



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, May 12, 2020

6:00 PM

City Hall - Liberty Center

I. CALL TO ORDER

Those individuals listed in the Call to Order were physically present in the Liberty Center. The public was not yet allowed in due to COVID-19.

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Driggers	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

There was no Invocation given.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American and Texas flags was 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.

There were no comments.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 4759)

City Manager's Report - City Manager T. Warner - Projects & Activities - COVID-19 Related Information - Preliminary Estimate of 2020 Property Values - Sanitary Sewer Project - Main B Levee Project - Electric Projects.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on various projects and activities including COVID-19 related issues comprising of Executive Orders issued by the Mayor, City facilities that remain closed, and sales tax collections down as a result of the pandemic. Also reported were 2020 property value estimates at a 1% increase over the previous year, Sanitary Sewer Improvement Project at 92% complete, Main B Levee Project at 98% complete, review of the status of electric projects and whether or not to cancel the annual fireworks display scheduled for July 3, 2020.

ATTACHMENTS:

- City Manager's Report(DOCX)

B. Information Item (ID # 4761)

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 March, 2020. Ms. Herrington reviewed the General Fund with property tax revenues being 83% of the budgeted amount and sales tax revenues being 50% of the budgeted amount, with sales tax revenues also being \$40,000 more than the same period the previous year. Cash in the General Fund is \$2.7 million. Ms. Herrington further reviewed the status of the City's other funds.

C. Information Item (ID # 4762)

Sam Rayburn Municipal Power Agency- Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, reported the Agency held no meeting in March, and that the Federal Court lawsuit involving the Cambridge Project had been recently dismissed.

D. Information Item (ID # 4760)

Department Reports

COMMENTS - Current Meeting:

During discussion of the Department Reports, City Manager Tom Warner reported on the number of patrons visiting the Library for "Front Door Pickup Service" and that the Fire Department had taken delivery of the new Ladder Truck.

ATTACHMENTS:

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

E. Information Item (ID # 4763)

Mayor, Council and Staff Comments

COMMENTS - Current Meeting:

Mayor Pickett reported on the weekly meetings held by the Liberty County Judge in regard to COVID-19, stating that City Manager Tom Warner has participated in these meetings.

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

A. Minutes Approval

1. Tuesday, April 14, 2020

VII. REGULAR AGENDA**A. Regular Session****1. Information Item (ID # 4764)**

Mr. Thomas James will address the Council regarding a request related to the speed limit and signage in the Forest Hills Subdivision.

COMMENTS - Current Meeting:

Due to an unscheduled work commitment, Mr. James was not able to participate in the Council Meeting, however Ms. Jennifer Cannaday spoke on his behalf. Ms. Cannaday spoke to Council regarding the speed limit and related signage in the Forest Hills Subdivision and the need for children at play signage. The City Manager stated that the City had conducted a speed survey reflecting a maximum speed in the morning hours as 28 mph and 27mph in the evening

hours.

Management will get with Ms. Cannaday and/or Mr. Thomas for further discussion.

ATTACHMENTS:

- Request to Address Council (PDF)

2. Ordinance 2020-17

CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE CITY'S FISCAL YEAR 2019-2020 BUDGET; 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 FISCAL YEAR 2019-2020 BUDGET; 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."

City Manager Tom Warner reported that the FY20 Budget Amendment relates to costs associated with an equipment purchase and specific projects. Mr. Warner reviewed the various line item increases, funding source and other related information. A motion was made to adopt the Ordinance amending the FY20 Budget, as presented.

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

3. Resolution 2020-11

Consider a Resolution to accept a proposal submitted by Kendig Keast Collaborative for the development of a Unified Development Ordinance (UDO) for the City of Liberty.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon on a Request for Proposals for development of a Unified Development Ordinance (UDO). Mr. Jarmon stated the City received two responses for the UDO, which will guide the City's development and future growth. Following a presentation from Kendig Keast representatives and discussion of the cost, not to exceed \$179,948, and a completion date of fifteen (15) months, a motion was made to adopt the Resolution accepting the proposal from Kendig Keast Collaborative for development of the UDO.

ATTACHMENTS:

- UDO Scoring Sheet (3) - UDO (XLSX)
- Kendig Keast Presentation (PPTX)

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

4. Resolution 2020-12

Consider a Resolution approving the Final Plat of the Holly Street Manor Subdivision.

COMMENTS - Current Meeting:

Asst. City Manager Chris Jarmon reported on the Final Plat of the Holly Street Manor Subdivision, stating this plat was previously approved by the Planning and Zoning Commission in April, 2020 and relates to the development of seven (7) single family homes.

Following discussion, a motion was made to approve the Final Plat of the Holly Street Manor Subdivision as presented in the Resolution.

ATTACHMENTS:

- Holly Street Manor Final Plat - Exhibit A (PDF)

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

5. Resolution (ID # 4768)

First reading of a Resolution ratifying the Liberty Community Development Corporation's (LCDC) expenditure of \$143,310.98 for the Main Street Sidewalk Rehabilitation Project.

COMMENTS - Current Meeting:

City Attorney Brandon Davis read the first reading of the Resolution, in its entirety, ratifying the Liberty Community Development Corporation's approval of an expenditure in the amount of \$143,310.98, for the Main Street Sidewalk Rehabilitation Project. This project will provide for the rehabilitation of the sidewalk for the east side of Main Street from Sam Houston to Trinity Street. The project will include not only the sidewalks but installation of decorative lighting.

RESULT:	MOVED FORWARD ON FIRST READING
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6. Resolution 2020-13

Consider and take action, if any, on the second and final reading of a Resolution ratifying the Liberty Community Development Corporation's (LCDC) expenditure of \$143,310.98 for the Main Street Sidewalk Rehabilitation Project.

COMMENTS - Current Meeting:

City Attorney Brandon Davis read the second and final reading of the Resolution, in its entirety, ratifying the Liberty Community Development Corporation's approval of an expenditure in the amount of \$143,310.98, for the Main Street Sidewalk Rehabilitation Project.

A motion was made to approve the Resolution for the Main Street Sidewalk Rehabilitation Project.

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

7. Resolution 2020-14

Consider a Resolution authorizing the purchase of a transport van through the Houston-Galveston Area Council (HGAC) to replace Medic 5.

COMMENTS - Current Meeting:

City Manager Tom Warner reported that the purchase of the new van is for the replacement of Medic 5. Medic 5 has 139,000 miles and a failed transmission, with repairs to exceed more half of the value of the vehicle.

A motion was made to approve the Resolution for the purchase of a new Medic 5, through the Houston-Galveston Area Council (HGACBuy) for \$73,907.00.

ATTACHMENTS:

- Ambulance - HGACBuy (XLSX)
- Ambulance - FD Quote LFD4320 (PDF)

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

8. Ordinance (ID # 4771)

CONSIDER ADOPTION OF AN ORDINANCE CREATING CHAPTER 3.13 OF THE CODE OF ORDINANCES, REGULATING FENCES IN RESIDENTIAL YARDS; AMENDING THE MASTER FEE SCHEDULE; 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 3.13 OF THE CODE OF ORDINANCES, REGULATING FENCES IN RESIDENTIAL YARDS; AMENDING THE MASTER FEE SCHEDULE; 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.”

Following discussion of proposed height restrictions for residential fences and related issues, no action was taken.

At 8:00 p.m., following this agenda item, Mayor Pickett called for a brief recess.

At 8:07 p.m., Mayor Pickett reconvened the meeting.

ATTACHMENTS:

- Permit Fees - Exhibit A (DOCX)

RESULT: NO ACTION TAKEN

9. Work Session (ID # 4772)

Work Session regarding discussion of Small Business Assistance related to COVID-19.

COMMENTS - Current Meeting:

City Manager Tom Warner reported on two local businesses that have requested assistance from the City, due to COVID-19, in the form of either a grant or relief from Hotel/Motel Tax. Mr. Warner addressed their concerns, 380 agreements, Liberty Community Development Corporation grants, and the City currently providing a utility break in the form of no late fees and no disconnects for water service. Mr. Warner stated that as much as the City would like to assist, it does not have the resources to provide relief, as many others would surely request the same.

ATTACHMENTS:

- Dovetail Antiques (PDF)
- Travellers Inn (PDF)

10. Work Session (ID # 4773)

Work Session regarding discussion of the Liberty Municipal Golf Course.

COMMENTS - Current Meeting:

After brief discussion of the status and future of the Liberty Municipal Golf Course, in regard to keeping and maintaining the Course after the year 2023 or to sell, it was the consensus of Council that this topic be placed as a work session discussion item, at the Special Called Meeting of July 26, 2020.

11. Resolution (ID # 4774)

First reading of a Resolution ratifying a Liberty Community Development Corporation FY20 Budget Amendment, in the amount of \$24,850.

COMMENTS - Current Meeting:

As this item relates to the Liberty Municipal Golf Course, it will be placed on the July 26, 2020 Council Agenda.

RESULT: NO ACTION TAKEN

12. Resolution (ID # 4775)

Consider and take action, if any, on the second and final reading of a Resolution ratifying a Liberty Community Development Corporation FY20 Budget Amendment, in the amount of \$24,850.

COMMENTS - Current Meeting:

As this item relates to the Liberty Municipal Golf Course, it will be placed on the July 26, 2020 Council Agenda.

RESULT: NO ACTION TAKEN

B. Executive Session**Tx. Gov. Code §551.072 - Deliberation Regarding Real Property.**

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

Tx. Gov. Code §551.074 - Personnel Matters. - To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- Discussion of appointments to the Liberty Community Development Corporation Board of Directors.
- Discussion of appointments to the City of Liberty Planning and Zoning Commission.
- Discussion of Personnel Matters.

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

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

At 8:27 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above and read aloud.

C. Reconvene into Regular Session

At 9:19 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Council Action 2020-24

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

RESULT: NO ACTION TAKEN

2. Council Action 2020-25

Consider appointments to the Liberty Community Development Corporation Board of Directors, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to appoint Dennis Beasley, Barbara Norwood, Julie Hebert and Michael Dorsett, Jr. to the LCDRC Board of Directors, as discussed in the Executive Session.

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

3. Council Action 2020-26

Consider appointments to the City of Liberty Planning and Zoning Commission, as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to appoint Ryan Daniel to the Planning and Zoning Commission and to also appoint Alternate Richard Jenner to a regular position on P&Z.

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

4. Council Action 2020-27

Consider and take action, if any, on Personnel Matters as discussed in the Executive Session.

RESULT: **NO ACTION TAKEN**

5. Council Action 2020-28

Consider and take action, if any, on Economic Development Negotiations, as discussed in the Executive Session.

RESULT: **NO ACTION TAKEN**

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 9:22 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary