



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, December 10, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on December 10, 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. INVOCATION

Invocation was given by Reverend Delmar Lee Coward with Encounter Church.

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 - Liberty Parks and Recreation Survey, Electrical Outage, Entergy Repairs, Street Rehabilitation Program, Water Line Leaks and Electrical Projects.

City Manager Tom Warner reported on the following updates:

- Liberty Municipal Parks Master Plan
- City Wide Power Outage
- Entergy Repairs
- Street Rehabilitation Program
- Water Leaks
- Capital Improvement Program 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 October 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. Council Member Brents asked about pigs and animal control. Council Member Dugger asked if the Golf Course report could follow the fiscal year and not the calendar year. Council Member Ward asked for a month-to-month comparison of the total landings and takeoffs at the Airport.

D. Sam Rayburn Municipal Power Agency - Mayor Hebert

Mayor Hebert, Board Member of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA is held on the third Tuesday of each month in Livingston. At the last meeting, the Board released \$21 million on hold from Cambridge, giving each of the cities a \$7 million distribution each. There is still a litigation process and Cambridge still has money on hold pending the outcome of the litigation.

E. Mayor, Council and Staff Comments

Mayor Hebert thanked the Christmas event committee for putting on a great event on Tuesday, December 3. City Secretary Gilliland reminded the Council about the 2025 Election to be held on May 3, 2025. The 2025 Election is for 3 council member positions. The open positions will be for Dennis Beasley, Libby Simonson, and Debbie Dugger. Candidate packets will be ready on January 7, 2025.

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 7 to 0 with all present voting yes.

A. Minutes Approval

1. November 12, 2024

VII. REGULAR AGENDA

A. Regular Session

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM FOR THE KROGER TEXAS SETTLEMENT.

The Proposed Settlement requires Kroger to pay \$83 million ("the Settlement Amount") to Texas and its political subdivisions. Of the Settlement Amount, the vast majority is earmarked for use by Texas and its subdivisions to remediate and abate the impacts of the opioid crisis. The Settlement also contains injunctive relief provisions governing the opioid marketing as well as the sale and dispensing practices at the heart of the opioid claims in the lawsuits.

The subdivisions within Texas are entitled to decide whether they wish to participate in the settlement. Any subdivision that does not participate cannot directly share in any of the settlement funds.

As with the other opioid settlements, the Texas Comptroller of Public Accounts and the Texas Opioid Council will disburse the funds to participating political subdivisions in Texas. The deadline for participation in the settlement is December 29, 2024.

A motion was made by Council Member Simonson to approve the resolution authorizing the Mayor to execute the Texas Settlement Subdivision Participation and release form for the Kroger Texas settlement and seconded by Council Member Dugger. 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, EXTENDING THE DISASTER RECOVERY, DEBRIS MANAGEMENT AND DISPOSAL SERVICES CONTRACT WITH DRC EMERGENCY SERVICES.

The City Council previously awarded a contract for Disaster Recovery, Debris Management and Disposal Services to DRC Emergency Services. The contract is only activated when a disaster occurs. The contract allows the City to renew the contract for a period that may not exceed 3 years, or the term of the original contract, whichever is longer. Renewal of the contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. DRC Emergency Services is requesting an extension of the contract for a period of one (1) year. The terms and the conditions in the original contract will remain in effect for the duration of this contract expiring September 21, 2025.

A motion was made by Council Member Simonson to approve the resolution extending the disaster recovery, debris management and disposal services contract with DRC Emergency Services 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, ADOPTING AN UPDATED INVESTMENT POLICY.

Texas Local Government Code 2256.005 requires that the governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, a written investment policy regarding the investment of its funds and funds under its control. The Investment Policy was last updated on February 8, 2022. Although there are no recommended changes to the current policy, the investment policy requires the policy to be reviewed and approved by City Council on an annual basis.

A motion was made by Council Member Ward to approve the resolution adopting an updated investment policy and seconded by Council Member Brents. The motion passed 7 to 0 with all

present voting yes.

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AMENDING THE MASTER FEE SCHEDULE BY ADDING A POLE ATTACHMENT FEE; PROVIDING FOR AN EFFECTIVE DATE.

During the November 12, 2024, City Council Meeting, a Work Session item regarding pole attachments was discussed with City Council. 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.

A total of ten (10) municipally owned electric utilities were contacted to determine the pole attachment fee they charged. The pole attachment fees assessed ranged from \$5.00 to \$17.37 per attachment. The average fee charged by the various cities is \$10.31. The recommended fee is \$10.50/year per pole attachment. The estimated revenue from the pole attachment fee is \$32,896 per year.

A motion was made by Council Member Simonson to adopt the ordinance amending the master fee schedule by adding a pole attachment fee 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, AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE INSTALLATION OF BALL FIELD LIGHTING AT THE CITY PARK.

The City contacted Musco Lighting to evaluate the lighting systems for the ball fields at the City Park. Musco partners with organizations such as Little League, Babe Ruth and U.S. Soccer Foundation for their lighting needs. There are currently four baseball, four softball fields and two T-ball fields that are lighted with a combination of sixty-three (63) metal and wood poles. The proposal submitted by Musco includes the removal of the sixty-three (63) poles and the installation of thirty-two (32) metal poles and 147 LED light fixtures. The lighting levels will be 50 footcandles on the infield and 30 footcandles in the outfield for the baseball/softball fields. The lighting levels on the entire T-ball field will be 30 footcandles. These lighting levels are in accordance with standards established by the University Interscholastic League.

The services provided by Musco include the following:

- Factory aimed and assembled luminaries, including Ball Tracker luminaires
- 32 galvanized steel poles
- 32 Pre cast concrete bases with integrated lighting grounding
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- UL listed assemblies
- Corrosion protection
- Control-Link control and monitoring system to provide remote on/off and dimming (high/medium/low) control and performance monitoring with 24/7 customer support.
- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of maintenance costs for 25 years
- Support from Musco's Lighting Services Team
- Testing and final aiming of equipment

Delivery time of materials to the job site is estimated at 8 to 10 weeks from the time of order, submittal approval, and confirmation of order details.

The FY 2024 Capital Improvement Plan included \$700,000 to upgrade the ball field lighting. The cost proposal submitted by Musco to install the new lighting system is \$1,244,000. In order to obtain the twenty-five (25) year warranty, it will require the removal of the existing sixty-three (63) poles and the installation of the new thirty-two metal poles and concrete foundations. The removal of the existing poles and the installation of the new poles was not included in the original estimate. The poles to be removed will be retained by the city and will be used for the installation or replacement of poles in the city's electrical system.

Musco is a member of the Buy Board Purchasing Cooperative, and the prices are based on Buy Board prices.

A motion was made by Council Member Ward to approve the resolution authorizing the expenditure of funds for the installation of ball field lighting and including the third T-ball field at the city park and seconded by Council Member Brents. The motion passed 7 to 0 with all present voting yes.

6. 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 SUBMIT A GRANT APPLICATION WITH FEMA'S ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM FOR FIRE-RELATED EQUIPMENT.

The primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and non-affiliated emergency medical service organizations. AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training and other resources necessary for protecting the public and emergency personnel from fire and related hazards. The grant application will be in the amount of \$74,491.18 and will include the following equipment:

- Five (5) Personal Flir Thermal Imaging Camera
- Hand held Flir Thermal Imaging Camera
- Five (5) Gas NiMH Detector
- Rit-Pak (ties into main air supply)
- Five (5) Air-Pak SCBA with masks and bottles

Although the grant does not require a local match, there is a cost of \$5,250.00 to prepare the grant application by a firm called Lexipol.

A motion was made by Council Member Simonson to approve the resolution authorizing the City manager to submit a grant application with FEMA's Assistance to Firefighters Grant Program for fire related equipment and seconded by Council Member Beasley. The motion passed 7 to 0 with all present voting yes.

B. Executive Session

At 7:16 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.

- City Manager Search

4. Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.

Discussion regarding economic development negotiations.

C. Reconvene into Regular Session

At 8:16 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 8:17 p.m.

John Hebert, Jr., Mayor

ATTEST:

April Gilliland, City Secretary