



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, November 8, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on November 8, 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

No invocation was given.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Damon Jones, Public Works Director, and the pledge to the Texas Flag was led by Brian Hurst, Fire Chief.

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. Deborah Pickett requested to speak about Valley Players and the current construction happening at the Cultural Center.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include Shred-It, fire

hydrants, Country Christmas, November holidays, street rehabilitation program and electrical projects.

City Manager Tom Warner reported on the following items:

- Shred-It Day
- Fire Hydrant repair/replacement project
- Annual Christmas Parade
- Upcoming Holidays
- 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 September 30, 2022.

C. Department Reports

Monthly reports are submitted by departments and are attached to the agenda for the City Council to review and to comment on or ask questions that they may have. Questions were asked about the Code Enforcement report and Golf Course reports.

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. The next meeting will be held on Tuesday, November 15th in Livingston at 3:30 pm in the afternoon instead of the standard time of 9:30 am due to scheduling conflicts. The asset transfers to the 3 cities have been completed.

E. Mayor, Council and Staff Comments

City Manager Tom Warner mentioned the Christmas Dinner has been scheduled for Thursday, December 15th at 6:00 pm tentatively at the Golf Course restaurant. There will not be a special called meeting this month.

Mayor Pickett read a letter from LISD Superintendent Cody Abshier thanking the City for postponing the release of the Tax Statements until after the election. Mayor Pickett also reminded everyone about the Veterans' Day Program being held at LHS on Thursday, November 10th at 8:00am.

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 6 to 0 with all present voting yes.

A. Minutes Approval

1. October 11, 2022
2. October 25, 2022

VII. REGULAR AGENDA

A. Regular Session

1. AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF LIBERTY'S FISCAL YEAR 2022 – 2023 POLICE DEPARTMENT AND FIRE DEPARTMENT BUDGETS AND PROVIDING FOR AN EFFECTIVE DATE.

The Police and Fire Departments are experiencing difficulties in retaining and hiring dispatchers, licensed peace officers, firefighters/emergency medical technicians and firefighters/paramedics. The main reason for employees leaving the city and the lack of applicants is the salaries currently offered by the City. The City primarily competes for police personnel with Liberty County and the City of Dayton. The starting salary for a Liberty County Sheriff's Deputy and a City of Dayton Police Officer is \$58,561/year and \$62,768/year, respectively. The starting salary for a City of Liberty Police Officer is \$52,374. Although the City of Liberty Fire Department primarily competes for firefighters/EMTs and firefighter/paramedics with larger paid fire department cities to the west (Dayton has an all-volunteer Fire Department), the issue with salaries is also an issue. The starting salary for a City of Liberty firefighter/EMT is \$44,132 and \$56,810 for a firefighter/paramedic. Baytown, for example, is offering paramedic applicants a \$10,000 signing bonus, an annual salary of \$72,000 and a salary of \$80,000 after one year of service. The City of Liberty's cost to send an individual to the Police Academy, furnish uniforms and equipment and conduct thirteen weeks of training is approximately \$28,000. The cost of sending an individual to paramedic school and furnishing bunker gear is \$10,500. To provide adequately staffed and trained Police and Fire Departments, the following Fiscal Year 2022-2023 Budget Line Items Increases are proposed:

<u>Line Item</u>	<u>Police</u>	<u>Fire</u>
Salaries	\$119,000	\$93,000
Social Security	\$9,104	\$7,115
TMRS	\$17,303	\$13,522
<u>Workman's Comp</u>	<u>\$5,073</u>	<u>\$4,877</u>
Total	\$150,480	\$118,514

The proposed Fiscal Year 2022-2023 Budget amendments will be funded by a \$153,000 refund check from the City's previous insurance provider and Cambridge Fund investment interest revenue.

A motion was made by Council Member Simonson to approve the ordinance amending the fiscal year 2022-2023 Police Department and Fire Department Budgets and seconded by Council Member Beasley. The motion passed 6 to 0 with all present voting yes.

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 NUMBER 3 IN THE AMOUNT OF \$28,329.00 FOR THE LIBRARY/CULTURAL CENTER RENOVATION PROJECT.

On March 8, 2022, City Council awarded a bid to Brazos Commercial Roofing for the Library/Cultural Center Renovation Project in the amount of \$1,153,379.00. Change orders No.1 and No. 2 were approved on June 28, 2022, in the amount of \$19,427.50. The architect/engineer for the project, WJE, is recommending four additions to the original scope of work. The following work is proposed in Change Order No. 3:

Install through-wall flashing as small low roof area	\$4,500
Prime and paint existing edge metal to match new edge metal	\$6,770

Saw cut and repair two joints in exterior pavers and fill with sealant	\$3,269
Replace existing flooring in two meeting rooms with new vinyl	\$13,790
Total	\$28,329

If approved, this change order will bring the total contract price to \$1,201,135.50. The \$1,403,300 funding for this project is from the lawsuit settlement and the Cambridge Fund. The budget included \$1,153,379.79 for construction, \$78,300 for engineering/architectural fees and a contingency of \$171,620.21. Change Orders No 1 through 3 will reduce the contingency to \$123,864.21.

A motion was made by Council Member Driggers to approve the resolution approving change order number 3 in the amount of \$28,329.00 for the Library/Cultural center renovation project and seconded by Council Member Brents. The motion passed 6 to 0 with all present voting yes.

3. City Council conduct a public hearing on an Application for a Drilling Permit from Fort Apache Energy, Inc.

At 6:55 p.m., Mayor Pickett opened the public hearing on an application for a drilling permit from Fort Apache Energy, Inc. City Manager Tom Warner explained that Fort Apache Energy, Inc has applied for a drilling permit to drill an oil well in the South Liberty Oil Field. However, section 4.07.033 of the Code of Ordinances requires the City Council to hold a public hearing prior to approving a drilling permit. The well is proposed to be called the Uncle Jerry Davis #1 and will be drilled on a 2.2-acre parcel in the South Liberty Oil Field. The well will be located 1.2 miles from the end of Port Drive on a 640 acre lease. An application has also been submitted and approved by the Railroad Commission of Texas and the Texas Department of Environmental Quality. Submittal requirements, including a property survey and the location of the well have all been received and are in compliance with City Ordinances. No public comments were made. Mayor Pickett closed the public hearing at 6:56 p.m.

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, ISSUING A DRILLING PERMIT TO FORT APACHE ENERGY, INC TO DRILL THE UNCLE JERRY DAVIS #1 OIL WELL IN THE SOUTH LIBERTY OIL FIELD.**

A motion was made by Council Member Brents to approve the resolution issuing a drilling permit to Fort Apache Energy, Inc to drill the Uncle Jerry Davis #1 oil well in the South Liberty Oil Field and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

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 POLICIES IN CONNECTION WITH THE CITY OF LIBERTY, TEXAS PARTICIPATION IN FEDERALLY FUNDED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND ADHERENCE TO THE REGULATIONS DESCRIBED THEREIN.**

The City received a grant from the Texas Department of Housing and Community Affairs (TDHCA) in the amount of \$5,000,000 for the reconstruction of Fire Station 2. In order to receive the grant proceeds, the City is required to adopt or reaffirm policies associated with Community Development Block Grant (CDBG) Projects. These policies include:

- Citizen Participation Plan and Grievance Procedures;
- Excessive Force Policy;

- Fair Housing Policy;
- Section 504 Policy and Grievance Procedures; and
- Code of Conduct Policy.

Additionally, the City must confirm its commitment to conduct project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

- Section 3 Economic Opportunity;
- Limited English Proficiency; and
- Activity to affirmatively Further Fair Housing choice.

A motion was made by Council Member Simonson to approve the resolution adopting the policies in connection with the City of Liberty's participation in federally funded community development block grant (CDBG) Projects and adherence to the regulations described therein and seconded by Council Member Driggers. The motion passed 6 to 0 with all present voting yes.

6. FAIR HOUSING MONTH PROCLAMATION

Mayor Pickett read the Fair Housing Proclamation in its entirety and is one of the requirements to receive Community Development Block Grant Funds.

7. CITY OF LIBERTY, TEXAS, CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.01, GENERAL PROVISIONS, BY ADDING SECTION 3.01.009, PROVIDING FOR GENERAL CONTRACTOR REGISTRATION REQUIREMENTS WITHIN THE CITY.

State law typically requires trade contractors to carry insurance as a condition of receiving a license or receiving a construction permit. However, general or building contractors are not required to be licensed by the state and are therefore not required to carry insurance. The proposed ordinance would amend the city's contractor registration process by requiring general or building contractors to provide a certificate of insurance or a bond from a surety company in order to register with the city and receive building permits. All individuals would be allowed to perform work on their homesteaded property without registering with the city. A motion was made by Council Member Driggers to adopt the Ordinance adding Section 3.01.009 providing for General Contractor registration requirements. This item failed due to lack of a second.

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 A BID IN THE AMOUNT OF \$194,450.00 TO MYRON MCDOWELL CONSTRUCTION FOR THE LIBERTY MUNICIPAL AIRPORT T-HANGAR ROOF REPLACEMENT PROJECT.

The City of Liberty received bids to replace the roofs on both sets of T-hangars at Liberty Municipal Airport on November 1, 2022. Staff have received numerous complaints from t-hangar tenants regarding roof leaks during rain events and loose hanging roof insulation. The City received four (4) bids for the project ranging from a low bid of \$194,450 to a high bid of \$231,515. Myron McDowell Construction of Dayton is the apparent low bidder with a bid of \$194,450. With a contingency of \$15,550, the total project cost comes out to \$210,000. This project was included in the FY 22 Capital Improvement Program (CIP) at an estimated cost of \$185,000. Funds were allocated in the amount of \$210,000 from the Cambridge Fund. A motion was made by Council Member Beasley to approve the resolution awarding a bid in the amount of \$194,450 to Myron McDowell Construction for the T-hangar Roof Replacement Project and seconded by Council Member Driggers. The motion passed 6 to 0 with all present voting yes.

B. Work Session

1. Discussion of Proposed Amendments to Recreational Vehicle Ordinance

City Manager Tom Warner started the work session by reminding council of the work session held on September 27, 2022. The issues discussed in the September 27th work session helped with the changes to the ordinance that were discussed in the current work session to make sure the changes were what they wanted to see. Changes to the ordinance include the following:

- Recreational Vehicles in RV Parks vs. non-RV Park locations
- RV Park License
- Appeals from a Code Enforcement Notice to the City Manager rather than the Planning and Zoning Commission
- Changes to RV Park requirements, plans, and standards
- Occupancy of recreational vehicles outside of RV Parks
- Accessory Structures outside of RV parks

Mr. Doug Alford requested to speak with Council regarding the proposed revisions to the ordinance. Mr. Alford was concerned about the parking requirements in the ordinance as he does not have the ability to park his RV on the side or back of his property. Mr. Alford feels that if the RV is kept up and is not in disrepair or deplorable conditions, citizens should be able to park RV's in their driveways as long as they still have room to park vehicles and do not block right of way. It is hard for families that own RVs to prepare for travel if the RV's are parked at a storage location. Mr. Alford suggested the registration of recreational vehicles parked in the city. Council Member Simonson recommends that Mr. Alford to work with City staff and attorneys to complete the recommended changes to the ordinance to bring back to the Council for approval.

C. Executive Session

At 8:00 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 8:45 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.

A motion was made by Council Member Simonson to approve the two settlement agreements discussed in executive session and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

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

No action was taken.

3. Consider and take possible action on personnel matters discussed in the executive session.

No action was taken.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 8:48 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary