



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, May 28, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on May 28, 2024 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:01 p.m. by Mayor John Hebert.

Attendee Name	Present	Absent	Late	Arrived
Mayor John Hebert, Jr.	X			
Mayor Pro Tem Libby Simonson	X			
Council Member Dennis Beasley	X			
Council Member Tommy Brents	X			
Council Member Ed Seymour	X			
Council Member Ross Ward	X			
Council Member Debbie Dugger	X			

II. 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 Hebert welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. No comments were made.

III. REGULAR AGENDA

A. Regular Session

- 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 EXPENDITURE OF FUNDS FOR THE CONSTRUCTION OF A TEN-UNIT NESTED T-HANGAR AT THE LIBERTY MUNICIPAL AIRPORT.**

The Texas Department of Transportation (TxDOT) Aviation Division notified the City of the current and future federal funding available for the Liberty Municipal Airport. The funding availability is summarized below:

Leftover Funding (Runway Rehab)	Infrastructure Investment and Jobs Act	Non-Primary Entitlement	Total
FY 21 - \$266,600			\$266,600
	FY 22 - \$159,000		\$159,000
	FY 23 - \$145,000		\$145,000
	FY 24 - \$145,000	FY 24 - \$150,000	\$295,000
	FY 25 - \$145,000	FY 25 - \$150,000	\$295,000
	FY 26 - \$145,000	FY 26 - \$150,000	\$295,000
		FY 27 - \$150,000	\$150,000
\$266,000	\$739,000	\$600,000	\$1,605,600

The City was also requested by TxDOT to identify the projects and the appropriate fund allocation amount for each project. After reviewing the maximum funding amount and the time frame in which the funds must be expended, it was determined that the construction of a ten-unit nested T-hangar was the best use of these funds. The estimated cost of the T-hangars is \$2,200,000 which results in a funding deficiency of \$600,000.

On May 22, 2024, the LCDC Board of Directors approved the expenditure of one-half of the deficit or \$300,000 from LCDC's fund balance. The LCDC's funding of \$300,000 is contingent upon the City Council funding the remaining \$300,000.

Since a portion of the future federal and state funding will be funded in the next three fiscal years, it will be necessary for the city to fund the project for those fiscal years until all the funding is received. The total amount of future funding required is \$740,000.

Liberty's current T-hangars were constructed in 2012. As of December 13, 2023, over 45 people are on Liberty's waiting list for T-hangars.

If the T-hangars are approved for construction, the airport would generate additional revenue from t-hangar rental fees and fuel sales.

Public Comments were made by Michael Ely, Linda Street-Ely, Bruce Blake in favor of the T-hanger project at the airport. Tracy Williams and Ashleigh Morris spoke against the T-hanger project at the airport.

A motion was made by Council Member Brents to approve the resolution authorizing the expenditure of funds for the Construction of a ten-unit nested T-Hangar at the Liberty Municipal Airport and seconded by Council Member Simonson. The motion passed 7 to 0 with all present voting yes.

1. City Council hold a public hearing on the condemnation of two (2) hazardous and unsafe structures to determine if the structure should be repaired or demolished: 4310 N Main (Car Wash) and 2612 Newman.

At 6:59 p.m., Mayor Hebert opened the Public Hearing on the condemnation of two (2) 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. 4310 N Main (Car Wash)
2. 2612 Newman

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 the properties 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 two 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 both properties spoke with the council about the future intentions of their properties. At 7:20 p.m., Mayor Hebert 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 SUBSTANDARD STRUCTURES SUBJECT TO THE PUBLIC HEARING HELD ON MAY 28, 2024.

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 2021 International Property Maintenance Code. Additionally, these structures have deteriorated to a condition that they are no longer considered suitable for repair.

1. 4310 N Main (Car Wash)
2. 2612 Newman

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

A motion was made by Council Member Simonson within sixty (60) days from the date of the public hearing held on May 28, 2024, that the property located at 4310 N Main (Car Wash) is a public nuisance and public necessity requires the demolition and removal of the identified structure all the way to the dirt and seconded by Council Member Brents. The motion passed 7 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 May 28, 2024, that the property located at 2612 Newman is a public nuisance and public necessity requires the demolition and removal of the identified structure and seconded by Council Member Simonson. The motion passed 6 to 1 with Council Member Seymour voting no.

3. AN ORDINANCE AMENDING ARTICLE 1.05, BOARDS, COMMISSIONS AND COMMITTEES, DIVISION 3, AIRPORT ADVISORY BOARD, SECTION 1.05.063, APPOINTMENT AND TERM OF MEMBERS, OF THE CITY OF LIBERTY CODE OF ORDINANCES RELATED TO THE COMPOSITION OF THE AIRPORT ADVISORY BOARD; ESTABLISHING AN EFFECTIVE DATE.

Currently, the Airport Advisory Board allows for 2 residents, 2 nonresidents and 1 council person to serve as members. However, due to the difficulty of finding interested applicants who are also city residents, staff is proposing to decrease the number of residents by one and increase the number of nonresidents by one.

If approved, the new structure would allow for 1 resident, 3 nonresidents and 1 council person.

A motion was made by Council Member Dugger to table this agenda item until the June 11, 2024 meeting for further discussion and seconded by Council Member Seymour. The motion passed 7 to 0 with all present voting yes.

5. 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, RATIFYING THE LCDC'S EXPENDITURE OF FUNDS FOR A TEN-UNIT NESTED T-HANGAR AT THE LIBERTY MUNICIPAL AIRPORT.

On May 22, 2024, the LCDC Board of Directors authorized the expenditure of \$300,000 for the construction of a ten-unit nested T-hangar at the airport. The project is estimated to cost \$2,200,000 with \$1,600,000 available in state and federal funding. With a deficit of \$600,000, LCDC agreed to fund \$300,000 contingent upon the City Council funding the remaining \$300,000.

Liberty's current T-hangars were constructed in 2012. As of December 13, 2023, over 45 people are on Liberty's waiting list for T-hangars.

If the T-hangars are approved for construction, the airport would generate additional revenue from T-hangar rental fees and fuel sales.

The first reading of the resolution was by City Attorney Brandon Davis.

6. 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, RATIFYING THE LCDC'S EXPENDITURE OF FUNDS FOR A TEN-UNIT NESTED T-HANGAR AT THE LIBERTY MUNICIPAL AIRPORT.

The second reading of the resolution was given by City Attorney Brandon Davis. A motion was made by Council Member Beasley to approve the resolution ratifying the LCDC's Expenditure of funds for a Ten-unit nested T-hangar at the Liberty Municipal Airport and seconded by Council Member Ward. The motion passed 7 to 0 with all present voting yes.

7. 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 LEASE AGREEMENT WITH CLUB CAR, LLC.

The Liberty Municipal Golf Course leases forty-one (41) golf carts from Club Car, LLC. The current lease term with Club Car is 54 months and expires in October 2024. There are currently three (3) cart rental agreements between Club Car and the City. The reason for the multiple agreements was the need for additional carts when the number of players exceeded the number of carts available. The average cost per cart under these three agreements is \$131.44. The proposed lease agreement rate is \$147.29 per cart for a total of \$6,628.05 per month for all forty-five (45) carts. The term of the lease is fifty-four (54) months.

The golf carts to be furnished under this lease agreement are 2025 Club Car Golf Package models with lithium batteries. A few of the features included with each cart are chargers with power cords, driver and passenger-side sand bottles, numbering, connectivity and the city logo. The connectivity feature not only provides the golfer with a layout of each hole on a touchscreen display, it also gives the city the ability to geographically fence certain areas of the course that will disable the cart once the cart enters into the geographically fenced area. For example, a geographical fence will be placed around each green to prevent carts from being

driven on to the greens.

The anticipated delivery date of the golf carts is October 2024.

A motion was made by Council Member Simonson to approve the resolution authorizing the City Manager to execute a lease agreement with Club Car, LLC and seconded by Council Member Beasley. The motion failed 2 to 5 with Council Members Simonson and Beasley voting yes and the remaining Members voting no. Council asked that the item be brought back to the next meeting with more details regarding other quotes that were received.

B. Work Session

1. Discussion of City Park Restrooms

City Manager Tom Warner presented to Council a present regarding the Park Restrooms. The items below were discussed:

- Staffing and Cleaning Schedule
- New Concession Stand & Restrooms at the baseball and softball complexes
- Park Restrooms future plans
- T-Ball Field Restroom Proposed Improvements
- Photos of park restrooms after employees clean
- Photos of restrooms before employees clean

C. Executive Session

At 8:38 p.m., Mayor Hebert 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 9:28 p.m., Mayor Hebert 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.

IV. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Hebert adjourned the meeting at 9:28 p.m.

John Hebert, Jr., Mayor

ATTEST:

April Gilliland, City Secretary