



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, August 9, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on August 9, 2020 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:01 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 Chipper Smith	X			
	Council Member Tommy Brents	X			
	Council Member Ed Seymour	X			

II. INVOCATION

No Invocation was given.

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 Public Works Director Damon Jones.

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. There were no public comments.

V. PRESENTATIONS / REPORTS

- A. City Manager's Report - City Manager Tom Warner - Topics Include Fiscal Year 2022-2023 Budget, the golf course, dilapidated structures, street rehabilitation program and electrical projects.

City Manager Tom Warner reported on the following updates:

- Certified tax rate calculations
- Liberty Municipal Golf Course
- Dilapidated structures
- Street Rehabilitation Program
- 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 June 30, 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. City Manager Tom Warner reviewed the reports noting the pictures that are being included in the reports. Mayor Pickett asked if we could look at installing Pickle Ball Courts at the Municipal Park.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA is held on the third Tuesday of each month in Livingston. City Manager Tom Warner, Board Member of SRMPA, mentioned that the Cambridge fund has had a rough couple of months with the increased cost of fuel, but the month of July was looking better. The Agency is still in discussion regarding transfer of assets back to the three member cities.

E. Mayor, Council and Staff Comments

Council Member Smith thanked the Fire Department, Police Department and dispatchers for their quick response to an incident involving his wife Toni. Sergeant Watson talked about the active shooter training the Police Department held at Liberty High School. Fire Chief Hurst reminded everyone of the upcoming BBQ fundraiser for the volunteers being held on September 3, 2022.

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 Simonson. The motion passed 6 to 0 with all present voting yes and Council Member Driggers being absent.

A. Minutes Approval

1. July 12, 2022
2. July 13, 2022
3. July 26, 2022

VII. REGULAR AGENDA

A. Regular Session**1. 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, RESCINDING THE AWARD OF THE PROPOSAL FOR THE BASEBALL FIELD CONCESSION STAND AT LIBERTY MUNICIPAL PARK.**

During the July 12, 2022 City Council meeting, City Council approved a request for proposal to design/build a Baseball Concession Stand at 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 - \$510,000 + \$55,000 for plans
- LaBiche Architectural Group - \$566,650 + 7.75% for plans

After further discussions with a representative from Sigma Engineers, it was determined that the cost of the project was going to be more than originally anticipated. Based on these discussions, the City would be better served if the proposal was rescinded and another project delivery method, other than design/build, was considered.

A motion was made by Council Member Simonson to approve the resolution rescinding the award of the proposal for the baseball field concession stand at Liberty Municipal Park and seconded by Council Member Brents. The motion passed 6 to 0, with Council Member Driggers being absent.

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, APPROVING CHANGE ORDER NO. 1 FOR THE GOLF COURSE PARKING LOT EXPANSION PROJECT.

The contractor for the Golf Course Parking Lot Expansion Project notified the City's engineer that there are availability and cost issues with obtaining the limestone base. The contractor is proposing to change the base material from limestone to crushed concrete. The crushed concrete will meet all the requirements for the flexible base as required in the contract specifications.

Additionally, while preparing the area around the cart barn, the contractor exposed 10 metal pipe supports that had significant rust issues up to and including several of the pipes completely rusted through and providing no structural support.

Change Order No. 1 will result in a cost reduction of \$3,078.00 for the change out of the base material and a \$2,850.00 cost addition for repairing the bad posts. The net cost of these two changes is an overall cost reduction of \$228.00 for a new contract amount of \$179,634.94.

Council Member Seymour expressed his concern about using the crushed concrete instead of limestone base. He is concerned that the crushed concrete would not provide the same stickability as limestone base.

A motion was made by Council Member Simonson to approve the resolution approving change order no. 1 for the Golf Course Parking Lot Expansion Project and seconded by Council Member Smith. The motion failed 3 to 3, with Council Members Simonson, Smith and Mayor Pickett voting yes, Council Members Beasley, Seymour and Brents voting No and Council Member Driggers being absent.

B. Work Session to Discuss Tax Rate Calculations

City Manager Tom Warner passed out the following handouts:

1. Truth-in-taxation definition sheet on No-New-Revenue Tax Rate, Voter Approval Tax Rate, and De minimus Tax Rate
2. 2022 Tax Rate Calculation Worksheet from the Liberty County Tax Assessor-Collector's Office
3. Draft 2022 Truth-in-Taxation Worksheet
4. Liberty County Central Appraisal District 2022 Certified Values for City of Liberty

City Manager Tom Warner went over the Draft 2022 Truth-in-Taxation worksheet to give a detailed explanation and calculations for the No-New-Revenue Tax Rate, Voter Approval Tax Rate, and De minimus Tax Rate. The Liberty County Central Appraisal District 2022 Certified Values were discussed. The Certified Values for PTC Tubular were discussed in detail as the valuation for PTC Tubular was still being protested along with some other properties in the City of Liberty.

C. Executive Session

At 7:15 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.
3. **Texas Government Code §551.074 - Personnel Matters.**
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

D. Reconvene into Regular Session

At 8:06 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and take possible action on legal matters discussed in executive session.
No action was taken.
2. Consider and take possible action on economic development matters 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 8:07 p.m.

ATTEST:

Carl Pickett, Mayor

April Gilliland, City Secretary