



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, November 12, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on November 12, 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 Tommy Brents.

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. Ms. Sharon Kemper thanked the Council for creating the Christmas Committee and enjoys working with all the committee people to create an event that will hopefully continue in the future.

V. PRESENTATIONS / REPORTS

A. City Manager's Report - City Manager Tom Warner - Topics include - Highway 90 Widening Project, Liberty Substation Repairs, Entergy Transmission Structure Replacement, Lead & Cooper Rule, Forest Service Grant, Street Rehabilitation Program, Water Line Leaks and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- TxDOT Highway 90 expansion project
- Liberty Substation and planned power outage for December 1, 2024
- Entergy replacement of two 69KV transmission structures
- Lead and Copper Rule Improvements
- Fire Department
- Street Rehabilitation
- 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 September 30, 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.

D. Sam Rayburn Municipal Power Agency - Mayor Hebert

Mayor Hebert had nothing to report.

E. Mayor, Council and Staff Comments

Mayor Hebert thanked the City staff for completing the fiscal year 2023-2024 budget, 3 percent under budget.

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 Seymour. The motion passed 6 to 0 with all present voting yes.

A. Minutes Approval

1. October 8, 2024
2. October 22, 2024
3. October 29, 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, APPROVING A COVERED APPLICATION AND PROHIBITED TECHNOLOGY POLICY.

Senate Bill 1893, which was passed last legislative session and codified into law under Texas Government Code Chapter 620, requires a governmental entity to adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the governmental entity and requiring the removal of covered applications from those devices. The law aims to protect the state's sensitive information and critical infrastructure from potential security risks associated with these applications.

"Covered applications" include the social media service TikTok and any applications or services developed by the Chinese technology company, ByteDance, as well as any other social media applications or services identified by the Governor's proclamation. "Governmental entities" include state agencies, the judicial branch, and political subdivisions including municipalities, counties, or special purpose districts.

The Texas Department of Information Resources (DIR) has published a model policy for governmental entities which fulfills the requirements of Government Code Chapter 620 regarding the installation and use of prohibited technologies on personal devices used to conduct government business.

Governmental entities must adopt a policy that meets these legal requirements by **November 20, 2024**.

The enclosed policy meets the requirements of Senate Bill 1893.

A motion was made by Council Member Brents to approve the resolution approving a covered application and prohibited technology policy and seconded by Council Member Ward. The motion passed 6 to 0 with all present voting yes.

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND.

On October 22nd the City Council approved a resolution authorizing the submittal of a grant application to the Texas Department of Agriculture Texas Community Development Block Grant (TxCDBG) Program. When the resolution was prepared, the following sentence was inadvertently omitted:

"That the City of Liberty commits to dedicating no less than 51% of grant funds for activities identified by the state planning region as First Priority."

The revised resolution includes the above sentence.

A motion was made by Council Member Brents to approve the resolution submitting a TXCDBG Program Application to TDA for the community development fund and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

3. AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN AND A DROUGHT CONTINGENCY PLAN FOR THE CITY OF LIBERTY, TEXAS TO PROMOTE RESPONSIBLE USE OF WATER AND ESTABLISHING CRITERIA FOR THE

INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

The City received a loan through the Texas Water Development Board Clean Water State Revolving Fund Loan in 2007 for improvements to the wastewater treatment system. The most recent legislative requirement for Water Conservation and Drought Contingency Plans are outlined in 30 TAC Chapter 288. A Water Conservation Plan is required for any entity seeking loans in amounts above \$500,000 through the Texas Water Development Board (TWDB).

The two main requirements of the program are a Water Conservation Plan and a Drought Contingency Plan. The Water Conservation Plan develops continuous use strategies to reduce withdrawal from a supply source through reducing the loss or waste of water and improving the efficiency of water used. The Drought Contingency Plan's objective is to identify strategies for temporary supply and demand management in response to water supply shortages and emergencies.

In the Southeast Texas area, the need for a water conservation program is not as obvious as for Central or West Texas communities. The above average amount of rainfall in Liberty County, 60 inches $\pm$ reduces the need for outdoor watering. Ground and surface water have traditionally been available in most of the East and Southeast Texas area in abundant quantities. However, the drought cycle has periodically threatened the supply of irrigation water for Southeast Texas, as demonstrated during the 2011 drought. In future decades, such drought cycles could potentially threaten municipal and industrial water supplies unless additional surface water or groundwater supplies are developed. By taking steps to promote water conservation now, the need for drastic measures during times of drought can be lessened, as local residents will have become better educated concerning water conservation and the necessary control mechanisms will already be in place.

A motion was made by Council Member Dugger to adopt the Water Conservation Plan and Drought Contingency Plan Ordinance and seconded by Council Member Beasley. The motion passed 6 to 0 with all present voting yes.

B. Work Session

1. Discussion of an Agreement for the Temporary Closure of State Right Of Way with the Texas Department of Transportation.

The Public Works Department was assisting the Trinity Valley Exposition (TVE) in obtaining a road closure permit from the Texas Department of Transportation (TxDOT) for the parade on Main Street. TxDOT informed the City that an Agreement for the Temporary Closure of State Right of Way would be required for all future closures on State highways. The agreement would be required even if the event was sponsored by a third party. The agreement includes a physical description of the limits of the event, including names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates of each location, a brief description of the proposed activities involved, the approximate number of people attending the Event, the number and types of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved. Additionally, the local agreement shall assume all costs for the operations associated with the event, to include, but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway and highway facilities, and all traffic control and temporary signing. Council would like to speak to the state representative regarding this request before a further decision is made.

2. Discussion of pole attachment agreements.

The Pole Attachment and Distribution Inventory was recently completed, and the inventory revealed that there are 3,133 attachments on the city's electrical poles. Of the 3,133 pole attachments, 782 are AT&T, 2,343 are Comcast and 8 are others. With an accurate inventory of attachments, an agreement and annual fee for each attachment will need to be prepared. The last agreement was signed in 1990 and needs to be updated. Council would like to see what other cities are charging before a new price and agreement are made.

C. Executive Session

At 7:17 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.
Liberty County Central Appraisal District Board of Directors Election
4. **Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.**
Discussion regarding economic development negotiations.

D. Reconvene into Regular Session

At 8:51 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.

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 CANDIDATE(S) FOR THE LIBERTY COUNTY CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

A motion was made by Council Member Ward to cast the City of Liberty's 149 votes for Mark Herndon for the Liberty County Central Appraisal District Board of Directors and seconded by Council Member Seymour. The motion passed 6 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 8:53 p.m.

John Hebert Jr., Mayor

ATTEST:

April Gilliland, City Secretary