



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, March 10, 2020

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 Rev. Josh Hale, First United Methodist Church, Liberty.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags were led by Liberty Police Department Officer Jacob Cantu and Liberty Fire Department Volunteer Martin Trahan.

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 # 4706)

City Manager's Report - T. Warner, City Mgr. - City Project & Activities - Jubilee - EPA Flood Resilience Workshop - City Hall Interior Repairs & Improvements, Holly Street Drainage & Water Project - Sanitary Sewer Improvement Project - Main "B" Levee Repairs - TxDOT U.S. 90 Public Meeting - Inspection Permitting Update

COMMENTS - Current Meeting:

City Manager Tom Warner reported on the status of current infrastructure and facility projects, other city related activities, and potential cancellation of the Liberty Jubilee, in light of the recent corona virus outbreak.

ATTACHMENTS:

- City Manager's Report March 2020 (DOCX)

B. Information Item (ID # 4707)

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

COMMENTS - Current Meeting:

Asst. City Manager/CFO Naomi Herrington reported on the City's financials as of January, 2020. Ms. Herrington reported on the \$2.9 million cash in the General Fund, and property tax revenues at 61% and sales tax revenues at 33% of budgeted amounts. Ms. Herrington further reviewed the revenues and expenditures of the various other funds.

C. Information Item (ID # 4722)

Department Reports - Monthly Dept. Activities

COMMENTS - Current Meeting:

Monthly reports, submitted by the various City Departments are presented, in the Council Packet, for Council's review.

ATTACHMENTS:

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

D. Information Item (ID # 4708)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported the Agency's next meeting will be held March 17. Mayor Pickett further stated that the Agency's lawsuit involving the Cambridge Project Trust, could possibly freeze disbursement of future

funds to the member cities. The Agency received, in January 2020, funds in the amount of \$862,000 as a result of the sale of wholesale energy.

E. Information Item (ID # 4709)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

City Manager Tom Warner presented a slide presentation of the activities of the Liberty Fire Department in 2019, as compiled by Volunteer Fireman, Jacob Cantu.

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 all the items listed under the Consent 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, January 28, 2020
2. Tuesday, February 11, 2020
3. Tuesday, February 18, 2020
4. Thursday, February 20, 2020

B. Council Action 2020-16

Consider approval of a Service Agreement between the City of Liberty and the Ames Water Supply Corporation.

ATTACHMENTS:

- Ames Water Supply Service Agreement - Exhibit A (PDF)

C. Council Action 2020-17

Consider approval of an Interlocal Cooperation Contract with the Texas Department of Public Safety for the Fail to Appear Program.

ATTACHMENTS:

- Interlocal Cooperation Contract-Failure to Appear (PDF)

D. Council Action 2020-18

Consider acceptance of the 2018-2019 Fiscal Year Audit, as presented on February 20, 2020 by Swaim, Brents & Associates.

E. Resolution 2020-1

Consider a Resolution designating authorized signatories for contractual documents and documents requesting funds relating to the Community Development Block Grant Program (CDBG).

F. Resolution 2020-2

Consider a Resolution approving the attached policies in connection with the City of Liberty, Texas participation in Federally Funded Community Development Block Grant (CDBG) Projects and adherence to the regulations described therein.

ATTACHMENTS:

- Civil Rights Resolution Info (PDF)

G. Council Action 2020-19

Consider designating various library books, no longer in circulation, as surplus property.

VII. REGULAR AGENDA**A. Regular Session****1. Ordinance 2020-9**

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS DENYING THE STATEMENT OF INTENT OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS TO INCREASE RATES IN THE BEAUMONT/EAST TEXAS DIVISION; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE FOR THIS ORDINANCE; 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 OF LIBERTY, TEXAS DENYING THE STATEMENT OF INTENT OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS TO INCREASE RATES IN THE BEAUMONT/EAST TEXAS DIVISION; REQUIRING REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE FOR THIS ORDINANCE. AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

City Manager Tom Warner reported on the recent application for a rate increase, filed by CenterPoint Energy. Following review of the increase cost to business and residential customers, and recommendation by the City's rate consultants, a motion was made to deny the proposed CenterPoint Energy rate increase.

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

2. Council Action 2020-21

Consider approval of an agreement with MP Consulting Services for consulting and review of the City's Insurance Services Office (ISO) rating.

COMMENTS - Current Meeting:

Following City Manager Tom Warner's report on the City's current ISO rating of 5, the benefits of employing a consultant to review and suggest improvements in order to lower the City's rating to less than 5 (on a scale of 1-10, with 1 being the best), a motion was made to execute an agreement with MP Consulting Services, with the fee being \$32,000, to be paid from the General Fund's Contingency.

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

3. Resolution 2020-3

Consider a Resolution authorizing the City Manager to apply for and accept funding from the Texas Department of Transportation and to execute all documents necessary to install an Automated Weather Observing System (AWOS) at the Liberty Municipal Airport.

COMMENTS - Current Meeting:

City Manager Tom Warner spoke to the importance of an AWOS System and the necessary information and safety it provides pilots for take offs and landings. This system is also of great importance to Life Flight in determining whether or not they can land or leave our area. Projected cost is \$200,00, with a 75% reimbursement from TxDOT. There is also an anonymous donor that would like to fund the remaining 25%.

A motion was made to approve the Resolution authorizing the City Manager to apply for and accept funding from the Texas Department of Transportation and for execution of all relative documents for the installation of an Automated Weather Observing System at the Liberty Municipal Airport.

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

4. Ordinance 2020-10

CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 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 AMENDING ARTICLE 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."

City Attorney Brandon Davis reported that the ordinance adopted in November, 2019 regarding parking spaces referenced an incorrect table and that the amended ordinance corrects this mistake and also clarifies stall information and the adds the dimensions for parallel parking spaces.

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

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

5. Council Action 2020-22

Consider authorizing the expenditure of Cambridge Funds to repair a waterline on Main Street, under Main "B".

COMMENTS - Current Meeting:

City Manager Tom Warner reported on a cavity, in the parking lot of Boot Barn, caused by a leak in a 6" water line. Mr. Warner reported on the repair process which included boring an new water line under the box culvert. Repairs are completed and the City will replace the paving. Mr. Warner stated the total project cost is \$50,000 and recommends funding from Cambridge Funds.

A motion was made to approve the expenditure of \$50,000, from the Cambridge Fund, for repair of the water leak.

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

B. Executive Session

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

To seek advice regarding contemplated / pending litigation.

Tx. Gov. Code §551.087 - Deliberation Regarding Economic Development Negotiations.

To deliberate commercial or financial information received from a business prospect.

At 7:09 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 7:41 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-20

Consider approving a settlement agreement, regarding contemplated/pending litigation, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to approve the Settlement Agreement with GTT and the subcontractors, and authorize the City's attorneys to resolve the wording of the Settlement Agreement 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

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 7:42 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary