



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, May 10, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on May 10, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:02 p.m. by Mayor Carl Pickett.

A.

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			
Council Member Tommy Brents	X			
Council Member Ed Seymour	X			

II. INVOCATION

Invocation was given by Pastor Terence Edwards, Turkey Creek Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Fire Chief, Brian Hurst 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. No comments were made.

V. REGULAR AGENDA

A. Regular Session

- 1. CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 7, 2022; FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Council Member Simonson to approve the Ordinance canvassing the returns and declaring the results of the General Municipal Election Held on May 7, 2022 and seconded by Council Member Beasley. The motion passed 6 to 0 with all present voting yes and Council Member Arnold being absent.

- 2. Oath of Office to be administered to Mayor and Council Members**

Honorable Mark Morefield, 75th District Judge, administered the oath of Council Members to the newly elected Council Members Tommy Brents and Ed Seymour and returning Council Member J.L. Chipper Smith. Judge Morefield then administered the oath of Mayor to returning Mayor Carl Pickett. After completion of the new Oaths of Office, the Members of Council were seated and Council Member Thornton was excused from the meeting.

- 3. Council to elect a Mayor Pro Tem**

A motion was made by Council Member Simonson to elect Council Member Driggers as Mayor Pro Tem and seconded by Council Member Smith. The motion passed 7 to 0 with all present voting yes.

VI. PRESENTATIONS / REPORTS

- A. City Manager's Report - City Manager Tom Warner - Topics Include Street Rehabilitation Program, Golf Course, Downtown Sidewalks, Airport Runway Project and Electrical Projects.**

City Manager Tom Warner reported on the following updates:

- Street Rehabilitation Program
- Golf Course
- Downtown Sidewalk and Lighting Improvement Project
- Airport Runway Project
- 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 March 31, 2022.

- C. Department Reports**

Monthly reports are submitted by departments and are attached to the agenda for the Council to review and to comment on or ask questions that they may have. Council Member Brents asked when the splash pad would be opened, City Manager Tom Warner gave an update on the repairs of the splash pad and anticipates the splash pad to be open by Memorial Day.

Mayor Pickett asked Chief Martin about Officer Blackburn (the injured DPS Officer), who was mentioned in the Police Department Monthly Report.

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 Tuesday, May 17, 2022 in Livingston. Topics on the agenda include the transfer of assets from SRMPA to the 3 member cities by end of the year.

E. Mayor, Council and Staff Comments

Council Member Simonson praised the City and Electrical crews for a job well done regarding the planned power outages to repair switches at the substation, both outages were shorter than planned.

VII. 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 with the removal of Item C (resolution on Decorum Policy) on the consent agenda and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

Item C. - Resolution adopting the City Council Agenda Preparation and Meeting Decorum Policy was removed and tabled for a date to be determined.

A. Minutes Approval

1. April 12, 2022
2. April 26, 2022

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, APPROVING A ONE-YEAR AGREEMENT WITH DBT TRANSPORTATION SERVICES FOR MAINTENANCE OF THE AWOS AT THE LIBERTY MUNICIPAL AIRPORT.

C. 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, ADOPTING THE CITY COUNCIL AGENDA PREPARATION AND MEETING DECORUM POLICY.

D. 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) VEHICLE FOR THE LIBERTY POLICE DEPARTMENT.

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE CITY OF LIBERTY POLICE DEPARTMENT TO SUPPORT A TEXAS TRAFFIC SAFETY EGRANT FOR STEP - OPERATION SLOWDOWN, IN THE AMOUNT OF

\$10,496.00, THAT IS FULLY FUNDED/REIMBURSED BY STATE OF TEXAS DEPARTMENT OF TRANSPORTATION.

- F. 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, APPROVING AND RATIFYING THE EXPENDITURE OF FUNDS FOR AN EMERGENCY REPAIR TO THE WASTEWATER TREATMENT PLANT CLARIFIER.**
- G. 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, AWARDED THE BID FOR THE NEW WATER PLANT LAND CLEARING PROJECT TO PIPELINE INSPECTION & CONSTRUCTION COMPANY OF LIBERTY.**

VIII. REGULAR AGENDA

B. Executive Session

At 6:36 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 §551.071 - Private Consultation with Attorney**
 - Discussion with attorney regarding contemplated/pending litigation and/or regarding matters protected by the attorney/client privilege.
- 2. Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.**
 - Discussion regarding economic development negotiations.

C. Reconvene into Regular Session

At 7:49 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

- 1. PUBLIC HEARING REGARDING THE ADVISABILITY AND CREATION OF LIBERTY RANCH PUBLIC IMPROVEMENT DISTRICT.**

At 7:50 p.m., Mayor Pickett opened the Public Hearing regarding the advisability and creation of the Liberty Ranch Public Improvement District. No comments were made. Mayor Pickett closed the Public Hearing at 7:51 p.m.

- 2. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AUTHORIZING AND CREATING THE LIBERTY RANCH PUBLIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE**

Section 372.006 of the Local Government Code states that “if a petition that complies with this subchapter is filed, the governing body of the municipality or county may make findings by resolution as to the advisability of the proposed improvement, its estimated cost, the method of assessment, and the apportionment of cost between the proposed improvement district and the municipality or county as a whole.”

The staff is of the opinion that the facts in the petition submitted by Von Schmidt Land and Cattle, LLC are true and that the petition complies with state law and the proposed improvements will promote the interests of the City of Liberty. According to the resolution, the City is not obligated to provide any funds to finance the proposed improvements.

A motion was made by Council Member Simonson to approve the resolution Authorizing and

creating the Liberty Ranch Public Improvement District in accordance with chapter 372 of the Texas Local Government Code and seconded by Council Member Beasley. The motion passed 6 to 1, with Council Member Brents voting no.

3. 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 NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WATERSTONE DEVELOPMENT GROUP, LLC

Waterstone Development Group, LLC is the developer behind the proposed subdivision located within the Liberty Ranch Public Improvement District (PID). The creation and operation of the Liberty Ranch PID will require the city to hire various consultants to help with its administration. These consultants may include the City Attorney, Financial Advisors, Bond Council, a Bond Issuer, a PID Administrator and others. Because the PID is a benefit to the developer, the developer will be responsible for paying the fees of the consultants, although the consultants will be hired by and represent the City.

The Professional Services Agreement with Waterstone requires them to make an initial escrow deposit of \$35,000 to be used toward the payment of costs incurred for professional services of various consultants used for the Liberty Ranch PID. If the account falls below \$5,000, the developer will be required to raise the balance to \$15,000. The agreement anticipates that expenses for consultants will not exceed \$50,000. However, if expenses do exceed \$50,000, the agreement allows the City and the developer to negotiate additional funds to be deposited by the developer or the use of consultants will cease.

A motion was made by Council Member Simonson to approve the resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with Waterstone Development Group, LLC and seconded by Council Member Driggers. The motion passed 7 to 0.

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, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH P3WORKS, LLC TO SERVE AS THE PUBLIC IMPROVEMENT DISTRICT ADMINISTRATOR FOR LIBERTY RANCH PID.

A PID Administrator is responsible for overseeing and administering the daily operation of a PID by making sure the city complies with Chapter 372 of the Local Government Code and Chapter 311 of the Tax Code. The PID Administrator will also prepare a Service and Assessment Plan (SAP) for the PID, assist with bond issuance, attend City Council meetings as needed, and provide other services related to the daily operation of the PID.

The city proposes to hire a 3rd party to serve as PID Administrator of the Liberty Ranch PID. P3 Works, LLC is a highly regarded PID Administration firm and has successfully done this type of work throughout the State. The initial costs for P3 will be paid out of the developer's deposit account and the ongoing costs will be paid by the PID assessment.

A motion was made by Council Member Simonson to approve the resolution authorizing the City manager to negotiate and execute an agreement with P3WORKS, LLC to serve as the Public Improvement District Administrator for Liberty Ranch PID and seconded by Council Member Driggers. The motion passed 7 to 0.

5. DISCUSS AND TAKE ACTION ON A RESOLUTION AUTHORIZING PUBLICATION AND POSTING OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF

OBLIGATION TO FINANCE WATERWORKS AND SEWER SYSTEM IMPROVEMENTS.

During the April 12, 2022, City Council meeting, staff and the City's Financial Advisor, Mr. Dusty Traylor, presented information on the City's Capital Improvement Plan (CIP) and the proposed method of financing, annual bond issuance amounts and annual payments associated with the proposed water/wastewater system improvements. The estimated amount of the issuance over a seven year period is approximately \$26 million. After reviewing the information presented, the City Council was in mutual agreement with staff and the financial advisor to issue Certificates of Obligation (CO's) to finance the proposed improvements. The first step in the issuance of CO's is authorizing the Publication and Notice of Intention to issue Certificates of Obligation.

A motion was made by Council Member Driggers to approve the resolution authorizing publication and posting of notice of intention to issue certificates of obligation to finance waterworks and sewer system improvements and seconded by Council Member Beasley. The motion passed 7 to 0.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE RELATED TO UTILITY TAP FEES, AND PROVIDING FOR AN EFFECTIVE DATE.

The Master Fee Schedule is not clear to the customer about what is covered by water and sewer tap fees. Currently, the Master Fee Schedule only lists the cost of the water tap but does not include the actual cost of the water meter. The fee schedule also does not clearly identify when a tap, depending on the size of the line, is required by the customer's contractor. The proposed changes to the Master Fee Schedule will clarify these issues and provide more detail so the customer has a better understanding of the tap fees. Additionally, there is an increase in the cost to perform the actual tap. The cost for taps on 2" water lines in size or less now includes the cost of the meter.

A motion was made by Council Member Driggers to adopt the ordinance amending the master fee schedule related to utility tap fees and seconded by Council Member Smith. The motion passed 7 to 0.

IX. ADJOURNMENT**A. Motion To: Adjourn**

With no further business to discuss, Mayor Pickett adjourned the meeting at 8:10 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary