CORPORATION TO APPROVE THE BOOSTER INCENTIVE PROGRAM.

Matt Powell, EDC Executive Director presented to Council. Stating at the EDC retreat, EDC members tasked Mr. Powell with taking the current seven EDC programs into two or three that encompass all seven. At the last EDC meeting, these two presented this evening were unanimously passed.

Council expressed some concerns about the criteria for each program. Angela Jones stated she felt someone might do all that is requested and might still be turned down according to the criteria presented. Mr. Powell stated applicants will meet criteria before going before the EDC. Crystal Mancilla stated she would like to see what the programs were before and how they compare, and how they have been consolidated.

Ms. Canady said her concerns are that the criteria does not quite match the hard items, such as signage. Mr. Powell stated his board is looking for applications that go above and beyond city standards.

Mr. Powell stated the EDC has programs that are not getting applications in. He stated that in the past, it was somewhat based on "who you know".

Ms. Hale stated staff's position is that the only signs that would qualify would be in C1 and C2. From staff's perspective, that would need to be visited.

Mr. Powell stated EDC will be doing several studies to provide council with additional information. The board is not suggesting at this time that Council revisit their sign ordinance but may do so at some time.

Chris Pezold stated what he has seen of the EDC, and the perception of it, is that you have one of your members getting five million dollars for a grant; you have the Starbucks developer getting around \$150,000. I understand that the EDC works for Council. You are getting ¼ cent, around \$400,000 last year. Now with what we are seeing with the development coming here and water needs, I would suggest tabling this entire idea until we have a workshop with EDC, P&Z, and Council so we can actually look at what is driving our community because right now, we are so popular, everyone is coming here. Everyone wants to build here; every business wants to be here, because this is the next growth path. Let's look at where our long-range CIP plans are going and go in and look and see what money should actually be spent to grow the City instead of doing these little spot deals. Right now, the perception in the community is not good.

Mr. Powell responded that he knows his board is extremely positive toward the idea of having a joint meeting.

On motion by Chris Pezold and second by Kathy Canady, Council postponed this item until such time as a workshop can be had to discuss.

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

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

Lacie Hale will come back to Council with a schedule for workshops.

k) DISCUSS AND CONSIDER ACTION TO ENSURE SAFETY OF PARKS, CITY PARKING, SIDE STREETS WHILE ENFORCING SPEED AND TRAFFIC LAWS.

Kathy Canady addressed Council stating she would like some options to address people cutting through and speeding. Council deliberated options to alleviate the issues. Tony DeYoung stated a "See Something, Say Something" type program. Citizen complaints are the way to help stop the illegal traffic activity. There are lighted street signs ordered that have been delayed but should be installed sometime in July.

l) DISCUSS AND CONSIDER ACTION TO AUTHORIZE MUNDO & ASSOCIATES TO PRESENT TO COUNCIL ON BEST PRACTICES, DUTIES, AND ROLES OF BOARDS AND COMMISSIONS.

Kathy Canady presented, stating she talked with Mundo & Associates, regarding providing a presentation to Council on roles of boards and commissions. The cost would be around \$2,500. Ms. Hale stated there are funds in the training budget.

On motion by Kathy Canady and second by Crystal Mancilla, Council approved hiring Mundo & Associates to present to Council on best practices, duties, and roles of boards and commissions. **Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.**

m) DEDICATION OF PARKLAND LOCATED AT 900 STUBBLEFIELD LANE, LIBERTY HILL.

Chris Pezold addressed Council providing a history of the property. He stated he could donate the property to the City and use the sale for taxes. Mr. Pezold said that Williamson County had put in an offer to him the previous day. Ms. Hale stated there are a number of factors that warrant consideration. Following discussion, Ms. Hale stated she would meet with Mr. Pezold and the interim city attorney to see what they could work out.

n) DISCUSS AND CONSIDER ACTION DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.03, DIVISION 2 OF THE LIBERTY HILL CODE OF ORDINANCES MODIFYING AGENDA PROCEDURES TO REQUIRE COUNCIL MEMBERS TO HAVE A CO-SPONSOR FOR ITEMS THEY PLACE ON THE AGENDA.

Chris Pezold presented to Council stating he likes the idea of council members bouncing ideas off of other councilmembers before placing items on the agenda. Tony DeYoung stated he was surprised to see this come up again since it was recently deliberated by Council. Following discussion, Mr. Pezold stated Council had changed his mind.

No action was taken.

o) DISCUSS AND CONSIDER ACTION DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE BANNING CAMPING WITHIN THE CORPORATE LIMITS OF LIBERTY HILL.

Chris Pezold addressed Council stating the city of Kyle has recently drafted a camping ban ordinance and the first reading was June 1. Angela Jones asked who would enforce such a ban. Police Chief Graeter stated it would probably be the police department and code enforcement. Ms. Jones stated that Austin already has an issue with this and since Liberty Hill does not have an issue with this now, that might make this not as hard to manage. Alan Bojorquez, City Attorney, stated the Legislature passed HB 1925 which is a statewide camping ban unless you have the

consent of the agency that is controlling that public land. It has not been signed by the governor. It goes on to say that municipalities have the authority to adopt their own local rules and enforce their own local rules if consistent with HB 1925. Council asked that the City Attorney begin a draft ordinance for review by Council.

p) DISCUSSION AND POSSIBLE ACTION ON DEVELOPMENT AGREEMENT STANDARDS FOR RESIDENTIAL SUBDIVISIONS.

Following discussion, Chris Pezold made a motion to schedule workshops with Council and Steger Bizzell to discuss Capital Improvement Projects and Development Agreement Standards. Tony DeYoung seconded the motion.

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

q) DISCUSS AND CONSIDER MOVING FROM THREE (3) REGULAR COUNCIL MEETINGS PER MONTH TO TWO (2) REGULAR COUNCIL MEETINGS AND ONE (1) WORKSHOP PER MONTH.

Ms. Jones presented stating it is difficult to hash out important items without having workshops. Following discussion and input from the attorney, Council will keep the three regular Council meetings per month, utilizing one as a workshop.

s) DISCUSS AND CONSIDER MOVING EXECUTIVE SESSION TO EITHER BEFORE OR AFTER REGULAR SESSION WITH POSSIBLE TIME LIMITS.

Angela Jones stated she brought this to Council to allow for more citizen participation. Council discussed possibly setting a time limit to Executive Session at beginning of meeting and then following up at end with any Executive Session items that were not completed.

On motion by Angela Jones and second by Kathy Canady, Council approved a motion to move Executive Session to beginning of meeting for a 30-minute session and return, if necessary, to Executive Session at the end of the meeting.

t) DISCUSS AND CONSIDER APPOINTING A REPLACEMENT TO PLANNING AND ZONING COMMISSION VACANCY.

ANGELA JONES PRESENTED STATING SHE WANTS COUNCIL TO APPOINT A REPLACEMENT TO THE P&Z COMMISSION SO THAT THEY CAN BETTER INSURE A QUORUM.

Following discussion, Council directed the City Secretary to reach out to applicants once more to confirm their interest and then update Council with those applications.

EXECUTIVE SESSION

City Council was reconvened to Executive Session at 10:39 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.

- CONSIDERATION OF POSSIBLE AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LIBERTY HILL, MREC MAG MORNINGSTAR, AND GAIDA LAND, LLC.
No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 11:09 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.

- CONSIDERATION AND POSSIBLE ACTION TO AMEND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LIBERTY HILL, MREC MAG MORNINGSTAR, AND GAIDA LAND, LLC.
No action was taken during Regular Session. Council asked that this item be added to the Monday, June 14, 2021 Special Council agenda.

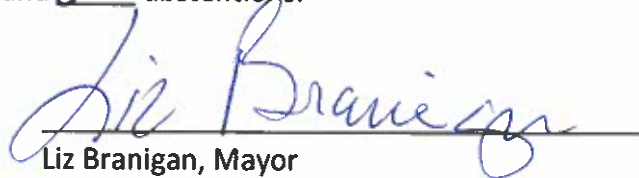
ADJOURNMENT

On motion by Kathy Canady and second by Tony DeYoung, Council was adjourned at 11:11 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, July 7, 2021 on vote of 5 ayes, 0 nays, and 0 abstentions.



[seal]


Liz Branigan, Mayor


Nancy Sawyer, City Secretary