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, January 9, 2024 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

This meeting was called to order on January 9, 2024, 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

Invocation was given by Michael Dorsett, Pastor at Cornerstone Church in Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag and the pledge to the Texas Flag was led by Boy Scout Troop 2319 and Troop Leader Lindsay Bailey from Dayton, Texas.

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. Two citizens requested to speak before Council, David Leonard requested to speak regarding code enforcement rules and Leonor Keng requested to speak regarding animal control staff and budget.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include, 2024 Jubilee, Liberty County Central Appraisal District, TML Midyear Conference, H-GAC Annual Meeting, Golf Course, Water Leak Repair Schedule, 2024 Street Rehabilitation Project, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- 2024 Liberty Jubilee
- Liberty County Central Appraisal District elected Board of Directors
- TML mid-year conference
- H-GAC annual meeting
- Golf Course
- Water leaks
- 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 November 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 last open position on the SRMPA was filled by Anderson Land, mayor of Jasper. Liberty representatives are John Hebert and Carl Pickett.

E. Mayor, Council and Staff Comments

Mayor Pickett welcomed comments from Council Members and/or City Staff. Council Members thanked the city employees for setting up and working on the Shred-it/E-cycle day on January 6th. It was a successful event, but the public needs to be reminded regarding the separation of the items that can be shredded vs the items for e-cycle. Fire Chief Brain Hurst recognized the promotion of two of his employees: Ashley Pate, promoted to full-time Fire Marshall and the first fully qualified and certified Fire Marshall in Liberty, and Justin Smith, promoted to Captain of B shift. City Secretary April Gilliland reminded the Council that the 2024 election session is upon us. The positions for this election are Mayor Carl Picket and Council Members Chipper Smith, Ed Seymour and Tommy Brents. For those candidates wanting to run for the 2024 election, can pick up candidate packets in the City Secretary's office or on the City's website.

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

A. Minutes Approval

1. December 12, 2023

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, AMENDING THE BUDGET FOR THE TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR THE MINGLEWOOD SANITARY SEWER PROJECT.

The City of Liberty received a Texas General Land Office (GLO) Community Development Block Grant for the Minglewood Sanitary Sewer Project. As with other CDBG funding, the improvements must benefit low to moderate income areas. The City received the maximum funding amount of $1,000,000. When the application was submitted to the GLO, the estimated budget was $2,615,000.00. Upon 90% completion of the plans and specifications, the engineer's estimate of probable cost increased the total budget to $2,700,000.00. The GLO is requesting a revised resolution indicating the total project budget is now $2,700,000.00.

A motion was made by Council Member Simonson to approve the resolution amending the budget for the Texas General Land Office (GLO) Community Development Block Grant for the Minglewood Sanitary Sewer Project and seconded by Council Member Seymour. 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, AWARDING A THREE (3)-YEAR CONTRACT TO AT&T IN THE AMOUNT OF $19,218.60 TO BE THE LIBERTY MUNICIPAL LIBRARY'S E-RATE SERVICE PROVIDER.

E-Rate is a grant program of the Federal Communications Commission (FCC) that has been in effect for over 20 years. E-Rate assists libraries by providing funding for Internet-related costs that benefit the public. The Library received its first E-Rate grant in 2018. The proposed contract is for three years at $19,218.60 for the entire three-years with 90% of the expenses reimbursed by E-Rate. The Library's only requirement is to provide internet access to the public free of charge. The E-Rate Grant will reimburse 90% of the costs with the remaining 10% being provided for in the Library's operating budget.

A motion was made by Council Member Simonson to approve the resolution awarding a three (3) year contract to AT&T in the mount of $19,218.60 to be the Liberty Municipal Library's E-rate service provider and seconded by Council Member Beasley. 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, AUTHORIZING THE CITY MANAGER TO EXECUTE A CLIENT SERVICE AGREEMENT WITH UTILITY ASSOCIATES, INC., FOR LIBERTY POLICE DEPARTMENT POLICE CAR AND BODY CAMERAS.

Several police cars and body cameras have reached the end of their useful life and are no longer supported by the vendor. The proposed Client service Agreement with Utility Associates, Inc. will include Eos Camera, Bluetooth Controller, Holster Sensor, Eos Ready Uniforms, Existing Uniform Retrofits, Licensing, Rocket In-Car Video, Vehicle ALPR and Ruggedized Tablet Display. The agreement also includes all services, installation, training and configuration of the above-listed equipment. The initial term of the agreement is for five (5) years and thereafter, unless termination earlier or renewed as set forth in the agreement, and shall automatically renew for additional five (5) years. The five (5) year cost is $193,560.00 with an initial payment of $58,068.00 upon contract signing and $33,873.00 per year for four (4) years. The first year fee is budgeted in the Fiscal Year 2024 Police Department Budget with subsequent year payments to be included in the annual Police Department Budget.

A motion was made by Council Member Beasley to approve the resolution authorizing the City Manager to execute a client service agreement with Utility Associates, Inc for Liberty Police Department police car and body cameras and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

4. AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2024; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE.

The Steering Committee of Cities ("Cities") continues to play a crucial role in limiting Entergy Texas, Inc.'s (ETI's) various requested rate increases to reasonable revenue levels. ETI filed a base rate case in 2022, which was resolved by settlement in April 2023. ETI originally requested a $131.4 million or 11.20% base rate increase. The parties' agreement authorized a $54 million or 4.6% increase over current base rates, excluding fuel costs. Cities' efforts contributed significantly to reducing the Company's initial proposed increase by 58.90%. Many of the consultants' recommendations were reflected in the settlement terms, including a decrease to ETI's return on equity, adjustments to the Company's depreciation rates, and longer amortization periods for recovery of certain expenses. Cities also supported a reasonable allocation of the revenue requirement between the various customer classes and a lower monthly fixed customer charge for residential customers. The Company also initiated proceedings in late-2022 to reconcile fuel and purchased power expenses incurred between April 1, 2019, and March 31, 2022. In these proceedings, ETI requested that the Commission approve an under-recovery balance of $103.1 million. After cities raised issues related to the Company's proposal, the case settled with the Company agreeing to reduce its under-recovery balance to $99.6 million. No other party raised any issues with the Company's application. In 2024, the Lawton Law Firm (the law firm representing the cities) anticipates that the Company may file Transmission Cost Recovery Factor and Distribution Cost Recovery Factor applications for interim cost recovery of investments made in its transmission and distribution systems. The Company is also expected to file its annual application to amend its Energy Efficiency Cost Recovery Factor and its semi-annual Fuel Factor rate adjustments in February and August 2024.

A motion was made by Council Member Simonson to adopt the ordinance authorizing participation with other energy service area cities in matters concerning Entergy Texas, Inc at the Public Utility Commission of Texas in 2024 and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

B. Work Session

1. LCDC 2023 Annual Report

Assistant City Manager Chris Jarmon presented the following items with respect to the LCDC 2023 Annual Report:

- Economic Development Definition
- Economic Development in Texas
- The differences between Type A and Type B corporations
- Funding Mechanism
- Regulations
- Eligible Projects
- Grant Money Distributed
- Redevelopment Projects Funded
- City Project Funded
- New Residential Construction
- Demolitions
- Sales Tax Growth
- Commercial Projects

C. Executive Session

At 7:47 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 §551.072 - Deliberation Regarding Real Property
Discussion regarding real property.

3. Texas Government Code §551.074 - Personnel Matters.
To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

4. Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.
Discussion regarding economic development negotiations.

D. Reconvene into Regular Session

At 8:52 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 action on real estate matters discussed in executive session.

A motion was made by Council Member Simonson to authorize the city manager to execute a lease agreement for a restaurant at the golf course with Rodney Calhoun and seconded by Council Member Hebert. The motion passed 7 to 0 with all present voting yes.

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

A motion was made by Council Member Simonson to vote for Sallie Alcorn, Jay Knight, and Joe Garcia for H-GAC 2024 Officers Election and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

4. 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 9:01 p.m.

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Carl Pickett, Mayor

ATTEST:

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April Gilliland, City Secretary