



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, April 9, 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	Councilmember	Absent	
Libby Simonson	Councilmember	Present	
David Arnold	Councilmember	Present	
Chipper Smith	Councilmember	Present	
Tom Warner	City Manager	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Omar Cantu, North Main Baptist Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Asst. City Manager, Chris Jarmon.

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4399)

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

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following:

- recent power outages
- 34th Annual Liberty Jubilee
- status of FEMA claims
- Municipal Court Judge will be out on medical leave and City of Dayton Judge Alan Conner will substitute as Judge, under the cities Interlocal Agreement
- Status of various water and wastewater projects
- Texas Elite working on electric maintenance projects.

ATTACHMENTS:

- City Manager's Report April 9 2019 (DOCX)
- Summary of FEMA Claims April 4 2019 (XLSX)

B. Information Item (ID # 4400)

Finance Report - Finance Director N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the balance sheet, as end of February, 2019. Property tax collections are at 100% of budgeted amounts, sales tax revenue is at 40% of the budgeted amount, and reviewed the various funds and status of each.

C. Information Item (ID # 4401)

Department Reports - Monthly Dept. Activities

COMMENTS - Current Meeting:

Brief discussion, and review, was held regarding the Monthly Inspection Dept. Report.

ATTACHMENTS:

- Dept Reports-March 2019 (PDF)

D. Information Item (ID # 4402)

SRMPA Report - Agency Activities - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), reported the next Agency Meeting will be held April 17, 2019.

E. Information Item (ID # 4403)

Recycling Report - Councilperson Huddleston

COMMENTS - Current Meeting:

Councilperson Huddleston reported on the upcoming Community Shred and eCycling event to be held in May, a specific date yet to be determined.

F. Information Item (ID # 4404)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Police Chief Gary Martin reported on the following:

- Drug Take Back Program will take place at the Police Department, on April 27
- Planning National Night Out
- Public Awareness videos/ crime tips placed on PD Facebook page.

Councilperson Simonson offered compliments to Management and Staff for the success of the 34th Annual Liberty Jubilee.

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:	Libby Simonson, Councilmember
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Simonson, Arnold, Smith
ABSENT:	Dennis Beasley

A. Minutes Approval

1. Tuesday, March 12, 2019
2. Tuesday, March 19, 2019

B. Council Action 2019-23

Consider award of bid for a new vehicle for the Liberty Police Department.

COMMENTS - Current Meeting:

Motion was made to award the bid for a new vehicle for the Liberty Police Department, to Liberty-Dayton Chrysler.

VII. REGULAR AGENDA

A. Executive Session

Government Code §551.071

Private Consultation with Attorney - To seek advice regarding contemplated / pending litigation.

Cities of Hardin and Ames Wastewater Issues.

At 6:45 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

B. Reconvene into Regular Session

At 7:15 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

C. Regular Session

1. Council Action 2019-24

Consider granting a variance to Chapter 3, Division 3 Recreational Vehicle Parks, Sections 3.08.112 and 3.08.122 to Mr. James McCormick for the proposed McCormick RV Resort.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that a variance request has been submitted in regard to Section 3.08.112, Size of Individual Sites; Pad Requirements and Section 3.08.122, Sanitary Facilities, of the City's Code of Ordinances. The proposed McCormick RV Resort is to be located on Port Drive and would require a variance from the minimum area of an RV Park, requiring back-in sites instead of pull-through sites. The second variance would be from the 200 ft. distance requirement from the restrooms to any recreational vehicle site. Mr. Warner reported this variance request went before the Planning and Zoning Commission on April 3, 2109, and was denied.

After lengthy discussion, a motion was made to approve the variance.

ATTACHMENTS:

- Variance Application-RV Park (PDF)
- MAP - RV Park Port Rd April 9 2019 (PDF)

RESULT:	APPROVED [4 TO 1]
MOVER:	Libby Simonson, Councilmember
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Carl Pickett, Diane Huddleston, Libby Simonson, David Arnold
NAYS:	Chipper Smith
ABSENT:	Dennis Beasley

2. Council Action 2019-25

Consider approval of an Area Lighting Capital Improvement Program.

COMMENTS - Current Meeting:

City Manager Tom Warner explained that the City's existing street lighting has a combination of different lights, voltages, etc. and runs the risk of being considered antiquated and parts discontinued. The proposed Area Lighting Program will remove/replace approximately 300 incandescent lighting fixtures with 50-watt LED fixtures and replace service connectors. Estimated cost, including labor, is \$82,500. After brief discussion of the annual

energy and maintenance savings, a motion was made to approve the Area Lighting Capital Improvement Program, to be funded with Cambridge Funds.

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

3. Ordinance 2019-10

CONSIDER ADOPTION OF AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF LIBERTY, TEXAS TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISH CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE THEREOF; 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 ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF LIBERTY, TEXAS TO PROMOTE RESPONSIBLE USE OF WATER AND ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE THEREOF; 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 the Texas Water Development Board and Texas Commission on Environmental Quality require that cities update their Water Conservation Plan every five years. Mr. Warner stated that the City's Plan has been reviewed and changes made in regard to reference to web-sites for web based material, modified five and ten year goals, removed distribution of five and ten year goals by category of water conservation measure, and modified regulations to include implementing drought measures when the County is declared to be a disaster due to drought conditions.

A motion was made to adopt the Ordinance, as presented.

ATTACHMENTS:

- Water Conservation Plan 2019 (PDF)

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

4. Council Action 2019-26

Consider an award of bid for energy efficient lighting and heating, ventilation and air conditioning (HVAC) contracts.

COMMENTS - Current Meeting:

Mr. Warner reported on a recent energy assessment study of City Hall, the Public Works Service Center, and the Fire and Police Departments, financed by the State Energy Conservation Office (SECO), which focused on energy efficiency and system operations. Results indicated that through replacement of interior lighting and HVAC systems and controls, significant decreases in annual energy costs could be achieved. Bids were received on March 7, 2019 for these projects. After discussion of the project costs, and bidders, a motion was made to award the bid for lighting to Magnolia Lighting & Electrical, LLC for \$57,142.90 and for the HVAC to BK Mechanical, in the amount of \$140,644.00. Total project cost is \$197,786.90.

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

5. Ordinance 2019-9

CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 3.11 OF THE CODE OF ORDINANCES, REGULATING INDUSTRIALIZED HOUSING; 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 CREATING CHAPTER 3.11 OF THE CODE OF ORDINANCES, REGULATING INDUSTRIALIZED HOUSING; 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."

The City's current Code of Ordinances does not regulate industrialized housing or buildings, typically known as modular facilities. The proposed Ordinance creates Chapter 3.11 of the Code governing these houses/buildings. A motion was made to adopt the Ordinance, as presented.

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

6. Council Action 2019-27

Consider award of bid for the Holly Street Drainage and Water Improvements.

COMMENTS - Current Meeting:

Due to potential construction, and platting, of new homes in the area of Holly and N. Milam Streets, discussion of which began in 2017, it was found that the existing drainage and waterlines were not sufficient to handle storm water runoff and water demand of the proposed homes. Since the existing 2-inch waterline was going to be replaced in Phase II of the Water System Improvements, it was decided to go ahead and perform this work now while the other construction was taking place. Bids were received on March 26, 2019 for construction of both the drainage and water improvements. Low bidder for the project was submitted by WadeCon, LLC, Kingwood, Texas. The cost for each of the individual components of the project is as follows:

Streetscape - \$193,375.00; Storm Sewer - \$454,548.00; Water - \$148,330 and General Construction Costs - \$100,500.00. The developer of the eight lots has agreed to pay for the difference in cost for having to upsize the storm sewer for his development. This cost is estimated at \$55,000.00. The project will be funded from the 2016 Bond Proceeds in the amount of \$529,000.00, and also from Cambridge Funds in the amount of \$387,100.00.

A motion was made to award the bid to WadeCon, LLC, in the amount of \$896,753.00.

ATTACHMENTS:

- Bid Tab-Holly St Drainage (PDF)

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

7. Ordinance 2019-11

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 28, 2019; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT, DECLARING AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT 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 OF LIBERTY, TEXAS SUSPENDING THE RATES PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., d/b/a CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ("CENTERPOINT" OR "COMPANY") COMPANY'S GAS RELIABILITY INFRASTRUCTURE PROGRAM ("GRIP") FILING MADE WITH THE CITY ON MARCH 28, 2019; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT,

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.”

CenterPoint Energy is authorized, through the Texas Gas Reliability Infrastructure Program (GRIP), to request annual rate increases due to year-to-year changes in incremental investment. The GRIP Statute provides the proposed rate surcharge will become effective 60 days from the date of CenterPoint's filing unless suspended by the various cities involved (Beaumont/East Tx. Division). Cities may suspend the rate increase for an additional 45 days beyond CenterPoint's proposed effective date, while reviewing the GRIP application.

A motion was made to adopt the Ordinance suspending the rates, as presented.

ATTACHMENTS:

- CenterPoint Rate Suspension Ltr-Lawton Law Firm (PDF)

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

8. Council Action 2019-28

Consider appointments to the 2019 Charter Review Commission.

COMMENTS - Current Meeting:

After brief discussion, a motion was made to appoint Paul Glazener, Kayla Herrington, Michael Dorsett, and B.J. Hilton to the 2019 Charter Review Commission.

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

9. Information Item (ID # 4414)

Discussion of an assessment of the City's Information Technology System.

COMMENTS - Current Meeting:

Discussion was held regarding review of the City's current phone system, Internet, servers, personal computers, technology changes, and other related technology issues. After lengthy dialogue, Council consensus was to direct management to proceed with an assessment of the City's future technology needs.

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at

8:10 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary