



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, March 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

An Invocation was not given.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Police Chief Gary Martin.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor 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 # 4375)

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

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following items:

- 34th Annual Liberty Jubilee is March 22nd and 23rd
- TML Region 16 Meeting to be held on March 21st, in Vidor, Texas
- Utility Rate Study nearing completion
- Work on Main "A" is substantially complete
- Wastewater Project has slowed down due to inclement weather
- Property for water well, tower pump station and ground storage tank acquired, environmental assessment complete and proposed layout being reviewed by the U.S. Corp of Engineers
- Holly Street storm sewer plans complete and let for bid on March 7, 2019
- Reviewed current status of Electric Projects.

ATTACHMENTS:

- City Manager's Report March 2019 (DOCX)

B. Information Item (ID # 4376)

Finance Report - Finance Director - N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the City's financials through January, 2019. Ms. Herrington reported on the General Fund, stating that property tax collections are 67% of the budgeted amount, sales tax revenues are 30% of budgeted amounts, and cash in bank is \$2.2 million.

Ms. Herrington further reviewed the various other funds and their status.

C. Information Item (ID # 4377)

Department Reports - Monthly Dept. Activities

COMMENTS - Current Meeting:

There were no comments regarding the Department Reports.

ATTACHMENTS:

- Dept. Reports (PDF)

D. Information Item (ID # 4378)

Sam Rayburn Municipal Power Agency - Agency Activities - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), reported that the Agency's Fiscal Year 2018 Audit Report was emailed to Council earlier today, minutes from the November and December meetings are on the Council table, and the next

Agency Meeting will be held on March 19.

E. Information Item (ID # 4379)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett reported on the Elks Lodge recognition of Liberty Independent School District employees.

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 minutes and the designation of miscellaneous vehicles and equipment as surplus property.

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

A. Minutes Approval

1. Tuesday, February 12, 2019

B. Council Action 2019-14

Consider approval of the designation of certain vehicles and equipment as surplus property.

ATTACHMENTS:

- ONLINE AUCTION ITEMS (DOCX)

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 4380)

Public Hearing on the proposed annexation of 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.

COMMENTS - Current Meeting:

At 6:26 p.m., Mayor Pickett opened the first, of two, public hearings on proposed annexation.

Mr. Art Pertile, Olson & Olson, LLP was present to address the Council regarding the City's Phase 10 Annexation; reviewing a map of the area, properties involved, Service Plan, property revenue and other related information.

ATTACHMENTS:

- Annexation-PH Notice (PDF)

2. Information Item (ID # 4381)

Presentation of Containerized Waste Project Overview and Survey Results by Frontier Waste Solutions.

COMMENTS - Current Meeting:

Mr. Bill Killian, Frontier Waste Solutions (LT's), presented an overview of the survey results from the recent automated waste collection pilot program. The six-month program yielded favorable results from the over 400 residences that participated in the program. Mr. Killian addressed various aspects of the program, and with encouraging comments from the citizenry, would like to develop this plan for the entire city. Mr. Killian and City Management will begin negotiations for the possible implementation of this project.

3. Ordinance 2019-7

CONSIDER ADOPTION OF AN ORDINANCE AMENDING ORDINANCE 906, AS PREVIOUSLY AMENDED, EXPANDING THE AREA WITHIN THE CITY IN WHICH MANUFACTURED HOMES ARE RESTRICTED; 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 ORDINANCE 906, AS PREVIOUSLY AMENDED, EXPANDING THE AREA WITHIN THE CITY IN WHICH MANUFACTURED HOMES ARE RESTRICTED; 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 Manager Tom Warner reported that a developer/owner has approximately 340 acres of property bounded by Beaumont Avenue on the south, Minglewood Road on the west, Country Club Drive on the east, and Mizell Lake property on the north. The developer has a plat for 10 acres and is currently constructing a home on one of the lots. He also has future plans to develop another 75-acre tract, and is requesting the non-manufactured home area be expanded to include his property and the area proposed for development.

Motion was made to adopt the Ordinance, as presented.

ATTACHMENTS:

- Map - No Manufactured Home Area (PDF)

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

4. Ordinance 2019-8

CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 12.07 OF THE CODE OF ORDINANCES, REGULATING THE PARKING OF BOATS, CAMPERS, LARGE VEHICLES, MOTOR HOMES, RECREATIONAL VEHICLES, AND TRAILERS; PROVIDING FOR A PENALTY FOR VIOLATIONS; 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 CHAPTER 12.07 OF THE CODE OF ORDINANCES, REGULATING THE PARKING OF BOATS, CAMPERS, LARGE VEHICLES, MOTOR HOMES, RECREATIONAL VEHICLES, AND TRAILERS; PROVIDING FOR A PENALTY FOR VIOLATIONS; 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 Manager Tom Warner reported on the proposed Ordinance to regulate the parking of various large vehicles on city streets, safety concerns, exceptions to the regulations, and other related information. A motion was made to adopt the Ordinance, as presented.

ATTACHMENTS:

- Truck Classifications (PDF)

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

5. Council Action 2019-15

Consider award of a proposal for Electric System Operations and Maintenance Services.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that five proposals were received for the supplement of City Electric Department employees, in the daily operation, maintenance, construction and troubleshooting of the City's Electric System. Based on evaluation results, the successful proposal was submitted by Texas Elite Electrical. A Journeyman and two Apprentice Lineman will augment the city crews, and within 50-90 days Texas Elite will add an additional four employees to begin working on capital improvement projects. The annual cost for the three employees and associated vehicular equipment is \$218,400.00 and \$108,160.00, respectively. The costs for the capital improvement projects will be based on a per hour charge for employees and equipment. After further discussion, a motion was made to award the proposal to Texas Elite Electrical.

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

6. Council Action 2019-16

Consider approval of a contract for the purchase of materials for maintenance of the Electric System.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that proposals were received for the purchase of materials associated with the Electric System Operations and Maintenance Services. Discussed were qualifications, scope of services, costs and delivery times, and other related topics. Based on evaluation results, the successful proposer was KBS Electrical Distributors. Annual cost for the electrical materials for daily maintenance and capital projects is approximately \$170,000.00. A motion was made to award the proposal to KBS Electrical Distributors.

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

7. Council Action 2019-17

Consider approval of a contract with Uretek Gulf Coast for storm sewer pipe repair at Main "A" and Travis Street.

COMMENTS - Current Meeting:

Following inspection of the 48" storm sewer concrete pipes at the Main "A" and Travis Street crossing, revealed were two large voids at the pipe joints, and the joint compound failing at twenty-two pipe joints. If unattended, the possibility exists for future failure in the street surface. Cost of the proposed project to inject a high-density polymer to seal the reinforced concrete pipes is \$38,500.00.

A motion was made to approve a contract with Uretek, in the amount of \$38,500.00, to be paid for with Cambridge Funds.

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

8. Council Action 2019-18

Consider approval of an Election Services Contract with the Liberty County Clerk for conduct of the May 4, 2019 General and Special Elections.

COMMENTS - Current Meeting:

In January, Council ordered a General Election for Officers and a Special Election to Fill a Vacancy, to be held on the uniform election date of May 4, 2019. At that time, an Election

Services Contract was approved with the Liberty County Clerk, for the conduct of these elections. The County Clerk, having recently been sworn into office, has purchased new voting equipment and has amended the contract to include reference to this equipment and election costs.

A motion was made to approve the amended Election Services Contract with the Liberty County Clerk for conduct of the May 4, 2019 Elections.

ATTACHMENTS:

- ELECTION SERVICES CONTRACT 2019 (DOCX)

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

9. Council Action 2019-21

Consider approval of a Joint Election Agreement between the City of Liberty and the City of Ames.

ATTACHMENTS:

- Joint Election Agreement (DOCX)

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

10. Council Action 2019-22

Consider appointments to the 2019 Charter Review Commission.

COMMENTS - Current Meeting:

Discussion was held regarding appointments that will be made to the Charter Review Commission, at the April Council Meeting.

RESULT:	NO ACTION TAKEN
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B. Executive Session

Government Code §551.071

Private Consultation with Attorney.

To seek advice regarding contemplated / pending litigation.

At 8:10 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:45 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-19

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

RESULT: NO ACTION TAKEN

2. Council Action 2019-20

Consider and take action, if any, on the addition of a Deputy Court Clerk in the FY 2019 Municipal Court Budget, as discussed in the Executive Session.

COMMENTS - Current Meeting:

City Manager Tom Warner remarked that the work load has increased in the Municipal Court, and additional personnel is necessary to supplement the daily duties and responsibilities of the Court. A motion was made to add a Deputy Court Clerk in the Fiscal Year 2019 Municipal Court Budget.

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

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:46 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary