



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, February 28, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on February 28, 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. 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. Donny Smith requested to speak to the Council about construction permitting. Mr. Smith brought up the following items of concern:

- Construction permit rules
- Address given by the permit department in 2021
- Appraisal District has to get with the city to correct the address given
- Dirt work on his property started in September, and was done in October.
- Form Boards
- The builder was denied construction blue prints and needed an engineer stamp for the foundation design.
- Plans checked by Res Check cost \$225
- Permit was denied 11/1/2022 because the City would not allow copies of engineer stamps.
- Had to get 2 more sets of blue prints to take to engineers for original stamps.
- Turned in the new sets of plans for review and they were kicked back within hours

because they did not include pavement plans, mechanical plans, and windows & doors specifications.

- The delays are costing money and time for the owner and contractor.
- Permits have been issued and construction has started.

City Manager Tom Warner will prepare a response to Mr. Smith's concerns.

III. **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 Brents 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. **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 NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH GULF COAST FOR USE OF THE HOUSE AT THE LIBERTY MUNICIPAL AIRPORT.**
- B. **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 NEGOTIATE AND EXECUTE A CONTRACT WITH CHAD WALLACE FOR MOWING SERVICES AT THE LIBERTY MUNICIPAL AIRPORT.**

IV. **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 RENOVATION PROJECT TO CONSTRUCTION MANAGERS OF SOUTHEAST TEXAS, LLC.**

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. Originally, one bid was received in December 2022, at a base bid amount of \$1,684,00.00 and an additional \$45,800.00 in alternates for a total bid of \$1,729,800.00. City council rejected this bid during the January 10, 2023, City Council Meeting. On February 21, 2023, the project was rebid and four (4) bids were received for the Fire Station No.1 Renovation Project. The base bids ranged from the apparent low bid of \$1,143,000.00 to the high bid of \$1,438,000.00. There were five alternate bid items that ranged from \$33,300.00 to \$158,943.00. The total of all bids, including the alternates, ranged from the apparent low bid from Construction Managers of Southeast Texas (CMOST) of \$1,176,300.00 to the high bid of \$1,546,165.00. The architect's revised opinion of the probable cost of the project was \$1,185,318.00. With the roof retrofit bid at \$361,850.00 and the renovation bid, if approved, at

\$1,176,300.00 from CMOST, this will leave a contingency for both projects of \$158,098.

A motion was made by Council Member Brents to approve the resolution awarding the bid for the Fire Station No. 1 Renovation Project to Construction Manager of Southeast Texas, LLC for \$1,176,300 and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

2. City Council consider a resolution authorizing the continuation of the Unified Development Ordinance implementation process.

The Texas Department of Agriculture Office of Rural Affairs provided Community Development Block Grant funding for a Comprehensive Plan for the City in 2012. The purpose of this and previous plans is to allow for the orderly growth and development of the community. The document was to help the City of Liberty continue to grow in terms of economic development, better quality housing and improved infrastructure. The last Comprehensive Plan was for the period 2014-2035. The elements of the plan included ten (10) Sections in the area of Housing, Population, Land Use, Economic Development, Street System, Thoroughfare Plan, Water System, Wastewater System, Storm Drainage, Recreation and Open Space and Capital Improvement Plan. Within the Land Use Section of the plan was a map of the existing 2012 Land Use and the proposed Future Land Use. The land use on both of the maps basically follows what would be considered zoning districts - single-family residential, multi-family residential, manufactured home, commercial, industrial and agricultural. Although the city does not currently have zoning other than at the airport, the manufactured home and recreational vehicle ordinances are basically a form of zoning, since there are limitations on where they may be located within the city. In May of 2020, City Council approved the development of a Unified Development Ordinance (UDO) for the purpose of promoting health, safety and the general welfare of the community. The UDO consolidates in one place and in logical order of all the regulations pertaining to land use and development. The following presentation will provide an overview of the proposed UDO. Due to the time and staff effort to continue the implementation process and receiving different viewpoints on the UDO from the City Council, staff is requesting guidance on whether to proceed with all or part of the UDO implementation.

A motion was made by Council Member Brents not to proceed with the Unified Development Ordinance and seconded by Council Member Smith. The motion passed 4 to 3 with Members Brents, Smith, Simonson and Seymour voting yes and Members Pickett, Driggers and Beasley voting No.

B. Executive Session

The Council did not go into Executive Session.

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 §551.074 - Personnel Matters.**
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
3. **Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.**
Discussion regarding economic development negotiations.

C. Reconvene into Regular Session

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

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

V. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 6:55 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary