



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, February 14, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on February 14, 2023 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 Reverend Josh Hale, Pastor of First United Methodist Church Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Police Chief Gary Martin 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. Tommy Tousha of VFW Post 5621 spoke to the Council regarding the Veteran's crisis line and the help it provides to Veterans in need.

Marsha Tousha of the VFW Auxiliary 5621 spoke to the Council about the Veteran Banner Project that the Ladies Auxiliary would like to start in the City. The program would provide banners with Veterans photos and, if approved, would be hung on city poles to display for Veteran's day. Mrs. Tousha would like the item to be placed on the next agenda for the Council's approval.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include dilapidated structures, RV Code Enforcement, EPA/TCEQ Lead and Copper Rule, Daniel Gazebo, Incode software, street rehabilitation project, and electrical projects.

City Manager Tom Warner reported on the following updates:

- Demolished dilapidated structures
- RV Code Enforcement
- EPA/TCEQ Lead and Copper Rule
- Ames/Hardin Wastewater Bill for January 2023
- Daniel Gazebo Repairs
- Incode software update
- 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 December 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. Councilmember Brents asked about the reported leaks on the Library Report. Mayor Pickett asked about items marked litter on the code enforcement report. Councilmember Simonson asked about the opening of Sleep Inn and questions regarding oversized loads moving through town requiring power lines to be lifted. The Fire and Police Department went over the photos in each of their reports. Councilmember Smith asked about the construction and opening dates for Pueblo's Popeyes, Wendy's and Golf Course Restaurant.

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 being moved from the third Thursday of the month to February 28, 2023 to give the Auditors time to complete their work and give a presentation to the agency.

E. Mayor, Council and Staff Comments

Police Chief Gary Martin let the Council know that the annual racial profiling report has been completed and filed with TCOLE and copies are available for review at the Police Department and City Hall. City Manager Tom Warner reminded everyone that Jubilee is March 24 & 25. Mayor Pickett wished everyone a Happy Valentine's Day. Mayor Pickett asked Fire Department Chief Hurst if we had any authority on what comes through town on the rail system to avoid a situation as the train derailment in Ohio.

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 Beasley. The motion passed 6 to 0 with all present voting yes.

A. Minutes Approval

1. January 10, 2023
2. January 24, 2023

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, ACCEPTING THE FISCAL YEAR 2021-2022 ANNUAL AUDIT REPORT AS PRESENTED BY BROOKS WATSON & CO., P.C., LLC.**

Texas Local Government Code 103.001 requires that a municipality shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit. An audit will check the accuracy of records, compliance with accounting methods, and the soundness of financial practices, including internal controls. Mike Brooks of Brooks Watson & Company, P.C., LLC presented the Fiscal Year 2021-2022 Annual Audit Report and reviewed the following with the Council:

Overview of the Audit Process

Components of the Annual Financial Report

Independent Auditor's Report

Financial Highlights

City Revenues - Governmental Activities

City Expenses - Governmental Activities

Statement Revenues, Expenditures & changes in Fund Balance

Schedule of Revenues, Expenditures & Changes in Fund Balance (Budget & Actual)

Statement Revenues, Expenditures & Changes in Net Position

TMRS Pension Liability

A motion was made by Council Member Beasley to approve the resolution accepting the Fiscal Year 2021-2022 Annual Audit Report as presented by Brooks Watson & Co., P.C., LLC and seconded by Council Member Simonson. 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, AWARDED THE BID FOR THE 2023 STREET REHABILITATION PROJECT.**

The Capital Improvement Plan in the Fiscal Year 2023 Budget included the 2023 Street Rehabilitation Project. The proposed project included twenty (20) streets, totaling approximately 3.88 miles in length, at an estimated cost of \$2,420,850. On January 26, 2023, bids were received from Vulcan Materials and Gulf Coast Company in the amounts of \$2,046,784.59 and \$2,198,405.00, respectively. Vulcan is currently finishing the 2022 Street Rehabilitation Program.

A motion was made by Council Member Simonson to approve the resolution awarding the bid for the 2023 Street Rehabilitation Project to Vulcan Materials for \$2,046,784.59 and seconded by Council Member Brents. The motion passed 6 to 0 with all present voting yes.

3. **AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2023; AUTHORIZING THE HIRING OF LAWYERS AND RATE**

EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

Each year, a coalition of cities have joined together through a municipal participation ordinance in regulatory rate proceedings involving Entergy, Texas, Inc. (ETI) before the Public Utility Commission of Texas. The Steering Committee of Cities has played a crucial role in limiting Entergy's various rate increases to reasonable revenue levels. Approval of the proposed ordinance will allow the City to continue as a member of the Steering Committee for one year. It is anticipated in 2023, ETI will file a base rate case due to the size of the Generation Cost Recovery Rider, a fuel reconciliation case, which will include fuel costs incurred during Winter Storm URI. Additionally, ETI recently submitted an application for Power Through Distributed Generation Power and anticipate proceedings to approve construction of EYI's Prange County Advanced Power Station.

A motion was made by Council Member Simonson to adopt the Ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc at the Public Utility Commission of Texas in 2023; authorizing the Hiring of Lawyers and rate experts and authorizing the City's Participation to the full extent permitted by law at the Public Utility Commission of Texas and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING SECTION 10.02.122 OF THE CITY'S SUBDIVISION ORDINANCE ADDING A NEW SECTION REGARDING A LIMITATION OF ONE RESIDENTIAL SINGLE-FAMILY UNIT ON ANY LOT.

The current subdivision ordinance is silent in regards to the number of residential units that may be allowed on a single lot. During a property search for a home that was being considered for demolition, it was determined that there were four homes on one lot. Not only did they have separate addresses, they were also on different streets. Multiple residential units on one property cause increased time, effort and funds to research and determine who owns the home and who owns the property. Thus making it more timing consuming to ensure all the correct owners are properly notified. The proposed amendment will state: "Only one (1) detached single family residential unit shall be allowed on any lot within the city's limits.

A motion was made by Council Member Simonson to adopt the Ordinance amending section 10.02.122 of the City's subdivision ordinance adding a new section regarding a limitation of one residential single-family unit on any lot and seconded by Council Member Smith. The motion passed 5 to 1 with members Simonson, Smith, Pickett, Seymour and Beasley voting yes and Member Brents voting no.

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 PURCHASE OF ONE (1) LIBERTY POLICE DEPARTMENT VEHICLE.

The 2023 vehicle will replace a 2015 Ford F150 that is currently being used and has reached the end of the cycle due to high mileage and maintenance costs. Three bids were requested from dealerships on the state police vehicle contract - Kinsel Ford, Crossroads Chrysler Dodge Jeep and Silsbee Ford. Crossroads Chrysler Dodge Jeep and Silsbee Ford were the only dealerships to submit bids, with Silsbee Ford submitting the low bid of \$43,505.20

A motion was made by Council Member Simonson to approve the resolution authorizing the purchase of one (1) Liberty Police Department Vehicle and seconded by Council Member Brents. The motion passed 6 to 0 with all present voting yes.

6. 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, AWARDING THE BID FOR ANNUAL SUBSTATION MAINTENANCE.

On February 2, 2023, bids were received for the Annual Substation Maintenance. Bids were received from Dashiell and Power Engineering Services in the amounts of \$65,590 and \$85,180, respectively. Both bids had miscalculations in the bid amount extensions which, when corrected, will result in revised total bid amounts of \$63,170 for Dashiell and \$85,280 for Power Engineering Services. The Engineer, Delta Consulting, Inc., has recommended the bid be awarded to the apparent low bidder, Dashiell. The actual cost to be paid to Dashiell will be based on the actual bid amount and not the calculated extension total for each bid item.

A motion was made by Council Member Brents to approve the resolution awarding the bid for annual substation maintenance and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

7. 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 AN INTERLOCAL AGREEMENT WITH LIBERTY ISD REGARDING THE HEALTH SCIENCE CENTER PROGRAM.

The Liberty High School currently offers a class(es) under their Health Science Career and Technical Education (CTE) Program. This program offers an education pathway for Liberty High School students that are interested in working in the medical field. Students participating in the Health Science CTE program take multiple classes over the course of their high school years, culminating in an upper-level course whereby students work towards obtaining their Patient Care Technician Certification. One aspect of the upper-level course involves the students shadowing various health care providers within the area, including but not limited to doctor's offices, nursing homes, hospitals, pharmacies, clinics, and the City of Liberty Fire Department/EMS. The program helps students gain firsthand experience working in the medical fields. Also, the district is in need of medical supplies such as bandages, gauze, etc. for the training program. The Liberty Fire Department/ EMS routinely has expired medical supplies that must be disposed of that could be used by the District. The interlocal agreement would allow students in the program to train with the Liberty Fire Department and EMS. Qualified students would be allowed to ride on ambulances and work directly with Liberty Fire/EMS employees in an unpaid capacity. Additionally, the City Council will declare all expired medical supplies, excluding medications, syringes, controlled substances, etc., to the Liberty High School Health/ Science CTE Program for training purposes. The goal for the City is to assist these students with their Patient Care Technician Certification and encourage them to further pursue certifications as EMT's and Paramedics so that they may potentially work for the City in the future.

A motion was made by Council Member Simonson to approve the resolution approving an interlocal agreement with Liberty ISD regarding the Health Science Center Program and seconded by Council Member Beasley. The motion passed 6 to 0 with all present voting yes.

B. Work Session

1. 2021 Strategic Plan Update

City Manager Tom Warner presented to the Council an update on the implementation of the 2021 Strategic Plan. Mr. Warner's areas of emphasis included Governance, Infrastructure, Quality of Life, Economic Development, and Organizational Excellence. The following initiatives were covered:

Governance

Improve communication in the community

Create opportunities for involving citizens and engaging those we serve to improve citizen involvement

Infrastructure

Implement Street Rehabilitation Program

Improve Drainage Standards

Establish a Sidewalk Construction Program

Address increase in Mutual Aid Costs

Review Facilities for Upkeep and Maintenance Needs.

Quality of Life

Improve Cleanliness and Pride in Our Community

Promote the Parks and Golf Course for increased use

Economic Development

Improve Residential and Commercial Construction

Organizational Excellence

Improve Employee Communication and Accountability

Develop Exceptional Customer Service Policy

Update and/or Create Salary Structures and Plan for All Departments

C. Executive Session

At 7:59 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 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 8:43 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 8:44 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary