



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, November 14, 2023

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on November 14, 2023 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:05 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

Invocation was given by Ms. Linda Weaver, Prayer Team Leader, Grace Church, 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. Ms. Percilla Hays, with CenterPoint, presented the Liberty Fire Department with a foundation grant worth \$2500. Mr. Daniel Damek and Ms. Farrah Harper spoke to the Council about the condition McGuire Road is in and requested a timeline of when the road will be repaired.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include, Pole Attachment & Distribution Inventory, Golf Course, Water Leak Repair Schedule, Economic Development Sales Tax Workshop, Economic Development Activities, 2023 Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Pole Attachment and Distribution Inventory
- Golf Course
- Water Leaks
- Economic Development Sales Tax Workshop
- Economic Development Activities
- Airport
- 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 September 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.

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 meeting for November was cancelled. The agency's next meeting will be in December.

E. Mayor, Council and Staff Comments

Mayor Pickett asked if there would be a special council meeting called for November. City Manager Tom Warner said no, the next Council meeting would be the December 12, 2023 meeting. City Manager Tom Warner reminded Council that the Christmas parade would be held December 5, 2023 and the Employee Appreciation Dinner was tentatively scheduled for December 14, 2023.

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 Hebert. The motion passed 7 to 0 with all present voting yes.

A. Minutes Approval

1. October 10, 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 THE 2024 TxDOT ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT AGREEMENT.**
- 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, AUTHORIZING THE PURCHASE OF TWO (2) LIBERTY POLICE DEPARTMENT VEHICLES.**

VII. 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, APPROVING AN INTERLOCAL AGREEMENT WITH LIBERTY COUNTY HOSPITAL DISTRICT #1.**

The Liberty County Hospital District No. 1 (Liberty Dayton Regional Medical Center) contacted the City regarding the possibility of the city replacing parking lot lights and security lights at the hospital. The hospital will purchase the lights and the city will install them. In return, the hospital will provide the Fire Department Emergency Medical Services (EMS) with various medical supplies. The medical supplies to be provided by the hospital will include only items that meet current specifications required by state regulations for EMS operations. A motion was made by Council Member Simonson to approve the resolution approving an interlocal agreement with Liberty County Hospital District #1 and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

- 2. **AN ORDINANCE AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF AN UNIMPROVED RIGHT-OF-WAY IN THE COLLINS SUBDIVISION AND PROVIDING FOR AN EFFECTIVE DATE.**

The Collins Subdivision is located in the Minglewood area and includes the Chesson, Maplewood and Ash Streets. When the subdivision was platted, the Elmwood Street right-of-way on the west side of the subdivision was dedicated but never improved. A motion was made by Council Member Hebert to approve the ordinance authorizing the vacating and abandonment of a portion of an unimproved right-of-way in the Collins subdivision and seconded by Council Member Simonson. The motion passed with 5 Yes votes by Council Members Pickett, Simonson, Seymour, Hebert and Beasley, 1 no vote by Council Member Brents, and 1 abstention from Council Member Smith.

- 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, AUTHORIZING THE PURCHASE OF A FIRE TRUCK FOR THE LIBERTY FIRE DEPARTMENT.**

The Fire Department's Engine 23 was purchased in 2011 and to prepare for a replacement the Fire Department submitted a grant application to the Texas Forest Service. The Fire Department was recently notified that the application submitted to cover a portion of the cost of the truck was not approved in the last round of grant awards. Due to the time period for a new truck to be ordered, manufactured and delivered, the truck will be nearing the end of its useful life. During the budget process, the Liberty Community Development Corporation Board of Directors and City Council agreed to split the cost of the truck on a 50-50 basis. The funds to purchase the truck were included in the LCDC Budget and, if approved by the City Council, from the Cambridge Fund. The truck will be purchased through the Sourcewell Purchasing

Cooperative and the cost is provided below:

• E-One Rescue Pumper w/Typhoon Chassis	\$816,524.00
• Sourcewell Cooperative Fee	\$ 2,000.00
• Foam Pro 1600	\$ 16,000.00
• Total	\$834,524.00

The estimated delivery date is April/May 2025.

A motion was made by Council Member Simonson to approve the resolution authorizing the purchase of a fire truck and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

4. ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT IN CONNECTION WITH ITS STATEMENT OF INTENT TO INCREASE RATES IN THE TEXAS DIVISION, FILED ON OCTOBER 30, 2023; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE RAILROAD COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; 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 October 30, 2023, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas ("CenterPoint" or "Company") filed an application with the City of Liberty for an increase in gas service rates. CenterPoint has proposed that the gas service rate increase become effective on December 4, 2023. As such, the City must take action to approve, deny, modify, or suspend the rate increase request by December 4, 2023. Our representatives, Lawton Law Firm, recommend that the City suspend the effective date of the proposed rate increase to permit time to review CenterPoint's request and make an informed recommendation to the City of Liberty. The attached ordinance suspends the effective date proposed by CenterPoint to March 3, 2024. The ordinance also authorizes the City to join with the Steering Committee of Cities to retain legal counsel and rate consultants, participate in the gas service rate proceeding before the Railroad Commission and any courts, and to seek reimbursement for rate case expenses from CenterPoint. A motion was made by Council Member Brents to approve the ordinance suspending the effective date for an additional ninety (90) days beyond the effective date proposed by CenterPoint in connection with its statement of intent to increase rates in the Texas division, filed on October 30, 2023 and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

5. WORK SESSION - Discussion on proposed updates on Building Codes.

City Manager Tom Warner and Assistant City Manager Chris Jarmon spoke to the Council regarding the building code changes. The ISO rating is associated with the building codes and we need to use building codes that are no more than two approved code cycles, so adopting the 2021 building codes will keep the City of Liberty current for our ISO rating.

The following amendments shall be made to the adopted 2021 Building Code:

Trash and Debris Containment. It shall be the responsibility of each permit holder to make provisions for the containment of building materials, construction debris, and all other trash and debris generated within the property boundaries. Blowing trash, paper, building materials,

packaging, and other construction site related debris, allowed to collect or accumulate outside the property boundaries for which a permit has been issued, in other than an approved container, shall constitute a violation of this code.

Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. Contractors engaged to perform the work, who are required to have a state issued license or certificate, shall be registered with the city prior to being issued a permit.

Work exempt from permits:

Building

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 200 square feet (18.58 m²) is located in the side or rear yard, is not placed on an easement or right-of-way and is not connected to utilities.
2. Fences not over eight (8) feet high.
3. Remove item six (6) as follows: ~~Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.~~

Plumbing

1. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
2. Replacement of plumbing fixtures where no change of rough-in location is involved.

General. Submittal documents consisting of construction documents, statements of specialized inspections, geotechnical reports and other data shall be submitted in two or more sets, or in a digital format were allowed by the building official, with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. When required, construction documents shall be designed for a minimum wind load of 120 miles per hour (mph).

Delete Chapter thirteen (13) Energy Efficiency in its entirety and replace it with the following texts: "Buildings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code."

The following amendments shall be made to the adopted 2021 Residential Code:

Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. Contractors engaged to perform the work, who are required to have a state issued license or certificate, shall be registered with the city prior to being issued a permit.

The following section is added:

1. Trash and Debris Containment. It shall be the responsibility of each permit holder to make provisions for the containment of building materials, construction debris, and all other trash and debris generated within the property boundaries. Blowing trash, paper, building materials, packaging, and other construction site related debris, allowed to collect or accumulate outside the property boundaries for which a permit has been issued, in other than an approved container, shall constitute a violation of this code.

Section R105.2 of the International Residential Code is hereby amended as follows:

Building:

1. Other than storm shelters, one-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²) is located in the side or rear yard, is not placed on an easement or right-of-way, and is not connected to utilities.
2. Fences not over eight (8) feet high.
3. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Remove item 5 regarding Sidewalks and Driveways.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to the dwelling and do not serve the exit door requirement by Section R311.4.
11. Replacing or installing an overhead garage door on a garage.
12. Replacing doors of the same size and operation.
13. Repairs to gypsum board (sheetrock or drywall) on existing walls that is not part of a fire-rated assembly and that does not exceed an aggregate of 128 square feet.
14. Re-roofing as long as roof decking or structural members will not be replaced.

Plumbing.

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in the code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
4. Replacement of plumbing fixtures where no change of rough-in location is involved.

Section R106.1 of the International Residential Code is hereby amended as follows:

- a. Submittal documents consisting of construction documents and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Foundation plans shall be submitted with each application. For residential dwellings, these plans shall be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal. The building official may require that foundation and framing plans for accessory structures be designed by an engineer licensed by the State of Texas and shall bear that engineer's seal if the accessory structure exceeds 900 square feet.

Section R108.6 of the International Residential Code is hereby amended as follows:

- a. Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee that is double the standard permit fee.

Section R112 Board of Appeals is deleted in its entirety.

- a. The City of Liberty has not established a Board of Appeals. Section 3.01.003 of the City's Code of Ordinances specifies that all appeals are heard by the City Manager.

Table R301.2 of the International Residential Code is hereby amended as follows:

- a. Construction documents shall be designed for a minimum wind load of 120 miles per hour (mph).

Manual J Design Criteria in Table R301.2 is deleted.

- a. Manual J is not part of performed plan review.

Section 301.2.1 of the International Residential Code is hereby amended as follows:

- a. Buildings and portions thereof shall be constructed in accordance with the wind provisions of this code using the ultimate design wind speed Table in R301.2.

Section R313 Automatic Fire Sprinkler Systems is deleted in its entirety.

- a. [State Law passed stating that municipalities could not require an automatic fire sprinkler system to be installed in one- and two-family dwellings.

Section R319 Site Address is deleted in its entirety and replaced with the following text:

- a. "Premises or site addressing shall comply with City of Liberty Ordinance Article 3.14 Building Numbering."

Delete Chapter 11 ENERGY EFFICIENCY in its entirety and replace with the following text:

- a. "Buildings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code."

Changes would take effect on January 1, 2024.

6. AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 3.02, ARTICLE 3.03, ARTICLE 3.04, AND ARTICLE 5.03, RELATING TO THE ADOPTION OF BUILDING, ELECTRIC, PLUMBING, AND FIRE CODES; ESTABLISHING AN EFFECTIVE DATE.

On June 13, 2023, staff held a work session regarding the adoption of updated building, electric and fire codes from the International Code Council (I-Codes). The building, electric and fire codes are updated every three years. The City is currently under the 2018 I-Codes and 2017 electricity codes. The staff is proposing to adopt the following codes with the amendments noted in the attachments:

- 2021 International Building Code (IBC)
- 2021 International Residential Code (IRC)
- 2021 International Plumbing Code (IPC)
- 2021 International Mechanical Code (IMC)
- 2021 International Fire Code (IFC)
- 2018 International Energy Conservation Code (IECC) [no change to existing code]
- 2021 International Existing Building Code (IEBC)
- 2021 International Fuel Gas Code (IFGC)
- 2021 International Private Sewage Disposal Code (IPSDC)
- 2021 International Property Maintenance Code (IPMC)
- 2021 International Swimming Pool & Spa Code (ISPSC)
- 2023 National Electric Code (NEC) [adopted by TDLR on 9-1-23]

Additionally, two changes from what was presented during the June 13 work session are being proposed. The changes include: 1) keeping the existing energy code and 2) moving to the 2023 NEC instead of the 2020 NEC.

If approved, these changes will take effect on January 1, 2024.

A motion was made by Council Member Beasley to table the Ordinance until the next meeting in December and seconded by Council Member Hebert. The motion failed with 2 yes votes from Council Members Beasley and Hebert, 4 no votes from Council Members Pickett, Simonson, Brents, and Smith and 1 abstention from Council Member Seymour.

A motion was made by Council Member Simonson to approve the Ordinance Amending Chapter 3, Building Regulations, of the Code of Ordinances, by amending Article 3.02, Article 3.03, Article 3.04, and Article 5.03, relating to the adoption of Building, Electric, Plumbing and Fire Codes and seconded by Council Member Smith. The motion passed 6 to 1 with all voting yes, except Council Member Hebert.

B. Executive Session

At 8:03 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 County Central Appraisal District Board of Directors

Designations to the Houston-Galveston Area Council 2024 General Assembly

Sam Rayburn Municipal Power Agency Board of Directors

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

Discussion regarding economic development negotiations.

4. Texas Government Code §551.072 - Deliberation Regarding Real Property

Discussion regarding purchase of real property.

C. Reconvene into Regular Session

At 9:34 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 Simonson to cast all 126 votes for Mark Herndon for the Liberty County Central Appraisal District Board of Directors and seconded by Council Member Seymour. The motion passed 7 to 0 with all present voting yes.

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, DESIGNATING A REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2024 GENERAL ASSEMBLY.

A motion was made by Council Member Simonson to designate Carl Pickett as Representative and John Hebert as Alternate to the Houston-Galveston Area Council 2024 General Assembly and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

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, APPOINTING A REPRESENTATIVE FOR THE SAM RAYBURN MUNICIPAL POWER AGENCY BOARD OF DIRECTORS.

A motion was made by Council Member Hebert to table this item to the December 12, 2023 meeting and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

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

No action was taken

6. Consider and take action on real estate 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 9:39 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary