



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, March 12, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on March 12, 2024 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:01 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 Pastor Tim Gruver from Heights Baptist 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. Comments were given by Mr. Bubba Haley with the American Red Cross thanking the Council and the City of Liberty for supporting their programs. Mayor Pickett read a proclamation proclaiming March as Red Cross Month. Mr. Jenkins spoke to the Council regarding sewer problems on Bowie St.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include - Police Department, Electric Outage, Golf Course, Water Leak Repair Schedule, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Police Department
- Planned Power Outage
- Golf Course
- Water Leaks
- 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 January 31, 2024.

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. Questions were asked about water pressure, electric outages, high grass on county properties, and restaurant lease at Golf Course.

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.

E. Mayor, Council and Staff Comments

City Manager Tom Warner reminded the Council about Jubilee on Friday, March 22 & Saturday, March 23. Entertainment is set and applications are still being received for booth spaces. TxDOT has made repairs to the sidewalk in front of the old Coats Jewelry building. Alligators have been caught and removed from the detention pond next to 7-Eleven on Highway 90.

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 Brents. The motion passed 6 to 0 with all present voting yes.

A. Minutes Approval

1. February 13, 2024
2. February 27, 2024

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 OFFERS FOR THE PURCHASE OF DELINQUENT TAX TRUST PROPERTIES.

VII. REGULAR AGENDA

A. Regular Session

1. City Council hold a public hearing on the condemnation of three (3) hazardous and unsafe structures to determine if the structures should be repaired or demolished: 304 Independence (shed only); 3016 Lincoln (shed only); 3805 Oilfield Road (both structures).

At 6:39 p.m., Mayor Pickett opened the Public Hearing on the condemnation of three (3) 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. 304 Independence (shed only)
2. 3016 Lincoln (shed only)
3. 3805 Oilfield Road (both structures)

The structures at 304 Independence and 3016 Lincoln were removed from the public hearing as they have been taken care of by the property owners. City Attorney Brandon Davis questioned Code Enforcement Officer, Daryl Marek, regarding the condition of the structures located at 3805 Oilfield Road. 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 the structures are a safety and health hazard to the public. The condition of the property was shown in photos attached to the agenda packet. At 6:45 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 AN ORDER OF ABATEMENT FOR THE SUBSTANDARD STRUCTURES SUBJECT TO THE PUBLIC HEARING HELD ON MARCH 12, 2024.**

The structures at 3805 Oilfield Road 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 2021 International Property Maintenance Code. Additionally, these structures at 3805 Oilfield Road have deteriorated to a condition that they are no longer considered suitable for repair. If not demolished by the owner, demolition funds are available in the Inspections & Permits operating budget.

A motion was made by Council Member Seymour within ninety (90) days from the date of the public hearing held on March 12, 2024, that the property located at 3805 Oilfield Road is a public nuisance and public necessity requires the demolition and removal of the identified structures and seconded by Council Member Brents. The motion passed 6 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 AN AGREEMENT WITH FORD AV FOR AUDIO AND VISUAL EQUIPMENT AT FIRE STATION NO. 2.**

The City has received a proposal from Ford AV to install audio and visual equipment at Fire Station No. 2. The audio and visual equipment was not included in the contract to construct the building due to the specialty of the equipment. The proposed work will include the installation

of audio and visual systems in the Training Room, Day Room and Exercise Room. In addition, the proposal includes the installation of fifteen cameras on the interior and exterior of the building. The cost of the proposed system is \$169,978.53. The purchase will be in accordance with Buy Board Contract #644-21.

A motion was made by Council Member Beasley to approve the resolution authorizing the City Manager to execute an agreement with Ford AV for audio and visual equipment at Fire Station No. 2 and seconded by Council Member Seymour. The motion passed 6 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, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS WITH HR GREEN AND TEXAS ELITE UTILITIES FOR US HIGHWAY 90 WATER, WASTEWATER, AND ELECTRIC RELOCATIONS.

The Texas Department of Transportation (TxDOT) has notified the City of the proposed construction on US 90 to Widen and Reconstruct to a four (4) lane divided rural and urban cross-section from FM 563 to SH 61. The project's right-of-way acquisition is scheduled for 2025 and bidding by January 20, 2028. The proposed widening and reconstruction will require the relocation of the water/wastewater and electric utilities located within the existing right-of-way. The estimated cost for the re-locations is \$220,000 for the wastewater lines, \$1,000,000 for the waterlines and \$1,250,000 for the electrical lines. HR Green will be responsible for the development of the water/wastewater plans and specifications and Texas Elite Utility will be responsible for the electric line re-locations.

A motion was made by Council Member Hebert to approve the resolution authorizing the City Manager to negotiate and execute agreements with HR Green and Texas Elite Utilities for US Highway 90 Water, wastewater and electric relocations and seconded by Council Member Brents. The motion passed 5 to 0 to 1 with all present voting yes and Council Member Simonson abstaining.

5. 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 TWO (2)-YEAR EXTENSION TO THE AGREEMENT WITH TEXAS ELITE UTILITY SERVICES, LLC.

The agreement with Texas Elite Utility Services, LLC was originally executed on April 23, 2019. The terms of the agreement included a base period of three (3) years and a two (2) year extension provided both parties agree to all terms, conditions and specifications. The City may exercise another extension in year five (5) for the next two (2) year extension. Additionally, any change in pricing for a renewal term may be adjusted by an amount not to exceed the percentage increase in the Consumer Price Index for Urban Consumers (CPIU) for the Liberty, Texas area for the latest twelve (12) month period for which the information has been compiled.

A motion was made by Council Member Hebert to approve the resolution authorizing the City Manager to execute a two (2) year extension to the agreement with Texas Elite Utilities, LLC and seconded by Council Member Brents. The motion passed 5 to 0 to 1 with all present voting yes and Council Member Simonson abstaining.

B. Work Session

1. Presentation by Fire Department

At 7:34 p.m., Mayor Pickett opened the work session for the Fire Departments presentation. Fire Chief Brian Hurst presented the following information to the Council on why the SAFER grant needed to be applied for:

- Daily Staffing requirements
- Summary of times minimum staffing was not met
- Summary of times minimum part-time staffing not met
- Daily personnel Count from October 2023 - February 2024
- Details on what the SAFER Grant would pay for
- Details on what would happen if the SAFER Grant is awarded

At 7:56 p.m., Mayor Pickett closed the work session.

C. Reconvene into 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, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT.

The Fiscal Year (FY) 2022 Staffing for Fire and Emergency Response (SAFER) Grant Program (hereafter referred to as the SAFER Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The SAFER Program provides funding directly to fire departments and volunteer firefighter organizations to assist in increasing the number of firefighters, to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate fire protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments.

The proposed SAFER Grant application allows the applicant to submit a request for three (3), six (6) or nine (9) additional firefighters, one (1), two (2) or three (3) firefighters for each shift. The grant will cover all employee expenses for three years except for the firefighters' gear, which is estimated to cost approximately \$5,500.00 per firefighter. In year four and thereafter, the cost of the additional firefighters is the responsibility of the city. The current estimated personnel cost for each firefighter is \$81,500.00 per year.

The grant application will be prepared by a grant writing service, Lexipol, at a cost of \$4,800.00.

A motion was made by Council Member Beasley to approve the resolution authorizing the City Manager to submit an application for the staffing for adequate fire and emergency response (SAFER) grant and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

D. Executive Session

At 7:57 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.

E. Reconvene into Regular Session

At 8:51 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.

No action was taken.

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

No action was taken.

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 8:53 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary