



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, September 12, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on September 12, 2023 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:04 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

Invocation was given by Pastor Chris Contreras, New Work Family Worship Center, Liberty, Texas.

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. Barry Jones, Manager of Liberty Wal-Mart, presented the council with an update on Wal-Mart's remodel. Mr. Jones also invited the Council to the Grand Re-opening on Friday, November 3rd at 9 am.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include, Liberty County Appraisal District Board, Golf Course, Splash Pad, Park Sewer System Improvements, 2023 Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner started his report with a photo of Nolan Joseph Hebert, the newly born grandson of CFO/Assistant City Manager Naomi Herrington (Nonnie, Mother to Kayla Herrington Hebert) and Council Member John Hebert, Jr. (Papa John, father to Daniel Hebert). Mr. Warner continued to report on the following updates:

- Liberty County Central Appraisal District Board of Directors
- Golf Course
- Splash Pad at Liberty Municipal Park
- Park Sewer System Project
- 2023 Street Rehabilitation Program
- Capital Improvement 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 July 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. No comments were made.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA was held on Tuesday, September 12, 2023. During the August meeting, the agency voted to distribute \$7 million dollars to each representative city (Liberty, Jasper and Livingston) for a total of \$21 million and the distribution should be received by each city on September 13, 2023.

E. Mayor, Council and Staff Comments

Council Member Simonson asked about the Fire BBQ Fundraiser. Chief Hurst said the fundraiser was sold out. Council Member Seymour asked for updates on Station 1 renovations and when station 2 construction would begin. Fire Station 1 renovations should be completed in about 30 days and a pre-construction meeting is scheduled for Fire Station 2 on September 21st. The Safer grant for the Fire department was discussed on how it would help with recruiting volunteers. Mayor Pickett mentioned Coffee with the Mayor being held on Thursday, September 21st at 7:30 am in the Council Chambers at City Hall.

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 Beasley to approve all items on the consent agenda and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

A. Minutes Approval

1. August 8, 2023

2. August 22, 2023

VII. REGULAR AGENDA

A. Regular Session

1. City Council to conduct a Public Hearing on the Proposed Tax Rate for Fiscal Year 2023-2024.

At 6:35 p.m., Mayor Pickett opened the Public Hearing on the Proposed Tax Rate for Fiscal Year 2023-2024. The proposed tax rate is 0.6204 for the 2023-2024 Budget. City Manager Tom Warner went over the presentation prepared for the Council to discuss the tax rate and budget. Council Member Hebert expressed his concern about the proposed tax rate. Mr. Hebert stated he would like to see the tax rate stay the same as last year at minimum or be lower. Council Member Simonson discussed how the cost of everything was going up. Council Member Brents agreed with Mr. Hebert and he would like to see the tax rate lowered to the new revenue rate. Mayor Pickett spoke regarding the rate charged by SRMPA and the rate the City pays the agency. The tax rate is an increase from last year's tax rate of \$0.0083. With the current appraised property values from the Liberty County Appraisal District, the rate would provide a small increase in funding of \$28 per average homestead value. Mr. Contreras addressed City Council stating that people would complain but they should look at it as an investment in the community and wanted to know why there was such a large increase from current to proposed salaries. Mr. Warner reminded them that the Fire & Police Department had increases in salaries in November 2022 and the proposed salaries included a minimum of 3% increase for each employee, a new fire marshal position and a new school resource officer position. Mr. Contreras also encouraged the city to utilize LCDC to do more economic development, since we no longer have a chamber of commerce to bring in new businesses. At 7:21 p.m., Mayor Pickett closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2023-2024.

2. City Council to conduct a Public Hearing on the Proposed Budget for Fiscal Year 2023-2024.

At 7:21 p.m., Mayor Pickett opened the Public Hearing on the Proposed Budget for Fiscal Year 2023-2024. City Manager Tom Warner stated that his presentation in the tax rate public hearing covered both the tax rate and the budget. Mayor Pickett thanked city staff for a job well done on preparing the 2023-2024 budget. At 7:45 p.m., Mayor Pickett closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2022-2023.

3. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE.**

The budget is an estimate of costs, revenues and resources over the new fiscal year, serving as a plan of action for daily operations, intended expenditures and for achieving objectives. A motion was made by Council Member Smith to approve the Ordinance adopting the budget for the fiscal year from October 1, 2023 to September 30, 2024 as presented and seconded by Council Member Beasley. The motion passed 6 to 1, with Council Member Brents voting No.

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, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET.

Adoption of a budget that raises more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget (LGC §102.007(c)). This vote is in addition to and separate from the vote to adopt the budget and the vote to set the tax rate. A motion was made by Council Member Simonson to approve the resolution ratifying the property tax increase reflected in the budget and seconded by Council Member Beasley. The motion passed 5 to 2, with Council Members Brents and Hebert voting No.

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2023-2024 AT A RATE OF \$0.6204 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING AN EFFECTIVE DATE.

The City Council is required to vote on the tax rate for Fiscal Year 2023- 2024. The proposed I & S Rate is \$0.2334, the proposed M & O Rate is \$0.3870, giving a proposed total tax rate of \$0.6204. The budget for Fiscal Year 2023-2024 was adopted previously and these tax rates were used to balance the budget. A motion was made by Council Member Simonson to adopt the ordinance as presented with an ad valorem tax rate for fiscal year 2023-2024 at a rate of \$0.6204 per one hundred dollar (\$100) assessed valuation on all taxable property and seconded by Council Member Smith. The motion passed 5 to 2, with Council Members Brents & Hebert voting No.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY INCREASING WATER, WASTEWATER, SOLID WASTE RATES AND CONVENIENCE FEE FOR CARD TRANSATIONS; ADJUSTING GOLF COURSE FEES AND T-HANGAR FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

The rate study presented to City Council in 2019 by Freese & Nichols recommended the rates for water and wastewater be raised by 8% annually, for the next six (6) years. This rate increase will be used to fund the bonds that will be required to complete the projects for the water and wastewater systems. This will be the fifth year for the increase. Solid waste rate increases by 2% for residential services and 5% for commercial services per contract with Frontier Waste. An increase in the card transaction convenience fee from 2% to 2.7% to cover the charges the city incurs from card processors. The staff recommends adjusting golf course fees for the following reasons: (1) fees being below market rate and (2) increased expenses incurred by the golf course since reopening; these expenses include additional costs related to restroom maintenance, chemicals, water, additional staffing and cart maintenance. A key change to the fee schedule is that all fees will now include sales tax. The staff recommends that the T-hangar fees be raised from \$250 to \$320, to cover maintenance expenses of the T-hangars constructed in 2012. Also, proposed is a rate of \$295 per month for customers who enter into a yearly agreement. A motion was made by Council Member Simonson to approve the Ordinance amending the Master Fee Schedule as presented and seconded by Council Member Hebert. The motion passed 6 to 1, with Council Member Brents voting No.

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 A BID FOR TAX RESALE PROPERTY DESCRIBED AS 12 LOTS IN OAK PLACE SUBDIVISION.

12 lots in Oak Place Subdivision were foreclosed on and Lynn Strickland has offered \$86,000.00 to purchase the property. Currently, the CAD value of the property is \$274,000 and the total taxes owed to all entities is \$106,870. A motion was made by Council Member Simonson to approve the resolution approving a bid for tax resale property described as 12 lots in Oak Place Subdivision and seconded by Council Member Brents. The motion passed 7 to 0.

8. 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 TEXAS STREET SANITARY SEWER LINE PROJECT TO TMS UTILITY, LLC.

The 2023 Street Rehabilitation Project included the rehabilitation of Texas Street from Main to Grand Streets. While the contractor was working on other streets on the project, the Water/Wastewater Department was notified of an issue with the sanitary sewer line on this section of Texas Street. After repairing the sanitary sewer line failure, it was determined that the entire sewer line needed to be replaced prior to the rehabilitation of Texas Street. Since all of the other streets had been completed, the street contractor was notified that time would be suspended on the project until after the sanitary sewer line was replaced. On September 7, 2023, eight (8) bids were received for the Texas Street Sanitary Sewer Line Pipe Bursting Project. The bids ranged from the apparent low bid of \$136,400 submitted by Texas Utility, LLC to the high bid of \$198,400. The project includes the pipe bursting of 2,100 feet of sanitary sewer line and the installation of seven manholes. The construction time for the project is 30 days. A motion was made by Council Member Brents to approve the resolution awarding the bid for the Texas street sanitary sewer line project to TMS Utility, LLC and seconded by Council Member Seymour. The motion passed 7 to 0.

B. Executive Session

At 8:26 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.
 - City Manager Evaluation
 - Library Board Appointments

C. Reconvene into Regular Session

At 10:14 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 re-appoint current board members Tinya Griffin and Bill Buchanan, and appoint Margaret Gardzina and Erin Dorsett as new board members to the Municipal Library Board and seconded by Council Member Brents. The motion passed 7 to 0.

A motion was made by Council Member Simonson to extend the City Manager Contract for one year and seconded by Council Member Seymour. The motion passed 7 to 0.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 10:16 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary