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

I. CALL TO ORDER

This meeting was called to order on April 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 Deacon Fred Lemond of the Immaculate Conception Catholic Church in 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. Bikers Against Child Abuse (B.A.C.A.), Houston Chapter Vice President Wiggles, Secretary Madhatter and member Scootch, along with B.A.C.A of Beaumont Chapter President and State PR Officer Ms. French were present to receive a proclamation for B.A.C.A Heroes Weekend April 26-28, 2024 that was read aloud and presented by Mayor Pickett.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include - Texas General Land Office, Golf Course, Water Leak Repair Schedule, and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Texas General Land Office CDMG-MIT Grant
- Golf Course
- Water Leaks
- 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 February 29, 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. The Code Enforcement report photos, the water tower project and volunteers for the Library were reviewed. Council Member Brents asked if an economic development update could be added.

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, but there is no meeting scheduled for the month of April.

E. Mayor, Council and Staff Comments

Mayor Pickett welcomed LCDC Board Member Betty Runkle to the meeting, referred to the Eclipse that occured on Monday, and thanked the City Staff for all their hard work during the Jubilee.

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

A. Minutes Approval

1. March 12, 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 AN INTERLOCAL AGREEMENT WITH WEST HARDIN INDEPENDENT SCHOOL DISTRICT FOR USE OF THE LIBERTY MUNICIPAL GOLF COURSE.

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, REJECTING THE BID AWARDED TO COMPACT TX CONTRACTING, INC FOR THE FIRE HYDRANT REPLACEMENT PROJECT.

The Fiscal Year 2024 Capital Improvement Plan included $250,000 for the Fire Hydrant Replacement Project. This project would repair/replace twenty-one (21) fire hydrants in all areas of the city. On January 18, 2024, fourteen (14) bids were received for the Fire Hydrant Replacement Project. The low bid was submitted by Compact Tx. Contracting, Inc., of Houston in the amount of $268,000.00. The company notified the City on March 12, 2024, that they would be unable to complete the project for the bid amount. As a result, the City notified Compact's bonding company regarding filing a claim against the bid bond. Compact has agreed to pay the 5% bid bond in the amount of $13,400.00 rather than having the City file a claim against the bid bond. The rejection of the bid is contingent upon receipt of payment from the bonding company or Compact Tx Contracting, Inc. The Public Works Department will begin the solicitation for new bids in late April or early May 2024.

A motion was made by Council Member Brents to approve the resolution rejecting the bid awarded to Compact Tx Contracting, Inc for the Fire Hydrant Replacement 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, REALLOCATING AMERICAN RESCUE PLAN FUNDS FROM THE NEW WATER PLANT PROJECT TO FIRE STATION NO. 2 AND REALLOCATING THE CAMBRIDGE FUNDS FOR FIRE STATION NO. 2 TO THE NEW WATER PLANT PROJECT.

The City was notified, in May 2021, of an allocation of $2,307,878.00 from the American Rescue Plan (ARP) of 2021, Coronavirus Local Fiscal Recovery Fund. These funds are being administrated by the Texas General Land Office (GLO) and require an obligation date of December 2024. The ARP funds were allocated to the New Water Plant Project to be located on the Hwy 146 Bypass. Although the City's Project Administrator and the staff have been working with the GLO to meet the necessary requirements to receive the funds, it appears that the funds will not be obligated prior to the deadline date.

In an effort to maintain the ARP funding opportunity, the project administrator, in consultation with city staff, is recommending the $2,307,878.00 of ARP funds be reallocated to the Fire Station No. 2 Project and a portion of the Fire Station No. 2 Cambridge Funds of $2,307,878.00 be reallocated to the New Water Plant Project. The total estimated cost of Fire Station No. 2 is $7,478,819.00, which includes a $5,000,000.00 grant from the Texas Department of Housing and Community Affairs. The additional funding of $170,841.00 required to complete the new fire station will continue to be allocated from the Cambridge Fund.

A motion was made by Council Member Simonson to approve the resolution reallocating American Rescue Plan funds for the New Water Plant project to Fire Station No. 2 and reallocating the Cambridge funds for Fire Station No. 2 to the New Water Plant project and seconded by Council Member Seymour. The motion passed 7 to 0 with all present voting yes.

3. AN ORDINANCE AMENDING SECTION 1.08.002, DEFINITIONS, AND SECTION 1.08.003, ADMINISTRATION, OF THE CITY OF LIBERTY CODE OF ORDINANCES; ESTABLISHING AN EFFECTIVE DATE.

The Code of Ordinances Article 1.08. Issuance of Citations, provides procedural and substantive rules relating to the issuance of citations by non-peace officers to defendants accused of violating criminal ordinances of the city. The proposed amendments would add several individuals to a list of officials who would be authorized by the City Council to issue

citations. These individuals would include the Fire Marshall or any Fire Department employee that maintains a State Certified Fire Inspector License and the Water/Wastewater Manager or his designated representative. The Fire Department employees will enforce fire code regulations for commercial buildings and the Water/Wastewater Manager will enforce grease trap regulations.
A motion was made by Council Member Beasley to adopt the Ordinance amending section 1.08.002, Definitions, and Section 1.08.003, Administration and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

4. First Reading - **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 LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S FIREWORKS PROJECT AND APPROVING THE EXPENDITURE OF FUNDS FOR SAME.**

The City has contracted with Pyro Shows of Fort Worth to provide the annual fireworks display. This year's display will be held on Wednesday, July 3, 2024. Pyro Shows has been providing fireworks displays since 2019. The cost of the display this year is $21,000, which is $5,000 more than last year. During the February 27, 2024, City Council Meeting, this item was presented to the City Council for approval. City Council directed staff to present the firework agreement and payment to LCDC for consideration. This request for LCDC to fund the July 3rd fireworks show was to relieve pressure on the general fund. At the March 19 LCDC meeting, the LCDC Board of Directors held a public hearing and voted 6-0 to approve the $21,000 expenditure for the July 3rd fireworks show. The expenditure now needs to be ratified by the City Council. The first reading of the resolution was given by City Attorney Brandon Davis

5. Second Reading - **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 LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S FIREWORKS PROJECT AND APPROVING THE EXPENDITURE OF FUNDS FOR SAME.**

The second reading of the resolution was given by City Attorney Brandon Davis. A motion was made by Council Member Simonson to approve the resolution approving the LCDC's Fireworks project and approving the expenditure of funds for the same and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

6. **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 THE 2021 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) LAYL DRIVE STREET IMPROVEMENTS PROJECT BID TO AAA ASPHALT.**

The City was awarded a 2021 Texas Community Development Block Grant (TxCDBG) contract with the Texas Department of Agriculture for street improvements on Layl Drive. On March 26, 2024, four bids were received for the repaving of Layl Drive from Avenue J to the Abbotts Creek crossing. The four bids ranged from the apparent low bid with alternatives from $220,582.50 to a high bid of $281,290.00. The apparent low bid, with Alternates No. 1 & 2, totaled $220,582.50 and was submitted by AAA Asphalt. The 2024 Street Rehabilitation Program was also awarded to AAA Asphalt. The City's match for the project is fifteen (15) percent of the total contract price. The apparent low bid is approximately $129,417.50, lower than the maximum grant amount of $350,000.00. The grant allows a change order not to exceed twenty-five (25) percent of the total contract amount. To utilize the maximum grant funds available, a change order, not to exceed $55,145.63, is anticipated after an amendment is approved by the Texas Department of Agriculture.

A motion was made by Council Member Brents to approve the resolution awarding the 2021

TxCDBG Layl Drive street improvement project bid to AAA Asphalt and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

B. Executive Session

At 6:45 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.

C. Reconvene into Regular Session

At 8:38 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 8:39 p.m.

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Carl Pickett, Mayor

ATTEST:

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April Gilliland, City Secretary