



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, October 10, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on October 10, 2023 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:00 p.m. by Mayor Carl Pickett.

A.	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. No public comments were made.

V. PRESENTATIONS / REPORTS

A. CenterPoint Presentation

Presentation was passed on as the presenters had a conflict in schedule and rescheduled for November 14, 2023 meeting.

B. City Manager's Report - City Manager Tom Warner - Topics include, US 90 Corridor Study Survey, Golf Course, Economic Development Activities, Economic Development Sales Tax Workshop, 2023 Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Texas Department of Transportation US 90 Texas Corridor Study
- Golf Course
- Economic Development Activities
- Street Rehabilitation Program
- Capital Improvement Program Electrical Projects

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

Assistant City Manager / CFO Naomi Herrington reported on the City's financials as of August 31, 2023.

D. 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.

E. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA will not be held for the month of October and will meet again in November.

F. Mayor, Council and Staff Comments

At this time there will be no special called Council meeting for October. Council Member Brents asked about dumping along roadways.

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.

Council Member Brents asked that Item B be moved to the Regular Session for discussion.

A motion was made by Council Member Hebert to approve the minutes on the consent agenda and seconded by Council Member Seymour. The motion passed 5 to 0 with all present voting yes.

A. Minutes Approval

1. September 12, 2023
2. September 26, 2023

VII. REGULAR AGENDA

A. Regular Session

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 MAYOR TO EXECUTE THE FIRE PROTECTION SERVICES AGREEMENT WITH LIBERTY COUNTY.

This agreement is executed annually between Liberty County and the City of Liberty to provide

fire protection for the geographic area of the community outside of the Liberty City Limits. The Fire Department has made thirty-eight (38) Fire Mutual Aid calls between October 1, 2022, to September 30, 2023. Council Member Brents asked about the amount of the payment received from Liberty County and wanted to know if it should be raised. Fire Chief Brian Hurst explained that Liberty County voted not to raise the amount this year but they will discuss it again before next year's agreement.

A motion was made by Council Member Brents to approve the resolution authorizing the Mayor to execute the Fire Protection Services Agreement with Liberty County and seconded by Council Member Seymour. The motion passed 5 to 0 with all present voting yes.

1. City Council hold a public hearing on the condemnation of six (6) hazardous and unsafe structures to determine if the structures should be repaired or demolished: 819 Robbie (garage apartment only); 703 Layl (manufactured home only); 3006 Lincoln (garage only); 3009 Grand; 4101 Sandune (both structures) and 124 Mimosa (accessory building only).

At 6:40 p.m., Mayor Pickett opened the Public Hearing on the condemnation of six (6) hazardous and unsafe structures to determine if the structures should be repaired or demolished. The Code of Ordinances requires the City Council to hold a public hearing to determine if a structure complies with the City's Hazardous Building Ordinance and, if not, to determine if the structure should be (1) repaired (2) vacated and repaired or (3) demolished. The Code of Ordinances specifies that if a structure is fifty (50) percent damaged, decayed, or deteriorated, it shall be demolished or if the cost of repairs exceeds fifty (50) percent of the value of the structure, it shall be demolished. The public hearing will consider the following structures:

1. 819 Robbie (garage apartment only)
2. 703 Layl (manufactured home only)
3. 3006 Lincoln (garage only)
4. 3009 Grand
5. 4101 Sandune (both structures)
6. 124 Mimosa (accessory building only)

City Attorney Brandon Davis questioned Code Enforcement Officer, Daryl Marek, regarding the condition of each structure. It was asked if the structures met building code requirements and whether or not the property posed a safety and health hazard to the public. Mr. Marek answered that the structures do not meet building code requirements and that each of the six properties are a safety and health hazard to the public. The condition of each property was shown in photos attached to the agenda packet. Property representatives for 703 Layl and 3006 Lincoln spoke with the council about the future intentions of their properties. At 7:14 p.m., Mayor Pickett closed the Public Hearing.

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 SIGN ORDERS OF ABATEMENT FOR THE DEMOLITION AND REMOVAL OF STRUCTURES SUBJECT TO THE OCTOBER 10, 2023 PUBLIC HEARING.**

The following structures have been inspected by City Staff and found to be unsafe structures as defined by the City of Liberty's Code of Ordinances, Article 3.05, Hazardous Structures and by the 2018 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

1. 819 Robbie (garage apartment only)

2. 703 Layl (manufactured home only)
3. 3006 Lincoln (garage only)
4. 3009 Grand
5. 4101 Sandune (both structures)
6. 124 Mimosa (accessory building only)

If not demolished by the owner, demolition funds are available in the Inspections & Permits operating budget.

A motion was made by Council Member Brents within ninety (90) days from the date of the public hearing held on October 10, 2023, that the property located at 703 Layl is a public nuisance and public necessity requires the demolition and removal of the identified structure and seconded by Council Member Seymour. The motion passed 5 to 0 with all present voting yes.

A motion was made by Council Member Brents within thirty (30) days from the date of the public hearing held on October 10, 2023, that the property located at 3006 Lincoln is a public nuisance and public necessity requires the demolition and removal of the identified structure and seconded by Council Member Hebert. The motion passed 5 to 0 with all present voting yes.

A motion was made by Council Member Hebert within thirty (30) days from the date of the public hearing held on October 10, 2023, that the properties located at 819 Robbie, 3009 Grand, 4101 Sandune, and 124 Mimosa are all a public nuisance and public necessity requires the demolition and removal of the identified structures and seconded by Council Member Brents. The motion passed 5 to 0 with all present voting yes.

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE RELATED TO GOLF COURSE FEES AND PROVIDING FOR AN EFFECTIVE DATE.

On September 12, 2023, the City Council amended the golf course fee schedule by, among other changes, removing the prohibition that restricted walkers before 3:00 pm. The City Council left it to the discretion of the Golf Shop Manager whether or not to allow walkers during the day.

Since walkers are now allowed, walker fees need to be established.

A motion was made by Council Member Hebert to adopt the ordinance amending the master fee schedule related to Golf Course fees and seconded by Council Member Brents. The motion passed 5 to 0 with all present voting yes.

B. Executive Session

At 7:24 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.
Discussion regarding the possible purchase of property
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 County Central Appraisal District Board of Directors

C. Reconvene into Regular Session

At 8:44 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. **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, NOMINATING A CANDIDATE FOR THE LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.**

A motion was made by Council Member Hebert to approve the resolution nominating Mark Herndon and Dusty Gatlin as candidates for the LCAD Board of Directors and seconded by Council Member Brents. The motion passed 5 to 0 with all present voting yes.

VIII. ADJOURNMENT**A. Motion To: Adjourn**

With no further business to discuss, Mayor Pickett adjourned the meeting at 8:47 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary