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, April 14, 2020 | **6:00 PM** | **City Council Chambers**

I. CALL TO ORDER

THIS MEETING WAS HELD USING THE VIDEO CONFERENCE TOOL, ZOOM, DUE TO THE COVID-19 DISEASE.

Present by Video Conference: Council Members Huddleston, Beasley, Simonson, Arnold, Smith and Thornton; Asst. City Managers Jarmon and Herrington.

Present in the Council Chambers: Mayor Carl Pickett, City Manager Tom Warner City Attorney Brandon Davis, and Adm. Asst. April Gilliland.

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	
Brandon Davis	City Attorney	Present	

II. INVOCATION

An Invocation was not given.

III. PLEDGE OF ALLEGIANCE

Mayor Pickett led the Pledge to the American and Texas flags.

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.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4741)

City Manager's Report - T. Warner, City Mgr. - Projects & Activities - COVID-19 - Sanitary Sewer and Main B Levee Projects - City Auction Results - Board Appointments

COMMENTS - Current Meeting:

City Manager Tom Warner reported on upcoming board appointments to the Liberty Community Development Corporation and the Planning and Zoning Commission, City facilities closed to the public, sewer and levee project updates, recent City online auction resulting in $73,000 revenue and $3000 of incurred costs for which there is no reimbursement due to cancellation of the Annual Liberty Jubilee, as a result of the COVID-19 Disease.

ATTACHMENTS:

- City Manager's Report (DOCX)
- Mayor's Executive Order-April 3 (PDF)

B. Information Item (ID # 4742)

Finance Report - Asst. City Mgr./CFO

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the City's financials through February 29, 2020. Ms. Herrington stated that General Fund revenues are at 49% of the budgeted amount, property tax collections are at 82% and sales tax collections are at 43% of the budgeted amount. Ms. Herrington further reviewed other various funds and their status, concluding by stating that the cash on hand is $2.5 million.

C. Information Item (ID # 4743)

Department Reports

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 Report (XLSX)
- Police Dept. Report (XLS)
- Public Works Report (DOCX)
- Public Works Construction Report (DOCX)

D. Information Item (ID # 4744)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett gave a brief report of the upcoming April 21st SRMPA Meeting.

E. Information Item (ID # 4745)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Council Member Thornton commented on the status of the Liberty Municipal Golf Course.

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:	Neal Thornton, Council Member
AYES:	Pickett, Driggers, Beasley, Simonson, Arnold, Smith, Thornton

A. Minutes Approval

1. Tuesday, March 10, 2020

2. Friday, March 13, 2020

3. Monday, March 23, 2020

4. Wednesday, April 08, 2020

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2020-14

CONSIDER ADOPTION OF AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS (“CITY”) APPROVING THE SETTLEMENT OF THE PROPOSED RATE INCREASE 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; 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:

"AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS (“CITY”) APPROVING THE SETTLEMENT OF THE PROPOSED RATE INCREASE 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; 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.”

City Manager Tom Warner reported on the details of the proposed settlement agreement. In summary, Mr. Warner stated that this Ordinance approves the settlement of the proposed rate increase by Centerpoint Energy, previously denied by the City of Liberty and other cities participating in the East Texas Coalition of Cities. CenterPoint has agreed to settle the proposed rate increase at levels that are much more favorable to customers relative to their original rate request.

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

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

2. Ordinance 2020-15

CONSIDER ADOPTION OF AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS (“CITY”) DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON MARCH 31, 2020; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS: 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 BY THE CITY OF LIBERTY, TEXAS (“CITY”) DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON MARCH 31, 2020; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS: 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 details of Entergy's proposed Distribution Cost Recovery Factor (DCRF) rate increase and stated that cities have 60 days to adopt an ordinance accepting, modifying or rejecting the rate increase, which allows a utility to recover increased distribution investment expenses.

A motion was made to adopt the Ordinance denying Entergy's DCRF rate increase, as presented.

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

3. Ordinance 2020-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS REGULATING THE SPEED ON WOODSPRINGS DRIVE IN THE CITY OF LIBERTY, LIBERTY COUNTY, TEXAS PROVIDING A PENALTY FOR VIOLATION, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH 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 REGULATING THE SPEED ON WOODSPRINGS DRIVE IN THE CITY OF LIBERTY, LIBERTY COUNTY, TEXAS PROVIDING A PENALTY FOR VIOLATION, AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH 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 that in the Texas Manual on Uniform Traffic Control Devices is guidance for the establishment of speed limits. Based on a speed survey conducted by the City of Liberty Public Works Department, this Ordinance raises the speed limit, on Woodsprings Drive, from 30 mph to 45 mph. Speed limit violations will result in a fine.

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

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

4. Resolution 2020-9

Consider a Resolution for award of proposal for Utility Billing, Municipal Court and Library Delinquent Collection Services.

COMMENTS - Current Meeting:

Asst. City Mgr./CFO Naomi Herrington reported on the proposal specifics for delinquent collection service for Utility Billing, Court and the Municipal Library. After brief discussion, a motion was made to award the proposal to Perdue, Brandon, Fielder, Collins and Mott, LLP.

ATTACHMENTS:

- Score Sheet - Delinquent Collections (PDF)

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

B. Executive Session

Government Code §551.071 - Private Consultation with Attorney.

Consultation with attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

At 7:12 p.m., Mayor Pickett closed the open meeting and opened the Executive Session, as authorized above.

C. Reconvene into Regular Session

At 7:56 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Resolution 2020-10

Consider a Resolution approving action to be taken, as a result of matters discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to hire Lloyd Gosselink, Attys., as discussed in the Executive Session.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Libby Simonson, Council Member
SECONDER:	Diane Driggers, Mayor ProTem
AYES:	Pickett, Driggers, 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 7:58 p.m.

.

_____
Carl Pickett, Mayor

ATTEST:

_____
Dianne Tidwell, City Secretary