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, May 14, 2019 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor ProTem	Present	
Dennis Beasley	Council Member	Present	
Libby Simonson	Council Member	Present	
David Arnold	Council Member	Present	
Chipper Smith	Council Member	Present	
Neal Thornton	Council Member	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 Martin.

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4417)

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

COMMENTS - Current Meeting:

City Manager Tom Warner reported on numerous City projects and activities including, but

not limited to:

- Shred It Event scheduled for June 1
- Budget process has begun
- Filled the Public Works Director position
- Utility Rate Study
- New AT&T cell tower
- Various water and wastewater projects
- Electric projects.

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4418)

Finance Report - Finance Dir. N. Herrington

COMMENTS - Current Meeting:

Finance Director Naomi Herrington reported on the financial report through the end of March, 2019, at which time the City should be at 50% of its adopted fiscal year budget. Ms. Herrington reviewed the various funds, reporting on the revenues and expenditures of each, and the cash on the balance sheet for each fund.

C. Information Item (ID # 4419)

Department Reports - Monthly Dept. Activities

ATTACHMENTS:

- Department Reports (PDF)

D. Information Item (ID # 4420)

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 next Agency meeting would be held May 21st, the Agency's website has been updated, and the Agency's Audit and Engineering Report, September, 2018 was provided to Council.

E. Information Item (ID # 4421)

Recycling Report - Council Member Huddleston

COMMENTS - Current Meeting:

Council Member Huddleston reported that the "Shred It" Event scheduled for May 11 was rescheduled to June 1, due to inclement weather.

F. Information Item (ID # 4422)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

There were no comments.

VI. CONSENT AGENDA

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith

A. Minutes Approval

1. Tuesday, April 09, 2019

2. Tuesday, April 23, 2019

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2019-12

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 4, 2019; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; 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:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 4, 2019; FOR THE PURPOSE OF ELECTING THREE COUNCIL MEMBERS TO THE LIBERTY CITY COUNCIL; 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."

City Council reviewed the returns of the May 4, 2019 General Election, canvassing the election and declaring the results as follows:

CITY OF LIBERTY

GENERAL ELECTION

MAY 4, 2019

COUNCILMEMBER CANDIDATES	EARLY VOTING	EARLY VOTING TOTAL	ELECTION DAY	ELECTION DAY TOTAL	GRAND TOTAL
Diane Haywood Huddleston	162	**162**	55	**55**	**217**
Ron W. Blake	11	**11**	15	**15**	**26**
Libby Simonson	118	**118**	64	**64**	**182**
Dennis Beasley	157	**157**	59	**59**	**216**
Troy D. Beasley	47	**47**	41	**41**	**88**
Jennifer Regen	61	**61**	48	**48**	**109**

A motion was made to adopt the Ordinance canvassing the election and declaring those elected as new Council Members:

Diane Haywood Huddleston

Dennis Beasley

Libby Simonson

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dennis Beasley, Council Member
SECONDER:	David Arnold, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith

2. Information Item (ID # 4425)

Oath of Office to be administered to newly elected Council Members from the May 4, 2019 General Election - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Carl Pickett administered the Oath of Office to newly elected Council Members Diane Huddleston, Dennis Beasley and Libby Simonson.

3. Ordinance 2019-13

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 4, 2019; FOR THE PURPOSE OF FILLING A VACANCY FOR THE ONE YEAR REMAINDER OF AN UNEXPIRED TERM ON THE LIBERTY CITY COUNCIL; 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:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 4, 2019; FOR THE PURPOSE OF FILLING A VACANCY FOR THE ONE YEAR REMAINDER OF AN UNEXPIRED TERM ON THE LIBERTY CITY COUNCIL; 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.

City Council reviewed the returns of the May 4, 2019 Special Election to fill a vacancy on the Council, canvassing the election and declaring the results as follows:

CITY OF LIBERTY

SPECIAL ELECTION

MAY 4, 2019

(To fill vacancy on one-year remainder of an unexpired term)

COUNCILMEMBER CANDIDATES	EARLY VOTING	EARLY VOTING TOTAL	ELECTION DAY	ELECTION DAY TOTAL	GRAND TOTAL
Ed Seymour	117	**117**	48	**48**	**165**
Neal Thornton	109	**109**	69	**69**	**178**

A motion was made to adopt the Ordinance canvassing the election and declaring the newly elected Council Member:

Neal Thornton

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dennis Beasley, Council Member
SECONDER:	Chipper Smith, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith

4. Information Item (ID # 4428)

Oath of Office to be administered to the newly elected Council Member from the May 4, 2019 Special Election - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett administered the Oath of Office to newly elected Council Member Neal Thornton.

5. Council Action 2019-30

Council to elect a Mayor Pro Tem.

COMMENTS - Current Meeting:

A motion was made to nominate and re-elect Council Member Huddleston as Mayor Pro Tem.

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

6. Ordinance 2019-14

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING AND ANNEXING PROPERTY INTO ITS EXTRATERRITORIAL JURISDICTION (ETJ); DESIGNATING LAND LOCATED IN THE ETJ AS AN INDUSTRIAL DISTRICT PURSUANT TO SECTION 42.044 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAYOR TO SIGN AN INDUSTRIAL DEVELOPMENT AGREEMENT WITH MOSS BLUFF HUB, LLC. FOR PROPERTIES IDENTIFIED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID NUMBERS 19340,19344, 19349, 19441, 19442, 19443, 109686, 109682, 113289, 115545, AND 201314; PROVIDING A SAVINGS CLAUSE; 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:

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

"AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING AND ANNEXING PROPERTY INTO ITS EXTRATERRITORIAL JURISDICTION (ETJ); DESIGNATING LAND LOCATED IN THE ETJ AS AN INDUSTRIAL DISTRICT PURSUANT TO SECTION 42.044 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE MAYOR TO SIGN AN INDUSTRIAL DEVELOPMENT AGREEMENT WITH MOSS BLUFF HUB, LLC. FOR PROPERTIES IDENTIFIED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID NUMBERS 19340,19344, 19349, 19441, 19442, 19443, 109686, 109682, 113289, 115545, 201314, 145641, 145642, 145643, AND 145839; PROVIDING A SAVINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS. (This is the revised ordinance).

Mr. Art Pertile, Olson & Olson L.L.P. was present to discuss with Council the Industrial Development Agreement (IDA) with Moss Bluff HUB, LLC. Mr. Pertile reviewed the topic of Industrial Districts, that the proposed ordinance authorizes a 15-year IDA with Moss Bluff HUB (Jan 1, 2019 - Oct. 31, 2034), reviewed a map of the area, explained the fiscal terms of the agreement, discussion of Praxir, and property owner's payments to the City due on January 31 of each year, and that several additional property identification numbers will be added to the final ordinance.

Following further discussion, a motion was made to adopt the Ordinance, with the additional ID numbers to be placed in a revised Ordinance.

ATTACHMENTS:

- MOSS BLUFF IDA - AGREEMENT (DOCX)
- MOSS BLUFF AGREEMENT AREA-METES AND BOUNDS (PDF)
- METES AND BOUNDS OF 1000' AREA EXHIBIT E (PDF)
- Map-1000' Area Exhibit (PDF)

- Map-Moss Bluff Agreement Area (PDF)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Dennis Beasley, Council Member
SECONDER:	Chipper Smith, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

7. Resolution 2019-6

Consider a Resolution of the City of Liberty, Texas making a nomination to fill a vacancy on the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

After discussion of the nomination to fill a vacancy on the Liberty County Central Appraisal District Board of Directors, a motion was made to nominate Mr. Bob Walker.

ATTACHMENTS:

- CAD Information (PDF)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

8. Council Action 2019-31

Consider authorizing the City Manager to execute an emergency contract to repair the sanitary sewer line on Bowie Street from Grand Street to the south side of Hwy. 90.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on issues the contractor has had, and the City has found, while work was being performed on the new sanitary sewer line on Bowie Street. The City crews found corrugated metal pipe, in several locations, where the top portion was basically non-existent. This line has been repaired multiple times and has also resulted in a sinkhole at Bowie and Sam Houston. Mr. Warner states these repairs require immediate attention and proposed that these lines be repaired by a method called cured in place pipe (CIPP), and using Cambridge money to fund these repairs.

After further discussion of the bid tab, a motion was made to approve an emergency contract, with Texas Pride, for repair of these pipes, using Cambridge Funds to finance the emergency project on Bowie Street.

ATTACHMENTS:

- Bowie St -#1 (JPG)
- Bowie St - #2(JPG)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Diane Huddleston, Mayor ProTem
SECONDER:	Dennis Beasley, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

B. Executive Session

Gov. Code §551.071 - Personnel Matters. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

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

- Discussion of extending a 380 Agreement to a business prospect.

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

At 7:31 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 2019-32

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

COMMENTS - Current Meeting:

A motion was made to change the organizational flow chart, as discussed in the Executive Session.

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

2. Council Action 2019-33

Consider and take action, if any, on economic development opportunities located in, or near, the City of Liberty 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 8:46 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary