



The City of Liberty
City Council
Special Called Meeting
~ Agenda ~

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, June 25, 2019

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor ProTem Diane Huddleston	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

1. Information Item (ID # 4489)

City Manager's Report - City Manager T. Warner

- City Manager's Report June 25 2019 (DOCX)

2. Information Item (ID # 4490)

Finance Report - May, 2019 - Asst. City Manager N. Herrington

3. Information Item (ID # 4491)

Mayor, Council and Staff Comments

VI. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 4492)

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS APPROVING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 28, 2019; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

- CenterPoint-2019 GRIP East Texas Letter re Approval Ord (2019.06.10) (PDF)

2. Resolution (ID # 4493)

Consider and take action on the second, and final, reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$50,589.60, to fund a portion of the salaries and benefits of those employees working on behalf of the LCDC.

- LCDC Budget (PDF)

3. Resolution (ID # 4494)

Consider and take action on the second, and final, reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$20,500.00 for advertising and membership fees to economic development related organizations.

4. Resolution (ID # 4495)

Consider and take action on the second, and final, reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$35,887.00, to increase the transfer to the Liberty Municipal Golf Course to fund various expenditures.

5. Council Action (ID # 4496)

Consider approval of award of contract for emergency repairs to the sanitary sewer line on Bowie Street between Cos and Martin Luther King Drive.

VII. WORK SESSION

1. Work Session (ID # 4497)

Discussion regarding electric utility payment assistance.

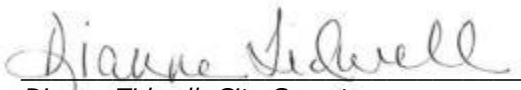
- GETCAP Memo to Council June 2019_ (DOCX)

VIII. ADJOURNMENT

Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on

the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 21st day of June, 2019 at 4:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.



Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2019.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.1

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4489)

DOC ID: 4489

Subject: City Manager Report - City Projects and Activities

Background: This agenda item affords the City Manager the opportunity to update the Council and public on current and future City projects, activities and other items related to City business.

Memo

To: Mayor & City Council

From: Tom Warner, City Manager

Date: June 25, 2019

Re: City Manager Report

-
1. The adjournment of the 86th Legislative Session has resulted in numerous city related bills being sent to the Governor for signature. Several of the most notable bills that will impact Liberty are provided below:
 - a. S.B. 2 caps property tax increases at 3.5% before an election is required. This bill takes effect on January 1, 2020.
 - b. H.B. 347 ends most unilateral annexations by any city regardless of population or annexation. This bill may prevent us from annexing Praxair.
 - c. H.B. 2439 prohibits a governmental entity from adopting or enforcing an ordinance or building code that limits the use of building products or materials in residential or commercial structures. For example, a city could not require a percentage of the sides of a structure to be constructed of stone.
 - d. The Legislative Update provided by the Texas Municipal League (TML) provides a brief synopsis of each of the 338 city-related bills passed by the Legislature. The Governor had until June 16 to sign bills, veto them or let them become law without his signature. A copy of the Legislative Update is available in my office and on TML's webpage (<https://www.tml.org>).
 2. On June 18, 2019, the Texas Comptroller released sales tax payments for the county. Payments from sales tax collection for the City are up by approximately 4% for the first two quarters of 2019. This is an increase of \$58,868 over the same period last year. Total payments to date are \$1.357 million.
 3. The next meeting of the Charter Review Commission is tentatively scheduled for noon on August 7, 2019.
 4. The contractors replacing the HVAC and lighting systems at City Hall, Service Center and Police and Fire Departments is anticipated to begin work the week of June 24th. Various areas of each building will be without HVAC and lighting while the work is being performed.

Attachment: City Manager's Report June 25 2019 (4489 : City Manager's Report)

5. The contractor replacing the sewer line on Bowie has completed the crossing at Hwy 90 and will begin the work on Bowie between Grand and Cos the week of June 24th.
6. The contractor for the wastewater project is anticipated to be completed with the micro-tunneling of the sewer line on Hwy 90 by June 27, 2019. The contractor is continuing to install the remaining manholes and refurbish the McGuire Lift Station. Work is also continuing on the sanitary and storm sewer line repairs on Texas Avenue and the Bypass and Beaumont Avenue Lift Stations. The \$5.4 million contract is 50% complete with \$2.7 million expended as of May 15, 2019.
7. The property for the water well, tower pump station and ground storage tank has been acquired. The environmental assessment has been completed and the proposed layout for the site is currently being reviewed by the United States Corp of Engineers (USACE) to ensure that the adjacent wetlands are not impacted. The USACE is anticipated to be complete with their review by June 27th at which time they will forward to the EPA for approval. The engineer for the project is continuing the design for the various elements.
8. The contractor for the Hwy 146 Sewer Line Extension Project began preliminary work on June 20, 2019. The contractor has indicated that the project should be substantially complete by mid-July.
9. A preconstruction meeting was also held on the Holly Street Drainage and Waterline Project. The contractor for this project is also anticipated to begin construction the week of June 24, 2019.
10. The following is a status of the current Electric Projects:

<u>Project</u>	<u>Complete</u>	<u>Estimated Cost</u>	<u>Spent to Date</u>
a. Pine Place Subdivision	55%	\$ 46,953	\$ 25,626
b. Featherstone Subdivision	58%	\$105,920	\$ 61,776
c. Whittington Subdivision	79%	\$206,725	\$163,193
d. Live Front Transformer	0%	\$323,456	
e. Beaumont #3 Lateral	67%	\$182,325	\$121,359
f. UG Primary	4%	\$250,000	\$ 10,434
g. OH Transformer Platform	25%	\$ 91,450	\$ 22,991
h. Regency Place	42%	\$279,040	\$115,903
i. Travis Park	68%	\$380,505	\$258,529
j. UG Street Lighting	40%	\$155,000	\$ 62,588
k. Beaumont #2 Laterals	27%	\$414,254	\$ 110,265
l. Beaumont #4 Laterals	11%	\$308,344	\$ 34,911
m. Beaumont #5 Laterals	0%	\$764,156	
n. Liberty #1 Laterals	0%	\$345,881	
o. Liberty #3 Laterals	0%	\$371,354	
p. Street Light Conversion	36%	\$ 82,500	\$ 29,344
Totals		\$4,307,863	\$1,016,919



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.2

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Request for Proposals

INFORMATION ITEM (ID # 4490)

DOC ID: 4490

Subject: Finance Report

Background: This agenda item affords the Finance Director an opportunity to report on the financial activities and position of the City, to include revenues, liabilities, assets, and other financial information.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.3

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4491)

DOC ID: 4491

Subject: Mayor, Council and Staff Comments

Background: This agenda item relates to expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events organized or sponsored by the City or other entity, that is scheduled to be attended by City officials or employees, inquiry of staff regarding specific factual information or existing policies.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.A.1

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Electric Issues

ORDINANCE (ID # 4492)

DOC ID: 4492

Subject: CenterPoint Rate Increase

Background: On March 28, 2019, CenterPoint Energy Texas filed a Gas Reliability Infrastructure Program (GRIP) adjustment with communities in the Beaumont/East Texas Division of the Company. The GRIP Statute authorizes gas utility companies to request annual rate increases associated with year-to-year changes in incremental investment. The changes in investment are not subject to reasonableness review in the GRIP filing. Instead all amounts collected under a GRIP filing are considered interim rates subject to review and refund in the Company's next rate base proceeding.

CenterPoint has determined that its capital investment in the Beaumont/East Texas Division has increased by \$35,687,274 during the 2018 year. The carrying cost results in an increase in the customer's monthly bill. (See attachment).

The City of Liberty, on April 9, 2019, as permitted under the GRIP Statute, passed an Ordinance suspending the rates for 45 days to allow additional time for review by the Lawton Law Firm. Cities that passed the suspension ordinance have until July 10, 2019, to pass a rate ordinance approving, denying, or modifying CenterPoint's GRIP filing. The review process of a GRIP filing is generally a ministerial review limited to ensuring that the GRIP filing complies with the GRIP statute.

Fiscal Impact: The citizens of Liberty and the City will be impacted by any increase in rates.

Staff Recommendation: The Lawton Law Firm has reviewed the GRIP filing and has concluded that CenterPoint's filing meets the requirements of the GRIP statute.

ORDINANCE OF THE CITY OF LIBERTY, TEXAS APPROVING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 28, 2019; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, on or about March 28, 2019, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed an Annual GRIP adjustment for the Beaumont/East Texas Division Service Area with the

City of Liberty ("City") to increase gas rates in the Beaumont/East Texas Division Service Area pursuant to *Gas Utility Regulatory Act* ("GURA"), Tex. Util. Code § 104.301;

WHEREAS, City has exclusive original jurisdiction over the rates, operations and services of a gas utility in areas in the municipality pursuant to GURA § 103.001;

WHEREAS, GURA § 104.301 requires a streamlined process for the recovery of the costs of incremental investment by a gas utility;

WHEREAS, the Company proposed an effective date of May 27, 2019, for the rate increase;

WHEREAS, the City suspended the proposed May 27, 2019 effective date until July 10, 2019;

WHEREAS, the proposed interim rate adjustment would increase residential rates by \$1.56 per customer per month;

WHEREAS, the City's consultant has reviewed the GRIP filing and has concluded that the proposed GRIP rates are correctly calculated;

WHEREAS, the reasonableness of the Company's investment will be reviewed in CenterPoint's subsequent base rate case where all costs included in CenterPoint's GRIP filing will be subject to refund.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, THAT:

Section 1. The statement and findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. The Company's proposed GRIP rate increase is approved effective July 10, 2019.

Section 3. The meeting at which the ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. This Ordinance shall become effective from and after its passage.

Section 5. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with.

PASSED AND APPROVED this 25th day of June, 2019.

Carl Pickett, Mayor

Ordinance (ID # 4492)

City Council Meeting

June 25, 2019

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ATTEST:

Dianne Tidwell, City Secretary

THE LAWTON LAW FIRM, P.C.

12600 Hill Country Blvd., Suite R-275 • Austin, Texas 78738 • 512/322-0019 • Fax: 512/329-2604

June 10, 2019

Via E-Mail

Mr. Richard Ferguson
City Attorney – City of Anahuac
City Attorney – City of Sour Lake
13201 Northwest Freeway, Suite 300
Houston, Texas 77040

Mr. Kyle Hayes
City Manager – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Ms. Kelly McDonald
City Manager – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Ms. Angela Smith
City Secretary – City of Cleveland
907 E. Houston
Cleveland, Texas 77327

Mr. Leonard Schneider
City Attorney – City of Huntsville
Liles Parker, PLLC
800 Rockmead Dr., Ste 165
3 Kingwood Place
Kingwood, TX 77339

Mr. Brandon Davis
City Attorney – City of Liberty
1517 Trinity
Liberty, TX 77575

Mr. Tyrone Cooper
City Attorney – City of Beaumont
P.O. Box 3827
Beaumont, Texas 77704

Mr. Paul Fukuda
City Attorney – Bridge City
260 Rachal
Post Office Box 846
Bridge City, Texas 77611

Mr. David Olson
City Attorney – City of Cleveland
Wortham Tower, Suite 600
2727 Allen Parkway
Houston, Texas 77019

Mr. Aron Kulhavy
Interim City Manager – City of Huntsville
1212 Ave. M
Huntsville, Texas 77340

Mr. Tom Warner
City Manager – City of Liberty
1829 Sam Houston
Liberty, Texas 77575

Mr. Christopher Duque
City Manager – City of Nederland
P.O. Box 967
Nederland, Texas 77627

Attachment: CenterPoint-2019 GRIP East Texas Letter re Approval Ord (2019.06.10) (4492 : CenterPoint Energy)

Mr. Jesse Branick
City Attorney – City of Nederland
221 Hwy. 69 South, Suite 100 (office)
Nederland, Texas 77627

Mr. Kelvin Knauf
Interim City Manager – City of Orange
803 W. Green Avenue, Room 201
Orange, Texas 77630

Mr. Rodney Price
City Attorney – City of Pine Forest
P.O. Box 310
Vidor, Texas 77670

Mr. Solomon Freimuth
City Attorney – City of Silsbee
P.O. Box 186
Port Neches, Texas 77651

Ms. DeeAnn Zimmerman
City Manager – City of Silsbee
105 South 3rd Street
Silsbee, Texas 77656

Mr. Jack Provost
City Manager – City of Sour Lake
625 Hwy 105 W
Sour Lake, Texas 77659

Re: **CenterPoint Energy 2019 Annual GRIP Adjustment for the Beaumont/East Texas Division**

Dear Cities:

We have attached a final Rate Ordinance for your consideration in the above referenced matter. As you are aware, on March 28, 2019, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Gas Reliability Infrastructure Program (“GRIP”) adjustment factor with each of your communities in the Beaumont/East Texas Division Service Area of the Company. The Company is authorized to make annual GRIP rate change requests pursuant to Texas law passed in 2003, Gas Utility Regulatory Act, TEX. UTIL. CODE § 104.301 (“GRIP Statute”), also see Section 7.7101 of the Railroad Commission of Texas (“Commission”) Gas Services Division Rules. The GRIP Statute authorizes gas utility companies to request annual rate increases associated with year-to-year changes in incremental investment. The changes in investment are not subject to reasonableness review in the GRIP filing. Instead all amounts collected under a GRIP filing are considered interim rates subject to review and refund in the Company’s next base rate proceeding.

In this case the Company has determined that CenterPoint’s capital investment in the Beaumont/East Texas Division Service Area has increased by \$35,687,274 during calendar year 2018. The carrying cost on this incremental GRIP investment results in the following average monthly customer bill impact for each affected customer class:

Customer Impact Summary

CUSTOMER CLASS	MONTHLY BILL INCREASE
RESIDENTIAL	\$1.56
GENERAL SERVICE SMALL	\$2.50
GENERAL SERVICE LARGE	\$15.45

We previously recommended that the Cities suspend the effective date of the proposed GRIP rate surcharge for 45 days as permitted under the GRIP Statute to allow additional time to review the GRIP application. Cities that passed the suspension ordinance have until July 10, 2019, to pass a rate ordinance approving, denying, or modifying the Company's GRIP filing.

We have reviewed the Company's GRIP filing and have concluded that the Company's filing comports with the GRIP statute. As you are aware the review process of a GRIP filing is generally a ministerial review limited to ensuring that the GRIP filing complies with the GRIP statute. See *Atmos Energy Corp. v. Cities of Allen*, 353 S.W. 3d 156 (Tex. 2011). Given the above we recommend that each City approve the GRIP filing.

Attached is a rate ordinance approving the new GRIP rates for the 2019 rate year. This rate ordinance must be passed prior to the jurisdictional deadline of July 10, 2019. If your City elects to not take any rate action the GRIP rates will go into effect by operation of law on July 10, 2019. **Please forward copies of passed ordinances to us at dlawton@ecpi.com and molly@mayhallvandervoort.com.**

If there are any questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Lawton" followed by a stylized flourish.

Daniel J. Lawton



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.A.2

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: LCDC Budget Matters

RESOLUTION (ID # 4493)

DOC ID: 4493

Department: LCDC

Subject: FY19 LCDC Budget Amendment

Background: In April of 2019, the City hired a new Assistant City Manager to assist with economic development. Currently, the Assistant City Manager and the Administrative Secretary perform work on behalf of LCDC, yet the salary and benefits of these two positions are funded entirely by the City's General Fund. Because these positions assist with economic development, the administration recommends amending the LCDC budget to make a transfer to the General Fund to fund 60% of the salary and benefits of the Assistant City Manager and 20% of the salary and benefits of the Administrative Secretary. The FY19 transfer will cover five months (May 1 to September 30). Beginning in FY20 and continuing thereafter, the transfer will cover a full twelve months. LCDC's FY19 budget is attached for your review.

The first reading of this Resolution was completed at the June 11, 2019 Council Meeting.

Fiscal Impact: \$50,589.60

Staff Recommendation: Approval of the budget amendment.

A RESOLUTION BY THE CITY COUNCIL OF LIBERTY, TEXAS; SAID RESOLUTION AUTHORIZING A LCDC BUDGET AMENDMENT IN THE AMOUNT OF \$50,589.60 TRANSFERRING SAID FUNDS TO THE CITY OF LIBERTY GENERAL FUND AS REIMBURSEMENT FOR EMPLOYEE LEASING

WHEREAS, the LCDC does not currently have any full-time employees working solely for the LCDC; and

WHEREAS, the City of Liberty's Assistant City Manager and the Administrative Secretary routinely perform work on behalf of the LCDC yet the salaries and benefits for these two positions are currently funded entirely by the City's General Fund; and

WHEREAS, the LCDC Board of Directors desires to contribute 60% of the salary and benefits for the Assistant City Manager and 20% of the salary and benefits for the Administrative Secretary since they assist with economic development; and

WHEREAS, The City Council of Liberty, Texas has carefully reviewed the proposed LCDC budget amendment for employee leasing; and

WHEREAS, this budget amendment complies with the guidelines and regulations of the State of Texas as they relate to a 4B economic development corporation; and

WHEREAS, the LCDC Board of Directors has reviewed the subject budget amendment for employee leasing and has approved same; and

WHEREAS, the LCDC Board of Directors now requests final adoption and authorization by the Liberty City Council; and

WHEREAS, the subject Resolution, shall be adopted subsequent to two (2) public readings of said Resolution before the Liberty City Council.

NOW, THEREFORE, Be It Resolved by the City Council of Liberty, Texas that:

- (1) This Resolution has been read aloud at a meeting of the Liberty City Council on two separate occasions prior to passage.
- (2) The Liberty City Council hereby authorizes a LCDC budget amendment in the amount of \$50,589.60 transferring said funds to the City of Liberty's General Fund as reimbursement for employee leasing of the City of Liberty's Assistant City Manager and Administrative Secretary.
- (3) The City's Director of Finance is hereby authorized and instructed to produce and deliver the appropriate payments for this budget amendment.
- (4) A sixty (60) day waiting period for payments against this project is hereby established with said waiting period to commence upon the date of the LCDC's first public hearing.

PASSED AND APPROVED, this the 25th day of June, 2019.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

9-12-2018 11:30 AM

CITY OF LIBERTY
APPROVED BUDGET
AS OF: SEPTEMBER 30TH, 2018

PAGE: 63

21 -LIBERTY COMM. DEV. CORP.

			(----- 2017-2018 -----)	(----- 2018-2019 -----)		
REVENUES	2015-2016 ACTUAL	2016-2017 ACTUAL	CURRENT BUDGET	YEAR-TO-DATE ACTUAL	REQUESTED BUDGET	APPROVED BUDGET
21-321-0101 SALES TAX REVENUE	954,449	873,299	1,000,000	920,269	0	1,050,000
21-321-0110 INTEREST INCOME	7,470	10,216	5,000	8,379	0	9,000
21-321-0111 INTEREST INCOME DEBT SERVIC	1,019	1,054	0	878	0	1,000
21-321-2106 TRANSFER IN FROM OTHER FUND	221,209	231,563	0	0	0	0
TOTAL REVENUES	1,184,147	1,116,132	1,005,000	929,526	0	1,060,000

Attachment: LCDC Budget (4493 : LCDC Budget Amendment-Personnel)

9-12-2018 11:30 AM

CITY OF LIBERTY
APPROVED BUDGET
AS OF: SEPTEMBER 30TH, 2018

PAGE: 64

21 -LIBERTY COMM. DEV. CORP.
421-LIBERTY COMMUNITY DEV

	({----- 2017-2018 -----})				({----- 2018-2019 -----})	
DEPARTMENTAL EXPENDITURES	2015-2016 ACTUAL	2016-2017 ACTUAL	CURRENT BUDGET	YEAR-TO-DATE ACTUAL	REQUESTED BUDGET	APPROVED BUDGET
<u>3-CHARGES & SERVICES</u>						
21-421-308 PROFESSIONAL DEVELOPMENT	17,758	24,386	17,500	21,921	0	22,000
21-421-311 OFFICE SUPPLIES	230	0	500	588	0	600
21-421-313 MISCELLANEOUS	361	1,048	1,000	631	0	1,000
21-421-314 TRAVEL	0	1,531	5,000	1,793	0	4,000
21-421-319 LEGAL FEES	1,035	2,565	7,500	7,222	0	5,000
21-421-322 PRELIMINARY ENGINEERING FEES	0	0	0	56,314	0	0
TOTAL 3-CHARGES & SERVICES	19,384	29,530	31,500	88,469	0	32,600
421-314 TRAVEL						
			PERMANENT NOTES:			
			REGIONAL MEETINGS			
			NATIONAL & STATE ICSC			
<u>4-OTHER</u>						
21-421-404 CONTINGENCY	0	12,097	635,700	365,604	0	0
21-421-406 CONTRACTOR MOWING SERVICES	1,440	1,840	1,200	1,520	0	1,500
21-421-410 WCID#5 NRCS GRANT MANAGEMEN	0	0	65,000	6,494	0	0
21-421-411 WCID#5 NRCS PROJECT ENGINEER	0	0	56,896	66,785	0	0
21-421-412 WCID#5 NRCS PROJECT CONSTRUC	0	0	161,416	139,894	0	0
21-421-415 PURCHASE OF PROPERTY	0	0	0	294,729	0	0
21-421-416 FIRE DEPARTMENT TANKER	0	0	35,850	29,874	0	35,850
TOTAL 4-OTHER	1,440	13,937	956,062	904,900	0	37,350
<u>6-DEBT SERVICE</u>						
21-421-619 INTEREST SERIES 2014	115,088	111,563	120,000	107,888	0	104,063
21-421-620 PRINCIPAL SERIES 2014	115,000	120,000	120,000	125,000	0	130,000
21-421-621 ADMIN FEES SERIES 2014	500	0	750	0	0	750
21-421-624 INTEREST ON HGAC LOAN	18,637	17,936	0	0	0	0
21-421-625 PRINCIPAL ON HGAC LOAN	17,212	17,913	0	0	0	0
TOTAL 6-DEBT SERVICE	266,436	267,411	240,750	232,888	0	234,813
<u>7-TRANSFERS</u>						
21-421-710 TRANSFER TO DEBT SERVICE	221,209	231,563	0	0	0	0
21-421-728 TRANSFER TO AIRPORT FUND	102,967	6,288	0	0	0	0
21-421-730 TRANSFER TO GENERAL FUND	50,000	122,480	60,000	20,000	0	60,000
21-421-731 TRANSFER TO ROAD CONSTRUCTI (	247,604)	0	0	0	0	0
21-421-732 TRANSFER TO GOLF COURSE	0	0	0	210,000	0	256,500
TOTAL 7-TRANSFERS	126,571	360,331	60,000	230,000	0	316,500
TOTAL 421-LIBERTY COMMUNITY DEV	413,831	671,209	1,288,312	1,456,256	0	621,263
TOTAL EXPENDITURES	413,831	671,209	1,288,312	1,456,256	0	621,263
REVENUE OVER/ (UNDER) EXPENDITURES	770,316	444,923	(283,312)	(526,731)	0	438,737

Attachment: LCDC Budget (4493 : LCDC Budget Amendment-Personnel)

9-12-2018 11:30 AM

CITY OF LIBERTY
APPROVED BUDGET
AS OF: SEPTEMBER 30TH, 2018

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21 -LIBERTY COMM. DEV. CORP.
421-LIBERTY COMMUNITY DEV

	(----- 2017-2018 -----)		(----- 2018-2019 -----)			
	2015-2016	2016-2017	CURRENT	YEAR-TO-DATE	REQUESTED	APPROVED
DEPARTMENTAL EXPENDITURES	ACTUAL	ACTUAL	BUDGET	ACTUAL	BUDGET	BUDGET

Attachment: LCDC Budget (4493 : LCDC Budget Amendment-Personnel)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.A.3

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: LCDC Budget Matters

RESOLUTION (ID # 4494)

DOC ID: 4494

Department: LCDC

Subject: FY19 LCDC Budget Amendment

Background: The adopted FY19 LCDC Budget did not include appropriations for certain functions. The administration recommends amending the FY19 budget to appropriate funds to the following categories:

- (1) Advertising: \$20,000
- (2) Dues & Memberships: \$500
- Total Budget Amendment: \$20,500

The first reading of this Resolution was completed at the June 11, 2019 Council Meeting.

Fiscal Impact: \$20,500

Staff Recommendation: Approval of the budget amendment

A RESOLUTION BY THE CITY COUNCIL OF LIBERTY, TEXAS; SAID RESOLUTION AUTHORIZING A LCDC BUDGET AMENDMENT IN THE AMOUNT OF \$20,500.00 APPROPRIATING SAID FUNDS FOR USE IN ADVERTISING, ORGANIZATION MEMBERSHIPS, AND DUES.

WHEREAS, the LCDC budget does not currently appropriate any funds for advertising, organization memberships, and dues; and

WHEREAS, the LCDC Board of Directors believes it to be in the city's best interest for \$20,000 to be budgeted for advertising expenses so that the LCDC can better market the City of Liberty to prospective businesses and interested parties; and

WHEREAS, the LCDC Board of Directors also believes that it would be beneficial to join certain economic development organizations; and

WHEREAS, the LCDC Board of Directors desires to amend their budget to allocate \$500 this fiscal year to be spent on organization memberships and dues; and

WHEREAS, The City Council of Liberty, Texas has carefully reviewed the proposed LCDC budget amendment for advertising, organization memberships, and dues; and

WHEREAS, this budget amendment complies with the guidelines and regulations of the State of Texas as they relate to a 4B economic development corporation; and

WHEREAS, the LCDC Board of Directors has reviewed the subject budget amendment for advertising, organization memberships, and dues and has approved same; and

WHEREAS, the LCDC Board of Directors now requests final adoption and authorization by the Liberty City Council; and

WHEREAS, the subject Resolution, shall be adopted subsequent to two (2) public readings of said Resolution before the Liberty City Council.

NOW, THEREFORE, Be It Resolved by the City Council of Liberty, Texas that:

- (1) This Resolution has been read aloud at a meeting of the Liberty City Council on two separate occasions prior to passage.
- (2) The Liberty City Council hereby authorizes a LCDC budget amendment in the amount of \$20,000 for LCDC advertising expenses and \$500 for organization memberships and dues.
- (3) The City's Director of Finance is hereby authorized and instructed to produce and deliver the appropriate payments for this budget amendment.
- (4) A sixty (60) day waiting period for payments against this project is hereby established with said waiting period to commence upon the date of the LCDC's first public hearing.

PASSED AND APPROVED, this the 25th day of June, 2019.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.A.4

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: LCDC Budget Matters

RESOLUTION (ID # 4495)

DOC ID: 4495 A

Department: LCDC

Subject: FY19 LCDC Budget

Background: The administration recommends that LCDC's budget be amended to increase the transfer to the Golf Course in order to fund the following expenditures:

- (1) Golf Course Entrance Sign: \$1,705.08
- (2) Golf Course Monument Sign (Beaumont @ CR150): \$2,077.84
- (3) Golf Course Entryway Rehabilitation: \$31,500

Prices are attached for your review.

The first reading of this Resolution was completed at the June 11, 2019 Council Meeting.

Fiscal Impact: \$35,887.00

The total cost includes the entrance sign, monument sign, entryway rehabilitation, and \$604 for overages associated in a previous allocation.

Staff Recommendation: Approval of the budget amendment

A RESOLUTION BY THE CITY COUNCIL OF LIBERTY, TEXAS; SAID RESOLUTION AUTHORIZING A LCDC BUDGET AMENDMENT IN THE AMOUNT OF \$35,887.00 APPROPRIATING SAID FUNDS FOR USE IN MAKING NECESSARY REPAIRS AND PURCHASES AT THE LIBERTY MUNICIPAL GOLF COURSE.

WHEREAS, the LCDC and City Council previously approved various repairs and purchases needed to enhance the Liberty Municipal Golf Course; and

WHEREAS, the LCDC Board of Directors believes it to be in the city's best interest if \$35,887.00 in LCDC funds be used to rehabilitate the Liberty Municipal Golf Course; and

WHEREAS, said funds would be used to purchase and install a commercial refrigerator, commercial freezer, merchandiser ice machine, two golf course entrance signs, and rehabbing the golf course entryway; and

WHEREAS, the Liberty Municipal Golf Course is a facility that could help bring in future businesses and people to the City of Liberty; and

WHEREAS, The City Council of Liberty, Texas has carefully reviewed the proposed LCDC budget amendment for Golf Course signage and entryway rehabilitation; and

WHEREAS, this budget amendment complies with the guidelines and regulations of the State of

Texas as they relate to a 4B economic development corporation; and

WHEREAS, the LCDC Board of Directors has reviewed the subject budget amendment for Golf Course rehabilitation expenditures and has approved same; and

WHEREAS, the LCDC Board of Directors now requests final adoption and authorization by the Liberty City Council; and

WHEREAS, the subject Resolution, shall be adopted subsequent to two (2) public readings of said Resolution before the Liberty City Council.

NOW, THEREFORE, Be It Resolved by the City Council of Liberty, Texas that:

- (1) This Resolution has been read aloud at a meeting of the Liberty City Council on two separate occasions prior to passage.
- (2) The Liberty City Council hereby authorizes a LCDC budget amendment in the amount of \$35,887.00 to be spent on rehabilitation projects outlined above at the Liberty Municipal Golf Course.
- (3) The City's Director of Finance is hereby authorized and instructed to produce and deliver the appropriate payments for this budget amendment.
- (4) A sixty (60) day waiting period for payments against this project is hereby established with said waiting period to commence upon the date of the LCDC's first public hearing.

PASSED AND APPROVED, this the 25th day of June, 2019.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.A.5

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Sewer System Issues

COUNCIL ACTION (ID # 4496)

DOC ID: 4496

Department: Public Works

Subject: Bowie Street Sanitary Sewer Line

Background: The contractor installing the new sanitary sewer line on US Hwy 90 is having to bypass the wastewater flow from the 24" sewer line on Bowie Street around their work area. Recently the bypass pumping failed causing an overflow at the corner of Grand and Bowie Streets. When City crews uncovered the line, they found that the top portion of the corrugated metal pipe was basically non-existent. Additionally, the contractor found the pipe in the same condition where they were to tie into a new manhole at Bowie and US Hwy 90. During the last several months City crews have had to repair this line multiple times. One of the pipe failures was at Bowie and Sam Houston Streets which had resulted in a sinkhole in the intersection. The best method to repair the line is to use a method called cured in place pipe (CIPP). CIPP is a jointless, seamless, pipe-within-a-pipe. A liner is inserted into the pipe using water, steam or air pressure. Hot water or steam is used to accelerate the curing rate of the resin in the liner. Service laterals are restored internally with robotically controlled cutting devices. The proposed work has been divided into sections to expedite the repairs to the sections of pipe needing immediate attention. The section on Bowie crossing Hwy 90 and from Grand were previously awarded by City Council. Bids on the remaining section, from Cos to Dr. M.L. King were solicited and three bids were received. Two of the three bids were no bids and the third bid submitted by Texas Pride Utilities was in the amount of \$183,319.00.

Funding Source: Cambridge Funds

Staff Recommendation: Staff recommends the bid be awarded to Texas Pride Utilities in the amount of \$183,319.00.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.1

Meeting: 06/25/19 06:00 PM

Department: Administration
Category: Utilities

WORK SESSION (ID # 4497)

DOC ID: 4497

Subject: Electric Utility Payment Assistance

Background: On June 11, 2019, Mr. Ed Seymour addressed the Council regarding the necessity for electric utility bill assistance for various disadvantaged individuals, to include senior citizens. After lengthy discussion, Council directed Management to gather additional information and place this topic on the June 25 Council agenda for further discussion.

Memo

To: Mayor & City Council
From: Tom Warner, City Manager
Date: June 25, 2019
Re: GETCAP

The Greater East Texas Community Action Program (GETCAP) administers the Comprehensive Energy Assistance Program for twenty counties in East Texas. GETCAP provides financial assistance to individuals by paying for a portion of their electric utility bill. Prior to 2015, the program was administered by Programs for Human Services. The number of individuals utilizing GETCAP varies from month to month but is usually between six to twelve customers.

The Agreement between the City and both Agencies include clauses that conflict with City Ordinances. In previous years, the City has included handwritten changes on the agreement eliminating the requirements that conflict with the Master Fee Schedule Ordinances. In October 2018, the handwritten changes that were included in previous years agreements were no longer acceptable to GETCAP. Representatives from GETCAP stated that the City would have to sign the agreement provided by them with no changes or the City could not be one of their vendors.

The requirements of the GETCAP agreements that conflict with Master Fee Schedule include the following (current City Ordinance):

- waive security deposits (\$250),
- waive reconnect fees (\$35.00),
- waive application fees, i.e. connection fees (\$35.00),
- waive all other fees (extension fee \$7.50, return check fee \$35.00, late fee 10% of bill),
- GETCAP has forty-five days from the date of pledge to pay City (20 days with no penalty)
- if GETCAP paid initial deposit or other refundable instrument, at termination of service the deposit to be repaid plus interest, (no interest paid)
- City must provide customer billing for previous twelve months within forty-eight hours after requested (Texas Open Records Requirements).

The City of Livingston, Entergy and the Liberty County Indigent Health Care Department were contacted to determine if they provided any type of financial assistance for the payment of electric utility bills. Although the City of Livingston accepts payments from GETCAP, they have not executed a vendor agreement with GETCAP. Livingston has one billing cycle and requires the customer to pay the water, sewer and solid waste portion of the bill prior to the due date or they will not accept the pledge from GETCAP. Livingston does not waive any fees and/or deposits for GETCAP customers.

The Entergy Care Program allows customers to provide a payment, in addition to their monthly electrical payment, to assist other Entergy customers who may have difficulties paying their monthly bill. A representative from Entergy indicated a 501.3C organization was established to administer the Power to Care Program for customers in their service area. These customers must meet a specific set of criteria and are screened by a third party not affiliated with Entergy or the 501.3C organization. The representative also indicated that they did not waive any fees.

The Liberty County Indigent Care Department did administer the Entergy Power to Care Program for Liberty County until 2017. Currently, the payment under the Power to Care Program for Entergy customers in Liberty County are made by Covenant with Christ International.

In reviewing the feasibility of the City establishing a program like Entergy's Power to Care Program, a question arose regarding the City's ability to pay a portion of a customer's electric utility bill from donated funds without it being considered a gift. State law prevents a municipality from gifted something of value to any other organization or individual. Per the discussion with the Entergy representative, they were having a similar issue and that is why they established the 501.3C.

A review of GETCAP accounts from October to December 2018, indicates that no bills were paid on time and payments made by GETCAP ranged from 7 to 36 days past the customers normal due date. Additionally, each account always carried a balance due each month. Since GETCAP quit providing financial assistance, all but one account is paid in full and on time each month.

Based on the limited number of customers utilizing the GETCAP funds, it would nor be feasible for the City to establish a 501.3C and hire a third party to screen the applications.

Although not directly related to GETCAP, the City has numerous customers that have difficulty in providing deposits, connection fees and paying their monthly utility bills on time which result in late penalties and/or disconnection/reconnection fees. This is reflected in the \$23,198.00 that is due from accounts on payment plans or are carrying a balance greater than two months old. An account aging report for all utility accounts was prepared on June 10, 2019, and a summary is provided below:

<u>Current</u>	<u>+1 Month</u>	<u>+2 Month</u>	<u>+3 Month</u>	<u>+4 Month</u>
\$434,284.27	\$16,323.20	\$3,891.73	\$1,274.94	\$1,708.13

Accounts with balances three months or greater past due are consider closed and will eventually be written off as bad debt. The City has written off \$66,872 in bad debt that was incurred from October 2018 to May 2019.