



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, November 12, 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

The Invocation was given by Pastor Clint Sylvester, Grace Church, Liberty, Texas.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags were led by Fire Chief Brian Hurst and Police Chief Gary Martin, 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.

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 # 4622)

City Manager Report - City Projects and Activities - City Mgr. T. Warner * Transparency In Government * Tropical Depression Imelda *Cambridge Fund *City Hall Improvements *Fire / Police Softball Game

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the following:

- Transparency in Government - changes to Council Agendas and the City Manager's Report.
- Tropical Depression Imelda - Debris Monitoring and Collection conducted in accordance with FEMA regulations, approximate cost being \$110,000. Insurance proceeds currently received as a result of this storm, in the amount of \$261,003.38.
- Cambridge Fund - Addressed amount of Cambridge Fund Distributions since October 2013 - \$26,779,162.14. Addressed current Cambridge Fund balance and expenditures.
- City Hall Improvements - Addressed work being performed, with improvements to be completed by the end of December.
- Fire/Police Softball Game - Well attended event, with the Fire Department winning the trophy.

ATTACHMENTS:

- City Manager's Report Nov 12 (DOCX)

B. Information Item (ID # 4623)

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

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the City's financials, as of the end of September, 2019. Ms. Herrington addressed the revenues and expenditures of various funds, property and sales tax, and closing out the fiscal year. Ms. Herrington also stated the City's annual audit will begin in December.

C. Information Item (ID # 4636)

Department Reports

COMMENTS - Current Meeting:

These reports were placed in the Council Agenda for Council's review.

ATTACHMENTS:

- Fire Dept Report-Oct (XLS)
- Inspection Dept Rpt Oct (XLSX)
- Library Oct Narrative Report (DOCX)
- Library Oct Stats Rpt (XLSX)
- Library Volunteer Rpt Oct (XLSX)

- Police Dept Report Oct (XLS)
- Public Works Rpt Oct (DOCX)
- Public Works Construction Rpt Oct (DOCX)

D. Information Item (ID # 4625)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency (SRMPA), reported the next meeting of the Agency will be held November 19, addressed recent SRMPA Meeting minutes enclosed in the Agenda Packet, and reviewed various aspects of the electric transformers belonging to the Agency.

ATTACHMENTS:

- SRMPA Minutes-Aug 2019 (PDF)

E. Information Item (ID # 4626)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

In response to Veteran's Day, Mayor Pickett invited three local veterans to the Council Meeting; each of them spoke about which their branch of service and their military history. The veterans were Cleveland Walters, Jr., H.D. Jackson, and Joe Roberts.

Mayor Pickett reported on the City Manager's presentation to the Rotary Club regarding the Cambridge Project, and the success of the softball game between the Fire and Police Departments.

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

A. Minutes Approval

1. Tuesday, October 08, 2019

VII. REGULAR AGENDA

A. Regular Session**1. Ordinance 2019-27**

CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 4.05, CREATING DIVISIONS 4 AND 5 REGULATING WRECKER SERVICES WITHIN THE CITY; SETTING AN EFFECTIVE DATE; ESTABLISHING PENALTIES FOR VIOLATIONS; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT 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, ARTICLE 4.05, CREATING DIVISIONS 4 AND 5 REGULATING WRECKER SERVICES WITHIN THE CITY; SETTING AN EFFECTIVE DATE; ESTABLISHING PENALTIES FOR VIOLATIONS; AND DISPENSING WITH SECTION 3.10 OF THE HOME RULE CHARTER THAT ORDINANCES BE READ ON TWO SEPARATE OCCASSIONS."

City Attorney Brandon Davis addressed the proposed wrecker ordinance including non-consent tows, the Police Department determining those to be included on the towing list, the application and permit process, an appeal process, and other related topics.

A motion was made to adopt the Ordinance.

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

2. Ordinance 2019-29

CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 3.12 OF THE CODE OF ORDINANCES, REGULATING PARKING WITHIN THE CITY; 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 3.12 OF THE CODE OF ORDINANCES, REGULATING PARKING WITHIN THE CITY; 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."

Asst. City Manager Chris Jarmon explained the City does not currently provide guidance on off-street parking spaces required for new commercial development. The proposed ordinance will

assist real estate brokers and architects with guidance on these requirements.

After lengthy discussion, a motion was made to adopt the Ordinance.

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

3. Ordinance 2019-28

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 THE ESTABLISHMENT OF WRECKER PERMITS AND NON-CONSENT WRECKER TOW FEES AND CLARIFICATION OF RESIDENTIAL BUILDING PERMIT FEES AND SIGN PERMIT FEES; 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 THE ESTABLISHMENT OF WRECKER PERMITS AND NON-CONSENT WRECKER TOW FEES AND CLARIFICATION OF RESIDENTIAL BUILDING PERMIT FEES AND SIGN PERMIT FEES; 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."

A motion was made to adopt the Ordinance, setting the fees as described.

ATTACHMENTS:

- Ord - MFS Exhibit-Wrecker and Bldg Permit Fees (DOCX)

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

4. Resolution 2019-13

Consider a Resolution casting the City's voting entitlement for a position on the Liberty County Central Appraisal District Board of Directors.

COMMENTS - Current Meeting:

A motion was made to approve a Resolution casting the City's voting entitlement of 160 votes, in favor of John Hebert, Jr. for a position on the Liberty County Central Appraisal District Board of Directors.

ATTACHMENTS:

- CAD Info- Board of Directors Voting Entitlement (PDF)

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

5. Council Action 2019-99

Consider a nomination to the Liberty County Central Appraisal District, Appraisal Review Board.

COMMENTS - Current Meeting:

This agenda item was passed on.

ATTACHMENTS:

- CAD Info-ARB Nomination (PDF)

RESULT:	NO ACTION TAKEN
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6. Council Action 2019-100

Consider an expenditure for replacement of the Golf Course Bridge, damaged as a result of Tropical Depression Imelda.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon stated that Tropical Depression Imelda caused extensive damage to a bridge at the Liberty Municipal Golf Course. Mr. Jarmon reported that three firms provided estimates to install a new bridge. Following discussion of the bid requirements and each of the firms, a motion was made to approve a contract with Greenscapes Six in the amount of \$58,207.20.

ATTACHMENTS:

- Golf Course Bridge - Exhibit (PDF)

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

B. WORK SESSION**1. Work Session (ID # 4630)**

The City Council will conduct a Work Session to discuss the regulation of game rooms, amusement redemption machines and related issues.

COMMENTS - Current Meeting:

A lengthy discussion was held regarding game rooms and related issues to include, signage

and gambling, number of machines, memberships not to be required, individuals under the age of 18 not allowed to play, alcohol, prize and cash payouts, required permits and machine tags, and numerous associated concerns.

ATTACHMENTS:

- ORD - Game Rooms (DOCX)

C. Executive Session

Gov. Code §551.072 - Deliberation regarding real property.

- To deliberate the purchase, exchange, lease or value of real property - Liberty Municipal Golf Course Property.

Gov. Code §551.071 - Private Consultation with Attorney.

- To seek advice regarding contemplated / pending litigation related to the Humphreys Cultural Center.

7:50 p.m., Mayor Pickett closed the open meeting, and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 9:04 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2019-98

Consider and take action on items related to the pending litigation involving the Humphreys Cultural Center.

COMMENTS - Current Meeting:

A motion was made to approve the Settlement Agreement with Edwards Associates, PLLC and Schmitz/Lamb Engineers, Inc., as presented by the City Attorney in the Executive Session, also authorizing the attorneys to finalize the agreement.

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

9:05 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary