



The City of Liberty City Council

Special Called Meeting

~ Agenda ~

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

April Gilliland
City Secretary
936-336-3684

Wednesday, January 20, 2021

12:00 PM

City Hall - Liberty Center

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 Driggers	☐	☐	☐	
Council Member Dennis Beasley	☐	☐	☐	
Council Member Libby Simonson	☐	☐	☐	
Council Member David Arnold	☐	☐	☐	
Council Member Chipper Smith	☐	☐	☐	
Council Member Neal Thornton	☐	☐	☐	

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.

III. REGULAR AGENDA

A. Regular Session

1. Ordinance (ID # 5000)

Consider an ordinance adding Section 13.09 of the Code of Ordinances imposing a lien against real property of utility customers for delinquent bills.

2. Resolution (ID # 5001)

Consider a resolution retaining the firm of Lloyd Gosselink to assist the City in negotiating a contract for utility service.

IV. ADJOURNMENT

A. 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 13th day of January, 2020 at 5:00 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.

April Gilliland

April Gilliland, 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 _____, 2020.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.1

Meeting: 01/20/21 12:00 PM

Department: Administration
Category: Utilities

ORDINANCE (ID # 5000)

DOC ID: 5000

Department: Finance

Subject: Delinquent Utility Bills

Background: The Texas Local Government Code allows cities to perfect a lien on the real property of any real property owner that fails to pay City provided utility services, including, but not limited to, water, wastewater, solid waste and electricity. The lien for delinquent utility bill shall not apply to any category of real property specifically exempted from such a lien by the Texas Local Government Code. Currently, when a real property owner leaves a property without paying their utility bill, the City's only recourse is to contact the individual and request payment. By placing a lien on the property, this gives the City one more opportunity to collect on the delinquent bill.

Funding Source: NA

Staff Recommendation: Staff recommends approval of the ordinance imposing a lien against real property of utility customers for delinquent bills.

AN ORDINANCE AMENDING CHAPTER 13, UTILITIES, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY ADDING ARTICLE 13.09, PROVIDING FOR THE IMPOSITION OF A LIEN AGAINST REAL PROPERTY OF UTILITY CUSTOMERS FOR DELINQUENT UTILITY BILLS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Liberty is a Texas municipal corporation existing under the laws of the State of Texas; and

WHEREAS, the City of Liberty currently provides utility service to properties located within the City; and

WHEREAS, Section 552.0025 of the Texas Local Government Code allows a city, by ordinance, to impose a lien against an owner's property for delinquent bills for municipal utility service to the property; and

WHEREAS, the City of Liberty finds it necessary and desirable to amend its Code of Ordinances to provide for the imposition of a lien against real property of customers purchasing utility services from the City to secure payment of delinquent utility bills.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Liberty, Liberty County, Texas:

SECTION 1. That Chapter 13 of the Code of Ordinances of the City of Liberty, Texas, shall be amended by adding Article 13.09 to read as follows:

CHAPTER 13

UTILITIES

ARTICLE 13.09 LIEN AGAINST REAL PROPERTY OF UTILITY CUSTOMERS FOR DELINQUENT UTILITY BILLS

Sec. 13.09.001

- (a) Pursuant to Section 552.0025 of the Texas Local Government Code, the City of Liberty shall be entitled to perfect a lien on the real property of any real property owner that fails to pay for City-provided utility services, including, but not limited to, water, wastewater, solid waste and electricity.
- (b) Said lien for delinquent utility bills shall not apply to any category of real property specifically exempted from such a lien pursuant to the provisions of Section 552.0025 of the Texas Local Government Code, including:
 - (1) Homestead property as protected by the Texas Constitution;
 - (2) Property on which service was connected in a tenant's name after notice by the property owner to the municipality that the property is rental property; and
 - (3) Property on which service was connected in a tenant's name prior to the effective date of the ordinance from which this section is derived.
- (c) The City of Liberty's lien for delinquent utility bills shall be perfected by filing in the real property records of Liberty County, Texas a notice of lien containing the legal description of the property and the account number for the delinquent charges. Said lien shall be signed by the City Manager or his or her designee and will be released when said lien is satisfied and paid in full. Interest shall accrue on the amount stated in the lien at the rate of ten (10) percent per annum, beginning on the date that the lien is perfected.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given as required by law.

SECTION 5. That this ordinance shall take effect immediately upon its passage.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Ordinance (ID # 5000)

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Liberty, this _____ day of _____, 20____.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

3.A.2

Meeting: 01/20/21 12:00 PM

Department: Administration
Category: Utilities

RESOLUTION (ID # 5001)

DOC ID: 5001

Department: Administration

Subject: Utility Service Contract

Background: The City currently has an engagement letter with Lloyd Gosselink to provide legal services on an as needed basis. The terms of engagement vary depending on the services required. Lloyd Gosselink has agreed to provide legal services to City during contract negotiations for utility service to local customer. The billing for their effort would be based on their current hourly rates and is not anticipated to exceed \$7,500.00

Funding Source: NA

Staff Recommendation: Staff recommends approval of the resolution retaining the firm of Lloyd Gosselink.

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, RETAINING THE LAW FIRM OF LLOYD GOSSELINK TO REPRESENT THE CITY REGARDING CONTRACT NEGOTIATIONS FOR UTILITY SERVICE

WHEREAS, the City currently has an engagement letter with the law firm Lloyd Gosselink to provide legal services on an as needed basis; and

WHEREAS, Lloyd Gosselink has agreed to provide legal services to the City during contract negotiations for utility service with a local customer; and

WHEREAS, attorneys with Lloyd Gosselink specialize in utility service agreements and their knowledge and experience will be valuable to the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Liberty, Texas hereby approves the engagement of the law firm of Lloyd Gosselink to provide legal services to the City during contract negotiations for utility services with a local customer.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF LIBERTY, TEXAS

Carl Pickett, Mayor

Resolution (ID # 5001)

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ATTEST:

City Secretary