# The City of Liberty
## City Council

**Regular Meeting**

**~ Minutes ~**

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**

## I. CALL TO ORDER

| 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 | |
| Chipper Smith | Councilperson | Present | |
| Tom Warner | City Manager | Present | |
| Dianne Tidwell | City Secretary | Present | |
| Brandon Davis | City Attorney | Present | |

## II. INVOCATION

The Invocation was given by Bryant Perkins, Liberty Church of Christ.

## III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Fire Chief Brian Hurst and Interim Police Chief Gary Martin, 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.

# V. PRESENTATIONS / REPORTS

### A. Information Item (ID # 4303)

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

**COMMENTS - Current Meeting:**

City Manager Tom Warner reported on numerous City projects and activities to include:

- a recent major rain event, with minor street flooding
- levee Inspection by the Corps of Engineers
- 44 entries in the Country Christmas Parade
- new City webpage up for viewing
- Fire and Police Department events for children and seniors
- Community Development Block Grant sanitary sewer line replacement for Layl Drive area is complete,
- other activities.

**ATTACHMENTS:**

- City Manager's Report Dec 2018 (DOCX)

### B. Information Item (ID # 4304)

Department Reports-Monthly Dept. Activities

**COMMENTS - Current Meeting:**

Mr. Warner spoke to the monthly departmental reports and, upon Council's request, will provide a comparison of prior years activities from the Inspection Department.

**ATTACHMENTS:**

- Department Reports (PDF)

### C. Information Item (ID # 4305)

Sam Rayburn Municipal Power Agency-Agency Activities-Mayor Pickett

**COMMENTS - Current Meeting:**

Mayor Pickett, President of the SRMPA, reported that included in the Council packet are the minutes of the September and October meetings of the Agency and an unaudited financial statement, for the year ending September 30, 2018. The next meeting will be held on December 18th in Livingston.

### D. Information Item (ID # 4306)

Mayor, Council and Staff Comments

**COMMENTS - Current Meeting:**

Fire Chief Brian Hurst reported on two (2) recent fires in the City.

# 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 to approve the Consent Agenda, to also include the names of the engineers for the 2017 Community Development Block Grants; Strand & Associates for the 2017 Community Development Block Grant-Disaster Recovery Program of the General Land Office and HR Green for the Hazard Mitigation Grant Program through the Texas Department of Emergency Management; and Schaumburg & Polk for the 2019-2020 Community Development Block Grant Program.

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

### *A. Minutes Approval*

**1.** Tuesday, November 13, 2018

**2.** Thursday, November 29, 2018

### B. Council Action 2018-122

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 2018-123

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.

**COMMENTS - Current Meeting:**

Ms. Cynthia Smith, Liberty Gazette, addressed the Council, also providing a PowerPoint presentation, regarding her issues and concerns with the new BBQ Restaurant at 320 Main

Street. Discussed was the smoke from the restaurant invading her business, the City's building codes, and other related issues. Ms. Smith was informed that the business did meet all of the City's codes and requirements, and suggested that the Ms. Smith and the business owner meet and discuss these matters in an effort to resolve their differences.

**ATTACHMENTS:**

- Request to Address Council (PDF)

### 2. Council Action 2018-124

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

**COMMENTS - Current Meeting:**

City Manager Tom Warner reported this annual lease to LYBA for use of the ball fields and concession stands is for a total monthly rate of $1760.00. This fee covers the City's cost for electricity and water. LYBA will maintain the fields and be allowed to sublet the fields to select teams when not in use by LYBA.

A motion was made to approve the lease, subject to providing the city with the proper insurance documents.

**ATTACHMENTS:**

- LYBA Park Use Agreement (DOC)

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

### 3. Council Action 2018-125

Consider approval of a Donation and Gift Policy.

**COMMENTS - Current Meeting:**

City Manager Tom Warner explained that the proposed Donation and Gift Policy establishes the process for acceptance and documentation of donations to the City, and also establishes standards for City employees and officials regarding the acceptance of gifts during the performance of City business.

A motion was made to approve the Donation and Gift Policy.

**ATTACHMENTS:**

- Donation and Gift Policy (DOCX)

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Libby Simonson, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Simonson, Arnold, Smith |

### 4. Ordinance 2018-26

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

**COMMENTS - Current Meeting:**

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

"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."

City Manager Tom Warner reported that this Ordinance will allow the City employees to use their time with other TMRS member cities in reaching their retirement eligibility, if they have not cashed out their retirement contribution. Mr. Warner explained that the restricted prior service credit only considers time spent, so there is no additional cost to the City of Liberty.

A motion was made to adopt the Ordinance as presented.

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| **RESULT:** | **ADOPTED [UNANIMOUS]** |
| **MOVER:** | Libby Simonson, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Simonson, Arnold, Smith |

### *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.

At 7:00 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

### *C. Reconvene into Regular Session*

At 8:07 p.m, Mayor Pickett closed the Executive Session and reconvened the open meeting.

#### 1. Council Action 2018-121

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

**COMMENTS - Current Meeting:**

See the following agenda item regarding action taken in relation to this Executive Session item.

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| **RESULT:** | **NO ACTION TAKEN** |

#### 2. Resolution 2018-9

CONSIDER APPROVAL OF A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, AUTHORIZING THE MAYOR TO SIGN THE LEGAL PAPERS NECESSARY TO DEED THE BRANCH CEMETERY PROPERTY TO LIBERTY COUNTY, TEXAS.

**COMMENTS - Current Meeting:**

A motion was made to approve a Resolution deeding the Branch Cemetery to Liberty County.

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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Libby Simonson, Councilperson |
| **SECONDER:** | Dennis Beasley, Councilperson |
| **AYES:** | Pickett, Huddleston, Beasley, Simonson, Arnold, Smith |

#### 3. Council Action 2018-126

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

**COMMENTS - Current Meeting:**

An appointment was not made, therefore, the vacancy will be filled by Special Election at the next uniform election date, being May 4, 2019.

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| **RESULT:** | **NO ACTION TAKEN** |

## VIII. ADJOURNMENT

**A. Motion To:** Adjourn

**COMMENTS - Current Meeting:**

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:09 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary