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, August 13, 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	
Chris Jarmon	Asst. City Manager	Present	
Naomi Herrington	Asst. 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 of Allegiance to the American and Texas flags was led by members of Boy Scout Troop 56, Liberty.

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.

Mr. Ed Seymour addressed the Council reporting on a theft in his neighborhood and expressed appreciation for a quick response and outstanding job by the Liberty Police Department.

Mr. Don Dovey, addressed the Council regarding employee golf privileges at the Liberty Municipal Golf Course.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4519)

City Manager's Report - City Manager T. Warner

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following:

- Success of the recent National Night Out event sponsored by the Liberty Police Department
- Charter Review Commission review completed
- First payment from Moss Bluff HUB, LLC of $534,000, as a result of the Industrial District Agreement
- Improvements at the Liberty Municipal Golf Course
- New hotel plans submitted
- HVAC and Lighting Project
- Floodway and Levee Project at the Wastewater Treatment Plant
- Status of current electric projects.

ATTACHMENTS:

- City Manager's Report August 13 2019 (DOCX)

B. Information Item (ID # 4520)

Finance Report - Asst. City Mgr./CFO N. Herrington

COMMENTS - Current Meeting:

Asst. City Manager/CFO Naomi Herrington reported on the City's financials as of June 30, 2019. Ms. Herrington reviewed the various funds and status of each, stating that revenues are above budgeted amounts for this time of year and that the General Fund cash in bank is $2 million.

C. Information Item (ID # 4521)

Department Reports

COMMENTS - Current Meeting:

Police Chief Gary Martin further detailed the activities of National Night Out and the success of this event.

City Manager Tom Warner commented on the new format for the Public Works Department Monthly Report.

ATTACHMENTS:

- Department Reports (PDF)

D. Information Item (ID # 4522)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported that the next meeting of the Sam Rayburn Municipal Power Agency would be held August 20. Mayor Pickett stated that the Cambridge Project had a profitable three months and that the three member cities of Liberty, Livingston and Jasper had received a distribution of the revenue.

E. Information Item (ID # 4523)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

City Manager Tom Warner reminded Council of the upcoming Budget Meetings.

Fire Chief Brian Hurst reported on the BBQ Fundraiser, which made a profit of $3200 for the Hajovsky Scholarship Fund at Liberty High School.

VI. WORK SESSION

1. Work Session (ID # 4534)

Discussion of Solid Waste Collection Options for Fiscal Year 2019-2020.

COMMENTS - Current Meeting:

Mr. Bill Killion, Frontier Waste, presented a PowerPoint of the various options for automated solid waste collection services. Mr. Killion reviewed the four options as follows:

Option 1. Twice a week automated - Increase 8.91% year one, + 1% years 2-7

Option 2. Twice a week automated - Increase 5.28% year 1-2, + 3% years 3-7

Option 3. Twice a week hand - Increase 3.79% immediately, +2 to 3.7% year 2

Eliminate Pilot Program

Option 4. Once a week automated - Decrease 6.6% year one, + 2% years 2-7

Mr. Killian stated that all options include the existing once per week trash, bulk and every other week brush collection would not change. Lengthy discussion was held regarding the previous pilot program for automated collection, second cart fee, educating the citizens on the new program and other related issues.

VII. 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, Council Member
SECONDER:	Libby Simonson, Council Member
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Smith, Thornton

A. Minutes Approval

1. Tuesday, July 09, 2019

2. Wednesday, July 10, 2019

VIII. REGULAR AGENDA

A. Regular Session

1. Information Item (ID # 4524)

Presentation, and discussion, of the Proposed Fiscal Year 2019-2020 Budget.

COMMENTS - Current Meeting:

City Manager Tom Warner reviewed the proposed FY 19/20 Budget distributed to City Council. Budget changes addressed involved property tax revenue increase, addition of a second court clerk and three part-time paramedics, decrease in workers' compensation claims, mutual aid calls and revenue, water and wastewater rate increases and funds from Moss Bluff HUB, LLC as a result of the Industrial District Agreement.

2. Council Action 2019-65

Consider setting the date, time and location for a Public Hearing on the Proposed Budget for Fiscal Year 2019-2020.

COMMENTS - Current Meeting:

A motion was made to set the public hearing on the proposed FY 19/20 Budget for Tuesday, September 10, 2019, 6:00 p.m., Liberty City Council Chambers.

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

3. Council Action 2019-66

Consider approval of the Proposed Tax Rate for Fiscal Year 2019-2020.

COMMENTS - Current Meeting:

City Manager Tom Warner reported the proposed ad valorem tax rate remains the same, as

the previous fiscal year, at $0.5851 per $100 valuation. There will be no increase in the tax rate.

A motion was made to approve the proposed ad valorem tax rate of $0.5851.

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

4. Council Action 2019-67

Consider setting the date, time and location for Public Hearings on the Proposed Tax Rate for Fiscal Year 2019-2020.

COMMENTS - Current Meeting:

A motion was made to set the public hearings on the proposed FY 19/20 Tax Rate as follows:

Tuesday, August 27, 2019, 6:00 p.m., Liberty City Council Chambers.

Tuesday, September 10, 2019, 6:00 p.m., Liberty City Council Chambers.

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

5. Council Action 2019-68

Consider award of proposal for Employee Health and Life Insurance.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the City received two proposals for Employee Health and four quotes for Life Insurance. Proposals were received from Mr. Jim Hall for United Healthcare and Mr. Milton Fregia for BCBS/Humana. Mr. Warner reported that the proposal received from United Healthcare was similar to the City's existing United Healthcare policy. Mr. Jim Hall, Insurance Broker, was present to review the United Healthcare EPO Plan, and its benefits. The City will save approximately $173,000 on overall costs with these plans. Lengthy discussion ensued regarding the various parts of the plan, life insurance, and other related topics.

A motion was made to award the proposal for Employee Health and Life Insurance to United Healthcare and Mutual of Omaha, respectively.

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

6. Council Action 2019-69

Consider approval of an Agreement for Transportation Services between the Brazos Transit District and the City of Liberty.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on an agreement with Brazos Transit District (BTD), which provides essential transportation services to the citizens. Mr. Warner stated that Brazos Transit has been serving the City of Liberty at the same annual contract rate of $5,250.00 for many years. In 2020, the contract will be for a 5-year term at an increased rate of $5,512.50.

A motion was made to approve the agreement with the Brazos Transit District.

ATTACHMENTS:

- Brazos Transit Agreement (PDF)

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

7. Council Action 2019-70

Consider ratifying the Liberty Community Development Corporation (LCDC) action approving amendments to the LCDC Bylaws.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on the Liberty Community Development Corporation's (LCDC) June, 2019 work session to review and discuss changes to their Bylaws. On July 16, 2019, the LCDC approved amending those Bylaws. Mr Jarmon reviewed the changes for Council.

A motion was made to ratify the LCDC's action approving amendments to the Corporation Bylaws.

ATTACHMENTS:

- LCDC Bylaws Amendment-Exhibit A (DOCX)

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

8. Council Action 2019-71

Consider approval of a bid for Tax Resale Property described as 0.1837 acres, Garrett, Block 6 Lot 3 12 (Garrett Street).

COMMENTS - Current Meeting:

City Attorney Brandon Davis requested that this agenda item be passed, as the County rejected the offer for the property.

ATTACHMENTS:

- Tax Resale Property-Garrett St (PDF)

RESULT:	**NO ACTION TAKEN**

9. Council Action 2019-72

Consider approval of the Liberty Municipal Library Long-Range Plan.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that a Public Library is required to have a long-range plan (Tx. Adm. Code) that is approved by the Library's governing body. This plan is to be reviewed and updated every five years and must include a collection development component and a technology component.

A motion was made to approve the Liberty Municipal Library's Long-Range Plan, as presented.

ATTACHMENTS:

- Library Long Range Plan-Exhibit A (PDF)

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

10. Council Action 2019-73

Consider award of bid for Main "B" Levee Repairs.

COMMENTS - Current Meeting:

City Manager Tom Warner conveyed to Council that two bids were received to make necessary repairs to the Main "B" Levee, from Bowie Street to approximately 450 feet west, due to slope during Hurricane Harvey and outfall pipe failures. Discussion was held regarding the bids received from TLC Trucking & Contracting, Inc ($754,814.20). and Rebel Contractors ($833,520.00), and if no additional FEMA funds are received, the estimated cost of $767,574.00 is to be paid from the Cambridge Fund.

A motion was made to award the bid for Main "B" Levee Repairs to TLC Trucking & Contracting, Inc., to be paid with Cambridge Funds.

ATTACHMENTS:

- Bid Tab-Levee Repairs (PDF)

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

11. Ordinance 2019-19

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY CREATING DIVISION 3 IN CHAPTER 4.05 OF THE CODE OF ORDINANCES, REGULATING AUTOMOBILE WRECKING, SALVAGE AND STORAGE YARDS WITHIN THE CITY AND 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 AMENDING THE CODE OF ORDINANCES BY CREATING DIVISION 3 IN CHAPTER 4.05 OF THE CODE OF ORDINANCES, REGULATING AUTOMOBILE WRECKING, SALVAGE AND STORAGE YARDS WITHIN THE CITY AND 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 Attorney Brandon Davis stated that the City currently regulates junk yard and junk dealers, but has no regulations for automobile wrecking, salvage and storage yards. This Ordinance provides standards and procedures for the operation and maintenance of these facilities. Discussion included changing the effective date for compliance with these regulations from one year to 180 days, and the addition of the penalty clause unintentionally omitted.

A motion was made to adopt the Ordinance with the change from one year to 180 days and the inclusion of a penalty clause.

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

B. Executive Session

Gov. Code §551.071 - Private Consultation with Attorney. To seek advice regarding contemplated litigation.

- Accident at the Humphreys Cultural Center.

Gov. Code §551.087 - Deliberation Regarding Economic Development / Real Estate Negotiations.

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

At 8:01 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 9:23 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-62

Consider and take action, if any, on contemplated litigation, as discussed in the Executive Session.

RESULT:	**NO ACTION TAKEN**

2. Council Action 2019-63

Consider and take action, if any, on economic development / real estate negotiations, as discussed in the Executive Session.

RESULT:	**NO ACTION TAKEN**

3. Council Action 2019-64

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

RESULT:	**NO ACTION TAKEN**

IX. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 9:28 p.m.

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Carl Pickett, Mayor

ATTEST:

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Dianne Tidwell, City Secretary