



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, March 14, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on March 14, 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

No invocation was given.

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. Ms. Lavira Green of Legacy Community Development Corporation spoke to the Council regarding the Texas Homeowner Assistance Program that helps citizens with home loans, utilities and other expenses.

V. PRESENTATIONS / REPORTS

- A. City Manager's Report - City Manager Tom Warner - Topics include Shred It Event, Jubilee, Fiber Optic Network Project, Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Shred It Event
- 2023 Jubilee
- Fiber Optic Network
- 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 January 31, 2023.

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 in Livingston with the next meeting being held March 21st.

E. Mayor, Council and Staff Comments

Council Member Driggers complemented the work of cleaning out the ditches along Main St. Mayor Pickett reminded everyone of coffee with the Mayor on Thursday, March 16th, at 7:30 am. Council Member Simonson asked about the practice green surfaces being watered to soften the ground to allow the tees to be placed without using a hammer.

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 7 to 0 with all present voting yes.

A. Minutes Approval

1. February 14, 2023
2. February 28, 2023

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, APPROVING AN INTERLOCAL AGREEMENT WITH LIBERTY COUNTY PRECINCT ONE (1) FOR THE MAINTENANCE OF STREETS, ROADS, DITCHES AND RECREATIONAL AREAS.

C. 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, DECLARING VARIOUS ITEMS AT THE LIBERTY MUNICIPAL LIBRARY, NO LONGER IN CIRCULATION, AS SURPLUS PROPERTY.

VII. REGULAR AGENDA

A. Regular Session

1. **ORDINANCE OF THE CITY OF LIBERTY, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 2, 2023; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, AND DECLARING AN EFFECTIVE DATE.**

On March 2, 2023, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed a Gas Reliability Infrastructure Program ("GRIP") adjustment factor in the Beaumont/East Texas Division of the Company with the City of Liberty. The Company is authorized to make annual GRIP rate change requests pursuant to Texas law passed in 2003, Gas Utility Regulatory Act, TEX. UTIL. CODE § 104.301 ("GRIP Statute") and Section 7.7101 of the Railroad Commission of Texas ("Commission") Gas Services Division Rules. The GRIP Statute authorizes gas utility companies to request annual rate increases associated with year-to-year changes in incremental investment. The changes in investment are not subject to reasonableness review in the GRIP filing. Instead, all amounts collected under a GRIP filing are considered interim rates subject to review and possible refund in the Company's next base rate proceeding. CenterPoint has determined that its capital investment in the Beaumont/East Texas Division has increased by \$69,267,302 during calendar year 2022. The carrying cost on this incremental GRIP investment results in the following average monthly customer bill impact for each affected customer class:

Customer Impact Summary	
CUSTOMER CLASS	MONTHLY BILL INCREASE
RESIDENTIAL	\$2.92
GENERAL SERVICE-SMALL VOL.	\$4.78
GENERAL SERVICE-LARGE VOL.	\$24.12

The GRIP Statute provides that the proposed GRIP rate surcharge will become effective 60 days from the date of the Company's filing or May 1, 2023, unless suspended by the city. The city may suspend the GRIP rate increase for an additional 45 days beyond the Company's proposed effective date of May 1, 2023, while reviewing the GRIP application. This Rate Ordinance will suspend the GRIP rate on the effective date until June 15, 2023. If the City wishes to suspend the proposed rates, you must take action by passing the Rate Ordinance prior to May 1, 2023. Otherwise, the Company's requested rates will go into effect on May 1, 2023. The review process of a GRIP filing is generally a ministerial review limited to ensuring that the GRIP filing complies with the GRIP Statute. See *Atmos Energy Corp. v. Cities of Allen*, 353 S.W. 3d 156 (Tex. 2011). During the suspension period, any issues related to whether the GRIP filing comports with the GRIP filing rules can be reviewed so that the City may make a final decision on this GRIP proposal.

A motion was made by Council Member Simonson to approve the Ordinance suspending the GRIP rate increase for forty-five (45 days) and seconded by Council Member Brents. 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, AUTHORIZING THE MAYOR TO EXECUTE A LAND USE RESTRICTION AGREEMENT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS RELATED TO FIRE STATION #2.

The City of Liberty received a \$5,000,000 grant from the Texas Department of Housing and Community Affairs (TDHCA) for the construction of Fire Station No. 2. One of the conditions of the grant is the City must execute a Land Use Restriction Agreement (LURA) with the TDHCA. During the term of the agreement the city shall maintain the public facility located on the land (119 Bowie Street) in accordance with the Project Description (Fire Station No. 2) as maintaining a National Objective and Eligibility Activity and serving the beneficiaries in the Contract. The term of the agreement is five (5) years after the close-out of the contract or five (5) years after Project Completion. The funding for the project is from the \$5,000,000 TDHCA Grant and approximately \$2,020,000 in Cambridge Funds.

A motion was made by Council Member Driggers to approve the resolution authorizing the mayor to execute the land Use Restriction Agreement with the Texas Department of Housing and Community Affairs and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

B. Executive Session

At 6:53 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 §551.074 - Personnel Matters.**
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
3. **Texas Government Code §551.072 - Deliberation Regarding Real Property**
Discussion regarding the possible purchase and/or sale of property.

C. Reconvene into Regular Session

At 7:43 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 personnel matters discussed in the executive session.

No Action was Taken.

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

A motion was made by Council Member Simonson to accept the donation of land as discussed in the executive session and seconded by Council Member Smith. The motion passed 6 to 0 with one abstention from Mayor Pickett.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 7:45 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary