



**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, September 22, 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	Present	
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	
Brandon Davis	City Attorney	Present	
April Gilliland	City Secretary	Present	

II. 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 guest and visitors, opening the floor for public comment to those individuals wishing to address the Council. Fire Chief Hurst gave an update in regards to Tropical Storm Beta rainfall total and movement over the area that was expected later on that night. City Manager Tom Warner also mentioned that we were expecting greater rainfall during the night with a flash flood advisory.

III. 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.

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

1. Resolution 2020-57

Consider a resolution authorizing the City Manager to execute an agreement between Liberty County and the City of Liberty for Fire Protection Services.

ATTACHMENTS:

- Fire Protection Services Agreement Liberty County FY 2021 (PDF)

IV. REGULAR AGENDA

A. Regular Session

1. Resolution 2020-58

Consider the appeal of the Building Official's decision regarding the placement of a recreational vehicle at 3306 Oilfield Road.

COMMENTS - Current Meeting:

Mr. James Leonard has applied for electrical service for a recreational vehicle (RV) at 3306 Oilfield Road. The property in which the RV is to be placed also has mobile/manufactured homes on the property. The mobile/manufactured home and RV ordinances were initially approved by City Council in January 1977 and March 2010, respectively. Since their initial passage, there have been revisions to each of these ordinances. A review of City files did not produce an application or permit for a mobile/manufactured home or RV park on this property. The Building Official has denied electrical service at this location based on the following ordinances:

1 - License: The Code of Ordinances, Section 3.08.104. (a) Required: application. states "it shall be unlawful for any person to operate any RV park within the city limits unless he/she holds a valid license issued annually by the city in the name of such person for the specific park." 3306 Oilfield Road is not currently licensed as an RV park.

2 - Occupancy: The Code of Ordinances, Section 3.08.129 Permanent occupancy prohibited states "the placement of recreational vehicles for occupancy longer than fourteen (14) days shall not be permitted except in an approved recreational vehicle park."

3 - Floodway: a significant portion of 3306 Oilfield road is within the "regulatory floodway" as that term is defined by Section 3.07.005 of the Code of Ordinances. Floodway determinations are based on FEMA floodplain maps.

Section 3.08.131 of the Code Ordinances, Recreational vehicles in mobile home parks; mobile homes in recreational vehicle parks states "existing **manufactured mobile home parks** that have spaces for recreational vehicles existing prior to the adoption of this division shall be

permitted to occupy the space with a recreational vehicle.” As stated previously the site at 3306 Oilfield Road includes both manufactured homes and RVs.

The Building Official’s decision is being appealed by Mr. Leonard. On Thursday, September 10, the Planning and Zoning Commission met and voted 4-0 in support of Mr. Leonard’s appeal. The Planning and Zoning Commission determined that section 3.08.131 of the Code of Ordinances exempts Mr. Leonard from the current ordinance and therefore allows him to place a recreational vehicle at 3306 Oilfield Road.

After lengthy discussion, a motion was made to approve the appeal.

ATTACHMENTS:

- EXHIBIT A - 3306 Oilfield Road - floodway map (PNG)
- EXHIBIT B - Photos of 3306 Oilfield (PDF)

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

2. Resolution 2020-59

Consider a Resolution appointing a representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

Appointments for two-year staggered terms are made to the SRMPA Board of Directors in September of each year. Each member city is allowed two representatives. Our current representatives to this Board are Mayor Pickett and City Manager Tom Warner. The vacant position will be addressed in the following agenda item. Mayor Pickett’s current term expires this month.

A motion was made to reappoint Mayor Carl Pickett as a representative to the Sam Rayburn Municipal Power Agency Board of Directors, term ending September, 2022

RESULT:	APPROVED [6 TO 0]
MOVER:	David Arnold, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Driggers, Beasley, Simonson, Arnold, Smith, Thornton
ABSTAIN:	Carl Pickett

3. Resolution 2020-60

Consider appointments to the Airport Advisory Board.

COMMENTS - Current Meeting:

The mission of the Airport Advisory Board is to supply technical information, suggestions and advice concerning the operations, maintenance and improvement of the Liberty Municipal Airport to the City of Liberty Council and Staff. The Board, as approved by City Council during the August 25, 2020, meeting, will consist of five member Board, of which no more than two may be non-residents of the City and one must be a City Council Member or a member of City

Staff. The following individuals have submitted applications and are willing to serve on the Board:

Bill Sjolander	Non-Resident Member
Brett Audilet	Non-Resident Member
Dennis Beasley	City Council Member
Dale Clawson	Resident Member
Bruce Blake	Resident Member

A motion was made to appoint Bill Sjolander, Brett Audilet, Dale Clawson, Bruce Blake and Dennis Beasley to the Airport Advisory Board.

ATTACHMENTS:

- Airport Application - Bill Sjolander_Redacted (PDF)
- Airport Application - Brett Audilet_Redacted (PDF)
- Airport Application - Dale Clawson_Redacted (PDF)
- Airport Application - Bruce Blake_Redacted (PDF)

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

4. Resolution 2020-61

Consider a Resolution rejecting all bids received for the Main Street Sidewalk Rehabilitation Project.

COMMENTS - Current Meeting:

On August 13, the City of Liberty re-bid the Main Street Sidewalk Rehabilitation Project. The sidewalk proposed for reconstruction is on the east side of Main Street between Sam Houston and Trinity Streets. The City received one bid from Teamwork Construction Services, Inc. on September 8th in the amount of \$552,269.25. The engineer's revised estimate to reconstruct the sidewalk was \$176,396.92. Due to receiving only one bid and the price submitted, all bids should be rejected, and the project limits increased to include additional blocks in order to potentially reduce the overall cost.

Following a brief discussion, a motion was made to reject the bid(s) received for the Main Street Sidewalk Rehabilitation Project.

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

5. Resolution 2020-62

Consider a resolution awarding the Wastewater Treatment Plant (WWTP) Flood Mitigation Improvements and WWTP Outfall Replacement.

COMMENTS - Current Meeting:

The Wastewater Treatment Plant (WWTP) was out of service for approximately two weeks as a

result of flooding from Hurricane Harvey. The flood waters around the WWTP were approximately ten (10) feet above natural ground level. As a result of the flood damage from Hurricane Harvey and previous floods in 2015, 2016 and 2017, the City submitted and received a grant through the States Hazard Mitigation Grant Program (HMGP) to construct a Floodwall and Levee around the plant. The first phase of the project has been completed and the Texas Department of Emergency Management (TDEM) has authorized the City to begin Phase II, which is the construction of the improvements. On September 10, 2020 the City received six bids to construct the improvements. The bids ranged from the apparent low bid, submitted by NBG Constructors, Inc., in the amount of \$5,586,810.00 to \$7,541,198.00. HR Green, the City's Engineer on the Project, has determined the bid submitted by NBG Constructors, Inc., is the lowest and most responsive bid. Enclosed are documents that include a summary of discussions with the contractor and sub-contractor with reference checks, bid tabulation, bid documents and notice of award. The Engineering Opinion of Probable Cost was \$5,861,100.00. With an estimated cost of \$5,586,810.00 the federal and local share will be \$4,190,107.50 (75%) and \$1,396,702.5 (25%), respectively. City Council has previously authorized the use of \$1,300,000.00 in 2016 bond proceeds and \$263,600.00 in Cambridge Funds for the Local Match. The matching funding amount includes \$77,500.00 (25%) match for Phase I of the Project. Any excess matching fund will be returned to the Cambridge Fund.

A motion was made to approve the resolution awarding the WWTP Flood Mitigation Improvements and Outfall Replacement to NBG Constructors, Inc. in the amount of \$5,586,810.00

ATTACHMENTS:

- Itr-9-17-2020-ROA-Liberty HMGP (PDF)
- Liberty-HMGP-BidTab (PDF)
- NBG Bid Docs (PDF)
- Notice of Award (DOCX)

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

6. Ordinance 2020-30

CONSIDER AN ORDINANCE AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF AN UNIMPROVED RIGHT-OF-WAY KNOWN AS PLYMOUTH LANE AND PROVIDING FOR AN EFFECTIVE DATE.

COMMENTS - Current Meeting:

Brandon K. Smith is requesting the city abandon an approximately 59' x 330' portion of Plymouth Street, located near the intersection of Jefferson at Chrysler. Mr. Smith states that the abandonment will allow him to provide parking and driveway space for future commercial development. The abandonment will include the retention of an easement for utilities. During the meeting on August 11, 2020 City Council approved a Resolution authorizing the abandonment. However, In order to file the abandonment with the County, the action taken by City Council must be in the form of an Ordinance.

A Motion was made to adopt the Ordinance to abandon the Plymouth Street Right of Way with the retention of an easement for utilities.

ATTACHMENTS:

- EXHIBITS A & B PLYMOUTH ROAD ABANDONMENT SURVEY (PDF)

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

B. Work Session**1. Work Session (ID # 4916)**

City Council to conduct a work session regarding the City's Flood Damage Prevention Ordinance

COMMENTS - Current Meeting:

This agenda Item was passed on. Will be presented at the Regular Meeting on October 13, 2020.

ATTACHMENTS:

- Flood Damage Prevention Ordinance (PPTM)
- After Harvey, Houston homeowners are spending huge sums to elevate their houses a few feet _ The Texas Tribune (1) (PDF)
- Homeowners moving up instead of moving out in Bevil Oaks _ 12newsnow.com (PDF)

C. 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.
- Discussion of the City Manager's Evaluation.

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

- To seek advice regarding contemplated / pending litigation.

At 6:43 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:25 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-32

Consider and Take Action, if any, on the City Manager's Evaluation as discussed in the Executive Session.

COMMENTS - Current Meeting:

No action was taken.

RESULT: NO ACTION TAKEN

2. Council Action 2020-33

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

COMMENTS - Current Meeting:

No action was taken.

RESULT: NO ACTION TAKEN

V. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:26 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary