



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, January 8, 2019

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

An Invocation was not given.

III. PLEDGE OF ALLEGIANCE

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

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

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.

At this time, Mayor Pickett moved directly to the Executive Session as posted below.

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

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

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

- Discussion of the appointment of a Police Chief.

At 6:03 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4330)

City Manager's Report-City Projects & Activities - City Mgr. Tom Warner

COMMENTS - Current Meeting:

Fire Chief Brian Hurst reported on a residential fire on Lawrence Street, in which members of the Department saved the life of a resident in the home. Chief Hurst expressed pride and appreciation in his employees for their dedication. Mr. Warner asked that the Fire Chief give his report first, as he needed to depart for a meeting at the Fire Department.

City Manager Tom Warner reported on various City activities and events to include recent power outages: 1) storm causing outage in the Boomerang area, 2) outage due to Entergy losing transmission lines, and 3) vehicle hit pole on Hwy. 90. Mr. Warner also mentioned AMI System (electric & water Meters) moving from server to the cloud and the financial report for November, 2018.

ATTACHMENTS:

- City Manager's Report January 8 2019 (DOCX)

B. Information Item (ID # 4331)

Department Reports - Monthly Dept. Activities

COMMENTS - Current Meeting:

There were no comments regarding the department reports.

ATTACHMENTS:

- PD Monthly Report (XLS)

C. Information Item (ID # 4332)

Sam Rayburn Municipal Power Agency-Agency Activities - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported that the City had received a disbursement of funds in the amount of \$3 million, from the Agency's Cambridge Project.

D. Information Item (ID # 4333)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

There were no comments.

VI. CONSENT AGENDA

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

A. Minutes Approval

1. Tuesday, December 11, 2018

VII. REGULAR AGENDA**A. Executive Session**

This agenda item was taken up by the Mayor directly following the acknowledgement of guests and visitors, at 6:03 p.m. Please see Agenda Item IV.

B. Reconvene into Regular Session

At 6:41 p.m., Mayor Pickett adjourned the Executive Session and reconvened the open meeting.

1. Council Action 2019-1

Consider and take action, if any, on economic development negotiations as discussed in the Executive Session.

RESULT:	NO ACTION TAKEN
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2. Council Action 2019-2

Consider and approve the appointment of a Police Chief, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to appoint Interim Police Chief Gary Martin as Chief of the Liberty Police Department.

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

3. Ordinance 2019-1

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2019 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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. CONSIDERE LA ADOPCIÓN DE UNA ORDENANZA DEL MUNICIPIO DE LA CIUDAD DE LIBERTY, TEXAS, ORDENA UNA ELECCIÓN MUNICIPAL GENERAL QUE SE LLEVARÁ A CABO EL DÍA 4 DE MAYO DEL 2019, CON EL PROPÓSITO DE ELEGIR TRES MIEMBROS DEL CONSEJO; AUTORIZANDO UN ACUERDO DE ELECCIÓN JUNTA ELECTORAL Y LOS CONTRATOS DE SERVICIOS POR/ENTRE LA CIUDAD DE LIBERTY, EL DISTRITO ESCOLAR INDEPENDIENTE DE LIBERTY, CALQUIER OTRA ENTIDAD DE CONTRACCIÓN Y EL SECRETARIO DEL CONDADO DE LA CIUDAD DE LIBERTY, PROVEYENDO UNA VOTACIÓN ADELANTADA; PROVEYENDO DOS DÍAS DE DOCE HORAS DE VOTACIÓN ADELANTADA; PROVEYENDO LA PUBLICACIÓN Y NOTIFICACIÓN DE ELECCIÓN; ESTABLECIENDO OTROS PROCEDIMIENTOS PARA LA REALIZACIÓN DE LA ELECCIÓN; PROVEYENDO UNA CLÁUSULA DE SEPARACIÓN, PROVEYENDO UNA FECHA EFECTIVA; Y PRESCINDIENDO CON LOS REQUISITOS DE LA SECCIÓN 3.10 DE LA CARTA CONSTITUCIONAL QUE ESTA ORDENANZA SE LEERÁ EN DOS DÍAS SEPARADOS.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2019 FOR THE PURPOSE OF ELECTING THREE COUNCILMEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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."

Brief discussion was held regarding the election to include those Council Members whose terms expire are Dennis Beasley, Diane Huddleston and Libby Simonson. A motion was made to

adopt the Ordinance ordering a General Election to be held on May 4, 2019.

ATTACHMENTS:

- 2019 Election Agreement (DOCX)

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

4. Ordinance 2019-2

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2019 FOR THE PURPOSE OF VOTER CONSIDERATION TO FILL A VACANCY ON THE CITY COUNCIL; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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. CONSIDERE LA ADOPCIÓN DE UNA ORDENANZA DEL MUNICIPIO DE LA CIUDAD DE LIBERTY, TEXAS, ORDENA UNA ELECCIÓN MUNICIPAL ESPECIAL QUE SE LLEVARÁ A CABO EL DÍA 4 DE MAYO DEL 2019, CON EL PROPÓSITO CONSIDERACIÓN DE VOTANTE UN PUESTO VACANTE EN EL AYUNTAMIENTO; AUTORIZANDO UN ACUERDO DE ELECCIÓN JUNTA ELECTORAL Y LOS CONTRATOS DE SERVICIOS POR/ENTRE LA CIUDAD DE LIBERTY, EL DISTRITO ESCOLAR INDEPENDIENTE DE LIBERTY, CALQUIER OTRA ENTIDAD DE CONTRACCIÓN Y EL SECRETARIO DEL CONDADO DE LA CIUDAD DE LIBERTY, PROVEYENDO UNA VOTACIÓN ADELANTADA; PROVEYENDO DOS DÍAS DE DOCE HORAS DE VOTACIÓN ADELANTADA; PROVEYENDO LA PUBLICACIÓN Y NOTIFICACIÓN DE ELECCIÓN; ESTABLECIENDO OTROS PROCEDIMIENTOS PARA LA REALIZACIÓN DE LA ELECCIÓN; PROVEYENDO UNA CLÁUSULA DE SEPARACIÓN, PROVEYENDO UNA FECHA EFECTIVA; Y PRESCINDIENDO CON LOS REQUISITOS DE LA SECCIÓN 3.10 DE LA CARTA CONSTITUCIONAL QUE ESTA ORDENANZA SE LEERÁ EN DOS DÍAS SEPARADOS.

COMMENTS - Current Meeting:

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

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A SPECIAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2019 FOR THE PURPOSE OF VOTER CONSIDERATION TO FILL A VACANCY ON THE CITY COUNCIL; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK; PROVIDING FOR EARLY VOTING; PROVIDING FOR TWO TWELVE-HOUR DAYS OF EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; 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."

Brief discussion was held regarding the Special Election and the vacancy left by the resignation of former Council Member Paul Glazener. There will be one year remaining of his two-year term.

A motion was made to adopt the Ordinance ordering a Special Election to be held on May 4, 2019, to fill the vacancy on City Council.

ATTACHMENTS:

- 2019 Election Agreement (DOCX)

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

5. Ordinance 2019-3

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2019; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE; AND DECLARING 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 OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. AT THE PUBLIC UTILITY COMMISSION OF TEXAS IN 2019; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND DECLARING AN EFFECTIVE DATE; AND DECLARING 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."

This Ordinance authorizes municipal participation in regulatory rate proceedings involving Entergy Texas, Inc. before the Public Utility Commission of Texas. A motion was made to adopt the Ordinance as presented.

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

6. Ordinance 2019-4

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AMENDING ARTICLE 13.03 OF THE CODE OF ORDINANCES; REGULATING WATER AND SEWER LINE EXTENSION; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL 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 OF THE CITY OF LIBERTY, TEXAS AMENDING ARTICLE 13.03 OF THE CODE OF ORDINANCES; REGULATING WATER AND SEWER LINE EXTENSION; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCE BE READ ON TWO SEPARATE DAYS."

A motion was made to adopt the Ordinance regulating the extension of water and sewer lines to serve individual property or development.

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

7. Resolution (ID # 4340)

First reading of a Resolution approving a Liberty Community Development Corporation grant to PLC Construction.

COMMENTS - Current Meeting:

City Attorney Brandon Davis read aloud the entire Resolution regarding a grant to PLC Construction for a sewer line extension to the PLC property; an extension of approximately 3,000 feet. The LCDC will fund \$380,00.00 of the total \$464,200 of the extension to the southern boundary of PLC's property. PLC will bear the cost of the extension from the southern boundary to the property's northern boundary for a cost of \$84,200.00. Two readings of this document are required by Texas Local Government Code §505.158, prior to an expenditure of more than \$10,000 for a Type B Economic Development Corporation project.

This was the first reading of the Resolution.

ATTACHMENTS:

- PLC Performance Agreement (DOCX)

RESULT: MOVED FORWARD ON FIRST READING**8. Resolution (ID # 4341)**

First reading of a Resolution approving the Liberty Community Development Corporation Levee Repair Project

COMMENTS - Current Meeting:

City Attorney Brandon Davis read aloud the entire Resolution regarding repairs to the Main "B" Levee due to slope failure during Hurricane Harvey, from Bowie Street to the west approximately four hundred (400) feet. The project cost is approximately \$193,362.68 to be funded by the Liberty Community Development Corporation (LCDC), which FEMA may reimburse the LCDC for a majority of the cost, with LCDC being only responsible for a 10% match of \$31,274.00. Two readings of this document are required by Texas Local Government Code §505.158, prior to an expenditure of more than \$10,000 for a Type B Economic Development Corporation project.

This was the first reading of the Resolution.

RESULT: MOVED FORWARD ON FIRST READING**9. Resolution (ID # 4342)**

First Reading of a Resolution approving the Liberty Community Development Corporation's purchase of a tractor and slope mower for the park.

COMMENTS - Current Meeting:

City Attorney Brandon Davis read aloud the entire Resolution regarding the purchase of a tractor and slope mower for maintenance of drainage ditches at the Liberty Municipal Park(s). The cost is \$155,447.40, with the Street Department contributing \$31,717.00 of budgeted funds towards the purchase. The Liberty Community Development Corporation would fund the remaining \$123,730.40 for the purchase of this equipment. Two readings of this document are required by Texas Local Government Code §505.158, prior to an expenditure of more than \$10,000 for a Type B Economic Development Corporation project.

This was the first reading of the Resolution.

RESULT: MOVED FORWARD ON FIRST READING**10. Council Action 2019-3**

Consider approval of various projects to be funded with Cambridge Funds.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the SRMPA Cambridge Project, project distributions received by the City in the aggregate of \$22,779,162.14, various electric projects funded with Cambridge funds, and proposed allocation of funds for additional projects. The proposed electric projects include various electric lateral rehabilitation and street lighting replacement, in the amount of \$2,358,980.00. Other projects include HVAC/lighting, City Hall upgrades and generator, and a street sweeper, for a combined cost of \$660,000.00. Mr. Warner further reviewed the current Cambridge fund balance of \$15,017,913.91 and following proposed project completion, an ending fund balance of \$11,998,933.91.

A motion was made to approve the expenditure of Cambridge Funds, for the projects as discussed.

ATTACHMENTS:

- Cambridge Fund Summary PP (PPTX)

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

11. Council Action 2019-4

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:

The City Council approved a lease agreement with the Liberty Youth Baseball Association in December, 2018. This revised agreement clarifies the number of fields to be leased, monthly cost to rent fields, mowing of the outfields by the City, rate charges for subletting fields, rental fees for National Tournaments, and responsibility for major repairs.

A motion was made to approve the revised agreement with the Liberty Youth Baseball Association, as discussed.

ATTACHMENTS:

- LYBA Agreement (DOC)

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

C. Executive Session

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 the Electric Department.

At 7:59 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:41 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-5

Consider and take action, if any, on personnel matters related to the Electric Department as discussed in the Executive Session.

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 8:42 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary