



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, September 13, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on September 13, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:04 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 Assistant Fire Chief Eric McDaniel 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. Laurie Lomas Gonzales thanked the Mayor, Council and City for supporting the Junior Ranger Program and went over the National news article in the U.S. Fish & Wildlife Service News magazine spotlighting the Junior Ranger Program. Janet Pavlock spoke to the Council regarding a potential Game Room going in on Vera Lane. Ms. Pavlock was concerned about the business opening in the middle of a subdivision near the Municipal Park and a Church. City Manager Tom Warner advised that the company had not

applied for a permit and the business would be inspected before it was allowed to open. Ms. Jamie Mayden introduced herself to the Council and expressed her interest in and willingness to serve on the Municipal Library Board.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include economic development, Rotary event, street rehabilitation program and electrical projects.

City Manager Tom Warner reported on the following updates:

- Waterstone Development Group
- Closing of two local businesses
- Liberty County Sheriff's Office and Precinct 3 Annex
- Liberty Rotary Club Annual Wine Testing
- Street Rehabilitation 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 July 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. Questions were asked about the Golf Course and Code Enforcement Reports. Specific questions were asked regarding grass clipping and parking ordinances on how violations were handled.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency Board of Directors, stated that the meeting for SRMPA is held on the third Tuesday of each month in Livingston. The board is still on track to transfer infrastructure assets to each of the cities.

E. Mayor, Council and Staff Comments

Mayor Pickett commented on the Annual Liberty County Prayer March being held on October 1, 2022 and Coffee with the Mayor being held on Thursday, September 15, 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 with the approved corrections to the August 9, 2022 minutes and seconded by Council Member Driggers. The motion passed 7 to 0 with all present voting yes.

A. Minutes Approval

1. August 9, 2022
2. August 23, 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 THE 2023 TxDOT ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT AGREEMENT.

VII. REGULAR AGENDA

A. Regular Session

1. City Council to conduct a Public Hearing on the Proposed Tax Rate for Fiscal Year 2022-2023.

At 6:42 p.m., Mayor Pickett opened the Public Hearing on the Proposed Tax Rate for Fiscal Year 2022-2023. The proposed tax rate is 0.612158545 for the 2022-2023 Budget. Council Member Brents expressed his concern about the public attendance during the budget work sessions and council meetings. Council Members Simonson, Brents and Driggers discussed why the tax rate was needed. Even though the tax rate is a decrease from last year's tax rate, with the current appraised property values from the Liberty County Appraisal District, the rate would provide a small increase in funding. Ms. Harper addressed City Council stating that people would complain but they should look at it as an investment in the community. At 7:01 p.m., Mayor Pickett closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2022-2023.

2. City Council to conduct a Public Hearing on the Proposed Budget for Fiscal Year 2022-2023.

At 7:01 p.m., Mayor Pickett opened the Public Hearing on the Proposed Budget for Fiscal Year 2022-2023. City Manager Tom Warner stated that the balanced 2022-2023 Budget included a reduction in personnel. The Majority of the General Fund Budget is for Police and Fire and, by state law, cannot be lowered by state law. The increases to the budget include the cost of gas, oil and tires and the fleet fund payments. Mayor Pickett advised that with the cost of inflation, it is hard to predict the realistic cost of expenditures when the revenue side is based on estimates as well. At 7:11 p.m., Mayor Pickett closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2022-2023.

3. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE.**

The budget is an estimate of costs, revenues and resources over the new fiscal year, serving as a plan of action for daily operations, intended expenditures and for achieving objectives. A motion was made by Council Member Simonson to approve the Ordinance adopting the budget for the fiscal year from October 1, 2022 to September 30, 2023 as presented and seconded by Council Member Beasley. The motion passed 6 to 1, with Council Member Brents voting No.

4. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS,**

AMENDING THE MASTER FEE SCHEDULE BY INCREASING WATER, WASTEWATER, AND SOLID WASTE RATES; ADDING A CONVENIENCE FEE FOR CREDIT CARD TRANSACTIONS; ADJUSTING GOLF COURSE FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

The rate study presented to City Council in 2019 by Freese & Nichols recommended the rates for water and wastewater be raised by 8% annually for the next six (6) years. The money from the rate increase will be used to fund the bonds that will be required to complete the projects for the water and wastewater systems. This will be the fourth year for the increase. Solid waste rate increases by 2% for residential services and 5% for commercial services per contract with Frontier Waste. A 2% convenience fee for all credit card transactions will be added to the fee schedule and Golf Course fees are being adjusted per the discussions with City Council during the August 23, 2022, City Council Work Session. A motion was made by Council Member Driggers to approve the Ordinance amending the Master Fee Schedule as presented and seconded by Council Member Simonson. 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, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET.

Adoption of a budget that raises more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget (LGC §102.007(c)). This vote is in addition to and separate from the vote to adopt the budget and the vote to set the tax rate. A motion was made by Council Member Simonson to approve the resolution ratifying the property tax increase reflected in the budget and seconded by Council Member Smith. The motion passed 6 to 1, with Council Member Brents voting No.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2022-2023 AT A RATE OF \$0.612158545 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING AN EFFECTIVE DATE.

The City Council is required to vote on the tax rate for Fiscal Year 2022- 2023. The proposed I & S Rate is \$0.239498675, the proposed M & O Rate is \$0.372659870, giving a proposed Total Tax Rate of \$0.612158545. The budget for Fiscal Year 2022-2023 was adopted previously and these tax rates were used to balance the budget. A motion was made by Council Member Simonson that the property tax rate be increased by the adoption of a tax rate of \$0.612158545, which is effectively a 9.6951 percent increase in the tax rate, and adopt the tax rate ordinance as presented and seconded by Council Member Beasley. The motion passed 6 to 1, with Council Member Brents voting No.

7. AN ORDINANCE BY THE CITY COUCIL OF THE CITY OF LIBERTY, TEXAS, (OR "CITY"), DECLINING TO APPROVE THE CHANGE IN RATES REQUESTED BY ENTERGY TEXAS, INC., "ETI" OR"COMPANY") STATEMENT OF INTENT FILED WITH THE CITY ON SEPTEMBER 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH STATE LAW.

Recently, Entergy Texas, Inc. ("ETI") filed a case with the Public Utility Commission of Texas ("PUCT") and concurrently with the City. The proposed Rate Schedule UODG is a voluntary rate schedule that will apply only to customers who choose to participate in ETI's Power Through service. ETI's new Power Through service is a distributed generation program, under which small gas-fired generators will be installed at commercial and industrial customer premises. The generators will serve as back-up generators for participating customers during

system outages. During normal system operating times, ETI will be able to call on these distributed generation facilities to serve its own system load requirements. Thus, the gas-fired distributed generation facilities would serve as back-up to specific customers during system outages and as an ETI resource (generally a peak load resource) at all other times. The proposed Rate Schedule UODG is a monthly fee that will apply only to host customers that elect to take back-up service from ETI using Power through generators sited on their premises. The Company has asked the city to deny its application because it plans to join the city's rate decisions with its concurrent application pending with the Commission. The Commission will make the final determination to approve or deny the Company's request. The Lawton Law Firm will represent the City of Liberty and other coalition cities in ETI's service area and will review the application to determine whether the Company's request is consistent with PURA and Commission rules. The Company has requested an effective date of October 5, 2022, for Rate Schedule UODG. Accordingly, the city's deadline to pass a Rate Ordinance is October 5, 2022. A motion was made by Council Member Simonson to adopt the Ordinance declining to approve the change in rates requested by Entergy Texas, Inc. and seconded by Council Member Brents. 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, AWARDED THE CONTRACT FOR DISASTER RECOVERY AND DEBRIS MANAGEMENT REMOVAL AND DISPOSAL SERVICES TO DRC EMERGENCY SERVICES.

On June 30, 2022, four proposals were received for Disaster Recovery and Debris Management Removal and Disposal Services. The proposals were solicited to establish a Disaster Recovery Package contract for project management and various disaster related services associated with natural or man-made disasters. The services will include but are not limited to the following:

1. Emergency Road Clearance
2. Emergency Power Generators
3. Temporary Satellite Communications
4. Temporary Sanitary Facilities/Portable Housing Facilities
5. Reefer and Refrigerator Container with an initial ice delivery
6. Potable Water Truck, Bottled Drinking Water and Food
7. Mobile Fleet Repair Facilities, Technicians and Mechanics with parts and supplies
8. Temporary Signage and Traffic Control
9. Canteen, inclusive of Operations and Staffing
10. Right-of-Way Debris Management
11. Tree, Tree Stump and Tree Limb Removal
12. Right of Entry (ROE) Debris Management
13. Demolition of Structures
14. Emergency Temporary Dry-in Facilities
15. Temporary Security
16. Temporary Lighting\Temporary Fueling Facilities, inclusive of storage and dispensing
17. Rental of Various Types of Equipment (i.e. pumps, loaded dump trucks, etc.) with and without operators, including Rear-Loading Refuse Trucks.
18. Temporary Fencing
19. Temporary Holding Facility

This contract is not considered exclusive and the City does retain the right to obtain similar services from additional contractors. The proposals were reviewed by staff based on the company's capabilities, individual capabilities of key personnel, experience and references,

work plan, proposed services, equipment listing, proposed rates, record keeping and reporting, response time and primary mobilization location. The four firms submitting proposals were DRC Emergency Services of Galveston, Texas; Crowder Gulf of Mobile, Alabama; Ceres Environmental of Houston, Texas and T.F.R. Enterprises, Inc. of Leander, Texas. The firm with the highest score was DRC Emergency Services. The term of the contract is for two (2) years with three (3) one-year extensions for a maximum contract time of five years. A motion was made by Council Member Driggers to approve the resolution awarding the contract for disaster recovery and debris management removal and disposal services to DRC Emergency Services and seconded by Council Member Simonson. The motion passed 7 to 0.

9. 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 CONTRACT FOR DEBRIS REMOVAL MONITORING TO DEBRIS TECH.

On June 30, 2022, two (2) Proposals for Debris Removal Monitoring were received by the City. Debris removal monitoring is required by FEMA for reimbursement after a man-made or natural disaster. The debris monitoring company will be responsible for certifying all vehicles used for vegetative debris removal, identifying hanging limbs, locating stumps that are eligible for removal and determining the amount of debris in each vehicle. Additionally, the monitoring company will also be responsible for documenting the removal of all non-vegetative waste, such as construction debris, white goods, etc. The monitoring company will also be required to provide documentation that meets the guidelines for reimbursement by FEMA. The proposals were reviewed by staff based on references from recent projects, including two projects in which over 500,000 cyds of material was collected; qualifications of firm and key staff; diverse project experience including, Right-of-Way (ROW), Construction and Demolition (C&D), marine debris, private property, structure demolition and vessel removal; capacity to respond to major catastrophic disasters, with few existing pre-event contracts with 100 miles of the City of Liberty and fee schedule. The two firms submitting proposals were Debris Tech of Picayune, Mississippi and Disaster Program and Operations, Inc. of Ponte Verda Beach, Florida. The firm with the highest score was Debris Tech with fees ranging from \$36.00/hour for collection monitors to \$68.00/hour for a project manager. The term of the contract is for five (5) years or until canceled by either party prior to the end of the five years. A motion was made by Council Member Simonson to approve the resolution awarding the contract for debris removal monitoring to Debris Tech and seconded by Council Member Beasley. The motion passed 7 to 0.

B. Executive Session

At 7:43 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.

- City Manager

- Library Board Appointments

C. Reconvene into Regular Session

At 9:22 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

2. Consider and take possible action on matters related to the appointment of Liberty Municipal Library Board Members.

A motion was made by Council Member Driggers to re-appoint current board members Stacy Sundgren, June Damek, Gloria Stratton and Sandra Pickett and appoint Sharon Brown as a new board member to the Municipal Library Board and seconded by Council Member Simonson. The motion passed 7 to 0.

1. Consider and take possible action on matters related to the City Manager.

A motion was made by Council Member Simonson to extend the City Manager Contract for one year with a 3% increase in salary and seconded by Council Member Smith. The motion passed 7 to 0.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 9:25 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary