



The City of Liberty City Council

Regular Meeting

~ Minutes ~

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

April Gilliland
City Secretary
936-336-3684

Tuesday, April 12, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on April 12, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:02 p.m. by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	X			
Mayor Pro Tem Diane Driggers	X			
Council Member Dennis Beasley	X			
Council Member Libby Simonson	X			
Council Member David Arnold	X			
Council Member Chipper Smith	X			
Council Member Neal Thornton	X			

II. INVOCATION

Invocation was given by Reverend Ted Smith, St. Stephen's Episcopal Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Public Works Director Damon Jones and the pledge to the Texas Flag was led by Police Chief Gary Martin.

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.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Marsha Wars with the VFW Auxiliary spoke in regards to upcoming events at the VFW Hall.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics Include 2022 Jubilee, Citywide Power Outage, Liberty County Chamber of Commerce, Candlelight Vigil, Sales Tax and Electric Projects.

City Manager Tom Warner reported on the following updates:

- 2022 Liberty Jubilee
- Scheduled Citywide Power Outages
- Chamber of Commerce
- District Attorney's Candlelight Vigil
- March 2022 Sales and Use Tax
- Capital Improvement Program Electrical Projects

B. Finance Report - Assistant City Manager / CFO Naomi Herrington

Assistant City Manager / CFO Naomi Herrington reported on the City's financials as of February 28, 2022.

C. Department Reports

Monthly reports are submitted by all departments and are attached to the agenda for the Council's review and any questions that they may have. No comments were made.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the next meeting is scheduled for next Tuesday, April 19, 2022 in Livingston. The public is welcomed to attend this open meeting.

E. Mayor, Council and Staff Comments

Mayor Pickett mentioned the Liberty Youth Baseball Association opening day held on April 9th at the Liberty Municipal park and the FLNB Easter Egg Hunt held on April 9th at War Memorial Stadium. Both events were well attended by the City of Liberty citizens and surrounding area. Council Member Simonson gave a statement of appreciation for the work being done by Daryl Marek, Code Enforcement.

VI. 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.

A motion was made by Council Member Simonson to approve all items on the consent agenda and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

A. Minutes Approval

1. 03.08.2022 Council Minutes

2. 03.22.2022 Council Minutes

- B. 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, AUTHORIZING THE PURCHASE OF ONE (1) LIBERTY POLICE DEPARTMENT VEHICLE.**

VII. REGULAR AGENDA

A. Regular Session

1. Citizen Request - FLNB

Mr. Charles McGuire and Mr. Kelly Stretcher from First Liberty National Bank gave a presentation on 4B Economic Development and Beautification/Improvement for the City of Liberty. Discussion of downtown revitalization using the Liberty Community Development Corporation and a loan program offered by First Liberty National Bank to help businesses in the area.

2. 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, ACCEPTING A PID PETITION AND SETTING A PUBLIC HEARING ON THE CREATION OF THE LIBERTY RANCH PUBLIC IMPROVEMENT DISTRICT.

The Von Schmidt Land and Cattle, LLC, acting through its President and Managing Member Charles Von Schmidt, has submitted a petition to the City Secretary and City Council to create the Liberty Ranch Public Improvement District (PID) and to levy an assessment within the PID to finance certain improvements. The assessment is only levied within the boundaries of the PID, which is a 51-acre tract of land located on Highway 146 North. The improvements are to finance various water, sewer, drainage, road, sidewalk and other infrastructure related to the creation of a proposed residential subdivision. State law requires the City Council to pass a resolution setting a public hearing date regarding creation of the PID. Staff is recommending that the public hearing be set for May 10, 2022 at 1829 Sam Houston, Liberty, Texas 77575. The public hearing will be included in the council meeting that begins at 6:00 pm. The land is owned solely by Von Schmidt Land and Cattle, LLC.

A motion was made by Council Member Simonson to approve the resolution accepting a PID Petition and setting up a Public Hearing on the creation of the Liberty Ranch Public Improvement District and seconded by Council Member Beasley. The motion passed 7 to 0.

3. Presentation of Proposed Capital Improvement Program for Fiscal Years 2022 to 2028 and the proposed Issuance of Certificates of Obligation for Water and Wastewater System Improvements.

City staff outlined the proposed Fiscal Years 2022 to 2028 Capital Improvement Program for Airport, Downtown, General, Streets, Electric and Water/Wastewater Improvements. Additionally, the City's Financial Advisor, Mr. Dusty Traylor of RBC Capital Markets, LLC., discussed the proposed issuance of water and wastewater certificates of obligation and the impact on the debt service for this fund.

4. 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, EXPRESSING OFFICIAL INTENT TO REIMBURSE WITH TAX-EXEMPT

OBLIGATION PROCEEDS COSTS ASSOCIATED WITH CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S WATER AND WASTEWATER SYSTEM.

The City is anticipating issuing approximately \$7,780,000 in proposed water and wastewater certificates of obligation in Fiscal Year 2022. These funds will be used for the following projects:

Water

1. North Plant Rehabilitation
2. San Jacinto Overflow/Painting
3. Hwy 146N New Development
4. Hwy 146 Bypass Water Plant (partial)

Wastewater

1. Minglewood
2. Hwy 146 Bypass
3. Hwy 146N New Development

The City expects that it will pay expenditures in connection with the projects prior to the issuance of certificates of obligations to finance the projects. Additionally, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention to reimburse itself for such payments at the time the City issues Certificates of Obligation to finance the Projects.

A motion was made by Council Member Simonson to approve the resolution expressing the official intent to reimburse with tax-exempt obligation proceeds costs associated with certain capital improvements to the City's Water and Wastewater System and seconded by Council Member Thornton. The motion passed 7 to 0.

5. 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, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICE AGREEMENT WITH HR GREEN FOR THE MINGLEWOOD SANITARY SEWER PROJECT.

The 2016 Preliminary Engineering Report (PER) for the Sanitary Sewer System included the elimination of the Glenn Street and Minglewood Lift Stations and replacing the lift stations with a gravity flow sewer line from Glenn Street to the Beaumont Avenue Lift Station. With the proposed development planned on Minglewood, the removal of the lift stations and installation of the gravity flow sewer line will be required to serve the new development. The estimated construction cost for this project is \$1,700,000. The engineering agreement with HR Green for this project is \$121,775 for design services, \$9,000 for bidding and \$44,375 for construction services for a total of \$175,150. Additional design services include survey services and geotechnical investigations in the amount of \$39,675 and \$17,250, respectively. Construction inspection is anticipated to cost \$49,700. The total cost for additional services is \$106,625 for a total engineering cost of \$281,775.

A motion was made by Council Member Thornton to approve the resolution authorizing the City Manager to execute a professional Engineering Service Agreement with HR Green for the Minglewood Sanitary Sewer Project and seconded by Council Member Simonson. The motion passed 7 to 0.

6. AN ORDINANCE ADOPTING THE ELECTRIC SERVICE REQUIREMENTS MANUAL, THE DISTRIBUTION LINE AND SERVICE LATERAL EXTENSION POLICY, AND SETTING AN EFFECTIVE DATE.

On August 18, 2018, City Council passed a resolution approving the Electric Operating Procedure Manuals. One of the sections in the manual included electric service requirements for residential, commercial and industrial customers. This section of the manual covered the following items:

1. Distribution Line and Service Lateral Extension Policy
2. Introduction
3. Objectives
4. Availability and Characteristics of Service
5. Protection of Equipment
6. Easements
7. Point of Delivery
8. Permits and Applications
9. Inspections
10. Temporary Service
11. Service Requirements
12. Meter Installation
13. Emergency Generators
14. Renewable Energy, Distributed Generation and Net Metering

The City of Liberty has developed the Electric Service Requirements Manual as a uniform plan that guides the development of future additions and modifications to the existing electric system. This manual describes the relationship between the developer/customer and the City of Liberty addressing single-phase and multi-phase electric service extensions. The Distribution Line and Service Lateral Extension Policy was recently updated to provide a procedure to calculate amounts due as contribution-in-aid of construction ("CIAC") from customers who require extensions of distribution facilities in order to receive electric service. The procedure shall be applied uniformly to residential, commercial, and industrial customers. The City shall be the sole judge as to whether a request for electric service requires that a line extension be constructed, as well as the type of construction that is used, including whether overhead or underground. The decision shall be based upon sound engineering practices and the best interest of the City. Although the Manual was approved by resolution, it needs to be approved by ordinance since it relates to a development standard that is enforceable by law.

A motion was made by Council Member Simonson to approve the Ordinance adopting the Electric Service Requirements Manual, the distribution line and service lateral extension policy and seconded by Council Member Smith. The motion passed 7 to 0.

7. AN ORDINANCE ADOPTING THE STREET AND DRAINAGE CONSTRUCTION AND DESIGN STANDARDS MANUAL, THE DRAINAGE CRITERIA MANUAL, AND THE WATER/WASTEWATER MANUAL, AND SETTING AN EFFECTIVE DATE.

The City of Liberty Code of Ordinances, Chapter 10 Subdivision Regulations, establishes the minimum right-of-way (ROW) and street surface width for all new subdivisions within the City and the City's Extra Territorial Jurisdiction (ETJ). Additionally, the Subdivision Regulations require the construction of all street and drainage facilities to conform to the City's Subdivision Construction Manual. The City Council has previously expressed concerns that the right-of-way and roadway widths for the various street classifications may not be sufficient for utilities and on street parking. The existing and proposed right-of-way and street widths are provided below:

	Street Classification	Minimum Right-of-Way Width		Minimum Street Width	
		Existing	Proposed	Existing	Proposed
Curb & Gutter Streets	Alleys	NA	NA	20	NA
	Minor Local	NA	50	NA	25/1 side parking
	Local	50	50	22	27/2 side parking
	Collector	60	65	26	37/2 side parking
	Major Collector	NA	65	NA	43/1 side parking
	Major Arterial	80	80	29	35/no parking
	Industrial	NA	NA	70	39/no parking
Streets with Open Ditches	Alleys	NA	NA	NA	NA
	Minor Local	NA	NA	NA	NA
	Local	60	NA	22	NA
	Collector	70	NA	26	NA
	Major Collector	NA	NA	NA	NA
	Major Arterial	100	NA	29	NA
	Industrial	NA	NA	NA	NA

The proposed street classification requires all streets to be concrete with concrete curbs and gutters. The Texas Department of Transportation Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted November 1, 2014, will be used as the City's specifications for streets and drainage facilities. The City's Street & Design Standards, Drainage Criteria Manual and Water/Wastewater Manual provide the technical information required to construct infrastructure facilities for all new developments in the city. Each manual consists of standards and specifications and has previously been adopted by either resolution or ordinance by the City Council. The adoption of these manuals will be referenced as separate documents in the Code of Ordinances.

A motion was made by Council Member Simonson to approve the Ordinance adopting the Street and Drainage Construction and Design Standards Manual, the Drainage Criteria Manual, and the Water/Wastewater Manual and seconded by Council Member Driggers. The motion passed 7 to 0.

8. 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, EXTENDING THE TERM OF THE CONTRACT AND AMENDING THE PRICING WITH TEXAS ELITE UTILITY SERVICES, LLC.

In March 2019, the City Council awarded a contract for Electric System Operations and Maintenance Services to Texas Elite Electrical Services. In April, 2019, the contract was assigned to Texas Elite Utility Services. The agreement is for a base period of three years and can be renewed for a two (2) term provided both parties agree to all terms, conditions and specifications. The City may exercise another extension for an additional two (2) years.

Additionally, the contract includes a provision for a change in pricing for the renewal period. The change in pricing may be adjusted by an amount not to exceed the percentage increase in the Consumer Price Index for Urban Customers (CPIU) for the Liberty, Texas area for the latest twelve (12) month period for which the information has been completed. The increase in the CPIU for the Houston and Beaumont areas, during the last twelve months, has increased by 7.8% and 8.4%, respectively. Texas Elite Utility Services is requesting a 7% increase for both labor and equipment for this two (2) year renewal period.

A motion was made by council member Driggers to approve the Resolution extending the term of the contract and amending the pricing with Texas Elite Utility Services, LLC and seconded by Council Member Beasley. The motion passed 6 to 0 with Council Member Simonson abstaining due to conflict of interest.

9. City Council hold a public hearing on the condemnation of seven (7) hazardous and unsafe structures to determine if the structures should be repaired or demolished: 1900 Kipling, 408 Independence, 513 Palmer, 128 Carter (Unit D), 609 Washington, 918 Lamar and 1710 N San Jacinto (shed only).

At 8:19 p.m., Mayor Pickett opened the Public Hearing on the condemnation of seven (7) hazardous and unsafe structures to determine if the structures should be repaired or demolished. The Code of Ordinances requires the City Council to hold a public hearing to determine if a structure complies with the City's Hazardous Building Ordinance and, if not, to determine if the structure should be (1) repaired, (2) vacated and repaired or (3) demolished. The Code of Ordinances specifies that if a structure is fifty (50) percent damaged, decayed, or deteriorated, it shall be demolished or if the cost of repairs exceeds fifty (50) percent of the value of the structure, it shall be demolished. The public hearing will consider the following structures:

1. 1900 Kipling
2. 408 Independence
3. 513 Palmer
4. 128 Carter (Unit D)
5. 609 Washington
6. 918 Lamar
7. 1710 N San Jacinto (shed only)

City Attorney Brandon Davis questioned Code Enforcement Officer, Daryl Marek, regarding the condition of each structure. It was asked if the structures met building code requirements and whether or not the property posed a safety and health hazard to the public. Mr. Marek answered that the structures do not meet building code requirements and that each of the seven properties are a safety and health hazard to the public. The condition of each property was shown in photos attached to the agenda packet. Property representatives for 1710 N. San Jacinto, 128 Carter, 513 Palmer and 1900 Kipling spoke with the council about the future intentions of their properties. At 8:56 p.m., Mayor Pickett closed the Public Hearing.

10. **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, AUTHORIZING THE MAYOR TO SIGN ORDERS OF ABATEMENT FOR THE DEMOLITION AND REMOVAL OF STRUCTURES SUBJECT TO THE APRIL 12, 2022 PUBLIC HEARING.**

The following structures have been inspected by City Staff and found to be unsafe structures as defined by the City of Liberty's Code of Ordinances, Article 3.05, Hazardous Structures and by the 2018 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that is no longer considered suitable for repair:

1. 513 Palmer
2. 128 Carter (Unit D)
3. 609 Washington
4. 918 Lamar
5. 1710 N San Jacinto (shed only)
6. 408 Independence

A motion was made by Council Member Simonson to approve the Resolution authorizing the mayor to sign orders of abatement for the demolition and removal of structures and seconded by Council Member Thornton. The motion passed 7 to 0.

11. 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, AUTHORIZING THE MAYOR TO SIGN ORDERS OF ABATEMENT FOR THE REPAIR, OR DEMOLITION AND REMOVAL, OF STRUCTURES SUBJECT TO THE APRIL 12, 2022 PUBLIC HEARING.

The structure at 1900 Kipling was originally placed on the City Council's March 8th agenda. At the request of City Council, the hearing for 1900 Kipling was reset until the April 12th meeting. Since the March 8th meeting, the owner of 1900 Kipling has cleaned the property and submitted a scope of work to remodel the structure. Included in the scope of work is an engineered sealed plan to repair the foundation. Staff is recommending City Council order the structure to be repaired and allow the owner time to remodel the structure. If the structure is not repaired within the allocated time frame, staff recommends the structure be razed.

A motion was made by Council Member Simonson to approve the Resolution authorizing the mayor to sign orders of abatement for repair, or demolition and removal of structure and seconded by Council member Thornton. The motion passed 7 to 0.

B. Executive Session

At 8:58 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Title 5, Chapter 551 of the Texas Government Code.

1. Texas Government Code §551.074 - Personnel Matters.

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

C. Reconvene into Regular Session

At 9:19 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and Take Action, if any, on Municipal Court Judge as discussed in Executive Session.

No action was taken.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 9:19 p.m.

ATTEST:

Carl Pickett, Mayor

April Gilliland, City Secretary