



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, September 10, 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 to the American and Texas flags were led by Police Chief Gary Martin and Fire Chief Brian Hurst, respectively.

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.

There were no comments.

V. PRESENTATIONS / REPORTS**A. Information Item (ID # 4557)**

City Manager's Report - City Mgr. T. Warner

COMMENTS - Current Meeting:

City Manager Tom Warner reported on current City activities and projects, including the City Hall HVAC and Lighting Projects, Hwy. 146N Sanitary Sewer Line Extension Project, Main "B" Levee Repairs, new signage at various City facilities, agreement for restaurant at the Liberty Municipal Golf Course, and other topics.

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4558)

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

COMMENTS - Current Meeting:

This agenda item was passed on.

C. Information Item (ID # 4559)

Department Reports

COMMENTS - Current Meeting:

There were no reports.

ATTACHMENTS:

- Dept. Reports (PDF)

D. Information Item (ID # 4575)

Recycling Report - Asst. City Manager C. Jarmon

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on the upcoming recycling event to be held in the City Hall parking lot on Saturday, October 5, from 9 a.m. until Noon, to also include e-cycling.

E. Information Item (ID # 4560)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett stated there was no current SRMPA business to report, and the next Agency Meeting would be held September 24, 2019.

F. Information Item (ID # 4561)

Mayor, Council & Staff Comments

COMMENTS - Current Meeting:

Council Member Simonson reported that she had received many positive comments regarding the restaurant soon to be located at the Liberty Municipal Golf Course, and the

Golf Course itself.

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 Consent Agenda, to include the change in the grant amount for the 2020 TxDOT Routine Airport Maintenance Program from \$60,000 to \$100,000.

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, August 13, 2019
2. Tuesday, August 27, 2019

B. Council Action 2019-74

Consider acceptance of the 2020 TxDOT Routine Airport Maintenance Program (RAMP) Grant Agreement.

VII. REGULAR AGENDA

A. Regular Session

1. Public Hearing (ID # 4562)

City Council will hold a Public Hearing on the Proposed Budget for Fiscal Year 19/20.

COMMENTS - Current Meeting:

At 6:17 p.m., Mayor Pickett opened the Public Hearing on the proposed Fiscal Year 2020 Budget. Asst. City Mgr./CFO Naomi Herrington reported on several small changes made to the budget since last review by the Council, stating that there is a balanced budget of \$35 million.

Following brief discussion, Mayor Pickett closed the Public Hearing at 6:20 p.m.

2. Ordinance 2019-21

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; APPROPRIATING NECESSARY FUNDS FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF THE VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; 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:

A motion was made to adopt the Ordinance adopting the Fiscal Year 2020 Budget, as proposed.

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

3. Council Action 2019-75

Consider ratification of the property tax revenue increase reflected in the Fiscal Year 19/20 Budget.

COMMENTS - Current Meeting:

Adoption of a budget that raises more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. LGC §102.007(c).

A motion was made to ratify the property tax revenue increase reflected in the Fiscal Year 2019/2020 Budget.

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

4. Information Item (ID # 4565)

City Council will hold a Public Hearing on the Proposed Tax Rate for Fiscal Year 19/20.

COMMENTS - Current Meeting:

At 6:24 p.m., Mayor Pickett opened the Public Hearing on the proposed tax rate for Fiscal Year 2019-2020. City Manager Tom Warner reported that this was the second of two required public hearings and that the tax rate will remain the same as the previous year of \$0.5851.

Mayor Pickett closed the Public Hearing at 6:27 p.m.

5. Resolution 2019-12

Consider a Resolution appointing a representative to the Sam Rayburn Municipal Power Agency Board of Directors.

COMMENTS - Current Meeting:

A motion was made to appoint City Manager Tom Warner to the Sam Rayburn Municipal Power Agency Board of Directors.

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

6. Council Action 2019-76

Consider appointments to the Liberty Municipal Library Board.

COMMENTS - Current Meeting:

A motion was made to appoint Ms. Tinya Griffin, Ms. Christina Varela, Ms. Brenda Pratt and reappoint Mr. Paul Schmidt to the Liberty Municipal Library Board.

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

7. Council Action 2019-80

Consider a nomination(s) to the Liberty County Central Appraisal District Appraisal Review Board.

ATTACHMENTS:

- ARB Information (PDF)

RESULT:	NO ACTION TAKEN
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8. Council Action 2019-81

Consider a nomination to the Liberty County Central Appraisal District Agricultural Advisory Board.

COMMENTS - Current Meeting:

A motion was made to nominate Mr. Neal Stoesser to the Liberty County Central Appraisal District Agricultural Advisory Board.

ATTACHMENTS:

- Ag Board Info (PDF)

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

9. Council Action 2019-82

Consider a nomination to the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

A motion was made to nominate Mr. John Hebert, Jr. to the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Board of Directors Info (PDF)

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

10. Council Action 2019-83

Consider award of bid and increasing the funding for a new City Hall generator.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that due to the age of the City Hall's current generator, parts availability is an issue. Mr. Warner further stated the with the City Hall serving as the City's Emergency Operations Center during disasters, a non-reliable source of power would cause major problems.

Following discussion of the generator and quotes received for a replacement generator from NSECI, Daisetta, Tx. and WPI, Houston Texas, Mr. Warner recommend that the bid be awarded to WPI, and they also hold the preventive maintenance contract with the City for its generators. Mr. Warner reminded Council that they had previously obligated Cambridge Funds in the amount of \$75,000 to replace the generator.

A motion was made to award the bid to WPI in the amount of \$90,489, plus approval of the additional allocation of Cambridge Funds in the amount of \$15,489 towards this purchase.

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

11. Council Action 2019-84

Consider approval of Change Order No. 1 for the Holly Street Drainage and Water Improvement Project.

COMMENTS - Current Meeting:

Mr. Warner reported that it was discovered that with respect to this project that there are nine locations in which the storm sewer box and the sanitary sewer lines conflict with each other. A manhole will need to be constructed at each of these locations, for a total cost of \$58,000 (\$6500 each). A portion of this change order for this project will be offset by the removal of storm sewer boxes at these locations. Change Order No. 1 would increase the Cambridge Fund contribution from \$443,990 to \$502,490.

A motion was made to approve Change Order No. 1 for the Holly Street Drainage and Water Improvement Project.

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

12. Information Item (ID # 4578)

Discussion led by the City Attorney regarding new public information act laws in effect (S.B. 944).

COMMENTS - Current Meeting:

City Attorney Brandon Davis led discussion regarding SB 944, which now explicitly states what was previously best practice and allows governments to obtain records stored on an official's or employee's private device. The Texas Attorney General has ruled for years that records held on private electronic devices that relate to City business are subject to public information laws. The law now creates criminal liability for employees or officials that do not properly maintain those records. Mr. Davis further explained options for preserving these records.

13. Council Action 2019-85

Consider designating a mailing address and email address for public information act requests.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported that a government body may designate one mailing address and one electronic mail address for receiving public information requests. Mr. Davis states that this designation would assist in making sure that all requests are received by the City Secretary, in a timely manner.

A motion was made to designate 1829 Sam Houston, Liberty, Texas 77575 as the proper mailing address and citysecretary@cityofliberty.org as the designated electronic mail address for public information requests. A government that posts this information on its Internet website is not required to respond to a written request for public information unless the request is received by one of these addresses or by hand delivery.

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

B. Executive Session

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

- Humphreys Cultural Center

Gov. Code §551.072 - Deliberation Regarding Real Property.

- To deliberate the purchase, exchange, lease or value of real property.
- To deliberate the purchase, exchange, lease or value of real property - Tax Property Sale.

At 7:01 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 7:35 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-77

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

RESULT: NO ACTION TAKEN

2. Council Action 2019-78

Consider and take action, if any, on the deliberation regarding real property as discussed in the Executive Session.

RESULT: NO ACTION TAKEN

3. Council Action 2019-79

Consider and take action, if any, on the deliberation regarding tax sale property as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to accept the offer of \$39,000 for tax sale property described as 13 lots @ \$3000 each, as discussed in the Executive Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Arnold, Council Member
SECONDER:	Libby Simonson, 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

7:38 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary