



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

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

April Gilliland
City Secretary
936-336-3684

Tuesday, August 25, 2020

6:00 PM

City Hall - Liberty Center

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Driggers	Mayor ProTem	Present	
Dennis Beasley	Council Member	Absent	
Libby Simonson	Council Member	Present	
David Arnold	Council Member	Present	
Chipper Smith	Council Member	Present	
Neal Thornton	Council Member	Present	
Tom Warner	City Manager	Present	
Naomi Herrington	Assistant City Manager / CFO	Present	
Chris Jarmon	Assistant City Manager	Present	
Damon Jones	Public Works Director	Present	
Brian Hurst	Assistant Fire Chief	Present	
Gary Martin	Police Chief	Present	
April Gilliland	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

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.

City Manager Tom Warner discussed how the city was preparing for Hurricane Laura that was headed towards Southeast Texas and West Louisiana. Once winds reach 35 mph Emergency crews and staff would stay off the streets until storm has passed. Liberty County was under a voluntary evacuation. Council Member Diane Driggers wanted to thank the City crews and Water Control Improvement District #5 for cleaning out the ditches along Texas St. and Beaumont St.

III. REGULAR AGENDA

A. Regular Session**1. Public Hearing (ID # 4876)**

City Council to conduct a Public Hearing on the Proposed Budget for Fiscal Year 2020-2021.

COMMENTS - Current Meeting:

At 6:11 p.m., Mayor Pickett opened the Public Hearing on the proposed Fiscal Year 2020-2021 Budget. Assistant City Manager / CFO Naomi Herrington presented the highlights in regards to the lowered tax rate and the balanced budget, the increased fleet fund payments, expenses approved for use from the Cambridge fund to fund equipment for the Fire Department, 3% salary increase for employees and the Health Insurance expenses would be a 60/40 split for dependent coverage between the city and employees.

Following brief discussion, Mayor Pickett closed the Public Hearing at 6:17 p.m.

2. Ordinance 2020-25

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; 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; 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:

A motion was made to adopt the Ordinance adopting the Fiscal Year 2020-2021 budget, as proposed.

ATTACHMENTS:

- Council Proposed Budget 2020-2021 (PDF)

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

3. Resolution 2020-47

Consider ratification of the property tax revenue increase reflected in the Fiscal year 2020-2021 Budget.

COMMENTS - Current Meeting:

Adoption of a budget that raises more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. Texas Local Government Code §102.007(c)

A motion was made to ratify the property tax revenue increase reflected in the Fiscal year 2020 - 2021 Budget.

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

4. Public Hearing (ID # 4878)

Public hearing on the Proposed Tax Rate for Fiscal Year 2020-2021.

COMMENTS - Current Meeting:

At 6:20 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for Fiscal Year 2020-2021. City Manager Tom Warner Reported that the tax rate for Fiscal year 2020-2021 would be decreasing from .5851 to .5813.

Mayor Pickett closed the Public Hearing at 6:24 p.m.

5. Ordinance 2020-26

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2020-2021, AT A RATE OF \$0.5813 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING 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:

A motion was made for the adoption of a tax rate of \$0.5813 per \$100 valuation of property.

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

6. Resolution 2020-48

Consider a Resolution electing to participate in the Tax Abatement Program under Texas Tax Code Chapter 312.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that, prior to entering into any tax abatement agreements, a municipality must elect to become eligible to participate in tax abatement, followed by establishing guidelines and criteria governing tax abatement agreements. Mr. Davis further stated that this Resolution reflects that the City of Liberty elects to participate in the Texas Tax Code Chapter 312, Tax Abatement Program.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- EXHIBIT A - Tax Abatement Election (DOCX)

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

7. Public Hearing (ID # 4882)

Public Hearing on the adoption of Guidelines and Criteria for Tax Abatement.

COMMENTS - Current Meeting:

At 6:28 p.m., Mayor Pickett opened the Public Hearing on the adoption of Guidelines and Criteria for Tax abatement. Chapter 312 of the Tax Code states that "Before the governing body of a taxing unit may adopt, amend, repeal, or reauthorize guidelines and criteria, the body must hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization of which members of the public are given the opportunity to be heard".

Mayor Pickett closed the Public Hearing at 6:30 p.m.

8. Resolution 2020-49

Consider a Resolution adopting Guidelines and Criteria for Tax Abatement

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the proposed guidelines and criteria include several changes from the 2018 - 2020 adoption. Tax Abatement Guidelines are adopted every two years. Significant revisions to the guidelines include increasing the real property investment from \$250,000 to \$1,750,000; personal property investment from \$50,000 to \$250,000; and adding business expansion and modernization projects, with a minimum investment at \$750,000.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- EXHIBIT A - Tax Abatement Guidelines (DOCX)

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

9. Resolution 2020-50

Consider a Resolution approving an Agreement for Transportation Services between the Brazos Transit District and the City of Liberty.

COMMENTS - Current Meeting:

Brazos Transit District (BTD) is a general public transportation provider, offering numerous routes and services. BTD was founded in 1974 and now serves 16 counties in Central and East

Texas. BTD is a political subdivision of the State and Texas and receives funding through the Federal Transportation Administration and the Texas Department of Transportation. This agreement is a five (5) year agreement with an annual cost of \$5,512.50.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- EXHIBIT A - Brazos Transit District (PDF)

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

10. Ordinance 2020-27

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING CHAPTER 1.05 OF THE CODE OF ORDINANCES RELATED TO THE AIRPORT ADVISORY BOARD.

COMMENTS - Current Meeting:

The Liberty City Council approved the creation of the Airport Advisory Board in July 2006. The Board was created in order to receive federal funding. The Board is to consist of eight (8) members, two (2) of which may include non-residents. One member must be a councilperson or member of management. Additionally, since the Airport Advisory Board was not created by an ordinance, the Board's authority must be extended by City Council or the Board will be disbanded. The Board's current authority ceases on December 31, 2022.

The Board has several vacancies and Staff has attempted to identify persons interested in serving on the Board. Unfortunately, it has been difficult to find residents interested in aviation and willing to serve on the Board. Due to this difficulty in finding members, Staff is recommending the number of Board members be reduced from eight (8) to five (5) with a maximum of two (2) non-resident members and one (1) member a councilperson or member of management. Staff also recommends making the Airport Advisory Board a permanent board by adopting the enclosed ordinance. Individuals recommended for Board membership will be provided to City Council at a future City Council meeting.

A motion was made to adopt the Ordinance as presented.

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

11. Resolution 2020-51

Consider a Resolution approving an Interlocal Agreement for Electrical Services & Repairs between Liberty Independent School District and the City of Liberty.

COMMENTS - Current Meeting:

The electrical service to the various Liberty Independent School District (LISD) campuses is primary metered. Primary metering is when the electrical lines from the point of service to the building and the transformers are behind the meter and owned by LISD. At primary metered locations, the electrical lines and the transformers are owned by the property owner. LISD is planning to replace the transformers at several of their campuses and is requesting assistance from the City since coordination with the electrical provider is crucial. The proposed interlocal agreement would allow the City, and/or Texas Elite Utility Services, the City's contractor, to perform the necessary electrical work to replace the various transformers. The cost of the transformers, labor, equipment and materials to replace the transformers will be the responsibility of LISD. There would be no cost to the City other than coordinating the work with the City's contractor.

A motion was made to approve the Resolution as presented.

ATTACHMENTS:

- interlocal with LISD for Electric Services (DOC)

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

12. Work Session (ID # 4888)

Worksession with City Council to discuss the Franchise Agreement with Centerpoint Energy.

COMMENTS - Current Meeting:

City Manager Tom Warner stated that On October 8, 2002, the City of Liberty granted a franchise to Reliant Energy Entex, now Centerpoint Energy Texas Gas Operations. The franchise grants Centerpoint, the right and privilege to construct, maintain and operate natural gas lines along any of the present and future public rights-of-ways within the City. In consideration for this franchise, Centerpoint agreed to pay 3% of the gross receipts from the sale of natural gas delivered to residential and commercial customers within the corporate city limits. The initial term of the franchise was for seven (7) years with automatic renewal every five (5) years unless notice was provided to the contrary to either party within ninety (90) days prior to the expiration of a five-year term. The proposed franchise would increase the payment to the City from 3% to 5% of the gross receipts. In consideration of the increase, Centerpoint is requesting the City surrender to the Railroad Commission of the Texas, the City's exclusive original jurisdiction over rates, operations and service of the Company. Additionally, the franchise agreement provided by Centerpoint includes a term of thirty (30) years with five (5) year renewal periods. The City of Liberty Charter states that no franchise term may exceed twenty-five (25) years. The recommended term for this franchise is twenty (20) years with one five (5) year renewal.

After a lengthy discussion Council agreed that it was in the best interest of the citizens and the city not to give up original jurisdiction, keep the 3% franchise fee and renew with a five (5) year term agreement with the option of four - five (5) year terms totaling 25 years.

An ordinance will be brought back to Council with the requested changes at a future meeting.

13. Ordinance (ID # 4886)

CONSIDER ADOPTION OF AN ORDINANCE GRANTING CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF LIBERTY, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

COMMENTS - Current Meeting:

This item was passed on due to what was discussed in the aforementioned Worksession.

RESULT:	WITHDRAWN
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B. Executive Session**EXECUTIVE SESSION:****Tx. Gov. Code §551.074 - Personnel Matters.**

- To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Tx. Gov. Code §551.071 - Private Consultation with Attorney.

- To seek advice regarding contemplated / pending litigation.

At 7:01 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:37 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-29

Consider and Take Action on matters discussed with Attorney in Executive Session.

COMMENTS - Current Meeting:

Motion was made to leave the Boomerang Electric Rate the same as discussed in Executive Session.

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

2. Council Action 2020-30

Consider and Take Action on the Appointment of a Municipal Court Prosecutor.

COMMENTS - Current Meeting:

No action was taken

RESULT:	NO ACTION TAKEN
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IV. ADJOURNMENT**A. Motion To:** Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:38 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary