



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, June 11, 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	
Naomi Herrington	Asst. City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

The Invocation was given by Rev. Edwin Hardy, St. John Missionary Baptist Church, Liberty, Texas.

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.

V. PRESENTATIONS / REPORTS**A. Information Item (ID # 4467)**

City Manager's Report - City Manager T. Warner

COMMENTS - Current Meeting:

City Manager Tom Warner reported on various projects and activities including, but not limited to:

- First Meeting of the 2019 Charter Review Commission was held June 5
- Contracted work on Main "A" complete
- HVAC and lighting work on City facilities to begin week of June 24
- Preconstruction meetings were recently held for the Hwy. 146 Sewer Line Extension Project and the Holly Street Drainage and Waterline Project
- Status of current electric projects.

ATTACHMENTS:

- City Manager's Report June 2019 (DOCX)

B. Information Item (ID # 4468)

Finance Report - Finance Director, N. Herrington

COMMENTS - Current Meeting:

A Finance Report was not given.

C. Information Item (ID # 4469)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner brought the Council's attention to the new Code Enforcement Report.

ATTACHMENTS:

- Department Reports-May (PDF)

D. Information Item (ID # 4470)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported on the Agency's recent lawsuit with its former legal counsel, stating the lawsuit is no longer active.

ATTACHMENTS:

- April 2019 Minutes (PDF)

E. Information Item (ID # 4471)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Reported by various City employees were:

- City Manager Tom Warner reported that the recent recycling event, held on June 1, was a success
- Fire Chief Brian Hurst reported that the Department's BBQ Fundraiser raised \$3300.00
- Mayor Pickett commented on the recent shooting incident involving Liberty County Sheriff Deputy Carl Whitten and asked for a moment of silence.

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, subject to the correction of the attorney's title, in the Roll Call, from City Secretary to City Attorney, also approving the remaining Consent Agenda items.

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

A. Minutes Approval

1. Tuesday, May 14, 2019
2. Tuesday, May 28, 2019

B. Council Action 2019-41

Consider ratifying the LCDC's action to expend funds, in the amount of \$1,995.00, for the development of a logo for the Liberty Community Development Corporation.

ATTACHMENTS:

- Logo - e. Sullivan (PDF)

C. Council Action 2019-42

Consider ratifying the LCDC's action to expend funds, not to exceed \$8,500.00, for the development of a stand-alone website for the Liberty Community Development Corporation.

ATTACHMENTS:

- CivicPlus Proposal (PDF)

D. Council Action 2019-43

Consider ratifying the LCDC's action to expend funds, in the amount of \$500, for membership to the Texas Economic Development Council (TEDC).

ATTACHMENTS:

- TEDC Information (PDF)

E. Council Action 2019-44

Consider ratifying the LCDC's action to approve a budget amendment to the Liberty Community Development Corporation Fiscal Year Budget ending September 30, 2019, in the amount of \$4,155.68, to authorize the transfer of funds to the Liberty Municipal Airport to fund various expenditures.

ATTACHMENTS:

- Budget Amendment - Airport Signage (PDF)

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2019-45**

Mr. Ed Seymour to address the Council regarding the Greater East Texas Community Action Program (GETCAP), and take any action deemed necessary.

COMMENTS - Current Meeting:

Mr. Ed Seymour addressed the Council regarding the necessity for electric utility bill assistance for various disadvantaged individuals, to include senior citizens. After lengthy discussion, Council directed Management to gather additional information and place this topic on the June 25 Council agenda for further discussion.

RESULT: NO ACTION TAKEN

2. Resolution 2019-8

Consider a Resolution approving the submittal of a grant application to the Texas General Land Office (GLO) Community Development Block Grant (CDBG) Hurricane Harvey Disaster Recovery.

COMMENTS - Current Meeting:

This Resolution authorizes the submittal of a grant application to use for infrastructure projects in low to moderate income areas. If awarded, these funds will be used to rehabilitate the sanitary sewer line from Beaumont Avenue at Texas Street, to south of Hwy. 90 on the east side of Shoppa's Farm Supply. Grant amount is \$420,912, with a 10% match of \$42,091.20.

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

3. Resolution (ID # 4479)

First reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$50,589.60, to fund a portion of the salaries and benefits of those employees working on behalf of the LCDC.

COMMENTS - Current Meeting:

This was the first, of two readings, of a Resolution authorizing a Liberty Community

Development Corporation (LCDC) Budget Amendment to transfer funds from LCDC, to the City's General Fund, to subsidize a portion of the salary and benefits of the two City employees that assist with economic development. The transfer of funds will contribute 60%, and 20% respectively, for the Assistant City Manager and the Administrative Secretary. The Resolution was read in its entirety.

ATTACHMENTS:

- Budget Amendment Personnel Info (PDF)

RESULT: MOVED FORWARD ON FIRST READING

4. Resolution (ID # 4480)

First reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$20,500.00 for advertising and membership fees to economic development related organizations.

COMMENTS - Current Meeting:

This was the first, of two readings, of a Resolution authorizing a Liberty Community Development Corporation (LCDC) Budget Amendment approving the appropriation of funds for advertising and membership dues in economic development organizations, in the amount of \$20,500. The Resolution was read in its entirety.

RESULT: MOVED FORWARD ON FIRST READING

5. Resolution (ID # 4481)

First reading of a Resolution approving a budget amendment to the Liberty Community Development Corporation (LCDC) Fiscal Year Budget ending September 30, 2019, in the amount of \$35,887.00, to increase the transfer to the Golf Course to fund various expenditures.

COMMENTS - Current Meeting:

This was the first, of two readings, of a Resolution authorizing a Liberty Community Development Corporation (LCDC) Budget Amendment approving the appropriation of funds for various, necessary repairs and purchases at the Liberty Municipal Golf Course, in the amount of \$35,887. The Resolution was read in its entirety.

ATTACHMENTS:

- Budget Amendment-Signage (PDF)

RESULT: MOVED FORWARD ON FIRST READING

6. Ordinance 2019-16

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 RANGE BALL, RANGE CLUB AND TOURNAMENT 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:

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 PROVIDING FOR THE AMENDMENT OF THE MASTER FEE SCHEDULE FOR ALL RATES AND FEES CHARGED BY THE CITY OF LIBERTY; PROVIDING FOR RANGE BALL, RANGE CLUB AND TOURNAMENT 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."

This Ordinance addresses additional fees charged at the Liberty Municipal Golf Course, fees for swimming pool permits, residential re-roofs and an increase in the fee for residential lawn sprinklers. The Ordinance also addresses that residential building permits will be based on the square footage of the dwelling, as HB 852 prohibits municipalities from charging for residential building permits based on the value of the dwelling.

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

ATTACHMENTS:

- MASTER FEE SCHEDULE- Exhibit A (5) (DOCX)

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

7. Ordinance 2019-17

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY CREATING DIVISION 7 IN CHAPTER 10.02 OF THE CODE OF ORDINANCES, REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES AND REQUIRING A PERMIT FOR SAME; 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:

"CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY CREATING DIVISION 7 IN CHAPTER 10.02 OF THE CODE OF ORDINANCES, REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES AND REQUIRING A PERMIT FOR SAME; 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."

This Ordinance will allow the City to provide local standards and procedures which will regulate telecommunication facilities not in the public right-of-way. The City currently does not have any regulations to protect the safety and welfare of the citizens regarding this issue.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Libby Simonson, Council Member
SECONDER:	Neal Thornton, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney. To seek advice regarding contemplated / pending litigation.

- Discussion of the Humphreys Cultural Center.
- Discussion of the Liberty Municipal Airport.
- Discussion of the cities of Hardin and Ames wastewater issues.

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

Gov. Code §551.072 - Deliberation Regarding Real Property.

- Discussion regarding a possible real estate transaction

At 7:26 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 2019-46

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
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2. Council Action 2019-49

Consider and take action, if any, on contemplated/pending litigation regarding the Liberty Municipal Airport, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to approve the settlement agreement related to the lawsuit with Chet Tims, as discussed in the Executive Session.

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

3. Council Action 2019-47

Consider and take action, if any, on contemplated/pending litigation regarding the cities of Hardin and Ames wastewater issues, as discussed in the Executive Session.

RESULT:	NO ACTION TAKEN
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4. Council Action 2019-48

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

RESULT:	NO ACTION TAKEN
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5. Council Action 2019-50

Consider and take action, if any, regarding a real estate offer for tax trust property.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that the subject property has been auctioned at the Courthouse with no results. The demolition of the property cost \$41,895 and the Liberty County CAD appraisal value is \$69,000. A motion was made to accept the offer of \$41,895, from Dr. Cody Abshier, for the .4837 acres, previously known as the Leonard Apartments.

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

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

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:51 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary