



The City of Liberty City Council

Regular Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, September 14, 2021

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on September 14, 2021 at the City Council Chambers, 1829 Sam Houston Street, Liberty, TX at 6:00 PM by Mayor Carl Pickett.

A.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	X			
Mayor Pro Tem Diane Driggers	X			
Council Member Dennis Beasley		X		
Council Member Libby Simonson		X		
Council Member David Arnold	X			
Council Member Chipper Smith	X			
Council Member Neal Thornton	X			

II. INVOCATION

Invocation was given by Father Paul Kahan, Immaculate Conception Catholic Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Public Works Director Damon Jones and the pledge to the Texas Flag was led by Police Chief Gary Martin.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to individuals wishing to address the Council. There were no comments.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include sales tax, developments, COVID-19 and electric system upgrades.

City Manager Tom Warner gave an update on Tropical Storm Nicholas that went through the area that morning. Nicholas brought 4.5 inches of rain and wind gusts of 30 MPH. The city had some damage from trees along Grand Avenue and Still Forest Street. The city experienced no power outages during the storm but had one outage at 5 pm due to a motor vehicle accident.

The City Manager then went over his included report covering the following topics:

- Sales Tax
- Developments
- COVID-19
- Electric System Upgrades

B. Finance Report - Assistant City Manager / CFO Naomi Herrington

Assistant City Manager / CFO Naomi Herrington reported on the City's financials as of July 31, 2021.

C. Department Reports

City Manager Tom Warner stated that the monthly reports, submitted by the various departments, are attached to the agenda for the Council's review and would answer any questions if needed. No questions were asked.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), stated that the next meeting would be held on Tuesday, September 21, 2021 in Livingston. Mayor Pickett explained that SRMPA was a Coop between the three cities of Livingston, Jasper, and Liberty. The agency is doing well with stable rates. The Cambridge project is fairing well with a distribution last month of six million dollars to each city.

E. Mayor, Council and Staff Comments

Mayor Pickett, in recognition of the 20th anniversary of September 11th, read an article from the Wall Street Journal about Todd Beamer and Flight 93 that was hijacked and crashed as part of the attacks that occurred September 11, 2001.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

The motion was made by Council Member Arnold to approve all items on the consent agenda and seconded by Council Member Thornton.

The motion passed 5 to 0 with all present voting yes and Council Members Beasley and Simonson being absent.

A. Minutes Approval

1. Tuesday, August 10, 2021

2. Tuesday, August 24, 2021

B. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE 2022 TxDOT ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT AGREEMENT.

C. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ADOPTING THE EMPLOYEE PAID QUARANTINE LEAVE POLICY FOR POLICE, FIRE AND EMS EMPLOYEES.

D. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRE PROTECTION SERVICES AGREEMENT WITH LIBERTY COUNTY.

E. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ADOPTING THE POLICE MENTAL HEALTH LEAVE POLICY.

VII. REGULAR AGENDA

A. Regular Session

1. City Council to conduct a Public Hearing on the Proposed Tax Rate for Fiscal Year 2021-2022.

At 6:32 p.m., Mayor Pickett opened the Public Hearing on the 2021-2022 Proposed Tax Rate. The Tax Rate discussion began with an explanation of how the tax rate was calculated. There were three requests to speak about the tax rate from Michael Dorsett, Emily Cook and Tommy Brents. Emily Cook spoke first to Council regarding all the taxing entities in the City of Liberty raising their tax rates at the same time and requested that the Council reconsider the tax increase for the 2021-2022 fiscal year and look at the non-essential budget items to lower the budget and plug any holes using the Cambridge fund money. Michael Dorsett spoke next to the Council and said, with the current pandemic and households not generating the money they have in the past years, that the Council needed to tighten belts like their fellow citizens and decrease the budget. All taxing entities need to get together and find out where they can cut to save money. Mr. Dorsett asked the Council to reconsider the proposed tax rate. Tommy Brents then spoke to the Council regarding property valuations. How the property valuations seem to be going up but the value of the penny is going down. Families are making sacrifices and having to cut items from their household budget. The City should have to do the same. After all the guests had spoken, Mayor Pro Tem Driggers spoke to the concerned citizens and about the process and requested that they come to the council meetings during the budget work sessions in July to express concerns rather at the budget process than at the end of the process after all the hard work that had been put in to establish the budget and proposed tax rate. Ms. Driggers also stated that the tax rate had not been raised in many years and that now it needs to be done. Council Member Neil Thornton spoke to the citizens about the tax rate and the process of calculating the tax rate and that the City of Liberty was still lower than surrounding cities. After all the comments were made, Mayor Pickett closed the Public Hearing at 7:05 p.m.

2. City Council to conduct a Public Hearing on the Proposed Budget for Fiscal Year 2021-2022.

At 7:06 p.m., Mayor Pickett opened the Public Hearing on the 2021-2022 Proposed Budget. The discussion began with Emily Cook addressing the Council talking about cutting non-essential line items in the budget, such as library, car allowance, and professional development. Ms. Cook stated that the City needed to tighten their belts and decrease non-essential spending. Now is not the right time to fix everything in the City that is broken. Tommy Brents spoke to the Council stating that pennies add up and with all taxing entities wanting to increase tax rates and budget, the City needs to see what can be cut. The City needs to do what they can to add rooftops to help fund the budget. After all the comments were made, Mayor Pickett closed the Public Hearing at 7:14 p.m.

3. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Council Member Arnold to approve the ordinance adopting the fiscal year budget beginning October 1, 2021 and ending September 30, 2022. The motion was seconded by Mayor Pro Tem Driggers. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

4. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE**

BUDGET.

A motion was made by Council Member Thornton to approve the resolution ratifying the property tax increase reflected in the budget. The motion was seconded by Council Member Smith. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2021-2022, AT A RATE OF \$0.6372 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING AN EFFECTIVE DATE.

A motion was made by Council Member Arnold to approve the ordinance adopting the Tax Rate for Fiscal Year 2021-2022, at a rate of \$0.6372 per one-hundred dollar (\$100) assessed valuation on all taxable property. The motion was seconded by Council Member Smith. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY INCREASING WATER, WASTEWATER, AND SOLID WASTE RATES; ADJUSTING PERMIT FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Mayor Pro Tem Driggers to approve the ordinance amending the Master Fee Schedule by increasing water, wastewater and solid waste rates, and adjusting permit fees. The motion was seconded by Council Member Arnold. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

7. AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON OR ABOUT AUGUST 31, 2021; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS.

A motion was made by Council Member Thornton to approve the ordinance denying the distribution cost recovery factor rate increase request of Entergy Texas, Inc. filed on or about August 31, 2021. The motion was seconded by Mayor Pro Tem Driggers. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

8. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ADOPTING THE EMPLOYEE PAID QUARANTINE LEAVE POLICY FOR NON-POLICE, FIRE AND EMS EMPLOYEES.

City Manager Tom Warner presented Council with a policy for non-public safety employees to have paid quarantine leave for COVID-19. This policy is similar to the one approved by the state for public safety employees. The Council received two citizen requests to speak from Tommy Brents and Michael Dorsett. Tommy Brents spoke to the Council first and said the policy was a generous employee benefit, but the way it is currently written is actually a back door vaccine mandate and violates Governor's Executive order. Mr. Brents feels this proposed

policy is insensitive and it is no one's business regarding personal medical conditions. This policy should be available to all employees, not just vaccinated. Michael Dorsett spoke to the Council that he feels the policy as presented violates an employee's conscience and or religious beliefs about whether or not to take the vaccine and the vaccination requirement should be removed from the policy. Emily Cook stated that she agreed with Tommy Brents and Michael Dorsett that the Vaccine should not be a mandate to the policy. Council Member Neal Thornton spoke in regards to the statistics on getting the vaccination and how it improves a person's chance of surviving if they should get the virus after receiving the vaccine. Mayor Pro Tem Driggers stated that she does believe that the vaccine should not be mandated. Council members decided to table the resolution at the next meeting and asked that it be brought back with the vaccine requirement and exposure while on duty wording be removed.

9. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVISION SETTLEMENT PARTICIPATION FORM AND ADOPTING THE TEXAS TERM SHEET AND THE INTRASTATE ALLOCATION SCHEDULE.

A motion was made by Council Member Arnold to approve the resolution authorizing the City Manager to execute the subdivision settlement participation form and adopt the Texas Term Sheet and the intrastate allocation schedule. The motion was seconded by Mayor Pro Tem Driggers. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

10. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE ALLOCATION OF CAMBRIDGE FUNDS FOR THE LIBERTY MUNICIPAL GOLF COURSE.

A motion was made by Council Member Arnold to approve the resolution approving the allocation of Cambridge funds for the Liberty Municipal Golf Course. The motion was seconded by Mayor Pro Tem Driggers. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

11. Consider a resolution releasing a demolition lien and waiving the interest fees accrued for the property located at 109 Mimosa Lane.

A motion was made by Council Member Arnold to approve the resolution releasing a demolition lien by collecting fees and waiving the interest fees accrued for the property located at 109 Mimosa Lane. The motion was seconded by Mayor Pro Tem Driggers. The motion passed 5 to 0, with all present members voting Yes and Council Members Beasley and Simonson absent.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Carl Pickett adjourned the meeting at 8:19 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary