



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, September 24, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on September 24, 2024, in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:00 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. 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 Brents to approve all items on the consent agenda and seconded by Council Member Simonson. The motion passed 5 to 0 with all present voting yes.

- A. **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 2025 TxDOT ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT AGREEMENT.**

IV. REGULAR AGENDA

A. Executive Session

At 6:03 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 §551.074 - Personnel Matters.

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Manager Search

B. Regular Session

At 6:37 p.m., Mayor Hebert closed the Executive Session and reconvened the open meeting.

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY INCREASING WATER, WASTEWATER, SOLID WASTE RATES; ADJUSTING PERMIT FEES, CITY HALL RENTAL FEES AND GOLF COURSE FEES; AND PROVIDING FOR AN EFFECTIVE DATE.

The rate study presented to City Council in 2019 by Freese & Nichols recommended the rates for water and wastewater be raised by 8% annually, for the next six (6) years. This rate increase will be used to fund the bonds that will be required to complete the projects for the water and wastewater systems. This will be the sixth year for the increase.

Solid waste rate increases by 2% for residential services and 5% for commercial services per contract with Frontier Waste.

The staff recommends adjusting golf course fees for the following reasons: (1) eliminating weekend discounts, (2) fees being below market rate and (3) increased expenses incurred by the golf course; these expenses include additional costs related to course maintenance, equipment maintenance, chemicals, water, building maintenance and cart maintenance. The council recommended keeping the weekend discounts and raising the fees the same as the other fees.

Council Member Dugger recommended changing the city hall rental fees for Local Non-Profit w/o alcohol from \$250 to \$25 and with alcohol from \$500 to \$250.

Permit fees reduce costs for residential construction, particularly for new residential construction and residential additions.

A motion was made by Council Member Dugger to adopt the ordinance amending the master fee schedule by increasing water, wastewater, solid waste rates; adjusting permit fees, golf course fees, and city hall rental fees. The motion was seconded by Council Member Ward. The motion passed 4 to 1 with members Hebert, Ward, Dugger and Brents voting yes and Member Simonson voting no.

1. CITY COUNCIL TO CONDUCT A PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2024-2025.

At 7:20 p.m., Mayor Hebert opened the Public Hearing on the Proposed Tax Rate for Fiscal Year 2024-2025. The proposed tax rate is 0.6139 for the 2024-2025 Budget. City Manager Tom Warner went over the change that was emailed to the council for the 2024-2025 budget earlier that day. There was an additional \$75,000 increase to the budget from an agreement with Liberty County and the Fire Department allowing the proposed tax rate to be lowered to

the No New Revenue rate of 0.5917.

At 7:27 p.m., Mayor Hebert closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2023-2024.

2. CITY COUNCIL TO RECONVENE THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR FISCAL YEAR 2024-2025.

At 7:27 p.m., Mayor Hebert opened the Public Hearing on the Proposed Budget for Fiscal Year 2024-2025.

City Manager Tom Warner went over the budget sent to the Council. Council Member Brents asked if the funding for the City Manager search could possibly come from Cambridge or LCDC, not out of the General fund. City Manager Warner and Assistant City Manager Herrington went over the transfers from the utility funds to general funds. Council Member Dugger to add \$6000 to update the website's look. Mayor Hebert suggested removing the Fire Department Boat and the Weather Station from City Hall from the budget and asked how much more it would cost if the employees' cost of living adjustment was increased from 3% to 4%. City Manager Warner explained to the Council that they could approve the operating budget as is and make amendments to the budget after October 1, 2024.

At 7:58 p.m., Mayor Hebert closed the Public Hearing on the Proposed Tax Rate for Fiscal Year 2024-2025.

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; PROVIDING FOR AN EFFECTIVE DATE.

The budget is an estimate of costs, revenues and resources over the new fiscal year, serving as a plan of action for daily operations, intended expenditures and for achieving objectives. A motion was made by Council Member Simonson to adopt the ordinance for the Fiscal Year 2024-2025 budget as presented. The motion was seconded by Mayor Hebert. The motion passed 3 to 2 with members Hebert, Dugger and Simonson voting yes and Members Brents and Ward voting no.

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, RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET.

This item was passed as it was no longer required as the no new revenue tax rate was used for budgeting purposes.

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING AN AD VALOREM TAX RATE FOR FISCAL YEAR 2024-2025 AT A RATE OF \$0.5917 PER ONE HUNDRED DOLLAR (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY; PROVIDING AN EFFECTIVE DATE.

The City Council is required to vote on the tax rate for Fiscal Year 2024-2025. The proposed I & S Rate is \$0.2284, the proposed M & O Rate is \$0.3633, giving a proposed total tax rate of \$0.5917. The budget for Fiscal Year 2024-2025 was adopted previously and these tax rates were used to balance the budget.

A motion was made by Council Member Simonson to adopt the ordinance as presented with an ad valorem tax rate for fiscal year 2024-2025 at a rate of \$0.5917 per one hundred dollar (\$100) assessed valuation on all taxable property. The motion was seconded by Council Member Dugger. The motion passed 3 to 2 with members Hebert, Dugger, and Simonson voting yes and Members Brents and Ward voting no.

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, REJECTING ALL BIDS FOR THE LIBERTY CITY PARK RESTROOM AND CONCESSION STAND PROJECT.

The Fiscal Years 2022 & 2023 Capital Improvement Program included a total of \$580,000.00 to construct restroom and concession stand buildings at the baseball and softball fields located in the City Park. The funding source for these buildings was the Cambridge Fund. On September 12, 2024, three bids were received, ranging from the apparent low bid, with alternates, of \$1,023,405.00 to the high bid of \$1,198,520.00. Three alternates were included in the bid, which included the installation of a veneer stone base on the walls (add \$25,641.00), the installation of a mini-split AC unit in both concession stand areas (add \$14,664.00) and a deduction in cost for the installation of a composition shingle roof (deduct \$15,000.00) in lieu of a metal roof. The amount of additions and deductions totaled \$25,305.00. The recommended alternate to be included in the bid award is the addition of the veneer stone base on the wall at a cost of \$25,641. The alternate for the installation of the mini-split system is not recommended since it can be installed at a later date. The base bid includes the installation of a metal roof with an alternate to install a composition shingle roof. The service life of a metal roof is substantially longer than a composition shingle roof, so it is not recommended to apply this alternate to the bid award. The architect's estimated cost of construction was \$800,000.00.

The increase in the estimated construction costs is due to several factors which include approximately \$42,000.00 to meet ADA requirements in the parking lots and the installation of additional pavement around the restroom/concession stand buildings that was not included in the original estimates. Also, the overall cost of construction has increased, ranging from 22% to 30% based on construction cost trends, since the estimates were prepared in 2022 and 2023. Since the contract requires the contractor to complete construction of both buildings by March 15, 2025, this may also have an impact on the bid price.

The total cost of the project, based on the low bid and including architects' fees, is \$1,096,206.00. An additional \$516,206.00 in funding is required to complete the project. The recommended funding source for the additional funds to complete the project is the Cambridge Fund. Staff recommends awarding the bid for the Park Restroom and Concession Stand Project to the apparent low bidder, Apex Alliance, in the amount of \$1,023,741.00.

Council asked staff to consider alternatives rather than constructing new restroom/concession stand buildings.

Council was not happy with the cost of the bids and a motion was made by Council Member Brents to reject all bids for the city park restroom and concession stand project and seconded by Council Member Dugger. The motion passed 5 to 0 with all present voting yes.

C. Executive Session

At 8:39 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 10:14 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.

V. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Hebert adjourned the meeting at 10:14 p.m.

John Hebert, Jr., Mayor

ATTEST:

April Gilliland, City Secretary