



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, July 12, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on July 12, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:00 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 Chipper Smith	X			
Council Member Tommy Brents	X			
Council Member Ed Seymour	X			

II. INVOCATION

Invocation was given by Mike Spears from Masonic Lodge 48, Liberty, Texas, along with members Curt Waldrip, Johnny Vauter, and Casey Stewart.

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. No Comments were made.

V. PRESENTATIONS / REPORTS

City Manager Tom Warner stated that presentations / reports were being skipped to save time for the budget work session and would answer any questions if there were any. Council

Member Tommy Brents asked about the Street Rehabilitation Program and the Monta/Travis St being moved up for School Traffic in August. City manager Tom Warner explained that it could not be moved up because the contractor was waiting for the manholes to come in. Mayor Pickett reminded everyone of the LHS Softball Team Celebration on Tuesday, July 19, 2022 at 5:30 pm on City Hall property.

- A. City Manager's Report - City Manager Tom Warner - Topics Include July 3rd Fireworks, Parks, Golf Course, TML Intergovernmental Risk Pool, Street Rehabilitation Program and Electrical Projects.**
- B. Finance Report - Assistant City Manager / CFO Naomi Herrington**
- C. Department Reports**
- D. Sam Rayburn Municipal Power Agency - Mayor Pickett**
- E. Mayor, Council and Staff Comments**

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

- A. Minutes Approval**
 - 1. June 14, 2022
 - 2. June 28, 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, AUTHORIZING THE PURCHASE OF A CHASSIS AND THE REMOUNT OF THE BODY FOR MEDIC 1.**

VII. REGULAR AGENDA

- A. Regular Session**
 - 1. **ORDINANCE AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF \$9,605,000 IN AGGREGATE PRINCIPAL AMOUNT OF "CITY OF LIBERTY, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022"; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX AND A PLEDGE OF CERTAIN SURPLUS REVENUES OF THE CITY'S COMBINED WATERWORKS AND SEWER SYSTEM; APPROVING AN OFFICIAL STATEMENT; AND APPROVING AND AUTHORIZING THE**

EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO

Financial Advisor Dusty Traylor, RBC Capital Markets LLC, passed out a handout to the Council explaining the Combination Tax and Revenue Certificates of Obligation (CO's), Series 2022. Mr. Traylor listed the finance team that participated in the issuance of the CO's, gave a summary of the statistics, listed the sources and uses of the funds and an overview of the total debt service.

A motion was made by Council Member Simonson to adopt the ordinance authorizing the issuance, sale and delivery of Combination tax and revenue certificates of obligation, series 2022 and seconded by Council Member Driggers. The motion passed 7 to 0 with all present voting yes.

- 2. ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE AUGUST 5, 2022, EFFECTIVE DATE PROPOSED BY ENTERGY TEXAS, INC., IN CONNECTION WITH ITS RATE INCREASE APPLICATION ENTITLED "APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES", FILED ON JULY 1, 2022; AUTHORIZING PARTICIPATION WITH THE ENTERGY TEXAS, INC. SERVICE AREA CITIES STEERING COMMITTEE HIRING OF EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.**

City Manager Tom Warner explained that on July 1, 2022, Entergy Texas Inc, filed a statement of intent requesting a system wide base rate increase of approximately \$131.4 million annually, which would be an 11.2% increase over current rates (excluding fuel). If approved, Entergy's base rate increase would result in an average monthly increase of approximately \$13.50 for residential customers using 1000kWh per month. It was recommended by the Lawton law Firm, that represents a committee of cities including Liberty, to suspend the effective date of the proposed increase to permit time to review Entergy's request and make an informed recommendation to the cities. This will suspend the effective date of the increase from August 5, 2022 to November 3, 2022.

A motion was made by Council Member Driggers to adopt the ordinance authorizing the suspension of the effective date for an additional ninety days beyond the August 5, 2022 date proposed by Entergy Texas, Inc and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

- 3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING SECTION 10.02.122 OF THE CITY'S SUBDIVISION ORDINANCE RELATED TO MINIMUM LOT SIZE REQUIREMENTS AND SETBACK REQUIREMENTS, AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Tom Warner explained that the current code does not specify if setbacks apply specifically to accessory structures. The proposed changes would clarify that the setbacks apply to accessory structures. Accessory structures can only be installed on lots with the same dimensions as those for single-family detached homes and manufactured homes can be installed on lots of 5,000 square feet, resolving a current conflict in the code between section 10.02.122 and section 3.08.031.

A motion was made by Council Member Simonson to adopt the ordinance amending section

10.02.122 of the City's subdivision ordinance related to minimum lot size requirements and set back requirements and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

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, AWARDED THE BID FOR THE LIBERTY MUNICIPAL GOLF COURSE PARKING LOT EXPANSION PROJECT TO AMERICAN PARKING CONTROL.

The FY 2022 Capital Improvement Budget includes several paving projects at the Liberty Municipal Golf Course. The paving projects included the expansion of the existing parking lot, the cart staging area on the south side of the pro shop and the cart storage area. The firm of Whitely & Oliver Engineering, LLC prepared the plans and specifications for the proposed improvements. During the plan preparation, an additional area was added to the total project to include the road from the parking lot to the maintenance buildings and private cart storage area. This added approximately 250 square yard of base preparation and paving to the project. The total amount budgeted for the project was \$96,800.00. Four bids were received for the project, ranging from the apparent low bid of \$179,862.94 to the high bid of \$407,108.44. The apparent low bid was submitted by American Parking Control of Houston. The difference in the budget amount and the low bid is primarily due to the added area to be paved, the increase in cost of labor and materials, and an underestimation, in the original budget, of the cost of handwork. The engineer has reviewed the bids and qualifications of the apparent low bidder and is recommending the project be awarded to American Parking Control for the amount of \$179,862.94. The total project cost will be funded with Cambridge Funds.

A motion was made by Council Member Driggers to approve the resolution awarding the bid for the Liberty Municipal Golf Course Parking Lot Expansion Project to American Parking Control and seconded by Council Member Simonson. The motion passed 5 to 2 with all members Driggers, Simonson, Pickett, Smith and Seymour voting yes and members Brents and Beasley voting no.

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

During the June 28, 2022 City Council Meeting, a work session was held to discuss the proposed City Council Agenda Preparation & Meeting Decorum Policy. The Public Participation in Open Meetings/Public Hearings was discussed in detail. Specifically, the section regarding the ability of the presiding officer or a member of the City Council's ability to lengthen or shorten the amount of time an individual was allowed to speak. Additionally, reference to public feedback and criticism was clarified to conform with state law.

A motion was made by Council Member Simonson to approve the resolution adopting the City Council Agenda Preparation and Meeting Decorum Policy and seconded by Council Member Smith. The motion passed 7 to 0 with all present voting yes.

6. 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 BASEBALL FIELD CONCESSION STAND AT LIBERTY MUNICIPAL PARK TO SIGMA ENGINEERS.

Request for proposal were received on June 30, 2022 for services to design/build a Baseball Concession Stand and Liberty Municipal Park. The proposed structure will include a concession stand, restrooms and a press/scorer box. Three firms submitted proposals and

their estimated cost is provided below:

- Sigma Engineers - \$258,000 + 10% for plans
- Wylie Construction Services - \$510,00 + \$55,000 for plans
- LaBiche Architectural Group - \$566,650 + 7.75% for plans

The proposals were reviewed by several of the Public Works Staff based on criteria outlined in the request for proposals. The firm with the highest ranking was Sigma Engineers with a total estimated cost of \$283,800. The estimated schedule for design is 60-65 days with an estimated construction time of 120 days.

A motion was made by Council Member Simonson to approve the resolution awarding the bid for the baseball field concession stand at Liberty Municipal Park to Sigma Engineers and seconded by Council Member Seymour. The motion passed 7 to 0 with all present voting yes.

B. Work Session

1. FY 2022 - 2023 Proposed Budget Work Session

City Manager Tom Warner presented the budget presentation through Budget Software ClearGov for the Proposed 2022-2023 Fiscal Year. Mr. Warner started the presentation with a recap of the 2021-2022 Fiscal Year General fund. Then Mr. Warner went over the 2022-2023 Fiscal Year General Fund Budget Highlights talking about net taxable value, PTC Liberty Tubular Valuations and Certified Tax Roll. For the Proposed 2022-2023 Fiscal Year Budget the following topics were reviewed:

1. General Fund Revenues

- Delinquent Taxes
- Tax collection
- In Lieu of taxed
- Sales Tax
- EMS Revenues
- Permit Fees
- Sale of Assets
- ROW Access Fees
- Transfers

2. General Fund Expenditures

- FY 2023 Budget Adjustments
- General Fund to Fixed Assets Payment
- EMS Collections
- Elimination of certain positions
- The increase in gas, Oil and Tires
- CDL licensing requirement
- Playground Mulch
- Playground Fence
- Mosquito Sprayer
- Increase in dilapidated structure removal budget
- Debt Service Fund Balance
- FY 2023 authorized positions

- Employee Health Care Cost

3. General Fund Items discussed in detail

- Credit Cards Fees
- Dilapidated Structures
- LCDC Commitment to Golf Course
- Fixed Asset Fund

A budget work session will be held on Wednesday, July 13, 2022 to review the various other funds and other budget issues.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 8:27 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary