



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

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

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 28, 2020

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor ProTem	Present	
Dennis Beasley	Council Member	Present	
Libby Simonson	Council Member	Present	
David Arnold	Council Member	Present	
Chipper Smith	Council Member	Absent	
Neal Thornton	Council Member	Present	
Tom Warner	City Manager	Present	
Chris Jarmon	Asst. City Manager	Present	
Naomi Herrington	Asst. City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Mr. James K. Leonard, South Liberty Oilfield, addressed the Council regarding his concerns with the no-manufactured home zones and his property described as MG White/Mitchell Tract.

III. PRESENTATIONS / REPORTS

1. Information Item (ID # 4671)

City Manager's Report - City Mgr. T. Warner- Projects & Activities - Residential Solid Waste Automated Collection Service - Texas Back in Business (Hurricane Harvey Relief Funds) - FEMA Community Education Workshop - Hwy. 146 Sanitary Sewer Line Extension

COMMENTS - Current Meeting:

City Manager Tom Warner reported on current City activities and projects, also reporting that the complete City Manager's report is included in the agenda packet.

ATTACHMENTS:

- City Manager's Report Jan 28 2020 (DOCX)

2. Information Item (ID # 4672)

Finance Report - Asst. City Manager/CFO - N. Herrington

COMMENTS - Current Meeting:

Asst. City Manager/CFO Naomi Herrington reported on the City's financials as of December 31, 2019. Ms. Herrington reviewed the General Fund and status of the various other funds.

3. Information Item (ID # 4670)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Police Chief Gary Martin reported on the Police Department's fundraiser to assist Lt. Elaine Taylor win her fight with cancer.

City Secretary Dianne Tidwell reported that with the recent extension of the Airport Advisory Board, appointments will need to be made in the near future.

Mayor Pickett reported on a lawsuit regarding the Cambridge Project, stating however, that contracts are still in force until the lawsuit is settled.

IV. REGULAR AGENDA**A. Regular Session****1. Council Action 2020-6**

Consider approval of an agreement designating RBC Capital Markets as the City's Financial Advisors.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the agreement for financial advisor services is a five-year agreement, terms and fees the same as the 2014 agreement with RBC Capital Markets. After brief discussion, a motion was made to approve the agreement with RBC Capital Markets.

ATTACHMENTS:

- Financial Advisor Agreement-Jan 2020 (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Council Member
SECONDER:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

2. Council Action 2020-7

Consider approval of the City's Plan of Finance, dated January 20, 2020, as presented by the City's Financial Advisor, RBC Capital Markets.

COMMENTS - Current Meeting:

Mr. Bob Henderson, RBC Capital Markets, was present to address the Council regarding a proposed plan of finance. Discussed were refunding opportunities to include the City's Series 2010A Certificates of Obligation to become "callable" on March 1, 2020, which meet the criteria for refunding.

After lengthy discussion, a motion was made to approve the Plan of Finance, as presented by Bob Henderson, RBC Capital Markets.

ATTACHMENTS:

- Plan of Finance-GO Refunding-Jan 2020 (DOC)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

3. Ordinance 2020-1

Consider adoption of an Ordinance Authorizing the Issuance of up to \$3,000,000 in Principal Amount of City of Liberty, Texas General Obligation Refunding Bonds, Series 2020, Authorizing the Execution of a Deposit Agreement, a Paying Agent/Registrar Agreement, a Purchase Contract and Other Instruments and Procedures Related Thereto, Delegating Authority to Certain City Officials to Select Outstanding Obligations to Be Refunded and Approve All Final Terms of the Bonds, Approving an Official Statement, and Calling Certain Obligations for Redemption.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,000,000 IN PRINCIPAL AMOUNT OF *CITY OF LIBERTY, TEXAS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020*, AUTHORIZING THE EXECUTION OF A DEPOSIT AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT AND OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO, DELEGATING AUTHORITY TO CERTAIN CITY OFFICIALS TO SELECT OUTSTANDING OBLIGATIONS TO BE REFUNDED AND APPROVE ALL FINAL TERMS OF THE BONDS, APPROVING AN OFFICIAL STATEMENT, AND CALLING CERTAIN OBLIGATIONS FOR REDEMPTION."

Following brief discussion of the refunding, a motion was made to adopt the Ordinance, as presented.

ATTACHMENTS:

- ORD - 2020 Liberty GO Ref Bonds-1 (PDF)
- Paying Agent Ag - 2020 Liberty GO Ref Bonds-1 (PDF)
- Deposit Agreement - 2020 Liberty GO Ref Bonds-1 (PDF)
- Closing Docs - 2020 Liberty Ref Bonds-1 (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Huddleston, Dennis Beasley
SECONDER:	Libby Simonson, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

4. Ordinance 2020-2

CONSIDER ADOPTION OF AN ORDINANCE AMENDING SECTION 3.08.032 OF THE CITY OF LIBERTY CODE OF ORDINANCES, RESTRICTING MOBILE HOMES AND MANUFACTURED HOMES WITHIN THE CITY OF LIBERTY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

“AN ORDINANCE AMENDING SECTION 3.08.032 OF THE CITY OF LIBERTY CODE OF ORDINANCES, RESTRICTING MOBILE HOMES AND MANUFACTURED HOMES WITHIN THE CITY OF LIBERTY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASSIONS.”

Following lengthy discussion of the no-manufactured home zone areas, a motion was made to adopt the Ordinance that the non-manufactured home zone be enlarged to include all the city, with the following areas excluded:

- Southwest area of the City generally bounded by Washington on the North, FM 2684 on the east, the southern city limits on the south, and the Trinity River on the west.
- Layl Drive and the Avenues (Avenue A to Avenue J) from Hwy. 90 to Avenue J.
- Minglewood area from Mimosa to Glenn Street.
- Twin Oaks Manufactured Home Subdivision
- Industrial Road - Shiver's Manufactured Home Park
- Beaumont Avenue - Garcia's Manufactured Home Subdivision.

ATTACHMENTS:

- Non-Manufactured Home Zone Map Jan 2020 (PDF)

RESULT:	ADOPTED [5 TO 0]
MOVER:	David Arnold, Council Member
SECONDER:	Libby Simonson, Council Member
AYES:	Pickett, Huddleston, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith
RECUSED:	Dennis Beasley

5. Ordinance 2020-3

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2020; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2020; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

Each year, a coalition of cities join together through a municipal participation ordinance regarding regulatory rate proceedings involving Entergy, Texas, Inc. at the Public Utility Commission of Texas. This coalition has played a vital role in limiting Entergy's various rate increases to reasonable levels.

After motion was made to adopt the Ordinance, as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Huddleston, Mayor ProTem
SECONDER:	Dennis Beasley, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

6. Ordinance 2020-4

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 1.13 REGULATING FAIR HOUSING IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING CHAPTER 1, GENERAL PROVISIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY CREATING ARTICLE 1.13 REGULATING FAIR HOUSING IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASSIONS."

City Manager Tom Warner reported that as the result of a grant received from the General Land Office (GLO), the City is required to adopt and distribute Fair Housing Practices, designate a Fair Housing Month, and place this information on the City's website. The GLO Grant was for replacement of the sanitary sewer line from Beaumont Avenue, at Texas Street, south to Hwy. 90.

A motion was made to adopt the Ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Diane Huddleston, Mayor ProTem
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

7. Council Action 2020-8

Consider approval of the designation of February, 2020 as Fair Housing Month.

COMMENTS - Current Meeting:

As part of the grant received from the General Land Office, as discussed in the previous agenda item, the City must designate one month as Fair Housing Month.

A motion was made to designate February, 2020 as Fair Housing Month.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Council Member
SECONDER:	Dennis Beasley, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

8. Ordinance 2020-5

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 4.11, DIVISION 3 REGULATING GAME ROOMS IN THE CITY; ADDING DIVISION 4 DEFINING AND REGULATING AMUSEMENT REDEMPTION ESTABLISHMENTS IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING CHAPTER 4, BUSINESS REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 4.11, DIVISION 3 REGULATING GAME ROOMS IN THE CITY; ADDING DIVISION 4 DEFINING AND REGULATING AMUSEMENT REDEMPTION ESTABLISHMENTS IN THE CITY; ESTABLISHING AN EFFECTIVE DATE; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASIONS."

Discussion was held regarding the definition of a game room and the number of machines that define same, and the challenge as to whether the definition of the game room of six machines applies only to counties. The requirement for permits for establishment of less than six machines has been removed from the ordinances, as well as the operator and property owner acknowledging the potential penalties for operating an illegal game room.

A motion was made to adopt the ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Beasley, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

9. Council Action 2020-9

Consider approval of a Release of Easement and Conveyance of Substitute Easement for the Wastewater Treatment Plant outfall.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the City's Hazard Mitigation Grant Program Funds to construct a levee and floodwall around the Wastewater Treatment Plant, which also requires the replacement of an outfall pipe from the plant to the Trinity River. To avoid placing this pipe in an easement classified as wetlands by the U.S. Corps of Engineers, relocation of the easement to the south moves the route of the outfall to an area not classified as wetlands. Property owner, Jesse Lopez, has agreed to a release of the existing easement and conveyance of a substitute easement.

A motion was made to approve the Release of Easement and Conveyance of Substitute Easement for the Wastewater Treatment Plant outfall.

ATTACHMENTS:

- Release of Easement (PDF)
- Release of Easement-Map (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

10. Ordinance 2020-6

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR A NEW FEE FOR RESIDENTIAL SOLID WASTE COLLECTION CONTAINERS AND CHANGING FROM COMMERCIAL ONCE A WEEK PICKUP TO TWICE A WEEK PICKUP ; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HERewith ARE AMENDED; PROVIDING FOR 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.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR A NEW FEE FOR RESIDENTIAL SOLID WASTE COLLECTION CONTAINERS AND CHANGING FROM COMMERCIAL ONCE A WEEK PICKUP TO TWICE A WEEK PICKUP ; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HERewith ARE AMENDED; PROVIDING FOR 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."

City Manager Tom Warner reported that this ordinance sets the fees to be charged for residential solid waste collection containers and twice-a-week solid waste collection for commercial accounts. A motion was made to adopt the ordinance.

ATTACHMENTS:

- Master Fee Schedule Changes (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Arnold, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Thornton
ABSENT:	Chipper Smith

V. WORK SESSION

1. Work Session (ID # 4682)

The City Council will conduct a Work Session to discuss the extension of the Community Development Advisory Board.

COMMENTS - Current Meeting:

After lengthy discussion of the focus of the Community Development Advisory Board and its similarity to current and proposed economic development projects, consensus of the Council was not to renew the term of this Board.

VI. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:46 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary