



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, December 11, 2018

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Chipper Smith	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4303)

City Manager's Report-City Projects & Activities-City Mgr. T. Warner

- City Manager's Report Dec 2018 (DOCX)

B. Information Item (ID # 4304)

Department Reports-Monthly Dept. Activities

- Department Reports (PDF)

C. Information Item (ID # 4305)

Sam Rayburn Municipal Power Agency-Agency Activities-Mayor Pickett

D. Information Item (ID # 4306)

Mayor, Council and Staff Comments

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. Minutes Approval

1. Tuesday, November 13, 2018
2. Thursday, November 29, 2018

B. Council Action (ID # 4307)

Consider selection of Professional Engineering Services for the 2017 Community Development Block Grant-Disaster Recovery Program of the Texas General Land Office, associated to Hurricane Harvey, and for the 2017 Hazard Mitigation Grant Program associated to Hurricane Harvey through the Texas Department of Emergency Management.

C. Council Action (ID # 4308)

Consider selection of Professional Engineering Services for the 2019-2020 Community Development Block Grant Program.

VII. REGULAR AGENDA**A. Regular Session****1. Information Item (ID # 4309)**

Discussion regarding concerns with the BBQ Restaurant at 320 Main Street, by Ms. Cynthia Smith.

- Request to Address Council (PDF)

2. Council Action (ID # 4310)

Consider approval of the lease of the Liberty Municipal Park Baseball Fields, Softball Fields, and Concession Stands, to the Liberty Youth Baseball Association.

- LYBA Park Use Agreement (DOC)

3. Council Action (ID # 4311)

Consider approval of a Donation and Gift Policy.

- Donation and Gift Policy (DOCX)

4. Ordinance (ID # 4314)

Consider an Ordinance adopting Restricted Prior Service Credit in the Texas Municipal Retirement System (TMRS).

B. Executive Session

Gov. Code §551.087 - Deliberation Regarding Economic Development Negotiation.

- Discussion regarding economic development opportunities located in, or near, the City of Liberty.

Gov. Code §551.071 - Private Consultation with Attorney.

- To seek advice regarding contemplated/pending litigation.

Gov. Code §551.074 - Personnel Matters - To deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

- Discussion of an appointment to fill the unexpired term on City Council.

C. Reconvene into Regular Session**1. Council Action (ID # 4312)**

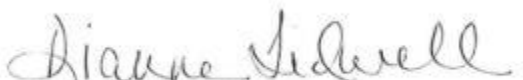
Consider and take action, if any, on contemplated/pending litigation, as discussed in the Executive Session.

2. Council Action (ID # 4313)

Consider and take action, if any, on an appointment to fill the unexpired term on City Council, as discussed in the Executive Session.

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

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 7th day of December, 2018 at 1:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.


Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2018.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4303)

DOC ID: 4303

Subject: City Manager Report

Background: This agenda item affords the City Manager the opportunity to update the Council and public on current and future City projects, activities and other items related to City business.

Memo

To: Mayor & City Council

From: Tom Warner, City Manager

Date: December 7, 2018

Re: City Manager Report

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1. On November 21st at approximately 5:00 p.m., the Water Department was notified of a water leak on Monta across the street from Liberty Elementary School. A contractor was backfilling around a water tap that they had made for the school when the waterline was damaged. Crews worked until 7:00 p.m. on Thanksgivings day to repair the leak. The water Department employees have been commended for the hard work in repairing the waterline. Additionally, appreciation is expressed to those citizens who provided lunch and cookies to the employees.
 2. The Greater East Texas Community Action Program (GETCAP) administers the Low-Income Comprehensive Energy Assistance Program for residents within the City of Liberty. The program assists six (6) to fourteen (14) low income City of Liberty residents with their monthly utility bills. The agreement provided by GETCAP requires the City to waive security deposits, reconnect fees, application fees and all other fees whenever possible. The agreement also requires the City not to consider an account delinquent if paid within forty-five days of the Agency's pledge. Additionally, if the Agency paid the customer's deposit, the deposit be repaid to them with interest. In past years, the City has marked through these item in the agreement and it has been accepted by GETCAP. However, this year, representatives from GETCAP would not accept the agreement with the changes marked through the items. None of the above requirements are waived or provided to other utility customers except some senior citizen fees. Since they are unable or unwilling to makes the changes the City has not executed the agreement.
 3. In June of this year, the United States Army Corp of Engineers (USACE) conducted an inspection of the City of Liberty Levee. The inspection was conducted as part of an effort to inventory and review the nation's levees. The inspection included data collection and visual examination of the physical features of the levee and appurtenant structures. Information from the inspection is used to inform the follow-on risk assessment and operation and maintenance and risk management activities.

The draft final report was received by the City on November 20, 2018. The overall rating of the Liberty Levee System is Minimally Acceptable; i.e., one or more items are rated Minimally Acceptable or one or more items are rated as Unacceptable. An engineering determination concluded that the Unacceptable items would not prevent the

system from performing as intended during the next flood event. Although the Liberty Levee System would likely perform as intended during the next flood event, it is recommended that the items and deficiencies identified within the report be addressed to ensure the continued good performance of the system.

The items rated unacceptable included unwanted vegetation and culverts/discharge pipes. Most of the levee was overgrown with low lying insignificant vegetation. Based on the observed conditions of the embankment during the inspection, it is not believed the vegetation present would threaten the integrity of the levee. However, excessive vegetation can impede normal operations and maintenance, inspection procedures, and limit access during flood fighting operations. It should be noted that most of the levee alignment is adjacent to the Trinity River National Wildlife Refuge (NWR) owned by the Department of Fish and Wildlife. The NWR property line extends up to the riverside levee embankment for most of the alignment and the city of Liberty is not authorized to remove the vegetation. All the drainage structures are reinforced concrete and no visual distresses were observed during the inspection. The pipes appeared to be properly aligned with minimal to no breaks in the joints. However, based on USACE inspection criteria, an unacceptable rating will be assigned if the condition of pipes has not been verified using television camera or visual inspection methods within the past five years. Therefore, this item was rated as unacceptable.

The Street & Drainage Department is reviewing the final report and will initiate a work plan to address these and other issues as outlined in the report.

4. The Country Christmas Parade was held on November 27th and included forty-four (44) entries. The parade and activities in and around City Hall were well attended and enjoyed by all.
5. The Fire Department collected \$3,000 for MDA during the “Fill A Boot” campaign.
6. The Fire Department Thanksgiving Turkey Fundraiser was also a great success. They cooked 205 turkeys and made \$7,500. These funds will be used to help the volunteers in acquiring equipment/gear.
7. The contracted work on Main A is progressing with a completion date of next year, weather permitting. The project has been slowed due the high river levels and local rainfall.
8. The wastewater project is also progressing but has also been slowed due to the weather. The contractor is continuing to micro-tunnel the sewer line on Hwy 90, refurbish the McGuire lift station, install the remaining manholes and install the sewer line behind the middle and high schools.
9. The Layl Drive CBDG Project was inspected on November 19, 2018 and is considered substantially complete. The final punch list items have been completed.
10. The property for the water well, tower pump station and ground storage tank has been acquired. The environmental assessment is currently underway and should be completed

after the first of the year. The engineer for the project is continuing the design for the various elements.

11. Electric Projects:

- a. Work in the Regency and Travis Park Subdivisions has been suspended due to the wet conditions. Work will resume when weather and ground conditions improve.
 - b. The contractor has started work in the Featherstone Addition and has been authorized to start upgrades in Whittington and Pine Place Subdivisions and replacing Live Front Transformers.
12. The City's Financial Advisor has reviewed several elements of the Utility Rate Study and has recommended several modifications to the debt service schedule. The anticipated completion date for the study is January.
13. Just a reminder the City Employee Christmas Party is scheduled for December 13, 2018.
14. Discussions are underway regarding the extension of the sanitary sewer line to serve the two companies that have acquired property on Hwy 146 North. One company has started construction and has agreed, in principal, to a potential funding proposal. The other company is currently reviewing the proposal.
15. The current provider for the City's web page and email service has notified the City that they are no longer going to be in the webpage/email business. The email service was migrated to the new system on November 19, 2018 and the new webpage went live on December 7, 2018.
16. The Gulf Coast Regional 9-1-1 Emergency Communications District has announced the availability of Text-to-9-1-1 service in Liberty County. Text-to-9-1-1 is a service that allows cell phone users to send a text message directly to 9-1-1 for assistance when they can't make a voice call.
17. The November City Council Meeting included the award of a contract for tree trimming services adjacent to electric lines. During the discussion, a question was raised if the \$90,000 allocated for tree trimming was sufficient. I failed to mention in the meeting that approximately \$361,500 had been allocated within the various project budgets for additional tree trimming services.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4304)

DOC ID: 4304

Subject: Department Reports

Background: Attached are reports compiled by various City departments regarding facts about projects, situations and activities of the individual department. These reports are submitted on a monthly basis.

All Departments Weekly Activity Report

Month Of: November 1 to November 30, 2018

Department: Fire Department **Report Prepared By:** Misty Dulaney

FULL:	(All Authorized Filled)	YES	NO
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If No, Why Not?	Sick	Vacancy	Vacation
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Explain: _____

Accomplishments For Last Week:

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____
- 6.) _____

Goals For Upcoming Week:

- 1.) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____
- 6.) _____

Repairs Completed: Potholes: _____ Water: _____ Sewer: _____
 _____ _____ _____
 _____ _____ _____

Number Of Runs: (Fire Only) In Town 41 Mutual Aid 3

Number Of Runs: (EMS Only) **911 Calls** 113 **Mutual Aid** 6

Transfers-Out of Town	30	Transfers-In Town	8	Dialysis	25
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Other Information:

Total of payments that have been received at the Fire Department for EMS is: \$37,960.47

6

EMS Payments received at Fire Department: Year to Date (fiscal): \$82,560.40

Year to Date (calendar): \$446,644.32

Liberty Municipal Library November 2018 Monthly Report

	This Month	Last Year	FY to Date
Circulation:			
Adult Print Materials Circulation	1,138	882	2,395
Juvenile Print Materials Circulation	1,499	1,317	3,368
Periodicals	20	20	59
Young Adult Print Materials Circulation	147	60	275
Adult & YA E-book Circulation	38	256	317
Adult & YA Audiobook/Video Circulation	68	12	180
Juvenile E-book Circulation	3	12	32
Juvenile Audiobook Circulation	14	4	33
Spanish Materials Circulation	23	6	71
Projectors	0	0	4
Read-alongs	10	6	16
DVDs	524	289	899
Audiobooks & Music CDs	69	51	142
Video Tapes in English	88	29	123
Video Tapes & DVDs in Spanish	0	0	6
ILLs Received from Other Libraries	1	2	3
ILLs Provided to Other Libraries	9	5	17
Total Adult & YA Circulation All Formats	1,391	1,612	3,708
Total Juvenile Circulation All Formats	1,516	1,339	3,439
Total Circulation All Formats	2,907	2,951	7,147
Reference Services:			
In-house Reference	137	130	281
Telephone Reference	100	151	223
Public Computer Assistance	114	188	260
Collection Statistics:	This Month	Last Year	FY to Date

Volumes Added to Collection	141	126	289
Volumes Removed from Collection	130	57	350
Total Volumes in Collection	53,535	52,194	53,535
Titles Added to Collection	85	71	160
Titles Removed from Collection	122	48	333
Total Titles in Collection	61,062	59,756	61,062
Cataloging:			
Books Cataloged	79	71	147
DVDs Cataloged	0	0	7
Audiobooks & Music CDs Cataloged	0	6	0
Periodicals Cataloged	52	60	124
Building Use/Programs/Public Relations:			
Meeting Room/Pavilion Use		8	14
Story Time Programs	4	3	9
Story Time Attendance	33	48	100
Misc. Children's Programs/Tours	0	0	1
Misc. Children's Programs/Tours Attendance	0	0	142
Young Adult Programs	0	0	1
Young Adult Attendance	0	0	7
Adult Programs	5	4	10
Adult Programs Attendance	39	42	90
Speaking Engagements	1	1	1
Total Programs	10	7	12
Total Attendance All Programs	72	90	248
	This Month	Last Year	FY to Date
Patron Count/Volunteers:			
New In-City Patrons	8	29	32
In-City Cards Renewed	16	23	29

In-City Cards Deleted	4	1	4
Total In-City Patrons	7,525	7,169	7,525
New Out-of-City Patrons	39	42	78
Out-of-City Cards Renewed	21	21	53
Out-of-City Cards Deleted	4	2	5
Total Out-of-City Patrons	6,612	5,955	6,612
New E-Book Users	5	2	7
Tex Share Cards Issued	0	0	0
Total Volunteers	2	2	12
Total Volunteer Hours	9.00	42.00	29.00
Traffic Count	2,770	3,590	6,080
Public Use Technology:			
Wireless Users	45	57	92
New Computer Users	44	23	99
Deleted Computer Users	0	0	0
Public Computers Users This Month	397	576	984
Hours of Patron Computer Use	348	609	796
Website Visits: Ploud,Facebook,Online Catalog		417	1,001

**City of Liberty
Public Works
Parks Department
Monthly Report November, 2018**

Work Completed:

Fields:

Work Performed: Picked up trash and maintained as needed. Mowed two times and weedeated twice.

Restrooms:

Work Performed: Washed all restrooms twice a week and cleaned and swept as needed. Replaced toilet paper and other things as needed also.

Concession Stands:

Work Performed: Picked up trash and debris around concession stands as needed every day.

Splash Pad:

Work Performed: Mowed and weedeated as needed. Maintained chemicals every day, cleaned and made sure everything was in working order. Closed for the season.

Jogging Trail:

Work Performed: Picked up limbs and trash as needed also, weedeated around trees and rocks as needed. Mowed as needed

Playground Equipment:

Work Performed: Checked and made sure all playground equipment was in good working order.

Pocket Parks:

Work Performed: Picked up trash and other debris every day. Helped Steve Duggar at Magnolia and Canfield parks construction.

Trees:

Work Performed: Cut down trees that had been twisted off or rotted throughout park. Picked up limbs as needed.

Flags:

Work Performed: Checked flags every day for damage.

Notes: Mowed Magnolia Park for contractor because the park was closed for remodel

Fixed all the hog ruts in the entire park, unfortunately they came back each night after fixing the ruts so it's an every day ordeal.

Filled in play areas with mulch and then had to fill in the ruts and mess made from tractor with sand at magnolia park.

YEARLY ACTIVITY REPORT FOR 2016													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1193	1278	1369	1378	1455	1423	1572	1850	1855	1624	1505	1445	17947
OFFENSES REPORTED	93	87	95	79	79	58	104	103	98	97	78	77	1048
OFFENSES CLEARED	24	30	16	153	48	17	19	15	40	18	26	15	421
OFFENSES EXCEPTIONALLY CLEARED	3	0	0	11	67	2	72	61	62	73	89	89	529
TRAFFIC CITATIONS	96	102	160	119	127	116	117	132	220	270	178	116	1753
TRAFFIC ACCIDENTS	28	36	33	26	29	28	26	31	27	41	31	34	370
WARNING TICKETS	44	46	15	30	27	28	32	24	81	64	31	50	472
ARRESTS	26	30	29	19	30	34	45	39	31	24	31	21	359
ANIMALS HANDLED	58	108	60	66	234	185	83	190	58	134	94	112	1382
ALARM CALLS	72	43	77	72	80	89	75	73	73	68	65	67	854
GARAGE/YARD SALES	X	X	X	X	X	X	X	16	2	1	4	1	24
YEARLY ACTIVITY REPORT FOR 2017													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1606	1515	1729	1583	1651	1728	1873	1781	1625	1426	1446	1474	19437
OFFENSES REPORTED	83	75	75	62	91	93	72	35	86	77	84	48	881
OFFENSES CLEARED	24	22	22	17	28	19	11	10	6	18	10	6	193
OFFENSES EXCEPTIONALLY CLEARED	89	91	91	92	92	94	96	96	0	98	98	98	1035
TRAFFIC CITATIONS	149	176	138	179	187	135	192	205	158	128	61	39	1747
TRAFFIC ACCIDENTS	25	22	22	32	38	34	31	17	34	36	33	37	361
WARNING TICKETS	51	53	99	68	127	242	254	246	457	196	123	208	2124
ARRESTS	29	23	34	37	35	45	26	36	31	40	31	22	389
ANIMALS HANDLED	76	100	131	115	166	132	125	121	86	111	65	106	1334
ALARM CALLS	63	57	75	68	78	76	90	102	113	77	63	61	923
GARAGE/YARD SALES	0	0	1	0	2	0	0	1	0	0	1	0	2
YEARLY ACTIVITY REPORT FOR 2018													
ACTIVITY	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL PER ACTIVITY
CALLS FOR SERVICE	1608	1141	1560	1433	1290	1560	1679	1657	1508	1553	1521		16510
OFFENSES REPORTED	74	53	62	52	50	60	72	63	68	52	69		675
OFFENSES CLEARED	35	9	6	9	8	11	10	11	15	11	21		146
OFFENSES EXCEPTIONALLY CLEARED	100	103	0	0	103	0	0	0	1	1	3		311
TRAFFIC CITATIONS	50	191	104	76	61	63	66	68	65	59	62		865
TRAFFIC ACCIDENTS	25	23	26	34	33	35	27	26	23	45	26		323
WARNING TICKETS	224	176	194	259	237	196	136	133	117	105	86		1863
ARRESTS	29	20	34	12	12	23	19	28	34	16	31		258
ANIMALS HANDLED	66	64	79	94	191	131	54	91	85	93	79		1027
ALARM CALLS	63	44	52	62	61	99	58	64	57	67	86		713
GARAGE/YARD SALES	0	0	0	0	0	0	0	0	0	1	0		1

Attachment: Department Reports (4304 : Department Reports)

**City of Liberty
Public Works
Street Department
Monthly Report
November 2018**

Streets:

Graded:	0	Miles
Swept:	11	Hours
Street cut repairs:	3	Each
Curb & Gutter Repair:	57	Feet

Drainage:

Ditch Cleaning:	300	Feet
Culvert Installation:		Feet
Catch Basin/inlets cleaned:	746	Each
Levee Inspection:	yes	
Flap gate Debris Removal:		

Spraying:

Herbicide:		Gallons
Mosquito:	274	Miles

Signs:

Installed		Each
Repaired/Replaced	2	Each

- Notes:
- Swept streets (sweeper was down most of month)
- Patched streets
- Cleaned ditch on Monta
- Sprayed Mosquitos
- Helped Water Dept. on Texas Street leak
- Helped Electric Sept. with Christmas decorations
- Had washer tournament
- Repaired street cuts
- Replaced 2 stop signs
- Cleaned inlets
- Trimmed low limbs
- Mowed on route
- Poured half of concrete cut on Travis
- Checked both Main A and B every Monday
- Helped Water Dept. on Navigation with leak
- Saw cut Bowie and Cos for repair

WATER/WASTEWATER DEPARTMENT
MONTHLY ACTIVITY

FOR THE MONTH OF NOVEMBER 2018

REPAIRS COMPLETED

5 Water Line Repairs
4 Sewer Line Repairs

WORK COMPLETED

0 Manhole Repairs
8 Sewer Stoppage
3 Meter Repair
0 Radio Replacement
3 Water Taps
1 Sewer Taps
3 Customer Problems
43 Marked Lines
43 Texas 811 Lines Locates
0 Meter Boxes Replaced
0 Meter Lids Replaced
0 Cleanouts Replaced/Installed
0 Pulled Meters
8 Customer Requested Turn On
11 Customer Requested Turn Off
11 Cut Off Service
59 Rechecks

LINE MAINTENANCE (VACCON TRUCK)

12 Hours
4,000 Feet of Sewer Line
2 Manholes Cleaned

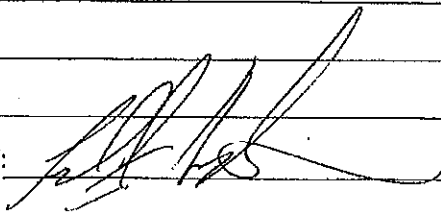
LIFTSTATION MAINTENANCE

twice weekly Liftstations Checked Each Day
Daily Water Wells Checked Each Day
10 Water Samples Taken
40 Samples for Monthly Monitoring

Chlorine Report

Misc: Radio Replacement 18

AMES R HARDIN Sewer Reading Daily

REPORT PREPARED BY: 

Attachment: Department Reports (4304 : Department Reports)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4305)

DOC ID: 4305

Subject: SRMPA Report

Background: The Sam Rayburn Municipal Power Agency supplies the wholesale electrical energy needs of the member cities of Liberty, Jasper and Livingston. Mayor Pickett is the President of the Sam Rayburn Municipal Power Agency and desires to provide the Council and the public with updates on the Agency's projects and activities.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.D

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 4306)

DOC ID: 4306

Subject: Mayor, Council and Staff Comments

Background: This agenda item relates to expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary recognitions of City officials, employees or other citizens; reminders about upcoming events organized or sponsored by the City or other entity, that is scheduled to be attended by City officials or employees, inquiry of staff regarding specific factual information or existing policies.



The City of Liberty City Council

Regular Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
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Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, November 13, 2018

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The meeting was called to order on November 13, 2018 at the City Council Chambers, 1829 Sam Houston Liberty, TX at 6:01 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Absent	
Chipper Smith	Councilperson	Present	
Tom Warner	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

There was no Invocation.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Fire Chief Brian Hurst and Police Chief Tom Claunch, respectively.

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 Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

Minutes Acceptance: Minutes of Nov 13, 2018 6:00 PM (Minutes Approval)

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4284)

City Manager Report - T. Warner, City Manager

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following:

- Recent flooding of six structures, due to high intensity rains, and a power outage at same time,
- Construction project delays at Main "A",
- Wastewater project slowed due to weather conditions,
- Layl Drive CDBG Project to be completed soon (Layl Drive)
- Property for water well, tower pump station and ground storage tank has been acquired,
- Electric projects, utility rate study, and information on other City projects and activities.

ATTACHMENTS:

- City Manager's Report-Nov 2018 (DOCX)

B. Information Item (ID # 4285)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner stated that monthly department reports are included for Council's review.

ATTACHMENTS:

- Dept Reports(PDF)

C. Information Item (ID # 4286)

Finance Report - N. Herrington, Finance Dir.

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reviewed the City's financials of an un-audited report of the fiscal year end. Ms. Herrington presented information regarding the various funds, and the status of each ending September 30, 2018. Ms. Herrington stated that the formal audit of Fiscal Year 2017-2018, to be conducted by Swaim, Brents & Associates, will begin soon.

D. Information Item (ID # 4287)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, briefly reported on Agency activities and stated the next scheduled meeting will be held on Tuesday, November 20, 2018.

E. Information Item (ID # 4288)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett reported on the recent Veteran's Program, held on Veteran's Day, at Liberty High School, complimenting the school on sponsoring such an important and meaningful event.

City Manager Tom Warner reported that the City would be closed for the Thanksgiving Holidays on Thursday and Friday, November 22 and 23. Mr. Warner reminded the Council of the Employee Christmas Dinner to be held on December 13.

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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

A. Minutes Approval

1. Tuesday, October 09, 2018

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2018-109**

Consider acceptance of Councilperson Paul Glazener's resignation from the Liberty City Council.

COMMENTS - Current Meeting:

A motion was made to accept the resignation of Council Member Paul Glazener.

ATTACHMENTS:

- Resignation Ltr-Glazener (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, Councilperson
SECONDER: Diane Huddleston, Mayor Pro Tem
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

2. Council Action 2018-110

Consider authorizing the acceptance of applications to fill the unexpired term on the Liberty City Council from November 14 - 28, 2018.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led discussion on the process for acceptance of applications to fill Councilperson Glazener's unexpired term. After brief discussion, a motion was made to advertise for interested citizens until November 28th at 5:00 p.m., using the application provided to Council.

ATTACHMENTS:

- Charter Section 3.05-Vacancies (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, Councilperson
SECONDER: Dennis Beasley, Councilperson
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

3. Council Action 2018-111

Consider approval of the Preliminary Minor Re-Plat of Lot 2 of the Wood Duck Subdivision.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that Mike and Sharon Riley, in 2016, divided this parcel of land into two tracts using the Minor Plat process, which requires no Planning and Zoning Commission approval. Mr. & Mrs. Riley currently request approval for re-platting the 6 acre tract, into three, two-acre lots for housing development. This item was before the Planning and Zoning Commission on October 24, 2018, and was approved.

A motion was made to approve the Preliminary Re-Plat of Lot 2 of the Wood Duck Subdivision.

ATTACHMENTS:

- Wood Duck Subd-Drawing 1 (PDF)
- Wood Duck Subd-Drawing 2 (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Diane Huddleston, Mayor Pro Tem
SECONDER: Libby Simonson, Councilperson
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

4. Council Action 2018-112

Consider ratifying the Liberty Community Development Corporation's action to participate in the Houston-Galveston Area Council Traffic Study for Liberty County.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the Houston-Galveston Area Council is proposing to conduct a comprehensive traffic study of Liberty County. Cost of the study is \$500,000, with H-GAC paying \$450,000. Liberty County is proposing to pay \$20,000, and is requesting that the three Liberty County Economic Development Corporations each pay \$10,000 toward the cost. The Liberty Community Development Corporation approved the local match of \$10,000, on October 23, 2018.

After brief discussion of the advantages of this study, at a minimal cost, a motion was made to pay \$10,000.00 towards the cost of the H-GAC Traffic Study for Liberty County.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

5. Council Action 2018-113

Consider authorizing an expenditure of excess Cambridge Funds for additional electrical projects.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the previously approved expenditure of \$4.0 million, in Cambridge Funds, for sixteen Phase I Electrical Projects. Those projects are scheduled to be completed by the end of the year. At the completion of these projects, it is estimated that approximately \$550,000 in unexpended funds in the original budget. The following projects are recommended to be moved from Phase II to Phase I: overhead platform transformer bank, underground primary cable and Beaumont 3 laterals. Estimated cost for these projects is \$524,000.

Following discussion, a motion was made to approve the expenditure up to \$550,000, for the projects to be moved from Phase II to Phase 1.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

6. Council Action 2018-116

Consider approval of an Ambulance Transportation Provider Agreement between the Liberty Fire Department and Liberty-Dayton Regional Medical Center (LDRMC).

COMMENTS - Current Meeting:

Fire Chief Brian Hurst explained that this agreement will ensure that Liberty Fire/EMS is first call for facility to facility transports from Liberty Dayton Regional Medical Center. After brief discussion, a motion was made to approve the agreement.

ATTACHMENTS:

- LDRMC EMS Contract (1) (DOCX)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

7. Council Action 2018-117

Consider award of bid for Power Line Tree Trimming in the City of Liberty.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that proposals were opened on November 8, 2018 for power line tree trimming services, in which only one proposal was received. After brief discussion, a motion was made to approve the proposal from Davey Tree Surgery Company, thru September 30, 2019.

ATTACHMENTS:

- Tree Trimming Rates-Davey (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

8. Council Action 2018-118

Consider authorizing an expenditure for the purchase of two (2) 4WD Kubota Tractors for the Street Department.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the Street Department is in need of replacing two (2) Kubota tractors, a 2002 and 2007 model. The request for two (2) new 4WD tractors, one with a front end loader, are budgeted items from the Fixed Asset Fund, in the amount of \$65,000. The purchase cost from H-GAC BuyBoard is \$60,921 for both.

A motion was made to approve the purchase of the two new tractors from BuyBoard.

ATTACHMENTS:

- BuyBoard-Street Dept Tractors (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, Councilperson
SECONDER: Chipper Smith, Councilperson
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

9. Council Action 2018-119

Consider award of contract for the 2019-2020 Texas Community Development Fund for Public Infrastructure Improvements.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that services were solicited to assist with the application and administration of the 2019-2020 Texas Community Development Funds, Texas Community Development Block Grant Program. Only one proposal was received from Public Management, Inc. The City will apply for such funding, amount yet to be determined, to support public infrastructure improvements.

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, Councilperson
SECONDER: Diane Huddleston, Mayor Pro Tem
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

10. Ordinance 2018-24

CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 8.05 OF THE CODE OF ORDINANCES; REGULATING JUNKED VEHICLES; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING ARTICLE 8.05 OF THE CODE OF ORDINANCES; REGULATING JUNKED VEHICLES; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

City Attorney Brandon Davis reported that the old ordinance does not track state law and also applies to not only vehicles, but also boats and airplanes. After brief discussion, a motion was made to adopt the ordinance amending Article 8.05 of the Code of Ordinances, as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Arnold, Councilperson
SECONDER:	Chipper Smith, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

11. Ordinance 2018-25

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.02, ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.02, ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS."

City Attorney Brandon Davis reported that the International Swimming Pool and Spa Code regulates the minimum requirements for the design, construction, repair and maintenance of swimming pools, spas and hot tubs. After brief discussion, a motion was made to adopt the Ordinance as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT:	Paul Glazener

B. Executive Session

Gov. Code §551.071 - Consultation with Attorney.

1. To seek advice about Pending or Contemplated Litigation - Humphreys Cultural Center.

Gov. Code §551.072 - Deliberation Regarding Real Property.

2. To deliberate the purchase, exchange, lease, or value of real property.

At 7:24 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:01 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2018-114

Consider and take action, if any, on Pending or Contemplated Litigation regarding the Humphreys Cultural Center, as discussed in the Executive Session.

RESULT: NO ACTION TAKEN

2. Council Action 2018-115

Consider and take action, if any, on the deliberation of real property, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize the purchase of property, as discussed in the Executive Session.

RESULT: APPROVED [UNANIMOUS]
MOVER: Libby Simonson, Councilperson
SECONDER: Chipper Smith, Councilperson
AYES: Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
ABSENT: Paul Glazener

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:03 p.m.

.

 Carl Pickett, Mayor

ATTEST:

 Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Nov 13, 2018 6:00 PM (Minutes Approval)



The City of Liberty City Council

Special Called Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Thursday, November 29, 2018

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

The meeting was called to order on November 29, 2018 at the City Council Chambers, 1829 Sam Houston Liberty, TX at 6:05 PM by Mayor Carl Pickett.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Absent	
Chipper Smith	Councilperson	Present	

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 Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. There were no comments from the audience.

III. REGULAR AGENDA

A. Executive Session

Gov. Code 551.074 - Personnel Matters.

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Chief of Police.

At 6:06 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

Minutes Acceptance: Minutes of Nov 29, 2018 6:00 PM (Minutes Approval)

B. Reconvene into Regular Session

At 6:40 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2018-120

Consider and take action, if any, on issues relating to the Chief of Police, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to accept the separation agreement, between the City of Liberty and the Police Chief, as discussed in the Executive Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith
EXCUSED:	Paul Glazener

IV. ADJOURNMENT

Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 6:42 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Nov 29, 2018 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.B

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: RFQs

COUNCIL ACTION (ID # 4307)

DOC ID: 4307 A

Subject: Engineering Services associated with Hurricane Harvey Recovery

Background: The City is eligible to receive CDBG funds in the amount of \$420,912 and HMGP funds in the amount of \$310,000. An infrastructure project for the CDBG funds has not been identified at this time. The HMGP funds will be utilized to begin the preliminary design for the Wastewater Treatment Plant Floodwall and Levee Project. On November 19, 2018, five proposals were received to provide engineering services for the above projects. The engineering firm for the CDBG Project will assist the City in completing the application. The application for the HMGP Project has been completed. Each firm was rated based on the relevant experience, work performance and capacity to perform. The firms receiving the highest ratings were Strand & Associates for the 2017 CDBG and HR Green for the HMGP.

Fiscal Impact: The City is responsible for 25% of the total project costs or \$105,2208 for the CDBG Project and \$77,500 for the HMGP Project.

Staff Recommendation: Staff recommends approval of both agreements.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

6.C

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: RFQs

COUNCIL ACTION (ID # 4308)

DOC ID: 4308

Subject: Engineering Services associated 2019-2020 CDBG Program.

Background: Although a project has not been identified, the City is eligible to receive CBDG funds for the 2019-2020 CDBG funding cycle. The successful engineering firm will assist the City in completing the application and design. On December 7, 2018, five proposals were received to provide engineering services for this project. The firm receiving the highest rating was Schaumburg & Polk, Inc..

Fiscal Impact: The City is responsible for 25% of the total project cost.

Staff Recommendation: Staff recommends approval of the agreement.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Miscellaneous Issues

INFORMATION ITEM (ID # 4309)

DOC ID: 4309

Subject: Citizen Complaint

Background: Ms. Cynthia Smith wishes to address the Council regarding her concerns with a BBQ Restaurant, located at 320 Main Street, near her business.



REQUEST FOR PLACEMENT OF AN ISSUE ON A CITY COUNCIL AGENDA

Regular called meetings of the City Council are held on the second Tuesday of each month at 6:00 p.m.

Special called meetings are normally held on the fourth Tuesday of each month at 6:00 p.m., or on other dates as time allows.

The deadline for an issue to be placed on the next council agenda is the Wednesday prior to the council meeting. This form must be turned in by 5:00 p.m. on this day.

Date of Submission of Request Tues., Nov. 27, 2018

Date of Council Meeting Tues., Dec. 11, 2018

Name

Cynthia Smith

Street Address

314 Main

City

Liberty

State

TX

Zip Code

77575

Telephone No.

936-336-6416

Fax No.

None

Please list below the issue that you wish to be brought before the Council.

Smoke and noxious smells from barbecue place next door at 320 Main.

This request will be reviewed by the City Manager and the requestor will be notified regarding the above-mentioned topic being placed on an agenda.

For City Use Only

Date this form given to the City Manager 10-27-2018

Date requestor was notified 11/29/18 - 9:30 a.m.

Comments Bringing flash drive - PP



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.2

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Park Issues

COUNCIL ACTION (ID # 4310)

DOC ID: 4310

Subject: Lease of Ball Fields at Liberty Municipal Park.

Background: The Liberty Youth Baseball Association (LYBA) has approached the City regarding an annual lease of the ball fields and concession stands at Liberty Municipal Park. LYBA currently leases all but two of the softball fields from February 1st to July 31st and two of the concession stands all year. Due to the popularity of fall ball, LYBA is expanding their season to encompass more of the year. The fields and concession stands would be leased to LYBA at a total monthly rate of \$1,760.00. The rate currently covers the City's cost for electricity and water. In addition, LYBA would continue to maintain the fields and be allowed to sublet the fields to select teams when not in use by the league. Currently, select teams come to the City to reserve a field(s) and the pay the fee directly to the City. The agreement also states that LYBA shall not unreasonable prohibit a team(s) for leasing a field. A copy of the proposed lease agreement is enclosed.

Fiscal Impact: None

Staff Recommendation: Staff recommends approval of the lease agreement.

LYBA PARK USE CONTRACT

This contract is executed by the CITY OF LIBERTY, TEXAS (“CITY”), and the LIBERTY YOUTH BASEBALL ASSOCIATION (“LYBA”), acting by and through its duly authorized President. The consideration for the execution of this contract is the benefits accruing to each party under the terms of this document.

1.

The purpose for this contract is to provide for the rental, use, care and maintenance of baseball/softball facilities owned by the CITY including sports fields, concession stands, and restrooms. Under this agreement the CITY is leasing to LYBA the use of four (4) baseball fields, five (5) softball fields, three (3) t-ball fields, and three (3) concession stands.

2.

This contract shall be for the period commencing January 1, 2019, through December 31, 2019. LYBA shall submit a request for renewal to the CITY at least (45) days prior to the expiration of this contract.

3.

The following obligations are those of LYBA during the term of this contract. LYBA shall:

- a. LYBA shall pay the CITY a monthly fee of \$1,760 by the first of each month for use of the fields as specified in this agreement.
- b. Provide all labor and equipment needed for field area maintenance and mowing.
- c. LYBA shall be responsible for ensuring that the fields and surrounding areas are kept in a clean and orderly manner. The CITY encourages LYBA to adopt rules or policies to require individual teams to police and clean up their respective areas following each game. In this way, those

who leave trash will be obligated to pick it up before leaving, and hopefully this will encourage the proper disposal of trash.

- d. Provide concession stand equipment and inventory as LYBA may elect. LYBA shall pay all expenses with respect to utilization of the concession stands. Likewise, all profits shall be the sole property of LYBA. LYBA shall bear the loss of any of its equipment and/or inventory. LYBA shall clean the inside of the concession stands after each use.
- e. LYBA shall have the authority to use the concession stands for sales at other events that may be scheduled and supervised by LYBA. LYBA shall have authority to sublease the concession stand for other events, provided that said sublease is not for an amount of money greater than the amount charged to LYBA by the CITY. At such times, it shall be the obligation of LYBA to clean up the concession stand areas, and if the event held is under the authority or auspices of LYBA, then the other terms and provisions of this contract shall apply to such events.
- f. Close and lock the facilities when any function extends later than any designated City closing time for the park.
- g. Turn off the lights at all fields, concession stands, and restrooms prior to leaving the park. LYBA is also responsible for ensuring that all lights are turned off and facilities are locked when they sublease the facilities to other groups.
- h. Account to the CITY for all keys to facilities. This is to avoid unauthorized access and unauthorized use of keys.
- i. Scheduling use of the facilities shall be handled by LYBA. LYBA will make fields available to all interested parties providing there is not a

conflict with a LYBA scheduled event. LYBA shall be allowed to charge said interested parties for the sublease at the same rates set forth in CITY's master fee schedule. The CITY will be provided and have a schedule of events and uses, including scheduling contact person with LYBA available at the City Hall, so that information may be available to the public on available times for the facilities. The CITY and LYBA shall cooperate so as to have complete schedules available at all times. Should there be scheduling or other conflicts that cannot be resolved between LYBA and any other party, the City Manager's office will resolve the conflict and his/her decision will be final.

- j. LYBA shall have no authority to make any additions or alterations to the facilities without the prior written consent and authorization of the CITY. All improvements and additions made at the park shall become a part of the park where made and shall be the property of the CITY.
- k. Properly turning off and locking of electrical boxes.
- l. LYBA shall be responsible for maintaining and repairing all batting cages installed at the park.
- m. Provide mowers, tillers, sprinklers, water hoses, rakes, shovels and tools necessary for the proper care and maintenance of the ballpark facilities.
- n. Maintain in force during LYBA's use of all or any part of the designated facilities the coverages generally referred to and described in Exhibit "A". The CITY shall be named as an insured on such policy.
- o. In the event this contract is not renewed, LYBA shall remove all its equipment, advertising signs and supplies within thirty (30) days of expiration of this contract.

4.

LYBA shall have the authority to place or cause to be placed advertising signs along the outfield fences of all ball fields. Such signs shall be neatly painted and maintained and shall be a standard size as established by the City Manager. These signs shall be erected pursuant to the directions and specifications of the City Manager. All signs must be pre-approved by the City Manager. All advertising revenues received by LYBA from the erection of the signs shall be used by LYBA to promote and carry out LYBA activities.

5.

The following obligations are those of the CITY during the term of this contract. The City shall:

- a. Clean the restrooms on a routine schedule.
- b. Provide trash/garbage barrels to be located at such intervals and in such locations as the CITY may elect on the facilities in order to encourage proper trash disposal. CITY shall be responsible for emptying the trash receptacles on a routine basis.
- c. The CITY provides all maintenance outside of the baseball/softball/t-ball diamond fenced area.
- d. CITY shall maintain the parks lights and shall repair or replace same when needed.

6.

CITY and LYBA shall discuss any future repairs or improvements to the facilities at the park on a case by case basis.

7.

This contract shall be administered by the City Manager, who shall report from time to time to the City Council. In the event of breach of this contract by

LYBA, the CITY shall have the unilateral authority, at any time, after ninety (90) days prior written notice to the President of LYBA, to terminate this contract in its entirety, whereupon LYBA shall have no further right or privilege to the use, possession or occupancy of the designated facilities, and shall promptly remove all of its inventory and equipment there from, including all advertising signs.

8.

Should any part of this contract conflict with a statute, rule or regulation (including those applicable through the Texas Parks and Wildlife Department), such statutes, rules and regulations shall prevail.

9.

LYBA SHALL INDEMNIFY, PAY AND HOLD THE CITY OF LIBERTY HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS OR CAUSES OF ACTION ARISING OUT OF OR INCIDENTAL TO LYBA'S USE OF THE PROPERTIES THE SUBJECT OF THIS CONTRACT. SUCH INDEMNITY SHALL EXTEND TO AND INCLUDE THE PAYMENT OF THE CITY'S ATTORNEY'S FEES AND COSTS AS THEY ARE INCURRED BY THE CITY.

EXECUTED IN DUPLICATE ORIGINALS and shall be effective after it is signed by both the CITY and LYBA.

CITY OF LIBERTY, TEXAS

By: _____

Carl Pickett, Mayor

SIGNED _____, 2018

ATTEST:

Dianne Tidwell, City Secretary

LIBERTY YOUTH BASEBALL ASSOC.

By: _____

President

SIGNED _____, 2018

ATTEST:

Secretary

Attachment: LYBA Park Use Agreement (4310 : Lease of Ballfields at Park)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.3

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Policy Issues

COUNCIL ACTION (ID # 4311)

DOC ID: 4311 A

Subject: Donation and Gift Policy

Background: The City was recently contacted by a resident who wished to install a bench near the pond at Liberty Municipal Park in memory of her son. The City does not currently have a policy regarding the donation of items. The proposed policy establishes a formal process for acceptance and documentation of donations to the City. The policy provides guidance when individuals, community groups and businesses wish to make donations to the City. The policy also establishes the standards for City employees and City officials regarding the acceptance of gifts during the performance of City business. A copy of the policy is enclosed.

Fiscal Impact: None.

Staff Recommendation: Staff recommends approval of the Donation and Gift Policy.

CITY OF LIBERTY

DONATION AND GIFT POLICY

Section 1. Purpose

The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. This policy also establishes the standards for City employees and City officials regarding the acceptance of gifts during the performance of City business.

Section 2. Types of Donations

Donations may be offered in the form of cash, real or personal property. Designated donations mean those donations that the donor specifies for a particular City department, location, or purpose. Undesignated donations mean those donations that are given to the City for an unspecified use.

Section 3. Consistency with City Interests

Designated donations may only be accepted when they have a purpose consistent with the City's goals and objectives and are in the best interest of the City of Liberty. The City must always consider the public trust and comply with all applicable laws when accepting donations.

Section 4. Acceptance of Undesignated Donations of Cash or Tangible Items

All donations to the City shall be submitted for consideration for acceptance. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be derived warrant acceptance of the donation. The following are the threshold amounts for donation acceptance.

- a. Offers of donations of cash or items valued up to \$10,000 may be accepted on behalf of the City by the City Manager.
- b. The acceptance of offers of donations of cash or items valued at more than \$10,000 must be made by the City Council.

Section 5. Acceptance of Designated Donations of Cash or Tangible Items

Based on the value of the donation offer as outlined in Section 4 above, appropriate City staff will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Criteria for the evaluation include but are not limited to:

- a. Consideration of an immediate or initial expenditure is required in order to accept the donation;
- b. The potential and extent of the City's obligation to maintain, match, or supplement the donation.

Section 6. Declined Donations

The City of Liberty reserves the right to decline any donation or gift.

Section 7. Control over Gifts and Donations

The City Manager shall have the right and authority to determine the location and placement of any donated items. Additionally, the City Manager must approve of any language or designs placed on the donated items.

APPROVED BY THE CITY OF LIBERTY CITY COUNCIL ON
_____.

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Miscellaneous Issues

ORDINANCE (ID # 4314)

DOC ID: 4314 A

Subject: Restricted Prior Service Credit.

Background: Employees retiring from the City of Liberty, in the Texas Municipal Retirement System (TMRS), must have twenty (20) years of service at any age or five (5) years of service and sixty (60) years in age. Employees may use prior year service with another TMRS City if they have not cashed out their retirement contribution. Currently there is an eleven (11) year employee, who although is eligible for a disability retirement, is not eligible for retirement under normal conditions. Additionally, due to TMRS policies, the employee is limited in the choice of retirement options since the minimum service time and age requirements are not met. This employee has over ten (10) years of service with another TMRS City but has cashed out the retirement contribution. By adopting the Restricted Prior Service Credit, this employee, as well as other employees, will be able to retire with twenty (20) years of service with all the various retirement options available. Since Restricted Prior Service Credit only considers the time spent with another TMRS member City, there is no additional expense to the City of Liberty.

Fiscal Impact: NA

Staff Recommendation: Staff recommends adopting the Restricted Prior Service Credit.

TMRS-RPSC

**TEXAS MUNICIPAL RETIREMENT SYSTEM**

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, RESTRICTED PRIOR SERVICE CREDIT TO EMPLOYEES WHO ARE MEMBERS OF THE SYSTEM FOR SERVICE PREVIOUSLY PERFORMED FOR VARIOUS OTHER PUBLIC ENTITIES FOR WHICH THEY HAVE NOT RECEIVED CREDITED SERVICE; ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS:

Section 1. Authorization of Restricted Prior Service Credit.

(a) On the terms and conditions set out in Sections 853.305 of Subtitle G of Title 8, Texas Government Code, as amended (hereinafter referred to as the "TMRS Act"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who is now or who hereafter becomes an employee of this City shall receive restricted prior service credit for service previously performed as an employee of any of the entities described in said Section 853.305 provided that (1) the person does not otherwise have credited service in the System for that service, and (2) the service meets the requirements of said Section 853.305.

(b) The service credit hereby granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of Updated Service Credits.

(c) A member seeking to establish restricted prior service credit under this ordinance must take the action required under said Section 853.305 while still an employee of this City.

Section 2. This ordinance shall become effective on the first day of January, 2019.

Section 3. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two separate days is hereby dispensed with.

Passed and approved this the 11th day of December, 2018.

ATTEST:**APPROVED:**

Dianne Tidwell, City Secretary

Carl Pickett, Mayor



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.C.1

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 4312)

DOC ID: 4312

Subject: Action Taken Following an Executive Session

Background: A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.C.2

Meeting: 12/11/18 06:00 PM

Department: Administration
Category: Executive Session Items

COUNCIL ACTION (ID # 4313)

DOC ID: 4313

Subject: Action Taken Following an Executive Session

Background: A vote on a matter deliberated in a closed session may only be made in an open meeting that is held in compliance with the notice provisions.