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, February 12, 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

The Invocation was given by City of Liberty resident Mike Spears, First United Methodist Church.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by members of Liberty Boy Scout Troop #56.

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 # 4362)

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

COMMENTS - Current Meeting:

City Manager Tom Warner reported on various City activities, projects and events:

- Retirement Party for retiring Sgt. Frank Longoria, Liberty Police Dept., will be held on February 14, in the Liberty Center.
- Houston-Galveston Area Council held a public hearing, in the Liberty Center, on January 29 in regard to the 2045 Regional Transportation Plan.
- Sanitary sewer improvements on Layl Drive and Avenues C-H have been completed.
- Frontier Waste (LT's) has received favorable responses to the pilot program for automated collection services. A report will be made to City Council in the near future.
- Property for a water well, tower pump station and ground storage tank has been acquired.
- A demolition permit for 1021 N. Main has been issued. This location is the former HEB and Thrifty Store.
- Other projects were discussed.

ATTACHMENTS:

- City Manager's Report February 2019 (DOCX)
- Entergy Groundbreaking Ceremony (PDF)
- HGAC 2045 RTP (PDF)

B. Information Item (ID # 4363)

Department Reports - Monthly Dept. Activities

COMMENTS - Current Meeting:

There were no comments.

ATTACHMENTS:

- Department Reports (PDF)

C. Information Item (ID # 4364)

Sam Rayburn Municipal Power Agency - Agency Activities - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated there was no immediate business to report.

D. Information Item (ID # 4365)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported to Council on two events:

- upcoming Texas Municipal League Elected Officials' Conference in San Marcos
- the Texas Municipal League Institute, in which elected officials are recognized for continuing professional development.

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

A. Minutes Approval

1. Tuesday, January 08, 2019

2. Friday, January 18, 2019

3. Tuesday, January 22, 2019

4. Tuesday, January 22, 2019

VII. REGULAR AGENDA

A. Regular Session

1. Resolution 2019-4

CONSIDER APPROVAL OF A RESOLUTION DECLARING THE INTENTION OF THE CITY OF LIBERTY, TEXAS, TO ANNEX CERTAIN TERRITORY ADJACENT TO 2018 ANNEXATION TRACT 9, AND DESCRIBED AS ALL OR PARTS OF PROPERTY ID NUMBERS, 201314, 19349, 109682, 109686, 19340, 19344, 19436, 19442, 19443, 115545, and 113289, IN LIBERTY COUNTY, TEXAS; SETTING THE DATES, TIMES, AND PLACES FOR TWO PUBLIC HEARINGS AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR PUBLICATION OF NOTICES OF SUCH PUBLIC HEARINGS; AND DIRECTING PREPARATION OF A MUNICIPAL SERVICE PLAN FOR THE TERRITORY PROPOSED TO BE ANNEXED.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP, addressed the Council regarding the most recent

Annexation, Phase 9, and that the related Ordinance must be revised and recorded, due to property ID 19369 having multiple owners and one owner still not having signed the Development Agreement.

Mr. Pertile further discussed the proposed Phase 10 Annexation, properties involved being Moss Bluff Development Corporation, Moss Bluff HUB Partners LP, possibly GC Land LLC, and holding additional discussion on the public hearing dates of March 12 and March 19, 2019. A motion was made to approve the Resolution, as presented.

ATTACHMENTS:

- Annexation-Phase 9 & 10 Presentation (PPTX)

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

2. Council Action 2019-10

Consider acceptance of the Annual Audit Report for the Fiscal Year 2017-2018, as presented by Swaim, Brents and Associates.

COMMENTS - Current Meeting:

Lee Ann Brents, Swaim, Brents & Associates, presented the City's Annual Audit for Fiscal Year 2017-2018. Ms. Brents reviewed, in summary, the audit document. Ms. Brents reported on the City's assets, liabilities, net position, and additional related information. There was no management letter contained in this audit report. Ms. Brents commented on the employees' cooperation and willingness to assist the auditors. After lengthy discussion, a motion was made to accept the Audit Report for FY 2017-2018, as presented.

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

3. Council Action 2019-11

Consider approval of an Interlocal Agreement between the City of Liberty and Liberty County for the exchange of certain law enforcement related equipment.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that this agreement will allow the Liberty Police Department (LPD) and the Liberty County Sheriff's Department to accomplish an exchange of pepper spray guns and tasers. LPD will take possession of the County's tasers and the County will be accepting the PD's pepper guns.

A motion was made to approve the exchange of equipment between the two law enforcement departments.

ATTACHMENTS:

- Interlocal with County-tasers (DOC)

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

4. Information Item (ID # 4368)

Discussion regarding the parking of commercial vehicles on City streets.

COMMENTS - Current Meeting:

Lengthy discussion was held regarding the regulation of parking commercial vehicles on City streets. Discussed were safety issues, no parking zones, impact on businesses, possible truck routes, cost of truck route signage, and other related issues. Consensus was that an ordinance be prepared for discussion at the next Council Meeting.

5. Information Item (ID # 4369)

Discussion regarding appointments to the 2019 Charter Review Commission.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the City Charter requires the appointment of a Charter Review Commission in each odd-numbered year. Discussed were the Commission's term of office, term limits and previous members not eligible to serve again. Appointments to the Commission will be made at the next Council Meeting.

6. Council Action 2019-12

Consider the nomination of two (2) individuals to the Liberty County Early Voting Ballot Board for the May 4, 2019 Elections.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that the Liberty County Clerk's Office has requested assistance in finding individuals to serve on the County's Early Voting Ballot Board, for the May 4, 2019 Elections. The County Clerk has asked that each entity holding an election, nominate several individuals to this Board, which qualifies ballots by mail and provisional ballots. Once the names have been submitted by the various entities, the County will make the appointments and place the remaining names in reserve to use as alternates.

After brief discussion, a motion was made to nominate Mark Herndon, Farrah Harper, and Mike Spears.

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

7. Ordinance 2019-6

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR REVISIONS TO THE SEMI-ANNUAL FEES RELATED TO THE LIBERTY MUNICIPAL GOLF

COURSE; PROVIDING THAT ALL RATES OR SCHEDULES OF RATES CONFLICTING HEREWITH ARE AMENDED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that at the January 22, 2019 Council Meeting, the Master Fee Schedule was amended in regard to annual fees at the Liberty Municipal Golf Course. During the meeting, the Council agreed to allow these fees to be paid on a semi-annual basis. The Ordinance approved, however, did not include the semi-annual fees or the omission of the fee for seniors walking.

A motion was made to adopt the amended Master Fee Schedule to include the semi-annual fees and previous omission of the walking fee for seniors.

ATTACHMENTS:

- Semi-Annual Fees-GC (PDF)

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

8. Resolution 2019-5

CONSIDER A RESOLUTION OF THE CITY COUNCIL OF LIBERTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the proposed Resolution authorizing submittal of a grant application for housing or infrastructure projects, in low to moderate income areas. Previous Community Development Block Grant funds have been used to rehabilitate sanitary sewer lines on Layl Drive and the related avenues. The proposed funds, if received, will be used to increase the size of water lines serving the citizens on Robbie and Sue Streets. Grant amount is $350,000, with a local match of $35,000 to be paid from the Cambridge Funds.

A motion was made to approve the Resolution.

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

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney.

To seek advice regarding contemplated/pending litigation.

At 7:41 p.m., Mayor Pickett closed the open session and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 8:212 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-13

Consider and take action, if any, on contemplated/pending litigation, 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 8:22 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary