



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, August 13, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on August 13, 2024 in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:00 p.m. by Mayor John Hebert.

A.	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. INVOCATION

Invocation was given by Council Member Ross Ward.

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 Hebert welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Mr. Charles Wiggins spoke to the Council regarding the Liberty Municipal Park. Ms. Margaret Gardzina and Ms. Sharon Kemper spoke to the Council regarding the Christmas parade and events.

V. PRESENTATIONS / REPORTS

A. Bridgehaven Children's Advocacy Center Presentation

Jeanne Marie Ewing presented to the Council Bridgehaven Children's Advocacy Center's programs offered for children in Liberty and Chambers Counties.

B. City Manager's Report - City Manager Tom Warner - Topics include - Parks Master Plan, Golf Course, Water Line Leaks and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Parks Master Plan
- Golf Course
- Water Leaks
- Electrical Projects

C. Finance Report - Assistant City Manager/CFO Naomi Herrington

Assistant City Manager / CFO Naomi Herrington reported on the City's financials as of June 30, 2024.

D. 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. Council Member Simonson praised the Library for a fantastic job with the summer reading program for the kids.

E. Sam Rayburn Municipal Power Agency - Mayor Hebert

Mayor Hebert, Board Member of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA was held on Tuesday of July in Livingston was a standard business meeting. The next meeting will be held on Tuesday, August 20, 2024, in Livingston.

F. Mayor, Council and Staff Comments

Mayor Hebert thanked Council members Dugger, Ward and Simonson for attending training in Round Rock. City Secretary Gilliland advised the council that Library Board Applications are being accepted until September 6th for consideration at the September 10 meeting. Chief Hurst showed a video from the Liberty Dayton Regional Hospital that included fire department personnel.

1. Library Board
2. Fire Department Video

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. July 11, 2024
2. July 16, 2024
3. July 17, 2024

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, AUTHORIZING THE PURCHASE OF A CHASSIS FOR AN AMBULANCE.

The proposed Fiscal Year 2024-2025 Budget includes the purchase of a new chassis and remount of Med Unit #3. The Fire Department was recently notified that Sterling McCall Ford has a chassis available for purchase. The chassis is a Ford F-350 diesel and the purchase price through Buy Board is \$67,000.00. Buy Board is a purchasing cooperative created to increase the purchasing power of government entities and to simplify their purchasing. The purchase of this chassis will allow the city to get in the queue for the body remount earlier than anticipated and reduce the delivery time.

A motion was made by Council Member Seymour to approve the resolution authorizing the purchase of a chassis for an ambulance and seconded by Council Member Simonson. 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, AUTHORIZING THE PREPAYMENT FOR A FIRE TRUCK.

In November 2023, the City issued a purchase order to Safe Industries for a new fire truck. When the purchase order was submitted, the estimated delivery time for the fire truck was approximately April/May 2025. Safe Industries has contacted the City indicating the retail unit assigned to Liberty is now showing an April 2026 delivery date. The one-year delay will push the unit into a new emission engine. The cost of the engine upgrade is approximately \$80,000.00. Safe Industries has stated they could reassign an identical unit with a September 2025 delivery date. In order to reassign the identical unit, Safe Industries will require a prepayment for the new fire truck. The cost of the new fire truck is \$835,221.00. Even though the City will lose interest on the prepayment amount, the increase in the engine cost is much less than the amount of lost interest.

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

3. AN ORDINANCE AMENDING CHAPTER 5, FIRE PREVENTION AND PROTECTION, OF THE CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 5.03, FIRE CODE; ESTABLISHING AN EFFECTIVE DATE.

During the July 9, 2024, City Council Meeting, a work session was held regarding a potential amendment to the Fire Code dealing with lock boxes, also known by the brand name as Knox Boxes. The Fire Code requires all commercial buildings to have lock boxes with keys to the building inside the box. This will allow the Fire Department to access the structure without having to damage the building in order to gain access. In 2003, the City selected the Knox Box brand as the lock box to be used throughout the city. The Knox Box is keyed specifically for the City of Liberty and no other community key will unlock the box. Over the years, the cost of the Knox Box has increased significantly. During recent Fire Inspections, several existing businesses have expressed concern over the cost of the Knox Box. At the time these businesses were opened, they should have been required to install a Knox Box before receiving a certificate of occupancy.

The following amendment to the Fire Code would address the issue regarding the installation of Knox Boxes at existing businesses.

Section 506.1. Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed **except for any commercial building construction completed prior to the passage of the ordinance. If a commercial addition/remodel permit is issued for an existing structure after the passage of this ordinance, a lock box will be required.**

For any commercial building constructed prior to the passage of the proposed ordinance, the owner will have the option to install a Knox Box. If the owner decides not to install a Knox Box, they will be required to sign a waiver releasing the City from any liability resulting from damages caused when accessing their building.

Also, existing commercial building owners may apply for a Liberty Community Development Corporation Commercial Business Utilities and Public Safety Improvement Grant. If approved, the building owner would be reimbursed 50% of the cost of the Knox Box.

A motion was made by Council Member Ward to amend the ordinance to not require lock boxes, unless state or federal required, and seconded by Council Member Brents. Members Ward and Brents voted Yes and Members Hebert, Simonson, Beasley, Dugger and Seymour voted no. The motion failed by a 2 to 5 vote.

A motion was made by Council Member Dugger to adopt the ordinance as written and seconded by Council Member Beasley. Members Simonson, Dugger, Seymour and Beasley voted yes and members Ward, Brents and Hebert voted No. Motion passed by a 4 to 3 vote.

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 EXECUTE A CHANGE ORDER FOR THE IMAGING OF PERMANENT CITY RECORDS PROJECT.

In October 2022, the City entered a contract with Ricoh to image permanent city records. The original contract was for \$146,859.70 and was based, in part, on an estimate of the number of records to be imaged. There have been two change orders in the amounts of \$16,125.13 and \$1,623.00 for a total amount of \$17,748.13. The current total amount of the contract with change orders is \$164,607.83. The original estimated cost of the project was \$150,000.00 and funds were allocated from the Cambridge Fund. The current change order is to increase the number of boxes to be imaged, an increase in the number of large format (plan) sheets to be imaged, and additional charges such as transportation pickup & return, image conversion, project management, and hand-time/labor. The estimated increase in the number of basic sheets to be imaged is 163,000 and larger format sheets is 200,750. Both of these totals are for documents that have been generated since Ricoh picked up the first set of documents for imaging. This is an estimate and will be based on the actual quantities imaged. The amount of this change order is \$58,689.15.

A motion was made by Council Member Simonson to approve the resolution authorizing the City Manager to execute a change order for the imaging of permanent city records project and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

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, AWARDED THE BID FOR THE 2024 EMERGENCY GENERATOR MAINTENANCE CONTRACT TO ARCCO COMPANY SERVICES, INC.

On August 1, 2024, two bids were received for emergency generator maintenance at various facilities. The annual cost of the existing contract is \$23,458.00, which was awarded in June 2021. Public Works prepared the bid documents with the same conditions and frequency as the current contract. The two bids were received from Arcco Company Services, Inc., of La Porte, and Rig Safe Solutions, from Magnolia. The bids from Arcco and Rig Safe were in the amounts of \$31,880.00 and \$39,375.00, respectively.

Arcco Company Services provided a bid of \$31,880.00 for three (3) years with hourly rates for regular time ranging from \$125.00 to \$135.00, nights and weekends ranging from \$187.50 to \$202.50, and for emergency call-outs from \$199.00 to \$219.00. There is also a 20% markup on parts.

A motion was made by Council Member Simonson to approve the resolution awarding the bid for the 2024 emergency generator maintenance contract to Arcco Company Services, Inc and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

B. Work Session

1. Discussion of Proposed Airport T-Hangar Project

The City was notified by TxDOT Aviation Division that we would be eligible for Capital Improvement funding in Fiscal Year 2026. This would pay for the site work for additional T-hangars. These T-hangars would be in addition to the 10 nested T-hangars already funded, or we could wait to build the current proposed T-hangars and add this funding to reduce the City's portion of funding. The consensus was to continue with the proposed project and approve to accept the Fiscal Year 2026 funding for additional T-hangars.

2. Discussion of FY 2024-2025 Budget

City Manager Tom Warner presented a budget presentation to further discuss the Proposed Fiscal Year Budget 2024-2025. Mr. Warner and Assistant City Manager/CFO Naomi Herrington reported on, and discussion was held, on the following:

- Unknowns
- General Fund Revenue
- General Fund Expenditures
- Requested Fleet
- Capital Projects
- Requested Capital
- Requested Personnel

3. Discussion of Liberty Jubilee

In the Council Budget Work Session held on July 17, 2024, it was asked to bring the topic of the Liberty Jubilee back for further discussion. Mayor Hebert would like the Jubilee to go back to the way it was, charge an entry fee, and have more volunteers to participate and less responsibility for City Staff. Council Member Ward would like to re-vamp Jubilee, making it a point of interest, such as a music festival with craft BBQ and beer contests and get more of the local organizations involved. It was mentioned that to have the 2025 Jubilee committees would need to be formed in 60 days or the 2025 Jubilee would need to be postponed.

C. Executive Session

At 8:50 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 9:49 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.

VIII. ADJOURNMENT**A. Motion To: Adjourn**

With no further business to discuss, Mayor Hebert adjourned the meeting at 9:49 p.m.

John Hebert, Jr., Mayor

ATTEST:

April Gilliland, City Secretary