



CITY COUNCIL REGULAR MEETING MINUTES
Wednesday, August 25, 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 6:52 PM. In attendance were Liz Branigan, Mayor; Chris Pezold; Kathy Canady; Tony DeYoung; and Angela Jones. Crystal Mancilla was not in attendance. Quorum was established.

EXECUTIVE SESSION

City Council was convened to Executive Session at 6:54 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 (Economic Development).

Section 551.087 Economic Development

- DISCUSS, DELIBERATE, AND CONSIDER COMMERCIAL INFORMATION REGARDING A BUSINESS PROSPECT. DISCUSSION MAY INCLUDE LOCATION, STAY, OR EXPANSION IN THE CITY'S TERRITORY AND ECONOMIC DEVELOPMENT NEGOTIATIONS.

Kathy Canady, Council member requested this item.

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 551.087 Economic Development

- DISCUSS, DELIBERATE, AND CONSIDER COMMERCIAL INFORMATION REGARDING A BUSINESS PROSPECT.

DISCUSSION MAY INCLUDE LOCATION, STAY, OR EXPANSION IN THE CITY'S TERRITORY AND ECONOMIC DEVELOPMENT NEGOTIATIONS.

No action was taken on this item in regular session.

PUBLIC HEARING

Mayor Branigan opened the public hearing at 7:30 PM stating:

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT the City of Liberty Hill has been asked to review and approve the following application(s) to wit:

A request for a Zone Map Amendment from the General Commercial (C3) zoning classification to the Multifamily Residential (MF2) zoning classification on the following property:

AW0521 S9158 – Proposed Multifamily Residential – rezoning from C3 General Commercial / Retail for proposed 2.70 acres with frontage on SH 29. The proposed lot being part of a replat of the 10.00 acres tract of the Robinson, J.B. Survey and Bean Industrial Park, Lot 1 1.34 acres along the north side of SH 29, between Holmes Road and Cr 260, and identified as Assessor's Parcel Number R-432452, R-432454, and R-478897.

There were no public comments.

The Public Hearing was closed at 7:31 PM.

CONSENT AGENDA

On motion by Kathy Canady and second by Chris Pezold, Council approved the Consent Agenda items with the following amendments.

Chris Pezold noted agenda item 6.g – regarding minutes of regular Council meeting held Wednesday, July 28th, the following should be added:

“ Mr. Garcia stated his main contact was Becky Wilkins. He stated he had not been provided information he had requested from her; he stated he had called several times, and the calls were not returned. The audit should have been completed by the end of March 2021. “

Also, Tony DeYoung added regular agenda item 8.k to the Consent Agenda.

- Acceptance of June 2021 Departmental Reports submitted to Council on August 4, 2021.
- Discussion and possible action to approve a wastewater line easement agreement between the City of Liberty Hill and Klatt properties, LP.
- Discuss and consider approval of minutes of the regular City Council meeting held Wednesday, July 14, 2021.
- Discuss and consider approval of minutes of the City Council and Planning and Zoning Joint Workshop held Tuesday, July 20, 2021.
- Discuss and consider approval of minutes of the City Council retreat held Saturday, July 24, 2021.
- Discuss and consider approval of minutes of the City Council Workshop held Wednesday, July 28, 2021.
- Discuss and consider approval of minutes of the City Council regular meeting held Wednesday, July 28, 2021.
- Discuss and consider approval of minutes of the City Council regular meeting held Wednesday, August 4, 2021.
- Discuss and consider approval of minutes of the City Council regular meeting held

Wednesday, August 11, 2021.

- Discussion and possible action to sponsor Rip Roar-n Ride 2021 in the amount of \$2500.

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

PRESENTATIONS

Presentation on Municipal Utility Districts by Dottie Palumbo, Bojorquez Law.

Ms. Palumbo presented to Council referencing a memo to Council, attached, and a PowerPoint, attached.

Points to consider:

- Consider cost to fulfill services to the development.
- Look at MUD policy.
- Does the MUD have enough taxable value.
- Consider procedures in city ordinances and the Economic Development Corporation.
- Produce MUD documents that benefit the city.

REGULAR AGENDA

DISCUSSION AND POSSIBLE ACTION ON DEVELOPMENT AGREEMENT ORDINANCE.

Dottie Palumbo, Attorney with the Bojorquez Law Firm presented, explaining the various sections of the ordinance. Angela Jones, Council member asked if the City could add language regarding capture of rainwater. Ms. Palumbo stated the City could certainly encourage alternative environmental practices that meet or exceed current code.

Ms. Palumbo stated that as of September 1, 2021, there is a new state law that specifies Development Agreements as contracts, meaning the city waives its governmental immunity with limited liability. Chris Pezold, Council member stated he believes a board needs to be formed to further review and make recommendations.

On motion by Kathy Canady and second by Angela Jones, Council accepted the draft ordinance with changes requested to come back to Council on September 22, 2021.

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

DISCUSSION AND POSSIBLE 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 UPDATED NEIGHBORHOOD IMPROVEMENT AREA #1 ASSESSMENT ROLL AND UPDATED MASTER IMPROVEMENT AREA ASSESSMENT ROLL FOR THE LIBERTY PARKE PUBLIC IMPROVEMENT DISTRICT; MAKING AND ACCEPTING FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Jon Snyder with P3 Works presented, stating these are annual updates to the service and assessment plan. He stated this is performing great. 100% of lots have been sold to end users. All improvements are complete.

On motion by Kathy Canady and second by Chris Pezold, Council approved Ordinance 21-O-08.25-01.

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

DISCUSSION AND POSSIBLE 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 ASSESSMENT ROLL FOR THE SUMMERLYN WEST PUBLIC IMPROVEMENT DISTRICT, MAKING AND

ADOPTING FINDINGS; PROVIDING A CUMULATIVE REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Jon Snyder, P3 Works presented stating this is an annual update.

On motion by Kathy Canady and second by Chris Pezold Council approved Ordinance 21-O-08.25-02.

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

DISCUSSION AND FINAL ACTION ON A REQUEST BY THE PLANNING AND ZONING COMMISSION FOR A ZONE MAP AMENDMENT FROM GENERAL COMMERCIAL/RETAIL (C3) TO THE MULTI-FAMILY RESIDENTIAL (MF2) ZONING CLASSIFICATION ON THE FOLLOWING PROPERTY:

Generally located along the north right-of-way of State Highway 29 West to the east of Holmes Road, being approximately 2.70 acres out of the Robinson, J.B. Survey, abstract 521 and a portion of Lot 1, Bean Industrial Parke. The parcels are further identified as Assessor's Parcel Numbers R-432452, R-432454, and R-478897, Liberty Hill, Williamson County, Texas.

The staff report was presented by John Byrum, Director of Planning. He noted staff notified nine surrounding properties and received no responses. Planning and Zoning recommends approval. Mayor Branigan asked why anyone would want to build Multifamily in an industrial park along Highway 29.

Justin Day, representative of the landowner addressed Council stating they own property contiguous to this. He cited the need for affordable multifamily properties in Liberty Hill. Following extensive discussion, with Council's consensus being that this was not the appropriate location for Multifamily, Mr. Day withdrew his request.

CONSIDER ACCEPTANCE OF A PETITION FOR ANNEXATION, AND DIRECT STAFF TO DEVELOP A SERVICE PLAN AND COMMENCE ANNEXATION PROCEDURES ON THE FOLLOWING DESCRIBED PROPERTY:

AW0453 MONROE, W.H. SUR., ACRES 10.00 and identified as Assessor's Parcel Number R-032263.

John Byrum, Director of Planning addressed Council asking if Council wishes to give staff authorization to prepare a Service Plan and begin the annexation process. If annexation is approved, a rezoning request will come at a later time.

On motion by Chris Pezold and second by Angela Jones, Council approved Resolution 21-R-O-08.25-04, petition for annexation.

Motion passed on vote of 4 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 ON THE FOLLOWING DESCRIBED PROPERTY:

AW0453 MONROE, W.H. SUR., ACRES 5.000 and identified as Assessor's Parcel Number R022670.

On motion by Kathy Canady and second by Chris Pezold, Council approved Resolution 21-R-08.25-05, petition for annexation.

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

UPDATE AND CONSIDERATION OF SHARED USE PATH (SUP) PROJECT.

Lacie Hale, City Administrator provided an update stating the bulk of the concrete work will be done in 3-4 weeks. Railroad crossing panels are delayed to mid-October. Benches and beacon will be mid-September. Crosswalk signs have been ordered for a temporary basis.

CONSIDERATION AND POSSIBLE ACTION TO DETERMINE THE PROPOSED TAX RATE TO BE PUBLISHED IN THE TAX RATE HEARING NOTICE AND SETTING THE DATE, TIME, AND PLACE FOR A PUBLIC HEARING AND ADOPTION OF THE TAX RATE. Misti Hancock, interim Finance Director provided a PowerPoint, attached. There was discussion of the various scenarios based on different tax rates.

On motion by Kathy Canady and second by Angela Jones, Council approved setting the proposed property tax rate for publication at \$0.454559.

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

Consideration and possible action to set the date, time, and place for a Public Hearing on the City of Liberty Hill's Fiscal Year 2021-2022 Budget.

On motion by Kathy Canady and second by Chris Pezold, Council set September 8 at 6 PM for the Public Hearing on adoption of the tax rate.

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

On motion by Kathy Canady and second by Chris Pezold, Council set September 8 at 6 PM for the Public Hearing on the City of Liberty Hill's Fiscal Year 2021-2022 Budget.

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

UPDATE FROM INTERIM FINANCE DIRECTOR ON THE STATUS OF THE 2019-2020 FINANCIAL AUDIT.

Misti Hancock, interim Finance Director stated they've answered approximately 90% of the requests from the audit company. They are working now on fixed assets and long-term liabilities which will take a little more work. There are some professional differences of opinion between the previous year's auditors and Whitley Penn on how certain items were set and some possible discrepancies. Chris Pezold, Council member asked that those two audit companies connect to discuss. Lacie Hale, City Administrator said she could facilitate that.

RECESS

There was a brief recess from 9:28 PM to 9:33 PM.

DISCUSS AND CONSIDER AUTHORIZING THE CREATION OF A POLICY WHEREIN ALL HIRING OF PROFESSIONAL STAFF WOULD BE CONSIDERED BY COUNCIL TO PROVIDE INPUT.

Mayor Branigan stated this would restore the citizens' faith in the City and would include all professional staff. Chris Pezold, Council member stated they needed to look at the Code of Ethics regarding nepotism and appearance of impropriety. He stated there are 4 or 5 employees from Hutto working for the City of Liberty Hill. He said it was great that Ms. Hale had a working relationship with them, but it does provide a certain appearance.

Ms. Hale responded that she appreciates where Mr. Pezold was coming from but there were a limited number of applicants. Mr. Pezold stated that he meant no offense, but he is hoping for a layer of accountability to City administration. There was discussion on what a policy on this matter might look like. Angela Jones, Council member stated she felt City Council really should

not have this responsibility, but the behavior of some of the current City staff is beyond concerning. She said they have made her sick to her stomach for the last month. She did state that some staff is amazing, including Katie Amsler, the police department, John Byrum, and the Court Administrator and that there are other areas that are not healthy.

Kathy Canady stated that there should be policy in place to have steps that address behavior and employment issues, rather than have Council involved in this. Ms. Hale stated there can be a Resolution at the next regular Council meeting on September 22nd on hiring of professional staff. Chris Pezold stated the current Code of Ethics was written by former Mayor Rick Hall. Kathy Canady stated that was not true; that it was written by former City Secretary Barbara Zwernemann.

DISCUSSION AND POSSIBLE ACTION TO REQUIRE CITY EXPENDITURES OVER \$2,000 TO HAVE COUNCIL APPROVAL.

Mayor Branigan stated that she feels all large expenditures over \$2,000 should be approved by Council. Kathy Canady asked Misti Hancock her thoughts. Ms. Hancock stated perhaps expenditures over \$5,000; but Council has to be able to trust the city directors. She said that to set the limit low will interfere with daily operations.

Chris Pezold, Council member stated that former Mayor Hall had a debit card with an over \$20 million limit and over 25 credit cards issued to employees, and he wants things like that not to occur. There was discussion of setting up a policy that addresses this.

CONSIDERATION AND POSSIBLE ACTION ON CHANGE ORDER REQUEST NUMBER 2 AND MOVING FORWARD WITH THE COMMUNITY CENTER.

Lacie Hale, City Administrator addressed Council stating costs are rising substantially. She asked if Council might wish to postpone this item or project. There was discussion of the current use of the building as a shop for the police department.

On motion by Kathy Canady and second by Chris Pezold, Council suspended moving forward with this project.

Motion passed on vote of 3 ayes, 1 nay, and 0 abstentions. Tony DeYoung opposed the motion.

On motion by Kathy Canady and second by Chris Pezold, Council did not approve the change order.

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

CONSIDERATION AND POSSIBLE ACTION TO RATIFY THE CITY ADMINISTRATOR'S DECISION TO ENTER INTO AN AGREEMENT WITH UNIVISTA FOR IT SERVICES.

Lacie Hale, City Administrator stated the City had been presented with a situation where the IT Department needed support. Larry Whelan is here from UniVista to act as a long-term solution for IT Services. Kathy Canady asked if we did not have to go out for bid on this. Ms. Hale said that is not necessary for professional services. Mr. Whelan stated there are a number of compliance requirements that need to be done. Ms. Hale said this would be just to assist the

current IT director. Chris Pezold asked if UniVista had the ability to do a sweep for bugs/devices? Mr. Whelan said they are not. Council discussed the current IT needs.

On motion by Chris Pezold and second by Angela Jones, Council ratified the City Administrator's decision to enter into an agreement with UniVista for IT services.

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

Consideration and possible action to move forward with Council Leadership Development training through The Management Connection.

Lacie Hale, City Administrator asked Council if they are interested in approving this invoice and moving forward. Chris Pezold stated the \$7,000 charged so far was to learn that everyone has been hurt and should forgive each other. Kathy Canady stated she is not interested in moving forward. Angela Jones stated she thinks it's too much, but she was looking forward to future brainstorming. Council's general consensus was to not move forward. Ms. Hale will come back with what the actual cost for that July 28th retreat is.

DISCUSSION AND POSSIBLE ACTION TO APPROVE FISCAL YEAR 2021-2022 HOLIDAY CALENDAR FOR THE CITY OF LIBERTY HILL WITH SPECIAL CONSIDERATION FOR ADDITION OF NEW FEDERAL HOLIDAY OF JUNETEENTH, JUNE 19, 2022.

Nancy Sawyer, City Secretary presented stating some cities nearby and within the State have opted to add the new federal holiday.

On motion by Kathy Canady and second by Chris Pezold, Council approved the Fiscal Year 2021-2022 Holiday Calendar as presented with the new federal holiday of Juneteenth.

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

DISCUSSION AND POSSIBLE ACTION TO NULLIFY KNOWN OR UNKNOWN ORDINANCES THAT PERTAIN TO THE ECONOMIC DEVELOPMENT CORPORATION INCENTIVE PROGRAMS.

Chris Pezold presented stating there are lots of ordinances that are not codified and have not been found. He believes there needs to be a reset for EDC ordinances.

On motion by Chris Pezold and second by Kathy Canady, Council nullified known or unknown ordinances that pertain to the Economic Development Corporation incentive programs excluding the sign and façade grant programs.

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

EXECUTIVE SESSION

City Council was convened to Executive Session again at 10:47 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 (Economic Development).

Section 551.071 Consultation with Attorney

DISCUSSION OF 2019 AUDIT MANAGER'S LETTER AND POSSIBLE ACTION ON AUTHORIZING A FORENSIC AUDIT ON THE CITY OF LIBERTY HILL.

No action was taken during Executive Session.

RECONVENE TO REGULAR SESSION

City Council was reconvened to Regular Session at 11:32 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

DISCUSSION OF 2019 AUDIT MANAGER'S LETTER AND POSSIBLE ACTION ON AUTHORIZING A FORENSIC AUDIT ON THE CITY OF LIBERTY HILL.

No action was taken following Executive Session.

ADJOURNMENT


On motion by Kathy Canady and second by Angela Jones, Council was adjourned at 11:33 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 Monday, October 4, 2021 on vote of 5 ayes, 0 nays, and 0 abstentions.



[seal]


Liz Branigan, Mayor


Nancy Sawyer, City Secretary