



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, January 10, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on January 10, 2023 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

Invocation was given by Pastor Revlon Belle, Lily of the Valley Missionary Baptist Church, located in Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Assistant City Manager Chris Jarmon 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. Pastor Revlon Belle mentioned to Council the road conditions of South Liberty Oilfield.

V. PRESENTATIONS / REPORTS

- A. City Manager's Report - City Manager Tom Warner - Topics include freezing weather, electrical outages, solid waste collection, tax revenue and electrical projects.

City Manager Tom Warner reported on the following:

- December 22, 2022 Freeze
- City-wide power outage
- Frontier Waste
- PTC Taxable Value
- Street Rehab Program
- Electrical Projects

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

Assistant City Manager / CFO Naomi Herrington reported that the November 2022 reports were not ready due to technical issues with software and as soon as the issues were fixed she would get the reports out.

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. Council Member Brents asked questions about the golf course and library reports, Mayor Pickett asked about the electrical outages, and Councilmember Smith asked about Popeyes rebuilding.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the next meeting for SRMPA should be held on Tuesday, January 17th, at the city hall in Livingston. A short discussion on the pricing of electricity was held.

E. Mayor, Council and Staff Comments

Mayor Pickett offered comments regarding a bicycle event being held by HGAC in the park on January 21st and invited everyone to Coffee with the Mayor on January 19th at 7:30 am. Police Chief Martin thanked everyone for their support for Silver Santa and shop with a cop events.

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 Smith. The motion passed 7 to 0 with all present voting yes.

A. Minutes Approval

1. December 13, 2022
2. December 21, 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, AWARDED THE BID FOR THE FIRE STATION NO. 1 ROOF RETROFIT PROJECT.**

During the September 27, 2022, City Council Work Session, staff reported the architect had

completed the schematic design phase and prepared cost estimates for the renovations to Station No.1. The estimated probable cost for Fire Station 1 is \$1,697,396 of which \$375,000.00 was allocated for the roof retrofit. City council approved the expenditures from the Cambridge Fund during the October 25, 2022, City Council Meeting. On December 20, 2022, bids were received for the Fire Station No.1 Roof Retrofit Project. Four (4) bids were received, ranging from the apparent low bid of \$361,850.00 to the high bid of \$429,000.00. The architect's opinion of the probable cost of the project was \$375,000.00. The apparent low bidder on the project is Mike Barnett Construction of Port Neches Texas. The contractor will have 90 days to complete the project and the construction will not impact the operations of the Fire Department. A motion was made by Council Member Simonson to approve awarding the bid for the Fire Station No. 1 Roof Retrofit project to Mike Barnett Construction in the amount of \$361,850 and seconded by Council Member Beasley. The motion passed 7 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, REJECTING ALL BIDS FOR THE FIRE STATION NO. 1 RENOVATION PROJECT.

During the September 27, 2022, City Council Work Session, staff reported the architect had completed the schematic design phase and prepared cost estimates for the renovations to Station No.1. The estimated probable cost for Fire Station 1 is \$1,696,248.00, of which includes \$375,000.00 for the Roof Retro Project. When reviewing Fire Station No. 1, the architect identified major issues with the station. The areas of the building needing immediate attention included roof repairs, sealing of potential water intrusion areas, insulation, HVAC, ceiling, restrooms, sleeping quarters, day room and building code related items. City Council approved the expenditures from the Cambridge Fund during the October 25, 2022, City Council Meeting. On December 20, 2022, one bid was received for the Fire Station No.1 Renovation Project with a base bid amount of \$1,684,000.00 and an additional \$45,800 for alternate items. The architect's opinion of the probable cost of the project was \$1,185,318.00. The architect contacted several contractors who reviewed the plans and specifications and inquired why they did not submit a bid. The contractors indicated that they were awaiting the results of other bids and did not want to over extend themselves and/or they were unable to get quotes from subcontractors due to the holiday season. The architect is recommending that the project be rebid with a bid opening date in February. A motion was made by Council Member Seymour rejecting all bids for the Fire Station No. 1 renovation projects and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

3. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LIBERTY, TEXAS, CHAPTER 12, TRAFFIC AND VEHICLES, ARTICLE 12.01, GENERAL PROVISIONS, REGULATING PARADES.

During the December 13, 2022, City Council Meeting Work Session, City Council discussed proposed changes to Sections 12.01.002 Definitions and 12.01.002. Permit for Processions and Parades. The existing ordinance only requires a permit from the chief of police when a funeral or other procession or parade that includes two hundred (200) or more persons or fifty (50) or more vehicles. The permit shall be issued if the procession or parade will not unduly disturb public order or welfare. Major changes to the existing ordinance included adding the following definitions: applicant, commercial parade, parade permit and permittee and removing the residence district definition. Additionally, sections involving enforcement, interference with parade, requirements for parade permit & exceptions, application, fees, standards for permit issuance, denial or renovation of permits, appeal procedures and parade etiquette are proposed amendments to the ordinance. During the work session, City Council considered other potential changes but opted to proceed with the proposed ordinance as is and revisit the ordinance at a later date. A motion was made by Council Member Driggers to approve Amending the code of ordinances of the City of Liberty, Texas, Chapter 12, Traffic and

Vehicles, Section 12.01.001 Definitions and Section 12.01.02 Permit for Processions and Parades and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY ADOPTING FIRE MITIGATION RATES, AND PROVIDING FOR AN EFFECTIVE DATE.

A discussion regarding the reestablishment of Fire Mitigation Rates was held during the December 23, 2022, City Council Work Session. Each year the Fire Department responds to various incidents such as motor vehicle accidents, hazmat spills, conducts fire investigations, responds to fires, water incidents and back country or special rescues. Most of these incidents are covered by the involved party's insurance. Additionally, for example, motor vehicle accidents do not always involve residents of the city. A copy of the proposed Fire Mitigation rates is enclosed. These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment repairs and maintenance). Labor rates include an average department's actual labor costs, including wages, retirement, benefits, workers' compensation, etc. In addition to the establishment of the rates, a service agreement will be executed by the City Manager for the billing and collection of these fees. The billing and collection fees typically range from 15% to 22% depending on the firm selected. The establishment of Fire Mitigation Rates is estimated to generate approximately \$60,000 per year with billing and collection costs totaling between \$9,000 to \$13,200 per year. A motion was made by Council Member Simonson to approve the ordinance of the City of Liberty, Texas, amending the master fee schedule by adopting fire mitigation rates and seconded by Council Member Smith. The motion passed 5 to 2 with Council Members Brents and Driggers voting no.

B. Executive Session

At 6:49 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 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.
- 4. Texas Government Code §551.072 - Deliberation Regarding Real Property**
Discussion regarding the possible purchase and/or sale of property.

C. Reconvene into Regular Session

At 7:24 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 Taken
- 2.** Consider and take possible action on economic development matters discussed in executive session.
No Action Taken
- 3.** Consider and take possible action on personnel matters discussed in the executive session.

No Action Taken

4. Consider and take action on real estate matters discussed in executive session

No Action Taken

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 7:26 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary