



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, September 10, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on September 10, 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 Pastor Josh Hale, First United Methodist Church of 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 Hebert welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. No comments were made.

V. PRESENTATIONS / REPORTS

- A. City Manager's Report - City Manager Tom Warner - Topics include - Hardin Sewer System, Public Utility Commission, Hurricane Beryl Debris Removal, Utility Billing, Golf Course, Street Rehabilitation Program, Water Line Leaks and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Settlement Agreement with City of Hardin
- Public Utilities Commission (PUC) request for information regarding the City's response to Hurricane Beryl
- Debris Removal from Hurricane Beryl
- QR code for payment app
- Golf Course
- 2024 Street Rehabilitation Program
- 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 July 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. Mayor Hebert was concerned about all the high grass incidents on code enforcement report.

D. Sam Rayburn Municipal Power Agency - Mayor Hebert

Mayor Hebert, Board Member of the Sam Rayburn Municipal Power Agency, stated that he had nothing to report as the meeting for SRMPA will be held next Tuesday in Livingston.

E. Mayor, Council and Staff Comments

City Manager Tom Warner reminded Council about the TML Region 16 meeting and dinner on Thursday, September 12, 2024. During the TML region 16 meeting they will be voting for President, Vice President and Secretary positions as all are open. Mr. Warner also mentioned that the Library has met all the requirements to be a fully accredited Library by the Texas Library System for the 2025 Fiscal Year.

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. August 13, 2024
2. August 27, 2024

VII. REGULAR AGENDA

A. Regular Session

1. TEXAS MUNICIPAL LEAGUE (TML) REGION 16 DIRECTOR ELECTION

The City is a member of the TML Region 16 and received the ballot for the election of the

Region 16 director of the TML Board of Directors. Each TML member city is entitled to one vote, and the vote must be cast by a majority vote of the city's governing body. The city's choice by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate.

The officials listed on this ballot have been nominated to serve a two-year term on the TML Board of Directors. A brief biography of each candidate was included with the ballot.

Ballots must reach the TML office by 5:00 p.m. Central Time on October 3, 2024. Ballots received after this date cannot be counted. The ballot must be properly signed and returned. If the ballot is not signed, it will not be counted.

A motion was made by Council Member Simonson to cast the City's vote for Cindy Burchfield and seconded by Council Member Ward. 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, NOMINATING A CANDIDATE FOR THE LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

It is time again for the voting taxing units within the Liberty County Central Appraisal District to select Appraisal District Directors. These directors will serve for either a one-year term or a three-year term beginning January 1, 2025.

An Appraisal District director must reside in the Appraisal District for at least two years immediately preceding the date he or she takes office. A person may serve on the governing body of a taxing unit in the Appraisal District (i.e. City Councilman, School board trustees, County Commissioner, etc.) and still be eligible to serve as director. An employee of a taxing unit is not eligible to serve as a director unless he is also an elected official. Property Tax Code Section 6.035 prohibits a Board Member from serving if the member is related within the second degree of consanguinity or affinity to a person who is in the business of appraising property or represents property owners in proceedings in the Appraisal District. Under Section 6.036, a person is also ineligible if he, or a business that he has a substantial interest in, enters into a contract with the Appraisal District or a taxing unit in the district. Also, Section 6.035 of the Texas Property Tax Code may prohibit a person from serving if they owe delinquent taxes.

Each voting taxing unit is entitled to nominate one candidate for each of the five positions on the board. Thus, your taxing unit may nominate one to five candidates. To guarantee a position, a director must receive at least 834 votes out of 5,000 total votes.

The name(s) of your nominees must be submitted by written Resolution by October 15, 2024. Only the name(s) of the nominees received by the deadline of October 15, 2024, will be included on the official ballot which will be mailed to each voting taxing unit by October 30, 2024.

A motion was made by Council Member Dugger to name Mark Herndon as the City's nominee for the Liberty County Central Appraisal District Board of Directors 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, AWARDED THE BID FOR THE FIRE HYDRANT REPLACEMENT PROJECT.

The Fiscal Year (FY) 2024 Capital Improvement Plan included \$250,000 for the Fire Hydrant Repair/Replacement Project. There is also \$250,000 available in the Water/Wastewater Fund since there was not a Fire Hydrant/Replacement Project in FY 2023. This project would repair/replace twenty-seven (27) fire hydrants in all areas of the city. On September 5, 2024, seven (7) bids were received for the Fire Hydrant Repair/Replacement Project. The bids ranged from the apparent low bid of \$525,900 to the high bid of \$1,450,663. The low bid was submitted by Bull-G Construction, LLC., of Houston. The low bidder had a calculation error that resulted in the low bid increasing to \$527,900. The company has completed various water and wastewater projects, including fire hydrant installation, repair and replacement in the city. The additional \$27,900 to cover the total bid cost is available in the Water/Wastewater Fund.

A motion was made by Council Member Seymour to approve the resolution awarding the bid for the fire hydrant replacement project and seconded by Council Member Brents. The motion passed 7 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, SETTING THE DATE, TIME AND LOCATION FOR A PUBLIC HEARING ON THE 2024 TAX RATE.

Taxpayers must be provided the opportunity to express their views regarding the proposed tax rate. A public hearing on a tax rate may not be held before the 7th day after the date the notice of a public hearing is given. The public hearing on setting the proposed tax rate is scheduled for September 24, 2024.

A motion was made by Council Member Brents to approve the resolution setting the date, time and location for a public hearing on the 2024 tax rate to September 24, 2024, 6:00 pm at City Hall and seconded by Council Member Seymour. 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, SETTING THE PROPOSED TAX RATE FOR FISCAL YEAR 2024 – 2025.

The City's current tax rate is \$0.6204 and staff is recommending a tax rate of \$0.6139 for Fiscal Year 2025. Truth in Taxation requires that we have one Public Hearing on the proposed tax rate.

A motion was made by Mayor Hebert to approve the resolution setting the proposed tax rate for fiscal year 2024-2025 to 0.6139 and seconded by Council Member Simonson. The motion passed 5 to 2 with members Hebert, Simonson, Seymour, Beasley and Dugger voting yes and members Brents and Ward voting no.

6. CITY COUNCIL TO CONDUCT A PUBLIC HEARING ON THE PROPOSED BUDGET FOR FISCAL YEAR 2024-2025.

The governing body of a municipality is required to hold a public hearing on the proposed budget (LGC §102.006). The budget must be passed before the tax levy ordinance can be passed. Any person may attend and/or participate in the hearing. At the conclusion of the Public Hearing, the governing body shall take action on the proposed budget (LGC §102.007).

At 6:47 p.m., Mayor Hebert opened the Public Hearing on the Proposed Budget for Fiscal Year 2024-2025. City Manager Tom Warner went over the proposed budget, answering each of the Council's questions. Mayor Hebert stated that he was pleased with the proposed budget. At 7:35 p.m., Mayor Hebert recessed the Public Hearing on the Proposed Budget for Fiscal Year 2024-2025 to be continued on September 24, 2024.

B. Executive Session

At 7:45 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.
 - Library Board
4. **Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.**
Discussion regarding economic development negotiations.

C. Reconvene into Regular Session

At 8:54 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.
 - Library Board

A motion was made by Council Member Ward to Reappoint Gloria Stratton, Sandra Pickett and Sharon Brown and Appoint Lindsay Lawrence and Brittany Hudnall to the Library Board and seconded by Council Member Dugger. 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 Hebert adjourned the meeting at 8:55 p.m.

ATTEST:

John Hebert Jr., Mayor

April Gilliland, City Secretary