



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, October 11, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on October 11, 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 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 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

- A. City Manager's Report - City Manager Tom Warner - Topics include economic development, golf course, airport, Shred-It, Sam Rayburn Municipal Power Agency,

street rehabilitation program and electrical projects.

City Manager Tom Warner reported on the following updates:

- Projects under construction
- Liberty Municipal Golf Course
- Airport Pavement Rehabilitation Project
- Shred-It and E-Cycle Day - October 29, 2022
- SRMPA transfer of Assets
- 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 August 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.

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 and will not take place for the month of October. The transfer of assets from the agency to the three cities has been completed and the conveyance deeds have been recorded.

E. Mayor, Council and Staff Comments

Attorney Brandon Davis thanked the Fire Department for their help supporting Mrs Gradee Davis's LHS Class with showing the students how to extinguish fires. Mayor Carl Pickett reminded everyone about the following events: TVE and the Fire Department Turkey Fundraiser. Mayor Pickett also introduced Rob Schneider, Texas Department of Emergency Management Liberty County Liaison.

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 7 to 0 with all present voting yes.

A. Minutes Approval

1. September 13, 2022
2. September 27, 2022

VII. REGULAR AGENDA

A. Regular Session

1. City Council hold a public hearing on the condemnation of six (6) hazardous and unsafe structures to determine if the structures should be repaired or demolished: 128 Carter (Unit A), 411 Lamar, 601 Tennessee, 618 San Jacinto (shed only), 1707 Marshall and 4017 Beaumont (shed only)

At 6:39 p.m., Mayor Pickett opened the Public Hearing on the condemnation of six (6) 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. 128 Carter (Unit A)
2. 601 Tennessee
3. 618 San Jacinto (Shed Only)
4. 1707 Marshall
5. 4017 Beaumont (Shed Only)
6. 411 Lamar

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 six (6) 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 128 Carter, 601 Tennessee and 411 Lamar spoke with the council about the future intentions regarding their respected properties. At 7:40 p.m., Mayor Pickett closed the Public Hearing.

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, AUTHORIZING THE MAYOR TO SIGN ORDERS OF ABATEMENT FOR SUBSTANDARD STRUCTURES SUBJECT TO THE OCTOBER 11, 2022 PUBLIC HEARINGS.**

A motion was made by Council Member Brents to give the owners of 411 Lamar 120 days to repair or remove the roof over the trailer and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

A motion was made by Council Member Driggers to give the owners at 128 Carter 90 days to demolish the home and seconded by Council Member Beasley. The Motion passed 7 to 0 with all present voting yes.

A motion was made by Council Member Smith to give the owners at 618 San Jacinto and 1707 Marshall 30 days to demolish the structures and was seconded by Council Member Simonson. The Motion passed 7 to 0 with all present voting yes.

No action was taken on 601 Tennessee and 4017 Beaumont as the structures have been demolished.

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 FINAL PAYMENT FOR THE GOLF COURSE PARKING LOT EXPANSION PROJECT.

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. 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 the cost of handwork. On June 28, 2022, City Council awarded the bid to American Parking Control in the amount of \$179,862.94. The engineer's estimate of probable cost for this project was \$248,928.00.

Two Change Orders were issued during the construction of the project. Change Order No.1 was to repair 8 metal pipe supports that had significant rust issues, including several of the pipes completely rusted through and providing no structural support. The cost for the contractor to repair the posts was \$2,800.00. Change Order No. 2 was an increase in the quantity for the removal of additional stabilized base and an increase in the quantities for lime treatment and flexible base. The cost of this additional work totaled \$18,060.02. The total of both change orders is \$20,860.42.

The engineer has certified that the project was completed on September 26, 2022, and was completed in accordance with the plans and specifications, all addenda, change orders and supplemental conditions. The final payment is for the retainage and is in the amount of \$20,072.34.

A motion was made by Council Member Simonson to authorize final payment for the Golf Course Parking Lot Expansion Project in the amount of \$20,072.34 and seconded by Council Member Seymour. The motion passed 7 to 0.

4. AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS, DENYING ENTERGY TEXAS, INC.'S STATEMENT OF INTENT AND APPLICATION FOR AUTHORITY TO CHANGE RATES FILED ON JULY 1, 2022; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

On or about July 1, 2022, Entergy Texas, Inc. ("ETI" or "Company") filed a Statement of Intent and Application for Authority to Change Rates (Application"). ETI's Application was filed with the municipal regulatory authorities that have original ratemaking jurisdiction over the Company's electricity rates. The Company also concurrently filed an Application with the Public Utility Commission of Texas ("PUCT" or "Commission") for areas outside the city's original jurisdiction.

ETI's rate increase proposal included an effective date of August 5, 2022, for the proposed rate increase for customers. Each of the cities on the Steering Committee took action to suspend the Company's proposed effective date for an additional 90 days until November 3, 2022. Now,

the cities must take final rate action prior to November 3, 2022.

During the suspension period, the Lawton Law Firm hired four regulatory consultant firms, each with a different area of expertise to review a specific part of ETI's request and to provide recommendations regarding the reasonableness of ETI's rate request. These rate consultants provided a summary of their findings, resulting in an overall finding and conclusion that the Company's Application is unreasonable and should be denied.

A motion was made by Council Member Simonson denying Entergy Texas, Inc.'s Statement of intent and application for authority to change rates filed on July 1, 2022 and seconded by Council Member Beasley. 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 AN AGREEMENT WITH RICOH FOR DOCUMENT MANAGEMENT SERVICES.

The Fiscal Year 2022 -2023 Capital Improvement Program included funds for a document management system. The document management system will convert all of our current and future documents from paper to electronic files. The files to be scanned into an electronic format include financial, personnel, municipal court, permits, code enforcement, construction files (including plan sheets) and other departmental documents that have retention requirements. Future documents will require submittal in a digital format or be scanned in by city staff using copiers on site in the various departments. The number of documents to be scanned is estimated to be 305,000, ranging in size from 8-1/2"x11" to 24" x 36". The "DocuWare" software used by Ricoh is a cloud solution for document management and workflow automation. All documents are encrypted in accordance with the Advanced Encryption Standard (AES), which is the U.S. government's standard for top secret documents. In addition, all communications between the user and the cloud hosting facility are encrypted. The cost for the service includes one-time costs of \$9,944.55 for setup, \$142,870.30, based on the estimated number of documents to be scanned, and reoccurring costs of \$729.30 per month. The estimated budget amount included in the CIP is \$150,000. The costs quoted by Ricoh are based on the State of Texas Department of Information Resources Contract CPO-4435.

A motion was made by Council Member Simonson to authorize the city manager to execute an agreement with RICOH for document management services and seconded by Council Member Beasley. The motion passed 7 to 0.

B. Executive Session

At 8:10 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.

C. Reconvene into Regular Session

At 9:17 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and take possible action on economic development matters discussed in executive session.

No action was taken.

2. Consider and take possible action regarding contemplated/pending litigation and/or matters protected by attorney/client privilege.

Council Member Simonson made the motion to approve the term sheet with the City of Hardin as presented in the executive session and seconded by Council Member Brents. The motion passed 7 to 0.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 9:18 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary