



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, December 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	Absent	
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 Glenn Leatherman, First Baptist Church, Liberty.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was led by Asst. Fire Chief Steven Grimm and Public Works Director Damon Jones, 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 # 4646)

City Manager's Report - City Mgr. T. Warner - Projects & Activities - City Hall Closures - City Hall Repairs - Holly Street Project Main B Levee Repairs - Sanitary Sewer Project

COMMENTS - Current Meeting:

City Manager Tom Warner reported on numerous City projects and activities including:

- Annual Country Christmas Parade and Celebration was a huge success
- City Hall Interior Repairs and Improvements expected to be complete by the end of December
- Update on various projects; Holly Street Drainage, Sanitary Sewer Improvements, Main "B" Levee Repairs and Electric Projects
- Closures of City facilities for Christmas and New Years' Holidays.

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4649)

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

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the City's finances ending October 31, 2019. Ms. Herrington reviewed the various funds and the status of each, payment of Workers' Comp/ Liability Insurance, and stated that the cash in bank for the General Fund is \$1.6 million.

C. Information Item (ID # 4657)

Department Reports

COMMENTS - Current Meeting:

City Manager Tom Warner reviewed the various photos in the monthly department reports, stating these reports were placed in the Agenda Packet for Council's review.

ATTACHMENTS:

- Fire Dept. Rpt. - Nov. (XLS)
- Inspection Dept. Rpt. Nov. (XLSX)
- Library Narrative Rpt. - Nov. (DOCX)
- Library Stats Rpt. - Nov. (XLSX)
- Library Volunteer Rpt. - Nov. (XLSX)
- Police Dept. Rpt.-Nov.(XLS)
- Public Works Rpt. - Nov. (DOCX)
- Public Works Construction Rpt - Nov. (DOCX)

D. Information Item (ID # 4647)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported that there was no immediate business to report and that the next Agency Meeting would be held December 17, 2019.

ATTACHMENTS:

- SRMPA Minutes - Sept 2019 (PDF)
- SRMPA Minutes - Oct 2019 (PDF)

E. Information Item (ID # 4648)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett, on behalf of the City Council, wished everyone a very Merry Christmas and reminded the Council of the City Employee Christmas Dinner on December 12.

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:	Diane Huddleston, Mayor ProTem
AYES:	Pickett, Huddleston, Beasley, Simonson, Smith, Thornton
ABSENT:	David Arnold

A. Minutes Approval

1. Tuesday, November 12, 2019
2. Tuesday, November 19, 2019

VII. REGULAR AGENDA**A. Regular Session****1. Council Action 2019-102**

Consider an amendment to the lease agreement with Distinct Cantinas, Inc. for operation of the restaurant at the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported on the proposed amendments to the lease agreement with Distinct Cantinas for operation of the restaurant at the City's Golf Course. Mr. Davis reported that the lessee requested a two-month extension on the time in which the restaurant is

to open, have access to the facility so they can now begin preparation for an open facility, and a revised signature page to the document.

After brief discussion, a motion was made to approve the amended Lease Agreement with Distinct Cantinas, Inc.

ATTACHMENTS:

- EXHIBIT A - Commercial Lease Amendment - FINAL (DOCX)

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

2. Ordinance 2019-32

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 FIRE DEPARTMENT INSPECTION AND 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 FIRE DEPARTMENT INSPECTION AND 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."

Following review of the proposed rates and fees, a motion was made to adopt the Ordinance amending the Master Fee Schedule to include Fire Department Inspection and Permit Fees.

ATTACHMENTS:

- EXHIBIT A - Fire Marshall Fees (PDF)

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

3. Ordinance 2019-33

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT IN CONNECTION WITH ITS STATEMENT OF INTENT TO INCREASE RATES FOR CENTERPOINT'S BEAUMONT/EAST TEXAS DIVISION, FILED ON NOVEMBER 14, 2019; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE RAILROAD COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; DECLARING 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:

"ORDINANCE OF THE CITY OF LIBERTY, TEXAS AUTHORIZING THE SUSPENSION OF THE EFFECTIVE DATE FOR AN ADDITIONAL NINETY (90) DAYS BEYOND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT IN CONNECTION WITH ITS STATEMENT OF INTENT TO INCREASE RATES FOR CENTERPOINT'S BEAUMONT/EAST TEXAS DIVISION, FILED ON NOVEMBER 14, 2019; AUTHORIZING THE HIRING OF LAWYERS AND RATE EXPERTS; AUTHORIZING THE CITY'S PARTICIPATION TO THE FULL EXTENT PERMITTED BY LAW AT THE RAILROAD COMMISSION OF TEXAS; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; DECLARING 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."

After brief discussion of the CenterPoint proposed rate increase, City Manager Tom Warner stated that each municipality in the service area must choose to approve, deny, modify, or suspend the rate increase request by December 19, 2019. Mr. Warner further stated that as in prior rate cases, the City of Liberty has joined with other cities to retain legal counsel and rate consultants to represent the various cities. Cities may suspend the rate change for a period up to 90 days from the effective date. The 90-day period provides the consultants an opportunity to review the case and supporting documents, in order to provide a recommendation on future action.

A motion was made to adopt the Ordinance suspending the effective date for an additional 90 days, authorizing the City's participation in the Steering Committee of Cities to retain legal counsel and rate consultants, and to participate in rate proceedings before the Railroad Commission or any state courts.

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

4. Council Action 2019-103

Consider the sale of tax trust property located at 1610 Texas.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported on tax trust property located at 1610 Texas Street. An offer of \$51,000.00 has been made, and if the bid is accepted and following court costs, publication fees, and filing fees, the amount distributed to the City will be \$12,038.64. The property will then be placed back onto the tax roll.

After brief discussion, a motion was made to accept the bid of \$51,000.00, for the tax trust property described as 0.3719 acres, Lot 1, 2(N/2), Bill Davis Subdivision (1610 Texas).

ATTACHMENTS:

- Tax Property Info (PDF)

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

5. Work Session (ID # 4653)

The City Council will conduct a Work Session regarding the 2019 Charter Review Commission's proposed changes to the City of Liberty Home Rule Charter.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported the 2019 Charter Review Commission has completed their review of the City's Home Rule Charter. Mr. Davis reviewed and explained the purpose of each proposed change to the Charter. After lengthy discussion, Mr. Davis stated that the changes will be written in a final report form and presented to Council, at which time they may vote whether or not to submit these changes to the voters.

ATTACHMENTS:

- Proposed Charter Changes (DOCX)

B. Executive Session

Tx. Gov. Code §551.074 - Personnel Matters.

To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- ☐ Liberty Municipal Library
- ☐ Liberty Municipal Golf Course

Tx. Gov. Code §551.071 - Private Consultation with Attorney.

To seek advice regarding contemplated / pending litigation.

- ☐ Discussion with the City Attorney - FEMA Appeal.

At 7:19 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

C. Reconvene into Regular Session

At 8:00 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Ordinance 2019-34

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020; PROVIDING FOR AN INCREASE IN EXPENDITURES IN THE LIBERTY MUNICIPAL GOLF COURSE BUDGET AND THE LIBRARY BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED AND ADOPTED; 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 AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2020; PROVIDING FOR AN INCREASE IN EXPENDITURES IN THE LIBERTY MUNICIPAL GOLF COURSE BUDGET AND THE LIBRARY BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED AND ADOPTED; 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, amending the budget to fund new positions at the Liberty Municipal Library and the Liberty Municipal Golf Course.

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

2. Council Action 2019-104

Consider and take action, if any, on contemplated/pending litigation regarding a FEMA Appeal, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to approve a settlement with the Federal Emergency Management Agency (FEMA), as discussed in the Executive Session.

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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:03 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary