



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, June 13, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on June 13, 2023 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:01 p.m. by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	X			
Mayor Pro Tem Chipper Smith		X		
Council Member Dennis Beasley	X			
Council Member Libby Simonson	X			
Council Member John Hebert, Jr.	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. Mr. Barry Jones, Manager of Liberty Walmart, spoke to the Council regarding the remodel of the Walmart Store beginning July 31, 2023 and being completed in 3 months. The project will cost Walmart \$6 million dollars and the finished product should result in a layout for the Kemah Store. The store will have the largest generator of most stores and there will be an area for online shopping and delivery, an expanded beer & wine section, upgraded internet and much more. The work for the remodel will be done at night while the store is closed, so each morning items may be in a different location until the remodel is complete. There will also be a mural located on the Grocery side using historical photos of the Liberty/Dayton area.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include, Fiscal Year 2023-2024 Budget, Golf Course, Junk Motor Vehicles, Fiscal Year 2022 Street Rehabilitation Project, Fire Hydrant Repair/Replacement Project, 2023 Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- fiscal year 2023-2024 Budget preparations
- Golf Course
- Junk Motor Vehicles
- 2022 Street Rehabilitation project
- Fire Hydrant Repair/Replacement Project
- 2023 Street Rehabilitation Program
- Electrical Projects

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

City Manager Tom Warner reported on the City's financials as of April 30, 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. Assistant City Manager Chris Jarmon went over the details in the Golf Course report.

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. The next meeting will look different as some of the board members had to resign due to a PUC rule that the member of the board has to reside in the city it represents. This meant that Denise Kelly and Tom Warner had to resign and a new member would be chosen for Liberty during the executive session.

E. Mayor, Council and Staff Comments

Mayor Pickett said that coffee with the Mayor for the month of June would be cancelled.

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. May 9, 2023
2. May 16, 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, SUPPORTING THE CITY OF LIBERTY'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA)

CALL FOR PROJECTS.

- 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, APPROVING CHANGE ORDER NO. 1 FOR THE FIRE STATION NO. 1 RENOVATION PROJECT.**

VII. REGULAR AGENDA**A. Regular Session**

1. Review and Discuss Section 3 Policy updates and information for the City's Community Resilience Program through the Texas Department of Housing and Community Affairs Grant for Fire Station 2.

Patrick Wiltshire and Kobe Hernandez of Public Management spoke to the Council regarding Section 3 policies for the Texas Department of Housing and Community Affairs Grant that is providing funding for Fire Station 2. Public Management is the City of Liberty's Grant Administrator and will monitor the grant activity to make sure that all new requirements for the Section 3 policies will be met.

2. Conduct a Public Hearing on the 2022 Drinking Water Consumer Confidence Report (CCR).

At 7:05 p.m., Mayor Pickett opened the Public Hearing on the 2022 Drinking Water Quality Report. City Manager Tom Warner reported that this report is required to be provided to the City's water system customers on an annual basis as part of the Safe Drinking Water Act monitored by the Texas Commission on Environmental Quality. The report summarizes data regarding legal limits of contaminants in the water, compliance issues and other information. The report shows that the city meets or exceeds all Federal drinking water requirements.

Mayor Pickett closed the Public Hearing at 7:10 p.m.

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, AWARDED THE BID FOR THE INSTALLATION OF THE FIBER OPTIC NETWORK TO FUTURE INFRASTRUCTURE.**

This item was passed on due to technical reasons and will be brought back during the June 27, 2023 Council Meeting.

4. **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 EXECUTE A CONTRACT FOR A POLE ATTACHMENT AUDIT AND DISTRIBUTION INVENTORY.**

A pole attachment inventory and a distribution equipment inventory has not been completed on the electric system in over 20 years. Since that time, many changes have been made regarding entitles attached to the city-owned poles and changes to the distribution equipment system. The scope of work includes: (1) identification of each attachment by attacher per pole, (2) development of a report listing the number of attachments per attacher and (3) collecting distribution system information to develop an electric system map.

The final report will contain the following information:

- Survey Results
 - Number of city utility poles
 - Average height of city utility poles
 - Number of city utility poles with no attachments

- Number of city utility poles with at least one attachment
- Average number of attachments to city poles that have an attachment
- Number of attachments by attaching entity
- Number of poles attaching entity is attached to (by entity)
- Average number of attaching entities to poles with attachments
- Number of entity owned poles (by entity if identified) City is attached to
- An overall map with pole location/numbers identified
- Distribution Inventory
 - Pole: height, class and type (wood, steel, concrete, etc.)
 - Attach pole number to primary electric poles
 - Cross arm: wood or fiberglass
 - Conductor (visual assessment only)
 - Transformer: number, size, company number (when labeled)
 - Capacitor Bank: number, size, company number (when labeled)
 - Air switch: type (manual or gang operated), company number (when labeled)
 - Fuse cutout: location and quantity only, company number (when labeled)
 - Recloser: type (hydraulic or electronic), size, company number (when labeled)
 - Primary riser: number and conduit type
 - Guy/anchor: location only
 - Lightning arrestor: location only
 - Streetlight: location only

The pole attachment audit, distribution inventory and pole numbering will be conducted by Schneider Engineering at an estimated cost of \$157,800.00.

A motion was made by Council Member Simonson to approve the resolution authorizing the City manager to execute a contract for a pole attachment audit and distribution inventory and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

5. First Reading - 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, RATIFYING LCDC'S EXPENDITURE FOR WILDLIFE FENCING AT THE LIBERTY MUNICIPAL AIRPORT

On April 18, 2023, the LCDC Board of Directors held a public hearing regarding a possible expenditure of funds for the engineering and construction of a wildlife fence at the Liberty Municipal Airport. On May 16, 2023, the LCDC Board of Directors voted 7-0 to approve an expenditure of \$110,560 for the local match of the wildlife fence project. The first reading of the resolution was done by City Attorney Brandon Davis.

6. Second Reading - 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, RATIFYING LCDC'S EXPENDITURE FOR WILDLIFE FENCING AT THE LIBERTY MUNICIPAL AIRPORT

The second reading of the resolution was done by City Attorney Brandon Davis. A motion was made by Council Member Brents to approve the resolution ratifying LCDC's expenditure for wildlife fencing at the Liberty Municipal Airport 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, AWARDED THE BID FOR HVAC MAINTENANCE TO SOUTHEAST TEXAS AIR CONDITIONING & HEATING, LLC.

On May 23, 2023, seven (7) proposals were received for the annual HVAC Maintenance at the various city facilities. The city facilities where the HVAC maintenance will be performed are

City Hall, the Cultural Center, Police Station, Animal Control, Public Works Service Center and the Electric Substations. The Fire Department was not included in the bid since the station is currently under renovation and information regarding the new HVAC system is not known at this time. The proposals ranged from the low bid of \$11,424.00 to a high bid of \$153,780.00. The specifications required the following services to be provided:

- Inventory of existing equipment,
- Test and Inspect all existing equipment,
- Preventative maintenance to include
 - Filter replacement
 - Belt replacement
 - Cleaning of equipment
 - Automatic temperature controls
- Maintenance supplies to include
 - Oil & lubricant
 - Cleaning supplies
 - Cooling refrigerant
- Components and part replacement
- Refrigerant Management Program
- After Hours Service

The range in cost is due to the level of service to be provided by the bidder. For example, one proposal was for just the replacement of filters and labor, while other proposers included the cost of replacing parts and labor. Several proposers included the replacement of equipment such as a compressor and labor in their proposal.

The lowest and best proposal that met the City's needs was submitted by Southeast TX AC & Heating for the amount of \$33,876.00. The term of the agreement is for two years with a one-year extension.

A motion was made by Council Member Simonson to approve the resolution awarding the bid for HVAC maintenance to Southeast Texas Air Conditioning & Heating, LLC and seconded by Council Member Hebert. The motion passed 6 to 0 with all present voting yes.

8. AN ORDINANCE AMENDING ARTICLE 1.08 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY, TEXAS, RELATED TO OFFENSES AND PENALTIES.

ARTICLE 1.08. ISSUANCE OF CITATIONS of the Code of Ordinances provides procedural and substantive rules relating to the issuance of citations by non-peace officers to defendants accused of violating criminal ordinances of the City. Section 1.08.004 Offenses; Penalty establishes the maximum fine associated with each violation of the code. The maximum fine for a violation may not exceed \$500.00. If the violation governs fire safety, zoning, or public health and sanitation, including dumping or refuse, then the maximum fine may not exceed \$2,000.00.

The Texas Local Government Code provides the governing body authorization to enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation. The fine or penalty for a violation of a rule, ordinance, or police regulation may not exceed \$500.00. If the fine or penalty involves a violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, other than the dumping of refuse, it may not exceed \$2,000.00. A fine or penalty for the violation of a rule, ordinance or police regulation that governs the dumping of refuse may not exceed \$4,000.00.

Currently, the City ordinance is in conflict with State Law. To resolve this conflict, the City ordinance needs to be amended to reflect state law rather than listing the individual fine amounts.

A motion was made by Council Member Brents to adopt the Ordinance amending article 1.08 related to offenses and penalties and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

9. AN ORDINANCE AMENDING ARTICLE 7.02 OF THE CODE OF ORDINANCES OF THE CITY OF LIBERTY, TEXAS, RELATED TO MUNICIPAL COURT FINES, COSTS AND SPECIAL EXPENSES.

Section 7.02.002 (b) Building Security Fund of the Code of Ordinances establishes the amount assessed to all defendants convicted of a misdemeanor in municipal court for a building security fee. This fee is set by State Law and is currently set at \$4.90. The fee in the Code or Ordinances is \$3.00. It is proposed that the Ordinance be amended to the rate set by State Law rather than a specific amount.

A motion was made by Council Member Simonson to adopt the Ordinance amending article 7.02 related to municipal court fines, costs and special expenses and seconded by Council Member Beasley. The motion passed 6 to 0 with all present voting yes.

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING CHAPTER 3, BUILDING REGULATIONS, AND CHAPTER 10, SUBDIVISION REGULATIONS, OF THE CITY'S CODE OF ORDINANCES RELATED TO MINIMUM LOT SIZES.

Currently, the city's lot sizes vary based on the use of the property. The standard lot size is 11,550 square feet for a duplex (105 x 110), 6,000 square feet (60 x 100) for a single family detached house, 5,000 square feet for a manufactured home (50 x 100), and 4,500 square feet for a patio house (45 x 100). The proposed ordinance changes simplify the city's lot size requirements by making nearly all residential lots 5,000 square feet (50 x 100).

The Planning Commission met on May 24, 2023 and voted 3-0 to approve these changes.

A motion was made by Council Member Simonson to adopt the Ordinance amending chapter 3, building regulations, and chapter 10, subdivision regulations, related to minimum lot sizes and seconded by Council Member Brents. The motion passed 5 to 1 with Council Member Hebert voting no.

B. Work Session

1. Presentation on adopting the most recent building, fire and electrical codes.

The International Code Council (ICC) building codes and the National Electric codes (NEC) codes are updated three years. The National Fire Protection Association (NFPA) codes are updated every five years. The current codes in use by the city are the 2018 ICC, the 2017 NEC and the 2018 NFPA. In order for the City to maintain the current ISO rating of 2, the City must maintain building, fire and electrical codes within one code cycle. The work session will provide an overview of the most significant changes to the codes. Assistant City Manager Chris Jarmon reviewed a PowerPoint presentation with the Council on the codes that would need to be updated.

C. Executive Session

At 8:22 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.

- Liberty Community Development Corporation
- Planning and Zoning Commission
- Sam Rayburn Municipal Power Agency

3. Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.

Discussion regarding economic development negotiations.

D. Reconvene into Regular Session

At 9:02 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 personnel matters discussed in the executive session.

A motion was made by Council Member Simonson to appoint Assistant City Manager Naomi Herrington to SRMPA Board and seconded by Council Member Brents. The motion passed 5 to 1, with Council Member Hebert abstaining from voting.

A motion was made by Council Member Simonson to appoint Katherine McCarty, Dan Van Deventer, and Mark Campbell to the Liberty Community Development Corporation and seconded by Council Member Brents. The motion passed 6 to 0, with all present members voting yes..

A motion was made by Council Member Simonson to appoint Janet Pavlock to fill Rick Jenner's vacancy, Barry Jones to Ryan Daniels Vacancy, and Luran Lozano to an Alternate member on the Planning and Zoning Commission and seconded by Council Member Brents. The motion passed 6 to 0, with all present members voting yes.

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

No action was taken.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 9:07 p.m.

ATTEST:

Carl Pickett, Mayor

April Gilliland, City Secretary