



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, December 13, 2022

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on December 13, 2022 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:03 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 Minister Bryant Perkins from the Church of Christ, Liberty, Texas.

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. Mr. Jack Seeley of the Sleep in Heavenly Peace Organization spoke to the Council about his organization and to raise awareness of the need for a chapter in Liberty County.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include Employee Christmas Dinner, CenterPoint, Cambridge Fund, 1100 Block N. Main, airport, dilapidated structures, 408 Independence, City Park, street rehabilitation program and electrical projects.

City Manager Tom Warner reported on the following:

- Employee Christmas Dinner
- CenterPoint Energy Rates
- Cambridge Fund distributions, expenditures and allocations
- Electrical Projects
- Airport Projects
- Dilapidated Structures
- City Park - Mulch
- Street Rehabilitation Program

B. Finance Report - Assistant City Manager / CFO Naomi Herrington

In the absence of Naomi Herrington, City Manager Tom Warner reported on the City's financials as of October 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 at the City Hall in Livingston.

E. Mayor, Council and Staff Comments

Council Member Smith requested that the Street Contractor revisit Tennessee Street. City Manager Tom Warner mentioned the need for a special called meeting to be held on Tuesday, Wednesday or Thursday of the following week at noon. Police Chief Gary Martin mentioned the Silver Santa and Shop with a Cop programs. Mayor Pickett asked fellow Council members to review a letter to the Liberty Postmaster regarding the Drop Off Box removed outside of the Post Office.

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 Simonson to approve all items on the consent agenda and seconded by Council Member Driggers. The motion passed 6 to 0 with all present voting yes.

A. Minutes Approval

1. November 8, 2022

VII. REGULAR AGENDA

A. Regular Session

1. City Council consider and take action on the appointment of the Municipal Court Judge.

A motion was made by Council Member Brents to appoint Stephen Hebert as Municipal Court Judge effective immediately and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

2. AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3, DIVISIONS THREE (3), REGULATING RECREATIONAL VEHICLES WITHIN THE CITY.

During the November 8, 2022, City Council Work Session, staff presented proposed amendments to the recreational vehicle (RV) ordinance. Currently, the regulations dealing with RV's located in and outside of recreational vehicle parks are intermingled and difficult to interpret. The proposed amendments with separate RV parks regulations and RV's at residences. Proposed amendments to the RV ordinance include:

- RV Parks
 - Removal of public phone use requirements;
 - Appeal process (RV license approved by the Building Official and if denied, would be appealed to the City Manager instead of the Planning & Zoning Commission);
 - Issuance of citations if the RV park continues to operate upon suspension of the license;
 - Allow the installation of wood fences for screening;
 - Permanent Occupancy prohibited.
- Outside of RV Parks
 - Placed at owner's residence for storage purposes only (no part or full time occupancy allowed);
 - Allowed on side and rear yard area
 - If placed in front of a residence, the RV must be placed in the driveway on an improved surface, the driveway shall be of sufficient size to allow for the parking of two (2) additional four wheeled vehicles simultaneously and the RV must display both a valid state registration and license plate.
 - RVs may not be stored on vacant lots.
 - RVs shall not be stored or located on properties used by a commercial business, or industrial purposes;
 - RVs shall not be connected to water and sewer utilities;
 - RVs may be connected to electric utilities if they run underground from an approved permanent structure or accessory structure;
 - Accessory structures shall not be attached to RVs (for example, awnings, porches and carports).

A motion was made by Council Member Simonson to adopt the ordinance as written with amendment to section 3.08.120 wastewater services and all recreational vehicles have current registration. The motion was seconded by Council Member Driggers. The motion passed 5 to 1 with Council Member Brents voting no.

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, REJECTING THE BIDS FOR THE INSTALLATION OF THE FIBER OPTIC NETWORK TO FUTURE INFRASTRUCTURE.

The Fiscal Year 2021 Capital Improvement Program included a line item for the installation of a fiber optic network between city facilities, the purchase of computers, a new city phone system, body cameras, protective vests and a voice recorder for the Police Department. The only items left to be completed are the fiber optic network and the phone system. The

estimated total cost for all of these items was \$722,960.00. The phone system is estimated to cost approximately \$35,000.00, leaving an estimated \$555,000.00 available for the installation of the fiber network. The initial estimated cost for each item is summarized below:

- Fiber Optic Network \$500,000.00
- Phone System \$ 90,000.00
- Computers \$ 68,900.00
- Body Cameras \$ 38,700.00
- Vests \$ 13,600.00
- Voice Recorder \$ 12,200.00

Three bids were received for the installation of the fiber optic network and were in the amounts of \$752,550.21, from the apparent low bidder, to the apparent high bidder, \$2,336,805.00. It should be noted that the proposed conduit to the new Fire Station No. 2 was not included in the original estimate and added approximately \$100,000.00 to the apparent low bidders price.

The purchase of the fiber optic cable and associated equipment is estimated to cost \$212,117.89. This material will be purchased by the City from Graybar through a purchasing cooperative and installed by the contractor. The total estimated cost of the fiber optic network is \$964,668.10.

Upon completion of the fiber optic network installation, the City's cost for internet service is anticipated to be reduced by \$72,000.00 per year. Additionally, with the purchase of a new server, the meter reading software, SCADA and financial software can be moved to one server instead of three. This is estimated to save the city approximately \$50,000 every five years in replacement server costs. Although the estimated payback period is approximately 12 years based on current dollars, anticipated increases in the costs for internet service and replacement servers will most likely reduce the payback period over the life of the fiber network.

A motion was made by Council Member Tommy Brents to amend the resolution rejecting all bids for the fiber optic network project and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

4. A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS GENERAL LAND OFFICE (GLO) FOR COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION (CDBG-MIT) PROGRAM METHOD OF DISTRIBUTION (MOD); AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER(S) AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT – MITIGATION (CDBG-MIT) PROGRAM METHOD OF DISTRIBUTION (MOD).

On September 6, 2022, the Texas General Land Office (GLO) approved the Houston-Galveston Area council's (HGAC) Method of distribution (MOD) for the allocation of U.S. Department of Housing and Urban Development Block Grant (CDBG-MIT) Regional Mitigation Program funds to counties and local for risk management projects related to flooding, hurricanes and other natural disasters. The approved MOD includes the amount of funding available for eligible jurisdictions for mitigation projects. The City of Liberty has been allocated \$2,684,331.00 in funds to finance, in part, the new water well, elevated storage tank, ground storage tank and booster pump station. The remaining funding for this project will include \$2,307,878.00 in American Rescue Plan funding and \$4,205,909.00 in local funding. The local funding is from Certificates of Obligation that were issued in July 2022.

Although the funds have been allocated to the City, an application is required to be submitted with the GLO prior to receiving the funding. The resolution will authorize the submittal of the application and authorize the Mayor and/or City Manager to act as the City's Executive Officer(s) and authorized representative in all matters pertaining to the City's participation in the Community Development Block Grant - Mitigation (CDBG-MIT) Program Method of Distribution (MOD).

A motion was made by Council Member Simonson to approve the resolution authorizing the submission of an application to the Texas General Land Office for a CDBG MIT Grant and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

B. Work Session

1. Discussion of Proposed Amendments to Permits for Processions and Parades

City Manager Tom Warner stated the work session was being brought to Council to review the current permit regulations for processions and parades. This discussion is in response to the Trail ride event that took place in the City in the month of November. Dr. Debra Barker, who lives across the street from the TVE Fairgrounds (that was rented by the Trail ride) explained to the Council how rude the people in attendance were. Dr. Barker felt it a City duty to keep this type of event out of our area, especially when there are 10,000 in attendance in one day. Suggestions were made on how to write the new regulations and will be brought back to Council at a future date for approval.

2. Discussion Regarding Implementation of Fire Mitigation Rates.

City Manager Tom Warner advised the Council that at this time Fire Mitigation rates are suspended due to not being able to bill for every fire that is worked by the Fire Department. The Mitigation rates need to be billed to everyone with or without insurance. A new ordinance will be brought to Council for approval at the regular scheduled meeting in January.

C. Executive Session

At 8:59 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 10:02 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.

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 10:03 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary