



**CITY COUNCIL REGULAR MEETING
MINUTES
Wednesday, August 4, 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 6:30 PM. In attendance were Liz Branigan, Mayor; Kathy Canady; Crystal Mancilla who arrived at 6:32 PM; Tony DeYoung; and Angela Jones. Chris Pezold was not in attendance. Quorum was established.

Others in attendance include Cobby Caputo, Matt Powell, Jay Holmes, Royce Graeter, Natasha Martin, Nella Joseph, Curtis Steger, Tracy Ventura, John Byrum, Demetrice Gonzalez, Mary Lyn Jones, Jamie Etzkorn, and Nancy Sawyer

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

EXECUTIVE SESSION

City Council was convened to Executive Session at 6:34 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 on TCEQ executive order from 2018 as it relates to current Clean Water Act lawsuit.

Section 551.074 Personnel

- Deliberate the appointment, employment, evaluation, reassignment, duties, discipline,

complaints, or dismissal of the City Treasurer.

No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 7:13 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 and possible action on TCEQ executive order from 2018 as it relates to current Clean Water Act lawsuit

No action was taken.

Section 551.072 Deliberation Regarding Real Property

- Deliberation and possible action on the appointment, employment, evaluation, reassignment, duties, discipline, complaints, or dismissal of the City Treasurer.

No action was taken.

PUBLIC COMMENTS

None

PRESENTATIONS

TEXAS DEPARTMENT OF TRANSPORTATION PRESENTATION ON TRAFFIC SIGNALS FOR THE CITY OF LIBERTY HILL.

Adam Kaliszewski, P.E. District Traffic Engineer presented to Council about safety on roads. He stated the Hwy 29 / CR 214 traffic signal should begin in the fall with around a 2-month timeline. The traffic signal at RR 1869 and Loop 332 should start late summer 2022 with around a 2-month timeline.

John Peters, Area Engineer with TxDOT also spoke. He stated a turn lane will be added to the Seward Junction intersection. Mr. Peters stated he would like the City's traffic measures to be shared with TxDOT also.

There was discussion of lowering the speed limit on Hwy. 29, and additional studies that might be requested. The current traffic study supports a lowering of Hwy 29's speed limit to 50 mph.

PRESENTATION AND REPORT FROM THE LIBERTY HILL ECONOMIC DEVELOPMENT CORPORATION EXECUTIVE DIRECTOR ON RECENT EDC ACTIVITIES.

Matt Powell, EDC Executive Director, addressed Council with his biannual report. He stated the EDC is under budget. FY 2021-2022 budget meetings are forthcoming. Mr. Powell discussed the

prospector website. He stated he is working to become a certified EDC director which takes around ten years for full certification.

Mr. Powell provided Council with an update on the EDC's accomplishments. He stated Golf Cart King should break ground in 2-3 weeks. There was discussion of how the EDC budget is administered.

REGULAR AGENDA

DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED TEXAS COMMISSION ON ENVIRONMENTAL AGREED ORDER TO RESOLVE THE ISSUES IN TCEQ DOCKET No. 2021-0162-MWD-E.

Natasha Martin, Graves, Dougherty, Hearon and Moody, the City's counsel for TCEQ-related matters, addressed Council. She stated that she was here to provide an update on the proposed settlement agreement to resolve TCEQ's allegations of exceedances to wastewater discharges. This result has been in the works since spring. It was a positive outcome for the City. It would require the city to install two (2) devices at the WWTP to measure nutrient concentration at the outfall. These devices are not currently required in the standard wastewater discharge permit so these would be an add-on for the City. Right now, the order, if approved by Council, would require a specific schedule implementing these devices, and this would have to happen before November 30, 2021. Ms. Martin consulted with staff and engineers, and all are on board for this implementation.

Ms. Martin recommends approval. The TCEQ has provisionally approved this Order; waiting on approval by Council with authorization for the Mayor to sign the order.

Ms. Hale stated there is money in the budget for the devices and implementation which will be around \$45,000.

On motion by Crystal Mancilla and second by Kathy Canady, Council approve resolving the issues in TCEQ Docket No. 2021-0162-MWD-E.

Tony DeYoung asked for clarification on any related monetary penalty. Ms. Martin stated there is no penalty as long as the devices are installed by the specified date.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND POSSIBLE ACTION ON CREATION OF POCKET PARK ACROSS FROM FOUNDATION PARK.

Curtis Steger, Steger Bizzell addressed Council providing options for entrance and egress of the park. Council discussed fencing off the park sometime in the future with possible crosswalk signs in the interim. Following discussion which included budget, safety measures, and amenities at the park, Council directed more discussion of this in the future with inclusion of the Parks and Recreation Board on August 26th.

No action was taken.

UPDATE, CONSIDERATION, AND ACTION ON PROJECT PLANS FOR THE ROUNDABOUT.

On motion by Tony DeYoung and second by Crystal Mancilla, Council postponed this item until September 1, 2021, at such time as Councilmember Chris Pezold will be in attendance.

No action was taken.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE DIRECTOR OF PLANNING TO EXECUTE A FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AND CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT FOR ORCHARD RIDGE.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO BUTLER FARMS DEVELOPMENT AGREEMENT.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FOURTH AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR OMEGA RANCH.

On motion by Kathy Canady and second by Tony DeYoung, Council postponed these items indefinitely.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE THE FIRST AMENDMENT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR ORCHARD RIDGE.

John Byrum, Director of Planning addressed Council stating this amends wastewater connection fees. Staff recommends approval.

On motion by Tony DeYoung and second by Crystal Mancilla, Council approved the First Amendment to the Amended and Restated Development Agreement for Orchard Ridge.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSSION OF PROGRESS OF TRAFFIC LIGHTS TO BE INSTALLED BY TxDOT IN THE CITY OF LIBERTY HILL.

Following discussion, Lacie Hale, City Administrator stated she would set up a town hall meeting for citizen information and input.

No action was taken.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE BYLAWS AND MISSION STATEMENT FOR THE DOWNTOWN BEAUTIFICATION COMMITTEE.

Lacie Hale addressed Council stating this committee meets once a month and members include those who reside, own, or lease downtown buildings for business. Kathy Canady stated that Section 6 needs to specify the downtown area. Mayor Branigan asked why they want to limit their efforts to the downtown only? Ms. Canady responded that the committee's vision is that the downtown area is what brings people to Liberty Hill. The other areas of Liberty Hill might be added / addressed separately in the future. Liberty Hill staff are still looking in to making Liberty Hill a "Scenic City".

Ms. Hale added another needed amendment to the bylaws which is to change the designated area from "929 Loop 332" to "800 Loop 332" with extension to City limits. Angela Jones asked if the meetings for this committee would be livestreamed and recorded and was told by the City Secretary that, yes, that is the plan.

Another amendment needed is to change approval by City Administrator to approval by City Council.

Nella Joseph, City attorney, also added an amendment to Section 4 of the bylaws to state "subject to the Texas Open Meetings Act".

On motion by Kathy Canady and second by Crystal Mancilla, Council approved the bylaws and mission statement for the Downtown Beautification Committee with amendments as presented.

There was discussion of reimbursable expenses for those committee members. Current budget for this committee is \$10,000 annually.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND POSSIBLE ACTION ON DEVELOPMENT AGREEMENT ORDINANCE.

On motion by Angela Jones and second by Tony DeYoung, Council postponed this item until August 25, 2021.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION TO RETAIN SERVICES OF AN INTERIM CITY TREASURER.

Lacie Hale, City Administrator stated the current financial director is on FMLA leave. She proposed and recommended an interim city treasurer, Misti Hancock.

On motion by Kathy Canady and second by Angela Jones, Council approved retaining the services of Misti Hancock as interim City Treasurer.

Mayor Branigan asked that the interim meet with her weekly.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CITY ADMINISTRATOR TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR GRANT ADMINISTRATION OF THE AMERICAN RESCUE PLAN FUNDS.

Lacie Hale, City Administrator stated she recently submitted an application to the Texas Department of Emergency Management for funds in the amount of roughly \$726,000. It is a very restrictive grant, but can be used for public works infrastructure, as one of the few uses. The grant will need to be managed and for that, an RFP is required. The administration will be roughly 6-8% of the grant money.

On motion by Angela Jones and second by Crystal Mancilla, Council authorized the City Administrator to issue a Request for Proposals for grant administration of the American Rescue Plan funds.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE AN AMENDED AND RESTATED COOPERATIVE AGREEMENT RELATED TO THE WILLIAMSON COUNTY AND CITIES HEALTH DISTRICT.

Lacie Hale addressed Council stating she previously presented this to Council, but Council directed her to find out more information.

Ms. Hale has since spoken with County Commissioner Long and found out the agreement is actually already in effect. The City Manager for the City of Leander appoints the representative according to the agreement. The City of Liberty Hill contributes around \$9,000 annually to the district.

On motion by Kathy Canady and second by Tony DeYoung, Council authorized the City Administrator to execute an Amended and Restated Cooperative Agreement related to the Williamson County and Cities Health District.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE ECONOMIC DEVELOPMENT CORPORATION TO NEGOTIATE AND EXECUTE A CONTRACT WITH BICKERSTAFF HEATH DELGADO AND ACOSTA LLP FOR GENERAL LEGAL SERVICES.

Matt Powell, Executive Director of the Liberty Hill EDC addressed Council stating the EDC would like to retain its own legal counsel. With this contract, there is no minimum requirements and no set number of hours. The rate is discounted. The attorney is local. Some of the services to be provided include bylaw review, contract review, and interpretations. Nella Joseph, City Attorney stated it is important that the EDC has its own attorney to not create conflicts of interest. She said she represents other cities that have a separate EDC attorney as well.

On motion by Tony DeYoung and second by Crystal Mancilla, Council authorized the Executive Director of the Liberty Hill EDC to negotiate and execute an agreement with Bickerstaff Heath Delgado and Acosta LLP for general legal services.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER APPROVAL OF UPDATED 2021 BUDGET PLANNING CALENDAR.

Nancy Sawyer, City Secretary addressed Council stating upon discussion with Williamson County, it was discovered changes needed to be made to the timeline.

On motion by Kathy Canady and second by Angela Jones, Council approved the updated 2021 Budget Planning Calendar as presented.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER ACTION TO AUTHORIZE THE CREATION OF AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.0 REMOVING COUNCILMEMBERS AS VOTING MEMBERS OF BOARDS AND COMMISSIONS.

Angela Jones addressed Council stating this is a follow-up of a previous meeting where Council discussed removing Councilmembers as voting members to boards and commissions.

Crystal Mancilla stated she is in favor of this. She stated she thinks it is important to be involved, but to have the voting power in a board or commission as well as the voting power when those items are presented to Council is too much.

Kathy Canady stated that Mayor Branigan served on the Parks and Recreation Board and Council. Mayor Branigan stated she would not encourage anyone to emulate this. She stated she did not want to be an example on this topic.

Ms. Canady stated that our boards and commission bylaws state that they should have a majority of in-city members, but that parameter is often not adhered to.

Council deliberated and discussed moving toward Councilmembers being liaisons on board and committees instead.

On motion by Crystal Mancilla and second by Angela Jones, Council authorized the creation of an ordinance amending Chapter 1, Article 1.0 removing Councilmembers as voting members of boards and commissions and the creation of resolutions amending the bylaws of each board and commission.

Motion passed on vote of 3 ayes, 1 nay, and 0 abstentions. Kathy Canady opposed.

ADJOURNMENT

On motion by Kathy Canady and second by Angela Jones, Council was adjourned at 9:23 PM.

Motion passed on vote of 4 ayes, 0 nays, and 0 abstentions.

PASSED AND APPROVED by the City Council of the City of Liberty Hill, Texas on Wednesday, August 25, 2021, on vote of 4 ayes, 0 nays, and 0 abstentions.


Liz Branigan, Mayor

[seal]


Nancy Sawyer, City Secretary